



## Civilians or Combatants? The Legal Status of Journalist in the Cambodia-Thailand Armed Conflict Under International Humanitarian Law

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### Abstract

**Background:** Journalists covering armed conflict zones have a strategic role to play in ensuring the public's right to information and promoting accountability for violations of international law. The armed conflict between Cambodia and Thailand in the border area around Preah Vihear Temple shows that territorial disputes between developing countries can be a high-risk situation for journalists' safety. **Methodology** This research uses a normative legal research method with a statutory and conceptual approach. It analyses international legal instruments such as the 1949 Geneva Conventions, 1977 Additional Protocol I, international human rights instruments, and International Court of Justice judgements related to the Cambodia-Thailand dispute. In addition, the study also analyses reports from international organisations to assess the practice and implementation of journalist protection. **Objective:** The research aims to analyse the legal protection of journalists in interstate armed conflicts, assess the responsibilities of the Cambodian and Thai governments towards the protection of journalists, and analyse the role of ASEAN in the context of journalist protection in Southeast Asia. **The findings:** show that while international humanitarian law provides clear normative protection for journalists as civilians, its implementation at the national and regional levels remains weak. State responsibility is often hampered by military operational practices, while ASEAN's protection mechanisms remain normative and non-binding. **Originality:** This research offers an integrated analysis of international humanitarian law, state responsibility, and ASEAN regional governance in the context of interstate armed conflict in Southeast Asia, which has rarely been analysed to date.

**Keywords:** Humanitarian Law; Journalists; State Responsibility; Cambodia–Thailand Conflict; ASEAN

### Abstrak

**Latar belakang:** Wartawan yang meliput di wilayah konflik bersenjata memiliki peran strategis dalam menjamin hak publik atas informasi dan mendorong akuntabilitas atas pelanggaran hukum internasional. Konflik bersenjata antara Kamboja dan Thailand di wilayah perbatasan sekitar Kuil Preah Vihear menunjukkan perselisihan teritorial antara negara berkembang dapat menjadi situasi yang berisiko tinggi terhadap keselamatan jurnalis. **Metodologi Penelitian:** menggunakan metode penelitian hukum normatif



dengan pendekatan perundang-undangan dan konseptual. Analisis dilakukan terhadap instrumen hukum internasional seperti Konvensi Jenewa 1949, Protokol Tambahan I 1977, instrumen hak asasi manusia internasional, dan putusan Pengadilan Internasional yang terkait dengan sengketa Kamboja-Thailand. Selain itu, studi ini juga menganalisis laporan dari organisasi internasional untuk menilai praktik dan implementasi perlindungan jurnalis. **Tujuan Penelitian:** menganalisis perlindungan hukum terhadap jurnalis dalam konflik bersenjata antar negara, menilai tanggung jawab Pemerintah Kamboja dan Thailand terhadap perlindungan jurnalis, dan menganalisa peran ASEAN dalam konteks perlindungan jurnalis di Asia Tenggara. **Temuan Penelitian:** menunjukkan bahwa meskipun hukum humaniter internasional memberikan perlindungan normatif yang jelas bagi jurnalis sebagai warga sipil, implementasinya di tingkat nasional dan regional masih lemah. Tanggung jawab negara seringkali terhambat oleh praktik operasional militer, sementara mekanisme perlindungan ASEAN masih bersifat normatif dan tidak mengikat. **Orisinalitas:** Penelitian ini menawarkan analisis terpadu mengenai hukum humaniter internasional, tanggung jawab negara, dan tata kelola regional ASEAN dalam konteks konflik bersenjata antarnegara di Asia Tenggara, yang sampai saat ini masih jarang dikaji.

**Kata Kunci :** Hukum Humaniter; Jurnalis; Tanggung Jawab Negara; Konflik Kamboja-Thailand; ASEAN

## A. Introduction

Everyone is considered to always need information from all corners of the world. The presence of journalists in situations of armed conflict plays a strategic role in guaranteeing the public's right to obtain accurate, balanced and independent information.<sup>1</sup> Covering armed conflict places journalists in a position that is vulnerable to intimidation, arbitrary detention, violence and even death, making the issue of journalist protection an important part of contemporary international legal discourse.<sup>2</sup> The presence of journalists in conflict areas has been crucial, but it also poses a high risk to their human rights and lives. The protection of journalists' human rights under international law has been evident in the formation of various international organisations since the World War era. These organisations contain agreements to protect journalists.

In relation, the dispute between Cambodia and Thailand over the border area surrounding the Preah Vihear Temple has strong international legal dimensions, as it has been brought before the International Court of Justice (ICJ).<sup>3</sup> In 1962, the ICJ ruled that Preah Vihear Temple was within Cambodia's sovereign territory and that Thailand had

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<sup>1</sup> Isabel Düsterhöft, "The Protection of Journalists in Armed Conflicts: How Can They Be Better Safeguarded?," *Merkourios* 29, no. 76 (2013): 04–22.

<sup>2</sup> Hasudungan Sinaga and Josafat Pondang, *Juridical Analysis of Legal Protection for Journalists in Indonesia*, 45, no. 4 (2024): 1986–92.

<sup>3</sup> Analysis of the Preah Vihear Temple Dispute in the Perspective of International Law on the Acquisition of State Territorial Sovereignty (2025), <https://doi.org/10.31941/pj.v24i2.6495>.

an obligation to withdraw its personnel from the area.<sup>4</sup> Subsequently, in 2013, the ICJ issued an interpretative judgment clarifying the meaning and scope of the 1962 judgment, including confirmation of Thailand's obligation to withdraw its personnel from the territory specified in the judgment.<sup>5</sup> The recurrent escalation of tensions in the disputed area demonstrates that territorial disputes can transform into dangerous situations that increase security risks for civilians and journalists covering the conflict.

The Cambodia–Thailand conflict also highlights the dynamics surrounding dispute resolution and the protection of civilians within the ASEAN region.<sup>6</sup> In this context, the issue of protecting journalists is important not only as a matter of reporting ethics, but also as a matter of international legal obligations incumbent upon the countries involved in the conflict. In terms of protection, there is also the ICRC, which is an international humanitarian organisation. The ICRC also takes action to provide information about journalists, such as missing journalists.<sup>7</sup> The ICRC will help to track down missing journalists and record everything that has been obtained by journalists if they are detained. If a journalist is present in a war zone or conflict zone, it can be determined that the journalist is protected by humanitarian law.

While there is no data available that consistently counts the total number of journalists covering each armed conflict, verified international indicators show a very high level of risk and an increasing trend in the last five years. In the context of the Ukraine war, UNESCO recorded dozens of journalists and media workers killed, confirming that war coverage remains a high-risk activity even for civilian media personnel. On the Israeli Palestinian conflict, Committee to Protect Journalists (CPJ) noted that 2024 was the deadliest year for journalists globally with 124 deaths, including 82 deaths in Gaza,<sup>8</sup> while 2025 again showed an equally high global death toll. In response to these challenges, international journalist organisations such as Committee to Protect Journalists (CPJ) focus on documenting incidents, advocating for accountability, and strengthening the safety of coverage to reduce the vulnerability of journalists, so the data and practices of such organisations can be used as verified illustrative material to clarify the gap between IHL normative protections and implementation on the ground. The protection of journalists under humanitarian law is enshrined in various international agreements known as conventions, such as the Hague Convention IV of 1907 concerning Respect for the Laws and Practices of Land Warfare, the Additional Protocol to the Geneva Convention III of 1977, and the Geneva Convention IV of 1949. Within the framework of

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<sup>4</sup> Pleadings, Oral Arguments, Documents Case Concerning the Temple of Preah Vihear (1959).

<sup>5</sup> John D Ciorciari, "Request for Interpretation of the Judgment of 15 June 1962 in the Case Concerning the Temple of Preah Vihear (Cambodia v. Thailand)," *American Journal of International Law* 108, no. 2 (2014): 288–95, <https://doi.org/10.5305/amerjintelaw.108.2.0288>.

