

Research Report

Human Rights Council

Establishing standard protocols for the treatment of prisoners, especially political prisoners



MUNISH



Please think about the environment and do not print this research report unless absolutely

Forum	Human Rights Council
Issue:	Establishing standard protocols for the treatment of prisoners, especially political prisoners
Student Officer:	Hanna Ollivier de Leth
Position:	President

Introduction

Imagine being held captive for having different political views than the current government. This does not mean you have expressed your political beliefs in a threatening way or have caused any form of riot or demonstration against the government. It just means you have a different opinion from your nation's leaders. Then imagine, while being held captive, you are being maltreated and tortured both physically and mentally, with nobody there to help you or save you from the situation, and no certainty of when you will be released. Sadly, these scenarios still occur in prisons in a number of countries in the world, not only in the United States of America (USA) or China, but also in some Asian and African countries. This issue is all about changing the way political prisoners are treated, and have been treated for years, by establishing protocols regarding the treatment of political prisoners.

Definition of Key Terms

Political prisoner

Someone imprisoned for his or her political beliefs or his or her participation in political activity. This not necessarily means one has committed a crime, but he/she is being held captive as the government believes his/her political views threat their own.

Guantanamo Bay

This prison, located in Cuba, is a contentious prison owned by the United States of America. The prison was opened in 2002, however only 6 years later Barack Obama already announced plans to close the detention camp again, due to its horrible treatment of prisoners. Guantanamo Bay has been accused of physical abuse, sexual abuse and mental



abuse. Even though they maintain a strict and forcibly regime, 25% of the released detainees from Guantanamo Bay is again engaged with terror.

Universal Declaration of Human Rights (UDHR)

The United Nations have set up an agreement of thirty articles in total, describing a foundation of human rights, applying for every single country, area, county, city and village in the world. However, various countries do not assert the universal 'rules' regarding the human rights that have been made, so articles prohibiting torture are ignored.

Black jails

These jails, established by Chinese security forces, are unofficial prisons, not registered by the law and therefore called extralegal. What happens in these jails does not follow the laws which are applied in the rest of the country and it is therefore difficult to know what precisely is happening in the prisons. According to Human Rights Watch, the detainees in black jails are being tortured, starved and sometimes hosed down with water.

General Overview

Despite the fact that torture is prohibited in most countries since it violates the Universal Declaration of Human Rights, many governments still use it. The amount of governments that treat political prisoners badly is incredibly significant. Governments such as Yemen and Iran are guilty of charge, but so are the United States of America and China. Statistics for the precise number of political prisoners being arrested every year unfortunately do not exist, since most governments and prisons obscure their numbers. Governments decide to arrest their civilians when they have the feeling they form a threat for their policy and will turn other civilians against them. The civilian does not have to have committed a crime, even though most governments who act this way do believe it is a crime, talking to a reporter expressing a different view on politics can be enough. Fair trials are mostly not the case in those countries, and a specific time they have to serve their sentence is never given.

Types of maltreatment

The types of maltreatment and torture differ from prison to prison or from detention camp to detention camp. There are many different ways of abusing, but there are some main things which occur in most of the prisons. One thing that is on quite the same level in all the prisons is their environment. Solitary confinement is a way of torture used in most prisons. Prisoners have to, for example, live up to 23 hours per day in a room with no windows or no

access to fresh air or sunlight, alone as a form of mental abuse. Other examples include a solitary confinement for 15 days. Some prisoners may have lived with a solitary confinement of 23 hours per day for 40 years; blindfolded and handcuffed. Also a lack of food such as starvation, hygiene related problems and inability to communicate are also common forms of mental maltreatments.

Other types of maltreatment obviously include physical abuse. This can differ from flogging to being forced to do inhumane activities. Medical care is not provided at all. Sexual abuse by officers is present as well, as is degrading in any form. Some prisons even make use of drugs in advance of the sexual misuse.

