

The Israeli Lawyer Who Defends All Those That Fight Against the Occupation

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Death threats and men with guns or knives don't scare attorney Lea Tsemel. A new documentary deconstructs the controversial character who will defend anyone who opposes the occupation - even if they resort to the most violent means

There's never a dull moment with Lea Tsemel. But never. The very first time I arrive at her office, on Saladin Street in East Jerusalem, while she stands at the window watching me park, yet another incident - or perhaps a grim accident, under the auspices of the occupation - takes place, involving a Palestinian and Israeli security forces. A young woman wearing a red hijab runs to a group of police officers on the street, complaining that ultra-Orthodox Jews had thrown stones at her car. They tell her to submit a formal complaint. The woman returns to her car, where her children are waiting, and a bus carrying Muslim worshippers from Ramallah runs into it.

Tsemel sees all this happening while she is observing my parking from the window, witnessing the Palestinian woman's panic-stricken body language. She immediately dispatches all the lawyers and clerks in her office - all Palestinians - to go down to the street and offer testimony or collect details, but in any case to find out exactly what happened. The scrawniest alley cats, as it were, find Lea Tsemel and she, it should be noted, is just as thorough when it comes to seeking them out.

The 74-year-old lawyer - who has gained fame for defending terrorists in court and for being one of the hardest-hitting and toughest symbols of resistance to the Israeli occupation - is a classic protagonist for a movie. And, indeed, the new documentary about her, "Advocate," directed by Rachel Leah Jones and Philippe Bellaïche, is fascinating. The film, which will have two more screenings at this year's Docaviv International Documentary Film Festival in Tel Aviv (on May 27 and June 1), will be shown on Channel 8 and was picked up by no fewer than 10 broadcasters internationally even before it was completed.

"Advocate," according to Jones, is a profile of a "work horse, a tiger and a pussy cat." The film is intelligently framed by two shocking cases, which are actually quite typical of Tsemel's repertoire. One involves [Ahmad Manasra](#), from the East Jerusalem neighborhood of Beit Hanina, who was accused of participating in a stabbing attack in Pisgat Ze'ev, a Jewish neighborhood, on October 12, 2015. He was 13 at the time and had set out that day with his 15-year-old cousin Hassan Khalid Manasra (who was shot dead on the spot). Ahmad, who suffered serious head injuries when he was hit by a car after the attack, was arrested and tried before he turned 14, after which sentencing generally is harsher.

The second case is that of Israa Jaabis, a woman in her 20s from Jabal Mukkaber, another East Jerusalem neighborhood, who detonated a gas canister when a policeman approached her car, also in October 2015. According to Tsemel, in light of Jaabis' failed suicide attempts in the past, this act, too, could be viewed as another such attempt.

In both cases, as usual, Tsemel suffered stinging defeats. The two defendants received lengthy prison terms, despite the young age of the former and even though no signs of blood were found on his knife, and despite the fact that Jaabis had a record of mental illness and was severely burned in the wake of the blast (her face was disfigured and she lost the fingers on one hand). And above all, the two were punished, according to Tsemel, despite the fact that they are both victims – in their case, of the occupation – more than all of their potential victims.



From the documentary « Advocate » about Lea Tsemel.

Philippe Bellaïche

In our conversations, the lawyer tells me about an extremely difficult case she dealt with lately. She represented the family of Arafat Irfaiya, a Palestinian who [raped and murdered a 19-year-old Jewish woman named Ori Ansbacher](#) at Ein Yael, a park south of Jerusalem, this past February. The family petitioned the High Court of Justice against the state's decision to demolish two of the four apartments in the building in Hebron in which they reside, maintaining that they had long ago dissociated themselves from Arafat and that he lived only in one room in one of the apartments.

Tsemel doesn't want this explosive case to dominate the entire interview, but she herself talks a great deal about it. Not only because the petition was ultimately rejected and the [apartments were demolished](#), last month. It's also important to her that I see the vicious comments directed at her in the social media, wishing her death in various forms, expulsion to the Gaza Strip, the demolition of her home and other gruesome consequences. She says she sent some of the comments to the court, so "the judges will understand where they're living."

"In the petition of the Abu Khdeir family against the state for not demolishing the home of the murderers of their child [Mohammed Abu Khdeir, 16, who was kidnapped and burned alive by three Jews in July 2014], the Supreme Court stated that the chief purpose of home demolitions is to achieve deterrence, and that there is not a large number of Jews who need to be deterred," Tsemel notes.

