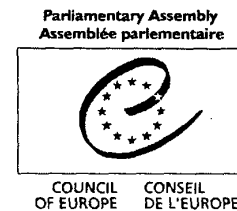


Parliamentary Assembly
Assemblée parlementaire



Doc. 10521
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**Freedom of the press and the working conditions of
journalists in conflict zones**

Report
Committee on Culture, Science and Education
Rapporteur: Mr Josef Jafab, Czech Republic, Liberal, Democratic and Reformers' Group

Summary

The right to freedom of expression and information constitutes one of the essential foundations of democratic society. In conflict situations and wars, human rights and international humanitarian law are often violated. It is thus indispensable that the public receive information about such conflicts and wars. As others who decide to work in conflict areas, journalists take consciously a special risk by working there. They do so in order to provide news and comment about such conflicts and thus serve the public.

Florence Aubenas and Hussein Hanoun al-Saadi were kidnapped on 5 January 2005 and Sorin Dumitru Miscoci, Marie-Jeanne Ion and Eduard Ovidiu Ohanesian are hostages since 28 March 2005. They are not the first journalists kidnapped while working in Iraq. Other journalists were murdered or disappeared and many more civilians became victims as well.

The Parliamentary Assembly calls for the release of the hostages and asks the Secretary General of the Council of Europe and the Committee of Ministers to follow the situation.

I. Draft resolution

1. The Parliamentary Assembly of the Council of Europe recalls the importance of freedom of expression and information in the media for democratic society and for each individual. It constitutes a core value guaranteed throughout Europe by the European Convention on Human Rights. The situation of war or conflict does not remove the importance of adequate provision of information through the media; rather to the contrary, it enhances its relevance.
2. Journalists reporting from risk areas, such as war zones, conflict areas or lawless areas, are often faced with difficult and dangerous working conditions. Freedom of expression and information may, depending on the individual circumstances, thus be balanced with other fundamental considerations, in particular the rights to life, liberty and security of journalists. These other rights must not be compromised by growing market pressures for more direct reports from risk areas and a dubious growth of public desire for sensational reporting.
3. The Assembly deplores the great number of murders, kidnappings and disappearances of journalists working in conflict areas or on dangerous subjects and regards these as most serious acts of aggression against freedom of expression and information in the media. Wide publicity and fulfilment of the demands of terrorists such as the payment of large sums to kidnappers increase considerably the risk for journalists working in dangerous areas and thus reduce the possibility for the public to receive valuable information.
4. Concerned about freedom of expression and information in the media in Iraq, the Assembly deplores the numerous deaths and disappearances of journalists there and the continued kidnapping of Florence Aubenas, Hussein Hanoun al-Saadi, Sorin Dumitru Miscoci, Marie-Jeanne Ion and Eduard Ovidiu Ohanesian. The Assembly calls for the immediate release of those held hostage.
5. The Assembly pays tribute to non-governmental organisations such as the International News Safety Institute, the International Press Institute, Reporters without Borders, the International Federation of Journalists, Article 19 and the Institute for War & Peace Reporting for providing help and advice to journalists working in dangerous situations and conflict areas.
6. Welcoming the Charter for the Safety of Journalists Working in War Zones or Dangerous Areas by the organisation Reporters without Borders, the Assembly recalls the importance of employing only experienced and well trained journalists, who volunteer to take up such tasks, and providing them with adequate safety, communication and first-aid equipment, psychological counselling after their return as well as with insurance for illness, injury, repatriation, disability and loss of life.
7. The Assembly recalls and reaffirms that journalists must be considered civilians under Article 79 of the First Additional Protocol to the Geneva Conventions of 1949, provided that they take no action adversely affecting their status as civilians, and without prejudice to the right of war correspondents, who are accredited to the armed forces and accompany them without actually being members thereof, to the status of prisoner of war under Article 4 (A) (4) of the Third Geneva Convention once fallen into the power of the enemy.
8. Recalling the Committee of Ministers' Declaration and Recommendation No. R(96) 4 on the protection of journalists in situations of conflict and tension, the Assembly calls on all member and observer states to comply fully with them, in particular to:
 - i. respect the right to freedom of expression and information under Article 10 of the European Convention on Human Rights;
 - ii. not restrict the use of communication equipment, such as fixed and mobile telephones, satellite telephones and radio communication devices;
 - iii. instruct their military and police forces to give protection and assistance to journalists;

iv. facilitate access to the territory of destination by issuing necessary visas and other travel documents;

v. respect the confidentiality of journalists' sources.

