

Attn:

Her Excellency Navanethem Pillay

His Excellency Miloon Kothari

His Excellency Chris Sidoti

13 September 2024

Your Excellencies, Members of the Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and Israel,

We, the undersigned organisations and individuals, welcome your investigation into violations of international humanitarian law and abuses of international human rights law committed in Israel and the Occupied Palestinian Territories, including East Jerusalem, leading up to and since 13 April 2021.

As local and international press freedom and human rights organisations, we have documented the Israeli military's [deliberate](#) attack that killed one and injured six journalists in southern Lebanon on 13 October 2023. We urge you, as the only standing ongoing United Nations Commission of Inquiry with both an investigative and accountability mandate, to include these alleged crimes in your investigation and publish your findings promptly. Although the seven journalists apparently targeted in the attack were in Alma Al-Shaab on Lebanese soil, the Israeli strikes on the journalists were launched from Israel, according to a series of independent investigations. The United Nations' own [peacekeeping force](#) in Lebanon, have concluded that the attack violated international law.

We submit this request in the hope that the work of the Commission may contribute to ensuring accountability for the killing of Reuters journalist [Issam Abdallah](#), who lost his life in that attack, and for the six other journalists injured alongside him: Agence France Presse (AFP) journalists Christina Assi and Dylan Collins; Al Jazeera journalists Carmen Joukhadar and Elie Brakhya; and Reuters journalists Maher Nazih and Thaer al-Soudani. Over 10 months have passed since this potential war crime was committed, but no tangible steps have been taken by any judicial body to secure justice for the victims and accountability for the perpetrators.

Since 13 October 2023, five organisations have independently investigated this attack. The incident is particular in that, because the journalists were filming at the time, there is a wealth of contemporaneous evidence documenting the attack, including real-time footage of the attack itself. The combined findings of Reporters Without Borders ([RSE](#)), [Human Rights Watch](#), [Amnesty International](#), [Reuters](#), and [AFP](#) have concluded that:

- While covering the hostilities at the Lebanese-Israeli border on 13 October 2023, the site where the **seven journalists from Reuters, AFP, and Al Jazeera were located was repeatedly targeted with two consecutive strikes** in the span of 37 seconds.
- The first strike immediately killed **Reuters journalist Issam Abdallah** and severely injured **AFP correspondent Christina Assi**, leading to the amputation of her right

leg at the knee. A second strike injured Al Jazeera correspondents Carmen Joukhadar and Elie Brakhya, AFP photographer Dylan Collins, and Reuters journalists Maher Nazih and Thaer al-Soudani.

- Forensic and open-source analysis of footage from the crime scene, debris, and weapon fragments shows that **both strikes originated from the Israeli side of the border. The strikes that killed Issam Abdallah and injured his colleagues most likely originated from an Israeli tank.**
- **These attacks also destroyed press equipment**, including an Al Jazeera vehicle that was directly hit in the second attack, and an AFP camera.
- **All seven journalists were clearly exposed and visible on an elevated hill for at least an hour prior to the attack. They were wearing press vests and press helmets, at least one car was marked with TV signs on its hood**, and they were carrying their cameras and equipment and thus **clearly identifiable as journalists**. The evidence suggests that the seven journalists were visible to the cameras of a nearby unmanned aerial vehicle (UAV) that was most likely Israeli, within line of sight of Israeli observation posts and a helicopter above the journalists, moments before the attack. The journalists conducted at least three live broadcasts from that location.
- All evidence reviewed indicated that **the journalists were not near areas with ongoing hostilities, and they had notified the Lebanese army and the UN of their positions**. An investigation by the United Nations Interim Forces in Lebanon (UNIFIL) found that there was no exchange of fire at the time of the Israeli tank fire, meaning there was no pretext for the attack.
- **Israeli authorities have failed to investigate the crime and take the necessary measures to hold the perpetrators to account.**

A sixth [investigation](#) conducted by UNIFIL similarly concluded, according to a [Reuters report](#) published on 13 March 2024, that “an Israeli tank killed Reuters reporter Issam Abdallah in Lebanon by firing two 120 mm rounds at a group of ‘clearly identifiable journalists’ in violation of international law.”

