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## The Murder of Shireen Abu Akleh: How Does Law Protect the Journalist in a War?

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**Abstract** *Shireen Abu Akleh, an esteemed Al Jazeera journalist, was sadly killed by Israeli army gunfire in May 2022 while reporting on the Israel-Palestine military war. To pursue justice for this horrific act, the Palestinian administration filed a formal complaint with the International Criminal Court (ICC). Despite the presence of strong proof, the Israeli government maintains that the charges are false. This study looks thoroughly into the Abu Akleh murder case, examining it from the standpoint of international law. Using normative legal research methods, the paper thoroughly examines the historical features of the murder as well as the legal procedures specified by*

*international law to assure the administration of justice. Furthermore, the study emphasizes the critical importance of the Palestinian government's ICC complaint as a critical first step in initiating the judicial procedure. Notably, the United Nations has formally declared the Israeli army guilty of Abu Akleh's death, heightening the gravity of the situation. This research states categorically that the Israeli government must be held liable for this heinous act after exhaustively evaluating the most recent facts and prestigious international legal frameworks. It is fervently hoped that by unraveling the multifaceted dimensions inherent in this case, justice will ultimately prevail, steadfastly reaffirming the indispensable principles that safeguard press freedom and protect journalists worldwide, including within Indonesia as an integral member of the international community.*

**Keywords** ICC, Israel, Journalist, Palestine, War Crime

## 1. Introduction

Journalism serves as a crucial conduit for the progression of democratic systems, facilitating the transition from freedom of thought to freedom of speech. Freedom of expression, an inherent and universally recognized human right, stands as the cornerstone of this democratic principle. It is undeniably intertwined with the natural inclination of individuals to think and articulate their thoughts, thus shaping the essence of freedom of speech.<sup>1</sup> Consequently, this

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<sup>1</sup> Furthermore, it is emphasized that freedom of expression, considered an inherent and universally recognized human right, serves as the cornerstone of democratic principles. This right is undeniably intertwined with the natural inclination of individuals to think and articulate their thoughts, playing a pivotal role in shaping the essence of freedom of speech. At its core, freedom of expression is a fundamental human right that recognizes the inherent dignity and autonomy of individuals. It acknowledges that every person possesses the right to hold opinions and express them freely without interference or fear of reprisal. This right is not only a legal protection but also a reflection of the belief that the free exchange of ideas is essential for the progress of society. The link

fundamental right finds particular resonance within the field of journalism.

Moreover, the significance of journalism is intricately intertwined with the relentless technological advancements that characterize the modern world. As technology continues to evolve, the impact and reach of journalism expand accordingly. The ever-increasing accessibility and speed of information dissemination offer unparalleled opportunities and challenges for journalists, amplifying their role in disseminating accurate and timely news to global audiences. In this rapidly evolving landscape, the importance of journalism as a profession cannot be overstated. In essence, journalism not only upholds the principles of freedom of expression

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between freedom of expression and the democratic principle is profound. In a democratic society, the diversity of opinions and perspectives is not only tolerated but valued. The freedom to express thoughts, ideas, and criticisms fosters an open marketplace of ideas, allowing for robust debates and discussions. This, in turn, contributes to informed decision-making processes and the accountability of those in power. Moreover, the connection between freedom of expression and the natural inclination of individuals to think and articulate their thoughts underscores the deeply rooted nature of this right. Human beings have an innate desire to explore, question, and communicate. Freedom of expression recognizes and protects this innate inclination, allowing individuals to contribute to the intellectual and cultural tapestry of society. See Cekli Setya Pratiwi, "Bridging the Gap Between Cultural Relativism and Universality of Human Rights: Indonesia Attitudes". *Journal of Indonesian Legal Studies* 5, no. 2 (2020): 449-78; Amira Rahma Sabela, and Dina Wahyu Pritaningtias. "Study of Freedom of Speech and Expression in Legal Protection for Demonstrants in Indonesia [Kajian Freedom of Speech and Expression dalam Perlindungan Hukum terhadap Demonstran di Indonesia]". *Lex Scientia Law Review* 1, no. 1 (2017): 81-92; Jerico Mathias, "Hate speech and its threat to law enforcement." *The Indonesian Journal of International Clinical Legal Education* 3, no. 1 (2021): 15-26; Eko Agustinus, "Individual Freedom in the Legal Discourse in Indonesia". *Indonesia Media Law Review* 1, no. 1 (2022): 41-62.

but also adapts to the evolving technological landscape, thereby playing a pivotal role in shaping the democratic fabric of societies.<sup>2</sup>

The work of journalism is one of the glories of civilization. The phenomenon is in line with its function to build and preserve historical truth.<sup>3</sup> The existence of historical transparency necessitates the unfettered participation of journalists in news coverage, ensuring accurate and comprehensive documentation of history without information gaps. The authenticity of historical records serves as a crucial indicator of increasing knowledge, as it provides credible and reliable sources for academic purposes.

Unfortunately, there are still numerous, varied, and multifaceted attempts to muzzle journalists. In October 7, 2006, investigative journalist Anna Politkovskaya was murdered in her Moscow apartment complex. Known for her critical reporting on the Russian government and human rights abuses in Chechnya, her murder remains unsolved.<sup>4</sup> On September 5, 2017, Indian journalist Gauri Lankesh was shot multiple times outside her home in Bengaluru.<sup>5</sup> Lankesh, the editor of a journal that supported minorities, came under attack for her work. She has been aggressively denouncing the regime. Lankesh, the editor of a journal that supported minorities, came under attack for her work. She has been aggressively denouncing the regime.<sup>6</sup> A few weeks later, on October 16, 2017, investigative journalist Daphne Caruana Galizia was assassinated by

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<sup>2</sup> Barbie Zelizer, "Why Journalism Is About More Than Digital Technology," *Digital Journalism* 7, no. 3 (March 16, 2019): 343–50.

<sup>3</sup> Sebastian Kasper, "Protecting the Messenger:," *Journal of Mediation and Applied Conflict Analysis* 8, no. 1 (June 1, 2022): 38–58.

<sup>4</sup> Anna Politkovskaya, "Standing Alone," *Index on Censorship* 51, no. 1 (April 1, 2022): 93–95.

<sup>5</sup> Shwetha Delanthamajalu, "Nation, Gender and the Killing of an Indian Journalist," *Gender, Place & Culture* 27, no. 8 (August 2, 2019): 1115–33.

