



ARBITRARY ARRESTS



UNHRC

Study Guide

UN GENERAL ASSEMBLY

UNITED NATIONS HUMAN RIGHTS COUNCIL (UNHRC)
STUDY GUIDE

Agenda Item: Arbitrary Arrests

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1. Opening Letters

1.1. Letter From Secretary General

Dear Participants,

It is with great enthusiasm, pride, and excitement that I cordially invite you to the 2026 United Nations Conference, MAFENMUN'26. I would like to share my excitement and pride at serving as your Secretary-General for MAFENMUN'26. This conference, through simulated diplomacy, international cooperation, and approaches to addressing global issues, not only prepares delegates for the challenges they will face in the future but also serves as an inspiring event that fosters an objective perspective on events, problem-solving skills, and analytical thinking.

This perspective will enable you to develop different approaches to global issues. Regardless of your country or background, our goal is to ensure you have unforgettable experiences and create wonderful memories within your field.

As a team, we will be by your side in every way and in every area where you need us throughout these three days.

MAFENMUN'26 will be a space where friendships are formed, characterized by moderation and mutual support, and fostering a broad perspective. On behalf of the entire team, I welcome you all once again and wish you a joyful event. Watching your passionate arguments throughout the conference will be an unforgettable moment for us.

Best Regards,

Secretary-General

Özge ÖZÇELİK.

1.2. Letter From Under Secretary General

Dear delegates of UNHRC,

It is a great honor for me to be an Under Secretary General of the UNHRC committee, and welcome to MAFENMUN'26 everyone. First, I would like to talk about my feelings. Just a few months ago, when I was a delegate like you, I never imagined I would see these days. I'm sure that one day you will all want to be Under Secretary General or more than this. I can say this clearly: if you bring out the potential within you, there is nothing you cannot achieve. Fortune is always with those who strive the hardest. I am sure I will meet many wonderful people during this conference.

One of the main things I expect from you is that you express your thoughts openly, without deviating from your political views. I believe that there are delegates in this committee who will express their opinions without hesitation and offer excellent solutions. Remember that if we work together, the likelihood of our progress being correct and rapid will increase even more. However, this does not mean that you should remain silent when you don't support an idea. What I mean is that you should openly state your disagreement with an idea and offer solutions.

Finally, I extend my deepest love and respect to our Secretary General Özge Özçelik, who selected me as Under Secretary General to this committee.

Best Regards,

Orhan Emir Ok
Under Secretary General of UNHRC

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1.3. Letter From Academic Assistant

Dear delegates,

Welcome to MAFENMUN'26, and most especially, welcome to the UNHRC Committee!

The UNHRC Committee holds a very special place in my heart, it gave me lasting friendships and inspired me to continue this path with passion and curiosity. So, when I was offered the opportunity to assistant this committee, I was genuinely thrilled.

And now, you, my dear delegates, are about to experience what I believe to be one of the most exciting, engaging, and thought-provoking committees at MAFENMUN. I encourage you to be active, confident, and open-minded. Dive into the debates, challenge ideas, and let your creativity and diplomacy shine. That is how you will truly live the spirit of MUN.

I am your Academic Assistant, Ahmet Malkoç, and it is my absolute pleasure to welcome you all to MAFENMUN'26 and the UNHRC Committee.

With all my respect,

Ahmet Malkoç

Academic Assistant

2. Introduction to the Committee

The United Nations Human Rights Council (UNHRC) is not just a bureaucratic body at the heart of the global human rights regime, but the highest international shield of human dignity. The Council was established in 2006 by the decision of the United Nations General Assembly due to the politicization, structural cumbersomeness and loss of reputation of its predecessor, the Human Rights Commission. The basic founding philosophy is to promote human rights worldwide in a universal, fair and equal manner, by learning from past mistakes, and to create a shield of protection against violations. In this regard, the Council has the authority to thoroughly investigate, document and hold to account allegations of systematic or immediate human rights violations in all United Nations member states through the Universal Periodic Review (UPR), special rapporteurs and independent investigation commissions.

The basic mission and reason for existence of the UNHRC, in its simplest and most sacred definition; to protect the lives of all individuals exposed to violations, oppressed peoples and oppressed minorities. The protection of the inherent rights of every human being, regardless of geographical boundaries, political ideology or economic power, is the essential and inalienable subject of the UNHRC. Within the framework of this historical vision, the UNHRC is not just a legal body that will replace the Human Rights Commission or an ordinary council where diplomatic negotiations are carried out and technical decisions are taken. This committee is the right to life, voice and hope of survival of a journalist who cannot make his voice heard in the dungeons of authoritarian regimes, of a civilian trying to survive under bombardment in conflict zones, of a minority persecuted because of his identity, and of millions hungry for justice.

