

Israeli soldier found guilty in the killing of Tom Hurndall

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A former Israeli Defence Force (IDF) soldier has been found guilty of manslaughter for the April 2003 shooting of British peace activist Tom Hurndall in the Gaza Strip.

A military court at Castina Junction in Askelon near Tel Aviv convicted ex-sergeant Wahid Taysir Al Heib, who had been with the IDF's Bedouin Reconnaissance Battalion when he fired the shot which hit Hurndall.

Hurndall, aged 21, had been in Rafah refugee camp assisting the International Solidarity Movement (ISM) as part of a "human-shield" operation, and had been escorting Palestinian children away from Israeli gunfire when he was hit by a single shot to the head. The shot was fired from an army watchtower using a sniper rifle with a telescopic sight. Hurndall died on 13 January 2004 in London, having lain in a coma for nine months.

Defence lawyer Yariv Ronen claimed that Hurndall did not die as a direct consequence of Taysir's actions, but because of malpractice by Hurndall's British doctors. The court found no basis for such an allegation and said that Taysir had given a "confused and even pathetic" version of events to the court, which was less reliable than that of the prosecution's witnesses.

The initial military investigation had cleared Taysir, but the trial was reopened following pressure from the Hurndall family, who also effectively forced the British Foreign Office to intervene following media coverage when the IDF's account of the killing was shown to be dubious. Taysir was charged with assault in December 2003, but the charge was upgraded to manslaughter when Hurndall died.

Taysir's confession, which he claims he was forced to make, says that he wanted to teach Hurndall a lesson for having entered the forbidden zone. He states that he was convicted only because he is an Arab and the victim a foreigner. Israeli human rights group B'tselem

counts 11 foreign citizens killed by the IDF over the past four years, of which the Hurndall case is the first to secure a conviction. Taysir's lawyers believe that they have grounds for an appeal.

Taleb Al Sana, a Bedouin legal expert, also accused the army of scapegoating Taysir, saying, "It is easier to throw garbage on someone who is different and thereby cleanse the establishment."

The verdict took more than an hour to read out. In addition to the manslaughter verdict Taysir was found guilty of obstruction of justice, improper conduct, incitement to false testimony, obtaining false testimony and submitting false testimony.

Taysir was led from the court in handcuffs and tried to attack waiting photographers and cameramen. He is due to be sentenced in the next few weeks and though he potentially could face up to 20 years in prison, this is unlikely. On May 19 a military court sentenced an IDF soldier, convicted of shooting an unarmed Palestinian in the Gaza Strip and obstruction of justice, to 20 months in prison. To date this is the harshest punishment imposed on any IDF soldier.

Without lending any credence to Taysir's defence, it is true that his actions cannot be understood as an individual aberration. Human Rights Watch (HRW) published a report 22 June entitled "Promoting Impunity: The Israeli Military's Failure to Investigate Wrongdoing" <http://hrw.org/reports/2005/iopt0605/>, in which it charges that over the past four and a half years of the Palestinian uprising, "Israeli forces have killed or seriously injured thousands of Palestinians who were not taking part in the hostilities. However, the Israeli authorities have investigated fewer than five percent of the fatal incidents to determine whether soldiers were responsible for using force unlawfully."

HRW cites only 108 investigations over the period, of

which 19 resulted in indictments and just six in convictions—the longest prison sentence being 20 months: “However, most of the convictions have drawn penalties less severe than those handed down for petty theft or to conscientious objectors.”

HRW’s Middle East director, Leah Whitson, believes “Most of Israel’s investigations of civilian casualties have been a sham” and that “The government’s failure to investigate the deaths of innocent civilians has created an atmosphere that encourages soldiers to think they can literally get away with murder.”

ISM notes that most deaths are explained away with phrases like “caught in the crossfire” or “tragic accident.”

Hurdall’s father, Anthony, was present at the verdict, but his brother was denied entry to Israel for “security reasons.” Anthony Hurdall welcomed the guilty verdict, saying that it “amounts to limited justice,” but he questioned the culture within the IDF.

“We’re concerned that there is a policy which seems to be prevalent in Gaza, amongst the Israeli soldiers and army,” he said, “that they feel able to shoot civilians really without any accountability whatsoever.”

Anthony Hurdall, who was accompanied at the court by British diplomats, complained, “Despite our requests, we have not seen all the evidence, and we believe this may go much further up the chain.”

Tom’s sister, Sophie, also welcomed the verdict but expressed concern at the broader picture. “This kind of thing needs to stop happening. Until it has changed ... we won’t really have won,” she said. “There’s obviously a lot that still needs to be done. For us the main issue is not that one soldier has been found guilty of manslaughter, but that this should not have been able to happen.”

Sophie Hurdall, whilst admitting to a “huge amount of anger” towards Taysir, also added, “He’s been hung out to dry by the Israeli army who have not taken responsibility for the poor investigation and absolute lack of accountability.”

The Israeli authorities have launched a campaign to denigrate and discredit the ISM, which has also lost activist Rachel Corrie, an American citizen, who was crushed to death by an Israeli bulldozer as she tried to stop soldiers from demolishing a house. Other ISM activists have also been fired upon, receiving shrapnel wounds.

The Israelis are portraying the ISM as a bunch of misguided outsiders who are being manipulated by Palestinian militants. It also claims that they have “actively inflamed an already tense and volatile situation.”

The conviction of Taysir must be seen as an aberration in the otherwise unchecked aggression of the Zionist state and the Sharon government in particular. Whilst it has received some publicity, the case will not force Sharon to alter his course, nor will it prevent further killings taking place in the future. The status quo continues.



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