



**THAILAND MODEL UNITED NATIONS**

**Guide and Reference Documents for Specialized Committees**

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## Specialized Committee ROPs, Research and Differences

Unlike in regular MUN committees, specialized committees are usually outlined by historical periods, current world scenarios, or crisis situations that would be acted on by a more action-based committee. The key difference is not the historical context or the set time, but it is the procedure, dynamics and demand of the committee.

- National assemblies, as described by the THAIMUN team, invoke both crisis aspects and a hard-law (serious policy implications) for the assembly. At times, crises incorporate a press conference and crisis staffers at the discretion of the chairs. Some sessions may be completely crisis-based or “normal” which is why we call this a hybrid committee.
- A Historical Crisis Committee involves direct actors of a geographically wider perpetuating scenario alongside creativity welcomed by a typical crisis committee.
- A Historical Special Operations Committee involves intense military action that should be precise, logical and realistic towards scenario stakeholders.

That being said, the immediacy of a topical theme suggests that differentiated procedures should be designed to suit the needs of the committee. The RoPs (Rules of Procedure) or Guidebooks serve as the roadmap for understanding a committee’s particular context and dimensions while going through such changes efficiently with critical understanding of each scenario for all the participants. is the main goal of navigating the real world problems under the United Nations.

The RoPs of THAIMUN XI do not simply focus on what might be considered by many as the key component of MUN i.e., debate and voting, but rather incorporate various other dimensions related to understanding a scenario. The research for a topic deserves detailed attention in order to present an accurate-stance simulation.

Furthermore, the structure of ROPs can also map out alternative ways a key issue can evolve. These, like crisis simulations or real-life negotiations, provide an opportunity to learn to go with the flow, so to speak, which is crucial when working with the frequent shifts of events. Others will enjoy the outstanding structural ones of the ROPs which are provided specially by some committees. A simulation of this type may encompass, witness testimonies, moderated caucuses and lobbying simulations. You can look deeper into your case with these features and come up with creative methodologies for making your board experience better.

It is crucial for delegates to understand the ROP and particular context for each committee. Hence, we encourage all delegates to read both the ROP and Guidebook for their respective committees.

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## Historical Crisis & Historical Special Operations Committee Actions and Directives for Historical Crisis

### General types of directives for HCC (much more creative/ based)

- Move/attack troops
- Troop deployment/placement
- Weapons of mass destruction
- Espionages/spies
- Fortification
- Assassinations
- Sabotage (i.e. mass poisoning, cutting supply chains)
- Press releases/official statements/declarations/propagandas
- Protocols/policies
- Overpowered dynamic

### General types of directives for HSOC (much more structured and military based)

- Raise (add cost in brackets and it from ability specify who and which ability)
- Move/Attack troops
- Other (include movement of characters and other unique abilities here)
- Total number of tokens used
- Picture (optional)

### HCC Directive Sample: Invasion of Soviet in Manchuria

#### Sabotage

**Submitting Cabinet:** Jun Ushiroku (General of the Imperial Japanese Army)

**Type:** Personal Directive

**Directive Statement:** Use biochemical Cholera, to contaminate the Soviet's food supply train running through the Trans-Siberian Railway to deter the Soviet forces, move their attention away to safely rescue Emperor Puyi, and give the Soviet generals Cholera.

#### Troop Placement

**Submitting Cabinet:** Seiichi Kita (Commander of the First Area Army)

**Type:** Joint with Jun Ushiroku

**Directive Statement:** Pull out the 4th Army and the 1st Area Army to gather at Qiqihar, the 3rd Area Army and the 44th Army to gather at Harbin. This is to protect the main cities and its governmental infrastructures.

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### **Troop Movements/Attacks**

**Submitting Cabinet:** Soemu Toyoda (Chief of the Imperial Japanese Navy)

**Type:** Personal Directive

**Directive Statement:** Move and deploy 10,000 marines from the South East Asian theater to fortify the Liaodong Peninsula, protecting the entrance to Inner Mongolia and Manchuria.

**Submitting Cabinet:** Soviets

**Type:** Joint with Winston Churchill

**Directive Statement:** With the help of US Navy Aircraft Carriers stationed, deploy the Royal Navy to blockade the Yellow Sea and the Royal Air Force to bomb port Arthur. (Continuation) Send the Royal Navy battleships to take over coastal cities and establish bases there.

### **Espionages/Spies**

**Submitting Cabinet:** Tsunenori Shimizu

**Type:** Personal Directive

**Directive Statement:** Upon the request of the Manchurian people, send Japanese Commando spies to infiltrate Soviet camps and locate the abducted Emperor Puyi.

### **Fortification**

**Submitting Cabinet:** Seiichi Kita (Commander of the First Area Army)

**Type:** Personal Directive

**Directive Statement:** Order the Harbin troops, consisting of reservists and veterans, to build defensive infrastructure around Harbin. This includes building anti-air, anti-tank, and anti-gun ditches, bunkers, and barbed wires. This is to strengthen the defense of Harbin and ensure the Soviets will never break through.

### **Assassinations**

**Submitting Cabinet:** Winston Churchill (Prime Minister of the United Kingdom)

**Type:** Personal Directive

**Directive Statement:** British SAS attempts to assassinate Jun Ushiroku by sending in a disguised package lined with lead containing deadly amounts of radioactive elements.

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### **Press Release**

**Submitting Cabinet:** Soviet bloc

**Type:** Joint Directive

**Directive Statement:** Russian press has released a statement made by the Manchurian Emperor Puyi, “Manchuria has grown weary under Japanese rule, let us submit to the Soviets now, as they will liberate us from the Japanese demise,” (Propaganda)

### **Overpowered/Complex**

**Submitting Cabinet:** Soviet Union, Great Britain, China

**Type:** Joint Directive

**Directive Statement:**

- Kiril orders the movement of troops consisting of 200 aircraft carriers and 50 naval ships towards the Dalian coast, occupying the Yellow Sea and Bohai Sea.
- Great Britain sends extra rations and supplies to the Soviets through the Manchurian Line.
- Press release by the Soviets, “Our dear comrades, soon the city of Harbin will be free from the evil of the imperialist Japan, we advise the people to run, get as far from Harbin as possible,”
- British Royal Air Force sends ¼ of the remaining fleet to Dalian Base to bomb Harbin, destroying mainly central military installations.

### **Overpowered/Complex (Map)**

**Submitting Cabinet:** Seiichi Kita

**Type:** Joint with Jun Ushiroku

**Directive Statement:** Pull out the 4th Army and the 1st Area Army to gather at Qiqihar, the 3rd Area Army and the 44th Army to gather at Harbin. This is to protect the main cities and its governmental infrastructures.

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## HSOC Directive Sample: The Second Sino-Japanese War

### The Anti Propaganda and Espionage Act

- 1) Let it be resolved that all distribution of enemy propaganda including but not limited to disk tracks, music, and press releases may not be distributed to the public without approval of the cabinet. All infantry units in Kyoto and Tsushima as well as local police or local authorities controlled by provincial nobles shall detain all violators indefinitely who conspire, cooperate, or assist those that distribute enemy propaganda without permission until otherwise ordered by the cabinet.
- 2) That units at Tsushima shall inspect all incoming troop or merchant traffic for enemy propaganda and seize them at once.
- 3) That local police and customs officials should inspect all mercantile and fishery traffic for enemy propaganda and ensure that all those traveling by sea to or from the Japanese home islands have proper documentation. Those that fail to offer proper identification, carry weapons without due cause, carry enemy documents and equipment, or may be suspected of conducting espionage or distributing classified information without due cause shall be immediately detained indefinitely until further instructions are made by the cabinet.

### MUN07 at St. Andrews Sukhumvit 107

#### Character: Rhee Syngman (KR)

As major-general within the Republic of Korea Army (ROKA), I, Park Chung-hee, have recognised the increased threat of communist sympathizers within both the government and the civilian populace. This was observed by the communist uprising on Jeju Island in 1948. I have therefore proposed a solution to crackdown and liquidate the communist threat to maintaining the country's national security and protection. This will be as follows:

