

## **Subordination of Police Internal Investigations Department to Minister of Justice: Proposal for Government Takeover of Prosecution Authorities**

### **Bill on Amendment of Police Ordinance-2022 (Internal Investigations Department)**

#### **Introduction**

Bill on Amendment of Police Ordinance-2022 (Internal Investigations Department), a private bill approved in preliminary reading, proposes to subordinate the Israel Police's Internal Investigations Department (known by its Hebrew acronym Mahash) directly to the Minister of Justice, to detach it from the State Attorney's Office (SAO), and to empower it to investigate prosecutors.<sup>1</sup>

The proposal is an integral part of the regime revolution pursued by the government since January 2023, which comprises a long series of bills that infringe on democracy, human rights, and equality, and one of whose intentions is to weaken the judiciary and damage its independence.

- **Subordinating Mahash to the Minister of Justice constitutes a severe violation of the rule of law and democracy**, as it tears down the vital buffer between political considerations and criminal proceedings and would allow political figures to interfere in investigations and prosecutions.
- **The bill is based on an unsubstantiated claim, devoid of any factual foundation, about a "back-scratching" relationship between the SAO and the Israel Police**, and stands in total contradiction to consistent professional recommendations over the years, including an April 2025 report calling for the head of Mahash to be appointed by a professional-public committee.
- **Mahash's attitude toward violent police officers is overly lenient as it is** (less than 1% of the cases of violence at demonstrations result in indictments). The politicization ensuing from the proposed legislation would further exacerbate this trend and severely harm the right to protest and demonstrate, similar to what happened with the Israel Police following its subordination to the Minister of National Security.

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\* English-language reference. All other references in this report are in Hebrew.

<sup>1</sup> [Bill on Amendment of Police Ordinance-2022 \(Internal Investigations Department\)](#), *Knesset National Legislation Repository*, last updated 19 May 2025.

\*The Public Committee Against Torture in Israel is proud of the support and funding it receives from private donors, funds, governments and professional entities. The majority of PCATI's funding comes from foreign political entities; for further details, visit PCATI's website.

- **Empowering a Minister of Justice-controlled Mahash to investigate prosecutors is a dangerous tool**, which would allow the government to exert improper pressure on prosecutors handling corruption cases involving public officials and to use bogus investigations to delay or thwart criminal proceedings against members of the government.

### **The Existing Law**

Mahash, along with its powers and duties, was established under Articles 49.9-49.11 of Police Ordinance-1971 [New Version] as a unit operating under the SAO and professionally and organizationally subordinate to it.<sup>2</sup> The head of Mahash holds the same rank as a district attorney, is part of the SAO's senior management led by the State Attorney, and is selected by the Civil Service Commission's recruitment board.

Mahash is authorized to investigate suspicions of certain criminal offenses committed by police officers, suspected civilian accomplices of police officers in offenses where the latter were the main perpetrators, as well as Shin Bet personnel. In contrast, the Israel Police are authorized to investigate suspected offenses committed by prosecutors in the public service and the SAO.

### **The Proposed Bill**

The proposed amendment to the Police Ordinance consists of the following:

1. Mahash would be empowered to investigate suspicions of offenses committed by SAO prosecutors.
2. The head of Mahash would be appointed by the Minister of Justice.
3. Mahash would be organizationally subordinate to the Minister of Justice and under the administrative supervision of the Director General of the Ministry of Justice.

### **Zulat-PCATI's Position: Categorical Opposition to Proposed Bill**

There is absolutely no room for such a bill in a democratic state predicated on the rule of law and separation of powers for the following reasons:

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<sup>2</sup> [Police Ordinance-1971 \[New Version\]](#), *Nevo*, last updated 13 May 2025.

1. **Harm to Rule of Law and Public Trust in Mahash:** The proposed bill violates the principle of the rule of law, which is the cornerstone of a democratic regime. In a democracy, a buffer must stand between political entities and considerations and criminal proceedings, and the political echelon is required to absolutely refrain from interfering in the latter.

