

**THEMATIC COMPILATION OF RELEVANT INFORMATION SUBMITTED BY
ISRAEL**

ARTICLE 11 UNCAC

JUDICIAL AND PROSECUTORIAL INTEGRITY

ISRAEL (EIGHTH MEETING)

In relation to measures concerning article 7 of the Convention and the public sector, States parties and signatories may wish to cite and summarize measures that:

- ***Establish and strengthen systems to ensure transparency and accountability in the recruitment, hiring, retention, promotion and retirement of public officials in criminal justice institutions, including whether specific procedures exist for the recruitment and hiring of senior officials in criminal justice institutions, if they are different from other civil servants;***

In order to ensure transparency in recruitment and promotion proceedings in criminal justice institutions, the Israeli system has developed a tightly regulated tender procedure which is managed by the Civil Service Commission, in accordance with section 19 of the Civil Service Law (Appointments), 1959. Candidates for recruitment to the civil service, including criminal justice institutions, undergo a multi-stage screening process in the course of the tender procedure that includes professional examinations and personal interviews, at the end of which a select few are accepted.

Pursuant to section 21 of the Civil Service Law (Appointments), it is possible for a position to be exempted from the tender procedure only in very rare circumstances. One such example relates to particularly sensitive positions which require high level security clearance.

With regard to post-retirement restrictions, lawyers at the State Prosecutor's Office are subject not only to the usual restrictions that apply to public employees under the Public Service Law (Post-Retirement Restrictions), 1969, but also to other restrictive provisions that apply only to persons belonging to law enforcement or intelligence agencies (sections 5A5D and 14A of the said Law).

The Judiciary

Despite the fact that judges are considered to be governmental employees, they are subject to a unique set of laws and regulations regarding recruitment and promotion. Articles 5, 7 and 9 to 11 of Basic Law: The Judiciary, 1984 and articles 5 to 7A and 11 to 13 of the Courts Law, 1984, establish rules governing the appointment of judges, conditions for their conduct in their positions as judges and for their retirement.

According to Basic Law: the Judiciary, judges are nominated by the Committee for the Nomination of Judges, and are formally appointed by the President of Israel. The Committee is composed of nine members: three judges (the Chief Justice of the Supreme Court and two Supreme Court justices), two Ministers (one of whom is the Minister of Justice), two members of the Israeli Parliament (Knesset)

and two representatives of the Israel Bar Association. The Minister of Justice is the chairperson of the Committee. Thus, all branches of government take part in the judicial nomination process. It should be noted that for some quasi-judicial positions, the appointment procedures are different: some are appointed by the minister of Justice and some by appointment committees.

The procedures for nominating judges in Israel and the composition of the Committee ensure that the considerations taken into account in the nomination of judges are relevant. Such considerations include legal stature, experience, capability and integrity. In order to ensure transparency, notices of vacancies of judicial posts are published in the official Government gazette ("Reshumot"). The publication is intended to allow any citizen to file an objection to a candidate's nomination, within 20 days of the posting. An applicant who wishes to submit his or her candidacy to the Committee must fill out a questionnaire prescribed by the Committee. The qualifying candidate must appear before a sub-committee of the Committee for the Nomination of Judges, which presents its findings to the Committee. In addition, candidates may be proposed by the Minister of Justice, the Chief Justice of the Supreme Court or by three Committee members. The Committee for the Nomination of Judges decides on the appointment of a judge by majority vote of members taking part in the ballot. Appointments to the Supreme Court are decided by a majority vote of 7 out of the Committee's 9 members.

Each candidate for judicial appointment must successfully complete a specialized training course, except when a candidate was proposed by three Committee members and they decide that no training is necessary (a rarely used option). The course includes an evaluation of the candidates' judicial skills, conducted by two district court judges and one Supreme Court justice, and observed by psychologists. During their time in office, judges continually undergo seminars through the Institute of Advanced Judicial Studies.

Before the commencement of their term, judges take an oath of office before the President of the Israel, pledging "allegiance to the State of Israel and its laws, to dispense true justice, not to distort the law or to show favor". This oath of office must be repeated every time the judge receives a new judicial position.

A judge's term of office commences upon taking oath, and ends only as prescribed by law, namely: mandatory retirement (at age 70), resignation, or death. A judge may also be elected or appointed to another position, or removed from office – whether by resolution of the Committee for the Nomination of Judges passed by a majority of at least seven members, or by decision of the Disciplinary Tribunal of Judges. In addition, a judge may be required to retire before reaching retirement age, if the Committee for the Nomination of Judges, on the basis of a medical opinion, establishes that due to his/her health he/she is unable to continue carrying out his/her functions. Finally, pursuant to the Basic Law: the Judiciary, 1984, any transfer to a different court is subject to the judge's consent, unless the Chief Justice of the Supreme Court or the Disciplinary Court for Judges decides otherwise.

The salary of judges and other sums paid to them during their tenure or subsequently, or to their beneficiaries after their death, are determined by law or by decision of the Knesset (Israeli parliament) or one of its committees. As noted above, a judge may not be engaged in another occupation or take up a public function, except as prescribed by law, or with the consent of the Chief Justice of the Supreme Court and the Minister of Justice.

• Implement adequate procedures for the selection and training of individuals for public positions considered especially vulnerable to corruption in criminal justice institutions and the rotation, where appropriate, of such individuals to other positions; and

In order to maintain transparency and eliminate corruption, the Civil Service Law and Civil Service Rules (Appointments), (Restrictions on Family Relation), 2007, (hereinafter- "the Rules") govern cases in which family members work in criminal justice institutions, and in the civil service in general. .

Article 1 of the Rules states that a "relative" of a civil service employee include a spouse, including a common-law partner, a parent, a grandparent, a son, a daughter, a brother, a sister, a brother-in-law, a sister-in-law, a father-in-law, a mother-in-law, an uncle, an aunt, a nephew, a niece, a grandchild, including family relationships created as a result of adoption or due to marriage of a parent.

When applying for employment in the civil service, each employee is required to fill out a form stating whether or not he/she has relatives employed by the civil service, including in the judicial system, and if so, the employee is required to state all information necessary regarding each specific family member. Article 3 of the Rules states that if a family relationship is established between two employees within an office or a sub-unit, and the employees are in a supervisor-subordinate or other work relationship or in a situation of conflict of interests, one of the employees will be assigned to another position in the office or the sub-unit. If the reassignment is not possible, the responsible manager may, with the authorization of the Civil Service Commission, determine conditions for their continued employment in their positions for a period not exceeding one year.

• Prescribe criteria concerning candidature for and election to public office for members of criminal justice institutions, if applicable, as well as measures to enhance transparency in the funding of candidatures and of contributions to political parties, where applicable.

There are no special rules in Israel governing the election to public office of members of criminal justice institutions.

According to article 56 of the Knesset Elections Law, 1969 (hereinafter "The Election Law"), high ranking civil servants, including members of the criminal justice institutions, are not allowed to run for public office, while they are still employed in the civil service. Article 56 (3) of the Election Law states that very high ranking officers, including police officers of commander ranking or higher and the Commissioner of the Prisons System, must wait three years following their discharge from service before they may run for public office. Lower ranking civil servants are only required to wait 100 days after leaving the service. It is to be noted that article 13A of the Knesset Members Immunity, Rights and Obligations Law, 1951, prohibits Knesset members from engaging in any other business or occupation. Volunteer work is permitted as long as there is no kind of remuneration.

As for transparency in the funding of candidatures and contributions to political parties, in order to curb potential corruption and limit the dependence of public officials on private actors, political parties in Israel receive most of their funding from the state's budget, and private contributions are only allowed in small sums. The Political Parties Financing Law, 1973 provides comprehensive administrative arrangements regarding the public funding of elections and political parties, and regarding contributions made to political parties and expenditures made by them.

In addition to public financing of election expenses, political parties with representation in the Knesset are entitled to funding for ongoing expenditures.

The Political Parties Financing Law prohibits parties from receiving donations from a corporation and donations made in cash or anonymously. Donations must be published and known well to the public; they are usually on the party's website and on the States Comptroller's website.

The Political Parties Financing Law also requires political parties to manage their accounts in accordance with the State Comptroller's instructions, including keeping proper receipt records for each donation. Political parties are also required to submit detailed annual reports to the State Comptroller, who has the authority to fine them in case of violations of the law. Both after elections and on a yearly basis, the State Comptroller issues detailed reports on the conduct of the parties. Receiving a donation or making a contribution contrary to the law constitutes a criminal offense punishable by one year imprisonment.

