

**Forum:** Legal Committee

**Issue:** Strengthening international mechanisms to monitor political prisoners and human rights abuses

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## Introduction

In 399 BCE, Socrates was imprisoned and then executed for his radical opinions and questioning of authority, an act that is now considered one of the foundations of critical thought. More than two millennia later, people across the world are imprisoned, tortured, or killed for expressing their political beliefs. Political imprisonment has been and still is a persisting issue that is often justified under national security, public order, and criminal law, while in reality, it is unjust imprisonment to silence opposing ideas and consolidate authority.

Although international human rights law recognizes that the deprivation of liberty is lawful in certain circumstances, it strictly prohibits inhumane treatments, torture, and practices such as arbitrary detention. Despite existing legal frameworks to protect people from these types of treatment, the monitoring and the enforcement of these protections are still flawed. States frequently prevent independent investigations from taking place, restrict access to detention facilities through incommunicado and secret detention, and manipulate their domestic legal systems to legitimize these unlawful behaviors. These practices make it extremely difficult for international organizations to identify political prisoners, monitor the detention conditions, and hold the perpetrators accountable. As a result, many human rights violations occur beyond international scrutiny.

However, there are many obstacles when it comes to facing this issue for many reasons. Mainly, authorities usually justify their actions through domestic laws or don't carry out these arrests transparently, making it hard to follow, let alone monitor. Without cases becoming public, it is not possible to track down the cases and create public and international pressure on governments to take action against these unlawful arrests.

## Definition of Key Terms

**Political prisoners:** This term refers to anyone who is detained because of his or her active or supporting role or beliefs in a political movement, under political charges, or wrongfully under criminal and civil charges. Political prisoners could be detained because of actions like making public speeches, writing, publishing, or distributing documents opposing the State, or taking part in armed

resistance (excluding terrorism). However, the term doesn't have an internationally recognized legal definition ("Political Prisoner Definition").

**Prisoner of conscience (POC):** This term refers to people who are imprisoned because of peacefully expressing their political, religious, or other beliefs, even though they have never used violence. It is sometimes used interchangeably with the term "political prisoner" ("Who Are Prisoners").

**Due process (of Law):** In order for a person's rights to be taken (like liberty in case of imprisonment), a legal procedure has to be followed. This procedure is called due process. This exists in order for private rights to be protected against practices like arbitrary detention ("What Is Due Process?").

**Arbitrary detention:** Arbitrary detention is when a person is held or arrested without legal justification, disregarding due process. Authoritarian regimes frequently use arbitrary detention to suppress political opposition; however, democratic nations may enact laws that permit arbitrary detention in cases of national crisis (Greene).

**Incommunicado detention:** Incommunicado detention is when a person who is detained is denied access to family members, an attorney, or an independent physician. Many states use incommunicado detention as a part of their anti-terrorism actions ("The Use of Incommunicado").

**Secret Detention:** Secret detention is when a person is held incommunicado, and the detaining authorities refuse to acknowledge either the detention or where the person is detained. The status of the well-being of the people detained also remains unknown during secret detention ("Secret Detention.").

**Enforced disappearance:** Enforced disappearance is a secret arrest, detention, or abduction by the agents of the State or by groups acting with the authority, followed by the refusal to acknowledge having information about the whereabouts or the fate of the person, which places the person outside of the protection of law ("About Enforced Disappearance.").

**Impunity:** Impunity is being exempt from punishment for an action. Impunity that is granted to those in power creates an unequal environment when they systematically abuse human rights or commit crimes without the fear of getting punished ("What Is Impunity?").

**Non-derogable rights:** Rights that can't be suspended or suppressed even in extreme circumstances. Non-derogable rights include the right to life, prohibition of torture, and prohibition of slavery ("Non-Derogable Rights").