According to [Reuters](#), the UNIFIL report also assessed that “there was no exchange of fire across the Blue Line at the time of the incident,” and concluded that “the firing at civilians, in this instance clearly identifiable journalists, constitutes a violation of UNSCR 1701 (2006) and international law,” referring to Security Council resolution 1701 and Article 4 of the Third Geneva Convention and article 79 of Additional Protocol of the Geneva Conventions, which codifies a customary rule, journalists in war zones must be treated as civilians and protected as such, provided they play no part in the hostilities.

In your A/78/198 [report](#) to the General Assembly on the case of Shireen Abu Akleh, the Commission of Inquiry reinforced the status of journalists as “protected persons” also under international human rights law, where their right to life is non-derogable. The same report, furthermore, refers to Article 28 (A) of the Rome Statute and states that “under the doctrine of command responsibility, a military commander may be held criminally responsible for

crimes committed by subordinates under his effective command and control, where the commander knew or should have known that the subordinates were committing crimes and he failed to prevent the commission of the crimes or to submit the matter to the competent authorities for investigation and prosecution.”

Furthermore, the various independent investigations carried out since 13 October 2023 have demonstrated that the attack on the journalists originated from Israeli territory, in the hills between al Nawaqir and Jordeikh.

[A subsequent investigation by Reuters](#) published on 7 March 2024 indicated that **the Israeli military likely opened fire on the location of the journalists with a heavy machine gun for more than one minute**; that gun was likely mounted on the same tank that fired the two tank shells, according to Reuters.

For these reasons, and in accordance with your mandate, we believe that the above-mentioned findings should be examined with the utmost attention by your Honourable Commission, in its role of "investigating possible international crimes and violations of international human rights law committed in Israel and the Occupied Palestinian Territory.”

We are ready to support the Commission’s investigation into this attack. We also express our solidarity with Issam Abdallah’s family and support their request to your Commission, which includes asking that the Commission:

- (i) conduct its own inquiry into the events on 13 October 2023 and the circumstances of Issam Abdallah’s killing; and
- (ii) recognise the crucial role that journalists play in documenting armed conflict, and the alarming numbers of journalists killed since the beginning of this conflict, that the Commission give specific focus to crimes against journalists as part of its inquiry into war crimes committed in Israel and Palestine since 7 October 2023.

In conducting its inquiry, we, the undersigned organisations and individuals, urge the Commission to:

- Conduct an investigation into the attack and publish the findings.
- Collect, analyse and preserve information relevant to the killing, including open-source investigations.
- Review the investigations mentioned above.
- Hear individuals’ and survivors’ testimonies.
- Publicly Identify the military unit involved in the attack on the journalists.
- Send formal requests for information to the Governments of Israel, Lebanon, and the United States, given that one of the survivors of the attack, Dylan Collins, is a US citizen.

As organisations that have investigated and reported on this apparent war crime since 13 October 2023, we affirm our commitment to supporting your efforts. We believe this to be of

crucial importance to ensure redress for all victims, as well as to end impunity for crimes committed against journalists since 7 October 2023, including the ongoing targeting of journalists in Gaza, where more than 100 media employees have been killed by Israeli forces.

Thank you for your consideration of our request.

Sincerely yours,

Reporters Without Borders (RSF)

Committee to Protect Journalists (CPJ)

Alternative Press Syndicate - Lebanon (APS)

Human Rights Watch

Samir Kassir Foundation (SKF)

The Issam Abdallah Foundation

Maharat Foundation

The Legal Agenda

Euromed Rights

Lebanese center for Human Rights

Syndicate of Audiovisual in Lebanon