Provisions regarding expenditures of, and donations to, political candidates in party primaries are set out in the Political Parties Law, 1992. There is no public funding for candidates participating in party primaries. For this reason, candidates in primaries are allowed to receive larger donations than political parties, but these amounts are still very limited. Candidates in primaries may not receive donations from a corporation or from an anonymous donation.

As in political parties, candidates in primaries must manage their accounts in accordance with the State Comptroller's instructions and submit a detailed report to the comptroller after the primaries. Candidates must report to the State Comptroller on any contribution received within 14 days, and in the period immediately preceding the elections – within 24 hours. This information is published regularly on the State Comptroller's website and is available for public scrutiny. The State Comptroller is authorized to impose fines for violations of the law, and submits a detailed report on the financial conduct of each candidate.

Accepting donations in violation of the law and failure to report donations received, as well as the giving of prohibited donations are criminal offenses.

With respect to elections in local authorities, the Municipalities Law (Funding of Elections), 1993 regulates public funding for local lists and mayoral candidates, as well as the relevant limits regarding contributions and expenditures.

In relation to article 8 of the Convention and measures to establish or promote codes of conduct by criminal justice institutions, States parties and signatories may wish to cite and summarize measures that:

• Establish or improve procedures, rules and regulations for the reporting, including by members of criminal justice institutions, of acts of corruption to appropriate authorities and the mechanisms for the protection of reporting persons;

The State Comptroller and Ombudsman accepts anonymous complaints and also conducts awareness raising in the form of leaflets published in 6 languages in different communities on how to report and file complaints. In addition, the Encouragement of Ethical Conduct in the Public Service Law, 1992, and the regulations enacted pursuant to that law, also aim to protect a public employee

who exposes acts of corruption from harm and abuse resulting from the exposure of acts or corruption or an improper act.

Section 43.523(a) of the Civil Service Regulations provides that a complaining public official may not be fired and his working conditions may not be adversely altered as a result of his complaint or his assistance to another official to make a complaint. Furthermore, the Ombudsman is authorized to award compensation and provide remedies to the complainant, such as providing alternative employment in the private sector.

In order for these protections and compensations to be granted, the complaint must have been filed in good faith and it must concern violations of integrity or proper administration. In addition, such protection is only extended to the employee if the harm he/she suffered from the measure taken by his/her superior was in retaliation to the complaint. A public official who reports that he/she or another official received an offer of a bribe is entitled to the protection set forth in the Civil Service Regulations, as long as the conditions for that protection are fulfilled.

In addition, in 2009, the Civil Service Commission published a circular instructing public officials to report offers of bribes to their supervisor or to enforcement authorities. This obligation also applies to acts of bribery to which they are exposed in the performance of their duties. The circular deals, among other issues, with the protection given to civil servants who expose corruption, and lists legislation and procedures covering this issue. It should be noted that the Convention is specifically referred to in the Civil Service Commission's circular.

Concerning the encouragement to expose corruption cases, the President grants prominent whistleblowers with certificates of appreciation underlining their substantial achievements and contribution to the morality of the public institutions in Israel, in accordance with the Encouragement of Ethical Conduct in the Public Service Law, 1992. The first ceremony was held in the President's official residence on 31 December 2015, and was attended by The Minister of Justice and the State Comptroller, who were also involved in the selection process. Three whistleblowers were provided with certificates of appreciation.

In order to protect public sector employees who report corruption offences within the public sector, the protection provided to employees may include injunctions against their dismissal and the Ombudsman is authorized to provide a protection order. The Ombudsman can also award compensation and provide remedies to the complainant, similar to those given by the labor court in regular labor relations cases and can also provide alternative employment in the private sector.

In addition, the Israeli government has established a witness protection program, which is not limited to a specific type of offence and thus also applies to anyone who reports corruption offences as well.

• Establish or strengthen existing disciplinary procedures and mechanisms to enforce codes of conduct or ethics, standards of professional conduct and conflict of interest legislation;

The Judiciary

The judicial branch in Israel is independent from the legislative and executive branches. Personal independence is ensured by the appointment process and is reinforced by the fixed age of retirement,

their salary and work conditions, as well as rules regarding the immunity of judges, as detailed below. Substantive independence is ensured by the fact that in discharging their duties, judges are not subject to any other authority or person. The disciplinary process, also described below, enables monitoring and implementation of the applicable rules including the independence requirements.

The Courts Law, 1984 establishes the Ethics Committee and the Disciplinary Tribunal of Judges. The disciplinary offences for which a complaint may be submitted against a Judge are specified in Article 18(a) of the Law: (1) the Judge acted improperly in the exercise of his/her position; (2) the Judge behaved in a manner inappropriate to his/her standing as a Judge; (3) the Judge was found guilty of an offence, which under the circumstances involves moral turpitude; (4) the Committee concluded that the Judge obtained his appointment unlawfully; (5) the Judge violated any of the Rules of Ethics, which were prescribed under section 16A of the Law. The complaint is submitted by the Minister of Justice, to the Disciplinary Tribunal.

Article 19 of the Courts Law lists the disciplinary measures which the Disciplinary Tribunal may impose: remark, warning, reprimand, transfer to a different position and dismissal from the position, either with payment of a pension or with its denial in whole or in part.

Article 77a of the Courts Law lists grounds for recusal, preventing a judge from hearing a case in circumstances that create a real suspicion of partiality in the conduct of the case.

The Ethics Regulations for Judges, 2007 define rules of conduct for judges. Similar regulations exist for judges in official religious courts (2008). The Ethics Regulations for Judges include the following key provisions to ensure prevention of corruption in the performance of judicial duties:

- Prohibition for judges to derive benefit from their positions, materially or otherwise, directly or indirectly and the prohibition to promote personal interests or using their title where it might be perceived that doing so will create a favorable position (Article 20 of the Regulations).

- Prohibition for judges to receive a discount when purchasing an item or upon receiving a service, unless the discount was given regardless of the judge's title or was approved by the Director of Courts (Article 21).

- Prohibition on benefiting from free entrance to events or venues where admission is required, unless the invitation is from a family member or a close friend or where the judge accompanies someone else who was invited regardless of his or her position (Article 21).¹

- Refraining from financial or business management of a public institution in which a judge is active² and prohibition on receiving any benefits (Article 24).

- Prohibition on involvement in a public institution initiating legal proceedings and on approaching public authorities or private institutions on behalf of a public institution in which the judge is active (Article 24).

¹ The Public Service Law (Gifts), 1979 also regulates a judge's receipt of gifts.

² Article 24 (a) of the Ethics Regulations provides that a judge is allowed to be a member of the administrative body of an educational institution, such as a trustee of an educational institution, or of a body for public purposes as permitted under Article 11 of the Basic law: The Judiciary.

- Prohibition on actively managing a business, whether directly or indirectly, and on holding a position in a commercial corporation or any other business entity (Article 35).

Violations of the Ethics Regulations for Judges could result in a complaint with the Disciplinary Tribunal. The Regulations do not carry criminal sanctions, though some acts in violation of the Regulations may also be criminal offences, such as fraud and breach of trust, or abuse of office under the Penal Law, 1977.

In addition, the Ethics Regulations for Judges are upheld by the Office of the Ombudsman for the Judiciary, established in October 2003, pursuant to the Ombudsman for Complaints against Judges Law, 2002. Its purpose is to improve the unique functions performed by the judiciary while maintaining judicial independence. The law aims to combine the principles of judicial independence and accountability.

The Office of the Ombudsman for the Israeli Judiciary (hereinafter – the Judicial Ombudsman) provides an address to anyone who sees himself or herself injured by judicial misconduct. The Judicial Ombudsman investigates complaints regarding the conduct of judges, such as the use of offensive language in court decisions or during a hearing, misconduct outside the court and complaints regarding the manner in which the trials are conducted, such as unreasonable procedural delays. The judges that are subject to the review of the Judicial Ombudsman are judges and registrars from the general courts system, including judges from labor courts, judges in official religious courts (usually cases relating to marital status and divorce, governed in Israel by religious laws) and military judges.

Following a complaint, the Judicial Ombudsman is authorized to recommend to the Minister of Justice to file a complaint with the Judges Disciplinary Tribunal, to suggest how future conduct should be improved. In severe cases the Ombudsman can recommend to the Committee for the Nomination of Judges to dismiss the judge from office in accordance with its authority, or to recommend that the Minister or the Chief Judge or Chief Justice of the relevant court propose to the Committee to terminate the judge's term or remove a judge from his or her office.

