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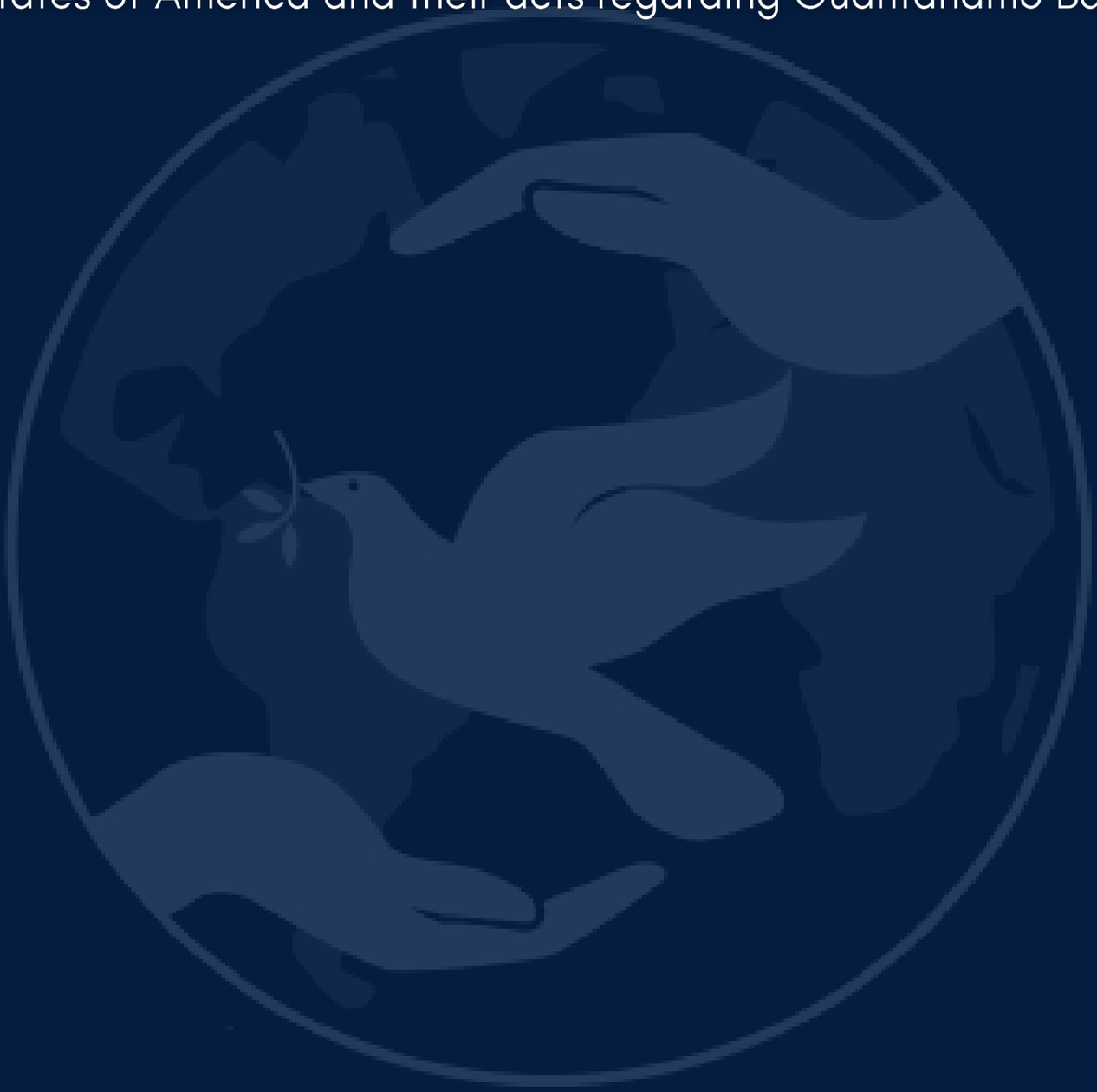
UNITED NATIONS
HUMAN RIGHTS
COUNCIL

STUDY GUIDE

AGENDA

Agenda: The violations of human rights of incarcerated prisoners around the world with emphasis on the United States of America and their acts regarding Guantanamo Bay.



