

Info Note 5

Report of the OHCHR Investigation on Sri Lanka, September 2015

Abduction and forced recruitment of adults, recruitment and use of children in hostilities

Chapters XI and XII document a series of violations involving the abduction and recruitment of children and adults by the LTTE and paramilitary groups. Some of these violations may amount to war crimes.

Abduction of children:

Chapter XII highlights the LTTE's longstanding, "widespread and systematic" policy of recruiting children under the age of 18. In 2005, the UN estimated that the average age of children being recruited by the LTTE was 16. By the final months of the conflict, OISL says, the LTTE was increasingly recruiting youngsters under the age of 15 (673-77).

OISL conducted a series of in-depth interviews with victims and witnesses of child recruitment, including staff of child protection agencies working in Sri Lanka. It spoke to former LTTE members and received written submissions from families whose children had been recruited, and, in some cases, had died in combat (664).

The report documents how they were recruited, including being taken by force from their homes, schools, temples and checkpoints (670-71).

Parents went to extreme measures to protect their young, sometimes hiding them in remote jungle hideouts, in churches, schools or hospitals or sending them to live with relatives in other districts. Some families believed that if their children were married they could escape recruitment, leading to a pattern of early marriages (686-7). Relatives who attempted to prevent their children being away taken risked being beaten, stabbed or abducted themselves by the LTTE. Some witnesses said they also saw children being beaten by LTTE cadres for resisting recruitment (680). In 2009, children around or below the age of 14 were recruited. Witnesses described seeing them screaming and trying to run back to their parents (691).

The report stated that the LTTE used children as infantry soldiers, for security and intelligence work and even as suicide bombers. It also received reports that, at the end of the conflict, "visibly distressed" armed child soldiers were among those who prevented civilians from leaving the war zone (696-699). It said it received credible reports that in some cases, children recruited in the East of Sri Lanka were sent to the war zone less than two days after being recruited (681).

Child recruits who tried to escape were severely punished, or even tortured, by the LTTE. These included a 17 year old girl who ran away, but was later recaptured. She was to be staked out on the ground for three days. After two days in the intense sun, she was given a reprieve (689-690).

In the final months and weeks of the war, the recruitment of children caused increasing anger and distress. With civilians being constantly displaced, it became increasingly difficult for parents to hide their children (692-5).

OISL also documented extensive child recruitment by the Karuna Group (711-721). It describes how, in July 2006, members of this group went from door to door in a village near Batticaloa asking families to volunteer a male child, in some cases, boys as young as 12. If there were no boys, the recruiters would take a girl. Witnesses saw recruiters forcibly dragging children away from screaming parents (714).

Abduction and forced recruitment of adults:

Chapter XI outlines how abductions and the forced recruitment of adults took place throughout LTTE controlled areas, becoming particularly aggressive after the Karuna Group split from the LTTE in 2004. It highlights how the LTTE required each family to contribute one member, making house to house visits and sending letters containing conscription orders. Civilians were abducted from their homes, temples, churches and workplaces as well as at LTTE checkpoints. Once recruited, they could be forced to serve as fighters, medical workers or administrators, or they could be forced to help the LTTE construct military installations (639- 643).

After September 2008, as the LTTE came under increasing military pressure, it further upped its recruitment drive, demanding that every family “volunteer” at least two people (645). Witnesses described how, in March 2009, armed LTTE cadres forced their way into a church where a large number of civilians were sheltering, abducting several hundred young adults and children (651-653).

Families tried to protect their relatives by hiding them. Recruits who tried to escape were often re-abducted by the LTTE and punished (643-4).

Conclusions

The report concludes that child recruitment by both by the LTTE and the Karuna Group - and later, its related political party the TMVP - violated customary international law and could constitute a war crime if proven in a court of law (1141).

OISL also suggests that there are reasonable grounds to believe that Government security forces may have known that the Karuna Group recruited children in areas under Government control. Sometimes recruitment took place close to police and Sri Lankan army camps, with newly recruited children reportedly cleared to pass through army checkpoints (717). This indicates that the Government may have also violated the Convention on the Rights of the Child and its Optional Protocol on the involvement of children in armed conflict, both of which it has ratified (717,1142).

OISL calls for the prosecution of those responsible for the recruitment of children, pointing out that Sri Lanka has legislation which could already be used to do this. Some of those widely suspected of child recruitment, such as paramilitary leaders, have since served in public positions. It says special efforts should also be made to establish the whereabouts of all children who remain missing after being forcibly recruited by armed groups (1143-4).

The report says there are grounds to believe that by abducting adults and subjecting them to forced labour, the LTTE violated international humanitarian law (1139). If established by a court of law, these violations may amount to war crimes and /or crimes against humanity (1139).

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The full report can be found at:

http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session30/Documents/A_HRC_30_CRP_2.docx