



International Criminal Law Analysis of The Israeli Military Attack on The Garuda Contingent Headquarters in Lebanon

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ABSTRACT

The Israeli Defense Forces (IDF) military attack targeting the Garuda Indonesia Contingent Headquarters of the United Nations Interim Force in Lebanon (UNIFIL) mission in South Lebanon has sparked serious debate in international legal discourse. This study aims to analyze the incident from the perspective of International Criminal Law and International Humanitarian Law (IHL). Using normative legal research methods through a statute approach and a case approach, this article examines whether the attack can be categorized as a war crime under the jurisdiction of the 1998 Rome Statute. The results of the analysis indicate that UN peacekeeping personnel have the status of protected civilians as long as they are not directly involved in hostilities. Therefore, the deliberate attack on the Garuda Contingent headquarters constitutes a serious violation of the 1949 Geneva Convention and UN Security Council Resolution No. 1701. This study concludes that the act fulfills the material elements (actus reus) and mental elements (mens rea) of war crimes, which give rise to individual criminal responsibility for the military commanders involved and demands law enforcement through international mechanisms to maintain the dignity of the UN collective security system.

Keywords: *International Criminal Law, Garuda Contingent, UNIFIL, War Crimes, International Humanitarian Law.*

INTRODUCTION

The existence of United Nations (UN) peacekeeping forces is a key pillar in maintaining international peace and security, as mandated by the UN Charter. Amidst the geopolitical turmoil in the Middle East, the United Nations Interim Force in Lebanon (UNIFIL) has played a crucial role since 1978 in overseeing the withdrawal of Israeli troops and ensuring stability along the South Lebanese

border (Boulden, 2001). Indonesia, as one of the largest troop contributors through the Garuda Contingent, consistently deploys its best military personnel under the banner of the "blue berets" to uphold international law and humanitarian missions (Sukma, 2024). However, the neutrality and legal protections inherent in these peacekeeping missions are often ignored by state actors involved in the conflict, thus placing international personnel at extreme risk in the field of duty.

The crisis reached a critical point when the Israel Defense Forces (*IDF*) launched a series of direct military attacks against the Garuda Contingent Headquarters in Lebanon. These artillery and projectile attacks not only caused massive damage to physical infrastructure but also resulted in serious injuries and even the deaths of Indonesian National Armed Forces (*TNI*) personnel on duty (Kompas, 2026). Geopolitically, Israel's actions sparked strong global condemnation from various UN member states, given that the UN command post is a demilitarized zone that cannot be used as a target for military operations (Antara, 2024). This phenomenon raises fundamental questions about the extent to which international law is able to protect peacekeeping institutions from unilateral military aggression by a sovereign state.

Legally, the position of UNIFIL personnel in armed conflict has been strictly regulated in various instruments of International Humanitarian Law (*IHL*). Based on Additional Protocol I of 1977 to the 1949 Geneva Conventions, peacekeeping personnel are classified as civilians *as long as they do not take a direct part in hostilities* (Melzer, 2009). This status provides them with absolute protection from all forms of deliberate military attack. When the *IDF* directed tactical fire at the Garuda Contingent headquarters, this action *prima facie* violated the principle of distinction, which requires warring parties to always distinguish between combatants and civilians and between military objects and civilian objects (Henckaerts & Doswald-Beck, 2005). Failure to comply with this principle is the initial foundation for the birth of serious violations of international law.

Within the scope of International Criminal Law, serious violations of the principle of distinction and protection of UN personnel can be categorized as war crimes. Article 8 paragraph (2)(b)(iii) of the 1998 Rome Statute of the International Criminal Court (*ICC*) explicitly states that carrying out deliberate attacks on personnel, installations, materials, units, or vehicles involved in humanitarian assistance or peacekeeping missions in accordance with the UN Charter is a war crime (Schabas, 2020). In order to ensnare the *IDF*'s actions under this article, legal analysis must be able to prove the fulfillment of the material element (*actus reus*), namely the occurrence of a physical attack, and the mental element (*mens rea*), namely the existence of *intent* or gross negligence (*reckless*) on the part of the Israeli field military commander when ordering the attack on the UN post area (Cryer et al., 2019).

