

# A Study on Youth in Armed Conflict situations and mitigation of effects of conflict by the instrumentality of International Humanitarian Law in Manipur

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## **ABSTRACT**

*It is a fact that youth are the main player as a member of pressure groups, member of Armed Opposition Groups, in the armed forces of the Government forces and innocent civilians. They are the main victim of armed conflicts whatever the types may be – International Armed Conflicts or Non-International Armed Conflicts. Not only are these they taking part in direct hostilities as well. Youth are a powerful actor with creativity, energy, ideals and skills that need to be harnessed when pursuing lasting social change leading to a culture of non-violence and peace. In addition, the problem of children associated with armed forces or armed groups has existed for decades and has had drastic effects on the lives of thousands of children. Participation may range from aiding combatants to actual involvement in combat operations. How International Humanitarian Law addresses and deals these crucial issues of international concern? Existing national laws and International Human Rights Law cannot properly tackle the problem. The insufficiency of national laws and human rights regime suggest and need to be find out workable legal mechanism to tackle and mitigate the effects of armed conflict to the civilian in particular youth of Manipur and those directly taking part in hostilities are also need to fight with certain set of rules. The only answer is proper implementation and enforcement of International Humanitarian Law.*

*Keywords: Armed opposition groups, children, civilians, combatants, governmental forces, International Humanitarian Law and youth.*

## **Introduction**

In the study ‘youth’ connotes young people – male or female, aged between 12 and 30 years. It includes children, adolescent and young adults of either sex. A child means every human being below the age of eighteen years.<sup>[1]</sup>

International humanitarian law (IHL) forms a major part of public international law and comprises the rules which, in times of armed conflict, seek to protect people who are not or are

no longer taking part in the hostilities, and to restrict the methods and means of warfare employed. More precisely, IHL applicable in armed conflicts is international treaty or customary rules which are specially intended to resolve matters of humanitarian concern arising directly from armed conflicts, for humanitarian reasons those rules restrict the right of the parties to a conflict to use the methods and means of warfare of their choice, and protect people and property affected or liable to be affected by the conflict. IHL is also known as the law of armed conflicts or law of war. [2]

## Methods and materials

The researcher adopted collaborative legal research methodology in particular its doctrinal and empirical components. In order to undertake this academic exercise, the researcher formulate research problems concerning area of fundamental important of protection and conservation of wild life resources of India by applying case study and analytical legal method of thought process after brief review of literature in the field. Primary sources like case law, legal documents, conference proceedings and secondary sources like commentary by authoritative experts and juristic writings are used in the process. And finally, come to generalization and interpretation of the study by tools of legal reasoning through induction, deduction and analogy.

## Result and discussion

A brief commentary on the result of this academic exercise is sufficed as separate headings and sub-headings and analytical discussion of the matter as follows:

### Definition of armed conflict

IHL is triggered by the existence of an armed conflict. Yet there is no settled definition of the term “armed conflict”--- which is used freely in both the Geneva Conventions and Additional Protocols but is not defined in either. According to the Vienna Convention on the Law of Treaties, “a treaty shall be interpreted in good faith in accordance with the ordinary meaning to be given to the terms of treaty in their context and in the light of its objects and purpose.”

Therefore the first step in ascertaining the meaning of the term “armed conflict” in international law is to look at both the text and object and purpose of the Geneva Conventions.

IHL does not provide a clear definition of armed conflict. This raises questions as to the threshold at which IHL comes into operation. A single definition may not encompass all variants of contemporary armed conflict. On the other hand, a definition appears necessary in order to ensure an effective extension of basic humanitarian guarantees to new types of armed conflict.

In its *Tadic* jurisdiction decision [3], the ICTY Appeal Chamber proposed a comprehensive definition of armed conflict in both international and non-international armed conflicts, finding that: “an armed conflict exists whenever there is resort to armed force between states or protected armed violence between governmental authorities and organized armed groups or

between such groups within a State. IHL applies from the initiation of such armed conflicts and extends beyond the cessation of hostilities until a general conclusion of peace is reached; or, in the case of internal conflicts, a peaceful settlement is achieved. Until that moment, IHL continues to apply in the whole territory of the warring States or, in the case of internal conflicts, the whole territory under the control of a party, whether or not actual combat takes place there.” This test was subsequently endorsed by the ICRC and the Rome Statute of International Criminal Court.

