

The Tip of the Iceberg: Israel Cannot Whitewash Horrific Abuse of Palestinians by Its Soldiers

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It's not easy to commit crimes and get off scot-free. It requires legal expertise and a degree of sophistication, especially when you simultaneously have to contend with public opinion, both local and international.

And no, I'm not talking about the reservists suspected of raping a Palestinian detainee at the Sde Teiman army base. I'm talking about the State of Israel and its sophisticated whitewashing mechanisms. These mechanisms have loyally served the Israeli system for generations. But it seems they have finally reached their expiration date and are now collapsing under the weight of the internal contradictions they had previously managed to contain.

For decades, the Israeli system perfected its ability to use brutal violence against Palestinians without having to pay any price for it. This is a critical issue. After all, it's impossible to oppress millions of people for decades without violence on a horrifying scale. But it's also impossible to keep putting those who employ such violence on trial, because who would agree to rule via force if they will later be denounced as criminals?

So what do you do? You engage in a typical Israeli bluff - but a sophisticated one.

The bluff is the operating system that has worked so well until now. Masses of complaints are received from anyone who bothers to complain. Palestinians, human rights organizations, UN agencies - please, just complain. Paperwork is generated, but nothing is seriously investigated.

Each incident is treated as if were at most a violation by the lower ranks. The policy and the senior ranks are never investigated. And the whole process proceeds very slowly.

It gets dragged out for so long that in the meantime, everyone forgets. Attention moves on, and years go by. And by then, who cares about some Palestinian teen whom soldiers [shot in the back and killed somewhere near the separation barrier](#) many years ago? But nevertheless, we can say, "We investigated."



Protesters outside Sde Teiman, in April. Credit: Eliyahu Hershkovitz

As part of this system, some low-ranking person is indicted once every few years and a big deal is made of it. Such an indictment almost always happens when there is incontrovertible video footage or forensic evidence, so what can you do? And then, it's a scandal. There's international attention. Shock.

Think of Border Police officer [Ben Dery](#) in Beitunia in 2014 or [Sgt. Elor Azaria](#) in Hebron in 2016. In both cases, there was unequivocal video evidence, so there was no choice but to put them on trial.

Both of them killed a Palestinian. Both were convicted. But neither of them spent [even a year in jail](#).

The penalties were certainly ridiculous. But they were useful. Look: We investigated; we took steps. Now we can comfortably close all the other cases. That's how Israel has managed to maintain its image as a normative country while at the same time neutralizing the risk of international trials.

It is precisely this method that Israel's entire political, military and judicial establishment is gearing up for by repeating that sacred, sweet-talking mantra: "Investigations protect the soldiers." Reflect on how many times you have heard this benighted phrase in recent months: from the prime minister and the head of the opposition, from the current chief of staff and from former chiefs, from legal counsels and former judges. And the intention is made explicit, lest it be misunderstood: if we "investigate" here - then those antisemites in The Hague won't investigate there. So we had better "investigate" here, wink-wink. Got it?

And for all the Israeli bluff that it is - you have got to admit it has turned out not half bad. Think, on one side, about all the bodies, all the torture, all the ruin and all the other crimes.

Then think, on the other hand, about the number of Israelis who have so far been brought to trial abroad. Tens of thousands on one side, zero on the other. The method works.

Until it stopped working, both locally and internationally. In the local scene, the political cost of investigations and the rare trial became too high, because the public won't even accept this meagre, decrepit shield. Like the nation-state law and other similar phenomena, the current political bon ton is Jewish supremacy from on high. It is a supremacy that now refuses to accept even a make-believe show of accountability for the killing or abuse of Palestinians.

In the international arena, too, the bluff gradually stopped working. After years of repeated reports from human rights organizations, it has become harder to deny what is really going on here - and still, that wasn't enough. In the end, though, changes in international public opinion, Israel's no longer bothering to keep up appearances and the scope and duration of the violence - all interrelated - have combined to make the risk of the international court in The Hague real. This risk has reduced in turn political willingness in Israel to go on with the "investigation" farce.

Because, after all, what is it all for? For all of the show put on by the High Court of Justice, the attorney general, the state attorney, the complaints and the mountains of paperwork - even rare trials - it still looks like The Hague will issue arrest warrants. If that's the case, then this is "evidence refuting the saying that our judiciary is our shield against the courts of law abroad," as Simcha Rothman explained.

Rothman, the chairman of the Knesset's Constitution, Law and Justice Committee, was reminding us that the legal system's only apparent value here is instrumental.

Which brings us to Sde Teiman - and to The Hague. Parts of the Israeli establishment are still trying to function using the old activation code. They do this haltingly, out of weakness, as if compelled, afraid of the crowd as well as of the prime minister himself. The prime minister and his crowd are already operating from on-high, using the new activation code. But those who hold on to the old code don't do it to serve justice or because it is the proper and morally necessary thing to do. Even in the face of the most horrible of acts, their goal was and remains instrumental. As IDF Chief of Staff Herzi Halevi was quick to explain, "These investigations protect our soldiers in Israel and abroad, and help protect IDF values." After listening this week to all those politicians and officers, one might conclude that the only terrible things that happened, if they were terrible at all, were civilians breaking into Sde Teiman and obstructing the military's ability to "investigate." No one would be concerned, god forbid, about atrocities inflicted by soldiers against detainees in their charge.



IDF chief Herzl Halevi at the Beit Lid base on July 30, 2023. Credit: IDF Spokesperson's Unit

This one investigation that blew up this week is just the tip of the iceberg. Further investigations await not only the junior ranks in Israel. For a change, real investigations abroad are in store for very high-ranking figures. For questions about Sde Teiman can't help but bubble upwards to the Military Advocate General herself.

And questions about the policy using military force in Gaza, with its tens of thousands of dead, will not be answered by sergeants. And we haven't said a word yet about Israeli policy in the West Bank, which is rife with war crimes - crimes that are, essentially, crimes of policy, the result of decisions made by administration after administration after administration. International arrest warrants will come, and they won't target junior ranking Housing Ministry officials.

These intersecting forces are the result of the crossing between Israel's system of government - pure, obvious Jewish supremacy - and reality. It's the reality of a non-normative state that can't avoid international legal risks. The old activation code has expired. Keeping it in use is not the way to fix what's broken.

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Featured image: Protesters outside the Beit Lid army base demonstrating in support of the soldiers arrested on suspicion of sexually assaulting a prisoner, last week. Credit: Avishag Sha'ar-Yashuv

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