Reactions of prisoners

As a response to the horrible things done to them, prisoners do try to demonstrate against their treatment and try to raise attention. An example is hunger strikes, as seen in Guantanamo Bay recently. This way, prisoners feel they actually have something to say or do, since everything else in their prison is determined for them. It is a method of a non-violence demonstration as a protest. Also, they try and provoke guilt in the state. Prisons respond often with force-feeding, something also done very roughly and seen as a form of torture.

Other prisoners have written letters to governments, sometimes of other influential nations such as the United States of America, to beg for release or for a different treatment. An example of this is the letter written by Nelson Mandela In 1969, when he was held captive for 28 years. Another example is the letter that has been written by prisoners in Iran to Barack Obama, pleading for detention and to end their sanctions. To which extent those letters are effective is doubtful.

Another phenomenon occurring often in prisons is a suicide. Often prisoners attempt to commit a suicide, of which just a few are successful, out of desperation and maybe even as an attempt to raise awareness of the situation. Some even have made multiple or have tried to do it simultaneously. In 2003, about 350 incidents took place in Guantanamo Bay.

When prisoners got released, which rarely happens, from Guantanamo Bay, Americans got frightened and worried that they (prisoners) are going to take revenge on the USA. This is not a crazy thought, seeing the statistics of how many prisoners return to their previous ways. Either way, prison experiences like this will traumatize one's life

unconditionally, and will make it very hard for them to gain back a position in the society when they return mentally ill and with broken bodies.

Major Parties Involved and Their Views

Human Rights Watch (HRW)

While being held captive, prisoners are treated horribly. Tortured in various ways; both physically and mentally. The Human Rights Watch is an organization dedicated to keep track of violations of the universal human rights, stated in the Universal Declaration of Human Rights. The imprisonment and torture of political prisoners violate Article 2, 3, 5, 8, 9, 11, 18, and 19. Therefore, this organization is very crucial for this issue, in order to monitor how the prisoners are currently treated and how to raise this topic with the government.

Amnesty International

This non-governmental organization is motivated for the maintenance and the protection of the human rights. Amnesty International is a worldwide organization campaigning to end the abuse of human rights. The non-governmental organization reports on issues and affairs in the world, for example imprisonment and torture. The organization is very specialized in the treatment of prisoners, and has dedicated campaigns to the matter. People are for example able to write letters or greetings to political prisoners all over the world or able to write letters to the government, contributing to an action of release. Amnesty International is engaged with governments and tries to motivate governments to treat their prisoners respectfully. Currently Amnesty International campaigning for the closure of Guantanamo Bay is one of the world's biggest inhumane prisons.

United States of America (USA)

Even though plans for closing Guantanamo Bay detention camp have been announced five years ago, they have not been successful yet. The majority of the American population is in favor for keeping the detention camp open, which makes it more difficult for the prison to close. After the 9/11 terrorist attack, Americans felt safer with a detention camp such as Guantanamo Bay, for 'the most dangerous prisoners' open. But also the 'a little less dangerous prisoners' have been hardly mauled after the 9/11 disaster, since the Americans believe that is a way to help preventing such things from happening. Even though it is understandable that the USA is afraid of terroristic attacks after what happened 12 years ago, it does not mean torture is the way to tackle it, since statistics even show 25% goes

back to terror after their release. A different treatment would maybe reduce this percentage, plus maintain the basic human rights.

China

A famous and recent example of the treatment of political prisoners in China is the imprisonment in 2011 of the outstanding and internationally recognized artist Ai Weiwei, who used his fame to raise awareness and to express his criticism on the Chinese government. Even though he was released after 81 days, Ai Weiwei reported his detention was hellish and that he was mentally tortured. And of course Ai Weiwei is by far not the only one. China maintains very strict rules considering rights as freedom of speech, freedom of press, political freedom and freedom of the internet, to limit, control and influence everything said in the country. Even though China prohibited torture in 1996, human right groups still register violations of human rights and use of torture in especially black jails. Also, a huge amount of the prisoners turn out to be completely innocent after several years of being held captive and maltreatment.

