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Legal status and scope of protection of war correspondents in armed conflicts in the light of international law – review of selected legal acts

Abstract: In the world of progressive mediatization of wars and armed conflicts and the constantly changing working conditions of war correspondents, the risk that they take while performing their profession studies is unchanged for years. In view of contemporary, usually asymmetric, conflicts, the need to strengthen the protection of journalists is a serious challenge. The aim of the article is to present the current legal status of war journalists and correspondents and the scope of their protection in contemporary international armed conflicts in the light of selected acts of international law. At the same time, the article is an attempt to answer questions about the nature of the status and the extent to which laws on protection for war correspondents and journalists are insufficient. Moreover, actions undertaken in recent years to change international law in this matter are also discussed.

Key words: armed conflict, war, media, war correspondent, international law

Introduction

In 2018, the Time Magazine honored murdered, imprisoned and persecuted journalists, specially Saudi origin Jamal Khashoggi, with the “Person of the Year” prize. The magazine showed its four occasional black and white covers and commemorated journalists, referred to as those who “have paid a terrible price to seize the challenge of this moment” (Felsenthal, 2018).

The history of contemporary journalism includes cases of reporters being kidnapped, ransom required, and also killings taking place. A breakthrough approach in this regard has been presented by the Islamic State which started broadcasting in the Internet beheading of journalists beginning with such footage of James Foley and Kenji Goto (Schwarzenberg-Czerny, 2016). As stated in his interview Wojciech Jagielski, terrorists hope that kidnapping and execution of a journalist will faster clear

the way for their bloody propaganda to the media of the western world. "I once could sit with the Talibans in their tents and talk. Today the same people will get me beheaded and then posted the footage on *YouTube*. I would consider the footage with a journalist more beneficial than an interview they could give" (Brejwo, 2015). Today, in armed conflict areas, a journalist has become a "prey," an equally desired target as enemy soldiers, a target of premeditated killing and shooting, says a well-known war correspondent Krzysztof Miller, who adds that the death of a journalist at war is still the most effective form of censorship and since 2004, the "press" label has not protected reporters any longer (Kowalska, Rogacin, 2014, p. 331).

There is no doubt that the dynamism and nature of armed conflicts translate directly on the work of journalists in zones of armed conflicts. Since the war in Vietnam, both the war correspondence style and the specific nature of the job have significantly changed. What has not changed is the risk taken by those who perform the job, despite the fact that the majority of reporters believe that "no story is worth dying for. If you let them kill you, you are going to lose in the first place" (Grochmaliski, 2001, p. 163). It is obvious, however, that despite the development of the mass media, correspondents put their lives in danger or exceed the boundaries of their safety to produce a press release. They hope to trigger interest with their story or even cause a stir. The work of a correspondent is currently more difficult and more dangerous since during a conflict parties resort to disinformation and reports from military staffs are often contradictory. Moreover, as a result of the information war, official communications and statements that could be a source of information often need to be checked for their credibility. Increasingly often, in conflict zones, journalists themselves become a target of shooting or kidnapping which often end with their assassination (Jagielski, 2010, p. 240).

Armed conflicts have become mediatized, and the literature distinguishes three waves of mediatization of war (Goban-Klas, 2011, pp. 328–335). It is worth noting that the impact of information services of leading television stations, news portals, the largest press agencies and social media on public opinion vary. This can be seen at both regional and global scales (Kwiecień, Chojnowski, 2008, pp. 121–123). Following Beata Ociepka, we can presume that the evolution of the armed conflicts media coverage has gone through several phases since World War I with the development of the media and communication technology. The impact of traditional media on armed conflicts has significantly evolved since the

Vietnam War, which was one of the first to experience such a broad media coverage (Ociepka, 2002, pp. 141–142). Since that time, the importance of the information war has been constantly growing, whereas the increasing role of mass media during military operations and new technical capabilities necessitate the introduction of new methods to control the flow of information. In practice, during many conflicts, we have seen the evolution of the behavior of authorities in the area of openness to the access by journalists to information or the front line (Szurmiński, 2011, p. 78).