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LETTER FROM THE EXECUTIVE BOARD

The Executive Board is pleased to announce the agenda for the upcoming session of the United Nations Human Rights Council (UNHRC) regarding the pressing matter of-
"The violations of human rights of incarcerated prisoners around the world with emphasis on the United States of America and their acts regarding Guantanamo Bay."
This session will be conducted following the rules of procedure set forth by the Harvard Model United Nations (HMUN) which are designed to ensure the smooth and effective functioning of our committee.
This document outlines the key principles and guidelines that will govern our discussions and deliberations during the upcoming UNHRC session. We kindly request all committee members to familiarise themselves with these rules before the meeting to ensure a productive and efficient debate.
We anticipate robust and insightful discussions during the session as we work collectively to assess the situation, explore potential solutions, and uphold the principles of the United Nations.
Please be reminded that this session will adhere to the principles of diplomacy, respect, and constructive dialogue that are central to the United Nations' mission of maintaining international peace and security. In preparation for the meeting, we encourage all delegates to conduct thorough research, engage in fruitful discussions, and bring forth innovative ideas and proposals to address this complex issue effectively.

As a side note, we would like to mention that decorum, or discipline, will be a central requirement for the functioning of the committee, and unless the executive board is satisfied with the decorum, committee proceedings will come to an immediate halt.

We look forward to your active participation and meaningful contributions to this important session. Together, we aim to make significant progress in our pursuit of a peaceful and just resolution to the matter at hand.

Warm regards,

Head Chairperson
(Anshul Mehta)

Vice Chairperson
(Anindit Sengupta)

Moderator
(Dhyan Jariwala)

INTRODUCTION TO THE COMMITTEE

The Human Rights Council (HRC) is an intergovernmental body within the United Nations system responsible for promoting and protecting human rights around the world. It was established in 2006 to replace the previous Commission on Human Rights, with the aim of addressing human rights issues more effectively.

The HRC consists of 47 member states elected by the UN General Assembly for staggered three-year terms. Members are chosen based on their commitment to human rights and their contributions to the promotion and protection of these rights.One of the primary functions of the HRC is to review and address human rights violations occurring in any part of the world.

It does this through various mechanisms, including holding regular sessions where it examines reports on human rights situations in different countries, adopts resolutions, and conducts thematic discussions on specific human rights topics. Resolutions introduced by the HRC cover a wide range of human rights issues, such as the rights of women, children, indigenous peoples, migrants, and minorities, as well as issues related to freedom of expression, assembly, and religion.

These resolutions often call on governments to take specific actions to uphold human rights standards or to address violations within their jurisdictions.It's important to note that the judgments or decisions made by the HRC are non-binding. This means that while the resolutions adopted by the Council carry moral and political weight, they are not legally enforceable. Instead, they serve as recommendations or guidance for member states to improve their human rights records and practices.

However, despite their non-binding nature, these resolutions can still have significant impact, as they can influence public opinion, diplomatic relations, and international cooperation on human rights issues. Additionally, the HRC can also establish special procedures, such as rapporteurs or independent experts, to investigate and report on specific human rights concerns, further contributing to its advisory role in promoting and protecting human rights globally.
The Human Rights Council does play a role in peacebuilding efforts by addressing the root causes of conflicts, promoting reconciliation, and advocating for the respect of human rights as essential elements for achieving sustainable peace. By monitoring and addressing human rights violations, the HRC contributes to creating an environment conducive to peace and stability. Additionally, the Council may issue recommendations to member states and international actors involved in peacekeeping operations to ensure that human rights are upheld during the course of these missions.

A BRIEF INTRODUCTION TO THE AGENDA

According to the "World Prison Population List" (2018) by Roy Walmsley, as reported by the World Prison Brief (WPB) and the Institute for Criminal Policy Research (ICPR), the global prison population has surpassed 10.74 million individuals, marking a significant 24% increase since 2000. This alarming surge alone underscores the pressing need to prioritise the enhancement of prisoner conditions in both national and international human rights agendas.

However, the challenges extend far beyond mere numbers. Overcrowding persists as a chronic issue, leading to inadequate resources and facilities for inmates. Moreover, certain demographic groups, particularly women, face ongoing harassment from both fellow prisoners and prison staff. Shockingly, in some regions, practices such as torture and solitary confinement are normalized despite their well-established detrimental effects on mental well-being. Urgent action is imperative from the international community to reassess and bolster efforts aimed at improving human rights standards within correctional facilities.

