

State of Israel

Ministry of International
Affairs and Strategy



מדינת ישראל

המשרד ליהסטים בינלאומיים
ואסטרטגיה

The France 2 Al-Durrah Report, its Consequences and Implications

Report of the Government Review Committee



19 May 2013

Jerusalem



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Executive Summary

The Al-Durrah Affair has its origins in a media report first aired by the French public television channel France 2 on September 30, 2000. The report claimed to show the killing of a Palestinian boy, targeted along with his father, according to the report, by fire from an Israeli position. The story was quickly relayed worldwide by the international media, which repeated the claims made by the France 2 journalist who narrated the report. The report had the immediate effect of harming Israel's international standing and fanning the flames of terror and hate.

Since that day, the narrative deriving from the France 2 report regarding Israel's actions has served as an inspiration and justification for terrorism, anti-Semitism, and the delegitimization of Israel. The echoes of the Al-Durrah report, both in terms



of accusations against Israel, and the behavior of Western media outlets and their local stringers, have continued to resonate in the media coverage of Israel's operations against terrorist organizations. At the same time, critical examinations and investigations have shown a number of the key components of the France 2 narrative to be false, and others to be highly-doubtful. While some had hoped that left on its own, the Al-Durrah narrative would eventually be relegated to the back pages of history and the damage it caused would wane, it has become increasingly clear that this is not the case.

In light of the Al-Durrah narrative's continued deleterious consequences,¹ Prime Minister Benjamin Netanyahu directed the Vice Prime Minister and Minister of Strategic Affairs Moshe Yaalon in September 2012 to set up a governmental review committee. The purpose of the committee was to examine the affair in light of the continued damage it has caused to Israel, and to formulate the Government of Israel's position with regards to it. The committee was comprised of representatives of relevant government ministries and official bodies, and consulted with outside experts.²

Following an extensive review of materials related to the affair, the committee determines that the France 2 report's central claims and accusations had no basis in the material which the station had in its possession at the time of the report. Contrary to the report's claim that the boy was killed, the committee's review of the raw footage showed that in the final scenes, which were not broadcast by France 2, the boy is seen to be alive. The review revealed that there is no evidence that Jamal or the boy were wounded in the manner claimed in the report, and that the footage does not depict Jamal as having been badly injured. In contrast, there are numerous indications that the two were not struck by bullets at all. There is no evidence that the IDF was in any way responsible for causing any of the alleged injuries to Jamal and the boy. The review showed that it is highly-doubtful that bullet holes in the vicinity of the two could have had their source in fire from the Israeli position, as implied in the France 2 report. The lack of evidence for its central claims was or

¹ It is worth noting that the French-Algerian terrorist who murdered three Jewish children, a rabbi and three French soldiers in Toulouse in March 2012, while not mentioning Al-Durrah directly, informed police that he had carried out his actions to avenge Palestinian children killed by Israel. Al-Durrah has very frequently been cited as the ultimate proof or iconic example by those accusing Israel of intentionally targeting Palestinian children.

² The committee included representatives from the Prime Minister's Office, Ministry of Foreign Affairs, Ministry of Strategic Affairs, Ministry of Public Diplomacy and Diaspora Affairs, IDF Spokesperson's Unit and the Israel Police.



should have been clear to France 2 before it broadcast the report. Yet the report was edited and narrated in such a way as to create the misleading impression that it substantiated the claims made therein.

Over time numerous additional inconsistencies and contradictions have come to light, and question marks have been raised regarding nearly every aspect of the report. Repeated contradictions and falsehoods have been found in the statements of Talal Abu Rahma, France 2's Gaza stringer, who was the chief, and for all practical purposes the sole source of information for the France 2 report. Despite the inconsistencies and contradictions, France 2 and its Jerusalem Bureau Chief Charles Enderlin, who narrated the report, have refused to acknowledge their errors and have even reaffirmed their original claims. They have repeatedly defended Abu Rahma's credibility with the irrelevant claim that the Israeli security services have stated that the stringer is not suspected of involvement in terrorist activity, as if this reflected on the accuracy or credibility of his reporting.

It is important to note that since November 2000, official Israeli sources have consistently stated that Israel has very significant doubts regarding the accuracy of the France 2 report. While during the initial 'fog of war' a small number of official sources did accept the possibility that IDF bullets had inadvertently struck the boy (though certainly not the claim that the IDF had targeted him intentionally), numerous subsequent official statements, formulated following more thorough investigations, made clear that Israel rejected or found highly-unlikely the claims of the report.

The Al-Durrah affair demonstrates the need for media outlets to implement the highest professional and ethical standards when covering asymmetric conflicts. There is a particular need for international media outlets to critically evaluate information provided by local stringers, especially in arenas in which repeated attempts to stage or fabricate media items have been documented. Media outlets must also be willing to acknowledge inaccuracies and mistakes, and engage with the public in a dialogue regarding their reporting. Given the evidence which has come to light, France 2 should have retracted or qualified the unequivocal claims of its reporter that the boy was the target of Israeli fire and died in the sequence shown, apologized for misleadingly editing the footage, and clarified that it relied unquestioningly on its Gaza stringer in formulating the report.

An additional lesson of the Al-Durrah affair is that countries which scrupulously adhere to the laws of armed conflict must not remain complacent in the face of



misleading or mendacious media coverage. The potentially deadly consequences of such coverage mean that they do not have the luxury of simply hoping that the malignant narratives will run their course and that the truth will come to light. Rather they must investigate the claims in a thorough and timely manner and present their findings to the public.

Part 1: The France 2 Report Regarding the Events at the Netzarim Junction of September 30, 2000

The events involving Jamal Al-Durrah and a child eventually identified as Muhammad Al-Durrah took place on September 30th, 2000 at the Netzarim Junction in the Gaza Strip. From late in the morning through the early afternoon of that day, a severe security incident developed during which the IDF position at the site was attacked by hundreds of Palestinians who hurled stones and fire bombs and even scaled the position's perimeter fence. The small group of soldiers stationed at the site responded with crowd-dispersal means. Footage taken by cameramen at the scene (which included cameramen working for the Associated Press, Reuters and France 2) shows that while some of the Palestinians on the scene take part in the attacks, many others mill around directly in front of the Israeli post, chatting, laughing and giving interviews, entirely unconcerned at being exposed to the Israeli position.³ This situation reflects the fact that it was understood by all, including the cameramen who filmed while standing in front of the IDF post, that the soldiers had no intention of targeting anyone who did not directly threaten them.

During that same time period the TV cameras at the site recorded several instances in which Palestinians acted out scenes of being injured by Israeli fire and evacuated. The behavior and movements of those supposedly injured immediately prior to and after being 'wounded', the lack of blood or any other evidence of injuries, the manner and speed of their evacuation, and the behavior of those around them, make it clear that these were mostly attempts to stage scenes for the benefit of the journalists on site. Footage from other television networks shows that France 2's Gaza stringer, Talal Abu Rahma, took part in filming these scenes. This phenomenon

³ The authors of this report viewed raw footage (rushes) from September 30 taken by the Associated Press, Reuters and France 2. (The France 2 rushes available to the authors, which were approximately eighteen minutes in length, were not provided to the authors by France 2.)



of staging scenes of injuries and evacuations repeated itself countless times during the second intifada and according to several accounts was well-known to Western media outlets.

In the mid-afternoon, Palestinian police officers and other gunmen began, for no clear reason, to attack the Israeli position with live fire. In response the soldiers returned fire at those who were shooting at them. Once the exchanges of gunfire began, many of the Palestinians fled the junction. Footage shot by the various networks shows dozens of people running past Jamal and the boy in several waves as they leave the scene. Several even join the two alongside the barrel behind which they are crouching for a short time, and then continue on. Jamal and the child, for reasons that are unclear, do not leave with them.

Abu Rahma was apparently the only journalist to focus on Jamal Al-Durrah and the child. This is surprising as the AP and Reuters cameramen were close by. Abu Rahma has claimed that he filmed the two behind the barrel for approximately twenty-seven minutes.⁴ However, only fifty-five seconds of footage showing the two has ever been released.

According to Abu Rahma and Enderlin, the footage taken by the former shows Jamal and the boy crouching in terror as they are fired on repeatedly by Israeli soldiers. The camera then records, they claim, the boy being killed and Jamal being severely-wounded. Enderlin in his voiceover to the France 2 report, which shaped the Al-Durrah narrative for millions worldwide, declared, "Here Jamal and his son Muhammad are the target of fire coming from the Israeli position...But, a new round of fire, Muhammad is dead and his father badly hurt."⁵

However, contrary to Enderlin's claim, the raw footage shows clearly that in the final scenes, the boy is not dead. In the final seconds of the footage, the boy raises his arm and turns his head in the direction of Abu Rahma in what are clearly intentional and controlled movements. This should have been readily-apparent to Enderlin. Yet rather than reconsidering the claim before producing the report, or providing viewers with the full picture so that they could fairly judge the credibility of his declaration that "Muhammad is dead", Enderlin edited out these last scenes from

⁴ And that the gunfire in their direction lasted forty-five minutes. See his statement given under oath to the Palestinian Centre for Human Rights (PCHR) in appendix.

