

Protection of Journalists in Armed Conflicts

(Between the Rules of International Humanitarian Law and the Reality of Serious Violations)

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Abstract

The protection of journalists in armed conflicts constitutes a fundamental axis for ensuring the flow of information during times of war and crises, as the international community relies on these professionals to uncover facts, document violations, and present an accurate picture of humanitarian situations. However, journalistic work in conflict zones has become one of the most dangerous professions in the world, especially with the increasing direct or indirect targeting of journalists by armed parties that do not respect international law. The legal protection of journalists is primarily based on the general rule of international humanitarian law that prohibits the targeting of civilians. Civilians who do not participate in hostilities enjoy full protection from attacks, and journalists, as long as they do not directly engage in hostilities, fall within this category as non-combatants.

Keywords: armed conflicts, protection of journalists, law of war, principle of distinction, civilians.

Introduction

The protection of journalists is not merely a matter of professional solidarity, but rather an issue related to the right of peoples to knowledge and the right of the international community to access accurate information that contributes to preventing violations and exposing their perpetrators. The legal protection of journalists is closely linked to human rights principles, particularly

freedom of expression and freedom of the press, as well as to the fundamental values upon which international justice is based.

International humanitarian law has emphasized the protection of journalists as civilians who may not be targeted as long as they do not directly participate in hostilities, whether in international or internal armed conflicts. From this standpoint, the main issue raised is as follows: What is the nature of the protection enjoyed by journalists in international armed conflicts? To answer this main issue, the subject of the study is addressed in two sections. The first section deals with the types of armed conflicts, namely international and internal armed conflicts, while the second section is devoted to the scope of protection enjoyed by journalists of various categories.

Chapter One: Types of Armed Conflicts

Armed conflicts constitute one of the most influential human phenomena in the course of international relations due to their political, security, economic, and social repercussions, whose effects often extend for many years after the cessation of hostilities. Despite humanity's civilizational and legal progress, it continues to face major challenges in its ability to prevent wars or limit their devastating effects, making the study of armed conflicts indispensable for understanding the nature of the international system and its ongoing

transformations. Major historical developments, especially since the two World Wars, have led to the emergence of the need for a legal and ethical framework to regulate military operations and set limits on legitimate violence during wartime, in order to preserve human dignity and reduce human losses. Accordingly, the first requirement addresses international armed conflicts, while the second examines internal armed conflicts.

Section One: International Armed Conflicts

The law of war constitutes the basic framework governing these conflicts through the Geneva Conventions of 1949 and the Additional Protocols of 1977, which aim to protect civilians and combatants who are hors de combat. Paragraph 1 of Article 2, as well as paragraph 1 of Article 4 of Additional Protocol I relating to international armed conflicts, affirmed these provisions. Paragraph 2 of Article 4 of Additional Protocol I added an important rule by stipulating the applicability of the Geneva Conventions and Additional Protocol I to armed conflicts in which peoples fight against:

- colonial domination,
- foreign occupation,
- racist regimes,

in the exercise of their right to self-determination.

According to the provisions of Article 2 common to the Geneva Conventions of 1949, as well as Article 1 of Additional Protocol I, the term armed conflict applies to various confrontations and armed struggles arising between two or more international persons or between an international entity and a non-international one.

An international armed conflict is characterized by continuity in time and space and arises between subjects of international law, requiring the application of international humanitarian law rules. Wars of national liberation, in which peoples struggle against racist regimes in the exercise of their right to self-

determination, also fall within the scope of international armed conflicts. Generally, international armed conflicts are characterized as follows:

- continuous conflict in time and space;
- conflict arising between international entities possessing full international legal capacity, i.e., subjects of international law.

Total or partial occupation is likewise considered an international armed conflict, whether or not resistance takes the form of a liberation revolution. Common Article 2 of the Geneva Conventions and Article 4 of Additional Protocol I confirmed the necessity of applying their provisions to such situations. The role is not limited to military forces alone but extends to international humanitarian organizations such as the International Committee of the Red Cross, which, although not a belligerent party, constitutes a key actor in monitoring compliance with international humanitarian law and protecting victims.

The Second Hague Convention of 1899 concerning the laws and customs of war on land and its annex identified the parties to the conflict as follows:

- regular armies belonging to one of the belligerent parties;
- militia and volunteer groups provided they meet the following conditions:
 - being commanded by a person responsible for subordinates;
 - having a distinctive emblem;
 - carrying arms openly;
 - conducting operations in accordance with the laws and customs of war;
- inhabitants of non-occupied territories who, on the approach of the enemy, spontaneously take up arms to resist invasion without having had time to organize themselves, who shall be regarded as prisoners of war upon surrender or capture.