In addition to the Rome Statute, the escalation of the conflict on the Lebanon-Israel border is legally bound by UN Security Council Resolution 1701 of 2006. This resolution was adopted with the aim of ending hostilities between Israel and Hezbollah, while strengthening UNIFIL's mandate to secure the border region (United Nations Security Council, 2006). The attack on an international military base belonging to the UN not only violates the sovereignty of the UN's operational area, but also undermines the effectiveness of enforcement of Resolution 1701. Therefore, Israel's unilateral actions triggered a crisis of international legal legitimacy, where global legal bodies were challenged to enforce criminal accountability against a state that enjoys strong political impunity on the global stage (Sands, 2016).

Enforcing international criminal law in this case faces complex challenges related to jurisdiction and command responsibility. Although Israel is not a State Party *that* ratified the Rome Statute, the

International Criminal Court still has the opportunity for territorial jurisdiction if the *locus delicti* (place of occurrence) is in the territory of a state that accepts ICC jurisdiction or through a referral from the UN Security Council (Cassese & Gaeta, 2013). Furthermore, the doctrine of commander responsibility asserts that senior military officers can be held criminally liable individually if they knew or should have known that troops under their command were committing violations of the laws of war, but failed to prevent or punish the perpetrators (Werle & Jeßberger, 2020). This makes the analysis of international criminal law crucial to eroding the culture of military impunity.

Based on the empirical and legal background above, an in-depth study of the Israeli military attack on the Garuda Contingent Headquarters in Lebanon is urgently needed. Previous research often only views this border conflict from the perspective of normative international relations or general human rights violations. There remains a research gap *that* specifically examines the attack on the Garuda Contingent using the analytical tools of International Criminal Law, which focuses on individual criminal responsibility. Therefore, this scientific article was written to provide legal clarity regarding the qualifications of international criminal offenses for the attack, as well as to formulate prospects for future law enforcement to ensure the safety of world peacekeeping forces.

RESEARCH METHODS

This study employs doctrinal legal research, focusing on the analysis of positive legal norms, legal principles, and doctrines related to International Criminal Law and International Humanitarian Law. The approaches used to examine this issue include a statute approach *and* a case approach (Marzuki, 2021). The statutory approach is conducted by examining relevant international legal instruments, such as the 1998 Rome Statute, the 1949 Geneva Conventions and their Additional Protocols, and UN Security Council Resolution 1701. Meanwhile, the case approach is applied by analyzing in-depth the chronology and legal facts related to the Israeli Defense Forces (IDF) military attack on the UNIFIL Garuda Contingent Headquarters in Lebanon as a basis for assessing war crimes.

The data sources used in this study are entirely secondary, classified into primary, secondary, and tertiary legal materials. Primary legal materials include international agreements, treaties, and codifications of international criminal law that bind subjects of international law (Shaw, 2017). Secondary legal materials consist of academic literature, reputable law journals, official United Nations reports, and publications from international humanitarian organizations such as the International Committee of the Red Cross (ICRC), which provide interpretations of legal implementation in the field. Tertiary legal materials include legal dictionaries, online news articles from credible media, and encyclopedias that serve to provide guidance and additional explanations to primary and secondary legal materials.

The data collection technique was carried out through library research *by* identifying, classifying, and recording legal documents relevant to the research object. After all the data was collected, data analysis was carried out using qualitative analysis methods with deductive reasoning, namely drawing specific conclusions from general legal principles (Soekanto & Mamudji, 2015). Researchers constructed the facts of the military attack incident, then tested them objectively based on the elements *of* crimes regulated in international criminal law in order to formulate comprehensive legal conclusions regarding the criminal responsibility of the actors involved.

