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POLICY MANUAL

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Amnesty International Policy Manual

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Introduction

This policy manual is a companion volume to the *Amnesty International Handbook*. It has a limited purpose. Previous editions of the handbook contained a small number of official texts adopted by the International Council and the International Executive Committee that were thought to be useful to the majority of Amnesty International members. However, since such texts are amended as policies change and since the handbook cannot constantly be updated, the new handbook no longer contains the collection of official texts. These are now reproduced in this new policy manual, updated annually.

The policy manual is *not* a complete compendium of all Amnesty International policies. Nor is it meant to be a reference work on all aspects of Amnesty International's mandate. Basic descriptions of the organization's policies and work are in the handbook, which should be consulted by anyone wanting a summary of major issues. Some subjects, such as work on human rights violations in one's own country, are also treated in basic Amnesty International leaflets, available throughout the movement. The policy manual's limited purpose is to provide easy access by members to a selection of official texts that are thought to be those most frequently consulted by members in their work. For specific guidelines on matters such as refugee work (which are extremely detailed and would require more space than this basic manual can initially provide for) and other matters not covered in detail in either the handbook or policy manual, members should consult their section or, in countries with no section, the International Secretariat.

It should also be borne in mind that the 1991 International Council adopted a number of changes to the Amnesty International mandate. Guidelines on these, and the full implications of these changes, are yet to be worked out. These will therefore be more fully reflected in future editions of this manual. Only those changes that could be made to texts in line with the decisions of the International Council in time for printing, have been incorporated in this first edition. Further changes may well be made in future editions as a result of a general review, called for by the International Council, of all guidelines and rules aiming at clarifying texts that are ambiguous, inconsistent or unclear, and bringing such texts into line with different practices that have evolved and been accepted over the years.

SECRET/NOI

Part 1
The Statute

Statute of Amnesty International

*As amended by the 20th International Council, meeting in Yokohama, Japan
31 August — 7 September 1991*

Object and Mandate

1. The object of AMNESTY INTERNATIONAL is to contribute to the observance throughout the world of human rights as set out in the Universal Declaration of Human Rights.

In pursuance of this object, and recognizing the obligation on each person to extend to others rights and freedoms equal to his or her own, AMNESTY INTERNATIONAL adopts as its mandate:

To promote awareness of and adherence to the Universal Declaration of Human Rights and other internationally recognized human rights instruments, the values enshrined in them, and the indivisibility and interdependence of all human rights and freedoms;

To oppose grave violations of the rights of every person freely to hold and to express his or her convictions and to be free from discrimination by reason of ethnic origin, sex, colour or language, and of the right of every person to physical and mental integrity, and, in particular, to oppose by all appropriate means irrespective of political considerations:

- a) the imprisonment, detention or other physical restrictions imposed on any person by reason of his or her political, religious or other conscientiously held beliefs or by reason of his or her ethnic origin, sex, colour or language, provided that he or she has not used or advocated violence (hereinafter referred to as 'prisoners of conscience'; AMNESTY INTERNATIONAL shall work towards the release of and shall provide assistance to prisoners of conscience);
- b) the detention of any political prisoner without trial within a reasonable time or any trial procedures relating to such prisoners that do not conform to internationally recognized norms;

- c) the death penalty, and the torture or other cruel, inhuman or degrading treatment or punishment of prisoners or other detained or restricted persons, whether or not the persons affected have used or advocated violence;

- d) the extrajudicial execution of persons whether or not imprisoned, detained or restricted, and "disappearances", whether or not the persons affected have used or advocated violence.

Methods

2. In order to achieve the aforesaid object and mandate, AMNESTY INTERNATIONAL shall:

- a) at all times make clear its impartiality as regards countries adhering to the different world political ideologies and groupings;

- b) promote as appears appropriate the adoption of constitutions, conventions, treaties and other measures which guarantee the rights contained in the provisions referred to in Article 1 hereof;

- c) support and publicize the activities of and cooperate with international organizations and agencies which work for the implementation of the aforesaid provisions;

- d) take all necessary steps to establish an effective organization of sections, affiliated groups and individual members;

