**Shaked Kestleman:** So the first call is to one of my sisters (I have two twin sisters). One of them gets the call. The man says, “hi, my name is this and that, I'm a policeman. Do you know why I have Yuval’s stuff here at the station?” And she's saying, “no, I don't.” And he was like, “oh, OK, sorry, hang on,” and he hangs up.

**Mishy Harman (narration):** Hey, I’m Mishy Harman and this is Israel Story. As you know, we’re continuing our “Wartime Diaries” series, which is an attempt to collect slivers of life during these seemingly endless days of war.

On November 30, 2023, Yuval Kestleman from Mevaseret Zion was driving to work. He stopped at a red light at the entrance to Jerusalem, when two Palestinian terrorists - on the other side of the highway - began shooting indiscriminately at passersby. As soon as he noticed this, Yuval got out of his car, drew his private - and legally-owned - pistol, warned other civilians to get out of harm’s way, crossed six lanes of traffic and began shooting at the terrorists. He managed to eliminate one of them just as four other Israelis - including two off-duty IDF reservists - also began firing at the attackers.

Realizing that he was in the line of fire, and that he himself might be mistaken for one of the terrorists, Yuval began retreating and dropped his pistol. Nevertheless, he was shot. He fell to the ground, raised his arms up in the air, yelled out that he was an Israeli, opened his jacket to show he wasn’t wearing an explosive device, and even tossed over his wallet, which contained his Israeli ID card. Still, one of the two reservists, Aviad Farija, shot again, doing what’s called a *vidu hariga*, which means confirming that a suspect is indeed dead.

Yuval was taken to the hospital and succumbed to his wounds later that evening, a day before what would have been his 38th birthday.

Though it was initially believed that Yuval - alongside the three other Israeli casualties of the attack - had been killed by the terrorists, video footage of the event soon emerged, showing that it was likely Farija - the reservist - who had fired the fatal bullets.

In the hours and days following this tragic sequence of events, the police conducted a flawed investigation, and - according to both Yuval’s family and others with knowledge of the case - later purposefully covered up its negligence. Farija, the shooter, was ultimately arrested, released and - a year later - now awaits trial. As part of the investigation, and as a result of the police’s failure to examine crucial forensic evidence at the time, Yuval’s body had to be exhumed.

Our producers Adina Karpuj and Mitch Ginsburg sat down Yuval’s brother, Shaked, in our studio in Jerusalem. Here he is.

**Shaked Kestleman:** So my name is Shaked Kestleman. I'm thirty years old. Live in Jerusalem. I'm living with Moran. We are engaged. We'll be getting married next month, and we have a black labrador called Rixxie.

**Mitch Ginsburg:** And can you tell me a bit about your brother?

**Shaked Kestleman:** Sure. The age gap between me and Yuval is nine years. That's a lot, especially from the point of view of the younger child. So I always looked up to him. Admired him. I remember that we shared a room for a couple years in my old house and he had two discs - one of Eyal Golan, one of HaDag Nachash - I knew both of them by heart by the time we split rooms. He was kind of… I think I'm allowed to say… the chubby child, but then when he was around 15, he decided that he wants to get in shape, and he started to train. And for me, I remember driving my bicycle when he did his runs, he ran for like 10 kilometers three times a week, and I was just trying to keep up with him on my bicycle. And so when Yuval was 16 years old, he went to a pre-police academy for religious high-schoolers. After that, he was recruited to the Border Police and served in Jerusalem for a few years. He was at a special crew that helped to prevent a lot of terror attacks in Jerusalem during his service. And after his service, he entered the police. He wanted to be an officer in the police, but that didn't really worked out at that time. So he left the police and went to the Customer Protection Authority in Jerusalem. He became the manager of the Jerusalem district. Like in his nature, Yuval was taking everything that he does very seriously. And then he decided, about four years ago, that he wants to get to law school. He felt that it would help him in his work. And he did it while doing a full-time job, so that was like a couple years that we barely saw him. Like, he would come to holidays and stuff, but he was really really busy working at the morning, and learning at evening. And when he finished law school, he did his internship at the Civil Service Commission, and he was supposed to get back to his old job, but they liked him there so much that the Civil Service Commission has this kind of power, so they made sure that he stayed with them.