3. Introduction to the Agenda Item

Arbitrary arrests have gone beyond being an abstract violation that threatens individual freedoms in the modern world and have become a structural and systematic crisis on a global scale. It is a bitter truth that today, states that are obliged to defend human rights turn human life into a bargaining chip for the sake of their own political fortunes, economic interests and geopolitical ambitions. The principle of the international rule of law is being crushed by the ambitions of the dominant powers to increase their own prestige and capital; It is as if discrimination and oppression have become implicit legal rules of states. Instead of establishing impartial justice, governments take the side of the elites that feed their own power mechanisms, and in this blind fight, they become so blind that they cannot even see the oppression suffered by the innocent people who live in their own lands and are their own citizens. Because the modern concentration of power is built

on a greedy system that rewards only more money, control and global prestige, not human values. In this distorted order, if you side with power, capital and authority, you will gain a protection shield; However, if you are on the side of the oppressed, the defender of rights and the truth, you will definitely be doomed to lose among these cruel wheels.

The most concrete and tragic reflections of this selfish and pragmatic approach are clearly seen in the border policies of states and their practices towards immigrants. Although many countries appear to defend universal principles such as humanitarian aid and the right to asylum, in the background they instrumentalize immigrants and refugees only to adjust their own domestic political balance or to use them as blackmail cards in the international arena. The immigration policies put in place are not designed to protect the rights, dignity and security of life of these vulnerable people; Rather, they are legal barriers built by governments to reinforce their border sovereignty, manipulate social consent, and prioritize the interests of the state above all else. It is impossible to achieve global peace as long as the world cannot act fairly and impartially even when punishing those who violate human rights, uses punishment mechanisms only as a tool of pressure on weak states, and turns a blind eye to the crimes of powerful actors. Real peace is possible not with a practice of punishment under the monopoly of power, but with an understanding of justice that works equally for everyone.

3.1. Arbitrary Arrests Made Through the Press

Arbitrary arrests of journalists, which have become a crisis in recent years, are a systematic method used by states to suppress freedom of expression and the public's access to information. This practice, a clear violation of the International Covenant on Civil and Political Rights (ICCPR), involves journalists being accused of serious crimes unrelated to the events in question, thus silencing them and halting their professional activities. These actions, concentrated particularly in conflict zones and authoritarian regimes, not only lead to the neglect of individual freedoms but also completely eliminate democratic accountability. To prevent such situations, states have enacted conventions like the ICCPR within the United Nations. Despite this, some states are falsely accusing innocent individuals and keeping them in detention for these acts. Article nine of ICCPR protects the fundamental right to liberty and security of persons by strictly prohibiting arbitrary arrest or detention and guaranteeing specific procedural safeguards, including the right to be informed of charges, prompt judicial review, and compensation for unlawful deprivation of freedom. Despite this article, states arbitrarily arrest people and detain them for long periods without bringing them to justice. Article nineteen of ICCPR guarantees everyone the absolute right to hold opinions without interference and the freedom of expression through any media, though its exercise may be restricted by law only when strictly necessary to respect others' rights or protect national security, public order, health or morals. Although the United Nations has issued such agreements, states do not hesitate to abuse these agreements; on the contrary, they have made it a habit.

The Working Group on Arbitrary Detention, which reports directly to the United Nations Human Rights Council, defines when an arrest is arbitrary using five formal categories. The arrest of journalists generally falls into three of these categories. This category includes situations where a state has no legal basis in its own laws for detaining or holding a journalist in custody (such as when someone whose detention period has expired is still not released). Another category relates to Article nineteen of the ICCPR. If a journalist is arrested simply for writing a news story criticizing the government or exposing corruption, the arrest is automatically arbitrary. Situations such as denying a journalist access to their lawyer during the trial process, restricting access to the file, not giving them sufficient time to prepare their defense, or being tried in military courts, constitute a complete or partial violation of the right to a fair trial. This situation is also related to Article fourteen of the ICCPR.

