



## Israel's Continued, Deliberate Targeting of Journalists in Gaza Warrants Investigation as Crime Against Humanity of Persecution

Home \ Advocacy \ International Advocacy \ Gaza

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Updated translation of a joint statement, originally [published](#) on 7 January 2024. The Israeli occupying forces (IOF) continue to kill and target Palestinian journalists in Gaza. In an attack that occurred on 7 January 2024, two journalists and their driver were killed and four others injured. Since we originally published this statement in Arabic, a number of other journalists were killed. Three months into Israel's

genocidal war on Gaza, international leaders, especially those of western states, continue to show their support for Israel, completely disregarding the fact that Palestinians are being murdered on a daily basis. Based on our initial field documentation, at around 11:00 AM on Sunday 7 January 2024, an IOF drone fired a missile that struck near a group of journalists filming outside a house that was sheltering displaced people in Al-Naser village, north of Rafah, and which had already been targeted previously on Saturday evening. The strike on Sunday wounded Al-Jazeera journalist Ahmad Al-Borsh and his colleague, cameraman Amer Riyad Abu Amr. Both sustained injuries from shrapnel in various parts of their bodies. Other journalists at the location were not injured at the time. After around 15 minutes, while transporting the injured journalists in a Palestinian Red Crescent Society (PRCS) ambulance and driving on Omar Bin Al-Khattab street, north of Rafah city, an Israeli drone fired a missile at a civilian car (a Skoda) that was driving behind the ambulance. The attack killed journalist Hamza Wael Hamdan Al-Dahdouh, 28 years old, who worked as a cameraman for the Al-Jazeera channel, and Mustafa Said Zuhdi Thuraya, 27 years old, a freelance journalist. Two other journalists were seriously wounded in the attack: Mohammad Al-Qahwaji and Hazem Rajab. The cameraman of Al-Jazeera Mubasher (Live), Amer Riyad Abu Amr, aged 40, told our researchers: "I was in a house belonging to Saleh Abu Al-Naja in Al-Nassr village city, north of

*Rafah, alongside my colleague Ahmad Al-Borsh, to film the aftermath of the destruction of an Israeli aerial attack on the house. I saw other colleagues there, including Hamza Al-Dahdouh and Mustafa Thuraya. Minutes after speaking to them, an Israeli warplane fired a missile that struck close to us, injuring me and my colleague Ahmad Al-Borsh with shrapnel in several parts of our bodies. We got into an ambulance that was in the area, which already had the bodies of the two Palestinians killed in the previous attack on the house. The ambulance drove in the direction of Al-Najjar hospital in Rafah city. On the ambulance's way to the hospital, an Israeli drone fired a missile at a civilian car, a Skoda, that was driving behind us. I saw it when the ambulance had stopped and I stepped outside, suspecting that the two journalists Hamza Al-Dahdouh and Mustafa Thuraya had been inside the car. Then, the ambulance continued its way to the Al-Najjar Hospital, and minutes after arriving at the hospital, the bodies of those two journalists, alongside the body of Qusai Mohammad Musbah Salem, the driver of the car that was hit, arrived."*

Our organisations assert that Israel, the occupying power, has systematically attacked journalists, killed them, destroyed their institutions, threatened them and killed many of their family members, including the family of Hamza Al-Dahdouh, whose mother and siblings were killed alongside other family members in an Israeli attack on a house to which they had been displaced back on 25 October 2023. Hamza's father, Wael Al-Dahdouh, Chief of Al-Jazeera's Office in Gaza, was also injured on 15 December 2023, and lost a colleague, [Samer Abu Daqqa](#), in the same attack. We, the Palestinian Centre for Human Rights (PCHR), Al Mezan, and Al-Haq, maintain that the Israeli authorities have continuously and intentionally targeted journalists since the start of the military campaign against Gaza. These widespread attacks are aimed at normalising the targeting of journalists and their institutions and turning them into legitimate and permissible targets. We believe that this is part of a systematic policy aimed at intimidating journalists and silencing their voices in order to obscure and hide the crimes and atrocities committed in Gaza, including the ongoing crime of genocide. According to the Gaza's Government Media office, Between 7 October 2023 and 11 January 2024, Israel has killed 117 Journalists and media workers in the Gaza Strip, including at least 14 female journalists, and destroyed over 80 media institutions. By targeting and killing Palestinian journalists, Israel is trying to instil fear and prevent journalists from covering the crimes committed by the Israeli occupying forces against the Palestinian people, and to hide the atrocities and massacres that have been and continue to be committed. Israel has also refused to allow international press teams to enter Gaza and cover the situation from the ground, thereby preventing the truth from reaching millions of people around the world, including about Israel's genocidal acts. Meanwhile, Israeli attacks continue to kill Palestinian civilians. Our teams report that at 7:35 PM on Saturday 6 January 2024, an Israeli missile was

