

How Israel Dodges ICC Jurisdiction

What if the International Criminal Court (ICC), tasked with prosecuting the world's worst crimes, is powerless against one nation's cunning evasion? Israel has turned the ICC's principle of complementarity into a shield, obstructing independent investigations with sham inquiries. This essay exposes how Israel exploits this legal loophole, enforces a dual justice system favoring violent settlers over oppressed Palestinians, and leans on US sanctions—crippling ICC judges via SWIFT, Mastercard/Visa, and no-fly lists. The Hind Rajab and Rafah paramedic massacres reveal the depth of this strategy, demanding urgent international action.

Exploiting the Principle of Complementarity

The ICC's principle of complementarity, enshrined in Article 17 of the Rome Statute, allows intervention only when a state is "unwilling or unable" to genuinely prosecute crimes within its jurisdiction. Israel cynically exploits this provision by conducting perfunctory internal investigations that serve as a façade to thwart ICC oversight. The Hind Rajab massacre in January 2024 and the Rafah paramedic massacre on March 23, 2025, exemplify this tactic. In the Hind Rajab case, the IDF initially denied involvement, claiming no troops were near the site where a 6-year-old girl and her family were killed by tank fire, and an ambulance sent to rescue them was destroyed, killing two paramedics. Only after video evidence and independent investigations by Forensic Architecture proved an IDF tank was responsible did the IDF admit "mistakes," yet no criminal charges followed—only a preliminary review absolving soldiers of wrongdoing. Similarly, in the Rafah massacre, the IDF falsely claimed humanitarian vehicles were "suspicious" and linked to Hamas, killing 15 aid workers, including PRCS and UN staff, in an execution-style attack. Video footage later contradicted this narrative, forcing the IDF to acknowledge errors, but its April 20, 2025, investigation concluded with mere "professional misconduct" findings, removing a deputy commander and disciplining another without criminal accountability.

These investigations are neither independent nor rigorous, relying on self-serving soldier testimonies while dismissing victim evidence and human rights reports. The IDF's pattern—launching 47 inquiries after the 2008-2009 Gaza War with less than 1% indictments—underscores its unwillingness to prosecute genuinely. Israel further challenges the ICC's authority, disputing Palestine's statehood despite its 2015 Rome Statute accession, a stance rejected by Pre-Trial Chamber I on November 21, 2024, when it upheld jurisdiction and issued arrest warrants for Netanyahu and Gallant. The US's recent sanctions on ICC judges, announced on June 5, 2025, by Secretary of State Marco Rubio, exacerbate this evasion. Targeting judges Solomy Balungi Bossa, Luz del Carmen Ibáñez Carranza, Reine Adelaide Sophie Alapini Gansou, and Beti Hohler, these measures block US assets and impose travel bans, likely freezing their bank accounts via the SWIFT network and suspending Mastercard/Visa services, as seen with Prosecutor Khan's disrupted access. This US sup-

port, rooted in sovereignty claims, delays ICC proceedings, cementing Israel's dodge as a deliberate abuse of complementarity to evade justice for documented atrocities.

Divergent Judicial Standards: Palestinians vs. Violent Settlers

Israel's judicial system operates as a tool of oppression, enforcing a dual legal regime that violates the Fourth Geneva Convention's mandate for equal protection in occupied territories. Palestinians, including children as young as 12, are subjected to a militarized court system that punishes minor offenses like stone throwing with draconian measures. Defense for Children Palestine reports 500-700 children detained annually, enduring violence, solitary confinement, and coerced confessions without legal representation, as documented in Human Rights Watch's 2015 report on security force abuses. In 2022, 137 children were held, with 2023 seeing a deadly spike, including sniper killings of minors, per The Guardian's 2024 exposé. These cases often result in imprisonment, flouting the Convention on the Rights of the Child.

In stark contrast, violent Israeli settlers—over 700,000 in the West Bank—operate under civil law, enjoying impunity for land-grabbing and attacks. B'Tselem's 2021 report, "A Regime of Jewish Supremacy," details how settlers, armed and supported by IDF outposts, seize over 50% of West Bank land through arson, beatings, and murders. The 2015 Duma arson attack, killing a Palestinian family, saw one settler convicted after years of delays, while others escaped justice. Addameer's 2023 report confirms military courts exclude settlers, who benefit from lenient civil proceedings or none at all, with the High Court of Justice rubber-stamping land seizures as "security" measures. This disparity entrenches a system of racial domination, a clear violation of the Rome Statute's definition of apartheid.

Case Studies: Hind Rajab and Rafah Paramedic Massacres

The Hind Rajab and Rafah paramedic massacres are damning illustrations of Israel's evasion tactics. In January 2024, Hind, a 6-year-old, and her family were killed by IDF tank fire in Gaza City, with an ambulance rescue attempt also targeted, killing paramedics Yousef Zeino and Ahmed al-Madhoun. The IDF lied, claiming no troops were present, until Forensic Architecture's 2024 investigation, backed by video and audio evidence, proved otherwise, showing the tank fired from 13-23 meters. No criminal charges ensued—soldiers were absolved under a pretext of "professional misconduct." Likewise, the March 23, 2025, Rafah attack saw 15 aid workers, including PRCS and UN staff, executed in an attack on ambulances and a UN vehicle. The IDF falsely alleged Hamas links, but video evidence from a medic's phone exposed the lie, showing vehicles under fire with lights on. The April 20, 2025, investigation again found only "professional failures," removing a deputy commander without criminal liability, despite autopsies confirming intentional killings.

These cases highlight Israel's pattern: lie until undeniable evidence emerges, then conduct sham investigations to absolve perpetrators, exploiting complementarity to block ICC jurisdiction. The US sanctions on ICC judges, disrupting their financial and travel capabilities, further entrench this impunity, rendering the court powerless to act.

Legal Grounding and International Implications

Israel's actions breach the Apartheid Convention and Rome Statute, defining apartheid as systematic oppression by one racial group over another. Human Rights Watch's 2021 and Amnesty International's 2022 reports conclude Israel's policies meet this threshold, citing discriminatory laws, movement restrictions, and killings. The UN Special Rapporteur in 2022 affirmed apartheid in occupied territories, a finding Israel dismisses as political. The ICC's inability to override these sham investigations—despite 2024 warrants—is compounded by US sanctions. The SWIFT network, under US jurisdiction, forces global banks to freeze judges' accounts, while Mastercard/Visa suspends credit services, and no-fly list placement restricts travel, as seen with Khan's case. The ICC and UN condemn this as an assault on justice, with the EU proposing a blocking statute, yet Israel's evasion persists.

Israel's dodge of ICC jurisdiction is a calculated strategy, abusing complementarity to maintain a two-tiered legal system that oppresses Palestinians while protecting settlers and soldiers. The Hind Rajab and Rafah massacres, with their exposed lies and absolution of guilt, alongside US sanctions crippling ICC judges, are irrefutable evidence of this regime. The international community must act—demanding independent investigations, imposing counter-sanctions, and enforcing ICC warrants—to dismantle this apartheid-like structure and deliver justice to the victims.