Another agreement on this subject is the Geneva Conventions. Article 79 of Protocol No. 1 states that journalists working in areas of armed conflict are considered civilians. Unless they are directly involved in the conflict, they enjoy all the rights and protections afforded to civilians. Warring parties cannot arbitrarily detain a journalist simply because they believe the journalist is spreading propaganda for the opposing side or reporting on military activity, and declare them a spy. Detention of journalists in war zones is only permissible under the Fourth Geneva Convention, with very strict security grounds and fair trial requirements, which apply only to civilians. According to Article nineteen of the Universal Declaration of Human Rights (UDHR), everyone has the right to freedom of thought and expression; this right includes freedom to seek, receive and impart information and ideas through any medium, regardless of national borders. This law is universal; no state can escape its scope.

3.2. Journalists in Conflict Zones

The arbitrary detention of journalists working in war zones by the warring parties is not only one of the gravest violations of international law, but also a systematic operation aimed at preventing the global public from accessing the truth. Warring parties tend to criminalize independent reporting altogether in order to prevent the global documentation of potential war crimes, humanitarian crises, and civilian massacres committed during their military operations. Although the 1949 Geneva Conventions, and particularly Article 79 of Protocol No. 1, grant absolute immunity to all journalists not directly involved in conflicts, these rules are regularly violated in modern warfare. States are labeling journalists as enemy combatants, spies, or collaborators with illegal organizations by completely suspending legal procedures or by bending vague anti-terrorism and treason laws within their domestic legal systems. These manipulative labelings pave the way for journalists to

be referred to military courts, for their cases to be closed to ensure their complete denial of a fair trial, and for months of detention without legal basis.

The effects of this situation have been far more devastating, particularly in hotspots of crisis such as Gaza, the occupied territories of Ukraine, and Sudan. Local freelance journalists, lacking international protection, are at much greater risk than their foreign counterparts and are often seen by various parties as bargaining chips in diplomatic negotiations, as leverage in prisoner exchanges, or as direct targets for operations that need to be silenced.

Journalists who flee the threat of arrest and physical violence in their own countries and seek refuge in democratic nations are not safe even in those lands due to the cross-border repression mechanisms of authoritarian regimes. Repressive governments manipulate Interpol's Red Notice and stolen/lost passport reporting systems to arbitrarily detain exiled dissident journalists at foreign airports or in the countries where they seek refuge, under the guise of illegal immigrants or international fugitives. Furthermore, they render these individuals stateless and restrict their movement by rejecting their passport renewal requests through diplomatic missions.

State actors, powerful corporations, or influential politicians use strategic silencing lawsuits, known as SLAPPs (Strategic Lawsuits Against Public Participation), as a weapon to financially and legally cripple journalists before directly imprisoning them. Independent journalists investigating sensitive issues such as corruption, environmental destruction, or the misuse of public resources are subjected to astronomical sums of compensation and fabricated defamation/libel charges. Freelance journalists, lacking institutional and financial power, are unable to afford these enormous court costs, legal fees, and exorbitant bail amounts, and are therefore subjected to arbitrary detention disguised as legal proceedings. This economically driven practice aims to stifle the press's power of social oversight within courtrooms by linking the individual's right to a fair trial and self-defense to monetary compensation.

Attacks on press freedom are not homogeneous; women, LGBTQ+ journalists, or journalists belonging to ethnic/religious minority groups face far more severe and intersectional human rights violations than their male colleagues when arbitrarily detained. Authoritarian regimes' law enforcement and interrogators systematically use strip searches, sexual harassment, rape threats, and sexist humiliation as interrogation methods to silence and psychologically break down women journalists arbitrarily detained. Furthermore, before their arrest, these journalists are targeted by the state through digital doxing and organized smear campaigns, thus manipulating public perception and creating artificial consent for their arbitrary detention. The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and minimum standards for prisoners rights are completely disregarded in the face of this sexist state violence against the press.

3.3. Criminalization of Citizen Journalism and Digital Activism

In authoritarian regimes and times of crisis where traditional mainstream media is completely controlled, censored, or physically blocked by the state, ordinary citizens and digital activists who record events with their smartphones and share them on social media become direct targets of repressive governments.

Citizen journalism and digital activism serve a vital function in bringing social realities to the world in authoritarian regimes where traditional mainstream media is entirely under state control or censored. However, sovereign states most often hide behind the argument of lack of institutional status when arbitrarily arresting ordinary citizens who record human rights violations, mass protests, or public corruption with their smartphones. Governments refuse to apply the legal guarantees and privileges granted to press workers under international law, claiming that these individuals do not possess official press cards or journalism degrees. In contrast, the UN Human Rights Committee's General Comment No. 34 defines journalistic activity not by institutional titles, but by its function of disseminating information for the public good. Therefore, the fact that a blogger or social media activist without official identification is also protected under Article 19 of the ICCPR directly clashes with the artificial legal justifications created by states.

