Spanish Judge Issues Arrest Warrants for Netanyahu, Liberman, Others

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Prime Minister Benjamin Netanyahu and seven other former and current government officials may be at risk of arrest over the 2010 Mavi Marmara flotilla raid if they step foot on Spanish soil after a judge, late last week, drew up warrants.

Others who might face arrest include former foreign minister Avigdor Liberman; current and former defense ministers Moshe Ya’alon and Ehud Barak, respectively; former interior minister Eli Yishai; former intelligence minister Dan Meridor; and minster-without-portfolio Bennie Begin. Together with Netanyahu, they make up the so-called Forum of Seven, an ad hoc committee of ministers that made key decisions on security issues at the time. Former head of the Navy Eliezer Marom, the top IDF commander running the operation at the time, also could face arrest.

“We consider it [the judge’s order] to be a provocation. We are working with the Spanish authorities to get it canceled. We hope it will be over soon,” Foreign Ministry spokesman Emmanuel Nachshon said Saturday night.

The Prime Minister’s Office and the Justice Ministry had not responded by press time Sunday.

In the 2010 incident, a group of human rights activists and a smaller group of IHH activists (which the quasi-government Turkel Commission Report identified as affiliated with the Muslim Brotherhood) boarded several ships to try to break an Israeli blockade of the Gaza Strip. Israel commandeered and stopped most of the ships without incident, but when Israel Navy commandos boarded the Mavi Marmara they were attacked by IHH activists who wounded some commandos.

The incident left 10 dead on the IHH side.

Spain is just the latest member of the international community to accuse Israel of war crimes and pursue Israeli officials over the affair.

Local proceedings in Turkey went to full trial but stalled after Netanyahu made a partial apology, while several efforts to arrest Israeli officials in England stalled after the government there amended the law to make it more difficult for individual judges to issue arrest warrants without state approval.

At the International Criminal Court, the Mavi Marmara incident has provoked intense controversy with ICC Prosecutor Fatou Bensouda performing an initial investigation before deciding to close the case.

The Comoros Islands, which filed the complaint, appealed to the Pretrial Chamber, which voted on a 2-1 split for Bensouda to reconsider her position, a decision upheld on a 3-2 split vote by the ICC Appeals Chamber.

Still many expect Bensouda to close the case again on different grounds.

Israel was cleared by the quasi Israeli-government sponsored Turkel Commission and the UN-sponsored Palmer Report, which validated some of Israel’s narrative of fighting in self-defense or said there was insufficient evidence to pursue Israel for war crimes, even as the Palmer Report said some of the IDF’s force was excessive.

This is not Spain’s first attempt to bring war crimes allegations against Israeli officials.

After the IDF’s 2002 bombing of Hamas mastermind Salah Shehadeh, the full range of Spanish courts got involved in reviewing the deaths of 15 civilians and the injuring of 150 that resulted from the attack.

But, in 2009, Spain’s top judicial court, in one of the flagship lawfare cases against Israel, essentially approved Israel’s High Court and related investigative decisions that the actions, all in order to kill Shehadeh, had not been disproportionate under the circumstances.

While many critics have slammed Israel’s legal and judicial apparatus as unwilling to criminalize IDF conduct, the Spanish court said the apparatus satisfied “the requirements issuing from the application of the right to effective due process by an independent and impartial judicial system.”

It was unclear whether the latest case was an individual judge acting on his own with little backing, or whether it has a serious path forward and chance of success with the warrant being respected by Spanish law enforcement and INTERPOL or stalling as have been similar arrest warrants from countries that are friendly or neutral toward Israel.