

INTERNATIONAL CRIMES AGAINST JOURNALISTS IN PALESTINE: THE ASSASSINATION OF SHIREEN ABU AKLEH AS A MODEL

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Abstract

This research aims to define the nature of international crimes and the jurisdiction of the International Criminal Court. It also reviews the assassination of journalist Shireen Abu Akleh, its investigations, and local and international responses to the assassination. It also aims to draw lessons learned from the case of Shireen Abu Akleh regarding the protection of journalists in conflict zones and the strengthening of international accountability mechanisms. The research followed a descriptive and analytical approach, collecting information and data related to the case of Shireen Abu Akleh and the international legal framework for crimes against journalists. This information was critically analyzed to draw conclusions and present recommendations.

The research reached several conclusions, the most important of which is that the establishment of the International Criminal Court represents an important step in establishing a permanent international criminal justice system. However, the mere existence of the court is not sufficient to ensure international justice. Continued efforts are required from the international community to implement the principles and provisions of this system, by strengthening international cooperation in the field of investigations and extradition of accused persons, providing the necessary logistical and financial support for the court's work, and expanding the scope of states' accession to the Rome Statute to ensure the comprehensiveness of the court's jurisdiction. The study emphasizes that the role of the International Criminal Court complements, rather than replaces, the efforts of states to investigate and establish the facts. This complementary principle enhances the effectiveness of the international justice system, as it encourages states to assume their responsibilities in investigating international crimes and prosecuting their perpetrators. In the case of Shireen Abu Akleh, we see the importance of this complementarity, as national and international investigations can complement each other to provide a more comprehensive picture of what happened. However, the unwillingness of some states to conduct comprehensive and independent investigations highlights the importance of an international mechanism capable of intervening when necessary. This balance between national and international efforts is essential to ensuring justice and protecting the rights of victims.

Keywords: Israel, International Court of Justice, International Crimes Against Journalists, Shireen Abu Akleh

1- Introduction

War is a social phenomenon known to mankind since ancient times. It has witnessed rapid developments that necessitated the enactment of laws protecting non-participating groups. In this context, our topic focuses on the legal protection provided to journalists and the respect due to them during armed conflicts, whether international or non-international. This approach is based on a fundamental principle of international humanitarian law, which stipulates that journalists who do not participate in hostilities must not be targeted by any attack. Rather, they must be protected in accordance with mechanisms determined by the International Committee of the Red Cross, the protecting power, or the parties to the conflict. This protection is based on international agreements that oblige belligerents to distinguish between civilians and combatants, which constitutes a legal basis for the protection of journalists.

This protection is clearly regulated in the 1949 Geneva Conventions, particularly the Fourth Convention relative to the Protection of Civilian Persons in International Armed Conflicts, in addition to the First Additional Protocol of 1977, as well as a number of international resolutions

and texts calling on states to respect the immunity of journalists, as they are civilians in conflict zones. Despite the clarity of these texts, the international arena continues to witness an escalation in armed conflicts, exposing a large number of journalists to grave dangers and repeated tragedies. Reports issued by international organizations concerned with human rights and press freedom indicate an alarming increase in the number of journalist victims, with many paying with their lives for their attempts to convey the truth and falling victim to blatant violations of their rights guaranteed by international humanitarian law, which protects them from the effects of military operations and abuses committed by parties to the conflict.

It is certain that every armed conflict witnesses the extensive use of lethal weapons, increasing the risks faced by journalists. International circles are following with great concern the escalation of these conflicts and the resulting deliberate attacks on journalists, carried out without the slightest respect for the provisions of international humanitarian law. This is clearly evident in the occupied Palestinian territories, in Iraq through the treatment of journalists by US-British coalition forces, and in Libya, where an Al Jazeera cameraman was killed. This is in addition to the violations targeting journalists in Egypt, Yemen, Syria, and other countries experiencing internal armed conflicts. Based on the above, the issue of protecting journalists deserves further research and analysis, given its critical importance. This is especially true in light of the urgent need to mitigate the damage and losses inflicted on them as a result of the military policies adopted and the ongoing violations committed against them, despite the protections provided for under international law.

Journalists face increasing threats while performing their work covering armed conflicts. The assassination of Palestinian journalist Shireen Abu Akleh on May 11, 2022, marked a turning point in highlighting the seriousness of these crimes and the need to hold their perpetrators accountable.

According to the latest statistics, the Government Media Office in Gaza announced that the number of journalist martyrs since the beginning of the genocidal war on the Gaza Strip has risen to 225.

Despite the existence of international legal mechanisms for accountability, there is a clear failure to hold Israel accountable for crimes committed against journalists. Despite the existence of these mechanisms, they remain ineffective in light of the existing political and diplomatic challenges (Talei et al., 2023). The multiplicity and diversity of international crimes pose significant challenges for the international community, particularly regarding determining their legal and judicial jurisdiction. Despite efforts by the United Nations and international and regional organizations to establish a unified legal framework to define and criminalize these acts, these endeavors were not completed until the establishment of the International Criminal Court.

The International Criminal Court, established under the Rome Statute in 1998, represents an important step towards achieving international justice. However, the Court's effectiveness in deterring crimes committed by Israel against journalists remains limited. This is due to several reasons, including Israel's failure to accede to the Rome Statute, international political pressure, and difficulties in collecting evidence in conflict zones (Steinberg, 2024).

This research aims to study crimes committed against journalists in conflict zones, with a particular focus on the assassination of journalist Shireen Abu Akleh. This will be achieved by defining the conceptual framework of international crimes and their elements, and analyzing crimes committed against journalists in light of international law. The research will also address the legal proceedings and investigations related to Abu Akleh's killing, as well as the legal and political repercussions of this case at the local and international levels. The aim is to better understand the challenges facing the application of international law in cases of targeting

journalists in conflict zones, and to evaluate the effectiveness of current international legal mechanisms in addressing cases of targeting journalists in conflict zones. It will also focus on the role of the International Criminal Court and other international bodies, and provide practical recommendations to enhance the protection of journalists in conflict zones and improve international accountability mechanisms, based on an analysis of gaps in the current legal framework and lessons learned from the Shireen Abu Akleh case. The importance of this research lies in its contribution to revealing shortcomings in legal accountability against perpetrators of crimes, particularly crimes committed against journalists in conflict zones. By analyzing the Shireen Abu Akleh case as a case study, this research highlights the challenges facing the application of international law in these situations and offers proposals for strengthening mechanisms to hold perpetrators of war crimes accountable. This contribution is essential to developing the international legal framework for protecting journalists and ensuring their right to safely perform their work in conflict zones. Furthermore, the research contributes to the academic and legal debate on strengthening international justice mechanisms and ensuring accountability in cases of violations against journalists. The research seeks to contribute to strengthening the protection of press freedom and the public's right to access information in conflict zones by assessing the effectiveness of existing international legal mechanisms and providing practical recommendations for their improvement. This contribution is of great importance in light of the increasing attacks on journalists in conflict zones and the need to find effective solutions to this worsening problem.

1.1 Problem Statement

International crimes pose a serious threat to the security and stability of the international community. In the Palestinian context, allegations of international crimes committed by the Israeli occupation authorities against Palestinian civilians, including journalists and international media workers, are on the rise. The International Criminal Court's decision on February 5, 2021, marked a significant turning point, affirming its jurisdiction over the Palestinian territories occupied since 1967, including the Gaza Strip, the West Bank, and East Jerusalem. This decision opened the door to the possibility of investigating alleged crimes committed in these areas.

The killing of Palestinian journalist Shireen Abu Akleh on May 11, 2022, once again highlighted the issue of targeting journalists in conflict zones and the importance of international accountability in such cases. In light of these developments, the main research problem revolves around the following question: "To what extent are international legal mechanisms effective in addressing crimes committed against journalists in Palestine, and how can they be applied in the case of the killing of journalist Shireen Abu Akleh?" This main question gives rise to the following sub-questions:

1. What is the international legal framework for international crimes, and what are their characteristics and basic elements?
2. What are the limits of the International Criminal Court's jurisdiction to investigate crimes committed against journalists in Palestine?
3. How have international legal mechanisms addressed the killing of Shireen Abu Akleh, and what challenges have they faced?
4. What are the international positions on the case of Shireen Abu Akleh's killing, and how have they influenced the course of investigations?
5. What lessons can be learned from the Shireen Abu Akleh case regarding the protection of journalists in conflict zones and the strengthening of international accountability mechanisms?

