Sri Lanka

Complicit in Crime

State Collusion in Abductions and Child Recruitment by the Karuna Group

HUMAN RIGHTS WATCH

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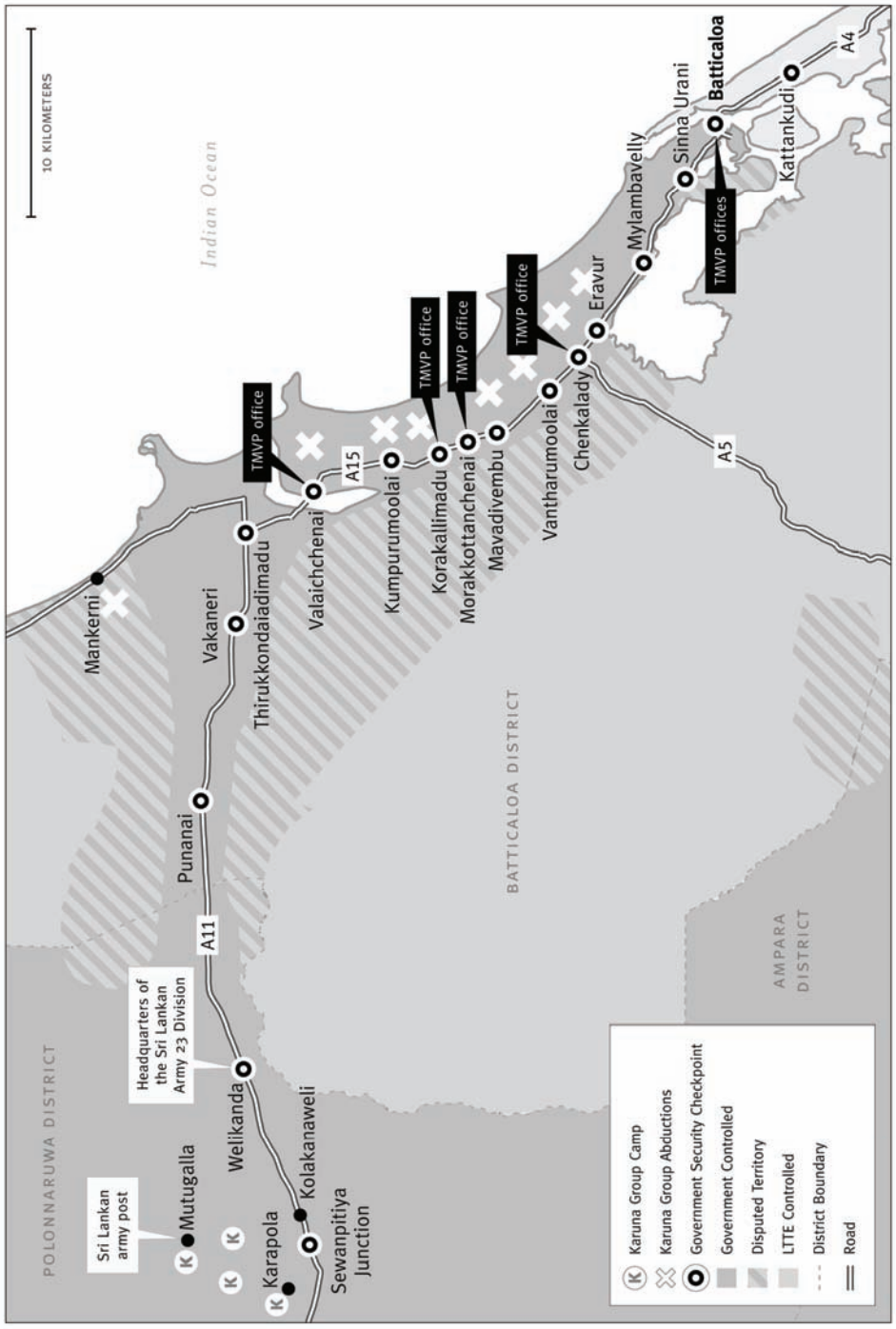
Map of Sri Lanka

Map of Karuna Group Abductions and Camps



Karuna Group Abductions and Camps, October 2006

NOTE: LOCATIONS ARE APPROXIMATE

I. Summary

> I tried to stop it from happening but the kidnappers said they would shoot me. My son was crying. My wife tried to stop them too but they pushed her back.
> —Father of an abducted young man, October 2006

> We saw our children on the top floor of [Karuna's political party] office. We were three mothers of children taken from here. The children signaled to us that we should go or they would get hit.
> —Mother of an abducted child, October 2006

> I personally say to you: I do not like these things. I don't like child recruitment and abduction.
> —V. Muralitharan, a.k.a. Col. Karuna, November 2006

Throughout the two-decade long civil war in Sri Lanka, the Liberation Tigers of Tamil Eelam (LTTE), an ethnic Tamil armed separatist group, has consistently recruited and used children in armed combat. The LTTE has deployed children in mass attacks during major battles. It has used them as infantry soldiers, security and intelligence officers, medics, and even suicide bombers.

Now the Sri Lankan government through a proxy force is implicated in some of the same abuse.

The perpetrator is the so-called Karuna group, an armed faction under the command of a former LTTE senior commander known as Colonel Karuna, who split from the LTTE with his forces in March 2004. In the past year, reports have increasingly linked Sri Lankan security forces with the Karuna group in their common fight against the LTTE.

Throughout 2006, but especially since June, the Karuna group has abducted and forcibly recruited at least 200 Tamil children in Sri Lanka's eastern districts, where the group is active—the real number is up to three times higher due to underreporting.

Children are not the only targets. The Karuna group has also abducted and forcibly recruited hundreds of young men between ages 18 and 30. The pattern and intensity of the abductions reveal a coordinated effort to increase the numbers of Karuna's force.

At least since June, and probably before, the Sri Lankan government has known about the abductions. The areas where they have taken place are firmly under government control, with myriad military and police checkpoints and security force camps. No armed group could engage in such large-scale abductions, and then hold and train the abductees for combat in established camps, without government knowledge and at least tacit support.

In June 2006, the UN Children's Fund (UNICEF) issued a public statement noting dozens of child abductions by the Karuna group and calling for government action to halt the abuse. In July 2006 a group of 48 mothers submitted to the Sri Lankan Supreme Court a list of their abducted sons—boys and young men—with detailed information holding the Karuna group responsible. This submission was copied to President Mahinda Rajapakse and the minister for disaster management and human rights.

Throughout 2006, Karuna forces abducted boys and young men from their homes, work places, temples, playgrounds, public roads, camps for the internally displaced, and even a wedding. While the group primarily targeted males between 15 and 30, the youngest confirmed abduction was of an 11-year-old boy. In only two known cases did the Karuna group abduct a girl. It generally targeted poor families, and often those who had already had a child recruited by the LTTE.

Human Rights Watch investigated 20 abductions attributed to the Karuna group in the eastern districts of Ampara, Batticaloa, and Trincomalee by interviewing the abductees' close relatives, as well as witnesses, human rights groups, and humanitarian agencies. Eleven of the abducted individuals were children and 9 were adults. Relatives and eyewitnesses gave detailed and consistent testimony about the abductions and their efforts to get their sons back, including visits to Karuna camps and political party offices, where a number of parents saw their abducted sons and the men who had taken them away.

In one incident, soldiers from the Sri Lankan army gathered seven boys and young men in a field, checking their IDs and taking photographs. Members of the Karuna group arrived that night and abducted four of these seven, although it remains unclear in this instance whether the army forces were purposefully cooperating with the Karuna group. On the same day in another village, the Karuna group abducted 13 boys and young men, holding some of them for a while in a shop. Across the street was an army post and some of the parents pleaded with the soldiers to intervene. Two soldiers spoke with the Karuna group members, parents told Human Rights Watch, but the soldiers did not stop the abduction.

A mother in Batticaloa district holds the identity card of her son, abducted by the Karuna group.
© 2006 Olivier Bercault/Human Rights Watch

After abducting boys and young men, the Karuna group often holds them temporarily in the nearest office of its political party, the Tamil Makkal Viduthalai Pulikal (Tamil Peoples Liberation Tigers or TMVP). As with other political party offices in Sri Lanka, their offices are frequently guarded by the Sri Lankan army and police. Parents in Ampara and Batticaloa districts told Human Rights Watch that they either saw their abducted sons in these offices in the days after abduction, or TMVP officials confirmed to families that they had been there.

After a few days, the Karuna group usually transferred abducted children and young adults to one of its camps in the area northwest of Welikanda town in the Polonnaruwa district, about 50 kilometers northwest of Batticaloa town. Welikanda is where the Sri Lankan Army's 23rd division, currently commanded by Brigadier Daya Ratnayake, has its base.

According to parents who visited the camps and humanitarian workers familiar with the area, the Karuna group maintains four or five camps about ten kilometers west of Welikanda (see map). That area is firmly under government control, as is the main A11 road from the eastern districts to the Welikanda area. Transporting several hundred abducted youth during the year to the Karuna camps would have been impossible without the complicity of government security forces: travel through the area necessitates passing through numerous checkpoints of the army and police. When Human Rights Watch drove the roughly 50 kilometers stretch between Welikanda and Batticaloa town on October 13, 2006, researchers counted more than 14 checkpoints, ranging in size from mobile controls to permanent camps.

The government and the Karuna group have repeatedly denied any coordination between them. "We have been right throughout denying that we are involved with them," Sri Lankan defense spokesperson Keheliya Rambukwella told the media, referring to the Karuna group.[1] Karuna concurred. "We do not cooperate with the army and the army does not cooperate with us," he told Human Rights Watch in November 2006.[2]

But for residents of Sri Lanka's eastern districts, government complicity in Karuna abductions is an obvious fact. Tamil and Muslim civilians in Ampara, Batticaloa, and Trincomalee districts say they have seen Karuna members working with the army and police at checkpoints to check IDs, and that armed Karuna cadre walk freely through villages and towns in areas under government control.

[1] Anthony Deutsch, "Government-condoned Militia Abducting Hundreds on Sri Lanka's East Coast," Associated Press, October 4, 2006.

[2] Human Rights Watch telephone interview with V. Muralitharan, a.k.a. Colonel Karuna, November 29, 2006.

Some parents of abducted sons told Human Rights Watch that the military stopped them on the way to visit their children in Karuna camps. The parents gave their names to the soldiers, who then informed the Karuna group that the parents were on the way. "The head of our group gave the names of our kids to the army officer at the checkpoint and the camp we were going to," said the mother of an abducted 16-year old who traveled with a group of parents to visit their children. "The army let us go."[3] In another case, Sri Lankan soldiers spoke with the mothers of abducted children while they were trying to see their sons at a Karuna camp. The mother of an abducted 18-year-old said the soldiers were aware of their presence and the reason for the visit but did nothing to secure the children's release.

Sign for a police checkpoint on the A4 road south of Batticaloa town.
Checkpoints of the police and army are ubiquitous along the main roads in the east.
© 2006 Fred Abrahams/Human Rights Watch

Among international aid workers in the eastern districts, the connection is also clear. "Recruitment is happening openly and with impunity," one international aid worker said. "It's incomprehensible for us that the government would say they don't know

[3] Human Rights Watch interview with mother of abducted boy, Batticaloa district, October 2006.

what's going on." Staff members of two international agencies told Human Rights Watch that the easiest way for them to contact the Karuna group was through the Sri Lankan military.

The Sri Lankan police are also complicit due to their unwillingness to seriously investigate complaints filed by the parents of abducted boys and young men. In some cases the police reportedly refused to register a parent's complaint. In other cases the police registered the complaint but failed to undertake what the family considered a proper investigation. In no known case did the police secure the child's release. Some families did not report the abduction to the police, either out of fear or because they doubted the police would do anything to help their case. "If the TMVP knows I'm here talking with you they'll come at night and shoot me," the aunt of one abducted 18-year-old told Human Rights Watch.[4]

The Sri Lankan government has promised to take some steps. When Allan Rock, the special advisor to the UN special representative for children and armed conflict raised allegations about Karuna group abductions and use of children as soldiers in November 2006, President Rajapakse said he would order an investigation to determine whether any security forces were complicit in the crimes. According to the special advisor, the president promised to hold accountable those who violated the law.[5]

Despite these promises, it remains unclear what the government has done to investigate the serious allegations going back over six months. In December the army reportedly began an investigation into the 48 cases reported by parents in July. According to local human rights groups, however, the army pressured many of the families to label the perpetrator as an "unidentified armed group."

On November 21, Human Rights Watch wrote to President Rajapakse to ask how the government would conduct its investigation (see Appendix I). As of January 15, 2007, the president's office had not replied. On December 1, the minister for disaster management and human rights told Human Rights Watch that the government had

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4 Human Rights Watch interview with aunt of abducted boy, Batticaloa district, October 2006.

5 Statement from the Special Advisor on Children and Armed Conflict, http://www.un.org/children/conflict/pr/2006-11-13statementfromthe127.html (accessed January 9, 2007).

recently instructed the police to investigate child abduction cases in the east. As of January 15, however, there was no evidence that the police were more responsive to abduction complaints.

Karuna denied to Human Rights Watch allegations that his forces were recruiting children and carrying out abductions. His forces had no members under age 20, he said, and they would discipline any commander who tried to recruit a person under that age. He subsequently promised to cooperate with UNICEF on protecting children, provide access to his camps, and to release any child found among the Karuna group's ranks.

On January 2, 2007 the TMVP provided UNICEF with regulations for its military wing, stating 18 as the minimum age for recruitment, and specifying penalties for members who conscript children (see Appendix V).

Contrary to these pledges, however, Karuna group abductions of boys and young men in the eastern districts persist. Although no complete figures are available, local human rights activists and international agencies report that the Karuna group continued to abduct boys and young men in November and December 2006. According to UNICEF, the Karuna group also released six children during that time.[6]

Since the 2002 ceasefire agreement, the LTTE continued to recruit children for its forces, including by carrying out abductions. Most recently, on December 18 the LTTE abducted 23 girls and boys and two teachers in Ampara district. After a local outcry, the LTTE claimed it was a mistake and released the children the following day, each of them already with military-style shaved heads. According to an LTTE spokesman, the LTTE had taken unspecified disciplinary action against the responsible cadre.[7]

Under Sri Lankan law, forcible or compulsory recruitment of children is a crime punishable by up to 20 years imprisonment. In addition, the Karuna group and the LTTE are both violating international humanitarian law (the laws of war) by recruiting and

6 Data supplied to Human Rights Watch by UNICEF, January 12, 2007.

7 LTTE political wing press release, "The Unfortunate Situation of Child Rights as a Propaganda Tool," December 22, 2006 and "Tamil Tigers Free 23 Children After Abduction 'Mistake'," Agence France-Presse, December 19, 2006.

using children as soldiers, and by forcibly recruiting adults. The Sri Lankan government is also in violation of international law by facilitating child recruitment by the Karuna group and failing to take feasible measures to prevent such recruitment and secure the release of recruited children and forcibly recruited adults. Individuals responsible for recruiting children under the age of 15 into armed groups may be criminally responsible for acts amounting to war crimes under customary international law.

This report calls on all parties to the armed conflict in Sri Lanka—the government, the Karuna group and the LTTE—to immediately end the recruitment of children into armed groups and all forced recruitment. The Sri Lankan government should conduct a thorough investigation of members of the security forces complicit in such recruitment, and bring them to justice, regardless of rank.

The report urges all donor governments—the United States, India, the European Union, Norway and Japan—to pressure both the Karuna group and the LTTE to immediately end their recruitment and use of children, as well as the Sri Lankan government to take all feasible steps to stop child recruitment and abductions by the Karuna group. Donors should insist that children as well as all persons forcibly recruited by the Karuna group be immediately released to UNICEF and returned home.

The report also calls on the United Nations Security Council to adopt targeted measures against the LTTE in response to the LTTE's persistent failure to end its recruitment and use of child soldiers. In resolution 1539 (2004), the Security Council stated that it would consider such measures against parties to armed conflict that fail to enter into action plans to end child recruitment or to meet the commitments in their plans. The LTTE has repeatedly failed to meet its commitments to end the recruitment and use of child soldiers, including those in the 2003 action plan agreed with the government. It has now been named by the secretary-general in four consecutive reports to the Security Council for violating international standards in this regard.

The secretary-general identified the Karuna group for child recruitment violations for the first time in his most recent report on children and armed conflict, in October 2006. Consistent with resolution 1539, the Security Council should insist that the

Karuna group, both the TMVP and its military wing, immediately adopt and implement an action plan to end all recruitment and use of child soldiers. If the Karuna group fails to do so, the Security Council should consider targeted measures following receipt of the secretary-general's next report to the Security Council on children and armed conflict.

The resurgence of major military operations in Sri Lanka in 2006 has fueled the LTTE's continued use of children as soldiers and the Karuna group's adoption of the practice. Despite the illegality of using child soldiers under domestic and international law, the likelihood of continued fighting in the near future will maintain the pressure for recruiting more children to be fighters—unless there are serious efforts to make it stop.

Methodology

Human Rights Watch has published more than fifteen in-depth reports on the recruitment and use of children as soldiers by governments and non-state armed groups throughout the world. We have previously documented the practice in Angola, Burma, Burundi, Colombia, the Democratic Republic of Congo, Lebanon, Liberia, Rwanda, Sierra Leone, Sudan, and Uganda. A previous Human Rights Watch report on child recruitment in Sri Lanka, "Living in Fear: Child Soldiers and the Tamil Tigers in Sri Lanka," was published in 2004.

This report is based on a month-long research mission in Sri Lanka in October 2006. It presents information from 24 interviews with 20 families of abducted boys and young men in the districts of Ampara, Batticaloa, and Trincomalee (16 mothers, four fathers, two sisters, one grandmother, and one aunt), as well as witnesses to abductions. In addition, Human Rights Watch spoke with Sri Lankan human rights activists and humanitarian aid workers, as well as foreigners working in Sri Lanka with international humanitarian organizations.

For reasons of security, many people spoke to Human Rights Watch on the condition that the report not mention their names or other identifying information. We also omitted details about individuals and incidents where we believed that information could place a person at risk.

On November 21, 2006 Human Rights Watch wrote to Sri Lankan President Mahinda Rajapakse and to the Ministry of Disaster Management and Human Rights to ask for information about government attempts to investigate abductions and forced recruitment by the Karuna group (see Appendix I). A follow-up letter was sent in early December. As of January 15, 2007, neither the president's office nor the ministry had replied.