<sup>6</sup> Markus Wagner, "Temple of Preah Vihear Case," *Max Planck Encyclopedia of Public International Law (EPIL)*. Oxford University Press, Online Edition < August 3 (2009): 2011.

<sup>7</sup> Alexandre Balguy-Gallois, "The Protection of Journalists and News Media Personnel in Armed Conflict," *International Review of the Red Cross* 86, no. 853 (2004): 37–67.

<sup>8</sup> Mnar Adley, *Project Censored's State of the Free Press 2025* (Seven Stories Press, 2025).

international humanitarian law, journalists carrying out dangerous professional missions in areas of armed conflict are considered civilians if they do not directly participate in hostilities. This principle is explicitly affirmed in Article 79 of the Additional Protocol I of 1977, which states that journalists on dangerous professional missions 'shall be considered as civilians' and are therefore entitled to protection as civilians.<sup>9</sup>

Thus, the obligations of the states parties to the conflict do not stop at normative recognition but require concrete actions to respect and protect the safety of journalists, including ensuring that military operations comply with the principles of distinction, precaution, and the prohibition of targeting civilians.<sup>10</sup> Against this background, this study focuses on the protection of human rights for journalists in the context of the Cambodian-Thailand armed conflict from the perspective of international law, particularly international humanitarian law and the principle of state responsibility.<sup>11</sup> The body of research on the protection of journalists in armed conflict has evolved through a variety of approaches. Dusterhöft highlights the recurring vulnerability of journalists in conflict zones and the need for more effective protection mechanisms in the field.<sup>12</sup> Levin examines the issue from the normative perspective of international humanitarian law by questioning whether journalists should be positioned as a protected category characterised by special risks.<sup>13</sup> Meanwhile, Slavko, Zavhorodnia and Degtyarev emphasise the contemporary challenges of media freedom in martial law situations, pointing out the gap between legal guarantees and the reality of implementation in conflict zones. Overall, these studies emphasise the importance of protecting journalists but tend to address normative and operational aspects separately.

A considerable number of studies in the last five years have addressed the protection of journalists in armed conflict from the perspective of international humanitarian law. One such study by Slavko, Zavhorodnia, and Degtyarev highlights the contemporary challenges of journalist protection under international humanitarian law, particularly in emergency situations and the application of martial law.<sup>14</sup> The study confirms that while international legal norms have recognised journalists as protected civilians, practice on the ground shows increasing risks to media safety and freedom. However, the study was generalised and focused on global challenges, without linking the protection of

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<sup>9</sup> Anna S Slavko et al., "Protection of Journalists under International Humanitarian Law: Modern Challenges for Freedom of Media under Martial Law," *International Journal of Media and Information Literacy* 8, no. 2 (2023): 427–35, <https://doi.org/10.13187/ijmil.2023.2.427>.

<sup>10</sup> Dieter Fleck, *The Handbook of International Humanitarian Law* (Oxford University Press, 2021), <https://doi.org/10.1093/law/9780198847960.001.0001>.

<sup>11</sup> Heribertus Jaka Triyana et al., "Implementing the ASEAN Agreement on Disaster Management and Emergency Response for Better Coordination and Simplification Procedures," *Jambe Law Journal* 5, no. 2 (2023): 147–205, <https://doi.org/10.22437/jlj.5.2.147-205>.

<sup>12</sup> Dusterhöft, "The Protection of Journalists in Armed Conflicts: How Can They Be Better Safeguarded?"

<sup>13</sup> Elizabeth Levin, "Journalists as a Protected Category: A New Status for the Media in International Humanitarian Law," *UCLA J. Int'l L. Foreign Aff.* 17, no. 1 (2013): 215–50.

<sup>14</sup> Slavko et al., "Protection of Journalists under International Humanitarian Law: Modern Challenges for Freedom of Media under Martial Law."

journalists to specific interstate conflicts or to a framework of consequential state responsibility. In contrast to these approaches, this article places the Cambodia-Thailand armed conflict as a concrete context to assess how journalist protection obligations are translated into state practice and how implementation failures can be analysed through the doctrine of state responsibility.

Another study by Gunawan examines the protection of journalists on the battlefield with reference to the Russia-Ukraine conflict. The study confirms the relevance of the principle of distinction and protection of civilians in international humanitarian law and shows that journalists are often victims of violence due to weak compliance with the norm. While providing strong case illustrations, the study emphasises the norm's affirmation and general implementation challenges in large-scale conflicts, without exploring in depth regional institutional dimensions or state accountability mechanisms outside the context of the conflict under study. This article differs in that it not only discusses the journalist protection norm but also relates it to ASEAN's regional structure and its limitations in promoting member state compliance, thus broadening the analysis from just a specific conflict to a regional governance issue. A more recent study by Nasution compared the protection of journalists in the Israel-Hamas and Russia-Ukraine conflicts, highlighting the weakness of international humanitarian law enforcement in protecting journalists in modern armed conflicts.<sup>15</sup> The research enriches the literature with a case comparison approach and shows recurring patterns of impunity and weak accountability mechanisms. However, the focus of the study remains on major conflicts that have received a lot of academic attention and has not placed the Southeast Asian region as a locus of analysis. Unlike those studies, this article fills the gap in the literature by presenting a relatively under-researched interstate conflict in Southeast Asia and integrating the analysis of journalist protection with the doctrine of state responsibility and the role of regional organisations, thus making a more specific and contextual contribution to the development of international humanitarian law studies.

Based on the research, this contribution integrates several analyses that have been relatively separate. First, it places the protection of journalists in the context of interstate armed conflict in Southeast Asia, using the Cambodia-Thailand situation as a context for legal scrutiny rather than a study of territorial disputes. Second, it relates international humanitarian law obligations and the doctrine of state responsibility to the national legal frameworks of Cambodia and Thailand, specifically press law, criminal law, and emergency or security law. Third, this paper evaluates ASEAN's role and limitations in strengthening the protection of journalists and preventing impunity in conflict prone regions, thus contributing that is more orientated towards the implementation of international legal norms. In international law, the importance of protecting journalists in conflict prone areas is based not only on specific conflict situations, but on recurring

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<sup>15</sup> Elyzabeth Bonethe Nasution and Aisha Nafitra Putri Yandri, "Hukum Internasional Dalam Perlindungan Jurnalis Dan Media: Studi Kasus Israel-Hamas Dan Rusia-Ukraina," *Jurnal Lectura* 2, no. 1 (2025): 26–41, <https://doi.org/10.19166/lectura.v2i1.10260>.

patterns of violations against civilians performing public functions in situations of war.<sup>16</sup> Various precedents of armed conflicts show that journalists are often subjected to violence, arbitrary detention, access restrictions, and intimidation by parties to the conflict. This practice not only violates the principle of protection of civilians in international humanitarian law but also hinders the fulfilment of the international community's right to independent and accountable information. From an international law perspective, the protection of journalists is rooted in fundamental principles of international humanitarian law, particularly the principles of distinction and protection of civilians.<sup>17</sup> Additional Protocol I to the Geneva Conventions expressly classifies journalists performing hazardous professional duties as civilians if they are not directly participating in hostilities. In addition, the practice of the United Nations through General Assembly resolutions on the safety of journalists and the issue of impunity demonstrates consistent international recognition that violence against journalists in armed conflict is a structural problem that requires more effective legal protection.

