Reaffirming the Protection of International Journalists

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The role of journalists varies greatly from country to country. The United Nations is committed to ensuring the human rights of every human being in the world. The UN created this connection between itself and the rights of humankind with the ratification of the Universal Declaration of Human Rights (UDoHR) by its member states in 1949, when it went into force. From the UDoHR the UN created more specific treaties addressing a wide range of issues such as the Convention on the Rights of the Child, the Convention Relating to the Status of Refugees, and the Convention on the Rights of Persons with Disabilities. These various treaties bring up an important question: what other groups of people need further protection?

One group that is often nominated as one needing a specific protective document is the international journalist community. Foreign journalists are especially vulnerable; often lacking legal protection, they can be persecuted or made to leave the country they are working in. To their advocates, foreign journalists are the crucial link in a global reporting system, making problems know that would otherwise be missed. Others see the issue as a vehicle for spreading Western values, changing their societies and challenging their governments. They believe that the rights of journalists should be conditional, based primarily on their loyalty to their culture, their people, and their government. Managing the tensions between these two positions is a difficult one for the international community.

Introduction to the Issue and International Opinions

Members of the media and many international groups and organizations support the idea of adding a new treaty specifically for journalists based off of several common ideas. The first of them is that journalists are regarded as "watchdogs" for various things, most commonly human rights. The thought behind this is that the journalists are there to expose a country or organization for abusing human rights and that without the journalists present the stories of lives abused would never be told to the world. The second reason is that in order to protect the human right to freedom of expression journalists must be safe to operate. Journalists, alongside public speakers, politicians, and artists, are those that most take advantage of this human right. Therefore if the journalist is silenced, human right of the freedom of expression in that place is clearly not welcomed. The third reason that is commonly used to defend the idea that more specific protection is needed is that journalists are now becoming targets of governments and non-state actors and threats alike.

Journalism can be a dangerous profession, but because journalists are often targets of terrorism and are imprisoned sometimes by unwelcoming countries for simply operating in a specific place, many organizations believe that the United Nations should set the framework for
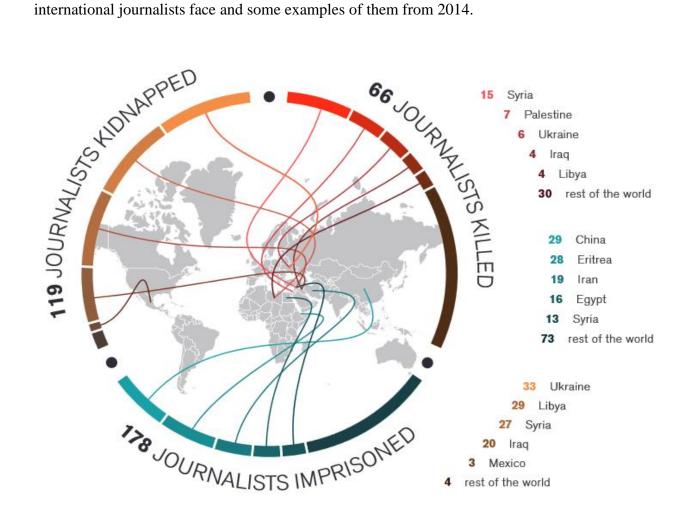
international protection.[1] Others believe the UN has no role to play telling governments how to run their societies.

One of the major groups against further protection is, surprisingly enough, the International Committee of the Red Cross (ICRC). The humanitarian organization is one of the largest and oldest in the world, and operates all over the world. This, of course, gives its opinion great weight, and is one of the most important of any humanitarian organization in the entire world. The ICRC believes that the protection guaranteed to journalists as non-combatants in the Third Geneva Convention, and their protection in similarly worded documents, is enough protection guaranteed on paper. The ICRC believes that the level of protection that journalists have currently is as a result of an international norm to allow the freedom of expression, and therefore journalists, into a country.[2] What is missing in addition to these treaties and norms however, is any sort of enforcement on the behalf of journalists.

