



## **The Protection of Journalists and Media Professionals Under International Humanitarian Law**

This document is intended to provide a basic outline of the rights and protections of journalists under international humanitarian law. It is not exhaustive, and stipulates only the essentials of the legal framework. For more comprehensive information, please see [www.icrc.org](http://www.icrc.org) or [www.cpj.org](http://www.cpj.org).

### **The nature of the conflict and the applicable law**

We are of the view that the conflict in Libya is a non-international armed conflict. This means that it is necessary to look to Common Article 3 of the Geneva Conventions, and customary international law for the provisions which protect journalists during armed conflict. Unlike under the rules applicable to international armed conflicts, journalists are not specifically mentioned in any treaty law applicable to non-international armed conflict. This should not, however, be conflated with a lack of legal protection.

### **The status of journalists in a non-international armed conflict**

Article 79 of Additional Protocol I, which applies to international armed conflict, states that:

Journalists engaged in dangerous professional missions in areas of armed conflict shall be considered as civilians within the meaning of Article 50, paragraph 1.

Under customary international law, this provision applies equally to non-international armed conflict. No reservations were made to Article 79 to suggest a different treatment for a non-international armed conflict, and state practice makes it clear that the protection of journalists in a non-international armed conflict is considered a customary rule. There has been no official contrary practice.

The legal protection of journalists in a non-international armed conflict is rooted in the protection of civilians. Journalists are to be treated as civilians in any armed conflict, and enjoy all the protections accorded to civilians. Perhaps the clearest way to illustrate the protection afforded to journalists is simply to substitute throughout the Geneva Conventions and additional protocols the word “civilian” with “journalist”.

### **Protecting life and well-being**

The most fundamental protection afforded to civilians, and by extension, to journalists, is protection against becoming a target of an attack.

This protection stands as long as a journalist does not take a direct part in hostilities, such as assisting in the arming or firing of a mortar. If a journalist does take a direct part in hostilities, he or she loses his or her immunity from attack for as long as they do so. In other words, he or she becomes a legitimate military target.

If a journalist is in the immediate vicinity of a legitimate military target, he or she runs the risk of being harmed during any attack on that target. This does not mean that the journalist's legal protection ceases to apply. Rather, it means that under these circumstances, military targets may still be attacked, even if journalists are nearby.

### **Protection in detention**

If a non-Libyan journalist is arrested or detained, he or she has the right to be told of the reasons for that detention. If a journalist is arrested or detained in Libya, he or she must be treated humanely, without discrimination, and must not be subjected to punishment without first receiving a fair trial.

If the detention is not for a penal offence, the journalist must be released with the minimum delay possible.

Libyan journalists are subject to Libyan law, subject to all relevant international human rights standards.

### **Summary**

- Journalists cannot be deliberately targeted or attacked
- Journalists enjoy the same protections as civilians
- Journalists lose their immunity from attack if they take a direct part in hostilities
- In some case, legitimate military targets may still be attacked even if journalists are in the vicinity

### **Precautions journalists can take**

The ICRC has since 1985 operated an emergency hotline for journalists, their employers, and their families. The number is +41 79 217 32 85. Journalists who find themselves in trouble during a situation of armed conflict are invited to call for humanitarian assistance. Similarly, employers and loved ones can call this number to report a missing journalist. If you are a journalist, it we recommend that you give this number out to as many people as possible before you travel to conflict areas.

You can also contact the Committee to Protect Journalists:

Tel: +1 (212) 465-1004, ext. 114, 118

Fax: +1 (212) 465-9568

JournAsst@cpj.org