On November 22, Human Rights Watch wrote a letter regarding abductions and forced recruitment to V. Muralitharan, a.ka. Colonel Karuna (see Appendix II). V. Muralitharan contacted Human Rights Watch by telephone on November 29, and his views are reflected in this report.

On November 28, Human Rights Watch wrote to S.P. Tamilselvan, head of the LTTE's political wing, to ask about LTTE efforts to end the use of child soldiers (see Appendix III). SP Tamilselvan replied in a letter dated December 5, 2006 (see Appendix IV).

In this report, consistent with international law, the words "child" and "children" refer to anyone under the age of 18.

II. Recommendations

To the Karuna Group (TMVP and its military wing)

- Immediately stop all recruitment of children, including voluntary enlistment as well as recruitment effected by abduction or other force or coercion;
- Immediately cease the forced recruitment of all persons;
- Immediately cease the use of children in combat operations;
- Immediately release children and all others forcibly recruited for Karuna forces and cooperate with UNICEF in ensuring their safe return to their families;
- Take all appropriate steps to ensure Karuna group commanders and other cadre do not recruit children into Karuna forces, and provide the international community with documentation (through UNICEF or the Office of the High Commissioner for Human Rights (OHCHR)) of disciplinary actions taken against Karuna cadre responsible for such recruitment;
- Take all appropriate steps to ensure Karuna group commanders and other cadre do not forcibly recruit any person, and provide the international community with documentation (through UNICEF or the Office of the High Commissioner for Human Rights (OHCHR)) of disciplinary actions taken against Karuna cadre responsible for such recruitment;
- Publish in Sinhala and Tamil languages the Karuna group's policy not to recruit children, and disseminate it broadly in areas where the Karuna group is active;
- Allow UNICEF, SLMM, and other domestic and international protection agencies access to all Karuna group camps, military and otherwise, to assess the age of recruits, and to identify children for demobilization.

To the Government of Sri Lanka

- Immediately end all cooperation with the Karuna group in the recruitment of children and in abductions;

- Immediately launch an investigation into the involvement of government security forces in the recruitment of child soldiers and abductions by the Karuna group, and hold accountable those complicit, regardless of rank;
- Take immediate steps to locate children recruited and all others forcibly recruited by the Karuna group and secure their return to their families, with follow-up protection;
- Together with UNICEF conduct unannounced inspections of the Karuna camps and TMVP offices listed in this report and others recently established;
- Close all camps of the Karuna group in government controlled areas that are used for the recruitment and training of children;
- Enact and enforce criminal penalties against individuals and groups who recruit children under the age of 18 into armed groups;
- Instruct the police to actively investigate all reported cases of abduction of children and all others by the Karuna group, and take disciplinary or criminal action against those who fail to do so;
- Cooperate with humanitarian agencies to create corridors of safe passage for international agencies and monitors to investigate and follow up on reports of child and forced recruitment in areas of LTTE control;
- Work with donor governments to establish an international human rights monitoring mission under United Nations auspices to monitor government, Karuna group, and LTTE violations of human rights and international humanitarian law, including abductions and child recruitment;
- Amend the Emergency (Prevention and Prohibition of Terrorism and Specified Terrorist Activities) Regulation No. 7 of 2006 to exclude as an offense the participation of children under the age of 18 in groups engaged in terrorism, and the participation of any person based on having been forcibly recruited;
- Submit to the UN Committee on the Rights of the Child Sri Lanka's overdue initial report on compliance with the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict;
- Ratify the Rome Statute of the International Criminal Court.

To the Liberation Tigers of Tamil Eelam (LTTE)

- Immediately stop all recruitment of children, including voluntary enlistment as well as recruitment effected by abduction or other force or coercion;

- Immediately cease the use of children in combat operations;
- Immediately release all children from LTTE forces and give those recruited before age 18 the option to leave;
- Cooperate with UNICEF in ensuring the safe return of all child soldiers to their families;
- Take all appropriate steps to ensure LTTE commanders and other cadre do not recruit children under the age of 18 into LTTE forces and provide the international community (through UNICEF or the OHCHR) with documentation of disciplinary actions taken against LTTE cadre responsible for such recruitment;
- Cooperate with humanitarian agencies to create corridors of safe passage for international agencies and monitors to investigate and follow up on reports of child and forced recruitment in areas of LTTE control;
- Allow UNICEF, SLMM, and other domestic and international protection agencies access to all LTTE camps, military and otherwise, to assess the age of recruits, and identify children for demobilization.

To All Donor Governments

- Urge the Karuna group and the LTTE to immediately end all recruitment of children and all persons forcibly recruited, and to release all children and abductees currently in its forces;
- Urge the government of Sri Lanka to take all feasible measures to
    - end the involvement of government security forces in the recruitment—whether forced or voluntary—of children and the forced recruitment of all persons by the Karuna group;
    - secure the release and return of all children recruited, and all persons forcibly recruited, by the Karuna group and
    - conduct a thorough investigation of individuals involved in such recruitment, and bring them to justice, regardless of rank;

- Work with the Sri Lankan government to establish an international human rights monitoring mission under United Nations auspices to monitor government, Karuna group, and LTTE violations of human rights and international humanitarian law, including child recruitment and abductions.

To the United Nations Security Council

- In light of the LTTE's continuing use of children in its forces and in accordance with Security Council Resolution 1539 on children and armed conflict (April 22, 2004) and Security Council Resolution 1612 (July 26, 2005), adopt targeted measures to address the LTTE's persistent failure to end its recruitment and use of child soldiers. Such measures could include the global imposition of travel restrictions on leaders and their exclusion from any governance structures and amnesty provisions, a ban on the supply of small arms, a ban on military assistance, and restriction on the flow of financial resources.

To All United Nations Member States

- In accordance with Security Council Resolution 1379 on children and armed conflict (November 20, 2001), use all legal, political, diplomatic, financial, and material measures to ensure respect for international norms for the protection of children by the parties to the conflict. In particular, states should unequivocally condemn the continued recruitment and use of child soldiers by the Karuna group and the LTTE, and withhold any financial, political, or military support to these groups until they end all child recruitment and release all children currently in their forces.

III. Background

Abuses Since the 2002 Ceasefire

The ceasefire agreement between the Sri Lankan government and the Liberation Tigers of Tamil Eelam (LTTE)[8] in effect since February 2002 brought a welcome if ultimately temporary end to major military operations. It did not, however, curtail serious human rights abuses, and in some ways it facilitated them by permitting LTTE operatives greater leeway to conduct intelligence operations and assassinations in government-controlled areas. Human Rights Watch and others reported on more than 200 extrajudicial killings during the period, the vast majority of which were attributed to the LTTE.[9] Pro-government Tamil political parties, whose members were frequently targets of LTTE attacks, were also implicated in killings. The government made no discernable effort to investigate any of these killings or hold those responsible to account.

On August 12, 2005, alleged LTTE gunmen assassinated Foreign Minister Lakshman Kadirgamar at his Colombo home. In the months that followed, LTTE forces increasingly targeted Sri Lankan army units with ambushes and landmine attacks. Killings attributed to persons connected to pro-government Tamil armed groups, most notably the murder of pro-LTTE Tamil National Alliance parliamentarian Joseph Pararajasingham while he attended Christmas Eve mass in Batticaloa town in December 2005. The LTTE is believed responsible for the murder of Kethesh Loganathan, deputy head of the government's Peace Secretariat, in Colombo in August 2006.

The Sri Lankan military forces and the police's Special Task Force, which conducts counterinsurgency operations, were implicated in a number of killings of Tamil civilians in 2006. Among those were the extrajudicial killing on January 2, 2006, of five Tamil students in Trincomalee town; the "disappearance" of eight young men

8 The Agreement on a Ceasefire between the Government of the Democratic Socialist Republic of Sri Lanka and the Liberation Tigers of Tamil Eelam (CFA), signed on February 21, 2002, had the stated objective to "find a negotiated solution to the ongoing ethnic conflict in Sri Lanka." The agreement set up modalities of the ceasefire, measures to restore normalcy, and the Sri Lanka Monitoring Mission. The agreement is available at http://www.slmm.lk/documents/cfa.htm (accessed January 1, 2007).

9 See, for example, Human Rights Watch, "Sri Lanka: End Killings and Abductions of Tamil Civilians," May 24, 2005, available at http://hrw.org/english/docs/2005/05/24/slanka10996.htm (accessed January 1, 2007); Commission on Human Rights, Report of the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions, Philip Alston, "Mission to Sri Lanka (28 November to 6 December 2005)," E/CN.4/2006/53/Add.5, March 27, 2006.

from a Hindu temple in Jaffna in May; the extrajudicial killing of five Tamil fishermen on Mannar Island in June; the execution-style slaying of 17 staffers with Action Against Hunger, an international aid organization, in August; and the September 17 murder of ten Muslim laborers south of Pottuvil.

Karuna's Break from the LTTE

The political landscape in Sri Lanka's north and east was permanently altered by the departure of the LTTE's eastern forces in March 2004. Vinayagamoorthy Muralitharan, commonly known as Colonel Karuna and the LTTE's senior military commander in the Batticaloa area, split from the LTTE with the several-thousand-member LTTE force under his command. Although the reasons for his actions are unclear, Karuna stated at the time that he did so because Tamils from the east had fared badly under the LTTE's predominantly northern leadership. Others have suggested that Karuna decided to break away because of a rivalry with the head of the LTTE's intelligence wing for the number two position in the LTTE.[10]

In April 2004 LTTE forces launched an overwhelming assault against Karuna's fighters. Karuna quickly disbanded his forces, and escaped with a small group of his supporters. In a dramatic gesture that won him favor with the local population, he encouraged some 2,000 child soldiers to return to their families (see Chapter VII). As an LTTE commander, Karuna had been notorious for recruiting and at times abducting children for use in Tiger forces. To this day, Karuna's whereabouts are unknown.

Karuna's faction gradually reasserted influence in both government and previously LTTE-controlled areas in the east. The very existence of the Karuna group complicated the 2002 ceasefire agreement. After the breakaway, Karuna asked to be formally included under the ceasefire agreement, which would have obligated his forces to abide by the terms of the ceasefire but given him a seat at further peace talks. The LTTE rejected this and instead demanded that the Karuna group be disarmed under the ceasefire agreement as a "Tamil paramilitary group."[11] Karuna rejected this on the grounds that this provision did not apply to his forces, which had

10 International Crisis Group, "Sri Lanka: The Failure of the Peace Process," Crisis Group Asia Report No. 124, November 28, 2006, p. 9.

11 CFA, sec. 1.8.

been part of the LTTE under the peace accord. Small-scale fighting and escalating tit-for-tat killings between the LTTE and Karuna group persisted into 2006.

In 2004 Karuna organized a political party, the Tamil Makkal Viduthalai Pulikal (Tamil Peoples Liberation Tigers or TMVP), which throughout 2006 established party offices in Colombo and in towns in the country's eastern districts. As president of the party, Karuna has expressed a willingness to contest future elections.

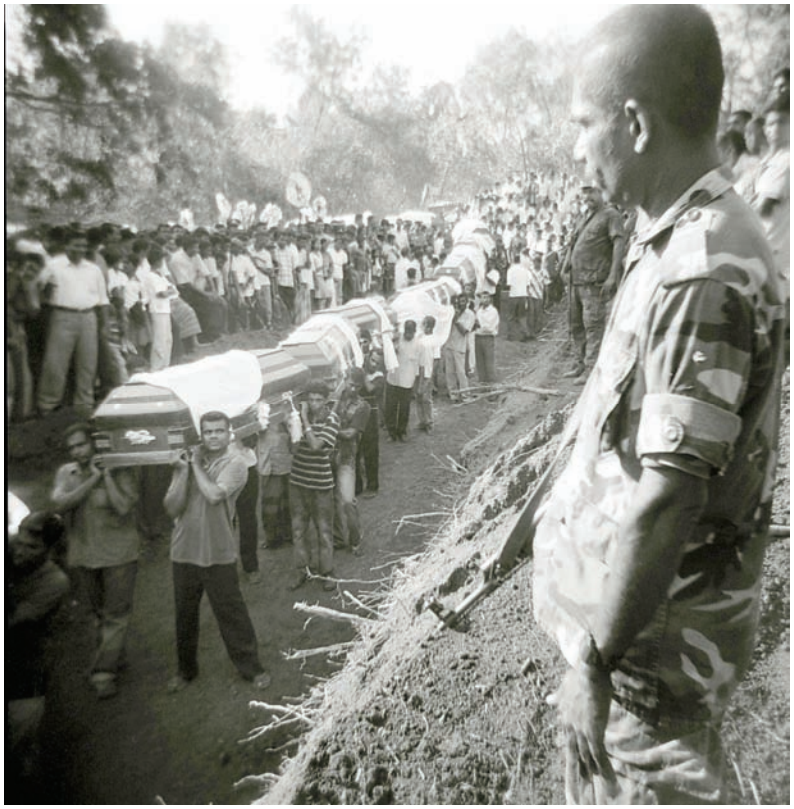
The defection of the Karuna faction was a significant blow for the LTTE. It not only cost it several thousand cadres, but deprived it of control or influence in significant parts of the east, as well as a major source of new recruits. The perceived weakness of the LTTE might have encouraged the Sri Lankan military leadership to believe that major renewed hostilities against the LTTE could lead to significant territorial gains, if not outright victory.

Escalation of Fighting Since mid-2006

In July 2006 small-scale fighting between the LTTE and government forces became major military operations. Citing the LTTE's closure of a reservoir sluice gate near Trincomalee town, the Sri Lankan armed forces undertook a major military offensive—the first since the 2002 ceasefire agreement—that continued after the sluice gate opened again.

In late July the LTTE countered first with an attack on Mutur town in Trincomalee district, which had largely been emptied of government troops redeployed to support the military's offensive. The LTTE then conducted a major yet unsuccessful attack on the Jaffna peninsula in mid-August, briefly cutting off the peninsula from the rest of the country. The short-term humanitarian crisis created by the Jaffna attack became a long-term crisis, as neither the LTTE nor the government in the ensuing months took sufficient steps to ensure that sufficient food, fuel, and medical assistance reached the nearly half-million population of the peninsula. The LTTE threatened to attack Jaffna-bound cargo ships, while the government made only half-hearted efforts to reopen the main roadway, which goes through LTTE-controlled territory.

Several major military operations have taken place since September. The Sri Lankan armed forces captured the strategically important town of Sampur, across the bay from Trincomalee. In a separate attack the armed forces suffered several hundred casualties attacking dug-in LTTE positions on the eastern end of the Jaffna peninsula.



A mass grave for the victims of the LTTE's June 15, 2006 landmine attack on a civilian bus, that killed 67 people.
© 2006 Q. Sakamaki/Redux

Throughout the fighting, neither side has shown much concern for the well-being of the civilian population. In June the LTTE targeted a civilian bus with a landmine, killing 64 civilians, including many children. In August the Sri Lankan air force bombed a building in rebel territory that killed as many as 51 young women and girls receiving civil defense training from the LTTE. The LTTE is believed responsible for a pair of public bus bombings south of Colombo on January 5-6, 2007, which killed 21 passengers and injured 120.

In the last months of 2006 much of the fighting consisted of long-range artillery duels between the two forces in the Vaharai area of Batticaloa district, in the vicinity

of Karuna's forces. Civilians bore the brunt of the casualties. LTTE forces fired heavy weapons from populated areas, including near displaced persons camps, placing civilians at risk. The army often responded with or initiated indiscriminate shelling. On November 8 this dynamic resulted in the deaths of more than 40 displaced civilians and injuries to nearly 100 others who had sought refuge outside a school. Fearful of continued shelling, more than 20,000 people fled LTTE-territory by walking for days through jungle or risking their lives on overcrowded boats. Many families now are living in uncertain circumstances in areas accessible to the Karuna group.

At this writing, fighting continues in Vaharai, and tens of thousands more civilians have been displaced. Whether and where new major military operations will occur in 2007 is unclear, but the possibility of such fighting may pressure both the LTTE and the Karuna group to add to their ranks—including by unlawfully recruiting or abducting children to serve in their forces.[12]

12 On January 2, 2007 Sri Lankan Army Commander Sarath Fonseka said the government would stay on the attack, taking Vaharai within the month. "After eradicating the Tigers from the East, full strength would be used to rescue the North," the army commander said. (PK Balachandran, "Lankan Army Hopes to Clear East by March," *Hindustan Times* (New Delhi), January 3, 2007, http://www.hindustantimes.com/news/181_1887249,001302310000.htm (accessed January 9, 2007) and "Jaffna Next, Army Chief Tells Mahanayakes," *Daily Mirror* (Colombo), January 3, 2007, http://www.dailymirror.lk/2007/01/03/front/5.asp (accessed January 9, 2007).

IV. Abductions and Forced Recruitment by the Karuna Group

Abductions in 2006

Sporadic reports of abductions and forced recruitment of boys and young men by the Karuna group began soon after the split from the LTTE in March 2004, but the reports were few until March 2006.[13] According to local human rights groups and international agencies active in the eastern districts, around that time armed men from the Karuna group began to invite children to come with them for work in nearby Polonnaruwa district. Some of the children never returned.

June 2006 saw a dramatic jump in Karuna group abductions of boys and young men: families in Batticaloa district reported more than 40 abductions in that month alone, including 23 abductions on one day and 17 on another.[14]

The 23 abductions on one day occurred primarily in two villages. Human Rights Watch interviewed four of the eight families from one of those villages who had a son abducted that day. They gave detailed and consistent testimony about the abductions and the parents' efforts to get the boys and young men back, including visits to Karuna camps, where parents saw their sons and the men who took them away.

Three of the families, interviewed separately, said the Sri Lankan army had come to the village on the morning of the abductions. Soldiers gathered seven boys and young men in a nearby field, they said, checking their IDs and taking their photographs. Members of the Karuna group, who arrived that night, abducted four of these seven boys and young men, as well as four others from the village. It remains unclear whether the Sri Lankan army was purposefully cooperating with the Karuna group by identifying potential abductees or was conducting operations to identify LTTE supporters, as it has done in other villages of the district.

13 UNICEF reported a total of 19 cases of child recruitment by the Karuna group from October 2004 through March 2006. Data supplied to Human Rights Watch by UNICEF, January 12, 2007.

14 UNICEF reported 43 abductions of children in June 2006. Ibid.

Human Rights Watch also spoke with four of the 13 families from the other village who had sons abducted that day. They explained how between 10 and 15 armed members of the Karuna group dressed in Sri Lankan army uniforms temporarily held the 13 boys and young men in a nearby shop before taking them away. They knew they were Karuna cadre because they later visited their abducted children in Karuna camps. Across the street from the shop stood an army post and some of the parents pleaded with the soldiers to intervene. Two soldiers spoke with the Karuna group members while they were holding the abductees in the shop, parents said, but the soldiers took no effective action to secure the abductees' release.

