

Research Article

Legal Protection for Journalists During Armed Conflicts According to the Provisions of the Fourth Geneva Convention: An Applied Study of the 2023 Israeli Aggression on the Gaza Strip

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Abstract.

This article examines the legal framework for the protection of journalists during armed conflict in light of the rules of international humanitarian law, particularly the Geneva Conventions and their additional protocols. It highlights the grave risks faced by journalists in conflict zones which may include direct targeting despite their status as civilians who must be respected and protected. The 2023 attack on the Gaza Strip witnessed unprecedented violations against journalists, with more than 219 journalists killed and dozens of media organizations directly targeted and destroyed. These acts constitute a flagrant violation of international humanitarian law and warrant consideration for their classification as war crimes and possibly even crimes against humanity, if proven to be intentional and systematic. This article presents the legal frameworks governing the protection of journalists, particularly in the Gaza Strip and the Palestinian territories during the 2023 assault on the Gaza Strip. It reviews the legal accountability mechanisms available to halt Israeli violations against journalists during the war and to prosecute those responsible for these violations, including through the International Criminal Court. Furthermore, it explores the principle of universal jurisdiction, which allows states to prosecute Israeli officials for these violations if they are arrested. In addition, there are international commissions of inquiry, along with human rights and media organizations, that document these violations and disseminate them through local, regional, and international media outlets, thus calling for those responsible to be held accountable. This article emphasizes that continued impunity poses a threat to the principle of protecting journalists and encourages the recurrence of violations. It calls for serious international action to ensure the protection of journalists, as they are the first line of defense for the truth during armed conflicts, especially Palestinian journalists who convey the truth and expose the crimes of the Israeli army during the assault on the Gaza Strip.

Keywords: Geneva, humanitarian, international, journalists, war

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1. Introduction

As we fled our homes and passed by the victims in the streets of our city (Gaza) in the first months of the attack, I remembered the book *A Memory of Salfrino*, written by the jurist Henry Dunant. It was as if the days were repeating themselves. We saw the civilian victims in the streets, the wounded crying for help. No one heard their screams; they bled for hours and then died, their bodies remained in the streets, dogs and cats came to devour them. Those who remained in their homes died of hunger, bombing, or were arrested. Thousands of victims were dead, wounded, and missing. The Israeli army destroyed everything in the Gaza Strip: homes and buildings, mosques and churches, schools and universities, and most of the infrastructure. Just as the Battle of Salfrino prompted Henry Dunant to write his famous book *A Memory of Salfrino* because of the violations he saw during that battle, the war against the Gaza Strip has prompted me to write about the Israeli violations against Palestinian civilians, especially journalists that has raged on for more than 20 months as of the writing of this introduction. Israeli violations against Palestinian journalists have broken most of the rules of international humanitarian law, and the rules of the Four Geneva Conventions of 1949 and their annexes in particular. These violations were represented by direct targeting, arrests, and destruction of news institutions, with the Israeli army killing more than 219 journalists in the Gaza Strip from the beginning of the war until May 2025, and completely or partially destroying news channels and newspapers offices, depriving the public of the narratives of field journalists and weakening the ability to convey a true picture of what was happening. To this point, it is noteworthy that the Israeli army destroyed approximately 73 media institutions in the Gaza Strip, including 21 local radio stations, 3 broadcast towers, and 15 news agencies from the beginning of the war until May 2025. The Four Geneva Conventions of 1949 and their annexes serve as a body of humanitarian law that does not prohibit or prevent war, nor does it examine the legitimacy of war, but works to limit its dire effects on civilians, including journalists.

The Fourth Geneva Convention is considered one of the most important sources of international humanitarian law, as international humanitarian law consists of a set of rules and agreements. International humanitarian law is an international legal system, both customary and written, applicable during international and non-international armed conflicts. It aims to prohibit and restrict the means and methods of warfare for humanitarian purposes, while providing protection and assistance to victims of armed conflicts, whether civilians or other non-combatants or those hors de combat. (Dr.

Sayed Ahmed Ali Badawi, 2016). International humanitarian law is divided between two opposing principles: the first is the principle of military necessity, which seeks to achieve the objectives of war by weakening and defeating the enemy, and the second is the principle of humanity, which aims to stop all prohibited acts that exceed military necessity and to protect those who do not participate in the fighting or have become hors de combat.