Armed clashes in the Thailand-Cambodia border region have reportedly resulted in the deaths of at least 13 people consisting of military and civilians. The information was reported by the mainstream media based on official statements from relevant authorities and field coverage.<sup>18</sup> However, no official reports or independent sources have been found to verify that any journalists were killed directly while covering the conflict. The absence of confirmed data on journalist casualties is explicitly stated as a limitation of evidence, without prejudice to the fact that conflict coverage continues to place journalists in high-risk situations, as reflected in reports of detention, criminalisation, and injury of journalists related to border conflict coverage. This article focuses its analysis on two main issues. First, it examines the legal responsibilities of Cambodia and Thailand in protecting journalists performing professional duties in areas of armed conflict, with reference to the international humanitarian law framework and the principle of state responsibility. Second, it evaluates ASEAN's role in the context of journalist protection in the region, identifying institutional and normative constraints that affect ASEAN's capacity to promote journalist protection and prevent impunity in Southeast Asian interstate armed conflicts. Using these international precedents, this study asserts that the urgency of protecting journalists is not casuistic or limited to a particular conflict. The Cambodia-Thailand conflict is used in this paper solely as a legal testing context to assess how international obligations regarding the protection of journalists are implemented in interstate armed conflicts. As such, the focus of the analysis remains on strengthening the protection of journalists as part of the international humanitarian law regime, rather than on the political or military dynamics of the conflict itself.

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<sup>16</sup> Vera Slavtcheva-Petkova et al., "Conceptualizing Journalists' Safety around the Globe," *Digital Journalism* 11, no. 7 (2023): 1211–29, <https://doi.org/10.1080/21670811.2022.2162429>.

<sup>17</sup> Nasution and Yandri, "Hukum Internasional Dalam Perlindungan Jurnalis Dan Media: Studi Kasus Israel-Hamas Dan Rusia-Ukraina."

<sup>18</sup> Tempo, "Konflik Thailand Kamboja Memanas, Korban Tewas Jadi 13 Orang," *Tempo*, 2025.

This research uses a normative legal research framework but clarifies the steps and techniques of analysis, as well as strengthening the comparative dimension. Explicitly, the analysis is conducted through the interpretation of treaties and legal provisions against the main instruments (the 1949 Geneva Conventions and Additional Protocol I), conceptual and doctrinal analysis to link the norms of protection of journalists with the doctrine of state responsibility and the consequences of international law violations, and a limited comparative law and case approach to test the consistency of the application of IHL standards and to compare patterns of vulnerability of journalists as victims in several contexts of armed conflict, including interstate conflict. To increase transparency and traceability of legal conclusions, the sequence of analytical steps is briefly described and selective documents, such as reports of international organisations or documented incidents related to journalists' safety, are analysed to show the gap between normative protection and implementation without changing the main character of the research as a doctrinal study.

## **B. Discussion**

### **1. Journalist Protection in Armed Conflicts Between States According to International Humanitarian Law**

In the international legal system, the obligation to protect journalists is not only derived from international treaty instruments but also shaped and clarified through state practice and authoritative interpretations of international institutions. Article 38(1) of the Statute of the International Court of Justice affirms that international treaties and customary international law are the primary sources of international law, while judgements of international tribunals and doctrines of experts serve as additional means of determining the rule of law. Therefore, analyses on the protection of journalists in armed conflicts need to be strengthened by reference to relevant international jurisprudence and practice.

In the context of interstate armed conflict, the judgement of the International Court of Justice in the Temple of Preah Vihear case confirms the legal character of interstate relations which implies the full application of international obligations, including the obligation to protect civilians.<sup>19</sup> Although the case did not directly address journalists, the International Court of Justice's jurisprudence provides an important framework for understanding how state responsibility and compliance with international law are assessed in conflict situations. This framework is relevant for assessing the extent to which states parties to conflict fulfil their obligations to ensure the safety of journalists as civilians.

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<sup>19</sup> Songkiat Kulwuthivilas et al., "The Preah Vihear Dispute: The Role of ASEAN Mechanisms and Norms in Settlement Attempts" (Thammasat University, 2021).

In addition to the jurisprudence of international courts, the practice of the United Nations also demonstrates consistent recognition of the importance of the protection of journalists. UN General Assembly resolutions on the safety of journalists and the issue of impunity affirm the obligation of states to prevent, investigate and prosecute violations against journalists in conflict situations. This practice reflects the growing international standard of state due diligence in protecting civilians performing public functions, including journalists, and reinforces the argument that the protection of journalists has become part of an increasingly established international legal obligation. Customary law in international law for the protection of individuals consists of different provisions made by different countries, but these rules have been weakened by the lack of sanctions and the fact that in cases of violation, individuals have no possibility of filing complaints with international jurisdictions. Protection for victims of war was first enshrined in the 1864 Geneva Convention. This Convention states that:<sup>20</sup>

*First, hospitals, medical personnel, ambulances, and other personnel involved in humanitarian activities must be protected and recognised as neutral parties in armed conflicts; Second, civilians or residents who assist the wounded must be protected. Third, wounded and sick combatants must be accepted and treated by the parties to the conflict; Fourth, the red cross symbol on a white background serves as a symbol of protection to identify health personnel, equipment and facilities.*

In international humanitarian law, the protection of journalists covering armed conflicts is an integral part of the protection of civilians. This fundamental principle stems from the clear distinction between combatants and civilians, whereby civilians must not be targeted. Journalists, if they do not participate directly in hostilities, are classified as civilians and thus enjoy full protection under the 1949 Geneva Conventions and the 1977 Additional Protocol I.<sup>21</sup> This provision is intended to ensure that journalistic activities can take place without intimidation or violence from the warring parties.

The Additional Protocol I, Article 79 explicitly states that journalists carrying out dangerous professional missions in armed conflict zones must be treated as civilians and protected accordingly.<sup>22</sup> This norm clarifies the legal status of journalists in international armed conflicts and removes any ambiguity regarding their status in the field. With this provision, the parties to the conflict have an international legal obligation not to attack, arbitrarily detain, or obstruct journalists in the performance of their professional duties. The protection of journalists is also closely related to the principle of precaution (precautions in attack), which requires parties to the conflict to take reasonable measures to minimise the impact of military operations on civilians.<sup>23</sup> In the context of

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<sup>20</sup> Andika Esra Awoah, "Perlindungan Terhadap Korban Perang Dalam Perspektif Konvensi-Konvensi Internasional Tentang Hukum Humaniter Dan HAM," *Lex Crimen* 5, no. 7 (2016).

<sup>21</sup> Valery Dyachenko, "Ensuring the Protection of Journalists during Armed Conflicts by the Norms of International Humanitarian Law," *Law Rev. Kyiv UL*, 2023, 210.

<sup>22</sup> Yordan Gunawan et al., *Journalist Protection on the Battlefield under the International Humanitarian Law: Russia-Ukraine War*, 39, no. 1 (2023): 1-11, <https://doi.org/10.26532/jh.v39i1.24685>.

<sup>23</sup> Albertus Makur et al., "Legal Protection of Journalists' Rights Based on Law No 40 of 1999 on Freedom of the Press," *Sharia Oikonomia Law Journal* 1, no. 3 (2023): 197-207, <https://doi.org/10.55849/solj.v1i3.498>.

the Cambodia–Thailand conflict, military escalation in the border area around Preah Vihear Temple created dangerous conditions for journalists covering troop movements, humanitarian impacts, and the security situation on the ground. Therefore, the duty of care required both countries to ensure that military operations did not endanger the safety of journalists in the area. In addition to the principle of caution, international humanitarian law also prohibits the arbitrary detention of civilians, including journalists. If journalists are detained, the detaining state is obliged to guarantee humane treatment and provide protection in accordance with the provisions of the Fourth Geneva Convention of 1949. These provisions include the prohibition of torture, the right to communicate with family members, and access for international humanitarian organisations such as the ICRC.<sup>24</sup> These norms indicate that the protection of journalists does not stop at the prohibition of physical attacks but also includes the protection of human freedom and dignity.