2.1 Methodology

This research adopts a descriptive and analytical approach. Information and data related to the Shireen Abu Akleh case and the international legal framework for crimes against journalists were collected and critically analyzed to draw conclusions and present recommendations.

The research consists of three main parts. The first part provides a general introduction to the topic and defines the research problem and objectives. The second part reviews the literature and theoretical framework, including the concept of international crimes and the jurisdiction of the International Criminal Court. It then analyzes the Shireen Abu Akleh case, the related investigations, and local and international responses. The third part presents conclusions and recommendations. The research relies on a variety of sources, including academic books, scientific articles, reports issued by international and human rights organizations, and official statements issued by relevant authorities. It also draws on texts of international laws and treaties relevant to the research topic.

2. Literature and Theoretical Framework

Respect for the principles and rules stipulated in the United Nations Charter, which collectively constitute the duties that states must respect and adhere to, is essential. Any illegal and unlawful act constitutes a clear violation of these international obligations stipulated in agreements and treaties, which entails international responsibility on the part of that state. To explore the nature of international crimes, this section is divided into two sections:

- The concept of international crimes and their elements.
- The jurisdiction of the International Criminal Court.

1.2 The Concept of International Crimes

International crimes are extremely serious and significant, harming society, individuals, their rights, and their fundamental interests. They require the punishment of their perpetrators, regardless of their status. Therefore, the resulting international responsibility takes on an international criminal character, which includes the prosecution and punishment of perpetrators through national and international trials that enjoy fair legal guarantees, as stipulated in relevant international conventions and agreements.

There is disagreement over the definition of international crime, a subject of debate among jurists. Various concepts have been developed regarding the concept of international crime. Some define it as a crime that violates international law, committed by an international individual through positive or negative behavior, knowing the sanctity of the behavior and willing to commit it, causing harm at the international level (Al-Saadi, 2022). It is also defined as any prohibited behavior that falls under criminal sanction applied and enforced in the name of the international community (Obaid, 1999). Some consider it to be any act that violates international law because it harms the interests protected by this law within the scope of international relations and is described as a criminal act requiring punishment against its perpetrator (Al-Saleh, 2009). Article (7) of the Rome Statute of the International Criminal Court, adopted in Rome in 1998, defines crimes against humanity as gross inhumane acts and persecutions committed exclusively against a human being or human groups for political, racial, national, religious, ethnic, cultural, or gender-related reasons, when committed as part of a widespread or systematic attack against any civilian population, with knowledge of the attack (International Criminal Court, 1998). Based on the

above; An international crime can be defined as any positive or negative illegal act that violates the law and includes an attack on the fundamental interests of society and individuals, committed by individuals or a group of individuals, whether on their own behalf or for the benefit of a state or a group of states, whether at their instigation or with their assistance, such that it constitutes an attack and violation of an international interest or the interest of an ethnic or religious group, which international law recognizes as protected and imposes penalties on those who violate it. An international crime is characterized by several characteristics that distinguish it from other crimes, as follows:

First: International crime is characterized by its seriousness and particular gravity. The most important feature of this crime is that it is of a broad and comprehensive nature, as its effects extend to groups and individuals. Its seriousness stems from either the nature of the criminal act, the breadth of its effects, the perpetrator's motive, or other factors. This seriousness also emerges in view of the interest subject to the attack and the extent of the resulting damage. This is what the International Law Commission expressed at its thirtieth session in 1978, when it said: ((...an international crime is the existence of a serious violation of an international obligation related to the fundamental interests of the international community...)), meaning that this crime is a criminal offense (Hamouda, 2011). Second: An international crime is characterized by being an unlawful act: that is, it has an international character, as reflected in international norms and agreements. War crimes are considered a violation of the norms of warfare and relevant international agreements, such as the Hague Conventions of 1899, the Geneva Conventions of 1949, and their Additional Protocols of 1977. The crime of genocide and crimes against humanity are violations of human rights agreements enshrined in the right to life. The source of criminalization for international crimes is customary and conventional international law (Al-Saleh, 2009). Third: An international crime committed by a natural person: Many international documents have affirmed the criminal liability of a natural person for an international crime, including the Versailles Convention of 1919, from Articles 227 to 230, which determined the liability of German soldiers for international crimes committed during World War I; the Slave Trade Convention of 1926, which considered this act an international crime for which natural persons are responsible; and the statutes of the International Criminal Court. Article (25) of the Statute of the International Criminal Court states: ((...that the Court shall have jurisdiction over natural persons in accordance with this Statute...)).

Fourth: An international crime is not subject to a statute of limitations: Statute of limitations refers to the expiration of a criminal case after a specific period determined by law. The Statute of the International Criminal Court stipulates this principle in Article (29), which states: ((...crimes within the jurisdiction of the Court shall not be subject to a statute of limitations, whatever its provisions...)). Fifth: Excluding immunity from perpetrators of international crimes due to their official capacity: This immunity finds its source through international norms that have repeatedly been approved at the level of international relations; as it is reserved for heads of state, heads of governments and their members, diplomats and consuls. These norms were confirmed through the Vienna Convention on Diplomatic Relations of 1961 AD, and the Convention on Consular Relations of 1963 AD. However, this immunity is limited only to the local crime that is described as a crime under public law; as international law does not recognize this immunity if it is related to an international crime (Amimer, 2010).

In this regard, Article (4) of the International Convention on the Prevention and Punishment of the Crime of Genocide of 1948 addressed the principle, stating that: ((...persons convicted of

genocide or of any of the acts referred to in Article (3) shall be punished, whether they are governors or officials...)), and the drafting list of the Nuremberg Principles derived from the World War II trials of 1950 excluded the reliance on immunity in its third principle, stating that: ((...the fact that a person who committed a crime under international law acted in his capacity as a head of state or an official government official does not exempt him from responsibility under international law...)), and Article (27) of the Rome Statute of the International Criminal Court stipulated the principle of excluding immunity for perpetrators of international crimes under the title - Irrelevance of official capacity.

Sixth: Applying the principle of extradition or prosecution for perpetrators of international crimes: The United Nations has worked to enshrine the principle of extradition of international criminals in its successive recommendations, the most important of which is that issued by its General Assembly on 12/30/1973, regarding the principles of international cooperation in the detection, arrest, extradition, and punishment of persons guilty of war crimes and crimes against humanity (Hamouda, 2011).

1.1.2 Elements of International Crime

The introduction to both paragraphs (1) and (2/a) of Article (7) of the Statute of the International Criminal Court referred to the international element, which consists of the following four elements:

1. A widespread or systematic attack.
2. An attack directed against a group of civilians.
3. The attack was carried out pursuant to a state or organizational policy.
4. Knowledge of the attack.

Just as crimes in national legislation have three elements, as some have suggested: the legal element, the material element, and the moral element, international crimes, in addition to these elements, have another element, namely the international element. We will examine these elements as follows:

First: The legal element: This element is based on the general principle that "there is no crime and no punishment without a text." This element assumes the existence of a legal text criminalizing the act, and that the text is present in the international crime. This element derives its existence from international customs or international agreements. If an international judge wants to classify a particular incident as constituting an international crime or not, he must refer to a set of sources that express the conscience of the international community and its social, moral, and human values, which are not limited to international customs or international agreements. He must search for them within the dome of international law sources referred to in Article (38) of the Statute of the International Court of Justice (Amraoui, 2015). Second: The material element of an international crime: The establishment of an international crime presupposes the existence of human behavior, represented by an act or omission. This behavior is what gives the perpetrator's latent will a tangible and realistic manifestation in the outside world. The material element of an international crime consists of three elements: the behavior, the result, and the causal relationship (Abdel Fattah, 2011).

Positive behavior is achieved by committing an act prohibited by law that leads to the commission of crime. For example, Article (6) of the Statute of the International Criminal Court stipulates that "for the purposes of this Statute, genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial, or religious group: (killing members of the group; causing serious bodily or mental harm to members of the group;

intentionally inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part; imposing measures intended to prevent births within the group; forcibly transferring children of the group to another group). International crimes also require the element of consequence. The concept of consequence in international criminal law is both material and legal. The material aspect is represented by the physical change that criminal conduct produces, perceived by the senses, particularly in material crimes or crimes of harm. The legal aspect is represented by the aggression involved in the criminal conduct against an international right or interest protected by criminal law. In addition to the conduct and the consequence, there must be a link between the conduct and the consequence, meaning that the latter would not have occurred in the outside world had a specific act not been committed or a specific act not been abstained from (Amraoui, 2015).