## General Overview

Everyone has the right to liberty under the international human rights law. There are circumstances where the deprivation of liberty is justified, such as the enforcement of criminal law. However, in those circumstances, detention shouldn't be arbitrary and should happen with respect for

the rule of law, as unjustified detention creates an environment that exploits it (“OHCHR and Detention.”). The term political prisoner has no internationally recognized legal definition; however, definitions by scholars and organizations agree on certain aspects that a political prisoner has. The closest term that is often used interchangeably with political prisoners is prisoners of conscience (POC). This term was first used by Amnesty International in 1981 to define people who were detained because of who they are and what they believe in. Since then, Amnesty International has been campaigning for thousands of POCs such as Raif Badawi and Leila de Lima (“Detention and Imprisonment.”).



Picture 1: Leila de Lima (Head)

The International Covenant on Civil and Political Rights, which was adopted on 16 December 1966, highlights some circumstances when a person’s imprisonment might be unlawful (“International Covenant on”). First of all, a person can’t be detained without a legitimate reason recognized by international law, and everyone who is detained has the right to a fair trial. Failure to provide a legal justification for a person’s imprisonment results in arbitrary detention. After a person has been detained, they have the right to access their family members and a lawyer (“Detention and Imprisonment.”). Some states use incommunicado detention since it is not prohibited under international law, there is a consensus between the United Nations and other international organizations that it might lead to human rights violations. It is also often justified as a measure against terrorism (“The Use of Incommunicado”). States also use secret detention, which also has a high chance of leading to human rights abuses, as the person detained has no communication with the outside world and their whereabouts are unknown and could very easily amount to enforced disappearance (“Detention and Imprisonment”).

Torture is when a person is either directly or indirectly responsible for the infliction of severe mental or physical pain on somebody else for one or a few purposes. Even though all forms of torture and ill treatment are unlawful, authorities will sometimes use torture as a method to extract a “confession” or simply be motivated by discrimination. There are many methods of torture, such as beatings, electric shocks, rape, sexual humiliation, death threats, or sleep deprivation (“Detention and Imprisonment”). The UN has created guidelines on the minimum standard of conditions that must be provided for prisoners, that was adopted in 1977 by the First United Nations Congress on the Prevention of Crime and the Treatment of Offenders (“Standard Minimum Rules”). These standards include minimum standards on hygiene, accommodation, medical care, food, exercise, and conditions where the detainees are not discriminated against. Currently, one of the main problems with prisons all around the world is overcrowding: around 102 countries have reported having occupancy levels of 110% or more. The guidelines also include restrictions on measures such as solitary confinement (holding a person in a separate cell without any human contact for more than 22 hours). Depending on its length and the conditions, solitary confinement could be counted as a torture or other cruel,

inhumane, or degrading form of punishment. Using solitary confinement on children and pregnant women and holding anyone in solitary confinement for more than 15 days is prohibited (“Detention and Imprisonment”).

### Historical Examples

Throughout history, there have been many groups and individuals who have been detained that serve as great examples of the mistreatment of political prisoners. Many of these people have been unjustly detained in horribly inhumane circumstances. In numerous cases, detention was used not simply as a lawful response to a proven crime but rather as a tool to silence the opposing views and consolidate power. A prisoner can and should be imprisoned due to political crimes that they have committed if found guilty by an independent judiciary system. However, this does not permit the denial of fundamental rights or the use of cruel, inhumane, or degrading treatment. Historical cases show that past political detainees were often punished via inhumane approaches rather than being punished lawfully or humanely. Written below are two of the many examples that exploited human rights in order to prove authority against a political view that was seen as a threat to the power holder. These exploitations illustrate how detention systems have been used to suppress perceived threats and, in doing so, facilitate widespread abuses.

#### Nazi Germany and Fascist Italy

The Nazi regime, upon consolidating power in 1933, identified members of the communist party (known as the KPD) and the social democratic party (SPD) as primary political enemies, viewing them as a threat to the state’s ideology and stability. The Reichstag Fire in February 1933 provided the pretext for the Decree for the Protection of People and State, which suspended key civil liberties and enabled mass arrests. With the decree, thousands of communists and social democrats were among the first to be interned in newly established concentration camps alongside trade unionists such as those at Dachau (“Reichstag Fire Decree”). These political prisoners in the concentration camps were subjected to extreme violence and hard labor. Similarly, in fascist Italy, political opponents such as but not limited to socialists and communists were subjected to prosecution, imprisonment, and external exile, effectively dismantling the organised opposition (Di Palma).

