The Law in These Parts: Israeli military justice in the Occupied Territories

Available on PBS online until September 18

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12 September 2013

Ra'anan Alexandrowicz's The Law in These Parts *is available in the US on* PBS online *until September 18. This is an opportunity to see a significant work by one of the most honest and exacting Israeli filmmakers.*

We reviewed the film as part of our coverage of the San Francisco film festival in 2012. We are reposting today a slightly edited version of that comment. Ra'anan Alexandrowicz's *The Law in These Parts* is an extraordinarily penetrating documentary dealing with the Israeli military legal system in the Occupied Territories on the West Bank and in the Gaza Strip over the last 45 years. The film is told in five chapters roughly corresponding to a few foundational legal opinions.

The filmmaker, although a self-acknowledged legal outsider, conducts a series of interviews with the professionals charged with setting up and carrying out the occupation's legal regime from 1967 to present. The film was far and away one of the best and most important shown at the San Francisco International Film Festival last year.

Alexandrowicz was born in Jerusalem in 1969 and has grown up with the occupation. After studying film in Jerusalem, he focused mainly on documentary work, culminating in the making of the remarkable *The Inner Tour* in 2001—a film that follows a group of Palestinians on a three-day bus tour through Israel. This was followed by his first fiction feature *James' Journey to Jerusalem* (2003). (The WSWS interviewed the director in regard to the latter film.) *The Law in These Parts* begins with a quote from military judge Meir Shamgar to the effect that the rule of law isn't just a set of norms, but, more importantly, norms that win the confidence and respect of every individual. Almost at once, it becomes clear that the Israeli legal project in the Occupied Territories is, by this measure, a horrible failure.

The filmmaker's interviewing technique develops from a tone of respect, occasional admissions of ignorance and almost child-like curiosity into a subtle, but highly effective form of cross examination of Israeli officials. What emerges, although largely hidden from public scrutiny as the filmmaker reminds us, is something already understood by every Palestinian.

Behind all the professional scholarship, official adherence to legal forms and procedures and the use of impenetrable professional jargon lies a brutal military regime utilizing torture, forced confessions and systematic theft to strip the occupied population in Palestine of virtually all democratic rights and human dignity, or as one former military judge, Dov Shefi, puts it: "What the IDF [the Israel Defense Forces] says, goes."

Alexandrowicz's sober, dispassionate tone is one of the film's great strengths. Instead of simply offering a denunciation of the perverted justice system that reigns over the Palestinian population, we are shown instead its birth, development and breakdown over decades, as a logical process stemming from the needs of a conquering military power to permanently subjugate a population in its own land.

The film's approach is unusual and compelling. At the outset the viewer watches the silhouettes of a film crew moving about behind the scenes constructing a rudimentary office in front of a large, wall-sized movie screen, as Alexandrowicz speaks off-camera on the film's subject matter, the nature of documentaries and his personal goals for the endeavor. Film images of the Occupied Territories from 1967 to the present are projected on the big screen during the interviews.

The military lawyers and others are questioned at the desk in front of the screen. Although they do not comment on the images, they gaze at them during the interviews and occasionally point to the screen. The images are not of the most disturbing variety; they are not meant to shock or upset those questioned, but rather they seem designed to enhance the memories and emotions of the subjects.

The filmmaker explains that the backdrop footage is compiled from other documentaries of the occupation made

by various Israeli filmmakers. The images are nonetheless quite potent at times, especially their propagandistic elements, such as one clip taken shortly after an Israeli military victory documenting a visit by war hero Moshe Dayan to a beach crowded with Palestinians in the Occupied Territories accompanied by the blaring horns of a triumphant military march.

Alexandrowicz is aware of the significance of his film and proceeds throughout with great care. He makes a point of reminding the viewer that he doesn't provide time for the more prominently portrayed victims of the occupation to tell their side of the story. Later in the film, when an Israeli military judge confesses that he never questioned military intelligence, followed its recommendations lockstep in every case and even knew defendants were being tortured before their court appearances, Alexandrowicz cuts the audio and tells the viewer that he has decided not to show us the rest of the interview.

Beyond simple caution, he seems to want us to witness his own internal conflict. The filmmaker has been open about the at-times painful exchange between the documentarian and his subject matter—a process that seems in part to have prompted the creation of *The Law in These Parts*: "In mid 2004, I got a phone call from a boy who had just turned 16 who was in *The Inner Tour*. He was taken from his home in the middle of the night by masked Israeli soldiers and charged with throwing stones at a military Jeep and was held in a maximum security prison … For the first time in my life I found myself in an Israeli military court room, witnessing the mechanism with which my society purports to administer justice to Palestinian residents of the territories we have occupied since 1967. This event profoundly changed my understanding of the situation in which I live."

Perhaps the most valuable portion of the film is "Chapter 2: Terrorists and Criminals." "Today the distinction between soldier and terrorist is deeply rooted in our legal and political discourse. But at the end of the 1960s it was necessary to cement this distinction in the law," Alexandrowicz explains, before introducing the 1969 case of the IDF v. Omar Mohammad Al-Qassem and eight others in Ramallah, all members of Fatah.

The defendant, Al-Qassem, tells the court he is certain this is his land, but he left when the occupation began and returned later with other fighters to liberate Palestine. Although the evidence showed that Al-Qassem had only engaged soldiers in battle—and he asserts he was a soldier fighting other soldiers—the court found that Al-Qassem and his organization were mere terrorists with no legal protections under the international laws of war, specifically the Geneva Convention.

The substance of the ruling is noteworthy. In it Judge Abulafia concedes the Geneva Convention grants special status to lawful combatants, including members of liberation organizations, but he holds that this status must first be earned by following the rules of war in battle. Abulafia finds that the Palestinian fighters, as a whole, do not follow the rules of war, citing civilian victims unrelated to the case in question, and thus declares Al-Qassem to be the member of a terrorist organization simply because he too is a Palestinian fighting to liberate his country. The precedent is clear: hereafter every Palestinian liberation fighter in occupied territory is an unlawful combatant with no rights under international law. The Israeli state can do whatever it wants to them.

Here we see the War on Terror's wretched pretense of legality in cellular form, growing organically out of the Israeli conquest of Palestine. It is a rotten precedent spawned from the legal necessities of a criminal occupation that today has been dusted off, revised and updated to justify a parallel legal regime internationally in which US authorities arrogate to themselves the authority to "legally" strip anyone they brand a "terrorist" of all rights, to subject them to indefinite detention and even summary execution without trial, because they too are simply deemed "unlawful combatants."

In the conclusion of the segment, the filmmaker patiently asks: "What's the difference between them and us." In an interview about the film, Alexandrowicz highlights its currency, "With the decade-long 'global war on terror,' the dilemmas raised by 44-year Israeli experience of occupation can and should echo a warning signal to the entire Western world with the blaring question: Can a democracy endure prolonged occupation?"

The Law in These Parts is a great success not merely because of the intelligence and sensitivity of the filmmaker, his access to high military and government figures, although all that helps a great deal, but primarily because Alexandrowicz is earnest in his desire to make sense of his subject matter. He is not hustling to make a name for himself, to get a Hollywood contract, a book deal or a spot as a pundit on CNN. He is a principled artist, a man seeking to understand a tragic reality and to prevent its recreation on a global scale.