The job of correspondents has been also influenced by the progressing globalization which significantly limited their number in the world due to costs incurred by editorial boards. Therefore, it is possible to obtain information about the development in the area of military operation without sending a special representative safety of whom should be the priority of the editorial board. Thus, so many correspondents are freelancers (Mroziewicz, 2012, p. 451). These are freelancers or people working without a full-time job contract, who provide services on request within their respective areas of expertise.

In order to improve their security, journalists themselves create organizations and institutions which, to some extent, are designed to protect, as well as collect and disseminate information promoting safety of war correspondents (Działak, 2009, pp. 307–308). These include such international organizations as: Reporters Without Borders, International Federation of Journalists (IFJ), International Press Institute (IPI), and the Committee to Protect Journalist (CPJ). The latter is particularly known for very meticulous investigations into causes of journalists' deaths and creating lists of journalists imprisoned or missing. It is worth highlighting that the organization considers a death of a media person to be confirmed when the investigation proves that it occurred in relation to his-her professional duties. The Committee has been involved in those activities since 1992. According to information available, in the past 26 years, 1860 journalists and media people died worldwide, of which 561 were killed in armed conflicts. According to the CPJ, one of the most dangerous countries for correspondents is Syria, where since 2012, 128 journalists and media personnel have died (Committee to Protect Journalist).

The purpose of the Article is to draw attention to the legal status of journalists and war correspondents and the scope of their protection in contemporary international armed conflicts. This text is an attempt to answer the following research questions: What protection in the light of

the international law can journalists and war correspondents count? and Is the current law sufficient? This requires primarily a discussion on the most important issues contained in the Geneva Conventions of 12 August 1949 on the protection of war victims. They are some of the main international law instruments pertaining, *de facto*, to safety of journalists in areas of war. A thesis adopted in the article is that the provisions in the Geneva conventions are not sufficient to provide a full protection of journalists during contemporary armed conflicts. This results in various international organizations taking a series of measures to change the current legal status. The article provides mainly legal and comparative analysis of selected issues of the Geneva conventions of 1949. Additionally, the discussion takes into account a draft international convention on safety and independence of journalists and other media professionals developed by the IFJ in 2018. The issue discussed is important not only from the point of view of the legal order. The international nature of the acts concerned makes that they are really important for contemporary journalists, war correspondents, and freelancers operating in areas of military activity.

A journalist or a war correspondent – definition

For a long time, the international community has failed to recognize sufficiently the job of war correspondents and did not try to regulate its principles (Sobczak, 2007, p. 252). In this respect, histories of journalism and war law are quite related. The literature usually concludes that the profession of a journalist, or specialist profession of a war correspondent, appeared relatively late since it took place at the beginning of the XIX century (Grochmalski, 2001, p. 153). A breakthrough in this context was made by John Thadeus Delane, a publisher of “The Times,” who in 1854 sent William Howard Russell, a 34-year old reporter, to the Crimea campaign. Previously, former military had been sent to areas of conflicts (Hodalska, 2006, p. 44). Real development of war correspondence, however, took place in the United States with the popularity of the *penny press*.

The outbreak of World War I contributed to the increase of interest in information from areas of conflict. Moreover, during the First and the Second World War, a significant part of correspondents not only wore military uniforms and accompanied armed forces, but even carried weap-

ons and were actively involved on various fronts. Neither The Hague Convention of 1907 regarding rights and habits of war on land nor Geneva Conventions of 27 July 1929 were sufficient to determine their legal international status (Sobczak, 2007, pp. 252–254). In the 1930s, we could observe efforts of the international community to establish laws determining the conduct of parties to armed conflicts and develop ethical standards binding for journalists and the media on the international scale (Stryjski, 2011, p. 197). After the Second World War, the International Committee of the Red Cross began efforts to develop a special convention governing the issue of prisoners of war. In the course of work on this act of international law, the legal status of journalists and correspondents, as well as their protection during conflicts were considered important (Balguy-Gallois, 2004, p. 40).

