



S. DANIEL ABRAHAM  
CENTER FOR MIDDLE EAST PEACE

## Israel and the Middle East News Update

*Monday, March 16*

### Headlines:

- **Netanyahu Trial Postponed as Justice Minister Freezes Courts**
- **Joint Arab List Unanimously Backs Gantz to Form Next Government**
- **Benny Gantz, With Thin Majority, Wins Chance to Form Government**
- **Rivlin Hosts Gantz, Netanyahu to Talk up Emergency Unity Government**
- **Gantz Bloc Seeks Legislation Aimed at Making Netanyahu Irrelevant**
- **Govt' Okays Mass Surveillance of Israelis' Phones to Curb Coronavirus**
- **Tens of Thousands of Haredi Students are Violating Coronavirus Closure**
- **PA: We Won't be Able to Cope Alone with Major Outbreak of Virus**

### Commentary:

- **Ha'aretz: "An Emergency for Israeli Democracy: Coronavirus Crisis Cannot Chip Away at Checks and Balances"**
  - By Noa Landau political commentator at Ha'aretz
- **Ha'aretz: "Crazy Israel Concurrently Convulsed by Coronavirus Crisis, Netanyahu Putsch and Gantz's Come-from-nowhere Triumph"**
  - By Chemi Shalev, commentator at Ha'aretz

# News Excerpts

March 16, 2020

## Ha'aretz

### **Netanyahu Trial Postponed as Justice Minister Freezes Courts**

PM Netanyahu's trial in three corruption cases has been postponed by over two months, a district court announced on Sunday. The trial was set to begin on Tuesday. It has now been pushed back to May 24. In the very early hours of Sunday, Israeli Justice Minister Amir Ohana announced that emergency measures will be put in place to counter the spread of coronavirus, affecting the workings of Israel's courts. Ohana later said that the decision to postpone the trial was made solely by the judges on the panel set for the trial, "without any involvement" by politicians. The instructions were given four hours after a press conference at which Netanyahu presented a new slate of emergency measures to curb the spread of the novel coronavirus. Netanyahu did not address court activities. See also ["Coronavirus crisis delays start of Netanyahu corruption trial" \(Reuters\)](#)

## Ynet News

### **Joint Arab List Unanimously Backs Gantz to Form Next Government**

The predominantly Arab Joint List party on Sunday named Blue & White leader Benny Gantz as its choice to form the next government. The recommendation to President Reuven Rivlin during a meeting at his Jerusalem residence was unanimous among all four factions that make up the Joint List, despite earlier indications that some members were reluctant to do so. Chairman Ayman Odeh touted his party's achievement in the elections in which it won 15 seats, saying it gave the Joint List a greater say in the running of the country. "As far as we are concerned, it is a struggle for our legitimacy" he said. See also ["Entire Joint List backs Gantz as PM, heralding possible center-left government" \(TOI\)](#)

## New York Times

### **Benny Gantz, With Thin Majority, Wins Chance to Form Government**

Benny Gantz, the centrist former army chief battling to depose Prime Minister Benjamin Netanyahu of Israel, on Sunday won the endorsements of a narrow majority of lawmakers, earning him a fresh chance to form a government and break Israel's yearlong political deadlock. The surprise majority for Mr. Gantz, 60, who earned the backing both of Arab lawmakers often accused of sympathizing with terrorists and from ultranationalist lawmakers often called rabidly anti-Arab, puts him in a stronger-than-expected position to try to pry loose Mr. Netanyahu's 11-year grip on power. Israel's president, Reuven Rivlin, said he would formally assign Mr. Gantz, the mandate to form a government at midday on Monday. See also ["Rivlin to tap Gantz to form next government, his office says" \(Ynet News\)](#)

## Times of Israel

### **Rivlin Hosts Gantz, Netanyahu to Talk up Emergency Unity Government**

President Reuven Rivlin hosted Prime Minister Benjamin Netanyahu and Blue and White chair Benny Gantz for an "urgent" three-way summit Sunday evening in an effort to encourage the two men to form an emergency unity government amid the coronavirus outbreak. Signifying his intention to begin negotiations immediately, Rivlin also invited the heads of the Likud and Blue and White negotiating teams to be present in the meeting. Following the meeting, Netanyahu and Gantz released a joint statement saying that "the two agreed that negotiating teams would meet soon." See also, ["President pushes for unity deal, taps Gantz as PM-designate" \(Israel Hayom\)](#)

