

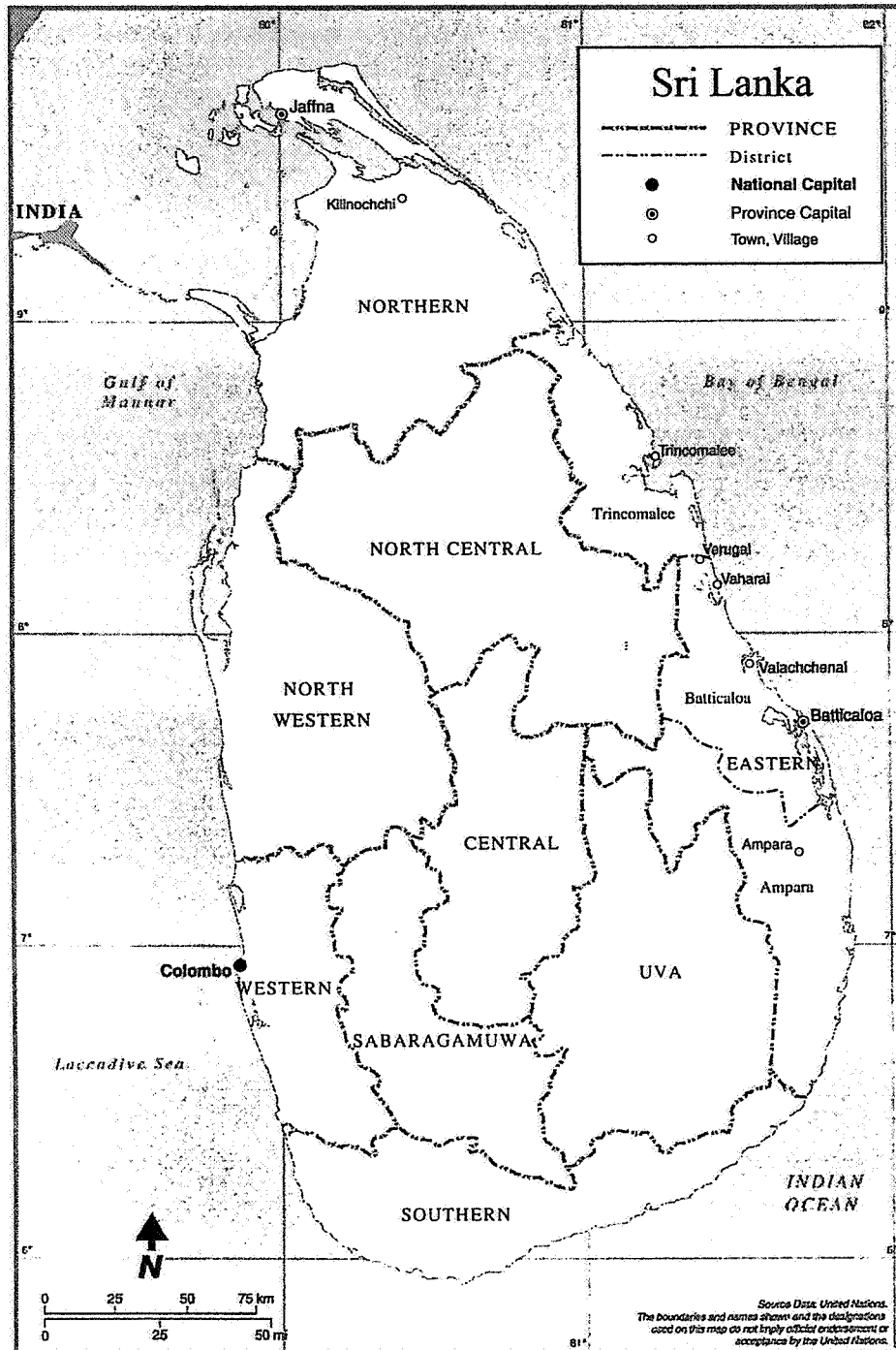
LIVING IN FEAR

Child Soldiers and the Tamil Tigers in Sri Lanka

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MAP OF SRI LANKA



GLOSSARY

ICRC	International Committee of the Red Cross
ILO	International Labor Organization
ISGA	Interim Self-Governing Authority
LTTE	Liberation Tigers of Tamil Eelam
NCPA	National Child Protection Authority
NHRC	National Human Rights Commission
TRO	Tamil Rehabilitation Organization
SLA	Sri Lankan Army
SLMM	Sri Lanka Monitoring Mission
UNICEF	United Nations Children's Fund

I. SUMMARY

My parents refused to give me to the LTTE so about fifteen of them came to my house—it was both men and women, in uniforms, with rifles, and guns in holsters.... I was fast asleep when they came to get me at one in the morning.... These people dragged me out of the house. My father shouted at them, saying, "What is going on?", but some of the LTTE soldiers took my father away towards the woods and beat him.... They also pushed my mother onto the ground when she tried to stop them.

—girl recruited by the LTTE in 2003 at age sixteen

They took away my younger brother the other day. He was coming home from the market and he was taken away. I went and begged them, saying, "I gave you years of my life and I gave you my health. Please let me have my brother back—he is the only one I have who takes care of me, helps me to go to the toilet, helps me get into bed." They didn't release him, and they threatened to shoot if I reported his abduction to any NGOs. They also told me at the same time that I had to re-join. Is this how they thank me for all the time I gave them? Why are they doing this to me?

—girl who was recruited by the LTTE at age sixteen and severely disabled in combat

For Tamil families in the North and East of Sri Lanka, the February 2002 cease-fire that has brought an end to the fighting between the government and the Liberation Tigers of Tamil Eelam (LTTE) has brought little relief from one of the worst aspects of the twenty-year conflict: the LTTE's recruitment and use of children as soldiers. Despite an end to active hostilities and repeated pledges by the LTTE leadership to end its recruitment of children, the practice has continued not only in LTTE controlled areas, but now reaches into government areas in the North and East where the LTTE previously had little access. This report focuses on continued LTTE recruitment of children during the cease-fire period, including re-recruitment of children released from the LTTE's eastern faction in 2004.

Tamil children are vulnerable to recruitment beginning at the age of eleven or twelve. The LTTE routinely visits Tamil homes to inform parents that they must provide a child for the "movement." Families that resist are harassed and threatened. Parents are told that their child may be taken by force if they do not comply, that other children in the household or the parents will be taken in their stead, or that the family will be forced to

leave their home. The LTTE makes good on these threats: children are frequently abducted from their homes at night, or picked up by LTTE cadres while walking to school or attending a temple festival. Parents who resist the abduction of their children face violent LTTE retribution.

Once recruited, most children are allowed no contact with their families. The LTTE subjects them to rigorous and sometimes brutal training. They learn to handle weapons, including landmines and bombs, and are taught military tactics. Children who make mistakes are frequently beaten. The LTTE harshly punishes soldiers who attempt to escape. Children who try to run away are typically beaten in front of their entire unit, a public punishment that serves to dissuade other children who might be tempted to run away.

The Norwegian government-brokered cease-fire between the government and the LTTE in February 2002 brought a very welcome end to active hostilities that have cost more than 60,000 lives over twenty years. However, the cease-fire may have exacerbated the LTTE's recruitment of child soldiers from government-controlled areas. By the terms of the cease-fire, unarmed LTTE cadres may lawfully enter government controlled areas, known as "cleared" areas. In reality the LTTE dominates the administration and security of the major towns in the North and East, including Jaffna and Batticaloa. The LTTE has used this control to extend their recruitment of children to these Tamil population centers.

Throughout the cease-fire, the LTTE has sought new recruits for its forces. The LTTE may be trying to strengthen its hand during the peace talks, prepare for its control of the North and East in the event of a final peace agreement, or be militarily prepared in the event the peace talks collapse—or for all of these reasons. Sri Lankan government sources and local nongovernmental organizations believe that the LTTE has recruited several thousand new cadres during this period, though hard figures are elusive.

As of October 31, 2004, the United Nations Children's Fund (UNICEF) had documented 3,516 new cases of underage recruitment since the signing of the cease-fire agreement (including the re-recruitment of formerly released child soldiers noted below). The LTTE formally released only 1,206 children during this time. Of the cases registered by UNICEF, 1,395 were outstanding as of November 2004.¹ UNICEF notes that the number of cases it registers represent only a portion of the total number of children recruited, as some families may be unaware of the possibility of registering, may be afraid

¹ Data supplied to Human Rights Watch by UNICEF, November 2, 2004.

to do so, or may have difficulty reaching a UNICEF office. Of the children who have been released or returned from the LTTE, only about 25 percent were previously listed in the UNICEF database. This suggests that the total number of children remaining with the LTTE may be as much as four times higher than the 1,395 figure suggests.

In March 2004, the commander of LTTE forces in the East, V. Muralitharan, popularly known as Col. Karuna, split off from the main LTTE forces loyal to supreme leader Vellupillai Prabhakaran, based in the North, a region known as the Vanni. In April 2004, the Vanni LTTE attacked and defeated Karuna's eastern forces, which quickly disbanded. Some 2,000 child soldiers under Karuna fled or were encouraged by their commanders to return to their families.

The children's return home, primarily to Batticaloa district, only marked the beginning of a new ordeal. Within a few weeks, the LTTE began an intensive campaign to re-recruit Karuna's former cadres, including child soldiers. Vanni LTTE members, often armed and in uniform, went from village to village, house to house, insisting that the former soldiers report back to the LTTE. The LTTE organized village meetings, use motorized three-wheeled vehicles to make announcements, and sent letters to families, demanding their return.

The LTTE has re-recruited many of the returned children, often by force. Parents who have resisted their children's being taken away a second time by the LTTE have been intimidated and sometimes beaten. The remaining children and their families live in fear. The families are afraid to allow their children to return to school, worried that the LTTE will abduct them as they walk between school and their home. Some children refuse to leave their homes at all. Others go to live with relatives or even leave the country to seek jobs in the Middle East. Because there is a general perception that the LTTE does not recruit from among married persons, some boys and girls have married believing that it will provide a measure of protection against recruitment. Girls feel particularly vulnerable—they can instantly be identified as former cadres by the short haircuts that the LTTE gives its recruits.

LTTE Recruitment and Use of Children Before the Cease-fire

The LTTE has recruited and used children as soldiers throughout the two-decade-long civil war in Sri Lanka, and especially since October 1987 when the LTTE attacked and

eventually forced the departure of the Indian Peace-Keeping Force from the northern Jaffna peninsula.²

LTTE recruitment of children has over the years been fueled by several factors. First, a sophisticated LTTE propaganda machine regularly exposed Tamil children throughout the North and East to special events honoring LTTE heroes, parades of LTTE cadres, public displays of war paraphernalia, and speeches and videos, particularly in the schools. Families of LTTE heroes were afforded special respect, and children were drawn to the status and glamour of serving as cadres.

Second, children who witnessed or suffered abuses by Sri Lankan security forces often felt driven to join the LTTE. Government abuses prior to the cease-fire included unlawful detention, interrogation, torture, execution, enforced disappearances, and rape. A 1993 study of adolescents in Vaddukoddai in the North found that one quarter of the children studied had witnessed violence personally.³ In response, many children joined the LTTE, seeking to protect their families or to avenge real or perceived abuses.

Third, deprivation, including poverty and lack of vocational and educational opportunities often fueled recruitment, particularly among Tamils of the eastern districts, where families were typically poorer and considered of lower status than Tamils in the North. Enlisting in the LTTE was perceived as a positive alternative to the other options children saw around them.

Finally, coercion and force brought many children into the LTTE. Particularly in the East, the LTTE has pressured Tamil families to provide a son or daughter for "the cause." If a family resisted, they were often subject to threats and harassment. In many cases, a child was eventually taken by force.

Under international law, recruitment of children to be soldiers is not only unlawful if the children are forcibly recruited. The LTTE is also violating international law by accepting into its ranks children who join "voluntarily."

Children were initially recruited into what was known as the "Baby Brigade," but were later integrated into other units. An elite "Leopard Brigade" (*Siruthai puligal*) was formed

² Coalition to Stop the Use of Child Soldiers, *Child Soldiers Global Report 2001*, p. 341.

³ Somasundaram DJ, *Child Trauma* (Jaffna: University of Jaffna, 1993).

of children drawn from LTTE-run orphanages and was considered one of the LTTE's fiercest fighting units.

UNICEF reports that more than 40 percent of children recruited by the LTTE are girls.⁴ The LTTE claims that the recruitment of girls and women is a way of "assisting women's liberation and counteracting the oppressive traditionalism of the present system."⁵ Female soldiers within the LTTE are known as "Birds of Freedom." Unlike many other conflict situations where girls are recruited, sexual abuse of girls in the LTTE is rare, and relationships between the sexes are generally prohibited.

Prior to the cease-fire, the LTTE regularly deployed both boys and girls in combat.⁶ A major LTTE military operation against the Elephant Pass military complex in 1991 reportedly used waves of children drawn from the Baby Brigade and resulted in an estimated 550 LTTE deaths, mostly children.⁷ Assessments of LTTE soldiers killed in combat during the 1990's found that between 40 and 60 percent of the dead fighters were children under the age of eighteen.⁸ A case study conducted for a major United Nations (U.N.) study on the impact of war on children found that children were reportedly used for "massed frontal attacks" in major battles, and that children between the ages of twelve and fourteen were used to massacre women and children in remote rural villages. The study cited reports indicating the use of children as young as ten as assassins.⁹

The LTTE gives cyanide capsules and grenades to its soldiers, including children, with instructions to take the capsule or blow themselves up rather than allow themselves to be captured by the Sri Lankan Army.¹⁰

The LTTE was among the first armed opposition groups to use its cadres, including children, to carry out suicide bomb attacks. Since the 1980's, the LTTE has conducted

⁴ *Recruitment Gender Analysis*, information supplied by UNICEF, November 2, 2004.

⁵ Coalition to Stop the Use of Child Soldiers, *Child Soldiers Global Report 2001*, p. 342.

⁶ The ex-militant Tamil groups, most notably the EPDP, also used children in combat until they were officially disarmed under the Cease Fire Agreement.

⁷ Rohan Gunaratna, "LTTE Child Combatants," *Jane's Intelligence Review*, July 1998.

⁸ *Ibid.*

⁹ Rachel Brett and Margaret McCallin, *Children: The Invisible Soldiers*, Radda Barnen, 1998, pp. 93, 98. The case study was conducted for the U.N. Study on the Impact of Conflict on Children, prepared by Graça Machel and presented to the U.N. in 1996.

¹⁰ See, for example, Gunaratna, "LTTE Child Combatants"; Yvonne Keairns, *The Voices of Girl Child Soldiers Sri Lanka*, Quaker United Nations Office, January 2003.

some 200 such suicide bombings.¹¹ Female soldiers, girls among them, were used for numerous such attacks, in part because they were less likely to undergo rigorous searches at government checkpoints.

LTTE Commitments and the Action Plan for Children Affected by War

Since 1998, the LTTE has made repeated public promises to senior U.N. officials to end its recruitment and use of children. In 2003, the LTTE and the Sri Lankan government formally agreed on an Action Plan for Children Affected by War (Action Plan) that included a pledge by the LTTE to end all recruitment of children and to release children from its forces, both directly to the children's families as well as to new transit centers that were constructed specifically for this purpose.

As of mid-2004, the Action Plan was the only signed human rights agreement to result from the post-cease-fire peace talks. The Action Plan provided for the establishment of three transit centers to receive children released by the LTTE, and to provide children affected by the conflict in the North and East with vocational training, education, health and nutritional services, psychosocial care, and other programs. The LTTE and the government agreed on the plan in April 2003 and formally signed it in June 2003.

- ▶ UNICEF played a primary role in negotiating the Action Plan, and is the main implementing partner.

Since the Action Plan was signed, UNICEF figures show that more than twice as many children have been recruited as have been released. One transit center opened in October 2003, but received a total of only 172 children in its first year of operation. Although the center has the capacity for one hundred children, it has never held more than forty-nine, and for a six-week period in mid-2004, was completely empty. The two other transit centers were constructed but never opened because of the low number of children released.¹²

Legal Standards

By any measure, the LTTE has failed to meet its commitments to end its recruitment and use of children. The LTTE's continued recruitment of children violates international human rights and humanitarian law (the laws of war) that explicitly prohibits the recruitment of children as soldiers and the participation of children in active hostilities.

¹¹ Council on Foreign Relations, *Terrorist Q&A: Liberation Tigers of Tamil Eelam*, 2004, http://cfrterrorism.org/groups/tamiltigers_print.html (retrieved October 13, 2004).

¹² Human Rights Watch interviews with UNICEF, Sri Lanka, August 2004; E-mail communications from UNICEF staff to Human Rights Watch, September 2004.

The nearly-universally ratified Convention on the Rights of the Child, to which Sri Lanka is party, and the Additional Protocols to the 1949 Geneva Conventions prohibit any recruitment or use in armed conflict of children under the age of fifteen. This standard is now considered customary international law, and such recruitment is identified as a war crime in the statute for the International Criminal Court.

In the late 1990's, a new international consensus that a minimum age of fifteen was too low for military service resulted in stronger standards. The Worst Forms of Child Labor Convention, adopted by the International Labor Organization in 1999, prohibits the forced recruitment of children under the age of eighteen for use in armed conflict as one of the worst forms of child labor. An Optional Protocol to the Convention on the Rights of the Child, adopted by the U.N. in 2000 and ratified by Sri Lanka in the same year, set eighteen as the minimum age for all participation in hostilities, all forced recruitment or conscription, and all recruitment by non-state armed groups.

Note on Methodology

This is Human Rights Watch's fifteenth report on the recruitment and use of child soldiers. We have previously documented this practice in Angola, Burma, Burundi, Colombia, the Democratic Republic of Congo, Lebanon, Liberia, Rwanda, Sierra Leone, Sudan, and Uganda.

Human Rights Watch conducted research for this report in Sri Lanka in August 2004 and subsequently by telephone and electronic mail from New York and the Hague. Our researchers visited Colombo, Batticaloa, Ampara, Trincomalee, and Kilinochchi. During the course of our investigation, we spoke with thirty-five former child soldiers from the LTTE, who had been recruited between the ages of twelve and seventeen. At the time of our interviews, they ranged in age from fourteen to twenty-one. Most had been recruited between 2001 and 2004 and spent between three weeks and eight years with the LTTE. The average length of time in the LTTE for these children was approximately 2.7 years.

We also conducted over forty other interviews for this report, speaking to parents, human rights activists, representatives of local and international nongovernmental organizations and representatives of UNICEF, the LTTE-dominated Tamil Rehabilitation Organization (TRO), the International Labor Organization (ILO), and the Sri Lankan Monitoring Mission (SLMM). We also spoke with representatives of the Sri Lankan government and the LTTE.

The names of all children have been changed in this report in order to protect their privacy, and because of the very real threats of re-recruitment and reprisals that they face. Also for security reasons, we do not identify many of the other individuals and organizations interviewed for this report or name the location of some interviews or events.

In this report, the word “child” refers to anyone under the age of eighteen.

