

Southern Regional Model United Nations, Atlanta 2012

From Crisis to Opportunity: Chartering a Path Forward for Global Self-Sustainability

November 15-17, 2012 - Atlanta, GA

Email: hrc_atlanta@srmun.org



Distinguished Delegates,

It is an honor to welcome you to the Southern Regional Model United Nations (SRMUN) XXIII and to the Human Rights Council (HRC). We are so excited to offer this challenging committee for the conference this year and look forward to meeting you all in November.

This committee is going to run a little bit differently than any other committee at the conference because of the unique way the organization is set up and to ensure that delegates get an all-encompassing simulation. The HRC will serve as a deliberative body and will deliver reports on topics that fit within three areas specific to the council; 1. Consideration of an external complaint registered through the Complaint Procedure regarding gross violations by a Member State. The materials given for the first topic is a presentation of the evidence submitted to the body for consideration, and presents rights concerns that are a priority to the body and the international community. This committee is tasked with rendering a judgment as to whether the Member State is guilty of gross violations, what rights have been violated, and what (if any) portion is deemed to be innocent of gross violations. 2. Consideration of a specific area of concern that is timely to the body and will be discussed and reported on. 3. Consideration of the work of special rapporteurs over rights themes where delegates will be asked to draft a report that highlights the commonalities among the issues and provides recommendations for strengthening rights with respect to the theme. The three topics that we have chosen for this body are:

- I. Presented Instances of Human Rights Violations in Sierra Leone;
- II. Assessing the Impact of Arbitrary Detention on the Global Population; and
- III. Strengthening the Right to Food, Water and Resource Security.

Each delegation will be required to submit a position paper that covers the three topics. Position papers should be no more than 2 pages in length, single-spaced. More detailed information, including format specifications and writing tips can be found at www.srmun.org. **Position papers MUST be submitted by October 26th, 2012, 11:59 PM EST via the submission system on the SRMUN website.** This paper is an opportunity to state your position on the topics, outline a potential course of action and inform the rest of the body of your stance. Additionally, this is a great preparation for the conference, providing background information and a starting point for debate and writing reports during committee session.

Good luck and happy researching. Please do not hesitate to contact us if you have questions or concerns regarding your preparation.

See you in November!

Mark Edwards
Director
hrc_atlanta@srmun.org

Dominique Meyer
Assistant Director
hrc_atlanta@srmun.org

Cortney Moshier
Director-General
dg@srmun.org

Committee History of the Human Rights Council

Established by the United Nations General Assembly on March 15, 2006, the United Nations Human Rights Council is an inter-governmental body within the UN system with the responsibility to promote and protect human rights worldwide.¹ The Human Rights Council (HRC) was created through the adoption of General Assembly Resolution A/RES/60/251 to emphasize the international community's commitment to preserve the "principles of universality, impartiality, objectivity, and non-selectivity" as well as strengthening the capacity of member states to comply with human rights obligations.²

The United Nations first created the global standard for human rights in 1948 with the adoption of the Universal Declaration of Human Rights. The landmark declaration was developed to serve as the common standard among states for the achievement and respect of fundamental individual freedoms, and was drafted by the United Nations Commission on Human Rights (UNCHR).³ A subsidiary body of the Economic and Social Council, the UNCHR functioned to serve as a forum for Member States to respond to a range of human rights issues and to set standards for the conduct of States. The UNCHR had many notable accomplishments in the advancement of universal human rights, but was heavily criticized for its open membership to violators. Thus, the organization was abolished in favor of the creation of the new Human Rights Council in 2006.⁴

The HRC is made up of 47 UN Member States, which are elected by the General Assembly using a secret ballot.⁵ Membership in the Human Rights Council is considered prestigious and determined by majority vote. Membership is based on equitable geographical distribution, and seats on the Council are allocated by regional bloc: African states have 13 seats, Asian states have 13 seats, Latin American and Caribbean states have 8 seats, Western European and other states have 7 seats, and Eastern European states have 6 seats.⁶ Council members may serve for a period of three years and are not eligible for immediate re-election after serving two consecutive terms.⁷ If an elected member of the Council fails to uphold human rights within its state, the Council may suspend its membership based on a two-thirds majority vote of the General Assembly.⁸

The current President of the Council is Laura Dupuy Lasserre of Uruguay, who was elected in June of 2011 and will serve through 2012.⁹ The Human Rights Council is a charter-based body monitored by the Office of the High Commissioner on Human Rights (OHCHR), which provides expertise and support to the Council and other bodies created under international human rights charters and treaties.¹⁰ Specifically, the OHCHR provides substantive support for Council meetings and deliberations.¹¹

The Human Rights Council has two main functions: Universal Periodic Review (UPR) and Special Procedures. The UPR is a unique universal mechanism that aims to improve human rights situations within

¹ "Background information on the Human Rights Council." Office of the High Commissioner for Human Rights.

<http://www.ohchr.org/EN/HRBodies/HRC/Pages/AboutCouncil.aspx>.

² A/RES/60/251 *Human Rights Council*. April 3, 2006. <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N05/502/66/PDF/N0550266.pdf?OpenElement>

³ "The Universal Declaration of Human Rights: History of the Document." United Nations. <http://www.un.org/en/documents/udhr/history.shtml>

⁴ "Background information on the Human Rights Council." Office of the High Commissioner for Human Rights. <http://www.ohchr.org/EN/HRBodies/HRC/Pages/AboutCouncil.aspx>.

⁵ "United Nations Human Rights Council: Membership of the Human Rights Council." Office of the High Commissioner for Human Rights. <http://www.ohchr.org/EN/HRBodies/HRC/Pages/Membership.aspx>

⁶ Ibid.

⁷ Ibid.

⁸ Ibid.

⁹ "United Nations Human Rights Council: President of the 6th Cycle." Office of the High Commissioner for Human Rights. <http://www.ohchr.org/EN/HRBodies/HRC/Pages/Presidency.aspx>

¹⁰ "Human Rights Bodies." Office of the High Commissioner for Human Rights. <http://www.ohchr.org/EN/HRBodies/Pages/HumanRightsBodies.aspx>

¹¹ Ibid.

all countries and addresses violations where they occur.¹² The UPR was created through A/RES/60/251 as a cooperative process that involves a review of human rights records in all 193 UN Member States. The review occurs once every four years and is a state-driven process that allows each state to declare actions they have taken to improve human rights situations and fulfill obligations within their borders.¹³ The UPR is designed to ensure equal treatment of each state when their human rights situations are assessed.¹⁴ As expressed by UN Secretary General Ban Ki-moon, the UPR "has great potential to promote and protect human rights in the darkest corners of the world."¹⁵

To complement the UPR, "Special Procedures" is the term granted to mechanisms established by the Council to address specific country situations and thematic issues. Currently, the Council addresses 33 thematic and 8 country mandates.¹⁶ The mandates of Special Procedures call on the Council to examine, monitor, advise, and report on human rights situations in countries or worldwide.¹⁷ Country mandates specifically address situations and violations in individual Member States, while thematic mandates address major phenomena and violations occurring worldwide. The Council may respond to individual complaints, conduct studies, provide technical advice, and engage in promotional activities.¹⁸ Special procedures are designated to an individual, often referred to as "Special Rapporteur", or to a working group generally composed of five members (one from each region).¹⁹

Although the HRC has only functioned for a total of six cycles as of 2012, it has been deemed effective because it has allowed for greater flexibility in the prioritization of human rights issues and enabled cross-regional dialogue and collaboration in addressing human rights situations.²⁰ The Council also demonstrated its commitment to ensuring human rights violations will not be tolerated by effectively revoking Libya's membership to the Council through General Assembly Resolution A/RES/65/265 after its negative role during the Arab Spring demonstrations of 2011. Libya was the first country to have its membership in the Council revoked.²¹

The HRC has made substantial progress in responding to human rights emergencies around the world. In its fifth year alone, the Council displayed its ability to react to a range of human rights crises, including appointing a Special Rapporteur to the situation in Iran, establishing a Commission of Inquiry and a New Independent Expert Mandate in Cote d'Ivoire, and designating a fact-finding mission to report on the situation in Syria.²² Despite these achievements, the Council has been criticized for its failure to respond to important human rights issues in Bahrain, Sri Lanka, and Afghanistan.²³

In its 19th session, the Council convened in Geneva from February 27 through March 23, 2012 to address a range of human rights issues, including the Right to Adequate Housing, Social and Cultural Rights, Minority Rights, Sexual Orientation and Gender Identity, the Right to Food, Freedom of Expression, and Juvenile Justice.²⁴ The 19th session concluded the first cycle of the Universal Periodic Review, with the Council having completed the first round of assessments of human rights records for all UN Member

¹² "Universal Periodic Review." Office of the High Commissioner for Human Rights.
<http://www.ohchr.org/EN/HRBodies/UPR/Pages/UPRMain.aspx>

¹³ Ibid.

¹⁴ Ibid.

¹⁵ Ibid.

¹⁶ "Special Procedures of the Human Rights Council." Office of the High Commissioner for Human Rights.
<http://www.ohchr.org/EN/HRBodies/SP/Pages/Welcomepage.aspx>

¹⁷ Ibid.

¹⁸ Ibid.

¹⁹ Ibid.

²⁰ *Keeping the Momentum: One Year in the Life of the UN Human Rights Council*. Human Rights Watch. 2011. p. 2.
<http://www.hrw.org/sites/default/files/reports/hrc0911ForWeb.pdf>

²¹ Ibid.

²² Ibid, 9.

²³ Ibid, 15.