In case of international armed conflicts, it is hard to define any specific category of journalists. A distinction should be made between war correspondents of military status, for example information officers, and war correspondents, formally accompanying armed forces but independent from them and independent journalists, in principle, treated and protected like civilians (Balguy-Gallois, 2004, pp. 38–39). Although this division is tentative, undoubtedly it is useful in the context of the analysis. Different regulations are applicable to each category of journalists. Interestingly, the Protocol I of 8 June 1977 additional to the Geneva Conventions concerning the protection of victims of international armed conflicts in Article 79 on measures taken to protect journalists no longer uses the term of “war correspondent,” as in the Geneva Conventions of 1949 on the protection of war victims. The reference is made to journalists who perform dangerous professional missions in areas of armed conflicts (Protocol I of 1977, p. 36). This can be understood as an attempt to extend the category of people covered by the provisions of the Convention. Therefore, the category should include correspondents, journalists, reporters or photographers, but also those technical personnel, for example camera operators and sound engineers who remain involved in ensuring media-worthiness within the area of an armed conflict. In their analyses, some researchers use the term “media representatives.” They opted for a broad concept of a “journalist” understood in a broad sense especially for terminological consistency (Badźmirowska-Masłowska, 2013, pp. 284–286). In the era of globalization of the media and changes of different aspects of the work of a journalist, such an approach can be considered justified.

Legal status and scope of protection for war correspondents

While analyzing provisions of Geneva conventions, based on the above mentioned categories of journalists, it should be noted that war correspondents, who are members of the military, are treated as servicemen. They enjoy a separate status. They are subject of the report line and provisions adopted by relevant armed forces. However, war correspondents who accompany armed forces, but not members of the military staff, have the civilian status and are entitled to relevant protection. According to Art. 13.4, with reference to Art. 12, of Geneva Convention I on the amelioration of the condition of wounded and sick in armed forces in the field and the 2nd Geneva Convention on the amelioration of the condition of wounded, sick and shipwrecked members of armed forces at sea, they should be treated with respect and protected at any circumstances. Moreover, they should receive humane treatment, on equal footing, and cured by the party to the conflict under powers of which they remain. It prohibits, *inter alia*, attempts upon life, mutilation, torture, extensive destruction, etc. In principle, the conventions are addressed to members of armed forces and other groups of people, including war correspondents. The only condition of such treatment is to obtain authorization from armed forces they accompany (Geneva Conventions I and II of 1949, p. 4). According to the provisions of Geneva Convention III on the treatment of prisoners of war, Article 4A.1-6, prisoners of war are people who are under the powers of the enemy, accompany armed forces, but do not belong to them directly. The convention lists specified categories of entities, and it is a closed list. They include war correspondents, provided they are authorized by relevant armed forces. It is worth adding that in accordance with Article 5, the status of the prisoner of war applies from the moment when a person gets under the powers of the enemy until their final release and repatriation. In this respect, the Convention contains a number of detailed provisions related to the handling of those people in a humane manner (Geneva Convention III of 1949, pp. 2–3).

While analyzing these provisions, it should be noted that the accompanying of armed forces and being independent from them are conditions which must be satisfied jointly. Moreover, war correspondents are in a way a dual category in the light of the Geneva conventions. On the one hand, when a person accompanies armed forces under specific conditions, provisions on prisoners of war may be applicable. On the other hand, if a person is not a member of armed forces, that person enjoys the

status of a civilian and is entitled to relevant protection (Badźmirowska-Maslowska, 2011, pp. 159–160). The source and, at the same time, the rationale for the status of the war correspondent could be the need to take account of specific conditions applicable to that status. Due to the proximity of armed forces, war correspondents may benefit from their protection much more than independent journalists. However, for the same reason, there may be situations when correspondents stay near or on the premises of the military, they are exposed more on the risk of attack that in extreme cases may result in their death (Badźmirowska-Maslowska, 2013, pp. 291–292). It is important that the attack in such a situation, resulting in possible death or injury of a correspondent, cannot be considered as an operation against the civilian population. This is due to the fact that the parties to the conflict may direct their operations against military targets only in accordance with Articles 48 and 49 of Protocol I additional to the Geneva Conventions of 1949 (Protocol I of 1977, pp. 20–21). Therefore, we may consider that in such cases correspondents are exposed to a higher risk of being detained or captured during war operations. For this reason, when correspondents accompany armed forces of the country which has granted them accreditation, they are subject to certain restrictions. This applies to place of stay, freedom of movement and access to sources of information. From the point of view of the role played by correspondents, it is also worth to mention yet another aspect. A close relationship with the military may lead to a closer interpersonal contacts between correspondents and soldiers, and in consequence it may question the objectivity of correspondents and their impartiality in the search for truth in areas of armed conflicts (Pęksa, 2008, p. 169). The international legal status of correspondents is even more complicated in current armed conflicts of frequently asymmetric nature. Those conflicts often involve groups with various interests engaged in separatist or criminal activity. Chaos and lack of real authority additionally make the work of a correspondent difficult, less secure and riskier.¹