Ha'aretz

## **Gantz Bloc Seeks Legislation Aimed at Making Netanyahu Irrelevant**

Sources in the bloc that supports Benny Gantz, who will get the mandate to form a new government from the president on Monday, are working to advance the following plan: If no unity government is formed, and Knesset Speaker Yuli Edelstein of Likud is replaced by a vote of the new Knesset, an arrangements committee, to be controlled by Kahol Lavan as long as Gantz retains the mandate, will swiftly draw up two bills of dramatic significance. The first would prevent anyone charged with crimes from serving as prime minister, while the second would revisit the direct election of the prime minister, similar to the law that prevailed in Israel during the 1990s. However, Edelstein said that he would not allow the Knesset to choose a new speaker because the move would torpedo efforts to form a unity government. Edelstein has the legal authority to block the effort by not bringing the proposal up for a vote. See also ["In blow to Blue and White, Knesset speaker says he'll block vote to replace him" \(TOI\)](#)

Times of Israel

## **Gov't Okays Mass Surveillance of Israelis' Phones to Curb Coronavirus**

The government on Sunday approved a proposal to allow the Shin Bet security service to perform mass surveillance on Israelis' phones without requiring a court order in an effort to curb the spread of the COVID-19 coronavirus, prompting major concerns of privacy and civil liberty violations. The measure will require final approval from the Knesset's subcommittee on clandestine services before it can be put into action. The Prime Minister's Office said the Shin Bet will be limited in what data it collects and who within the government will have access to it. In addition, under the proposal, the agency will only be able to use the information in the fight against the coronavirus, and the power is scheduled to end 30 days after it is granted by the Knesset subcommittee. See also, ["Netanyahu sparks privacy scare with move to track corona patients' phones" \(TOI\)](#)

Ha'aretz

## **Tens of Thousands of Haredi Students are Violating Coronavirus Closure**

Tens of thousands of ultra-Orthodox (Haredi) students went to school Sunday as usual, following the directive of Rabbi Chaim Kanievsky, leader of the non-Hasidic Haredi community, who ordered Talmud Torah schools to remain open despite the Health Ministry order to close. Yeshivas and kollels (yeshivas for married students) also remained open, with students told to observe the Health Ministry instructions and rules of hygiene. However, it seems that most yeshivas did not observe the rules about limiting gatherings to 10 people or less, or about individuals keeping at least two meters from one another. Later Sunday night, Rabbi Chaim Kanievsky, the spiritual leader of the United Torah Judaism party agreed to Prime Minister Benjamin Netanyahu's suggestion that Torah study will be conducted in groups of up to 10 students as part of the efforts to curb the spread of the coronavirus.

Jerusalem Post

## **PA: We Won't be Able to Cope Alone with Major Outbreak of Virus**

The surging number of confirmed coronavirus cases in Israel, 213 at press time, is deeply worrying Palestinian Authority health officials, who warned on Sunday of a "catastrophe" if a large number of Palestinians in the West Bank are diagnosed with the disease. The number of coronavirus patients in the West Bank stood at 38 by mid-Sunday as no new cases were registered in the PA-controlled areas, the PA Health Ministry said. Thirty-seven cases have been reported in the Bethlehem area, while only one Palestinian from Tulkarm was diagnosed with the disease.

## **An Emergency for Israeli Democracy: Coronavirus Crisis Cannot Chip Away at Checks and Balances**

By Noa Landau political commentator at Ha'aretz

- **A black warning flag is flying over Israel, and it's not over the coronavirus epidemic. Unbalanced, unchecked power is now concentrated in the hands of the prime minister of a caretaker government, allowing him to take and institute draconian measures the likes of which we've never seen – and with dizzying speed.**
- **This is happening without a government, without a sitting parliament, and against an exhausted justice system, whose powers have been curtailed in the dead of night; this is happening using all the authority of the executive branch, particularly the army, the police and the Shin Bet security service. Now, new rules banning gatherings of more than 10 people even prevent organizing protests. And the media, purportedly the only watchdog left, is having trouble keeping up with the pace of events.**
- **At this time of emergency, democracy is at its most fragile. As we know, it's very easy to sacrifice individual liberties, particularly other people's freedoms, and even more so those of minorities, when you're afraid of harm that can come to yourself and your loved ones. In an epidemic, everyone is equally in danger, and there is a broad consensus over the use of emergency legislation, or of breaking the law for a "justified purpose." At such a time, it is crucial to maintain proportionality and oversight. And it is precisely now that the main mechanisms of oversight – the legislative and the judicial branches – are unable to function as required.**
- **A hint of this danger was revealed Saturday night in Prime Minister Benjamin Netanyahu's statement that, due to the need to stop the spread of the virus, "all means will be employed, including technological means [used in] the fight against terrorism, which I have avoided until now among the civilian populations." This refers mainly to tracking coronavirus patients by using cellphone geolocation and other means, such as monitoring where their credit cards are being used. Authorities can ascertain exactly where these people were and who they met before they got sick, and can ensure they are not violating quarantine requirements. The necessary technology is currently only available to security forces, and used to fight crime and terrorism.**
- **Officials at the Justice Ministry's Privacy Protection Authority said that, although they asked to be involved, they were not included in deliberations over the move. Attorney General Avichai Mendelblit did condition his consent to the move upon a cabinet resolution approving it on Sunday, but does anyone really believe that this caretaker cabinet would not approve anything Netanyahu asked of it?**
- **Unrestricted tracking of any suspected carrier of the coronavirus is a dramatic step that cannot easily be reversed, if at all. Such a step should have been accompanied by full transparency and advance parliamentary oversight. Who can guarantee these methods will only be used with those who are ill, and only to curb the spread of the virus?**

