

Country: Pakistan

Committee: LEGAL

Agenda Item: The question of legal framework for the Prisoners of War (POW) and its safe conduct regarding their protection during war times.

The world has witnessed and continues to witness many atrocities and cruelties throughout history. This is especially true of prisoners of war. Although this problem continues today, it has a long history. In the early stages of the war, there was no concept of prisoner of war status, as the defeated enemy was either killed or enslaved by the victor. The women, children, and elders of the defeated tribe or nation were often similarly exterminated. The earliest record of the term “prisoner of war” dates back to the 1600s. The first developments on the status and rights of prisoners of war were made in the 19th century with the adoption of the Geneva Conventions. The 20th century saw progress in international law on the status and rights of prisoners of war. The 1949 Geneva Conventions established rules for the treatment of prisoners of war and set minimum standards for those taken prisoner in international armed conflicts.

In 1947, Pakistan, which declared its independence from India, dominated both sides, East Pakistan in the territory of today's Bangladesh and West Pakistan in its current territory, but due to internal rifts, a major rebellion broke out in East Pakistan in 1971 and with the intervention of India in the incident, the third India-Pakistan war started. With the Pakistani government in difficulty, on December 10, 1971, it notified the United Nations of its intention to withdraw from the eastern wing. 93000 Pakistani citizens surrendered and India occupied the region for several years. The Indian government claimed the 93000 prisoners, but the Bangladesh government wanted the prisoners to be judged, but India did not allow this to happen. The prisoners were first taken to India's special camps and handed over to the Pakistani government in groups.

Before this process, the Government of Pakistan ratified the Geneva Congress on February 2, 1948. During the process, the return of 193 Bengali citizens to Pakistan was agreed with the other side and completed in April 1974. The first of these was the Human Rights Commission of Pakistan (HRCP), established in 1987. This institution operates without discrimination based on gender, race, creed or religion, socio-economic status, or any other distinction or discrimination.

The government of Pakistan will take responsibility for prisoners of war as long as they do not pose a threat to the Pakistani government, and Islam, the official religion of the Pakistani state, also supports the defense of their rights. The state will provide basic needs such as health care, food, clothing, etc. for the victimized prisoners, whether they are its citizens or not, and a group representing the Pakistani government will be present during the handover. An embargo will be imposed on the state that violates the rights of the prisoners and other states will be encouraged to do the same. If the process does not yield the desired results, a meeting will be held with the participation of other states to find a solution and encourage diplomatic pressure against the offending states.

REFERENCES

HRCP:

<https://hrcp-web.org/hrcpweb/>

1971 Third Pakistan- Indian War:

<https://history.state.gov/milestones/1969-1976/south-asia>

Thrid Geneva Convention:

<https://www.icrc.org/en/doc/war-and-law/treaties-customary-law/geneva-conventions/overview-geneva-conventions.htm>