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## JOURNALISM IN THE ARMED CONFLICT OF THE 21<sup>ST</sup> CENTURY: BETWEEN NEW TECHNOLOGIES AND PERPETUAL THREATS

### **Abstract**

What is known as war reporting, one of the most bona fide media formats, is changing as contemporary armed conflict evolves. As always, the main task of journalists continues to be that of informing, yet now new digital tools allow for different ways of reporting the news and help their messages to have unprecedented effects in terms of dissemination and influence both on public opinion and within international organisations themselves, who have recognised the usefulness represented by the information provided by war correspondents, including for the performance of their own work. All of this has a direct consequence: that of a parallel increase in threats to the safety of those who report. The UN Security Council recalls that the issue of journalist protection has been stalled for a decade since it approved Resolution 1738, which for the first time was explicitly dedicated to this matter, and warns about the lack of commitment shown by states in order to avoid casualties amongst reporters. Given this situation, it is necessary to reflect upon what journalism may do to protect international peace, and what international organisations may also do in order to protect journalists.

### **Keywords**

Armed conflict, freedom of expression, information, journalism, the media, protection of civilians, war correspondent

## INTRODUCTION: THE CHANGING REALITY OF NEW WARS

In 2014, two thirds of journalists killed in the world lost their lives in conflict zones. In 2015, the proportion was entirely reversed: two thirds of the reporters murdered lost their lives in supposedly «peaceful» countries.<sup>1</sup> We can draw two conclusions on the basis of this information, the first is the unacceptable number of people who continue to die simply because they report information, and the second is that threats against freedom of expression do not discriminate between peacetime and war. Upon reflection, this figure may also lead us to believe that there is now less bloodshed in times of war among journalists. Yet, it is most probably due to the fact that many of these killings occur in regions that are officially deemed peaceful, whereas in reality they exist in a war-like state although the existing international legal framework does not provide for this. The 21<sup>st</sup> century has broadened the variety of formats in which armed conflicts occur to such an extent that on many occasions it is no easy matter to distinguish them since they have considerably surpassed Clausewitz's thinking. On the one hand, there are no longer two rivals lined up against one another on a battlefield, using conventional weapons in order to defeat the enemy and, on the other hand, neither is it usual to see disputes resolved between states, a trait of warfare that drew to a close together with the 20th century.<sup>2</sup> The time has now passed when war meant a confrontation between soldiers and machinery facing one another on the front, when it was a major occurrence with a decisive influence on the resolution of international disputes.<sup>3</sup> However, these formats still endure in local conflicts of a lesser intensity, but not in an international setting. War is currently present in countries that are not officially at war, and its consequences gravely increase the rate of incidents among civilians and, in particular, among journalists for defending freedom of expression. The complexity of today's armed conflict goes far beyond the legal framework established by the Geneva Conventions and raises doubts as to the validity of the classification drawing a distinction between international and non-international. Such an appraisal hardly seems relevant now, according to the doctrine of the International Criminal Court, in the case of the Prosecutor against Thomas Lubanga:

«It is to be observed at the outset that some academics, practitioners and a line of jurisprudence from the ad hoc tribunals have questioned the usefulness of the distinction between international and non-international armed conflicts, particularly in light of their changing nature. The Chamber endorses this view and accepts that international and non-international conflicts may coexist.»<sup>4</sup>

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1 Reporteros Sin Fronteras, *Informe anual 2015* <http://www.informeanualrsf.es/>.

2 SMITH, R. *The Utility of Force. The Art of War in the Modern World*. London, Penguin Books, 2005, p. 6.

3 Interview with General SMITH R. published by the International Review of the Red Cross no. 864, December 2006 [http://www.icrc.org/eng/assets/files/other/irrc\\_864\\_smith.pdf](http://www.icrc.org/eng/assets/files/other/irrc_864_smith.pdf).

4 International Criminal Court, Prosecutor v. Thomas Lubanga, Judgment pursuant to Article 74 of the Statute, 14 March 2012, ICC-01/04-01/06-2842. (paras. 539-540) <https://www.icc-cpi.int/pages/record.aspx?uri=1379838>.

A similar position is adopted by the International Committee of the Red Cross (ICRC), the organisation that acts as depositary of the Geneva Conventions, when it recognises that the formal distinction between both types of conflicts is debatable, given the reasonable doubt as to its suitability when addressing all the different forms in which conflict presents itself.<sup>5</sup> Neither does it come up with a prediction regarding the evolution of warfare in the 21<sup>st</sup> century in its *Strategy 2015-2018*:

«The ICRC is working in conflict environments that are increasingly fragmented and volatile, where unexpected emergencies unfold alongside protracted and complex armed conflicts; where violence and instability are both causes and consequences of recurring conflict and suffering; and where natural disasters, environmental problems, urbanization, migration, and socio-economic crises exacerbate situations of chronic hardship.»<sup>6</sup>

The same applies to the profession of journalism as it obliged to re-adapt to a new scenario that is immersed in the digital revolution, which has also changed the conventional means of communicating. Just like war itself, journalism is *in constant evolution*, according to the expression used by the UN General Assembly,<sup>7</sup> which testifies to the impossibility of providing an appropriate definition for this profession at this moment in time. Professional associations share this standpoint, such as the Committee to Protect Journalists (CPJ),<sup>8</sup> which has warned about the risks of reporting in a *dangerous and changing* world, or the International Conference on the Safety of Journalists,<sup>9</sup> which saw governments, international organisations and NGOs meet in Warsaw and whose conclusions expressly supported the UN Secretary-General – and insist on examining in greater detail the issue of defining this concept, which is currently subject to vagaries that render this extremely difficult.

In sum, the 21<sup>st</sup> century has thrown off kilter any forecasting of the short-term evolution of this complex trend that encompasses communications on armed conflict because it is now not only the conflicts themselves or journalism that is changing, but the world itself is more unpredictable in the view of NATO:

«Our Alliance remains an essential source of stability in this unpredictable world.»<sup>10</sup>

5 International Committee of the Red Cross, Feb. 2013. <http://www.icrc.org/eng/war-and-law/contemporary-challenges-for-ihl/overview-contemporary-challenges-for-ihl.htm>.

6 ICRC Strategy 2015-2018. (18 June 2014) p.7. <https://www.icrc.org/eng/assets/files/publications/icrc-002-4203.pdf>.

7 A/RES/68/163, (21 February 2014) [http://www.un.org/en/ga/search/view\\_doc.asp?symbol=A/RES/68/163&referer=http://www.un.org/en/events/journalists/&Lang=E](http://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/68/163&referer=http://www.un.org/en/events/journalists/&Lang=E).