Timeline of Events

Date	Description of event
1949	Four Geneva conventions were drawn up regarding the treatment of political prisoners of war
1962	Imprisonment of Nelson Mandela, a political prisoner, on Robben Island
April 22 nd , 1969	Nelson Mandela wrote 'Release Us or Treat Us as Political Prisoners'-letter to the Minister of Justice from Robben Island Prison
1977	Two Protocols are added to the Geneva conventions
February 11 th , 1990	Nelson Mandela gets released after having spent 28 years in three different prisons
January, 2002	Guantanamo Bay is established in Cuba by the United States of America
2008	Barack Obama, at that time just appointed as the new president of the United States of America, announces plans to close prison Guantanamo Bay
May, 2013	Barack Obama announces new plans on closing Guantanamo Bay, however conferences in July do not sound promising

UN involvement, Relevant Resolutions, Treaties and Events



- Basic Principles for the Treatment of Prisoners, 14 December 1990 (**A/RES/45/11**)
- United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules), 21 December 2010 (**A/RES/65/229**)
- Standard Minimum Rules for the Treatment of Prisoners, 20 December 2012 (**A/RES/67/188**)
- Political prisoners of South Africa, 17 December 1981 (**A/RES/36/172J**)
- Protection of human rights of certain categories of prisoners, 15 December 1980 (**A/RES/35/186**)
- Political prisoners in South Africa, 12 December 1979 (**A/RES/34/93H**)
- Protection of the human rights of certain category of prisoners, 16 December 1977 (**A/RES/32/121**)
- Solidarity with South African political prisoners, 9 November 1976, (**A/RES/31/6C**)
- Maltreatment and torture of prisoners and detainees, 15 November 1972 (**A/RES/2922(XXVII)**)
- Report of the Ad Hoc Working Group of Experts on the treatment of political prisoners in South Africa, 19 December 1968 (**A/RES/2440(XXIII)**)

Evaluation of Previous Attempts to Resolve the Issue

Even though the problem is recognized, and non-governmental organizations are engaged in this issue, a universal solution has yet to be made. Organizations such as Amnesty International work on individual cases by approaching governments individually, but universal protocols have not yet made a statement. Resolutions on this topic have passed in the United Nations General Assembly, but unfortunately this did not mean governments changed their policies.

Possible Solutions



Establishing a standard protocol for the treatment of political prisoners is a sensitive matter, since nations hugely disagree on the way political prisoners should be dealt with. The definition of a political prisoner is different for every government, one may find the political prisoner innocent, and the other sees his or her actions as very offensive towards the country. Most countries do not even want to have anything to do with a standard protocol, since they believe this is an intrinsic matter. However, it is very important for that standard protocol to be established and thereafter maintained by all the governments. To achieve this, the standard protocol must be put together very carefully.

The main issue is the maltreatment taking place in prisons especially against political prisoners. Instead of physical torture, it would be more convenient for the prisoners to be placed in a work regime. The work can be physical and in this way the ones giving the command still have the feeling the prisoners are being punished and are being physically impoverished. Mental maltreatment however should be completely prohibited. Prisoners, hardly seeing any other people outside of the prison and themselves never leaving the prison, are already mentally challenged.

Regarding other basic human rights such as food, guidelines should be given in the protocol. A specific amount of food, a given amount of time one prisoner is allowed to spend in one room, guidelines on communication possibilities, access to medical care etc. Important one is the basic right of a fair trial, which is not the case in most countries. Since a big part of the political prisoners turn out to be innocent, a fair trial will prevent lots of cases.

Most important is that governments will assert this standard protocol. In order for them to realize the importance and the rights of the political prisoners, awareness can be raised. This can be done via letters, like organization Amnesty International has done, but this can also be done by public media and communication systems, such as the internet and advertisements in newspapers, television and magazines. This way, the world will be more aware of the problems regarding the treatment of prisoners and will make governments aware of the unusualness of it. It will also be possible to punish the governments when they exceed the protocol, with for example a financial punishment, but that will make it very unrealistic for countries to vote in favor of the resolution.