II. RECOMMENDATIONS

To the Liberation Tigers of Tamil Eelam (LTTE):

- Immediately stop all recruitment of children, including efforts to re-register or re-recruit child ex-combatants from Karuna’s forces;
- Release all children from LTTE forces and give those recruited before age eighteen the option to leave;
- Inform families throughout the North and East of Sri Lanka of the LTTE’s commitment not to recruit children under the age of eighteen through public announcements and use of the local media, including the LTTE’s own media channels, and ensure that all recruitment materials clearly identify eighteen as the minimum age for recruitment;
- Take all appropriate steps to ensure LTTE commanders and other cadres do not recruit children under the age of eighteen into LTTE forces, “voluntarily” or otherwise and provide the international community (through UNICEF) with documentation of disciplinary actions taken against LTTE cadre responsible for such recruitment;
- Fulfill all commitments agreed under the Action Plan for Children Affected by War;
- Approve for immediate dissemination the child rights awareness campaign messages submitted to the LTTE by UNICEF in January of 2004;
- Allow UNICEF access to all military training camps to assess the age of recruits, and identify children for demobilization;
- Create a high-level task force to resolve outstanding cases of under-age recruitment;
- Establish a hotline or rapid response mechanism to act on reports of new recruitment and designate focal points in each district who will be accountable for acting on any complaints;

- Publish the status of inquiries into cases raised by UNICEF on a routine basis.

To the Government of Sri Lanka:

- Ensure that an end to child recruitment and immediate demobilization of children from the LTTE are part of any new peace agreement with the LTTE ;
- Take all appropriate measures in areas under its control to protect children from LTTE recruitment, including increasing a government presence near schools, temple festivals and other places where children are likely to be abducted;
- Improve relations between the Sri Lankan army and police with the Tamil population, including by increasing the number of Tamil speakers within the security forces and providing language training to non-Tamil speakers;
- Grant a formal amnesty to all former child soldiers for their participation in the LTTE;
- Ensure that all eligible persons (including former child soldiers without discrimination) are issued national identity cards;
- Waive traditional entry requirements for state-run vocational colleges for former child soldiers in order to encourage their enrolment;
- Support the deployment of international human rights monitors under the auspices of the Human Rights Commission of Sri Lanka, as envisioned in the Hakone talks;
- Ratify the Rome statute for the International Criminal Court.

To the United Nations Children's Fund (UNICEF):

- Set firm benchmarks and deadlines for LTTE compliance with its commitments to end child recruitment and release children from its forces; if the LTTE fails to meet the benchmarks by the specified deadline, suspend operations at the transit centers, including any funds going to the TRO for center operations;
- Continue and strengthen efforts to prevent child recruitment, including re-recruitment of former child soldiers;
- Strengthen communication and working relationships with local communities and local nongovernmental organizations in order to effectively monitor child recruitment, put in place effective prevention strategies, and better support affected families, including their efforts to resist child recruitment;
- Intervene rapidly in cases of child recruitment by raising cases with the LTTE as quickly as possible and accompanying families, when possible, in requesting the return of their children;

- Publish recruitment and release statistics on a regular basis, together with the status of LTTE responses.

To the International Labor Organization (ILO):

- As the lead implementing partner for vocational training programs for former child soldiers, create vocational training opportunities, when appropriate, that utilize former soldiers' non-military training in the LTTE (e.g. medical training).

To the Northeast Commission on Human Rights (NECOHR):

- Issue a public statement condemning child recruitment and develop with UNICEF and the Human Rights Commission of Sri Lanka complementary strategies to prevent the recruitment of children and to secure the release of children from the LTTE.

To the Government of Norway:

- As a facilitator of the peace process, ensure that an end to child recruitment and immediate demobilization of children in the LTTE are part of any new peace agreement.
- Negotiate a clear understanding with the parties that "political work" conducted under the cease-fire agreement may not include any form of child recruitment.

To the Sri Lanka Monitoring Mission (SLMM):

- Actively and consistently monitor and report on child recruitment, in accordance with the cease-fire agreement's prohibition on intimidation, abduction, extortion, and harassment of the civilian population;
- Regularly and consistently raise issues of child recruitment with the LTTE, including specific cases;
- Establish a human rights unit, dedicated to systematically monitoring the violations of international law stipulated in the cease-fire agreement and staff it with trained human rights monitors.

To Donors (including Japan, the United States, the European Union, and Scandinavian countries):

- Create a donor task force for close liaison with UNICEF and other local actors and to make urgent interventions with the LTTE in cases of new recruitment;
- Provide financial and logistical support for the deployment of international human rights monitors in support of the Human Rights Commission of Sri Lanka as envisioned in the Hakone talks;
- Consider the appropriateness of channeling economic assistance through agencies, such as the Tamil Rehabilitation Organization, that are linked to the LTTE;
- Use economic leverage to pressure the LTTE to put an end to all child recruitment by the LTTE and to promote the release of all children currently in the LTTE's ranks.

To the Tamil Diaspora:

- Express public opposition to the recruitment and use of children in armed conflict by the LTTE and other serious violations of international human rights and humanitarian law in Sri Lanka.
- Ensure that funds provided to organizations in Sri Lanka do not directly or indirectly benefit the LTTE so long as it recruits and uses child soldiers or otherwise commits serious rights violations;

To Governments of Countries with a Significant Tamil Diaspora (including Canada, Switzerland, Australia, the United Kingdom, the United States, and Scandinavia):

- Clearly communicate condemnation of the LTTE's child recruitment practices to members of the Tamil diaspora through both the Tamil and mainstream media and meetings with leaders of the Tamil diaspora.

To the United Nations Security Council:

- In accordance with Security Council Resolution 1539 on children and armed conflict (April 22, 2004), paragraph 6, adopt targeted measures to address the LTTE's failure to end child recruitment. Such measures could include the 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;

- Local Colombo missions of the Security Council should meet with the LTTE to insist on progress in the release of children, in accordance with Security Council resolutions on children and armed conflict.

To All United Nations Member States:

- In accordance with Security Council resolution 1379 on children and armed conflict (November 20, 2001), paragraph 9, 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 LTTE's continued recruitment and use of child soldiers and withhold any financial, political, or military support to the LTTE until it ends all child recruitment and releases all children currently in its ranks.

III. BACKGROUND

Sri Lanka is an island country southeast of India with a population of nearly 20 million. Seventy-four percent of the population is Sinhalese, 18 percent are Tamil, and 7 percent are Muslim. The Sinhalese population is Buddhist and lives primarily in the south and west of the island. Tamils, who are mostly Hindu, live predominantly in the country's North and East.

Between 1983 and 2002, the Sri Lankan government and the Liberation Tigers of Tamil Eelam (LTTE) were engaged in a brutal civil war, during which both sides committed numerous human rights abuses and violations of international humanitarian law. The LTTE, led by Vellupillai Prabhakaran, fought for a separate state, "Tamil Eelam," for the Tamil minority in the country's North and East. Until the cease-fire in February 2002, the conflict claimed over 60,000 lives. An attempt at a negotiated settlement in 1995 collapsed when the LTTE unilaterally withdrew from the talks and resumed hostilities.

In December 2001, the LTTE and the government announced a cease-fire. In February 2002, under the aegis of a Norwegian government facilitation team, a cease-fire agreement was signed by both parties. The provisions of the cease-fire agreement most pertinent to the issue of child soldiers state that:

- both parties are to refrain from hostile acts against the civilian population, including torture, intimidation, abduction, extortion, and harassment;
- all unarmed LTTE members are permitted freedom of movement into areas under government control, including for political work;
- a Norwegian led Sri Lanka Monitoring Mission (SLMM) is to monitor compliance with the cease-fire agreement by both sides.

The government and the LTTE held six rounds of peace negotiations mediated by the Norwegian facilitation team. In April 2003 the LTTE pulled out of the negotiations and they have yet to resume. The LTTE said it will only agree to new talks if the government accepts in principle its proposal, announced in October 2003, for an interim authority, referred to as the "Interim Self-Governing Authority" (ISGA). The ISGA would extend to all eight districts in the North and East and essentially give full control of these areas to the LTTE. Despite the failure to resume talks, there has been no resumption of hostilities.

The cease-fire agreement has been effective in ending armed conflict between LTTE forces and the government. It has not deterred killings and other serious rights violations from being committed in the North and East, especially by the LTTE against members of non-LTTE Tamil political parties, including former militant groups who gave up their weapons under the terms of the cease-fire agreement. Since the cease-fire, more than one hundred political killings have been attributed to the LTTE. The LTTE considers itself to be the sole voice of the Sri Lankan Tamils, a position rejected by other Tamil parties. Members of these Tamil parties live in fear of being gunned down by LTTE cadres who have unprecedented access to government controlled areas.

Meanwhile, long-suppressed rifts within the LTTE began to surface. In March 2004, the eastern commander of the LTTE, V. Muralitharan, popularly known as Col. Karuna, broke away from the LTTE. He denounced Prabhakaran and the northern (or Vanni) dominated LTTE leadership, stating that the LTTE discriminated against the eastern Tamils and sacrificed the interests of the East in favor of the North.

The defection of Karuna was a serious blow to the LTTE, which has always kept extremely tight control over its commanders. In April, shortly after national parliamentary elections, the Vanni LTTE attacked the approximately 6,000 soldiers under Col. Karuna deployed in the East. The fighting was fierce but short; combat deaths suggested that many child combatants were involved. Sensing defeat, Karuna disbanded his forces and went into hiding. Among those disbanded from his forces

were thousands of children who had either “volunteered” to join the LTTE or who had been forcibly recruited. The release of all these eastern cadres, including many children, resulted in massive and unique protection needs that caught local and international agencies unprepared.

In mid-2004 there was a new surge in political killings of Tamils, not just in the North and East, but also in the capital Colombo. Many of the attacks have been directed at politicians and journalists deemed to be opponents of the LTTE. Some of these killings are attributed to both sides in the continuing struggle in the East between the Vanni LTTE and persons believed associated with the Karuna faction. Human rights workers who criticize the LTTE are increasingly at risk.

IV. LTTE RECRUITMENT OF CHILDREN DURING THE CEASE-FIRE

The February 2002 cease-fire agreement signed by the LTTE and the government explicitly prohibited abduction, harassment, and intimidation against civilians.¹³ However, since the cease-fire the LTTE has continued to recruit children, often by force, and to pressure and threaten families that resist. Between the signing of the cease-fire agreement and November 2004, UNICEF documented 3,516 cases of child recruitment by the LTTE, with the largest number taking place in Batticaloa district in the East. The actual number of children recruited by the LTTE may be significantly higher.¹⁴ Sri Lankan government officials and local human rights organizations believe several thousand new recruits, including many children, were added to the LTTE ranks following the start of the cease-fire, though this cannot be confirmed.

A UNICEF representative in Trincomalee told Human Rights Watch, “An enormous recruitment drive began with the cease-fire. Reporting increased, and we received SOS calls from schools. The LTTE had access to government controlled areas like never before.” She reported that in Trincomalee district, recruitment was so intense in 2002 that less than 50 percent of students were going to school. Many parents kept their children at home out of fear that they would be recruited while walking to and from school.¹⁵

¹³ Agreement on a Ceasefire Between the Government of the Democratic Socialist Republic of Sri Lanka and the Liberation Tigers of Tamil Eelam, February 22, 2002, art. 2.1.

¹⁴ UNICEF notes that the number of cases it registers represent only a portion of the total number of children recruited, as some families may be unaware of the possibility of registering, may be afraid to do so, or may have difficulty reaching a UNICEF office. Of the children who have been released or returned from the LTTE, only about 25 percent were previously listed in the UNICEF database.

¹⁵ Human Rights Watch interview with UNICEF staff, Trincomalee district office, August 12, 2004.

Under the cease-fire agreement, the LTTE was allowed to open political offices in government-controlled areas, effectively providing it with access to new recruits.¹⁶ While the LTTE claims that these offices are used to educate people about the LTTE, local human rights activists believe that the offices are used for recruitment purposes, including forced recruitment of children. The senior superintendent of police in Trincomalee told Human Rights Watch that in July 2004 the LTTE had opened four or five such offices in Trincomalee that are used for recruitment.¹⁷

Many Tamil families felt that with an end to hostilities between the LTTE and government forces, there was no longer a need to offer their children for service. Instead, since the cease-fire agreement, the LTTE has sought to increase the size of its forces. The LTTE may be trying to strengthen its hand during the peace talks, prepare for its control of the North and East in the event of a final peace agreement, or be militarily prepared in the event the peace talks collapse—or for all these reasons.

Recruitment through threats, coercion, and abduction have been commonplace. Harendra de Silva, chair of the National Child Protection Authority, told us that since the cease-fire, children are more likely to be forcibly recruited into the LTTE:

People see no reason to give their children to the LTTE if they don't perceive themselves at risk by the government. So the LTTE resorts to abduction. In 1994, I found that one in nineteen child recruits was abducted. Now in 2004, the reverse is true and only one in nineteen is a volunteer.¹⁸

In Batticaloa district, Human Rights Watch received numerous reports of the LTTE seeking to secure one child from each Tamil household. The LTTE communicates this "quota" through letters, house to house visits, radio announcements, and community meetings. Families that refuse to hand over a child are often subjected to more coercive measures, including threats against the child's parents, burning of houses, and abduction.

¹⁶ Article 1.13 of the cease-fire agreement allows unarmed LTTE members freedom of movement in the areas of the North and East dominated by the government of Sri Lanka "for the purpose of political work."

¹⁷ Human Rights Watch interview with Upali Hegawe, Senior Superintendent of Police, Trincomalee Division, August 11, 2004.

¹⁸ Human Rights Watch interview with Harendra de Silva, Chair, National Child Protection Authority, Colombo, August 4, 2004.

One girl, recruited in 2002 at age fifteen, told Human Rights Watch:

After school, I went to extra class in the evening with about fifteen students. We were abducted the same day while walking to extra class. All of us were fifteen years old. Each house had been told to hand over one child. The LTTE had already issued the order, but the parents had ignored it. First, they sent letters, then they started to visit homes. They came to my house and said, "You know about our announcement. Each house has to turn over one child. If you don't agree, we will take a child anyway."

One day they came. The tuition class is held near the LTTE camp, so it was easy to take us. They took me to a girls' training center. On the first day, we were told, "We already announced that each home has to give one child. Your family didn't agree. We have already taken girls from your village, except for you fifteen. After training, you can work in your village like us."¹⁹

Another girl, Sakuntala, told us that after receiving a letter from the LTTE requesting one child from the family, the family decided to leave the area. After the family's departure, the LTTE burned the family's house, along with the houses of about fifteen other families who had left for similar reasons. The family returned after five months. Within a week of their return in 2002, the LTTE returned, looking for Sakuntala, then fifteen. She said, "This time they insisted. My parents said 'We can't give you,' but I was afraid they would take my sister, so I agreed to go. They took five others from the village. All were girls about my age."²⁰

Malar described how she traded herself in for her father's release from LTTE detention after the LTTE demanded that she join them when she was fourteen:

The LTTE were having a recruitment drive at that time, and they came to my village and announced that I and my sister had to join them. My sister was very scared and so was my mother. My father had been taken away by them a few days before. My father is fifty years old and has arthritis. I thought that to make it safer for them, I would volunteer myself. I told my mother that I would join.

¹⁹ Human Rights Watch interview with "Selvamani," Batticaloa district, August 2004.

²⁰ Human Rights Watch interview with "Sakuntala," Batticaloa district, August 2004.

So my mother and I went to the LTTE political office, and I told them that if they released my father, I would join them. They agreed and let my father go. We were all hugging and kissing and crying after he was released. I stayed at the political office. From there they took us (about seventy new recruits) to a training camp at Pullumanai. Of the group of seventy new recruits, I think about ten or so were young kids.²¹

Another witness, Rangini, described the physical force used against her and her family when they resisted recruitment in June 2003 when she was sixteen:

The LTTE had a recruitment process going on in my village where they went around asking for us to join. My parents refused to give me to the LTTE so about fifteen of them came to my house—it was both men and women, in uniforms, with rifles, and guns in holsters.... I was fast asleep when they came to get me at 1:00 in the morning. First they knocked on my door, and my mother opened the door thinking it was my aunt.... These people dragged me out of the house. My father shouted at them, saying, "What is going on?", but some of the LTTE soldiers took my father away towards the woods and beat him.... They also pushed my mother onto the ground when she tried to stop them.²²

Children are often targeted for recruitment when about fifteen years of age. One former child soldier told us she was assigned to recruit others into the LTTE. She said:

I was told I had to capture two children or I wouldn't be given food. I thought, "I was captured, so why should I do that to another child?" Usually we would try to capture people around age fifteen, with a little larger size. They said, "We send you to the temple festival, and each has to get two." They said to get people about fifteen years old, but with a build of a certain amount of strength. They said, "Don't bring people who are married."²³

Younger children are also frequently recruited. Human Rights Watch interviewed several children who were taken by the LTTE at age twelve or thirteen. Saraswathy, abducted at age twelve, told us, "The LTTE came to our home at midnight. At the time, my family

²¹ Human Rights Watch interview with "Malar," Batticaloa district, August 2004.

²² Human Rights Watch interview with "Rangini," Batticaloa district, August 2004.

²³ Human Rights Watch interview with "Manchula," Batticaloa district, August 2004.

said no, but they tried to beat my parents, so I agreed.”²⁴ One witness described how, when she was thirteen, she joined the LTTE because she wanted to be like the older teenage girls who had joined and who would come through the villages talking to younger girls about joining.²⁵ All the children we interviewed reported that the LTTE recorded their names and dates of birth at the time of recruitment.

A man from outside Vallicheenai in Batticaloa district reported witnessing the attempted recruitment of an eleven-year-old girl in early August 2004.

It was about 5 p.m. I was walking along a road and saw people from the LTTE come on a tractor. There was a child going to tuition classes. I saw the LTTE speak with the child and understood that the LTTE was forcing the girl to join with them. I got near the group and the LTTE stopped talking. But then I asked the girl what had happened to her and the LTTE took the girl. But I grabbed her. They had a gun and they hit me with the butt of the gun so that I released her. But I grabbed her again and put her in my house. The girl was eleven years old. She wanted to study.²⁶

Many children of twelve or thirteen are taken directly for training, although some younger children are put into a special unit—referred to as the “chicken” unit—and spend significant parts of their days in classes. One sixteen-year-old who had been forcibly recruited at age fourteen, told us that life in her unit was similar to school, with classes every day and female teachers similar in age to those in her regular school.²⁷ Other young children, particularly those from very poor families, who seek to join the LTTE may be first sent to LTTE-run orphanages. At the orphanages, they attend school, but then spend holidays at LTTE camps until they are older and become full-time cadres.²⁸

The LTTE demand for one child from each Tamil family does not in practice mean that they only take one child. Some children have found that having another sibling serving in the LTTE does not always offer protection against recruitment. Indra, then fifteen, was approached by the LTTE when she went to a local shop. She said, “They told me

²⁴ Human Rights Watch interview with “Saraswathy,” Batticaloa district, August 2004.

²⁵ Human Rights Watch interview with “Aruna,” Batticaloa district, August 2004.

²⁶ Human Rights Watch interview, August 2004.

²⁷ Human Rights Watch interview with “Tamarai,” Batticaloa district, August 2004.

²⁸ Human Rights Watch interview with “Manchula,” Batticaloa district, August 2004.