9. All member states are called upon to ensure that journalists can work safely in their territory, and they are obliged under the European Convention on Human Rights to investigate duly all acts of aggression against journalists.

10. Media should indicate clearly to the public which reports are from war correspondents embedded in military or security forces.

11. For journalists and their professional organisations, it should be useful to prepare themselves against kidnappings, for instance by declaring publicly that no financial payments or political concessions should be made to kidnappers, or by declaring that political statements made by kidnapped journalists are made under coercion and are hence without any value.

12. All journalists and their employers are encouraged to adhere to the Charter for the Safety of Journalists Working in War Zones or Dangerous Areas by the organisation Reporters without Borders.

13. With reference to the Committee of Ministers' Declaration on the protection of journalists in situations of conflict and tension, the Assembly asks the Secretary General of the Council of Europe to pay particular regard to the fate of journalists in situations of conflict and tension and regularly follow cases of journalists missing, being detained or having been wounded or killed in the course of their professional work in member states.

II. Draft recommendation:

1. The Parliamentary Assembly of the Council of Europe, referring to its Resolution (2005) ... on freedom of the press and the working conditions of journalists in conflict zones, recommends that the Committee of Ministers:

i. forward this Resolution to the competent ministers;

ii. monitor respect of freedom of expression and information in the media and the working conditions of journalists in situations of conflict in member states;

iii. work on this issue at the level of the United Nations, in particular with the United Nations Commission on Human Rights or UNESCO, while maintaining the standards of the European approach towards this issue in accordance with the European Convention on Human Rights and other relevant legal texts of the Council of Europe.

**III. Explanatory memorandum
by Mr Jařab**

1. Florence Aubenat and Hussein Hanoun al-Saadi were kidnapped on 5 January 2005 and Sorin Dumitru Miscoci, Marie-Jeanne Ion and Eduard Ovidiu Ohanesian are hostages since 28 March 2005. They are not the first journalists kidnapped while working in Iraq. Georges Malbrunot and Vit Pohanka, were fortunately released by their kidnappers. Other journalists were murdered or disappeared, and many more civilians became victims as well.

2. According to the International Press Institute and Reporters without Borders, in 2004 and 2005 the following journalists died in Iraq while exercising their profession: Houssam Hilal Sarsam, Laik Ibrahim, Raeda Mohammed Wageh Wazzan, Abdel Hussein Khazaal, Dhia Najim, Likaa Abdel-Razak, Karam Hussein, Dina Mohammed Hassan, Mazen Tomeizi, Enzo Baldoni, Mahmoud Hamid Abbas, Sahar Saad Eddine Nuaimi, Shinsuke Hashida, Kotaro Ogawa, Rashid Hamid Wali, Waldemar Milewicz, Mounir Bouamrane, Assad Kadhem, Hussein Saleh, Burhan Mohamed Mazhour, Nadia Nasrat, Majid Rachid, Mohamad Ahmad, Ali Abdel Aziz, Ali Al-Khatib, Duraid Isa Mohammed and Yasser Khatab. Iraq is not the only conflict area where journalists have been victims of aggression or have lost their lives, but it is one of the most dangerous areas at the moment.

3. Such barbaric acts against journalists, who are to be considered as civilians in a war or armed conflict, caused a public outcry for greater respect for, and protection of, freedom of expression and information and freedom of the media. Against this background, the Assembly decided to hold a debate under urgent procedure at its April 2005 session. I was appointed rapporteur for this debate as I had already been designated rapporteur for a debate in June on media and terrorism. In the preparation of this debate, the Committee on Culture, Science and Education held a hearing in Paris on 17 March 2005 which called for the release of the journalists kidnapped in Iraq and therefore is relevant for the present report.

4. The right to freedom of expression and information under Article 10 of the European Convention on Human Rights constitutes one of the essential foundations of a democratic society and one of the basic conditions for its progress and the development of every individual, as expressed in the case law of the European Court of Human Rights and the Committee of Ministers' Declaration on the Freedom of Expression and Information of 1982. The effective exercise of this right is an important indicator of the level of protection of other human rights, because it is often through the media that human rights violations become publicly known.