8 Committee to Protect Journalists, *Journalist Security Guide: Covering the news in a dangerous and changing world*. <http://cpj.org/reports/2012/04/journalist-security-guide.php>.

9 S/2013/422, Recommendations of the international conference «The safety of journalists: current challenges» held in Warsaw, 23 and 24 April 2013. How to improve the safety of journalists (16 July 2013), para. 6. <http://dag.un.org/handle/11176/24086>.

10 Final NATO declaration, issued by the Heads of State and Government participating in the meeting in Wales, 4-5 September 2014, p.1. [http://www.nato.int/cps/en/natohq/official\\_texts\\_112964.htm?selectedLocale=en](http://www.nato.int/cps/en/natohq/official_texts_112964.htm?selectedLocale=en).

In the following pages we shall endeavour bring the reader up to date regarding the status of journalism in armed conflict and its usefulness in this type of situation. We will see how it continues to be the principal tool for informing citizens, and how it also adopts a dual function depending on who is utilising it: it can end up becoming a method of war, above all by means of the dissemination of propaganda, and yet is also a valuable instrument for assisting victims and facilitating peace. Our point of departure is that in a changing world, dominated by new technologies, war has also become such a complex phenomenon that it is even difficult to tell when we are at war<sup>11</sup>.

## THE ERA OF NEW TECHNOLOGIES

Despite the fact that it is by no means straightforward to know exactly what warfare is in this day and age, we are able to note that one of the most salient aspects of current conflicts is the asymmetry observed between rivals, which basically entails the refusal of these new actors to respect the law as part of armed conflict, thereby converting exactly this attitude into their primary method of combat. The weakest rival in military terms will use its rejection of the standards established as a weapon to subjugate the superior capabilities of its enemy. Asymmetry and its humanitarian consequences represent one of the most urgent challenges facing International Humanitarian Law, given that, as Cassese warns,<sup>12</sup> everything leads one to believe that this mode of conflict will be observed ever more frequently. This is perhaps the only proper clue as to what we can expect the future to hold, the idea that the asymmetric component of conflicts will remain in place, which is synonymous with stating that the only thing that is certain in the present is future uncertainty.

To further complicate this backdrop, many of the armed conflicts that we see today have dropped the adjective and are no longer armed, since there is no use of conventional weapons. The new threats are in line with new technologies and the digital world marks a juncture just as important as writing or the printing press were in their day,<sup>13</sup> which has forced there to be a rethink of states' security strategies, since they are subject to this ever-evolving process whose final consequences are unforeseeable. We see the appearance of cyberwar, impossible without a prior technological revolution, or terrorism with international ramifications, which relies on the so-called social networks and the internet to spread its doctrine and to recruit supporters. Within political discourse, terms are being coined such as the «global war on terrorism», which alongside the rhetoric of governments demonstrates the new settings in which current conflicts play out, since they are no longer purely military ones. In this vein, President

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11 MORÁN BLANCO, S., GONZÁLEZ MARÍN, A., *Asimetría, guerras e información*, Madrid, Ed. Dilex, p. 309.

12 CASSESE, A., «The Current Challenges to International Humanitarian Law», *The Oxford Handbook of International Law in Armed Conflict*, Oxford University Press, 2014, p. 9.

13 *Strategic Panorama*. Spanish Institute for Strategic Studies. Ministry of Defence, Madrid 2013, p. 7. [http://www.ieee.es/Galerias/fichero/panoramas/Panorama\\_Estrategico\\_2013.pdf](http://www.ieee.es/Galerias/fichero/panoramas/Panorama_Estrategico_2013.pdf).

François Hollande made it known after the attacks of November 2015 in Paris and in July 2016 in Nice that: «France is at war»<sup>14</sup>, revealing, on the one hand, the use for convenience of an imprecise concept that additionally does not legally exist<sup>15</sup> and, on the other hand, its use as an excuse to justify whatever action was subsequently required to fight this. The Secretary-General of the UN himself fears the action taken by Western governments to confront terrorism and asymmetric wars, because this frequently conceals political interests that run counter to the freedoms that they are supposedly protecting. Many of the legal reforms implemented as a consequence of new conflicts and terrorism depart from respect of international human rights law, suspend constitutional guarantees and restrict the actions of citizens and, in particular, of journalists:

«Some States have enacted broadly formulated counter-terrorism legislation with vague definitions of terrorism that allow for arbitrary or discriminatory enforcement (...) States have a duty to take measures to protect populations from violence and insecurity and to deliver justice. However, such measures must at all times be grounded in respect for international human rights law. Freedom of expression and media freedom, two essential pillars of democracy and rule of law, cannot be unreasonably curtailed in the fight against terrorism, since insecurity and terrorism thrive in times that witness the erosion of the rule of law and disrespect for human rights.»<sup>16</sup>

A similar warning was issued by the UN High Commissioner for Human Rights following the reactions of the French government as a result of the terrorist attacks in November 2015 and that of the United States over the course of the decade and a half since the 9/11 attacks of 11 September 2001:

«Terrorist attacks, particularly on the media, may have a chilling effect on freedom of expression; they are planned precisely to cause such fear. But the major obstacle to freedom of expression is the restrictions placed on it by Governments.»<sup>17</sup>

He adds that limitations to the freedom of expression are measures that run counter to the objectives that they were created to uphold, since they become human rights violations. The NGO Reporters Without Borders<sup>18</sup> has denounced the deterioration of media freedom in two thirds of the world's countries, an outlook that worsens year on year, revealing that journalists' enemies are not only those who inflict physical violence

14 *Le Monde*, 16 November 2016. [http://www.lemonde.fr/attaques-a-paris/video/2015/11/16/hollande-maintient-sa-position-la-france-est-en-guerre\\_4811152\\_4809495.html](http://www.lemonde.fr/attaques-a-paris/video/2015/11/16/hollande-maintient-sa-position-la-france-est-en-guerre_4811152_4809495.html).

15 Report of the International Committee of the Red Cross presented at the 32nd International Conference of the Red Cross and Red Crescent. Geneva, Switzerland, 8-10 December 2015: «The power of humanity» <https://www.icrc.org/en/document/international-humanitarian-law-and-challenges-contemporary-armed-conflicts>.

16 A/69/268 *The safety of journalists and the issue of impunity*. Secretary-General's Report (July 2014), paras.12 and 13. [http://www.un.org/ga/search/view\\_doc.asp?symbol=A/70/290&referer=http://www.un.org/en/ga/documents/symbol.shtml&Lang=S](http://www.un.org/ga/search/view_doc.asp?symbol=A/70/290&referer=http://www.un.org/en/ga/documents/symbol.shtml&Lang=S).

