

Will Netanyahu petition block AG plan to indict?

Decision could decisively impact election; Case 2000 still unclear.



Israel's Prime Minister Benjamin Netanyahu listens to Avichai Mandelblit. (photo credit: ABIR SULTAN/POOL/VIA REUTERS)

Attorney-General Avichai Mandelblit is expected to announce his intent to indict Prime Minister Benjamin Netanyahu for bribery today, in a decision that could decisively impact the April 9 election.

However, in a sudden development the Likud joined a petition Thursday morning to the High Court of Justice to block Mandelblit from making his announcement pre-election.

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With Netanyahu's Likud Party and Benny Gantz's Blue and White Party close in the polls, if the prime minister loses even a few seats due to the accusations against him for public corruption, it could turn the tide.

Even if Netanyahu wins reelection, there is a strong chance that Mandelblit, after holding a series of pre-indictment hearings with Netanyahu's lawyers, will issue a final decision to indict him in the next three to 12 months. This could lead the High Court of Justice to force his resignation, if he does not voluntarily step down.

Sources close to Mandelblit have previously told *The Jerusalem Post* that if he moves to indict Netanyahu for the serious charge of bribery - as opposed to a lesser charge - he would not defend Netanyahu before the High Court if a petition

would be filed to force the prime minister to resign.

Mandelblit is expected to indict Netanyahu for bribery, fraud and breach of trust in Case 4000, "the Bezeq-Walla Affair," and for breach of trust in Case 1000, "the Illegal Gifts Affair." No decision has been formally leaked regarding Case 2000, the "Yediot Aharonot-Israel Hayom Affair," but indications are that either the case will be closed, or the charge will also be only for breach of trust, not bribery.

The attorney-general's likely move to indict the prime minister is a tectonic shift for Israeli politics. But if Mandelblit overrules the vast majority of the prosecution staff who want a bribery charge in both Case 1000 and Case 2000, his decision will ultimately be middle-of-the-road.

Mandelblit is also expected to rule in favor of Sara Netanyahu, closing charges against her in Case 4000 which the police had recommended and which many prosecutors also supported.

The attorney-general is expected to move toward indicting Bezeq and Walla owner Shaul Elovitch for bribery and obstruction of justice as well as his wife, Iris, and a range of other top Bezeq officials.

Case 4000

There are two premises to the accusations against Netanyahu in Case 4000.

The first premise is that Netanyahu fired Communications Ministry director-general Avi Berger and hired his loyalist and ex-campaign manager Shlomo Filber to ensure a government policy that improperly favored Elovitch's interests in Bezeq.

Filber has since turned state's witness against the prime minister - a critical breakthrough in gathering evidence of the regulatory half of the bribery case.

The second premise is that in exchange for the positive treatment for Bezeq, Netanyahu and his wife, Sara, directed Elovitch's online news site Walla to give him favorable coverage.

This was arranged through Elovitch, his wife, former top Netanyahu aide Nir Hefetz, who also turned state's witness against the prime minister, and some of Elovitch's top Walla employees.

Hefetz's becoming a state's witness against Netanyahu was considered a critical turning point in building the media-interference half of the bribery case.

This allegedly constituted bribery, as Netanyahu worked to set government policies that would increase monetary profits for Elovitch in exchange for positive media coverage.

Whereas many news reports have discussed alleged Netanyahu-Elovitch interference with Walla coverage since 2015, the police dated the criminal interference back to 2012, continuing into last year.

Mandelblit is expected to agree with the police recommendation to close the case against Yair Netanyahu, the prime minister's son, due to insufficient evidence.

Both Sara and Yair Netanyahu were allegedly involved in campaigning to get Walla to toe a certain line in media coverage of the Netanyahu family, but the police believed there was more evidence relating to Sara Netanyahu.

Yair Netanyahu, though technically an adult, will likely be let off based on two arguments: he was viewed as not being as fully aware of the situation as his mother, or he might not have known the difference between a media campaign and a bribery-injected one.

Ultimately though, Mandelblit is expected to overrule the police about Sara, closing the case against her as well.

Previously, the police had disclosed that they questioned some 60 witnesses in 176 sessions and gathered massive amounts of documents and recordings, including from foreign countries. Hefetz reportedly taped the Netanyahu and Elovitch families frequently without their knowledge.

