

***The Judge* Transcript Theatrical Version 2/9/18**

**The text is typed as it appears in the subtitles. New timecode indicates a new subtitle or speaker.

[01:00:10] TITLE CARD

Indeed, Allah commands you to
render trusts to whom they are due
and when you judge between people
to judge with justice

- Surat Al-Nisaa (4:58)

[01:00:38] WOMAN

Palestinians entered uncharted territory in the area of Shari'a law.

[01:00:42] MAN

This was an issue scholars debated for a long time.

[01:00:44] MAN

Shari'a Law

[01:00:44] WOMAN

The issue remains controversial among Muslim scholars.

[01:00:49] TITLE CARD

Shari'a means path, referring to religious law
and a personal moral code.

[01:00:51] TITLE CARD

It is derived from the Qur'an and the Sunna
- the saying, practices and teaching of the
Prophet Mohammed.

[01:00:58] MAN

In all of Islamic history,
no woman has ever become a judge.

[01:01:09] KHOLOUD

Why has there never been
a woman judge in the Shari'a courts?

[01:01:12] KHOLOUD

Traditions and customs.

[01:01:15] KHOLOUD

Who established these?

[01:01:18] TITLE CARD
Idle Wild Films presents

[01:01:25] TITLE CARD
in association with ITVS

[01:01:34] TITLE CARD
THE JUDGE

[01:01:44] TITLE CARD
BEIT RIMA
WEST BANK, PALESTINE

[01:02:01] KHOLOUD
How are you?

[01:02:07] KHOLOUD
How are you doing?

[01:02:09] TITLE CARD
Kholoud Al-Faqih

[01:02:12] KHOLOUD
Stop rattling the keys!

[01:02:16] WOMAN and KHOLOUD
-How are you?
-Thank God, I've been busy cleaning all morning!

[01:02:21] WOMAN
Bless you!

[01:02:22] KHOLOUD
You had a question for me?

[01:02:25] WOMAN
I just wanted to ask, if I know a woman
who wants custody of her children,

[01:02:29] WOMAN
and her husband beats her,

[01:02:32] WOMAN
how would the law serve her?

[01:02:35] KHOLOUD
If she wants to divorce him because he's beating her,

[01:02:42] KHOLOUD
and she can prove it, the court will grant her
the divorce and she'll get all of her rights.

[01:02:49] WOMAN
That's if she doesn't want him.

[01:02:53] KHOLOUD
If she wants to report it, and has medical proof,

[01:02:56] KHOLOUD
he'll go to jail.

[01:02:59] KHOLOUD
It's a crime.

[01:03:01] WOMAN
If there's violence, she'll get all her rights,

[01:03:05] WOMAN
but what if he wants to divorce her?

[01:03:07] KHOLOUD
If he wants the divorce,
he'll have to pay spousal support-

[01:03:11] KHOLOUD
Thank you.

[01:03:13] KHOLOUD
Because he's the aggressor,
he has to give his wife full spousal support.

[01:03:21] WOMAN 2
What if he wants her back but she refuses?

[01:03:25] WOMAN 2
Does he still pay her support?

[01:03:28] KHOLOUD
If she left the house for no reason, she's at fault.

[01:03:33] KHOLOUD
But if he kicked her out or
abused her or stole her gold,

[01:03:40] KHOLOUD
she has reason to leave. She gets the support.

[01:03:43] KHOLOUD
Regardless of what he says.

[01:03:46] KHOLOUD
He has to continue to support her.

[01:03:48] WOMAN and KHOLOUD
-How nice!
-You see?

[01:03:51] WOMAN
Justice is beautiful!

[01:03:53] KHOLOUD
But the problem is that we're not
educated about our rights.

[01:03:58] KHOLOUD
People are unaware.

[01:04:04] KHOLOUD
I began as a lawyer in the Shari'a,
civil and criminal courts,

[01:04:09] KHOLOUD
defending Palestinian women who were victims of abuse.

[01:04:19] KHOLOUD
Women have been judges in Palestine's
criminal courts since the '70s.

[01:04:24] KHOLOUD
So why are we not in the Shari'a courts
which deal with women's issues?

[01:04:29] KHOLOUD
Women need to be involved.

[01:04:32] KHOLOUD

That was the origin of the idea

[01:04:35] KHOLOUD
that I should throw a rock to stir these stagnant waters.

[01:04:44] TITLE CARD
SHARI'A COURT
BIRZEIT

[01:05:12] TITLE CARD
In Palestine, the civil courts hear criminal,
administrative and civil law.

[01:05:18] TITLE CARD
The Shari'a courts hear all family cases.

[01:05:26] CLERK
What are you here for?

[01:05:28] WOMAN
Just child support. There are three issues.

[01:05:32] KHOLOUD
Ghadir, can you take an oath saying that

[01:05:35] KHOLOUD
your husband left you and gave no spousal support.

[01:05:37] KHOLOUD
And you're not disobedient to his will.

[01:05:40] KHOLOUD
There was a reason you left.

[01:05:42] KHOLOUD
You didn't leave without a reason.

[01:05:44] KHOLOUD
Are you prepared to take this oath?

[01:05:46] KHOLOUD
Go on, sister.

[01:05:52] KHOLOUD AND GHADIR
I swear to God,

[01:05:53] KHOLOUD AND GHADIR
that the defendant, my husband,

[01:05:56] KHOLOUD AND GHADIR
who has consummated the marriage
according to the Shari'a law,

[01:06:01] KHOLOUD AND GHADIR
has left me without money
or financial support,

[01:06:06] KHOLOUD AND GHADIR
with God as my witness.

[01:06:09] KHOLOUD
Sit down, sister.

[01:06:10] KHOLOUD
Come in.

[01:06:15] KHOLOUD
What's the relationship between
Ghadir and Jaber?

[01:06:19] MAN
They're married.

[01:06:20] KHOLOUD and MAN
-Have they consummated it or just the contract?
-Excuse me?

[01:06:23] KHOLOUD
Did they consummate their marriage?

[01:06:25] MAN
They're uh, married.

[01:06:26] KHOLOUD
OK, they have kids.

[01:06:28] KHOLOUD
And does their father provide for them?

[01:06:30] MAN and KHOLOUD
-No.
-Does he send money? No?

[01:06:31] KHOLOUD
But he is capable? He has a job?

[01:06:34] KHOLOUD
Have a seat—or rather, go call the others.

[01:06:42] KHOLOUD
OK, Sami, Sami and Shadi,

[01:06:45] KHOLOUD
we need to estimate child support for
Ayloul and Mohamed from their father,

[01:06:49] KHOLOUD
to eat, drink and be clothed

[01:06:52] KHOLOUD
to have enough to cover their needs.

[01:06:54] KHOLOUD
And affordable for their father.

[01:06:58] KHOLOUD
I must tell you this is a binding oath.

[01:07:02] KHOLOUD
In the end, you stand alone before God.

[01:07:27] TITLE CARD
RAMALLAH

[01:07:53] WOMAN
OK, please begin.

[01:07:56] WOMAN
At the Ministry of Women, we're working
on a law to protect families from violence.

[01:08:01] WOMAN
It would protect any woman
exposed to domestic violence.

[01:08:05] WOMAN
The problem is that women do not know their rights.

[01:08:08] WOMAN 2
I have a question for the sister.

[01:08:13] WOMAN 2
We know that the law can prevent a woman
from seeing her children if she waives her rights-

[01:08:18] KHOLUD
That's not true. There is no such thing
as waiving rights. I'll talk about this.

[01:08:26] WOMAN 3
My husband kicked me and my kids out of the house.

[01:08:29] WOMAN 3
I'm looking for some organization
to protect me from my husband.

[01:08:36] WOMAN 4
We need to talk about how to change the laws

[01:08:42] WOMAN 4
so that we are legally equal to men.

[01:08:47] WOMAN 4
Women's groups need to organize!

[01:08:51] WOMAN 5
I'd love for you to clarify the role
of the Ministry in women's issues.

[01:08:57] WOMAN
Let's ask the "Sheikha" here...

[01:08:59] KHOLUD
I'm not a woman Sheikh. I'm not a "Sheikha!"

[01:09:01] WOMAN
OK, Judge Kholoud!