Since its inception in 2002, the Guantanamo Bay detention camp, located on the southern coast of Cuba within the Guantanamo Bay Naval Base, has proven to be a source of international controversy. The facility, colloquially known as “Gitmo”, was established in response to the necessity for a secure holding facility for militants and suspected extremists, who were seized by the US forces in places like Afghanistan and Iraq. The detention camp became a source of conflict for the world, attracting attention to the alleged abuses of detainees' legal rights under the Geneva Conventions. The US authorities' allegations of torture and abusive treatment being made to the prisoners, heightened worldwide scrutiny.

Guantanamo Bay initially accepted suspected al-Qaeda and Taliban fighters, the camp also hosted hundreds of inmates from several countries, who were kept there without charge and the tiniest bit of legal recourse to contest their detentions. President George W. Bush claimed that the detainees were not entitled to fundamental constitutional protections since the base was located outside of US soil and the Geneva Conventions did not apply to "illegal enemy combatants."

Soon many legal fights ensued, with the United States Supreme Court ruling that the military commission system at Guantánamo was illegal under international law. The succeeding Military Commission Act revived the commissions temporarily but limited

A BRIEF INTRODUCTION TO THE AGENDA

federal court jurisdiction over habeas corpus petitions on behalf of foreign inmates.This provision was later invalidated by the courts, confirming the right of Foreign detainees to appeal their detentions.

Despite the court rulings, many detainees, including those cleared for release, remained imprisoned owing to logistical and security concerns. Organizations like the International Human Rights Organization, the European Union, and the Organisation of American States have condemned the camp, citing human rights breaches and the use of torture during interrogations.

President Barack Obama promised in 2009 that the facility would be closed within a year, emphasising a shift away from controversial interrogation practices. However, political resistance hampered the project's completion. In 2013, the captives went on a hunger strike, drawing international attention to their predicament.

IMPORTANT TERMS

- Human Rights: Human rights are, by definition, universal, and fundamental. No individual can be deprived of them - irrespective of the crimes they commit
- Prisoners: a person legally committed to prison as a punishment for a crime or while awaiting trial.
- Private Prisons: A private prison, or for-profit prison, is a place where people are imprisoned by a third party that is contracted by a government agency
- Solitary Confinement: Solitary confinement is a type of detainment in which a prisoner is detached from any human contact, frequently except for individuals from jail staff, for 22- 24 hours per day, with a sentence going from days to decades.
- Penal Labour: Penal labour is a term for various kinds of forced labour that prisoners are required to perform, typically manual labour.
- Juvenile Prisons: a type of prison where people under the age of 16 can be kept.
- "Cruel and Unusual" Punishment: Punishment prohibited by the Eighth Amendment to the American Constitution. Cruel and unusual punishment includes torture, deliberately degrading punishment or punishment that is too severe for the crime committed. This concept helps guarantee due process even for convicted criminals.
- Mass Incarceration: Mass Incarceration is a term for the extremely high rate of incarceration in the United States for both adults and youth.
- Prison-Industrial Complex: The prison Industrial Complex (PIC) is a term we use to describe the overlapping interests of government and industry that use surveillance, policing, and imprisonment as solutions to economic, social, and political problems.
- Recidivism: the tendency of a convicted criminal to reoffend.
- Mandatory Minimum Sentences: A mandatory minimum is a sentence, created by Congress or a state legislature, that the court must give to a person convicted of a crime, no matter what the unique circumstances of the offender or the offence are.
- Restorative Justice: An approach to justice that seeks to repair harm by providing an opportunity for those harmed and those who take responsibility for the harm to communicate about and address their needs in the aftermath of a crime."
- War Criminal: A war crime is a violation of the laws of war that gives rise to individual criminal responsibility for actions by combatants in action, such as intentionally killing civilians.
- Extradition: the act of making someone return for trial to another country or state where they have been accused of doing something illegal

TIMELINE

Efforts to improve prisons have been proposed since time immemorial. However, the basic grassroots efforts really started after WW2 in the 1940s. From the 2000s onwards, we can see there is an increase in public consciousness about the abuse of human rights in prisons and thus a greater call for improving conditions in prisons as well as forcing legislation to give but basic human dignity to their prisoners.

