

January 2017

### Executive Summary

- In a high-profile military trial, Elor Azaria, the IDF soldier accused of unlawfully killing a wounded Palestinian assailant in the West Bank city of Hebron in March 2016 was found guilty of manslaughter.
- The Azaria case touches on a number of sensitive issues in Israeli society. An important element in Israeli political and military culture is the self-perception that the country holds high moral standards in the use of force, with the IDF Code of Ethics Core principles including the supreme value of human life and “Purity of Arms”. At the same time, a very high value is placed on the protection of the lives of soldiers in the field and viewing the government and IDF as having a high responsibility to protect them.
- The episode also plays into a broader political struggle taking place over Israel’s identity and values. In this case the political right broadly took the side of the soldier and his family, against institutionalised elites – in this case the upper echelons of the IDF – whilst the centre and left positioned itself as the defender of those institutions and their values. The fact the event occurred in the context of a wave of Palestinian terrorism that began in October 2015 and by the end of March had killed over 30 civilians led many to express sympathy towards the soldier for shooting the assailant.
- Several minutes later, IDF soldier Elor Azria, a medic serving in Shimshon Battalion of the Kfir Brigade, shot one of the assailants, Abdel Fattah al-Sharif, in the head. The incident was caught on camera by a Palestinian volunteer working for the Israeli human rights group B’tselem, and the IDF subsequently launched an investigation into the incident.
- Then-Defence Minister Moshe Ya’alon [condemned](#) Azaria’s actions, calling them “in utter breach of IDF values and of our code of ethics in combat. Even when the blood boils, we must not allow such loss of reason and such loss of control”. Prime Minister Benjamin Netanyahu echoed Ya’alon in saying that “what happened in Hebron doesn’t represent the values of the IDF. The IDF expects its soldiers to behave level-headedly and in accordance with the rules of engagement”. At the same time, looking to maintain support amongst his right-wing base that was broadly sympathetic to the soldier, Netanyahu also emphasised: “As the father of a soldier and as prime minister, I would like to reiterate: The IDF backs its soldiers.”
- While Azaria was initially treated as a murder suspect, military prosecutors reduced the charges against him to manslaughter, due to the difficulty of proving premeditated intent. With Azaria pleading not guilty, the trial began on 9 May 2016.

### What happened?

- On 24 March 2016 two Palestinian assailants stabbed an Israeli soldier in the Tel Rumeida neighbourhood of Hebron and were subsequently shot and incapacitated by the IDF.

### The Court Case

- The court case became a major issue of public debate in Israeli society. Journalist Alex Fishman wrote: “It would not be an exaggeration to say that this has been the most important trial in the IDF in the last ten years at least. The judges’ ruling will place another cornerstone – ideological and normative – in the IDF ethos and its place in Israeli society.”

- In today's ruling the judges emphasised the need for soldiers to act judiciously when employing force. They rejected the defence's arguments that al-Sharif was already dead before he was shot by Azaria, as well as the claim that he represented an imminent threat, pointing out that security officials had moved around the body calmly before the shooting. The judges also focused on testimony by one of Azaria's friends who had stated that Azaria believed the assailant deserved to die for stabbing one of his friends.
- A related strain in the public debate is the notion that it is the government that puts the soldiers in the position where they have to make critical life or death decisions in dangerous, uncertain and high pressure situations. Hebron, where the incident took place, is a notoriously dangerous and tense place for an Israeli soldier. Many feel therefore that it is the government and the military commanders who should take responsibility, rather than "scapegoating" the individual soldier who did his best in the heat of the moment.