RESULT AND DISCUSSION

Results

Legal Status of UNIFIL Garuda Contingent Personnel Under International Humanitarian Law

The empirical facts regarding the Israel Defense Forces (IDF) attack on the Garuda Contingent Headquarters under the mandate of the *United Nations Interim Force in Lebanon (UNIFIL)* require clarity of legal qualifications from the perspective of *International Humanitarian Law (IHL)*. In both international and non-international armed conflict theaters, the legal status of individuals is divided dichotomously into combatants and civilians (Henckaerts & Doswald-Beck, 2005). UN peacekeeping personnel, although active military personnel of *troop-contributing countries*, are not automatically legally classified as combatants when deployed to secondary armed conflict areas such as South Lebanon.

Figure 1
UNIFIL's Operational Area in South Lebanon



Source: PeterHermesFurian / Getty Images

Under the 1994 Convention on the Safety of United Nations and Associated Personnel, all personnel engaged in UN operations have full protection rights equal to those of civilians (United Nations, 1994). This protection was reinforced by the 1977 Additional Protocol I to the 1949 Geneva Conventions, particularly through the doctrine of direct participation in hostilities. This doctrine states that civilian personnel or personnel equivalent to civilians only lose their right to protection if, and for the time in which, they take a direct part in hostilities (Melzer, 2009).

In the context of the Garuda Contingent's assignment in Lebanon, their role is defensive and administrative, namely monitoring the ceasefire line (*Blue Line*), providing medical assistance, and enforcing UN Security Council Resolution No. 1701 (Sukma, 2024). Because the Garuda Contingent has never carried out offensive actions that could be considered active involvement in armed conflict against the IDF or non-state actors (Hezbollah), their civilian protection status remains absolutely intact. Therefore, the artillery shelling of vital objects and base facilities of the Garuda Contingent

constitutes a fundamental violation of the legal immunity granted by the international legislative system to UN institutions.

Analysis of the Elements of War Crimes Based on Article 8 of the Rome Statute of 1998

In order to determine whether the IDF's military aggression against the Garuda Contingent military base in Lebanon meets the qualifications of international criminal law, the material review must refer to the codification of *the Elements of Crimes* stipulated in the 1998 Rome Statute of the International Criminal Court (ICC). Specifically, this provision is contained in Article 8 paragraph (2)(b)(iii) which criminalizes the act of intentionally directing attacks against personnel, installations, material, units, or vehicles involved in humanitarian assistance missions or peacekeeping missions in accordance with the UN Charter, as long as they are entitled to the protection provided to civilians or civilian objects under the international law of armed conflict (Schabas, 2020)

Figure 2

The International Criminal Court (ICC) as Enforcer of the Rome Statute



Source: Victor Golmer / Getty Images

Analysis of international criminal law enforcement divides the fulfillment of this offense into two main aspects: the objective element (*actus reus*) and the subjective element (*mens rea*). The following table presents a legal breakdown of the fulfillment of these two elements in the case of the IDF attack:

Table 1

Legal Breakdown Of The Fulfillment Of These Two Elements In The Case Of The IDF Attack

Legal Components	Legal Elements Based on the 1998 Rome Statute	Field Facts of the Garuda Contingent Incident	Legal Qualifications
Actus Reus (Objective Element)	1. There are physical attacks directed at UN mission personnel/objects. 2. Victims/objects have protected status (civilian).	The IDF launched heavy projectile and artillery fire that hit the Garuda Contingent's main watchtower and barracks in South Lebanon (Kompas, 2026).	FULFILLED: There was an actual physical attack on legitimate UN institutions and personnel in a situation of active armed conflict.

