

PROTECTION OF JOURNALISTS ON DANGEROUS MISSIONS IN AREAS OF ARMED CONFLICT

by C. Pilloud

Since some years, concern has been expressed on the part of various press associations on the dangers attending reporters who, in order to collect news material in the exercise of their profession, move into territories where hostilities are in progress.

On several occasions, the ICRC has been consulted by professional bodies to consider the means that might be adopted to improve the existing situation.

More recently, the attention of international public opinion was again drawn to this problem, when several newspapermen were reported missing during the outbreak of fighting in Cambodia. These events and the deaths of several of these reporters caused considerable concern.

Mr. Maurice Schumann, French Minister of Foreign Affairs, made a special reference to this question in the course of the general debate at the United Nations General Assembly that met recently, and suggested that the United Nations might take the matter up in this field. The matter was also referred to by the Third Committee of the General Assembly, which was scheduled to discuss the item appearing on the agenda under " Respect of Human Rights in Time of Armed Conflict ", for a draft resolution, supported by a number of delegations, had been submitted on the subject by the French delegate.

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After a debate in the course of which the idea of offering protection to reporters on dangerous mission had been favourably greeted by several delegations, the General Assembly finally adopted a resolution whereby, *inter alia*, it

4. *Invites* the Economic and Social Council to request the Commission on Human Rights, at its next session, to consider the possibility of preparing a draft international agreement ensuring the protection of journalists engaged on dangerous missions and providing, *inter alia*, for the creation of a universally recognized and guaranteed identification document;
5. *Invites* the Commission on Human Rights to consider this question as a matter of priority at its twenty-seventh session in order that a draft international agreement might be adopted as soon as possible by the General Assembly or by some other appropriate international body;
6. *Requests* the Secretary-General, in consultation with the International Committee of the Red Cross and other appropriate international organizations, to submit a report on this question to the General Assembly at its twenty-sixth session.

It is therefore probable that the Commission on Human Rights, at its meeting in Geneva from 22 February to 26 March 1971, will examine this problem. It might not be superfluous, therefore, if we were to analyse it under its more general aspects.

The situation of journalists in time of armed conflict is familiar to International Law since the Hague Conventions of 1899 and 1907. These contain a provision, taken up in 1929 and again in 1949 in the Geneva Convention relative to the treatment of prisoners of war, where it is stated that persons accompanying the armed forces without actually being members thereof, such as newspaper reporters or war correspondents, who have fallen into the power of the enemy, have the right to be treated as prisoners of war; they must carry an identity card, indicating their profession. Of course, the prisoner of war status recognized in these circumstances is the least that could be done, for, depending upon their nationality, the Power in whose hands they fall will either release them or will treat them more favourably. These war correspondents or newspaper reporters are accredited to the armed forces command whose movements they

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are reporting and their persons are exposed to the same dangers as the members of these armed forces. A similar situation exists for a special category of war correspondent which appeared during the second world war and which consisted of soldiers belonging to military units who were given information assignments. As members of the armed forces they may, of course, be attacked as such, and they, too, are exposed to all the hazards of war.

As may be seen, in the conventional international type of war, the position of journalists is relatively clearly defined. It is true that they cannot claim that they may come and go when and as they please. They must obey the orders given to them by the Military Authorities to whom they are accredited. Besides, we cannot imagine that journalists could penetrate to the very centre of a zone where fighting is taking place.

On the other hand, in less characterized armed conflicts, whether internal or international, where there is no well-defined firing line and where the enemy can suddenly appear on all sides, the situation of journalists becomes much more delicate. They may, quite involuntarily, cross from one side of the front to another, or they may suddenly find themselves in a combat zone. It is no doubt in incidents of this nature that it would be good to secure their protection. They do not demand absolute protection against dangers from weapons and they know well that those of them who go into combat areas run grave risks. On the other hand, they regard that no hostile action should be undertaken against them once their status may be recognized, and that, if they were to fall in the hands of the enemy, the duly established fact of being a journalist should be the equivalent of a safe conduct.

Such a protection can be envisaged but is not easily put into practice. Journalists finding themselves in areas where an armed conflict is in progress should have on their person an identification document establishing clearly their status of "bona fide" journalist, as pointed out in the resolution quoted above. They might also bear some characteristic sign, for example, they could wear a helmet, or some garment or arm-band of a particular colour, or, again, a clearly visible and distinctive badge.

These markings and identification should however impel journalists who desire to take advantage of them to respect certain

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deontological rules, still to be defined, but which should certainly include the prohibition to take part directly in hostilities and to transmit information of military value about one adversary to another. Perhaps, one should go even as far as to declare that journalists wishing to take advantage of this protection should restrict themselves to the reporting of purely factual information, without emitting any opinion as to the merits of the cause of either one party or another. For, in struggles aiming at subversion, psychological aspects and propaganda play an important role and there is a great temptation to consider as enemies those who praise or blacken one or the other opponent.

It has been observed that one of the first conditions for carrying out anything whatsoever in this domain is that the profession of journalist should be adequately organized. There are already, at national and international levels, a number of professional bodies that should study as quickly as possible what would be a code of the rights and duties of journalists in zones of armed conflict. They could also be assigned the duty of examining the possibility of setting up a register where all journalists working within a specified territory where an armed conflict is in progress would be entered. Names of these journalists could be notified through the international press media to parties to the conflict.

But the regimentation of the profession of journalist might meet with opposition from the journalists themselves. Some of them believe in fact that this constitutes in itself an infringement of the absolute liberty which they assert is necessary for the press to accomplish its mission of providing information.

It would appear from what has been said above that the projects envisaged by the journalists will not be easily implemented. Quite independently of the obstacles already mentioned, it seems that governments and public opinion do not desire that privileged categories of people should be created among the civilian population. Numerous attempts have been made to obtain a special status for other classes: civil defence service personnel, civilian medical personnel, firemen, members of the police force, etc., but, so far, without any practical results.

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Moreover, while numerous voices were raised in the debate which has just ended within the United Nations General Assembly in favour of the ideas underlying the draft resolution which we quoted, the delegations which voted in this sense did not however indicate how far the governments they represent were prepared to commit themselves in this domain. The discussion of the Commission on Human Rights will no doubt furnish useful pointers as to the best means to reach positive results.

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