<sup>6</sup> Maaz Akhtar Hashmi, "The Political Media - A Critical Analysis of the Current Indian Media," *Supremo Amicus* 17 (2020).

a vehicle bomb near her home in Malta. She had been investigating corruption and organized crime in the country.<sup>7</sup> On October 2, 2018, Saudi writer and Washington Post contributor Jamal Khashoggi was gruesomely murdered inside the Saudi consulate in Istanbul, Turkey. His death sparked global outrage and raised concerns about press freedom and journalist safety.<sup>8</sup> In May 2020, Zhang Zhan, a citizen journalist, was detained in Shanghai and later sentenced to four years in prison. She had posted a video criticizing the government's response to the COVID-19 outbreak in Wuhan, and was charged with spreading false information and inciting dissent.<sup>9</sup> Some of the methods used to muzzle journalists in the examples given above were used when the reporters weren't on the job. Shireen Abu Akleh was murdered in public while she was reporting on the conflict, in contrast to the other tragedies.

However, despite the recognized role of journalists in promoting transparency and proper historical documentation, they are sometimes perceived by parties involved in conflicts as interfering with the course of war. Directly involved parties in conflict argue that the media plays a propagandistic role against the global community, exerting significant influence on public opinion regarding the ongoing conflict. Consequently, acts of intimidation are not uncommon, as warring parties view journalists as indirectly involved

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<sup>7</sup> Thomas Calleja, "The Assassinations of Investigative Journalists Daphne Caruana Galizia and Veronica Guerin and the Male-to-Female Birth Ratio," *Early Human Development* 141 (February 1, 2020): 104950.

<sup>8</sup> Marko Milanovic, "The Murder of Jamal Khashoggi: Immunities, Inviolability and the Human Right to Life," *Human Rights Law Review* 20, no. 1 (April 17, 2020): 1–49.

<sup>9</sup> "China: Journalist Jailed for COVID Reporting Seriously Ill, Must Be Released – UN Experts | OHCHR," accessed June 6, 2023, <https://www.ohchr.org/en/press-releases/2021/11/china-journalist-jailed-covid-reporting-seriously-ill-must-be-released-un>.

in the conflict and benefiting from it. The warring parties believe that journalists align themselves with specific conflict perspectives and possess sufficient resources to disseminate information in accordance with their chosen viewpoints on the war at hand. Attempting to silence journalists constitutes a flagrant violation of fundamental human rights, and as a result, the universal recognition of these rights is imperative. The crucial role of journalism itself lies in maintaining a democratic society wherein equal access to information is afforded to all individuals.<sup>10</sup> The more essential issue is that everyone has the right to accurate information and transparent delivery from the media. Equality of access to information is one of the steps that every country that follows a democratic system should accomplish. Undoubtedly, in order to decrease the possibility of chaos, the presence of equal access to information must be protected against fake news by authorities.<sup>11</sup>

In a military conflict, information related to the current situation is one of the topics that the public can legally know. Consequently, the media have the right to report the situation. Journalists have been trapped in a firefight several times in practice.<sup>12</sup> Undeniably, such circumstances pose a grave threat to the ability of journalists to fulfill their duties effectively. Consequently, ensuring the safety of individual journalists reporting from conflict zones assumes paramount significance. Armed forces involved in the conflict bear the responsibility to refrain from causing harm or engaging in

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<sup>10</sup> Thomas Hanitzsch and Tim P. Vos, "Journalism beyond Democracy: A New Look into Journalistic Roles in Political and Everyday Life," *Journalism* 19, no. 2 (November 11, 2016): 146–64.

<sup>11</sup> Rebecca K. Helm and Hitoshi Nasu, "Regulatory Responses to 'Fake News' and Freedom of Expression: Normative and Empirical Evaluation," *Human Rights Law Review* 21, no. 2 (March 12, 2021): 302–28.

<sup>12</sup> Gunnar Nygren et al., "Journalism in the Crossfire: Media coverage of the war in Ukraine in 2014," *Journalism Studies* 19, no. 7 (May 19, 2016): 1059–78.

violence against journalists diligently carrying out their crucial role of disseminating up-to-date information on the ongoing hostilities to the public.

The role of journalists in identifying conflicts is intricately intertwined with their duties and responsibilities to provide up-to-date news to the public. This news serves to heighten awareness among all parties involved, particularly civilians, who depend on this information to safeguard themselves amidst armed hostilities. The manner in which the media reports on conflict-related situations significantly influences civilian efforts to secure their own safety, as they rely on the latest information from the field, which they are unable to directly access due to security considerations. Given that civilians have limited time and resources to gather reliable information about the conflict, it falls upon journalists to fulfill this responsibility. By fulfilling their role as information gatherers and disseminators, journalists play a crucial part in ensuring the safety and well-being of civilians affected by the conflict.<sup>13</sup> However, during the last 25 years, the number of journalists murdered has increased (1992-2016).<sup>14</sup>

## 2. Method

The research employed normative legal research, which involved evaluating secondary materials through library research and referencing the most recent news to gather chronologically-related information. The author also utilized a conceptual method to investigate and comprehend international law principles and various

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<sup>13</sup> Pukar Dahal, "Protection of Journalists in Armed Conflict," *GPH-International Journal of Social Science and Humanities Research* 4, no. 06 (June 26, 2021): 21–30.

<sup>14</sup> Sallie Hughes and Yulia Vorobyeva, "Explaining the Killing of Journalists in the Contemporary Era: The Importance of Hybrid Regimes and Subnational Variations," *Journalism* 22, no. 8 (November 5, 2019): 1873–91.

international conventions. As a result, understanding international and regional frameworks pertaining to the ICC's role as an independent international court and human rights legislation becomes essential for journalists. Furthermore, the research analyzes relevant papers to grasp recent developments in the field. Additionally, the study will examine other significant cases, such as the murder of journalist Abu Akleh by the Israeli military.

### **3. Result & Discussion**

#### **A. Journalist Silencing in Various Forms**

Abu Akleh, a Palestinian-American, became a familiar face on the Al Jazeera network, where she reported for 25 years, establishing her name during the bloodshed of the second intifada, which started in 2000 in Israel and the occupied West Bank. According to Al Jazeera and the Palestinian health ministry, Abu Akleh was shot in the head in the West Bank city of Jenin, and her death was attributed to Israeli forces. The Israeli authorities, on the other hand, denied the report by asserting that 'Palestinian armed gunfire' might have been responsible.

Journalism necessitates the advancement of communication and critical thinking, writing abilities, research and technical skills, and understanding of editorial procedures.<sup>15</sup> Journalists are bound by a set of standards that guide their conduct while fulfilling their responsibilities. The paramount aspect of their profession lies in maintaining objectivity in their reports. In recent times, there has been a growing movement advocating for journalists to be independent rather than neutral. This necessitates the courage to resist undue

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<sup>15</sup> Benno Viererbl and Thomas Koch, "Once a Journalist, Not Always a Journalist? Causes and Consequences of Job Changes from Journalism to Public Relations," *Journalism* 22, no. 8 (May 17, 2019): 1947–63.



influence and strive for truth that is communicated without interference from those in power. The information conveyed through journalistic output must be straightforward and accurate. Moreover, journalists encounter various challenges in their pursuit to remain relevant. To overcome these obstacles, they must possess rapid analytical skills to provide reliable information to the public. However, the impartiality and integrity of the information shared must always take precedence over the urgency of reporting.

