

Mahash Subordination Law: Finalizing Takeover of Law Enforcement Authorities 'From Above'

Bill for Amendment of Police Ordinance-2022 (Internal Investigations Department)¹

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In recent years, the government headed by Binyamin Netanyahu has pursued a systematic effort to concentrate political power in the country's institutions in charge of law enforcement. In the Israel Police, this process has proceeded at an accelerated pace under National Security Minister Itamar Ben-Gvir's tenure, with interference in the police's work and in its oversight mechanisms deepening and becoming increasingly visible. This interference fundamentally alters the balance of power between the professional and political echelons, and undermines fundamental tenets pertaining to the independence of the police force and the rule of law.² **This paper focuses primarily on the implications for freedom of protest, but the harm examined here is broader and touches on the very core of law enforcement activity and the structure of the democratic system as a whole.**

The current bill sponsored by Likud MK Moshe Saada, which is aimed at subordinating Israel Police's Internal Investigations Department (known by its Hebrew acronym Mahash) to the political echelon, constitutes the next phase in this pincer movement. With Minister Ben-Gvir having completed the takeover of the police "from below," the bill now seeks to finalize the process "from above" by severing Mahash from the State Attorney's Office (SAO) and shifting its powers to a body that would in practice be controlled by the Minister of

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

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

² Tova Zimuky, [*AG Warns Netanyahu: Ben-Gvir's Conduct Could Force Move To Oust Him From Office](#), *Ynetnews*, 2 December 2025.

Justice. If enacted, the result would be a system where the police are subject to political pressure on the one hand, and the counterbalancing mechanisms of restraint, independence, and oversight are totally emasculated on the other.

Despite its shortcomings and its often overly lenient approach toward police officers, Mahash remains one of the last mechanisms protecting the public from abuse of authority and excessive police force. Instead of correcting the deficiencies of a complex body in need of reform, the current bill seeks to dismantle it from within: to strip it of its professional independence, to effectively shift the appointment of the head of Mahash to the justice minister, and to sever it from the state prosecution and the SAO's professional backbone.

Mahash's Status Under Existing Law

Mahash was established under Articles 49.9-49.11 of Police Ordinance-1971 [New Version], which define its powers and functions.³ It operates as a unit within the SAO and is professionally and organizationally subordinate to it. Its head holds the same rank as a district attorney, is part of the SAO's senior management, 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 civil accomplices in cases where police officers were the main perpetrators, and Shin Bet personnel.

The Bill: Politicization of Mahash and Shift of Powers to Justice Minister

Under the bill, Mahash would cease to exist as a unit within the SAO and would instead become a separate unit subordinated to the Justice Ministry. Accordingly, key powers currently held by the Attorney General and the State Attorney would shift to the new head of Mahash, whose appointment would be subject to direct political influence, as detailed below.

The proposed composition of the committee tasked with selecting the head of Mahash structurally guarantees the justice minister a built-in majority through direct and indirect representation. It would consist of the Justice Ministry's director general or a delegate; an attorney appointed by the justice minister (in consultation with the Public Defense Office); an academic appointed by the Civil Service Commissioner (in consultation with the Justice Ministry's director general); a retired attorney or district court judge appointed by the

³ [Police Ordinance-1971 \[New Version\]](#), *Nevo*, last updated 13 May 2025.

Justice Ministry's director general (in consultation with the Civil Service Commissioner); and the Civil Service Commissioner or a delegate. In practice, the Justice Ministry's director general (who is a direct political appointee of the minister) would become a key figure in the selection of three of the committee's five members, effectively guaranteeing the minister decisive influence over the identity of the appointee. Given that the Civil Service Commissioner is himself appointed by the government, he would not be an independent or balancing factor versus the minister but would rather be part of a politically-controlled appointment apparatus.

The proposed bill lacks any factual foundation. Since the establishment of Mahash in 1992, the handling of complaints against police officers has been examined in a long series of public and professional reports, none of which recommended increasing the politicization of Mahash or subordinating it directly to the justice minister.⁴ Even the most recent report, published in April 2025 by a professional team headed by the current director general of the Justice Ministry, explicitly recommended that the head of Mahash be appointed by a public-professional committee and that Mahash continue to report to the Attorney General and the State Attorney.⁵

The central argument advanced by supporters of the bill about an alleged "you-scratch-my-back-and-I'll-scratch-yours" relationship between the SAO and the police has no factual basis whatsoever. While a potential conflict of interest may exist in theory, no such concern has ever materialized in practice over more than 30 years of Mahash's existence. Moreover, State Comptroller reports that examined Mahash's performance over the years, including the most recent one from 2023, pointed to a completely opposite problem: concern over Mahash's insufficient independence from the police rather than from the SAO.⁶

The bill also proposes that Mahash's budget be "drafted by the justice minister in

⁴ 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).