1940S-1990S: EARLY DEVELOPMENTS

1949: The Geneva Conventions are established, providing protections for prisoners of war in armed conflicts. [Source: International Committee of the Red Cross (ICRC)]

1960s-1970s: Emergence of Human Rights Advocacy Movements globally

1966: The International Covenant on Civil and Political Rights (ICCPR) is adopted, emphasising the protection of fundamental human rights, including those of prisoners.

1968: My Lai Massacre : US Soldiers were involved in the My Lai Massacre during the Vietnam War, where 500 unarmed South Vietnamese civilians, including women, children, and the elderly, were killed, tortured, and raped.

1984: The United Nations Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment is adopted, emphasizing the prohibition of torture.

1988: The UN Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment is adopted, providing guidelines for the treatment of detainees.

1995: Prison Litigation Reform Act - imposed several restrictions on prisoners' ability to file civil rights lawsuits, making it harder for them to bring forth their grievances in court, and keeping countless serious claims of sexual assault, abuse, and other forms of mistreatment from justice.

1998: The Rome Statute establishes the International Criminal Court (ICC), with jurisdiction over crimes against humanity, including those committed in prison settings.

2000S: GLOBAL EFFORTS AND CHALLENGES

2002: The UN Standard Minimum Rules for the Treatment of Prisoners (the Mandela Rules) are revised, setting international standards for the treatment of prisoners.

2002-Ongoing: Guantanamo Bay Detention Camp:
The U.S. detention camp at Guantanamo Bay has faced criticism for its treatment of detainees, including prolonged detention without trial, waterboarding, and other controversial interrogation techniques.

2003: Abu Ghraib Prison Scandal
U.S. military personnel were involved in the physical and psychological abuse, including torture, of detainees at the Abu Ghraib prison during the Iraq War.

2003: Prison Rape Elimination Act - set the goal to eradicate prisoner rape in all types of correctional facilities in the United States.

2009: No Social Security Benefits for Prisoners Act - under this act, a prisoner, probation or parole violator, or fugitive felon cannot receive Social Security benefits until their sentence is completed.

2011: The UN Special Rapporteur on Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment releases a report on torture in healthcare settings, including prisons.

2015: The Mandela Rules are formally adopted by the UN General Assembly, further strengthening the protection of prisoners' rights.

HUMAN RIGHTS OF PRISONERS

The UN Charter mentions that “every prisoner will receive the respect that comes with their natural worth and dignity”, and that all prisoners shall be granted fundamental rights as outlined in UN Covenants aside from reasonable restrictions of prison life. It supports the right of prisoners to acquire skills and education in prisons, and their right to healthcare, and suggests the elimination of solitary confinement.

VIOLATION OF RIGHTS INCLUDE

1. **Racial discrimination:**

   Reports reveal that pregnant female prisoners in the U.S. have been chained during childbirth, causing several of them - who are overwhelmingly black - to lose their babies.

   African Americans are also increasingly subject to “incommunicado detention,” i.e. arrests made without providing access to a lawyer - another violation of their constitutional rights.

2. **Acts against Juvenile Prisoners:**

   The U.S. is the only country in the world that sentences children to life without parole, most of whom are of African-American descent.

   Minors are much likelier to be sexually assaulted or abused in adult detention facilities. Despite overwhelming evidence against the same, juvenile offenders continue to be held alongside adult prisoners - owing to varying state laws.

   Children serving sentences in adult facilities are also less likely to receive vocational training and education than minors housed in juvenile detention facilities, which makes reintegration into society even more challenging.

   In 1999, the Norwegian Supreme Court declared that U.S. prisons did not meet their minimum humanitarian standards, and refused to extradite an accused American smuggler, instead granting him asylum.

3. **Penal Labour :**

   A landmark study by the University of Chicago Law School and the American Civil Liberties Union found that the labour conditions of incarcerated workers in most U.S. states grossly violated the most fundamental human rights.

Poor infrastructure, unfair - often brutal - punishments (such as solitary confinement, prohibition on family visits, or denial of sentence reductions) on refusal to work, and untrained prison guards are a major cause for concern.

Prisoners are not rewarded with a minimum wage, lack worker protections, are forbidden to unionise, and are often forced to work in hazardous conditions without proper equipment or training.

Most of them are unable to afford bare necessities with the money they earn, while they produce approximately $2 billion worth of goods a year. Some states do not pay prisoners, while others pay mere pennies per hour.