"So I said that here, we have a completely 'deterred' family. The family itself stated that if, heaven forbid, they were to receive money from any source whatsoever because their son had been jailed, they would donate it to charity and refuse to use it. Could anyone ask for more?"

"The guy was mentally ill, that's clear," she continues. "He would disappear for weeks and months, and the family would go to the Palestinian police, the Israeli police, the Shin Bet security service, to file a missing person complaint. Everyone knew him. One time he stood with poison in the middle of Hebron and wanted to drink it. I crossed myself seven times before I went to represent the family. I knew it wouldn't pass by quietly."

Maybe in your phrasing, and in the online comments that you felt it was important to show others – you are trying to say that you found it morally difficult, after all?

Tsemel: "No. It wasn't difficult for me because of something inside me. It was difficult for me because of the social pressures."

And if Irfaiya himself had come to you and asked you to defend him?

"Good question. That's a kind of line that I don't want to cross."

You don't represent rapists?

"For years I have avoided representing rapists. My feeling is that it would not be fair to the client if I were not able to devote all my efforts to him willingly. I could have been a wonderful lawyer with rape cases; interrogating the victim cleverly and tearing her apart, etc. But that is something I absolutely didn't want and don't want to do. In fact, in advance of this petition, I reviewed precedents in which Israel soldiers committed rape. There aren't many, but there are some old cases in past history. As I was looking for that material, I found an academic study whose conclusion was that Israeli soldiers don't commit rape because of racism, because of their basic racist attitude toward Arabs."

It's not because of their education, or a particular morality possessed by Israel Defense Forces combat troops?

"No."

'Rotten human nature'

What Tsemel says grates on a Jewish Israeli's ears. When I talk with her about her more notorious clients - including cases that left-wingers, too, find hard to swallow - she maintains equanimity. It's hard to get her to say anything critical about any form of what she perceives to be resistance to the occupation.

Tsemel first appeared on the Israeli judicial stage in the early 1970s, when she represented the Black Panther social activists. She also represented Rabbi Uzi Meshulam - who in 1994 barricaded himself with his followers in a house in Yehud, in an attempt to pressure the authorities to investigate the [disappearances of Yemenite-immigrant children](#) in the state's early years - after he had already been incarcerated. But Tsemel began to become involved in the formative field that would come to characterize her career - representing Palestinians, particularly those accused of terrorist activities - when she represented Udi Adiv and the members of the Jewish-Arab ring who were convicted in 1973 of spying for Syria. Among others, her clients have included the terrorists who perpetrated the deadly attack on a bus on the coastal road in 1978 and the Palestinian prisoners who waged widespread hunger strikes in the 1980s. She tried to block the deportation of Hamas activists to Lebanon in 1992, and defended the murderers of a pregnant Palestinian who was killed because she was suspected of providing information to the Shin Bet security service. That's a very partial list.

You represented [Abdel Aziz Salha](#), who took part in the [lynching of IDF soldiers in Ramallah in October 2000](#) and was photographed waving his blood-soaked hands in the window of the police station. Do you hesitate when someone like that approaches you?

"No. Not at all. What 'lynching'? As if you could really think that."

What do you mean, "What lynching"? It was an appalling event.

"He was very young."

Would you have done something like that at a very young age?

"I wasn't beaten at every checkpoint I approached from a very early age. But what's most important is to analyze the event."

So let's do that. Two Israeli reserve soldiers lose their way and end up in Ramallah. They are taken out of their cars by Palestinian police officers and are pummeled by a bloodthirsty mob. In the police station dozens of Palestinians beat them to death and then throw their bodies to the mob, which mutilates them.

"There were many participants. There were police officers, who did most of the things, and he [Salha] was a young man who was swept up into the police station. He was not a police officer. Afterward I also defended two policemen who were alleged to have taken part but denied it. But this specific fellow - he didn't kill them with his own hands. Poor guy. No, it wasn't hard for me. My work here is purely legal and factual, to see technically whether so-and-so did or didn't do something, confessed or didn't confess."

Do you empathize with him? Do you think he is a victim of this situation?

"It has nothing to do with empathy. At the trial I drew on all kinds of lynchings that Israeli Jews perpetrated against Arabs. That helped me very much to present the case and to say that it was one of rotten human nature. Just because I am defending him doesn't mean that I would do what he did. I can be angry at the inability of this dumb guy to control himself when he entered the station with the new Palestinian police officers who suddenly found themselves with power in their hands. I can explain it - and that's what my job demands of me. I can't issue directives to do this or that."