¹ Mariusz Zawadzki, the correspondent of “Gazeta Wyborcza,” believes that “the largest threat to journalists is the result of military activity itself but chaos and lawlessness accompanying the war, which is a condition with no clear front line and rules.” In his opinion, examples of difficult situations as regards safety of journalists are the Iraq or Afghanistan wars, where rebels considered killing or kidnapping of a correspondent their major success. A similar attitude could be seen during the revolution in Egypt in 2011, when pro-governmental activists seized, mugged and beaten journalists (Czulda, 2013). During the conflict in Ukraine, journalists working

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In the case of independent journalists, not accredited with armed forces, their status differs from the one above. Chapter III of the Protocol additional to Geneva Conventions of 1949 is devoted to “Measures of protection for journalists.” As indicated in Article 79, journalists engaged in dangerous professional missions in areas of armed conflict shall be considered as civilians. This should take place without prejudice to the right of war correspondents accredited to the armed forces (Protocol I of 1977, p. 36). The civilian status provides protection against any threats arising from military operations, and all acts and threats of violence and intimidation are prohibited.

An independent journalist may also obtain an identity card which attest to his status as a journalist. This card, which shall be issued by the government of the State of which the journalist is a national or in which the news medium employing him is located. A model for the card is in the annex to Protocol I additional to Geneva Conventions of 1949. A journalist does not have the obligation to have the card. Its absence does not automatically deprive a journalist of his/her civilian status. However, his protection is weaker when, for instance, the journalist follows military units involved in operations or is close to military facilities that may be targets of attacks by parties involved in the conflict (Badźmirowska-Masłowska, 2011, p. 161).

The granting to journalists an independent status of a civilian resulted largely from the need to ensure their full protection against dangerous circumstances which accompany their work. However, these provisions are applicable, provided journalists refrain from any activity that may be conflicting with this status. As Alexandre Balguy-Gallois rightly notes, in the case of such a legal provision, it is unclear what activities may de-

in the area controlled by separatists needed to have special accreditation. In Donetsk, a valid accreditation was granted by the Donetsk People’s Republic with self-appointed authorities based on Lugansk. Piotr Andrusieczko, a correspondent of “Gazeta Wyborcza,” indicates that such accreditation failed to ensure protect in all situations, but it allowed, for instance, to access the site where the Malaysian aircraft crashed. It also authorized to participate in press conferences organized by separatists. In the Andrusieczko’s opinion, operation in the area controlled by the separatists was quite difficult, especially for Western journalists who have to reckon with the real possibility of being injured, stopped or even imprisoned. The situation in an area controlled by the Ukrainian government was significantly better (*Chaos, zatrzymania, aresztowania*, 2014).

prive a journalist of his civilian status (Balguy-Gallois, 2004, pp. 40–41). For example, is it sufficient to support one party to the conflict by using propaganda in the media? In the era of information warfare, a precise definition of the term seems to be crucial for determining of the civilian status. Whether and to what extent specific media behavior can be defined as “direct participation in operation of armed forces” remain open and should be subject to a broader analysis.

There are also a few legal issues that require separate analysis. It is worth noting that such issues include criminal liability of the journalists for committed crime, which is connected with the issue of losing their civilian status. Additionally, in accordance with Article 4 of Geneva Convention IV relative to the protection of civilian persons, the protection covers persons who at a given moment and in any manner, find themselves, in case of a conflict or occupation, in the hands of persons a party to the conflict or a state of which they are not nationals. Nationals of a State which is not bound by the Convention are not protected by it. Nationals of a neutral State who find themselves in the territory of a belligerent State, and nationals of a co-belligerent state, shall not be regarded as protected persons while the State of which they are nationals has normal diplomatic representation in the State in whose hands they are (Geneva convention IV of 1949, p. 2). This has significant implications for local journalists during armed conflicts, especially if they work for one of the parties to the conflict. A separate issue is also the equipment of the media, such as cameras and microphones, cars, etc. which in principle have the status of civilian objects (Randzio-Sajkowska, Sajkowski, 2006).