⁵ Abu Rahma in his statement given under oath to the Palestinian Centre for Human Rights on October 3, 2000 (see appendix), declared explicitly "the child was intentionally and in cold blood shot dead and his father injured by the Israeli army."



the report, thereby creating the false impression that the footage substantiated his claims.⁶

The raw footage also shows clearly that Jamal and the boy were not wounded in the manner later claimed. The rushes provide no evidence to support Enderlin's claim that the father (Jamal) "is badly hurt", and in fact provide very strong indications that the claim is incorrect. At no point is a bullet seen striking either Jamal or the boy and there is strong evidence that they were not hit by bullets at all in the scenes filmed by France 2. Despite Enderlin's statement that Muhammad is dead and the father badly hurt, and Talal and Jamal's later claims that the two were struck by numerous high-velocity bullets which pierced vital organs, the France 2 rushes show no blood on the wall, ground, or barrel. While Jamal claims that he was struck by eight to twelve bullets, the footage does not show a single blood stain or bullet wound anywhere on Jamal. Footage from later that day and early the next morning also shows no blood anywhere on the scene. (When reporters were brought to the site later on October 1, large swaths of red blood had appeared on the ground near the barrel. Yet the swaths were not located in the area where the boy had been, despite his having allegedly bled from his stomach while slumped on the ground for an extended period of time.)⁷

With regards to the boy, it is claimed that he first suffered a bullet wound to his right leg. However, what appears to be a blood stain on his right leg in one frame disappears entirely several seconds later. A closer analysis shows that the red spot is not blood but a red rag which the boy holds and which moves with his hand. It is claimed that he was then wounded by one or more bullets to the abdomen. While it is impossible to determine whether a red spot in the area of the boy's stomach is the same red rag or blood, it would be highly-unusual for a stomach wound caused by a high-velocity bullet, which reportedly bled for an extended period of time, not to create a large blood stain spread on the ground below the boy. Yet as mentioned, no blood is seen on the ground during or after the incident. Furthermore, it would also be highly-unusual for a boy who had suffered a serious stomach wound to raise his hand and stretch it towards his head, rather than using it to clutch his stomach. Numerous other aspects related to Jamal and the boy's behavior, medical and pathological reports, Jamal's medical history, and other factors, some of which are

⁶ It is interesting to note that while Enderlin initially claimed that these last seconds were edited out because they depicted the child's "death throes", he has in later statements abandoned this explanation.

⁷ Images of the scene from later on September 30, early on October 1, and at the press briefing later on October 1 can be seen in footage shot by France 2.



described later in this report, make it clear that the two were not wounded in the manner claimed in the report, and raise significant doubts regarding whether they were wounded at all.

There is no evidence that Israeli soldiers were in any way responsible for causing any harm to Jamal and the boy. There is no evidence for Enderlin's claim that "Jamal and his son Muhammad are the target of fire coming from the Israeli position" and it is highly-doubtful that what appears to be a small number of gunshots and bullet holes in the vicinity of Jamal and the boy could have come from bullets fired from the IDF position. An analysis of the angles between the IDF post and the barrel, the position of the IDF servicemen in the post, the shape and position of what appears to be bullet holes on the wall, and other factors all indicate that the shots did not come from the Israeli position. The IDF officers and soldiers who were present in the position have all stated that they were entirely unaware of the unfolding of the incident or of the presence of the two behind the barrel. The only source for Enderlin's claim in the report that the shots had come from the Israeli position, and his claim that the two were the target of Israeli fire, was Abu Rahma's say-so.⁸

In fact the statements of Abu Rahma, who was Enderlin primary source of information in preparing the France 2 report and who is the "star witness" of the entire incident, have been shown to be replete with contradictions, inconsistencies and falsehoods. To give just a few examples- he has claimed that he managed to film the Israeli soldier who killed the boy fleeing the scene, but has never been able to present such a film.⁹ He has claimed that France 2 (by implication he himself as France 2's only representative on the scene) collected bullets from the scene following the incident. Such bullets have never been produced or submitted for analysis.¹⁰ In his October 3, 2000 testimony to the Palestinian Centre for Human Rights (PCHR) Abu Rahma stated "I can confirm that the child was intentionally and

⁸ Enderlin would later claim that he had not accepted Abu Rahma's assertion that the IDF had killed the boy intentionally at face value, and that when he declared in his narration that Jamal and the boy were the "target" (*cible*) of Israeli fire, he did not intend to imply that the soldiers were intentionally targeting them or knew that they were civilians. At best, Enderlin seems not to have considered the possibility that such a fine distinction would be lost on many viewers, creating a misleading impression as to his meaning.

⁹ This claim was made in a July 6, 2001 article in the *Asharq Alawsat* newspaper.

¹⁰ When pressed on this point by German journalist Ester Schapira, Abu Rahma replied "We have some secrets for ourselves, we cannot give anything, everything." (Interview with Abu Rahma in Schapira's 2002 documentary first broadcast on Germany's ARD network *Drei Kugeln und ein totes Kind* (*Three Bullets and a Dead Child*).



in cold blood shot dead and his father injured by the Israeli army."¹¹ However in a September 30, 2002 fax to France 2's Jerusalem Bureau, Abu Rahma contradicted himself stating, "I never said to the Palestinian Human Rights Organization in Gaza that the Israeli soldiers killed willfully or knowingly Muhammed Al-Durrah." Abu Rahma has also provided contradictory or highly-doubtful statements regarding the length of time over which Jamal and the boy were under fire, the number of bullets, the number of casualties which he filmed that day, and other aspects of the incident.¹² It bears noting that in an April 2, 2001 article in the Moroccan *Le Matin* newspaper, Abu Rahma is quoted as declaring that he had entered the profession of journalism in order to "defend the Palestinian cause."

Many additional contradictions, inconsistencies and question marks are to be found in the accounts given by Enderlin, Abu Rahma, Jamal Al-Durrah and Palestinian medical professionals, which together make up the Al-Durrah narrative accepted throughout the world. Some of these questions marks should have been apparent to France 2 at the time of the report, and some have come to light subsequently and should have led the network to reconsider or qualify its position.¹³ These include, but are not limited to:

- Media reports from the day of the incident and the following day, and subsequent statements by involved parties, reveal numerous discrepancies regarding the boy's name, his age, the length of the incident, the time and other details of the boy's arrival at Gaza's Shifa hospital, the wounds which he and Jamal allegedly suffered, and the time of the boy's funeral. To give just several examples out of many, the boy is named in many of the early media reports as Rami Al-Durrah, his age is given variously as ten, twelve and fourteen, and the doctor who allegedly admitted him to Shifa hospital has stated with confidence

¹¹ The Palestinian Centre for Human Rights (PCHR) is a Gaza-based NGO which claims to be "dedicated to promoting human rights, protecting the rule of law and upholding democratic principles in the Occupied Palestinian Territories" (see website www.pchrgaza.org). It regularly describes terrorist organizations and indiscriminate terrorist attacks as "resistance", attempts to obscure the affiliation of senior terrorists killed by Israel by listing them as civilians or non-combatants, accuses Israel of war crimes and intentionally targeting civilians, and is a central player in lawfare campaigns against Israel.

¹² Nevertheless Enderlin has continued to reaffirm Abu Rahma's reliability, describing him in his 2010 book as "as white as snow" and noting that the Israeli Security Services had told him that Abu Rahma was not suspected of security offenses (as if only suspected terrorists could be guilty of unreliable reporting.)

¹³ It is worth noting that CNN, which received the same raw footage from Abu Rahma, chose not to air it on the day of the events.



that he arrived at 10am, well before the incident at the Netzarim Junction supposedly took place. Abu Rahma claims that the boy was evacuated with his father but the admitting doctor has stated that the boy arrived not with his father, but together with the body of an ambulance driver who had been killed. The boy labeled Muhammad Al-Durrah in photos from the Shifa hospital autopsy, and the one borne aloft at what was allegedly Muhammad Al-Durrah's funeral, has different physical characteristics than the boy seen crouching behind the barrel in the France 2 footage.

- Despite Abu Rahma's focus on Jamal and the boy, at the critical moments in the film his camera alternately goes out of focus, jumps and is covered up. It then appears that filming is stopped and after several seconds resumed. None of the other camera crews at the site (including cameramen from AP and Reuters who were very close by) captured the scenes involving the Al-Durrahs, which allegedly unfolded over forty-five minutes. Neither Abu Rahma nor any of the other crews filmed the ambulance which allegedly evacuated the two.
- The conspicuous lack of blood at the scene during and following the incident has been noted above. The lack of blood is rendered even more unusual in light of the various statements made by the involved parties regarding the boy's injuries. Abu Rahma has claimed that the boy lay bleeding from his stomach for fifteen to twenty minutes before an ambulance reached him. Jamal has claimed that his son was hit by a bullet that entered his stomach and exited his back. Dr. Muhammad Tawil, who claims to have admitted the boy to Shifa, reported that the boy's internal organs were expelled from his abdomen. If these accounts are true then the absence of blood on the wall, ground or barrel is extremely difficult to explain.
- The movements of Jamal and the boy after they have allegedly been hit are inconsistent with what would be expected if they had indeed been wounded in the manner claimed, or killed. The boy's movement of his hand, arm and head after he has allegedly died has already been noted. Other aspects related to the boy's movements and the changes in position of his body are also inconsistent with the alleged sequence of events and injuries.¹⁴
- In the France 2 footage Abu Rahma or someone beside him is heard yelling "the boy is dead" (*mat el-walad*) well before the boy makes any appearance of being wounded.¹⁵

¹⁴ See Statement by Dr. Ricardo Nachman, Acting Deputy Chief of the National Center for Forensic Medicine in appendix.

¹⁵ An additional seemingly-incongruous phrase is shouted by Jamal Al-Durrah. According to an Arabic lip-reader to whom German journalist Ester Schapira showed the Al-Durrah



- The medical and pathological records from Gaza's Shifa hospital and from King Hussein hospital in Jordan to which Jamal was transferred are replete with contradictions and statements which are incomprehensible or highly-improbable from a medical perspective. It appears quite likely that injuries and scars presented by Jamal as having been inflicted during the incident were actually the result of his having been assaulted in 1992 by Palestinians wielding knives and axes, and the subsequent surgeries which he had undergone at an Israeli hospital in 1994 to treat the injuries.¹⁶ A medical report from King Hussein hospital presented by Jamal Al-Durrah in 2004 states unequivocally that the doctors observed "old scars in the right hand, with an old tear in the right ulnar nerve." The medical report from King Hussein hospital submitted by Jamal's legal team to a French court in 2011, while being nearly identical to the report displayed by Jamal in 2004 in other respects, does not contain this sentence.
- No bullets from the scene have ever been produced, neither by the journalists present at the scene, Palestinian police, or by the doctors at Shifa and King Hussein hospital who operated on Jamal and the boy.
- It appears that the scene of the incident was tampered with the following day before journalists were brought to the site. While no blood appears on the ground or barrel in the France 2 footage taken during the incident, later the same day, and early the next morning, by the time the press was brought to the site on October 1 large red swaths of blood had appeared on the ground. These blood stains however appear under the spot where Jamal had sat, rather than in the area in which the boy had allegedly lay bleeding from his stomach for fifteen to twenty minutes. Furthermore, the stone lying on top of the barrel has been switched, further suggesting alterations to the scene.