The decision of the Judicial Ombudsman is final (while the decision may be challenged in an appeal to the Supreme Court of Justice, thus far that has never been done). All investigations conducted by the Judicial Ombudsman Office are strictly confidential. However, the Judicial Ombudsman submits an annual report to the Minister of Justice and to the Chief Justice of the Supreme Court (omitting personal details). In addition, the Judicial Ombudsman publishes general statements of opinion on different matters and makes presentations to judges in order to improve conduct and efficiency.

The Prosecution Service

The Public Prosecution represents the State before courts in all criminal and civil legal matters. The Public Prosecution is comprised of the State Attorney's Office (headed by the State Attorney), the Israel Police Prosecution and specialized prosecutors within ministries and local municipalities. The Public Prosecution is overseen by the Attorney General. In this capacity, he is in charge of enforcing rules of ethics and professional responsibility over public prosecutors.

The Attorney General and the staff of the State Attorney's Office all operate independently from any elected official. In prosecutorial matters, the Attorney General is not bound by the decisions or policies of either the government or the Minister of Justice. According to Israeli law, the Attorney

General (and consequently, all prosecutors) must perform his/her functions and exercise his/her authority in legal matters independently, including in cases involving prominent public figures. The Attorney General's decision to file an indictment in any criminal proceeding cannot be directed or overruled by either the executive or the legislative branches of the government. The appointment procedure of the Attorney General by the government, on the basis of a public professional committee, composed of former government officials, academics and lawyers, and headed by a former Supreme Court judge, also guarantees the independence of the Attorney General.

The Civil Service Law (Discipline), 1963 and the Civil Service Regulations (hereinafter- "the Takshir") together comprise the disciplinary policy applicable to prosecutors and other government employees.

Article 17 of the Civil Service Law (Discipline) provides a list of disciplinary offences, such as conduct unbecoming a civil servant and dishonest conduct. In addition, article 42.7 of the Takshir (Chapter 11) provides that a State employee may only receive a salary and other payments from the State Treasury, and may not receive any other benefit from another person for or in connection with his/her public function. The Takshir also includes prohibitions on deriving a personal benefit from public positions and operating in conflicts of interest.

The Prosecution Service is regulated by the Civil Service Commission. Among its duties, the Civil Service Commission is responsible for supervising the implementation of the Civil Service Law (Discipline). Pursuant to Article 17, the Commission's Discipline Department tries public employees in disciplinary hearings for a wide variety of conduct that harms other persons, taints the work environment, disrupts labor relations, undermines public trust in the civil service, impairs or causes harm in another way to the proper functioning of the civil service.

The penalty for a disciplinary offence under the Civil Service Law (Discipline) is determined by the Commission's Disciplinary Tribunal for Government Employees. The Tribunal has the authority to impose various disciplinary penalties, including warning, reprimand, forfeiture of salary, demotion in rank, transfer of the civil servant to a different position, disqualification from fulfilling certain functions, dismissal with or without severance pay, dismissal together with disqualification from serving in the civil service.

Civil servants are also subject to specific norms of conduct under Israeli criminal law, aimed at preventing acts of corruption, embezzlement and other misdeeds. Such specific offences include bribe taking by a public servant, theft by a public servant, fraud and breach of trust, abuse of office, failure to perform official obligation, violation of statutory duty, etc.

Throughout the years, other norms of conduct have developed with regard to public servants by way of court rulings, State Comptroller's reports and guidelines of the Attorney General and the State Prosecutor.

It should be noted as well, that according to the State Comptroller Law, 1958, the State Comptroller functions also as the Ombudsman of Israel. As such, a person who is injured by an action or omission of the Prosecution service, for which he/she has no right of appeal to another body, may submit a complaint in the matter to the State Comptroller and Ombudsman (hereinafter - the National

Ombudsman). The National Ombudsman is empowered to investigate and publish his findings and decisions.

Public prosecutors are also bound by the professional ethical standards set forth in the Bar Association Law, 1961 and the Bar Association Rules (Professional Ethics), 1986 and enforced by the Israel Bar Association. The Israel Bar Association has its own disciplinary system and has broad authority in disciplinary matters. Complaints against lawyers are brought before one of the District Ethics Committees, which then decide whether to submit charges. The Bar's disciplinary system has an appeals system which may reach the Supreme Court of Israel.

In addition, an ethical code of conduct for public prosecutors was finalized and published in 2013. The code of conduct for public prosecutors includes the following key provisions to ensure prevention of corruption in the State Attorney's Office:

- **Credibility and fairness:** A public prosecutor shall carry out his duties and represent the State of Israel honestly, impartially, in good faith and in the framework of the rules of law; his professional conduct shall reflect honesty and respect for the truth; all of which shall be done in a manner that upholds the courts' trust and the public's trust in him/her and in the State Attorney's Office.

- **Integrity:** The public prosecutor shall carry out his duties honestly, on the basis of practical considerations, while ensuring that his decision and actions are impartial and not driven by conflict of interests and ulterior motives.

- **Seeking to discover the truth:** The public prosecutor shall strive without fear to expose the truth and bring it to court in accordance with the procedural law.

- **Responsibility:** The public prosecutor shall be an active partner in the establishment and maintenance of the rule of law and protection of civil rights and human dignity.

- **Rational exercise of authority:** The public prosecutor shall ensure the professional and appropriate use of the authority, tools and information available to him/her by virtue of his/her position or the environment of his work, solely for the purposes for which they were entrusted.

- **Independence of discretion and professional subordination:** The public prosecutor shall express his/her opinion in the framework of his position in a professional manner only, based on the facts, the law and the legal policy determined by those with the authority to do so; in fulfilling his/her duties, as representative of the State and appearing on behalf of the State in the courts, the public prosecutor shall respect the guidance and decisions of the relevant authorities.

Furthermore, an ethics committee was established under the ethical code of conduct for public prosecutors, headed by a deputy attorney general. The ethics committee discusses various questions regarding the ethical conduct of public prosecutors and provides recommendations.

- ***Detect and prevent possible conflicts of interest, such as systems requiring members of criminal justice institutions to make declarations to appropriate authorities regarding, inter alia, their outside activities, employment, investments, income, assets and substantial gifts or benefits from which a conflict of interest may result, including as they take office and regularly during the performance of their public functions.***

The Public Service Law (Asset Declarations), 2016 requires all high ranking public officials, including senior officers in the Israel Police and in the Israeli Prison System and all judges and registrars, to declare assets, debts and sources of income for themselves, their spouses and dependent children.

In addition, the Civil Service Law (Appointments), 1959, requires that certain public officials declare assets, debts, loans and past or additional sources of income (if these might apply in the future), for themselves and their families. According to Section 35 of this law, as well as the Civil Service Law (Appointments) (Declaration of Assets), Regulations, 2008, senior officials or employees with access to sensitive and/or confidential information who may be susceptible to outside influence are obligated by law to submit extensive reports, including a declaration of assets. Senior officials in the public service must declare their assets when beginning their appointment and must update this information at least once every four years. The Civil Service Commissioner must protect the confidentiality of these declarations, and the information cannot be revealed without the employee's consent or by a court order given after the court considered the level of invasion of privacy entailed.

It is to be noted that the Public Service Law (Gifts), 1979 prohibits certain public officials from accepting gifts presented to them in their capacity as public servants. Along with the Civil Service Regulations, the Public Service Law (Gifts) mandates the reporting of such gifts and sets the standards for the lawful acceptance of proposed gifts by public servants. The prohibition on accepting any form of gift applies broadly to public servants and includes employees of the state and local authorities as well as elected officials.

The aforementioned declarations serve as a method of comparing civil servants' assets before, during and after their tenure and therefore a way to identify undeclared assets.

Furthermore, the Takshir provides, inter alia, that in regards to certain positions in the public service (as defined in Section 13.621 of the Takshir), as a pre-requisite to nomination, the candidate must declare any possible conflicts of interest, and, where necessary, upon the Attorney General's decision, must agree to an arrangement to preclude conflicts of interest (Section 13.65).

Attorney General Directive no. 1.1555 (2006) (hereinafter- "the Directive") includes guidelines for preventing conflicts of interest when recruiting employees to the civil service. This Directive contains detailed disclosure requirements as well as legal guidelines for drafting ad-hoc requirements for the appointment of civil servants that may face various situations of conflict of interest, for example a requirement for the civil servant to divest himself/herself from his/her holdings in a particular corporation (such as by way of transferring the shares to a blind trust), or a reassignment of certain fields of responsibility from one civil servant's position to another. The Directive includes a model questionnaire that aims to detect areas in which conflicts of interest may arise. The questionnaire can be modified to address the particular circumstances of each case.

