

Joint Declaration

By Former Deputies of the Attorney General of Israel

And General Counsels to Israel's Government Ministries

We, the undersigned, who have served in the past as Deputies to the Attorney General of Israel, and as General counsels to the Government Ministries, to the General Security Service (Shabak) and the Police, wish to express our support – first and foremost for the Attorney General, and for our fellow colleagues, the current General Counsels to Government Ministries, who perform their duties courageously and with the utmost professionalism.

We, who held senior legal positions in the Civil Legal Service, worked with dedication to fulfill our professional obligations, and to execute our duties to provide the legal advice necessary for the Government and its ministers to carry out their plans and policies, while at the same time ensuring that this was done within the framework of the law, making certain that it was done according to the rules of accepted norms of government, and with befitting consideration for the rights of the individual.

Now, as civilians, we are deeply worried about the threat to the democratic system of the country, and to the rule of law.

Real democracy is based on a system of checks and balances, the purpose of which is, among other things, to limit the power of those who rule.

The intention of the proposals that are currently being promulgated as part of the so called “reforms to the Judicial System”, is to nullify this principle, and thus to allow the government to rule without any restraints on its power, or any checks and balances of substance.

These proposals include, among others, giving the Political Coalition the power to appoint judges, canceling the Court’s authority to perform legislative review on what is called in Israel “Basic Laws”, instituting a clause that gives 61 members of the Knesset the power to override Court rulings, and rescinding the Reasonableness Doctrine, which is a legal tool that allows the courts to examine the policies and actions of the Executive Branch. Each and every proposal is problematic in and of itself, but together they constitute a mortal blow to the framework of a democratic system of government in Israel.

These steps will lead to the weakening and the politicization of the Judicial branch, and substantive curtailment of judicial review on both the Knesset and the government, putting both the basic rights of the individual and the rules of accepted norms of government, in peril.

As a part of the proposed “reform”, a change in the status of the Ministerial General Counsels is included, turning the position from a career, non-political appointment, into one of a non-career “personal trust” appointment by the minister or director general. This undermines the professional mechanism intended to ensure that the government operates within the bounds of

the law and according to the principles of proper governance.

In light of the above, we strenuously oppose this “reform” since it will destroy the democratic foundations of the State: the Israeli Judiciary and the State Legal Service.

An independent nonpartisan judicial system is an essential pillar of the State; without it, Israel will become, in the words of former Prime Minister, Menachem Begin “**a fake democracy which at its heart is a tyranny**”.

This is not about Right and Left, religious or secular, men or women, or Jews or non-Jews. It is important to everyone for whom the State of Israel as a democracy is dear to them.

We call upon the Ministers and members of the Knesset to immediately desist from enacting this “reform”. There is room for serious discussions and sincere, good faith dialogue on ways to improve our whole system of government, including the Judicial system, but there is no place to allow for the destruction of our democracy and our judicial system, as is proposed here.

Signed by :

Eran Ettinger – fmr. legal adviser to the Ministry of Agriculture and Rural Development

Dep. Superintendent (ret.) Ayelet Elyashar – fmr. legal adviser to Israel Police

Batya Artman – fmr. legal adviser to the Ministry of Welfare and Social Services

Zipi Biran – fmr. legal adviser to the Ministry of Housing

Eli Bachar - fmr. legal adviser to the General Secret Security Service

Mike Blass – fmr. deputy to the Attorney General of Israel

Achaz Ben Ari – fmr. legal adviser to the Ministry of Defense

Shmuel Britzman – fmr. legal adviser to the National Insurance Institute (Bituach Leumi)

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Tamar Hacker – fmr. legal adviser to the Ministry of Finance

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