

Former attorney general: High Court must strike down ‘regime coup’ laws if passed

In impassioned speech, Avichai Mandelblit says it would be court’s ‘duty’ to annul legislation, which would otherwise ‘abolish’ Israel’s liberal democracy

By Jeremy Sharon 28 February 2023

Former Attorney General Avichai Mandelblit described the government’s judicial overhaul program on Tuesday as “a regime coup” and insisted that if the proposed legislation is approved by the Knesset, the attorney general and the High Court of Justice would have “a duty” to strike it down.

Mandelblit’s explosive comments, which if heeded by the High Court would lead to a full-blown constitutional crisis between the government and the judiciary, come as the Knesset Constitution, Law and Justice Committee is set to approve on Wednesday the next stage of the government’s radical legal shakeup for a first reading in the Knesset plenum.

The coalition is advancing legislation that would give the government complete control over all judicial appointments in Israel, including the Supreme Court; would largely eliminate the High Court’s capacity to strike down legislation, even if it violates Israel’s Basic Laws; and allow the Knesset to pass legislation that is immune to High Court review from the outset.

This legislation is being passed as quasi-constitutional Basic Laws, while also containing language explicitly banning the High Court from hearing and ruling on appeals against it.

Should the High Court therefore decide to hear petitions against the laws, or even strike them down, it would be doing so in direct defiance of the government and legislature, a situation that would lead to an unprecedented constitutional crisis and possible collapse of the rule of law.

In a fiery speech at the **Institute for National Security Studies at Tel Aviv University** on Tuesday night, Mandelblit, a former close associate of Prime Minister Benjamin Netanyahu, denounced the government’s judicial overhaul package as “regime change” which he said would end Israel’s liberal democratic form of government.

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