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LAWASIA URGES AGAINST INTERFERENCE WITH ISRAEL'S INDEPENDENT JUDICIARY, RULE OF LAW

The Law Association for Asia and the Pacific, LAWASIA, urges Israel to abandon reforms that would have dire consequences for the rule of law, government accountability and judicial independence.

Laws proposed by Minister of Justice Yariv Lenir, and under consideration by the Knesset, will fatally compromise the independent judiciary and democratic traditions that Israel is globally respected for.

“A robust, fiercely independent judiciary is critical to Israel’s democracy. It is a key defence against arbitrary decision making and tyranny, and a crucial safeguard for human rights,” LAWASIA said.

LAWASIA echoes concerns raised about the reforms, including by Israel Bar Association members, the International Bar Association and Special Rapporteur on the independence of judges and lawyers.

“It is no exaggeration to say that these proposals strike at the very core of the rule of the law. LAWASIA cannot sit idly by without drawing attention to the very real dangers these proposals pose.”

If passed, the proposals will have catastrophic impacts. These include changing how judges are appointed and by who, empowering the Parliament to override decisions by the Supreme Court and reinstate laws that the Court has struck down, enabling Parliament to shield laws from judicial scrutiny and directing the Court not to use particular standards in reviewing administrative decisions.

The risks of these proposals are heightened by Israel’s unicameral parliamentary system and the absence of a formal Constitution. These mean that it falls to Israel’s Supreme Court to act as a check and balance on executive and legislative power and defender of the rule of law and human rights.

LAWASIA strongly condemns any and all reforms that would have the perceived or actual effect of undermining the independence of Israel’s Judiciary and interfering with their oversight of executive and legislative power.

The importance of both actual and perceived judicial independence is widely recognised around the world, including by the [UN Basic Principles on the Independence of the Judiciary](#) (the Principles). The Principles include that:

1. The independence of the judiciary shall be guaranteed by the State and enshrined in the Constitution or the law of country. It is the duty of all governmental and other institutions to respect and observe the independence of the judiciary.
2. The judiciary shall decide matters before them impartially, on the basis of facts and in accordance with the law, without any restrictions, improper influences, inducements, pressures, threats or interferences, direct or indirect, from any quarter or for any reason.



3. The judiciary shall have jurisdiction over all issues of a judicial nature and shall have exclusive authority to decide whether an issue submitted for its decision is within its competence as defined by law.
4. There shall not be any inappropriate or unwarranted interference with the judicial process, nor shall judicial decisions by the courts be subject to revision. This principle is without prejudice to judicial review or to mitigation or commutation by competent authorities of sentences imposed by the judiciary, in accordance with the law.

LAWASIA is an association of legal organizations, lawyers, judges and jurists who advocate to promote the administration of justice and the rule of law.

The Law Association for Asia and the Pacific (LAWASIA)