"You have to join with us." Indra had an older brother who joined the LTTE at age eighteen and spent nine years with the movement. She said:

I told them, "My brother is already in the LTTE," but they didn't listen to me. They took me by force in a van. I was crying. My parents heard I was taken and ran to the camp. The LTTE said, "We did not take any girls today." I was already in the camp. They kept me in a closed room. I kept crying continuously, saying "I want to go home; I want to go home."²⁹

Another girl said that her brother, who is only now seventeen years old, was abducted in 2001; she was forced to join two years later, at age thirteen.³⁰

Hindu temple festivals are frequent sites for LTTE recruitment because they draw large numbers of people, including children, who can be easily approached by the LTTE. On July 31, 2004, just a few days before Human Rights Watch's visit to Batticaloa, the LTTE recruited an estimated twenty-six people, mostly children, from the festival at the Thandamalay Murugan temple. Local human rights groups had warned UNICEF and other international groups that temple festivals were traditional recruitment sites for the LTTE, but no extra monitoring was in place when the festivals started.³¹ The next morning, a group of parents went to the LTTE political office, demanding the release of their children. The parents were told that they should go to the LTTE's Meenagam camp the next day where they would be allowed to see their children. The parents informed UNICEF and local human rights groups about the abductions as well.

The next morning, the parents together with local human rights groups went to Meenagam camp. After they waited several hours, Col. Kaushalyan, the LTTE local area commander, arrived on his motorbike. Initially, he refused to speak with the parents, and addressed only the joint local and international human rights groups' representatives. They described Kaushalyan as aggressive and uncooperative, offering no explanations nor answers to their questions.³² Kaushalyan also talked briefly to a UNICEF protection officer.³³ After that, the human rights representatives were told to leave, and the parents

²⁹ Human Rights Watch interview with "Indra," Batticaloa district, August 2004.

³⁰ Human Rights Watch interview with "Aruna," Batticaloa district, August 2004.

³¹ Human Rights Watch interview with local activist, Batticaloa district, August 2004.

³² Human Rights Watch interview with local activists, names withheld, Batticaloa district, August 2004.

³³ Human Rights Watch interview with Andrea James, Head of Zone Office, UNICEF, Batticaloa, August 5, 2004, Batticaloa

were invited into the camp by Kaushalyan. The children were released later that same afternoon.

The release of the children did not put an end to the families' fears. We learned that the families had been instructed not to repeat either what they had been told by Kaushalyan at the camp nor what the children had been through during the days they were held by the LTTE. The intimidation and fear generated by the LTTE in these families was palpable.

While the release of this particular group of children was welcome, human rights activists pointed out that this case was anomalous, and perhaps was the result of the presence of UNICEF and the international human rights groups. Following this incident, UNICEF and several international human rights groups agreed to physically monitor the temple festivals on-site and around the clock for the duration of the festival.

Some children decide on their own to join the LTTE. Many are from very poor families and believe they have few other prospects. It is the responsibility of the LTTE to reject such children. Vanmathi, who joined in 2003 when she was sixteen, explained that:

I went to school to grade 5. I dropped out because my mother and father died. No one cared for me, I had no parents, so I was willing to join. I lived with my aunt after my parents died. I cooked for her family. I had frustration in my life, so I was willing to join the LTTE. I wanted to live in this world without anyone's help. When I joined the LTTE, I went to the political office, and told the LTTE I wanted to join. They agreed. I told them I was sixteen, but they didn't care.³⁴

A mother whose daughter joined the LTTE without her knowledge explained:

My daughter was fourteen when she joined the LTTE. My husband died. We had no income. No food. Other neighbors encouraged the children to join the LTTE. She went with a neighbor. I was in the paddy field. I came back and searched everywhere and then someone told me that she went with the LTTE.³⁵

³⁴ Human Rights Watch interview with "Vanmathi," Batticaloa district, August 2004.

³⁵ Human Rights Watch interview, Batticaloa district, August 2004.

Another girl mentioned that she joined the LTTE because her best friend was going to join. She said she herself knew nothing about the LTTE when she joined but her friend, who came from a physically abusive home, had been convinced that the LTTE was the only option for a better life.³⁶

One boy who joined in 2002 at age fourteen explained that he felt “astrology said I should go. I said I was going to school, but instead I went to the LTTE without telling my mother.” He volunteered together with other friends from school, he said.³⁷

Some children are motivated by political beliefs or by government abuses against their families or communities. One boy, from Jaffna in the North, left school at age fifteen to join the LTTE because, he said, “I wanted a separate Eelam.”³⁸ Another boy from Jaffna said he was motivated to join the LTTE in July of 2004 at age sixteen because, “In 1991, the army burnt my house and raped women in my neighborhood. They tortured us.”³⁹ One witness, who joined voluntarily when she was sixteen years old explained her decision poignantly:

When I was eight years old, my father and all four of my uncles were killed by the Sri Lankan Army (SLA). None of them had any links with the LTTE. They were normal simple Tamil men. From that day to now, we don't know what happened to them. I had a lot of anger at the SLA because of that. Now, I am not so angry but I still want to know what happened to my father.⁴⁰

So-called “voluntary” recruitment has long been supported by LTTE propaganda campaigns in the school system. LTTE cadres frequently go into schools to speak about the LTTE, sometimes showing films that show LTTE service in a positive light.⁴¹ For instance, according to the Trincomalee Senior Superintendent of Police, the LTTE in July 2004 provided area teachers and principals with exams on the history of the LTTE

³⁶ Human Rights Watch interview with “Pavai,” Batticaloa district, August 2004.

³⁷ Human Rights Watch interview with “Ganeshan,” Batticaloa district, August 2004.

³⁸ Human Rights Watch interview with “Arun,” Kilinochchi, August 2004.

³⁹ Human Rights Watch interview with “Marudan,” Kilinochchi, August 2004.

⁴⁰ Human Rights Watch interview with “Sivani,” Batticaloa district, August 2004. During the conflict, many Tamils disappeared and were believed killed by Sri Lanka security forces.

⁴¹ There continues to be strong sentiment in Tamil majority areas that government-supplied text-books are Sinhala-slanted, and do not represent accurately the history of Tamil subjugation and revolt. Many parents in these areas are not unsympathetic to LTTE supplying their children with what they themselves consider to be a more accurate version of history. Discussions about re-writing Sri Lanka history text-books have been underway with no progress.

to give to their students. "They [LTTE] collect them afterwards. This is part of their propaganda work. The teachers and principals can't refuse because they need to survive. They have to carry out their instructions."⁴²

An international worker in Trincomalee said, "The LTTE calls these history lessons. We call them propaganda campaigns. The LTTE says it's not recruitment, and if individuals choose to join afterwards, so be it. Principals don't have a choice. The LTTE doesn't ask permission, they just go."⁴³

In August 2004, LTTE cadres went from village to village in Trincomalee district talking to every family.⁴⁴ The purpose of this campaign was unclear but it caused renewed fear in the villagers that their children might be abducted. These house-to-house visits were conducted by persons who identify themselves as members of the Vanni LTTE. Each family was asked detailed questions similar to questions asked in census surveys. Families who dared to say that they have no problems with the Sri Lankan Army were chastised. A local priest said that the LTTE cadres were telling each family that they had to give up one child per family if the war should resume.⁴⁵

The LTTE combines these family visits with street plays that are used as a propaganda tool, and have a particular appeal to children. One person who saw such a street play described the scene:

It was a very emotional drama about the struggle, basically asking people to join the movement. There were all ages present in the audience, but it was really a drama for children. The story of the drama was that of a family—a father, mother, and two children. One child gets shot and killed by the SLA. The remaining child—in the drama, he was of school age, still a child—then decides to join the movement. In the drama, the mother resists and begs her remaining child not to join the movement, saying she only has one child left. The mother is hysterical. Then the father speaks. He is calm and rational, although also very sad. He talks

⁴² Human Rights Watch interview with Upali Hegawe, Senior Superintendent of Police, Trincomalee Division, August 11, 2004.

⁴³ Human Rights Watch interview, Batticaloa district, August 2004.

⁴⁴ Human Rights Watch interviews, names withheld, Trincomalee district, August 2004.

⁴⁵ Human Rights Watch interview with local priest, Trincomalee district, August 2004.

to the mother, saying that the correct thing for them to do is to give their remaining child to the LTTE.⁴⁶

Recruitment drives are cyclical. Some observers believe that they are timed to LTTE training courses, with new recruitment drives taking place before a new training is to begin, to ensure a full complement of trainees.⁴⁷

V. LIFE IN THE LTTE FOR CHILD SOLDIERS

Basic Training

Former child soldiers told Human Rights Watch they were held at a local LTTE political office or camp for two or three days before being transported to a training camp. Males and females were separated for basic training, which often took place in groups of 250 to 300 young adults and children. Former child soldiers reported rigorous training, including physical exercise, weapons training, and military strategy. Errors or attempted escapes were met with harsh punishment.

A girl recruited at age thirteen described her training experience:

At the camp we did exercise. We got the metal parts for the weapons, and learned how to dismantle and put them back together again. We did target shooting. If we didn't shoot at the correct target, then we were punished. We were hit. We had to do sit-ups. One punishment was to crawl on our elbows and knees. This happened to me. We also had to dig bunkers in the ground. We had training on war tactics: if there is an army camp, how to approach, kill, plan the attack.⁴⁸

Trainees said they typically rose at 4 a.m. to begin training. One girl, recruited in 2002 at age fifteen, said:

The training was very difficult. They don't care if it's a rainy or sunny day. If you get too tired and can't continue, they will beat you. Once when I first joined, I was dizzy. I couldn't continue and asked for a rest.

⁴⁶ Human Rights Watch interview, Trincomalee district, August 2004.

⁴⁷ Human Rights Watch interviews, August 2004.

⁴⁸ Human Rights Watch interview with "Manchula," Batticaloa district, August 2004.

They said, "This is the LTTE. You have to face problems. You can't take a rest." They hit me four or five times with their hands.⁴⁹

Another former child soldier trained in late 2002 said, "The hardest thing was crawling to enter enemy camps. We learned to use weapons but not real bullets. I was very unhappy, but we couldn't express our feelings."⁵⁰

The youngest cadres being trained were often twelve or thirteen. One girl told us that at age twelve, she was the youngest in her training group, but that there were about ten other girls her age.⁵¹ Another, recruited at age fifteen, reported that in her group, "The youngest was eleven. There were about nine that age. The youngest ones are given the same training [as older trainees]. Even if they can't do it, they have to do it."⁵² Another witness, recruited at age fifteen, said that in her unit of about thirty-five girls at least twelve were "very young, very underage."⁵³

One girl trained in 2002 at age thirteen said that, "I was unhappy and ill. Some of the training was easy to follow; some of it was very difficult. The hardest part was having to roll on the floor and jump over fences."⁵⁴

Contact with Family

Most of the former child soldiers Human Rights Watch interviewed said they were allowed no contact with their families during training. Aruna said, "I was homesick. I missed my brothers and sisters. My parents came to the camp to see me, but the LTTE did not allow me to see them. So for one year, I could not see my parents. Lots of times, my parents came to see me, but the LTTE would not allow it."⁵⁵

Vimala said, "When we played together, I was happy, but at night, I worried about my family. My parents could not come to see me. They wouldn't allow anyone to visit."⁵⁶

⁴⁹ Human Rights Watch interview with "Selvamani," Batticaloa district, August 2004.

⁵⁰ Human Rights Watch interview with "Indra," Batticaloa district, August 2004.

⁵¹ Human Rights Watch interview with "Bamini," Batticaloa district, August 2004.

⁵² Human Rights Watch interview with "Nanmani," Batticaloa district, August 2004.

⁵³ Human Rights Watch interview with "Nadanam," Batticaloa district, August 2004.

⁵⁴ Human Rights Watch interview with "Ammani," Batticaloa district, August 2004.

⁵⁵ Human Rights Watch interview with "Aruna," Batticaloa district, August 2004.

⁵⁶ Human Rights Watch interview with "Vimala," Batticaloa district, August 2004.

Rangini, who was forcibly abducted in 2003 at age sixteen, described how she felt when her parents visited her for the first time: "I was very happy to see my mother but very unhappy when she left, even sadder than before."⁵⁷ She was able to see her mother one more time, but that was completely by accident. Her mother had to report to the LTTE camp about the death of her uncle and was allowed to visit her daughter while at the camp.⁵⁸

Selvamani, recruited in 2002 at age fifteen, said, "I was with the LTTE for two and a half years. I only saw my parents twice. I was not allowed to write letters."⁵⁹

Advanced Training

After basic training, which typically lasts four to seven months, LTTE soldiers are assigned to units for further, specialized training, depending on what their superior officers have decided to be their particular strengths. Further training can include combat operations, use of specific weapons systems (including landmines, bombs, or heavy weapons), security (including providing personal security for senior cadres such as Karuna), intelligence, or non-military skills, including first aid or administration. Children with little education are frequently assigned to combat units, while children with more years of schooling may be more likely to be trained in medicine, intelligence, or administration.

A young woman recruited at age nineteen described her medical training. "I learned first aid, how to prevent fever, to use saline bottles, and dress wounds. I studied for one year. After training, I was assigned to a group as a nurse and treated fever and minor wounds."⁶⁰ One sixteen-year-old girl told us she was trained in front-line medical care. She considered herself lucky because she was able to learn English as part of the training. When the Vanni LTTE attacked Karuna's forces, her unit was assigned to the front lines at Vaharai, but she managed to escape before the fighting began.⁶¹

One former LTTE cadre described being sent for political propaganda work. She was later assigned to an LTTE political office where she worked until the split in the LTTE.⁶²

⁵⁷ Human Rights Watch interview with "Rangini," Batticaloa district, August 2004.

⁵⁸ Ibid.

⁵⁹ Human Rights Watch interview with "Selvamani," Batticaloa district, August 2004.

⁶⁰ Human Rights Watch interview with "Kanchana," Batticaloa district, August 2004.

⁶¹ Human Rights Watch interview with "Rangini," Batticaloa district, August 2004.

⁶² Human Rights Watch interview with "Thooya," Batticaloa district, August 2004.

Vimala, recruited in 2003 at age seventeen, said:

After four months I was sent to a landmines unit. I learned to handle landmines, to place them. I did this for four months. I couldn't concentrate. Sometime a landmine would explode and children would be injured. Their fingers, hands, face. One time we were working in a line, and the last girl made a mistake when removing a landmine. It exploded and she lost a finger. She was seventeen. I was scared to handle them.⁶³

Nirmala, recruited at age fourteen, said:

I was in a combat unit. I had nine children and was responsible for their training. Some were twelve or thirteen. The most difficult part was heavy weapons training, and using the RPG [rocket-propelled grenade launcher]. We also used bombs and landmines. We practiced placing [fake] landmines. If the opposing forces come and the landmines didn't go off, you were supposed to sleep on the mines for punishment. In another drill, we were sent to find hidden Claymore [remote activated] mines. If we didn't find them, we were forced to run for one to one and a half hours.⁶⁴

Another witness, forcibly recruited when she was fifteen years old, said that after receiving a head injury during frontline combat, she was re-trained to do other tasks. She received specialized training on LTTE administration and finance. She was also taught English. After her injury, she was not sent to the frontlines again, and instead did administrative work for the LTTE.⁶⁵

Punishment and Discipline

Discipline in the LTTE is strict, and punishment for mistakes can be harsh. Manchula said, "After the first training I had special training on carrying heavy weapons. We carried them around the playground. One day I had cramps and fever and said I couldn't come. They poured hot water on my body and back as punishment. This left a burn mark."⁶⁶

⁶³ Human Rights Watch interview with "Vimala," Batticaloa district, August 2004.

⁶⁴ Human Rights Watch interview with "Nirmala," Batticaloa district, August 2004.

⁶⁵ Human Rights Watch interview with "Kaveri," Batticaloa district, August 2004.

⁶⁶ Human Rights Watch interview with "Manchula," Batticaloa district, August 2004.

The LTTE practices collective punishment, often punishing an entire group for the mistakes of one member. Ammani, who trained at age thirteen, said, "If you make a mistake or don't follow orders, you are assigned difficult physical training. This happened to me once. One girl in my group made a mistake, so we were all punished."⁶⁷ Vanmathi said that because she was an orphan, the LTTE "treated me very well." But she was still held responsible for mistakes in her training group. "I had ten other cadres to train. If any of them made a mistake or tried to escape, I had to face punishment. Punishment could be being sent into the forest with two seniors for a beating."⁶⁸

Punishment is particularly harsh for those who try to escape. Children who are caught are typically beaten in front of their training unit, in part as a warning to others. Nirmala said:

Lots of people tried to escape. But if you get caught, they take you back and beat you. Some children die. If you do it twice, they shoot you. In my wing, if someone escaped, the whole group was lined up to watch them get beaten. I saw it happen, and know of cases from other groups. If the person dies, they don't tell you, but we know it happens.⁶⁹

Several children said that they considered trying to run away but abandoned their plans when they saw the beatings others received. Selvamani said, "Some others tried to escape, and ran to their homes, so the LTTE was able to recapture them. They were tied and beaten. I thought about trying to escape, but saw others being beaten, so changed my mind."⁷⁰

Combat

Since the cease-fire agreement was signed in February 2002, except for an occasional cease-fire violation, there has been no significant military combat between the LTTE and government forces. Very few of the former child soldiers interviewed by Human Rights Watch had any combat experience, since the large majority had been recruited in the two years since the cease-fire, or shortly before the cease-fire took effect.

⁶⁷ Human Rights Watch interview with "Ammani," Batticaloa district, August 2004.

⁶⁸ Human Rights Watch interview with "Vanmathi," Batticaloa district, August 2004.

⁶⁹ Human Rights Watch interview with "Nirmala," Batticaloa district, August 2004.

⁷⁰ Human Rights Watch interview with "Selvamani," Batticaloa district, August 2004.

One young woman, who was twenty-one when we interviewed her, was recruited in the late 1990s at age sixteen and trained as a medic. She said she was exposed to combat many times:

I participated in many battles. There are incidents I can never forget. I fought my first battle in 1998 in a Sinhala border area. When the soldiers got wounded, they would be left there screaming and I was supposed to treat them. There were times when I was about to get caught by the army, but I escaped. At that time, you always remember your home. I carried one grenade and one cyanide capsule. We were medical personnel; this was for our protection. When the army comes we were supposed to throw the grenade at them or blow ourselves up. There are plenty of times when this happened.⁷¹

Another woman, who was forcibly recruited at the age of fifteen, told us she fought her first battle at the age of sixteen armed with an AK-47 assault rifle and no helmet. She was shot in the head during that battle.⁷² Another woman experienced her first battle in 1997, at the age of sixteen, four months after she had been recruited. Although she was badly injured, she was sent to another frontline position after she had recovered. She contracted a serious illness after this second battle, and was in an LTTE hospital for an entire year, recovering. She said she was sent to the frontline two more times after this.⁷³

Vanji, who joined voluntarily at the age of sixteen, was severely disabled during combat on the frontlines. She is now very bitter about her experience:

They took away my younger brother the other day. He was coming home from the market and he was taken away. I went and begged them, saying I gave you years of my life and I gave you my health. Please let me have my brother back—he is the only one I have who takes care of me, helps me to go to the toilet, helps me get into bed. They didn't release him, and they threatened to shoot me if I reported his abduction to any NGOs. They also told me at the same time that I had to re-join.

⁷¹ Human Rights Watch interview with "Vasuki," Batticaloa district, August 2004.

⁷² Human Rights Watch interview with "Kaveri," Batticaloa district, August 2004.

⁷³ Human Rights Watch interview with "Pavai," Batticaloa district, August 2004.

Is this how they thank me for all the time I gave them? Why are they doing this to me?⁷⁴

All the children interviewed who had experienced combat described themselves as having been very scared.