Third: The moral element of international crime: The moral element in international crimes relates to all forms of intent expressed in the crime, whether intentional or unintentional. Practical reality demonstrates the rarity of unintentional international crimes. This is stipulated in Article (2) of the Convention on the Prevention and Punishment of the Crime of Genocide, which requires the commission of one of the crimes stipulated in this Convention with the intent to destroy, in whole or in part, a national, sectarian, racial, or religious group (Amimar, 2009). Fourth: The international element of international crime: This element is considered the basis for distinguishing between a national crime committed within a state, and the international crime that is the subject of this research. The establishment of an international crime occurs either based on a premeditated plan by a state or a group of states, and its deliberate implementation by them using their own strength, capabilities, and means, such as the crimes committed by the occupying state through its military forces, the most recent of which was the crime committed against journalist Shireen Abu Akleh (Al-Sawy, 2017).

2.2 Jurisdiction of the International Criminal Court

The international community recognized the urgent need to establish an international criminal court. In April 1998, the International Commission completed its preparatory work and established a draft criminal court. It was presented to the Diplomatic Conference in Rome, held from June 15 to July 17, 1998. On July 17, 1998, the Rome Statute for the permanent International Criminal Court was adopted.

1.2.2 The Origin of the International Criminal Court

The idea of establishing an international criminal court had been on the minds of international law practitioners and those concerned with punishing perpetrators of international crimes even before the establishment of the League of Nations. There have been numerous attempts to establish an international court, starting with attempts to try the Emperor of Germany by the victorious countries in World War I, and then in 1993-1994 with two temporary criminal tribunals to try perpetrators of war crimes and crimes against humanity in the former Yugoslavia and Rwanda. These two tribunals contributed to establishing many judicial precedents for international crimes, but that was not enough for the international community, which prompted the Security Council to seek to establish a permanent international court. In 1998, the United Nations General Assembly requested the International Law Commission to submit a report on international criminal jurisdiction to try drug traffickers. Here, a committee of international law experts prepared a draft statute and presented it to the Eighth United Nations Congress on the Prevention of International Crime and the Punishment of Offenders. The conference recognized the need for humanity to establish an international criminal court. In April 1998, the committee completed the preparatory

work, and the draft criminal court was established and presented to the Diplomatic Conference in Rome, which was held from June 15 to July 17, 1998. On July 17, 1998, the law was approved. The Rome Statute of the International Criminal Court, whose statute is considered the most important treaty since the adoption of the United Nations Charter (Saeed, 2008). The internal system of the International Criminal Court is contained in Article (34) of the Rome Statute, which discusses the organs that comprise the court, namely: (the Presidency, the Appeals Division, the Office of the Prosecutor, the Investigations Division, the Prosecution Division, and the Registry of the Court).

2.2.2. The Jurisdiction of the International Criminal Court and the Supremacy of its Decisions

Chapter VII of the United Nations Charter deals with actions to be taken in cases of threats to the peace, breaches of the peace, and acts of aggression, as stated in Article (39) and ending with Article (51). Article (39) states, "The Security Council shall determine whether there has been a threat to the peace, breach of the peace, or act of aggression."

The International Criminal Court's jurisdiction includes four types of international crimes, which international custom has established as the most serious crimes against international public order: (genocide, crimes against humanity, war crimes, and crimes of aggression) (Al-Sawy, 2017).

Crimes of aggression are crimes stipulated in the 1949 Geneva Convention, and all signatory states are bound by them and respect the Convention. Even if some signatory states to the 1949 Geneva Conventions are not party to the Rome Statute establishing the International Criminal Court, they will respect the Court's requests. The Court exercises its jurisdiction only over natural persons and does not extend to legal persons or states (Amrawi, 2015).

In accordance with Article (11) of the Statute, its jurisdiction is limited temporally to crimes committed after the Statute entered into force, excluding crimes committed prior to that date. Its territorial jurisdiction is limited to persons accused of committing international crimes who are nationals of States Parties to the Statute, or persons accused of committing international crimes within the territory of a State Party to the Statute (Hassan, 2004).

The Court's decisions are so supreme that they are considered judicial precedents before the judges of the International Criminal Court. Its decisions must be respected, and failure to respect them places the state that violated international laws under international sanctions, thus acting as a deterrent to other states (Abdul Satar, 2017).

Despite the broad jurisdiction granted to the International Criminal Court, it faces significant challenges in implementing its decisions, particularly with regard to Israel. One of the main reasons for this shortcoming is Israel's failure to accede to the Rome Statute, which limits the Court's ability to exercise its jurisdiction over crimes committed in the occupied Palestinian territories. In addition, the Court lacks independent enforcement mechanisms. This makes it dependent on the cooperation of member states to execute arrest warrants and collect evidence. According to a study by Bosco (2014), this reliance on international cooperation makes the court vulnerable to political pressure and may lead to selective justice.

Moreover, the ICC faces challenges in handling cases related to Israel due to international diplomatic and political pressure. Kiyani (2019) noted that the United States and its allies often pressure the court to avoid investigating alleged crimes committed by Israel. These pressures, coupled with threats of sanctions against court staff, undermine the court's independence and its ability to deliver justice effectively. Furthermore, the logistical challenges of collecting evidence

in conflict zones and the court's limited resources further complicate the conduct of comprehensive and effective investigations into alleged crimes.

3.2 The International Crime Against Journalist Shireen Abu Akleh and Its Investigations

On May 11, 2022, the treacherous hands of the Israeli occupation committed a crime against humanity when occupation soldiers killed Palestinian journalist Shireen Abu Akleh, who worked for Al Jazeera, while she was covering the occupation forces' raid on Jenin camp. Abu Akleh was shot directly in the head and transferred to Ibn Sina Specialized Hospital, where she was later pronounced dead.

Numerous investigations have addressed the killing of journalist Shireen Abu Akleh. The Palestinian forensic medicine department continues its investigations and gathers evidence into her assassination. The Hebrew newspaper Haaretz reported, citing an initial Israeli army investigation, that Shireen was 150 meters away at the time of her assassination. CNN quoted eyewitnesses who confirmed that Israeli soldiers opened fire on the journalists, including Abu Akleh, and that there were no Palestinian gunmen at the scene. This section covers Palestinian, Israeli, and international investigations.

1.3.2 The Israeli Investigation

Following the killing of Palestinian American journalist Shireen Abu Akleh on May 11, 2022, while covering the Israeli occupation forces' raid on the Jenin refugee camp, numerous questions arose about the circumstances of the incident and the mechanism of its investigation. According to a report in the Hebrew newspaper Haaretz on May 19, official sources in the Israeli military announced their refusal to open a criminal investigation into the circumstances of Abu Akleh's death. These sources confirmed that "there is no criminal suspicion in Shireen's death," adding that they did not want the investigation to lead to disputes within the army and Israeli society (Hasson, 2022). This position was later confirmed in an official Israeli military statement, which stated that "there is currently no room for opening a criminal investigation into the circumstances of Shireen Abu Akleh's death" (The Times of Israel, 2022).

It is worth noting that the Israeli military presented conflicting accounts in the first days after Abu Akleh's killing. Initially, it claimed that the journalist may have been killed by Palestinian gunfire but later admitted that she may have been killed by Israeli fire. According to an independent investigation by The New York Times, the bullet that killed Abu Akleh was likely fired from an Israeli army position (Krauss, 2022). This contradictory account and the reluctance to conduct a comprehensive investigation raised doubts about the transparency and credibility of the Israeli position on the incident.

About four months after the incident, specifically on September 5, 2022, the Israeli military announced that the military prosecution had found no wrongdoing that would warrant a criminal investigation into Abu Akleh's killing. It added that the soldier who may have "accidentally" shot and killed Shireen would not be investigated (Gold, 2022). This decision has drawn widespread criticism from human rights organizations and the international community, who consider the failure to conduct a comprehensive and independent investigation a violation of international standards for handling journalist killings.