17 United Nations High Commissioner's Annual Report 2015: <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=15642&LangID=E>.

18 Reporters Without Borders, *2016 World Press Freedom Index*, <https://rsf.org/en>

against them, which is without a doubt the most despicable of all forms of violence, but also to be found amongst governments themselves who are precisely those who are supposed to guarantee their protection.

Alongside this asymmetry, one of the other characteristics that marks current conflicts is their gradual *demilitarisation*. War has broadened its reach and already surpasses the activities of armies, progressively including new actors who fight with or without uniform, and who use communication and new technologies for their cause. Military personnel are taking second place to civilian professionals who are experts in this field, just as new means of warfare are displacing the conventional ones. The internet provides a new space and strategists speak of *War 2.0*<sup>19</sup>, which shifts the battlefield to the web. It is not for nothing that the self-proclaimed Islamic State (ISIL)<sup>20</sup> possesses more than 46,000 Twitter accounts in order to exchange information and to attract new followers<sup>21</sup> thanks to the expert use of what we call social networks, through which they spread their ideology by means of the most up-to-date propaganda techniques. It is in this way that they have been able to accrue more than 25,000 sympathisers in approximately 100 countries, who are targeted in twenty languages by means of 90,000 tweets per day.<sup>22</sup> With a view to counteracting this avalanche, the UN Counter-Terrorism Committee is currently working to devise a strategy that will help combat the jihadi narrative of terrorism, which it should present in April 2017. There is also an abundance of initiatives taken by governments to win over public opinion and citizens' engagement such as the application designed by the Ministry of the Interior in Spain so that individuals are able to report suspicious cases using their mobile phones.<sup>23</sup>

Yet these digital tools have not only become the new methods of propaganda and combat, since they are also incredibly useful to assist with information, communication and humanitarian intervention activities. That is to say, new technologies work at both extremes, because they both change the formats of conflicts and diversify threats and also reinforce human rights by extending the exercise of the right to freedom of expression to places and people who otherwise would not be able to enjoy this right. International justice<sup>24</sup> has already referred to the important contribution that the in-

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19 RID T., and HECKER M., *War 2.0: Irregular Warfare in the Information Age*, London, Praeger Security International, 2009.

20 Islamic State of Iraq and the Levant (ISIL), according to the name used by the UN Security Council in Resolution S/RES/2170 (2014) [http://www.un.org/en/ga/search/view\\_doc.asp?symbol=S/RES/2170%20\(2014\)](http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/2170%20(2014)).

21 *El País*, 24 July 2015. [http://politica.elpais.com/politica/2015/07/24/actualidad/1437753480\\_585841.html](http://politica.elpais.com/politica/2015/07/24/actualidad/1437753480_585841.html).

22 Special meeting of the Counter-Terrorism Committee on «Preventing Terrorists from Exploiting the Internet and Social Media to Recruit Terrorists and Incite Terrorist Acts, while Respecting Human Rights and Fundamental Freedoms». New York, 17 December 2015 [http://www.un.org/en/sc/ctc/docs/2015/Concept%20note\\_ICT\\_SpecialMeeting\\_2015.pdf](http://www.un.org/en/sc/ctc/docs/2015/Concept%20note_ICT_SpecialMeeting_2015.pdf) S/2016/416 [http://www.un.org/ga/search/view\\_doc.asp?symbol=S/2016/416&referer=http://www.un.org/apps/news/story.asp?NewsID=53909&Lang=E](http://www.un.org/ga/search/view_doc.asp?symbol=S/2016/416&referer=http://www.un.org/apps/news/story.asp?NewsID=53909&Lang=E).

23 <https://stop-radicalismos.ses.mir.es/>.

24 IACHR Sentence. Case of Herrera Ulloa v. Costa Rica, 2 July 2004, para. 109. [http://www.corteidh.or.cr/docs/casos/articulos/seriec\\_107\\_ing.pdf](http://www.corteidh.or.cr/docs/casos/articulos/seriec_107_ing.pdf).

ternet makes to this cause, which represents a new channel for exercising the freedoms enshrined in the most relevant international instruments pertaining to the fundamental rights of individuals, as it places some unprecedented communication possibilities within the reach of millions of citizens. New technologies have rendered warfare more complicated. Nevertheless, they have simplified humanitarian aid. Organising aid for the victims is now easier, as the United Nations Foundation recognises:

«Communications advances present an opportunity for humanitarian organizations to harness modern technology to communicate more effectively with communities affected by disasters and to allow members of those communities to communicate with each other and with the outside world. People in affected communities can recover faster if they can access and use information.»<sup>25</sup>

Unarmed conflicts, non-military wars, virtual frontlines, technological and non-conventional weapons... This classification extends to many types of concepts (hybrid, irregular, compound and global wars etc.) and very similar approaches that on occasions are only distinguished from one another by means of minor details ascribed to them in the literature pertaining thereto, despite the fact that in the majority of cases this does not clarify matters to a great degree. There is no definitive concept and it seems clear that we are at a juncture of change and a lack of definition due to the influence of new technologies, or, as the UN Secretary-General warns, jihadist terrorism, considered by the Security Council<sup>26</sup> to be one of the gravest dangers to international peace and security:

«The threat in this sector is significant, dynamic and evolving.»<sup>27</sup>

In Spain, the Spanish Centre for National Defence Studies (CESEDEN) underlines that what is crucial at this point in time is not the name, but the lack of methodological rigour when it comes to dealing with this new reality that gives rise to countless, sterile debates between specialists, as well as significant errors when determining strategies and when applying these to real conflicts:

«They are, in origin, social conflicts, and like any social relationship they are not static phenomena but are instead dynamic and as a result must be analysed as social processes and not as static situations within societies.»<sup>28</sup>

25 COYLE, D., MEIER, D., *New Technologies in Emergencies and Conflicts. The Role of Information and Social Networks*. Washington, D.C. and London, UK: UN Foundation-Vodafone Foundation Partnership, 2009. <http://hhi.harvard.edu/sites/default/files/publications/new-technologies-in-emergencies-and-conflicts.pdf>.

26 S/RES/1989, 17 June 2011 [http://www.un.org/ga/search/view\\_doc.asp?symbol=S/RES/1989\(2011\)&referer=/english/&Lang=E](http://www.un.org/ga/search/view_doc.asp?symbol=S/RES/1989(2011)&referer=/english/&Lang=E)

27 S/2016/501, Report of the Secretary-General on the threat posed by ISIL (Da'esh) to international peace and security, 31 May 2016 (para.37) [http://www.un.org/ga/search/view\\_doc.asp?symbol=S/2016/501&referer=/english/&Lang=S](http://www.un.org/ga/search/view_doc.asp?symbol=S/2016/501&referer=/english/&Lang=S).

