Does International Criminal Court have jurisdiction over IDF?

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The IDF International Conference on the Law of Armed Conflict (LOAC) opened today.

The conference is chaired by the IDF Military Advocate General, Maj. Gen. Sharon Afek. More than 150 legal experts from 20 countries are participating in the conference and will discuss issues at the forefront of the global interest in the field of the Laws of Armed Conflict.

The conference will last three days and will combine academic discussions with practical workshops and field tours. Among topics to be discussed are rules of urban warfare against terror organizations, laws of warfare in cyberspace, and more. Military Advocate General Maj. Gen. Sharon Afek and IDF Southern Commander Maj. Gen. Herzi Halevi delivered opening statements.

IDF Military Advocate General Maj. Gen. Sharon Afek said: "Israel is coping with security challenges along its borders that create complex security situations, and with it complex legal issues related to the implementation and interpretation of the laws of warfare.

"It is our firm position that the ICC doesn't have jurisdiction over the Israeli-Palestinian conflict. But even if it had such jurisdiction, Israel is a law-abiding state with a strong and independent justice system. Israel's actions are not relevant subject-matter for the ICC. The attempts to make the ICC open an investigation in the subject matter of Israel are diverting the court from its main purpose which is to serve as a court of last resort in cases of mass atrocities.

"The increasing mesh between Hezbollah and the state of Lebanon has legal significance. Last year, Hezbollah and its allies won a significant number of seats in Lebanon's Parliament, and joined the Cabinet.

"This raises questions, such as: is there today a divide between the State of Lebanon and the terrorist organization? What will be Lebanon's role in a future conflict?"

IDF Southern Commander Maj. Gen. Herzi Halevi said: "In Gaza the terrorists are using human shields, their idea is to bring many people, Hamas initiated these protests and it weaponized the riots. Iran gives money to the Sunni population because it's better for them to pay with Sunni blood against Israel. The Iranians use the people of Gaza to fight against Israel."

US Defense Department General Counsel Mr. Paul Ney Jr. said: "The State of Israel is at the forefront of dealing with challenges in the field of the law of armed conflict. The discourse on the law of armed conflict must be led by countries such as Israel, the United States and others, who have a deep commitment to the rule of law and the fulfillment of their legal obligations.

"I believe that Israel's experience with the International Criminal Court (ICC) is similar to that of the United States. Like the United States, Israel is not a party to the Rome Statute. Like the United States, Israel has a strong civil and military legal system. As it did in the case of the United States, the Court ignored the principle of consent regarding its authority when it opened an illegitimate examination of Israel's actions.

Whatever the actions of the ICC, as Ambassador Bolton stated, "The United States will always stand by our friend and ally, Israel."