[01:09:03] KHOLUD
We do indeed need a social revolution.

[01:09:08] KHOLUD
How much do we drill the stereotypes into
children, from six years old until marriage,

[01:09:13] KHOLOUD
that the woman's role is to raise children,

[01:09:16] KHOLOUD
clean house, and to cry if she has a problem.

[01:09:19] KHOLOUD
Why don't we teach them that
women have the same rights as men?

[01:09:25] WOMAN
Look at our religious education.

[01:09:28] KHOLOUD
Exactly. I'm shocked by our religious education.

[01:09:31] KHOLOUD
In the Qur'an verse about the devil,

[01:09:33] KHOLOUD
they put a picture of a woman.

[01:09:35] KHOLOUD
Where does that leave us?

[01:09:38] KHOLOUD
Political parties talk up
"women's issues" during elections,

[01:09:43] KHOLOUD
and then they do nothing.

[01:09:46] KHOLOUD
This is a problem.

[01:09:49] KHOLOUD
We shouldn't rely on anyone else.

[01:09:52] KHOLOUD
We need to be our own advocates and get involved.

[01:09:55] WOMAN 6
You talk about abused women, always about abused women,

[01:09:59] WOMAN 6

but I also see that men are abused.

[01:10:02] WOMAN 6
For example, a woman who was loved
and honored, suddenly leaves her husband,

[01:10:07]WOMAN 6
and abandons her children,

[01:10:10]WOMAN 6
"I don't want them, you take them!"

[01:10:13] WOMAN 6
Where can the man go, Oh Honorable Judge?

[01:10:19] KHOLOUD
In my opinion,

[01:10:22] KHOLOUD
Here's my point of view:

[01:10:24] KHOLOUD
Just as we handle a man who kicks
his wife out and marries someone else,

[01:10:30] KHOLOUD
why don't we allow a wife to kick out
her husband and marry someone else?

[01:10:35] KHOLOUD
Where's the problem?

[01:10:49] TAMIMI
She was bold.

[01:10:52] KHOLOUD
I went to Sheikh Tayseer Al-Tamimi, the Chief Justice.

[01:10:56] TITLE CARD
SHEIKH TAYSEER AL-TAMIMI
Former Chief Justice, Shari'a courts

[01:10:58] TAMIMI
She told me more than once
that women want to be judges.

[01:11:04] TAMIMI
Like the men.

[01:11:07] KHOLOUD
What do you want?
I want to become a Shari'a judge.

[01:11:10] TAMIMI
So I laughed.

[01:11:11] TAMIMI
I laughed and I thought it was a joke.

[01:11:16] KHOLOUD
But I said I had evidence,

[01:11:20] KHOLOUD
and I showed him my research proving
that women can be Shari'a judges.

[01:11:27] KHOLOUD
The roots of Islamic law are clear.

[01:11:32] KHOLOUD
In Shari'a law, we first look
for answers in the Qur'an.

[01:11:36] KHOLOUD
Next, we consult the Prophets.
Then we do "Ijtihad," the interpretation.

[01:11:41] KHOLOUD
And in Islamic Law, there was
a disagreement about women judges.

[01:11:48] KHOLOUD
Some schools of Islamic thought allow it and others forbid it.

[01:11:52] KHOLOUD
In Palestine, we follow the Hanafi school and they permit it.

[01:11:58] KHOLOUD
So why would Palestine take the conservative approach?

[01:12:07] TAMIMI
This proposition opened me up to the possibility.

[01:12:15] AFANAHA
Anyone who says that the Hanafi school
of thought approves such things,

[01:12:18] TITLE CARD
DR. HUSAM AL-DEEN AFANAHA
Professor, Shari'a scholar

[01:12:21] AFANAHA
is incorrect. From a scholarly perspective.

[01:12:27] KHOLUD
Dr. Husam Al-Deen AfanaHA is
considered an Islamic scholar.

[01:12:32] KHOLUD
He has a doctorate in Islamic Shari'a.

[01:12:35] KHOLUD
He attacked the issue, even publishing his views online.

[01:12:40] AFANAHA
No scholar has said that a woman can be a judge.

[01:12:45] AFANAHA
The proof is that

[01:12:47] AFANAHA
in all Islamic history, from the Prophet until today,

[01:12:54] AFANAHA
there has not been a single female judge.

[01:12:57] TAMIMI
In our society, traditions are so strong

[01:13:02] TAMIMI
that they overrule the actual Shari'a law.

[01:13:18] INTERVIEWER
What do you think about a woman Shari'a judge?

[01:13:22] WOMAN
A man can separate his mind and heart,
so his judgment would be better than a woman's.

[01:13:30] WOMAN
I don't want to be perceived as anti-woman,
but it's true. I have to speak the truth.

[01:13:36] WOMAN
I prefer a male judge.

[01:13:38] MAN
Shari'a courts are the core of corruption.

[01:13:42] MAN
This is what ruined us! A man says one word,
and his wife just sends him to prison!

[01:13:48] INTERVIEWER
No, I'm asking about a woman
judge in the Shari'a court.

[01:13:52] MAN
It's allowed.

[01:13:54] WOMAN 2
I would personally prefer a female judge,
because she'll understand my problem

[01:14:00] WOMAN 2
but if we want to look at it scientifically,
it's preferable to have male judges.

[01:14:07] WOMAN 3
Many people might not accept a ruling by
a female judge but they would from a male.

[01:14:17] WOMAN 3
But I don't agree with what she said,
I would accept a female judge's ruling.

[01:14:32] MAN
Islam is the religion that gave women their rights.

[01:14:34] MAN 2
Yes, of course.

[01:14:39] INTERVIEWER
But what do you think of a woman as Shari'a judge?

[01:14:41] MAN 3
Before Islam, women were oppressed.

[01:14:44] MAN 3
But I am against full equality for women.

[01:14:48] MAN 2
In a divorce case,

[01:14:50] MAN 2
the judge has to mediate between a husband and wife.

[01:14:55] MAN 2
A woman judge might not be able to-

[01:14:58] MAN
-Excuse me. Excuse me.

[01:15:00] MAN
The judge rules based on the information presented.

[01:15:04] MAN
She would just apply the law!

[01:15:06] MAN
A woman can be a Shari'a judge

[01:15:08] MAN
because there is nothing opposing this in the Shari'a.

[01:15:13] MAN 2
I say no, this is wrong.

[01:15:20] AFANAH
Some roles are known to be for men, not for women.

[01:15:30] AFANAH
Islam does not prevent women from working
in roles that are appropriate for their nature.

[01:15:37] AFANAH
She gives birth, she is pregnant, she bleeds,

[01:15:41] AFANAH
she is bound by these things,

[01:15:44] AFANAH
and this affects her work.

[01:15:48] TAMIMI
Other Sheikhs have attacked me fiercely in articles,
on the radio, and even in mosques.

[01:15:57] TAMIMI
But I will defend this decision with all of my might.

[01:16:03] KHOLOUD
I think that God helped me pursue justice
in the community and open a closed door.

[01:16:11] KHOLOUD
They held another round of exams,

[01:16:14] KHOLOUD
so I called my friend Asmahan from law
school and encouraged her to apply.

[01:16:20] KHOLOUD
We became the first women Shari'a judges in Palestine.

[01:16:25] KHOLOUD
Two women out of eleven judges.

[01:16:30] WOMAN
Palestinians entered uncharted territory in the area of Shari'a law by appointing two
female judges.

[01:16:36] VARIOUS SPEAKERS
Kholoud Al-Faqih, Kholoud Al-Faqih, Kholoud Al-Faqih

[01:16:40] WOMAN 2
ever to fill the post in the Middle East

[01:16:42] WOMAN 3
Observers say these new Shari'a court appointments are revolutionary.

[01:16:54] KHOLOUD
I felt victorious.

[01:17:02] KHOLOUD
But there were doubts. Many were

watching to see if we would succeed or not.

[01:17:25] TITLE CARD
BEIT RIMA

[01:17:39] OMAR
My mom is a judge!

[01:17:44] HANI
Hey world! My mom is a judge! My dad is a lawyer!

[01:17:55] YAQOUB
She opened the way

[01:17:57] YAQOUB
for other women to become Shari'a judges after her.

