

Human Rights Violations in Palestine and Gaza Genocide Report





HREIT

HUMAN RIGHTS AND EQUALITY
INSTITUTION OF TÜRKİYE

Human Rights Violations in Palestine and Gaza Genocide Report

2024



HUMAN RIGHTS VIOLATIONS IN PALESTINE AND GAZA GENOCIDE REPORT

HUMAN RIGHTS AND EQUALITY INSTITUTION OF TÜRKİYE

Mithatpaşa Rd. No: 52, 06420 Kızılay/ANKARA
Tel: +90 312 422 78 00
Fax: +90 312 422 78 99
baskanlik@tihek.gov.tr
www.tihek.gov.tr

ISBN: 978-625-98544-6-5

Production

Sata Desing
Yukarı Dikmen NBHD. Alexander Dubçek Rd.
No: 5/29 Çankaya/ANKARA
Tel: +90 312 468 72 83
satareklam@gmail.com
www.satareklam.com

Date and Place of Printing

October 2024/ANKARA

Printing

Girişim Printing House
Zübeyde Hanım, Samyeli St. No:31, 06070
Altındağ/ANKARA
Tel: +90 312 384 22 23
www.girisimmatbaacilik.com

© All rights of the articles, topics, photographs and other visuals published in the report are reserved. It cannot be quoted in any medium without permission and without reference to the source.

Within the scope of the project for the preparation of this Report;

Activities of the “Commission to Investigate Human Rights Violations and War Crimes Committed by Israel in Palestine” established within the Human Rights and Equality Board of Türkiye were carried out under the coordination of HREIT Board Member Muhammet Ecevit CARTİ.

Commission

HREIT Deputy Chairman Atty. Alişan TIRYAKİ
HREIT Board Member Dilek ERTÜRK
HREIT Board Member İsmail AYAZ
HREIT Board Member Mehmet Emin GENÇ
HREIT Board Member Muhammet Ecevit CARTİ
HREIT Board Member Yunus Emre KARAOŞMANOĞLU

The writing of the report was carried out by the Academic Committee whose names are given below, under the coordination of Assoc. Prof. Dr. Muhammed Hüseyin MERCAN.

Academic Committee

Prof. Dr. Bekir Berat ÖZİPEK
Prof. Dr. Şinasi GÜNDÜZ
Prof. Dr. Zekeriya KURŞUN
Assoc. Prof. Dr. Ali Osman KARAOĞLU
Assoc. Prof. Dr. Eldar HASANOĞLU
Assoc. Prof. Dr. Hakkı Hakan ERKİNER
Assoc. Prof. Dr. Muhammed Hüseyin MERCAN
Assoc. Prof. Dr. Taha EĞRİ
Dr. Faculty Member Hasan Basri BÜLBÜL
Dr. Faculty Member Muhammet Celal Kul
Dr. Faculty Member Özlem YÜCEL

Interviews with patients, injured people and their companions who were brought to Türkiye from Gaza for treatment were conducted by Assoc. Prof. Dr. İslam Safa KAYA.

HREIT personnel Salih GÜNAY (Coordinator), Ezgi KAŞKAVAL OKYAY (Expert on HRE), Sevde ŞENGÜL (Expert on HRE), Emine ATMACA (Expert on HRE), Muhammed Tarık ÜNALDI (Expert on HRE) took part in the coordination of International Relations and Project Unit studies on the report.



IN SACRED MEMORY OF PALESTINIANS
WHO DIED WHILE RESISTING THE
OCCUPATION OF THEIR HOMELAND
OR FIGHTING FOR THEIR FREEDOM

TABLE OF CONTENTS

Abbreviations.....	6
Digital Reports.....	7
Executive Presentation.....	8
Executive Summary.....	10
Commission Presentation.....	16
Introduction.....	26
1. ISRAEL’S OCCUPATION OF PALESTINE AND HISTORICAL AND RELIGIOUS BACKGROUND OF ITS AGGRESSIVENESS.....	31
1.1. Historical Background of the Occupation.....	32
1.1.1. Early Zionist Thought.....	32
1.1.2. Christian Zionist Laurence Oliphant’s Initiatives in İstanbul.....	36
1.1.3. The Jewish Question in Europe and Theodor Herzl’s Activities.....	38
1.1.4. Balfour Declaration, Mandate Administration and the Process Leading to the Establishment of Israel.....	40
1.2. The Legitimization of Israeli Aggression through Nationalism and Religion.....	48
1.2.1. Belief in the “Promised Land”.....	48
1.2.2. Holy War for the Promised Land.....	51
1.2.3. The Ideal of Return to Zion.....	55
1.2.4. From Theory to Practice: Efforts to Establish a Jewish State.....	56
FRAMEWORK 1: ISRAEL AND TERROR.....	59
2. ISRAEL’S OCCUPATION OF PALESTINE AND VIOLATIONS OF INTERNATIONAL LAW.....	71
2.1. Palestinians’ Right to Self-determination.....	71
2.2. Occupation of East Jerusalem and Holy Sites.....	74
2.3. Prevention of the Palestinians’ Right of Return.....	77
2.4. Fortification of Occupation Through Settlement Policy.....	83
2.5. The Apartheid Wall and the International Court of Justice’s Advisory Opinion on the “Wall”.....	85
2.6. Israel’s Apartheid Regime and Human Rights Violations.....	86
2.7. Destruction of Agricultural Lands.....	93
2.8. Claim of Absolute Sovereignty over Water Resources.....	94
3. ISRAEL’S GAZA ATTACKS IN TERMS OF PRE-WAR LAW AND LAWS OF WAR.....	97
3.1. Israel’s Attacks on Gaza and Violations in Terms of Pre-war Law.....	97
3.1.1. Scope and Legal Nature of the Gaza Blockade.....	97
3.1.2. General Framework of Attacks Before October 7.....	101
3.1.3. Operation al-Aqsa Flood and Israel’s Claim of Legitimate Self-Defense.....	103
3.2. Israel’s Attacks on Gaza and Its Violations from the Standpoint of Jus in Bello.....	106

3.2.1.	Violations of Humanitarian Law and Human Rights in Terms of Attacks Before October 7.....	107
3.2.2.	Violations of Humanitarian Law and Human Rights After October 7	114
3.3.	Israel and Possible Sanctions Against Israel	129
3.3.1.	Repercussions and Effects of Israel’s Trial Before the International Court of Justice Under the Genocide Convention	129
3.3.2.	Trial of Responsible Individuals in the International Criminal Court Within the Framework of Palestine’s 2015 Application	132
3.3.3.	Unilateral and Collective Sanctions by States.....	136
3.3.4.	Possible Sanctions within the UN	140
	FRAMEWORK 2: ISRAEL AND UNSC RESOLUTIONS.....	143
4.	REASONS FOR GAZA SILENCE IN THE GLOBAL WORLD AND THE IDEOLOGICAL AND ECONOMIC CONTEXT OF GENOCIDE.....	147
4.1.	Reasons that Make Occupation, Ethnic Cleansing and Genocide Invisible.....	148
4.2.	Ideological Background of Genocide and Ethnic Cleansing of Gaza	151
	FRAMEWORK 3: TESTIMONIALS OF THE SICK AND WOUNDED IN GAZA.....	156
4.3.	Israeli Occupation and Destruction of Palestinian Economy	159
4.3.1.	Israel’s Stamp on the Economic Lifeblood of Palestine: Impact on Labor Circulation and Commercial Mobility	159
4.3.2.	The Impact of “Access Restricted Areas” on the Palestinian Economy in the Example of Gaza.....	164
4.3.3.	Economic Impact of War	169
4.3.3.1.	Period Before October 7	169
4.3.3.2.	Gaza Economy After October 7.....	171
5.	CONCLUSION: MAINTAINING AWARENESS AND PRODUCING DISCOURSE	175
5.1.	Maintaining Awareness and Channeling it in the Right Direction	176
5.1.1.	Maintaining Energy and Preventing it From Being Directed to Wrong Channels.....	177
5.1.2.	Creating Permanent Institutional Structures.....	178
5.1.3.	Developing a Strategy and Acting with Palestinians, Not on Behalf of Them	179
5.2.	Creating a New Perspective, Language and Discourse.....	179
ANNEX 1.	HREIT’S WORK DURING THE GAZA GENOCIDE.....	191
ANNEX 2.	INTERVIEWS WITH PALESTINIANS AND THEIR COMPANIONS WHO ARE BEING TREATED IN TÜRKİYE DUE TO INJURY OR ILLNESS	197
	BIBLIOGRAPHY.....	248

ABBREVIATIONS

AA	: Anadolu Agency
BBC	: British Broadcasting Organization
GDP	: Gross Domestic Product
GNP	: Gross National Product
HAMAS	: Islamic Resistance Movement
HREIT	: Human Rights and Equality Institution of Türkiye
ICC	: International Criminal Court
ICJ	: International Court of Justice
IDF	: Israeli Defense Forces
NDAH	: Policy and Procedures for Preventing Discrimination and Harassment Against Students
NGO	: Non-Governmental Organization
OCHA	: United Nations Office for the Coordination of Humanitarian Affairs
PCBS	: Palestinian Central Bureau of Statistics
RTPSA-OA	: Republic of Türkiye Presidential State Archives, Ottoman Archives
UKLFI	: UK Lawyers for Israel Group
UN	: United Nations
UN ILC	: United Nations International Law Commission
UNHRC	: United Nations Human Rights Council
UNICEF	: United Nations Children’s Fund
UNRWA	: United Nations Relief and Works Agency for Palestine Refugees in the Near East
UNSC	: United Nations Security Council
USA	: The United States of America

DIGITAL REPORTS



TR
Turkish



AR
Arabic



EN
English



FR
French



HREIT

HUMAN RIGHTS AND EQUALITY
INSTITUTION OF TÜRKİYE

EXECUTIVE PRESENTATION



With the Cold War period, universal human rights norms were established for the purpose of protecting and developing human dignity and human rights. In parallel with this situation, national human rights institutions began to become widespread on a global scale. In this context, Paris Principles, which function as the authoritative international “minimum requirements set” defining national human rights institutions, were adopted by the United Nations (UN) General Assembly in 1993. National human rights institutions that comply with Paris Principles have been recognized as important institutional actors in terms of protecting and developing human rights.

Human Rights and Equality Institution of Türkiye (HREIT), which has been institutionalized as a national human rights institution, operates in the fields of “protection and promotion of human rights, combating discrimination and preventing torture and ill-treatment”. HREIT has many duties and authorities within the framework of its mission to protect, promote and ensure the implementation of universally accepted human rights norms at the national level, guarantee the right of individuals to be treated equally and prevent torture and ill-treatment.

Despite the development and increasing presence of national human rights institutions and protection mechanisms following the establishment of universal human rights principles, humanitarian crises, tragedies and devastating wars experienced in our recent history reveal the fragility of universal human rights norms. Today, universal human rights norms continue to be violated and the most serious crimes against humanity continue to be committed. Acts constituting the crime of genocide, especially the recent ones in Palestine, stand before us as the most recent example of this. As a result of Israel’s attacks targeting civilians before the eyes of the entire world, thousands of people, especially women, the elderly and children, have been killed, tens of thousands have been

injured and more than a million people have been displaced. During this process, we have witnessed that people in Gaza have been unable to access their most basic needs, hospitals, places of worship, civilian settlements have been bombed, fundamental rights and freedoms and the most basic principles of humanitarian law have been violated. Israel's bombardment and total blockade have deepened the long-standing humanitarian crisis in Gaza, where more than 80% of the population is in need of humanitarian assistance, turning it into a full-blown savagery. Israel's closure of entrances and exits to Gaza, restrictions on the provision of humanitarian needs such as food and medicine, and restrictions on freedom of movement have subjected the people of Gaza to an unjust and comprehensive 'punishment'. Today, Palestinians are facing the danger of mass ethnic cleansing before the eyes of the entire world.

In this context, HREIT has taken action within the scope of its duty to "Following and assessing international developments in areas of human rights and non-discrimination, cooperating with international organizations working in the field within the framework of relevant legislation" as specified in HREIT Organization Law No. 6701, in order to investigate, report and announce to the world public rights violations taking place in Palestine, where serious human rights violations are taking place. Within the scope carrying out the said duty, the "Commission for Investigation and Reporting Rights Violations and War Crimes Committed by Israel in Palestine in the Context of International Law and Humanitarian Law" was established with decisions numbered 2023/850 and 851 taken at a meeting numbered 218 and dated 02.11.2023 of the Human Rights and Equality Board of Türkiye, in order to investigate violations of fundamental rights and freedoms and violations of international law of armed conflicts in the region due to Israel's increasing attacks constituting war crimes and genocide in Gaza since October 7, 2023.

Within the scope of the reporting work, the Commission held meetings with public institutions and organizations at national and international levels, met with expert academics in the field and provided public information on the subject. In addition, the "Workshop on Human Rights and Humanitarian Law Violations Caused by Israel in Palestine/Gaza Territory" was held in cooperation with Fatih Sultan Mehmet Foundation University, Marmara University and Sakarya University, and the "Workshop on Rights Violations and War Crimes Committed by Israel in Palestine in the Context of International Law and Humanitarian Law" was hosted by Sakarya University, and the report was finalized.

The "Report on Human Rights Violations in Palestine and the Gaza Genocide" prepared with this methodology aims to objectively identify human rights violations in Palestine within the framework of international human rights and humanitarian law norms and acquiesce and reveal human rights violations in the region.

By this means, I would like to express my gratitude to valuable academics who contributed to the reporting process with their knowledge and experience, members of the Commission for Investigation and Reporting of Human Rights Violations and War Crimes Committed by Israel in Palestine in the Context of International and Humanitarian Law, and valuable staff of our Institution.

Prof. Dr. Muharrem KILIÇ

Chairman of Human Rights and Equality Institution of Türkiye

EXECUTIVE SUMMARY

The withdrawal of the Ottoman Empire from Arab lands it controlled after World War I opened the door to the construction of a new status quo in the region by Britain and France. In lands where peace and stability had prevailed for centuries, strategy implemented by colonial powers not only changed traditional codes but also radically transformed social and political structure. Britain and France, that tried to consolidate their dominance in the region and maximize their interests by using pressure and force, built a system in the region that deepened instability even a century later.

In the post-war period, when the order in the Middle East was radically reshaped, the migration of Jews from different parts of the world to Palestine in particular initiated a deep humanitarian crisis that would continue for many years. In 1917, the announcement by British Foreign Secretary Arthur Balfour that their government would provide all kinds of support for the establishment of a Jewish state in Palestine meant a radical intervention in the re-established status quo of the region. Following a decision to establish a state in Palestine at the Zionist congresses organized under the leadership of Theodor Herzl, this process was actively carried out by Western states. British assistance in organizing Jewish immigration in the political vacuum created after the Ottoman Empire and it turning a blind eye to attacks carried out by Jews who came to Palestine to take these lands from their original owners resulted in one of the most enduring tragedies in history. While Palestinian villages and settlements were taken by Jews through massacres of terrorist organizations such as Irgun and Haganah, a Jewish presence emerged in Palestine that gained an advantageous position in terms of land and population as a result of the unjust administration of the British.

The deepening of the crisis and failure to implement a sustainable and fair strategy on the ground despite various attempts by international actors, especially after World War II, enabled Israel's state-building process to take shape in the context of new conditions. In this new environment where the US became the dominant hegemonic power of the global system, the British had withdrawn from the region because they had prepared appropriate conditions and Washington had given its approval, and the state-building process was completed as a result of oppression, massacre and cruelty that the Jews had been carrying out in Palestinian territories for decades, and the establishment of the State of Israel was declared on May 14, 1948.

The main issue that stood out in the state-building process was that Jews saw the lands of Palestine as their main goal with references to their historical and religious narratives. The idea of seeking a homeland among Jews, the former exiles of Rome, which was not generally accepted in Europe, has always remained alive throughout history. The ideal of returning to the "promised land", that is, "Eretz Israel", and establishing a state there, which was placed in their religious texts and repeated in their minds, had directed them to Palestine in every period when they encountered problems in the West.

In fact, those who did not see them as part of Western society also contributed to the development of this idea. Indeed, the idea of Zionism, which became a political movement in the 19th century, was the political expression of the idea of Jews living scattered around the world returning to Jerusalem, also known as Zion, to the area near the Mount Zion, in other words to the land they believed had been promised to them. Although not all Jews agreed on this issue, some migrated to Palestinian territories with the inspiration and motivation they received from the political projection of Zionism, some under the pretext of opportunities offered in the face of political and economic conditions, and some as a result of the imposition of Jewish lobbies themselves.

It is seen that favorable elements of history and religion were reinterpreted and an ideology that would allow for mass mobilization was shaped in the construction of the Jewish nation-state and the invention of an aggressive expansionist “national cause” for this state. Although the ideology of Zionism in question had a secular character, it made use of Jewish theology and history and by referring to these, a narrative that legitimized massacres and dehumanized Palestinians emerged. At this point, the fact that Judaism was instrumentalized as a political tool in the process of invasion and expansion should not go unnoticed.

In mainstream Jewish theology, the trio of God, the chosen people and the holy land are evaluated together to form a circle of holiness. According to this approach, the holy trinity in this circle can never be conceived separately from each other. According to the belief, God chose them from among people and made a covenant with their ancestor Abraham, giving him and his descendants all the land from the Nile to the Euphrates. The members of this lineage, who were called Hebrews in the early period, later began to be called Israelites and Jews. Since they believed that the region in question was given to their ancestors specifically by God, the Jews called this place the “promised land”.

The Hebrew tradition, which was passed down from generation to generation, argued that these lands were the heritage of their ancestors, and the Jews saw themselves as the owners of these lands. On the other hand, it is also known that the Jews never had a state large enough to cover such a large area in history. Since ancient times, the widest borders of the states established by the Jews did not extend beyond the land of Canaan, that is, today’s Palestine, and a small part west of Jordan. In addition, the Israelites did not live in the land of Canaan continuously throughout history, and were dispersed to different regions due to reasons such as migration and exile. However, the emphasis on returning to the promised land in their written and oral culture kept the bond between them alive, and the sense of belonging to these lands, as an equivalent to their faith in God, was engraved in their memories. Jews, who believed that the divine will was in favor of completing the holy trinity, thought that no matter where they went, they would be returned to these lands by God. While this belief was dominant for centuries,

in the 19th century, Zionists stopped “waiting for the divine will” and attempted to establish a Jewish state in this region. Having achieved this goal with the establishment of the State of Israel in 1948, the Zionists continued their policy of occupation and worked to seize new lands day by day.

The borderless attitude of the occupying State of Israel has transformed it into the main actor posing a threat to the security and stability of the region over the years. Especially after the agreement reached at Camp David in 1977 and the signing of the peace agreement with Egypt in 1979, Tel Aviv, convinced that there would be no serious threat from the Arab world, accelerated its expansion in Palestinian territories from that date onwards and significantly expanded the areas it controlled with illegal settlements it built on the lands it usurped. The Zionist administration, which ignored decisions and calls made for the return to the borders before the 1967 war and the establishment of a State of Palestine with East Jerusalem as its capital, committed all kinds of violations of rights and laws and unleashed a great wave of terror in Palestinian territories. Encouraged by the failure of the international community to demonstrate the necessary will to act, Israel has continued its reckless attacks and has built an exceptional space for itself in the international system. As a result of the reality where actions prohibited for other states are allowed when it comes to Israel, the Zionist regime has committed all kinds of massacres in order to achieve its religious and historical goals in Palestinian lands.

Due to the hypocritical approaches of Western institutionalized democracies, no serious steps have been taken to stop Israel’s expansionist policy in Palestine, and the Palestinian people have not been allowed to exercise their right to self-determination. Although there is a dominant belief that the current conflict can only be ended through a two-state solution, the failure to implement sanctions against Israel’s illegal actions and the prevention of Palestinians from demonstrating their will to establish a state as much as possible have further deepened the deadlock. Furthermore, the failure of the international community to take necessary steps despite Israel’s violation of the framework accepted for the status of Jerusalem, the Al-Aqsa Mosque and holy sites has led to the issue becoming more complicated and eliminated hopes for peace at every turn due to Israel’s uninterrupted occupation policy.

Considering the sanctity of Jerusalem and its importance to Abrahamic religions, it is obvious that the status of this city is the most important issue of dispute between Israel and Palestine. Due to the sanctity of Jerusalem, both sides insist on keeping the parts of the city, especially those containing historical structures. Therefore, the Jerusalem dispute essentially constitutes a summary of the territorial disputes in the occupied Palestinian territories. Israel’s actions over East Jerusalem after 1967 are also contrary to international law and the right to self-determination, one of the most fundamental principles of international law. Israel is expropriating private property and building settlements in order to change the status of East Jerusalem and to impose this on other parties. As stated in UN resolutions, the settlements are completely contrary to international law. Israel is also seizing the properties of Palestinians who have been forced to leave East Jerusalem and refraining from returning these properties to their rightful owners. Similarly, while the properties of Jews living in East Jerusalem before 1948 were

returned through a procedural law passed in 1970, the same right was not granted to Palestinians living in West Jerusalem.

In addition to the status of Jerusalem and the holy sites, another prominent problem area is the occupier Israel's refusal to allow the right of return. The fact that millions of Palestinians have been uprooted from their lands due to massacres and deportations is one of the most important dimensions of the tragedy that is being experienced today. The situation of Palestinians living as refugees outside their own lands due to massacres committed by the Zionist regime in Gaza and other Palestinian territories is generally ignored. However, when we look at the conditions of those living in Palestinian camps in Syria, Jordan and Lebanon, concrete signs that Israel is a terrorist state are clearly observed.

While expanding the borders of the occupation, the Zionist regime, which completely takes away the Palestinians' right to life, is destroying agricultural lands, diverting water resources to their own lands underground, and carrying out all kinds of activities to prevent Palestinians from sustaining their lives. In the last three years alone, it has been observed that around 20 thousand olive trees have been cut down by the occupation army in the West Bank, thus leaving Palestinians with no chance of survival. Israel, which completely controls the Palestinian economy, continues the occupation process not only by massacring Palestinians, but also by making their living conditions difficult and not allowing independent economic activities. In this respect, it would be appropriate to state that Israel is carrying out a multi-dimensional genocide using all means.

Following the Operation Al-Aqsa Flood launched by the Izz ad-Din al-Qassam Brigades, the armed wing of the Islamic Resistance Movement (Hamas), on October 7, 2023, massacres carried out by the occupying Israel in Gaza are of a kind rarely seen in human history. This operation, which was launched by the Palestinian resistance to break the blockade they have been under for years and to put forward a new strategy against the occupying force, dealt a major blow to the Zionist regime and allowed the entire world to see the true face of Israel and understand the pathological mind of the state. Israel, which has managed to stay away from all kinds of pressure and sanctions due to the exceptional position it has built in the international arena until today, has faced a major legitimacy crisis due to the increasing reaction and protests in the international arena after October 7. In addition to the strategic defeat it has faced on the ground, the rise of anti-Israeli voices all over the world has shown that the balance has now turned against Israel. While in previous processes it was repeatedly witnessed that arguments produced by Israel were accepted by the whole world due to its hegemonic influence in the media, academia and the fields of culture and art, after October 7, masses on a global scale began to turn a deaf ear to Israeli manipulation. The realization that criticizing Israel has nothing to do with being anti-Semitic triggered a global intifada against the aggressive attitude of the Zionist government.

The Zionist regime, which has committed all kinds of violations of international law, humanitarian law and human rights in Gaza after October 7, is making the utmost effort to destroy every living being

in Gaza without discriminating against any target. Israel, which targets schools, places of worship, especially hospitals and refugee centers using all kinds of weapons, including prohibited ones, is committing an open genocide before the eyes of the entire world. The Zionist regime, which is trying to legitimize this genocide with religious references, ignores all warnings and turns a deaf ear to voices rising from the international community, and massacres every Palestinian regardless of age or gender because it sees them as a threat to its own ambitions.

It is particularly striking that attacks and massacres committed by Israel against Gaza, which amount to genocide and ethnic cleansing, are being legitimized by both Prime Minister Benjamin Netanyahu and other political and military leaders of Israel, based on religious/theological justifications. For example, Netanyahu described the war they waged immediately after the incidents of October 7 as a war of the forces of light against the forces of darkness, and stated that this war was a war waged against the Amalekites, who were believed to be the fiercest enemies of the Israelites, and identified the Palestinians with the Amalekites, who were among the fiercest enemies of the Israelites throughout history and whose animals were commanded to be killed along with them in the Torah. He also drew attention to the prophecies in the book of Isaiah, which is included in the Jewish holy text, and emphasized that with this war they were building the period Isaiah spoke of. In addition, Israeli Defense Minister Galant described the people they were fighting in Gaza as “human-like animals.” The fact that such statements by the Israeli Prime Minister and senior political and military leaders are generally accepted by the public, especially the far-right and the religious, throughout Israel, and the widespread support given to the genocide and ethnic cleansing carried out in Gaza, shows how widespread the approach of legitimizing the massacre with religious arguments is.

While this unprecedented genocide continues in Gaza, the ongoing cases at the International Court of Justice (ICJ) and the International Criminal Court (ICC) indicate a historical turning point. The fact that an exceptional actor of the global order is being tried for the first time at the ICJ for committing the crime of genocide means a break in the codes of the global order. Similarly, the trial of Prime Minister Netanyahu and Defense Minister Yoav Gallant at the ICC with a request for their arrest for war crimes they committed is a sign that stereotypes regarding Israel after October 7 have been broken and that the status quo will be transformed in the medium and long term, if not in the short term.

It is also essential to adopt new methods and implement different tools in the fight against crimes committed by the occupying state and the genocide it has committed. In this process, where there is a serious awareness compared to the past, there is an urgent need to put alternative dynamics into practice in the global arena and end Israel’s aggression and implement necessary sanctions due to genocide. In this context, it is imperative that initiatives be made and steps be taken to end Israel’s exceptional position and create a new international awareness.

In this context, first of all, permanent institutional structures should be established to protect global awareness created by the horror experienced in Palestine and prevent this awareness from being directed

to wrong channels. After this, a new perspective, language and discourse should be produced. In this context, first of all, a discourse that embraces all conscientious people of all identities and beliefs all over the world should be constructed and the language of justice and human rights should be spoken.

It is necessary to bring the occupation, the period before October 7, and the genocide to the center of the discussion against wrong approaches that will prevent the problem from being seen, that will overshadow the genocide by being the subject of long and endless philosophical discussions, or that will indicate entering a spiral.

When discussing the genocide, no justification or excuse should be used - for example, expressions such as “the problem is more complicated than it seems” - to prevent seeing the genocide and taking a clear stance against it. The same clarity is also evident in the suggestion to use concepts by giving them their real meanings; great care should be taken in the use of concepts by using the concepts of “occupier” instead of “settler” or “ethnic cleansing” instead of “conflict”, and by making correct reasoning.

It should be emphasized that methodological pluralism is possible and legitimate in the struggle for Palestine, and therefore discussions on this issue should be seen as an enrichment as long as they do not harm the goals of the Palestinians.

It should be noted that the fight against occupation and Zionist racism will not justify antisemitism, while being aware that not giving place to an unjust approach in the mind and language should be the basis of the work to be carried out on behalf of Palestine.

Sensibility to genocide should be kept alive by making references to aspects of the genocide carried out by Israel that are similar and different from the Nazis. The ideological legitimization on which genocide is based, such as portraying the targeted people as non-human, demonizing them, and why they must be destroyed, should be constantly voiced by emphasizing similar expressions used by the Nazis, and the Zionist government’s manipulations in this area should not be allowed. It should be constantly reiterated that the genocide ideology reflected in Netanyahu’s language indicates a necrophilic mentality in terms of targeting other living beings as well as humans, and it should be explained that Western democracies have given room for maneuver to this Nazi mentality due to their support for Israel.

In the final analysis, this report recommends that urgent measures be taken against genocidal Israel, words and actions should not be limited to convincing Western states or societies only, and a “global round table” should be established for a broad cross-border negotiation that will include all of humanity, a fair memory should be created and who has done what so far during the genocide process should be told, and all these activities should be carried out together with the Palestinians, not on their behalf.

COMMISSION PRESENTATION

Settlement activities that began in the late 19th century with the support of Edmond Rothschild, initially seemed very limited and harmless due to Abdulhamid II's restrictions on new and illegal Jewish settlement in Palestine, but gained significant momentum during the British Mandate Administration that was established after the Ottoman Empire withdrew from the region. After the Zionists reached a certain population and power in Palestine, they began activities aimed at de-Arabizing the region and, for this purpose, they did not refrain from attacking even the British who offered them a homeland. Until the establishment of the State of Israel in 1948, thousands of Palestinian villagers were displaced or massacred by the hands of Zionist terrorist organizations, and many foreign soldiers and diplomats were targeted by acts of terror.

Since the establishment of the State of Israel, expansion and occupation policies have continued; especially after the 1967 War, the issue of occupied territories including East Jerusalem, the issue of illegal Jewish settlers and Palestinian refugees, and the Israeli-Palestinian issue have become one of the main agenda items of the United Nations. Resolutions of the UN General Assembly and the UNSC on these issues have not been implemented by Israel persistently, but Israel has not faced any sanctions during this process. Israel has gained an unquestionable status with the support it has received from Western states, especially the US, and this implicit acceptance has caused Israel's lawlessness, aggression and brutality to increase every time.

Following the Oslo Accords signed in 1993, the administration of the Gaza Strip was transferred to the Palestinian National Authority in 1994, and HAMAS, which won the elections in 2007, came to power in the Gaza Strip. After this date, Israel began to impose a heavy embargo on Gaza. Israel massacred thousands of Gazan civilians with "Operation Cast Lead" in 2008, "Gaza airstrike" in 2011, "Operation Pillar of Cloud" in 2012, "Operation Protective Edge" in 2014, and airstrikes in 2021. Following Operation Al-Aqsa Flood, Israel began its attacks, which it called "Operation Swords of Iron", again with the unlimited support of Western states. Israeli political and military officials have openly stated from the very first moment of the attacks that they will launch a "*full assault*" on Gaza, that they are fighting "*humanoid animals*" and "*Amalekites*" and that they will completely destroy the Gaza Strip, without hesitating against any legal sanctions or moral values.

Many Western statesmen and politicians paid supportive visits to Israel after October 7 and expressed their support for all violations by Israel with the sentence that Israel "*has the right to defend itself.*" Although Israel's collective punishments against civilians clearly violate fundamental human rights conventions, international humanitarian law norms, the Rome Statute and the Convention on the

Prevention and Punishment of the Crime of Genocide, states that do not leave the lead in defending “human rights and democracy” to anyone else have chosen to openly support Israel’s reckless human rights violations.

The defense of human rights is undoubtedly more meaningful and valuable in difficult times. When evaluated in this context, the concept that has been damaged the most in the post-October 7 process has been “human rights”, and despite all the violations it has committed, Israel has not only been granted exceptional protection in the face of human rights conventions and protection mechanisms, but has also received significant arms and ammunition support from countries that use the discourse of “human rights and democracy”. Some countries party to the Rome Statute do not only allow Israel to commit new and greater evils, but also actively support these evils, “*Mindful that during this century millions of children, women and men have been victims of unimaginable atrocities that deeply shock the conscience of humanity*”.¹

These states have not only supported Israel’s violations, but have also taken action against Palestine, which is a victim of the process. Following allegations that some of the personnel of Israel’s Palestine Refugee Relief and Works Agency (UNRWA) have ties to Hamas and were involved in October 7 incidents, the US and some European countries have ceased their support for UNRWA and have become complicit in the collective punishment Israel has implemented. The positive outcome of the first phase of the Knesset’s enactment of the bill defining UNRWA as a “terrorist organization” also exposes Israel’s recklessness, which even goes so far as to label international institutions as terrorists.

There have been continuous and large-scale protests and actions against Israeli aggression in many parts of the world, but even peaceful initiatives that can be evaluated within the scope of “freedom of expression” and “freedom of assembly” have faced extraordinary sanctions and measures, and extremely harsh and restrictive measures have been taken against those who protest using their fundamental rights and freedoms against the ongoing genocide. Israeli historian Prof. Dr. Ilan Pappé, who said “*What happened will go down in history as the beginning of the end of the Zionist project*” regarding Israel’s attacks on Gaza, stated that he was interrogated for 2 hours by the Federal Bureau of Investigation (FBI) at Detroit Metropolitan Airport in the US on the grounds that he was a “*Hamas supporter*.” Germany banned the works of famous French thinker and author Roger Garaudy, who passed away in 2012, on the grounds that he was a “*Holocaust denier*” Prof. Dr. Ghassan Abu Sittah, the President of Glasgow University and a British academic of Palestinian origin, who stayed in Gaza for 43 days and witnessed

1 Rome Statute of the International Criminal Court, Preamble

the attacks of Israel, was invited to a conference held in Berlin in April 2024 to convey his observations in Gaza, but was faced with the decision of Germany to ban him from entering the Schengen Area.

An interesting example of extraordinary developments in the process is what happened in the context of the speech made by Benjamin Netanyahu, the main perpetrator of the Gaza genocide, in the US Congress, which will go down as a mark of disgrace in the history of American democracy. Before the speech, House Speaker Mike Johnson sent a letter to members of Congress threatening that anyone who attempted to prevent or interrupt Netanyahu's speech would be arrested. Netanyahu's speech, in which he exonerated the acts of genocide in Gaza, symbolically demonstrated Israel's view of international law and intentions, and said that great efforts were being made to protect civilians in Gaza, and insulted American citizens who supported Palestine by calling them "useful idiots," was applauded repeatedly by members of Congress.

Due to pro-Palestinian student protests that started at universities in the US, university presidents were forced to testify in Congress, and students who participated in the protests were threatened and subjected to violence. The sensitivity shown by young people in particular during the Gaza genocide gave hope for the future of the world. In the US, especially young people under the age of 30 expressed their objections to the massacre in Gaza, discrimination against the Palestinian people, and the US military support for Israel through protest demonstrations and various actions. As of October 7, 2023, 3,700 pro-Palestinian protests have taken place in 525 schools in 317 cities and towns across the US. Although almost all of these demonstrations were peaceful, 3,645 arrests were made during the protests.² In its student behavior expectations and guidance text published at the beginning of the 2024-2025 academic year, New York University defined the use of code words such as "Zionist" as discriminatory based on the assessment that Zionism is a part of the Jewish identity for many Jews. Accordingly, speech and behavior that would violate the "University Student Non-Discrimination and Anti-Harrasment Prevention Policy and Procedures" (NDAH) if targeting Jewish or Israeli people may also violate the NDAH if targeting Zionists.³ These disproportionate interventions, unnecessary pressures and the indiscriminate use of antisemitism accusations against students have caused serious fractures in the perspectives of conscientious American youth towards Zionism and Israeli practices. Although peaceful protests by American students have often been subject to disproportionate violence by law enforcement, some universities have achieved positive results, such as withdrawing investments from companies with links to Israel, establishing research centers on Palestine, and revising the definition of antisemitism. In addition to this, differences in reality and impartiality between mainstream media and social media news, the

2 <https://ash.harvard.edu/articles/crowd-counting-blog-an-empirical-overview-of-recent-pro-palestine-protests-at-u-s-schools/>

3 <https://www.nyu.edu/students/student-information-and-resources/student-community-standards/nyu-guidance-expectations-student-conduct.html>

pro-Israel stance of American politics, university administrations' interventions against students with threats from donors, and threatening actions such as the business world's profiling of protesters have exposed a racist, blackmailing, and corrupt Zionist hegemony in the eyes of young people.

The following observations regarding the intellectual background of student demonstrations supporting Palestine at American universities are also noteworthy. In the 1980s, protests were held at the University of North Carolina against the Apartheid regime in South Africa, and the white minority regime, unable to withstand international pressure, was forced to back down. In the recent period, university students protested by setting up tents on the campus, demanding that their university's relations with Israeli arms companies and institutions be terminated. The peaceful demonstrations, in which the students did not disrupt academic activities at the university and paid utmost attention to the cleanliness of the campus and the surrounding area, were attempted to be suppressed by an armed and crowded police force dispersing the tents, arresting the students and sending them away from school. The oppressive attitude of the university administration led to larger demonstrations and increased participation in the protests. The students participating in the protests were not limited to Arab and Muslim students, but included a wide range of white, black, Muslim, Christian and anti-zionist Jews. Students demonstrate a tolerant humanism in solidarity, respecting each other's beliefs and practices. The open support of American politics for Israel has helped students understand that B. Lewis and S. P. Huntington's "Clash of Civilizations" thesis is a tool of Zionist propaganda, and that hostility towards Arabs and Islam expressed by American politics and foreign policy shaped around this thesis does not stem from ignorance alone, but is deliberately used to conceal Israeli oppression. Pro-Palestinian students do not only oppose oppression experienced in Gaza, but also oppose orientalist and racist theses imposed on them.⁴

Studies have shown that there are serious differences in perspectives on incidents between Israel and Palestine, especially in the US, between the ages of 30 and under. A poll conducted by an American news agency on November 19, 2023 revealed that young voters between the ages of 18-34 were less supportive of Israel's attacks on the Gaza Strip than older voters.⁵ Another poll conducted in October revealed similar results. While 78% of participants over the age of 45 in the survey argued that the US should openly support Israel, this rate remained at 48% for participants under the age of 45.⁶ Again, a significant portion of young people under the age of 30 believe that Hamas has valid reasons to fight Israel.⁷ A recent poll conducted by a media organization in the US found that 77% of Democratic voters,

4 <https://bulten.isam.org.tr/abd-universitelerindeki-gazze-protestolarinin-dusunsel-arka-planlari/> (These observations were made by Prof. Dr. Cemil AYDIN, a faculty member at the University of North Carolina, where students held important protests.)

5 <https://www.nbcnews.com/politics/2024-election/poll-bidens-standing-hits-new-lows-israel-hamas-war-rcna125251>

6 <https://www.indyturk.com/node/667261/d%C3%BCnya/yeni-anket-z-ku%C5%9Fa%C4%9F%C4%B1-hari%C3%A7-abdlilerin-%C3%A7%C4%9Funlu%C4%9Fu-i%CC%87sraili-destekliyor>

7 <https://www.pewresearch.org/short-reads/2024/04/02/younger-americans-stand-out-in-their-views-of-the-israel-hamas-war/>

77% of those under 30, 61% of Americans, 75% of blacks, 64% of Hispanics and 79% of liberals oppose the US sending weapons to Israel.⁸

Civilians who supported Palestinians with their peaceful actions in the occupied territories, showing great sensitivity to the genocide, were also subjected to Israeli terror. Turkish-origin US citizen Ayşenur Ezgi Eygi was shot in the head and killed by Israeli soldiers during an anti-occupation protest in the West Bank. Her friend who was with her at the time of the incident stated that they were in a position where they could be clearly seen by soldiers and that they did not make any move that would cause them to be targeted. US President Joe Biden, whose citizen was killed by Israel, commented that the incident was probably an accident, despite serious indications that Eygi was shot with a purpose.

The crushing nature of Israel’s attacks on Gaza and the destructive living conditions it imposes have demonstrated its intent to physically destroy Palestinians as a group. As set out in the historic report “Anatomy of a Genocide” prepared by UN Special Rapporteur Francesca Albanese, Israel’s actions against Palestinians in Gaza, which include “killing members of the group; causing serious bodily or mental harm to members of the group; and deliberately inflicting living conditions suitable for the total or partial physical destruction of the group”, demonstrate that the threshold for committing genocide has been crossed. These actions were approved and put into effect following statements by senior military and government officials demonstrating genocidal intent.⁹ Albanese, who has drawn attention with her sensitivity to human rights and commitment to law during this process and presented a report that will go down in history, has also received serious backlash from supporters of genocide. Albanese was accused of “classic” antisemitism after Craig Mokhiber’s¹⁰ social media post¹¹ she commented¹² - Mokhiber resigned while serving as the Director of the New York Office of the UN High Commissioner for Human Rights- stating that the UN ignored Israel’s attacks on Gaza, the UN failed to “prevent mass atrocities, protect defenseless people and ensure accountability for perpetrators” and that the US, UK and Western countries were also complicit in what was happening in Gaza, which she described as “a textbook-worthy genocide.” After Albanese expressed her positive opinion on a post in which Netanyahu was identified with Hitler, US Permanent Representative to the UN Human Rights Council Michele Taylor made a post stating that this statement was reprehensible and anti-Semitic, there was no place for

8 <https://www.cbsnews.com/news/poll-trump-biden-neck-and-neck-06-09-2024/>

9 <https://www.tihk.gov.tr/public/editor/uploads/1MSqXzEN.pdf>

10 <https://www.aa.com.tr/en/world/top-un-diplomat-resigns-citing-text-book-case-of-genocide-in-gaza/3040387> -One of the high-ranking civil servants who resigned citing policies implemented by his country during the Gaza genocide was British diplomat Mark Smith. Smith, who resigned from his post in protest of Britain’s continued arms sales to Israel stated that Israel was committing war crimes and crimes against humanity in Gaza the Israeli government and army clearly demonstrated genocidal intent, Britain’s sale of arms to Israel could not be justified in any way, and the British Foreign Office was complicit in war crimes. . (<https://www.trthaber.com/haber/dunya/ingiliz-diplomat-ulkesinin-israile-silah-satislari-nedeniyle-istifa-etti-873438.html> (Access Date: 19/8/2024).)

11 <https://x.com/CraigMokhiber/status/1816220453347766659>

12 <https://x.com/franceskalbs/status/1816234719412932965?s=48&t=PeyaDHFeOaqyCfipiXP5Fw>

such inhumane rhetoric, and rapporteurs should work to improve human rights issues¹³ rather than exacerbate them. US Ambassador to the UN Linda Thomas Greenfield further increased accusations against Albanese, claiming that there was no room for antisemitism among those tasked with promoting human rights at the UN, and Albanese was not fit for her current position at the UN or any other position.¹⁴

Simultaneously with its attacks on Gaza, Israel continues to massacre Palestinian civilians in the West Bank, which is under the Palestinian Authority. The massacre of 716 Palestinian civilians living in the West Bank by Israel after October 7, 2023 not only renders meaningless the “legitimate defense” thesis put forward by Israel in order to legitimize its unlawful acts in the international arena, but also clearly reveals its intention of genocide and occupation.

The investigation, which was opened by the ICC on March 3, 2021 into possible crimes committed under the Rome Statute in the West Bank, including Gaza and East Jerusalem, since June 13, 2014, and has been frequently criticized for its slow progress and ineffectiveness, was expanded after October 7, and ICC Chief Prosecutor Karim Khan requested the arrest of Israeli Prime Minister Benjamin Netanyahu and Defense Minister Yoav Gallant on May 20. Following this, a 25-page letter containing threats was sent to Khan on August 27,¹⁵ after he was reported to have “failed to comply with the British Bar Association’s code of conduct” by the United Kingdom Lawyers for Israel (UKLFI), a group whose mission is to support Israel, and who allegedly “tried to obtain an arrest warrant under false pretenses”. In his interview with the BBC, Khan stated that Israel has committed crimes such as starving civilians to death, murder, directly targeting civilians and massacre, and that the evidence in the file was only about him. He also explained that he was under pressure from many world leaders not to issue an arrest warrant for Netanyahu.¹⁶

In the case filed by the Republic of South Africa against Israel on 29 December 2023 at the International Court of Justice on the grounds that it violated the 1948 UN Convention on the Prevention and Punishment of Genocide, the Court announced on 26 January 2024 the injunction that Israel should take all measures in its power to prevent the acts defined in Article 2 of the Genocide Convention from being committed, and on 28 March 2024 the Court announced the additional injunction that Israel should ensure that urgently needed humanitarian aid is delivered to Gaza and that it should not violate the rights of the Palestinians. In the face of Israel’s continuing its actions despite the injunctions in question, the Court stated in its ruling dated 24 May 2024 that measures it had previously ruled were not sufficient and ruled for more comprehensive measures, including the immediate cessation of Israel’s military attacks on the city of Rafah. Under Article 63 of the Court Statute, the States Parties to the Genocide

13 <https://x.com/usambun/status/1816906822361731166?s=48&t=PeyaDHFeOaqyCfipiXP5Fw>

14 <https://x.com/usambhrc/status/1816749008859074975?s=48&t=PeyaDHFeOaqyCfipiXP5Fw>

15 <https://rozenberg.substack.com/p/khan-may-face-regulator>

16 <https://www.bbc.com/news/articles/c303y5m1p19o>

Convention have the right to submit a declaration of intervention since the interpretation of various provisions of the Convention is at issue in the ongoing case. In this context, Türkiye, along with Nicaragua, Colombia, Libya, Mexico, Palestine and Spain, requested to intervene in the ongoing case before the Court, and the file containing Türkiye's request for intervention was submitted to the Court on 7 August 2024. Türkiye, which is combating genocide committed by Israel in Gaza in diplomatic fields, is also taking necessary steps legally to hold Israel accountable for its crimes and stop the ongoing genocide.

In this process, the ICJ, in its Advisory Opinion dated July 9, 2004, on the Legal Consequences of the Construction of the Wall in the Occupied Palestinian Territory, stated that Israeli settlements in the West Bank and East Jerusalem and the regime associated with them were established in violation of international law and that the construction of the wall constitutes the creation of a *fait accompli* regime on the occupied territories and *de facto* annexation. The ICJ stated that the construction of the wall violates the Palestinians' right to work; their right to settle, to acquire property and the right not to have their property damaged; their right to education and health services and to have adequate living conditions; their right to freedom of movement and their rights over natural resources.¹⁷

In its Advisory Opinion on the Legal Consequences of Israel's Policy and Practices in the Occupied Palestinian Territory, Including East Jerusalem, dated 19 July 2024, the ICJ stated that Israel's presence in the occupied Palestinian territories is unlawful and it is obliged to end it as soon as possible; Israel is obliged to immediately stop all new settlement activities and evacuate all settlers from the occupied Palestinian territories; and Israel is obliged to compensate for the damage caused to all relevant real or legal persons in the occupied territories. The Court stated that the occupation cannot transfer the title of sovereignty to the occupying power; and that the long duration of an occupation cannot by itself change its legal status under international humanitarian law. It stated that it has been following with concern the news of the expansion of Israel's settlement policy since its 2004 Advisory Opinion.¹⁸

In the face of Israel's attacks, the most humane call for a ceasefire has failed due to the US vetoing drafts submitted to the UNSC several times. Israel, which has not implemented the ceasefire resolution adopted on March 25, 2024, has declared to the entire world that it does not see any authority over itself. Following the UN General Assembly's resolution dated May 9, 2024 and numbered A/ES-10/L.30/Rev.1, which granted additional rights to Palestine, which has observer status, by an overwhelming majority of votes,¹⁹ Israel's UN Permanent Representative Gilad Erdan shredded the UN Charter with a paper shredder on the UN rostrum, an act that symbolically demonstrates Israel's view of international

17 <https://www.icj-cij.org/sites/default/files/case-related/131/131-20040709-ADV-01-00-EN.pdf>

18 <https://www.icj-cij.org/node/204176>

19 The resolution was adopted with 143 Yes votes, 25 Abstaining and 9 No votes, with notable countries voting No being: the United States, Argentina, Hungary, Czech Republic, Papua New Guinea, Micronesia, Palau and Nauru.

law. Erdan, who represents Israel at the UN, insists on declaring Israel's disregard for international law in a very bold manner: A report from the Israeli newspaper Maariv includes Erdan's statements in an interview, "UN buildings must be closed and wiped off the face of the earth." The report also recalls that this is not the first time Erdan has used such expressions against the UN, and that in another statement he has made before, he has emphasized that "unprecedented measures must be taken against the UN, such as closing the UN compound in Jerusalem and deporting the leaders of organizations in Israel, in order to send a clear message against its ongoing prejudice against Israel."²⁰

All these incidents are clear indications that the UN, which was established to ensure that humanity lives in peace and is protected from the suffering of war, is unable to make a serious contribution to world peace and is unable to fulfill its function of protecting human rights due to the veto power of the five permanent members of the UNSC. This situation once again reveals the importance of the statement "*The world is bigger than five*" expressed by our President Recep Tayyip Erdoğan on the UN podium and in many international platforms.²¹

Türkiye has mobilized all its diplomatic resources to ensure peace and protect civilians since the beginning of Israel's attacks on Gaza. It has called on member countries of the Organization of Islamic Cooperation and other countries to unite and act together against Israel's brutality. On the other hand, the Ministry of Trade has decided to restrict the export of certain products to Israel as of April 9, 2024, until Israel declares an immediate ceasefire in Gaza and allows for the flow of adequate and uninterrupted humanitarian aid to the Gaza Strip, within the framework of its obligations arising from international law.²²

Palestinian Head of State Mahmoud Abbas, who was invited to the Turkish Grand National Assembly in order to make the Israeli oppression that the Palestinian people are subjected to more strongly known to the world public, thanked Türkiye for its sensitivity on the issue of Palestine and drew attention to the importance of Jerusalem in his address to the Turkish Grand National Assembly at the special session on Palestine held with the participation of President Recep Tayyip Erdoğan. Speaker

20 <https://www.aa.com.tr/tr/dunya/israilin-bm-temsilcisi-bm-binalarinin-yeryuzunden-silinmesi-gerektigini-soyledi/3308692>

21 In his most recent comprehensive speech at the 79th UN General Assembly on September 24, 2024, President Recep Tayyip Erdoğan expressed Türkiye's view of Palestine, the fact that the silence during the genocide harmed the values claimed to be universal, and his suggestions regarding the revision that should be made in the security and decision-making mechanisms within the UN in the context of the genocide committed by Israel and the solution of the Palestinian issue, with strong emphasis.

<https://www.tcgb.gov.tr/haberler/410/153686/-gazze-de-sadece-cocuklar-degil-ayni-zamanda-birlesmis-milletler-sistemi-oluyor->

<https://x.com/iletisim/status/1838657718929744299?s=48&t=PeyaDHFeOaqyCfipiXP5Fw>

22 <https://ticaret.gov.tr/haberler/israile-ihracat-kisitlamasi>

of the Turkish Grand National Assembly Prof. Dr. Numan Kurtulmuş also expressed in his speech that Türkiye's sensitive approach and strong support for the Palestinian issue had been established and that a front of humanity had been established on earth.²³

Human Rights and Equality Institution of Türkiye, established by Law No. 6701, has also carried out various activities in this process with a perspective that prioritizes human dignity and peace within the framework of universal human rights understanding, international agreements and national law. In this context, within the scope of the duties of “*Working to protect and promote human rights, prevent discrimination and remedy violations*” and “*raising public awareness on human rights and non-discrimination through providing information and education including by use of mass media*” given by the said Law, the “Commission for Investigation of Violations of Rights and War Crimes Committed by Israel in Palestine within the Context of International Law and Humanitarian Law” was established based on the decisions of our Board dated 16.11.2023 and numbered 2023/850-851, and the “Report on Investigation of Violations of Rights and War Crimes Committed by Israel in Palestine within the Context of International Law and Humanitarian Law” was prepared in order to determine the legal nature of the events taking place in Gaza with the studies of academicians who are experts in the field.

As part of report studies, interviews were conducted with patients and their relatives brought to our country for treatment from Gaza in order to record rights violations they were subjected to or witnessed. A summary of the interviews conducted with thirty-five Gazan war victims, accompanied by legal academics and psychologists, using questions prepared within the framework of the 1948 Convention on the Prevention and Punishment of the Crime of Genocide and the 1949 Geneva Convention for the Protection of Civilian Persons in Time of War, is included in the Report (Framework 3), and the content of the interviews is included in Annex 2.

Our report is not limited to evaluating crimes committed by Israel in Gaza after October 7 in the context of international law, but also aims to reveal the historical and theo-political background of what has been experienced in the Palestinian territories since the establishment of Israel. In addition to these,

23 Palestinian President Mahmoud Abbas, in his address, stated that he appreciated Türkiye's stance under the leadership of Recep Tayyip Erdoğan defending the legitimate rights of the Palestinian people and said, “Jerusalem is our red line, we will not compromise on it, we know the place Jerusalem has in our hearts and the hearts of the Turkish people.” Speaker of the Turkish Grand National Assembly Prof. Dr. Numan Kurtulmuş also said, “I respectfully commemorate all the great mujahideen who have been subjected to all kinds of oppression in Palestinian lands for decades, who were displaced, whose homes were occupied, who were deprived of their lives, who were martyred, who were subjected to all kinds of oppression and torture, but who could not give up the struggle, who resisted, and who brought the Palestinian cause to this day. In his speech, which he began with the words, “I remember with mercy, gratitude and appreciation the mujahideen of the Palestinian cause embodied in Yasser Arafat and Sheikh Ahmed Yasin,” he expressed that a front of humanity had been established on earth, and emphasized that Palestine and Gaza were not distant places for the Turkish nation, but were the heritage and trust of Hazrat Omar, Saladin Ayyubi, Suleiman the Magnificent and Sultan Abdulhamid Khan.
<https://www.tbmm.gov.tr/Haber/Detay?Id=f973ad52-17db-44ba-9c22-019157b7c2c2>
<https://www.aa.com.tr/tr/politika/tbmm-baskani-kurtulmus-filistin-meselesi-bizim-icin-milli-bir-davadir/3304610>

the Report also aims to bring these crimes against humanity of the Israeli genocide to the attention of international judicial authorities and human rights organizations, and mobilize international mechanisms to stop Israeli aggression. In addition, the need for alternative methods of struggle against genocidal Israel and suggestions for the construction of a new discourse are strongly emphasized in the report.

We are living in one of the turning points of history. We cannot turn a blind eye on what is happening, both as humans and because of duties we undertake and values we represent. Right now, all of humanity is obliged to do something for a life befitting human dignity, which the poet describes as “To live! Like a tree alone and free, and like a forest, with fraternity”, so that people all over the world can live freely and brotherly. We know that no report, documentary, poem, elegy or film will be able to describe the genocide that is happening today and that Israeli authorities are continuing with happiness that normal people cannot understand. This unprecedented savagery will remain a milestone that will be remembered with shame in world history. Netanyahu and his accomplices, who are committing atrocities that the world has never witnessed before with a perverted belief fed by the intoxication of power, will be remembered with curses like their counterparts.

We know that tomorrow’s history will not be written as a result of the -sometimes theatrical and insincere- actions that take place in the UN, ICJ or ICC. Tomorrow’s history will be written by those who want to live in a world where justice prevails and people live in security, and who struggle for this with the belief that all people are equal in nature and have no superiority over one another.

This Report, prepared by our Board with the awareness of fulfilling the most basic humanitarian duty regarding the genocide in Gaza, beyond our duties assigned by law, is also an expression of the hope that the demand for a “more just world” in the hearts of the conscientious people of the world who raise their voices on the side of the Palestinians against Israeli brutality during this process will come true in the not-so-distant future.

INTRODUCTION

One of the greatest tragedies in human history is taking place in Gaza, which has been under the blockade of the occupying State of Israel for many years and where all kinds of violations of international law, humanitarian law and human rights have been taking place before the eyes of the whole world since October 7, 2023. Israel, which has committed all kinds of massacres in Gaza, continues its massacres that it has been carrying out for months without interruption by trampling on humanitarian, moral and legal norms. Israel, which continues its unlawful and inhumane actions without being subject to any sanctions with the support of states such as the United Kingdom, Germany and France as well as the United States, is clearly committing the crime of genocide with these actions.

After the Ottomans withdrew from the region, Israel, which invaded Palestinian lands with the support of the British and completed the process of establishing a state with the actions of terrorist organizations such as Irgun and Haganah, is slaughtering people living in Gaza with terrorist acts today, regardless of whether they are men or women, children or young or old, just as witnessed in the past. During this process, in which weapons prohibited by the law of war were also used, Israel did not refrain from destroying all kinds of structures, from hospitals to care centers, from educational institutions to social areas, from places of worship to water and electricity distribution centers, and carried out all kinds of actions that would make life impossible in Gaza. The Zionist regime, which tries to legitimize its massacres by referring to the sacred scripture and narratives of Judaism, has repeatedly proven since October 7 that it poses a major problem in terms of destroying peace, tranquility and stability of all humanity.

Dimensions of the genocide have deepened day by day due to the failure of the international community to demonstrate necessary will against Israeli Prime Minister Benjamin Netanyahu's strategy to annex Gaza and cleanse it of Palestinians. The White House's unconditional support for Tel Aviv in all areas due to the pressure from Jewish lobbies and Christian Zionists, who have an active role in the US establishment, has emboldened Netanyahu and the hawkish members of his cabinet and allowed the aggression against Gaza to reach unimaginable dimensions. US Secretary of State Antony Blinken stated during his first visit to Tel Aviv after October 7 that he "came not only as the US Secretary of State but also as a Jew." This statement alone was a sign that the US would be a protective shield against Israel's inhumane attacks. Similarly, US President Joe Biden has repeatedly stated that he is a Christian Zionist and has repeatedly declared that the White House will not hesitate to take any steps for Israel's security. In this regard, kindness that Netanyahu, the main perpetrator of the massacres, received from both President Biden and presidential candidate Donald Trump, as well as members of Congress, during his visit to the US in the 10th month of the genocide, has once again shown the international community that the US administration will never give up supporting Israel.

The Zionist regime, which dehumanizes Palestinians with the support it receives from the Western world and even describes babies in the womb as potential “terrorists” and carries out massacres, demonstrates through its actions its intention to continue its unlimited aggression until there are no Palestinians left in the occupied territories. In this context, the statement of Israeli Defense Minister Yoav Gallant, “We are fighting humanoid animals in Gaza,” constitutes a very clear example to understand the sick mindset of the administrators of the occupying state. Tel Aviv, which legitimizes genocide with religious references, is persistently dragging the entire world towards an irreversible crisis through sacred narratives and advancing towards its goal without taking a step back due to the inaction of the international community, which is incapable of showing necessary will.

Despite the failure of the international community to take concrete steps to end Israel’s aggression, it is also noticeable that a new awareness has emerged against the Zionist regime worldwide since October 7. The dominance of the Zionist lobby in the media, culture and academic fields has so far led to the Palestinians’ plight being ignored and has always led to a conclusion where Israel has proven itself right. However, after Operation Al-Aqsa Flood, the real face of the occupation state was understood, which led to important steps being taken in favor of Palestine in the international community.

Israel, the lawless actor of the global system, has continued all its terrorist acts for decades without facing any sanctions with the exceptional zone it has built. As a result, a reality has emerged where actions and behaviors that are forbidden to other states but permissible to Israel have become commonplace. After October 7, important steps were taken to mobilize the international public opinion in order to put pressure on Israel in the face of the genocide that took place before the eyes of the whole world and reveal the hypocritical attitude of Western countries such as the US, which are open supporters of the Zionist regime. South Africa’s application for Israel to be tried at the ICJ for the crime of genocide and the commencement of the trial process went down in history as the greatest challenge the occupying state has ever faced. The subsequent request for the arrest of Benjamin Netanyahu and Yoav Gallant by ICC Chief Prosecutor Karim Khan completely changed perceptions of the occupying state in the global arena.

In this process, the importance of the strategy Türkiye has been following to keep the genocide in Gaza on the agenda in the international system is also obvious. Calls made by President Recep Tayyip Erdoğan and Minister of Foreign Affairs Hakan Fidan to activate all kinds of diplomatic and legal mechanisms, clear and encouraging statements they have used to correctly define the process, and efforts they have shown have played a critical role in the Palestinian resistance gaining self-confidence and

more legitimacy in the international arena. Türkiye's application to intervene in the case at the ICJ is one of the most important concrete steps taken by Ankara to end the aggression of the occupying state.

In order not to remain silent against genocide that was carried out before the eyes of all humanity and leave a mark on history, it was decided to prepare this report in your hands within the body of Human Rights and Equality Institution of Türkiye (HREIT) to reveal violations committed by Israel. The report, which emerged as a result of the long-term work of a large team, addresses Israel's aggressive expansion policy and massacres in Palestinian lands from different aspects. Based on the view that examining the issue only at a legal level would not be sufficient, the background of the occupation, its theo-political framework and economic ground were also examined in detail, and concrete suggestions were tried to be presented by questioning possibilities for the construction of a new language in the struggle against the Zionist regime.

The first section of the report examines the foundations of Israel and the process of becoming a state. In particular, it reveals strategies followed by Zionist Jews in order to purge Palestinian lands of their original owners through attacks by terrorist organizations and how the British Mandate Administration supported this process. In addition, the main steps taken by the international community to legitimize Israel along with the process of becoming a state are examined and the historical background of the transition from a terrorist organization to a terrorist state is clearly presented. In addition to this historical framework, the first section also discusses religious foundations of the Zionist project and analyzes roots of Israel's aggression to date in depth, especially through direct references to sacred scripture.

In the second section, legal violations committed by Israel in Gaza and the Palestinian territories before October 7 were addressed in a multifaceted manner and the violations were revealed by providing evidence on the basis of international and humanitarian law. Issues such as the construction of the wall, the status of holy sites, the occupation state's usurpation of agricultural lands and water resources or their disuse were also explained in detail in the second section of the report.

In the third section, which focuses on the situation after October 7, genocide committed by the occupying state in Gaza is analyzed in all its aspects. In this section, where international law, humanitarian law and human rights violations are proven with reference to the relevant legislation, genocide committed by the Zionist administration in Gaza is presented in a way that leaves no room for doubt and a qualified discussion is made with its evidence.

In the fourth section of the report, the possibility of creating a new language against the Zionist administration after genocide in Gaza is discussed, and in this context, discourses used by the Zionist administration in the Gaza genocide are analyzed from a theo-political perspective in order to strengthen the struggle. In addition, reasons why the world remains silent about crimes committed by Israel

in Palestine to date and genocide taking place in Gaza today are revealed. In addition, a detailed economic-political analysis is also made in this section in order to reveal genocide committed by Israel in Palestinian territories not only through attacks but also through economic means.

Finally, in the conclusion section of the report, concrete suggestions are presented in order to remind the international community of their responsibilities towards Israel and to show what needs to be done from now on. The nature of the correct language to be used and mechanisms to be established while defining what happened and proposing a new order, the framework of the global cooperation to be developed and new methods to use energy generated in this area correctly are suggested.

Considering the necessity of a multi-dimensional and multi-tool struggle against a state like Israel, which has repeatedly shown that compromise cannot be reached through negotiations, it is thought that the content of the report and especially suggestions in the conclusion section will make a significant contribution to this struggle. It is the greatest expectation and wish of both HREIT and the report writing team that this report, prepared in order to stand on the right side; on the side of humanity, rights and justice at one of the important turning points of history, will reveal the rights violations in Palestine and serve the purpose of making the occupying state face necessary sanctions.

1. ISRAEL'S OCCUPATION OF PALESTINE AND HISTORICAL AND RELIGIOUS BACKGROUND OF ITS AGGRESSIVENESS

The conflict between Palestine and Israel is undoubtedly one of the longest-standing conflicts in the world, which has persisted from the late 19th century to the present day and still awaits a settlement. It is impossible to explain Israel's recent attacks on Gaza and their genocidal consequences with an attack launched by Hamas on October 7, 2023. In fact, it is not possible to consider the events in Palestinian territories over the past century and particularly after October 7, independently from history. The Palestinian issue has been one of the foremost topics threatening world peace since the day it emerged. The issue is not only the result of Jewish migration to Palestine that started in the late 19th century and led to the occupation of Palestine and the establishment of a Jewish state in the region. It has also evolved into an issue of Zionism that shaped some Jews' perception of religion-state and the world.

Jews, the ancient exiles of Rome, who were not generally accepted in Europe, have always kept the idea of searching for a homeland alive throughout history. The ideal of returning to the "promised land," that is, "Eretz Israel," placed in their religious texts and repeated in their minds and establishing a state there, directed them to Palestine in every period when they faced problems in the West. In fact, those who did not view them as part of Western society also contributed to the development of this idea. As a matter of fact, the Zionist thought that turned into a political movement in the 19th century, which is the political expression of the idea of Jews living scattered around the world, to return to Jerusalem, also known as Zion, near the Hill of Zion that is to the land they believed was promised to them. Not

all Jews agreed on this matter. While all of them believed in the ideal of returning to the promised land, some of them believed that there was no need for action and that this return would occur with a divine miracle while others thought otherwise and believed that Zionism would be realized through actions.

1.1. Historical Background of the Occupation

1.1.1. Early Zionist Thought

Napoleon's unsuccessful expedition to Egypt and Syria/Palestine in the late 18th century, raised the hopes of some Jews when he voiced the need for Jews in Europe to be settled in Palestine.¹ However, Napoleon's unsuccessful military campaign pushed this idea back. On the other hand, the thoughts of both Mordecai Manual Noah (1785-1851), considered the pioneer of US Zionism in the first quarter of the 19th century and the Catholic French historian Joseph Salvador (1796-1873), believed to have converted from Judaism reinforced the idea that Jews should live outside Europe. Noah even proposed that the weakening of the Ottoman Empire in the Balkans would be advantageous for Jews to establish a state², while Salvador suggested that a congress be held for this purpose. Naturally, both the internal dynamics of Jewish communities and external factors influenced the development of this idea. Large-scale effects of the French Revolution reflected on Jewish religious leaders and intellectuals living in different parts of Europe. The French Revolution and adoption of enlightenment values by Jewish intellectuals paved the way for the emergence of different religious understandings and discussions about secular ideologies. The Jewish Enlightenment (*Haskalah*), which initiated a radical shift in Jewish religion and traditions due to modernization, spread the search for a homeland outside Europe that is the doctrine of Zionist thought in the course of time. In this sense, Zionism originates from *Haskalah* on the one hand and on the other hand it was nourished by the idea of *Selbst-Emancipation* put forward by Leon Pinsker (1821-1891) and reformulated by Nathan Birnbaum (1864-1937) and is the modern discourse of messianic Jewish theology that has embraced the idea of longing for salvation since ancient times. In fact, Zionism emerged as a *sui generis* and secular movement nourished by theology with the idea of nationalism that arose from the French Revolution on the one hand and on the other hand, the messianic approaches of Jews who felt that they were no longer wanted in Europe.³

Christian Zionism, which supported the Jews and was pioneered by Lord of Shaftesbury Anthony Ashley-Cooper (1801-1885), who was the President of the Evangelical Union in Britain, significantly contributed to the Jewish ideal of returning to Palestine. Lord Shaftesbury, who advocated the settlement of Jews in Palestine with his evangelical religious interpretations, wanted to turn this idea into an opportunity by taking advantage of problems that the Ottoman governor of Egypt, Mehmet Ali Pasha, had with

1 Abdul Wahab Kayyali, "Zionism and Imperialism: The Historical Origins", *Journal of Palestine Studies*, Spring, 1977, Vol. 6, No. 3 (Spring, 1977), University of California Press, p. 99.

2 Louis Ruchames, "Mordecai Manuel Noah and Early US Zionism", *US Jewish Historical Quarterly*, March, 1975, Vol. 64, No. 3 (March, 1975), The John Hopkins University Press, p. 195.

3 Aviezer Ravitzky, *Messianism, Zionism, and Jewish Religious Radicalism*, Chicago: The References University of Chicago Press, 1996, p. 151.

the central government.⁴ In a widely influential article published in the *Quarterly Review* in 1839, he expressed the issue of Jewish migration to Palestine. Although no Jewish settlement took place in the Syrian/Palestinian territories which remained under Mehmet Ali Pasha's administration for a decade, foreign consulates to lead the migration increased. In 1852, another Englishman, Hollingsworth, called for the establishment of a Jewish state in Palestine for the sake of Britain's presence in India and the security of the roads leading there.⁵ As a matter of fact, during the Crimean War of 1853-54, Lord Shaftesbury would go even further and try to influence the British administration to open a homeland for Jews in Syrian territories. Some sources even attribute the famous slogan "A land without a people for a people without a land" to Shaftesbury, which paved the way for and legitimized the settlement of Jews in Palestine.⁶

The German socialist and theorist Moses Hess (1812-1875), who was also a friend of Engels and Marx, advocated in his 1862 book *Rom und Jerusalem, die Letzte Nationalitätsfrage* (Rome and Jerusalem: The Last National Question) the settlement of Jews in Palestine and the establishment of a socialist state which would lead to early Labor Zionism and earn high praise from Theodor Herzl 35 years later as Hess argued that the Jewish community which retained its historical memories could never be Europeanized and claimed that the best solution was the return to Palestine. Hirsch Kalischer (1795-1874), a German Jewish cleric was another pioneer of the idea of Zionism.⁷ While he argued that the re-establishment of the Israeli homeland was a religious duty, he actually guided later activist Zionists by making an action plan on this issue. In 1862, Kalischer suggested the purchase of agricultural lands in Palestine, the opening of an agricultural school, and the formation of a Jewish military unit to protect colonies to be established in Palestine by collecting money from Jews around the world. As a matter of fact, Edmond James de Rothschild who was influenced by Kalischer's ideas and was one of his most important followers, would later undertake the task of purchasing land and establishing farms in Palestine. Kalischer not only published but also traveled throughout Germany to spread his ideas and raise funds. He also convened the first Zionist Congress in 1860 and led to the foundation of the Jewish Colonization Society in Frankfurt in 1861.⁸

The movement that accelerated all these theoretical studies and the idea of partially turning Zionism into action and saw Jews as undesirable elements in Europe is antisemitism. Antisemitism which is the name for anti-Jewish thought played an important role in the implementation of the above ideas. Undoubtedly, the idea that according to Christian belief, "Jesus Christ, the son of God" was killed by the Jews and psychology that feeds it lies behind this thought which fuels hatred towards Jews. This hatred, which has existed since the Middle Ages, has taken on different forms through the ages and manifested in different

4 Eitan Bar-Yousef, "Christian Zionism and Victorian Culture" *Israel Studies*, Summer, 2003, Vol. 8, No. 2 Published by: Indiana University Press. (Summer, 2003), p. 21.

5 <https://jewishencyclopedia.com/articles/14339-territorialists> (Access Date: 14.03.2024).

6 Adam M. Garfinkle "On the Origin, Meaning, Use and Abuse of A Phrase" *Middle Eastern Studies*, London, 27 (4): Octobr 1991, 539-550,

7 Aryeh Newman, "Father of the Third Return to Zion", *Tradition: A Journal of Orthodox Jewish Thought*, FALL 1962, Vol. 5, No. 1 (FALL 1962), pp. 76-89.

8 *Ibid.*, p.82.

ways in each period. Jews who knew this situation were forced to live in their own ghettos in European cities. This segregation caused them to be banned from some professions and duties and subjected to various slanders over time. Although the freedom movement and citizenship law that started in Europe after the French Revolution took the Jews out of their ghettos, it did not provide them with equality. Jews were always targeted and held responsible particularly in Europe, Eastern Europe and Russia, when social problems arose and political and economic difficulties emerged. As a matter of fact, this hatred towards them turned into anti-Semitic executions called pogroms in Eastern Europe and Russia.

Therefore, the rise of antisemitism in Europe accelerated the movement of Jews toward US and Palestine, which was under Ottoman rule as both countries were considered safe havens for Jews. Particularly, the tolerant attitude of the Ottoman Empire towards different elements, the fact that Jews lived in Ottoman territories and, more importantly, the presence of Palestine in these lands made the Ottoman Empire quite attractive. On the other hand, there was no obstacle for Jews to go to Jerusalem with their passports to become pilgrims, and this facilitated their journey.

An interesting story indicating Jewish interest in Palestine would be reflected in the correspondence between the central administration of the Ottoman Empire and Syria and Jerusalem in the autumn of 1866. Accordingly, about thirty families who said they were USs disembarked from Jaffa Pier. They claimed that they had bought land near Jaffa and Ramle and obtained permission to engage in agriculture. However, it was not clear from whom they had obtained permission or who had provided them sponsorship as they had not disclosed this information. Local officials reported the matter to the US consulate in Jerusalem and inquired whether they had any information about it. In response, they were informed that the immigrants in question were not recognized and did not have official documents so they could be subjected to the same procedure as other foreigners. Although it is not known how this mysterious story unfolded, the same correspondence indicated that the immigrants wanted to purchase land and establish a colony in the region. Although the Governor of Syria informed them that this was not possible at all, he would allow them to stay in Jaffa as temporary guests so that they would not disperse.⁹ In fact, Jewish immigration from Europe to US had begun before this date. It is not known whether those who arrived went to US and returned to Palestine from there or whether they were US immigrants. However, in any case, it was evident that the reaction of the Ottoman Empire was assessed through these immigrants. It was illegal for foreigners to own property in the Ottoman Empire at the time this story took place. However, a law passed a year later would provide foreigners with the right to own property, which would allow Jews to acquire land in Palestine, albeit on a limited basis. However, a law passed a year later would grant foreigners the right to own property, which would allow Jews to acquire land in Palestine, albeit on a limited basis.

In 1870, Alliance Israélite Universelle¹⁰, which had previously opened schools in different provinces of the Ottoman Empire, took a new and concrete step. The Society applied to the Ottoman Empire to

9 Republic of Türkiye Presidential State Archives, Ottoman Archives (RTPSA-OA), *Hariciye İdare* (HD.İD) 24/14.

10 Evrim Gümüş, "Alliance Israelite Universelle: Osmanlı Yahudilerinin Dönüşümünde Bir İtici Güç" *Pamukkale University Institute of Social Sciences Journal*, Issue 40, Denizli 2020, p. 259.

obtain a license to open an Agricultural School in Jaffa in order to provide agricultural education to Jewish children. A very strategic method was followed for this. Alliance Israélite Universelle filed this application through its Paris branch as the then Grand Vizier and Minister of Foreign Affairs was Ali Pasha who had good relations with the French and the applicants were confident that their demands would be met. As a matter of fact, the correspondence related to the application to the Ottoman Paris embassy filed by Charles Netter, the head of the Paris branch of the Alliance Israélite Universelle, regarding his application to, progressed rapidly. Moreover, in his letter, Netter mentioned “the children in the homeland of his ancestors” and wrote explicitly that he wanted to help the Jews there. However, he did not give any information as to whether he was referring to the very limited number of Ottoman citizen Jews who had long resided in Jaffa or to immigrant Jews who had settled there illegally. While the issue was being discussed at the highest level in local councils and Istanbul, no one paid attention to Netter’s reference to the “land of his ancestors”. On the contrary, a consensus was reached on the fact that opening this school (Mikveh Israel/ Israel’s Hope) would be beneficial. Although there was considerable debate at the State Council meeting where the specification on this subject was to be prepared, the school was allowed to be opened under certain conditions and 2600 acres of land was allocated to the society that applied for this purpose. Convinced that such a school would contribute to the development of agriculture with modern methods in the region, the administration stipulated that the school be affiliated with the Ministry of Education and that only subjects of the Ottoman Empire would be admitted to the school.¹¹

Another activity that increased Jewish interest in Palestine was the field research conducted by the Palestine Exploration Fund, which was established in 1865 under the auspices of the British Queen. Particularly between 1867 and 1878, archaeologists, historians, geographers and cartographers supported by the organization, who traveled through Palestine step by step under the name of scientific research, mostly identified and mapped places mentioned in the Torah and the Bible.

After these initial steps, European Jews were encouraged to immigrate to Palestine for a decade. In fact, many of them were reluctant to leave their homes. However, Christian Zionists and Jewish Zionists were cooperating on new projects to persuade them. Although Palestine was always on their agenda, there was neither land for settlement nor a Jewish community that constituted the majority in any part of it. They had two methods they could implement. The first was to persuade the Ottoman Empire through various means to agree to the settlement of Jews in Palestine and the second was to have the Ottoman government accept this plan under European pressure if it was not convinced. If neither of these yielded results, a *de facto* situation would be created by sending immigrants to Palestine under the pretext of pilgrimage or through illegal means.¹² For the latter plan, both Jewish financiers and European politicians and those who were committed to this cause would cooperate.

11 RTPSA-OA, İ.MMS 38/1593.

12 Bayram Kodaman- Nedim İpek “Yahudilerin Filistin’e Yerleştirilmeleriyle İlgili Olarak II. Abdülhamid’e 1879’da Sunulan Layiha” *Bellekten*, Vol. 57, Issue 219, Ankara August 1993, p. 567.

