

The Israeli Military Justice System: Theater of the Absurd

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This is a legal system whose law book is racist; it's not hard to imagine what would happen if a Palestinian shot a wounded Jew in the head. Some plays should never be put on, even if they're past the rehearsal phase. Sometimes the end of the story is so predictable it's not worth writing. And some trials are so fake and pretentious it would be better if they were never held at all. This is the case in the trial of Elor Azaria—the soldier caught on video shooting a wounded Palestinian in the head. It's the worst show in town, whose ending was decided even before it began. This joke should be stopped immediately—free the soldier and return him to Hebron where he belongs. Give him a medal as befits the spirit of the times. The show put on by the IDF Theater, sitting as the military court in Jaffa, will end similarly: a plea bargain, a lenient sentence and a pardon. A self-righteous cloak will cover proper judicial procedure. But the truth is preferable. The truth is that it's all an act, as in a particularly bad reality show. Everyone plays a role: the judge, the prosecutor, the defense counsel and the audience—as if the director hadn't decided on everything in advance. And as in a particularly bad reality show, the script is absurd. Only fools believe it. It started with a murder charge that was immediately replaced by manslaughter—after the grotesque scene of “open arrest,” a complete oxymoron, like “enlightened occupation” and “purity of arms.” Azaria is under arrest with pots of food for the Sabbath and his mother and father on the base. Where's the Palestinian who ever received an “open arrest”? Where's the manslaughter suspect who ever received an “open arrest” and the Passover seder at home? And the casting: In the role of the judge, Lt. Col. Ronen Shor. My Haaretz colleague Chaim Levinson wrote on Facebook about how, as a military prosecutor, Shor convicted, both in court and on appeal, a Palestinian nurse who treated a wounded Palestinian suspected of terrorism. So his take on wounded Palestinians is known in advance, but no one will ask him to recuse himself. If he recused himself, the entire military justice system would have to be ruled out: officers

in the occupation army, some of them settlers, who rule on the fate of people living under their boots. That's another absurd play that only the occupation can invent. To disabuse you of any worries, Shor rushed to reveal his opinion even before the trial began. “The evidence is weak,” he said when he extended the “arrest” of the soldier, “and the level of criminality could be lower than that attributed by the prosecution.” The game is fixed. “Weak evidence?” No reasonable person who watched the video could think that. The clip is enough to sentence him—yes, sentence. The helpless wounded man on the street, the bored soldiers and settlers around him, the cold-blooded shot and the blood-chilling apathy afterward are worth a thousand witnesses for the prosecution. But not for the military court, which is subordinate to the military, which is subordinate to the government, which is subordinate to its head, who said “the IDF backs up its soldiers.” So it's clear: The military court is part of the army that backs up its soldiers. This is the same legal system that two days ago responded to the revenge demand of a bereaved family and converted an indictment against a Palestinian charged with a car-ramming attack to murder from manslaughter. It's like a request show: Send in a text message for a shekel and we'll change the charges. This is the same military system that sends tens of thousands of Palestinians to jail, some political prisoners, some without trial, often without concrete evidence. It's enough to visit one session to understand that this system's connection to justice is even weaker than that between the IDF Orchestra and music. This is a legal system whose law book is racist; it's not hard to imagine what would happen if a Palestinian shot a wounded Jew in the head. This is a legal system that sent Palestinian legislator Khalida Jarrar on a long prison sentence based on insignificant evidence. This is a legal system that sends 12-year-old girls to jail shamelessly. This is a system that closed the case against Col. Yisrael Shomer, the executioner from Qalandiyah. Such is the IDF Theater, and now it's set to try the people's hero, Sgt. Elor Azaria. The curtain rises.