The test for determining the existence of an armed conflict set out in the *Tadic* jurisdiction decision serves to distinguish non-international armed conflict (hereinafter NIAC) from banditry, riots, isolated acts of terrorism, or similar situations. The Trial Chamber must determine whether (i) the armed violence is protracted and (ii) the parties to the conflict are organized. The Trial Chamber consequently interpreted the term “protracted armed violence” to refer to the “intensity of the conflict”.

An armed conflict can exist only between parties that are sufficiently organized to confront each other with military means. State governmental authorities have been presumed to dispose of armed forces that satisfy this criterion. As for armed groups, Trial Chambers of ICTY have relied on several indicative factors, none of which are, in themselves, essential to establish whether the “organization” criterion is fulfilled. Such indicative factors include the existence of a command structure and disciplinary rules and mechanisms within the group; the existence of a headquarters; the fact that the group controls a certain territory; the ability of the group to gain access to weapons, other military equipment, recruits and military training; its ability to plan, coordinate and carry out military operations, including troop movements and logistics; its ability to define a unified military strategy and use military tactics; and its ability to speak with one voice and negotiate and conclude agreements such as cease-fire or peace accords.<sup>[4]</sup>

It is very interesting to note that on 30 October 1997, the Inter-American Commission on Human Rights (hereinafter the IACHR) adopted in its report in the so-called *Tablada* case<sup>[5]</sup> concludes that despite its brief duration, the violent clash between the attackers and members of the Argentina armed forces was an armed conflict and triggered application of the provisions of Common Article 3 to four Geneva Conventions of 1949, as well as other rules relevant to the conduct of internal hostilities. The case concerned an attack launched by 42 armed persons on military barracks of the national armed forces in 1989 at La Tablada, Argentina. The attack precipitated a battle lasting approximately 30 hours and resulting in the deaths of 29 of the attackers and several State agents.

IHL distinguishes two types of armed conflicts, namely:

- (1) International Armed Conflicts, opposing two or more States, and
- (2) Non-international Armed Conflicts, between governmental forces and non-governmental armed groups, or between such groups only.

IHL treaty law also establishes a distinction between non-international armed conflicts in the meaning of common Article 3 of the Geneva Conventions of 1949 and non-international armed conflicts falling within the definition provided in Article 1 of Additional Protocol II. <sup>[6]</sup> In this regard, the definitions of international and internal armed conflicts are of considerable importance. Neither term is defined in the Geneva Conventions or other applicable agreements.

### **International Armed Conflict (IAC)**

Common Article 2 to the Geneva Conventions of 1949 states that:

“In addition to the provisions which shall be implemented in peacetime, the present Convention shall apply to all cases of declared war or of any other armed conflict which may arise between two or more of the High Contracting Parties, even if the state of war is not recognized by one of them.

The Convention shall also apply to all cases of partial or total occupation of the territory of a High Contracting Party, even if the said occupation meets with no armed resistance”.

Apart from regular, inter-state armed conflicts, Additional Protocol I extends the definition of IAC to include armed conflicts in which peoples are fighting against colonial domination, alien occupation or racist regimes in the exercise of their right to self-determination (wars of national liberation).

### **Non- international Armed Conflict (NIAC)**

Most armed conflicts today are non-international in nature. They take place within the borders of States’ and are waged between a State and organized non-State armed group(s) or among such groups themselves.

Three main legal sources must be examined in order to determine what a non-international armed conflict (hereinafter NIAC) under the IHL is (a) common Article 3 to the Geneva Conventions of 1949; (b) Article 1 of the Additional Protocol II of 1977; and (c) the Rome Statute of the International Criminal Court (ICC).

(a) Non-international Armed Conflicts within the meaning of Common Article 3 of the Geneva Conventions of 1949

Common Article 3 applies to “armed conflicts not of an international character occurring in the territory of one of the High Contracting Parties”. These include armed conflicts in which one or more non-governmental armed groups are involved. Depending on the situation, hostilities may occur between governmental armed forces and non-governmental armed groups or between such groups only.