²⁴ "Human Rights Council holds its 19th session." Office of the High Commissioner for Human Rights. February 23, 2012. <http://www.ohchr.org/EN/NewsEvents/Pages/HRC Holds Its 19th Session.aspx>

States.²⁵

Current Members of the Human Rights Council include:

ANGOLA, AUSTRIA, BANGLADESH, BELGIUM, BENIN, BOTSWANA, BURKINA FASO, CAMEROON, CHILE, CHINA, CONGO, COSTA RICA, CUBA, CZECH REPUBLIC., DJIBOUTI, ECUADOR, GUATEMALA, HUNGARY, INDIA, INDONESIA, ITALY, JORDAN, KUWAIT, KYRGYZSTAN, LIBYA, MALAYSIA, MALDIVES, MAURITANIA, MAURITIUS, MEXICO, NIGERIA, NORWAY, PERU, PHILIPPINES, POLAND, QATAR, REPUBLIC OF MONDOVA, ROMANIA, RUSSIAN FEDERATION, SAUDI ARABIA, SENEGAL, SPAIN, SWITZERLAND, THAILAND, UGANDA, UNITED STATES OF AMERICA, URUGUAY.

I. Presented Instances of Human Rights Violations in Sierra Leone

Introduction

The conflict in Sierra Leone has produced a number of human rights violations. Many of them have come against women children who have been victims of violence or who have been forced to commit these atrocities under fear of death. Despite the conflict having officially ended in 2002, and the best efforts of the Sierra Leonean government to stabilize the country, Amnesty International reports show that human rights violations continue on multiple fronts.²⁶ The Human Rights Council must investigate these claims, issue a ruling on the current situation in Sierra Leone, and provide guidance on what must be done in the future to protect the lives of the innocent civilians caught up in the post-conflict violations. In order to effectively understand the current situation, it is important to understand the history prior to the conflict, how the wars began and materialized, and recent developments.

Historical Background, Leading to War

Like much of Africa, the history of Sierra Leone is marked by division and violence. The coastal region was populated by several independent peoples who were primarily traders and agriculturalists.²⁷ European contact with the area began with the Portuguese in the late 15th century, and the area became an important trading center because of its large harbor where the Sierra Leone River dumps into the Atlantic, one of the largest natural harbors in the world.²⁸ The Europeans, including the English and Dutch, traded manufactured goods primarily ivory and slaves.²⁹ Sometime in the 16th century, the indigenous peoples were largely subjugated or absorbed by the Mane, a warrior society that is believed to have originated from the interior of the continent north and west of the coast.³⁰ The Mane peoples soon began to fight amongst themselves and though it may not have been the primary cause, there is little doubt that their invasion into the area as well as their subsequent infighting may have been at least partially driven by the need to provide war captives to sell into the rapidly growing slave trade.³¹ In 1713, as part of the Treaty of Utrecht, Britain was given the exclusive contract for the transport of slaves from Africa to North America and the Caribbean.³² As trading, and particularly the slave trade, grew in the region other ethnic groups began to migrate to the

²⁵ Ibid.

²⁶ "Sierra Leone: Continuing human rights violations in the post conflict period." Amnesty International. May 2011. <http://www.amnesty.org/en/library/asset/AFR51/008/2010/en/eb6ed070-bbea-402f-a6a0-4cac72a61e2f/afr510082010en.pdf>.

²⁷ "About Sierra Leone – History and Present." Council of Churches in Sierra Leone.

http://www.ccsweb.org/index.php?option=com_content&view=article&id=46&Itemid=76

²⁸ "Sierra Leone." New World Encyclopedia. http://www.newworldencyclopedia.org/entry/Sierra_Leone#History

²⁹ Ibid.

³⁰ Walter Rodney. "A Reconsideration of the Mane Invasions of Sierra Leone." *Journal of African History*. Vol. 8 No. 2. 1967. pp. 219-246.

³¹ Ibid.

³² "Sierra Leone." New World Encyclopedia. http://www.newworldencyclopedia.org/entry/Sierra_Leone#History

coastlands, including the Susu, Yalunka, and Fula.³³ At first these groups cohabited peacefully, but cultural and religious differences soon led to conflict between them.³⁴ In 1787, British abolitionists began to establish a settlement for former slaves from North America who had been freed after seeking refuge with the British army during the American Revolution.³⁵ Misunderstandings about the conditions of the purchase of the land from the native chiefs led to conflicts between the immigrants, known as Creoles, and the natives.³⁶

As the 19th century progressed, the British and the Creoles expanded their influence from the coastlands into the hinterland.³⁷ In treating with the natives, the British sought mainly to keep the peace so that there would be fewer interruptions in trade.³⁸ When the British prohibited the slave trade in 1807, they also required the local chiefs to stop trading in slaves, but the local chiefs were not always willing to comply with British mandates.³⁹ The British often brought rival ethnic groups to participate in the bombardment and destruction of the towns of local chiefs who defied British dictates.⁴⁰ This practice was refined during the Scramble for Africa, when European powers divided the continent using geographical features, and built colonies made up of ethnic groups which were hostile to each other while intentionally separating those who were friendly to each other.⁴¹ In this way the colonial powers were able to subvert local chiefs by granting them authority over their enemies, or threatening to grant their enemies power over them.⁴² In August of 1896 the colony of Sierra Leone, with borders closely resembling those of modern Sierra Leone, was declared a protectorate of Great Britain, a move now seen as essentially a unilateral territorial acquisition by the British.⁴³ As a British Protectorate, Sierra Leone continued to suffer significant resistance, riots, and violence.

The move to independence began in November of 1951 when a draft constitution was written under the oversight of Sir Milton Margai who was re-elected as the country's Chief Minister in a landslide victory in the state's first parliamentary election in 1957.⁴⁴ On April 27, 1961, Sierra Leone became an independent state even though it still had English ties as a member of the Commonwealth of Nations. Sierra Leone was then admitted five months later to the United Nations as the one-hundredth state.⁴⁵ However, independence could not resolve the serious problems that had plagued the region for many decades such as persistent government corruption. Nor was it fully prepared for the epidemic of diamond smuggling that would soon evolve from that corruption.

The mines of Sierra Leone produce diamonds of exceptional quality and clarity. Diamond mining began shortly after De Beers, the dominant miner, trader, and seller of diamonds in the world, gained exclusive control over all mining prospects in the country in 1935.⁴⁶ Despite their efforts to control the production and transit of diamonds in Sierra Leone, illicit trading soon flourished because of the high profits to be

³³ "About Sierra Leone – History and Present." Council of Churches in Sierra Leone.

http://www.ccsweb.org/index.php?option=com_content&view=article&id=46&Itemid=76

³⁴ "Western Africa: The first Fulani jihad." Encyclopedia Britannica.

<http://www.britannica.com/EBchecked/topic/640491/western-Africa/54850/The-first-Fulani-jihad>

³⁵ "Sierra Leone profile." BBC. 26 April 2012. <http://www.bbc.co.uk/news/world-africa-14094419>

³⁶ "Work and Community: The Black Poor." The National Archives.

http://www.nationalarchives.gov.uk/pathways/blackhistory/work_community/poor.htm

³⁷ Christopher Fyfe. *A History of Sierra Leone*. London: Oxford University Press. 1962. pp. 108-297.

³⁸ Ibid.

³⁹ Ibid.

⁴⁰ Arthur Abraham. *Mende Government and Politics Under Colonial Rule: a historical study of political change in Sierra Leone, 1890-1937*. Freetown: Sierra Leone University Press. 1978. pp. 75-79.

⁴¹ Christopher Fyfe. *A History of Sierra Leone*. London: Oxford University Press. 1962. P. 524

⁴² Ibid., 525.

⁴³ Ibid., 541.

⁴⁴ "Sierra Leone: Independence." Encyclopedia Britannica.

<http://www.britannica.com/EBchecked/topic/543356/Sierra-Leone/55346/Independence>

⁴⁵ Sahr Matturi. "Sierra Leone Statement." United Nations General Assembly. 16 November, 2001.

<http://www.un.org/webcast/ga/56/statements/011116sierraleoneE.htm>

⁴⁶ Lauren Thompson. "Sierra Leone: 1935-2000." Professional Jeweler Magazine. July 2000.

<http://www.professionaljeweler.com/archives/hottopics/sierraleone1.html>

gained smuggling such small items out of the country.⁴⁷ The government's efforts to stop diamond smuggling by increasing security between the Kono region, where the majority of mines are located, and Freetown, where the majority of legal diamonds are exported, resulted in the establishment of informal relations between diamond smugglers in Sierra Leone, and their counterparts in neighboring Liberia and Guinea.⁴⁸

In 1968, Siaka Stevens came to power as Prime Minister and, shortly thereafter, nationalized the diamond mines.⁴⁹ Through corruption and mismanagement, legitimate diamond production fell by more than two million carats between 1970 and 1980.⁵⁰ In 1984, De Beers sold its remaining shares in all Sierra Leone mining prospects, and the year after that Stevens retired and was replaced by Joseph Momoh as President. With little political experience, Momoh ceded Stevens' key advisor, Hamil Mohammed, even more control over mining operations which prompted even greater illicit mining and smuggling.⁵¹ In an atmosphere of weak political leadership and severe corruption and mismanagement combined with the tremendous profit potential from illicit mining, armed rebellion was imminent.

In early 1991 one hundred university students turned fighters, Liberians loyal to Charles Taylor, and militants from Burkina Faso invaded the eastern border of Sierra Leone.⁵² The objective of this group, which would come to be known as the Revolutionary United Front (RUF), was to remove the All People's Conference (APC) from power. The RUF were met with resistance, and responded by terrorizing villages through a campaign of mass amputations and rape. President Momoh was ousted in a military coup in May of 1992, and Captain Valentine Strasser took over the government but after failed to negotiate with RUF to end the war.⁵³ As a result, the RUF took control of the diamond mines and moved closer to the capital. Strasser finally enlisted the assistance of outside nations to help him combat the rebels. A private security force from South Africa called Executive Outcomes came to assist and beat back the rebels to the point where the RUF was calling for peace negotiations in early 1996.⁵⁴

Despite the cessation of formal conflict, human rights abuses were still endemic. Consider the following witness report taken in January of 2000:

At around 5:00 pm I was with my children when about 60 of them (rebels) in full uniform with guns and [rocket-propelled grenades] surprised us. We all ran into the bushes and from where I was hiding I saw my sixteen year old daughter being dragged away by those people and heard them shouting about President Tejan Kabbah not giving them what they wanted. We fled to a displaced camp near Freetown with the rest of my family but because we didn't have enough to eat, my brothers, cousins and I decided to venture back to try to salvage some of what we'd planted and to see if it was safe to return. We went by canoe but were unfortunately caught from behind-the rebels had another canoe and held us under gunpoint until we reached the shore. As we were arriving, one rebel shot my twenty-year-old brother Mani. He fell, wounded, into the shallow water and as we jumped down to try to rescue him, the rebel yelled "Don't touch him. Get up—I'm going to finish you." And then he shot him at close range. Then another rebel came and grabbed my ten-year-old cousin who started screaming "Don't let him kill me," but the rebel told us he wanted the boy. Then they ordered us to leave and said, "That body is going to rot here and if you ever come back to try to bury him, we'll kill you all." Now

⁴⁷ Ibid.

