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HUMAN RIGHTS IN ARMED CONFLICTS: PROTECTION OF JOURNALISTS  
ENGAGED IN DANGEROUS MISSIONS IN AREAS OF ARMED CONFLICT

Note by the Secretary-General

1. The question of the protection of journalists engaged in dangerous missions in areas of armed conflict has been examined by the General Assembly since its twenty-fifth session in 1970. 1/ At its twenty-eighth session, the General Assembly had before it the revised draft articles - including final clauses - of an International Convention for the Protection of Journalists Engaged in Dangerous Missions in Areas of Armed Conflict proposed by Australia, Austria, Denmark, Ecuador, Finland, France, Iran, Lebanon, Morocco and Turkey at the twenty-seventh session of the General Assembly, as well as amendments to the draft articles submitted by Hungary, by India and Spain, by the Union of Soviet Socialist Republics and by the United Kingdom of Great Britain and Northern Ireland. 2/ In the course of the debate in the Third Committee, one oral amendment was accepted by the sponsors of the draft convention and some amendments were withdrawn. 3/ In resolution 3058 (XXVIII), adopted on 2 November 1973, the General Assembly expressed the opinion that it would be desirable to adopt a convention ensuring the protection of journalists engaged in dangerous missions in areas of armed conflict. The Assembly requested the Secretary-General to transmit to the Diplomatic Conference on the Reaffirmation and Development of International Humanitarian Law Applicable in Armed Conflicts the draft articles and amendments together with the observations and suggestions made during the twenty-eighth session of the General Assembly, and to invite the Diplomatic Conference to submit its comments and advice on the above-mentioned texts. The Assembly further decided to continue the examination of this question at its twenty-ninth session, as a matter of priority, having regard to the deliberations and findings of the Diplomatic Conference. These documents were duly transmitted to the Secretary-General of the Diplomatic Conference.

\* A/10150.

1/ For background information, see A/9073 and A/9643.

2/ See A/9073, annexes I and II.

3/ See A/9643, paras. 3 and 4.

2. The Diplomatic Conference on the Reaffirmation and Development of International Humanitarian Law Applicable in Armed Conflicts, which held its first session at Geneva from 20 February to 29 March 1974, was unable to examine the question at that session, and decided to include it, as a matter of priority, in the agenda for its second session in 1975.

3. At the twenty-ninth session of the General Assembly, the Third Committee had before it a note by the Secretary-General containing background information on the item (A/9643). The revised draft articles submitted during the twenty-seventh session, as revised during the twenty-eighth session, were reproduced in annex I to the note. The remaining amendments thereto were reproduced in annex II. The Third Committee considered the item at its 2090th and 2091st meetings on 14 and 15 November 1974. On 29 November 1974, the General Assembly adopted resolution 3245 (XXIX), entitled "Human rights in armed conflicts: protection of journalists engaged in dangerous missions in areas of armed conflict", in which it expressed the wish that the Diplomatic Conference on the Reaffirmation and Development of Humanitarian Law Applicable in Armed Conflict should submit its observations and suggestions on the question to the General Assembly at its thirtieth session, and decided to continue the examination of this question as a matter of priority at its thirtieth session, having regard to the deliberations and findings of the Diplomatic Conference.

4. By a letter dated 6 January 1975, the Secretary-General transmitted the text of resolution 3245 (XXIX) to the Secretary-General of the Diplomatic Conference. In a reply dated 21 April 1975, the Secretary-General of the Diplomatic Conference stated that the Conference had carefully studied the question. A Working Group of Committee I had prepared a new draft article to be inserted after article 69 of Draft Additional Protocol I to the Geneva Conventions (1949). The Working Group had also prepared an identity card for journalists engaged in dangerous missions. These proposals of the Working Group were adopted by Committee I. The Conference, in plenary, adopted a resolution in which it noted the results achieved on this question during its second session and requested the Secretary-General of the Conference to transmit the results to the Secretary-General of the United Nations, and to inform him of the intention of the Diplomatic Conference to complete its work on the subject during its next session.

5. For the convenience of the General Assembly, the revised Draft Articles, submitted during the twenty-seventh session, as revised during the twenty-eighth session, are reproduced in annex I of the present document. The remaining amendments thereto are reproduced in annex II. The resolution on journalists engaged in dangerous missions, adopted by the Diplomatic Conference on the Reaffirmation and Development of Humanitarian Law Applicable in Armed Conflict at its second session, is reproduced in annex III. The proposed new article for inclusion in Draft Additional Protocol I to the Geneva Conventions (1949), adopted by Committee I of the Diplomatic Conference, is reproduced in annex IV.