The Attorney General may require the candidate to provide additional details or to clarify answers in the questionnaire, as necessary (Section 16 of the Directive). The requirement to answer a questionnaire examining a candidate's potential conflicts of interest is also specified in paragraph 13.631 in the Takshir as one of the conditions in any appointment process in the civil service.

If a risk of a conflict of interest is discovered and there is a need for an arrangement to prevent a conflict of interest, such arrangement is usually prepared by the legal advisor of the relevant government office, in consultation with the Ministry of Justice and the Civil Service Commission. According to Attorney General Directive 1.1555, conflict of interest arrangements must include an express statement to the effect that the responsibility to avoid any conflicts of interest rests with the candidate. The person making the arrangement with the candidate must also notify the candidate that should there be any change regarding the statements in the questionnaire or in the declaration of capital, it is the candidate's responsibility to notify the competent authority of the change and to provide the relevant information in writing.

In addition, according to Attorney General Directive 3.1005, conflict of interest arrangements are subject to the Freedom of Information Law, 1998. Therefore, in accordance with the Directive, when forming the arrangement to prevent conflicts of interest, the legal advisor of the relevant office should inform the employee or candidate that the arrangement, as a rule, will not be confidential, except for those parts where the employee shows a legal reason to keep it confidential. The fact that conflict of interest arrangements are subject to the Freedom of Information Law is also expressly made clear in the arrangements signed by the employee.

In relation to article 11 and measures to promote the independence, integrity and impartiality of members of the judiciary and prosecution services, States parties and signatories may wish to cite and summarize measures that:

• Disseminate information and build awareness of existing national and international standards of judicial integrity, such as the Basic Principles on the Independence of the Judiciary, the Bangalore Principles on Judicial Conduct, the Guidelines on the Role of Prosecutors and the Standards of Professional Responsibility and Statement of the Essential Duties and Rights of Prosecutors;

The Judiciary

The Basic Law: The Judiciary, 1984 enshrines the principle of the independence of the judiciary in Israel. The Ethics Regulations for Judges, 2007, which were enacted pursuant to article 16a of the Courts Law, 1984, set out clear rules regarding the integrity and ethical conduct of judges, with the aim of ensuring an impartial judiciary system and the proper administration of justice. Other sources guiding the conduct of justices in carrying out their duties, including conduct of trials, are relevant Supreme Court case law; common principles of ethics; fundamental principles of Israel's judicial system and preliminary requirements for judicial appointment applied by the Committee for the Nomination of Judges. The rules and norms generated by the sources mentioned above are applied by the Judicial Ombudsman when investigating complaints regarding alleged misconduct by a judge.

The Prosecution Service

The Attorney General exercises his authorities in the area of prosecution, using independent discretion and without being subject to the orders or policies of the Government or the Minister of Justice (Attorney General Directive 4.1000 (51.000A) "Independent Power of the Attorney General – Criminal Proceedings").

In addition, under the Attorney General Directive 4.1001 ("Prosecutorial Independence"), the Attorney General exercises the powers given him/her by law in criminal matters based on his/her

independent judgment in each case, in accordance with the facts, the law, and the prosecution policy, without being subject to the instructions or policy of a Minister or of the Government. In cases having special political, security, or public importance, the Attorney General must consult, depending on the matter and the need, with the Minister of Justice, with another Minister, or with the Government. Such consultations are reserved for highly exceptional cases in order to prevent, to the extent possible, involvement of political figures in decision making in the criminal field. In practice, such consultations occur in rare cases only.

• *Implement or improve existing induction and ongoing training requirements and curricula for members of the judiciary and prosecution services, particularly in terms of codes of conduct, integrity and independence*

The Judiciary

The Institute of Advanced Judicial Studies was established in 1984, in order to organize continuing education sessions for acting judges. The number of sessions has increased over the years and currently stands at about fifty sessions each year.

Generally, every judge may choose which sessions to attend. The sessions are open to all judges and every session is attended by 25-40 participants. In addition, there is an annual “continuing education” conference for all judges covering new substantive and procedural issues. In some instances, judges are invited to participate in specific sessions. Every judge is entitled to seven paid days of continuing education courses per year and to three additional non-paid days per year. Most sessions last between two to five days; occasionally, longer sessions are held.

The topics of the continuing education sessions are varied. The Institute stresses the need for an efficient judicial system and organizes specific sessions aimed at helping judges to increase their efficiency and to improve their handling of administrative tasks. Some of the sessions offered deal with issues such as judicial ethics, integrity and conflicts of interest. In addition to training by subject, special training sessions are held for specialized courts, such as family courts and labor courts.

The Institute holds an annual training session for new judges, which is attended by judges nominated during the previous year. This session is held in two parts lasting five days each. The goal of the training session is to discuss the matters and questions that arise at the outset of a judge's tenure, and to acquaint judges with the various public entities that are in constant contact with the courts such as the Israel Police, the Prison Service, the Probation Services and the Public Defender's Office. In addition to this training session, new judges are invited to one or two meetings, each lasting several hours, with two senior judges. The meetings are held at the Supreme Court. The aim of these meetings is to provide advice and guidance to the new judges on issues of judicial ethics, courtroom behavior, administration of hearings, drafting of opinions and other matters. Moreover, it is important to note that the Chief Justice of the Supreme Court has set guidelines for the Chief Judges of the other courts regarding the integration process of new judges.

The activities of the Institute are not limited to the organization of training sessions for acting judges. Every year, the Institute holds several courses for lawyers who are candidates for judicial nomination. The aim of these courses is to assist with the admission process and to identify candidates who are interested in becoming part of the judiciary.

In addition, the Institute conducts courses for lawyers who are candidates for the position of court registrar and for court registrars who are candidates for the position of judges. The Institute

also conducts tours of the various courts, in order to enable judges to present their queries regarding matters of judicial administration.

The team of lecturers of the various courses organized by the Institute consists mostly of judges, but also includes leading academics. From time to time, the Institute invites lecturers from abroad to speak on substantive issues and on subjects relating to the efficiency of the judicial system.

It should be noted that judicial clerks also undergo trainings and continuing education sessions, in order to improve their ability to assist judges in their duties.

The Prosecution Service

The In-house Service Training Faculty for Lawyers in the Ministry of Justice was established in 1996 and is responsible for professional and ethical training of the lawyers and legal advisers working in the public service. Throughout the years, it has held many conferences and seminars on different professional topics (around 80 per year), specifically tailored to lawyers working in the public sector. Every year, several seminars deal specifically with issues of integrity in the civil service as well as the prevention of corruption. These fundamental issues are integrated to each year's curriculum as much as possible.

• Establish or improve existing mechanisms to evaluate performance of members of the judiciary and the prosecution services, including by promoting the transparency of evaluation reports, where appropriate;

The Prosecution Service

The Internal Auditing Department of the Ministry of Justice, functioning under the Internal Audit Law, 1992, evaluates the performance of all units of the Ministry, including the prosecution services. The Department conducts audits in all units in accordance with an annual plan approved by the Director General of the Ministry of Justice. The reports are submitted to the Director General and the Minister of Justice. In addition to the annual audits, specific audits may be requested by the Director General. Moreover, the Internal Auditing Department is responsible for implementing the recommendations made in reports of the State Comptroller in accordance with Section 21A of the State Comptroller Law, 1958.

Furthermore, the Commission for Complaints against State Representations in the Courts Law, 2016 established the Commission to serve as an address for public inquiries and complaints regarding the functioning of the State's representatives in the Israeli legal system, including all divisions of the State Attorney's Office, the police prosecution and municipal prosecutors. The Commission investigates complaints filed by private individuals who feel they were misrepresented or aggrieved by state attorneys throughout their trials. The Minister of Justice and the Attorney General may also file a complaint with the Commission. In addition, the Commissioner may recommend measures for improving work procedures following complaints received.

• Procedures governing asset declarations by judges and how they are used to prevent conflicts of interest, including in relation to the assignment of cases;

As previously mentioned, article 8 of the Public Service Law requires all high ranking public officials, including all judges and registrars, to declare assets, debts and sources of income for themselves, their spouses and dependent children. With regard to judges, the "Inspector", who reviews the capital declarations, is the Judicial Ombudsman.