Under the proposed bill, prosecutors would not only be subservient to the law but also to the minister, thus potentially harming the rights of crime victims and suspects because of their political affiliation or due to the sensitivity of the cases under investigation. Even if no rights are harmed in practice, Mahash's decisions would forever be suspected of political bias, thereby damaging public trust in the law enforcement authorities.

**Specifically, the appointment of the head of Mahash by Justice Minister Yariv Levin would allow the latter to control the former and other Mahash employees seeking promotion, as occurred with the Israel Police. Currently, the head of Mahash is chosen by the Civil Service Commission's recruitment board, which is made up of relevant professionals. The proposed bill does not offer any advantage to replacing this professional selection process with a political appointment.**

As revealed in the media, following the subordination of the Israel Police to the Minister of National Security, senior police officers raced to curry favor with Itamar Ben-Gvir, personally interviewing with him for promotions and some of them even bypassing the chain of command to report directly to him regularly.

2. **Factually Unfounded Proposal Ignores Professional Recommendations:** The bill proposing to subordinate Mahash to the Minister of Justice suffers from two fundamental flaws: it lacks a proper factual foundation and is based on claims that have never been proven.

Since its establishment in 1992, Mahash's handling of complaints against police officers has been examined in many public and professional reports.<sup>3</sup> Not one of them recommended to increase its politicization or to shift it under the direct control of the

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<sup>3</sup> Following are some of the reports published on the subject: Public Committee Report on Governmental Handling of Police Violence (1994); Public Committee Report on New Police Law (1999); Ministry of Public Security Report on Police Violence Toward Civilians (2000); State Comptroller's Report on Governmental Handling of Complaints on Police Violence and Misconduct (2005); Interministerial Team Report on Eradication of Racism Toward Israeli Ethiopians (2016); State Comptroller's Report on Governmental Handling of Offenses by Police Officers (2017); Report of Team Looking Into Improving Response to Complaints Against Police Officers (2020); State Comptroller's Report on Conduct of Law Enforcement Authorities Toward Israeli Ethiopians (2021); State Comptroller's Report on Mahash and Israel Police's Handling of Offenses by Police Officers (2023).

Minister of Justice. **Though recommending its separation from the SAO, even the latest report of April 2025 (compiled by a professional team led by the current Director General of the Ministry of Justice) does not suggest subordinating Mahash to the minister/the ministry's director general or the appointment of its head by the minister. On the contrary, the team explicitly recommends that the head of Mahash be appointed by a public-professional committee, and that Mahash remain professionally subordinate to the Attorney General and the State Attorney.**<sup>4</sup> The main argument cited by the bill's supporters (the supposed "back-scratching" between the SAO and the Israel Police) is factually unsubstantiated. Though one might theoretically argue that a potential conflict of interest exists in certain situations, in practice, in over 30 years since Mahash's establishment, not a single case is known where this concern materialized.

Moreover, State Comptroller reports examining Mahash's performance over the years, including the latest one for the year 2023, identified an opposite problem, expressing concern that Mahash lacked full professional independence from the Israel Police (rather than from the SAO)<sup>5</sup> and noting various structural and functional deficiencies unrelated to its organizational subordination to the SAO. As noted, even the latest professional team that looked into the matter, **while mentioning a theoretical unease about an inherent conflict of interest in Mahash's subordination to the SAO, found no evidence whatsoever of this concern having materialized in practice.** Thus, it appears that the bill is not based on a real problem evident in reality, but is driven by entirely different considerations and deliberately ignores all professional recommendations on the issue over the years.

- 3. Danger of Leniency Toward Police Morphing into Full Politicization:** Subordinating Mahash to Minister Levin will lead to full politicization of its work, and do away with the vital separation between political considerations and investigations. In practice, this means that freedom of protest and expression will be fatally harmed, as anti-government demonstrators may face unchecked police violence.