Unfortunately, journalism has never enjoyed a secure environment. This is primarily due to the involvement of politicians with vested interests in certain issues. Consequently, any journalist who adheres to the principle of transparent reporting often acquires sensitive material that politicians deem harmful if exposed to the public. Such actions contradict the democratic system's emphasis on public engagement and the essential need for trustworthy access to information. Journalists in such positions have the right to resist and reject any intervention from politicians. They are duty-bound to continue their coverage in the best interest of the public.

Politicians should not fear journalistic reporting if they have nothing to hide. Their interference in the media is likely driven by concerns about potential revelations of misconduct in governance. It is crucial for politicians to acknowledge that even if they possess the capability to engage in fraudulent activities and journalists successfully uncover such acts, it reflects a failure within the legal system rather than solely on journalism. The possibility of negative public response resulting from the news lies not solely with journalism, provided the facts are true, but also with the subject of the news itself. The following are some of the effects and methods by which power influences the suppression of journalists:

## 1. *Misogynism*

Misogyny is a condition in which a person despises women, both from males and from other women. Such condition often positions and considers women as the source of a problem. Misogynism interferes with women's work processes as their roles in journalism evolve. Misogynistic conduct may take many forms, including public humiliation, cyberstalking, and intimidation.<sup>16</sup> Such prejudice breeds a discriminatory inclination in every woman, even if she is trying to do her job in accordance with democratic norms. Without a doubt, such prejudice still exists since the public is not accepting of women's roles in society.

Such discrimination runs not only directly in real life but also indirectly. However, prejudice exists on the internet as well. The freedom to speak anonymously contributes to the lack of responsibility on the internet for women's harassment. As a result, everyone who conducts harassment or hate speech against female journalists feels safe from prosecution since he considers himself anonymous on the internet. As a result, every female journalist will feel burdened by the misogyny that still interferes with their reporting responsibilities.

Online harassment is often associated with the development of social media technologies and journalism. In such a scenario, there are various variables that contribute to journalist harassment. The harassment was mostly driven by their public social identities, news beats, and news organizations for which they work. As a result, there is an unspoken assumption that journalists should not divulge their selves to the public. Such perception is undoubtedly prompted by the likelihood of the public's lack and capability to critically examine the

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<sup>16</sup> Samiksha Koirala, "Female Journalists' Experience of Online Harassment: A Case Study of Nepal," *Media and Communication* 8, no. 1 (February 25, 2020): 47–56.

news. Rather than paying attention and attempting to comprehend the substance of the news produced by journalists, some parties concentrate on who is reporting.

The identity of a corporation that reports on a certain problem is often the primary emphasis of a journalistic product. Furthermore, it is common for the major attention to be on who is the news writer or news anchor who delivers the outcomes of their investigation to the public. In other circumstances, the audience is more interested in and focused on how the news is delivered to them. In a journalistic firm, the primary emphasis is often on who the funders are. Worse, the news is regarded to be incomplete and insufficiently reliable to be known by the public because of the gender identity of news anchors and reporters. It was subsequently established that women in journalism often experience gender discrimination.<sup>17</sup>

## 2. *Blocking News Company*

In the practice of journalism, every work carried out by journalists certainly cannot be separated from the role of the company that is responsible for the work done. If media businesses want to make a positive impression on the public, they must be honest. As a result, it is the responsibility of every news organization to assure the quality of the news that is given to the public. Transparency and accuracy of information supplied to the public cannot be separated from each individual journalist employed by the associated news organization.

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<sup>17</sup> Silvio Waisbord, "Mob Censorship: Online Harassment of US Journalists in Times of Digital Hate and Populism," *Digital Journalism* 8, no. 8 (October 6, 2020): 1030–46.

As a result, the quality of human resources in the context of journalistic activity inside news organizations is a crucial aspect of democracy. The duty of journalism that each individual journalist and news organization has occasionally interacts with the political goals of specific parties. Conflicts between news organizations and specific government authorities are often a major impediment to media activity. In certain circumstances, the government discriminates by prohibiting these media sites. The worst-case scenario is when certain people believe they have the right to invade media headquarters and viciously discriminate against every individual employee in the news organization.

The responsibility of journalism is getting bigger when they are in the post-truth era. The growth of internet users is driving this rise in responsibilities. The fundamental reason for this is that any journalistic position will have to compete with the growing quantity of contributions made by other internet users. The change in public opinion and the developing public propensity will become a trend that outperforms the speed and accuracy of information formerly controlled by news organizations and the press. As a result, in the post-truth age, news organizations must continue to adhere to the media code of ethics, even if trends and opinion trends are shifting in the other way.

Not occasionally, the independence of news organizations that are counter to popular opinion as expressed by social media users is a catalyst for discrimination or charges of bias of news delivered to the public since it is seen to be out of step with current trends. Journalism, on the other hand, must constantly strive to be at the heart of the information cycle. Due to the purity of the news and the sharpness of analysis must constantly be emphasized so that the public, who is troubled by the flow of news pushed by specific organizations, still has access to ideal and reputable sources of

information, journalists must stay at the core of information processing.<sup>18</sup>

The relationship between government authorities in regulating journalists must be restrained under all circumstances.<sup>19</sup> Government authority based on legal legitimacy has unquestionably the ability to regulate the nation. However, in certain circumstances, this ability is abused in order to influence public opinion. Such misuse clearly violates the standards of good governance. Interventions in reporting efforts, which are the responsibilities and obligations of news organizations, will influence the impartiality of information provided to the public.

The bias of information generated by power action will have a direct influence on a news organization's credibility and integrity. Indeed, if the authority actually respects news organizations' responsibilities to be honest and impartial in their reporting of news, the government helps the building of the democratic system. To avoid absolute leadership from being triggered by numerous encounters in the form of government intervention against news firms, the government must recognize that they must preserve their distance and not meddle in the news-making process by journalists.

### ***3. Internet Shutdowns***

In accordance with the development of democracy, journalism has always been associated with widespread public access to a variety

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<sup>18</sup> Matt Carlson, "The Information Politics of Journalism in a Post-Truth Age," *Journalism Studies* 19, no. 13 (October 3, 2018): 1879–88.