Departments for assignment and distribution of cases are responsible for the administrative management of cases within the court. These departments also refer suitable cases to mediation, in order to alleviate some of the courts' workload.

In addition, the Israeli cases routing and online management system, "Net Hamishpat", gathers information on each judges' performance – the number of cases the judge has closed, the length of time from the beginning of the case to its end, etc. Judgments and court decisions are published within 72 hours.

**THEMATIC COMPILATION OF RELEVANT INFORMATION SUBMITTED
BY ISRAEL**

ARTICLE 11 UNCAC

JUDICIAL AND PROSECUTORIAL INTEGRITY

ISRAEL (FOURTH MEETING)

1. Has your country adopted and implemented article 11 of the UN Convention against Corruption?

States parties are encouraged to provide information on their implementation of policies and measures taken to strengthen integrity and to prevent opportunities for corruption among members of the judiciary.

Where appropriate, States parties may also wish to provide information regarding measures taken to strengthen integrity and prevent opportunities for corruption among their prosecution service.

Yes, as detailed in the response to the questions below. Relevant laws, regulations and codes of conduct (unofficial translations) are enclosed.

2. Please cite, summarize and, if possible, provide copies of the applicable policy(ies) or measure(s):

In particular, the Secretariat would be grateful for information regarding:

o the constitutional and legal framework applicable in States parties aimed at ensuring the independence and integrity of the judiciary and, where appropriate, the prosecution service;

The Judiciary

The judicial branch in Israel is independent from the legislative and executive branches. Personal independence is ensured by the manner in which judges are appointed and is reinforced by their fixed age of retirement, their salary and work conditions, and rules regarding the immunity of judges, as detailed below. Substantive independence is ensured by the fact that in discharging their duties, judges are not subject to any other authority or person. The disciplinary process, also described below, enables monitoring and implementation of the applicable rules including the independence requirements.

The **Basic Law: The Judiciary** enshrines the principle of the independence of the judiciary in Israel. The **Ethics Regulations for Judges, 2007**, which were enacted pursuant to article 16a of the **Courts Law, 1984**, set out clear rules regarding the integrity and ethical conduct of judges, with the aim of ensuring an impartial judiciary system and the proper administration of justice. Other sources guiding the conduct of justices in carrying out their duties, including conduct of trials, are relevant Supreme Court case law; common principles of ethics; fundamental principles of Israel's judicial system and preliminary requirements for judicial appointment applied by the Committee for the Nomination of Judges. The rules and norms generated by the sources mentioned above are applied by the Office of the Ombudsman for the Israeli Judiciary (hereinafter – the Judicial Ombudsman) when investigating complaints regarding alleged misconduct by a judge.

The Prosecution Service

The Public Prosecution represents the State before courts in all criminal legal matters. The Public Prosecution is comprised of the State Attorney's Office (headed by the State Attorney), the Israel Police Prosecution and specialized prosecutors within ministries and local municipalities. The Public Prosecution is overseen by the Attorney General. Within this capacity, he is in charge of enforcing rules of ethics and professional responsibility over public prosecutors.

The Attorney General and the staff of the State Attorney's Office all operate independently from any elected official. In prosecutorial matters, the Attorney General is not bound by the decisions or policies of either the government or the Minister of Justice. According to Israeli law, the Attorney General (and consequently, all prosecutors) must perform his functions and exercise his authority in criminal matters independently, including in cases involving prominent public figures. The Attorney General's decision to file an indictment in any criminal proceeding cannot be directed or overruled by either the executive or the legislative branches of the government. The appointment procedure of the Attorney General by the government, on the basis of a public professional committee, composed of former government officials, academics and lawyers, and

headed by a former Supreme Court judge, also guarantees the independence of the Attorney General.

The Attorney General exercises his authorities in the area of prosecution, using independent discretion and without being subject to the orders or policies of the Government or the Minister of Justice (Attorney General Directive 4.1000 (51.000A) "Independent Power of the Attorney General – Criminal Proceedings").

In addition, under the Attorney General Directive 4.1001 ("Prosecutorial Independence"), the Attorney General exercises the powers given him by law in criminal matters based on his independent judgment in each case, in accordance with the facts, the law, and the prosecution policy, without being subject to the instructions or policy of a Minister or of the Government. In cases having special political, security, or public importance, the Attorney General must consult, depending on the matter and the need, with the Minister of Justice, with another Minister, or with the Government. Such consultations are reserved for highly exceptional cases in order to prevent, to the extent possible, involvement of political figures in decision making in the criminal field. In practice, such consultations occur in rare cases only.

o codes of conduct and disciplinary mechanisms applicable to members of the judiciary and prosecution service, including whether these were developed with reference to international standards such as the Bangalore Principles on Judicial Conduct or the Standards of Professional Responsibilities and Statement of the Essential Duties and Rights of Prosecutors.

The Judiciary

The **Courts Law, 1984** establishes the Ethics Committee and the Disciplinary Tribunal of Judges. The disciplinary offences on which basis the Minister of Justice may submit a complaint against a Judge to the Tribunal of Judges are specified in Article 18(a) of the Law: (1) the Judge acted improperly in the exercise of his position; (2) the Judge behaved in a manner inappropriate to his standing as a Judge in Israel; (3) the Judge was found guilty of an offence, which under the circumstances is heinous; (4) the Committee concluded that the Judge obtained his appointment unlawfully; (5) the Judge violated any of the Rules of Ethics, which were prescribed under section 16A.

Article 19 of the Law lists the disciplinary measures which the Disciplinary Tribunal may impose: remark, warning, reprimand, transfer to a different position and dismissal from the position, either with payment of a pension or with its denial in whole or in part.

Article 77a of the Law lists grounds for recusal, preventing a judge from hearing a case in circumstances that create a real suspicion of partiality in the conduct of the case.

The **Ethics Regulations for Judges, 2007** define rules of conduct for judges. Similar regulations exist for judges in religious courts (2008). The Ethics Regulations for Judges include the following key provisions to ensure prevention of corruption in the performance of judicial duties:

- Prohibition for judges to derive benefit from their positions, materially or otherwise, directly or indirectly and the prohibition to promote personal interests or using their title where it might be perceived that doing so will create a favorable position (Article 20 of the Regulations).
- Prohibition for judges to receive a discount when purchasing an item or upon receiving a service, unless the discount was given regardless of the judge's title or was approved by the Director of Courts (Article 21).¹
- Prohibition on benefiting from free entrance to events or venues where admission is required unless the invitation is from a family member or a close friend or where the judge accompanies someone else who was invited regardless of his or her position (Article 21).
- Refraining from financial or business management of a public institution in which a judge is active² and prohibition on receiving any benefits (Article 24).
- Prohibition on involvement in a public institution initiating legal proceedings and on approaching public authorities or private institutions on behalf of a public institution in which the judge is active (Article 24).

¹ In addition, the **Public Service Law (Gifts), 1979** regulates a judge's receipt of gifts.

² Article 24 (a) of the **Ethics Regulations** provides that a judge is allowed to be a member of the administrative body of an educational institution, such as a trustee of an educational institution, or of a body for public purposes as permitted under Article 11 of the **Basic law: The Judiciary**.

- Prohibition on actively managing a business, whether directly or indirectly, and on holding a position in a commercial corporation or any other business entity (Article 35).

Violations of the Ethics Regulations for Judges could result in a complaint with the Disciplinary Tribunal of Judges. The Regulations do not carry criminal sanctions, though some of the provisions in them correspond with criminal offences established in other laws.³

In addition, the Ethics Regulations for Judges are upheld by the Office of the Ombudsman for the Judiciary, established in October 2003, pursuant to the **Ombudsman for Complaints Against Judges Law, 2002**. Its purpose is to improve the unique functions performed by the judiciary while maintaining judicial independence. The law aims to combine the principles of judicial independence and accountability.

The Judicial Ombudsman's office provides an address to anyone who sees himself or herself injured by judicial misconduct. The Judicial Ombudsman investigates complaints regarding judges' conduct, such as the use of offensive language in court decisions or during a hearing, misconduct outside the court and complaints regarding the manner in which the trials are conducted, such as unreasonable procedural delays. The judges that are subject to the review of the Judicial Ombudsman are judges and registrars from the general courts system, including judges from labor courts, judges in religious courts (usually cases relating to marital status and divorce, governed in Israel by religious laws) and military judges.