To distinguish an armed conflict, in the meaning of common Article 3, from less serious forms of violence, such as internal disturbances and tensions, riots or acts of banditry, the situation must reach a certain threshold of confrontation. Two criteria are usually used in this regard:

- (1) The hostilities must reach a minimum level of intensity. This may be the case, for example, when the hostilities are of a collective character or when the government is obliged to use military force against the insurgents, instead of mere police forces.
- (2) Non-governmental groups involved in the conflict must be considered as “parties to the conflict”, meaning that they possess organized armed forces. This means for example that these forces have to be under a certain command structure and have the capacity to sustain military operations.

It is a fact that the Common Article 3 is generally understood to apply to low intensity and open armed confrontations between relatively organized armed forces or groups that take place within the territory of a particular State. It is important to understand that application of common Article 3 does not require the existence of large-scale and generalized hostilities or a situation comparable to a civil war in which dissident armed groups exercise control over parts of national territory. Common Article 3, therefore, establishes the lowest threshold of application for the IHL. The ICRC’s Commentary on the 1949 Geneva Conventions indicates that, despite the ambiguity in its threshold of application, common Article 3 should be applied as widely as possible.

(b) Non-international Armed Conflicts in the meaning of Article 1 of Additional Protocol II

A more restrictive definition of NIAC was adopted for the specific purpose of Additional Protocol II. This instrument applies to armed conflicts “which take place in the territory of a High Contracting Party between its armed forces and dissident armed forces or other organized armed groups which, under responsible command, exercise such control over a part of its territory as to enable them to carry out sustained and concerted military operations and to implement this Protocol”. However, this instrument does not apply to wars of national liberation, which are equated with international armed conflicts by virtue of Article 1(4) of Additional Protocol I.

In practice, it is often difficult to identify situations that meet the criteria of application established by Additional Protocol II. The required degree of territorial control, in particular, may be perceived differently from one case to another.

In this context, it must be reminded that Additional Protocol II “develops and supplements” common Article 3 “without modifying its existing conditions of application”. This means that this restrictive definition is relevant for the application of Protocol II only, but does not extend to the law of NIAC in general. The Statute of the International Criminal Court, in its Article 8, para.2 (f), confirms the existence of a definition of a non-international armed conflict not

fulfilling the criteria of Protocol II. Common Article 3 thus preserves its autonomy and covers a larger number of situations.

(c) Non-international Armed Conflicts in the meaning of the Rome Statute of the International Criminal Court (ICC)

The Rome Statute of the ICC seems to identify two types of NIAC: firstly, conflicts within the meaning of common Article 3 (paras (2) (c)—(d)); and secondly, ‘protracted’ NIACs (paras (2) (e)—(f)). It should nonetheless be recalled that this innovation in the Statute does not create a new concept of NIAC in IHL, but simply aims at determining the ICC’s jurisdiction. It therefore applies only to the exercise of that jurisdiction and does not establish a category that is more generally applicable.<sup>[7]</sup>

### Internal disturbances and tensions

The notion of internal disturbances and tensions has been studied and elaborated on most particularly by the ICRC. In its 1973 Commentary on the Draft Additional Protocols to the Geneva Conventions, the ICRC defined, albeit not exhaustively, such situations by way of the following three examples:

- a) riots, that is to say, all disturbances which from the start are not directed by a leader and have no concerted intent;
- b) isolated and sporadic acts of violence, as distinct from military operations carried out by armed forces or organized armed groups;
- c) other acts of similar nature which incur, in particular, mass arrests of persons because of their behaviour or political opinion.

Situations of internal disturbances and tensions are expressly excluded from the scope of IHL as not being armed conflicts. Instead, they are governed by domestic law and relevant rules of international human rights law.

### Youth as a main actor in armed conflict situations

In the study role of youth is mainly concern with as a part of civilian population, combatants, taking direct part in hostilities and a member or leading role in pressure groups.

