

- **Slide 1: Introduction**
 - Hello and welcome to this lesson on Journalism and Armed conflict brought to you by the American Red Cross as part of the International Humanitarian Law Youth Action Campaign.
- **Slide 2: Roadmap**
 - In this module, you will learn how journalists interact with the military, what laws govern the treatment of journalists under international law, how those laws work using practical examples, how the buildings and infrastructure used by journalists are treated under international law, how social media intersects with international law, and how journalists' gender impact their experiences covering war. After this module, you will have mastered the ins and outs of International Humanitarian law as it relates to journalism.
- **Slide 3: What is a Journalist?**
 - So what is a journalist? Journalists are storytellers. They go to places where most people cannot observe and report on events of importance and relate what happened back to the public. They play an important role in ensuring the public stays informed of events happening around the world. This, in turn, helps everyone make informed decisions in their day-to-day lives. They also keep the public informed by making information digestible, interesting, and entertaining.
- **Slide 4: What do Journalists Do?**
 - A journalist's job starts by gathering information. This process, in the context of war can be dangerous and spontaneous. Journalists may not know exactly what they are looking for when they begin collecting information and can be surprised by what they find. Next, they process the information they have collected. They turn it into a story that is ready for public consumption. Journalists organize and assess the information, ensure that it is true and accurate, and fits the narrative they are trying to portray. Finally, they disseminate the information. This can be done through a major media platform like the New York Times, an independent publication through a website, or any means in between.
- **Slide 5: What is a Military Journalist?**
 - There are three types of military journalists. Note that this term is not a technical term, but we will use it to describe anyone who does journalistic work related to armed conflicts. The three types of military journalists are, freelance military journalists or "freelancers," war correspondents, and military press.
- **Slide 6: History of Military Journalism, Part 1**
 - The connection of journalism to the military is long-standing. It can be traced as far back as Ancient Greece, when Homer told the story of *The Iliad*, a famous epic about the Trojan War. We can continue to see war reporting in major conflicts throughout time, including Caesar's writings about the conquest of Gaul,

paintings of Dutch naval battles, newspaper articles for the Napoleonic Wars, and military members reporting during the Civil War.

- **Slide 7: History of Military Journalism, Part 2**

- As we get closer to the present, you may start to be more familiar with the examples of military journalism. There was reporting during World War I that was often filtered through censorship. During WWII Lee Miller famously covered the war for Vogue Magazine. This was depicted in a 2024 film. The introduction of television news also greatly impacted the public's view of the Vietnam War. Journalists then played a major role covering the Iraq War. These examples show just how much military journalism has developed over time.

- **Slide 8: Types of Journalists: Freelance Military Journalists**

- Freelance journalists are not a part of the military itself. They also do not work for a specific news outlet. They act on their own, choosing to report on war and the military. They may get paid by news organizations or other groups to report if their stories are deemed worthy of publishing.

- **Slide 9: Civil War Movie**

- This is an example of a freelance journalist in the movie *Civil War*, which came out in 2024. This character is a war photographer who, in the middle of a fictional civil war in the United States, joins a group of journalists and takes photos of the war as she makes her way to the President to hopefully interview him. This dramatized version of a freelance war photographer is fictional but provides a cool example of freelance journalists on screen.

- **Slide 10: War Correspondents**

- War correspondents accompany the military, but they are not members of the military itself. They are generally employed by news organizations and have been approved to accompany the military. They are issued special identification in the form of an ID card.

- **Slide 11: Movies**

- Here, you will see two examples of war correspondents in popular media. On the left is a cinematic portrayal of Lee Miller, who we mentioned earlier in the history of military journalism. She was a war correspondent for Vogue and covered events like the London Blitz and the liberation of Paris during World War II. On the right is the movie *Whiskey Tango Foxtrot*, which is loosely based on the life of Kim Barker, a war correspondent who covered the war in Afghanistan. Both of these women accompanied the military in their professional capacity, reporting on the wars without actually serving in the military.

- **Slide 12: Military Press**

- Finally, the third type of military journalist is the military press. These journalists are actual members of the armed forces that serve primarily in a non-combat role, writing articles about and taking photographs of the military.