⁴⁸ Ibid.

⁴⁹ Ibid.

⁵⁰ Ibid.

⁵¹ Ibid.

⁵² Danny Hoffman, "Disagreement: Dissent Politics and the War in Sierra Leone," *Africa Today*. Vol. 52, no. 3. 2006, pp. 3-22.

⁵³ Anyu Ndumbe, "Diamonds, Ethnicity, and Power: The Case of Sierra Leone," *Mediterranean Quarterly* Vol. 12, no. 4. 2001. pp. 90-106.

⁵⁴ Ibid.

we're displaced people with no fishing nets or boats. All I want is to see my daughter and go back to our village. What kind of ceasefire, what kind of peace is this?⁵⁵

Elections were held in February 1996 and a stalemate ensued. By July 1996, the new president, Ahmad Tejan Kabbah, was facing harsh criticism and the rebels decided to renew fighting unless the Executive Outcomes left Sierra Leone. Because of Kabbah's indecision on these topics, another coup was staged in 1997 and the civil war was resumed. Because of the breakdown of institutions of all types, the Armed Forces Revolutionary Council (AFRC) took control of the government. The United Nations imposed embargos on travel, oil, and military weapons or arms of any kind imported into Sierra Leone. According to reports, however, the trade of diamonds for weapons persisted. In addition, the Security Council created the United Nations Mission of Observers in Sierra Leone (UNOMSIL). This group was unable to complete its mission because of lack of personnel and funding, and pulled out in January 1999.⁵⁶ Military junta leaders ignored the proposed Conakry peace plan and Kabbah was unable to assume his presidential position leaving The United Nations with limited ability to help. Nigeria responded by running the junta out of the country and Kabbah was returned to presidential power; however, the AFRC fighting spread again and United Nations peacekeepers became victims.⁵⁷ Five hundred United Nations peacekeepers were taken as hostages and all foreign aid fled the country. With the help of British warships and from neighboring Guinea, the RUF was defeated and The United Nations Mission in Sierra Leone (UNAMSIL) declared the conflict over on January 18, 2002.⁵⁸

Human Rights Abuses

Reports suggest that the police force has been behind human rights violations including use of excessive force against detainees and juvenile offenders, extortion, prolonged detention, and excessive bail, but have yet to be prosecuted.⁵⁹ Arbitrary arrest, the forceful removal of protesters, and police harassment of opposition party supporters are among other accusations lobbied at the country's police force.⁶⁰ These security abuses not only qualify as human rights violations, but serve to create an environment conducive to the continued abuses of both citizens and refugees. Under the Universal Declaration of Human Rights which has been signed by Sierra Leone, Article Three states, "Everyone has the right to life, liberty, and security of person." Article Seven also addresses this issue and states, "All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination."⁶¹ Corruption, inadequate access to legal representation, and unfair treatment by government-paid police are direct violations of these articles and a document Sierra Leone pledged to sign and adhere to in full.

Another area of concern is human rights violations perpetrated against refugees fleeing the conflict. Refugee settlements in Guinea and Liberia became breeding grounds for militia and child soldier recruitment and other horrific conditions. Human Rights Watch reported that a refugee had his tongue and both hands cut off by rebels.⁶² When a young man asked RUF leader Foday Sankoh why the RUF was killing and maiming innocent civilians in a public parade, Sankoh ordered him shot on the spot, and he

⁵⁵ "Rebel Abuses Near Sierra Leone Capital." Human Rights Watch. 4 March 2000.

<http://www.hrw.org/news/2000/03/03/rebel-abuses-near-sierra-leone-capital>

⁵⁶ Anyu Ndumbe, "Diamonds, Ethnicity, and Power: The Case of Sierra Leone," *Mediterranean Quarterly*. Vol. 12. no. 4. 2001. pp. 90-106.

⁵⁷ J. Peter Pham. *Child Soldiers, Adult Interests: The Global Dimensions of the Sierra Leonean Tragedy*. (Hauppauge, New York: Nova Science Publishers, Inc. 2005. P. 209.

⁵⁸ *Ibid.*, 210.

⁵⁹ *World Report: 2006*. Human Rights Watch. New York: Seven Stories Press. 2006. pp. 132-133.

⁶⁰ "2008 Human Rights Report: Sierra Leone." United States Department of State. February 25, 2009. <http://www.state.gov/j/drl/rls/hrrpt/2008/af/119023.htm>.

⁶¹ *Universal Declaration of Human Rights*. United Nations General Assembly. December 10, 1948.

⁶² "Refugees in Guinea must be Protected," *web Guinée/Camp Boiro Memorial*. http://www.campboiro.org/bibliotheque/hrw/refugees_must_be_protected.html.

was.⁶³ Human Rights Watch compiled a report on the human rights violations that took place in Sierra Leone:

The rebel occupation of Freetown was characterized by the systematic and widespread perpetration of all classes of gross human rights abuses against the civilian population. Civilians were gunned down within their houses, rounded up and massacred on the streets, thrown from the upper floors of buildings, used as human shields, and burned alive in cars and houses. They had their limbs hacked off with machetes, eyes gouged out with knives, hands smashed with hammers, and bodies burned with boiling water. Women and girls were systematically sexually abused, and children and young people abducted by the hundreds. The arbitrary nature of these attacks served to create an atmosphere of complete terror. Some victims were attacked for resisting rape or abduction, trying to flee, trying to protect a friend or family member, or refusing to follow instructions to dance or make music on the streets, but most described being chosen for execution or mutilation at random, often without being asked a single question.⁶⁴

The human rights abuses in Sierra Leone, as well as those in refugee camps in Liberia and Guinea were horrific. There clearly was no safe place where one could find protection. The refugee camps were also “magnets for attack.”⁶⁵ Raids were conducted on camps to threaten civilians and to recruit for militias. The general idea in both periods of the civil war was that there was no form of protection from the random killings and abuses of the rebel groups.

The other important issue regarding human rights revolves around the stories and plights of child combatants (also known as child soldiers). It was common for teens to carry automatic weapons and be put on the front lines.⁶⁶ Young adults, teenagers, and children of both sexes were recruited for their age, reluctance to ask questions, willingness to kill both casually and when ordered, skills in ambush situations, and their loyalty.⁶⁷ In testimony from a female, fourteen year old child combatant, she says that she is uneducated and joined because she wanted revenge.⁶⁸ Children who were not immediately killed would either be trained as guerilla fighters or become slave laborers.⁶⁹ The RUF was also known for child soldier recruitment. Refugee camps raids happened frequently, especially in close proximity to the border. This increased the violence against refugees because they were not safe from the multitude of rebel groups that were active in the war. The camps provided ample opportunity for rebel groups to acquire new child soldiers through both force and persuasion with little fear of retribution.

Conclusion

As previously stated, Human Rights Watch has documented the tragedy of human rights abuses in Sierra Leone. Human Rights Watch has praised some of the actions previously taken, but there is much more that can be done. Probably the most important event in recent history was the conviction of former Liberian President Charles Taylor of war crimes and crimes against humanity before the Special Court for Sierra Leone in April, 2012.⁷⁰ Taylor was convicted of murder, terrorizing civilians, the recruitment and use of

⁶³ Lansana Gberie. *A Dirty War in West Africa: The RUF and the Destruction of Sierra Leone*. Bloomington: Indiana University Press. 2005. p. 62.

⁶⁴ “Human Rights Abuses Committed by RUF Rebels.” *Getting Away with Mutilation, Murder, and Rape*. Human Rights Watch. Vol. 11. No. 3(A). July 1999. <http://www.hrw.org/legacy/reports/1999/sierra/>.

⁶⁵ “Refugees in Guinea must be Protected,” *web Guinée/Camp Boiro Memorial*. http://www.campboiro.org/bibliotheque/hrw/refugees_must_be_protected.html.

⁶⁶ Krijn Peters & Paul Richards. “‘Why we Fight’: Voices of Youth Combatants in Sierra Leone.” *Africa: Journal of the International African Institute*. Vol. 68. No. 2. 1998. p. 189.

⁶⁷ *Ibid.*, 186.

⁶⁸ *Ibid.*, 192.

⁶⁹ *Ibid.*, 208.

⁷⁰ “Sierra Leone: Landmark Conviction of ex-Liberian President.” Human Rights Watch. April 26, 2012, <http://www.hrw.org/news/2012/04/26/sierra-leone-landmark-conviction-liberian-ex-president>.

child soldiers, rape, and sexual slavery among other charges.⁷¹ The decision has been called a great victory for the protection of human rights by a legal body since the trials of Nuremberg.⁷² Despite this conviction, issues and violations of human rights remain in Sierra Leone and it is the job of the Human Rights Council to determine the validity of these claims and determine what appropriate action should be taken.

Committee Directive

With the recent conviction and sentencing of Charles Taylor, it is time to re-evaluate the current human rights concerns in Sierra Leone. While the war has long ended, the repercussions of forced child soldier recruitment, violence against refugees, and other humanitarian law violations have long-lasting impacts. It is the responsibility of the HRC to determine how Sierra Leone has dealt with this tragedy. With the Special Court of Sierra Leone determining that war crimes were committed, it gives new light to the re-evaluation of violations of human rights law and also how the country has recovered. Some questions to keep in mind: How has Sierra Leone responded to the end of the crisis in the past 10 years? What actions have been taken or should be taken to re-integrate child soldiers into society? What is the status of all those under investigation for war crimes now that Taylor has been convicted? What can the HRC do to ensure that these war crimes do not happen again in Sierra Leone and other war-plagued nations?

