PUTTING THE SPOTLIGHT ON ARMED OPPOSITION GROUPS

Amnesty International’s campaign throws a spotlight on political killings and “disappearances” by agents of the state. But, frequently, variations of these tactics of death and fear are employed by armed opposition groups. The abuses by these groups must also be put in the spotlight.

Opposition groups, too, target civilians for death and kill prisoners and others in their power. Political killings by opposition groups can no more be justified than can political killings and “disappearances” by governments. Often, threats to kill those in their power are made in the context of hostage-taking, which Amnesty International also opposes, including in this campaign.

Political killings are deliberate and arbitrary. They are distinguished from killings to achieve a military objective, accidental killings and the use of violence in self-defence or to defend others. They are arbitrary in that they are not countenanced in any international standard -- they are never justified under any circumstance.

Political killings and hostage-taking are outlawed even in war, both war between states and internal armed conflict. There are minimum humane standards of behaviour in armed conflict -- and these prohibit torture, political killings and hostage-taking -- and both governments and opposition groups are bound to observe them.

Amnesty International takes no position on the use of violence itself; but it opposes political killings and hostage-taking as unacceptable forms of violence. It promotes the international standards under which these acts are outlawed.

The abuses Amnesty International opposes are wholly unacceptable regardless of the form of conflict or the nature of its protagonists. The humane standards which Amnesty International is promoting should be applied universally whenever a political group resorts to arms.

Political killings and hostage-taking by political armed groups are a worldwide problem. These are unacceptable regardless of circumstances, even in a fight against foreign occupation or tyranny. They are instruments of terror and intimidation whose main victims are the ordinary citizen.
What is the focus of this part of the campaign?

Amnesty International is campaigning to stop political killings and hostage-taking -- not to stop all violence used in armed conflict. The campaign’s message is not one of opposition to the use of force as such, but that there are internationally agreed limits that must be respected.

The focus of Amnesty International’s campaign action is on the promotion of the minimum humane standards by which political killings and hostage-taking are forbidden. These draw on basic principles of human rights as well as the laws of war. These standards apply to governments and their opponents alike. In brief they can be stated as follows:

* don’t torture

* don’t kill prisoners

* don’t kill civilians or others who are defenseless

* don’t take hostages

International standards are clear. No one should torture or kill their captives; all prisoners must be treated humanely. No one should deliberately and arbitrarily kill those who are utterly defenseless: the lives of civilians, the sick and the wounded and those who are detained or who surrender must be respected. No one should take or hold hostages.

Increasing public awareness of the reality of abuses perpetrated by opposition groups is an initial building block for action to promote humane standards. Amnesty International is increasingly monitoring the actions of opposition groups and calling public attention to reports of gross abuses perpetrated by them. To illustrate the importance of humane standards, the public information provided for this campaign highlights certain situations of particularly gross abuse.

Domestic and international supporters of some armed opposition groups may be unaware that military action, which they may support, is largely substituted by hostage-taking, torture, summary executions and the murder of civilians.

Amnesty International wants to save lives and stop the suffering caused by these gross abuses. To this end Amnesty International has made direct contact and held discussions with representatives of some armed opposition groups, taking into account the need to remain absolutely neutral on their claims to political authority. With others, only indirect communication has been possible.

Direct contacts and exchanges of correspondence on the full range of Amnesty International’s concerns have been possible with a range of armed opposition groups in most world regions. These communications have coincided with increased reporting by Amnesty International on actions by opposition groups and with public calls upon them by Amnesty International to observe humane standards.
The clandestine nature of a group sometimes means that communications must be indirect, through the news media or other public fora. Where there is no post-box or forwarding address other avenues must be found through which to get the message across.

In Amnesty International's direct contacts with armed opposition groups we have raised specific reports of abuses attributed to them and requested information on their chain of command, disciplinary norms and measures by which standards are maintained. Amnesty International has sought information on prisoners held by them, on specific incidents and other matters of concern while pressing for steps to be taken to ensure that humane standards are respected. Armed opposition groups have been pressed to publicly pledge adherence to humane standards and to take specific measures to hold their forces to these standards.

Participants in Amnesty International's campaign will be invited to appeal to a selection of armed opposition groups and their sympathizers pressing for an end to political killings and hostage-taking through adherence to minimum humane standards.

What is meant by "armed opposition groups"?

These are political organizations that themselves seek to challenge or assume governmental power and authority -- or at least to influence governmental policies. They cover a wide range of non-governmental armed political groups, but the term opposition group is used for convenience. They may be small groups with unclear goals, meagre resources and a limited capacity for violence. Or they may be complex political and military organizations which effectively function as de facto rulers and administrators of whole territories. Some of them are forces fighting in civil wars where central authority has broken down.

A group's political objective may be to overthrow a nation's government or political system, to create a new state through secession, or to win concessions to a range of lesser objectives. Sometimes the basis for violence has been ideological; often it is associated with ethnic, linguistic, religious or nationalist differences.

The abuses committed by these rivals to governmental power, whether weak or powerful, may be isolated occurrences -- but often they can be systematic and reach great proportions. Even a small opposition group can commit political killings of defenceless people -- without ever confronting or harming an "enemy" soldier or the security establishment.

Whether large or small, any armed opposition group can abide by minimum humane standards. Respecting the lives and security of civilians, treating captives humanely, and caring for the wounded requires, first and foremost, the political will to do so. It is also an indicator that the armed group acts under a central authority that exercises discipline over its forces. Respect for these humane standards can only be to an armed political opposition group's credit.