As noted, these are only some of the discrepancies which have been raised, and inconsistencies which have been revealed, regarding the Al-Durrah narrative. While the various questions and pieces of evidence may be of differing weights, their cumulative impact demonstrates conclusively that some aspects of the France 2 narrative are false, and others highly-doubtful. Despite the body of evidence, Abu

footage, Jamal turns in the direction of Abu Rahma before he or the boy make any appearance of being hit and yells "It's enough. You have killed my son, it's over." (In Schapira's 2009 film for ARD, *Das Kind, der Tod und die Wahrheit* (*The Child, the Death, and the Truth*).

¹⁶ See Statement by Dr. Yehuda David in appendix regarding the irregularities and contradictions in the Gazan and Jordanian medical reports, and Al-Durrah's earlier injuries and treatments in Israel.



Rahma, Enderlin and France 2 have clung to their original narrative. They have attempted to deflect the questions and criticisms by dismissing those posing them as fanatics or misguided, while seeking to prevent access to the original footage.

Part 2: The Consequences of the Al-Durrah Report

The impact of France 2's Al-Durrah report has been far-reaching and continues to this day. The report's narrative has inspired terrorists and contributed significantly to the demonization of Israel and rise in anti-Semitism in Muslim countries and the West. In some cases its impact has been lethal.

The France 2 narrative has played a major role in inciting terrorism and violence, both in the Israeli-Palestinian arena and worldwide. Western and Arab media outlets rebroadcast the France 2 footage countless times immediately following the initial report. Particularly enthusiastic was the Qatar-based satellite news channel Al Jazeera, which used the narrative to galvanize and incite audiences across the Arab world. Hugh Miles describes the way in which "Al Jazeera ran repeatedly the clip of the boy being shot, and for several days the picture of his dying became the network's emblem of the intifada. This had a deeply galvanizing effect on the wider Arab public."¹⁷ Fouad Ajami notes that Al Jazeera "played and replayed the heart-rending footage of 12-year-old Muhammed al-Durra, who was shot in Gaza and died in his father's arms. The images' ceaseless repetition signaled the arrival of a new, sensational breed of Arab journalism."¹⁸

These images assisted in mobilizing the masses to take part in the campaign of terror and violence known as the Second Intifada, and played a major role in the Palestinian Authority's efforts to sustain and cultivate that violence. The Or Commission, tasked with examining the outbreak of violence between Israeli security forces and Israeli Arabs in October 2000, determined that:

"The death of Muhammad Al-Durrah, as reflected in the television footage, had a recognizable impact on the attitudes on the Arab street, on September 30th and the next day. This point was emphasized by many of the leaders of

¹⁷Hugh Miles, *Al-Jazeera: The Inside Story of the Arab News Channel That is Challenging the West* (Grove Press, 2005), p. 73

¹⁸ Fouad Ajami, "What the Muslim World is Watching", *New York Times*, November 18, 2001



the Arab sector who appeared before the Commission. The majority of them were of the view that the images of Muhammad Al-Durrah, which were disseminated by the media outlets, served as one of the factors which led people from the Arab sector to take to the streets on October 1, 2000. Representatives of the police and other security forces also stated that they believed that the dissemination of the images had great weight as one of the factors which led to the outbreak of the events."¹⁹

On October 12, 2000, a mob in Ramallah brutally lynched two Israeli reservists who had accidentally entered the city and were being held by PA police. According to reports, the mob cried "revenge for the blood of Muhammad al-Durrah" as it lynched the soldiers.²⁰ Perhaps most chillingly, the first suicide bomber of the Second Intifada, Palestinian Islamic Jihad (PIJ) terrorist Nabil Farj al-Ar'ir, concluded the 'last statement' he prepared before blowing himself up with the words "In summary, I say to you that I dedicate this martyrdom (*istishahad*) operation to the martyr (*shahid*) Muhammad al-Durrah and to all the martyrs of Islam..."²¹ Other PIJ terrorists have stated that they joined the organization after seeing the images of Muhammad Al-Durrah on TV.²²

The Palestinian Authority used the Al-Durrah narrative to encourage children to take part in the violence and sacrifice their lives. One video, broadcast hundreds of times on official PA TV, opens with the words "I am waving to you, not in parting, but to say 'follow me'- Muhammad Al-Dura."²³ The clip includes scenes of 'Muhammad Al-Durrah' running happily in Paradise, flying a kite and visiting an amusement park. The narrator intones "How sweet is the fragrance of the martyrs. How sweet is the fragrance of the earth, its thirst quenched by the gush of blood flowing from the youthful body...The boy cried: 'Oh father, till we meet, I will go with no fear and without crying...'" Another PA TV video clip, also aimed explicitly at children, opens with the text "This song is dedicated to the Palestinian child Martyr Muhammad Al-Durrah, who symbolized the courage of the Palestinian-Arab nation, its children,

¹⁹Or Commission Report, sec. 1, para. 172, available at <http://elyon1.court.gov.il/heb/veadot/or/inside1.htm>

²⁰ See for example Richard Landes, "Nazis, Islamism, and the so-called 'honour culture'", *The Telegraph*, November, 22, 2011.

²¹ Statement on website of the Palestinian Islamic Jihad terrorist organization- <http://www.saraya.ps/index.php?act=Show&id=7400>

²² See statements on PIJ websites <http://www.almuhja.com/article-2967> and <http://www.saraya.ps/index.php?act=Show&id=13563>

²³ Video available at

http://www.youtube.com/watch?v=8UJs2ifnAD4&feature=player_embedded



elders, and mothers."²⁴ The narrator declares "The promise of peace is over. The time for talking is over. The stone of our country in the hands of a youth confronts you, my enemy...I will meet you, Muhammad, Palestine's child." Scenes are shown of a young boy and girl replacing their toy truck and doll with stones to throw at the enemy.

France 2's report has been used as an inspiration and justification for terrorism not only by Palestinian groups but by global terror organizations as well, perhaps most prominently by Osama Bin Laden. On October 13, 2001, Osama Bin Laden's spokesperson Sulaiman Abu Ghaith broadcast a statement on Al-Jazeera, declaring at the outset "Bush has to know, in the epitome of his arrogance and the peak of his media campaign in which he boasts of enduring freedom, he shouldn't forget the image of Mohammed al-Dura and his fellow Muslims in Palestine and Iraq. If he has forgotten, then we will not forget, God willing." He goes on to state, "we salute the fighting youths (*Mujahid*) who knew the right path and who knew how to answer these rampant oppressors, by killing the people they killed" and warns "The storms of planes will not stop until you drag your defeated tails from Afghanistan, not until you raise your hands from the Jews in Palestine..."²⁵ On December 27, 2001, Al Jazeera aired a lengthy audio recording from Bin Laden in which he once again refers to Al-Durrah declaring, "Slaughtering children was something for which the head of oppression and unbelief, and hostility, Pharaoh, was famous; yet the sons of Israel have done the same thing to our sons in Palestine. The whole world has witnessed Israeli soldiers killing Muhammad al Durrah and many others like him... "At the end of the recording he urges young Muslims to seize the opportunity and "continue the Jihad and the operations against the Americans."²⁶

Bin Laden used France 2's images of Al-Durrah not only in diatribes against the West, but as a means to actively recruit followers for jihad against the West and moderate Arab regimes. A slickly-produced Al-Qaeda recruiting video made sometime at the end of 2000 or the beginning of 2001 features a prominent section on Al-Durrah in which the France 2 images are repeatedly shown while the narrator uses

²⁴ Video available at

http://www.youtube.com/watch?v=bdZ8ZIPT5rU&feature=player_embedded

²⁵ Full text of statement available at

<http://www.guardian.co.uk/world/2001/oct/14/afghanistan.terrorism1>

²⁶ Osama Bin Laden, "Nineteen Students" speech. Transcript available at

<http://thesis.haverford.edu/dspace/bitstream/handle/10066/5120/OBL20011226.pdf>



descriptions of the incident to urge viewers to avenge the boy's death by joining the jihad against the West and moderate Arab governments who cooperate with it.²⁷

On February 1, 2002 Daniel Pearl, South Asia Bureau Chief of the Wall Street Journal, was beheaded by a Pakistani terrorist group. In the grisly video which the group released of the beheading, images taken from the France 2 Al-Durrah footage are shown numerous times. At the beginning of the video in which Pearl speaks to the camera, he is made to declare "My father is Jewish, my mother is Jewish, I'm Jewish." Then a brief excerpt from France 2's report flashes across the screen.

It bears noting that the French-Algerian terrorist Muhammed Merah who murdered three Jewish children, a rabbi and three French soldiers in a series of attacks in March 2012, while not mentioning Al-Durrah directly, informed police that he had carried out his actions to avenge Palestinian children killed by Israel.²⁸ As noted earlier, Al-Durrah is very frequently presented as the representative example or ultimate proof by those accusing Israel of deliberately killing Palestinian children.

Beyond serving as a justification for terrorism, the Al-Durrah images have come to symbolize within Arab and Muslim societies the cruelty and enmity of Israelis and Jews, as well as the glory of martyrdom in the struggle against them. As a result, many commentators have referred to the Al-Durrah affair as a modern-day blood libel which has taken deep root in the Arab and Islamic world. Muhammad Al-Durrah is celebrated in hundreds of Arabic songs, poems, movies, websites and facebook pages in which Abu Rahma's and Enderlin's original accusation, that the child was murdered by Israel in cold blood, is taken as a given. Central thoroughfares and squares are named for Al-Durrah, he appears on postage stamps, billboards, and school textbooks, and yearly commemorations are held in his memory throughout the Arab world.

While the list of examples is far too vast for this document, one example can serve to demonstrate both the pan-Islamic nature of the Al-Durrah 'cult' and the significant resources which go into cultivating and perpetuating it.²⁹ Al-Durrah is the subject of a full-length animated movie entitled "The Martyr (*Shahid*) of the World- Muhammad Al-Durrah." The movie's script was written by a Palestinian, the director

²⁷ Video available at <http://www.ciaonet.org/cbr/cbr00/video/excerpts/reel1.html?f> and see further http://www.ciaonet.org/cbr/cbr00/video/cbr_v/cbr_v_2.html

²⁸ See BBC News Europe, "France shootings: Toulouse gunman killed by sniper", March 22, 2012.