As delegates prepare for this topic, please keep in mind that the substantive portion of the HRC will be slightly different. The HRC conducts their work through report writing, therefore, delegates will draft reports in lieu of traditional resolution writing. Delegates should also keep in mind that this topic is meant to respond to a request for action by Human Rights Watch. This background guide is meant to serve as that request. Please consult the background guide for further explanations of report writing and the specifics of this committee as it applies to all topics.

II. Assessing the Impact of Arbitrary Detention on the Global Population

“If people are placed under arbitrary detention for exercising their right to a free conscience, then we diminish the value of the whole world. We diminish the value of thinking human beings.”
Aung San Suu Kyi⁷³

Introduction

Each year, thousands of people are illegally arrested and detained in Member States around the world. The topic of Arbitrary Detention is very complex and grounded in multiple tenets of customary international law however the illegal act is most clearly defined by Article 9 of the Universal Declaration of Human Rights, which states, “No one shall be subject to arbitrary arrest, detention or exile.”⁷⁴ Largely, arbitrary detention is understood to be the arrest and/or detention of an individual where there is no evidence that they committed a crime against a legal statute. Arbitrary arrest and detention can also occur in cases where there has been no proper due process of law.⁷⁵

The question of when detention is “arbitrary”, however, is not explicitly defined within any accepted international treaty or instrument.⁷⁶ In developing its mandate, the Working Group on Arbitrary Detention developed the criterion of assessing deprivations of liberty as arbitrary when the acts are in one way or

⁷¹ Ibid.

⁷² Ibid.

⁷³ “A World without Arbitrary Detention.” Office of the High Commissioner for Human Rights.

<http://www.ohchr.org/EN/NewsEvents/Pages/AWorldwithoutArbitraryDetention.aspx>

⁷⁴ “Article 9: Ban on arbitrary detention.” *United Nations. Universal Declaration of Human Rights*. United Nations General Assembly. December 10, 1948.

⁷⁵ “Definitions on the Ban of Arbitrary Detention.” Claiming Human Rights.

http://www.claiminghumanrights.org/arbitrary_detention_definition.html

⁷⁶ “Fact Sheet No. 26, The Working Group on Arbitrary Detention.” Office of the United Nations High Commissioner for Human Rights. <http://www2.ohchr.org/english/about/publications/docs/fs26.htm#III>

another contrary to relevant international provisions laid down by the Universal Declaration of Human Rights or other instruments ratified by Member States.⁷⁷ According to the Working Group, detention is considered arbitrary if a case falls into one of three categories: When it is impossible to invoke any legal basis justifying the deprivation of liberty; when the deprivation of liberty results from the exercise of the rights or freedoms guaranteed by articles 7, 13, 14, 18, 19, 10 and 21 of the Universal Declaration of Human Rights or by articles 12, 18, 19, 21, 22, 25, 26 and 27 of the International Covenant on Civil and Political Rights; or when the total or partial non-observance of the international norms relating to the right to a fair trial is of such gravity as to give the deprivation of liberty an arbitrary character.⁷⁸ Detention is not arbitrary when it results from a final decision by a domestic judicial instance made in accordance with domestic law as well as customary international law.⁷⁹

Many international and regional bodies have undertaken initiatives to investigate and pursue occurrences of arbitrary arrest or detention in Member States such as the Human Rights Council and the Office of the High Commissioner for Human Rights. International Non-Governmental agencies like Amnesty International have also been extensively involved in insuring the provision of liberty for the accused. However, violations on the International Ban on arbitrary detention still occur in Member States worldwide.⁸⁰

Applicable International Law

While the international ban on arbitrary detention is most explicitly stated in the Universal Declaration of Human Rights, it is further enshrined in Articles 9 and 11 of the International Covenant on Civil and Political Rights (ICCPR).⁸¹ Article 9 of the ICCPR states that each person has the right to liberty and security of person, and must be informed at the time of arrest of the reasons for the arrest and charges filed against him. Additionally, the article states that a person must be granted the full due process of law in a timely manner, which means that an accused person must be brought before a judge or other officer of the court authorized by law to exercise judicial power.⁸² The article also guarantees any person deprived of this liberty the ability to take proceedings before a court and have enforceable rights to compensation.⁸³ Similarly, Article 11 of the ICCPR states that no person can be imprisoned on the ground of inability to fulfill a contractual obligation alone.⁸⁴

The ban on arbitrary detention is also contained in many other international conventions and treaties such as the Convention on the Rights of the Child, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, The United Nations Rules for the Protection of Juveniles Deprived of their Liberty, and the International Convention for the Protection of All Persons from Enforced Disappearances.⁸⁵ Additionally, the definitions of due process granted to all persons is defined by the Standard Minimum Rules for the Treatment of Prisoners, which was adopted by the First United Nations Congress on the Prevention of Crime and the Treatment of Offenders held at Geneva in 1955 and approved by the Economic and Social Council in 1957.⁸⁶ The document also comprehensively addresses the appropriate treatment of prisoners. Also addressing due process, the General Assembly approved A/RES/44/33, The United Nations Standard Minimum Rules for the Administration of Juvenile Justice (“The Beijing Rules”), in 1985, which addresses due process specifically concerning juvenile offenders.⁸⁷

⁷⁷ Ibid.

⁷⁸ Ibid.

⁷⁹ Ibid.

⁸⁰ Ibid.

⁸¹ *International Covenant on Civil and Political Rights*. United Nations General Assembly. December 16, 1966.

⁸² Ibid.

⁸³ Ibid.

⁸⁴ Ibid.

⁸⁵ Ibid.

⁸⁶ *Standard Minimum Rules for the Treatment of Prisoners*. United Nations. August 30, 1955.

⁸⁷ A/RES/40/33. *Standard Minimum Rules for the Administration of Juvenile Justice*. United Nations General Assembly. November 29, 1985.

The Working Group on Arbitrary Detention

Currently under the auspices of the Human Rights Council (HRC), the former Commission on Human Rights created the first Working Group on Arbitrary Detention in 1991 through resolution 1991/42.⁸⁸ The working group was established in response to the disturbing expansion of arbitrary detention since 1985. It serves to analyze and address issues related to the occurrence of arbitrary detention worldwide, and since then has served as “a truly universal mechanism for dealing with cases of arbitrary deprivation of liberty wherever they occur.”⁸⁹ Around the same time, the General Assembly adopted the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment to spell out the guarantees to all persons deprived of liberties or subject to any form of arbitrary detention.⁹⁰ The mandate of the Working Group was clarified and extended by the Commission on Human Rights in its resolution 1997/50 to also address the issue of administrative custody of asylum-seekers and immigrants. The HRC further confirmed the scope of the Working Group’s mandate and extended it for a further three-year period on September 30 of 2010.⁹¹

Since its inception, the Working Group has developed an extensive jurisprudence relating to international human rights norms and standards applicable to different forms of deprivation of liberty.⁹² Over the last 20 years, the Working Group has worked to present annual reports to the HRC that presents its activities, findings, conclusions, and recommendations that are based on a number of objectives pursued.⁹³ The first goal of the Working Group is to investigate cases of deprivation of liberty imposed inconsistently with the international standards established by the Universal Declaration of Human Rights and other relevant international legal instruments.⁹⁴ The second is to seek information on instances of illegal detention from the Governments of Member States; intergovernmental and non-governmental organizations; and individuals, and act on the information submitted by sending communications to concerned Governments. The next objective of the Working Group is to conduct field missions upon the invitation of Governments to better understand situations in prevailing Member States and formulate deliberations on issues to assist Member States to prevent and guard against the practice of Arbitrary Detention.

The Working Group is composed of five independent experts who are appointed following consultations by the Chairman of the Commission on Human Rights.⁹⁵ Serving primarily as a fact-finding body, the working group has been tasked with the following mandate: to investigate cases of detention imposed arbitrarily or otherwise inconsistently provided that no final decision has been taken in such cases by domestic courts in conformity with domestic law; to seek and receive information from Government, intergovernmental and non-governmental organizations; and to present a comprehensive report to the Commission at its annual session.⁹⁶

The procedures followed by the working group can be broken into four categories: procedures involving the investigation of individual cases, the deliberations procedure, the urgent action procedure, and field missions.⁹⁷ While all equally as important, the first of the procedures- the “investigation of individual

⁸⁸ “Working Group on Arbitrary Detention.” Office of the High Commissioner for Human Rights. <http://www.ohchr.org/EN/Issues/Detention/Pages/WGADIndex.aspx>

⁸⁹ “Arbitrary Detention- UN Experts issue 16 legal opinions on cases from 14 countries.” Office of the High Commissioner for Human Rights. <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=12117&LangID=E>

⁹⁰ “Working Group on Arbitrary Detention.” Office of the High Commissioner for Human Rights. <http://www.ohchr.org/EN/Issues/Detention/Pages/WGADIndex.aspx>

⁹¹ “Arbitrary Detention- UN Experts issue 16 legal opinions on cases from 14 countries.” Office of the High Commissioner for Human Rights.

⁹² Ibid.

⁹³ “Working Group on Arbitrary Detention.” Office of the High Commissioner for Human Rights. <http://www.ohchr.org/EN/Issues/Detention/Pages/WGADIndex.aspx>

⁹⁴ Ibid.

⁹⁵ “Fact Sheet No. 26, The Working Group on Arbitrary Detention.” Office of the United Nations High Commissioner for Human Rights. <http://www2.ohchr.org/english/about/publications/docs/fs26.htm#III>

⁹⁶ Ibid.

