

Bill for Persecution of the Attorney General

Bill for Criminal Procedure Law (Amendment: Preventing Conflicts of Interest in Investigation of Attorney General and State Attorney), 2024

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A well-known tactic in a regime's slide toward totalitarianism is to cast doubt on the integrity of key figures within the rule-of-law institutions, and then to propose legislative changes supposedly necessitated as a result. The aim is clear: to strip power from professional, independent authorities and concentrate it in the hands of the political echelon, subordinating the entire law-enforcement system to unchecked political will.

This is precisely the goal of the Bill for Criminal Procedure Law (Amendment: Preventing Conflicts of Interest in Investigation of Attorney General and State Attorney), 2024,¹ submitted by MKs Simcha Rothman and Zvi Sukkot, approved on 10 December 2025 in a preliminary reading, and now placed before the Knesset's Constitution, Law and Justice Committee. The bill empowers the Minister of Justice to appoint a special prosecutor who may investigate the Attorney General and the State Attorney, at his discretion and without any limitations. This means that the mere raising of unsubstantiated suspicions by any person could lead to a political decision to launch a criminal investigation, which would then be conducted by whomever the political officeholder deems appropriate.

The purpose of the proposed amendment is to agitate against the Attorney General and the State Attorney by portraying them as entities of questionable integrity, and to curtail the independence of the professional echelon and subordinate the law enforcement authorities to the politicians. Consequently, Zulat's position is that the bill must be rejected outright.

The question addressed by the bill (appointing a body other than the Attorney General to oversee investigative proceedings) was recently discussed by the Supreme Court in response to a petition filed by Likud MK Avihay Boaron with regard to the investigation of

* All references are in Hebrew.

¹ [Bill for Criminal Procedure Law \(Amendment: Preventing Conflicts of Interest in Investigation of Attorney General and State Attorney\), 2024](#), *Knesset National Legislation Repository*, 16 December 2024.

the Military Advocate General.² In its ruling, the court set out the criteria applying in extreme situations requiring the appointment of a body other than the Attorney General, as per Article 23A(d) of the Civil Service Law (Appointments), 1959.³ The article provides that where an officeholder is barred from handling a specific matter in the course of performing their duties, the relevant minister may, after consulting the Civil Service Commissioner, assign the matter to another civil servant.

The Honorable Justice Yael Wilner set out the following principles for such an appointment:

1. The Attorney General's authority shall be reassigned to an attorney within the offices of the Attorney General or the State Attorney, "as these individuals possess the requisite professionalism, expertise, and responsibility in the matter."
2. There shall be no departure from this rule other than with a compelling justification.
3. The Attorney General's authority shall be reassigned to a senior civil servant who is a qualified jurist, with past or present professional experience involving the exercise of discretion in the field of prosecution or criminal investigation.
4. This authority may not be reassigned to a civil servant with a political affiliation, past or present.
5. This authority may not be reassigned when the subject of the investigation is a political player.

For her part, the Honorable Justice Gila Canfy-Steinitz noted:

"This is a dramatic and exceptionally grave decision, as it runs counter to the foundational principle of the independence of the criminal prosecution system and to the corollary rule that political actors have no place in the conduct of specific criminal investigations. Political intervention in the work of law enforcement authorities seriously threaten the rule of law and the foundations of democracy. Where political considerations penetrate investigative and prosecutorial processes and influence decisions, the core legitimacy of those proceedings is undermined."

² [Supreme Court Case 3545-11-25 MK Avihay Boaron vs. Attorney General](#), *supremedecisions.court*, 16 November 2025.

³ [Civil Service Law \(Appointments\), 1959](#), *Neva*, last updated 7 August 2024.

The bill submitted to the Knesset committee seeks to cynically exploit the highly exceptional circumstances surrounding the investigation of the Military Advocate General in order to undermine the public standing of the Attorney General and the State Attorney, thereby bringing about the very outcome cautioned against by the Supreme Court: political interference in investigative and prosecutorial processes.

Portraying the Attorney General and the State Attorney as tainted by impropriety is yet another step in the ongoing efforts to transform Israel's democratic system, which is founded on a clear separation of powers and where the rule of law applies equally to everyone, including all public and political officeholders, into a totalitarian regime where the law is subordinated to the political interests of a government that views its survival as the be-all and end-all. A regime where politicians decide whom to investigate and who will conduct those investigations ceases to be a democracy.

Zulat calls on the Knesset's legal advisory staff to raise a black flag over such legislative initiatives, to reject this illegitimate bill outright, and to refrain from any pretense at a matter-of-fact discussion about its advancement.