1. The intelligence apparatus of the Republic of Korea will be modelled after the American Central Intelligence Agency (CIA);
    - a. It shall be named the Korean Central Intelligence Agency (KCIA) (Korean: 중앙정보부, 中央情報部),
    - b. The powers of the KCIA will be vested under the control of the Ministry of National Defence;
    - c. The KCIA's director shall be held by a pre-existing officer of the ROK Armed Forces, namely Park Chung-hee;
    - d. The director must possess at least ten years of military experience and training. The KCIA shall be a wholly independent organisation from other branches of government;
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2. The powers and aims of the KCIA will be as follows;
    - a. Engaging in special operations against communist cells and sympathisers within the territory of the Republic of Korea,
    - b. Engaging in international covert operations against communists and communist sympathisers, with rights and privileges protected and guaranteed by the Republic of Korea Government,
    - c. Coordinating and supervising domestic and foreign information related to national security, criminal investigations and intelligence activities of each governmental department, including the military;
      - i. The KCIA reserves the right to refuse internal investigation
      - ii. The KCIA shall be able to overrule existing decisions conducted by governmental departments if they are perceived to be in violation of the National Security Act of 1948,
    - d. The KCIA shall reserve the right to intervene in judicial decisions conducted by the Supreme Court of the Republic of Korea;
      - i. This includes means such as, but not limited to; overruling decisions made by the Supreme Court if they are believed to be in violation of the National Security Act and the Constitution of the Republic of Korea,
      - ii. Dismissing judges from their positions, if they are believed, with reasonable evidence, that they are in violation of the National Security Act,
      - iii. Amending court decisions and conducting judicial review,
    - e. The KCIA shall be allowed to prosecute and charge individuals who have violated the National Security Act of 1948,
      - i. The National Security Act having the stated purpose of securing the security of the State and the subsistence and freedom of nationals, by regulating any anticipated activities compromising the safety of the State, Those having violated the National Security Act including communists, anti-government organisations, terrorists, domestic and foreign agents, and other actors and parties who attempt to subvert the security of the Republic of Korea,
    - f. The KCIA will take part in maintaining the security of the Republic of Korea by engaging in counterintelligence operations against foreign threats which aim to subvert Korea's sovereignty and undermine its values, culture and heritage,
    - g. The KCIA shall also take part in overseeing actions undertaken by the Bureau of National Security, otherwise known as the Korean Police Force,
      - i. Members of the Bureau of National Security can concurrently take part in KCIA activities, so long as they become full-fledged members of the KCIA,
      - ii. Officers can be dismissed or appointed by the KCIA depending on the present situation,
      - iii. The KCIA can veto police operations and actions with regard to petty crime, organised crime, and political crimes,
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- h. The KCIA, in the interest of international cooperation and anti-communist solidarity, shall take part in joint operations and intelligence sharing with allied intelligence agencies, such as, but not limited to:
  - i. The American Central Intelligence Agency (CIA),
  - ii. The British Secret Intelligence Service (SIS),
  - iii. The French External Documentation and Counter-Espionage Service (SDECE),

Therefore, with the above provisions having been satisfied, and through these measures, the creation of the KCIA is presented as a viable initiative to maintain the internal security of the Republic of Korea and will allow for our fatherland and nation to not be compromised.

**SIGNED: Park Chung-hee, Approved by Rhee Syngman (President of the ROK)**

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# United States Congressional Committee

## House of Representatives and Senate Policymaking

☰ Copy of United States Congressional Congress Guide Book ☰ USCC Rules of Procedure  
[Taken from 2024 USCC Guidebook]

The House of Representatives powers and duties are as follows:

- The House has the exclusive authority to initiate bills for raising revenue.
- The House has the sole power to impeach federal officials, including the President, Vice President, and federal judges.
- In the event of a tie in the Electoral College during the presidential election, the House elects the President.
- The House has the authority to conduct investigations and oversight of the executive branch and federal agencies.
- The House, along with the Senate, has a role in confirming certain presidential appointments, such as ambassadors and federal judges.
- While the Constitution grants the power to declare war to Congress as a whole, the House plays a significant role in this process.
- The House shares legislative powers with the Senate, including proposing, debating, and voting on bills.
- The House controls government spending by originating appropriations and budget bills (Power of the Purse).
- Representation of the People: Members of the House represent the interests of their constituents and serve as their voice in the federal government.
- The House establishes committees to specialize in various policy areas and oversee specific government functions.

### **The Senate**

Composed of 100 members known as senators, each state receives 2 representatives in the Senate. Considered the more senior chamber of congress, where each senator serves a six year term. Once a bill has passed in the House of Representatives, it is voted on by the Senate where it is either passed or denied. In addition to passing legislation, the Senate also has the responsibility of confirming presidential appointments (e.g. judges, US attorneys, agency administrators, etc.) and ratifying treaties. At the current moment, the democrats hold a 51-49 majority in the Senate, a simple majority. While this majority is able to pass certain bills, the filibuster requires certain bills to receive 60 votes before continuing to voting procedure.

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## 1. Sample USCC Bill (Pong, Hwandong, Diane and others)

118th UNITED STATES CONGRESS

IN THE SENATE OF THE UNITED STATES OF AMERICA

TITLE: Universal Healthcare in the United States

**ENACTMENT CLAUSE:** *Be it enacted by the United States Senate and House of Representatives in Congress assembled,*

**PREAMBLE:** Whereas previous attempts to introduce a single-payer universal health care system have failed and over 30 million Americans remain uninsured, the Senate moves to ensure the implementation of a multi-payer universal healthcare system along the likes of Canada and Taiwan in order to provide insurance coverage to all Americans and save money from the reduction of national health expenditure as a whole:

**Recognizing** that access to quality healthcare is a basic human right that must be guaranteed to all citizens without discrimination,

**Concerned** by the high cost of healthcare in the United States, which has resulted in millions of Americans lacking access to affordable care and experiencing financial hardship due to medical expenses,

**Noting** that the current Medicare system in the United States provides coverage only to certain eligible groups, leaving many uninsured or underinsured,

**Emphasizing** that expanding Medicare coverage to all citizens would provide a viable solution to the healthcare crisis in the United States,

**Further recalling** that the COVID-19 pandemic has exposed the urgent need for a comprehensive and equitable healthcare system that is accessible to all, regardless of their income, employment status, or pre-existing conditions,

**Reaffirming** the right to health, as recognized in the Universal Declaration of Human Rights, and the Sustainable Development Goals, particularly SDG 3, which calls for ensuring healthy lives and promoting well-being for all at all ages,

**CONTENT:**

1. **Establishes** a national health insurance program, titled "Medicare For All", to provide comprehensive protection against costs of healthcare and health-related services, in accordance with the standards specified in, or established under this Act:
    - a. Individuals enrolled for benefits under this Act are entitled to have payment made by the Secretary of Human and Health Services to an eligible provider for
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items and services listed under sub-clause (b), Clause 2 if medically necessary or appropriate for the maintenance of health, or for the diagnosis, treatment, or rehabilitation of a health condition,

