

Is Netanyahu Ready to Inflammate War to Escape His Legal Troubles?

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The decision to indict Israeli Prime Minister Benjamin Netanyahu on three separate criminal counts pushes the country's already unprecedented electoral stalemate into the entirely uncharted territory of a constitutional crisis.

There is no legal precedent for a sitting prime minister facing a trial – in Netanyahu's case, for bribery, fraud and breach of trust. Former Israeli prime minister Ehud Olmert was charged with corruption in 2009 but only after he had resigned from office.

Israeli commentators are already warning of the possibility of civil war if, as seems likely, Netanyahu decides to whip up his far-right supporters into a frenzy of outrage. After a decade in power, he has developed an almost cult-like status among sections of the public.

He called for mass protests in Tel Aviv by supporters on Tuesday night under the banner "Stop the coup".

The honorable thing would be for Netanyahu to step down quickly, given that the two elections he fought this year ended in deadlock. Both were seen primarily as plebiscites on his continuing rule.

He is now the country's caretaker prime minister, in place until either a new government can be formed or an unprecedented third election is held.

His departure would end months of governmental near-paralysis. The path would then be clear for a successor from his Likud party to negotiate a deal on a right-wing unity government with rival Benny Gantz, a former army general.

Gantz's Blue and White party has made it a point of principle not to forge an alliance with Netanyahu.

Previous experience, however, suggests that Netanyahu might prefer to tear the house down rather than go quietly. If he is allowed to press ahead with another election in March, he is likely to stoke new levels of incitement against his supposed enemies.

Until now, the main target of his venom has been a predictable one.

During the April and September campaigns, he railed relentlessly against the fifth of Israel's citizenry who are Palestinian as well as their elected representatives in the Joint List, the third largest faction in the Knesset.

Shortly before last Thursday's indictment was announced, Netanyahu was at it again,

holding an “emergency conference”. He told supporters that a minority government led by Gantz and propped up from outside by the Joint List would be a “historic national attack on Israel”. The Palestinian minority’s MPs, he said, “want to destroy the country”.

Such a government, he added, would be an outcome “they will celebrate in Tehran, in Ramallah and in Gaza, as they do after every terror attack”.

This repeated scaremongering had an obvious goal: rallying the Jewish public to vote for his far-right, now overtly anti-Arab coalition. The hope was that he would win an outright majority and could then force through legislation conferring on him immunity from prosecution.

Now he appears to have run out of time. After three years of investigations and much foot-dragging, the attorney general, Avichai Mandelblit, has finally charged him.

According to the Israeli media, Netanyahu turned down opportunities for a plea bargain that would have seen him resign in return for avoiding jail time.

According to the most serious allegation, he is accused of granting media tycoon Shaul Elovich benefits worth \$500 million in exchange for favourable coverage.

Weighed against the crimes he and other Israeli leaders have perpetrated over many decades against the Palestinians in the occupied territories, the offences he is indicted for seem relatively minor.

Nonetheless, if found guilty, Netanyahu faces a substantial prison sentence of up to 10 years. That makes the stakes high.

All the signs now are that he will switch his main target from Israel’s Palestinian minority to the legal authorities pursuing him.

His first response to the indictment was to accuse the police and state prosecutors of an “attempted coup”, claiming they had fabricated the evidence to “frame” him. “The time has come to investigate the investigators,” he urged.

As one Blue and White official told the veteran Israeli reporter Ben Caspit:

“Netanyahu will not hesitate to sic [unleash] his supporters on those institutions of government that represent the rule of law. He has no inhibitions.”

Technically the law allows a prime minister to continue serving while under indictment and before a trial, which is still many months away. Assuming Netanyahu refuses to resign, the courts will have to rule on whether this privilege extends to a caretaker leader unable to form a new government.

Netanyahu is therefore likely to focus his attention on intimidating the supreme court, already cowed by a decade of tongue-lashing from the Israeli right. Critics unfairly accuse the court of being a bastion of liberalism.

But bigger dangers may lie ahead. Netanyahu needs to keep his own Likud party in line. If

its members sense he is finished, there could be a rapid collapse of support and moves towards an attempt to overthrow him.

The first hints of trouble emerged on Saturday when Gideon Saar, Netanyahu's most likely challenger in Likud, accused him of "creating an atmosphere of chaos" by denigrating the legal authorities. On Tuesday he went further calling on Netanyahu to quit.

After the failure by both Gantz and Netanyahu to put together a coalition, the task was passed last week to parliament. Its members have just over a fortnight left to see whether one of their number can rally a majority of MPs.

This brief window could provide an opportunity for Saar to move against Netanyahu. On Sunday he submitted an official request for the Likud party to hold a snap leadership race.

Observers fear that to allay this danger, Netanyahu might consider not only inflaming his base but also setting the region alight with a conflict to rally the rest of the public to his side and make his removal impossible.

In fact, the Israeli media reported that shortly before September's election, he had tried to pull precisely such a stunt, preparing a war on Gaza to justify postponing the ballot.

He was stopped at the last minute by Mandelblit, who realised that the cabinet had been misled into approving military action. Netanyahu had reportedly concealed from them the fact that the military command was opposed.

In recent weeks, Netanyahu has stoked severe tensions with Gaza by assassinating Palestinian Islamic Jihad leader Baha Abu Al Atta. Last week he launched airstrikes on Iranian positions in Syria.

When Olmert was being investigated for corruption in 2008, Netanyahu sagely warned of the dangerous confusion of interests that might result. "He will make decisions based on his own interests of political survivability rather than the national interest," he said.

And that is precisely the reason why many in Israel are keen to see the back of Netanyahu - in case his instinct for political survival trumps the interests of stability in the region.

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