Repressive regimes are creating a complex wave of criminalization by manipulating penal codes and cybercrime legislation to silence civilian voices exposing truth in the digital realm. Digital activists who live-stream police brutality in the field or share classified government documents on social media are being taken from their homes in dawn raids on fabricated and vague charges such as cyberterrorism, inciting military disobedience, disrupting public order, or insulting state institutions. States differentiate these individuals from official journalists, portraying them as provocateurs who threaten public safety, thus attempting to legitimize the arrests in public perception. Moreover, citizen journalists who lack the backing of an established media organization or international unions are rendered completely invisible after being sent to prison; they are punished by being silenced through restricted access to lawyers and prolonged pre-trial detention periods.

3.4. AI-Driven Facial Recognition and Mass Surveillance

Modern digital dictatorships and authoritarian regimes, by integrating AI-based facial recognition systems and high-resolution mass surveillance mechanisms into public spaces, are physically and completely eliminating the principle of source confidentiality, a fundamental pillar of press freedom. When investigative journalists seek to reach informants or sensitive witnesses within the state to expose state corruption or hidden human rights violations, they are being mapped moment-by-moment by smart city cameras and biometric data scanners. AI algorithms report the journalist's daily route, unusual meetings, and the identities of those they contact to state security agencies in real time. This constitutes a grave violation of the right to privacy protected under Article 17 of the

ICCPR, and by revealing journalists' sources of information, it directly targets them and undermines the potential flow of information through a climate of fear.

Structured mass surveillance technologies not only provide states with real-time monitoring capabilities but also lay the groundwork for preventative law enforcement practices that predict journalists' future actions using big data analytics. A journalist's social media interactions, past news files, travel history, and location data from facial recognition cameras are processed by artificial intelligence to assign them a social risk score. On the eve of an upcoming election, a wave of mass protests, or the publication of a major corruption scandal that could shake the government, journalists labeled by algorithms as having a high potential to incite public disorder or rebellion are taken from their homes even before any concrete criminal act has been committed. This practice, legitimized under the guise of preventative administrative detention to protect public safety, completely bypasses the legality of the crime, the requirement of concrete evidence, and the legal basis for the arrest warrant, as enshrined in ICCPR Article 9, turning technology into the most sophisticated instrument of arbitrary detention.

The most dangerous aspect of using artificial intelligence technologies as a weapon against the press is the manipulation of surveillance data to produce fabricated forensic evidence. Authoritarian regimes, using generative AI models, process real images and audio recordings of journalists obtained from mass surveillance cameras to produce fake digital materials that falsely portray the journalist as having met with illegal organizations or foreign intelligence agents in locations they never visited. These AI-generated pieces of fabricated evidence are then added to files as conclusive and concrete evidence in state-controlled terror courts, leading to the prosecution of journalists under the most serious charges, such as treason, espionage, or leadership of a terrorist organization. Due to the secrecy orders based on national security and state secrets placed on the files, journalists are deprived of their right to prove the falsity of this algorithmic and digital evidence, to request cyber-forensic investigation, and their right to a fair trial, as defined in ICCPR Article 14, is completely undermined by this digital conspiracy.

4.Key Country Roles

Russia: Russia leads the security-focused segment within the United Nations Human Rights Council (UNHRC), prioritizing national sovereignty and state survival. The Kremlin considers protecting its internal security structure and information sphere a legitimate right of self-defense, particularly during periods of international hybrid warfare and geopolitical tension. Accordingly,

strict legal regulations targeting the press and digital media are not intended to restrict freedom of expression; rather, they aim to prevent foreign states from interfering in internal affairs, spreading disinformation, and causing social chaos. States have an absolute sovereign right to establish their own legal mechanisms to counter cyber and operational manipulations that threaten their national security.

United States of America: The United States, as a staunch advocate for liberal democratic values and a rules-based international order within the United Nations Human Rights Council (UNHRC), leads the side focused on protecting press freedom. The Washington administration views freedom of expression and the press not only as a constitutional right but also as an indispensable prerequisite for democratic accountability, transparency, and the protection of human dignity. Accordingly, any arbitrary arrest, extrajudicial detention, and administrative censorship of the press constitute a direct and grave violation of Article 19 of the International Covenant on Civil and Political Rights (ICCPR). Governments silencing independent journalists under the guise of national security or counter-terrorism to conceal their own corruption, human rights abuses, or authoritarian practices is one of the greatest threats to global stability.