- **Slide 13: Trigger Warning**
 - We will show you an example of a military press member, but we would like to first provide a trigger warning. The photograph on the next slide does depict graphic violence.
- **Slide 14: Eddie Adams**
 - This is Eddie Adams, who was a photojournalist. He joined the United States Marines Corps during the Korean War as a combat photographer, but he is best known for winning the Pulitzer Prize for taking the photograph here. He did so while covering the Vietnam War as a war correspondent and not as a member of the military press. He shows how people can change between the various types of military journalists.
- **Slide 15: Why Do We Need Journalism in Conflicts?**
 - So, why do we need journalism in armed conflicts? It is because these conflicts impact our lives and our society. It is important that we have knowledge of what is happening so that we can make informed decisions. As a result, we rely on journalists to provide accurate and truthful accounts of what is going on during the conflict.
- **Slide 16: Why Do We Need Journalism in Conflicts?**
 - Furthermore, military journalism has a role in influencing public opinion about the armed conflicts, which in turn can even impact the outcomes of the conflicts or, maybe more importantly, hold various parties accountable for their actions during wartime. Journalism can be fundamental for maintaining military integrity.
- **Slide 17: Trigger Warning**
 - We will be showing the same photo from earlier depicting graphic violence, so here is another trigger warning for those that may need it.
- **Slide 18: Eddie Adams**
 - Eddie Adams, pictured here, was working as a war correspondent for the Associated Press when he took the now-famous photo he is holding of the summary execution of an alleged Vietcong operative. The story around this photo illustrates the power of military journalism and the impact it can have on a conflict. When Adams took the photo, he felt the man doing the shooting was justified as the victim had been accused of killing several children a short time before his execution. Several US Marines had been asked to execute the man and refused. Rather than depicting a scene where Marines refused to violate the law of war, the public saw an American ally committing a brutal summary execution. This image turned public opinion away from supporting the Vietnam War.
- **Slide 19: Balancing the Right to Information with National Security**
 - There is a conflict of interest that journalists should know about when reporting on the military and armed conflicts. That is weighing the public's right to information and to know what is going on compared against the national security

concerns that may require confidentiality. Basically, a journalist has to recognize that there is a duty to tell the truth to the public. However, a journalist must recognize that there may be a limit to what they can say. For example, there may be privileged or confidential information that the military cannot disclose for risk of impacting the safety or security of others. In such situations, journalists need to follow ethical guidelines.

- **Slide 20: International Law and Journalism**

- The international community has developed a robust legal framework to regulate military journalism and provide protections for journalists working in the field. Although there are some gaps or lack of specificity, these laws are still useful and continue to apply to military journalists today.
- The first major piece of international law applying to military journalists is the 3rd Geneva Convention, which provides information about “prisoner of war” status and was first adopted in 1929 before being significantly revised at the conference in 1949.
- The Geneva Conventions were followed by the International Covenant on Civil and Political Rights, or the ICCPR, in 1966. The ICCPR provides an international legal framework for civil and political rights like the freedom of expression and the right to provide and seek information.
- In 1977, Additional Protocol I was introduced as an amendment to the Geneva Conventions concerning the protection of civilian victims of international war.
- Finally, as the most prolific overarching international body, the United Nations introduced Security Council Resolution 1738 to provide further protection of civilians in armed conflict.
- Although these laws all cover more than just military journalists, they form the framework of legal protections afforded to those who report on armed conflicts.

- **Slide 21: Geneva Convention**

- The Third Geneva Convention Article 4(A)(4) covers prisoners of war and to whom that status applies. While it can apply to a number of people, for the purposes of this module, it is important to know that it applies to persons who accompany armed forces who are not actually members of those forces. This section explicitly includes “war correspondents”, as long as they have received permission from the armed forces that they accompany.

- **Slide 22: Additional Protocol I**

- Article 79 of Additional Protocol I details protections specifically for journalists. This explicitly states that journalists who are engaged in dangerous missions in armed conflict areas are considered civilians for all intents and purposes and therefore remain protected as civilians. This status can change, though, if they act in some manner that would remove their civilian status. For example, if a reporter

were to directly participate in the hostilities by picking up a gun and firing at opposing forces, that would cause them to lose their protected civilian status.