Accordingly, it can be said that the application of the law of the four Geneva Conventions of 1949 and their annexes during the war on the Gaza Strip is not consistent with jurisprudence and legal theory, as the United Nations, which is considered one of the most important mechanisms for implementing international humanitarian law, along with other mechanisms such as the International Committee of the Red Cross, has concluded many agreements aimed at protecting civilians (including journalists) in armed conflicts, such as the Convention on the Prevention and Punishment of the Crime of Genocide. However, the United Nations bodies (Security Council, General Assembly, and judicial bodies) did not follow up on the implementation of these agreements, and did not seek to hold accountable the perpetrators of these crimes. Therefore, the mechanism for implementing these provisions must be reconsidered, and then effectively monitored, so that we can impose punishment on all those who violate the provisions of international humanitarian law, including “Israel,” and this is the subject of our article.

Finally, in this paper, we will shed light on the rules of international law related to the protection of journalists during armed conflicts, particularly the protection of Palestinian journalists during the Israeli attack on the Gaza Strip in 2023, which has not yet stopped as of the writing of this introduction in May 2025. We will explain how Israel has violated these rules, and we will address the weaknesses in the mechanisms for implementing their enforcement, focusing on judicial mechanisms. Finally, we will mention some legal and judicial methods to stop Israeli violations against journalists during the attack on Gaza, and at the same time, hold those responsible for these violations accountable. (Muamar Ali Orabi Nakhlah, 2024).

2. Methods

This study adopts a qualitative legal analytical methodology based on the interpretation and application of the rules of international humanitarian law, particularly the Fourth Geneva Convention of 1949 and its Additional Protocols. It uses a doctrinal approach to examine relevant legal texts, treaties, and international legal instruments concerning

the protection of journalists during armed conflicts. The research also employs a case study approach by focusing on the 2023 Israeli aggression on the Gaza Strip as a practical application of these legal provisions. Data were collected from primary sources, such as international conventions, United Nations resolutions, and official reports from international organizations including the International Committee of the Red Cross, as well as secondary sources including academic studies, journal articles, and verified reports from human rights and media organizations. The study analyzes patterns of violations against journalists, legal mechanisms for accountability, and the challenges in implementing international humanitarian law, especially in the context of ongoing conflict and occupation.

3. Result and Discussion

3.1. The Concept of International Humanitarian Law

The main reason for the spread of the term “international humanitarian law” is the adherence of the International Committee of the Red Cross to it in its literature. It published for the first time a booklet in the French language in 1966 by the Swiss legal expert Jean Pictet in which he proposed this name, entitled *Principles of International Humanitarian Law*. Since that time, this term has become common in diplomatic conferences that were organized by the Red Cross. Pictet defined international humanitarian law as follows:

“a set of rules that aim to limit the effects of armed conflicts. International humanitarian law protects persons who do not participate or who cease to participate in hostilities and it restricts the means and methods of war) (Pictet, 1984).

The sources of international humanitarian law therefore consist of a set of international norms in addition to agreements relating to the conduct of hostilities and those relating to the protection of victims of armed conflicts. International humanitarian law is concerned with armed conflict, and its application begins with the onset of an armed conflict. Article 2 common to the four Geneva Conventions states that: “The present Convention shall apply to all cases of declared war or of any other armed conflict which may arise between two or more of the Contracting Parties, even if the state of war is not recognized by one of them.” The conflict may be international or internal, and in both cases international humanitarian law is applicable (Mahdi Rahmani, 2019).

Finally, international humanitarian law, through the Fourth Geneva Convention of 1949, has recognized a set of rights that guarantee protection for civilians in times of

armed conflict. Article (50) of the First Protocol stipulates that a civilian is any person who does not belong to one of the categories of persons referred to in the first, second, third and sixth clauses of the first paragraph of Article Four of the Third Convention and Article (43) of the Protocol. The Fourth Geneva Convention of 1949 is considered the legal framework for this protection, in addition to Chapter IV (Civilian Population) of the 1977 Additional Protocol I relating to the Protection of Victims of International Armed Conflicts, and Chapter IV (Civilian Population) of the Second Additional Protocol relating to the Protection of Victims of Non-International Armed Conflicts (Al-Sayed, 2016).

