

ภาคผนวก 2

The Economic and Social Council Resolution 1597 (L) of 21 May 1971.¹

1597 (L). Preliminary draft international convention on the protection of journalists engaged in dangerous missions

The Economic and Social Council,

Recalling General Assembly resolution 2673 (XXV) of 9 December 1970, in which it invited the Economic and Social Council to request the Commission on Human Rights to study the possibility of preparing a draft international agreement ensuring in dangerous missions and providing, *inter alia*, for the creation of a universally recognized and guaranteed identification document,

Having taken cognizance with interest of the preliminary draft international convention on the protection of journalists engaged in dangerous missions which was transmitted to it by the Commission on Human Rights,

Nothing that the Commission on Human Rights, in its resolution 15 (XXVII),² recommended to the Economic and Social Council that it consider and transmit to the General Assembly the preliminary draft international convention on the protection of journalists engaged in dangerous missions, together with the relevant records of the discussions held in the Commission and in the Council, as a valid basis for discussion on this subject by the General Assembly at its twenty-sixth session,

Nothing also that, in the same resolution, the Commission requested the Secretary-General to communicate the preliminary draft convention together with the same documentation to the Governments of the States mentioned in the resolution as well as to the Intergovernmental Conference of Experts of the International Committee of

¹ The United Nations, "The Economic and Social Council Resolution 1597 (L) of 21 May 1971," <<http://daccessdds.un.org/doc/RESOLUTION/GEN/NR0/605/45/IMG/NR060545.pdf?OpenElement>>.

² *Ibid.*, *Fiftieth Session, Supplement No.4 (E/4949)*, chapter XIX.

the Red Cross to be held in May 1971 so that the General Assembly may have their observations before it at its twenty-sixth session,

Nothing further that the Commission requested the Secretary-General to establish a group of experts for the purpose of preparing a draft protocol, annexed to the draft convention, prescribing the composition, duties and methods of the International Professional Committee provided for in article 3 of the preliminary draft convention,

Recalling further that the General Assembly decided to give the highest priority to the consideration of this question at its twenty-sixth session,

Decides to transmit to the General Assembly the preliminary draft convention on the protection of journalists engaged in dangerous missions contained in the annex to the present resolution, as well as the relevant records of the Commission on Human Rights and of the Economic and Social Council, as a valid basis for the discussions of the General Assembly at its twenty-sixth session.

1771st plenary meeting

21 May 1971.

ANNEX

PRELIMINARY DRAFT INTERNATIONAL CONVENTION ON THE PROTECTION OF JOURNALISTS ENGAGED IN DANGEROUS MISSIONS

The High Contracting Parties,

Considering that the Universal Declaration of Human Rights has proclaimed in its article 19 the right of everyone to freedom of opinion and expression, including freedom to seek, receive and impart information through any media and regardless of frontiers,

Considering that it is important to promote the right to complete, objective and truthful information,

Considering that the press plays a vital role in that connexion,

Considering that the quest for information may expose journalists to dangerous situations when their mission leads them to carry on their activity in areas where there is armed conflict,

Considering that those whose recognized function is to gather information for dissemination through an information organ should be afforded adequate protection in time of armed conflict,

Considering that without prejudice to the application of the Geneva Conventions of 12 August 1949³ it is desirable to guarantee for all categories of journalists, in view of the present-day requirements of their profession, effective protection when they carry out dangerous missions,

Have agreed on the following provisions:

Article 1

This Convention shall apply to journalists who engaged in dangerous missions and who hold the safe-conduct card provided for in article 3 below.

It shall not apply to war correspondents covered by the provisions of the Geneva Conventions of 12 August 1949.

Article 2

For the purposes of the application of this Convention, the word "journalist" shall mean any correspondent, reporter, photographer, film camera or press technician who has that status by virtue of his country's law or practice, in the case of a State Member of the United Nations or member of a specialized agency or of the International Atomic Energy Agency or any other State party to the Statute of the International Court of Justice or Party to this Convention.

The word "dangerous mission" shall mean any mission carried out in an area where there is an armed conflict, whether or not of an international character, for the purpose of gathering information for dissemination through a medium of public information.

³United Nations, *Treaty Series*, vol.75 (1950), No.970-973.

Article 3

A journalists who is to carry out a dangerous mission may hold a safe-conduct card.

The said card shall be issued by the International Professional Committee for the Protection of Journalists Engaged in Dangerous Missions, whose composition and functions are defined in Protocol annexed to this Convention.

Article 4

The validity of the safe-conduct card shall be limited to a specified geographical area and to the expected duration of the mission.

It shall certify the status of the journalists and the references which entitle him to that status within the meaning of article 2 above; it shall, in particular, bear his photograph and state his name, date and place of birth, habitual residence and nationality.

Article 5

Every party to an armed conflict shall recognize the validity of the safe-conduct cards issued by the International Committee.

The Committee shall give wide circulation to the model of the card and to the distinguishing mark provided for in the following article.

Article 6

When engaged in a dangerous mission, a journalists who holds a safe-conduct card must be able to produce it on any occasion and, in particular, at the request of any competent authority.

A journalist who holds a safe-conduct card may also, at his discretion, wear a readily recognizable distinguishing mark, an exact description of which shall be drawn up by the International Committee.

Article 7

The States Parties to this Convention and all parties to the conflict shall:

(1) Recognize persons holding a safe-conduct card as journalists within the meaning of the provisions of articles 2, 3 and 4 above;

- (2) Enable such persons to identify themselves;
- (3) Extend to them the same protection of their persons as to their own journalists;
- (4) Recognize, in case of internment, that the regulations for the treatment of internees laid down in the Geneva Convention relative to the Protection of Civilian Persons on Time of War, of 12 August 1949,⁴ shall apply;
- (5) Make public the internment order ;
- (6) Also make public any information on journalists who have been wounded or who have died.

Such facts may be made public through all appropriate media, in the quickest and most effective manner and, preferably, through the International Committee on the Red Cross or any organ of the United Nations family in order that the International Professional Committee for the Protection of Journalists Engaged in Dangerous Missions may be informed without delay.

Article 8

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

Article 9

This Convention shall not affect national regulations concerning the crossing of frontiers or the movement or residence of aliens.

Article 10

None of the provisions of this Convention may be interpreted as affecting the provisions of the Geneva Conventions of 12 August 1949.

⁴ Ibid., No.973.