The spate of Karuna group abductions prompted UNICEF to issue a public appeal on June 22 in which it noted that it had verified 30 cases of child abduction in Batticaloa district alone. The agency called for immediate action to "halt the abduction and forced recruitment of children by the Karuna group." The statement also called on the Sri Lankan government to "investigate all abductions and ensure that children in affected areas are given the full protection of the law."[15]

The UNICEF statement seemed to have a positive effect, and for a short period abductions alleged to the Karuna group nearly ceased. However, this decline was reversed following the beginning of major military operations between government armed forces and the LTTE in late July. In August, UNICEF recorded nearly 50 child abductions by the Karuna group, and an additional 84 cases from September through December.[16]

In July a group of aggrieved parents directly informed the government of the abductions. In a petition to the Supreme Court, 48 mothers submitted a list of their sons—boys and young men—with detailed information alleging that the Karuna group had abducted them. This submission was copied to President Rajapakse and Mahinda Samarasinghe, the minister for disaster management and human rights. Five months later the army began an initial investigation but, according to local

15 "UNICEF Condemns Abduction and Recruitment of Sri Lankan Children by the Karuna Group," UNICEF news note, June 22, 2006, http://www.unicef.org/infobycountry/media_34677.html (accessed December 28, 2006).

16 UNICEF reported 47 abductions of children in August, 18 in September, 37 in October, 21 in November, and 8 in December. Data supplied to Human Rights Watch by UNICEF, January 12, 2007.

human rights groups, the army pressured many of the families to label the perpetrator as an "unidentified armed group."

Graffiti of Karuna's Tamil Makkal Viduthalai Pulikal (TMVP) political party in Trincomalee town. The TMVP office opened there in August 2006 and abductions by the Karuna group jumped.
© 2006 Olivier Bercault/Human Rights Watch

After July the public presence of the Karuna group grew. Its military wing expanded its presence in Polonnaruwa district near Welikanda, and the Tamil Makkal Viduthalai Pulikal political party opened offices in more towns and villages across the east. The new political offices and the abductions appear linked. The TMVP office in Batticaloa town had already opened in March, when the abductions in that area jumped. Events in Trincomalee town followed a similar course: a TMVP office opened there in late August, and over the next six weeks the Karuna group was implicated in the abductions in Trincomalee of between 15 and 20 young men, according to a member of the local town government.[17] On September 24 the TMVP opened a new office in Chenkalady next to the Siththandy Sri Lankan army camp, about 18 kilometers north of Batticaloa town. That day, Karuna forces allegedly abducted 12 boys and young men from the area. In Ampara district the first reported Karuna

17 Human Rights Watch interview, Trincomalee town, October, 2006.

abduction came in July, shortly after the TMVP opened an office in Akkaraipattu town in the district.

Throughout July, August, and September, international aid workers in Batticaloa town reported seeing Karuna cadre with weapons in bags moving openly around the town. When Human Rights Watch visited Batticaloa and Trincomalee towns in October the Karuna presence was pronounced. TMVP signs and graffiti were prominent on many buildings and street corners. Local residents said they sometimes recognized Karuna cadre manning checkpoints together with the Sri Lankan army or police. In both Batticaloa and Trincomalee towns the government security forces are firmly in control, with regular checkpoints and patrols. In some areas of Trincomalee, military checkpoints lay only 200 meters apart.

By September abductions had taken place throughout Batticaloa district, in places such as Kiran, Mankerni, Santhiveli, Chenkalady, Valaichchenai, Manmunai (North and Southwest), Porativupattu, Koralaipattu (North, South, and West), Kattankudy, Eravur town, and Eravurpattu. Most of these areas lie within three kilometers of police or army camps.

Karuna forces abducted boys and young men from their homes, work places, temples, playgrounds, public roads, and even a wedding. Human Rights Watch heard reports from multiple sources of abductions from a camp for internally displaced persons, but did not directly investigate these reports.

At least some of the children are being trained for combat and have been deployed in military operations. The father of an abducted young man who visited his son at a Karuna camp in Karapola said his child had been wounded in combat. "His ear and his leg were black," the father said. "He said that a mine had exploded near him during a fight and that his friend next to him had been killed and he had been wounded."[18]

Human Rights Watch conducted a brief interview with a distraught mother in Batticaloa district whose son was abducted in June. In October she received a notice

18 Human Rights Watch interview with father of abducted young man, Batticaloa district, October 2006.

from the TMVP informing her that her child had died in battle.[19] According to neighbors, Karuna forces held a funeral in Theevuchenai where they have a camp. "The Karunas refused to give the body back to the family and the boy was buried there," a neighbor said.[20] It is not known if this casualty was the same person as the friend of the young man mentioned above.

A school in Batticaloa town. Some parents in rural areas have stopped sending their boys to school for fear of abduction by the Karuna group.
© 2006 Fred Abrahams/Human Rights Watch

The abductions have sent fear through families in the east, who were already struggling to deal with regular abuses by government forces and the LTTE. "We stopped sending them to school about seven months ago," said one mother with two children, aged 14 and 15. "My husband was killed two years ago so I have to protect my kids," said another.[21] Other parents said they escorted their children to and from school.

According to parents in Batticaloa district and local human rights activists, some children were volunteering to join the Karuna group, along with young men.

19 Human Rights Watch interview with mother of abducted boy, Batticaloa district, October 2006.

20 Human Rights Watch interview, Batticaloa district, October 2006.

21 Human Rights Watch interview with widowed mother, Batticaloa district, October 2006.

International law prohibits armed groups from recruiting children, even "voluntarily." (See Chapter IX.) "In a neighboring village some children are volunteering, even as young as 10 or 12," the mother of an abducted 14-year-old said. "Kids are attracted by other kids, and they get paid too."[22]

In January 2007 the UN made public the secretary-general's report on the situation of children and armed conflict in Sri Lanka, which documents child recruitment by both the LTTE and the Karuna group between November 1, 2005 and October 21, 2006. In the section on the Karuna group, the report notes allegations "that certain elements of the Sri Lankan security forces are involved in aiding the recruitment and/or abduction of children by the Karuna faction in the East."[23] In particular, the report mentions reports that on June 14 and 26, 2006 in Batticaloa district, armed Sri Lankan army personnel accompanied Karuna group members who abducted and recruited nine children, aged 14 to 17.

Patterns of Karuna Group Abductions

Eyewitness accounts of abductions attributed to the Karuna group frequently followed the same pattern. Typically a group of at least six men, usually armed with assault rifles, arrived in a village. Sometimes they were dressed in black pants and shirts, but often they wore uniforms of the Sri Lankan army. Sometimes they had masks but other times their faces were visible and villagers occasionally recognized the men as members of the Karuna group. They always spoke fluent Tamil (army personnel and police, overwhelmingly ethnic Sinhalese, are unlikely to be fluent Tamil speakers). The armed men often knew who they were looking for, suggesting they had intelligence about the local population.

In response to repeated allegations of abducting children, the Karuna group frequently claims that the LTTE is responsible for these crimes. But the parents of abducted children in the eastern districts, as well as eyewitnesses to abductions, local human rights activists, and staff of international aid agencies, while acknowledging that the LTTE continues to commit abductions, have consistently

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22 Human Rights Watch interview with mother of abducted boy, Batticaloa district, October 2006.

23 "Report of the Secretary-General on children and armed conflict in Sri Lanka," December 20, 2006.

rejected that claim. They note that LTTE forces could not have moved so freely in government-controlled territory, often during the day. In some cases, the abductors identified themselves as members of the Karuna group, or villagers recognized them as such because they are from the area. Finally, many of these accounts were confirmed by parents who later saw their abducted son in a TMVP office or visited them in a Karuna camp (see below).

Throughout 2006 the Karuna group primarily targeted males between the ages of 15 and 30. The youngest confirmed abducted child was 11. The group tended to spare young men who were married or boys who attended school, but this was not a strict rule. Human Rights Watch is aware of two cases when the Karuna group abducted girls.[24]

The targets are frequently poor and uneducated families in rural areas, who have a limited ability to protect themselves or to seek redress. Particularly vulnerable to abduction are families who have or had a child in the LTTE, either because they volunteered or were abducted. In a few cases, local human rights activists and international agencies said, the LTTE abducted one son and the Karuna group abducted another. Human Rights Watch interviewed families in two such cases: According to the mother of a young man abducted by Karuna forces from Batticaloa district in May 2006, the abductors knew that another son was with the LTTE. "You gave a son to the LTTE, so you have to give a son to us," she said they told her. The LTTE had abducted one of her sons in 2001.[25]

Another vulnerable group is boys and young men whom Karuna released after the split with the LTTE in March 2004. At that time, the newly formed Karuna group released more than 1,800 boys and girls who had been abducted by the LTTE (see Chapter III).[26] In the months following the split, many of these children were aggressively re-recruited by the LTTE. In 2006, some were also re-recruited by the Karuna group. According to UNICEF, of the 208 children reported recruited by the

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[24] According to UNICEF, the Karuna group abducted two girls in Ampara district, but the date is not provided. Data supplied to Human Rights Watch by UNICEF, January 12, 2007.

[25] Human Rights Watch interview mother of abducted young man, Batticaloa district, October 2006.

26 UNICEF recorded the return of 1,825 children to their homes in April 2004. Data supplied to Human Rights Watch by UNICEF, January 12, 2007.

Karuna group between January 1 and December 31, 2006, fifteen of them were recruited for a second time.

After abducting boys and young men, the Karuna group often holds them temporarily in the nearest office of the TMVP. Parents in Ampara and Batticaloa districts told Human Rights Watch that they either saw their abducted sons in these offices in the days after the abduction, or TMVP officials confirmed they had been there. In Akkaraipattu, Ampara district, members of humanitarian organizations said they had seen children on the TMVP premises: "I saw a little boy between 12 and 14 at the TMVP office," one aid worker said. "He had a wound on his left arm and a walkie talkie in his pocket. Within the compound I saw several other boys, some of whom were getting visits from their families, all of them no more than 15 or 16 years old."[27] Parents of abductees and international aid agencies told Human Rights Watch that by September they frequently saw armed children guarding the TMVP office in Batticaloa town.

The mother of a teenager abducted in September 2006 from a village in Batticaloa district said that she first went looking for her child in the TMVP office in Chenkalady but the officials there said her child was in Batticaloa town. She went to that TMVP office with three other mothers and told Human Rights Watch what she saw:

> We saw our children on the top floor of the TMVP office. We were three mothers of children taken from here. The children signaled to us that we should go or they would get hit.[28]

After a few days the Karuna group usually transferred the abducted boys and young men to one of its camps in the Welikanda area in the Polonnaruwa district, about 50 kilometers northwest of Batticaloa town (see map). According to parents who visited the camps and local humanitarian workers familiar with the area, the Karuna group maintains four or five camps in the area north of the main A11 road around Sewanpitiya. The area is firmly under government control and there is no way for an

27 Human Rights Watch interview with aid worker, Ampara district, October 2006.
28 Human Rights Watch interview with mother of abducted boy, Batticaloa district, October 2006.

organized armed group to operate there, let alone maintain a network of camps, without the Sri Lankan military's knowledge and at least tacit support.

A man stands in front of the TMVP office in Batticaloa town, where parents said they saw their abducted children. In October 2006 the Sri Lankan police guarded the building on three sides.
© 2006 Fred Abrahams/Human Rights Watch

The most detailed description of the area came from a Sri Lankan aid worker who had seen five Karuna camps. Three of them are in Mutugalla, he said, two in the village and one just outside. All of them are behind thatched fences. According to the aid worker, Mutugalla has a Sri Lankan army post. A fourth camp, a field hospital, is in a building in Madurrangala. A Sri Lankan police post was originally nearby, he said, but it was removed. A fifth camp is in Karopola.[29]

Family Contact

After a period of between two weeks and a month, the Karuna group allowed some parents to visit their sons in a Karuna camp. Some of the parents who visited their sons said their child was armed and being trained as a combatant.

29 Human Rights Watch interview with aid worker, Colombo, October 2006.

In some cases, families with an abducted son received a "payment" (*koduppanavu*) for their child's services, either given by the son during a visit or sent by postal order. The amount was typically 6,000 rupees per month (US $55). A laborer's monthly wage is roughly 5,000 rupees. On some occasions, the Karuna group let abducted boys and young men go home on supervised visits to their families for a night. In one case documented by Human Rights Watch, a young man visited his family with the men who had abducted him from his home.[30]

Releases and Escapes

In a few cases during 2006 the Karuna group released abducted children, but this was rare. According to local human rights activists, the families with released children frequently did not report the release for fear that their son could be abducted again, either by the Karuna group or the LTTE. Some families also did not want others to know how they secured their child's release, especially if money was paid. According to UNICEF, the Karuna group released 23 children it had abducted during the year; 18 children ran away; and two died.[31]

Children who escape or are released face special risks. They can be targeted again by the Karuna group and they are susceptible to attack or abduction by the LTTE because they are branded as Karuna fighters. Families previously often sent their vulnerable children to Colombo but, with abductions and attacks against Tamils there on the rise, many families no longer consider the capital safe.

"If my son escaped or was released I would be unable to keep him at home, it would be too dangerous," the mother of an abducted 18-year-old said. "Depending on the case, either the Karuna group, the army, or the LTTE would look for him. I really don't know where he could go to get protection. If there were more efficient protection programs, maybe more kids would escape from the Karuna camps."[32] The mother of an abducted 21-year-old agreed. "I want to say that if our kids escaped, they will have problems coming back home," she said. "They can't be protected at home. In

30 Human Rights Watch interview with mother of abducted young man, Batticaloa district, October 2006.

31 Data supplied to Human Rights Watch by UNICEF, January 12, 2007. It is not known whether the deaths reported by UNICEF include the case confirmed by Human Rights Watch.

32 Human Rights Watch interview with mother of abducted young man, Batticaloa district, October 2006.

addition to that, if our kids escaped, the Karuna group would come home and take our other kids."[33]

Numbers

The total number of boys and young men abducted and forcibly recruited by the Karuna group remains unknown. The only two organizations publicly keeping track are the Norwegian-led Sri Lanka Monitoring Mission (SLMM) and UNICEF. Both of their figures are low because they depend upon families reporting the abductions. Some families are unwilling to report, either out of fear of reprisals or because they doubted that reporting the abduction would facilitate their child's release.

According to the SLMM, throughout 2006, in Batticaloa district 167 adults and 117 children were abducted by non-signatories to the 2002 ceasefire agreement that the SLMM is mandated to monitor.[34] Although "non-signatories" could include criminal elements or other armed groups, available evidence suggests that the vast majority of these abductions are attributable to the Karuna group. In Ampara district, the figures are seven adults and three children.[35]

According to UNICEF, as of December 31, 2006, families in Ampara, Batticaloa, and Trincomalee districts had reported 208 abductions of children by the Karuna group. The vast majority of these reported abductions were of boys (206 out of 208). Most of the abductions took place in Batticaloa district (181), followed by Ampara district (23), and then Trincomalee district (4).[36] By UNICEF's estimation, the real figure of abducted children is three times higher because many families do not report. It also should be noted that UNICEF figures do not reflect abductions of people age 18 or older.

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33 Human Rights Watch interview with mother of abducted young man, Batticaloa district, October 2006.

34 Sri Lanka Monitoring Mission, Summary of Recorded Complaints and Violations from SLMM Batticaloa, December 27, 2006. Signatories to the 2002 ceasefire agreement are the Government of Sri Lanka and the LTTE. SLMM's statistics go up to December 27, 2006.

35 Sri Lanka Monitoring Mission, Summary of Recorded Complaints and Violations from SLMM Ampara, December 27, 2006. For all districts in Sri Lanka, the SLMM reported 248 abducted adults and 131 abducted children by non-signatories of the ceasefire agreement.

36 Data supplied to Human Rights Watch by UNICEF, January 12, 2007.

Unlike the SLMM, UNICEF provides a breakdown by age of the abductions it has recorded. According to the November 2006 statistics the age distribution of Karuna abductions in the three eastern districts looked like this:

Ages 10 to 12: two abductions
Ages 12 to 14: eight abductions
Ages 14 to 16: 59 abductions
Ages 16 to 18: 109 abductions[37]

Inaction by Police

As noted above, many cases of abduction and forced recruitment go unreported. This includes non-reporting to the police. Families that did not report their cases to the police expressed two main concerns. First was fear. The Karuna group has threatened many families not to report the abduction to international agencies like the SLMM, the International Committee of the Red Cross, or the police. "If the TMVP knows I'm here talking with you they'll come at night and shoot me," the aunt of an abducted 18-year-old said to Human Rights Watch.[38] The second concern was that formally registering the case with the police would not help retrieve their missing son. Even the families that did report their case expressed skepticism that the authorities would take any steps against the Karuna group. "They are all working together—right?" the grandmother of one abducted boy asked rhetorically.[39]

Fifteen of the 20 families interviewed by Human Rights Watch said they reported the abduction of their son to the local police. In all of these cases, the police recorded the complaint, although human rights groups and aid agencies told Human Rights Watch that in many other cases the police had refused. In none of the 15 cases, however, did the police undertake what the family considered a thorough investigation, and in no case did the police secure the abductee's release. "We told the police it was Karuna," the mother of a teenager abducted in September said. "We have heard nothing from them since."[40]

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37 Ages are at date of abduction. Apparently UNICEF does not know the ages of all reported abductees.
38 Human Rights Watch interview with aunt of abducted young man, Ampara district, October 2006.
39 Human Rights Watch interview with grandmother of abducted boy, Batticaloa district, October 2006.
40 Human Rights Watch interview with mother of abducted boy, Batticaloa district, October 2006.

The families in Batticaloa district who reported their cases to the police experienced varying responses. In a few cases the police were polite and agreed to record the case. But in the majority of cases, as recounted by families to Human Rights Watch, the police were rude and aggressive, and some initially refused to record the crime. "We reported to the police [in Eravur town]," the mother of an abducted child said. "They said we'll take the entry but we're not going to look for them." She continued, "They treated me like a dog."[41]

"The Karuna group took your child so why don't you complain to them?" the police allegedly told another family who tried to register a complaint.[42] Aside from this being a shirking of police responsibilities to the public, a local human rights activist pointed out the speciousness of such a police response. "Where do you go to seek redress with Karuna?" he asked. "With the police or the STF [Special Task Force] there is a mechanism, and with the LTTE too. But with Karuna there is no one with authority anywhere."[43]

When the police did record the allegations, they often took only minimal details and they frequently refused to provide the complaint number. The mother of an abducted child said that her husband went to the Eravur police station to report the case. "The police opened a file but they didn't communicate the complaint number," she said. "They said they would investigate the case but they didn't do anything. Like the other parents, I brought a photo of my child but they didn't take it."[44]

On December 1 Sri Lankan Minister of Disaster Management and Human Rights Mahinda Samarasinghe told Human Rights Watch that the government had recently instructed the police to record complaints from families of abducted children. He repeated this to a journalist six weeks later.[45] Some investigations by the army reportedly began in December. As of January 15, 2007, however, there was no evidence that the police were any more responsive to abduction complaints.