Since the cease-fire, the LTTE has allowed some child soldiers to study after completing basic training. Most, however, appear to receive continuous military training. After basic training, they may receive six months of specialized training, followed by additional courses of military training.

VI. LTTE SPLIT AND RELEASE OF CHILDREN

In March 2004, the commander of LTTE forces in the East, Col. Karuna, split off from the main LTTE forces loyal to supreme leader Vellupillai Prabhakaran, based in the Vanni (North). In April 2004, the Vanni LTTE attacked and defeated Karuna's eastern forces in short but fierce fighting at the Veragul River, which divides Batticaloa and Trincomalee districts. An unknown number of people died in the battle. Karuna disbanded his forces, which were unprepared and outnumbered, and went into hiding. As a result, all the children who were under Karuna's forces either walked out and found their own way home, or in some cases, were released into the care of their families.

Manchula explained:

I was assigned the task of recruiting people, so I went around and was allowed to see T.V. and read the papers. This was how I learned about the split. I got a message to come to the Vaharai camp and Meenagam camp. Our leaders said he would explain the problem and we should come. The public also told us of the split. We got scared and some said we should run away home out of fear. An elder sister told us to prepare ourselves and to be ready to leave. We were thinking of escaping, but there was no transport.⁷⁵

⁷⁴ Human Rights Watch interview with "Vanji," Batticaloa district, August 2004.

⁷⁵ Human Rights Watch interview with "Manchula," Batticaloa district, August 2004.

Another said:

I was in a group guarding Karuna. Karuna personally addressed us and spoke about the attacks at Vaharai. He said, "We should stick together, we shouldn't split." But he disappeared after that, and at night people started leaving. In the early morning we started walking.... We walked from 12 noon until 7 the next morning. I arrived home on April 13.⁷⁶

Some of Karuna's commanders told their soldiers to leave. Eighteen-year-old Sakuntala said, "The commanders told us not to join the Vanni group, and to go home." Another former soldier explained, "We were told, 'Run away and save your lives.' One hundred ran away together."⁷⁷ Another girl said simply, "I saw everyone going home, so I went."

A senior military commander with the Sri Lankan army stated that they posted observers at entry and exit points to LTTE-controlled areas. He reported that at ten to fifteen such points, soldiers observed as many as 2,000 cadres entering government-controlled areas. The majority were reportedly children. "I was there at the Black Bridge, just to watch."⁷⁸ On April 8, I saw 380 cadres [cross]. About 75 percent of the people who came out were children."⁷⁹

A few children interviewed by Human Rights Watch participated in the fighting between the Vanni LTTE and Karuna's forces. Some saw other soldiers killed or wounded. One child soldier saw about thirty soldiers from her own unit killed during the fighting; she ran away when she heard voices shouting that they should flee because they were surrounded by Vanni LTTE forces.⁸⁰ Sixteen-year-old Indra reported:

I saw the fighting. I was in it. The Vanni group came at midnight, and surrounded the camp, and began to attack. When attacked, most of the children died, but some survived and decided to run. Each camp had about 350. I left the next day. I don't know the number killed during the attack. I saw about ten killed, about the same age as me. When the attack happened, I was shocked and afraid.⁸¹

⁷⁶ Human Rights Watch interview with "Nanmani," Batticaloa district, August 2004.

⁷⁷ Human Rights Watch interview with "Tharini," Batticaloa district, August 2004.

⁷⁸ The Black Bridge separates government and LTTE-held territories, and serves as a major army checkpoint.

⁷⁹ Human Rights Watch interview with senior military official, Sri Lankan Army, August 7, 2004.

⁸⁰ Human Rights Watch interview with "Malar," Batticaloa district, August 2004.

⁸¹ Human Rights Watch interview with "Indra," Batticaloa district, August 2004.

Kanchana, who was trained as a medic, was also at Verugal. She told us:

I was at the battle doing medicine for the mortar units. People were injured on their forehead, arms, legs, backside. It was my first time in battle. I was afraid. Some people were badly injured. I treated them, dressed their wounds. Then all the injured were taken by the Vanni group. I treated seven people. I don't know their ages.⁸²

Deaths of Children During the April Fighting

The deaths of numerous child combatants during the internecine fighting between the Vanni LTTE and Karuna's faction highlights the willingness of the LTTE leadership not just to recruit children, but to use them in battle. Reports of the number of dead and wounded from the battle vary widely. The LTTE denied international observers access to the area and during the interim, according to witnesses interviewed by Human Rights Watch, either the LTTE or local villagers reportedly burned or buried many bodies. According to news reports, both factions reported a total of ten soldiers killed, while military officials reported the dead at thirty-three, including civilians.⁸³ UNICEF reported that at least two child soldiers were among the dead, including a seventeen-year-old and an eighteen-year-old who had been recruited at age sixteen.

Residents of the area suggested a higher death toll, including a much larger number of children. Human Rights Watch interviewed several witnesses who saw as many as fifty bodies of slain soldiers in the days following the battle. One witness reported, "I was going to collect firewood in the jungle and I saw fifteen bodies. This was about fifteen days after the fighting had finished.... The bodies were in bad condition."⁸⁴

When asked how he knew they were Karuna's fighters, he said:

Because we knew who the people were on that side. And they had on uniforms. They were about thirteen to twenty years old. There were three girls. I counted the bodies so that's how I know there were fifteen. They weren't all in one place but were scattered around.... I didn't see any weapons but I saw empty rounds.... When I went back, the bodies

⁸² Human Rights Watch interview with "Kanchana," Batticaloa district, August 2004.

⁸³ "Refugees Return as Sri Lanka Mulls Asylum for Renegade Tiger Leader," Agence France Press, April 13, 2004; "Sri Lanka Breakaway Rebels Retreating," Associated Press, April 12, 2004, "Renegade Sri Lanka Tigers Flee; Main Faction Releases Child Soldiers," BBC, April 13, 2004.

⁸⁴ Human Rights Watch interview, August 2004.

weren't there. I don't know what happened, but when I went back, the bodies were gone.⁸⁵

According to UNICEF, over 3,000 people were displaced by the fighting along the coast from Vaharai to Mankerni in Batticaloa district.⁸⁶ One man from the area told Human Rights Watch that on April 10, he and residents from two other villages traveled about ten kilometers away for safety. He said that, "On the way there, I saw four or five bodies of people ages fifteen or sixteen." The following day, the villagers returned home. "On the way back, I saw forty or fifty [bodies], also children." He said, "Prabhakaran's people asked some village people to bury bodies in the village, but I didn't go. They asked me but I said, 'No, you shot them, you can bury them.' There were bodies in the village.... Maybe ten. They were ages twelve, sixteen."⁸⁷

Another person reported that on April 10, he saw twenty bodies near Kathiraveli, including an ambulance driver dead in his ambulance. He said:

We tried to take the ambulance driver's body, but the LTTE didn't allow us then. We went again on the 11th. All the bodies had a bad smell, but we took two of the bodies and buried them in our village cemetery. We went around the villages and got six more bodies. Altogether, I helped bury six boys and two girls. There was one twenty-two-year-old, and the rest were under eighteen.⁸⁸

Additional persons interviewed by Human Rights Watch also reported seeing bodies, many of whom, they said, were children. One said he saw forty to fifty bodies; another said he saw twenty-six.⁸⁹

Parents Demand Children's Release

As word spread about the division between the Karuna and Vanni forces and the subsequent fighting, parents in large numbers began traveling to LTTE camps to demand the return of their children.

⁸⁵ Ibid.

⁸⁶ Information provided to Human Rights Watch by UNICEF, September 2004.

⁸⁷ Human Rights Watch interview, August 2004.

⁸⁸ Human Rights Watch interview, August 2004.

⁸⁹ Human Rights Watch interviews, August 2004.

The mother of seventeen-year-old Nirmala told Human Rights Watch that she joined hundreds of other parents:

Two hundred and fifty to 300 parents went and made a big noise at Santhanamgam [a Karuna camp]. The LTTE [Karuna faction] hid the children and told parents to go away. The parents stayed for three days. I was shouting at Santhanamgam camp, but the children were at Vaharai camp. People in the villages started talking about the fighting at Vaharai. Some children were running away, so we went to get the children. We were arguing with the LTTE for their release. They fired shots to try to scare us. It was so loud we had to leave.⁹⁰

Nanmani had just left Santhanamgam camp when she saw the parents arriving, looking for Karuna to demand the return of their children. She said there were a thousand parents, and discovered only when she returned home on her own that her own parents were among them.⁹¹

Sixteen-year-old Manchula was at the Vaharai camp when parents arrived. She said:

Mothers and fathers came to the camp and said, "Even if you kill us we are not going away." Karuna's people tried to scare the parents and shot around them. Karuna's own people surrounded the children because they thought they would run away. I was in the middle. The elder ones surrounded us and told us to shoot our weapons. We said, "It's our own parents. How can we do this?" They told the parents they had to leave, otherwise it would not be good for them. So my father came and said to me, "Let's go, come with me. It doesn't matter if they shoot me, then we will die on this spot." I said, "No, father. We can't. You have to go and if there is a problem, I will go home." We were struggling with our parents and shouting at each other. Some of the parents had brought civilian clothes and even wigs so girls could cover their hair. They took away about one hundred children by changing their clothes. The rest went into the jungle.⁹²

⁹⁰ Human Rights Watch interview, Batticaloa district, August 2004.

⁹¹ Human Rights Watch interview with "Nanmani," Batticaloa district, August 2004.

⁹² Human Rights Watch interview with "Manchula," Batticaloa district, August 2004.

Local villagers also confronted the Vanni LTTE forces to protest the conflict. In the Veragul area, large numbers of villagers went to challenge Vanni's forces on April 10. One person who participated in the protests said, "People were fighting with the Vanni LTTE. They said, 'Why are you killing our children? Prabhakaran's and Karuna's problems are separate—why involve our children?' The villagers blocked LTTE vehicles and threw stones." He continued, "The LTTE came and got out of a pickup and said, 'If you continue we will shoot you.' We weren't afraid. Then they shot over our heads and into the ground."⁹³

Another person reported that in another village:

All the people came to fight, even children.... More than 1,000 people were fighting [to demand the return of their children]. All the people came to the roadside when this happened. In every area, people were blocked and were fighting.... We spoke directly with the assistant political leader. He told us, "We came to protect you." At the same time, our people asked them—both Prabhakaran's and Karuna's people, "You took our children from us and now you are shooting those children.... Why are you shooting these children? You say you are Tamil leaders so why are you killing Tamil people? Please give us our children back and then you can go away."⁹⁴

By April 13, most children from Karuna's forces had either been released by their commanders or left on their own. Senior cadres transported some by motorbike or bicycle, while others sent messages to their families asking them to come fetch them. Some walked long distances, through jungles and unknown trails, only arriving home several days later. Some children arrived home, only to discover that their parents were still looking for them at other camps.

Sixteen-year-old Indra was at the fighting at Veragul. She said, "Before I reached home, my parents were told I was killed, so my parents started the rituals. When I arrived home, I was shocked; I thought my grandmother had died. When my family saw me, everyone started crying. This was the first time I'd seen my parents since I was taken [in 2002]."⁹⁵

⁹³ Human Rights Watch interview, August 2004.

⁹⁴ Human Rights Watch interview, August 2004.

⁹⁵ Human Rights Watch interview with "Indra," Batticaloa district, August 2004.

Several hundred members of Karuna's forces—both children and adults—were captured at Veragul by Vanni LTTE forces and taken first to Trincomalee, and then to Vaharai. On April 12 a representative from the Vanni LTTE forces informed UNICEF that they would release the children on the following day and confirmed that over one hundred children were being held.⁹⁶

Two of the children Human Rights Watch interviewed were part of this group. Kanchana said:

The Vanni group captured the Karuna group very easily.... I surrendered too. The Vanni group took me to Trincomalee. Then the parents started to protest and ask for their children. At Trincomalee there were 140 males and 200 females. My parents came two days after the surrender. I saw my mother at Vaharai. I don't know the number of parents that came. The Vanni group released all of us [children and adults] after two days. UNICEF was there. I didn't get any release papers, but parents placed their signature [on a letter issued by the LTTE] when they received the children.⁹⁷

According to UNICEF, more than 200 underage recruits were released on April 13. Most were released to their parents after registration by UNICEF and the LTTE. UNICEF provided transportation for many of the children and their families, and temporary shelter for seven children who could not be immediately reunified with their families.

The LTTE may have intended the release of these cadres to be temporary. Kanchana said that prior to UNICEF's arrival, the LTTE took identification information from the parents, and told the cadres and their parents that whenever the LTTE called, the cadres would need to return. She said, "They announced this on the loudspeaker at 6:30 in the morning. UNICEF came at 10 a.m."⁹⁸

⁹⁶ Information provided to Human Rights Watch by UNICEF, September 2004.

⁹⁷ Human Rights Watch interview with "Kanchana," Batticaloa district, August 2004.

⁹⁸ Ibid.

VII. RE-RECRUITMENT

After Karuna's forces dispersed in April 2004, an estimated 4,000 to 6,000 soldiers returned home, including large numbers of children. By early August 2004, UNICEF had registered 1,800 children who had returned, primarily to Batticaloa district. The actual total was certainly higher, as some families were not aware of the possibility of registering, were afraid to do so, or found it difficult to travel from their home to a UNICEF office, particularly if they lived in an LTTE-controlled area, or a remote location.

By June 2004, the Vanni LTTE forces had launched an intense campaign in the East to re-recruit Karuna's forces. A UNICEF staffer identified two reasons behind the campaign: "First, they want to reassert control over the East. Secondly, they need to replenish troops after losing Karuna's forces."⁹⁹ The LTTE visited individual houses, organized village meetings, used motor vehicles to make announcements from vehicles, and sent letters to demand the registration and/or re-enlistment of former cadres. Although the LTTE has told UNICEF that only cadres above age eighteen are being sought, overwhelming evidence indicates that children also were targeted.

The LTTE threatened families that they would take children by force if they did not return, or that they would take other children or parents in their stead. The LTTE made good on these threats: parents described the LTTE coming to their homes at night and abducting their children, and being beaten themselves when they tried to resist.

One man told Human Rights Watch how the LTTE took his seventeen-year-old daughter one night in late July. She had been abducted the first time at age thirteen, while gathering firewood, and served four years in the LTTE before her release in April. The second time she was taken, he said:

The LTTE came to our house at night. There were about twenty. We had seen them in the daytime on the roads, walking around, wearing uniforms. Four of the LTTE women broke into our house and told our daughter, "Come with us." She said, "No, I won't come. I really suffered. I was wounded, so I'm not coming with you." She was very angry and refused. They insisted, "You have to come with us."

⁹⁹ Human Rights Watch interview with UNICEF staff, Trincomalee district, August 12, 2004.

I said, "She's a girl, I can't let her out of the house in the middle of the night. I will bring her in the morning." They told me not to interfere, and beat me. They took sticks from my fence, pushed me to the ground, and used the sticks to beat me two or three times. They had brought rope with them and had weapons in their hands. They pretended to tie me up and drag me. My daughter then came out of the house. When she did, men took her and dragged her off. She was in her nightdress. She didn't even have a chance to change her clothes.

We never expected it. If we had suspected, we would have sent our daughter away. Previously, they had said she was wounded and they didn't need her back. They were lying.¹⁰⁰

A woman told Human Rights Watch that her daughter had joined the LTTE at age seventeen in 2003, returned from Karuna's forces in April 2004, and was abducted in July 2004:

She had registered for school. The sister (nun) had told us to bring her on July 29 but the LTTE came first and took her. The LTTE surrounded the house. There were seventy-five of them. Grandmother protested and said my daughter had a high fever and that she would bring her the next day. She said, "I already gave you my son and he died on the battlefield. I won't do it again." The LTTE promised to release her. My daughter said "Don't let them take me away." But they took her.¹⁰¹

Between April and August, UNICEF documented nearly one hundred cases of child re-recruitment, mostly from Batticaloa district.¹⁰² However, anecdotal evidence collected by Human Rights Watch suggests that the number of children re-recruited may be far higher. Witnesses from several villages north of Batticaloa town told Human Rights Watch that in some cases, more than a third of the returnees to their villages had been re-recruited by August.

¹⁰⁰ Human Rights Watch interview, Batticaloa district, August 2004.

¹⁰¹ Human Rights Watch interview, Batticaloa district, August 2004.

¹⁰² Human Rights Watch interview with Chris Watkins, Project Officer (Protection), UNICEF, Batticaloa, August 5, 2004.

A man living north of Valechennai said, "There are ten returnees in my village. Four to six have been taken again, ages twelve to fifteen. Over-eighteens can manage and protect themselves from the LTTE, but small children can't do anything."¹⁰³

Another person from the Vaharai area reported:

Forty people in my village went to the LTTE. Twenty people died in the fighting [in April] and twenty came back. Then the Vanni group took sixteen people—the people who were physically strong. The balance UNICEF took to towns. Otherwise the LTTE would have taken the rest as well.¹⁰⁴

A third person from the Vaharai area reported that in his village, there had been eighteen returnees. He said, "The LTTE took back seven. Eleven people are in other places.... Of the seven retaken, most were girls and most were under sixteen. They took them in the nighttime. They were at home with their parents and the LTTE came and took them."¹⁰⁵

Human Rights Watch interviewed approximately thirty former cadres released from Karuna's forces who had not been re-recruited. Without exception, they all expressed fear that they would be forced to return to the LTTE. Some children who worked in security or intelligence believed that they could be shot if identified by the LTTE. One said: "The LTTE have asked me to re-join.... They send girls who were with Karuna but who now have returned to the Vanni side. They say, 'Come back and join.' They don't threaten to do anything as such, but they really frighten me."¹⁰⁶

Many children said they were afraid to return to school, worried that the LTTE would abduct them as they travel between their school and home. Some refused to leave their homes altogether, while others went to live with relatives, moved to other parts of the country, or left the country altogether to take jobs in the Middle East. Some former cadres got married, believing that marriage would provide a layer of protection against recruitment (see further discussion below).

¹⁰³ Human Rights Watch interview, August 2004.

¹⁰⁴ Human Rights Watch interview, August 2004.

¹⁰⁵ Human Rights Watch interview, August 2004.

¹⁰⁶ Human Rights Watch interview with "Kaveri," Batticaloa district, August 2004.

Seventeen-year-old Selvamani told us, "One month after the release by Karuna, they started re-recruiting. I left my village and went to relatives home two hours away by bus. I stayed with them for one month. I stayed inside the home. No one knew that I was there. I didn't go outside because I was afraid they would catch me. I didn't even go to the front door."¹⁰⁷ Another child said that, until she was taken to a safe home, she kept moving each night to different houses in her village to avoid being re-recruited.¹⁰⁸

Sixteen-year-old Indra reported that after she returned home in April:

The LTTE came looking for me, but I was hiding in the forest. I slept in the forest close to my home, because the LTTE comes at night. The LTTE has come to my village two times. They did not take anyone yet, but they are looking. Someone else released by Karuna showed them my home. When they came to my home, no one was there. I heard that if the LTTE comes to my home and asks me to rejoin and I refuse, they have an order that they can shoot me. I don't want to go back.¹⁰⁹

None of the former Karuna cadres Human Rights Watch interviewed, even those who had previously volunteered, said they wanted to return to the LTTE. Many told us they found life in the LTTE too difficult. Some said they wanted to study. Others felt conflicted because of the split within the LTTE. Priya explained, "Earlier the LTTE was one group. Now it's two groups. If I go with the Karuna group, I will face problems with the Vanni group. If I go to the Vanni group, I will face problems with the Karuna group. My family said I should not go with either group."

