

Palestinian Outrage After U.S. Says Journalist Was Killed by Accident

The U.S. government said Shireen Abu Akleh was likely hit by a bullet fired from Israeli military lines in the occupied West Bank, but unintentionally, fueling claims that Washington isn't impartial.



Colleagues and friends react as the Palestinian flag-draped body of the veteran Al Jazeera journalist Shireen Abu Akleh is brought to the news channel's office in the West Bank city of Ramallah in May.

By Patrick Kingsley

July 5, 2022

JERUSALEM — Palestinians expressed disappointment and anger at the United States on Tuesday, after Washington said it had concluded that Shireen Abu Akleh, a Palestinian-American journalist killed while reporting in the occupied West Bank, was likely shot unintentionally by a bullet fired from Israeli military lines.

The American conclusion renewed Palestinian claims that the United States does not act as a fair broker in the Israeli-Palestinian conflict, days ahead of a visit to the region by President Biden, who has not reversed several Trump administration moves that Palestinians deemed harmful to their hopes of independence.

The State Department assessment, released on Monday, contradicted the official Israeli position that Ms. Abu Akleh, a veteran television broadcaster shot dead in the city of Jenin on May 11, might have been hit by either Palestinian or Israeli fire.

But by asserting that she was shot by accident, and that the fatal bullet was too damaged to match it with a specific rifle, the United States also signaled that it did not expect Israel to pursue criminal charges against any particular soldier.

The U.S. conclusions “provided the occupying state with a safe way of evading responsibility for killing Abu Akleh, using flimsy and feeble pretexts,” the Palestinian Authority’s ministry for foreign affairs said in a statement on Tuesday.

The Biden administration said it had acted independently of Israel and had not exonerated Israel of involvement.

For years, Palestinians have questioned Washington’s ability to neutrally mediate the Israeli-Palestinian conflict, citing strong American support for Israel at the United Nations and the size of U.S. financial and military support to Israel, which has cumulatively received more American aid than any other country since World War II.



Palestinian men look at a bullet mark on a tree at the scene where Shireen Abu Akleh was killed during an Israeli raid, in Jenin.

Against that backdrop, the Palestinian Authority, which administers parts of the West Bank, including the city where the shooting occurred, initially ignored weeks of American pressure to share the bullet that had killed Ms. Abu Akleh, 51, with Israeli investigators.

But the authority reversed positions on Saturday, handing over the bullet after U.S. officials had argued that a forensic examination might link the bullet to the rifle that fired it.

The inconclusive findings of the subsequent test, and the American assertion about the accidental nature of the killing, fueled a sense of betrayal among Palestinians, resurfacing charges of pro-Israel bias in Washington.

The last direct peace talks about ending the conflict petered out in 2014, and deep divisions in both Palestinian and Israeli society have obstructed efforts to revive them. But Palestinians argue that Washington does too little to push Israel to return to the negotiating table, or to preserve the feasibility of a Palestinian state.

Ned Price, a spokesman for the State Department, said Tuesday that U.S. investigators had not favored either the Israelis or the Palestinians. He added that the U.S. analysis of the bullet was based on tests by independent foreign experts, not Israeli ballistics specialists.

“Our goal in this was not to please everyone,” Mr. Price said. “Our goal in this was not to please anyone.”

The American intervention came days before a visit by President Biden to Israel and the West Bank, his first as head of state, in which he is expected to avoid making major statements on the Israeli-Palestinian conflict.

It also occurred amid rising Palestinian frustration that the Biden administration has not canceled several moves by President Trump that Palestinians felt damaged efforts to create a Palestinian state.

Despite promising to reopen the U.S. consulate in Jerusalem to the Palestinians, closed under Mr. Trump, the Biden administration has kept it shut following pressure from Israel. The Palestinian mission in Washington, also shuttered under Mr. Trump, remains closed. The Trump administration’s decision to reverse decades of U.S. policy and recognize as legitimate Israeli settlements in the West Bank — considered illegal by most of the world — has not been formally rescinded.