Some governments protest that for Amnesty International to talk to an armed group, or to hold such groups to international standards, gives them some political recognition. But there is no question of Amnesty International offering "recognition" of a group's claim to political legitimacy or belligerent status. It is not for Amnesty International to attempt to distinguish between the legitimate or illegitimate resort to arms, and we will not do so whether or not the group in question commands a great deal of international sympathy or very little. Amnesty International holds all armed opposition groups to account for their actions and raises human rights concerns with them because we want to stop human rights abuse.

Neutral terminology is used to describe these groups, like "armed opposition group". Amnesty International doesn't label political groups (or government forces) using terms like
 Amnesty International's position is both principled and practical. It seeks to press for a halt to the abuses it identifies by all available means, from blunt denunciation to reasoned argument. The intention is to take effective measures to induce all armed opposition groups to abide by humane standards.

**How can Amnesty International expect armed opposition groups to respect humane standards?**

As in its work to oppose human rights violations by governments, Amnesty International assesses the actions of armed opposition groups as they relate to a specific range of fundamental human rights concerns and standards.

Amnesty International's members decide the human rights issues that the organization is to address, but the organization also draws upon international human rights standards in its campaigning. There are universal standards applying to both peacetime and war which forbid political killing and hostage-taking.

The rights not to be arbitrarily killed, tortured or subjected to cruel, inhuman or degrading treatment are at the core of human rights law and can never be suspended or limited. These fundamental provisions -- and the prohibition of hostage-taking -- are also guaranteed in the laws of war, for international and non-international armed conflicts alike. In internal armed conflict the conduct of armed opposition groups can be measured against the minimum humane standards developed from the laws of war.

International humanitarian law, set out primarily in the four Geneva Conventions of 1949 and their two Additional Protocols of 1977, provides a framework through which human rights are protected in war. It provides a system of international protection parallel and complementary to that established in international human rights law.

These evolving standards take full cognizance of the realities of decolonization, revolution and guerrilla warfare -- and the need for agreed limits in war. The two Additional Protocols of 1977, in particular, reflect this: representatives of national liberation movements, ranging from Namibia's South West Africa People's Organization, SWAPO, to the Palestinian Liberation Organization, PLO, took part in the three year diplomatic conference responsible for their drafting, and signed its Final Act. The minimum humane standards Amnesty International is promoting are a common denominator of the laws of war and peace alike.

What is most important for human rights campaigning is that opposition groups be made aware that there are very clear bounds over which they should not pass in their resort to violence -- and that it is to their credit when they abide by these minimum standards. Armed movements aspiring to political recognition and international respect, in particular, must be measured against these standards -- and they must take the initiative to respect these standards in their actions.

Political armed groups should take steps to ensure their forces do not breach these minimum humane standards. These should include steps to ensure that those who do torture or kill prisoners, take hostages or deliberately target civilians for assassination will be held accountable -- so that there will be real pressure where it counts for such practices to stop.

The principles of humanitarian law, which apply to international and non-international armed conflict alike, do, in fact, apply both to governments and to any political movement fielding armed forces in open conflict. As a consequence, Amnesty International will increasingly be placing before the public eye violations of these fundamental principles both by opposition groups -- and by governments which are nominally pledged to the rule of law.
A party to a conflict must not subject those not taking active part in hostilities to "violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture..." or "the taking of hostages". These are the terms of Article 3 of the Geneva Conventions of 1949; this covers non-international conflict but also serves as a "Convention in miniature" setting out principles applicable to all conflict.

**How can we be sure that both governments and opposition groups are held accountable for human rights abuse?**

In campaigning to stop political killings Amnesty International is seeking to hold both governments and independent armed groups accountable before public opinion. Sometimes the lines between the two are blurred, particularly in civil war and wars of secession.

Armed opposition groups or secessionist movements sometimes succeed in seizing power from established governments in all or part of a territory. In others, control may be in dispute over long periods; even territorial boundaries may be in flux as internal war assumes international, inter-state dimensions.

Rivals to established governments may ultimately become governments themselves; they may take up longstanding or newly established seats in regional inter-governmental organizations or at the United Nations.

Even when the distinction between established government and armed opposition group is in dispute, Amnesty International always opposes political killings, "disappearance" and hostage-taking. It does so, however, without taking a position on the formal status of organizations of disputed authority. Nor does Amnesty International try to "balance" or compare the abuses of one side to those of the other. Gross abuses by one side can never justify abuses by the other.

**HOW CAN PARTICIPANTS IN THE CAMPAIGN PROMOTE HUMANE STANDARDS?**

The minimum standards Amnesty International is promoting are themselves quite straightforward. The leadership of armed opposition groups should take steps to ensure their fighters...
* don't torture

* don't kill prisoners

* don't kill civilians or others who are defenceless

* don't take hostages

They should be reminded of the terms of Article 3 common to the four Geneva Conventions of 1949. Paragraphs 1 (a), (b) and (c) clearly forbid torture, political killings and hostage taking.

Persons taking no active part in the hostilities, including members of armed forces who have laid down their arms and those placed hors de combat by sickness, wounds, detention, or any other cause, shall in all circumstances be treated humanely. To this end, the following acts are and shall remain prohibited at any time and in any place whatsoever with respect to the above-mentioned persons:

a) violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture;

b) taking of hostages;

c) outrages upon personal dignity, in particular humiliating and degrading treatment;

Promoting awareness of these standards should be the object of public information campaigns and of direct and indirect approaches to the political groups in question.