Following a complaint, the Judicial Ombudsman is authorized to recommend to the Minister of Justice to file a complaint with the Judges Disciplinary Tribunal, to suggest how future conduct should be improved and also, in severe cases, to recommend to the Committee for the Nomination of Judges to dismiss the judge from office in accordance with its authority, or to recommend that the Minister or the Chief Judge or Chief Justice of the relevant court propose to the Committee to end the judge's term or remove a judge from his or her office.

³ For example, some acts in violation of Articles 20-21 of the Regulations may also be offences of fraud and breach of trust, or abuse of office under the Penal Law, 1977.

The decision of the Judicial Ombudsman is final (while the decision may be challenged in an appeal to the Supreme Court of Justice, so far it has never been done). All investigations conducted by the Judicial Ombudsman Office are strictly confidential. However, the Judicial Ombudsman submits an annual report to the Minister of Justice and to the Chief Justice of the Supreme Court (omitting identity details). In addition, the Judicial Ombudsman publishes general statements of opinion on different matters and makes presentations to judges in order to improve conduct and efficiency.

The Prosecution Service

The **Civil Service Law (Discipline), 1963** and the **Civil Service Rules of Ethics** ("Takshir") together comprise the disciplinary policy applicable to prosecutors and other government employees.

Article 17 of the Civil Service Law (Discipline) provides a list of disciplinary offences, such as conduct unbecoming a civil servant and dishonest conduct. In addition, article 42.7 of the Takshir (Chapter 11) provides that a State employee may only receive a salary and other payments from the State Treasury, and may not receive any other benefit from another person for or in connection with his/her public function. The Takshir also includes prohibitions on deriving a personal benefit from public positions and operating in conflicts of interest.

The Prosecution Service is regulated by the Civil Service Commission. Among its duties, the Civil Service Commission is responsible for supervising the implementation of the Civil Service Law (Discipline). Pursuant to sub-articles of Article 17, the Discipline Department tries public employees in disciplinary hearings for a wide variety of conduct that harms other persons, taints the work environment, disrupts labor relations, undermines the public's trust in the civil service, impairs or causes harm in another way to the proper functioning of the civil service.

The penalty for a disciplinary offence under the Civil Service Law (Discipline) is determined by the Disciplinary Tribunal for Government Employees, in the Civil Service Commission. The Tribunal has the authority to impose on the offending civil servant

various disciplinary penalties, including warning, reprimand, forfeiture of salary, demotion in rank, transfer of the civil servant to a different position, disqualification from fulfilling certain functions, dismissal with or without severance pay, dismissal together with disqualification from serving in the civil service.

Civil servants are also subject to specific norms of conduct under Israeli criminal law, aimed at preventing acts of corruption, embezzlement and other misdeeds. Such specific offences include bribe taking by a public servant, theft by public servant, fraud and breach of trust, abuse of office, failure to perform official obligation, violation of statutory duty, etc.

Throughout the years, other norms of conduct have developed with regard to public servants by way of court rulings, State Comptroller's reports and guidelines of the Attorney General and the State Prosecutor.

It should be noted as well, that according to the State Comptroller Law, 1958, the State Comptroller functions also as the Ombudsman of Israel. As such, a person who is injured by an action or omission of the Prosecution service, for which he has no right of appeal by law to another body, may submit a complaint in the matter to the State Comptroller and Ombudsman (hereinafter - the National Ombudsman). The National Ombudsman is empowered to investigate and publish his findings and decisions.

Public prosecutors are also bound by the professional ethical standards set forth in the **Bar Association Law, 1961** and the **Bar Association Rules (Professional Ethics), 1986** and enforced by the Israel Bar Association. The Israel Bar Association has its own disciplinary system and has broad authority in disciplinary matters. Complaints against lawyers are brought before one of the District Ethics Committees, which then decide whether to submit charges. The Bar's disciplinary system has an appeals system which may reach the Supreme Court of Israel.

o measures taken to ensure transparency and accountability in the selection, recruitment, training, performance management and removal of members of the judiciary and the prosecution service;

The Judiciary

Articles 5, 7 and 9 to 11 of **Basic Law: The Judiciary, 1984** and articles 5 to 7A and 11 to 13 of the **Courts Law, 1984**, establish rules governing the appointment of judges, conditions for their conduct in their positions as judges and for their retirement.

According to **Basic Law: the Judiciary**, judges are nominated by the Committee for the Nomination of Judges, and are formally appointed by the President of the State. The Committee is composed of nine members: three judges (the Chief Justice of the Supreme Court and two Supreme Court justices), two Ministers (one of them being the Minister of Justice), two members of the Israeli Parliament (Knesset) and two representatives of the Israel Bar Association. The Minister of Justice is the chairperson of the Committee. Thus, all branches of government take part in the judicial nomination process.⁴

The procedures for nominating judges in Israel and the composition of the Committee ensure that the considerations taken into account in the nomination of judges are relevant and material. Such considerations include legal stature, experience, capability and integrity.

In order to ensure transparency, notices of vacancies of judicial posts are published in the official Government gazette ("Reshumot"). The publication is intended to allow any citizen to file an objection to a candidate's nomination, within 20 days. An attorney who wishes to submit his or her candidacy to the Committee must fill out a questionnaire prescribed by the Committee. The qualifying candidate appears before a sub-committee of the Committee for the Nomination of Judges, which presents its findings to the Committee. In addition, candidates may be proposed by the Minister of Justice, the Chief Justice of the Supreme Court or by three Committee members. The Committee for the Nomination of Judges decides on the appointment of a judge by majority vote of members taking part in the ballot. Appointments to the Supreme Court are decided by a majority vote of 7 out of the Committee's 9 members.

Each candidate for judicial appointment must successfully complete a specialized training course, except when a candidate was proposed by three Committee members and they decide that no training is necessary (a rarely used option). The course includes an

⁴It should be noted that for some quasi-judicial positions the appointment procedures are different: some are appointed by the minister of Justice and some by search committees. Some, like custody tribunals' judges, are appointed for limited terms, unlike most judges in Israel.

evaluation of the candidates' judicial skills, conducted by two district court judges and one Supreme Court justice, and observed by psychologists. During their time in office, judges continually undergo seminars through the Institute of Advanced Judicial Studies. Before the commencement of their term, judges take an oath of office before the President of the State, pledging “allegiance to the State of Israel and its laws, to dispense true justice, not to pervert the law or to show favor”. This oath of office must be repeated every time the judge receives a new judicial position.

A judge's term of office commences upon taking oath, and ends only as prescribed by law, namely: mandatory retirement (at age 70), resignation, or death. A judge may also be elected or appointed to another position, or removed from office – whether by resolution of the Committee for the Nomination of Judges passed by a majority of at least seven members, or by decision of the Disciplinary Tribunal of Judges. In addition, a judge may be required to retire before reaching retirement age, if the Committee for the Nomination of Judges, on the basis of a medical opinion, establishes that by reason of the state of his/her health he/she is unable to continue carrying out his/her functions. Finally, (pursuant to the Basic Law: the Judiciary), any transfer to a different court is subject to the judge's consent, unless the Chief Justice of the Supreme Court or the Disciplinary Court for Judges decides otherwise.

The salary of judges and other sums paid to them during their tenure or subsequently, or to their beneficiaries after their death, are determined by law or by decision of the Knesset (Israeli parliament) or one of its committees. As noted above, a judge may not be engaged in another occupation or take up a public function, except as prescribed by law, or with the consent of the Chief Justice of the Supreme Court and the Minister of Justice. Judges are subject to the Disciplinary Court for Judges, as well as the Judicial Ombudsman's Office. The Presiding Judge of the Disciplinary Court for Judges is appointed by the Chief Justice of the Supreme Court. All the members of the Disciplinary Court are judges or retired judges.

Judges are subject to criminal proceedings, in the manner specified by the law. For example, the **Basic Law: The Judiciary** provides that initiation of a criminal investigation against a judge requires the consent of the Attorney General. An indictment against a judge may only be filed by the Attorney General himself. A criminal trial

against a judge may only be held before a three-judge panel of the District Court, unless the defendant judge agrees that the trial take place before a single judge of the District Court.