### Fundamental rules of IHL in armed conflicts

1. Persons *hors de combat* and those who do not take a direct part in hostilities are entitled to respect for their lives and their moral and physical integrity. They shall in all circumstances be protected and treated humanely without any adverse distinction.
2. It is forbidden to kill or injure an enemy who surrenders or who is *hors de combat*.
3. The wounded and sick shall be collected and cared for by the party to the conflict which has them in its power. Protection also covers medical personnel, establishments,

transports and equipment. The emblem of the Red Cross or the Red Crescent is the sign of such protection and must be respected.

4. Captured combatants and civilians under the authority of an adverse party are entitled to respect for their lives, dignity, personal rights and convictions. They shall be protected against all acts of violence and reprisals. They shall have the right to correspond with their families and to receive relief.
5. Everyone shall be entitled to benefit from fundamental judicial guarantees. No one shall be held responsible for an act he has not committed. No one shall be subjected to physical or mental torture, corporal punishment or cruel or degrading treatment.
6. Parties to a conflict and members of their armed forces do not have an unlimited choice of methods and means of warfare of a nature to cause unnecessary losses or excessive suffering.
7. Parties to a conflict shall at all times distinguish between the civilian population and combatants in order to spare civilian population and property. Neither the civilian population as such nor civilian persons shall be the object of attack. Attacks shall be directed solely against military objectives.<sup>[8]</sup>

### **Insufficiency of National Legislation and International Human Rights regime in armed conflict situations**

IHL and International Human Rights Law (IHRL) are complementary. Both strive to protect the lives, health and dignity of individuals, albeit from a different angle.

Humanitarian law applies in situations of armed conflict, whereas human rights, or at least some of them, protect the individual at all times, in war and peace alike. However, some human rights treaties permit governments to derogate from certain rights in situations of public emergency. No derogations are permitted under IHL because it was conceived for emergency situations, namely armed conflict.

Humanitarian law aims to protect people who do not or are no longer taking part in hostilities. The rules embodied in IHL impose duties on all parties to a conflict. Human rights, being tailored primarily for peacetime, apply to everyone. Their principal goal is to protect individuals from arbitrary behavior by their own governments. Human rights law does not deal with the conduct of hostilities.

While domestic law and IHRL remain applicable (with possible derogations) in time of peace as in time of armed conflict, the law of armed conflict is exclusively applicable in time of armed conflict, whether non-international or international (apart from preparatory and implementation measures applicable in time of peace). The law of armed conflict protects conflict victims and regulates the conduct of hostilities.

### **Fight but according to rules/Regulation of hostilities**

According to its characterization either international or non-international, the parties to the conflict can regulate their hostilities.

### **Law applicable to Non-international armed conflicts**

The rules of IHL applicable in situations of non-international armed conflict are found in both treaty and customary law.

The Common Article 3 of the 1949 Geneva Conventions specifically applies in the case of conflicts “not of an international character”. Common Article 3, which is sometimes referred to as a “treaty in miniature”, stipulates the minimum protection that must be afforded to all those who are not, or who are no longer, taking an active part in hostilities, for examples, civilians, members of armed forces of the parties to the conflict who have been captured, are wounded, or surrendered. It provides for humane treatment and non-discriminatory treatment for all such persons, in particular by prohibiting acts of violence to life and person specifically murder, mutilation, cruel treatment and torture, the taking of hostages, and outrages upon personal dignity, in particular humiliating and degrading treatment. It prohibits also the passing of sentences and carrying out of executions without judgment being pronounced by a regular constituted court providing all judicial guarantees recognized as indispensable. Finally, it imposes an obligation on the parties to collect the wounded and sick and to care for them.

As affirmed by the International Court of Justice in *Military and Paramilitary Activities in and against Nicaragua*, the provisions of common Article 3 reflect customary international law and represent a minimum standard from which the parties to any type of armed conflict must not depart. It is an expression of fundamental considerations of humanity. Article 3, therefore, is binding not only because it is part of international treaty law but also as an expression of (unwritten) general principles of law. It is absolutely binding peremptory norm of international law i.e. *jus cogens*.

Protocol II Additional to the four Geneva Conventions, adopted on 8 June 1977, was specifically enacted to apply to certain situations of non-international armed conflict; it strengthened protection beyond the minimum standards contained in common Article 3. Additional Protocol II applies only where it has been ratified by the State.