- b. Any individual entitled to benefits under this Act may obtain health services from any institution, agency, or individual qualified to provide services under sub-clause (b), Clause 2;
2. ***Emphasizes*** the importance of expanding Medicare For All in the United States to ensure that all citizens have access to enroll for affordable and comprehensive healthcare services, including but not limited to the following measures:
- a. Every individual who resides in the United States is entitled to benefits for health care services under Medicare For All,
    - i. No person shall, on the basis of any form of discrimination such as but not limited to race, gender, age, national origin, disability, religion, sexual orientation, pregnancy, citizenship status, genetic conditions, or existing medical conditions be excluded from participation in or be denied the benefits of the program established under Medicare For All,
    - ii. Enforce a rule consistent with the Federal immigration laws, to prevent individuals from traveling to the United States for the sole purpose of obtaining health care services provided,
  - b. Nothing in this Act shall prohibit individual States from enforcing additional standards, with respect to eligibility, benefits, minimum provider standards, consistent with the purposes of this Act,
    - i. Provided such that such standards do not restrict the eligibility or access to the basic benefits for items and services as provided by Medicare For All,
    - ii. Enable all citizens the access to choose to enroll for affordable and comprehensive healthcare benefits as reiterated by Medicare For All,
  - c. Providing comprehensive coverage for essential health services, such as but not limited to:
    - i. Hospital services, including inpatient and outpatient care, alongside 24-hour emergency services, ambulatory care, and the prescription medical drugs or devices for medicinal purposes,
    - ii. Primary and preventive services, including care for chronic diseases,
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- iii. Treatment services addressing mental health and substances, including care for recurring mental illness and substance use disorders through rehabilitative and habilitative services and devices
  - iv. Services carried out by licensed marriage and family counselors,
  - v. Home and community based long-term services and supports, including self-directed home and community based attendant services,
  - vi. Oral, dental, audiology, and vision services,
  - vii. Long-term care services,
- d. Ensure that no cost-sharing, including coinsurance, deductibles, copayments, or any similar form of charges, is imposed on any individuals benefiting from this Act,
- i. Providers may set a cost-sharing schedule that is patient and evidence based, and encourages the use of generic drugs,
  - ii. Shall not exceed \$200 annually per individual, adjusted annually for inflation,
  - iii. Should not be implemented on families or individuals with a household income equal or lower than 250% of the poverty line, in which providers should waive cost sharing in response to a coverage appeal,
  - iv. Does not lead to individuals having to declare bankruptcy or eventual fatalities from inability to finance medical procedures,
- e. Providing citizens from low income households with medical subsidies and free of charge consultations across state wide clinics and pharmacies,
- i. Providing individuals who earn less than 30,000 USD annually or a family with two working adults who earn less than 50,000 USD annually combined who have children/a child under the age of 18 with free extensive healthcare services,
  - ii. Which may include but is not limited to, Optometrist consultations, dental services and blood testing centers,
  - iii. Given that the total cost of the aforementioned services does not exceed \$500 annually,
  - iv. Otherwise any services will be subsidized partially by the government at 40% of the cost of these services that exceed the budget, with the government spending on this subsidy capped out at \$250;
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3. ***Pushes*** for the expansion of health services regarding the support for patients that experience pre-existing mental health disorders,
    - a. Protecting coverage for people with pre-existing mental disorders or conditions, enabling insurance coverages for patients in any age group,
    - b. Emphasizes the importance of raising awareness and educating causes, effects, and the impacts of mental health to students in middle and high school, and is always willing to provide support for students in need:
      - i. Correcting the stigma that comes with mental illnesses and are open for topics regarding mental illnesses through educational programs as already introduced in current PSHE and health classes throughout middle and high school,
      - ii. Having all states be open for patients who are in need of support, and the benefits of being open to discuss about their mental disorders;
  4. ***Further recommends*** states to promote public-private partnerships, and the reduction of profits of private insurance companies while ensuring their regular business operations, while switching to a single-payer health care system, minimizing the demand for private insurance which includes but not limited to:
    - a. Full medical care underwriting should be explained and examined succinctly, to put a lot of effort into knowing and trying to predict the cost, monitoring the eligibility, in-network vs. out-of-network care, medical necessity, and authorization,
    - b. Mitigating the ability for insurance firms and pharmaceutical giants to generate unreasonable amounts of profits by:
      - i. Implementing price ceilings in order to reduce the cost of prescription drugs and tools, such as but not limited to insulin, naloxone, Epi pens, hepatitis C drugs, humira, Truvada, and antibiotics,
      - ii. In the event of a pharmaceutical firm wishing to charge above the maximum price, it must be able to provide justification and evidence that its drug retains significantly differentiated clinical benefits that are not found otherwise on the formulary,
      - iii. Direct negotiations to ensure fair price charged that covers factors such as cost of production, research and development, administration, but does not exploit citizens,
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- iv. Increase transparency and reduce asymmetric information surrounding business and pricing practices by requiring disclosure regarding certain procedures,
  - v. Authorizing a public health insurer system of federally funded healthcare for every American citizen, allowing patients to choose their own health care provider, without any network restrictions or referrals,
  - vi. Allow patients, pharmacists, and wholesalers to buy low-cost prescription drugs from Canada and other industrialized countries,
  - vii. Patents can be bypassed, (while providing reasonable and entire compensation to patent holders), using license authorities,
- c. Private health insurers should not engage in practices such as denying coverage to people with pre-existing conditions, setting annual and lifetime coverage limits, and imposing high out-of-pocket costs that have resulted in patients being unable to access necessary care,
  - d. Providing funding and aid for retraining programs and job placement for workers who may be displaced by the transition to a single-payer healthcare system;
5. ***Prioritizes*** effective structures for capital expenditures to ensure that profits from citizens seeking healthcare and pharmaceuticals from private-companies are mitigated, whilst minimizing the money lost from the current Medicaid system and dominance of private health insurers:
- a. A national health budget shall be established, which specifies a budget for the total expenditures to be made for covered health care items and services under this Act, including at least but not limited to the following components:
    - i. An operating budget,
    - ii. A special projects budget,
    - iii. A capital expenditure plan and budget,
    - iv. Health professional education training expenditures and payments,
    - v. Administrative costs, including costs associated with the operation of regional offices to carry out this Act,
    - vi. A reserve fund,
    - vii. Prevention and public health activities,
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- b. Funds shall be allocated in the purpose of carrying out this Act, in a manner that ensures:
    - i. That the operating budget allows for every participating provider in the Medicare for All Program to meet the need of respective patient populations and their needs,
    - ii. That the special projects budget is sufficient to meet the healthcare needs within underprivileged areas, through the construction, renovation, and staffing of healthcare facilities in a reasonable timeframe,
    - iii. That the health professional education expenditure component is sufficient to provide for the amount of health professional education expenditures sufficient to meet the need for covered healthcare services,
  - c. Regional allocations shall be annually provided with each regional office with an allotment the Federal state determines appropriate for carrying out this Act, including payments to providers in such but not limited to:
    - i. Region,
    - ii. Capital expenditures,
    - iii. Special projects,
    - iv. Health professional education,
    - v. Administrative expenses,
    - vi. Prevention and public health activities in such region,
  - d. The Federal state shall pay from accounts made available for capital expenditures pursuant to section 601 (a)(2)(B) of Title VI of the United States Code, for payments to providers:
    - i. Such sums determined by appropriate by the States to providers who have submitted an application as specified by the States for purposes of funding capital expenditures of such providers,
    - ii. The Federal state shall prioritize the allocation of funding to propose to use such funds to improve service in a medically underserved area, or to address health disparities, including any form of discrimination, as stated in clause 2, subclause a,
    - iii. The Federal state shall not grant funding for capital expenditures for capital projects that are financed directly or indirectly through the
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diversion of private health insurers that results in reductions in care to patients,

- e. Using waivers of Section 1332 (allowing states apply for a State Innovation Waiver), that could allow states to steer healthy people toward parallel, unregulated markets for junk health plans, banning junk health plans, or Association Health Plans (AHP), emphasizing the effectiveness and conduct of comprehensive ACA benefits and standards,
  - f. Reducing the price of pharmaceuticals and drugs for the purpose of healthcare by preventing large companies to jack up on single-source brand name drugs, as stated in clause 4, subclause b;
6. ***Pushes*** for tax measures which would raise roughly half a trillion dollars in the first year of the program in fiscal year 2024 to 2033 which may include but not limited to the following:
- a. Reforming the personal income tax system by strengthening progressive income tax rates, taxing capital gains and dividends the same as work income, limiting deductions for the wealthy, taxing carried interest as ordinary income, and requiring derivatives to be marked to the market,
  - b. Diverting ten percent of federal funding from the United States Armed Forces, to the funding of the Medicare for All program,
  - c. Reforming the corporate and income tax systems by increasing such taxes by seven percent;
  - d. **The clause 6b and 6c would be frozen during time of warfare**
7. ***Reaffirms*** healthcare in the United States to be considered a right and/or constitutional principle.

#### **DEFINITIONS:**

*CAPITAL EXPENDITURES: The term “capital expenditures” means expenses for the purchase, lease, construction, or renovation of capital facilities and for major equipment.*

*HEALTH PROFESSIONAL EDUCATION EXPENDITURES: The term “health professional education expenditures” means expenditures in hospitals and other health care facilities to cover costs associated with teaching and related research activities, including the impact of workforce recruitment, retention, and diversity on patient outcomes.*

*PRIVATE HEALTH INSURER: Any entity that offers health insurance coverage to individuals or groups and operates for-profit.*

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*SINGLE PAYER SYSTEM: A healthcare financing system which the government, rather than private insurance companies, pays for all healthcare costs.*

*LOWEST-INCOME CITIZENS: Citizens with a yearly income below \$20,000*

*ASSOCIATION HEALTH PLANS (AHPs) AND SHORT-TERM PLANS: AHPs allow small businesses, including self-employed individuals, to form an association to purchase health insurance coverage as if they were a single large employer.*

**ENFORCEMENT:** This bill shall be enforced by the United States Senate, the House of Representatives in Congress, the United States Department of Health and Human Services, in consultation with an independent advisory board

**ENACTMENT:** This bill shall take effect immediately after passage and will slowly develop into Medicare For All after starting with the lowest-income citizens and discriminated individuals.

**FUNDING:** This bill will be funded on the House Committee on Appropriations

**AUTHORS:** Sen. Elizabeth Warren (D-MA), Sen. Chuck Schumer (D-NY), Sen. Tammy Baldwin (D-WI), Sen. Bernie Sanders (I-VT), Sen. John Fetterman (D-PN)

**SIGNATORIES:** Sen. Maggie Hassan (D-NH) Sen. Mazie Hirono (D-HW), Sen. Chris Coons (D-DL), Sen. Amy Klobuchar (D-MN), Sen. Jon Ossof (D-GA), Sen. Sheldon Whitehouse (D-RI), Sen. Dick Durbin (D-IL), Sen. Corry Booker (D-NJ), Sen. Tammy Duckworth (D-IL), Sen. Mark Kelly (D-AZ)

**Vetted By: David Coulson**

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## **United Kingdom Parliamentary Committee**

The House of Commons powers and duties are as follows:

- To pass laws.
- To debate important issues of international, national or local importance.
- To scrutinize the government.
- To check and approve government finance.
- To raise taxes.
- To express the views of constituents.

### **The House of Commons**

The House of Commons is composed of 650 members of parliament (MPs) elected by the public to represent their interests. The role of MPs include proposing new legislation and auditing government policies about current issues. The House of Commons is tasked with most legislative functions, and are often the primary initiator of bills.

In the UK there are over 400 political parties that exist, of them, only 10 are represented in the Parliament and the House of Commons. Below you will find a list of these parties and a short description of them and their core beliefs:

### **The House of Lords**

The second chamber of the UK Parliament includes the House of Lords. Unlike the House of Commons, members in the House of Lords are chosen either based on appointment, heredity or official function. The roles of the house of Lords include shaping and introducing legislation and scrutinizing the government.

