

### ISRAEL'S JUDICIAL TRANSFORMATION AMIDST ESCALATING PROTESTS

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Since the start of 2022, weekly demonstrations have transpired in Israel, led by individuals who oppose the government's proposed reforms, particularly those related to the judiciary. These protests have evolved in magnitude, with hundreds of thousands of citizens congregating on the streets of towns and cities across the country.

Unperturbed by these demonstrations, on the 24th of July, 2023, the Israeli parliament, the Knesset, ratified a legislative measure aimed at a comprehensive overhaul of the judicial system and a concomitant curtailment of its authority, despite objections expressed through mass protests by the opposition. The parliamentary vote endorsed an amendment to the Basic Laws that seek to nullify the ability of the Supreme Court to invalidate government decisions or appointments that justices may deem "unreasonable."<sup>1</sup> This course of action signifies a diminution of the judiciary's potency. It is a pivotal facet of a broader initiative to revamp the judicial framework, thus precluding the Supreme Court from nullifying governmental decisions. In light of Israel's absence of a constitution, the Supreme Court references the Basic Laws to enforce checks and balances upon the government within its oversight capacity. For Prime Minister Benjamin Netanyahu's government, characterized by its religious nationalist orientation, this event constituted a pivotal juncture. Despite enduring

<sup>1</sup> Williams, Dan. "Thousands Rally, Israeli Reservists Step up Protest against Judicial Change." Reuters, July 19, 2023, <https://www.reuters.com/world/middle-east/israel-hit-by-day-disruption-disputed-judicial-bill-nears-key-vote-2023-07-18/>.

months of protests, the government has relentlessly advocated for this recalibration of the judicial system.

Protesters have demanded the complete abandonment of the envisaged reforms and the resignation of Prime Minister Benjamin Netanyahu.<sup>2</sup> This call has garnered support from Mr. Netanyahu's political rivals, alongside former high-ranking officials from Israel's military, intelligence, and security sectors, previous chief justices, eminent legal figures, and prominent business leaders, among others. Furthermore, a substantial number of military reservists, including crucial air force pilots integral to Israel's defense, have intimated their reluctance to fulfill service obligations. This development has sparked concerns that the nation's security could be gravely compromised. While instances of refusal have arisen in the past, such as during Israel's unilateral withdrawal from Gaza in 2005 and the 1982 Lebanon War, the unprecedented scale of reservists pledging noncompliance with training is noteworthy. Notably, the robustness of this movement carries significance, as the military is widely regarded as a cornerstone of Israel's security framework.

Israel's predominant labor union has also issued threats of a general strike, with protesters vowing to escalate their activism. A survey conducted by the Israeli Voice Index, generated by the Israel Democracy Institute (IDI) think tank, revealed that 58% of Israelis perceive the nation to be in a "state of emergency," with this perception particularly pronounced among individuals aligned with opposition parties.

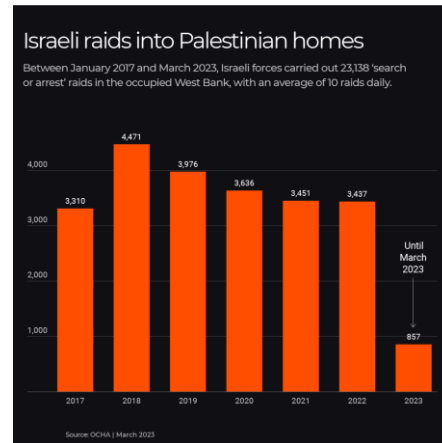
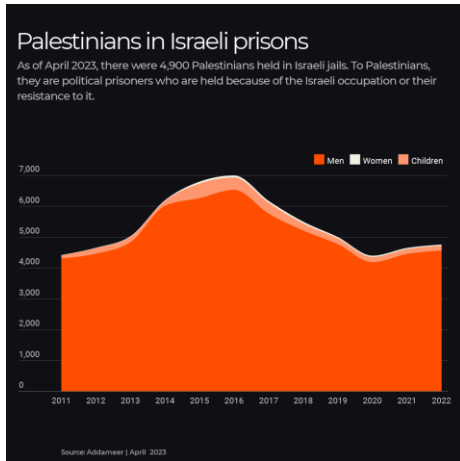
Aligning themselves with a wave of protests, a multitude of Israeli economists have authored an "emergency letter" cautioning against the extensive judicial restructuring propounded by Prime Minister Netanyahu's right-wing administration, citing dire repercussions for the economy.<sup>3</sup> Furthermore, the globally acclaimed rating agency Moody's, on the 14th of April, announced a downgrade of Israel's economic prospects due to what it described as a "deterioration in Israel's governance," manifested in the government's handling of the proposed judicial overhaul.<sup>4</sup> Moody is one of the prominent international agencies that assess and forecast the economic and political status of countries. These evaluations and ratings function as a guiding reference for international investors gauging the stability of nations and consequently influence countries' capacity to raise financial resources on global markets in support of national budgets.

