

Israeli government supports continued prosecution of filmmaker Mohammed Bakri

Danny Richardson
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Israeli Attorney General Menahem Mazuz has announced that the government will support the efforts of five reservist soldiers to appeal the decision of a lower court that rejected their claim for libel against Mohammed Bakri for his film *Jenin, Jenin*, released in 2002. If successful, Bakri, a widely acclaimed Arab Israeli filmmaker and actor, will face severe fines.

Jenin, Jenin deals with the incursion by Israeli Defence Forces (IDF) in April 2002 into the Palestinian refugee camp in Jenin in the West Bank. The Israeli Army launched the assault, codenamed Operation Defensive Shield, with the declared aim of “cleansing known areas that harboured terrorists.” The area surrounding Jenin was subject to a tight lockdown, and a curfew was imposed. No media, medical or human rights personnel were allowed anywhere near the town. After journalists and human rights groups entered the camp and spoke to survivors, they accused Israeli troops of war crimes.

The prime minister at the time was Ariel Sharon, who as defence minister was found responsible for the massacre of Palestinians in the refugee camps at Sabra and Shatila in Lebanon in September 1982 at the hands of Israel’s Phalangist allies. There were therefore fears of another atrocity on the scale of the 1982 massacre.

Palestinian eyewitnesses spoke of mass burials and bodies being taken away. This brought an outcry from Palestinian human rights groups, who successfully won an injunction in the Israeli high court to halt temporarily the burials said to be taking place in the Jordan Valley.

Last August, the District Court at Petah Tikva ruled against the soldiers because the film dealt with the actions of the whole of the IDF, not the five plaintiffs, who were not named in the film. Thus, the court

maintained that individual groups of soldiers had no claim against Bakri.

Beneath the libel issue, which several courts have now rejected, is a government-backed attempt to censor the political views of those critical of the Israeli government and its actions against the Palestinians. *Jenin, Jenin* is the first case in many years of political censorship of the arts in the country.

Mazuz made it clear that he had two options open to him: to initiate charges against Bakri on behalf of the state, or to back the soldiers’ appeal against the ruling of the lower court. Despite a right-wing campaign to get the government to press charges against Bakri, it backed off from taking a direct role in the controversy, although it has been embroiled in the case from the start.

Despite a UN report issued in 2002 that whitewashed Israel’s actions in Jenin, human rights groups have substantiated claims of atrocities committed by the IDF, such that the name of the refugee camp has continued to be synonymous with war crimes against the Palestinian people. *Jenin, Jenin* has played a role in bringing out the truth of what happened there.

Bakri has won numerous awards for his acting and filmmaking, most of which reflects the plight of Palestinians both inside Israel and in the occupied territories. Bakri explained in an interview that the idea of making the film was the result of taking part in a demonstration with both Arabs and Jews at the Jalame checkpoint to oppose the siege of Jenin by the Sharon government. Rumours of a massacre inside Jenin had started to spread because no one was allowed in—neither the press nor the NGOs who could give medical aid to the injured.

During the demonstration, an Israeli soldier opened fire on the protestors, injuring a friend of Bakri’s, a

young actress who was standing next to him. That was when he decided, at considerable risk to himself and those who went with him, to take his camera and film what was going on inside Jenin. Before the curfew ended, he entered the refugee camp and interviewed dozens of witnesses, capturing through his camera a vivid depiction of the death and destruction committed by the Israeli government.

Ivad Samoudi, the film's executive producer, was shot dead by the IDF at the end of the filming. The film, which Bakri titled *Jenin, Jenin*, after the calls Palestinian taxi drivers make touting for fares at Israeli checkpoints, begins with a dedication to Samoudi.

The release of the film in Israel provoked demonstrations, and Bakri received death threats. After a few showings, the Ministry of Culture's Film Rating Board banned it, claiming that it was not a documentary but "propaganda."

Since the Film Rating Board only has the power to rate, limit or ban films on the basis of obscenity, racism or incitement to violence, and *Jenin, Jenin* did not infringe any of these rules, it made use of a law dating back to the British Mandate. Bakri said of the ban in 2003, "Israel pretends that it is the only democracy in the Middle East, but banning the film proves that democracy in Israel is limited, and not for all its citizens."

In spite of severe pressure to censor it internationally, *Jenin, Jenin* won two international film awards. Within Israel, it took Bakri more than two years to get the ban overturned. He had to fight the Israeli State Prosecutor's office all the way to the Supreme Court, which called the film a "propagandist lie" because Bakri did not interview any Israelis for the film.

In making this remark, the Supreme Court judges revealed an obvious double standard; for 15 days, the Israeli government had locked Jenin down, barring any contact with the Palestinians inside the camp, so that the only comments to the world's press and media from Jenin came from IDF spokesmen.

Even after the ban was overturned, the film has rarely been screened in Israel.

The five IDF reservists suing Bakri took part in the operation at Jenin, but were neither named nor shown in the film. They served a writ on the few cinemas that had screened the film, claiming that it offended them, and won NIS 40,000 (US\$10,756) in an out-of-court

settlement. Following the settlement, *Ynetnews.com* reported one of the soldiers as saying, "This plea agreement is a major achievement...every director will now have to think twice before filming blatant lies, and every movie theatre will have to be considerably more careful about what they screen."

The reservists then pursued a libel suit against Bakri for NIS 2.5 million (US\$660,000), which thus far has been unsuccessful because while the courts have conceded that *Jenin, Jenin* is libellous, they have maintained that it is directed against the entire IDF and not the five plaintiffs. This judgement, which Bakri said made him "happy" because "the film was not about IDF soldiers and certainly not about the five people who brought suit," had left open the possibility of the IDF or the Israeli government pursuing Bakri.

Regardless of the ultimate outcome of the soldier's appeal, the controversy surrounding Bakri's film and the government's support for his civil prosecution underscores the inherent incompatibility between the Israeli state's persecution of the Palestinian people and the upholding of democratic rights.



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