According to a report by Amnesty International, Israel's refusal to conduct an independent and comprehensive criminal investigation into Abu Akleh's killing contravenes its obligations under international law. The organization asserted that "Israeli authorities must ensure accountability for the killing of Shireen Abu Akleh by conducting an independent, impartial, and effective investigation" (Amnesty International, 2022). The Committee to Protect Journalists also called for

an independent and transparent investigation, stressing that "journalists covering events in the Occupied Palestinian Territories face significant risks while carrying out their work" (Committee to Protect Journalists, 2022).

Israel's refusal to conduct a criminal investigation into the killing of a prominent journalist like Shireen Abu Akleh raises serious questions about its commitment to protecting journalists and press freedom in the areas under its control. This position contradicts international standards that call for prompt, thorough, and independent investigations into the killing of journalists, especially in conflict zones. It also highlights the challenges facing achieving justice in such cases, and the need for effective international mechanisms to ensure accountability.

2.3.2 The Palestinian Investigation

The Palestinian Public Prosecution confirmed in its initial investigation that the only source of gunfire at the time Shireen was shot was from the occupation forces, and that the direct cause of her death was brain damage caused by a high-velocity projectile. On May 26, the Palestinian Attorney General announced the results of the official investigations. He confirmed that the occupation forces opened fire on journalists, including Shireen, without prior warning, and explained that an occupation soldier shot Shireen Abu Akleh in the head as she attempted to escape. The investigation also proved that the bullet that killed the Palestinian journalist contained an armor-piercing iron fragment that caused Shireen's brain to rupture, resulting in her immediate death. The Palestinian Attorney General also added, in the results of the official Palestinian investigation, that the bullet bore characteristics indicating it was fired by a sniper's weapon, and that the source of the gunfire was south of Shireen Abu Akleh's location, i.e., the location where the Israeli occupation forces were stationed (Youn7, 2022). The investigation concluded that Shireen Abu Akleh and the journalists nearby were deliberately targeted, and that the occupation forces continued to fire at anyone who attempted to assist Abu Akleh. Accordingly, the overall facts, according to the Attorney General, constitute the elements of the premeditated murder of Shireen and the attempted murder of Ali al-Samoudi. The Palestinian Attorney General announced the prosecution's decision not to display the image of the bullet that killed Shireen to prevent the occupation from manipulating and changing its narrative, according to the statement. The statement added that the investigation into the assassination of the Al Jazeera journalist was purely Palestinian, with no foreign involvement, except for the American side, which was informed of aspects of the Palestinian Public Prosecution's investigations but did not interfere in their proceedings. The Palestinian Attorney General dismissed the Israeli account of a Palestinian shooting because, according to him, the facts refuted it. Immediately after the release of the official investigation results, Al Jazeera decided to refer the case of Shireen Abu Akleh's assassination to the Prosecutor of the International Criminal Court (ICC). The network formed an international legal coalition, including its legal team and other international experts, to prepare a comprehensive file to submit to the ICC Prosecutor. According to Al Jazeera, the ICC legal file will include the Israeli bombing of the channel's Gaza office, which was completely destroyed in May 2021 (Al-Shorouk, 2022).

Despite the efforts made in the Palestinian investigation, it can be argued that its effectiveness has been limited in achieving justice for Shireen Abu Akleh or preventing similar incidents in the future. This limited effectiveness is due to several factors: First, the Palestinian Authority's lack of judicial authority over Israeli forces, making it virtually impossible to prosecute those responsible for Abu Akleh's killing. Second, the lack of effective international enforcement mechanisms to ensure accountability based on the findings of the Palestinian investigation. Third, the international

political divide over the Palestinian issue, which limits international pressure on Israel to cooperate with investigations or accept their findings. However, the importance of the Palestinian investigation lies in documenting the incident, presenting a counternarrative to the Israeli one, and shedding light on the issue of targeting journalists in conflict zones. This investigation may also form the basis for future legal proceedings before international courts or as part of international advocacy efforts for journalists' rights.

3.3.2 International and Impartial Investigations

Following the killing of journalist Shireen Abu Akleh, several international and impartial investigations were conducted to establish the truth about what happened. These investigations provided additional insights and contributed to clarifying the circumstances of the incident. One of the most prominent international investigations was conducted by the United Nations. On June 24, 2022, the Office of the United Nations High Commissioner for Human Rights announced the results of its investigation, confirming that "all the information we have gathered—including from the Israeli military and the Palestinian Attorney General—is consistent with the conclusion that the shots that killed Abu Akleh and injured her colleague came from Israeli security forces and not from indiscriminate fire by armed Palestinians, as initially claimed by the Israeli authorities" (United Nations Human Rights Office, 2022).

The Israeli human rights organization B'Tselem also conducted an independent investigation. Their investigation concluded that "Israeli soldiers at the scene fired the shots that killed journalist Shireen Abu Akleh," based on a detailed analysis of available evidence and video footage from the scene (B'Tselem, 2022). Another CNN investigation, based on interviews with eyewitnesses and weapons experts and an analysis of videos and photos from the scene, concluded that "Abu Akleh was killed in a targeted attack by Israeli forces" (CNN, 2022).

In addition, The New York Times conducted an independent investigation using advanced audio analysis and geolocation techniques. Their investigation concluded that "the shots that killed Ms. Abu Akleh likely came from an Israeli forces position, not from anywhere else" (The New York Times, 2022).

In a related development, the US State Department conducted an investigation into the incident, given that Abu Akleh is a US citizen. On July 4, 2022, the Department of State announced that "fire from Israeli forces was likely responsible for Shireen Abu Akleh's death," but added that "there was no reason to believe this was deliberate" (U.S. Department of State, 2022).

These international and impartial investigations have provided a more comprehensive picture of what happened on the day of Shireen Abu Akleh's killing. Although some details differ, most of these investigations have concluded that the shots that killed Abu Akleh likely came from Israeli forces. These findings contradict the initial Israeli narrative and underscore the importance of conducting independent and comprehensive investigations into such incidents.

Despite the importance of international investigations into the killing of Shireen Abu Akleh, their practical effectiveness has remained limited to date. This limitation is due to several reasons: First, the lack of an effective international enforcement mechanism to ensure the implementation of these investigations' recommendations or to hold those responsible for the crime accountable. Second, Israel's continued refusal to fully cooperate with international investigations or acknowledge their findings, thus limiting access to justice. Third, the divergent political positions of major powers on the issue have led to a lack of international consensus on taking decisive action. However, these investigations are of great importance in documenting the facts by neutral parties, increasing diplomatic and media pressure on Israel, and providing a legal and moral basis for

demanding accountability in the future. These investigations also contribute to raising global awareness of the issue of protecting journalists in conflict zones and may, in the long term, lead to strengthening international mechanisms to protect journalists and hold accountable those who violate their rights.

4.2 Local and International Responses to the Assassination of Shireen Abu Akleh

Al Jazeera called on the international community to condemn and hold accountable the Israeli occupation forces for deliberately targeting and killing Shireen Abu Akleh. It reported that witnesses indicated that the occupation forces fired live ammunition at demonstrators and press crews. This section covers the local Palestinian responses, the local Israeli responses, and then the international responses. 1.4.2 Local Palestinian Responses

The Palestinian presidency condemned what it called the Israeli occupation forces' execution of journalist Shireen Abu Akleh, holding the Israeli government responsible for this crime. Hamas declared that what happened was a deliberate assassination and a complex crime for which the occupation must be held accountable in international forums. The Popular Front for the Liberation of Palestine condemned the assassination of martyr Shireen Abu Akleh, which aims to kill the truth conveyed by the media about the occupation's crimes and racism. The Democratic Front for the Liberation of Palestine stated that the assassination of journalist Shireen Abu Akleh confirms the extent of the enemy's disregard for world public opinion and international values and norms. The Palestinian Foreign Ministry issued a circular to Palestinian embassies urging them to take immediate action to expose the crime of executing journalist Shireen Abu Akleh. It also confirmed that it would follow up on this heinous crime, in coordination with the Journalists Syndicate and human rights organizations, in preparation for referring it to the International Criminal Court. It later added, following Israeli calls for a joint investigation into the execution of journalist Shireen Abu Akleh, that this The calls are a blatant attempt to cover up the crime, and it called on the international community and competent courts to hold accountable and prosecute the Israeli war criminals, as it described them in its statement. There was also widespread condemnation from Arab and foreign countries of the assassination of Shireen Abu Akleh.