Despite her many losses in the courtroom, Tsemel approaches each case with massive optimism—that this time she will win.

Ultimately Salha was sentenced to life imprisonment for one of the murders, but was released in the Gilad Shalit prisoner exchange deal in 2011.

Lea Tsemel was born in Haifa in 1945 to parents from Belarus and Poland, who arrived in Palestine in the 1930s and supported the Mapai party (forerunner of Labor). Her father, an engineer, architect and painter, was part and parcel of the establishment, according to her. He was a member of the Haifa Municipality workers committee, and died of a heart attack when she was 16 and on an outing with her Israel Scouts troop. They didn't talk politics at home, she says, but she remembers always having a highly developed sense of justice and a deep repugnance of racism.

"I would get angry at my mother, she was racist toward 'de schwarze,' as she called them [Mizrahi Jews]. I remember that in my class I needed to be the defender of the new immigrants, whose heads were shaved because of lice. There was great discrimination against them, and I fought against that. Afterward, at the age of 15 I had a boyfriend who was a fisherman and through him I started to meet Arabs." Her fluent Arabic was acquired over the course of nearly 50 years of representing Palestinians.

It was in 1967, as the film explains well, while she was a law student at the Hebrew University of Jerusalem, that she became what she is today. From the first day of the occupation, she was aware of its damage and the deception it embodied. She joined the radical, left-wing Matzpen organization at the university, and there she met the radical, left-wing activist who would become her husband, Michael "Mikado" Warschawski. He served time in an Israeli prison at the end of the 1980s when the Alternative Information Center, which he managed, printed a book of instructions for Palestinians on how to comport themselves during Shin Bet interrogations. The two became the most prominent couple in the country's radical left, and have two children - Nissan, 47, and Talila, 37 (Warschawski also has a son from a previous marriage) - and seven grandchildren.

When Tsemel launched her legal career - which she defines as dealing with "everything [that

occurs] between the Palestinians and the authorities” – she realized that she was doomed to be ostracized by her natural surroundings. Her mother’s friends threatened to sever relations with her when her lawyer-daughter represented Udi Adiv and his friends.

“My mother, even though she was very much against my opinions, chose [to support] me,” she says now. “The truth is, the moment I became what I am, my relationships with a great many friends from primary school and from high school – and we had a very close-knit class that kept in touch even when we were at university – went cold. In fact, only two or three remained loyal.”

One of the events that helped alienate her from the group she grew up with, she recalls, was the Coastal Road case, of 1978, when 35 people were murdered when terrorists hijacked a bus of members of the Egged bus cooperative who were on an outing. “The ‘bus of blood,’” she recounts, “really was a problematic case. Everyone talked about it, and the question also arose of who shot whom – who killed all those passengers. I argued that it wasn’t necessarily only the Palestinians who had taken control of the bus, but that our forces also killed our people. It was a trial that got big play in the media, but on top of that, big groups of Egged workers from Haifa came to every hearing in the Lod military court. Many had been to school with me or knew me, so personal issues also arose during the trial. I would say that that is where my steadfastness was forged.”

Tsemel represented Palestinians during the period before the advent of human rights organizations of the kind that exist today, at a time when every expression of understanding for their plight or concern over their rights was perceived as treason – even more than in the present heartless era. Tsemel was preceded only by the late Polish-Israeli attorney and human rights activist Felicia Langer, who belonged to Israel’s Communist party and finally moved to Germany.

In one of her academic articles, Rima Hamami, a Palestinian anthropologist, describes a situation in which her neighbor in East Jerusalem’s Sheikh Jarrah neighborhood ran shouting to her and her husband that settlers had broken into his home, which had been surrounded by police officers and soldiers. And then, Hamami writes, her husband did the only thing he could have done: he called Lea Tsemel, “the closest thing to a Palestinian 911.”

Tsemel has won very few cases during her career. Among them was a case involving torture, in 1999, in which the High Court found that the [Shin Bet was exceeding its authority and infringing the basic rights of Palestinian interrogees](#). She is also the first to acknowledge that all the air subsequently seeped out of that ruling and that the Shin Bet ignores it in practice, though she does consider the admission that the Israeli security forces use torture to be an achievement in itself.