Attempts to change the legal status of journalists and war correspondents in the light of international law

The legal status of journalists and war correspondents and their safety are also regulated in other acts of international law. It is worth quoting a few acts selected by the author. It is generally believed that the position and the status should be examined from the point of view of the mission of providing information about causes, course and consequences of conflicts. It happens frequently that an attack on war correspondents is seen by the public almost the same as an attack on the freedom of speech. In this context, it should be noted that in Article 19 of the Universal Declaration of Human Rights of 1948 stresses that everyone has the right to

freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers (Universal Declaration of Human Rights, 1948, p. 3). This right has been further developed in Article 10 of the European Convention for the Protection of Human Rights and Fundamental Freedoms of 1950 and in Article 19 of the International Covenant on Civil and Political Rights from 1966. However, this right may be restricted as to protect security of the state, public or the military stationed on missions. Caution while using knowledge gained during stay in a military base, which is likely to fall within the scope of secrets protected by law, is of particular importance for the functioning of correspondents, journalists and soldiers in armed conflicts (Sobczak, 2012, pp. 11–35).

Legal aspects of the status of journalists in armed conflicts and their scope of protection have attracted attention of several organizations, including: The Committee for the Protection of Journalists (CPJ), the International Federation of Journalists (IFJ) Whether Reporters Without Borders. In 2002, the latter issued an eight-point Charter for the safety of journalists who work in war zones and hazardous areas. It states that the international law does not guarantee sufficient safety of journalists in such situations (Charter for the safety of journalists, 2002, p. 1). The document can be referred to as the journalist manifesto on the need for uniform recognizable in the world safety, freedom of the media and security of media personnel in armed conflicts. The need already existed since the debates preceding the adoption and the Protocol additional to the Geneva conventions. There were ideas to create specific press badge and statements that kidnapping of a journalist and his detention could be regarded as war crime. It was further argued that the linguistic changes in the Geneva Conventions do not solve the problem when during an armed conflict, very often, the law is not respected despite its codification. For example, since 2007, in 90% journalist assassination cases no one has been convicted. Reasons for this lack of consistent law enforcement include the absence of political will and poor or completely nonexistent law enforcement during an armed conflict (Grossman, 2017, pp. 164–166). The impunity and absence of any substantial legal changes in the protection of journalists is often mentioned in the literature as the main cause of the killings (Heyns, Srinivasan, 2013, pp. 331–332).

From a historical point of view, the UN have avoided regulating the status of journalists, particularly in the light of insufficient protection un-

der the Geneva Conventions. We should recall the multi-annual, starting from the beginning of the 1970s, unsuccessful effort of the UN General Assembly to create a comprehensive international act regulating the status of journalists and correspondents. The question of their protection, which in principle seems simple and understandable, has turned into a battle between the different views on the role of the press and journalists; it was aggravated with the then cold war rivalry. The adoption of two additional protocols to the Geneva conventions slightly improved the situation, but still they failed to specify rights and obligations of war reporters. Legal regulations remained vague and imprecise. Jacek Sobczak is very critical regarding the current law. He highlights that they are far from perfect, inadequate to the present reality and neglect specific nature of the job of a war correspondent, journalists. It is the result of misunderstanding of their role and mission. In 2007, he wrote that “failure to develop a convention that determines rights and obligations of journalists working in areas of armed conflicts is a disaster for the international community” (Sobczak, 2007, p. 268).

In the context of legal changes, an important mobilizing factor was “The UN Plan of Action on the Safety of Journalists and the Issue of Impunity.” It has been prepared during the first meeting of the UN inter-agency meeting on this issue in September 2011. The meeting was convened by the Director General of UNESCO at the request of the IPDC Intergovernmental Council. In 2012, they adopted a comprehensive strategy for the implementation of that plan. The strategy included more than 120 actions that can be taken as regards the protection of journalists and related issues. In 2017, consultations were held with many stakeholders to review the development of the situation and the best practices in the first five years of implementation of the plan (UNESCO).