- e) secure the adoption by groups of members or supporters of individual prisoners of conscience or entrust to such groups other tasks in support of the object and mandate set out in Article 1;

f) provide financial and other relief to prisoners of conscience and their dependants and to persons who have lately been prisoners of conscience or who might reasonably be expected to be prisoners of conscience or to become prisoners of conscience if convicted or if they were to return to their own countries, to the dependants of such persons and to victims of torture in need of medical care as a direct result thereof;

g) provide legal aid, where necessary and possible, to prisoners of conscience and to persons who might reasonably be expected to be prisoners of conscience or to become prisoners of conscience if convicted or if they were to return to their own countries, and, where desirable, send observers to attend the trials of such persons;

h) publicize the cases of prisoners of conscience or persons who have otherwise been subjected to disabilities in violation of the aforesaid provisions;

i) investigate and publicize the disappearance of persons where there is reason to believe that they may be victims of violations of the rights set out in Article 1 hereof;

j) oppose the sending of persons from one country to another where they can reasonably be expected to become prisoners of conscience or to face torture or the death penalty;

k) send investigators, where appropriate, to investigate allegations that the rights of individuals under the aforesaid provisions have been violated or threatened;

l) make representations to international organizations and to governments whenever it appears that an individual is a prisoner of conscience or has otherwise been subjected to disabilities in violation of the aforesaid provisions;

m) promote and support the granting of general amnesties of which the beneficiaries will include prisoners of conscience;

n) adopt any other appropriate methods for the securing of its object and mandate.

Organization

3. AMNESTY INTERNATIONAL is an organization based on worldwide voluntary membership and it shall consist of sections, affiliated groups and individual members.
4. The directive authority for the conduct of the affairs of AMNESTY INTERNATIONAL is vested in the International Council.
5. Between meetings of the International Council, the International Executive Committee shall be responsible for the conduct of the affairs of AMNESTY INTERNATIONAL and for the implementation of the decisions of the International Council.
6. The day-to-day affairs of AMNESTY INTERNATIONAL shall be conducted by the International Secretariat headed by a Secretary General under the direction of the International Executive Committee.
7. The office of the International Secretariat shall be in London or such other place as the International Executive Committee shall decide and which is ratified by at least one half of the sections.
8. Responsibility for AMNESTY INTERNATIONAL work on violations of human rights in any country or territory, including the collection and evaluation of information, and the sending of delegations, lies with the international governing bodies of the organization, and not with the section, groups or members in the country or territory concerned.

Sections

9. A section of AMNESTY INTERNATIONAL may be established in any coun-

try, state or territory with the consent of the International Executive Committee. In order to be recognized as such, a section shall (a) prior to its recognition have demonstrated its ability to organize and maintain basic AMNESTY INTERNATIONAL activities, (b) consist of not less than two groups and 20 members, (c) submit its statute to the International Executive Committee for approval, (d) pay such annual fee as may be determined by the International Council, (e) be registered as such with the International Secretariat on the decision of the International Executive Committee. Sections shall take no action on matters that do not fall within the stated object and mandate of AMNESTY INTERNATIONAL. The International Secretariat shall maintain a register of sections. Sections shall act in accordance with the working rules and guidelines that are adopted from time to time by the International Council.

10. Groups of not less than five members may, on payment of an annual fee determined by the International Council, become affiliated to AMNESTY INTERNATIONAL or a section thereof. Any dispute as to whether a group should be or remain affiliated shall be decided by the International Executive Committee. An affiliated adoption group shall accept for adoption such prisoners as may from time to time be allotted to it by the International Secretariat, and shall adopt no others as long as it remains affiliated to AMNESTY INTERNATIONAL. No group shall be allotted a prisoner of conscience detained in its own country. Each section shall maintain and make available to the International Secretariat a register of affiliated AMNESTY INTERNATIONAL groups. Groups in a country without a section shall be registered with the International Secretariat. Groups shall take no action on matters that do not fall within the stated object and mandate of AMNESTY INTERNATIONAL. Groups shall act in accordance with the working rules and guidelines that are adopted from time to time by the International Council.

Individual membership

11. Individuals residing in countries where there is no section may, on payment to the International Secretariat of an annual subscription fee determined by the International Executive Committee, become members of AMNESTY INTERNATIONAL with the consent of the International Executive Committee. In countries where a section exists, individuals may become international members of AMNESTY INTERNATIONAL with the consent of the section and of the International Executive Committee. The International Secretariat shall maintain a register of such members.

International Council

12. The International Council shall consist of the members of the International Executive Committee and of representatives of sections and shall meet at intervals of not more than two years on a date fixed by the International Executive Committee. Only representatives of sections shall have the right to vote on the International Council.
13. All sections shall have the right to appoint one representative to the International Council and in addition may appoint representatives as follows:

10 — 49 groups: 1 representative
50 — 99 groups: 2 representatives
100 — 199 groups: 3 representatives
200 — 399 groups: 4 representatives
400 groups or over: 5 representatives

Sections consisting primarily of individual members rather than groups may as an alternative appoint additional representatives as follows:

500 — 2,499 groups: 1 representative
2,500 and over: 2 representatives

Only sections having paid in full their annual fee as assessed by the International

Council for the two previous financial years shall vote at the International Council. This requirement may be waived in whole or in part by the International Council.