#### Soviet Union (Gulag and Political abuse of psychiatry in the Soviet Union)

The Soviet Union suppressed political opposition using two brutal and systematic mechanisms: The Gulag and the political abuse of psychiatry, also known as sluggish schizophrenia. The Gulag was the vast system of forced labor camps that operated from the 1920s to the 1950s. While not all inmates were political prisoners, many were imprisoned under Article 58 of the Criminal Code of the Union Republics, which defined punishment for various forms of "counterrevolutionary activities" (“Articles 58-1”). The gulag was used as an instrument of terror that sought to eliminate political opposition through recurring dehumanization approaches. The Soviet State also used a similar approach for imprisoning political prisoners via politically abusing psychiatry and medicine. Instead of imprisoning dissidents in labor camps, healthy individuals were wrongfully diagnosed with “

Sluggish Schizophrenia,” which was a slow progressive version of the ordinary schizophrenia, but was diagnosed even in patients who showed no sign of early symptoms (Gostin 161-162). Such a diagnosis of ‘illnesses’ was used to confine political prisoners to special mental hospitals, which were called “psikhushkas,” where prisoners were subjected to forced and painful ‘treatments’ using powerful antipsychotic drugs and physical restraints, effectively serving as a non-judicial form of punishment.

### **Obstacles**

One of the greatest obstacles when it comes to fighting for the rights of political prisoners is the legalisation of their imprisonment through vaguely worded laws, usually laws that were originally counterterrorism efforts. Before being arrested, these people are usually called “terrorists”, “enemies to the nation”, “extremists”, or accused of being part of a “criminal organization” (Bouchart and Tomasoni). They could also just be accused of money laundering or other unrelated criminal charges (Dávila and Da Silva 11). Another issue is the detentions being carried out secretly or without transparency. Cases that go public cause the authorities to face pressure not just on domestic levels but also connecting civil society and the international community, too. However, if enforced disappearance is the case, it becomes harder to even prove that the person is abducted, and without proof, it is not possible for the international community to blame governments on such issues (Dávila and Da Silva 19).

## **Major Parties Involved and Their Views**

### **Amnesty International**

Amnesty International, being one of the first organizations that came up with a definition for political prisoners, has been carefully working for the freedom of these people for many years. They work with lawyers and family members to highlight and advocate for the cases of the people who were unjustly detained. Amnesty has a campaign called Write for Rights, where volunteers write letters and sign petitions for people who were held incommunicado or mistreated in detention. This campaign has led to the detainees to have access to their families, and some of them were even released. Amnesty also has a Fair Trial Manual for everyone who needs or wants to be informed about international fair trial standards. The Manual has helped many people, including Albin Kurti, who represented himself before a UN tribunal in Kosovo and was released (“Detention and Imprisonment”).

### **Iran**

Protests that started towards the end of December in 2025 have led to many people being killed and detained in Iran. There have been many reports of people who have been injured during the protests who were detained later, denied medical assistance, and injected with unknown substances. After a 16-year-old girl was injected with this substance, her tests showed signs of poisoning and after her family paid a high bail, she was moved to a hospital where she remains. Authorities also restrict access to detention facilities, and families of detainees are warned against speaking publicly. There is no independent medical or forensic investigation (Mojtahedi).

## Venezuela

Recently, many political prisoners in Venezuela have been released. The human rights NGO Foro Penal has reported that at least 80 prisoners have been freed under international pressure, though the government claims that the numbers are higher, once again starting debates about transparency and verification. Many people were arrested during the 2024 presidential elections as an attempt to silence critics. Importantly, many individuals still face unresolved charges and limits on public speech. The government of Nicolas Maduro has denied holding political prisoners, claiming that detainees were held for ordinary crimes. The ongoing conflict between authorities and civil society and the constant legal controls over former detainees pose a significant obstacle to international monitoring (Mackintosh).

