

Concept Note for the Security Council Open Debate on
PROTECTION OF JOURNALISTS IN CONFLICT SITUATIONS

27 May 2015

Background

According to the Geneva Conventions and their Additional Protocols, journalists are entitled to cover armed conflict as civilians operating independently of any armed force. While the issue of the protection of journalists in armed conflict is periodically referred to in open debates on the protection of civilians, specific UNSC outcomes on the protection of journalists are few and far in between. The only resolution (UNSCR1738) with a specific focus on the protection of journalists was adopted in 2006.

Today's world is highly dependent on swift, even real-time access to information. However, as the warfare is becoming increasingly asymmetrical and terrorist threat is on the rise, the protection of journalists working for that swift delivery of information in increasingly dangerous environments constitutes a major challenge. Journalists and other media professionals working in war zones face manifold dangers. They are more and more at risk of being directly and deliberately harassed, attacked, abducted, and taken for ransom or as hostages, in a clear violation of international humanitarian law.

As the recent beheadings of journalists by ISIS reminded in a most brutal way, being a journalist has rarely been more dangerous. Although they enjoy a range of protections as civilians in armed conflict, attacks on journalists continue, and impunity for those who attack them in most cases remains unaddressed. In 2014 alone 61 journalists was killed (30 per cent of them freelancers; 87 per cent- local journalists); 23 of them in direct crossfire, 11 in other dangerous assignment; 221 were imprisoned. 12 per cent of those killed were foreign journalists,¹ while the majority of the victims were local journalists and media workers. Despite increased attention by the international community and UN Member States to journalist killings, there has been very little progress made in both limiting the number of journalists imprisoned or killed and in bringing perpetrators to justice.

In spite of increasing risks and threats to journalists and media workers, only one open debate was held by the Council on the issue since the adoption of resolution 1738 (2006). The Lithuanian Presidency of the Security Council for the month of May intends to convene a high level open debate on the protection of civilians with a specific focus on the protection of journalists in conflict situations, with an aim to review implementation of UNSC resolution 1738 and the lessons learned since.

Thematic Developments

In addition to the norms of International Humanitarian Law, the UN Security Council called for the protection of civilians in armed conflicts and specifically addressed the protection of journalists. In Resolution 1738 (2006) the Security Council condemned all attacks against journalists, media professionals and associated personnel in armed conflicts, and called on all parties to end such practices. It recalled that journalists are protected as civilians under humanitarian law, unless they take action adversely affecting their status as civilians. Similar elements are contained in the Security Council Presidential Statement in February 2013. The Council also issued a number of press statements in relation

¹Committee to Protect Journalists data regarding the safety of journalists, including killings. More information <https://cpj.org/killed/2014/>

to killings of journalists. Thus press statements regarding the attack on French newspaper *Charlie Hebdo* and the killings of two Japanese journalists by ISIL were issued in 2015.

The issue of the protection of journalists in conflict is also referred to in the reports of the Secretary General on the protection of civilians. Specifically, in his report S/2013/689 the Secretary General noted that concerns regarding the safety of journalists must be reflected in relevant resolutions through the inclusion of proposals of actions aimed at strengthening the protection of journalists. A similar call was made in the report on the safety of journalists and the issue of impunity to the General Assembly (A/69/268) where the Secretary General encouraged UN peacekeeping and special political missions to pay particular attention to the issue of the safety of journalists and media workers in the context of their protection of civilian's mandates.

Both the General Assembly and the Human Rights Council addressed the issue by adopting resolutions urging States to do their utmost to prevent violence against journalists and media workers, to conduct impartial and speedy investigations on all alleged violence, and to bring the perpetrators of such crimes to justice.

Existing normative framework contains important protection language and constitutes a solid basis for shielding media professionals working in conflict areas from harm. It is not so much the lack of rules but the failure to implement existing norms and to systematically investigate, prosecute and punish crimes against journalists.

Challenges and opportunities to be explored

Tackling impunity

The last report of the Secretary General on the protection of civilians (S/2013/689) underlines that accountability for the perpetrators of attacks against journalists is virtually non-existent. In the past 10 years, 370 journalists were murdered. In less than five percent of the cases the perpetrators have been apprehended and prosecuted. In 90 percent of the cases there have been no convictions.² The situation is particularly difficult for local media workers who account for the largest percentage of journalist victims. Impunity for crimes against journalists remains one of the greatest challenges to the press freedom and the public's right to enjoy information.

The Geneva Conventions and their Additional Protocols grant rights and protections to journalists as civilians. Although crimes against journalists do not explicitly fall under the purview of the Rome Statute, they may amount to war crimes or crimes against humanity. Despite criminal proceedings at the national level, the International Criminal Court is one of the most important international judicial institutions for holding accountable those responsible for war crimes and crimes against humanity.