However, the enforcement of this law requires mechanisms and guarantees, some of which are national and some international. National guarantees are essential for the enforcement of the rules of international humanitarian law. The state must ratify and abide by international humanitarian agreements, harmonize its national legislation to conform to the rules of these agreements, and then disseminate the rules of this law as widely as possible. The national criminal judiciary also represents a strong guarantee for the enforcement of the rules of international humanitarian law, and it enjoys priority in suppressing violations of this law (Hamada, 2015). It is not sufficient to adopt national guarantees to ensure the proper application of the rules of international humanitarian law if there are no international guarantees to support it. In this context, the International Committee of the Red Cross plays an important role in ensuring respect for the rules of international humanitarian law, as does the UN Security Council, which has issued numerous resolutions in the field of protecting civilians in general. On the other hand, international criminal justice is considered an effective guarantee in this field. The UN Security Council established the two international criminal tribunals for the former Yugoslavia and Rwanda to punish perpetrators of war crimes and crimes against humanity. The international community was able to establish the permanent International Criminal Court, which entered into force in 2002. It is considered one of the main international bodies that can be considered a guarantee for the protection of the rules of international humanitarian law (Arab Center, 2023).

Our focus in this paper is on the protection of journalists during international armed conflicts under the rules of international humanitarian law, specifically the protection of Palestinian journalists during the Israeli attack on the Gaza Strip in 2023. (Mahdi, 2019).

3.2. The Concept of International Armed Conflict

International armed conflicts are defined as: “conflicting claims between two or more international parties, which require resolution in accordance with the rules of international dispute settlement contained in international law.” It is difficult to find a specific and fixed definition of political disputes or even to limit them in all their types and list of them, due to disagreements between legal and political scholars on this subject. Therefore, the standard for defining international conflict differs according to the party that defines it. (Nour, 2020) It should be noted that the International Committee of the Red Cross is the humanitarian organization that undertakes the implementation of the provisions of international humanitarian law during armed conflicts. It has original powers in the conventions and the First Additional Protocol, and exercises them by force of law without being dependent on the will of any states party to the conflict. Considering the Palestinian-Israeli situation, we find that the attack launched by Israel against the Gaza Strip in 2023 falls under the name of international armed conflict to which the rules of international humanitarian law apply. Therefore, the international legal protection stipulated in the rules of international humanitarian law includes Palestinian civilians in general and journalists in particular, and this is the subject of our paper (Muhammad, 2016).

3.3. The Concept of Journalist in International Humanitarian Law

The definition of a journalist was not included in most of the agreements that stipulated the protection of journalists. The regulations on the laws and customs of war annexed to the Hague Conventions of 1899 and 1907 did not define who the newspaper correspondents who accompany the armed forces are, though their presence is stipulated in Article (13). Article (81) of the Geneva Convention of 1929 also stipulates the presence of journalist correspondent without giving any definition for them. The Third Geneva Convention too, stipulates war correspondents who accompany the armed forces without specifying a definition for them. The difficult question here is: do they refer to correspondents who write for a newspaper, or do they include all media personnel, whether they belong to the print press, radio, television, or other media? While none of these texts did give any definition of a journalist, they each granted him rights (Saed, 2016). In this context, we mention the definition provided by the United Nations Convention for the Protection of Journalists Engaged in Dangerous Assignments in

Areas of Armed Conflict of 1973 in draft Article (2), so that it can serve as a guide for interpreting Article (79) of the First Additional Protocol, where the definition of the draft convention came as follows: “The word journalist means every reporter, photographer, and their technical assistants in newspapers, radio, and television, who normally practice any of these activities as their main job.” The last paragraph of the draft preamble to the International Convention for the Protection of Journalists in Areas of Armed Conflict, prepared by the Press Emblem Organization in 2007, states that the term “journalist” in the draft convention refers to all civilians working as reporters, photographers, and their assistants in the field of print, radio, cinema, television, and electronic journalism on the Internet, in addition to those who carry out their activities on a regular basis, whether full-time or part-time, regardless of their nationality or religion. International humanitarian law agreements began by providing legal protection to accredited journalists who accompany armed forces without being part of them, and called “war correspondents.” This is what is stipulated in the regulations on the laws and customs of war annexed to the Hague Conventions of 1899 and 1907, as well as the Geneva Convention of 1929, and the Third Geneva Convention of 1949. This stage called for the granting of international protection to accredited journalists only. It went on to develop further later on, as protection was increasingly provided to journalists assigned to dangerous missions in areas of armed conflict, as stipulated in Article (79) of the First Additional Protocol of 1977, and the rights of war correspondents were maintained (Taiba Jawad Hamad Al-Mukhtar, 2020.).