5. In conflict situations and wars, human rights and international humanitarian law are often violated. It is thus indispensable that the public receive information about such conflicts and wars as provided for under Article 10 of the European Convention on Human Rights.

6. As others who decide to work in conflict areas, journalists take consciously a special risk by working there. They do so in order to provide news and comment about such conflicts and thus serve the public. Where this kind of work carries with it the risk of loss of life or serious injury, however, the question arises whether the right to receive information justifies the taking of such a risk by a journalist. Journalists and media are working in a highly competitive environment which may lead them into taking serious risks. The public should not accept, however, the deaths of journalists becoming the price for purely sensational news from conflict areas.

7. While it is for a humane society to condemn vehemently the great number of murders, kidnappings and disappearances of journalists working in conflict areas, we must realise that the kidnapping of journalists, and in some cases even their murdering, have become part of a psychological warfare waged through the media by terrorists and warring parties. Widely publicised images are used to weaken the morale of the other parties and humiliate them. In addition, the sums or political concessions demanded for the release of journalists provide for additional incentives to kidnappers, whether they are political terrorists or mere criminals seeking money.

8. Many European countries know this phenomenon and have often gone through a similar debate. The kidnapping and murder of Israeli athletes by Palestinian terrorists at the 1972 Olympic Games in Munich was geared towards the media, just as the kidnapping and murder of the German industry manager Hanns-Martin Schleyer by the terrorist "Red Army Fraction" in Germany. In a similar manner, the terrorist "Red Brigade" in Italy, the terrorist ETA in Spain, terrorist groups in Northern Ireland and terrorist groups in Russia have exploited the media in order to create public terror. The armed conflict in Iraq has also gained a media dimension: journalists and aid workers are targeted for publicity purposes.

9. The work of non-governmental organisations has become of great value for the media and journalists working in conflict areas. The International News Safety Institute, the International Press Institute, Reporters without Borders, the International Federation of Journalists, Article 19, and the Institute for War & Peace Reporting, for instance, publish most relevant information about the work of journalists in conflict areas, such as risk analyses of the country or region and technical advice for journalists going there.

10. The Charter for the Safety of Journalists Working in War Zones or Dangerous Areas prepared by the association Reports without Borders (see the reference documents below) is of particular relevance in this context. It outlines that only experienced journalists should go on missions to conflict areas, and that they should receive training for dangerous situations. In addition, the Charter stipulates that journalists should be free in their decision whether to go to conflict areas or not. It also lists a number of technical requirements necessary before going on such a mission, namely safety, communication and first-aid equipment as well as adequate insurance. Journalists who were confronted with dangerous and shocking situations should be able to receive psychological assistance if they so wish.

11. It is also necessary to recall the international legal norms established for journalists working in conflict areas. In situations of war and armed conflict, journalists are to be considered and protected as civilians under the Geneva Conventions. The Committee of Ministers of the Council of Europe adopted the Declaration and Recommendation (96) 4 on the protection of journalists in situations of conflict and tension, which contains several concrete recommendations and obligations. Of course, the European Convention on Human Rights also contains rights for journalists working in conflict areas, in particular the rights to life, liberty and security as well as the right to freedom of the expression and information in the media.

Appendix

DECLARATION

**ON THE PROTECTION OF JOURNALISTS
IN SITUATIONS OF CONFLICT AND TENSION**

*(Adopted by the Committee of Ministers on 3 May 1996,
at its 98th Session)*

1. The Committee of Ministers of the Council of Europe condemns the growing number of killings, disappearances and other attacks on journalists and considers these to be also attacks on the free and unhindered exercise of journalism.
2. The Committee of Ministers appeals to all states, in particular to all member states of the Council of Europe, to recognise that the right of individuals and the general public to be informed about all matters of public interest and to be able to evaluate the actions of public authorities and other parties involved is especially important in situations of conflict and tension.
3. The Committee of Ministers solemnly reaffirms that all journalists working in situations of conflict and tension are, without qualification, entitled to the full protection offered by applicable international humanitarian law, the European Convention on Human Rights and other international human rights instruments.
4. The Committee of Ministers reaffirms the commitments of governments of member states to respect these existing guarantees for the protection of journalists.
5. The Committee of Ministers, on the occasion of World Press Freedom Day, draws attention to Recommendation No. R (96) 4 on the protection of journalists in situations of conflict and tension and the appended basic principles.
6. The Committee of Ministers shall consider, together with the Secretary General, ways of strengthening, in general, existing arrangements within the Council of Europe for receiving information, and taking action on, infringements of rights and freedoms of journalists in situations of conflict and tension.
7. The Committee of Ministers considers in this context that, in urgent cases, the Secretary General could take speedily all appropriate action on receipt of reports on infringements of rights and freedoms of journalists in member states in situations of conflict and tension and calls on the member states to co-operate with the Secretary General in this regard.

