



**POLIONU** 

**GUIA DE ESTUDOS  
OHCHR**

 **POLIEDRO**  
COLÉGIO





# Guia OHCHR

Anna Carolina Ferreira Fregnani  
Jerônimo Mangini Centeno  
Nicholas Mancilha Carbones  
Thainá Silva de Paula Theodoro

## Violation of Human Rights Regarding Prisoners of War

### Sumário

<b>Letter to the delegates.....</b>	<b>5</b>
<b>1. United Nations Human Rights Office of the High Commissioner.....</b>	<b>6</b>
1.1. Goals and Functions on the United Nations.....	6
<b>2. Prisoners of war.....</b>	<b>7</b>
2.1. A Brief Definition.....	7
2.2. Historical Context.....	7
2.3. The Geneva Conventions.....	8
2.3.1. The Geneva Convention I.....	8
2.3.2. The Geneva Convention II.....	8
2.3.3. The Geneva Convention III.....	9
2.3.4. The Geneva Convention IV.....	9
2.3.5. Common Article 3.....	10
2.3.6. Additional Protocols of 1977.....	10
2.4. The Universal Declaration of Human Rights.....	11
2.5. Red Cross.....	12
<b>3. Guantánamo Bay.....</b>	<b>13</b>
3.1. Historical Context.....	13
3.2. Classification of prisoners.....	15
3.3. Recent Episodes.....	17
3.4. Dilemma of Existence.....	18
<b>4. Federal Republic of Nigeria.....</b>	<b>19</b>
4.1. Historical Context.....	20
4.1.1. 1960-1999.....	20

4.1.2. 1999-2019.....	21
4.2. Civil War.....	22
4.3. Prisoners.....	24
4.3.1. Nigeria's Prisoners of War.....	24
4.3.2. Cases and Conditions of POWs.....	26
4.3.2.1. Children's Conditions.....	26
4.3.2.2. Adults' Conditions.....	27
4.3.3. General Conditions in Numbers.....	27
4.4. Response and Authority Abuse.....	29
4.4.1. Torture.....	29
4.4.2. CJTF.....	30
4.4.3. WAI.....	31
4.4.4. Defense Response.....	31
4.5. State Inefficiency.....	31
4.5.1. On the Conduct and the Rights of Prisoners.....	32
4.5.2. Legislative.....	33
<b>5. Nelson Mandela Rules.....</b>	<b>34</b>
<b>6. Official Positions.....</b>	<b>35</b>
6.1. Afghanistan.....	35
6.2. Algeria.....	35
6.3. Amnesty International.....	36
6.4. Cameroon.....	36
6.5. Canada.....	36
6.6. Chad.....	37
6.7. China.....	37
6.8. Cuba.....	38
6.9. United Kingdom.....	38
6.10. France.....	39
6.11. Human Rights Watch.....	39
6.12. Iran.....	39
6.13. Iraq.....	39
6.14. Israel.....	40
6.15. Japan.....	40
6.16. Kenya.....	41
6.17. Morocco.....	41
6.18. Niger.....	41
6.19. Nigeria.....	42
6.20. Pakistan.....	42
6.21. South Africa.....	43
6.22. United States of America.....	43
<b>Bibliographic References.....</b>	<b>43</b>

# Letter to the Delegates

**Dear Delegates,**

We amiably welcome you to The United Nations Human Rights Office of the High Commissioner in the 15<sup>th</sup> edition of PoliONU. Throughout this 4-day event, you will be inserted in an understanding and diplomatic debate environment, discussing in a humanitarian form, taking considerate measures, and following your delegation's official position concerning the violation of human rights regarding prisoners of war.

This committee comprises a humanitarian demeanor, discussions about war queries are only appropriate for this occasion, if it treats human rights. In order to obtain a cohesive comprehension of the situation of prisoners of war, the committee has been organized to debate two separate themes, Guantánamo Bay and Nigeria imprisonment of conflict captives, which interlace with the questioning of what are the adequate and proper rights of prisoners of war, and how in different States it is applied and violated.

Throughout the discussions, broad knowledge concerning external policies and core values of distinct nations is a necessity. We emphasize the relevance of the guide, and the importance of studying it meticulously, analyzing the conditions. Furthermore, it is favored for delegations to look carefully into distinct points of view, therefore ensuring all delegates present an effective debate and a remarkable event. Lastly, the Chair of the 2020 OHCHR emphasizes its willingness to clear every doubt that may arise, and we wish that all delegates partake in an enriching event.

**Kindest regards,**  
**Anna Carolina Ferreira Fregnani**  
**Jerônimo Mangini Centeno**  
**Nicholas Mancilha Carbones**  
**Thainá Silva de Paula Theodoro**  
*The Chair:*  
**ohchr.polionuchair@gmail.com**

# 1. United Nations Human Rights Office of the High Commissioner



Symbol that represents OHCHR

The United Nations Human Rights Office of the High Commissioner (OHCHR) is one of the committees that report to the General Assembly of the United Nations (UNGA). UN accusations of civil rights violations are the main issues for all debates. Encounters can happen in the headquarter in Geneva or in New York office, or even in one of 12 regional offices covering East Africa (Addis Ababa), Southern Africa (Pretoria), West Africa (Dakar) Central America (Panama City), South America (Santiago de Chile), Europe (Brussels), Central Asia (Bishkek), South East Asia (Bangkok), Pacific (Suva) and the Middle East and North Africa (Beirut).

OHCHR is the primary UN department in regards to human rights. The institution initially assembled in 1993, following the World Conference on Human Rights in Vienna, to assist in strengthening and achieving the rights of citizenship across the world.

## 1.1. Goals and Functions of the United Nations

In light of OHCHR serving as the Secretariat of the Human Rights Council, it is notable that the committee leads global civil rights efforts. Its fundamental goal is promoting and protecting all rights without discrimination. To accomplish this goal, the High Commissioner provides aid to different governments.

It is essential to bear in mind that the deputies gather in different headquarters to safeguard the three pillars of the United Nations – peace and security, human rights, and development. The Council is made of State representatives since Governments have the foremost responsibility concerning protecting its population rights.

In conclusion, the committee intends to lead the UN's entity on civil rights, working to avoid and stop violations once and for all. Notably, countries work to reach a consensus and promote equity, treating

one of the most sacred and primordial goals of the organization as a whole.

## 2. Prisoners of War

### 2.1. A Brief Definition

Encyclopedia Britannica provides the following definition for "prisoners of war":

Any person captured or interned by a belligerent power during war. In the strictest sense it is applied only to members of regularly organized armed forces, but by broader definition it has also included guerrillas, civilians who take up arms against an enemy openly, or noncombatants associated with a military force. (ENCYCLOPEDIA BRITANNICA, 2018).

### 2.2. Historical Context

In ancient times, the term "prisoner of war" (POW) was not employed, considering that the two main consequences for enemies who were defeated and captured were death or enslavement. Nevertheless, as time progressed, warfare has been subjected to various modifications, and so was the treatment of captives and members of defeated groups.

From the sixteenth century until the nineteenth century, the approach to concepts and regulations of a Prisoner of War was substantially permeated throughout a vast part of the world, amongst distinct theories, situations, and philosophies<sup>1</sup>. Prisoners were only to be removed from the conflict and not disposed of; even so, regulations were far from being effectively implemented.

In the late nineteenth and twentieth century, considerably detailed assortments of norms regarding individuals not or no longer actively associated with hostilities were formulated and ultimately achieved notable recognition in international law. Furthermore, such sets of measures included the Geneva Conventions. However, tragedies as the First and Second World Wars occurred in this period as well. Regarding these conflicts, there were multiple charges on both sides that the laws protecting prisoners of war were not faithfully abided.

During World War I, reports highlighted the horrible conditions of the millions of prisoners of war incarcerated in specific camps: poor sanitary conditions, epidemic crisis, massive scale labor, etc. Soon after World War I, various nations gathered in Geneva to elaborate the Convention of 1929 (Convention relative to the Treatment of Prisoners of War). Many countries ratified the document, including the United Kingdom and the United States of America. On the other hand, Japan and the Soviet Union were not part of them.

---

<sup>1</sup> Such as the concepts that revolve around the regard for private individuals in their persons and property as far as possible, by Rousseau, and the ideas of the ownership of a single right by the captor, being the reluctance of POWs from harming, by the political philosopher Montesquieu in his novel "The Spirit of Laws" published in 1748

Years later, throughout World War II, violence towards prisoners of war reached unprecedented levels of barbarity. Among all of these atrocities, it is possible to identify that out of all Germany's soviet prisoners, approximately 35% survived, while most of the remaining died of starvation. In Soviet Union, Germans captured were then assigned to labor camps, and a vast majority died of starvation, illnesses, or exhaustion.

According to Philip Spoerri, Director of International Law of the International Committee of the Red Cross (ICRC), in his remarks during the ceremony of the 60th anniversary of the Geneva Conventions: "There can be no doubt that the decision to draft the Geneva Conventions of 1949 was sealed by the tragedy of the World War II and that the conventions were intended to fill the gaps in international humanitarian law exposed by the conflict".

After the end of World War II, the four Geneva Conventions were adopted and are the cornerstone of the International Humanitarian Law until today.

## **2.3. The Geneva Conventions**

### **2.3.1. The First Geneva Convention**

The First Geneva Convention<sup>2</sup>, adopted in 1864, originally had three main principles. According to the International Humanitarian Law (IHL) database, these principles were the relief to the wounded without any distinction as to nationality, neutrality (inviolability) of medical personnel and medical establishments and units, and the distinctive sign of the red cross on a white ground.

The first ten articles of this convention mainly approached the protection of the citizens which help the wounded and sick, protection and neutrality of hospitals and ambulances that are not held by military force, neutrality of evacuation parties, and also a norm that all wounded or sick combatants shall be collected and cared for but cannot take up arms again for the duration of the hostilities. Later on, with further developments through conventions in 1906, 1929 and 1949, the number of articles concerning "wounded and sick in armed forces in the field" was considerably increased and the Geneva Convention I suitably completed.

### **2.3.2. The Second Geneva Convention**

The Second Geneva Convention<sup>3</sup> was adopted in August 1949, and its main purpose was to revise the Hague Convention X. It adopted many of the provisions established in the First Geneva Convention for naval war scenarios. Furthermore, according to the ICRC<sup>4</sup>, both conventions contain the same humanitarian

---

<sup>2</sup> The Geneva Convention for the Amelioration of the Condition of the Wounded in Armies in the Field

<sup>3</sup> The Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea.

<sup>4</sup> <https://ihl-databases.icrc.org/applic/ihl/ihl.nsf/INTRO/370?OpenDocument>



principles reinforcing that "members of the armed forces who suffer during armed conflict must be aided, protected and cared for, regardless of whether their suffering takes place on land or at sea".

Moreover, the Second Geneva Convention contains thorough regulations regarding the vessels used for the rescue of members of the armed forces and the provision of medical care for these individuals. In addition, several forms of identification were reinforced and elaborated such as armlets, identity discs, and identity cards. By the Geneva Convention, medical personnel, should at all times carry their identity disc and card and wear the armlet while carrying out medical duties.

### 2.3.3. Third Geneva Convention

The Third Geneva Convention<sup>5</sup>, as it is currently known, was primarily adopted in 1929. Later, a new edition for the Third Convention was published in 1949. According to the document itself, "**Article 134** – The present Convention replaces the Convention of July 27, 1929, in relations between the High Contracting Parties".

**The Convention of 1929 prescribed that prisoners must be treated humanely**, the captive nations must supply information about any prisoners held and must permit visits to prison camps by representatives of neutral states (ANDERSONVILLE, 2015). Nonetheless, up to 1949, the orchestration of warfare had undergone significant alterations, and the general provisions and regulations of the **1929 Convention gave space to multiple interpretations**. On that account, the treatment and daily conditions of POWs differed from camp to camp and, consequently, the necessity to revise the Convention of 1929 was consolidated.

Among the novelties brought by the Third Geneva Convention of 1949, previous provisions received more precise definitions, resolving the ambiguity in a considerable amount of articles of the 1929's document. Additionally, as stated by the IHL database, **the categories of persons entitled to POW status were broadened following Conventions I and II**.

The conditions and places of captivity were more precisely defined, in particular concerning the labor of prisoners of war, their financial resources, the relief they receive, and the judicial proceedings instituted against them. The Convention establishes, with columns such as article 118, the principle that prisoners of war shall be released and repatriated immediately after the cessation of active hostilities.

### 2.3.4. Fourth Geneva Convention

**The Fourth Geneva Convention<sup>6</sup> (GCIV) was adopted in 1949 and remarked as innovative**, as the previous conventions were only solicitous about combatants. After the hostilities of World War II, the lack of regulations regarding the protection of civilians in wartime was shown and hence international

---

<sup>5</sup> [https://www.un.org/en/genocideprevention/documents/atrocities-crimes/Doc.32\\_GC-III-EN.pdf](https://www.un.org/en/genocideprevention/documents/atrocities-crimes/Doc.32_GC-III-EN.pdf)

<sup>6</sup> Geneva Convention corresponding to the Protection of Civilian Persons in Time of War – GCIV

parties elaborated the Fourth Convention. It is commonly regarded as the "Geneva Convention", because this record is a conglomeration of all previously adopted conventions. It is vital to notice that the United Nations was established in 1945, so the UN and its values served as a basis for the document.

**The main topic of the GCIV is how foreigners and civilians should be treated inside an occupied territory belonging to any of the groups involved in the conflict.** This convention<sup>7</sup> also established a set of provisions related to the responsibilities of those in power regarding citizens and the humane way civilians should be relieved from conflict related suffering. Furthermore, the acts of murder, torture, corporal punishment and mutilation, medical experiments, and any other measures of brutality against the protected persons described in the convention were strictly prohibited.

### 2.3.5. Common Article 3

Article 3, the only essay common to all four conventions that is applicable in non-international conflicts, signifies a new measure in the constant improvement of the concept on which the Red Cross is based (ICRC, 1949).

In the case of armed conflict not of an international character occurring in the territory of one of the High Contracting Parties, each Party to the conflict shall be bound to apply, as a minimum, the following provisions:

(1) 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, without any adverse distinction founded on race, color, religion or faith, sex, birth or wealth, or any other similar criteria.

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;
- (d) the passing of sentences and the carrying out of executions without previous judgment pronounced by a regularly constituted court, affording all the judicial guarantees which are recognized as indispensable by civilized peoples.

(2) The wounded and sick shall be collected and cared for. An impartial humanitarian body, such as the International Committee of the Red Cross, may offer its services to the Parties to the conflict. The Parties to the conflict should further endeavor to bring into force, by means of special agreements, all or part of the other provisions of the present Convention. The application of the preceding provisions shall not affect the legal status of the Parties to the conflict.

### 2.3.6. Additional Protocols of 1977

From the conception of the Geneva Conventions to the beginning of the 1990s, multiple civil and national liberation wars took place. Even with an enhanced IHL due to the Geneva Conventions themselves, the only

<sup>7</sup> <https://www.ilsa.org/Jessup/Jessup11/basicmats/Geneva4.pdf>

regulations previously suitable to a non-international armed conflict were the ones contained in Common Article 3. As most of the wars in the designated period had a non-international characteristic (and admitting that the norms regarding the conduct of hostilities had not had any development since the early twentieth century), the article was not sufficient to retain hostilities from occurring and restrain the rising amount of victims. To resolve this situation, and to guarantee the changes in the IHL made by the conventions were not in jeopardy, two additional Protocols admitting new provisions were elaborated and established 1977.

The majority of the articles in Additional Protocol I (Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts) deals with the conduct of hostilities and its reaffirmation and development. Even though this protocol handles international conflicts, it broadens the term to encompass conflicts regarding cases such as colonial domination and racist regimes. Besides, **it develops regulations found in the Geneva Conventions I and II and extends protection to more categories of medical personnel.** According to the ICRC, the articles on the protection of the civilian population against the effects of hostilities, containing a definition of military objectives and prohibitions of attack on civilian targets, as well as the protection of civil defense organizations, relief actions and the treatment of persons under the power of a party<sup>8</sup> involved in a conflict, are considered to be some of the most important articles in this protocol.

About the Additional Protocol II (Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts), as stated in its first article, it "develops and supplements Article 3 common to the Geneva Conventions of 12 August 1949 without modifying its existing conditions of application". Its main objective is to adopt regulations for armed conflicts to non-international wars. Moreover, among the provisions of this protocol are many complementary to the Third and Fourth Geneva Conventions, some of which are the prohibition of prejudice to the generality and the humanitarian treatment of "all persons who do not take a direct part or who have ceased to take part in hostilities" (art. 4).

## 2.4. The Universal Declaration of Human Rights

Universal Declaration of Human Rights<sup>9</sup> (UDHR) is a breakthrough document in the archives of human rights. It developed following the Second World War, prompted by the wisdom of previous World Wars. It marked the first time that nations agreed on an extensive announcement of inviolable civil rights.

The record is available in over 500 languages. It was published in order to avoid another war. The answer reached was that equal and undeniable rights of all members of the human family are the foundation of freedom, justice, and peace in the world. Consequently, it also had the mission to develop peaceful relations between nations.

---

<sup>8</sup> Party: one of the people or groups of people involved in an official argument, arrangement, conflict or similar situation.

<sup>9</sup> <https://www.un.org/en/universal-declaration-human-rights/>



The full Universal Declaration of Human Rights printed.

The document consists of the rights humans have for simply being humans. The text includes a total of thirty articles that describe numerous elements in ensuring justice. Leading the UDHR towards the matter of prisoners of war, the infringement of their rights can be spotted under various sections.

UDHR, altogether with the Third Geneva Convention document, provides an extensive assortment of assurance for prisoners of war. Article 1, for example, includes that all human beings are born free and equal in dignity and rights. Another case is article 5 that states that no one shall be constrained to cruel, severe, inhuman, demeaning treatment or punishment. Accordingly, POWs must be treated humanely in all circumstances. According to the rule protecting the inmate, confinement is not a method of punishment but solely an alternative to limit further participation in the conflict.

## 2.5. Red Cross

The International Committee of The Red Cross (ICRC) has been working since 1863, and it is an unbiased, impartial, and autonomous organization, with global range. Funding for the ICRC mainly consist of voluntary donations from governments and National Red Cross and Red Crescent Societies.



# ICRC

The ICRC Symbol.

It operates in response to emergencies, and promotes respect for international humanitarian law and its implementation in national law. The work of the ICRC is based on the Geneva Conventions of 1949, assisting people afflicted by dispute and armed violence, and promoting laws that protect victims of war.

The organization examines the conditions concerning prisoners of war, such as the status of POW, only applying in international armed conflict. Inmates must be treated humanely in all circumstances. Detainees are protected against any act of violence, as well as against intimidation, insults, and public curiosity.