- Article 79 also notes that journalists can obtain an identification card to mark them as a journalist when they engage in their war reporting.
- **Slide 23: UN Security Council Resolution 1738**
 - The UN Security Council Resolution 1738 covers the protection of civilians in armed conflict to a further degree than what is codified in the Geneva Conventions. It directly denounces intentional attacks against journalists in armed conflict as well as any associated persons with those journalists. It calls for all parties to the United Nations to stop engaging in any such practice with the promise to prosecute or bring justice against those who do attack journalists in any such manner.
 - Ultimately, the resolution aims to prevent any violations of International Humanitarian Law against civilians, which includes journalists and media professionals so long as they do not do anything to change their status.
- **Slide 24: ICCPR**
 - Another relevant piece of law is the International Covenant on Civil and Political Rights, which is a treaty that was adopted by the UN General Assembly. Article 19 of the ICCPR covers the right to holding opinions without interference and the freedom of expression. This distinctly includes the freedom to provide and seek information through writing in print or any other media form, such as through journalism. This is not an absolute right, as it is subject to restrictions as necessary or under applicable law including the protection of national security, which we mentioned earlier. This is an example of international human rights law, not international humanitarian law. However, we wanted to provide an example of the relationship between international human rights law and journalism.
- **Slide 25: Refresher: Principle of Distinction**
 - Before we dive into some hypothetical questions, let's first review some concepts of International Humanitarian Law that you have already covered that are applicable to journalism and the military. First is the principle of distinction. Distinction requires that parties in a conflict must distinguish between civilian populations and combatants, as well as between civilian objects and military objectives. Parties must then direct their operations only against military objectives. This functionally implies that indiscriminate attacks and use of indiscriminate warfare methods are prohibited, at the risk of harming civilians. This is important to keep in mind as we talk about journalists because of their presumed civilian status.
- **Slide 26: Classifying Journalists for Distinction Purposes**
 - So, again, freelance journalists and war correspondents are generally considered civilians under Additional Protocol I Article 79. To help aid parties engaged in

conflict with distinguishing journalists, military journalists will often have press markings that help distinguish them. However, it's important to know that these markings are not a protective mechanism and do not change the legal status of a journalist.

- Journalists can also obtain ID cards that label them as press members. These IDs also do not change their legal status.

- **Slide 27: Journalist/Combatant Table**

- Let's do a quick review of the concepts you just learned. Regarding the civilian status of each category, are freelance journalists civilians or combatants?

- (answer = civilian) [BREAK FOR 1 MINUTE FOR DISCUSSION]

- [presenter will manually click for the answer to show up in the table]

- Great! How about war correspondents, are they civilians or combatants?

- (answer = civilian) [BREAK FOR 1 MINUTE FOR DISCUSSION]

- [presenter will manually click for the answer to show up in the table]

- Good job! How about the military press? Are members of the military that do journalistic work civilians or combatants?

- (answer = combatants) Great job! [BREAK FOR 1 MINUTE FOR DISCUSSION]

- [presenter will manually click for the answer to show up in the table]

- **Slide 28: How Could a Journalist Lose Civilian Status?**

- But, as we spoke about earlier, a journalist can lose civilian status. Ask: How can that happen? [allow a minute or so for responses]
- As Additional Protocol Article 79 also states, journalists are protected until they take action adversely affecting their civilian status. Article 51(3) provides insight into this, stating that civilians enjoy protection unless they take direct part in hostilities. This applies to journalists as well.

- **Slide 29: When Does a Civilian Directly Participate in Hostilities?**

- You might wonder, when does a civilian directly participate in hostilities? This is broad, as we ask what directly taking part in hostilities might mean. According to the International Committee of the Red Cross, to qualify as taking direct part in hostilities, an act must meet these three specific elements:
- One: The act is likely to adversely affect the military operations or capacity of a party to a conflict. This speaks to a level of harm done against a party.
- Two: There is a direct causal link between the act and the harm. In other words, the action taken by the individual was the reason that the harm occurred.
- Three: The act is specifically designed to cause the required threshold of harm in support of a party to the conflict. So, the person must have intentionally done this

action to cause harm and did so in the hopes of benefiting another party in the conflict.

