

In the footsteps of the al-Dura controversy

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By Adi Schwartz Nov.01, 2007 | 12:00 AM

If you ask Philippe Karsenty what he needs all this for, he'll say: "I'm just the messenger." Karsenty, a 41-year-old French Jew and a well-to-do financial consultant, says his goal is to let the entire world know how distorted the reports about Israel are in the French media. The issue that sparked his campaign - the short report broadcast at the start of the second intifada, in September 2000, about the death of the child Mohammed al-Dura at the hands of Israel Defense Forces soldiers - is liable, he believes, to become the new Protocols of the Elders of Zion. And if he doesn't fight, Jews the world over will suffer from it for another 100 years.

In mid-September, as part of the ongoing legal proceedings between Karsenty and France 2, a court in Paris demanded that the television network present it with the full videotape from which the al-Dura report was edited ("the raw material"). At the end of that month, seven years after the incident itself took place, the head of Israel's Government Press Office, Daniel Seaman, expressed his opinion that those day's events were staged by a photographer working for the French TV network in Gaza, Talal Abu-Rahma.

Already on November 22, 2004, Karsenty wrote on his Web site, Media Ratings (www.m-r.fr), which surveys the French media, that al-Dura's death had been staged and that France 2's conduct "disgraces France and its public broadcasting system." A few weeks later France 2 and Enderlin sued him for defamation. Two years later Karsenty was found guilty and was required to pay a symbolic sum of 1 euro in compensation (in addition to 3,000 euros for trial expenses).

"That same day, October 19, 2006, I filed an appeal," Karsenty says in his first interview with the Israeli media, from his office in Paris.

The first discussion of his appeal had been scheduled for September 2007; the judge asked to see the complete tape (in the previous trial, France 2 chose not to exhibit the tape, and Karsenty did not demand that it be exhibited). In another two weeks, the raw material, whose full length is said to be 27 minutes, will be screened. In the appeal's final discussion, which will take place in February 2008, Karsenty plans to present an expert opinion, alongside statements of Enderlin and photographer Abu Rahma, made on various occasions in past years.

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The story began seven years and one month ago. Enderlin was then sitting in the offices of France 2 in the Jerusalem Capital Studios building, on Jaffa Rd., when the network's regular photographer in Gaza, Talal Abu-Rahma, began sending him horrifying pictures from the Gaza studio. Enderlin, a veteran correspondent, immediately understood what he had in his hands and asked for the reaction of the IDF Spokesperson's Office. But when the spokesman responded with a general answer - "The Palestinians make cynical use of women and children" - he decided not to broadcast the response.

In their book "The Seventh War" (in Hebrew), Haaretz correspondents Amos Harel and Avi Issacharoff wrote: "The picture of the father and his son opened the dam to a tremendous flood of desire for revenge." Within days, the pictures were broadcast from Malaysia to Morocco, from Frankfurt to Tokyo. And they fixed Israel's image as a brutal and bloodthirsty country, opposite whom weak and unfortunate Palestinians are struggling just to survive.

Even seven years later, in France 2's Jerusalem offices, in the same room where the original item was edited, Enderlin says that his man in Gaza, Abu-Rahma, is entirely trustworthy. He worked with the network for over 10 years before the al-Dura incident. And besides, asks Enderlin, if the IDF doubted that it was responsible for the incident, why did the deputy chief of staff at the time, Moshe Ya'alon, see fit to express sorrow at the child's death.

Enderlin, 62, is not exactly your average foreign correspondent, who is stationed in Israel for three to four years. He tied his fate to the State of Israel after volunteering on a kibbutz in the late 1960s. He decided to come on aliyah, and in the 1970s worked for Israel Radio. He has something of a dual personality, he admits: French and Israeli, both foreign correspondent and local citizen. He says he has never faced accusations like those leveled at him since that fateful day in September 2000.

During the first few days after the incident, it was possible to hear some lone voices in both France and Israel, claiming that from their outpost at the Netzarim junction, IDF soldiers could not have shot at Mohammed al-Dura and his father, who were hiding behind a low concrete cylinder. Two months later, Yom-Tov Samia, who was then head of the Southern Command, presented what was eventually dubbed the "minimalist version," at a press conference. Samia relied on the findings of the investigative committee he himself had appointed, (see box). The head of Southern Command said that in light of the exchanges of fire at the junction between IDF soldiers and armed Palestinians, "the possibility that the boy and his father were shot by Palestinians is greater than the possibility that they were shot by IDF soldiers."

The media in Israel and abroad, including France 2, reported on the press conference in a tone that ranged from expressing doubt to being amazed, but eventually stopped discussing the matter. This appeared to be convenient for Israel. As Amos Harel wrote in Haaretz at the time: "The assumption is that in any case, Israel only has something to lose from the incident."

