Inquests find Israeli military guilty of killings of British civilians

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Juries at two coroners' inquests into the fatal shootings of British citizens working in Israeli occupied Palestinian territories have found they were intentionally killed by the Israeli Defence Forces (IDF).

On April 6 a jury at London's St. Pancras coroner's court delivered a unanimous verdict of the unlawful killing of James Miller, a cameraman working in the town of Rafah in Gaza during the Israeli military occupation in May 2003.

Miller, 34, was killed by a single shot to the throat while making a documentary about the plight of Palestinian children for US broadcaster HBO. No member of the IDF has been charged or disciplined, but the inquest heard that Lieutenant Haib of the Israeli Bedouin border patrol had shot Miller.

"Based on the evidence laid before us, we the jury unanimously agree that this was an unlawful shooting with the intention to kill Mr. James Miller," the jury's spokeswoman said. "Therefore we can come to no other conclusion than that Mr. Miller was indeed murdered. It is a fact that from day one to this inquest the Israeli authorities have not been forthcoming in the investigation into the circumstances surrounding Mr. Miller's death."

Four days later a separate jury at the same court issued a verdict in the case of a British peace worker who was shot by the IDF in April 2003. Tom Hurndall, a 22-year-old student at Manchester Metropolitan University, was living in Rafah as a human shield with the International Solidarity Movement.

The spokesperson for the jury in the Hurndall case said: "He was shot intentionally with the intention of killing him." The jury also expressed its dismay at "the lack of cooperation from the Israeli authorities" during the investigation into Hurndall's killing.

Hurndall's mother, Jocelyn said: "It was deliberate. Tom was targeted, intentionally. I think the soldier was shooting to kill." Hurndall's killer, an IDF sentry who had won prizes for marksmanship, had shot him using a rifle with telescopic sights. He had been trying to move Palestinian children from the line of Israeli fire when he was hit in the head. He was left in a coma and died nine months later.

Israel boycotted both inquests in London, stating that its own investigations had brought matters to a legal conclusion. Hayb was sentenced to eight years in prison for killing Hurndall, but Lieutenant Haib, who was charged with shooting Miller, was acquitted.

Initially, the Israeli army denied that one of their soldiers had shot Hurndall, claiming he was the victim of Palestinian fire. However, after a campaign by Hurndall's family that brought forward witnesses who said he had been hit by a rifle bullet while trying to shield the children, Sergeant Taysir Hayb was convicted in an Israeli military court of manslaughter and sentenced in 2005.

Hayb was the first soldier to be convicted over one of the deaths of several foreign nationals over the period since the second Palestinian intifada in 2002. But Hayb's jailing has been used to protect numerous other military personnel higher up the chain of command. Hurndall's father Anthony said after the inquest that Hayb had been "scapegoated" and was "simply doing what he had been told."

Hayb admitted he was lying when he said Hurndall was carrying a gun, but he told the military court he was under orders to open fire even on unarmed people. He said that after shooting Hurndall he had reported it to his commander: "I told him that I did what I'm supposed to: anyone who enters a firing zone must be taken out. [The commander] always says this."

"The [Israeli army] fires freely in Rafah," continued Hayb.

In relation to Miller's death, an Israeli army investigation headed by Brigadier General Guy Tzur in April 2005 cleared Lieutenant Haib of misusing firearms, despite Haib having repeatedly given conflicting testimony about his actions on the night that Miller was killed.

An Israeli military police report was unable even to identify who fired the fatal shot that killed Miller—a standard and relatively simple forensic procedure, especially when the bullet came from an IDF weapon.

Israeli authorities blocked requests from the London Metropolitan police to investigate Miller's death and its officers were prevented from visiting Israel to interview any soldiers or witnesses to the incident. Detective Inspector Rob Anderson told the coroner's court jury that the Israeli authorities had been "uncooperative" and held back his enquiries.

"This has been a difficult matter to investigate because a lot of the evidence has not been made available," Anderson said.

"The usual avenues to retrieving evidence have been blocked; an early investigation in which to secure vital evidence was never initiated. The whole matter has had a devastating effect on the deceased's family, who have only ever wanted to find out the truth surrounding his death."

Giving evidence to the inquest, James Miller's widow said that the Israeli authorities had delayed an investigation into her husband's killing in order to "grind down" the family's campaign for justice. Mrs. Miller said: "The thing that is the hardest is that we were given assurance by the Israeli authorities and our government that this was being fully and thoroughly investigated.

"And yet all the while it has been the family that has had to produce, investigate and provide the evidence in order to bring any form of justice and to date he hasn't received any.

"It would have been much easier for [the Israeli authorities] if we had found it too difficult and they have given the impression that they

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were just trying to grind us down in the hope that we couldn't go on.

"They put out statements almost immediately saying that there had been a gun battle and that James had walked into a gun battle. We know from military reports that there had been no gun battle. They said he had been shot from behind and it had been a Palestinian—it was quite clear from the autopsy that he had been shot through the neck."