- If an act meets all three criteria, then a civilian, including journalists, who committed such an act would lose their civilian status.
- *Engage in open ended discussion about what can be “directly participating in hostility”*

■ [2 MINUTES OF DISCUSSION]

● **Slide 30: What is a Prisoner of War?**

- Another important IHL principle for journalists to keep in mind is prisoner of war or POW status. A prisoner of war is someone who is captured by opposing forces in an international armed conflict and is afforded certain protection under Article 13 of the Third Geneva Convention.
- Ask: how do you think that POW status applies to the area of military journalism? Who would you guess gets POW status: freelance journalists, war correspondents, and/or military press?

■ [2 MINUTES FOR DISCUSSION/ANSWERS]

● **Slide 31: Journalists in Detention and POW Status?**

- [after getting answers from the class]
- Great thoughts. So, POW status can apply to journalists who are captured. Notably, war correspondents who are accompanying the armed forces are entitled to POW status even though they are civilians. This is given under the Third Geneva Convention Article 4(A)(4). Freelance journalists, however, are not entitled to POW status as civilians, but they cannot be detained except on necessary reasons of security, per Articles 42 and 78 of the Fourth Geneva Convention. Finally, members of the military press are members of the armed forces and are therefore entitled to POW status.

● **Slide 32: Type of Journalist/POW Status Table**

- Let's do another quick review of the concepts. Regarding the possibility of POW status of each category, are freelance journalists entitled to POW status?
 - (answer = no) Great! [1 MINUTES DISCUSSION]
 - [presenter will manually click for the answer to show up in the table]
- How about war correspondents, do they get POW status?
 - (answer = yes) Good job! [1 MINUTES DISCUSSION]
 - [presenter will manually click for the answer to show up in the table]
- Finally, how about the military press? Are members of the military that do journalistic work entitled to POW status?
 - (answer = yes) Great job! [1 MINUTES DISCUSSION]

- [presenter will manually click for the answer to show up in the table]
- **Slide 33: Meet Ernie**
 - Now we are going to take the concepts we have learned and apply them to a series of hypotheticals. Meet Ernie! Ernie is a member of the military. She does not work as a journalist, she's just in the military. Ernie is deployed overseas to a war. Can she be targeted by the enemy?
 - (answer = yes) [1 MINUTES DISCUSSION]
 - Good. As a member of the armed forces, Ernie can be targeted. Now, unfortunately, Ernie is captured by the enemy. You are the legal advisor advising the unit that has captured her. Does she get POW status?
 - (answer = yes) [1 MINUTES DISCUSSION]
 - Good! Ernie does get POW status and gets combatant immunity as a result. She cannot be put on trial for lawfully killing enemies and gets all the other protections afforded by POWs.
- **Slide 34: Ernie - Freelance Journalist**
 - Sometime later, Ernie is released and goes home. She has a strong passion for storytelling and war, so she goes to journalism school. She struggles to get a job with a major media outlet and decides to just start covering the war on her own as a freelance journalist. She goes back overseas to the war and is just taking pictures of the battlefield. She comes across the same enemy soldiers that captured her the first time. They recognize her and wonder, "Can we target her?" You are their legal advisor. Can they target Ernie?
 - (answer = no) [1 MINUTES DISCUSSION]
 - No, as a civilian, Ernie cannot be targeted. But, what if she picked up a rifle and started shooting at them. Can they shoot back?
 - (answer = yes) [1 MINUTES DISCUSSION]
 - That's right, if Ernie is directly participating in hostilities, she can be targeted, even as a civilian. Now, she does not shoot at them and they don't shoot at her, but they do detain her. Does she get POW status?
 - (answer = no) [1 MINUTES DISCUSSION]
 - That's right, as a civilian, she does not get POW status.
- **Slide 35: Ernie - War Correspondent**
 - Sometime later Ernie is released again and she goes home. With her experience, she applies to a major news outlet and gets hired this time. Her new employer assigns her as a war correspondent and sends her back overseas to the conflict. She goes back to the same battlefield and, again, she comes across the same unit of enemy soldiers. "This woman again," they say, as they turn to you, their legal advisor. Can she be targeted now?
 - (answer = no) [1 MINUTES DISCUSSION]

