Council discusses protection of journalists in armed conflict

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The Human Rights Council (the Council) held a panel debate on the protection of journalists in armed conflict situations, on 4 June. On the panel were Mr Frank La Rue, Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, Mr Robin Geiss, Legal Adviser, Legal Division of the International Committee of the Red Cross (ICRC), Mr Mogens Schmidt, Deputy Assistant Director-General for Communication and Information and Director, Division for Freedom of Expression, Democracy and Peace, UNESCO, Mr Osama Saraya, Editor in Chief, Al Ahram Newspaper, Mr Omar Faruk Osman, President, Federation of African Journalists and Ms Hedayat Abdel Nabi, President, Press Emblem Campaign.

States generally agreed that journalists perform a valuable service and should be protected. Several of the panellists noted that under international humanitarian law journalists were classified as civilians and therefore accorded the same protections available to civilians caught up in armed conflict. This, together with Security Council Resolution 1738 (2006) which condemns attacks against journalists in armed conflict situations, was felt already to offer journalists the necessary legal protections. But as many pointed out, these were clearly not being translated into protection on the ground (Canada, France, Italy, Norway, Pakistan on behalf of the OIC, Qatar, Spain on behalf of the EU, Syria, USA).

While many States noted that journalists were indeed to be treated as civilians during periods of armed conflict, some added that this protection lasted only as long as journalists did not directly participate in the hostilities (Greece, Mexico). Mr Geiss, of the ICRC, noted in response that ambiguity about the meaning of ‘direct participation’ had led to killings in the past. As a result the ICRC has produced a set of guidelines to clarify the concept. He emphasised that information gathering did not constitute direct participation in hostilities. Mr Schmidt noted that while the right to freedom of expression could be limited to some extent during armed conflict, the right to receive and impart information and ideas remains fully in force.

Although some States, such as China, restricted their comments to the general vulnerabilities of journalists in armed conflict, most focused on the deliberate targeting of journalists by parties to armed conflict. Many States drew attention to the role that journalists play in disseminating to a wider audience information about conflict situations and vulnerable individuals that are at particular risk. Nigeria on behalf of the African Group noted that in many cases this is information that the parties to the conflict would rather remained hidden. Azerbaijan, Canada and Pakistan on behalf of the OIC noted that journalists were targeted for their work in exposing human rights violations, and the Group of Latin American and Caribbean States made the connection between the dissemination of such information and the protection of vulnerable individuals during an armed conflict.

The deliberate targeting of journalists was condemned as a violation of the rights of freedom of expression and of access to information, and it was in terms of the need to secure these rights that protection was generally called for. There was no call to protect them as human rights defenders. Only one of the panellists, Mr Osman, explicitly described journalists as human rights defenders.

The issue of impunity for the killing of journalists was also raised (Azerbaijan, Canada, France, Norway, Qatar, Syria). Mr La Rue and Mr Schmidt both drew attention to the fact that over 90% of such killings go unpunished.

In terms of measures for the protection of journalists, Ms Nabi called for the creation of an internationally recognised emblem protected by law, such that the killing of anyone wearing it would be illegal. Mr Osman questioned the value of identification, noting that at present journalists wear a blue identification badge, yet are still targeted. He called on States to take urgent action to translate the provisions of Resolution 1738 into
Although the targeting of journalists during periods of armed conflict was generally held to be an issue primarily for the Security Council, the UK and the USA called on the two bodies to work together to protect journalists and Mr La Rue suggested that the Council should propose working together with the Security Council to document violations against journalists. China, while noting the responsibility of the Council, also stated that the primary responsibility lies with States, and that they should be allowed to take steps for the protection of journalists without ‘arbitrary interference’.

Mr Schmidt noted the radical increase in the killing of journalists in non-conflict zones: during the year 2008-09 only 37% of the journalists killed were in conflict zones. The UK took up this point, calling on the Council to ensure in the light of these facts that it takes on a role in the discussions about how to protect journalists. Mr La Rue too pointed out that many journalists were killed in violence, such as street battles involving drug gangs, that did not amount to armed conflict and that the Council could also assume an important role in this area. Canada called for a follow up panel to take further the question of the targeting of journalists in peacetime.

Ms Nabi called on the Council to develop guidelines for the protection of journalists, either through creating a working group of the Advisory Committee, or by setting up an ad hoc intergovernmental working group, to report to Council at the latest by June 2011.

Overall there were many positive suggestions as to how the Council might progress further on this issue. States were ready to acknowledge the problems facing journalists during periods of armed conflict and seemed open to moving forwards to find ways of improving the protection offered to journalists.