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Palestine: ICC case filed over systematic targeting of Palestinian journalists

Legal submissions alleging that Israel's systematic targeting of journalists working in Palestine and its failure to properly investigate killings of media workers amount to war crimes, have been submitted to the International Criminal Court (ICC).

The International Federation of Journalists (IFJ), the Palestinian Journalists' Syndicate (PJS) and the International Centre of Justice for Palestinians (ICJP) working with leading human rights lawyers from Bindmans LLP and Doughty Street Chambers submitted the formal complaint to the ICC in early April 2022.

The ICC's Prosecutor's Office (OPT) formally acknowledged receipt of the complaint on 25 April 2022. The complaint which alleges war crimes against journalists by Israel's security forces will now be considered by the OPT and could lead to a formal investigation and prosecution.

The complaint details the systematic targeting of Palestinian journalists on behalf of four named victims – Ahmed Abu Hussein, Yaser Murtaja, Muath Amarneh and Nedal Eshtayeh – who were killed or maimed by Israeli snipers while covering demonstrations in Gaza. All were wearing clearly marked PRESS vests at the time they were shot.

The complaint also details the targeting of media and bombing of the Al-Shorouk and Al-Jawhara Towers in Gaza City in May 2021 including the cases of *Alam News*, *Al Hayat Newspapers*, *Mayadeen Media*, *Al Bawaba 24* and others.

The IFJ has repeatedly condemned the deliberate targeting of journalists and media facilities by Israel. At least 46 journalists have been killed since 2000 and no one has been held to account.

In December 2020, the IFJ and PJS submitted complaints to the UN Special Rapporteurs (UNSR) setting out how the systematic targeting of journalists working in Palestine and its failure to properly investigate killings of media workers violates the right to life and freedom of expression, is in breach of international humanitarian law, and may amount to war crimes.

The UNSR complaint also detailed the discrimination, violations of freedom of movement and restrictions on press accreditation suffered by Palestinian journalists.

With ongoing impunity, the targeting has continued. In May 2021, Israel bombed media facilities in Gaza. At least two journalists were killed and another 100 injured in separate incidents.

IFJ General Secretary Anthony Bellanger said:

“The targeting of journalists and media organisations in Palestine violates the right to life and freedom of expression. These crimes must be fully investigated. This systematic targeting must stop. We are proud to work with PJS, ICJP, Bindmans and Doughty Street Chambers to seek to ensure those responsible for crimes against journalists are held accountable.”

Legal Counsel for the group, Jennifer Robinson, and Tatyana Eatwell, of Doughty Street Chambers said:

“The cases communicated to the ICC Prosecutor are emblematic of the ongoing, systematic attacks and use of lethal force against journalists and media organisations in Palestine by the Israeli security services.

These journalists and media organisations were targeted and attacked in circumstances that give rise to strong grounds to suspect that war crimes and crimes against humanity have been committed.

In the light of the continuing impunity enjoyed by the perpetrators of these attacks, the victims now call upon the ICC Prosecutor to exercise his jurisdiction and authority to investigate and to act against impunity, and in doing so, to communicate to the international community at large that journalists working on the frontline in situations of armed conflict, crisis and political upheaval are not fair game. “

Tayab Ali, Director at ICJP and Partner at Bindmans LLP said:

“A free press is the cornerstone of a democracy. The targeting of journalists in conflict zones anywhere in the world is unacceptable and must bring severe consequences for those that try to hide their crimes and violations by killing or maiming journalists.

On 5 February 2021 the ICC Pre-Trial Chamber accepted that it has jurisdiction over the situation in Gaza, West Bank and East Jerusalem. We are confident that the ICC will investigate and prosecute the perpetrators of the crimes alleged in our complaint.

There could not be a more important time than now for the ICC and international community to send a clear signal to States, that further their own interests through war crimes, that they will not have impunity but will instead be swiftly held to account for their violations”.

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