Article 13 of the First Geneva Convention of 1949 added the following groups:

1. Members of regular armed forces who profess allegiance to a government or authority not recognized by the detaining power.
2. Persons accompanying the armed forces without actually being members thereof, such as war correspondents.
3. Members of merchant marine and civil aircraft crews.

International armed conflicts are generally characterized by:

1. continuous conflicts in time and space;
2. conflicts arising between international entities possessing full international legal capacity, i.e., subjects of public international law;
3. the state of occupation being a special case, which may take the form of partial or total occupation and may exist without armed resistance.

Article 13 of the First Geneva Convention constitutes the cornerstone in determining the scope of protection granted by the Convention, as it establishes an objective and personal framework for those who fall under the umbrella of international humanitarian law. This article does not merely set out general rules, but precisely defines the persons entitled to protection in international armed conflicts, thereby clarifying the circle of beneficiaries and preventing any ambiguity that could be exploited by belligerent parties.

Section Two: Internal Armed Conflicts

The term internal armed conflicts, also referred to as non-international armed conflicts, generally applies to armed conflicts that erupt within the territorial boundaries of a state. International public law had traditionally settled the issue of the applicable law to such conflicts by referring to the domestic law of the state in whose territory the conflict occurred. However, due to the increase in such internal conflicts, the expansion of their causes, and the

growing severity of their consequences, it became necessary to regulate them, as reflected in Common Article 3 of the Geneva Conventions of 1949 and in Additional Protocol II of 1977. A non-international armed conflict requires the fulfillment of a set of objective conditions, including that military operations reach a certain level of intensity and continuity, that insurgents exercise effective control over part of the territory, and that they possess a certain level of organized command. To verify these conditions, each conflict must be examined individually by assessing the existing field conditions, such as the state's use of military forces when security forces are unable to control the situation, the types of weapons used, the frequency of clashes between government forces and insurgents, and the number of civilian victims. If these criteria are not met, the situation does not amount to a non-international armed conflict.

The characterization of non-international armed conflict is set out in Article 1 of Additional Protocol II, which refers to armed conflicts occurring in the territory of a High Contracting Party between its armed forces and dissident armed forces or other organized armed groups. The Protocol excludes situations of internal disturbances and tensions such as riots and sporadic acts of violence, which do not constitute armed conflicts.

Additional Protocol II states in paragraph 1 of Article 1 that internal disturbances and tensions, such as riots and isolated acts of violence and other acts of a similar nature, do not constitute armed conflicts and therefore fall outside the scope of international humanitarian law. Such situations are governed instead by human rights law.

Chapter Two: Scope of the Protection of Journalists in War

Armed conflicts have become increasingly complex in recent decades due to profound transformations in the international system, the growing number of actors involved in

military operations, and the expansion of wars across borders and regions. In this context, the need for accurate information has become urgent, enabling the international community to understand the nature of conflicts, assess the scale of violations, and monitor threats to civilians. Journalists have thus emerged as direct conveyors of facts and witnesses to events on the battlefield, playing a vital role in ensuring transparency and accountability. However, this role has also made them among the groups most exposed to serious dangers threatening their lives, freedom, and physical integrity. Accordingly, the first requirement addresses the categories of journalists protected during war, while the second deals with the protection of journalists from serious violations.

Section One: Categories of Journalists Covered by Protection

The protection of information sources constitutes a cornerstone of journalistic work, gaining exceptional importance when covering sensitive issues such as violent crime, national security, and armed conflicts, where sources may be exposed to legal or physical risks. Independent journalists in particular must be aware that this burden primarily falls on their shoulders, and journalists should not promise confidentiality without assessing the potential consequences, as such commitments create significant ethical obligations.

person's status, he shall be granted prisoner-of-war status and thus the protection of the Third Geneva Convention of 1949 until a competent court determines otherwise. Even if the card is lost, the journalist remains entitled to protection until a court decides his legal status, as stipulated in Article 5 of the Third Geneva Convention. The First and Second Geneva Conventions may also apply to wounded, sick, and shipwrecked war correspondents pursuant to Article 19 thereof.