## 3. Guantánamo Bay

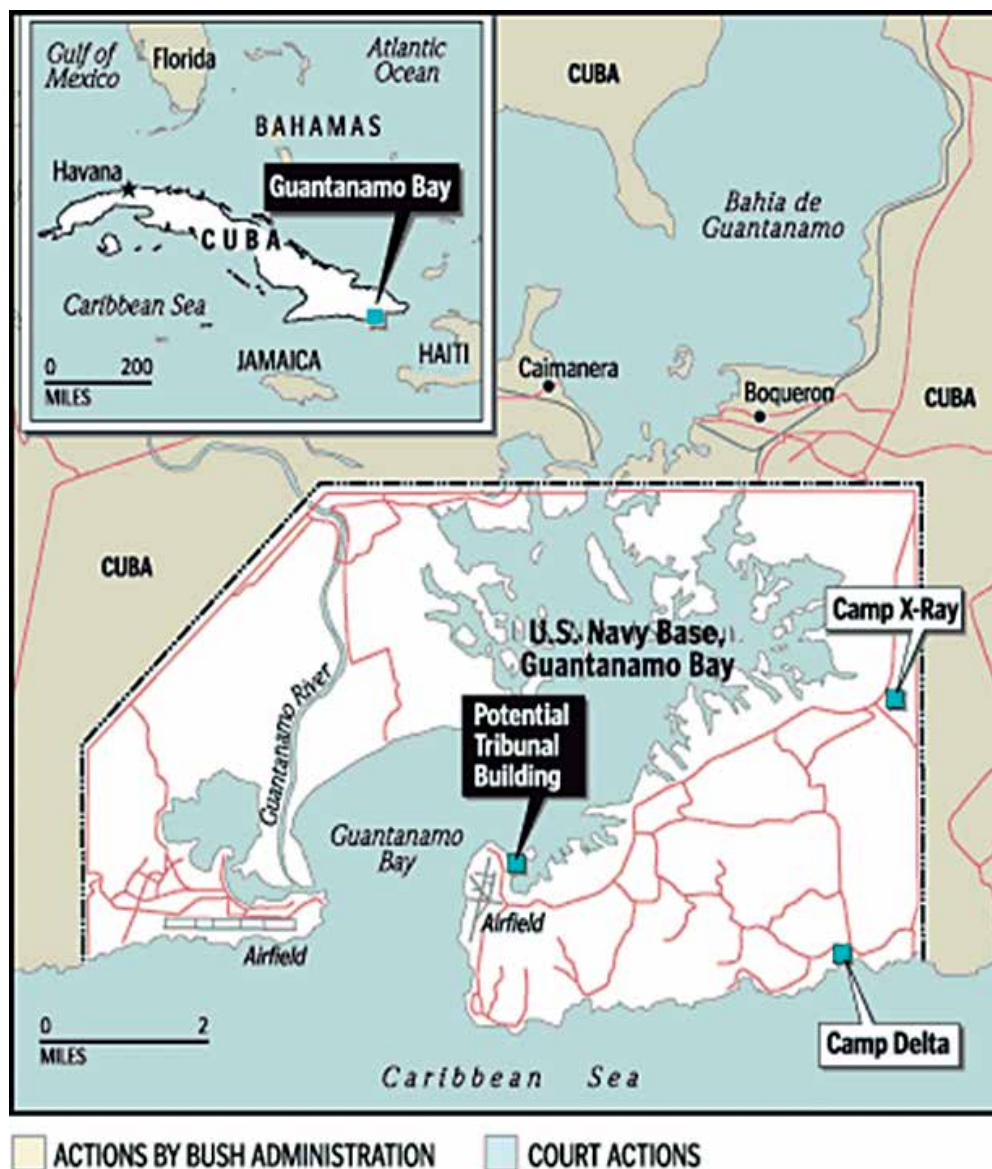
The US conquest of this Cuban territory is primarily due to the American participation in the Spanish-American war along with the construction of a naval base in this Bay. In 1934, a new treaty between the countries reaffirmed the lease and secured a direct line of communication between Cuba and its biggest trading partner at the time. During that year an adjustment in payment was made making it almost unchangeable and specifying that its change would only be allowed with the authorization of both countries.

Following the Cuban socialist revolution, the country's position has become much more aggressive and remains unchanged in the face of the American occupation, demanding its immediate withdrawal related to an illegal stay and an unrealistic payment.

### 3.1. Historical Context

Guantánamo Bay is in Southern Cuba. In 1903, Cuba rented the territory out to the USA to initiate a mining camp, and additionally, maintain a naval base while simultaneously commanding its services

in the region. After the United States entrance into World War II, following the Japanese attack on Pearl Harbor, the precinct of Guantánamo came to be employed as a military prison against Americans of Japanese heritage suspected of espionage.



The map shows the location of the prison.

During this period there was an outburst of extremist ideologies, nationalism, and one of the most influential wars in the world to take place in the 20<sup>th</sup> century, **the previously stated naval base became a military prison, noted for its intense use of torture methods and interrogation.** With the conclusion of World War II, succeeded by the Cold War and other conflicts the U.S. came to be a part of, the penitentiary received inmates from nations such as Afghanistan and Korea.



### 3.2. Classification of prisoners

Currently, the condition of the prison has been altered, mainly due to the War on Terror measures outlined by George W. Bush after the September 11, 2001 attack, with the facility acting to restrain terrorist leaders or accused terrorists, and members of rebel organizations that threaten the United States sovereignty or allies.

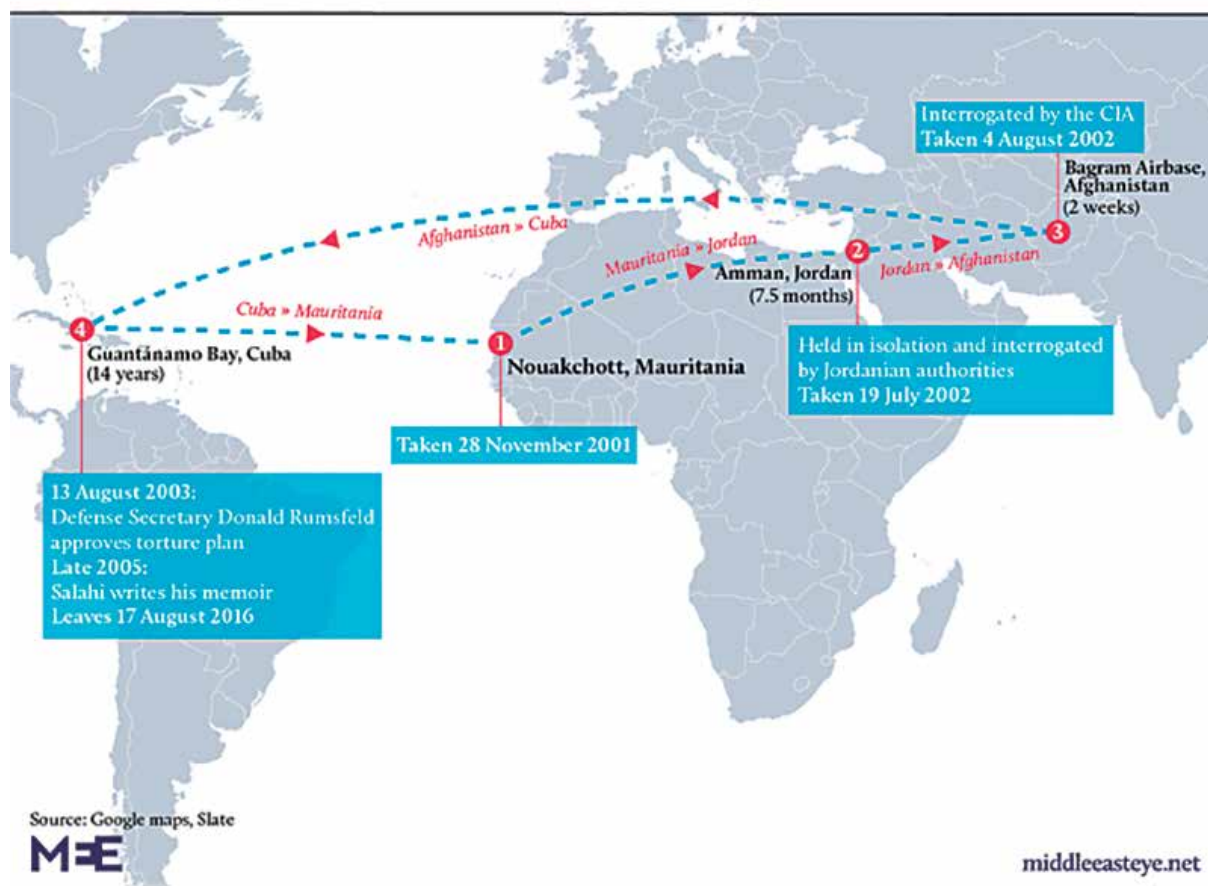
Since 2002, nearly 779 people were taken to Guantánamo without hearings or any occasion to require their fundamental human rights. The majority of detainees are of Middle Eastern nationalities, for example, Afghans, Pakistanis, and Iraqis. The record of imprisoned individuals involves teachers, philosophers, sociologists, people with mental disorders, young terrorists, and criminals. The prisoners are there for varied reasons, including to be interrogated, tortured, or to silence a movement of protests. An example of the impact of the conflicts involving the influence of the United States on the birth countries of Guantanamo prisoners (and the war against terror) is the staggering increase in Yemeni inmates (approximately one hundred prisoners) after the US participation in the conflict in Yemen.



Picture shows a glimpse of Guantánamo Bay.

Today the Central Intelligence Agency (CIA) has a number of accusations, regarding abuses against prisoners, containing torture or sexual abuse. An example is the unfolding of Mohamedou Ould Slahi's history, in which during his unauthorized transfer to Guantánamo was handcuffed and hooded. The former prisoner wrote "Guantánamo Diary", a book describing the torture he suffered while imprisoned. Mohamed Ould Slahi's trajectory to Guantanamo began with his capture and interrogation in Afghanistan due to his links with terrorist attacks by *al-Qaeda* in various clashes between the local government. Prison transfers led him to several embassies, arrests, and interrogations, which ended at Guantánamo, where he was held for 14 years. As a result of being considered the most tortured man in Guantánamo, a book was published by his account.

## Salahi's global tour of interrogation and torture



The map describes the locations Salahi went for his interrogation and torture.

Under the aim of providing national security and protection, as well as the necessity for information, Guantánamo guards and investigators use as a resort the prisoners' vulnerability, which includes lack of speech in prison, physical, psychological, and sexual abuses as reported frequently by various institutions.

While some prisoners have charges, others, such as Shaker Aamer, one of the first detainees to arrive at Guantánamo Bay in 2002, were maintained for years without a charge or a trial.



### 3.3. Recent episodes



A protest in front of The White House asks for the end of Guantánamo Bay' Prison.

The Guantánamo penitentiary currently contains 40 prisoners, mostly of maximum security, a matter that drew public attention following declarations by former President Barack Obama with **the intention to shut down the facility for two main reasons: the high cost per prisoner (around 13 million dollars), consuming American capital, and national international pressure on the topic.** In his speech, he asserted, "It is inefficient, it hurts our international position, reduces cooperation with our allies in counterterrorism efforts, is a recruiting tool for extremists and needs to be closed".

The Congress denied Barack's proposal while worrying about the inmates of high risk and the legal status in which that measure could affect the nation, principally considering most were there without a trial. The U.S. cabinet's discourse regarding the arrest changed along with President Donald Trump assuming office in 2017 conducting means not only to keep facilities operational but also to improve them with large investments.

Intending to maintain those incarcerated within the penitentiary, including preventing the transfer of five prisoners to Saudi Arabia and sending, even more, terrorists or extremists involved in the current immigration dilemma along the Mexican border generating friction with its trading partner. This controversial proposal drew the attention of NGOs such as International Amnesty that mobilized attempts to counter such measures.

The international community did not keep quiet in the face of a hunger strike that lasted approximately 100 days by prisoners in Guantánamo claiming their rights. Protests occupied spots in several countries, with the largest taking place in England, United Kingdom, in front of the American embassy.

### 3.4. Dilemma of existence

The former naval base drew a significant amount of attention to its complicated case. **For years, the prison has been US property, still, since Guantánamo is technically in Cuban territory**, the US law cannot be applied, and the country uses this dilemma to its full advantage, leaving the **detainees in a legal abyss**. The nation also claims that, if their prisoners were discharged or transferred they would threaten the country.

The reason for keeping this group of people is mainly because of the conflict between the US and terrorist organizations, which regularizes the condition of such prisoners as the conflict persists. The detainees keep imprisoned as they are now recognized as "soldiers" of such terrorist groups in conflict with the US, therefore making them prisoners of war.

NGOs, such as Human Rights Watch (HRW), criticize and demand the improvement necessary to end these recurring exploitations of power that nations as prominent as the United States of America commit. **According to these institutions, the USA employs rumors to trespass countries, capture alleged suspects, and even torture inmates.** These situations disrespect human rights and the Geneva Convention.



The picture reveals an injured prisoner on a hospital stretcher.

These non-profit organizations also argue that US law does apply in Guantánamo since the nation has other military institutions outside of the territory that still maintain the same constitutional system. Unfortunately, the difficulties surrounding the prison are not well known, because of the commerce control exerted over poorer countries in Latin America. Providing limited facility data from a distinct perspective.



## 4. Federal Republic of Nigeria



Map indicates the territory of the Federal Republic of Nigeria.

The Federal Republic of Nigeria is a country situated in the west of Africa bordering Niger on the north, Chad in the northeast, Cameroon in the east, and Benin in the west. Nigeria is Africa's most populous country composed of 200 million people and has the largest economy with a GDP of over 375 billion dollars. The nation stands upon the 32 largest countries in the world, with 923,768 square kilometers. More than 250 ethnic groups are present in this territory, and there are three dominant tribes, which include the Ibo, Hausa-Falani, and Yoruba. The prevalent religions are Christianity and Islam, divided approximately in a 50 percent ratio with sharia law imposed in the northern state.

Nigeria currently faces an erupting state of crisis in various aspects involving the economy, government, and the human rights of its population. The predominant issues include corruption, oil dispute, farmers' insurgency, religious separatist movements, militant groups, armed conflict, military

violence, poverty, and mass incarceration. The country finds itself overloaded with internal conflicts mainly due to historical colonial events that reflect directly on present days since it is a rather young country. Nigeria independence happened only 53 years ago.

The Federal Republic of Nigeria is the seventh most populous country in the world, and according to recent reports, it might achieve a startling third place by 2050. Furthermore, in 2018 the nation took place as the country with the most severe poverty in the world, reaching 86.9 million people, nearly 50% of its inhabitants.

## 4.1. Historical Context

### 4.1.1. 1960-1999

To understand current matters concerning Nigerian population, and the conditions of prisoners of war in the country, it is essential to comprehend that the ongoing problems have substantial connections with its history.

There is a pattern, going back to the country's first years of independence, of Nigerians competing for access to the country's resources. Partly this is because Nigeria is so populous and poor, which makes control of national resources unusually important, and partly it's because the country was established by glomming together a handful of religiously and ethnically distinct groups, none of which have a majority and which have never fully come together in a national identity (FISHER; SMITH, 2014).

Since the late 15<sup>th</sup> century, Nigeria was under colonialism, yet in 1901, it became a territory and a colony of the British Empire. The colonization lingered until 1960 when an independence movement succeeded in gaining Nigeria its autonomy. Colonialism left Nigerians organized by ethnicity and religion, making the country's scenario very unstable, as a result of no national identity. The governance began as a Federal system, and, in 1963, the country became a Republic. After a critical rebellion in 1966, the nation came under military control. **This effectively marked the beginning of military governments in the nation's political history that lasted until 1979 when a new constitution took place.**

On July 6 1967, a Civil War broke out and continued to 1970. It is estimated that the clash, also known as Biafra War, **caused between one and two million casualties, mostly civilians and predominantly from starvation and disease. The Biafra war was Africa's bloodiest and most divisive post-independence conflict** (SMITH, 2014). As the Council of Foreign Nations describes, war might have ended, but the concept of Biafra and division had not. Civilian rule was expected to start in 1976, although the General was overthrown and the **process of republic initiated earlier**. Lieut. Gen. Olusegun Obasanjo, became head of the government pursuing previous plans. As a first step, a new constitution was announced and **replaced the British-style parliamentary system with a presidential one.**

In the elections of 1979, leaders of the National Party of Nigeria used political power as an opportunity

to gain access to public treasuries and distribute privileges to their followers. The population grew annoyed, and openly confronted the relevance of a democracy that could not produce leaders who would improve their lives and provide moral authority. **In addition to corruption, the country found itself in an economic decline, and the military took power once again in 1983.** The regime announced a **"War against Indiscipline" (WAI)**, which ended in the **arrest, detention, and jailing of several politicians.** The WAI soon reached journalists and others not responsible for social decay or economic problems such as civilians

Ten years later, violations were still existent. In 1993, **Sani Abacha regime ignored the due process of law, press freedom, individual liberty, and human rights** (KUNLE AMUWO, 2001). Before a decisive turning point in 1998, the government used violence as a weapon against its opponents and critics. **In 1998, military disengagement came with a predecessor's death, and the General Abdulsam Abubakar took over transferring power to civilians.** In his plans, he would free political prisoners, end the harassment of political opponents, and set forth a timetable for the transition to civilian rule terminating military rule.

#### 4.1.2. 1999-2019

In 1999, presidential elections were organized, and Olusegun Obasanjo, head of state in 1976-79, was elected. In the first civilian-administered elections since the country achieved independence in 1960, Obasanjo was reelected in 2003, although there were widespread reports of voting irregularities commented by news releases.

Although not formally set in writing, an agreement was formed among the political elite, in which the ruling of the People's Democratic Party (PDP) would alternate between Muslim northerners and Christian Southerners. The agreement itself was a direct response to the fear of again destabilizing the country, since the issues Nigeria faced from the beginning of its independence were separatism and the constant power dispute through coups, as well as a clear illustration of the latest issue of division set deeply by the Biafra war.

Conditions in Nigeria generally improved under Obasanjo's rule. Nonetheless, there was still considerable strife within the country. **Ethnic conflict – previously contained and checked up in the periods of military rule – had erupted in various parts of Nigeria.** Friction increased between Muslims and Christians when some of the northern and central states of Nigeria chose to adopt Islamic law.

In 2007, Olusegun Obasanjo was highly criticized domestically and internationally for the attempt to amend the constitution to withstand a third term. The Senate rejected the proposed amendment, and Umaru Musa Yárdua was elected. Vice President Goodluck Jonathan assumed presidential duties approved by the national assembly in midterm. Apart from that, it is worth notifying that northern Nigeria is considered less developed and poorer than the south and, therefore, more susceptible to imprisonment as later described in more detail.

The vice president, a southerner and Christian, ran for reelection in 2011 and was elected. Northern Nigerians were outraged, feeling duped of their control of the presidency since the deal between North and South had not been respected, demonstrating the deeply religious and ethnic divisions that prevailed (SMITH, 2014).

