



Rome, February 22nd 2023

EUROPEAN ASSOCIATION OF JUDGES' BORD STATEMENT ON RECENT DEVELOPMENTS IN ISRAELI JUDICIAL SYSTEM

1. The recent legislative activities in Israel aim to interfere seriously in the position of the judiciary - one of the equal and independent branches of government - towards the other two state powers. Those developments are closely followed in the European Association of Judges (EAJ), one of four Regional Groups of International Association of Judges (IAJ), in which the judges in Israel are represented through our valued and respectful member, the Israeli Association of Judges (ILAJ).
2. The reforms to be introduced have the following aims:
 - Changing the composition of the judicial selection committee, giving the decisive power in the Committee (majority) to the non-judicial members – who are mainly appointed from the parliamentary majority. The proposals seek to radically change the process for appointing Israel's judges, as a result granting the executive branch full control over the appointment, promotion and removal from office of judges at all levels of the judiciary, including the Supreme Court;
 - New requirement of 80% to 100% of Supreme Court judges to strike down a law as unconstitutional;
 - Implementing an override clause that would allow the Knesset to overrule the court and move forward with legislation that the Supreme Court has rendered unconstitutional;
 - Making Basic Laws immune from judicial review, regardless of their content.
3. EAJ Board wishes to recall the UN Basic principles on Independence of Judiciary where it is explicitly stated:
 1. *The independence of the judiciary shall be guaranteed by the State and enshrined in the Constitution or the law of the 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.*

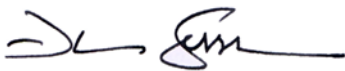
4. *There shall not be any inappropriate or unwarranted interference with the judicial process, nor shall judicial decisions by the courts be subject to revision. [...]*

10. *Persons selected for judicial office shall be individuals of integrity and ability with appropriate training or qualifications in law. Any method of judicial selection shall safeguard against judicial appointments for improper motives. In the selection of judges, there shall be no discrimination against a person on the grounds of race, colour, sex, religion, political or other opinion, national or social origin, property, birth or status, except that a requirement, that a candidate for judicial office must be a national of the country concerned, shall not be considered discriminatory.”*

4. We are convinced that judges can properly fulfil their duties and maintain the trust of the public only where the principles of rule of law are fully followed.

We therefore call on Israeli Authorities not to make a step back in already internationally established guarantees of independence of judiciary, for the sake of its' citizens and for the sake of rule of law in the World.

EAJ Board



Duro Sessa President of EAJ, First Vice-president of IAJ



Mikael Sjöberg – Vice-president of IAJ



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