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Film review

Lea Tsemel, Advocate for Justice

- Reviews section -

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"Being someone's lawyer entails more than appearing in court and arguing their case passionately. It means being there for them in their daily life. Especially if they are sentenced to prison for political reasons. Given the miserable prison conditions, I could not just say, "Case closed" and drop the client. But in addition to political prisoners, there is the oppression of Palestinians: freedom of speech, freedom of the press. The suppression of student protests. It was all part of my daily workload, beyond the hardcore cases involving armed resistance."

LEA TSEMEL IS an angry optimistic woman. That is how she describes herself to a journalist on the phone, as she races to the Israeli Supreme Court to appeal two major political cases that she just lost.

Advocate, by filmmakers Rachel Leah Jones and Philippe Bellaïche, offers an intimate portrait of this Jewish Israeli lawyer who has made a career defending Palestinians in Israeli courts.

To many, Tsemel is a hero, a fearless and tireless warrior for justice. To others, she is "the devil's advocate."

To everyone who knows her, regardless of their political views, she is larger than life, which is ironic because she is tiny. When she stands beside a 13-year-old client, one of the Palestinians whose case is traced through this film, her head barely reaches his shoulder. Yet when she speaks, she roars. Advocate brings audiences into her world and explains why she roars.

Tsemel's fearsome reputation is legendary. In the early 1990s when I was researching the Israeli military court system in the occupied West Bank and Gaza, it amused me to learn from some Israeli military judges and prosecutors that they had been warned by their colleagues to "watch out for Lea" good advice for people who uphold the occupation.

Tsemel is a human cyclone who, if the playing field on which she works were actually level, could demolish any adversary through the sheer force of her will. The playing field is not level, and she probably can count her victories on two hands. However, that force of will keeps her going, keeps her fighting, and that angry optimism sustains her faith that maybe the next fight can be won.

Early in the film, the camera zooms in on files in Tsemel's East Jerusalem office that bear the labels "possession of a weapon," "accessory to murder," "suicide bombings," "stone throwing," and "possession of a knife."

These types of cases are her bread and butter and her raison d'être. "It is not that I like to take tough cases. I am not afraid not to," she explains. "I always see the person behind the case. That is the important thing."

This is one side of a Rubik's cube explanation about why Tsemel does what she does. Another side is presented in a clip of Tsemel on an Israeli morning talk show in 1999 as she explains herself to the confounded interviewer: "Israelis have no right to tell Palestinians how to struggle . . . You should try to understand me because I am the future."

The filmmakers capture a third side of the Rubik's cube as Tsemel explains that, as an Israeli, she benefits from the fruits of the occupation, bitter and sweet.

"On what moral grounds should I judge the people who resist my occupation? . . . Who gave me that right? [I]f the act is intended to resist the occupation, as such, I will take it on."

Background and Commitment

Viewers learn about Tsemel's background: Her mother emigrated from Europe to Palestine in 1933 and was able to bring her own mother, but the rest of the family was annihilated in the Nazi Holocaust.

Lea was born in 1945 and grew up in the Arab-Jewish city of Haifa. In 1967, she was a law student at Hebrew University when the war started. She volunteered for military service.

When the Israeli army conquered East Jerusalem, she was the first Israeli woman to reach the Wailing Wall which, at the time, was in a narrow alley. After the war, dozens of homes in the vicinity of the wall were destroyed to make way for a prayers' plaza. She wondered, "What happened to the people who lived here?"

Although from a Zionist family, she was unsettled by what she was starting to learn about the occupation. Soon after the war, she decided to join the far-left organization Matzpen because they had answers to her questions. "From that moment, I never looked back."

In Tsemel's first political trial in 1972, she represented members of the Arab-Jewish Underground. She recounts how her clients described their interrogations in court:

"It was one after another, always the same. They all described the shackling, sleep deprivation, deafening music, interrogations day and night, and the beatings. It clearly was not the whim of a sole interrogator. It was systematic. There were instructions, like a user manual. How to cause the human body pain and suffering. How to cause pain and suffering without leaving marks. How to cause the body pain and suffering so that the detainee remains conscious and keeps answering questions."

Then the voice-over of a judge, "We have no doubt that the defendant's claims about torture are a figment of his imagination, and we do not believe him. We are convinced he confessed of his own free will, and we approve [the confession] as evidence in this trial."

Her clients were found guilty of the charges and sentenced to seventeen years in prison and Tsemel was "faulted" by the court for identifying with Israel's enemies.

Torture was not a figment of anyone's imagination, except for the gullible or craven Israeli judges who, for decades, chose to believe lying security agents and government officials who denied that violent and coercive techniques were staples of the interrogation of Palestinian "enemies of the state."

Tsemel saw the lies for what they were because so much of her work turned on judgment-proof confessions that had been beaten or sleep-deprived out of her clients.

Those Who Don't Confess

For Tsemel, the client who does not confess, who does not break down with the first blow and seal his own fate or name his whole village is like a unicorn – a rare and mythical figure. She deals constantly with clients who confessed, true or false, and in these circumstances, she strives to minimize the damages by negotiating a plea bargain.