ANNEX I

Draft articles proposed by Australia, Austria, Denmark, Ecuador,  
Finland, France, Iran, Lebanon, Morocco and Turkey at the twenty-  
seventh session of the General Assembly as amended during the  
twenty-eighth session

ARTICLE 1

The provisions of this Convention shall extend to journalists who hold the card provided for in article 4 below and subsequent articles while engaged in dangerous professional missions in areas where armed conflicts are taking place. This Convention shall not affect the sovereignty of States. Consequently, States shall apply national laws with respect to the crossing of frontiers or the movement or residence of aliens.

ARTICLE 2

For the purposes of the application of this Convention:

(a) The word "journalist" shall mean any correspondent, reporter, photographer, and their technical film, radio and television assistants who are ordinarily engaged in any of these activities as their principal occupation and who, in countries where such activities are assigned their particular status by virtue of laws, regulations or, in default thereof, recognized practices, have that status (by virtue of the said laws, regulations or practices);

(b) The term "armed conflict" shall apply to any armed conflict, whether or not international, to which the provisions of the Geneva Convention of 12 August 1949 relate;

(c) The words "dangerous professional missions" shall cover any professional activity exercised by a journalist carried out in an area where there is armed conflict for the purpose of collecting information, photographs, films, sound recordings or any other material and disseminating them through media of public information.

ARTICLE 3

1. There shall be established an International Professional Committee composed of nine members, renowned for their high professional standing and their impartiality, appointed by the Secretary-General of the United Nations in consultation with the Chairman of the Commission on Human Rights, with due regard for the principle of equitable geographical distribution and with the establishment of an equitable balance among the various information media. The Secretary-General shall be represented in that Committee.

/...

2. The International Committee of the Red Cross shall be invited to participate in the work of the Committee as an observer.

3. The members of the Committee shall be appointed for four years. However, the term of five of its members, from among the initial appointees, shall end on the completion of two years. Immediately after the initial appointment, the names of these five members shall be drawn by lot by the Chairman of the Committee.

4. To fill any vacancy that may occur, the Secretary-General shall appoint another journalist in accordance with the provisions of paragraph 1 of the present article.

#### ARTICLE 4

1. The International Professional Committee shall adopt its own rules of procedure.

2. The Committee shall make regulations prescribing the conditions for the issue, renewal and withdrawal of a card, as well as its form and contents.

3. The Committee shall inform all States parties to the Convention of the form, contents and conditions for the issue and withdrawal of the card and an exact description of the distinguishing emblem or emblems provided for in article 9.

4. The Committee shall submit an annual report of its activities to the General Assembly through the Secretary-General.

5. The expenses relating to the activity of the Committee shall be borne by the States parties to this Convention.

6. The Committee shall normally hold its meetings in ...

#### ARTICLE 5

1. The card shall certify the status of the journalist and shall indicate the occupation that gives him the right to that status within the meaning of article 2 (a) above. It shall also state his name, nationality, date and place of birth, blood group, habitual residence, the name and address of the organization employing him and of the person to be notified in case of accident; it shall bear his photograph, his signature and the distinguishing emblem or emblems provided for in article 9.

2. On the back of the card there shall be printed the following statement:

"The bearer of this card undertakes to conduct himself while on the mission in a manner consistent with the highest standards of journalistic

/...

integrity and not to interfere in the domestic affairs of the receiving State or engage in any political or military activities or in any activities which might involve direct or indirect participation in the conduct of hostilities in the areas where the dangerous mission is being undertaken."

3. The card shall be of different colours depending on whether the journalist belongs to the printed press or the technical press.

4. The card shall be issued for the execution of a dangerous professional mission in any area in which there is an armed conflict and shall be valid for a period of 12 months from the date of issue. It may be renewed on the same terms provided that its holder retains the status of a journalist.

5. This card may be withdrawn before the expiry of its validity if its holder ceases to be a journalist as defined in article 2 (a) of this Convention.

6. The authorities responsible for the issue of the card shall communicate without delay to the International Professional Committee the names and all other relevant personal data of journalists to whom cards have been issued. In the case of withdrawal of a card from a journalist, such withdrawal shall also be communicated immediately to the International Professional Committee.