It is essential to mention that Nigeria's long-running north-south political and religious tension contributed to the sense of resentment and disenfranchisement in the North, which promoted extremism and Boko Haram, especially, to flourish. By 2009, disputes between the police and Boko Haram members began and quickly escalated into a violent uprising with the killing of political leaders, bombing civilians, and enlisting child soldiers.

In 2013, Jonathan officially declared **that militants and anyone caught helping them would risk getting executed under the country's Terrorism Prevention Act**, which was supposed to facilitate the legal prosecution of the accused. In the Muhammadu Buhari presidency, starting in 2015, Nigeria began its collapse because of economic recession, corruption, and insecurity. In the same year, Boko Haram took the title of the deadliest terrorist group, and data showed that Nigeria was in a leading place in the country with the most people in extreme poverty. Thereby, evidence determined that Nigeria had not had correct management in long term, and heavy corruption was involved.

In 2019, President Muhammadu Buhari won a second term of elections. Since his first term, he had been criticized by the lack of measures taken towards accountability and prevention of crimes, including against members of Boko Haram. As appointed by Human Rights Watch, Nigeria has failed to conduct credible investigations into allegations of human rights abuses by government security forces, and in particular the case of prisoners of war.

Succinctly, the government continues to present inability to eliminate the threat from Boko Haram, accompanied by key issues of presidential and legislative elections, along with the economy, the persistence of corruption, lack of national identity, and intense division. In addition, **the most significant problem of them all is the prevalence of violent military, which has repeatedly been accused of atrocities in its campaign against Boko Haram.**

## 4.2. Civil War

The Nigerian government currently faces the growing challenge of preventing Africa's most populous country from breaking apart along ethnic and religious lines. It is noteworthy to state that due to challenges following its late independence, dictatorship and indiscriminate violence has prevailed throughout Nigerian history. At the present moment, three main issues stand out in Nigeria – the farmer-herder conflict, the persistence of insurgent groups, mainly Boko Haram, and the precarious security conditions provided by the government and the military. Succinctly, civilians deal with the utmost violations of human rights.

The conflict between Nigeria's cattle herders and farmers, in essence, is a resource war. One element to come into an understanding of the clashes in the battleground is the abundance of fertile soil in a region that stretches across the center of the country, called the Middle Belt. Sedentary crop farmers and nomadic cow herders compete over diminishing land and water resources.

According to the International Crisis Group, in 2018, the conflict between herders and farmers was six times deadlier than Boko Haram, with a death toll of 1,949 people. As reported by Amnesty International, disputes within the two groups have killed more than 10,000 people, almost 4,000 of them in the last few years alone.

The reaction from Nigeria's federal and state authorities in the situation has been lacking. It has not adequately answered to the rural insecurity, let alone kept official figures on the conflict. **The government performance resulted in an ongoing situation to be inadequate in terms of investigating, arresting, and prosecuting perpetrators. Consequently, leading to the worsening of continuous government credibility problems and increase of people in detention.**

Members of both groups frequently feel compelled to take justice into their own hands through reprisal fatalities. Nigerians do not trust the government to intervene effectively because of its failure to do so thus far (UDO JUDE ILO, 2019). Some government officials have made matters worse by attributing blame to groups on both sides before conducting investigations rather than help find solutions.

The jihadist group known as Boko Haram is one of the largest Islamist militant groups in Africa. The group has been considered one of the world's deadliest terrorist groups over the past decade, kidnapping and causing the death of tens of thousands of civilians across northeast Nigeria and neighboring countries such as Benin, Cameroon, Chad, and Niger.

The extremist group has pledged allegiance with the ISIS, and according to figures from the Council on Foreign Relations, there has been 30,000 killings. The group's name roughly translates to "Western education is a sin". Boko Haram achieved international attention after kidnapping 274 female High School students from the town of Chibok in April 2014. The famous incident is due to the government's inability to contain the threat since negotiations with the militants only released 103 girls.

As described by Smith (VOX), the Islamic state-linked sect originated in 2002 by Mohamed Yusuf, radical cleric who gained support by speaking out against the rampant corruption and inequality in oil-rich Nigeria. Despite advocating an extreme Islamist ideology, Boko Haram only started using violence as a tactic in 2009, after clashes between the group and security forces left 800 dead in northeastern Nigeria.

In an attempt to end the uprising event, Nigerian law enforcement and military personnel carried out extrajudicial killings of several prominent Boko Haram figures, including Yusuf. A new leader then took control of the group, implementing and launching an enduring campaign of extreme violence. This strategy has killed Muslims and non-Muslims with impunity, used children as suicide bombers and soldiers, burned villages, and kidnapped thousands of men, women, and children as reported by NGOs such as Human Rights Watch and Amnesty International. In 2015, the extremist group was deemed the world's deadliest terror group according to the Global Terrorism Index.

**Aiming to end both separatist turmoil, farmers-herders conflict and the jihadist group, the military and government have used indiscriminate violence generating precarious security conditions that result in unchecked and out of hand imprisonment of civilians.** Thereby, the current state of security conditions in Nigeria depict a humanitarian crisis and a Civil War.

In matters of scholarly definition, political scientists refer to two common standards for designating a conflict civil war. The first criteria declare that warring groups must be from the same country and fighting for control of the political center, command over separatist state or a significant change in policy. The second standard requires that at least 2,000 people must have been killed in total, with at least 1,000 from each warring party. Taking into account recent events of mass imprisonment in Nigeria, and numerous reports from Amnesty International and Human Rights Watch, several political scientists agree that the country is in a civil war, although the majority of them believe Nigeria is on the brink of an internal conflict.

## 4.3. Prisoners

### 4.3.1 Nigeria's Prisoners of War

The Nigerian civil war against Boko Haram, like any other war, has led to severe human rights violations. The primary fight is against the militant group, which maintains an atmosphere with resurging lethal attacks and caused up to 30,000 casualties since 2009 (CFR, 2019). Part of the problem is that the Nigerian government seems capable of responding only in ways that produce worse results (SMITH, 2014). It is evident within numerous reports shared by humanitarian organizations, such as Human Rights Watch and Amnesty International, that there is ill-treatment from the military and governance towards its citizens. It is observable an abundance of cases of civilians imprisoned, even though they do not show any relation to the armed conflict. The majority of processes include no access or contact to a lawyer or judge before detainment.

As mentioned earlier, a prisoner of war is considered a combatant or not combatant, who is held captive by a hostile power during or immediately after an armed conflict. In Nigeria's case, prisoners include activists, journalists, women, homosexuals, and children. In military discourse, the list of detainees includes anyone suspected of having connections or involvement with Boko Haram. Since the militant group uses child soldiers in combat, any person can be considered a suspect. Even worse, those associated with the religious and ethnic division conflicts are also detained. The problem is that the Nigerian State does not know who is guilty or not, in this way, there are negligent mass imprisonment and heavy-handed violence.





A police officer detains a young man after police dispersed members of the Islamic Movement of Nigeria from a street in Abuja, Nigeria.

Nigeria's armed forces are known for its use of torture, and authority abuse towards suspects. Allegations have been set with evident proof in testimonies acquired by human rights organizations, and as shown in various leaked videos in which men dressed in army fatigues are torturing and killing people.

Monitoring the hostile situation, the Human Rights Watch organization launched in 2019 a 50-page report entitled *They Didn't Know if I Was Alive or Dead: Military Detention of Children for Suspected Boko Haram Involvement in Northeast Nigeria*. The report confirms the alarming scenarios Nigerian children faced. According to the report mentioned, the military has been arresting and detaining arbitrary children as young as five years old with little or no evidence. As pronounced by UN figures, more than 3,600 children between January 2013 and March 2019 were seized, and after restrained most children are then reportedly transferred to Giwa military barracks such as the ones in the town of Maiduguri, the main detention facility in Borno State.



Image illustrates the conditions young prisoners have to endure.

In the 2019 report, children detained at Giwa barracks described squalid, severely overcrowded conditions. Confined in cells of about 10 by 10 meters, with up to 300 other detainees, children said they were forced to sleep on their sides, packed tightly together in rows like “razor blades in a pack”.

As per UN reports, the number of children detained in 2018 decreased significantly, although **Nigerian authorities have consistently denied UN and humanitarian organizations access to military detention facilities to verify the actual number of children held**. Thus, with the restriction, organizations such as Human Rights Watch and Amnesty International currently do not know the exact number of children detained by the Nigerian military, but an estimation that in their standpoint is worrisome.

As informed by *The Washington Post*, defense officials deny claims of thousands of detainment abusive confinement and say they must examine everyone who emerges from the restive countryside.

### 4.3.2. Cases and Conditions of Nigerian POWs

As notified by the International Committee of the Red Cross (ICRC), during the decade of the conflict, nearly 22,000 Nigerians have been reported as missing. This is the highest number of missing people registered by the ICRC in any country, and approximately 60 percent of them were minors. **The main problems in detention facilities, apart from arbitrary arrest, are the overcrowding, the practice of torture, ill-treatment, and unlawful killings.**

#### 4.3.2.1. Children’s Conditions

In spite of limitations imposed by officials in June 2019, Human Rights Watch had the opportunity to interview 32 children and youth who had been detained in Giwa barracks between the ages of 10-18. None of the children interviewed said they were taken before a judge or appeared in court as required by law, nor were aware of any charges against them. In addition, none of the children stated that they had contact to family members outside the detention center or that authorities had notified their family of their arrest or detention. In such a situation, as explained by the human rights organization, the cases may constitute enforced disappearances, meaning that the authorities in question refused to acknowledge the detention of the person or refused to provide any information on their whereabouts or fate.

In the Giwa barracks, children reported suffering overwhelming heat, frequent hunger, and an overpowering stench from hundreds of detainees sharing a single open toilet. Many witnessed soldiers carrying dead bodies of other detainees from their cell or other cells.

Although Giwa barracks have cells designated for children under age 18, the military often holds children in adult cells, where food and water were scarcer and conditions even more crowded. During the interviews, it was remarked that some male soldiers made sexual advances toward female detainees or removed girls from the cells for long periods, for what interviewees believed was sexual exploitation.

Most of the children reported the event of being arrested happening after fleeing from Boko Haram attacks on their village, by Nigerian military or community self-defense groups, known as the CJTF (Civilian Joint Task Force). The arrest happens, as reported, while seeking refuge with their families or other villagers, and in many cases voluntarily approaching the military for help. In the case of adolescent boys, security forces aim directly at them, as they are perceived to be in "fighting age".

The accounts also described soldiers beating or threatening children during interrogation, either at the location of their arrest or at Giwa barracks. As well as no formal education or activities were held for the children captive in Giwa.

The heightening of the precarious scenario is due to two critical aspects. The first is the situation escaped Boko haram captives who claim they faced a second 'prison' after all suffering: military detention. As reported by *The Washington Post* (2019), a detainee claimed that Boko Haram treated the children better than the military in Giwa.

The second aspect is the fact that both sides, Boko Haram and the CJTF, target children. According to a study by the United Nations University, for many children, evading participation in an armed group on one side or another is not an option.

#### **4.3.2.2. Adults**

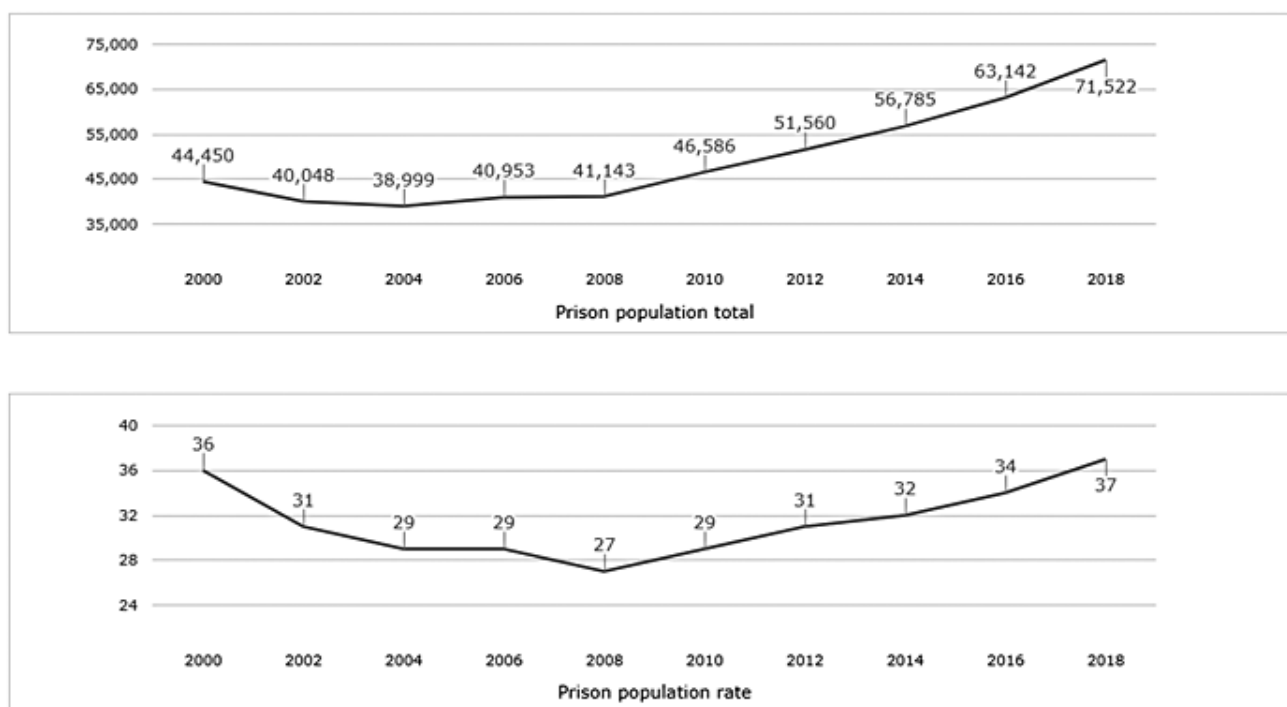
In 2018, Amnesty International stated that the same situations found in its 2014 report, entitled *Welcome to hellfire*, were persistent in detention centers in Nigeria. As stated by the organization, police and military personnel routinely use torture and other ill-treatment to extract information and "confessions", and to punish detainees.

Human rights activists are targeted with harassment, intimidation, and detention. In 2019, multiple cases of journalists, activists, protestors and groups that legitimately criticize government action and policies, including Amnesty International, reported such infringement. In most cases, as the well-known case of Omoyele Sowore, authorities hold on to release detainees despite official court bail. In Sowore's case, the military held him in spite of the order of bail by the Abuja Federal High Court. It is worth highlighting that the main composition of prisoners is civilians under the lines of poverty, which include villagers and natives, which have limited resources and no access to lawyers.

#### **4.3.3. General condition in numbers**

As informed by World Prison Brief, by the end of 2019, the total prison population in Nigeria (including pre-trial detainees) reached 74,081 people, while the official capacity of the prison system was of 50,153 inmates. The prison population rate was 37 inmates per 100,000 habitants, and the percentage of remand prisoners was 69.4%. The occupancy level based on official capacity was at 146.8% in 2019.

The World Prison Brief along with the ICPR (Institute for Crime and Justice Policy) briefed, as shown below, the database of the number of detainees and rate, showing an increase in the last 10 years.



Data shows the different number of prisoners through the years in Nigeria.

## NIGERIA

Year	Number in pre-trial/remand imprisonment	Percentage of total prison population	Pre-trial/remand population rate (per 100,000 of national population)
2000	27,959	62.9%	22
2005	28,363	74.0%	20
2010	35,000	72.9%	22
2015	39,694	69.3%	22
2019	51,380	69.4%	25

The display describes the different legal conditions of inmates.

## 4.4. Response and Authority Abuse

### 4.4.1. Torture

Prisoners of war in Nigeria endure mental and physical abuse on a large scale. According to *The Guardian*, by the end of 2015, the campaign against Boko Haram had resulted in more than 8,000 people dying while held prisoners by Nigeria's armed forces.

At least 7,000 people, including civilians, were subjected to frivolous arrests that did not follow the code established by the Conference of Geneva. For instance, detainees were held and tortured in overcrowded and unsanitary penitentiaries. These conditions surely help to explain why Amnesty International asked for the prosecution of nine senior Nigerian military commanders that were involved in this case.

The foremost methods of abuse involve 'tabay' – a form of torture where the defendant is bound, either hung or forced to sit in an uncomfortable position – and shooting in different body parts. Not only did the detainees suffer physical torture, fundamental rights were also violated. Inmates described prisons as overcrowded, with poor ventilation and toilet facilities, lack of medical care, and a dirty environment.



The picture shows a car full of bullet holes in Nigeria

Amnesty International has been examining the case. The information found points out that cruelty and inhumane treatment are used as a way to get information from suspects in the Criminal Investigations Departments and earn respect based on fear, furthermore breaking national and international law.



Furthermore, Nigerian authorities have yet to take significant action against this situation. Military has gone as far as carelessly incarcerating thousands of children in sickening conditions, because they were supposed to be involved with Boko Haram.

#### 4.4.2. CJTF

In 2013, several militias began to form in the ambient of crisis and the CJTF stood out with government support. It began by receiving military training as well as financial and logistical support from both the federal and regional governments.

The UN estimated CJTF to have between 23,000 and 26,000 members. In 2017, UN reports announced hundreds of cases of child recruitment by the task force, including children as young as nine years old. In parallel, some CJTF leaders have reportedly stated that one-quarter of their members were underage, as stated by the Human Rights Watch Organization. In September 2017, as reported by UNICEF, 1,700 children were released after CJTF signed an action plan to end its recruitment of children.

In 2019, *Foreign Affairs* affirmed that the CJTF was still demobilizing young people; and, in May, it released another 894 children, including 106 girls. However, in conformity with Bukarti (2019), taking into account the total number of children the task force has freed, it is less than half the number it initially recruited. Thus, despite almost two years after committing to stop enlisting children in the fight against Boko Haram, a significant number of child soldiers are still fighting with the CJTF.



**UNICEF Volunteer helps children in Nigeria.**

#### **4.4.3. WAI**

In the late 2016, Nigerian government, under the presidency of Muhammadu Buhari, relaunched the controversial War Against Indiscipline task force, after more than 32 years after it was first introduced during the dictatorship. The scheme aimed to reduce social problems like corruption and violence with 170,000 enforcers, mainly volunteers. The minister of information, Lai Mohammed, claimed at the time that the brigade would help to address the "lack of ethics and values" in Nigerian society. As per Akinwotu (2016) in 1984, operating under the Buhari dictatorship, WAI was able to hand out fines for offenses such as littering or "not queuing correctly" at bus stops.