In fact, data show Mahash is already too lenient toward the Israel Police, especially in cases of violations committed against citizens exercising their right to freedom of

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<sup>4</sup> [Report of Team Set Up to Examine Mahash](#), *Ministry of Justice*, February 2025.

<sup>5</sup> For example, see [\\*The Handling of Police Offenses by the Police Department of Internal Investigations and by the Police](#), *State Comptroller*, May 2023.

protest. This troubling trend is expected to worsen dramatically if Mahash is subordinated to the Minister of Justice:

- A follow-up study of complaints about police violence presented by the Public Committee Against Torture in Israel (PCATI) shows that in 2021 Mahash closed without indictments double the number of cases than in 2020.
- Many of PCATI's complaints to Mahash were dismissed after a perfunctory "preliminary review," which often did not include any investigative action. For example, in 2021, 57% of the cases were closed without any criminal examination or investigation taking place, compared to 43% of such cases closed in 2020.
- Most troubling of all, in the last two years (2023-2024), Mahash opened 307 cases resulting from complaints about police violence at protests, but indictments were filed in only three cases (less than 1%).

**A lesson must be drawn from the way the Israel Police became politicized after it was subordinated to the Minister of National Security. Responding to a petition submitted to the Supreme Court, the Attorney General admitted that "the amended law indeed created a power structure enabling the politicization of the operation of the police," and went on to emphasize that "there is no room for any political interference" in the realm of investigations.<sup>6</sup>**

Recognizing this danger, the Supreme Court in January 2025 overturned the amendment to the Police Ordinance that had empowered the Minister of National Security to set investigative policy and pronounced it unconstitutional. The ruling was very clearly worded on this point: "Concern about the infiltration of political considerations... is all the more valid when it comes to criminal investigations. The possibility of a decision to launch a criminal investigation and use the coercive state powers entailed therein being made for non-material or non-professional reasons would harm the very legitimacy of such an investigation."<sup>7</sup>

**If excessive leniency toward transgressing police officers exists as it is, then the likelihood of an effective investigation into violence against anti-government demonstrators would be nonexistent with a Mahash under the direct political**

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<sup>6</sup> State's response to [Supreme Court Case 8987/22 Movement for Quality Government in Israel v. Knesset, Nevo](#), 28 March 2024.

<sup>7</sup> Paragraph 14 in [Supreme Court Case 8987/22 Movement for Quality Government in Israel v. Knesset, Nevo](#), 1 May 2025.

**control of the Minister of Justice. This would be a severe violation of basic human rights and of Israel's democratic character.**

**4. Investigating Prosecutors Would Enable Interference in Cases Against Ministers:**

The proposal to grant a Minister Levin-controlled Mahash the authority to investigate SAO prosecutors is dangerous, as it would allow the government to meddle in the SAO's work and in criminal cases against cabinet ministers.

**Through Levin, the government would be able to manipulate Mahash's priorities, budgets, and staffing to launch bogus legal action against prosecutors involved in investigations or cases against ministers in order to intimidate, disrupt, and delay existing proceedings and to prevent future investigations into corruption cases. The very launching of an investigation based on bogus accusations could serve as a pretext to demand the delay or even the cancellation of criminal proceedings.**

This element of the proposed bill is clearly part of the "investigate the investigators" campaign launched by the Prime Minister upon the announcement of the decision to indict him on charges of bribery, fraud, and breach of trust, which was subsequently adopted by ministers and coalition MKs. Netanyahu declared back then that "the time has come to investigate the investigators and to investigate the SAO,"<sup>8</sup> in a campaign of incitement intended to intimidate the investigators and prosecutors involved in his cases and affect their performance, as well as to bring about their dismissal or to impede their career advancement.

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<sup>8</sup> David M. Halbfinger, [\\*Israel's Netanyahu Indicted on Charges of Fraud, Bribery and Breach of Trust](#), *The New York Times*, 21 November 2019.