- Correct! She cannot be targeted because she is a civilian. Naturally, they detain her again and want to know if she gets POW status. Does she?
 - (answer = yes) [1 MINUTES DISCUSSION]
- That's right! War correspondents get special protection as POWs because they are accompanying the military.
- **Slide 36: Ernie - Military Press**
 - Once again, Ernie gets out of POW custody and returns home. She leaves her job as a correspondent. Feeling like she could be doing more back in uniform, she joins the military again, this time as military press. She spends some time taking photographs for the military and is ordered to return to the same battlefield she has gone to three times before. Once again, the same enemy unit is waiting for her. They turn to you, their legal advisor, and ask, "Can we target her now?"
 - (answer = yes) [1 MINUTES DISCUSSION]
 - That's right; because she is a member of the military, she can be targeted. They aim their rifles at Ernie and her camera, and then sigh, "She has been pretty cool this whole time, we don't want to just shoot at her," they say. "Can we take her as a POW?"
 - (answer = yes) [1 MINUTES DISCUSSION]
 - That's right, as a member of the military, she gets POW status. So, they take her as a POW. This time, instead of locking her up, they have lunch and take some pictures for old time's sake.
- **Slide 37: Targeting of Military Objects**
 - Now we will move to a discussion of when journalistic buildings can be targeted under International Humanitarian Law.
 - The principle of distinction applies to both objects and people. Military objects can be targeted under IHL.
 - But what exactly is a military object?
 - A military object makes an effective contribution to military action by its nature, location, purpose, or action.
 - For example, if the military uses a military building to communicate information, that building can be targeted. It's targetable because it's **military in nature**.
- **Slide 38: Targeting of Civilian Objects**
 - As with civilian people, objects that are for civilian use are protected from deliberate targeting or indiscriminate attack. But what exactly is a civilian object?
 - A civilian object is any object without a military objective, per Additional Protocol I Article 52.
 - Media facilities, like radio stations, television studios, newspaper offices, and more, are generally considered civilian objects, unless they're used for military purposes.

- **Slide 39: How Can a Media Facility Become a Military Objective?**
 - As mentioned, media facilities may be targetable if they're used for military purposes. To further explore how a media facility can become a military objective, we'll briefly describe two international cases where the concept was explored.
- **Slide 40: Case Study: Prosecutor v. Ferdinand Nahimana, Jean-Bosco Barayagwiza, and Hassan Ngeze**
 - The first case is Prosecutor v. Ferdinand Nahimana, Jean Bosco Barayagwiza, and Hassan Ngeze. This case arose out of the 1994 Rwandan Genocide, a tragic atrocity between the Hutu and Tutsi ethnic groups.
 - During this conflict, a radio station called RTLM broadcast content that incited Hutu individuals into violence against the Tutsi ethnic group. Specifically, RTLM urged the Hutu population to "defend themselves" and used derogatory and inflammatory language.
- **Slide 41: Case Study Cont.**
 - The International Criminal Tribunal for Rwanda found the defendants guilty of incitement to genocide under the Genocide Convention for the radio broadcasts. This is because the radio broadcasts actively encouraged listeners to kill.
 - The opinion further noted that "the power of the media to create and destroy fundamental human values comes with great responsibility. Those who control such media are accountable for its consequences."
- **Slide 42: Final Report to the Prosecutor by the Committee Established to Review the NATO Bombing Campaign Against the Federal Republic of Yugoslavia**
 - A different case in a different tribunal, the International Criminal Tribunal for the Former Yugoslavia, expanded on the Rwanda case to further develop targeting principles as related to media facilities.
 - The background of this case is as follows:
 - In 1999, NATO launched a bombing campaign in the former Federal Republic of Yugoslavia, or FRY, to force FRY into granting Kosovo independence and ending human rights abuses.
 - As part of this campaign, NATO targeted the Radio Television of Serbia, or RTS, headquarters.
 - NATO argued that RTS was a legal target because RTS was involved in Serbia's militaristic Command, Control, and Communications network.
 - As a result of the NATO targeting of RTS, there were 10-17 civilian casualties.
- **Slide 43: Case Study Cont.**
 - The first question that the committee assessed in this case was:
 - Can a media facility be a legitimate military target?

