

Israel Election Results: Can Netanyahu Escape the Corruption Cases Against Him?

The results of Israel's election and Netanyahu's legal fate are intertwined.



Prime Minister Benjamin Netanyahu looks at his watch before delivering a statement at the Knesset, Israel's parliament, in Jerusalem December 19, 2018. \ AMIR COHEN/ REUTERS

Once again facing deadlocked election results with no clear path to forming a government after the September 17 election, Prime Minister Benjamin Netanyahu's political calculus is further clouded by his own legal concerns.

Despite relentless attempts by his legal team to postpone, Netanyahu's final pre-indictment hearing in three corruption cases he is facing is scheduled to begin on October 2. This is expected to quickly shift his attention from political concerns to legal matters.

The election results and Netanyahu's legal fate are linked.

Should Netanyahu triumph in his quest to put together a 61-member Knesset majority, he is believed to be planning to use his power to obtain immunity from prosecution from the Knesset and passing legislation to prevent the High Court of Justice from removing that immunity.



Attorney General Avichai Mendelblit at the opening of the legal year at the Airport City complex adjacent to Ben Gurion airport, on September 3, 2019. \ Credit: Ilan Assayag

Despite numerous reports to this effect - and public statements from political

parties supporting Netanyahu vowing to back immunity legislation – the Prime Minister’s Office has repeatedly denied that any such plans are in place, calling it a “false media spin.”

What are these hearings about and why are they being held?

Six months ago, in late February, Attorney General Avichai Mendelblit publicly announced that he has decided to indict Netanyahu for fraud, bribery, and breach of trust in three criminal cases, pending a hearing.

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Mendelblit’s decision came after examining – and agreeing with – two police reports issued the previous year, which recommended that the prime minister be indicted in three affairs known as Case 1000, Case 2000 and Case 4000.



Netanyahu speaks about his corruption cases in a televised statement from his residence, January 7, 2019.

Mendelblit recommended that Netanyahu be indicted for fraud and breach of trust in cases 1000 and 2000, and bribery and breach of trust on Case 4000. He did so after consulting with more than 20 senior legal officials who scrutinized the evidence in the cases, some of which were under investigation for more than three years.

According to Israeli law, before an indictment can be handed down, Netanyahu has the right to a hearing where he can plead his case before a final decision is made.

The hearing – which can either be a written exchange or in-person hearings – is a lengthy, months-long process. Such hearings give the legal team of the person accused the chance to be heard before state prosecutors, in order to dispute and refute any of the evidence and analysis in the report that accompanies the state's decision to indict.

In a number of prominent previous political corruption cases, such as that of Tzachi Hanegbi in 2001 and Avigdor Lieberman in 2012, it has resulted in the closing of cases. The Israel Democracy Institute reported that, according to 2016 data from the state prosecutor's office, when an in-person hearing was held, 41 percent of the cases were eventually closed (49 out of 129 cases)."

Netanyahu's hearing has been postponed as a result of the two elections that have been held since the police recommendation was issued. The first election, on April 9, was called in December 2018 – before Mendelblit's indictment recommendation was announced, but after it was rumored to be in the works. The prospect of the announcement was credited by many political observers for being the reason that Netanyahu called the April elections, in hopes of postponing the announcement.



Prime Minister Benjamin Netanyahu next to Avichai Mendelblit during a cabinet meeting in 2015. Dan Balilty / AP

But the indictment recommendation was, in the end, made mid-campaign. It was done, presumably, because postponing the announcement and making his decision public after the election would have led to accusations that the attorney general was overturning the will of the electorate. Mendelblit saw it fit for the public to know Netanyahu's legal situation and whether they are electing a leader about to be charged with crimes before casting their ballot.

Netanyahu's team argued that with the election only six weeks away, announcing the decision could be seen as influencing the vote and unfairly damaging Netanyahu's chances.

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Mendelblit chose to reject the repeated requests of Netanyahu's lawyers to delay publicizing the decision until after the election, noting instead "the principle of equality in the eyes of the law and the public's right to know about important legal decisions such as these."

Can Netanyahu stay in office if he is elected, and, post-hearing, he is indicted?

Yes, he can. There is no legal requirement for him to resign as prime minister if he is indicted. It is fully possible – many say probable – that he will remain in power if he wins the election and is subsequently indicted, despite doubts that he can prepare a legal defense while running the country.

There is also the issue of conflicts of interest, given his power over the Justice Ministry and other arms of law enforcement. The law that allows him to continue as prime minister is likely to be challenged in court.

What are the the three cases Netanyahu may be indicted for?

Case 1000



Illustration by Eran Wolkowski

This case is considered the most straightforward of the alleged crimes as it involves old-fashioned favor-trading. The Israeli police, in their February 2018 recommendation that Netanyahu be indicted for bribery, fraud, and breach of trust, maintain that the premier received lavish gifts from two wealthy friends – Israeli-born Hollywood mogul Arnon Milchan and Australian billionaire James Packer – in exchange for political favors such as promoting the two moguls' business interests or obtaining visas.

Together, the police said, Milchan and Packer's gifts to the Netanyahus (including the prime minister's wife, Sara) are estimated to have amounted to over 1 million shekels (\$276,000). This sum is based on testimony from the gift-givers and their employees, as well as receipts and other documents.