fired at a multi-storey residential building that belongs to the Brais family, in Khan Younis Refugee Camp. This attack killed over 25 Palestinians, including 11 children and two pregnant women, and injured 52 others. According to the Gaza Ministry of Health (MOH), and based on a statement issued on Sunday afternoon (7 January 2024), Israel has committed 12 massacres of families across the Gaza Strip within just 24 hours, killing 113 Palestinians and injuring 250 others. In a statement issued today 11 January 2024, the MOH reported that Israel has committed 10 massacres against families across the Gaza Strip within the last 24 hours, killing 112 Palesttinians and injuring 194 others. Since the start of the aggression, Israel has killed 23,469 Palestinians and injured 59,604. The Ministry of Health has confirmed that 70% of those killed were children and women and that the vast majority of men killed are civilians, including thousands of elderly persons. Our teams indicate that the actual number of Palestinians killed is higher than the numbers reported by the Ministry of Health, since thousands of bodies remain trapped under the rubble of destroyed buildings or in areas that are out of reach as the IOF continues to obstruct the work of medical and rescue teams. Additionally, many families have resorted to burying their loved ones in nearby streets, markets, parks or backyards, given the difficulty in transporting them to hospitals. Many bodies have also decomposed on the streets, giving rise to the risk of health hazards and the spreading disease, in addition to being degrading to the dignity of the dead. The illegality of attacks on journalists and media workers derives from the protection granted to civilians and civilian objects under international humanitarian law. It is considered a violation of international humanitarian law if a party to an armed conflict directs an attack against protected persons, or wilfully kills or murders such protected persons. Article 79 of Additional Protocol I indicates that 'journalists engaged in dangerous professional missions in areas of armed conflict shall be considered as civilians' within the meaning of Article 50 (1). They shall be protected as such 'provided that they take no action adversely affecting their status as civilians', meaning acts of war which, by their nature or purpose, are likely to cause actual harm to the personnel and equipment of the enemy's armed forces. More generally, Article 75(2)(a)(i) of the Additional Protocol I prohibits parties to a conflict from committing murder or any kind of violence to the life, health and physical or mental wellbeing of people who are not participating directly or ceased to participate in the conflict. The indiscriminate targeting of journalists also amounts to a breach of article 147 of the Fourth Geneva Convention, which prohibits murder of all kinds and wilful killing of protected persons respectively. As provided in article 8(2)(a)(i) of the Rome Statute of the International Criminal Court, wilful killing of protected persons is a grave breach of the Fourth Geneva Convention and constitutes a war crime. Rule 34 outlines that civilian journalists engaged in professional missions in areas of armed conflict must be respected and protected as long