3.4. The Legitimacy of Journalistic Work in Abnormal Circumstances (Wars)

To discuss the basis of the journalist's work in wartime conditions, it is necessary to address a number of international treaties that regulate cases of war and armed conflict, including what is stated in the regulations attached to the Fourth Hague Convention relating to the Laws and Customs of War on Land of 1907 in Article (13). Article (81) of the Fourth Geneva Convention, which stipulates the application of the provisions of the Convention to some categories of civilians, including correspondents or investigative journalists. (See Article 81). In the adoption of the four Geneva Conventions of 1949, the third resumed the same ruling, with amendments and improvements to the conditions of journalists. In 1971, a draft agreement was devised to protect journalists engaged in dangerous assignments, but this draft did not see the light of day and was replaced

by the text of Article (79) of the First Additional Protocol of 1977 regarding measures to protect journalists (Muhammad, 2014). This was followed by Resolution (1738) issued by the UN Security Council in 2006, which affirmed the legitimacy of journalistic work during wars and armed conflicts, and provided protection for those who carry out these works, in addition to protecting their institutions and journalistic equipment. The draft Universal Declaration for the Protection of Journalists was recently issued in 2016 (See the draft Universal Declaration). The draft Universal Declaration for the Protection of Journalists, held in Doha in 2016, reaffirmed freedom of expression and ensured its exercise without harassment from any party. It also called on media institutions to inform journalists of their rights and duties and to provide the best measures to ensure their psychological and physical safety. It pledged to do everything in its power to provide financial support to every journalist working for them who is subjected to murder, imprisonment, torture, or humiliation. The action undertaken by journalists in covering events and keeping up with developments is considered legitimate by virtue of a fundamental human right, which is freedom of opinion and expression, with all its many implications. The protection afforded to journalists at this time, as stipulated in a number of international charters and agreements, is in itself a text on the legitimacy of what they are doing. A journalist must not confuse journalistic work with other activities that would strip him of legal protection, such as espionage, sabotage, or actions that harm the security of the country in which he works. However, the state must treat him humanely if he is denied the protection he deserves as a civilian. Finally, as previously mentioned, Palestinian journalists have the right to convey the truth and expose Israeli violations against civilians and civilian objects in the Gaza Strip. The Israeli army must not harm their security, target them, kill them, or arrest them, because this constitutes a violation of the rules of international humanitarian law. Therefore, Israel must be held accountable for these violations. (Saja, 2017).

3.5. Categories of Journalists Working During Armed Conflicts

The rules of international humanitarian law have classified the types of journalists working during armed conflicts into three categories, each with its own status in terms of the scope of protection it enjoys and the applicability of legal texts for the protection of journalists. These categories are (Fatima Al-Zahra, 2018):

1. freelance journalists: a civilian correspondent working for a news agency and covering wars and armed conflicts independently and without any affiliation to any

party. Members of this category are considered to be civilians, and they are called independent journalists or unaccredited journalists. They do not constitute part of the military forces, as they move freely and independently from the latter, which is what was indicated by the Geneva Convention of 1949, the First Additional Protocol relating to the Protection of Victims of International Armed Conflicts, and the Second Additional Protocol of 1977 relating to the Protection of Victims of Non-International Armed Conflicts (Khaled, 2018). With reference to Article (79) of the First Protocol of 1977, which stipulates that independent journalists do not constitute part of the armed forces, as they are considered civilians who must be protected according to this status, provided that they do not commit any act that harms their status as civilians (see Article 79). Journalists are not permitted to carry a weapon or hire bodyguards who carry weapons that they may use, nor are they permitted to participate in hostilities. Individuals who engage in these activities immediately lose the protection that journalists are entitled to, and thus become fair targets for parties to the armed conflict. This is what the UN Security Council adhered to in its Resolution No. (1738) issued in 2006, which indicated the need to consider journalists in areas of armed conflict as civilians who must be respected and protected, provided that they do not commit any act that harms their status as civilians (Al-Tahir, 2010).

