

## HANDOUT 8: HOW DOES IHL PROTECT DETAINED JOURNALISTS?

While all detained journalists are protected under IHL, their legal status dictates whether they are held as **CIVILIANS** or as **PRISONERS OF WAR**, and these come with different protections.

Make sure you know the distinctions and what they mean for you personally, and for your reporting.

IHL does not prohibit the arrest or detention of journalists.

### Can journalists be detained for security reasons?

Yes. As **CIVILIANS**, journalists not accompanying armed forces can be detained for *security reasons* but must be released as soon as the security reasons cease to exist. IHL Sources:

In international armed conflicts, they are protected by:

- the *Fourth Geneva Convention*
- the First Additional Protocol
- customary IHL

In non-international armed conflicts, they are protected by:

- Common Article 3 of the four Geneva Conventions
- the Second Additional Protocol
- customary IHL

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### Can journalists be held as POWs?

WAR CORRESPONDENTS are entitled to a prisoners of war (POW) status.

In international armed conflicts, they are protected by:

- the *Third Geneva Convention*
- the First Additional Protocol
- customary IHL

In non-international armed conflicts, they are protected by:

- Common Article 3 of the four Geneva Conventions
- the Second Additional Protocol
- customary IHL

Note that while it may appear strange that the category of war correspondents (civilians) are afforded POW status, the protection was granted by the drafters of the Geneva Conventions due to journalists' vulnerability when accompanying armed forces.

Remember that the concepts of war correspondents and POW only exist in international armed conflicts.

### How must detained journalists be treated?

- be treated humanely and with dignity in all circumstances
- be held in premises removed from the combat zone
- be protected against any act of violence, as well as against intimidation, insults, and public curiosity
- must be guaranteed minimum conditions of detention (i.e. accommodation, food, clothing, hygiene, medical care, relations with the exterior).