28 Aa. Vv. «El enfoque multidisciplinar de los conflictos híbridos», *Documentos de seguridad y defensa. Spanish Centre for National Defence Studies*. Ministry of Defence, May 2012, pp. 7-8. [http://www.defensa.gob.es/ceseden/Galerias/destacados/publicaciones/docSegyDef/ficheros/051\\_EL\\_ENFOQUE\\_MULTIDISCIPLINAR\\_EN\\_LOS\\_CONFLICTOS\\_HIBRIDOS.pdf](http://www.defensa.gob.es/ceseden/Galerias/destacados/publicaciones/docSegyDef/ficheros/051_EL_ENFOQUE_MULTIDISCIPLINAR_EN_LOS_CONFLICTOS_HIBRIDOS.pdf).

In the conflicts of the 21<sup>st</sup> century, the job of reporting has become highly complex. It is incredibly difficult to remain true to the profession of a journalist in the middle of this fight between two or more parties who are frequently invisible, yet deadly. On occasions, simply publishing a news item may contribute to the spread of the ideology of one of the rivals and turn the journalist, although against his or her will, into a combatant or into a target.<sup>29</sup>

## THE GROWING RATE OF INCIDENTS AND CASUALTIES AMONG CIVILIANS AND JOURNALISTS

Amidst this revolution, the conflicts of the 21<sup>st</sup> century maintain an unchanging nuance, as a legacy from the previous century, which is the huge price that civilians continue to pay. The non-combatant population continues to notch up the greatest number of victims and, moreover, this occurs in a deliberate fashion, not as collateral damage<sup>30</sup>. Today the destructive force of wars impacts upon the civilian population far more than the military, contrary to the intentions of the body of humanitarian law that aim to protect those who are not participating in hostilities. In the Battle of Solferino (1859), the origin of the codification of humanitarian standards, 40,000 soldiers and just one civilian died<sup>31</sup>. Yet over the course of the following century and a half, the proportion has changed significantly, quite in contrast to the aspiration underpinning Henry Dunant's efforts to create the first conventions to humanise warfare. In the First World War (1914-1918), 15% of victims were civilians, whereas in the Second World War (1939-1945) this increased to 65%. In current armed conflict they make up more than 90%<sup>32</sup>. The victimisation of the non-combatant population is a concern which has been reflected since the dawn of this century in the European Union's Security Strategy,<sup>33</sup> when the High Representative for the Common Foreign and Security Policy at the time, Javier Solana, referred to the increase in civilian victims in post-cold war conflicts, he was categorical:

«Since 1990, almost 4 million people have died in wars, 90% of them civilians.»<sup>34</sup>

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29 IGNATIEFF, M., Michael. Compiled by MORÁN BLANCO, S., GONZÁLEZ MARÍN, A., *Asimetría, guerras e información*, Madrid, Dílex, 2009.

30 See RODRÍGUEZ-VILLASANTE Y PRIETO, J.L. (coord.), *El Derecho Internacional Humanitario ante los retos de los conflictos armados actuales*, Madrid, Rafael del Pino Foundation/Spanish Red Cross. Marcial Pons, Ediciones Jurídicas y Sociales, 2006.

31 <http://www.icrc.org/spa/resources/documents/interview/research-interview-240609.htm#header>

32 Stockholm International Peace Research Institute (SIPRI) <http://www.sipri.org/>.

33 [http://www.consilium.europa.eu/uedocs/cms\\_data/librairie/PDF/QC7809568ENC.pdf](http://www.consilium.europa.eu/uedocs/cms_data/librairie/PDF/QC7809568ENC.pdf).

34 A SECURE EUROPE IN A BETTER WORLD: EUROPEAN SECURITY STRATEGY. Brussels, 12 December 2013, p.2. <http://www.consilium.europa.eu/uedocs/cmsUpload/78367.pdf>.

In this situation, it is also reporters who suffer more than ever before because of the violence of war. The UN Security Council<sup>35</sup> recalls that the issue of the protection of journalists in armed conflict has stalled, without any significant progress, indicating a sorry protracted existence that has lasted for decades. Attacks against the independence and integrity of journalists have reached untenable levels, exacerbated by the impunity of their assailants. In less than 10 per cent of these cases are they investigated or the perpetrators brought to justice, and, of those cases, only 5 per cent result in conviction according to the tally taken by the Security Council,<sup>36</sup> which here draws attention to the severity of conflicts with the presence of non-state actors and terrorists, where the most *unspeakable crimes and abuses* are perpetrated, and which currently represent a more serious risk to journalists. We can state, without a shadow of a doubt, that reporters are the professional group that pays the heaviest price, as part of a spiral of violence with no solution in sight. In other words, the rate of casualties seen in current armed conflicts indicates that the life of a journalist is more at risk than that of a soldier.

The same applies to the so-called citizen journalists who make up a considerable share of reporting with high-quality messages that are disseminated widely due to their newsworthiness. Professional organisations openly recognise the importance of this trend and see these journalists as an emerging group of non-professional reporters, although they are subject to the same threats as those who are. *Reporters Without Borders*<sup>37</sup> has included this sector in its statistics on casualties since 2011, and the UN Special Rapporteur for promoting the right to freedom of expression has pointed out, since they too undertake the same activity, that citizens who disseminate accurate information deserve to be afforded the same protection as professionals.<sup>38</sup> This technological revolution is fostering this new approach that de-professionalises journalism and allows anonymous citizens to access a profession that until very recently was out of their reach.

One serious aspect of this situation is that we all become potential victims as we exercise our right to free expression with messages delivered through the real or virtual world. Attacks against those who defend the truth do not draw a line between times of peace or of war, neither do they distinguish between professional and citizen journalists or even the channel utilised to convey their message. The internet is now no longer spared the violence that up until a decade ago was endured exclusively by the conventional formats of the press, radio and television. Who is safe from harm? Probably nobody. Just in the violent conflict in Syria, and in the space of barely a

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35 S/RES/222 (2015) [http://www.un.org/es/comun/docs/index.asp?symbol=S/RES/222\(2015\)&referer=/spanish/&Lang=E](http://www.un.org/es/comun/docs/index.asp?symbol=S/RES/222(2015)&referer=/spanish/&Lang=E)

36 S/2015/307 [http://www.un.org/ga/search/view\\_doc.asp?symbol=S/2015/307&referer=/english/&Lang=E](http://www.un.org/ga/search/view_doc.asp?symbol=S/2015/307&referer=/english/&Lang=E)

37 Reporters Without Borders, <http://en.rsf.org/press-freedom-barometer-journalists-killed.html?annee=2011> (consulted June 2015).