2. War correspondents: a civilian who accompanies military forces without being part of them. This type can be defined as: “a war correspondent is a person sent to the battlefield on a special mission during wartime, and this job only exists in the event of war”. This implies that he is primarily a civilian journalist who works on the mission of covering military operations during a specific period during wartime. With reference to Article (4) of the Third Geneva Convention, war correspondents are civilians and cannot be considered military targets. However, if they fall into the hands of the enemy, they are considered prisoners of war. In order for the war correspondent to benefit from the legal status of prisoners of war, he must obtain a license proving his accreditation by the armed forces he accompanies (Saber Dhrisat, Abdelkader Baya, 2021).

3. Military journalists: a soldier working in the field of media activity for the army. Subject to the same conditions that apply to other members of the armed forces, he does not enjoy any special immunity (Mahmoud, 1999).

3.6. Obligations of Journalists in Areas of Armed Conflict

In order for a journalist to obtain accurate information, he or she must enter conflict zones, exposing themselves to real danger in the process. Therefore, the rules of international humanitarian law grant journalists' freedom of opinion and expression and freedom of the press as privileges for practicing their journalistic work. They also impose obligations on them that cannot be overridden, lest they lose their legal status. International agreements stipulate several obligations that journalists must follow, such as prohibition of participation in hostilities and not practicing journalism by means of any act that compromises his status as a neutral civilian. When his neutrality is compromised, he loses civilian status, and thus he becomes a military target. In addition, providing all necessary equipment for prevention that is available, Journalists must use bulletproof vests, helmets, carry first aid, use armored vehicles (if available), as well as carry communication equipment that others can use to determine their location. Finally, commitment to the ethics and morals of the journalism profession are key. The journalist should not exploit his profession for personal gain, and although international law recognizes freedom of opinion and expression, it has imposed two specific restrictions on it, in accordance with Article (20) of the International Covenant on Civil and Political Rights, which states: any propaganda for war is prohibited by law, as is any call for hatred, racism, or violence (Jamil, 2020).

Journalists' rights in areas of armed conflict.

There are several rights that correspond to the obligations imposed on the journalist, and these rights enable him to process and transmit information with complete freedom, objectivity and honesty: the right to access information, and to not disclose the source of information, and also the journalist's right not to be arrested in cases of opinion and expression (Muammar, 2015).

3.7. International Legal Protection for Palestinian Journalists in Accordance with International Agreements and Conventions

The four Geneva Conventions of 1949 are the basic element of international humanitarian law, ratified by all countries as universal rules of war. With regard to the war on the Gaza Strip, the Fourth Geneva Convention of 1949 relative to the Protection of Civilian Persons in Time of War clarifies the foundations and principles that must be followed in the midst of war. Articles (2) and (3) also clarify when and how these laws

are applied. One of the most important objectives of the Fourth Geneva Convention was to protect civilians and civilian objects during international and non-international armed conflicts. Under the rules of the Fourth Geneva Convention of 1949, Israel must provide protection to Palestinian civilians in the Gaza Strip, including journalists, not compromise their security, and provide them with the necessary supplies for their lives in the Gaza Strip (Amani, 2024). The Fourth Geneva Convention of 1949 requires the warring parties to distinguish between civilians and combatants. The term “civilian population” includes all civilians residing in the territory of warring states and the civilian population residing in occupied territories. A civilian is considered to be anyone who does not directly participate (fight) in hostilities. Therefore, the journalist is considered a civilian person. Crucially, if there is any doubt as to whether a person is a civilian or a military person, the civilian status shall prevail. This protection extends to those involved in medical services, relief work, journalists, and members of civil defense agencies. Under the Convention, the civilian population and civilians under general protection must be exempt from the dangers arising from defensive or offensive military operations of the adversary against the other party, and in any territory from which such operations are conducted, including the national territory of a party to the conflict which is located in a zone under the control of the enemy. Whether on land, sea or air, civilians shall not be the object of attack and shall be protected against indiscriminate attacks that strike persons, military objectives, civilians and civilian objects without distinction (Al-Mizan, 2024). Article (50) of the First Additional Protocol stipulates that a civilian is: “Any person who does not belong to any of the categories of persons referred to in clauses one, two, three, and six of the first paragraph of Article Four of the Third Convention, relating to the protection of prisoners of war, and Article (43) of this Protocol. If doubt arises as to whether a person is a civilian or not, that person shall be considered a civilian.” As stated previously, the protection of civilians extends to include individuals who are trying to aid wounded, members of medical units and humanitarian organizations, and relief organizations that provide essential supplies such as food, clothing, and medical supplies. Warring parties are required to allow these organizations access to victims. The Fourth Geneva Convention and Additional Protocol I specifically require warring parties to facilitate the work of the International Committee of the Red Cross. The protection afforded to civilians by the Geneva Conventions and their Additional Protocols is comprehensive (see Articles 14 and 27). However, implementation has been the problem that has hindered them over the past fifty years. Neither states nor non-state armed groups have adequately

respected their obligations, and civilians have continued to suffer disproportionately in almost all armed conflicts.