Threats Facing Journalists and Relevant Current Events

2014 was a dangerous year for journalists, and news reports on violence against journalists were major topics of discussion over the year. International journalists face three common threats in the line of their work: death, kidnapping, and wrongful imprisonment. These things are only the widely documented end of a journalist's dangers, in addition to all of the above mentioned, journalists are intimidated, threatened, and even beaten into silence all over the world. These other forms of oppression often go undocumented, unpunished, and possibly are even carried out by the state. The following few paragraphs will discuss the documented dangers that international journalists face and some examples of them from 2014.

source: Reporters Without Borders "2014 Roundup of Abuses Against Journalists"

Every year the French Non-Governmental Organization (NGO) Reporters Without Borders (RWB) publishes a year-end report on the number of abuses against journalists entitled "Round-up of Abuses Against Journalists" (link to the report). The statistics found in this report are dramatic, and show detailed information regarding journalists killed, imprisoned, and kidnapped in 2014. According to the report, 66 journalists were killed in 2014, 15 of whom were in Syria. Even though the number of journalists killed this year dropped by seven percent, the public knowledge of the deaths increased awareness. However, 2014 did show a rise in the number of international, as opposed to domestic, journalists killed. Usually more than 90% of journalists killed as a result of their work are local journalists, but in 2014 the number of internationals killed increased to about a quarter of the total number killed.[3]

One of the most widely reported stories of 2014 was the execution of American and British journalists by the terror group known as the Islamic State of Iraq and the Levant (ISIL). Threats like ISIL are no new thing, and for decades journalists have been targets of terror attacks. One example of this can be found as recently as December of 2014. While operating in Yemen American journalist Luke Somers was abducted along with several other people, including a South African national, by the terrorist organization Al-Qaeda. Somers and his fellow captives were killed by their captors during a raid intending to rescue them was carried out by a joint special force of American and Yemeni operatives. The family of the South African captive, Pierre Korkie, had been able to negotiate for his release, scheduled the day after the American raid in which he was killed.[4] The most dangerous places in the world for journalists (meaning the places with the most killings and abductions) according to Reporters Without Borders' yearend report include (from most dangerous to less dangerous): ISIL controlled territories in Iraq and Syria, the Barqa province of Eastern Libya, Baluchistan in Southwestern Pakistan, the Donetsk and Luhansk regions of Eastern Ukraine, and Antioquia in Colombia[3].

Abduction is the second way journalists are endangered internationally and domestically. Often the goal of abduction is to threaten the journalist into silence, and a bonus for the abductors is that ransom money can support them much more easily than working year-round could. Abduction is usually not state sponsored, but rather carried out by non-state actors with political goals, or by criminal organizations looking to profit from the ransom. Most abductions are done to local journalists, 90% of journalists abducted are from the country they were taken in. In total 119 journalists were captured in 2014, which is a 34% increase when compared to the previous year.[3] This makes 2014 one of the most dangerous years for journalism in decades. One example of an international journalist being taken can be found with the capture of four French journalists in Syria in 2013. The journalists were taken hostage by ISIL in June 2013, and were eventually released in April of 2014 along the Turkish-Syrian border, later to be found by Turkish authorities.[5] This release happened four months prior to the killing of the American journalist James Foley.

The third major way journalists are endangered, both internationally and domestically, is by imprisonment. This happens when the state that they are operating in is an oppressive one, and states that frown upon press freedom are those that journalists are most in danger of being imprisoned. All over the world journalists are held in poorly managed and equipped prisons without rights, and with baseless charges. International pressure usually results in many of these

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[3] "2014 Round-Up of Abuses Against Journalists." Reporters Without Borders. December 16, 2014.
[4] "US Hostage Killed in Yemen Raid." Al-Jazeera. December 6, 2014.
[5] "French Journalists Abducted in Syria Freed." France 24. April 19, 2014.

cases not ending in the sentencing of journalists, but if they do sentences can be several years. Worldwide in 2014, 178 professional journalists were imprisoned. The country with the largest number of imprisoned journalists over the year was China, who accounts for 29 of the 178 imprisoned[3].