<sup>19</sup> Yulchi Ziyodullaevich and Ruziev Head, "Role and Importance of Limiting Institutional Autonomy in the Relationship between Journalism and Politics in Public Practice," *International Journal of Multicultural and Multireligious Understanding* 9, no. 7 (July 12, 2022): 11–17.

of journalistic products. It's clear that the information in journalism goods that may be accessed attempts to offer reliable, diverse, and constantly updated information.<sup>20</sup> This will undoubtedly have an effect on one of the ways in which the general public participates in democratic social life, namely the availability of a system for the creation and dissemination of information that is open to public access. Therefore, the government should be aware that advancements in technology, the internet, and of course a democratic system of governance will always go hand in hand with advancements in journalism. Furthermore, it is compulsory for policies relating to journalism to give priority to values consistent with democracy.<sup>21</sup>

Naturally, when generating and disseminating genuine journalistic products, the information contained is occasionally frequently misconstrued and answered adversely. People who believe that the information provided, despite being true and accurate, may jeopardise the stability and viability of their activities typically perceive and react negatively. The government may occasionally adopt this pejorative view or response in an effort to maintain safety in locations and situations prone to confrontation. In responding to such a phenomenon, the government sometimes abuses power by intentionally cutting off digital communications, namely internet shutdown.<sup>22</sup>

In numerous instances, the government made the decision to shut down the internet, denying locals access to information on publicly generated media items. Such a mechanism is typically

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<sup>20</sup> Chris W Anderson, "A Journalism of Fear," *Journalism* 22, no. 8 (2021): 1912–28.

<sup>21</sup> Victor Pickard, "Restructuring Democratic Infrastructures: A Policy Approach to the Journalism Crisis," *Digital Journalism* 8, no. 6 (July 2, 2020): 704–19.

<sup>22</sup> Iwan Satriawan et al., "Internet Shutdown in Indonesia: An Appropriate Response or A Threat to Human Rights?," *Sriwijaya Law Review* 7, no. 1 (January 26, 2023): 19–46.

created under the pretence of preserving the stability and favourable conditions of people's lives in conflict-prone locations. The government believes that by implementing relevant regulations, cutting off the internet in conflict-prone areas will help to ensure that social conditions in particular communities will be safer if people are unaware of what is truly happening. Due to the lack of reliable first-hand information on what is happening in the environment that the affected individuals live in, this decision is actually wholly irrelevant and may even result in new problems.<sup>23</sup>

A major issue develops when access to information is denied or restricted, especially the lack of public information. This will be a factor that worsens social conditions in groups that are prone to conflict. The public becomes confused by the lack of information and naturally the side effect is the creation of alternative information, which is obviously very challenging to account for. The closure of public access to information services that the public ought to have access to has resulted in the establishment of alternative information.

In a very naive move, the government capitalised on this opportunity by magnifying its own media facilities, or distorting information. It doesn't end there; the government, which is made up of a number of media company owners, further empowers and favours those media company owners who supported the current government.<sup>24</sup> Although the state is obligated to take proactive measures to promote diversity online by enabling vulnerable or marginalised groups, such as women, children, and refugees, as well

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<sup>23</sup> Giovanni De Gregorio and Nicole Stremmler, "Internet Shutdowns and the Limits of Law," *Documents of the African Commission on Human and Peoples' Rights*, 2020, <https://doi.org/10.5040/9781472562432.CH-001>.

<sup>24</sup> Rofi Aulia Rahman and Shu Mei Tang, "Fake News and Internet Shutdowns in Indonesia: Symptoms of Failure to Uphold Democracy," *Constitutional Review* 8, no. 1 (2022): 151–83.

as language and cultural groups, pluralistic access to media and other forms of communication.<sup>25</sup> As a result, the information made available to the public exclusively comes from the government and those who support it. Therefore, it is obvious that what the government did violated human rights, particularly those related to the freedom of expression and access to information.

2019 saw the implementation of a policy by the Indonesian government to impose internet shutdowns in the province of Papua. Civil instability and protests that were occurring in the area prompted the decision. The government's goals were to maintain public order and control the flow of information. During the internet blackout, Papua's access to a number of websites, including social media and messaging applications, was restricted. The government argued that the action was required to stop the dissemination of rumours and false information, which they claimed were causing the turmoil and igniting the protests.<sup>26</sup> They said that the government shutdown will contribute to preserving the security and safety of both public and governmental institutions.

Concerns about the policy's limitations on free speech and expression were voiced by critics. They said that the internet blackout made it more difficult for people and media organizations to report on and disseminate information regarding the situation in Papua. Such also drew attention to the possible harm to the community's economy, educational system, and access to essential services that depended on internet connectivity. Calls for the restoration of internet

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<sup>25</sup> Yohannes Eneyew Ayalew, "The Internet Shutdown Muzzle(s) Freedom of Expression in Ethiopia: Competing Narratives," *Information & Communications Technology Law* 28, no. 2 (May 4, 2019): 208–24.

<sup>26</sup> Irnasya Shafira Hadi, Riza Noer Arfani, and Hakimul Ikhwan, "Internet Shutdown Policy at Papua and West Papua through the Public Policy Perspective," *Indonesian Journal of Social Science Research* 3, no. 1 (June 30, 2022): 1–11.



connection in Papua were made in response to the policy, which drew widespread outrage. The government's actions were criticized by human rights groups and media watchdogs, who also stressed the significance of preserving freedom of speech and information.

#### **4. *Journalist Killings***

The murder of journalists is no longer a nightmare for democracy but has become a reality. The nightmare has progressively become a reality, beginning with government meddling in the news-making process, discrimination against journalists in the news-reporting process, and, in the worst-case scenario, which is no longer a fantasy, actual journalist murder. The murder of journalists may be used to define a worsening democratic condition.

The decline of democracy's quality is undoubtedly prompted by power's disdain for the foundations of democracy, one of which is journalists. Such tragedy is undoubtedly a contradiction for the contemporary world's growth. Technological advancements and the modernization of different government processes have even been followed by an increase in the frequency of killings in which journalists have been victims. Of course, under ideal circumstances, technical advancements and information access should coexist with robust safeguards for free expression, association, and journalistic news output.

The deterioration in economic stability is one of the consequences of the high number of journalist murders. The murder of journalists might signal that a country's governance structure is in disarray. As a result, it may be claimed that if the government really cares about how the government runs, the holders of power must completely safeguard journalists. Journalist protection entails

maintaining their jobs free of different authority interventions and avoiding any potential prejudice against them.