Please note that in order for any bill to be passed as law, it has to be thoroughly vetted and approved by both the chambers of the UK parliament.

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**Sample UKPC Bill (Taken from THAIMUN X) :**

**FORUM:** United Kingdom Parliamentary Committee (House of Commons)

**TOPIC:** The question of reconsidering the constitutional powers of the monarchy

**MAIN SUBMITTER:** John Finucane

**CO-SUBMITTERS:** Michelle Gildernew

**SIGNATORIES:** Ed Davey, Sir Keir Starmer, David Lammy, Ben Lake, Caroline Lucas , Rachel Reeves, Tan Dhesi, Yvette Cooper, Daisy Cooper, Liz Saville Roberts, Ed Miliband, Stephen Kinnock, Jeremy Corbyn

**The House of Commons,**

*Is deeply concerned* about the powers the monarchy hold on the government,

*Recognizing* that the monarchy cost taxpayers a huge amount,

*Keeping in mind* that the money from the taxpayers is use for the royal family's official travel, the upkeep of their many homes, and the salaries of royal employees,

*Fully aware* of the colonising ways of the British monarchy,

1. **Requests** elections to be held in every county in the Commonwealth for the resignation of the monarchy, if the people decide in the favour of the resignation of the royal family, actions will be taken in ways such as but not limited to,
    - a. Be removed of their power and status and their money, their property and assets will be manage in ways such as but no limited to,
      - i. Be sold to private investors,
      - ii. Be used for the next rulers of the United Kingdom and their territories
    - b. Be removed from the status and their private property would either,
      - i. Be sold to private investors,
      - ii. Kept in the possession of the royal family,
      - iii. Sold to private entrepreneurs;
      - iv. Be demolished with land being used for providing affordable housing
  2. **Encourages** the installation of a democratically elected president, if this goal can be reached the elections would be held in either,
    - a. Every 4 years. If the president seems unfit to rule the country can either,
      - i. Be impeached by the British Parliament,
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- ii. Elections would be held in every county in the Commonwealth about the issue;
  - 3. **Recommends** the budget of the current monarchy to be decreased as the monarchy consumes large amounts of taxpayer money. The budgets of the monarchy could be changed in ways such as but not limited to,
    - a. Percentage of profit the monarchy produces and if the budget decreases by 10% either,
      - i. The monarchy's budget will be paused until a solution is found,
      - ii. The monarchy's budget will be increased and will be forced to invest into industries to bring a profit;
    - b. The monarchy's budget will slowly decrease by 40% by either,
      - i. 7.5% per year,
      - ii. 10% per year,
  - 4. **Supports** the OBR to use the money that was saved by the monarchy's budget decrease(if they were elected) into certain infrastructure and services in ways such as but not limited to:
    - a. Emergency services and healthcare services such as
      - i. Police,
      - ii. Firefighters,
      - iii. Paramedics,
    - b. Infrastructure that will be used for the public use such as but not limited to:
      - i. Power Plants,
      - ii. Wind farms,
      - iii. Oil rigs,
  - 5. **Requests** the current royal family (if they were elected) to be accountable for any crimes that break any Commonwealth laws. Such punishment could be but not limited to,
    - a. Subjected to the usual punishments the regular citizen would be placed under. The royal family member could be sentenced to either
      - i. Under house arrest,
      - ii. The nearest prison that is able to have them.
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# Samples for the International Court of Justice

Additional Explanations see: [THAIMUN XI ICJ Guidebook](#)

## 1. Stipulations

### STIPULATIONS

Submitted by: SieEun Rhee and Enkhjin Dorjkhand      Advocates of Pakistan  
Rai Shrestha and Ananya Sawarkar      Advocates of India

#### **Trial of Pakistani Prisoners of War (Pakistan vs. India)**

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**Both parties agree that:**

#### STATEMENT OF FACTS

- 1) Pakistan and India are both parties of the General Assembly, the Geneva Conventions, and the Convention on the Prevention and Punishment of the Crime of Genocide (Genocide Conventions) as adopted by all members of the United Nations.
  - 2) Article 35, paragraph 1, of the Statute provides that the Court shall be open to the States parties to the Statute, and Article 93, paragraph 1, of the Charter of the United Nations provides that all Members of the United Nations are *ipso facto* parties to the Statute. Pakistan and India are both currently Members of the United Nations and as subjects of international law, are entitled to appear before Court.
  - 3) The United Nations Charter is recognised as the constitutive instrument of the United Nations, and lists the obligations and responsibilities of its members, signed on 26 June 1945.
  - 4) India is holding 92,000 Pakistani civilians in their territory
  - 5) As of 11 May 1973 when this case was filed to the International Court of Justice, a year and a half has passed since the formal declaration of the cessation of hostilities which occurred on 6 December 1971.
  - 6) On 3rd December 1971, Pakistan Air Force launched strikes on Indian Bases near the western frontier in a preemptive attack, threatened by India's military support of the Bengali nationalist forces of Mukti Bahini in East Pakistan. Soon after, the Indo-Pakistani War of 1971 was initiated when India notified the existence of a state of war to Pakistan through the Government of Switzerland on 4 December 1971.
  - 7) The Convention on the Prevention and Punishment of the Crime of Genocide (Genocide Convention) was adopted by the United Nations General Assembly on 9 December 1947; under
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Article 118 of the Third Geneva Convention and Article 134 of the Fourth Geneva Convention, both Pakistan and India are under obligation to repatriate prisoners of war and civilian internees immediately upon the cessation of hostilities. The Genocide Convention is an instrument of international law that is under the jurisdiction of the International Court of Justice:

- a) Article IX of the Genocide Conventions states that: “disputes between the Contracting Parties relating to the interpretation, application or fulfilment of the present Convention, including those relating to the responsibility of a State for genocide or for any of the other acts enumerated in article III, shall be submitted to the International Court of Justice at the request of any of the parties to the dispute.”
- 8) The Geneva Convention Relative to the Treatment of Prisoners of War (Third Geneva Conventions) was published by the International Committee of Red Cross on 12 August 1949 and ratified by all United Nations member states.
  - 9) The Geneva Convention Relative to the Protection of Civilian Persons in Time of War (Fourth Geneva Convention) was published by the International Committee of Red Cross on 12 August 1949 and ratified by all United Nations member states:
    - a) Article III of the above mentioned Geneva Conventions prohibit “violence to life and person, in particular murder of all kinds, mutilation, cruel treatment, and torture” when perpetrated against persons “taking no active part in the hostilities”.
  - 10) The allegations against the 195 Pakistani prisoners of war in question are related to acts of genocide. The Pakistani military has previously been accused of acts of genocide on Bengalis by both the Government of India and the Government of “Bangladesh”.
  - 11) At the time of the crimes that the 195 Pakistani prisoners of war had allegedly committed, the territory where the crimes were allegedly committed was still recognised to be East Pakistan, a province of Pakistan:
    - a) Additionally, the Government of Pakistan has yet to recognise the sovereignty of “Bangladesh” at the time of this court.
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## **DEFINITION OF TERMS**

1) Prisoners of War:

a) Those, who had served as military combatants or aided military force, and have been taken captive by enemy forces during an active conflict between their own nation and belligerent states. b) Prisoners of war may be recognised as such whilst conflicts are ongoing, or the conflicts have ceased and they are still in the possession of a belligerent state.

2) Competent Tribunal:

a) Tribunal of impartial judges, applying international law, and permitting the accused to be defended by counsel of their choice. The Tribunal cannot base itself on *ex-post facto* laws nor violate any provisions of the Declaration of Human Rights.

3) Genocide:

a) The mass killing of a large number of people who all share the same nationality, religion, or ethnicity, with the objective of eradicating all, or a fraction of those a part of the specific nationality, religion, or ethnicity.

4) War crimes:

a) The act of committing atrocities or offenses, that breaks international laws, against persons and/or groups during a period of war.

5) War:

a) An event that comes after which a declaration of war has been made by an involved party, and military force is a concerned component.

