



September 5, 2022

Military Advocate General: There is no suspicion a criminal offense occurred that would warrant the opening of a Military Police Criminal Investigation Division (MPCID) investigation into the circumstances of the death of the journalist Shireen Abu Akleh

On May 11th, 2022, IDF soldiers conducted counterterrorism operations in the city of Jenin. During the operational activity, exchanges of fire took place between the IDF soldiers and a large number of armed Palestinian gunmen. The gunmen fired continuously, and hurled explosive devices, at IDF soldiers. During the operational activity, the Al-Jazeera journalist Shireen Abu Akleh was killed and the journalist Ali Samudi was injured. Following the events a thorough, professional and comprehensive operational review was carried out.

In accordance with the IDF's investigations policy in Judea and Samaria, the decision regarding the opening of a criminal investigation in relation to the death of a person during operations of a real combat nature is made after the conclusion of a factual assessment. This was the procedure taken in this case as well. In light of the nature of the operational activity, which included extensive exchanges of fire of a clear combat nature, no immediate criminal investigation was opened; with the completion of the operational review, all the findings were forwarded to the Military Advocate General's office for final consideration on the matter.

All the findings gathered as part of the review were presented to the Military Advocate General's Office, including visual and audio analysis documenting the incident, and references to the information and claims published by foreign media organizations, as well as answers to questions addressed to the review team for clarification.

At the end of the examination, it was found that as a part of the operational review, the circumstances of the incident were clarified in a thorough and comprehensive manner, both through extensive questioning and examination, as well as by reviewing visual documentation collected from various sources. The materials of the operational review, along with data and information from sources outside



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of the IDF, provided a sufficient factual basis for making a decision on whether or not to open an MPCID investigation.

After a comprehensive examination of the incident, and based on all the findings presented, the Military Advocate General determined that under the circumstances of the incident, despite the dire result – the death of Ms. Abu Akleh and Mr. Samudi's injury – there was no suspicion of a criminal offense that warrants the opening of an MPCID investigation.

The decision was based on the findings of the review, which determined that IDF soldiers only aimed fire at those who were identified as armed terrorists during the incident. As such, there was no suspicion that a bullet was fired deliberately at anyone identified as a civilian and in particular at anyone identified as a journalist. Live fire was used by the IDF in response to the extensive firing of hundreds of bullets by Palestinian gunmen, over significant periods of time, and as a reasonable response to this gunfire. Also considered was the fact that the possibility cannot be ruled out that Ms. Abu Akleh was hit by Palestinian gunfire. In this context, it must be noted that a professional forensic examination of the bullet at an Israel Police forensics laboratory did not make it possible to determine whether the bullet was fired from the IDF weapon tested, which fired a shot close to Ms. Abu Akleh.

As part of the decision, the overall characteristics of the operational activity were taken into account - the counterterrorism activity carried out by IDF soldiers under heavy fire from armed Palestinian gunmen from the beginning of the operation until its end. The soldiers operated in a dangerous situation, under high pressure and stressful conditions. Accordingly, the soldiers were required to make real-time decisions, under fire and with their lives in danger. Operational circumstances allow room for errors by soldiers, and the tragic outcome of the incident does not, in itself, arouse suspicion of a criminal offense.

In conclusion, although there is a high probability that Ms. Abu Akleh was shot by IDF soldiers, the circumstances of the incident, as they emerged from the operational review and other findings collected, do not raise the suspicion of a crime having been committed which would justify the opening of a criminal investigation.