According to twenty-one-year-old Vasuki, recruited at age sixteen:

I don't want to go back. I didn't like the split but if there was a possibility of one group, I might go back. The Tamil people are suffering and they died. My family might not like it, but I think I have a duty to serve. This battle is between Tamils. I didn't get in for this battle. It was against the Sinhalese. Now I don't want to be part of this. The Sinhalese are not fighting with us. Now we are fighting with each other. I would like to be at home.¹¹⁰

¹⁰⁷ Human Rights Watch interview with "Selvamani," Batticaloa district, August 2004.

¹⁰⁸ Human Rights Watch interview with "Pavai," Batticaloa district, August 2004.

¹⁰⁹ Human Rights Watch interview with "Indra," Batticaloa district, August 2004.

¹¹⁰ Human Rights Watch interview with "Vasuki," Batticaloa district, August 2004.

In addition to visiting former cadres's homes, the LTTE has sent letters to some, demanding their return. Santhanam, age seventeen, said, "The LTTE sent a letter to my house saying that I should return. The letter was addressed to my father and identified me by name. It said my father should come to the camp to discuss. But if he went, they would take me away and my family would never get to see me, so he didn't take me."¹¹¹ Similarly, another former child soldier said that she received a letter at home addressed to her specifically, demanding her attendance at an LTTE meeting. She immediately went and registered herself with UNICEF who managed to get her to safety.¹¹²

In some communities, the LTTE organized meetings to announce that former Karuna cadres should return to the LTTE. One woman described a meeting in her village in Batticaloa district, held in late July 2004:

Last Saturday the LTTE held a meeting here and said that the ex-cadres must return to the LTTE. They announced on Friday at every house that tomorrow there would be a meeting. I hid my daughter in the back room and told them we would go to the meeting. There were two men. They didn't say they were from the LTTE because we all already know who they are. They told every house that one person from each house must go to the meeting.

The meeting was held at the village school. It started at 8:30 a.m. and finished at 9:30 a.m. There were six or seven high-ranking LTTE at the meeting but more than fifty villagers attended. They said they have doubts about the ex-cadres and that is why they say the ex-cadres have to come back. They didn't say where or when, just announced that we must give the ex-cadres back. They didn't say what would happen, but we felt they would have another meeting. Earlier they recruited after having three meetings.

That night they collected three boys, all ex-cadres. I was afraid and hid my daughter. All together there are forty-five returnees in this village. But on that day, they only took the boys that showed themselves.¹¹³

¹¹¹ Human Rights Watch interview with "Santhanam," Batticaloa district, August 2004.

¹¹² Human Rights Watch interview with "Tamarai," Batticaloa district, August 2004.

¹¹³ Human Rights Watch interview, Batticaloa district, August 2004.

Seventeen-year-old Nirmala described a similar meeting in her village, also held in late July:

The LTTE came back and had a meeting announcing that former cadres should rejoin. They said, "Those that have returned have to come back. If the returnee doesn't want to come back, you have to give another child from the home." People who went to the meeting told us. I was hiding. I didn't go. About twenty-five people went; the rest were hiding. A girl nearby has gone back. Her relatives are very poor. Others have left the areas for safer places. I am the only one remaining.¹¹⁴

Risk to Siblings

Because the LTTE commonly demands the service of one child per household, many returnees expressed concern that their brothers and sisters might be taken in their stead if the former child soldier refused to return. Although most returnees clearly did not want to rejoin the LTTE, many indicated that they would return to avoid the recruitment of a brother or sister.

Seventeen-year-old Selvamani said, "If they try to take my brothers or sisters, I will have to rejoin again. I am worried."¹¹⁵

Manchula, now sixteen, said:

I don't want to go [back] under any condition. The problem is they can go all over and take children in public places, like when they go to temples. I am nervous that they will take my brother, so if that happens, I may have to go back. I have one brother and one sister.¹¹⁶

One mother told us she sent her sixteen-year-old daughter to a safe location to protect her from re-recruitment, but worried about her other children:

I'm afraid now because if I don't give one person, they may take another child. Now that we've hidden one child, I'm afraid they may take

¹¹⁴ Human Rights Watch interview with "Nirmala," Batticaloa district, August 2004.

¹¹⁵ Human Rights Watch interview with "Selvamani," Batticaloa district, August 2004.

¹¹⁶ Human Rights Watch interview with "Manchula," Batticaloa district, August 2004.

another. I would like my younger children to get a good education, but I don't want to give another child to the LTTE to continue fighting. I don't accept this. I worry about the children. We cannot afford to go into town and rent a house. It is very expensive.¹¹⁷

Larger towns in the East are under government control and may provide more protection from recruitment. However, many rural families are poor and do not have the resources to move to town.

Another mother expressed a similar concern: "I am afraid my other children will have problems with the LTTE. I have only one son over eighteen. Now he is studying. If the daughter is missing, they might collect another person."¹¹⁸

Fear of Attending School

UNICEF reports that of the 1,800 children registered with the organization after returning from Karuna's forces, 700 were back in school by early August 2004. However, few of the children Human Rights Watch interviewed had returned to school, and many expressed fear that traveling between their home and school put them at risk of re-recruitment, particularly if their home was a long distance from the school. Some said they began to attend school, only to drop out once they saw LTTE recruiters along their route.

For example, fifteen-year-old Bamini told us:

After I went home, I started to go to school but only attended five days. Then the LTTE started re-recruiting. I was afraid they would take me while walking to school or come to the school itself. While I was walking to school I was afraid they would catch me. Everyday I saw them while I was walking. I had to walk three hours to get to school. School starts at 8 a.m., but we would only reach it at 10. For our safety, school would start late.¹¹⁹

¹¹⁷ Human Rights Watch interview, Batticaloa district, August 2004.

¹¹⁸ Human Rights Watch interview, Batticaloa district, August 2004.

¹¹⁹ Human Rights Watch interview with "Bamini," Batticaloa district, August 2004.

Fourteen-year-old Aruna said, "I wanted to continue regular school, but I couldn't. It's too far. The LTTE might catch me while I'm walking to school."¹²⁰ Similarly, seventeen-year-old Selvamani said, "I couldn't go to school because I was supposed to join Vanni's group. Some boys were re-recruited, so I knew. I couldn't go to school because I was afraid the LTTE would take me."¹²¹

Marriage

Many young returning cadres have married, believing that marriage will provide some protection against re-recruitment. There is a general perception that the LTTE does not recruit from among persons who are married (and for many years the LTTE had strict rules prohibiting marriage between its cadres).

One NGO reported that in the area where it conducts programs, about ten former cadres had married in the previous three weeks. The youngest were fourteen or fifteen years old, the staff told us.¹²² In another village in the Vaharai area of Batticaloa district, a man reported that of seven or eight returnees, five had married: "They got married after they returned because the LTTE called them again to join or said they would take them, so they got married."¹²³

Eighteen-year-old Nanmani said she fell in love with another cadre while in the LTTE. After their release, she returned with him to his home. She said, "The LTTE came searching for my husband about a month later [after leaving Karuna's forces], but when they found we were married, they went away."¹²⁴ Nevertheless, she said she was nervous that the LTTE might return again.

Eighteen-year-old Tharini married just a month after returning home. Like many other former cadres, she married another former cadre. She said, "I decided to get married because I feared they might take me away again."¹²⁵

One mother, when asked what could be done to protect children from re-recruitment, said that she hoped to marry her daughter off. Her seventeen-year-old daughter

¹²⁰ Human Rights Watch interview with "Aruna," Batticaloa district, August 2004.

¹²¹ Human Rights Watch interview with "Selvamani," Batticaloa district, August 2004.

¹²² Human Rights Watch interview with international nongovernmental organization, Batticaloa district, August 5, 2004.

¹²³ Human Rights Watch interview, Batticaloa district, August 2004.

¹²⁴ Human Rights Watch interview with "Nanmani," Batticaloa district, August 2004.

¹²⁵ Human Rights Watch interview with "Tharini," Batticaloa district, August 2004.

commented, "This is a way to escape."¹²⁶ Another mother, who had sent her child away to keep her safe, said that if there was one more threat, she would marry her daughter off in order to keep her safe.¹²⁷ Some children told us that if the LTTE came for them, they would say they had gotten married, even if it was not true.¹²⁸

A twenty-eight-year-old man told Human Rights Watch, "The only way to protect children is to marry them early. I also got married for my protection. This was in 2000. The LTTE captured me on October 27 but I escaped. I went to Trincomalee and got married there. Then I came back. I got married to keep myself from being taken."¹²⁹

One twenty-one-year-old woman who was in a residential vocational training program when we interviewed her, told us, "I don't feel safe going back to my village. Today my parents came and told me not to come to the village. They said I was going to get married. Another young girl from here said she got married and the LTTE let her go. I don't want to get married. My parents said getting married would protect me. They are thinking this is the solution."¹³⁰

One man living in an area where LTTE re-recruitment was taking place said that marriage did not always protect children. "The parents get them married to keep the LTTE from taking them. This is the only thing we can do. Then the LTTE won't take them directly, but it will still use them for support. It may give them training and then use them in the border areas or in our own villages."¹³¹

He also relayed that "[t]here were twenty-seven children in my village taken by the LTTE earlier. Twenty-three came back. Now two children got married, but the LTTE took five people again for punishment.... They took the two who married—a twenty-three-year-old and an eighteen-year-old. The LTTE asked them all to come back, and when they didn't, they put them in a bunker."¹³²

¹²⁶ Human Rights Watch interview with Nirmala," Batticaloa district, August 2004.

¹²⁷ Human Rights Watch interview, Batticaloa district, August 2004.

¹²⁸ Human Rights Watch interview with "Vanmathi," Batticaloa district, August 2004.

¹²⁹ Human Rights Watch interview, August 2004.

¹³⁰ Human Rights Watch interview with "Vasuki", Batticaloa district, August 2004.

¹³¹ Human Rights Watch interview, August 2004.

¹³² Human Rights Watch interview, August 2004.

Staff with one NGO commented that “[a] lot of these marriages are out of desperation.”¹³³ One mother, whose daughter married another cadre shortly after returning from Karuna’s forces, said, “They married because they felt that if they were married, the LTTE couldn’t take them. Now they are separated because he didn’t go to work and so they had no income. I was supporting them.”¹³⁴ After their separation, the girl’s husband was re-recruited by the LTTE.

Vulnerability of Girls to Re-recruitment

Virtually all Tamil girls in Sri Lanka, particularly those in rural areas, wear their hair very long. As part of their indoctrination, girls are typically given very short haircuts after they become part of the LTTE’s forces. So unless they were long-time LTTE cadres, the girls released from Karuna’s forces all had very short hair when they returned home and were instantly identifiable as former LTTE cadres.

Many girls are extremely self-conscious of their short hair and believe it increases their risk of re-recruitment. One girl, interviewed in the safe environment of a residential vocational training program, said, “We want to increase the duration [of the program] to one year, because in six months, our hair won’t grow enough. We can be easily identified.”¹³⁵ Another girl said that she had been threatened on the way from their boarding house to the training center, and wanted to know if there was some more private way to get to the training center.¹³⁶ The training center is less than fifteen minutes away by foot, but long enough for these girls to feel vulnerable and exposed.

Many felt they could make no definite plans for the future until their hair grew longer. Eighteen-year-old Vimala said, “There are eleven members of my family. Only my father has a job. Because of the situation, I can’t go out to get a job at a shop or a garment factory. I have to wait until my hair grows.”¹³⁷

Role of Parents in Resisting Recruitment

Several individuals interviewed by Human Rights Watch commented on the newly-emerging role of parents in resisting recruitment of children. Harendra de Silva, chair of

¹³³ Human Rights Watch interview with staff of an international nongovernmental organization, Batticaloa district, August 5, 2004.

¹³⁴ Human Rights Watch interview, Batticaloa district, August 2004.

¹³⁵ Human Rights Watch interview with “Selvamani,” Batticaloa district, August 2004.

¹³⁶ Human Rights Watch interview with “Rangini,” Batticaloa district, August 2004. Several other girls echoed this sentiment during informal conversations.

¹³⁷ Human Rights Watch interview with “Vimala,” Batticaloa district, August 2004.

the National Child Protection Authority, said, "What we didn't see ten years ago, we see today. Mothers are protesting. Families are protesting."¹³⁸ A UNICEF representative said, "We see parents getting stronger. They were very strong and angry in April and May [during and after the LTTE split]. They said, 'We didn't send our children to fight with each other.'"¹³⁹

A local activist in Batticaloa felt that the protesting by parents was a significant development, and that it emerged from two sources: parents' fatigue with child recruitment and the LTTE's lack of control over the East after the split within the LTTE.¹⁴⁰

One girl's mother, who spent three days with other parents at Santhanamgam camp in April 2004 calling for their children's release, expressed her determination to protect her daughter: "I will try to hide the child, even if they shoot me."¹⁴¹

One NGO representative cautioned that the activism of the parents might have been temporary. "When the children first came back, families resolved not to let the LTTE take their children again, but now fear has taken hold again. . . . In other areas, parents are beaten and homes burned. Up until now, no one has been killed. But no one wants to be that person."¹⁴²

Subsequent to Human Rights Watch's visit to the East, local sources reported that due to continued intimidation, recruitment and political killings, parental protests largely dissipated.¹⁴³

¹³⁸ Human Rights Watch interview with Harendra de Silva, Chair, National Child Protection Authority, Colombo, August 4, 2004.

¹³⁹ Human Rights Watch interview with Christine Watkins, Project Officer (Protection), UNICEF, Batticaloa, August 5, 2004.

¹⁴⁰ Human Rights Watch interview with local activist, Batticaloa district, August 2004.

¹⁴¹ Human Rights Watch interview, Batticaloa district, August 2004.

¹⁴² Human Rights Watch interview with staff of an international nongovernmental organization, Batticaloa district, August 5, 2004.

¹⁴³ Human Rights Watch telephone interview with human rights activist, October 19, 2004.

VIII. LTTE COMMITMENTS TO END THE RECRUITMENT AND USE OF CHILD SOLDIERS

The LTTE has made numerous public commitments to end their recruitment and use of child soldiers. In May of 1998, during a visit to Sri Lanka by the Special Representative of the U.N. Secretary-General for Children and Armed Conflict, Olara Otunnu, the LTTE pledged not to use children below age eighteen in combat and not to recruit children below the age of seventeen.¹⁴⁴ The LTTE reiterated this pledge to the then UNICEF deputy executive director, Andre Roberfroid, during his visit to northern Sri Lanka in February of 2001.¹⁴⁵ In January of 2003, UNICEF executive director Carol Bellamy visited Sri Lanka, securing yet another agreement from the LTTE to end child recruitment and use.¹⁴⁶

In early February 2003, the Sri Lankan government and the LTTE held their fifth round of peace talks in Berlin. Due to international pressure, especially from UNICEF and the Sri Lankan Monitoring Mission (SLMM), the Norwegian led entity charged with monitoring compliance with the cease-fire agreement, the issue of child soldiers was one of the central issues of this round of peace talks. According to Norwegian officials facilitating the talks, LTTE senior officials guaranteed that there would be a "complete cessation of recruitment of, and recruitment campaigns aimed at persons under eighteen."¹⁴⁷ This pledge strengthened previous LTTE commitments by establishing eighteen not only as the LTTE's minimum age for combat, but also for recruitment.

In March 2003, the LTTE and UNICEF issued a joint press release pledging to develop an action plan on children affected by war. The head of the LTTE political section, S.P. Tamilselvan, stated at the time, "Our commitment to all children affected by war and not to recruit children has been firm and remains firm." He claimed that the LTTE had informed all military commanders and heads of political sections in writing of the policy not to recruit children under the age of eighteen.¹⁴⁸

¹⁴⁴ Office of the Special Representative for Children and Armed Conflict, *Commitments*, <http://www.un.org/special-rep/children-armed-conflict/English/Commitments.html> (retrieved September 14, 2004).

¹⁴⁵ UNICEF, "Sri Lankan Children In Crisis," press release, July 20, 2001.

¹⁴⁶ UNICEF, *Action Plan for Children Affected by War Progress Report 2003*, January 2004.

¹⁴⁷ Asia Human Rights Commission, "Sri Lanka: The Legacy of Child Soldiers in the LTTE," *Asia Child Rights Weekly Newsletter*, vol. 02, no. 07, February 12, 2003, <http://acr.hrschool.org/mainfile.php/0114/> (retrieved October 13, 2004).

¹⁴⁸ UNICEF, "UNICEF, Tamil Tigers agree to new steps forward for children," press release, March 4, 2003, http://www.unicef.org/media/media_7304.html (retrieved October 13, 2004).

A month later, in April 2003, seventy-five participants from the LTTE, the government of Sri Lanka, UNICEF, and other international agencies met and agreed on a ten-point Action Plan for Children Affected by War (Action Plan). Under the plan, which was officially signed in June of 2003 by both the LTTE and the government, LTTE officials pledged again to end child recruitment, and to release child soldiers who were in LTTE custody. The plan states, "The LTTE wishes to emphasize their commitment to release and rehabilitate children currently enlisted and children seeking recruitment with the LTTE and will closely work and cooperate with local and international organizations. The LTTE is totally committed to avoid recruitment of children in LTTE ranks."¹⁴⁹

The Action Plan (discussed in more detail below) included plans to establish three transit centers to receive children released by the LTTE, which would be co-managed by UNICEF and the Tamil Rehabilitation Organization (TRO), which is effectively the humanitarian arm wing of the LTTE. It also included other provisions: child rights training for the LTTE, government armed forces, and communities; a monitoring mechanism administered by UNICEF for children in the North and East; and programs providing micro credit, vocational training, education, health and nutritional services, and psychosocial care.¹⁵⁰

IX. THE LTTE'S FAILURE TO MEET ITS COMMITMENTS

The LTTE has failed to meet its commitments to end its recruitment and use of children. Recruitment of children has continued during the cease-fire, and actually increased in government controlled areas. And children participated in the active hostilities between the Vanni LTTE forces and the breakaway Karuna faction. At the same time, the number of releases of children—both to the transit centers and directly to families—has fallen far short of the numbers anticipated under the Action Plan.

Between January 2002 and November 1, 2004, UNICEF documented a total of 4,600 cases of under-age recruitment.¹⁵¹ During the same period, the LTTE released only 1,208 children from its forces.¹⁵² Even after the Action Plan went into effect, from June

¹⁴⁹ *Action Plan: Addressing the needs and care for the children in the North East affected by war: Outcome document from 10-11 April Workshop on Children Affected by War*, April 22, 2003, p. 3.

¹⁵⁰ The reintegration of child soldiers is only one aspect of the Action Plan. The Action Plan focuses on children affected by war in other ways.

¹⁵¹ Some of these cases were children recruited prior to January 2002.

¹⁵² One hundred seventy-three children were released to the transit centers, and another 918 were released directly to families. This figure includes 280 children whom the Vanni LTTE forces captured during the April confrontation with the Karuna faction and released two days later.

2003 through September 2004, the number of new cases of recruitment or re-recruitment was more than double the number of children released.¹⁵³ As of November 1, 2004, of the cases of child recruitment documented by UNICEF, 1,395 cases were still outstanding.¹⁵⁴ Many of these individuals are presumably still with the LTTE.

UNICEF has noted that the number of cases it registered represents only a portion of the total number of children recruited. Of the children who were released or returned from the LTTE, only about 25 percent were previously listed in the UNICEF database.

