Israeli Soldier Elor Azaria given 18 months in jail for killing wounded Palestinian stabber

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Military judges Tuesday sentenced an Israeli soldier convicted of manslaughter to 18 months in prison for the killing of a disarmed, incapacitated Palestinian assailant last year, in a case that has revealed deep divisions in Israeli society.

Elor Azaria, 21, was also given two suspended sentences, one for 12 months and the other for six, by the military court at the IDF headquarters in the Kirya base, Tel Aviv, as well as a demotion in rank to private.

Judges ruled that Azaria would begin his 18-month sentence on March 5 after defense attorneys asked for a delay while they file an appeal. For the past 10 months, the soldier has been confined to base after being released from military house-arrest shortly after the March 24, 2016 incident. He remained confined to base after Tuesday’s sentencing.

Those 10 months will not count toward his sentence, but nine days he spent in jail immediately after the killing will be deducted from his term, the judges ruled.

Azaria was convicted in January in the shooting death of Abdel Fattah al-Sharif, who was lying on the ground wounded and disarmed after stabbing a soldier in the West Bank city of Hebron. Azaria, a combat medic, was filmed shooting Sharif in the head…

Chief prosecutor Lt. Col. Nadav Weisman said in a statement after the sentencing that the jail term would send a message to commanders about upholding the army’s values.

‘We know this was not an easy day for the accused and his family, but justice needed to be done and justice was done,’ he said.

Several politicians and officials repeated calls for Azaria to be pardoned immediately after the sentence was announced, while others praised the prison term. Some predominantly left-wing politicians also said the 18-month sentence was insufficient…

[Chief judge, Maya] Heller noted that it was difficult for them to reach a decision in the case, as they had little precedent on which to base their ruling. Soldiers accused of manslaughter generally reach a plea deal, and the cases where they have gone to trial and been convicted were under notably different circumstances.

Reading out the sentence, Heller noted that Azaria operated unprofessionally during the shooting incident amid the general chaos of the day. She said Azaria violated the army’s value of “purity of the weapon,” and its rules of engagement. In their verdict last month, the judges found that Azaria, who shot dead Sharif after the Palestinian assailant had been lying on the ground for several minutes, was motivated by a desire for revenge.

Heller said the judges had taken into account mitigating factors including the ‘harm suffered by his family’ and the fact Azaria was in ‘hostile territory’ when the shooting occurred. She added, however, that he did not open fire out of danger — but rather to harm the assailant — and that he had not expressed remorse for his actions.

But the judges centered much of their criticism on the army for not taking better care of Azaria’s family, and the defense minister and army spokesperson for interfering in the legal proceedings by making statements to the press soon after the incident, before the court reached its decision…

By law, there are three ways Azaria may obtain a pardon. All convicts, including soldiers, can appeal to the president, Reuven Rivlin. Soldiers can also turn to the head of their command, in this case the Central Commnad, or to the IDF chief of staff, Lt. Gen. Gadi Eisenkot, who also has the legal power to commute sentences for active-duty personnel.

Rivlin has said he would only consider a pardon after Azaria’s legal appeals are exhausted.”