7. The International Professional Committee shall establish and maintain an up-to-date register of journalists who hold cards.

#### ARTICLE 6

1. The competent authorities of the States parties to this Convention shall be responsible for the issue, authentication, renewal and, where necessary, withdrawal of the card on the terms prescribed in article 4.

2. The card may be issued only to a journalist who is a national of the State party to this Convention that issued the card or who is under its jurisdiction /or who has his permanent residence in it/.

#### ARTICLE 7

1. The States parties to this Convention and, as far as possible, all parties to an armed conflict in the territory of a State party to the Convention shall recognize a duly authenticated and current card and the distinguishing emblem or emblems provided for in article 9, and they shall give effect to them as required by this Convention.

2. States parties to this Convention shall give wide circulation to the model of the card and to the distinguishing emblem or emblems provided for in article 9.

#### ARTICLE 8

1. A journalist shall carry the card of which he is the holder and shall produce it when necessary to secure the protection of this Convention.
2. A journalist who holds a card shall wear the distinguishing emblem or emblems described in article 9.

#### ARTICLE 9

1. There shall be a distinguishing emblem, which shall consist of the letter P in black on a gold circular background and it shall be delivered at the time of issue by the authorities of the State responsible for issuing the card. The emblem shall be displayed on the left upper arm in such a way that it shall be clearly visible at a distance.
2. Journalists shall, as necessary, also wear the recognized distinguishing emblem in the area of conflict.

#### ARTICLE 10

1. The States parties to this Convention and, as far as possible, all the parties to an armed conflict in the territory of a State party to the Convention shall to the maximum extent feasible extend protection to journalists wearing the distinguishing emblem or emblems or producing the card and, in particular, shall:
  - (a) Extend to journalists reasonable protection from the inherent dangers of the conflict;
  - (b) Warn the journalists to keep out of dangerous areas;
  - (c) Grant, in case of internment, treatment identical to that provided for in articles 79 to 135 of the Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949;
  - (d) Ensure that, if a journalist who holds a card is killed or injured, falls seriously ill, is reported missing or is arrested or imprisoned, the information concerning the said journalist is communicated forthwith to the State party that issued the card, to the organization mentioned on the card and to his next of kin, or ensure that the said information is made public. This information may be communicated through all appropriate media, in the quickest and most effective manner and, preferably, through the International Committee of the Red Cross or the Secretary-General of the United Nations, in order that the International Professional Committee may be informed without delay.
2. When undertaking dangerous professional missions in an area where there

is a conflict within the meaning of article 2 (b) above, journalists have the right to protection from an immediate danger resulting from hostilities only to the extent that they shall not expose themselves to danger without needing to do so for professional reasons.

#### ARTICLE 11

Each State party to this Convention undertakes to comply with and to ensure compliance with this Convention in all circumstances.

#### ARTICLE 12

The application of this Convention shall have no legal effect on the status of the parties to the conflict.

#### ARTICLE 13

1. Possession of a card shall not confer on a journalist any right or privilege save and except as prescribed by this Convention.

2. Each State party has the right to grant or deny requests for access to specified danger-points on the same terms as apply to its own journalists.

#### ARTICLE 14

None of the provisions of this Convention shall affect the provisions of the Geneva Convention of 12 August 1949.

#### ARTICLE 15

##### Signature, ratification and accession

1. This Convention shall be open, until \_\_\_\_\_ inclusive, at United Nations Headquarters, New York for signature by all States Members of the United Nations or members of a specialized agency or the International Atomic Energy Agency, by all States parties to the Statute of the International Court of Justice and by any other State which has been invited by the General Assembly of the United Nations to become a party to the Convention.

2. This Convention shall be subject to ratification by the States which have signed it.

3. This Convention shall be open to accession by the States referred to in paragraph 1 of this article.

/...

4. Instruments of ratification and of accession shall be deposited with the Secretary-General of the United Nations.

## ARTICLE 16

### Entry into force

1. This Convention shall enter into force on the ... day after the date of deposit with the Secretary-General of the United Nations of the thirtieth instrument of ratification or instrument of accession.

2. For each State ratifying or acceding to the Convention after the deposit of the thirtieth instrument of ratification or instrument of accession, this Convention shall enter into force 30 days after the date of the deposit of its own instrument of ratification or instrument of accession.

