

# International Humanitarian Law and the Journalists' Mission<sup>1</sup>

by Alain Modoux

As head of the ICRC Information Department in Geneva, I have the dual task of directing all activities relating to the dissemination of knowledge of international humanitarian law, and of promoting the relations of the ICRC with representatives of the mass media. I shall be commenting briefly in the following pages from this dual point of view, although I wish to make it clear from the start that I am neither a jurist nor a journalist.

I should like to draw your attention to one particular item in the exposé presented by my colleague, Mr. H. P. Gasser, on the protection of journalists as provided for by international humanitarian law, namely that under the provisions of that law, a journalist is neither better nor worse protected than any other civilian.

The States have not desired to confer a special status upon the representatives of this profession; in other words, they have not wished to grant journalists privileges or special guarantees destined to protect them in their work, although their profession is often dangerous. The same standpoint has been adopted by the UNESCO International Commission for the Study of Communication Problems, chaired by Mr. Sean MacBride.

I shall confine myself at this point to several comments on the responsibility of journalists when faced with the non-respect of humanitarian law, and in particular when they are witnesses of serious violations of the Geneva Conventions or the Additional Protocols.

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<sup>1</sup> Speech delivered at the Seventh Round Table and Red Cross Symposium, organized by the International Institute of Humanitarian Law in San Remo, in September 1982.

I believe that journalists have a role of outstanding importance to play in ensuring better respect of the humanitarian rules applicable in times of armed conflict. I am convinced that by their commentaries, by the written, recorded or filmed reports that they bring back from the actual scenes of conflict, journalists are capable of influencing public opinion, of making people realize not only the horrors of war, but also the reprehensible acts committed by belligerents in defiance of international humanitarian law. Let us not forget that under Article 85 of Protocol I, the most serious of these violations are considered as war crimes. Whenever journalists witness such violations, it is therefore their duty to denounce them.

I am convinced that public opinion, conditioned by the media, is an excellent means of bringing pressure to bear on belligerents and is capable of favourably modifying the attitude of combatants to victims protected by humanitarian law.

Some people may be surprised at hearing such statements uttered by the head of the Information Department of the ICRC, an institution known for its discretion. It is precisely because the ICRC, as a neutral and impartial intermediary, must refrain from passing any public judgement on the parties to a conflict that others must make themselves heard. In many cases the ICRC's approaches, which are firm but of necessity discreet, have no chance of succeeding unless the authorities concerned are made to feel the weight of international public opinion. In a world where the rules of the Geneva Conventions are too often ignored, where the international community too often shows its powerlessness in the face of repeated violations of humanitarian rules, no matter how universally accepted they may be, the judgement of public opinion is finally the most effective sanction—or from another point of view, the least ineffectual.

It is therefore imperative for the journalists' mission in times of armed conflict to be at least facilitated, if not protected; it is imperative for them to be capable of collecting, receiving and spreading all information relating to the application or non-application of humanitarian law. Obviously journalists must not speak solely of violations; if only to be fair and objective, they must also report on what is done for the good of protected persons.

But to report on the effectiveness of humanitarian law and denounce any violations of the Geneva Conventions and their Protocols which may occur, journalists must have access to both the conflict zones and the occupied territories and also be familiar at least with the principle rules of this law.

I observe with regret, however, that access to conflict zones is increasingly denied to representatives of the media, and that conditions hardly compatible with professional ethics are almost always imposed upon the few journalists allowed in. Too many armed conflicts are nowadays forgotten by the general public, and consequently by the international community. In far too many cases the correspondents of radio and particularly television are barred from reporting objectively and comprehensively on certain conflict-stricken parts of the world. The fate of thousands and even millions of human beings, theoretically protected by the Geneva Conventions, is thus abandoned to the arbitrary decision of the belligerents, who can act with full impunity, unobserved by embarrassing witnesses. Admittedly ICRC delegates are sometimes present, but their task is not to testify or to denounce. They are there to help and protect and their discretion is an absolute prerequisite for their acceptance by the authorities concerned.

This is why I believe that the free access of journalists to conflict zones, which implies the freedom to collect, receive and propagate information, is essential for the better respect of the Geneva Conventions and their Protocols.

In conclusion, one final remark: in order to be capable of testifying to the application or disregard of humanitarian law, it is obvious that journalists must have as complete a knowledge as possible of the principal rules of the Geneva Conventions and Protocols. The Red Cross institutions still have a great deal to do to familiarize the media with these texts. Some action has been taken to this effect, in particular by the Henry Dunant Institute, which has organized four seminars for Belgian, Danish, Norwegian and Spanish journalists. This course of action should be pursued, with journalists occupying a prominent place as a target group in our future dissemination programmes, not only on an international scale, but also and above all on a national scale. Dissemination is an act of communication. It follows that the participation of journalists, the principle communicators in our modern society, is essential.

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