It is also important to note that that Protocol II only supplement common Article 3 without modifying its existing conditions of application.

Its scope is more restricted than that of common Article 3. According to Article 2(1) of Protocol II, it applies only to conflicts between a State’s armed force and “dissident armed forces or other organized armed groups which, under responsible command, exercise such control over a part of its territory as to enable them to carry out sustained and concerted military operations and to implement this Protocol”.

Like common Article 3, Additional Protocol II provides the humane and non-discriminatory treatment of all those who are not, or who are no longer, taking part in hostilities. It expands the protection provided by common Article 3, by including prohibitions on collective punishment, acts of terrorism, rape, enforced prostitution and indecent assault, slavery and pillage. It sets out specific provisions and protections for certain categories of persons such as children, persons deprived of liberty for reasons related to the conflict, persons prosecuted for criminal offences related to the conflict, persons who are wounded, sick and shipwrecked, medical and religious personnel, and the civilian population (attacks on civilian populations, starvation as a methods of combat, and forced displacement are all prohibited).

A limited number of other treaties of humanitarian law also apply to situations of non-international armed conflict. The rules of customary international humanitarian law, however, fill some important gaps in the regulation of non-international armed conflicts.

Many of the provisions of Additional Protocol II are now considered to be part of customary international law and, thus, binding on all parties to non-international armed conflicts. Customary international humanitarian law also goes beyond the rudimentary provisions of common Article 3 and Additional Protocol II. However, IHL is not only body of law that guarantees protection for persons in situations of non-international armed conflict. The provisions of international human rights law--- particularly, non-derogable human rights--- are complementary to IHL and also protect those who are vulnerable in such situations. Moreover, domestic law --- in the State in which a conflict is taking place---often provides additional protections and limits on behaviour, and may provide a framework of safeguards that have to be respected in situations of non-international armed conflict.

### **Parties bound by humanitarian law in non-international armed conflicts**

All parties to non-international armed conflicts --- whether State actors or armed groups ----are bound by the relevant rules of IHL. It is pertinent to mention that States are explicitly bound by the treaties to which they are party and by applicable customary law. In addition, Article 1 common to the four Geneva Conventions requires that States Parties must, in all circumstances, not only “respect”, but also “ensure respect”, for humanitarian law.

### **IHL applicable to International Armed Conflicts (IACs)**

It is a fact that there are over 30 international instruments in force dealing with the law of IACs. The most important among them are:-

- 1949 Four Geneva Conventions:
  1. Geneva Convention for the Amelioration of the condition of the wounded and sick in armed forces in the field
  2. Geneva Convention for the Amelioration of the condition of wounded, sick and shipwrecked members of armed forces at sea

3. Geneva Convention relative to the Treatment of prisoners of war
4. Geneva Convention relative to the Protection of civilian persons in time of war
  - Protocol Additional to the Geneva Convention of 12 August 1949, and relative to the Protection of victims of International Armed Conflicts (Protocol I).

Apart from these, other relevant IHL treaties, Human Rights treaties, domestic laws and most importantly customary international humanitarian law.

### **Child soldier and IHL**

Participation by children in armed hostilities is a widespread problem. Participation may range from aiding combatants to actual involvement in combat operations. The 1977 Additional Protocols were the first international treaties to cover such situations.

Additional Protocol I obliges States to take all feasible measures to prevent children under 15 from taking a direct part in hostilities. It expressly prohibits their recruitment into the armed forces and encourages the parties to give priority in recruiting, among those aged from 15 to 18, to the oldest. Additional Protocol II goes further, prohibiting both the recruitment and the participation – direct or indirect – in hostilities by children under 15 years of age.

The protection of children in armed conflict is dealt with partly by IHL and partly by IHRL but both are complementary and supplementary to each other. In the event of an IAC, children not directly taking part in the hostilities are protected by the Fourth Geneva Convention relative to the protection of civilians and by Additional Protocol I. They are covered by the fundamental guarantees that these treaties provide to all protected persons, in particular the right to be treated humanely and without any adverse distinction and the prohibition of murder, torture, corporal punishment and collective punishments, and by the rules of Additional Protocol I on the conduct of hostilities, including the principle that a distinction must be made at all times between civilians and combatants, in particular the prohibition on direct attacks against civilians.