In effect the story was removed from the agenda. One of the few exceptions was a German documentary, broadcast in April 2002, that claimed that it was not IDF soldiers who fired at the child. This aroused Karsenty's curiosity. The French blogosphere, too, was in an uproar. Bloggers, independent journalists, and both genuine and self-described experts, almost all of them Jews, all of them private citizens, repeatedly analyzed every frame broadcast on television. Here, in the blogosphere, the "maximalist version" developed, to the effect that not only did IDF soldiers not fire at Mohammed al-Dura, but in fact the entire incident was staged by France 2's Palestinian photographer, for propaganda purposes.

Today, Enderlin says that France 2 should already have taken legal steps against all those who defamed him and the network in 2001. But the network chose not to do so, not until the end of 2004 that is, when two senior French journalists, Denis Jeambar and Daniel Leconte, leveled harsh criticism at Enderlin and his story. Jeambar, who was the editor of the magazine L'Express, and Leconte, a producer of documentaries for television networks such as Arte, published a long article in the newspaper Le Figaro, after watching the raw material they had received from France 2. "At the time when Charles Enderlin presented the boy as dead," the two wrote, "he had no possibility of determining that he was in fact dead, and even less so, that he had been shot by IDF soldiers." At the same time, the two noted explicitly that, "We do not share the opinion that the incident was staged."

Enderlin says: "Jeambar and Leconte are two journalists who have never set foot in Gaza, certainly not during a time of conflict. I think they're mistaken. I continue to work and to interview anyone I want. What is true is that it has caused the French media to feel pressure from various organizations, not only Jewish ones, to focus less on Israel. They broadcast less news about Israel. They say things to me like 'Next time there will be a trial.'"

France 2's news editor, Arlette Chabot, told the International Herald Tribune in February 2005: "No one can say for certain who killed him [Al-Dura], Palestinians or Israelis."

"I stand by what I said at the time, but if my boss [Chabot] thinks otherwise, that's also possible. I would be very surprised if it turns out that Palestinians shot al-Dura; it contradicts everything I know about the event. But if there's an investigation that meets international standards, I and Abu-Rahma are willing to take a polygraph test. But we request that the soldiers at the outpost take one, too. In any case, my problem is with the claim that the event was staged. We are willing to broadcast any other claim that has been examined."

In hindsight, is it possible that you were too hasty that evening?

"I don't think so. Besides, the moment I saw that nobody was asking me anything officially, I started feeling more strongly that the story was true."

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Karsenty, the son of immigrants from North Africa, established a share-trading company on the Paris Bourse when he was only 21. "One day you earn a million, the next day you can lose a million. It's exciting," he says. Up until 10 years ago he worked as a broker, and in 1996 he established a business consulting firm. In mid-2002 he found time to run for a seat in parliament as the candidate of a center-right party, but he lost to Nicholas Sarkozy (who won 70 percent to Karsenty's 3 percent). Both live in the same wealthy Paris suburb, Neuilly.

And after "all this is over," Karsenty says, he wants to go back to the business world. .

"Israel is very much hated in France," he tells Haaretz in a phone interview. "It is seen as a strong and wealthy country whose army acts like the Nazis. My decision to fight has angered many people, not only in the French establishment, but in the Jewish community as well. Many Jews and non-Jews have told me that I'm right, but that they can't support me publicly, because they can't fight the establishment. They have too much to lose."

Karsenty believes that the photographer staged the famous scene, sent it to Enderlin and told him that the child had been killed. He says that Enderlin did not verify the truth of the story and went ahead and broadcast it. He claims that in the pictures that were aired that evening one can't see any blood; one can't see bullets hitting the father or the son; and that the boy can be seen moving at the end of the scene. Moreover, the relatively small number of holes in the wall behind the two invalidates the possibility that IDF soldiers fired at them for a long time, he says. He says he came to these conclusions on the basis of what his friends wrote on the blogosphere, and because of the statements made by physicist Nahum Shahaf, a member of the IDF investigation committee. "There is nothing in the film that proves that al-Dura was shot to death, or shot at all in this incident," sums up Karsenty.

"In Israel they wanted to forget the whole affair," he says. "I'm fighting for the sake of history. There are people who are afraid of the media, because if their name appears on the wrong side of this story, together with the 'crazies,' their career will be over. But I'm not complaining. I've chosen a certain path. After all, I could have started selling vegetables."

So what do you think happened that day at the Netzarim junction?

"I don't know what really happened there. I do know that the film we saw was a hoax."

In response, the IDF Spokesperson's Office said: "The IDF turned to France 2 several times asking for the raw material used for preparing the story and received no response. Another request was made on September 10, 2007, after it came to our knowledge that at the trial it was said that there had been no such official request from the IDF. The IDF is not taking a stand concerning the trial, and all we ask is that all the material be transferred to us for perusal, so that we can complete the inquiry and discover the truth in this affair."