The LTTE's unwillingness to abide by the Action Plan was evident almost immediately. On October 3, 2003, the day that the first transit center was opened to receive released children, the LTTE handed over forty-nine children whom they said had joined voluntarily but were being returned because of their age. Hours later, according to well-confirmed reports, the LTTE abducted twenty-three children in one town in the East.¹⁵⁵ The Sri Lanka Monitoring Mission (SLMM) said they received more than eighty complaints of child recruitment by the LTTE during the month the transit center opened, and that the vast majority of the complaints were from the East.¹⁵⁶ The SLMM told the National Human Rights Commission that according to their investigations, only about 10 percent of all abductions were reported to them.¹⁵⁷

After the LTTE's initial release of forty-nine children in October 2003, the number of children released to the transit center dropped significantly. In its first year of operation, the center received a total of only 172 children. Transit center staff told Human Rights Watch that although the center has the capacity for one hundred children, it had never held more than forty-nine, and for the six weeks between June 14 and July 29, 2004, the center was completely empty.¹⁵⁸

The profile of children the LTTE has released to the transit centers also suggests that they are not fully integrated members of the LTTE, or may even be recruited solely for

¹⁵³ From June 2003 through October 2004, UNICEF registered 1,424 cases of recruitment, 323 cases of re-recruitment, and 831 releases.

¹⁵⁴ Information provided to Human Rights Watch by UNICEF, e-mail communication, November 2, 2004. UNICEF reported that in addition to the children formally released by the LTTE, 507 children ran away from the LTTE, 1,702 were released by Karuna's forces, and five were deceased. Of the cases in its database, approximately 43 percent were girls, and 57 percent were boys.

¹⁵⁵ Frances Harrison "Tigers 'still enlisting' children," BBC News [online], December 10, 2003, http://news.bbc.co.uk/1/hi/world/south_asia/3306725.stm (retrieved October 13, 2004).

¹⁵⁶ Ibid.

¹⁵⁷ Sri Lanka National Human Rights Commission report, May 2004.

¹⁵⁸ Human Rights Watch interview with transit center staff, Kilinochchi, August 13, 2004.

the purpose of being released to the transit center. According to UNICEF, nearly 70 percent of the children released to the transit center has been with the LTTE for less than four months. Some were recruited only weeks or even days before their release. Of the five children Human Rights Watch was able to interview at the transit center during its visit in August 2004, only one had been with the LTTE for longer than two months. Both UNICEF and Save the Children believe that at least some of the children released were those that the LTTE no longer wanted, perhaps because of difficulties during training, or medical or disciplinary problems. We also observed that of the fifteen girls present at the center during our visit, all but one or two had long hair. Typically, female LTTE cadres are given very short haircuts almost immediately after arriving at the camp. Unless they were veteran cadres, the girls' long hair may indicate that they were never recruited for the purpose of military service.

The secretary-general of the LTTE's peace secretariat, S. Puleedevan, told Human Rights Watch that the LTTE is "working very hard on this issue," and denied that the LTTE practices forced recruitment. "We don't ask people to join; they voluntarily come and join. There is no threat of forced recruitment. The LTTE is voluntarily giving their service to the people." He conceded, "There may be some lapses. Some forces may force one or two children, but that doesn't mean that the leadership is giving a green light to do those kind of forcible recruitment cases.... Abduction is marginal."¹⁵⁹ Puleedevan did not address the issue that even "voluntary" recruitment of children violates the LTTE's international law obligations.

In a meeting with Human Rights Watch, the secretary-general of the LTTE's political wing, S.P. Tamilselvan, referred to child soldiers and claimed that "We do not have such a phenomenon."¹⁶⁰ He said that the LTTE did not practice forced recruitment of children: "We reject the term of forced recruitment. Nobody forces them.... No, definitely not, we do not do that."¹⁶¹ He acknowledged some that children sought to join the LTTE because of poverty, lack of educational and vocational opportunities, or because they had lost their parents and had no one to care for them, but claimed that when the LTTE discovers that a child is underage, the child is released to the transit center.

¹⁵⁹ Human Rights Watch interview with S. Puleedevan, Secretary General, LTTE Peace Secretariat, Kilinochchi, August 13, 2004.

¹⁶⁰ Human Rights Watch interview with S.P. Tamilselvan, General-Secretary of the LTTE political wing, Geneva, October 5, 2004.

¹⁶¹ Ibid.

Despite overwhelming evidence that the LTTE has been recruiting children for many years, Tamilselvan blamed Col. Karuna, claiming that Karuna's recruitment of children was a primary reason that Prabhakaran took "disciplinary" action against him. He described Karuna's recruitment of children as "cruel and merciless." Tamilselvan also claimed that the children released from Karuna's forces were "handed back to their parents" by the Vanni LTTE, even though accounts gathered by Human Rights Watch indicated that the vast majority either returned home on their own, or were encouraged to return by Karuna's commanders.

Tamilselvan, like Puleedevan, acknowledged to Human Rights Watch that there were some "lapses" of child recruitment and that the "leadership was not always very diligent in applying standards." He said that in mid-September, the LTTE took disciplinary action against some individuals responsible for child recruitment, but did not provide details.

Both Tamilselvan and Puleedevan complained that both UNICEF and the international community place too much importance on the child soldier issue. Puleedevan told Human Rights Watch:

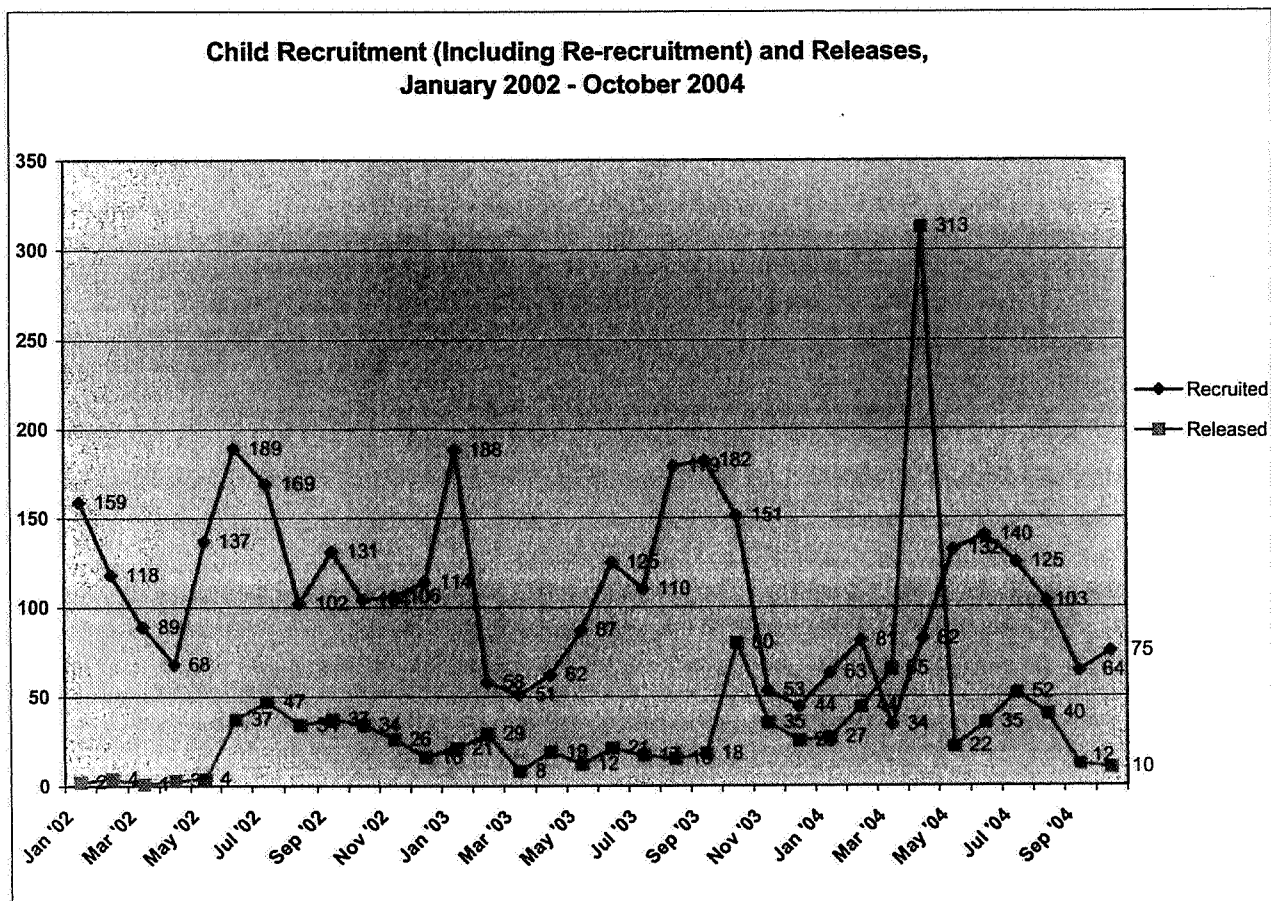
The child has a lot of rights; child soldiers are tenth or eleventh place. People tend to forget important rights and focus only on the child soldiers issue. Children can't find anything tangible in their homes—no school, areas are under occupation. People don't focus on this, only on child soldiers. We need to focus on why children are joining.¹⁶²

The head of a newly-established Northeast Commission on Human Rights (NECOHR) linked with the LTTE expressed concern regarding reports of under-age recruitment, saying, "The LTTE has to rectify these things.... We will work on this, no doubt about it."¹⁶³ However, he also complained that the LTTE's recruitment of children gets too much attention: "I agree with the international community that children should be

¹⁶² Human Rights Watch interview with S. Puleedevan, Secretary General, LTTE Peace Secretariat, Kilinochchi, August 13, 2004.

¹⁶³ Human Rights Watch interview with Fr. Karunaratnam, chairman of the Northeast Commission on Human Rights (NECOHR), Kilinochchi, August 13, 2004. The Commission claims to be an independent body but operates with the support of the LTTE. In a subsequent meeting in Geneva on October 5, 2004, Fr. Karunaratnam informed Human Rights Watch that the secretariat had secured the release of four children from the LTTE, and was investigating several other cases.

protected from war, but in these reports, I only see accusations. The LTTE has done lots of good things, but always people talk about under-age recruitment.”¹⁶⁴



This database reflects under-age recruitment known to UNICEF. The overlap between the database and children who have been returned/released is about 25%

NOTE: UNICEF has registered 1,702 cases who have returned home; these children will be considered released when they receive formal release letters from the LTTE.

Source: UNICEF Sri Lanka

¹⁶⁴ Human Rights Watch interview with Fr. Karunaratnam, chairman of the Northeast Commission on Human Rights (NECOHR), Kilinochchi, August 13, 2004.

X. THE ACTION PLAN FOR CHILDREN AFFECTED BY WAR

The Action Plan for Children Affected by War emerged out of the peace process in Sri Lanka and, as of mid-2004, was the only signed human rights agreement to result from the post-cease-fire talks. The plan was intended to benefit 30,000 to 50,000 children affected by the conflict in the North and East through a broad range of programs. A key provision of the plan was the LTTE's agreement to end child recruitment and to release children from the LTTE's forces. The LTTE and the government agreed on the plan in April 2003 and formally signed it in June 2003. UNICEF played a primary role in negotiating the Action Plan and is the main implementing partner.

The Action Plan gave UNICEF a formal monitoring role regarding violations of the rights of children, including under-age recruitment. UNICEF receives reports of under-age recruitment from families and others, maintains a database of such cases, and follows up on each report to verify its accuracy and when possible, to obtain a birth certificate or other documentation of age for each recruited child. Under the plan, UNICEF reports cases to the LTTE and issues a monthly report to the LTTE political wing. Meetings are held regularly between the UNICEF Representative and Tamilselvan, the head of the LTTE political wing, as well as monthly with LTTE representatives at the district level.

The Action Plan called for an awareness campaign on child rights at the beginning of the implementation period, publicizing the commitments by all parties in the plan with specific reference to the commitment of the LTTE not to recruit children under eighteen years of age. The campaign was to include posters, signs by the side of the road, radio spots, and leaflets. UNICEF prepared a series of posters on various aspects of the plan and submitted them to the LTTE for approval in January 2004, but as of August 2004, the LTTE still had not approved the poster series for dissemination. When Human Rights Watch asked an LTTE representative about the posters, he claimed that the LTTE was not opposed to the posters, but was still working on "logistics."¹⁶⁵

Another component of the plan provided for vocational training for young people between fifteen and eighteen. The plan anticipates training 5,000 young people (including 1,200 former child soldiers) by May 2005, with the International Labor Organization (ILO) as the primary implementing partner. The program began operating in April 2004, and as of early August, about 300 children were enrolled in three- to six-

¹⁶⁵ Human Rights Watch interview with S. Puleedevan, Secretary General, LTTE Peace Secretariat, Kilinochchi, August 13, 2004.

month programs to learn skills including construction, agriculture, motorbike and bicycle repair, tailoring, welding, animal husbandry, and television and radio repair.¹⁶⁶

The education component of the Action Plan aimed to encourage children, including children returned from the LTTE, to return to school; to provide students with catch-up education and school kits as necessary; and to construct and repair schools. The program was to be implemented by several partners, including UNICEF, the government of Sri Lanka, and the LTTE Education Society. In a progress report on the Action Plan, UNICEF stated that by the end of June 2004, 6,751 children had enrolled back in school and over 40,000 children were enrolled in catch-up education. As noted earlier, however, the benefits of these efforts have often eluded former child soldiers who are fearful of returning to school because of their vulnerability to recruitment or re-recruitment. Less than 40 percent of the child soldiers who returned from Karuna's forces in April 2004 had returned to school by August, and some who initially re-enrolled subsequently dropped out because of fear.

The Action Plan includes ten main components, including those mentioned above. Other aspects of the plan address child rights training, microcredit and income generation, health and nutrition, psychosocial care, social work, and alternative care for children unable to return to their families.

Transit Centers

A key component of the plan calls for the release and reintegration of underage recruits from the LTTE, including the establishment of three transit centers to facilitate the return of children to their communities. Although the plan envisioned that many children would be released directly to their families, the transit centers were designed to receive children who expressed a reluctance to go home, children whose families could not be found, and children with specific protection needs. Under the plan, the Tamil Rehabilitation Organization (TRO), effectively the humanitarian wing of the LTTE, was given funds to build the centers, and was designated to co-manage the centers together with UNICEF.

¹⁶⁶ Human Rights Watch interview with R. Sivapragasam, Vocational Training Expert, Vocational Training and Skills Development for Children – North-Eastern Province, International Labor Organization, International Programme on the Elimination of Child Labour (IPEC), Colombo, August 3, 2004. Several former child soldiers Human Rights Watch interviewed expressed regret that the vocational training programs available did not offer them the opportunity to further develop non-military training they received in the LTTE, for example, medical training.

The first center opened in October 2003 in Kilinochchi. The other two centers, in Trincomalee and Batticaloa, although completed, had not opened by November 2004, in large part because of the low rates of children released by the LTTE.

Children at the transit center stay for an average of one to two months, although efforts were being made in August 2004 to reduce the length of stay and “fast-track” children with no significant protection concerns. While at the center, children participate in a full program of activities, including educational and psycho-social assessments; language, math, science, religion and other classes; drama, music, and art activities; sports; and physical exercise. They also have counseling sessions with staff social workers.¹⁶⁷ At the time of our visit in August 2004, the center had four TRO counselors and three UNICEF counselors.

The TRO and Save the Children also conduct home visits to assess the family’s ability to care for the child. Save the Children and the transit center staff then have joint care review meetings to discuss the best options for each child. According to transit center staff, “The most common concern is children coming from very poor families, where the capacity of the family is very limited. Some children find it difficult to go back. Many were suffering from neglect [in the home].”¹⁶⁸

After the child’s return to his or her family, Save the Children social workers conduct follow-up visits to evaluate the reintegration process, support the child’s re-entry into school or vocational training, and provide support to the family. These take place at intervals based on the individual child and family’s particular needs, but roughly take place one week after the child returns, and then after three weeks, six weeks, three months, and one year.¹⁶⁹ Although most children return to their families, in cases where that is not feasible or in the best interest of the child, children may be placed with extended family members or at a vocational training program, boarding school, or children’s home.

¹⁶⁷ Both transit center and UNICEF staff informed Human Rights Watch that as a matter of policy, counselors and other transit center staff did not ask children questions about their experiences while in the LTTE.

¹⁶⁸ Human Rights Watch interview with transit center staff, Kilinochchi, August 13, 2004.

¹⁶⁹ Human Rights Watch interview with Save the Children, Batticaloa, August 10, 2004. Save the Children conducts follow-up social work, not only for children released through the transit centers, but also for children who are released directly to their families.

Role of the Tamil Rehabilitation Organization

The TRO's involvement in both the Action Plan and the transit centers was controversial from the start. The TRO was organized by the LTTE in 1985 initially to assist Tamil refugees from Sri Lanka taking refuge in South India. It eventually changed its stated objective to focus on the humanitarian needs of persons affected by war in the North and the East. According to the TRO website, it is, among other things, "dedicated to addressing the needs of children affected by war in the north-east of Sri Lanka by providing them with much needed relief, rehabilitation and development."¹⁷⁰

Although the TRO claims to be a humanitarian nongovernmental organization, it is widely acknowledged to be closely linked to the LTTE. Local sources in Trincomalee told Human Rights Watch that many TRO representatives are former LTTE soldiers.¹⁷¹ The TRO is controlled largely by the LTTE, and its credibility is riddled with allegations about its political motives. According to Canadian intelligence sources, the TRO raises funds from Tamils abroad which it claims to use to assist displaced peoples and former child soldiers in Sri Lanka, but channels much of the money directly to the LTTE.¹⁷²

Some observers and local NGOs have questioned the wisdom of allowing the TRO, because of its links to the LTTE, to protect and rehabilitate former child soldiers. Concerns have also been raised by the funding arrangements for the centers, which were budgeted at US\$1.3 million between May 2003 and August 2004.¹⁷³ Much of this funding was given to the TRO for construction and operation costs. The director of the National Child Protection Authority told us, "Groups may claim that they are not supporting the LTTE by funding the TRO, but outside funding frees up other money for military purposes."¹⁷⁴

UNICEF acknowledges that "for many, the TRO and LTTE are synonymous," but defends the TRO's role by saying "In the beginning, we didn't have a lot of choice. We

¹⁷⁰ Tamils Rehabilitation Organisation, "Our Mission," n.d., <http://troonline.org/en/?menu=about> (retrieved October 13, 2004).

¹⁷¹ Human Rights Watch interview, name withheld, October 2004.

¹⁷² Stewart Bell, "Groups Act as Fronts for Terror: CSIS: Tamils reject report, deny any part in covert operations," National Post, December 9, 2000. The National Post cites an internal Canadian Security Intelligence Service report which stated "[M]ost funds raised under the banner of humanitarian organizations such as the TRO are channeled instead to fund the LTTE war effort."

¹⁷³ UNICEF informed Human Rights Watch that the actual construction costs for the three transit centers totaled US\$287,538, and that the operation costs between October 2003 and August 2004 were US\$97,321. E-mail communication from UNICEF Colombo, October 26, 2004.