It is considered that the impact of the UN Plan was essential for the mobilization of many actors around the issue of journalists’ safety, both at UN, regional and directly interested countries levels. By the end of 2016, nine UN resolutions on the safety of journalists and the issue of impunity were developed. More documents than ever in the history on this subject. They also created numerous reports and a series of meetings was held on specific issues. At the regional level, the Council of Europe has issued one of the most decisive statements calling for urgent, strong and system-oriented actions (Berger, 2017, pp. 39–40). It has been indicated that the UN Plan became a catalyst for actions and may, in the future, create a historical opportunity to resolve the issue. Although, the idea of the

conventions for the protection of journalists has been repeatedly raised by some organizations outside the UN, as S. C. Marcesse has noted, there is a consensus on the matter and any attempts in the UN to develop it would open a Pandora's box and raise contentious issues and contribute to the failure of the attempt (Marcesse, 2017, pp. 45–57). It is worth emphasizing, however, that in 2018 the International Federation of Journalists created a draft international convention for the protection of journalists. I supposed to be the first comprehensive document that combines human rights and provisions on humanitarian law. The document highlights, inter alia, the obligation to protect journalists against attempts on their lives, detention, campaigns of violence and intimidation to protect against journalists against being missed or kidnapped (by state agents or private entities), the obligation to carry out an effective investigation into the alleged perpetrators and bring them to justice. In the context of the armed conflict, the document specifies an obligation to treat media personnel as civilians and run military operations with due care (Draft of International Convention on the Safety and Independence of Journalists and Other Media Professionals, 2018, pp. 1–13). The document has just 13 pages and in many places refers to the resolution of the UN General Assembly, the Security Council, UNESCO and to the Geneva Conventions. Some of the points raised in it are discussed again in a rather general manner, and there is a need for further discussion and development of its wording.

Summary

Media, both traditional and new, constitute NOWADAYS the main source of information about conflicts for general public. The way conflicts are reported in the media significantly determines their image in the eyes of the international community (Klepka, 2016, pp. 8–9). It is one of reasons why in the last decades, journalists, photojournalists, and camera operators increasingly frequently have been the aim of attacks during the armed actions or the terrorists. Currently, each year, a significant number of journalists gets killed or injured during conflicts. Their protection in the light of international law is therefore constantly relevant. Although history has shown that compliance with the law during a conflict is often illusionary. However, due to the role and function of mass media in the contemporary world, emerging appeals to the need for fine adjustment of legal issues pertaining to the safety of journalists on military fronts need to be consid-

ered. Such issues should become a subject of a broader discussion on the international forum as regards their precise codification. Measures should also be taken to mitigate risks and reduce targeted attacks on journalists.

Currently, the legal status of journalists and war correspondents as regards their protection is mainly determined on the basis of the Geneva conventions of 1949. On the one hand, when a person accompanies armed forces under specific conditions, provisions on prisoners of war may be applicable. On the other hand, if a person is not a member of armed forces, that person enjoys the status of a civilian and is entitled to relevant protection. One of vivid problems is related to notions used to describe the applicable category of a war correspondent and an independent journalist. The same applies to the lack of precise laws governing rights and obligations of a journalist as a civilian person or a prisoner of war. Acts of law, referred to in the article, discuss these issues in a quite general and imprecise manner.

The existing legal provisions do not guarantee full protection of a journalist providing a coverage of events in areas of international armed conflicts. They are obsolete and quite inadequate to actual ever changing conditions of media work and conditions of contemporary conflicts that are often asymmetric. In this situation, it seems necessary to prepare a new international legal act on the protection of war correspondents. The failure of earlier attempts to change the legal status of journalists only confirms the difficulties related to the process. However, the recently adopted by the UN Plan of Action on the safety of journalists and impunity and the new draft convention created by the International Federation of Journalists make the chance to change the situation greater than ever before. To be approved at the international forum, the Convention need yet to be elaborated and promoted. Then, it can become an act insuring integrity and security for journalists, as well as guarantee their rights and obligations. For the international community, it still remains a challenge.

Bibliography

- Badźmirowska-Masłowska K. (2011), *Status mediów w świetle konwencji genewskich a współczesne konflikty zbrojne*, „Zeszyty Naukowe AON”, no. 2.
- Badźmirowska-Masłowska K. (2013), *Status prawny a bezpieczeństwo mediów w sytuacjach współczesnych konfliktów*, „Journal of Modern Science”, no. 3.