Tackling impunity is important as a tool of ensuring greater safety and protection of journalists working in conflict situations and is thus directly linked to our freedom to enjoy information from conflict zones. This glaring gap in accountability for crimes against journalists needs to be addressed with all due urgency.

² Committee to Protect Journalists data regarding impunity. More information <https://cpj.org/campaigns/impunity/>

Freedom of movement

To carry out their work and inform the populations and the international community of unfolding crises, journalists need access. Availability of credible information from conflict zones to the local population and the international community can have an important life-saving aspect as it is often instrumental in mobilizing international attention and eventually assistance and action aimed at protecting civilians in conflict zones. However, freedom of information legislation is most often lacking in conflict and immediate post-conflict situations and there are few, if any, measures to protect journalists.

Article 13 of Universal Declaration of Human Rights provides for the right of movement. Restrictions on movement make it harder for journalists to collect and provide fair and accurate information to the public. Attacks against journalists and growing numbers of journalist casualties deter journalists from exercising their right to seek and disseminate information, to the detriment of the citizens' right to be informed.

Working in dangerous assignments journalists and media professionals have constantly re-evaluate risks and know when to back down. Journalists need proper preparation to cover conflicts, which can help to minimize certain risks. There is a need for clearer, more accessible safety resources. Employers should also seek to do better in reconciling the need to report and inform from conflict situations with measures aimed at better protecting all journalists, including local journalists and freelance staff. Media companies have to ensure proper training and safety equipment before sending journalists to dangerous assignments.

Safety of journalists in the areas controlled by non-state actors and terrorist groups

Terrorist- held areas are zones of the most unspeakable of crimes and abuses. Journalists who report from such zones are exposed to increased levels of risks and threats to their lives posed by terrorist and radical extremist groups which operate in total denial of the established legal norms and basic humanity. Terrorist brutality makes no exceptions to journalists who are regarded as enemy.

2014 in particular was marked by threats, kidnappings and murders of journalists by terrorist groups.³ Journalists have been abducted, held captives, and murdered in most brutal of ways in public to deter others from accessing the areas under their control. The international community cannot afford to let non-state actor and terrorist- controlled zones to become black spots of information, especially as international attention to their plight is often the only hope that remains for the civilians trapped in such zones of utter lawlessness.

But as the international community must remain apprised of the gruesome developments and crimes perpetrated by terrorist and radical extremist groups, attacks against journalists and the increased levels of risk force many who work in journalism to flee the regions controlled by extremist and other criminal armed groups. This particular aspect of threats to journalist safety has not been addressed in the 2006 resolution and merits the Council's attention, especially given that with the spread of radical extremism and asymmetric threats from non-state actors these risks are only to increase.

Safety of journalists and peacekeeping operations

Currently ten mandates of UN peacekeeping operations include the provision of protecting civilians in armed conflict. Although journalists can be protected as civilians, identifying them as a special category

³ Reporters without borders information regarding violence against journalists by terrorist groups. More information <http://en.rsf.org/files/bilan-2014-EN.pdf>

of persons that should be protected could increase awareness, enable them to carry out their duties as journalists, and eventually save more lives. The role of the United Nations Secretary General is critical in this regard. Reports on specific peacekeeping operations as well as thematic reports on the protection of civilians could include regular information on the situation regarding journalist safety and attacks on journalists and also contain recommendations regarding protection measures which could then feed into the mandate of the operation. Such reporting could also enable better focus on combating the culture of impunity for crimes committed against journalists and could inform mandate implementation vis-à-vis conflict resolution and post conflict reconstruction in cooperation with national authorities and justice institutions.

Possible questions to consider

Member States are encouraged to consider some of the following points in their statements:

- How to improve efforts to combat prevalent impunity and use relevant accountability mechanisms;
- Best practices to ensure safety of journalists in conflict situations and how to improve their protection, including facilitating their freedom of movement and access to information;
- How to better engage UN peacekeeping missions, UN entities and other international presence on the ground in developing concrete and systematic actions to ensure the protection of journalists as civilians under threat of physical violence?
- How best to protect journalists reporting on terrorist - held areas? What measures can be taken to prevent incidents of kidnapping and hostage- taking of journalists by terrorist groups?
- What role for regional and sub-regional organizations in raising awareness regarding journalist safety in conflicts?

Briefers

In addition to UN Deputy Secretary-General Jan Eliasson, who will brief on the protection of journalists in conflict situations, the Lithuanian Presidency of the Council intends to invite Mr. Christophe Deloire, Secretary General of Reporters Without Borders, and a journalist (to be confirmed at a later stage) with a personal insights into ensuring accountability.