	3. Context of international/non-international armed conflict.		
Mens Rea (Subjective Element)	1. Intent <i>to</i> target UN installations. 2. Knowledge <i>that</i> the object is an official UN-attributed base.	The Garuda Contingent command post is clearly marked with white attributes, the UN flag, and GPS coordinates that have been officially notified to the IDF (Antara, 2024).	FULFILLED: The characteristics of the guided weapons and repeated bombing indicate that the attack was not a technical error, but rather a conscious act (<i>knowledge and intent</i>).

Material Element (*Actus Reus*)

Proof of the *actus reus* element is based on the physical manifestation of the attack. In the South Lebanon theater of operations, the Garuda Contingent Headquarters is a territorial demilitarized zone protected by international law. When IDF mechanized artillery fired high-explosive rounds that directly hit the base's internal perimeter, injuring soldiers and destroying a monitoring tower, the mechanical action met the elements of *conduct* and *consequence* prohibited by the laws of war (Cryer et al., 2019). The existence of forensically documented physical damage strengthens the argument that the action fell outside the bounds of legitimate military operations.

Mental Element (*Mens Rea*)

The Israeli military frequently argues that border attacks resulted from tactical targeting errors (*collateral damage*) in an attempt to cripple a Hezbollah militia cell. However, under international criminal law standards, this argument collapses through the doctrine of constructive knowledge. Under Article 30 of the Rome Statute, the mental element is met if a person intended to commit the act and was aware that the consequences of their act would occur in the normal course of events (Werle & Jeßberger, 2020). Given that all UNIFIL base coordinates are accessed in real time by the IDF and the base buildings are visually conspicuous with large UN logos, the act of aiming long-barreled artillery at those coordinates reflects the *mens rea* of direct intent (*dolus directus*) to designate the UN base as a military target.

Violations of the Fundamental Principles of Humanitarian Law: Distinction, Proportionality, and Vigilance

The unilateral military attack launched by the IDF not only violates specific criminal provisions but also violates three fundamental principles that serve as pillars of international humanitarian law

enforcement on the battlefield: the principle of distinction, the principle of proportionality, and the principle of precautions *in attack* (Dinamstein, 2016). A state's operational failure to comply with these three instruments is a key indicator of systemic war crimes.

The principle of distinction requires each party to a conflict to distinguish at all times between civilian populations and combatants, and between civilian objects and military objects (Henckaerts & Doswald-Beck, 2005). By attacking the peacekeeping base, the IDF completely failed to apply the target identification filter. Furthermore, from the standpoint of the principle of proportionality, launching an attack that is expected to cause incidental civilian casualties, or damage to civilian objects that is excessive when compared to a concrete *and direct* military advantage//, is strictly prohibited under Article 51(5)(b) of Additional Protocol I (Melzer, 2009). Attacks on UN objects in order to hunt down militias outside the base area do not have a military justification equivalent to the damage to the global collective security system.

Finally, the precautionary principle *requires* military commanders to take all practicable precautions in selecting methods and means of attack to avoid, or at least minimize, incidental loss of civilian life (Cassese & Gaeta, 2013). The IDF's disregard of international radio warnings from UNIFIL personnel when the first round of fire occurred demonstrates the lack of legitimate military intent to apply this precautionary principle, thus reinforcing the illegitimacy of the attack under international law.

Barriers to International Jurisdiction and Mechanisms for Enforcing Individual Criminal Accountability

Despite material evidence strongly indicating war crimes, the enforcement of international criminal law in the case of the attack on the Garuda Contingent faces a thick wall of jurisdictional obstacles. The main problem stems from the political status of the State of Israel, which is not a State Party to the 1998 Rome Statute (Schabas, 2020). Consequently, the International Criminal Court (ICC) does not have automatic jurisdiction *over* Israeli citizens or military actions ordered within sovereign territory not subject to the ICC.