⁹⁷ Ibid.

cases”, is arguably the most extensive of the four processes. Investigation of individual cases consists of four main stages in which a case is brought to the attention of the Working Group, the Working Group offers the government an opportunity to refute the allegations, the source is offered an opportunity to comment to the Government’s response, and the Working Group offers its opinion on the case in general.⁹⁸ The opinions and recommendations on individual cases are rendered in a systematic manner and sent to the respective Member State Governments and are also published in an annex to the annual report presented to the HRC at each annual session.⁹⁹

The other three procedures followed by the Working Group are generally more self-explanatory. The “deliberations” procedure is a forum for the Working Group to develop opinions and recommendations on matters of a more general nature that involve a principle or consistent set of precedents for Member States. In contrast, the “urgent action” procedure has been developed for cases in which there are sufficiently reliable allegations against the government of a Member State that a person is being detained arbitrarily and that the continuation of the deprivation of liberty may pose a serious danger to that person’s health or life. In these cases, the urgent appeals are sent through rapid communication to the Minister of Foreign Affairs for the state concerned requesting specific actions or measures to remedy the issue. These appeals are purely of a humanitarian nature.¹⁰⁰

Finally, the “field missions” procedure has been created to allow an opportunity for the Working Group to better understand situations prevailing in individual Member States in reference to instances of arbitrary detention or other forms of deprivation of liberty. These field missions are conducted through direct dialogue with the government concerned and constitute visits with the judicial and penitentiary systems of the Member State as well as individual detainees. Generally, the fact-finding nature of field missions allow the working group to foster a sense of cooperation between the HRC and individual governments, and allow members of the group to enhance their understanding of conditions surrounding arbitrary detention in individual states, taking into account the social, political, and historical contexts of each country.¹⁰¹

Investigation of Individual Cases: Egypt

One significant case study of investigations of individual cases is the case involving Mr. Abdel Hakim Abdel Raouf Hassan Soliman of Egypt in 2010. In this case, the working group received notification of allegations of deprivation of liberty occurring for Mr. Soliman who was initially arrested on May 17 of 2009 and remains detained at the Wadi Natroun Prison.¹⁰² According to the source who filed the complaint (“the Applicant”), Mr. Soliman was arrested by agents of the Special Security Forces of the State Security Investigation (SSI) without warrant along with 26 individuals who were taken from their homes.¹⁰³ By May 19, 2009, Mr. Soliman had been accused by the government of belonging to the “Muslim Brotherhood”, an illegal organization, but on July 27, 2009 his release was ordered by the Damanhur Criminal Court due to the Government’s lack of evidence against him.¹⁰⁴ However, Mr. Soliman was re-arrested by the SSI and detained at their headquarters until August 3, 2009.¹⁰⁵ The Applicant argues that the detention of Mr. Soliman is arbitrary and that his continuous detention is devoid of any legal basis. The Applicant further argues that the detention of Mr. Soliman with lack of a foreseeable trial is in violation of article 14, paragraph 2(c) and 14, paragraph 5 of the International Covenant on Civil and Political Rights.¹⁰⁶

The government of Egypt (“the Respondent”) has responded to the allegations by informing the working group that the arrests of Mr. Soliman along with the other 26 individuals on May 18, 2009 were related to

⁹⁸ Ibid.

⁹⁹ Ibid.

¹⁰⁰ Ibid.

¹⁰¹ Ibid.

¹⁰² A/HRC/16/47/Add.1. *Report of the Working Group on Arbitrary Detention: Opinion No. 22/2010 (Egypt)*. United Nations Human Rights Council. March 2, 2011.

http://www2.ohchr.org/english/bodies/hrcouncil/docs/16session/A.HRC.16.47.Add.1_AEV.pdf

¹⁰³ Ibid.

¹⁰⁴ Ibid.

¹⁰⁵ Ibid.

¹⁰⁶ Ibid.

the charges of being members of the illegal organization – the Muslim Brotherhood – as well as to the possession of written material and publications which serve to promote that organization’s beliefs.¹⁰⁷ Here, the Respondent has stated that the legal basis for arrest was provided by the State’s application of the Emergency Law No 162 of 1958, which allows for the arrest without warrant of an individual or group of individuals who are considered to be a threat to public security or order.¹⁰⁸ The Respondent has also stated that the all of the 26 people were released between July 1 and July 26 of 2009 on orders from the Office of the Public Prosecutor and the courts. However, in a report by the Special Rapporteur on the Promotion and Protection for Human Rights and Fundamental Freedoms while Countering Terrorism, it was explicitly emphasized that Egypt’s Emergency Law violates the principle of legality by failing to properly define what constitutes a “threat to public security or order”.¹⁰⁹ Also, it was emphasized that this law, in combination with the SSI force’s ability to arrest whoever they choose without warrant, clearly violates article 9 paragraph 2 of the ICCPR by diminishing any real possibility for the detainee to contest the legality of detention, which is stipulated as necessary by article 9 paragraph 4.¹¹⁰

Additionally, the government did not refute the information from the Applicant about the immediate re-arrest and current administrative detention of Mr. Soliman. Therefore, the working group has established a clear violation of article 9 of the ICCPR to which Egypt is a party, and has established an arbitrary deprivation of liberty as it is not possible to invoke a legal basis justifying this deprivation.¹¹¹ Thus, the working group has since issued the Opinion stating that the arrest and detention of Mr. Soliman is arbitrary and violates articles 9 and 19 of the Universal Declaration of Human Rights as well as articles 9 and 19 of the ICCPR.¹¹² As of September 2010, the Working Group has requested the Government of Egypt to take the necessary steps to remedy the situation, which, in this case, would be the immediate release of Mr. Soliman.¹¹³

Field Mission: El Salvador

One of the most recent field missions undertaken by the working group was its ten-day mission to El Salvador at the invitation of the Member State’s government. From January 23 to February 1, 2012, the group visited 11 prisons, police holding cells, and other detention facilities in San Salvador, San Miguel, and Santa Ana.¹¹⁴ As a part of the mission, the Group held meetings with many representatives of the Salvadoran government, lawyer’s organizations, civil society members, national human rights institutions and UN agencies present to gain a better understanding of the government’s initiatives towards protecting against arbitrary deprivation of liberty.¹¹⁵ The Working Group was also able to interview prisoners and detainees in an atmosphere of confidentiality without the presence of prison officials.¹¹⁶ However, during the interviews with prisoners at the detention facilities, prisoners complained of poor treatment by the armed forces that have recently become charged with managing security in prisons, citing invasive and humiliating searches of their own persons, relatives, and lawyers.¹¹⁷ The Working Group’s expert panel has thus urged the government of El Salvador to ensure that the right to security does not override the right to be free from arbitrary detention, with one member stating, “I understand the need to protect prisons

¹⁰⁷ Ibid.

¹⁰⁸ Ibid.

¹⁰⁹ Ibid.

¹¹⁰ Ibid.

¹¹¹ Ibid.

¹¹² Ibid.

¹¹³ Ibid.

¹¹⁴ “El Salvador: Right to security must not override right to be free from arbitrary detention, urges UN expert body”. Office of the High Commissioner for Human Rights. February 12, 2012.

<http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=11796&LangID=E>

¹¹⁵ Ibid.

¹¹⁶ “Working Group on Arbitrary Detention Statement upon the conclusion of its Mission to El Salvador (23 January – 1 February 2012).” Office of the High Commissioner for Human Rights.

<http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=11795&LangID=E>

¹¹⁷ “El Salvador: Right to security must not override right to be free from arbitrary detention, urges UN expert body”. Office of the High Commissioner for Human Rights. February 12, 2012.

<http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=11796&LangID=E>

and the dire security situation faced by the authorities, particularly in relation to the gangs (“maras” and “pandilleros”). But we urge the Government to urgently review its procedures to ensure human dignity for those deprived of their liberty.” The working group has also raised serious concern about the extreme over-crowding within the prisons and police detention facilities in El Salvador.¹¹⁸

While a final report on the status and conditions of detention facilities in El Salvador will not be released to the HRC until 2013, the working group has also highlighted several flaws in aspects of El Salvador’s judicial proceedings which serve as a detriment to ensuring liberties of the accused are upheld. This includes a noted lack of effective access to defense council for prisoners and the accused as well as the over-reliance on testimony by opportunistic witnesses known as “criteriados” during trial and conviction.¹¹⁹ According to the expert panel, the practice of relying on “criteriados” affects credibility of testimony and can jeopardize the fairness of the judicial process.¹²⁰ Additionally, the effectiveness of the judiciary in respect to the timeliness of due process was questioned by the working group, with the Chair-Rapporteur, El Hadji Malick Sow, stating: “The fact that some individuals wait eight years for an appeal, with minimal intervention from judges is disconcerting... I am deeply concerned at the low use of alternative measures to detention in cases we have seen, and the excessive use of preventive detention in judicial proceedings.”¹²¹

While the working group noted that the issue of security is of upmost priority in El Salvador, and acknowledged that upholding the right to security of persons is of legitimate and critical concern, the expert panel also stated that the right to liberty and the freedom from arbitrary deprivation of liberty is of equal value.¹²² There is thus a need to safeguard both fundamental rights in El Salvador, as the need for public security cannot be pursued without consideration of the right to liberty and the right to be free from arbitrary arrest and detention.¹²³ The working group has highlighted the following as issues of greatest concern in El Salvador: The right to be brought promptly before a judge, excessive use of detention, difficulty in accessing and communicating with defense counsel, juvenile justice, lack of use of scientific evidence, the over-reliance on informers and witness testimonies, absence of information and lack of reliable data, lack of information for transfer or prisoners, extreme over-crowding of prisoners, and arrests without proper judicial orders.¹²⁴

Actions Taken by the United Nations

Aside from the formation of the Working Group on Arbitrary Detention under the HRC, the United Nations has advocated for the elimination of all forms of deprivations of liberty through special procedures with the appointment of specific individuals of international standing as Special Rapporteurs on specific related topics.¹²⁵ These include the Special Rapporteur on Extrajudicial, Summary, or Arbitrary Executions as well as the Special Rapporteur on the Independence of Judges and Lawyers.