The Manasra case

“Advocate,” the film, follows in some detail the case of the teenager Ahmad Manasra, showing how Tsemel insists that he not confess to a charge of attempted murder – contrary to the advice of the Palestinian lawyers in her firm and of another Palestinian lawyer who worked with her, Tarek Barghout. That confession might have led – and this is a conjecture whose feasibility can’t be determined retroactively – to a plea bargain or to Manasra’s conviction before he turned 14. Those scenarios might have allowed him to escape a prison term in favor of being sent to an institution for juvenile offenders, or at least might have reduced his jail time. Tsemel, however, insisted on sticking with the truth and arguing that Manasra had no intention to murder.

The outcome was that Manasra was indeed convicted of intent to murder, contrary to his lawyer’s claims, and received a sentence of 12 years in prison (reduced to nine and a half, on appeal to the Supreme Court). In the documentary a stunned Tsemel is seen reading the judgment and wondering if she is detached from reality. One of the lawyers in her office says to her: It’s a pity you and the

others managed the case.

Do you regret the approach you took in this case?

"Not for a minute. To begin with, I received the family's go-ahead. Second, it was important for me to get across the message that he did not try to murder anyone and did not want to murder. His cousin wasn't out to commit murder, either, but rather to terrorize people, so they would stop killing them, the Palestinians. Third, I am convinced that it was impossible to get the boy off without a prison term."

Is it possible that you lost this case because of the concept of the greater struggle - that in the name of justice you didn't see this one boy?

"It's possible. There are many other cases in which the good of the client guides me, despite the concern for justice. I do not sacrifice clients."

After the film was completed, Barghout, the lawyer who worked with Tsemel on both cases highlighted in the documentary, was arrested on suspicion of participating in a West Bank shooting attack on an Israeli bus. He has been in detention for about two months and is expected to stand trial. Lea Tsemel is representing him, of course.

Despite her many losses in the courtroom, Tsemel approaches each case with massive optimism - that this time she will win. She's one of the happier people I've interviewed. She lives well, has many friends, always adds jewelry and colorful accessories to her clothing.

"She is a brave woman, committed and untiring. I love that type of person," says former Meretz leader Zehava Gal-On, who knew Tsemel when she (Gal-On) founded and directed the Israeli human rights organization B'Tselem during the first intifada, three decades ago. To which attorney Avigdor Feldman, Tsemel's co-counsel in some High Court petitions, added, in conversation with me, "She is not bitter. She likes to laugh."

'A settler doesn't have to throw a stone, he has the whole army at his beck and call. The Palestinian has nothing. It's him and his miserable stone.'

Tsemel is not a nice person in the conventional sense. In the few brief conversations I'd held with her in the past, in order to learn details about her cases or clients, she always replied gruffly.

"At first she was terribly intimidating," admits Gaby Lasky, one of the generation of attorneys that deals with cases of Palestinian rights, following Tsemel's lead and by dint of her example. "Every lawyer who has to speak with Lea is initially frightened. But afterward you discover how charming she is and what sort of person she is."

And actually, it only takes a few seconds, even just standing next to her, before Tsemel begins to grow on you. The charisma, the style, the humor, the consistently good mood - even if it's occasionally marred by a certain edginess. There's even parental concern, which ranges from motherly gentleness to bossiness. Tsemel also always maintains a thread of bemused flirtation with the other side, whether it's the prosecution, the Shin Bet, the prison guards, the court bailiffs - the establishment with which she's locked in perpetual confrontation. She'll even leave a channel of communication open with the extreme right-wingers who hound her. On one occasion she called someone to speak to him after he sent her a message telling her of his hope for her to die.

"Look," she says, "I was dealt a great hand: I feel loved and protected" - this coming from a woman who once, according to her son, describing a time when he was still a boy, was approached in the

street by a man who pointed to a pistol he was carrying and told Tsemel that he knew who she was. She's also a woman who had to move her office to East Jerusalem after an envelope containing bullets or excrement – she no longer remembers which – was delivered to her office in the western part of the city.

She describes herself proudly as an Israeli and a native Haifan. And even though she agrees that, yes, all shame has disappeared here, and everything is more difficult about life in this country these days – she doesn't think that she or her children have any better place to go. "In my milieu, a great many people have succeeded in getting rid of their children. They themselves are still here, but the children have embarked on a different future. That doesn't speak to me. I don't know how to explain it."