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41 Human Rights Watch interview with mother of abducted boy, Batticaloa district, October 2006.

42 Human Rights Watch interview with aid worker, Batticaloa district, October 2006.

43 Human Rights Watch interview with aid worker, Ampara district, October 2006.

44 Human Rights Watch interview with mother of abducted boy, Batticaloa district, October 2006.

45 Namini Wijedasa, "Tiger Pledge on Child Recruits no Honoured—Human Rights Minister," *The Island* (Colombo), January 14, 2007.

V. Government Complicity and Official Denials

Residents of Sri Lanka's eastern districts frequently spoke of government complicity in Karuna group abductions as an obvious fact. Tamils in Ampara, Batticaloa, and Trincomalee districts say they have seen Karuna members working with the army and police at checkpoints—an allegation the government denies—and that armed Karuna cadre walk freely through villages and towns in areas under government control, sometimes wearing Sri Lankan army uniforms.

Among international monitors and aid workers the connection is also clear. "We have known for some time that there is a level of co-operation between certain elements of the security forces and the Karuna faction," a spokesperson of the Sri Lanka Monitoring Mission said in November 2006. "We are compiling more information and will present the government with a comprehensive report on the matter."[46]

Regarding recruitment of children by the Karuna group, the staff member of one international agency was more blunt. "Recruitment is happening openly and with impunity," the person said. "It's incomprehensible for us that the government would say they don't know what's going on."[47]

Until mid-November 2006, the government denied any knowledge of abductions by the Karuna group. But the following, each already noted above, demonstrate that government officials must have known of the abductions, at least since the middle of June 2006, and probably before.

- In June 2006 the Karuna group abducted 13 boys and young men from one village in the Batticaloa district. Four families of abductees told Human Rights Watch that the Sri Lankan army witnessed the abductions from its camp across the road. The parents requested help and soldiers spoke with

46 Namini Wijedasa, "UN's Allan Rock Ridiculed in Sri Lanka," Toronto Star, November 23, 2006. SLMM confirmed for Human Rights Watch that it had prepared the report but said its contents were not public. (E-mail communication from SLMM to Human Rights Watch, December 27, 2006).

47 Human Rights Watch interview with international aid agency staff member, Batticaloa town, October 2006.

members of the Karuna group but did not take effective action to secure the abductees' release. (See Chapter VI, Case #3.)

- On June 22, UNICEF issued a public statement about abductions by the Karuna group and called on the Sri Lankan government to investigate:

> UNICEF in Sri Lanka is calling for immediate action to halt the abduction and forced recruitment of children by the Karuna group. Over the past week, the agency has verified reports of thirty cases in Batticaloa district. Reports of abduction and forced recruitment of boys under the age of 18 from the area have increased since March of this year.[48]

- In July a group of mothers from Batticaloa district submitted a petition to the Supreme Court about abductions allegedly by the Karuna group. The 48 mothers sent the names of their children with all relevant information about the abduction to President Rajapakse, the minister for disaster management and human rights, and the Human Rights Commission, as well as to the United Nations.

  On December 1 Minister of Disaster Management and Human Rights Mahinda Samarasinghe told Human Rights Watch that he had only seen the petition about two months before, although he conceded that it might have been sent in July.[49] Investigations by the army into some of the 48 cases began in December 2006. According to local human rights groups, the army pressured many of the parents not to identify the Karuna group. In January 2007 Samarasinghe told a journalist that the police were also asked to investigate.[50]

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48 "UNICEF Condemns Abduction and Recruitment of Sri Lankan Children by the Karuna Group," UNICEF news note, June 22, 2006, http://www.unicef.org/infobycountry/media_34677.html (accessed January 9, 2007).

49 Human Rights Watch interview with Minister of Disaster Management and Human Rights Mahinda Samarasinghe, Geneva, December 1, 2006.

50 Namini Wijedasa, "Tiger Pledge on Child Recruits no Honoured—Human Rights Minister," *The Island* (Colombo), January 14, 2007.

Additional evidence of government knowledge and complicity in Karuna abductions can be gleaned from the location of Karuna camps where abducted children are held. According to parents who visited their children in these camps near Welikanda, the area is under close government control, to such an extent that in some places Karuna checkpoints are within eyesight of the army or police (see map). Communication and coordination between the Karuna group and Sri Lankan army and police was evident from accounts of parents going to Karuna camps to see their sons. To get to the Karuna camps, most parents took a bus to the Sewanpitiya junction with the main A11 road, where the Sri Lankan army has a checkpoint. There, visiting parents sometimes had to give their names to the soldiers (sometimes also their identification cards), who informed persons indicated to be members of the Karuna group that the parents were on their way. Then the parents took trishaws or buses to the Karuna camp. Karuna forces speaking Tamil and wearing green Sri Lanka army uniforms were in the area, they said. "I had to go through a Sri Lankan army checkpoint at the junction. The head of our group gave the names of our kids to the army officer at the checkpoint and the camp we were going to," the mother of an abducted 16-year-old said. "The army let us go."[51]

In one case documented by Human Rights Watch, Sri Lankan soldiers spoke with the mothers while they were trying to visit their sons. The mother of a young man who with other parents saw her son in a Karuna camp said the soldiers based nearby were aware of the reason for the visit but did nothing to secure the abductee's release:

> The first time we went to the camp in Mutugalla, two Sri Lankan army soldiers came from the army camp within 30 minutes and asked the Karuna guys what the mothers were doing there. The Karuna guys replied that we came to visit our children. The two soldiers asked us questions and asked what happened. They were speaking Sinhala and we didn't understand very well. They spoke in Sinhala with the Karuna members. After they spoke to the soldiers, the Karuna guys asked us to leave the camp and we left.[52]

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51 Human Rights Watch interview with mother of abducted boy, Batticaloa district, October 2006.

52 Human Rights Watch interview with mother of abducted young man, Batticaloa district, October 2006.

In one of the most egregious reported cases of government complicity, local human rights activists and the mother of an abducted young man told Human Rights Watch that one child who escaped from a Karuna camp had gone to the Sri Lankan army for protection, but the soldiers handed him back to the Karuna group.[53] Human Rights Watch did not independently verify this case.

The main road from the eastern districts to the Welikanda area is firmly under government control and highly militarized. Transporting several hundred abducted boys and young men during the year to the Karuna camps would have been impossible without the knowledge of government security forces. Travel in the area requires going through numerous checkpoints of the army and police.

A security checkpoint on the A11 road between Batticaloa town and Valaichchenai. Karuna forces transporting abducted boys and young men would have had to pass through multiple checkpoints like this.
© 2006 Fred Abrahams/Human Rights Watch

Along the A15 road, which runs north-south from Trincomalee down the coast to Batticaloa, and along the A11, which runs east-west from north of Batticaloa town to Welikanda, it is impossible to travel more than 10 kilometers without some form of

53 Human Rights Watch interview with mother of abducted young man, Batticaloa district, October 2006.

security control. When Human Rights Watch drove the roughly 50 kilometer stretch between Welikanda and Batticaloa town on October 13, researchers counted more than 14 checkpoints, ranging in size from mobile controls to permanent camps. According to a humanitarian agency active in the east, government security forces typically maintain about nine checkpoints between Welikanda and Valaichchenai on the A11 alone; two of them are where passengers get out of their vehicles and are searched.[54]

Transporting abducted boys and young men from Ampara district would prove even harder. The coastal A4 road from Ampara to Batticaloa town has a strong presence of the police Special Task Force (STF). On October 17, Human Rights Watch observed three large STF camps along the route.

Another place where parents have seen their abducted sons is the TMVP office in Batticaloa town. International aid agencies have also seen armed children on the premises. When Human Rights Watch walked by the office on October 16, it was guarded on three sides by the Sri Lankan police. International aid workers said that the police had been protecting the building since construction began in early 2006. Human Rights Watch also observed the TMVP office in Akkaraipattu, which was guarded by the STF. The TMVP office in Trincomalee was guarded by the navy.

Government protection of the TMVP is understandable because party offices have come under repeated attack by the LTTE. But the presence of security forces around the buildings makes it highly unlikely that they failed to see abducted children on the premises.

Both the government and the Karuna group deny any coordination between them. Sri Lankan defense spokesperson Keheliya Rambukwella told the media: "We have been right throughout denying that we are involved with them," referring to the Karuna group.[55] Karuna told Human Rights Watch in late November 2006: "We do not cooperate with the army and the army does not cooperate with us." As if to suggest

54 Human Rights Watch interview with international aid agency staff member, Batticaloa town, October 2006.

55 Anthony Deutsch, "Government-condoned Militia Abducting Hundreds on Sri Lanka's East Coast," Associated Press, October 4, 2006.

that cooperation would mean impunity for his forces, he added: "Thirty of our cadres have been arrested by the army for carrying arms."[56]

But residents in eastern districts routinely observed the close ties between government and Karuna forces. Staffers from two international agencies working in the eastern districts told Human Rights Watch that the easiest way for them to contact the Karuna group was through the Sri Lankan military.

The Sri Lankan government is ultimately responsible for providing security to ensure that civilians are not abducted by armed groups and that children are not recruited, voluntarily or otherwise, to take part in armed conflict. This is particularly the case in areas under the government's effective control.

Forces in the East

The government security forces active in the eastern districts are the Sri Lankan army, the navy, the regular police, and the police's Special Task Force, which is engaged in counterinsurgency operations. Unless stated otherwise, officers noted below were, according to the information available, in command during Human Rights Watch's visit in October 2006.

In Batticaloa district responsibility for security is primarily with the army, which maintains a network of outposts and camps. Three army brigades operate in the district: The 231 brigade, commanded by Colonel Veeraman, is responsible for the district's west. The 232 brigade, commanded by Colonel Napagoda, is responsible for the north.[57] The 233 brigade, commanded by Lt. Col. Anura Sudasingha, is in Batticaloa town. All of the Batticaloa brigades report to the army's 23rd division headquartered in Welikanda, commanded by Brigadier Daya Ratnayaka. For most of 2006, Commander of Security Forces Headquarters-East was Major General Nissanka Wijesinghe. In late December he was replaced by Major General Parakrama Pannipitiya.

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56 Human Rights Watch telephone interview with V. Muralitharan, a.k.a. Colonel Karuna, November 29, 2006.

57 Col. Napagoda commanded the 232 brigade at least since July 2006 (see "Sri Lanka: ICRC Hands Over Soldiers' Remains to the Sri Lankan Army," ICRC press release, July 15, 2006, http://www.icrc.org/web/eng/siteengo.nsf/html/srilanka-regnews-150706 (accessed January 9, 2007)). His predecessor was Col. Chandana Rupasinghe, but it is not known when he left the post.

In Trincomalee district, the army's 22nd division has official responsibility, commanded by Maj. Gen. Samarasinghe. Trincomalee has a large navy presence because of its major naval base, and knowledgeable sources say that Navy Commander Rear Admiral Samirathunga is the de facto commander.

President Rajapakse is the commander-in-chief of Sri Lanka's armed forces, and he holds the portfolio of Minister of Defense. The Secretary of Defense, Public Security, Law and Order is the president's brother, Gotabaya Rajapakse.[58] Chief of the Defense Staff is Air Chief Marshal Donald Perera. Commander of the army, since December 6, 2005, is Lieutenant General Sarath Fonseka.

In Ampara, Batticaloa, and Trincomalee districts the STF also plays an important role, especially since July 2006 when the military mobilized for the fighting further north.[59] Around that time the STF assumed security responsibility for Batticaloa town.

It remains unclear who are the leaders of the Karuna group in the eastern districts. According to the parents of abductees, local human rights activists, and international aid workers, the TMVP political leader for Ampara and Batticaloa is a man named Pradipan, who runs the office in Batticaloa town. Another leader mentioned is a man called Mangalan. In Akkaraipattu, the TMVP office is run by a man named Sindujan. A man named Bharathy has been implicated in conscription by the Karuna group in Welikanda.

Denunciation by the UN

In early November 2006, a special advisor to the UN special representative for children and armed conflict, Allan Rock, visited Sri Lanka to investigate conditions for children, primarily in the north and east. He focused on compliance with the 2003 Action Plan for Children Affected by Conflict, which the Sri Lankan government and the LTTE had endorsed. Both sides had pledged to work with UNICEF to end child recruitment and to release children in their ranks.

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58 Gotabaya Rajapakse is a retired army infantry officer. He became minister of defense, public security, law and order in November 2005. On December 1, 2006 he survived an LTTE suicide attack on his convoy in Colombo.

59 For official background on the STF, see http://www.police.lk/divisions/stf.html (accessed January 9, 2007).

At the end of his 10-day mission, Rock met with President Rajapakse and later held a press conference in Colombo to announce his preliminary findings. First, he said, the LTTE had not respected its commitments under the Action Plan. The recruitment of children continues and the LTTE had failed to release several hundred children in its ranks.[60]

Rock also criticized the Karuna group for continuing to abduct and recruit children, particularly in Batticaloa district. Between May and November 2006, he said, UNICEF has recorded 135 cases of underage recruitment, and the evidence suggested the trend was on the rise.

Rock also charged "certain government elements" of complicity in abductions by the Karuna group. He said that his mission:

> [F]ound strong and credible evidence that certain elements of the government security forces are supporting and sometimes participating in the abductions and forced recruitment of children by the Karuna faction.
>
> The mission met with the parents of many of the abducted children in Batticaloa district. As a result, it learned of eye-witness evidence that links the Karuna faction abductions to certain government elements. Based on the evidence as a whole, the mission concluded that some government security forces are actively participating in these criminal acts.[61]

Rock announced that the Karuna group and the Sri Lankan government had responded constructively to the allegations. The TMVP told him it would forbid underage recruitment and release any children in the Karuna group. The party also agreed to work with UNICEF to arrange the release of abducted children.

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60 Statement from the Special Advisor on Children and Armed Conflict, Colombo, November 13, 2006, http://www.un.org/children/conflict/pr/2006-11-13statementfromthe127.html (accessed January 9, 2007).

61 Ibid.

Rock said that he received assurances from President Rajapakse that he would order an immediate investigation to determine whether any security forces were complicit in Karuna abductions. Should such evidence emerge, the president said, he would hold accountable those who violated the law.[62]

Other sectors of the government sought to discount Rock's allegations. Foreign Minister Mangala Samaraweera criticized Rock's diplomatic skills. "A responsible member of the international community would not have made such unfounded public statements in such an irresponsible manner," he said. "Even if they were true, a person of that nature should have had the decency to bring it to the notice of the government discreetly."[63] The state-owned *Daily News* newspaper stated in an editorial: "The UN representative needs to take stock of the adverse repercussions his groundless allegations could have on Sri Lanka's national interest."[64]

The Sri Lankan military denied any connection to the Karuna group and in a statement said Rock's allegations were "completely misleading" and "deserve a deep sense of revulsion and explanation in view of their serious nature and repercussions."[65] The most scathing denunciation came from the Media Centre for National Security, a website run by the media wing of the Sri Lankan armed forces. In an article entitled "Who is this Rock?," the military website accused the UN official, a former Canadian government minister, of taking money from a pro-LTTE community in Canada during his political campaign and then blocking the Canadian government from banning the LTTE. "However, with the help and support from the Tamil community living in Canada and certain LTTE sympathizers Rock managed to secure a position in the UN," the article said.[66]

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62 Ibid.

63 Namini Wijedasa, "UN's Allan Rock Ridiculed in Sri Lanka," *Toronto Star*, November 23, 2006.

64 "Watch Your Words, Mr. Rock," Daily News (Colombo), November 15, 2006, http://www.dailynews.lk/2001/pix/PrintPage.asp?REF=/2006/11/15/main_Editorial.asp (accessed January 2, 2007).

65 Krishan Francis, "U.N. Accuses Sri Lanka Government Forces of Aiding Child Soldier Recruitment," Associated Press, November 13, 2006.

66 "Who is this Rock?," Media Centre for National Security, December 5, 2006, http://www.nationalsecurity.lk/fullnews.php?id=2665 (accessed January 3, 2007).

Notwithstanding its agreement to work against underage recruitment, the TMVP still denounced Rock for repeating "fictitious, fallacious and frivolous information" provided by "quislings" in the east.[67]

One of the government's complaints against Rock, Sri Lanka's minister of disaster management and human rights stressed to Human Rights Watch, was that Rock failed to provide evidence to support his claims.[68] On November 27, 2006, Rock sent a letter to President Rajapakse, together with a detailed memo on his findings. In his letter, Rock called on the president to establish a credible, objective and effective investigation of the government's involvement in the Karuna abductions.[69]

The government's public expressions of surprise were disingenuous. As documented above, the government knew of Karuna abductions since at least June 2006. Parents of abducted children were reporting their cases to the police, and in some cases to the military. Both failed to take any meaningful steps to get the children back.

On November 28, 2006 Human Rights Watch issued a statement about Karuna abductions based on its mission to Sri Lanka in October, which formed the basis for this report. The statement said that "the Sri Lankan military and police are complicit and, at times, directly cooperating with the Karuna group."[70] Defense spokesman Kehiliya Rambukwella promptly denied any state involvement with the Karuna group. "Human Rights Watch should give us this credible evidence that they're talking of. Once we have that, we can pursue it," he said. "We will certainly take necessary action to control it and completely take the perpetrators to justice."[71]

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67 "UN Rock Repeats Tiger Accusations—Karuna Group," Asian Tribune, November 16, 2006, http://www.asiantribune.com/index.php?q=node/3241 (accessed January 2, 2007).

68 Human Rights Watch interview with Minister of Disaster Management and Human Rights Mahinda Samarasinghe, Geneva, December 1, 2006.

69 Personal communication from Allan Rock to Human Rights Watch, January 16, 2007.

70 "Sri Lanka: Stop Child Abductions by Karuna Group," Human Rights Watch news release, November 28, 2006, http://hrw.org/english/docs/2006/11/28/slanka14678.htm.