The first of these, the Special Rapporteur on Extrajudicial, Summary, or Arbitrary Executions, was established by the Commission on Human Rights through resolution 20 (XXXVI) in 1980 which created a Working Group on Enforced or Involuntary Disappearances due to a marked increase in instances of alleged summary executions.¹²⁶ The Special Rapporteur is an individual of recognized international standing appointed by the council to submit a comprehensive report to the commission on the occurrence and extent of the practice of summary or arbitrary executions accompanied by conclusions and

¹¹⁸ Ibid.

¹¹⁹ Ibid.

¹²⁰ Ibid.

¹²¹ Ibid.

¹²² “Working Group on Arbitrary Detention Statement upon the conclusion of its Mission to El Salvador (23 January – 1 February 2012).” Office of the High Commissioner for Human Rights.

<http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=11795&LangID=E>

¹²³ Ibid.

¹²⁴ Ibid.

¹²⁵ “Special Procedures of the Human Rights Council.” Office of the High Commissioner for Human Rights.

<http://www.ohchr.org/EN/HRBodies/SP/Pages/Welcomepage.aspx>.

¹²⁶ “Special Rapporteur on Extrajudicial, Summary, or Arbitrary Executions.” Office of the High Commissioner for Human Rights. <http://www.ohchr.org/EN/Issues/Executions/Pages/SRExecutionsIndex.aspx>

recommendations.¹²⁷ The mandate of the Special Rapporteur on Summary, Extrajudicial, or Arbitrary Executions covers all Member States irrespective of whether a state has ratified the relevant international conventions, and requires the Special Rapporteur to transmit urgent appeals to states, undertake fact-finding country visits, and submit annual reports to the commission and the General Assembly.¹²⁸ Currently, the Special Rapporteur on Summary, Extrajudicial, or Arbitrary Executions is Mr. Chistof Heyns of South Africa.¹²⁹

Established also by the Commission on Human Rights through resolution 1994/41, The Special Rapporteur on the Independence of Judges and Lawyers performs similar functions to that of Extrajudicial, Summary, or Arbitrary Executions, but instead focuses on the link between the weakening of safeguards for the judiciary and lawyers and the gravity and frequency of violations of human rights.¹³⁰ The duties of the Special Rapporteur on the Independence of Judges and Lawyers is to inquire into substantial allegations in Member States, identify and record attacks on the independence of court officials as well as progress in enhancing judicial independence in Member States, identify ways and means to improve judicial systems in Member States, and to study important topical questions of principle.¹³¹ The Special Rapporteur is also required to submit annual reports to the Commission and the General Assembly, and the post is currently held by Ms. Gabriela Knaul of Brazil.¹³²

Other Special Procedures undertaken by the United Nations related to preventing instances of deprivation of liberty related to Arbitrary Detention include the appointments of the Special Rapporteur on Enforced or Involuntary Disappearances, the Special Rapporteur on the Promotion of Truth, Justice, Reparation & Guarantees of Non-Recurrence, and the Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.¹³³

Apart from the United Nations' work on preventing instances of deprivations of liberty, the non-governmental organizations within the international community have also taken a supporting role in investigating and elimination occurrences of arbitrary detention and related issues. Non-governmental organizations that have taken a stand against arbitrary detention include the Human Rights Watch, which addresses a number of issues relating to International Justice annually.¹³⁴ Notably in 2009, Human Rights Watch issued a plea for the release of a Chinese Lawyer, Gao Zhisheng, who had disappeared without cause and is believed to have been arbitrarily detained by the Chinese government.¹³⁵ Other Non-Governmental Organizations involved in advocating against Arbitrary Detention include Amnesty International, Green Peace, and Regional Bodies such as Human Rights in China.¹³⁶

Committee Directive

In assessing the impact that arbitrary detention has had on the global population, delegates to the Human Rights Council are encouraged to closely examine the legal and practical implications of deprivations of liberty in Member States and within the international community. International provisions against the arbitrary arrest or detainment of any individual are deeply rooted in customary international law, conventions, and treaties, and the United Nations has created several different mechanisms to study and investigate violations of these laws. Moving forward, delegates should consider the current mechanisms

¹²⁷ Ibid.

¹²⁸ Ibid.

¹²⁹ Ibid.

¹³⁰ "Special Rapporteur on the Independence of Judges and Lawyers." Office of the High Commissioner for Human Rights. <http://www.ohchr.org/EN/Issues/Judiciary/Pages/IDPIIndex.aspx>.

¹³¹ Ibid.

¹³² Ibid.

¹³³ "Thematic Mandates." Office of the High Commissioner for Human Rights. <http://www.ohchr.org/EN/HRBodies/SP/Pages/Themes.aspx>.

¹³⁴ "ICC: New Prosecutor Takes Reins." Human Rights Watch. <http://www.hrw.org/topic/international-justice>.

¹³⁵ "China: Human Rights Lawyer in Arbitrary Detention." Human Rights Watch. February 2, 2009. <http://www.hrw.org/news/2009/02/02/china-human-rights-lawyer-arbitrary-detention>.

¹³⁶ Ibid.

set up to allow Member States to collaborate and receive technical advice for efficiency and fairness in their respective judiciary and legal bodies.

Questions to include in your research are: How effective is the current definition of “arbitrary” in reference to the issue of “arbitrary” detention? What is your Member State’s perspective on the problem of arbitrary detention? What laws and safeguards have been put into place in your respective Member State’s judicial system to protect against deprivations of individual’s liberty? What is the current status quo in your Member State regarding instances of arbitrary arrest or detention? How effective has the working group and its associated special procedures been in studying, investigating, and preventing occurrences of arbitrary arrest or detention? Are the functions and procedures of the working group strong enough to support its mandate, or should the United Nations be doing more to protect against deprivations of liberty in Member States?

III. Strengthening the Right to Food, Water, and Resource Security

The right to food, water, and other resources required to preserve life should be granted to all individuals; however, scarcity in resources has endangered the right to these resources for all. Under Article 55 of the Charter of the United Nations, all Member States shall promote higher standards of living for all international citizens.¹³⁷ The right to provide security of resources for citizens to natural life-sustaining resources would fall under Article 55. In addition, the United Nations Millennium Development Goals (MDGs) directly address natural resources, particularly safe drinking water. Goal 7.C is to cut the number of people without safe drinking water in half by 2015.¹³⁸ The task of the Human Rights Council is to analyze the topic and determine how to strengthen access to these life-sustaining resources for all international citizens.

Resource Scarcity & Economics

There is no question that international resources of food and water have become increasingly scarce over the past decades. The reasons for this are debated in many areas of science and academia, but the fact is that resources are becoming scarce. As the world’s population increases, the consumption of natural resources has increased to unprecedented levels. As the population increases, humans become more adept at discovering and exploiting new natural resources as substitutes, which is an expected response to increased scarcity.¹³⁹ Despite these discoveries of substitutes for natural resources, this leads to an indirect consequence that the resources providing substitutes will also become scarce in their increased utilization. Another indirect consequence, especially as it applies to technology, is the environmental impact of the manufacturing of natural resource substitutes.¹⁴⁰ It is projected that by 2050 the global population will stand at 9.1 billion people, and those increases will be centered in developing and politically fragile states such as the Democratic Republic of Congo (DRC), Nigeria, and others.¹⁴¹ In addition, the World Bank projects that the demand for food will rise 50% by 2030, but the supply will not meet these demands by the same time.¹⁴² In regards to water scarcity, the numbers are even bleaker. Currently, 1.2 billion people live in water basins where the use of water exceeds minimum recharge levels.¹⁴³ Projections estimate that this number will increase to 1.8 billion people by 2025, with two-thirds of the entire population living in water-

¹³⁷ *The Charter of the United Nations*. United Nations Conference on International Organization. June 26, 1945.

¹³⁸ United Nations, “Goal 7: Ensure Environmental Sustainability,” *United Nations Millennium Development Goals*, <http://www.un.org/millenniumgoals/enviro.html>.

¹³⁹ Jeffrey Krautkraemer. “Economics of Natural Resource Scarcity: The State of the Debate.” Resources for the Future. April 5, 2005. <http://www.rff.org/rff/documents/rff-dp-05-14.pdf>.

¹⁴⁰ Ibid.

¹⁴¹ Alex Evans. “Resource Scarcity, Climate Change, and the Risk of Violent Conflict.” *World Development Report 2011 Background Paper*. September 9, 2010
http://siteresources.worldbank.org/EXTWDR2011/Resources/6406082-1283882418764/WDR_Background_Paper_Evans.pdf.

¹⁴² Ibid.

¹⁴³ Ibid.

stress areas.¹⁴⁴ The conclusion that can be drawn is that the supply of food and water is already rapidly dwindling with some regional areas worse off than others. As the global population increases, the supply will continue to outgrow the demand of these resources, making food and water scarcity even more of a problem.

The idea of resource scarcity is not a new or unique issue. The issue has been alive since 1798 when Thomas Malthus discovered that resource scarcity existed as the human population flourished and expanded, and a direct consequence would be a classic economic example wherein the natural resource supply would be unable to meet the demand of the increasing population.¹⁴⁵ Malthus discussed consequences of not being able to meet the global supply, one of which is global conflict, which will be further discussed in this guide. There is no question that resource scarcity has an economic component to the overall problem, particularly as it affects food and water. As the global supply's demand for food has increased over the past few centuries, the global food supply has not been able to keep up. As of 2010, over three billion people, half of the global population, lived on less than \$2.50 USD per day.¹⁴⁶ In addition, approximately 80% of the global population lives on less than \$10 USD per day.¹⁴⁷ Because of this poverty, 21,000 children die each day because of poverty.¹⁴⁸ One of the leading causes of this high number is extreme hunger and malnourishment. It is important to recognize that the problem is rooted in economics. As the global population continues to increase, technology has been able to produce substitutes to natural resources, but even those have begun to dry up. Global conflict is one of the direct consequences of natural resource scarcity.