²⁹ For a small sample of examples, see Appendix 4: Images of Al-Durrah



and production company were Saudi, the voice-overs were done in Jordan by prominent Arab actors, while the actual production was carried out in a studio in Turkey. The cost of the movie was approximately one million rial. The movie is replete with images of Israeli soldiers shooting and beating Palestinians, both those throwing rocks and those praying at the Dome of the Rock. In the climactic scene, an Israeli soldier stands opposite Jamal and Muhammad who are hiding behind a barrel, takes careful aim and shoots Muhammad in the chest. In the background girls sing "Our martyr, Al-Durrah. We long for martyrdom. Our country is free and our death is happiness." The France 2 cameraman and media report are referenced prominently in the scene. Talal Abu Rahma appears several times filming the incident, and the cries of "*mat el-walad*" ("the boy is dead") heard in the France 2 footage are included in the scene as well. At several points the scene replicates the exact angles and images of the France 2 footage, while also expanding upon them as well.

The demonization and hatred of Israel generated and inspired by the Al-Durrah report is not limited to the Arab and Muslim world. In the West and particularly in Europe, the report served to demonize Israel as a merciless oppressor and prime violator of human rights. Amnesty International claimed, "When televisions around the world showed pictures of 12-year-old Muhammad al-Dura being shot dead in the Gaza Strip on 30 September 2000 while cowering in his father's arms, it brought to international attention one of the many long-standing patterns of human rights violation suffered almost exclusively by Palestinians at the hands of the Israeli forces."³⁰ Human Rights Watch, in a report on the Israeli-Palestinian violence of October 2000 stated, "The incident in which IDF fire killed 12-year-old Muhammad Jamal Muhammad al-Dirra (*sic*) also appeared to be a case of indiscriminate and illegal use of force based on the accounts of eyewitnesses."³¹ Although the report refers to anonymous 'eyewitnesses', the only such witness named is Abu Rahma and the account appears to be based entirely on his testimony. The report continues "At no time did the father and son, or anyone in their vicinity, pose any threat to the IDF post or to the lives of soldiers, nor could the father and son have been in the crossfire of any earlier shooting...", i.e. the Israeli soldiers had either murdered

³⁰ Amnesty International, "Racism and the Administration of Justice" (July, 2001). Available at <http://www.amnesty.org/en/library/asset/ACT40/020/2001/en/d133d259-d92e-11dd-ad8c-f3d4445c118e/act400202001en.pdf>

³¹ Human Rights Watch, "Israel, the Occupied West Bank and Gaza Strip, and the Palestinian Authority Territories: Investigation Into Unlawful Use of Force in the West Bank, Gaza Strip and Northern Israel, October 4-11", (October, 2000). Available at http://www.hrw.org/reports/2000/israel/isrlo00-02.htm#P74_8170



Muhammad in cold-blood or at best had been wantonly negligent in their disregard for the child's life. The basis upon which Human Rights Watch rests its claims regarding the absence of threats in the vicinity of Jamal and child, or the impossibility of the two having been caught in a crossfire, is entirely unclear and contradicted by the network rushes from that day.

Al-Durrah was featured prominently at what was perhaps the foundational event of the modern delegitimization campaign against Israel, the NGO Forum at the 2001 UN Conference Against Racism in Durban, South Africa. At the forum NGOs and civil society organizations from across the globe signed off on a statement equating Zionism with racism and apartheid, accusing Israel of genocide and calling for the complete international isolation of the Jewish state. During marches and demonstrations calling for the destruction of Israel, large banners with the images of Al-Durrah from the France 2 report were waved.³² Jamal Al-Durrah himself attended and addressed the participants.

The Al-Durrah report also played a significant role in the legitimization and mainstreaming of comparisons between Israel and the Nazis. If the Israeli army was intentionally murdering helpless children, then it was on no better moral ground than the Nazi regime. Prominent French political commentator Catherine Nay gave voice to this sentiment when she declared "With the symbolism of this photo, Muhammad's death cancels, erases that of the Jewish child, his hands in the air before the SS in the Warsaw Ghetto."³³ At an October 7, 2000 demonstration at the Place de la République in Paris, demonstrators cried 'death to the Jews' and held a banner depicting a Star of David, a Swastika, and an image of the Al-Durrahs with the words "They also kill children."

The passions incited by France 2's Al-Durrah report led, in addition to the demonization of Israel, to an increase in anti-Semitism and attacks against Jews. Shmuel Trigano has documented the upswing in anti-Semitic attacks in France starting on October 1, 2000 following the Israeli-Palestinian clashes.³⁴ Richard Prasquier, president of the *Conseil Représentatif des Institutions Juives de France* explained that "the Israeli-Palestinian conflict was transferred to France, and in that

³² See Appendix 4: Images of Al-Durrah

³³ See Ivan Rioufol, "Les médias, pouvoir intouchable?", *Le Figaro*, June 10, 2008.

³⁴ See Shmuel Trigano, "Les Juifs de France visés par l'Intifada?", *Observatoire du Monde Juif*, November 2001



conflict the image that was truly emblematic was that of the al-Durrah child."³⁵ The rise in anti-Semitic incidents from October 2000 was not limited to France. The Anti-Defamation League recorded that in the United States "Vandalism, harassment and other expressions of hatred against Jewish individuals and property climbed with the renewal of tensions in the Middle East, reaching a high point in October as the events there spilled over into nations with large Jewish communities. According to the ADL Audit, there were 259 anti-Semitic incidents reported in October across the United States, more than in any other month of the 2000 calendar year."³⁶ In the UK, one study found a "50 percent rise over the previous year in anti-Semitic incidents in the UK in 2000. Thirty-six percent of the year's total occurred during October and November, reflecting the upsurge in tensions between Palestinians and Israelis."³⁷ While the Al-Durrah footage may not have been the only component of that upsurge in tensions, it was certainly its iconic image. Anecdotal accounts also suggest that the al-Durrah incident is used by hard-line anti-integrationist Muslim groups in Europe to justify extreme and anti-Semitic remarks to their more moderate co-religionists.³⁸

Given the far-ranging negative consequences which the France 2 Al-Durrah narrative has had for Israel and the Jewish people, it is critical that the truth about this libelous narrative be fully exposed in the public sphere. Moreover, the consequences of the report range far beyond Israel's interests alone and highlight the importance of the media's adherence to professional and ethical standards of conduct in its coverage of the Israeli-Palestinian and other asymmetric conflicts around the globe.

Part 3: Professional and Ethical Standards of Journalism- Lessons from the Al-Durrah Affair

The Al-Durrah affair highlights the critical importance of rigorous adherence to journalistic standards and codes of ethics when covering complex arenas and

³⁵ Devorah Lauter, "French Jews Demand al-Dura probe", *Jewish Telegraphic Agency*, July 8, 2008.

³⁶ Anti-Defamation League, "ADL Audit: Anti-Semitic Incidents Rise Slightly in U.S. in 2000. Increase Linked to Mideast Conflict", March 21, 2001. Available at http://www.adl.org/presrele/asus_12/3776_12.asp

³⁷ Tel Aviv University, Stephen Roth Center for the Study of Contemporary Anti-Semitism and Racism, *Annual Country Report: United Kingdom, 2000-20001*. Available at http://www.tau.ac.il/Anti-Semitism/asw2000-1/united_kingdom.htm

³⁸ See Ian Johnson and John Carreyrou, "As Muslims Call Europe Home, Dangerous Isolation Takes Root", *The Wall Street Journal*, July 11, 2005.



potentially-explosive events. An active and free press is essential to the functioning of healthy democracies. Precisely because of the media's central role in enabling democratic discourse and decision-making, it is crucial to maintain journalistic standards such as an uncompromising pursuit of the truth buoyed by critical examination and verification, care to eschew unfounded accusations and misleading editing, and a willingness to quickly correct or qualify claims shown to be of questionable credibility. It is not the role of the government to regulate the media—within the bounds of the law, journalists' adherence to ethical and professional standards should be self-regulated. Nevertheless we believe that a consideration of issues related to the implementation of journalistic standards and ethics in the Al-Durrah affair may shed valuable light on some of the key challenges of media coverage in modern asymmetric conflicts in general, and the Israeli-Palestinian conflict in particular.

Press coverage of modern asymmetric conflicts requires adherence to the highest journalistic standards due to the overriding importance of the role of the media in such conflicts. The 'battle' for the TV or computer screen, which both transmits and interprets the conflict for political elites and general publics, is often as or even more important than the actual military clash. Each side invests significant efforts in influencing the international media, which for its part hunts for stories to feed rapid news cycles. The asymmetry between democratic states and non-democratic states (as well as non-state actors such as terrorist organizations) in their relationship to the international media often provides the latter with an advantage. The procedures which democracies employ for making official statements to the media usually include verification mechanisms and hierarchical systems of authorization, and they are held accountable for the accuracy of their claims. Non-democratic states and non-state actors generally feel free to say whatever they believe will assist their cause at any given moment, and are not usually held accountable for the accuracy of their statements. When journalists acting under the pressures of the news cycle and the lure of a scoop fail to properly take account of this asymmetry, systematic distortion can occur. The militarily less-powerful side is able to successfully manipulate media coverage through the rapid dissemination of one-sided or false information, misleading images, and fabricated or even staged events. Notable examples from the Israeli-Palestinian context include baseless claims of Israeli "massacres" (such as in Jenin in April 2002), images disseminated through traditional and social media claiming to depict Palestinian victims of Israeli attacks which in fact depicted unrelated incidents (such as civilians casualties from the armed clashes in Syria), and the staging of funerals, injuries and ambulance evacuations.



Additionally, terrorist organizations and other non-state actors often seek to arrange the battlefield with an eye towards neutralizing their opponents' military advantage through the use of the media to generate international pressure. A prime example of this is the use by Palestinian terrorist groups of human shields and civilian infrastructure in launching military attacks, with the knowledge that media images of unintentional collateral damage caused by Israeli counterstrikes or preventative measures can be used against it in the court of public opinion. Given these factors, journalists must take the utmost precautions to maintain standards of objectivity and accuracy in presenting their information, claims and visuals.