One of the most infamous stories of journalist imprisonment in 2014 was that of the Egyptian trial against three journalists working for the Qatari news source Al-Jazeera. Three of Al-Jazeera's journalists, Mohamed Fahmy, Peter Greste, and Baher Mohamed, were arrested on 29 December 2013, and after three months in jail they were brought to trial with charges of "fabricating news and tarnishing Egypt's reputation abroad". The three journalists captured were just a few of the twenty journalists from Al-Jazeera that were charged. The other seventeen were not arrested and therefore didn't stick around in or travel to Egypt, otherwise they would be promptly arrested[6]. During the trial the only evidence the Egyptian prosecutors and authorities produced were images of Peter Greste's parents, film of horses trotting, footage from a Kenyan press conference about the Westgate mall attack, a song from Australian singer Gotye, and a BBC documentary about Somalian brigands. None of these were even made by Al-Jazeera. After evidence was presented, the prosecutor stated that the rest of the evidence could not be shown due to technical reasons and instead would be viewed in a private court away from defendants.[7] Despite this, two of the three present and fourteen of the seventeen absent journalists were sentenced to seven years in prison, Baher Mohamed and two absent journalists were sentenced to ten years. All of these charges were based on the idea that the journalists were somehow aiding the Muslim Brotherhood, labeled by the Egyptian government as a terrorist organization.[8]

International Responses

How governments, and the UN, respond to these threats against journalists differ as much as the political opinions of the governments do. In most cases of abduction the family or the country is willing to pay a ransom to free their citizens or loved ones. Nearly always an outside negotiator is involved to help both sides come to a conclusion. Larger states like the United States have state infrastructure in place for dealing with captured citizens; an example of this would be the United States Department of State Hostage Working Group in Baghdad, created to deal with hostage situations in Iraq. Sometimes in these hostage situations the United Nations gets involved to attempt to facilitate the release of prisoners. This happened in August of 2014 when the United Nations was able to secure the release of American journalist Peter Theo Curtis from the Al-Qaeda affiliated group holding him captive in Syria[9].

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[6] Kingsley, Patrick. "Egypt to Charge Al-Jazeera Journalists with Damaging Country's Reputation." The Guardian. January 29, 2014.

[7] Kingsley, Patrick. "Video Evidence Used against Al-Jazeera Journalists Filmed by Other Networks." The Guardian. April 10, 2014.

[8] Kingsley, Patrick. "Al-Jazeera Journalists Jailed for Seven Years in Egypt." The Guardian. June 23, 2014.

[9] Gupta, Prachi. "U.S. Journalist Peter Theo Curtis Released Two Years after Being Abducted by Al Qaeda Group." Salon. August 24, 2014.

From left to right: Mohammed Fahmy, Peter Greste, and Baher Mohamed,
The three Imprisoned Al-Jazeera Journalists, during their trial

Other times governments use military force through raids to attempt to rescue captured journalists. This happened several times with captured Iraqi journalists and the Iraqi military, as well as the failed military raid by the American and Yemeni troops in the attempt to save Luke Somers. The decision to either buy the person back or to try to rescue them via force is a difficult one, and one that is made after evaluating the entire situation and who the captors are.

The UN's Role, Key Documents, and Established Precedent

Most of the actual protections that journalists are given by the UN are simply those given to an average civilian. Journalists in major humanitarian treaties are only specifically mentioned twice, and they are found in the Third Geneva Convention and its Additional Protocol I.[9] The Third Geneva Convention was created in 1949, and the treaty focuses on the treatment of prisoners of war. In article 4A part 4 it states "Persons who accompany the armed forces without actually being members thereof, such as civilian members of military aircraft crews, war correspondents…", which defines a wartime journalist (war correspondents) as a person protected by the convention because they are to be regarded as a prisoner of war if taken in a war zone.[10]

The Additional Protocol to the Geneva Conventions I, written in 1977, more specifically addresses journalists. In Article 79 it reads "Journalists engaged in dangerous professional missions in areas of armed conflict shall be considered civilians". The Protocol in article 50 defines a civilian as anyone not mentioned by the Third Geneva Convention as a member of the armed forces (that information can be found in article 4A parts 1, 2, 3, and 6 of the Third Geneva Convention). The Protocol designates that journalists are to carry a card that identifies them as a