In international practice, violations of journalist protection often occur not because of the absence of legal norms, but because of the failure of states to comply with and enforce international humanitarian law. UNESCO has consistently highlighted the high level of violence against journalists in conflict zones and called for increased commitment from states to protect press freedom in situations of armed conflict. This situation is relevant to the Cambodia–Thailand conflict, where military escalation and political tensions have the potential to override the protection of journalists. Thus, the protection of journalists in armed conflicts between countries is not merely a matter of journalistic ethics, but an international legal obligation that binds the countries involved in the conflict. International humanitarian law provisions provide a clear normative framework, but their effectiveness depends heavily on the political will and commitment of countries to comply with these norms in practice.<sup>25</sup> Although treaty provisions provide a clear normative basis for the protection of journalists as civilians, understanding of these obligations cannot be separated from interpretation and enforcement through international jurisprudence. Therefore, the following section examines international judicial precedents that clarify standards for the protection of civilians, the prohibition of unlawful attacks, and the duty of care relevant to the safety of journalists in conflict zones.

The jurisprudence of the International Criminal Tribunal for the former Yugoslavia (ICTY) in the case of Prosecutor v. Stanislav Galić affirms that attacks directed at civilians, including through patterns of shooting and bombing that cause terror, constitute serious violations of international humanitarian law.<sup>26</sup> This ruling clarifies that the protection of civilians is not merely declarative but rather establishes a judicial standard for assessing

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<sup>24</sup> U N Secretary-General, *Consideration of Reports Submitted by States Parties under Article 19 of the Convention: Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment: Initial Reports of States Parties Due in 2004: Note/by the Secretary-General* (United Nation, 2004).

<sup>25</sup> Akbar Kurnia Putra et al., “Penggunaan Hewan Dalam Konflik Bersenjata: Kajian Hukum Humaniter Internasional,” *Undang: Jurnal Hukum* 5, no. 1 (2022): 207–30, <https://doi.org/10.22437/ujh.5.1.207-230>.

<sup>26</sup> United Nation, “Prosecutor v. Galic, Appeals Judgement, 30 Nov. 2006,” in *Judgement* (2006).

military actions that disregard the principles of distinction and protection. In the context of journalism in conflict zones, this precedent is relevant because journalists who are carrying out their professional duties and are not directly involved in hostilities are classified as civilians who must not be targeted by attacks or armed intimidation. In the case of *Prosecutor v. Pavle Strugar*, the ICTY affirmed the parameters of unlawful attacks against civilian areas and objects that have no direct military significance. This ruling emphasises the obligation of precaution in attack and the responsibility of commanders to prevent the impact of attacks on civilian populations. This precedent strengthens the argument that reporting activities in civilian areas, including by journalists, cannot be used to justify restrictions or the use of violence that disregards the principle of distinction. Thus, the standard of caution upheld by this jurisprudence broadens the basis for legal protection of journalists as civilians in situations of armed conflict.

The International Criminal Court (ICC) ruling in the case of *Prosecutor v. Bosco Ntaganda* affirms criminal responsibility for war crimes, including attacks against civilians.<sup>27</sup> This jurisprudence shows that violations of civilian protection are not merely normative violations but can also have international criminal consequences. Although this case does not specifically address journalists, the principles upheld, namely the prohibition of attacks against civilians and the enforcement of accountability, are directly relevant to the protection of journalists who are in conflict zones and face the risk of attack or violence. In addition to international court jurisprudence, the strengthening of journalist protection is also reflected in international customary norms. The International Committee of the Red Cross, through Customary International Humanitarian Law Rule 34, explicitly states that journalists carrying out dangerous professional duties in conflict zones must be respected and protected as civilians.<sup>28</sup> This customary norm, which is based on state practice and *opinio juris*, strengthens the legal position of journalists in armed conflicts and complements treaty provisions such as Additional Protocol I. By linking Rule 34 to the jurisprudence of the ICTY and the ICC, the state's obligation to protect journalists acquires a consistent and multi-layered legal basis in terms of norms, practice and judicial enforcement. This normative framework and international jurisprudence show that the obligation to protect journalists has a consistent and multi-layered legal basis. Based on this framework, the following analysis focuses on how these international obligations are implemented in the national laws of Cambodia and Thailand. The Committee to Protect Journalists (CPJ) does not establish binding legal norms in the international legal framework but plays a role in promoting the renewal and progressive development of international humanitarian law by strengthening the agenda of protecting civilians, including journalists, in armed conflict.<sup>29</sup> It does this by

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<sup>27</sup> United Nation, *Situation In the Democratic Republic of The Congo in the Case of The Prosecutor V. Bosco Ntaganda*, no. International Criminal of Court (2019).

<sup>28</sup> Jean-Marie Henckaerts and Louise Doswald-Beck, "International Committee of the Red Cross: Customary International Humanitarian Law," *Band I: Rules*, Cambridge, 2005.

<sup>29</sup> Nina Burri, *Bravery or Bravado? The Protection of News Providers in Armed Conflict*, vol. 45 (Hotei Publishing, 2015).

reaffirming existing IHL standards, particularly the principle that journalists carrying out professional duties in conflict zones are treated as civilians and must be respected and protected if they do not directly participate in hostilities. By positioning journalists' safety as part of the issue of civilian protection, press freedom, and state responsibility, CPJ helps to broaden the international community's attention to the need for more effective protection for journalists covering war.

CPJ's contribution to the reform of journalist protection practices is also evident in the provision of a systematic evidence base on violations of journalists' safety in conflict zones. Through documentation of killings, injuries, detentions, intimidation, and restrictions on access to coverage, CPJ presents an empirical picture of the gap between IHL norms and the reality of implementation on the ground.<sup>30</sup> This evidence base is important because it helps clarify the risks journalists face and reinforces the urgency for states to live up to their duty of care and obligation to prevent and respond to violations against civilians. As such, CPJ reports and statements serve as a reference point for assessing state compliance and reinforce the argument that the protection of journalists requires consistent implementation, not just normative recognition. Furthermore, CPJ acts as a bridge between international norms and enforcement mechanisms through advocacy geared towards preventing impunity. In public statements, policy recommendations, and strategic litigation support, CPJ emphasises that attacks on journalists not only violate press freedom but also run counter to obligations to protect civilians in armed conflict. This approach encourages the strengthened interpretation and application of increasingly stringent protection standards, including insistence that states ensure effective investigations and accountability for violations. Through this function, CPJ contributes to the progressive development of IHL by strengthening implementation, consolidating protection standards, and increasing international pressure for the protection of journalists on the battlefield. In international humanitarian law, the protection of journalists in armed conflict is not only imposed on the parties to the conflict but also relates to the inherent professional obligations of journalists themselves. Journalists covering armed conflicts must assert their professional identity as civilian journalists, act independently, and not be directly involved in hostilities to remain within the scope of protection as civilians as referred to in Article 79 of Additional Protocol I 1977. In addition, journalistic principles such as independence, accuracy, non-partisanship, and respect for the law and human safety are integral to the protection framework. Adherence to these principles strengthens the legal position of journalists as protected civilians and simultaneously prevents the abuse of journalistic status that can blur the dividing line between information reporting and participation in armed conflict. Thus, the protection of journalists in armed conflict must be understood as a reciprocal relationship between the state's obligation to protect civilians and the professional

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<sup>30</sup> Manizja Aziz and Leon Willems, "Safety of Journalists," *The Routledge Handbook of Conflict and Peace Communication*, 2024.

responsibility of journalists to maintain their identity and journalistic ethics in accordance with international humanitarian law.

In armed conflict, the obligation to protect journalists must be understood as an operational obligation that can be translated into policy decisions and day-to-day military procedures. The principle of distinction requires parties to ensure journalists are treated as civilians and not targeted, if they are not directly participating in hostilities. The precautionary principle requires parties to incorporate the protection of civilians, including journalists, into the planning and execution of operations, for example through adequate risk assessments, the establishment of de-confliction procedures, and mitigation measures to minimise the possibility of mistargeting. If this obligation is ignored, violations of the protection of journalists do not stop at ethical issues but can implicate international liability for contravening the standards of international humanitarian law that bind the parties to the conflict.

