

Right-wing campaign to pardon Israeli soldier who shot Palestinian

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Wednesday's conviction of 20-year-old Israel Defense Forces (IDF) soldier Elor Azaria of manslaughter for the March 2016 killing of severely wounded Palestinian Abdel Fattah al-Sharif has only emboldened a right-wing campaign calling for his pardon.

Israeli Prime Minister Benjamin Netanyahu leant his backing to Azaria following the verdict. Joining the campaign to portray Azaria as an ordinary young Israeli, Netanyahu declared, "This is a difficult and painful day for all of us—and first and foremost for Elor and his family, for IDF soldiers, for many soldiers and for the parents of our soldiers, and me among them."

The shooting occurred in Hebron following an attempted attack on Israeli soldiers by Sharif and a second assailant, who was killed instantly. Sharif was lying on the ground after being seriously wounded when Azaria approached, drew his weapon and shot Sharif in the head. The killing gained international attention after Israeli human rights group B'Tselem posted a video of the incident online.

Conscious of the stark evidence contained in the video, which prompted widespread international condemnation from the United Nations and human rights groups, the Israeli army's top brass pressed for a prosecution of Azaria. Even Netanyahu initially criticised the sergeant's behaviour as not complying with the army's rules of engagement and morals.

But long before the trial had even begun, the prosecution was already in retreat. It downgraded the initial murder charge to one of manslaughter, which carries a maximum sentence of 20 years. Nobody expects Azaria will receive this when he is sentenced later this month.

Sharif's family described the downgrading of Azaria's charge as an injustice.

The court decisively rejected the arguments advanced by Azaria and his defence team. Chief judge of the military tribunal Colonel Maya Heller described the shooting as a revenge killing. "We found there was no room to accept his arguments," she said during a two-hour reading of the judgement. "His motive for shooting was that he felt the terrorist deserved to die."

Azaria's lawyers first tried to argue that Sharif was already dead when Azaria fired, before claiming that the soldier felt threatened when he opened fire. Heller declared, "You can't have it both ways," and accepted the prosecution's contention that Azaria's statement that Sharif "deserved to die" was highly significant.

This has not stopped Azaria's supporters in the political and media establishment from going into overdrive to exonerate him. Naftali Bennett, education minister in the Netanyahu government and member of the far-right Jewish Home Party, dismissed the trial as "politically contaminated" from the outset and called for a pardon, while Culture Minister Miri Regev of Likud said she would work to bring about a pardon by Israeli President Rubin Rivlin.

Right-wing politicians and media outlets have whipped up a febrile atmosphere over the case. The three-judge panel that ruled unanimously against Azaria and the military prosecutors have been provided with bodyguards in the wake of the judgement.

The Azaria case provoked infighting within the political establishment from the outset. Defence Minister Moshe Ya'alon was compelled to resign in May after he explicitly criticised Azaria's actions. By then, Netanyahu had retreated from his initial condemnation of the shooting. Ya'alon was replaced by the virulently nationalist Avigdor Liberman, chairman of the ultra-right Yisrael Beytenu Party. The appointment of Liberman, a notorious fascistic figure with anti-Arab views, to the second most senior position in the government marked a sharp shift to the right by Netanyahu's government.

Liberman initially indicated sympathy for Azaria, but after taking up his post he has defended the line of the army establishment. Following the verdict, he released a statement saying that while many did not like it, it was necessary to respect the ruling.

An opinion piece in the *Times of Israel* summed up the considerations in ruling circles. Noting the importance of trying Azaria for public consumption and to demonstrate Israel's supposed human rights credentials to its

international allies, the *Times* noted that an immediate pardon of Azaria would “represent a mockery of the legal process.” The piece then stated that a reduced sentence later, if Azaria expressed “responsibility and remorse,” would “be very different.”

The portrayal of Azaria as just another Israeli conscript into the army has been systematically promoted in the press, with two magazines nominating him as their man of the year.

The attempts by Azaria’s supporters among the political right to portray him as an ordinary Israeli who could have been the son of any parent is patently absurd. Posts from Azaria’s social media pages indicate that the soldier bitterly hated Arabs and was a follower of Meir Kahane and his pro-settler Kach Party, which was outlawed in 1994 after a Kach member killed 29 Palestinians in a shooting in Hebron. While deployed in the town, Azaria and other army personnel reportedly befriended former Kach members and met with them regularly.

That being said, Azaria’s brutal action cannot be ascribed solely to his personal characteristics. The efforts by the army establishment and supporters of the conviction to present Azaria’s trial as an example of Israel’s recognition of the rule of law and respect for human rights is thoroughly dishonest. As B’Tselem put it in a statement to Al Jazeera on the conviction, the vast majority of cases in which soldiers kill civilians are routinely “whitewashed by the army.”

Azaria’s brutality was the product of the Israeli government’s policy towards the Palestinian people in the West Bank and Gaza, as well as the Arab minority within Israel itself. Sari Bashi, director of advocacy for Human Rights Watch in Israel, remarked, “Azaria’s actions didn’t take place in a vacuum. Senior politicians and security officials effectively egged him on.”

Netanyahu’s right-wing Likud-led government relies on support from pro-settler parties and has overseen a vast expansion of Jewish settlements in the West Bank. Between 2009 and 2014, the Jewish population in east Jerusalem rose from 194,000 to 208,000. In the West Bank, it shot up from 297,000 to 386,000. Taken together, this amounts to an increase of 21 percent over five years.

Less than two weeks prior to Azaria’s conviction, the Israeli government vehemently attacked a toothless UN Security Council resolution containing a criticism of Tel Aviv’s policy of expanding settlements. Netanyahu responded by appealing to incoming US President Donald Trump, who has vowed to move the US embassy to Jerusalem, which would signify the abandonment of any commitment to a two-state solution to the Israel-Palestine conflict. Trump’s imminent inauguration has strengthened

the hand of the right-wing campaign to overturn Azaria’s conviction. These forces are also encouraging Netanyahu to annex Palestinian territory.

Although differences exist within Israeli ruling circles over the advisability of openly ditching a two-state solution, with a faction fearing the destabilising impact such a decision would have on the region, the attitude taken by the entire ruling elite to the Palestinian population is openly hostile. The Palestinian population is routinely described en masse as terrorists or supporters of terrorism who must be dealt with by resorting to ruthless repression.

Those responsible for inflicting death and destruction on a largely defenceless population have gone unpunished for the most part. Azaria’s is the first conviction in over 12 years of an Israeli soldier for manslaughter. The last was of a Bedouin sniper in 2004 for the shooting death of Tom Hurndall, a British Palestinian activist. Since then, thousands of innocent Palestinian civilians have been maimed, wounded and killed by successive Israeli assaults on the Gaza Strip and shootings at the vast numbers of checkpoints set up to police the occupied territories and facilitate the expansion of settlements.

Last April, less than a month after the Hebron shooting, Israeli soldiers shot dead a young brother and sister at the Qalandiya checkpoint near Jerusalem. When the decision was taken in October to press no charges against the soldiers involved, even though the siblings were found to have posed no threat, liberal daily *Haaretz* labelled the move “an official license to kill.”

This week, Israeli human rights group Yesh Din released a report denouncing the failure to carry out any investigations into the deaths of 76 Palestinians at the hands of IDF soldiers in the occupied West Bank during 2016. There has similarly been no legal action taken against soldiers responsible for the deaths of Palestinian civilians during the 2014 assault on Gaza.



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