[01:18:02] TITLE CARD
YAQOUB SHAWWA
Kholoud's Husband

[01:18:03] YAQOUB
Her name will be written in a book,
for her, her children, and the future.

[01:18:07] YAQOUB
Kholoud Al-Faqih is the first woman Shari'a judge

[01:18:10] YAQOUB
in Palestine and in the Arab world.

[01:18:32] KHOLOUD
People connect the Shari'a courts with
religion because of their upbringing.

[01:18:38] KHOLOUD
They think it must be a man with a beard
and a tarboush (sheikh's hat).

[01:18:45] KHOLOUD
Sheikh Tayseer said to me, "Kholoud, now that
you're a Shari'a judge, how will we dress you?"

[01:18:53] KHOLOUD
"You can't wear a tarboush!"
And I said, "No, let me think."

[01:19:00] KHOLOUD
It was when Fatah and Hamas had split,

[01:19:04] KHOLOUD
and the Palestinian flag represents our country as a whole.

[01:19:08] KHOLOUD
Neither Fatah nor Hamas.
And our position as judges is neutral.

[01:19:13] KHOLOUD
The most important thing is to achieve
justice for everyone on Palestinian land.

[01:19:19] KHOLOUD
I sent it to the seamstress to make
one for me and one for Asmahan.

[01:19:22] KHOLOUD
And so it became the official uniform
of the female judges in Palestine.

[01:19:27] KHOLOUD
I really love this uniform.

[01:19:43] AFANAH
There are many evils associated with this.

[01:19:48] AFANAH
This requires women mixing with men,

[01:19:51] AFANAH
which causes great friction.

[01:20:03] TITLE CARD
SHARI'A COURT
BIRZEIT

[01:20:44] KHOLOUD
Falastine, you'll be making an oath
that your husband is from Jeeb,

[01:20:49] KHOLOUD
and is now residing in the USA
with unknown whereabouts. True?

[01:20:55] KHOLOUD
And that you have consummated the marriage,

[01:21:00] KHOLOUD
and that he has left you without spousal
support, not even through a third party?

[01:21:07] FALASTINE
No, there was verbal abuse and-

[01:21:11] KHOLOUD
We're talking about spousal support now.

[01:21:13] KHOLOUD
And you're not divorced, during the waiting period?

[01:21:17] KHOLOUD
And you're not "Nashez," meaning a woman
who leaves her husband's house?

[01:21:23] KHOLOUD AND FALASTINE
-Are you willing to make an oath on that?
-Yes, of course.

[01:21:25] KHOLOUD AND FALASTINE
I swear to God Almighty

[01:21:27] KHOLOUD AND FALASTINE
that my husband, the defendant,

[01:21:31] KHOLOUD AND FALASTINE
who married me and consummated
according to Shari'a law,

[01:21:34] KHOLOUD AND FALASTINE
has left me without my full or partial spousal support,

[01:21:38] KHOLOUD AND FALASTINE
and that I was not disobedient to his will,

[01:21:44] KHOLOUD AND FALASTINE
nor pregnant in this period of separation.

[01:21:48] KHOLOUD AND FALASTINE
May God be my witness.

[01:21:52] KHOLOUD
Have a seat.

[01:21:57] KHOLOUD
Please bring Ahmad Hamayil and the other two.

[01:22:03] KHOLOUD
Greetings to you.

[01:22:05] KHOLOUD
Please come in, sir.

[01:22:09] KHOLOUD
Mohammed, Ahmad, and Raed.

[01:22:16] KHOLOUD
Do you know why you're here?

[01:22:18] KHOLOUD
The court has requested you here
as witnesses before God.

[01:22:22] KHOLOUD AND MEN
-Do you know Falastine?
-Of course.

[01:22:24] KHOLOUD
Do you know Ghaleb? Do you
know what he does for a living?

[01:22:29] KHOLOUD
We're going to estimate monthly support for Falastine.

[01:22:33] KHOLOUD
How much for her to dress, eat, and drink
according to her husband's ability.

[01:22:36] KHOLOUD
The wife of a rich man lives rich and
the wife of a poor man lives poor.

[01:22:40] KHOLOUD
Naturally, the minister's wife has a different
lifestyle from a teacher's wife.

[01:22:45] KHOLOUD

Please discuss amongst yourselves
and come back with an amount.

[01:22:49] IMAD
But don't take too long.

[01:22:51] KHOLOUD
One minute!

[01:22:55] IMAD AND KHOLOUD
-So you think the minister's wife is rich?
-The minister's wife lives the life of a minister.

[01:23:00] WOMAN AND IMAD
-But he's in debt!
-7000 dollars!

[01:23:02] KHOLOUD
Don't talk politics now!

[01:23:18] KHOLOUD
OK, sir. How much monthly?

[01:23:22] MAN AND KHOLOUD
-1000 Shekels a month.
-1000 Shekels. He can afford that?

[01:23:25] MAN
He has a car and makes \$400 a day.

[01:23:30] MAN 2
He has a limousine.

[01:23:34] KHOLOUD
OK, where is Falastine? Do you agree
to 1000 Shekels a month?

[01:23:39] KHOLOUD
With nothing more to add,

[01:23:42] KHOLOUD
I hereby declare the case closed
in God's name and according to the law.

[01:23:53] IMAD
At first, we feared that her femininity

would hinder her being a judge,

[01:23:59] TITLE CARD

IMAD AHMAD

Attorney

[01:24:04] IMAD

but on the contrary, both Mrs. Kholoud
and Mrs. Asmahan were able to overcome it.

[01:24:10] IMAD

They are strong judges who can manage
their courtrooms as well as the men,

[01:24:18] IMAD

and we're proud they sometimes even surpass them.

[01:24:26] KHOLOUD

How are you? What's your news?

[01:24:29] REEMA

It's important for me because it broke the status quo.

[01:24:35] TITLE CARD

REEMA SHAMASNEH

Attorney

[01:24:37] REEMA

It broke the deadlock of confining women to traditional roles.

[01:24:42] REEMA

I'd love for there to be more women in this position.

[01:24:45] REEMA

But unfortunately, we only have
two women judges out of many.

[01:24:49] REEMA

Of course, this is upsetting.

[01:24:52] HANAN

It worries me to have Shari'a courts. They were primarily male and they were very
unjust to women. Now I think if you have women,

[01:25:01] TITLE CARD

HANAN ASHRAWI

Legislator and scholar

[01:25:01] HANAN

especially women who are aware of their gender commitments
if they are gender sensitive, if they are not easily intimidated and excluded. And you
can stand up to them and find ways of empowerment, this is fine.

[01:25:17] KHOLOUD

Toujan?

[01:25:18] KHOLOUD

Your ID, please.

Yours as well, Khaled.

[01:25:21] KHOLOUD

If you divorce, you'll still be connected by your children.
The children's best interest is always first.

[01:25:28] KHOLOUD

And both parties need to be in agreement.

[01:25:33] KHOLOUD

Khaled asked to amend his visitation
rights based on his schedule,

[01:25:40] KHOLOUD

and your child's school schedule.
So what is the problem with this?

[01:25:46] TOUJAN

The problem is this isn't true.

[01:25:48] TOUJAN

He hasn't even asked about the boy in three years.

[01:25:51] TOUJAN

No phone call or anything.

[01:25:53] KHOLOUD

No one is disputing your custody rights.
But visitation is a father's right.

[01:25:57] KHOLOUD

So we try to keep things fair.

[01:26:01] TOUJAN

Why doesn't he put him in kindergarten?

[01:26:03] KHOLOUD
How much is kindergarten?

[01:26:05] TOUJAN
Around 4000 Shekels.

[01:26:07] KHOLOUD
There are cheaper kindergartens. Some
take 200 Shekels a month.

[01:26:11] TOUJAN
And 200 is nothing?

[01:26:12] TOUJAN
He only pays 300. That's enough for food and all that?

[01:26:17] KHOLOUD
What do you think, Khaled? About the kindergarten?

[01:26:20] KHALED
Kindergarten?

[01:26:21] KHOLOUD
To pay for his kindergarten fees. You'd
find one in Ramallah and register him.

[01:26:25] KHALED
If I can afford it.