1.1.2. Christian Zionist Laurence Oliphant's Initiatives in İstanbul

The first official application to the Ottoman Empire for European Jews to settle in Palestine was made in May 1879, approximately a year after the Berlin Congress, by the British diplomat, journalist, writer and activist Laurence Oliphant (1829-1888)¹³, who devoted his life to this cause. Oliphant, a staunch evangelist who believed that the settlement of Jews in Palestine was necessary, was not alone in his views. His friend, the then British Prime Minister Benjamin Disraeli (1804-1881), as well as Edward, Prince of Wales, who would later become king, and Zionist financiers supported him too.¹⁴ Oliphant who came to Istanbul after his trip to Palestine would present a comprehensive proposal to Sultan Abdulhamid II regarding the settlement of European Jews in Palestine. Oliphant's motivation, as a restorationist /evangelist, was his belief that a Jewish state needed to be established in Palestine for the return of Jesus to earth, rather than his sympathy for the Jews who were marginalized and ostracized in Europe.¹⁵

On the other hand, the Ottoman Empire was going through its most difficult times. The division of the Ottoman Empire was brought to the agenda at the Berlin Congress after the Ottoman-Russian War. The State was saddled with debt and the treasury was empty. Large sums were needed to settle immigrants coming from the Balkans. Oliphant, who wanted to turn this situation that the state was in into an opportunity, intended to persuade the Ottoman Empire by offering an economic program.

Oliphant, who delivered his project to the Sultan by establishing good connections in Istanbul and holding high-level meetings, grew impatient when he did not receive an immediate positive response and submitted his offer through Dreyse Pasha, one of Sultan Abdul Hamid II's military advisors of French origin.¹⁶ While presenting a new report to the Sultan describing his talks with Oliphant and the benefits of the project to the Ottoman Empire, Dreyse Pasha repeated Oliphant's ideas by summarizing the benefits that the state would have in exchange for the land to be allocated to Jewish immigrants around Jerusalem. Accordingly, the state had to borrow from foreigners. The only financiers from whom such a loan could be obtained were the Jews. They would not accept anything other than the land around Jerusalem that could be allocated as collateral. Dreyse Pasha, who conveyed Oliphant's ideas, outlined the benefits of such an agreement as follows:

1. A significant amount of cash capital would be provided quickly.
2. Since the capital would come from Jews who were independent of the capitulations, the uselessness of the capitulations implemented in the Ottoman Empire would become evident.
3. Appreciation of all developed societies would be gained by opening Palestine to Jewish immigrants.

13 Ş. Tufan Buzpinar, "The Ottoman Response to Laurence Oliphant's Project of Jewish Settlement in Palestine (1879-1882)" *Osmanlı Araştırmaları / The Journal of Ottoman Studies*, LVI (2020), 259-286.

14 Albert M Hyamson, *Palestine A Policy*, London 1942. p.38-42.

15 Philip Early Steele, "British Cristian Zionism (Part 2) The Work of Laurence Oliphant" <https://124.im/c6KP2Z>

16 RTPSA-OA, Y.PK.MYD 1747.

The Sultan was hesitant to these attractive but blackmailing offers from the beginning. However, since he did not want to anger the British, who expected reforms from the Ottoman Empire as per the commitments made at the Berlin Congress and whom he knew supported this offer, he put the matter off until later. He even received the British Ambassador in Istanbul and Oliphant informing them in a suitable manner that he took a dim view of the offer. However, as pressure increased again he referred the issue to the government headed by Grand Vizier Said Pasha and asked them to make an official decision on the matter. The government convened, evaluated the offer and reported the outcome to the Sultan in a report. The offer was summarized as follows in the report dated May 9, 1880: *A company would be established to facilitate the migration of Jews from Europe to Palestine and 4.300 acres of land would be granted to this company at a reasonable fee. Jewish immigrants settled on this land would have their own courts, administrators, accountants, and property managers and a military force to ensure public order would also be formed from among themselves.* The proposal also included the construction of a railway in the region and granting of certain economic privileges to the company in question. Members of the government who summarized the project in this way, stated that the proposal meant a *government within the government* and had serious political drawbacks, adding that the migration of Jews to the region would have negative consequences so they firmly rejected the proposal.¹⁷ Thus, Abdulhamid II sent a message to his European counterparts by officially rejecting this project, which he was already against, through the government.¹⁸

Leaving Istanbul in despair and anger, Oliphant would write against the Ottoman State in his later writings but would remain steadfast in his opinion until his death proving all kinds of incentives for European Jews to emigrate to Palestine. After this date, organizations such as Hibbat Zion, founded by Leon Pinsker in Russia, and Bilu societies, organized by East European and Russian Jews, would also initiate actual migration organizations. After this date, Hibbat Zion, founded by Leon Pinsker in Russia, and Bilu societies, organized by Eastern European and Russian Jews, would also start de facto migration organizations. Meanwhile, two more significant developments would occur. Following the assassination of Tsar Alexander II in 1881, while pressure and even massacres against Jews increased in Eastern Europe and Russia,¹⁹ meetings and rallies in favor of Zionists would begin in autonomous Bulgaria under Ottoman rule and some other Ottoman provinces. Following these developments, appeals would be made to Abdulhamid II again, citing humanitarian reasons, to accept the “victimized Jews” into Palestine, and pressure would even increase. Sultan Abdulhamid II would express his sorrow before this victimization and declare that Jews could settle in Ottoman lands outside of Palestine on condition that they acquired Ottoman citizenship.²⁰ However, Oliphant’s offer would not be taken into consideration. In 1882, when the British occupied Egypt and the Ottoman Empire’s attention was drawn that way, the first mass migration movement to Palestine would be initiated through illegal means through the efforts of

17 RTPSA-OA, MB. İ 67/198; Y.A.RES 5/58; HR.TH 35/38.

18 RTPSA-OA, HR.TO 35/36.

19 Albert M Hyamson, *Ibid.*, p.55.

20 RTPSA-OA, Y.PRK.BŞK 6/77.

the above-mentioned societies. It can even be said that migration organizers wanted Russia to exert more pressure on Jews to force them to migrate. It can even be said that migration organizers wanted Russia to exert more pressure on Jews to force them to migrate. Although the expected effect and desired result from this pressure was not achieved, around 25 thousand Eastern European Jews were brought into the lands of Palestine in the *First Aliyah*, which symbolized the return. Edmond James Rothschild provided the initial financing for this work. In fact, Rothschild would later apply to the Ottoman Empire and officially request that Jewish immigrants be settled in the lands he had purchased in and around Beirut, which had been vacant for a long time.²¹

The Ottoman State was unsuccessful despite enacting laws and taking measures to prevent illegal immigration. Therefore, it exerted efforts to prevent illegal immigrants entering from the shores of Palestine from settling in Jerusalem and its surroundings, and encouraged them to settle outside the borders of Palestine by not sending them back on humanitarian grounds. Since there was not an administrative unit called Palestine at that time, the need for a definition arose. In fact, in a session of the Council of Ministers on April 12, 1891, it was decided that Jewish immigrants would never be settled in Jerusalem and the then Akka Sanjak.²² Even the citizenship application of around 400 Jews who came to Haifa illegally during the same dates was rejected on the grounds that “it could lead to the establishment of a Jewish government there in the future.”²³ The Ottoman Empire was trying to find solutions to the problems of not only Jews who had gone to Palestine, but also immigrants who had come to Istanbul from Russia, and was also looking for suitable places for their settlement.²⁴ For instance, according to a report dated August 18, 1892; a group of 45 Jewish immigrants who came from Russia were directed to Hasköy in Istanbul, a group of 17 to Izmir, and a group of 426 to Adana, Mersin and Thessaloniki, demonstrating traditional Ottoman hospitality. However, the fact that it was impossible for this situation to continue was reported to the Russian embassy through numerous correspondences, and it was requested to prevent the immigration.²⁵

1.1.3. The Jewish Question in Europe and Theodor Herzl's Activities

Theodor Herzl (1860-1904), an Austro-Hungarian Jew, was the person who gave Zionism a political form and turned it into action. The anti-Semitic oppression he personally witnessed in his youth compelled him to confront the Jewish Question in Europe and seek a solution. As a journalist who had studied law, he was interested in various aspects of the Jewish Question while closely following the trial of the Jewish officer Alfred Dreyfus who was accused of spying for the Germans in France in 1895. The Dreyfus affair, which caused major scandals in France, deeply affected him;²⁶ he came to the

21 RTPSA-OA, Y.PRK.SRN 3/43.

22 RTPSA-OA, MV 64/15.

23 RTPSA-OA, İ.MMS 123/5276.

24 RTPSA-OA, İ. HUS 1/41.

25 RTPSA-OA, İ. HUS 2/64; HR.İD 16/46.

26 Albert M Hyamson, *Ibid.*, p.65-66.

conclusion that the Jewish Question was a European issue and believed that a new organization should be established for the Jews. In 1896, Herzl published a book titled *The Jewish State* (*Der Judenstaat*) and presented his ideas and plans about the need to establish a state for the liberation of the Jews. The location of this state had to be Palestinian lands. The book, which was soon translated into other languages, attracted great attention. The basic claim of his book, was, in his own words, that the Jewish Question would continue to exist wherever Jews lived. The only solution for this was to find a political solution for Jews to establish their own state.²⁷

Theodor Herzl took another step towards establishing the World Zionist Organization and managed to convene the First Zionist Congress in Basel, Switzerland in 1897. After this date, the idea of establishing a Jewish State in Palestine was further developed in congresses held in various cities in Europe. Herzl, who came to Istanbul several times and requested land in Palestine from Abdulhamid II, could not achieve any results on this issue and also caused new decisions to be taken to prevent Jewish immigration to Palestine. Because the Ottoman Empire realized that the Jewish Question, which it initially viewed sympathetically as the victims of Europe, had turned into Political Zionism targeting its own lands and began to take measures accordingly. Although Herzl attempted to persuade Abdulhamid II by using world leaders and politicians, especially German Emperor Wilhelm II, as intermediaries, he was unsuccessful. He even openly admitted this at the 7th Zionist Congress.²⁸ In fact, his failure was not only due to the Ottoman Empire opposing his project. Many Orthodox Jews also considered Herzl's ideas as secular, socialist heretical thoughts that corrupted their religion.

However, as the process progressed, Jews in Palestine who were Ottoman citizens would be supported by the means of Zionist investors convinced by Herzl and would be provided with more land ownership through the companies they established. Thus, Jewish colonies would be established with illegal immigrants who would be sent to Palestine gradually. Indeed, the *Second Aliyah* (1904) would take place in the year Herzl died and many Jewish illegal immigrants would be brought to the shores of Palestine and settled in these colonies. In addition to uncontrolled migration, immigrants, uprooted from their communities and taken to an unfamiliar geography would have problems with the local population. Immigrants, who would inflict upon others what they had themselves experienced in places they lived would become the subject of numerous complaints and this would lead to mutual conflicts. Ottoman archives have many complaint letters and petitions sent to the central government from locals living in the vicinity of the Jewish colonies in the Ottoman archives.

While the Ottoman central government was struggling with these problems, it was also trying to impose rules that would prevent the transfer of lands. However, matters that needed to be organized were quite complicated. The procedures of the Jews, who had settled in the region in accordance with the rules

27 Theodor Herzl, *The Jewish State*, The Project Gutenberg EBook, p. 86-89; (<https://www.gutenberg.org/files/25282/25282-h/25282-h.htm>).

28 RTPSA-OA, HR.SYS 1779/44.

and acquired citizenship, long-established local Jews and immigrants got mixed up. According to local reports, intermediaries were smuggling immigrants into Palestine with illegal or fake passports and sending them to Jewish farms.²⁹ The transfer of lands through proxy via Jewish investors or those who had legal rights began to cause serious problems. In the meantime, first the lands of those who had been made to lose money by establishing partnerships with Arabs or who had been indebted by loans began to be confiscated. Especially the Christian Sarsuk and Tubini families, who were from the Beirut population, were collecting lands in Haifa and Nazareth and then transferring these lands to immigrants with promissory notes drawn up by notaries or consulates in Mount Lebanon, which had an autonomous status. In response to this situation, the central government constantly warned local authorities at the end of 1910 and although it declared that all purchases and sales would not be legal unless conducted through the Land Registry Directorate, the transfer of some lands through local non-Muslim intermediaries could not be prevented.³⁰ The fact that Abdulhamid II had some potential lands open to Jewish settlement in Palestine directly transferred to the Private Treasury, which was under his control, also prevented settlements around Jerusalem. Nevertheless, 650 thousand acres of land passed into Jewish hands between 1880 and 1914 through the methods described above. Despite migration to the lands of local Jews and the transfer of lands, Jews were not able to reach a number that would support their claims to establish a state anywhere in Palestine, neither in terms of population nor land ownership by the end of World War I.

1.1.4. Balfour Declaration, Mandate Administration and the Process Leading to the Establishment of Israel

The years of World War I were the most active for Jewish organizations. In fact, although Jewish politicians who supported immigration to Palestine, voiced their ideas of establishing a state low-pitched before the war because they were afraid of international competition, they resorted to all means to take advantage of this golden opportunity that came their way with the outbreak of the war. Thus, they included their own ideas in the plans of the Allied Powers, consisting of Britain, France and Russia, which envisaged the division of the Ottoman Empire. According to a report in the Swiss newspaper *Le Suisse* dated October 1, 1915, a symbolic military group called the Palestinian Force, formed from Palestinian Jews and trained in Egypt, was sent to fight against the Ottomans in Çanakkale in order to convince the Allied Powers. In fact, this military unit was described by the Zionists as the first military unit formed by Jews in two thousand years.³¹ Since the start of the war, the issue of sacred sites was a prominent topic and it was announced that this would later be resolved by a decision to be made by the three states. The Zionists, who turned the situation into an opportunity, soon established intelligence offices in Geneva, Bern and The Hague which were neutral at the time, and spread their ideas to the whole world, particularly in Europe, taking another significant step toward establishing a Jewish state in Palestine.

29 RTPSA-OA, Y.PRK.BŞK 80/55.

30 RTPSA-OA, DH.İ.UM 26/4-8.

31 Paula Kitching, *Britain's Jews in the First World War*, UK 2019, p. 124-125.

The leaders of Zionism and financiers who supported them were very active during the war. On the other hand, there was a need for Jewish capital to stimulate the shrinking European economy during World War I. Jewish financiers generously met this need, financing the war and demanding Palestine in return. However, there was no consensus among the Western allies on this issue. While it was stated that a special status would be determined for Palestine at talks between Britain and France, and even during the 1916 Sykes-Picot talks, the British, independently of this, promised Sharif Hussein whom they encouraged to rebel, an Arab kingdom that included Palestine. Moreover, in September 1917, Lloyd George told some Syrian Arab separatists that the greatest ambition of the British was to liberate Arabic-speaking people from Turkish domination, while informing representatives of the Jewish Agency, whom he received that the British government would support the realization of the national ideals of the Jews.³²

Indeed, shortly after this meeting, a letter written by British Foreign Secretary Arthur James Balfour to Baron Rothschild, a member of the British-Jewish Society, promised support for the establishment of a national homeland for Jews in Palestinian lands. In addition to the personal sympathy of British statesmen such as Lloyd George, Arthur Balfour and Winston Churchill for the idea of Zionism, the presence of Zionist Jewish bureaucrats in the foreign ministry bureaucracy undoubtedly played an important role in the publication of this letter, dated November 2, 1917 and named the Balfour Declaration. More importantly, the aim of German Jewish financiers was to exert pressure on German politics to withdraw from the war and enable the allies to sustain their war economy. A short time ago, the renowned chemist Chaim Weizmann, one of the pioneers of Zionism, demanding that officially declare its support for the Jews in return for his contribution to the British army, was also effective in this process. The idea of establishing a Jewish State in Palestine began to be openly discussed after the Balfour Declaration.

Balfour's letter did not actually contain a clear promise to the Jews; however, the Zionists in Britain, who perceived it as a promise, organized a large rally of fifty thousand people in London and declared their intentions and desires regarding Palestine to the whole world. This rally, which had a significant impact, was widely covered by the European public opinion, apart from the Scandinavian countries.³³ The declaration in question was desperately protested by the Ottoman Empire.

A new era began in Palestine when the British army occupied Jerusalem on December 9, 1917. Considering the consequences of this new situation, the Ottoman Ministry of Foreign Affairs prepared a comprehensive report dated March 3, 1918 and titled *The Palestine Issue- The Case of Zionism*. The report assessed developments over the last fifty years, stating that Palestine could not accommodate more Jewish immigrants and expressed expectations that the occupation would be lifted in favor of the Ottomans at the end of the war.³⁴

32 RTPSA-OA, HR.SYS 2291/4.

33 RTPSA-OA, HR.SYS 2443/47.

34 Sublime Porte (Bâbîâli) Ministry of Foreign Affairs, Palestine Question-Zionism Case, Istanbul, 1334.

The Balfour Declaration included the following statements: *His Majesty's Government view with favour the establishment in Palestine of a national home for the Jewish people, and will use their best endeavours to facilitate the achievement of this object, it being clearly understood that nothing shall be done which may prejudice the civil and religious rights of existing non-Jewish communities in Palestine, or the rights and political status enjoyed by Jews in any other country.*³⁵ Both the writer and the addressees knew the content of this letter that included ambiguous statements in accordance with traditional British diplomatic correspondence as well its potential consequences. This unprecedented declaration that promised to give someone else's land to another, deserves to be called one of the shameful documents in the history of diplomacy. Although the content of the letter gives the innocent appearance of being a response to the Zionists' desires, providing them with a "national homeland" in Palestine, it is an example of the peak of hypocrisy in British politics in general and in European politics in particular. Although this declaration paved the way for the establishment of the State of Israel, it is also worth being assessed as a secret victory for anti-Jews in Europe, that is antisemitism and Zionist Christians. Moreover, the rights mentioned in this declaration were only granted to Jews and never granted to other elements, who constituted 93% of the population in the region at the time it was declared.³⁶

Muslim and Christian Arabs of Palestine would not remain silent in the face of the Balfour Declaration. Indeed, the British occupation of Palestine and the appointment of Sir Donald Stross, a Zionist sympathizer, to Jerusalem as a military judge by the occupation commander Allenby were signs of how the process would continue. Consequently, the first Palestinian Congress, convened by Arabs at the end of 1919 to discuss their future, failed to produce any results, and the Arab Executive Board, which would lead the Palestinian issue, was established at the congress the following year. The appointment of former British statesman and politician Samuel Herbert, a friend of World Zionist Organization President Weizman and a famous Zionist himself, as High Commissioner for Palestine in 1920 once again reduced the obstacles on the way for Jews to establish a state. After this appointment the Palestinian office of the Jewish Agency, which organized Jewish settlement, and the London-based commission would be merged leading to the establishment of the Palestinian Zionist Executive Board in 1921. This Board would be reorganized as the Jewish Agency in 1929. The British military administration in Palestine would be pulled back to Cairo during this process and preparations for the Mandate administration planned to be established would begin.

Despite Türkiye's objections that no decision could be made on former Ottoman lands without peace,³⁷ the League of Nations approved the British Mandate for Palestine in 1922 based on the agreement between Britain and France at the San Remo Conference. It also gave Britain the responsibility to implement the Balfour Declaration. This would encourage and even oblige Britain to enable Jews to immigrate and

35 "Balfour Declaration: Text of the Declaration", *Jewish Virtual Library*, <https://www.jewishvirtuallibrary.org/text-of-the-balfour-declaration>, Access Date: 17.03.2024

36 Arthur Goldschmidt Jr- Lawrence Dawidson, *Kısa Ortadoğu Tarihi*, İstanbul 2007, p. 367.

37 Republic of Türkiye Presidential Archives, Ottoman Archives 2706-23846-4, 1922.05.29.; RTPSA-OA, HR.SYS 2470/91.

settle in Palestine. Indeed, the Palestine Mandate did not develop like the French Mandate for Syria and the British Mandate for Iraq. Steps were taken to establish a completely new Jewish National Homeland in Palestine, which had a predominantly Arab population. Naturally, relations between the British and Zionists during the Mandate period were not always positive. Particularly, the establishment of Jordan as a separate administration disturbed Jews. However, many of the laws that were eventually enacted benefited immigrants more than locals. Following the Arab resistance in 1920, underground Jewish organizations were formed and union actions of Histadrut, the spread of Kibbutz that is farms established on seized lands and pressure from armed organizations like Haganah, would displace many Arabs and remove obstacles on the ways to the establishment of Israel. In fact, new waves of immigration to Palestine had begun since 1919 and by 1926 nearly one hundred thousand Jewish immigrants, mostly from Eastern Europe, had arrived in Palestine. Naturally, new settlement areas and land were needed for these immigrants. The Jewish Executive Board and the Mandate administration worked together to meet this need. In this respect, it is useful to remember the land regime of the Mandate administration.

The British Mandate Administration (1920-1948) felt itself obliged to remain loyal to the status quo established by the Ottoman land law system in Palestine. On the other hand, it also depended on decisions taken at the Hague Conference in 1907. Under international law accepted at the Hague it was not possible to make radical changes in the legal system in occupied countries. Adherence to the Hague rules was also clearly stated in Article 46 of the decree law issued by the British Mandate Administration in September 1922. This article stated that civil courts established by the British would operate in accordance with the Ottoman laws that were in effect on November 1, 1914. One of these laws was the Ottoman Land Law of 1858. Although the validity of the Ottoman Land Law was accepted in principle, new regulations that caused serious changes in its application transformed the property regime in Palestine into a colonial system. The decree issued by the British Mandate on February 16, 1921 regarding the administration of lands categorized as Mawat (lands outside of private property but border villages) mentioned in the Land Law (the Mawat Lands Ordinance of 1921), although short in text, was an important legal regulation regulating property relations in Palestine and the local Arabs were negatively affected by it. The first part of the 1921 Decree is particularly important: "No person shall appropriate unowned vacant land or cultivate it without the approval of the administration; there shall be no title deed to such land, and individuals may be punished for encroachment." However, while Article 103 of the Ottoman Land Law of 1858 granted the right to obtain a title deed provided that a person who opened up a vacant land to agriculture without permission paid the title deed fee, the 1921 Decree accepted the unauthorized use of land as a violation subject to punishment. Although the 1921 regulation, which undermined the legal regime of the Ottoman State regulating agricultural production and land ownership seemed insignificant during the Mandate period, it would lead to serious consequences, especially during the Israeli administration as lands that Arabs had cultivated throughout history but were not bound by a title deed would be taken from them. For example, approximately 80% of the Bedouins living especially in the northern regions of the Birüssebi District before 1948 were forced to leave the region. The Cadastral Survey Ordinance of 1920, which was put into effect by the

Mandate administration in the cadastral work that could have saved the land ownership system from chaos in Birüssebi and its surroundings, was not implemented and the ownership of the old landowners could not be registered. This regulation, which regulated the powers and duties of the committees that would classify lands owned by the mandate administration, was not implemented. The “laissez faire” policy implemented by the British administration in the administration of Birüssebi and its surroundings, which concerned half of the Palestinian territories, was only superficially valid in terms of the land regime. Just as in the Ottoman period, Birüssebi functioned as the administrative center of the Bedouins during this period too. Bedouin sheikhs were accepted as representatives of their tribes under the British administration, thus preserving the validity of traditional relationship between the administrative authority and the community. Although the aforementioned cadastral work could not be initiated, a report prepared by the commission on this issue determined that the lands in the region were being used for agricultural purposes. According to this report, it was stated that the land used for agricultural purposes in the Birüssebi region was 2,829,880 acres, and 1,059,000 acres were used as pastures.³⁸ However, after 1948, these lands were taken from their owners and their owners were displaced from their living areas.

During the mandate period, it was sought that some decree laws regarding property should be in theory in harmony with Ottoman law; however, the new regulations also caused significant changes in the existing Ottoman legal structure. The mandate administration took property law in Palestine towards a colonial understanding with some regulations similar to those in other places under its administration without fundamentally altering the existing legal ground. Palestinians were dispossessed by particularly misinterpreting the situation of lands that were called miri and had been cultivated for centuries, on which “possession law” had been formed. Rights granted during the Ottoman period to lands that were previously treated as private property and to property holders were either reduced or ignored. The mandate administration paved the way to new injustice by changing Article 103 of the 1858 Land Law. As previously mentioned, the legislation in effect during the previous period emphasized that if someone cultivated the vacant land without applying to the state, the relevant land should be registered as a title deed. With the amendment made in 1921, without introducing a new definition, no one could cultivate the vacant land without permission, and anyone who did would be subject to prosecution (Palestine Official Gazette 1921). This led to the development of arbitrary practices in favor of the state and the loss of rights for landowners. Thousands of Palestinians were displaced from their pastures and lands they cultivated as a result of this amendment to the law.

The Mandate administration interpreted the Ottoman Land Laws in favor of the administration with new regulations when necessary and nationalized many lands. Although the law was not emphasized, economic consequences of this situation were also stated in the reports of Hope Simpson³⁹ and Lord Passfield dated 1930., British Colonial Secretary Passfield, in his report, blamed the Jewish Agency for dispossessing Palestinians through various methods. Passfield, who said that Arabs who worked as share-

38 British National Archive Colonial Office (CO) 733/18/47.

39 “Hope Simpson Report -Body English (1930)”, https://ecf.org.il/media_items/1462 (erişim tarihi 19.03.2024)

croppers or tenants on the lands that fell into Jewish hands were expelled from these lands, expressed to his government that Jewish immigration and land purchases should be restricted.⁴⁰ Indeed, the changes that made to the Ottoman Land Law, which it promised to implement, or its interpretations in its implementation, would also become the basis for Israel's claims regarding land ownership after 1948.

The Wailing/Buraq Wall incidents that began in 1929 escalated Arab-Jewish tensions to unprecedented levels. Although sent commissions to the region to investigate the issue, it became clear that the Mandate administration could no longer control the incidents. On the other hand, Hitler's rise to power in Germany and restrictions imposed by the US on immigration made Palestine the only immigration destination for Jews. This began to try Arabs' patience and caused them to worry about becoming a minority. No restrictions being placed on Jewish immigration to Palestine despite Passfield's recommendations escalated the Jewish-Arab conflict after 1933 and this situation continued until the general strike of 1936. The months-long strike brought life in Palestine to a standstill, eventually turning into an uprising. More than 5,000 people lost their lives in the incidents and more than 1,500 were injured whereupon an inquiry commission led by Lord Peel and appointed by was forced to leave the region in 1937 before completing its work. However, the report prepared by the commission and published a year later reflected mostly the views of the Zionists and for the first time officially proposed the division of Palestine.⁴¹

This attitude, which pleased the Jews, disappointed the Arabs. The Peel Commission's division plan or two-state proposal seemed like the fairest solution to the problem at that time, but it was not an acceptable solution for the Arabs, as it involved giving their lands to outsiders. In fact, this solution envisaged a state for the Jews and a union with Jordan for the Arabs. For them, this plan meant the future loss of all Palestine. Although Britain organized a conference to bring the parties together in 1939, the conference was inconclusive thereupon Britain announced a new plan to calm the parties. Under the plan, the Mandate administration would end within ten years and only 15,000 immigrants would be allowed into Palestine each year during this period and land sales to immigrants would be restricted. Britain's new plan would not please Jews who regarded it as giving up their gains and even the Balfour Declaration that had been promised to them.

When it became clear that Britain was serious about its restrictions on Jewish immigration and land acquisition, Jews began to have closer ties with the US. American Zionists who gathered in May 1942 adopted the Biltmore Program,⁴² which rejected the British program published in 1939 and proposed to turn Palestine into a Jewish state. This program, which was also accepted by the World Zionist Organization, later guided the US policies on Palestine. With the support of US politicians, armed Jewish organizations like Stern resumed their terror campaigns. In addition, the US began to put pressure on

40 Carly Beckerman-Boys, "The Reversal of the Passfield White Paper, 1930-1 A Reassessment", *Journal of Contemporary History*, APRIL 2016, Vol. 51, No. 2 (APRIL 2016), pp. 213-233.

41 Shaul Bartal, "The Peel Commission Report of 1937 and the Origins of the Partition Concept", *Jewish Political Studies Review*, Spring 17, Vol. 28, No. 1/2, 100 Years Since the Balfour Declaration (Spring 2017), p. 58.

42 https://ecf.org.il/media_items/1473 (Erişim tarihi: 19.03.2024)

Britain to allow Jewish immigration. For this purpose, a US delegation sent to the region in 1946 requested that 100 thousand more immigrants move to Palestine in a short time and restrictions on their land purchases be lifted.⁴³ Naturally, this proposal did not satisfy the parties and escalated the conflicts. Realizing that its policies in Palestine were ineffective, the British were compelled to bring the issue to the UN General Assembly.

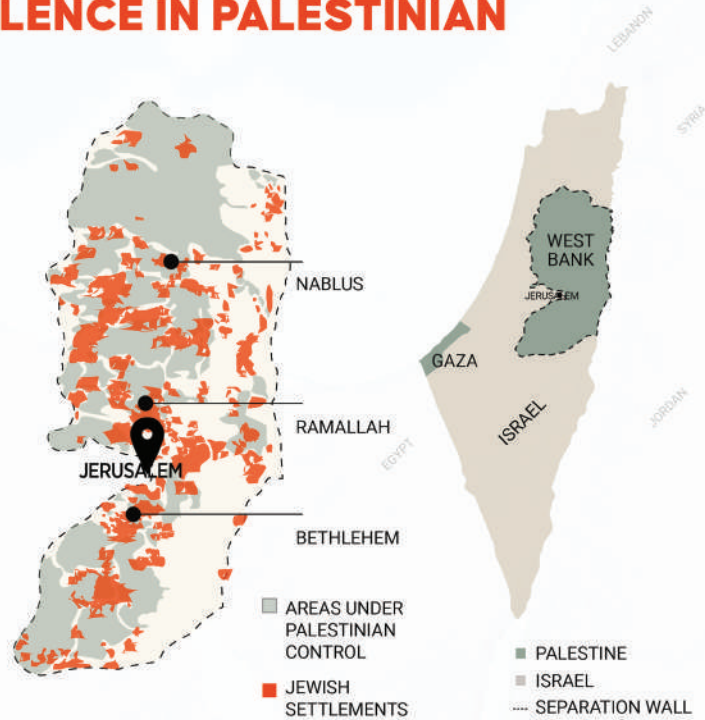
The UN General Assembly established a Special Committee on Palestine and requested that this committee conduct an examination in the region and prepare a report. Members who went to the region in the summer of 1947 could not reach a consensus based on what they observed because 2/3 of the population were Arabs while most of the others were Jewish immigrants from different parts of the world. It was very difficult to organize them under one state or as separate states. The committee proposed a plan that was difficult to implement. Palestine would be divided into seven regions, three of which would belong to the Arabs and three to the Jews; the 7th region, that is Jerusalem and Bethlehem, would be administered by the UN. According to this plan, many Arabs and Jews would be relocated. However, this plan was neither accepted by Palestinian Arabs nor neighboring states. Despite this, it was approved in the UN with 33 votes in favor and 13 against. Even in maps prepared for this plan that proposed to divide Palestine, Jews were in the minority in terms of population and land ownership almost everywhere except in very limited areas. Therefore, the plan was seen to be in their favor and they were inclined to accept it. However, when Arabs strongly opposed the plan, the incidents started again. Arab states objected but remained silent about sending armies. Therefore, the parties began to gather volunteers to form armies and attack each other. Particularly, the massacre committed by the Zionist terrorist organization Irgun in Deir Yassin, an Arab village near Jerusalem, was the beginning of the Jewish-Arab conflict and insolvability of the problem.

In the face of these developments, the UN suggested putting the division plan on hold for ten years, but this proposal was met with great resistance by the Jews. When Jewish lobbies put pressure on US President Truman, he announced that he would support Jews despite the opposition, which greatly encouraged them. When according to the UN plan, Jews implemented the Dalet Plan, which aimed to displace Arabs - considered ethnic cleansing by Arabs- tensions further escalated because Ben Gurion and other Jewish leaders who implemented this plan were known for their oppression, violence and terror practices and did not inspire confidence. As expected, Jewish organizations that were activated in March 1948 began to burn and destroy villages and drive Arabs out of the regions where they lived. By the time the State of Israel was declared on May 14, 1948, more than 200 Arab villages had been destroyed, and 175,000 Arabs had been displaced. This policy continued, and from May 1948 until the end of the war in 1949, hundreds of thousands of Palestinians were turned into refugees. The Absentee Property Law, which was enacted in 1950 after the establishment of the State of Israel and allowed the confiscation of the properties of those who were forcibly displaced and made refugees, brought the violations of rights to their peak.

43 https://ecf.org.il/media_items/398. (Erişim tarihi: 19.03.2023).

JEWISH SETTLEMENTS: LAND GRAB AND VIOLENCE IN PALESTINIAN TERRITORIES

- In the first half of 2024, **1,530 settler attacks** were recorded in **West Bank**
- Jewish settlements built in occupied West Bank and East Jerusalem **make establishment of Palestinian state within 1967 borders impossible**



IN WEST BANK AND EAST JERUSALEM

262 

Jewish settlements
 • 252 in West Bank
 • 10 in East Jerusalem

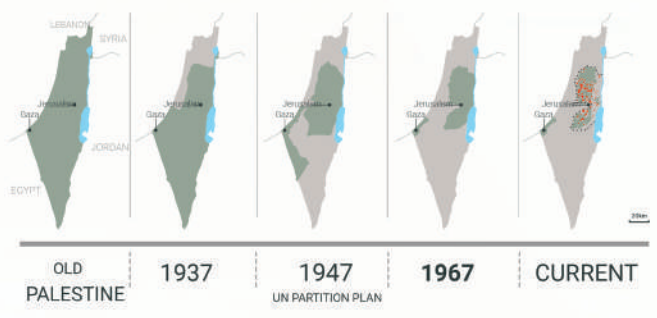


745,000

Jewish settlers reside in these areas
OVER 230,000 are in East Jerusalem

Jewish settlements occupy more than **13% of West Bank's total area**

1967
 Israel began constructing Jewish settlements in West Bank and East Jerusalem after occupying these areas



1.2. The Legitimization of Israeli Aggression through Nationalism and Religion

In both the construction of a nation state and the invention of an expansionist and aggressive “national cause” for it, it is possible to shape an ideology by interpreting the favorable elements in history and religion. As a secular ideology, Zionism has also benefited from history and religion for this purpose. In this process, Jewish theology has been instrumentalized as the material of an expansionist and aggressive policy.

In mainstream Jewish theology, the trio of God, the chosen people and the holy land are evaluated together to form a circle of holiness. According to this approach, the holy trio in this circle can never be conceived separately from each other. It is believed that, God chose them from among the people and made a covenant with their ancestor Abraham, giving him and his descendants all the land from the Nile to the Euphrates. The members of this lineage, who were called Hebrews in the early period, later began to be called Israelites and Jews. Since they believed that the region in question was especially given to their ancestors by God, the Jews called this place the “promised land”.

The Hebrew tradition, which was passed down from generation to generation, argued that these lands were an ancestral heritage, and the Jews saw themselves as the owners of these lands. On the other hand, it is also known that Jews never had a state encompassing such vast territory at any point in history. Since ancient times, the widest borders of the states established by Jews did not extend beyond the land of Canaan, that is, today's Palestine, and a small part west of Jordan. Besides, the Israelites did not continuously live in the land of Canaan throughout history, and were dispersed to different regions due to reasons such as migration and exile. However, the emphasis on returning to the promised land in their written and oral culture kept the bond between them alive and the sense of belonging to these lands was engraved in their memories as an equivalent of their faith in God. Jews, who believed that the divine will was in favor of completing the holy trio, thought that they would be returned to these lands by God no matter where they went. While this belief dominated for centuries, in the 19th century, Zionists stopped “waiting for divine will” and attempted to establish a Jewish state in this geography. Having achieved this goal with the establishment of the State of Israel in 1948, the Zionists continued their policy of occupation and tried to seize new territories with each passing day.

1.2.1. Belief in the “Promised Land”

Judaism asserts that Abraham was the first Jew in history and the ancestor of Jews. According to the Torah, he followed the divine command and migrated from the city of Ur in Chaldea (located in the southeastern part of present-day Baghdad) in a northwesterly direction and arrived in Harran. From there, Abraham migrated south to Palestine and settled in the city of al-Khalil/Hebron, but due to famine, he set off westward from there and travelled as far as Egypt. Shortly afterward he returned to al-Khalil where he

was buried upon his death. God (Yahweh) was pleased with Abraham's obedience to the divine command, made him a friend from among the people and made a covenant with him. Within the framework of this covenant, the lands that Abraham's feet touched were given to him and his descendants.

After these events, Yahweh spoke to Abraham in a vision, "Do not fear, Abraham. I am your shield, and your reward will be very great." Abraham asked, "Lord Yahweh, what will you give me?" (Genesis 15:1-2)

God said to Abraham, "I am Yahweh, who brought you out of Ur of the Chaldees to give you this land as an inheritance." Abraham asked, "Lord Yahweh, how do I know that I will inherit this land?" (Genesis 15:7-8) Yahweh replied to Abraham, "Know for certain that your descendants will live in a foreign land, as exiles and will be enslaved and oppressed for four hundred years. But I will punish the nation that enslaved your descendants, and then your descendants will come out of there with great wealth... The fourth generation of your descendants will return here. (Genesis 15:13-16)

On that day, God made a covenant with Abraham and said, "To your descendants I will give this land, from the River of Egypt to the great river, the Euphrates—the land of the Kenites, Kenizzites, Kadmonites, Hittites, Perizzites, Rephaites, Amorites, Canaanites, Girgashites and Jebusites." (Genesis 15:18-21)

According to this belief, after the death of Abraham, God did not sever the covenant bond, but also made a covenant with Isaac and Jacob. Thus, Hebrews have been in an uninterrupted covenant with God since Abraham.

The period of exile for the Israelites, as described in the Torah, began during the time of Jacob. The family that migrated to Egypt to join Joseph continued to live there. However, during this period, Hebrews maintained their sense of homeland, did not mix with the local people, and believed that they would one day return to where they had come from. Information in the Torah reveals that at least during the lifetime of Jacob and his sons, this nation maintained ties with the land of Canaan. For example, when Jacob passed away, he requested that he be buried in al-Khalil, and his wish was fulfilled.

Then Jacob commanded his sons, saying, "I am about to die and join my people. Bury me next to my ancestors in the land of Canaan, in the cave of the field of Ephron the Hittite, in the field of Machpelah, near Mamre. Abraham had bought that cave from Ephron the Hittite, along with the field, to make a tomb for himself. Abraham and his wife Sarah, Isaac and his wife Rebekah were buried there. I buried Leah there too. The field and the cave in it were purchased from the Hittites." When he had finished giving instructions to his sons, Jacob pulled his feet into the bed, breathed his last, and was reunited with his people. (Genesis 49:29-32)

When the days of mourning were over, Joseph said to Pharaoh's household, "If you have been pleased with me, please speak to the Pharaoh. My father made me swear an oath and said: 'I am about to die. Bury me in the grave I dug for myself in the land of Canaan.' Now, please tell the Pharaoh to let me go so that I will bury my father and come back." The Pharaoh said, "Go, bury your father, and fulfill your oath." So Joseph went to bury his father. All of Pharaoh's officials and dignitaries of the palace and Egypt accompanied him. Joseph's entire family, his brothers, and his father's household were with him. (Genesis 50:1-7)

Jacob's sons did exactly as their father had commanded. They took him to the land of Canaan and buried him in the cave in the field of Machpelah near Mamre. Abraham had bought that cave, along with the field, from Ephron the Hittite to use as a burial site. After burying his father Joseph returned to Egypt with his brothers and all those who had come with him to bury his father. (Genesis 50:12-14)

Like his father, Joseph too made a request to be buried in the holy land when he passed away. The fact that the Israelites took his body with them when they left Egypt indicates that they did not forget this request. This shows that the Israelites maintained the doctrine of the promised land throughout their time in Egypt and that aimed to return there one day.

Joseph said to his relatives, "I am about to die, but God will surely come to your aid and take you into the land he swore to Abraham, Isaac and Jacob." Then he made them swear, "God will absolutely come to your aid, and then you will take my bones from here." Joseph died at the age of one hundred and ten. They embalmed him and placed him in a coffin in Egypt. (Exodus 13:19)

Moses took Joseph's bones with him, because Joseph had made the Israelites swear to him, "God will absolutely come to your aid, and you will take my bones from here." (Exodus 13:19)

When the Israelites left Egypt, they took Joseph's bones with them. They buried them in Jacob's field in Shechem. Jacob had bought the field from the grandsons of Shechem's father Hamor for a hundred pieces of silver. It became the property of Joseph's descendants. (Joshua 24:32)

After four hundred years in Egypt, the Israelites set out for Palestine under the leadership of Moses. They believed that these lands had been given to them by God and that God would help them fulfill this promise. According to the narrations in the Torah, this belief was supported by miracles performed along the way.

I will save you from the oppression of Egyptians and free you from being their slaves. I will severely judge them and set you free with my mighty hand. I will make you my people and I will be your God. Then you will know that I am Yahweh your God, who saved you from the oppression of Egyptians. I will take you into the land that I swore to Abraham, Isaac and Jacob that I would give it to you. I am Yahweh. (Exodus 6:6-8)

However, Israelites defied the divine command and worshipped idols. So God willed that that generation not enter the holy land and made them wander in the desert for forty years.

When the Israelites came out of Egypt, they wandered in the desert for forty years until all men of fighting age died because they had not paid heed to Yahweh, and Yahweh had sworn that he would not show them the land flowing with milk and honey that he had sworn to our ancestors to give it to us. Yahweh allowed their children to live in their place. (Joshua 5:6-7)

1.2.2. Holy War for the Promised Land

It was not easy for Israelites to settle in holy lands. Israelites, who entered into countless conflicts with the people living in the region, managed to defeat them in these conflicts. According to the narrative of the Torah, these victories were achieved through the intervention of God Himself. Israelites' ruthless and harsh behavior in wars they entered into was also presented as the implementation of divine instructions.

When we look at the Torah, we can see that the fact of returning to the promised land parallels terrible violent events from the very beginning. Israelites were made psychologically ready for unlimited cruelty with violent instructions given by God Himself.

According to the narrative of the Torah; God, who directed Israelites to the holy lands, had very harsh demands. Harsh and merciless orders such as looting, killing women and children who did not participate in the war along with soldiers and even killing animals did not put any limits on what Israelites could do in the war for the holy lands.

God made a distinction between the seven tribes that were the native inhabitants of the region (Hittites, Girgashites, Amorites, Canaanites, Perizzites, Hivites and Jebusites) and the tribes that lived in the surrounding areas. Since lands inhabited by these seven tribes were considered to belong to God Himself, they were considered invaders, and the magnitude of their sins drew God's wrath upon them. God, who rained down very harsh commands against them, commanded the Israelites to be especially merciless towards these seven tribes in the region, never make an agreement with them, not to spare any living creature, including their animals, not to leave any single stone unturned, and erase their traces as

if they had never lived on earth. This violent rhetoric observed in the Torah is particularly striking. The practices that are commanded to be carried out are encouraged so that no sin is committed against God. The reason for the command to slaughter not only humans but also animals is not explained. In any case, these commands are religious based and incite violence.

But you must not allow any living creature to live in the cities of these peoples that the LORD your God is giving you as an inheritance. You must utterly destroy them—the Hittites, Amorites, Canaanites, Perizzites, Hivites and Jebusites—as the LORD your God has commanded you, so that they will not teach you to follow the abominations they have committed in serving their gods, and you will not sin against the LORD your God. (Deuteronomy 20:16-18)

On the other hand, God did not see any harm in offering peace to the tribes living in the surrounding regions and enslaving them, in fighting them if they resisted, and in displaying violence after defeating them. These divine doctrines that encouraged violence were actually compatible with realities in practice during the conflicts between tribes in the region. Therefore, these instructions did not impose rules that had no social equivalent, but rather gave the current practices a divine origin.

Before you attack a city, offer peace to its inhabitants. If they accept your offer of peace and open their gates to you, all the inhabitants of the city will work for you and serve you. But if they reject your offer of peace and want to fight you, lay siege to the city. When Yahweh your God has delivered the city into your hands, put to the sword all the male inhabitants of the city. You may plunder women, children, livestock, and everything in the city. You may use the enemy's property that Yahweh your God has given you. This is how you shall treat all the cities that are far away from you, not belonging to the nations near you. (Deuteronomy 20:10-15)

These instructions, which stipulated how the local population should be treated, did not remain theoretical. According to the narratives in the Torah, the Israelites who fought with those who attacked them or who posed a threat to them on their way to the holy lands implemented these provisions. In battles with the local population, the Israelites massacred children and women as well as soldiers of their rival armies, sparing only virgin girls alive to be concubines, and looted all the property of these peoples.

When the King of the Canaanites Arad, who lived in the Negev, heard that the Israelites were coming by the way of Atarim, he attacked them and took some of them captive. Then the Israelites vowed to Yahweh, "If you deliver all of this people to us, we will utterly destroy their cities." Yahweh heard the Israelites' pleas and delivered the Canaanites into their hands. The Israelites utterly destroyed them and their cities. That place was called Hormah. (Numbers 21:1-3)

King Og of Bashan and his army confronted them at Edrei to fight. Yahweh said to Moses, "Do not fear him, for I have delivered him, his army and his land into your hands. You shall do to him as you did to King Sihon of the Amorites who lived in Heshbon." So the Israelites destroyed Og and his sons and his army, leaving no one alive, and seized the land. (Numbers 21:33-35)

So our God Yahweh delivered Og, the king of Bashan, and all his people into our hands. We destroyed them all, leaving not one alive, and we captured all their cities. Not a single city was left uncaptured. There were sixty cities: all the territory of Argob, the land of Og in Bashan. All these cities were fortified with high walls, gates, and bars. Besides these, there were many villages that were not fortified. We utterly destroyed them all, just as we had done with King Sihon of Heshbon. We destroyed every city, men, women, and children, and we took the livestock and the property in the cities. (Deuteronomy 3:3-7)

At the command of Yahweh to Moses, they declared war on the Midianites and killed all the males. Among those they killed were five Midianite kings—Ebi, Rekem, Tyre, Hur and Reba. They also put Balaam, the son of Beor, to the sword. They took the Midianite women and children captive and plundered all their livestock, herds and property. They burned all the cities and encampments where the Midianites lived, taking with them the people, the livestock and all the plundered property. (Numbers 31:7-11)

According to the Torah, it was Moses himself who encouraged the Israelites to engage in these horrific acts, plunder and mass destruction. This situation, which reveals that the practices carried out were divine commands and that the prophet demanded their execution when they were not fulfilled, can be considered a significant factor that motivated violence. These commands in the Torah are attributed to God, giving the impression that the Israelites were merely an intermediary implementing God's instructions. In this context, the sacred scripture portray an image of a violent God and prophet.

Moses became angry with the commanders of the army—majors and captains -who had returned from the war. He said to them, "Did you keep all the women alive? These women acted according to Balaam's advice and caused the Israelites to betray Yahweh at Peor, so a deadly disease broke out among Yahweh's people. Now kill all the male children and all the females who have had sexual relations with men, but keep alive for yourselves the young females who have not had sexual relations with men. (Numbers 31:14-18)

Entry to the holy land was granted to the new generation born in the desert during the time of Moses' successor Joshua son of Nun. Many miraculous events took place during this period. The Israelites, who were engaged in conflict with the local populations, did not cease their attacks until they captured

the city of al-Khalil, where the tombs of their ancestors, Abraham, Isaac, Jacob and their wives, were located. Those who were killed during these wars were not only those on the battlefield; moreover, not only people but also animals were slaughtered. Therefore, what the Israelites did while settling in the holy land should be assessed as the mass destruction of everything there.

City walls collapsed. Everyone entered the city from their positions. So they took over the city and put all the living creatures to the sword, from women to men, from young to old, from small and large cattle to donkeys. (Joshua 6:20-21)

Then they burned the city with all its inhabitants, but they put the gold and silver, the bronze and iron articles in the treasury of the Temple of Yahweh. (Joshua 6:24)

Now go and attack the Amalekites. Destroy everything that belongs to them, do not spare anything. Kill every man and woman, every child, every ox, every sheep, every camel, every donkey. (I. Samuel 15:3)

In Jewish holy texts, the wars that the Israelites fought to settle in the region are narrated starting from the book of Numbers. This process, which started in the time of Moses, continued until David. This process, called the Period of Judges and the Period of Kings, lasted more than two centuries. The first Jewish state formed by the united Israelite tribes coincides with the time of David. During the reign of his son and heir Solomon, diplomatic relations were given priority in foreign relations. In Judaism, David and Solomon stand out with their roles as kings rather than prophets. According to the narratives in the holy texts, although there were wars with various tribes in the period until David, the period of Solomon was a period of peace, similar to the meaning of his name. Marital ties established with the surrounding tribes during his time were evaluated as initiatives that strengthened diplomatic relations rather than war. Thanks to this policy, the state directed its power towards development instead of wasting it in wars, thus history witnessed the most powerful and magnificent Jewish state.

Following the death of Prophet Solomon, conflicts among tribes resulted in the disintegration of the state, with the tribes in the north continuing their existence in the Kingdom of Israel and the tribes in the south in the Kingdom of Judah. Jews soon fell under the domination of powerful states in the region such as Egypt, Assyria and Babylon, and subsequent history brought continuous losses to them. The State of Israel collapsed in 720 BC, and the 10 tribes there scattered and disappeared throughout the world. The State of Judah collapsed in 587 AD, and Jews began a life of exile in the lands of Babylon. Although the exile ended half a century later, a sovereign Jewish state could not be established, and Jews living under Persian rule in Judah became subjects of Alexander the Great two centuries later. Although the Maccabean Revolt in the 160s BC led to the establishment of a Jewish sovereign state, its existence was short-lived, and the region was annexed to the Roman Empire. Rome sent a large army to the region to break the determination of Jews who were constantly rebelling for freedom, and after the

violent clashes, it destroyed the holy temple in Jerusalem in 70 AD and expelled Jews from the region. The period from this date until 1948 is called the Great Exile or Diaspora Period in Jewish history. During this period, a Jerusalem-centered state remained a dream for Jews. Ideals and practices based on this dream were passed down from generation to generation and formed the foundation of a national ideology known as the “Ideal of Return to Zion.”

1.2.3. The Ideal of Return to Zion

In the Jewish holy book, Zion is one of the names of Jerusalem. Literally expressing the Jerusalem cause in Judaism, Zionism is an ideology that aims to gather Jews scattered around the world to the holy lands, build a Jewish state with Jerusalem as its capital, and ensure that they live there freely. The ideal of Return to Zion, shaped around the doctrine of the promised land and the Messianic belief, is based on holy texts. According to this belief, God granted the holy land to the Israelites because of the covenants he made with his ancestors.

Israelites are the true owners of this land and the only ones who have the right to live on it. Although God punished them with exile for their mistakes, one day He will send the Messiah to gather them back to this land. Jerusalem is God’s special city, his sacred place, and in holy texts, God’s presence in Jerusalem is identified with Jews’ residence in Jerusalem.

Yahweh says : Arise, O daughter of Zion, and rejoice, for I am coming to dwell among you. On that day many nations will be joined to Yahweh and will be his people. Then I will dwell among you. ... Yahweh will inherit Judah as his portion in the holy land, and will choose Jerusalem again. (Zechariah 2:10-12)

I will return to Zion and dwell in Jerusalem. (Zechariah 8:3)

And thus says Yahweh of hosts: I will save my people from countries in the east and west, and will bring them back. They will dwell in Jerusalem. (Zechariah 8:7-8)

Yahweh, who shows you compassion, says: “Though the mountains be shaken and the hills be removed, yet my loyalty for you will not end, nor my covenant of peace be shaken.” O afflicted city, lashed by storms and not comforted! I will rebuild you with stones of turquoise, your foundations with sapphires. I will make your battlements of rubies, your gates of sparkling jewels, and all your walls of precious stones. (Isaiah 54:11-12)

Yahweh-the God of armies says: “I will shake all nations, and the treasures of all nations will come in, and I will fill this house with glory.” (Haggai 2:7)

These and similar passages in the holy texts made the Jews think that one day, they would eventually return to Jerusalem with God's help, and the promise would come true. During the Great Exile, which lasted approximately two thousand years, the Jews never erased Jerusalem from their memories and made constant efforts to return there. The phrase "Next year in Jerusalem" used in the prayers recited on the most important holidays in the Jewish calendar, Yom Kippur and Passover, always kept the goal of return alive. False Messiahs that appeared in Jewish history have always appealed to this feeling. The Zionist movement is a reflection of this ideal and produced its concrete result on May 14, 1948.

What has kept Jerusalem constantly on the Jewish agenda has been its religious status. A special, deep bond has been established between Jerusalem and Jews who perform their daily prayers in this city which is their Qibla.

Among prayers recited during the Hajj pilgrimage, which is performed three times a year, there are prayers to be recited on holidays and special days. These prayers also include references to Jerusalem. If expressed in items, these prayers include themes such as God's dwelling in Jerusalem, God's house being located in the middle of Jerusalem, the reward for visiting Jerusalem in the hereafter (*olam haba*/hereafter or Messianic period), God taking the Jews from exile to Jerusalem, Jerusalem being the symbol of unity of the 12 tribes and a place of thanksgiving, God's special care for both Jerusalem and the Israelites, Jerusalem being mentioned along with other precious and honorable entities when praying to God, praying for God's anger towards Jerusalem to end, begging Him to have mercy on Mount Zion, the temple, the holy house where His name is chanted and Jerusalem, praying for those who mourn Jerusalem to be comforted, praying for Jerusalem to be rebuilt as soon as possible and for joyful voices of the youth to be heard in its streets. (Sidur Kol Yaakov, 35, 87, 91, 133, 175, 177, 217, 263, 291, 415, 471, 475, 483, 487, 509, 531, 793, 875, 947.)

1.2.4. From Theory to Practice: Efforts to Establish a Jewish State

From the very beginning of the Great Exile, Jews sought to resettle in Jerusalem and establish a state there, or at least to build a temple. So, they never refrained from military and diplomatic initiatives, and if necessary, did not hesitate to fight, bribe administrators or engage in various lobbying activities. All these practices are historical events that nourish the Ideal of Return to Zion in Jewish memory.

In 115 AD, Jews launched a rebellion that encompassed the Mediterranean basin and deeply shook the Roman Empire. This uprising was the first major war launched by Jews against Rome after the destruction of the temple. Named after the Roman commander who suppressed it, the Kitos Revolt is referred to in Jewish sources as "Mered ha-Galuyot/ha-Tfutsot," meaning the Diaspora Revolt. The conflicts covered the colonies in North Africa, Cyprus, and various regions of Mesopotamia. This uprising, which lasted until 117 AD and was brutally suppressed, resulted in the deaths of around 500,000 people. Since they had deeply shaken Rome, the fighting spirit of Jews did not diminish and rumors of

the imminent arrival of the Messiah spread. Although minor conflicts occurred as a result of this propaganda, the region of Judah became the scene of serious conflict once again with Bar Kokhba Revolt, which was the climax.

This uprising is known as the largest war recorded in Jewish history. The war, which began in 132 AD, was named after the leader Simeon, who was nicknamed “Son of the Star.” The people, who believed that he was the divine savior Messiah, formed an army of approximately 600,000 people with the belief in the holy war, and even the Samaritans, a community that the Jews had excluded, joined the army. Jews defeated the Roman army, captured Jerusalem and the region, and established the Jewish state. However, there is no information about any attempt to build a temple during this time. Rome’s most successful legions were sent to the region to suppress the uprising. After bloody clashes, the commander Julius Severus, who defeated the Jews, punished the leaders of the uprising by raking their bodies with iron combs without killing them in order to discourage the people from rebelling again. Emperor Hadrian forbade Jews from entering the city and punished disobedience with execution. In order to erase it from the memory of the people, he completely destroyed Jerusalem, plowed the ground of the city and built a new Roman-style city called Aelia Capitolina on the ruins of the city. Jews did not dare to rebel again in the following period, due to the trauma they experienced during the brutal suppression instead tried to achieve their goals through civil initiatives and lobbying efforts with other states.

Jews who developed close relations with the Roman Emperor Philavius Julian known as Julian the Apostate, between 361-363 AD, wanted to expel Christians from Jerusalem and rebuild the temple with his support, but could not achieve their goal due to the death of the emperor.

The second diplomatic attempt regarding the construction of a temple in Jerusalem was made approximately a century later, when Eudoxia, the wife of Emperor Theodosius II, was the Governor of Jerusalem. According to information provided by Christian chronicles, after being promised to establish a Jewish Quarter in the city in return for a large bribe, Jews wrote letters to their fellow Jews living in Byzantine and Babylonian lands, inviting them to the city under the slogan, “Our kingdom will be established in Jerusalem.” This news excited Jews and raised their hopes that the temple would be built. Local Christians, who were disturbed by the influx of Jews into Jerusalem, informed clergy in the surrounding area about this situation. The cleric Barsauma from Nusaybin invaded the city with his disciples, and under his pressure, Jews were expelled from the city.

When Persians captured Jerusalem in 614, Jews were able to return to the city. Taking advantage of the war between Sassanids and Byzantium, Jews cooperated with Sassanids and joined the Persian army with approximately 20,000 soldiers in exchange for the capture of Jerusalem and its return. In this war, which is also mentioned in the Rum Sura in the Quran, when Byzantines were defeated, Persians left Jerusalem under Jewish rule. Approximately 70,000 Christians were killed in the massacre of the

local population, the Church of the Resurrection, which was the Christians' qibla, was looted and the holy tomb was burned. Sassanids, who found violence committed by Jews in the region excessive, took control of the city from them approximately three years later and handed it over to Christians. This time, when Christians set out to take revenge, Jews were forced to flee the city.

Jews were able to return to Jerusalem when the city fell into the hands of Muslims in 638. Although some historians state that Omar did not give Jews permission to settle in the city, this view is not very common. During the Muslim period, Jews were able to come to Jerusalem freely, perform their religious duties, and settle there. Small Jewish neighborhoods and synagogues were found in Muslim-dominated Jerusalem.

Although it was free to enter the city for centuries, Jews gave up on the Jerusalem cause based on the principle of *Shalosh ha-Shevuot/Three Oaths* (Ketubot 111a) in the Talmud, and for this they waited for divine intervention such as the coming of the Messiah. According to this principle, Jews should not return to the holy land by force, they should not rebel against nations they live among, and they should not establish authority over other nations. According to this approach, the state for Jews will be established by the Messiah under the control of God Himself, and they should wait patiently until he comes. As part of attempts by Jews to return to Jerusalem for more than a thousand years, history has witnessed only two examples, David Alroy (12th century), who appeared in Urfa, and Sabbatai Zevi (d. 1676), who appeared in Izmir. Although they declared themselves as the Messiah, they did not have a significant impact among Jews. In short, Jews, who were pleased with freedom under Muslim rule, did not come to Jerusalem and pursue the cause of establishing a state there.

In the 19th century, the Zionism movement emerged among Jews in Europe. This movement aimed to establish a Jewish state on the lands of Palestine. To this end, Zionist leaders organized *aliyah*, that is, the migration and settlement of Jews living in various parts of the world to the lands of Palestine in order to create a demographic presence in the region. Since Palestine was under Ottoman rule at the time, the process of achieving the goal of establishing a state began in the last days of 1917 when the region fell into British hands. The State of Israel was established in 1948 after Jews brought from all over the world made progress in terms of adapting to the region and each other,

There were different approaches to Zionism among Jews. While some adopted Zionism, ultra-Orthodox Jews in particular viewed this movement as degeneration. Religious Jews state that Zionists violated the Three Oaths principle in the Talmud. Although this principle states that the Jewish state will be established by the Messiah under the control of God Himself and patience is required until then, Zionists stole a role from God, opposed His divine will, and violated the Jewish tradition by trying to establish a state. Therefore, anti-Zionist religious Jews consider the state of Israel illegitimate, claiming that it is a satanic plan and an act of rebellion against God, and argue that it must be destroyed.

FRAMEWORK 1: ISRAEL AND TERROR

ACTS OF TERRORISM DURING AND AFTER THE FOUNDATION OF ISRAEL

The behavior displayed by Israel in Gaza after October 7 was frequently described by civilian and military administrators, human rights experts, academics and media members as “acting like a terrorist organization rather than a state limited by law.” In fact, this style was not surprising at all for those who closely followed the process of terrorism before the establishment of Israel and the occupation policies implemented after its establishment. It is possible to say that high-level military, bureaucratic and political elites assuming important roles in terrorist organizations such as Haganah, Stern and Irgun during and after the establishment of Israel was an important factor in the continuity of terror as a state policy.

During the period of the Mandate administration established by the British in the Palestinian territories, various terrorist acts were carried out by terrorist organizations that constitute the core of today's Israeli Army, primarily against Palestinians and at times against the British and representatives of other Western states and international organizations in order to prepare the establishment of the State of Israel and establish Jewish settlements by clearing the region of its real owners, the Palestinians. While acts of terror and massacres against Palestinians are almost taken for granted, attacks on representatives of Western countries or international organizations that have consistently supported the establishment and subsequent occupation processes, and “silence” following these attacks are noteworthy.

Many terrorist acts were carried out by Zionist terrorist organizations during the establishment of Israel, in order to instill fear in Palestinians and drive them away from their lands. For example; In the Irgun bombing of a marketplace in Haifa (July 1938), 35 Palestinians were killed; in the Hagana attack on the village of Balad Alsheh (January 1947), 60 Palestinians were killed; in the Irgun bombing of Haifa (June 1947), 74 Palestinians were killed; in the Hagana attack on the village of Yazor (January 1948), 20 Palestinians were killed; in the Hagana attack on the village of Sasa (February 1948), 60 Palestinians, including women, elderly people and children, were killed; in the Irgun attack on the village of Nasruddin (April 1948), all the houses in the village were destroyed

and 50 Palestinians were killed; in the most brutal attack up to that time on the village of Deir Yasin by the Irgun and Lehi, all the houses in the village were destroyed and all the inhabitants (250 people) were killed. As part of the large-scale ethnic cleansing carried out against Palestinians during the Nakba period, dozens of massacres were committed, more than 500 Palestinian villages were destroyed by 1949, and a total of 900 thousand Palestinians were forced to leave their homes.

When looking at the attacks of Zionist terrorist organizations against targets other than Palestinians; the bombing of Jerusalem and Tel Aviv immigration offices of the British Mandate Administration by the Irgun (February 1944), the killing of 5 British soldiers as a result of the bombing of British intelligence centers in Jerusalem, Jaffa and Haifa by the Irgun (March 1944), the killing of 91 people, including 41 Palestinians, 28 British, 17 Jews and 5 other nationalities, in the attack by Haganah and Irgun on the King David Hotel, which was used as the intelligence and administrative center of the British Mandate (1946), the killing of 12 British soldiers in a bomb attack on the canteen used by British soldiers in Jerusalem (March 1947), the killing of 13 British soldiers in a car bomb attack on the British Military Station in Haifa (August 1947), and the killing of 8 British soldiers, including 1 general, in an attack on the British Military Camp by the Irgun (April 1948) are noteworthy.

Lord Walter Moyne, the British Secretary of State for the Colonies to whom Israel owed much for his support during the Balfour Declaration and Mandate Administration process at the stage of its establishment was assassinated in Cairo (November 1944) by two Jews who were Egyptian citizens and members of the Stern organization on the grounds that he was guilty of the Struma Disaster and was pro-Arab.

Count Folke Bernadotte, who was appointed by the UN as a mediator to end the Arab-Israeli War that broke out in the context of the Palestinian issue and whose plan caused discomfort among Zionists, was assassinated in Jerusalem (September 1948) by the Stern terrorist organization along with UN observer Colonel André-Pierre Serot. Count Bernadotte, a member of the Swedish Royal Family, played an active role in the release of thousands of Jews in Nazi Germany while serving as a diplomat during World War II.

Another interesting incident targeting Israel's allies was an attack on the USS Liberty Ship of the American Navy by the Israeli Army during the Six-Day War (June 1967). In

the attack in which 34 American citizens were killed and 171 were injured, Israel claimed that it “accidentally” struck the USS Liberty Ship mistaking it for an Egyptian ship but reports prepared by the United States on the attack in which over 800 rockets and around 3,000 bullets were used indicate that the ship was deliberately struck. However, even these reports did not prevent the United States from quadrupling its aid to Israel and signing an intelligence agreement the following year.

In the actions mentioned above, Israel’s political, bureaucratic and military elite also played significant roles in the decision-making and implementation stages. Below are a limited number of examples of prominent political figures involved in terrorist acts, along with the titles they held during their later service.

Yitzhak Shamir (Prime Minister) was involved in the planning and decision-making processes of the assassinations of Lord Moyne (1944) and Count Bernadotte (1948) carried out by the Stern terrorist organization.

Menachem Begin (Prime Minister), who led the Irgun, a faction of Haganah, ordered the attack on the King David Hotel (1946) against the Mandate administration. Begin is also remembered for his role in the Deir Yasin Massacre (1948).

Troops led by Moshe Dayan (Minister of Defense - Chief of General Staff), who started his career in the Haganah terrorist organization, massacred 426 Palestinians in the Palestinian city of Lida (1948).

Yitzhak Rabin (Prime Minister - Minister of Defense - Minister of Labor), who held commando and leadership positions in Haganah and participated in numerous terrorist acts, was assassinated (1995) by Yigal Amir, a far-right Jew, for signing the Oslo Accords.

Ariel Sharon (Prime Minister - Defense Minister), who was a member of the Haganah terrorist organization, carried out many massacres. He massacred 67 Palestinians in the Qibya Village Raid (1953) with 600 soldiers and set two Palestinian villages on fire. Also known as the Butcher of Beirut, Sharon enabled pro-Israeli Phalangist militias to enter the Sabra and Shatila refugee camps that he besieged and massacre 3,500 Palestinian civilians (1982).

A market in Jerusalem at the end of the 19th century



Ottoman Soldiers in Front of the Castle



Jerusalem in the Ottoman Period in Photographs, GNAT Library 82-4592

Celebration of Sultan Abdulhamid's Enthronement at Jerusalem's Elyafa Gate - 1906



Jerusalem in the Ottoman Period in Photographs, GNAT Library 82-4592

A wedding in Palestine during the Ottoman Empire- June 1904



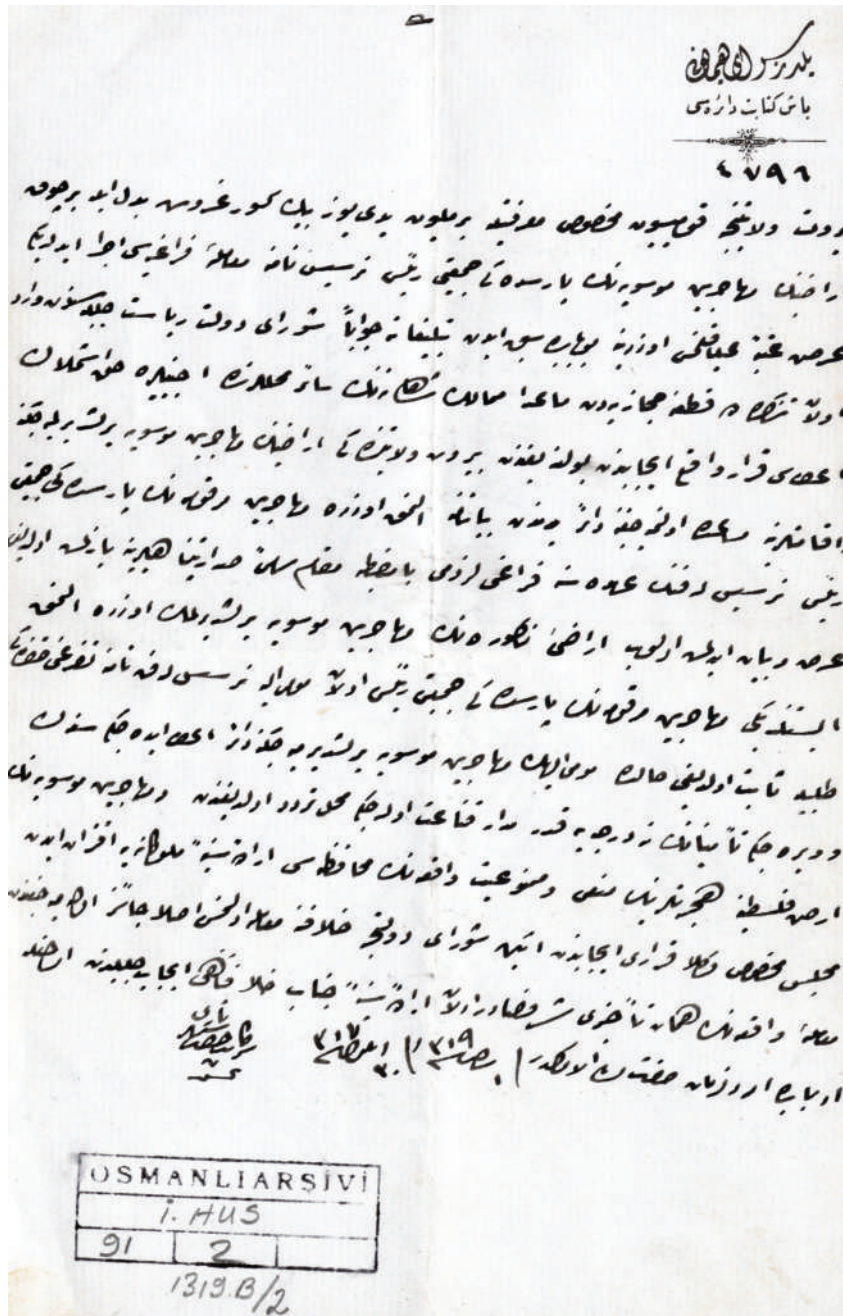
Jerusalem in the Ottoman Period in Photographs, GNAT Library 82-4592

Gratitude of the People of Jerusalem to the Sultan



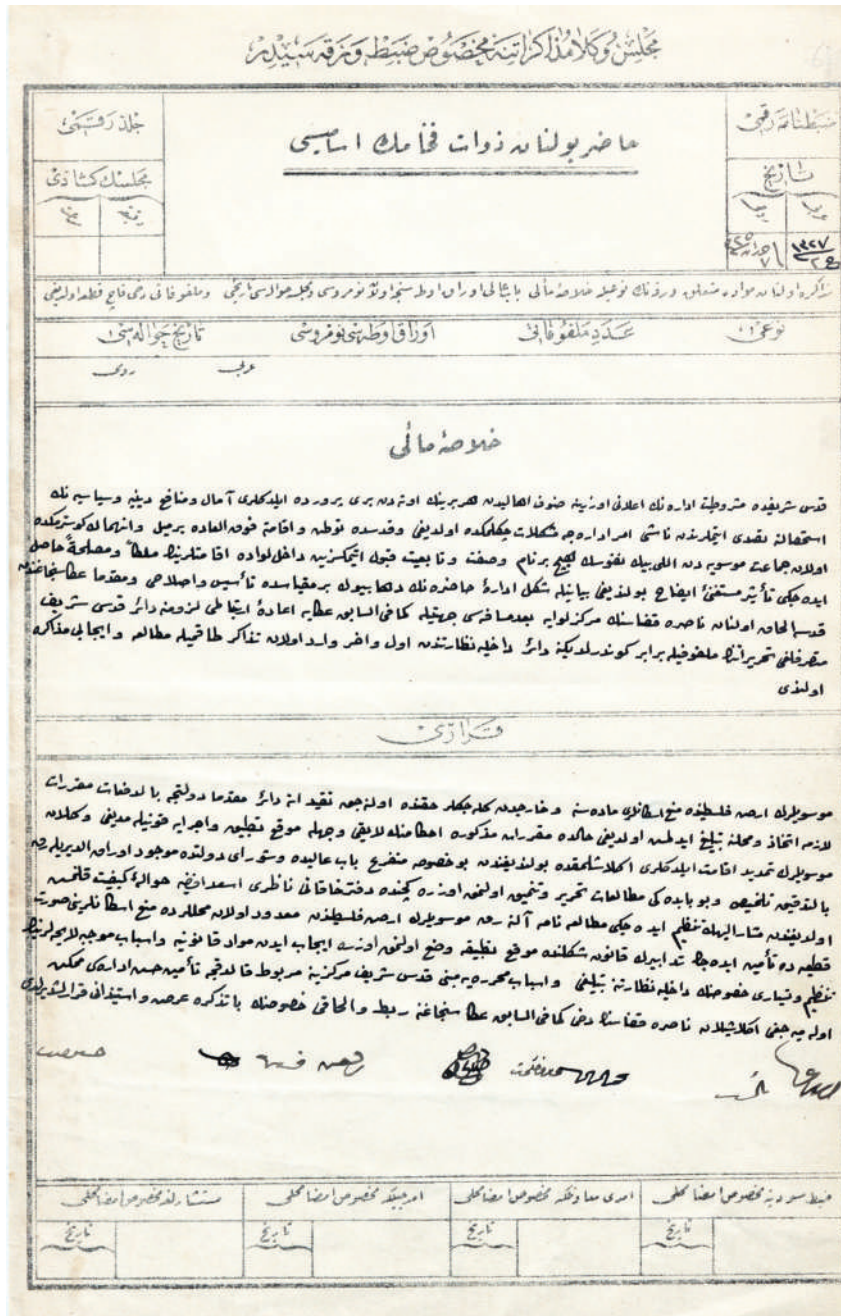
A letter of gratitude written by the people and dignitaries of Jerusalem for repairing the waterways built by Suleiman the Magnificent and then ruined over time, and for providing water to the pool, fountains and ablutions between the Al-Aqsa Mosque and the Dome of the Rock.