Furthermore, the government will gain the opportunity of strengthening economic stability, as seen by the independence of journalists to execute their work. Without a doubt, the relationship between the economy and government stability, one of which is characterized by the presence of secure space for journalists to generate news, is important. If the government does not want to comprehend the basic rights of citizens in freedom of speech, at the very least, they must be concerned about the economic consequences generated by the pathetically high number of journalist murders.<sup>27</sup>

## **B. Abu Akleh's Murder Case Chronology**

Abu Akleh, a Palestinian-American, became a familiar face on the Al Jazeera network, where she reported for 25 years, establishing her name during the bloodshed of the second intifada, which started in 2000 in Israel and the occupied West Bank. According to Al Jazeera and the Palestinian health ministry, Abu Akleh was shot in the head in the West Bank city of Jenin, and her death was attributed to Israeli forces. The Israeli authorities, on the other hand, denied the report by asserting that 'Palestinian armed gunfire' might have been responsible.

Abu Akleh, born in Jerusalem to a Roman Catholic family, studied in Jordan and earned a bachelor's degree in journalism, according to the Palestinian news source Shehab News. She also spent time in the United States, where she obtained her American citizenship. Before joining Al Jazeera in 1997, Ms. Abu Akleh worked for many media outlets, including Voice of Palestine radio and the

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<sup>27</sup> Emre Kuvvet, "When a Journalist Is Assassinated, Do Financial Markets Care? The Market's Reaction to Journalist Murders," *Applied Economics* 52, no. 60 (2020): 6552–61.

Amman Satellite Channel. Her death also highlighted the dangers that Palestinian journalists confront while doing their work, whether in the occupied West Bank, Gaza, or Israel.<sup>28</sup>

Indeed, eyewitnesses and companions who were with Abu Akleh in the field at the moment of the occurrence reported that she was killed by a bullet to the head fired by an Israeli soldier. Abu Akleh, who was dressed in full journalist attire and was reporting the war, was shot dead from the back of her head by the Israeli army while attempting to escape and hide from Israeli army fire. As a result of the tragedy, the Palestinian Authority sued to have Abu Akleh's death handled appropriately in Court. The Palestinian Authority has filed a complaint with the ICC on procedural fairness in the Abu Akleh murder case. The Palestinian government further noted in the lawsuit that the killing of Abu Akleh as a journalist was one of the war crimes committed by the Israeli soldiers against Palestinians, Abu Akleh being one of them.<sup>29</sup>

The allegations against the Israeli army for the murder of Abu Akleh are supported by solid evidence. The bullet that struck Abu Akleh's skull, according to ballistics and forensics specialists, was caused by a high-velocity armor-piercing 5.56 mm bullet fired from a Ruger Mini-14 semi-automatic rifle – a US-manufactured weapon used by the Israeli military in the West Bank war. The statement was made when the inquiry was undertaken utilizing 3D models.

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<sup>28</sup> “Shireen Abu Akleh, Palestinian Journalist, Dies, Aged 51 - The New York Times,” accessed August 7, 2022, <https://www.nytimes.com/2022/05/11/world/middleeast/shireen-abu-akleh-al-jazeera-dead.html/>.

<sup>29</sup> “Palestine Asks ICC to Investigate Shireen Abu Akleh’s Killing | Israel-Palestine Conflict News | Al Jazeera,” accessed August 7, 2022, <https://www.aljazeera.com/news/2022/5/23/palestine-requests-icc-to-investigate-shireen-abu-akleh-killing>.

According to further evidence, the bullet is ammo for M4-style rifles. According to Ammar Hijazi, the Palestinian government's assistant minister for multilateral affairs, based on the findings of the inquiry, there is no longer any question that Israeli forces were responsible for the killing of Abu Akleh.<sup>30</sup>

What is even more saddening is that Israeli police violence continued until Abu Akleh's funeral. Israeli police officers disrupted Abu Akleh's funeral procession by intimidating people who took part in Abu Akleh's burial. All these can be seen in numerous media. Thus, it can be stated that the Israeli government, through its police apparatus, consistently intimidates even humans who have become corpses who are about to be buried. Antonio Guterres, a spokesperson for the UN Secretary-General, condemned the tragedy. He stated that he was very disturbed by the incident. It can be concluded that, in general, the world views the incident as an insult to human rights.<sup>31</sup>

The Israeli government's denial of Abu Akleh's death is completely unacceptable. Although the denial was attempted to be conveyed by stating that the Israeli army could not possibly target journalists as targets for murder, the facts of Israel's history of atrocities prove otherwise. An independent UN commission of inquiry concluded that the Israeli army had previously committed such atrocities during the Great March of Return protests in Gaza. Sara Hossain, one of the three investigators appointed by the UN Human Rights Council, stated that Israeli soldiers intentionally shot

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<sup>30</sup> "Al Jazeera Obtains Image of Bullet That Killed Its Journalist | Israel-Palestine Conflict News | Al Jazeera," accessed August 7, 2022, <https://www.aljazeera.com/news/2022/6/16/al-jazeera-obtains-image-of-bullet-that-killed-its-journalist>.

<sup>31</sup> "Shireen Abu Aqla: Violence at Al Jazeera Reporter's Funeral in Jerusalem - BBC News," accessed August 7, 2022, <https://www.bbc.com/news/world-middle-east-61437601>.

people with disabilities. They deliberately shot children, people with disabilities, and journalists in 2019.

One of several reasons why the Abu Akleh murder case continues to be discussed is because of her citizenship. She is an American citizen who works as a journalist for Al Jazeera, a Qatar-funded media organization. Additionally, some US government officials under Joe Biden knew Abu Akleh personally. As a result of her political proximity to several international figures, particularly those who worked under the Joe Biden administration, Abu Akleh's murder can be concluded not only as a journalist Israel's brutalities against Palestinians but also as an example of how Israel's brutality keep exist against journalists, democracy and freedom of expression. Furthermore, some authorities who knew Abu Akleh personally urged a fair justice procedure for the injustices that primarily affected her and ultimately resulted in her murder.

Ravina Shamdasani, the spokesperson for the Office of the United Nations High Commissioner for Human Rights (OHCHR), has provided the most recent information about the continuing of the trial for Abu Akleh's death in a public statement. According to Shamdasani, the United Nations determined, based on different facts acquired, that the bullet that struck Abu Akleh in the head originated from Israeli army weaponry used in the West Bank conflict. In addition, she indicated publicly that there was insufficient evidence to conclude the presence of Palestinian troops near the shooting location. Apparently suggests the perpetrator was not a member of the Palestinian army.

