
INTRODUCTION

As bloodshed in the modern world continues to abate the importance of humanity and the lives of individuals, Journalism has allowed the modern world to get one step further from the trivialization of truth and justice. Journalism is pronounced as a profession that works towards the lateral transfer of information as a monitor of power, communal, and command statuses from a multitude of aspects. Having Journalism entail to a discipline of verification, journalists strive to go beyond borders and nations to capture events in warzones, emphasizing on proceeding political and social events, and the aftermath of trials and actions. With conflicts growing more and more perilous, a renewed attention for the reaffirmation of aspects of the international humanitarian law for the safeguard of journalists and media personnel. With the aim of keeping news significant, comprehensive, proficient and relevant journalists stand unguarded to dangerous attacks in warzones, continuing on the mortality rates, and the deprivation of basic human rights.

Though the number of deaths amongst journalists has not been confirmed to the optimal degree, nearly 1121 journalists have been reported dead since 1992. The 21st century itself or the “decade of death” has seen 735 journalists dead only between 2000 and 2009, with 35% of causes of death being war and conflict related. Nonetheless, no nation-state has proved to be as dangerous as Iraq with nearly 166 deaths since the beginning of the conflict, with death rates being higher than that of the military coalition army. Other contenders of dangerous conditions for journalists or war correspondents include Syria, the Philippines, Algeria, Somalia, Russia and Pakistan.

Dangers facing journalists in war zones today do not necessarily demand military operations and conflicts, but deliberate acts of violence towards them. As practitioners of the field of media and civil service, journalists find themselves in situations requiring protection and defense. The range

of possible hazards against journalists fluctuates from illegal prosecution, harassment, attacks, to military operations and politically induced incidents. Having conferred these potential consequences of journalists in war zones, The Third Geneva convention (As well as the Additional protocol law) saw great development in this issue as it sought to provide war correspondents with prisoner- of war position, being granted the authorization of the presence of the armed forces, being rendered the same legal position and measures as members of armed forces.

A modern example of the use of the deprivation of human rights for journalists includes the Al-Jazeera incident with the journalists. As journalists in Al Jazeera were in jeopardy for 15-20 years of jail, being suspected to be part of the Muslim Brotherhood initiative, thus being “damaging to national security” in Egypt. As the three journalists were incarcerated before formal decisions were made. Though they remained in solitary confinement, the event caused international condemnation for the rights of journalists corresponding news from an area of critical outbreak. Seeing as the President Abdul-Fattah Sisi pronounced his nonbelligerent stance on the issue, the world emphasized the need for the protection of sovereignty of nation-states, with the just and evenhanded protection of journalists.

KEY TERMS.

1. Embedded Journalism.

Reporters working within military units in war zones. This term was previously be used to describe collaboration between media personnel and militants, originated from the US journalists during the Iraqi conflict. This term can be used to refer to war correspondents inclined to military units. Embedded Journalism provides a safer opportunity for war correspondents with military protection. This can be discussed when creating a conjoined framework for the protection of any and all

journalists (Embedded and unilateral), with an accurate assessment of Embedded journalists and the effect of the military companionship on their writing.

i) International Humanitarian Law

A group of laws that runs and administers warfare from a humanitarian perspective, providing defenses for journalists in the conflicts, most prominently in Afghanistan and Iraq. Areas include the treatment of prisoners in war, the avoidance of massacres, and acceptance of surrender. An example of a basic rule in the IHL includes “1. Captured persons must be protected against acts of violence and reprisals. They shall have the right to correspond with their families and to receive relief”. This is crucial for the construction of a well-structured resolution, with the evaluation of international humanitarian laws through War correspondents, with the reestablishment or affirmation of new laws for the safeguard of journalists.

3. Unilateral journalists.

Independent journalists that are not accompanied by military personnel in war zones. The demand of the protection of unilateral journalists has been a topic of interest for the field of media and mass communication, unilateral journalists refers to independent operations of inquiry in a given war zone.

i) ICRC:

The International Committee of the Red Cross is a global humanitarian organization that works towards the treatment and care for individuals that have been victims of violence. The ICRC works to improve the working conditions of journalists and media personnel. Rule 34 of the ICRC’s initiatives state that “Civilian journalists engaged in professional missions in areas of armed conflict must be respected and protected as long as they don’t take part in the hostilities”. The ICRC are considered

one of the most beneficial organizations in this issue, even creating a hotline for journalists on dangerous assignments.

ii) Arbitrary arrest:

Amongst the most dangerous categories of harm for journalists studying abroad, arbitrary refers to an erratic

decision rather than a system. The word arbitrary refers to an uncontrolled and omnipotent use of authority for one's personal benefit. Arbitrary arrest may occur with those inclined to embedded journalism as hostages and crimes, rather than receiving the recognition as members of international media personnel. Examples can be everything from incidents in Mogadishu, Somalia to the Al-Jazeera incident Egypt, With an emphasis on Article 19, journalists still face a large amount of arbitrary arrest and detention A new framework of laws should outline the importance of the circumvention of arbitrary arrest.