I ask her what she conjures up every time she goes into battle with the state, pointing courageously to its crimes and then usually losing the fight, and whether it might have something to do with the sudden loss of her father or with the fist fights she had with her older brother. But she looks at me as though I were speaking Chinese. "I never stopped in order to ask myself why I'm the way I am, because it was never hard for me to be in the place I'm in," she says.

In a lovely scene in the new movie, which cuts between shots of her husband giving a monologue and her sitting silently, Warschawski relates that when he was being interrogated by the Shin Bet, Tsemel visited him in her capacity as a lawyer. He complained to her about the conditions and asked her to get him out. Tsemel responded by shouting at him, "You're not worthy of being my husband!"

I take it that you're tough and you want toughness around you.

"Yes. Definitely."

Does being soft repel you?

"No, but there's a difference between softness and sentimentality."

Is that the reason you feel a connection with Palestinian prisoners? Do you respect their struggle?

"Yes. The steadfastness. I will never represent a collaborator, for example."

One thing both her supporters and her detractors agree on is that Tsemel is exceptionally ideological. According to a senior figure in the state prosecution whose encounters with her have always been from the opposite side of the barricade, "She is always late and enters in a tempest – the robe to one side, a court uniform not really being worn as a court uniform. The [Supreme Court] justices would ask her, 'Where has counsel been?' And she would reply, 'I was in district court.' And then they would say, 'Well, counsel, maybe you would consider giving priority to the Supreme Court?' She has no respect for hierarchy and order. But she is a very determined person. In the name of her ideology she will do everything for her clients. Lea Tsemel has also defended the biggest of the murderers."

Tsemel's sense of justice is absolute. Not even calculated. When the harsh judgment in the case of Israa Jaabis was handed down, Tsemel wasn't in the courtroom – she'd rushed to the court entrance in order to help Jaabis' sister, whom the guards refused to admit.

She works long days and nonstop, disproportionately for a woman her age. With her small suitcase on wheels, she travels between her office and the civil and military courts. Once a week she does duty in the public defender's office in Jerusalem, usually with lawyers 30 and 40 years younger than she. In the past few years she's also been on night duty, which sometimes means being summoned to

the local police station. There she sometimes finds herself representing Haredim and settlers – “as long as they haven’t hurt Arabs,” she says.

Arabs who throw stones and do more than that – yes. Jews – no.

“Absolutely. I really can represent better the Arab who threw a stone than the settler who threw a stone. A settler doesn’t have to throw a stone, he has the whole army at his beck and call. He has a whole mechanism of enforcement and of suppression at his disposal. Whereas the Palestinian has nothing. It’s him and his miserable stone.”

While I was with her during a fairly slow shift as a public defender at Jerusalem Magistrate’s Court, she came to the aid of a resident of Isawiyah who was wandering around lost in the corridor, and helped her submit a copy of a bail payment voucher in order to get a relative released. I ask her how she has made a living all these years from representing the weakest link in the food chain that’s tried in Israeli courts. She admits that there were periods, earlier in her career, when her mother had to help her out. “At first I was very much into the ideology, but I learned from my Arab friends that I could ask for a fee. And then it’s like a kiosk. You sell a whole lot of soda, then some more soda – and in the end you’re able to eat.”

So optimistic was Tsemel during the period of the Oslo Accords that she took a course in mediation. “I told myself, fine, now I won’t have any more work, I’ll start doing something else, deal with family problems and the like.” But that era vanished quickly. The occupation remained with us and she remained with the occupation.

As someone who has always faced threats and fought the system, when was it harder – years ago or now?

“There was a time when I was more afraid than I am today, but not because things were more difficult. It was because I had small children who had to be protected. But in truth, the situation is more difficult today.”

Do you see transformations in the judicial system?

“Yes, both in the prosecutors and in the judges. I see it in the negotiations. We are not on the same plane at all. At one time it was possible to understand one another, there was still some sort of apology for the fact that we were occupiers and that we owe someone something. Today even that is gone. And no one is ashamed of it. You see it in the judgments but mainly in the ‘music.’”

Are people becoming inured? People who once spoke differently and today have fallen in line with the system?

“Yes. Definitely.”

Can one get a fair trial in Israel?

“Theoretically, certainly. As something to aspire to, although it’s far from certain that it’s achievable. I see it becoming more and more remote.”

Will the occupation ever end?

“Certainly. The occupation will end because that is the nature of things, and because justice triumphs in the end. Of that I am convinced. When, how, whether it will happen in my time or not, I don’t know. I only hope it won’t happen in a tragic way.”

Ravit Hecht

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