



UNITED NATIONS
GENERAL
ASSEMBLY



Distr.
GENERAL

A/8371/Add.2
7 December 1971

ORIGINAL: ENGLISH

Twenty-sixth session
Agenda item 49 (b)

RESPECT FOR HUMAN RIGHTS IN ARMED CONFLICTS

PROTECTION OF JOURNALISTS ENGAGED IN DANGEROUS
MISSIONS IN AREAS OF ARMED CONFLICT

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GREECE

/Original: English/
22 November 1971

With reference to the draft international convention on the protection of journalists engaged in dangerous missions the Greek Government considers it a suitable basis for the deliberations in the General Assembly.

The usefulness of a draft convention with a view to affording better protection to journalists engaged in dangerous missions in times of armed conflict is clearly recognized. The establishment in such a convention of a balanced relationship between the right of protection of journalists and the State's duty to preserve and maintain law and order could contribute at the same time both to the protection of human rights in armed conflicts and to the promotion of international information activities. In view of these considerations, the Greek Government supports the establishment of special international protection for journalists engaged in dangerous missions in areas of armed conflict and is prompted to take a positive view of United Nations efforts to ensure better protection of journalists by concluding an international convention on the subject.

At the same time, it should be recognized that the conclusion of a convention on the protection of journalists engaged in dangerous missions falls within the subject matter of other multilateral conventions in force. The draft convention should accordingly be viewed within the context of the Hague Conventions of 1907 and the 1949 Geneva Convention relative to the Protection of Civilian Persons in Time of War. In this respect another paragraph could be added in article 10 indicating that this agreement does not prejudice the application of the Geneva Convention and is intended to complement it.

Taking note of article 8 providing that "The application of this Convention shall have no legal effect on the situation of the parties to a conflict" the Greek Government accepts in principle the establishment of "a safe-conduct card" as provided in draft article 3. It accepts also the provisions of article 4 stipulating: "The validity of the safe-conduct card shall be limited to a specified geographical area and to the expected duration of the mission". This article could also establish the power of the State Parties to the Convention to grant requests for access to certain danger areas under the same conditions applicable to national journalists.

The provision contained in article 5 that "Every party to an armed conflict shall recognize the validity of the safe-conduct card issued by the International Committee" deserves careful consideration. This provision could be acceptable provided that each specific card issued by the Committee is accepted by the State Party to the Convention.

Taking into consideration the vital security requirements in times of armed conflict, as stipulated in article 2, it is important that a provision be included

in the draft Convention providing that the protection to be granted to journalists when they carry out dangerous missions should not prejudice the authority of the competent State authorities to take measures if the specially protected journalist violates the laws of the State, acting in a way incompatible with his mission.

In this respect, the Greek Government, desiring to make the draft Convention truly effective, deems it necessary that article 7 should specify that the equivalence established between foreign and national journalists with regard to their protection is extended to their obligations as well and that the notion of protection does not imply access to all sources of information.

From this point of view, the Convention could serve its purposes more effectively if it contained an explicit definition of the rights and obligations of foreign journalists when engaged in areas of armed conflict.

The inclusion in the Convention of such a provision is necessitated by two facts: (a) by the interrelationship of the State obligation to protect the foreign journalists and its obligation to maintain law and the security of the State, and (b) by the very fact that holders of the safe-conduct card, like any other aliens, fall within the domestic territorial jurisdiction of the host State and its legislation concerning freedom of the press and the status of foreigners not enjoying diplomatic privileges.