Thus, personal independence is ensured by the fact that judges are not appointed for limited terms but serve in office until their fixed retirement age; their fixed salary and work conditions (for example, a Supreme Court Justice receives the same salary and benefits as a minister in the government. In addition, judges may not be transferred to another jurisdiction without their consent, except in the circumstances listed in the **Basic Law: The Judiciary**, and disputes regarding work conditions of judges are brought before the Knesset's Finance Committee instead of the labor courts); and rules regarding the immunity of judges, such as the immunity from civil suit established in Article 8 of the **Torts Law [consolidated version]**.⁵ In addition, case-law has established the rule that a judge may not be made to testify regarding an event that occurred during the course of his official duty. It has also limited the possibility for judge's testimony in other matters. Substantive independence is ensured by the fact that in discharging their duties, judges (and quasi-judges) are not subject to any other authority or person but that of the law.

The Prosecution Service

Public prosecutors in the civil service are subject to ordinary statutory government recruitment procedures. These procedures require the Israeli government to carry out equitable and transparent public tenders for appointment of civil servants. There exist certain exemptions to the tender requirement, with respect to certain senior positions in the civil service; however, the State of Israel is currently in the process of reducing the number of such exemptions and replacing them with a "search committee" process. Search committees consist mainly of professional experts who attempt to identify potential candidates for a given position and submit their recommendation to the person responsible for making the appointment.

⁵ Article 8 of the Torts Law provides that courts and judges cannot be sued for damage caused in the course of their judicial duties.

The **Public Service Law (Appointments), 1959**, requires certain public officials to declare assets, debts and sources of income, for themselves and their families. The Takshir provides, inter alia, that in regards to certain positions in public service (as defined in Section 13.621 of the Takshir), as a pre-requisite to nomination, the candidate must declare any possible conflicts of interest, and, where necessary, upon the Attorney General's decision, must agree to an arrangement to preclude conflicts of interest (Section 13.65).

Attorney General Directive no. 1.1555 (2006) includes guidelines for preventing conflicts of interest when recruiting employees to the civil service. This Directive contains detailed disclosure requirements as well as legal guidelines for drafting ad-hoc requirements for the appointment of civil servants that may face various situations of conflict of interest, for example a requirement for the civil servant to divest himself/herself from his/her holdings in a particular corporation (such as by way of transferring the shares to a blind trust), or a reassignment of certain fields of responsibility from one civil servant's position to another. The Directive includes a model questionnaire that aims to detect areas in which conflicts of interest may arise. The questionnaire can be modified to address the particular circumstances of each case.

The Attorney General may require the candidate to provide additional details or to clarify answers in the questionnaire, as necessary (Section 16 of the Directive). The requirement to answer a questionnaire examining a candidate's potential conflicts of interest is also specified in paragraph 13.631 in the Takshir as one of the conditions in any appointment process in the civil service.

If a risk of a conflict of interest is discovered and there is a need for an arrangement to prevent a conflict of interest, such arrangement is usually prepared by the legal advisor of the relevant government office, in consultation with the Ministry of Justice and the Civil Service Commission. According to the Attorney General Directive 1.1555, conflict of interest arrangements must include an express statement to the effect that the responsibility to avoid any conflicts of interest rests with the candidate. The person making the arrangement with the candidate must also notify the candidate that should there be any change regarding the statements in the questionnaire or in the declaration of

capital, it is the candidate's responsibility to notify the competent authority of the change and to provide the relevant information in writing.

In addition, according to Attorney General Directive 3.1005, conflict of interest arrangements are subject to the Freedom of Information Law. Therefore, in accordance with the Directive, when forming the arrangement to prevent conflicts of interest, the legal advisor of the relevant office should inform the employee or candidate that the arrangement, as a rule, will not be confidential, except for those parts where the employee shows a legal reason to keep it confidential. The fact that conflict of interest arrangements are subject to the Freedom of Information Law is also expressly made clear in the arrangements signed by the employee.

o measures taken to improve the transparency and efficiency of procedures governing case assignment and distribution;

The Judiciary

Departments for assignment and distribution of cases are responsible for the administrative management of cases within the court. These departments also refer suitable cases to mediation, in order to alleviate some of the courts' workload.

In addition, the Israeli cases routing and online management system “Net Hamishpat”, gathers information on any judges' performance – the number of cases each judge has closed, the length of time from the beginning of the case to its end, etc.

The Israeli Courts Research Division (“ICRD”), which was established in December 2010 under the auspices of the Supreme Court of Israel, is an independent applied research unit whose primary mission is to assist the management of the courts and to enhance the efficiency, quality and functioning of the Israeli judicial system by supplying policymakers with the results of objective, empirically-based analytic research. The ICRD's research includes examination and analysis of policies, procedures and rules, as well as evaluation of potential policy reforms.

One of the recent research topics of ICRD is the development of “case weights” per case type, intended to optimize judicial time management and to improve case-load distribution. The study was designed to assess and regulate the case load between the courts and between the judges. The results will be used in decision making in various

fields relating to the needs of the system. They are expected to contribute to the efficiency of the service provided by the courts system.

The Prosecution Service

Article 60 of the **Criminal Procedure Law [Consolidated Version]**, 1982, which was amended in 2010 in order to improve the efficiency of procedures regarding the distribution of cases between the State's Attorney's office and the Police Prosecution Unit, states that the Police shall transfer material obtained in most felony offence investigations to the District Attorney's office to be assigned to a prosecutor.

Material obtained in investigations of misdemeanor offences shall be transferred to the police to be dealt with by the police prosecution, and in some cases the material shall be transferred by the police to the Head of the Police Prosecution Unit and assigned to a Police Prosecutor who is an attorney serving in the Police Prosecution Unit. When the District Attorney receives a certain case, he may also decide that due to a lack of excessive severity in the circumstances of the offence, and the simplicity of the evidence, it may be transferred to the Police Prosecutor who is an attorney serving in the Police Prosecution Unit. The Minister of Justice, with the consent of the Minister of Public Security and approval of the Knesset's Constitution, Law and Justice Committee, shall be entitled, by issuing an order to amend the relevant Addendum of the Criminal Procedure Law, on condition that it will not stipulate changes in Section B, which contains offences that come under the sole jurisdiction of the district court.

Regarding the assignment of cases within the State's Attorney's office, in most cases the public prosecutors in the District Attorney's office are divided into teams, led by a team leader. Typically, the team leader receives and distributes cases among his team members, according to their workload, the complexity of the case and the experience of the prosecutor. Some District Attorney's offices may have their own practice of case assignment. In particularly complex or sensitive cases the District Attorney may personally assign the prosecutor. The name of the public prosecutor assigned to a case is not confidential and it is available to the public. In the Criminal Appeals' Department at the State Attorney's Office, the cases are distributed by the director of the Department,

according to the workload and experience of the prosecutors and the complexity of the case.

o policies and/or practices aimed at increasing transparency in the court process, for example by allowing public and media access to court proceedings, facilitating access to court judgements and raising public awareness through information sharing and outreach programmes.

Judicial proceedings are generally open to the public and the media, even though Israeli law does not explicitly guarantee a right to attend them. Court judgements are regularly published and reported in the media, though television crews are not allowed inside courtrooms during sessions. In sensitive cases, a court may deem that holding closed proceedings is necessary to safeguard individual privacy or state secrets. Most court judgments are published and are widely accessible.

3. Please provide examples of the successful implementation of domestic measures adopted to comply with article 11 of the Convention:
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The Secretariat would particularly welcome practical examples and case studies of successes in implementing domestic measures in the field of judicial integrity. Such examples may include:

o cases in which the breach of a judicial or prosecutorial code of conduct has led to the application of disciplinary measures.

Whenever the Judicial Ombudsman decides that a complaint is justified, a detailed decision is sent to the complainant with copies to the judge, the Chief Justice of the Supreme Court, the Minister of Justice, the Chief Justice or Chief Judge of the court where the judge serves, and to the Director of the Courts. A copy of the decision is also filed in the judge's personal file and is to be taken in consideration in future promotions. In serious cases, or where a judge is the subject of recurring complaints, the Judicial Ombudsman may refer the matter to a Disciplinary Court or recommend to the Committee for the Nomination of Judges that the judge be dismissed. As noted above the Office of the Ombudsman for the Israeli Judiciary was established in 2003. The limited experience to date suggests that most judges faced with either prospect, prefer to withdraw gracefully, aiming to avoid unwelcome publicity.

In recent years there have been several criminal or disciplinary investigations against judges, most of which were discontinued when those judges elected to resign from their posts. However, these investigations did not involve suspicions of corruption of presiding judges, but rather other forms of unethical conduct.

o examples of the effective use of mechanisms to facilitate the reporting of acts of corruption in the judiciary and the prosecution service and statistics regarding the number of complaints received through such mechanisms.