Nigerians dread the return of brutality of the public order campaign of the 1980s, which was highlighted as a period of beatings and human rights violations, and characterizes Buhari's military regime. Since 2016, new information has not been made public about WAI. Muhammadu Buhari from the All Progressives Congress (APC) was re-elected as Nigeria's president in 2019.

#### **4.4.4. Defense Response**

While allegations are made against Nigeria's security forces, the military has denied detaining thousands of children for suspected links to the extremist militant group. Furthermore, Nigerian military declared to be treating civilians and children as victims of war and not as suspects.

Nigeria's Defense Headquarters claimed that the few detainees are moved to safe facilities where they are adequately fed, de-radicalized, and rehabilitated before their release. Headquarters also described the Nigerian military as professional, and asserted that arrests were not arbitrary but intelligence-driven in response to the war in the north-east with terrorists globally recognized for the inhuman and callous attacks on humanity. According to Paquette (2019), human rights advocates state that conditions in the incarceration system are so appalling it prevents the military's goal of protecting and de-radicalizing young people by breeding resentment of the government.

#### **4.5. State Inefficiency**

Nigeria is a state party to various local and international human rights implements that forbid the usage of cruelty and other ill-treatment. These include the International Covenant on Civil and Political Rights, the United Nations Convention against Torture (UNCAT), and the Optional Protocol to the Convention against Torture (OPCAT).

The Nigerian Constitution outlaws cruelty and other cold-blooded or degrading practices. Nevertheless, it is essential to remark that torture is not specified in Nigerian law nor criminalized,

despite the requirement of UNCAT. Deputy Controller of penitentiaries and Officer-in-charge of the Oba Prison in Abeokuta, Kayode Odeyemi, advises that a reform of the Nigerian prison system is crucial.

#### 4.5.1. On the conduct and the rights of prisoners

The *Journal of Environmental Science and Public Health* published a study analyzing the common diseases amidst the convicts of three federal prisons in Enugu, Abakaliki, and Onitsha in Enugu, Ebonyi, and Anambra states, respectively. They used a census intended to exhibit demographically prevalent diseases.



Picture exposes the horrors Nigerian prisoners have to face.

Prisoners and detainees experienced torture, severe overcrowding, food and water deficiencies, inept medical treatment, and infrastructure scarcities that resulted in poor sanitary conditions that could lead to death. The installations of most of the Nigerian jails are old and neglected, without adequate facilities or sufficient cells. This might relate to the fact that most of the prisons were built during the 19th and early 20th centuries. For instance, Ningi prison has remained operating since 1831. When answering the survey, convicts admitted that overpopulation was the most common environmental difficulty, succeeded by inadequate toilet facilities, and lack of medical assistance.





Art piece shows one of the torture methods used in POWs

According to press reports from December 2017, Agodi Minimum Security Prison, in Oyo State, had 1,104 inmates, even though its with a maximum capacity was of 390 detainees. In 2014, Amnesty International described that many of the prisons require repair, as the infrastructure is worn out, some structures can no longer operate, and roofs in some cells are nearly collapsing.

The House of Representatives of Nigeria verified more than 900 inmates died in penitentiaries across the country in 2016 due to a drastic scarcity of medications and health care. Although officials tried to isolate people with infectious illnesses, facilities frequently lacked sufficient space, and prisoners diagnosed with these conditions lived with the overall prison population.

#### 4.5.2. Legislative

International Human Rights law bans cruel and harmful treatment at all times. The Nigerian Constitution also forbids torture and other inhuman or humiliating treatment. Despite the preceding news, Amnesty International declared that torture and other kinds of ill-treatment are usual practices in criminal inquiries across Nigeria.

In spite of international and Nigerian law condemning the practice of collecting statements through torture. Numerous attorneys informed Amnesty International, that in many situations the police relies singularly on confessional declarations to prosecute suspects in criminal cases. A common instance of discrimination would be that suspects without money are less prone to be able to obtain a lawyer, contact family members, or receive medical treatment.

Statements of torture and other kinds of ill-treatment in the North of Nigeria have increased over

the last few years as the dispute in the north-east of the country has intensified. The hazard of torture is aggravated by provincial corruption in policing. **The lack of recognition and public condemnation of such crimes by senior government officials further supports the creation of a mood of impunity, and raises concern about the political directions to end such human rights violations.**

In conclusion, Nigerian justice practices disappoint in the interruption of torture and other forms of ill-treatment. Despite cruelty being constitutionally illegal, a bill to criminalize the usage of torture is still to be voted. It is relevant to remark that two different measures related to this theme have been awaiting in the National Assembly for over two years.

## 5. Nelson Mandela Rules

It is said that no one truly knows a nation until one has been inside its jails. A nation should not be judged by how it treats its highest citizens, but its lowest ones (Nelson Rolihlahla Mandela).

In 1955, originally adopted by the First UN Congress on the Prevention of Crime and the Treatment of Offenders, the Standard Minimum Rules for the Treatment of Prisoners constituted and acknowledged standards for the management of prison facilities and the treatment of prisoners. The proposal led to tremendous value and influence in the development of prison laws, policies, and practices in the Member States worldwide. In 2011, recognizing such impacts, the General Assembly decided to establish an open-ended intergovernmental Expert Group and revise the rules.

As the custodian of the Standard Minimum Rules, the United Nations Office on Drugs and Crime (UNODC) closely accompanied the revision process by serving as Secretariat of the process and the UNODC invited other UN departments, other international and regional organizations, as well as civil society to participate in the revision of the document. In March 2015, at its fourth meeting held in Cape Town, South Africa, the Expert Group reached consensus on all of the rules opened for revision. Commission on Crime Prevention and Criminal Justice (CCPCJ) approved the new set of rules and submitted it for endorsement by the Economic and Social Council (ECOSOC) and subsequent adoption by the General Assembly.

In December 2015, the UN General Assembly adopted the updated rules as the "United Nations Standard Minimum Rules for the Treatment of Prisoners." The improved edits were then entitled as "the Nelson Mandela Rules" in honor to the legacy of the late president of South Africa, Nelson Rolihlahla Mandela, who spent 27 years in prison in the course of his effort for global human rights, equality, democracy and the promotion of a culture of peace.

These regulations set the basic principles for the treatment of prisoners and include the absolute prohibition of torture and other degrading treatment or punishment. As Yuval Ginbar (2015) states, the rules, if fully implemented, would help turn imprisonment from a wasted time of suffering and humiliation into one used for personal development leading to release, to the benefit of society as a whole.

The proposed rules do not have the intention to describe in detail a model system of penal institutions. They seek only to set out what is generally accepted as being competent principles and practices in the treatment of inmates and prison management, based on the consensus of contemporary knowledge and the fundamental components of the fairest systems of incarceration.

## **6. Official Positions**

### **6.1. Afghanistan**

Similarly to Iraq, Afghanistan has a division of The High Commissioner that observes, investigates, and details on the human rights status. Named UNAMA Human Rights Unit, the division additionally engages in support, stability, and potential building projects.

The unit acts in four priority fields: assurance of noncombatants, brutality upon women, peace, and reconciliation and retention. UNAMA also documents and supports conflict and non-conflict associated quarantine issues concerning Afghan authorities and foreign armed forces. In a brief published in 2019 regarding the treatment of conflict-related detainees in Afghanistan, UN documents showed a reduction in the number of cases of torture since 2016. Nevertheless, several detainees continue to report cruelty and degrading treatment, especially beatings.

### **6.2. Algeria**

The nation presented itself on the Human Rights Committee on July 5 2018. Permanent Representative of Algeria, Lazhar Soualem, presented the report. When questioned, he stated that Algeria had given priority to fundamental liberties and that the State was committed to enhancing freedom and independence of the judiciary. As claimed by the Representative, the State had succeeded in many human rights accomplishments, which involve the ban of ill-treatment in prisons.

On the committee, other countries denoted that Algeria displayed failures to uphold its duties under the treaty, including on subjects of forced vanishing, illegal killings, torture, and uncertain confinement. To these allegations, Lazhar claimed that the country had changed since the 1990s. According to the representative, Algeria was a responsible country with well-functioning organizations. Since its independence, Algeria had given contentment to fundamental rights in its attempts, adopting values of humanism and predominantly, the command of the law.

### **6.3. Amnesty International**

Amnesty International is a global institution. The group prides itself on being detached from any political beliefs, meaning that no situations remains concealed because of economic, political or religious interest. The organization's central aim is the struggle for justice and human rights.

Regarding the issue of prisoners of war, the group is outspoken. According to the statement made in 2014 in Nigeria, Amnesty International contacted the Human Rights Council requesting further inquiries on the acts of torture and other ill-treatment by security forces.

The idea that everyone has equivalent rights and they can never be withdrawn is one of the main points of Amnesty International's positioning. They do not recognize that inmates have somehow traded their rights for a lifetime of corruption. The institution raises concern over the fact that being in prison does not automatically mean that you are guilty. One of the problems related to imprisonment around the world is that a reasonable trial has grown into an unusual condition for prisoners.

### **5.4. Cameroon**

The tension between the Cameroonian government and Boko Haram, an armed group that continuously commits grave human rights violations and IHL violations in the far North region of the country, is considerably high. However, as a reaction to these hostilities, Cameroonian security forces and authorities committed kidnappings, torture, and murder, among other violations, mostly against individuals accused of supporting Boko Haram, frequently with little or no evidence. Regarding such matters, Cameroonian authorities did not make any effort to prevent such occurrences, and, consequently, various alleged supporters Boko Haram continued to be unjustly sentenced to death in military courts.

Furthermore, Cameroonian prisons are currently kept in poor conditions, characterized by overcrowding and precarious food, medical care, hygiene, and sanitation. As stated by Amnesty International, "The main factors contributing to overcrowding included the mass arrests since 2014 of people accused of supporting Boko Haram, the large number of detainees held without charge, and the ineffective judicial system".

### **6.5. Canada**

Although few people remember, Canada in the past was home to thousands of German and Italian detainees throughout the Second World War. The POW camps at Lethbridge and Medicine Hat, Alberta, were the largest in North America. Currently, however, the UN High Commissioner for Human Rights, Michelle Bachelet, identifies Canada as a leader in promoting the international human rights agenda in

a paper published in June 2019.

Bachelet called on Canadian authorities to speedily execute on their dedication to produce and perform a National Action Plan to guarantee equal access to employment, housing, education, safety, and health care. Nevertheless, to improve the situation of marginalized individuals and groups, an effort is still required. In a conference with the civil society and indigenous leaders, participants remarked the improvement made in recent years on utilizing plans to eradicate poverty and increase adequate housing and food. On a final note, Bachelet said she was disappointed by the adoption of Bill-21, she asked the Canadian Human Rights Commission and the Mayor of Montreal's for their expectations on the rights of minorities.

## 6.6. Chad

The Security Council, by its resolution 1778, approved the establishment in Chad of a multidimensional operation to help create the security conditions of internally displaced persons. In September 2016, the Government Chad and OHCHR agreed to establish a Country Office in the territory. The office assists the local government with measures to promote and protect human rights.

Moreover, the Chadian human rights situation is restricted because of the lack of understanding by its inhabitants of their rights and obligations, which leads the country's population to resort to violence when conflicts arise. Lack of judicial independence also remains a significant concern, because of the impunity and the weakness of the judicial system.

Likewise Nigeria, the country also suffered attacks on civilians by Boko Haram, and the human rights situation in Chad has deteriorated since 2015. On the other hand, the Country Office was able to provide capacity-building support to the Chadian Government.

## 6.7. China

As informed by the Chinese delegation on the seventy-first session of the United Nations General Assembly, the People's Republic of China attributes prominent attention to supporting and preserving human rights. Reverence for and assurance of civil rights is an indispensable component of the nation's constitution and the national economic and social growth plans.

The country is striving vigorously to promote economic and social development, advance social equity and justice. Chinese criminal law was altered in 2011 and 2015, removing the death sentence for 22 felonious charges. China has intensified the reform of the judicial system, developed the lawsuit system and rigorously inspected the origins of "crime and penalty defined by statute", "no prosecution in doubtful cases" and "eliminating illegal evidence".

However, as much as the nation regards itself with titles such as “people’s government”, according to the world report by Humans Rights Watch, the use of discretionary detainment, imprisonment, and enforced disappearance continue to be implemented against civilians. Violations of fundamental rights especially happen in cases of persecution concerning religious communities fighting for their rights. In addition, the government maintains authority over the internet and mass media.

## **6.8. Cuba**

The Republic of Cuba remains absent internationally even with denunciations against the country by international human rights organizations accusing it of incarcerating approximately 60 political prisoners. The nation dismisses the accusation by asserting that the detainees are combatants, armed and dangerous terrorists, and not political prisoners, thus resorting to the Geneva Convention, and intending to maintain them until the conflict ceases.

Nevertheless, an agreement took place under Barack Obama’s US administration with both sides open to debate. Negotiations were shut down after the Cuban government demanded the end of the trade embargo and the return of Guantanamo. The Cuban government claims that the naval base occupies territory taken against the will of the Cuban government in a strategic position. The Castro government never recognized this territory as a Cuban gift to the Americans, for their cooperation with Cuban independence in 1898.

## **6.9. United Kingdom**

United Kingdom, due to its recurring involvement in conflicts around the world, has attained a role in several protocols and documents such as the Geneva conference. As a result, the English population, in this sense, has always demanded the guarantee of fundamental human rights. The inhabitants even take action regarding the international environment, in the case of popular protests against the Guantánamo prison and its accusations of disrespect for the prisoners’ legal rights.

However, the Congress on Foreign Affairs was not disclosed to the public. Prisoners of war under British jurisdiction are few today. Their accusations boil down to some poorly held prisons, yet the importance of these prisoners to national intelligence is the main obstacle to their release. Because of this, the prime minister has restricted himself to saying that they are vital to national security.

In the face of Nigerian affairs, United Kingdom is in a delicate position as the African country was its colony and only achieved its independence in 1960. Yet British influence remained with the British government backing the current Nigerian government.



## 6.10. France

The French Republic does not have many prisoners of war. This is a result of the absence of contemporary engagement in lengthy combats or guerrilla warfare since these sorts of conflicts are the most expected to result in detainees. However, France seeks regularly to maintain its military, political and economic projection around the world. France's most active participation at the moment regarding prisoners of war is related to the Ukrainian conflict. In this dispute, France and Germany led a captive exchange, attempting an approach between the warring parties for a peace agreement.

French prisons, nonetheless, are full of religious terrorists, radicals, and leaders of terrorist movements. Prison conditions are the target of criticism from local human rights institutions, along with being one of countries with the highest indexes of suicides in penitentiaries in Europe.

## 6.11. Human Rights Watch

Human Rights Watch (HRW) was founded in 1978, and originally entitled Helsinki Watch. HRW is a nonprofit organization, committed to protecting human rights, which functions are to examine and describe violations happening worldwide.

They direct their support towards governments, armed groups, and corporations, urging them to improve or implement laws, procedures, and practices that help guarantee fundamental rights. The group is very active about POWs and continuously makes sure to call out any infringement of prisoners' rights. To ensure autonomy, they deny government funding and corporate links.

## 6.12. Iran

Between September 1980 and July 1988, Iran was involved in a war with Iraq. In this conflict, both nations seized prisoner of war. The spokesperson for the UN High Commissioner for Human Rights, Rupert Colville, asserted in a press conference that Iran is a state party to the International Covenant on Civil and Political Rights. Iranian officials should neglect the right to freedom of expression, especially owning such a renowned title as laid down in the Covenant, which is an important international treaty. As stated by Mr. Colville, the local government needs to understand that the protests continuously arising on a grand scale indicate unavoidable complaints.

## 6.13. Iraq

The nation entangled in a battle with Iran between 1980 and 1988, though it was also involved in

multiple conflicts, resulting in several prisoners of war. So much that the Human Rights Office of the United Nations Assistance Mission for Iraq (UNAMI) was created to provide guidance and implementation of activities on human rights guarantees.

The project is a collaboration between the government and civil society, centered on the security of civilians from the outcomes of armed violence and conflict. However, after all the actions regarding these themes, the United Nations are still concerned by the continued pattern of deadly attacks. A paper issued by UNAMI pressed for inquiries measures to prevent the killing of human rights defenders. Many of those arrested by Iraqi security forces are being held in what may amount to forced disappearance.

### **6.14. Israel**

According to the local government, there is a single juridical difference between Jewish and Arab citizens of Israel, Arab residents do not need to serve in the Israeli army. The State Department of Israel states that Israel is "a parliamentary democracy, with an active multiparty system representing a broad range of political views." Regarding the reported circumstances of the prisons, Israel claims that the reasoning for this is that the government has allowed representatives of the Red Cross and other groups to inspect their penitentiaries.

However, the Amnesty International report of 2018 showed a different perspective on the same issues. Besides establishing new legislation prejudicial against non-Jewish citizens, Israel also forced an illegal barricade on the Gaza Strip for the 11<sup>th</sup> year in a row, subjecting roughly 2 million citizens to collective punishment and provoking a humanitarian crisis. Israeli justice system failed to satisfactorily guarantee liability and compensation for victims of ominous infractions of international humanitarian and human rights law.

### **6.15. Japan**

Japan currently has not set a national human rights institution. Instead, the government engages human rights improvement and safeguard work by two influential, coordinate operations: the Human Rights Bureau under the Ministry of Justice and the Human Rights Volunteers. Considering the history of Japan in the Second World War, it is a tremendous improvement.

In World War II, the Japanese mistreated and abused American and allied captives breaching the agreement of the Geneva Conventions. As stated by U.S. Congressional Research Service, 40 percent of those captives died while being imprisoned by Japan. However, it is crucial to notice that the U.S. government is at least slightly at blame for failing to guarantee that POWs violated by the Japanese were not the same as those by the Germans.

## 6.16. Kenya

Since December 2017, OHCHR has been giving professional expertise and advice on the transitional justice process. The relationship between the Office of the United Nations High Commissioner for Human Rights and Kenya antedates the 2007 elections. In the 1990s, the Office helped the founding of the Kenya National Commission on Human Rights. In the past, during World War II when Kenya was still a British colony, it was home to various British prisoners of war camps.

In 2019, Human Rights Watch detailed the country's situation. According to the article, Kenyan security forces were accountable for numerous cases of abuse, including unreasonable use of force, especially during elections, and enforced disappearances and illegal killings of people with assumed links to Somali based Islamist militant group Al-Shabaab or claimed criminal defendants. Although Kenya initiated some accountability provisions in 2010, these institutions have not been productive, and NGOs operating on a spectrum of concerns remain to face unfriendly rhetoric and restrictions, including intimidations of closure by authorities.

## 6.17. Morocco

Through the Human Rights Council conference held in September 2017, nations such as Yemen, Afghanistan, Albania, and China praised Morocco for its dedication to human rights. Morocco's efficient execution of its international responsibilities derived from its abidance to international instruments when it came to torture and the protection of disadvantaged individuals and groups.