71 "Rights Group Criticizes S. Lanka over Child Soldiers," Reuters, November 28, 2006. See also Krishan Francis, "Rights Group Asks Sri Lankan Troops to Stop Aiding Child Recruitment," Associated Press, November 28, 2006.

Karuna's Response

The day after Human Rights Watch issued a press release on abductions by the Karuna group, V. Muralitharan, a.k.a. Colonel Karuna, contacted the organization to discuss the allegations. In a telephone interview from an undisclosed location, Karuna denied any involvement in child abductions or forced recruitment. "I do not like these things," he said. "I don't like child recruitment and abduction."[72]

He said the minimum age to join the Karuna group was 20, and that the group would take action against any commander who recruited a person below that age. "We would send him out of the movement," he said.

This sign of Karuna's TMVP political party stands in the center of Batticaloa town.
Parents told Human Rights Watch they saw their abducted children in the local TMVP office.
© 2006 Fred Abrahams/Human Rights Watch

His comment contradicted the statement of a TMVP spokesman, who in an interview with a Sri Lankan newspaper did not deny that the Karuna group had children among

72 Human Rights Watch telephone interview with V. Muralitharan, a.k.a. Colonel Karuna, November 29, 2006.

its ranks. "We don't abduct children, we enlist only those who offer to join us," a spokesman in the party's Chenkalady office said.[73]

Karuna said his forces had a code of conduct. He agreed to share a copy with Human Rights Watch but, as of January 15, 2007, the group had not sent any text.

Regarding contact with the Sri Lankan military, Karuna said the relationship was of a political nature. "We have no military contacts, but we have some political contacts," he said. When asked to explain how his military supporters operate freely in government-controlled areas, he said: "As far as political cadres are concerned, they have contact with the police, because the police provide protection. The military is working in restricted areas, Karuna areas. We have captured some areas from the LTTE, so we control some areas."

According to Karuna, the TMVP has 16 political offices throughout Sri Lanka. When asked why families had seen their abducted children in TMVP offices, he replied, "Anybody can come and see our offices. It is very transparent, like an MP's [Member of Parliament's] office." He continued, "Definitely there are no underage children in our political offices. Anyone can come and inspect." He attributed the reports of abductions by the Karuna group to the LTTE and their supporters. "All these things are propaganda campaigns by the LTTE and the diaspora," he said.

Regarding Allan Rock, Karuna was adamant that the LTTE was behind Rock's statements. "The LTTE set up families to make accusations to Allan Rock," he said. "There was no way for Rock to verify their stories. When Rock was in our office, we explained these things very clearly."

Five days after the interview with Human Rights Watch, Karuna contacted UN Special Representative for Children and Armed Conflict Radhika Coomaraswamy to discuss child abductions, in particular the inclusion of the Karuna group in the latest report of the Secretary-General to the UN Security Council on children and armed conflict.[74]

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73 Ranga Jayasuriya, "Who Manipulated the UN Envoy?" *Sunday Observer* (Colombo), November 19, 2006, http://www.sundayobserver.lk/2006/11/19/fea02.asp (accessed January 9, 2007).

74 Report of the Secretary-General on children and armed conflict, October 26, 2006, S/2006/826, http://daccessdds.un.org/doc/UNDOC/GEN/N06/577/95/PDF/N0657795.pdf?OpenElement (accessed January 5, 2007).

According to the UN, Karuna denied abducting children and said he would cooperate with UNICEF to guarantee the protection of children. He said he would take the following steps, to be formalized in an action plan between UNICEF and the Karuna group:

1. Re-issue a policy statement to inform all Karuna commanders that using and recruiting children is not an acceptable practice.
2. Train all commanders on children's rights with assistance from the international community.
3. Release to their families children who may be found among Karuna ranks, in collaboration with nongovernmental organizations and/or UNICEF.
4. Give UNICEF free access to Karuna camps to ensure that no children remain associated with the armed group.[75]

Special Representative Coomaraswamy welcomed Karuna's statement. "This is a major step forward that will help to prevent children from being used by armed groups in Sri Lanka," she said. "I hope that this will lead to effective actions on the ground."[76] The office of the special representative said it hoped to receive a similar commitment from the LTTE granting access to their camps for independent verification.[77]

On January 2, 2007 the TMVP provided UNICEF with what it called "regulations for the military division of Thamil Makkal Viduthalai Pulikal (TMVP)." (See Appendix V.) The regulations state that all recruits must be over 18, provide a birth certificate to prove their age, and consent to join the military group. The regulations state that members of the Karuna group who conscript children into the force will be immediately subjected to punishment. Examples specified include cooking in the camp or farming for a period of at least three months.

In contrast, the regulations state that violations such as murder, sexual abuse, and looting will result in the member being removed from the organization and handed

75 "Karuna Commits to Work with the UN to Prevent Recruitment and Use of Children," Office of the Special Representative of the Secretary-General for Children and Armed Conflict press release, December 4, 2006, http://www.un.org/children/conflict/pr/2006-12-07srilankakarunac0134.html (accessed January 3, 2007).

76 Ibid.

77 Ibid.

over to the police. Violations such as smoking, consuming liquor, and the abuse of women result in expulsion from the organization.

As of January 15, 2007, discussions with UNICEF were ongoing regarding the content of the regulations and implementation of Karuna's commitments. According to the agency, the Karuna group released six children in November and December, but it also abducted at least 21 others during that time.[78]

Abductions Persist

To date, abductions of boys and young men in the eastern districts by the Karuna group persist. Although no complete figures are available, local human rights activists and international aid workers report that abductions have continued, both by the Karuna group and the LTTE. According to the Sri Lanka Monitoring Mission, in late November both the LTTE and Karuna group were "under suspicion for assassinations and abductions."[79]

According to UNICEF, parents and others reported 21 abductions by the Karuna group in November, and another eight in December. The group released four children in November and two in December.[80] The UNICEF statistics do not specify whether any of the November abductions took place after November 13, when the UN made its allegations against the Karuna group and government security forces. According to human rights activists and aid agencies working in the eastern districts, however, some abductions took place in the second half of the month.

According to University Teachers for Human Rights (Jaffna), Karuna forces abducted three boys in Batticaloa district around December 10. It is not known if these three cases were also reported to UNICEF.[81]

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78 Data supplied to Human Rights Watch by UNICEF, January 12, 2007.

79 Sri Lanka Monitoring Mission, "SLMM Weekly Situation Report, 20-26 November 2006," http://www.slmm.lk/W_Report/SLMM%20WSR%2020%20-%2026%20Nov%20public.pdf (accessed January 3, 2007). The SLMM reported in its weekly situation report for December 4-10, 2006 that it was aware of 12 abductions in Batticaloa, several of which were of children, but the report did not indicate the responsible party.

80 Data supplied to Human Rights Watch by UNICEF, January 12, 2007.

81 University Teachers for Human Rights (Jaffna) communication to Human Rights Watch, December 20, 2006. For more from UTHR, see www.uthr.org.

On November 21, Human Rights Watch wrote to President Rajapakse and to the minister for disaster management and human rights to convey the organization's initial findings on Karuna abductions and government complicity from the research mission in October (see Appendix I). The letter welcomed the president's stated willingness to investigate the allegations of state involvement and asked the president to provide details on how that investigation would be pursued. The letter was resent in early December. As of January 15, 2007, neither the president's office nor the human rights ministry had replied.

VI. Accounts of Karuna Group: Abductions and Forced Recruitment

Below are several accounts provided to Human Rights Watch from parents and witnesses of abductions attributed to the Karuna group in 2006. Certain specific information concerning these cases, such as names, places, and dates, has been removed due to security concerns.

Case 1 — Boy and Young Man in Batticaloa District, May

In May 2006 Karuna forces abducted a boy and a young man from a village in Batticaloa district. Both were subsequently seen by their families in the custody of the Karuna group.

The mother of the young man told Human Rights Watch that her son might have been targeted because the LTTE had abducted another of her sons in 2001. She explained how the May 2006 abduction took place:

> Around 8 p.m. my son was having dinner behind the house in our backyard with me and my daughter. A few people entered the compound and surrounded us. Two men went directly to the main yard while two men turned around the house and went to the backyard where we were eating. They took my son. More people were waiting outside our compound. I think they were a total of 10. They all wore Sri Lankan army uniforms and were masked. There were no ranks or insignia visible on their uniforms. I grabbed the leg of one of the assailants and I begged him not to take my son away. He kicked me violently. One of them said, "We are investigating your son and once cleared we will release him." They said that in Tamil. They were all armed with rifles. I don't know what kind. They belonged to the Karuna group.

> They didn't come on vehicle. They walked in and left the same way. We followed them for a while but at some point they turned right onto a smaller lane and we stopped.[82]

According to the mother, she begged the Karuna group members not to take her son. "You gave a son to the LTTE, so you have to give a son to us," she said one of the men replied.

The family reported the abduction at the police station in Valaichchenai. A police officer opened a file and took a few notes, the mother said. He asked a few questions and provided the family with the complaint number. One month later, the family received the police report, which was inspected by Human Rights Watch. According to the family, however, the police have done nothing since.

After the abduction, the family went three or four times to the TMVP office in Karapola in the Welikanda area. On the final visit, officials in the office agreed to set up a meeting in two weeks for the parents to see their son.

About two weeks later, the parents were allowed to see their son in what the mother called "a special house where parents can meet their abducted children." She explained,

> The Karunas took us to a house in Karapola where we saw our son…. My son told us, "I am not allowed to leave. I have to stay." He was wearing a Sri Lankan army uniform and he had a weapon. He added, "I can't escape from here." We stayed three hours with him, from noon to 3 p.m.

The family saw their son two more times after that when he came home for a visit together with the Karuna group members who had abducted him. They were all armed and wearing Sri Lankan army uniforms, the mother said. Her son seemed changed:

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82 Human Rights Watch interview with mother of abducted young man, Batticaloa district, October 2006.

> My son was another person. His behavior had changed. His way of speaking was different too. He talked a lot about politics. At some point, he was alone with me and I suddenly retrieved my boy. He sounded normal without the other guys around.

Human Rights Watch also interviewed the mother of the boy who was abducted from the same village that day, although she did not witness the abduction. "It was night around 9 p.m.," she said. "I was home, I didn't hear anything. Then I heard noise and people crying."[83]

The mother said she also reported the case to the Valaichchenai police, where the police opened a file but did not provide the complaint number. "The police didn't ask any questions, didn't ask for a description of my son or for a photo," she said.

The boy's mother went with other families of abducted boys and young men from the area to the TMVP office in Karopola, where she saw her abducted son. The office is within eyesight of an army base and police station, she said.

After that, her son visited her at home on two occasions. He wore plain clothes but was armed both times, she said. "He had changed, he was not the same," she explained. "He said he was supporting Karuna now. But he told me that he would come home if he could."

Case 2 — Eight Boys and Young Men in Batticaloa District, June

In June Karuna forces abducted eight boys and young men from a village in the Batticaloa district. Human Rights Watch interviewed four of the families with a son abducted that day. They gave consistent testimony about the abductions and the parents' efforts to get their children back, including visits to Karuna camps. According to three of the families, Sri Lankan army soldiers had come to the village on the morning of the abductions, gathering and photographing seven boys and young men, four of whom were later abducted by the Karuna group. Whether the Sri Lankan military was directly cooperating with the Karuna group by identifying

83 Human Rights Watch interview with mother of abducted boy, Batticaloa district, October 2006.

potential abductees or was conducting regular operations to identify LTTE members or supporters remains unclear.

The mother of one of the abducted young men explained how Sri Lankan army soldiers came to the village around 10 a.m., gathered a group of boys and young men in a nearby field, and took their photographs:

> They rounded up our children, took them to a field a few yards away, kept them there and took pictures of the kids. They also asked for the IDs of the kids. There were a lot of soldiers surrounding the whole area. They came on army trucks. They came house to house and took our children only, not the parents. Then they took them to the field nearby. I was afraid that they were in the process of apprehending the kids. Seven kids were taken to the field by the soldiers. Four of these seven kids were kidnapped [by Karuna forces] that same night. The soldiers just said, "We want to take photos of the kids and then they will be allowed to go." They asked for the IDs. They ordered the parents not to come. A soldier said, "We are going to take the photos to protect your kids. Karunas won't kidnap your children now." They had a small camera. There were many soldiers. I can't say how many, maybe 200. Then the kids were abducted the same night.[84]

According to the young man's father, Karuna forces arrived in the village around 11 p.m. that night. They were wearing Sri Lankan army uniforms and had black masks. They spoke Tamil and he knew they belonged to the Karuna group because he later visited his abducted son in a Karuna camp. He explained,

> I saw everything, I was there. I tried to stop it from happening but the kidnappers said they would shoot me. My son was crying. My wife tried to stop them too but they pushed her back.[85]

84 Human Rights Watch interview with mother of abducted young man, Batticaloa district, October 2006.
85 Human Rights Watch interview with father of abducted young man, Batticaloa district, October 2006.

The parents of the abducted boys and young men made several trips to visit their sons in Karuna camps in the Welikanda area, the mother and father said. To get there they took a bus to the Sewanpitiya junction with the main A11 road, where there is a checkpoint with army and police. The visiting parents had to give their names to the soldiers posted there, who informed the Karuna group that the parents were on their way. Then they took trishaws (motorcycle taxis) for two or three miles to the Karuna camp. Karuna forces speaking Tamil and wearing green Sri Lanka army uniforms were in the area, they said.

According to the mother, she saw her son on the third trip. He was at a different camp from the seven other boys and young men with whom he had been abducted. "We informed the guards at the gate and we waited an hour at the entrance, but inside the camp, in a place near the jungle," she said. "My son was wearing a Sri Lankan army uniform and he had a weapon. He cried when he saw me."

Two days after the abduction, the father went to the Eravur police station to report the case. The police opened a file, he said, but they refused to provide a complaint number. "When Karunas capture your children, you come here to complain, but when the LTTE capture them, you never come," the father said a police officer remarked.

The mother of a boy abducted that day, interviewed separately, gave a similar account of the day's events, from the visit of the Sri Lankan army to the Karuna abductions that night:

> The night of the abduction, we were sitting behind the house when suddenly around 1 a.m. armed guys wearing Sri Lankan army uniforms showed up. We were surrounded by seven or eight armed men. I don't know how they came, I didn't hear anything.
>
> The same day, but in the morning at 10 a.m., the army came, surrounded the area, and took our kids to a field just near the house on the other side of the path. They took my son to the field. They had come on vehicles. They asked the kids to come with their IDs. The

> soldiers were speaking broken Tamil. They said, "No parents, only boys." They took seven boys to the field and took their pictures. That same night, four of these seven kids were kidnapped. There were 20 army soldiers. I am pretty sure of the number. They came in one car and one tractor. They freed the kids and left.
>
> The guys who showed up the same night wore the same uniforms as the soldiers in the morning but they were masked and they spoke perfect Tamil. There were seven or eight and they were armed. We tried to stop them from taking the kids but they pushed us back and kicked us. My son was crying. Eight kids from the area were abducted that night.[86]

Shortly thereafter, the families of the abducted boys and young men went to the Eravur police station, the mother said. She was not present in the police station, but her husband explained to her what took place:

> One police officer said that he knew about the abduction. The police asked for the names of those responsible. My husband said he didn't know the names but he knew they were Karunas. He recognized some of them. My husband knows this area very well. When the LTTE was here he performed some work for them. He knows the guys who were with the LTTE at the time and who are with the Karunas now. The police didn't give the complaint number and they have done nothing since.

The mother was among the group of parents who subsequently visited their sons in the Karuna camps. "I went there and I saw my son three times," she said. "He was armed and was wearing a Sri Lankan army uniform."

According to the mother, the first time she saw her son was in the Karopola camp near Welikanda. To get there, the parents took a bus to a road junction near Welikanda but she did not remember the name. A Sri Lankan army checkpoint is at

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86 Human Rights Watch interview with mother of abducted boy, Batticaloa district, October 2006.

the junction she said, and the leader of the families' group gave the soldiers the names of the boys and young men with whom they wanted to visit. The army let the parents pass and they took trishaws to the camp. For the second visit, this mother's son was at what she called the Theevuchenai camp, near Welikanda.

"He was very sad when I saw him," the mother said. "He had lost weight." He told her that he receives a monthly salary that he will send home. The family received two postal orders from their son worth 5,000 rupees (US$46).

The father of another young man abducted that day also corroborated the testimony of the other families, and provided additional details about visits to the Karuna camp.

Between 25 and 30 men from the Karuna group in Sri Lankan army uniforms surrounded the area where his family lives around 10 p.m., he said. They were not masked but were wearing black bandanas, and they were armed with rifles, which the father identified as either T 56 or AK 47 assault rifles. One or two of the men had submachine guns, he said. All of them spoke Tamil.[87]

The men rounded up eight boys and young men and took them towards the main road. The father followed them to the road, where one of the Karuna group members told him that the boys were under suspicion of helping the LTTE and therefore under investigation. They would be returned soon, he said. They walked away with the eight boys.

Shortly after the abduction, the father reported the crime at the police station in nearby Eravur. The police took notes and opened a file, the father said, but they refused to provide the family with the complaint number.

Six weeks later, the family heard a rumor that their abducted son was in a Karuna camp in Karopola, near Welikanda. The father called a friend who lived in that area, asking that person to inquire. Three days later the friend called back to say the man's son was there. The father described for Human Rights Watch how he and members of the other families with abducted children went looking for their sons:

87 Human Rights Watch interview with father of abducted young man, Batticaloa district, October 2006.

> We took a bus to Sewanpitiya and then once there a trishaw to Karapola. First there is an army camp and then the Karuna camp. It's a government-controlled area. The trishaw driver knew the place perfectly. It is located three miles from Sewanpitiya and it cost us 30 rupees per person.

He continued,

> We went to the gate. There were Karuna guys at the gate, some in uniform and some in plain clothes. One of them said, "What are you doing here? Why did you come?" I replied, "I want to see my son." "Wait, wait," they said and brought two chairs. They then brought food and water. We waited from 8 a.m. until 2 p.m. We then entered the camp. There were people in plainclothes inside. We were not far from the gate of the camp and they brought our children.
>
> My son was wearing a Sri Lankan army uniform. He had a gun and a rocket propelled grenade launcher. The seven other boys were like my son, wearing an army uniform and armed. My son told me he was all right there and that I should not worry. I was not alone with my son. Karuna people were all around us. He looked very sad. The meeting lasted for two hours.