Unilateral journalists commonly see war from a non-military perspective.

Fundamentals of their area of expertise include documenting different perspectives on

issues, assessing the harm caused as a result of war, and measuring the humanitarian

aid in that region. A chasm between Embedded journalists is clearly shown in the

Geneva conventions of 1949, whereas embedded journalists can be shot under the law

by opposing forces as part of the unit, however unilateral journalists can be held as

detainees as prisoners of war.

GENERAL OVERVIEW

a. Defining War Correspondents and War media coverage

War correspondents refer to journalists covering stories and reports of war from verified locations of conflict and proceeding trials. War correspondents comprise of reporters, photographers, technical film directors, radio hosts, and television producers and assistants. Having engaged with the setting of conflict, war correspondents place an emphasis on civil opinions, outbreaks, and enunciations of political disputes and consensuses. War Correspondents share the same goals as standard journalists, however they face much more brutal conditions and surroundings, with minute to minute news availability.

b. War Reporting Brief Background.

War reporting goes back to decades of conflict, however first began to shed light during the Crimean War and the American Civil war. With the technological advancements of the 20th Century, war correspondence grew more proficient and dependable. Whereas both World wars ignited the use of audio and visual design, the Persian Gulf and Yugoslav wars saw an advancement of TV broadcasts, and the Afghanistan and Iraqi War stressed on the use of cyber journalism. As interconnectedness grew with the technological advancements, local citizens and international civilians went on to create different branches to the field of journalism; independent journalism and war correspondence. As independent journalists grew in numbers, a strict framework of laws became imperative to provide rights for unilateral and embedded journalists.

c. Question of apt terminology

Throughout the process towards finding preventive measures for the rights of journalists, the question of a pertinent label for war correspondents began to surface. Referring to Article 79 Protocol in the Additional Protocol (I), all journalists and members of the media are to be treated as civilians. Article 48 better emphasizes on the accurate segregation of civilians from military units. The placement of the word “citizens” provides journalists the right (under the international law) to be protected from the effects of military processes.

d. The protection of journalists in war zones under the international law:

When looking at arbitrary attacks against journalists, one must recall Article 3 of the Universal Declaration of Human rights, with the “right to life, liberty, and security of a person” in addition to Article 5 “right not to be subjected to “torture or to cruel inhuman or degrading treatment or punishments”. The international Covenant on Civil and Political rights reaffirms the right to live in Article (6), the right to security of an individual in Article 9, with the freedom of expression in article 19. As issues with attacks on journalists began, the Human Rights Committee expanded on the role of State parties in prosecution, investigation, and the administration of incidents and detainments of journalists in war zones, whereas a special attention was channeled towards the individual State parties. “State parties should take measures not only to prevent and punish deprivation of life by criminal acts but also to prevent the arbitrary killing by their own security services”.

The Draft General Comment of 34 (Article 19) highlighted the importance of the Freedom of Speech in War Zones “the insurance that people are protected from any acts of private people or entities that would impair the enjoyment of freedoms of opinion and expression”. Whereas, “The harassment, intimidation or stigmatization of a person, including arrest, detention, trial or imprisonment for the reasons for the opinions they may hold”.

e. Charter for the Safety of Journalists Working in War Zones or Dangerous Areas

Referring to Appendices (A), The Charter for the Safety of Journalists working in War Zones or Dangerous Areas was an effective method to clarify rights of journalists within the dangerous circumstances given. The Charter was created for the purpose of creating a steadfast mechanism to preserving the rights of both Embedded and Unilateral journalists. The Charter was split into eight sections, all under international law and acts of freedom and justice. Principle 1 (Commitment) outlined the methodical way of awareness on dangerous areas through correct collaboration and consultation. On the other hand, Principles 2, 3 and 4 outlined Free will on the enrollment of War Correspondence in media or military operations, with the suitable selection of journalists through preparation.