Prevention of Jewish Immigration to Palestine



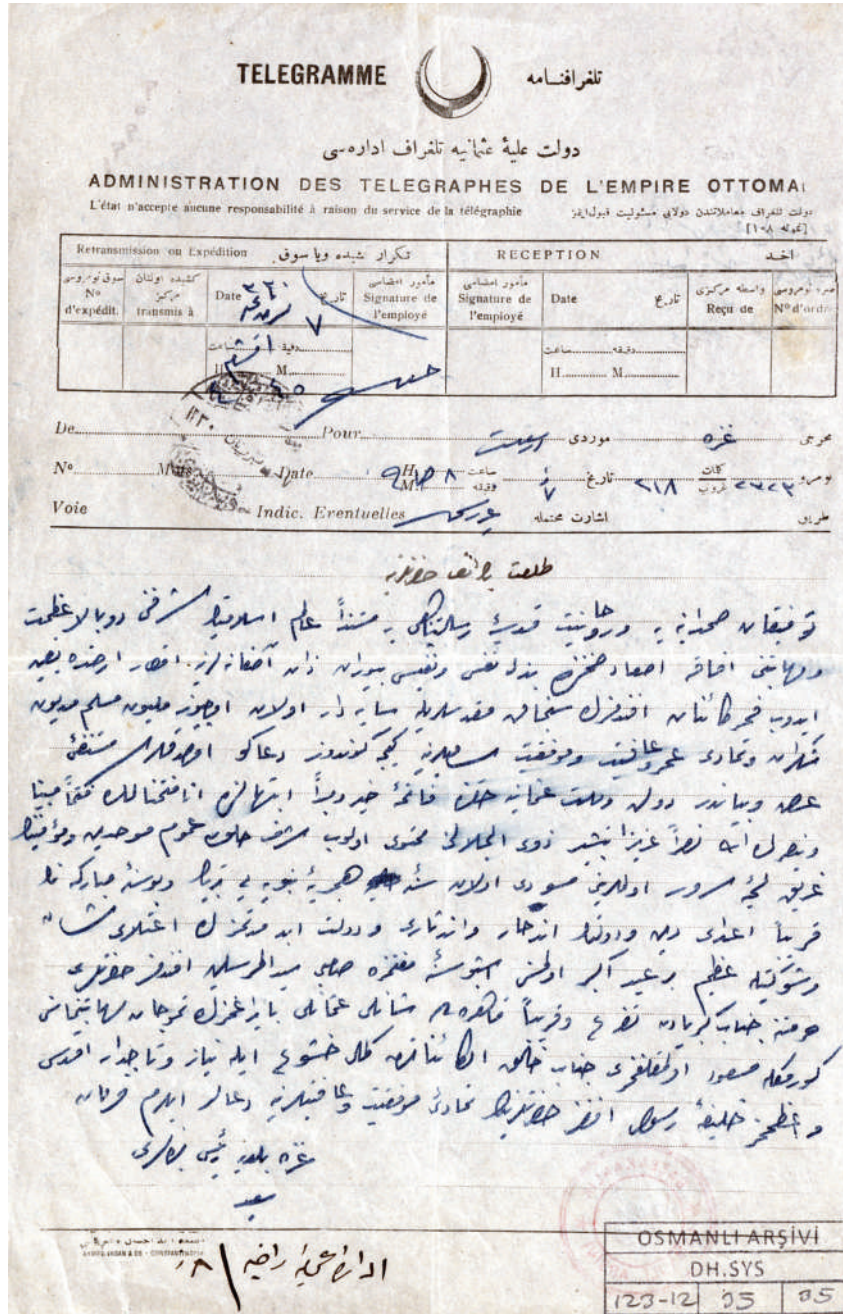
Prevention of Jewish Immigration to Palestine and maintaining the ban on this issue

Preventing Jews From Settling In Palestine By Taking Advantage of the Declaration of the Constitutional Monarchy



Implementation of legal provisions and Nazareth being annexed to Akko as it was before to prevent Jews from settling in Palestine by taking advantage of the Declaration of the Constitutional Monarchy

Telegram of Support from Palestinian People



After the Ottoman Empire declared jihad, the telegram from the people of Jerusalem stating that they were ready to gather in the Al-Aqsa Mosque and sacrifice their lives and property for the protection of religion and state

2. ISRAEL'S OCCUPATION OF PALESTINE AND VIOLATIONS OF INTERNATIONAL LAW

2.1. Palestinians' Right to Self-Determination

Self-determination demands, known as the right to determine one's own destiny, began to spread particularly with the independence of Latin American countries in the early 1800s. Although the concept of self-determination was included in the international legal order under this name after World War II, it continued to exist¹ as a content among the basic principles of US President Woodrow Wilson during the World War I and played an important role in shaping the post-war order. After World War II, the right to self-determination was included in the UN Charter and this right played an important role in the post-war decolonization process. In particular, the UN General Assembly resolution² 1514 (XV), adopted on 14 December 1960, emphasized some basic elements regarding the implementation of the right to self-determination. This resolution titled 'Declaration on the Granting of Independence to Countries and Peoples Under Colonial Administration', recognized that the right to self-determination is a right that does not admit exceptions for colonized peoples and it was stated that subjecting these peoples to the domination and exploitation of a foreign state was a violation of the right to self-determination.³

1 President Woodrow Wilson's 14 Points (1918). <https://www.archives.gov/milestone-documents/president-woodrow-wilsons-14-points> (Access Date: 29.02.2024).

2 Declaration on the Granting of Independence to Colonial Countries and Peoples (14 December 1960) UN Doc A/RES/1514(XV).

3 UN Doc A/RES/1514(XV), Declaration on the Granting of Independence to Colonial Countries and Peoples, 14th December 1960, para. 1-2.

Thus, it called for a rapid and unconditional end to existing colonialism.⁴ The right to self-determination is also included in the first article⁵ of the Covenant on Civil and Political Rights and the Covenant on Economic, Social and Cultural Rights dated 1966, which are known as the twin agreements and are among the most important human rights agreements. ICJ emphasized in the *East Timor* case that the right to self-determination is an important principle of international law and that this right has the quality of *erga omnes* (rights and obligations are owed toward all).⁶ Similarly, the ICJ addressed the nature, content, and scope of the right to self-determination as a rule of international law in its advisory opinion regarding the *Chagos Archipelago*. The Court emphasized that peoples living in non-self-governing territories have the right to demand the integrity of their lands and, consequently, to exercise their right to self-determination, and colonial states must respect this right.⁷ The Court also emphasized that respect for the right to self-determination is an *erga omnes* obligation and ruled that all States have a legal interest in the protection of this right.⁸

It is widely accepted by the international community that Palestinians have this right. This acceptance was also confirmed by the *Wall* Advisory Opinion of the ICJ, which emphasized that there is no longer any debate on this matter.⁹ According to the Court (due to its *erga omnes* nature), other states are also obliged to eliminate obstacles before Palestinian people exercising their right to self-determination.¹⁰ Additionally, the Court confirmed Palestinian people's right to self-determination in its advisory opinion dated 2024 titled "Legal Consequences of Israel's Policies and Practices in the Occupied Palestinian Territory, Including East Jerusalem". According to the Court, Israel's long-term and unlawful occupation of the Palestinian territories prevents Palestinian people from exercising their right to self-determination.¹¹ The right to self-determination of the Palestinian people has also been repeatedly emphasized in UN resolutions.¹²

In fact, the history of the right to self-determination for Palestine has historical roots. One significant historical turning point was the emergence of the Mandate system after World War I, which placed Palestine under British Mandate. Article 22 of the Covenant of the League of Nations aimed to place territories left by the losers of the war under the mandate of the victors. The paragraph concerning Palestine includes the following statements: "Certain communities formerly belonging to the Turkish Empire have reached a

4 UN Doc A/RES/1514(XV), 14th December 1960, para. 4-7.

5 International Covenant on Civil and Political Rights, 999 UNTS 171, 16 December 1966; International Covenant on Economic, Social and Cultural Rights, 993 UNTS 3, 16 December 1966.

6 *East Timor (Portugal v. Australia)*, Judgment, 30 June 1995, I.C.J. 90, 102, para. 29.

7 *Legal Consequences of the Separation of the Chagos Archipelago from Mauritius in 1965*, para.140-162.

8 *Ibid.*, 1965, para.175-182.

9 ICJ, *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory* (Advisory Opinion), 2004, para. 118 (*Wall* Advisory Opinion, 2004).

10 *Ibid.*, para. 154-159.

11 ICJ, *Legal Consequences arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem*, 2024, para. 243.

12 See: UN Doc. A/RES/58/292 17 May 2004. UN Doc. A/RES/62/146, 4 March 2008. UN Doc. A/RES/67/19, 29 November 2012.

stage of development at which their existence as independent nations may be temporarily recognized, subject to administrative advice and assistance by a Mandatory until such time as they can stand on their own. The wishes of these communities must be a primary consideration in the selection of the Mandatories". This paragraph clearly draws inspiration from the content of the right to self-determination.

However, the League of Nations Mandate Resolution, which officially placed Palestine under British mandate in 1922, was primarily designed to implement the Balfour Declaration of 1917. This purpose was clearly stated in the preamble of the Mandate Resolution: "The Principal Allied Powers have also agreed that the Mandate shall be responsible for the implementation of the declaration made on November 2, 1917, by His British Majesty's Government in favor of the establishment of a national home for the Jewish people in Palestine as accepted by the aforementioned Powers. It is evident that nothing should be done which would prejudice the civil and religious rights of the existing non-Jewish communities in Palestine, or the rights and political status enjoyed by Jews in any other country."¹³ With the implementation of the Mandate Resolution, the right of the Palestinian people to self-determination began to be violated. One of the greatest obstacles before the emergence of Palestine as an independent state was the British Mandate itself, which implemented the Balfour Declaration within the framework of the Mandate Resolution. Although the White Paper¹⁴ of 1939 stated that the state of Palestine would be established and governed jointly by Arab and Jewish communities, World War II and the Holocaust led to the Mandate to withdraw from Palestine and refer the matter to the newly established UN. Thereupon, the UN General Assembly adopted recommendation resolution 181 (II) and recommended that the problem should be solved by dividing the Palestinian lands and distributing them to the Arabs and the Jews. In this sense, the right of the Palestinian people to self-determination was violated again because the authority of the General Assembly to make a recommendation decision on the sharing of lands belonging to a people is debatable. Following the establishment of Israel in 1948, the Green Line was drawn in 1949 after the Arab-Israeli war and remained in force until 1967. In 1967, Israel occupied all Palestinian lands and tried to make it impossible for the Palestinian people to exercise their right to self-determination. Although the Oslo process and the withdrawal from Gaza occurred, today Israel still deepens its occupation through means such as the settlement policy, the blockade of Gaza and the construction of the Wall, and is trying to make it effectively impossible for the Palestinian people to exercise their right to self-determination.

13 The Mandate Decision states in this sense that its aim is to fulfill the promises of the Balfour Declaration in its articles 2 and 6. See Article 2: "The Mandate will place the country in such political, administrative and economic conditions as will ensure the establishment of the Jewish national home and the development of self-governing institutions as stated in the preamble, and will also protect civil and religious rights of all the inhabitants of Palestine without distinction of race or religion." Article 6: "While ensuring that the rights and position of other segments of the population are not prejudiced, the Palestine Administration (Mandate) will facilitate Jewish immigration under appropriate conditions and, in cooperation with the Jewish Agency referred to in Article 4, promote the actual settlement of Jews on land, including State lands and vacant lands not required for public use."

14 British policy document of 1939, which called for joint Arab and Jewish administration of Palestine. British White Paper of 1939. https://avalon.law.yale.edu/20th_century/brwh1939.asp (Access Date: 29.02.2024).



*Kubbetü's Sahra during the Ottoman Empire. September- 1907,
Père Raphaël Savignac, Courtesy of École Biblique, no. 06838-657.*

2.2. Occupation of East Jerusalem and Holy Sites

The status of Jerusalem is the most important issue of dispute between Israel and Palestine. First of all, both sides insist on keeping parts of Jerusalem that particularly include the historical structures. Therefore, the Jerusalem dispute essentially constitutes a summary of the territorial disputes in the occupied Palestinian territories. The origins of the dispute date back to 1917. When the British government promised the Jewish community a “national homeland” on Palestinian territories with the Balfour Declaration¹⁵ of 1917, how this promise would be fulfilled became a matter of debate. Article 22 of the Covenant of the League of Nations¹⁶ signed in 1919 partially clarified this uncertainty, dividing the lands left by the losers of the war into three main parts and stipulating that the Group A lands, including Palestine, would be governed with the “administrative guidance and assistance of the Mandate” until they emerged as a self-governing independent nation. The Arab community living in Palestinian lands concluded based on this provision that “Palestine would gain complete independence and its capital

15 The Balfour Declaration, November 1917. <http://www.balfourproject.org/wp-content/uploads/2016/11/The-Balfour-Declaration.pdf> (Access Date: 29.02.2024).

16 The Covenant of the League of Nations, art.22. https://avalon.law.yale.edu/20th_century/leagcov.asp#art22 (Access Date: 29.02.2024).

would naturally be Jerusalem.” However, when the Palestinian territories were placed under British mandate by a League of Nations decision in 1922, the Mandate Decision¹⁷ referred to the Balfour Declaration and determined the establishment of a Jewish national homeland as one of its main goals. This text gave the Jewish community the impression that “all Palestinian lands, including Jerusalem, would be left to them in the course of time.”

The first proposal on how to solve the Jerusalem issue was put forward in the Peel Commission report of 1937.¹⁸ When the Arab revolt broke out in 1936, the Commission established by Britain to submit a report on the settlement of the Palestinian issue brought up the “sharing” proposal for the first time in its report of 1937. According to the Commission’s proposal, Palestinian territories would be shared between Arab and Jewish communities, and Jerusalem, which included holy places, would gain an international status under British rule. However, Britain, the Mandatory Power, did not clarify this issue for many years until the White Paper of 1939. In the White Paper, Britain predicted that Palestine would be an independent state and governed jointly by Arabs and Jews. Thus, the British government would both provide a homeland for the Jewish community and make Palestine an independent state. Thereupon, the Jewish community’s violent reaction against the British increased, resulting in the British government announcing that it would withdraw from Palestine and refer the issue to the UN.

The UN General Assembly, in its resolution 181 (II) on the Partition Plan¹⁹ of 1947, proposed that the Palestinian lands be shared between the two communities, as suggested by the Peel Commission, and that Jerusalem be an international city (*corpus separatum*) under UN control. Following the partition plan, Britain issued a statement stating that the Palestine Mandate would end on May 15, 1948. Thus, Britain completely withdrew from Palestine on May 14, 1948, and the state of Israel was declared by David Ben-Gurion on the same day. Thereupon, the 1948 Arab-Israeli War began, and Israel captured West Jerusalem and Jordan captured East Jerusalem.²⁰ Thus, the proposal for Jerusalem to be given an international status, which was included in the partition plans, was shelved. The Green Line was drawn in 1949 and established a *de facto* status quo until the Six-Day War in 1967. The Israeli parliament, the Knesset, declared Jerusalem the capital of Israel on January 23, 1950, and state offices were moved to Jerusalem in a short time. However, no state opened an embassy in Jerusalem until 1967 and did not want the *de facto* separation of 1949 to become *de jure* (legal). As can be understood from this, even the separation of East Jerusalem and West Jerusalem does not have a legal basis. However, in later years, when the proposal for a two-state solution emerged in the Arab world and UN documents due to Israel’s occupation policy, the Palestinian side was also forced to accept East Jerusalem.

17 The Palestine Mandate. https://avalon.law.yale.edu/20th_century/palmanda.asp (Access Date: 29.02.2024).

18 Report of the Palestine Royal Commission, UNISPAL, <http://unispal.un.org/pdfs/Cmd5479.pdf> (Access Date: 29.02.2024).

19 UNGA Resolution 181, 29 November 1947, p.132 et. seq. [https://undocs.org/A/RES/181\(II\)](https://undocs.org/A/RES/181(II)) (Access Date: 29.02.2024).

20 The majority of historical sites and the Al-Aqsa Mosque are located in East Jerusalem.

The most important event that changed the *de facto* status of the occupied Palestinian territories and East Jerusalem was the Six-Day War of 1967. During the Six-Day War, Israel occupied East Jerusalem, the West Bank, and Gaza from Palestine, as well as Sinai from Egypt and the Golan Heights from Syria. After the Six-Day War, all UN documents emphasized that Israel had the status of an occupier over these territories and that it should act in accordance with the occupier's obligations under the 4th Geneva Convention²¹ of 1949. UNSC resolutions 242 and 252 in particular state that Israel should withdraw from the occupied territories and refrain from actions that would change the legal status of Jerusalem.²² Again, the ICJ Wall Advisory Opinion of 2004 touched on the status of East Jerusalem and confirmed that Israel had the status of an occupier.²³ The Court also touched upon the consequences of the Israeli occupation on East Jerusalem in its advisory opinion dated 2024.²⁴ After 1967, Israel tried to govern Jerusalem as a single city and changed the city's demographics and administrative structure in this direction. When Israel declared Jerusalem as its capital as a single entity with the Basic Law on July 29, 1980, the UNSC passed resolution 478 stating that this situation was against international law and called on states to move their embassies out of Jerusalem.²⁵

After 1967, Israel's monolithic administration of Jerusalem and its annexation attempts reopened the status of the holy sites, especially the Al-Aqsa Mosque, to discussion. In fact, the protection of the holy sites in a way that would protect the members of the three religions and the issue of access to the holy sites had been a subject that had been emphasized in fundamental texts since the 1917 Balfour Declaration and the 1922 Mandate Decision. The fact that East Jerusalem was *de facto* administered by Jordan after the Green Line in 1949 did not end discussions either. Although Jordan did not make any fundamental deci-

21 Convention (IV) relative to the Protection of Civilian Persons in Time of War, Geneva, 12 August 1949, articles from 47 to 78. https://www.un.org/en/genocideprevention/documents/atrocities-crimes/Doc.33_GC-IV-EN.pdf (Access Date: 29.02.2024).

22 UNSC 242, 22 November 1967, S/RES/242(1967); UNSC 252, 21 May 1968, S/RES/252(1968).

23 "The territories situated between the Green Line (see paragraph 72 above) and the former eastern boundary of Palestine under the Mandate were occupied by Israel in 1967 during the armed conflict between Israel and Jordan. Under customary international law, these were therefore occupied territories in which Israel had the status of occupying Power. Subsequent events in these territories, as described in paragraphs 75 to 77 above, have done nothing to alter this situation. All these territories (including East Jerusalem) remain occupied territories and Israel has continued to have the status of occupying Power". Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, ICJ, Advisory Opinion, 9 July 2004, para.78.

24 ICJ, Legal Consequences arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem, 2024, para. 68 vd.

25 UNSC "[2] *Affirms* that the enactment of the "basic law" by Israel constitutes a violation of international law and does not affect the continued application of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, in the Palestinian and other Arab territories occupied since June 1967, including Jerusalem; [3] *Determines* that all legislative and administrative measures and actions taken by Israel, the occupying Power, which have altered or purport to alter the character and status of the Holy City of Jerusalem, and in particular the recent "basic law" on Jerusalem, are null and void and must be rescinded forthwith; [5] *Decides* not to recognize the "basic law" and such other actions by Israel that, as a result of this law, seek to alter the character and status of Jerusalem and calls upon: (a) All Member States to accept this decision; (b) Those States that have established diplomatic missions at Jerusalem to withdraw such missions from the Holy City". UNSC Resolution 478, 20 August 1980, para.5/2-3-5. <http://unsc.org/en/resolutions/doc/478> (Access Date: 29.02.2024).

sions on the holy sites, this situation brought about a discussion about who would ultimately control the holy sites, since the status of Jerusalem remained uncertain and the idea of *corpus separatum* envisioned in the UN Partition Plan became impracticable. With the 1967 occupation, these discussions were centered on preventing Israel's unilateral actions. The tunnel excavation in particular that Israel started in 1968 around the Western Wall remains a mystery even today and is described by archaeologists as an attempt that could harm the Al-Aqsa Mosque. In fact, under the 4th Geneva Convention, Israel has the status of an occupier over East Jerusalem and does not have the authority to make changes to the status of the holy sites. In international documents, East Jerusalem is also defined as a Palestinian but occupied territory. It is against international law for Israel to have permanent control over a place that does not belong to it. On the other hand, Israel's aggressive acts of violence against the Al-Aqsa Mosque and its obstruction of Muslims' worship are also against international law. Under Article 9 of the Peace Treaty between Israel and Jordan in 1994, both sides will allow free access to holy and religious sites. Israel will respect Jordan's special and historical role over the holy sites belonging to Muslims.²⁶ However, Israel frequently violates the treaty and at times experiences diplomatic issues with Jordan as well.

After 1967, Israel's actions regarding East Jerusalem are also contrary to international law and the right to self-determination which is one of the most fundamental principles of international law. Israel is expropriating private property and building illegal settlements in order to change the status of East Jerusalem and make other parties accept this. As stated in UN resolutions, the settlements are completely contrary to international law. Also, Israel seizes properties of Palestinians who were forced to leave East Jerusalem through the Absentee Property Law and refrains from returning them to their rightful owners. Similarly, with a procedural law enacted in 1970, properties of Jews living in East Jerusalem before 1948 were returned, while the same right was not granted to Palestinians living in West Jerusalem.

On the other hand, Jerusalem is also the most important issue in negotiations on a two-state solution as Israel has not wanted to discuss the status of Jerusalem since Oslo and has not given up on East Jerusalem. This attitude was clearly reflected in the Trump Peace Plan announced in 2020, and Israel proposed a plan that would ensure that Jerusalem would remain entirely its territory. This indicates that the Jerusalem issue will continue to be one of the foremost points of contention in the future.

2.3. Prevention of the Palestinians' Right of Return

Attacks carried out by the Hagana, Irgun and other terrorist organizations, which form the basis of the Israeli Army, against the Arab Muslim population in Palestinian territories in the 1940s resulted in a large-scale ethnic cleansing.²⁷ In 1948, when the State of Israel was declared, 900,000 Palestinians

26 Treaty of Peace between the State of Israel and the Hashemite Kingdom of Jordan, 26 October 1994, 2042 U.N.T.S. 351.

27 Ilan Pappé, *The Ethnic Cleansing of Palestine*, Oneworld Publications, 2007.



During the Nakba (Great Catastrophe) when Palestinians from occupied lands were migrating- May 1948

were forcibly displaced and never allowed to return to their homes.²⁸ Israel, which quickly embarked on the construction of a nation-state with a Jewish character, started to settle Jewish settlers who had no ties to Palestinian lands in Palestine, based on imaginary arguments dating back two thousand years, in order to transform the demographic structure of Palestine, and established various “return” laws and granted citizenship to these people.²⁹ On the other hand, it consistently prevented the right of return to their homes, which stems from international law, of Palestinian refugees who were forcibly displaced and were mostly located in Jordan, Syria, Lebanon, Gaza and the West Bank.

Although Israel claimed in 1948 that there was no international law norm that included the right of return for Palestinians, the right of return for refugees already existed at the relevant time as part of customary international law.³⁰ The UN General Assembly confirmed the right of return for Palestinians in resolution 194 (III) of 11 December 1948:

28 Nidal al-Azza, Survey of Palestinian Refugees and Internally Displaced Persons, 2019-2021, BADIL Resource Center for Palestinian Residency and Refugee Rights, 2022, s. 1.

29 Hasan Basri Bülbül, “Legal Status of Palestinian Refugees and the Right of Return in International Law”, *The Palestinian Problem in International Law*, (der.) Ali Osman Karaoğlu ve Ali Kerem Kayhan, Adalet Publications, 2023, s. 299-332.

30 Gail J. Boling, *The 1948 Palestinian Refugees and the Individual Right of Return: An International Law Analysis*, 2. Edition, BADIL Resource Center for Palestinian Residency and Refugee Rights, 2007, s. 17.



Dawoud Abo Alkas / Gazze, Filistin / 31.05.2024

*Gazans displaced by Israeli attacks migrate in search of safety amidst the rubble.
June 2024. Photo: Anadolu Agency*

“... refugees who wish to return to their homes and live in peace with their neighbors should be allowed to do so at the earliest possible time; those who choose not to return should be compensated for their property, and any loss or damage to property should be compensated by the responsible governments or competent authorities in accordance with the principles of international law and equity.”³¹

This provision has been re-adopted by the UN General Assembly every year since 1948 without exception. Resolution 194 (III) states that Palestinians have the right of return not only to the occupied Palestinian territories – Gaza, the West Bank and East Jerusalem – but also to the territories over which Israel currently claims sovereignty because the scope of the right of return is not limited to the return of people to the state from which they were displaced. Refugees have the right to return to their homes, which they were forced to abandon. Refugees have the right to return whether these homes are in Palestinian territory or Israeli territory.

The right of return is also recognized by other branches of international law. The right of return is fixed within the framework of human rights law. Article 13 (2) of the 1948 Universal Declaration of Human Rights clearly states this right: “Everyone has the right to leave any country, including his own,

31 UN General Assembly, Resolution 194 (III), 11 December 1948, A/RES/194, para. 11.

and to return to that country.” Similarly, Article 12 (4) of the Covenant on Civil and Political Rights states that “no one shall be arbitrarily deprived of the right to enter his own country.” The term “his own country” here does not only mean “the country of nationality,” but also the place of legal residence at the time of displacement.³²

Israel claims that Palestinians left their country of their own free will and refuses to accept responsibility for the forced displacement.³³ It claims that those who left their lands on their own initiative do not have the right to return. These claims are contrary to facts, and it has now been documented, even by Israeli historians, that Palestinians were forced to leave their lands during the establishment of Israel and that this was done through ethnic cleansing.³⁴ On the other hand, it should be noted that the right of return is not related to the intention of a person when leaving his country. In other words, whether they leave Palestine of their own free will or are forcibly displaced, the right of Palestinians to return to their country and homes remains independent of these considerations.³⁵

The right of return of Palestinians has also been grounded within the framework of international humanitarian law. Accordingly, Israel is an occupying force in Palestinian territory. Under Article 43 of the 1907 Hague Regulations, the occupying force is obliged to respect the laws in force in the occupied country.³⁶ The occupation is temporary and must be ended as soon as possible. Within this framework, Israel is obliged to ensure the return of the population currently living in Palestine to their homes as a temporary force. However, Israel prevents the return of Palestinians to the regions it claims sovereignty, and it even prevents the return of the Arab and Muslim population to the occupied Palestinian territories, thus continues to violate international law.

Indeed, in its advisory opinion on the Legal Consequences of Israeli Policies and Practices in the Occupied Palestinian Territory dated July 19, 2024, the ICJ confirmed the Palestinians’ right of return and ruled that the violation resulting from this should be remedied by returning the occupied Palestinian lands and real estate as is and returning cultural assets, archives and documents belonging to Palestinians; if this is not possible, compensation should be paid to the relevant Palestinian individuals and institutions in accordance with international law.³⁷ However, the exile of Palestinians continues. The Nakba, which means the great catastrophe and symbolizes the displacement of Palestinians, is not limited to the events that took place in 1948, but continues vibrantly today.³⁸ Israel evicts Palestinians from their

32 Bülbul, Ibid., p. 323.

33 Pappe, Ibid., xiv.

34 Pappe, Ibid.

35 Bülbul, Ibid., p. 324.

36 Boling, Ibid., p. 47.

37 International Court of Justice, *Legal Consequences arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem*, 19 July 2024, <https://www.icj-cij.org/sites/default/files/case-related/186/186-20240719-adv-01-00-en.pdf> (Access Date: 19.08.2024), para. 270-271.

38 Al-Azza, Ibid., p. 1.

Occupied Palestinian territories at 76 years of **NAKBA: THE GREAT CATASTROPHE**

The Nakba, or Catastrophe, is a day marked by Palestinians, referring to the founding of Israel in historical Palestine on May 14, 1948, during which Palestinians were subjected to massacres and displacement



Israel was founded on approximately 27,000 square meters of land, more than 85% of historical Palestine

NAKBA PERIOD



AROUND 1M
Palestinians displaced



AROUND 15,000 PEOPLE
killed



675 VILLAGES AND TOWNS
destroyed

- According to Palestinian Central Bureau of Statistics **approximately 140,000** Palestinians have been killed since the Nakba
- Since just Oct. 7, 2023, **over 40,786** Palestinians have been killed in Gaza
- There are **more than 745,000** Jewish settlers in the West Bank

homes and establishes new Jewish settlements in the West Bank and East Jerusalem every day.³⁹ On the other hand, in 2018-2019, Gazans organized the Great Return protests and marched en masse to the Israeli border, and Israel responded to this action by killing more than a hundred people.⁴⁰

Again, after October 7, Israel actually entered Gaza and forced people to migrate from the north to the south of Gaza, displacing 1.7 million out of a total population of 2.2 million.⁴¹ Although it is still unclear whether those displaced in Gaza will be able to return to their homes, Israeli officials frequently voice Israel's long-term plans to evacuate all of Gaza.⁴² The forced transfer and deportation of the population in the occupied territories are considered both crimes against humanity and war crimes within the framework of the Rome Statute.⁴³

Today, there are more than 5 million Palestinian refugees registered with UNRWA.⁴⁴ UNRWA registers Palestinian refugees and ensures the transfer of refugee status to Palestinian children from generation to generation.⁴⁵ For this reason, the gradually growing refugee population and their demands for return are causing serious discomfort to Israel. Therefore, Israel often describes UNRWA, a UN agency, as the "UN arm of Hamas" and targets it. Finally, Israel has claimed that some UNRWA personnel participated in October 7 attacks.⁴⁶ Just as the ICJ ruled on precautionary measures in the genocide case filed against Israel by South Africa and that 2.2 million people are under threat of genocide,⁴⁷ some Western states have decided to suspend funding for UNRWA based solely on Israel's claims, despite lack of any evidence to support their validity.⁴⁸

39 Office of the United Nations High Commissioner for Human Rights "UN Human Rights Chief deplores new moves to expand Israeli settlements in occupied West Bank", 08/03/2024, <https://www.ohchr.org/en/press-releases/2024/03/un-human-rights-chief-deplores-new-moves-expand-israeli-settlements-occupied>, (Access Date: 18/03/2024).

40 UNRWA, "Great March of Return: Scores of People Killed and Injured Over One Year", 29 March 2019, <https://www.unrwa.org/newsroom/press-releases/great-march-return-scores-people-killed-and-injured-over-one-year>, (Access Date: 18/03/2024)

41 UNRWA, "UNRWA Situation Report #90 on the Situation in the Gaza Strip and The West Bank, Including East Jerusalem", 15 March 2024, <https://www.unrwa.org/resources/reports/unrwa-situation-report-90-situation-gaza-strip-and-west-bank-including-east-jerusalem>, (Access Date: 18/03/2024).

42 Henry Foy and others, "Israel's Netanyahu Lobbied EU to Pressure Egypt into Accepting Gaza Refugees", 30 October 2023, <https://www.ft.com/content/75971d8b-e2fd-4275-8747-0bd443673483>, (Access Date: 21/11/2023); 'Senior Israel Ministers Call for "Voluntary Emigration" of Palestinians, Building of Jewish Settlements in Gaza', 2 January 2024, <https://www.middleeastmonitor.com/20240102-senior-israel-ministers-call-for-voluntary-emigration-of-palestinians-building-of-jewish-settlements-in-gaza/>, (Access Date: 04/01/2024).

43 Rome Statute of the International Criminal Court, (1998), 7th and 8th articles.

44 UNRWA, "Palestine Refugees", <https://www.unrwa.org/palestine-refugees>, (Access Date: 04/01/2024).

45 Ibid.

46 Şerife Çetin, "UN says Israel has not yet submitted documents regarding allegations against UNRWA staff", 30/01/2024, <https://www.aa.com.tr/tr/dunya/bm-unrwa-calisanmarina-iliskin-iddialarla-ilgili-israilin-henuz-belge-sunmadigini-duyurdu/3123383>, (Access Date: 17.03.2024).

47 International Court of Justice, *South Africa vs. Israel, Request for the Indication of Provisional Measures*, 26 January 2024, <https://icj-cij.org/sites/default/files/case-related/192/192-20240126-ord-01-00-en.pdf>, Access Date: 17.03.2024), para. 86.

48 UNRWA, "UNRWA's Lifesaving Aid may End due to Funding Suspension", <https://www.unrwa.org/newsroom/official-statements/unrwa%E2%80%99s-lifesaving-aid-may-end-due-funding-suspension>, (Access Date: 17.03.2024).

UNRWA has been lying at the heart of civilian life in Gaza for 75 years. In Gaza, where 1.7 million people are Palestinian refugees, almost everything related to civilian life, such as humanitarian aid, education, health, shelter, development and employment creation, is made possible thanks to UNRWA.⁴⁹

While the ICJ determined that there was a real threat of genocide after October 7, the deactivation of the most vital institution in Gaza at the most critical time is contrary to the obligations of Western states that cut off funding to UNRWA to prevent genocide.⁵⁰ Moreover, helping to destroy one of the vital institutions for the people of Gaza, who are already in the grip of hunger and epidemics, risks not only violating Israel's international obligations to prevent return, but also being complicit in its crimes amounting to genocide.

2.4. Fortification of Occupation Through Settlement Policy

One of the most important means of Israel's occupation policy is the establishment of illegal settlements. Although the history of the occupation dates back much further,⁵¹ according to current data, three regions are understood as occupied Palestinian lands: East Jerusalem, the West Bank and Gaza. As a result of the Six-Day War in 1967, Israel occupied these three regions, as well as the Sinai Peninsula and the Golan Heights, and began establishing settlements throughout the occupied lands. Since the Sinai Peninsula was returned to Egypt with the 1979 agreement, the 18 settlements established there have also been eliminated. The 21 settlements in Gaza were eliminated with a "Disengagement Law" dated 2005 as a result of the Second Intifada (2000-2005). However, Gaza was blockaded from air, land and sea in a short time.⁵² Illegal settlements continue to exist in the West Bank, East Jerusalem and the Golan Heights. Accordingly, there are over 120 settlements in the West Bank, 12 in East Jerusalem and nearly 30 in the Golan Heights. It is estimated that a total of around 750 thousand Jewish settlers live in these settlements.⁵³ It should be noted that this number does not include the illegal units (outposts) that are also considered illegal according to Israeli domestic law. Their number is also thought to be around 100.⁵⁴

On the other hand, Israel's policy of occupation through settlements has not only been limited to establishing settlements. Checkpoints, which number around 140, turn daily life in the occupied

49 Al Jazeera, "What is UNRWA and why is it important for Palestinians?" 01/02/2024, <https://www.aljazeera.com/news/2024/2/1/what-is-unrwa-and-why-it-is-important-for-palestinians>, (Access Date: 17.03.2024).

50 TRT Haber, "UN Rapporteur: Countries that cut off funding to UNRWA are aiding genocide: <https://www.trthaber.com/haber/dunya/bm-raportoru-unrwaya-destegi-kesen-ulkeler-soykirima-yardimci-oluyor-832490.html>, (Access Date: 17.03.2024).

51 In this sense, the occupation of Palestinian lands could have started with the British entry into Palestine in 1917, or it could have started with the 1948 Arab-Israeli war.

52 For this reason, UN reports state that the Israeli occupation of Gaza has not been completely eliminated.

53 UNHRC, 'Report of the Special Rapporteur on the Situation of Human Rights in the Palestinian Territories Occupied Since 1967, A/HRC/49/87, 21 March 2022.

54 <https://www.aa.com.tr/tr/world/heinous-attack-on-Palestinian-women/111253>



Zionist settlers attack Palestinian women in Al-Aqsa Mosque - October 2014
 Photo: Anadolu Agency

Palestinian territories into an open-air prison. Palestinians who are forced to pass through these checkpoints are subjected to identity checks as if they were changing countries and wait in line for long hours to pass through the gates. Similarly, since settlements are connected to each other by highways, Palestinians sometimes travel long distances to reach places that are very close to each other. Since many illegal settlers are armed, Palestinians can encounter arbitrary violence at any time in their daily lives. On top of all this, the Separation Wall, designed by Israel as a 702-kilometer-long and 8-meter-high structure, separates Palestinian cities and villages in the West Bank from each other and from Gaza and supports Israel's Apartheid policy.

The establishment of settlements in the occupied Palestinian territories primarily constitutes a violation of the articles of the 4th Geneva Convention of 1949 on the "Law of Occupation". Under the Convention, the occu-

pier must refrain from actions that will harm the demographic structure of the region and moving its own people to the occupied area. Although Israel claims that the settlement issue is a private property issue between settlers and Palestinians, this claim is not true in terms of international law because the settlement policy is implemented as a state policy, and necessary procedures and transactions are carried out by the state. The Israeli government's occasional announcements regarding the establishment of new settlements, its policies of unlawful expropriation and declaration of military zones also show that this situation is supported by state practice. In this sense, the settlements are against international humanitarian law and since they violate the right to property they are also against international human rights law.⁵⁵ This violation is a tort that will give rise to Israel's international responsibility. On the other hand, the establishment of settlements has also been described as contrary to international law in UNSC decisions. For example; In UNSC resolution 465, the establishment of settlements, the relocation of Jews to the region, and the change of demographics and institutional infrastructure were found to be contrary to international law and especially the 4th Geneva Convention of 1949, and it was emphasized that Israel should eliminate all settlements.⁵⁶

55 Israel is a party to the 1966 Covenant on Civil and Political Rights.

56 UNSC 465, 1 March 1980, S/RES/465(1980).

2.5. The Apartheid Wall and the International Court of Justice's Advisory Opinion on the "Wall"

Another component of Israel's occupation policy is the Wall it has begun to build in the occupied Palestinian territories. The decision to build the Wall, also known as the Separation Wall or Apartheid Wall, was made in 2002. Accordingly, a 702-kilometer-long and 8-meter-high Wall will be built around the West Bank for security reasons.⁵⁷ It should be noted that the Wall has a complex structure with a number of watchtowers, entrances and exits, and security equipment. Upon Israel's decision, the UN General Assembly requested an advisory opinion from the ICJ in 2003. The General Assembly posed the following question to the Court: *Considering the rules and principles of international law, including the Fourth Geneva Convention of 1949 and the relevant Security Council and General Assembly resolutions, as explained in the Secretary-General's report, what are the legal consequences resulting from the construction of the Wall by Israel, the Occupying Power, in the Occupied Palestinian Territory, including East Jerusalem and its surroundings?* To answer this question, the ICJ issued the "Advisory Opinion on the Legal Consequences of the Wall Built in the Occupied Palestinian Territory" (Wall Advisory Opinion)⁵⁸ in 2004.

In its advisory opinion, the Court first resolved the issue of jurisdiction⁵⁹ and then touched upon many issues related to the merits. First of all, the Court determined that Israel had an occupier status on the lands acquired in 1967 and that the construction of a Wall on occupied lands was contrary to international law.⁶⁰ The Court then stated that the Wall could not be seen as a simple fence or barrier, explained the multi-layered structure of the Wall and emphasized that the Wall negatively affected the lives of thousands of Palestinians.⁶¹ According to the Court, the conventions to which Israel is a party, such as the 4th Geneva Convention of 1949 and the Covenant on Civil and Political Rights, can also be applied in the Palestinian territories occupied by Israel.⁶²

The Court stated that the settlement policy that continued along with the construction of the Wall was also contrary to international law and the Palestinians' right to self-determination. According to the Court, the Wall would also harm the Israeli-Palestinian borders that would be determined in the future. In fact, continuing the construction of the Wall could also mean *de facto* annexation.⁶³ On the other hand, the Court also rejected Israel's self-defense and necessity claims. According to Israel, the

57 The length of the Wall was increased over time and was ultimately decided to be 702 km.

58 ICJ, Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory (Advisory Opinion) ICJ Reports 2004, 136.

59 The Court's findings regarding jurisdiction have not been conveyed in detail not to expand the scope of the study.

60 ICJ, para.78.

61 ICJ, para.82-85.

62 ICJ, para.104-112.

63 ICJ, para.120-122.

construction of the Wall had started as a necessity to stop attacks by Palestinian armed groups and for security reasons. The Court first reminded the 51st article of the UN Charter⁶⁴ and stated that the attacks did not come from another state, but rather from occupied territories under Israeli control, and therefore Article 51 could not be applied. According to the Court, in order for the situation of necessity to occur, the issue must not have been resolved in any other way, that is, necessity must be resorted to as the last resort. However, in a concrete case, such a situation is out of the question. Therefore, the justification of necessity was not sufficient to absolve Israel of responsibility.⁶⁵

According to the Court, like every state, Israel is obliged to comply with the international law rules it has violated. The most important of these rules are humanitarian law rules and human rights law rule. Israel should immediately stop the construction of the Wall and not repeat the ongoing violation of the rules. In other words, it should also demolish the constructed parts of the Wall and restore them to their former state. In this context, Israel is also obliged to compensate the real and legal persons whose property it has damaged.⁶⁶ The Court also reminded that third states also have certain obligations regarding the construction of the Wall. The Court stated that states should not recognize the legal consequences of the Wall that Israel has constructed illegally and that they are obliged to eliminate violations of international law caused by the construction of the Wall. Similarly, the Court emphasized that the UN General Assembly and the UNSC are also obliged to take necessary steps to end violations of international law caused by the construction of the Wall.⁶⁷

2.6. Israel's Apartheid Regime⁶⁸ and Human Rights Violations

In the advisory opinion case regarding human rights violations in Palestine heard at the ICJ, as expressed in the presentation by Deputy Foreign Minister Ahmet Yıldız on behalf of Türkiye on February 26, 2024, Israel has not left any human rights or rule of law unviolated in Palestine.⁶⁹

With the establishment of the State of Israel in 1948, a process of intense human rights violations against everyone living in Palestine, that is, not only Muslims, Christians or Arabs, Greeks and Armenians, but also everyone living in that geography, including Jews, began and this situation continues to deepen. Moreover, while the State of Israel continues these intense human rights violations that began during its establishment even today, it is presented in the international community as “the only functioning democracy in the Middle East”. However, this “democracy” is an “Apartheid democracy”, just like the “white-on-white democracy” during the period of the former Republic of South Africa.

64 UN Charter, 1945, art.51. <https://treaties.un.org/doc/publication/ctc/uncharter.pdf> (Access Date: 29.02.2024).

65 ICJ, para.139-140.

66 ICJ, para.151-152.

67 ICJ, para.159-160.

68 <https://www.amnesty.org.tr/icerik/israil-aportheid-ve-sistemantik-insan-haklari-ihlallerini-koruklemeye-son-vermek-icin-filistindeki-isgalini-sonlandirmali> (Access Date: 19.3.2024)

69 <https://www.aa.com.tr/tr/gundem/disisleri-bakan-yardimcisi-yildiz-israilin-ihlal-etmedigi-bir-hukuk-kurali-yok/3148779> (Access Date: 02.03.2024)

One of the most important criteria for a country to be a truly democratic state is the level of commitment to human rights of that country. When human rights are considered by definition to include people who have been exiled, killed, and whose homes and lands have been taken away from them and given to others, namely Palestinians, then Israel is among the worst in the Middle East. Since human rights violations committed by Israel since its foundation are not sufficiently known by the world public opinion and unfortunately, these violations are not sufficiently fought against on the grounds of international law, the view that Israel is the only functioning democracy in the Middle East is widely shared. Pessimism and despair that have emerged due to the failure to obtain the expected benefits from the struggle to prevent Israel's human rights violations also hinders what will be done in the future. This situation is negatively affected by the fact that methods that can be applied in international law are either not known at all or not known well enough.

For all these reasons, it is an essential responsibility for everyone who is knowledgeable and sensitive about human rights to share their knowledge and contribute to the reduction, if not complete elimination, of Israel's human rights violations in order to achieve the desired goal of peace and tranquility not only in the Middle East but also throughout the world.

In Palestine, Israel's human rights violations should be classified separately in terms of the places where they are committed and the people they target. Since the places where Israel commits human rights violations have different international legal statuses, the nature of these violations also differs. In this context, Israel's human rights violations can be classified under four headings in terms of the places where they are committed:

1. Human rights violations committed by Israel in the territories it held when it was founded in 1948.
2. Human rights violations committed by Israel in the territories it seized by force after its foundation and annexed in violation of international law (East Jerusalem and the Golan Heights).
3. Human rights violations committed by Israel in the territories it seized by force after its foundation and currently holds under military occupation, especially in Gaza and the West Bank.
4. Human rights violations committed by Israel through operations, attacks, etc. outside its territory. For example, ground operations and airstrikes it has repeatedly launched in Lebanon and Syria. Also, human rights violations such as assassinations of Palestinians in Palestinian territories or within the borders of third countries. (Such as the assassinations of Saleh al-Aruri and Ismail Haniyeh)

It is possible to classify Israel's human rights violations in these regions in terms of the people it targets as follows:

- a) Human rights violations committed against Palestinians living in Israeli territory and who are Israeli citizens.
- b) Human rights violations committed against Jews living in Israeli territory and who are Israeli citizens (especially Falashas, Sephardim, Ultra-Orthodox Jews and Mizrahis).

Since Israel is a country that implements the Apartheid regime, there is discrimination and human rights violations brought about by the Apartheid regime not only among non-Jews but also among Jews.

Discrimination against Sephardic Jews is an important topic among Israel's human rights violations against its own Jewish citizens. This discrimination, both implemented by the State of Israel itself as a state and experienced among the people, is a huge legal and social problem. Another group facing serious human rights violations in Israeli society is the Falashas. The Falashas, who are generally Black Jews who immigrated from Ethiopia, have often been a group subject to discrimination due to their skin color. The vast majority of ultra-Orthodox Jews oppose Israel due to their religious beliefs and for example, refuse to do military service. For this reason, Israel implements discriminatory policies against them. It should also be noted that some of them were living in Palestinian territories before Israel was established.

- c) Human rights violations against foreigners of all religions and nationalities in Israeli territory.
- d) Human rights violations against Palestinians who are Israeli citizens and live in territories annexed by Israel in violation of international law (especially in East Jerusalem).
- e) Human rights violations committed by Israel against people living in the occupied (military occupied) lands that it holds in violation of international law.
- f) Human rights violations committed by Israel against Palestinians who were exiled from their lands in violation of international law and who were forced to live outside Palestine.
- g) Human rights violations committed by Israel against foreigners outside its country (as in the Mavi Marmara Incident).

Enumerating Israel's human rights violations is of a vast nature that would overshadow the focus of this report and would require including the experiences of millions of people in terms of their concrete consequences. For this reason, only certain human rights violations will be discussed here:

I. Violation of Palestinians' Right to Self-Determination:⁷⁰ This issue constitutes one of the important headings of the Palestinian issue. Therefore, it is considered useful to start from here first. All the problems and rights violations experienced in Palestine are a result of Israel's actions against

70 For detailed information on this subject, please see. Dweik, Musa, "Settlements and the Palestinian Right to Self-Determination", *Palestine-Israel Journal*, Volume 4, No.2, 1997. <http://www.pij.org/details.php?id=478> (Access Date: 18.6.2018). Doebbler, Curtis F.J., "Human Rights and Palestine: The Right to Self-Determination in Legal and Historical Perspective", *Beijing Law Review*, 2011, p. 111-118.

international law in this regard. If this right were granted to the Palestinians, today many problems would be automatically eliminated. The right to self-determination is a human right that is a community right. In addition, the fact that Palestinians are a people and therefore have the right to self-determination is a matter that even Israel has had to accept today, is accepted by the whole world and included in all international documents. A state is obliged to help the people within its area of sovereignty to exercise these rights. Therefore, the treatment that Israel subjects Palestinians to, even when they are exercising their right to peaceful protest, which does not even amount to the use of force, is against international law. Even if the right of armed resistance were exercised, there would be no question of exercising the right of self-defense as Israel claims because Palestinians, whose country is under occupation, would be the ones exercising the right of self-defense.⁷¹ Israel is a state that commits the crime of aggression against those who exercise their right of self-defense. Granting Palestinians the right to self-determination means allowing them to establish their own state in Palestinian lands where they are legitimately the majority, regardless of the majority that is sought to be created through artificial population movements in the lands where the Palestinian people live. (See Section 2.1 of the Report)

II. Violations of Human Rights That Have Acquired Jus Cogens Status: When it comes to Israel's human rights violations, particularly against Palestinians, it is necessary to examine all human rights violations committed in Palestinian territories, starting with the most serious ones.

The most serious human rights violations in international law are, if technically speaking, international crimes that have become Jus Cogens rules. The crimes that are appropriate to be mentioned in terms of our topic (we can give as an example violations other than human rights, such as the prohibition of the use of force); are the violations of the prohibition of genocide, crimes against humanity, war crimes and the prohibition of racial discrimination.

A. Crime of Genocide: It was first officially defined in international law in Article 2 of the 1948 UN Convention on the Prevention and Punishment of the Crime of Genocide. It was also used in a similar way in Article 6 of the 1998 Rome Statute.

B. Crimes Against Humanity: These crimes are regulated in Article 7 of the Rome Statute. As can be understood from the definition in the article, it is very clear that Israel's practices violate these. Meanwhile, the implementation of Apartheid regime is included in the list of crimes against humanity in the article in question.⁷²

71 For more information on Palestinians' right to resist Israel, see. Fraihat, Ibrahim, Palestine's Right to Defend Itself, Brookings, 2014.

72 <https://www.amnesty.org.tr/icerik/israilin-filistinlilere-uyguladigi-apartheid-rejimidir-ve-insanliga-karsi-suctur> (Access Date: 19.3.2024)

C. War Crimes: They are defined in great length and detail in the 1949 Geneva Conventions and Article 8 of the 1998 Rome Statute. When we look at Israel's practices, we see that these crimes are committed many times before the eyes of the whole world. For example, striking civilian targets, hospitals and places of worship, preventing civilians from accessing basic necessities, shooting journalists, shooting UN employees, etc.

D. Racial Discrimination: This issue is included in the 1965 UN Convention on the Elimination of All Forms of Racial Discrimination and many other international agreements. It is clear that Israel has violated these agreements with its practices over the years, both against Palestinians and Jewish groups (Sephardi, Hasidim, Falashas).

III. Other Human Rights Violations: Although they have not acquired Jus Cogens status, the most important human rights violations committed by Israel are as follows:

A. Blockade Applied to Gaza:⁷³ The blockade constitutes a violation of the prohibition of the use of force according to international law, in accordance with UN General Assembly's 1974 resolution on the definition of the attack. In other words, the blockade that Israel itself has implemented is against international law. The blockade that is taking place is objected to only in terms of its conditions. Even if the blockade had really been imposed in accordance with international law, it would have been against international law in terms of the conditions of its implementation. However, the blockade was imposed in violation of international law from the very beginning. In this regard, the UN also has resolutions indicating that the blockade is imposed in violation of international law.⁷⁴ The problem here is that UN bodies that pass resolutions determining the violation are bodies that do not have the authority to adopt binding resolutions. In fact, the ability of the UNSC, which is the only body with the authority to adopt binding resolutions, to adopt such resolutions depends on the non-use of its veto power.

The blockade of Gaza is not only against international law, but also blockade conditions are being implemented in a manner that are against international law. The blockade should not target civilians

73 For detailed information on this subject, please see. A/HRC/13/53/Rev.1. 7 June 2010. <https://unispal.un.org/DPA/DPR/unispal.nsf/2ee9468747556b2d85256cf60060d2a6/33f2a0a73ab185db8525773e00525d05?OpenDocument> (Access Date: 18.6.2018)

Butt, Khalid M.; Butt, Anam A., "Blockade on Gaza Strip: A Living Hell on Earth", *Journal of Political Studies*, Volume 23 No.1, 2016, p.157-182.

Human Rights Watch, "Deprived and Endangered: Humanitarian Crisis in the Gaza Strip", January 13,2009. <https://www.hrw.org/news/2009/01/13/deprived-and-endangered-humanitarian-crisis-gaza-strip> (Access Date: 18.6.2018). Falk, Richard, "Understanding the Gaza Catastrophe", *Huffington Post*, May 25,2011. https://www.huffingtonpost.com/richard-falk/understanding-the-gaza-ca_b_154777.html (Access Date: 18.6.2018)

74 Duman, Furkan, ""The Gaza Sea Blockade", *International Journal of Afro-Eurasian Studies*, number1, 2016 <https://dergipark.org.tr/tr/download/article-file/342874> (Access Date: 02.8.2024)

who should be allowed to meet their natural needs. While it may be true that fighters can also benefit from these permissions, for example, while allowing food to enter, it is unlawful not to allow or to grant limited permissions because fighters will also benefit from them. The fact that restrictions that are sometimes said to be reasonable are also against international law should not be ignored. For example, it is against international law not to allow construction materials to enter Gaza because they can be used in tunnel construction.

B. Construction of the Wall:⁷⁵ As recorded by the Court's ruling, it is clearly against international law. The construction of the wall hinders Palestinians' right to movement and access to their property. (See Section 2.5 of the Report)⁷⁶

C. The Problem of Illegal Jewish Settlements:⁷⁷ Illegal Jewish settlements in Palestinian territories are contrary to international law in various ways. First of all, the international lawlessness of opening Jewish settlements in the military-occupied lands of Palestine, which everyone has mentioned, is beyond discussion. 21% of the illegal Jewish settlements in question were established by usurping Palestinian property.⁷⁸

Practices carried out in these settlements also constitute violations of international law in various ways. For example, although Jewish settlers placed in illegal settlements are shown as civilians, they are armed and a blind eye is turned on their acts of terror against Palestinian. Water resources, agricultural lands, etc. in the region are allocated to Jewish settlers in violation of international law. (See Section 2.4 of the Report)

D. Not Allowing Palestinian Refugees to Return to Their Homes:⁷⁹ There are Palestinian refugees in many parts of the world as well as in Arab countries, and there are over 5 million Palestinian refugees who have been displaced and are living in refugee camps within Palestine. This issue, which has been pushed to the back burner for various reasons, is one of Israel's most stringent issues at peace talks, along with the status of Jerusalem. Israel regards this as a survival issue because it is aware that allowing return will make Jews a minority in the lands under its control. Although Israel tries to ignore

75 Tahhan, Zena, "Israel's Settlements: 50 years of land theft explained", Aljazeera, November 21, 2017. <https://interactive.aljazeera.com/aje/2017/50-years-illegal-settlements/index.html> (Access Date: 18.6.2018)

76 Cankara, Yavuz; Cankara, Pınar Özden, "Economic and Cultural Effects of the Construction of the West Bank Wall on Palestinian People", Batman University Journal of Life Sciences, Volume 1, Number 1, (2012) <https://dergipark.org.tr/tr/download/article-file/313650> (Access Date: 19.3.2024)

77 Tahhan, Zena, "Israel's Settlements: 50 years of land theft explained", Aljazeera, November 21, 2017. <https://interactive.aljazeera.com/aje/2017/50-years-illegal-settlements/index.html> (Access Date: 18.6.2018)

78 <https://bianet.org/haber/israil-yerlesimlerinin-beste-biri-filistinlilerin-ozel-mulkiyeti-123265> (19.3.2024)

79 American Friends Service Committee, "Palestinian Refugees and the Right of Return". <https://www.afsc.org/resource/palestinian-refugees-and-right-return> (Access Date: 18.6.2018)



Doaa Albaz / Han Yunus, Filistin / 08.08.2024



Gazans who were deported as a result of Israeli attacks. Photo: Anadolu Agency

and prevent this with all its initiatives, the right of return of Palestinian refugees is a fundamental right granted to them by international law.

Israel's efforts to establish a Jewish majority through artificial population movements are also against international law. Today, the exile of Palestinians abroad or difficulties raised when those abroad return to their homeland create new Palestinian refugees. (See Section 2.3 of the Report)

E. Palestinians' Right to Property: Israel violates right to property of Palestinians in both the lands it has illegally annexed and the lands it has militarily occupied. It is dispossessing Palestinians, making it impossible for them to live in their own homeland.⁸⁰

In light of the above-mentioned issues, it is clearly seen that Israel is a state that commits human rights violations of varying intensity due to the application of the Apartheid regime to everyone, whether they are its citizens or not or whether they are Jews or not.

⁸⁰ <https://ordam.fsm.edu.tr/Orta-Dogu-ve-Afrika-Arastirmalari-Uygulama-ve-Arastirma-Merkezi-Faaliyetler-Panel--Filistinde-Israilin-Mulksuzlestirme-ve-Kimliksizlestirme-Politikalari-Paneli> (Access Date: 19.3.2024)



Ashraf Amra / Deyr Balah, Filistin / 08.07.2024



Children are dying of hunger in Gaza, where humanitarian aid is blocked. / Photo: Anadolu Agency

2.7. Taking Away Palestinians' Right to Life

In Gaza, before October 7, Israel was trying to prevent Palestinians from reaching agricultural lands in the border regions and even opened fire on them. After October 7, a significant portion of 180 thousand acres of agricultural land was destroyed and continues to be destroyed.⁸¹

In addition, Israel prevents Palestinians from using agricultural lands and carrying out other activities necessary for their survival (such as fishing and animal husbandry), not only in Gaza but throughout Palestine.⁸² Israel has destroyed 8% of the 10 million olive trees that make up approximately 45% of the agricultural lands in Palestine in the last two decades.⁸³ This destruction intensified in Gaza after October 7. (See Section 4.3 of the Report)

As a result, Israel violates many rules of international law, especially the crime of genocide, with these practices, not only in Gaza but throughout Palestine because there is a clear violation by Israel

81 <https://www.indyurk.com/node/680421/d%C3%BCnya/gazzenin-g%C4%B1da-deposu-han-yunusu-hedef-alan-i%CC%87sraıl-120-bin-d%C3%B6n%C3%BCm-tar%C4%B1m-arazisini> (Access Date: 17.3.2024)

82 <https://www.aa.com.tr/tr/dunya/filistinli-aktivist-hassan-israilin-kasitli-olarak-filistinlilerin-gida-sistemini-hedef-aldigini-belirtti/3164028> (Access Date: 18.3.2024)

83 <https://www.aa.com.tr/tr/ayrimcilikhatti/ayrimcilik/israil-son-20-yilda-filistinlilere-ait-800-bin-zeytin-agacini-yok-etti/1819400> (Access Date: 19.3.2024)

of Article 2 of the 1948 UN Convention on the Prevention and Punishment of the Crime of Genocide, which stipulates in paragraph c that one of the circumstances constituting the crime of genocide is “intentionally changing⁸⁴ living conditions by calculating that the physical existence of the group as a whole or in part will be eliminated.”

2.8. Claim of Absolute Sovereignty over Water Resources

Before Israel’s complete withdrawal from Gaza in 2005, Gaza was one of the places with the lowest per capita water consumption in the world. However, until 2005, illegal Jewish settlers living in Gaza were using the same amount of water per capita as in water-rich countries.⁸⁵ This situation, which is a striking indicator of the oppression that Israel has inflicted on Palestinians over water resources, relatively improved for Palestinians in Gaza after Israel withdrew in 2005. This is because 90% of water resources in Gaza were obtained from underground resources. However, after October 7, water consumption in Gaza reached the level of a humanitarian crisis. While per capita water consumption was 90 liters before October 7, it dropped to 2 liters afterwards. The main reason for this is the damage Israel has inflicted on the water infrastructure in Gaza, despite the fact that it is a war crime.⁸⁶

The amount of water recommended by the UN for drinking, cooking, and cleaning is at least 50 liters per person per day.⁸⁷ In other parts of Palestine, this problem continues to grow. So much so that Palestinians’ water consumption per person is less than one-third of that of Israeli citizens living in the same areas. This is the result of Israel’s controlling more than 85% of Palestine’s water resources.⁸⁸

Israel, which controls 90% of the common groundwater resources in the West Bank, withdraws groundwater from the region unilaterally and in violation of international law. It either prevents Palestinian drilling activities or limits the depth of drilling. It is also very difficult to obtain necessary permits to develop water infrastructure in the region. In addition, new wells, including those that have been destroyed, are not allowed to be opened. Jewish settlers, on the other hand, are exempt from restrictions and obstacles.⁸⁹

84 https://inhak.adalet.gov.tr/Resimler/Dokuman/2312020093827bm_11.pdf (Access Date: 19.3.2024)

85 <https://www.emro.who.int/emhj-volume-22-2016/volume-22-issue-12/water-usage-in-the-gaza-strip-recommendations-from-a-literature-review-and-consultations-with-experts.html> (Access Date: 18.3.2024)

86 <https://www.trthaber.com/haber/dunya/gazgede-kisi-basina-dusen-su-miktari-90-litre-den-2-litre-ye-indi-843392.html#:~:text=Gazze'de%20sava%C5%9F%20ba%C5%9F%20flamadan%20%C3%B6nce,zarar%20%C3%B6lmesinden%20kaynakland%C4%B1n%C4%B1n%20ifade%20etti> (Access Date: 17.3.2024)

87 <https://www.npr.org/2023/12/29/1221571110/gaza-water-israel-crisis-hamas#:~:text=Satellite%20images%20show%20Israeli%20forces,Activities%20in%20the%20Territories%20office> (Access Date: 17.3.2024)

88 <https://www.trthaber.com/haber/dunya/israillilerin-su-tuketimi-filistinlilerden-3-kat-daha-fazla-754704.html#:~:text=Bir%20Filistinlinin%20su%20t%C3%BCketiminin%20%C3%BCnl%C3%BCk,21%2C3%20litreye%20geriliyor.%22> (Access Date: 17.3.2024)

89 <https://www.insamer.com/tr/israil-igalinin-farkli-bir-boyutu-gida-guvenligi-ve-su-sorunu.html> (Access Date: 19.3.2024)

In the Advisory Opinion Case on Human Rights Violations in Palestine, which was heard before the ICJ, Maldives' representative, Attorney Amy Sander, who presented her case on February 26, 2024; drew attention to the fact that Israel holds water resources in the occupied Palestinian territories, and demonstrated that Palestinians do not have access to drinkable water, the use of groundwater is 'unfairly' shared between Israelis and Palestinians, and Israel damages infrastructure in the occupied territories. Sander stated that damaging water distribution infrastructure and resources violates "the prohibition on the destruction or removal of objects essential to the survival of civilians," and noted that Israel's policies and practices regarding water resources violate not only the Palestinians' "right to self-determination" but also "their right to establish permanent sovereignty over their natural resources."⁹⁰

Israel is acting in violation of international law not only against Palestinians but also against neighboring countries, particularly Syria and Lebanon, regarding water resources. For example, Israel uses by itself the water resources of the Golan Heights which belong to Syria and which it annexed in violation of international law. It has also periodically seized the waters of the Litani River, which lies entirely within Lebanese territory.

90 <https://www.aa.com.tr/tr/gundem/disisleri-bakan-yardimcisi-yildiz-israil-insan-haklarini-uluslararası-hukuku-ihlal-eden-eylemlerden-sorumlu-tutulmalı/3147754> (Access Date: 02.3.2024)

3. ISRAEL'S GAZA ATTACKS IN TERMS OF PRE-WAR LAW AND LAWS OF WAR

Israel has most concretely demonstrated its aggressive stance in its attacks on Gaza, with the aim of expanding its occupation policy in Palestinian territories and not allowing Palestinians to exercise their right of sovereignty. Israel, which has committed many violations in Gaza, which has been under siege for many years, is now committing genocide in Gaza with its attacks following October 7. Based on this, this section of the report will present in detail attacks carried out by Israel in Gaza before and after October 7, and violations of humanitarian law and human rights it has committed.

3.1. Israel's Attacks on Gaza and Violations in Terms of Pre-War Law

3.1.1. Scope and Legal Nature of the Gaza Blockade

Hamas, which won 76 seats in elections held on January 25, 2006, established a government within the Palestinian National Authority that would govern the West Bank and the Gaza Strip. Following these developments, Israel did not recognize Hamas as the official government and tightened measures it took against Palestine.¹ Accordingly, Israel declared that the Gaza sea area was closed to all maritime traffic

¹ Ahmet Hamdi Topal, "Israel's Blockade of Gaza and the Mavi Marmara Attack ", Public and Private International Law Bulletin, Volume 32, Number 1, p. 105.

and blockaded as of January 3, 2009.² On May 31, 2010, the Mavi Marmara, one of six ships heading to the Gaza Strip to deliver humanitarian aid, was raided by the Israeli Army. As a result of the raid on the Mavi Marmara ship, which was flying the Comoros flag and carrying around 600 civilians from 32 different countries, 9 Turkish citizens on board lost their lives and many others were injured.³

The Israeli Army's attack took place while the Mavi Marmara was still sailing in the high seas of the Mediterranean. The 1982 UN Convention on the Law of the Sea contains customary law rules. These rules are binding for states that do not insistently object. The principle of freedom of the high seas (*mare liberum*) is also regulated in the said Convention and is binding in terms of being a customary rule.⁴ The flag state of a ship on high seas has exclusive authority. However, exceptions to this rule are when intervention is based on a special treaty or the right to uninterrupted pursuit, the crime of piracy, unauthorized radio and television broadcasting, slave trade and situations related to stateless or dual-national ships.⁵ The exceptions mentioned do not exist in the Mavi Marmara incident. Israel, which is engaged in illegitimate actions according to international maritime law, points to the law of armed conflict as a legal basis for its arguments.

In this context, it claimed that it imposed a naval blockade on Gaza within the scope of its right of legitimate self defense and acted to prevent the violation of this blockade.⁶ The nature of the blockade in international law must first be explained in order to determine the validity of this legal basis that Israel is trying to establish.

A blockade is a method of warfare in which the entry or exit of all ships and aircraft going to or coming from the coasts or ports of a state under blockade is prevented in order to cut off its relations with other states during an armed conflict.⁷ Today, a naval blockade can be declared unilaterally by a party to an armed conflict in accordance with international law or by the UNSC due to a threat to international peace or an act of aggression in accordance with Chapter VII of the UN Charter.⁸

2 Israel Ministry of Transport and Road Safety, Public Announcement No. 1/2009 Blockade of Gaza Strip, <https://www.gov.il/en/departments/publications/reports/mariners-1-2009> (03.03.2024).

3 Derya Aydın Okur, Meltem Sarıbeyoğlu, Hakkı Hakan Erkiner, "Assessment of the Mavi Marmara Incident in Terms of International Law", *Current Law Journal*, July 2010, p. 32.

4 1982 United Nations Convention on the Law of the Sea, Article 87, https://www.un.org/depts/los/convention_agreements/texts/unclos/part7.htm (03.03.2024).

5 Sinan Misli, "Examination of the Relationship Between Freedom of High Seas, Nationality of Ships and Exclusive Jurisdiction of the Flag State in the Light of Customary Law, Conventions and Court Rulings", *Gazi University Faculty of Law Journal*, Volume 18, Number 1, 2014 p. 202.

6 Derya Aydın Okur, Meltem Sarıbeyoğlu, Hakkı Hakan Erkiner, "Assessment of the Mavi Marmara Incident in Terms of International Law", p. 34.

7 Ahmet Hamdi Topal, "Israel's Blockade of Gaza and the Mavi Marmara Attack", p. 110.

8 Andrew Sanger, "The Contemporary Law of Blockade and the Gaza Freedom Flotilla", *Yearbook of International Humanitarian Law*, Volume 13, 2010, p. 409.

State practices and blockades declared by the UNSC in the past have been influential in the formation of the current principles regarding blockades in international law. However, there is no completed codification study regarding naval blockades in international armed conflicts.⁹ The “Declaration of the Rules of Naval Warfare of 1909” (London Declaration), which includes regulations regarding activities at sea in time of war, was the first international document to recognize the right to blockade in time of war.¹⁰ The “San Remo Manual on International Law Applicable to Armed Conflicts at Sea” (San Remo Principles) prepared by international law experts in 1994 is also important in terms of containing international customs and traditions.

San Remo Principles have set forth conditions sought for a blockade in accordance with international law. Under Article 93 of the aforementioned principles, the blockade must be declared in a manner that will be notified to all belligerent and neutral states.¹¹ As can be understood from the wording of the article, since the blockade must be declared by the belligerent states, there must be an international armed conflict in which the parties are states. Cases of intervention that amount to an attack on merchant ships are regulated in Articles 67 (a) and 98 of San Remo Principles. According to these articles, provided that there are reasonable grounds to believe that a merchant ship is carrying contraband or violating the blockade, if the ship resists despite warnings to control or seize it, it may be the target of an attack by the blockading state.¹² Undoubtedly, the applicability of these articles will be possible in the presence of a legitimate blockade. It is a serious contradiction that Israel, which does not recognize Palestine as a state and does not describe its conflict with Hamas as international, resorts to the blockade, a concept that belongs to the international law of armed conflict, as a means of legitimacy¹³ because there is a non-international armed conflict. In this case, the blockade implemented by Israel is illegitimate.

Blockades implemented affect not only the state they are directed at but also neutral states and the civilian population in the blockaded state. International humanitarian law has developed two basic principles to distinguish between military targets and civilians. Accordingly, civilians should not be directly targeted and any civilian harm resulting from an attack on a military target must be proportionate to the expected military advantage.¹⁴ The principle of proportionality, one of the basic principles of international humanitarian law, is regulated in Article 102 of San Remo Principles. According to

9 Turkish National Commission Of Inquiry, Report On The Israeli Attack On The Humanitarian Aid Convoy To Gaza On 31 May 2010, Ankara, 2011, p. 60, <https://reliefweb.int/report/occupied-palestinian-territory/report-israeli-attack-humanitarian-aid-convoy-gaza-31-may-2010> (04.03.2024).

10 Derya Aydın Okur, Meltem Sarıbeyoğlu, Hakkı Hakan Erkiner, “Assessment of the Mavi Marmara Incident in Terms of International Law”, p. 34.

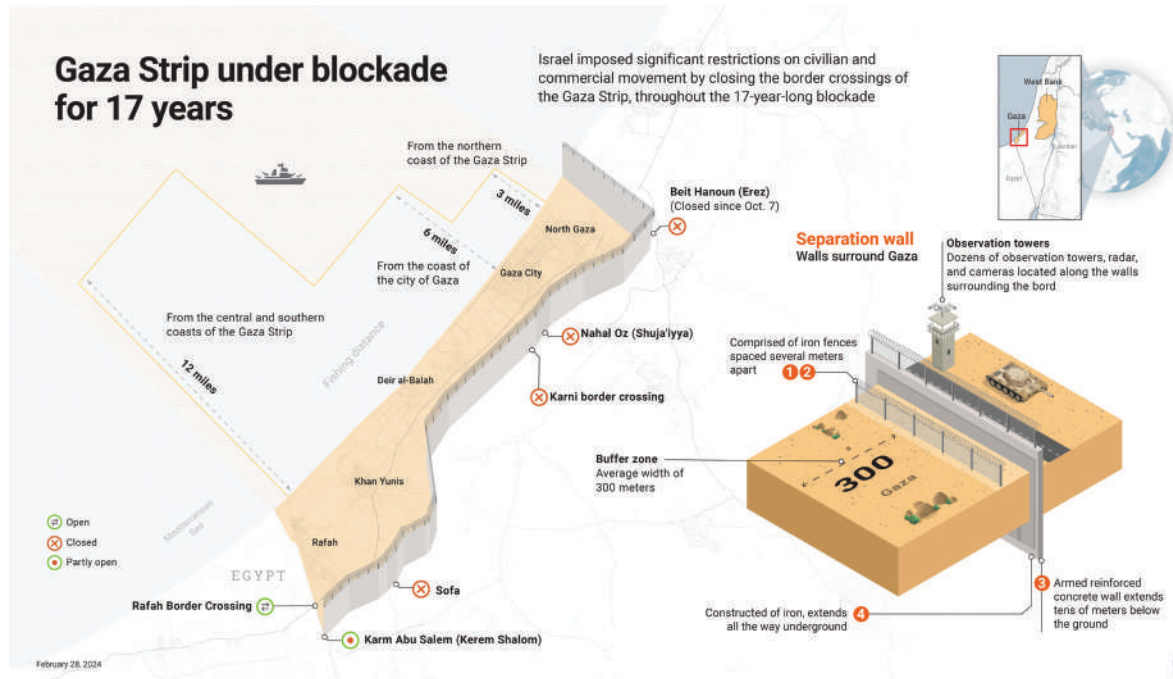
11 San Remo Manual on International Law Applicable to Armed Conflicts at Sea, <https://ihl-databases.icrc.org/en/ihl-treaties/san-remo-manual-1994?activeTab=undefined> (04.03.2024).

12 Ibid.

13 Turkish National Commission Of Inquiry, Report On The Israeli Attack On The Humanitarian Aid Convoy To Gaza On 31 May 2010, Ankara, 2011, p. 63, <https://reliefweb.int/report/occupied-palestinian-territory/report-israeli-attack-humanitarian-aid-convoy-gaza-31-may-2010> (05.03.2024).

14 Andrew Sanger, “The Contemporary Law of Blockade and the Gaza Freedom Flotilla”, p. 414.

the said article, blockades whose sole purpose is to starve the civilian population or deprive it of other necessities necessary for survival are prohibited. In paragraph (b) of the same article, it is prohibited to declare a blockade if the harm to the civilian population is excessive compared to the concrete and direct military advantage expected from the blockade.¹⁵



The effects of the blockades imposed by Israel on Gaza on the civilian population in Gaza have been identified in various reports. Accordingly, the Goldstone Report addresses the consequences of the blockade in effect in many items. According to the report, Gaza economy, which was already in a bad state, was damaged by the blockade as the entry of the necessary materials and energy to generate electricity was prevented. As a result, many businesses, factories and farms were either closed or forced to operate at reduced capacity. In addition, food imports and local production in Gaza were seriously affected due to these restrictions imposed by Israel.¹⁶ The Palmer Report on the Mavi Marmara incident also reiterated the conditions for a naval blockade in accordance with the international law of armed conflict. According to the said report, a blockade is illegal if it is implemented with the aim of starving a civilian population or if its negative effects on the civilian population outweigh the military advantage gained. Even if a blockade is declared, the civilian population must be allowed to have access to food and other basic needs in order to survive.¹⁷

15 San Remo Manual on International Law Applicable to Armed Conflicts at Sea , <https://ihl-databases.icrc.org/en/ihl-treaties/san-remo-manual-1994?activeTab=undefined> (04.03.2024).

16 United Nations Fact Finding Mission on the Gaza Conflict, A/HRC/12/48, p. 259-263, <https://www.ohchr.org/en/hr-bodies/hrc/special-sessions/session9/fact-finding-mission> (06.03.2024).

17 Report of the Secretary-General's Panel of Inquiry on the 31 May 2010 Flotilla Incident, p. 102, <https://www.un.org/nispal/document/auto-insert-205969/> (06.03.2024).

If Hamas is accepted as having a political status representing Palestine, the armed conflict between Israel and Palestine will gain an international status. However, even in this case, the existence of an international armed conflict does not directly legitimize the blockade. In order to determine the legitimacy of the naval blockade implemented by Israel, the extent to which it complies with the principle of proportionality stipulated in Article 102 of the San Remo Principles should also be taken into consideration. The necessity of complying with the principle of proportionality is stated in both the Goldstone Report and the Palmer Report. In occupied Gaza, basic materials necessary for the civilian population to sustain their lives have frequently been destroyed in ongoing military operations. Inability of civilians to meet their needs, especially food and shelter, and have access to medical supplies has led to a serious humanitarian crisis. Israel's actions against the Mavi Marmara ship, which was carrying humanitarian aid to Gaza, further escalated this crisis. In any case, Israel has violated the principle of proportionality, which is among the primary sources of international law and is a general principle of international law. For all the reasons that are explained, Israel's naval blockade of Gaza is illegitimate in accordance with the rules of international law.

3.1.2. General Framework of Attacks Before October 7

2008-2009 Gaza War

Following Israel's complete withdrawal from Gaza in September 2005, Hamas emerged victorious in elections held in January 2016 and subsequently gained complete control of Gaza as a result of clashes with Fatah.¹⁸ Israel and the United States responded to this development by declaring Hamas a terrorist organization.¹⁹ Israel subsequently imposed a land and sea blockade on Gaza, making life quite difficult for the people of Gaza.²⁰ Although an agreement was reached between Hamas and Israel in 2008 to reduce fighting and lift sanctions, Israel violated the ceasefire by launching airstrikes against Hamas members in Gaza.²¹ This reignited the fighting and launched a 23-day war. More than 1,400 people, the vast majority of whom were civilians, were killed in the Israeli attacks, more than 5,300 were injured, and more than 50,000 Gazans were displaced.²² On the other hand, around 5,700 houses were completely destroyed and nearly 52,000 houses were damaged.

2012 Israeli Attacks

In November 2012, while the world was focused on the Arab Spring and especially unfolding events in Syria, Israel resumed attacks in Gaza. Following the killing of a 13-year-old boy playing

18 The Truth Front of the Palestinian Cause: Fighting Discrimination, Hypocrisy and Double Standards, Presidency of the Republic of Türkiye Directorate of Communications Publications, 2024, p. 44.

19 Ibid.

20 Ibid.

21 Ibid.

22 Ibid.

football in Gaza by Israeli soldiers, Hamas launched a series of rocket attacks against Israel, and subsequently Israel, claiming to have exercised its right of self-defense, launched more extensive military attacks in Gaza.²³ It was asserted that the attacks were based on Netanyahu's government to achieve a better result in the upcoming general elections in Israel as well as concerns about Hamas' increasing military capacity.²⁴

The attacks, which lasted 7 days, ended with a ceasefire following mediation activities led by Egypt, which also received support from Türkiye and Qatar.²⁵ 137 Palestinians were killed and 1,200 injured as a result of Israeli attacks.²⁶ A significant number of the dead and injured were women and children.²⁷ On the other hand, various critical infrastructure systems in Gaza, especially hospitals and schools, were damaged or completely destroyed.²⁸ 4 Israeli civilians and 1 soldier lost their lives as a result of missile attacks carried out by Hamas.²⁹

2014 Israeli Attacks

In 2014, Israel launched a new air, land and sea attack on Gaza, similar to previous attacks, claiming to use its right of self-defense against Hamas rockets.³⁰ The attacks, which began on July 8, 2014, lasted 51 days and caused serious destruction.³¹ The attacks were recorded as the longest and most violent attacks to date.³² As a result of the attacks, a total of 2,158 Palestinians, including 551 children, were killed, and more than 500,000 Palestinians were forcibly displaced.³³ UNRWA also faced a serious financial crisis in the face of the attacks, and its aid activities to Palestinians were seriously disrupted.³⁴

2018-2019 The Great March of Return

85% of the population of Gaza consists of formerly displaced refugees. Gazans marched to the Israeli border every Friday from March 2018 to December 2019 to demand their return to their homes, which are now in Israeli territory, and also to protest Israel's strict blockade.³⁵ However, Israel responded

23 Selim M. Bölm, *Israel's Resistance to Change 2012 Gaza Attack*, Seta Analiz, November 2012, number 55, p. 4.

24 Ibid.

25 Ibid., p. 5.

26 Ibid., p. 6.

27 Ibid.

28 Ibid., p. 5.

29 Ibid., p. 6.

30 *The Truth Front of the Palestinian Cause*, p. 44.