The father visited his son twice after that. During the first visit, he saw that his son had been wounded. "His ear and his leg were black," the father said. "He said that a mine had exploded near him during a fight and that his friend next to him had been killed and he had been wounded." The young man's mother tried to visit twice but the Karuna group members at the camp said her son was not there.

According to the father, he and the parents of four other abductees received 5,000 rupees each from their sons by postal order.

The family recognized the men who abducted their son but did not know their names. "They were with the LTTE before," the young man's mother said.[88]

The mother and father said this was the second time a son had been abducted by an armed group, the LTTE having captured an older son two years before. The son abducted in June 2006 had also been abducted by the LTTE in 2005, the father said, but released.

The mother of an abducted boy from Batticaloa district holds a photograph of her son.
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Case 3 — Thirteen Boys and Young Men in Batticaloa District, June

In June Karuna forces abducted 13 boys and young men from a village in the Batticaloa district. Human Rights Watch spoke separately with four families who had sons abducted that day. They gave consistent testimony on how between 10 and 15 Karuna group members, armed and mostly in Sri Lankan army uniforms, detained the boys and young men in a nearby shop, ostensibly for "investigation." The shop was across the street from an army post and some of the parents pleaded with the soldiers to

88 Human Rights Watch interview with mother of abducted young man, Batticaloa district, October 2006.

intervene. Several soldiers spoke with the Karuna group members but the soldiers took no effective action to stop the abduction from taking place. Many of the family members subsequently visited their abducted children in a Karuna camp.

According to the father of a boy abducted that day, the incident began around 9 a.m., when four armed Karuna group members came to his home. He explained,

> They said there was a meeting and they asked my son to come. He went with them. The four men who came to our house wore Sri Lankan army uniforms and had caps on their heads but were not masked. They were armed with rifles. They spoke Tamil. They belong to the Karuna group. My son refused to go and they took him by force. My son is a student, grade 9. I tried to go with them, to follow them but they didn't let me do that. They said that the parents could not come and they pushed me back.
>
> There were a lot of these same guys that day in the village. We later heard that many kids in the village had been abducted that day. If we had known, we would have hidden him somewhere.[89]

The man's wife went to the Valaichchenai police station to report the crime. The police opened a file, the father said, but they did not ask for a photograph or any identification for his son. "They did ask how tall he was, his hair color, what he was wearing," he said. "They didn't give us the complaint number. They haven't done anything since. They didn't even bother to come here to investigate."

A few days later, the boy's parents heard that the Karuna group was holding their son in a camp in Mutugalla near Welikanda. The father went there a few days after the abduction. He explained,

> The Karuna camp is located near a Sri Lankan army camp. I took a bus from Valaichchenai to Welikanda and then another bus from

89 Human Rights Watch interview with father of abducted boy, Batticaloa district, October 2006.

> Welikanda to Mutugalla. In Welikanda there was an army checkpoint and they checked my ID….The camp is guarded by armed men wearing Sri Lankan army uniforms and speaking Tamil. There is no sign outside.
>
> The first time I couldn't see my son. I waited outside the camp but I didn't see him. They didn't bring him and I went home. One month later, I came back to the same camp in Mutugalla. There is a special place close to the camps to meet those who have been abducted. I waited there a little bit and they brought my son. I saw him. He looked sad. He wore plainclothes and was not armed.

The father made this trip to the camp in Mutugalla three times, he said. He also received two months of salary from his son, totaling 12,000 rupees (US$112). The son gave the money to his father directly when they met.

Human Rights Watch interviewed the family of a young man also abducted that day. His older brother provided consistent testimony on how the Karuna group abducted the 13 boys and held them in the shop, as well as the involvement of Sri Lankan soldiers from a base across the street:

> When [my brother] was coming back from fishing that day, he heard that boys had been kidnapped in the village. He went home very fast but he was kidnapped in front of the house on his way home. They were six guys who said that they needed him for an investigation and took him. They were between 25 and 30 years old. They were wearing plainclothes but they were armed. They spoke Tamil. They took my brother to a house nearby. My brother didn't try to resist. My parents were not home when it happened. I decided to follow my brother and the kidnappers.
>
> The kidnappers took all the kids they captured to the shop on the main road. When I reached the shop, I saw the parents of the other kidnapped kids around. They were looking for their children. Thirteen kids were kidnapped that day and were at the shop. My brother was

> among them. Then my mother joined me. We asked the kidnappers to release my brother. We stayed with the other parents and every hour the kidnappers said they were going to release my brother. At 5 p.m. they all left the shop and took Alamkulam road. They walked and then a van came and picked them up.[90]

According to the brother, there is a Sri Lankan army camp across the street from the shop where the boys and young men were held, but the soldiers did not take any action to stop the abduction. He told Human Rights Watch,

> A few mothers of the abducted kids went to the [Sri Lankan army] camp and asked for the army's help. Two soldiers finally came out and talked to the Karuna guys in broken Tamil. Then the soldiers told us that the Karunas said they were investigating the boys and that they would soon be released. The soldiers said that the Karunas said the parents could go home now, it was OK. Then the soldiers went back to the camp.

The abducted young man's mother was one of those who tried to get the soldiers to help. She explained her efforts:

> Two soldiers came out and went to Alamkulam Road to talk to the Karuna guys. Then they went back to the camp and told us that we should not worry and that the kids were going to be released. We waited for two more hours and nothing happened. We then went to the police station.[91]

That evening the abducted young man's father went to the Valaichchenai police station with a group of parents, the brother said. The police opened a file and told the parents that they should not worry because the abductees would soon be free. The police initially refused to provide a copy of the police report but eventually did give it for a fee of 125 rupees (normally the report costs between 10 and 15 rupees,

90 Human Rights Watch interview with brother of abducted young man, Batticaloa district, October 2006.
91 Human Rights Watch interview with mother of abducted young man, Batticaloa district, October 2006.

the brother said); only two parents got a copy of the police report. The family said the police have done nothing on the case since.

Two months after the abduction, the family visited the abducted young man in a Karuna camp in Mutugalla. They visited him four times in total, the brother said.

The mother of the young man claimed that she knew two men from the Karuna group responsible for the abductions that day. She told Human Rights Watch,

> I know who planned the kidnapping of the kids. Their names are [names withheld]. They are from here. [One of the men] was even here during the kidnapping, I saw him. I saw only nine or ten of the Karunas that day, but they were more than that, maybe 13. They wore t-shirts and pants and were armed. [The two men] come back here regularly. I talked to them and pleaded for my son. They refused to release him.

Human Rights Watch interviewed the mother of another young man abducted that day. The mother has three sons, and one of them had previously volunteered to join the LTTE, which may have been why her second-oldest son was targeted for abduction by the Karuna group. She told Human Rights Watch what she saw on the day of the abductions, including her interaction with the Sri Lankan army:

> The day of the abduction, I was fishing. I am the only breadwinner for my family. When I came back to the village, many villagers were out shouting and crying. Several children of the village had been abducted by Karuna's guys….
>
> I joined the other parents [at the shop] and we stayed there until 2 p.m. While there, I saw my son and I pleaded for his release. I implored the Karunas to free him. They replied they were going to investigate our kids and that they would be released after that. Thirteen boys had been abducted that day in the village and I saw them all at the shop.

> At 5 p.m., Karuna guys took our kids to Alamkulam Road. A van came and picked up the boys on Alamkulam Road. A white van with tainted windows….
>
> At some point, four Sri Lankan army soldiers came and talked to the Karunas. The soldiers then talked to us near the shop and said that the Karunas were going to investigate our children. They added: "Don't worry, the Karunas will release your kids after that."[92]

According to the mother, she went to the Welikanda area the next day to look for her son:

> We went to the Karuna camp [at Mutugalla] and we saw the guys who kidnapped our children walking inside the camps. We asked for our children. They replied that they had been sent for training. I saw a few boys who had been abducted but not my son. We waited there until 5 p.m. and we came back here at 9. There is an army camp very close to the Karuna camp there.

Between Sewanpitiya and Mutugalla are a police camp and an army camp, the mother said. Near the army camp is what she called a TMVP camp. While the parents were waiting, soldiers came out to inquire what was going on. She said,

> The first time we went to the camp in Mutugalla, two Sri Lankan army soldiers came from the army camp within 30 minutes and asked the Karuna guys what the mothers were doing there. The Karuna guys replied that we came to visit our children. The two soldiers asked us questions and asked what happened. They were speaking Sinhala and we didn't understand very well. They spoke in Sinhala with the Karuna members. After they spoke to the soldiers, the Karuna guys asked us to leave the camp and we left.

92 Human Rights Watch interview with mother of abducted young man, Batticaloa district, October 2006.

Two months later, the mother saw her son at the Karuna camp, and she saw him twice more after that, she said. "I want to come home but I can't escape," she said he told her. She continued, "The last time I saw him was two weeks ago. He was wearing a uniform, a Sri Lankan army green uniform, as during all my previous visits except one. Many people wore the army uniform in the camp."

According to the mother, she has received 5,000 rupees on three occasions.

The mother of a boy taken that day said she did not witness the abduction, but she saw the armed men in the village, as well as the van that took them away. "Give me back my son!" she said she yelled at the Karuna group members before they drove away. "Only if you give us your elder son," she said they replied.[93]

"These Karuna guys are from the area, they know everything about us," the mother told Human Rights Watch. She added, "Those responsible for the abduction are the Karunas. I know the head of this group, the one who was in charge of kidnapping the 14 kids. His name is [name withheld]. He belongs to Karuna's group."

About two months later the mother reported the case to the police in Valaichchenai, who opened a file and provided her with a copy of the document, which Human Rights Watch inspected.

The police investigation led to no results, the mother said, so her husband decided to visit the Karuna camps to find their son. In early October he took a bus to the Sewanpitiya junction on the A11 road. At an army checkpoint there the soldiers asked where he was going. He explained that the Karuna group had abducted his child and they let him pass. The father succeeded to see his son in a Karuna camp, and the mother visited the camp herself on two other occasions.

93 Human Rights Watch interview with mother of abducted boy, Batticaloa district, October 2006.

Case 4 —Two Cousins in Batticaloa District, June

In a joint interview, Human Rights Watch interviewed two sisters who had their sons, both young men, abducted together in June from a village in Batticaloa district. The mother of the younger man said,

> My third son was abducted with his cousin, my nephew, around 8 p.m. We were all at home, inside the house listening to the news when three armed men wearing plain clothes came. They spoke Tamil. They ordered all the children out of the house and asked the parents to stay inside, otherwise they would shoot us. They said they were going to investigate the kids and then release them. They took seven children who were present at the time, three of my sons and four of my sister's who were home. Half an hour later, all the children came back except two, who were missing. We stayed home the rest of the night.[94]

The family went looking for the abducted men at the TMVP office in Mankerni the following day. According to the two mothers, at the office officials admitted that they were holding the young men but they had been transferred elsewhere for training.

Shortly thereafter the family reported the abductions to the police in Valaichchenai. The police opened a file and provided the complaint number. "They didn't ask for a photo or an ID of the kids," the mother said. "They asked for their height, weight and description. The police didn't do anything since."

About six weeks later, three members of the Karuna group brought the two young men home to visit their families for two hours, the mothers said. "They were wearing Sri Lankan army uniforms and were armed, all of them, the five of them," the mother said. "At some point our two boys told us that they couldn't escape because they would shoot them." The group came back the next morning for another visit of about three hours. "They said they were based in Mutugalla camp," the mother said.

94 Human Rights Watch interview with mother of abducted young man, Batticaloa district, October 2006.

The two mothers went twice to the Mutugalla camp. The mother of the younger man explained,

> There is a Sri Lankan army and a police camp near the Karuna camp in Mutugalla. You have to pass by the army camp to reach the Karuna camp. From Sewanpitiya to Mutugalla, there is a Karuna checkpoint. We were stopped and they asked, in Tamil, where we were going. Some wore Sri Lankan army uniforms and some had plain clothes. Near the Karuna checkpoint there is a Sri Lankan army checkpoint, very close, in eye contact. Inside the camp, there is a kind of kitchen area where we could meet people nearby. The last time I went there was one month ago. I received 5,000 rupees twice from my son while visiting him.

Case 5 — Fourteen Boys and Young Men in Batticaloa District, September

On one day in September 2006 Karuna forces abducted 14 boys and young men from villages north of Batticaloa town. Human Rights Watch visited one village where three children were taken. The mother of the youngest abducted child said she subsequently saw her child and the other two abductees in the TMVP office in Batticaloa.

One teenage boy, a witness to the abductions, explained how a group of four boys were playing in a sandy lot when about 15 men with automatic weapons dressed in black pants and black shirts approached the children and clapped—a sign that the children should come. In fluent Tamil the men told the children that they were needed to deliver some notices. "When we were playing here they called us," the boy told Human Rights Watch. "They said which of you is going to school. I gave them my name and my school and they said I should leave."[95]

The mother of the youngest abducted child said she tried to prevent her son from going. "I held him by the hand and they said, 'Don't worry, we'll take him to distribute some notices,'" she said. "I didn't believe them so I followed. It was in

95 Human Rights Watch interview with teenage boy, Batticaloa district, October 2006.

the village. They said, 'Go away!'" The men spoke fluent Tamil, she said. "They told us they were from the Karuna group."[96]

An elderly man in the village also saw the group of armed men take the three boys away. "I followed the Karuna guys as they took them away," he told Human Rights Watch. "They raised their guns at me and shouted, 'Go away!' One man said, 'Take me,' and they hit him with a rifle butt."[97]

The parents of the abducted children, as well as some of the parents of the 11 other boys and young men abducted from the area that day, tried to get their children back. They reported their cases in the coming days to the International Committee of the Red Cross, SLMM, and UNICEF, and some went searching in Karuna offices and camps.

"I went to the Chenkalady camp of Karuna and they said the boys are in Batticaloa," the mother of the youngest abducted child said. "I went to the office [of the TMVP in Batticaloa. I saw the children in a trishaw. It was at the bus depot on the main road. I saw them in a trishaw going to Batticaloa."

The mother was too afraid to approach the children because of the Karuna men in the area, but she went to the TMVP office in Batticaloa two days later. She told Human Rights Watch what she saw:

> We saw our children on the top floor of the TMVP office. We were three mothers of children taken from here. The children signaled to us that we should go or they would get hit. When we went the second time they [TMVP officials] told us to go away. "Go to the camp at Sewanpitiya on October 24 after they finish training," they said. We went again and they said, "Go away. Come again on November 5."

This mother also reported the abduction of her son to the national Human Rights Commission and to the police in Eravur. The police at the station were cordial, she

96 Human Rights Watch interview with mother of abducted boy, Batticaloa district, October 2006.
97 Human Rights Watch interview with elderly man, Batticaloa district, October 2006.

said. They took her information and she spoke with the officer in charge but the police have taken no action since. "We told the police it was Karuna," the mother said. "We have heard nothing from them since."

The grandmother of one of the other abducted boys said she thought the abducted children were being held in Karuna's camp at Karapola. Parents of two of the 14 children abducted from the area that day saw some children working as guards at the TMVP office in Batticaloa, she said. The children said that the others were at the Karapola camp.

The grandmother said her family had not reported the case to the police because they did not believe it would do any good.[98]

Case 6 — Two Boys in Batticaloa District, September

In September 2006 Karuna forces abducted two young boys from an area north of Batticaloa town.

According to the mother of the older abducted child, she went to the TMVP offices in Morakkottanchenai and Chenkalady after hearing the news. "I also went to all five [Karuna] camps," she said. "They said, 'No, he is not here.' Then they said, 'Come again after one month.'" She continued, "We showed a photo and they said, "Maybe. But even if we have him we will only show him to you after one month.'"[99]

Three days later the TMVP office in Batticaloa told her to come in late October, although they did not confirm that they had taken her son.

She reported the case to the police, four days after the abduction and after her fruitless search at the camps. They took the information, she said, but treated her "like a dog":

98 Human Rights Watch interview with grandmother of abducted boy, Batticaloa district, October 2006.
99 Human Rights Watch interview with mother of abducted boy, Batticaloa district, October 2006.

> We reported it to the police. They said we'll take the complaint but we're not going to look for them. It was the Eravur police. They didn't want to take it. We argued for two hours and finally they took it…. "We'll record your complaint but we'll keep it in a corner," the police said. They treated me like a dog… The police say, "This is your Tamil people taking your children so talk with them."

The mother of the younger abducted child, interviewed together with the mother of the older child, did not report her son's abduction to the police. "Because I'm scared," she said.[100]

Case 7 — Boy in Trincomalee Town, September

In September 2006 members of the Karuna group abducted a teenage boy from a shop in town. The boy's mother told Human Rights Watch what took place:

> Karuna's people came to our home and asked for my son. He was out that day and I told them that he had gone to work. They left. [Some days thereafter] around noon, my son went to the nearby shop, 50 meters from the house, to buy bananas. Karuna's guys came to the shop and took him.[101]

Human Rights Watch spoke with the sister of the abducted boy, who was in the shop when the abduction took place. She explained,

> I was already in the shop when [my brother] came alone on his pushbike to buy bananas. Then two guys showed up on a motorcycle and called [him]. He replied, "I am not coming." Then they flashed a pistol. Only one of them had a pistol, a black one he kept in his pocket. [He] then said OK and the three of them went on the motorcycle, with [my brother] in the middle. They were wearing plain clothes and were a little bit older than [the abducted boy], but not much. They were

100 Human Rights Watch interview with mother of abducted boy, Batticaloa district, October 2006.
101 Human Rights Watch interview with mother of abducted boy, Trincomalee town, October 2006.

> Tamil…. I don't know their names but they said they were from Batticaloa … I haven't seen them since.[102]

According to the mother of the abducted boy, her husband subsequently went to the TMVP office in town, where he saw his son with his legs chained.

A few days later the husband went back to the TMVP office, she said, but their son was not there. "I then went to the office myself and asked for my son," she said. "They replied, 'We don't have him. We didn't take anybody.' But another guy told me I'll be able to see my son three months from now."

The family did not report the abduction to the police, out of fear.

Case 8 — Twelve Boys and Young Men in Ampara District, October

In October Karuna forces abducted 12 boys and young men from a village in the Ampara district. As of October 18, they had released seven of the abductees.

According to the aunt of one of the abducted young men, the abductions took place on a main road around 6 p.m. The young man was riding home from work on a motorbike with two colleagues on another bike when they were stopped by Karuna group members with a white car and white van, both with tinted windows. The Karuna group members took the three young men in the car and van, along with their motorbikes. The family learned of the abduction shortly thereafter, when a witness informed them of what he had seen.