## **2. The Responsibility of Cambodia and Thailand for the Protection of Journalists**

The responsibility of the state arises because the state is a sovereign entity and has the power to act or refrain from acting towards its citizens under its jurisdiction. In international law, the state is the main subject that bears responsibility for any action or omission that violates its international obligations.<sup>31</sup> The principle of state responsibility affirms that if a state commits an act that is contrary to international law and that act can be attributed to it, then that state is obliged to bear the legal consequences, including the obligation to cease the violation and provide reparation. State responsibility arises because the state is a sovereign entity and has the power to act or refrain from acting towards its citizens under its jurisdiction. Two different terms regarding the principle of state responsibility are responsibility and liability. Responsibility means what must be considered by a party, while liability means the responsibility to repair any damage that has occurred. State responsibility arises from actions that are considered wrong under international law.<sup>32</sup> In the Draft Article of Law Commission, it is explained that the forms of state responsibility are cessation; non repetition; and reparation, which consists of restitution, compensation, or a combination of both. In the context of the armed conflict between Cambodia and Thailand, state responsibility includes the obligation to protect journalists as civilians under the jurisdiction or effective control of each country. This obligation applies not only to journalists who are nationals of the country, but also to foreign journalists covering the conflict. This principle is in line with the provisions of Article 29 of the Fourth Geneva Convention of 1949, which affirms that the states parties to the conflict are responsible for the treatment of protected persons by their forces.

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<sup>31</sup> Ria Vinata and Ibnu Asqori Pohan, "The Significance of State Practises in Enforcing the Principle of Effectiveness in Claims of Territorial Ownership," *Justitia Jurnal Hukum* 7, no. 2 (2023), <https://doi.org/10.30651/justitia.v7i2.20410>.

<sup>32</sup> Rebecca McMenamin, "Advisory Opinion on Obligations of States in Respect of Climate Change: Potential Contribution of Human Rights Bodies," *Climate Law* 13, nos. 3–4 (2023): 213–23.

The Cambodia–Thailand dispute involving the use of cross-border military force also confirms that neither country can classify the conflict as a purely domestic matter. The 1962 International Court of Justice (ICJ) ruling and the 2013 interpretation regarding Preah Vihear Temple clearly place this dispute within the realm of international law.<sup>33</sup> Thus, any violation of the protection of journalists in the conflict could trigger the international responsibility of the countries involved in the conflict. In practice, the state's responsibility may include the obligation to conduct effective investigations into incidents involving violence against journalists, prosecute perpetrators, and provide compensation or other forms of reparation to victims. The state's failure to take such measures can be seen as a continuing violation of its international obligations. Therefore, state responsibility in the Cambodia–Thailand conflict is not only theoretical, but has concrete implications for the protection of journalists in the field.

The responsibility of Cambodia and Thailand to protect journalists in armed conflict is measured not only by their normative recognition of international humanitarian law, but primarily by the concrete steps taken by state officials in the field. The implementation of these obligations includes the formulation of rules of engagement, the provision of operational instructions to armed forces, and mechanisms for monitoring and accountability for the actions of officials during conflicts. The ICRC emphasises that the obligation to respect and protect civilians, including journalists, must be translated into clear and operationally applicable military orders, not merely political statements. In the context of the Cambodia–Thailand conflict, the implementation of journalist protection should ideally be reflected in regulations governing media access to conflict areas along the border. The state has the authority to restrict access on security grounds, but such restrictions must comply with the principles of legality, legitimate military necessity, and proportionality.<sup>34</sup> The total closure of conflict areas without accreditation or journalistic escort mechanisms has the potential to violate the state's international obligations, as it hinders the press's function as a conveyor of public information and an independent watchdog of military actions. Furthermore, the implementation of state responsibility is also evident in the response to incidents involving violence or threats against journalists. International law requires states to conduct prompt, thorough, independent and impartial investigations into any alleged violations against civilians. The state's failure to investigate and prosecute perpetrators of violence against journalists can be classified as a continuing violation of its international obligations, as affirmed in the practice of UN human rights bodies. The implementation of state responsibility also relates to preventive obligations.<sup>35</sup> The state is not only responsible after a violation has occurred, but is also obliged to take preventive measures, such as providing humanitarian law

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<sup>33</sup> Richard Q Turcsányi and Zdeněk Kříž, "ASEAN and the Thai-Cambodian Conflict: The Final Stage at Preah Vihear?," in *Unresolved Border, Land and Maritime Disputes in Southeast Asia* (Brill, 2017).

<sup>34</sup> U N General Assembly, *The Safety of Journalists and the Issue of Impunity* (United Nation, 2022).

<sup>35</sup> Ria Tri Vinata and Ibnu Asqori Pohan, "Human Rights Guarantees for the Protection of Indigenous Peoples as Climate Change Refugees in Indonesia," *International Journal of Policy Studies*, 4, no. 1 (2024): 41–55.

training for military personnel, providing emergency communication channels for journalists in conflict areas, and coordinating with international organisations such as the ICRC. ICRC studies show that states that systematically incorporate humanitarian law into military doctrine and troop training have higher levels of compliance with the protection of civilians. Thus, the implementation of Cambodia and Thailand's responsibility to protect journalists must be understood as a series of interrelated obligations, ranging from military planning and control of operations in the field to the enforcement of post-conflict accountability. Without effective implementation, international legal obligations will lose their practical meaning and fail to provide real protection for journalists in areas of armed conflict.

## 2.1 Implementation of Legal Protection for Journalists in the Territory of Cambodian

The Cambodian government has formally committed itself to various international legal instruments that regulate the protection of journalists in situations of armed conflict, both through the ratification of the 1949 Geneva Conventions and international human rights agreements.<sup>36</sup> This obligation places Cambodia in a position where it has an international legal duty to respect and protect journalists as civilians, including the obligation to prevent acts of violence, intimidation, and arbitrary restrictions on journalistic activities. However, the fulfilment of these international obligations is largely determined by how these norms are interpreted and implemented within the national legal framework.

Cambodia's national legal framework governing press freedom and journalistic activities is primarily based on the Law on the Press Regime 1995.<sup>37</sup> This law normatively recognizes freedom of the press and affirms the role of the media in conveying information to the public. In several of its provisions, the law affirms that the press has the right to gather and disseminate information without unlawful interference from the state. Theoretically, this regulation provides a legal basis for the protection of journalists in carrying out their professional duties, including in sensitive situations such as armed conflict.

However, the Law on the Press Regime also contains restriction clauses relating to the interests of national security, public order, and state stability. The general and open-ended formulation of these restrictions provides wide discretionary space for state authorities to interpret and implement restrictions on journalistic activities.<sup>38</sup> In the context of armed conflict or military tension, such as the Cambodia-Thailand border dispute in the Preah Vihear Temple area, this restriction clause is often the basis for

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<sup>36</sup> Helen Canton, "Inter-Parliamentary Union (IPU)," in *The Europa Directory of International Organizations 2021* (Routledge, 2021).

<sup>37</sup> Galina S Belyaeva, "Legal Regime: The Concept and Features," *RUDN Journal of Law* 25, no. 1 (2021): 281–93, <https://doi.org/10.22363/2313-2337-2021-25-1-281-293>.

<sup>38</sup> OHCHR, "State of Press Freedom in Cambodia," in *United Nations Human Rights* (2022).

restricting journalists' access to conflict areas or controlling the flow of information deemed sensitive to national security. In addition to the press regime, the protection of journalists in Cambodia is also heavily influenced by the provisions of the Cambodia Penal Code 2009. The Penal Code contains several articles on defamation, libel, sedition, and crimes against state security that are often used in practice to prosecute journalistic activities.<sup>39</sup> While these provisions are not explicitly intended to restrict journalists, their application to journalistic products or reporting activities in conflict areas poses a risk of criminalisation of journalists.