31 Ibid.

32 UNRWA, "2014 Gaza Conflict", <https://www.unrwa.org/2014-gaza-conflict>, (Access Date: 17/03/2024).

33 Ibid.

34 UNRWA, "Urgent Funding Required to Address Unprecedented Destruction in the Gaza Strip", 18/12/2014, <https://www.unrwa.org/newsroom/press-releases/urgent-funding-required-address-unprecedented-destruction-gaza-strip>, (Access Date: 18/03/2024).

35 Mustafa Devenci, "A nation's struggle for freedom: The Great March of Return", 30/03/2019, <https://www.aa.com.tr/tr/dunya/bir-milletin-ozgurluk-mucadelesi-buyuk-donus-yuruyusu/1435223>, (Access Date: 18/03/2024).

to peaceful demonstrations with live ammunition. At least 196 Palestinians were killed by Israeli forces over the course of 18 months of demonstrations.³⁶

2021 Israeli Attacks

The Israeli Supreme Court's decision to evict six Palestinian families from their homes in the Sheikh Jarrah neighborhood of East Jerusalem rose tensions in the region.³⁷ In the West Bank, Israeli forces responded to Palestinian demonstrations with disproportionate force. Hamas and Islamic Jihad called on Israel to stop the attacks, but when their calls went unanswered, they launched missile attacks on Israel.³⁸ Israel subsequently launched a new military operation in Gaza. 256 Gazans were killed and more than 2,000 injured in the attacks.³⁹

3.1.3. Operation al-Aqsa Flood and Israel's Claim of Legitimate Self-Defense

Since legitimate self defense is the only legal possibility that a state can resort to force unilaterally in the conventional positive international law regime, states can resort to it to protect their legitimate rights according to international law.⁴⁰ On the other hand, the concept of legitimate self defense is also open to abuse in order to launch an armed invasion. In order to protect legitimate defense from this abuse, international law as a whole has drawn a legal and legitimate framework in its sources, namely the UN Charter,⁴¹ which is the main conventional source on the subject, and in the rules of customary international law, by both materially and temporally binding the conditions for resorting to legitimate defense.

These criteria or conditions aim to guarantee the merely defensive nature of armed intervention and prevent resorting to arms from being a criminal act or an opportunistic initiative. The application of legitimate defense is strictly framed by the principles of necessity, proportionality and moderation.⁴² Force is a legal concept. Proportionality is related to the intensity of the force applied. It establishes the link between force and the intensity of force.

³⁶ Ibid.

³⁷ Abdurrauf Arnavut, Çağrı Koşak, "The historic neighborhood in East Jerusalem that is the focus of Israeli attacks: Sheikh Jarrah ", 14/05/2021, <https://www.aa.com.tr/tr/dunya/dogu-kuduste-israil-guclerinin-saldirilarinin-odagindaki-tarihi-mahalle-seyh-cerrah/2240980>, (Access Date: 18/03/2024).

³⁸ "Leave Sheikh Jarrah, stop attacks on Al-Aqsa and we will stop rockets, Hamas says", 20/05/2021, <https://www.middleeastmonitor.com/20210520-leave-sheikh-jarrah-stop-attacks-on-al-aqsa-and-we-will-stop-rockets-hamas-says/>, (Access Date: 18/03/2024).

³⁹ Mücahit Aydemir, "The effects of war still continue in Gaza a year after Israeli attacks", 16/05/2022, <https://www.aa.com.tr/tr/dunya/israil-saldirilarindan-1-yil-sonra-gazede-savasin-etkileri-hala-suruyor/2589227>, (Access Date: 18/03/2024).

⁴⁰ United Nations Charter article 51; see. http://www.uhdigm.Adâlet.gov.tr/sozlesmeler/coktarafli-soz/bm/bm_01.pdf (20.03.2024).

⁴¹ UN: United Nations.

⁴² Vianney Silvy, *Le Recours a la légitime défense contre le terrorisme international*, *Connaissances et Savoirs*, 2013, s. 67; Hakkı Hakan Erkiner, *Legitimate Defence Against International Terrorism*, Seçkin, Ankara, 2023, p. 232.

The principle of proportionality sets a limit on military response. This limit should not only be considered simply as a limit to be evaluated in every concrete case regarding the purpose of defense and the framework of military response.⁴³ The principles of necessity and proportionality are clearly present in customary international law and have been confirmed by international court decisions, which are auxiliary sources that can support the determination of this.⁴⁴

The requirement of proportionality between the damage suffered and the damage caused can be seen as the basic logical basis of the principle. There is a valid interpretation that the ICJ⁴⁵ simply applied this basic logical inference in the Oil Platforms Case.⁴⁶ In the specific case, the requirement of proportionality between the force applied for defensive purposes and the attack suffered will be evaluated within the framework of the circumstances of the case. The proportionality and balance between military requirements and humanitarian needs will be evaluated. The ICJ ruled that this balance was not applied in the Military Activities in Congo's Territory Case.⁴⁷ In fact, there is a very close logical relationship between the principles of necessity and proportionality. A disproportionate application cannot be considered a necessary application, and an unnecessary application is also disproportionate.⁴⁸

As revealed in the ICJ's Advisory Opinion,⁴⁹ on the Legitimacy of the Threat or Use of Nuclear Weapons in terms of the weapons used, it is necessary to comply with the principle of proportionality in the use of all existing or future weapons in a legitimate self defense situation.⁵⁰ If a state attacked in a legitimate self defense does not comply with the principle of proportionality while defending itself, it becomes the aggressor itself.⁵¹ To disregard limits, to be reckless, not to act meticulously while using force in a legitimate self defense situation is to violate the principle of proportionality and to be an aggressor itself. As a result, in order for legitimate self defense to be truly legitimate, it is essential to avoid violating the principles of necessity and proportionality. The state engaged in illegitimate self defense has the duty to act meticulously in this regard. Being meticulous means trying to avoid going to extremes.⁵²

43 Vianney Silvy, *Le Recours a la légitime défense contre le terrorisme international*, p. 76.

44 Jean Salmon, *Dictionnaire de Droit International Public*, Bruylant/AUF, Bruxelles, 2001, s. 894; Vianney Silvy, *Le Recours a la légitime défense contre le terrorisme international*, p. 68.

45 ICJ: International Court of Justice

46 *Affaire des Plates formes pétrolières, Iran c. États-Unis*, arrêt du 6 novembre 2003, CIJ, Recueil, 2003, p. 198, para. 77.

47 *Affaire des Activités armées sur le territoire du Congo, RDC c. Ouganda*, arrêt du 19 décembre 2005, CIJ, Recueil, 2005, p. 53, para. 147.

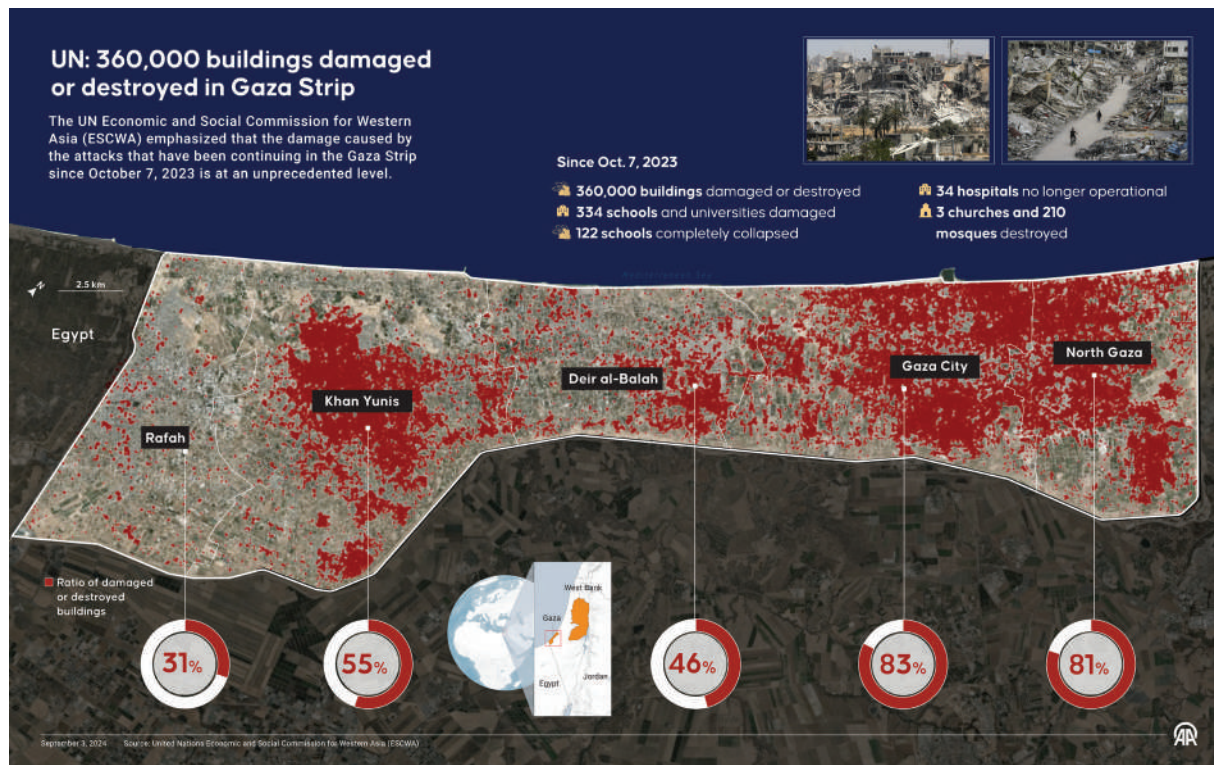
48 Olivier Corten, *Le droit contre la guerre: l'interdiction de recours a la force en droit international contemporain*, Pedone, Paris, 2008, p. 729.

49 *Legality of the Threat or Use of Nuclear Weapons, Advisory Opinion*, ICJ Reports, 1996, p. 245, para. 42 ve 43; <https://www.icj-cij.org/files/case-related/95/095-19960708-ADV-01-00-BI.pdf> (20.03.2024)

50 Maurice Kamto, *L'agression en droit international*, Pedone, Paris, 2010, p. 196.

51 Vianney Silvy, *Le Recours a la légitime défense contre le terrorisme international*, p. 79.

52 Hakkı Hakan Erkiner, *Legitimate Defence Against International Terrorism*, p. 287.



Proportionality is a condition of legitimate self defense.⁵³ The force permitted to be used within the framework of the right of legitimate self defense, which is an exception to the prohibition of the use of force, must be the minimum force necessary and sufficient to eliminate the attack in question.⁵⁴ The existence of the principle of proportionality has been accepted in international customary law since the Caroline Incident of 1837. Accordingly, in order for the right of legitimate self defense to be used, the danger in question must have arisen at that moment, be sudden, insurmountable and of a nature that does not allow for resorting to any other means of protection.⁵⁵ Means to be used must also be proportionate to the violation that necessitates legitimate self defense and means required by it.⁵⁶

Proportionality limits the force applied based on the right of legitimate self defense in a lawful manner.⁵⁷ In the criterion of proportionality, it is especially important to correctly select the target to which the force is directed. The correct assessment of the protection of unarmed members of the public from being the target of the use of force is an international obligation of the state resorting to the use of force.⁵⁸

53 Funda Keskin, *Use of Force in International Law*, Mülkiyeliler Union Foundation Publications, Ankara, 1998, p. 50.

54 *Ibid.*, p. 50.

55 *Ibid.*, p. 51.

56 *Ibid.*

57 Christian J. Tams, James G. Devaney, "Applying Necessity and Proportionality to Anti-Terrorist Self-Defence", *Israel Law Review*, vol. 45 (1), March 2012, p. 101; <https://doi.org/10.1017/S0021223711000033> (20.03.2024).

58 Bkz. Edward N. Zalta (Edit.), *The Stanford Encyclopedia of Philosophy*, War maddesi, (4.4) Proportionality; <https://plato.stanford.edu/entries/war/> (20.03.2024).

Indeed, in this regard, the 1949 Geneva Convention and the 1977 Additional Protocol I, as well as the humanitarian law obligations in customary international law (le droit international humanitaire coutumier) and the provisions of international human rights law (les dispositions relatives aux droits de l'homme) are binding during legitimate self defense.⁵⁹ When resorting to the use of force for legitimate self defense, the aim is to eliminate the armed attack that has been suffered. Therefore, it is a legal obligation brought by the principle of proportionality that no more force than is necessary to achieve this legitimate goal should be used.⁶⁰ Legitimate self defense is not a punitive action; its objective cannot be to punish.⁶¹

The use of force that is excessive in terms of necessity, proportionality and proportionality is not a legitimate self defense, but is itself an armed attack.⁶² Israel's claim of legitimate self defense is, without any question, never valid in the eyes of the existing international law mentioned and presented above, and since it completely violates the principle of proportionality without any need to look for any other reason,⁶³ its practices are not a legitimate self defense as claimed, but on the contrary, they are definitely an armed attack.

3.2. Israel's Attacks on Gaza and Its Violations from the Standpoint of Jus in Bello

Humanitarian law comes into play after armed conflicts have erupted and passed a certain threshold of intensity, and human rights law continues to find application in both peacetime and wartime. The issue of whether armed conflicts in Palestinian territories are international or non-international armed conflicts is debatable. Although both views have their own weight, the protection standard foreseen for the warring parties in international armed conflicts is higher. Likewise, the rules and standards foreseen for non-international armed conflicts are more limited. Although the International Red Cross Organization and many authors have tried to bring the rules of both armed conflicts closer to each other and foresee higher humanitarian protection guarantees in conflicts, this approach has not yet become customary international law.

Although humanitarian law, in a way, sets forth the human rights standards to be protected during armed conflicts, its legal framework differs from human rights law in that it categorizes the issues and the persons to be protected, and does not foresee a clear provision regarding persons who are not

59 Projet d'articles sur la responsabilité de l'État pour fait internationalement illicite et commentaires y relatifs, 2001, p. 190; https://legal.un.org/ilc/texts/instruments/french/commentaries/9_6_2001.pdf (20.03.2024).

60 Süleyman Dost, "The Principle of Proportionality in International Law", *Court of Disputes Journal*, Y. 6, Sa. 12, 2018, p. 363; <http://dergipark.org.tr/tr/download/article-file/596206> (20.03.2024).

61 Terry D. Gill, Kinga Tibori-Szabó, "Twelve Key Question on Self-Defense against Non-State Actors", *International Law Studies*, vol. 95, 2019, p. 503; <https://digital-commons.usnwc.edu/cgi/viewcontent.cgi?article=2914&context=ils> (20.03.2024).

62 Hakkı Hakan Erkiner, , *Legitimate Defence Against International Terrorism* , p. 438.

63 For material evidence of a violation of the principle of proportionality for example see. AA Kitap, Kanıt – The Evidence, Anadolu Agency, İstanbul, 2024.

protected. In human rights law, the reasons for limiting rights have also been listed, and killings in accordance with the law of war and terrorism have been stated as exceptions. Apart from the international and non-international armed conflicts mentioned above, conflicts that do not reach this stage in terms of intensity and duration criteria have been seen as internal troubles and the law to be applied to them has been shown as the domestic law of the relevant state. For this reason, states have resorted to regulating such conflicts with criminal laws and terrorism laws.

Britain's stance on the IRA can be given as an example. Furthermore, some states, such as the US, have stated that they are not bound by any rule of law when it comes to terrorism and have deemed it appropriate to deprive their targets of all human rights. This includes indefinite detention, deprivation of fair trial guarantees and torture. Israel has often considered Palestinians in this category and has not seen itself bound by any rules. This is also the reason why Israel has resorted to the discourse of terrorism regarding political parties and resistance movements in Palestine from the past to the present. However, according to international law, Palestine is a state and Palestinians are a community of people with the right to self-determination, but they are absolutely not terrorists. Finally, the armed conflicts that have taken place between Palestine and Israel since October 7, 2023 must at least be characterized as armed conflicts not of an international character. On the other hand, the possibility of the conflicts being international armed conflicts can equally be defended.⁶⁴

3.2.1. Violations of Humanitarian Law and Human Rights in Terms of Attacks Before October 7

Humanitarian law violations committed by Israel against Palestine have increased in quality rather than quantity from the past to the present because since the day it was founded, Israel has not felt bound by the rules of international humanitarian law against Palestinians and has refused to implement the rules in a way that would bind it as much as possible. This includes agreements it has signed with Palestinian administrations. For this reason, below, some human rights and humanitarian law violations the names of which have not changed but have become more serious and comprehensive over time will be listed without any time limitation.

With the emergence of Israel as a state on May 14, 1948 and the Nakba Incident, which was an ethnic cleansing and forced migration, hundreds of thousands of Palestinians were forced to leave their homes, flee or were exiled and were never allowed to return by Israel.⁶⁵

Israel has resorted to almost every means to destabilize the State of Palestine, which is trying to institutionalize, and has tried to deepen the conflict between Fatah and Hamas. Israel has implemented

64 On the classification of armed conflicts see. Muhammet Celal KUL, *Exploring the Anatomy of the Syrian Armed Conflicts*, Ankara: Adalet Publishing House, 2020, p. 20 *et seq.*

65 For a study that sheds detailed light on the violations in Palestine up until 1990 see. M. Lütfullah Karaman, *The Palestinian Question in the Dead End of International Relations*, İstanbul: İz Publications, 1991, p. 45 *et seq.*

a form of Apartheid regime in the occupied territories where it has effective control and has continued to commit serious human rights violations for decades. It has subjected the Palestinian people to forced migration many times. By not allowing Palestinian refugees to return to the lands from where they were expelled, Israel has settled Jewish population (illegal settlers) in Palestinian territories it occupies, thereby committing a war crime.

Israel, as an occupying power, is obliged under Geneva Convention No. 4 to ensure that the needs of the civilian population are met. In this context, the first of the humanitarian law violations committed by Israel in Gaza before October 7, 2023 is the collective punishment of the entire population of Gaza for the actions of members of the Palestinian resistance. Among Israel's collective punishment practices prohibited by humanitarian law; blockade practices, restricting the access of the people of Gaza to food and medicine, and instilling fear and terror in the people of Gaza should be mentioned. In addition to these, Israel's bombing and destruction of civilian targets and civilian deaths should also be mentioned. Israeli soldiers have targeted shuttles carrying students to universities and other civilian buildings.⁶⁶ In addition to these, Israel's disproportionate use of force against the people of Gaza and the use of weapons prohibited by humanitarian law are important violations.

Within the scope of the Oslo Accords signed between Palestine and Israel, it was decided to have a corridor that would allow travel between Gaza and the West Bank. However, Israel, after implementing this provision of the agreement for a while, ended this practice in 2000. This situation, which undermines the freedom of travel and cultural integrity of the Palestinian people, is another important violation by Israel. Israel does not abide by any agreement it has made and does not see itself as bound by international law.⁶⁷

On March 11, 2002, Israel attacked the Al -Bureij Camp and targeted civilians, killing 8 civilians, including 2 UN employees.

On June 9, 2006, the Israeli Navy targeted picnickers on the beach and killed more than 20 people, including children. This incident was later brought to the agenda of global media with Recep Tayyip Erdoğan's One Minute outburst in Davos.

On June 28, 2006, in an operation called Summer Rains, conducted by Israel to rescue a captured soldier, public buildings and bridges in Gaza were targeted and bombed. As a result of two-week Israeli attacks, 255 Palestinians, 62 of whom were children, lost their lives. 810 houses were destroyed in the operation, hundreds of civilians were injured, and the power plant that provided half of Gaza's electricity was destroyed.

66 For example see. 'I lost Everything : Israel's Unlawful Destruction of Property during Operation Cast Lead' 13 May 2010, <https://www.hrw.org/report/2010/05/13/i-lost-everything/israels-unlawful-destruction-property-during-operation-cast-lead> (accessed 22 July 2024).

67 On Political Zionism and the Foundations of the State of Israel see. Alan R. Taylor, *The Emergence of Israel: 1897-1947 Analysis of Zionist Diplomacy*, İstanbul: Pinar Publications, İstanbul, 2001, p. 59 *et seq.*

On November 20, 2006, Israel carried out Operation Autumn Clouds, which resulted in the deaths of more than 50 Palestinians.

Many Palestinians lost their lives in the ongoing attacks due to the capture of an Israeli soldier named Gilat Shalit. With Israel declaring oil and many other basic necessities as prohibited items and closing the Rafah Border Crossing of Egypt, Gaza turned into an open-air prison. Patients who could not receive treatment lost their lives due to this blockade. In 2007, 21 people who could not be treated in this way lost their lives.

On July 5, 2007, Israel attacked the Al- Bureij Camp and killed 11 people, including women and children. On December 7, 2008, Israel launched Operation Cast Lead in Gaza. In the operation conducted from the air and land, 1,500 Palestinians, most of whom were children, were killed. In these attacks, in which disproportionate force was used, more than 4,000 buildings were destroyed and 200,000 homes were damaged. As a result, 50,000 Palestinians were left homeless. As part of the attacks, Israel hit civilian targets such as hospitals, schools, factories and workplaces, and bombed UN facilities. Israel also bombed the Islamic University of Gaza and destroyed 122 health centers. In the attacks, 29 ambulances were destroyed, 280 schools, 20 mosques and 500 workshops were destroyed. Education was suspended during the attacks that lasted twenty-two days, and 164 students and 12 teachers lost their lives during this period.

Israel aims to destroy both human and cultural elements of Palestine through indiscriminate and disproportionate attacks. On December 28, 2008, it bombed the mosque in the Jibaliya Camp, killing 5 children. On January 3, 2009, it bombed another mosque in Beit Lahiya, killing 16 people and seriously injuring 8 others.

Israeli soldiers used banned cluster bombs in an intense bombardment of the Gaza Strip on January 3, 2009.⁶⁸ The use of cluster bombs is against the principle of non-discrimination, which is one of the general principles of humanitarian law, and bombs that do not explode during the bombardment continue to kill civilians by exploding years later.⁶⁹ In an Israeli attack in Zeitoun on January 4, 2009, Israeli military forces surrounded a building where 110 Palestinians were located and killed 33 people by bombing it. The same year, Huzaa villagers who waved a white flag to surrender were killed, ambulances carrying the wounded were fired upon, and all villagers were targeted without distinction between civilians and combatants. In the same incident, Israel used banned phosphorus bombs against civilians. According to the findings of Amnesty International, on January 15, 2009, Israel dropped banned white phosphorus bombs on facilities containing humanitarian aid supplies and civilian settlements. Phosphorus bombs,

68 Amos Harel and Avi Issacharoff, Massive Artillery, Aerial Bombardment Precedes Invasion by IDF Ground Forces, *HAARETZ*, 4 January 2009, <https://www.haaretz.com/2009-01-04/ty-article/massive-artillery-aerial-bombardment-precedes-invasion-by-idf-ground-forces/0000017f-df23-df9c-a17f-ff3b84980000> (accessed 13 March 2024).

69 Bkz. Mehmet Dalar, *Gazza War Palestinian Resistance, Israeli Expansionism and International Law*, Bursa: Dora Publications, 2009, p. 145.

which are banned by the Geneva Conventions of 1949 and Additional Protocol I and Additional Protocol III of the Convention on the Prohibition and Restriction of Certain Chemical Weapons, cause fire in a wide area when they come into contact with oxygen and cause burning until all the oxygen in the skin and cells is consumed when they come into contact with the human body. These prohibited weapons and warfare methods also constitute a violation of the principle of not causing unnecessary suffering, one of the fundamental principles of humanitarian law.

According to the Haaretz newspaper, the Israeli Army admitted to killing innocent women and children in accordance with the illegal orders they received from their superiors during their home searches.⁷⁰ Similarly, Israeli soldiers wore T-shirts with the phrase “one bullet, two dead” encouraging the killing of pregnant Palestinian women on the orders of their superiors.⁷¹ All these are acts that reveal Israel’s genocidal intent, in addition to arbitrarily depriving them of the right to life. Despite Article 77 (1) of the Geneva Convention No. 4, which specifically stipulates the protection of women and children, and contrary to all human rights standards, this practice has continued over the years. Humanitarian law and human rights law guarantees, which lack an effective monitoring and protection mechanism, have not provided active and immediate protection, and since the implementation of these standards has been left to Israel, it has been like letting the fox guard the henhouse.

On June 1, 2009, the UN Truth Commission came to the region to examine the destruction and losses that occurred after Operation Cast Lead and investigate violations of international law. The report presented on September 16, 2009 and named after South African judge Richard Goldstone was discussed in an extraordinary session by the UN Human Rights Commission and the unlawful acts of the Israeli occupation forces were condemned. The Goldstone Report emphasized that the Israeli military forces subjected the people of Gaza to collective punishment, used prohibited weapons and war methods such as phosphorus bombs, and committed acts that could be considered war crimes and crimes against humanity. As a result of international pressure Israel launched investigations into the report, which was prepared as a result of these attacks in which thousands of Palestinian civilians died, hospitals, mosques and aid convoys were bombed and prohibited phosphorus bombs were used. However, military authorities Israel assigned to investigate 150 incidents related to the issue did not find it necessary to investigate 124 incidents and imposed disciplinary punishments on its soldiers in 30 cases.⁷²

70 Amos Harel, ‘IDF Killed Civilians in Gaza Under Loose Rules of Engagement’ *HAARETZ*, 19 March 2009, <https://www.haaretz.com/2009-03-19/ty-article/idf-killed-civilians-in-gaza-under-loose-rules-of-engagement/0000017f-e4b4-d804-ad7f-f5fecf500000> (accessed 13 March 2024).

71 Uri Blau, ‘Dead Palestinian Babies and Bombed Mosques - IDF Fashion 2009’ *HAARETZ*, 19 March 2009, <<https://www.haaretz.com/2009-03-19/ty-article/dead-palestinian-babies-and-bombed-mosques-idf-fashion-2009/0000017f-e11a-d568-ad7f-f37b4fd90000>>(accessed 13 March 2024).

72 See. Murat Başer, *Humanitarian Law, New Wars, Structural Issues and Unprotected Human Rights* Ankara: Gazi Bookstore, 2014, p. 224.

As of May 28, 2010, a group of ships, including the Mavi Marmara, set out from Türkiye to deliver humanitarian aid to Gaza against the Israeli blockade of Gaza. On May 31, 2010, Israeli soldiers opened fire on civilian activists with live ammunition. As a result of the attacks, 10 people lost their lives and more than 50 people were injured. Israel officially apologized to Türkiye for the Mavi Marmara attack on March 22, 2013.

Israel, which also closed the Al-Muntar Border Gate on March 2, 2011, further tightened the blockade. Israel, which has always targeted agricultural lands, continued to destroy olive groves and cultivated agricultural lands in 2011. In the 2011 Israeli attacks, a total of 112 Palestinians, 14 of whom were children and 89 civilians, were killed and 344 Palestinians were injured.

Israeli authorities, who tried to take advantage of the difficult situations of patients who were transferred from Palestinian hospitals to hospitals of Israel in return for a fee, the occupying power, detained the patients and tried to obtain intelligence information from them, and forced some of them to become agents.⁷³

In 2011-2012, Israel carried out approximately 150 attacks on civilians fishing off the coast of Gaza. 12 fishermen were injured in the attacks, 60 fishermen were arrested by Israeli authorities and 13 boats were seized. Israel also targeted, injured and arrested fishermen during the ceasefire period the same year.⁷⁴

Israel assassinated high-ranking officials of the Izz ad-Din al-Qassam Brigades as part of Operation Pillar of Cloud, which began on November 14, 2012, and 171 Palestinians, including 35 children and mostly civilians, were killed and 648 were injured. 371 houses housing 1,229 people were destroyed as part of the operation.

Israel has arbitrarily detained Palestinians between one and six months using administrative measures based on information obtained by the Shin Bet intelligence agency, violating their rights to personal liberty, security and fair trial. In the first hearing held during the detention period, a military judge can extend the detention period up to five years without charging the defendant with a crime, on the grounds that the defendant poses a danger. In protest of the long detention periods, 200 Palestinian detainees went on a hunger strike in April 2014.

In July 2012, after a 17-year-old Palestinian named Abu Hudayr was forced to drink gasoline and set on fire by Israeli citizens, Israel detained several Israelis and later released them due to lack of evidence, closing the brutal murder without conducting an effective criminal investigation.

73 Bkz. 'Palestinian patients pressured to spy' SYDNEY MORNING HERALD, 5 August 2008, <https://www.smh.com.au/world/palestinian-patients-pressured-to-spy-20080805-3q5h.html>, (accessed 22 July 2024).

74 Harriet Sherwood, 'Gaza fishermen swamped by Israeli gunboats and water cannon' THE GUARDIAN, 24 July 2011, <https://www.theguardian.com/world/2011/jul/24/gaza-fishermen-gunboats-israel-navy> (accessed 22.07.2024). Joe Carton, 'Gaza fishermen protest as Israel breaks pledge to stop attacks', THE ELECTRONIC INTIFADA, 5 March 2013, <https://electronicintifada.net/content/gaza-fishermen-protest-israel-breaks-pledge-stop-attacks/12251> (accessed 22.07.2024).

A statement by Israeli MP Ayelet Sheked to a newspaper shows that Israel's official policy is unwaveringly to destroy Palestinians. "Sheked said of the Palestinians: "They are all our enemies, they should be shot in the head. This includes their mothers, they should follow their sons (to death). Their houses should also be demolished so that they cannot raise snakes there."

In clashes between Palestine and Israel in July-August 2014, Palestinian casualties included 478 children, 344 women and 1,206 men. In these clashes, 5,622 houses were destroyed, and the infrastructure and superstructure of Gaza were destroyed by Israel using disproportionate force. 152 mosques were bombed, 64 mosques were completely destroyed, 230 schools and 33 hospitals and health institutions were devastated.⁷⁵

While Israel is required to protect Palestinians and other ethnic elements and maintain order in the occupied territories under its protection, in accordance with the occupation law; instead of ensuring this, it has committed a series of additional violations. The first of these is the placement of illegal Jewish settlers in the occupied territories that it deems appropriate and financially encourages; the second is the failure to prevent, punish and effectively investigate acts of violence and crimes committed by these illegal settlers against Palestinians under the umbrella of the order it has created; the third is the continuation of Apartheid practices by trying Palestinians in military courts while trying Israeli illegal settlers who commit the same crimes in civilian courts; the fourth is the war crime of looting and illegally seizing Palestinian private property; the fifth is strengthening the Apartheid regime by building a wall and cutting off the connection between Palestinians and their lands. As the subject of an ongoing and prolonged occupation, Israel has clearly violated the 1907 Hague Regulations and its obligations arising from the Geneva Convention No. 4 concerning the Protection of Civilian Persons in Time of War.

According to the 1974 Convention for the Suppression and Prevention of Apartheid and the 1998 Rome Statute, Apartheid is the systematic oppression and intimidation of one or more ethnic groups in order to establish and maintain their domination. Israel has maintained this Apartheid regime since 1948.

The main human rights conventions violated by Israel, which has disregarded international human rights standards in the occupied territories, can be listed as follows.

The 1966 Covenant on Civil and Political Rights and the 1966 Covenant on Economic, Social and Cultural Rights; the 1961 International Convention against Racial Discrimination; the 1988 Convention on the Rights of the Child. The ICJ's Wall Advisory Opinion confirmed that Israel should apply the 1907 Hague Regulations, the 1949 Geneva Conventions and the Covenants on Civil and Political Rights in the occupied territories.⁷⁶

⁷⁵ Seyhan Sevinç (ed.) Blockade, War, Resistance, Anadolu Agency, İstanbul, t.y. *passim*.

⁷⁶ See. Advisory Opinion Concerning Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, -, International Court of Justice (ICJ), 9 July 2004, <https://www.refworld.org/jurisprudence/caselaw/icj/2004/en/35595> [accessed 07 March 2024].

Israeli army continues its attacks on sacred sites of Muslims and Christians in Gaza

Number of Palestinian deaths stands at

40,786



At least **16,673** of the victims are children



At least **11,269** are women



Number of injured is

94,224



Israeli army has killed **3%** of Christian population in Gaza Strip

Impact of Israeli attacks since Oct. 7, 2023:



610 mosques destroyed



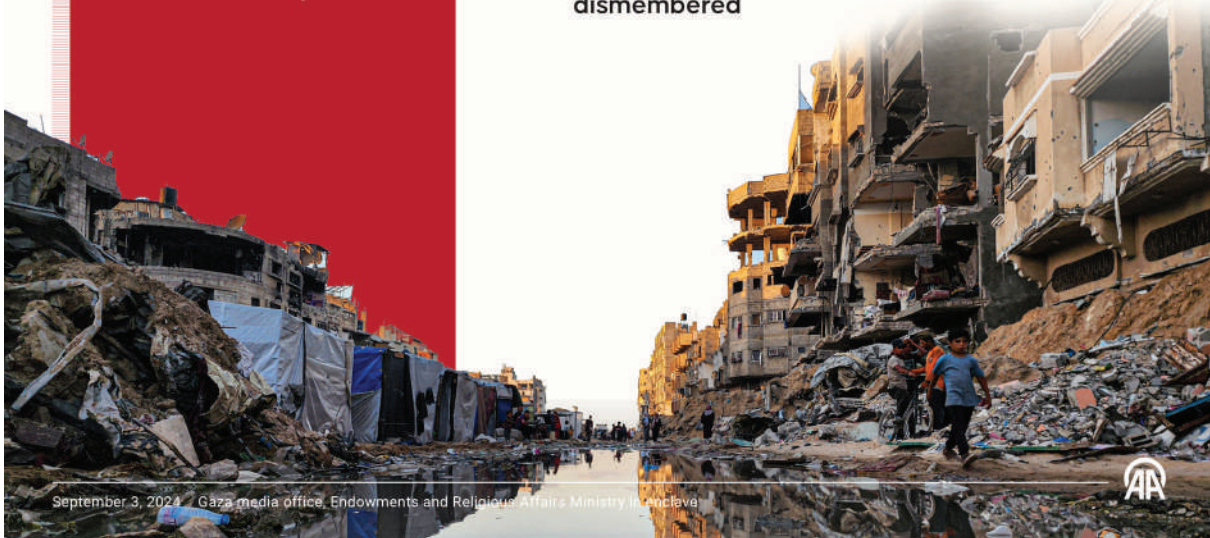
214 mosques damaged



3 churches bombed



60 cemeteries targeted, with over **1,000** exhumed bodies reportedly stolen and dismembered



September 3, 2024 / Gaza media office, Endowments and Religious Affairs Ministry in enclava





According to the World Health Organization data, Israel carried out 512 separate attacks on hospitals and health facilities in Gaza.⁷⁷ Only 17 of 36 hospitals in Gaza are partially operational. As of September 2024, 85% of school buildings were severely damaged and 477 out of 564 schools were directly targeted and hit.⁷⁸ It was estimated that the living conditions Israel forced the Gazans to live in would make life in Gaza unbearable by 2020. Most of the 2.3 million Gazans who have been subjected to collective punishment, ghettoization and deliberate withdrawal since 2007 are Palestinians who have already come here as refugees, and 80% of the population has been dependent on UN aid for food. As of November 2023, Gaza, where drinking water is unsafe and the unemployment rate is over 45%, received an average of thirteen hours of electricity per day.

3.2.2. Violations of Humanitarian Law and Human Rights After October 7

Israel immediately retaliated against Hamas' attacks on Israeli military targets on October 7 by striking numerous civilian targets. The first places Israel bombed included a school, a mosque, a bakery,

⁷⁷ https://www.emro.who.int/images/stories/Sitrep_45b.pdf?ua=1

⁷⁸ <https://reliefweb.int/report/occupied-palestinian-territory/reported-impact-snapshot-gaza-strip-25-september-2024-1500>

banks, apartment buildings housing press and trade offices, and a radio tower. On October 7-8, 2023, the Palestine Apartments, which housed press offices and corporate offices, were bombed. Israeli warplanes bombed the Palestine Apartments, which also housed press offices and offices belonging to various companies. The Palestine Stadium, the Islamic National Bank, and the Manufacturing Bank were struck. The UN-run Mamounia Girls High School in Gaza was heavily damaged in an Israeli attack. The radio station in the Palestine Trade Tower and the Al-Amin Mohammed Mosque in Khan Younis, Gaza, were also hit.

A statement made by Israel on October 9, 2023, stated that a full blockade would be imposed on Gaza and food and electricity would not be provided to Gaza. Among civilian targets targeted by Israel on October 9, 2023 were the Ahmed Yasin Mosque, the Al-Yarmouk Mosque, the Al-Susi Mosque, the Al-Gharbi Mosque, as well as the Jibaliya Refugee Camp, the Al-Shati Refugee Camp and the Magazi Refugee Camp.

On October 10, 2023, Israeli Defense Minister Yoav Gallant declared that no mercy would be shown, which is prohibited by humanitarian law, by saying “we are fighting against humanoid animals and will act accordingly” regarding Palestinians. This is also a discourse that should be noted in terms of revealing the moral element of the widespread and systematic acts of destruction and genocide committed against Palestinians and in terms of encouraging, inciting and inciting Israeli people to commit genocide against Palestinians. On the same day, the Er Rimal Neighborhood, where civilians live, was bombed in the Israeli bombardment. On October 11, 2023, the Islamic University of Gaza and mosques and residences in the Dahayra region were bombed. On October 12, the journalist Ali Jadalah’s house was bombed and eight members of his family were killed. Jadalah had taken photographs of the phosphorus bombs used by Israel. On October 12, 2023, the Al-Shati refugee camp was bombed again.

On October 13, 2023, Israel used phosphorus bombs, which are prohibited by humanitarian law and international legal documents, against Durra Children’s Hospital, and the hospital was evacuated immediately as a result of the attack. On the same day, Israeli authorities called on 1,100,000 civilians living in Gaza to leave their homes and go south, and gave them a twenty-four-hour deadline to do so. A convoy of Palestinian civilians who left their homes in fear of death and were advancing south was also bombed by Israel. In the attacks on October 13, 70 civilians were killed, and four members of the press were among those killed. On October 14, 2023, Israel ordered the evacuation of 22 hospitals in Gaza, where thousands of patients were being treated. On October 15, Al-Ahali Hospital was bombed, and the prosthetic hospital called Hamad Bin Khalifa Al Thani was also heavily damaged by the bombings.

Israeli bombings have indiscriminately targeted protected people and objects. On October 16, 2023, ambulances and civil defense teams that moved to Cela Street and were in the area for the wounded were targeted. On October 16, Israel attacked Zahajra Town with phosphorus bombs. On October 17, 2023, 471 people lost their lives instantly in the bombardment carried out by Israel on Al Ehli Baptist



A press conference was held among the dead bodies at the Al-Ahli Baptist Hospital, where 500 people lost their lives after Israel bombed it in Gaza. October 18, 2023 Photo: Anadolu Agency

Hospital. 342 people were injured, 28 of whom were seriously injured in the attack. On the same day, a UN school in Al Megazi Refugee Camp was struck and 6 people lost their lives in the attacks. On October 18, Tel Al Hawa Neighborhood was subjected to intense bombardment, and a bakery was hit in Nusayrat Camp. The attacks caused widespread destruction. These attacks by Israel, which are indiscriminate, cannot be explained by proportionality and military necessity, are aimed at civilian targets, and amount to the destruction of civilian property and infrastructure, and are clearly contrary to humanitarian law and human rights law.

The Greek Orthodox Church of St. Porphyry was home to a group of Palestinians who fled Gaza in response to Israeli evacuation orders. Also, more than 1,000 Christian Palestinians, whose homes were destroyed in the attacks, lived in the annex of the church. On October 19, 2023, Israel attacked the church and surrounding areas, killing 20 people. On the same day, Israeli soldiers raided the Nur Shams Refugee Camp, causing an explosion that killed 8 people. On the same day, Israel bombed a UNRWA school in the Younis Refugee Camp. The school was home to Palestinians who had to evacuate their homes due to Israeli orders and attacks, and there were reports of deaths and injuries. On the same day, the Jibaliya Refugee Camp was bombed by Israel.

As refugee camps are civilian targets and areas where civilians live, instead of indiscriminate large-scale bombardments, carefully planned operations should be carried out on points where combatants or suspects are located in such areas. Israel's large-scale aerial bombardments of areas inhabited by civilians are contrary to the principles of discrimination and proportionality in humanitarian law and contrary to the right to life, the right to property and the protection of private life in human rights law

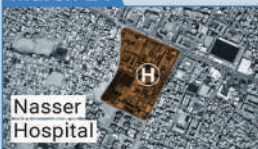
On October 21, 2023, Israel bombed the market in Nusayrat Refugee Camp. On October 22, Israeli fighter jets bombed a school in the Khan Yunis district of Gaza where displaced Palestinian civilians were taking shelter. On the same day, the Al Ansar Mosque in the Jenin Refugee Camp was struck, killing two people.

Israel launched an intensive attack on the last standing hospitals in Gaza

As the Israeli army continues its intensive bombardment of the Gaza Strip, it has deliberately stepped up its attacks on the last remaining major hospitals and their surroundings, where the sick and wounded, as well as displaced Palestinians seek refuge.

UNICEF
12 out of 36 hospitals in the Gaza Strip remain **partially operational**

March 24



Majority of the hospital destroyed in an airstrike

March 18



Largest health center in the region is besieged by Israeli army

At least 800 detained and more than 170 Palestinians killed

March 24



- Hospital **besieged** by Israeli army
- Smoke bombs thrown to **evacuate** patients and those seeking refuge in the hospital
- **Two people**, including a healthcare worker, **killed**



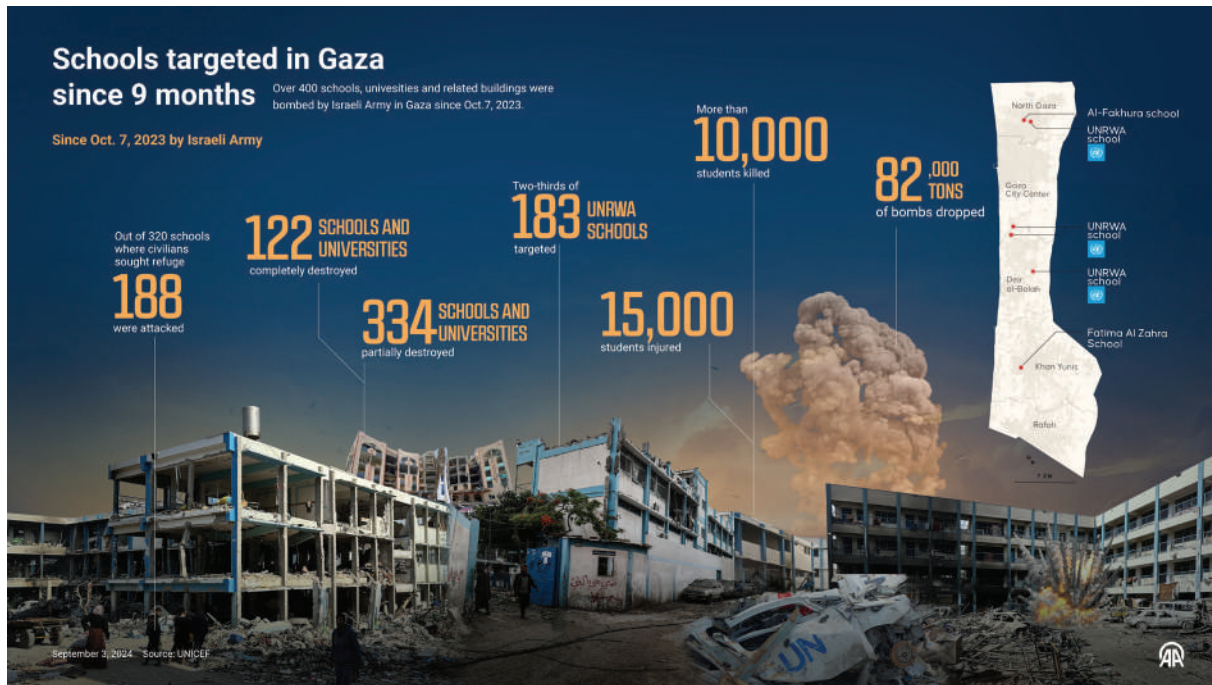
EGYPT



0 Km 6 Km

March 27, 2024





The Israeli Army made a statement on October 21, 2023 that fuel would not be allowed into Gaza through the Rafah Border Gate. Such obstructions, which will bring about the end of civilian life in Gaza, also constitute the source of a number of problems. Hospitals and the public in particular need electricity and fuel to generate electricity. Many patients and wounded people lost their lives due to the lack of electricity in the Indonesian Hospital in Gaza. As of October 24, 2023, Israel aggravated the blockade it imposed on Gaza by completely cutting off electricity to the region and also preventing fuel from entering the border, and hospitals in Gaza became inoperable. As of October 2023, electricity and water were cut off in Gaza, humanitarian aid was also targeted by Israel, and aid was prevented from entering Gaza. Many patients lost their lives due to the lack of medicine and the inability to operate devices that depend on electricity due to the blockade. Israel arbitrarily and systematically deprives Palestinians of their right to life and condemns them to “inhospitable conditions” that demonstrate genocidal intent. According to a statement, many diseases such as scabies, diarrhea, chickenpox, skin diseases and bronchitis have developed extensively under these difficult conditions in which Gazans are forced to live, and more than three thousand epidemic cases have been reported. Due to the lack and inadequacy of clean drinking water, daily water and personal hygiene products, and the tightness of housing, epidemics are spreading rapidly resulting in deaths.

On October 25, 2023, Israel bombed the Hittin Mosque on Cela Street and a bakery in the al-Maghazi Refugee Camp. 10 people were killed in the bakery bombing. It was reported that the bakery was the only bakery to which UNRWA supplied flour. On October 27, the al-Abyad Mosque was destroyed in an airstrike by Israel. The mosque was targeted with Israeli missiles, and there were reports of deaths

and injuries. In the Israeli bombings carried out on the same day, all of Palestine's telecommunications channels were destroyed, and channels that would allow Palestinians to receive news and communicate with each other and the world were destroyed. In the Israeli airstrikes carried out on October 28, 2023, the area around the Indonesian and Shifa Hospitals and the Al Bureyc Refugee Camps were targeted.

On October 29, 2023, Israel struck a passenger bus carrying civilians on the Tenth Street in southern Gaza. Several deaths were reported in the attack. On the same day, the Bilal bin Rabah Mosque was destroyed and surrounding buildings were severely damaged in attacks on the Nusayrat Refugee Camp. It was recorded that 10 children were killed in the attack. On the same day, Israel bombed two more mosques, one of which was the Mohammed Fatih Mosque in northern Gaza. On October 30, 2023, Israel continued its attacks on civilian targets. Israeli fighter jets struck facilities belonging to the Palestinian Red Crescent and warehouses containing humanitarian aid supplies. On the same day, Israel bombed the side of the Indonesian Hospital, causing serious damage to the hospital. In this attack, 10 people, most of them children, were killed and 27 people were injured. On the same day, Israel carried out an operation on the Ibn Sina Hospital with a hundred vehicles and military personnel, and opened fire with live ammunition on civilians who tried to prevent the raid. In this hospital raid in Jenin City, 4 people died and 5 people were injured, 2 of them seriously. Also, on October 30, according to a statement made



Mahmoud Issa / Gazze, Filistin / 25.06.2024



A child finds a Quran among the rubble of his school, which was hit by Israel. Photo: Anadolu Agency



Gazan children waiting for food distribution - February 2024, Gaza. Photo: Anadolu Agency

by the Palestinian Red Crescent, Israel targeted and hit an ambulance in Gaza, rendering the ambulance unusable.

Another Israeli attack on hospitals was on October 31, 2023. This time, Israel struck the Turkish-Palestinian Friendship Hospital, causing serious damage to the hospital. On the same day, the Orthodox Church near Tel Al Hava was completely destroyed as a result of the Israeli attack. Israel violates humanitarian law by systematically targeting places of worship that are protected cultural assets. Also on October 31, Israel caused the death of 100 people in its attack on the Jabaliya Refugee Camp.

2 people were killed in a raid carried out by the Israeli Army in Jenin City, and an elderly and disabled Palestinian was killed in Tulkerim City. On the same day, it was recorded that dozens of people were killed and many buildings were destroyed in an airstrike on the Jabaliya Refugee Camp. On November 2, it was reported that 5 people were killed in an attack near a UNRWA school. Again, on November 2, during the Israeli bombardment of the Bureij Refugee Camp, 15 people were found dead, and many people were trapped under the rubble of collapsed buildings.

Another incident that showed that Israel's attacks on protected civilian targets are systematic and that it does not see itself as bound by any rule of humanitarian law occurred on November 3, 2023. This time, Israel hit an ambulance convoy waiting at the entrance of Shifa Hospital. 13 people were



Jehad Alshrafi / Gazze, Filistin / 07.04.2024



An ambulance hit by Israel. Photo: Anadolu Agency

killed and 26 were injured in the attack. On November 3, the Israeli Army killed a group of Palestinian civilians, including women and children, who were walking south of Gaza, where Israel wanted to send the Palestinians.

Fifteen Palestinians lost their lives in an Israeli attack on Al Fahura, a school in Jabaliya Refugee Camp that hosted Palestinians displaced by Israeli attacks, on November 4, 2023. Also on November 4, 2023, the courtyard of the Nasr Children's Hospital in Gaza was bombed, and there were reports of deaths and injuries. On the same day, the main generator at Al Vefa Hospital was hit and disabled. Israel also hit and destroyed solar panels used by civilians to generate electricity. On November 4, the Ali bin Abi Talib and Al Istijabah Mosques in southern Gaza were hit, while Al Azhar University was also bombed.

On November 5, attacks were carried out again on the Bureij and Jabaliya Refugee Camps. More than 20 people were killed in the attacks, and many were injured. On the same day, 51 people were killed and many were injured in Israeli attacks on the Al Megazi Refugee Camp. On the same day, Israeli attacks hit the Sheikh Zayed Nahyan and Al Kateeba Mosques.

The drinking water tank in Shati Camp was hit and destroyed by Israel on November 6, 2023. Israel, which has been systematically attacking basic facilities necessary for civilians to live, continued these



Ali Jadallah / Gazze, Filistin / 30.01.2024

The 14-century-old historical Omeriye Mosque was destroyed by Israeli bombing. Photo: Anadolu Agency

attacks. While the solar panels that generate electricity for Shifa Hospital and the solar panels and water tank of Rantisi Hospital were hit by Israel on the same day, it was noted that the Nasr Children's Hospital, Mental Health Hospital and Eye Hospital were also targeted by attacks on the same day.

A statement made by the UN said that Israel directly targeted a UN school in Gaza on November 7, 2023, causing 1 death and 9 injuries. On the same day, Israel targeted a civilian residence in Shabbura Refugee Camp, causing 5 deaths. Also, on November 7, many Palestinians lost their lives in attacks on a building in Khan Younis City and in attacks on civilian settlements around Deir al-Balah. On November 8, civilian settlements were subjected to heavy bombardment by Israeli warplanes, and there were reports of deaths and injuries.

At the final stage of writing this Report, Israel's genocidal activities in Gaza had entered their 12th month. During these 12 months, direct attacks in the form of killing civilians and indirect attacks in the form of destroying their living spaces, basic means and environments that would enable them to benefit from food, shelter and health services continued with more horrific examples. However, even the examples experienced up until this date form an opinion that leaves no room for debate about the nature of what is happening.

Gaza government: Israel has used 81,000 tons of explosives since Oct. 7, 2023

Women and children make up 70% of those killed in first 11 months of Israeli attacks

SINCE OCT. 7, 2023

- 40,786** Palestinians killed
- 16,673** children
- 11,269** women
- 885** health care workers
- 82** civil defense personnel
- 172** journalists
- 94,224** people injured
- 10,000** people missing

- Israel used **82,000 tons** of explosives in Gaza
- 3,537** massacres carried out
- 520 bodies** recovered from **7 mass graves** at hospitals



BUILDINGS COMPLETELY DESTROYED

- 150,000** homes
- 200** public facilities
- 122** schools and universities
- 610** mosques

September 3, 2024 Source: Gaza Media Office



165 journalists killed in Israeli-Palestinian conflict

165

Since October 7, 2023

August 1, 2024 Source: Local Government Media Office in Gaza, Committee to Protect Journalists, Palestinian Journalists Syndicate

Members of the press killed by Israel in Gaza as of August 1, 2024

Following the Hamas attack on October 7, Israel, which wants to completely crush Palestinians and establish its domination unconditionally, has killed 41,431 Palestinians, a significant number of whom were babies and children, as of September 2024.⁷⁹ All Palestinian families have been driven from their homes, and private property in Gaza has been destroyed without any consideration of military necessity or proportionality. A statement made from the Gaza Media Office said that 172 press members have lost their lives between October 7, 2023 and September 2024. Civilians who gathered in queues for food aid were bombed,⁸⁰ and it has been repeatedly confirmed that civilians were knowingly, willingly, deliberately and systematically targeted. In this respect, Israel has committed acts that are in line with the crime types of war crimes, crimes against humanity and genocide. Israeli attacks on Palestinian territories also

⁷⁹ <https://www.aa.com.tr/tr/dunya/israil-basinina-gore-askeri-noktalar-ve-gazze-sinirinda-7-ekim-de-hannibal-protokolu-yugulandi/3268393>

⁸⁰ https://pcbs.gov.ps/site/lang__en/1405/Default.aspx.

constitute the crime of aggression within the context of the Rome Statute and the 1974 UN General Assembly Resolution on the Definition of Aggression.⁸¹

Israeli authorities, who have committed a series of war crimes, crimes against humanity and genocide, have repeatedly issued evacuation orders and targeted and struck safe areas where civilians were evacuated. Israel has systematically targeted civilians and civilian objects in Gaza, violating the fundamental prohibitions of humanitarian law and committing acts that are typical of genocide, crimes against humanity and war crimes.

There are important signs and concrete evidence indicating genocidal intent, which is the driving force and moral element of the crime of genocide, which is the most important international crime committed by Israel after October 7, 2023. Condemning the people of Gaza to live in unlivable conditions, the blockade by land and sea, apartheid, systematic targeting of civilians and civilian objects, statements and actions by Israeli authorities that exhaust, eradicate, show no mercy and target Palestinians by portraying them as subhuman, all show that the crime of genocide has been committed *prima facie* within the context of international criminal law. The statement of Israeli Defense Minister Galant, in which he declared that they were fighting “humanoid animals” in Gaza, and the statements of the Israeli Prime Minister and other high-ranking political and military officials are important evidence in demonstrating genocidal intent, which is the moral element of the crime of genocide. It has become increasingly clear that the aim of Israeli officials is not to respond to the October 7 attack, but to completely take over Gaza at the cost of destroying its people.

In terms of international criminal law, war crimes are taken up in two basic classes, and both groups express the rules to be applied in armed conflicts of an international nature. These are:

The grave breaches system of the 1949 Geneva Conventions and violations of other laws and regulations of war. Apart from these, attacks launched by Israel against Gaza as of October 7, 2023 (although there are various opinions on this issue) will be classified as armed conflicts that are not of an international nature at least. Provisions regulating such armed conflicts are the provisions of the Common Article 3 of the Geneva Conventions and Additional Protocol No. II. However, Israel has violated all written legal texts by claiming to be in a war of existence or domination. In fact, actions taken by Israel against Palestine are acts that comply with all types of crimes within the jurisdiction of the ICC.

Article 23 of the Geneva Convention No. 4 stipulates that humanitarian aid should be provided for civilians, and Article 18 of Additional Protocol No. II of 1977 stipulates that humanitarian aid

81 See. Muhammet Celal KUL, *International Criminal Court and International Aggression Crime*, İstanbul: On İki Levha Publications, 2016, p. 43 *et seq.*

organizations should be allowed to deliver aid to civilians. Israel's arbitrary refusal to allow humanitarian aid to be delivered to Gaza during armed conflict and the activities of humanitarian aid organizations is a violation of international law.

Media reports repeatedly said that Israeli soldiers are using Palestinians they are detaining as human shields in Gaza. According to a report by the Israeli newspaper Haaretz, Israeli Chief of Staff Herzi Halevi's office and senior officers in the army have knowledge that civilians in the Gaza Strip are "systematically" being used as human shields while tunnels and buildings are searched.⁸² Israeli soldiers have reportedly made statements regarding this situation, saying that "their lives are more valuable than Palestinians."⁸³

Similarly, a young Palestinian who was detained by Israeli soldiers and released after forty-five days stated that they were forced to enter bombed houses and unusable military vehicles wearing body cameras by the Israeli army, and that the Israeli army collected footage from inside and they were used as human shields.⁸⁴ A report based on the Palestinian Prisoners' Association reported that 19-year-old Palestinian Zahir Tahsin Raddad, who was tied to the front of a military vehicle after being wounded by the Israeli army and used as a human shield, and whose images were shared on social media, died in hospital.⁸⁵

Another issue that reflected in the media is vital organs being stolen from the bodies of Palestinians killed by Israel. Israel handed over the bodies of 80 Palestinians it killed and detained during its ground attacks in Gaza to Health Ministry officials at the Kerem Abu Salim Border Gate in the southeast of the Gaza Strip on December 26. Statements made by the Gaza government on the subject stated that the bodies of Palestinians killed in Israeli attacks were seized by Israeli soldiers, and when the bodies were later returned, the facial features of the martyrs were significantly changed, which was a clear indication that the occupation forces stole vital organs from the bodies of the martyrs. The Gaza government, stating that this crime has been committed by Israel many times, called for the establishment of an international independent committee to investigate the issue.⁸⁶

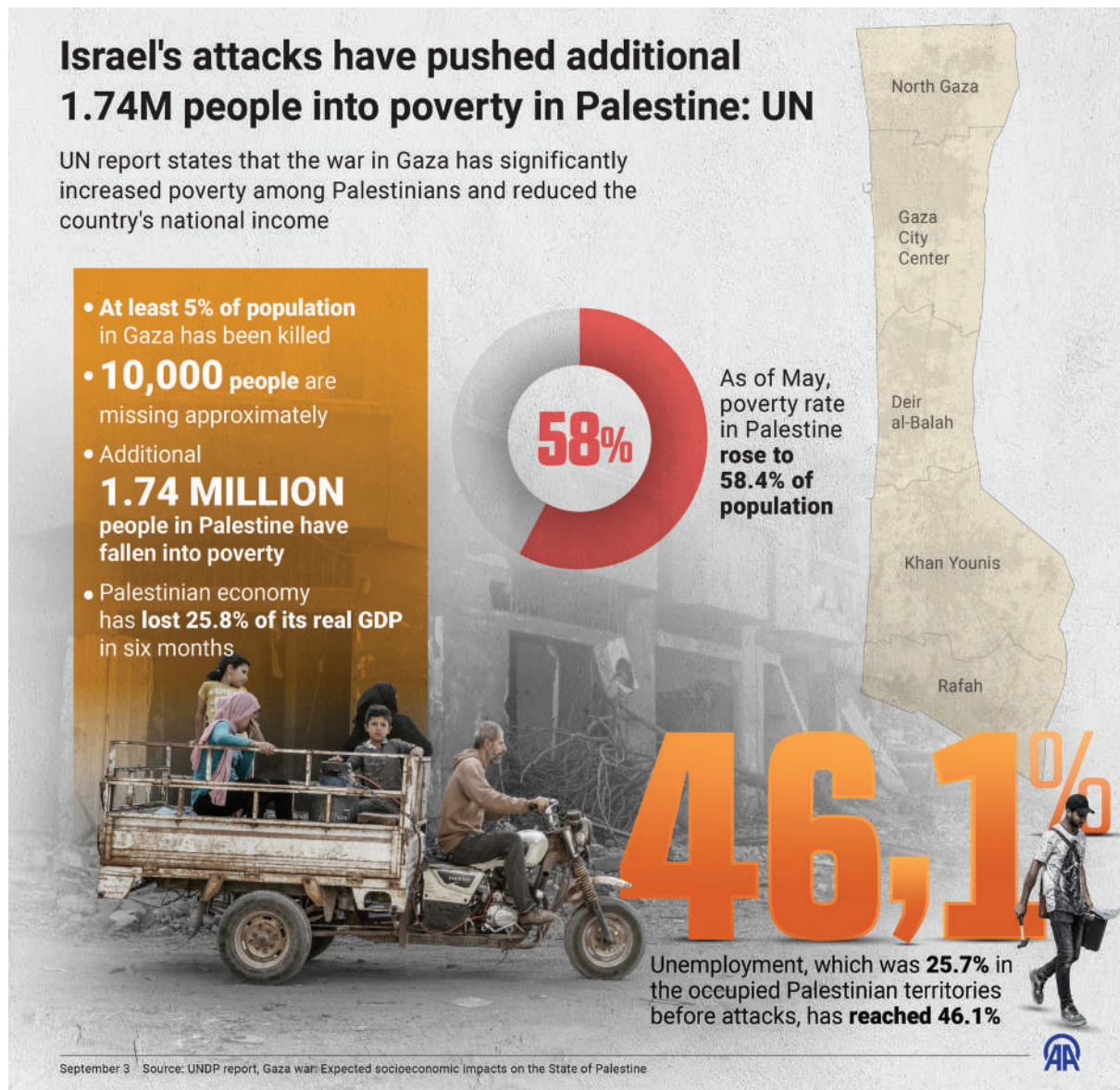
82 <https://www.aa.com.tr/tr/ayrimcilikhatti/musluman-karsitligi/israil-basinina-gore-israil-askerleri-gazzedeki-tunel-ve-binalari-ararken-sivilleri-canli-kalkan-olarak-kullaniyor/1821187>

83 <https://www.aa.com.tr/tr/ayrimcilikhatti/musluman-karsitligi/israil-basinina-gore-israil-askerleri-gazzedeki-tunel-ve-binalari-ararken-sivilleri-canli-kalkan-olarak-kullaniyor/1821187>

84 <https://www.aa.com.tr/tr/dunya/israilin-gazzede-alikoydugu-filistinli-genc-bizi-canli-kalkan-olarak-kullandilar/3299806> (Access Date: 19/8/2024).

85 <https://www.aa.com.tr/tr/dunya/israil-guclerinin-askeri-aracin-onune-baglayip-canli-kalkan-olarak-kullandigi-filistinli-hastanede-hayatini-kaybetti/3312671>

86 <https://www.aa.com.tr/tr/dunya/israilin-filistinlilerin-naaslarindan-organ-caldigi-yonundeki-iddialar-gazzelileri-endislendiriyor/3096107>



Israeli Prime Minister Netanyahu, stating that his attacks will not ease up in the near future, plans to eradicate Gaza and the Palestinians by occupying Rafah City, where 1.5 million Palestinians have taken refuge.⁸⁷ While doing this, he hopes for help from the US, which is going through an election process and only time will tell where this massacre of people, which has reached the level of genocide, will end and whether or not a ceasefire will be reached. Mahmoud Abbas said that what is happening in Gaza is more horrific than the 1948 Nakba incident.

⁸⁷ Zaheena Rasheed and Alastair McCreedy, 'Israel's war on Gaza live: Netanyahu vows to 'finish the job' in Rafah' *AL JAZEERA*, 13 March 2024, < <https://www.aljazeera.com/news/liveblog/2024/3/13/israels-war-on-gaza-live-netanyahu-vows-to-finish-the-job-in-rafah> > (accessed 14 March 2024).



Finally, if we were to list categorically the actions that Israel has undertaken against Palestine: Applications of embargoes and blockades from air, land and sea within the scope of collective punishment, use of hunger as collective punishment and as a method of war, exposure to shortages of medicine, water and food, attacks on civilians, violations of the principle of discrimination, targeting and hitting civilians and civilian objects and buildings (such as residences and bakeries) that serve civilians, bombing hospitals and ambulances, use of disproportionate force that is not in line with military requirements and advantages, deliberately damaging private property belonging to civilians, ethnic cleansing (expelling civilians from their homes, frightening them and not allowing them to return, issuing deportation orders and attacking civilians on the road notified for evacuation), declaring that it will not be bound

by any rule of law or declaring that no mercy will be shown, use of prohibited methods of war such as phosphorus bombs and cluster bombs, arbitrarily preventing the arrival of humanitarian aid, complete destruction of settlements with their infrastructure and superstructure, destruction of cultural heritage, religious sites and places of worship, the use of Palestinians as human shields by Israeli soldiers to prevent themselves from being targeted, Apartheid practices against Palestinians, the construction of the wall, the settlement of Israelis in the places of Palestinians who were displaced, and the reprisals against Palestinian civilians.⁸⁸ Finally, to summarize the human tragedy currently ongoing in Gaza from the words of a Palestinian who witnessed all of this: Death, starvation and displacement...⁸⁹

3.3. Israel and Possible Sanctions Against Israel

3.3.1. Repercussions and Effects of Israel's Trial Before the International Court of Justice Under the Genocide Convention

On December 27, 2023, South Africa filed a lawsuit against Israel at the ICJ on the grounds that obligations under the 1948 Convention on the Prevention and Punishment of Genocide had been violated.⁹⁰ The case received widespread coverage around the world, and the fact that Israel was held accountable before any authority provided a source of hope for Palestinians. South Africa alleged that Israel has committed the crime of genocide since October 7, and also violated its obligations to prevent genocide and punish incitement to genocide.⁹¹ South Africa also requested the Court to order certain precautionary measures.⁹²

In its interim decision of 26 January 2024, the Court ruled that there was a serious danger that the people of Gaza were under a real and imminent threat of genocide.⁹³ For this reason, it ruled that Israel should refrain from practices that amount to genocide, prevent genocide and punish those who incite genocide, while also ordering it to take measures to provide basic needs and humanitarian aid that are urgently needed to eliminate adverse living conditions that the people of Gaza are facing.⁹⁴ In addition, the Court requested Israel to submit a report showing that the relevant measures had been taken.⁹⁵ Upon

88 GC I article 13, 33, 46; GC II article 47; API article 51(6), 52(1), 53(c), 54(4), 55(2), 56(4).

89 Anadolu Agency has undertaken an important function in informing the world public opinion with the reporting it has carried out in the field during this process. Anadolu Agency's Gaza-related news archive can be accessed from this link. (<https://www.aa.com.tr/tr/search/?s=gazze>) Access Date: 26/08/2024

90 International Court of Justice, South Africa/Israel "Application instituting proceedings and request for the indication of provisional measures", <https://icj-cij.org/sites/default/files/case-related/192/192-20231228-app-01-00-en.pdf>, (Access Date: 17.03.2024).

91 Ibid., para. 1.

92 Ibid., para. 144.

93 International Court of Justice, South Africa v. Israel *Güney Afrika v. İsrail, Request for the Indication of Provisional Measures*, 26 January 2024, <https://icj-cij.org/sites/default/files/case-related/192/192-20240126-ord-01-00-en.pdf>, (Access Date: 17.03.2024), para. 86.

94 Ibid.

95 Ibid.

South Africa's requests, the Court later reiterated its temporary injunction and finally, on 28 May 2024, ordered Israel to cease all military attacks in Rafah that would impose living conditions that would result in the partial or total destruction of the Palestinians.⁹⁶

The Court's decisions about provisional measures are binding. It has often been stated that Israel must halt its military operations in Gaza in order for the relevant provisional measures to be fully implemented.⁹⁷ However, at this point, Israel has not stopped its military operations and continues its previous activities by increasing the level of brutality. The blockade imposed by Israel deprives Palestinians of access to their most basic needs. So much so that hunger has reached its peak in Gaza, epidemics have spread, and access to medical supplies has become impossible.⁹⁸ Moreover, Israel is spreading terror and horror in Gaza by directly and deliberately targeting people who are trying to access humanitarian aid.⁹⁹

Israel is targeting civilians trying to reach humanitarian aid, as well as those working to deliver humanitarian aid.¹⁰⁰ By not complying with the Court's provisional measures, Israel is acting like a rogue state that threatens international peace and order with its attitudes that ignore international law.

On the other hand, although the Court's decisions are binding only on the parties involved in the case, these decisions usually have a wider impact. The Court's determination that there is a real threat of genocide in Gaza requires third countries to review their relations with Israel because, as mentioned above, the Genocide Convention not only prohibits genocide but also imposes an obligation on all states parties to prevent genocide.¹⁰¹ States are obliged to prevent genocide to the extent of their own capacity. In this context, the Court's provisional measures brings to light the conclusion that all states knew or should have known that there was a risk of genocide being committed in Gaza. It should be noted that the obligation to prevent a possible genocide continues regardless of the actual commitment of

96 International Court of Justice, *South Africa v. Güney Afrika v. İsrail, Request for the modification of the Order of 28 March 2024*, <https://www.icj-cij.org/sites/default/files/case-related/192/192-20240524-sum-01-00-enc.pdf>, (Access Date: 30.07.2024), s. 5.

97 Al-Haq, Al Mezan, Palestinian Centre for Human Rights (PCHR), "Palestinian Organisations Welcome Landmark ICJ Provisional Measures Order Finding That Israel's Actions in Gaza are Plausibly Genocidal" <https://reliefweb.int/report/occupied-palestinian-territory/palestinian-organisations-welcome-landmark-icj-provisional-measures-order-finding-israels-actions-gaza-are-plausibly-genocidal-enar>, (Access Date: 17.03.2024).

98 Office of the United Nations High Commissioner for Human Rights, "Over one hundred days into the war, Israel destroying Gaza's food system and weaponizing food, say UN human rights experts" <https://www.ohchr.org/en/press-releases/2024/01/over-one-hundred-days-war-israel-destroying-gazas-food-system-and>, (Access Date: 17.03.2024).

99 Anadolu Agency, "UNSC, says it is "deeply concerned" about Israel's attack on aid seekers in Gaza ", <https://www.aa.com.tr/tr/dunya/bmgk-israilin-gazgede-yardim-bekleyenlere-saldirisi-icin-derin-endise-duydugunu-acikladi/3153639>, (Access Date: 17.03.2024).

100 The World Food Program (WFP), affiliated with the UN, announced in a written statement that the movement of its employees in Gaza was stopped after a vehicle belonging to the organization was targeted by the Israeli army at a very close range on 27/08/2024, despite being clearly marked and having received permission from the Israeli authorities. <https://www.aa.com.tr/tr/ayrimcilikhatti/ayrimcilik/dunya-gida-programi-ekipleri-ates-altinda-kaldigi-icin-personelinin-gazdedeki-hareketini-durdurdu/1821421> (Access Date: 29.08.2024).

101 Convention on the Prevention and Punishment of Genocide (1948), 1st article.

genocide.¹⁰² It should be stated that countries that continue to provide military, logistical and economic support to Israel despite the Court's determination that there is a threat of genocide are acting contrary to their obligations to prevent genocide.

In addition, the Genocide Convention also prohibits participation in genocide.¹⁰³ States that enable or facilitate genocide by aiding a state that commits genocide while knowing that genocide is being committed are complicit in the crime of genocide. The Court's determination of the existence of a threat of genocide invalidates claims that states did not have knowledge that genocide was likely to be committed. States that currently aid Israel are likely to face charges of participation in genocide in the future. For this, it is not necessary for the aiding states to have the specific intent to commit genocide; it is sufficient for them to know that the state committing genocide had genocidal intent.¹⁰⁴

Immediately after the Court's temporary injunction, some Western states announced that they were suspending funding to UNRWA upon Israel's request.¹⁰⁵ UNRWA is a UN agency that is at the core of the entire humanitarian aid system in Gaza. UNRWA, which already declared its inadequacy in the face of the humanitarian crisis in Gaza after October 7,¹⁰⁶ is facing a serious existential crisis as a result of the cut in funds. UNRWA being forced to end its activities will only trigger hunger, famine and health problems in Gaza.¹⁰⁷

It should be noted that, according to the Genocide Convention, the crime of genocide can be committed not only by killing members of a group, but also by "deliberately changing the living conditions of the group, calculated to eliminate its physical existence, in whole or in part."¹⁰⁸ In this context, the fact that the most critical international humanitarian aid organization in Gaza was rendered dysfunctional at the most critical time would lead to the destruction of the Gazans by condemning them to starvation, and therefore would not only violate the obligations of the relevant states to prevent genocide, but would also constitute complicity in the crime of genocide.¹⁰⁹

102 Ibid.

103 Ibid., 3rd article

104 Paolo Palchetti, "State Responsibility for Complicity in Genocide", *The UN Genocide Convention: A Commentary*, (der.) Paola Gaeta, Oxford University Press, 2009, s.390.

105 UNRWA, "UNRWA's Lifesaving Aid may End due to Funding Suspension", <https://www.unrwa.org/newsroom/official-statements/unrwa%E2%80%99s-lifesaving-aid-may-end-due-funding-suspension>, (Access Date: 17.03.2024).

106 UNRWA, "Letter From UNRWA Commissioner-General Philippe Lazzarini to the UN General Assembly President Mr. Dennis Francis", <https://www.unrwa.org/resources/un-unrwa/letter-unrwa-commissioner-general-philippe-lazzarini-un-general-assembly>, (Access Date: 17.03.2024).

107 UNRWA, "Joint Statement By 28 Ngos: Unrwa Cuts Threaten Palestinian Lives In Gaza And Region", <https://www.unrwa.org/newsroom/official-statements/norwegian-refugee-council-joint-statement-unrwa-funding-cuts-threaten>, (Access Date: 17.03.2024).

108 Convention on the Prevention and Punishment of Genocide, (1948), 2nd article.

109 TRT Haber, "UN Rapporteur: Countries that cut off funding to UNRWA are aiding genocide" <https://www.trthaber.com/haber/dunya/bm-raportoru-unrwaya-destegi-kesen-ulkeler-soykirima-yardimci-oluyor-832490.html>, (Access Date: 17.03.2024).

Indeed, on March 1, 2024, Nicaragua filed a lawsuit before the ICJ against Germany, which continues to support Israel, based on the Court's provisional measures.¹¹⁰ Nicaragua argues that Germany has violated its obligations arising from the Genocide Convention.¹¹¹ In addition to this, Nicaragua, Colombia, Spain, Mexico and Libya have declared their intervention in the case filed by South Africa against Israel and have supported South Africa. On August 7, 2024, Türkiye submitted its request to intervene in this case. It is clear that countries that continue to aid Israel in its crimes will follow these cases with interest. It is hoped that the Court's rulings on both the South Africa/Israel and Nicaragua/Germany cases will contribute to efforts of the international community in the fight against genocide.

3.3.2. Trial of Responsible Individuals in the International Criminal Court Within the Framework of Palestine's 2015 Application

On January 1, 2015, the State of Palestine declared that it recognized the jurisdiction of the ICC to investigate crimes committed in the occupied Palestinian territory, effective as of June 13, 2014.¹¹² It subsequently became a party to the Rome Statute, the founding document of the ICC. In 2019, the ICC Prosecutor's Office decided to launch an investigation, but requested an opinion from the ICC Pre-Trial Chamber to clarify some complex legal issues, and the relevant opinion was only given in 2021.¹¹³ In the relevant decision, the Pre-Trial Chamber accepted that Palestine is a state and determined that the West Bank, Gaza and East Jerusalem are occupied Palestinian territories. The Pre-Trial Chamber finally ruled that, although Israel is not a party to the Rome Statute, it has jurisdiction over Israeli citizens for crimes committed in Palestine, which is a state party to the Rome Statute.¹¹⁴

The ICC's jurisdiction only covers genocide, the crime of aggression, crimes against humanity and war crimes. The ICC Prosecutor's Office is currently investigating crimes committed in the occupied Palestinian territory. In this context, it is investigating the Israeli Army's war crimes of indiscriminate and disproportionate attacks against civilians under Article 8(2)(b)(iv) of the Rome Statute during the 2014 Gaza conflict, the war crime of intentional killing under Articles 8(2)(a)(iii) and 8(2)(c)(i), and the deliberate targeting of health workers and religious officials under Articles 8(2)(b)(xxiv) and 8(2)(e)(ii).¹¹⁵ On the other hand, it has also included Israel's use of armed force against Palestinian civilians during the Great Return demonstrations that began in March 2018 in the investigation.¹¹⁶

110 International Court of Justice, Nicaragua/Germany, "Application instituting proceedings and request for the indication of provisional measures", <https://icj-cij.org/sites/default/files/case-related/193/193-20240301-app-01-00-en.pdf>, (Access Date: 17.03.2024).

