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Focus

**The Guardian, 26 March
2003**

**“TV Stations can be
targeted”**

Geoff Hoon: “Television stations are not directly targeted in that sense, [but] they are part of the military command and control structures and certainly they are dealt with as other parts of the communications system that allows the military to operate in and around Baghdad are similarly dealt with.”

**Committee Established to
Review the NATO
Bombing Campaign
Against the FRY
13 June 2000**

“[...] the attack appears to have been justified by NATO as part of a more general attack aimed at disrupting the FRY Command, Control and Communications network, the nerve centre and apparatus that keeps Milosević in power, and also as an attempt to dismantle the FRY propaganda machinery. Insofar as the attack actually was aimed at disrupting the communications network, it was legally acceptable.”

Targeting TV stations: shutting up Saddam Hussein?

Defence Secretary Hoon confirmed on March 26, 2003 that coalition forces had attacked the TV station in Baghdad. He argued that since television stations were part of the military command, control and communication (3C) structures that enable Iraqi armed forces to launch military operations as well as to defend themselves, these stations were a legitimate target. In fact, the Iraqi television was only prevented from broadcasting for a few hours as it managed, on the next day, to be on air again.

International humanitarian law is very clear in this regard. According to article 52(2) of Additional Protocol I and to international customary law, legitimate targets in international armed conflict are “military objectives [...] which by their nature, location, purpose or use make an effective contribution to military action”. The attacker needs to prove at the moment he decides to destroy a certain objective that this object makes an “effective contribution to military action”.

The burden is twofold: first the object **contributes to the military operations** and second this contribution is “**effective**”. The mere broadcasting of information supporting the Iraqi government cannot be considered as contributing to the military operations. The television stations cannot be regarded as *per se* military objectives even if their destruction would be beneficial to a regime change. As pointed out by International Military Tribunal of Nuremberg in the case of Hans Fritzsche, broadcasting of propaganda supportive of the war effort in order to arouse popular sentiment in favour of German officials was not considered as unlawful *per se*. This means that to support the Iraqi population is not automatically tantamount to contributing to the military operations. The Americans today need to prove that the television stations were used to help the Iraqi regimes in its military operations.

Second, a general reference to the fact that the television stations were part of a 3C structure is neither sufficient nor plausible under the present circumstances in Baghdad. More evidence than just the potential use of the television stations as 3C structure needs to be shown. Such evidence is missing also maybe because the international focus was on the dead US soldiers and US prisoners of war who were shown on Iraqi TV.

During the bombing of Kosovo in 1998, NATO destroyed the headquarters of the Serbian television in Belgrade. As a result, there were mixed feelings, mainly due to the lack of clarity in the statements of the NATO officials and the governments who had taken part in the campaign. While some argued that an end had to be put to the Serbian propaganda machinery that led to ethnic cleansing in Kosovo, others contended that it was part of a planned attack aimed at disrupting and degrading the 3C network. The Committee established to review the NATO bombing campaign against the federal Republic of Yugoslavia stated in its final report to the prosecutor that “insofar as the attack actually was aimed at disrupting the communications network, it was legally acceptable”. TV and radio stations may be legitimate targets under certain conditions.

The point of concern is that it is hardly possible when looking at a case to find out whether the attacker indeed targeted a television or radio transmitter because it believed that it did make an effective contribution to the military operations or simply because it wished to put on hold the propaganda apparatus.

Responsibility

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