Resource Scarcity, Conflict, and Refugees

As has been previously mentioned, the majority of the international population growth rate will occur in developing countries. With this increased demand for natural resources, scarcity will continue to be a problem, particularly the demand for water. Water scarcity will serve as an underlining reason for conflict. A 2008 documentary titled *Blue Gold: World Water Wars* makes a claim that future wars will be fought over water as wars are currently fought over oil.¹⁴⁹ While this is broad and extreme, there is a link between water scarcity and conflict. Water scarcity can lead to or exacerbate conflict and conflict can lead to water scarcity.¹⁵⁰ When water scarcity persists, it has a direct influence on food production and can also threaten technological advanced in renewable and sustainable energy, which can further drive conflict.¹⁵¹ Some have called natural resource scarcity as a secondary influence to conflict (first being political and economic factors), but most scholars agree that natural resource scarcity, particularly water scarcity, can influence a conflict.¹⁵² In addition, infant mortality rate, a key measurement of standard of living and food security, is one variable that is highly associated with conflict, particularly inter-state conflict.¹⁵³

Not only can water scarcity cause conflict, but also how water is governed. This is important because control over water can directly affect or lead to a conflict. This includes international, national, regional, and local governance.¹⁵⁴ This is particularly an issue among local governing agencies, which is important

¹⁴⁴ Ibid.

¹⁴⁵ Jeffrey Krautkraemer. "Economics of Natural Resource Scarcity: The State of the Debate." Resources for the Future. April 5, 2005. <http://www.rff.org/rff/documents/rff-dp-05-14.pdf>.

¹⁴⁶ Anup Shah. "Poverty Facts and Stats." Global Issues. September 20, 2010. <http://www.globalissues.org/article/26/poverty-facts-and-stats>.

¹⁴⁷ Ibid.

¹⁴⁸ Anup Shah. "Today, Around 21,000 Children Die around the World." Global Issues. September 24, 2011, <http://www.globalissues.org/article/715/today-21000-children-died-around-the-world>.

¹⁴⁹ Sam Bozzo. "Blue Gold: Water World Wars." IMDB. <http://www.imdb.com/title/tt1137439/>.

¹⁵⁰ "Of Water and War: the Delicate Relationship between Water Scarcity and Conflict." *The Journal of ERW and Mine Action*. Vol. 16. No.1. Spring 2012. <http://maic.jmu.edu/journal/16.1/SR/baker/baker.html>.

¹⁵¹ Laurie Goering. "Water Scarcity to Drive Conflict, Hit Food and Energy, Experts Say." Alertnet. January 26, 2011. <http://www.trust.org/alertnet/news/water-scarcity-to-drive-conflict-hit-food-and-energy-experts/>.

¹⁵² Jeremy Allouche. "The Sustainability and Resilience of Global Water and Food Systems: Political Analysis of the Interplay between Security, Resource Scarcity, Political Systems, and Global Trade." *Food Policy*. 2010.

¹⁵³ Ibid.

¹⁵⁴ Ibid.

to consider. Some peoples and communities in developing countries cannot rely on the government and must drill for their own water. For others, their sources of water come from streams and rivers with sewage and constant run off, exposing them to water-borne diseases.¹⁵⁵ This obviously is a flawed system because there is no regulation by a national or international government and therefore the entire system is reliant on private citizens. This can lead to unsanitary water, price gouging, and the spread of water-borne diseases. Territorial and water-rights conflict can also occur in this scenario because of water scarcity and conflicts over private drilling rights. In addition, the percentage of industrial waste of developing countries that is dumped into the clean water supply is between 70 and 90 percent.¹⁵⁶ Water security is in jeopardy from pollution and private extraction, which is something that needs to be addressed.

While it may not be a leading reason for conflict, resource scarcity plays an important role in ongoing conflicts and especially affects civilians and refugees. For instance, Kenyan refugees in Rwanda recently claimed to be in a dire situation because food and sanitation were at extremely low levels, which refugees have blamed on the central government bureaucracy.¹⁵⁷ Refugees are typically at the mercy of governmental regimes for aid delivery. In addition, the number of refugees in a settlement is known to fluctuate based on regional developments in violence levels. In South Sudan refugees have been forced to flee fighting and are facing food and water shortages upon arrival. This is one conflict where food shortages have become an effect of the war because of continued wide-scale fighting.¹⁵⁸ The conflict in South Sudan exemplifies how refugee flows can change on a daily basis as refugees described hiding and fleeing on a regular basis. Unfortunately, this does not give refugee settlements an accurate representation of the number of refugees in the camp. However, the delivery of clean and adequate supplies, including food and water, has been unable to keep up with the refugees already in camps. Also, problems in food delivery come from armed factions wanting to use these deliveries as leverage or for their own personal use.¹⁵⁹ The conclusion is that there are multiple ways to disrupt food and water delivery and those affected by these delays are innocent civilians and refugees who, under international law, have a right to clean water and adequate food. Conflict is something that must be considered because it directly and indirectly hinders the right by all to resource security.

Victims of Food and Water Scarcity

Refugees are common victims of resource scarcity and are living in high risk scenarios; however, refugees are those who flee a conflict. This does not include normal victims who are malnourished or must live with water-borne diseases and illnesses on a regular basis. Those most affected by this problem are children. In Somalia, children are dying because of water shortages and lack of access to clean water.¹⁶⁰ In addition, according to the World Health Organization (WHO), 80 percent of sickness worldwide is rooted in contaminated water and 2 million children die of diarrhea each year.¹⁶¹ One other important aspect to note is that of actually retrieving water. Often, women and children must travel long distances to get water, which makes them targets for rape and abduction. In Sierra Leone, the average distance for water is 7 km,

¹⁵⁵ Andrew Walker. "The Water Vendors of Nigeria." BBC News. February 5, 2009.
<http://news.bbc.co.uk/2/hi/science/nature/7867202.stm>.

¹⁵⁶ Erik Ramussen. "Prepare for the Next Conflict: Water Wars." Huff Post Green. April 12, 2011,
http://www.huffingtonpost.com/erik-rasmussen/water-wars_b_844101.html; Surabhi Chopra. "The Right to Food and Water: Dependencies and Dilemmas." Institute for Human Rights and Business.
[http://www.ihrb.org/pdf/Right to Food and Water Dependencies and Dilemmas.pdf](http://www.ihrb.org/pdf/Right%20to%20Food%20and%20Water%20Dependencies%20and%20Dilemmas.pdf).

¹⁵⁷ Charles Kazooba. "Kenyan Refugees in Food Scarcity." The New Times. March 10, 2012.
<http://www.newtimes.co.rw/news/index.php?i=14927&a=3424>.

¹⁵⁸ "Refugees Arriving in South Sudan's Upper Nile State Cite Daily Bombings, Difficult Escapes, Food Scarcity." UNHCR Briefing Notes. June 5, 2012. <http://www.unhcr.org/4fcdda8f9.html>.

¹⁵⁹ MJ Toole and RJ Waldman. "The Public Health Aspects of Complex Emergencies and Refugee Situations." *Annual Review Public Health*. Vol. 18. 1997. pp. 283-312.
<http://www.sas.upenn.edu/~dludden/RefugeePublicHealth.pdf>.

¹⁶⁰ "Somalia: Child Deaths Linked to Acute Water Shortage in Galgadud." IRIN. February 24, 2009.
<http://www.irinnews.org/Report/83119/SOMALIA-Child-deaths-linked-to-acute-water-shortage-in-Galgadud>.

¹⁶¹ "Water Facts." Food & Water Watch. <http://www.foodandwaterwatch.org/water/interesting-water-facts/>.

which makes women vulnerable to attacks by rebel groups and wild animals.¹⁶² The diseases affecting children and conditions that people must endure to retrieve water are both important considerations that must be considered. The right to water and food, and ensuring the security of these resources, is nothing without a way to securely access to those resources.

Climate Change

One of the most cited reasons for general resource scarcity is climate change. As has been previously mentioned, the reasons for this are debated throughout academia. Regardless of the reasoning, the fact remains that global temperatures have rose 0.7 degrees Centigrade since pre-industrial times, and those involved at the Copenhagen Summit in 2009 suggest the global temperature could rise by 3 degrees Centigrade in the long term.¹⁶³ In addition, those living in developing countries are unable to protect themselves from these changes and they are the least likely to influence climate decisions.¹⁶⁴ There is no doubt that climate change has an effect on protecting the security of food and clean water. A warmer planet will threaten agricultural practices, raise sea levels, and increase the scarcity level of natural resources.

UN Actions

The United Nations has developed a number of organizations and mandates to ensure water and food security. One of the leading MDGs has to deal with clean water and sanitation. The United Nations also commissioned the International Decade for Actions “Water for Life” from 2005-2015, which is meant to raise awareness about clean water and proper sanitation. Other than Goal 7.C, water is a central issue to all of the goals and is a requirement in achieving almost all of the MDGs.¹⁶⁵ The WHO and a number of other organizations have realized the vital importance of water and food security, but yet the issue still remains.

Conclusion

The topic of resource security is one that is complex with a lot of background and ideas that must be considered. The reasons for scarcity range from control of available resources to climate change and the number of people affected by this problem is astronomical. The HRC must determine what can be done to protect the security of these resources and the human rights of all of those involved in the process.

Committee Directive

While a number of ideas have been proposed here, it is important for each Member State to determine their individual roles in the topic. While climate change was mentioned as a reason for security issues, it is important to understand that this is a debatable point and is not the primary focus of the HRC. It was provided to give a background to the issue. Climate change and global warming by themselves are not a topic for the HRC to discuss; however, it can be discussed in terms of maintaining international human rights. The topic should not focus to that of climate change, but should focus on how things can be improved to maintain resource security. All delegates must remember this. In addition, the topic should

¹⁶² Countries that Suffer Water Shortages: Africa.” CEP Santa Rosa Marist Brothers.

http://www.cepsantarosa.edu.pe/web/water_the_new_petrol/africa.html; Shannyn Snyder. “Water and Children.” The Water Project. http://thewaterproject.org/water_scarcity_and_children.asp.

¹⁶³ Alex Evans. “Resource Scarcity, Climate Change, and the Risk of Violent Conflict.” *World Development Report 2011 Background Paper*. September 9, 2010
http://siteresources.worldbank.org/EXTWDR2011/Resources/6406082-1283882418764/WDR_Background_Paper_Evans.pdf.

