

Секция «Юриспруденция»

The problem of the protection of journalists in the conditions of armed conflicts

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Due to the specifics of the profession any journalist must always be there where events occur, influencing on the development of the society of the world. Such places are often the zones of armed conflicts. Every year the Committee of protecting journalists publishes the so-called «Index» of deaths of journalists in the various countries. In 2012 the death-rating was headed by Syria. According to the official information from the beginning of the civil war were killed 32 of the journalists [2].

Working in the «hot spots» journalists has already got recognition of the world community. Concerning to the huge violations of human rights in international armed conflicts has often become known due to the activity of the mass media. The protection of the rights of journalists during armed conflict leaves much to be desired.

For the first time journalists' rights were enshrined in the art.13 of the Hague regulations concerning the laws and customs of war (Annex to the Hague conventions of 1899 and 1907), as well as in the Geneva Convention of 27 July 1929 on the treatment of prisoners of war. New stage of the development of International Humanitarian Law (IHL) in the field of the protection of journalists is coming into the adoption of the Geneva conventions of 12 August 1949. And later in 1977 the was adopted the 79 article Protocol Additional (I) to the Geneva conventions - «Measures for the protection of journalists».

As a result of the analysis of the norms of IHL is possible to come to conclusion, that in the zone of the armed conflict 2 category of journalists can work:

- war correspondents (art. 4.A (4) of Geneva Convention III [4]) and
- journalists engaged in dangerous professional missions in areas of armed conflict (art.79 of Protocol Additional for Geneva Convention [5]).

Journalists engaged in dangerous professional missions in the areas of armed conflict do not receive accreditation in the armed troops, nevertheless at least they may accompany the military forces. There is no direct ban to such measures. Such journalists possess the status of the civilian and, as a result, use protection against attack if only they don't make any actions incompatible with their status of the civilian. It is represented that the simple identification of the status of the journalist with the status of the civilian isn't expedient as the journalist for implementation of its professional duties needs granting certain guarantees [1]. It causes need of granting to journalists of the special status.

The authors of the United Nations draft convention had attempted to improve the situation of journalists on dangerous professional missions by the creation of a special status. As laid down in the draft (Art. 2 a), a journalist is a person who is considered as such by virtue of national legislation or practice. In order to have the benefit of special protection, journalists must be in possession of a card issued by the national authorities. In addition, they would each have been obliged to wear an arm-band bearing a distinctive emblem, a large black P on a golden disk, in such a way as to be clearly visible at a distance (Art.

9) [3]. The positive aspect of such innovation may be the distinction of journalists from the other categories. The negative aspect of it is the possibility of the authorities' pressure on journalists.

Analysis of the status of a journalist being in the conditions of the armed conflict would be incomplete, if not to mention situations, in which the journalist is deprived of the protection granted to him in accordance with article 79 of Protocol I. But for the use of protection provided that they don't make any actions incompatible with their status of civilians (item 2 of Art. 79 of AP I), the journalist taking direct part in military operations, loses immunity which he possesses as the civilian, for the period of this participation (article 51, p.3). The following after military troops by journalists regard to such actions, as well being too close to them. In accordance with this it is necessary to defend the limits of the journalist protection approaching or staying within the military troops. Distinct limits remove the possibility of unjustified deprivation of the journalist protection.

As we see, irrespective of making international database to protect journalists in the armed conflict areas, measures taken to defend them is imperfect. To our view it is necessary to renew works on protection journalist convention, likewise it is indispensable to fulfill the observance of norms which have already been adopted, bringing them into life. It depends on not only documents by international authors along with journalists themselves, but on governments which have always been taking these measures.

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