[01:26:27] KHOLOUD
200 or 300 Shekels a month shouldn't be a problem.

[01:26:30] KHALED
I can't.

[01:26:31] KHOLOUD
You can't what?

[01:26:33] KHALED
I have a son imprisoned in Jericho. I pay his lawyer.

[01:26:37] KHOLOUD
This is your son, too.

[01:26:39] KHOLOUD
And he's in preschool.

[01:26:41] KHOLOUD
Khaled, when there is disagreement,
we have to follow the law.

[01:26:47] KHOLOUD
By law, you only get 24 hours visitation.
We can only change the days.

[01:26:52] KHALED
But what she's saying is in opposition to article 163
and the interpretation of his honor the Chief Justice

[01:26:59] KHALED
in the ruling of 61/76-

[01:27:02] KHOLOUD
Khaled! I know all this.

[01:27:05] KHALED
There's an appeal decision-

[01:27:06] KHOLOUD
Stop. I've memorized all the laws.
Just tell me what you want.

[01:27:10] KHALED
"You cannot cancel visitation rights."

[01:27:12] KHOLOUD
Nobody's cancelling your rights.
She says she's OK with it.

[01:27:17] KHALED
She doesn't let me see him,
not even at these court hearings-

[01:27:21] KHOLOUD
Khaled, please.

[01:27:22] KHOLOUD
If you came here to fight, that's another story.
You can fight outside. Not here.

[01:27:29] KHOLOUD
And this is the Shari'a ruling.

[01:27:44] SIREEN
Samer!

[01:27:47] SIREEN
2016?

[01:27:48] SIREEN
This case.

[01:28:02] KHOLOUD
Hello, Samih, how are you?

[01:28:05] KHOLOUD
OK, the person who should be
filing this claim is Hissin.

[01:28:09] KHOLOUD
She's the affected one. So she's
the one who should file this claim.

[01:28:13] MAN
Could I answer on her behalf?

[01:28:15] MAN AND KHOLOUD
-We went all the way to the court in Silwad-
-Fine, go back to Silwad and see what's required.

[01:28:22] MAN
So why did you accept this case?

[01:28:24] KHOLOUD
We must accept anyone who files here, even Jewish
(or Christian), although our rulings wouldn't apply to them.

[01:28:29] KHOLOUD
After that, we can either process the case or not.

[01:28:32] MAN
You've had our case an entire year!

[01:28:35] KHOLOUD
It was dropped.

[01:28:38] MAN 2
We couldn't get past the checkpoints,
so our case was dropped.

[01:28:52] HANAN
Palestine has been historically an enlightened place. A more sort of pluralistic and
tolerant place in the middle of the Arab world.

[01:29:05] KHOLOUD
Palestinian law is like a cocktail of laws

[01:29:10] KHOLOUD
due to the historic periods that
Palestine has undergone.

[01:29:15] HANAN
Palestine is subject to multiple colonial powers. Ottoman, British, Jordanian and the
State of Israel.

[01:29:32] KHOLOUD
So now we have Jordanian laws in the West Bank.

[01:29:40] KHOLOUD
In Gaza, Ottoman law with Egyptian influence.

[01:29:47] KHOLOUD
In East Jerusalem, we use Jordanian laws.

[01:29:51] KHOLOUD
And West Jerusalem uses both Ottoman and Israeli laws.

[01:29:57] KHOLOUD
So this adds to the difficulty of the situation.

[01:30:24] KHOLOUD
My mother has a sixth grade education and
my father has an eighth grade education.

[01:30:29] KHOLOUD
But they always encouraged us to focus on education.

[01:30:33] FATHER AND KHOLOUD
-She likes the goats better than me!
-She loves them!

[01:30:37] KHOLOUD

With the goats, eh?

[01:30:45] FATHER
You're proud of a daughter, just like a son.

[01:30:51] KHOLOUD
You feel proud when they do good things.

[01:30:56] KHOLOUD
And Kholoud is wonderful.
What more could I want?

[01:31:06] FATHER
I put almost all twelve of my children through university.

[01:31:11] FATHER
As their father, I wanted my girls to
study, even more than my sons.

[01:31:17] FATHER
A man can work and become self-sufficient,

[01:31:21] FATHER
but for a woman, education is her weapon.

[01:31:24] FATHER
No one knows what the future holds.

[01:31:26] FATHER
She must provide for herself.

[01:31:29] FATHER
She shouldn't have to rely on anyone else.

[01:31:33] FATHER
So my primary goal was to arm them with education.

[01:31:53] FATHER
And God willing, she'll be a minister at the highest level.

[01:31:59] MOTHER
And she'll take President Abbas' place!

[01:32:04] KHOLOUD
I don't want Abbas' job!

[01:32:06] FATHER
Why not? That's life!

[01:32:10] FATHER
Look at Hillary Clinton!

[01:32:43] HALA AND KHOLOUD
-Mommy I don't want this!
-Leave it.

[01:32:59] KHOLOUD
Hanin, hurry up! The bus driver
will be here any second.

[01:33:05] KHOLOUD
I have four children,

[01:33:07] KHOLOUD
two girls and two boys.

[01:33:10] KHOLOUD
My children are still young and need a lot of care.

[01:33:14] HANI
You gave me cucumbers.

[01:33:18] KHOLOUD
And God willing, I will fulfill my duties as well as I can.

[01:34:03] MAN
What I see most is that men are wronged!

[01:34:07] TITLE CARD
LAWYER'S BREAK ROOM

[01:34:10] IMAD
Women's organizations' goals are all political.

[01:34:14] IMAD
And they focus on religion, attacking religion and its flaws.

[01:34:18] IMAD
"Women don't get their inheritance."
Who said that? They get it and even more!

[01:34:25] INTERVIEWER

If the judge were a woman,

[01:34:27] INTERVIEWER
would she be biased towards the wife?

[01:34:29] LAWYER
Maybe. She might empathize. Maybe.

[01:34:32] LAWYER
As you know, emotions do overtake logical thinking.

[01:34:37] LAWYER
If a woman cries and says, "I have problems
with my husband blah, blah, blah,"

[01:34:43] LAWYER
she might be more inclined to help her.

[01:34:48] IMAD
Let me tell you, here in the Shari'a court,
most of the problems are simple.

[01:34:55] IMAD
Simple to resolve. But people's
interference entangles them.

[01:35:01] LAWYER
Most of my pay comes from men, not women.

[01:35:06] LAWYER
Because as far as I'm concerned,
if a woman comes to me,

[01:35:09] LAWYER
I try to fix her and send her back to her husband.

[01:35:13] LAWYER
No man would ever cause problems with his wife.

[01:35:35] KHOLOUD
What seems to be the problem, Shiraz and Sami?

[01:35:38] SHIRAZ
It's a big issue.

[01:35:41] SHIRAZ

My husband's family keeps trying to hurt me.

[01:35:45] SHIRAZ
Once they tried to hit me with a pressure cooker.

[01:35:49] SHIRAZ
One time they attacked me, and
my husband didn't try to protect me.

[01:35:54] SHIRAZ
It would be safer to go back to my family.

[01:35:56] SAMI
This isn't my fault! This is our first problem-

[01:35:59] KHOLOUD
What solutions do you have for
this issue with your wife?

[01:36:02] SAMI
My wife is suing my mom and suing
me, what am I supposed to do?

[01:36:07] KHOLOUD
Sami, remember that there is a child involved!

[01:36:12] REEMA
The majority of marital discord cases we see
are due to violence within the family.

[01:36:20] REEMA
80% of these cases are filed by women.

[01:36:28] KHOLOUD
Start a new page.

[01:36:39] KHOLOUD
Has he spoken with you?

[01:36:41] WOMAN AND KHOLOUD
-Yeah, he talked to me recently.
-And?

[01:36:43] WOMAN
He won't divorce me. He says,
"Do whatever you want, I won't get a divorce."

[01:37:31] KHOLOUD AND HALA
-Hala?
-Yes?

[01:37:32] KHOLOUD AND HALA
-Can you help me?
-Yes.

[01:37:52] YAQOUB
I met Kholoud in a lawyer's office.

[01:37:56] TITLE CARD
YAQOUB SHAWWA
Kholoud's Husband

[01:37:58] YAQOUB
We were both lawyers and we met during a case.