- Balguy-Gallois A. (2004), *The protection of journalists and news media personnel in armed conflict*, „International Review of the Red Cross”, vol. 86, no. 853, https://www.icrc.org/en/doc/assets/files/other/irrc_853_gallois.pdf, 13.11.2018.
- Berger G. (2017), *Why the World Became Concerned with Journalistic Safety, and Why the Issue Will Continue to Attract Attention*, in: *The Assault on Journalism. Building knowledge to protect freedom of expression*, U. Carlsson, R. Pöyhtäri, Nordicom – University of Gothenburg, Gothenburg.
- Brejwo K. (2015), *Reporter stał się wrogiem*, <http://wyborcza.pl/duzyformat/1,127290,19319282,wojciech-jagielski-reporter-stal-sie-wrogiem.html>, 03.11.2018.
- Chaos, zatrzymania, aresztowania. Korespondenci o pracy na wschodzie Ukrainy*, <https://wiadomosci.wp.pl/chaos-zatrzymania-aresztowania-korespondenci-o-pracy-na-wschodzie-ukrainy-6027724448199809a>, 15.11.2018.
- Charter for the safety of journalists working in war zones or dangerous areas*, http://www.rsf.org/IMG/pdf/charter_en.pdf, 31.10.2018.
- Committee to Protect Journalist*, <https://cpj.org/>, 27.10.2018.
- Czulda R. (2013), *W stronę piekła, czyli jak wygląda praca korespondenta wojennego*, <https://wiadomosci.wp.pl/w-strone-piekla-czyli-jak-wyglada-praca-korespondenta-wojennego-6078997938738305a>, 09.11.2018.
- Draft of International Convention on the Safety and Independence of Journalists and Other Media Professionals, https://www.ifj.org/fileadmin/user_upload/Draft_Convention_Journalists_E.pdf, 25.11.2018.
- Działak J. (2009), *Międzynarodowa ochrona korespondentów wojennych*, „Środkowo-europejskie Studia Polityczne”, no. 3.
- Felsenthal E. (2018), *The Story Behind TIME's 2018 Person of the Year Covers*, <http://time.com/5477171/behind-the-scenes-person-of-the-year-2018/>, 11.12.2018.
- Goban-Klas T. (2011), *Wartki nurt mediów*, Wydawnictwo Universitas, Kraków.
- Grochmański P. (2001), *Korespondent wojenny*, in: *Media i polityka*, t. 1, ed. J. Sobczak, Poznań–Września.
- Grossman L. (2017), *All the news that's worth the risk: improving protection for freelance journalists in war zones*, “Boston College International and Comparative Law Review”, no. 141.
- Heyns C., Srinivasan S. (2013), *Protecting the Right to Life of Journalists: The Need for a Higher Level of Engagement*, “Human Rights Quarterly”, no. 304.
- Hodalska M. (2006), *Korespondent wojenny. Ofiarnik i ofiara we współczesnym świecie*, Wydawnictwo Uniwersytetu Jagiellońskiego, Kraków.
- I konwencja genewska o polepszeniu losu rannych i chorych w armiach czynnych, Dz. U. 1956, Nr 38, poz. 171, załącznik.
- II konwencja genewska o polepszeniu losu rannych, chorych i rozbitków sił zbrojnych na morzu, Dz. U. 1956, Nr 56, poz. 175, załącznik.