38 A/HRC/20/17, Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, Frank La Rue (4 June 2012), para. 4. [http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session20/A-HRC-20-17\\_en.pdf](http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session20/A-HRC-20-17_en.pdf).

year, 33 journalists who were working for websites were murdered.<sup>39</sup> In general, those who publish online (whether they are professionals or not) have become the focus of threats and in the first six months of 2016, more than half of those who died for their work were operating on the internet. Of all those who have been killed for reporting, 62% of them were doing this from one armed conflict or another.<sup>40</sup>

This situation was inconceivable just a few years ago, and in this respect 2004 was a key year for online journalism when for the first time it became a practice under threat. This shows that such risks adapt to new times and evolve as new wars evolve, unlike the responses provided by instruments designed with civil protection in mind. Warfare is changing, as are the formats and tools used to disseminate information, yet incidents and deaths among reporters persist, albeit adapted to the new backdrops.

## JOURNALIST INSECURITY AND THE NEVER-ENDING SEARCH FOR SOLUTIONS

Notwithstanding the fact that the UN General Assembly and the Security Council have been addressing the matter of the safety of journalists working in armed conflict<sup>41</sup> practically since the very moment the Geneva Conventions were adopted, the practical results are minimal. Since 1999, the UN Secretary-General<sup>42</sup> has drafted reports in order to evaluate the progress made as part of the protection of civilians in times of war with specific references to the situation of journalists, who are seen to be part of the civilian population without treating them any differently, as the problem would seem to necessitate. Although nobody is dismissing their status as civilians, and they are considered as such under Article 79 of the Additional Protocol I to the 1949 Geneva Conventions, it is clear that reporters carry out very specific work<sup>43</sup>, as recognised by the main international organisations, which removes them from the classic concept of the civilian population or which at least transforms them into *sui generis* civilians. This is how they appear in the *Commentary*, which matter-of-factly considers their nature as a *particular* type of civilian who, due to their specific function, are subject to a greater level of danger than the rest of the population and for this reason require

39 A/69/268 *The safety of journalists and the issue of impunity*. Report of the Secretary-General (July 2014) [http://www.un.org/ga/search/view\\_doc.asp?symbol=A/69/268&referer=/english/&Lang=E](http://www.un.org/ga/search/view_doc.asp?symbol=A/69/268&referer=/english/&Lang=E).

40 <https://cpj.org/killed/2016/>.

41 <http://www.whatsinblue.org/2013/12/arriva-formula-meeting-on-protecting-journalists.php>.

42 Report of the Secretary General (S/1999/957), presented to the Security Council on 8 September 1999.

43 Security Council Report (July 2013) S/PV.7003 [http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s\\_pv\\_7003.pdf](http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s_pv_7003.pdf).

differential treatment and protection<sup>44</sup>, a circumstance that was also recognised very recently by the United States Department of Defense in its *Law of War Manual*.<sup>45</sup>

It was not until 2013 that the first open debate was held in the UN Security Council on the protection afforded to journalists during armed conflict<sup>46</sup> as a specific group with certain needs to be addressed in order to guarantee their safety. Nonetheless, it only served to highlight the fact that this issue must remain within the general protection afforded to the civilian population, repeating what was already set out in Resolution 1738 of the Security Council in 2006. A decade after this text, which specifically addresses the problem of journalists, its impact has been inadequate. Far from improving, the rate of incidents amongst journalists has become progressively worse, above all with the intensification of terrorist activity and the asymmetric conflicts that have led to a new UN Security Council Resolution<sup>47</sup>, which underlines the same matter with almost identical arguments to those put forward ten years beforehand, a sign of the fruitless passage of time since then. It is not for a want of initiatives, since a considerable number of international institutions and trade or professional associations have tackled this topic, which nevertheless continues to grow with no obvious solution on the horizon. The wealth of legislation or doctrine produced all agrees that the impunity of assailants is the principal cause and reiterates the obligation that falls to states to remedy this<sup>48</sup>. It is clear that the international legal framework for the protection of journalists and media workers active in armed conflict is that of International Human Rights Law and International Humanitarian Law, although the major difficulty continues to be achieving their complete implementation, with all the consequences that this entails for perpetrators.<sup>49</sup> Where there does not seem to be consensus is as to whether the protection of reporters will only improve with the renewed commitment of the signatories and by bringing the assailants to justice or whether, in addition to this, the existing international legal framework needs to be widened in order to grant journalists a special category, something that has already been hinted at in the UN Security Council.<sup>50</sup>

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44 AA.VV., *Commentary on the Additional Protocols of the 8 June 1977 to the Geneva Conventions of 12 August 1949*, Geneva, International Committee of the Red Cross, 1987, p. 918.

45 “Although journalists generally are protected as civilians as a legal matter, the factual circumstances of armed conflict often expose journalists exercising their profession in such a situation to dangers not normally encountered by other civilians.» Department of Defense. *Law of War Manual* (Updated version May 2016) p.174. <https://assets.documentcloud.org/documents/2997317/DoD-Law-of-War-Manual-June-2015-Updated-May-2016.pdf>.

46 Security Council Report: Protection of Civilians in Armed Conflict. (December 2013) [http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/cross\\_cutting\\_report\\_3\\_protection\\_of\\_civilians\\_2013.pdf](http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/cross_cutting_report_3_protection_of_civilians_2013.pdf).

47 S/RES/222 (2015) [http://www.un.org/es/comun/docs/index.asp?symbol=S/RES/222\(2015\)&referer=/spanish/&Lang=E](http://www.un.org/es/comun/docs/index.asp?symbol=S/RES/222(2015)&referer=/spanish/&Lang=E)

48 DECISION ON THE SAFETY OF JOURNALISTS AND THE ISSUE OF IMPUNITY Adopted by the IPDC Intergovernmental Council at its 27th session (UNESCO Headquarters, Paris, 24-26 March 2010).

49 A/69/268 *The safety of journalists and the issue of impunity*. Report of the Secretary-General (July 2014) [http://www.un.org/ga/search/view\\_doc.asp?symbol=A/69/268&referer=/english/&Lang=E](http://www.un.org/ga/search/view_doc.asp?symbol=A/69/268&referer=/english/&Lang=E).