**Adina Karpuj:** Can you take us back to the morning of November 30th, 2023?

**Shaked Kestleman:** So after the 7th of October, Yuval was recruited to his reserve unit. He did a couple weeks at his unit, and then he got back for a couple weeks to work at the Commission. At the day of what happened, we in the family actually thought that Yuval is going to his reserve unit. So when we heard the news about the terror attack, my mom sent me a WhatsApp to ask if I'm OK, because I work in Jerusalem, and she didn't ask Yuval, because she thought that he’s in the army. So, what happened? There was two terrorists that came with a car. They stopped right after the hitchhiking station at the exit of Jerusalem, and Yuval was driving into the city. So he was like in the sixth lane, farther away from their car. When he heard the shooting, they were already out of the car and in the station. It's an open space, so obviously a lot of people ran away. And there were some cars that turned around. Yuval could just continue to drive farther from the shooting. He could have stayed in a car. He could got out and run away, like others did. But that just wasn't the kind of person that he is. He ran towards the scene - to the attackers. They was just finishing their clips, so they went back to the car. We now know that they had many more guns and ammunition in their car, and their plan was to continue on Road 1 to other bus stops. So Yuval got to them just when they entered the car. He eliminated the terrorist that was at driver seat, and at that time, two soldiers came from the other side of the car. Yuval, he realized that he was being shot at. So because of his experience as a policeman and during his service in Jerusalem, he knew and he trained in ways to communicate to others that you are on our side. So like when you see the footage, you see that he immediately drop his pistol and raised his hands and moved away from the car to kind of signal that he's not armed. And at that point, one of the soldiers stopped shooting, but the other soldier did not. Ehhhh…

**Adina Karpuj:** Can you tell us a little bit about Aviad Farija?

**Shaked Kestleman:** So from what I know, Aviad was a reserve soldier. He was a combat driver in Gaza in the war. He was on his way to his unit at this day. Like an hour after what happened, Aviad did an interview.

*[Hebrew interview]*

**Shaked Kestleman:** Andthe interviewer is asking him if he did what's called in Hebrew *vidu harigah*, meaning, did you make sure that the suspect is dead? And he's saying, “yes, we shot him till they dropped down.”

**Mitch Ginsburg:** And because… because at the time everyone still thought that Yuval was one of the terrorists, Farija - the shooter - felt he had just been in the right place and he says on air that any IDF soldier would love to kill a terrorist. And then the interviewer - Yinon Magal - he ends the conversation by saying “OK… well done, *yishar koach gadol, baruch tihiye*. Thanks for what you do for the people of Israel.”

**Shaked Kestleman:** Yes.

**Mitch Ginsburg:** And then, all this happened in the early morning. Then what happened?

**Shaked Kestleman:** Around 5pm, I got a phone call telling me that Yuval was harmed in the attack, and my parents say they're not sure what state he's in. And they just got the message and they're driving to Jerusalem. I got there first, and when I got to the hospital, they said that he's in a real critical state. Yuval fought for his life more than 12 hours. A couple minutes before they told us that the doctors did everything that they can, and Yuval is about to pass from this world, I saw the video on Twitter. In the video, Yuval is on his knees with his hands up. Someone is shouting, “don't shoot.” And then you hear two more gunshots. And Yuval is falling. So from that video, we know that the soldier that shot Yuval, Aviad Farija, did it while he was unarmed, and with his hands up. And I showed it to Moran, my fiance, and this is actually the first time that I'm connecting the dots and understanding that Yuval is the citizen that came from the other side and not one of the victims at the station. And that is what started the whole nightmare for us, because in another story, Yuval is the one sitting here after he killed a terrorist, telling us about what he did and how he did it, but Farija’s decision to do a *vidu harigah* is the reason why I'm sitting here instead of him.

**Adina Karpuj:** Wow.

**Shaked Kestleman:** After Yuval’s passing, there was a policeman that came to the hospital. And he said that he’s there to collect documentation. There is like a process when the police needs to… to sign off his release from the hospital to bury him. And I went to this policeman, because I’ve seen the video, and that’s a moment that became really critical afterwards. Because I said to him, “are we 100% sure that there is no open questions of any kind regarding what happened? Because we don’t want to be in a situation when we bury Yuval and afterwards that would be open questions that the police would say ‘well, if we didn’t bury him, if we investigated his body, then we would be able to tell you this and that.” And he said, “there is none” and he will make sure with the officer again. He said that he did. And that’s why we released Yuval for his burial without doing an autopsy. So for me, the fact that we had to exhume his body for the… the trial of Farija because we learned that without it, it would be pretty much impossible to determ if the… the bullet that Farija shot was really the one that killed him or not - that’s for me the… the greatest sin of the police. And that’s why I think that the police should be investigated. Because a couple of times during the story a policeman, or even a police officer, stands in front of us, or standing in our home, telling us something, looking us in the eyes, and saying “there is no bullets in Yuval’s body, so there is no need to… to check it.” And then afterwards we learned that it was a lie.

**Mitch Ginsburg:** What motive would they have to lie?

**Shaked Kestleman:** We think that some police officers might have deliberately sabotaged the investigation of what happened, maybe to cover for themselves, maybe to push some agenda that came from higher places, I don't know. But the fact that they lie to us in such matter on something that's not even really hurting the police in any way, that's something that must be looked into.

**Mitch Ginsburg:** Is it a crisis of faith that you feel in terms of the police?

**Shaked Kestleman:** For me personally, I was always trying to… to believe that in its core, the system wants to do good. Like, no one is going to be a policeman to beat up people with a license. They go there… it's a hard job. So if you go to be a policeman, you do it because you care and because you want to make Israel a better place. But I think somewhere down the road, the priorities got mixed up. It's very sad to say, but when I see a policeman at the street, I'm not feeling protected as I used to be. I'm like looking at the side of my eye to make sure that he's not looking on me from the wrong reasons or anything like that. Like I just don't trust the police as good as I used to.