14. One representative of each group not forming part of a section may attend a meeting of the International Council as an observer and may speak thereat but shall not be entitled to vote.
15. A section unable to participate at an International Council may appoint a proxy or proxies to vote on its behalf and a section represented by a lesser number of persons than its entitlement under Article 13 hereof may authorize its representative or representatives to cast votes up to its maximum entitlement under Article 13 hereof.
16. Notice of the number of representatives proposing to attend an International Council, and of the appointment of proxies, shall be given to the International Secretariat not later than one month before the meeting of the International Council. This requirement may be waived by the International Executive Committee.
17. A quorum shall consist of the representatives or proxies of not less than one quarter of the sections entitled to be represented.
18. The Chairperson of the International Council and an alternate shall be elected by the preceding International Council. The Chairperson or, in his or her absence, the alternate, shall preside at the International Council. In the absence of the Chairperson and the alternate, the Chairperson of the International Executive Committee or such other person as the International Executive Committee may appoint shall open the proceedings of the International Council which shall elect a Chairperson. Thereafter the elected Chairperson, or such other person as the Chairperson may appoint, shall preside at the International Council.
19. Except as otherwise provided in the Statute, the International Council shall make its decisions by a simple majority of the votes cast. In case of an equality of votes the Chairperson of the International Council shall have a casting vote.
20. The International Council shall be convened by the International Secretariat by notice to all sections and affiliated groups not later than 90 days before the date thereof.
21. The Chairperson of the International Executive Committee shall at the request of the Committee or of not less than one third of the sections call an extraordinary meeting of the International Council by giving not less than 21 days' notice in writing to all sections.
22. The International Council shall elect a Treasurer, who shall be a member of the International Executive Committee.
23. The agenda for the meetings of the International Council shall be prepared by the International Secretariat under the direction of the Chairperson of the International Executive Committee.

International Executive Committee

24. a) The International Executive Committee shall consist of the Treasurer, one representative of the staff of the International Secretariat and seven regular members, who shall be members of AMNESTY INTERNATIONAL, or of a section, or of an affiliated group. The regular members and Treasurer shall be elected by the International Council. Not more than one member of any section or affiliated group or member of AMNESTY INTERNATIONAL voluntarily resident in a country may be elected as a regular member to the Committee, and once such member has received sufficient votes to be elected, any votes cast for other members of that section, affiliated group or country shall be disregarded.

- b) Members of the permanent staff, paid and unpaid, shall have the right to elect one representative among the staff who has completed not less than two years' service to be a voting member of the International Executive Committee. Such member shall hold office for one year and shall be eligible for re-election. The method of voting shall be subject to approval by the International Executive Committee on the proposal of the staff members.
25. The International Executive Committee shall meet not less than twice a year at a place to be decided by itself.
 26. Members of the International Executive Committee, other than the representative of the staff, shall hold office for a period of two years and shall be eligible for re-election for a maximum tenure of three consecutive terms.
 27. The Committee may co-opt not more than two additional members who shall hold office until the close of the next meeting of the International Council; they shall be eligible to be re-co-opted once. Co-opted members shall not have the right to vote.
 28. In the event of a vacancy occurring on the Committee, other than in respect of the representative of the staff, it may co-opt a further member to fill the vacancy until the next meeting of the International Council, which shall elect such members as are necessary to replace retiring members and to fill the vacancy. In the event of a vacancy occurring on the Committee in respect of the representative of the staff, the staff shall have the right to elect a successor representative to fill the unexpired term of office.
 29. If a member of the Committee is unable to attend a meeting, such member may appoint an alternate.
 30. The Committee shall each year appoint one of its members to act as Chairperson.
 31. The Chairperson may, and at the request of the majority of the Committee shall, summon meetings of the Committee.
 32. A quorum shall consist of not less than five members of the Committee or their alternates.
 33. The agenda for meetings of the Committee shall be prepared by the International Secretariat under the direction of the Chairperson.
 34. The Committee may make regulations for the conduct of the affairs of AMNESTY INTERNATIONAL and for the procedure to be followed at the International Council.
- ### International Secretariat
35. The International Executive Committee may appoint a Secretary General who shall be responsible under its direction for the conduct of the affairs of AMNESTY INTERNATIONAL and for the implementation of the decisions of the International Council.
 36. The Secretary General may, after consultation with the Chairperson of the International Executive Committee, and subject to confirmation by that Committee, appoint such executive and professional staff as are necessary for the proper conduct of the affairs of AMNESTY INTERNATIONAL, and may appoint such other staff as are necessary.
 37. In the case of the absence or illness of the Secretary General, or of a vacancy in the post of Secretary General, the Chairperson of the International Executive Committee shall, after consultation with the members of that Committee, appoint an Acting Secretary General to act until the next meeting of the Committee.
 38. The Secretary General or Acting Secretary General and such members of the International Secretariat as may appear to the Chairperson of the International Executive Committee to be necessary shall attend meetings of the International

Council and of the International Executive Committee and may speak thereat but shall not be entitled to vote.