That night, the young man's mother went to the TMVP office in Akkaraipattu to look for her son, the aunt said. She saw a white car and white van with tinted windows leaving the office as she arrived. Officials at the office told her to come back the following day.

The next day, the young man's mother and other relatives returned to the TMVP office in Akkaraipattu. Officials there told them that they were not responsible for the

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102 Human Rights Watch interview with sister of abducted boy, Trincomalee town, October 2006.

abduction, the aunt said. Rather, it was another Karuna group from Welikanda commanded by a man called Bharathy. The TMVP officials in Akkaraipattu gave the family the young man's motorbike, which suggests that at some point he had been held at the office. The young man's older brother went to collect it.

Around the same time, a group of relatives of the other boys and young men abducted that day gathered outside the TMVP office to complain. "Please release our sons!" they yelled, according to the aunt and another witness who saw the group.

According to the aunt, some of the mothers went to a Karuna camp in the Welikanda area—she did not know which one—to speak with the commander Bharathy. She explained,

> Some mothers went to Welikanda and met Bharathy. He said he would release six of the boys after six days. He released seven. Not our boy. And not the other four. My sister is there now to try and get her son back.[103]

According to the aunt, Bharathy released the seven abductees only after obtaining detailed information about each family's financial affairs, health, and work status. The four boys and young men not released were sent for military training, she said.

Case 9 — Two Boys and a Young Man in Batticaloa District, October

On one day in October 2006, Karuna forces abducted two children and one adult in a village in Batticaloa district. Human Rights Watch researchers arrived at the scene about three hours after the abductions had taken place.

Local residents were visibly afraid to speak and gave only cursory information. One man, who did not want to give his name, said that armed men from the Karuna group had come that morning around 8 a.m. and taken two boys and a young man.[104]

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103 Human Rights Watch interview with aunt of abducted young man, Ampara district, October 2006.

104 Human Rights Watch interview with local resident, Batticaloa district, October, 2006.

Human Rights Watch spoke with the distraught mother of the abducted young man. She said that the Karuna forces had released the two boys but continued to hold her son. Maybe they suspected him of being an LTTE supporter, she said, although this was untrue.[105]

Human Rights Watch was unable to confirm the abductions or whether the two boys were in fact released. While in the village, researchers observed approximately two dozen Sri Lankan soldiers patrolling the area, but it is not known if they were present when the abductions took place.

105 Human Rights Watch interview with mother of abducted young man, Batticaloa district, October, 2006.

VII. LTTE Recruitment of Children

The LTTE has recruited and used children as soldiers throughout the two-decade-long civil war in Sri Lanka. Prior to the 2002 ceasefire agreement, the LTTE routinely used children in combat, including for mass attacks during major battles.[106] Children often suffered high rates of casualties.

The LTTE used child soldiers in all capacities, including as infantry soldiers, security and intelligence officers, medics, combat and administrative support, and as trainers for other cadres. The LTTE also used children as suicide bombers, including girls, who may be less likely to undergo rigorous searches at government checkpoints. The LTTE gave cyanide capsules and grenades to its soldiers, including children, with instructions to ingest the capsule or blow themselves up rather than allow themselves to be captured by the Sri Lankan security forces.[107]

The LTTE carried out vigorous campaigns in Tamil communities in LTTE-dominated areas to promote their cause, often designed to attract children as new recruits. These campaigns included special events honoring LTTE heroes, parades of LTTE cadres, public displays of war paraphernalia, and street theater. In schools, LTTE cadres often gave speeches and showed videos, and gave teachers "history" lessons on the LTTE to administer to their students. Many children were attracted to the perceived status or glamour of serving as an LTTE cadre, or were persuaded that it was their duty to join the nationalist struggle as part of the LTTE.

Children from a disadvantaged background were particularly vulnerable to LTTE recruitment. Children who were orphaned, were from poor or abusive families, or who had little access to educational or vocational opportunities often believed that joining the LTTE offered a positive alternative to their circumstances.

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106 Rachel Brett and Margaret McCallin, Radda Barnen, "Children: The Invisible Soldiers," 1998, p. 98. The case study was conducted for the UN Study on the Impact of Conflict on Children, prepared by Graça Machel and presented to the UN in 1996.

107 See, for example, Yvonne Keairns, Quaker United Nations Office, "The Voices of Girl Child Soldiers Sri Lanka," January 2003.

Government abuses also fueled children's participation in the LTTE. During the conflict, many Tamil children in the north and east were directly affected by abuses carried out by government security forces, including torture, interrogation, unlawful detention, execution, rape, and enforced disappearances. A 1993 study of adolescents in Vaddukoddai in the north found that one-quarter of the children studied had witnessed violence personally, often against members of their own family.[108] In response, many children joined the LTTE, seeking to protect their families and community, or to avenge past abuses.

The LTTE also used coercion and force to recruit children into their ranks. LTTE recruiters abducted children on their way home from school or from their homes. Particularly in the east, the LTTE enforced a "one family, one child" policy, informing Tamil households that each family was obliged to provide a son or a daughter for "the cause."

The LTTE's recruitment and use of child soldiers continued even after the ceasefire was signed in 2002. In 2004 Human Rights Watch conducted an investigation of child recruitment, particularly in the districts of Batticaloa and Trincomalee.[109] We found that the LTTE routinely visited Tamil homes to inform parents that they must provide a child for the "movement." Families that resisted were harassed and threatened. Parents were told that if they did not comply their child would be taken by force, other children in the household or their parents would be taken in their stead, or the family would be forced to leave their home. In numerous cases, after a family refused to voluntarily hand over a son or daughter, a child was abducted from their home at night, or picked up by LTTE cadres while walking to school or attending a temple festival.

The LTTE typically targeted children of 14 to 16 years of age for recruitment, but in some cases it took children as young as 11 or 12. Girls were recruited in large numbers, and make up an estimated 40 percent of the LTTE's child recruits.[110]

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108 DJ Somasundaram, Child Trauma (Jaffna: University of Jaffna, 1993).

109 See Human Rights Watch, Living in Fear: Child Soldiers and the Tamil Tigers in Sri Lanka, vol. 16, no. 13(C), November 2004, http://hrw.org/reports/2004/srilanka1104.

110 UNICEF, "Recruitment Gender Analysis," information supplied by UNICEF, December 11, 2006.

Former child soldiers told Human Rights Watch that after recruitment the LTTE allowed them no contact with their families. During military training they learned to handle weapons, including landmines and bombs, and were taught military tactics. Children who made mistakes were frequently beaten. Children who tried to run away were often beaten in front of their entire unit, in order to dissuade other children who might be tempted to escape.

Many of the former child soldiers interviewed by Human Rights Watch in 2004 were recruited by V. Muralitharan (Colonel Karuna), while he served as the LTTE's eastern commander. Karuna had several thousand cadres under his command, including some 2,000 children, when he broke off from the LTTE in March 2004. After the LTTE attacked and quickly defeated Karuna's forces in April 2004, child soldiers serving under Karuna fled or were encouraged by their commanders to return to their families. UNICEF subsequently recorded 1,825 cases of children who returned home that month in Batticaloa.[111]

Within weeks of the split, the LTTE began to systematically target many of Karuna's former child soldiers for re-recruitment. LTTE members, often armed and in uniform, went from village to village, visiting former soldiers' homes and organizing village meetings to insist that former soldiers report back to the LTTE. They used motor vehicles to make public announcements and sent letters to demand the registration or re-enlistment of former cadres. The LTTE threatened families that they would take children by force if they did not return. Parents told Human Rights Watch that the LTTE came to their homes at night to abduct their children, and that they were beaten if they tried to resist. By the end of 2004 more than 250 children had been re-recruited, often by force. Many others lived in constant anxiety, sometimes refusing to leave their homes or go to school for fear of LTTE abduction.

UNICEF began efforts to document child recruitment by the LTTE in 2002, encouraging families to report cases, and establishing a database to maintain comprehensive records. From January 2002 through December 31, 2006, UNICEF staff received 5,956 reported cases of child recruitment by the LTTE. Of these, 1,012 (17

111 Data supplied to Human Rights Watch by UNICEF, January 12, 2007.

percent) were children under the age of 15.[112] The recruitment and use of children under the age of 15 is considered a war crime (see Chapter IX).

The majority of children recruited by the LTTE are never reported, as many families are fearful of reprisals by the LTTE if they make a complaint, may not be able to reach a UNICEF office, or may be unaware of the possibility of reporting. UNICEF found that of children who were released or flee from the LTTE, only 37 percent were previously entered into their database.[113]

The Sri Lanka Monitoring Mission (SLMM), which is responsible for monitoring the 2002 ceasefire agreement, has also received numerous reports of child recruitment by the LTTE. Between February 22, 2002, and December 31, 2006, the SLMM had ruled 1,743 cases of child recruitment by the LTTE as ceasefire violations. These cases made up more than 45 percent of all ceasefire violations reported to the SLMM.[114]

The LTTE has made numerous public commitments to end its recruitment and use of child soldiers, including pledges to the UN special representative to the secretary-general on children and armed conflict in 1998, and UNICEF officials in 2001 and 2003. None of these pledges were honored.

In 2003 the LTTE and the Sri Lankan government agreed upon an action plan for children affected by the conflict. A key provision of the plan was the LTTE's agreement to end child recruitment and to release children from its forces. UNICEF, the main implementing partner for the plan, agreed to establish three transit centers to facilitate the return of children to their communities, particularly in cases where the child expressed a reluctance to go home, had special protection needs, or where his or her family was difficult to locate.

The first transit center opened in October 2003, but in its first year of operation received a total of only 172 children from the LTTE. Although the center had the

112 Data supplied to Human Rights Watch by UNICEF, January 12, 2007.

113 Ibid.

114 Sri Lanka Monitoring Mission, "Ceasefire Violations at a Glance," cumulative statistics, February 22, 2002-December 31, 2006.

capacity for 100 children it never held more than 49, and at times was completely empty. In 2005 UNICEF closed the facility as a transit center, and converted it for other use. The other two centers were built, but never used as transit centers, due to the low number of children released.

From 2002 throughout 2006 the LTTE released an additional 1,595 children who did not go through the transit centers but returned directly home. During the same period, however, the LTTE recruited at least four times as many new children into its ranks.[115]

In October 2006 the LTTE's Tamil Eelam Justice Division announced a new Child Protection Act, to come into effect by January 1, 2007.[116] The new law sets 17 as the minimum age of recruitment into the LTTE, and stipulates that children under 18 will not participate in armed combat.[117]

In a communication to Human Rights Watch, SP Tamilsevlan, the head of the LTTE political division, stated that the LTTE's Child Protection Authority had been strengthened in order to monitor the implementation of the law. A document submitted to Human Rights Watch by Tamilselvan claims that field officers have been given written instructions on procedures to prevent underage recruitment, that all new recruits into the LTTE are screened at least twice, and that any recruits found to be underage are sent home.[118]

The LTTE claims that 197 underage children were released by the LTTE between June and November 2006. It states that an additional 115 children who were recruited during 2006 and are still under the age of 17 remain with the LTTE. Contrary to international standards, the LTTE does not acknowledge that children of age 17 should not be recruited, and takes the position that even if recruited below age 17, once children have turned 17 they no longer need to be released.[119]

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115 Data supplied to Human Rights Watch by UNICEF, January 12, 2007.

116 Letter to Human Rights Watch from SP Tamilselvan, Head of Political Division, LTTE, December 5, 2006; "Tamileelam Legislature Enacts Child Protection Act," Tamilnet, October 25, 2006, http://www.tamilnet.com/art.html?catid=13&artid=20025 (accessed January 3, 2007).

117 Follow-up to the CPA Report, "Children and armed conflict in the Northeastern Part of the Island of Sri Lanka of August 2006," Child Protection Authority, LTTE Peace Secretariat, December 2006.

118 Ibid., p. 5.

119 Ibid.

Between 2002 and 2006, reported rates of LTTE child recruitment dropped by approximately 60 percent, possibly due to sustained international pressure by other governments, the United Nations, and non-governmental organizations. The LTTE continued to recruit children, however, and as hostilities escalated in late 2005 some parents informed international organizations that the LTTE had threatened them that the LTTE would not provide them with security when war broke out unless they provided a child.[120] During 2006 UNICEF continued to record approximately 50 child recruitment cases a month attributed to the LTTE—nearly five times the number of children released by the LTTE during the same period.[121]

As hostilities escalated in late 2005 and 2006, the number of parents who reported child recruitment cases to UNICEF may have fallen even lower than previously, due to increased insecurity and additional pressures not to report. Some parents, for example, reportedly have been told by the LTTE that "if you report to the internationals you will only see the body of your child."[122]

Risks to children in the LTTE's ranks also escalated as major military operations between the LTTE and government resumed. Children became increasingly vulnerable to injury, disability, and death from Sri Lankan army attacks against LTTE bases, and as they were deployed into military operations against governments targets.

Of the total number of LTTE child recruitment cases documented by UNICEF, 1,685 (including 683 who are still under age 18) remain unaccounted for and are believed to be serving with the LTTE. Due to underreporting, the true total of children in the LTTE's ranks may exceed 4,000.

120 Charu Lata Hogg, The Royal Institute of International Affairs and the Coalition to Stop the Use of Child Soldiers, "Child Recruitment in South Asian Conflicts: A Comparative Analysis of Sri Lanka, Nepal and Bangladesh," 2006, p 10.

121 Data supplied to Human Rights Watch by UNICEF, January 12, 2007. During 2006 a total of 138 children were released by the LTTE, an average of approximately 12 per month.

122 Amnesty International, "Sri Lanka: A Climate of Fear in the East," February 3, 2006, http://web.amnesty.org/library/Index/ENGASA37001206?open&of=ENG-LKA (accessed January 3, 2007).

VIII. UN Security Council Action on Child Recruitment

Since 1998 the United Nations Security Council has adopted a series of resolutions aimed at stronger enforcement of international standards related to children and armed conflict. In 2001 the Security Council specifically called on member states to "consider appropriate legal, political, diplomatic, financial and material measures, in accordance with the Charter of the UN, in order to ensure that parties to armed conflict respect international norms for the protection of children."[123] The Security Council also stated its intention in 2004, 2005, and most recently, in a presidential statement issued on November 27, 2006, to consider sanctions (such as arms embargoes) against groups that persist in recruiting and using child soldiers.[124]

The UN secretary-general submits reports to the Security Council on children and armed conflict approximately every year. Since 2002, at the Security Council's request, these reports have included lists of specific parties to armed conflict—including both government forces and non-state armed groups—that recruit or use child soldiers in violation of their legal obligations. The list focused initially only on a limited number of situations on the Security Council's agenda, but in 2003 a second list was added to include countries like Sri Lanka that are not formally on the Security Council's agenda.

In three consecutive reports since 2003, the secretary-general has included the LTTE among the list of parties that recruit or use children in armed conflict.[125] His most recent report, issued on October 26, 2006, listed the Karuna group for the first time,

123 UN Security Council, Resolution 1379 (2001), S/RES/1379(2001), http://www.un.org/special-rep/children-armed-conflict/KeyDocuments/Printable/Resolution/S-RES-1379English.html (accessed January 3, 2007), para. 9 b.

124 See UN Security Council, Resolution 1539 (2004), S/RES/1539(2004), http://www.un.org/special-rep/children-armed-conflict/KeyDocuments/Resolution/S-RES-1539English.html (accessed January 3, 2007), para. 5 c; Resolution 1612 (2005), S/RES/1612(2005), http://www.un.org/special-rep/children-armed-conflict/Download/S-RES-1612e.pdf (accessed January 3, 2007), para. 9; and the Statement by the President of the Security Council, S/PRST/2006/48, November 28, 2006, http://daccessdds.un.org/doc/UNDOC/GEN/N06/632/29/PDF/N0663229.pdf?OpenElement (accessed January 3, 2007), para. 4.

125 The 2002 report did not include a separate list of violators in situations not on the Security Council's agenda, but discussed the LTTE's recruitment of children in the body of the report itself.

in addition to the LTTE. The report noted that both parties were responsible for the abduction of children, as well as the recruitment and use of children as soldiers.[126]

In 2005, the Security Council requested the secretary-general to establish a systematic monitoring and reporting system to gather concrete, reliable and timely information about abuses against children in armed conflict.[127] Sri Lanka was one of seven countries to be included in the initial phase of implementation of the mechanism. In Sri Lanka, a task force including UN agencies and nongovernmental organizations was formed to collect information about abuses, including continued child recruitment and use, and submit this information to UN headquarters on a regular basis.

The Security Council also acted in 2005 to create a working group on children and armed conflict, specifically to consider information from the monitoring and reporting mechanism and make recommendations to the full Security Council on actions that should be taken in response to reported abuses against children. In 2005 the working group considered reports on the Democratic Republic of Congo, Sudan, Côte d'Ivoire, and Burundi. In the case of the Democratic Republic of Congo, the working group recommended that existing sanctions, specifically travel bans and asset freezes, be expanded to apply to child recruiters. Earlier in the year, the Council also acted to impose sanctions against a militia commander in Côte d'Ivoire for child recruitment and other abuses.

In January 2007 the secretary-general submitted a report on abuses against children by parties to armed conflict in Sri Lanka. The report, covering the period from November 1, 2005 to October 21, 2006, documents abductions and child recruitment by both the LTTE and the Karuna group. It calls on both parties to immediately cease all recruitment and use of child soldiers, and to release children among their ranks. It calls for "targeted measures against LTTE military and political leadership" because the group has been a persistent violator.[128] The report also urges the Sri Lankan government to "investigate immediately allegations that certain elements of

126 Report of the Secretary-General on children and armed conflict, October 26, 2006, S/2006/826, http://daccessdds.un.org/doc/UNDOC/GEN/N06/577/95/PDF/N0657795.pdf?OpenElement (accessed January 3, 2007).

127 UN Security Council, Resolution 1612, para. 3.

128 "Report of the Secretary-General on children and armed conflict in Sri Lanka," December 20, 2006.

the Sri Lanka security forces are involved in aiding the recruitment and/or abduction of children by the Karuna faction in the East." The Security Council working group on children and armed conflict is expected to consider the report in February 2007, and subsequently issue its recommendations for action by the full Security Council.

IX. Legal Standards

International Prohibition of Child Soldier Recruitment

The Karuna group and the LTTE are both in violation of international law for recruiting and using children as soldiers. The Sri Lankan government is also in violation of international law by facilitating child recruitment by the Karuna group and failing to take feasible measures to prevent such recruitment and secure the release of recruited children.