111 Ibid., para. 3.

112 ICC, "State of Palestine", <https://www.icc-cpi.int/palestine>, (Access Date: 17/03/2024).

113 ICC Pre-Trial Chamber I, *Decision on the 'Prosecution request pursuant to article 19(3) for a ruling on the Court's territorial jurisdiction in Palestine'*, ICC-01/18-143, 05/02/2021.

114 Ibid., p. 60.

115 ICC Prosecutor's Office, "Situation in Palestine | Summary of Preliminary Examination Findings", <https://www.icc-cpi.int/sites/default/files/itemsDocuments/210303-office-of-the-prosecutor-palestine-summary-findings-eng.pdf>, para. 2, (Access Date: 17/03/2024).

116 Ibid., para. 5.

The Prosecutor's Office has also expanded its investigation due to strong evidence of Israel committing war crimes in the West Bank and East Jerusalem.¹¹⁷ The Prosecutor's Office announced that it was investigating Israel's settlement activities in the West Bank in the context of war crimes within the framework of Article 8(2)(b)(viii) of the Rome Statute.¹¹⁸

The Prosecutor's Office announced that the scope of the investigation would be expanded after October 7. In this context, five states party to the Rome Statute referred the events in Gaza to the Prosecutor's Office. In the joint application made by South Africa, Bangladesh, Bolivia, Comoro Islands and Djibouti, an investigation was requested for crimes against humanity and war crimes as well as the crime of genocide.¹¹⁹ The application also set forth the crimes committed by Israeli citizens. The Prosecutor's Office is expected to expand the scope of the investigation in this direction.

On May 20, 2024, ICC Chief Prosecutor Karim Khan requested the Court to issue an arrest warrant for Israeli Prime Minister Benjamin Netanyahu and Defense Minister Yoav Gallant, indicating that there were reasonable suspicions that the individuals had committed the following crimes under the Rome Statute since October 8:

- The war crime of starving civilians, contrary to Article 8(2)(b)(xxv) of the Statute;
- The war crime of intentionally inflicting great suffering or serious injury to body or health, contrary to Article 8(2)(a)(iii) of the Statute; or cruel treatment, contrary to Article 8(2)(c)(i);
- The war crime of willful killing, contrary to Article 8(2)(a)(i) of the Statute; or the war crime of murder, contrary to Article 8(2)(c)(i);
- The war crime of deliberately directing attacks against a civilian population, contrary to Article 8(2)(b)(i) or 8(2)(e)(i) of the Statute;
- Crimes against humanity of extermination and/or murder, including death by starvation, contrary to Article 7(1)(b) and 7(1)(a);
- Persecution, crimes against humanity, contrary to Article 7(1)(h) of the Statute;
- Other inhumane acts of crimes against humanity, contrary to Article 7(1)(k) of the Statute.

In this context, individuals who commit these crimes and assist in their being committed can be tried by the Court regardless of whether they have immunity from prosecution. To put it more clearly, both the current heads of state and other high-ranking officials, as well as those who directly commit the relevant crimes, can be tried within the jurisdiction of the Court. On the other hand, it should be noted that the Court also has the authority to try crimes committed by Palestinian citizens in both Israel and Palestine.

117 Ibid., para. 4.

118 Ibid.

119 ICC, "State Party Referral in Accordance with Article 14 of the Rome Statute of International Criminal Court", <https://www.icc-cpi.int/sites/default/files/2023-11/ICC-Referral-Palestine-Final-17-November-2023.pdf>, (Access Date: 17/03/2024).



Shifa Hospital, the largest hospital in Gaza, was struck several times by Israel and turned into a mass grave

Indeed, the Prosecutor's Office announced that it was also investigating crimes allegedly committed by Hamas and other Palestinian armed groups.¹²⁰ Indeed, in the indictment dated May 20, the Prosecutor's Office requested the Court to issue arrest warrants for three high-ranking Hamas officials.¹²¹

The ICC has not been able to avoid being the target of criticism since its establishment. For many years, the Court was only concerned with investigating Africans, which drew the reaction of African states.¹²² On the other hand, it is seen that the Prosecutor's Office did not show the same care for the Palestine investigation as it did for the Ukraine investigation. Following Russia's invasion of Ukraine in 2022, the ICC Prosecutor's Office allocated significant budgets for the Ukraine investigation and was able to issue an arrest warrant for Russian President Vladimir Putin as a result of a rapid investigation.¹²³ However, it did not treat the Palestine investigation, which began much earlier, with the same importance and attention, and has not issued any arrest warrants to date, despite much more serious crimes being committed much more commonly in Palestine.

120 ICC Prosecutor's Office "Situation in Palestine | Summary of Preliminary Examination Findings", para. 3.

121 <https://www.icc-cpi.int/palestine>

122 Anadolu Ajansı, "African Union Committee of Ministers decides to withdraw from ICC ", <https://www.aa.com.tr/tr/dunya/afrika-birligi-bakanlar-komitesi-ucmden-cekilme-karari-aldi/735588>, (Access Date: 17/03/2024).

123 Triestino Mariniello, "The ICC Prosecutor's Double Standards in the Time of an Unfolding Genocide", <https://opiniojuris.org/2024/01/03/the-icc-prosecutors-double-standards-in-the-time-of-an-unfolding-genocide/>, (Access Date: 17/03/2024).

Indeed, even as the process in Gaza has entered its 11th month, the Court has not made any ruling regarding Netanyahu, the main perpetrator of the genocide. The Court's application of the *amicus curiae* procedure, a method it did not apply in the Ukraine investigation, has also delayed the ruling. During this process, Britain requesting an extension of time to submit an opinion and not submitting an opinion as a result of the extension, and the Court's rather lenient approach to requests for extensions of time draws attention.

Again during this process, some intervening parties put forward the thesis that the Oslo Accords did not grant the Palestinian Authority jurisdiction over Israeli nationals, and therefore the jurisdiction rights enjoyed by the State of Palestine were a gift from Israel and that this authority could not be used against Israel. The Prosecutor's Office found these objections unacceptable; It stated that "*the occupation cannot transfer the title of sovereignty to the occupying power, and that full jurisdiction, as an aspect of sovereignty, belongs to the Palestinian people as a group entitled to exercise their right to self-determination under international law.*" "*Palestinian territorial jurisdiction is not something that the occupying power, Israel, should grant, and cannot be revoked by an agreement obtained by an occupying power from a local territorial administration.*"

Israel had put forward investigations conducted by the Military Police, the General Directorate of Military Prosecutions and the Fact-Finding and Evaluation Mechanism in Israel, on the argument that if an individual were to be tried locally for alleged conduct at the ICC, the case would be rendered inadmissible by the Court. The Court also rejected this claim on the grounds that there was no evidence that these investigations were related to Netanyahu and Gallant, and that it was not aware of any local action against them.

Thirdly, some intervening parties have argued that issues in the applications are not part of the Prosecutor's ongoing investigation into the situation in the State of Palestine and that the Prosecutor's Office should therefore launch a new investigation. The Prosecutor's Office rejected this argument as well, and stated that there was no need to launch a new investigation, emphasizing the destruction Israel had caused with its attacks on Gaza prior to October 7 and the precarious situation that the people of Gaza were in before that date.¹²⁴

On the other hand, the Court has so far mostly targeted members of non-state actors and has been more lenient towards state officials.¹²⁵ As in the case of African countries, the Court acts more actively against the weak and adopts a more passive stance against the strong. There is a danger that a similar situation will emerge in the Palestine investigation. When the statements and articles published by Chief

124 <https://www.icc-cpi.int/sites/default/files/CourtRecords/0902ebd180949087.pdf>

125 Frédéric Mégret, "Is the ICC Focusing Too Much on Non-State Actors?", *Arcs of Global Justice: Essays in Honour of William A. Schabas*, (ed.) Margaret M deGuzman and Diane Marie Amann, Oxford University Press, 2018, p. 173-202.

Prosecutor Karim Khan since October 7 are carefully examined, it is seen that he has made very harsh statements against Hamas and other Palestinian groups, while using more cautious expressions against Israeli authorities.¹²⁶ This situation raises concerns that the Court may apply double standards against the Palestinians and be more tolerant towards the Israelis as a result of the trials.

The Court, which is currently facing various legitimacy crises because it cannot adequately meet the performance expected of it in providing international criminal justice, should be aware that the Palestinian issue has become a litmus test in the eyes of the international community. If the Court aims to continue as an institution with international respect and legitimacy, it should take concrete steps as soon as possible against crimes that hurt the conscience of the international community.

3.3.3. Unilateral and Collective Sanctions by States

In international liability law, the responsibility of states can be invoked by other states in addition to the victim state. Under article 48 of the articles study of the UN International Law Commission reflecting the rules of customary international law on the International Responsibility of States for Internationally Wrongful Acts, if the obligation violated is an obligation towards the international community as a whole, any state other than the victim state has the right to invoke the responsibility of another state.¹²⁷ The international obligations that Israel has violated since October 7, 2023 in Gaza are, in international law, obligations towards the international community as a whole. These are obligations of states towards the international community as a whole arising from the imperative rules of international law. They are erga omnes obligations arising from jus cogens rules. Under article 48(2) of the said Articles study, any state may demand from Israel the cessation of the internationally tortious act, appropriate guarantees that it will not be repeated and the fulfillment of the obligation of reparation in favor of the victim or the beneficiaries of the obligation violated.¹²⁸

Article 30 of the UN International Law Commission's study of articles reflecting the rules of customary international law on the International Responsibility of States for Internationally Wrongful

126 Karim Khan, "We are witnessing a pandemic of inhumanity: to halt the spread, we must cling to the law", <https://www.theguardian.com/commentisfree/2023/nov/10/law-israel-hamas-international-criminal-court-icc>, (Access Date: 17/03/2024); UCM, "Statement of ICC Prosecutor Karim A. A. Khan KC from Cairo on the situation in the State of Palestine and Israel", <https://www.icc-cpi.int/news/statement-icc-prosecutor-karim-khan-kc-cairo-situation-state-palestine-and-israel>, (Access Date: 17/03/2024).

127 International Law Commission, Articles on State Responsibility project (2001 version), article. 48 & 1; C. D. I., projet d'articles sur la responsabilité des Etats (version 2001), art. 48 & 1, Documents officiels de l'Assemblée générale, cinquante-sixième session, Supplément n° 10 (A/56/10). Also see. Hakkı Hakan Erkiner, International Responsibility of the State Stemming from Unjust Actions, Seçkin, Ankara, 2023, p. 233.

128 International Law Commission, Articles on State Responsibility project (2001 version), article. 48 & 2; C. D. I., projet d'articles sur la responsabilité des Etats (version 2001), art. 48 & 2, Documents officiels de l'Assemblée générale, cinquante-sixième session, Supplément n° 10 (A/56/10); Hakkı Hakan Erkiner, International Responsibility of the State Stemming from Unjust Actions p. 234.

Acts clarifies two different but interrelated problems that arise from the violation of an international obligation: Putting an end to the violation if it is ongoing and, if the circumstances require, providing appropriate assurances that the violation will not be repeated. These are two ways to restore the legal relationship and legal status that have been damaged by the violation. In order to restore the legal status in the future, among the methods defined in the article, putting an end to the ongoing violation can be defined as the “negative” method, while providing assurance that the violation will not be repeated can be defined as the “positive” method. However, the obligation to fulfill the duty to comply with the international obligation defined in article 29 should also be accepted as hidden in the “negative” method in article 30 because putting an end to the ongoing violation means starting to exhibit the behavior required by the obligation, which can only mean starting to comply with the obligation. Therefore, the duty to comply with the obligation will thus be fulfilled. Unless this is done, the second method defined in Article 30, which is the assurance that the violation will not be repeated, cannot be given because in order to be able to give assurance that an ongoing violation will not be repeated, it is first necessary to put an end to the violation and start complying with the obligation.¹²⁹

Articles 31, 34, 35 and 36 of the UN International Law Commission’s work reflecting the rules of customary international law on the international responsibility of states for internationally wrongful acts will have the following consequences: Israel must make reparation for all damage caused by its internationally wrongful act.¹³⁰ Damage includes all material and moral damage resulting from Israel’s internationally wrongful act.¹³¹ Israel is under an obligation to effect restitution, to restore the state of affairs before the violation occurred.¹³² Israel is under an obligation to make restitution to the extent that it fails to repair the damage it has caused by restitution; reparation covers all damage that can be calculated in monetary terms, including any lost earnings, provided that it is determinable.¹³³

129 International Law Commission, Articles on State Responsibility project (2001 version), article. 30; C. D. I., projet d’articles sur la responsabilité des Etats (version 2001), art. 30, Documents officiels de l’Assemblée générale, cinquante-sixième session, Supplément n° 10 (A/56/10); Hakkı Hakan Erkiner, *International Responsibility of the State Stemming from Unjust Actions* p. 172.

130 International Law Commission, Articles on State Responsibility project (2001 version), article. 31 & 1; C. D. I., projet d’articles sur la responsabilité des Etats (version 2001), art. 31 & 1, Documents officiels de l’Assemblée générale, cinquante-sixième session, Supplément n° 10 (A/56/10); Hakkı Hakan Erkiner, *International Responsibility of the State Stemming from Unjust Actions* p. 173.

131 International Law Commission, Articles on State Responsibility project (2001 version), article. 31 & 2; C. D. I., projet d’articles sur la responsabilité des Etats (version 2001), art. 31 & 2, Documents officiels de l’Assemblée générale, cinquante-sixième session, Supplément n° 10 (A/56/10); Hakkı Hakan Erkiner, *International Responsibility of the State Stemming from Unjust Actions*, ps. 173.

132 International Law Commission, Articles on State Responsibility project (2001 version), article. 35; C. D. I., projet d’articles sur la responsabilité des Etats (version 2001), art. 35, Documents officiels de l’Assemblée générale, cinquante-sixième session, Supplément n° 10 (A/56/10); Hakkı Hakan Erkiner, *International Responsibility of the State Stemming from Unjust Actions* p. 181.

133 International Law Commission, Articles on State Responsibility project (2001 version), article 36; C. D. I., projet d’articles sur la responsabilité des Etats (version 2001), art. 36, Documents officiels de l’Assemblée générale, cinquante-sixième session, Supplément n° 10 (A/56/10); Hakkı Hakan Erkiner, *International Responsibility of the State Stemming from Unjust Actions* p. 184.

States that aid Israel's internationally wrongful act are also responsible, such as Israel. Article 16 of the UN International Law Commission's study reflecting the rules of customary international law on the International Responsibility of States for Internationally Wrongful Acts states that a state that aids another state's internationally wrongful act is internationally responsible if it acts with awareness of the conditions of the internationally wrongful act and if the act would have been internationally wrongful even if it had been done by that state.¹³⁴ As can be seen, under Article 16, a state that aids another state's internationally wrongful act is internationally responsible for doing so if the aiding state acts with awareness of the conditions of the internationally wrongful act and if the act would have been internationally wrongful even if it had been done by that state. In the specific case, states that aid Israel's internationally wrongful acts are also internationally responsible.

The UN International Law Commission's study of articles reflecting the rules of customary international law on the International Responsibility of States for Internationally Wrongful Acts deals with the concept of serious breaches of imperative rules of international law in articles 40 and 41. According to these, a serious breach by a state of an obligation arising from a mandatory rule of international law, such as the prohibition of armed attacks, the prohibition of colonial rule and foreign occupation, racial discrimination, the prevention of genocide and the prohibition of genocide, in other words, an erga omnes obligation arising from a jus cogens norm, means that the responsible state has clearly and systematically evaded the performance of its obligation.¹³⁵ The specific consequences of serious breaches of imperative rules of international law are set out in article 41. In the context of article 40, states must cooperate by legitimate means to put an end to any serious breach.¹³⁶ No state should recognize a situation resulting from a serious violation within the meaning of Article 40 as legitimate and should not aid or support its maintenance¹³⁷ It follows that, under the law of international responsibility, every state has three obligations towards Israel: the obligation of states to cooperate; the obligation not to recognize an illegitimate situation; and the obligation not to provide aid or support.¹³⁸

134 International Law Commission, Articles on State Responsibility project (2001 version), article 16; C. D. I., projet d'articles sur la responsabilité des Etats (version 2001), art. 16, Documents officiels de l'Assemblée générale, cinquante-sixième session, Supplément n° 10 (A/56/10); Hakkı Hakan Erkiner, International Responsibility of the State Stemming from Unjust Actions p. 148.

135 International Law Commission, Articles on State Responsibility project (2001 version), article 40; C. D. I., projet d'articles sur la responsabilité des Etats (version 2001), art. 40, Documents officiels de l'Assemblée générale, cinquante-sixième session, Supplément n° 10 (A/56/10); Hakkı Hakan Erkiner, International Responsibility of the State Stemming from Unjust Actions p. 212.

136 International Law Commission, Articles on State Responsibility project (2001 version), article 41 & 1; C. D. I., projet d'articles sur la responsabilité des Etats (version 2001), art. 41 & 1, Documents officiels de l'Assemblée générale, cinquante-sixième session, Supplément n° 10 (A/56/10); Hakkı Hakan Erkiner, International Responsibility of the State Stemming from Unjust Actions p. 215.

137 International Law Commission, Articles on State Responsibility project (2001 version), article 41 & 2; C. D. I., projet d'articles sur la responsabilité des Etats (version 2001), art. 41 & 2, Documents officiels de l'Assemblée générale, cinquante-sixième session, Supplément n° 10 (A/56/10); Hakkı Hakan Erkiner, International Responsibility of the State Stemming from Unjust Actions p. 215.

138 Hakkı Hakan Erkiner, International Responsibility of the State Stemming from Unjust Actions p. 216-220.

We have determined above that under article 48 of the UN “International Law Commission’s study of articles reflecting the rules of customary international law on the International Responsibility of States for Internationally Wrongful Acts, every state can assert Israel’s international responsibility, demand that it fulfill its duty to comply with the obligation it has violated, demand that it provide appropriate guarantees that it will not violate again, and demand that it fulfill its obligation of restitution and compensation through restitution. Under article 22 of the UN “International Law Commission’s study of articles reflecting the rules of customary international law on the International Responsibility of States for Internationally Wrongful Acts, the illegality of a state’s conduct contrary to its international obligations towards another state is eliminated to the extent that this conduct constitutes a countermeasure taken against the other state.¹³⁹ In this context, the main characteristics of countermeasures are as follows: Countermeasures cannot involve the use of force;¹⁴⁰ countermeasures must only be directed at the responsible state and not at third parties;¹⁴¹ Since countermeasures have a functional role,¹⁴² they are applied temporarily¹⁴³ and at the same time their effects must be limited to achieving the intended purpose;¹⁴⁴ countermeasures must be proportionate;¹⁴⁵ they cannot adversely affect certain core obligations,¹⁴⁶ in particular obligations arising from mandatory rules of international law.¹⁴⁷

In line with the framework outlined above, any state may take countermeasures in accordance with article 54 of the UN “International Law Commission’s, which reflects the rules of customary international law on the international responsibility of states for international wrongs.¹⁴⁸ Under article 49 of the

139 International Law Commission, Articles on State Responsibility project (2001 version), article 22; C. D. I., projet d’articles sur la responsabilité des Etats (version 2001), art. 22, Documents officiels de l’Assemblée générale, cinquante-sixième session, Supplément n° 10 (A/56/10); Hakkı Hakan Erkiner, *International Responsibility of the State Stemming from Unjust Actions* p. 235.

140 UN “International Law Commission’s study of articles reflecting the rules of customary international law on the International Responsibility of States for Internationally Wrongful Acts article 50/1-a.

141 UN “International Law Commission’s study of articles reflecting the rules of customary international law on the International Responsibility of States for Internationally Wrongful Acts article 49/1 ve 2.

142 This functional role is to direct the responsible state to fulfill its obligations arising from responsibility.

143 This objective is for the responsible state to put an end to the violation and make reparation.

144 UN “International Law Commission’s study of articles reflecting the rules of customary international law on the International Responsibility of States for Internationally Wrongful Acts article 49(2) and 3 and article 53.

145 A generally accepted definition of proportionality can be made as follows: a) The means used to achieve a certain end must be suitable to realize the end; b) The means in question must be the least burdensome among those suitable for achieving the end; c) There should be no disproportion between the end and the means. In the principle of proportionality, a comparison is made between the end and the means. In a positive sense, it means that the means must have an appropriate (reasonable) relationship with the aim to be achieved. In a negative sense, it means that the means cannot have a disproportionate relationship with the aim to be achieved. The principle of proportionality is the search for the balance of benefit-burden; Hakkı Hakan Erkiner, *International Responsibility of the State Stemming from Unjust Actions* p. 237.

146 UN “International Law Commission’s study of articles reflecting the rules of customary international law on the International Responsibility of States for Internationally Wrongful Acts article 51.

147 UN “International Law Commission’s study of articles reflecting the rules of customary international law on the International Responsibility of States for Internationally Wrongful Acts article 50/1.

148 UN “International Law Commission’s study of articles reflecting the rules of customary international law on the International Responsibility of States for Internationally Wrongful Acts article 54; International Law Commission, Articles on State Responsibility project (2001 version), article 54; C. D. I., projet d’articles sur la responsabilité des

UN “International Law Commission’s, the injured state may take countermeasures only against the state responsible for the international wrong in order to compel the state to implement the reparation obligations it is obliged to fulfil;¹⁴⁹ countermeasures are limited to the temporary non-fulfilment of the international obligations of the state taking the measures towards the responsible state;¹⁵⁰ countermeasures should be taken in a manner that, to the extent possible, allow the re-enforcement of these obligations.¹⁵¹

3.3.4. Possible Sanctions within the UN

Each member of the UN undertakes to abide by the decision of the ICJ in all disputes to which it is a party. If one of the parties to a dispute fails to fulfil its obligations under a judgment of the ICJ, the other party may appeal to the UNSC. The Council may, if deemed necessary, make recommendations or decide on measures to be taken to enforce the judgment.¹⁵²

Under Article 94 (2) of the UN Charter; if one of the parties to a dispute does not fulfill its obligations under a judgment given by the Court, the other party may apply to the UNSC. If the Council deems it necessary, it may make recommendations for the implementation of the judgment or decide on the measures to be taken.¹⁵³ Article 94 (2) of the UN Charter covers many issues. According to the first of these; the UNSC becomes involved in the matter upon the application of the party in whose favor the resolution has been made but not implemented. Secondly, the UNSC is not obliged to adopt a resolution. Thirdly, the UNSC may decide on necessary measures in accordance with Chapter VII of the UN Charter or directly in accordance with Article 94 of the UN Charter. Fourthly, the UNSC may only decide on measures against the non-implementation of a judgment of the ICJ.¹⁵⁴ As a result of the

Etats (version 2001), art. 54, Documents officiels de l’Assemblée générale, cinquante-sixième session, Supplément n° 10 (A/56/10); Hakkı Hakan Erkiner, *International Responsibility of the State Stemming from Unjust Actions*, p. 249-252.

149 International Law Commission, *Articles on State Responsibility project (2001 version)*, article. 49 & 1; C. D. I., *projet d’articles sur la responsabilité des Etats (version 2001)*, art. 49 & 1, Documents officiels de l’Assemblée générale, cinquante-sixième session, Supplément n° 10 (A/56/10); Hakkı Hakan Erkiner, *International Responsibility of the State Stemming from Unjust Actions*, p. 238.

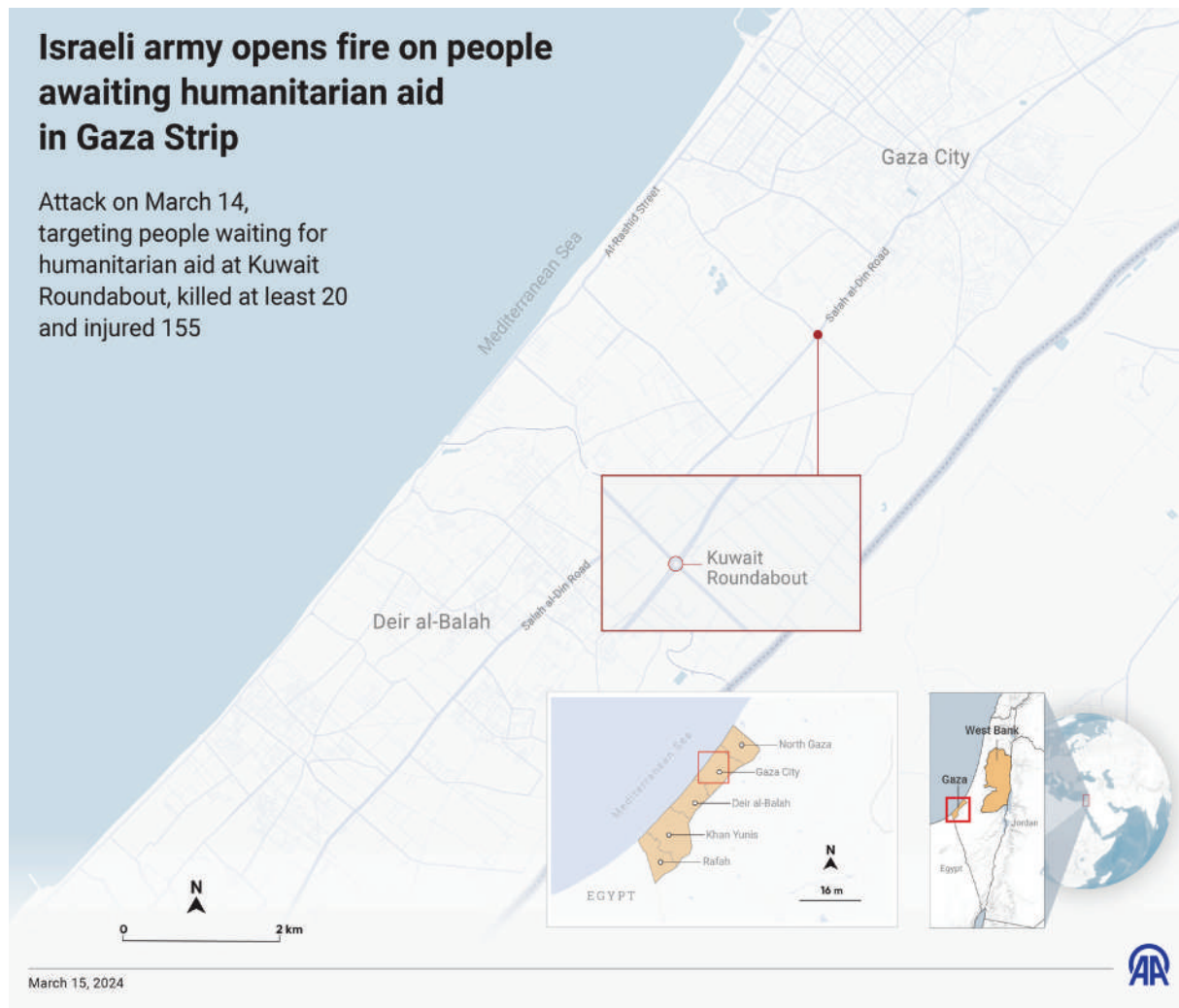
150 International Law Commission, *Articles on State Responsibility project (2001 version)*, art. 49 & 2; C. D. I., *projet d’articles sur la responsabilité des Etats (version 2001)*, art. 49 & 2, Documents officiels de l’Assemblée générale, cinquante-sixième session, Supplément n° 10 (A/56/10); Hakkı Hakan Erkiner, *International Responsibility of the State Stemming from Unjust Actions* p. 238.

151 International Law Commission, *Articles on State Responsibility project (2001 version)*, article. 49 & 3; C. D. I., *projet d’articles sur la responsabilité des Etats (version 2001)*, art. 49 & 3, Documents officiels de l’Assemblée générale, cinquante-sixième session, Supplément n° 10 (A/56/10); Hakkı Hakan Erkiner, *International Responsibility of the State Stemming from Unjust Actions* p. 238.

152 Hakkı, Hakan Erkiner, “Implementation of United Nations International Court of Justice Judgments through the United Nations Security Council”, *Marmara University Faculty of Law Journal of Legal Studies*, Year 2017, Volume: 23 Issue: 2, p. 87.

153 Hakkı, Hakan Erkiner, “Implementation of United Nations International Court of Justice Judgments through the United Nations Security Council” p. 91.

154 Fritz Robert Saint-Paul, *L’exécution des décisions de la Cour internationale de Justice: Faiblesses et malentendus*, Faculté de Droit Université de Montréal, 2006, s. 78.



evaluation of this, the legal nature of the application is that it directs the UNSC to adopt a resolution on taking measures. The Council cannot adopt a resolution without an application.

The UNSC may decide to enforce the ICJ judgment or to take measures for its implementation. For example, it may decide to take economic measures against a state that avoids fulfilling the obligations imposed on it in the resolution.¹⁵⁵

As a political body, the UNSC cannot change the content of the ICJ judgment. Under Article 60 of the ICJ Statute, a judgment made by the ICJ is final.¹⁵⁶ Under Article 61 of the ICJ Statute, the UNSC may request the revision of the judgment.¹⁵⁷

¹⁵⁵ Robert Kolp, *Ius Contra Bellum*, Bruxelles, 2009, p. 192.

¹⁵⁶ UN Information Center, Ankara, http://www.unicankara.org.tr/doc_pdf/adalet_divani.pdf (20.03.2024).

¹⁵⁷ http://www.uhdigm.adalet.gov.tr/sozlesmeler/coktarafli-soz/bm/bm_02.pdf (20.03.2024).

Article 94 (2) of the UN Charter provides the basis for the UNSC's function.¹⁵⁸ If the UNSC deems that the non-implementation of the judgment threatens peace and security, it may invoke Section VII. In addition to Section VII, it may also adopt resolutions based on Articles 94 (2), 25 and 103.

Article 39 of the UN Charter states that *“The Security Council shall determine the existence of any threat to the peace, breach of the peace, or act of aggression and shall make recommendations, or decide what measures shall be taken in accordance with Articles 41 and 42, to maintain or restore international peace and security.”* Under Article 41 of the UN Charter, *“The Security Council may decide what measures not involving the use of armed force are to be employed to give effect to its decisions, and it may call upon the Members of the United Nations to apply such measures. These may include complete or partial interruption of economic relations and of rail, sea, air, postal, telegraphic, radio, and other means of communication, and the severance of diplomatic relations.”* Under Article 42 of the UN Charter, *“Should the Security Council consider that measures provided for in Article 41 would be inadequate or have proved to be inadequate, it may take such action by air, sea, or land forces as may be necessary to maintain or restore international peace and security. Such action may include demonstrations, blockade, and other operations by air, sea, or land forces of Members of the United Nations”*

If the UNSC deems it necessary, it may decide on military measures based solely on Article 94, except for Chapter VII. Article 94 (2) of the UN Charter covers judicial decisions of the ICJ, but not advisory opinions.¹⁵⁹

The permanent members of the UNSC have veto power on the issues mentioned above.¹⁶⁰ Therefore, the permanent members can use their veto power to block resolutions that the UNSC may take against Israel.

158 Security Council Report, “In Hindsight: The Security Council and the International Court of Justice”, January 2007 Monthly Forecast, http://www.securitycouncilreport.org/monthly-forecast/2017-01/in_hindsight_the_security_council_and_the_international_court_of_justice.php?print=true (20.03.2024).

159 Robert Kolp, *Ius Contra Bellum*, p. 193.

160 Hakkı Hakan Erkiner, “Implementation of United Nations International Court of Justice Judgments through the United Nations Security Council” p. 100.

FRAMEWORK 2: ISRAEL AND UNSC RESOLUTIONS*

UN SECURITY COUNCIL RESOLUTIONS AGAINST ISRAEL

The Palestine-Israel issue, one of the most complex issues of the 21st century with its national and international dimensions, has been one of the most important items on the agenda in both the UN General Assembly and the UNSC almost since the establishment of the UN. The UN has been an important actor in the complex international diplomacy that led to the division of Palestine with the Partition Plan in 1947 and the establishment of Israel in 1948.

The UNSC, the organ responsible for maintaining international peace and security, which is the product of a consensus on the need to establish an effective common security system after World War II, plays an active role in resolving disputes between states, managing dispute and ending conflicts.

The UN's involvement in the Palestine-Israel issue has been a reflection of the central position of the UN Security Council in terms of establishing global peace and security. The UNSC has a total of 62 resolutions on this issue between 1946 and 2022.¹⁶¹ These resolutions can be grouped under four main headings:¹⁶² The status of Jerusalem, Palestinian refugees, Jewish settlers and the territorial integrity of the State of Palestine. In its decisions regarding these problem areas, the UNSC has emphasised that Israel should withdraw from the East Jerusalem region that it occupied in the 1967 War,¹⁶³ a fair solution should be found for the Palestinian refugee problem,¹⁶⁴ Israel should not transfer its civilian population to the occupied Arab territories¹⁶⁵ and that the borders encompassing East Jerusalem, the West Bank and the Gaza Strip are the legitimate borders of Palestine.¹⁶⁶

UNSC resolutions are binding in accordance with Article 25 of the UN Charter, and despite being a party to this Charter, Israel has not implemented 24 of the 62 resolutions issued by the UNSC between 1946 and 2022.¹⁶⁷ Israel has not complied with the resolutions made by the

* Topuz, Z. ve Arafat M, (2023), 'The Impact of United Nations Security Council Resolutions on the Palestine-Israel Peace Process', *Ankara University SBF Journal*, Volume 78, No.2

161 Topuz, Z. ve Arafat M, (2023), 'The Impact of United Nations Security Council Resolutions on the Palestine-Israel Peace Process', *Ankara University SBF Journal*, Volume 78, No.2, p. 363.

162 Ibid., p. 365.

163 United Nations Security Council resolution no. 242 dated 22/11/1967.

164 United Nations Security Council resolution no. 237 dated 14/06/1967

165 United Nations Security Council resolution no. 446 dated 22/03/1979

166 United Nations Security Council resolutions no. 242, dated 22/11/1967, and no. 338, dated 22/10/1973.

167 Topuz and Arafat, p. 373, p. 379, Annex: 2, shows the renewed resolutions of the UN Security Council Resolutions that Israel did not comply with.

UNSC, which include Israel withdrawing from the occupied Palestinian territories, protecting the Palestinian civilian population and ending acts of violence, fulfilling its obligations under the 4th Geneva Convention, refraining from deportations against Palestinians, and not changing the status of Jerusalem.

Israel has not even complied with resolutions it declared to have accepted, and has only taken into account provisions of these resolutions that are in its favor. The most important of these resolutions are resolutions 242 and 338, adopted by the UNSC after the wars in 1967 and 1973. These resolutions emphasize Israel's withdrawal from the territories it occupied in the 1967 War and the establishment of lasting peace in the region. The resolutions stated that the "Green Line" encompassing East Jerusalem, the West Bank and the Gaza Strip were legitimate Palestinian lands and demanded that Israel withdraw from the West Bank and the Gaza Strip, including East Jerusalem. Despite Israel's declaration that it accepted these resolutions, it only unilaterally withdrew from the Gaza Strip in 2005.¹⁶⁸ Today, it still continues to occupy the West Bank, East Jerusalem and the Golan Heights.

It is possible to say that the reason behind the limited effect of the UN on the settlement of the Palestine-Israel issue is the structure of the UNSC, changes in the conjunctural structure in the international arena, the influence of the US on the process and Israel's lawless attitudes. The UNSC, which has an effective and central structure both within the UN organization and in the international arena, and is also equipped with important authorities to ensure rapid and effective action in maintaining international peace and security, cannot fulfill its function in the process of resolving disputes due to the privileged structure and veto power of its 5 permanent members. Ideological and geopolitical competition experienced in the international arena and the change in the balance of power are also among reasons preventing the UNSC from fulfilling its function. The leading role that the US has assumed in the Israeli-Palestinian peace talks for a long time should also be considered among factors limiting the effect of the UNSC. The special relationship that the US has developed with Israel is often evident in the use of veto power in favor of Israel against UNSC resolutions and in the asymmetric power relationship it provides Israel vis-a-vis Palestine.

The main reason why the UN has failed to resolve the Israeli-Palestinian issue is that Israel has used its power asymmetry not to comply with resolutions passed by the UN General Assembly and the UNSC, and has not been subject to any sanctions for this attitude. As

168 <https://tr.al-ain.com/article/bm-nin-242-say-l-karari#:~:text=G%C3%BCvenlik%20Konseyi%2C%2022%20Kas%C4%B1m%201967,bir%20ortam%C4%B1n%20sa%C4%9Flanmas%C4%B1n%C4%B1%20taahh%C3%BCt%20etti>. (Access Date: 25/06/2024)

mentioned above, Israel has not implemented 24 of the 62 binding resolutions issued by the UNSC between 1946 and 2022. Due to this attitude, the UNSC has passed 30 new resolutions by referring to the resolutions that were not implemented. In addition, during this process, 31 UNSC resolutions criticizing Israel on the Israeli-Palestinian issue were vetoed by the US.¹⁶⁹

UNSC resolutions are binding on states and the Council is equipped with special powers to impose sanctions in the event of non-compliance with these resolutions. However, the UNSC has not taken any measures to ensure that its resolutions regarding the Palestine-Israel issue are observed and implemented. Neither the UN nor the international community has taken an effective sanction decision in response to Israel's failure to comply with UNSC resolutions and its actions and policies that threaten international peace and security.

Israel, which disregards human rights norms and the international legal order, continues its occupation of Palestinian territories with its blockade and intimidation policies. The UN and other international mechanisms are inadequate in the face of Israel's genocidal attacks in the post-October 7 period.

The UNSC was only able to decide on an emergency ceasefire for a short period of time six months after October 7,¹⁷⁰ and this resolution was not implemented by Israel. The UNSC, which previously convened on 16-18 and 25 October 2023 and 8 December 2023 to ensure an urgent humanitarian ceasefire in Gaza, could not pass a ceasefire resolution due to the US veto.¹⁷¹

Developments such as Israel's increasing the dose of aggression rather than complying with rulings adopted in the case filed by South Africa at the ICJ – which also oblige it to comply with the Geneva Conventions and the Genocide Convention – the Knesset's discussion and approval of the draft law defining UNRWA, a UN agency, as a "terrorist organization", and the theatrical behavior of Gilad ERDAN, Israel's Permanent Representative to the UN, who tore the UN Charter with a paper shredder while addressing the General Assembly, symbolically expressing Israel's approach to international law and peacekeeping mechanisms; on the one hand, underline the ineffectiveness of conventions and mechanisms aimed at protecting and strengthening international peace and human rights, and on the other hand, reveal Israel's intentions to continue to make innocent civilians, women and children pay the price with genocidal intent.

169 Ibid., p.372, p. 377, The table in Annex 1 shows US veto decisions regarding the Palestine-Israel issue in the UNSC.

170 <https://turkiye.un.org/tr/264315-bm-g%C3%BCvenlik-konseysi%E2%80%99nden-gazgede-acil-ate%C5%9Fkes-karar%C4%B1> (Access Date: 03/06/2024)

171 <https://www.aa.com.tr/tr/dunya/abd-bir-kez-daha-bmgkde-gazgede-acil-insani-ateskes-talep-eden-karar-tasarisini-veto-etti/3143092#:~:text=ABD%20daha%20%C3%B6nce%2016%2C%2018,kullan%C4%B1n%2010%20%C3%BClkeden%20biri%20olmu%C5%9Ftu.> (Access Date: 03/06/2024)

4. REASONS FOR GAZA SILENCE IN THE GLOBAL WORLD AND THE IDEOLOGICAL AND ECONOMIC CONTEXT OF GENOCIDE

“A world-wide disaster may serve some purposes. It also serves to prove before God that you were somewhere else when the crime was committed. ‘Son of Adam, where were you?’ ‘I was in the world war.’”

Theodor Haecker¹

Israeli attacks that started in Gaza on October 7 after Hamas’ Operation Al-Aqsa Flood and quickly turned into genocide continue severe serious humanitarian consequences that have emerged.

This is a systematic killing process that was carried out for the first time in world history on live broadcast without the need to hide it, in a way that everyone could witness and in which an entire region was turned into a concentration camp and targeted as a whole, and a child was reported dead every ten minutes. According to official figures, the number of those killed in this online genocide has already exceeded 41,000. We are talking about twelve months in which it was possible to predict approximately how many civilians and children would die in Israeli attacks the following day, and these predictions came true to a greater or lesser extent.

¹ Heinrich Böll, Where Were You, Son of Adam?, cited from Day and Night Notebook, March 31, 1940, (Translated by Zeyyat Selimoğlu), İskender Printing Press, İstanbul, 1966.

Questions on how such a situation was carried out under the supervision and approval of the “free world,” how could a genocide that could be monitored moment by moment be possible, and why the perpetrator was not prevented are important in terms of an answer to the questions on what to do or what strategy to follow for a solution?

In this section, the touching silence observed at the global level against the attempted routinization of the genocide in Gaza and the global objection that has risen for the first time at the level of societies against Israel will be discussed as two opposing currents. Also, religious arguments used by Israel in the genocide in Gaza after October 7 and Israel’s strategy to destroy the Palestinian economy will be examined in detail.

4.1. Reasons That Make Occupation, Ethnic Cleansing and Genocide Invisible

The environment and conditions that enabled occupation, ethnic cleansing and genocide carried out by Israel in Palestinian territories are closely related to the political and cultural atmosphere that dominates the Western world, which includes major states that are decisive in shaping global politics. The genocide in Gaza is taking place within a global order that is predominantly formed by Western states, with power, power relations, discourse and media order dominating Western countries that are influential in global issues in today’s world.

Unconditional support given to Israel by the US, which takes the lead in the establishment, preservation and change of this order with both its influential power and major role in the Palestinian tragedy and similar positions of some major European states make it difficult to make a healthy assessment of what is happening in Palestine and adopt reasonable political stances that this assessment requires.

For the US, which enables, facilitates and unconditionally supports Israel’s policy of occupation, ethnic cleansing and genocide, a multidimensional explanation with political, economic and theological dimensions can be mentioned. One of the most fundamental aspects of US Middle East policy has long been its categorical support for Israel. This political preference does not change despite changing world balance, changing governments and strategic goals in the US. The categorical support given to Israel also constitutes the strongest basis for its expansion of its borders over the years and the systematic implementation of ethnic cleansing over time. It is also debatable whether this policy, which is carried out at the expense of providing an umbrella for crimes against humanity from a moral perspective, is truly in the interests of the US.² On the other hand, it is also possible to see that other ideological constructs

2 Whether this policy, which is based on damaging relations with all states in the Middle East, creating a negative outlook among the peoples of the world, and irrationally mobilizing the country’s resources for the people of another country, truly serves the interests of the US has been questioned from time to time within the US. Although those who voice the view that the US Middle East policy serves the interests of Israel, not the US, have sometimes been faced with accusations of antisemitism, this criticism is meaningful.

that complement the ideological construct that underpins the Israeli state's genocidal practice against Palestinians can find a meaningful response at the highest level in the US, in the example of Evangelical political theology.³

The influence of the US is not only limited to itself, but also has a strong influence that determines the stance taken by other countries in the world on the Palestinian issue. The multidimensional influence of the US on European countries, can also take forms such as directly pressuring many countries in the world in favor of Israel during UN votes. In this respect, many states can remain silent despite reaction of their own people. The approach of the Prime Minister of the Republic of South Africa, Cyril Ramaphosa, who said, "*Our country is and will be harmed because we defend Palestine, this is true. However, we will continue to defend Palestine for the sake of our principles*"⁴ provides information about the cost this means for countries.

Another reason why the problem is not seen or felt to the extent of its severity seems to be related to the fact that Palestinians are an Eastern and predominantly Muslim society. Christians are also historically a part of Palestine and today they are also resisting the occupation. However, the widespread Islamophobic hatred or hostility towards Muslims is generally deeply felt in Western countries, and this situation, especially in the post-9/11 world, has led to security policies, regulations restricting the civil rights of Muslims and hate crimes, while also having an invisibility effect on violations against Muslims on a global scale.⁵ The heterogeneous structure of Palestine has its share of this invisibility too.

The second problem that prevents the tragedy in Gaza from being seen is related to social, political and cultural formations, especially since the period after World War II, not only in the US but also in many countries of the world, especially in Western Europe and North America. In the post-Holocaust period, strong sensitivity in Western countries to leave antisemitism behind and efforts to combat anti-Semitic prejudice in every field, from academic life to art and politics, have been a positive

3 Indeed, it is surprising to see religious political approaches, such as demonization, "the ultimate war between good and evil" or "forcing God to doom", which may be more common in marginal fanatic groups and may not cause global destruction to the extent that they do, prevail at the presidential or parliamentary level in the United States. US House Speaker Mike Johnson: "*I told him (Netanyahu) that our support for Israel and the Israeli people is unwavering. I assured him that under my leadership our Congress will stand with Israel to the end. As a Christian, I know that the Bible clearly says where we stand on Israel. I know that God will bless the nations that bless Israel.*" See "The Evangelical Speaker of the US House of Representatives Explains Why He Supports Israel 'to the End'", (30/10/2023). Anadolu Agency, <https://www.aa.com.tr/tr/dunya/abd-temsilciler-meclisinin-evanjelik-baskani-israile-neden-sonuna-kadar-destek-verdigini-acikladi/3037758> (Access Date: 15/4/2024). In the example of the US Congress speaker's words about the devil, there is a frightening religious fanaticism reflected in the statements of the highest-level decision-makers of a superpower that has the most influence in determining the future of the world.

4 "South Africa president: 'I've never felt as proud as today'", (13/1/2024). Middle East Monitor, <https://www.middleeastmonitor.com/20240113-south-africa-president-ive-never-felt-as-proud-as-today/> (Access Date: 29/4/2024).

5 This may be one of the reasons why the number of people who died in the wars waged by or with the support of the US in Iraq, Afghanistan and Yemen is much higher than in the Vietnam War, or why in the case of Iraq, the main justification for the war in which 1 million people lost their lives (the US statements about Iraq's weapons of mass destruction, which in fact do not exist) has not been proven to reflect the truth, yet it has not caused outrage in a democratic society.

development. However, moral sensitivity in the slogan “never again” has had an impact in many areas, from legal regulations to the prominence of the theoretical construction of “Judeo-Christian civilization” or theoretical constructions such as the “Clash of Civilizations” thesis, which depict Muslims as one of the civilizations that will clash/ clashed against.

The negative memory of the shame as a result of suffering caused by antisemitism, which was widespread not only in Nazi Germany but throughout Europe and America, has often become an instrument today not in terms of learning the right lesson from that tragedy and addressing the Palestinian issue with a more humane approach, but on the contrary, in terms of a wrong approach that brings with it turning a blind eye to the tragedy of the Palestinians. It is seen that justified reaction to antisemitism in the post-Holocaust period has been manipulated and transformed into attributing to Israel a kind of immunity and an exceptional position exempt from all legal restrictions. In this context, the situation where intellectuals, politicians, and others refrain from criticizing Israel for fear of not being perceived as anti-Semitic also contributes to this silence.

The hegemonic influence of Israeli lobby in the economic, political and cultural spheres should also be added to this. The loss of vision experienced is also related to the influence of this lobby in areas such as the economy, politics and media in the US and other countries.

As a result; it is possible to see Israeli exceptionalism in every field, which often criminalizes even the simplest use of freedom of expression, including ordinary criticisms of the State of Israel, and prevents people from expressing what they know to be true about Palestine. As seen in the example of the president of Harvard University⁶, and violations of academic freedom, this problem reflects an atmosphere that forces universities, media organizations⁷, artists,⁸ intellectuals⁹ and other influential figures to self-censor, sometimes with interventions that go as far as dismissal.

Finally; reports about human rights violations allegedly committed by Hamas during October 7 attack have also been used as an excuse to ignore, excuse and explain Israel’s genocide.¹⁰ Some news

6 “Harvard President Claudine Gay Resigns, Shortest Tenure in University History”, (3/1/2024). The Harvard Crimson, <https://www.thecrimson.com/article/2024/1/3/claudine-gay-resign-harvard/> (Access Date: 29/4/2024).

7 Not publishing anti-Semitic content is a publishing principle that should be followed morally, beyond the law. However, not publishing content that criticizes a state, Israel, can become an openly declared principle of some media organizations, as in the case of Germany; which is not reasonable in terms of either morality or media ethics. In the case of the dismissal of an innocent cartoonist who criticized the state of Israel or an official of that state, illiberal practices that restrict freedom of expression are present in most of today’s liberal democracies.

8 The cancellation of Turkish pianist Fazıl Say’s concert in Switzerland by Migros Switzerland after his statements drawing attention to the tragedy in Gaza.

9 The freedom of expression policy on the social media platform where one of the world’s richest businessmen, Elon Musk, is the CEO, was accused by pro-Israeli groups of “supporting anti-Semitic propaganda”, followed by an embargo on advertising on the platform, and finally culminating in Musk’s visit to Israel and a change in the freedom of expression policy.

10 Human rights violations alleged to have been committed by Palestinians, both during the October 7 attacks and at other

stories, especially those about babies being beheaded or women being raped, that were taken from the State of Israel and its media without being questioned and shared, have served this function. Subsequent information that a significant portion of the deaths in the Hamas attack were caused by the interventions of Israeli forces within the scope of their practices based on the Hannibal Protocol¹¹ or the confirmation of the claim that forty babies were beheaded was baseless¹² has not changed this situation. While Israel's attacks, in which hundreds of people are killed daily, continue, injustice and bias in European media's manipulative programs on violations allegedly committed by Palestinians also continue.

The situation that all these factors have created is ignoring a genocide that eight billion people were forced to watch through the media in a way that has never been witnessed before in world history, the contentment with ceasefire calls and messages of condemnation that have no concrete equivalent in terms of sanctions, and the fact that Israel continues the genocide despite the number of civilian and child victims reaching tens of thousands.

4.2. Ideological Background of Genocide and Ethnic Cleansing of Gaza

It is particularly striking that attacks and massacres committed by Israel against Gaza, which amount to genocide and ethnic cleansing, are being legitimized by both Prime Minister Netanyahu and other political and military leaders of Israel, based on religious/theological justifications. For example, Netanyahu described the war they waged immediately after the events of October 7 as a war of the forces of light against the forces of darkness, and stated that this war was a war waged against the Amalekites, who were believed to be the fiercest enemies of the Israelites, and identified the Palestinians with the Amalekites, who were among the fiercest enemies of the Israelites throughout history and whose animals were commanded to be killed along with themselves in the Torah. In addition, he drew attention to prophecies in the book of Isaiah, which is included in the Jewish holy text, and emphasized that with this war they were building the period Isaiah spoke of. In addition, Israeli Defense Minister Galant described the people they were fighting in Gaza as "human-like animals." The fact that such statements by the Israeli Prime Minister and senior political and military leaders are generally accepted throughout Israel and by the public, especially the far-right and the religious, and the widespread support given to the genocide and ethnic cleansing carried out in Gaza, show how widespread the approach of legitimizing the massacre with religious arguments is.

Jews who identify themselves with the Israelites legitimize genocide and ethnic cleansing based on their beliefs and teachings in the context of ethnic selection. While on the one hand they try to defend

times, should also be brought to the agenda and clearly condemned. However, as rightly stated, it is unfair to do this without mentioning the previous situation, namely October 6, or by ignoring the aftermath of October 8.

11 <https://www.aa.com.tr/tr/dunya/israil-basinina-gore-askeri-noktalar-ve-gazze-sinirinda-7-ekim-de-hannibal-protokolu-uygulandi/3268393>

12 "Hamas Releases Video Refuting Israel's Slanderous Propaganda", (12/10/2023). Yeni Şafak <https://www.yenisafak.com/video-galeri/dunya/hamas-israilin-iftira-propagandalarini-curuten-bir-video-yayinladi-4567144> Access Date: 29/4/2024.

the massacre and ethnic cleansing they carry out against secular circles with the thesis that they are fighting terrorism, protecting their independence and even trying to protect the freedom and sovereignty of Western peoples, on the other hand they try to legitimize their actions against religious Jewish and Christian circles from a theological perspective. The fact that actions carried out in this direction are defined by Zionist political and military leaders, especially Netanyahu, as “a struggle waged by the people of light against the forces of darkness”, which has an important place in God’s plan of salvation, is a striking example of this. Indeed, the peoples of light and darkness and the struggle between them emerge as a discourse that has its equivalent in religion (e.g. Isaiah 9:2, Psalms 112:4, Matthew 4:16, Epistle to the Ephesians 6:12) and is frequently used to legitimize violence throughout history. It is known that this discourse is frequently used not only by the occupying Zionists in the context of legitimizing violence and massacres in Palestine, but also by Western leaders in the context of legitimizing the occupation of Iraq and their attitude towards powers defined as the Eastern Bloc.

While Zionist leaders accuse the Palestinian people they massacred of being “forces of darkness” they also identify them with the Amalekites, the fierce enemies of the Israelites, who were described as God’s chosen people. In the Jewish holy book, it is said that Amalekites were the mortal enemies of the Israelites who attacked them as they advanced towards the promised land of Canaan (Exodus 17:8) and tried to destroy them. God protected his own people, that is the Israelites, against these mortal enemies and commanded the Israelite leader Joshua to destroy them:

“Now go and attack Amalek, destroy everything they have, do not spare them; kill men, women, nursing babies, oxen, sheep, camels and donkeys” (1 Samuel 15:3).

The mindset that identifies the Palestinians with the Amalekites, the sworn enemy of the Israelites, conveys the message that the massacre of all Palestinians, men, women, children and adults, and all living things belonging to them, is a legitimate attitude in accordance with God’s will.

In addition, the occupying Zionist leaders emphasize that the prophecy of Isaiah mentioned in the holy book will come true through them in this ongoing struggle. The book attributed to Isaiah, who is assumed to have lived in the 8th century BC, prophesied that the Israelites, God’s chosen people who were punished by God for their sins, will once again become sovereign in the promised land in the future when their connection with God will be re-established:

“Foreigners will build your walls, and their kings will serve you. ...The nation or kingdom that does not serve you will perish. ... The children of your oppressors will come bowing before you, and all those who despise you will bow down at your feet, saying, ‘Zion of the Holy One of Israel, the city of the Lord.’ ...No more violence will be heard from your land, no more robbery and destruction from your borders.” (Isaiah 60:10-19)

This prophecy, which is an eschatological expectation for the expected Messianic era, is a future prediction that the Israelites will establish absolute sovereignty in the promised lands, centered on Jerusalem, free from fear and anxiety, all other peoples will serve them, and anyone who opposes them will be destroyed.

With this, Zionist leaders base violence and massacre carried out against the Palestinian people, especially in Gaza and in Palestine, which have reached the level of genocide, on a legitimacy ground centered on the holy text. By referring to the Amalekites, the prophecy of Isaiah and the struggle against the forces of darkness, an attempt is made to construct a legitimacy perception centered on the holy text.

Thus, based on the holy text, the incident experienced today is somehow associated with the past and future by the occupying Zionists. Accordingly, the forces that Zionists are fighting today are identical to the mortal enemies of the Israelites in the past, and the struggle being given today is the struggle to establish the period of absolute sovereignty heralded in the holy text. Therefore, this massacre in which tens of thousands of Palestinians, the vast majority of whom were children and women, were killed and in which schools, hospitals, temples, residences, parks and gardens, all living spaces in Gaza, and even all living things were recklessly and consciously destroyed, is, from their perspective, in accordance with God's will and plan. In this context, while the occupying Zionists in Palestine today, as God's chosen people, are fighting against Palestinians, who are seen as the current representatives of the historical mortal enemies of this chosen people, and are slaughtering them without discrimination, whether old or young, women or men, they identify these actions with an event that they believe took place in history, and on the other hand, they are giving the message that the Messianic era, which is the expression of the absolute sovereignty of the Israelites in the promised land, as heralded by Isaiah, is being established through them.

The belief that the Jews are a chosen people in the sight of God and that God has given the promised land (*eretz muvtahet*) to this chosen people is generally the most fundamental motivation for the ethnic cleansing and genocide carried out against Palestine in a religious context. In fact, this belief is not only strongly adopted by Jews but also by many Christians, especially in the liberal and evangelical Christian churches in the Anglo-Saxon world. It is known that some Christian movements in many Western countries, from Western Europe to North America, have had a strong expectation that the Jews should return to Palestine, to the region of Judea, based on a literal reading of the text, at least since the beginning of the 19th century, in the context of the story of the chosenness of the Israelites, the promised land and the return of the Jews to the promised land. In fact, based on various passages in the Bible, they expected that before Jesus Christ would come to earth and establish the Kingdom of God, exiled Jews would return to Palestine (Deuteronomy 30:3, Isaiah 43:6, Ezekiel 34:11-13), build the Temple here (Daniel 9:27, Matthew 4:5, Revelation 11:1), the surrounding peoples would attack them (Daniel 9:26-27, 12:1,

11, Zechariah 11:16) and similar events would happen as soon as possible. This group, called “Christian Zionists” who are very influential today especially in North America and Western Europe, stand out with the unlimited support they give to the occupiers in Palestine. Furthermore, they believe that giving all kinds of support to the invading Jews is a religious obligation.

In terms of the teaching of ethnic selection, Judaism is an ethnocentric religion, or ethnic identity-centered religion. This teaching of selection is at the center of Jewish tradition from beginning to end. Jews believe that humanity failed in the covenant that God made with all humanity through Adam, the first man, and Noah, the second ancestor of humanity, and that for this reason God made a special covenant with the Israelites. “In the person of Abraham, to whom God said, “I will establish my covenant as an everlasting covenant between me and you and your descendants after you for the generations to come, to be your God and the God of your descendants after you.” (Genesis 17:7),” they were described as “God’s own people”, “a holy people” (Deuteronomy 7:6, 14:1-2), “the Son of God” (Hosea 11:1) and “the firstborn of God” (Exodus 4:22-23), and it was emphasized that their position was superior and privileged to all other peoples (Leviticus 20:26, Deuteronomy 26:19).

According to Jewish belief, God promised the holy lands (*eretz ha kodesh*) to the Israelites, who were privileged and different from others as an ethnic identity, in return for the covenant he made with them. According to the Jewish holy text, God promised to give all the lands where Abraham came and settled as a foreigner to Him and his descendants forever by saying: “The whole land of Canaan, where you now reside as a foreigner, I will give as an everlasting possession to you and your descendants after you; and I will be their God” (Genesis 17:8). The borders of the promised land are detailed in the holy text and are defined as covering the entire region between the great Euphrates River and the Egyptian River:

“I will give to your descendants this land, from the River of Egypt to the great Euphrates River, the land of the Kenites, Kenizzites, Kadmonites, Hittites, Perizzites, Rephaites, Amorites, Canaanites, Girgashites and Jebusites.” (Genesis, 15:18-21).

In these narratives about the formation of the Israelite lineage in the Bible, the Israelites are distinguished from the others as the descendants of Shem among the sons of Noah, the second ancestor of humanity (Genesis 11:10-32). Noah cursed Canaan due to an incident and declared him a slave to his brothers, especially Shem:

“Cursed be Canaan, the lowest of slaves will he be to his brothers. Praise be to the Lord, the God of Shem! May Canaan be the slave of Shem.” (Genesis 9:25-26).

Again, in this historical narrative, Lut, who migrated from the land of Aram to the land of Canaan with Abraham, was also separated from his uncle Abraham in the context of being chosen. According to

the narrative in the Jewish holy texts, the Moabites and Ammonites, who are claimed to have been born from the incestuous relationship of Lut with his daughters, are also among the historical enemies of the Israelites (Genesis 19:30-38, Judges 3:11, 28).

Between Esau and Jacob, who were both born from the same mother, Rebekah, and were the twin children of Isaac, the chosenness and blessing will only be realized with Jacob. While Jacob (Israel) and his sons stand out as God's chosen people, peoples such as the Amalekites, who were descendants of Esau, will be the mortal enemies of the Israelites (Genesis 36:12, Exodus 17:8-16).

In the context of the chosenness of the Israelites and the belief in the promised land, a striking point is the fact that the land promised by God to Abraham and his chosen descendants actually belonged to other peoples. According to the narrative in the holy text, the place where the people described as the "people of God" were originally located is the Southern Mesopotamia region, defined as the Ur of the Chaldeans (Genesis 11:31). Abraham, along with his father Terah, his wife and his nephew Lut, left this region and migrated to the land of Canaan. Therefore, Abraham and his descendants are strangers to these lands where peoples such as the Kenites, Keniz, Hittites, Girgashi, Perizz and Yavus are settled. God takes these lands from the local people and promises them to a foreign people; the descendants of Abraham, the Israelites. The Jewish holy text, by trying to construct a historical narrative going back to the descendants of the indigenous people living in the land of Canaan, virtually places the responsibility for the sins and crimes committed by these peoples' ancestors on these peoples and thus tries to legitimize God's giving their land to the Israelites.

As can be seen, this mentality and ideology constructs a history backwards, a restoration, in line with the belief in the chosenness, sanctity and superiority of the Israelites, and interprets the events experienced today and the expectations of the future in line with this understanding. In this context, non-Jews (Goyim) are marginalized and especially the peoples that the Jews label as enemies opposing them in the promised land are demonized as "human-like animals." As in the case of the Amalekites and the Palestinians who are identified with them today, any inhuman treatment against them is legitimized.

FRAMEWORK 3: TESTIMONIALS OF THE SICK AND WOUNDED IN GAZA

Regarding the inhumane process experienced in Gaza; interviews were conducted with patients, injured people and their companions brought from Gaza by Türkiye for treatment and who witnessed the incidents in Gaza before and after October 7, accompanied by lawyers, psychologists and experts, and thus information was obtained from eyewitnesses about the incidents. In this context, interviews were conducted with a total of 35 people, including 12 children.

Before the interviews, consent was obtained from the relevant persons or their guardians for the use of their identity information and the information they provided, and the interviews were recorded without any interruption. Questions prepared in accordance with the ICC Statute and the Genocide Convention were asked in the interviews.

In this context; All children who were asked the question “Were you able to go to school after the incidents started?” stated that they could not continue their education after October 7,

Most of the children who were asked the question “Were any of your friends at school or in your neighborhood martyred?” stated that they lost their friends,

All of those who were asked the question “Were the Israeli attacks after October 7 targeted civilian or military targets?” stated that civilians were primarily targeted in these attacks or that Israel did not distinguish between civilians and military,

Most of those who were asked the question “Did you see children being forcibly transferred to another location?” stated that children were forcibly transferred,

The vast majority of those who were asked the question “Were your friends or relatives detained where you were?” stated that detention was applied,

The majority of those who answered “Yes” to the previous question were asked the question “Were your friends or relatives who were detained subjected to torture?” stated that torture was inflicted,

“Were you able to meet your basic needs such as electricity, water, and heating after the attacks?” All of the respondents answered the question negatively,

“Was aid distributed while you were there?” the vast majority of those who were asked answered the question positively,

“Was Israel attacking aid workers?” the vast majority of those who were asked answered the question in the affirmative,

“According to international agreements, a state must warn civilians to leave the area before launching a bombardment on civilian settlements. Did Israel give notice before the bombardment?” all of those who were asked answered the question negatively,

“Were you or your relatives forced to be deported?” the vast majority of those who were asked answered that they were forced to be deported,

“Were you attacked during the deportation?” all of those who were asked answered that they were attacked during the deportation,

“Were ambulances prevented from entering the area where the attacks took place?” all of those who were asked answered that ambulances were prevented from entering,

“Did you or anyone in your family receive treatment in Gaza?” The vast majority of those who were asked this question said that they received treatment,

All those who were asked the question “Was there an attack on the hospital while you were in the hospital?” answered that there were attacks on the hospitals,

The vast majority of those who were asked the question “Was the number of doctors and health supplies in the hospitals sufficient?” answered the question negatively,

All those who were asked the question “Was Israel targeting doctors and health workers?” answered that doctors and health workers were targeted by Israel,

One person who was asked the question “Israel claims that the hospitals are being used by Hamas. Was Hamas using the hospitals for defense or attack while you were in the hospital?” answered that Hamas did not use the hospitals for defense or attack,

Those who were asked the question “Did anyone you know die of starvation because they could not get aid in your area?” four people said yes, eight people said no and five people said they did not know.

The vast majority of those who were asked “Is Israel doing anything to prevent future births in Palestine? Is it trying to prevent these directly or indirectly?” answered the question in the affirmative,

All of those who were asked “Did you witness Israel using banned chemical weapons such as white phosphorus?” answered that banned weapons were used,

One person who was asked “Was your home in Gaza destroyed?” answered the question positively,

(Although this question was asked to only one person, all of those interviewed stated during the interviews that their homes were bombed and their family members were martyred or injured in this way)

It was recorded in the minutes. The testimonies of the Gazans who were the victims and witnesses of what happened clearly reveal that Israel acted with genocidal intent.

4.3. Israeli Occupation and Destruction of Palestinian Economy

As emphasized throughout the study, Palestinians are deprived of their fundamental human rights in an undeniable way. Not only the physical continuity of existence, but also spiritual endowments such as living a dignified life are part of the integrity of human life. At this point, economic rights and restrictions may be perceived as of secondary importance. However, all these requirements are elements that feed each other.

In this section of the study, an explanation will be given on how the State of Israel consciously aims to eliminate the State of Palestine¹³ by rendering economic channels dysfunctional and, in the final analysis, by destroying them, especially with the examples of the Gaza Region. In this context, first of all, the formation of economic activities, directly by intervening in trade or by weakening and ineffective activities by oppression and prohibitions imposed on the labor factor, will be examined under the headings of “circulation of labor and commercial mobility”. Then, “restrictions” imposed on places where production occurs will be discussed and the current picture will be presented with the example of the Fishing Sector. Finally, economic implications of the process that started with the Al-Aqsa Flood Operation will be analyzed.

4.3.1. Israel’s Stamp on the Economic Lifeblood of Palestine: Impact on Labor Circulation and Commercial Mobility

States have the right to control entry into and exit from their borders and establish rules for these entries and exits. However, a state’s control of mobility, especially restriction against a group, can be considered a crime against human rights.

Mobility of Labor

Israel threatens freedom of movement in the broad sense, and the mobility of factors of production - especially labor - in the narrow sense by regulating and restricting them. Article 13 of the UN Universal Declaration of Human Rights¹⁴ states;

1. *Everyone has the right to freedom of movement and residence within the borders of each state,*
2. *Everyone has the right to leave any country, including his own, and to return to his country,*

As stated here, freedom of movement and travel are among the most fundamental human rights. An example of regulations, restrictions and prohibitions made by Israel is the operation in Gaza before October 7. The blockaded Gaza Region can be reached through the “Rafah Crossing” on the border of

13 In the rest of the text, it will be used as Palestine and Israel..

14 United Nations, “Universal Declaration of Human Rights”, 10 December 1948, <https://www.un.org/en/about-us/universal-declaration-of-human-rights>.

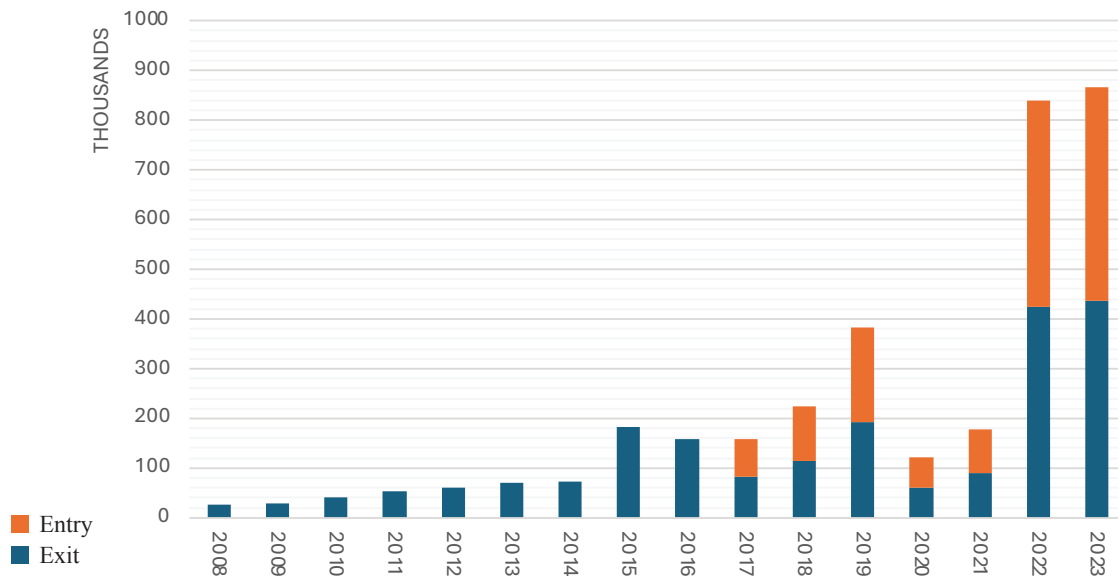
Gaza and the Arab Republic of Egypt and the “Erez Crossing” between Israel and Gaza. Only these two border gates are open for use. The regional importance of Erez also stems from the fact that it is the only land connection point between the Gaza Strip and Israel and the West Bank. It is of vital importance for humanitarian access in terms of meeting needs such as health services, medicine supply, etc. At the same time, mobility at this border is also essential for the Palestinian economy. However, the rules that Israel has put into effect for Palestinian citizens to use the border gates for travel purposes are very strict. If a Palestinian wants to cross the border gate, at the first stage; It is checked whether the applicant meets the following conditions:

1. A worker or merchant,
2. A patient who needs vital intervention that cannot be performed in Gaza or a companion of the patient in question,
3. Attending a funeral or wedding invitation of a first-degree relative.

It is mandatory to be included in one of these groups in order to cross the border. At first glance, this system seems to be theoretically very clear, based on concrete criteria and enforceable. However, practices are being implemented by bending them without any legal basis, to the detriment of Palestinians. A small number of Palestinians who fall within the scope of these conditions have been prevented from traveling, especially due to various incidents in the context of security. “Security barriers” could be applied to those who applied for permission without any official explanation or notification. The passage permit turned into a waiting process for years, and as a result, this process evolved into bureaucratic violence. For example; even the permit applications of high-level business people who meet the first condition, namely those who already have “merchant permits”, and who have been moving between Gaza and Israel for a long time, have been rejected for no concrete reason, in an unforeseen manner. At the same time, it is seen that the Israeli authorities turn a blind eye to the accumulation of travel applications during the bureaucratic functioning process and generally even develop a reflex of ignoring the applications.

This process can also be read through data on border crossings. Before the Second Intifada in 2000, the number of workers using the Erez Crossing to work in Israel was approximately 500,000 per month. Due to escalating tensions after the Second Intifada, Israel first significantly reduced the number of permits it gave to Palestinian workers coming from Gaza, and then completely closed the Erez Crossing. It banned Gazan workers from entering its territory from March 2006 until the last months of 2014. Towards the end of 2014, a limited number of workers were allowed to enter under an unofficial status, under a trader permit quota. While the average monthly number of Palestinians crossing from Gaza to Israel in 2022 was 34,610, it is seen that 90% of these crossings were made by workers with financial need permits. However, when the exits are evaluated in terms of numbers, it is understood that they are well below what should be and what is needed.

Annual Average Number of Entry and Exit of Palestinian Workers and Traders to Israel, the West Bank and Abroad via the Erez Crossing



Source: OCHA, "Gaza crossings: movement of people and goods", <https://www.ochaopt.org/data/crossings>. Access Date: 10.04.2024

As mentioned above, another important and central mobility point for economic activities is Rafah Crossing. When mobility data and the status of the crossing at this gate are examined, it is seen that crossings were made at certain periods from 2007 to 2012, and that the gate was used for regular crossings between 2012 and 2013. During this period, approximately 40,000 entries and exits were made every month. However, problems at this border gate are not only caused by Israel. For example; between July 2013 and 2018, Egyptian authorities cited the deterioration of humanitarian conditions and various protests in Gaza as justification, and as a result, crossings from Rafah were suspended. It is understood from this that these border gates, which are of vital importance to Palestinian traders, can easily be closed as a result of various crises or events, regardless of whether they are big or small. The COVID-19 period became a new justification that provided legitimate grounds for Egyptian and Israeli authorities to close the borders, impose entry and exit restrictions and bans. For example, Egypt kept its border gate closed for about a year - with a few exceptions - after the outbreak of the pandemic.

When data from recent years are examined, it is understood that the number of entries and exits was limited to an average of 15,077 people per month in 2021 and an average of 23,222 people per month in 2022.¹⁵ Keeping border gates closed in times of crises like these or as a result of various justified

15 OCHA, "Gaza crossings: movement of people and goods". <https://www.ochaopt.org/data/crossings>. (Access Date: 10.04.2024)

events causes serious damage to the economic life of Palestinians. As a result, the Palestinian economy is reaching a point where it cannot sustain itself at the macro level and in terms of sectors. At the micro level, the Palestinian workforce, especially workers, are losing their jobs, and households are facing vital problems such as famine and hunger because they do not have the financial purchasing power required for food supply. In this sense, restrictions on the economic sphere are not limited to this area alone, but directly threaten the right to life.

Commercial Mobility

Another area where Israel implements restrictive policies against the Palestinian economy is through commercial mobility. For example; all imports and exports to Gaza and all human movements from Gaza are completely controlled and regulated by Israel.¹⁶ Specifically, bans that Israel has imposed on various Palestinian agricultural products can be mentioned. Moreover, it is seen that it indirectly uses these bans as a method of punishment.

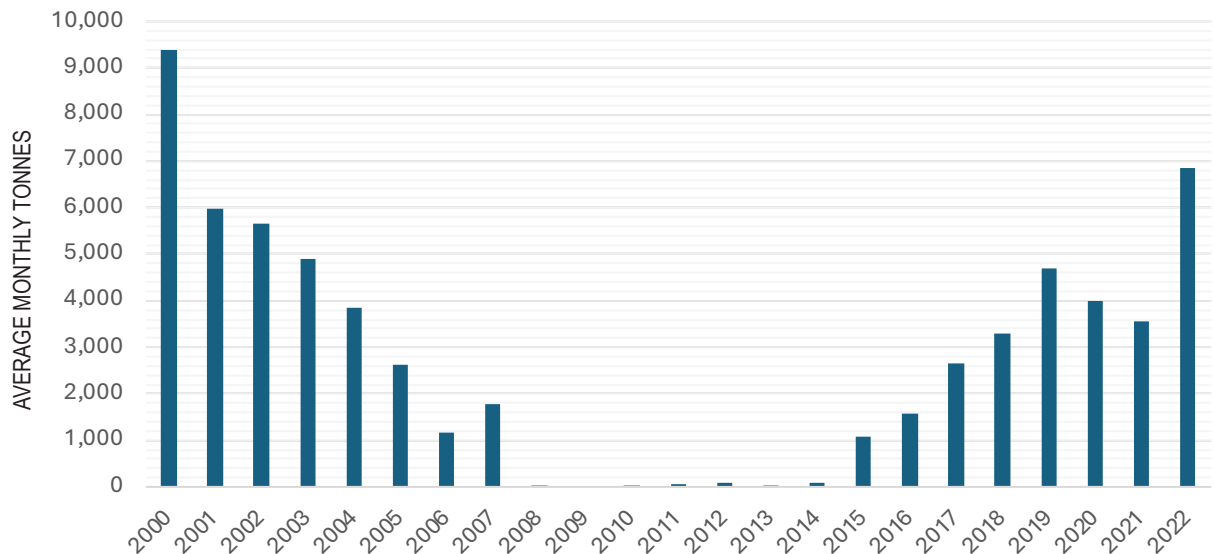
In elections held on January 25, 2006, in which the Palestinian Legislative Council was determined and a turnout of 77% was achieved, HAMAS won 76 out of 132 seats and Fatah won 43, thus Hamas came to power.¹⁷ Sanctions have been imposed on every dimension (political, social, economic) against the ruling party, which is considered a terrorist organization by Israel, and therefore against Palestinian citizens. The fact that this process, which also includes the blockade of the Gaza Region, has turned into genocide today is the final point of human rights violations in every respect.