[01:38:03] YAQOUB
We got into a fight and ended up shouting at each other.

[01:38:09] YAQOUB
I am naturally a bit stubborn and she is also stubborn,

[01:38:13] YAQOUB
she has a strong personality, so we had good chemistry.

[01:38:18] YAQOUB
And it was our destiny to marry.

[01:38:27] KHOLOUD
When I married, and we were writing out contract,

[01:38:31] KHOLOUD
the marriage officiant asked me,
"What do you want to include?"

[01:38:34] KHOLOUD
My father said, "No! Don't negotiate your
marriage like a business transaction!"

[01:38:42] KHOLOUD
I told him this was my decision
and my contract and I insist on it.

[01:38:46] YAQOUB

Do you want to add mayonnaise?

[01:38:48] KHOLOUD

Yes.

[01:38:50] KHOLOUD

The marriage contract is the cornerstone of the family, its birth certificate.

[01:38:59] KHOLOUD

Why shouldn't our agreement be frank and honest from the beginning?

[01:39:06] KHOLOUD AND YAQUOB

-It needs more salt.

-No, I've already added salt.

[01:39:10] KHOLOUD AND YAQUOB

-You sure?

-Yes.

[01:39:12] KHOLOUD

Pray for it.

[01:39:15] KHOLOUD

One, two, and a half, and a half, and a half.

[01:39:18] HANI

Oh no no no!

[01:39:22] KHOLOUD

Close enough!

[01:39:24] KHOLOUD

Wait, Hala!

[01:39:28] HANI

Mom, what's your wish for the new year?

[01:39:34] KHOLOUD

What's your wish?

[01:39:37] HANI AND HALA

-No, what's your wish?

-She wishes for a happy life.

[01:39:40] KHOLOUD
A happy life.

[01:39:44] KHOLOUD
Performing marriage ceremonies isn't easy.

[01:39:50] KHOLOUD
It's the beginning of married life,
of the sacred tie between a man and a woman.

[01:40:17] TITLE CARD
TAHREER HAMMAD
Marriage Officiant

[01:40:21] KHOLOUD
Tahreer is the first woman marriage officiant in Palestine.

[01:40:25] KHOLOUD
I want to support any woman who wants to enter this field.

[01:40:30] KHOLOUD
Help her with her books and studies.

[01:40:37] TAHREER
Hasan, Hasan!

[01:40:46] TAHREER
Hasan and Nusayba, your I.D.s please.

[01:40:50] MAN
What is this, a checkpoint?

[01:40:54] HASAN
The camera would be confiscated!

[01:40:59] TAHREER AND HASAN
-What is your education level, Hasan?
-High school.

[01:41:02] TAHREER AND HASAN
-What is your job?
-Shop owner.

[01:41:06] TAHREER
Hasan and Nusayba, do you have any

special conditions to add in your contract?

[01:41:13] HASAN AND TAHREER

-Nothing from me.

-No conditions.

[01:41:17] KHOLOUD

The man and the woman can make any marriage contract

[01:41:21] KHOLOUD

as long as it is not against the law or the Islamic Shari'a.

[01:41:24] KHOLOUD

The woman can require that she be allowed to finish her studies, even a PhD.

[01:41:32] KHOLOUD

She can put in a condition that

[01:41:35] KHOLOUD

if he takes another wife without her permission,

[01:41:39] KHOLOUD

she can divorce him and keep all her dowry.

[01:41:44] TAHREER AND HASAN

-Any previous marriages, Hasan?

-No.

[01:41:46] TAHREER AND HASAN

-How many women do you have at home?

-What? Women?

[01:41:50] HASAN AND TAHREER

-Just my mother!

-Just one?!

[01:41:54] TAHREER

Hey, your fiancée was nervous waiting for your answer!

[01:41:59] KHOLOUD

Although Shari'a law allows men to marry up to four wives,

[01:42:04] KHOLOUD

a woman can make it very

difficult for her husband

[01:42:10] KHOLOUD
to marry another woman.

[01:42:16] TAHREER
Nusayba, do you accept as advanced dowry
of three thousand Jordanian Dinars?

[01:42:20] NUSAYBA AND TAHREER
-I accept.
-Hasan?

[01:42:26] TAHREER
May God bless you, unite you in goodness,

[01:42:30] TAHREER
and provide you with good children.

[01:42:34] MAN
Congratulations, daughter.

[01:42:36] MAN 2
Congratulations.

[01:42:41] TAHREER
Witnesses, come over here.

[01:42:45] AFANAH
When I heard

[01:42:48] AFANAH
the courts hired a woman as a Shari'a marriage officiant,

[01:42:54] AFANAH
I wrote a detailed *fatwa* (legal opinion) against it

[01:42:59] AFANAH
because I believe that their point of view
was based on improper evidence

[01:43:05] AFANAH
that conflicts with the principles of Shari'a.

[01:43:10] TAHREER
On Facebook, I saw the *fatwa* by Dr. Husam Al-Deen Afanah,

[01:43:14] TAHREER
who had been my professor.

[01:43:17] TAHREER
In the online responses to his *fatwa*

[01:43:21] TAHREER
people were commenting with ignorance,
just because they wanted to talk.

[01:43:25] TAHREER
They were condescending towards women.

[01:43:27] TAHREER
They didn't look at it from a Shari'a or legal perspective.

[01:43:30] TAHREER
They said that women are useless, can't do anything.

[01:43:34] TAHREER
How can they be officiants?

[01:43:35] TAHREER
That really provoked me. They're arguing
without knowing the Shari'a.

[01:43:40] TAHREER
Go back to the Qur'an, to the Hadith,
read the religious scholars,

[01:43:44] TAHREER
then you can argue. If you don't
have the knowledge, don't argue.

[01:43:51] KHOLOUD
Husam Al-Deen Afanah has opinions on various issues.

[01:43:55] KHOLOUD
I don't agree with many of them,

[01:43:58] KHOLOUD
though many people blindly follow him.

[01:44:02] KHOLOUD
I feel that his opinions are too conservative.

[01:44:05] KHOLOUD

Tell him this is unacceptable and that you're the first woman marriage officiant.

[01:44:10] KHOLOUD

What is he opposing?

[01:44:15] TAHREER

Why me?

[01:44:17] KHOLOUD

But you need to persist!

[01:44:19]TAHREER

I consider Judge Kholoud to be a role model.

[01:44:22] TAHREER

She encouraged me a lot.

[01:44:25] TAHREER

And she said to me, "Any problem, any question,

[01:44:29]TAHREER

I'm here for any help you might need."

[01:44:32] TAHREER

Thank you. Goodbye!

[01:44:33] KHOLOUD AND TAHREER

-Just don't give him the opportunity!

-I'll try.

[01:44:36] KHOLOUD

God willing.

[01:44:49] TAHREER

Name of your wife? The first one.

[01:44:51] MAN

Israa

[01:44:55] MAN

I came today to get married,

[01:44:56] MAN

but I'm already officially married to another girl

[01:45:01] MAN
but it wasn't working out.

[01:45:03] MAN
So I wanted to marry another girl
who will be what I want her to be.

[01:45:10] MAN
I came to court expecting things to run smoothly,

[01:45:16] MAN
but they asked us to inform the first girl
that I want to get married again.

[01:45:22] TAHREER
She doesn't have to approve, but she should
know that her husband is getting married.

[01:45:26] TAHREER
It protects the second wife.

[01:45:29] TAHREER
If the husband dies, for the inheritance,
she should know that he has another wife.

[01:45:40] MAN
You can wait here.

[01:45:42] TAHREER
I often hear from married women:
"I'd rather he die than take another wife!"

[01:45:47] TAHREER
Because I am single,

[01:45:50] TAHREER
I don't know how I'd feel if my husband
told me he's marrying another.

[01:45:55] TAHREER
Maybe I would shoot him. Or poison him.

[01:45:59] TAHREER
I don't know how I would feel!

[01:46:12] TAMIMI
Praise God, Islam permits multiple marriages,

[01:46:18] TAMIMI
because it prohibits relationships outside of wedlock.

[01:46:22] TAMIMI
Thank you, thank you, thank you.