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## TIMELINE OF EVENTS

- 1) The Prime Minister of India and the President of Pakistan signed the Tashkent Declaration on 10 January 1966, which stated the following:
    - a) Article III: “The Prime Minister of India and President of Pakistan have agreed that relations between India and Pakistan shall be based on the principle of non-interference in the internal affairs of each other.”
    - b) Article VII: “The Prime Minister of India and President of Pakistan have agreed that they give instructions to their respective authorities to carry out the repatriation of prisoners of war.”
  - 2) Cyclone Bhola, one of the world's deadliest natural disasters and the deadliest cyclone ever recorded, hit East Pakistan in November 1970. According to the International Meteorological Organization, the cyclone was estimated to have taken almost 300,000 lives. At the time, the Government of Pakistan, which was based in West Pakistan, did not respond according to the scope of the disaster.
  - 3) Prior to the initiation of the Indo-Pakistani War of 1971, India provided diplomatic and economic support for East Pakistan, now recognized by India as “Bangladesh” as the Pakistani Government advanced Operation Searchlight on Bengali nationalist forces in the territory of East Pakistan. The estimated number of deaths resulting from Operation Searchlight ranged from 500 thousand to over 3 million.
  - 4) Pakistan signed an instrument of surrender, declaring their unconditional surrender to India in 1971. The document clearly stated that “personnels who surrender will be treated with dignity and respect that soldiers are entitled to in accordance with the provision of the Geneva Convention and guarantees the safety and wellbeing of all Pakistan military and paramilitary forces who surrender”.
  - 5) The Government of Pakistan and the Government of India signed the Simla Agreement on 2 July 1972, which stated the following:
    - a) Both Governments agree that their respective Heads will meet again at a mutually convenient time in the future and that, in the meanwhile, the representatives of the two sides will meet to discuss further the modalities and arrangements for the establishment of durable peace and normalization of relations, including the questions of repatriation of prisoners of war and civilian internees, a final settlement of Jammu and Kashmir and the resumption of diplomatic relations.
  - 6) The Indo-Pakistani War of 1971, which began on 3 December 1971 with India’s invasion of East Pakistan, formally ended with Pakistan’s surrender on 16 December 1971.
  - 7) On 12 December 1971, the External Affairs Minister of the Government of India confirmed this assurance of General Manekshaw that "India stands committed to dealing with the enemy forces according to Geneva Conventions." He also recalled that India's Chief of Army Staff had assured West Pakistani troops in East Pakistan of their safe evacuation to West Pakistan, if they surrendered.
  - 8) Shortly after the end of the Indo-Pakistani War of 1971, the United Nations Security Council
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adopted Resolution 307 on 21 December 1971 which stated the following:

- a) Demands, that a durable cease-fire and cessation of all hostilities in all areas of conflict be strictly observed and remain in effect until withdrawals take place;
  - b) Calls upon all member States to refrain from any action which may aggravate the situation in the sub-continent or endanger international peace;
  - c) Calls upon all those concerned to take all measures necessary to preserve human life and for the observance of the Geneva Conventions of 1949 and to apply in their full provisions as regards the protection of wounded and sick, prisoners of war and civilian population;
- 9) Consistent with Article 12 of the Third Geneva Convention of 12 August 1949, relative to the Treatment of Prisoners of War, the 92,000 Pakistani prisoners of war passed into the hands of the belligerent power, India after the war. The responsibility for the treatment of prisoners of war, thus, in accordance with the above mentioned Article, rested exclusively with the "Enemy Power" India and not with the individuals or military units that had captured them.
- 10) In January 1972, the over 92,000 Pakistani prisoners of war and civilian internees, who were under Indian custody, were transferred to Prisoner of War Camps in India. India, as the sole Enemy Power, had the right to detain the Pakistani prisoners of war until such time as hostilities ceased:
- a) At the same time, Pakistani civilians voluntarily placed themselves under Indian protection on the basis of the assurance of earliest possible repatriation to West Pakistan as civilian internees.
- 11) On 1 December 1972, Pakistan unilaterally returned 617 Indian prisoners of war so as to initiate the process of repatriation under the Third Geneva Convention, without having any assurance from India that it would also start a similar process. India, however, did respond by repatriating only 550 Pakistani prisoners of war.
- 12) On 17 April 1973, a Joint Statement from India and "Bangladesh" have decided as follows, which were conditions placed by India on Pakistan on the conditions of the repatriation of prisoners of war:
- a) "Without prejudice to the respective positions of the Government of India and the Government of the People's Republic of Bangladesh the two Governments are ready to seek a solution to all humanitarian problems through simultaneous repatriation of the Pakistani prisoners of war and civilian internees, except those required by the Government of the People's Republic of Bangladesh for trial on criminal charges. The repatriation of Bengalis forcibly detained in Pakistan and the repatriation of Pakistanis in Bangladesh, i.e., all non-Bengalis who owe allegiance and have opted for repatriation to Pakistan."
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## 2. Memorandum

# MEMORANDUM OF PAKISTAN INTERNATIONAL COURT OF JUSTICE

## Trial of Pakistani Prisoners of War (Pakistan vs. India)

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### Date

18 March 2023

### Submitted By

Advocate SieEun Rhee  
Advocates Enkhjin Dorjkhand

### On behalf of

The Islamic Republic of Pakistan

*To the Registrar,*

*I, the undersigned, duly authorized by the Government of **the Islamic Republic of Pakistan** of which I am the Agent, have the honor to submit to the International Court of Justice, in accordance with Articles 36 (I) and 40 (I) of its Statute and Article 38 of its Rules, an application instituting proceedings brought by **the Islamic Republic of Pakistan** against **the Republic of India** in the following case.*

### **I. Statement of Jurisdiction**

This Application to the International Court of Justice is made by Pakistan in respect of the trial of 195 out of the 92,000 currently detained Pakistani Prisoners of War (POWs) in India, captured by Indian Army officials within East Pakistan, or ‘Bangladesh’, territory following the Indo-Pakistani War of 1971. Pakistan has strong basis to believe that the Republic of India plans to transfer the aforementioned Pakistani prisoners to ‘Bangladesh’ for the purpose of trying them for alleged crimes committed during the 9 months preceding the Indo-Pakistani War of 1971.

India is in breach of various international obligations to Pakistan. As of May 1973 when this case was filed, a year and a half has passed since the end of active hostilities between India and Pakistan, initiated by the Instrument of Surrender signed on 16 December 1971. However, only an approximate 1,000 Pakistani POWs out of the 92,000 individuals currently detained in India have been repatriated, and there is strong evidence to assume that those remaining in India are being treated inhumanely in Prisoner of War camps throughout India. Furthermore, India is planning to send 195 Pakistani POWs to ‘Bangladesh’ (a currently nonexistent state as far as Pakistan is concerned) for trial, and with no legal basis to execute this, India will be breaching international law.

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This case is undeniably under the jurisdiction of the International Court of Justice under Article 36, paragraph 2 of the Statute, which provides that the Court is eligible to dispense compulsory rulings regarding any disputes concerning:

1. the interpretation of a treaty;
2. any question of international law;
3. the existence of any fact which, if established, would constitute a breach of an international obligation;
4. the nature or extent of the reparation to be made for the breach of an international obligation.

Furthermore, Article 9 of the Convention on the Prevention and Punishment of the Crime of Genocide is a compromissory clause that confirms the Court's jurisdiction over this case, providing that "disputes between the Contracting Parties relating to the interpretation, application or fulfillment of the present Convention, including those relating to the responsibility of a State for genocide or for any of the other acts enumerated in article III, shall be submitted to the International Court of Justice at the request of any of the parties to the dispute". As it will be further discussed within this memorandum, India is attempting to wrongly fulfill the Genocide Convention by planning to hand over Pakistani POWs to 'Bangladesh' for a trial on genocide and other alleged acts, which gives the Court jurisdiction over Pakistan's Application.

India's actions of purposely delaying the repatriation of Pakistani POWs and intending to send them to 'Bangladesh' for trial is in breach of international law as well as domestic treaties. Therefore it is the contention of Pakistan that the Court does have jurisdiction over this Application since established facts suggest that India has broken its international obligations to Pakistan.

## **II. Statement of Law**

It is the position of Pakistan that India has violated various international obligations the following acts:

- 1) Purposely delaying the repatriation of 92,000 Pakistani nationals held as Prisoners of War in Indian territory;
- 2) Purposely treating the above mentioned Pakistani prisoners inhumanely;
- 3) Planning to send 195 out of the above mentioned Pakistani prisoners to 'Bangladesh' to face an incompetent trial comprising of 'Bangladesh' juries against alleged war crimes including genocide and crimes against humanity;

All of which are accordingly in breach of the following instruments of international law:

- 1) The Third Geneva Convention Relative to the Treatment of Prisoners of War;
  - a) Article 12
    - i) ...Prisoners of war may only be transferred by the Detaining Power (INDIA) to a Power which is a party to the Convention (PAKISTAN) and after the Detaining Power has satisfied itself of the willingness and ability of such transferee Power to apply the Convention. When prisoners of war are transferred under such circumstances, responsibility for the application of the Convention rests on the Power accepting them while they are in its custody...
  - b) Article 118
    - i) Prisoners of war shall be released and repatriated without delay after the cessation of active hostilities. In the absence of stipulations to the above effect in any agreement

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concluded between the Parties to the conflict with a view to the cessation of hostilities, or failing any such agreement, each of the Detaining Powers shall itself establish and execute without delay a plan of repatriation in conformity with the principle laid down in the foregoing paragraph. In either case, the measures adopted shall be brought to the knowledge of the prisoners of war.