If we go back to the beginning and the field of economics, we can easily read how this whole series of events transformed economic life through “commercial mobility”. In particular, prevention of the export of agricultural products can be interpreted as the opening of the unconventional economic front of the war. Because with this decision, Gazan merchants lost access to all markets, especially those in Israel and the West Bank, where approximately 85% of their products were sold, including those outside the Gaza Strip. When we look at data from before the restrictions, the export of agricultural products was an average of 3,544 tons per month in the first six months of 2007. It almost reached zero right after June 2007, and this situation brought the economic life of the Gaza Strip to a standstill. This practice, which continued between 2007 and 2014, resulted in only a limited number of agricultural products being allowed to be sold in the West Bank due to the ceasefire that was signed after 2014. This new situation, which seems like an improvement, is actually a regression that could lead to dire consequences when compared to the previous situation.

16 Safaa Sadi Jaber and Ilias Bantekas, “The Status of Gaza as Occupied Territory Under International Law”, *International and Comparative Law Quarterly*, C. 72, s. 4. <https://doi.org/10.1017/s0020589323000349>. Access Date: 10.04.2024

17 SETA, “Palestine After Elections -2006”. <https://www.setav.org/secimler-sonrasi-filistin/>, Access Date: 10.04.2024

Average Monthly Amount of Agricultural Products Exported from Gaza Between 2000-2022 (Tonnes)



Source: GISHA (2023), *Low-hanging Fruit*. (Online) <https://gisha.org/en/low-hanging-fruit/>

As mentioned above, it is also understood from the data that the embargo that started after 2007 was gradually eased starting in 2010 and the ban on sales abroad ended as of 2015. After an agreement was reached on limited product transit to the West Bank starting in 2014, the impact of exported products expanded, although not as much as needed. In 2021, the value of products grown in Gaza and sold in Israel was calculated to be 1.03 million US dollars, and in 2022, the monetary equivalent of this value increased to 9.9 million US dollars. This means an increase of 864%.¹⁸ In other words, in 2023, the sale of products exported from Gaza in Israeli markets was allowed and many products were removed from the banned product list, which increased the income of Palestinian farmers. However, this increase was below average when compared to the income needed, and the sector operated below its potential. The embargoes implemented in Gaza and therefore in Palestine have led to:

- A decrease in financial power,
- A contraction in the relevant sectors,
- An increase in unemployment,
- Agricultural products obtained being blocked from the market,
- Products blocked from the market not being able to be consumed due to excess supply.

18 GISHA, "*Low-hanging Fruit*" <https://gisha.org/en/low-hanging-fruit/>. Access Date: 10.04.2024

There has been a serious decrease in the number of workers employed in the sector due to the restrictive policies implemented by Israel towards agricultural products. For example, the number of workers, which was 21,060 in 2005, decreased by 39% in 2020 to 12,882. With the gradual lifting of the embargo, 18,860 people were employed in the agricultural sector in the first half of 2022, which is 10% less than the employment rate in 2005.

In addition to all this, agricultural products grown in Gaza must exit through the Kerem Shalom Border Crossing, which is under Israeli control, in order to be able to reach the West Bank and foreign markets. The Israeli side questions information such as what the products that will pass through the border gate will be used for, who will send them to, and who will pay for them, causing the process to slow down or even become blocked. This situation also affects farmers who are the producers of the products in question. For example, in cases where the border gate is suddenly closed, the postponement of the shipment process of the products to a later date than expected affects negatively both the quality of the products and reduces the profit that farmers can make from the products. Another example of restriction applied at the Kerem Shalom Border Gate is the excessive taxation of the crossings. All these practices create cost-increasing pressure on farmers and merchants who already have low incomes.

As can be seen, restrictive policies implemented by Israel regarding the movement of labor and goods do not only disrupt the labor market or agricultural sector in Gaza. They shape the Palestinian economy under Israeli pressure. In summary, Israel has been trying to spread its problems with Palestine to various areas, not just the military. In steps taken towards the Palestinian economy, it is seen that the domestic per capita income decreases each year compared to the previous year. At the same time, many sectors are experiencing serious economic crises. These crises have caused the economy to contract and shrink. All these problems have brought about an increase in unemployment rates and have structuralized serious economic, social and psychological problems.

4.3.2. The Impact of “Access Restricted Areas” on the Palestinian Economy in the Example of Gaza

Israel not only establishes hegemonic pressure on Palestine by restricting or obstructing economic activities, but also reproduces its sovereignty over the spaces that are the source of production. Under this heading, this situation will be explained through restricted land and sea areas and will be concretized with the example of the fishing sector.

Restricted Land Area

Another point where Israel targets the Palestinian economy is its efforts to limit Gaza's access areas to the land and sea and to stop (or even eliminate) its commercial activities through restrictions. These restrictions result in the people of the region not being able to access vital and important points, despite

remaining within the borders of Gaza. Border areas granted to the Gazans through agreements made between the parties were either used in accordance with the agreements for a short period of time or were allowed to access an area smaller than the area designated for access. For example; according to the Oslo Accords signed in 1993, an agreement was reached to establish a 100-meter security perimeter in an area close to the border between Gaza and Israel. However, in the early periods following the agreement, construction attempts were not allowed for 100 meters, and later this limit was increased to 500 meters, restricting the construction activities of the Gazans. These or similar areas are called “access restricted areas” or “buffer zones”.

Considering the population of Gaza, the land area is not sufficient. As a natural result of this situation, arable land used for farming activities is far below what is needed and even below the average. According to reports by the Office of the United Nations High Commissioner for Human Rights, the total of the areas to which access is not permitted covers an estimated area of 62.6 square kilometers, approximately 35% of Gaza’s arable land and approximately 85% of its maritime area. These areas are completely or partially inaccessible to Palestinians.

In addition to land restrictions, restrictions on production standards also negatively affect farmers in the region. Farmers are only allowed to grow seasonal crops shorter than 100 centimeters. Israeli authorities have given Israeli soldiers full permission to open fire if they approach closer than 100 meters to the wire fence surrounding these restricted areas. For them, this area is an “inaccessible” area. On the other hand, the lands in question are within Palestinian territory and are private property of Gazan farmers. However, since these lands have been given inaccessible status by Israeli authorities, no crops are allowed to be planted.

Another notable practice that causes damage to the agricultural sector is Israel’s aerial spraying of Palestinian lands. The process, which begins with restricting agricultural areas, continues with the aerial spraying of herbicides that kill crops. This practice has not only destroyed all arable land along the border fence, but has also destroyed crops and agricultural land hundreds of meters deep into Palestinian territory, causing Gazan farmers to lose their livelihoods.¹⁹ In November 2016, following a request from Gisha, a Tel Aviv-based organization, the Israeli Defense Ministry confirmed in a statement that herbicides were being sprayed from the air around Gaza and the region. The area sprayed covers an area of approximately 12,000 acres. In addition to this statement, the Israeli army confirmed that it sprayed herbicide from the air along the Gaza border at least thirty times from November 2014 to December 2018. Despite the fact that the destruction of the land was confirmed through Israel’s own institutions, no compensation was paid to Palestinian farmers. For example, when examining the aerial spraying

19 Forensic Architecture, “Herbicide Warfare In Gaza”, <https://forensic-architecture.org/investigation/herbicide-warfare-in-gaza/>. Access Date: 05.04.2024

incident carried out by Israel in the Khan Younis region of Palestinian territory on April 5, 2017, findings show that the herbicides that were dispersed into the air by the winds during and after the spraying by the Israeli army caused the vegetation to deteriorate. After a different spraying operation carried out by the Israeli army in the same region a year later, hundreds of Gazan farmers reported the damage to their crops to the Palestinian Ministry of Agriculture, citing the spraying, and it was determined that 250 acres of cropland were damaged. In addition, the Palestinian Ministry of Agriculture estimates that 13,000 acres of agricultural land in Gaza were damaged by herbicide spraying between 2014 and 2018.²⁰

Restricted Maritime Area

In Palestine, especially in the Gaza region, fishing is of vital importance due to its geographical location. Thousands of Gazan fishermen are employed in the fishing sector. However, Israeli authorities have assumed that fishermen in Gaza are legitimate targets. Steps they have taken to this end have prevented the development and growth of the fishing sector in the region. In the face of this attitude by Israel, being a fisherman in Gaza can lead to consequences such as the seizure of equipment and arrest of those who carry out fishing activities even within the borders of its jurisdiction, and at the most extreme point, it means the lack of security of life. According to Al Mezan, a total of 107 cases of the use of live ammunition against fishermen have been recorded from the beginning of 2023 to the end of April.²¹

When examining Palestine's maritime activity zones, in accordance with the Gaza-Jericho Agreement signed between the Palestine Liberation Organization and Israel in 1994, it was agreed that Palestinians could carry out economic activities, especially fishing, within an area of 20 nautical miles from the Gaza border. However, in the 2000s, especially after the Second Intifada, the maritime area granted to fishermen was restricted with each passing day. Following escalating tensions in the early 2000s, a new development occurred in 2002 regarding the maritime area on behalf of Gaza. Israel proposed the Bertini Commitment, which assumed that fishing activities could be carried out in a maritime area up to 12 nautical miles from the Gaza coast, which was 8 nautical miles below Gaza's maritime jurisdiction accepted in the Oslo Accords.²² Gaza's maritime access area decreased with the Bertini Commitment. Despite this, the conditions in the agreement were not fulfilled and the restrictions continued intensively. When these incidents that have been mentioned are compared to the areas specified in the Jericho Agreement signed in 1994, Palestinians had access to only 15% of the maritime areas where they had the right to conduct all maritime activities, including fishing, by the 2000s.

20 Ibid.

21 Gisha, "Gaza Up Close", <https://features.gisha.org/gaza-up-close/>. Access Date: 05.04.2024

22 OCHAOPT, "Humanitarian Monitoring Report – January 2005 Bertini Commitments". <https://www.ochaopt.org/sites/default/files/ochaHumMonRpt0105.pdf>. Access Date: 05.04.2024

In 2019, Israel and Palestine reached an agreement again on Gaza's use of its fishing zone up to 12 nautical miles. However, in 2020-2021, the issue of Gazan fishermen's access to the sea continued to be a current problem. In May 2021, with Israel launching its military operations, Gazan fishermen were banned from accessing the sea without any legitimate basis, and even after a ceasefire was reached following this prohibition period, the bans continued arbitrarily. According to data from the United Nations Office for the Coordination of Humanitarian Affairs as of June 2022, Israeli forces continue to restrict access to the coast of Gaza. According to these data, fishermen are allowed to access only 50% of the waters allocated for fishing activities under the Oslo Accords. As can be understood from the above explanations, while the Oslo Accords granted the right to engage in commercial activities in the maritime area up to 20 nautical miles from the Gaza coastline, this article has almost never been implemented in practice.²³

Israel's policies, ranging from bureaucratic violence to threats to life safety, have also negatively affected the fishing sector. The aforementioned negativities can be seen from the fishing sector employment data.

A Brief Look at the Fishing Industry

The fishing sector operating in the Gaza Strip is providing benefits to the regional economy below its potential and expectations due to the limitation of the sea area and the targeting of fishermen. In addition to the restrictions at sea, income earned by fishermen is not enough to cover their costs due to the fact that they are only allowed to fish a few times a week or a month, which clearly makes their livelihoods difficult. Thus, approximately 4,160 workers and an estimated 27,700 household members related to the fishing sector are negatively affected. Israel's continued application of limited areas at sea reduces the livelihoods of Gazans and also brings with it various sanctions, from damaging the equipment of those engaged in fishing activities to their arrest. Fish production in the last five years has decreased significantly compared to the years before the blockade imposed on the Gaza Strip. The decline in fishing production is not only due to sea area restrictions. Practices ranging from damaging the equipment of fishermen to sometimes injuring/killing fishermen also contribute to this result.

When fish production in the Gaza Strip is examined between 2007 and 2021, using 2007 as a basis, highly volatile, unpredictable and unstable outputs are encountered. However, it should not be forgotten that there is a strong relationship between the sea area restriction imposed by Israel on Gaza and the fishing volume. This situation can also be seen when the table below is examined.

23 OCHA, "Gaza Strip | The humanitarian impact of 15 years of the blockade - June 2022", <https://www.ochaopt.org/content/gaza-strip-humanitarian-impact-15-years-blockade-june-2022>. Access Date: 05.04.2024

Fishing Activities Between 2007-2021

	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021
Amount Of Fish (Tonnes)	2.701	2.843	1.525	1.700	1.318	2.092	1.929	2.854	3.226	3.306	3.206	3.039	3.943	4.708	4.661
Number of Fishermen	3.060	3.060	3.551	3.097	3.346	3.524	..	4.341	3.617	3.617	3.617	3.617	4.054	3.951	4.054
Number of Fishing Boats	723	614	1.282	1.283	1.036	1.490	..	1.071	1.261	1.261	1.261	1.261	1.739	1.338	..

Source: Palestinian Central Bureau of Statistics,
https://www.pcbs.gov.ps/Portals/_Rainbow/Documents/Fish-2021-E-TimeSeries.htm

Population Affected by Restricted Land and Sea Areas

It has been observed that a total of 22 neighborhoods, including villages and cities, located within the area that Israel calls the “access restricted area” or “buffer zone” have been negatively affected by the process. This situation not only causes individuals to lose their jobs, but also negatively affects the agricultural sector in Gaza as a whole. The victims of the process are not only farmers. At the same time, the impact on homeowners, residents and those who earn their living as shepherds in the region is also of a nature to disrupt their lives and cause harm. In a study conducted by the Dalia Association in 2020, it was recorded that the number of agricultural enterprises in the buffer zone was 26,292. It is seen that the total size of agricultural land in this region has reached 84,081 acres. Considering the land area and the average household size in the country being 5.6 people, it is understood that the total population in the area called the buffer zone is approximately 147,235 people.²⁴

While the number of fishermen members of the Gaza Fisheries Union was 10,000 in 2000, according to the data of the Palestinian Ministry of Agriculture, there are officially 4,200 fishermen in the Gaza Strip. Again, considering the average family size, it is seen that a total of approximately 23,520 people are affected by the fishing area restrictions.

In the light of these calculations regarding the agricultural and fishing sectors, Israel’s imposition of sea and land restrictions on Gaza means a direct intervention in the financial lives of a total of 170,755 people, which is approximately 8% of the total population of the Gaza Strip.²⁵

24 Premiere Urgence Internationale. “The Impacts of The Enforcement of The Access Restricted Areas at Land and Sea in The Gaza Strip” <https://www.premiere-urgence.org/wp-content/uploads/2023/04/Access-Restricted-Area-Study-EN.pdf>, s.15. Access Date: 05.04.2024

25 Ibid., p. 15

Another issue related to the buffer zone is the Gazans who are “directly” targeted. The Israeli army has set up watchtowers in the area in question in order to monitor the buffer zone. Farmers working in close proximity to the zone are sometimes targeted by Israeli soldiers and face the risk of being arrested, injured, or even killed. It has been explained above that not only farmers but also fishermen cannot avoid being targeted by the Israeli army. Data shows that in recent years, the number of attacks has unfortunately increased in parallel with the increase in the area granted to fishermen.²⁶

Israel’s oppressive policies on Palestinian territories, especially in Gaza, make life difficult in the social sphere as well as the economic sphere. Over the years, a policy has been observed that has tried to keep Palestinians in a tight spot economically and to make them condemned to themselves. The economic assessment of the period before and after the military operation that began after October 7 will be examined under the following heading.

4.3.3. Economic Impact of War

4.3.3.1. Period Before October 7

During the Covid-19 period, when the world experienced an economic recession, governments used various policy tools to combat economic crises. In a country like Palestine, where foreign aid constitutes the main sector, dealing with such crises becomes more complex. Apart from natural crises such as Covid-19, in addition to the oppressive and suffocating policies implemented by Israel, an irreversible economic destruction has occurred, especially for the Gaza region, after the operation that was actually implemented.

The table below shows selected macroeconomic indicators for Palestine.²⁷

Main Indicators of the Palestinian Economy

Macroeconomic performance	2019	2020	2021	2022
Real GDP growth (%)	1.4	-11.3	7.0	3.9
GDP (dollar)	17.059	15.532	18.037	19.112
GNP	19.717	18.107	21.435	23.115
GDP per capita (dollar)	3.641	3.234	3.664	3.779
real GNP per capita increase (%)	-0.9	-15.1	7.8	1.5
Unemployment (%)	33.0	36.0	26.0	24.0
Total employment (thousand)	1.010	956	1.034	1.133
Net current transfer (dollar)	1.545	1.141	1.269	2.033
Export of goods and services (dollar)	2.631	2.336	2.740	2.911
Import of goods and services	8.376	7.189	8.256	10.378

²⁶ Ibid., p. 16

²⁷ United Nations Conference on Trade and Development. “Developments in the economy of the Occupied Palestinian Territory”. https://unctad.org/system/files/official-document/tdbex72d2_en.pdf. Access Date: 05.04.2024

When the data in the table is examined, the effects of the Covid-19 crisis are seen in per capita income and growth figures, but it is seen that recovery is achieved in 2022. It is understood that net current transfers are almost close to export values. On the other hand, there is a constant external deficit due to high values in imports.

Increasing Trade Dependency

The embargo imposed by Israel on Palestine increases the costs of product supply. World Bank data indicates that economic restrictions imposed on Palestine have left the country behind in the region and the world in terms of its competitive environment, and have weakened the competitiveness of Palestinian exports, as the average trade cost per transaction for a Palestinian company is approximately three times higher than for an Israeli company and the transactions take approximately four times longer to complete.²⁸ The restrictions imposed by Israel since 2007 have brought Gaza to the point of severing its trade market connection with the West Bank, East Jerusalem, regional countries and the world, increasing Gaza's dependence on Israel. In 2022, Israel controlled 72% of total Palestinian trade, while the bilateral trade deficit with Israel reached \$5.3 billion, or 28% of Palestine's GDP. The trade deficit with Israel and Israel's share in total Palestinian trade have peaked in recent years.²⁹

Imports of goods and services, which were \$8.3 billion in 2021, increased by 26% to \$10.4 billion in 2022. Contrary to imports, exports lagged behind growth rates, increasing by around 6% from \$2.7 billion to \$2.9 billion. When the size of the trade deficit relative to national income is taken into account, it is among the highest in the world. Following the high costs of commercial enterprises and restrictions on domestic investments, exports in the Palestinian economy were able to cover only a small portion of imports in 2022, and the difference was covered by foreign aid and expatriate remittances.

Gaza Economy Before and After the Blockade

When the table below is examined; it is seen that, while the population of Gaza increased by approximately 61% between 2006-2022, and GDP increased by only 1.1%, contrary to the population, the income per capita decreased by 27% as a result of a sharp decrease from \$ 1,994 to \$ 1,257. The data in the table shows that the labor force increased by 157% in Gaza between 2006-2022, while the unemployment rate increased from 34.8% to 45.3%, reaching one of the highest levels in the world.

28 World Bank, "Economic Monitoring Report to the Ad Hoc Liaison Committee". <https://www.worldbank.org/en/country/westbankandgaza/publication/economic-monitoring-report-to-the-ad-hoc-liaison-committee-april-2019>. Access Date: 05.04.2024

29 United Nations Conference on Trade and Development. "Developments in the economy of the Occupied Palestinian Territory". https://unctad.org/system/files/official-document/tdbex72d2_en.pdf. Access Date: 05.04.2024

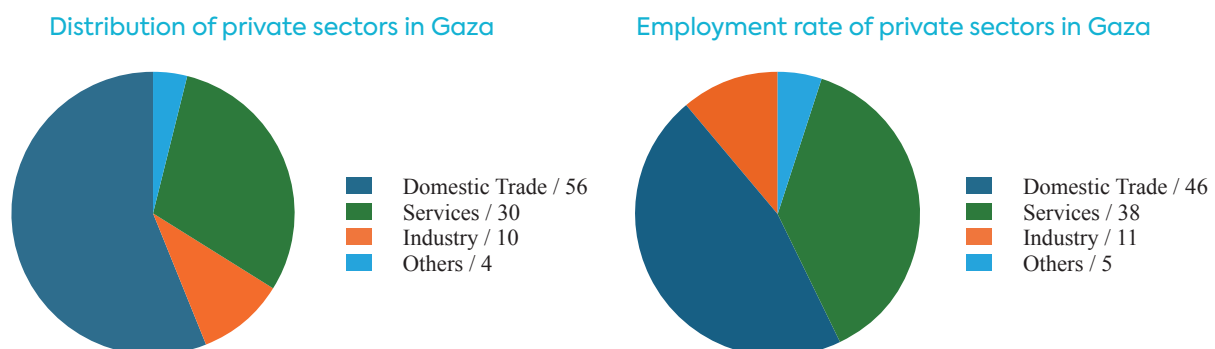
Indicator	2006	2012	Difference	Percentage change
Population (thousand)	1.349	2.166	817	61
Population Density (per capita/km ²)	3.696	5.934	2.238	61
Real GDP (million, 2015 dollar)	2.691	2.723	32	1.1
Real Per Capita Income	1.994	1.257	-536	-27
Gaza Region's Share in Palestine GDP (%)	31.1	17.4	-13.7	-44
Share of investments in Gaza in Palestine GDP (%)	9.5	1.9	-7.6	-80
Laborforce (thousands)	267	527	300	112
Unemployment (thousands)	93	239	146	157
Unemployment rate (%)	34.8	45.3	10.5	30
Poverty (%)	39	65	26	67

4.3.3.2. Gaza Economy After October 7

Economic activity in Gaza has almost completely come to a standstill since the beginning of the conflict. According to preliminary estimates by the Palestinian Central Bureau of Statistics (PCBS), the Gaza Strip was able to use only 16% of its production capacity in October 2023.³⁰ Economic activity in Gaza has been hampered by deaths and destruction since the beginning of the conflict. Approximately 85% of workers in the Gaza Strip have been unemployed since the beginning of the conflict.

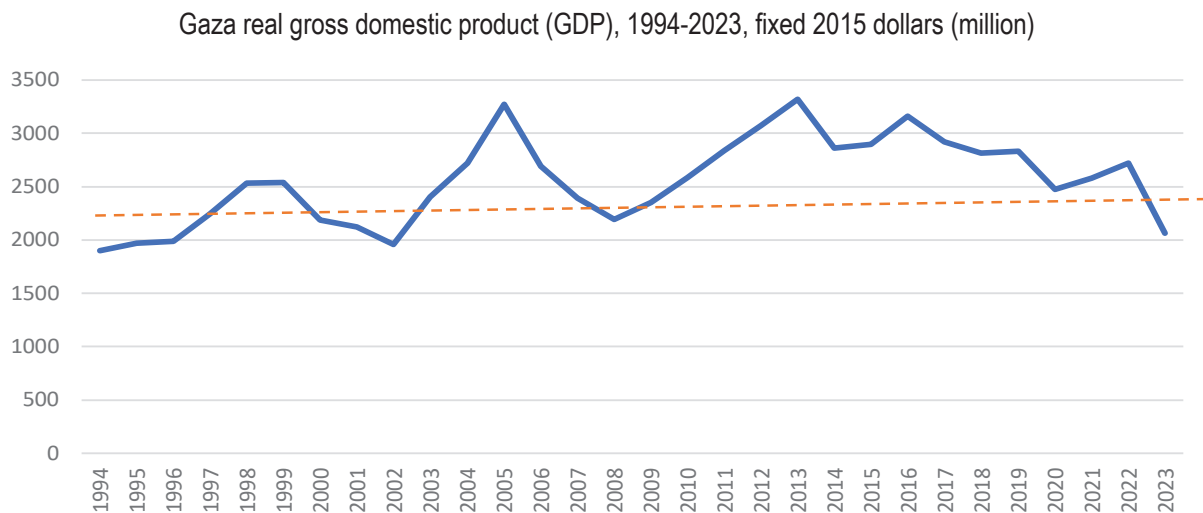
The distribution of private sector and employment rates in Gaza are examined in the graphs below. Due to the ongoing conflict, not only the business world in Gaza has been negatively affected, but also devastating incidents have occurred in the West Bank. Facilities bordering the conflict zones in Gaza have been severely damaged and rendered unusable. This has led to an 84% decrease in production after October compared to months before the conflict, the cessation of production in approximately 56,000 official workplaces, and the loss of 147,000 official jobs.³¹

Distribution of private sector and employment in Gaza (data before October 7, 2023)



30 World Bank. "Impacts of the Conflict in the Middle East on the Palestinian Economy" <https://thedocs.worldbank.org/en/doc/7600aee6c75eff4cf9b71ea1fe4016db-0280012023/original/NoteWBG-dec11-CLEAN.pdf>. Access Date: 05.04.2024

31 Ibid.



Source: United Nations Conference On Trade And Development, “Economic Impact Of The Destruction in Gaza and Prospects for Economic Recovery”, https://unctad.org/system/files/official-document/osginf2024d1_en.pdf, p. 7.

According to the data of the UN Conference on Trade and Development, which prepared a report analyzing the economic damage in this area, the damage inflicted on the Palestinian economy by the war has been examined. According to the report, it is predicted that the Gaza economy will shrink by 4.5% in the first half of 2023 and that this trend will continue in the third quarter. Gaza was already in a state of economic congestion and decline before the operation. It is estimated that the 2023 values will decline with military operations and fall to the values of 2006.

The decline in per capita income is undoubtedly due to sectoral developments. With the restrictions implemented over the years, the Palestinian economy has been doomed to decline step by step. However, the destruction of the last military operation has led to a genocide and disaster that will leave its mark on this century. According to initial evaluations of the Palestinian Central Bureau of Statistics, sectoral losses are shown below.

Production Losses of Economic Sectors in Palestine by Region Since October 2023

Sector	Value of two months' production due to war			Value of two months of normal production in 2023			Value of losses incurred by two months of Israeli aggression		
	West Bank	Gaza	Palestine	West Bank	Gaza	Palestine	West Bank	Gaza	Palestine
Industry	562.573,8	11.852,3	574.426,1	969.954,8	110.715,0	1.080.669,8	407.381,0	98.862,7	506.243,7
Construction	9.283,4	0	9.283,4	37.133,6	5.567,6	42.701,2	27.850,2	5.567,6	33.417,8
Domestic Trade	503.707,8	16.533,5	520.241,3	868.461,6	203.892,4	1.072.354,0	364.753,8	187.358,9	552.112,7

Logistics	10.917,4	320,1	11.237,5	24.261,2	5.872,6	30.133,8	13.343,8	5.552,5	18.896,3
Communication and Informatics	95.798,2	1.763,2	97.561,4	119.747,8	5.765,2	125.513,0	23.949,6	4.002,0	27.951,6
Services	489.019,1	34.433,1	523452,2	743.459,6	140.315,2	883.774,8	254.440,5	105.882,1	360.322,6
Total	1.671.299,7	64.902,2	1.736.201,9	2.763.018,6	472.128,0	3.235.146,6	1.091.718,9	407.225,8	1.498.944,7

Source: Palestinian Central Bureau of Statistics, <https://pcbs.gov.ps/site/512/default.aspx?lang=en&ItemID=4665>
(Values in the table are calculated in US dollars.)

The first column of the table shows the two-month production value, the second column shows the amount of production that would normally be there, and the last column shows the difference. Accordingly, the Palestinian economy lost almost \$1.5 billion in the first two months. The loss in the industrial and service sectors, which especially involve employment, is around \$1 billion. While these two sectors produce economic value, since they are labor-intensive, their damage causes serious social problems. Accordingly, the Gaza economy lost a quarter of its value in 2023 compared to 2022. 80% of this loss occurred since October 7.³² Similarly, the losses in employment have also peaked.

Policies implemented by Israel in the Palestinian territories have led to serious humanitarian and economic problems, especially in Gaza. These policies have damaged Gaza's infrastructure, hindered economic development, and deteriorated the living conditions of the people. A comprehensive and long-term process will be required to improve this situation and restore Gaza to its former state. Steps such as advancing the peace process, increasing international aid, investing in infrastructure, and improving social services will be important for the reconstruction of Gaza and raising the welfare of the people. However, such transformations will take time and require patience. For example, various scenarios have been used to assess Gaza's ability to become economically self-sufficient by using data from the UN Conference on Trade and Development. At best, in a scenario where the current state of war ends, environmental reconstruction begins rapidly, and GDP increases by 10% per year, the Palestinian economy could reach the level of prosperity of 2022 by 2028, the level of prosperity of 2006 by 2035, and finally the level of prosperity of 1994 by 2037. Even in an optimistic scenario that projects an average annual growth of 10% in Gaza, it is expected to take more than a decade for GDP per capita to return to its 2006 level.³³

32 United Nations Conference on Trade and Development, "Economic Impact of The Destruction in Gaza and Prospects for Economic Recovery". https://unctad.org/system/files/official-document/osginf2024d1_en.pdf. Access Date: 05.04.2024

33 Ibid.

5. CONCLUSION: MAINTAINING AWARENESS AND PRODUCING DISCOURSE

A study that will end the occupation in Palestine and contribute to its liberation must first approach the issue on the basis of justice and stand in the right place in terms of morality, and while practically limiting its activities to Palestine, it must have a just and inclusive perspective that will morally transcend it and appeal to everyone on earth.

The horror that has reached the level of genocide in Gaza is not only a clear condemnation of the inhumanity experienced in Palestine on a global scale, one that states and governments can no longer ignore, but also a historical opportunity to challenge the negative aspects of the current “human condition” and the associated status quo, paving the way for a new and humane world. The status quo here does not consist solely of an order controlled by major Western powers or the UN organization, which represents its global political organization, and the internal mechanisms of this organization. In addition to the states that can digest the genocide in Gaza or do not give a meaningful response to Israel despite this evil, it also expresses the global real situation shaped by all human activities that complement this political situation. This situation points to the daily state of the world that needs to be thought about through Gaza and that requires the development of a perspective that will overcome the status quo in this sense. Suffering caused by major disasters can also be the source of the emergence of humanitarian movements that will change everything. Global shock, anger and questioning caused by online genocide express such a potential; and what needs to be done is to actualize this potential.

This approach and stance naturally bring with it a correct and reasonable discourse and language that is compatible with it and is its logical consequence. This language should be a language that will bring a new peace and well-being to the world through Gaza. It can be the language of a deep understanding in which even those who do not click on the “sensitive content” in the news in order not to encounter images of dismembered babies and children every day for twelve months are aware that something terrible is happening there, and a purification that will ease the burden of being forced to watch the death of over 17,000 children. However, perhaps we should not expect such a language, which will express the beginning of a new era for Gaza and the world, to be constructed artificially. This language is a language that will be shaped naturally in the struggle and in relation to practice at every moment while talking about the liberation of Palestine through Gaza. It is possible to achieve this by eliminating the errors reflected in the language while talking about Gaza and Palestine¹ and thus making the language more refined.

5.1. Maintaining Awareness and Channeling It in the Right Direction

Global awareness of Gaza can enable the world and societies to derive from it a collective human and moral perspective that will create a difference not only for Palestine but for the entire world. For this, awareness must be preserved and channeled in the right direction.

It is not reasonable to expect a tragedy to produce results on its own. This awareness must be preserved, nourished and supported with work in this direction. The tremendous energy that emerged as a result of the horror of genocide must be evaluated as a lesson and opportunity for both Gaza and Palestine and for the rest of history on the path to a more just and humane world. So that the moral call of “never again” can gain its true meaning and become a categorical rejection not for the Jewish or Palestinian genocide but for all genocides.

It is only possible with awareness to prevent Israel’s exceptional position from dragging humanity into a learned helplessness. Yes, the international legal order seems to be on the side of the powerful today. The states that are champions of democracy and human rights are turning a blind eye to the genocide that is being broadcast live, trying to convince those who see it that it is not a genocide, and even supporting Israel and complicit in the crime of genocide. The fact that there are no signs that the global status quo will change in the near future is making Israel even more reckless, encouraging attacks and assassinations that will expand the war to other geographies.

The concept of human rights is experiencing the most discredited days in its history. ICJ judgments are not being implemented. In fact, after the Court’s interim ruling containing warnings against Israel, Israel increased the level of terror. The ICC has still not made a ruling on a war criminal like Netanyahu.

¹ Errors in language are usually a reflection of a problem in mentality and perspective. This is the meaning of Sadi Shirazi’s words, “*The jar leaks what is inside.*” When there is such a leak in language, the place to look should be mentality and perspective.

However, although today's criminal/accomplice states and leaders seem to trust that this structure and functioning will not change, we are in a period where history is gradually starting to flow faster. Perhaps the days when Nuremberg-like courts will be established or when Netanyahu and his accomplices will be tried just as the perpetrators of the genocide against the Bosnians were tried are not as far away as they seem. However, rather than thinking that this is an automatic result and will inevitably happen, it would be more accurate to consider that it can happen as a product of humanity's common struggle. In other words, energy accumulated in Gaza has exposed structural injustice in its most striking form and has prepared the conditions for overcoming a global order plagued by injustice that have not existed to this extent until now. Palestine is the intervention or starting point of overcoming this world order that produces pain and injustice, as the Achilles heel or the soft underbelly of it; if this is to be achieved, it can only be the product of a conscious collective effort. This awareness, which will perhaps open the door to a new world for humanity with the consciousness it will provide, is therefore very valuable.

To this end, what needs to be done to maintain awareness, channel it in the right direction and prevent it from flowing into the wrong channels can be addressed under three headings:

5.1.1. Maintaining Energy and Preventing it From Being Directed to Wrong Channels

It is necessary to be alert against the risk that the great energy generated by the cruelty that Israel has displayed in Gaza and that the whole world has been forced to watch in horror, and the enormous suffering that is its result, will be manipulated and used for opposite purposes. Concerns that some states will divert reactions resulting from cruelties they have committed from themselves and use the enormous energy generated against them for their own purposes through organizations they have established and fake heroes they have put on the field are widely shared in different geographies of the world.

Some states, such as the US, the UK and Israel, do not seem to be concerned that there will be acts of violence against them all over the world due to their roles in incidents where human rights have been violated and people have been subjected to oppression in different parts of the world. However, it would be expected that they would feel this anxiety intensely; because sometimes after the indescribable pain of seeing their entire family massacred or being subjected to oppression that is very difficult for a person to endure, it is a possibility that someone will give up their own lives and engage in actions that humanity would never approve of with the motivation to harm the perpetrators.

The fact that countries that carry out serious interventions based on violence on the lands of other countries and against the people of that country for their interests in the international arena act as if they do not hesitate from these threats and this raises the suspicion that there are some dark relations between them and the organizations in question. Such states may have found one of the ways to avoid facing a counter-violence that is the product of their own violence in this way. According to such approaches, the US or other states may have established or manipulated these structures in order to protect themselves

from uncontrolled structures that may arise against them and cause serious harm. As a result, such organizations emerge as upstarts, somehow “seize” the most advanced American weapons, and widely violate the human rights of individuals from all groups, especially the right to life, and use violence in a way that will exhaust the power of their own geography. They use the energy generated by anger accumulated against the perpetrators of the oppressions experienced in their own lands in a way that will make the perpetrators’ job easier and harm their own people.

Whether these comments are the “product of an excessively skeptical mind” or whether the actions it takes, despite appearing to be against him, are the “product of observations of confusing relations” between such organizations and the US and some other Western states, we can say that the existence of complex relations between states and armed opposition groups is a fact, and therefore such a risk can always be present, and therefore efforts must be made to ensure that the energy that emerged after the genocide in Gaza does not flow into the wrong channels.

5.1.2. Creating Permanent Institutional Structures

Within the framework of the multidimensional struggle that must be given for Palestine, permanent institutional structures that will perform basic functions in following up and representing the issue should be established, without allowing this energy that has emerged regarding the issue to be temporary and fade away.

These structures should perform functions such as ending the occupation in Palestine, ensuring the Palestinians’ rights to life, freedom and property as well as their basic legal guarantees, documenting violations, putting them forward on relevant platforms, creating cross-border awareness and lobbying.

It would be appropriate for these structures to act in a non-state, multi-centered or decentralized manner, and to have a cross-border structure and functioning within the framework of a functional division of labour. Because if they are successful, it is quite possible that these civilian structures will be targeted by the US and Israel, and methods such as silencing them through physical attacks or putting pressure on states may be tried. These interventions being multi-centered or, in other words, decentralized can be a guarantee for them not to be successful. In addition, since the Palestinian problem has begun to become a global justice cause, a global perspective should be developed in terms of supporting and defending this cause.

It should be recorded which lands the State of Israel has seized since its establishment, which individuals it has massacred or otherwise displaced from their homes and land. This is one of the basic requirements to prevent forgetting of the properties, lands and houses that have already been seized and to prevent incidents from being turned into a *fait accompli*. Documents including the property status of the Palestinians during the Ottoman period, the island and parcel numbers of the seized areas and the land

registry records² make it possible to trace back the illegal acquisitions in this regard and to document other ongoing violations of rights related to property. In this context, it would be appropriate to create a memory and follow up on individual cases regarding rights.

While working towards the strengthening of the political, legal and economic fields for the end of the occupation and the liberation of Palestine, it is also important to support works in academic, cultural and artistic fields in order to change the discourse on this issue in a rights-based manner at the global level.

5.1.3. Developing a Strategy and Acting With Palestinians, Not on Behalf of Them

It is necessary to accept that those who feel a problem the most are those who experience it directly, that the moral authority to decide on their own future and ways out lies primarily with those who are subjected to that problem, and that the initiative belongs to the Palestinian people. Making efforts to ensure that the will of the Palestinian people is manifested democratically will also contribute to this.

However, it is possible to determine that the problem of liberating Palestine is not only a problem of Palestinians, and that liberating Palestine will also contribute to the search for regional and global justice in symbolic and political terms.

5.2. Creating a New Perspective, Language and Discourse

It is obvious that a new perspective, language and discourse is needed in the context of Gaza and Palestine. In this context, issues that need to be considered regarding language in order to facilitate understanding, awareness and the right place to stand, to provide information, argumentation and to prefer what is moral can be listed as follows:

- **To build a discourse that embraces everyone with reason and conscience in the world: “Being a witness to genocide makes everyone responsible.”**

It is important that the struggle for rights and justice regarding Palestine is built in a way that appeals to everyone with justice and conscience from an undifferentiated perspective. It is necessary to establish a language that everyone with a sense of justice can say “this is my language”, whether Palestinian or from another country, Turk, Arab or Jew.

It would be reasonable to consider the Middle East geography within the framework of a socio-political imagination in which Muslims, Christians, Jews and everyone else will live together in peace, and to primarily aim to reach people who possess reason and conscience.³

2 In this regard, the Palestinian documents made available online by Fatih Sultan Mehmet Foundation University are an important resource for all individuals and institutions who want to work on these property rights.

3 The struggle for the liberation of Palestine should be based on an inclusive approach (“mind and heart”) that includes Jews, and this goes beyond the expectation of their contribution in terms of achieving the goal. Regardless of the size or impact of this contribution, its existence is valuable in that it represents a meaningful response to those who categorically view Jews as bad because of what happened, and it will make the fight against anti-Semitic ideas and attitudes much more

In this context, narratives should be created on how making efforts for Palestine will be a way out to change a world order plagued by injustice, and these narratives should be disseminated with striking texts and slogans.

Slogans such as “[Fighting for] Palestine will [also] liberate the world,” “If there is genocide, everyone is a party,” or “If there is genocide, remaining silent is complicity” can point to this global responsibility. Similar to the statement “The world is bigger than five” made by Türkiye while criticizing the UN system, statements such as “The world is bigger than the genocide lobby,” “The world is not just Israel and the US,” or “If this unjust order is to change, the world should not be afraid of the US and Israel,” and statements such as “Israel is an apartheid democracy,” “The apartheid regime must end,” “Human dignity will defeat Israel,” and “The apartheid order was defeated in South Africa and will be defeated in Palestine” can also serve as examples to condemn the unrealistic propaganda that Israel is an oasis of democracy in the desert.

- **Speaking the language of justice and human rights: “To be able to address eight billion people”**

The Palestinian issue is a matter of justice before it is political and legal. Trying to keep the Palestinian people alive, protecting them from genocide, ethnic cleansing, torture and other forms of violence, and striving for them to live in an independent and free country expresses a moral attitude that everyone who attaches importance to values such as freedom, justice and peace should support. This moral attitude first and foremost clearly requires standing by Palestine, which is occupied and whose rights are usurped, and supporting its struggle for freedom, as well as encouraging it for this struggle to be carried out within moral boundaries and criticizing it if it exceeds these boundaries. The fact that the Palestinians are waging a just struggle does not automatically justify the way it is being waged. In this respect, just as Israel must be monitored, Palestinian authorities must also be monitored, their activities must be reported periodically and shared with world public opinion. Accusations that Hamas committed civilian and child deaths and other violations during the Operation Al-Aqsa Flood should also be examined by an impartial committee.⁴ The reporting language of human rights organizations should be used in these reports. The most effective way to do this is for the occupation administration, which controls entrances and exits to the region, to stop preventing an independent and impartial international committee from examining the actions of Israel and Palestine on and after October 7.

effective. The participation of Jewish individuals, civil society organizations (NGOs), religious and secular organizations in the collective struggle for the liberation of Palestine, even if it will not change the outcome at all or if there is no need for such a contribution, is meaningful for the geography of Palestine and the Middle East in the post-liberation period, where discriminatory mentality and language will not have an effect. This inclusiveness is not based on *benefit*, but on *morality*, and this is what is truly valuable in terms of imagining a better world in the future that will go beyond Palestine.

4 It would not be right to describe such news as Israeli propaganda and not take it seriously. It cannot be claimed that it is inappropriate to talk about this in the face of Israel’s genocide or that it can be used to legitimize genocide. When it comes to rights, no issue is unimportant. In this respect, all claims should be taken seriously, regardless of the general determination that one side is right and the other is wrong. The fact that the general observation that Palestine has endeavoured to conduct its just war to liberate its country from occupation in accordance with ethical codes, from not accepting foreign fighters that it cannot control to treating prisoners humanely, is justified does not change this either.

The Palestinian issue should primarily be addressed as a matter of rights and justice, and therefore the language to be used on the path to be followed should be based on rights and justice. In this context, the language of justice, which is the basic language that will appeal to eight billion people, should be used. This means emphasizing that the issue of liberating Palestine from occupation is also a universal human rights issue. Addressing the issue as a matter of rights means standing on the most correct and inclusive grounds, and using the language of human rights which is the most accurate communication strategy.

- **Not losing focus of the issue: “There was occupation in the beginning”**

First of all, it is important to define the problem correctly.

The Palestinian issue is a problem that started with the occupation and continued with the expulsion of the Palestinian people from their own lands and their brutal massacres over the years, and has also been the scene of ethnic cleansing and genocide in the case of Gaza. In this context, the focus of the problem is that Palestine’s right to live freely as a state on its own land has been usurped by Israel through massacres.⁵

The language that needs to be produced in this area should be one that does not neglect to draw attention to the period before October 7, with familiar phrases and striking expressions such as “there was occupation in the beginning” or “there was oppression in the beginning”,⁶ and that reveals what has happened since the occupation of the country of Palestine.

In this context, it is necessary to draw attention to the injustice and unfairness of the approach that reduces the problem to October 7 attack by Hamas, ignores what has happened since 1948 and before, and does not take into account ethnic cleansing that has spread over time, meaning cleansing of Palestine from Palestinians and the forcible expulsion of Palestinian families from their lands and the transformation of those lands into Israeli territory, in other words, October 6 and before. Talking only about “October 7” is, if not a propaganda tactic, a clear logical and reasoning error.

The most striking assessment that draws attention to the source of the problem and the pre-October 7 period was embodied in the statement made by UN Secretary General Antonio Guterres, “October 7

5 According to those who see the Palestinian issue as a colonial problem, this problem can also be defined as an anachronistic example of old-style colonialism in our day. Although such a definition can be made based on the occupation and the events that followed, the colonization of Palestine seems more similar to America than to African and Far Eastern countries. Because Israel’s depopulation of Palestine, its ethnic cleansing and taking away all of its land, systematically reducing the land left to the Palestinians over time by exiling, killing and seizing private property and land in the occupied territories, and its purification of “others” that amounts to genocide as in Gaza, are similar to the American colonization and Native American genocide that American colonists and “settlers” have carried out in the form of occupation, colonization and widespread genocide, eliminating the physical existence of the indigenous population.

6 The familiar expression in this example was chosen to explain the very beginning of the matter because it reminds of a well-known expression in the Bible, “*In the beginning was the Word*” (John 1/1).

did not happen in a vacuum.” This is the healthiest approach that should be expressed in various ways at every opportunity against the injustice of the approach that prefers to start Palestine’s tragic history only from October 7.

The language and judgments that are the product of *politically correct* approaches that envision staying in a safe zone while discussing the issue of Palestine’s liberation should also be criticized. Efforts should be made to clearly see the injustice of a language that criticizes the struggle of Palestinians for liberation and ultimately equates the occupation and the occupied, the violator with the victim. In this context, the questions that should be asked against the approach that is content with condemning the Palestinian struggle against the occupation or is content with a general criticism of violence and does not offer a solution may be as follows:

Let’s say “silence the guns”, let’s say “let’s oppose violence no matter who it comes from”. So, what do you suggest to the Palestinian people? Peaceful protests that Palestinians tried to stage unarmed were repeatedly bloodied by Israel opening fire on the demonstrators. For example, in 2018, during the “Great March of Return” initiated by Palestinians, Israel opened fire, killing 196 people and injuring 11,000 people. Meanwhile, the occupation and seizures of land and homes continued. What do you think Palestinians who were evicted from their homes with their families by Israeli “settlers” should do? If state-backed armed “settlers” came and seized your home, would you engage in civil disobedience? Is civil disobedience possible when systematic pogroms, which include attacks, killings, seizures and dispossessions under the supervision and control of the state, continue, and all this is happening not only in Gaza under Hamas rule, but also in the West Bank and East Jerusalem? Is it a method that will solve the problem? If Britain had aimed to purge India of its natives and replace them with British, would civil disobedience or passive resistance be possible there? Let’s oppose violence, let’s not say “but.” So what exactly do you suggest Palestinians should do while ethnic cleansing continues?

- **Carrying out a multiple and layered struggle: “It is possible to tell the same truths in different areas and with different words”**

It was stated above that while trying to maintain the focus on the issue of Palestine and constantly draw attention to the fact that the issue is not an issue of democracy or human rights in Israel but rather an issue of occupation, care should be taken not to drown in discussions that will reduce the energy on the issue of Palestine due to different perspectives and different proposals for solutions based on them. However, while doing this, it should also be accepted that there may be other definitions - and therefore other solutions - and that the ways of presenting the issue may vary. In this context, it is important to make an effort not to lose the focus of the issue in both definitions and discussions.

Different definitions on the issue of Palestine will bring with them different solutions, methods and strategies. The fact that this will differ according to countries, societies, political and cultural affiliations, etc. is not only inevitable, but should also be seen as a richness as long as it does not become

confined to sectarianism. When coming from different fields and working towards the same goal, the point to be taken care of is to make an effort to ensure that all these efforts do not nullify or slow each other down, but rather complement each other. In this context, it should be kept in mind that the ultimate goal is a “free Palestine” and the possibilities of a successful orchestration of all these different paths should be explored.

In explaining the subject and creating awareness, the characteristics of the global society addressed should also be taken into consideration. In this sense, the use of a layered language can be functional. The broadest layer is the family of humanity. When addressing any member of the family of humanity, it is necessary to remain on a moral and justice-based ground in every situation and accept them as individuals with reason and conscience and speak with universal moral arguments. Regardless of the consequences, it should be indispensable to speak with the language of truth and comply with it at every level, without considering the contribution or harm to Palestine.

At the broadest level, for example, the argument “let’s not take part in the genocide” can be used universally in the same way to defend a boycott of companies that support Israel’s genocide in Gaza. Beyond that, when talking about Palestine, in a world plagued by structural injustice, the arguments to be chosen in non-Western societies and those to be chosen when addressing individuals in the West with different faiths, ideologies and sensitivities may differ. For example, while it makes more sense to say “the liberation of Palestine is part of global liberation”⁷ when addressing individuals from groups that feel the burdens of global injustice, it makes more sense to say to American individuals “the money taken from US taxpayers is being transferred to Israel for genocide, not for health and housing” because such arguments can be locally persuasive; the basic criterion here is that the argument is justified and morally assertable.

On the other hand, it is natural that different conceptualizations and forms of defense on the issue of Palestine come from liberal, left, social democrat, socialist and conservative political lines, from different religions and beliefs, and from different areas of work, profession and activity, and it is enriching to have them be a part of the discussion on the issue to the extent that it does not contradict basic ethical values.

- **Not falling into the trap of abstract and speculative discussions; not straying from the anchor of occupation and rights with concrete situations and problems: “The problem is not ‘more complicated than it seems’!”**

On the issue of Palestine, it is important not to stray away from the language and discourse that will allow the issue to be seen clearly. Considering that circles that want to legitimize Israel’s occupation

⁷ South African leader Nelson Mandela’s approach to this issue, who said, “*Our freedom is incomplete without the freedom of the Palestinians,*” is very valuable in terms of emphasizing the inseparableness of justice and freedom, and deserves to be expressed at all times.

policy or trivialize the genocide are conducting propaganda aimed at eliminating the visibility and concreteness of this issue, efforts to obscure it should be combated. One of the most commonly used forms of this propaganda is to emphasize that the issue is complicated and use language that tries to obscure it in order to prevent it from being seen concretely. It should not be overlooked that expressions such as “the issue is more complicated than it seems” can be used as a way to prevent people from taking a stance against genocide and showing a justified reaction.

The point that needs to be noted here is not to allow the discussion on genocide and the rights of Palestinians in connection with it to turn into any other theoretical discussion or philosophical speculation. In a way, efforts are made to divert attention from the discussion on the occupation of Palestine with a debate that is not on the agenda, by dragging it into another discussion such as “Do you approve of Israel’s right to exist?” instead of talking about the current genocide.

As a demagogic trap, discussions of history, theology or postmodern relativism, conversations within the framework of civilizations and identities, and directing the issue from identities to the conflict of one identity with another, to national causes, to the interpretation of religious texts can be continued separately from the dimension of human rights and justice. Although it is possible to talk and write about these discussions on another level, when discussing the Palestinian problem, the main focus should not be allowed to be shifted from the issue of rights and in this context, the violations of the right to life, which is the most fundamental of all rights, and currently the genocide in Gaza.⁸

- **To establish speech by giving concepts their true meaning: “occupier” not “settler”**

Ethnic cleansing in Palestine, which is called “occupied territories” by the UN, should be closely monitored, and the language that blurs the violations should be questioned. For example, people called “settlers” should be called “occupiers” and the rights violations and usurpation activities carried out by Israel through them should be constantly kept on the agenda. In this context, the concept of “civilians” should not be defined incorrectly, and the occupiers armed by Israel and forcibly entering and seizing Palestinian homes should not be defined as “civilians” but as “usurper gangs”.

One of the issues that needs to be corrected in the language is related to the propaganda that “Israel is the only democracy in the region”. Definitions of democracy and freedom that put Palestinians

⁸ It is important to wage a struggle without being carried away by discourses that tend to overshadow the concrete distinction between right and wrong in the Palestinian issue or that overshadow the results. In the Palestinian issue, efforts should be made to ensure that grand readings such as “mentality patterns of the parties” or “hegemonic world system” do not have the effect of pushing the genocide that is taking place into the shadow of other discussions. Discussions on global balances of power, the world system, sovereignty relations between countries, ethnicity and theology can of course be conducted on different grounds; however, any discussion that prevents or makes it difficult to concretely determine right and violation in the Palestinian issue will serve the disinformation purpose of the violating authority in terms of its results.

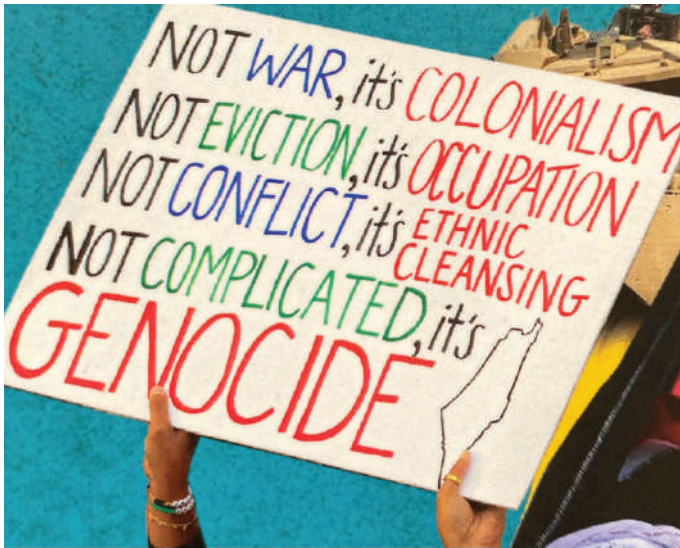


Photo: *The Platform Current Muslim Affairs*,
November-December 2023

and what is done to them in parentheses should be rejected, and the hypocrisy in such “country evaluations” should be exposed.⁹ US President Biden saying that Israel is a democracy while criticizing it can be evaluated as a continuation of the colonialist language of “civilized white men” against “savages”. It is debatable whether a democracy can commit ethnic cleansing or genocide. What is important here is that there is no difference in terms of the consequences of the actions whether the genocide is committed by a democracy or a totalitarian dictatorship. It can be said that a liberal democracy cannot do

this. In this context and in reference to the racist discrimination of the white minority in the former Republic of South Africa, it should be given names such as “*Apartheid democracy*”.

- **To be careful not to allow unfair approaches to find a place in the language: “Fighting against Zionist racism cannot be separated from condemning antisemitism”**

Within this framework, it is necessary to talk about the occupation, ethnic cleansing that has spread over time, massacres and finally genocide that took place after October 7, and not to constantly separate the conversation from this focus. It is necessary to speak the language of human rights in terms of content, and to make efforts to establish a language that is not anti-Jewish and anti-Semitic but rather anti-occupation, anti-genocide and anti-Zionist. In this context, while combating Israel’s propaganda and disinformation of Zionist circles, it is also necessary to strive to keep the language on the subject of Palestine clean and prevent any anti-Semitic, discriminatory and unjust approach from finding a place for itself in the Palestinian issue.

The responsibility of keeping the language clean in this sense for the liberation of Palestine naturally falls first and foremost on those who are fighting that struggle. Within the scope of this responsibility,

⁹ For example, while Freedom House gave Israel a score of 77 out of 100 in its *2023 World Country Reports*, evaluating it in the “Free” category, it had to note, through a kind of methodological manipulation, that “*The numerical scores and situation listed above do not reflect the conditions in the Gaza Strip or the West Bank, which are examined in separate reports.*” Freedom House, *Freedom In The World 2023*, Online, 2024, <https://freedomhouse.org/country/israel/freedom-world/2023> (Access Date:15/4/2024). However, these “separate reports” do not seem to have affected Israel’s inclusion in the “free country” category. These assessments, which ignore Israel’s status as a racist state founded on structural injustice that systematically violates Palestinians’ rights to life, liberty and property, should be criticized and the bias implicitly or explicitly reflected in the assessments should be condemned.

approaches that target all Jews with an essentialist approach due to genocide and that aim to create another kind of terrifying genocide ideology, even to the point of stating that “they must be cleansed from the world”, should be combated in the same way. For example, as a society that experienced genocide in the recent past, talking about what the Jews experienced and the genocide of Israel today can be expressed in terms of learning a lesson from history and humanity; but it is primarily up to the friends of Palestine to condemn the language of those who do this by coding the Jews as “essential evils.” The language and discourse that can be used here can be as follows: “If a generation that experienced the Holocaust makes another society in another geography experience their Holocaust, the Nakba, in a very short period of time, this is not because they are Jews, but because they are human beings. Because a human is exactly that kind of being.

A person who thinks right when in a stormy sea is not the same person when he comes ashore.¹⁰ That is why migrants who have experienced all the disastrous consequences of immigration can often be more exclusionary towards other immigrants than autochthonous society. One way to raise awareness about Palestine while combating antisemitism is to ensure that everyone is aware of the efforts of conscientious Jewish individuals on this issue. To this end, the names of museums, art and political institutions (*such as the Rachel Corrie Foundation for Peace*) that will be established should keep the memory of great sacrifices made.

Discriminatory and racist elements in the language should be surgically eliminated in discussions on this issue. No matter what political view or solution is expressed, the language should be carefully examined and ideas and expressions that are against morality and justice should be eliminated.

However, while doing this, one must also be careful against another kind of drift. In this context, another mistake that should be avoided in terms of language is to speak with exaggerated caution or under pressure out of concern for not being labeled as anti-Semitic. The apologetic mood that particularly marked the post-World War II period and constitutes a false or exaggerated reflection of the need to distance oneself from antisemitism must be abandoned. It is difficult for a mind forced to self-censor to say fair words that need to be said on this issue. This is exactly the state of mind of those who begin their criticism of Israel’s inhumane actions by saying “don’t get me wrong,” “I am not an anti-Semitic,” or “I have Jewish friends.” However, having an undifferentiated human rights perspective will not leave room for anxiety on this issue and speaking under psychological pressure that makes it difficult to address things by their own names.¹¹

10 A convincing argument from Muslims that this state of mind is unique to humans is expressed in the verse of the Quran: “When they embark on a ship, they call upon Allah with sincere faith and devotion (for fear of the storm), but when He land them safely on the shore, behold, they associate others with Alah once again.” (Al-Ankabut: 65).

11 This is exactly the meaning of the Turkish idiom “I have no doubt about my ablution, so I have no doubt about my prayer”. According to Islamic belief, ablution refers to becoming clean with water before worship. One of the prerequisites for the acceptance of the prayer is to have ablution. Just as those who are sure that they have ablution do not doubt that the

Speaking the language of human rights and constructing a discourse in this direction will also liberate language. Achieving this will also contribute to eliminating hesitations of millions of people around the world, overcoming the psychological barriers on them and expressing the issue more clearly as it is. In this respect, humor also has a special importance. Humor will be an important way to resist the psychological pressure of circles that try to silence every anti-Israeli criticism by labeling it as antisemitism and to reveal the suppressed and silenced sense of justice.¹²

- **Deconstructing the genocidal mindset, ideology and discourse: “Beyond dehumanization: the destruction of the elements of life in the land of Palestine and the necrophilic legitimization of genocide”**

Statements made from Israel after October 7 attacks also reflect an ideological legitimation that is present in all genocides. Expressions such as “human-like animals” used by Israeli Defense Minister Yoav Gallant or “two-legged animals”¹³ used by former Prime Minister Menachem Begin regarding Palestinians, and statements such as “There are no innocent people in Gaza” indicating that civilians and children are also seen as terrorists and targets, are consistent with all the elements constituting the crime of genocide as defined in the UN “*Convention on the Prevention and Punishment of the Crime of Genocide*” (practices embodied in indicators such as killing, starvation, displacement and the treatment of children).

Similarities and differences between the perception of Jews in Nazi Germany and the perception of Palestinians reflected in the statements of Israel’s top executives, as well as the forms of othering, demonization and targeting, are surprisingly consistent. Studies that show old and new photographs side by side reflecting the practice also reveal this annoying overlap. Therefore, identifying and emphasizing the parallels between the language, patterns and expressions produced to legitimize old massacres and genocides and today’s ones can be persuasive in this respect. However, it is also necessary to take into account the fact that no historical event can be repeated in exactly the same way and that each event can certainly have unique aspects. For example, unlike Nazi Germany, Israel followed a more patient and time-stretched strategy to eliminate the physical presence of the group it had antagonized until October 7, while Israel under Netanyahu seems to be in a hurry. Again, unlike Hitler’s Germany, Netanyahu’s Israel is also receiving the support of liberal democracies while carrying out genocide.

prayer has been performed, those who cleanse their ego and mind of discriminatory prejudice must free themselves from a psychological pressure that will distort language and speech.

- 12 Striking examples of this have begun to appear on social media. The word “Israeled” has been coined to refer to stealing people’s lands, as “someone usurping what belongs to you and considering it their own” or “taking something that does not belong to you and then shamelessly acting as if it belongs to you and playing the victim.” See. “Israeled” (22/10/2023). Urban Dictionary, <https://www.urbandictionary.com/define.php?term=Israeled> (Access Date: 15/4/2024).
- 13 John Rose, *Israel: Hijack State America’s Watchdog in the Middle East*, Social Workers Party, London, 2003, p. 12.

Gaza's Al-Shifa Hospital in ruins after Israeli raid

After 14 days of raiding the largest health complex in the Gaza Strip, Al-Shifa Hospital, Israeli forces withdrew, leaving dozens dead and the hospital in ruins



The infographic features a central map of Gaza City with the Mediterranean Sea to the west. A blue callout box labeled 'Al-Shifa Hospital' points to a specific location marked with a white 'H' on a satellite image. To the right, two inset maps show the location of Gaza within the West Bank and the broader region of the Middle East, including Egypt and Israel. Below the main map, a scale bar indicates 0 to 6 kilometers, and a north arrow is present. The date 'April 1, 2024' is noted at the bottom left, and the AA logo is at the bottom right.

Israel

- Carried out attacks for **14 days**
- Killed **more than 200 Palestinians** in and around the hospital
- Detained **more than 900 Palestinians**



Two photographs on the right side of the infographic show the aftermath of the raid. The top photo is a wide shot of a large, multi-story building that has been severely damaged, with its structure exposed and debris scattered across the courtyard. A large group of people is seen walking through the rubble. The bottom photo is a closer view of the interior of a room, showing a bed, a table, and other furniture amidst a sea of debris and dust.

On the other hand, such a comparison may contain results that would require much more concern today. Necrophilic references to the extermination of all living beings, beyond the Nazis' "final solution" (endlösung), such as the "people of Amalek" reflected in the Israeli Prime Minister's language, express a form of legitimization that is theoretically or ideologically very typical of the mass extermination of a people and that precedes all genocides, dehumanization and demonization, and thus beyond the situation that is desired to be experienced. The aspect that differs from all previous racist and genocidal mentalities and goes beyond them is embodied in the ideological legitimization of Nazi-style genocide, which dehumanizes only people and presents them as beings that need to be destroyed. Netanyahu's references to the Torah-based command of God to not only completely destroy the "people of Amalek," but also to kill the animals, expresses a much deeper and more frightening hatred and mentality, apart from or beyond the usual racist fanaticism. In this context, posts such as "Reminding Netanyahu's words about the Amalek people and writing "Let's defend life against the necrophiliac mentality" right underneath them can be useful in showing what kind of threat humanity is facing.

- **Not limiting the scope of words and actions to convincing the West: “Establishing a global virtual round table”**

The fact that the key to mobilizing the UN on the Palestinian issue or taking steps that will bring a settlement, including humanitarian intervention, seems to lie with Western countries today does not necessitate that work to be carried out on this issue be limited to this geography only. It is necessary to speak not only to individuals from Western societies, but also in a way that they can hear and participate. On the other hand, it is necessary to be able to go beyond the mentality seen in many non-Western intellectuals who are concerned with convincing Western individuals and following them when they take a step, and to be able to address individuals in all geographies from Latin America to the Australian continent, from China to Africa. Friends of Palestine need to find ways to address the entire cosmopolis and address 8 billion people globally. Information and awareness-raising efforts are needed in every language.

Considering that the issue concerns the entire world and its main addressee is the regional societies, while constructing a broad discussion in which people from all over the world, including the West, can participate, it is necessary to create ways and means for the peoples of the region to have a transboundary discussion. It is necessary to create regional and global virtual round tables in English and other languages and discuss Palestine along with other transboundary issues.

- **Creating a just memory: “Who did what today during the genocide?”**

In addition to recording incidents that have taken place from the occupation of Palestine to the Gaza genocide, information sources that include media platforms where everyone can clearly understand what has happened so far and the current situation and follow developments should be created. A just memory that everyone can rely on should be created regarding Palestine. This should have legal, academic, political and appealing faces.

Continuously updated publications should be made under titles such as “The Table of Shame and Honor” that will prevent positive and negative developments regarding Palestine from being forgotten, record what people did and where they stood during the genocide on a universal scale, encourage positive attitudes and expose negative attitudes, and ensure that these are disseminated on social media.

Living museums that are accessible online, such as the Holocaust museums in Europe that tell the story of the Jewish genocide, can also make a meaningful contribution to raising awareness on this issue.

Afterword

The history of cruelty that one human inflicts upon another is a long one. Although perpetrators and victims change, tragedies are similar. They all have similar mistakes, similar sins and similar regrets.

We could not prevent the last century from being a century full of pain and regret. Today, time does not flow in favor of justice and it is clear that we must do something to prevent history from repeating itself. “We” here refers to everyone who defends values such as freedom, justice and peace, regardless of where they live in the world, their race or belief.

“Son of Adam, where are you?” Addressees of Theodor Haecker’s shocking question and moral call today are everyone in the world. Excuses that were not valid last century and were not enough to exonerate those generations are not valid today either. Today, everything is happening before our eyes and we have no excuse to avoid the question “where were you when genocide happened?” In an environment where destruction of Gaza is being watched live and it is possible to estimate how many children will die the next day in this mass murder, we cannot claim that we were not informed about what was happening or that we were caught unprepared.

The fundamental issue today is whether we are doing our best to stop genocide and defend life, even if it means risking or losing something. Whatever we do in this sense, we will do today, and it will determine how history will flow, as well as our personal record.

ANNEX:1

HREIT'S WORK DURING THE GAZA GENOCIDE

Other activities carried out by our Institution in the period after October 7 are listed below:

- Workshop on “Human Rights and Humanitarian Law Violations Caused by Israel in Palestine/ Gaza Territories” in Istanbul in cooperation with Fatih Sultan Mehmet Foundation University, Marmara University and Sakarya University (January 29, 2024)¹
- In cooperation with Fatih Sultan Mehmet Foundation University, Marmara University and Sakarya University, “Workshop on Violations of Rights and War Crimes Committed by Israel in Palestine in the Context of International Law and Humanitarian Law” was held in Sakarya. (May 18, 2024)²
- An International Webinar titled “Humanitarian Crisis in Gaza in the Context of International Human Rights Law” was held. (January 10, 2024)³
- A symposium titled “Global Human Rights Politics – Humanitarian Tragedies, Loss of Values and Systemic Collapse” was held. (December 7, 2023)⁴

1 <https://www.tihek.gov.tr/-israilin-filistin-gazze-topraklarinda-sebep-oldugu-insan-haklari-ve-insancil-hukuk-ihlalleri-calistayi-gerceklestirildi>

2 <https://www.tihek.gov.tr/uluslararasi-hukuk-ve-insancil-hukuk-baglaminda-israilin-filistinde-gerceklestirdigi-hak-ihlalleri-ve-savas-suclari-calistayi-gerceklestirildi>

3 <https://www.tihek.gov.tr/uluslararasi-insan-haklari-hukuku-baglaminda-gazdedeki-insani-kriz-konusunda-uluslararasi-webinar-gerceklestirildi>

4 <https://www.youtube.com/watch?v=eATwzoowXj4&t=3s>

- A panel titled “The Systemic Collapse of Human Rights in the Context of Humanitarian Tragedies Experienced in Gaza” was held. (December 21, 2023)⁵
- A panel titled “The International Court of Justice, ICC, Status Quo and the Criminal Responsibility of the Israeli Administration” was held. (December 27, 2023)⁶
- A panel titled “Palestinian Children’s Day” was held. (April 5, 2024)⁷
- A panel titled “Discussing Peace in the Shadow of Genocide: Palestine in the Context of International Day of Peace” was held. (September 20, 2024)⁸

The following talks were held on our institution’s YouTube account under the title “TİHEK Academy: Human Rights Talks” with the participants and topics specified below;

- “The Future of the Palestinian Problem in the Context of International Law” - Prof. Dr. Berdal Aral (October 23, 2023)⁹
- “The Right to Self-Defense, International Humanitarian Law and Israel’s Actions”- Professor Dr. Yücel Acer (October 26, 2023)¹⁰
- “Humanitarian Law Against the Rights of the Strong in the Context of Israel” - Assoc. Prof. Dr. Muhammed Demirel (November 2, 2023)¹¹
- “War Crimes in Gaza in Terms of International Law on the Use of Force” - Assoc. Prof. Dr. Hakkı Hakan Erkiner (November 8, 2023)¹²
- “The Role of the UN in Global Humanitarian Governance: The Example of Israel-Palestine” - Dr. Filiz Değer (November 29, 2023)¹³
- At a meeting of the Consultative Commission on Combating Discrimination, “Rights Violations Against Vulnerable Groups in War and Conflict Environments in the Context of Israel’s Attacks on Palestine” were evaluated and the “Final communique of the Consultative Commission” was published on the Institution’s website. (November 22, 2023)¹⁴
- The 29th issue of the Periodical International Human Rights Monitoring Bulletin was published as “Special Issue on Gaza”. This issue includes the work of international and peer organizations that have addressed the ongoing humanitarian tragedy in Gaza.¹⁵ (December 1, 2023)

5 <https://www.tihek.gov.tr/gazgede-yasanan-insani-trajediler-baglaminda-insan-haklarinin-sistemsel-cokusu-paneli--sonuc-bildirisi>

6 <https://www.tihek.gov.tr/uluslararasi-adalet-divani-uluslararasi-ceza-mahkemesi-statuko-ve-israil-yonetiminin-cezai-sorumlulugu-paneli-tamamlandi>

7 <https://www.tihek.gov.tr/kurumumuz-tarafindan-filistinli-cocuklar-gunu-paneli-duzenlenecektir>

8 <https://www.tihek.gov.tr/soykirimin-golgesinde-barisi-konusmak-dunya-baris-gunu-baglaminda-filistin-paneli-duzenlendi->

9 <https://www.youtube.com/watch?v=ZL98uXIQa4c>

10 <https://www.youtube.com/watch?v=mBAdQqdBCCg>

11 <https://www.youtube.com/watch?v=-BufcOKrnew>

12 https://www.youtube.com/watch?v=QUOmyCDM_gY

13 <https://www.youtube.com/watch?v=LMSxFqwu1Ng>

14 <https://www.tihek.gov.tr/israilin-filistini-yonelik-saldirilari-baglaminda-savas-ve-catisma-ortamlarinda-savunmasiz-gruplara-yonelik-hak-ihlallerine-iliskin-istisare-komisyonu-sonuc-bildirisi>

15 <https://www.tihek.gov.tr/public/editor/uploads/mlHfFdui.pdf>

- The ninth in the English fact sheet series, “The Role of National Human Rights Institutions in Conflict and Post-Conflict Situations”, was published on the HREIT website.¹⁶ (December 5, 2023)
- “Bulletin on the Perspectives on Addressing the Situation in Gaza”, prepared with the contribution of academics and experts to address the ongoing humanitarian crisis in Gaza in a multi-faceted manner and to develop international sensitivity on the subject, was published.¹⁷ (February 3, 2024)
- A painting competition themed “Human Rights Violations and War Crimes in Palestine” was organized for high school students.¹⁸ (March 1, 2024)
- The report titled “Anatomy of a Genocide” prepared by UN Special Rapporteur on Palestine Francesca Albanese on the situation in Gaza was translated into Turkish.
- A letter was sent to national human rights institutions within ENNHRI, highlighting the serious impact of the indiscriminate targeting of civilian settlements and the disruption of food, energy and humanitarian aid. The letter strongly condemned inhumane treatments such as “collective punishment” and called on peer national human rights institutions to raise awareness to resolve the problem through fair and diplomatic means that protect civilians in all situations and circumstances.¹⁹ (13 October 2023)
- A letter was sent to 120 national human rights institutions that are members of the Global Alliance of National Human Rights Institutions (GANHRI) calling for an end to systematic attacks against civilians in Gaza, which constitute war crimes. The letter emphasized HREIT’s solidarity with the Independent Commission for Human Rights in Palestine (ICHRP), and called on all GANHRI members to be more sensitive to these atrocities and play an active role in ending human rights violations in Gaza.²⁰ (October 27, 2023)
- A letter was sent to GANHRI Chairperson Maryam Abdullah Al Attiyah and to Dr. Ammar Al Dwaik, Chair of the GANHRI Sub-Committee on Accreditation and Director-General of the Independent Commission for Human Rights in Palestine (ICHRP), to strengthen international solidarity against systematic war crimes against civilians in Gaza.²¹ (November 4, 2023)

16 <https://www.tihek.gov.tr/public/editor/uploads/vkqzPnkf.pdf>

17 <https://www.tihek.gov.tr/kurumumuz-tarafindan-hazirlanan-gazzedeki-durumun-ele-alinmasina-iliskin-perspektifler-bulteni-yayimlanmistir>

18 <https://www.tihek.gov.tr/filistinde-yasanan-insan-haklari-ihlalleri-ve-savas-suclari-konulu-resim-yarismasi-sonuclari-aciklandi/>

19 <https://www.tihek.gov.tr/en/official-letter-on-ending-inhumane-treatments-in-gaza>

20 <https://www.tihek.gov.tr/letter-on-the-cessation-of-systematic-attacks-against-civilians-in-gaza-that-constitute-war-crimes/>

21 <https://www.tihek.gov.tr/chairman-prof-dr-muharrem-kilic-sent-a-letter-to-strengthen-international-solidarity-regarding-the-systematic-attacks-in-gaza/>

- A letter was sent to International Court of Justice President Judge Joan E. Donoghue,²² ICC President Judge Piotr Hofmański²³ and ICC Prosecutor Karim Khan,²⁴ informing them about work carried out by HREIT regarding the humanitarian crisis in Gaza and emphasizing the importance of international cooperation. (December 1, 2023)
- A letter was sent to Francesca Albanese, Special Rapporteur on the Situation of Human Rights in the Palestinian Territories Occupied since 1967.²⁵ (January 5, 2024)
- A letter was sent to the Euro-Mediterranean Human Rights Monitor.²⁶ (January 5, 2024)

The titles of press releases published during this process are as follows:

- “Press Release on the Cessation of Conflicts Between Palestine and Israel.”²⁷ (October 13, 2023)
- “Press Release on the Targeting of a Hospital in Gaza by Israel”²⁸ (October 18, 2023)
- “Press Release on the Targeting of Civilians in Gaza by Israel”²⁹ (October 22, 2023)
- “Press Release on the Attack on the Turkish-Palestinian Friendship Hospital by Israeli Forces”³⁰ (October 31, 2023)
- “Press Release on Interventions Against the Fundamental Rights of People Calling for an End to the Genocide in Palestine”³¹ (December 13, 2023)
- “Press Release on Israel’s Actions of Mass Arrests of Palestinian Civilians”³² (December 14, 2023)
- “Press Release on the Bombing of the Surroundings of Nasser Hospital in Khan Younis, Gaza”³³ (January 17, 2024)
- “Press Release on the Ongoing Humanitarian Crisis in Palestine”³⁴ (April 14, 2024)
- “Press Release on Israel’s Relentless Attacks on Gaza”³⁵ (May 7, 2024)

22 <https://www.tihek.gov.tr/letter-sent-to-judge-joan-e-donoghue-president-of-the-international-court-of-justice/>

23 <https://www.tihek.gov.tr/letter-sent-to-judge-piotr-hofmanski-president-of-the-international-criminal-court/>

24 <https://www.tihek.gov.tr/letter-sent-to-international-criminal-court-prosecutor-karim-khan/>

25 <https://www.tihek.gov.tr/1967den-bu-yana-igal-altindaki-filistin-topraklarinda-insan-haklarinin-durumu-ozel-raportoru-francesca-albanese-mektup-gonderildi>

26 <https://www.tihek.gov.tr/avrupa-akdeniz-insan-haklari-izleme-orgutune-mektup-gonderildi>

27 <https://www.tihek.gov.tr/en/press-release-on-cessation-of-conflicts-between-palestine-and-israel>

28 <https://www.tihek.gov.tr/en/press-release-on-the-targeting-of-a-hospital-in-gaza-by-israel>

29 <https://www.tihek.gov.tr/en/press-release-on-the-targeting-of-civilians-in-gaza-by-israel>

30 <https://www.tihek.gov.tr/en/press-release-on-the-targeting-of-the-turkish-palestinian-friendship-hospital-by-israeli-forces>

31 <https://www.tihek.gov.tr/filistindeki-soykirimin-durdurulmasi-cagrisinda-bulunan-kisilerin-temel-haklarina-yonelik-gerceklestirilen-mudahalelere-iliskin-basin-aciklamasi>

32 <https://www.tihek.gov.tr/israilin-filistinli-sivil-halka-yonelik-toplu-gozaltina-alma-eylemlerine-iliskin-basin-aciklamasi/>

33 <https://www.tihek.gov.tr/gazzenin-han-yunus-kentindeki-nasir-hastanesi-cevresinin-bombalanmasi-hakkinda-basin-aciklamasi>

34 <https://www.tihek.gov.tr/filistinde-devam-eden-insani-krize-iliskin-basin-aciklamasi>

35 <https://www.tihek.gov.tr/israilin-gazgede-ara-vermeksizin-devam-eden-saldirilari-hakkinda-basin-aciklamasi>

- “Press Release on Israel’s Attack on the Rafah Zone Where Displaced Palestinians Stay”³⁶ (May 27, 2024)
- “Press Release on Israel’s Attacks on Refugee Camps in Palestine”³⁷ (June 10, 2024)
- “Press Release on Israeli Attacks on Schools where Civilians Were Sheltered in Khan Younis in Palestine”³⁸ (July 10, 2024)
- “Press Release on Israel’s Attacks on Al-Mawassi in the Gaza Strip”³⁹ (July 13, 2024)
- “Press Release on the Advisory Opinion of the International Court of Justice dated July 19, 2024”⁴⁰ (July 20, 2024)
- “Press Release on Israeli Prime Minister Benjamin Netanyahu’s Speech to the US Congress”⁴¹ (July 25, 2024)
- “Press Release on the Assassination of Hamas Political Bureau Chief Ismail Haniyeh”⁴²
- “Press Release on Israeli Attack on a School Sheltering Displaced Palestinians”⁴³ (August 10, 2024)
- “Press Release on the Raid on the Al-Aqsa Mosque by Israeli Radicals”⁴⁴ (August 13, 2024)
- “Press Release on Israel’s Attacks on TRT Crew and Press Members”⁴⁵ (August 27, 2024)

In this process, our Board has also made an important decision regarding the violation of the prohibition of discrimination. Our Institution, which is obliged to examine and decide on violations of the prohibition of discrimination ex officio or upon application by Law No. 6701, received a complaint from a citizen claiming that the suspension of the sale of Palestinian-themed products sold by him on an electronic commerce platform, while there was no restriction on the sale of Israeli-themed products, constituted a violation of the prohibition of discrimination. As a result of the examination of the application, it was concluded that there was discriminatory treatment based on political and philosophical opinions, that the principle of equal treatment and the prohibition of discrimination were violated by the addressee company, and that an administrative fine of the upper limit be imposed on the relevant company. (March 14, 2024)⁴⁶

36 <https://www.tihek.gov.tr/israilin-yerlerinden-edilmis-filistinlilerin-kaldigi-refah-bolgesine-duzenledigi-saldiri-hakkinda-basin-aciklamasi>

37 <https://www.tihek.gov.tr/israilin-filistindeki-multeci-kamplarina-duzenledigi-saldirilar-hakkinda-basin-aciklamasi>

38 <https://www.tihek.gov.tr/israilin-filistin-han-yunus-kentinde-sivillerin-bulundugu-okullara-yaptigi-saldirilar-hakkinda-basin-aciklamasi>

39 <https://www.tihek.gov.tr/israilin-gazze-seridindeki-el-mevasi-bolgesine-yonelik-saldirilari-hakkinda-basin-aciklamasi>

40 <https://www.tihek.gov.tr/uluslararası-adalet-divaninin-19-temmuz-2024-tarihli-istisari-gorusune-iliskin-basin-aciklamasi>

41 <https://www.tihek.gov.tr/israil-basbakani-binyamin-netanyahunun-abd-kongresinde-konusmasi-hakkinda-basin-aciklamasi>

42 <https://www.tihek.gov.tr/hamas-siyasi-buro-sefi-ismail-heniyeye-duzenlenen-suikast-hakkinda-basin-aciklamasi>

43 <https://www.tihek.gov.tr/israilin-yerinden-edilmis-filistinlilerin-sigindigi-okula-duzenledigi-saldiri-hakkinda-basin-aciklamasi>

44 <https://www.tihek.gov.tr/israili-radikaller-tarafindan-mescid-i-aksaya-yonelik-gerceklestirilen-baskin-hakkinda-basin-aciklamasi>

45 <https://www.tihek.gov.tr/israil-terafindan-trt-ekibine-ve-basin-mensuplarina-yonelik-saldirilar-hakkinda>

46 <https://www.tihek.gov.tr/public/images/kararlar/em1o51.pdf>

ANNEX:2

INTERVIEWS WITH PALESTINIANS AND THEIR COMPANIONS WHO ARE BEING TREATED IN TÜRKİYE DUE TO INJURY OR ILLNESS

Although the explicit consent of the Gaza war victims who participated in the interviews in this section was obtained for the use of their names and images, their names were withheld due to fears that Israel could carry out a punitive attack on their family members in Gaza.