Netanyahu has not denied that such gifts were given. He freely admits accepting

expensive cigars and pink champagne from Milchan as tokens of friendship, along with other gifts like an expensive piece of jewelry requested by Sara Netanyahu as a birthday gift (from Milchan) and free airplane flights and five-star hotel rooms for the Netanyahus' eldest son, Yair, from Packer.

But the police, in their indictment recommendation, maintained that Milchan was directly rewarded for his generosity. They said the investigation "revealed that the relationship between the prime minister and Mr. Milchan was one of criminal bribery and not an innocent relationship between friends."

The police report detailed five areas in which Netanyahu allegedly performed favors for Milchan, specifically:



Prime Minister Benjamin Netanyahu / Arnon Milchan / James Packer. Credit: Francois Mori/ AFP, Vittorio Zunino Celotto / Getty Images, Julian Abram Wainwright/Bloomberg

* Using his influence as prime minister to push for the passage of the so-called Milchan law, which cut taxes for Israelis returning to the Jewish state after spending time abroad - a tax break allegedly worth over 1 million shekels for Milchan. MK Yair Lapid, Netanyahu's finance minister in his 2013-2014 government, testified to this, police said.

* Assisting Milchan in his efforts to get a new 10-year U.S. visa.

* Arranging a meeting between Milchan and the then-director general of the Communications Ministry to advance the producer's interests in the Israeli television market.

* Furthering a deal tied to Indian businessman Ratan Tata, who was allegedly Milchan's business partner, despite the fact that "officials in the Defense Ministry and Prime Minister's Office opposed the project," say police.

* Intervening to prevent the collapse of the television network Channel 10, in which Milchan was a minority shareholder.

Mendelblit said Netanyahu should be indicted for fraud and breach of trust, but omitted the bribery recommendation made by the police.

Case 2000

This case centers around Netanyahu's alleged desire to receive better coverage in one of the country's leading dailies, Yedioth Ahronoth – a desire strong enough for him to allegedly strike a deal with the paper's publisher, Arnon Mozes.

Netanyahu was caught on tape telling Mozes he would convince Yedioth's main competitor – the free daily Israel Hayom, owned by Netanyahu's patron Sheldon Adelson – to limit its circulation. This would have been a boon to Mozes and Yedioth, weakening their prime source of competition and its ad revenues.

In exchange, the police say, Netanyahu asked Mozes to cover his government less critically and stop attacking him personally.



Yedioth Ahronoth publisher Arnon “Noni” Mozes in December 2018. Credit: Ofer Vaknin

Netanyahu's defense has been that the offer to Mozes wasn't serious; rather, he was “testing” him. But Adelson reportedly told the police when questioned that Netanyahu did attempt to persuade him from plans to expand Israel Hayom – indicating that a possible deal was struck.

Case 4000

Case 4000 alleges that Netanyahu made decisions benefiting media mogul Shaul Elovitch – the controlling shareholder of Bezeq, Israel's largest telecommunications firm – in exchange for positive coverage on Walla News, a website owned by Elovitch.

The Israel Securities Authority backed the police's recommendations, which said that both Benjamin and Sara Netanyahu, as well as Elovitch and his wife Iris, should be charged.

The police recommended that the prime minister again be charged with bribery,

fraud, and breach of trust, as well as aggravated fraudulent receiving of an item. The recommended charges against Sara Netanyahu were bribery, fraud, breach of trust and obstruction of justice.

The police said they found evidence that “Netanyahu and those close to him blatantly intervened, sometimes on a daily basis, in content published on the Walla news website, and sought to influence the appointment of senior employees (editors and reporters) while using their ties to Shaul and Iris Elovitch.”

The alleged quid pro quo between the Netanyahu us and Elovitches was first revealed by Haaretz’s Gidi Weitz in November 2015, in an exposé titled “The Israeli News Site in Netanyahu’s Pocket.”

In recent weeks, leaked testimony from police investigations in all of Netanyahu’s cases have bolstered the argument that both Netanyahu and his wife Sara have systematically leveraged their influence to receive favorable media coverage from media moguls.

Channel 12 news reporter Guy Peleg has quoted testimony from officials involved in Case 4000 indicating that Netanyahu allegedly asked the Communications Ministry to act on behalf of his friend Elovitch. This has led to fierce attacks by Netanyahu on Peleg and his news organization.

Additional leaked testimony revealed that U.S. business magnate Sheldon Adelson and his wife Miriam suffered verbal abuse from Prime Minister Benjamin Netanyahu’s wife, Sara over their coverage in the Israel Hayom daily that Adelson owns.

Channel 13 News reported that Hollywood producer Arnon Milchan, the central figure in Case 1000 told police that he attended a dinner at the Prime Minister’s Residence in which Netanyahu’s wife lashed at the Adelsons, telling them, ‘You are spilling my blood, you are all spilling my blood’ and that Sheldon Adelson responded, “Calm down, we’re doing the best we can. I lose 40-50 million dollars a year [on Israel Hayom] ... We regularly write in your favor and you keep shouting at me.”

Another report from Channel 12 involving testimony from Case 2000 quoted Miriam Adelson as saying that Sara Netanyahu “once told me that if Iran gets nuclear weapons and Israel is wiped out, I’ll be to blame because I’m not

defending Bibi.”

Both the prime minister and his wife complained about their coverage with the Adelson newspaper’s former editor in chief, Amos Regev, both in person and in “screaming phone calls.”

Eventually, Adelson said, she and her husband got fed up and stopped visiting the Netanyahus.

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