Furthermore, she declared unequivocally that Abu Akleh was murdered by Israeli forces in Jenin, the northern occupied West Bank area. According to further evidence provided by Shamdasani, Abu Akleh and her colleagues sought to pose as members of the press and

position themselves farther away from the confrontation, indicating that her death could not have been unintentional. Moreover, at the time of the incident, the Israeli army did not issue a warning to the journalists, and there was no exchange of gunfire between the Israeli army and the Palestinians. Shamdasani asserts that OHCHR director Michelle Bachelet continues to encourage Israeli authorities to launch a criminal probe into the death of Abu Akleh. But cruelly, the Israel Defense Forces (IDF) issued a statement claiming that the inquiry into Abu Akleh's murder could not determine whether he was killed by an inadvertent Israeli army shot or by indiscriminate firing by Palestinian troops on the scene.<sup>32</sup>

### C. Shot of Journalist as a War Crime

War crimes are crimes committed by parties who intervene in the war and violate the universally accepted laws of war.<sup>33</sup> Therefore, it can be seen that even in war, the acknowledgment of the law that governs it needs to be acknowledged and respected with full respect. The formation of the law of war is prompted by the need for all government entities to protect civilians who do not actually participate in the conflict. In addition, there are also concerns that the war will sacrifice civilians whose rights to life are recognized internationally.

In carrying out their duties, journalists have many risks when reporting in the field. Unfortunately, the majority of journalists stated that they not only received threats but also received direct

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<sup>32</sup> "UN: Israelis Fired Shots That Killed Journalist Shireen Abu Akleh | News | Al Jazeera," accessed August 7, 2022, <https://www.aljazeera.com/news/2022/6/24/un-israelis-fired-shots-that-killed-journalist-abu-akleh>.

<sup>33</sup> Oona A. Hathaway et al., "What Is a War Crime," *Yale Journal of International Law* 44 (2019).

intimidation when reporting on the news. The inability of journalists to cover conflicts is also influenced by their lack of experience in the world of journalism itself. The experience of journalists covering news in the field is evidenced by how long they have been in the profession. Therefore, in order to achieve conflict reporting skills, journalists must at least have long enough experience in the journalism sector generally. Moreover, the phenomenon is strengthened by the discovery that threats to journalists rise while reporting wars. An additional issue that intensifies the situation is the factual truth that a large number of journalists lack adequate war reporting skills.<sup>34</sup>

The West Bank shootings in May 2022 represent a continuation of the rising levels of violence experienced by media workers. Additionally, the shooting that caused the murder of Abu Akleh, a journalist assigned to capture the war, demonstrates that crimes against journalists keep happening. Such is shown by allegations of journalist murders in Palestine, which have reached over 40 victims since 2000. As a result, the killing of journalists in war, in the current situation, is what occurred during the long-running conflict between Israel and Palestine. Not simply in the case of Abu Akleh's murder.

The murder of Abu Akleh is only one of the numerous murders performed by the Israeli army against journalists engaged in reporting Israeli war crimes against Palestinians. Francesca Albanese and her colleagues, as experts, state unequivocally that an appropriate judicial mechanism for the Abu Akleh murder case is a must, in accordance with the Revised United Nations Manual on the Effective Prevention and Investigation of Extra-Legal, Arbitrary, and Summary

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<sup>34</sup> Marte Høiby and Rune Ottosen, "Journalism under Pressure in Conflict Zones: A Study of Journalists and Editors in Seven Countries," *Media, War & Conflict* 12, no. 1 (September 19, 2017): 69–86.

Executions (The Minnesota Protocol on the Investigation of Potentially Unlawful Death).<sup>35</sup>

Abu Akleh and other journalists in the vicinity were wearing protective gear that plainly identified them as journalists. Shireen Abu Akleh was killed at the entrance to the Jenin refugee camp while reporting on an Israeli arrest operation. She was shot by Israeli forces that killed her was extremely heinous. This is demonstrated by the Israeli army's separatist actions towards Abu Akleh and her colleagues, who were wearing full uniforms representing their job as journalists at the time of the crime. Such is aggravated further by the site of Abu Akleh's shooting, which is close to the refugee camp. As a result, the shooting and killing of Abu Akleh should not have happened if Israeli forces had followed, fully understood and respected how journalists were protected under relevant international law.

There is no single reason for Israel to justify the murder of Abu Akleh. As a result, the heinous act is undoubtedly related to how the Israeli government regards the deaths as *mala in se*. Moreover, murder is a crime that cannot be tolerated without strong justification. Thus, killing someone is an example of a *mala in se* act, which is defined as an action that involves aspects of crime that are inherent in his conduct directly, even without requiring to be regulated in the law system. In such an instance, Israel has also killed media personnel wearing vests that identify PRESS, indicating that they are working to report the war.

## D. The Role of ICC in Prosecuting War Crimes

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<sup>35</sup> "UN Experts Condemn Journalist Killing amid Rising West Bank Violence | OHCHR," accessed August 7, 2022, <https://www.ohchr.org/en/press-releases/2022/05/un-experts-condemn-journalist-killing-amid-rising-west-bank-violence>.



Since the post-Cold War era began in 1991, political leaders, government officials, senior or junior military personnel, warlords, and armed groups have initiated, plotted, aided and abetted, and perpetrated heinous international crimes. Some of the perpetrators of these heinous crimes have been captured and prosecuted in an *ad hoc* international criminal tribunal or special Court, while others have been properly charged, tried, and sentenced by the Court.<sup>36</sup>

The Court was initially envisioned as a last-resort court that would step in when states were unable or unwilling to act on crimes within its jurisdiction. In practice, the necessity for 'complementary jurisdiction' has not been implemented properly.<sup>37</sup> The existence of reality in practice should be regarded as just that. It is understandable since the law evolves based on the interpretation of those who participate in it. The founders also had to expect that society's acceptance and faith in independent courts would develop over time. The reputation of a good and open legal settlement will continue to increase confidence and integrity.

Article 4 of the Rome Statute of the International Criminal Court 1998 stipulates that the ICC has an international legal personality. Obviously, it will impact the legality of the institution's activities. The presence of international recognition of the ICC's legal personality classifies the institution as a subject of international law. Article 4 stipulates that the ICC has the ability to explain its judicial activities-related duties and responsibilities. In addition, the Rome Statute

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<sup>36</sup> Adeleke Olumide Ogunnoiki, "International Criminal Court (ICC) Prosecution of Africans for War Crimes And Crimes Against Humanity: A Witch-Hunt?," *African Journal of Law, Political Research and Administration* 2, no. 1 (2019): 1–15.

<sup>37</sup> Douglas Guilfoyle, "The ICC Pre-Trial Chamber Decision on Jurisdiction over the Situation in Myanmar," *Australian Journal of International Affairs* 73, no. 1 (January 2, 2018): 2–8.

specifies that the ICC has legal standing in nations that have ratified it. Even though Israel is not a party to the Rome Statute, Article 4 explains that the ICC may nonetheless play a role in non-signatory states via the use of special agreements.

