



The Chair of the Bar

H.E. Mr. Benjamin Netanyahu
Prime Minister of the State of Israel
The Prime Minister's Office,
Kiryat Ben Gurion, Building C,
Jerusalem 91950,
Israel.

26 April 2023

Dear Prime Minister,

I write as Chair of the Bar Council of England and Wales to express our deep concern over the proposed constitutional reforms in Israel. We join the International Bar Association, the Israeli Bar Association, senior judges and distinguished legal academics around the world in urging all sides of the Knesset to abandon, and not simply suspend, the proposed legislation and to enter into proper and real consultation and debate to avoid the current constitutional crisis.

The proposed changes to the Basic Laws in Israel are a direct threat to the rule of law in your country, which has long been admired for its Supreme Court and the independence of its senior judiciary and lawyers. The Israeli Bar Association has rightly expressed strong opposition to the proposed constitutional changes, and we fully support their concerns.

The current proposals would fundamentally alter the checks and balances of the current democratic judicial system and give the government of the day far too much power over the appointment of judges and the composition of the Supreme Court, not consistent with the principle of separation of powers which lies at the core of democratic societies. Knesset legal advisers have themselves strongly advised against the substance of these proposals, regarding them as extreme in their effects and incompatible with basic democratic principles, including democratic checks and balances.

If enacted, the proposals would severely limit the ability of Israeli citizens to challenge government decisions in court, undermining both access to justice and the basic principles of the operation of the rule of law. The changes would also undermine the independence of

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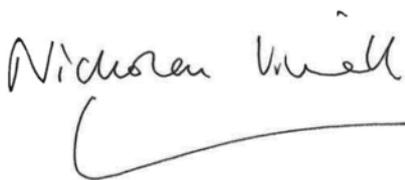
the judiciary, giving the government the power to remove judges from office for "*inefficiency, incompetence, or other reasons,*" which could be used to remove judges who make decisions contrary to government policy but in accordance with the Basic Law, in violation of the [United Nations Basic Principles on the Independence of the Judiciary](#) and the [IBA Minimum Standards of Judicial Independence](#).

Furthermore, stripping the Israeli Bar Association of its function in the licensing of lawyers, and instead placing the regulation of the profession within the Ministry of Justice, is likely to involve interference in the Israeli legal profession, to undermine basic principles including those set out in the [UN Basic Principles on the Role of Lawyers](#) and to limit the access of citizens to legal advice and representation. The ability to practise can never be dependent on any political institution or party as there is an inevitable conflict of interest.

It is universally recognised that the independence of the judiciary combined with an independent legal profession is part of the fundamental bedrock of the Rule of Law and of vital importance in maintaining a free society. The proposals, as currently framed, put in grave peril this fundamental cornerstone of the Rule of Law in Israel.

Therefore, the Bar Council of England and Wales calls upon your commitment to the Rule of Law by abandoning the proposed reforms. We hope that you will take this matter seriously and address our concerns.

Yours sincerely,

A handwritten signature in black ink that reads "Nick Vineall". The signature is written in a cursive style and is followed by a long, horizontal, slightly wavy line that extends to the right.

Nick Vineall KC
Chair of the Bar