Termination of membership

39. Membership of or affiliation to AMNESTY INTERNATIONAL may be terminated at any time by resignation in writing.
40. The International Executive Committee may deprive a section, affiliated group (Article 10) or a member (Article 11) of membership of AMNESTY INTERNATIONAL if in its opinion that section, affiliated group or member does not act within the spirit of the object, mandate and methods set out in Articles 1 and 2 or does not organize and maintain basic AMNESTY INTERNATIONAL activities or does not observe any of the provisions of this Statute. Before taking such action, the section, affiliated group or member and, when the deprivation of membership of a section is considered, all other sections will be informed in writing of the grounds on which it is proposed to deprive it or such person of membership, and such section, affiliated group or member shall be provided with an opportunity of presenting its or such member's case to the International Executive Committee. Once the International Executive Committee has decided to take such action in respect of a section, affiliated group or member, the section, affiliated group or member may appeal to the Membership Appeals Committee. This committee shall consist of five members and two alternate members who shall be elected by the International Council in the same manner and subject to the same conditions as provided for in Article

24a) for the International Executive Committee. Once deprived of membership, a section, affiliated group or member may no longer use the name of AMNESTY INTERNATIONAL.

Finance

41. An auditor appointed by the International Council shall annually audit the accounts of AMNESTY INTERNATIONAL, which shall be prepared by the International Secretariat and presented to the International Executive Committee and the International Council.
42. No part of the income or property of AMNESTY INTERNATIONAL shall directly or indirectly be paid or transferred otherwise than for valuable and sufficient consideration to any of its members by way of dividend, gift, division, bonus or otherwise howsoever by way of profit.

Amendments of Statute

43. The Statute may be amended by the International Council by a majority of not less than two thirds of the votes cast. Amendments may be submitted by the International Executive Committee or by a section. Proposed amendments shall be submitted to the International Secretariat not less than nine months before the International Council meets, and presentation to the International Council shall be supported in writing by at least five sections. Proposed amendments shall be communicated by the International Secretariat to all sections and to members of the International Executive Committee.

Part 2

**Official Amnesty International texts about
human rights and related issues**

Amnesty International and the use of violence

(This explanation of Amnesty International's policy on the use of violence for political ends is based on a statement prepared by a sub-committee established by its International Council in Vienna in 1973. The sub-committee was asked to consider the question of violence within Amnesty International's Statute. It has been updated following the International Council in Yokohama in 1991.)

From the Statute of Amnesty International

Amnesty International is a worldwide voluntary movement that works to prevent some of the gravest violations by governments of people's fundamental human rights. The main focus of its campaigning is to:

- **free all prisoners of conscience.**
These are people detained anywhere for their beliefs or because of their ethnic origin, sex, colour or language — who have not used or advocated violence;
- **ensure fair and prompt trials for political prisoners;**
- **abolish the death penalty, torture and other cruel treatment of prisoners;**
- **end extrajudicial executions and "disappearances".**

When Amnesty International was launched in 1961, its original focus was on the release of those who were detained in violation of the Universal Declaration of Human Rights and who had *not used or advocated violence*. The non-violence clause was thus of the essence of the movement from its foundation, and was an important factor in attracting widespread support from people in all walks of life and of every political persuasion.

Since then, people have frequently queried this restriction and urged that Amnesty International's work be extended to those who, according to the preamble to the Universal Declaration of Human Rights, "have been compelled, as a last resort, to have recourse to violence against tyranny and oppression". The vast majority of the Amnesty International membership, however, has always remained firmly opposed to the extension of Amnesty International's work *for the release of prisoners* to those who have been involved in violence and this position is in fact generally

understood and accepted by those outside the movement.

The explanations and justifications for this position can be summed up as follows:

Amnesty International may act for those who have been involved in violence

The reproach that Amnesty International refuses to concern itself with prisoners who have been compelled to have resort to violence is based on a misunderstanding. Amnesty International's work now has several aspects. These include the release of prisoners of conscience, but also extend to fair trials for political prisoners, the abolition of torture and the death penalty and ending extrajudicial executions and "disappearances".

These latter aspects of its work have assumed growing importance. Thus, Amnesty International intervenes through a variety of techniques to prevent the imposition of the death penalty on, or the torture or ill-treatment of, all prisoners, whether involved in violence or not, as well as opposing extrajudicial executions and "disappearances" in all cases.