[01:46:26] TAMIMI
A non-Muslim man can be married
and have many mistresses,

[01:46:34]TAMIMI
but we have only Shari'a marriage.

[01:46:38] TAMIMI
Allah states in the Qur'an-

[01:46:40]TAMIMI
marry women of your choice, two or three, or four.

[01:46:43] TAMIMI
*If you fear that you shall not be able to
deal justly (with them), then only one.*

[01:46:54] TAMIMI
This is the home of my first wife,

[01:46:57] TAMIMI
Um Rami.

[01:46:58]TAMIMI
We have one son and nine daughters together.

[01:47:02] INTERVIEWER
What are the reasons you married the first,
the second and the third? What can you-

[01:47:08] TAMIMI AND INTERVIEWER
-Someone is at the door.
-Can I see who?

[01:47:10] TAMIMI
I don't want him to think you're

wife number four. Let him in!

[01:47:14] INTERVIEWER AND TAMIMI

-I'll go talk to him.

-No, let him in so I can see who it is!

[01:47:22] KHOLOUD

A strict interpretation of the Qur'an
says there needs to be equality.

[01:47:29] KHOLOUD

Equality of wealth, of housing, of intimacy,

[01:47:33] KHOLOUD

of family time, of spending nights together...

[01:47:38] KHOLOUD

Without that, there can be no polygamy.

[01:47:44] KHOLOUD

It was a solution from the past, when women
were taken as war trophies, as property.

[01:47:54] KHOLOUD

Hurry up!

[01:47:55] KHOLOUD

I believe in the Shari'a text but I refuse to allow
my husband to take a second wife.

[01:48:14] KHOLOUD

I heard a case where a man had
been married to his wife for 18 years,

[01:48:20] KHOLOUD

and his wife was unable to have children.

[01:48:26] KHOLOUD

So he married a divorced woman who
had four kids from her first husband.

[01:48:36] KHOLOUD

Because he mistreated her, she asked for a divorce.

[01:48:39] KHOLOUD

In court, he said sex was better with his first wife

[01:48:44] KHOLOUD
because she had a nice body and no kids.

[01:48:49] KHOLOUD
But his new wife had stretch marks.

[01:48:53] KHOLOUD
He didn't like that.

[01:49:04] KHOLOUD
This is the problem—the way they view women.

[01:49:07] KHOLOUD
She exists only for pleasure and for child bearing.

[01:49:12] KHOLOUD
I live in the 21st century. It doesn't
make sense to use 10th century customs.

[01:49:18] KHOLOUD
I will never do that.

[01:49:33] WOMAN
How are you? What's your news?
Many happy returns!

[01:49:38] KHOLOUD
How are things?
Everything going well?

[01:49:43] KHOLOUD
How are you? What's happening?

[01:49:46] KHOLOUD
And what happened with your daughter?

[01:49:49] WOMAN
We called her in the morning.

[01:49:52] WOMAN
But he's devious.

[01:49:55] WOMAN
He keeps saying she left him.

[01:49:59] WOMAN
But her husband is the one who left her.

[01:50:04] KHOLOUD
I spoke to her on the phone. I told her to be careful,

[01:50:08] KHOLOUD
be wary, lock the doors... We spent an hour talking.

[01:50:12] KHOLOUD
I wanted to seek justice with this work because

[01:50:18] KHOLOUD
the types of cases were mostly cases about women.

[01:50:23] KHOLOUD
Alimony, divorce, inheritance,

[01:50:27] KHOLOUD
as well as private intimate matters between wife and husband.

[01:50:35] KHOLOUD
The most important thing is that she doesn't
give up her right to spousal support.

[01:50:40] KHOLOUD
According to Arab and Palestinian customs,

[01:50:47] KHOLOUD
there is a culture of shame that doesn't allow
women to speak of intimate details.

[01:50:54] KHOLOUD
God bless you!

[01:51:00] KHOLOUD
We were supposed to visit another
neighbor whose husband beat her,

[01:51:09] KHOLOUD
but when I told her I could come,
her mother and sister didn't want that,

[01:51:15] KHOLOUD
because that would mean too much talking about the situation,

[01:51:20] KHOLOUD
and they wanted her to get back together with him.

[01:51:25] KHOLOUD
So she didn't want to talk about it.

[01:51:28] KHOLOUD AND AUNTIE
-Hello, how are you, Auntie?
-Many happy returns.

[01:51:35] DAREEN
I think Judge Kholoud has effected so much change.

[01:51:41] TITLE CARD
DAREEN SALHIYEH
Domestic Violence Prosecutor

[01:51:44] DAREEN
We see domestic violence as a private,
family matter, so we don't get involved.

[01:52:00] KHOLOUD
I once heard a case where the wife claimed that
her husband was sadistic in their sexual relations,

[01:52:07] KHOLOUD
he would hit her, tie her up and so on.

[01:52:18] KHOLOUD
The husband beat her viciously,

[01:52:21] KHOLOUD
then is only happy once he has sex with her,

[01:52:26] KHOLOUD
after she has been beaten up and all that.

[01:52:36] DAREEN
Shari'a law does not consider sexual abuse, or
nonconsensual sex between spouses, to be rape.

[01:52:49] DAREEN
The absence of support for abused women,

[01:52:52] DAREEN
and the shaming, naming, blaming.

[01:52:56] DAREEN
Placing the blame onto the woman, saying,
"How could you put your husband in prison?"

[01:53:00] DAREEN
"How could you put his family through this?"

[01:53:21] TAMIMI
Violence is not just beating.

[01:53:25] TAMIMI
There are different manifestations of violence against women.

[01:53:32] TAMIMI
Economic violence.

[01:53:35] TAMIMI
Moral violence.

[01:53:40] TAMIMI
Women are murdered on the basis of honor.

[01:53:45] TAMIMI
Even if it's based on rumors.

[01:53:53] REEMA
We even have a special file on killings based on the family honor.

[01:54:01] REEMA
In order to escape murder charges,

[01:54:04] REEMA
they use the "honor killing" defense.

[01:54:08] REEMA
The criminal law provides justification for committing murder,

[01:54:14] REEMA
and escaping with minimal punishment.

[01:54:20] REEMA
Unfortunately, society's thinking is,
"What did she do to get killed?"

[01:54:25] REEMA

And they think she did something dishonorable.

[01:54:33] HANAN

We're trying to have a penal code that does not provide any kind of excuse for honor killings. That does not look at the use of the honor code as a way of justifying or creating mitigating circumstances for the murder of women. The honor killing business embodies so many things of the vulnerability of women and of the shame culture defining its honor through women's sexual behavior.

[01:55:09] REEMA

Traditionally, the woman is the marginalized party in the Shari'a courts.

[01:55:17] REEMA

This causes me, I can't say depression,

[01:55:22] REEMA

because if I succumb to depression, I wouldn't be able to work.

[01:55:25] REEMA

But on the inside, it hurts.

[01:55:43] TAMIMI

Women are not treated equally under the law.

[01:55:47] TAMIMI

I believe the Shari'a court is the place

[01:55:51] TAMIMI

where we can provide equality to women.

[01:55:57] TITLE CARD

One year after appointing Kholoud and Asmahan, Sheikh Tayseer Al-Tamimi is forced to retire. No official explanation was given.

[01:56:25] TITLE CARD

THE SUPREME COUNCIL FOR THE SHARI'A COURTS
OFFICE OF THE CHIEF JUSTICE

[01:56:31] TITLE CARD

YOUSUF AL-DAIS
New Chief Shari'a Justice

[01:56:35] YOUSUF

A few days ago, his honor the President told a British judicial delegation

[01:56:39] YOUSEF
that Palestine is the first Arab country to appoint a female Shari'a judge.

[01:56:44] YOUSEF
We want to do more but there are limits to our funding.

[01:56:51] TAMIMI
I had announced a competition

[01:56:55] TAMIMI
and many women applied.

[01:56:58] TAMIMI
And when I was retired,

[01:57:00] TAMIMI
they cancelled the exam.

[01:57:04] TITLE CARD
Sheikh Yousef Al-Dais, the new Chief Justice, cancels the judicial exams and restructures the courts.

[01:57:21] KHOLOUD
Sheikh Yousef removed all litigation from the small courts

[01:57:25] KHOLOUD
and moved those cases to the courthouse in Ramallah.