The unicorn client who does not confess, even under duress, gives her ammunition to fight it out in court. Ahmad, her 13-year-old client, was a unicorn.

Ahmad and his 15-year-old cousin Hassan took souvenir knives from their homes in Beit Hanina and went to the neighboring Jewish settlement of Pisgat Zeev. Hassan stabbed and injured an Israeli man and a boy, then was shot and killed by the police.

Angry Israelis shouted that the police should put a bullet through his injured cousin Ahmad's head too. Ahmad did not use his own knife, and had urged his cousin not to strike another child. Throughout his interrogation, in his responses to a screaming security agent who was trying to frighten or bully him to admit that he had gone to Pisgat Zeev with the intention to kill people, he maintained that he and his cousin had taken the knives in order to scare people because they were angry that Israel was bombing and killing children in Gaza.

Ahmad became the youngest person, to that date, whom Tsemel had ever represented who faced such serious charges – two counts of attempted murder and possession of a weapon. She and her co-counsel Tareq Barghout, a lawyer with the Palestinian Prisoners Office in Ramallah, began strategizing.

Tsemel pointed out that Israel's Youth Law does not allow for the detention of individuals younger than 14 in adult prisons. Could they work this angle?

Ahmad's looming 14th birthday was like a ticking clock. Barghout thought they should try to negotiate a plea bargain in order to ensure that he go to a juvenile detention facility, whereas Tsemel wanted to take the case to trial because she believed she could use the fact that he did not confess to strike or downgrade the charges.

After all, she tells Barghout, there is precedent for leniency: a Jewish man who attacked a Palestinian woman got just three months of community service. That was her optimism speaking.

The arc of the film follows Ahmad's case. Remand. Indictment. Plea. Testimony. Plea bargain negotiations. Verdict. Punishment proceedings. Sentence. Before the testimony hearing, as she and Barghout go into the courtroom, she says, "I am ready for battle, as they say."

When they come out, Tsemel is elated and impressed that Ahmad has maintained that he never intended to kill anyone. Outside the courtroom, she gives her unicorn a thumbs-up.

The second high-profile case that Tsemel takes during the making of *Advocate* involves a Palestinian woman, Israa Jaabis, who is charged with attempted murder. One morning, Jaabis loaded a couple of butane tanks in the back seat of her car and drove into Jerusalem. She set fire to the car, injuring a policeman lightly and herself severely.

As with the case of Ahmad, for Tsemel the question is what was her intent? Did she intend to kill many people, or did she intend to kill just herself and if so, why? Tsemel learns from Jaabis' relatives that she was a depressed woman in an unhappy marriage who had attempted suicide twice before but not in a showy "political" way.

This time, Tsemel wonders, had she decided to try "suicide by cop"? The prosecutors were indifferent to this question of intent; for them, her actions were enough to make her a terrorist who wanted to kill Jews.

"Not a Sliver of Hope"

Both cases were decided on the same day in the Jerusalem District Court, and both clients were found guilty of all the charges against them. Ahmad was sentenced to 12 years in prison, and Jaabis was sentenced to 11. According to the court: "Their sole intent was to kill."

As Tsemel reads the ruling in Ahmad's case, she mumbles, "Wow, wow, wow, wow, wow. Wow, not a sliver of hope." Looking up at the camera, she says, "It is as if I live with the illusion that I can do something in the world, make an impact. That there is someone to reason with. It is strange. I am not willing to give up trying."

Outside the courtroom, journalists have formed a scrum. Barghout is so devastated that he refuses Tsemel's pleas to stand by her side while she makes a statement. She faces the press alone and roars:

"We have been defeated! . . . But our defeat, as a legal team, is nothing compared to the far-reaching and long-lasting defeat for Israeli society and its judicial system. The court ignored the fact that this is a national conflict. It attributed anti-Semitic sentiments to both defendants, which neither of them expressed at any stage. But it is convenient to think: 'They only want to hurt the Jews!' Fifty years of occupation were stricken from the record, and vanished from the judges' consciousness, unfortunately. I hope it will not vanish from the public's consciousness. This is an occupation! And it must be responded to. And everyone does so according to their capabilities. The victims, the vanquished, the children, the women respond in their own way. The expectation that Palestinians can find justice in Israeli courts may have been buried for good. I hope not. I really hope not. The path to the Supreme Court still lies ahead of us. We will appeal as soon as possible, in pursuit of justice."

In 2017, the Supreme Court upheld Ahmad's conviction but reduced his sentence to nine and a half years. It rejected Israa Jaabis' appeal outright.

Advocate ends with a blackened screened and a postscript. "In 2019, shortly after the film's world premiere, attorney Tareq Barghout was arrested. After a month of secret service interrogations, with a gag order and without the right to counsel, he initiated his own plea negotiations. He was charged with shooting at Israeli targets." Tsemel became his lawyer.

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To see an interview with Lea Tsemel democracyNOW!.org.

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