- 2) The Fourth Geneva Convention Relative to the Protection of Civilian Persons in Time of War;
  - a) Article 132
    - i) Each interned person shall be released by the Detaining Power as soon as the reasons which necessitated his internment no longer exist. The Parties to the conflict shall, moreover, endeavor during the course of hostilities, to conclude agreements for the release, the repatriation, the return to places of residence or the accommodation in a neutral country of certain classes of internees, in particular children, pregnant women and mothers with infants and young children, wounded and sick, and internees who have been detained for a long time.
- 3) The Convention on the Prevention and Punishment of the Crime of Genocide (Genocide Convention);
  - a) Article 6
    - i) Persons charged with genocide or any of the other acts enumerated in article III shall be tried by a competent tribunal of the State in the territory of which the act was committed, or by such international penal tribunal as may have jurisdiction with respect to those Contracting Parties which shall have accepted its jurisdiction.
  - b) Article 9 (compromissory clause)
    - i) Disputes between the Contracting Parties relating to the interpretation, application or fulfillment of the present Convention, including those relating to the responsibility of a State for genocide or for any of the other acts enumerated in article III, shall be submitted to the International Court of Justice at the request of any of the parties to the dispute.
- 4) The Universal Declaration of Human Rights;
  - a) Article 8
    - i) Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law.

### **III. Statement of Facts**

Prior to the initiation of the Indo-Pakistani War of 1971, India provided diplomatic and economic support for East Pakistan, now recognized by India as 'Bangladesh' as the Pakistani Government advanced Operation Searchlight on Bengali nationalist forces in the territory of East Pakistan, which is internationally recognized as territory of the Islamic Republic of Pakistan.

The Indo-Pakistani War of 1971 lasted only 13 days, having started on 3 December 1971 and ended on 16 December 1971 when Pakistan signed an instrument of surrender, declaring their unconditional surrender to India and the handover of all command forces stationed in East Pakistan. The document clearly stated that “personnels who surrender will be treated with dignity and respect that soldiers are entitled to in accordance with the provision of the Geneva Convention and guarantees the safety and wellbeing of all Pakistan military and paramilitary forces who surrender”.

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Shortly after the end of the Indo-Pakistani War of 1971, the United Nations Security Council adopted Resolution 307 on 21 December 1971 which stated the following:

- 1) Demands, that a durable cease-fire and cessation of all hostilities in all areas of conflict be strictly observed and remain in effect until withdrawals take place;
- 2) Calls upon all member States to refrain from any action which may aggravate the situation in the sub-continent or endanger international peace;
- 3) Calls upon all those concerned to take all measures necessary to preserve human life and for the observance of the Geneva Conventions of 1949 and to apply in their full provisions as regards the protection of wounded and sick, prisoners of war and civilian population;

Consistent with Article 12 of the Third Geneva Convention of 12 August 1949, relative to the Treatment of Prisoners of War, the 92,000 Pakistani prisoners of war passed into the hands of the belligerent power, India, after the war. The responsibility for the treatment of prisoners of war, thus, in accordance with the above mentioned Article, rested exclusively with the “Enemy Power” India and not with the individuals or military units that had captured them.

In January 1972, the over 92,000 Pakistani prisoners of war and civilian internees, who were under Indian custody, were transferred to Prisoner of War Camps in India. India, as the sole Enemy Power, had the right to detain the Pakistani prisoners of war until such time as hostilities ceased. At the same time, Pakistani civilians voluntarily placed themselves under Indian protection on the basis of the assurance of earliest possible repatriation to West Pakistan as civilian internees.

The Government of Pakistan and the Government of India signed the Simla Agreement, a peace treaty between the two nations, on 2 July 1972, seven months after the end of the Indo-Pakistani War, and ten months before the filing of this case. Though hostilities are recognised to have ended with the Instrument of Surrender, the Simla Agreement serves as another definitive point of reference, for the ending of hostilities.

The repatriation process was delayed for multiple reasons. India and ‘Bangladesh’ demanded that Pakistan recognize the sovereignty of ‘Bangladesh’ in exchange for the repatriation of the Pakistani POWs. However, Pakistan demanded the repatriation of its prisoners first. Despite these conflicting interests, the repatriation proceeded slowly throughout the following months. On 1 December 1972, Pakistan unilaterally returned 617 Indian prisoners of war so as to initiate the process of repatriation under the Third Geneva Convention, without having any assurance from India that it would also start a similar process. India, however, did respond by repatriating only 550 Pakistani prisoners of war.

On 17 April 1973, a Joint Statement from India and 'Bangladesh' have decided as follows, which were conditions placed by India on Pakistan on the conditions of the repatriation of prisoners of war: “Without prejudice to the respective positions of the Government of India and the Government of the People's Republic of Bangladesh the two Governments are ready to seek a solution to all humanitarian problems through simultaneous repatriation of the Pakistani prisoners of war and civilian internees, except those required by the Government of the People's Republic of Bangladesh for trial on criminal charges. The repatriation of Bengalis forcibly detained in Pakistan and the repatriation of Pakistanis in Bangladesh, i.e., all non-Bengalis who owe allegiance and have opted for repatriation to Pakistan.”

The Government of India has further held out threats reiterated in the statement of 17 April 1973, that those of the Pakistani prisoners of war and civilian internees who are required by the Government of ‘Bangladesh’ for trial

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would be transferred from India to ‘Bangladesh’. According to Indian Press reports and various other sources, the number of such persons is 195, and India and ‘Bangladesh’ have planned to carry out these trials in May 1973. Accordingly, Pakistan has filed this case to the International Court of Justice in order to point out the unlawfulness of this act.

#### **IV. Arguments**

##### **i. Third Geneva Convention**

According to Article 118 of the Third Geneva Convention, “prisoners of war shall be released and repatriated without delay after the cessation of active hostilities”; however, India has been purposely delaying the repatriation of Pakistani prisoners contending that it needs the consent of ‘Bangladesh’, a co-Detaining Power of the Pakistani POWs, in order to proceed with the repatriation process, which is insensible since the POWs are detained in Indian territory and Indian authority has full control over them as stated in the Instrument of Surrender from 1971 signed by both India and Pakistan: “the Pakistan Eastern Command shall come under orders of Lieutenant-General Jagjit Singh Aurora as soon as this instrument has been signed”. Since this already indicates that India is in breach of the Geneva Conventions, all Pakistani prisoners of war must be repatriated immediately.

In addition, ‘Bangladesh’ is not an internationally recognized state that is also not part of the United Nations, which accordingly means that they are not a party to the Geneva Conventions. Article 12 of the Third Geneva Convention states that “prisoners of war may only be transferred by the Detaining Power to a Power which is a party to the Convention,” whereby the “Detaining Power” refers to India and the “Power which is a party to the Convention” does not apply to ‘Bangladesh’. Therefore, India is attempting to breach this Article of the Third Geneva Convention by agreeing to transfer Pakistani POWs to ‘Bangladesh’, an irrelevant third-party entity which is not a party to the Convention.

India has shown interest in claiming that the Pakistani POWs in their custody do not fit the criteria to be prisoners of war. Through this premise, the logic follows to provide that those in captivity can not be protected under the Geneva Conventions. However, India has forgone the fact that the only way for one being kept captive by a (previously) belligerent state as a result of conflict, not to be considered a POW, and to be exempt from the protection of the Geneva Conventions, is in the case that the individual is an unlawful combatant. As an unlawful combatant is one under the condition that the state or group they are combating for is not in an official state of war, the Pakistani POWs, who fought in the Pakistan Armed Forces to protect their country, can in fact not be unlawful combatants. Therefore, no matter what, they will be protected by the Geneva Conventions.

##### **ii. Fourth Geneva Convention**

Article 132 of the Fourth Geneva Convention provides that all those in “[internment] shall be released by the Detaining Power as soon as the reasons which necessitated [their] internment no longer exist”. As the hostilities in mention are recognised as the events that occurred during the Indo-Pakistani War of 1971, which ended on the 16th of December of 1971, the Detaining Power had the responsibility to repatriate the POWs they had captured throughout the duration of the war, in the shortest (though not specified) time frame as possible. In reference to the United Nations Security Council Resolution 307, which states that “observance of the Geneva Conventions of 1949... be [applied] in full”, India is further obligated to release the POWs, especially after neglecting the same obligations for the past one and a half years after the closure of the hostilities.

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### **iii. The Genocide Convention**

Pakistan admits that there may be sound evidence that the alleged 195 prisoners of war committed genocide against Bengalis in East Pakistan territory during the nine months of military occupation in that territory prior to the Indo-Pakistani War of 1971. However, Article 6 of the Genocide Convention states that “persons charged with genocide... shall be tried by a competent tribunal of the State in the territory of which the act was committed, or by such international penal tribunal as may have jurisdiction with respect to those Contracting Parties which shall have accepted its jurisdiction”. ‘Bangladesh’ is not an internationally recognized state, and it is almost certain that the individuals will not be tried by a competent tribunal there because of its general hostility towards Pakistan. In addition, during the nine months when the alleged individuals are to have committed their crimes, the territory in question was universally recognized as East Pakistan, a province of the Islamic Republic of Pakistan, which means that their trials must also be held in Pakistan. Therefore, India’s attempt to try the 195 alleged Pakistani prisoners in ‘Bangladesh’ is in breach of the above mentioned Article of the Genocide Convention.