¹⁶⁴ V. Johnson, A. Simms, and J. Ryan-Collins. “Bridging the Gap between Climate Change, Resource Scarcity, and Social Justice: The Future Role of Civil Society Associations.” Commission of Inquiry into the Future of Civil Society in the UK and Ireland. March 2012.
<http://www.carnegieuktrust.org.uk/getattachment/971fba58-dc14-48b9-8b77-e6f7230cd26a/Bridging-the-Gap-Between-Climate-Change-Resource-.aspx>.

¹⁶⁵ “International Decade for Action ‘Water for Life.’” United Nations Department of Economic and Social Affairs (UNDESA). <http://www.un.org/waterforlifedecade/scarcity.shtml>.

also address many of the issues that were mentioned above. This includes privatization, victimization of water rights and transport, refugees, conflict, and any others that are important to your Member State.

As each topic for the HRC has a different idea behind it, this topic should be approached as a general committee topic. There are no guiding ideas or bulletins that will be introduced at the conference. This topic will originate from your Member State's point of view and will be debated as a topic normally is. This background guide is meant to serve as an overview of the topic and to provide delegates with general topic knowledge and will not be utilized as an official document at the conference.

Technical Appendix Guidance

I. Presented Instances of Human Rights Violations in Sierra Leone

War Child International Network. "Child Soldiers."

http://www.warchild.org/links_resources/childsoldiers/childsoldiers.html.

War Child International is a collaboration of humanitarian organizations that seek to eradicate the use of child soldiers in conflicts all over the world. Because one of the symbols of the Sierra Leone/Liberian wars was the child soldier, which has been a highlight of all issues presented by human rights organizations, it is important to understand the entirety of the concept. War Child International is a good resource to research child soldiers. It also provides many links to other sources of information.

Dickey, Sheryl. "Sierra Leone: Diamonds for Arms."

Human Rights Brief 7.

<http://www.wcl.american.edu/hrbrief/v7i3/sierraleone.htm>.

Sheryl Dickey writes about the role of diamonds and how they sustained this conflict. The idea of conflict diamonds is important to understand because it directly influenced the human rights violations and elongated the war. The diamond trade led to direct violations of international law and humanitarian law.

Gberie, Lansana. *A Dirty War in West Africa: The RUF and the Destruction of Sierra Leone*. (2005). Bloomington: Indiana University Press.

This book is a very enlightening source of information of the conflict in Sierra Leone from both an on-the-ground and international perspective. The author also discusses the long-term consequences of the war in Liberia and Sierra Leone. There is a special emphasis on the causes of the conflict, the use of child soldiers, and the atrocities committed by all sides. It is a good source to introduce delegates to the conflict.

Human Rights Watch. "Human Rights Watch World Report 2000 – Sierra Leone." (1999).

<http://www.unhcr.org/refworld/publisher,HRW,,SLE,3ae6a8c620,0.html>.

This is one of the many world reports released by Human Rights Watch regarding the conflict in Sierra Leone/Liberia. The 2000 edition is seen as very important because it was at the height of the conflict when the majority of the atrocities occurred. The report covers instances of atrocities and the role of the international community to attempt to end the bloody conflict.

Human Rights Watch. "Sierra Leone."

<http://www.hrw.org/africa/sierra-leone>.

The homepage of the Human Rights Watch's section on Sierra Leone is an important website in order to understand how Human Rights Watch viewed the conflict. The website also includes all

important information about Human Rights Watch reports on the conflict. In addition, the website also links delegates with reports and opinions on the conviction of Charles Taylor and a comprehensive overview of the trail from start to finish.

BBC News. "Sierra Leone Profile."

<http://www.bbc.co.uk/news/world-africa-14094194>.

This link from the BBC provides delegates with an overview of the conflict, including a timeline, which is important to understanding the entirety of the conflict. It covers all recent events, including the trial and conviction of Charles Taylor. This provides a strong historical background to the conflict and will help delegates understand how the conflict evolved.

Shah, Anup. "Sierra Leone." Global Issues. (2001).

<http://www.globalissues.org/article/88/sierra-leone>.

This link will provide a long list of links to other sources of information for a variety of things relating to the conflict including United Nations mandates, Human Rights Watch reports, United Nations press releases and reports, resources on the role of conflict diamonds in the conflict, child soldier statistics, and multiple other sources.

United Nations Mission in Sierra Leone. "UNAMSIL." (2009).

<http://www.un.org/en/peacekeeping/missions/past/unamsil/>.

This is the home website of the United Nations Mission in Sierra Leone (UNAMSIL). It provides a comprehensive overview of the mandate of the mission as well as necessary facts and figures associated with it. It also provides a direct link to the Special Court of Sierra Leone, which prosecuted individuals for war crimes resulting from the wars.

Topic II: Assessing the Impact of Arbitrary Detention on the Global Population

Amnesty International. "Jailed Without Justice: Immigration Detention in the USA." (2009).

<http://www.amnestyusa.org/pdfs/JailedWithoutJustice.pdf>.

This publication produced by Amnesty International provides a look at deprivations of liberty from the immigrant perspective, which is an important facet of the issue of Arbitrary Detention and will provide a wider ranging discussion on the topic.

Global Detention Project. "Migration-Related Detention and International Law."

<http://www.globaldetentionproject.org/law/legal-framework/international/un-charter-based-mechanisms.html>.

The Global Detention Project (GDP) is an inter-disciplinary research endeavor that investigates the role detention plays in states. It discusses detention from a legal, domestic, and international standpoint and also presents issues on a country-by-country as well as thematic basis.

Office of the United Nations High Commissioner for Human Rights. Fact Sheet No. 26, The Working Group on Arbitrary Detention. <http://www2.ohchr.org/english/about/publications/docs/fs26.htm>.

This publication produced by the UNHCR serves as an excellent resource for a greater explanation on the composition of the Working Group on Arbitrary Detention as well as its functions and mandate for protecting against deprivations of liberty in Member States.

Marcoux, Laurent Jr. "Protection from Arbitrary Arrest and Detention Under International Law." (1982). *Boston College International and Comparative Law Review*. Vol. 5 no. 2.

<http://lawdigitalcommons.bc.edu/iclr/vol5/iss2/3>.

This journal discusses the legal basis for the international provisions against Arbitrary Detention. It provides an in depth analysis on the definitions of Arbitrary Detention and other deprivations of liberty as well as on the international conventions involved in the crafting of the customary international law.

ReliefWeb. "Arbitrary Arrest and Detention Rife in Various Parts of Sudan, says UN Report." (2008). <http://reliefweb.int/node/288829>.

This article discusses instances of Arbitrary Arrest and Detention in Sudan and provides links to UN Reports documenting instances of deprivations of liberty. This article serves as an excellent example of occurrences of Arbitrary Detention.

Topic III: Strengthening the Right to Food, Water and Resource Security

The Water, Energy, and Food Security Nexus. "Bonn2011 Conference: The Water, Energy, and Food Security Nexus: Policy Recommendations." (2012).

http://unglobalcompact.org/docs/news_events/9.1_news_archives/2012_02_20/Bonn2011Conference_Policy_Recommendations.pdf.

This paper is a follow up to the Bonn2011 Conference held in November 2011. The prescriptions deal with strengthening water and food security for developing countries. The report emphasizes that human rights are at risk if proper food and water is not provided to developing countries and that human development is hindered because of inadequate food and water internationally.

Evans, Alex. "Resource Scarcity, Climate Change, and the Risk of Violent Conflict." World Development Report 2011 Background Paper. (2010).

This background paper is important because it ties together climate change, resource scarcity, and the idea that conflict is associated with them. Evans gives an overview of what actually causes conflict with resource scarcity and hypothesizes that other components affect scarcity and conflict. This article gives a very good overview of how climate change and scarcity are related and how they affect human rights.

"Water and Food Security." Food and Agriculture Organization.

<ftp://ftp.fao.org/docrep/fao/010/ai560e/ai560e00.pdf>.

This is a brief but good overview of food and water security and how it can be fixed. The Food and Agricultural Organization (FAO) wrote this brief and explains how the organization believes the problem can be solved. The FAO also proposes a number of possible solutions, both long and short term, particularly for combatting water shortage issues in Africa.

Food and Agricultural Organization. World Water Day 22 March 2012. (2012).

http://www.unwater.org/worldwaterday/downloads/WWD2012_BROCHURE_EN.pdf.

This brochure for World Water Day, which was held on March 22, 2012, is a good overview of the water security issues affecting the international community. The brochure provides an overview of the many problems about water security, how they affect people, and how they can be addressed in the short and long term future. It also discusses the link between water and food scarcity and how water scarcity is a leading factor in food security.

Lopez-Gunn, Elena., De Stefano, Lucia, and Llama, M. Ramon. "The Role of Ethics in Water and Food Security: Balancing Utilitarian and Intangible Values." (2012).

Water Policy. Vol. 14 <http://www.fundacionbotin.org/file/31425/>.

With the development of new technologies, there is always a chance that new technological developments cross the line of ethics for Member States. This paper is a realization of that argument and how to approach new changes to provide water and food security. In addition, the authors argue that the environment must be protected. There is an ethical line in every debate and all Member States should research their stance on resource security and ethical values.

United Nations Department of Economic and Social Affairs. "International Decade for Action 'Water for Life' 2005-2015."

http://www.un.org/waterforlifedecade/food_security.shtml.

This website was created by a United Nations body that specializes in food and water security. It is a list of facts and figures regarding global population, how food and water security factor into the MDGs, how issues surrounding food and water can be solved. The site also provides links to other resources available that Member States should consider.

United Nations Environmental Program & International Water Management Institute. "Ecosystems for Water and Food Security." (2011). <http://www.unep.org/pdf/depi-ecosystems-food-sec.pdf>.

This article proposes a number of ideas and solutions to improve irrigation and crop growth to combat food and water insecurity. While this topic does not deal solely with climate change, how to improve food and water security is a component of this article that will be useful to Member States who are affected by negative agricultural practices due to a problematic ecosystem.