Attorney general: Harming High Court harms defense of IDF before ICC

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By Yonah Jeremy Bob

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Those politicians trying to harm the High Court of Justice will also harm the IDF’s ability to defend itself and its soldiers against war-crimes allegations in the International Criminal Court, Attorney-General Avichai Mandelblit said on Monday.

Speaking at the Israel Bar Association Conference in Eilat, Mandelblit said that, “harming the standing and authority of the High Court – aside from the significant problems this causes on the domestic plane” – also harms Israel’s ability “to defend itself from legal initiatives in foreign countries and international legal forums.”

He said that harming the High Court “harms our ability to defend political decision-makers, IDF commanders and IDF soldiers. A state which cannot enable an independent and effective judicial review of its actions, exposes itself to international intervention.”

“The greatest shield we have in the international lawfare arena is” Israel’s ability “as a democratic state, which observes the rule of law, to probe the legality of its actions and, when needed, to carry out effective probes,” continued Mandelblit.

The attorney-general explained that the High Court and the prosecutorial apparatus would only be respected by the ICC and other foreign bodies that are probing Israel and the IDF soldiers for war-crimes allegations if they are viewed globally as independent.

Mandelblit specifically cited last week’s High Court decision declaring the IDF’s open fire rules for Palestinians during the Gaza border crisis as legal as proof of the power of the court to defend Israel from international war-crimes allegations.

His point was that if the High Court would not have been able to hold a debate and hand down a decision about the issue, it could not have issued this decision and the IDF’s rules would have been more exposed to global legal issues.

Instead, Mandelblit said that the High Court decision will likely help hold back the ICC and other foreign legal bodies from going after Israelis for war crimes.

He said that one should be suspicious of officials trying to package attacks on the High Court as being designed to increase the public’s faith in the judicial branch.

“I want to be clear about how I see it: Harming the discretion and the independence of the legal establishment is not the way to increase the public’s faith in that legal establishment. It is exactly the opposite,” he added.

Israel Bar Association president Efi Naveh gave his most spirited defense of the High Court and of Mandelblit, pushing back against their critics after having previously remained neutral on such issues.

Moving on to the criminal corruption probes against Prime Minister Benjamin Netanyahu, Mandelblit said that he and the prosecution are racing forward as fast as they can to come to a decision.

He also added that Case 4000, also known as “the Bezeq-Walla affair,” is at advanced stages.

This was a new disclosure as Case 4000 is the latest probe against the prime minister.

Mandelblit also said that the prosecution is near the final stages of an additional gathering of evidence in Cases 1000, “the illegal gifts affair,” and 2000, “the Yediot Aharonot affair.”

Both cases had already been sent to the prosecution by the police with a recommendation to indict Netanyahu for bribery, but after Case 4000 broke, Mandelblit ordered additional incriminating evidence to be gathered to strengthen the cases further.

After all of that, Mandelblit said that the prosecution would still not rush the cases at the expense of professionalism and independence.

He also named top police officials Gadi Siso, Koresh Brenner and Eli Assiag, as well as top prosecutors Liat Ben Ari and Tzipi Gaz, as being on board with his decisions to show consensus within law enforcement.