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<sup>2</sup> Jazeera, Al. "Israeli Protesters Keep Pressure on Netanyahu over Judicial Overhaul." News | Al Jazeera, July 30, 2023, <https://www.aljazeera.com/news/2023/7/29/israeli-protesters-keep-pressure-on-netanyahu-over-judicial-overhaul>.

<sup>3</sup> "Netanyahu Is Gambling With Israel's Future." The New York Times, March 28, 2023, <https://www.nytimes.com/2023/03/27/opinion/israel-netanyahu-reforms-economy.html>.

<sup>4</sup> Scheer, Steven. "Moody's Sees Negative Economic Consequences of Israel's Judicial Upheaval." Reuters, July 25, 2023, <https://www.reuters.com/markets/moodys-sees-negative-economic-consequences-israels-judicial-upheaval-2023-07-25/>



Source: Al Jazeera <sup>5</sup>

In the context of the millions of Palestinians residing within the West Bank, currently under Israeli military jurisdiction, the implications of the judicial overhaul have been minimally spotlighted in the extensive demonstrations against the government. Despite the projected alterations likely having the most pronounced impact on Palestinian citizens of Israel, this group has been conspicuously underrepresented in the recurring street protests. While concerns among Jewish citizens revolve around the potential ramifications for Israel's judiciary and its democratic future, the Supreme Court and the broader legal system have consistently fallen short in safeguarding the rights of the nation's Palestinian citizens. Unquestionably, the enacted legislation will facilitate the pursuit of policies aligned with the Israeli government's far-right agenda. This legal measure effectively extinguishes the avenue for Palestinians to mount legal and administrative challenges against such appointments, thereby expediting the implementation of government policies. The Israeli Supreme Court serves as the sole recourse for Palestinians to contest individual settlements or protect their rights in land disputes. Curbing its oversight authority or permitting the ruling coalition to selectively nominate justices will invariably restrict Palestinians' avenues for redress. It follows that the proposed judicial overhaul threatens to intensify an already deteriorating situation. In recent years, the occupied territories have witnessed an upsurge in violence, marked by fatal military interventions and rampages by settlers. The year 2022 registered the highest casualty count for Palestinians in nearly two decades, with the current year poised to surpass that grim record.

Moreover, the Supreme Court's practice of administrative detention for Palestinians remains noteworthy, allowing the Israeli authorities to detain them based on undisclosed evidence, without formal charges or a trial. HaMoked, an Israeli human rights organization, has reported that 1,201 individuals, primarily Palestinians, are subjected to administrative detention in Israel, lacking charges

<sup>5</sup> "In the dead of night," Al Jazeera, March 2023, <https://interactive.aljazeera.com/aje/2023/israel-home-invasions-palestine-in-the-dead-of-night/>

or trial dates, as per an Israeli legal procedure.<sup>6</sup> This statistic represents the highest number of individuals held under administrative detention in Israel for 34 years.



On the 5th of August, 2023, Israeli Finance Minister Bezalel Smotrich directed the freezing of funds allocated for Arab towns and Palestinian educational programs in East Jerusalem, citing concerns about crime and safety, thereby eliciting allegations of racial bias.<sup>7</sup> This directly contradicts when the government extended a 2018 plan worth 2.1 billion shekels over five years in May 2023. This aimed to enhance education, employment, healthcare, and infrastructure in East Jerusalem—a territory annexed by Israel in 1967 following the war and unrecognized internationally. The plan included initiatives designed to aid Palestinians, constituting nearly 40% of Jerusalem's populace, with almost two-thirds dwelling below the poverty line, in their integration into Israeli academic institutions.

However, within the Palestinian sphere, a glimmer of hope persists. In response to the ongoing protests, the proposition of convening a new dialogue committee, encompassing representatives from all Palestinian factions, at a meeting hosted by Egypt on the 30th of July, 2023, was met with widespread endorsement. This development kindled renewed optimism on the protracted path toward realizing comprehensive Palestinian statehood. It is evident that the current circumstances, characterized by Israel's right-wing governance and the implementation of discriminatory policies, necessitate tangible actions to evolve a framework/solution acceptable for the opposition and to foster national reconciliation.

<sup>6</sup> Frankel, Julia. "Israel Holds over 1,200 Detainees without Charge. That's the Most in 3 Decades, a Rights Group Says | AP News." AP News, August 1, 2023, <https://apnews.com/article/israel-detention-jails-palestinians-west-bank-793a3b2a1ce8439d08756da8c63e5435>.

<sup>7</sup> "Israeli Finance Minister Suspends Funds to Arab Towns, East Jerusalem." The News International, August 8, 2023, <https://www.thenews.com.pk/print/1098463-israeli-finance-minister-suspends-funds-to-arab-towns-east-jerusalem>.