

## Inside the Pentagon by Tecumseh

### Pentagon opposes new Geneva protocols

*The changes to declare terrorists "combatants" would open the door to the spread of separatist terrorism.*

Administration officials have told Washington area journalists that the Department of Defense will be registering long overdue opposition to the ratification of new protocols of the Geneva Conventions, which grant combatant status and protection to organizations involved in terrorist activity.

A weak critique of the protocols, which focuses in a superficial manner on the claims of the PLO and various Soviet-sponsored African movements, was recently leaked to Leslie Gelb of the *New York Times*. Prepared by Deputy Assistant Secretary of Defense for Negotiations Policy, Douglas Feith, the paper ignores the importance of the protocols to the insurgencies threatening the nations of the advanced sector, and discusses only those cases of concern to Israel's Ariel Sharon, Henry Kissinger, and their friends at the State Department.

The protocols focus on the need to establish rules of war which cover "national liberation movements" (as defined by various U.N. resolutions) and the type of warfare waged by such movements, otherwise not treated in the original Geneva Conventions.

Since the protocols avoid any real definition of what constitutes a legitimate claim to sovereignty, and make arbitrary the definition of who can legitimately present such a claim, they open the door to all of the Soviet-backed particularist movements being coordinated by the modern Nazi International.

Regional legislative bodies, such as the European Parliament, which

have been promoting the claims of separatist terrorists for years, could place the Basque, Corsican, and Alsatian terrorists (all with personnel interchangeable with the German Red Army Faction, RAF) under the conditions of the protocol.

The new protocol states: "...Combatants are obliged to distinguish themselves from the civilian population while they are engaged in an attack or in a military operation preparatory to an attack. Recognizing, however, that there are situations in armed conflicts where, owing to the nature of the hostilities an armed combatant cannot so distinguish himself, he shall retain his status as a combatant, provided that, in such situations, he carries his arms openly:

"A. during each military engagement, and

"B. during such time as he is visible to the adversary while he is engaged in a military deployment preceding the launching of an attack in which he is to participate."

Even if a terrorist should violate these vague and arbitrary conditions (where the burden of proof is on the state to show that a dynamite-laden car is engaged in a terrorist act, and not in a "military deployment"), he "shall be given protections equivalent in all respects to those accorded to prisoners of war by the [GPW] and by this protocol."

This last condition formalizes the long-standing demands of Amnesty International and the International Association of Democratic Lawyers, that RAF and Red Brigades terrorists be

treated as Prisoners of War in prisons. Federal officials in West Germany, pressured to acquiesce to such conditions for jailed RAF members, had to watch as terrorists fraternized and organized "psychological support groups" to run the hunger strikes which triggered waves of terrorism in Europe. The protocols, if ratified, will make such activity impossible to prevent.

The new protocols were drafted during a three-year international diplomatic conference, which met between 1974 and 1977, under the auspices of the International Committee of the Red Cross, to revise and augment the 1949 Geneva Conventions for the Protection of War Victims.

Protocol I confers on regional political bodies (such as the OAU, or, perhaps, the European Parliament), the job of identifying which group has a legitimate claim to combatant status as a national liberation force. Once achieving this status, members of the identified movement are entitled to POW status under terms of the Geneva Conventions, and cannot be prosecuted under the civil law of the nation in which they are operating. Protocol II removes the traditional responsibility for armed parties to a conflict to identify themselves as combatants (wear a uniform), and to carry arms openly.

The "legal" basis for these dangerous provisions was delineated by the East German representative to the conference who pointed out that "The General Assembly [has] declared that 'armed conflicts involving the struggle of peoples against colonial and alien domination and racist regimes are to be regarded as international armed conflicts. . .'"—no longer classed as domestic issues—and thus subject to the terms of the conventions, as defined by the new protocols.