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Trial of Benjamin Netanyahu

The trial of Benjamin Netanyahu began following investigations into allegations of bribery, fraud, and breach of trust by him and close political allies within his inner circle during his fourth and fifth terms as Israel's Prime Minister. The Israel Police began investigating Netanyahu in December 2016 and subsequently recommended indictments against him. On 21 November 2019, Netanyahu was officially indicted for breach of trust, accepting bribes, and fraud, leading him to legally relinquish his ministry portfolios other than prime minister. Netanyahu's trial in the Jerusalem District Court began on 24 May 2020, with witness testimony starting on 5 April 2021. The prosecution listed 333 witnesses.^[1] As of October 2023, the criminal trial is still ongoing.^[2]

Overview

There are three separate cases being brought against Netanyahu. Case 1000, opened in December 2016, involves valuable gifts and presents that Netanyahu and his wife received from two wealthy businessmen over the years. In Case 2000, recorded conversations between Netanyahu and Arnon Mozes, the chairman and editor of *Yedioth Ahronoth*, one of the largest newspapers in Israel, were discussed. They talked about the possibility of legislation that could harm *Israel Hayom*, Yedioth's major competitor. Case 4000 relates to the relationship between telecommunications company Bezeq and its regulator, the communication ministry, which was headed by Netanyahu at the time.

On 21 November 2019, Netanyahu was officially charged with fraud and breach of trust in Cases 1000 and 2000, and with fraud, breach of trust, and receiving bribes in Case 4000.

Case 1000

In Case 1000, Netanyahu is accused of having a conflict of interest while he was the Minister of Communications and handled affairs related to Arnon Milchan's business interests. The prosecution alleges that Netanyahu received expensive cigars and champagne worth \$195,000 from Milchan and James Packer, a friend of Milchan's, over a period of 20 years, as well as jewelry for Netanyahu's wife Sara worth \$3,100.^{[3][4]} The charges cite three separate incidents in which Netanyahu allegedly assisted Milchan.



Netanyahu (seen here in 2018) served as Prime Minister of Israel from 2009 to 2021 and from 2022 onwards.

Case 2000

Case 2000 involves three meetings between Netanyahu and Arnon Mozes between 2008 and 2014,^[5] during which they discussed the possibility of legislation that would limit circulation of Israel Hayom in exchange for Yedioth hiring journalists more favorable to Netanyahu. Netanyahu has been charged with fraud and breach of trust in the case, while Mozes was charged in November 2019 for attempted bribery.^[6]

Case 4000

Case 4000 involves the communication conglomerate Bezeq. The investigation focused on allegations that Netanyahu had promised regulatory changes that would be favorable to the business interests of Shaul Elovitch, the owner of Bezeq, in exchange for positive coverage of Netanyahu and his family by Elovitch's news website, Walla!. Netanyahu was charged with fraud, breach of trust, and bribery in this case. Elovitch was also charged with bribery. The charges against Netanyahu include receiving bribes and acting in a conflict of interest as Minister of Communications. The Israeli police recommended bribery charges against Netanyahu in December 2018.^[7] On 21 November 2019, Israeli Attorney General Avichai Mandelblit officially brought charges against Netanyahu and Elovitch.

During the 2023 Israeli judicial reform protests, Netanyahu removed Defense Minister Yoav Galant from his post on 26 March 2023. After this, Boaz Ben Zur, Netanyahu's lawyer in Case 4000, told Netanyahu he would quit if Netanyahu did not stop the proposed legislation.^[8]

Protests

In September 2017, protesters started holding weekly Sunday rallies in Petah Tikva for 41 consecutive weeks, protesting what they perceived as interference with the investigations and delays by Attorney General Avichai Mandelblit.^{[9][10]} In addition, rallies against government corruption were held in Tel Aviv's Rabin Square. As Netanyahu remained in power despite being formally charged, the protests grew substantially in 2020-2021. These protests are linked to the widespread demonstrations in 2023 that were sparked by the proposed judicial overhaul

Indictment

On 19 December 2018, Israeli State Prosecutor Shai Nitzan recommended to Israeli Attorney General Avichai Mandelblit that Netanyahu be indicted.^[11] On 20 December 2018, Israeli Attorney General Avichai Mandelblit said he would "work quickly" on the case, but "not at the expense of quality decisions and professionalism".^[12]

On 28 February 2019, the Supreme Court of Israel rejected a motion filed by Netanyahu's Likud Party to stall the publication of the Attorney General's recommendations.^{[13][14]} The same day, Mandelblit announced that he had accepted police recommendations to indict Netanyahu on three of the charges and that the indictment will officially go into effect following a hearing.^{[15][16]}