⁵ [Report of Team Set Up To Examine Mahash](#), *Ministry of Justice*, February 2025.

⁶ For example, see ["The Handling of Police Offenses by the Police Department of Internal Investigations and by the Police"](#), *State Comptroller*, May 2023.

coordination with the head of Mahash.” One of the methods the government has used to advance the regime revolution is budgetary control. For example, the government approved legislation enabling it to intervene in the budget and activities of the Israel Bar Association (the Supreme Court subsequently issued an interim injunction and an order nisi on petitions filed against that law).⁷

The bill further proposes that the justice minister appoint a “coordination officer” who would decide how to deal with investigations involving both a police officer and a non-police suspect. In addition, the decision to investigate a Shin Bet employee would require the approval of both the Attorney General and the head of Mahash, with any disagreement between them decided by the “coordination officer.”

The bill has far-reaching implications for human rights and foundational democratic tenets, as it violates the principle of separation of powers, erodes the institutional standing of the Attorney General and the State Attorney, diminishes public trust in law-enforcement bodies, and impairs a critical safeguard for detainees and prisoners in police custody. Should these outcomes fail to satisfy the government, the justice minister and the head of Mahash could always decide to withhold Mahash’s budget and turn it into an empty shell.

This position paper does not attempt to exhaust all possible repercussions. Instead, it focuses on the four most central and severe issues that clearly reflect the inherent danger in the proposed bill and its immediate consequences: the creation of a relationship of dependence and political loyalty, infringement of the freedom of protest, the danger of investigative procedures being used for political purposes, and impunity and lack of accountability in cases of abuse of detainees and prisoners.

1. **Dependence and Political Loyalty Created by Appointment Mechanism:** The appointment of the head of Mahash by the justice minister fundamentally changes the nature of the position and the incentives attached to it. The bill would make the appointment contingent on the will of the political echelon. This dependence would not be incidental but structural: the future head of Mahash would know that his nomination, powers, and career hinge on the minister’s decision and an appointment mechanism under his control. Past experience shows that this is one of the main tools

⁷ Amiram Gil, [Supreme Court Issues Order Nisi Against Law To Limit Israel Bar Association’s Budget](#), *Globes*, 14 November 2025.

for creating political loyalty within enforcement agencies, similar to the process undergone by the police following Minister Ben-Gvir's arrival, when in their quest to secure promotion senior officers sought personal ties with him, including one-on-one meetings and direct contacts, occasionally bypassing the official chain of command.⁸ Applying a similar mechanism to Mahash would be particularly dangerous: a body tasked with investigating offenses committed by police officers needs to be completely detached from political appointment mechanisms, as the very existence of such dependence creates a concrete risk of influence over the conduct of investigations, the setting of priorities, and substantive decisions in sensitive cases. The bill does not remedy a flaw in the existing mechanism, but instead replaces a professional and independent appointment process with a political one, thereby undermining the institutional independence of Mahash and public trust in its ability to operate fearlessly and without bias.

- 2. Politicization, Infringement of Rule of Law, and Erosion of Public Trust:** Politicizing an investigative body creates a double danger: over-investigation of "undesirable" actors and under-investigation of actors aligned with the government's position. The bill would enable the launching of investigations of police officers acting contrary to political interests, the dismissal of cases of officers following the minister's policy, and the creation of a police force operating on the basis of political loyalty rather than in the service of the public. The Supreme Court recognized this danger in January 2025, when it invalidated an amendment to the Police Ordinance that authorized the national security minister to set investigation policy and ruled it unconstitutional. The ruling explicitly stated: "Concern about the infiltration of political considerations... grows all the more acute where criminal investigations are concerned. The possibility that decisions about opening a criminal investigation and the attendant use of coercive governmental powers might be made for immaterial or non-professional reasons infringes on the core legitimacy of the criminal investigation itself."⁹

⁸ Letter to Knesset's State Audit Committee, [Request for Follow-Up Meeting: Continue Debate on National Security Minister's Interference in Appointments/Promotions of Senior Police Officers](#), *Zulat*, 4 May 2025; Letter to State Audit Committee, [Urgent Need for Committee's Examination of Appointment/Promotion Proceedings of Senior Police Officers and Their Approval by Former National Security Minister](#), *Zulat*, 10 February 2025.