[01:57:29] KHOLOUD
Ramallah has a huge caseload, and people have to wait a long time,

[01:57:34] KHOLOUD
which violates the spirit of Shari'a, which is meant to be quick and efficient.

[01:57:34] YOUSEF
If a judge rules in favor of the wife or the husband, who will guarantee the judge's safety?

[01:57:40] YOUSEF

There should be security protection in the courthouse.

[01:57:43] YOUSEF
So after much study and looking into it,

[01:57:47] YOUSEF
I moved all litigation to the bigger courts
and made the smaller courts administrative.

[01:57:54] TAMIMI
I felt they were making things hard

[01:57:59] TAMIMI
for the two women judges Kholoud and Asmahan,

[01:58:03] TAMIMI
because some rejected the idea

[01:58:09] TAMIMI
even though they clearly excelled at their job.

[01:58:19] KHOLOUD
Where is the stamp from the mosque?

[01:58:24] KHOLOUD
Is that it?

[01:58:26] KHOLOUD
This is not acceptable.

[01:58:28] KHOLOUD
It must say which mosque it
comes from. Then I can sign it.

[01:58:33] KHOLOUD
How do I know who Tareq is?

[01:58:39.04] TITLE CARD
*Kholoud's work is reduced to administrative
and contractual cases without litigation.*

[01:59:02] KHOLOUD
I appealed to Sheikh Yousef to give me
back my cases, but he refused.

[01:59:08] KHOLOUD AND MAN

-Where is the document?

-I'm not sure.

[01:59:11] KHOLOUD

So how do I know what's written in it?

[01:59:16] KHOLOUD

OK, what does the document say?

[01:59:19] KHOLOUD AND MAN

-Is he married or single?

-Single.

[01:59:23] KHOLOUD

Being a judge without cases is very hard for me.

[01:59:28] KHOLOUD

It's a living hell.

[01:59:33] KHOLOUD

How can you call yourself a judge without cases?

[01:59:37] KHOLOUD

Here you go. Take it upstairs.

[02:00:01] KHOLOUD

A horrible thing happened this May.

[02:00:06] KHOLOUD

A couple came in to divorce.

[02:00:09] KHOLOUD

The wife was determined to divorce, but the husband refused,

[02:00:13] KHOLOUD

because he was strangely obsessed with his wife.

[02:00:23] KHOLOUD

The wife said, "Don't trust what he says because he's mentally ill."

[02:00:34] KHOLOUD

I transferred him to the Ministry of Health for a psychological evaluation.

[02:00:46] KHOLOUD

A month later, a report confirmed that the husband has bipolar disorder,

[02:00:54] KHOLOUD
and he can be dangerous.

[02:00:58] KHOLOUD
He is unfit, by law, to sign for the divorce.

[02:01:03] TITLE CARD
Because the husband was determined mentally ill and dangerous, his wife is allowed to divorce without his presence in court.

[02:01:16] KHOLOUD
I was then surprised that Sheikh Yousef issued an official order

[02:01:23] KHOLOUD
stating the man is capable and the court should hear his case.

[02:01:29] KHOLOUD
That order violated the protocols of the Supreme Court.

[02:01:35] KHOLOUD
But as judge, I am required to abide by all orders.

[02:01:56] SUMAYYA
It was early in the morning,

[02:01:58] TITLE CARD
SUMAYYA IRHAIMEH
Court Employee

[02:02:00] SUMAYYA
I arrived and said good morning to Mrs. Kholoud.

[02:02:03] MUSTAFA
The woman came in the morning to get the divorce.

[02:02:07] MUSTAFA
Her husband didn't come.

[02:02:09] TITLE CARD
MUSTAFA SHRATEH
Court Employee

[02:02:14] MUSTAFA
She asked me to tell Mrs. Kholoud that
she wanted to divorce quickly and go home.

[02:02:20] KHOLOUD
I told her we had to wait for her husband

[02:02:23] KHOLOUD
because both sides need to sign the agreement.

[02:02:27] KHOLOUD
I told her, "If you need to go, go."
She said, "No, I'll wait."

[02:02:32] MUSTAFA
The husband showed up and hour-and-a-half later.

[02:02:35] MUSTAFA
I told him to wait for the hearing.

[02:02:41] MUSTAFA
He sat in the waiting room. His wife sat across from him.

[02:02:46] SUMAYYA
I'm sitting at my computer and I hear screaming.

[02:03:00] KHOLOUD
I saw him on top of her doing this.

[02:03:05] SUMAYYA
I couldn't see the knife. I thought he was hitting her.

[02:03:09] SUMAYYA
But he was actually stabbing her.

[02:03:12] MUSTAFA
I pulled him away from her and brought him back here.

[02:03:17] MUSTAFA
I used all my strength, but he was still trying to kill her.

[02:03:23] KHOLOUD
I went and called an ambulance.

[02:03:28] KHOLOUD

"Come immediately, it's an emergency!"

[02:03:31] SUMAYYA
We wrapped the woman in a prayer rug.

[02:03:36] SUMAYYA
And Mrs. Kholoud was talking to her,

[02:03:38] SUMAYYA
tapping her, checking that she was still alive.

[02:03:42] MUSTAFA
She died right here.

[02:03:54] KHOLOUD
After we finished cleaning up the blood,

[02:04:00] KHOLOUD
I could barely stand.

[02:04:04] KHOLOUD
I felt I was falling down.

[02:04:07] KHOLOUD
For two days, my hands were shaking like this.

[02:04:12] KHOLOUD
It's so hard...

[02:04:15] KHOLOUD
This was a person who-

[02:04:36] YOUSEF
We, the Shari'a Judicial Council, demand maximum penalties...

[02:04:45] KHOLOUD
The next morning, I was watching TV,

[02:04:48] KHOLOUD
and one of the judges said,

[02:04:51] KHOLOUD
"We must punish those responsible for this crime."

[02:04:58] KHOLOUD
So this of course made me very, very angry.

[02:05:02] KHOLOUD
So I called Sheikh Yousef and said, "Who are you going to punish? Who's responsible?"

[02:05:07] KHOLOUD
"You are responsible for this crime."

[02:05:16] KHOLOUD
The report I got said that this person has bipolar disorder,

[02:05:23] KHOLOUD
and he is potentially dangerous.

[02:05:30] KHOLOUD
"I followed the protocol, but you overturned it,

[02:05:33] KHOLOUD
and so this girl's blood is on your hands."

[02:05:37] TITLE CARD
BILAL BARGHOUTHI
Anti-Corruption advocate

[02:05:40] BILAL
There was an intervention from
Chief Justice Sheikh Yousef Al-Dais

[02:05:44] BILAL
that is what led to the murder.

[02:05:57] KHOLOUD
There are many reasons I was angry with Sheikh Yousef.

[02:06:03] KHOLOUD
He wasn't a good administrator,

[02:06:07] KHOLOUD
he was a puppet for those in power,
unjust in giving promotions,

[02:06:12] KHOLOUD
removing cases from the Shari'a courts,

[02:06:16] KHOLOUD
reversing rulings according to personal

interests, which was really bad.

[02:06:25] KHOLOUD
These issues provoked a big group
of judges to go to the President

[02:06:30] KHOLOUD
with a petition calling for a new Chief Justice.

[02:06:45] BILAL
Judge Kholoud was one of the very brave judges

[02:06:50] BILAL
who first filed reports of the
violations by the Chief Justice.

[02:06:57] BILAL
She had the courage to file these reports

[02:07:01] BILAL
and uncover financial and administrative violations.

[02:07:08] TITLE CARD
After Kholoud submits the petition to the President,
Sheikh Yousef Al-Dais responds by investigating her cases.

[02:07:28] KHOLOUD
Where should we go, children?

[02:07:33] KHOLOUD
Grandma Miriam.

[02:07:39] KHOLOUD
What's new? You are well?

[02:07:46] KHOLOUD
Why don't you visit? I'm upset!

[02:07:49] GRANDMOTHER AND KHOLOUD
-I can't leave the house!
-Can't you bring her?

[02:07:54] MOTHER AND KHOLOUD
-How are things in court?
-You know... It's ok.

