



Opening Remarks by the RFoM, Jan Braathu

Supplementary Human Dimension Meeting I: The role of media in conflict and humanitarian crises, reflecting on International Humanitarian Law and International Human Rights Law

17 March 2025 14.00 – 15.00 h

Excellencies, Ladies and Gentlemen, Distinguished Participants,

Welcome to the first Supplementary Human Dimension Meeting of 2025. This meeting is dedicated to an issue of great importance and relevance, namely media and journalists' ability to cover conflicts and humanitarian crises. While this is fundamentally a question of information; and the importance of an informed public, it is also a question of human rights, and, ultimately, security.

I would like to thank the Finnish OSCE Chairmanship, the OSCE Office for Democratic Institutions and Human Rights (ODIHR) and all the partners who have organised today's event.

We at the RFoM follow the news daily - often hourly - and rely on journalists as frontline observers, especially now, in the fourth year of Russia's war against Ukraine. Reporting teams and media outlets provide coverage, allowing the international community to witness unfolding events and reporting violations of international law. All too often, however, journalists on the ground pay a high price for fulfilling this role.

Today's meeting provides occasion to reflect on the complex role of the media in times of conflict. Independent media are essential in providing factual, unbiased reporting that counters disinformation and propaganda, promotes informed public debate and facilitates accountability. By upholding journalistic integrity and offering diverse perspectives, they act as a safeguard against information disorder, and contribute to conflict resolution, while contributing to democratic resilience.

Under international humanitarian law (IHL), journalists covering armed conflicts are recognised as civilians. This legal status is intended to protect them from deliberate attacks as long as they do not take direct part in hostilities.

The OSCE has long recognised that a free media and the safety of journalists are an integral part of comprehensive security. The Helsinki Final Act emphasizes the fundamental role of the free flow of information, while Ministerial Council Decision 3/18 on the Safety of Journalists reaffirms the commitment of participating States to create an environment in which journalists can work freely, safely and without fear.

Despite these legal safeguards, journalists continue to be targeted, harassed, imprisoned and even killed for doing their jobs. Let me be clear: deliberate attacks on independent journalists in conflict zones are a violation of international law and those responsible must be held to account. I will continue the work of my predecessors in advocating for the full respect of these safeguards and for concrete measures to prevent attacks against media professionals.

My immediate predecessor, Ms. Teresa Ribeiro, issued a Position Paper in August last year on attacks against journalists as war crimes during armed conflict. The position paper is based on international humanitarian law, as well UN Human Rights Council statements and – not the least – OSCE commitments, starting with the Helsinki Final Act.

In times of war and conflict, the rules of International Humanitarian Law protecting journalists are crystal clear: Journalists and other media workers are normally considered as civilians, even if they engage in work that a party to the armed conflict dislikes. This includes the collection of information that might be considered contrary to the interests of one of the parties to the conflict, even if it is biased in favour of the other belligerent party. It is only in exceptional circumstances in which a journalist or other media worker clandestinely gather battlefield intelligence with the intention of communicating it to one of the belligerent parties, for example for targeting purposes, that such an individual could be considered a direct participant in hostilities and thus lose protected civilian status. In cases of doubt about a person's status, IHL provides that such a person shall be considered to be a civilian, not a combatant.

International Humanitarian Law and commitments are clear. However, how they are understood and effectuated is crucial. Individuals who engage in violence against journalists must be held accountable and combating impunity is important, also in times of armed conflict. While crimes may be committed by individuals, States themselves can still be held accountable because insufficient precautions were taken to prevent violations of International Humanitarian Law. The Position Paper recommends that States prosecute any individuals if there are reasonable grounds to believe that they have committed crimes against journalists or other media workers.