China: China is a leading advocate within the United Nations Human Rights Council (UNHRC) for a state-centric security architecture, cyber sovereignty, and the absolute protection of the national information sphere. Beijing considers the regulation of the internet, digital platforms, and the media ecosystem to be a natural and legitimate sovereign right of states. Accordingly, legal controls applied to the press and digital networks are not aimed at hindering freedom of expression; rather, they aim to protect social stability, prevent ethnic separatism, and eliminate destructive disinformation activities that could incite rebellion. Since maintaining individual freedoms is impossible in an environment where public order and social harmony are disrupted, the state's primary obligation is to protect and regulate the information sphere within the framework of national legislation.

Israel: Israel, within the framework of the United Nations Human Rights Council (UNHRC), defends the legitimate self-defense rights of a sovereign state facing asymmetric threats and active terrorist operations. While the Tel Aviv government considers freedom of expression and the press a cornerstone of its democratic and legal structure, it places paramount importance on maintaining the secrecy of military operations and ensuring national security in conditions of active conflict and war. Accordingly, restrictions and legal measures applied in military operational zones are not arbitrary practices targeting independent journalistic activities, but rather vital security procedures aimed at preventing military intelligence from falling into the hands of hostile elements and jeopardizing operational security.

United Kingdom: The UK is one of the strongest advocates of liberal democratic values, media freedom and the rules-based international order within the United Nations Human Rights Council (UNHRC). The London administration, through the Media Freedom Coalition of which it is a founding partner, positions freedom of expression and the press as the basis of democratic accountability on a global scale. Accordingly, the arbitrary arrest, detention without trial or subjection of journalists to administrative censorship due to their legitimate professional activities is a clear violation of Article 19 of the International Covenant on Civil and Political Rights (ICCPR). Authoritarian regimes' silencing of the independent press by passing vague laws under the guise of national security, counter-terrorism or disinformation in order to cover up their own corruption and human rights violations is a direct threat to the global security and human rights regime.

North Korea: North Korea, within the framework of the United Nations Human Rights Council (UNHRC), defends the absolute inviolability of national sovereignty, the preservation of the socialist state structure, and the security of information against Western-centric ideological infiltration as its highest strategic priorities. The Pyongyang regime considers the regulation of information, media, and communication to be an integral part of a state's

sovereign right to protect its social order and national identity. Accordingly, the strict centralized controls applied to the flow of information are not intended to restrict individual freedoms; rather, they aim to counter destructive cultural propaganda, ideological sabotage attempts, and psychological warfare operations aimed at destabilizing the constitutional order of the state by foreign powers.

Turkiye: Turkiye, as a strategic actor within the United Nations Human Rights Council (UNHRC), pursues a balanced policy, both combating multifaceted terrorist threats and upholding the principles of a democratic rule of law. The Ankara government considers freedom of expression and the press a constitutional guarantee and an indispensable element of a democratic society. However, Turkey is also a bordering country directly targeted by internationally recognized cyber and armed terrorist organizations such as the PKK/YPG, FETO, and ISIS. Accordingly, investigations and legal measures conducted by judicial authorities are not aimed at restricting independent journalistic activities; rather, they aim to prevent illegal activities that use the press as a cover to spread propaganda for terrorist organizations, support their logistical networks, and threaten national security.

France: Within the United Nations Human Rights Council (UNHRC), France plays a leading role in the bloc focused on protecting press freedom by defending deep-rooted republican values from the 1789 Declaration of Human and Citizen Rights and the principles of the Universal Declaration of Human Rights. The Paris administration accepts the existence of an independent and pluralistic media ecosystem as the fundamental guarantee of a democratic society, the rule of law and the public's right to access accurate information. Accordingly, arbitrary detention, detention without indictment or judicial harassment of journalists, investigative reporters and media workers due to their professional activities is a direct violation of Article 19 of the International Covenant on Civil and Political Rights (ICCPR). It is an unacceptable practice of authoritarianism for governments to silence the press by manipulating concepts such as "national security" or "public order" in order to hide their own corruption, rights violations or administrative weaknesses.

5. Questions to be Answered

- 1. What are the ways to prevent the crisis of arbitrary arrests in the press?**
- 2. How do you legally protect the rights of journalists in conflict zones?**
- 3. Ways to establish citizen journalism and digital activism as a right.**
- 4. How do you protect people whose rights are violated by AI-powered facial recognition systems?**
- 5. How can you prevent states from violating the ICCPR?**

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