¹⁷⁴ Human Rights Watch interview with Harendra de Silva, Chair, National Child Protection Authority, Colombo, August 4, 2004.

had our backs against the wall. Initially the LTTE wanted the TRO to run the centers. We argued for three months until we reached a compromise. The TRO is not going away.¹⁷⁵

A representative of UNICEF's Kilinochchi office, which administers the center, said, "If it hadn't been with the TRO, the transit center would have been impossible. The TRO has a strong presence in the North-East. They have trust from the LTTE, so there are advantages to working with the TRO."¹⁷⁶

UNICEF notes that it has implemented a number of safeguards to minimize children's contact with the TRO. UNICEF staff is present at the transit centers at all times to provide oversight, and children's stay at the centers is limited to no more than three months. The TRO is also excluded from any follow-up with children once they return home; Save the Children is responsible for all subsequent social work with the children.

Although UNICEF staff at the transit center expressed a hope that in the future they would receive children released from the LTTE "according to their capacity," TRO staff suggested that the number of children in the LTTE has already been exhausted. "The LTTE has released other children directly home, so we don't know if there are any more children left to bring."¹⁷⁷ Similarly, TRO staff in Batticaloa said that the transit center there is ready to start taking children, but that all the children with the LTTE had already been released and gone home.¹⁷⁸

Response to the Release of Karuna's Forces

The mass April release from Karuna's forces of an estimated 4,000 to 6,000 soldiers, including more than 1,800 children, took all actors by surprise. UNICEF and international NGOs were unprepared to deal with the enormous number of new cases. A UNICEF progress report on the Action Plan acknowledged: "The scale and unexpected nature of this return has put an enormous strain on the capacity and resources of all partner agencies under the Action Plan."¹⁷⁹

¹⁷⁵ Human Rights Watch interview with UNICEF staff, Sri Lanka, August 2004.

¹⁷⁶ Human Rights Watch interview with UNICEF staff, Kilinochchi office, August 13, 2004.

¹⁷⁷ Human Rights Watch interview with G. Edwin Rosairo, TRO consultant, Kilinochchi transit center, August 13, 2004.

¹⁷⁸ Human Rights Watch interview with TRO staff members, Batticaloa, August 10, 2004.

¹⁷⁹ UNICEF, *Action Plan for Children Affected by War Progress Report January – June 2004*, September 2004, p. 9.

After the release, UNICEF, supported by Save the Children, set up mobile registration centers in Batticaloa and Ampara districts to register the children who had returned home. Save the Children, which is responsible for conducting follow-up visits with children who return home, quickly scaled up its program, increasing its number of social workers to twenty-five.

Of the 1,800 children who returned to Batticaloa or Ampara districts from Karuna's forces and registered with UNICEF, Save the Children social workers had visited 1,300 by early August, and more than half of that number had been visited twice.¹⁸⁰ In Trincomalee district, where there is a much smaller number of returnees—fewer than one hundred registered—Save the Children had visited each family approximately five times between April and August.¹⁸¹

A representative of Save the Children told us, "Our main priority is to get the children back to school or back to training. But many children are not there, not at home. Some families send children to relatives, abroad, or to marry."¹⁸²

In Batticaloa and Ampara, 700 of the children were back in school by early August 2004, and 150 had been referred for vocational training, but over 50 percent of the registered children were neither back in school nor in vocational training. The large number of children without assistance was due to both on-going fear of re-recruitment (keeping many children out of school or leading them to leave their homes, as described earlier in this report) and according to UNICEF, the lack of capacity of Action Plan partners.¹⁸³

UNICEF's progress report on the Action Plan particularly noted the challenges related to vocational training in the East: "ILO has been constrained by its lack of resource, staffing and infrastructure capacity which have caused delays in the implementation of this project. This is particularly the case in the East where ILO has faced considerable challenges given the large numbers of children and its limited capacity."¹⁸⁴ UNICEF acknowledged that in general, partner agencies will need to continue to expand to deal with the large number of referrals and follow-up work.¹⁸⁵

¹⁸⁰ Human Rights Watch interview with Save the Children, Batticaloa, August 10, 2004.

¹⁸¹ Human Rights Watch interview with UNICEF staff, Trincomalee district office, Trincomalee, August 12, 2004.

¹⁸² Human Rights Watch interview with Save the Children, Batticaloa, August 10, 2004.

¹⁸³ UNICEF, *Action Plan for Children Affected by War Progress Report January – June 2004*, September 2004.

¹⁸⁴ Ibid.

¹⁸⁵ Ibid.

XI. THE ROLE OF UNICEF AND THE FUTURE OF THE ACTION PLAN

UNICEF in Sri Lanka has placed the LTTE's recruitment and use of child soldiers high on its agenda. As noted above, it played a principal role in negotiating the Action Plan on children affected by the conflict and serves as the primary implementing partner for the plan's ambitious program of activities. Its recruitment database is comprehensive and sophisticated, and it has a larger number of staff devoted to child protection than any other UNICEF country office. The UNICEF office in Sri Lanka has become increasingly outspoken on the child soldier issue, issuing several public statements calling on the LTTE to end its recruitment of children and release the children in its ranks.

Human Rights Watch welcomes UNICEF's vigorous response to the on-going recruitment and use of child soldiers by the LTTE, including its public statements, extensive monitoring, regular advocacy with the LTTE at both district and senior levels, and field-based protection activities. These activities in many ways provide a model for UNICEF activities in other parts of the world where child recruitment is an on-going concern.

At the same time, both UNICEF and the Action Plan have been heavily criticized. As discussed above, a major area of controversy has been the significant role that the plan gives the TRO, and UNICEF's agreement to both provide funds to the TRO and accept the TRO as an implementing partner for the plan. As the LTTE's failure to comply with its agreements under the Action Plan have become evident, some actors have suggested that UNICEF should withdraw from that part of the plan related to under-age recruitment, renegotiate key aspects of the plan, or even devise a new plan.

In part because local people do not see the Sri Lankan government as an effective mechanism for child protection in the North and East, expectations of UNICEF are extremely high. Local activists have criticized UNICEF for not working closely enough with them, for not placing enough emphasis on recruitment prevention and follow-up on individual cases, and for failing to communicate its activities effectively to local communities.

For example, one international NGO representative working with a vocational training program in Batticaloa told Human Rights Watch that many local people, including people working for local NGOs, did not know the procedure to register cases of under-age recruitment with UNICEF. "There's an assumption that everyone knows, but it's not true." She gave an example of a local priest on the main road in Batticaloa, near the

UNICEF district office who, she said, had a large number of children return to his parish from the LTTE but did not know how to register them.¹⁸⁶

One local activist criticized UNICEF for not sufficiently involving local community-based organizations or giving enough emphasis to prevention:

UNICEF and the international NGOs need more meetings with local NGOs. These can be regular, informal meetings. They need representation from remote areas. They can go through church organizations. But it must be systematic and regular. Especially in remote areas where recruitment is high. But meetings are not enough. They have to go into the field. They can't wait for the mothers to come to them. It's not enough.

They should give information in schools. They should put advertisements in Tamil newspapers and on the radio. Do little plays. They have to flood this place with preventative measures. Preventative measures must be a part of the plan.¹⁸⁷

UNICEF, caught unawares, struggled to respond to the unique challenges raised by the mass release of children in April 2004, particularly the acute risk of re-recruitment. Local activists point to UNICEF's lack of coordination with local and other international groups which were similarly trying to respond to the challenge. One local activist said that in such an emergency situation, coordination amongst all the actors is critical to ensure that protection and monitoring can be spread out over as broad an area as possible:

We understand UNICEF can't do everything, can't be everywhere. But why did they not work with us? We were there, in the field, in the remote villages, running around gathering information, trying to spread information. In such an emergency, cooperation and coordination is critical. Don't sit around saying, "Well, they should come to us."¹⁸⁸

¹⁸⁶ Human Rights Watch interview with international NGO staff, Batticaloa, August 9, 2004.

¹⁸⁷ Human Rights Watch interview with local activist, Batticaloa, August 2004.

¹⁸⁸ Human Rights Watch interview with human rights activist, Batticaloa, August 2004.

Local activists also say they went to UNICEF before the temple festivals to warn them that the festivals are sites of forced recruitment. In spite of this warning, UNICEF did nothing to monitor the festivals until after the abductions of twenty-six persons, including several children. Subsequently, UNICEF began coordinating efforts with international organizations to respond to LTTE recruitment at temple festivals by ensuring an international presence at the festivals. The presence was intended to both monitor and deter recruitment activities. Because of the large number of temple festivals, efforts focused primarily on the last few days of the larger festivals where the attendance is usually between 10,000 to 20,000 devotees.¹⁸⁹ This was a useful strategy and did appear to inhibit recruitments at these events.

The Sri Lanka Democracy Forum (SLDF), a nongovernmental organization made up largely of Tamil diaspora, issued a statement in July calling for a “fundamental revision” of the Action Plan “given the accentuated vulnerability of the newly released, and the unrelenting brutality of LTTE recruitment.” Specifically, the SLDF called on UNICEF to exert stronger efforts to protect children from re-recruitment; to work with a wider range of actors, including grassroots community-based groups; and to work more closely with families and provide them with stronger support.¹⁹⁰

In early August, UNICEF initiated stronger public awareness efforts around child recruitment. It began distributing leaflets without LTTE approval in Batticaloa and Trincomalee districts, at school gates, hospitals, bus-stands, market places, government buildings, and both government and LTTE checkpoints. The leaflets referred to international and national law prohibiting the use of child soldiers and the LTTE’s agreement not to recruit children. It also encouraged families to report under-age recruitment to UNICEF offices.

UNICEF reported that the reaction from families was interested and positive. Numerous families visited the UNICEF office after the distribution with new reports of recruitment or to update previous cases. However, the agency received one report that LTTE cadres in a village in southern Batticaloa took the leaflets from families and destroyed them, saying that “UNICEF would not be around to look after families at all

¹⁸⁹ Email communication from Andrea James, Head of Office, UNICEF-Batticaloa to Human Rights Watch, September 22, 2004.

¹⁹⁰ Sri Lanka Democracy Forum, “Child Security and Protection is the First Step Towards Rehabilitation,” press release, July 16, 2004.

times.” UNICEF indicated that it planned to raise this incident at its next meeting with the LTTE.¹⁹¹

In its progress report on the Action Plan, released in September 2004, UNICEF stated that it was working to build alliances with community-based organizations in order to develop strategies to protect children from under-age recruitment, but gave few specifics.¹⁹²

UNICEF’s representative, Ted Chaiban, states that the Action Plan is a “strategy,” but that UNICEF’s work is not limited to the plan. He emphasized that the action plan emerged in a particular political context:

The action plan was devised under very different circumstances. It was part of the peace process, at the request of the parties. Everyone thought the [peace] process was going forward... The peace process broke down and now we are working in a vacuum, but throughout, we’ve continued to meet [with the LTTE]. The question now is what is in the best interest of the child?¹⁹³

The change in context was echoed by other UNICEF staff: “If the peace talks had continued and the political climate was more favorable, we would have hoped for a more favorable result by now.”¹⁹⁴ This is almost certainly true although it has to be noted that the LTTE was failing to meet its commitments even before the breakdown of the peace talks, so this expectation may place undue optimism on LTTE cooperation.

Greg Duly, the country director for Save the Children said that “The action plan was providing one of the few spaces where the international community, the government, LTTE and facilitators could talk.”¹⁹⁵

Some observers question UNICEF’s continued cooperation with the LTTE in view of the LTTE’s non-compliance with the Action Plan. As one United Nations official put it:

¹⁹¹ Email communication from Andrea James, Head of Office, UNICEF-Batticaloa to Human Rights Watch, September 22, 2004.

¹⁹² UNICEF, *Action Plan for Children Affected by War Progress Report January – June 2004*, September 2004, p. 27.

¹⁹³ Human Rights Watch interview with Ted Chaiban, UNICEF representative, Colombo, August 17, 2004.

¹⁹⁴ Human Rights Watch interview with UNICEF staff, Trincomalee district office, Trincomalee, August 12, 2004.

¹⁹⁵ Human Rights Watch interview with Greg Duly, country director, Save the Children, August 4, 2004.

UNICEF keeps talking about its access [to the LTTE] under the Action Plan. And of course, at the higher levels, the LTTE says the right things. But has UNICEF thought about what leverage they actually gain by this access, what good does it do on the ground? Through their weekly meetings with Kaushalyan [the LTTE political leader in Batticaloa district], UNICEF gives legitimacy to a man who is responsible for abducting kids. That is the message they are sending out.¹⁹⁶

Chaiban noted that the Action Plan is unique in that apart from an agreement in Southern Sudan, it was the only formal agreement with a nongovernmental armed force to demobilize children from its forces in advance of a formal peace agreement. He also pointed out its explicit monitoring and reporting role for UNICEF. Through the initiative, he says, 1,000 children have gone home and that no other mechanism has secured the release of as many children.

In a September 2004 report assessing the progress of the action plan, UNICEF repeatedly emphasized the LTTE's failure to meet its commitments to release children from its forces, and end all recruitment of children. "Without such a commitment, the work that all Action Plan partner agencies can achieve is limited."¹⁹⁷ The report also emphasized the negative impact of continuing recruitment on efforts to reintegrate children into their communities: "The success of reintegration activities depends on a safe and secure environment. Reintegration is seriously impeded by the current climate of continuing, and in some places violent, recruitment of children throughout the North East."¹⁹⁸

Human Rights Watch acknowledges UNICEF's efforts to engage the LTTE directly in addressing the LTTE's on-going abuses and to secure concrete implementation of the LTTE's commitments to end its recruitment and use of children through the Action Plan. The Action Plan provides important avenues for a coordinated approach by both U.N. agencies and NGOs to address some of the underlying issues that facilitate child recruitment or inhibit the reintegration of former child soldiers, including access to education, vocational training, and child rights awareness raising. Human Rights Watch does not advocate UNICEF's withdrawal from the Action Plan as a whole.

¹⁹⁶ Human Rights Watch interview with UN official, Batticaloa, August 6, 2004.

¹⁹⁷ Action Plan for Children Affected by War Progress Report January–June 2004, UNICEF, p 28.

¹⁹⁸ Ibid, p 13.

However, Human Rights Watch remains concerned that the LTTE's failure to fulfill its obligations regarding the recruitment and release of children severely undermines the plan's stated goals. The lack of substantial progress in achieving these goals some sixteen months after the LTTE's formal agreement of the plan has undermined community confidence in the plan's strategy and raised legitimate questions regarding UNICEF's ongoing approach towards the LTTE. Although UNICEF has rightly made several public statements regarding LTTE non-compliance, Human Rights Watch believes that its continued participation in the child soldiers component of the plan is untenable and undeservedly legitimizes current LTTE policy towards children.

In light of continuing LTTE non-compliance with its commitments, Human Rights Watch urges UNICEF to set firm deadlines and benchmarks for the LTTE's compliance with its agreements under the Action Plan. These could include, for example, a cessation of child recruitment for a three-month period, and a specified number of releases during that period. If the LTTE fails to meet these benchmarks within the specified time, UNICEF should suspend operations at the transit center, including the provision of funds to the TRO for the center's operations.

We encourage UNICEF to continue its monitoring and regular and high-level advocacy with the LTTE and to continue to seek an end to all recruitment of children and to assist children who are released. Experience has shown that the UNICEF district offices are able to facilitate family reunification in such cases on an ad hoc basis and in a short period of time, with Action Plan partners providing follow-up social work support.

Until the LTTE takes credible steps to change its practices, UNICEF should prioritize its protection activities, in collaboration with NGOs assisting the Action Plan and other interested NGOs and local community groups.

XII. RESPONSE BY THE NATIONAL GOVERNMENT

The government of Sri Lanka has not, until recently, spoken out on the LTTE's recruitment and use of children, perhaps not wishing to jeopardize the peace process. In spite of ample evidence of child recruitment by the LTTE, the government has taken little action to protect children in government-controlled areas. The government has effectively abdicated its responsibility to international organizations such as UNICEF, ILO and Save the Children.

The government is admittedly in a difficult situation. Given the government's numerous violations of international human rights and humanitarian law during the conflict, the Tamil population mistrusts the government and the state security forces. Another major challenge is that the government's control over the eastern districts is largely nominal. A senior government official conceded that the LTTE controls the administration of the East, even in areas under official government control, and that the government has very little influence over what happens in these areas.¹⁹⁹ For instance, while the government of Sri Lanka funds the health, education, and food services throughout the country, in the East even in areas officially controlled by the government, the LTTE controls the distribution of these resources.

The government has, however, done little to address the local population's suspicions of the state. For example, security forces in the East, whether army or police, are almost entirely Sinhalese.²⁰⁰ While every station does have some Tamil officers who can investigate and record complaints, there is no question that language—and all that it signifies in this conflict—keeps people from reporting to the police.²⁰¹ The Senior Superintendent of Police of Trincomalee admitted that parents would feel more comfortable reporting complaints in their own language, and that it would be a very good idea to hire more Tamil-speaking officers.²⁰²

A particular concern is protection for the children released from Karuna's forces whom the LTTE is specifically targeting for re-recruitment. A senior policeman in Trincomalee told Human Rights Watch that "we can't provide extra protection for [these] families."²⁰³ Persons under the government's authority remain the government responsibility. As one human rights activist told Human Rights Watch, "The state has an obligation to protect its children. Concerned individuals have talked about taking

¹⁹⁹ Human Rights Watch interview with senior government official, August 14, 2004. For example, although the government technically administers the schools, the rule of the LTTE is such that they can enter government schools and conduct propaganda lessons (under the guise of history lessons) at will. Many parents, even if opposed to the LTTE, feel that the government is not teaching their children the correct version of Tamil history. In the words of one parent: "Our children have scarred minds, we have to tell them what happened....The government teachers are neglecting their duties, so it is good that the LTTE come in and teach our children about our history." Human Rights Watch interview, August 2004.

²⁰⁰ For example, ninety percent of the Trincomalee district police is Sinhalese. Human Rights Watch interview with Upali Hewage, Senior Superintendent of Police, Trincomalee, August 11, 2004.

²⁰¹ This was a concern repeated by several witnesses who spoke with Human Rights Watch. Even though most witnesses said that the security forces were now behaving better than before, they still found it intimidating to pass through security checkpoints on the road, which are manned largely by Sinhalese speakers.

²⁰² Ibid.

²⁰³ Human Rights Watch interview with Upali Hewage, Senior Superintendent of Police, Trincomalee, August 11, 2004.

vulnerable children out of the Northeast to provide them with safe haven in the south, but they don't have the capacity. The government should do that."²⁰⁴

The Sri Lankan government has yet to convince critics that it can actually protect such children. In October 2000, at least twenty-six Tamil inmates of the Bindunuwewa rehabilitation camp were killed by an Sinhalese mob armed with clubs and machetes. The victims were all former members of the LTTE and were aged between fourteen and twenty-three. The Tamil population saw these killings as further evidence of the government's lack of concern for their safety. Following lengthy and controversial proceedings, two police officers and three villagers were sentenced to death for the killings, with the remaining thirty-six indictees cleared for various reasons.²⁰⁵

According to local and international NGOs, former child soldiers often have difficulty obtaining identity cards from local government offices. "Individuals with identity cards can travel more freely. If you have no card, you are under suspicion," an international NGO staffer told us.²⁰⁶ The NGO reported that the local government officials are afraid of repercussions from the LTTE for giving identity cards to former combatants. In other cases, local government officials are pro-LTTE, and children and parents are afraid to apply for documentation. The government has the responsibility to ensure that all young people, including former child soldiers, have this protective documentation.