International humanitarian law (the laws of war) and human rights law prohibit the recruitment and use of children as soldiers and in other combat-related roles. Protocol II to the Geneva Conventions of 1949, which applies during non-international armed conflicts (civil wars), prohibits states and non-state armed groups from recruiting or using children under the age of 15 in armed conflict. This standard is also reflected in the Convention on the Rights of the Child (CRC), which Sri Lanka ratified in 1991.[129] The prohibition on the recruitment and use of children below the age of 15 is now considered customary international law, and is binding on all parties to armed conflict.

Sri Lanka is also party to the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, which entered into force in 2002.[130] The protocol raised the standards set in the Convention on the Rights of the Child by establishing 18 as the minimum age for any conscription or forced recruitment or direct participation in hostilities. The protocol also places obligations upon non-state armed forces. Article 4 states that "armed groups that are distinct from the armed forces of a state should not, under any circumstances, recruit or use in hostilities persons under the age of eighteen."[131] It also places obligations on the

129 Convention on the Rights of the Child (CRC), G.A. res. 44/25, annex, 44 U.N. GAOR Supp. (No. 49) at 167, U.N. Doc. A/44/49 (1989), entered into force Sept. 2, 1990. The CRC has been ratified by all states except Somalia and the United States.

130Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, adopted May 25, 2000, G.A. Res. 54/263, Annex I, 54 U.N. GAOR Supp. (No. 49) at 7, U.N. Doc. A/54/49, Vol. III (2000), entered into force February 12, 2002. Sri Lanka ratified the protocol on September 8, 2000. Sri Lanka's initial report to the UN Committee on the Rights of the Child on compliance with the Optional Protocol was due in 2004, but at this writing it has not yet been submitted.

131 Ibid., art. 4.

state to "take all feasible measures to prevent such recruitment and use, including the adoption of legal measures necessary to prohibit and criminalize such practices."[132]

The Optional Protocol does not set a specific age for voluntary recruitment by government forces, but requires governments to deposit a binding declaration establishing their minimum voluntary recruitment age. The age set cannot be below 16. In the case of Sri Lanka, the government made a declaration at the time of ratification establishing that the minimum age for voluntary recruitment into government forces was 18. Thus, in practice, the same age limits apply for all forms of recruitment by both state and non-state forces in Sri Lanka.

In 1999 the member states of the International Labour Organization (ILO) unanimously adopted the Worst Forms of Child Labour Convention (No. 182). It defines a child as any person under the age of 18 and includes in its definition of the worst forms of child labor.

> All forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory labour, including forced or compulsory recruitment of children for use in armed conflict.[133]

Sri Lanka ratified the Worst Forms of Child Labour Convention on March 1, 2001. The convention obliges the Sri Lankan government to "take immediate and effective measures to secure the prohibition and elimination of the worst forms of labour as a matter of urgency."[134] Under Convention No. 182, the government is required to take measures to prevent the engagement of children in the worst forms of child labor, remove them from these circumstances, and assist their rehabilitation and social reintegration.[135] Recommendation 190 accompanying Convention No. 182

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132 Ibid.

133 ILO Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (Worst Forms of Child Labour Convention), adopted June 17, 1999, 38 I.L.M. 1207 (entered into force November 19, 2000).

134 Ibid., art 1.

135 Ibid., arts 6, 7a, 7b.

encourages states to make recruitment of children under the age of 18 a criminal offense.[136]

In 2005, the Sri Lankan penal code was amended to bring it into conformity with ILO Convention No. 182. Forcible or compulsory recruitment of children is a crime carrying a maximum penalty of 20 years imprisonment.[137]

Child Recruitment as a War Crime

The recruitment of children under the age of 15 or their use in hostilities is also considered a war crime under the Rome Statute of the International Criminal Court (ICC). The statute was adopted in July 1998 and considers such recruitment a war crime under its jurisdiction whether carried out by members of national armed forces or non-state armed groups.[138]

Even though, as of January 2007, Sri Lanka was not a state party to the ICC statute, individuals who are responsible for recruiting children under the age of 15 into armed groups may still be criminally responsible for acts amounting to war crimes under customary international law. In May 2004 the Appeals Chamber of the Special Court for Sierra Leone ruled that the prohibition on recruiting children below age 15 had crystallized as customary international law prior to 1996, citing the widespread recognition and acceptance of the norm in international instruments such as the Convention on the Rights of the Child and the Additional Protocols to the Geneva Conventions.

The Special Court for Sierra Leone also found that the individuals responsible for recruiting children under the age of 15 bear criminal responsibility for their acts:

> The practice of child recruitment bears the most atrocious consequences for the children. Serious violations of fundamental guarantees lead to individual criminal responsibility. Therefore the

136 ILO Recommendation concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, June 17, 1999, ILO No. R190, art. 12.

137 Sri Lankan Penal Code, section 358 A, amended 2005.

138 Rome Statute of the International Criminal Court, U.N. Doc. A/CONF.183/9, July 17, 1998, entered into force July 1, 2002, arts. 8(2)(b)(xxvi) and 8(2)(e)(vii).

> recruitment of children was already a crime by the time of the adoption of the 1998 Rome Statute for the International Criminal Court, which codified and ensured the effective implementation of an existing customary norm relating to child recruitment rather than forming a new one.[139]

Both the Karuna group and the LTTE have recruited children under age 15 into their forces. Of cases reported to UNICEF where the age of the child was known, 17 percent (1,012 cases) of children recruited to date by the LTTE were under age 15; 5 percent (10 cases) of children recruited by the Karuna group were under 15.[140]

Abduction and Forced Recruitment

International humanitarian law prohibits all parties to armed conflicts from arbitrarily depriving any person of their liberty, including through abductions and forced recruitment. Article 3 common to the four Geneva Conventions of 1949 and applicable to non-international armed conflicts, requires that all civilians be treated humanely – arbitrary deprivation of liberty is incompatible with this requirement.[141]

Sri Lanka's Anti-Terrorism Laws

On December 6, 2006, the government of Sri Lanka enacted new emergency regulations, the Prevention and Prohibition of Terrorism and Specified Terrorist Activities. The regulations prohibit any person from joining a group engaged in terrorism or taking part in any of its activities.[142] The regulations apply to all individuals, including children, and make no distinction between individuals who may voluntarily join such groups and those who may join due to threats, force, or abduction. As a result, children recruited by either the LTTE or the Karuna group

139 Summary of Decision on Preliminary Motion on Lack of Jurisdiction (Child Recruitment), Prosecutor v. Sam Hinga Norman, Appeals Chamber of the Special Court for Sierra Leone, May 31, 2004, Case Number SCSL-2003-14-AR72 (E).

140 Data supplied to Human Rights Watch by UNICEF, January 12, 2007.

141 See 1949 Geneva Conventions, article 3; see also International Committee of the Red Cross (ICRC), Customary International Humanitarian Law (Cambridge Univ. Press, 2005), see rule 99 and accompanying text.

142 Emergency (Prevention and Prohibition of Terrorism and Specified Terrorist Activities) Regulation no. 7 of 2006, enacted December 6, 2006, regulations 2 and 3.

could be charged under the regulations, and if convicted, sentenced to prison for five to ten years.[143]

The regulations do not specifically prohibit the recruitment of children into organizations engaged in acts of terrorism.

143 Ibid., regulation 7.

Acknowledgements

This report is based on a four-week fact-finding mission to Sri Lanka in October 2006 conducted by Fred Abrahams, senior emergencies researcher, Olivier Bercault, emergencies consultant, and Andrew Kendle, consultant to the Asia division. Fred Abrahams wrote the report together with Jo Becker, advocacy director of the children's rights division.

Ian Gorvin, consultant to the program office at Human Rights Watch, Brad Adams, executive director of the Asia division, and James Ross, senior legal advisor, edited the report. Dominique Chambless, associate for the Asia division, helped format the report. Production assistance was provided by Fitzroy Hepkins, Andrea Holley, and Grace Choi.

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Above all, thanks go to the Sri Lankan parents with abducted children who dedicated time—at great personal risk—to provide accounts of their plight. This report is dedicated to the hope of their children's speedy return.

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Appendix I. Letter to President Rajapakse

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November 21, 2006

President Mahinda Rajapakse
The Presidential Secretariat
Colombo Sri Lanka 01
Sent via facsimile to 94 11 2331246

Your Excellency,

I am writing with deep concern about reports of child abductions in Sri Lanka's east. As you well know, the forced recruitment of children for use in armed conflict has long been a practice of the LTTE—and Human Rights Watch has repeatedly and forcefully condemned such serious violations of international human rights and humanitarian law. Recently, however, we have also found disturbing evidence of complicity by Sri Lankan security forces in the abductions and use of children in armed conflict.

Ambassador Allan Rock, special advisor to the Special Representative to the Secretary General on Children in Armed Conflict, reported last week that elements of the government security forces were aiding and abetting the Karuna group. According to UNICEF, the group has abducted more than 150 children in the Batticaloa district alone since June 2006. Other abductions have taken place in the districts of Ampara and Trincomolee. Ambassador Rock says the government has tolerated these abductions, it has failed to investigate them and, at times, it has directly taken part.

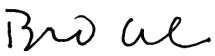
Mr. President, Human Rights Watch's independent investigation of the issue confirms Ambassador Rock's findings. We conducted research in the eastern districts last month and collected incontrovertible evidence of the Karuna group's abductions, including involvement by government security forces. In some cases, the military rounded up boys and young men and recorded their names, prior to Karuna cadre taking them away. Parents have repeatedly seen their abducted children held in Karuna camps, and there is no way to transport abducted children from Batticaloa district to the area around Welikanda without passing through numerous military and police checkpoints. Other parents have seen their abducted children in the offices of the TMVP, which in Batticaloa and Ampara towns are guarded by the police.

Human Rights Watch will be issuing a report based on the information collected during the trip. We were encouraged to hear that you had ordered an investigation into Ambassador Rock's allegations. We would like to reflect that positive step in our report, and highlight initiatives the government has taken to hold accountable those who may have violated the law, including members of the military and police and the Karuna group.

Towards that end, we kindly ask your office to provide us with any information about the investigative unit that has been established to look into abductions by the Karuna group and the government's role. Who is directing the unit, to whom does it report, and how will it perform its work? We are eager to note any arrests and prosecutions that take place, as well as other measures the government takes to ensure that the practice of abductions stops, and that those children already abducted are returned safely to their homes.

Mr. President, we are deeply saddened that major armed conflict in Sri Lanka has resumed. Inevitably civilians will be harmed. But we trust and hope that, under your leadership, steps can be taken to minimize the hostilities' impact on those who are most vulnerable to abuse. Any action you take and information you provide by December 4 will be accurately reflected in our report.

Sincerely,



Brad Adams

cc: Mahinda Samarasinghe, Minister of Disaster Management and Human Rights

HUMAN RIGHTS WATCH

350 Fifth Avenue, 34th Floor
New York, NY 10118-3299
Tel: 212-290-4700
Fax: 212-736-1300
Email: hrwnyc@hrw.org

Appendix II. Letter to TMVP

HUMAN RIGHTS WATCH

www.hrw.org

Kenneth Roth, *Executive Director*
Michele Alexander, *Development & Outreach Director*
Carroll Bogert, *Associate Director*
Barbara Guglielmo, *Finance & Administration Director*
Peggy Hicks, *Global Advocacy Director*
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Jonathan F. Fanton, *Chair (1998-2003)*
Bruce Rabb, *Secretary*

November 22, 2006

V. Muralitharan
Tamileelam Makkal Viduthalai Pulikal

Dear Mr. Muralitharan,

I am writing with deep concern about reports of child abductions in Sri Lanka's east. As you know, the forced recruitment of children for use in armed conflict has long been a practice of the LTTE—and Human Rights Watch has repeatedly and forcefully condemned such serious violations of international human rights and humanitarian law. Recently we have also found disturbing evidence of such practices by the forces under your command.

Ambassador Allan Rock, special advisor to the Special Representative to the Secretary General on Children in Armed Conflict, reported last week that members of the Karuna group have consistently abducted children in the east. According to UNICEF, the group has abducted more than 150 children in Batticaloa district alone since June 2006. Other abductions have taken place in the districts of Ampara and Trincomolee. Ambassador Rock further stated that the Sri Lankan security forces have been complicit in these abductions and, at times, have directly taken part.

Human Rights Watch's independent investigation of the issue confirms Ambassador Rock's findings. We conducted research in the eastern districts last month and collected incontrovertible

information of the Karuna group's abductions, including complicity and occasional involvement by government forces. In some cases, the Sri Lankan military rounded up boys and young men and recorded their names, prior to Karuna cadre taking them away. Parents have repeatedly seen their abducted children held in Karuna camps around Welikanda. Other parents have seen their abducted children in the offices of the TMVP, which in Batticaloa and Ampara towns are guarded by the police.

Human Rights Watch will issue a report based on information collected during the trip. At the same time, we wish to hear your views, including any responses to the allegations above. In particular, do you have policies regarding the minimum age of recruitment into your forces, the use of force to secure new recruits, and the minimum age for participation in armed conflict? In addition, do you report to the authorities or otherwise punish members of your armed group who engage in abductions? If so, please provide information on disciplinary action taken, including specific cases. Finally, what steps are you taking to return abducted children to their families and to ensure that such abductions cease?

Thank you for your responses to the above, which we will take into consideration in the preparation of our report, if received by December 4. We also stand ready to engage in dialogue with you about these and other important human rights concerns. So long as armed conflict in Sri Lanka continues, we are dedicated to taking steps that will help reduce and minimize civilian harm.

Sincerely,

Brad Adams
Director Asia Division
Human Rights Watch

HUMAN RIGHTS WATCH

350 Fifth Avenue, 34th Floor
New York, NY 10118-3299
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Appendix III. Letter to LTTE

HUMAN RIGHTS WATCH

www.hrw.org

Kenneth Roth, *Executive Director*
Michele Alexander, *Development & Outreach Director*
Carroll Bogert, *Associate Director*
Barbara Guglielmo, *Finance & Administration Director*
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November 28, 2006

S.P. Tamilselvan
General-Secretary
LTTE Political Wing
Kilinochchi
Sri Lanka
Sent Via Facsimile to 94 2122 83959

Dear Mr. Tamilselvan,

I am writing with deep concern about continuing abductions of children for use by armed forces in Sri Lanka. Recently we have criticized the Karuna group for the abduction of boys and young men into their forces and the complicity of the Sri Lankan military and police. And the recruitment of children by the LTTE for use in armed conflict has long been a concern. We have repeatedly and forcefully condemned such serious violations of international human rights and humanitarian law.

Last month Human Rights Watch conducted an independent investigation of abductions of children for use by armed groups in Sri Lanka. We will be issuing a report based on information collected during the trip. Before we issue this report, we wish to hear your views. Specifically, we would like to know what steps the LTTE has taken since the publication of the LTTE Peace Secretariat report, "Children and Armed Conflict in the Northeastern Part of the Island of Sri Lanka," in August 2006. How many children have been

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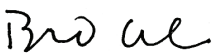
released from the LTTE since then and returned to their families? What steps have been taken to ensure that the LTTE will not recruit children in the future? What steps has the LTTE taken to discipline LTTE members who recruit children into the LTTE?

Thank you for your responses to the above, which if received by December 12 will be taken into consideration in the preparation of our report. We also stand ready to engage in dialogue with you about these and other important human rights concerns. So long as armed conflict in Sri Lanka continues, we are dedicated to taking steps that will help reduce and minimize civilian harm.

Sincerely,



Brad Adams
Director Asia Division
Human Rights Watch

Appendix IV. Letter from Tamilselvan

05.12.2006

Mr. Brad Adams
Asia Division Director
Human Rights Watch
350 Fifth Avenue, 34th Floor
New York, NY 10118-3299

Dear Mr. Brad Adams
Thank you for your letter of 28 November 2006 on the subject of underage recruitment by armed forces in the island of Sri Lanka. I am glad to have this opportunity to inform you the steps we have taken to ensure that underage youths do not join our movement.

Recently we announced a new Child Protection Law which will come into effect before 1 January 2007. We are facing delays in translating the new law into English. However, the Child Protection Authority will forward the new law in Tamil to you soon.

We have strengthened the Child Protection Authority (CPA) to monitor the implementation of this law. The Terms of Reference of the CPA is attached.

Please read the attached December report by the CPA for further details on the measures that are taken to eliminate underage recruitment and the status of this project.

I would also like to inform you that we have undertaken several measures to ensure the protection of children in the current deteriorating conditions and we have sought assistance form international agencies working here with focus on children's rights for their assistance.

In conclusion I would like to extend our invitation to you to visit the Tamil homeland in order to study the human rights and child rights situation. I also look forward to holding direct discussions with you about the human rights and child rights situation in the Tamil homeland.

Thank you for your continuing interest in the human rights situation in the Tamil homeland.

Yours Sincerely

S P Tamilselvan
Head of Political Division

Appendix V. Regulations for the Military Division of TMVP

Addressee information redacted by Human Rights Watch in the interest of confidentiality.

தமிழ் மக்கள் விடுதலைப் புலிகள்

தமிழ் மக்கள் விடுதலைப் புலிகள்

THAMIL MAKKAL VIDUTHALAI PULIKAL

11/3 A, ஸ்கோஃபில்ட் பிளேஸ்,கொழும்பு 03, இலங்கை 11/3ඒ , ස්කොෆිල්ඩ් පෙදෙස කොළඹ 03, ශ්‍රී ලංකාව 11/ 3 A, SchoField Place Colombo 03 Srilanka.

Mrs.S.Padhmini,
The Secretary,
Thamil Makkal Viduthalai Pulikal.
Jan, 02,2007.

[redacted]

United Nations Children's Fund,
5,Githanjali Place,
Galle Road,
Colombo 3.

04 JAN 2007

Sir,

REGULATIONS FOR THE MILITARY DIVISION OF THAMIL MAKKAL VIDUTHALAI PULIKAL (TMVP)

Following are the regulations for the Military Division of
Thamil Makkal Viduthalai Pulikal (TMVP)

01. If one commits a murder he shall immediately be removed from the Organization and handed over to the Police.

02. Those found involved in sexual abuse shall immediately be removed from the Organization and handed over to the Police.

03. Those found involved in child abuse shall immediately be removed from the Organization and handed over to the Police.

☎ No: 0094 - 011-4949845 / 2505886 Fax No: 0094-011-2505887 e Mail: tmvp_col1234@yahoo.com

தமிழ் மக்கள் விடுதலைப் புலிகள்

தமிழ் மக்கள் விடுதலைப் புலிகள்

THAMIL MAKKAL VIDUTHALAI PULIKAL

11/3 A, SchoField Place Colombo 03 Srilanka.