In the context of armed conflict, the application of the Cambodia Penal Code 2009 against journalists has serious implications for the safety and freedom of the press. Journalists who cover military developments or reveal sensitive information could potentially face charges of interfering with state security. This creates legal uncertainty for journalists, blurring the line between legitimate journalistic reporting and criminal offences. From an international humanitarian law perspective, the situation has the potential to undermine the protection of journalists as civilians, as the state not only fails to provide active protection, but also creates additional legal risks through criminal instruments. The development of information and communication technology also brings a new dimension to the protection of journalists in Cambodia. In this regard, the 2015 Law on Telecommunications is a relevant legal instrument.<sup>40</sup> This law gives the state broad powers to regulate and monitor electronic communications, including the transmission of digital data and information. For journalists who use digital platforms to report on armed conflicts, the existence of this law adds a layer of regulation that has the potential to limit press freedom, especially if surveillance and enforcement are carried out under the pretext of national security. In the context of the Cambodia-Thailand conflict, digital coverage of troop movements, border conditions, or military incidents can easily be categorised as a violation of telecommunications or information security provisions. This shows that the protection of journalists in Cambodia is not only faced with the physical risks of armed conflict, but also legal risks stemming from the regulation of communications and information technology. From the point of view of state obligations, the use of the Law on Telecommunications 2015 to restrict conflict coverage must be strictly assessed based on the principles of legality, necessity, and proportionality as stipulated in international law.<sup>41</sup> An increasingly significant aspect of Cambodia's national legal framework is the existence of the Law on the Management of the Nation in a State of Emergency 2020. This law provides the legal basis for the government to declare a state of emergency and impose extraordinary measures to maintain the security and order of the country. In a state of emergency, this law allows restrictions on freedom

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<sup>39</sup> No. 0911.1128 Criminal Code Cambodia.

<sup>40</sup> Vann Sophath, "The Cambodian League for the Promotion and Defense of Human Rights and Its Human Rights Education Program," *Human Rights Education in Asian Schools* 4 (2003): 38–39.

<sup>41</sup> Reth Soeng and Ludo Cuyvers, "The Telecommunications Sector and Its Impact on Cambodia's Services Export Performance," *The International Trade Journal* 36, no. 6 (2022): 527–47, <https://doi.org/10.1080/08853908.2021.1943072>.

of movement, freedom of expression, and communication activities, including journalistic activities. The enactment of the Law on the Management of the Nation in a State of Emergency 2020 has direct implications for the protection of journalists in situations of armed conflict. In the context of the escalation of the border conflict with Thailand, the application of a state of emergency can be used to restrict journalists' access to conflict areas, control the distribution of information, or conduct temporary detention on security grounds. While international law recognises that states can take emergency measures in exceptional circumstances, such measures must adhere to the limits of international law and must not remove basic protections for civilians, including journalists.

From an international humanitarian law perspective, the combination of the Law on the Press Regime 1995, Cambodia Penal Code 2009, Law on Telecommunications 2015, and Law on the Management of the Nation in a State of Emergency 2020 shows that Cambodia's national legal framework tends to place the protection of journalists in a subordinate position to national security interests. While journalists are normatively recognised as protected subjects, the implementation of national laws often results in broad and not always proportionate restrictions. The weak implementation of journalist protection in Cambodia is also reflected in the aspects of accountability and enforcement. In many cases, incidents of intimidation or violence against journalists are not followed by effective and transparent investigations. The absence of strong accountability mechanisms reinforces the impression that the protection of journalists is still declarative and has not been operationalised. Under the doctrine of state responsibility, failure to prevent, investigate and punish abuses against journalists can be viewed as a continuing breach of a state's international obligations. In the context of the Cambodia-Thailand armed conflict, weaknesses in the national legal framework and its implementation practices have a direct impact on the working conditions of journalists in the field. Journalists face access restrictions, the risk of criminalisation and physical threats that are not always adequately addressed by the state. This creates a significant chilling effect on press freedom, with journalists tending to avoid in-depth coverage of conflicts in favour of reducing legal and security risks.

Thus, an analysis of the implementation of journalist protection at the Cambodian national level shows that the main challenge lies not in the absence of legal norms, but rather in the configuration of national laws that provide wide discretionary space for the state to restrict journalistic activities in the name of security. Within the framework of international humanitarian law, this situation emphasises the importance of the state's obligation to align its national laws and implementation practices with standards for the protection of journalists as civilians. Without substantive reforms to implementation and accountability mechanisms, the protection of journalists in Cambodia in the context of armed conflict will remain formalised and vulnerable to short-term political and security interests.

## 2.2 Implementation of Legal Protection for Journalists in the Territory of Thailand

Thailand's implementation of journalist protection at the national level cannot be separated from the character of the country's legal and political system, which has historically placed the military as the central actor in the management of national security. Thailand is a state party to various international legal instruments governing the protection of civilians in armed conflict, including the 1949 Geneva Conventions and international human rights instruments.<sup>42</sup> Normatively, these entanglements place Thailand under an international legal obligation to protect journalists as civilians. However, as seen in practice, the translation of such international obligations into national law and policy is heavily influenced by the emergency law regime and the dominant security approach. The constitutional basis for press freedom protection in Thailand is found in the Constitution of the Kingdom of Thailand 2017.<sup>43</sup> The Constitution recognises freedom of expression and freedom of the press as fundamental rights of citizens. Theoretically, this recognition should provide a strong foundation for the protection of journalists in carrying out their journalistic duties, including in the context of covering security issues and armed conflict. However, the constitutional guarantee is not absolute and explicitly opens room for restrictions through law in the interests of national security, public order and state stability.

The space for constitutional restrictions is then filled by various security law instruments that give broad authority to state apparatus, especially the military. One of the most significant instruments is the Martial Law Act, B.E. 2457.<sup>44</sup> This act provides the legal basis for the application of military law in areas deemed to be in a state of security threat. In a martial law situation, military officers are authorised to control territory, restrict the movement of people, control information, and take security measures without adequate judicial oversight.

In the context of journalist protection, the Martial Law Act 1914 has serious implications. Journalists covering armed conflicts or military tensions, including the border conflict between Thailand and Cambodia, could potentially face restricted access to conflict areas, confiscation of journalistic equipment, or even temporary detention based on military interests. From the perspective of international humanitarian law, such practices are problematic as journalists, as civilians, should not be deprived of protection solely because of their presence in conflict areas. In addition to military law, Thailand's civil emergency regime has also played an important role in shaping the implementation of journalist protection. The Emergency Decree on Public Administration in Emergency

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<sup>42</sup> Kitti Jayangakula, "Current International Legal Issues: Thailand," in *Asian Yearbook of International Law, Volume 23 (2017)* (Brill Nijhoff, 2019).

<sup>43</sup> By Thanapat Chatinakrob, *Legal Frameworks and Accountability in Southern Thailand*, vol. 172, no. 172 (2025).

<sup>44</sup> Slavko et al., "Protection of Journalists under International Humanitarian Law: Modern Challenges for Freedom of Media under Martial Law."

Situation, B.E. 2548 gives the government broad powers to declare a state of emergency and impose extraordinary measures.<sup>45</sup> This law allows for restrictions on freedom of expression, media control, as well as the detention of individuals without normal judicial process. In practice, this law is often used in the context of internal conflict and national security issues.