The International Criminal Court is now conducting the case against Ali Muhammad Ali Abd-Al-Rahman, also known as Ali Kushayb, the closest case to war crimes previous to the Abu Akleh case, who surrendered himself willingly in the Central African Republic on June 9, 2020. He was sued on 31 accusations of violation of war crimes, including intentionally directing attacks against the civilian population as a war crime, murder as a crime against humanity and as a war crime; pillaging as a war crime, destruction of an adversary's property as a war crime, other inhumane acts as a crime against humanity, outrages upon personal dignity as a war crime, rape as a crime against humanity and as a war crime, and forcible transfer as a crime.

Since then, attempts to punish Ali Kushayb for his war crimes do not include the death sentence. It will pertain to the ICC's powers, which include the power to impose jail sentences on war crimes suspects who are referred to the organization. The maximum jail term the Court may impose on war crimes defendants is thirty years. However, if the trial is complicated and substantial proof that the suspect committed a particularly severe crime, it is conceivable to sentence the defendant to life in prison. The site of the jail in which the suspect would reside will not be the ICC Detention Center in The Hague. Due to the fact that the jail at that site was not meant for long-term incarceration. Therefore, the ICC will use its jurisdiction to utilize prison facilities in a state chosen by the Court from a list of states that have shown a readiness to enable convicted individuals to complete their terms there.

Palestine, as a signatory to the Rome Statute, has rights and duties as well. In principle, member states of the Rome Statute must integrate the formulation of the Court into their domestic legal systems so that the different functions of the ICC may be employed efficiently. Consequently, the step will become a legally binding document between the ICC as an independent international court institution and the Member States of The Statute. While using the ICC's functions and responsibilities, states must coordinate well in various judicial as mandated by The Statute.<sup>38</sup> It is envisaged that the system would ease the legal proceedings that cannot or will not be carried out by local courts until they are submitted to the ICC.

In the instance of Abu Akleh's murder, Israel has blatantly violated Article 8 (b) [1] of the Rome Statute of the International Criminal Court for War Crimes. The Israeli army has "intentionally directed attacks against the civilian population as such or against individual civilians not taking direct part in hostilities". Such, protecting Abu Akleh through an independent international court, or ICC, is one of the best methods to get justice.

At the same time, the Palestinian government's submission to the ICC represents a litmus test for the ICC's legitimacy as an independent international justice dealing with war crimes cases in the middle of Israel's political dominance. Furthermore, the ICC must demonstrate its legitimacy in order to ensure a fair trial even without the aid of the US government under the Biden presidency. Nonetheless, the US government's ambiguity may be observed in how they seek a fair justice procedure for Abu Akleh's killing while

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<sup>38</sup> Daley J. Birkett, "Twenty Years of the Rome Statute of the International Criminal Court: Appraising the State of National Implementing Legislation in Asia," *Chinese Journal of International Law* 18, no. 2 (June 1, 2019): 353–92.

simultaneously refusing to support an inquiry of Israeli troops for Abu Akleh's murder.

One of the reasons Israel often dismisses accusations of Abu Akleh's murder is a fear of being classified as a state dissident. In this scenario, if Israel acknowledges the reported death of journalist Abu Akleh, the international community would be convinced that Israel has committed war crimes. Based on the facts, Israel perpetrated obvious war crimes toward journalists who had no direct role in the war in this instance. Furthermore, journalists are one of the most important foundations in the application of the right to free speech in a democratic form of governance.

### **E. Why are journalists still being murdered?**

Indirectly, the continued murder of journalists is caused by the uncertainty surrounding their safety. The treaty for the protection of civilians lacked a defined definition of a journalist at the time. Journalists, who wear a variety of uniforms on the field to identify themselves as such, lack a particular legal definition that protects them. In addition, as access to technology increases, citizens might "perform the job of journalists." Since they have widespread access to technology such as video recorders, live streaming platforms, and social media profiles. In reality, all of these capabilities are integrated into a single device, a smartphone. Therefore, a precise definition of journalists must be a global priority. It would be quite helpful to offer a detailed explanation for each country in a conflict in order to better comprehend the fundamental disparities between journalists who have been precisely identified.

The specific and accurate definition of 'journalist' has not been established in any of the Geneva Conventions or their Additional Protocols. The principles regulating the protection of citizens continue to regulate the safety of journalists. The international community

should not overlook the difference between journalists and civilians, even though the protection of civilians has been conceptualized. When it comes to news reporting, the tasks and obligations of journalists and citizens are naturally different. Civilians are not obligated to provide news coverage, particularly in instances of armed conflict that are reported to internet users. However, the obligation is complemented by many standards of ethics for journalists. In addition, journalists have an obligation to give comprehensive information that they want to communicate. Obviously, complete information can only be gathered by constant and exhaustive coverage. Consequently, the procedure of reporting with such responsibility, particularly in a time of war, requires explicit legal protection.

Even more ludicrous is the fact that local journalists are more likely than war reporters to be murdered.<sup>39</sup> Countries that profess to adhere to a democratic system must evaluate the issue without question. The internalization of the democratic system into domestic issues is one of the steps a state must take to demonstrate that it is really attempting to provide opinion freedom to all of its citizens. Such is the result of politicians' nefariousness in pursuit of their political goals. Sometimes, journalists are able to distribute material deemed dangerous to the political stability of a country since the information is already public knowledge. The presence of the phenomenon poses a challenge to the government and the international community in terms of their commitment to developing a transparent, credible, and peaceful democratic system.

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<sup>39</sup> Jos Midas Bartman, "Murder in Mexico: Are Journalists Victims of General Violence or Targeted Political Violence?," *Democratization* 25, no. 7 (October 3, 2018): 1093–1113.

The freedom of the media to cover and distribute information cannot be separated from the effect of governmental control.<sup>40</sup> Therefore, the state must continually possess the principles of good governance in order to give journalists the greatest possible freedom to do their tasks. In addition, the community's involvement in providing confidence and participation in reporting actions is crucial. Additionally, the commitment to safeguard the media and journalists in the execution of their tasks must be supplemented by official support for journalism, even if the information provided is about the government's poor performance. If the government responds appropriately and honestly, the government's protection of the freedom of the press will not result in a decline in public confidence. Obviously, the dynamics of government administration do not exclude the likelihood of issues. However, the public desire openness about what happened, and it is the responsibility of the media to inform the public.

## **F. ICC Investigation and Israeli Response**

The Palestinian government submitted a report to the ICC shortly after Abu Akleh's death to seek trial for the Israeli army's killing of Abu Akleh. The occupation of Palestine by Israel has not decreased. The tragedy is worsened by Israel's refusal to recognize their occupation. Their Zionism is often unwilling to be associated with colonialism.<sup>41</sup> Colonization is justified by the acquisition of sacred areas for religious reasons. In fact, the battle has been escalating and has even jeopardized democratic norms and freedom

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<sup>40</sup> Sabine C. Carey and Anita R. Gohdes, "Understanding Journalist Killings," *The Journal of Politics* 83, no. 4 (August 18, 2021): 1216–28.