In the event of NIAC, children are also covered by the fundamental guarantees for persons not taking direct part in the hostilities. They are further protected by the rules on the conduct of hostilities, including “civilian population as such, as well as individual civilians, shall not be the object of attack”.

Furthermore, the Fourth Geneva Convention includes specific provisions applicable to children only, but it is Additional Protocol I that sets out the principle of special protection in Article 77. A similar principle also applies to NIAC by virtue of Article 4(3) (ii) of the Protocol II.

### **Other International Treaties concerning the involvement of children in armed forces and armed groups**

Although the question was partly dealt with by the 1949 Geneva Conventions and their Additional Protocols of 1977, this issue, among others, was also addressed in a comprehensive framework dealing with the rights related to children, the Convention on the Rights of Child,

1989 (CRC), and more in depth in the 2000 Optional Protocol on the involvement of children in armed conflict. The issue of child soldiers has also been dealt with in International Labour Law, in International Labour Convention No. 182 of 1999, on the worst forms of child labour. For those three treaties, specific implementation measures are required of States. Finally, international criminal law also deals with the problem of child soldiers in the 1998 Rome Statute of the International Criminal Court (ICC).

The relevant provisions of the CRC are reproduced here as it is one of the universally ratified treaties. Article 38 of the Convention clearly declares that:

1. States Parties undertake to respect and to ensure for rules of international humanitarian law applicable to them in armed conflicts which are relevant to the child.
2. States Parties take all feasible measures to ensure that persons who have not attained the age of fifteen years do not take part in hostilities.
3. States Parties shall refrain from recruiting any person who has not attained the age of fifteen years into their armed forces. In recruiting among those persons who have attained the age of fifteen years but who have not attained the age of eighteen years, States Parties shall endeavour to give priority to those who are oldest.
4. In accordance with their obligations under international humanitarian law to protect the civilian population in armed conflicts, States Parties shall take all feasible measures to ensure protection and care of children who are affected by an armed conflict.”

Again, Article 39 supplements and that says that States Parties shall take all appropriate measures to promote physical and psychological recovery and social reintegration of a child victims of :.....; or armed conflicts. Such recovery and reintegration shall take place in an environment which fosters the health, self-respect and dignity of the child.”

### **Case Study – Manipur**

From the very moment of merger of Manipur to Indian Union till now many lives including civilians (most of them are youth) have loss, people are brutally tortured, murdered, many cases of enforced disappearance, arbitrarily arrested, women are mercilessly rape and gang rape besides committing innumerable cases of extra judicial execution in the name of counter insurgency.

For the last more than fifty years there has been recurrent armed conflicts occurring in Manipur between the State armed forces and the armed forces of AOGs; and among AOGs also. Not only these Government of India (GOI) also imposes many state emergency laws, few of them are – the Armed Forces (Special Powers) Act, 1958 (AFSPA), Unlawful Activities (Prevention) Act, 1967, Sedition Meetings Act, 1911. These emergency laws clearly suggest that it is the invocation of unproclaimed emergency. In such a situation Government of India should comply

with Articles 2 and 4 of International Covenant on Civil and Political Rights, 1966 (ICCPR). Government of India refuses to accept the existence of armed conflict in Manipur but at the same time armed forces of the union has been deployed to curb the situation. The Government employs the armed forces in such circumstances because the ordinary police forces fail to control the situations.

The deployment of the armed forces and the invocation of a dozen of draconian laws for a longer period, the annual reports placed in the parliament by the Home Minister, GOI about the death of Indian soldiers and guerrillas or extremists with facts and figures, unambiguously prove the existence of armed conflicts between the state forces and the liberation guerrillas in Manipur. The Justice Reddy Commission's Report on AFSPA (2005) submitted to the GOI and the Constitutional Bench of Supreme Court of India in *Naga Peoples Movement for Human Rights v. Union of India* case also indirectly indicates the existence of armed conflicts in Manipur.