In 2018, Morocco made significant changes, particularly at the judicial level. Laws produced a device to resist torture, consistent with international practice. Afghanistan, in particular, applauded the legislative and institutional betterment in the area of civil and political rights.

However, the Human Rights Watch report of 2019 pronounced a different opinion regarding the country. The paper declared that Moroccan authorities' display of prejudice regarding public disagreement is growing. HRW also mentioned that the nation was restraining the actions of NGOs, including Morocco's most prominent autonomous human rights organization.

## 6.18. Niger

Niger is a participant to eight core international human rights agreements. In the past, Niger has experienced historical disadvantages, especially regarding ethnically driven violence, customarily originating from conflicts among rebels, resulting in the nation's low Human Development Index (HDI).

As mentioned before, the HDI of Niger neglects it as one of the most disadvantaged nations in

the world, the country undergoes obstacles such as high levels of fraud and food deficit. To relieve food curtailments the government has taken numerous actions including setting a Food Crisis Unite. However, a shortage of transparency preserves corruption. Impunity is also a difficulty in Niger and stems, partially, from the lack of legal foundation.

## **6.19. Nigeria**

Recently, the Federal Republic of Nigeria executed several actions to increase the efficiency and legitimacy of the judicial system, such as the endowment of juridical research and training centers. However, barriers persist. Corruption, for example, continues, and the laws to deal with such challenge were considered ineffective under the OHCHR summary of the delegation.

Within the corresponding record, there were remarks that military forces performed human rights violations, harming the inmates, and implementing disappearances. It is noteworthy to notice that the Nigerian Constitution does allow the police to use moderate force when necessary. In July 2019, the Nigerian Permanent Representative to the United Nations Office at Geneva, Audu Ayinla Kadiri, acknowledged that fraud was arduous to challenge and the nation has been doing its best, given the circumstances concerning the situation of distress and terrorism.

Regarding the circumstances listed in the 25th session of the UN Human Rights Council by Amnesty International, Mr. Kadiri asserted that inmates had unrestricted access to education, and quite an amount of them had graduated from the National Open University of Nigeria. The jails discussed by the Committee were unusual occurrences, placed in rural regions, and were now nearly empty.

## **6.20. Pakistan**

There is much to discuss on prisoners of war in Pakistan, considering the recurring conflicts on its territory along with its attempt to reclaim land from its Indian opponents asserting a tense negotiation as both are nuclear powers. The most recent Indo-Pakistani war ended in 1999 with extensive media coverage. Although direct conflicts have been less lethal than previous wars and hostilities, several Indian prisoners are probably in their possession.

The most recent occurrence on this subject was when the United States of America accused Pakistan of possessing an American soldier on a Pakistani jail. If the accusation is valid, it will produce further pressure over the region. It also constitutes a distinct violation of various treaties and conventions including Geneva's. The Pakistani government defends itself by claiming that just as Pakistani penitentiaries have Indians prisoners, Indian prisons and American prisons have Pakistani prisoners.

## 6.21. South Africa

The Republic of South Africa has a friendly foreign policy, a basis for that is the absence of conflicts where the nation is combating a specific country. Still, the past of South Africa presents violence, and consequently, the state can still defend itself from potential threats.

Cooperating with other nations, the Republic has took part in various treaties concerning the fulfillment of human rights and guaranteeing the rights of POWs. In the past, the penitentiaries in South Africa served the leaders as political interest, though, recently, the prisons do not attend the same matter.

## 6.22. United States of America

According to its embassy, the United States of America, even after its last election, did not change its policies regarding human rights. The country noted that the management of prisoners of war was not altered, mentioning the recent improvement of prison facilities. Throughout its history, the nation has engaged in several gatherings such as the Geneva Conventions that lecture against the torture of inmates.

There have been allegations of President Donald Trump attempting to enlarge the Guantánamo prison, which is reinforced by the nation's overseas intrusion over conflicts. Even though there is no evidence of straightforward involvement in Nigerian conflicts, several participants that are related to it are enemies of the country.

# Bibliographic References

**PRISONER OF WAR. *Encyclopaedia Britannica*. December 11, 2018. Available in:** <<https://www.britannica.com/topic/prisoner-of-war>> **Access Date: December 26, 2019.**

**HISTORY AND LEGAL STATUS OF PRISONERS OF WAR. National Park Service, Andersonville, April 14, 2015. Available in:** <<https://www.nps.gov/ande/learn/historyculture/history-legal-status-pows.htm>> **Access Date: January 3, 2020.**

**THE ROLE OF OHCHR. Ohchr.org. Available in:** <<https://www.ohchr.org/EN/Issues/HIV/Pages/RoleOHCHR.aspx>>. **Access Date: December 29, 2019.**

**HUMAN RIGHTS BODIES. Ohchr.org. Available in:** <<https://www.ohchr.org/EN/HRBodies/Pages/HumanRightsBodies.aspx>> **Access Date: December 29, 2019.**

**HOW WE DO IT. Ohchr.org. Available in:** <<https://www.ohchr.org/EN/AboutUs/Pages/HowWeDoIt.aspx>>. **Access Date: December 29, 2019.**

**NIGERIA: TORTURE, CRUEL INHUMAN AND DEGRADING TREATMENT OF DETAINEES BY NIGERIAN SECURITY FORCES. Amnesty International. March 3-18, 2014. Available in:** <<https://www.amnesty.org/download/Documents/4000/afr440012014en.pdf>>. **Access Date: January 1, 2020.**

**TREATIES, STATES PARTIES, AND COMMENTARIES. ICRC.**

**Available in:** <<https://ihl-databases.icrc.org/applic/ihl/ihl.nsf/Treaty.xsp?documentId=77CB9983BE01D004C12563CD002D6B3E&action=openDocument>>. **Access Date: January 3, 2020.**

**NIGERIA-SUMMARY 2019. Ohchr.org. Available in:** <<https://www.ohchr.org/EN/Countries/AfricaRegion/Pages/NGSummary2019.aspx>>. **Access Date: December 31, 2019.**

**NIGERIA NEEDS URGENT ACTION TO END "PRESSURE COOKER" OF VIOLENCE CLAIMING THOUSANDS OF LIVES, SAYS UN RIGHTS EXPERT. Ohchr. Abuja, September 3, 2019. Available in:** <<https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=24938&LangID=E>>. **Access Date: January 1, 2020.**

**HUMAN RIGHTS COMMITTEE REVIEWS THE SITUATION OF CIVIL AND POLITICAL RIGHTS IN NIGERIA. Ohchr.org. July 4, 2019. Available in:** <<https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=24792&LangID=E>>. **Access Date: December 27, 2019.**

**WORLD REPORT 2019: CHINA. Human Rights Watch. Available in:** <<https://www.hrw.org/world-report/2019/country-chapters/china-and-tibet>>. **Access Date: January 2, 2020.**

**SEVENTY-FIRST SESSION. United Nations. August 4, 2016. Available in:** <[https://www.un.org/en/ga/search/view\\_doc.asp?symbol=A/71/294](https://www.un.org/en/ga/search/view_doc.asp?symbol=A/71/294)>. **Access Date: January 3, 2020.**

**PRESS BRIEFING ON CHINA/HONG KONG SAR. OHCHR. November 19, 2019. Available in:** <<https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=25312&LangID=E>>. **Access Date: January 2, 2020.**

**CHINA: HARASSMENT OF HUMAN RIGHTS LAWYER JIANG TIANYONG MUST STOP, SAY UN EXPERTS. OHCHR. September 24, 2019. Available in:** <<https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=25046&LangID=E>>. **Access Date: December 28, 2019.**

**CHINA/HONG KONG SAR\*: UN EXPERTS URGE CHINA TO RESPECT PROTESTERS' RIGHTS. OHCHR. September 12, 2019. Available in:** <<https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=24979&LangID=E>>. **Access Date: December 30, 2019.**

**CHINA'S HUMAN RIGHTS RECORD TO BE REVIEWED BY UNIVERSAL PERIODIC REVIEW. OHCHR. November 2, 2018. Available in:** <<https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=23818&LangID=E>>. **Access Date: December 29, 2019.**

**IRAN (ISLAMIC REPUBLIC OF). OHCHR. Available in:** <<https://www.ohchr.org/EN/Countries/MENARegion/Pages/IRIndex.aspx>>. **Access Date: January 2, 2020.**

**PRESS BRIEFING ON IRAN. OHCHR. November 19, 2019. Available in:** <<https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=25311&LangID=E>>. **Access Date: January 1, 2020.**



**UN EXPERTS URGE IRAN TO RELEASE IMPRISONED AMERICAN SCHOLAR XIYUE WANG. OHCHR. May 7, 2019. Available in:** <<https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=24572&LangID=E>>. **Access Date: January 2, 2020.**

**IRAN-IRAQ WAR. History. August 24, 2018. Available in:** <<https://www.history.com/topics/middle-east/iran-iraq-war>>. **Access Date: January 2, 2020.**

**OHCHR IN IRAQ. OHCHR. Available in:** <<https://www.ohchr.org/EN/Countries/MENARegion/Pages/IQOHCHR.aspx>>. **Access Date: January 2, 2020.**

**PRESS BRIEFING ON IRAQ. OHCHR. December 20, 2019. Available in:** <<https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=25446&LangID=E>>. **Access Date: January 1, 2020.**

**OHCHR IN AFGHANISTAN. OHCHR. Available in:** <<https://www.ohchr.org/EN/Countries/AsiaRegion/Pages/AFSummary12-13.aspx>>. **Access Date: December 31, 2019.**

**AFGHANISTAN: PROGRESS IN TORTURE ERADICATION, BUT A LONG WAY TO GO - UN REPORT. April 17, 2019. Available in:** <<https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=24496&LangID=E>>. **Access Date: December 28, 2019.**

**AFGHANISTAN: SENIOR UN RIGHTS OFFICIAL URGES MORE ACTION TO END ATTACKS ON CIVILIANS . May 11, 2018. Available in:** <<https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=23066&LangID=E>>. **Access Date: December 27, 2020.**

**CHAD HOMEPAGE. OHCHR. Available in:** <<https://www.ohchr.org/EN/Countries/AfricaRegion/Pages/TDIndex.aspx>>. **Access Date: December 27, 2019.**

**OHCHR IN CHAD. OHCHR. Available in:** <<https://www.ohchr.org/EN/Countries/AfricaRegion/Pages/TDSummary1011.aspx>>. **Access Date: January 2, 2020.**

**CANADA "A WELCOME ALLY" IN ADVANCING HUMAN RIGHTS AROUND THE WORLD - BACHELET. June 19, 2019. Available in:** <<https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=24714&LangID=E>>. **Access Date: January 2, 2020.**

**CANADA'S FORGOTTEN POW CAMPS. CBC. Available in:** <<https://www.cbc.ca/archives/topic/canadas-forgotten-pow-camps>>. **Access Date: January 2, 2020.**

**CARTER, David. PRISONER OF WAR CAMPS IN CANADA. June 17, 2015. Available in:** <<https://www.thecanadianencyclopedia.ca/en/article/prisoner-of-war-camps-in-canada>>. **Access Date: January 3, 2020.**

**SPITZER, Kirk. THE AMERICAN POWS STILL WAITING FOR AN APOLOGY FROM JAPAN 70 YEARS LATER. May, 1942. Available in:** <<https://time.com/3334677/pow-world-war-two-usa-japan/>>. **Access Date: January 3, 2020.**

**OVERVIEW: HUMAN RIGHTS IN JAPAN. Hurights Osaka. Available in:** <<https://www.hurights.or.jp/english/hurights1/human-rights-in-japan.html>>. **Access Date: January 3, 2020.**

**VIOLATING INTERNATIONAL LEGAL OBLIGATIONS: ISRAEL'S TREATMENT OF PALESTIAN PRISONERS.** March, 2013. Available in: <[https://www.europarl.europa.eu/RegData/etudes/briefing\\_note/join/2013/491484/EXPO-AFET\\_SP%282013%29491484\\_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/briefing_note/join/2013/491484/EXPO-AFET_SP%282013%29491484_EN.pdf)>. Access Date: January 2, 2020.

**BARD, Mitchell. HUMAN RIGHTS IN ISRAEL: BACKGROUND AND OVERVIEW.** Available in: <<https://www.jewishvirtuallibrary.org/background-and-overview-of-human-rights-in-israel>>. Access Date: January 2, 2020.

**ISRAEL AND OCCUPIED PALESTINIAN TERRITORIES 2018.** Amnesty International. Available in: <<https://www.amnesty.org/en/countries/middle-east-and-north-africa/israel-and-occupied-palestinian-territories/report-israel-and-occupied-palestinian-territories/>>. Access Date: January 2, 2020.

**WHO WE ARE.** Amnesty International. Available in: <<https://www.amnesty.org/en/who-we-are/>>. Access Date: January 6, 2020.

**DETENTION AND IMPRISONMENT.** Amnesty International. Available in: <<https://www.amnesty.org/en/what-we-do/detention/>>. Access Date: December 25, 2019.

**UNIVERSAL DECLARATION OF HUMAN RIGHTS.** Amnesty International. Available in: <<https://www.un.org/en/universal-declaration-human-rights/>>. Access Date: December 25, 2019.

**70TH ANNIVERSARY OF THE UNIVERSAL DECLARATION OF HUMAN RIGHTS.** Conectas. December 10, 2018. Available in: <<https://www.conectas.org/en/news/70th-anniversary-of-the-universal-declaration-of-human-rights>>. Access Date: January 4, 2020.

**WHAT IS THE UNIVERSAL DECLARATION OF HUMAN RIGHTS?.** Human Rights. Available in: <<https://www.humanrights.gov.au/our-work/what-universal-declaration-human-rights>>. Access Date: January 4, 2020.

**A BRIEF HISTORY OF HUMAN RIGHTS.** Human Rights. Available in: <<https://www.humanrights.com/what-are-human-rights/brief-history/the-united-nations.html>>. Access Date: January 7, 2020.

**PRISONERS OF WAR AND DETAINEES PROTECTED UNDER INTERNATIONAL HUMANITARIAN LAW.** International Committee of the Red Cross. October 29, 2010. Available in: <<https://www.icrc.org/en/doc/war-and-law/protected-persons/prisoners-war/overview-detainees-protected-persons.htm>>. Access Date: January 4, 2019.

**PRESS BRIEFING NOTE ON ALGERIA AND LIBYA.** OHCHR. May 22, 2018. Available in: <<https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=23114&LangID=E>>. Access Date: January 7, 2020.

**WHO WE ARE.** ICRC. Available in: <<https://www.icrc.org/en/who-we-are>>. Access Date: January 4, 2020.

**HUMAN RIGHTS COMMITTEE CONSIDERS THE REPORT OF ALGERIA.** OHCHR. July 5, 2018. Available in: <<https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=23336&LangID=E>>. Access Date: January 6, 2020.

**TORTURE IN ALGERIA. THE REPORT THAT WAS TO CHANGE EVERYTHING.** International Committee of the Red Cross. August 19, 2005. Available in: <<https://www.icrc.org/en/doc/resources/documents/article/other/algeria-history-190805.htm>>. Access Date: January 5, 2020.

**ALGERIA 2017/2018. Amnesty International. Available in:** <<https://www.amnesty.org/en/countries/middle-east-and-north-africa/algeria/report-algeria/>>. **Access Date:** January 6, 2020.

**ALGERIA - PRISON CONDITIONS. Country Studies. Available in:** <<http://countrystudies.us/algeria/178.htm>>. **Access Date:** January 6, 2020.

**HUMAN RIGHTS ADVISERS IN NIGER 2010-2011. OHCHR. Available in:** <<https://www.ohchr.org/EN/Countries/AfricaRegion/Pages/NEHRA.aspx>>. **Access Date:** January 10, 2020.

**HUMAN RIGHTS COUNCIL UNIVERSAL PERIODIC REVIEW OUTCOMES OF MOROCCO, INDONESIA AND FINLAND. September 21, 2017. OHCHR. Available in:** <<https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=22127&LangID=E>>. **Access Date:** January 12, 2020.

**UN TORTURE PREVENTION BODY CONCLUDES FIRST VISIT TO MOROCCO. OHCHR. October 31, 2017. Available in:** <<https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=22330&LangID=E>>. **Access Date:** January 12, 2020.

**WORLD REPORT 2019: MOROCCO. Human Rights Watch. Available in:** <<https://www.hrw.org/world-report/2019/country-chapters/morocco/western-sahara>>. **Access Date:** January 12, 2020.

**KENYA SUMMARY. OHCHR. Available in:** <<https://www.ohchr.org/EN/Countries/AfricaRegion/Pages/KESummary.aspx>>. **Access Date:** January 9, 2020

**NAMWAY, Otsieno. KENYA FAILS TO HONOR HUMAN RIGHTS PROMISES TO UN. Human Rights Watch. July 25, 2019. Available in:** <<https://www.hrw.org/news/2019/07/25/kenya-fails-honor-human-rights-promises-un>>. **Access Date:** January 10, 2020.

**PRISONS AND DETENTIONS CAMPS, KENYA. Parliament UK. February 24, 1959. Available in:** <<https://api.parliament.uk/historic-hansard/commons/1959/feb/24/prisons-and-detention-camps-kenya>>. **Access Date:** January 10, 2020.

**ABOUT US. Human Rights Watch. Available in:** <<https://www.hrw.org/about-us>>. **Access Date:** January 10, 2020.

**WHAT ARE THE GENEVA CONVENTIONS AND THEIR ADDITIONAL PROTOCOLS?. ICRC. August 13, 2017. Available in:** <<https://blogs.icrc.org/ilot/2017/08/13/geneva-conventions-additional-protocols/>>. **Access Date:** December 22, 2020.

**THE GENEVA CONVENTIONS OF 1949: ORIGINS AND CURRENT SIGNIFICANCE. ICRC. August 12, 2009. Available in:** <<https://www.icrc.org/en/doc/resources/documents/statement/geneva-conventions-statement-120809.htm>>. **Access Date:** December 26, 2020.

**GULAG. History. August 21, 2018. Available in:** <<https://www.google.co.uk/amp/s/www.history.com/amp/topics/russia/gulag>>. **Access Date:** December 26, 2020.

