

Judicial administration of panels sitting in severe crimes:

When I was asked to give a 5 minutes presentation on the subject of “Judicial administration of panels sitting in severe crimes” it seemed to me as an impossible assignment, for in my point of view it's an endless discussion over an unsolved issue.

Saying that, I will do my best to fulfill what I was asked to do, and give my point of view regarding that subject.

The large number of cases pending for judgment in the Israeli judicial system has been a topic for much discussion lately. Lack of Human Resources and in particular lack of judges is the prime reason this discussion was invoked.

Severe crime cases do not have the so-called “privilege” of being pending. I shall explain this statement and the reasons behind it in the next few minutes.

In the world of law and judicial systems, one needs to find the balance between constitutional human rights and practical circumstances enforced upon the court. Not an easy task nowadays.

From a constitutional perspective, as an example, a defendant must not be held in custody over nine months unless approved by the supreme court. Furthermore, the court's ruling has to be given through a thirty days time period. The defendant also has the right to defend himself with the help of an appointed lawyer. On the other hand, all investigation material in the case must be handed to the appointed lawyer within this time frame, thus, enforcing a practical issue upon the court.

Investigation material for severe crime cases includes video records, which has to be verbalized. In addition, investigators may require the defendant for a crime scene reconstruction or for self-incrimination using a police informant. All are time consuming.

In other cases, when a claim is made to make evidence confidential the court is obliged to discuss it before moving on. Yet, we use our authority to decide on that matter without halting the ongoing procedures.

We, as judges, need to keep in mind that it is our role to keep the trail running while keeping the balance between the parties way of managing a case. The court has to be both understanding and assertive at the same time.

More than once, I find myself pondering, what is the proper way to have a due process regarding the cross investigation phase. That involves a procedure in which defendant can have his day in court and on the same time gently sets time frames in which efficiency takes place as well .

Severe crime cases are literally “life changing”. They are complex and time consuming and should not be regarded lightly. One case consist sometimes several defendants and as a result- several lawyers. However, lack of human resources are a

wide spread problem in our overall justice system. That includes the police and prosecution. Considering the working assumption that the number of crime cases will only rise, as well as their complexity and their “cruelness” as we witness lately, we need to do our best with the resources at hand. Setting up a reasonable schedule for hearing witnesses and writing verdicts is one way to keep a trail efficient and on track.

In conclusion, lack of human resources and rise in crime cases are issues the Israeli judicial system has to face. The court must find the balance between constitutional human rights and practical circumstances. We encourage mutual debate between parties and approve reasonable plea bargains. Keeping in mind severe crime cases should be efficiently managed and yet, be regarded seriously, guarantying the right of due process as guideline.