

The Abuse of the Judicial System in the Ambash Case

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ABSTRACT: In a passionate recollection of his experience of the trial, one of Daniel Ambash's lawyers claims that the law was mishandled and misinterpreted based on prejudices against Ambash's polygamous lifestyle. Conscious that this is the ultimate provocation in Israel, he states that the prosecution of Ambash proves that evil and the misuse of power were not a unique prerogative of Nazi Germany and may well occur in modern democracies as well.

KEYWORDS: Israeli Legal System, Ambash Family, Daniel Ambash, Polygamy, "Cults" in Israel.

As anyone who was born in the State of Israel and educated in the local education system, the story of the Holocaust of the European Jews accompanied me from a very young age.

The Shoah is embedded in the Jewish and in the Israeli DNA. This is the defining event. The Israeli narrative is built on it. There are quite a few Israelis, and even more in the past, who were not willing to buy products from Germany or to travel to Germany because they did not forgive the Germans for the Holocaust. For many, the fact that a whole nation blindly followed a charismatic leader who lead it on the path of racism to perdition is inconceivable.

There are those who arrogantly think that the Shoah, in which a whole herd of people follow one leader and think of the existence of one truth, is specific to the German people. My recent work with the Ambash family file leads me to personally ask for forgiveness on behalf of all those who arrogantly chuckle at grave events that took place in other countries, out of the feeling that it cannot happen to us.

The Holocaust, the diversion of justice, the selfish preservation of the interests of organizations and systems are things that can happen to any people, to any culture, and to our sorrow some of these evils also happen within the Jewish people, supposed to behave like the “chosen people.”

The case of Daniel Ambash, sentenced to 26 years in prison (actually, a death sentence) while his family was broken up, causing the death of one of his children, and causing psychological damage to every member of the family, proves that, when a system and an organization decide to come out against an innovative or unique phenomenon, they don't mind sacrificing lives and killing the human spirit as long as the normal social arrangements are preserved.

In the verdict given by the Jerusalem District Court against Daniel Ambash, the substrate of the persecution of the Ambash family was summed up, as the District Court concluded: “A civilized society cannot accept a family being conducted in such a style as the defendant did.”

We may understand the primal fear of any society against new and unacceptable family forms, but the usual and accepted social principles cannot, in a society that claims to be democratic and pluralistic, trample on individual rights while determining how the individuals should conduct their lives.

The highest courts in Israel arrogantly patronized Daniel Ambash's wives, deciding that they had been raped by him, while they had been protesting for years that they had not. Moreover, these wise, intelligent, creative women, who were never diagnosed by any professional expert as suffering from any mental problem, have been striving for years to make people understand that they were no victims, that they have not been hurt by the defendant. How can any person determine that another person was hurt when that person explicitly declares that it is not true?

There is not a single line from the investigation material, from the minutes of the Court, from the judgments, in which the magnitude of the injustice and deception cannot obviously be seen. The justice diversion cries out to heaven!

We are not only talking about the Israeli police conducting a brutal, violent investigation, as can be seen in the videos online. We are not only talking about the arrest and the whole-year imprisonment of four women on false accusations that the State later canceled because they refused to cooperate with the police. We are not only talking about the Prosecution and the police turning one of the

women into a State witness by promising her that, should she testify against Daniel Ambash, she would get her daughter back (and she was a woman whom we know committed serious criminal offenses without Daniel Ambash's knowledge). We are not only talking about minor children being threatened with accusations of rape against other family members if they did not testify against their father. We are also talking about the terrible distortion of the law committed by Uri Shoham, judge of the Israeli Supreme Court, who convicted Daniel Ambash of slavery, a relatively new charge in the Israeli Law, by completely contradicting the legislator's intention.

It is not easy for a lawyer under sword of ethics, whose license can be revoked at any moment by the Bar of Lawyers, to come out against a judge of the Supreme Court with a statement that there has been a law distortion. However, as this judge of the Israeli Supreme Court asserts:

I decided to interpret the law as I went to examine the legislator's intention as reflected in the minutes of the Knesset Committee that prepared this law,

it is obvious, while reading these protocols, that everything he asserts with respect to the Knesset Committee is the exact opposite of what happened there in fact. We shall emphasize that the Knesset Committee who enacted the section on slavery did intend, and stated explicitly, that this section would not apply to relations between husband and wife. So how, for heaven's sake, can a judge decide and interpret contrary to what the Committee intended and dare say: "I rely on the same Committee?" We do not understand such absurdity.

