



S. DANIEL ABRAHAM  
CENTER FOR MIDDLE EAST PEACE

## Israel and the Middle East News Update

*Thursday, January 3*

### Headlines:

- **AG Said Aiming for February Indictment for Netanyahu**
- **Labor Members Move to Unseat Gabbay After Livni Ouster**
- **Soldiers Hurt By Settlers During Outpost Evacuation**
- **UTJ and Shas Consider Joint Run in Elections**
- **After Ditching Livni, Gabbay's Labor Slumps in Polls**
- **Former Defense Min Ya'alon Launches New Party, Telem**
- **Hamas-Fatah Tensions Rise Over Detained Fatah Members**
- **New 'Centrist' Arab Party Registers Ahead of Elections**

### Commentary:

- **AI Monitor: "Israeli Attorney General Wrestles with Indictment Timing"**
  - By Ben Caspit, Senior Columnist
- **Ynet: "Election Campaign Must Discuss Iran and Russia"**
  - By Dennis Ross and David Makovsky, Washington Institute for Near East Policy

# News Excerpts

January 3, 2019

## Times of Israel

### **AG Said Aiming for February Indictment for Netanyahu**

Attorney General Avichai Mandelblit is likely to announce by February his conclusions on a possible indictment of Prime Minister Benjamin Netanyahu in three graft cases, Channel 10 news reported Wednesday, citing a legal source familiar with the investigations. An announcement at that time would come two months before general elections on April 9. Police have recommended that Netanyahu be indicted for bribery in all three of the probes against him, and it is now up to Mandelblit to decide whether to press charges.

## Ha'aretz

### **Labor Members Move to Unseat Gabbay After Livni Ouster**

Labor Party members have begun collecting signatures with the goal of ousting party head Avi Gabbay. Sources in the party said that the move comes after Gabbay dismantled the Zionist Union and ousted Hatnuah head Tzipi Livni live on TV. They added that Gabbay has turned his back on security and diplomatic issues. On Thursday, Gabbay said in an interview that Livni refused to rule out joining a coalition headed by Netanyahu.

## Associated Press

### **Soldiers Hurt By Settlers During Outpost Evacuation**

Israeli police faced stiff resistance early Thursday as they tried to dismantle mobile homes of settlers who had moved back into an illegal West Bank outpost, with 23 officers lightly injured by stone-throwing settlers. Troops were enforcing a court-ordered evacuation of two homes, popularly called caravans, when they were pelted with rocks and stones from some of the 300 protesters in Amona, in the northern West Bank. The Israeli government has promised to build a new settlement to replace Amona, which has become a rallying cry for extreme settlers. A small group returned there recently in amid an outburst of Palestinian violence.

## Jerusalem Post

### **UTJ and Shas Consider Joint Run in Elections**

Haredi parties United Torah Judaism and Shas are considering running on a joint slate in the upcoming general elections, with United Torah Judaism's most senior rabbinical figure Rabbi Haim Kanievsky apparently in favor. A Shas source said that there was talk of a joint run, but was skeptical about the possibility it could happen, noting that Shas was against the idea. Should Shas fall below the threshold in the election and be eliminated from the Knesset it would constitute a severe blow to haredi political influence.

Times of Israel

## **After Ditching Livni, Gabbay's Labor Slumps in Polls**

Polls published Wednesday indicated that Gabbay's public termination of his partnership with Livni damaged his party's standing in the eyes of the Israeli public. Two polls, one by Hadashot news and the other by the Kan public broadcaster, found that if elections were held today Labor would win only eight or seven seats, down from nine seats earlier this week. Both polls put Netanyahu's Likud party far ahead of any challengers, with 31 and 28 seats. The next-largest faction would be Israel Resilience, a supposedly centrist party set up last week by former IDF chief Benny Gantz.

Times of Israel

## **Former Defense Min Ya'alon Launches New Party, Telem**

Former defense minister Moshe Ya'alon officially registered his new political party on Wednesday, Telem. The party takes its name from a past party helmed by former chief of staff Moshe Dayan and is an acronym for the Movement for National Renewal. Ya'alon, a hawkish former Likud member, has been vowing to challenge Netanyahu since he was ousted from the Defense Ministry in 2016 by the prime minister, to be replaced by Avigdor Liberman.