Local observers also suggest that given the past history of government harassment and abuses against former or suspected LTTE members, the government should issue a formal amnesty to all former child soldiers for their participation in the LTTE. Some NGOs report that local communities are fearful of accepting former combatants because they fear government reprisals if the cease-fire breaks down.²⁰⁷ Children under threat of re-recruitment fear that, should hostilities resume, the government might harass or prosecute them. This keeps them from seeking help from government agencies. The government has no history of prosecuting former combatants, but the government's pre-cessate-fire history of harassing LTTE members contributes to continuing fears. The government should not provide amnesty to persons alleged to have committed war crimes, but it should amnesty children whose only criminal offense was their

²⁰⁴ Human Rights Watch interview with Sri Lanka Democracy Forum member, London, September 29, 2004.

²⁰⁵ Asian Human Rights Commission, "Two Sri Lankan police sentenced to death over Tamil prisoner massacre," press release, July 1, 2003, http://massacres.ahrchk.net/bindunuwewa/main_file.php/The+Bindunuwewa+Massacre/151/ (retrieved October 9, 2004).

²⁰⁶ Human Rights Watch interview with international NGO staff, Batticalao, August 2004.

²⁰⁷ Human Rights Watch interview, London, September 30, 2004.

participation in the LTTE. Amnesty would make it much easier for these former child combatants to reintegrate into Sri Lankan society.

In Colombo, the National Child Protection Agency (NCPA) and the National Human Rights Commission (NHRC) are independent agencies established by the government. Both these agencies, in different ways, have the mandate to investigate and report on the problem of child recruitment. Both agencies are woefully under-funded and receive little support from the government for their activities. The National Child Protection Agency has twenty-six staff nationwide, a number far from sufficient to cover the spectrum of its mandate. The NHRC has been issuing important reports from Colombo, but a visit to its regional offices makes it clear that it is not getting sufficient support. A member of the NHRC in Trincomalee said that they report regularly to the chair and the NHRC, but do not find out what steps have been taken in follow up.²⁰⁸

The NHRC has proposed monitoring the situation in the East in partnership with various international actors. For such monitoring to be successful, the NHRC would have to be capable of deploying monitors throughout the East. Monitoring on this scale would contribute significantly to a lessening of the abductions of children, and the attendant intimidation and abuse of parents that is going on now unabated. But for this to be successful, the NHRC needs the support of the national government and international donors.

XIII. THE SRI LANKA MONITORING MISSION

The Sri Lanka Monitoring Mission (SLMM) was set up to monitor the cease-fire agreement signed by the Government and the LTTE on February 22, 2002. The members of the SLMM are Norway, Denmark, Sweden, Finland, and Iceland. The SLMM is headquartered in Colombo, with six district offices in Jaffna, Trincomalee, Batticaloa, Ampara, Mannar, and Vavuniya. In addition, there are naval monitoring teams in Jaffna and Trincomalee. Each monitoring committee is comprised of five members, two nominated by the government, two by the LTTE and the fifth by the head of the SLMM mission.²⁰⁹

The SLMM's mandate, as articulated in the cease-fire agreement, is to "enquire into any instance of violation of the terms and conditions of [the cease-fire agreement]," with the

²⁰⁸ Human Rights Watch interview with NHRC Trincomalee member, Trincomalee, August 2004.

²⁰⁹ Agreement on a Ceasefire between the Government of the Democratic Socialist Republic of Sri Lanka and the Liberation Tiger of Tamil Eelam, (hereinafter "Cease Fire Agreement"), February 22, 2002.

undertaking by both parties to “fully cooperate and rectify any matter of conflict caused by their respective sides.”²¹⁰ The SLMM is further directed to “take immediate action on complaints...and to enquire into and assist the Parties in the settlement of any dispute.”²¹¹ Under the terms of the agreement, the SLMM is meant to monitor technical compliance, such as maintaining zones of separation, ensuring agreed upon distances between the two sides, tracking movement of ammunitions, and ensuring disarmament of paramilitary groups.

Significantly, the SLMM is also authorized to monitor the violation of international law by the government and the LTTE, and in particular to monitor that the two sides abstain from acts “against the civilian population, including such acts as torture, intimidation, abduction, extortion and harassment.”²¹² The SLMM has been criticized for neglecting the latter part of its mandate, and Human Rights Watch’s interviews and analysis confirm this criticism.

Between February 1, 2002 and September 30, 2004, the SLMM received 1784 complaints of child recruitment and ninety-seven complaints of abduction of children against the LTTE.²¹³ Of these cases, the SLMM ruled that 1,441 of the child recruitment cases and fifty-two of the abducted cases were violations of the cease-fire agreement.

Although child recruitment cases make up the largest number of complaints received by the LTTE, Human Rights Watch interviews with SLMM monitors found that child recruitment is not treated consistently as a priority. A SLMM representative in Trincomalee told Human Rights Watch, “I don’t see child recruitment as anything to do with peace. Other issues are more endangering to the cease-fire than child recruitment, so we don’t raise it in meetings with the LTTE.”²¹⁴ Another monitor told Human Rights Watch that the SLMM mandate “isn’t exactly directed at child recruitment.”²¹⁵

²¹⁰ Ibid.

²¹¹ Ibid.

²¹² Cease Fire Agreement, art. 2.1

²¹³ Sri Lanka Monitoring Mission, “Summary of recorded complaints and violations from all districts, Period listed: February 1, 2002 – September 30, 2004.” See http://www.slmm.lk/OperationsMatter/complaints/2004_AllDistricts.pdf (retrieved October 26, 2004). During the same period, the SLMM received one complaint of child recruitment against the Sri Lankan government, but the case was not ruled as a ceasefire violation.

²¹⁴ Human Rights Watch interview with Helge Lyberg, SLMM monitor, Trincomalee, August 12, 2004.

²¹⁵ Human Rights Watch interview with Suzanne Pederson, SLMM monitor, Batticaloa, August 5, 2004.

According to the Trincomalee office, when the SLMM receives a complaint of child recruitment, it requests further information on the case from the LTTE, and if the allegation seems credible, makes a report to the LTTE in Kilinochchi. However, the SLMM also said that it handles very few complaints of underage recruitment, in large part because it tells people that it doesn't deal with the issue.²¹⁶ This position is troubling because it suggests that the issue of child recruitment—although clearly within the terms of their mandate, involving as it does the violations enumerated in the cease-fire agreement (namely, intimidation, abduction and harassment) not to mention other violations not specifically enumerated in their mandate, but which nonetheless constitute violations of international law—is not significant enough to be vigorously monitored.

One monitor told us: "We are here on the invitation of the parties.... We don't see public statements as part of what we do."²¹⁷ Yet the head of the SLMM has issued two public statements on political killings as a threat to the ceasefire.²¹⁸ It has issued no such statements regarding child recruitment.

One approach to deal with the various aspects of the SLMM mandate would be to separate the technical monitoring of the cease-fire and the human rights monitoring functions of the SLMM. In order to do this, the SLMM should establish a human rights unit, dedicated to systematically monitoring the violations of international law stipulated in their mandate and staffed with trained human rights monitors.

In the absence of such a unit, SLMM leadership must highlight the problem of child recruitment to its monitors. One monitor, who chose to remain anonymous, said that most of the monitors do not understand issues of human rights: "They [the monitors] think of human rights as something soft and fuzzy, without shape, and so it makes them nervous to engage the issues."²¹⁹

Another criticism against the SLMM is that there is no link between the SLMM and the local population. The SLMM responds to this charge by saying that its mandate is limited to dialogue with the government and the LTTE. However, any serious follow

²¹⁶ Human Rights Watch interview with Helge Lyberg, SLMM monitor, Trincomalee, August 12, 2004.

²¹⁷ Human Rights Watch interview with Suzanne Pederson, SLMM monitor, Batticaloa, August 5, 2004.

²¹⁸ Sri Lanka Monitoring Mission, "Killing of Members of LTTE & Government Forces – A serious threat to the Ceasefire and the Peace Process," press release, May 10, 2004; "Killings of Members of Political Parties & Government Forces – Threat to the Ceasefire," press release, May 7, 2003.

²¹⁹ Human Rights Watch interview with SLMM monitor, early August 2004.

through on its mandate, particularly article 2.1, would mean that the SLMM would have to have some dialogue with the local victimized population.

The lack of dialogue between the SLMM and others was made clear during Human Rights Watch's interviews. In Batticaloa, following the increase in recruitments during temple festivals as described above, international organizations agreed to step up monitoring at the temples. The SLMM monitors in Batticaloa were not aware of such an initiative, and had not been invited to a meeting during which this protection issue was discussed. One monitor conceded that the SLMM does not have good local partnerships with other groups and that this was something which impeded their ability to gather information²²⁰

XIV. INTERNATIONAL DONORS

At the Sri Lanka Donor's Conference held in Tokyo in June 2003, the international community jointly pledged a total of U.S.\$ 4.5 billion in post-war reconstruction and development aid to Sri Lanka.²²¹ The conference was co-chaired by Japan, Norway, the United States, and the European Union.²²² The Declaration of the Conference explicitly linked the aid to the peace process: "[a]ssistance by the donor community must be closely linked to substantial and parallel progress in the peace process...in view of the linkage between donor support and peace process, the international community will monitor and review the progress in the peace talks."²²³ The Declaration went on to list ten objectives and milestones which it would use to measure the progress. Some of the milestones were ensuring an increase in Muslim participation, rehabilitation of former combatants, and gender equity. The end of under-age recruitment by the LTTE was set out as a milestone by which the progress of a political settlement would be measured.²²⁴

²²⁰ Human Rights Watch interview with Suzanne Pederson, SLMM monitor, Batticaloa, August 5, 2004.

²²¹ Tokyo Conference on Reconstruction and Development of Sri Lanka, June 9-10, 2003, Japan Ministry of Foreign Affairs. See <http://www.mofa.go.jp/region/asia-paci/srilanka/conf0306/> (retrieved October 26, 2004). A total of fifty-one countries and twenty-two international organizations attended. There have been follow-up meetings to the conference, with the most recent one at the time of writing in Washington D.C. on February 17, 2004.

²²² The LTTE boycotted the donors conference because their demand for an interim administration in the North and the East on its own terms had been rejected by the government. It did not attend the follow up meeting in September 2003 in Colombo.

²²³ Declaration of the Tokyo Conference; Government of Sri Lanka, "Tokyo Donor Conference Ends," June 11 2003, http://www.priu.gov.lk/news_update/Current_Affairs/ca200306/20030611tokyo_donor_conference.htm (retrieved October 1, 2004).

²²⁴ Ibid.

In spite of this explicit linkage, the donors were, until recently, largely silent on the recruitment of child soldiers. At follow-up meetings to the Tokyo Conference, the donors have encouraged the parties to recommence negotiations and urged them to live up to the expectations of the Tokyo Conference. This silence was particularly conspicuous during the sudden increase in under-age recruitment following Karuna's split in April 2004. This lack of public condemnation by donors, combined with the silence from other actors, allowed the LTTE to continue its practices without fear of meaningful international censure.

Recently, the donor community has been more vocal, and there have been statements from the co-chairs of the donor conference, the European Union and the United States. The co-chairs released a statement on June 1, 2004, in which they again reiterated the call for the parties to resume the peace process, and specifically enumerated under-age recruitment as an abiding problem.²²⁵ The United States released a statement on October 1, 2004, in which it called on the LTTE to stop recruiting child soldiers.²²⁶

A significant percentage of the reconstruction aid is intended for the war-ravaged North and East. The donor community must use the leverage it has to pressure the LTTE to stop under-age recruitment. While the exercise of this leverage must not come at a cost of the humanitarian aid urgently needed in the outlying areas, there are other ways to put pressure on the LTTE. One possibility is to refuse to fund projects carried out by the TRO, the LTTE dominated agency, unless the LTTE can show substantial progress, measured against established benchmarks, in stopping under-age recruitment. This need not stop the aid and assistance from getting to people who need it, but it will send a strong message to the LTTE.

The donor community is well-placed to insist that the LTTE abide by its commitments under international law as well as under its own repeated declarations to cease under-age recruitment. The Tokyo Conference Declaration has provided the space for such an insistence. Especially while the peace talks are ongoing, the donor community must give serious thought to using its considerable influence to stop child recruitment.

²²⁵ "Joint Press Statement of the Co-Chairs of the Tokyo Declaration," June 1, 2004, http://www.dellka.cec.eu.int/en/press_office/press_releases_pdf/s/cochair_meeting_03062004.pdf (retrieved October 4, 2004).

²²⁶ Richard Boucher, Spokesman, U.S. State Department, "The Peace Process in Sri Lanka," press statement, October 1, 2004. <http://www.state.gov/r/pa/prs/ps/2004/36692.htm> (retrieved October 4, 2004).

XV. INTERNATIONAL LEGAL STANDARDS

The LTTE has violated its obligations under international law by recruiting children into its forces and by having children directly participate in hostilities.

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 fifteen in armed conflict. This standard is also reflected in the Convention on the Rights of the Child (CRC), which Sri Lanka ratified in 1991.²²⁷ The prohibition on the recruitment and use of children below the age of fifteen 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 was adopted by the U.N. in 2000, and entered into force in 2002. The protocol raised the standards set in the Convention on the Rights of the Child by establishing eighteen 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."²²⁸

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 sixteen. 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 eighteen. 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 Labor Organization (ILO) unanimously adopted the Worst Forms of Child Labour Convention (No. 182). It defines a child as

²²⁷ The Convention on the Rights of the Child has been ratified by all states except Somalia and the U.S.

²²⁸ Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflicts, A/RES/54/263, adopted May 25, 2000, entered into force February 12, 2002. Sri Lanka ratified the protocol on September 8, 2000.

any person under the age of eighteen 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.²²⁹

Sri Lanka ratified the Worst Forms of Child Labour Convention on March 1, 2001.

The recruitment of children under the age of fifteen or their use in hostilities is also considered a war crime under the Statute for 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.²³⁰ As of September 2004, Sri Lanka had not ratified the ICC statute.

Even though Sri Lanka is not a state party to the ICC statute, LTTE members who are responsible for recruiting children under the age of fifteen into the LTTE's forces may still be criminally responsible for acts amounting to war crimes under international law. In May 2004, the Appeals Chamber of the Special Court for Sierra Leone ruled that the prohibition on recruiting children below age fifteen 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 fifteen 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 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

²²⁹ Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (ILO No. 182), art. 3 (a), 38 I.L.M. 1207 (1999), entered into force November 19, 2000.

²³⁰ Rome Statute of the International Criminal Court, arts. 8(2)(b)(xxvi) and 8(2)(e)(vii), U.N. Doc. A/CONF.183/9, adopted July 17, 1998, entered into force July 1, 2002.

the effective implementation of an existing customary norm relating to child recruitment rather than forming a new one.²³¹

According to accounts collected by Human Rights Watch and extensive other evidence, the LTTE recruits children into its forces from the age of eleven or twelve, recruits children forcibly, trains children for combat, and uses them as combatants or in other capacities in armed conflict. As outlined above, these practices have been condemned by the international community and constitute violations of international humanitarian law, international human rights law, international labor law, and international criminal law. They also violate the LTTE's own stated practices and commitments.

The Sri Lankan government does not recruit children into its armed forces. However, it still has obligations regarding child soldiers under international law. Under the Convention on the Rights of the Child, the government is responsible to take "all feasible measures to ensure protection and care of children who are affected by an armed conflict,"²³² and to take "all appropriate measures" to promote the physical and psychological recovery and social reintegration of children who have been victim to armed conflicts.²³³

Under the Optional Protocol, the state has the responsibility to take measures to prevent the recruitment and use of children by non-state armed groups, including by criminalizing such practices.²³⁴

The Worst Forms of Child Labour Convention also places responsibility on the state to "take immediate and effective measures to secure the prohibition and elimination of the worst forms of child labour as a matter of urgency,"²³⁵ which includes the forced recruitment of children for use in armed conflict. The convention requires states to provide direct assistance for the removal of children from these situations and for their rehabilitation and social integration, and to ensure these children access to free basic education and when possible and appropriate, vocational training. The state is also

²³¹ 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).

²³² Convention on the Rights of the Child, art. 38.

²³³ *Ibid.*, art. 39.

²³⁴ Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflicts, art. 4.

²³⁵ Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (ILO No. 182), art. 1.

expected to identify and reach out to children at special risk and take account of the special situation of girls.²³⁶

The convention obliges states parties to develop specific plans of action to address the worst forms of child labor. The recommendations accompanying the convention state that the plans should aim to denounce these abuses, reach out to and work with communities where children are at special risk, and inform, sensitize and mobilize public opinion and concerned groups, including children and their families.²³⁷

UN Security Council Efforts to Achieve Compliance

Since 1998, the U.N. Security Council has addressed the issue of children and armed conflict and adopted a series of resolutions aimed at stronger enforcement of international standards. 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 U.N., in order to ensure that parties to armed conflict respect international norms for the protection of children.”²³⁸

The Security Council also took the unusual step of asking the U.N. secretary-general to compile and publish a list of specific parties to armed conflict that were recruiting or using child soldiers in violation of their obligations. This “name and shame” initiative was the first time that the Security Council had specifically named abusive parties, and was intended to hold violators accountable for their actions. The initial list was limited to parties to armed conflict in situations on the Security Council’s agenda, and thus excluded Sri Lanka.

In 2003, however, the Security Council expanded the scope of the list beyond the Security Council’s agenda. As a result, in November 2003, the secretary-general specifically named the LTTE among a list of parties that recruit or use children in armed conflict. In April 2004, the Council called on these parties to immediately halt their recruitment or use of child soldiers and indicated its intention to consider “appropriate steps” to address this issue in response to reliable and timely information.²³⁹ At the time of writing, the secretary-general was preparing his fifth report on children and armed conflict for the Security Council’s consideration, including information on compliance

²³⁶ Ibid., art 7.

²³⁷ Recommendation 190: Recommendation Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, para. 2, ILO No. R190, June 17, 1999.

²³⁸ U.N. Security Council resolution 1379, S/RES/1379, (November 20, 2001), para. 9 b.

²³⁹ U.N. Security Council resolution 1539, S/RES/1539, (April 22, 2004), para. 6

and progress made by the parties he had previously identified as violators, including the LTTE, as well as further recommendations for action.

ACKNOWLEDGEMENTS

This report was written by Jo Becker, advocacy director of the Children's Rights Division at Human Rights Watch, and Tejshee Thapa, South Asia researcher for the Asia Division at Human Rights Watch, based on research conducted by the authors and Zama Coursen-Neff, counsel to the Children's Rights Division, in Sri Lanka in August of 2004.

Lois Whitman, executive director of the Children's Rights Division; Zama Coursen-Neff, counsel to the Children's Rights Division; Brad Adams, executive director of the Asia Division; James Ross, senior legal advisor for Human Rights Watch; and Iain Levine, program director of Human Rights Watch, edited the report. Tim Lohnes designed the map. Fitzroy Hepkins, Andrea Holley, Veronica Matushaj, and Dana Sommers produced the report.

Human Rights Watch is grateful to the many nongovernmental organizations and local activists who assisted our research and especially to the children and families who agreed to tell us their stories. For security concerns, the names of these individuals and organizations must be kept confidential. We also appreciated UNICEF's help and cooperation throughout the course of our research.

Human Rights Watch gratefully acknowledges the generous support of the Oak Foundation, the Malcolm Hewitt Wiener Foundation, and the community of people who support our work to defend children's rights.

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