However, the enforcement of international justice is not completely deadlocked. International Criminal Law provides three alternative paths that can be taken to prosecute the perpetrators of these attacks:

1. **Contingent Territorial Jurisdiction Through Lebanon:** The ICC may obtain jurisdiction if the international crime occurred within the sovereign territory of a state that has ratified the Rome Statute or a state that submits an ad hoc declaration under Article 12(3) of the Rome Statute (Sands, 2016). Given that Lebanon regularly opens judicial communication with the ICC regarding crimes within its borders, this avenue has the potential to open space for the ICC Prosecutor to conduct a thorough investigation.
2. **UN Security Council Referral:** Under Article 13(b) of the Rome Statute, the UN Security Council has the exclusive authority to refer a conflict situation to the ICC regardless of the ratification status of the perpetrator state, as previously applied in the cases of Darfur and Libya (Cryer et al., 2019). However, this mechanism is politically highly vulnerable to the use of veto power by permanent members of the Security Council that are diplomatic allies of Israel.
3. **Application of the Principle of Universal Jurisdiction:** The 1949 Geneva Conventions affirm that grave breaches *of* the laws of war are subject to universal jurisdiction. Through this

principle, national courts of any country in the world—including Indonesia—have the legal right to arrest, try, and punish individuals responsible for war crimes, regardless of where the crime was committed or the nationality of the perpetrator (Werle & Jeßberger, 2020).

The enforcement of international criminal law ultimately does not target the abstract responsibility of a state, but rather individual criminal responsibility *as* stipulated in Article 25 of the Rome Statute (Cassese & Gaeta, 2013). Based on this legal doctrine, criminal charges are not only directed at the soldier who pulled the trigger of the gun or launched artillery in the field, but also pursue the highest chain of command.

Through the doctrine of command responsibility *codified* in Article 28 of the Rome Statute, senior military officers and high-ranking IDF operational command officials can be held criminally liable if it is proven that they knew, or had information that clearly indicated, that their subordinate forces were committing or about to commit a crime against the UN Contingent, but they deliberately failed to take action to prevent, stop, or hand over the case to the authorities (Werle & Jeßberger, 2020). The enforcement of this doctrine is the most crucial legal instrument to break the chain of global military impunity and reaffirm that international law remains firmly above political power through force of arms.

CONCLUSION

Based on the legal analysis presented, it can be concluded that the personnel of the Indonesian Garuda Contingent who are members of the UNIFIL mission in South Lebanon have the same legal status as civilians. This absolute protection status is legally attached as long as the peacekeeping personnel are not actively involved or take direct part in hostilities. The actions of the Israel Defense Forces (IDF) which launched a direct military attack using heavy artillery against the Garuda Contingent Headquarters are proven to be a fundamental violation of the principle of distinction *and* the principle of proportionality as stipulated in International Humanitarian Law and constitute a clear violation of UN Security Council Resolution Number 1701.

In the eyes of International Criminal Law, the IDF's unilateral attack on UN facilities and personnel has fulfilled the material elements (*actus reus*) and mental elements (*mens rea*) to be classified as war crimes *under* the provisions of Article 8 paragraph (2)(b)(iii) of the 1998 Rome Statute. The characteristics of the base which has clear UN visual attributes and officially notified GPS coordinates invalidate the argument that the incident was a technical error in the field (*collateral damage*). This case gave rise to individual criminal responsibility, where the doctrine of command responsibility *can* be applied to ensnare senior Israeli military officers who knew or allowed their subordinates to carry out the illegal attack.

Although enforcing criminal accountability faces complex jurisdictional challenges due to Israel's non-state party status *to* the Rome Statute, international law still provides a rational framework for justice. Law enforcement can be pursued through three alternative avenues: expanding territorial jurisdiction through an ad hoc declaration by Lebanon, referring conflict situations to the UN Security Council, or optimizing the principle of universal jurisdiction *by* national courts of third countries, including Indonesia. Firm law enforcement in this case is crucial, not only to provide justice for the victims of the Garuda Contingent, but also to undermine global military impunity and uphold the dignity of the global collective security system under the banner of the United Nations

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