Record No: 1

Date: Thursday, March 28, 2024

Time: 10:00-10:35

Place: Ankara Provincial Health Directorate

Delegation:

Muhammet Ecevit CARTİ- Member of the Human Rights and Equality Board of Türkiye

Interviewer- Assoc. Prof. Dr. İslam Safa KAYA (Lecturer)

Ezgi KAŞKAVAL OKYAY- Coordinator

Merve TEKİN- Assistant Specialist (Psychologist)

Muhammed Tarık ÜNALDI- Assistant Specialist (Interpreter)

People Interviewed:

D.E.K.- (Female) 47 years old, teacher, from Jabaliya region.

F.T.- (Male) 6 years old, primary school 1st grade student. From Jabaliya region. General war wounds and injured in the chin.

Y.D.K.- (Male) 17 years old, high school senior. From Jabaliya region. Injured in the leg and chin.

Questions:

Interviewer: *F., were you able to go to school after the incidents started?*

F.T.: No.

Interviewer: *Did you see mosques, schools and hospitals being directly attacked?*

D.E.K.: Of course, especially in the Jabaliya region where we live, all mosques were destroyed, all charities were destroyed and hospitals were hit as well. We were hit in our house at 07:00 on 17.11.2023, the missile did not hit exactly, but despite that, my two children were martyred and I was injured. There was no ambulance, no electricity, no lights, we tried to carry the injured to the hospital in the darkness.

Interviewer: *Is Israel doing anything to prevent births in Palestine? Is it trying to prevent these directly or indirectly?*

D.E.K.: I did not see the delivery section while we were in the hospital, but the activities of the hospitals had completely stopped, there was no medicine, there was no access to ambulances, and births were indirectly prevented.

Interviewer: *How old are you, can you continue your education?*

Y.D.K.: I am 17 years old, I was in my last year of high school, I was going to start university next year.

Israel took away my right to education. It took away not only my right to education, but also my right to life. I was injured in my leg and jaw, my treatment is still not complete. I wanted to be a great football player in the future and study sports at university, I was a player in an amateur team in Gaza, but now I have no chance to do sports.

Interviewer: *Were your friends or relatives detained where you were?*

Y.D.K.: Yes, a 17-year-old friend of mine, with whom I played football at the sports club, was detained injured and is still in custody.

Interviewer: *What was your biggest fear before the war? What changed for you after the war?*

Y.D.K.: I was someone who lived under siege before. All my fears were related to the occupation, until now we have lived in constant wars and conflicts. We have never felt safe. Even in peacetime, we found ourselves preparing for new wars. I really wanted to finish my education, but the war broke out, my education was interrupted, and I was injured.

Interviewer: *Y., have you or your family experienced any direct physical attacks, forced entry into your home?*

Y.D.K.: When the war started, they said that no harm would be done to civilians. But worse than that, our house was bombed, two of my brothers were martyred.

Interviewer: *Were you or your relatives forced to deport? Did you witness any attacks on hospitals during treatment?*

D.E.K.: We went to an Indonesian hospital on November 18, 2023. While we were in the hospital, the hospital was besieged for two days. Then, Israeli soldiers entered the hospital and took the wounded; they did not care if they were sick or injured. They sent us home, we could not receive treatment. There was also a lack of doctors, medicine and supplies. While we were in the traumatology department of the hospital, the section we were in was bombed and we were lucky to get out.

Interviewer: *Did any of your friends or relatives die of starvation because they could not get aid?*

D.E.K.: Thank God, there is no one from our family members who died of starvation but when we look at the lists of martyrs, we see that there are those who were martyred in this way. There is no possibility in the North right now, while we were there, they directed us all to the South and told us to go to the South via the safe passage corridor. They killed people on this road too, we walked this road injured, but despite that, they blocked us many times. We can only see our relatives in Northern Gaza once a month, they have no food or drink, they are in a very difficult situation. If the situation continues like this, thousands of people will die of starvation. The aid that is provided is also very little and limited. Most of our family had vitamin A deficiency, our family members became ill due to malnutrition. We were trying to survive by grinding and eating animal feed. Of course, this especially harms the health of children, and even adults have started to die due to unhealthy nutrition.

Interviewer : *Y., What do you want to be in the future and how do you imagine Palestine?*

Y.D.K.: I want to be a great and famous football player in the future. I dream of a free Palestine and I want to pray in the Al-Aqsa Mosque.

Interviewer : *Is there anything you would like to add?*

D.E.K.: Of course, we also wish for the implementation of international decisions and agreements. We do not want something that will remain on paper, we hope that these decisions will be implemented by international human rights institutions and that Israel will be held responsible. Unfortunately, neither international decisions nor UN resolutions are implemented by Israel. We know that UNSC resolution number 242 includes the removal of Israel from the occupied territories in 1967, and UNSC resolution number 194 includes the return of refugees, none of these were implemented by Israel. Finally, the ceasefire resolution was not implemented either. We demand that all international organizations impose sanctions on Israel to enforce these decisions. We hope that this will also be implemented and will not remain only on paper.

Interviewer : Thank you.

Record No: 2

Date: Thursday, March 28, 2024

Time: 10:41-11:10

Place: Ankara Provincial Health Directorate

Delegation:

Muhammet Ecevit CARTİ- Member of the Human Rights and Equality Board of Türkiye

Interviewer- Assoc. Prof. Dr. İslam Safa KAYA (Lecturer)

Ezgi KAŞKAVAL OKYAY- Coordinator

Merve TEKİN- Assistant Specialist (Psychologist)

Muhammed Tarık ÜNALDI- Assistant Specialist (Interpreter)

People Interviewed:

V.T.E.- (Female) 10 years old, in the 5th grade. She lived in Northern Gaza. Her right arm was injured as a result of the bombardment and she is receiving treatment for burns.

N.S.I.- (Female) Doctor, 36 years old, El Shati, lived in Gaza. She adopted the child.

Questions:

Interviewer: *V., were you able to go to school after the incidents started?*

V.T.E.: No. There were people taking shelter in the school and it was closed due to the bombardment.

Interviewer: *Were any of your friends from your school or neighborhood martyred?*

V.T.E.: Yes, many of my friends were martyred.

Interviewer: *What was Israel doing to children? Can you tell us about what you saw?*

S.M.A: When I was in the hospital, soldiers tried to strangle me, they squeezed my throat.

Interviewer: *How do you imagine Palestine in the future?*

V.T.E.: I hope it will be safe like Türkiye, and better than before the war.

N.S.I.: He still hides in fear when he hears airplane sounds.

Interviewer: *Is Israel doing anything to prevent births in Palestine? Is it trying to prevent these directly or indirectly?*

N.S.I.: Yes, such things are happening. We hear that Israel is intervening with drugs and other methods to end the generation. This was the case before the war, as well as things that caused infertility as a

result of phosphorus bombs and other weapons, and people - including our relatives - were dying of diseases whose causes we did not know and for which there was no cure. Again, Israel banned the entry of drugs for pregnant women and reproductive therapeutic drugs into the Gaza Strip. I also received such treatment, but we were not able to obtain the drugs from outside during this period.

Interviewer: *Have you seen children being forcibly transferred to another place?*

N.S.I.: Yes, this happened, especially in the North. I heard from people who were living there. Soldiers raided a school where people were taking shelter and took some of the children to an unknown location. They executed some of the children in front of their parents. Even journalists who witnessed these crimes were killed so that they would not be able to report them.

Interviewer: *Have your friends or relatives been detained where you are? If they were taken, were they tortured?*

N.S.I.: We hear news of torture every day. When I was a child, my father was a prisoner for a long time, we know the treatment they receive. Solitary confinement, torture, torture that will prevent reproduction, rape, everything is there.

Interviewer: *Do you have any relatives who were killed in prison after being detained by Israel?*

N.S.I.: Yes, there is a lot of news about this. Not only on October 7, but also before that, many prisoners were killed inside.

Interviewer: *Was your house in Gaza destroyed?*

N.S.I.: Yes.

Interviewer: *Have you or your relatives been forced into deportation?*

N.S.I.: Yes, I was deported from my home to Rafah, to the camp. There were elderly and pregnant women on the deportation route, soldiers were opening fire on the deportees, especially the pregnant women. As we walked along the road, we always saw dead bodies around, children were with us. Dogs had started eating the bodies, the bodies that had been there for days had started to rot, and they were not allowed to take the bodies. Just yesterday (March 27, 2024), my 70-year-old father was shot at, he was taking my mother for treatment.

Interviewer: *Were ambulances prevented from entering the area where the attacks took place?*

N.S.I.: Yes, ambulances and access to the hospital were prevented. For this reason, S's access to Shifa Hospital and treatment were delayed. There were no services inside the hospitals either, everything had stopped.

Interviewer: *After the attacks, were you able to meet your basic needs such as electricity, water, heating?*

N.S.I.: There was no electricity, no water, nothing. The electricity generators were hit first, and even before the war, electricity was only available for an hour a day. Similarly, the GSM networks and the internet were cut off with the attacks. We could only see where the bombs were falling from the flares used for the bombardment, we could not communicate with each other.

Interviewer: *Was aid being distributed in the area you were in? Was Israel blocking the aid being distributed?*

N.S.I.: Israel was blocking aid entries through Rafah. They also killed the aid distributing officers, I heard that. They were even shooting at people who went to get aid, and they were only letting them walk anyway. People were able to fill their stomachs with very simple things. Dead animal meat, animal feed, grass on the ground, anything that was edible was eaten.

Interviewer: *According to international agreements, a state must warn civilians to leave the area before bombing civilian settlements. Did Israel give notice before the bombardment?*

N.S.I.: No news reached any house in this war. In fact, when they did give notice beforehand, they did not hit them immediately, they would hit people after 4-5 days when they were inadvertently. Someone would get a phone call, all of a sudden everyone would go out to the streets, we would wait and wait, the house would not be hit, then people would be shot while they were inside and they would say we notified them.

Interviewer: Thank you.

Record No: 3

Date: Thursday, March 28, 2024

Time: 11:37-11:55

Place: Ankara Provincial Health Directorate

Delegation:

Muhammet Ecevit CARTİ- Member of the Human Rights and Equality Board of Türkiye

Interviewer- Assoc. Prof. Dr. İslam Safa KAYA (Lecturer)

Ezgi KAŞKAVAL OKYAY- Coordinator

Merve TEKİN- Assistant Specialist (Psychologist)

Muhammed Tarık ÜNALDI- Assistant Specialist (Interpreter)

People Interviewed:

G.D.H.-(Female) Housewife, 34 years old, from Khan Younis region. Companion.

O.L.H. - (Male) 11 years old, in 6th grade. Leg amputee. From Khan Younis region.

Questions:

Interviewer: *O., were you able to go to school after the war started?*

O.L.H.: I couldn't.

Interviewer: *Were any of your friends from your school or neighborhood martyred?*

O.L.H.: My friends and their families took refuge in the school, they were shot and most of them were martyred.

Interviewer: *Is Israel doing anything to prevent births in Palestine? Is it trying to prevent these directly or indirectly?*

G.D.H.: I haven't heard of this.

Interviewer: *Have you seen children being forcibly transferred to another place?*

G.D.H.: Some of our neighbors.

Interviewer: *Have your friends or relatives been detained where you are? If they were taken, were they tortured?*

G.D.H.: Yes, my uncle and my neighbor were tortured.

Interviewer: *Were you or your relatives forced to be deported? Were you attacked during the deportation?*

G.D.H.: They bombed our house, my wife and son were martyred. We had to migrate like this.

Interviewer: *Were ambulances prevented from entering the area where the attacks took place?*

G.D.H.: Israel was blocking the entrance of ambulances, and ambulances were frequently attacked. There were also difficulties in reaching the hospital.

Interviewer: *Was there an attack on the hospital while you were in the hospital?*

G.D.H.: We were subjected to a very brutal attack while we were in Naser Hospital.

Interviewer: *After the attacks, were you able to meet your basic needs such as electricity, water, and heating?*

G.D.H.: Life itself was non-existent. There was no electricity, no water, no internet, no food; there was not even a house.

Interviewer: *Did anyone die of hunger because they couldn't get aid in your area?*

G.D.H.: Yes, many of our neighbors' children were martyred due to lack of food.

Interviewer: *Were there any attacks on the road from Gaza to Rafah?*

G.D.H.: While we were on the road during the deportation, they killed women, children, and the elderly. Our neighbors were among them.

Interviewer: *According to international agreements, a state must warn civilians to leave the area before bombing civilian settlements. Did Israel give any warnings before the bombing?*

G.D.H.: No, our house was suddenly hit while we were inside.

Interviewer: *Is there anything you would like to add?*

G.D.H.: Israel uses weapons such as phosphorus bombs, which are banned by international agreements, in Gaza.

Interviewer: Thank you.

Record No: 4

Date: Thursday, March 28, 2024

Time: 12.16-12.50

Place: Ankara Provincial Health Directorate

Delegation:

Muhammet Ecevit CARTİ- Member of the Human Rights and Equality Board of Türkiye

Interviewer- Assoc. Prof. Dr. İslam Safa KAYA (Lecturer)

Ezgi KAŞKAVAL OKYAY- Coordinator

Merve TEKİN- Assistant Specialist (Psychologist)

Muhammed Tarık ÜNALDI- Assistant Specialist (Interpreter)

People Interviewed:

Y.B.C.- (Male) 10 years old, in 3rd grade. Leg amputation, skull fracture.

T.H.C. - (Female) 15 years old, in 9th grade. Leg amputee.

G.C.- (Female) 37 years old, Housewife, from Jabaliya region.

Questions:

Interviewer: *T., Were you able to go to school after the events started?*

T.H.C.: No.

Interviewer: *Was your school bombed? Were there any students at the school during the bombing?*

T.H.C.: Some of them were bombed. There were families and children who took shelter in the school.

Interviewer: *Were any of your friends at school or in your neighborhood martyred?*

T.H.C.: Yes, 5-6 of my friends and their families were martyred. It was around October 17.

Interviewer: *Were any of your friends or relatives detained where you were? If so, were they subjected to torture, ill-treatment or rape?*

G.C.: They took three women and their children captive in front of us. They told them you are our captives. They made us wait for hours in the cold, in the mud, and then they took them captive. My brother's wife, H.U., 33 years old, was taken captive in November, she had her little girl in her arms, they took her and threw her away. She was tortured for 50 days, then they threw her to South Gaza. She was psychologically damaged because of the torture, she became ill. Her husband, my brother, was working as a laborer in the occupied territories at the same time. After October 7, they attacked him

there, beat him and tortured him, took his phone and money, then sent him to Gaza. H.U. was fasting when he was taken captive, they forced him to break his fast, set a dog on him and made it urinate on him. They asked him many questions about his wife, after each question they took his head and hit it on the door. His head was very swollen when he came out. He was not raped, but they came and forcibly took his clothes off, tore his clothes. They constantly swore at him. The prisoners were forbidden to talk to each other, and those who did would be tortured again. No water, no bread... They beat them 24 hours a day. They had nowhere to sleep, they slept on the floor. Since they wanted to pray, they would take their clothes off them, and forbid them from covering themselves. They couldn't even get dressed. Sometimes they would take them into a narrow space and make them wait for hours, bent double. Lawyers were strictly forbidden to enter, I spoke to a lawyer, but he said that lawyers were forbidden from entering Gazan prisoners.

Interviewer: *Have you had any relatives killed in an attack on the hospital while you were receiving treatment?*

G.C.: Not relatives but while we were in Indonesia Hospital, soldiers entered and started shooting randomly. A woman was shot and killed in front of us. No one could get close to her for two days. Many young people were killed. While we were in the hospital, a part of the hospital was bombed. I was in Rantisi Hospital before. Y. was receiving treatment there, and the hospital was completely bombed right in front of me. I barely escaped with my son in my arms. Bodies were scattered around.

Interviewer: *Is Israel doing anything to prevent births in Palestine? Is it trying to prevent these directly or indirectly?*

G.C.: I did not witness it directly, but there are rumors, even when I was in Shifa Hospital, when the soldiers entered, they gave canned food, but the women refused to take it because of this.

Interviewer: *Were you or your relatives forced to deport?*

G.C.: Yes, when the war first started, we decided to leave our house because it was close to the border. The day we were going to leave, our house was hit, my wife was martyred, my children were injured.

Interviewer: *According to international agreements, a state must warn civilians to leave the area before bombing civilian settlements. Did Israel give notice before the bombing?*

G.C.: No, never! We were sitting in our house, a bomb suddenly fell, the house was destroyed, my wife was martyred. 4-5 days before the actual bombing, our house was hit again; although some of it was damaged, it was still usable. My wife had no connection to any organization.

Interviewer: *Did you witness Israel using banned chemical weapons such as white phosphorus?*

G.C.: Yes, they dropped white phosphorus on us. We were suffocating, we went to the hospital. Those who were pregnant had miscarriages. My uncle's daughter gave birth during the war, they dropped

phosphorus on October 25, her baby died. She was born at home, the ambulance could not come, she drowned when she was a week old and was martyred.

Interviewer: *Is there anything you would like to add?*

G.C.: You also follow, for example, they come and say leave your home, go to a safe area. My friend left his home in Northern Gaza like this and went to Rafah thinking it was safe. The day before yesterday (26.03.2024), his wife and children were martyred as a family. They say Rafah is safe, where is safety? They hit the houses without any warning. The R. family, 16 people, were martyred together. They had no connections to any organization, he was a lawyer and his wife was an engineer. We want this genocide to stop, this is not a war against Hamas, it is genocide. Aid is not allowed to enter Northern Gaza, no building is left intact there. They shot the people who gathered to get water again. Our children are as valuable as your children, what did these children do?

Interviewer: Thank you.

Record No: 5

Date: Thursday, March 28, 2024

Time: 13:00-13:22

Place: Ankara Provincial Health Directorate

Delegation:

Muhammet Ecevit CARTİ- Member of the Human Rights and Equality Board of Türkiye

Interviewer- Assoc. Prof. Dr. İslam Safa KAYA (Lecturer)

Ezgi KAŞKAVAL OKYAY- Coordinator

Merve TEKİN- Assistant Specialist (Psychologist)

Muhammed Tarık ÜNALDI- Assistant Specialist (Interpreter)

People Interviewed:

W.T.- (Female) Housewife, 47 years old. Companion-grandmother.

B.F.E.- (Male) 2 years old. Legs amputated.

Questions:

Interviewer: *When was B. injured?*

W.T.: He was injured 4 months ago. He was shot while he was at home, he was injured with his father. His father is in Gaza, but his health is still not good, the hospitals there are in very bad condition. They are not clean, he constantly catches infections.

Interviewer: *Is Israel doing anything to prevent births in Palestine? Is it trying to prevent these directly or indirectly?*

W.T.: Yes, for example, B's mother is pregnant right now but she cannot find medicine, she cannot go to the hospital.

Interviewer: *Have you seen children being forcibly transferred to another place?*

W.T.: They take the children, take them to an unknown place and then either return them to their families or kidnap them and take them captive. It has not happened to us, but I have always heard about these incidents.

Interviewer: *Were your friends or relatives detained where you were? If so, were they tortured?*

W.T.: Yes, a relative of ours was working as a laborer in Israel, and when the war started, they tortured him very badly.

Interviewer: *Were you or your relatives forced to deport? Were you attacked during the deportation?*

W.T.: We all gathered in one house, and then when it was attacked, we took shelter somewhere else. There were very intense bombings near us, the explosions were very loud. Our real house was bombed, it was badly damaged. Then we took shelter somewhere else in the camp.

Interviewer: *Were ambulances prevented from entering where the attacks took place? Did they prevent you from reaching the hospital?*

W.T.: Yes, they were preventing ambulances from entering. They were preventing treatments, they were preventing medicine from entering. So when this child was going to have surgery at the European Hospital in Gaza, they couldn't find anesthesia, and I couldn't handle having his legs cut off without anesthesia. He was able to have surgery after he came to Türkiye.

Interviewer: *Was there an attack on the hospital while you were there?*

W.T.: Yes, there were many attacks on the European Hospital.

Interviewer: *How many doctors were there in the hospital?*

W.T.: There were very, very few doctors, there was only one doctor and one nurse in the intensive care building where we were, they couldn't keep up. I was trying to help the other patients.

Interviewer: *Was Israel targeting doctors and health workers?*

W.T.: They were hitting the road between Khan Younis and Rafah to prevent doctors from entering the hospital, they were attacking the crossing points so that the doctors couldn't enter the hospitals. They were hitting the doctors' vehicles. Many doctors were martyred in this way.

Interviewer: *Were you able to meet your basic needs such as electricity, water, heating after the attacks?*

W.T.: No electricity or water was provided from the first day. Finding water was a huge problem, the prices of filling water increased exorbitantly. Normally 30-40 Shekels for 1,000 liters of water increased to 3,000 Shekels. People could not afford to buy it. For example, diapers were 10 Shekels, but yesterday I heard that they had gone up to 100 Dollars. The exorbitant prices are still there.

Interviewer: *According to international agreements, before a state bombs civilian settlements, it must warn civilians to leave the area. Did Israel give notice before the bombing?*

W.T.: It never does. Houses are suddenly bombed, people are shot without warning. We look at the martyr lists every day to see if anyone in our family or close circle has been martyred.

Interviewer: *Was aid distributed in your area?*

W.T.: There were serious problems in the distribution of aid and in accessing it. Those who received aid were starting to sell it. In other words, it was like there were two wars, one with Israel and the other with opportunists.

Interviewer: *Was Israel also attacking aid workers?*

W.T.: Yes, they attacked when people gathered to help.

Interviewer: *Have you seen a map of the targets Israel planned to attack?*

W.T.: No. Nobody knows where they will attack. For them, everything that lives is a target. Everything that walks in Gaza is a target. Every house is a target, we don't know who they are targeting, who they are attacking to hit?

Interviewer: Thank you.

Record No: 6

Date: Thursday, March 28, 2024

Time: 13:32-13:55

Place: Ankara Provincial Health Directorate

Delegation:

Muhammet Ecevit CARTİ- Member of the Human Rights and Equality Board of Türkiye

Interviewer- Assoc. Prof. Dr. İslam Safa KAYA (Lecturer)

Ezgi KAŞKAVAL OKYAY- Coordinator

Merve TEKİN- Assistant Specialist (Psychologist)

Muhammed Tarık ÜNALDI- Assistant Specialist (Interpreter)

Person Interviewed:

D.L.I.- (Female) Housewife, 33 years old. Leg amputee.

Questions:

Interviewer: *When you look at the Israeli attacks after October 7, were they mostly aimed at civilian or military targets?*

D.L.I.: They were completely aimed at civilians.

Interviewer: *Is Israel doing anything to prevent births in Palestine? Is it trying to prevent them directly or indirectly?*

D.L.I.: In general, access to all medicines is being denied. Ambulances are being denied access to pregnant women. Even pregnant women who are brought to the hospital by ambulance are being kept waiting, and attempts are being made to prevent them from entering the hospital. In this way, deaths during childbirth increase.

Interviewer: *Have you seen children being forcibly transferred to another location?*

D.L.I.: Yes, I have witnessed both children and women being taken captive.

Interviewer: *Were your friends or relatives detained where you were? If so, were they tortured?*

D.L.I.: When the captives were released, it was obvious from their appearance that they had been severely tortured. My uncle's son, Y. A., was taken prisoner a month after October 7, he was tortured inside for 15 days, they set dogs on him and made them attack him, they didn't even let him go to the toilet, they didn't give him any food or drink. When he came out, he looked really bad, they put him in sacks, beat him with a hose, all his clothes were torn. My uncle's son is still inside. In December, when

we were in Northern Gaza, they forcibly took us out of the hospital and put us on buses, they also took my uncle's son prisoner at that time, he is still in their hands. He had no connection with Hamas or anything else. We don't know if he is dead or alive.

Interviewer: *Have you had any relatives killed in prison after being detained by Israel?*

D.L.I.: There are those who died, as I said, I don't know if our acquaintances who are still inside are alive.

Interviewer: *Were you or your relatives forced to deport? Were you attacked during the deportation?*

D.L.I.: Yes, we were in Northern Gaza, they deported us to Rafah. My wife and children are still in Rafah. They are attacking everything; schools, hospitals, mosques... When we were hit, we took shelter in a school thinking it was a safe place. 300 people were martyred in the school we took shelter in. Later, while we were in the hospital, they hit the hospital again. Then they took us out and deported us to the South.

Interviewer: *Were ambulances prevented from entering the area where the attacks took place?*

D.L.I.: Yes, they were preventing ambulances from passing.

Interviewer: *When were you injured?*

D.L.I.: I was shot at Al-Fakhoora School, where we took shelter, on November 8, a month after the war. We took shelter in the school when there was heavy bombardment near our house. Then they hit the school, my son was martyred, my little son was injured.

Interviewer: *Was there an attack on the hospital while you were in the hospital?*

D.L.I.: Yes, the attack took place while we were in Indonesia Hospital, many people were martyred, God protected us.

Interviewer: *How many doctors were there in the hospital?*

D.L.I.: The hospital was full of wounded, refugees, and doctors. I can't remember how many, but when they entered the hospital later, they took the doctors hostage. They accused them of terrorism and tortured them. There was a doctor with us, they tortured him a lot, they asked him questions about Hamas.

Interviewer: *Israel claims that the hospitals are used by Hamas. While you were in the hospital, was Hamas using the hospitals for defensive or offensive purposes?*

D.L.I.: While we were in the hospital, civilians from the political wing of Hamas had also taken refuge in the hospital with their families. These people were completely civilians, they did not have any weapons.

Interviewer: *After the attacks, were you able to meet your basic needs such as electricity, water, and heating?*

D.L.I.: There was not even oxygen in the hospitals, many people died because of this. There was no electricity or water.

Interviewer: *Did anyone die of starvation because they could not get aid in your area?*

D.L.I.: When we were in Rafah, we ate whatever we could find. We even ate the grass on the ground, there was nothing to eat. People are living on the edge of death.

Interviewer: *According to international agreements, before a state bombs civilian settlements, it must warn civilians to leave the area. Did Israel give any notice before the bombing?*

D.L.I.: No. When Hamas launched an operation, we said that a fierce war was coming, and then the houses were bombed without any notice.

Interviewer: *Israel's use of white phosphorus, etc. Did you witness them using banned chemical weapons?*

D.L.I.: Yes, they were throwing white phosphorus. There were many people in hospitals who were harmed by phosphorus; they threw it everywhere, in houses, on the fields. This is not war, it is a great crime.

Interviewer: *Is there anything else you would like to add?*

D.L.I.: I will never forget the moment we were shot, my child was shot, my legs were cut off, I cannot describe that scene to you, it was very scary. My wife and child are still living in a tent, bombs are constantly falling. I can hardly talk to them, their phones do not work. I just want to see my son, he is only 6 years old, the other one was already martyred. I am in pain of being separated from him.

Interviewer: Thank you.

Record No: 7

Date: Thursday, March 28, 2024

Time: 14:00-14:20

Place: Ankara Provincial Health Directorate

Delegation:

Muhammet Ecevit CARTİ- Member of the Human Rights and Equality Board of Türkiye

Interviewer- Assoc. Prof. Dr. İslam Safa KAYA (Lecturer)

Ezgi KAŞKAVAL OKYAY- Coordinator

Merve TEKİN- Assistant Specialist (Psychologist)

Muhammed Tarık ÜNALDI- Assistant Specialist (Interpreter)

Person Interviewed:

R.U. (Female) Housewife, 53 years old. Companion.

Questions:

Interviewer: *When you look at the Israeli attacks after October 7, were they mostly aimed at civilian or military targets?*

R.U.: There are much more civilian targets than military targets.

Interviewer: *Is Israel doing anything to prevent births in Palestine? Is it trying to prevent them directly or indirectly?*

R.U.: Yes, they don't want a new generation to come, they don't want those who come from below to grow up. They know that Palestinian women will give birth, so they want to destroy everything that ensures the continuation of the generation, whether it's children or women. We see this, where in the world are women killed, children killed?

Interviewer: *Have you seen children forcibly transferred to another place?*

R.U.: My other daughter had taken refuge in a school with her children, and when my daughter, whom you saw earlier, was injured and went to the hospital, she was her companion. Israeli soldiers came and took the patients out of the hospital and forcibly sent them to the South. The children stayed with their father in the North, and the mother stayed in the South. He hasn't been able to see his children for 5 months, he has 6 children, the youngest is 2 years old. Where are the rights of children?

Interviewer: *Were your friends or relatives detained where you are? If so, were they tortured?*

R.U.: We have relatives detained by Israel, they must have been tortured. We see on TV that those inside are being tortured. You must have seen how they are tortured.

Interviewer: *Were you or your relatives forced to be deported? Were you attacked during the deportation?*

R.U.: Our house is on the border, the clashes started at 06:00, we left our house at 09:00. We haven't been able to return home since the war started.

Interviewer: *Were ambulances prevented from entering the area where the attacks took place?*

R.U.: Yes, many wounded people were martyred because they couldn't get to the hospital. Forget human rights, even animal rights are not applied to us.

Interviewer: *Did you or anyone in your family receive treatment in Gaza?*

R.U.: I am a cancer patient and I was also accompanying my daughter. I could not access my medicine there. Our hospital, Türkiye Friendship Hospital, was the only cancer hospital in Gaza and it was bombed.

Interviewer: *How many doctors were there in the hospital? Were there enough medical supplies?*

R.U.: There were doctors but they were few in number. Before the war, for example, cancer patients like me had to go to Israel for treatment from time to time, but we were not allowed to enter, we could not receive treatment.

Interviewer: *After the attacks, were you able to meet your basic needs such as electricity, water, heating?*

R.U.: No, we cooked with fire, we made bread.

Interviewer: *Has anyone died of starvation because they could not reach aid in your region?*

R.U.: No so far, but when I talk to my children there, I am even ashamed to say that our situation in Türkiye is good, they only eat ful (bean paste) if they can find food, there is nothing to eat.

Interviewer: *Was Israel attacking aid workers?*

R.U.: Like you, I see from the news that they are shooting aid workers. Yesterday, my uncle's son was martyred along with his son when he went to get aid for his family.

Interviewer: *According to international agreements, before a state bombs civilian settlements, it must warn civilians to leave the area. Did Israel give any warning before the bombardment?*

R.U.: There was never any warning. Would a school ever be bombed? My daughter was injured at school. Could there be a safer place than school? We took shelter there because we thought it was safe.

Interviewer: *Is there anything else you would like to add?*

R.U.: I hope that these human rights will not remain only in writing. We are people like you. Do not see us as people who say "Elhamdulillah" when three or four of their children are killed, our hearts are burning. Why are we the only ones subjected to these? Our children are precious, just like all your children. Is it right that they are being treated to this extent? We are people like you. We would like to thank Türkiye and Recep Tayyip ERDOĞAN for bringing us here and treating us.

Interviewer: Thank you.

Record No: 8

Date: Thursday, March 28, 2024

Time: 14:25-14:50

Place: Ankara Provincial Health Directorate

Delegation:

Muhammet Ecevit CARTİ- Member of the Human Rights and Equality Board of Türkiye

Interviewer- Assoc. Prof. Dr. İslam Safa KAYA (Lecturer)

Ezgi KAŞKAVAL OKYAY- Coordinator

Merve TEKİN- Assistant Specialist (Psychologist)

Muhammed Tarık ÜNALDI- Assistant Specialist (Interpreter)

People Interviewed:

R.U. - (Female) 29 years old, civil engineer in Gaza Municipality.

K.A.- (Male) He is 8 years old and in 2nd grade. He has fractures in his legs.

Questions:

Interviewer: *K.A., when were you injured?*

K.A.: On October 30.

Interviewer: *Were any of your friends from your school or neighborhood martyred?*

K.A.: My brother and father were martyred.

Interviewer: *When you look at the Israeli attacks after October 7, were the attacks mostly aimed at civilian targets or military targets?*

F.A.: One hundred percent aimed at civilians.

Interviewer: *Is Israel doing anything to prevent births in Palestine? Is it trying to prevent them directly or indirectly?*

F.A.: My uncle's daughter was pregnant, they didn't let her into Shifa Hospital because births were forbidden. They were looking for a hospital to give birth, and later she was found shot to death on the road, and she had a child in her womb, and she was pregnant. It happened in November, and we were under siege at Shifa Hospital at that time.

Interviewer: *Did you see children being forcibly transferred to another place?*

F.A.: Yes, while we were at Shifa Hospital, there were young people who were going to high school and university, they were taken hostage even though they were injured.

Interviewer: *Were your friends or relatives detained where you were? If so, were they tortured?*

F.A.: My uncle's son was a doctor at Shifa Hospital, they took him hostage last week, there is no news of him.

Interviewer: *Were you or your relatives forced to be deported? Were you attacked during the deportation?*

F.A.: Yes, we were removed from our home in Northern Gaza on the fourth day of the war. After our home was hit, we took refuge in Shifa Hospital. After we were removed from there, our family was divided into three parts, some of us stayed in one place and the other in another.

Interviewer: *Were ambulances prevented from entering the area where the attacks took place?*

F.A.: While we were at Shifa Hospital, there were wounded people outside. They would hit anyone who approached the door to get them.

Interviewer: *Was there an attack on the hospital while you were in the hospital?*

F.A.: Yes, there were many attacks on Shifa Hospital. We were on the fourth floor and the roof was hit.

Interviewer: *How many doctors were there in the hospital? Was there enough medicine?*

F.A.: No, there were only two doctors. There were about 144 patients. They forcibly removed us from Shifa. We were taken to Khan Younis.

Interviewer: *After the attacks, were you able to meet your basic needs such as electricity, water, and heating?*

F.A.: Electricity went out completely three or four days after the war.

Interviewer: *Did anyone in your area die of starvation because they could not reach the aid?*

F.A.: Some of our neighbors died in the hospital like this.

Interviewer: *Was aid being distributed in your area? Was Israel obstructing the aid being distributed? Were there attacks on aid workers?*

F.A.: The distribution had not started when we were there. We saw trucks waiting at the border when we crossed into Egypt, but they were not allowed to enter. My brother's brother-in-law was martyred a month ago while distributing aid, and ten people were martyred along with him.

Interviewer: *According to international agreements, before a state bombs civilian settlements, it must warn civilians to leave the area. Did Israel give notice before the bombardment?*

F.A.: No. We were suddenly bombed without warning. 75 people were killed, 3 missiles were fired.

Interviewer: Thank you.

Record No: 9

Date: Thursday, March 28, 2024

Time: 14:50-15:20

Place: Ankara Provincial Health Directorate

Delegation:

Muhammet Ecevit CARTİ- Member of the Human Rights and Equality Board of Türkiye

Interviewer- Assoc. Prof. Dr. İslam Safa KAYA (Lecturer)

Ezgi KAŞKAVAL OKYAY- Coordinator

Merve TEKİN- Assistant Specialist (Psychologist)

Muhammed Tarık ÜNALDI- Assistant Specialist (Interpreter)

People Interviewed:

T.Y. - (Male) 19 years old, medical faculty student in Egypt. Companion.

E.Y. - (Male) 17 years old, high school senior. His leg is injured.

Questions:

Interviewer: *Were you able to go to school after October 7?*

E.Y.: No, school was closed. It was closed on the first day.

Interviewer: *Is Israel doing anything to prevent births in Palestine? Is it trying to prevent them directly or indirectly?*

T.Y.: We hear that. People also can't find medicine, medical services in Gaza have collapsed right now. People can't get treatment.

Interviewer: *Have you seen children being forcibly transferred to another place?*

T.Y.: Yes, I saw it with my own eyes. We were going through the safe corridor, which is not safe at all. They kidnapped my uncle here, there has been no news for 120 days. They would also take the children, hold them for 2-3 hours and then release them, sometimes they would even kill them.

Interviewer: *Were your friends or relatives detained where you are? If they were, were they tortured?*

T.Y.: My uncle E.A. was subjected to very severe torture. He was taken 120 days ago.

Merve TEKİN: *Did they inform the families of the children when they were detained?*

T.Y.: Normally they did not. They would take most of the children with their families in the safe corridor anyway. Sometimes they would send the family to the South and the child to the North, separating the family. There is no life in the North anyway, they are starving to death.

Interviewer: *Did you have a relative who was detained and killed?*

T.Y.: One of our relatives, T.K., was taken 120-130 days ago, they say he died, but we have no news about whether he is dead or alive.

Interviewer: *Were you or your relatives forced to be deported? Were you attacked during the deportation?*

T.Y.: Yes, we were bombed while we were in Shifa Hospital. Then we were sent to the South, we walked through the safe corridor. We walked about 13 km. There were rotting corpses on the road for days.

Interviewer: *Were the ambulances prevented from entering the area where the attacks took place by Israel?*

T.Y.: Yes, they were not allowing ambulances to enter. They could not enter the valley area.

Interviewer: *Did you receive treatment in Gaza? Was there an attack on the hospital while you were in the hospital?*

T.Y.: Yes, my brother had a plate inserted into his leg at Shifa Hospital. He also had a second surgery at Naser Hospital. There was an attack while he was at Shifa Hospital. We were also blockaded while we were at Naser Hospital.

Interviewer: *Were the number of doctors and supplies in the hospitals sufficient? Were there attacks on doctors and healthcare workers?*

T.Y.: It was sufficient at first, but then it decreased a lot. They attacked both doctors and journalists. A doctor we know, I.I., went to the hospital to check on him at night on 30/10/2023 and was martyred.

Interviewer: *Were you able to meet your basic needs such as electricity, water, and heating after the attacks?*

T.Y.: Electricity went out all at once, and when there was no electricity, the water went out too. The fuel also ran out.

Interviewer: *Has anyone died of hunger in your area because they could not reach aid?*

T.Y.: The situation of those in the North is very difficult, we do not know what our relatives are like there. There is aid thrown from above, and it mostly falls into the sea.

Interviewer: *Was there aid distribution when you were there?*

T.Y.: Not everyone could get help. Especially those in the North could not get help. Those who went to get help were also martyred. The occupying forces were also shooting those who were distributing aid, many people were martyred.

Interviewer: *According to international agreements, a state must warn civilians to leave the area before bombing civilian settlements. Did Israel give notice before the bombing?*

T.Y.: No, they attack without warning. We were also hit without warning. They directly target houses, in fact they hit not one house but an entire neighborhood. People are bombed. In previous wars, they would have given notice, but in this war, they were not informed. My brother and mother were martyred.

Interviewer: *Is there anything else you would like to add?*

E.Y.: We thank Turkish people and Recep Tayyip ERDOĞAN very much.

Interviewer: Thank you.

Record No: 10

Date: Friday, March 29, 2024

Time: 09:55 -10:15

Place: Ankara Provincial Health Directorate

Delegation:

Muhammet Ecevit CARTİ- Member of the Human Rights and Equality Board of Türkiye

Interviewer- Assoc. Prof. Dr. İslam Safa KAYA (Lecturer)

Merve TEKİN- Assistant Specialist (Psychologist)

Muhammed Tarık ÜNALDI- Assistant Specialist (Interpreter)

Person Interviewed:

U.D.E. - (Female) 30 years old, housewife.

Questions:

Interviewer: *When you look at the Israeli attacks after October 7, were the attacks mostly aimed at civilian targets or military targets?*

U.D.E.: The attacks we were subjected to were entirely aimed at civilian targets. They were carried out with the aim of mass killing civilians, a genocide.

Interviewer: *Is Israel doing anything to prevent births in Palestine? Is it trying to prevent them directly or indirectly?*

U.D.E.: I heard about it in the news.

Interviewer: *Did you see children being forcibly transferred to another place?*

U.D.E.: I both saw and experienced this. After the attack, my children were taken somewhere injured, and when I tried to reach them, I was prevented. They pointed a gun directly at me, laid me on the ground, and did not let me pass. I removed my ID and told them that I was their mother, but they did not let me go to them. This incident happened before we were hit. I had also heard from the news that they entered homes and kidnapped children.

Interviewer: *Were your friends or relatives detained where you were? If so, were they tortured?*

U.D.E.: I know from the news that such things happened. My father D.E. and my uncle's son N.E. were working in Israel, about three weeks after October 7th, they took them and tortured them, stripped them and left them in an empty field like that. We tried to reach them for five days, and then they were found like this.

Interviewer: *Did you receive treatment while you were in Gaza? Was there an attack on the hospital during the treatment?*

U.D.E.: My child was treated at Kamal Adwan Hospital, then at Indonesia Hospital and Al Naser Hospital. Unfortunately, I had left the hospital for a short time while I was at Indonesia Hospital, my brother was with the children. Israeli soldiers attacked the hospital, blockaded the hospital for 10 days, then put the children on buses and even put my little son under their feet, my brother witnessed this.

Interviewer: *Were you or your relatives forced to migrate?*

U.D.E.: Yes, we were deported from our home in Tal Al Hawa to the Deraj region.

Interviewer: *After the attacks, were you able to meet your basic needs such as electricity, water, and heating?*

U.D.E.: Electricity went out within 24 hours. We used electricity that we had previously charged from solar panels to batteries for a while. We could not access water.

Interviewer: *Did any of your relatives die of starvation?*

U.D.E.: No.

Interviewer: *Was aid distributed in your area? Was Israel obstructing the distribution of aid?*

U.D.E.: There was no aid distribution when we were there, but later aid distribution began in Rafah. We heard that aid workers and people who wanted to reach out for aid were killed. In fact, two of our neighbor's children were killed when they went to buy flour.

Interviewer: *According to international agreements, before a state bombs civilian settlements, it must warn civilians to leave the area. Did Israel give notice before the bombardment?*

U.D.E.: They are lying, they do not give notice. I went to my family, I stayed with them for about a week, and we received news that the building we were living in had been hit. The building had been bombed and destroyed, my husband A.E., my daughter Y.E. (age 9) and my son I.E. were martyred there. We were not given any warning.

Interviewer: *Is there anything you would like to add?*

U.D.E.: They say they are waging this war against Hamas, but those who are being killed are always women, children and old people. Even animals cannot be protected from their attacks. What was the sin of my children who were killed? They were not members of Hamas or any other organization, nor were they adults. My daughter's legs were torn apart. They used weapons to tear children apart. What crime did they commit?

Interviewer: Thank you.

Record No: 11

Date: Friday, March 29, 2024

Time: 10:21 -10:48

Place: Ankara Provincial Health Directorate

Delegation:

Muhammet Ecevit CARTİ- Member of the Human Rights and Equality Board of Türkiye

Interviewer- Assoc. Prof. Dr. İslam Safa KAYA (Lecturer)

Merve TEKİN- Assistant Specialist (Psychologist)

Muhammed Tarık ÜNALDI- Assistant Specialist (Interpreter)

Person Interviewed:

C.A. - (Female) Housewife, 31 years old. Pelvic fracture. Companion.

Questions:

Interviewer: *When you look at the Israeli attacks after October 7, were the attacks mostly aimed at civilian or military targets?*

C.A.: These attacks are completely aimed at killing civilians, they claim to be fighting military targets but this claim is invalid, they only kill civilians.

Interviewer: *Did you see children being forcibly transferred to another place?*

C.A.: Yes, for example, they took the families with children in Shifa Hospital, some families took their children back through the Red Cross/Red Crescent but some children were martyred and they did not know. For example, a father reached his child 3 months later through the Red Cross.

Interviewer: *Were your friends or relatives detained where you were? If they were, were they tortured?*

C.A.: Yes, my brother and relatives. They took my brother with his wife and children in December and then released him. They stole everything they had on them. When they were released, they came out without any clothes.

Interviewer: *Were you or your relatives forced into exile? Were you attacked during the exile?*

C.A.: We didn't experience it, but we hear that many people were forced out of their homes.

Interviewer: *Were ambulances prevented from entering the area where the attacks took place?*

C.A.: Yes, they prevented the ambulances from entering or they shot the ambulances and killed the people inside.

Interviewer: *Did you or anyone in your family receive treatment in Gaza?*

C.A.: Yes, my daughter received treatment for two weeks in Shuhada Al-Aqsa Hospital in Deir Al-Balah.

Interviewer: *Was there an attack on the hospital while you were in the hospital?*

C.A.: On 12/15/2023, an attack was carried out very close to the hospital, thank God we were not injured.

Interviewer: *How many doctors were there in the hospital? Were there enough medical supplies?*

C.A.: At first, there were some supplies in December, but then they ran out. Even pharmacies ran out of medicine.

Interviewer: *After the attacks, were you able to meet your basic needs such as electricity, water, and heating?*

C.A.: After October 7, electricity came only twice, but it went out after 3 hours. Access to water was also very difficult. It has not been supplied yet.

Interviewer: *Did anyone die of starvation because they could not access aid in your area?*

C.A.: Thank God, none of our relatives. In Gaza, where our relatives are, there is a little food, unlike other areas.

Interviewer: *Was Israel attacking aid workers?*

C.A.: Yes, they were hitting aid trucks, they were dropping bombs on people who were gathered around the trucks for aid.

Interviewer: *According to international agreements, before a state bombs civilian settlements, it must warn civilians to leave the area. Did Israel give notice before the bombing?*

C.A.: No, unfortunately.

Interviewer: *Is there anything else you would like to add?*

C.A.: We left our house on 13.10.2023 and went to my uncle's daughter's house in Deir Al Balah. It was a safe place, there were no military or political formations. On 02.12.2023, at around 11:00, without any warning, the house next to ours was hit and my uncle's daughter's house was also destroyed. We were all under the rubble. After the dust and smoke cleared, we could see our surroundings. When I opened my eyes, there was a concrete column on my daughter and I was injured. There were stones on us, then we went out and tried to save the children. There was a column on my uncle's daughter and the others. My daughter was seriously injured, her leg was shattered, and she had a wound in her eye. With the help of Allah and the efforts of the doctors, she got better. The other children were buried in the rubble, my uncle's children were martyred, we were all injured. After we left the house, we started looking for an

ambulance, we were carrying the children while running. We came to Shuhada Al-Aqsa Hospital. My daughter needed urgent surgery. From Shuhada Al-Aqsa Hospital, we were told to go to the European Hospital in Khan Younis. However, Israel had blocked the roads and we could not reach Khan Younis. We returned to Shuhada Al-Aqsa Hospital, her wound was cleaned. There was very intense bombing, we could not provide anything where we were. After what happened to us, I was separated from my other children, I had to stay with my daughter. My daughter felt very bad, she was living helplessly, we could not find any medicine, she was just lying in bed waiting for her surgery. She could not move due to the wound in her leg and the fractures in her waist. There was no treatment, we registered our names for treatment outside. On 08.12.2023, we received the news that my brother was martyred, but I was separated from my family and could not meet with anyone. Thank God, approval for departure came on 14.12.2023 and we went to Egypt where first treatment was done on a French ship. First, her wound was cleaned, it had not opened for 5 days and it smelled very bad. The next day, plate was installed. We were transferred to Türkiye on 18.12.2023. I recovered but my daughter is still in bad condition, she had many surgeries. I have been deprived of my children since the day of the attack. She underwent extensive surgeries five times in Türkiye. I could not hear the voices of my three children, it is very difficult to make calls, there is no network there. My daughter was so tired and in pain that she wished to be a martyr. God willing, with the help of Allah and the efforts of Türkiye and the doctors, my daughter will recover, she may not be able to run and play like other children, but at least she will be able to stand up. My daughter has become very weak because she cannot eat anything. On the one hand, our hearts are in Gaza and we live in fear of hearing bad news every night. The situation in Gaza is really bad, we cannot stand hearing the news, we are very afraid for our families. The states that stand by Israel are participating in the oppression, people are being killed in Gaza, children are being killed, children are being torn apart. Old people are being killed. My uncle's children were martyred, I loved them very much, our friendship was very good.

Interviewer: Thank you.

Record No: 12

Date: Friday, March 29, 2024

Time: 10:52 -11:12

Place: Ankara Provincial Health Directorate

Delegation:

Muhammet Ecevit CARTİ- Member of the Human Rights and Equality Board of Türkiye

Interviewer- Assoc. Prof. Dr. İslam Safa KAYA (Lecturer)

Merve TEKİN- Assistant Specialist (Psychologist)

Muhammed Tarık ÜNALDI- Assistant Specialist (Interpreter)

Person Interviewed:

G.D. - (Female) Housewife, 41 years old. Companion. From Northern Gaza.

Questions:

Interviewer: *When you look at the Israeli attacks after October 7, were the attacks mostly aimed at civilian or military targets?*

G.D.: This war has been targeting civilians, especially women and children, since the beginning. Of course, children and women are their natural targets; children should not grow up and take up arms, and their hostility towards women is not normal. What we have seen in this war has not been seen in previous wars. This is a war waged against innocent civilians who cannot hold arms.

Interviewer: *Have you seen children being forcibly transferred to another location?*

G.D.: Yes, soldiers point their guns at you and tell you to “leave”, if you resist they open fire. They already speak Arabic very well, it becomes a clear order, you cannot resist. I saw a forced abduction right before my eyes. Worse than that, I also saw someone being executed in Indonesia Hospital right before my eyes. They came and shot and killed three people, saying they were terrorists, without warning or saying anything. They do this so that those who resist them see them and are afraid and run away.

Interviewer: *Were your friends or relatives detained where you are? If so, were they tortured?*

G.D.: My second-degree relatives, my cousin, my cousin were detained. We applied to the Red Cross for them but we did not receive any news, we do not know if they were killed, if they are in prison, if they are alive. They detain some people and then execute them, and then their bodies are found. So since we do not have any contact with them, we cannot know for sure whether they were tortured or not, but for example, there were some women detained in the school where we were staying, and when they came out, there were signs of torture. Some of the women were abused. They tortured the women in a savage and barbaric way. They do it especially to women. They torture the people they detain. There is a patient with me here at Etlik Hospital, Israeli soldiers came to the school where she was and took her mother, and there is still no news from her.

Interviewer: *Did you or your children receive treatment in Gaza?*

G.D.: Actually, I refused treatment. They wanted to amputate my daughter there. I did not want that. When we entered the Indonesian Hospital, the hospital system had collapsed, the operating room could not be used. The floor was full of blood and medical waste, the doctors were like living debris. I was afraid that my daughter would lose her leg, not that she would lose her life. Tomography was not working, there were no x-rays, tests could not be done. They said we had to cut off the leg, I said, “No, not at all.” They cleaned the wound, bandaged it and told us, “Go to the South, the hospitals are better there.” When we arrived in the South, we learned that there were exits, we registered our names. We came to Türkiye on 10.01.2024.

Interviewer: *After the attacks, were you able to meet your basic needs such as electricity, water, and heating?*

G.D.: After October 7 attacks, Israel was in shock, so electricity and water were available for the first 2-3 days. After they got over the shock, they started bombing everything. They bombed the power plant, the water network, hit the generators, and the solar panels. The solar panels were useful for us, at least we could charge our phones. Then they started hitting them too. If there was a solar panel on the roof of a building, they would hit the building directly, and the building would completely collapse. The only reason was that there was a solar panel on the roof of the building, and this was the first time this happened.

Interviewer: *Was aid distributed while you were there?*

G.D.: Yes, aid had arrived. Food parcels were distributed, 2-3 kilos of vegetables were distributed, legumes were distributed, and drinking water was distributed.

Interviewer: *Can you communicate with your children and relatives there?*

G.D.: Right now, Gaza is divided in two, there is nothing left in the North, there is no network there. Only the Israeli line has very weak reception, sometimes we can communicate if they can find a credit, but it is very difficult. I last spoke to them in January.

Interviewer: *According to international agreements, a state must warn civilians to leave the area before bombing civilian settlements. Did Israel notify you before the bombardment?*

G.D.: No, not in this war. My house was bombed in the 2021 war. At that time, Israeli intelligence informed us to leave the house, but they never inform us in this war.

Interviewer: *Is there anything else you would like to add?*

G.D.: We would like to thank Türkiye, Mr. President and Turkish people. We are grateful for the treatment of our children, their aid and for supporting our cause. Our bond with Turkish people did not start because Türkiye helped us today, we have very deep ties from the past. Our curriculum teaches that Sultan Abdulhamid did not give Palestine to the Jews. For this reason, everyone in Palestine loves Turks very much.

Interviewer: Thank you.

Record No: 13

Date: Friday, March 29, 2024

Time: 11:37 -11:55

Place: Ankara Provincial Health Directorate

Delegation:

Muhammet Ecevit CARTİ- Member of the Human Rights and Equality Board of Türkiye

Interviewer- Assoc. Prof. Dr. İslam Safa KAYA (Lecturer)

Merve TEKİN- Assistant Specialist (Psychologist)

Muhammed Tarık ÜNALDI- Assistant Specialist (Interpreter)

People Interviewed:

Z.A.F.- (Female) The housewife stated that she was afraid that Israel would kill her family because of the information she gave, and asked that only her voice recording and initials be used.

Girl child- At the age of 1.5, her brain was damaged by a phosphorus bomb and she was paralyzed.

Questions:

Interviewer: *When you look at the Israeli attacks after October 7, were the attacks mostly aimed at civilian or military targets?*

Z.A.F.: There were more civilian targets than military targets. They were bombing everything, children, women, homes.

Interviewer: *Is Israel doing anything to prevent births in Palestine? Is it trying to prevent them directly or indirectly?*

Z.A.F.: I haven't heard of that, but they are violating the honor of women, forcibly raping them. What else do states wait?

Interviewer: *Have you seen children being forcibly transferred to another place?*

Z.A.F.: Yes, I have heard. They take the child from its mother and give it back to her after 1-2 days.

Interviewer: *Were you or your relatives forced to deport? Were you attacked during the deportation?*

Z.A.F.: They bombed us while we were in our home, we were buried under the rubble. This child (pointing to the girl) suffered brain damage. They threw phosphorus bombs at us, the girl's brain became waterlogged and she was paralyzed.

Interviewer: *Were ambulances prevented from entering the area where the attacks took place?*

Z.A.F.: True, my son was injured when we were hit, we looked for an ambulance but couldn't find one. His father walked 4 hours to the hospital to carry him.

Interviewer: *Did your child receive treatment in Gaza?*

Z.A.F.: Yes, he had started treatment at Naser Hospital when they attacked the hospital, and the treatment was left unfinished. Doctors and patients were martyred.

Interviewer: *Were you able to meet your basic needs such as electricity, water, and heating after the attacks?*

Z.A.F.: No, they banned everything. Prices also increased excessively.

Interviewer: *Did anyone die of hunger because they couldn't access aid in your area?*

Z.A.F.: Yes, we heard that children died of hunger. In Gaza, children try to survive by eating animal feed.

Interviewer: *According to international agreements, before a state bombs civilian settlements, it must warn civilians to leave the area. Did Israel give notice before the bombardment?*

Z.A.F.: No.

Interviewer: *Is there anything else you would like to add?*

Z.A.F.: Our wounded do not have any treatment options right now. My wife already has stomach cancer, my son is injured, my daughter here is paralyzed like this. My family is living in a tent there. What did we do wrong, why was I deprived of my children? What did this girl do wrong to end up like this?

Interviewer: Thank you.

Record No: 14

Date: Friday, March 29, 2024

Time: 11:58 -12:09

Place: Ankara Provincial Health Directorate

Delegation:

Muhammet Ecevit CARTİ- Member of the Human Rights and Equality Board of Türkiye

Interviewer- Assoc. Prof. Dr. İslam Safa KAYA (Lecturer)

Merve TEKİN- Assistant Specialist (Psychologist)

Muhammed Tarık ÜNALDI- Assistant Specialist (Interpreter)

Person Interviewed:

I.A. - (Female) Housewife, 33 years old. From Khan Younis area. Companion.

Questions:

Interviewer: *When you look at the Israeli attacks after October 7, were they mostly aimed at civilian or military targets?*

I.A.: Everything was a target, every building, every house, even an outdoor toilet was a target for them.

Interviewer: *Is Israel doing anything to prevent births in Palestine? Is it trying to prevent them directly or indirectly?*

I.A.: I didn't see it myself, but I saw it on TV.

Interviewer: *Have you seen children being forcibly transferred to another place?*

I.A.: I saw that on TV too, they take children, take families out of their homes, beat them, torture them.

Interviewer: *Have your friends or relatives been detained where you are? If they were, were they tortured?*

I.A.: My uncle, my maternal uncle's sons and my paternal uncle's son were detained, they are still inside. We don't know what state they are in because no one has been able to reach them, but Israel will definitely torture someone it takes.

Interviewer: *Were you or your relatives forced to deport?*

I.A.: So when we were evicted, there were no more houses left in Khan Younis.

Interviewer: *Were ambulances prevented from entering the area where the attacks took place?*

I.A.: Yes, ambulances were prohibited from entering when the attacks took place. Most of the people were martyred because there were no ambulances. We were under siege.

Interviewer: *Did you or anyone in your family receive treatment in Gaza?*

I.A.: After we were shot at my brother's house, we brought my daughter directly to Türkiye. There was Nasser Hospital there, but there was nothing in the hospital.

Interviewer: *Was there a direct attack on the doctors?*

I.A.: We went to Nasser Hospital for my uncle's son's surgery, Israeli soldiers entered the hospital and took his father away. The boy was left there all alone. Then the doctors came and took him away, the doctors were taken away in the middle of the treatment, the patients were left there.

Interviewer: *After the attacks, were you able to meet your basic needs such as electricity, water, and heating?*

I.A.: No water, electricity, or food was provided. No aid came to our location either. Many children are starving, you see them on TV, they are starving.

Interviewer: *Has anyone died of hunger in your area because they could not access aid?*

I.A.: Children are starving in the north, and so are our neighbors.

Interviewer: *Was Israel attacking aid workers?*

I.A.: When aid distribution arrives, when the people gather around, they launch attacks.

Interviewer: *According to international agreements, a state must warn civilians to leave the area before bombing civilian settlements. Did Israel give notice before the bombing?*

I.A.: No, my brother's house was hit without warning, we brought my daughter here and rescued her from the rubble. We couldn't get my brother out for days, there was no one to help him, he lost both eyes. He can't receive treatment right now, I want to bring him here.

Interviewer: *Is there anything else you would like to add?*

I.A.: My brother is currently living in a tent with a burnt face and is blind. I would be very happy if he could be brought in and treated.

Interviewer: Thank you.

Record No: 15

Date: Friday, March 29, 2024

Time: 12:15 -12:40

Place: Ankara Provincial Health Directorate

Delegation:

Muhammet Ecevit CARTİ- Member of the Human Rights and Equality Board of Türkiye

Interviewer- Assoc. Prof. Dr. İslam Safa KAYA (Lecturer)

Merve TEKİN- Assistant Specialist (Psychologist)

Muhammed Tarık ÜNALDI- Assistant Specialist (Interpreter)

Person Interviewed:

B.Z. - (Female) Housewife, 36 years old, companion. From Khan Younis region.

Questions:

Interviewer: *When you look at the Israeli attacks after October 7, were they mostly aimed at civilian or military targets?*

B.Z.: No, I have not seen any attacks on military targets so far. They were all aimed at civilian targets. They were especially aimed at women and children.

Interviewer: *Is Israel doing anything to prevent births in Palestine? Is it trying to prevent them directly or indirectly? Is it taking actions to reduce the population in this way?*

B.Z.: Of course, they are killing women, children, pregnant women. That is why the vast majority of those killed in Gaza are women and children.

Interviewer: *Have you seen children being forcibly transferred to another place?*

B.Z.: I have witnessed men being taken captive en masse like this, but not children. They took men over the age of 17 and no information was given about where they were taken. They also directed us to a safe corridor, but there was nothing safe.

Interviewer: *Have your friends or relatives been detained where you are? If they were taken, were they tortured?*

B.Z.: My daughter's husband's family, her father-in-law J.A., were taken captive with his wife, children and grandchildren. These are people who have no connection to any organization. J.A., (showing his picture, his legs are amputated) cannot receive treatment, he cannot eat or go to the toilet on his own. Both of his legs are amputated, he cannot use both of his hands, he definitely needs to be helped.

Interviewer: *Were you or your relatives forced to deport? Were you attacked during the deportation?*

B.Z.: Yes, they took us out of our homes, we settled in schools. We were also driven from schools to tents. The Israelis entered our homes and broke everything from plates to bowls and televisions. We couldn't even get our food out of the pots in our homes. They made our homes unusable. They bombed my father-in-law's house on the upper floor, our house was badly damaged. There was nothing left in our house. My son was injured while riding the motorcycle, we took him to Egypt. My daughter is still in Gaza, my husband had gone to the United Arab Emirates for work before the war, and I am in Türkiye, our family divided into four parts. I also want to go to the UAE to be with my husband after my son receives treatment here.

Interviewer: *Were ambulances prevented from entering the areas where the attacks took place?*

B.Z.: Yes, ambulances were prohibited from entering the areas where the attacks took place. When someone was martyred or injured, they tried to carry them on bicycles. They were carried on the ground with their blood flowing.

Interviewer: *Did you receive treatment in Gaza?*

B.Z.: There was no medicine or doctors in the hospitals, they were all empty, so we couldn't receive treatment.

Interviewer: *After the attacks, were you able to meet your basic needs such as electricity, water, heating?*

B.Z.: There was no electricity or water. We couldn't access any of our basic needs. There was no food or drink, in fact my daughter gave birth during the war, we couldn't feed her or give her anything to drink. There was no milk or powdered milk for the baby.

Interviewer: *Did anyone die of hunger because they couldn't access aid in your area?*

B.Z.: I heard from the internet that people were dying of hunger. We all experienced hunger.

Interviewer: *Was aid distributed in your area? Were there attacks on aid workers?*

B.Z.: We couldn't access aid where we were, but there were people who received aid in other places. They were attacking those who went to get aid, my son was attacked and injured while he was going to get aid like that.

Interviewer: *According to international agreements, before a state bombs civilian settlements, it must warn civilians to leave the area. Did Israel give notice before the bombardment?*

B.Z.: No. Not a single house in the Gaza Strip was hit with a warning. People are inside their homes when missiles hit them; if they die, they die, if they live, they live. Those who remain are even martyred after suffering for days under the rubble.

Interviewer: *Is there anything else you would like to add?*

B.Z.: Where are the Arab states? Why aren't they doing anything to stop the war in Gaza? We are being killed without exception, women, children, and the elderly. Jerusalem is not ours alone; all states should stand by us.

Interviewer: Thank you.

Record No: 16

Date: Friday, March 29, 2024

Time: 13:46 -14:07

Place: Ankara Provincial Health Directorate

Delegation:

Muhammet Ecevit CARTİ- Member of the Human Rights and Equality Board of Türkiye

Interviewer- Assoc. Prof. Dr. İslam Safa KAYA (Lecturer)

Merve TEKİN- Assistant Specialist (Psychologist)

Muhammed Tarık ÜNALDI- Assistant Specialist (Interpreter)

Person Interviewed:

L.H.E. -(Female) Housewife, 53 years old. From Al Shati region. Companion.

Questions:

Interviewer: *When you look at the Israeli attacks after October 7, were they mostly aimed at civilian targets or military targets?*

L.H.E.: They targeted both military and civilian.

Interviewer: *Is Israel doing anything to prevent births in Palestine? Is it trying to prevent them directly or indirectly?*

L.H.E.: It was impossible for women to go to the hospital to give birth, there was no medicine or blood.

Interviewer: *Did you see children being forcibly transferred to another place? Did you see them being separated from their families?*

L.H.E.: Yes, of course we saw children being taken and transferred to another place. They hit fifteen houses at once where we were. There were many times when families were trapped under the rubble and they pulled out their children, and in this way the children were separated from their families. Some families are still under the rubble and they have not been able to be pulled out. Our area has become a mass grave. They hit our house too, my wife and children were injured.

Interviewer: *Were your friends or relatives detained where you were? If so, were they tortured?*

L.H.E.: They took my son, he was separated from his children. When they surrounded Shifa Hospital, they took him out of the hospital and detained him. Later, his wife took their injured children to the European Hospital. He was not tortured, they took them and then released them back.

Interviewer: *Were you or your relatives forced to deport?*

L.H.E.: Our houses were bombed, destroyed, people were bombed from airplanes and they were martyred.

Interviewer: *Were ambulances prevented from entering the places where the attacks took place?*

L.H.E.: If someone was shot, people were afraid to go and get them, people were martyred that way. Ambulances were not allowed to enter, many people were martyred like that. The war first started in the El Shati region. It was complete destruction, we had never seen anything like it. There were no houses left, nothing else.

Interviewer: *Did you or anyone in your family receive treatment in Gaza? Was there an attack on the hospital during treatment?*

L.H.E.: Yes, my children were receiving treatment at Shifa Hospital, then they took them out after the siege and took them to European Hospital. Shifa Hospital was under attack while we were inside, it was surrounded from the outside. My son said that they buried 500 martyrs in a mass grave at Shifa Hospital.

Interviewer: *Was there a direct attack on the doctors?*

L.H.E.: Some were beaten, some were martyred if they had a chance. They were trying to blame them.

Interviewer: *After the attacks, were you able to meet your basic needs such as electricity, water, heating?*

L.H.E.: There was nothing. There was no infrastructure, no water, no life. We were not provided with regular electricity and water before the war anyway, Gaza was living in poverty. Prices increased a lot with the war anyway. People try to live on canned beans or peas if they can find them. There is no blood to be found, people are trying to live with infectious diseases and wounds. They are consuming dirty water. We had taken shelter in the European Hospital, we had set up a tent there. We saw the wounded there, they were lying on the ground. There was no place to even lie down, doctors could not treat the wounded because of the number of them.

Interviewer: *Did anyone die of starvation because they could not reach aid in your region?*

L.H.E.: 60 people from our family were martyred, but no one died of starvation. Most of those died of blood loss, we could not find blood for my son, we made so many announcements but we could not find his blood and my son died. My children were deprived of treatment. I had four children, my daughter and son are receiving treatment in Egypt and one of them came here with me.

Interviewer: *According to international agreements, before a state bombs civilian settlements, it must warn civilians to leave the area. Did Israel give notice before the bombardment?*

L.H.E.: No, there was no news when we were hit. Suddenly there was a huge explosion and the house collapsed. The neighborhood was destroyed in an instant, it was like a huge earthquake. The Arab states are not behind us, why should the Israelis be hesitant? There is no one standing with us, no one

supporting us. We are really tired, this is not war but genocide. We can't take it anymore. You see your daughter is injured, the other is martyred, everywhere is destroyed, we are tired. We are tired of war, we can't take it anymore! War, hunger, we are destroyed, we are psychologically very tired. We are left as a people alone. Is Jerusalem only ours? Doesn't it belong to all Muslims?

Interviewer: *Is there anything else you would like to add?*

L.H.E.: Is Jerusalem only ours? Doesn't it belong to all Muslims? Our children are being killed, injured, their psychology is very tired. There is not a morsel to eat. There is neither law nor life. Our children are exposed to such a war, they have no energy left for life. I put myself in their shoes, we were students at that age; we have never seen such a war in our lives, war changes them, they are no longer children, they see this war at a young age. You watch it on TV, we see it with our own eyes.

Interviewer: Thank you.

Record No: 17

Date: Friday, March 29, 2024

Time: 14:36 -14:55

Place: Ankara Provincial Health Directorate

Delegation:

Muhammet Ecevit CARTİ- Member of the Human Rights and Equality Board of Türkiye

Interviewer- Assoc. Prof. Dr. İslam Safa KAYA (Lecturer)

Merve TEKİN- Assistant Specialist (Psychologist)

Muhammed Tarık ÜNALDI- Assistant Specialist (Interpreter)

People Interviewed:

J.S.E. - (Female) Housewife, 32 years old, lives in Nuseyrat.

B.H.T. - (Male) 7 years old, was in the first grade of primary school, has injuries on the head, face and body, right ear is missing.

Questions:

Interviewer: *B, were you able to go to school after the incidents started?*

B.H.T.: No. School was closed.

Interviewer: *Were any of B's friends injured or martyred?*

J.S.E.: We couldn't go to school after the war started, but there must have been martyrs. Our neighbor's child, whom they played with in the neighborhood, was martyred. My son also suffered serious head and body injuries when our house was bombed. Many of his friends were also martyred.

Interviewer: *When you look at the Israeli attacks after October 7, were the attacks mostly aimed at civilians or military targets?*

J.S.E.: They were aimed at civilians, meaning I was a civilian, my neighbors were civilians... They hit everything. It doesn't matter to them whether they were soldiers or civilians.

Interviewer: *Is Israel doing anything to prevent births in Palestine? Is it trying to prevent them, directly or indirectly?*

J.S.E.: Yes, many pregnant women had miscarriages. This was the case before the war. They kill women. For example, my sister was martyred in her Mother's House, they were all women. The mother and children were staying there, they were all martyred. They were all civilians, of course.

Interviewer: *Did you see children being forcibly transferred to another place?*

J.S.E.: I didn't witness it, but people were talking about it. They also executed children. They executed children in hospitals, they kidnapped children from orphanages and took them to Israel.

Interviewer: *Were you or your relatives forced to deport? Were you attacked during the deportation?*

J.S.E.: Yes, they are forcing people to deport in order to evacuate the Gaza Strip. People started to migrate from Gaza. When we were in the central region (Nuseyrat), they came to us and said we will go to the South. There were bombings again. When we went to the South, which is a safe zone, they bombed again.

Interviewer: *Were ambulances prevented from entering where the attacks took place?*

J.S.E.: In some places, for example, if the occupation forces had taken over a place, they could allow entry, but in places where there were bombings, ambulances were not allowed. The wounded were martyred because ambulances could not reach them. The Israeli army was also hitting the ambulances anyway.

Interviewer: *Was there an attack on the hospital while you were in the hospital?*

J.S.E.: While I was at the European Hospital, there was an attack next to the hospital, stones, plaster, etc. fell on the wounded and their attendants.

Interviewer: *After the attacks, were you able to meet your basic needs such as electricity, water, heating?*

J.S.E.: With the beginning of the war, electricity, water, gas cylinders, food, and even medicine were completely cut off.

Interviewer: *Did anyone die of starvation because they could not reach the aid in your area?*

J.S.E.: None of our relatives, but I saw on the internet, the names and pictures of people who died of starvation were shared. Of course, the water we drank was dirty, and the food we ate was spoiled and unhealthy.

Interviewer: *Was aid being distributed in your area? Was Israel obstructing the aid being distributed? Were aid workers attacked?*

J.S.E.: Before they left, they had come to the European Hospital to distribute aid. They shot the members of the People's Committee while they were distributing aid. Many of them were martyred, and they bombed aid vehicles on Reşid Street.

