

HANDOUT 7: HOW DOES IHL PROTECT JOURNALISTS?

International humanitarian law (IHL) offers protection to all journalists as CIVILIANS.

War correspondents are also entitled to the Prisoners of War status upon capture in an international armed conflict.

Members of Military Press are combatants and offered protection as such under IHL.

IHL does NOT:

- ensure journalists' freedom of action or speech
- give journalists the right to enter a territory without the permission of the State

Journalists are CIVILIANS

Journalists are protected by IHL as CIVILIANS under the law of international and non-international armed conflicts

As civilians, they cannot be attacked *unless and for such time as they directly participate in hostilities*

It is a war crime to intentionally direct an attack against civilians (who are not directly participating in hostilities)

Journalists that travel under the protection and with the authorization of the armed forces, *without being members of the armed forces*, are described under IHL as *war correspondents*. This is a legal term.

By contrast, *embedded journalists* is not a legal term. Embedded journalists are only considered war correspondents if they have official accreditation from the armed force they are embedded with. The distinction between “journalists” and “war correspondents” is important, as war correspondents are entitled to POW status if they are detained in international armed conflicts. In non-international armed conflicts, there is no category known as war correspondents and no POW status.

Military press* are not civilians. They are COMBATANTS.

Military press are members of the armed forces.

They are military targets during armed conflict.

They are protected against attack when *hors de combat* (wounded, sick, shipwrecked, detained or surrendering) and against certain means and methods of warfare even while fighting.

* Military press officials are recruited by the armed forces to report from a military point of view.