Journalists are often among the first witnesses to grave incidents that may be violations of international law. Their documentation of events, often at great personal risk, provides information that may be used as evidence by prosecutors in court proceedings. It is important to understand, however, that the role of journalists in reporting on possible war crimes is not to conduct a judicial investigation. There are real differences, and indeed often tensions, between the roles and responsibilities of journalists and those of prosecutors and judicial investigators. I can mention the protection of sources, the credibility of witnesses, and the handling of physical evidence in terms of the required evidentiary chain of custody in order for evidence to be considered by courts. These are complicated issues.

Journalists have usually not been trained to make the distinctions between legal, illegal and criminal acts. What may appear to the layman to be an “obvious” war crime, may in fact not be because specific legal criteria are not met. However, more journalists are today aware of the legal criteria, thanks to training provided by human rights groups and journalists themselves, for example by The Reckoning Project spearheaded by former war correspondent Janine Di Giovanni, and efforts by Ukrainian journalists, as the work being done by the Kyiv Independent War Crimes Investigation Department. This work is extensive and time consuming, taking typically five to eight months of thorough and detailed investigation. And that is before cases are raised by prosecutors and brought before courts, where the principle of free and fair trials demands the possibility of contradiction and may require testimony by journalists, who will then be subjected to extensive cross-examination by defence counsels.

Experience from the ICTY demonstrated how complex these judicial procedures are. In fact, on several occasions, journalists refused to testify before the court, citing among other things, protection of sources.

As it happened, some 35 journalists did testify in ICTY court proceedings, thereby contributing to justice for crimes committed. Material provided by journalists did provide important evidence in many cases, although such materials were not admitted unquestionably as evidence by the Court. Journalist's testimonies revolved around the clarification of circumstances under which the material was gathered and their authenticity, or the extent to which the journalistic material presented gave complete and accurate information about specific events.

Journalists working in conflict zones face not only physical dangers but also ethical and legal dilemmas. This is even more the case when their work is further used in legal proceedings. This is a reality that we must acknowledge and address, ensuring that the integrity and independence of journalism is preserved while recognising its critical contribution to justice.

Already ten years ago, another of my predecessors, Dunja Mijatović, convened the Conference on Journalists' Safety, Media Freedom and Pluralism in Times of Conflict, raising many of the same concerns we are discussing today. It is a very disappointing fact that a decade later, the situation has only worsened - threats to journalists have escalated, risks have multiplied and challenges have become more complex. More journalists are being targeted and wounded or killed than ever before.

I shall continue to raise these issues and press for accountability in crimes against journalists and work tirelessly to ensure that journalists can work safely, also in conflict and war zones.

Strengthening cooperation, training and resilience within the media sector will be key to addressing these growing threats. While the primary responsibility for journalist safety rest with governments, they must work with journalists and media organisations and civil society to create sustainable mechanisms that safeguard journalistic independence, integrity and safety.

Breaches of IHL and commitments should result in investigations and prosecutions, where journalists may contribute with information and evidence. By investing in education and training, we can equip media professionals with the tools they need to navigate the legal complexities so as to be able to document crimes according to judicial standards.

We should also train military and police personnel, so as to ensure that they are aware of – and abide by – the protections that journalists are entitled to. My Office stands ready to contribute to this.

In addition, comprehensive policy frameworks to safeguard media freedom are essential to maintaining a well-informed democratic society.

These collective efforts will reinforce the essential role of free and independent media in promoting the common good, namely keeping us all informed and bringing injustice and crimes to light.

As representatives of participating States, journalist and media organisations, civil society and OSCE institutions, each of you brings a critical perspective to these discussions. Your contributions are needed in shaping a future in which independent reporting can contribute to the accountability and democratic resilience of our societies.

Dear colleagues, in closing:

Before we proceed, I urge all participating States to follow up on their commitments to uphold international humanitarian and human rights law and OSCE commitments, so as to ensure that no journalist is targeted, silenced or killed for doing their job, also in war zones. The safety of journalists is the safety of our democratic values, and I will continue to stand firmly in defence of both.

We must move forward together to ensure that independent journalism can continue to shine a light in the darkest of times - times of war and crisis.

Thank you for your attention and dedication to this critical issue.