The Charter also introduced the importance of Equipment for journalists including Bullet- proof jackets, helmets, training and aid kits. With the presence of equipment and preparation, insurance was also highlighted for journalists in exchange for reparations during the conflict (as seen in Principle 6), including illness, disability, and paralysis. While Principle 7 looked towards the psychological compensations of working in War Zones, Principle 8 looked towards the legal protection from prosecution and attacks, whereas the breach of this protocol will be rationalized as a war crime.

i) World Statistics on Journalists in War Zones

The committee to protect journalists announced that nearly 94% of attacks on journalists do not undergo a full investigation as to the reason behind the attack in war zones. With nearly 1121 journalists dead within the past two decades, nearly 17% were in conflict situations. Though the precise number of journalists that have died in War Zones is not fully determined, statistics prove to have seen countries reach the heist of

politically motivated deaths of journalists. As Iraq stands with 166 total deaths, Syria with 80, the Philippines with 77, and Algeria with 60.

ii) International Charters take on the rights of journalists:

European Convention of Human Rights:

Article 2 outlines the right to life, and Article 3 outlines freedom from torture, and considerably the most effective law is Article 10. Protection of journalistic sources is one of the basic conditions for press freedom. ... Without such protection, sources may be deterred from assisting the press in informing the public on matters of public interest. As a result the vital public-watchdog role of the press may be undermined, and the ability of the press to provide accurate and reliable information be adversely affected.

The American Convention of Human Rights Article 4 outlines the right protects the right to life, and the right to humane treatment in Article 5, the right to overall personal liberty in Article 7, and also includes “

The African Charter on Human and People's Rights

African Charter on Human Rights outlines the prevention of arbitrary arrest or death in Article 4, the right to humane treatment Article 5. Article 6 discusses the right to liberty and security of the person, and freedom of expression is expressed in Article 9; “ 1. Every individual shall have the right to receive information”, 2. Every individual shall have the right to express and disseminate opinions within the law”.

Arab Charter on Human Rights

The Arab charter recognizes the right to life and prohibits arbitrary deprivation of life in Article 5, prohibits “physical or psychological torture

or [...] cruel, degrading, humiliating or inhuman treatment” (Article 8). It preserves the right to liberty and security, and prohibits “arbitrary arrest, search or detention without a legal warrant” in Article 14. It also guarantees freedom of expression (Article 32).

Everyone has the right to freedom

of thought and expression. This right includes freedom to seek, receive, and impart information and ideas of

all kinds, regardless of frontiers, either orally, in writing, in print, in the form of art, or through any other

medium of one's choice”.

iii) CPJ and the OHRC's role in this issue.

i) International Freedom of Expression Exchange

Global network that works on the exposure of violations made against journalists all around the world. Now working with 90 states, the International Freedom of Expression chiefly works on warning journalists on attacks in their areas of work.

ii) Emergency helplines:

The ICRC established a 24-hour helpline, as well as the RWB and the International News Safety Institute.

iii) Journalists in hiding

The CPJ initiated help for journalists in hiding including helping them flee, and hiding from military forces or illegal prosecution.

iv) Support for families

CPJ provides grants and medical care including communication with families of journalists.

v) Evacuation

CPJ helps with emergency evacuations for journalists in the case of emergencies; an example would be the escape of Sunil Jayasekera escape Sri Lanka in 2010 and offered emergency aid for evacuation.

vi) Medical care

The CPJ provides Medical care for journalists in need.

vii) Counseling

The CPJ gives sychological aid to people returning from the traumatic experiences of some journalists.

P_{REVIOUS SOLUTIONS} A_{TTEMPT} 1:

THE GENEVA CONVENTION AND THE ADDITIONAL PROTOCOL I, THOUGH IN RELATION WITH THE INTERNATIONAL HUMANITARIAN LAW, THE GENEVA CONVENTION SPECIFIED ON THE TREATMENT OF JOURNALISTS AS CIVILIANS, ARTICLE 79 TESTIFIES THAT “JOURNALISTS ENGAGED IN DANGEROUS AND PROFESSIONAL MISSIONS IN AREAS OF ARMED CONFLICT SHALL BE CONSIDERED AS CIVILIANS AND THUS PROTECTED AS SUCH JOURNALISTS.

THE FIRST OF THE GENEVA CONVENTION SERIES WAS RELEASED IN 1977, THIS GAVE THIS ISSUE A TOLL FOR THE WORST AS IT REFERRED TO JOURNALISTS AS CIVILIANS. HAVING JOURNALISTS REFERRED TO AS CIVILIANS CAUSED THE NEGLIGENCE OF APPROPRIATE PROTECTION IN WAR ZONES, DEFYING THE GENERAL PURPOSE OF THE SAFEGUARD OF JOURNALISTS. THIS ENCOURAGED EMBEDDED JOURNALISM DURING THE IRAQI CONFLICT WITH MILITARY INCLUSION.

