

LA Jews for Peace Concurs with Gush Shalom's Analysis that the ICC Ruling will Change How IDF Soldiers Treat Palestinians

Policy Statement, Feb. 12, 2021

LA Jews for Peace concurs with **Gush Shalom's** optimistic analysis that the **International Criminal Court** in The Hague's ruling that the court has the authority to hear and decide Palestinian complaints of violations of international law means that the Israel Defense Force's rules of engagement will change in a manner that protects Palestinian rights and dignity. The Gush Shalom's press release follows.

Gush Shalom (Israeli Peace Bloc) press release, February 6, 2021

The ruling by the International Criminal Court is a game-changer. From now on, Israeli Army soldiers and officers had better think twice about obeying orders to destroy Palestinian homes.

The judges of the International Criminal Court in The Hague ruled unequivocally that the court has full authority to hear and decide on Palestinian complaints of violations of International Law by the State of Israel and its army. Thereby, the rules of the game have fundamentally changed.

To date, the only judicial authority authorized to hear cases relating to acts by the Israeli Army in the Occupied Territories had been the Supreme Court in Jerusalem. In spite of prolonged wild incitement waged by Israeli right-wing circles against the Supreme Court and its judges, in practice the Supreme Court was and remains extremely forgiving towards the occupation army, rejecting the vast majority of appeals lodged by Palestinians.

When it comes to the judges of the International Criminal Court in The Hague, it's a completely different matter. The Hague Court is bound by the provisions of International Law, specifically by the Fourth Geneva Convention of 1949 which sets out in detail what an occupying state is allowed - and what it is forbidden - to do in a territory under the military rule of its army. Many of the acts that the IDF routinely undertakes in the territories under its rule may turn out to be serious violations of International Law.

For example: Just a few days ago, on the morning of Monday, February 1, a large military force arrived in the tiny village of Hamsa al-Fouka in the northern Jordan Valley. The soldiers destroyed dozens of residential buildings and sheep pens, leaving 85 Palestinian residents - 45 of them children - homeless and exposed in the open air. The soldiers also demanded that the residents completely leave Hamsa al-Fouka and move to another location that the army would determine for them, threatening that if they did not leave voluntarily, they would be forcibly transferred by the army.

This act of destruction and devastation carried out by the army - and it is certainly not the first of its kind - has gone virtually unnoticed by the Israeli public and political system. Knesset Members who habitually engage in loud and vociferous debates failed to take up this issue. But make no mistake: outside the borders of the State of Israel, there are those who constantly monitor and closely record such acts.

At the International Court, indictments can certainly be filed against IDF officers and settlers as well as against officials and ministers in the Government of Israel. Among other things, acts of wanton destruction - carried out especially against small and highly vulnerable Palestinian communities in the Jordan Valley and the South Hebron Hills - can certainly lead to the filing of indictments against everybody involved.

From now on, IDF officers should think twice about obeying an order to participate in such acts of destruction, and risk serious consequences. Officers who nevertheless decide to continue participating in these acts of destruction had better make an effort to keep their identities secret, constantly wear masks regardless of the Covid-19 situation, and in general start acting like lawbreakers evading law enforcement - because that is exactly what their legal status is about to become.

Decision-makers in the State of Israel have been well aware in recent weeks that the decision of the judges in The Hague was imminent, and that President Trump - who tried to intimidate the International Court by series of blatant threats - is no longer in the White House. It is surprising that in such a situation the decision-makers continued to order soldiers and officers to go on destroying Palestinian homes, when knowing that those who carry out such orders may have to pay a heavy price.

Defense Minister Gantz should look up from his clashes with the Prime Minister and his party's precarious electoral situation, and think about the consequences of the Hague judges' decision - the consequences for himself personally, both regarding his former position as Army Chief of Staff and his present one as Defense Minister, and the changing judicial situation of the soldiers and officers for whom he is responsible as being in charge of Israel's military system.

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