## ARTICLE 17

### Settlement of disputes

1. Any dispute between two or more States parties with respect to the interpretation or application of the Convention which is not settled by negotiation shall, at the request of any of the parties to the dispute, be referred to the International Court of Justice for decision, unless the disputants agree to another mode of settlement.

2. Any State may, when it signs or ratifies this Convention or accedes thereto, declare that it does not consider itself bound by the provisions of the preceding paragraph concerning recourse to the International Court of Justice.

3. Any Contracting State which has made such a declaration may at any time withdraw it by means of a notification addressed to the depositary.

## ARTICLE 18

### Denunciation

A State party may denounce this Convention by written notification to the Secretary-General of the United Nations. Denunciation shall take effect ... after the date of receipt of the notification by the Secretary-General. However, a denunciation notification of which has been given by a party engaged in armed conflict within the meaning of article 2 shall not take effect until after the conclusion of the operations to which the journalist's mission relates.



ARTICLE 19

Amendment

1. Any State party to the Convention may propose an amendment and file it with the Secretary-General of the United Nations.
2. The Secretary-General shall thereupon communicate any proposed amendments to the States parties to the Convention.
3. Amendments shall come into force when they have been accepted by a two-thirds majority of the States parties to this Convention in accordance with their respective constitutional processes.
4. When amendments come into force, they shall be binding on those States parties which have accepted them; other States parties shall continue to be bound by the provisions of this Convention or any earlier amendment which they have accepted.

ARTICLE 20

Notifications

The Secretary-General of the United Nations shall inform all States which are or which become parties to the Convention of the following particulars:

- (a) Signatures, ratifications and accessions under article 15;
- (b) The date of entry into force of the Convention under article 16, and the date of entry into force of any amendment under article 19;
- (c) Denunciations under article 18.

ARTICLE 21

The original text of this Convention, of which the Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations.

IN WITNESS WHEREOF the undersigned plenipotentiaries, duly authorized by their Governments, have signed this Convention.

DONE at ... on ....

/...

ANNEX II

Amendments submitted by Hungary, by India and Spain,  
by the Union of Soviet Socialist Republics and by the  
United Kingdom of Great Britain and Northern Ireland

(a) Draft article 2

Amendments submitted by the Union of Soviet Socialist Republics (A/C.3/L.1952):

- (i) Delete the words "or press technician" a/ in the first paragraph;
- (ii) Delete the third paragraph.

(b) Draft article 3

Amendment submitted by Hungary (A/C.3/L.1956):

Insert, in paragraph 2, the words "the International Federation of Journalists and the International Confederation of Journalists" after the words "of the Red Cross".

(c) Draft article 4

Amendment submitted by Hungary (A/C.3/L.1956):

Add, at the end of paragraph 1, the words "on the basis of the provisions of this Convention".

(d) Draft article 5

Amendment submitted by the United Kingdom (A/C.3/L.1961):

Replace the first sentence of paragraph 4 by the words "The card shall be valid in any part of the world for any dangerous professional missions undertaken within a period of twelve months from the date of issue".

(e) Draft article 6

- (i) Amendment submitted by the Union of Soviet Socialist Republics (A/C.3/L.1952):

Insert, in paragraph 1, after the words "where necessary", the words "because of a violation of the provisions of this Convention or of the laws of the country of assignment".

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a/ These words were replaced by the words "their technical film, radio and television assistants" in the revised draft articles (A/C.3/L.1963/Rev.1).

(ii) Amendment submitted by India and Spain (A/C.3/L.1958):

Replace, in paragraph 2, the words "who is under its jurisdiction" by the words "who is within its territorial jurisdiction".

(f) New draft article 11

The following new draft article (A/C.3/L.1952) was proposed by the USSR:

"A journalist on a dangerous professional mission in an area in which there is taking place an armed conflict as defined in the Geneva Convention of 1949 must conform to the instructions of the military authorities, especially as regards his movements, access to areas in which fighting is actually taking place and bans on the collection of information or its transmission to any other person."