Such abhorrent violations of basic human rights, like the right to a decent wage, can be traced down to a loophole in the 13th Amendment, whose exception clause bars slavery - except for people who have been convicted of crimes, allowing prison workers to be exploited, underpaid, and excluded from workplace safety protection laws.

4. **Solitary confinement:**

Reports suggest that U.S. prisons currently hold at least 25,000 inmates under solitary imprisonment, some of whom have been living in isolation for 10 or even 20 consecutive years.

Prison staff is likelier to be apathetic to the prisoners in solitary, abuse against prisoners is harder to detect, and there is consensus that solitary confinement has long-lasting negative effects, such as chronic depression, heightened anxiety, withdrawal, hallucinations, hypersensitivity to stimuli, headaches, and decreased cognitive function.

A significant percentage of prisoners under solitary confinement are patients with mental illnesses. Horrifying accounts of them smashing their heads into the wall, trying to hang themselves, and otherwise attempting to harm themselves are not unusual.

The usage of solitary confinement in the U.S. is in direct contravention of the UN Basic Principles for the Treatment of Prisoners, which states that efforts to abolish solitary confinement as a punishment, or to restrict its use, should be undertaken.

5. **Acts in Private Prisons:**

Private Prisons re-emerged in the U.S. with the privatisation of the 1980s, heralded by President Reagan, to help tackle the growing prison overcrowding.

Studies reveal that the assault rate in private prisons is higher than that of state-run prisons.

Since they are not subject to the same constitutional constraints as public prisons, private prisons often circumvent the law - sometimes to the inmates' detriment.

The Universal Declaration of Human Rights prohibits the practice of slavery. Private prisons operate on a per-diem payment system i.e. they are paid for every prisoner they incarcerate. Some of the largest prison companies in the U.S., such as Core Civic, are listed on stock exchanges. This system, where the confinement of people is used ta earn profit, is considered by many to be a modern-day extension of slavery, albeit legalised.

The prison-industrial complex is a massive industry which seeks to generate wealth from the incarceration of individuals, often extending sentences to seek out as much profit from them as possible. Moreover, the prisoners remain unpaid for their labour, which generates massive profits for their owners while they languish in jail. Through lobbying and other legal means, the mistreatment of prisoners is a growing business in the United States, with prisons being used as money-generating assets instead of places of rehabilitation. Two major companies dominate this field, the Corrections Corporation of America and the GEO Group.

6. **Women in Prisons:**

As per the findings outlined in the "Global Prison Trends 2019" report by Penal Reform International (PRI) and the Thailand Institute of Justice (TIJ), the population of women and girls behind bars has surged by a staggering 53% between 2000 and 2017, reaching a total of 714,000 individuals (Walmsley, 2017).

Typically, women are incarcerated for offences primarily related to drug-related activities, non-violent offences, or property crimes. Consequently, international efforts, including initiatives like the Bangkok Rules, have emphasised the importance of seeking alternatives to imprisonment for female offenders. Such initiatives aim to address the unique circumstances and vulnerabilities of women within the criminal justice system, promoting rehabilitation and reducing the reliance on incarceration as the default response.

Amidst these complex challenges, including the pervasive gender disparity in prison infrastructure and the critical lack of access to essential healthcare and hygiene products for female inmates, grave human rights violations persist.
At the national level, countries like Peru, Kenya, and Australia have taken proactive steps by implementing gender-specific programs within their prison systems, tailored to address the unique needs and challenges faced by female detainees.

GUANTANAMO BAY

Widely considered to be “hell on earth”, Guantanamo Bay is a place of unparalleled notoriety.

It has been 20 years since the detention centre was first opened off the coast of Cuba - where neither U.S. domestic law nor international law could be applied - to counter-extremism post the 9/11 attacks.

In 2023, the centre still held 30 detainees, 16 of them cleared for release but still detained. None of these prisoners have had a fair trial, most of them have been tortured, yet not even charged with a crime.

In 2018, Donald Trump signed an executive order to keep the prison open and ready to accept new enemy combatants. It was done, in his words, to be used to capture and control “terrorists” and “unlawful enemy combatants.”

In 2023, President Biden signed a $770 billion military spending bill but was criticised for provisions barring the use of funds to transfer Guantanamo Bay detainees to foreign countries or into the US unless certain conditions were met. While President Biden has promised to shut down the prison, the Department of Defense has spent millions of taxpayer dollars expanding the facility.