Many credible global NGOs like Human Rights Watch, Amnesty International, Asian Centre of Human Rights, and Asian Commission of Human Rights also supported the proposition of existence of armed conflict in Manipur.

On the other hand AOGs are also violating even the minimum rules of IHL and they are also equally liable for their act. But the fact is that the main victim of the conflict is youth and youth alone whether they directly participate in hostilities or innocent civilian.

- Between 1992 and 2010, at least 5665 people were killed in insurgency related incidents in Manipur. (Source: Official website of SATP)
- The armed conflict also displaced people from their land. About 50 villagers from Barak circle (which comprised of eight villages) were forced to flee fearing persecution by the security forces during "Operation Tornado" launched on 27 October 2005. Several houses were reportedly damaged in the operation. A team of MHRC visited the displaced camping at a relief camp at a town hall in Jiribam district. (Source: The Telegraph, 1 November 2005)

**Table 1 showing Annual Fatalities in Terrorist Violence in Manipur, 1992-2012**

	Civilians	Security Force Personnel	Terrorists	Total
1992	84	30	51	165
1993	266	91	66	423
1994	189	98	63	350

1995	183	64	74	321
1996	117	65	93	275
1997	233	111	151	495
1998	87	62	95	244
1999	89	64	78	231
2000	93	51	102	246
2001	70	25	161	256
2002	36	53	101	190
2003	27	23	148	198
2004	40	41	127	208
2005	138	50	143	331
2006	107	37	141	285
2007	150	40	218	408
2008	131	13	341	485
2009	77	18	321	416
2010	26	8	104	138
2011	25	10	30	65
2012	7	9	19	35
Total*	2175	963	2627	5765

(Source: SATP - Data till February 19, 2012)

- The Chief Minister, O. Ibobi Singh, reportedly said that “since 1980 when Manipur became a disturbed area over 8,000 innocent people and 12,000 members of armed opposition groups and security forces have lost their lives”. (Sangai Express, 16 June 2003)
- Given the longevity of the conflict it is likely that overall at least 40,000 people have been killed since 1979. (Source: Ploughshares; Armed Conflicts Report: India – Northeast)
- According to Women Action for Development, 28 women were raped and 14 murdered in Manipur during January 2005 – October 2005. (Source: ACHR)
- Elangbam Ongbi Ahanjaobi was raped by two havildars of the 2<sup>nd</sup> Mahar Regiment identified as Apparao Mariba Waghmare and Vithal Domaji Kalane in the front of her

physically handicapped son at her home during an operation in the Takyel area in Imphal West District in 1996.

- On 11 July 2004 members of the Assam Rifles arrested Thanjam Manorama at her residence in Bamon Kampu as a suspected member of the PLA and later her death body was found a few kilometers from her residence. There was multiple gunshot wounds on her body and her body also allegedly showed signs of torture and sexually assaulted.
- Shooting at the RIMS Hospital 7 January 1977 – CRPF killed 9 civilians including 1 medical student Fatalities in Northeast India in 2008 (Source: SATP)
- Enforced disappearance of Yumlembam Sanamacha aged 15 after picked up from the home along with his brothers in Manipur by army personnel in Feb. 1998.
- Much of the evidence of the involvement of children in the various conflicts in north-eastern states was anecdotal and generalized, with a lack of primary field-based research on the issue. The report further claimed that other armed groups operating in the north-east, including the NSCN (it was not reported which fraction), the United Liberation Front (Manipur) and the People’s Liberation Army (Manipur) openly recruited children. The report claimed that the smallest boys, as “the most fearless” were placed closest to the enemy. (Source: Child Soldier Global Report 2008)
- In Manipur, a culture of violence as a result of decades of conflict was said to be fuelling the desire of children to handle weapons and join armed groups, many of which organized along either ethnic lines. Some of the more recently formed ethnically based groups were reported to be commonly recruiting children. (Source: Child Soldier Global Report 2008)
- There were no official government programs specifically targeted at the rehabilitation of former child soldiers. (Source: Global Child Soldiers Report 2008)