Jerusalem Post

## **Hamas-Fatah Tensions Rise Over Detained Fatah Members**

Tensions between Hamas and Fatah have intensified in the past few days as the two Palestinian rival parties accuse each other of being "spies" for Israel. The tensions reached their peak earlier this week, when Fatah accused Hamas of detaining 500 of its men in the Gaza Strip. The detentions, according to Fatah, were aimed at thwarting plans to celebrate the 54th anniversary of the launching of Fatah's first attacks against Israel. Fatah was planning to mark the occasion by holding several rallies throughout the Hamas-ruled Gaza Strip. According to Fatah, dozens of the men who were detained by Hamas were subjected to various forms of physical torture.

Times of Israel

## **New 'Centrist' Arab Party Registers Ahead of Elections**

A new Arab party has registered to participate in the upcoming Knesset elections. "New Horizon — An Arab Centrist Party" registered in mid-December. Salman Abu Ahmad, a 62-year-old engineer and Nazareth resident, said that he had established the party, whose candidates will include Arab Israelis from around the country. The documents say the party's goals include "improving the status of Israel's Arab citizens...and promoting a national master plan as a basis to solve the housing shortage in the Arab sector." Arab Israeli communities have long suffered from a shortage in housing. They need some 5,000 new housing units per year, Kais Nasser, a lawyer who advises Arab municipalities, said in 2017.

## Israeli Attorney General Wrestles with Indictment Timing

By Ben Caspit, Senior Columnist

- The next station of the Israeli attorney general's Via Dolorosa is the second to last. Avichai Mandelblit is supposed to announce if he will close the investigations into Prime Minister Benjamin Netanyahu or put him on trial for one or all of the charges. Sitting on the attorney general's desk are three police recommendations to try Netanyahu for bribery. This decision will be almost final, since it is subject to a hearing to which Netanyahu will be invited and in which the prime minister and his attorneys will try to convince the attorney general to close the files. The timing is critical, only a few weeks before elections now scheduled for April 9. It's no wonder Mandelblit is searching high and low for salvation. On Jan. 1, Channel 2 reported that Mandelblit met with a forum that included former attorneys general and state's attorneys to draw on their experience before making a decision. Among his concerns are: Is it appropriate to publicize an important decision like this, before general elections? Would it be viewed as crass political interference, or is perhaps the opposite true? Not to announce something that everyone already knows could be a form of interference too. One way or the other, the situation has turned the April 9 election into one of the most important votes in Israeli history because of its explosive implications.
- As expected, Netanyahu and his adherents did nothing to make the attorney general's life easier. The prime minister, who understands Mandelblit's internal conflict, convened a press conference in Brazil Dec. 31 and made a shocking announcement: "I won't resign" if there is an indictment, he said, adding, "I believe that nothing will come of all this. I haven't changed my mind. ... The law does not require that a prime minister resign during the process of a hearing. The hearing doesn't end until my side is heard. And therefore, it is not logical to open a hearing process before the elections if you can't finish it before the elections. It is undemocratic." The prime minister's target audience was obviously one person: Mandelblit. Netanyahu's argument does have a certain logic. A hearing could reverse the attorney general's decision, but it will only take place after the elections. Thus, it is possible that Mandelblit's announcement could inflict political harm on Netanyahu. For a long time, Netanyahu did not believe that the attorney general, who until recently was the government secretary and one of the prime minister's close associates, would dare indict him. These words show us that not only Mandelblit, but Netanyahu, too, was forced to cross the Rubicon. The way things look now, there is a reasonable chance that he will drown in it. Netanyahu's polemics and body language show that he has started to internalize the bad news that Mandelblit is likely to indict him.
- Under the circumstances, Netanyahu is waging a desperate battle to postpone the decree. The first step was to hold elections as early as possible, and now Netanyahu is trying to make sure that the attorney general's decision will be publicized afterward and not before. Netanyahu's chances of success with this strategy are unclear. All signs suggest that the attorney general is close to deciding to publicize his conclusions before the Israeli voters head to the polling booth.