[02:07:57] KHOLOUD
There have been very difficult days.

[02:07:59] KHOLOUD
When the time went on, and it wasn't just one month
or a few months, it became more difficult.

[02:08:06] KHOLOUD
You don't feel real...

[02:08:08] KHOLOUD
A judge in name only, not real.

[02:08:14] KHOLOUD
It really makes you lose hope.

[02:08:17] KHOLOUD
This wasn't right.

[02:08:25] KHOLOUD
Careful, you'll fall, little mouse!

[02:08:27] KHOLOUD
Come sit here. And you go sit
by Grandma so she can show you.

[02:08:32] KHOLOUD
Here I have the ones I use to teach them.

[02:08:32] TITLE CARD
KHOLOUD'S MOTHER

[02:08:36] HANI
It's pretty, but...

[02:08:38] GRANDMOTHER
This is 30 years old!

[02:08:41] GRANDMOTHER
I wore it for my pilgrimage to Mecca.

[02:08:45] TITLE CARD
KHOLOUD'S GRANDMOTHER

[02:08:49] HANI
I don't want to wear this!

[02:08:54] KHOLOUD
No, it's pretty!

[02:08:56] HANI AND KHOLOUD
-What is this?
-That's how it's worn!

[02:09:01] KHOLOUD
This is Palestinian! You should wear it with pride.

[02:09:06] KHOLOUD
No, no, Hala, that's wrong!

[02:09:08] HALA
Take it, Mom. I swear I don't know how!

[02:09:14] KHOLOUD
Let's see. No, turn this one that way.

[02:09:21] HALA
Where do I put it?

[02:09:42] KHOLOUD
After a while, Sheikh Yousef was retired.

[02:09:49] KHOLOUD
And the new Chief Justice was appointed,
Dr. Mahmoud Al-Habbash.

[02:09:54] KHOLOUD
I told him, "I'm informing you

[02:09:56] KHOLOUD
that I will start receiving cases again."

[02:09:59] KHOLOUD
So he started laughing and said,
"What else do you want?"

[02:10:02] KHOLOUD
I said I will become Chief Justice.
He started to laugh, in disbelief.

[02:10:09] KHOLOUD
I said, "Not now, in 10 years!"

[02:10:33] KHOLOUD

Hello! How are you?
What's the news?

[02:10:47] KHOLOUD

In January 2016, all the cases went
back to the smaller courts.

[02:11:01] KHOLOUD

Divorce, maintenance, uh, custody, maintenance, divorce, divorce, divorce, divorce,
maintenance, divorce, inheritance, divorce.

[02:11:17] KHOLOUD

So many divorce cases.

[02:11:21] KHOLOUD

Since 2009, Asmahan and I are still the only
women judges in the Shari'a courts.

[02:11:26] KHOLOUD

Sireen?

[02:11:29] SIREEN

Did you check to see if there are any missing cases?

[02:11:33] KHOLOUD

I would encourage any woman to do this.

[02:11:37] KHOLOUD

And I believe that it's a duty,

[02:11:40] KHOLOUD

necessary for justice and for society.

[02:11:43] SIREEN AND KHOLOUD

-Are these the same details we want?
-Approximately, but not in this detail.

[02:11:47] KHOLOUD

We can use some of it.

[02:11:49] KHOLOUD

The adjudications, the generalizations,
and the appeals.

[02:11:54] REEMA

There is a new appointment happening now,
and I hope we get some new women judges.

[02:12:00] INTERVIEWER AND REEMA

-No.

-Oh? You don't think so?

[02:12:03] REEMA

That's a shame, I had hoped this woman
who applied would get it!

[02:12:11] MAN

His Excellency the President of Palestine,
Mahmoud Abbas Abu-Mazen, may God protect him,

[02:12:17] MAN

has appointed five judges to the Shari'a courts,

[02:12:23] MAN

who have passed the oral and written examinations.

[02:12:26] MAN

May these owners of virtue

[02:12:29] MAN

please step up to take the oath.

[02:12:35] MAN

I swear by Almighty God to be loyal to the homeland

[02:12:39] Man 2

and to judge between people with justice,

[02:12:41] Man 3

and to respect the laws

[02:12:43] Man 4

and carry out my functions with all sincerity,

[02:12:46] Man 2

and conduct myself as an honorable judge.

[02:12:49] MAN 3

May God be my witness.

[02:13:03] INTERVIEWER
We had hoped to see new women judges.
Can you comment?

[02:13:07] HABBASH
I mean...

[02:13:09] TITLE CARD
DR. MAHMOUD AL-HABBASH
Chief Shari'a Justice

[02:13:10] HABBASH
The issue is the exam that must be taken by the judge.

[02:13:16] HABBASH
I had hoped that all five would be women. Why not?

[02:13:21] HABBASH
But the criteria do not distinguish.
There is no quota for women.

[02:13:27] HABBASH
And we refuse this method because
this is a discriminating practice.

[02:13:31] HABBASH
There is no quota for women or men,
they are equal before the law.

[02:13:42] HABBASH
If those who succeeded were women, welcome!

[02:13:46] HABBASH
If they were men, welcome!
If it were a combination, welcome!

[02:13:49] HABBASH
We do not distinguish between men
and women in this designation.

[02:14:05] KHOLUD
Under Chief Justice Al-Habbash,
two rounds of appointments took place,

[02:14:09] KHOLUD
but I don't honestly know who had the best scores,

[02:14:14] KHOLOUD
although I do know there were two women

[02:14:17] KHOLOUD
who are smart and capable.

[02:14:19] KHOLOUD
But maybe they really didn't
have the best scores. Maybe.

[02:14:24] KHOLOUD
These are the judges, some from
my appointment, some before or after.

[02:14:31] KHOLOUD
We were appointed together.

[02:14:33] INTERVIEWER
But you're not with them?

[02:14:35] KHOLOUD
We weren't invited.

[02:14:37] KHOLOUD
It was a meeting with the President.
Maybe because of Friday prayer.

[02:14:43] KHOLOUD
Of course we would like to be included,

[02:14:47] KHOLOUD
as it should be for all judges, regardless of gender.

[02:14:59] TAMIMI
I believe there are many competent women

[02:15:04] TAMIMI
who have the ability to pass the exam.

[02:15:09] TAMIMI
I know that the Palestinian women and
girls surpass the boys in education.

[02:15:22] TAMIMI
It seems there is a decision not to

hire women for this position.

[02:15:47] KHOLOUD
Give me that, Omar. Hold it.

[02:15:50] REEMA
God willing, I hope she will become Chief Justice.

[02:15:54] REEMA
I am sure she can do it

[02:15:58] REEMA
and make positive change in the Shari'a Courts.

[02:16:01] KHOLOUD
Here's the problem.

[02:16:03] KHOLOUD
Go bring a knife.

[02:16:10] KHOLOUD
When I become Chief Justice, I will
announce an exam for women only.

[02:16:16] KHOLOUD
"J/K" only, you know.

[02:16:19] KHOLOUD
This is just a joke because I have to follow the law
and offer equal opportunity for everybody.

[02:16:27] OMAR
But I'm worried it won't inflate it.

[02:16:52] KHOLOUD
Try it. Is it better?

[02:16:59] KHOLOUD
Omar! Omar!

[02:17:03] KHOLOUD
Other judges always tell me that I like to make problems.

[02:17:10] KHOLOUD
But my opinion is that if I don't achieve
justice for myself, I won't achieve it for the people.

[02:17:39] TITLE CARD

Kholoud Al-Faqih and her colleague
Asmahan Al-Wahidi were appointed as
Shari'a judges in 2009.

[02:17:45] TITLE CARD

In 2011, another woman, Somoud
Al-Damiri becomes Chief prosecutor and
is given a judicial title.

[02:17:56] TITLE CARD

In 2015, Tahreer Hammad is appointed as
Palestine's first woman marriage officiant.

[02:18:01] TITLE CARD

In 2017, a fourth woman judge is appointed,
Kholoud's protégée, Sireen Anabousi.

[02:18:20] KHOLOUD AND SIREEN

-Congratulations!

-Thank you!

[02:18:22] KHOLOUD AND SIREEN

-This is really great news!

-Thank you so much, my dear!

[02:18:46]

End Credits