Other top officials who Mandelblit is expected to indict based on police recommendations for a combination of bribery, fraud and breach of trust include: former top Bezeq official Amikam Sorer; former Bezeq CEO Stella Handler; Netanyahu and Elovitch family friend and Israel Bonds CEO Zeev Rubinstein; Elovitch's son, Or; and Eli Kamir.

While the Bezeq-Walla affair dates back to 2015, until February 2018 Filber and Elovitch were the lead suspects. Only after Filber flipped against Netanyahu did the prime minister become the primary suspect.

Filber had been adamant for years that he had acted legally, but upon turning state's witness he admitted to deceiving the Communications, Finance and Justice ministries about his activities to help Elovitch's interests in Bezeq and with the Bezeq-Yes merger, all under order from Netanyahu.

Filber also owned a large portion of Yes and is estimated to have profited somewhere between NIS 680 million and more than NIS 1 billion.

Netanyahu denies the charges, saying that the Bezeq-Yes merger was approved by the bureaucracy and that Walla did not give him positive coverage, or if it did, that it is not illegal.

Case 1000

Regarding the Illegal Gifts Affair, Netanyahu is accused of, and admits to, receiving a range of expensive cigars, champagne and other items.

He has denied that he received these gifts for any improper purpose and claimed that the gifts were part of a long-term friendship with billionaires Arnon Milchan and James Packer.

In Case 1000, Netanyahu could face Milchan, Packer, Milchan's secretary, Yair Lapid, and former chief of staff Ari Harow, who turned state's witness.

The police recommendations focused on the years 2007-2016. For the vast majority of this time, Netanyahu was prime minister, or at least knocking on the prime minister's door.

Allegedly, he received a staggering NIS 1 million of illegal benefits from Milchan and Packer.

Milchan and his secretary have made statements to police that even though part of the gift giving started as friends, at some point it evolved to being involuntary.

The police have alleged that part of the evidence against Netanyahu that the gifts were illegal and not part of a standard friendly relationship included the constancy, regularity and involvement of Sara and a bureaucracy of secretaries, drivers and assistants in delivering the gifts.

Allegedly, the prime minister knew about Sara's requests for gifts, and even intervened on her behalf when her requests were denied.

Late in the investigation, evidence emerged that Netanyahu tried to get a law passed that would get Milchan potentially millions or even hundreds of millions of shekels in tax exemptions as a returning Israeli citizen.

The police have said that Netanyahu even leaned on then-finance minister Lapid to push the law through, but that Lapid or his team blocked the law as against state interests.

Other allegations have been raised about Netanyahu helping Milchan, including the prime minister trying to get him a US visa, but the tax exemption issue is the core quid pro quo.

Case 2000

Yediot Ahronot was losing millions of shekels to *Israel Hayom*.

Yediot owner Arnon (Nuni) Mozes allegedly asked Netanyahu to use his power to eliminate or reduce Israel Hayom so as to get those millions back.

In exchange, Yediot would allegedly not merely give the prime minister a favorable interview, but entirely shift its coverage - a shift that could be decisive whenever elections came around. The value in such a shift in coverage could be viewed as priceless.

The opinion of the vast majority of the prosecution, reportedly including State Attorney Shai Nitzan and prosecution team leader Liat Ben-Ari (who took down former prime minister Ehud Olmert) as well as the official police recommendation, have been to indict Netanyahu for bribery or attempted bribery.

Indications are that Mandelblit will overrule them and either close the case or reduce the bribery charge to breach of public trust on multiple grounds.

The first reason he might overrule most of his staff would be that, unlike Case 4000, the alleged bribery scheme fell through and never took place. He has viewed proving attempted bribery and intent to bribe without an actual transaction as extremely difficult.

In addition, Mandelblit has been concerned about interfering with politicians' relations with the media and free speech rights.

Netanyahu says the negotiations with Mozes were an elaborate act and expresses frustration that other politicians involved in similar schemes have not been criminally probed.

Though this same concern existed in Case 4000, there Mandelblit is expected to indict Netanyahu anyway because he views the Bezeq-Yes merger, with hundreds of millions of shekels going into Elovitch's pocket, as trumping the concern of respecting political-media relations.

Finally, the latest leaks indicate that even though Netanyahu will not be indicted for bribery, Mozes will be.

Source:

<https://www.jpost.com/Israel-News/AG-expected-to-announce-intent-to-indict-PM-Netanyahu-for-bribery-tomorrow-581950>

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