2.4.2 Israeli Responses

Following the killing of journalist Shireen Abu Akleh, official and unofficial Israeli reactions varied, reflecting the complexity and sensitivity of the situation. Initially, the Israeli military issued an official statement suggesting that Abu Akleh may have been killed by Palestinian gunfire during an exchange of fire. IDF spokesman Brigadier General Ran Kochav said, "At this stage, it is not possible to determine from where the gunfire that struck and killed Shireen came. We are investigating this matter and seeking the truth" (The Times of Israel, 2022). This initial position drew widespread criticism, with many viewing it as an attempt to evade responsibility.

With mounting international and domestic pressure, the Israeli military gradually modified its position. On May 13, 2022, Israeli Defense Minister Benny Gantz announced that Israel was willing to cooperate with an international investigation into Abu Akleh's killing, stating, "We are prepared to conduct a joint investigation and share our findings with our international partners" (Reuters, 2022). This statement was made in an attempt to assuage international criticism and demonstrate Israel's willingness to be transparent in handling the case.

Unofficially, opinions within Israeli society were divided. While some defended the Israeli military and rejected the accusations against it, others called for a comprehensive and independent investigation. For example, the left-wing Israeli newspaper Haaretz published articles criticizing the government's handling of the case. In an opinion piece, Gideon Levy wrote, "The killing of

Abu Akleh should be a turning point in how Israel treats journalists in the occupied territories" (Haaretz, 2022).

As time passed and more evidence emerged, the official Israeli position evolved. On September 5, 2022, the Israeli military released the results of its internal investigation, acknowledging the "high probability" that Abu Akleh was killed "accidentally" by Israeli fire. However, the military emphasized that a criminal investigation would not be opened into the incident, stating that "there is no basis for suspicion of a criminal offense that would warrant an investigation" (The Jerusalem Post, 2022). This stance sparked a new wave of criticism, with many considering it insufficient and falling short of the required accountability.

Despite a partial admission of responsibility, the Israeli government continued to reject calls for an independent international investigation. In a statement, the Israeli prime minister said, "No one will interrogate IDF soldiers, and no one will lecture us about the rules of engagement when we are fighting for our lives" (The Times of Israel, 2022). This stance reflects the ongoing tension between international pressure for accountability and Israel's domestic position, which emphasizes protecting its soldiers. This stance has drawn criticism from human rights organizations and international media outlets, who believe that Israel is evading full responsibility for the killing of a prominent journalist.

4.3.2 Arab and International Responses

The killing of journalist Shireen Abu Akleh sparked widespread reactions both in the Arab world and internationally, with voices condemning the incident and demanding a comprehensive and independent investigation. Internationally, the International Federation of Journalists issued a strong statement confirming that the testimonies of journalists who accompanied Shireen Abu Akleh clearly indicate that she was targeted deliberately and systematically. Anthony Bellanger, the IFJ's Secretary General, said, "The available evidence and the testimonies we have gathered indicate that Shireen was directly targeted, and this amounts to a war crime" (International Federation of Journalists, 2022). This statement reflects a firm stance by the leading international organization for journalists' rights.

In Britain, the National Union of Journalists expressed its shock at Abu Akleh's killing. Michelle Stanistreet, the IFJ's Secretary General, said, "We are shocked and devastated by the killing of Shireen Abu Akleh. Targeting journalists while they are doing their jobs is a flagrant violation of international law" (National Union of Journalists, 2022). This statement highlights global concerns about the safety of journalists in conflict zones.

In a significant step, the International Federation of Journalists (IFJ) submitted a draft resolution to the International Criminal Court regarding the systematic and repeated targeting of Palestinian journalists. Jim Boumelha, IFJ President, said, "Through this resolution, we seek to have attacks on Palestinian journalists considered war crimes. Impunity has gone too far" (International Federation of Journalists, 2022). This step represents a serious attempt to activate international accountability mechanisms in such cases.

Human Rights Watch, one of the leading international human rights organizations, issued a detailed statement on the case. Sarah Leah Whitson, the organization's Middle East director, said, "Israel's promises of an investigation are empty. Rights groups have long documented how its investigations are more like image-washing protocols" (Human Rights Watch, 2022). This statement reflects deep doubts about the seriousness of Israeli investigations into such incidents.

On the Arab level, the Arab League strongly condemned Abu Akleh's killing. Ahmed Aboul Gheit, Secretary-General of the League of Arab States, said, "Targeting journalists is a war crime

under international law. We demand an independent and transparent international investigation" (Arab League, 2022). Several Arab countries also issued strong statements of condemnation, with repeated calls to hold those responsible for this crime accountable.

The United Nations, for its part, called for an independent and transparent investigation. UN Secretary-General António Guterres said, "I call on the relevant authorities to conduct an independent and transparent investigation into this incident and ensure that those responsible are held accountable" (United Nations, 2022). This stance reflects the great international interest in the issue and the importance of finding a just solution.

These international and Arab responses reflect the extent of outrage and anger over the killing of Shireen Abu Akleh and demonstrate international consensus on the need for a comprehensive and independent investigation into the incident. They also highlight the importance of protecting journalists in conflict zones and ensuring press freedom as a fundamental human right. Despite the intensity and comprehensiveness of the Arab and international responses to the killing of Shireen Abu Akleh, their tangible impact has so far been limited. On the one hand, these responses succeeded in highlighting the global issue of the targeting of journalists in conflict zones, particularly in Palestine, thereby increasing public awareness of this problem. They also strengthened the international debate on the need to protect journalists and ensure press freedom in conflict settings. However, these responses have not led to substantive changes on the ground. Those responsible for Abu Akleh's killing have not been truly held accountable, and no concrete measures have been taken to prevent the recurrence of such incidents. This shortcoming can be attributed to several factors, including the continuing international political divide over the Palestinian issue, the lack of effective international mechanisms to impose sanctions on those who violate journalists' rights, and the continued policy of impunity enjoyed by Israel in many cases. Therefore, these responses, despite their symbolic and diplomatic significance, have not yet translated into sufficient practical action to achieve justice for Shireen Abu Akleh or to effectively promote the protection of journalists in the region (Reporters Without Borders, 2023; Committee to Protect Journalists, 2023).

1.3 Conceptual Framework of the Research

This section of the research aims to provide a comprehensive summary, reviewing the most important findings from the literature analysis and theoretical framework, and offering conclusions based on the evidence and information gathered. The chapter also offers practical and applicable recommendations aimed at improving the current situation and enhancing the protection of journalists in conflict zones, as well as strengthening international accountability mechanisms in cases of violations against journalists.

The research reviewed the concept of international crimes and their elements, focusing on crimes committed against journalists in conflict zones. The international legal framework, including the jurisdiction of the International Criminal Court and international accountability mechanisms, was addressed. The case of the murder of journalist Shireen Abu Akleh was also analyzed as a case study, reviewing the various investigations—Israeli, Palestinian, and international—and the local and international responses to the incident. The study demonstrated the significant challenges facing achieving justice in such cases and the need to strengthen international protection and accountability mechanisms for journalists in conflict zones.

The conceptual framework is a valuable research tool that helps clarify and organize the main ideas and concepts in the study. In the context of our research on international crimes against journalists in conflict zones, the conceptual framework provides a visual representation of the complex

relationships between the various aspects of the topic. This framework begins with the central concept of international crimes against journalists and branches out into the key theoretical concepts that form the legal and ethical basis for understanding this issue. It then moves to the practical factors that influence how these crimes are addressed, through a specific case study, and finally to the desired outcomes of the research. This logical sequence helps guide the research and ensure its comprehensiveness, and it also provides an organized framework for analyzing information and drawing conclusions. Through this framework, we seek to provide a deeper understanding of the legal and practical challenges in protecting journalists in conflict zones and how to strengthen mechanisms for accountability and justice.