<sup>41</sup> Lorenzo Veracini, "Israel-Palestine Through a Settler-Colonial Studies Lens," *Interventions* 21, no. 4 (May 19, 2018): 568–81.

of speech, which are internationally recognized as fundamental human rights.

The ICC has jurisdiction over the situation in the occupied Palestinian territories of Gaza, the West Bank, and East Jerusalem, according to its February 2021 judgment. It has already cleared the path for allegations of war crimes and crimes against humanity to be brought against Israel. As a result, since the tragedy falls within the jurisdiction of the ICC, the judicial procedure for Abu Akleh's murder may be carried out by the ICC. As a result, the legal procedure for Abu Akleh's death cannot be avoided. The only position that the ICC must adopt is to respond to reports of Abu Akleh's death by conducting a fair trial. First, as a result, it will be a litmus test for whether the ICC can really be trusted as an independent international judicial organization with authority to handle war crimes cases.<sup>42</sup>

The UN General Assembly issued a formal statement on Abu Akleh's death on June 8, 2022. They expressly state in the first paragraph of the statement that "On the morning of May 11, 2022, Israeli forces shot and killed Palestinian-American Journalist, Shireen Abu Akleh whilst she was wearing a press vest, reporting on an Israeli raid of a Palestinian refugee camp in Jenin, in the Occupied West Bank". The declaration demonstrates that the UN has voiced its viewpoint and determined that rejecting the accusations made by the Israeli government is irresponsible behavior. Numerous remarks from multiple international independent institutions, as well as other independent institutions, strengthen the accusation that Israel is responsible for Abu Akleh's murder. The statement further indicated

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<sup>42</sup> "Statement of ICC Prosecutor, Fatou Bensouda, Respecting an Investigation of the Situation in Palestine | International Criminal Court," accessed August 7, 2022, <https://www.icc-cpi.int/news/statement-icc-prosecutor-fatou-bensouda-respecting-investigation-situation-palestine>.

that Abu Akleh's death was planned and felt by his comrades in the field and that firing continued as he was suffering.<sup>43</sup>

As a state party of the Rome Statute, Palestine utilizes its right to submit a complaint against the Israeli army for the alleged murder of Abu Akleh. That would be a Palestinian attempt to acknowledge the ICC as an independent international court. Moreover, amid a wave of worldwide mistrust of the ICC, the complaint about Abu Akleh's killing will test the ICC's reputation as an independent international court. Therefore, Palestine's case against the ICC is evidence that the Palestinian administration is attempting to pursue a legal path with binding repercussions. Aside from a few war crime investigations and trials in Europe, the majority of criminals remain at large.<sup>44</sup>

Instead of taking a political avenue to carry out propaganda against the Abu Akleh murder case, the Palestinian administration is fully aware that these efforts would yield no results and so has no intention of pursuing them. Since 1944, the Arab League has often countered so-called propaganda in Israeli media coverage of Palestine.<sup>45</sup> In reality, in the worst-case scenario, the Palestinians' media propaganda will amount to little compared to Israel's media propaganda operations. The decision to file a complaint with the ICC is the best way to demonstrate to the world community that Palestine respects the Rome Statute-based international body.

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<sup>43</sup> "Unlawful Killing of Palestinian-American Journalist - Shireen Abu Akleh – Statement Submitted to the Human Rights Council by Palestine Return Center (A/HRC/50/NGO/114) - Question of Palestine," accessed August 7, 2022, <https://www.un.org/unispal/document/unlawful-killing-of-palestinian-american-journalist-shireen-abu-akleh-statement-submitted-to-the-human-rights-council-by-palestine-return-center-a-hrc-50-ngo-114/>.

<sup>44</sup> Kassaye KA, "The Long Road towards Justice in Syria: Challenges and Perspectives on War Crimes," *Journal of Civil & Legal Sciences* 07, no. 01 (2018).

<sup>45</sup> Daniel Rickenbacher, "The Arab League's Propaganda Campaign in the Us against the Establishment of a Jewish State (1944-1947)," *Israel Studies* 25, no. 1 (2020): 1–25.



The Israeli government must assume full responsibility for the alleged murder of Shireen Abu Akleh by its forces. All of that is supported by an official statement from the OHCHR confirming that Israeli soldiers fatally shot Abu Akleh in the head. Since Israel is not a signatory to the Rome Statute, the statement also requires a separate agreement to commit Israel to the jurisdiction of the International Criminal Court. The Israeli government should also aggressively urge the appropriate execution of the trials that will be conducted to pursue justice for Abu Akleh's killing. There must be an end to propaganda and denial of the killings of journalists on the battlefield. In addition, the false claims against the Palestinian administration about the likely participation of Palestinian troops must be retracted. Recent research is supported by the gathered information indicating that no Palestinian army action occurred at the location.

#### **4. Conclusion**

This study highlighted and concluded that the imperative for accountability squarely rests upon the Israeli government in light of the murder of Shireen Abu Akleh, as substantiated by Palestine's case filed with the International Criminal Court and the official declaration issued by the UN Office of the High Commissioner for Human Rights. The compelling evidence unequivocally establishes the commission of a war crime. While journalists may not be explicitly enumerated within the purview of the Geneva Conventions and Additional Protocols, the safeguarding of journalists' well-being is intrinsically linked to the protection of civilians. It is imperative to recognize the significance of holding the Israeli government responsible for the heinous act committed against Abu Akleh. The submission of the case to the International Criminal Court serves as a crucial step toward seeking justice and upholding the principles of international law.

Acknowledging the gravity of this incident and ensuring accountability, not only for the sake of the victim but also for the preservation of press freedom and the safety of journalists, is paramount for the international community. By doing so, we strive to maintain the integrity of global justice mechanisms. Furthermore, this case highlights the urgent need to reassess and strengthen legal frameworks pertaining to the safety and protection of journalists in conflict zones. Furthermore, existing international conventions may not explicitly cover journalists, guaranteeing their safety and ability to carry out their vital role as information conduits must be prioritized. Efforts should be directed toward the development of comprehensive and enforceable measures that recognize the invaluable contribution of journalists and prioritize their security within the broader context of safeguarding civilians during armed conflicts. The Israeli government must be held accountable for the murder of Shireen Abu Akleh, in accordance with the well-established evidence, Palestine's submission to the International Criminal Court, and the authoritative declaration by the UN Office of the High Commissioner for Human Rights. This case underscores the pressing need to protect journalists and reaffirms the imperative of promoting justice, preserving press freedom, and upholding the principles of international law within the global community, including Indonesia.

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The authors state that there is no conflict of interest in the publication of this article.

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