

INTERNATIONAL LEGAL REGULATION OF THE PROTECTION OF
JOURNALISTS' RIGHTS DURING ARMED CONFLICTS**Sarvar Islomov***a fourth-year undergraduate majoring in International Law
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Annotation: This article explores the international legal framework for protecting journalists' rights in armed conflict zones. It examines the application of international humanitarian law (IHL), human rights law, and media regulations to ensure the safety and professional integrity of journalists. The study highlights the increasing risks journalists face, including targeted killings, arbitrary arrests, and enforced disappearances, as well as the ongoing issue of impunity for crimes against media workers. Special attention is given to the role of international organizations, such as UNESCO and the ICRC, in safeguarding press freedom and enforcing legal protections. The article also analyzes the debate surrounding the legal status of journalists in conflict zones, comparing the protection afforded to war correspondents and independent reporters under the Geneva Conventions and their Additional Protocols. Lastly, it discusses the necessity of accreditation and the challenges in establishing a universally recognized legal status for journalists in contemporary warfare.

Аннотация: в данной статье рассматривается международно-правовая система защиты прав журналистов в зонах вооружённых конфликтов. Анализируется применение норм международного гуманитарного права (МГП), права прав человека и регулирования деятельности средств массовой информации с целью обеспечения безопасности и профессиональной неприкосновенности журналистов. В исследовании подчёркиваются возрастающие риски, с которыми сталкиваются представители СМИ, включая преднамеренные убийства, произвольные аресты и насильственные исчезновения, а также проблема безнаказанности за преступления против работников медиа. Особое внимание уделяется роли международных организаций, таких как ЮНЕСКО и МККК (Международный комитет Красного Креста), в защите свободы прессы и реализации правовых гарантий. В статье также анализируются дискуссии вокруг правового статуса журналистов в зонах конфликтов, проводится сравнительный обзор степени защиты, предоставляемой военным корреспондентам и независимым журналистам в соответствии с Женевскими конвенциями и их Дополнительными протоколами. Наконец, рассматривается вопрос о необходимости аккредитации и проблемы, связанные с формированием универсально признанного правового статуса журналистов в условиях современных вооружённых конфликтов.

Annotatsiya: Ushbu maqolada qurolli to'qnashuv hududlarida jurnalistlarning huquqlarini himoya qilishga oid xalqaro-huquqiy mexanizmlar tahlil qilinadi. Tadqiqotda xalqaro gumanitar huquq (XGH), inson huquqlari huquqi va ommaviy axborot vositalari faoliyatini tartibga soluvchi normalarning jurnalistlarning xavfsizligi va kasbiy daxlsizligini ta'minlashdagi o'rni ko'rib chiqiladi. Shuningdek, jurnalistlarga nisbatan tobora kuchayib borayotgan qasddan sodir etilayotgan qotilliklar, ixtiyoriy ravishda qamoqqa olish, g'oyib bo'lish kabi tahdidlar va ommaviy axborot vositalari vakillariga qarshi sodir etilgan jinoyatlarning jazosiz qolishi masalasi tahlil qilinadi. Maqolada YUNESKO va Xalqaro Qizil Xoch Qo'mitasi (XQXQ) kabi xalqaro tashkilotlarning matbuot erkinligini himoya qilish va jurnalistlar huquqlarini xalqaro-

huquqiy normalar asosida ta'minlashdagi o'rni alohida yoritiladi. Shuningdek, mojaro hududlarida jurnalistlarning huquqiy maqomi bo'yicha munozaralar, xususan, harbiy muxbirlar va mustaqil jurnalistlar uchun Jeneva konvensiyalari va ularning Qo'shimcha protokollariga muvofiq taqdim etilgan himoya kafolatlari solishtiriladi. Maqolaning so'nggi qismida akkreditatsiya zarurati va zamonaviy qurolli to'qnashuvlar sharoitida jurnalistlar uchun umume'tirof etilgan huquqiy maqom shakllantirish bilan bog'liq muammolar muhokama qilinadi.