Furthermore, Amnesty International will not necessarily consider a prisoner excluded from its definition of prisoner of conscience, unless he or she has been convicted of offences involving the use or advocacy of violence after a fair trial in a court of law. By decision of the 1991 International Council, individuals who have used violence in "clear and unambiguous instances of individual self-defence" may be taken up as prisoners of conscience. In the case of prisoners, whether accused or suspected of violence or not, who have been detained for a long period without trial, it may intervene to seek to ensure their trial or release. Also, a prisoner may be adopted if he or she is kept in detention after completing his or her sentence for an act of violence.

Amnesty International takes no moral stand on the issue of violence

It sometimes seems to be thought that Amnesty International, as an organization, is opposed to the use of violence in any circumstances. This is not so. Amnesty International's position is entirely impartial. Amnesty International was not founded to work for general economic, social and political justice in the various countries of the world — however much its individual members may wish to do so, and are free to do so through other bodies — but to bring relief to individual victims of injustice. It has been built up to do this, and is uniquely equipped to do it. The question of whether resort to violence is justified or not is extraneous to this central task.

A question of effectiveness

Amnesty International's work is based on the support of a mass membership and involves interventions with governments of all political persuasions, and collaboration with and action through international organizations, both governmental and non-governmental. It is therefore essential that Amnesty International should command the confidence and respect of all these categories and should not only be, but be seen by them, to be impartial.

Amnesty International now has more than 1,100,000 members, subscribers and regular donors from all political affiliations, pacifists as well as people convinced that in some or many parts of the world violence is the only means of overcoming the even greater violence now being practised by those in power. From this point of view the clause is basically a necessary limitation to enable people across the political spectrum to work together.

Although most members would probably consider as individuals that there are some situations where violent action is the only solution, the membership would not agree on what those situations are. Amnesty International's membership must be universal, and include members of the right willing to intervene in countries with a government of the right and members of the left willing to intervene in countries with a government of the left. Interventions of this kind are clearly more effective than those by the prisoner's political sympathizers.

With regard to governments, Amnesty International's influence depends on the fact that governments accept it as an independent organization, politically impartial in relation both to it and to its opposition. If Amnesty International began to demand the release of those who have been involved in violent opposition to the government it would become identified with the opposition in the government's mind and lose its credit and its influence. Not only would such demands for release be ineffective, but its work for non-violent prisoners and for the humane treatment of those who have used violence would suffer.

Similarly, Amnesty International's standing with international organizations — such as the United Nations, the United Nations Economic and Social Council, the United Nations Educational, Scientific and Cultural Organization, the Organization of African Unity, the Organization of American States and the Council of Europe — would be endangered, and its initiatives would lose the authority which comes from its independence and impartiality.

Finally, if Amnesty International became identified in governments' minds with certain opposition groups, its value to those very opposition groups would be diminished. At the present time, they are able to and do refer to Amnesty International pronouncements as those of an outside, impartial body to whose views the governments will attach more weight than to their own. Further, members of such groups have, when Amnesty International's position is explained to them, fully accepted it, and recognize that it is a condition of Amnesty International's effectiveness in the fields in which it does seek to help them.

A practical problem

While it is a secondary consideration, it is certain that the problems of delineating violent political actions as against violent criminal actions would be almost insuperable and subject to all manner of subjective political preconceptions. The introduction of such concepts would inevitably lead to dissensions on the basis of the political beliefs of the membership which, under the present system, can remain irrelevant to the individual's action as a member of Amnesty International.

An argument of principle

It must be remembered that one aspect of Amnesty International's work is to ensure humane (i.e. non-violent) treatment for prisoners and other victims. Amnesty International would be applying a double standard if it insisted that the police and prison authorities abstain from violating human rights

yet maintained that those on the other side should be allowed to commit abuses and yet not be brought to justice. It can and does insist that governments respect international humanitarian standards, but it would discredit itself if it maintained that the very abuses which it is seeking to eliminate from state practices are justified when used by the opposition.

Amnesty International and peace issues — an explanatory note

Does Amnesty International work for peace?

Amnesty International has a precise mandate: it works for the release of prisoners of conscience, fair and prompt trials for political prisoners and an end to torture and executions. The organization takes no position on issues that fall outside this mandate. It therefore takes no position on various proposals for disarmament or other suggestions for the protection of peace.

Amnesty International's work is nevertheless relevant to work for peace insofar as both are based on respect for life. This relationship is reflected in the Universal Declaration of Human Rights which states: "the inalienable rights of all members of the human family [are] the foundation of freedom, justice and peace in the world". Amnesty International's activities, determined by the specific nature of its objectives, contribute to these rights, a fact recognized by the Nobel Committee in 1977 when it awarded Amnesty International the prize for peace.