As we submitted a request for a retrial in the case of Daniel Ambash, we showed one by one the loathsome methods, based on lies, which the police used to recruit one of Daniel Ambash's children, two of his step-children and especially one of his partners to testify against him. Throughout her initial investigations, this woman adhered to the version that she had never been hurt by him, that she loved him, that he had been good to her, and that she would never give him up. The police clearly threatened her, laughing at Daniel Ambash, calling him an ugly man, asserting that he would never come out of prison, that the Ambash family as such did no more exist, and that it was really in her interest to cooperate and produce incriminating information about Daniel. If not, she would never ever be allowed to raise her child.

The police interrogators did not simply send clues; they definitely told her to produce a version against Daniel so that she could get her child back. One should

remember that the arrest was coordinated with the Welfare Authorities, and that police and Welfare collaborated shoulder to shoulder. The ironical thing is that this partner who became a State witness was the only woman against whom there was strong evidence that she had committed child abuse, without Daniel's knowledge, evidence that had been collected within the first days after the family arrest. Yet before the picture began to clear up, the Welfare announced to a juvenile court judge that decision had been made to return the daughter of the State witness, Daniel Ambash's fifth partner, to her mother. The judge himself who presided the Magistrate's Court did not understand the conduct of the Welfare, as they intended to return a child to a woman against whom there was evidence of child abuse. The irrational conduct of the Welfare shows that, together with the police, they had a preconceived goal to destroy the Ambash family at all costs.

One has to understand that the police had been eavesdropping the house of the Ambash family for three years, and that, despite a wiretapping of every phone call of the Ambash women, of Daniel and of the children, not a single shred of evidence of criminal offense was found in the secret recording material. We can assert this truth after consulting it. And yet out of nowhere, inexplicably, Judge Uri Shoham, the only one who committed the Supreme Court's ruling while none of the two other judges bothered to show that they had examined the evidence, wrote that the wiretapping supported the charge, which is an additional absurdity.

Daniel's defense attorneys asked to hold a procedure called in Israel a "mini-trial," in which the Court decides whether to accept the statements of the defendants that were collected by the police, a procedure aimed at examining the validity of police interrogation procedures in relation to confession of the defendants. Yet, before the mini-trial, the prosecutor chuckled to the defense:

What is the purpose of conducting a mini-trial, while the defendants did not admit any accusation?

After the prosecutor himself had openly claimed that Daniel Ambash had not acknowledged committing any of the acts attributed to him, Judge Uri Shoham stated, contrary to the prosecutor's position, that Daniel did actually acknowledge those acts! This brings us back to what we said before: in each sentence of the documents written by the Courts, wherever you place a pen at random, you may see a distortion of the law.

Another example: under Israeli law, a woman is competent to testify against her husband only on certain types of offenses specified by the law. Since the offense of slavery is not an offense specified by the law, a woman is not competent to testify against her husband regarding the offense of slavery. According to the law! Does the Court care about the law? Obviously not. The judges made a legal wheel and all kind of acrobatics to keep Daniel Ambash behind bars.

Will the judicial system be courageous enough to admit its mistakes? I don't know. After all, we are dealing with people with ego. No one wants to admit he was wrong, it's a human trait. But, I do know that time will come, not far in the future, when scholars from all over the world, historians, students will thoroughly investigate this affair, and the truth will come out. I hope that Daniel Ambash will enjoy his freedom in the near future. I prefer this eventuality to that of him becoming the historical symbol of the opacity of a legal system, a welfare system that wants to maintain the usual arrangements in society just as the District Court expressed it in the sentence, as mentioned above.

The evil, the opacity and the ability to sacrifice others through inhuman acts is not an inheritance of Nazi Germany only. Evil lies in each and every one of us. No society is immune to atrocity. The throwing of an innocent person into the prison walls for a very long time, even if sponsored by a democratic court, ostensibly in a supposedly democratic State, without a fair trial, without fairness, to me proves that evil and State crimes may also occur in modern democracies.