Despite these lies and blocking tactics the coroner's inquiry heard a mountain of evidence regarding the criminal actions of the IDF on the night of Miller's death. Chris Cobb-Smith, a former British army officer and United Nations weapons inspector, who investigated Miller's death, told the inquest that the fatal shot was "deliberate."

Miller, who had on the day of his death identified himself and his colleagues to the IDF in the area where they were filming, was shot at about 100 meters with a sniper's rifle as he and colleagues were trying to leave a Palestinian house at night.

At the time of his death he was holding a white flag with a torch shone on it and was clad in body armour and a helmet with the letters "TV" written on it in fluorescent tape. Cobb-Smith said that Miller and his colleagues would have been visible to the Israeli soldiers, who had night vision goggles. The sky was cloudless, the moon was out and there was light shining into the street from nearby houses.

"My conclusion is this was calculated and cold-blooded murder, without a shadow of a doubt," Cobb-Smith told the jury.

The inquest also saw video of the shooting captured by another cameraman which showed Miller and two colleagues approaching an Israeli armoured personnel carrier shouting, "Hello, we're British journalists," before a shot rings out. A few seconds later the second shot that killed Miller could be heard, followed by more shots.

Cobb-Smith judged, "These shots were not fired by a soldier who was frightened, not fired by a soldier facing incoming fire; these were slow, deliberate, calculated and aimed shots."

Miller was killed just a mile from where Hurndall had been shot three weeks before in Rafah. In addition to Hurndall and Miller another Briton, Ian Hook, was killed by the IDF in November 2002. In December last year an inquest jury ruled that Hook had also been the victim of a deliberate and unlawful killing.

Several other foreign humanitarian workers were killed or injured by Israeli forces in the six-month period from late 2002 to mid-2003. These include the American peace activist Rachel Corrie, who was run over and killed by an IDF bullbozer in Rafah in 2003, and Brian Avery, who was shot in the face in Jenin in 2003 but survived.

Hurndall's father stated during the inquest, "It was a case of them shooting civilians and then making up a story. And they were not used to being challenged." He added that there was a "general policy" for soldiers to be able to shoot civilians in that area without fear of reprisals.

There can be no doubt that a culture of impunity from prosecution was fostered in the IDF in relation to shooting civilians. However, the frequency with which foreign peace workers and journalists were fired upon indicates that Israel was operating a deliberate assassination policy against those whom it felt were getting in the way of and publicizing the IDF's brutal assaults on the Palestinian people.

In emails to his family, Tom Hurndall had reported that the IDF had "shot at, gassed and chased" him and other peace workers during the five days he was in Rafah. He described the danger that both he and the Palestinians were facing, saying that Israeli tanks were shooting into houses at random.

Hoping to create a climate of fear and intimidation among peace activists and reporters, Israel unleashed a wave of violence against foreign nationals. With the complicity of Washington and London, Tel Aviv hoped to further isolate the Palestinians by driving out all foreign coverage of their suffering through a campaign of murder and intimidation.

The Hurndall family accused the Israeli authorities of a cover-up, and called on the British government to take action under the Geneva Conventions to investigate and possibly extradite the five Israeli officers they believe made up the chain of command which led to Tom Hurndall being shot.

"Both as a matter to protect British citizens but also as a matter of the Geneva Conventions Act, the British government is obliged to pursue those who commit any war crime and illegal killing is a war crime under the Geneva Conventions Act," said Anthony Hurndall.

Lawyers for the Miller family will ask the British attorney general, Lord Goldsmith, to seek the extradition and prosecution of Lieutenant Haib in Britain for murder if Israel continues to refuse to try him. The coroner at both inquests, Andrew Reid, said he would write to the attorney general about the cases, and a court official said this could include a request for Lord Goldsmith to examine how Haib could be prosecuted.

However, the British government has repeatedly proved itself to be indifferent to Israeli attempts to stymie any proper legal investigation into the murders of foreign aid workers and journalists. Apart from token support for investigations and mild rebukes of Israeli intransigence, given only in response to the enormous efforts of the dead men's families, the Blair government has made no serious effort to secure the lives of its citizens working in Palestine or justice for their killers. One can imagine the frenzy of condemnation and threats of retribution that would come out of London if Hamas had been responsible for such killings.

Colonel Geoffrey Miller, James Miller's father, alleged at the inquest that officials at the British Foreign Office had tried to pressure the family into acceding to Israeli demands to drop the case. Colonel Miller said the British government had been "totally supine and ineffective" and that "at one stage they were as obstructive as the Israelis."

Jocelyn Hurndall told the media that the lack of reaction from the top of the British government troubled her: "I'm shocked that Tony Blair has never publicly denounced the shooting of Tom. I think we have to question our relationship with Israel if they are not going to show themselves to be transparent and cooperative about the killing of British citizens and Palestinians."

B'Tselem, the Israeli human rights organisation, said that 1,737 Palestinians had been killed since 2000 while not participating in fighting. The army has investigated only 131 cases of wounding and killing, which has led to 12 trials.

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