In the course of its work Amnesty International encounters issues or situations which may be commonly understood to be related to questions of peace: armed conflicts; conscientious objection; military, security and police transfers; the detention of peace advocates who thereby become prisoners of conscience. Amnesty International's positions in these areas are outlined below.

Does Amnesty International have a position on violence in general?

The Universal Declaration of Human Rights states in its preface that it is essential that human rights be protected if people are not to be compelled, as a last resort, to rebel against tyranny and oppression. Amnesty International takes no position in principle on whether or in what circumstances it would be legitimate to resort to violence as a means to political ends. It neither opposes nor supports military defence by or armed struggle against established governments, nor is it a pacifist organization.

Does Amnesty International work for prisoners who have used violence?

Amnesty International does not consider as prisoners of conscience those who have been detained because they have used or advocated violence. It maintains, however, that all political prisoners have the right to a fair and prompt trial as well as protection against ill-treatment, torture and execution, regardless of whether they are accused or suspected of the use or advocacy of violence.

Does Amnesty International react against abuses by opposition groups?

Amnesty International opposes abuses by opposition groups: hostage taking, the torture and killing of prisoners and other arbitrary killings. It holds that governments have the responsibility for dealing with these abuses, acting in conformity with international human rights standards.

Some organizations exert territorial control and have established administrations similar to those of governments. Amnesty International approaches such entities on any concerns falling within its mandate. That should not be interpreted as a position on the legitimacy of such an administration.

What is Amnesty International's role in situations of armed conflict?

The rights of civilians are often violated during armed conflicts. As elsewhere, Amnesty International is concerned about prisoners of conscience, fair and prompt trials for political prisoners and the prevention of executions and torture or cruel, inhuman and degrading treatment of prisoners. Amnesty International also seeks to prevent the *refoulement* of refugees to areas where they are in danger of becoming the targets of such violations.

The difficulties in obtaining and assessing information about human rights violations tend to increase in times of war. There may also be difficulties in communicating with responsible authorities. This, however, does not alter

the nature of Amnesty International's mandate concerns: they are the same during armed conflicts as in peacetime.

The International Committee of the Red Cross has a leading role in providing protection for victims of armed conflict and facilitating exchanges of prisoners of war. Amnesty International's main function in this context is to contribute to the prevention of torture and executions.

What is Amnesty International's position on conscientious objectors?

Amnesty International considers as prisoners of conscience those who have been imprisoned because of their refusal to do military service and have not been offered a non-punitive alternative service outside the military administration. The organization presses for legislative reforms which would protect this right to conscientious objection against military service and the provision of an alternative which is not punitive in its length or character.

Does Amnesty International have a position on military transfers between countries?

Amnesty International has no position on the production or export of arms, military equipment and technology in general. It is con-

cerned about the transfer of military, security and police material or expertise which is used for human rights violations within its mandate. It opposes such transfers when it has been able to establish a clear connection between them and human rights violations. It also presses for legislative reforms which would prevent such exports.

What relations does Amnesty International have with peace organizations?

Recognizing that the work for peace is relevant to the promotion of human rights, Amnesty International is open to contacts with peace organizations. It welcomes information from them on concerns within Amnesty International's mandate and is itself prepared to provide factual information as a basis for actions by peace groups. However, in order to protect its policy of independence and impartiality — and the public understanding of that position — Amnesty International must take care not to be identified with any outside group or interest. Therefore, it does not, as a rule, undertake joint action with other organizations. Amnesty International members are, of course, entirely free to support, in their personal capacity, any other groups or organizations.

Twelve-point program for the prevention of torture

(The 12-Point Program was adopted by Amnesty International in October 1983 as part of the organization's Campaign for the Abolition of Torture.)

Torture is a fundamental violation of human rights condemned by the General Assembly of the United Nations as an offence to human dignity and prohibited under national and international law.

Yet torture persists, daily and across the globe. In Amnesty International's experience, legislative prohibition is not enough. Immediate steps are needed to confront torture and other cruel, inhuman or degrading treatment or punishment wherever they occur and to eradicate them totally.

Amnesty International calls on all governments to implement the following 12-Point Program for the Prevention of Torture. It invites concerned individuals and organizations to join in promoting the program. Amnesty International believes that the implementation of these measures is a positive indication of a government's commitment to abolish torture and to work for its abolition worldwide.

1. Official condemnation of torture

The highest authorities of every country should demonstrate their total opposition to torture. They should make clear to all law-enforcement personnel that torture will not be tolerated under any circumstances.