**Table 2 showing India Fatalities 1994-2005 excluding Maoist affected area**

	Civilians	SFs	Insurgents	Total
J&K	10483	4736	17458	32677
Northeast	7287	1978	4930	14195
Punjab	82	02	91	175
Others	299	12	13	324
Total	18151	6728	22492	47371

(Source: SATP)

**Table 3 showing Arms Recovered**

Year	Arms Recovered
1991	22
1992	49
1993	164
1994	135
1995	154
1996	85
1997	211
1998	96
1999	67
2000	78
2001	74
2002*	75
Total	1210

(Source: SATP -Data till October 31)

- Here are over 350 military stations for curbing the Armed Opposition Groups (AOGs). From 2006 onwards on an average of 1/2 persons are killed extra judicially every day . Manipuris have been undergoing a traumatic experience of gross human rights violations over the decades. (Source: <http://www.hrmanipur.org>)
- The earlier period started from 1970s in the hills and 80s in the valley, the violations by the Government Armed Forces were characterized by massacres, other extrajudicial executions, enforced disappearances, rapes , tortures, human shields, arsons, plunders, forced labors and internal displaces, etc. There are innumerable military combing operations giving some fancy names like Operation Thunderbolt, Operation Sunny Vale, Operation All Clear, Operation Tornado, Operation Dragnet, etc were routine (Source: <http://www.hrmanipur.org>).

**Table 4 showing Militant attacks on non-locals in Manipur since 2001**

Year	Attacks	Killed	Injured	
2011	5	3	9	
2010	12	9	4	
2009	24	30	8	
2008	11	18	5	
2007	3	7	0	
2005	1	2	0	

2004	1	3	0	
2001	2	7	0	
Total	59	79	26	

(Data compiled from SATP)

**Table 5 showing Bomb Explosions in Manipur (2000 - 2012 till Feb.1)**

Year	Explosions	Killed	Injured
2000	4	1	0
2001	2	2	10
2002	4	10	16
2003	3	9	9
2004	11	4	10
2005	18	17	59
2006	17	11	84
2007	37	7	59
2008	60	28	65
2009	57	4	59
2010	47	4	19
2011	39	8	52
2012	35	1	20

(Data compiled from SATP)

From the above tables it is clear unequivocally that there is armed violence in Manipur and youths are main actor as well as victim in the conflict situations and it needs to be address properly so that they may bring to mainstream and take part as an active player and partner for peace and development.

## Conclusion and major findings

It is found that the only way to mitigate the effects of the conflict is to apply by both parties in hostilities the relevant provisions of IHL. In this regard, in compliance to the Constitutional mandate, the GOI, being a party to the Geneva Conventions should recognize the existence of armed conflicts in Manipur to facilitate enforcement of IHL effectively with a view to mitigating the consequences of armed conflicts in Manipur in particular to youth population.

It is also seemed that the existing stand of the GOI requires revolutionary reversal and all the guerrillas should also comply with the rules and customs of war. In this regard, IHL is the only way available to ferret out workable device to put an end to impunity for grave breach of Geneva Conventions including Common Article 3.

It is further found that the application of the IHL will not affect the legal status of the parties to the conflicts. In addition, those persons whether belongs to armed forces of GOI or AOGs must be personally liable and be punished for the grave and other breaches of Geneva Conventions and other related offences. In the present context of Manipur, military commanders of armed forces are also responsible for their very act of violation of IHL provisions i.e. command responsibility.

It is also found that recruitment of child soldier by the AOGs must be stopped immediately as it violates IHL and IHRL. In this regard, those recruited child soldiers must be properly rehabilitated as per appropriate provisions of CRC.

Situation and effective implementation of IHL demands civilian and horse de combat are no longer target for attack by both parties.

It is a fact that acts of rape is an offence against humanity and war crimes. In this regard, perpetrators of IHL must be book and try by International Tribunal preferably by International Criminal Court (ICC). It is felt that GOI must sign and ratify as a minimum - the two Additional Protocol to the Geneva Conventions of 1977, ILO Convention No.138, and 1998 Rome Statute of International Criminal Court to meet international and national standards on the subject and treatment of victims of conflict situations in particular.

Last but not the least, GOI must allow the ICRC intervention so that it may bring international accountability in the subject.

## References

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