THE GENEVA CONVENTION HOWEVER WAS NOT EFFECTIVE BECAUSE IT STRESSED ON THE TREATMENT OF JOURNALISTS AS CIVILLIANS, WHEREAS IT NEGLECTED THE NEED FOR JOURNALISTS TO GO THROUGH AREAS OF TRAINING, AND AVOIDED THE NEED FOR THE PROTECTION OF JOURNALISTS IN THE CASE OF PROSECUTION, AND EVACUATION.

ATTEMPT 2:

UN RESOLUTIONS INCLUDED RESOLUTION 1738, ACCENTUATING “THE RESPONSIBILITY OF STATES TO COMPLY WITH THE RELEVANT OBLIGATIONS UNDER INTERNATIONAL LAW TO END IMPUNITY AND TO PROSECUTE THOSE RESPONSIBLE FOR SERIOUS VIOLATIONS UNDER INTERNATIONAL HUMANITARIAN LAW”. AS RESOLUTIONS BECAME MORE AND MORE ESTABLISHED ON A LARGER SCALE, EACH RESOLUTION FOCUSED ON DIFFERENT ASPECTS OF THE PROTECTION OF JOURNALISTS. RESOLUTION 1702 FOCUSED ON THE FREEDOM OF THE PRESS AS WELL AS WORKING CONDITIONS OF JOURNALISTS IN WAR ZONES, WHILST THE DECLARATION BY THE COMMITTEE OF MINISTERS FOCUSED ON THE PROTECTION OF INVESTIGATIVE JOURNALISM.

THIS RESOLUTION ALTHOUGH WAS CONSIDERED TO BE A MAJOR STEP TOWARDS CREATING A FRAMEOWKR FOR THE ADEQUATE

TREATMENT OF JOURNALISTS, IT FAILED TO FIND SOLUTIONS TOWARDS JOURNALISTS IN WARZONES THAT HAD TO OBLIGE BY THE COUNTRY'S INTERNAL RULES RATHER THAN THE INTERNATIONAL HUMANITARIAN LAW.

GUIDING QUESTIONS

- . ***i) WHAT ROLE HAVE NGOS PLAYED IN THE DEVELOPMENT OF THIS ISSUE?***
- . ***ii) WHAT IS THE DIFFERENCE BETWEEN UNILATERAL JOURNALISTS AND EMBEDDED JOURNALISTS?***
- . ***iii) WHAT RISKS ARE MODERN DAY JOURNALISTS IN RISK OF?***
- . ***iv) HOW CAN THE PROTECTION OF JOURNALISTS OCCUR IN WARZONES WITHOUT A BREACH IN NATIONAL SOVREIGNTY?***
- . ***v) WHAT HAS THE ICRC DONE TO HELP SOLVE THIS ISSUE?***
- . ***vi) HOW HAVE CONDITIONS CHANGED FOR JOURNALISTS IN WARZONES SINCE 1992?***
- . ***vii) WHAT IS THE API?***
- . ***viii) HOW DO THE AFRICAN CHARTER OF HUMAN RIGHTS, THE AMERICAN, EUROPEAN, AND THE ARAB CHARTERS OUTLINE THE FREEDOMS OF JOURNALISTS IN WAR ZONES?***
- . ***ix) DESCRIBE THE GENERAL COMMENT NO.6 IN THE ICCPR***
- . ***x) HOW DO RIGHTS DIFFER TO EMBEDDED JOURNALISTS AND UNILATERAL JOURNALISTS?***

- **xi) DEFINE ART. 3 GENEVA CONVENTION III, WITH AN EMPHASIS ON THE RIGHTS OF JOURNALISTS IN CAPTIVE.**
- **xii) WHAT DOES THE RESOLUTION 1738 CALL FOR?**
- **xiii) WHY HAVE THE MOST COMMON ATTACKS TOWARDS JOURNALISTS OCCURRED IN IRAQ?**
- **xiv) WHAT ARE THE CATEGORIES OF HARM JOURNALISTS SUFFER FROM?**
- **xv) HOW DO WAR-CORRESPONDENTS DIFFER FROM REGULAR JOURNALISTS?**
- **xvi) WHAT COURSE OF ACTION HAS BEEN TAKEN IN RESPONSE TO THESE VIOLATIONS?**

xvii) TO WHAT EXTENT ARE SUBJECTS IN WARZONES ALLOWED