50 S/2015/307 [http://www.un.org/ga/search/view\\_doc.asp?symbol=S/2015/307&referer=/english/&Lang=E](http://www.un.org/ga/search/view_doc.asp?symbol=S/2015/307&referer=/english/&Lang=E)

For the International Committee of the Red Cross, the main problem is not the lack of rules but instead the widespread disregard for those that already exist.<sup>51</sup> However, states have not been able to formalise a system of regular high-level meetings for the promotion and strengthening of IHL, according to the proposal set out in the International Red Cross and Red Crescent Conference in Geneva in 2011, expressing disappointment in the words of the president of ICRC himself, Peter Maurer.<sup>52</sup> This new mechanism would have meant the establishment of annual meetings between the State Parties to the Geneva Conventions with a view to enhancing their application, but it has proved to be a futile attempt.

The Inter-American Court of Human Rights notes that improving the protection of reporters and above all monitoring the safety of those who are at most risk continues to be an unresolved matter and an obligation for states at all times<sup>53</sup>. Yet each war takes a high toll of dozens of reporters injured or killed and these are almost always intentional victims with a view to preventing the dissemination of messages that are not to the liking of one of the parties. The effect on those who supply information is only logical and they are departing from conflict zones in increasing numbers, including from their own countries, out of fear of retaliation. The Committee to Protect Journalists has confirmed that, between 1 June 2014 and 31 May 2015, 82 reporters fled into exile with the support of their programme that provides assistance to journalists.<sup>54</sup> Reporting from an area of armed conflict is a high-risk activity, but it creates the momentum necessary to mobilise citizens from other parts of the world to start to criticise governments and boost humanitarian assistance. The indignation promoted within public opinion is an indisputable example of the usefulness of journalism in such situations.

## WHAT CAN JOURNALISTS DO FOR THE VICTIMS OF ARMED CONFLICTS?

The first illustration of the force of the work that journalists carry out is the aforementioned rising rate of incidents that they suffer from: It reflects their capacity to influence the course of events and uncover trickery. When the objective is to shoot the messenger, the aggressor has realised that this is something that may weaken its position. All different types of institutions have stood by this approach in recent

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51 Initiative of Switzerland and ICRC to strengthen compliance with international humanitarian law. 31 January 2015. <https://www.icrc.org/eng/what-we-do/other-activities/development-ihl/strengthening-legal-protection-compliance.htm>.

52 <https://www.icrc.org/en/document/no-agreement-states-mechanism-strengthen-compliance-rules-war>

53 Sentence IACHR, case of Vélez Restrepo and family vs. Colombia. 3 September 2012, paragraph 209. [http://www.bjdh.org.mx/interamericano/doc?doc=casos\\_sentencias/CasoVelezRestrepoFamiliares\\_Excepcion-PreliminarFondoReparacionesCostas.htm](http://www.bjdh.org.mx/interamericano/doc?doc=casos_sentencias/CasoVelezRestrepoFamiliares_Excepcion-PreliminarFondoReparacionesCostas.htm).

54 A/69/268 *The safety of journalists and the issue of impunity*. Report of the Secretary-General (July 2014) para. 6. [http://www.un.org/ga/search/view\\_doc.asp?symbol=A/69/268&referer=/english/&Lang=E](http://www.un.org/ga/search/view_doc.asp?symbol=A/69/268&referer=/english/&Lang=E).

statements, such as the International Criminal Tribunal for the former Yugoslavia, which considers the information passed on by war reporters to be useful to the public interest and to judicial enquiries themselves:

«The information uncovered by war correspondents has on more than one occasion provided important leads for the investigators of this Tribunal. In view of these reasons, the Appeals Chamber considers that war correspondents do serve a public interest».<sup>55</sup>

Along the same lines, the International Criminal Court, in the case of the Prosecutor against Thomas Lubanga Dyilo, cites a news report broadcast by the television channel *France 2* in order to support their argument about the recruitment of child soldiers in the Democratic Republic of Congo.<sup>56</sup>

We are confronted with another of the functions that journalists serve in the conflicts of the 21<sup>st</sup> century, which goes beyond simply reporting, that is to say that of supplying material so that international organisations and judicial investigations have a more precise insight into what is occurring. Resolution 2673 (1970) of the UN General Assembly<sup>57</sup> had already commended reporters for their contribution towards its functions (and set a precedent for the inclusion of an article exclusively dedicated to war correspondents in the text of the Additional Protocol I to the Geneva Conventions of 1977<sup>58</sup>) and in recent years, this position has gained ground. The data gathered by the UN regarding conflict areas have frequently been obtained thanks to journalist sources, which is typically the case in the Israeli-Palestinian problem.<sup>59</sup> The Security Council has reiterated the important role that journalists play in the protection of civilians and in conflict prevention, «by acting as an early warning mechanism in identifying and reporting potential situations that could result in genocide, war crimes, ethnic cleansing and crimes against humanity.»<sup>60</sup> In the same way, the media (as a vehicle to exercise freedom of expression) and journalists (as those who facilitate this) have received the indubitable backing of the Inter-American Court of Human Rights:

55 ICTY, Case No.: IT-99-36-AR73.9. Prosecutor v. Radoslav Grdjanin Momir Talic, Decision on interlocutory appeal, 11 Dec. 2002, para. 36. <http://www.icty.org/x/cases/brdanin/acdec/en/randallo21211.htm>.

56 International Criminal Court No.: ICC-01/04-01/06 (17 July 2009) paragraph. 18. <http://www.icc-cpi.int/iccdocs/doc/doc713212.pdf>.

57 Resolution 2673 (XXV) of the UN General Assembly of 9 December 1970: <https://documents-dds-ny.un.org/doc/RESOLUTION/GEN/NRO/349/38/IMG/NRO34938.pdf?OpenElement>.

58 Article 79.1 of the Additional Protocol I sets out verbatim: «1. Journalists engaged in a professional mission in an area of armed conflict are civilians in the sense of Article 50 paragraph 1.» <https://ihl-databases.icrc.org/ihl/INTRO/470>.

59 *What's in blue* is a publication that reports on the timetable of work of the UN Security Council. In April 2016, upon the announcement of an open debate on the Israeli-Palestine conflict, it stated: «according to media reports, Palestinians have killed 28 Israelis and two US citizens in knife, car-ramming and gun attacks, and Israeli forces have killed at least 190 Palestinians, 129 of whom Israel says were assailants.» <http://www.whatsinblue.org/2016/04/middle-east-open-debate-with-secretary-general-briefing.php#>.

60 UN Security Council, Resolution S/RES/2222 (2015) [http://www.un.org/es/comun/docs/index.asp?symbol=S/RES/2222\(2015\)&referer=/spanish/&Lang=E](http://www.un.org/es/comun/docs/index.asp?symbol=S/RES/2222(2015)&referer=/spanish/&Lang=E).

