

The Supreme Court of Israel

By E. D. GOITEIN
(Judge of the Israel Supreme Court)

THE Supreme Court sits in Jerusalem. It does not, nor do its judges, go out in Assize. In the days of the British Mandate, a Judge of the Supreme Court would preside in murder cases, whether they were held in Jaffa, Haifa, Jerusalem or Nablus. Today that practice no longer applies. The Supreme Court sits in Chambers of three. It may, in certain cases which will be referred to later, sit with five judges. In theory, but not in practice, it may sit with even seven or nine judges.

There are nine judges in all. We have no Chief Justice. The senior judge is the President and after him comes the Deputy President. If these two judges do not sit in any particular case, the presiding judge is the one next in seniority.

Pleadings are conducted in Hebrew and all judgments are written in that language. Certain Arab lawyers who are weak in Hebrew are allowed to plead in Arabic and one or two of them choose to plead in English. All the judges are at home in English and the majority have a working knowledge of Arabic.

Functions

The Supreme Court is a final court of appeal from the lower courts in both civil and criminal matters. It acts as a court of first instance, when it sits as a High Court of Justice. The functions of the High Court will be described later in this article. The lower courts are the magistrates courts and the district courts. The magistrates have wide jurisdiction in all questions of the possession of immovable property and eviction therefrom. They have jurisdiction over civil matters, where the sum involved is small, and over less important criminal matters, where the punishment they may inflict is limited. From these courts there is normally an appeal to the District

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Courts and from these latter courts, by leave, to the Supreme Court. The expression "by leave" is strictly correct but it has lost all its meaning because the Supreme Court always asks the parties whether they agree that the application for leave be treated as the appeal itself and the parties, for obvious reasons, always agree.

The District Courts

The District Courts have jurisdiction over all matters, civil and criminal, that are not within the purview of the magistrates courts. In Haifa, the District Court is an Admiralty Court. From the District Courts there is an appeal, with or without leave — a sentence of not more than a year's imprisonment is only appealable by leave — to the Supreme Court. The Attorney-General may, and does, appeal to the Supreme Court against an acquittal by the District Court. Suppose the lower court acquits a man of murder and finds him guilty of manslaughter, the Attorney-General may appeal to the Supreme Court asking it to find him guilty on the original charge. This is a right often exercised and there are cases on record where the Supreme Court has set aside the decision of a lower court that the prisoner was guilty of manslaughter and found him guilty of murder. The Attorney-General may also appeal to the Supreme Court if he is of the opinion that the lower court passed too light a sentence. Although the Supreme Court may, on the appeal of a convicted person, increase the sentence passed by the lower court, it will never do so, unless there is an appeal by the Attorney-General complaining of the lightness of sentence.

Appeals
In civil appeals, as in criminal appeals, the parties are heard in person or by counsel. Recently regulations have been made whereby, in civil cases, the court may order the parties to submit written pleadings and judgment may be

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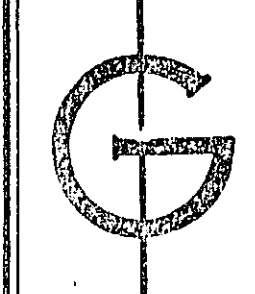
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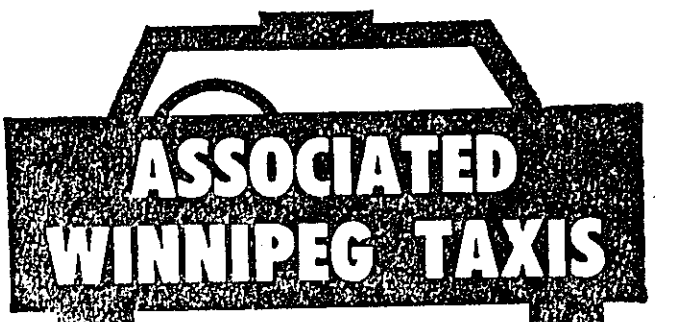
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