Some Palestinians nevertheless had hoped the Biden administration might at least push Israel to conduct a criminal investigation into Ms. Abu Akleh’s death.

But this week, American officials have suggested that the U.S. government is unlikely to push for an Israeli prosecution. The State Department’s statement on Monday stressed that the U.S. had “no reason to believe” that Ms. Abu Akleh’s killing was “intentional but rather the result of tragic circumstances.”

Mr. Price, the State Department spokesman, said the United States wanted to see “a degree of accountability” for the killing, and for the Israeli Army to introduce additional safeguards for civilians in future raids. But pushed on the question of a criminal prosecution, Mr. Price said the Biden administration is “not going to be prescriptive” about the exact form the Israeli investigation takes.



Ms. Abu Akleh is depicted in a poster at right, near murals of George Floyd, left, a Black American killed by police in Minneapolis in 2020, and Palestinian activist Ahd Tamimi, center, on Israel's separation barrier in the West Bank town of Bethlehem.

The absence of American pressure diminishes the likelihood of criminal charges being pursued against anyone in any forum.

The Israeli Army's advocate general, Yifat Tomer-Yerushalmi, has not ruled out a military prosecution, and has said she will base her decision on the findings of the army's internal investigation. But so far, Maj. Gen. Tomer-Yerushalmi has said that she has yet to be convinced of the need for criminal charges.

"Opening an investigation is warranted when a criminal offense is suspected," she said in a speech on May 23. "In intense combat activity like the activity in Jenin, the death of a person in itself does not automatically raise such suspicion."

The Palestinian Authority, which has accused Israel of intentionally targeting Ms. Abu Akleh, has said it will refer the case to the International Criminal Court.

But such a process could take years, and may never result in a prosecution. I.C.C. prosecutors began a preliminary examination of the situation in the occupied territories in 2015, but did not start a formal investigation until 2021. Seven years after the inquiry began, they have not opened any cases against individual Israelis or Palestinians in connection to crimes in the West Bank, Gaza and East Jerusalem.

Should prosecutors bring a suspect to court on charges of killing Ms. Abu Akleh, the case is likely to center on the question of who was being targeted, and what the shooter believed about the target.

Israeli claims that if a soldier killed her, it was a mistake made while shooting at a Palestinian gunman. But evidence reviewed by The New York Times during a recent monthlong investigation found no evidence of any armed Palestinians near Ms. Abu Akleh when she was shot.

Image



A street sign with Ms. Abu Akleh's name in Ramallah, in the occupied West Bank.

According to international law, fighters in an armed conflict can attack enemy combatants, said Luis Moreno Ocampo, a former chief prosecutor at the I.C.C. “But it is prohibited to intentionally direct attacks against the civilian population,” Mr. Moreno Ocampo said.

“Shireen Abu Akleh was a civilian,” he added. “Did the shooter know that? The investigation should clarify: Was it a mistake? An isolated soldier decision? An order following a plan or a policy adopted by the top authorities?”

Analysis of past investigations by the Israeli military prosecution suggests that few accusations result in court cases. Hundreds of complaints are made against Israeli soldiers every year, but most are closed without extensive investigation, and only a small fraction make it to court, let alone a conviction, according to data compiled by Yesh Din, an Israeli rights group that monitors the occupation of the West Bank.

In 2019 and 2020, the most recent years for which data is available, 2 percent of complaints made by Palestinians about being harmed by Israeli soldiers resulted in prosecution, Yesh Din said. In that time, 49 Palestinians were killed by Israeli security forces in the West Bank, according to data compiled by the United Nations Office for the Coordination of Humanitarian Affairs.

The Israeli government says its army has a robust legal system, holds itself to the highest standards and will continue to investigate Ms. Abu Akleh's killing.

"The professional and moral truth are inseparable from our national resilience," Benny Gantz, Israel's defense minister, said Monday in a statement.

He added, "The defense establishment is committed to uncovering the truth."