Yet on the other hand, everything is subject to the possibility that Mandelblit will ask for more clarification, more investigation. It could serve as Mandelblit's refuge, as has happened more than once before. The question is whether the attorney general will be sufficiently determined to make his decision at the proper time, disseminate it and then ignore all the background noise.

- Mandelblit's close associates swear that he does not fear anyone. State Attorney Shai Nitzan, number two in the juridical system, loudly commented at the Dec. 31 Calcalist Conference that the attorney general and himself "fear no man" and that they will do everything they can to come to a conclusion as quickly as possible. Nitzan's words, like his previous speech that led to early elections, evidently shook up Netanyahu's people. The old mantra of "there will be nothing because there is nothing" is gone, and the prime minister has retreated to an alternative defense: an attempt to buy time. Despite everything written above, it is not at all clear that the decision to put Netanyahu on trial before elections would actually harm Netanyahu. It could do the opposite. "I believe that such a decision would be viewed by the public as coarse interference in the democratic process," a high-placed Likud Knesset member in Netanyahu's inner circles told Al-Monitor on condition of anonymity. "People will race to the poll booths to save Netanyahu. Many believe that he's been wronged and publication of such a decision before the election will make them furious enough to rally around the flag."
- This assessment is based on the precedent set by Shas leader Aryeh Deri in 1999. A district court had convicted Deri of bribery and fraud two months before elections. Nonetheless, Deri ran for Shas and it led this ultra-Orthodox party to an unprecedented achievement of 17 mandates. The Likud is hoping for the same outcome. Another option exists. A senior legal contact told Al-Monitor on condition of anonymity, "One does not hold back such a decision, and the public has the right to know the results of the investigations against the prime minister before they go to vote. Anyone who tries to delay such a decision for unworthy reasons is not worthy of his position," he emphasized.
- The question that is being asked in political circles, even among parties other than the Likud, is the effect of publicizing such a decision before the elections. "It's not certain that everyone will run to the polls to vote for Netanyahu," a senior source in the opposition told Al-Monitor on condition of anonymity. "The Israeli public isn't stupid. They don't really believe that Mandelblit and [just-resigned police commissioner] Roni Alsheich got together to plot Netanyahu's downfall. If the decision is to indict him, people will understand that Netanyahu has passed his expiration date. His power at the poll booths will be weakened." We will know the answer in next hundred days, a period that may prove fateful for Israeli democracy.

## Election Campaign Must Discuss Iran and Russia

By Dennis Ross and David Makovsky, Senior Fellows, Washington Institute for Near East Policy

- It is a truism in politics that elections are about the future, and not just about the past. In Israel's upcoming election, given the potential of looming indictments, many in Israel will want to consider whether a sitting prime minister can fulfill the responsibilities of the office while also devoting major time and attention to his legal difficulties. Regardless of how that question is answered, there will be other fundamental questions about national security challenges that must be addressed. And, those questions, which have understandably gone to the heart of the Israeli public's concerns historically, should be asked of both Prime Minister Benjamin Netanyahu and his challengers Avi Gabbay, Benny Gantz, Yair Lapid, and others on the center-left.
- To begin with, while the Trump's administration support for Israel has been important diplomatically and symbolically, it has largely left Israel on its own when it comes to dealing with the challenges of Iran in Syria and Lebanon and managing the Russians. But with the Russians now adopting a tougher policy toward Israel's freedom of action in Syria and Lebanon, how do Netanyahu and other candidates propose to deal with them? The challenge is especially acute because the Trump administration with its withdrawal from Syria is signaling to everyone, including the Russians, that it sees no interests in Syria regardless of whether Israel and Jordan are likely to face Iranian-backed threats from there. Historically, there was an understanding between the United States and Israel: Israel handles the threats it faces in the region, the U.S. deals with threats from external powers. That apparently no longer applies with the Trump administration, so Israel's leaders have to contend with a new reality in the region in which the U.S. intends to play a diminished role even as Russia becomes more assertive in filling the vacuum.
- True, neither the prime minister nor his challengers are likely to want to acknowledge publicly the reality of a diminished U.S. role, and its implications for Israel. But they can address what Israel may need to be doing on its own, given Russia's increased prominence in the region and its new criticism of Israeli actions in Syria and Lebanon. The prime minister may have been the honored guest of Russian President Vladimir Putin last May in Moscow celebrating the victory over the Nazis, but now the Russians are calling the most recent Israeli strike in Syria a provocation and Israeli overflights in Lebanon a violation of UNSC Resolution 1701—this even as Israel uncovers the fifth Hezbollah tunnel dug into its territory. So the relationship with Putin looks more problematic and the Russian impulse to exert its leverage is now greater, particularly with it not having to worry about the United States.
- To be sure, Syria is not the only Iran-related challenge near Israel's borders. Amid understandable concerns about Hezbollah's 130,000 rockets, Israel has refrained from attacking its precision-guided facilities in Lebanon that could convert these rockets into missiles with