The professional and ethical standards for journalists and media outlets are generally set out in codes of ethics or lists of principles which are adopted by national or international bodies such as journalists' unions. In order to discuss the implications of the Al-Durrah affair for journalistic standards, this chapter references several of the leading or most widely-accepted codes of ethics and guides, as well as several which are particularly relevant to this case. These include the Declaration of Principles on the Conduct of Journalists of the *International Federation of Journalists* (IFJ), the largest global union federation of journalists' trade unions worldwide, the *National Syndicate of French Journalists'* (NSFJ) Charter of the Professional Duties of French Journalists, the *Israel Press Council's* (IPC) Rules of Professional Ethics, the US-based *Society of Professional Journalists'* (SJP) Code of Ethics, and the Parliamentary Assembly of the Council of Europe's (PACE) resolution on the ethics of journalism (Res.1003). The intent is not to argue that any particular code is binding on any specific actor in the Al-Durrah affair. Rather the various codes serve as reference points to inform the discussion regarding adherence to professional standards in the Al-Durrah case.

The first principle in the IFJ Declaration underscores the centrality of the uncompromising pursuit of the truth, stating "Respect for truth and for the right of the public to truth is the first duty of the journalist." The PACE resolution adds that this pursuit of truth should be "ensured by the appropriate means of verification and proof..." The SJP Code advises journalists aiming to transmit an accurate picture to "Test the accuracy of information from all sources and exercise care to avoid inadvertent error." The IPC code elaborates further on the requirements of this pursuit, stating "Prior to the publication of any item, the newspaper and the journalist shall check the accuracy thereof with the most reliable source and with appropriate caution in the circumstances of the case" and adding "An examination of the accuracy of an item aforesaid shall not be waived because of the urgency of the publication."



The flip side of the journalist's rigorous pursuit of the truth is that he or she, in the words of the NSFJ Charter should "Consider slander, unfounded accusations, alteration of documents, distortion of facts, and lying to be the most serious professional misconduct." Likewise the IFJ Principles include "unfounded accusations" among the list of grave professional offenses.

The France 2 report as presented by Charles Enderlin was characterized by lapses with regards to these principles. Despite the potentially explosive nature of the report, which was apparent to Enderlin, he and his editors relied entirely on Abu Rahma's claims without taking any other steps to verify them or to examine them critically in light of the available footage. It should have been clear that the footage sent to France 2 did not confirm the Gaza stringer's two central claims- that the shots fired at Jamal Al-Durrah and the boy came from an Israeli position, and that the boy died in course of the sequence captured on film. This should have led to critical questions being asked of the source, even if he had previously proven to be generally reliable. Not only did Enderlin fail to question Abu Rahma's claims, but he edited and narrated the report so as to give the impression that what the viewer was seeing demonstrated their accuracy. Given the nature of the situation- a rapidly-developing conflict in which gunmen and rioters mingled with civilian bystanders and attacked the IDF outpost from a number of different positions- and given that it was known that in similar situations the Palestinian side had staged scenes of injuries for media consumption, extra caution should have been taken to avoid unfounded or unsupported claims.

In light of the situation, Enderlin's decision to edit out the last several seconds of Abu Rahma's footage, in which the boy is seen moving his hand and looking in the direction of the camera in a voluntary movement, is particularly questionable from the perspective of journalistic ethics. Whether or not Enderlin truly believed that the hand movement was the child's death throes, it should have been clear that such images were essential for the viewer to make an informed decision regarding the reliability of the France 2 narrative. Regarding such information, the IFJ principles state, "... The journalist shall not suppress essential information or falsify documents." Similarly the SJP code states "Journalists should never distort the content of news photos or video."

Most journalistic codes of ethics contain clauses stating that a media outlet should speedily correct mistakes or inaccuracies. The IFJ principles state, "The journalist shall do the utmost to rectify any published information which is found to be harmfully inaccurate." The IPC's code states, "Mistakes, omissions or inaccuracies



which are in the publication of facts must be corrected speedily and with the appropriate emphasis relative to the original publication." While in the majority of cases such errors come to light relatively quickly, episodes such as the Al-Durrah affair are not one-time events. Their controversial development and deleterious consequences inspire extended investigation and debate. Since September 2000 various inquiries by the IDF, journalists, media commentators and legal actors have led to numerous weighty questions being raised regarding the accuracy and credibility of the Al-Durrah narrative as presented by Abu Rahma and Enderlin. Regarding such public criticism the SJP charter states, "Journalists should clarify and explain news coverage and invite dialogue with the public over journalistic conduct." There is little doubt that at the very least France 2 should have retracted or qualified the unequivocal claims of its reporter that the boy was the target of Israeli fire and died in the sequence shown, and apologized for misleadingly editing the footage and relying unquestioningly on Abu Rahma. This is particularly true in light of the harm which the France 2 report has caused.

However, rather than seeking to rectify the omissions and inaccuracies in the Al-Durrah report, France 2 and Enderlin have continued to stick by their original narrative. Enderlin has made a point of defending Abu Rahma's credibility. In his 2010 book on the Al-Durrah affair Enderlin reaffirms his certainty that the shots were fired from the Israeli position. While clarifying that the claim that the Israeli soldiers intentionally sought to kill Jamal and the boy was Abu Rahma's rather than his (explaining that when he declared that Jamal and the boy were the "target" of Israeli fire, he did not mean to imply that the Israelis were intentionally firing at them), he repeatedly defends Abu Rahma's credibility. In a number of places in the book he declares that Abu Rahma is "as white as snow" and has never failed in his professionalism. In order to strengthen this assertion he relates that the Israeli security services had told him that Abu Rahma was not suspected of involvement in terrorist activity (as if only terrorists could be suspected of non-objective or inaccurate reporting.) Rather than engaging in a dialogue with his critics, throughout the book Enderlin seeks to dismiss them as fanatics or misguided. He fails to engage with the body of evidence pointing to the inaccuracy of the France 2 report.³⁹

³⁹ Another principle often considered to be part of the journalistic code of ethics is the need for media outlets to act with maximum transparency and openness. For example, the IFJ in its general principles states "media must be administered according to the highest standards of transparency and openness." In light of this, France 2's continued refusal to release the full rushes from the day of the incident raises question marks regarding its commitment to transparency.



Conclusion

More than twelve years after the original Al-Durrah report there remains a need to publically correct and clarify the France 2 narrative as a first step towards moderating the report's destructive effects. On a more general level, the Al-Durrah affair must serve as a wake-up call to the journalistic community covering the Israeli-Arab arena. In nearly every major round of fighting since the affair, from the 2002 Operation "Defensive Shield" through the 2006 Second Lebanon War, Operations "Cast Lead" (2008-2009) and "Pillar of Defense" (2012), and the Mavi Marmara flotilla affair (2010), echoes of Al-Durrah were clearly heard in the form of unsubstantiated claims by Western media of intentional Israeli attacks against civilians and particularly children. In a number of cases, staged scenes or entirely baseless claims were reported as authentic, either in an intentionally-misleading manner or without the most elemental fact-checking. While in some cases these reports were later corrected, they nevertheless fueled hatred, encouraged terror and contributed to the delegitimization of the Jewish state. Many of the misleading reports had their source in local stringers working for international networks. The Al-Durrah affair underscores the need for news networks to exercise extra caution in evaluating reports by such stringers who are not necessarily objective and who often operate within undemocratic societies.

Beyond the Israeli context, the Al-Durrah affair serves as an example of the challenges faced by Western media in covering asymmetric conflicts, in which journalists are a central target in the battle for public opinion, and non-democratic states and non-state actors often possess an advantage over democracies due to their willingness to rapidly release statements without verifying or being held accountable for their accuracy. The various pressures present in such situations require that media outlets and journalists adhere to the most rigorous professional and ethical standards in their reporting, critically evaluating information and images, separating facts from claims and correcting mistakes when they arise.

At the same time, the Al-Durrah affair demonstrates that countries committed to scrupulously adhering to international law while combating terror cannot remain



complacent in the face of inaccurate or mendacious media reports. The potentially-lethal consequences of such coverage in both the short and long-term mean that they cannot simply wait in the hope that the controversy will die down on its own. Rather, such countries must thoroughly investigate the media claims in a timely manner and present their findings in the public arena. It is our hope that in presenting Israel's position regarding the Al-Durrah affair, describing the affair's consequences and noting its implications, we can moderate some of the damage done by this pernicious narrative and help prevent the repeat of such incidents in the future.

Appendix 1: Official Israeli Statements on the Al-Durrah Affair since September 30, 2000

Since September 30, 2000 representatives from both the Israeli Prime Minister's Office (PMO) and from the Israel Defense Forces (IDF) have made verbal and written statements regarding Israel's position on the Al-Durrah Affair. With one exception, which was later explicitly retracted and reversed, the statements have consistently averred that the evidence in no way supports the allegation that Israel is responsible for the shots which appear to have impacted in the vicinity of Jamal Al-Durrah and the boy, much less for the boy's alleged death. Furthermore it has been emphasized that based on the available evidence it appears significantly more likely that Palestinian gunmen were the source of the shots which appear to have impacted in the vicinity of the two.

Additionally, official PMO and IDF representatives have repeatedly expressed the view that France 2, Charles Enderlin and Talal Abu Rahma did not act in good faith in terms of providing objective coverage of the incident, and in some cases may have acted in an intentionally misleading manner, thus causing great harm to the State of Israel and its citizens. Israeli representatives have made numerous attempts to obtain from France 2 the full unedited footage taken by Abu Rahma on September 30 and October 1 in order to investigate the events further and determine to the extent possible the truth regarding the incident. These requests have consistently been met by refusal or evasion on the part of France 2 and Enderlin.



On September 30, 2000 Charles Enderlin contacted Major Yarden Vatikay, then head of the International Correspondent Department in the IDF Spokesperson Unit, seeking a response to the footage of Al-Durrah which he was about to air. According to Vatikay, Enderlin "apprised me of his intention to broadcast the material immediately, and described the crisis that would befall the IDF following the broadcast." Vatikay requested that Enderlin allow the IDF to view the footage in order to prepare an informed response and explained that "we could not take responsibility for this incident without seeing the materials and conducting a preliminary investigation...It was possible that the child was hurt by a stray bullet of one of the parties, and in this stage, no one could accuse the IDF of this." According to Vatikay, Enderlin rejected his request and declared his intention to broadcast the material without delay, without giving the IDF an opportunity to view it beforehand. The report was broadcast soon afterwards, without an official Israeli response.