It was used as a location by the CIA for the torture of “suspected extremists”. Doctors were coerced into doing this task in the prison itself. The bay prison has sparked a debate in whether actions of extremists or other such affiliations can be subject to the Geneva Convention against War.

MEANS USED IN PRISON

The methods used in Guantanamo, often referred to as "enhanced interrogation techniques," were authorised by officials of the George W. Bush administration and implemented by various components of the U.S. Armed Forces and intelligence agencies.

The techniques used included physical and psychological methods. Physical methods ranged from beating, binding in contorted stress positions, to waterboarding, and confinement in small coffin-like boxes. Psychological methods involved hooding, subjection to deafening noise, sleep disruption, and sleep deprivation to the point of hallucination. Deprivation of food, drink, and medical care for wounds were also reported.

However, Paul Rester, chief military interrogator at Guantanamo Bay, stated that most of the information gathered from detainees came from non-coercive questioning and "rapport building", not harsh interrogation methods. This raises questions about the effectiveness and necessity of such extreme methods. The number of detainees subjected to these methods has never been authoritatively established, nor how many died as a result of the interrogation regime. The CIA admits to waterboarding three people implicated in the September 11 attacks. Former guards and inmates at Guantanamo have said that deaths which the US military called suicides at the time, were in fact homicides under torture.

However, in recent times with the advent of mass media, more and more information has gotten leaked about the methods used in prison. Americans, in general, thus know a lot about how the centre is run. The treatment of prisoners at Guantanamo Bay has sparked international outrage and legal challenges. Critics argue that these methods constitute a blatant violation of the United Nations Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment, to which the United States is a signatory. Furthermore, the lack of due process and the indefinite nature of detentions have raised serious concerns regarding the legal standing of Guantanamo Bay as a detention facility.

In response to mounting criticism, various U.S. administrations have defended the actions taken at Guantanamo Bay, asserting that such measures were necessary for national security. However, internal investigations, such as the Senate Intelligence Committee's report on the CIA's Detention and Interrogation Program, have acknowledged the use of controversial techniques and their limited efficacy in gathering reliable intelligence.

The treatment of prisoners at Guantanamo Bay remains a stain on the United States' human rights record, prompting ongoing debates about the balance between national security and respect for fundamental human rights.

VIOLATIONS IN OTHER COUNTRIES

1. **Afghanistan :**
   The United Nations in September, 2023 said it has documented more than 1,600 cases of human rights violations committed by authorities in Afghanistan during arrests and detentions of people, and urged the Taliban government to stop torture and protect the rights of detainees.

   Nearly 50% of the violations consisted of “torture and other cruel, inhuman and degrading treatment,” the U.N. Assistance Mission in Afghanistan said. The report by the mission’s Human Rights Service covered 19 months — from January 2022 until the end of July 2023 — with cases documented across 29 of Afghanistan’s 34 provinces. It said 11% of the cases involved women.

   In a report published on December 14, the UN mission said the Taliban has eliminated the country's 23 state protection centres for women because, as some officials said, "women's shelters are a Western concept."

2. **South Africa:**
   Prison violence in South Africa is not uncommon, as gang culture runs rampant in the nation and assaults by prison guards are frequent. A high prisoner-per-population ratio has caused massive overcrowding and resource constraints.

   Certain prisons in S.A. force inmates to pay exorbitant amounts of money for visits from their family members. 33% of prisoners in South African prisons are unsentenced. Before the fall of the Apartheid regime, Africans were 4 times more likely to be sentenced for the same crime.

   Even after the reform in government, certain areas in South Africa, which are dominated by a majority white population, such as the city of Hillcrest in KwaZulu-Natal, still see instances of colour-based prejudice towards prisoners.

3. **Venezuela:**
   In the late 1990s, the Venezuelan government admitted that its crisis-ridden prisons posed a "threat to democratic stability."

   Prisoners’ access to weapons of assault allows for prison violence, often leading to massive deaths. Juvenile prisoners are held alongside adult prisoners, and the guard staff tend to be lowly paid, poorly trained, and highly corrupt.

   Three-quarters of Venezuelan prisoners have not been convicted of any crime, and are held as intimates in the pre-trial stage. The prison conditions often violate both Venezuelan law and international human rights standards.