International Crimes Against Journalists in Conflict Zones



Figure 1: The Conceptual Framework of the Study (Prepared by the Researcher)

The conceptual framework presented illustrates the interconnected relationships between the various research components. At the top of the diagram, we find the central concept of "international crimes against journalists in conflict zones," which is the focus of the study. This concept is directly linked to four fundamental theoretical concepts: international criminal law, which provides the legal framework for criminalizing these acts; state responsibility, which defines states' obligations to protect journalists; civilian protection, which emphasizes the status of journalists as civilians in conflict zones; and impunity, which is the primary challenge facing justice in these cases. These theoretical concepts, in turn, influence three practical factors: the legal

framework governing the handling of these crimes; the international investigations conducted to uncover the facts; and the political responses that constitute an important part of the international response. These factors are embodied in the case study of Shireen Abu Akleh, which represents a realistic model of how these elements interact in a real-world context. Finally, the diagram indicates the desired outcomes of international research and efforts: achieving accountability for the perpetrators of these crimes, achieving justice for the victims and their families, and preventing the recurrence of such crimes in the future. This conceptual framework helps us understand the complexities surrounding the issue of protecting journalists in conflict zones and guides our analysis toward exploring possible solutions to enhance the protection of journalists and ensure accountability in cases of violations.

The theoretical framework for this research is based on several fundamental concepts and theories in international law and human rights:

1. The theory of international criminal justice: This theory emphasizes the need to hold perpetrators of international crimes accountable, regardless of their position or nationality. The International Criminal Court is one of the most important mechanisms for implementing this theory (Cassese, 2013).
2. The principle of international responsibility: This principle assumes that states are obligated to protect human rights, including press freedom, and are responsible for violations that occur on their territory or by their forces (Crawford, 2013).
3. The theory of the protection of civilians in armed conflict: This theory emphasizes the legal and moral obligation of parties to a conflict to protect civilians, including journalists, during armed conflict (Slim, 2003).
4. The concept of impunity: This concept focuses on the negative consequences of failure to hold perpetrators of gross human rights violations accountable and the importance of combating this phenomenon (Sikkink, 2011).
5. The theory of deterrence in international law: This theory assumes that the existence of effective international legal accountability mechanisms can deter states and individuals from committing international crimes in the future (Cronin-Furman, 2013).

This theoretical framework provides a solid foundation for analyzing the case of the killing of Shireen Abu Akleh and understanding its legal, political, and humanitarian dimensions. It also helps evaluate the effectiveness of existing international mechanisms in dealing with such cases and guides the formulation of recommendations to improve the protection of journalists and combat impunity.

2.3 Conclusions

The following conclusions represent a comprehensive analysis of international crimes against journalists in conflict zones, with a particular focus on the case of journalist Shireen Abu Akleh. These conclusions are based on an in-depth study of the international legal framework, an analysis of the role of the International Criminal Court (ICC), and a review of international investigations and responses to the incident. They aim to highlight the main challenges facing the protection of journalists in conflict zones and assess the effectiveness of existing legal and international mechanisms in addressing these challenges. They also seek to provide a solid basis for formulating practical recommendations aimed at enhancing the protection of journalists and ensuring accountability in cases of violations against them.

The Role of the International Criminal Court in Achieving International Justice: This study demonstrates that the International Criminal Court plays a pivotal role in the pursuit of justice at the international level, particularly in cases related to crimes against journalists in conflict zones. The independence of the Court, established by an international treaty, gives it the ability to consider cases objectively and impartially. The referral mechanism from the Security Council to the Court, provided for in its Statute, also enhances its ability to intervene in situations that may constitute a threat to international peace and security. However, it should be noted that the Court's effectiveness in achieving justice, particularly in cases such as the killing of Shireen Abu Akleh, remains limited. This limitation is due to several factors, including the failure of some key states (such as Israel and the United States) to accede to the Rome Statute, the political pressure the Court faces, and difficulties in implementing its decisions on the ground.

Promoting the binding nature of international humanitarian law: An analysis of the role of the International Criminal Court reveals that it represents an important legal tool for promoting compliance with international humanitarian law. By seeking to hold perpetrators of international crimes accountable, the Court contributes to consolidating the principle of the rule of law at the international level. This role is particularly important in the context of protecting journalists in conflict zones, where their rights are often violated and their lives are put at risk. However, it is important to note that the Court's ability to effectively enforce these rules remains limited, especially in cases such as Israel, where the Court faces significant political and legal challenges in exercising its jurisdiction.

The need to activate international justice mechanisms to combat impunity: The establishment of the International Criminal Court represents an important step in establishing a permanent international criminal justice system. However, the mere existence of the court is not sufficient to ensure international justice. It requires sustained efforts from the international community to implement the principles and provisions of this system. This includes strengthening international cooperation in investigations and extradition, and providing the necessary logistical and financial support for the court's work. In the case of crimes committed against journalists in Palestine, particularly the case of Shireen Abu Akleh, it is clear that there is a significant gap between the existence of these mechanisms and their ability to achieve actual justice. This highlights the urgent need to develop more effective mechanisms to ensure accountability, especially in cases where states are uncooperative or unwilling to conduct serious investigations.

Integration between national and international efforts in investigation and accountability: The study emphasizes that the role of the International Criminal Court complements, rather than replaces, the efforts undertaken by states to investigate and establish the facts. This complementary principle enhances the effectiveness of the international justice system, as it encourages states to assume their responsibilities in investigating international crimes and prosecuting their perpetrators. In the case of Shireen Abu Akleh, we saw how national (both Palestinian and Israeli) and international investigations presented divergent pictures of the event. This discrepancy underscores the importance of independent and reliable international investigative mechanisms capable of transcending local political considerations and providing an objective assessment.

Challenges in achieving justice in cases of targeting journalists: The case study of Shireen Abu Akleh reveals the significant challenges facing justice in cases of targeting journalists in conflict zones. On the one hand, Israeli investigations concluded that Abu Akleh's assassination did not constitute a crime, reflecting the political and legal challenges in such cases. On the other hand, international evidence and investigations indicate that the occupying forces opened fire on

journalists, including Shireen, without prior warning, which could be considered a crime under international law. This discrepancy in findings and interpretations highlights the need for independent and reliable international investigative mechanisms capable of transcending political considerations and providing an objective assessment of events. It also highlights the importance of strengthening legal protection for journalists in conflict zones and the need for effective mechanisms to ensure accountability in cases of violations.

Limited Impact of International and Regional Responses: Despite widespread condemnation and strong responses from the international community and regional organizations following the killing of Shireen Abu Akleh, the impact of these responses on the ground has remained limited. These responses have not led to concrete measures to hold those responsible accountable or prevent the recurrence of such incidents in the future. This indicates a significant gap between international discourse and its ability to effect real change in the context of complex conflicts such as the Israeli-Palestinian conflict.

The Need to Develop Mechanisms for the Protection of Journalists: The study highlights the urgent need to develop and strengthen mechanisms for the protection of journalists in conflict zones. The continued targeting of journalists, as in the case of Shireen Abu Akleh, indicates the shortcomings of current mechanisms and their inadequacy to deter such violations. New strategies that combine legal, diplomatic, and practical measures are needed to ensure the safety and protection of journalists while covering armed conflict.

These findings underscore the complex challenges facing journalists.

3.3 Recommendations

Based on the findings of this study, and in light of the significant challenges facing the protection of journalists in conflict zones, the following recommendations offer a set of practical and implementable proposals. These recommendations aim to strengthen the international legal framework for the protection of journalists, strengthen accountability mechanisms, and improve the effectiveness of international institutions in addressing crimes against journalists. They also seek to address gaps in the current system and enhance international cooperation in the investigation and prosecution of crimes against journalists. The ultimate goal of these recommendations is to create a safer environment for journalists working in conflict zones and ensure justice in cases of violations, thus contributing to the promotion of press freedom and the protection of the right to information globally.

Expanding the jurisdiction of the International Criminal Court to include crimes against journalists: In light of the repeated attacks targeting journalists in conflict zones, it is recommended that the jurisdiction of the International Criminal Court be expanded to explicitly and clearly include crimes committed against civilian journalists. This expansion should be achieved by amending the Statute of the Court to include a new category of crimes under the Court's jurisdiction. This amendment should include a precise definition of crimes against journalists, including deliberate targeting, physical assault, intimidation, and arbitrary detention. It should also clarify the circumstances under which these acts constitute international crimes, taking into account the particular context of armed conflict and political instability. This expansion of jurisdiction would provide additional legal protection for journalists and enhance the international community's ability to hold accountable those responsible for serious violations of press freedom.