### **iv. The Universal Declaration of Human Rights**

In accordance with the Genocide Convention, Article 8 of the Universal Declaration of Human Rights, reaffirms that “everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law.” Thus, as the right to a competent tribunal is acknowledged as a basic human right, the plans of ‘Bangladesh’ to make use of a partial Bengali jury in the trials for major war criminals, in addition to all Bengali courts of lesser war, is in breach of the article because of the current hostility and hatred towards Pakistan, deriving from past recent events, will make it impossible for a competent tribunal to take place if juries and / or judges are all from ‘Bangladesh’.

### **V. Summary and Prayer for Relief**

After considering all these points in the Trial of Pakistani Prisoners of War (Pakistan vs. India) case the Islamic Republic of Pakistan would like the International Court of Justice to make these following practices:

1. Accepts that the following Application by Pakistan to the International Court of Justice is justified and thus the case falls under the jurisdiction of the Court;
  2. Rules that India is in breach of its international law and its obligations to Pakistan and to the Pakistani POWs;
  3. Demands that India immediately repatriates all Pakistani POWs currently detained in India, including the 195 individuals who have allegedly committed war crimes to further discuss their prosecution in Pakistan;
  4. Allows the alleged Pakistani POWs to be repatriated and thus prevent them from getting tried by an incompetent tribunal in ‘Bangladesh’;
  5. Observes that the Simla Peace Treaty is followed by all involved parties to prevent future hostile and aggressive actions by India and ‘Bangladesh’ towards Pakistan to pressure Pakistan into recognizing the sovereignty of ‘Bangladesh’.
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### 3. Evidence Manifest

## EVIDENCE MANIFEST OF PAKISTAN INTERNATIONAL COURT OF JUSTICE

### Trial of Pakistani Prisoners of War (Pakistan vs. India).

#### DATE

16th March 2023

#### SUBMITTED BY

Advocates SieEun Rhee and Enkhjin Dorjkhand

#### ON BEHALF OF

The Islamic Republic of Pakistan

#### Evidence A. UNSC Resolution 307 Regarding The India / Pakistan Subcontinent (RESOLUTION)

*United Nations Security Council*

*Adopted by the UNSC*

*21 December 1971*

#### *SUMMARY:*

*This Security Council Resolution, adopted on 21 December 1971, urges involved parties to take “measures necessary to preserve human life” and the “observance of the Geneva Conventions... as regards the protection of the wounded and sick, prisoners of war, and civilian population”. The involved parties refer to Pakistan, India, and ‘Bangladesh’.*

[LINK to original document](#)

#### Decision

At its 1615th meeting, on 15 December 1971, the Council decided to invite the representative of Ceylon to participate, without vote, in the discussion of the question.

#### Resolution 307 (1971) of 21 December 1971

*The Security Council,*  
*Having discussed the grave situation in the subcontinent, which remains a threat to international peace and security,*

*Noting General Assembly resolution 2793 (XXVI) of 7 December 1971,*

*Noting the reply of the Government of Pakistan on 9 December 1971,<sup>83</sup>*

*Noting the reply of the Government of India on 12 December 1971,<sup>84</sup>*

*Having heard the statements of the Deputy Prime Minister of Pakistan<sup>85</sup> and the Foreign Minister of India,<sup>86</sup>*

*Noting further the statement made at the 1616th meeting of the Security Council by the Foreign Minister of India containing a unilateral declaration of a cease-fire in the western theatre,*

*Noting Pakistan's agreement to the cease-fire in the western theatre with effect from 17 December 1971,<sup>87</sup>*

<sup>83</sup> See *Official Records of the Security Council, Twenty-sixth Year, Supplement for October, November and December 1971, document S/10440.*

<sup>84</sup> *Ibid.*, document S/10445.

<sup>85</sup> *Ibid.*, *Twenty-sixth Year*, 1614th meeting.

<sup>86</sup> *Ibid.*, 1613th meeting.

<sup>87</sup> *Ibid.*, 1621st meeting.

*Noting that consequently a cease-fire and a cessation of hostilities prevail,*

1. *Demands* that a durable cease-fire and cessation of all hostilities in all areas of conflict be strictly observed and remain in effect until withdrawal to their respective territories and to positions which respect the cease-fire line in Jammu and Kashmir advised by the United Nations Military Observer in India and Pakistan;

2. *Calls upon* all Member States to refrain from action which may aggravate the situation in the continent or endanger international peace;

3. *Calls upon* all those concerned to take all measures necessary to preserve human life and observance of the Geneva Conventions of 1949 to apply in full their provisions as regards the protection of the wounded and sick, prisoners of war and civilian population;

4. *Calls for* international assistance in the suffering and the rehabilitation of refugees at return in safety and dignity to their homes, full co-operation with the Secretary-General effect;

5. *Authorizes* the Secretary-General to appoint necessary a special representative to lend his offices for the solution of humanitarian problem

6. *Requests* the Secretary-General to keep the Council informed without delay on developments relating to the implementation of the present resolution;

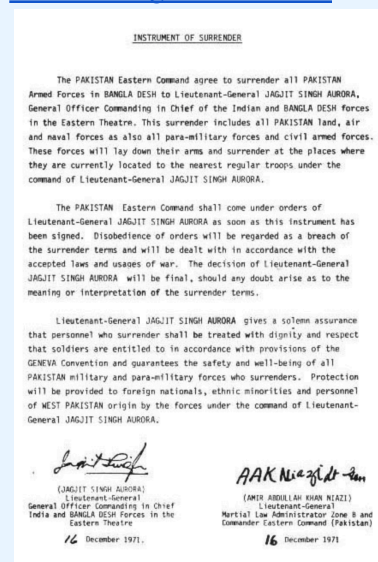
7. *Decides* to remain seized of the matter and keep it under active consideration.

*Adopted at the 1621st meeting by 13 votes with 2 abstentions (Union of Soviet Republics).*

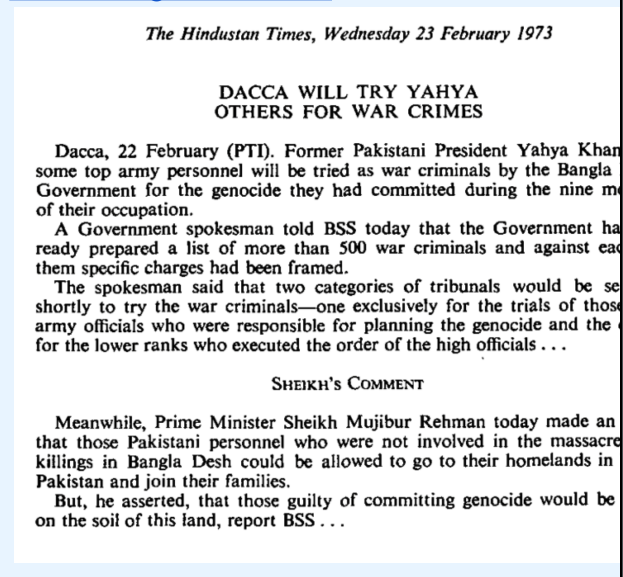
<sup>88</sup> United Nations, *Treaty Series*, vol. 75 (1950), No. 973.

**Evidence B. Instrument of Surrender 1971 (TREATY)***Virtual Bangladesh (website)**Signed by Lieutenant-General Jagjit Singh Aurora and Lieutenant-General Amir Abdullah Khan Niazi**16 December 1971***SUMMARY:**

*The Instrument of Surrender of 1971 ended all active hostilities between India and Pakistan as the Pakistan Eastern Command surrendered unconditionally to India. The document contains Lieutenant-General Jagjit Singh Aurora's "solemn" assurance that "personnel who surrender shall be treated with dignity and respect that soldiers are entitled to in accordance with provision of the Geneva Convention".*

[LINK to original document](#)**Evidence C. Hindustan Times Article (ARTICLE)***The Hindustan Times**Author unknown**23 February 1973***SUMMARY:**

*This article provides information that the Government of 'Bangladesh' plans to try more than 500 prisoners including the former President of Pakistan Yahya Khan. In addition, it states that the Prime Minister of 'Bangladesh' claimed that Pakistani POWs who are guilty of committing genocide will be tried in 'Bangladesh'.*

[LINK to original document](#)

**Evidence D. Radio Bangladesh Broadcast (TRANSCRIPT)***Radio Bangladesh**Author unknown**17 April 1973***SUMMARY:**

*This transcript specifies that 195 Pakistani POWs will be tried in front of a special tribunal in 'Bangladesh' at the end of the following month: May 1973.*

[LINK to original document](#)*Radio Bangla Desh, Dacca, 17 April 1973*

One hundred and ninety-five Pakistani POWs will be tried in Bangladesh for committing genocide, war crimes against humanity and breaches of the Geneva Convention.

Announcing this official decision a Press release issued in Dacca this afternoon said that the accused were expected to be produced before a special tribunal in Dacca by the end of the next month. Investigations into the crimes committed by Pakistani occupation forces were almost complete.