«The media play an essential role as vehicles for the exercise of the social dimension of freedom of expression in a democratic society (...) «it is essential that journalists (...) should enjoy the necessary protection and independence to exercise their functions to the fullest, because it is they who keep society informed, an indispensable requirement to enable society to enjoy full freedom and for public discourse to become stronger».<sup>61</sup>

The modification of the *Law of War Manual*<sup>62</sup> of the US Department of Defense (a document that we have already referred to) to no longer consider journalists as potential spies and to recognise their important work towards freedom and promotion of the rule of law created momentum for the normalisation of journalism activities in situations of armed conflict, something which professional associations, such as the Committee to Protect Journalists or Reporters Without Borders, very much appreciate.<sup>63</sup>

Plus, in this regard, we should not forget the acknowledgement given to the usefulness of journalism marked by the recent admission of the Committee to Protect Journalists as a consultative member of ECOSOC in order to promote freedom of expression within the United Nations system.<sup>64</sup>

All these aspects bear witness to the growing awareness amongst governments and international organisations of the peacekeeping role of journalists, although on many occasions such acknowledgement remains on paper and is not accompanied by real measures being put in place to defend this profession. Although more specific and practical measures are desirable, at least these expressions bolster the work of journalists as guarantors of the right to freedom of expression as laid down in Article 19 of the International Covenant on Civil and Political Rights (1966), which was then echoed in the same article in the Universal Declaration of Human Rights (1948), and successively in the most prominent regional declarations such as Article 10 of the European Convention of Human Rights (1950), Article 13 de la American Convention on Human Rights (1969) and Article 9 of the African Charter on Human and Peoples' Rights (1981). As citizens, we all have the right to report and to receive authentic information, to know the truth about events, especially traumatic or violent ones; in the same way, victims have the tacit right to have the world be aware of their fate. The rights enshrined in these instruments are difficult to apply in many cases, in particular if we bear in mind that in wartime states have the possibility to suspend them, by applying Article 4.1 of the International Covenant on Civil and Political Rights.<sup>65</sup> The more difficult it is to enjoy them, the more significant the advancement that journalists aim to achieve with their work.

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61 IACHR Sentence. Case of Herrera Ulloa v. Costa Rica, 2 July 2004, para. 119 [http://www.corteidh.or.cr/docs/casos/articulos/seriec\\_107\\_ing.pdf](http://www.corteidh.or.cr/docs/casos/articulos/seriec_107_ing.pdf).

62 Department of Defense. Law of War Manual (Updated version May 2016) pp.171-172. <https://assets.documentcloud.org/documents/2997317/DoD-Law-of-War-Manual-June-2015-Updated-May-2016.pdf>.

63 <https://rsf.org/en/news/rsf-welcomes-us-department-defense-revisions-law-war-manual>.

64 <https://www.cpj.org/2016/08/cpj-newsletter-ecosoc-accepts-our-application-we-a.php>.

65 International Covenant on Civil and Political Rights (1966) , published in the Spanish Official Gazette BOE no.103, 30 April 1977. [https://www.boe.es/diario\\_boe/txt.php?id=BOE-A-1977-10733](https://www.boe.es/diario_boe/txt.php?id=BOE-A-1977-10733).

Practising journalism in these contexts is very complicated due to the inherent difficulty of reporting on complex variable conflicts, which are often invisible, undeclared, unrecognised by the parties or bloodless. The way (militarily, legally, by humanitarian means and, of course, with journalism) of tackling new types of threats is still evolving and requires adapting<sup>66</sup> whilst there is a purge of the common practices used to poison public opinion, primarily propaganda.<sup>67</sup> Journalism of the 21<sup>st</sup> century screens out journalists as it demands more of them in terms of training and capability. They must adapt their skills to match up with what is expected of them: Reporting is a vital function to the defence of freedom of expression, citizens' rights and democracy, according to the European Court of Human Rights.<sup>68</sup>

Yet in contemporary armed conflict, the first military operation (and sometimes the last one) is one of information.<sup>69</sup> It is precisely due to its effect on public opinion<sup>70</sup> that it may also be utilised as a method of combat, thereby losing its value as a peacemaker. This is not journalism, although parties interested in spreading their version of events will use the same formats with a view to confusing the population, aware that control over information is an essential advantage, which on many occasions proves decisive. Dominating the media sphere with a predominance of favourable messages grants a party an extraordinary advantage not only in terms of crushing the morale of an enemy, but also to direct public opinion towards its own cause. Communication is a matter of military interest, its correct management represents an advantage that may change the course of destiny of a conflict, or even avoid it altogether if managed in the right way. If hostilities flare up, victory also depends on the proper use of information and public opinion, and not only on what occurs at a strictly military level,<sup>71</sup> as was the case until last century. Even at the Paris Conference (1973) that brought the Vietnam War to a close, the Asian delegation unequivocally recognised the military victory of the North-American army in front of its Secretary of State, Henry Kissinger, even though they considered it irrelevant. In fact, the Vietnamese were pleased about the defeat inflicted on their powerful rival in the media and in international public opinion,<sup>72</sup> which turned them into the *de facto* victors in the face of an opponent that

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66 GARCÍA CASES M. «Terrorismo y guerra convencional: El conflicto híbrido. La experiencia de Líbano de 2006». Actas III Jornadas estudios de seguridad. Instituto Universitario General Gutiérrez Mellado. Madrid, 2011, pp.1051-1064. [http://iugm.es/uploads/tx\\_iugm/TUGM\\_ACTAS\\_III\\_JORNADAS\\_EST\\_DE\\_SEGURIDAD.pdf](http://iugm.es/uploads/tx_iugm/TUGM_ACTAS_III_JORNADAS_EST_DE_SEGURIDAD.pdf)

67 DETTER, I. *The Law of War*, Cambridge University Press. 2002, p. 49.

68 Sentence of the ECHR Case of Handyside v. The United Kingdom. 7 December 1976, par. 49. <http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-57499>

69 EILDERS, C., «Media under fire: Fact and fiction in conditions of war». *International Review of the Red Cross*, 31 December 2005. <https://www.icrc.org/eng/resources/documents/article/review/review-860-p639.htm>.

70 A/RES/69/185 11 February 2015. [http://www.un.org/en/ga/search/view\\_doc.asp?symbol=A/RES/69/185](http://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/69/185).