RECOMMENDATION No. R (96) 4

OF THE COMMITTEE OF MINISTERS TO MEMBER STATES ON THE PROTECTION OF JOURNALISTS IN SITUATIONS OF CONFLICT AND TENSION

(Adopted by the Committee of Ministers on 3 May 1996 at its 98th Session)

The Committee of Ministers of the Council of Europe, under the terms of Article 15.b of the Statute of the Council of Europe,

Emphasising that the freedom of the media and the free and unhindered exercise of journalism are essential in a democratic society, in particular for informing the public, for the free formation and expression of opinions and ideas, and for scrutinising the activities of public authorities;

Affirming that the freedom of the media and the free and unhindered exercise of journalism must be respected in situations of conflict and tension, since the right of individuals and the general public to be informed about all matters of public interest and to be able to evaluate the actions of public authorities and other parties involved is especially important in such situations;

Emphasising the importance of the role of journalists and the media in informing the public about violations of national and international law and human suffering in situations of conflict and tension, and the fact that they thereby can help to prevent further violations and suffering;

Noting that, in such situations, the freedom of the media and the free and unhindered exercise of journalism can be seriously threatened, and journalists often find their lives and physical integrity at risk and encounter restrictions on their right to free and independent reporting;

Noting that attacks on the physical safety of journalists and restrictions on reporting may assume a variety of forms, ranging from seizure of their means of communication to harassment, detention and assassination;

Reaffirming the importance of international human rights instruments at both world and European levels for the protection of journalists working in situations of conflict and tension, especially the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the European Convention on Human Rights;

Reaffirming also the importance of Article 79 of the First Additional Protocol to the Geneva Conventions of 12 August 1949, adopted on 8 June 1977, which provides that journalists shall be considered as civilians and shall be protected as such;

Considering that this obligation also applies with respect to non-international armed conflicts;

Convinced that it is necessary to reaffirm these existing guarantees, to make them better known and to ensure that they are fully respected with a view to strengthening the protection of journalists in situations of conflict and tension;

Stressing that any interference with the work of journalists in such situations must be exceptional, be kept to a minimum and be strictly in line with the conditions set out in relevant international human rights instruments;

Noting that media organisations, professional organisations and journalists themselves can also contribute to enhancing the physical safety of journalists, notably by taking and encouraging practical prevention and self-protection measures;

Considering that, for the purposes of this recommendation, the term "journalist" must be understood as covering all representatives of the media, namely all those engaged in the collection, processing and dissemination of news and information including cameramen and photographers, as well as support staff such as drivers and interpreters,

Recommends that the governments of member states:

1. be guided in their actions and policies by the basic principles concerning the protection of journalists working in situations of conflict and tension set out in the appendix to this recommendation, and apply them without distinction to foreign correspondents and local journalists and without discrimination on any ground;
2. disseminate widely this recommendation and in particular bring it to the attention of media organisations, journalists and professional organisations, as well as public authorities and their officials, both civilian and military.

Appendix to Recommendation No. R (96) 4

Basic principles concerning the protection of journalists in situations of conflict and tension

Chapter A: Protection of the physical safety of journalists

Principle 1

Prevention

1. Media organisations, journalists and professional organisations can take important preventive measures contributing to the protection of the physical safety of journalists. Consideration should be given to the following measures with a view to adequate preparation for dangerous missions in situations of conflict and tension:

a. the provision of practical information and training to all journalists, whether staff or freelance, with the assistance of experienced journalists and competent specialised authorities and organisations such as the police or the armed forces;

b. wide dissemination among the profession of existing "survival guides";

c. wide dissemination among the profession of information on the availability of appropriate protection equipment.

