

## INTERVIEW WITH THE MINISTER OF JUSTICE OF ISRAEL H.E. GIDEON SA'AR

**When and why did you get interested in law, what is your professional experience in this field?**

**Minister H.E. Gideon Sa'ar:** Well, I studied law during my twenties, in order to obtain a profession. I worked after I got my licence from the Israeli's lawyers' BAR. At first, I worked in the Justice Ministry, in a couple of key positions. I was an assistant to the State Attorney, an assistant to the Attorney General, both perhaps the most important positions in the Justice Ministry. After that, for a short time, I served in the Ministry, I used to appear in courts, on behalf of the State, mainly in civil issues but also in certain criminal issues. For a short time, I also had a private firm dealing mainly with civil litigation, but also with other fields. But, fortunately or unfortunately, I entered politics at a young age, so I abandoned the profession. Nevertheless, in the political field, I always dealt with constitutional issues, legal issues and legislation. I was a member of the Law and Constitution Committee of our Parliament for seven years, and served in many other positions connected to the law. When I was in the government, I was always a member of the Ministerial Committee on Legislation, which today I head. When I was in the Parliament, I was always in the Law and Constitution Committee, so I always dealt with these issues.

**Does contemporary Israeli law uphold a classical legal principle or a norm? And which legal system does Israeli law belong to?**

**Minister H.E. Gideon Sa'ar:** Israel was very much influenced by the Anglo-Saxon approach, because thirty years before our independence, the British mandate ruled over our country and some of the laws today are still laws from that period. Usually, we replace them with modern Israeli legislation, but some of it still exists. So, I believe the main influence comes from the British system more than from the Latin tradition. Israel has found its way with an independent judiciary, independent prosecution, an original Israeli legal tradition, ever since. Yet still we have some remains of the British system.

**What is the modern tendency in the development of Israeli legal system?**



**Minister H.E. Gideon Sa'ar:** Like in other countries in the Western world, we have an internal argument in our country with regard to legal activism and judicial activism. So, there is a general feeling, I would say, of extreme influence of the law on policy, on decisions, on issues. It is connected to the legal service of the government but, more than that, to an internal debate over the role of the Supreme Court, which became more activist throughout the last decades, and tried to take on questions of policy, sometimes with principles or attitudes that did not necessarily exist in the law itself. Like in any other country, we now have different streams of thought in our Supreme Court, one more liberal, one more conservative, but altogether there is criticism rejecting the large part that law is playing in the public arena.

**What would you say about the level of qualification of young lawyers in Israel, do they mostly get legal education within the country or abroad?**

**Minister H.E. Gideon Sa'ar:** In the past, there was a significant portion that went abroad, mainly to Great Britain, but it was not only to learn law. In the past, it was very tough to enter legal studies in one of the universities. There were very limited places, but a lot of demand. From the mid-90s, there were colleges that opened and legal studies became very popular. Therefore, we have thousands of new law students every year in the country and the level is not equal in some of the colleges – it is lower than the universities. That influences the quality of lawyers. Some of those who learn law, afterwards have difficulties to pass the BAR exams and then they complain about the level of the BAR exams. There were even efforts to interfere with legislation, with private legislation, in order to help them pass, because there was a significant portion that could not pass the BAR exams and they wanted nonetheless to be lawyers. Anyhow, generally speaking, I would say that there are too many law faculties, not all of them in the quality we would like to see, too many lawyers, and that, of course, influences the average quality of the lawyer afterwards. What I would say is that the position of a lawyer in society is not the same as in the past.

**How do the technological developments support the justice system in the State of Israel?**

**Minister H.E. Gideon Sa'ar:** Well, of course, technology changes legal systems. In any criminal case you have today, much of the evidence comes from iPhones, from computers. But we have not yet met the full potential of technology, which could make the legal system more efficient. Now we are working on, for example, digitalisation of the criminal cases that would make things very simple. Each time you go for a criminal trial you need a photo, many documents, and so on. So, digitalising it will be a great asset. We are also thinking about other measures that we should take. We still have a primitive way of typing the process in the court, instead of recording the process, which would be much easier, much more accurate, but for different reasons we have not done it yet. We are dealing with all these dimensions.

Mainly, my Director General is dealing with it: using modern technology in order to make processes more efficient.

### **Which innovations are implemented in the justice system in the State of Israel?**

**Director General of the Ministry of Justice, Mr. Eran Davidi:** We can elaborate in three different fields. In the Land Registration Authority, by the end of this year, we want more than 90% of the operations, of the activities of the citizens – to be online, to be from home. It is a big move, including the activities that you need court confirmation for – you will be able to get the confirmation at home as well. So, that is one thing. In the criminal area, we are going to connect the Police to the State Attorney and the Courts via computer, in order to get rid of folders, papers... everything is going to be online as well, one click to get the evidence – so it will be in the criminal process. And, maybe one thing in the civil process that we are going to do, is to have a full digital court: it is called ODR, online dispute resolution. It is a full system: all the submissions will be from home, we are even going to formulate the allegations, and, of course, deliberations themselves will be from home as well. So, it is a big thing. Hopefully, by the end of the year we are going to have a pilot. These are the three main things that we planned.

**Minister H.E. Gideon Sa'ar:** We would like to share everything with our friends from Georgia, as bilateral ties are getting stronger. The aim of my visit is to obtain more legal cooperation, sharing knowledge, sharing information, sharing new methods and in that sense, strengthen the relations between both countries.

### **The building of the supreme court of the State of Israel is like worldwide landmark architectural piece of art. Do the other courthouses have the same unusual, original, and sophisticated design?**

**Minister H.E. Gideon Sa'ar:** No, I would not say so. This building is something special. We were lucky that it was planned and dealt with by Meir Shamgar, who was the President of the Supreme Court and before that was Israel's Attorney General. He understood the importance of creating powerful architecture for the Supreme Court building. It is also positioned in a unique place. It is high up topographically, a little bit higher than the Parliament (the Knesset), and the Prime Minister's office, which is located close by. That was a project during the 90s or a little bit before the 90s. Anyhow, other courts are simpler. We try today, when we build a court, to have enough space and to have big enough halls for the discussions, but it is not like the Supreme Court in any way. I think that part of the reason why it became the place that attracts tourism, mainly internal tourism, such as schools that are coming to see it, is also the building, and not only the institution; but, anyhow, it is important because it contributes towards education, towards democracy, and towards the rule of law.