Key words:journalists, armed conflicts, perpetrators, press freedom, International humanitarian law (IHL), killed, conflict zones, war correspondents, hotspots, media protection, international organizations, impunity, International Committee of the Red Cross (ICRC), civilians, Geneva Conventions, security, human rights.

International legal regulation of the protection of journalists' rights during armed conflicts.

'Protecting journalists in times of armed conflict is not only about preserving their lives, but also about ensuring the public's right to know the truth'. These words of former UN High Commissioner for Human Rights Michelle Bachelet have a profound meaning, but unfortunately, as new clashes intensify, they are taking on an increasingly tragic tone. War claims the lives not only of soldiers and civilians, but also of journalists who risk their lives to report on the events and consequences of armed conflicts. Their mission is to bring the truth to the world community, but, alas, in many cases they are the ones who are targeted.

History knows many journalists who have sacrificed the most valuable thing in their profession - their own lives. Vietnam, Afghanistan, Syria and other hotspots around the world have been places where correspondents have died under fire, been ambushed or become victims of premeditated murder. We are well aware of these tragic cases. The names of Robert Capa, Mary Colvin and many others have gone down in history as symbols of courage and dedication, and as tragic testimonies to the deadly threats journalists face in war zones.

According to official figures provided by UNESCO, 2023 was a particularly deadly year for journalists working in armed conflict zones. Illegal acts targeting journalists, including killings, almost doubled compared to the previous three years.¹ Specifically, **27** journalists were killed in conflict zones in the last three months of 2023, making it the deadliest quarter for members of the press since at least 2007. Overall, at least **38** journalists and media workers were killed in conflict countries in 2023 while carrying out professional duties, compared to **28** in 2022 and **20** in 2021. Most of the killings related to armed conflicts have occurred as a result of hostilities in the Middle East: since 7 October, UNESCO has recorded **19** killings of journalists in Palestine, **3** in Lebanon and **2** in Israel. At least two murders of journalists have also been recorded in Afghanistan, Cameroon, Syria and Ukraine. Despite these alarming trends, the issue of accountability for these crimes remains largely unaddressed in the international arena. UN Secretary-General António Guterres said: "In nine out of ten cases of journalist killings around the world, the perpetrators go unpunished. Impunity breeds further violence. This situation must change. The pact adopted last month for future generations calls for the respect and protection of journalists, media workers and associated professionals in armed conflict. I call on all governments to take urgent action to protect journalists, investigate crimes against them and bring perpetrators to justice. Together, let us end the era of violence, protect freedom of

¹ UNESCO / <https://www.unesco.org/ru/articles/2023-god-trevozhnyy-rost-chisla-zhurnalistov-ubitykh-v-zonakh-konfliktov>

expression and ensure that journalists around the world can do their essential work safely and fearlessly”.²

In situations of armed conflict, journalists and other media workers, in the course of their professional duties, often become victims of murder, abduction, arbitrary arrest, torture, enforced disappearance, deportation, harassment, surveillance, searches, confiscation of property, threats and other manifestations of brutal violence. Such actions constitute serious violations of the norms and principles of international law.

Of particular concern is the heightened risk of sexual violence to which women journalists are exposed, both when reporting on events in zones of armed conflict and while in detention. Crimes committed against journalists in such circumstances not only impede the free flow of information, but also lead to gross violations of the fundamental right to freedom of opinion and expression.

This article examines the international legal norms governing the protection of journalists’ rights in armed conflict zones. It also analyses the role of international organisations in ensuring the safety of media workers.

Journalism is one of the oldest professions, whose representatives were mentioned in printed publications as early as 1693 as specialists describing current events. However, even by the beginning of the 21st century, there was no single, universally recognised definition of this profession.

Thus, according to Professor Y.P. Prokhorov, the term ‘journalist’ should be understood as ‘full-time and freelance editorial staff members (from correspondent to letter-writer, from head of the correspondent network to editor-in-chief) who, in accordance with the editorial statutes, determine the direction and specifics of publications or programmes, collect and process materials, as well as perform authorial, editorial and organisational work, regulating the mass information flow in newspapers, magazines, radio programmes, television programmes, newscasts, and news agencies. Professor S.G. Korkonosenko, agreeing with this definition, emphasises the need for journalists to have a special certificate confirming their professional status.