## Belarus

Since the beginning of the presidential campaign in 2020, 4429 people have been recognized as political prisoners, and currently 1141 remain imprisoned. Bloggers, businessmen, presidential campaign members, and peaceful protesters are held captive because they were practicing their right to peaceful assembly. Most of these people were imprisoned because of politically motivated criminal prosecution relating to the events that took place during and after the presidential election of August 2020 (“Political Prisoners and”). Human rights organizations such as Viasna are fighting for the rights of these political prisoners. In 2022, the government recognized Viasna as an extremist organization as an attempt to silence civil society (“About Viasna”).

## Egypt

In 2024, authorities in Egypt carried out mass arrests in order to prevent anti-government protests and targeted journalists, lawyers, opposition politicians, and activists, releasing 934 prisoners held for political reasons but arresting another 1,594. Prosecutors and judges renewed prolonged pretrial detention orders without allowing detainees to challenge their legality, and other prisoners, including Alaa Abdel Fattah, remained detained after their sentence ended. The National Security Agency has used enforced disappearance on dozens of people, subjecting them to torture or other types of ill treatment. Detainees were also denied healthcare and family visits (“Human Rights in Egypt”).

## Treaties and Events

- [The United Nations Standard Minimum Rules for the Treatment of Prisoners \(the Nelson Mandela Rules\)](#)
- [International Covenant on Civil and Political Rights | OHCHR](#)
- [The definition of political prisoner](#) (Parliamentary Assembly Resolution)
- [European Parliament resolution of 19 September 2024 on the severe situation of political prisoners in Belarus](#)
- [Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment | OHCHR](#)

## Evaluation of Previous Attempts to Resolve the Issue

The first and most basic action taken by the global community on the issue is the International Covenant on Civil and Political Rights, which was adopted in 1966. It prohibits arbitrary detention in Article 9, guarantees fair trial for everyone, and protects freedom of expression and assembly. However, many states don't always abide by this covenant, and many violations occur. The United Nations has also created the United Nations Working Group on Arbitrary Detention (WGAD) in 1991. This body investigates individual cases of arbitrary detention and issues opinions on whether imprisonment violates international law. Even though the group has caused international pressure in specific cases, the decisions are not legally binding, and states often ignore communications. Since 2008, the UNHRC has also been publishing the Universal Periodic Review (UPR) every year, which includes a section on the treatment of political prisoners, which basically has the same pros and cons as the WGAD. Other than the actions of the UN, non-governmental organizations such as Amnesty International and the Human Rights Watch has efforts against arbitrary detention. Amnesty International has created the widely used term "prisoners of conscience" and raised awareness about some cases. However, like the other solutions, the decisions are not legally binding. Regional human rights courts such as the European Court of Human Rights or the Inter-American Court of Human Rights also cover cases of political imprisonment however, the European Court only covers European states, and some states resist implementation of the decisions of the Inter-American court.

## Possible Solutions

One of the first things that should be prioritized is transparency by establishing a binding document or some type of monitoring system where imprisonments could be tracked. The place of detention, the status of the detainee, and any and all information regarding the prisoner should follow a transparent registration. States should also be held accountable if they are acting against international human rights standards. Targeted sanctions for serious violations that occur could also be considered as a deterrent measure. UN and regional groups such as the European Union should create platforms for victims in order to raise public awareness and provide protection to lawyers and victims of political imprisonment. People should also be aware that international assistance and help are available if they believe human rights violations are persistent in their state. The Optional Protocol on the Convention Against Torture should also be strengthened and universalized. More states should be encouraged to ratify it. NGOs and the UN could also conduct data collection and an early warning system to create a preventative monitoring system.

## Notes from the Chair

Here are some useful links for delegates to look through for more information:

- [Venezuela releases political prisoners: Family members gathered outside prisons in Caracas](#)
- [#WithoutJustCause Political Prisoners Campaign - United States Department of State](#)

- [Prisoners of Conscience, excerpt from POC, an AI Report 1981 - Amnesty International](#)
- [Political Prisoners and the work of the Anti Apartheid Movement](#) (South African political prisoners in the late 20th century)
- [What happened at the protests in Iran? - Amnesty International](#)
- [Death toll in Iran protests climbs to 6,126: Report](#)
- [Political Prisoners in the United States | Office of Justice Programs](#)

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