as they are not taking a direct part in hostilities. As such, '[Journalists](#) are thus protected both against the effects of hostilities and against arbitrary measures taken by a party to the conflict when they fall into that party's hands'. We highlight that media, radio and television facilities are civilian objects and as such enjoy general protection. For an object to constitute a military objective it must both (a) make an effective contribution to the military action of the enemy by virtue of its nature, location, purpose or use; and (b) be of such a nature that its capture, destruction or neutralisation provides the attacking party with a definite military advantage. Objects normally devoted to civilian purposes, such as media, radio and television facilities, shall be presumed to be used for such purposes, as specified in Article 52(3) of Additional Protocol I. Even assuming there is a legitimate targeting of a military objective, Article 57(2)(b) provides that 'an attack shall be cancelled or suspended if it becomes apparent... that the attack may be expected to cause incidental loss of civilian life, injury to civilians, damage to civilian objects, or a combination thereof, which would be excessive in relation to the concrete and direct military advantage anticipated'. Given the densely populated tower blocks and clear civilian infrastructure housing media headquarters in Gaza, their targeting even in the event of being characterised as a legitimate military objective would breach the requirement for proportionality. Targeting of civilian objects such as media outlets further constitutes a war crime under article 8(2)(b)(i) of the Rome Statute of the International Criminal Court. At the outset, our organisations reiterate that international human rights law continues to apply in times of armed conflict, alongside international humanitarian law, and that both bodies of law are intended to be complementary, rather than mutually exclusive. This has been acknowledged, inter alia, by the International Court of Justice (Legality of the Threat or Use of Nuclear Weapons, Advisory Opinion, I.C.J. Reports 1996, paras. 24-25) and the Human Rights Committee (General Comment 29, States of Emergency, para. 3). Bearing in mind this legal framework, Article 6 of the International Covenant on Civil and Political Rights (ICCPR), which Israel ratified on 3 October 1991, provides that 'no one shall be arbitrarily deprived of his [or her] life'. The right to life constitutes an international customary law and jus cogens norm. It 'is the supreme right from which no derogation is permitted even in situations of armed conflict and other public emergencies which threaten the life of the nation'. The State has 'an obligation to respect and to ensure the rights under article 6 of all persons who are within its territory and all persons' subject to its jurisdiction and effective control. As an occupying power administering the OPT, Israel exercises effective control over the protected Palestinian population in Gaza. Practices 'inconsistent with international humanitarian law', including indiscriminate attacks and the failure to apply the principles of precaution and proportionality, violate article 6. In light of the obligations outlined, the intentional use of

lethal force against the journalists mentioned above, who were performing their reporting duties during the bombardment of civilian infrastructure in Gaza, runs contrary to the principles of necessity and proportionality and amounts to arbitrary killing, prohibited under international law. Further, Article 19 of the ICCPR guarantees the right to freedom of opinion and expression, which may only be restricted under circumstances that meet strict criteria spelt out in international human rights law. Article 19, paragraph 3 lays down specific conditions that permit such restrictions: restrictions must be provided by law, and necessary for the respect of the rights or reputations of others, for the protection of national security or of public order or of public health or morals. They must also conform to the strict tests of necessity and proportionality. As the Human Rights Committee enunciated, the State party has the onus of demonstrating the legal basis for any restrictions and '...must demonstrate in specific and individualised fashion the precise nature of the threat, and the necessity and proportionality of the specific action taken, in particular by establishing a direct and immediate connection between the expression and the threat' (CCPR/C/GC/34, para. 35). Israel's systematic targeting of Palestinian journalists and media headquarters may further breach the journalists and media right to freedom of expression. We assert that it is decades-long impunity granted to Israel that emboldens it to commit even further international crimes. It is well past the time for the international community to act responsibly to stop the genocide against the Palestinian population in Gaza and to urgently pressure Israel to end its policy of targeting civilians and civilian objects as a means of retaliation, punishment and political pressure. Effective measures must be taken to ensure accountability for war crimes, crimes against humanity and the crime of genocide committed by the IOF against Palestinians. We reiterate our call to the international community to promptly take meaningful and effective actions and measures to ensure an immediate ceasefire, to enable the delivery of unconditional humanitarian aid to all residents of the Gaza Strip and to lift the 16-year-long illegal closure and blockade of Gaza. We further call on Third States to ensure the end of the Israeli occupation, and the dismantling of Israel's settler-colonial and apartheid regime. We call for the repeal of all discriminatory and inhumane laws, policies and practices against the Palestinian people as a whole, and to enable them to exercise their inalienable right to self-determination without restriction, including their right to return.

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