a. Protection for journalists under the Hague Convention of 1899-1907

Article (13) of the Regulations on the Laws and Customs of War on Land of 1907 stipulates that persons who are with the armed forces without actually being part of them shall be treated like press correspondents who fall into the hands of the enemy and shall be declared prisoners of war, provided that the military authority of the army that accompanies them gives him authorization to do so (see: Article 13).

b. Protection for Journalists Under the Second Geneva Convention of 1929

Article (81) of the Second Geneva Convention of 1929 dealt with the treatment of prisoners of war, including journalists. It stipulated that person accompanying the armed forces, such as correspondents and press informants, who fall into the hands of the enemy, provided that they are not directly subordinate to them, and the enemy decides that it is appropriate to arrest them, have the right to demand that they be treated as prisoners of war (Sharif, 2009).

c. Protection for Journalists Under the First, Second and Third Geneva Conventions of 1949

The Third Geneva Convention relative to the Treatment of Prisoners of War maintained the previous protection, and the three conventions stipulated that the war correspondent also receives the treatment of a prisoner. Article (4) of the Third Convention stipulated that prisoners of war are meant to be persons who accompany the armed forces but are not part of them, such as civilians who are part of the aircraft crews, and war correspondents, provided that they have permission from the armed forces they accompany.

d. Protection for journalists under the 1977 Additional Protocol I

Article (79) of the First Additional Protocol of 1977 stipulates that journalists who carry out dangerous missions in areas of armed conflict are considered civilians, and journalists must be protected in this capacity in accordance with the provisions of the agreements, provided that they do not commit any act that harms their status as civilians.

3.8. Legal protection mechanisms for Palestinian journalists within the framework of international humanitarian law

To ensure the proper application of the rules of international humanitarian law in general and the rules for the protection of journalists and the media in particular, there must be international guarantees to support them. These international forces are represented by oversight mechanisms in the form of the International Committee of the Red Cross and international non-governmental organizations, as well as deterrent mechanisms in the form of the UN Security Council, which issues resolutions to protect civilians and journalists, in addition to ruling on international criminal justice (Jabar, 2013).

a. Control and supervision mechanisms

The International Committee of the Red Cross (ICRC), the International Fact-Finding Commission (IFCC), and international non-governmental organizations (NGOs) are among the most important bodies entrusted with overseeing the implementation of international humanitarian law and monitoring the compliance of warring parties with its provisions. The ICRC plays a prominent role in providing field assistance to victims of armed conflicts, while also developing and strengthening international humanitarian law. Protocol I obligates warring parties to grant the ICRC all possible facilities to enable it to perform its humanitarian functions of protection and assistance to victims, subject to the consent of the parties to the conflict concerned. The role of the International Fact-Finding Commission is highlighted by its role in investigating any allegation of a serious violation of the four Geneva Conventions of 1949 and the First Additional Protocol of 1977. It is a permanent, neutral, non-political, and non-judicial body (Fawzi, 2020).

b. International deterrent mechanisms

These mechanisms fall within the purview of both the UN Security Council and the International Criminal Court, both of which are effective safeguards within the international legal system. The UN Security Council is one of the most important organs of the United Nations, with the authority to issue binding resolutions and intervene regardless of the consent or lack thereof of the states concerned. The International Criminal Court is a permanent, independent international judicial body whose purpose is to prosecute perpetrators of serious crimes under international humanitarian law and ensure that they do not escape punishment (Fahd, 2019)..

The most important international organizations concerned with protecting journalists during wars and international armed conflicts.

- Reporters Without Borders (RSF).
- International Badge for the Protection of Journalists (IEPJ).
- International Federation of Journalists (IFJ).
- International Journalists Safety Institute (INSI).
- Committee to Protect Journalists (CPJ).