2. Limits on incommunicado detention

Torture often takes place while the victims are held incommunicado — unable to contact people outside who could help them or find out what is happening to them. Governments should adopt safeguards to ensure that incommunicado detention does not become an opportunity for torture. It is vital that all prisoners be brought before a judicial authority promptly after being taken into custody and that relatives, lawyers and doctors have prompt and regular access to them.

3. No secret detention

In some countries torture takes place in secret centres, often after the victims are made to "disappear". Governments should ensure that prisoners are held in publicly recognized places, and that accurate information about their whereabouts is made available to relatives and lawyers.

4. Safeguards during interrogation and custody

Governments should keep procedures for detention and interrogation under regular review. All prisoners should be promptly told of their rights, including the right to lodge complaints about their treatment. There should be regular independent visits of inspection to places of detention. An important safeguard against torture would be the separation of authorities responsible for detention from those in charge of interrogation.

5. Independent investigation of reports of torture

Governments should ensure that all complaints and reports of torture are impartially and effectively investigated. The methods and findings of such investigations should be made public. Complainants and witnesses should be protected from intimidation.

6. No use of statements extracted under torture

Governments should ensure that confessions or other evidence obtained through torture may never be invoked in legal proceedings.

7. Prohibition of torture in law

Governments should ensure that acts of torture are punishable offences under the criminal law. In accordance with international law, the prohibition of torture must not be suspended under any circumstance, including states of war or other public emergency.

8. Prosecution of alleged torturers

Those responsible for torture should be brought to justice. This principle should apply wherever they happen to be, wherever the crime was committed and whatever the nationality of the perpetrators or victims. There should be no "safe haven" for torturers.

9. Training procedures

It should be made clear during the training of all officials involved in the custody, interrogation or treatment of prisoners that torture is a criminal act. They should be instructed that they are obliged to refuse to obey any order to torture.

10. Compensation and rehabilitation

Victims of torture and their dependants should be entitled to obtain financial compensation. Victims should be provided with appropriate medical care and rehabilitation.

11. International response

Governments should use all available channels to intercede with governments accused of torture. Intergovernmental mechanisms should be established and used to investigate reports of torture urgently and to take effective action against it. Governments should ensure that military, security or police transfers or training do not facilitate the practice of torture.

12. Ratification of international instruments

All governments should ratify international instruments containing safeguards and remedies against torture, including the International Covenant on Civil and Political Rights and its Optional Protocol which provides for individual complaints.

Declaration of Stockholm

(Adopted by the Amnesty International Conference on the Abolition of the Death Penalty, Stockholm, December 1977)

The Stockholm Conference on the Abolition of the Death Penalty, composed of more than 200 delegates and participants from Africa, Asia, Europe, the Middle East, North and South America and the Caribbean region.

Recalls that:

- The death penalty is the ultimate cruel, inhuman and degrading punishment and violates the right to life.

Considers that:

- The death penalty is frequently used as an instrument of repression against opposition, racial, ethnic, religious and underprivileged groups,
- Execution is an act of violence, and violence tends to provoke violence,
- The imposition and infliction of the death penalty is brutalizing to all who are involved in the process,
- The death penalty has never been shown to have a special deterrent effect,
- The death penalty is increasingly taking the form of unexplained "disappearances", extrajudicial executions and political murders,
- Execution is irrevocable and can be inflicted on the innocent.

Affirms that:

- It is the duty of the state to protect the life of all persons within its jurisdiction without exception,
- Executions for the purpose of political coercion, whether by government agencies or others, are equally unacceptable,
- Abolition of the death penalty is imperative for the achievement of declared international standards.

Declares:

- Its total and unconditional opposition to the death penalty,
- Its condemnation of all executions, in whatever form, committed or condoned by governments,
- Its commitment to work for the universal abolition of the death penalty.

Calls upon:

- Non-governmental organizations, both national and international, to work collectively and individually to provide public information materials directed towards the abolition of the death penalty,
- All governments to bring about the immediate and total abolition of the death penalty,
- The United Nations unambiguously to declare that the death penalty is contrary to international law.

Guideline on Extrajudicial Executions

(Decision 7 of the 1987 International Council, as amended by Decision 2 of the 1989 International Council. Note that Decision 24 of the 1991 International Council added that Amnesty International will treat as extrajudicial executions falling within the mandate killings of people solely for trying to leave the country.)