sharp accuracy. And, yet, Israel truly cannot live with Hezbollah having rockets with high accuracy and capable of launching saturation attacks on Israel's high-value strategic economic and military targets. So what should Israel do? Of course, the main Iran-related issue is the question of whether Tehran will renew its nuclear program. The Trump administration has withdrawn from the nuclear deal of 2015 and its approach of re-imposing sanctions is creating real economic pressures on Iran. But it has not altered any Iranian behaviors as they remain aggressive in the region—so Israel must focus on countering that where it can. But what happens if the Iranians withdraw from the nuclear deal and resume their uranium enrichment, reducing their break-out time to weeks? The Trump approach seems built essentially on sanctions and economic pressure but little more. How will each candidate approach an Iranian withdrawal from the nuclear deal and the possibility that the Trump administration will maintain its current approach?

- What about Gaza? Does either the prime minister or his challengers have an alternative to the current approach? No one wants to go back into Gaza, but is the reality of periodic flare-ups over the last decade, often driving a million Israelis in the south into shelters, the new normal? Can there be a more durable ceasefire with Hamas without reconstruction of infrastructure in Gaza? It is clear that the Israeli security establishment is looking for stabilizing components like infrastructure that could avert future deterioration. What is the alternative to this approach? If there is not one, why hasn't it gone forward? As for the Palestinian issue, there is no ultimate deal any time soon. While President Trump may be intent on reducing the U.S. role in the Middle East, he still appears to want to present a peace plan. Even if key Arab leaders may be less inclined to be responsive to Trump if they judge him withdrawing from the region, the Administration wants these leaders to acknowledge the seriousness of the plan. And, this is especially true at a time when the Administration has no contact with Mahmoud Abbas and the Palestinian Authority.
- There is, however, little chance of gaining Arab public recognition of the seriousness of the plan without it addressing Palestinian statehood and key Arab neighborhoods in East Jerusalem. Both Prime Minister Netanyahu, who has said he would like a new coalition much like the current one, and those on the center-left should be asked whether it is possible to respond favorably to the Trump plan without a government capable of making tough decisions? Indeed, if as Nikki Haley said in her farewell address as UN envoy that Israelis and Palestinians are going to like parts of the plan and dislike other parts, is it conceivable that a narrow-based right-wing Israeli government will be able to accept it, even with reservations? Is there more to an Israeli strategy than merely planning on Abbas to say no, so Israel is off the hook? If the Trump plan is presented and goes nowhere, a clear possibility, what is the policy of the prime minister and his challengers toward the Palestinians? If there is no early prospect of a deal, there is the danger of Israel simply drifting toward becoming a binational state. Each candidate should be asked what will they do to ensure that this does not happen.
- Lastly, what is the policy of each candidate toward preserving not only bipartisan ties with the United States, recognizing that President Trump might be gone in two years, but also with

American Jewry. Clearly, the ties of the current coalition are strained both with the Democrats and with key non-Orthodox segments of American Jewry. Both are essential to preserving the relationship with America—with one factor generally overlooked in Israel. The American Jewish community has played an essential role in ensuring a strong U.S.-Israel relations, including the American commitment of \$38 billion in military assistance over the next 10 years. This is a commitment that Trump inherited from his predecessor Barack Obama. So, does each candidate recognize a problem with American Jews and, if so, what will they do about it? Quite apart from domestic issues, these issues deserve an airing and a debate in advance of the election. We hope it takes place.