Among Western researchers, Elizabeth Noel-Neumann, one of the most authoritative experts in the field of public opinion and mass communications, occupies a special place. She emphasised the key role of the media in shaping public opinion and influencing political processes, arguing that journalists play a significant role in setting the information agenda.

At the same time, representatives of the Frankfurt School, Max Horkheimer and Theodor Adorno, were critical of the commercialisation of mass culture and media. According to their views, journalism serves the interests of the ruling social classes and is one of the main tools for manipulating public consciousness.

In the conditions of the new media environment, the concept of ‘journalist’ is gradually losing its former semantic definition, and its precise definition is becoming increasingly difficult. As Professor D. McQuail, a prominent British researcher of mass communications, notes: ‘In the Internet environment, the role of journalists is extremely ambiguous, and it is becoming almost impossible to define it unambiguously and consistently.’

In times of armed conflict, the legal status of journalists is determined on the basis of three groups of international norms: international human rights law, international humanitarian law (IHL) and norms governing the media.

² United Nations / <https://www.un.org/ru/observances/end-impunity-crimes-against-journalists/messages>

In view of the above, an objective question arises: how effectively does the international community protect the rights of journalists, and how can members of the press working in conflict zones on editorial assignment ensure their own safety?

International humanitarian law (IHL) is a set of international legal norms and principles aimed at protecting victims of war and limiting the methods of warfare. According to it, two categories of journalists have the right to work in armed conflict zones:

1. War correspondents who are on professional assignment and accredited to the armed forces.
2. 'Independent journalists' covering the conflict without official recognition by the military structures.

In studying the peculiarities of the legal status of journalists in conditions of armed conflict, two opposing points of view have been revealed. According to the norms of international humanitarian law, journalists do not have a special legal status and are equated with civilians in terms of security guarantees. The drafters of the 1949 Geneva Conventions 'For the Protection of War Victims' and their Additional Protocols proceeded from the position that the legal status of journalists is determined by their belonging to one of two groups: war correspondents accredited to the armed forces and 'independent' journalists working in high-risk environments.

One of the key documents of international humanitarian law, the Third Geneva Convention, defines war correspondents in Article 4 as follows: 'They shall be representatives of the media accredited to the armed forces, shall not be members of military formations and shall fulfil the functions of observers of the activities of the army.'³

Journalists performing professional duties in war zones are considered as civilians in a conflict zone in accordance with the norms of international humanitarian law. However, if journalists directly participate in hostilities by taking up arms, they lose their immunity and are deprived of the protection afforded by IHL.

From a historical point of view, the Third Geneva Convention of 1949 established the legal status of war correspondents only. Journalists accompanying armed forces with the authorisation of a party to the conflict are recognised as prisoners of war in the event of capture by the enemy and enjoy the protection of the Third Geneva Convention (Art. 4).

In 1977, new provisions were added to Additional Protocol I, extending protection to journalists who are in an area of armed conflict without official accreditation by the armed forces and who are on high-risk professional assignments. Under the Protocol, such journalists are regarded as civilians and enjoy the same level of protection as civilians (Article 79 of Additional Protocol I). Their civilian status cannot be questioned either on the basis of their nationality or their professional activities. However, in order to maintain appropriate protection, journalists are prohibited from acting in a manner incompatible with their civil status.

Unfortunately, practice shows that many, especially young journalists, when caught in the conditions of a military conflict, lose their self-control and forget about the strict rules, including the prohibition to carry weapons and assist the armed forces. By violating these principles, a journalist effectively becomes a member of a military structure and loses the right to protection under international humanitarian law.