In the Cambodia-Thailand armed conflict, the implementation of Emergency Decree 2005 reinforced state control over journalistic information and activities. Journalists reporting on military developments in the border region faced strict accreditation requirements, restrictions on movement, and the risk of detention if deemed to be in breach of emergency provisions. These restrictions are often applied broadly and are not always accompanied by individualised assessments of the security risks posed by journalistic activities. As a result, they potentially go beyond the principles of necessity and proportionality as set out in international law. Another dimension of the implementation of journalist protection in Thailand relates to the coverage and distribution of information through digital media. In this regard, the Computer Crime Act, B.E. 2550 is a very relevant legal instrument. It regulates cybercrime and the use of computer systems, but in practice it is often used to crack down on online content deemed a threat to national security or public order.<sup>46</sup> For journalists using digital platforms to report on armed conflict, the existence of this law adds a significant layer of legal risk. Digital coverage of troop movements, border conditions or military incidents in the Cambodia-Thailand conflict could easily be categorised as a violation of the Computer Crime Act 2007. This shows that the risks faced by journalists in Thailand are not only physical due to armed conflict, but also legal through cyber law enforcement mechanisms. From the standpoint of international obligations, the use of these laws to restrict journalistic work must be strictly assessed so as not to erode the protections guaranteed to journalists as civilians.

The combination of the Constitution 2017, Martial Law Act 1914, Emergency Decree 2005, and Computer Crime Act 2007 shows that Thailand's national legal framework places a high priority on national security, often at the expense of protecting press freedom. Although the state formally recognises its international obligations to protect journalists, the implementation of national laws tends to place journalists in a vulnerable position, especially in situations of armed conflict and military tension. Accountability is a crucial issue in assessing the implementation of journalist protection in Thailand. While there are formal mechanisms in place to investigate allegations of abuses by security forces, these often sit within the military or executive structures. This raises doubts about the independence and effectiveness of investigations. In many cases, allegations of

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<sup>45</sup> Teeradej Narattharaksa and Kanida Nikky Narattharaksa, "A Study on Government Laws and Regulations That Do Not Facilitate Public Access to Drugs and Vaccines during Public Health Emergency.," *Available at SSRN 4438714* 5 (2023).

<sup>46</sup> Team Legal Analysis, "Thailand : Computer Crime Act, 2017," in *Free Word Centre*, no. January (London, 2017).

intimidation, violence or arbitrary detention of journalists do not result in clear accountability, thus reinforcing a culture of impunity.<sup>47</sup>

In the context of international law, this lack of accountability has serious implications for state responsibility. Failure to investigate and prosecute abuses against journalists can be viewed as a continuing violation of international obligations to protect civilians. In the Cambodia-Thailand conflict, this demonstrates how the protections guaranteed by international humanitarian law can be significantly undermined by security-orientated domestic practices. The practical impact of the legal framework and implementation practices is a chilling effect on press freedom. Journalists covering border conflicts face a difficult choice between performing their professional duties and maintaining personal safety and legal freedoms. Access restrictions, risk of detention and threat of criminalisation encourage journalists to self-censor or avoid covering sensitive issues. As a result, the public loses access to accurate and independent information about armed conflicts in which the country is involved. Thus, an analysis of Thailand's implementation of journalist protection at the national level shows that the main challenges lie in the dominance of the security regime and weak accountability mechanisms. Although Thailand has recognised its international obligations, the application of national law through the Martial Law Act 1914, Emergency Decree 2005, and Computer Crime Act 2007 often erodes the protections that should be afforded to journalists as civilians. In terms of international humanitarian law, this situation highlights the importance of aligning emergency laws and national security policies with journalist protection standards. Without structural reforms and strengthened accountability, the protection of journalists in Thailand in the context of the Cambodia-Thailand armed conflict will remain vulnerable and ineffective. The Committee to Protect Journalists (CPJ) does primarily functions as a supporting actor that plays an important role in implementing and strengthening the effectiveness of international humanitarian law norms.<sup>48</sup> International humanitarian law has established that journalists performing professional duties in areas of armed conflict are treated as civilians and entitled to protection as long as they are not directly participating in hostilities. However, the effectiveness of this norm depends on state practice, monitoring mechanisms and international pressure to fulfil the protection obligation.

In this framework, the Committee to Protect Journalists contributes by providing a factual and empirical mechanism that complements the international legal framework. Through systematic documentation of killings, detentions, intimidation, and restrictions against journalists in conflict zones, CPJ helps identify patterns of violations of the civilian

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<sup>47</sup> Benny Teh Cheng Guan, "Digitalization and Human Security in Southeast Asia: Challenges, Approaches, and Policy Considerations," in *Security Development and Sustainability in Asia IN ASIA: Volume 3: Environment, Sustainability and Human Security: Volume 3: Environment, Sustainability and Human Security* (World Scientific, 2023).

<sup>48</sup> Gabriele Chlevickaite and Maarten Bolhuis, *Research Study on an International Investigative Task Force on Crimes against Journalists*, 2024.

protection principles of IHL. CPJ data and reports are often used by United Nations bodies, international organisations, and the academic community as supporting material to assess a state's compliance with its international obligations, particularly its due diligence obligations to prevent, investigate, and punish abuses against journalists.<sup>49</sup> CPJ's role can thus be understood as a bridge between international legal norms and practice on the ground. CPJ strengthens the protection of journalists not by creating new rules, but by facilitating the enforcement of existing norms through advocacy, evidence-based reporting and raising international awareness of impunity for crimes against journalists.<sup>50</sup> Within the framework of international humanitarian law, such contributions are important because they help ensure that the protection of journalists as civilians does not stop at the normative level but gains the factual and political support necessary for effective implementation in armed conflicts.

Nationally, professional organisations of journalists in states parties to conflict also play an important role as protection ecosystems that complement state obligations under international humanitarian law. In Cambodia, the Cambodian Journalists Alliance Association (CamboJA)<sup>51</sup> serves as a membership network of journalists and media workers that strengthens the capacity of the profession through advocacy, community support, and strengthening journalistic safety standards. Such a role is relevant in the context of armed conflict as it helps bridge international norms which position journalists as civilians who must be respected and protected with practical needs on the ground, such as mitigating risks of violence, intimidation, and restrictions on access to information. In Thailand, the role of media professional organisations is also visible through the Thai Journalists Association (TJA), which explicitly positions itself to promote and protect the rights and freedoms of media workers.<sup>52</sup> In addition, the ecosystem of support for international journalists and war correspondents is also facilitated by the Foreign Correspondents' Club of Thailand (FCCT) as a community space and discussion forum that affirms the value of freedom of expression and diversity of voices. Although organisations such as TJA and FCCT are not norm breakers of IHL, their existence is important to strengthen protection practices: from strengthening professionalism, increasing safety precautions, to establishing solidarity networks that can suppress impunity when violations against journalists occur in conflict-prone situations. Thus, including journalist organisations in Cambodia and Thailand in the analysis does not shift the focus of the article away from international law, but rather

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<sup>49</sup> Mayuri Mukherjee, "Understanding Transnational Advocacy Groups: A Case Study of the Effectiveness of the Committee to Protect Journalists in the Promotion of Press Freedom in the Philippines," preprint, West Virginia University, 2011.

<sup>50</sup> Leticia A Adams, "An Exploratory Study of the Effectiveness of the CPJ in Defending Journalists and Press Freedom Ideals in Latin America: Transnational Advocacy in the International Sphere" (Brigham Young University-Provo, 2004).

<sup>51</sup> Jordi Calvet Pagès, "Independent Journalism Under Hegemonic Authoritarianism in Cambodia: A Struggle against Legal Harassment, Irrelevance and Bankruptcy," preprint, 2025.

<sup>52</sup> Ubobrat Siriyuvasak, "Overview Freedom of Expression in Thailand," *Asian Communication Handbook, Singapore: Asian Media Information and Communication Centre (AMIC) and School of Communication Studies, Nanyang Technological University*, 2003.

clarifies the implementation link between state obligations and protection practices at the professional level. Conceptually, these organisations can be understood as supporting actors that strengthen the effectiveness of norms for the protection of civilians (including journalists) through advocacy, capacity building, and strengthening safety standards. This approach also helps to show that the fulfilment of journalists' protection obligations in conflict depends not only on the declaration of norms, but also on the socio-professional infrastructure that enables them to be implemented on the ground.