1. Amnesty International is unconditionally opposed to extrajudicial executions.
 2. Amnesty International is aware that governments sometimes engage in intentional killings of persons without placing such persons in detention or after placing them in detention. Sometimes the government knowingly permits others to carry out such killings and subsequently condones them.
 3. Amnesty International will, therefore, in keeping with its opposition to the death penalty in all forms, take action against such killings perpetrated either within or outside the country when it is reasonable to believe they are part of a consistent pattern or can otherwise reasonably be assumed to be the result of a policy at any level of government to eliminate, or to permit deliberately the elimination of, specific individuals, or groupings or categories of individuals.
- "murder" by the government. There are many killings by state agents, particularly in the area of enforcement of criminal laws, which it is not intended by this guideline to bring into Amnesty International's mandate — for example, killings which the perpetrator believed were necessary for the physical defence of him or herself or others, and killings carried out in deviation from an enforced official policy. The guideline makes it clear that "government" includes the state or local level of government.
3. The guideline mentions "consistent pattern". This is not an essential element of the definition of extrajudicial execution (EJE). An isolated killing can be an EJE according to this guideline, and this is clear from the text. However, the words "consistent pattern" are included to reflect the fact that EJEs are very often extremely difficult to prove, and a pattern will often be necessary evidence in establishing that the government is behind killings.

Commentary

1. This guideline envisages a widening of the mandate regarding deliberate killings of people who are not prisoners. Amnesty International will in its mandate no longer distinguish between the political and non-political character of victims.
2. The guideline specifies that the government must have either "engaged in" or "knowingly permitted...and condoned" intentional killings of individuals. It is essential that the latter concept be properly understood. It is intended to refer to killings which the government *wanted to happen*. Another way of putting this is
4. What Amnesty International will always look for is a wilful government policy of killing people or having them killed. A national law on use of force in law-enforcement which is more permissive than international standards on the subject may be evidence of such a policy, but it will not be conclusive self-sufficient evidence. Nor will it in itself be separate grounds for Amnesty International action. Likewise, failure to prosecute perpetrators of killings will be evidence, but not self-sufficient evidence of government policy. Nor will it be a separate ground for Amnesty International action — it would be highly problematic for Amnesty

International to hinge an action on the prosecution of a particular individual.

5. The definition is applicable in times of armed conflict, but does not include killings which are the "by-product of government attempts to achieve military objectives in time of armed conflict". What is meant by this? The following description of a massacre on which Amnesty International acted several years ago indicates the kind of case Amnesty International will take up in armed conflict (the words in

square brackets have been added for clarity):

"...that the killings did not take place in a [an immediate] context of fighting, that the victims were manifestly non-combatant, that they were being singled out for their imputed political sympathies, that they were deliberately rendered vulnerable to attack, and that the shooting was aimed at civilians and persistent."

Guidelines for Amnesty International's policy on conscientious objection to military service

(Decision 5 of the 1987 International Council. Note that Decision 10 of the 1991 International Council stated that the guidelines should be revised to make clear that Amnesty International's policy regarding those individuals in the armed forces who develop objections to participation in the armed forces applies to conscripts and others in the armed forces, including volunteers, without distinction; and to make express reference to selective objectors.)

1. A conscientious objector is understood to be a person liable to conscription for military service, or to register for conscription for military service (even where there is no military service), who, for reasons of conscience or profound conviction arising from religious, ethical, moral, humanitarian, philosophical, political or similar motives refuses to perform armed service or any other direct or indirect participation in wars or armed conflicts.
 - e) he or she is imprisoned as a consequence of his or her leaving the armed forces without authorization for reasons of conscience developed after conscription into the armed forces, if he or she has taken such reasonable steps to secure his or her release by lawful means as might grant him or her release from the military obligations on the grounds of conscience or if he or she did not use those means because he or she has been deprived of reasonable access to the knowledge of them;
 - f) there is not a right to alternative service which is of purely civilian character and under civilian control;
 - g) the length of the alternative service is deemed as punishment, determined on the basis of all relevant factors including:
 - whether the authorities have indicated that the length of alternative service is intended to be punitive as compared with military service;
 - whether the authorities have failed to offer adequate justification as to the non-punitive nature of any period of time by which alternative service exceeds that of military service;
 - whether time spent in alternative service exceeds the total amount of time spent in military service, including basic training or reserve duty.
2. Where a person is detained/imprisoned because he or she claims that he or she on the grounds of conscience described in paragraph 1 above objects to military service, or to registering for conscription to military service, Amnesty International will consider him or her a prisoner of conscience, if his or her imprisonment/detention is a consequence of one or more of the following reasons:
 - a) the legal code of a country does not contain provisions for the recognition of conscientious objection and for a person to register his or her objection at a specific point in time;
 - b) a person is refused the right to register his or her objection;
 - c) the recognition of conscientious objection is so restricted that only some and not all of the above-mentioned grounds of conscience or profound conviction are acceptable;
 - d) a person does not have the right to claim conscientious objection on the above-mentioned grounds of conscience or profound conviction developed after conscription into the armed forces;
3. Where there is a provision for conscientious objection which satisfies the criteria in paragraph 2, a person should not be considered a prisoner of conscience if he or she is not willing to