

CREATING A CHARTER ON HUMANE TREATMENT OF POLITICAL PRISONERS



Forum: 3rd committee – Social, Humanitarian and Cultural

Issue: Creating a Charter on Humane Treatment of Political Prisoners

Chair: Zuzana Baláková

Co-chair: Sydney Sørsensen

Description of issue:

While there are existing international guidelines ensuring that regular prisoners be treated in a humane way while imprisoned, political prisoners are often imprisoned in secret and kept in appalling conditions. In the context of the issue that we are addressing, the aim of the UN (and therefore MUN as well) is to ensure that political prisoners receive humane treatment and that their dignity is protected.

Main countries involved: Belarus, Russia, China, Iran, Saudi Arabia

Background information:

As of the time this paper is being written, there are 4650 known political prisoners, although the actual number is unknown. Persons who are detained as political prisoners are generally detained due to representing an attempt to challenge the existing political regime of their country.

Examples of famous political prisoners include Nelson Mandela who was imprisoned for his activism for human rights in South Africa, he later became South Africa's first black president. In his 27 years in prison, Nelson Mandela was treated poorly. The prison guards had very few rules to follow due to Mandela being an enemy of the regime. In response to his case and cases of many others, the United Nations has created something called Standard Minimum Rules for the Treatment of Prisoners (SMR), or the Nelson Mandela Rules. These are regulations meant to ensure fair and humane treatment of prisoners. The main idea behind it is that prisoners, regardless of the gravity of their crime, still have basic human rights. This extends beyond the right of a prisoner to get food, a bed, and a warm place to stay. The main areas that the SMRs

focus on are protecting prisoners from ill-treatment, access to healthcare, access to legal representation.

The issue with political prisoners specifically is the fact that they are mostly kept in prison based on threatening the government and it is therefore more comfortable for the officials to keep them undisclosed and not draw the public's attention to them. This leads to worse treatment of such prisoners and unfair sentences. It is essential that political prisoners receive the treatment and rights explained by the SMRs in the same way as regular prisoners.

The issues that need to be addressed are as follows:

- Dignity and basic human rights of each political prisoner
- Access to healthcare
- Access to legal representation and just trails
- Training of prison staff to ensure prisoner's well-being
- Thorough investigation of any claims of ill-treatment in custody
- Sanctions and punishments are fair and appropriate (solitary confinement)
- Sexual harassment and abuse in prisons
- Complaints are taken into consideration and recognized
- Political prisoners who incarcerated in secret conditions
- Attempts to free political prisoners when the circumstances of their imprisonment are deemed to be unjust

A framework needs to be made to create guidelines for the treatment of political prisoners for all the member states of the United Nations. Some member states have secure humans right in their prisons such as Switzerland, Germany or Australia, the focus should be on member states whose prison conditions are not ideal, with the goal to improve said conditions.

The most problematic countries are currently the following. **Belarus**, at the time of the creation of this research paper has 715 persons who are described as political prisoners, mostly persons who opposed, generally in a peaceful manner, the existing government of President Lukashenko. Many movements exist that aim for the release of these political prisoners, including a movement initiated by the Human Rights House Foundation. (more information available here: <https://humanrightshouse.org/we-stand-for/human-rights-defenders/freedom-for-belarusian-political-prisoners/>)

Russia currently has at least 410 political prisoners, although the number is most likely much higher. Many of these people were imprisoned because of exercising their right to religious freedom, particularly those of Muslim faith and Jehovah's witnesses. A prominent political prisoner is Alexei Navalny, who was detained in January of 2021 in Moscow and jailed in February because of being a very important personality in the opposition of the current Russian President Vladimir Putin. According to his own words, Russian prison is "psychological torture".

There are also claims of Kremlin poisoning Navalny on several occasions. The Russian government has denied both political reasons for Navalny's imprisonment and the allegation of poisoning. The entire situation is closely documented in the media. An article about Navalny's life in prison is available here: <https://www.theguardian.com/world/2021/aug/26/alexei-navalny-russia-prison-state-tv-china-labour-camp-psychological-violence>.

China, a country that is currently under communist reign, had at least 1000 political prisoners in 2017 (the last statistic available), and it can therefore be presumed that that statistic hasn't changed significantly ever since. Main reasons for these prisoners' imprisonment are Religion, speech, and open criticism of the existing government.

Iran's dissidents are frequently imprisoned for peaceful expression of their views. The number of political prisoners is currently unknown. Reports exist that map the arrests of journalists, intellectuals, and writers since the year 2000. The conditions inside Iranian prisons are mostly unknown. Evin prison is best known as a prison for political prisoners. UN's steps in the case of Iran should therefore start with revealing the facts surrounding political prisoners in Iran before taking any measures to improve them.

The repression of free expression has intensified in **Saudi Arabia** in the recent years. Human rights defenders have been frequently detained and incarcerated for long periods of time without a hearing or an actual sentence. Once they did get to a trial, it was oftentimes found to be unjust, such trials were often mass trials. Detention is particularly cruel for women, LGBTQ+ persons and minorities.

Measures taken by the UN:

The following are existing resolutions by the General Assembly (GA) made in an attempt to better the treatment of prisoners.

Resolution 37/193 (1982) – Torture and other cruel, inhuman, or degrading treatment or punishment; attempts to ensure that prisoners aren't ill-treated.

Resolution 45/111 (1990) – Basic principles for the treatment of prisoner; mostly focused on the equal treatment of prisoners regardless of their background, social status, race and political beliefs.

More resolutions need to be made however, to address the issue further, as instances of ill-treatment of political and other prisoners is still recorded around the world.

Questions to address in the debate:

In this section, some question that could be addressed in the debate will be listed. These don't necessarily have to be included, they should only serve as prompts for the delegates/ambassadors.

Should the UN build its own penal facilities so it can ensure that the rights of all prisoners are protected?

Should the UN have the ability of inspecting a facility unannounced and give out sanctions on the spot?

Should the UN be allowed to decide how prisons are run in an independent member state?

Should the UN set up a body to assist prisoners if they feel their rights are being breached?

Should the UN create a new declaration of rights, specifically concerning political prisoners?

Key terms:

Political prisoner - a person deprived of their personal liberty due to: their beliefs being contrary to those of their government

Solitary confinement - isolation of a prisoner in a separate cell as a punishment, the prisoner has no meaningful human contact for prolonged periods of time. Ill-treatment in the form of denying food, no light and sometimes even physical violence are more commonly inflicted on prisoners in solitary confinement

Incarceration - imprisonment

SMRs - Standard Minimum Rules; regulations created by the UN for all its member states

Dissident – a person who opposes official policy, especially in a authoritarian state

Sources every delegate/ambassador should study:

<https://www.bbc.com/news/world-africa-23618727> - Nelson Mandela's experience in prison in his own words

<https://www.addameer.org/statistics/2021/09> - statistical information about the number of political prisoners

https://www.unodc.org/documents/justice-and-prison-reform/Brochure_on_the_UN_SMRs.pdf?fbclid=IwAR28rtmm383fQtGstZoTJj6aiyrdFDWxNSxp8c3Y1ynaGMBIQurRxKtnMxg - the SMR rules in a brochure

<https://pfi.org/>

<https://www.equalityhumanrights.com/en>

<https://www.hrw.org/>