**Adina Karpuj:** So meanwhile Aviad Farija is going to be tried. What do you think happened there?

**Shaked Kestleman:** Ehhhh…One of the things that was brought up by different people - the press and such - was that Aviad was a settler. Me personally, I don't think that that has much to do with what he did, because, in my belief, the reason that Aviad did what he did was because he thinks that a terrorist should be shot at the spot without trial. I don't think that if Aviad would know that Yuval is a Jew, he would shoot him. He shot him because he thought that he’s a terrorist, but he still did it while the so-called terrorist was raising his hands. And the problem is with this belief that you must kill a terrorist on the spot, without trial, and not that the person believing that is from Ramat Gan or from a settlement. For me, you do justice through court and not at the scene. And when I heard people talking about like, “no, that's what you're supposed to do, you're supposed to kill him right there and then,” I was thinking to myself, that's the way my brother got killed because of something like that. And a lot of really high-ranked in the police and in the army said loud and clear that that's not the way that Israel is doing those things. We are not shooting people that are raising their hands. We're not shooting people without a trial. After the attacker is neutralized, that's when we stop. But there were a couple of public figures that refused to said it and are refusing to said it up to this day, and one of them is the Minister of the Police and Public Security, Minister Itamar Ben Gvir, who talked to my father three or four days after Yuval’s passing. And it was a very difficult conversation. My father felt that Minister Ben Gvir was trying to put question marks in the wrong positions. “Are you sure that Yuval was at the right place?” something like that, like “he didn't make a mistake of coming from where he came?” “How was Farija could tell the different?” Stuff that was very hard for my father to hear. And eh…

**Mitch Ginsburg:** Almost like a spokesperson for Farija rather than a Minister of Police.

**Shaked Kestleman:** It kind of felt like that, yes. And my father is volunteering in the police for, like, more than twenty years now, and he’s is also carrying a personal pistol. And my father said to Minister Ben Gvir, “look, you could hand out thousands of guns. It won't matter if there is no professionalism. If people would be afraid to draw their weapon, because they are afraid that what happened to Yuval would happen to them too. So even from this point of view, if you think that personal weapon is a part of the… what we need to do here in Israel, you have to make sure that the people that are holding these weapons know what they are doing and have the right training and the right mindset. That they are not doing what Farija did.” Because it should be said that Farija did it with a weapon from the army, but he have a personal gun, so it could happen the exact same way, even if you weren't a soldier at the time. So I believe that the only reason that Yuval is not sitting here right now is because we normalized the use of the term *vidu hariga*, meaning killing terrorists on the spot without trial, and the fact that it's something that you can say on live TV and call for during election and say that, “if I will be elected, you will be able to do *vidu hariga*” so if we normalize this state, we are paying by our own people, the people that try to jump and… and save lives will be the one that will be hurt. Like I was thinking about getting a license from a personal weapon. And now, I’m sorry to say, but I am not sure that I want it anymore, because of the environment that’s been created right now in Israel.

**Adina Karpuj:** What would justice for Yuval look like?

**Shaked Kestleman:** So for me, justice for Yuval would involve, obviously, the prosecution of Aviad Farija. He acted wrong, and we are a state of law, so there is a price to pay when you do something like that, even after the 7th of October. Even if you're a soldier. Even if it was right after a terror attack, you still shot a man raising his hands. And there is a price to pay for that. And I would say, even something a bit radical (and I would like to emphasize this is not my personal opinion but…) if the public in Israel believes that a terrorist that tried or succeeded in killing Israelis should have a death penalty, it's… it's OK for a state to make a decision like that, but you still have to do it in court, after trial, and not like that.

**Mitch Ginsburg:** Emmm hmmm… Have you had any contact with Farija?

**Shaked Kestleman:** During one of the first days of Farija trial, his mother came to me. She wanted to apologize. She asked me if maybe I could help them reach out to my father, because they want to speak with him - Farija’s parents. And I told her that I don't think that it's a really good idea right now. But like I could feel in myself that I don't hate her and I don't hate Aviad. And that's maybe something that I should say more often, like I want to believe that if he could go back, that he would choose to do things differently. And regarding his family, I understand that right now, they are doing the best they can to get their son out of a very difficult position that he is in. So a part of my mind is having a hard time taking their apologies sincerely, but I don't know, maybe some day in the future, they would be able to meet with my father, and I would be able to believe that when they are saying that they are terribly sorry, I can believe them. But today is just not that day.

**Adina Karpuj:** Does your father still volunteer in the police?

**Shaked Kestleman:** Yes, he does. For him, what happened to Yuval and what happened to us in regard of the police doesn't release him for his duty to help make Israel a better place.