Bibliography



"The Universal Declaration of Human Rights, UDHR, Declaration of Human Rights, Human Rights Declaration, Human Rights Charter, The Un and Human Rights." *UN News Center*. UN, n.d. Web. 05 July 2013. <<http://www.un.org/en/documents/udhr/>>

"The Doomed Soldiers, Polish Underground Soldiers 1944-1963 – The Untold Story". *The Doomed Soldiers*, n.d. Web. 05 July 2013. <<http://www.doomedsoldiers.com/torture-methods-of-ub.html>>

"Guantanamo Bay Detention Camp." *Wikipedia*. Wikimedia Foundation, 09 June 2013. Web. 05 July 2013. <http://en.wikipedia.org/wiki/Guantanamo_Bay_detention_camp>

"GENEVA CONVENTION." *GENEVA CONVENTION*. N.p., n.d. Web. 05 July 2013. <http://www.ppu.org.uk/learn/texts/doc_geneva_con.html>

"Close the Guantanamo Bay Detention Center." *PolitiFact*. N.p., n.d. Web. 05 July 2013. <<http://www.politifact.com/truth-o-meter/promises/obameter/promise/177/close-the-guantanamo-bay-detention-center/>>

"The Daily Caller." *The Daily Caller*. N.p., n.d. Web. 05 July 2013. <<http://dailycaller.com/2012/09/24/why-guantanamo-bay-should-remain-open/>>

"Why, Mr President, Is Guantanamo Bay Still Open? | Cori Crider." *The Huffington Post UK*. N.p., n.d. Web. 05 July 2013. <http://www.huffingtonpost.co.uk/cori-crider/guantanamo-bay_b_3644827.html>

"Human Rights in China." *Wikipedia*. Wikimedia Foundation, 09 May 2013. Web. 05 July 2013. <http://en.wikipedia.org/wiki/Human_rights_in_China#Political_freedom>

"Black Jails." *Wikipedia*. Wikimedia Foundation, 07 Apr. 2013. Web. 05 July 2013. <http://en.wikipedia.org/wiki/Black_jails#Treatment_of_detainees>

"Detention and Imprisonment | Amnesty International." *Detention and Imprisonment | Amnesty International*. N.p., n.d. Web. 05 July 2013. <<http://www.amnesty.org/en/detention>>

"Prisoner Hunger Strike Solidarity." *Prisoner Hunger Strike Solidarity*. N.p., n.d. Web. 05 July 2013. <<http://prisonerhungerstrikesolidarity.wordpress.com/education/>>

"Hunger Strike." *Wikipedia*. Wikimedia Foundation, 09 Feb. 2013. Web. 05 July 2013. <http://en.wikipedia.org/wiki/Hunger_strike>



"PressTV - Yemen Political Prisoners - Tortured under New Regime." *PressTV - Yemen Political Prisoners - Tortured under New Regime*. N.p., n.d. Web. 05 July 2013.
<<http://www.presstv.com/detail/2013/07/21/314804/yemen-political-prisoners-face-torture/>>

Appendices

- i. Nelson Mandela 'Release Us or Treat Us as Political Prisoners'
www.sahistory.org.za/archive/nelson-mandela-release-us-or-treat-us-political-prisoners-22-april-1969
- ii. Torture, Political Prisoners And The Un-Rule Of Law: Challenges To Peace, Security And Human Rights In Burma
www.aappb.org/Torture_political_prisoners_and_the_un-rule_of_law.pdf
- iii. Solitary confinement abuse in U.S. prisons
www.youtube.com/watch?v=Tu4xGI4CKLQ
- iv. Torture in Russian prisons became rule rather than exception
www.kavkaz.tv/eng/content/2012/07/03/16438.shtml
- v. The Reality of Political Prisoners in The United States: What September 11 Taught Us About Defending Them
<http://www3.law.harvard.edu/journals/hjrej-articles/archive/vol18/soffiyah.pdf>