On that same day, following the France 2 report, the Spokesperson Unit released a statement which made clear that while it was not possible to determine, based on the footage broadcast by the network, the source of the shots apparently fired at Jamal and the boy, ultimate responsibility lay with the Palestinians for cynically launching armed attacks from within the civilian population. The statement noted that "the Palestinians make cynical use of women and children by bringing them to flash points in the territories" and explained that "at the location [the Netzarim Junction], intense exchanges of fire began and the footage focused only on the injury to the child and his father, who were caught in the crossfire, without it being possible to determine the source of the fire, thereby making it impossible to determine with certainty who hit the child and his father."

The primary instance in which an official Israeli source posited that the shots which hit Jamal and the boy apparently came from the Israeli side, occurred at the October 3, 2000 press conference convened by IDF Chief of Operations Branch Major General Giora Eiland. Eiland's remarks during the press conference centered on Israel's desire for a de-escalation of the fighting and the steps it was taking to achieve this. According to the transcript prepared by an IDF Spokesperson Unit representative at the event, Eiland, in response to a question regarding Al-Durrah, answered that as a result of the gunfire at the junction, Jamal and the boy "took cover next to a wall, several meters from where Palestinians fired at us. The soldiers returned fire and apparently the boy was hit by our fire." Eiland later explained in a December 2005 interview in the Israeli newspaper Maariv and in a memo prepared in 2006 that "at the time that I made this statement, I had not seen all the evidence made available to the Israeli army only later...Given the long history of Palestinians exposing their



children to danger, I assumed that the main issue in this case would be the question: Why would the Palestinians have exposed their own civilians to danger by firing on the Israelis while a boy and his father were in the crossfire? I did not realize that my words would be used to accuse Israel of cold-blooded murder."

During that same month IDF Commander of the Southern Command, Major General Yom Tov Samia led an investigation of the incident. On the basis of a reenactment of the events which examined *inter alia* the firing angles of the Israeli and Palestinian positions relative to the location of Jamal Al-Durrah and the boy, the bullet holes shown in the footage and as recreated in the reenactment, the nature and pace of the gunfire recorded in the footage, and statements by Jamal regarding the wounds allegedly suffered by the boy and himself, Samia concluded that "doubt has been established regarding the possibility that the child Muhammad Al-Durrah and his father were injured by IDF soldiers. From the findings it appears that there is a significant possibility that the child was hit by Palestinian fire during the exchanges of gunfire in the area." These findings were presented at an official press conference on November 27, 2000.⁴⁰

In the years following the incident, additional information came to light regarding the affair, and numerous questions were raised by journalists and media watchdog groups regarding the accuracy and credibility of the France 2 report. In 2006 Eiland released a statement in which he explained that at the time of his original press conference, he had not seen the full evidence. He clarified that "now that I have examined the evidence, I would be much more reluctant to accept the IDF's responsibility...Based on what I know now, I think that, if Al-Durrah really were shot at Netzarim junction, it is far more likely that he was shot by Palestinian than Israeli fire." He further stated that "among all possible explanations, that given by Charles Enderlin in his broadcast- the boy and the father were the 'target of fire coming from the Israeli position'- is the least likely of all the explanations."

On April 1, 2007 Yarden Vatikay composed a memo on the Al-Durrah Affair at the request of the Israeli military attaché in Washington D.C. Vatikay reaffirmed his view that it was not possible to determine the source of the gunfire which was alleged to

⁴⁰ It should be noted that on November 8, 2000 IDF Chief-of-Staff Lieutenant General Shaul Mofaz told the Israeli Knesset (Parliament) Foreign Affairs and Defense Committee that the investigation was the private initiative of Samia. However in a November 21, 2007 letter from IDF Spokesperson Brigadier General Avi Benayahu to the law firm representing Enderlin, the former stated unequivocally that the Samia investigation was part of the official IDF investigation and that it was within the authority of the Head of the Southern Command to commission such an investigation.



have hit Jamal and the boy, and that therefore it was impossible to assign the blame to Israel as France 2 had done. Vatikay noted that "the published footage in the media focused on the child and his father, and one could not see the scene of the incident, the forces in the area or any other detail that would facilitate an understanding of the situation." He recalled that despite the lack of any evidence pointing to Israeli culpability, immediately following the broadcast "a witch-hunt surrounding the event began in the form of an unprecedented media attack on the IDF...some even accused that the fire was deliberate."

On September 23, 2007, Danny Seaman, Director of the Israel Government Press Office (GPO), a body within the Israeli Prime Minister's Office, sent an official letter to the NGO "Israel Law Center (Shurat HaDin)", in which he commented on the Al-Durrah affair at length. The letter came in response to the Israel Law Center's petition requesting that the GPO cancel France 2's Israel press cards, on the grounds of violating media ethics and standards in its reporting in the Al-Durrah affair and subsequent refusal to issue an apology. The letter was released by the NGO to the press and received extensive media coverage.

Seaman in his response explains that "without any deep and serious investigation, the global media convicted the State of Israel in the murder of a little boy...these allegations started a long road that lead to exposing the truth and basing the fact that Talal Abu Rahma, the network's Palestinian cameraman, engaged in the systematic staging of action scenes." He notes that the IDF investigation into the incident demonstrated that "the incidents as presented by the network reporter, Charles Enderlin, couldn't have happened..." Furthermore, a subsequent investigation revealed that "Talal Abu Rahma...engaged in the systematic staging of action scenes at that day."

Seaman relates that France 2, in order to defend itself against the difficult questions raised by investigations into the event and subsequent reports in high-profile media outlets, had claimed that Israel "has taken responsibility for Al-Durrah's death" and had "never criticized the network proceeding in the case." These two claims, Seaman declares "are inaccurate." Regarding the first claim Seaman notes that Eiland, who had originally posited IDF responsibility for the gunfire which killed the boy, had already in December 2005 publically retracted and reversed his statement on the basis of the additional evidence which had come to light in the interim. Seaman also notes that in early 2001 "Dr. Raanan Gissin, senior advisor to PM Ariel Sharon...has sharply criticized the French network." Regarding the Israel Law Center's specific request to deprive France 2 of its press cards, Seaman responds that "although the



network 'France 2' and its workers, against press professionalism, didn't make sure that a true and authentic report of the Al-Durrah case will come of its hands, the GPO rules do not enable a general deprivation of their press cards."

Between September and November 2007 IDF Spokesperson Brigadier General Avi Benayahu and Deputy Spokesperson Colonel Shlomi Am-Shalom engaged in extensive correspondence with Charles Enderlin and his legal representatives, in an attempt to obtain the original France 2 rushes. In his September 10 letter to Enderlin, Am-Shalom emphasizes that the investigation of the head of the Southern Command "had revealed a number of findings which differed from the description of events in the French television channel report." The investigation had determined, Am-Shalom notes, that "from an analysis of all the data from the scene...one can rule out with the greatest probability the possibility that the shots which allegedly hit the child and his father were fired by IDF soldiers."

Am-Shalom also notes that from the October 19, 2006 court decision in the Enderlin and France 2 v. Karsenty case, "it can be understood that the court was under the impression that the State of Israel had never granted credence to the possibility that the event was staged, had never denied the fact that Muhammad Al-Durrah was killed by IDF soldiers, and had never made an effort to refute the claims which were raised regarding this in the French television report. It also arises from the court decision that the State of Israel never requested the footage which served as a basis for the aforementioned report." To these claims Am-Shalom responds, "It is my duty to point out that such statements do not accord with the repeated attempts by the IDF to receive the footage, and with the conclusions of the IDF investigative committee, which were quoted widely in the international and French media."

The clearest formulation of the Israeli position to date is the statement published by the Israel Prime Minister's Office National Information Directorate on October 21, 2010. The statement declared that "today it is clear that it was incorrect to assign the IDF and the State of Israel responsibility in the Muhammad Al-Durrah affair. The findings [of several investigations] disprove the allegations made at the time against the Israeli side, allegations which were not checked in a careful manner by the international media and first and foremost by the France 2 television network."

It is also important to note that the PMO and IDF made numerous attempts to receive the full and unedited footage taken by France 2's cameraman, in order to conduct an in-depth examination of the visual evidence with the hope of verifying



the facts and putting the controversy to rest.⁴¹ France 2, Enderlin and their legal representatives repeatedly denied, ignored or evaded these requests (as well as those of other independent researchers) with numerous excuses. Immediately following the broadcast of the France 2 report, the IDF Spokesperson Unit made several requests to receive the full rushes, only to be given a tape which contained nearly the same footage that had already been aired by France 2. The request of the IDF investigation team set up by the Commander of the Southern Command to receive the original footage was denied. In May 2005 Dr. Raanan Gissin senior advisor to PM Ariel Sharon and PMO Spokesperson to the Foreign Press requested the full rushes from Enderlin only to be turned down. As noted above, between September and November 2007 the IDF Spokesperson and Deputy Spokesperson repeatedly requested the unedited footage in the course of extensive correspondence with the legal firm representing France 2 and Enderlin. Despite repeated claims that it was prepared "to assist in every possible manner" and to "act in order to bring the truth to light", France 2 refused to provide the footage. In fact, not only did it remain steadfast in its refusal, but it attempted to deflect the request by repeatedly making the highly-unusual offer to screen the rushes for the IDF Spokesperson in the office of the IDF Deputy Chief-of-Staff, although it was obvious that a one-time informal viewing would not enable a serious investigation of the events.

The Minister of Strategic Affairs, as head of the governmental review committee, approached the French Ambassador to Israel and requested his assistance in obtaining the rushes and other relevant materials from France 2. This attempt was unsuccessful as well.

To date France 2 has refused to provide a full copy of the rushes to any official Israeli body for analysis. This repeated refusal to provide the raw footage which could shed significant light on the event raises questions as to what France 2 feels it has to hide.

Appendix 2: Statement by Dr. Ricardo Nachman, Acting Deputy Chief of the National Center for Forensic Medicine

⁴¹ According to the testimony given by Abu Rahma to the PCHR, the unedited footage from September 30 is twenty-seven minutes in length.



24.1.13

Statement by Dr. Ricardo Nachman
Re: Images of Al-Durrah from France 2 Footage

1.

- The final scenes, in which the boy raises his head and arm, moves his hand to his face and look out in to the distance does not depict death throes but rather a deliberate movement. One does not need to be an expert to realize this.
- Someone who has been significantly wounded by a bullet to the stomach cannot make such movements. One would expect the boy to clutch his stomach rather than reach up and place his hand on his face.

2.