2. While these measures are first and foremost the responsibility of media organisations, journalists and professional organisations, the authorities and competent specialised organisations of the member states should be co-operative when approached with requests for the provision of information or training.

Principle 2

Insurance

1. Journalists working in situations of conflict and tension should have adequate insurance cover for illness, injury, repatriation and death. Media organisations should ensure that this is the case before sending journalists employed by them on dangerous missions. Self-employed journalists should make their own insurance arrangements.

2. Member states and media organisations should examine ways of promoting the provision of insurance cover for all journalists embarking on dangerous missions as a standard feature of contracts and collective agreements.

3. Media organisations and professional organisations in member states should give consideration to setting up a solidarity fund to indemnify journalists or their families for damage suffered in cases where insurance is insufficient or non-existent.

Principle 3

"Hotlines"

1. The emergency hotline operated by the International Committee of the Red Cross (ICRC) has proved invaluable for tracing missing journalists. Other organisations such as the International Federation of Journalists (IFJ) and the International Freedom of Expression Exchange (IFEX) operate effective hotlines which draw attention to cases of attacks on the physical safety of journalists and their journalistic freedoms. Media organisations and professional organisations are encouraged to take steps to make these hotlines better known among those in the profession. Member states should support such initiatives.

2. Journalists working in situations of conflict and tension should consider the advisability of keeping the local field offices of the ICRC informed, on a confidential basis, of their whereabouts, so enhancing the effectiveness of the hotline in tracing journalists and in taking steps to improve their safety.

Chapter B: Rights and working conditions of journalists working in situations of conflict and tension

Principle 4

Information, movement and correspondence

Member states recognise that journalists are fully entitled to the free exercise of human rights and fundamental freedoms as guaranteed by the European Convention on Human Rights (ECHR), and by protocols thereto and international instruments to which they are a party, including the following rights:

- a. the right of everyone to seek, impart and receive information and ideas regardless of frontiers;
- b. the right of everyone lawfully within the territory of a state to liberty of movement and freedom to choose their residence within that territory as well as the right of everyone to leave any country;
- c. the right of everyone to respect for their correspondence in its various forms.

Principle 5

Confidentiality of sources

Having regard to the importance of the confidentiality of sources used by journalists in situations of conflict and tension, member states shall ensure that this confidentiality is respected.

Principle 6

Means of communication

Member states shall not restrict the use by journalists of means of communication for the international or national transmission of news, opinions, ideas and comments. They shall not delay or otherwise interfere with such transmissions.

Principle 7

Checks on limitations

1. No interference with the exercise of the rights and freedoms covered by Principles 4 to 6 is permitted except in accordance with the conditions laid down in relevant provisions of human rights instruments, as interpreted by their supervisory bodies. Any such interference must therefore:

- be prescribed by law and formulated in clear and precise terms;
- pursue a legitimate aim as indicated in relevant provisions of human rights instruments; in accordance with the case-law of the European Court of Human Rights, the protection of national security within the meaning of the ECHR, while constituting such a legitimate aim, cannot be understood or used as a blanket ground for restricting fundamental rights and freedoms; and
- be necessary in a democratic society, that is: correspond to a pressing social need, be based on reasons which are relevant and sufficient and be proportionate to the legitimate aim pursued.

2. In situations of war or other public emergency threatening the life of the nation and the existence of which is officially proclaimed, measures derogating from the state's obligation to secure these rights and freedoms are allowed to the extent that these measures are strictly required by the exigencies of the situation, provided that they are not inconsistent with other obligations under international law and do not involve discrimination solely on the ground of race, colour, sex, language, religion or social origin.

3. Member states should refrain from taking any restrictive measures against journalists such as withdrawal of accreditation or expulsion on account of the exercise of their professional activities or the content of reports and information carried by their media.

Principle 8

Protection and assistance

1. Member states should instruct their military and police forces to give necessary and reasonable protection and assistance to journalists when they so request, and treat them as civilians.

2. Member states shall not use the protection of journalists as a pretext for restricting their rights.

Principle 9

Non-discrimination

Member states shall ensure that, in their dealings with journalists, whether foreign or local, public authorities shall act in a non-discriminatory and non-arbitrary manner.