**MEHRING, Sigrid. FIRST DO NO HARM: MEDICAL ETHICS IN INTERNATIONAL HUMANITARIAN LAW.**

**Available in:**

<[https://books.google.com.br/s?id=JrmjBQAAQBAJ&pg=PA115&lpg=PA115&dq=why+was+th+e+red+cross+identity+card+created+in+GC+2&source=bl&ots=OxKXxwygC1&sig=ACfU3U3K0DO9OOfcuN7UywQnC3NTdyqq8Q&hl=en&sa=X&ved=2ahUKEwj4Y\\_YyOXmAhUSA9QKHdriBoQ6AEwAHoECAUQAQ#v=onepage&q=why%20was%20the%20red%20cross%20identity%20card%20created%20in%20GC%202&f=false](https://books.google.com.br/s?id=JrmjBQAAQBAJ&pg=PA115&lpg=PA115&dq=why+was+th+e+red+cross+identity+card+created+in+GC+2&source=bl&ots=OxKXxwygC1&sig=ACfU3U3K0DO9OOfcuN7UywQnC3NTdyqq8Q&hl=en&sa=X&ved=2ahUKEwj4Y_YyOXmAhUSA9QKHdriBoQ6AEwAHoECAUQAQ#v=onepage&q=why%20was%20the%20red%20cross%20identity%20card%20created%20in%20GC%202&f=false)>. **Access Date: December 13, 2019.**

**TREATIES, STATES PARTIES, AND COMMENTARIES. ICRC. Available in:** <<https://ihl-databases.icrc.org/applic/ihl/ihl.nsf/Article.xsp?action=openDocument&documentId=5405BE0A482AE864C12563CD00519DEC>>. **Access Date: January 2, 2020.**

**THE GENEVA CONVENTIONS OF 1949 AND THEIR ADDITIONAL PROTOCOLS. ICRC. October 10, 2009.**

**Available in:** <<https://www.icrc.org/en/doc/war-and-law/treaties-customary-law/geneva-conventions/overview-geneva-conventions.htm>>. **Access Date: December 13, 2019.**

**TREVISAN, Cláudia. TRUMP ANUNCIA QUE MANTERÁ PRISÃO DE GUANTÁNAMO ABERTA. Estadão.**

**January 31, 2018. Available in:** <<https://internacional.estadao.com.br/noticias/geral,trump-anuncia-que-mantera-prisao-de-guantanamo-aberta,70002171939>>. **Access Date: December 26, 2019.**

**SALIDO, Rafael. LONGE DE SER FECHADA PRISÃO DE GUANTÁNAMO TERÁ MODERNIZAÇÃO. Agência Brasil.**

**March 5, 2018. Available in:** <<http://agenciabrasil.ebc.com.br/internacional/noticia/2018-03/longe-de-ser-fechada-prisao-de-guantanamo-tera-modernizacao>>. **Access Date: December 13, 2019.**

**PRISÕES FRANCESAS ANTROS DO ISLÃ RADICAL PASSAM POR REFORMULAÇÃO APÓS ATENTADOS EM PARIS. February 2, 2015. Available in:** <<https://oglobo.globo.com/mundo/prisoes-francesas-antros-do-islá-radical-passam-por-reformulacao-apos-atentados-em-paris-15193621>>. **Access Date: December 27, 2019.**

**ÁFRICA DO SUL CONCEDE LIBERDADE CONDICIONAL AO REI DO CLÁ DE MANDELA. Isto é. December 23, 2019. Available in:** <<https://istoe.com.br/afrika-do-sul-concede-liberdade-condicional-ao-rei-do-cla-de-mandela/>>. **Access Date: December 29, 2020.**

**ÁFRICA É O NOVO CAMPO DE DISPUTA ENTRE RÚSSIA E CHINA POR INFLUÊNCIA COMERCIAL E POLÍTICA.**

**August 25, 2018. Available in:** <<https://www.bbc.com/portuguese/internacional-45257031>>. **Access Date: January 5, 2020.**

**CAMPBELL, John. CONFLICT IN NIGERIA IS MORE COMPLICATED THAN "CHRISTIANS VS. MUSLIMS". May 1, 2019. Available in:** <<https://www.cfr.org/blog/conflict-nigeria-more-complicated-christians-vs-muslims>>. **Access Date: January 6, 2020.**

**NIGERIA RELEASES 86 MORE CHILDREN AND YOUTH FROM MILITARY PRISON. November 8, 2019.**

**Available in:** <<https://www.hrw.org/news/2019/11/08/nigeria-releases-86-more-children-and-youth-military-prison>>. **Access Date: January 10, 2020.**

**THE DEVASTATION CAUSED BY CONFLICT IS NOT ALWAYS VISIBLE. ICRC. October 10, 2019. Available in:**

<<https://www.icrc.org/en/document/hidden-scars-war-nigeria-kenya-south-sudan>>. **Access Date: December 23, 2019.**

**FREEMAN, Colin. NIGERIAN MILITARY BEHIND DEATHS OF 8,000 PRISONERS, SAYS AMNESTY. June 3, 2015. Available in:** <<https://www.telegraph.co.uk/news/worldnews/africaandindianocean/nigeria/11649789/Nigerian-military-behind-deaths-of-8000-prisoners-says-Amnesty.html>>. **Access Date:** December 22, 2020.

**CAMPBELL, John. NIGERIA SECURITY TRACKER. January 1, 2020. Available in:** <<https://www.cfr.org/nigeria/nigeria-security-tracker/p29483>>. **Access Date:** January 16, 2020.

**WORLD REPORT 2019: NIGERIA. Human Rights Watch. Available in:** <<https://www.hrw.org/world-report/2019/country-chapters/nigeria>>. **Access Date:** December 22, 2019.

**BAKASSI PENINSULA DISPUTE. Britannica. November 21, 2019. Available in:** <<https://www.britannica.com/place/Nigeria/Bakassi-Peninsula-dispute>>. **Access Date:** January 4, 2020.

**SOYOMBO, Fisayo. IS NIGERIA ON THE BRINK OF ANOTHER CIVIL WAR?. July 14, 2017. Available in:** <<https://www.aljazeera.com/indepth/opinion/2017/07/nigeria-brink-civil-war-170712131405928.html>>. **Access Date:** January 7, 2020.

**FISHER, Max. 9 QUESTIONS ABOUT NIGERIA YOU WERE TOO EMBARRASSED TO ASK. May 14, 2014. Available in:** <<https://www.vox.com/2014/5/14/5713604/9-questions-about-nigeria-you-were-too-embarrassed-to-ask>>. **Access Date:** January 13, 2020.

**FISHER, Max. BOTH SIDES LOSING IN NIGERIA. WHO WILL LOSE FASTER?. VOX. May 12, 2014. Available in:** <<https://www.vox.com/2014/5/12/5709698/both-sides-are-losing-in-nigerias-war-on-boko-haram-who-will-lose>>. **Access Date:** January 12, 2020.

**BOKO HARAM. Encyclopaedia Britannica. October 31, 2019. Available in:** <<https://www.britannica.com/topic/Boko-Haram>>. **Access Date:** December 23, 2019.

**AKINWOTU, Emmanuel. NIGERIA RELAUNCHES CONTROVERSIAL 'WAR ON DISCIPLINE' BRIGADE. The Guardian. August 17, 2016. Available in:** <<https://www.theguardian.com/world/2016/aug/17/nigeria-relaunches-controversial-war-on-indiscipline-brigade>>. **Access Date:** January 11, 2020.

**TATTERSALL, Nick. Q+A: NIGERIA'S PRESIDENCY AND THE NORTH-SOUTH QUESTION. Reuters. September 18, 2010. Available in:** <<https://www.reuters.com/article/us-nigeria-elections-zoning/qa-nigerias-presidency-and-the-north-south-question-idUSTRE68H14J20100918>>. **Access Date:** January 13, 2020.

**BIAFRA AT 50: NIGERIA'S CIVIL WAR EXPLAINED. BBC. July 5, 2017. Available in:** <<https://www.bbc.com/news/av/world-africa-40507324/biafra-at-50-nigeria-s-civil-war-explained>>. **Access Date:** January 3, 2020.

**WHAT'S IN A NAME? FOR THE NIGERIAN CIVIL WAR, EVERYTHING. Council on Foreign Relations. October 18, 2017. Available in:** <<https://www.cfr.org/blog/whats-name-nigerian-civil-war-everything>>. **Access Date:** December 27, 2019.

**THE DEADLY CONFLICT YOU'VE NEVER HEARD OF NIGERIA'S CATTLE HERDERS AND FARMERS WAGE A RESOURCE WAR. Foreign Affair. January 23, 2019. Available in:** <<https://www.foreignaffairs.com/articles/nigeria/2019-01-23/deadliest-conflict-youve-never-heard>>. **Access Date:** December 15, 2019.

**NIGERIA: THE HARVEST OF DEATH - THREE YEARS OF BLOODY CLASHES BETWEEN FARMERS AND HERDERS IN NIGERIA.** Amnesty International. December 17, 2018. Available in: <<https://www.amnesty.org/en/documents/afr44/9503/2018/en/>>. Access Date: December 28, 2019.

**HERDERS AGAINST FARMERS: NIGERIA'S EXPANDING DEADLY CONFLICT.** Crisis Group. September 19, 2017. Available in: <<https://www.crisisgroup.org/africa/west-africa/nigeria/252-herders-against-farmers-nigerias-expanding-deadly-conflict>>. Access Date: December 28, 2019.

**ADOPTED IN LANDMARK REVISION OF UN STANDARDS.** Amnesty International. May 22, 2015. Available in: <<https://www.amnesty.org/en/press-releases/2015/05/mandela-rules-on-prisoner-treatment-adopted-in-landmark-revision-of-un-standards-1/>>. Access Date: January 9, 2020.

**MANDELA RULES.** United Nations. Available in: <<https://www.un.org/en/events/mandeladay/mandela-rules.shtml>>. Access Date: January 4, 2020.

**SEVENTIETH SESSION.** UNDocs. January 8, 2016. Available in: <<https://undocs.org/A/RES/70/175>>. Access Date: December 20, 2020.

**AFRICA: NIGERIA.** CIA. December 26, 2019. Available in: <<https://www.cia.gov/library/publications/the-world-factbook/geos/ni.html>>. Access Date: December 30, 2019.

**NIGERIA-SUMMARY 2019.** OHCHR. Available in: <<https://www.ohchr.org/EN/Countries/AfricaRegion/Pages/NGSummary2019.aspx>>. Access Date: January 4, 2020.

**THOUSANDS OF CHILDREN DETAINED BY NIGERIA AS BOKO HARAM SUSPECTS.** TRTWORLD. September 10, 2019. Available in: <<https://www.trtworld.com/africa/thousands-of-children-detained-by-nigeria-as-boko-haram-suspects-hrw-29665>>. Access Date: January 5, 2020.

**NIGERIAN CHILDREN WHO ESCAPED BOKO HARAM SAY THEY FACED ANOTHER 'PRISON': MILITARY DETENTION.** Washington Post. September 14, 2019. Available in: <[https://www.washingtonpost.com/world/africa/nigerian-children-who-escaped-boko-haram-say-they-faced-another-prison-military-detention/2019/09/14/e30a0da2-d40c-11e9-8924-1db7dac797fb\\_story.html](https://www.washingtonpost.com/world/africa/nigerian-children-who-escaped-boko-haram-say-they-faced-another-prison-military-detention/2019/09/14/e30a0da2-d40c-11e9-8924-1db7dac797fb_story.html)>. Access Date: December 11, 2019.

**NIGERIA: MILITARY HOLDING CHILDREN AS BOKO HARAM SUSPECTS.** Human Rights Watch. September 10, 2019. Available in: <<https://www.hrw.org/news/2019/09/10/nigeria-military-holding-children-boko-haram-suspects>>. Access Date: January 15, 2020.

**PAQUETTE, Daniellle. NIGERIAN CHILDREN WHO ESCAPED BOKO HARAM SAY THEY FACED ANOTHER 'PRISON': MILITARY DETENTION.** Washington Post. September 14, 2019. Available in: <[https://www.washingtonpost.com/world/africa/nigerian-children-who-escaped-boko-haram-say-they-faced-another-prison-military-detention/2019/09/14/e30a0da2-d40c-11e9-8924-1db7dac797fb\\_story.html](https://www.washingtonpost.com/world/africa/nigerian-children-who-escaped-boko-haram-say-they-faced-another-prison-military-detention/2019/09/14/e30a0da2-d40c-11e9-8924-1db7dac797fb_story.html)>. Access Date: January 5, 2020.

**NIGERIA: MILITARY HOLDING CHILDREN AS BOKO HARAM SUSPECTS.** HRW.org. September 10, 2019. Available in: <<https://www.hrw.org/news/2019/09/10/nigeria-military-holding-children-boko-haram-suspects>>. Access Date: January 5, 2019.



**"THEY DIDN'T KNOW IF I WAS ALIVE OR DEAD" MILITARY DETENTION OF CHILDREN FOR SUSPECTED BOKO HARAM INVOLVEMENT IN NORTHEAST NIGERIA. HRW.org. September 10, 2019. Available in: <<https://www.hrw.org/report/2019/09/10/they-didnt-know-if-i-was-alive-or-dead/military-detention-children-suspected-boko>>. Access Date: December 17, 2019.**

**CAMEROON'S SECRET TORTURE CHAMBERS: HUMAN RIGHTS VIOLATIONS AND WAR CRIMES IN THE FIGHT AGAINST BOKO HARAM. Amnesty International. Available in: <<https://www.refworld.org/pdfid/5970a4654.pdf>>. Access Date: January 7, 2020.**

**CAMEROON 2017/2018. Amnesty International. Available in: <<https://www.amnesty.org/en/countries/africa/cameroon/report-cameroon/>>. Access Date: January 7, 2020.**

AGNU  
COP  
UNESCO  
AGH  
CDH  
CESE  
TPI



PNUMA  
CENTRAL DE IMPRENSA  
UA  
OEA  
SOCHUM  
UNICEF  
CSNU  
OHCHR

15  
ANOS

**POLIONU** 

Patrocínio:



Realização:





**POLIONU** 

# **RULES OF PROCEDURES**





# Rules of Procedures

## Sumário

<b>Letter to the delegates.....</b>	<b>5</b>
<b>1. Institutional .....</b>	<b>6</b>
1.1. History.....	6
1.2. Committees and Organization.....	6
1.3. Organization duties.....	7
<b>2. Getting prepared to simulate.....</b>	<b>7</b>
2.1. Research.....	7
2.2. Oratory.....	10
2.3. Diplomatic negotiation.....	10
2.4. Codes.....	11
2.4.1. Conduct code.....	11
2.4.2. Dress code.....	11
2.5. Position Paper.....	12
<b>3. Model general rules.....</b>	<b>14</b>
3.1. Quorum and majorities.....	14
3.2. Speeches.....	15
3.2.1. The opening speech.....	15

3.2.2. The moderate debates.....	15
3.3. Procedural questions.....	16
3.3.1. Points.....	16
3.3.2. Motions.....	17
3.4. Substantive matters.....	18
3.4.1. Precedence table of Points and Motions.....	19
<b>4. Documents.....</b>	<b>20</b>
4.1. Position Paper.....	20
4.2. Working Paper.....	21
4.3. Official letter.....	22
4.4. Diplomatic mail.....	23
4.5. Press releases.....	23
4.6. Draft Resolutions.....	24
4.6.1. Introduction of a Draft Resolution.....	26
4.7. Amendment proposal.....	26
4.8. Draft Resolution and Amendment Proposal: voting process.....	27



# Letter to the delegates

**Dear miss and mister delegates,**

Welcome to the 15<sup>th</sup> edition of PoliONU. The organization of PoliONU 2020 welcomes all of you with great joy and enthusiasm. The debate within the Office of the High Commissioner for Human Rights will approach a complex situation. You must follow the rules presented in this guide to do a good job while representing your country during the event. Even though the challenge to debate in a foreign language is substantial, we acknowledge you have the skills to do it.

Our objective in this committee is to hold your attention onto "The violation of Human Rights regarding Prisoners of War". In this committee, your decisions will affect the life of millions of people involved in this situation, especially their security. You need to be well informed, creative and diplomatic in order to propose solutions to the violations of fundamental liberties and rights of prisoners of war. Along with reading and understanding the Rules of Procedure, you also must read the respective Study Guide.

This simulation will provide you with an environment conducive to the development of opinions and questions. It constitutes an especially motivating opportunity for engaged citizens, with previous knowledge, to think about ways to change our reality.

We wish you all a great simulation!

Sincerely,

**Luíza Denobi de Moraes**  
Academic Secretary-general

**Maria Eduarda Nogueira Vieira**  
Administrative Secretary-general

**Tiago Neri Di Lorenzo**  
Executive Secretary-general

*Email: polionusecretariado@gmail.com*

# 1. Institutional

## 1.1. History

The first PoliONU edition happened in 2006, and from this year on, the event has been regarded as one of Brazil's largest United Nations' Model simulation. It has evolved from approximately one hundred delegates and five committees to six hundred participants and twelve committees in 2016. During the event, we discuss and seek solutions to current world challenges such as social inequality, environmental and economic issues, among others.

The event aims to complement the formation of the student and improve his perspective and critical sense in face of global issues, promoting rigorous research and debating. PoliONU aids the growth of a conscious youth who knows its importance to make changes for which the society urges.

## 1.2. Committees and Organization

The previous organization members annually choose the event staff for the following year. The organization is composed by the Directors' Committee and the Secretariat.

**The Secretariat** is composed by the academic secretary-general, the administrative secretary-general and the executive secretary-general. The executive and the academic secretary-general are responsible for commanding the work, such as setting up committee guides, and overseeing the event as a whole. Both of them are key players in integrating the entire simulation.

The administrative secretary-general is in charge of all the administrative activities, such as the party, and the necessary planning for a good event. He is also responsible for the logistic and financial areas of the simulation, along with the coordination of Poliedro.

The three secretaries, regardless of their function, will be available to answer any question and assist the participants before and during the event. They are responsible for preparing the Rules of Procedures and help organizing the activities for the preparation of directors and delegates. They supervise the entire event and monitor the evaluation of the students at the end of the conferences.

**The Committee Directors** are the students who coordinate a specific committee. They are responsible for the selection of the topic and the elaboration of the study guides. At the event, these students are members of the Chair, moderating the debate. Additionally, they are responsible for the closest contact with delegates, guaranteeing students' development as well as solving their difficulties whilst debating.

**Observation:** during the sessions, directors must adopt an impartial position; initiate and end each session; check the quorum; open the debates to points and motions; keep the decorum; grant the right to speak; decide if they shall grant or not a point or motion; moderate impartially (the choice of the

delegate about to speak is a director's decision, according to the relevance to the debate at the moment, but all representatives will have the right to manifest) and present points to voting.

### **1.3. Organization duties**

- Treat everyone cordially, keeping a diplomatic behavior and the maximum dedication in all the activities, being responsible for all the consequences of your decision;
- Observe the activities' schedule punctually;
- Ensure the conservation of the event's installations;
- Be kind to the delegates, being efficient and impartial;
- Do not overact on his or her sovereign position;
- Be transparent concerning his or her duties and commitments;
- Be aware of all the event rules;
- Be available to answer to the participants whenever they have doubts, keeping the impartiality;

## **2. Getting prepared to simulate**

To make this experience of simulating a UN Model even more special, it is necessary to be prepared. Therefore, here are some helpful advices:

- Read the Study Guide;
- Make a detailed research beyond the Study Guide: through reports, movies, websites and books that inform about the topic – the more information you have, the better your participation in the committee will be;
- Do not hesitate to contact your committee directors, they have elaborated your Study Guide and have profound knowledge on the topic;

Following those suggestions will assure interesting debates and avoid tedious and cyclical discussions.

