

ภาคผนวก 4

The Commission on Human Rights Resolution 6 (XXVIII) of 31 March 1972.¹

6 (XXVIII). Protection of journalists engaged in dangerous professional missions in areas of armed conflict

The Commission on Human Rights,

Nothing General Assembly resolution 2854 (XXVI) and the documents related thereto, particularly document A/C.3/L.1902 and A/C.3/2.1903,

Nothing the General Assembly's request that the draft convention contained in Economic and Social Council resolution 1597 (L) should be considered as a matter of priority,

1. *Approves* as the basis for further work the draft articles of the International Convention on the Protection of Journalists Engaged in Dangerous Professional Missions annexed hereto;

2. *Decides* to transmit the present resolution and the draft articles of the International Convention, as well as all other relevant documents containing drafts or amendment that were submitted during its twenty-eighth session, to the next session of the Conference of Government Experts on the Reaffirmation and Development of International Humanitarian Law Applicable in Armed Conflicts convened by the International Committee of the Red Cross, in order that they may be brought to the notice of that Conference for its observations;

3. *Recommends* that the Economic and Social Council should adopt the following draft resolution :

¹ International Committee of the Red Cross, Report on the work of the Conference of Government Experts on the Reaffirmation and Development of International Humanitarian Law Applicable in Armed Conflicts second session 3 May – 3 June 1972, (Geneva : International Committee of the Red Cross, 1972), 1 : 136-138.

DRAFT ARTICLES OF THE INTERNATIONAL CONVENTION
ON THE PROTECTION OF JOURNALISTS ENGAGED IN DANGEROUS PROFESSIONAL MISSIONS
IN AREAS OF ARMED CONFLICT

Article 1

The provisions of this Convention shall extend to journalists who hold the card provided for in article 6 below and subsequent articles while engaged in dangerous professional missions.

Article 2

For the purposes of the application of this Convention, the word "journalist" shall mean any correspondent, reporter, photographer, film cameraman or press technician who is ordinarily engaged in any of these activities as his principal occupation and who, in countries where such activities are assigned their particular status by virtue of laws or regulations, have that status (by virtue of the said laws or regulations).

The words "dangerous professional mission" shall cover any professional activity exercised by a journalist carried out in an area where there is armed conflict, whether or not of an international character, for the purpose of collecting information, photographs, films, sound recordings or any other material and disseminating them through media of public information.

The term "armed conflict", whether or not international, refers to the conflict defined in the Geneva Convention relative to the protection of Civilian persons in Time of War. of 12 August 1949, and in all Protocols to that Convention ratified by States Parties to this Convention.

Article 3

There shall be established an International Professional Committee composed of nine members appointed by the Secretary-General of the United Nations in consultation with the Chairman of the Commission on Human Rights, with due regard for

the principle of equitable geographical distribution and with the establishment of an equitable balance among the various information media. The Secretary-General shall be represented in Committee.

The Secretary-General shall invite the ICRC to participate in the work of the Committee as an observer.

Article 4

The International professional Committee shall make regulations prescribing the form, contents and conditions for the issuance and the withdrawal of the card.

A journalist who is engaged in a dangerous mission may hold the above-mentioned card.

The Committee shall inform all States Parties to the Convention of the form, contents and conditions for the issuance and the withdrawal of the card and an exact description of the distinguishing mark provided for in article 9.

Article 5

The card shall certify status of the journalist and shall indicate the occupation that gives him to that status within the meaning of article 2 above. It shall also state his name, date and place of birth, habitual residence and nationality, and shall bear his photograph, his signature and the distinguishing mark provided for in article 9.

The card shall be issued for the execution of a dangerous professional mission in a specified geo-geographical area where is an armed conflict and shall be valid for a period of 12 months from the date of issue. It may be renewed on the same terms provided its holder retains the status of s journalist.

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

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

Article 6

The competent authorities of the States Parties to this Convention shall be responsible for the issuance, renewal and, where necessary, withdrawal and authentication of the card.

The card may be issued only to a journalist who is a national of the State Party to this Convention that issued the card or who is under its jurisdiction.

Article 7

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

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

Article 8

A journalist who holds a card and who is engaged in a dangerous professional mission shall produce the card when necessary to secure the protection of this Convention.

A journalist who holds a card may wear the distinguishing emblem described in article 9.

Article 9

There shall be a distinguishing emblem, which shall consist of the letter J in Black on a gold circular background. The emblem shall be displayed on the left upper arm in such a way that it shall be clearly visible at a distance.

Article 10

The States Parties to this Convention and, as far as possible, all the parties to the conflict in the territories of a State Party to the Convention having identified a journalist as one who holds a card, shall :

(a) Do all that is necessary to protect him from the danger of death or injury or from any other danger in the conflict and in the conduct of all parties to the said conflict ;

(b) Inform him to the extent compatible with military requirements of the areas and circumstances in which he may be exposed to danger;

(c) Recognize, in care of internment, that the regulations for the treatment of internees set forth in articles 79 to 135 of the Geneva Convention relative to the protection of Civilian persons in Time of War, of 12 August 1949, shall apply ;

(d) Ensure that, if a journalist who holds a card is killed or injured, falls seriously ill, is reported missing or is arrested or imprisoned, the information concerning the said journalist is communicated forth-with to his next of kin or to the State Party that issued the card, or ensure that the said information is made public. This information may be communicated through all appropriate media, in the quickest and most effective manner and, preferably, through the ICRC or the Secretary-General of the United Nations, in order that the International Professional Committee may be informed without delay.

When undertaking dangerous professional missions in an area where there is a conflict within the meaning of article 2, journalists have the right to protection from an immediate danger resulting from hostilities only to the extent that they shall not expose themselves to danger without needing to do so for professional reasons.

Article 11

Each State Party to this Convention shall use its best endeavors to ensure that the provisions of this Convention are observed.

Article 12

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

Article 13

This Convention shall not affect the sovereignty of States in so far as concerns national laws with respect to the crossing of frontiers or the movement or residence of aliens.

Possession of a card shall not confer on a journalist any right or privilege save and except as prescribed by this Convention. It implies that the journalist to whom the card is issued shall undertake to use it only for his personal safety and therefore not to interfere in the domestic affairs of States to which he proceeds, and not to engage in any activities which may involve a direct or indirect participation in the conduct of hostilities in the area where the dangerous mission is being undertaken.

Article 14

None of the provisions of this Convention shall affect the provisions of the Geneva Conventions of 12 August 1949, or any Protocols to those Conventions,"

31 March 1972