Principle 10

Access to the territory of a state

1. Member states should facilitate the access of journalists to the territory of destination by promptly issuing visas and other necessary documents.
2. Member states should likewise facilitate the importation and exportation of professional equipment.

Principle 11

Use of accreditation systems

Systems for the accreditation of journalists should be introduced only to the extent necessary in particular situations. When accreditation systems are in place, accreditation should normally be granted. Member states shall ensure that:

- a. accreditation operates to facilitate the exercise of journalism in situations of conflict and tension;
- b. the exercise of journalism and journalistic freedoms is not made dependent on accreditation;
- c. accreditation is not used for the purpose of restricting the journalist's liberty of movement or access to information; to the extent that refusal of accreditation may have the effect of restricting these rights, such restrictions must be strictly in accordance with the conditions set out in Principle 7 above;
- d. the granting of accreditation is not made dependent on concessions on the part of journalists which would limit their rights and freedoms to a greater extent than is provided for in Principle 7 above;
- e. any refusal of accreditation having the effect of restricting a journalist's liberty of movement or access to information is reasoned.

Chapter C: Investigation

Principle 12

1. In situations of conflict and tension, member states shall investigate instances of attacks on the physical safety of journalists occurring within their jurisdiction. They shall give due consideration to reports of journalists, media organisations and professional organisations which draw attention to such attacks and shall, where necessary, take all appropriate follow-up action.
2. Member states should use all appropriate means to bring to justice those responsible for such attacks, irrespective of whether these are planned, encouraged or committed by persons belonging to terrorist or other organisations, persons working for the government or other public authorities, or persons acting in an individual capacity.
3. Member states shall provide the necessary mutual assistance in criminal matters in accordance with relevant applicable Council of Europe and other European and international instruments.

Charter for the Safety of Journalists Working in War Zones or Dangerous Areas by Reports without Borders

The safety of journalists working on dangerous assignments is not always guaranteed, even if international law provides adequate protection on paper, because warring parties these days are showing less and less respect for that. News-gatherers cannot get assurances from belligerents that they will be fully protected.

Because of the risks they run to keep the public informed, media workers, journalists and their assistants (whether permanent staff or freelance) working in war zones or dangerous areas are entitled to basic protection, compensation and guarantees from their employers, though protection must never be taken to mean supervision by local military and governmental authorities. Media management also have their own responsibility to make every effort to prevent and reduce the risks involved.

The following eight principles shall apply:

Principle 1 – Commitment

The media, public authorities and journalists themselves shall systematically seek ways to assess and reduce the risks in war zones or dangerous areas by consulting each other and exchanging all useful information. Risks to be taken by staff or freelance journalists, their assistants, local employees and support personnel require adequate preparation, information, insurance and equipment.

Principle 2 – Free will

Covering wars involves an acceptance by media workers of the risks attached and also a personal commitment which means they go on a strictly voluntary basis. Because of the risks, they should have the right to refuse such assignments without explanation and without their being any finding unprofessional conduct. In the field, the assignment can be terminated at the request of the reporter or the editors after each side has consulted the other taken into account their mutual responsibilities. Editors should beware of exerting any kind of pressure on special correspondents to take additional risks.

Principle 3 – Experience

War reporting requires special skills and experience, so editors should choose staff or freelance who are mature and used to crisis situations. Journalists covering a war for the first time should not be sent there alone, but be accompanied by a more experienced reporter. Teamwork in the field should be encouraged. Editors should systematically debrief staff when they return so as to learn from their experiences.

Principle 4 – Preparation

Regular training in how to cope in war zones or dangerous areas will help reduce the risk to journalists. Editors should inform staff and freelance of any special training offered by nationally or internationally qualified bodies and give them access to it. All journalists called upon to work in a hostile environment should have first-aid training. Every accredited journalism school should familiarise its students with these issues.

Principle 5 – Equipment

Editors should provide special correspondents working in dangerous areas with reliable safety equipment (bullet-proof jackets, helmets and, if possible, armoured vehicles), communication equipment (locator beacons) and survival and first-aid kits.

Principle 6 – Insurance

Journalists and their assistants working in war zones or dangerous areas should have insurance to cover illness, repatriation, disability and loss of life. Media management should take all necessary steps to provide this before sending or employing personnel on dangerous assignments. They should strictly comply with all applicable professional conventions and agreements.