### **2.1. Research**

Further research is essential to guarantee a great participation in the committee – well-prepared delegates make the debate richer and more dynamic.

Looking forward to your good participation, you must know the procedures, the attributions and duties of your committee, as well as the history of your representation on it.

Evaluate your country's political, economic and social situation; try to relate your country's current

position to your committee's topic and discussions. This includes knowing your traditional allies and antagonists, besides all related subjects and the current official foreign policy concerning the matter.

Be aware of your committee's attributions and actuation area. Draft resolutions inconsistent with the committee will be avoided

In case of historical committees, it is necessary to deeply research the period you will simulate. The passing of days or months might be crucial to determine the country's position. Knowing what topics can be discussed is also important to avoid anachronisms.

If any doubt persists after you finish reading the Study Guide, you might forward your inquiries to the directors (their e-mails are on the event's website). Reading it on its completeness is fundamental to a conscious discussion. The Guide is an introduction to the topic, to the current and historic perspectives, and to the committee's fundamental concepts. It is a compass to your study.

Once you have read the Guide, you might start further research. English and Spanish knowledge may be helpful to search in international websites. Using online translators might be worthy for those not familiar with other languages. In addition to the bibliography indicated in the Study Guide, you should explore the topic on the internet by yourselves – some interesting sites might have escaped from the directors scrutiny. However, surfing the internet aimlessly or getting information from unsafe sources may compromise the committee discussions. For that reason, we have elaborated a list that might help you on your online research:

- **Organizations' websites:** inform the functions and attributions of the organ that will be simulated, and the delegate functions as a country or NGO representative. Some organizations present news, speeches, pronouncements and press releases that may help gathering information on the subject. Knowing your duties and rights as representatives means being aware of all commitments you are able to sign in your diplomatic level (ambassador, diplomat, minister, president, etc.) in relation to the discussions, threats or peace agreements within the International Community. Usually, organization's websites are sufficient to solve questions about the committee. It is fundamental to locate agreements and resolutions relevant to the theme to understand your country's position.

- **Countries' official websites:** representations, governments, consulates and embassies official websites should be consulted. They may help you acquire a conscious perspective on the country you are representing. Knowing if it is a republic, monarchy, democracy or dictatorship, as well as the economic situation in general, makes a difference in the debate and the deals your representation is able to sign in the committee. Governments' official websites usually present links to their foreign relations politics, through which you can understand official positions on relevant questions. You must also search for the Ministries of Foreign Affairs' websites.

- **Official diplomatic missions' websites:** primary sources for speeches and pronouncements of members of diplomatic missions. However, not all countries have websites like those or, if they do, they may not be frequently updated.

● **Dag Hammarskjöld Library e un.org:** the UN virtual library, despite not including all committees, is the biggest digital source for documents, speeches, pronouncements, official reports and resolutions of the Organization. It might also be useful for committees outside UN's structure. Its documents establish thematic links, which may present your country's position in relation to other topics relevant to the committee. Furthermore, PoliONU website offers the topic "*Pesquisa*", which contains more links to useful UN websites.

- [www.un.org/depts/dhl](http://www.un.org/depts/dhl) (Dag Hammarskjöld Library).

- [www.un.org](http://www.un.org) (ONU).

● **International organizations' websites:** websites for international organizations such as Mercosur, African Union, European Union and others may help understanding regional policy adopted by groups of countries.

- <http://www.mercosur.int/>.

- [https://europa.eu/european-union/index\\_en](https://europa.eu/european-union/index_en).

- <https://www.au.int/>.

● **Non-Governmental Organizations (NGOs):** some NGOs, active in international and refugee crisis, elaborate detailed reports, which may be even better than local governments' documents. These reports are the basis for several discussions and even to important UN organ's resolutions like the UN Security Council. As main examples, there are: Amnesty International for human rights related topics, Doctors without Borders (DWB) in health and humanitarian related themes, Oxfam for international development, Human Rights Watch (HRW) and the International Committee of the Red Cross (ICRC).

● **News agencies:** as unofficial sources, news agencies may not pass through "political filters" of international organizations or governments. They publish news and analyses on politics and foreign affairs. The information may be available only in other languages, thus, it is advised to research in international media from different parts of the world. In order to go beyond traditional media (such as BBC or CNN), try to look for eastern agencies, which often publish news ignored by western media. Furthermore, it is highly recommended to research in media corporation from the country you represent and from the region the committee will discuss. It is important to emphasize that different news agencies diverge in their analyses. This happens because news agencies adopt a political opinion. The ideological traits adopted by news agencies are aspects that all participants, especially journalists, must notice. To enrich the research, it is indispensable to use sources with different political opinions.

● **Specialized Magazines:** there are magazines specialized in international politics and international relations, they may be useful for your political and economic analyses of the committee's topic.

● **Academic articles:** despite difficult and often costly access, academic articles are extensive reliable source for information, produced by experts. However, in strict relation to current news, it is hard to find publications, due to the time it takes for their elaboration. A digital database to access several articles

is JSTOR ([www.jstor.org](http://www.jstor.org)) which includes, besides academic productions, specialized journals. Another interesting tool is Google Scholar (<https://scholar.google.com>), where you can find, in an easier way, academic articles.

● **Wikipedia:** One must be very careful while researching in Wikipedia, specially when looking for foreign policy topics, because this encyclopedia is a free collaboration project. Thus, anyone is able to propose changes to the content of the site. On the other hand, it is a temptation to use this website, because of the abundance of information it offers. A useful advice is to search for the bibliography of the entries, located on the bottom of each register of the encyclopedia. It is a demonstrative that the information might be reliable, and it may content good links for further research. Wikipedia should be used as a starting point for the research, providing definitions for historical moments, for example.

## 2.2. Oratory

Oratory is as important as the other points presented in this session. The quality of your speech will be the key to a good participation in the event: the capacity of persuasion and the precision of your point of view in the discussion will guarantee a better negotiation. It is important to avoid overacting and using informal language. Expose your thoughts clearly, loudly, avoid repetitions, be cohesive and consistent and practice the speech before the event, guaranteeing a good presentation during the debates.

## 2.3. Diplomatic negotiation

During the event, negotiation will be constant and fundamental; it is important to be well prepared for it. A good negotiator must be receptive to all cultures, capable of dealing with several temperaments and firm when talking about his or her ideological position and negotiation limits, which can be defined as how much can one give away or guarantee. It is important that at the end of the negotiations the majority of the parts involved in them have accomplished their goals, without disrespecting the limits of the minority. For the negotiator, it is important to be friendly and creative, once the negotiations' directions are linked with subjective elements, such as courtesy.

The debate might face an impasse, usually due to divergent points or difficulties in finding an agreement. When it happens, delegates should look for the reason of the trouble. It is recommended that the parts responsible for the impasse propose other solutions, less harmful for their foreign policy, trying to reach consensus.

Asking other delegates what bothers them and what is interesting for them may help you determine everyone's limits and interests. Those limits are non-negotiable points – in general, topics protected due to direct links with susceptible sectors (economy, politics or social) of the representative's country.



The gap, coffee break or unmoderated debates are ideal environments and valuable moments in the negotiation process, because delegates are not surrounded by bureaucracy and can feel closer to other representatives. At this moment, delegates are able to review the discussed topics, create an agenda and prepare for new agreements and alliances.

## 2.4. Codes

It is necessary to emphasize that, as representatives, you must represent the real atmosphere of an UN caucus and negotiation as authentically as possible. This includes the use of formal language, and abiding to the dress code and to the conduct code.

### 2.4.1. Conduct code

Participant's duties:

- Be respectful, keeping diplomatic conduct;
- Be well informed about your committee's topic and your position on it;
- Be punctual;
- Maintain the organization of the facilities where the event is held;
- Respect the PoliONU staff's decisions;
- Be faithful to your nation's position and keep the decorum appropriate to each interaction moment with other delegates;
- Be conscious that the Chair is sovereign within the committee;
- Avoid getting out of the room during the sessions.

### 2.4.2. Dress code

During the whole event, except the Thematic Party and the Scheduled Activity, all the participants must wear formal clothing.

**It is considered formal clothing:**

- Shirts and social pants; blazers; tuxedos; coats; suits; *tailleurs*; dresses; skirts; shoes; high heels; flats; loafers and side gusset shoes.
- **Observation:** skirts and dresses length should be at least three fingers above the knee.

## 2.5. Position Paper

Every delegation must provide a Position Paper according to its representation. Delegations composed by two delegates shall elaborate only one Position Paper. This document must be delivered at the accreditation and must content the following points:

At the header:

- The national emblem;
- The official name of the committee;
- The subject/topic to be discussed in the committee;
- The official name of the delegation (People's Republic of China, instead of China, for example);
- The name of the representative(s) in the committee.

Across the text:

- The nation's foreign policy, in general lines;
- The positioning of the country or NGO in face of the topics to be discussed in the committee;
- The main deals, including the participation on economic and geopolitical blocs, the delegation may have with others members-states and NGOs;

At the bottom of the text:

- The delegate's signature, according to its official representation, if it exists;
- The name(s) of the representative(s) in the committee;
- Official representation and the committee;

The purpose of a Position Paper is to show to other delegations of your committee what is your positioning and what you defend on the topic under discussion. Thus, it is necessary to determine the delegation's foreign policy – its priorities and principles – and relate it to the theme, how it influences your nation, what has been done to solve this problem and how you perceive it as a delegate – this is the most important part of the document. Guarantee that your Position Paper offers a clear and objective vision of your delegation positioning on the subject discussed by the committee, avoiding information that may not have to do with the discussion.

**Example:**

**International Labor Organization**  
**The impacts of the globalization on the welfare of the world population**  
**Romania**  
**(Delegate's name)**

In the past two decades, the world has faced a rapidly growing trend towards globalization. With the outcome of the internet as a means of communication and the increasing accessibility of international trade, physical barriers are not the only barriers withering away. Protective tariffs are plummeting and free trade agreements are becoming more prevalent. Romania understands that globalization creates favorable situations for commercial expansion as well. In the past year, the foreign direct investment (FDI) has increased on the rate of 199%. Inward FDI increased from 234 million euros in 2005 to 699 million in 2006.

On the other hand, the increasing globalization does not necessarily produce more equality. Globalization and development can contribute to the advancement of the overall international human condition; however, the delegation recognizes that without proper regulation the potential for advancement will remain limited to few individuals, businesses, and governments. Unless closely monitored and aimed toward common welfare, globalization cannot effectively serve the global community. Crucial in dealing with the complexities of globalization, good governance must act with solidarity and responsibility.

Romania believes that, while involving people in globalization, we must promote moral values, democratic principles, an inclusive global political culture, institutions that safeguard both individual civil rights and inherent freedoms, and the common welfare. Furthermore, coping with the influx of information from globalization, governments must act with solidarity and insights. Access to digital education will undoubtedly result in the confidence of citizens in their respective administrations and result in more transparency, and, therefore, in a lower degree of corruption.

The multinational business community has the capability and the obligation to support pertinent values in human rights, labor standards, and environmental preservation. As stated by the president, Mr. Traian Basescu, "heartfelt attachment to multilateralism, as an effective instrument designed to identify the adequate answers to the challenges brought by globalization".

The country has always looked forward to develop mutually beneficial relations with all countries. An example of this policy is the participation on NATO. Romania has always supported innovative and effective ways of establishing cooperation within and between regional organizations. As one of the newest members of the European Union, and an active member of the World Trade Organization, the country will offer its support to the redirection of globalization to best benefit the global community.

Respectfully,

(signature of the delegate)

(name of the delegate)

Representative of Romania in the International Labor Organization

### 3. Model general rules

The following rules apply to all committees and must be respected during the event.

- Portuguese will be the model official language; the exception is the Office of the High Commissioner for Human Rights (OHCHR), which will be held in English;
- Consumption of alcohol or any illegal substances is not allowed whatsoever;
- Only one delegate will represent each nation. The exceptions are the debates held at the United Nations Security Council (UNSC), the Office of the United Nations High Commissioner for Human Rights (OHCHR), Organization of American States (OAS), and Historic General Assembly (HGA), where two delegates will represent each delegation. In these committees, the presence of both representatives is obligatory.
- Delegates are not allowed to use official documents or speeches originally declaimed by states representatives as an authorial document. Those procedures will not be accepted for being considered plagiarism.
- The Chair will be sovereign during the committee, interfering in the speeches' order and granting the delegates the word. The chair has the power to interrupt the duration of the speech, end a topic discussion, as well as the session of debates itself.
- The Secretariat or their representatives may manifest at any time needed, through written or oral communications, as well as permit the pronunciation of other representatives, whatever the topic.
- In face of emergencies or crisis, the committee must remain together until all the issues are solved. It is prohibited contact the external environment. After the resolution, the debate continues from where it was interrupted.
- Delegates must be recognized by the Chair before their speech.
- All delegates will have the right to speech and to vote in procedural questions, while all the member states of the organ under simulation will have the right to vote on substantive matters.

#### 3.1. Quorum and Majorities

Directors will check the quorum of the accredited delegations at the beginning of every session. The minimum quorum for starting the debates is one third of the accredited delegations. Delegates will answer the list as **"present"** or **"present and voting"** – "present and voting" means that the delegate cannot abstain in substantive matters. Abstaining is forbidden in procedure questions, therefore, all delegations, including nonmember states and NGOs, must vote. Two kinds of motions might be very common while debating: procedural motions and substantive motions, which require delegate's approval. Some of them demand simple majority for approval, while others must be approved by a qualified majority.

**Simple Majority:** Half of the delegates + one.

**Qualified Majority:** 2/3 of the delegates + one

The exceptions are the following committees, in which the qualified majority is always equal to, at least, three fifths of the quorum: UNSC .

## 3.2. Speeches

Delegates will have two ways of pronouncing their speeches, with different intentions and at different moments

### 3.2.1. The opening speech

The opening speech will be pronounced at the beginning of the first session, with the maximum duration of three minutes. Its objective is introducing your country's position to the committee, with the intention of complementing the position paper. The opening speech might be the reading of the position paper or of a previously wrote text, or even a memorized speech. A good option is also delivering the speech based on topics wrote previously, this may assure a more fluidity. It is important to remember that the opening speech must use formal English.

### 3.2.2. The moderate debates

At the moderated debates the delegations that want to speak must raise or place their identification signs upright and wait until being recognized by the Chair, which is free to choose who is next to speak, according to the moment relevance, yet always keeping the impartiality.

The speech duration will be determined by the Chair, but delegates can ask for an alteration requiring a motion. The directors will indicate the end of the speech using a gavel – one beat means there are 10 seconds left, and two beats mean the delegate's time is over.

The chair shall grant the delegates the chance to pronounce but not before answering and voting inquiries and motions, giving the delegates general suggestions or recognizing new delegates or the secretariat. In the moderate discussions, anyone who wish to speak must be recognized by the chair before starting the speech.

If more than 10 seconds remain after a delegate ends his or her speech, the delegate can yield the spare time:

- **To the chair:** The delegate ends his speech, yielding his left time to the chair. It is a polite way of ending the speech
- **To other delegates:** In case of accepting, the other nation shall have the remaining seconds of the last delegate to speak.

● **To questions:** If the delegate who is speaking wish to answer the questions that other delegations might have about his speech, he may yield his time to questions. In this case, the delegations who have a question should raise their placards and wait until the chair recognition. Subsequently, the delegation will have 30 seconds to formulate the question and the delegate who was originally speaking will have the remaining time to answer the question.

### 3.3. Procedural Questions

Procedural questions are points and motions that have to do with any alteration or modifications on the debate, but do not change the decisions of the committee.

For the procedural questions, which require voting, all delegations must vote, in spite of being "present" or "present and voting". The chair, aiming a better utilization of the time, might approve a procedural question by visual contrast, when the visible majority of the delegations agree.

#### 3.3.1. Points

The points are questions proposed by the delegates that do not require voting to be approved, only the judgement of the chair. The different points are the following:

**Point of Personal Privilege:** shall be used whenever a delegate feels uncomfortable or personally offended.

Ethics and common sense are extremely necessary before asking for this point, because it is the only circumstance in which another delegate's speech can be interrupted. Before asking for the point of personal privilege, the delegation must be recognized by the Chair. In case of physical discomfort, the Chair will take the necessary measures, for example: turning-on or turning-off the air conditioning system. In case of an offense, the Chair will decide how to act: recognizing the offense, reprimanding the offender as the Chair considers necessary; or, not recognizing the offense, reprimanding the delegate who required the point through the measures the Chair considers necessary

**Point of Order:** this point objectives the maintenance of the rules and procedures in the committee. It can be required only when the Chair asks if there are any requirements, in a situation where any delegate notices a misunderstanding or mistake made by the Chair or a difference in the procedure rules in this guide and the ones established in the committee. The delegate must be recognized by the Chair beforehand. It must be used with caution. If the point required proceeds, the Chair must correct the misunderstanding in the exact moment.

**Point of Parliamentary Inquiry:** This point can be raised if any delegate wants information from the Chair related to the committee or the rules of procedure of the debate. This point does not qualify when the delegate wishes for information regarding the theme the committee is discussing, any doubt related to the discussion should be made during a speech.

### 3.3.2. Motions

Motions are to be required by the delegates in relation to any modification in the process of debate. Motions can be accepted by the Chair or not, and might be submitted to voting. The existing motions are the following:

**Motion for unmoderated caucus:** it proposes the temporary suspension of the moderated caucus, and turns the debate into negotiations with no intervention of the Chair. A suggestion of time as well as a justification is needed to propose this motion. For it to be conceded, the simple majority of the committee must vote in favor, and it must have the Chair's approval. Despite being an unmoderated discussion, this form of debate requires responsibility and formal behavior, once the excessive noise can interfere in other committee's negotiations. Motions and points, except the point of personal privilege, will not be attended during the unmoderated caucus.

**Motion to set the speaking time:** this motion may be used to change the speaking time, it can be proposed by any delegate; when recognized by the Chair, the delegate will first offer a justification for the alteration and, if accepted by the chair, the motion is voted. A simple majority must vote in favor in order to approve the motion. The Chair can propose an alteration if the speaking time suggested is not ideal.

**Motion to read a working paper:** any delegate may ask for a motion to read a document that is on possession of all the delegations, except resolution proposals and amendments (in which the reading time is automatically observed). This motion applies only to working documents, official letters and press releases. The Chair may accept the motion or not after the delegate's justification has been presented, and if approved, a reading time is given. The directors can alter the reading time.

**Motion for general consultation:** This motion consists in a way delegates can know other nations' position regarding the discussion in the committee, free from the bureaucracy of a moderated caucus. The nation must present the question to the representatives, and such motion can be accepted or not by the Chair. If approved by simple majority, the delegate must say the question loudly, subsequently the delegates should answer the question by raising their signs. Therefore, it should be a "yes or no" question. In the processes of answering the question, delegates who do not have a formed opinion on the subject may abstain.