71 PAYNE, K. «The media as an instrument of war». *Parameters*, United States Army War College. Spring 2005, p. 81. <http://strategicstudiesinstitute.army.mil/pubs/parameters/Articles/05spring/payne.pdf>

72 SUMMERS H.G. *On strategy: A Critical Analysis of the Vietnam War*. Novato, California, USA, Presidio Press, 1982.

was far more powerful in military terms. Propaganda, misinformation, saturation of information (to tire the receiving party and to provoke their disinterest) or, quite simply, silences, in an attempt to subject facts to an information 'blackout', are methods that are gaining renewed importance in the conflicts of the 21<sup>st</sup> century. Journalism has achieved a more influential position as it marks the beginning, progress and end of current armed conflict<sup>73</sup>. War today begins with the media, we see it active first in the media instead of in exclusively military movements; and it finishes in the media too when it stops filling headlines (despite the fact that operations have not yet ceased), that is to say, when there are no longer any messages stimulating public opinion. This is how the media place themselves at the centre of debate: they are on the one hand tools used to wage new wars, and at the same time valuable allies to alleviate the suffering of innocent parties; and this justifies the need for there to be journalists who are able to expose this process and to filter manipulated messages, separating information from propaganda. Unlike the parties to a conflict, the reporter does not defend any type of position and continues to be the only valid agent able to issue quality and useful content. We should not be naïve, since this suggestion seems more theoretical than real, but even accounting for the difficulty of pursuing this aim due to the commercial, political or ideological obligations that the media are subject to, journalism must be based upon these premises that also remain valid in these new wars.

## CONCLUSIONS

What can governments and international institutions do to improve this situation? As well as promoting the full implementation and respect of the legal framework applicable to armed conflict, it is also worth underscoring the proposal made by the UN Secretary-General for peace missions to expressly address the safety of journalists. This includes not only the protection of those people who carry out reporting work, but also defence of the journalism profession itself and of freedom of expression, as parts of a whole. In the words of Ban Ki-moon:

«I request that the missions mandated by the Security Council pay particular attention to the issue of safety of journalists and media workers in the context of their mandates to protect civilians and, in line with Security Council resolution 2222 (2015), to include information on attacks and violence against journalists and media workers, and actions taken to prevent such incidents, in their relevant country reports.»<sup>74</sup>

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73 MERCIER, A. «War and media: Constancy and convulsion» *International Review of the Red Cross*, Vol. 87, no. 860, December 2005. <https://www.icrc.org/eng/resources/documents/article/review/review-860-p649.htm>.

74 A/20/290 *The safety of journalists and the issue of impunity*. Report of the Secretary-General, August 2015 (para.68). [https://www.reporter-ohne-grenzen.de/fileadmin/Redaktion/Nothilfe/Sicherheit\\_von\\_Journalisten/150806\\_Safety\\_of\\_Journalists\\_-\\_Report\\_of\\_UN\\_SecGen.pdf](https://www.reporter-ohne-grenzen.de/fileadmin/Redaktion/Nothilfe/Sicherheit_von_Journalisten/150806_Safety_of_Journalists_-_Report_of_UN_SecGen.pdf).

In this vein, Reporters Without Borders has proposed the creation of a Special Representative for the protection of journalists, whose task would be to monitor state obligations in this field, especially concerning the respect of International Humanitarian Law and the prosecution of infringing parties, with a mandate similar to that of the existing Special Representative for the issue of children and armed conflicts.<sup>75</sup> The Spanish government has come out in favour of this initiative, according to the speech given by the Minister for Foreign Affairs at the first World Humanitarian Summit held in Istanbul in 2016.<sup>76</sup> Now, who needs to be defended? Who is to be considered worthy of this special protection? Responding to this question is a difficult task and represents one of the main stumbling blocks of the problem, especially since the emergence of the internet and the ease with which it allows anybody to become a reporter. The final document issued after the International Conference that took place in Warsaw on the safety of journalists<sup>77</sup> serves as a guide that brings the issue up to date by also including so-called citizen journalists and insists on the need for a detailed examination of the matter of a definition. Establishing who is a journalist and what journalism is are complex questions that deserve to be dealt with separately. Whilst this is underway, they continue to serve their protective function, since this lack of definition does not put on hold the important role that they carry out in terms of protecting civilians and preventing conflicts, as demonstrated over the course of the decades.

Their usefulness notwithstanding, protecting journalism and journalists continues to be unfinished work. Impunity prevails over justice and attacks to the freedom of expression are not easily suppressed by legal proceedings. The UN Secretary-General has warned that this is a widespread and deeply-rooted global problem that we face and one which requires an urgent solution:

«I am deeply concerned about the failure to reduce the frequency and scale of targeted violence that journalists face and the near absolute impunity for such crimes (...) Nevertheless, progress is meagre. Sustained and focused attention remains necessary to reverse the deeply entrenched impunity for crimes against journalists.»<sup>78</sup>

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75 Reporters Without Borders, *A Special Representative of the UN Secretary-General for the Safety of Journalists*, September 2015. [https://rsf.org/sites/default/files/rsf\\_-\\_recommendation\\_-\\_special\\_representative\\_of\\_the\\_unsg\\_1\\_-2.pdf](https://rsf.org/sites/default/files/rsf_-_recommendation_-_special_representative_of_the_unsg_1_-2.pdf).

76 [http://www.exteriores.gob.es/Portal/es/SalaDePrensa/ElMinisterioInforma/Paginas/Noticias/20160524\\_MINISTERIO6.aspx](http://www.exteriores.gob.es/Portal/es/SalaDePrensa/ElMinisterioInforma/Paginas/Noticias/20160524_MINISTERIO6.aspx) and *El Mundo*, 27 May 2016. <http://www.elmundo.es/opinion/2016/05/27/574729bfca47418a4d8b459e.html>.

77 S/2013/422, Recommendations of the international conference «The safety of journalists: current challenges» Warsaw, 23 and 24 April 2013. How to improve the safety of journalists July 2013, (para. 6.) <http://dag.un.org/handle/11176/24086>.

78 A/69/268 *The safety of journalists and the issue of impunity*. Secretary General's Report, July 2014 (paras. 10 and 62) [https://www.reporter-ohne-grenzen.de/fileadmin/Redaktion/Nothilfe/Sicherheit\\_von\\_Journalisten/150806\\_Safety\\_of\\_Journalists\\_-\\_Report\\_of\\_UN\\_SecGen.pdf](https://www.reporter-ohne-grenzen.de/fileadmin/Redaktion/Nothilfe/Sicherheit_von_Journalisten/150806_Safety_of_Journalists_-_Report_of_UN_SecGen.pdf).

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- *Submitted: March 28, 2016.*

- *Accepted: June 3, 2016.*

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