The hearing took place in October 2019, and on 21 November, Netanyahu was indicted in cases 1000, 2000, and 4000 for charges including breach of trust, accepting bribes, and fraud.^{[17][18][19]}

As a result of the indictment, Netanyahu was legally required to relinquish of his ministry portfolios other than Prime Minister.^{[20][21]}

Immunity bid

Netanyahu submitted a request for immunity to the parliamentary speaker, Yuli Edelstein, on 1 January 2020.^[22] Many MKs, including Avigdor Lieberman of Yisrael Beiteinu, Benny Gantz of Blue and White, and Stav Shaffir of the Green Party, were critical of the move. Lieberman called for the Knesset to bring back committees that had been dissolved (and also indicated that his party would vote against a bid for immunity); without a Knesset committee, there would be no action on Netanyahu's immunity until after the March election.^[23] According to The Times of Israel columnist Raoul Wootliff, the election had in effect become a race to gain enough seats so that Netanyahu can successfully request immunity from over half of the MKs.^[24]

Knesset legal advisor Eyal Yinon ruled on 12 January 2020 that there was no impediment to forming a Knesset committee that could prevent Netanyahu from receiving immunity. If his immunity bid was not accepted, his trial could begin.^[25] There was a vote the next day establishing a House Committee that would debate immunity for Netanyahu; it was approved 16 votes in favour to five against. The committee included 30 members, with a majority from parties opposed to Netanyahu.^[26]

As a result, Netanyahu withdrew his bid for immunity on 28 January 2020; the charges against him were thus officially confirmed and filed in Jerusalem District Court on the same day.^[27]

Prelude to the trial

On 18 February 2020, the Justice Ministry announced that Netanyahu's trial would start in the Jerusalem District Court on 17 March 2020.^[28]

On 9 March 2020, Netanyahu filed a motion to delay the trial for 45 days.^[29] On 10 March, the court rejected this bid and affirmed the original trial date.^[30] However, on 15 March 2020, the beginning of the trial was pushed back until 24 May as a result of coronavirus-related restrictions.^[31] The Jerusalem District Court ordered Netanyahu to appear in person at the opening of his trial.^[32]

Trial

The trial began on 24 May 2020, in the Jerusalem District Court, with judges Rivka Friedman-Feldman, Moshe Bar-Am, and Oded Shaham presiding, and Friedman-Feldman serving as the lead judge. The prosecution team is headed by Deputy State Attorney Liat Ben-Ari, along with Yonatan Tadmor, Deputy Chief of the Tel Aviv District State Attorney's Office Economic Crimes Division, and Yehudit Tirosh, Director of the Securities Department of the Israel Securities Authority.^[33] Netanyahu's defense team initially included Amit Hadad, the chief defense attorney, along with Noa Milstein, Avichai Yehosef, and Yair Leshem, with Micha Fettman also on the team. However, Fettman left the defense team after the first hearing and was replaced by Yossi Segev,^[34] and Boaz Ben-Tzur joined the team after the second hearing.^[35]

The trial had four preliminary hearings in 2020.^[36] At the first hearing, Netanyahu and three other defendants, Shaul Elovitch, Iris Elovitch, and Arnon Mozes, were present, and the judges read out the charges. Netanyahu was exempted from appearing at most subsequent hearings.^{[36][37]} On 5 April 2021, the trial moved into the phase of hearing witness testimonies.^[38] In early 2022, reports surfaced about negotiations for a possible plea bargain, but that did not materialize.^[39] In April 2023, the prosecution and defense reached an agreement to cut non-essential prosecution witnesses, so as to reduce the number of prosecution witnesses who testify to around 60; with this agreement, the phase of hearing prosecution witnesses is expected to end in the first half of 2024.^{[40][41]} As of May 2023, the trial is still ongoing.

Three former confidants of Netanyahu were implicated in criminal charges, and agreed to serve as state witnesses as part of plea bargain agreements: Shlomo Filber, the former director of the Ministry of Communications,^[42] Nir Hefetz, a former advisor,^[43] and Ari Harow, Netanyahu's former chief of staff.^[44] Other key witnesses include Ilan Yeshua, former CEO of Walla! News,^[45] Hadas Klein, Milchan's personal assistant who was in charge of purchasing and supplying the alleged illegal gifts and Arnon Milchan himself.^[46] Milchan's testimony, which took place in late June and early July, took place via video from Brighton, United Kingdom, as he was allowed to be absent from appearing in person due to health concerns. Prior to Milchan's testimony, in a private meeting with the prosecution and the defense, the judges suggested that the bribery charges may be difficult to prove, and implored both sides to consider a plea bargain "for the sake of the country".^{[47][48]}

See also

- Corruption in Israel

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