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[10] UN. "III Geneva Convention Relative to the Treatment of Prisoners of War." United Nations. August 12, 1949.

journalist and that the card is to be issued by the state they are a national of.[11] Since then journalists have not been specifically mentioned in international treaties (that does not include UN plans or resolutions), instead they are already defined as civilians as the UN, therefore every treaty regarding the safety, rights, and protection of civilians directly concerns members of the journalistic community. This was backed up by the Security Council in 2006 with Security Council Resolution 1738, which condemned attacks on journalists internationally and reaffirmed their status as civilians.[12]

The majority of the responsibility of maintaining and promoting the safety of journalists has been placed with the United Nations Educational, Scientific, and Cultural Organization (UNESCO). UNESCO has a wealth of information and statistics on the safety of journalists, and coordinates with prominent NGOs to promote journalist safety. The agency created a plan of action on the safety of journalists in 2012, which accounts for the safety of journalists both in wartime and in peace, one of the first UN documents to do this. The plan details specific protections to journalists that UNESCO would like to see progress, but this document is not a treaty. It is currently being implemented in five test countries to see if the plan works.[13] The following are relevant UN documents concerning civilian/journalist protection (each treaty/resolution is hyperlinked to the full document):

The Geneva Convention of 1949
Photo from the International Committee of the Red Cross

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[11] UN. "Additional Protocol I." United Nations. June 8, 1977. Accessed January 6, 2015.

[12] UNSC. "Security Council Condemns Attacks Against Journalists In Conflict Situations, Unanimously Adopting Resolution 1738." UN News Center. December 23, 2006.

[13] UNESCO. "UN Plan of Action on the Safety of Journalists and the Issue of Impunity." UNESCO.org. April 12, 2012.

- International Convention for the Protection of All Persons from Enforced Disappearance (2006)
- International Covenant on Civil and Political Rights (1966)
- Universal Declaration of Human Rights (1948)
- International Covenant on Economic, Social and Cultural Rights (1966)
- The Geneva Conventions (1949, the hyperlink leads to the ICRC's website, on the right are links to all of the Geneva Convention treaties and additional protocols in full text and commentary and summaries for each. The Fourth Convention focuses on civilians, all are relevant)
- Additional Protocol to the Geneva Conventions I (1977)
- Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984)
- Security Council Resolution 1738 (2006, the full text of the resolution is included in the article down the page)
- UN Plan Of Action On The Safety Of Journalists And The Issue Of Impunity (2012)

In the last three years the Human Rights Council (HRC) passed two resolutions concerning the safety of journalists, one in 2012 and one in September of 2014. They both condemn violence against journalists, but the structure of the HRC makes it so that none of the resolutions have any real world value[14][15]. Nothing passed by the HRC is binding to UN members; they are simply suggestions that the UN would like governments to follow, or at least put mechanisms in place to begin progress. This means that nearly every HRC resolution is just a well-intended, strongly worded, letter. The following are links to both documents:

- Human Rights Council Resolution 21/12 (2012)
- Human Rights Council Resolution 27/L.7 (2014)

Journalists often have a tough, dangerous and controversial job. That is well known and understood by everyone in the industry. Journalists are killed, imprisoned unfairly, and abducted every year, but none of these hazards are new to the world. Many of the hazards they face come from member states of the UN, or supporters of those governments, creating awkward tensions for journalism, states and the international community.

Domestic journalists can be at greater risk than their foreign counterparts, but the topic for this meeting of the Third General Assembly Committee (Social, Humanitarian, and Cultural, SOCHUM) is about the protection of *international* journalists. Therefore debate should consider the safety of journalists working internationally and the repercussions of the international nature of their work resulting in their unsafety. The UN has a precedent of involving themselves with the safety of journalists, but they are only regarded as normal citizens. This begs the question: Is this category truly where journalists belong?

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[14] UNHRC. "Human Rights Council Resolution 21/12." Securitycouncilreport.org. October 9, 2012.
[15] UNHRC. "Human Rights Council Resolution 27/L.7." UN News Center. September 19, 2014.

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