- The committee asserted that if a media facility is used to incite crimes, then it's a legitimate target. The opinion referenced the previously mentioned decision in Rwanda.
 - However, the committee also noted that if a media facility merely spreads propaganda to generate support for the war effort, it won't be a valid military target.
- Next, the committee turned to the specific facts of the case to determine whether the RTS facility was a legitimate military objective under IHL, given its dual civilian-military function.
 - Here, the committee found that targeting *was* permissible based on RTS's contribution to the militaristic C3 network.
- **Slide 44: TV Ernie Hypo**
 - Let's do another hypothetical with Ernie, our military journalist friend. Journalists at a television station reach out to Ernie.
 - Another armed conflict is raging. The television station wants to broadcast a call to action for listeners to take up arms against a rebel ethnic group.
 - What should Ernie tell the TV station? **[2 minutes for discussion]**
- **Slide 45: Social Media and IHL Principles**
 - Great! Now looking to other forms of media. Social media is also an important part of journalism. Raise your hand if you have received news from a social media app in the past month [Pause for hands]. Maybe you've seen a TikTok on domestic politics, maybe an Instagram post about a foreign conflict. Ultimately, the popularization of social media has radically changed the way we communicate and learn about current events. More and more people are getting their news from social media sites like Instagram, Tik Tok, Reddit, and X.
 - The rise of social media as a source of journalism poses some interesting legal questions for IHL. Civilians that are not journalists can use social media to transmit news about conflict, easily reaching millions of people. And, as we've discussed, civilians are entitled to IHL protections. But can the use of social media in an armed conflict ever count as directly participating in hostilities, therefore causing a civilian to lose their protection? Let's discuss another Ernie situation.
- **Slide 46: Social Media Ernie Hypo #1**
 - Oh no! After surviving several wars and developing her journalistic career, another war has broken out in Ernie's country. She can't catch a break.
 - As the conflict rages on, patriotic civilians in her country start using the app ComPro to report and document the enemy's movements.
- **Slide 47: Social Media Ernie Hypo #2**
 - ASK: What are the legal implications of the civilian use of ComPro to report enemy troop movements? Are the civilians directly participating in hostilities by

using the app? Can they be targeted as a result? And, does the use of civilian journalism create an issue with the potential spread of misinformation about the conflict? Is there any way to guard against the spread of misinformation?

- Take some time to discuss amongst yourselves your thoughts to these questions, and we'll reconvene in a few minutes to share. [2 minute discussion]

- **Slide 48: Gender and IHL**

- IHL also has notable shortcomings and blindspots in its ability to address the gendered dimensions of conflict, including the specific vulnerability of female victims.
- While IHL uses gender-neutral language, the Geneva Conventions were finalized in 1949. Some assumptions may therefore be based on outdated views about how men and women are affected by conflict.

- **Slide 49: Gender and Journalism**

- Women journalists like Ernie can face distinct challenges separate from their men counterparts while reporting in armed conflicts.
- Ask: What are some of the particular considerations that women journalists should take into account while reporting? How do you think they are impacted or perceived differently from men? [2 minutes for discussion]

- **Slide 50: Conclusion/Wrapping it Up**

- That's all we have for you today! Before we part, we just wanted to leave you with some final review questions to think about after all the information we learned.
- ASK: Are freelance journalists afforded POW status? [pause for answer = no]
- ASK: Are embedded war correspondents civilians? [pause for answer = yes]
- ASK: How can a media facility lose its status as a protected civilian object? [1 minutes for answers]

- **Slide 51: Thank You!**

- Thank you, everyone!

- **Slide 52/53: Picture Credits**