Although Additional Protocol I applies only to international armed conflicts, the requirement to protect journalists remains relevant in international conflicts. Thus, according to Rule 34 of the Study of the Customs of International Humanitarian Law published by the International

³ IHL Databases / <https://ihl-databases.icrc.org/en/customary-ihl/v2/rule34>

Committee of the Red Cross (ICRC) in 2005, 'citizen journalists on official business in an area of armed conflict (international or non-international) shall be respected and protected as long as they do not take a direct part in hostilities'.⁴

Based on the above, it can be concluded that in order to carry out their professional activities in zones of armed conflict, a journalist must be accredited. In addition to accreditation, there is also the International Journalists Card, issued by the heads of professional organisations, who confirm with their signatures that the holder is indeed a professional journalist. In addition, such organisations may request public authorities, as well as partner journalistic associations, to assist the cardholder in the performance of his or her professional duties. The card is an internationally recognised document to identify a journalist in armed conflict. In accordance with the recommendations of International Humanitarian Organisations (IHOs), journalists covering events in war zones should have this card. Having this card is key in unstable regions, as it allows a journalist to confirm his or her status and avoid being accused of espionage, intelligence activities or other actions inconsistent with his or her professional mission. International legal protection for journalists is necessary for their work because, as civilians, they cannot be considered a legitimate target of attack. Their property, if not of a military nature, must also be respected (this is regulated by Additional Protocol I to the Geneva Conventions).

At the same time, the notion of accreditation remains a matter of debate. The Special Report of the OSCE Representative on Freedom of the Media defines accreditation as a mechanism to ensure that journalists have access to restricted or completely closed areas, including territories of armed conflict.⁵

In addition, when defining the limits of freedom of speech, it should be taken into account that this right serves as a basis for the realisation of a number of other human rights, primarily political and civil rights. It contributes to the formation of a democratic society, creates conditions for the balanced functioning of state structures and ensures public scrutiny of their performance.

According to Hasson, the increase in the killing of journalists in armed conflict zones is one of the arguments in favour of granting them special status, which was taken into account in the drafting of the Draft Special Conventions on the Protection of Journalists. However, critics of this approach argue that granting special rights to some categories of non-combatants may negatively impact on the protection of other groups, reduce the objectivity of information, and that singling out journalists with special identification marks would make them easy targets for criminal gangs.

It should be noted that in International Humanitarian Law (IHL) special status is only given to people who are officially neutral towards the parties to the conflict (e.g. medical and spiritual personnel). Given that journalists covering armed conflicts cannot always be objective, granting them special status is inconsistent with the principles of international humanitarian law. The issue of granting special status to journalists working in armed conflict remains unsuitable for a number of factors. Under international humanitarian law, the category of journalists includes reporters, correspondents, photographers, cinematographers, graphic designers as well as their

⁴ Международный Комитет Красного Креста – Обичное Международное гуманитарное право / МККК – пер с англ – 2006 стр 149 (International Committee of the Red Cross (ICRC))

⁵ Protection of journalists' rights in armed conflicts / <https://www.osce.org/files/f/documents/6/e/22066.pdf>

technical assistants in print, radio, film, television and electronic media (Internet), irrespective of their sex, nationality and religion, working permanently or temporarily.

Thus, the assignment or non-assignment of special status to journalists remains a matter of debate in international humanitarian law.

To sum up, the protection of journalists in armed conflict zones remains a critical challenge in international law. While existing legal frameworks, including international humanitarian law and human rights instruments, provide some safeguards, journalists continue to face severe risks such as targeted violence, unlawful detention, and impunity for crimes committed against them. The debate over their legal status—whether as civilians or a special protected category—further complicates efforts to enhance their security.

Despite the Geneva Conventions and the role of international organizations like UNESCO and the ICRC, enforcement remains weak, and many attacks on journalists go unpunished. Strengthening accreditation systems, enhancing international legal protections, and ensuring accountability for violations are essential steps toward improving press safety in conflict zones.

Ultimately, ensuring the safety of journalists is not just about protecting individuals but also about preserving the public's right to information. Without stronger legal and practical protections, the fundamental role of journalism in conflict reporting remains at serious risk.

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