### **3. The Role and Limitations of ASEAN in Protecting Journalists in Inter-State Conflicts**

As a regional organisation, ASEAN plays an important role in maintaining stability and security in the Southeast Asian region. However, this role is limited by the principle of non-intervention enshrined in the 2007 ASEAN Charter. This principle affirms respect for the sovereignty and territorial integrity of member states, which often limits ASEAN's ability to engage directly in inter-state conflicts, including issues of human rights protection.<sup>53</sup> In both the Cambodia–Thailand conflict, ASEAN continued to show its involvement through diplomatic and mediation efforts, especially when Indonesia served as ASEAN Chair. These efforts reflect the quiet diplomacy approach that characterises ASEAN in handling conflicts between its member states. However, this approach focuses more on de-escalating conflicts and maintaining regional stability than on the specific protection of journalists and civilians.

ASEAN's limitations in protecting journalists are also evident in the absence of binding regional law enforcement mechanisms.<sup>54</sup> Unlike other regional systems such as Europe, ASEAN does not yet have a regional human rights court that can accept individual complaints. As a result, the protection of journalists in inter-state conflicts depends more on the national commitments of each country and international pressure than on effective regional mechanisms.

Nevertheless, ASEAN still has the potential to contribute to strengthening the protection of journalists through the development of regional norms and cooperation with international organisations. For example, ASEAN can strengthen the mandate of the ASEAN Intergovernmental Commission on Human Rights (AICHR) to monitor the human rights situation in inter-state conflicts and encourage member states to comply with international standards. Such normative efforts are important to bridge the gap between the principle of non-intervention and the need for human rights protection in the region. Thus, ASEAN's role in the Cambodia–Thailand conflict reveals a paradox between its commitment to regional stability and its limitations in protecting journalists. This

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<sup>53</sup> Jittima Wongwuttivat and Adtha Lawanna, "The Digital Thailand Strategy and the ASEAN Community," *The Electronic Journal of Information Systems in Developing Countries* 84, no. 3 (2018): e12024, <https://doi.org/10.1002/isd2.12024>.

<sup>54</sup> Jacob Mahlangu, "ASEAN and Its Limitations in Addressing Human Rights Issues," in *University of Pretoria* (Authorea, 2025).

challenge underscores the need to strengthen regional mechanisms that are more responsive to human rights issues, without neglecting the principle of member state sovereignty. In practice, ASEAN's role in the Cambodia–Thailand conflict shows a significant gap between normative commitments and implementation capacity. Although the ASEAN Charter affirms the goal of maintaining regional peace and stability, ASEAN's operational mechanisms for responding to armed conflicts between countries are still very limited. ASEAN's mediation and facilitation efforts, particularly through Indonesia's leadership as ASEAN Chair during the period of conflict escalation, were more oriented towards preventing open conflict than towards the specific protection of civilians and journalists.

In terms of implementation, ASEAN does not yet have standard procedures or regional protocols that specifically regulate the protection of journalists in armed conflicts.<sup>55</sup> The absence of regional operational standards means that the protection of journalists is entirely dependent on the national policies of each member state. This situation differs from other regions that have developed regional guidelines or special monitoring mechanisms for the safety of journalists. The ASEAN Intergovernmental Commission on Human Rights (AICHR) has a normative mandate to promote and protect human rights, but in practice, the AICHR's authority is very limited to promotion and dialogue. The AICHR does not have investigative powers or individual complaint mechanisms, so it cannot directly respond to cases of violence against journalists in areas of inter state conflict. These limitations structurally weaken the implementation of human rights protection in the ASEAN region. However, ASEAN still has scope for implementation that can be developed without violating the principle of non-interference. One such area is the strengthening of normative cooperation through the adoption of regional guidelines on the safety of journalists, joint training for the security forces of member states, and mechanisms for the exchange of information on best practices for the protection of civilians in conflict. This approach is in line with the concept of non-interference with flexibility that is beginning to develop in contemporary ASEAN practice.

Thus, ASEAN's role in protecting journalists during the Cambodian–Thailand conflict remains indirect and normative. ASEAN's main challenge lies in its institutional and political limitations, but this does not mean that the organisation has no role to play at all.<sup>56</sup> Strengthening soft law instruments and regional technical cooperation could be realistic steps to bridge the gap between the principle of non-intervention and the need to protect human rights in the region. Analyzing the protection of journalists in armed conflict zones requires more than just a legal analysis of norms and precedents; it must also be supplemented with argumentative and fact-based academic assessments. The author's scientific opinion in this paper is based on applicable international humanitarian law instruments, international institutional practices, and the national

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<sup>55</sup> ASEAN Secretariat, *ASEAN Political-Security Community Blueprint 2025* (Jakarta, 2025).

<sup>56</sup> Usaimeen Waenalai, "Thailand's Role in ASEAN's Preventive Diplomacy" (Chulalongkorn University, 2023).

legal frameworks of the countries concerned. With this approach, the arguments presented are not intended as normative assumptions, but rather as legal assessments derived from positive norms and verifiable practices.

To avoid information bias, this paper consistently distinguishes between legal provisions, state practices, and the author's normative evaluations. Every claim regarding state obligations and the level of protection for journalists is supported by accountable sources, such as international agreements, United Nations resolutions, reports from international organisations, and relevant national legal provisions. This approach allows for a balanced analysis between the perspective of international law and the reality of implementation at the national level, without generalising or simplifying the complexity of the conflict situation. Based on this framework, the author's scientific opinion asserts that the main challenge to the protection of journalists does not lie in the absence of international legal norms, but in the weak implementation and accountability mechanisms at the national and regional levels. Therefore, strengthening the protection of journalists requires not only reaffirming international legal obligations, but also consistency in state practices, increased due diligence, and a more active role for regional mechanisms such as ASEAN. This conclusion is presented as the result of a measured and source-based legal analysis, not merely as a normative preference.

### **C. Conclusion**

The protection of human rights for journalists in the armed conflict between Cambodia and Thailand is clearly regulated in international humanitarian law, particularly the 1949 Geneva Convention and the 1977 Additional Protocol I. Journalists carrying out their journalistic duties in areas of armed conflict between countries are positioned as civilians as long as they are not directly involved in hostilities, and are therefore entitled to protection from attack, arbitrary detention and inhumane treatment. The Cambodia–Thailand armed conflict, which has been confirmed to fall within the realm of international law through the International Court of Justice's ruling on Preah Vihear Temple, places the obligation to protect journalists directly on both countries as parties to the conflict, without this obligation being set aside on the grounds of sovereignty or domestic affairs.

However, this study shows that the main challenge in protecting journalists does not lie in the absence of legal norms, but rather in the weak implementation and accountability of the state and the limitations of regional mechanisms. Cambodia and Thailand still face challenges in translating international legal obligations into military operational practices and security policies that guarantee the safety of journalists in the field. At the regional level, although ASEAN plays a role in conflict mediation efforts, it does not yet have effective and binding mechanisms for the protection of journalists in inter-state conflicts. Therefore, the effectiveness of journalist protection in armed conflicts in the Southeast Asian region is highly dependent on the commitment of the parties to the

conflict to consistently uphold international humanitarian law and on ASEAN's ability to develop normative instruments and regional cooperation that are more responsive to the protection of human rights. Based on the analysis, this study asserts that while the obligation to protect journalists as civilians is clear in international humanitarian law, weak national implementation and limited regional mechanisms mean that such protection has not been effective in practice. Answering the research problem, this article suggests that strengthening the protection of journalists requires concrete steps such as adjusting national laws - particularly security and emergency laws - to align with international obligations, strengthening accountability mechanisms for violations, and developing more operational regional guidelines within the ASEAN framework. For future research, comparative studies with interstate conflicts in other regions, empirical research on journalist safety in Southeast Asia, and evaluation of newly developed regional and international mechanisms are important to deepen the understanding of the relationship between legal norms, state practices, and the effectiveness of journalist protection in armed conflict.

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