3.9. Israeli violations committed against journalists during the 2023 war on the Gaza Strip: their legal status, and Israel's legal and international responsibility for them

According to the provisions of the Fourth Geneva Convention of 1949, the Israeli army violated most of the rules of international humanitarian law during its war on the Gaza Strip in 2023. Human rights organizations have recorded the fall of thousands of civilian casualties, most of whom were children, women and the elderly, in addition to the internal displacement of more than 90% of the population of the Gaza Strip, and the imposition of famine in most areas of the Gaza Strip. During the war, the infrastructure in the Gaza Strip was completely destroyed as a result of bombing and indiscriminate attacks, and the destruction of thousands of civilian objects, including hospitals, mosques, schools, universities and others (United Nations, 2024). Israeli violations against journalists during the Gaza war constitute one of the most serious challenges to media freedom and the right of people to access the truth. The war that erupted in Gaza constituted a bloody arena, one that not only engulfed the laypeople of Gaza, but also its journalists who found themselves directly targeted, in flagrant violation of international laws that guarantee their protection during armed conflicts. Human rights organizations and local and international media institutions have documented many cases of clear targeting of Palestinian journalists while covering events on the ground. These violations ranged from direct killing, to the bombing of media headquarters, the arrest of journalists, threats, and prevention of their work, in addition to restrictions on freedom of movement. Dozens of journalists have been killed during the war, many of them while carrying out their professional duties, despite the fact that they were wearing vests clearly marked "Press." According to the Palestinian Central Bureau of Statistics, 219 journalists have been killed since the beginning of the war through May 2025. Meanwhile, 86 journalists have been arrested, 96 others have been reported injured, and two journalists are missing. Numerous cases of assault, threats, cyberattacks, and censorship have also been documented, as have threats and targeting of members

of journalists' families. This deliberate targeting violates Article (79) from the First Additional Protocol to the Geneva Conventions, which stipulates the need to protect civilian journalists in conflict areas. Israeli forces did not limit themselves to targeting individuals, but expanded the scope of their attacks to include the headquarters of local and international media outlets in Gaza. The offices of news channels and newspapers were completely or partially destroyed, depriving the public of the narrative provided by field journalists and weakening their ability to convey a true picture of what was happening. It is noteworthy that from the beginning of the war until May 2025, the Israeli army destroyed approximately 73 media institutions in the Gaza Strip, including 21 local radio stations, 3 broadcast towers, and 15 news agencies. Most Analysts suggest that these violations are part of an attempt to isolate Gaza in the media and obscure other violations committed against civilians. Although these actions amount in some cases to war crimes, the international community often limits itself to verbal condemnation without taking deterrent measures, thus fostering impunity (Mahmoud, 2025).

The Israeli occupation forces did not commit to protecting Palestinian civilians and journalists. In the Gaza Strip during the war, it committed serious violations against them, committing crimes of genocide and crimes against humanity, in addition to crimes of aggression and killing of children, women and all persons protected by the Fourth Geneva Convention. The Israeli occupation forces violated all international agreements that stipulate the protection of civilians, while also constantly violating the principle of proportionality stipulated in Rule (14) of the customary rules of international humanitarian law, which states: "An attack which may be expected to cause incidental loss of civilian life, injury to civilians or damage to civilian objects...", this principle is applied in international and non-international armed conflicts, because it is one of the rules of customary international humanitarian law. A failure to apply this principle exposes the perpetrator to a violation of the provisions of international law under the title of excessive use of force. The four Geneva conventions of (1949) in addition to the Additional Protocols of 1977 provide clear international legal basis for the protection of civilians in armed conflicts, including journalists, playing a pivotal role in the outlining of Israeli crimes in the context of the war on Gaza in 2023. However, actual enforcement of the terms of the agreement has been characterized by blatant non-compliance by the Israeli army. The weakness of the role of bodies dealing with the enforcement of international humanitarian law in dealing with the Gaza War of 2023 can be attributed to a group of political, structural, and executive factors that hinder the application of its principles on the ground. (Arabiya News, 2024).