Principle 7 – Psychological counselling

Media management should ensure that journalists and their assistants who so desire have access to psychological counselling after returning from dangerous areas or reporting on shocking events.

Principle 8 – Legal protection

Journalists on dangerous assignments are considered civilians under Article 79 of Additional Protocol I of the Geneva Conventions, provided they do not do anything or behave in any way that might compromise this status, such as directly helping a war, bearing arms or spying. Any deliberate attack on a journalist that causes death or serious physical injury is a major breach of this protocol and deemed a war crime.

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Reporting committee: Committee on Culture, Science and Education

Reference to committee: Urgent debate, Reference No 3072 of 25 April 2005

Draft recommendation unanimously adopted by the committee on 26 April 2005

Members of the Committee: Mr Jacques **Legendre** (Chairman), Baroness **Hooper**, Mr Josef **Jarab**, Mr Wolfgang **Wodarg** (Vice-Chairpersons), Mr Hans **Ager**, Mr Toomas **Alatalu**, Mr Gaqo Apostoli, Mr Tony Banks, Mr Emerenzio Barbieri, Mrs Marie-Louise Bemelmans-Videc, Mr Radu-Mircea Berceanu, Mr Levan **Berdzenishvili**, Mr Božidar Bojović, Mr António Braga, Mrs. Anne **Brasseur**, Mr Osman **Coşkunoğlu**, Mr Vlad **Cubrecov**, Mrs Maria **Damanaki**, Mr Joseph Debono Grech, Mr Ferdinand **Devinsky**, Mrs Kaarina Dromberg, (Alternate: Mrs Sinikka **Hurskainen**), Mrs Anke Eymer, Mr Relu Fenechiu, Mrs Blanca Fernández-Capel Baños, Mrs Siv Friedleifsdóttir, Mr Piotr Gadzinowski, Mr Eamon **Gilmore**, Mr Stefan Glävan, Mr Luc **Goutry**, Mr Vladimir Grachev, Mr Andreas Gross, (Alternate: Mr. Maximilian **Reimann**), Mrs Azra **Hadžiahmetović**, Mr Jean-Pol Henry, Mr Rafael **Huseynov**, Mr Raffaele Iannuzzi, Mrs Halide **İncekara**, Mr Shavarsh **Kocharyan**, Mr József Kozma, Jean-Pierre Kucheida, Mr Guy Lengagne, Mr Peter Letzgus, Mrs Christine **Lucyga**, Mr. Gennaro Malgieri, Mrs Jagoda Majska-Martincevic, Mr Bernard **Marquet**, Mr Kevin McNamara, Mrs Giovanna Melandri, Mr Ivan Melnikov (Alternate: Mr Alexander **Fomenko**), Mr Loutvi Mestan, Mrs Milena **Milotinova**, Mrs Fausta Morganti, Mrs Kim Mortensen (Alternate: Mrs Hanne **Severinsen**), Mrs Christine **Muttonen**, Mrs Miroslava Nĕmcová, Mr Edward O'Hara, Mrs Elsa Papadimitriou (alternate: Mrs Eleonora **Katseli**), Mrs Antigoni **Pericleous Papadopoulos**, Mrs Eleonora Petrova-Mitevaska, Mrs Majda **Potrata**, Mr Lluís Maria de Puig, Mr Anatoliy Rakhansky, Mr Johannes **Randegger**, Mr Josep Ribera Ambattle, Mr Zoltán Rockenbauer, Mr Pedro Roseta, Mrs Anta **Rugāte**, Mr Volodymyr Rybak, Mr Pär-Axel **Sahlberg**, Mr André Schneider, Mrs Juana Serna Masia, Mr Vitaliy **Shybko**, Mrs Elsa **Skarbøvik**, Mr Andrey Skoch, Mr Jerzy Smorawiński, Mr Ninoslav Stojadinović, Mr Valeriy Sudarenkov, Mr Aleksander Szczygło, Mr Mehmet Tekelioğlu, Mr Ed **van Thijn**, Mr Vagif Vakilov, Mrs Majléne **Westerlund Panke**, Mr Emanuelis **Zingeris**.

*NB. The names of those present at the meeting are printed in **bold***

Head of Secretariat: M. Grayson

Committee secretariat: MM Ary, Dossow, Chahbazian