One of the largest problems in these prisons is overcrowding, which further exacerbates all the other problems faced by prisoners.

4. **The United Kingdom:**

15% of the U.K.'s prisoners are lodged in private prisons. These are run by just 3 companies, all of which have histories of violation of prisoners' rights in their prisons, including illegal strip searches and preventable deaths.

Many of the UK's jails are at full capacity, with the total prisoner capacity nationwide being 94% full. This will lead to problems in the future with prisoners not being given appropriate space or resources.

Uk prisons have also been found to not provide adequate health services to prisoners who need it, often not providing life-saving drugs and/or treatment.U.K prisons often have hygiene and addiction issues. In April 2018, the ministry of justice announced that it was taking over a prison in Birmingham because Inspectors found corridors filthy with blood, vomit and insects, amid damning levels of violence, drugs and alcohol abuse.

One in seven prisoners admitted they had developed drug addictions whilst that they had been inside the prison. This is directly due to a lack of funds and budget cutbacks by the government at the time.

5. **China:**

China has more than a million people in jail, having the 2nd largest penal population in the world after the United States. China also forces its prisoners to perform penal labour, often under the contracts of businessmen, who pay prison officers. This is legal as per the constitution of China.

China faces global condemnation for its treatment of prisoners, especially prisoners who go against the current party policy or politics. The most notable example of this is the mistreatment of Uighur Muslims in Xinjiang. Reports suggest mass detentions, forced labour, and religious persecution, though the Chinese government denies such claims.

Political Rivals of the current head, political protests or even anyone who expresses something against party sentiment or policy are liable to be put in prison. Chinese prisons aren't allowed to be documented by the West, so we don't exactly know what are the practices used in the prison.

6. **Cuba:**

Cuba has been criticised globally for its treatment of prisoners, with concerns raised about political repression, lack of judicial process, and harsh and inhumane conditions in prison.

The Cuban government has faced accusations of restricting freedom of speech and imprisoning political dissidents and those who are “harmful to the Cuban nation”. Prisoners aren't even provided with enough sanitary water to clean themselves. They are often not given medical care.

Prisons are prone to overcrowding because of the limited land area on the island. The Guantanamo Bay prison is located on this island.

7. **Russia:**

Russia faces global criticism, notably for its treatment of prisoners such as recently-deceased opposition leader Alexei Navalny who was poisoned in Russia and was assigned to a correctional labour camp for a life sentence, simply for protesting against the current government.

Concerns centre around issues like selective justice, lack of due process, and perceived political motivations. Despite widespread condemnation, the Russian government maintains its stance on the legitimacy of these legal actions.

During the USSR period, Russia would often have corrective colonies/labour camps for prisoners, called Gulags. This system was used for political prisoners and perceived enemies of the state. A similar system has continued in Russia, where many prisoners are exiled to “corrective labour camps”to serve a punishment for their crime.

Russian prisons have also had a massive issue with tuberculosis. A tuberculosis epidemic has ravaged Russian prisons, causing 50% of all prison deaths and affecting more than 10% of the total prison population.This is thought to have been caused due to poor living conditions and low access to health facilities.

A notable recent event would be the death of Alexey Navelny’s death, a prominent Kremlin critic, in a remote penal colony north of the polar arctic. The “special regime” or “Polar Wolf” colony is among the harshest in Russia’s prison system and is located in a place with severe winters. Most inmates have been convicted of grave crimes.

8. **Syria:**

Syria has arbitrarily detained thousands of people in what amounts to crimes against humanity. In August 2013, a military deserter law- named Caesar smuggled 53,275 out of Syria. The prints give irrefragable substantiation of wide torture, starvation, beatings, and complaint in Syrian government detentionfacilities. Yet, despite wide commination, the Syrian government has done little if anything to stem the use of torture by its agents. The American Treasury indicted fortified group, Ahrar al-Sharqiya of multitudinous crimes against civilians, especially Syrian Kurds, “ including unlawful killings, rapes, torture, and seizures of private property ”.

RESPONSE OF KEY STAKEHOLDERS REGARDING GUANTANAMO BAY

A. India:

The Indian stance on the mistreatment of prisoners emphasises adherence to international human rights standards. The country has ratified various international conventions such as the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. The Indian government, through its Ministry of Home Affairs, indicates the importance of humane treatment and rehabilitation of prisoners.