- The boy is seen in a position with his legs folded towards his stomach and chest. If shots were fired in his direction, the bullets would have first hit the boy's leg and then his stomach. A bullet fired from one of the types of firearms known to have been used at the scene would have passed through the boy's stomach and back. We would then expect to see an outpouring of blood in the direction of the wall and bloodstains on the wall, which we do not.
- At one point, what appears to be blood is seen on the boy's leg. However, several moments later, the leg appears to be entirely free of blood. There is no way that the blood from a bullet in the leg could disappear. Indeed, if the boy had been hit by a high-speed bullet, it would have shattered the bone.
- Media images taken the next day at the scene show blood where the father had been, but not where the boy had been. Given that the boy was allegedly wounded in the stomach, and fell downward, one would expect significant blood on the pavement. The pavement where the boy had been however is clean.
- As for what appears to be blood in the final scenes in which the boy appears, while the upper part could be a bloody rag, the lower part could be blood.

3.



- The movement and position assumed by the boy after allegedly being shot is highly-unusual. The child is situated in a semi-crouching, semi-sitting position. There are four possibilities as to the direction of his movement were he to have been hit by bullets:
 - He could lean to the left and end up leaning on his father.
 - He could fall forward.
 - He could fall to the right.
 - He could fall backward (this is the most likely scenario as it would follow his center of gravity.)

- Falling forward is a reasonable possibility. However, in such a situation he would not end up in a position in which his stomach is where the soles of his feet had been before the fall (when in the semi-crouching, semi-sitting position), with his head on his father's shoes. Rather he should have ended up falling farther forward. His movement and position is not natural and not compatible with what would be expected if he had fallen over as a result of a bullet wound to the stomach. Such a position would be more compatible with a situation in which he had intentionally repositioned himself.

Appendix 3: Statement by Dr. Yehuda David- Medical Opinion in Relation to the Al-Durrah Incident

Dr. Yehuda David
L.N. 16911
Orthopedic Surgeon
Hand Surgeon
Microsurgeon

13.1.13

RE: The Al-Durrah Incident at the Netzarim Junction, September 30, 2000

I have been asked by the Government of Israel to provide my opinion as an orthopedic surgeon regarding the injuries suffered by Mr. Jamal Al-Durrah.



Details regarding my medical education and training:

1978- Matriculated from University of Paris 5 Medical School, France

License to practice medicine no. 016911

Specialist in Orthopedic medicine, specialist license no. 10821

1984- Specialist in Traumatic Sports Medicine from University of Paris 7

1989- Continuing education program (6 months) under direction of Prof. Roy-Camille
Orthopedic back surgery- Pitie Salpetriere Hospital

Tutor at Sackler Medical School, Tel Aviv University

1989-1994- Specialist Physician in the General Orthopedic Department- Sheba
Medical Center at Tel Hashomer

1994-1995- Director of the Hand Surgery Unit in the Orthopedics Department-
Shaare Zedek Medical Center. Specialist in second specialization in the Hand Surgery
Unit at Sheba Medical Center. Specialist in third specialization in microsurgery and a
senior physician in the Microsurgery Unit at Sheba Medical Center.

1998- Acting Director of the Microsurgery Unit at Sheba Medical Center. Director of
general orthopedic and hand surgery clinics for Maccabi and Leumit HMOs.

Since 2000- Director of an orthopedic and hand surgery clinic in Maccabi and Leumit
HMOs, and surgeon in Assuta hospital network and other private hospitals.

11.2007- Completed Physicians Union course on composing medical opinions and
giving testimony in court.

1. Details of events:

On September 30, 2000 a report from the French television network France 2 was broadcast on news networks both in Israel and throughout the world. The report showed Jamal Al-Durrah and a boy hiding behind a barrel at the Netzarim Junction in Gaza while shots are fired in their vicinity. The footage was filmed by Mr. Talal Abu Rahma, a Palestinian who worked for France 2. The reporter who narrated the footage was Mr. Charles Enderlin, France 2's Jerusalem bureau chief, who was not on the scene at the time. Mr. Enderlin ended the report with the following words- "the child is dead and the father badly hurt". These images shook the entire world, and made a very strong impression on the hearts of the entire people of Israel.

In February 2007 a team of journalists from the Metulla News Agency presented before me medical documents from the Tel Hashomer hospital dated March 1994, which included x-rays of Mr. Jamal Al-Durrah's right hand. The documents included a



medical history of Mr. Al-Durrah's injury from 1992, which was inflicted by Hamas in Gaza, a description of his paralyzed right hand, a description from the clinic in preparation for rehabilitative surgery on his paralyzed hand, a surgery report signed by myself and a letter of release from the hospital.

In addition the journalists showed me photos from October 18, 2004 of Mr. Al-Durrah displaying a paralyzed right hand together with a video in which Mr. Al-Durrah presents the paralysis in his right hand as having resulted from IDF gunfire during the incident at the Netzarim Junction on Sept. 30, 2000.

2. Complaints:

After a careful examination of the Tel Hashomer medical documents from 1994, as well as the documents, photos and video from 2004, which were taken during a press conference organized by France 2, I reached the conclusion that I must investigate the matter thoroughly.

In light of the strong suspicion that the injuries presented by Mr. Al-Durrah as having been inflicted by IDF gunfire in 2000 were actually the result of earlier injuries inflicted during a 1992 assault by Hamas member wielding axes, knives, and firearms on Mr. Al-Durrah, I consulted with a large number of experts. The experts with whom I consulted included:

Professor Rafi Adar, Deputy Director of Sheba Medical Center, vascular surgeon
Professor Jacob Schneiderman, Director of the Vascular Surgery Department, Sheba Medical Center

Professor Arie Bass, Director of the Vascular Surgery Department, Assaf Harofeh Medical Center

Professor Joel Engel, Director of Hand Surgery Department, Sheba Medical Center
Dr. Batia Yaffe, plastic and hand surgeon, Director of Microsurgery Unit, Sheba Medical Center

Dr. Haim Kaplan, senior plastic surgeon, Unit Director, Sheba Medical Center

Professor Jesse Jupiter, Hand and Upper Extremity Orthopedic Surgeon,
Massachusetts General Hospital

Professor AC Masquelet, Orthopedic and Reconstructive Surgeon, Avicennes Hospital, Paris.

Dr. Philippe Saffar, Hand Surgeon, Paris Hand Surgery Institute

Dr. Stéphane Romano, Hand and Microsurgeon, American Hospital of Paris



The opinions of these experts erased any doubt regarding the source of the paralysis of Mr. Al-Durrah's right hand and of his scars- they derive from the 1992 Hamas attack in Gaza and from the reconstructive surgery which I performed on Mr. Al-Durra at Sheba Medical Center in 1994.

3. Examination of the findings

The Sheba Medical Center medical file records that Mr. Jamal Al-Durrah was attacked by Hamas members wielding guns, knives and an axe. He was hit by gunfire in his right elbow and as a result two nerves- the median nerve and the ulnar nerve- were torn at the level of his elbow. These two nerves, when paralyzed, paralyze in practice all of the flexor muscles of the base of the palm and fingers, and of course the sensory damage is severe. It was decided in the Hand Surgery Unit of Sheba to perform a free tendon transfer from Al-Durrah's left foot to a muscle whose function is to straighten the base of the palm (which was not paralyzed since the radial nerve was not damaged and the muscle is the Extensor Carpi Radialis Brevis (ECRB).)

The joint free tendon was sown to the ECRB and the branches were passed through fingers 2-4-3 under the center of gravity of the MPS joints. The aim was to create a situation in which when the patient straightened the base of the palm by contracting the ECRB muscle, this would cause the fingers to bend. Arthrodesis was performed to the finger 5 PIP joint.

I was also presented with a recording of the words of a doctor at the Shifa hospital emergency room from Sept. 30, 2000, together with photos of Mr. Al-Durrah lying in bed. The doctor describes a severe paralysis of the right hand as a result of a serious injury in the right elbow, principally a tear in the femoral artery and vein from the right which allegedly underwent a repair later at the Shifa hospital.

Mr. Al-Durrah, who was supposedly injured by eight bullets to his body including one which led to a tear in the femoral artery and vein from the right, is not seen to be bleeding even one drop of blood in the video footage. It should be recalled that the extremely severe injury that would be caused by a high velocity bullet tearing the femoral artery and vein should have caused Mr. Al-Durrah to bleed to death within a very short time. Yet, according to witness accounts he was evacuated by a Palestinian ambulance only after forty-five minutes, and lived to tell the story.



In addition I received Mr. Al-Durrah's medical file from the Royal Hospital in Jordan which notes the date of admission as October 1, 2000. Yet I was also shown a document signed by the Coordinate of Government Activities in the Territories which showed that Mr. Al-Durrah did not leave Israel until October 4, 2000. I examined word for word the entire fifty pages of the Jordanian file and found within it severe contradictions which do not conform in any way to any reasonable reality. For example:

- a. A description of an entry wound from a rifle bullet in the posterior part of the elbow area and an exit wound from the anterior part of the elbow, which is impossible as behind Mr. Al-Durrah there was a wall at the time of the Sept. 30 incident.
- b. A description of the results of an EMG test of the right femoral nerve which defines it as torn and paralyzed- yet two lines later, in describing a physical examination it states that the patient was able to straighten his knee. This is impossible.
- c. The Jordanian doctors as well report an old ulnar paralysis.

There are many other contradictions which testify to the fact that whoever composed the file had no understanding of the medical profession. It has the appearance of being fabricated.

As a result, after consulting with Israeli government sources including the Minister of Strategic Affairs, the Minister of Foreign Affairs, the Minister of Justice, and the Director-General of the Ministry of Health, I decided to publicize the information regarding the contradictions and fraud in all possible media outlets both inside and outside of Israel, in order to clear the names of the State of Israel and the soldiers of the IDF.

4. Sequence of developments:

The revelations regarding the false claims quickly drew wide-spread international and Israeli media attention. Numerous international media outlets contacted me, including from Italy, Georgia, Ms. Esther Schapira from the German ARD television station, and Mr. Clement Weill-Raynal, manager of the France 3 network. Senior journalists and media personalities from the main Israeli television and newspapers also displayed great interest in the story.



One article in French in a French newspaper aimed at the Jewish community in Paris caught the attention of Mr. Al-Durrah (who lives in Gaza and undoubtedly speaks French fluently.) As a result Mr. Al-Durrah sued me for libel in a Paris court. I took up the challenge. The legal battle lasted five years. In April 2011 the court found me guilty of libeling Mr. Al-Durrah. However, on February 15, 2012, the Supreme Court to which I appealed cleared me of all charges.

During the final case we presented images of Mr. Al-Durrah's medical report from Al-Hussein hospital in Jordan, which Mr. Al-Durrah himself displayed to the camera in a France 2 report broadcast in October 2004. We were able to capture and enlarge the images of the report, which allowed us to have them translated and presented to the court by an expert translator. Mr. Al-Durrah's lawyers also presented what was allegedly Mr. Al-Durrah's medical report from the Al-Hussein hospital. When we compared the two documents, we discovered that the document submitted by Mr. Al-Durrah's legal team in 2011 contained several significant differences from the document presented by Mr. Al-Durrah in 2004, and several key paragraphs had somehow disappeared.

In the document presented by Mr. Al-Durrah in 2004, the list of injuries observed by the Jordanian medical team contains six items. Number six on the list is "old scars in the right hand, with an old tear in the right ulnar nerve." Later on in the document, the doctors expand upon their observation, explaining that during a clinical examination of Mr. Al-Durrah's right hand, they noted an old injury in the ulnar nerve. These findings by the Jordanian doctors support my assertion that the paralysis of Mr. Al-Durrah's right hand was not a result of an injury allegedly suffered at the Netzarim junction several days before, as he claimed, but had been caused by the earlier injuries which I had treated in 1994.

However in the medical document presented by Mr. Al-Durrah's legal team, these key sections were somehow missing. The list of injuries observed by the medical team contains only five entries. There are several other discrepancies between the two reports as well, including the date (the report presented by Mr. Al-Durrah in 2004 is dated December 4, 2000, the report submitted by his legal team bears the date October 30, 2000), the name of one of the doctors whose signature appears on the document, and an imprint bearing the name of the hospital which appears on the 2004 document but not on the one submitted by Mr. Al-Durrah's lawyers.



Appendix 4: Statement by Colonel (res.) Nizar Fares, commander of the IDF position at the Netzarim Junction on September 30, 2000

The IDF position at the Netzarim Junction was under constant attack for eight days, starting on September 30, 2000. We operated under clear regulations regarding opening fire- At no time did we initiate fire, we only responded to the various sources of shooting at our position and only towards armed gunmen.

We were not at all aware of the presence of Jamal Al-Durrah or the boy. We only became aware of the incident the following day, when I was asked by the Deputy Commander of the Gaza Division regarding an incident in which a boy was allegedly killed in the vicinity of the junction. After checking the matter with all of the soldiers stationed in the position, it became clear that no one had been aware of the unfolding of such an incident. It can be assumed that if indeed such an incident had unfolded over forty-five minutes as the Palestinians claimed, I would certainly have been fully-aware of it. However, as noted, we heard of the incident only the following day and became aware of the details only after we exited the position following eight days of fighting, saw the footage, and were surprised by the claims that such an event had taken place.

The only soldiers stationed on the side of the IDF position facing the area of the alleged incident were a sniper, a sharpshooter, and a soldier operating a grenade launcher. The grenade launcher was set in place and aimed at the direction of the Palestinian security forces position. It could not physically have been moved to the right or left which would have been necessary to aim it in the direction of the barrel behind which Jamal and the boy were crouching.

The fact that a sniper or sharpshooter were the only ones who were positioned in the direction of the barrel renders the claim that Israeli soldiers fired at the father and the boy for forty-five minutes wholly illogical and unrealistic. Snipers and sharpshooters fire only in single-shot mode, not in automatic mode, and only accurate fire towards armed gunmen. Firstly, Jamal and the boy were not armed and so therefore would not have been a target. Secondly, if the soldiers had truly intended to target someone positioned at a distance of between 80-100 meters, it can safely be assumed that they would have hit their target in a number of seconds; it certainly would not have taken forty-five minutes.



Appendix 5: Statement under oath by Mr. Talal Abu Rahma to the Palestinian Centre for Human Rights on October 3, 2000⁴²

The following is a statement under oath by Mr. Talal Abu Rahma, a photographer of the French TV France 2, to the Palestinian Centre for Human Rights on October 3, 2000, giving details of what he had seen:

"I, the undersigned, Talal Hassan Abu Rahma, resident of the Gaza Strip and who bears ID no. 959852849, give my statement under oath and after having been given legal warning and choice by Lawyer Raji Sourani, on the killing of Mohammed Jamal al-Durrah and the injuring of his father Jamal al-Durrah both shot at by the Israeli Occupying Forces.

"I work as a correspondent for the French TV France 2. On September 30, 2000, as part of my duties, I was at Netzarim area from 7:00a.m reporting on the clashes. At noon, when I was about to finish work and go back to the broadcasting studio, I heard intensive shooting from all directions. At that moment, I was at the northern part of the road leading to Al-Shohada' Junction (Netzarim Junction). I was in a position which enabled me to see and observe the Israeli military outpost at the northwest of the junction, and the two Palestinian apartment buildings located to the north of the junction. I could also see the outpost of the Palestinian National Security Forces, located south of the junction, and another Palestinian outpost 30m away, which was a temporary booth where members of Palestinian forces were resting.

"Suddenly, intensive shooting started across the road which is of 30m width. Shams Oudeh, Reuters photographer caught my attention, as he was sitting besides a man and a child (Jamal and his son Mohammed). They were all sheltering behind a concrete block. What the journalist was observing attracted my attention. I was trying to focus on the outpost of the Palestinian National Security Forces, from where shooting was directed, and at which the Israeli army was shooting, during the first minutes. Suddenly, I heard a cry of a child. Then, I focused my camera on the child Mohammed Jamal al-Durrah who was shot in his right leg. His father tried to calm, protect and cover his son with his hands and body. Sometimes, the father

⁴² Available at <http://www.pchrgaza.org/special/tv2.htm>



Jamal was raising his hands asking for help. Other details of the incident are as they were apparently shown at the film. I spent approximately 27 minutes photographing the incident which took place for 45 minutes. After the father and the child were evacuated by an ambulance to the hospital, I stayed 30-40 minutes. I could not leave the area, because all of those who were in the area, including me, were being shot at and endangered.

“Shooting started first from different sources, Israeli and Palestinian. It lasted for not more than 5 minutes. Then, it was quite clear for me that shooting was towards the child Mohammed and his father from the opposite direction to them. Intensive and intermittent shooting was directed at the two and the two outposts of the Palestinian National Security Forces. The Palestinian outposts were not a source of shooting, as shooting from inside these outposts had stopped after the first five minutes, and the child and his father were not injured then. Injuring and killing took place during the following 45 minutes.

“I can assert that shooting at the child Mohammed and his father Jamal came from the above - mentioned Israeli military outpost, as it was the only place from which shooting at the child and his father was possible. So, by logic and nature, my long experience in covering hot incidents and violent clashes, and my ability to distinguish sounds of shooting, I can confirm that the child was intentionally and in cold blood shot dead and his father injured by the Israeli army.

“On the following day of the incident, I went to Shifa Hospital in Gaza, and interviewed the father of child Mohammed Al-Durreh. The interview was videotaped and broadcast. In the interview, I asked him about his reason and circumstances of being at the place of the incident. I was the first journalist to interview him on this subject. Mr. Jamal al-Durrah said that he was going accompanied by his son Mohammed to the car market, which is about 2km away to the north of Al-Shohada' Junction, to buy a car. He told me that he failed to buy a car, so decided to go home. He and his son took a taxi. When they got close to the junction, they could not move forward because of the clashes and shooting there. So, they got out of the taxi and tried to walk towards Al-Bureij. As shooting intensified, they sheltered behind a concrete block. Then the incident occurred. Shooting lasted for 45 minutes.

“I am a professional and specialized journalist. I have worked in this field for many years. I am committed to the principles of journalistic work, and to convey reality indiscriminately, objectively and neutrally. This is why I am a distinguished journalist.



I have my own press office, and I work as a correspondent for the French TV France
2. I work also for CNN through Al-Wataneya Press Office.

“I have hereby given my testimony under oath and after being legally warned and
granted the choice. I swear that all the above – mentioned statement is right and
consistent with reality and law.”

Signature:

Talal Hassan Abu Rahma

Gaza, October 3, 2000

This statement was given before me and in my presence, after giving legal warning
and choice, and under oath.

Lawyer

Raji Sourani

Gaza, October 3, 2000

Appendix 6: Images of Muhammad Al-Durrah

a) Postage stamps featuring Al-Durrah from Morocco, Tunisia, Egypt, Iran and Iraq

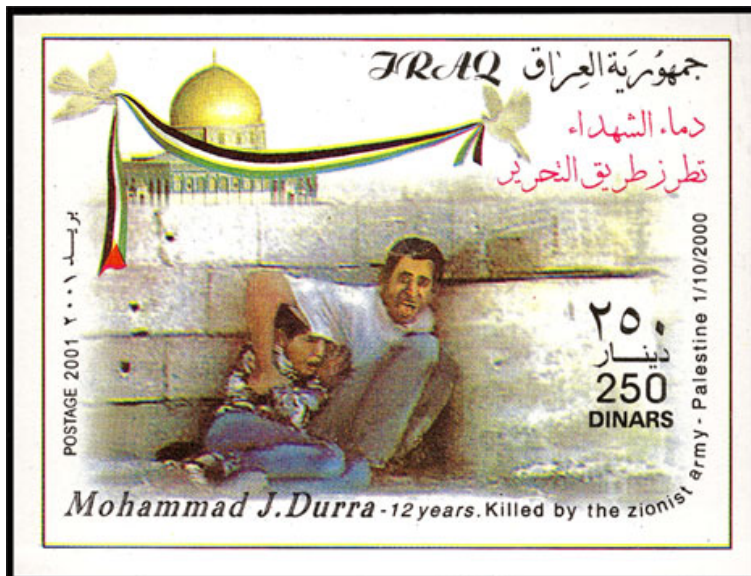
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ואסטרטגיה





b) Memorial to Al-Durrah in Bamako, Mali





c) The Martyr Muhammad Al-Durrah Square in Irbid, Jordan



d) Demonstrators at the Durban World Conference Against Racism Conference, 2001



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