Enhancing the binding nature and enforceability of ICC decisions: It is essential to develop mechanisms to ensure the effective implementation of ICC decisions, particularly in cases related to crimes against journalists. To achieve this goal, we recommend the following:

1. Obligating the Security Council to implement ICC decisions: A mechanism should be established obligating the Security Council to support and implement ICC decisions, particularly in cases related to serious crimes against journalists.
2. Restricting the use of the veto power against ICC decisions: Work should be done to amend the UN Charter or develop an additional protocol that limits the ability of permanent Security Council members to veto decisions related to the implementation of ICC rulings.
3. Develop mechanisms to make the Court's decisions binding and enforceable: An international legal framework must be developed that makes the ICC's decisions binding on all UN member states, regardless of their membership in the Rome Statute.
4. Establish an international oversight mechanism: Establish an independent international oversight body to monitor the implementation of the Court's decisions and submit periodic reports to the UN General Assembly on states' compliance with these decisions.
5. Impose sanctions on non-compliant states: Establish an international sanctions regime to be applied to states that refuse to comply with ICC decisions, including economic and diplomatic sanctions.

Implementing these recommendations would enhance the effectiveness of the ICC and make it a true deterrent against international crimes, including crimes committed against journalists in conflict zones. This, in turn, would contribute to strengthening the protection of journalists and ensuring accountability in cases of violations against them.

Strengthening international criminal justice mechanisms and activating the role of the International Criminal Court: To ensure the effectiveness of the International Criminal Court in prosecuting perpetrators of crimes against journalists and other international crimes, it is recommended to strengthen international criminal justice mechanisms. This requires several steps:

- Increasing international cooperation in the exchange of information and evidence related to international crimes.
- Enhancing the Court's capacity to conduct on-the-ground investigations, including providing the necessary resources.
- Developing mechanisms to protect witnesses and victims who cooperate with the Court.
- Strengthening cooperation between the Court and other international organizations, such as the United Nations and human rights organizations, to ensure coordinated efforts in the field of international justice.
- Increasing the number of states ratifying the Rome Statute, to expand its geographical jurisdiction.

These steps would enhance the Court's ability to deliver justice and deter the commission of international crimes in the future.

Ensuring the independence and impartiality of the International Criminal Court: To enhance the international community's confidence in the International Criminal Court and ensure its effectiveness, it is recommended to take additional measures to affirm its independence and impartiality. This includes developing mechanisms to protect judges and prosecutors from any political pressure or external interference. It also requires ensuring the court's independent and adequate funding, so that it does not rely on state contributions that may influence its decisions. Transparency in the court's proceedings must also be enhanced, including regular publication of

details of investigations and trials. Furthermore, clear and objective criteria should be established for selecting cases to be heard by the court, to avoid any accusations of selectivity or bias. Finally, communication between the court and global civil society should be strengthened to raise awareness of its role and importance in achieving international justice.

Updating and clarifying the legal definitions of journalists and press organizations: Given the rapid changes in the media and journalism field, it is recommended to update and clarify the legal definitions of journalists and press organizations in international agreements. This update should take into account the emergence of new forms of journalism, such as freelance journalists, bloggers, and online content producers. The new definition should also include clear protections for the digital infrastructure on which modern media depend. Furthermore, international agreements should explicitly stipulate that attacks on journalists, whether by killing or harming them, are a war crime. This update will help close legal loopholes that may be exploited to justify attacks on journalists and provide a stronger legal framework for their protection in conflict zones.

Activating the Security Council's role in protecting journalists and ensuring accountability: It is recommended to intensify diplomatic efforts to urge the Security Council to take more effective action to protect journalists in conflict zones and ensure accountability for crimes committed against them. This requires utilizing the powers granted to the Security Council under Chapter VII of the UN Charter. This could include imposing sanctions on states and entities that systematically violate the rights of journalists and establishing special monitoring mechanisms to monitor and document violations against journalists in conflict zones. The Council could also consider establishing special or hybrid tribunals to handle serious cases of crimes against journalists, especially where existing national and international mechanisms fail to deliver justice. These measures would send a strong message that the international community will not tolerate impunity for crimes against journalists.

4.3 Conclusion

This research addressed a critical issue in our contemporary world: international crimes committed against journalists in conflict zones, with a particular focus on the case of Palestinian journalist Shireen Abu Akleh. Through a comprehensive review of the international legal framework, an examination of the role of the International Criminal Court, and an analysis of international investigations and responses to this tragic incident, the research sought to provide a deeper understanding of the challenges facing the protection of journalists in armed conflict settings. The repeated targeting of journalists in conflict zones not only constitutes a violation of fundamental human rights but also represents a serious threat to press freedom and the international community's right to access accurate and reliable information about ongoing conflicts.

The study demonstrated that the current international legal framework, despite its importance, faces significant challenges in providing adequate protection for journalists in conflict zones. Despite the existence of international agreements and treaties that stipulate the protection of civilians, including journalists, the implementation of these laws on the ground remains a major challenge. The case of Shireen Abu Akleh painfully highlights this gap between theory and practice. The international response to the incident, while sometimes forceful, has yet to lead to genuine accountability or tangible changes in journalist protection policies in the region.

The role of the International Criminal Court, as research has shown, is pivotal in the pursuit of justice in such cases. However, the court faces numerous challenges, including its limited

jurisdiction, difficulties in gathering evidence in conflict zones, and political pressures that can hinder its work. Strengthening the court's capacity and expanding its jurisdiction to more clearly include crimes against journalists could be an important step toward ensuring accountability and deterring such crimes in the future.

Investigations into the killing of Shireen Abu Akleh, whether conducted by Israeli or Palestinian authorities or independent international bodies, have revealed additional challenges in the pursuit of truth and justice. The disparity in the results of these investigations highlights the need for stronger and more independent international investigative mechanisms capable of transcending political considerations and providing an objective assessment of events. It also highlights the importance of consistent international standards for conducting investigations into such cases, ensuring transparency and credibility. The international responses to the killing of Abu Akleh, while sometimes forceful, also revealed the limitations of the international community's ability to enforce accountability in such cases. Differences in political positions and the strategic interests of different countries often hinder decisive action. However, the growing international pressure and global attention on the issue of protecting journalists present an opportunity to strengthen international efforts in this area.

In conclusion, this research emphasizes the urgent need for practical and effective measures to enhance the protection of journalists in conflict zones. Accordingly, the recommendations presented, ranging from strengthening the international legal framework to activating the role of the Security Council and the International Criminal Court, represent a roadmap toward achieving this goal. Protecting journalists is not merely a legal or political issue; it is a moral and humanitarian imperative to ensure the international community's right to know and understand the facts in conflict zones. Honoring the memory of Shireen Abu Akleh and other journalists who lost their lives in the line of duty requires us all to work diligently and resolutely to ensure that such tragedies are not repeated in the future, and to ensure that the voice of truth cannot be silenced under any circumstances.

References

- "Autopsy report of Shireen Abu Akleh confirms: An explosive bullet penetrated her head," Youm7 (May 11, 2022) <https://www.youm7.com>, archived on May 11, 2022.
- "Report by the Palestinian Public Prosecution: An Israeli soldier fired a bullet at Shireen Abu Akleh's head," Al-Shorouk Portal (June 8, 2022) <https://www.shorouknews.com>, archived on June 8, 2022.
- Abbas Hashem Al-Saadi, *Individual Criminal Responsibility for International Crimes* (University Publishing House, 2002).
- Amnesty International, 'Israel/OPT: Israeli Military Cannot Keep Killing Palestinians Like Shireen Abu Akleh with Impunity' (11 May 2022) <https://www.amnesty.org/en/latest/news/2022/05/israel-opt-investigation-into-attack-on-shireen-abu-akleh-must-be-independent-and-impartial/>
- Antonio Cassese, *International Criminal Law* (Oxford University Press 2013)
- Arab League, 'Arab League Condemns the Assassination of Palestinian Journalist Shireen Abu Akleh' (11 May 2022) <https://english.ahram.org.eg/NewsParis/466038.aspx>
- Asad G Kiyani, *International Crime and the Politics of International Criminal Theory* (Oxford University Press 2019)
- <https://open.library.ubc.ca/soa/cIRcle/collections/ubctheses/24/items/1.0223680>