- There are other, connected issues, including of where the information will be stored, who will be able to see it, and whether it will be deleted later. All of these questions are disturbing and unanswered. Netanyahu claimed that this kind of strategy is already in effect in Taiwan. But according to its Representative Office in Israel, Taiwanese authorities are only using digital means to oversee patient isolation, and not to collect information on the activities of people who have the disease, through undercover security agencies.
- According to local media reports, people in isolation in Taiwan who do not want to download the tracker application to their cellphones are provided with alternative equipment. Taiwan at the moment is a better functioning democracy than Israel, with all the required checks and balances.
- And just after the scandalous, fast-track approval of the monitoring of civilians “by technological means used in the fight against terror,” a special order was issued at 1 A.M., signed by Justice Minister Amir Ohana, freezing court proceedings under a special state of emergency. As a result of the epidemic and with alleged support from the Health Ministry, Netanyahu’s criminal trial was delayed. The order was given for 24 hours - but if the move doesn’t prompt protests, it will go on and on. After all, the coronavirus will not be vanquished in a day.
- The politicization of the health crisis has another destructive impact: Large portions of the Israeli public who do not want to see Netanyahu remain in office will now be convinced he is exploiting the situation, stoking fear for his personal needs. They are losing faith in the credibility of the steps being taken to address the coronavirus threat. And without broad public credibility, no epidemic can be halted.
- Even in an emergency -- and we are only at the beginning, no one knows how or when it will end – checks and balances must be maintained. Israel is already on the edge when it comes to violations of individual rights. The foundations of our system of government must not be undermined under the auspices of a viral outbreak. This really is an emergency – over the protection of democracy.

**Summary: Just after the scandalous, fast-track approval of the monitoring of civilians “by technological means used in the fight against terror,” a special order was issued at 1 A.M., signed by Justice Minister Amir Ohana, freezing court proceedings under a special state of emergency. As a result of the epidemic and with alleged support from the Health Ministry, Netanyahu’s criminal trial was delayed. The order was given for 24 hours - but if the move doesn’t prompt protests, it will go on and on. After all, the coronavirus will not be vanquished in a day. The politicization of the health crisis has another destructive impact: Large portions of the Israeli public who do not want to see Netanyahu remain in office will now be convinced he is exploiting the situation, stoking fear for his personal needs. They are losing faith in the credibility of the steps being taken to address the coronavirus threat. And without broad public credibility, no epidemic can be halted. Even in an emergency -- and we are only at the beginning, no one knows how or when it will end – checks and balances must be maintained. Israel is already on the edge when it comes to violations of individual rights. The foundations of our system of government must not be undermined under the auspices of a viral outbreak. This really is an emergency – over the protection of democracy.**