### What is the impact on Israeli society of the case?

- The case touches on a number of sensitive issues in Israeli society and the public debate has been loudly played out on social media, which became a platform not only for the exchange of heated views, but for the raising of large sums of money to fund the legal team of the defendant.
- An important element in Israeli political and military culture is the self-perception that the country holds high moral standards in the use of force. International law is enshrined in IDF military training and rules of engagement and the IDF Code of Ethics is instilled in every Israeli soldier and commander. Core principles include the supreme value of human life and "Purity of Arms" which states: "The IDF servicemen and women will use their weapons and force only for the purpose of their mission, only to the necessary extent and will maintain their humanity even during combat."
- At the same time, a very high value is placed on the protection of the lives of the soldiers in the field. A key reason for this is that most serving combat soldiers are conscripts, serving compulsory national service between the ages of 18 and 21. Israeli society tends to see the soldiers as everybody's children, and to see the government and the IDF commanders as having a high responsibility to protect them. This explains, for example, the high price paid by Israel to return captive soldiers in prisoner exchange deals, such as in the case of Gilad Shalit, who was exchanged for 1,027 Palestinian prisoners convicted on terror offences. For some Israelis, the military and political establishment is responsible for Azaria no less than it was for Shalit.
- With respect to Palestinian terrorism, Israelis broadly perceive themselves to be the victims of a wave of terror caused by incitement – which the Palestinian leadership often does little to prevent and sometimes encourages – and which forms part of the violent radicalism which pervades the Arab world. Israeli political and military culture enshrines the value of taking a tough stance with respect to security threats, as the only way to deter would be attackers. In the Azaria case, no one disputes that the individual shot by Azaria was an assailant who had stabbed a soldier with the aim of killing him.
- The episode inevitably plays into a broader political struggle taking place in Israel over the country's identity and values. In this case the political right broadly takes the side of the soldier and his family, against institutionalised elites – in this case the upper echelons of the IDF – whilst the centre and left positions itself as the defender of those institutions and their values. The high public sympathy for Azaria has led politicians on the right to express sympathy for him and his family, which has been criticised as an attempt to pressure the court to be lenient. Naftali Bennett, leader of the right-wing Jewish Home party, has come out in strong support of the soldier, [saying](#) that "talk of a murder charge against a combat soldier during a combat operation is a moral mistake that blurs the lines between good and evil," and that he "should be pardoned without serving a single day in prison. There is no soldier who doesn't know that it's against the rules to shoot a neutralised terrorist. On the other hand, it is necessary to support our soldiers in the field who are risking their lives in the face of murderous terrorism".
- In turn, some former IDF commanders have expressed their concern that politicians in

the coalition have followed the public mood in expressing sympathy for the soldier, rather than backing the serving IDF officers who have pressed for Azaria to be prosecuted in the name of upholding IDF's values and the authority of their command. Senior IDF officers have explicitly pushed back on the public perception of combat soldiers as children who need to be protected. IDF Chief of Staff Gadi Eisenkot referred to a confusion that had seeped into public discourse "between an 18-year-old man or 18-year-old woman with everyone's little boy who got confused and was kidnapped [which] is something that is harming the character of the army... we demand of our soldiers that they follow the IDF's set of values; to defend the country with loyalty and love, to treat people with respect, to persevere in the mission. These are not mere slogans, this is a set of values. [The army's job is to] ensure that this set of values is sustained – to preserve the strength and justness of the IDF".

- Some Israeli [journalists](#) have drawn [comparisons](#) with the tumultuous political debate and criticisms of the judicial system surrounding the "Helmand Incident" in which British Sgt Alexander Blackman killed a wounded Taliban fighter in 2011. The campaign in support of Blackman included MPs, former army officers, and national newspapers.
- Writing in *Yediot Ahronot* military affairs correspondent Yossi Yehoshua argued that regardless of the court decision "it is clear that there are no winners... and the biggest loser is Israeli society, which took a hit in one of its greatest assets: the ethos of the IDF as the people's army. The IDF, which always remained outside the disputes that divided Israeli society, which was a unifying factor – became a bone of contention and faced a crisis of confidence that will take time to repair".

## Conclusion:

- After a long and detailed ruling, the judges completely rejected the defence's arguments, and upheld the principle of the IDF's code of ethics regarding "Purity of Arms".
- Following the court's comprehensive ruling, the next stage of the process will be sentencing, which is due to take place in

a few weeks. While some politicians from both the left and right have already called for Azaria to be pardoned, others, such as Yesh Atid leader Yair Lapid and Defence Minister Avigdor Lieberman, have focused on the need to respect the court's decision, reign in irresponsible statements from within the political system, and work to maintain the IDF as a national institution above political considerations.

\* \* \*

Copyright © Britain Israel Communications and Research Centre 2016

For more information please contact:  
Charlotte Henry, Senior Press Officer  
020 3745 3348  
07879 644099  
[charlotteh@bicom.org.uk](mailto:charlotteh@bicom.org.uk)