The response of France 2: In a letter sent to Ra'anana Dinur, the director general of the Prime Minister's Office, the network noted that it "was astonished to read Daniel Seaman's letter, which is full of slander and half-truths." The network noted that it is willing to cooperate with any official and professional investigation to be conducted by international standards and with legal guidance. France 2 also added that it is willing to help Jamal al-Dura, Mohammed's father, who has publicly stated his desire to have his son's body disinterred for a further investigation.

The investigation committee

The investigation committee established by the then-GOC Southern Command, Major General Yom-Tov Samia, in the wake of Mohammed al-Dura's death, never published the report of its findings nor the identity of its members. Even the date of its establishment is unknown.

In response to questions I recently put to Samia, who is today a private citizen, regarding the conclusions of the committee, he referred me to the IDF Spokesperson's Office, which stated that, "In the wake of the incident, the head of Southern Command decided to carry out a military investigation. Samia headed the team that carried out the investigation, and the other members of the team included physicist Nahum Shahaf? (who was in charge of the professional investigation?), representatives of Military Intelligence, experts and additional officers. When the work was concluded, the findings were presented to the head of MI and were brought to the knowledge of the chief of staff, and in coordination with him the main findings were presented at a briefing for journalists."

The IDF Spokesperson did not respond to Haaretz's request to see the committee's order of appointment or the names of all its members. The Defense Ministry said a copy of the report is in the IDF archive, but "since it has not been 10 years since the date the study was initiated, the law that applies to it, according to the Military Judgment Law, does not allow for perusal of the material."

The appointment of Shahaf, who held no official military or police position at the time, aroused criticism because of the doubts he had raised in the past regarding the identity of prime minister Yitzhak Rabin's murderer. Samia removed another one of the committee's members, Yosef Duriel, also a private citizen, in the midst of its work. Six years later, in the context of a defamation lawsuit filed by Duriel, Judge Shoshana Almagor referred to his part in the work of the committee – but not to the entire investigation – and stated that "his investigation of the incident was amateurish – unprofessional and unscientific."

Haaretz discovered that at least three other people participated in the investigative committee. They are being interviewed here for the first time.

Meir Danino, who holds a doctorate in physics and is the chief scientist at Elisra Systems: "I signed the report that was submitted to Yom-Tov Samia, which claims that the shots could not have come from IDF soldiers because of the direction of the fire. My part in the investigation included an analysis of videotapes and photos shown by French television."

Bernie Schechter, a former police chief superintendent, a ballistics expert and former head of the weapons laboratory at the Israel Police's criminal identification laboratory: "I was invited to the committee by Samia. Because the wall with the bullet holes was destroyed, we had only the videotape and the angle of fire. I saw the videotape dozens of times and I participated in a reconstruction that took place in the Negev. I thought the shots did not come from the direction of the IDF, but the destruction of the wall took away 95 percent of the evidence. I didn't write any recommendation, because I am not certain. As a criminal identification expert, I wouldn't go to the court with such evidence, no matter what position it supports."

Chief Superintendent Elliot Springer, also from the criminal ID lab, who was also a member of the committee, is still in service, and the police spokesman did not permit him to be interviewed.

The tape

Two weeks ago I watched an 18-minute tape, from which Enderlin prepared his story in September 2000, and which will be submitted to the Parisian court on November 14. The first 10 minutes show footage of a demonstration at Netzarim junction: Dozens, perhaps hundreds of people are throwing a heavy barrage of stones at an IDF outpost. They are all dressed in civilian clothing, some are children under 10 years of age. Molotov cocktails are also seen being thrown at the outpost, and some of them catch fire.

During these moments no reaction is recorded from the IDF outpost, and the first shot, whose source is not visible on the tape, occurs at about the 10th minute. Between minutes 9 and 14, the photographer conducts two interviews at the junction itself. The two interviewees are standing in the direct line of sight of the IDF outpost.

By minute 14, more frequent shooting can be heard. Palestinian policemen in uniform fire from rifles they are holding, but it can't be seen at what, and Palestinians in civilian clothing who were in the IDF's line of fire are seen fleeing from the spot. The first time Mohammed al-Dura and his father are seen on the tape is at 14 minutes and 30 seconds, stooping behind a concrete cylinder. The camera pans right and left and does not focus on them. It returns to them occasionally until approximately minute 16.

The two appear again from minute 17 until the end of the tape, a minute later. These are the images that were broadcast internationally. The father is holding on to the cylinder and waving his hands, and the boy is trying to take refuge in his lap. At this point frequent shots are heard. In the last picture Mohammed al-Dura is seen lifting his head.