

# MUNAAA

Background Paper

# SOCHUM I

State sanctioned torture  
of political prisoners





Welcome, delegates.

MUNAA 2018 secretariat, moderators, directors, staff and DIS directors have been working hard through the last few months to make this event possible. We are glad to have every single one of you here.

This November 29, 30 and December 1st you will employ and develop skills to implement solutions to current and relevant world problems. You will also have the opportunity to face and debate different ideas and practice tolerance and respect, and of course you'll have the opportunity to reconnect with old friends and make new ones.

Our goal is that every single one of us becomes aware that developing and improving different skills is only the beginning and that our ultimate objective is understanding that giving up is not an option, that there are possible solutions to every issue and knowing that every action has a global reaction.

We hope that you all have the best experience and a lot of fun. Thank you for making this event possible.

Let's change the world together!

Ana Sofia Juarez Villarreal

*Secretary General, MUNAA 2018*  
Every action, a global reaction





**Committee:** SOCHUM

**Topic:** State sanctioned torture of political prisoners

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**Moderator:** Valeria Amelie Navarro Garduño

## **I. Committee Background**

The Third Committee of the General Assembly, the Social, Humanitarian, and Cultural Committee (SOCHUM) was created during the first session of the General Assembly in 1948 and consists of all 193 member states of the United Nations.

The Committee discusses questions relating to the advancement of women, the protection of children, indigenous issues, the treatment of refugees, the promotion of fundamental freedoms through the elimination of racism and racial discrimination, and the right to self-determination. The Committee also addresses important social development questions such as issues related to youth, family, ageing, and people with disabilities, crime prevention, criminal justice, and international drug control.

Committee's efforts focus continuously on one of the main objectives of the UN: the protection and promotion of human rights.

The purpose of SOCHUM is to ensure the human rights of each person and create a

Positive and safe social environment. SOCHUM is a very important commission since all the problems in the world generate social effects that must be treated.

SOCHUM is based on the following parameters:

- Promotion of sustained economic growth and sustainable development.
- Maintenance of international peace and security.
- Promotion of human rights.
- Drug control, crime prevention and the fight against international terrorism in all its forms and manifestations and its relation to the violation of rights humans.

SOCHUM has become one of the most important organs of the UN and is It benefits from its broad jurisdiction. So, this commission has as a purpose to create advances of all kinds that benefit the world population.

## **II. History of the topic**

The United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (commonly known as the United Nations Convention against Torture) was adopted on 10 December 1984 at the thirty-ninth session of the General Assembly of the United Nations.

On April 18th, 1988, that the Government of the United States of America reserves the right to communicate, upon ratification, such reservations, interpretive understandings, or declarations as are deemed necessary.

Thereafter, the United States formally notified the United Nations and its member states, a few months prior to its ratification, that nothing in this Convention requires or authorizes legislation, or other action, by the United States of America prohibited by the Constitution of the United States as interpreted by the United States.

### **III. Topic Information**

State-sanctioned torture means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted by or at the instigation of a public official on a person for such purposes as obtaining from him (or from a third person) information or confession, punishing him for an act he has committed or intimidating him or other persons. It does not include pain or suffering arising only from, inherent in, or incidental to, lawful sanctions to the extent consistent with the Standard Minimum Rules for the Treatment of Prisoners.

Since the 2010 elections, Burma's nominally civilian government has embarked on a major reform drive. These efforts have resulted in the freeing of hundreds of political prisoners, the loosening of media controls, the establishment of a national human rights commission, and the reform of repressive laws, notably the Political Party Registration Law, which allowed the National League for Democracy to take part in the by-election on April 1, 2012.

Pro-democracy leader Daw Aung San Suu Kyi now holds a seat in parliament and tentative ceasefire agreements are being brokered with a number of ethnic groups.

The international community has responded to these changes by easing sanctions and encouraging investment in Burma.

Virginia Alsobrooks from SHSMUN claims: "Although it is nearly universally outlawed, torture remains prevalent in the case of political prisoners. The responsibility of protecting all prisoners from cruel, unusual, and degrading punishment falls to the Third Committee, and as more and more dissidents are imprisoned, this issue becomes increasingly relevant on an international scale"

### **IV. UN Action**

The United Nations has made some rights for every individual. Some rights that support this topic are:

### 1.1. Universal Declaration of Human Rights

The unequivocal prohibition on torture is included in the founding document of the international human rights system: the Universal Declaration of Human Rights.

Its article 5 states: "No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment." The Universal Declaration of Human Rights also says that people have the right to "an effective remedy" if their rights are violated.

The Universal Declaration of Human Rights, which sets out the basic human rights standards that apply to all States, forms part of the customary international law.

### 1.2. International Covenant on Civil and Political Rights

Article 7 of the International Covenant on Civil and Political Rights provides that no person "shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment."

In addition, article 10 states: "All persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person." The Covenant provides that anyone claiming that their rights have been violated shall have an effective legal remedy.

#### 1.3.1. Definition of torture

Article 1 of the Convention provides a definition of torture that contains the following three key elements: the intentional infliction of severe mental or physical pain or suffering for a specific purpose. This definition is considered to be limited in some respects. It confines torture to acts committed by, or in some way involving, agents of the State.

## **V. Conclusion**

The authorities intentionally inflict severe physical and mental pain and suffering on those deemed in opposition to the regime. A number of political prisoners have died from such torture, many more have been tortured to the point of death only to somehow survive. When torture or ill-treatment results in death, the deceased person is used as a warning, silencing many. The state security apparatus, rather than protecting the people, punishes them.

Internationally, there is an increasing interest in, and a growing campaign for, a commission of inquiry into crimes against humanity in Burma.

In some cases torture can constitute crimes against humanity or war crimes. A future commission of inquiry or independent investigation into violations of international law, in Burma, raises the possibility of the potential prosecution of the instigators and perpetrators of torture. Though this paper exposes a dark side of humanity, we would also like to think that it serves as a testament to the human spirit, for the story of political prisoners.

Though this paper exposes harmful practices of humanity, we would also like to think that it serves as a testament to the human spirit, It is ultimately an account of men and women who have refused to be overcome by the darkness.

## **VII. Guiding Questions**

**1-** How U.S. Torture left a legacy of damaged minds?

**2-** What interrogation tactics are authorized in the Army Field Manual?

**3-** What are your countries policies towards the treatment and legal proceedings of prisoners?

4- Is there a precedent or similar situation internationally that could serve as a guide for peaceful reformation of prison systems?

5- Does your country have resources in place, or resources that could be allocated, to address the management of prison systems in neighboring countries?

### VIII. Bibliography

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