The Judiciary

The following table shows the number of complaints against judges received by the Judicial Ombudsman and the number of such complaints that were found to be justified, between 2010 and 2012:

2012	2011	2010	
930	968	866	Complaints received
101	89	116	Complaints found to be justified

These statistics are not divided according to the nature of the alleged offence. However, the vast majority of complaints against judges, before and since the establishment of the Office of the Judicial Ombudsman, do not raise suspicions of corruption, but deal with allegations of other forms of judicial misconduct.

The Prosecution Service

The following table shows the number of complaints against officials in the Ministry of Justice (including the Prosecution service) which were dealt with by the National

Ombudsman (the State Comptroller) and the number of such complaints that were found to be justified, between 2010 and 2012:

2012	2011	2010	
122	132	121	Complaints dealt with
7	9	8	Complaints found to be justified (from among those complaints not summarily dismissed, etc.)

These statistics are not divided according to the nature of the alleged offence. However, the vast majority of complaints do not include allegations of corruption.

o the successful implementation of reforms related to case assignment and case management procedures resulting in a reduction in waiting times for the hearing and completion of cases.

As mentioned above, one of the recent research topics of ICRD is the development of “case weights” per case type, intended to optimize judicial time management and to improve case-load distribution. The study is designed to assess and regulate the case load between the courts and between the judges. The results will be used in decision making in various fields relating to the needs of the system. They are expected to contribute to the efficiency of the service provided by the courts system.

ICRD's research includes examination and analysis of policies, procedures and rules, as well as evaluation of potential policy reforms. Following the findings of the study on data reliability of “Net Hamishpat” – the Israeli cases routing and online management system – a working group was formed for improving the reliability of the statistical data in this system. The team, whose members include representatives of court secretariats and members of ICRD, redefined the categories of reasons for closing cases. In addition, future changes are planned to enable automatic links between data, such that the need for

manual updating by secretariats will decrease and data reliability will rise. After implementation of these changes, the secretariats' administration will distribute procedures for updating statistical data. Finally, the Director of Courts is planning a number of steps for implementation and raising awareness of the importance of statistical data reliability.

o the successful implementation of educational and training programmes for members of the judiciary and prosecution service, including both initial formation and continuing education.

The Judiciary

The Institute of Advanced Judicial Studies was established in 1984, in order to organize continuing education sessions for acting judges. The number of sessions has increased over the years and currently stands at about fifty sessions per annum.

Generally, every judge may choose which sessions to attend. The sessions are open to all judges and every session is attended by 25-40 participants. In addition, there is an annual conference for all judges, to bring them up to speed with new substantive and procedural issues. In some instances judges are invited to participate in specific sessions. Every judge is entitled to seven paid days of continuing education courses per year and to three additional non-paid days per year. Most sessions last between two to five days; occasionally, longer sessions are held.

The topics of the continuing education sessions are extremely varied. In its activities, the Institute stresses the need for an efficient judicial system and organizes specific sessions aimed at helping judges to increase their efficiency and to improve their handling of administrative tasks. Some of the sessions offered deal with issues such as judicial ethics, integrity and conflicts of interest. In addition to training by subject, special training sessions are held for courts empowered with special fields of authority, such as family courts and labor courts.

Once every year, the Institute holds a training session for new judges, which is attended by judges nominated during the previous year. This session is held in two parts lasting five days each. The goal of the training session is to discuss the matters and questions that arise at the outset of a judge's tenure, and to acquaint the judges with the various public entities that are in constant contact with the courts such as the Israeli Police, the

Prison Service, the Probation Services and the Public Defender's Office. In addition to this training session, new judges are invited to one or two meetings, each lasting several hours, with two senior judges. The meetings are held at the Supreme Court. The aim of these meetings is to provide advice and guidance to the new judges on issues of judicial ethics, courtroom behavior, administration of hearings, drafting of opinions and other matters. Moreover, it is important to note that the Chief Justice of the Supreme Court has set guidelines for the Chief Judges of the other courts regarding the integration process of new judges.

The activities of the Institute are not limited to the organization of training sessions for acting judges. Every year, the Institute holds several courses for lawyers who are candidates for judicial nomination. The aim of these courses is to assist with the admission process and to identify candidates who are interested in becoming part of the judiciary.

In addition, the Institute conducts courses for lawyers who are candidates for the position of court registrar and for court registrars who are candidates for the position of judges. The Institute also conducts tours of the various courts, in order to enable judges to present their queries regarding matters of judicial administration.

The team of lecturers of the various courses organized by the Institute consists mostly of judges, but also includes leading academics. From time to time, the Institute invites lecturers from abroad to speak on substantive issues and on subjects relating to the efficiency of the judicial system.

It should be noted that judicial clerks also undergo trainings and continuing education sessions, in order to improve their ability to assist judges in their duties.

The Prosecution Service

The In-Service Training Faculty for Lawyers in the Ministry of Justice was established in 1996 and is responsible for professional and ethical training of the lawyers and legal advisers working in the public service. As such, throughout the years it has held many conferences and seminars on different professional topics (around 80 per year), specifically tailored to lawyers working in the public sector. Every year, several seminars deal specifically with issues of integrity in the civil service as well as the prevention of

corruption. These fundamental issues are integrated to each year's curriculum as much as possible.

Specific examples for relevant seminars in recent years:

2012 – "Appointments in the public service" - this seminar dealt, among other subjects, with improper appointments and corruption in the Public Service, and with judicial review of the appointment procedures in the public service.

2011 – "Effectiveness and justice in the legal process" - one lecture in this seminar dealt with criminal procedure and management of the courts.

Another seminar during the same year, entitled "Administrative and Judicial Review of Administrative Decisions", discussed rule of law and governance in public administration.

2009 – "Discipline and moral integrity in the civil service" - the seminar focused, *inter alia*, on disciplinary rules and the difference between criminal indictment and disciplinary prosecution (in regards to breach of trust).

4. Have you ever assessed the effectiveness of the measures adopted to implement article 11? Please outline (or, if available, attach) the results of such an assessment including methods, tools and resources utilized.

States parties may wish, in particular, to provide information regarding efforts taken to:

o evaluate the overall integrity and effectiveness of the court system.

In describing such efforts States may wish to include what methodology and indicators were used, which institutions were responsible for implementation and what follow-up action was taken following evaluation.

o seek the views of court users as regards the integrity and effectiveness of the judiciary, prosecution service and court system more broadly.

Such measures may include public or court user surveys, focus groups, the use of "score cards", the analysis of complaints received and other similar measures.

o assess the impact of specific measures taken in furtherance of Article 11 such as the those mentioned in paragraph 2 above.

The Judicial Ombudsman submits an annual report (omitting identity details) to the Minister of Justice and to the Chief Justice of the Supreme Court. The annual report includes details on the number of complaints filed with the Judicial Ombudsman's Office, the number of complaints summarily rejected because they are not subject to

investigation or are not subject to investigation without a special reason, and the number of complaints that were substantively investigated, by type of complaint. The report also contains details on the complaints that were found to be justified, the manner in which they were handled, their breakdown by type, and the measures taken to correct the defects that were uncovered. The annual reports are sent to all judges and published on the website of the Ministry of Justice.

5. Which challenges and issues are you facing in (fully) implementing article 11 of the Convention?

Examples of the types of challenges States parties may face in implementing article 11 of the Convention include:

o challenges in balancing efforts to increase the integrity and accountability of the judiciary, for example through the development of new evaluation procedures, with the protection of the independence of the judiciary.

o implementation challenges, such as the ability to enforce or otherwise encourage adherence to existing codes of conduct applicable to members of the judiciary or prosecution service.

o communication challenges, such as the ability to disseminate, publicise and promote new policies and practices to members of the judiciary, prosecution service or to the public more broadly.

Israeli judges have an inordinately heavy case load, far in excess of that of their European or American counterparts. Some 500 judges deal annually with more than one million new cases. Extensive computerization case managements and the use of ADR have done little to reduce the burden. Notwithstanding, the Israeli public has retained a high degree of trust in the integrity of the judges and legal system, and the Supreme Court in the particular is highly respected. The judicial system continually seeks ways to improve the quality of the services performed by the courts, with the help of the Judicial Ombudsman, ICRD, the Institute of Advanced Judicial Studies and others. Similar efforts are being made by the prosecution authorities, which also carry an excessively heavy workload.

6. Do you consider that any technical assistance is required in order to allow you to fully implement this provision? If so, what specific forms of technical assistance would you require?

No technical assistance is required in this regard.