ANNEX III

Diplomatic Conference on the Reaffirmation and Development of  
International Humanitarian Law Applicable in Armed Conflicts

Resolution on journalists engaged in dangerous missions  
adopted by the Conference at its second session

The Diplomatic Conference on the Reaffirmation and Development of International  
Humanitarian Law Applicable in Armed Conflicts,

Considering resolution 3058 (XXVIII) of 2 November 1973 by which the General Assembly of the United Nations requested the Conference to submit its comments and views on the draft convention relating to the protection of journalists engaged in dangerous missions in areas of armed conflict,

Considering the resolution of 28 March 1974 whereby the Diplomatic Conference decided to give priority to the consideration of the question of journalists engaged in dangerous missions, in the agenda of its second session,

Considering resolution 3245 (XXIX) of 29 November 1974, by which the General Assembly of the United Nations expressed the wish that the Diplomatic Conference submit its observations and suggestions on the subject to the General Assembly at its thirtieth session,

Noting with concern that too frequently journalists engaged professionally in dangerous missions in areas of armed conflict do not enjoy adequate protection,

Having studied with great attention the question of the protection of journalists engaged in dangerous missions in areas of armed conflict,

Notes the results achieved in this connexion during its second session;

Requests the Secretary-General of the Diplomatic Conference to transmit those results to the Secretary-General of the United Nations and to inform him of the intention of the Diplomatic Conference to complete its work on the subject during its next session.

ANNEX IV

Draft Additional Article for inclusion in Draft Protocol I to the Geneva Conventions (1949), adopted by Committee I of the Diplomatic Conference on the Reaffirmation and Development of International Humanitarian Law Applicable in Armed Conflicts during the Second Session of the Conference

In draft Protocol I, after article 69 add a new article reading as follows:

"Journalists who are engaged in dangerous professional missions in areas of armed conflict shall be considered as civilians within the meaning of paragraph 1 of article 45. a/ They shall be protected as such under the Conventions and the present Protocol, provided that they take no action affecting their status as civilians and without prejudice to the right of war correspondents accredited to the armed forces to the status provided under Article 4 (A) (4) of the Third Convention. b/ They may obtain an identity card similar to the annexed model. This card, which shall be issued by the government of the State of which they are nationals or in which they reside or in which the news medium for which they work is located, shall attest to the holder's status as a journalist."

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a/ Article 45, para. 1 of Draft Protocol I as adopted by Committee III at the first session of the Conference reads as follows:

"Article 45: 1. A civilian is anyone who does not belong to one of the categories of persons referred to in article 4 (A) (1), (2), (3) and (6) of the Third Convention and in article 42 of the present Protocol. 2. The civilian population comprises all persons who are civilians. 3. The presence, within the civilian population, of individuals who do not fall within the definition of civilians does not deprive the population of its civilian character. 4. In case of doubt as to whether a person is a civilian, such person shall be considered to be a civilian."

b/ Article 4 (A) (4) of the Third Geneva Convention reads as follows:

"Article 4. Prisoners of War: A. Prisoners of War, in the sense of the present Convention, are persons belong to one of the following categories, who have fallen into the power of the enemy: ... "Persons who accompany the armed forces without actually being members thereof, such as civilian members of military aircraft crews, war correspondents, supply contractors, members of labour units or of services responsible for the welfare of the armed forces, provided that they have received authorization from the armed forces which they accompany, who shall provide them for that purpose with an identity card similar to the annexed model."

/...

Draft model of Identity Card for journalists engaged in  
dangerous missions in areas of armed conflict, proposed  
by Committee I

Remarks

This card should be made out in three languages: the language of the country issuing the card and two other languages of its choice, one of which should, if possible, be the language of the country in which the armed conflict is taking place. Actual size of the card: 13 cm x 10 cm.

It should be a small booklet like a passport with a title cover in the various languages and identifying the country by which it is issued.

(Name of country issuing this card)

IDENTITY CARD FOR JOURNALISTS ON DANGEROUS  
PROFESSIONAL MISSIONS

Issued by (competent authority) . . . . .

Photograph of bearer . . . . .  
Place . . . . .

Date . . . . .

(Official seal imprint)

. . . . . (Signature of bearer)

Name . . . . .

First names . . . . .

Place and date of birth . . . . .

Correspondent of . . . . .

Specific occupation . . . . .

Valid for . . . . .

/...

Height . . . . . Eyes . . . . .  
Weight . . . . . Hair . . . . .  
Blood type . . . . . Rh factor . . . . .  
Religion (optional) . . . . .  
Fingerprints (optional)  
(Left forefinger) (Right forefinger)  
Special marks of identification

NOTICE

This identity card is issued to journalists on dangerous professional missions in areas of armed conflict. The holder is entitled to be treated as a civilian under the Geneva Conventions of 12 August 1949, and their Additional Protocol I. The card must be carried at all times by the bearer. If he is detained, he shall at once hand it to the Detaining Authorities, to assist in his identification.

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