PA refers Abu Akleh death to International Criminal Court prosecutors

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By Lazar Berman

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Palestinian Authority Foreign Minister Riad al-Maliki said Monday that the PA had referred Al Jazeera journalist Shireen Abu Akleh’s death to the International Criminal Court’s prosecutor’s office on Saturday.

Abu Akleh was killed as she was covering a gunfight between Israeli forces and Palestinian gunmen in Jenin on May 11. The next day, echoing calls by other Palestinian officials, PA President Mahmoud Abbas vowed that the matter would be taken to The Hague.

Defense Ministry Benny Gantz, who supports strengthening the Palestinian Authority and has met several times with Abbas, said on Sunday that referring the case to the ICC would hurt ties between Jerusalem and Ramallah.

Also Monday, speaking at the Israel Bar Association’s annual conference in Eilat, the IDF’s military advocate general said the Palestinians were preventing a proper investigation of the incident by not handing over to Israel the bullet that killed Abu Akleh. Israel has offered to cooperate with the Palestinians in the investigation, alongside an international authority, but the Palestinians have refused, saying they do not trust Israel.

“At this stage, it is unclear which side fired the round that struck the journalist,” said Gen. Yifat Tomer-Yerushalmi, stressing the IDF’s responsibility to protect freedom of the press and prevent harm to journalists.

“The best way to determine how the journalist died is to check the bullet that was found in her body through a professional ballistic investigation,” she continued, saying that the PA refuses to provide Israel with the round. “Without the possibility of investigation of the bullet, doubt remains at this time.”

Even without the round, the IDF will continue to try to determine how Abu Akleh was killed, she said.

Tomer-Yerushalmi said that, according to the information the IDF currently has, dozens of Palestinian gunmen fired hundreds of rounds from multiple locations during the firefight. IDF troops were in the restive West Bank city to crack down on terror groups after a string of deadly attacks in Israel, several of which were carried out by Jenin residents.

Tomer-Yerushalmi stressed that a formal investigation is opened up by her office only when there is suspicion of a crime being committed, and the death of a noncombatant in and of itself is not reason enough to automatically suspect a crime.

“A final decision will be made at the end of the military inquiry,” she said.

Last week, the Haaretz daily reported that Military Police would not be opening an investigation into Abu Akleh’s killing, as prosecutors do not believe there is suspicion of criminal activity by the soldiers.

A military official who briefed reporters last week said that the IDF [has identified](https://www.timesofisrael.com/idf-we-identified-gun-possibly-used-in-reporters-killing-need-bullet-to-verify/) the IDF rifle that may have fired the shot that killed Abu Akleh. However, he said that the army still needs the bullet in the Palestinian Authority’s possession for confirmation.

On Friday, 57 Democrats in the US House of Representatives [called on](https://www.timesofisrael.com/57-house-dems-call-for-us-probe-into-killing-of-al-jazeera-journalist/https:/www.timesofisrael.com/57-house-dems-call-for-us-probe-into-killing-of-al-jazeera-journalist/) the State Department and the FBI to launch an investigation into  Abu Akleh’s death.

The letter was quickly condemned by Israel’s ambassador to the US, who argued that it ignored the context of Abu Akleh’s killing and implied that Israel was to blame.

The State Department has already condemned Abu Akleh’s killing and has called for an investigation, but spokesman Ned Price said the US believes that Israel has “the wherewithal and the capabilities to conduct a thorough, comprehensive” probe, suggesting that a separate investigation would not be necessary.

Abu Akleh, a Palestinian-American 25-year veteran of the Al Jazeera news outlet, was a household name across the Arab world, known for documenting Palestinian life under Israeli rule.

Her killing drew condemnations and statements of concern from around the world.

At her funeral in Jerusalem, police charged pallbearers and hit them with batons, sparking fury and condemnation from Palestinians and other countries.