**Motion to introduce a draft resolution:** it is suggested by the signatories of the document, being necessary that all delegations have access to the draft. This motion is automatically approved, and directly followed by the document reading. From the reading, it will be in order the substantive points that have to do with resolutions and motions to the introduction of Amendment Proposals.

**Motion to introduce an Amendment Proposal:** it may be suggested by any delegate since all delegates know its content, and it is automatically accepted by the Chair. The proposal will be read and the Chair will be opened to answer substantive points.

**Observation:** After a Draft Resolution or Amendment Proposal, only grammatical and orthographic alterations in the document are allowed. Substantive modifications must be required through amendments. The new and modified text must be read again to the committee, or only the modifications.

**Motion to postpone the debate:** this motion, when approved, entails in the temporary suspension of the caucus, which will be restarted in the time scheduled for the next session. This motion can only be raised 15 minutes before the end of the session and must have the qualified majority to be approved.

**Motion to adjourn the meeting:** In the last session, this motion can be raised to finish definitively and immediately the debate, therefore none official pronouncement will be allowed after the approval of this motion. This motion requires that the draft resolution is approved to be accepted and the vote of the qualified majority in the committee.

### 3.4. Substantive Matters

Motions related to the committee's decisions, especially to the voting process about a substantive paper. It is necessary the minimum quorum, corresponding to the first number after the half of the total of members proceeding on these motions (50% + 1) to approve them.

Each delegation will have the right to vote solely in the voting processes. He or she may vote "support" (favorable), "do not support" (unfavorable) or "abstain" (neutral vote, but uniquely for those who have initially pronounced themselves as a "present"). Observer delegates cannot vote in substantive matters. Delegations that declared themselves as present and voting do not have the right to abstain

As substantive matters, the following motions are available:

**Motion to vote on a Draft Resolution:** The draft resolution, if this motion is seconded, must be put into a definitive voting. It is needed a simple majority of the delegates which are in favor of the beginning of the document voting process – and not necessarily of the paper itself – so the voting starts.

**Motion to vote on an Amendment Proposal:** motion asked in order to start the voting process for an amendment proposal; it requires the simple majority of the delegates to be approved. **Motion to roll-call:** Drafts resolutions and amendments will be voted (unless there is a contrary motion) by the standard process of raising signs. The delegate shall only "support", "do not support" or "abstain" (for delegation that is not "present and voting"), obeying the Chair behest. However, it is possible that the documents are voted by consulting the delegations – one by one, in alphabetic order – through the roll-call voting, by the approval of a simple majority.

**Division of the question:** This motion, approved by a simple majority, is the method by which the delegations would vote on operative clauses of an amendment or a draft of resolution separately. In case of more than one division of the question, the one with the biggest number of divisions shall proceed to have a voting about agreeing or not with the motion – and not with the resolution itself. If the division of the question passes, the paper clauses are voted group by group (or one by one), requiring a qualified majority for each division to be approved. Right after the clauses have been voted separately, according to the division, the modified document will be read again and it will have a final voting with everything that had been discussed and approved by the committee, passed by a qualified majority. It will not be permitted a reconsideration of proposals that have already been voted. If the final document contains clauses that refer to or depend on any deleted clause, it can be reviewed (with the consent of all the signatories and in-favor countries of the



proposal) before the voting for the entire document.

**Observation:** See the voting process of several documents on the section "Papers".

### 3.4.1. Precedence table of points and motions

In case of more than one motion and/or point in discussion (in the same gap between speeches), it shall be established a precedence among the requests according to the table below.

Once seconded a precedent point or motion, the following must be attended to the same criteria.

Precedence	Question/Motion	Minimum voting criteria	Condition
1	Point of Personal Privilege	N/A	---
2	Point of Order	N/A	---
3	Point of Parliamentary Inquiry	N/A	---
4	Motion to Introduce a Draft Resolution	N/A	Six signatories; All delegations knowing the content of the paper
5	Motion to Read a Working Paper	N/A	---
6	Motion to Postpone Debate	Qualified	Not later than 15 minutes from the scheduled end of the session
7	Motion to Unmoderated Caucus	Simple	---
8	Motion to General Consultation	Simple	---
9	Motion to Set the Speaking Time	Simple	---
10	Motion to Introduce an Amendment Proposal	N/A	Three signatories; all delegations knowing the content of the paper
11	Motion to Vote on an Amendment Proposal	Simple	---
12	Motion to Vote on a Draft Resolution	Simple	Two speeches against the motion
13	Division of the Question	Simple	---
14	Motion to Roll Call	Simple	---
15	Motion to Adjourn the Meeting	Qualified	---

## 4. Documents

Every paper given to the delegates must be previously approved by the Chair. A paper signatory, except for a Position Paper or an official letter, does not necessarily agree with the content, just supports that it should be discussed.

### 4.1. Position Paper

Every delegation must elaborate a Position Paper according to the representation. Delegations composed by two delegates shall provide only one Position Paper. This document must be delivered at the accreditation and contain the following elements:

At the header:

- The national emblem;
- The official name of the committee;
- The subject/topic to be discussed in the committee;
- The official name of the delegation (People's Republic of China, instead of China, for example);
- The name of the representative(s) in the committee.

At the body text:

- The nation's foreign policy, in general lines;
- The positioning of the country or NGO in face of the topics to be discussed in the committee;
- The main deals, including the participation on economic and geopolitical blocs, the delegation may have with other members-states and NGOs;

At the bottom of the text:

- The delegate's signature, according to its official representation, if it exists;
- The name(s) of the representative(s) in the committee;
- Official representation and the committee.

The purpose of a Position Paper is to show other delegations of your committee what is your positioning and what you defend on the topic under discussion. Thus, it is necessary to determine the delegation's foreign policy – its priorities and principles – and relate it to the subject. The document must elaborate on how that theme influences your nation, what has been done to solve this problem and how it is perceived by you as a delegate (this is the most important part of the document). Be sure that your Position Paper offers a clear and objective vision of your delegation positioning on the subject discussed.

by the committee, avoiding information that does not have to do with the discussion.

All Position Papers will be available for consultation by any delegate or delegation along the sessions. See an example of Position Paper that can be taken as a parameter in "Preparing to Simulate".

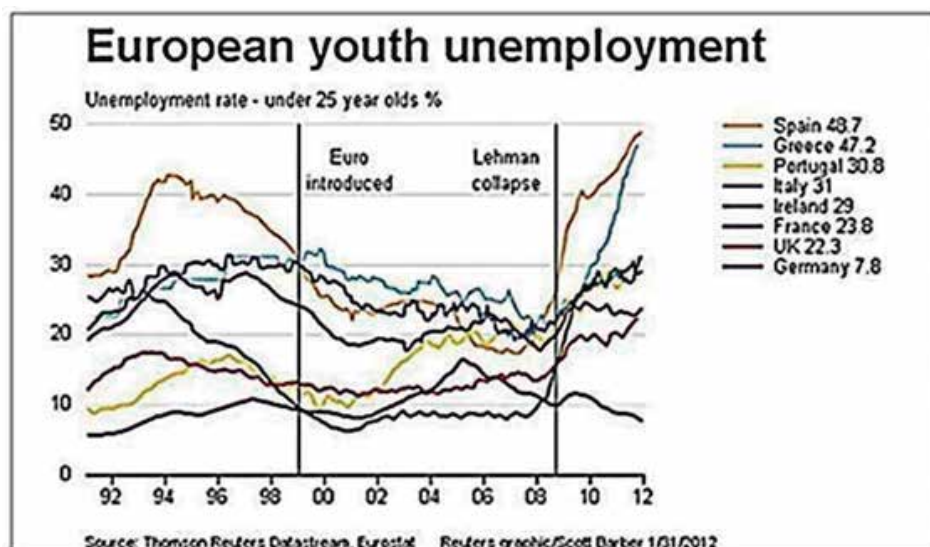
## 4.2. Working Paper

A working paper is the official way to introduce any extra material in the committee, considering that any information a delegate would like to share or any resolution proceeding from the debates must be written, approved by the Chair and distributed to all delegates. Working papers, hence, might be communiques, declarations, official letters, leader's' speeches, articles and may be helpful to subsidize discussions and emphasize a signatories' country's position. In a debate, only papers which have already been handed to the delegates can be mentioned.

The Chair will judge the content of these Working Papers before distributing them. The assignment of this paper is not mandatory and there is no minimum number of signatories.

### Example 1:

The European Union finds necessary and helpful to illustrate the topic of Europe in the context of the crisis of 2008. This graphic shows the younger generation's percentage of unemployment over the past years. The remaining subjects shall be discussed in this same debate, based on this overview of economy.



**Example 2:**

The signatory nation makes use of this paper to inform the existence of a Children's Cooperative Bloc, comprised by the countries of India, China and Thailand, against the exploiting of child labor. Better explanations will be given during the remaining time of this debate.

Signatory: China.

### 4.3. Official letter

Official letters are the communication channel between the delegate and any absent institution in the committee – for example: between a delegate and their government, or vice-versa, to define a positioning in a controversial situation that may appear. The examples below might elucidate:

**Example 1:**

Moscow, 6/15/2009

Dear mister representative of the Russian Federation in the United Nations Security Council,

We would like to inform that the Glavnoye Razvedyvatel'noye Upravleniye [GRU] or Main Intelligence Directorate of our great nation showed an excellent work when they informed us about the discovery of the continuity of the bellicose financing from part of NATO members to South Ossetia. The information compels us to consider as non-negotiable countries the nations that are members of NATO and recommend to veto any draft resolution presented by them or supporters which could incite these acts of funding or direct participation from NATO in the conflict or our own participation.

Yours faithfully, Ministry of External Affairs of Russian Federation.

**Example 2:**

New York, 5/7/1995

To the Ministry of the Defense of the German Republic,

The German representatives in the United Nations Security Council about the Bosnian War would like to know the availability of our competent organs to participate of the inspection program of the Yugoslavian actions at Bosnian territory

At our opinion, any help to reestablishes the stability at the region would be extremely valuable to our nation, in political terms, and to guarantee the actions of the Security Council become effective.

Appreciating the collaboration,  
German representatives at the Security Council

#### 4.4. Diplomatic mail

To avoid noises inside the room and to keep an organized environment while the Chair is moderating the discussion, the delegates should communicate using notes with free and inviolable content, which are the diplomatic mails. Due to its informal nature, signatories are not required, nor the Chair approval for the document. The diplomatic mail might be delivered to other delegate with the help of the staff or passing through the room until it reaches the addressee.

#### 4.5. Press releases

A press release is a form to establish communication between the delegation and the press. Nations interested in sending press releases, shall deliver them to the Chair with the respective signatories (it must have at least one signatory). The committee may agree about elaborating press releases, these communications will inform the public about what has happened during the debate. They can be released to understand the positioning of a chief of State outside the committee, or to inform the press and the world about any decision taken. The Chair must check if there is a simple majority in favor of publishing it. The paper will also be published at least in one of the journals of the committee. The journals, distributed by the press at a determinate moment at the event, will be automatically recognized by the Chair that shall stipulate a time for their reading. The journals will be also available online, accessible through an address that will be divulgated by the Chair.

## 4.6. Draft Resolutions

Draft resolutions are a highly formal, normative document, which contains what has been agreed and achieved during the meetings. It is divided into preliminary clauses – comprehending considerations and former principles of the debate initiated with gerund verbs or adjectives in italic – and operative clauses – contending all the decisions the committee decided to take on the discussed issue, initiated by verbs in present indicative, underlined

Being the final document of the committee, which synthesizes all the discussions that took place, draft resolutions should always look forward to achieve **consensus** among the delegations, or, at least, a common agreement among most countries. In some cases, delegations might have to cede in some of their demands, in order to guarantee the support and the respect for the draft resolution among the UN member states, as well as its ratification by the majority of the countries of a committee. Specially at the UN Security Council, consensus is essential, because there are five countries with the power of vetoing any decision (United States, United Kingdom, France, Russia and China). Thus, all these countries, necessarily, must agree with the draft resolution.

Usually, in every committee's meeting, a draft resolution is approved. However, it is possible to approve more than one draft resolution during the event in face of a big topic or in case of an emergency or crisis that demands a quick resolution.

## Example

Consolidation of Post-conflict Peace. United Nations Security Council (UNSC)

The United Nations Security Council,

Recalling the 1645 resolution [2005] particularly the paragraph 27,

Reaffirming the importance of the work in the consolidation of the peace exerted by the United Nations Peace Forces, and the necessity of a consistent help and appropriate resources to this job,

Highlighting the importance of the Peace Building commission (PBC) as an intergovernmental advisory council,

Looking for the need of the countries emerging from conflicts for help to establish peace.

1. Welcomes the report presented by the co-facilitator, designated "The Peace Building Architecture in the United Nation", established in the document S/2010/393, which is based in queries in member and non-member countries.

2. Calls all the United Nations actors to keep, through their mandate, the recommendation of the report aiming the better effectiveness of the Peace Building Commission.

3. Recognizes that the work of United Nation in the peace consolidation requires a sustainable help and appropriate resources to fulfill their challenge.

4. Demands that the Peace Building Commission portrays in their annual reports the progress reached.

5. Claims for a resolution still more comprehensive five years after the adoption of this resolution, following the procedure established in the paragraph 27 of the resolution 1645 (2005);

Signatories: United States of America, Turkish Republic, Japan, Republic of Austria, French Republic, United Kingdom of Great Britain and Northern Ireland.

In order help you to write the draft resolution, here there are some useful verbs to the **preliminary** clauses:

Aware	Emphasizing	Noting with appreciation
Believing	Expecting	Noting with approval
Bearing in mind	Expressing its appreciation	Noting with deep concern
Contemplating	Expressing its satisfaction	Noting with regret
Taking into consideration	Fulfilling	Noting with satisfaction
Declaring	Viewing with appreciation	Observing
Deeply concerned	Having adopted	Pointing out
Deeply conscious	Having considered	Reaffirming
Referring	Having considered further	Realizing
Reminding	Having devoted attention	Recalling
Seeking	Having examined	Recognizing
Taking into account	Taking note	Welcoming

#### 4.6.1. Introduction of a Draft Resolution

It is important to remember that this process can begin only if all the delegates have the draft resolution in hands.

**First Step:** ask for the Motion to Introduce a Draft Resolution, that is automatically accepted by the chair.

**Second Step:** one of the signatories will read the draft loudly to the committee.

**Third Step:** the committee enters in a **parallel debate**, in order to discuss only the draft resolution.

● At the parallel debate, a Motion to Introduce an Amendment Proposal can be asked, such Amendment Proposal might be additive, substitutive or excluding. Once the motion has been asked, the delegate should send the proposal to the Chair that will recognize it and present it. Then, a delegate should ask for a Motion to Vote the Amendment Proposal, the voting process will happen by the placard raising

**Fourth Step:** to end the parallel debate, a **Motion to Vote the Draft Resolution** should be requested – it is approved by simple majority, and it is related to the will to vote the draft, not to the content of the document. In order to approve the motion, **two speeches against the end of the parallel debate** must be pronounced.

**Fifth Step:** after the motion has been approved and the parallel debate has been interrupted, the Chair will ask "Are there any points or motions on the floor?" waiting for two probable answers:

a) **Division of the Question:** voting by simple majority to decide if the committee wants to divide the draft resolution, to vote the different parts one by one. If there is more than one request for splitting of the question, the one that has more divisions will be voted first. Voting by groups/clauses demands a qualified majority. **Two speeches in favor and two against the division of the question** are needed to this motion be approved.

b) **Motion to Roll Call:** if approved, the draft resolution will be voted under the following terms: the delegation can choose between Yes, No, Yes with rights, No with rights or Abstain, if the delegation has not declared itself as "present and voting".

**Sixth Step:** if the draft resolution has already been approved, the delegations ask for the Adjourn of the Meeting.

#### 4.7. Amendment proposal

In case something needs to be changed in the Draft Resolution during the discussion, any delegation must raise and present an amendment proposal to the Chair. Amendments to amendments are out of question. The amendment will only be accepted if ratified by three signatories. There are three kinds of amendment:



- **Additive amendment:** add one or more clauses to the Draft Resolution.
- **Substitutive amendment:** change one or more clauses.
- **Excluding amendment:** exclude one or more clauses or topics of the Draft Resolution.

The amendment proposal, after distributed and read, may be voted after the approval of a motion to vote for it. This motion needs a simple majority to pass. The amendment is approved by the vote of a qualified majority and, then, becomes part of the Draft Resolution. A refused Amendment Proposal cannot be reintroduced. A motion to introduce an Amendment Proposal may only be raised before the approbation of a motion to vote for a Draft Resolution that the amendment modifies.

#### 4.8. Draft Resolution and Amendment Proposal: voting process

In the process of voting, the whole Draft Resolution, amendments, or clauses (if a motion to division of the question is raised), may be voted by signs, which is the normal procedure, if there are no motions against. Therefore, each vote will only correspond to "yes", "no", or "abstain". However, when a motion to roll-call voting is approved, delegates may vote "Yes", "No", "Yes, with Rights", "No, With Rights", "Abstain" or "Pass". Here are the definition of the votes:

- **Yes:** indicates that the delegation agrees with the Draft Resolution.
- **No:** indicates that the delegation disagrees with the Draft Resolution.
- **Yes, with rights:** Vote in favor of the document, but the delegation has the right to explain the vote in thirty seconds; it is used, for example, when the position was not adopted previously.
- **No, with rights:** a vote against the document, but the delegation has the right to explain the vote in thirty seconds
- **Pass:** allows the delegation to vote after the others delegates. In case more than one delegate use this appeal, the first delegate that declared "pass" will be the first to vote. If one delegates passes, he cannot vote "Yes with rights", "No with rights" or "Pass" again.
- **Abstain:** indicates the delegation is not in favor or against the Draft Resolution, representing the neutrality vote. When a delegation abstains, the vote of the delegation is not counted and the quorum which defines the simple and qualified majority is reduced in one. Delegations that declared to be "present and voting" cannot abstain in the voting process.

**Observation I:** In the Security Council (UNSC, HSC), the P5 (United States of America, United Kingdom of Great Britain and Northern Ireland, Russian Federation, People's Republic of China and French Republic) have vetoing power, which means that when any of these countries vote "No" or "No, with rights" the Draft Resolution or the Amendment Proposal does not pass, even when the quorum is in favor of the decision.

**Observation II:** For the judicial committee, it is necessary to check the rules of the committee in the Study Guide.

AGNU  
COP  
UNESCO  
AGH  
CDH  
CESE  
TPI



PNUMA  
CENTRAL DE IMPRENSA  
UA  
OEA  
SOCHUM  
UNICEF  
CSNU  
OHCHR

15  
ANOS

**POLIONU** 

Patrocínio:



Realização:

