

Israeli military court clears officer in killing of British filmmaker

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On April 14 an Israeli military court cleared an army officer of charges relating to the shooting of 34-year-old British documentary filmmaker James Miller two years ago. Miller had been recording footage in the Rafah refugee camp, in southern Gaza. The accused, identified only as “Lieutenant H,” was acquitted of “misusing his firearm.”

According to the *Independent*, the military judge ruled that given the circumstances—including alleged “frequent terrorist attacks; thick darkness and earlier that same day the soldiers were fired at by anti-tank missiles”—the shooting was “reasonable.” An army spokesman added that Miller had “taken great risks by being in a virtual war zone” and that the court found that the officer had “acted appropriately.”

The judgement came despite a prior recommendation issued by Avichai Mandelblith, the army’s judge advocate general, that “Lieutenant H” be disciplined for breaching army rules of engagement. After the officer changed his account of the incident six times, Mandelblith also accused him of misconduct during the official investigation. But he was only charged with the relatively minor infraction of firearm misuse after the advocate general decided last month not to file criminal charges, claiming a lack of evidence.

Sophy Miller, the filmmaker’s widow, condemned the ruling. “It shows that Israeli military activities in Gaza are carried out with impunity,” she declared. The verdict “makes a mockery of Israeli claims that they follow due process where IDF [Israeli Defence Forces] soldiers have acted criminally and outside their own rules of engagement.”

The shooting may well have been in violation of formal army rules, but Miller’s case forms part of a growing body of evidence indicating that there is a tacit Israeli policy of assassinating foreign journalists and

activists working in Gaza and the West Bank. The latest verdict amounts to a confirmation that the Israeli army reserves the right to kill anyone it perceives to be obstructing its operations in the occupied territories.

Aside from the more than 3,500 Palestinians killed since the eruption of the second Intifada five years ago, a number of foreign nationals have been attacked by Israeli forces. In November 2002, British United Nations worker Iain Hook died after being shot in the back. And in the two months preceding Miller’s death, Israeli forces killed US citizen Rachel Corrie, shot fellow American Brian Avery in the face, and fatally wounded British citizen Tom Hurndall. Six journalists have been killed by Israeli soldiers and several more wounded.

Before his death on May 2, 2003, Miller was filming a documentary commissioned by HBO and Britain’s Channel Four examining the lives of three Palestinian children under occupation. (The award-winning film, since finished by his colleagues, is titled *Death in Gaza*.)

The circumstances surrounding the filmmaker’s death leave little doubt that he was deliberately targeted. Miller and his four-person crew were filming the army’s demolition of Palestinian homes near Gaza’s border with Egypt. According to the Committee to Protect Journalists, when Miller and his colleagues attempted to leave the house that evening they used a flashlight to highlight a white flag for the benefit of Israeli soldiers in an armoured personnel carrier about 100 metres away. They were also wearing helmets and jackets marked with the letters “TV” in fluorescent tape. The area was well lit, and the team identified themselves to the troops by shouting towards their position. The filmmaker had long experience working in dangerous areas, having previously filmed in

Chechnya, Sierra Leone, Congo and Afghanistan.

There is no question that the Israeli soldiers knew who Miller was when they shot him. "They knew James's crew were filming and had offered them tea and spoken about music with them earlier that day," Sophy Miller told the *Herald*. "You can hear this in some of the footage James took. The soldiers have even referred to the house as 'the house of the journalists'.... These soldiers were equipped with US-made light-amplification devices, the latest in night-vision technology."

Despite all this, Miller was fatally shot through the neck, in what bore all the hallmarks of a sniper's kill. The army first stated that the soldiers were returning fire after coming under attack from Palestinian rocket-propelled grenades. It also said that Miller had been shot from behind, indicating that Palestinians had killed him.

These claims were proven to be lies. An autopsy demonstrated that an Israeli soldier had killed Miller. Footage shot by his team, as well as that from another Associated Press journalist, showed that the shooting was unprovoked, with the area quiet for at least an hour before the incident. Sporadic gunfire had been heard before this, but not in the immediate vicinity.

Israeli authorities only launched a full investigation into the incident after a sustained campaign by Miller's family and friends. But as the exoneration of the Israeli officer has demonstrated, the inquiry was never intended to challenge the official cover-up. According to the Miller family, the scene of the shooting was bulldozed three days after the incident, and 11 weeks passed before the soldier's guns were impounded.

The family believes that the delayed Israeli investigation and refusal to release its conclusions are partly an effort to cut off any potential civil action. While Sophy Miller has said that she will now press ahead with a civil prosecution, her case is complicated by Israel's two-year statute of limitations in civil actions.

The British government has made a number of entirely hypocritical gestures of support for the Millers. Simon McDonald, Britain's ambassador to Israel, wrote letters to Israel's foreign and defence ministers, and to the army's chief of staff, in which he expressed the British government's concern over the court's decision, and said he hoped the acquittal would not

mark an end to efforts to achieve justice in the case. Lady Symons, the Foreign Office minister, declared that she was "very shocked and saddened" to hear of the outcome, and that she would soon meet the Israeli ambassador to discuss the matter.

No one should take these public statements seriously. The British government is a close ally of the Sharon government, which has consistently defended every action taken by the Israeli army. Prime Minister Tony Blair and his colleagues understand that Britain's ties with the Zionist state are conditional upon acceptance of Israeli crimes in the occupied territories.

Not only has the Blair government turned a blind eye to the repeated killing of British citizens, but in Iain Hook's case it has actively blocked the release of information relating to the incident. Last month the government rejected a BBC Freedom of Information application for any information on the UN worker's killing. While Lady Symons now feigns outrage over the Miller case, a Foreign Office spokesman told the BBC that the withheld information on Iain Hook related to the "formulation or development of government policy" and that "releasing information on the death could damage its relations with another state."



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