3.10. Main causes of weak implementation of international humanitarian law and its effects During the war on Gaza in 2023

Israel's failure to abide by the rules of international humanitarian law, targeting of civilians, the destruction of infrastructure, and the imposition of a blockade on the Gaza Strip in violation of the four Geneva Conventions of 1949. In addition, Israel's failure to recognize legal responsibility before international courts, the weak mechanisms for holding those responsible for violations accountable, the inability of the International Criminal Court to enforce its decisions due to Israel's refusal to cooperate with it, and the weak international political will to support the trials. the inability of international institutions such as the UN Security Council and United Nations organizations can be understood as stemming from the influence of international politics, especially with the use of the veto by some countries to prevent any binding decisions. The end result of the absence of any practical consequences or sanctions against parties that violate international humanitarian law, such as Israel, is lack of international deterrence, impunity, and continued violations. Finally, failure to enforce respect for international law in the absence of an executive force capable of compelling the parties to abide by the rules of war leaves a vacuum in which countries like Israel can evade responsibility. These reasons have all led to the ongoing humanitarian crisis, which is worsening, the number of victims continuing to rise, and have allowed the deliberate targeting of journalists and destruction of Press institutions and equipment to hide the truth from the outside world. Consequently, in these conditions, Israeli violations increase without accountability or oversight (Fahd Ahmed Khaled Al-Manwari, 2019).

3.11. Legal mechanisms to hold Israel accountable for its violations against journalists during the 2023 Gaza War

To stop the systematic targeting of journalists in the Gaza Strip, a comprehensive strategy must be adopted that relies on international prosecution and recourse to the International Criminal Court and the UN Security Council. This strategy would involve the filing of official lawsuits and complaints by the Palestinian Authority, as well as journalists' unions and local, regional, and international human rights organizations, to prosecute those responsible for committing war crimes against journalists in the Gaza Strip. Countries whose laws allow for the prosecution of war crimes can open investigations into violations against journalists even if they occur outside their territory.

These countries can therefore prosecute those responsible for these violations if they are caught. campaigns must also be organized. An effort must be made by international media outlets to expose and document crimes against journalists in the Gaza Strip and broadcast them to the world to raise awareness and put pressure decision-makers to stop these violations. Finally, the response against violations against journalists can no longer be limited to condemnation alone, but rather involve ongoing practical steps at various legal, international, and societal levels. Silence on media crimes opens the door to continued obscuration of the truth and legitimizes tyranny. (Ahmed, 2024).

3.11.1. Analysis

This study reached a set of important findings that reflect the reality of Israeli violations against Palestinian journalists during the armed conflict in the Gaza Strip in 2023, and the effectiveness of international legal protection mechanisms. These findings are as follows:

1. Serious violation of the rules of international humanitarian law: during the war on Gaza, journalists were direct targets of the Israeli military, despite their legal protection under the Fourth Geneva Convention of 1949 and Additional Protocol I of 1977. More than 219 journalists were killed and dozens of media institutions were destroyed.
2. Lack of effectiveness in implementing international agreements: despite the existence of clear legal frameworks to protect journalists, the implementation of these rules on the ground remains severely flawed due to the lack of international will and the inability of judicial institutions to hold Israel accountable due to political obstacles.
3. Weakness of international accounting mechanisms: The study revealed shortcomings in the International Criminal Court and the Security Council's efforts to take practical measures to hold perpetrators of crimes against journalists accountable, leading to the continuation of impunity.
4. The need to develop protection and deterrence mechanisms: the war on Gaza has highlighted the need to re-examine the protection mechanisms for journalists working in conflict zones, particularly by strengthening cooperation with international organizations and activating the principle of universal jurisdiction as a tool for prosecuting perpetrators outside of Israel.

5. The importance of documenting violations: human rights organizations and the media have played a pivotal role in documenting war crimes committed against journalists, a necessary tool for raising global awareness and demanding that the relevant authorities investigate and hold accountable.

4. Conclusion

The attacks on journalists during the Gaza war constitute a flagrant violation of international humanitarian law and fundamental rights guaranteed under international conventions, most notably the right to life and freedom of expression. Targeting media workers not only threatens their lives, but also obscures the truth and undermines the media's role in the monitoring of war events, the fostering of accountability from all parties, and conveyance of the suffering of civilian victims to the world. Figures and field reports have revealed a systematic pattern of violations that amount to war crimes requiring accountability, not mere condemnation. Although legal accountability avenues exist, the absence of political will and the persistence of impunity continue to allow these crimes to go unchecked. Therefore, the international community, with its human rights and legal institutions, is called upon today more than ever to shoulder its responsibilities, take serious action to hold accountable those responsible for these violations, and provide genuine protection for journalists in conflict zones, particularly in Palestine. There is no justice without accountability, and no freedom without protection for the guardians of the word.

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