## **Crazy Israel Concurrently Convulsed by Coronavirus Crisis, Netanyahu Putsch and Gantz's Come-from-nowhere Triumph**

By Chemi Shalev, commentator at Ha'aretz

- **Very few people on the face of the earth will dispute the assertion that these are crazy times we're living in. In terms of the potential threat to the "global village," as visionary Marshall McLuhan foresaw in our interconnected world, the coronavirus crisis is unprecedented. Like many countries around the world, Israel is grinding to a halt; its citizens gripped by a primal fear of the pestilence. Jews, however, are the Chosen People, although this is another one of those occasions when Tevye's complaint to God in Fiddler of the Roof is especially pertinent: "Couldn't you choose another people for a change?"**
- **History will record that when the world went loony, Israel double whammied. Struggling like everyone else to meet the enormous medical, economic and social challenges of the corona pandemic simply wasn't enough. As it tries to contain COVID-19, Israel is concurrently in constitutional convulsions, coming to grips with a wacko turn in politics in what is taking shape as a fateful battle over the future of its democracy. Beat that for exquisite timing.**
- **It's worthwhile to shortly recap the hitherto inconceivable developments of the past 24 hours alone: Saturday night, 9:00 P.M. Netanyahu addresses the nation, announces new coronavirus restrictions, calls for national unity in this time of crisis and nonchalantly announces that the Shin Bet's formidable surveillance apparatus, ostensibly reserved for counterterrorism operations, would henceforth be employed to expose virus carriers who have failed to give proper account of their comings and goings.**
- **Sunday, pre-dawn, 1:00 A.M. Sixty hours before his trial was set to start in the Jerusalem District Court, Netanyahu's proxy and interim Justice Minister Amir Ohana carries out what is essentially a legal putsch, ordering an emergency shutdown of the court system. This is despite the Health Ministry's advice to the contrary. Four hours after calling for unity, Netanyahu usurps the rule of law, thus spitting in the faces of his prospective partners in an emergency government and, by extension, more than half of Israeli voters.**
- **Sunday morning, 8:00 A.M. Unity is dead in the water as Gantz tells Netanyahu "When you get serious, we can talk." Ohana's dictatorial decree and Netanyahu's eagerness, since tempered, to use the Shin Bet against common Israelis alarm elites and spur howls of protest in the center-left opposition. 12:00 P.M. The Joint List shocks Israeli politicians by telling President Rivlin that their entire list, including the ultra-nationalist Balad Party – seen by many Israelis as an enemy organization – are recommending that Gantz gets first crack at forming a new government. In Palestinian terms, this is more or less like Ilhan Omar endorsing U.S. President Donald Trump or white supremacists embracing Barack Obama. Moreover, the unprecedented move set up the possibility of Gantz garnering, 61 recommendations, compelling Rivlin to pick him to form a new government.**
- **4:45 P.M. Wonders not only never cease, they go up a notch or two. Avigdor Lieberman, the unrivalled bogeyman of Israeli Arabs and a racist rabble-rouser in the eyes of many on the center-left, joins hands with Balad in endorsing Gantz, giving him the coveted 61 MK threshold.**

So – crazy is as crazy does – elections that were heralded two weeks ago as an unparalleled victory for Netanyahu end up with his rival taking first place.

- Sunday evening, 6:00 P.M. On the eve of the inauguration and swearing in of the new Knesset, its outgoing speaker Yuli Edelstein expands what is emerging as an attempted coup d'état. In perfect Orwellian, he announces that he will prevent the new Knesset from choosing a new speaker, as law and tradition prescribe. He says this is so as not to impede efforts to reach agreement on a national unity government – which he, by his own actions, seriously undermined.
- The true reason for Edelstein's defiance, however, is that the same 61 MKs who recommended Gantz to Rivlin are also planning to choose a new speaker from their rank and set up the appropriate parliamentary committees. Also, in another unique and unprecedented development, they plan to serve as a check and balance to Netanyahu's naked power grab, aggravated by the fact that he is an interim prime minister with supposedly far less authority than one who has been voted in by the Knesset. In parliamentary politics, the Knesset is usually a rubber stamp for the ruling coalition. In this topsy-turvy time, it seeks to emulate the U.S. House of Representative and to put the brakes on Netanyahu's undisguised and ongoing campaign to escape justice.
- Sunday night 9:00 P.M. Rivlin returns to the scene of his last failure by trying to broker an agreement between Gantz and Netanyahu over the formation of a new government, sparking an outcry on the center-left. Should he fail, as expected, Rivlin has already announced that he would pick Gantz to form the next government first thing on Monday.
- That's what the law, logic and tradition dictate, though, after a whole year of Netanyahu's jail-breaking shenanigans, all three seem to be in dire need of an artificial respirator. For all we know, Netanyahu could declare martial law at any given moment, armed police could surround the Knesset to prevent its members from exercising their sovereign rights and the Shin Bet could announce that all leftists are hereby redefined as suspect coronavirus carriers, whose moves need to be traced and monitored.

Nah, that can't happen here, you might say. But that was true of the events of the past 24 hours as well. In fact, with their world knocked out of joint and fear in their hearts, many Israelis are now convinced that literally anything can happen. Once you let the genie out of the bottle, he'd be crazy to voluntarily go back in.

Summary: Sunday night 9:00 P.M. Rivlin returns to the scene of his last failure by trying to broker an agreement between Gantz and Netanyahu over the formation of a new government, sparking an outcry on the center-left. Should he fail, as expected, Rivlin has already announced that he would pick Gantz to form the next government first thing on Monday. That's what the law, logic and tradition dictate, though, after a whole year of Netanyahu's jail-breaking shenanigans, all three seem to be in dire need of an artificial respirator. For all we know, Netanyahu could declare martial law at any given moment, armed police could surround the Knesset to prevent its members from exercising their sovereign rights and the Shin Bet could announce that all leftists are hereby redefined as suspect coronavirus carriers, whose moves need to be traced and monitored. Nah, that can't happen here, you might say. But that was true of the events of the past 24 hours as well. In fact, with their world knocked out of joint and fear in their hearts, many Israelis are now convinced that literally anything can happen. Once you let the genie out of the bottle, he'd be crazy to voluntarily go back in.