Second: Independent Correspondents

This category of journalists operates independently of armed forces and is not

Journalistic work is not confined to safe areas but extends to zones of international and internal armed conflicts, where the protection afforded to journalists during peacetime differs from that applicable during armed conflicts due to the challenges and dangers involved.

First: War Correspondents

War correspondents are journalists who conduct investigations into current events and present them to media outlets such as newspapers, magazines, radio, or television programs. What distinguishes war correspondents from ordinary journalists is that they often travel extensively, sometimes for many years, to the locations of the events they cover.

Article 13 of the Hague Regulations concerning the laws and customs of war on land of 1907 provides that persons accompanying the army without actually being members thereof, such as journalists, who fall into the hands of the enemy shall be treated as prisoners of war, provided they have authorization from the military authority of the army they accompany. The Third Geneva Convention of 1949 considered journalists among the categories that may accompany armed forces without being part thereof, provided they receive authorization. The war correspondent's card plays a role similar to a soldier's uniform. In case of doubt as to a

attached to them. Equipped with modern communication tools, they can rapidly transmit information and broadcast it worldwide, achieving media exclusivity. They convey comprehensive images from different angles, including infrastructure destruction, civilian casualties, and other violations of human rights and international humanitarian law. In this regard, United Nations Security Council resolutions have condemned deliberate attacks against journalists and media personnel in armed conflict situations and emphasized that journalists, media workers, and associated personnel engaged in dangerous

professional missions in areas of armed conflict are to be considered civilians and must be respected and protected as such, provided they take no action adversely affecting their civilian status.

Section Two: Protection of Journalists from Serious Violations

International humanitarian law has established two different statuses for journalists in international armed conflicts: the accredited war correspondent accompanying armed forces, and other journalists. The status of war correspondents has traditionally been regulated by the Third Geneva Convention of 1949, which provides that war correspondents captured while performing their duties in conflict zones are to be treated as prisoners of war and thus protected under the Third Geneva Convention, pursuant to Article 4 thereof. Additional Protocol I to the Geneva Conventions of 1977 further expanded the protection afforded by humanitarian law to include other categories of journalists not authorized to accompany armed forces. These journalists enjoy civilian status and must be protected accordingly under Article 79 of the Protocol. Although Additional Protocol I applies primarily to international armed conflicts, its provisions may also be invoked in internal armed conflicts.

According to Rule 34 of the study on customary international humanitarian law published by the International Committee of the Red Cross in 2005, civilian journalists engaged in professional missions in areas of armed conflict must be respected and protected as long as they do not take a direct part in hostilities. This applies to both international and non-international armed conflicts.

Journalists assigned to journalistic missions in areas of armed conflict are regarded as civilians; therefore, they may not be targeted. Their civilian status grants them the right to protection, provided that they refrain from any activity that could endanger their civilian status and nature.

The idea of protecting journalists stems from the principle of distinction between combatants and non-combatants in armed conflicts. The principle of distinction between combatants and non-combatants constitutes the cornerstone of civilian protection and of efforts to spare them the scourges of war. In brief, this principle means that military operations or strikes must be directed only against combatants and not others, while peaceful civilians are to be kept safe and protected from the dangers of such military operations. Journalists and media workers of various kinds are at the forefront of these protected categories. Article 48 of Additional Protocol I of 1977 indicates the purpose of distinguishing between civilians and combatants, namely to ensure respect for and protection of the civilian population and civilian objects. Respect entails avoiding civilians and civilian objects and refraining from attacking them, while protection involves positive action, including the provision of assistance and support. This principle obliges the parties to the conflict, at all times, to distinguish between civilians and combatants in a manner that prevents harm to the civilian population and damage to civilian objects. Accordingly, the source of international protection for journalists and press premises is the principle of distinction between combatants and non-combatants in international humanitarian law.

Acts that may be committed against journalists in armed conflicts constitute what are known as grave breaches of international humanitarian law. These acts include willful killing, torture, or inhuman treatment, including biological experiments; willfully causing great suffering or serious injury to body or health; unlawful deportation or transfer or unlawful confinement of a protected person; taking hostages without legal basis; compelling a protected person under the conventions to serve in the armed forces of the hostile power; depriving any protected person under international humanitarian law of the

right to a fair and regular trial; and causing extensive destruction of property or its appropriation in an unlawful and arbitrary manner not justified by military necessity. Violations in armed conflict are classified either according to the rules of international humanitarian law breached by the parties to the conflict or according to their consequences for the perpetrators. For grave breaches classified as war crimes, the existence of criminal intent is required, meaning that the perpetrator deliberately commits these grave violations with knowledge, aiming to bring about a result criminalized and punishable by law. For example, in the crime of willful killing, which constitutes a material act of a war crime, the accused uses his conduct to take the life of one or more persons with the intent that death result from that act. In the crime of torture, the accused deliberately uses means that harm the body, resulting in severe physical or moral pain. The same applies to the crime of forcing a prisoner or any protected person to work in the ranks of enemy forces, where the perpetrator's conduct is intentional, aimed at producing a material act to compel service in enemy ranks despite knowing that the person is protected under international law.

