



Rt Hon Liz Truss MP
Secretary of State for Foreign, Commonwealth and Development Affairs of the UK
Foreign, Commonwealth and Development Office
London SW1A 2AH

17 May 2022

Dear Secretary of State,

Re: The UK Government fully respond to the fatal shooting of journalist Shireen Abu Akleh, with particular focus on the necessity of an effective investigation

As lawyers committed to the protection and promotion of Palestinian human rights, we write to request that the UK Government closely monitors the Israeli authorities investigation into the fatal shooting of Al Jazeera journalist Shireen Abu Akleh on 11 May 2022. It is imperative that there is full legal accountability for this alarming incident, and that the press can continue to do their work without fear of unlawful targeting.

Shireen Abu Akleh was shot in the head whilst covering Israeli army raids in the city of Jenin in the occupied West Bank. She was wearing a press vest and helmet and was standing with other journalists when she was killed. Also targeted was another Al Jazeera journalist, Ali al-Samoudi, who was wounded by a bullet in the back but is reported to be in a stable condition.

Israel's Defence Minister Benny Gantz stated that a full-scale investigation would be launched into this incident. We remain deeply concerned in general terms, based on clear, consistent and compelling evidence, that military investigation processes carried out by the Israeli authorities act as a whitewashing mechanism. We request the UK Government to carry out a due assessment on whether previous Israeli military investigations into alleged serious crimes have complied with the UK Government's stated criteria for an effective investigation. Moreover, we firmly encourage the UK Government to properly reconsider and withdraw its opposition to the International Criminal Court's investigation into the Situation of Palestine.

Corroborating eyewitness accounts on the killing of Shireen Abu Akleh

Eyewitness accounts have been provided by other journalists who were present when Shireen Abu Akleh was fatally shot, including Al-Samoudi who was also targeted. These accounts indicate that the shots came from Israeli forces, directly targeting the journalists, and that there were no Palestinian fighters present. The account provided by Al-Samoudi indicates that the journalists were shot at whilst in the course of their legitimate conduct of reporting on an operation in Jenin. They were shot at without warning, and without any prior request for them to leave or to stop filming. The account of Shatha Hanaysha, a local journalist who was standing next to Shireen Abu Akleh when she was shot, provides the following detail:

“We were four journalists, we were all wearing vests, all wearing helmets... the occupation army did not stop firing even after she collapsed. I couldn't even extend my arm to pull her because of the shots being fired. The army was adamant on shooting to kill.”



Recurrent use of unlawful excessive force against Palestinian journalists

The recurrent use of unlawful excessive force against journalists by Israel's forces was investigated by the UN Commission of Inquiry into the 2018 Gaza Protests. Its [report](#) found that between 30 March and 31 December 2018, Israel's military “*killed two journalists and injured 39 with live ammunition, 5 with shrapnel, 32 with tear gas canisters direct hits, and 3 with rubber coated bullets as they covered the Great March of Return demonstrations*”.

The Commission of Inquiry concluded: “*As civilians, members of the press – journalists, photojournalists and photographers are protected under international law. Despite this, based on its analysis, the Commission found reasonable grounds to believe that Israeli snipers shot journalists intentionally, despite seeing that they were clearly marked as such*”.

The right to life, as recognised and protected by the International Covenant on Civil and Political Rights (ICCPR), is a fundamental human right. Article 6 of the ICCPR provides that every human being has the inherent right to life, that this right shall be protected by law; and that no one shall be arbitrarily deprived of his/her life. The Office of the UN High Commissioner for Human Rights (OHCHR) has [held](#) that, “*threats and attacks against journalists violate a wide range of human rights norms established in both treaty and customary international law*”, including the right to life. It also emphasised that “*the right to freedom of expression, an individual right and a collective right held by society as a whole, may also be severely undermined.*”

Lack of effective investigations; provision of effective impunity

Israel's military investigative mechanism has previously faced firm and credible critique for its lack of genuineness. It has repeatedly been described as a “whitewashing” mechanism by the pre-eminent Israeli human rights organisation, B'Tselem.

Recognised international standards hold that an effective investigation is required to be independent, impartial, thorough, prompt and have fair trial guarantees. In so far as possible such an investigation should also be transparent. However, [LPHR's recent assessment](#) of the Israeli military authorities investigation into alleged international crimes committed against civilians during the 'Great March of Return' protests, presents a factual picture raising clear and serious concern that Israel's military investigation system does not comply with this criteria, nor with the UK Government's own stated criteria for an effective investigation.

In summary, we found that the system lacks independence and impartiality given the existence of apparent material conflicts of interest and that the non-military layers of appeal do not provide real independent oversight. The investigation process further lacks promptness as over half of fatality cases are still under initial assessment, supervisory review, or criminal investigation, according to data released nearly four years after the start of the Great March of Return. We also found there is a lack of transparency because there has been no public disclosure of material details relating to decision-making in specific cases; the military roles of Fact Finding Assessment Mechanism personnel; and the open-fire regulations.



In addition, we found that Israel's military investigation process into alleged international crimes committed by its forces during the Great March of Return lacks thoroughness, due to:

- only a few criminal investigations have been opened contrary to the substantial findings of the UN independent Commission of Inquiry;
- injury cases are reportedly not subject to specific assessment or criminal investigation;
- there has been no investigation into the lawyers/civilian superiors/commanders who drafted, approved and supervised the implementation of the open-fire regulations that governed the actions of soldiers against protesters during the Great March of Return;
- there is an overarching deficiency of the materially limited framework of Israel's domestic law for prosecuting war crimes and crimes against humanity.

As a result, LPHR's concluding view in our March 2022 assessment was: “[s]olely relying on Israel's military investigation system to carry out effective military investigations amounts in practice to promoting effective impunity, and the associated greater likelihood of recurrent violations”.

The fatal shooting of Shireen Abu Akleh is a foreseeable recurrent violation, stemming from the absence of effective investigations. LPHR believes there is a substantial risk that the investigation by Israel's authorities will fail to lead to full legal accountability for her killing.

Requested actions for the UK Government

We request that the UK Government urgently consider taking the following immediate steps:

1. Closely monitor whether Israel's authorities conduct a genuine investigation into the killing of Shireen Abu Akleh and the injuring of her colleague Ali al-Samoudi, and that criminal prosecutions are pursued with appropriate charges against the members of the Israeli military who were involved.
2. Urge Israeli authorities to circulate public and internal messaging clearly informing all of its military and armed police that excessive use of force and firearms against journalists shall lead to the imposition of individual criminal responsibility.
3. Carry out a due assessment on whether previous Israeli military investigations have complied with UK Government criteria for an effective investigation.
4. Properly reconsider and withdraw its opposition to the International Criminal Court's investigation into the Situation of Palestine.

We would be grateful for your careful consideration of this urgent letter and for your reply.

Yours sincerely,

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Lawyers for Palestinian Human Rights