⁹ Paragraph 14 in [Supreme Court Case 8987/22 Movement for Quality Government in Israel v. Knesset](#), *Nevo*, 2 January 2025.

- 3. Enabling Government Intervention in Mahash's Priorities, Particularly Regarding Freedom of Protest:** Through its control over the head of Mahash and its budget, the government would be able to set prosecution priorities, thereby giving rise to concern that enforcement against police officers who infringe on freedom of protest would be curtailed. Data show that already today Mahash takes a lenient approach on offenses committed against civilians exercising their constitutional right to protest and to free expression. This reality is the result of the avowed policy of the national security minister (who is in charge of the Israel Police and is a senior member of government) of zero tolerance toward protesters, coupled with encouragement of use of force at protest rallies.¹⁰ This policy reflects the position of the government as a whole and incentivizes aggressive policing at demonstrations, based on the belief that the use of force will be viewed as desirable behavior and may be rewarded with promotions and favorable evaluations. In this respect, subordinating Mahash to the justice minister is expected to dramatically exacerbate the harm to freedom of protest, given that the body meant to oversee the police and investigate violence against demonstrators would itself be subject to the government's political influence. A stark example is Minister Ben-Gvir's decision to promote Chief Inspector Meir Suissa to deputy superintendent and appoint him commander of the Tel Aviv South station, notwithstanding the charges pending against him for throwing stun grenades at protesters.¹¹
- 4. Impunity and Lack of Accountability in Cases of Abuse of Detainees and Prisoners:** The bill places enforcement vis-a-vis police officers in the hands of the very policymakers responsible for a government policy under which approximately 10,000 Palestinian detainees and prisoners are held in conditions amounting to torture (severe overcrowding, deprivation, illness, and neglect), as well as physical and psychological abuse that has resulted in deaths in custody. Palestinian citizens of Israel arrested for posting online or participating in demonstrations are at times charged with the offense of "identification with a terrorist organization" and subjected to violence and the violation of their rights during detention proceedings. The persistent failure of enforcement mechanisms to address crimes of abuse underscores the danger of

¹⁰ Eitay Mack, [Ben-Gvir Has Already Moved On to the Day After Democracy](#), *The Seventh Eye*, 1 September 2025; Josh Breiner, [Ben-Gvir Seeks To Restrict Demonstrations: Forbid Roadblocking and Protests at Synagogues](#), *Haaretz*, 28 May 2025; Liran Tamari and Tova Zimuky, [Ben-Gvir's Broken Commitment and Warning From Top Police Brass: 'Only Officers Will Make Decisions About Demonstrations'](#), *Ynet*, 28 May 2025.

¹¹ Moshe Steinmetz, [Despite Charges: Ben-Gvir Promotes Chief Inspector Meir Suissa](#), *Kan*, 22 August 2024.

effectively removing criminal accountability from those who wield police power.¹² When officers know they will not be held accountable for hurting detainees, the protections against arbitrary violence are eroded. The violation of detainee and prisoner rights thus becomes an integral component of a wider system of protest suppression, sending the message that participation in protests may expose individuals to violent arrest and serious harm, without any prospect of accountability.

Conclusion

When police officers operate with the knowledge that oversight mechanisms are weakening and a government policy of “zero tolerance” toward civic protest is implemented in parallel, restraints on the use of force are effectively removed. The politicization of the police from below and the dismantling of oversight and investigative mechanisms from above combine to create a dangerous pincer movement that fundamentally alters the state’s power structure: a police force without effective professional oversight may fearlessly employ excessive force, a politically subservient Mahash may be hollowed out, and the public may lose faith in the state’s ability to protect fundamental rights, foremost among them freedom of protest and expression.

Israeli democracy rests on a system of checks and balances that limit governmental power and ensure equal and independent enforcement. The proposed bill fits into a broad and relentless pattern of legislative initiatives aimed at systematically emasculating professional bodies, bypassing oversight mechanisms, and shifting power to the political echelon. Imposing political control over Mahash would be yet another link in that chain.

¹² For example, see report compiled by Public Committee Against Torture in Israel, Parents Against Child Detention, Adalah, Physicians for Human Rights, and Hamoked Center for the Defense of the Individual with the assistance of OMCT World Organization Against Torture, [*Systemic Torture and Inhumane Treatment of Palestinian Detainees Since October 7, 2023 and the Israel-Gaza War](#), *Public Committee Against Torture in Israel*, June 2025.