Accordingly, the violations suffered by journalists do not differ from those suffered by civilians present in areas of armed conflict—violations that infringe bodily integrity and human dignity. Among the most important forms of such violations committed against journalists, and which affect bodily integrity, are beating, intentional wounding, torture, and rape, all of which fall under inhuman treatment that may be inflicted upon them while performing their duties.

Conclusion

First: Results

- The greatest challenge is the absence of political will among many warring parties to respect the protection of journalists, and the increasing use of journalists as leverage in armed conflicts. Impunity is also one of the most dangerous factors perpetuating the

cycle of violence against media professionals.

- The four Geneva Conventions of 1949 and the two Additional Protocols of 1977 affirmed the necessity of respecting the safety and lives of civilians and criminalizing any attack directed against them. Additional Protocol I of 1977, pursuant to Article 79, granted special protection to journalists engaged in dangerous professional missions in areas of conflict, affirming that they are considered civilians and benefit from all guarantees accorded to this category, with the necessity of taking all feasible measures to prevent harm to them.
- The opening of modern armed conflicts to non-state actors has created new challenges to the protection of journalists, as they have become vulnerable to kidnapping, arbitrary detention, and willful killing, in addition to restrictions on freedom of information. This change in the nature of conflicts has rendered the existing legal framework insufficient in many cases, particularly due to the non-compliance of non-state armed groups with international rules, as well as difficulties in accessing combat zones and weaknesses in monitoring and accountability mechanisms.

Second: Recommendations

- Working to close loopholes that allow journalists to be targeted or prevented from accessing areas of engagement, by strengthening provisions that explicitly and clearly criminalize all forms of attacks against journalists, especially in light of practices in many areas that amount to war crimes without effective accountability.
- Supporting international initiatives aimed at providing special protection for journalists by encouraging states to accede to relevant conventions and activate their provisions at the domestic level without delay or hesitation.
- Granting the International Criminal Court broader powers to investigate crimes committed against journalists, whether independent civilians or field correspondents, considering attacks against

them as a direct violation of the international community's right to access information.

- Adopting more stringent mechanisms for monitoring and documenting violations committed against journalists, contributing to the creation of an accurate database that supports judicial prosecution and accountability efforts; strengthening the mandate of the Special Rapporteur on freedom of opinion and expression is a fundamental step toward establishing effective field protection for journalists.

References

First: Arabic References

1. Books

- Ali Abu Hani, Abdulaziz Al-Ashawi, *International Humanitarian Law*, Dar Al-Khaldounia for Publishing and Distribution, Algeria, 2010.
- Abdulaziz Musleh Hassan Ahmed, *Principles of International Humanitarian Law*, Legal Library, Baghdad, First Edition, 2015.
- Mohamed Alaa Fathi Abdel Rahman, *International Protection of Journalists During International Armed Conflicts*, Dar Al-Fikr, Alexandria, First Edition, 2010.

2. Articles

- Maha Mohamed Ayoub, "International Legal Protection of Journalists with Reference to Journalists and the Press in Iraq," *Tikrit University Journal of Legal and Political Sciences*, Vol. 02, Issue 06/2010.

Second: Foreign References

A. Books

- Reporters Without Borders, *Handbook for Journalists: Practical Guide*, English Edition, Mimosd–UNESCO, 2005.

B. Articles

- Balguy-Gallois, Alexandre, "The Protection of Journalists and News Media Personnel in Armed Conflict," *International Review of the Red Cross*, No. 853, March 2004.
- Corn, G. S., "Hamdan, Lebanon, and the Regulation of Armed Hostilities: The Need to Recognize a Hybrid Category of Armed Conflict," *Vanderbilt Journal of*

Transnational Law, Vol. 40, No. 02, March 2007.

- Carswell, A. J., "Classifying the Conflict: A Soldier's Dilemma," *International Review of the Red Cross*, No. 873, March 2009.