

Addameer Prisoners' Support and Human Rights
Association

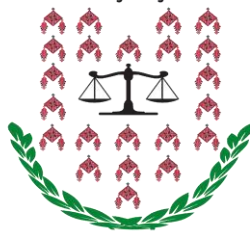
Al-Haq – Defending Human Rights

Huryyat- Centre for Defence of Liberties and Civil Rights

Defence for Children International – Palestine Section

Jerusalem Center for Legal Aid and Human Rights

مجلس منظمات حقوق الإنسان الفلسطينية
Palestinian Human Rights Organizations Council



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02 March 2017

PHROC Condemns the Excessively Lenient Sentence for Israeli Soldier Responsible for Palestinian Death

The Palestinian Human Rights Organizations Council (PHROC) strongly condemns the 18-month sentence handed to Israeli soldier Elor Azaria, who was filmed shooting and killing 21-year old Palestinian Abdelfattah Al-Sharif while he was wounded and incapacitated. In January 2017, the soldier was convicted of manslaughter, which carries a maximum sentence of 20 years.

The video recording, dated 24 March 2016, showed Abdelfattah laying motionless on the ground, unarmed and injured after having been shot by Israeli soldiers in Tel Rumeida, Hebron. The video recording then shows Azaria walking toward Abdelfattah, who posed no imminent danger or threat at the time, and shoot him in the head. The act amounts to an extrajudicial killing.

The recorded killing caused an international outcry and Azaria was subsequently charged with manslaughter, a merciful charge given the intentional nature of Azaria's act. The trial marked the first case of a soldier being charged for killing a Palestinian since October 2015, despite over 200 Palestinians having been killed by Israeli forces since then. Indeed, had there not been clear video evidence of Azaria fatally shooting Abdelfattah coupled with international condemnation, it is likely that no investigation or trial would have taken place, as is the case in the majority of incidents against Palestinians.

On 21 February 2017, Elor Azaria was sentenced to one year and a half in prison. A United Nations human rights spokesperson, Ravina Shamdasani expressed outrage at the sentence, stating "*We are deeply disturbed at the lenient sentence given by the Tel Aviv Military Court earlier this week to an Israeli soldier convicted of unlawfully killing a wounded Palestinian in an apparent extrajudicial execution of an unarmed man who clearly posed no imminent threat... This case risks undermining confidence in the justice system and reinforcing the culture of impunity...This is a chronic culture of impunity we are talking about.*"¹

Palestinians receive significantly higher prison sentences for similar charges. For example, on 28 January 2016, five Palestinian youth from Hares -- Ali Shamlawi, Ammar Souf, Mohammed Kleib, Mohammed Suleiman, and Tamer Souf -- each received a 15 year prison sentence for manslaughter.

¹ "UN: Jail term for Israeli soldier 'excessively lenient'," Al-Jazeera, 24 February 2017. Available at <http://www.aljazeera.com/news/2017/02/jail-term-israeli-soldier-excessively-lenient-170224133219648.html>

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Similarly, Abed Dwayat, was sentenced to 18 years in Israeli prison for manslaughter after he allegedly threw a stone at an Israeli vehicle that caused the death of the driver.²

Palestinians also receive significantly higher prison sentences for lesser charges, such as attempted murder and stone throwing. In November 2016, 14-year-old Ahmad Manasrah was sentenced to 12 years in prison for attempted murder. In late 2015, Israeli lawmakers approved an amendment to the civil code raising the minimum sentence for rock throwing to three years³ -- one year longer than the sentence Azaria received for the killing of a Palestinian.

PHROC condemns the excessively lenient sentencing of Azaria which highlights a culture of impunity and demonstrates that Israeli authorities are unwilling to hold soldiers accountable in cases that result in Palestinian deaths. Israel must be held to account by third states and international institutions for extrajudicial killings and other war crimes against Palestinians.

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² **Illegal Israeli Measures Target Palestinian Youth and their Families in Occupied East Jerusalem**, 19 January 2017, available at <http://www.alhaq.org/advocacy/topics/wall-and-jerusalem/1095-illegal-israeli-measures-target-palestinian-youth-and-their-families-in-occupied-east-jerusalem>; Israeli court sentences Palestinian youth to 18 years in prison for deadly stone throwing, Ma'an News Agency, 24 January 2017. Available at <https://www.maannews.com/Content.aspx?id=775087>

³ Knesset approves minimum jail time for rock throwing, Times of Israel, 2 November 2015. Available at <http://www.timesofisrael.com/knesset-approves-minimum-jail-time-for-rock-throwing/>

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