- III konwencja genewska *o traktowaniu jeńców wojennych*, Dz. U. 1956, Nr 38, poz. 175, załącznik.
- IV konwencja genewska *o ochronie osób cywilnych podczas wojny*, Dz. U. 1956, Nr 38, poz. 171, załącznik.
- Jagielski W. (2010), *Nie wybrałem sobie wojen*, in: *Biblia dziennikarstwa*, eds. A. Skworz, A. Niziołek, Wydawnictwo Znak, Kraków.
- Klepka R. (2016), *Wojna w mediach: wybrane zagadnienia dotyczące relacjonowania konfliktów zbrojnych*, „Wojny i konflikty: Przeszość – Teraźniejszość – Przyszłość”, no. 1.
- Kowalska D., Rogacin W. (2014), *Korespondenci.pl. Wstrząsające historie polskich reporterów wojennych*, Wydawnictwo Czarna Owca, Warsaw.
- Kwiecień J., Chojnowski S. (2008), *Nowe sfery bezpieczeństwa międzynarodowego*, „Studia i Prace”, no. 4.
- Mroziewicz K. (2012), *Korespondent wojenny*, in: *Dziennikarstwo i świat mediów*, eds. Z. Bauer, E. Chudziński, Wydawnictwo Universitas, Kraków.
- Ociepka B. (2002), *Komunikowanie międzynarodowe*, Wydawnictwo Astrum, Wrocław.
- Pęksa R. (2008), *Wojna – media i propaganda*, „Doctrina. Studia Społeczno-Polityczne”, no. 5.
- Powszechna Deklaracja Praw Człowieka z 1948 r.*, http://www.unesco.pl/fileadmin/user_upload/pdf/Powszechna_Deklaracja_Praw_Czlowieka.pdf, 23.11.2018.
- Protokół dodatkowy do konwencji genewskich z 12 sierpnia 1949 r., dotyczący ochrony ofiar międzynarodowych konfliktów zbrojnych*, Dz. U. 1992, Nr 41, poz. 175.
- Randzio-Sajkowska K., Sajkowski M. (2006), *Ochrona osób cywilnych w konfliktach zbrojnych*, in: *Międzynarodowe prawo humanitarne konfliktów zbrojnych*, ed. K. Lankosz, Wyższa Szkoła Oficerska Sił Powietrznych, Dęblin.
- Schwarzenberg-Czerny U. (2016), *Trzecia wojna fotografów*, „Polityka”, no. 4.
- Sobczak J. (2007), *Korespondent wojenny – ramy prawne i praktyka*, in: *Wojna w mediach*, eds. W. Piątkowska-Stepaniak, B. Nierenberg, Wydawnictwo Uniwersytetu Opolskiego, Opole.
- Sobczak J. (2012), *Korespondent wojenny a prawa człowieka*, in: *Korespondent wojenny. Etyka, historia, współczesność*, eds. K. Wolny-Zmorzyński, J. Snopek, W. Furman, K. Bernat, Wydawnictwo Wyższej Szkoły Ekonomii i Prawa im. prof. Lipińskiego, Kielce.
- Stryjski K. J. (2011), *Media masowe wobec konfliktów międzynarodowych*, in: *Świat i Europa we współczesnych stosunkach międzynarodowych*, eds. M. Orzechowski, E. Brzuska, Wydawnictwo Społecznej Wyższej Szkoły Przedsiębiorczości i Zarządzania w Łodzi, Łódź.
- Szurmiński Ł. (2011), *Media na wojnie – modele relacji wojsko–dziennikarze na przykładzie konfliktów zbrojnych w XX i XXI wieku*, in: *Manipulacja w me-*

diach. Media o manipulacji, eds. T. Gackowski, J. Dziedzic, Wydawnictwo Aspra, Warsaw.

UNESCO, <https://en.unesco.org/un-plan-action-safety-journalists>, 24.11.2018.

Status prawny i zakres ochrony korespondentów wojennych podczas konfliktów zbrojnych w świetle prawa międzynarodowego – przegląd wybranych aktów prawnych

Streszczenie

W świecie postępującej mediatyzacji wojen i konfliktów zbrojnych oraz nieustannie zmieniających się warunków pracy korespondentów wojennych, niezmiennie od lat pozostaje ryzyko, jakie podejmują oni podczas wykonywania swojego zawodu. Wobec współczesnych, zazwyczaj asymetrycznych konfliktów, potrzeba wzmocnienia ochrony dziennikarzy jest poważnym wyzwaniem. Celem artykułu jest przedstawienie obecnego statusu prawnego dziennikarzy i korespondentów wojennych oraz zakresu ich ochrony we współczesnych, międzynarodowych konfliktach zbrojnych w świetle wybranych aktów prawa międzynarodowego. Artykuł stanowi jednocześnie próbę odpowiedzi na pytania o charakter tego statusu oraz kwestię w jakim zakresie niewystarczające są zapisy prawne przewidujące ochronę korespondentów wojennych i dziennikarzy. Omawiane są także działania, podejmowane w ostatnich latach, mające na celu zmiany w prawie międzynarodowym w tej materii.

Słowa kluczowe: konflikt zbrojny, wojna, media, korespondent wojenny, prawo międzynarodowe

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