



August 13th, 2008
20:45

IN RESPONSE TO QUERY



The IDF Military Advocate General, Brig. Gen. Avi Mendelblit, submitted his conclusions regarding the incidents surrounding the death of Reuters cameraman Fadel Shanah from IDF tank fire on 16 April 2008 in the Gaza strip.

After a thorough review of the material relating to the case, the Military Advocate General found that the decision to authorize the shot was reasonable, given the circumstances surrounding the incident.

Moreover, a joint decision between the Military Advocate General and the GOC of the Southern Command established a specialized investigation headed by an officer with the rank of Colonel to examine certain details in additional depth. The results of the investigations, including additional materials (many of which came from the Reuters News Agency), were then submitted to the Military Advocate General.

The facts show that the incident occurred against the backdrop of severe hostilities in the area. Earlier in the day three IDF soldiers had been killed in an attack and there was continuous mortar and anti-tank fire directed against IDF forces.

Moreover, the investigation shows that the tank shot was authorized after the tank crew reported identifying, from afar, suspicious figures wearing bulletproof vests and protective gear who were affixing a large unidentified black object to a tripod and aiming it at the tank. Only in retrospect was it discovered that the suspicious figures were Reuters cameramen wearing vests, and that the object mounted on a tripod was a camera and not an anti-tank missile or tripod-mounted mortar as the crew believed at the time.

Given the information at the time and the conditions in the field, the decision of the tank crew and the officers who authorized the shot was reasonable since the suspicious figures and suspected missile presented a clear and present danger to the lives of the IDF soldiers.

The subsequent investigation revealed that the soldiers in the tank did not and could not have positively known that the object affixed to the tripod was not a weapon. Nor could they positively identify any markings on the clothing of the men to indicate that they were media personnel. There was no way for the tank crew to know that the suspicious figures were Reuters employees shooting footage and not militants shooting rockets.

Give the findings of the investigation, the Military Advocate General has decided that the authorization for the tank to fire was legitimate given the circumstances and that, consequently, no further legal steps need be taken.

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The IDF is deeply upset by the death of Mr. Shanah, as it is in all cases involving the injury of non-combatants. However, it must be emphasized that in these cases the responsibility falls squarely upon the shoulders of the terrorist groups which recklessly endanger civilian populations by using them as human shields.

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