- B'Tselem, 'Investigation: Israeli Military Killed Journalist Shireen Abu Akleh' (12 May 2022) https://m.btselem.org/firearms/20220721_killing_of_shireen_abu_akleh
- CNN, '"They Were Shooting Directly at the Journalists": New Evidence Suggests Shireen Abu Akleh Was Killed in Targeted Attack by Israeli Forces' (24 May 2022) <https://edition.cnn.com/2022/05/24/middleeast/shireen-abu-akleh-jenin-killing-investigation-cmd-intl/index.html>
- Committee to Protect Journalists, 'Israel-Gaza War Brings 2023 Journalist Killings to Devastating High' (2023) <https://cpj.org/reports/2024/02/israel-gaza-war-brings-2023-journalist-killings-to-devastating-high/>
- Committee to Protect Journalists, 'Palestinian Journalist Shireen Abu Akleh Killed While Covering Israeli Raid in West Bank' (11 May 2022) <https://cpj.org/data/people/shireen-abu-akleh/>
- David Bosco, *Rough Justice: The International Criminal Court in a World of Power Politics* (Oxford University Press 2014) <https://global.oup.com/academic/product/rough-justice-9780199844135?cc=at&lang=en>
- Hadas Gold, 'Israeli Military Admits Shireen Abu Akleh Likely Killed by Israeli Fire, but Won't Charge Soldiers' *CNN* (6 September 2022) <https://edition.cnn.com/2022/09/05/middleeast/idf-shireen-abu-akleh-investigation-intl/index.html>
- Hassanein Ibrahim Saleh Obeid, *International Crime* (Dar Al-Nahda Al-Arabia, 1999).
- Hugo Slim, 'Why Protect Civilians? Innocence, Immunity and Enmity in War' (2003) 79(3) *International Affairs* 481 <https://www.hdcentre.org/wp-content/uploads/2016/07/Why-protect-civilians-Innocence-immunity-and-enmity-in-war-August-2003.pdf>
- Human Rights Watch, 'Israel/Palestine: Events of 2022' (12 May 2022) <https://www.hrw.org/world-report/2022/country-chapters/israel-and-palestine-0>
- International Criminal Court, *Decision on the 'Prosecution Request Pursuant to Article 19(3) for a Ruling on the Court's Territorial Jurisdiction in Palestine'* (2021)
- International Criminal Court, *Rome Statute of the International Criminal Court*, 1998 (1998).
- International Federation of Journalists, 'Trade Union Movement Demands Justice Following the Killing of Palestinian Reporter Shireen Abu Akleh' (12 May 2022) <https://www.ifj.org/media-centre/news/detail/category/press-releases/article/trade-union-movement-demands-justice-following-the-killing-of-palestinian-reporter-shireen-abu-akleh>
- James Crawford, *State Responsibility: The General Part* (Cambridge University Press 2013) <https://www.cambridge.org/core/books/state-responsibility/EE846D9378B83A9DCC5E794FC086B07E>
- Joseph Krauss, 'Review Suggests Israeli Fire Killed Reporter, No Final Word' *AP News* (June 2022) <https://apnews.com/article/politics-west-bank-middle-east-israel-8df6c999627efcef2fe0ca2b401e7a2c>
- Kate Cronin-Furman, 'Managing Expectations: International Criminal Trials and the Prospects for Deterrence of Mass Atrocity' (2013) 7(3) *International Journal of Transitional Justice* 434 https://www.researchgate.net/publication/256026858_Managing_Expectations_International_Criminal_Trials_and_the_Prospects_for_Deterrence_of_Mass_Atrocity
- Kathryn Sikkink, *The Justice Cascade: How Human Rights Prosecutions Are Changing World Politics* (W W Norton 2011)
- Maria Amrawi, *Deterrence of International Crimes Between International and National Jurisdictions* (PhD Dissertation, Mohamed Khider University, Biskra, 2015).

- Mohamed Lotfy Abdel Fattah, *Mechanisms of Prosecution under International Humanitarian Criminal Law: A Comparative Study*, 1st ed. (Dar Al-Fikr wal Qanoun, 2011).
- Mohamed Mansour El-Sawy, *Provisions of International Law in Combating International Crimes*, 2nd ed. (Dar Al-Nahda Al-Arabia, 2017).
- Montaser Saeed Hamouda, *International Crime*, 1st ed. (Dar Al-Fikr Al-Jamiei, 2011).
- Naima Amimer, *General Theory of State Responsibility in Light of the New Codification* (University Publications Bureau, 2010).
- National Union of Journalists, 'NUJ Condemns Killing of Journalist Shireen Abu Akleh' (11 May 2022) <https://www.nuj.org.uk/resource/nuj-condemns-killing-of-al-jazeera-journalist.html>
- Noa Hasson, 'Israeli Police Violence at Al Jazeera Journalist's Funeral Reveals a Deeper Problem' *Haaretz* (12 May 2022) <https://www.haaretz.com/israel-news/2022-05-12/ty-article/.premium/israel-asks-palestinian-authority-for-bullet-that-killed-shireen-abu-akleh/00000180-d633-d452-a1fa-d7ff89200000>
- Palestinian Journalists Syndicate, 'Annual Report on Press Freedom Violations in Palestine' (2023) https://www.ifj.org/fileadmin/user_upload/PJS_-_Press_freedom_report_2023.pdf
- Randa Talei and others, 'The Regional Repercussions' in *Arab Perspectives on the Middle East Crises* (Carnegie Endowment 2023) <https://carnegieendowment.org/posts/2023/10/arab-perspectives-on-the-middle-east-crisis?lang=en>
- Rawan Mohammed Al-Saleh, *International Crime in International Criminal Law* (PhD Dissertation, Mentouri University, Constantine, 2009).
- Reporters Without Borders, '2023 World Press Freedom Index: A New Era of Polarization' (2023) <https://rsf.org/en/index>
- Reuters, 'Israel Police Beat Mourners at Funeral of Slain Palestinian Journalist' (13 May 2022) <https://www.reuters.com/world/middle-east/israel-resumes-raids-west-bank-area-where-journalist-was-killed-2022-05-13/>
- Roy S Steinberg, 'Politics and Justice at the International Criminal Court' (2024) 57(2) *Israel Law Review* 308 https://www.researchgate.net/publication/384029312_Politics_and_Justice_at_the_International_Criminal_Court
- Saeed Abdel Halim Saeed, *The International Criminal Court: Jurisdiction and General Principles* (Dar Al-Nahda Al-Arabia, 2008).
- Saeed Abdel Latif Hassan Hassan, *The International Criminal Court* (Dar Al-Nahda Al-Arabia, 2004).
- Saja Abdul Sattar, *Protection of Journalists in International Humanitarian Law* (Master's Thesis, Middle East University, Amman, 2017).
- The Jerusalem Post*, 'US Demands Accountability in Abu Akleh Killing, No Criminal Probe Held' (6 July 2022) <https://www.jpost.com/middle-east/article-711307>
- The New York Times*, 'The Killing of Shireen Abu Akleh: Tracing a Bullet to an Israeli Convoy' (20 June 2022) <https://www.nytimes.com/2022/06/20/world/middleeast/palestian-journalist-killing-shireen.html>
- The Times of Israel*, 'IDF Says No Criminal Probe into Killing of Al Jazeera Reporter Shireen Abu Akleh' (19 May 2022) <https://www.timesofisrael.com/un-claims-al-jazeera-journalist-killed-by-israeli-fire-calls-for-criminal-inquiry/>

The Times of Israel, 'Palestinian Rights Group Claims Evidence Shows Abu Akleh Intentionally Killed by IDF' (11 May 2022)

<https://www.timesofisrael.com/palestinian-rights-group-claims-evidence-shows-abu-akleh-intentionally-killed-by-idf/>

United Nations Human Rights Office, 'Killing of Journalist in the Occupied Palestinian Territory' (24 June 2022)

<https://www.ohchr.org/en/press-briefing-notes/2022/06/killing-journalist-occupied-palestinian-territory>

United Nations, 'Secretary-General Strongly Condemns Killing of Al Jazeera Journalist Shireen Abu Akleh' (11 May 2022)

<https://www.aljazeera.com/news/2022/5/14/un-security-council-condemns-killing-of-shireen-abu-akleh>

US Department of State, 'On the Killing of Shireen Abu Akleh' (4 July 2022)

<https://www.state.gov/on-the-killing-of-shireen-abu-akleh/>