**Evidence E. The Times of India Article (ARTICLE)***The Times of India**By KIRIT BHAUMIK**17 April 1973***SUMMARY:**

*This article reports that the Foreign Minister of India announced that the 'Bangladesh' Government will be holding Pakistani prisoners of war on trial starting in May by a special tribunal "comprising persons of the status of Supreme Court Judge". He did not have an immediate reply to the question whether Pakistani lawyers would be allowed to appear at the trial.*

[LINK to original document](#)

**WAR CRIMES TRIAL OF 195 BY MAY-END  
BY KIRIT BHAUMIK**

*"The Times of India" News Service*

Dacca, 17 April. The Foreign Minister, Dr. Kamal Hossain, today announced the Bangladesh Government's decision to try 195 Pakistani POWs for war crimes. The proceedings will begin by the end of May.

Dr. Hossain made the announcement soon after his return from Delhi where he had gone on a four day visit to draw up a joint state strategy for solving outstanding problems in the sub-continent.

He said the trial will be held in Dacca by a special tribunal comprising persons of the status of Supreme Court Judge.

Details of the trial decision were given in the form of a Press release at a news conference. It said the trial will be held in accordance with universally recognized juridical norms. Eminent international jurists will be invited as observers.

Investigation of the crimes allegedly committed by the Pakistani occupation forces and members of the auxiliary forces has been completed. The 195 prisoners to be tried have been charged with serious crimes, including genocide, crimes against humanity, breach of Article 3 of the Geneva Convention, murder, rape and arson.

The accused will be given facilities to arrange for their defence and counsel of their choice, including foreigners.

The Foreign Minister, however, did not have an immediate reply to the question whether Pakistani lawyers would be allowed to appear at the trial.

**Evidence F. Report from the International Committee of the Red Cross (REPORT)***International Committee of the Red Cross (ICRC)**By the ICRC**1972*[LINK to original document](#)

**SUMMARY:**

*This report gives accounts of official ICRC delegates, stating that they were called to Prisoner of War camps after there were 'incidents'. 'Incidents' refer to happenings of violence and aggression, which are said to have resulted in prisoners' deaths, and other casualties.*

Two prisoner-of-war camps in India were the scene of incidents in October. The first of these incidents, at Dhanna on 3 October 1972, resulted in eight deaths and a score of other casualties. The second, at Allahabad on 13 October, cost the lives of six prisoners. The authorities immediately invited the ICRC delegates to the camps.

**Evidence G. New York Times Articles (ARTICLE)**

*The New York Times*

*Author unknown*

*9 March 1972*

**SUMMARY:**

*This article addresses cases in an unknown prisoner of war camp. It states that soldiers opened fire in response to a riot instigated by the POWs during the transfer of 3 prisoners, which resulted in the death of several prisoners, though there were no casualties on the Indian side.*

[LINK to original document](#)

## PAKISTANI P.O.W.'S REPORTED KILLED

Several Said to Have Been  
Shot in Indian Camp Riot

**Evidence H. New York Times Article (ARTICLE)**

*The New York Times*

*Author unknown*

*27 November 1971*

**SUMMARY:**

*This article reports that weeks before the start of the war, Indian troops had crossed the border into East Pakistan to support the Bengali forces. The troops were deployed in response to the Pakistani attacks. However, the Indian Government denies the presence of their troops in East Pakistan, though this was false.*

[LINK to original document](#)

**CALCUTTA, India, Nov. 26—** Indian officials said today that Indian troops had crossed the border into East Pakistan a second time in what they described as "defensive action" against heavy attacks by Pakistani forces.

**Evidence I. New York Times Article (ARTICLE)***The New York Times**Author unknown**30 March 1972***SUMMARY:**

*This article reveals information regarding Bangladesh' plans for the special tribunal they plan on holding for the Pakistani POWs. They plan on having 2 different courts. The first of which will be dedicated to major war criminals, and will have a jury consisting of international jurists alongside Bengali ones. The second court will try the rest of the prisoners, but will be an all-Bengali court.*

[LINK to original document](#)**Bangladesh Will Try 1,100 Pakistani**Special to The New York Times

DACCA, Bangladesh, March 29—The Bangladesh Government plans to try 1,100 Pakistani military prisoners for war crimes and expects to begin the trials by the end of the year, official Bengali sources disclosed today.

Revealing details of the trial plans, the Government sources said that the highest-ranking Pakistani prisoners, Lieut. Gen. A.A.K. Niazi and Maj. Gen. Rao Farman Ali Khan, would be among those tried.

General Niazi was the Pakistani military commander in East Pakistan, now the independent nation of Bangladesh, and General Farman Ali was second in command. They and about 70,000 Pakistani soldiers



The New York Times  
Lieut. Gen. A. A. K. Niazi  
of Pakistan faces trial.

that if Bangladesh put 1 soldiers on trial for war "then I am afraid we be reaching the point of turn."

Bangladesh feels the crimes trials are necessary to assuage the passion for among the Bengalis. So already taken reprisals many Biharis, an ethnicity from which the Army drew collaborators.

India has agreed to Bangladesh any against whom the Beng government presents a strong India and Bangladesh they will not negotiate repatriation of the 1 prisoners until their records recognition to desh. President Bhutto

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## 4. Witness Document

### WITNESS INFORMATION

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**Submitted by**  
Advocate SieEun Rhee  
Advocate Enkhjin Dorjkhand

**On behalf of**  
The Islamic Republic of Pakistan

**Trial of Pakistani Prisoners of War  
(Pakistan vs. India).**

*The Counsel representing the Islamic Republic of Pakistan wishes to call upon the following Individual as a witness to testify at the International Court of Justice: **Hassan Ali Khan***

#### **WITNESS INFORMATION:**

***Name of witness:** Hassan Ali Khan*

***Credentials:** Hassan Ali Khan, born 1919, is a Pakistani civilian held in an Indian Prisoner of War camp in the province of Uttar Pradesh for a year from December 1971 to December 1972. He was a resident of East Pakistan prior to the Indo-Pakistani War of 1971 and was captured by Indian military officials on December 13th, 1971. Three days later on December 16th, he was transferred to a PoW camp in Uttar Pradesh. He holds a Bachelor's and Master's Degree in neuroscience and medicines from King's College London and has been working as a doctor in East Pakistan since 1955. He has a wife and two children who were also taken as prisoners of war by India.*

***Details:** In December 1972, Hassan Ali Khan was released and repatriated to Rawalpindi, Pakistan by the International Committee of the Red Cross. He was one of the 550 individuals repatriated by India as a response to Pakistan's repatriation of 617 Indian prisoners on December 1st, 1972. However, he is yet to reunite with his family, who are still held prisoners in a different camp in India. The war left him with a severe injury on his right leg.*

***Relevance to the case:** Having spent a year in India's prisoner of war camp, Hassan Ali Khan has witnessed mistreatment of Pakistani prisoners in Uttar Pradesh and intentional delay of repatriation by camp authorities. He recalls accounts of torture, forced labor, and shootings: evidence of India's breaches of the Third Geneva Convention and terms of the 1971 Instrument of Surrender.*

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## **WITNESS INFORMATION**

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**Submitted by**  
Advocate Sieseun Rhee  
Advocate Enkhjin Dorjkhand

**On behalf of**  
The Islamic Republic of Pakistan

**Trial of Pakistani Prisoners of War  
(Pakistan vs. India).**

*The Counsel representing the Islamic Republic of Pakistan wishes to call upon the following Individual as a witness to testify at the International Court of Justice: **Roger Du Pasquier***

**WITNESS INFORMATION:**

***Name of witness:** Roger Du Pasquier*

***Credentials:** Mr. Roger Du Pasquier from Switzerland is the current head of the ICRC delegation in India. He originally studied history and geography, both of which he has a degree in from the University of Geneva. He has long been a supporter of Islam, and has helped introduce western society to its doctrines. In the early years of his professional career, he worked as a journalist and translator, producing many works dedicated to Islam. He is now 56 years of age and devotes his time and efforts to helping those in need through his leadership and participation in the ICRC. Over the course of 2 years, starting at the end of the Indo-Pakistani War of 1971, he has been conducting primary research on the treatment of those in captivity in PoW camps, and refugees who moved as a result of the war. He has had the authority to privately interview the PoWs, with no supervision or other witnesses.*

***Details:** Mr. Roger Du Pasquier is the current head ICRC delegate in India; he supervises all humanitarian activities by the ICRC in India, including those for Pakistani PoWs.*

***Relevance to the case:** Roger Du Pasquier led ICRC expeditions to the Indian PoW camps, where he personally evaluated the status of tens of thousands of prisoners and helped repatriate 100s back to Pakistan, alongside Dr. R. Marti the head physician dispatched to the ICRC delegation in India. He can recall the conditions of the camps, and the lack of communication or cooperation from the Indian government, all in reference to the articles of the Geneva Convention.*

**LOGISTICAL INFORMATION:**

***Name of person:** Chatpat Tanavongchinda (Poj)*

***School:** Concordian International School*

***Committee:** Press Corps*

***Delegation:** Chair/Editor*

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