B. Cuba:

In July 2023, Cuban authorities on Tuesday said the U.S. recently had a nuclear-powered submarine at its military base at Guantanamo Bay and called the action a "provocative escalation" of tensions weeks after Washington alleged that there was a Chinese spy base on the island.

The Cuban communist government has considered the US military presence at Guantanamo Bay illegal since 1959. While Cuba was officially independent, the US was involved in writing their constitution, which included clauses allowing the US to intervene in Cuba in a bunch of ways. Cuba also granted the US a perpetual lease on Guantanamo Bay for the sum of $4,000 a year.

To this day, the US still sends checks every year, Cuba refuses to cash them. They call it a legal exercise of a long-term agreement, Cuba calls it a foreign occupation, but the U.S is not willing to give up that foothold, and Cuba isn't willing to risk war with a far more powerful neighbour.

C. France:

France condemns mistreatment of prisoners and has implemented and adopted many legal frameworks to protect their rights, including the European Convention on Human Rights. Guantonomo bay has been a really polarising topic in France. In 2015, a French minister proposed building a Guantonomo-style prisoner camp off the coast of France. However, most of the time, France has sided with the UN in condemning the prison and the activities which take place there.

RESPONSE OF KEY STAKEHOLDERS REGARDING GUANTANAMO BAY

D. UK:

The UK government has not condemned or supported the prison centre in any official matter. However, British Intelligence is known to cooperate with the American authorities in the centre, to get information from detainees there. There was indeed a case launched by a former detainee, suing the government for its involvement in his torture at the prison.

E. China:

China has avidly criticised US violations of prisoners rights, saying “Guantanamo prisoner is the tip of iceberg in U.S. rights violations.” The Chinese foreign ministry used a United Nations report to attack the USA in this manner, calling the US government to rehabilitate, restore and pay damages to all the centre’s victims.

F. Iran:

Iran’s top human rights official has criticised the United States for failing to deliver on repeated promises of shutting down Guantanamo Bay, two decades after the highly-infamous military prison was established on Cuban soil.

IMPORTANT RESOLUTIONS

A. Geneva Convention

The Geneva convention has its origins in the 1864 convention in Geneva that protected sick, injured and wounded soldiers on the battlefield. It shares roots with the Red Cross. The original treaty was expanded after the Great War to protect prisoners of war.

B. ICPR

The International Covenant on Civil and Political Rights was a treaty signed by a majority of nations in the world which guarantees fundamental rights for the people. It was adopted in 1986 and includes the protection of rights such as- the right to free speech, the right to freedom of religion and the right to life.

C. Rome Statute

The Rome statute was a treaty which founded the ICC (International Criminal Court) in 1998. The statute has laid out several laws regarding the treatment of international prisoners. It grants the ICC jurisdiction to prosecute individuals for genocide, war crimes, crimes against humanity, and the crime of aggression, and emphasizes principles of cooperation among state parties.

D. Mandela Rules

The United Nations Standard Minimum Rules for the Treatment of Prisoners, also known as the Mandela Rules were adopted in 2015 and were named in honour of former South African president, Nelson Mandela, who had, himself, once been a prisoner. These rules reaffirmed and added onto the ICPR laws.

QUESTIONS A RESOLUTION MUST ANSWER

- In what way can the life of prisoners be improved?
- How can issues such as alcoholism, drug addiction etc in prisons be solved?
- Is it possible to reduce the number of people in prison simply by taking an “innocent until proven guilty” standpoint?
- How is the commercialization of prisons hurting the prisoners and how can this be stopped?
- Are non-state actors subject to the Geneva Convention (ie, do they have the same rights as a regular prisoner?)
- People of certain backgrounds are more likely to be held in prisons than others. Is this because they are likelier to commit crimes, or because of biassed arrests?
- What steps can be taken to reduce prison violence, violence between inmates and authorities and between inmates and inmates?
- How can we prevent instances of rape/sexual assault in prisons?
- What steps can be taken to give justice to those who were falsely accused/served for longer than they should have legally?
- How can we give justice to people prisoned on political grounds (dissenters, radicals and political opponents)?
- International resolutions, while good at expressing sentiment, are non-binding. Do they therefore really help prisoners? What can be done instead?

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