Interviewer: *According to international agreements, a state must warn civilians to leave the area before bombing civilian settlements. Did Israel give notice before the bombardment?*

J.S.E.: No, we were sitting in our house normally on the day of the bombing. At around 11:30 on 04.11.2023, the house suddenly collapsed on us, and our neighbor's house was hit along with ours. When they hit, they don't hit just one house, they hit many houses at the same time so that more people die. Of course, we were all buried under the rubble afterwards. Many of our neighbors were martyred.

Interviewer: *Is there anything else you would like to add?*

J.S.E.: Thank you, I just want my child's treatment to be completed. We would like to thank Türkiye, the President and Turkish people.

Interviewer: Thank you.

Record No: 18

Date: Friday, March 29, 2024

Time: 14:45 -15:03

Place: Ankara Provincial Health Directorate

Delegation:

Muhammet Ecevit CARTİ- Member of the Human Rights and Equality Board of Türkiye

Interviewer- Assoc. Prof. Dr. İslam Safa KAYA (Lecturer)

Merve TEKİN- Assistant Specialist (Psychologist)

Muhammed Tarık ÜNALDI- Assistant Specialist (Interpreter)

People Interviewed:

K.R.- (Female) 9 years old.

I.L.R.-(Female) 31 years old, housewife.

Questions:

Interviewer: *K., were you able to go to school after the incidents started?*

K.R.: I couldn't.

Interviewer: *Were any of your friends from your school or neighborhood martyred?*

I.L.R.: We don't know, whether friends were martyred, injured or are they alive? There was no communication, we don't know.

Interviewer: *When you look at the Israeli attacks after October 7, were the attacks mostly aimed at civilian targets or military targets?*

I.L.R.: They targeted both, civilian and military targets.

Interviewer: *Did you see children being forcibly transferred to another place?*

I.L.R.: I didn't see it because we hadn't left our house until our house was hit. Then our neighbor's house was hit, we were also harmed with them. My two daughters were injured, there were some martyrs. Our neighbor was a quiet man, I don't know if he had any military connections. We were shot while we were in our house.

Interviewer: *Were your friends or relatives detained where you were? If they were, were they tortured?*

I.L.R.: No, it didn't happen, we are not from any group, we are on our own.

Interviewer: *Were you or your relatives forced to be deported?*

I.L.R.: Yes, we were deported from the North to the South. At the beginning of the war, we took refuge in the South, then we returned to the North. We went to the South again on 21.11.2023.

Interviewer: *Were ambulances prevented from entering the places where the attacks took place?*

I.L.R.: Yes, they were. When they attacked a place, they did not allow any services to enter there. They did not allow ambulances to go and treat the wounded. They would shoot the ambulances, they would even kill the doctors.

Interviewer: *Did you receive treatment while you were in Gaza? Was the hospital attacked during your treatment?*

I.L.R.: My daughter had surgery at the Indonesian Hospital. After the surgery, we were warned to leave the hospital. While we were in the hospital, the area around the hospital was bombed. I was afraid for my children and left the hospital. Then we went to the South, then we came to Türkiye.

Interviewer: *Were there enough doctors when you were in the hospital? Were there enough medicine and supplies?*

I.L.R.: Not enough, there were very few doctors. The doctors had to take shelter elsewhere. On November 19, 2023, Israeli soldiers entered the hospital. We left the hospital at 11 a.m., and at 8 p.m. Israeli soldiers entered the hospital, and most of the doctors had to flee. No treatment or other services were provided.

Interviewer: *After the attacks, were you able to meet your basic needs such as electricity, water, and heating?*

I.L.R.: No, there was no water, electricity, or telecommunications.

Interviewer: *Was there any aid distributed in your area?*

I.L.R.: There was no aid in the North at that time.

Interviewer: *Do you have a relative who died of starvation because he could not access aid?*

I.L.R.: My wife and I took refuge in the South. My wife's family stayed in the North, they had no food or drink there; they had nothing to live on. They were exhausted because of hunger.

Interviewer: *According to international agreements, before a state bombs civilian settlements, it must warn civilians to leave the area. Did Israel give notice before the bombardment?*

I.L.R.: No, no warning was given. Four barrel bombs were dropped on us and our neighbors, three exploded and one did not. Six houses in one block were hit.

Interviewer: *Did Israel use banned chemical weapons such as white phosphorus?*

I.L.R.: Yes, it does. It uses all kinds of weapons on us.

Interviewer: Thank you.

Record No: 19

Date: Friday, March 29, 2024

Time: 15:10 -15:28

Place: Ankara Provincial Health Directorate

Delegation:

Muhammet Ecevit CARTİ- Member of the Human Rights and Equality Board of Türkiye

Interviewer- Assoc. Prof. Dr. İslam Safa KAYA (Lecturer)

Merve TEKİN- Assistant Specialist (Psychologist)

Muhammed Tarık ÜNALDI- Assistant Specialist (Interpreter)

Person Interviewed:

S.Y.A. - (Female) Student of the Islamic University of Gaza, 20 years old. From the Rafah region.

Questions:

Interviewer: *When you look at the Israeli attacks after October 7, were they mostly aimed at civilian or military targets?*

S.Y.A.: They attack civilian and military targets, all of them. Of course, civilians are the majority, they don't hit a single house, they hit an entire block.

Interviewer: *Is Israel doing anything to prevent births in Palestine? Is it trying to prevent them, directly or indirectly?*

S.Y.A.: It was normal before the war, there was just a blockade. I didn't hear about anything like that during the war either, but they were targeting pregnant women. For example, they opened fire on pregnant women in Shifa Hospital.

Interviewer: *Have you seen children being forcibly transferred to another place?*

S.Y.A.: I saw this on the internet. These usually happen in the North and on the Khan Younis side, I haven't seen it on the Rafah side.

Interviewer: *Have your friends or relatives been detained where you are? If they were, were they tortured?*

S.Y.A.: No.

Interviewer: *Were you or your relatives forced to be deported?*

S.Y.A.: We were not deported, but they were shooting people while they were still inside their homes before they were removed from their homes. They forced those in the North and Khan Younis to move to safe areas, but there is no such thing as a safe area in Gaza. They directed the people from there to Rafah in the South, and then they hit Rafah as well. The entire Gaza Strip is being targeted. When I was injured in Khan Younis, they were throwing leaflets saying "get out." When we got out, the road was divided, we couldn't go on the main road, we went through the streets from inside. We could hear

the sounds of explosions while we were on the road, the main road had been bombed before us, cars couldn't go.

Interviewer: *Were ambulances prevented from entering where the attacks took place?*

S.Y.A.: They weren't allowing ambulances to enter where the attacks took place, people were carrying the wounded in their hands. They even shot the ambulances a lot.

Interviewer: *Did you or anyone in your family receive treatment in Gaza? Were there attacks on hospitals during your treatment?*

S.Y.A.: Treatments in hospitals had stopped, I could not receive treatment. My brother went to pharmacies for me and tried to find medicine. However, it was available only on the black market. I was injured at the beginning of the war, on 30.10.2023. I was in the European Hospital in Khan Younis, and from there I was sent to Rafah. Since I was constantly moving around, my treatment could not be completed. While I was in the European Hospital, the surroundings were bombed.

Interviewer: *Were there enough doctors in the hospitals? Were there any direct attacks on doctors?*

S.Y.A.: Frankly, I was in a coma for two weeks when I was in the hospital, so I could not see how many doctors there were. People were receiving treatment in the corridors. The lack of doctors was evident from the inadequacy of the treatments.

Interviewer: *After the attacks, were you able to meet your basic needs such as electricity, water, and heating?*

S.Y.A.: The electricity was cut off within the first three days. Even if the water came once a week, it wasn't enough to fill people's tanks. People had lowered their tanks, the water wasn't strong enough to come up.

Interviewer: *Was there any aid reaching your area?*

S.Y.A.: In the beginning, aid wasn't allowed in, and the aid that came later was never enough to meet the people's needs. I mean, the Gaza Strip is a big place, 10 trucks, 5 trucks of aid came. There was nothing to eat in the markets or the bazaar. Ramadan aid came, but it wasn't enough.

Interviewer: *Was Israel attacking aid workers?*

S.Y.A.: They were tiring out the aid workers who entered from Rafah by making them wait for a long time on the Israeli side. I didn't witness them attacking, but I saw it on the internet.

Interviewer: *Did anyone die of starvation because the aid didn't reach your area?*

S.Y.A.: I don't know anyone who died directly, there are images on the internet, but people can't find anything to break their fast. They can't find anything to eat, they get sick.

Interviewer: *According to international agreements, before a state bombs civilian settlements, it must warn civilians to leave the area. Did Israel give prior notice of the bombing?*

S.Y.A.: No, they never gave warnings. If they had given warnings, people would have left their homes. Not even one percent of those who were hit had received any warnings. People were being hit while they were at home.

Interviewer: Thank you.

Record No: 20

Date: Friday, April 5, 2024

Time: 10:40 -11:00

Place: Bilkent City Hospital

Delegation:

Muhammet Ecevit CARTİ- Member of the Human Rights and Equality Board of Türkiye

Interviewer- Assoc. Prof. Dr. İslam Safa KAYA (Lecturer)

Ezgi KAŞKAVAL OKYAY-Coordinator

Muhammed Tarık ÜNALDI- Assistant Specialist (Interpreter)

Aylin ÖZTABUR-Psychologist

People Interviewed:

H.R.Z.- (Male) Tailor, 64 years old, lives in Beit Hanoun. His leg is injured.

T.H.Z.- (Male) Tailor, Lives in Beit Hanoun. Companion.

Questions:

Interviewer: *When you look at the Israeli attacks after October 7, were they mostly civilian or military targets?*

H.R.Z.: They were mostly civilian targets. For example, I am a civilian, I have no military activities, and my son was killed on the road.

Interviewer: *Is Israel doing anything to prevent births in Palestine? Is it trying to prevent them directly or indirectly?*

T.H.Z.: Of course, when they see a pregnant woman, they specifically attack her and kill her so that there will be no more Palestinians. They executed a five-month pregnant woman in front of me at Shifa Hospital and killed the fetus. This is a crime that human reason cannot accept.

Interviewer: *Did you see children being forcibly transferred to another place?*

H.R.Z.: Yes, they took the children from their families, returned some of them, and returned some of them after holding them for a while.

Interviewer: *Were your friends or relatives detained where you were? If they were taken, were they tortured?*

T.H.Z.: There are people among our relatives who were taken in this way and we have not heard from them since. They are definitely being tortured. They have been in the hands of the Israelis for 5 months. H.I. was detained at the end of October, there is still no news from him.

Interviewer: *Were ambulances prevented from entering the area where the attacks took place by Israel?*

T.H.Z.: They were, sometimes they would even shoot ambulances carrying the wounded.

H.R.Z.: When I was shot, they took me to the hospital in a civilian vehicle, we couldn't find an ambulance.

Interviewer: *Were they directly targeting doctors as well?*

H.R.Z.: This war is genocide, a war of revenge; they shoot everyone without making a distinction between doctors and civilians.

Interviewer: *Did you receive treatment in Gaza? Was there an attack on the hospital while you were in the hospital?*

H.R.Z.: I was in the hospital for 22 days but I could not receive the necessary treatment because there were not enough doctors, the hospital was occupied for 15 days, there were no doctors or treatment, they banned doctors from entering. I personally spoke to Israeli soldiers, I said I have not received treatment for 15 days, maggots are starting to come out of my wounds. They told me we will come and get you out of here. The area around the hospital was being bombed, I stayed for 22 days, there were no doctors or nurses. I was very weak because there was no food or drink.

Interviewer: *After the attacks, were you able to meet your basic needs such as electricity, water, heating?*

H.R.Z.: All of them were cut off from the first day. I was separated from my wife and child for 20 days, we could not communicate because there was no network. There were no basic needs, no water or electricity. Public institutions were hit first, the electricity center, the water center, the internet center were hit directly.

Interviewer: *Did anyone die of hunger because they couldn't get aid in your area?*

T.H.Z.: Of course we experienced hunger, I was in the North with my family and two children. My children started eating animal feed and grass because of hunger. We ate whatever we could find, tea, etc. Israel besieged Northern Gaza for 4 months, and entry to anything was forbidden.

Interviewer: *According to international agreements, a state must warn civilians to leave the area before bombing civilian settlements. Did Israel give notice before the bombardment?*

H.R.Z.: I had gone out with my son to find water for our family, and they suddenly shot us while we were on the road. My son was martyred. Houses were also hit without any warning.

Interviewer: *Is there anything else you would like to add?*

H.R.Z.: What we have described is not just valid in one area, but in the entire Gaza Strip. Our family is there right now, we have not been able to communicate with them for days.

Interviewer: Thank you.

Record No: 21

Date: Friday, April 5, 2024

Time: 11:10 -11:28

Place: Bilkent City Hospital

Delegation:

Muhammet Ecevit CARTİ- Member of the Human Rights and Equality Board of Türkiye

Interviewer- Assoc. Prof. Dr. İslam Safa KAYA (Lecturer)

Ezgi KAŞKAVAL OKYAY-Coordinator

Muhammed Tarık ÜNALDI- Assistant Specialist (Interpreter)

Aylin ÖZTABUR-Psychologist

Person Interviewed:

U.F.R.- (Male) 21 years old, working at a hotel and studying in high school. From the Zeytun region. Wounded in the leg.

Questions:

Interviewer: *When you look at the Israeli attacks after October 7, were the attacks mostly directed at civilian or military targets?*

U.F.R.: They were targeting civilians.

Interviewer: *Did you see children being forcibly transferred to another place?*

U.F.R.: I didn't see that, but they are killing children anyway.

Interviewer: *Were your friends or relatives detained where you were? If so, were they tortured?*

U.F.R.: None of my relatives were detained, but I witnessed people being tortured before my eyes. When I was in Shifa Hospital, there was someone with a plated leg like me next to me. They beat him, tortured him. They took another patient next to me, swore at him very badly, took three other patients, and mistreated them. They also attacked women.

Interviewer: *Were ambulances prevented from entering the area where the attacks took place by Israel?*

U.F.R.: For example, there was an attack, ambulances were not allowed to go to the scene and bring the injured to the hospital, the injured person was martyred there.

Interviewer: *Were they directly targeting doctors as well?*

U.F.R.: They did not distinguish between doctors, journalists, or civilians. As you know, they also killed six foreign members of World Central Kitchen.

Interviewer: *Did you receive treatment in Gaza? Was there an attack on the hospital while you were in the hospital?*

U.F.R.: I was injured on 29.10.2023, I had three surgeries at Shifa Hospital, and a plate was placed in my leg. Then Israel surrounded the hospital, and everything changed after that. My leg even got worms. My leg muscles were damaged. Then I was taken to European Hospital. I stayed there for about a month. However, the treatment was inadequate, I had to have another surgery, but I couldn't. Then I was taken out, first to Egypt, and then to Türkiye on 12.12.2023. I had five more surgeries in Türkiye. I had a second device inserted into my leg.

Interviewer: *Was there an attack on the hospital while you were in the hospital?*

U.F.R.: While we were in Shifa Hospital, the fourth and fifth floors where the operating rooms were located were hit. There was intense fighting around the hospital. These attacks lasted at least 14 days. They entered the hospital with bulldozers. A relative of mine was going to be transferred from Shifa Hospital to Egypt by ambulance, the ambulance was hit while he was in the ambulance, they hadn't even left the hospital yet.

Interviewer: *Were there enough doctors and supplies in the hospitals?*

U.F.R.: We couldn't even see the doctors because of the intensity of the attacks, they would take us for treatment and then bring us back. There were changes in the program every day, but the treatments could not be carried out due to the attacks.

Interviewer: *After the attacks, were you able to meet your basic needs such as electricity, water, and heating?*

U.F.R.: No, electricity was cut off on our last day at Shifa Hospital.

Interviewer: *Did anyone die of starvation because they couldn't get aid in your area?*

U.F.R.: Hunger was very common, there was nothing to eat when I was at Shifa Hospital. There was only one bottle of water all day. When I talked to my mother on the phone, I would say I ate so she wouldn't be upset. Hunger has been in Gaza for a long time.

Interviewer: *According to international agreements, a state must warn civilians to leave the area before bombing civilian settlements. Did Israel give notice before the bombings?*

U.F.R.: No, for example, I went out to get some food and then I found myself in the hospital, shot. There was no warning or news.

Interviewer: Thank you.

Record No: 22

Date: Friday, April 5, 2024

Time: 11:30 -11:46

Place: Bilkent City Hospital

Delegation:

Muhammet Ecevit CARTİ- Member of the Human Rights and Equality Board of Türkiye

Interviewer- Assoc. Prof. Dr. İslam Safa KAYA (Lecturer)

Ezgi KAŞKAVAL OKYAY-Coordinator

Muhammed Tarık ÜNALDI- Assistant Specialist (Interpreter)

Aylin ÖZTABUR-Psychologist

People Interviewed:

B.F.E.- (Male), He is 11 years old. He was in the 5th grade. He is from Shujaiah Neighborhood.

T.D.E.-(Male), He was 35 years old and engaged in trade.

Questions:

Interviewer: *B., how were you injured?*

B.F.E.: We were all sitting in the room, I was sitting on the couch looking at the phone, when suddenly a missile hit. My leg was injured.

Interviewer: *Did any of your friends at school or in your neighborhood become martyrs?*

B.F.E.: Most of my friends became martyrs. I cannot remember their names because of the attack I was subjected to.

Interviewer: *When you look at the Israeli attacks after October 7, were they mostly aimed at civilian or military targets?*

T.D.E.: They were targeting civilians, this is genocide, they are targeting everything including trees, stones.

Interviewer: *Did you see children being forcibly transferred to another place?*

T.D.E.: Yes, there were 10-12 young children whose families were martyred and they kidnapped them. We witnessed this in Shifa Hospital, they killed the children's families and kidnapped the children. It is not known where they were taken.

Interviewer: *Were your family, friends or relatives detained where you are? If so, were they tortured?*

T.D.E.: They detained some of our relatives. Their names are A.R. and E.Y.. A.R. was subjected to very severe torture. They took off his clothes, set dogs on him, gave him electric shocks, beat him, they

did everything. For example, they blindfolded him and started to walk him towards a big pit, then he suddenly fell into the pit.

Interviewer: *Were you or your relatives forced to be deported?*

T.D.E.: Yes, the entire Shujaiah Neighborhood was deported. We were sent to Rafah. Our house was hit without warning. We were forced to be deported twice.

Interviewer: *Were ambulances prevented from entering the area where the attacks took place?*

T.D.E.: Yes, when they shot us, I took B. to the hospital in my own car because we couldn't find an ambulance.

Interviewer: *How were you treated by Israeli soldiers during the deportation?*

T.D.E.: Of course, this was a forced migration, so the treatment was bad. Since I left with B. at the beginning, I was able to cross by ambulance, but it was not easy for the rest of my family. For example, they would detain people they determined at the crossing point, take their mobile phones, and the women's jewelry. They would check men by making them take off their clothes.

Interviewer: *Did you receive treatment in Gaza? Was there an attack on the hospital?*

T.D.E.: Yes, we were first at Shifa Hospital, then we were transferred to the European Hospital in Khan Younis. While we were at Shifa Hospital, the area where the hospital was located was bombed.

Interviewer: *Were there any attacks on doctors in particular?*

T.D.E.: Yes, they attacked the doctors at Shifa Hospital and arrested them.

Interviewer: *After the attacks, were you able to meet your basic needs such as electricity, water, and heating?*

T.D.E.: Unfortunately, we could not provide basic needs; there is no electricity, no water, no infrastructure. There is no life in Gaza right now.

Interviewer: *Do you have any relatives who died of hunger in your area?*

T.D.E.: Our relatives are struggling with hunger right now, unfortunately, they got sick but no one died, but there are families dying of hunger in the North.

Interviewer: *Was aid distributed in your area?*

T.D.E.: There was aid in Gaza at first, but it was cut off when the situation in Shifa Hospital got worse. It was also distributed with difficulty and in a small amount in the South.

Interviewer: *According to international agreements, a state must warn civilians to leave the area before bombing civilian settlements. Did Israel give notice before the bombardment?*

T.D.E.: No, they are directly hitting the buildings. A neighbor of ours in Shujaiyah is still under the rubble with his family. 7-8 of our relatives are still under the rubble and no one has been able to go to get them out. I mean, they attack very brutally, there are children, women, pregnant women in the houses, the bomb falls directly on them.

Interviewer: Thank you.

BIBLIOGRAPHY

- AA Book, (2024), *The Evidence*, Anadolu Agency, İstanbul.
- Al-Azza, N., (2022), *Survey of Palestinian Refugees and Internally Displaced Persons*, BADIL Resource Center for Palestinian Residency and Refugee Rights.
- Aydın, D. O., Sarıbeyoğlu, M., Erkiner, H.H., (2010), *Evaluation of the Mavi Marmara Incident in Terms of International Law*, *Güncel Law Journal*, 32-34.
- Bar-Yousef, E., (2003), *Christian Zionism and Victorian Culture*, *Israel Studies*, Indiana University Press, Vol. 8, No. 2.
- Bartal, S., (2017), *The Peel Commission Report of 1937 and the Origins of the Partition Concept*, *Jewish Political Studies Review, 100 Years Since the Balfour Declaration* Vol. 28, No. ½.
- Başer, M., (2014), *Humanitarian Law, New Wars, Structural Problems and Unprotected Human Rights*, Gazi Bookstore, Ankara.
- Beckerman-Boys, C., (2016), *The Reversal of the Passfield White Paper, 1930-1 A Reassessment*, *Journal of Contemporary History*, Vol. 51, No. 2, 213-233.
- Boling, G.J., (2007), *The 1948 Palestinian Refugees and the Individual Right of Return: An International Law Analysis*, 2nd Edition, BADIL Resource Center for Palestinian Residency and Refugee Rights, 17-47.
- Böll, H., (1966), *Where Were You, Son of Adam?*, İskender Printing House, İstanbul.
- Bölme, S. M., (2012), *Israel's Resistance to Change 2012 Gaza Attack*, *Seta Analysis*, Issue: 55.
- British National Archive Colonial Office (CO) 733/18/47.
- Bülbul, H. B., (2023), *Legal Status of Palestinian Refugees and the Right of Return in International Law, The Palestinian Question in International Law*, (eds.) Ali Osman Karaoğlu and Ali Kerem Kayhan, *Adalet Publications*, 299-332.
- Butt, K. M., Butt, A. A., (2016), *Blockade on Gaza Strip: A Living Hell on Earth*, *Journal of Political Studies*, Volume: 23, Issue: 1 157-182.
- Buzpınar, Ş.T., (2020), *The Ottoman Response to Laurance Oliphants Project of Jewish Settlement in Palestine (1879-1882)*, *Ottoman Research / The Journal of Ottoman Studies*, LVI, 259-286.
- Corten, O., (2008), *Le droit contre la guerre: l'interdiction de recours a la force en droit international contemporain*, Pedone, Paris.
- Dalar, M., (2009), *The Gaza War: Palestinian Resistance, Israeli Expansionism and International Law*, Dora Publishing, Bursa.
- DeGuzman M. M., Amann, D.M. (ed.), (2018), *Arcs of Global Justice: Essays in Honour of William A. Schabas*, Oxford University Press, Oxford.
- Doebbler, C. F. J., (2011), *Human Rights and Palestine: The Right to Self-Determination in Legal and Historical Perspective*, *Beijing Law Review*, 111-118.
- Erkiner, E.E., (2023), *Legitimate Defense Against International Terrorism*, *Seçkin*, Ankara, 232-287.
- Erkiner, H.H., (2017), *Implementation of United Nations International Court of Justice Decisions through the United Nations Security Council*, *Marmara University Faculty of Law Journal of Legal Studies*, 23(2), 87-102.

- Erkiner, H.H., (2023), *International Responsibility of the State for Tort*, Seçkin, Ankara.
- Fraihat, I., (2014), *Palestine's Right to Defend Itself*, Brookings.
- Gaeta, P. (ed.), (2009), *The UN Genocide Convention: A Commentary*, Oxford University Press, Oxford.
- Garfinkle, A. M., (1991) *On the Origin, Meaning, Use and Abuse of A Phrase*, *Middle Eastern Studies*, London, 27 (4), 539–550.
- Goldschmidt, Jr A.- Dawidson L., (2007), *Brief History of the Middle East*, İstanbul.
- Gümüş, E., (2020), *Alliance Israelite Universelle: A Driving Force in the Transformation of Ottoman Jews*, *Pamukkale University Social Sciences Institute Journal*, Issue: 40, Denizli.
- Hyamson, A. M., (1942), *Palestine A Policy*, London, 38-42.
- International Court of Justice, (2003), *Affaire des Plates formes pétrolières, Iran c. États-Unis*, arrêt du 6 November 2003, Recueil.
- International Court of Justice, (2004), *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory (Advisory Opinion)*.
- International Court of Justice, (2005), *Affaire des Activités armées sur le territoire du Congo, RDC c. Ouganda*, arrêt du 19 December 2005, Recueil.
- International Court of Justice, (2019), *Legal Consequences of the Separation of the Chagos Archipelago from Mauritius in 1965 (Advisory Opinion)*.
- Jaber I.A., Bantekas, I., (2023), *The Status of Gaza as Occupied Territory Under International Law*, *International and Comparative Law Quarterly*, 72(4), 1069-1088.
- Kamto, M., (2010), *L'agression en droit international*, Pedone, Paris.
- Karaman, M. L., (1991), *The Palestinian Question in the Dead End of International Relations*, İz Publishing, İstanbul.
- Kayyali, AW., (1977), *Zionism and Imperialism: The Historical Origins*, *Journal of Palestine Studies*, University of California Press, Vol. 6, No. 3.
- Keskin, F., (1998), *Use of Force in International Law*, Mülkiyeliler Birliği Foundation Publications, Ankara, 50-51.
- Kitching, P., (2019), *Britain's Jews in the First World War*, UK, 124-125.
- Kodaman, B., İpek, N., (1993), *The Memorandum Presented to Abdulhamid II in 1879 Regarding the Settlement of Jews in Palestine*, *Belleten*, Volume 57, Issue: 219, Ankara.
- Kolp, R., (2009), *Ius contra bellum le droit international relatif au maintien de la paix : précis*, Helbing Lichtenhahn, Brussels.
- Kolp, R., (2018), *International Law on the Maintenance of Peace: Jus Contra Bellum*, Edward Elgar Publishing, Cheltenham.
- Kul, M. C., (2016), *International Criminal Court and the International Crime of Aggression*, On İki Levha Publishing, İstanbul.
- Kul, M. C., (2020), *Exploring the Anatomy of the Syrian Armed Conflicts*, Adalet Publishing House, Ankara.

Misli, S., (2014), Analysis of the Relationship between Freedom of the High Seas, Nationality of Ships and Exclusive Jurisdiction of the Flag State in the Light of Customary Law, Conventions and Court Decisions, Gazi University Faculty of Law Journal, Volume 18, Issue 1.

Newman, A., (1962), Father of the Third Return to Zion, Tradition: A Journal of Orthodox Jewish Thought, Vol. 5, No. 1, 76-89.

Pappe, I., (2007), The Ethnic Cleansing of Palestine, Oneworld Publications.

Ravitzky, A., (1996), Messianism, Zionism, and Jewish Religious Radicalism, Chicago: The References University of Chicago Press.

Republic of Türkiye Presidential State Archives, Ottoman Archives 2706-23846-4, 1922.05.29.

Republic of Türkiye Presidential State Archives, Ottoman Archives (RTPSA-OA), İ.MMS 123/5276.

Republic of Türkiye Presidential State Archives, Ottoman Archives (RTPSA-OA), Y.PRK.BŞK 6/77.

Republic of Türkiye Presidential State Archives, Ottoman Archives (RTPSA-OA), DH.İ.UM 26/4-8.

Republic of Türkiye Presidential State Archives, Ottoman Archives (RTPSA-OA), HR.İD 16/46.

Republic of Türkiye Presidential State Archives, Ottoman Archives (RTPSA-OA), HR.SYS 1779/44.

Republic of Türkiye Presidential State Archives, Ottoman Archives (RTPSA-OA), HR.SYS 2291/4.

Republic of Türkiye Presidential State Archives, Ottoman Archives (RTPSA-OA), HR.SYS 2443/47.

Republic of Türkiye Presidential State Archives, Ottoman Archives (RTPSA-OA), HR.SYS 2470/91.

Republic of Türkiye Presidential State Archives, Ottoman Archives (RTPSA-OA), HR.TH 35/38.

Republic of Türkiye Presidential State Archives, Ottoman Archives (RTPSA-OA), HR.TO 35/36

Republic of Türkiye Presidential State Archives, Ottoman Archives (RTPSA-OA), İ. HUS 1/41.

Republic of Türkiye Presidential State Archives, Ottoman Archives (RTPSA-OA), İ.MMS 38/1593.

Republic of Türkiye Presidential State Archives, Ottoman Archives (RTPSA-OA), MB. İ 67/198

Republic of Türkiye Presidential State Archives, Ottoman Archives (RTPSA-OA), MV 64/15.

Republic of Türkiye Presidential State Archives, Ottoman Archives (RTPSA-OA), Y.A.RES 5/58;

Republic of Türkiye Presidential State Archives, Ottoman Archives (RTPSA-OA), Y.PK.MYD 1747

Republic of Türkiye Presidential State Archives, Ottoman Archives (RTPSA-OA), Y.PRK.BŞK 80/55.

Republic of Türkiye Presidential State Archives, Ottoman Archives (RTPSA-OA), Y.PRK.SRN 3/43.

Rome Statute of the International Criminal Court, (1998), 7th and 8th articles.

Rose, J., (2003), Israel: Hijack State America's Watchdog in the Middle East, Social Workers Party, London.

Ruchames, L., (1975), Mordecai Manuel Noah and Early American Zionism, American Jewish Historical Quarterly, The John Hopkins University Press, Vol. 64, No. 3.

Saint-Paul, F. R., (2006), L'exécution des décisions de la Cour international de Justice: Faiblesses et malentendus, Faculté de Droit Université de Montréal, Montreal.

Salmon, J., (2001), Dictionnaire de Droit International Public, Bruylant/AUF, Bruxelles.

Sanger, A., (2010), The Contemporary Law of Blockade and the Gaza Freedom Flotilla, Yearbook of International Humanitarian Law, Volume 13, 409-414.

- Seviñ, S., (2014), *Blockade, War, Resistance: Gaza*, Anadolu Agency, Ankara.
- Silvy, V., (2013), *Le Recours a la légitime défense contre le terrorisme international*, *Connaissances et Savoirs*, 67-79.
- Sublime Porte (Bâbiâli) Ministry of Foreign Affairs, *Palestine Question-Zionism Case*, İstanbul 1334.
- Taylor, A. R., (2001), *The Birth of Israel: Analysis of Zionist Diplomacy 1897-1947*, Pinar Publications, İstanbul.
- The Truth Front of the Palestinian Cause: *Fighting Discrimination, Hypocrisy and Double Standards*, Presidency of the Republic of Türkiye Directorate of Communications Publications, 2024.
- Topal, A. H., *Israel's Blockade of Gaza and the Mavi Marmara Attack*, *Public and Private International Law Bulletin*, Volume 32, Issue 1, 105-110.
- Topuz, Z. ve Arafat M., (2023), 'The Impact of United Nations Security Council Resolutions on the Palestine-Israel Peace Process', *Ankara University SBF Journal*, Vol. 78, Issue 2.
- Treaty of Peace between the State of Israel and the Hashemite Kingdom of Jordan, 26 October 1994, 2042 U.N.T.S. 351.
- UN General Assembly, 17 May 2004, A/RES/58/292.
- UN General Assembly, 29 November 2012, A/RES/67/19.
- UN General Assembly, 4 March 2008, A/RES/62/146.
- UN General Assembly, Resolution 194 (III), 11 December 1948, A/RES/194.
- UN Security Council, 1 March 1980, S/RES/465(1980).
- UN Security Council, 21 May 1968, S/RES/252(1968).
- UN Security Council, 22 November 1967, S/RES/242(1967).
- UN Security Council, resolution 237, dated 14/06/1967.
- UN Security Council, resolution 242, dated 22/11/1967.
- UN Security Council, resolution 242, dated 22/11/1967.
- UN Security Council, resolution 338, dated 22/10/1973.
- UN Security Council, resolution 446, dated 22/03/1979.
- UNICEF, (2024), *Children's lives in the balance: 6 months of conflict and restricted humanitarian access in the State of Palestine*, UNICEF/UNI541839/Elder.
- United Nations Human Rights Council, (2022), 'Report of the Special Rapporteur on the Situation of Human Rights in the Palestinian Territories Occupied Since 1967', A/HRC/49/87.
- United Nations Office for the Coordination of Humanitarian Affairs for the Occupied Palestinian Territory (OCHAOPT), (2005), *Humanitarian Monitoring Report*.
- United Nations, (1960), *Declaration on the Granting of Independence to Colonial Countries and Peoples*, A/RES/1514(XV).
- United Nations, (1966), *International Covenant on Civil and Political Rights*.
- United Nations, (1966), *International Covenant on Economic, Social and Cultural Rights*.
- United Nations, *Convention on the Prevention and Punishment of Genocide*, 9 December 1948.
- United Nations, *Universal Declaration of Human Rights*, 10 December 1948.

Court Rulings Used

International Court of Justice, *East Timor Portugal v. Australia* Ruling, 30 June 1995.

International Court of Justice, *Legal Consequences arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem*, (Advisory Opinion -Summary), 19 July 2024.

International Court of Justice, *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory* (Advisory Opinion), 2004.

International Court of Justice, *Legality of the Threat or Use of Nuclear Weapons*, Advisory Opinion, 1996. <https://www.icj-cij.org/files/case-related/95/095-19960708-ADV-01-00-BI.pdf>

International Court of Justice, *South Africa v. Israel*, Request for the Indication of Provisional Measures, 26 January 2024. <https://icj-cij.org/sites/default/files/case-related/192/192-20240126-ord-01-00-en.pdf>, (Access Date: 17.03.2024).

Internet Resources

Al Ain Turk. “UN Resolution 242: The 56-year search for a solution that could end the Gaza war”

Al Jazeera, “What is UNRWA and why is it important for Palestinians?”, 1 February 2024. <https://www.aljazeera.com/news/2024/2/1/what-is-unrwa-and-why-it-is-important-for-palestinians>

Al Jazeera, “Israel’s war on Gaza live: Netanyahu vows to ‘finish the job’ in Rafah”, <https://www.aljazeera.com/news/liveblog/2024/3/13/israels-war-on-gaza-live-netanyahu-vows-to-finish-the-job-in-rafah> (Access Date: 21.08.2024).

Al Jazeera, “Massacre: Dozens killed by Israeli fire in Gaza while collecting food aid”, <https://www.aljazeera.com/news/2024/2/29/dozens-killed-injured-by-israeli-fire-in-gaza-while-collecting-food-aid> (Access Date: 21.08.2024).

Albanese, Francesca. “This is precisely what I was thinking today.” X, 25.07.2024. (Access Date: 21.08.2024)

American Friendship Service Committee, “Palestinian Refugees and the Right of Return”. <https://www.afsc.org/resource/palestinian-refugees-and-right-return> (Access Date:21.08.2024).

Amnesty International says Israel must end its occupation of Palestine to end apartheid and systematic human rights violations, <https://www.amnesty.org.tr/icerik/israil-apartheid-ve-sistemik-insan-haklari-ihlallerini-koruklemeye-son-vermek-icin-filistinli-oguz-oguz>

Amnesty International, The apartheid regime that Israel imposes on Palestinians is a crime against humanity., <https://www.amnesty.org.tr/icerik/israilin-filistinli-uyguladigi-apartheid-rejimidir-ve-insanliga-karsi-suctur>

Anadolu Agency, “Gaza death toll tops 39,000 as Israel kills dozens of Palestinians”, <https://www.aa.com.tr/en/middle-east/gaza-death-toll-tops-39-000-as-israel-kills-dozens-of-palestinians/3282266> (Access Date:21.08.2024).

Anadolu Agency, “Heinous attack on Palestinian women ”. <https://www.aa.com.tr/tr/dunya/filistinli-kadinlara-cirkin-saldiri/111253> (Access Date: 12.09.2024)

Anadolu Agency, “Israel’s UN representative said that “UN buildings should be wiped off the face of the earth” .<https://www.aa.com.tr/tr/dunya/israilin-bm-temsilcisi-bm-binalarinin-yeryuzunden-silinmesi-gerektigini-soyledi/3308692> (Access Date:27.08.2024)

Anadolu Agency, “Palestinian tied to front of military vehicle and used as human shield by Israeli forces dies in hospital”. <https://www.aa.com.tr/tr/dunya/israil-guclerinin-askeri-aracin-onune-baglayip-canli-kalkan-olarak-kullandigi-filistinli-hastanede-hayatini-kaybetti/3312671> (Access Date: 27.08.2024)

Anadolu Agency, “Palestinian youth detained by Israel in Gaza: They used us as human shields ”, <https://www.aa.com.tr/tr/dunya/israilin-gazadede-alikoydugu-filistinli-genc-bizi-canli-kalkan-olarak-kullandilar/3299806> (Access Date:21.08.2024).

Anadolu Agency, “TGNA Speaker Kurtulmuş: The Palestinian issue is a national cause for us” <https://www.aa.com.tr/tr/politika/tbmm-baskani-kurtulmus-filistin-meselesi-bizim-icin-milli-bir-davadir/3304610> (Access Date:27.09.2024)

Anadolu Agency, “The African Union Committee of Ministers has decided to withdraw from the ICC ”, <https://www.aa.com.tr/tr/dunya/afrika-birligi-bakanlar-komitesi-ucmden-cekilme-karari-aldi/735588> (Access Date: 21.08.2024).

Anadolu Agency, “The Evangelical Speaker of the US House of Representatives Explained Why He Supports Israel ‘Until the End’”<https://www.aa.com.tr/tr/dunya/abd-temsilciler-meclisinin-evanjelik-baskani-israile-neden-sonuna-kadar-destek-verdigini-acikladi/3037758> (Access Date: 21.08.2024).

Anadolu Agency, “The US once again vetoed the draft resolution in the UNSC demanding an urgent humanitarian ceasefire in Gaza”

Anadolu Agency, “Top UN diplomat resigns citing ‘text-book case of genocide’ in Gaza”, <https://www.aa.com.tr/en/world/top-un-diplomat-resigns-citing-text-book-case-of-genocide-in-gaza/3040387> (Access Date:19.08.2024)

Anadolu Agency, “UNSC announced that it is “deeply concerned” about Israel’s attack on those waiting for aid in Gaza”, <https://www.aa.com.tr/tr/dunya/bmgk-israilin-gazgede-yardim-bekleyenlere-saldirisi-icin-derin-endise-duyugunu-acikladi/3153639> (Access Date:21.08.2024).

Anadolu Agency, Deputy Foreign Minister Yıldız: Israel must be held accountable for actions that violate human rights and international law, <https://www.aa.com.tr/tr/gundem/disisleri-bakan-yardimcisi-yildiz-israil-insan-haklarini-uluslararası-hukuku-ihlal-eden-eylemlerden-sorumlu-tutulmalı/3147754>

Anadolu Agency, Deputy Foreign Minister Yıldız: There is no rule of law that Israel has not violated, <https://www.aa.com.tr/tr/gundem/disisleri-bakan-yardimcisi-yildiz-israilin-ihlal-etmedigi-bir-hukuk-kurali-yok/3148779>

Anadolu Agency, Gaza headline news. <https://www.aa.com.tr/tr/search/?s=gazze> (Access Date:26.08.2024)

Anadolu Agency, Israel has destroyed 800,000 olive trees belonging to Palestinians in the last 20 years, <https://www.aa.com.tr/tr/ayrimcilikhatti/ayrimcilik/israil-son-20-yilda-filistinlilere-ait-800-bin-zeytin-agacini-yok-etti/1819400>

Anadolu Agency, Palestinian activist Hassan says Israel deliberately targets Palestinian food system,<https://www.aa.com.tr/tr/dunya/filistinli-aktivist-hassan-israilin-kasitli-olarak-filistinlilerin-gida-sistemini-hedef-aldigini-belirtti/3164028>

Anadolu Agency, Top UN diplomat resigns citing ‘text-book case of genocide’ in Gaza, <https://www.aa.com.tr/en/world/top-un-diplomat-resigns-citing-text-book-case-of-genocide-in-gaza/3040387>

Arnavut A., Çağrı K., “The historic neighborhood in East Jerusalem that is the focus of Israeli attacks: Sheikh Jarrah”, 14 May 2021. <https://www.aa.com.tr/tr/dunya/dogu-kuduste-israil-guclerinin-saldirilarinin-odagindaki-tarihi-mahalle-seyh-cerrah/2240980>.

Aydemir, M., “One Year After Israeli Attacks, Effects of War in Gaza Still Persist”, 16 May 2022. <https://www.aa.com.tr/tr/dunya/israil-saldirilarindan-1-yil-sonra-gazgede-savasin-etkileri-hala-suruyor/2589227>

Aydın. Cemil. “The Intellectual Background of the Gaza Protests at US Universities”, İSAM Bulletin. <https://bulten.isam.org.tr/abd-universitelerindeki-gazze-protestolarinin-dusunsel-arka-planı/>

Balfour Declaration : Declaration Text, Jewish Virtual Library. <https://www.jewishvirtuallibrary.org/text-of-the-balfour-declaration>, (Access Date:17.03.2024).

Balfour Declaration, November 1917. <http://www.balfourproject.org/wp-content/uploads/2016/11/The-Balfour-Declaration.pdf> (Access Date:29.02.2024).

BBC, “ICC chief prosecutor defends Netanyahu arrest warrant in BBC interview”. <https://www.bbc.com/news/articles/c303y5m1p19o> (Access Date:06.09.2024)

Bianet, One-Fifth of Israeli Settlements Are Privately Owned by Palestinians, <https://bianet.org/haber/israil-yerlesimlerinin-beste-biri-filistinlilerin-ozel-mulkiyeti-123265> (Access Date:21.08.2024).

British White Paper of 1939. https://avalon.law.yale.edu/20th_century/brwh1939.asp

Cankara, Y., Cankara, P. Ö. (2012), The Economic and Cultural Impact of the West Bank Wall Construction on the Palestinian People, Batman University Journal of Life Sciences, Volume 1, Issue 1. <https://dergipark.org.tr/tr/download/article-file/313650>

CBS News, “Trump and Biden neck and neck nationally and in battlegrounds”. <https://www.cbsnews.com/news/poll-trump-biden-neck-and-neck-06-09-2024/> (Access Date: 06.09.2024)

Çetin, Ş. “UN says Israel has not yet submitted documents regarding allegations against UNRWA staff ”, 30 January 2024 <https://www.aa.com.tr/tr/dunya/bm-unrwa-calisanlarina-iliskin-iddialarla-ilgili-israilin-henuz-belge-sunmadigini-duyurdu/3123383> (Access Date:17.03.2024).

Covenant of the League of Nations, https://avalon.law.yale.edu/20th_century/leagcov.asp#art22

Department of Human Rights, Ministry of Justice, Convention on the Prevention and Punishment of the Crime of Genocide, https://inhak.adalet.gov.tr/Resimler/Dokuman/2312020093827bm_11.pdf

Deveci, M., “A nation’s struggle for freedom: The Great March of Return”, 30 March 2019. <https://www.aa.com.tr/tr/dunya/bir-milletin-ozgurluk-mucadelesi-buyuk-donus-yuruyusu/1435223>

Dost, S., (2018), The Principle of Proportionality in International Law, Journal of the Court of Jurisdictional Disputes, Y. 6, Issue: 12 <http://dergipark.org.tr/tr/download/article-file/596206>

Duman, F., (2016), Gaza Naval Blockade, International Journal of Afro-Eurasian Studies, Issue 1, <https://dergipark.org.tr/tr/download/article-file/342874>

Dweik, M., (1997), Settlements and the Palestinian Right to Self-Determination, Palestine-Israel Journal, Volume 4, Issue 2. <http://www.pij.org/details.php?id=478>

Edward, N. Z. (Edit.), The Stanford Encyclopedia of Philosophy, War article, (4.4) Proportionality. <https://plato.stanford.edu/entries/war/>

Episcopal Church Foundation. https://ecf.org.il/media_items/1473 (Access Date:19.03.2024).

Episcopal Church Foundation. https://ecf.org.il/media_items/398

Falk, R., “Understanding the Gaza Catastrophe, Huffington Post.”, 25 May 2011. https://www.huffingtonpost.com/richard-falk/understanding-the-gaza-ca_b_154777.html

Fatih Sultan Mehmet Foundation University, “Palestinian Property Project”, <https://palestinepropertyproject.fsm.edu.tr/> (Access Date:21.08.2024).

Forensic Architecture, “Herbicide Warfare In Gaza”, <https://forensic-architecture.org/investigation/herbicide-warfare-in-gaza/> (Access Date:21.08.2024).

Freedom House, “Freedom In The World 2023”, <https://freedomhouse.org/country/israel/freedom-world/2023> (Access Date:21.08.2024).

Geneva Convention No. 4 for the Protection of Civilian Persons in Time of War, 12 August 1949, Geneva. https://www.un.org/en/genocideprevention/documents/atrocity-crimes/Doc.33_GC-IV-EN.pdf (Access Date: 29.02.2024).

Gill, T. D., Tibori-Szabó, K., (2019), Twelve Key Question on Self-Defense against Non-State Actors, International Law Studies, Vol. 95. <https://digital-commons.usnwc.edu/cgi/viewcontent.cgi?article=2914&context=ils>

- Gisha, “Gaza Up Close”, <https://features.gisha.org/gaza-up-close/> (Access Date:21.08.2024).
- GİSHA, “Low-hanging Fruit”, <https://gisha.org/en/low-hanging-fruit/> (Access Date:21.08.2024).
- HAARETZ, “Dead Palestinian Babies and Bombed Mosques - IDF Fashion 2009”, <<https://www.haaretz.com/2009-03-19/ty-article/dead-palestinian-babies-and-bombed-mosques-idf-fashion-2009/0000017f-e11a-d568-ad7f-f37b4fd90000> (Access Date:21.08.2024).
- HAARETZ, “IDF Killed Civilians in Gaza Under Loose Rules of Engagement” <https://www.haaretz.com/2009-03-19/ty-article/idf-killed-civilians-in-gaza-under-loose-rules-of-engagement/0000017f-e4b4-d804-ad7f-f5fecf500000> (Access Date:21.08.2024).
- HAARETZ, “Massive Artillery, Aerial Bombardment Precedes Invasion by IDF Ground Forces” <https://www.haaretz.com/2009-01-04/ty-article/massive-artillery-aerial-bombardment-precedes-invasion-by-idf-ground-forces/0000017f-df23-df9c-a17f-ff3b84980000> (Access Date:21.08.2024).
- Harvard Kennedy School Ash Center, Crowd Counting Consortium: An Empirical Overview of Recent Pro-Palestine Protests at U.S. Schools, <https://ash.harvard.edu/articles/crowd-counting-blog-an-empirical-overview-of-recent-pro-palestine-protests-at-u-s-schools/> (Access Date:21.08.2024)
- Henry Foy and others, Israel’s Netanyahu Lobbied EU to Pressure Egypt into Accepting Gaza Refugees, 30 October 2023. <https://www.ft.com/content/75971d8b-e2fd-4275-8747-0bd443673483>, (Access Date:21.11.2023).
- Herzl, T., The Jewish State, The Project Gutenberg EBook. (<https://www.gutenberg.org/files/25282/25282-h/25282-h.htm>).
- Hope Simpson Report -Body English (1930). https://ecf.org.il/media_items/1462 (Access Date:19.03.2024).
- HREIT, <https://www.tihek.gov.tr/public/editor/uploads/1MSqXzEN.pdf> (Access Date:15.08.2024)
- HREIT. “Chairman Prof. Dr. Muharrem Kılıç, Sent a Letter to Strengthen International Solidarity Regarding The Systematic Attacks in Gaza” <https://www.tihek.gov.tr/chairman-prof-dr-muharrem-kilic-sent-a-letter-to-strengthen-international-solidarity-regarding-the-systematic-attacks-in-gaza/> (Access Date:15.05.2024)
- HREIT. “Final Communique of the Panel on the Systemic Collapse of Human Rights in the Context of the Humanitarian Tragedies in Gaza ”
- HREIT. “Final Communique on the Consultative Commission on Rights Violations Against Vulnerable Groups in War and Conflict Environments in the Context of Israel’s Attacks on Palestine ” <https://www.tihek.gov.tr/israilin-filistine-yonelik-saldirilari-baglaminda-savas-ve-catisma-ortamlarinda-savunmasiz-gruplara-yonelik-hak-ihlallerine-iliskin-istisare-komisyonu-sonuc-bildirisi> (Access Date:13.03.2024)
- HREIT. “International Court of Justice, International Criminal Court, Status Quo and Criminal Responsibility of Israeli Government Panel Completed ”
- HREIT. “International Webinar Held on the Humanitarian Crisis in Gaza in the Context of International Human Rights Law ”
- HREIT. “Letter on the Cessation of Systematic Attacks Against Civilians in Gaza That Constitute War Crimes”<https://www.tihek.gov.tr/letter-on-the-cessation-of-systematic-attacks-against-civilians-in-gaza-that-constitute-war-crimes/> (Access Date:15.05.2024)
- HREIT. “Letter Sent to Euro-Mediterranean Human Rights Monitor” <https://www.tihek.gov.tr/avrupa-akdeniz-insan-haklari-izleme-orgutune-mektup-gonderildi> (Access Date: 30.04.2024)
- HREIT. “Letter Sent to Francesca Albanese, Special Rapporteur on the Situation of Human Rights in the Palestinian Territory Occupied Since 1967” <https://www.tihek.gov.tr/1967den-bu-yana-iscal-altindaki-filistin-topraklarinda-insan-haklarinin-durumu-ozel-raportoru-francesca-albanesee-mektup-gonderildi> (Access Date: 30.04.2024)

HREIT. “Letter Sent to International Criminal Court Prosecutor Karim Khan” <https://www.tihek.gov.tr/letter-sent-to-international-criminal-court-prosecutor-karim-khan/> (Access Date: 15.05.2024)

HREIT. “Letter Sent to Judge Joan E Donoghue, President of the International Court of Justice” <https://www.tihek.gov.tr/letter-sent-to-judge-joan-e-donoghue-president-of-the-international-court-of-justice/> (Access Date: 15.05.2024)

HREIT. “Letter Sent to Judge Piotr Hofmanski, President of the International Criminal Court” <https://www.tihek.gov.tr/letter-sent-to-judge-piotr-hofmanski-president-of-the-international-criminal-court/> (Access Date: 15.05.2024)

HREIT. “Official Letter on Ending Inhumane Treatments in Gaza” <https://www.tihek.gov.tr/en/official-letter-on-ending-inhumane-treatments-in-gaza> (Access Date: 15.05.2024)

HREIT. “On Attacks Against TRT Team and Press Members by Israel” <https://www.tihek.gov.tr/israil-tarafindan-trt-ekibine-ve-basin-mensuplarina-yonelik-saldirilar-hakkinda> (Access Date:01.09.2024)

HREIT. “PERIODICAL INTERNATIONAL HUMAN RIGHTS MONITORING BULLETIN SPECIAL ISSUE ON GAZA” <https://www.tihek.gov.tr/public/editor/uploads/mIhFfdi.pdf> (Access Date: 15.05.2024)

HREIT. “Press Release on Cessation of Conflicts Between Palestine and Israel” <https://www.tihek.gov.tr/en/press-release-on-cessation-of-conflicts-between-palestine-and-israel> (Access Date:30.04.2024)

HREIT. “Press Release on Interference with Fundamental Rights of People Calling for an End to the Genocide in Palestine” <https://www.tihek.gov.tr/filistindeki-soykirimin-durdurulmasi-cagrisinda-bulunan-kisilerin-temel-haklarina-yonelik-gerceklestirilen-mudahalelere-iliskin-basin-aciklamasi> (Access Date:15.05.2024)

HREIT. “Press Release on Israel’s Attack on a School Where Displaced Palestinians Took Refugee” <https://www.tihek.gov.tr/israilin-yerinden-edilmis-filistinlilerin-sigindigi-okula-duzenledigi-saldiri-hakkinda-basin-aciklamasi> (Access Date:14.08.2024)

HREIT. “Press Release on Israel’s Attack on the Rafah Area, Home to Displaced Palestinians ” <https://www.tihek.gov.tr/israilin-yerlerinden-edilmis-filistinlilerin-kaldigi-refah-bolgesine-duzenledigi-saldiri-hakkinda-basin-aciklamasi> (Access Date:18.06.2024)

HREIT. “Press Release on Israel’s Continuous Attacks on Gaza” <https://www.tihek.gov.tr/israilin-gazdede-ara-vermeksizin-devam-eden-saldirilari-hakkinda-basin-aciklamasi> (Access Date:15.05.2024)

HREIT. “Press Release on Israel’s Mass Detention of Palestinian Civilians” <https://www.tihek.gov.tr/israilin-filistinli-sivil-halka-yonelik-toplu-gozaltina-alma-eylemlerine-iliskin-basin-aciklamasi/> (Access Date:15.05.2024)

HREIT. “Press Release on Israeli Attacks on Al-Mawasi Area in the Gaza Strip ” <https://www.tihek.gov.tr/israilin-gazze-seridindeki-el-mevasi-bolgesine-yonelik-saldirilari-hakkinda-basin-aciklamasi> (Access Date: 14.08.2024)

HREIT. “Press Release on Israeli Attacks on Refugee Camps in Palestine” <https://www.tihek.gov.tr/israilin-filistindeki-multeci-kamplarina-duzenledigi-saldirilar-hakkinda-basin-aciklamasi> (Access Date:18.06.2024)

HREIT. “Press Release on Israeli Attacks on Schools Hosting Civilians in Khan Younis, Palestine ” <https://www.tihek.gov.tr/israilin-filistin-han-yunus-kentinde-sivillerin-bulundugu-okullara-yaptigi-saldirilar-hakkinda-basin-aciklamasi> (Access Date:14.08.2024)

HREIT. “Press Release on the Assassination of Hamas Political Bureau Chief Ismail Haniyeh” <https://www.tihek.gov.tr/hamas-siyasi-buro-sefi-ismail-heniyeye-duzenlenen-suikast-hakkinda-basin-aciklamasi> (Access Date: 14.08.2024)

HREIT. “Press Release on the Ongoing Humanitarian Crisis in Palestine ” <https://www.tihek.gov.tr/filistinde-devam-eden-insani-krize-iliskin-basin-aciklamasi> (Access Date:15.05.2024)

HREIT. “Press Release on the Raid on Al-Aqsa Mosque by Israeli Radicals ”<https://www.tihek.gov.tr/israili-radikaller-terafindan-mescid-i-aksaya-yonelik-gerceklestirilen-baskin-hakkinda-basin-aciklamasi> (Access Date: 14.08.2024)

HREIT. “Press Release on the Targeting of a Hospital in Gaza by Israel” <https://www.tihek.gov.tr/en/press-release-on-the-targeting-of-a-hospital-in-gaza-by-israel> (Access Date:15.05.2024)

HREIT. “Press Release on the Targeting of Civilians in Gaza by Israel” <https://www.tihek.gov.tr/en/press-release-on-the-targeting-of-civilians-in-gaza-by-israel> (Access Date:15.05.2024)

HREIT. “Press Release on the Targeting of the Turkish-Palestinian Friendship Hospital by Israeli Forces” <https://www.tihek.gov.tr/en/press-release--on-the-targeting-of-the-turkish-palestinian-friendship-hospital-by-israeli-forces> (Access Date: 15.05.2024)

HREIT. “Press Release Regarding Israeli Prime Minister Benjamin Netanyahu’s Speech to the US Congress” <https://www.tihek.gov.tr/israil-basbakani-binyamin-netanyahunun-abd-kongresinde-konusmasi-hakkinda-basin-aciklamasi> (Access Date:14.08.2024)

HREIT. “Press Release Regarding the Advisory Opinion of the International Court of Justice dated 19 July 2024” <https://www.tihek.gov.tr/uluslararasi-adalet-divaninin-19-temmuz-2024-tarihli-istisari-gorusune-iliskin-basin-aciklamasi-> (Access Date:14.08.2024)

HREIT. “Press Release Regarding the Bombing of the Surroundings of Nasser Hospital in Khan Younis, Gaza” <https://www.tihek.gov.tr/gazzenin-han-yunus-kentindeki-nasir-hastanesi-cevresinin-bombalanmasi-hakkinda-basin-aciklamasi> (Access Date:15.05.2024)

HREIT. “Results of the Painting Competition Themed “Human Rights Violations and War Crimes in Palestine” have been announced ”<https://www.tihek.gov.tr/filistinde-yasanan-insan-haklari-ihlalleri-ve-savas-suclari-konulu-resim-yarismasi-sonuclari-aciklandi/> (Access Date: 15.05.2024)

HREIT. “The “Perspectives Bulletin on Addressing the Situation in Gaza” Prepared by Our Institution Has Been Published ”<https://www.tihek.gov.tr/kurumumuz-terafindan-hazirlanan-gazzedeki-durumun-ele-alinmasina-iliskin-perspektifler-bulteni-yayimlanmistir> (Access Date: 15.05.2024)

HREIT. “THE ROLE OF NATIONAL HUMAN RIGHTS INSTITUTIONS IN CONFLICT AND POST-CONFLICT SITUATIONS” <https://www.tihek.gov.tr/public/editor/uploads/vkqzPnkf.pdf> (Access Date: 15.05.2024)

HREIT. “Workshop on Human Rights and Humanitarian Law Violations Caused by Israel in the Palestinian/ Gaza Territory was Held”

HREIT. “Workshop on Israel’s Human Rights Violations and War Crimes in Palestine in the Context of International Law and Humanitarian Law was Held ”

HREIT. Board Decision No. 2024/314 and dated 02.05.2024. <https://www.tihek.gov.tr/public/images/kararlar/em1o5l.pdf> (Access Date:01.09.2024)

<https://tr.al-ain.com/article/bm-nin-242-say-l-karari#:~:text=G%C3%BCvenlik%20Konseyi%2C%2022%20Kas%C4%B1m%201967,bir%20ortam%C4%B1n%20sa%C4%9Flanmas%C4%B1n%C4%B1%20taahh%C3%BCt%20etti.> (Access Date: 25/06/2024)

<https://www.aa.com.tr/tr/dunya/abd-bir-kez-daha-bmgkde-gazgede-acil-insani-ateskes-talep-eden-karar-tasarisini-veto-etti/3143092#:~:text=ABD%20daha%20%C3%B6nce%2016%2C%2018,kullan%C4%B1n%20%20%C3%BClkeden%20biri%20olmu%C5%9Ftu> (Access Date: 03/06/2024)

<https://www.tihek.gov.tr/-israilin-filistin-gazze-topraklarinda-sebep-oldugu-insan-haklari-ve-insancil-hukuk-ihlalleri-calistayi-gerceklestirdi>

International Criminal Court, “Situation in Palestine | Summary of Preliminary Examination Findings”, <https://www.icc-cpi.int/sites/default/files/itemsDocuments/210303-office-of-the-prosecutor-palestine-summary-findings-eng.pdf> (Access Date:21.08.2024).

International Criminal Court, “State of Palestine”, <https://www.icc-cpi.int/palestine> (Access Date:21.08.2024).

International Criminal Court, “State Party Referral in Accordance with Article 14 of the Rome Statute of International Criminal Court”, <https://www.icc-cpi.int/sites/default/files/2023-11/ICC-Referral-Palestine-Final-17-November-2023.pdf> (Access Date:21.08.2024).

International Criminal Court, “Statement of ICC Prosecutor Karim A. A. Khan KC from Cairo on the situation in the State of Palestine and Israel”, <https://www.icc-cpi.int/news/statement-icc-prosecutor-karim-khan-kc-cairo-situation-state-palestine-and-israel> (Access Date:21.08.2024).

Israeli Ministry of Transport and Road Safety, Press Release No. 1/2009, Gaza Strip Blockade. <https://www.gov.il/en/departments/publications/reports/mariners-1-2009> (Access Date:03.03.2024).

Jewish Encyclopedia: Zionism, <https://jewishencyclopedia.com/articles/14339-territorialists>

Middle East and African Studies Application and Research Center, Fatih Sultan Mehmet University, Panel on Israel’s Dispossession and De-identification Policies in Palestine, <https://ordam.fsm.edu.tr/Orta-Dogu-ve-Afrika-Arastirmalari-Uygulama-ve-Arastirma-Merkezi-Faaliyetler-Panel--Filistinde-Israilin-Mulksuzlestirme-ve-Kimliksizlestirme-Politikalari-Paneli>

Middle East Monitor, “South Africa president: ‘I’ve never felt as proud as today’”, <https://www.middleeastmonitor.com/20240113-south-africa-president-ive-never-felt-as-proud-as-today/> (Access Date:21.08.2024).

Mokhiber, Craig. “History is always watching.” X, 25.07.2024. (Access Date:21.08.2024) (<https://x.com/CraigMokhiber/status/1816220453347766659>)

NBC NEWS, Poll: Biden’s standing hits new lows amid Israel-Hamas war, <https://www.nbcnews.com/politics/2024-election/poll-bidens-standing-hits-new-lows-israel-hamas-war-rcna125251>

NPR, There’s a water crisis in Gaza that the end of fighting might not solve, <https://www.npr.org/2023/12/29/1221571110/gaza-water-israel-crisis-hamas#:~:text=Satellite%20images%20show%20Israeli%20forces,Activities%20in%20the%20Territories%20office>

NYU, University’s Expectations on Conduct, <https://www.nyu.edu/students/student-information-and-resources/student-community-standards/nyu-guidance-expectations-student-conduct.html> (Access Date:29.08.2024)

OpinioJuris, “The ICC Prosecutor’s Double Standards in the Time of an Unfolding Genocide”, <https://opiniojuris.org/2024/01/03/the-icc-prosecutors-double-standards-in-the-time-of-an-unfolding-genocide/> (Access Date:21.08.2024).

Palestine Mandate. https://avalon.law.yale.edu/20th_century/palmanda.asp (Access Date:29.02.2024).

Palestinian Central Bureau of Statistics. https://pcbs.gov.ps/site/lang__en/1405/Default.aspx. (Access Date: 25.09.2024)

Pew Research Center, Younger Americans stand out in their views of the Israel-Hamas war, <https://www.pewresearch.org/short-reads/2024/04/02/younger-americans-stand-out-in-their-views-of-the-israel-hamas-war/>

Philip Earl Steele, “British Cristian Zionism (Part 2) The Work of Laurance Oliphant”. <https://124.im/c6KP2Z>

Premiere Urgence Internationale, “The Impacts of The Enforcement of The Access Restricted Areas at Land and Sea in The Gaza Strip” <https://www.premiere-urgence.org/wp-content/uploads/2023/04/Access-Restricted-Area-Study-EN.pdf> (Access Date:21.08.2024).

President Woodrow Wilson's 14 Points (1918). <https://www.archives.gov/milestone-documents/president-woodrow-wilsons-14-points>

Projet d'articles sur la responsabilité de l'État pour fait internationalement illicite et commentaires y relatifs, (2001). https://legal.un.org/ilc/texts/instruments/french/commentaries/9_6_2001.pdf

Relief Web, "Palestinian Organisations Welcome Landmark ICJ Provisional Measures Order Finding That Israel's Actions in Gaza are Plausibly Genocidal", <https://reliefweb.int/report/occupied-palestinian-territory/palestinian-organisations-welcome-landmark-icj-provisional-measures-order-finding-israels-actions-gaza-are-plausibly-genocidal-enar> (Access Date:21.08.2024).

Relief Web. "Reported impact snapshot | Gaza Strip, 25 September 2024 at 15:00" <https://reliefweb.int/report/occupied-palestinian-territory/reported-impact-snapshot-gaza-strip-25-september-2024-1500>(Access Date: 27.09.2024)

Report of the Royal Commission on Palestine, UNISPAL. <http://unispal.un.org/pdfs/Cmd5479.pdf>

San Remo Manual on International Law Applicable to Armed Conflicts at Sea. <https://ihl-databases.icrc.org/en/ihl-treaties/san-remo-manual-1994?activeTab=undefined>

Security Council Report, "In Hindsight: The Security Council and the International Court of Justice", http://www.securitycouncilreport.org/monthly-forecast/2017-01/in_hindsight_the_security_council_and_the_international_court_of_justice.php?print=true (Access Date:21.08.2024).

Senior Israel Ministers Call for "Voluntary Emigration" of Palestinians, Building of Jewish Settlements in Gaza'. (2 January 2024), <https://www.middleeastmonitor.com/20240102-senior-israel-ministers-call-for-voluntary-emigration-of-palestinians-building-of-jewish-settlements-in-gaza/>, (Access Date: 04/01/2024).

SETA, "Palestine After Elections -2006", <https://www.setav.org/secimler-sonrasi-filistin/> (Access Date: 21.08.2024).

Tahhan, Z., (2017), Israel's Settlements: 50 years of land theft explained, Al Jazeera. <https://interactive.aljazeera.com/aje/2017/50-years-illegal-settlements/index.html>

Tams, C. J., Devaney, J.G., (2012), Applying Necessity and Proportionality to Anti-Terrorist Self-Defence, *Israel Law Review*, Vol. 45 (1). <https://doi.org/10.1017/S0021223711000033>

Taylor, Michele. "UN Special Rapporteur @FranceskaAlbs's comparison of Benjamin Netanyahu to Adolf Hitler...", X, 26.07.2024. (Access Date:21.08.2024).

TGNA. "PALESTINIAN HEAD OF STATE ABBAS ADDRESSED THE GENERAL ASSEMBLY OF THE TURKISH GRAND NATIONAL ASSEMBLY AT AN EXTRAORDINARY SESSION ON PALESTINE" <https://www.tbmm.gov.tr/Haber/Detay?Id=f973ad52-17db-44ba-9c22-019157b7c2c2> (Access Date:27.09.2024).

TheElectronicIntifada, "Gaza fishermen protest as Israel breaks pledge to stop attacks", <https://electronicintifada.net/content/gaza-fishermen-protest-israel-breaks-pledge-stop-attacks/12251>(Access Date:21.08.2024).

The Guardian, "Gaza fishermen swamped by Israeli gunboats and water cannon", <https://www.theguardian.com/world/2011/jul/24/gaza-fishermen-gunboats-israel-navy> (Access Date:21.08.2024).

The Guardian, "We are witnessing a pandemic of inhumanity: to halt the spread, we must cling to the law", <https://www.theguardian.com/commentisfree/2023/nov/10/law-israel-hamas-international-criminal-court-icc> (Access Date:21.08.2024).

The Harvard Crimson, "Harvard President Claudine Gay Resigns, Shortest Tenure in University History", <https://www.thecrimson.com/article/2024/1/3/claudine-gay-resign-harvard/> (Access Date:21.08.2024).

The Sydney Morning Herald, "Palestinian patients pressured to spy", <https://www.smh.com.au/world/palestinian-patients-pressured-to-spy-20080805-3q5h.html> (Access Date:21.08.2024).

Thomas-Greenfield, Linda. “There is no place for antisemitism from UN-affiliated officials tasked with promoting human rights...” 26.07.2024. (Access Date:21.08.2024) <https://x.com/usambun/status/1816906822361731166?s=48&t=PeyaDHFeOaqyCfipiXP5Fw>

HREIT. “Palestinian Children’s Day Panel” Will Be Organized by Our Institution”

TRT Haber, “British diplomat resigns over country’s arms sales to Israel ”. <https://www.trthaber.com/haber/dunya/ingiliz-diplomat-ulkesinin-israile-silah-satislari-nedeniyle-istifa-etti-873438.html> (Access Date: 19.08.2024)

TRT Haber, “Starbucks CEO Narasimhan resigns ”, <https://www.trthaber.com/haber/dunya/starbucks-ceosu-narasimhan-gorevinden-ayrildi-872770.html> (Access Date:21.08.2024).

TRT Haber, “UN Rapporteur: Countries that cut off funding to UNRWA aid genocide, ” <https://www.trthaber.com/haber/dunya/bm-raportoru-unrwaya-destegi-kesen-ulkeler-soykirima-yardimci-oluyor-832490.html> (Access Date:21.08.2024).

TRT Haber, British diplomat resigns over country’s arms sales to Israel, <https://www.trthaber.com/haber/dunya/ingiliz-diplomat-ulkesinin-israile-silah-satislari-nedeniyle-istifa-etti-873438.html>

TRT Haber, Israelis consume 3 times more water than Palestinians, <https://www.trthaber.com/haber/dunya/israillilerin-su-tuketimi-filistinlilerden-3-kat-daha-fazla-754704.html#:~:text=Bir%20Filistinlinin%20su%20t%C3%BCketiminin%20g%C3%BCnl%C3%BCk,21%2C3%20litreye%20geriliyor.%22>

TRT Haber, The amount of water per person in Gaza has dropped from 90 liters to 2 liters, <https://www.trthaber.com/haber/dunya/gazgede-kisi-basina-dusen-su-miktari-90-litreden-2-litreye-indi-843392.html>

Turkish National Research and Investigation Commission (2011), Report on Israel’s Attack on the International Humanitarian Aid Convoy on 31 May 2010, Ankara. <https://reliefweb.int/report/occupied-palestinian-territory/report-israeli-attack-humanitarian-aid-convoy-gaza-31-may-2010>

UN General Assembly, Resolution 478, 20 August 1980. <http://unscr.com/en/resolutions/doc/478>

UN General Assembly, Resolution 181, 29 November 1947, [https://undocs.org/A/RES/181\(II\)](https://undocs.org/A/RES/181(II))

United Nations Charter, 1945, http://www.uhdigm.Adâlet.gov.tr/sozlesmeler/coktarafli-soz/bm/bm_01.pdf

United Nations Commission on International Law, “Responsibility of States for Internationally Wrongful Acts”, https://legal.un.org/ilc/texts/instruments/english/commentaries/9_6_2001.pdf (Access Date:21.08.2024).

United Nations Conference on Trade and Development, “Developments in the economy of the Occupied Palestinian Territory”, https://unctad.org/system/files/official-document/tdbex72d2_en.pdf (Access Date: 21.08.2024).

United Nations Conference on Trade and Development, “Economic Impact of The Destruction in Gaza and Prospects for Economic Recovery”, https://unctad.org/system/files/official-document/osginf2024d1_en.pdf (Access Date:21.08.2024).

United Nations Convention on the Law of the Sea, https://www.un.org/depts/los/convention_agreements/texts/unclos/part7.htm

United Nations General Assembly, 7 June 2010, A/HRC/13/53/Rev.1. <https://unispal.un.org/DPA/DPR/unispal.nsf/2ee9468747556b2d85256cf60060d2a6/33f2a0a73ab185db8525773e00525d05?OpenDocument>

United Nations Goldstone Report, A/HRC/12/48. <https://www.ohchr.org/en/hr-bodies/hrc/special-sessions/session9/fact-finding-mission>

United Nations High Commissioner for Human Rights, “Over one hundred days into the war, Israel destroying Gaza’s food system and weaponizing food, say UN human rights experts”, <https://www.ohchr.org/en/press-releases/2024/01/over-one-hundred-days-war-israel-destroying-gazas-food-system-and> (Access Date:21.08.2024).

United Nations High Commissioner for Human Rights, UN Human Rights Chief deplores new moves to

expand Israeli settlements in occupied West Bank, 8 March 2024. <https://www.ohchr.org/en/press-releases/2024/03/un-human-rights-chief-deplores-new-moves-expand-israeli-settlements-occupied>, (E. T.: 18/03/2024).

United Nations Office for the Coordination of Humanitarian Affairs for the Occupied Palestinian Territory (OCHAOPT), “Gaza crossings: movement of people and goods”. <https://www.ochaopt.org/data/crossings> (Access Date:21.08.2024).

United Nations Office for the Coordination of Humanitarian Affairs for the Occupied Palestinian Territory (OCHAOPT), “Gaza Strip | The humanitarian impact of 15 years of the blockade - June 2022”, <https://www.ochaopt.org/content/gaza-strip-humanitarian-impact-15-years-blockade-june-2022> (Access Date:21.08.2024).

United Nations Office for the Coordination of Humanitarian Affairs for the Occupied Palestinian Territory (OCHAOPT), “Humanitarian Monitoring Report – January 2005 Bertini Commitments”. <https://www.ochaopt.org/sites/default/files/ochaHumMonRpt0105.pdf> (Access Date:21.08.2024).

United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), “Joint Statement By 28 Ngos: UNRWA Cuts Threaten Palestinian Lives in Gaza And Region”, <https://www.unrwa.org/newsroom/official-statements/norwegian-refugee-council-joint-statement-unrwa-funding-cuts-threaten> (Access Date:21.08.2024).

United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), “Letter From UNRWA Commissioner-General Philippe Lazzarini to the UN General Assembly President Mr. Dennis Francis”, <https://www.unrwa.org/resources/un-unrwa/letter-unrwa-commissioner-general-philippe-lazzarini-un-general-assembly> (Access Date:21.08.2024).

United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), “UNRWA’s Lifesaving Aid may End due to Funding Suspension”, <https://www.unrwa.org/newsroom/official-statements/unrwa%E2%80%99s-lifesaving-aid-may-end-due-funding-suspension> (Access Date:21.08.2024).

United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), 2014 Gaza Conflict. <https://www.unrwa.org/2014-gaza-conflict>.

United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), Great March of Return: Scores of People Killed and Injured Over One Year, 29 March 2019. <https://www.unrwa.org/newsroom/press-releases/great-march-return-scores-people-killed-and-injured-over-one-year>, (Access Date:18/03/2024).

United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), “Urgent Funding Required to Address Unprecedented Destruction in the Gaza Strip”, 18 December 2014. <https://www.unrwa.org/newsroom/press-releases/urgent-funding-required-address-unprecedented-destruction-gaza-strip>

United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), UNRWA Situation Report #90 on the Situation in the Gaza Strip and The West Bank, Including East Jerusalem, 15 March 2024. <https://www.unrwa.org/resources/reports/unrwa-situation-report-90-situation-gaza-strip-and-west-bank-including-east-jerusalem>, (Access Date: 18/03/2024).

United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), “Palestine Refugees”. <https://www.unrwa.org/palestine-refugees>.

United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), “UNRWA’s Lifesaving Aid May End Due To Funding Suspension”. <https://www.unrwa.org/newsroom/official-statements/unrwa%E2%80%99s-lifesaving-aid-may-end-due-funding-suspension>

United Nations Secretary General Investigation Report on the Mavi Marmara Incident of 31 May 2010. <https://www.un.org/unispal/document/auto-insert-205969/>

United Nations Türkiye. “UN Security Council decides on ‘immediate ceasefire’ in Gaza” <https://turkiye.un.org/tr/264315-bm-g%C3%BCvenlik-konseyi%E2%80%99nden-gazgede-acil-ate%C5%9Fkes-karar%C4%B1> (Access Date:03/06/2024).

Urban Dictionary, “Israeled”, <https://www.urbandictionary.com/define.php?term=Israeled> (Access Date: 21.08.2024).

World Bank, “Economic Monitoring Report to the Ad Hoc Liaison Committee”, <https://www.worldbank.org/en/country/westbankandgaza/publication/economic-monitoring-report-to-the-ad-hoc-liaison-committee-april-2019> (Access Date:21.08.2024).

World Bank, “Impacts of the Conflict in the Middle East on the Palestinian Economy”, <https://thedocs.worldbank.org/en/doc/7600aee6c75eff4cf9b71ea1fe4016db-0280012023/original/NoteWBG-dec11-CLEAN.pdf> (Access Date:21.08.2024).

World Health Organization, Eastern Mediterranean Region, <https://www.emro.who.int/emhj-volume-22-2016/volume-22-issue-12/water-usage-in-the-gaza-strip-recommendations-from-a-literature-review-and-consultations-with-experts.html>

World Health Organization. “oPt Emergency Situation Update” https://www.emro.who.int/images/stories/Sitrep_45b.pdf?ua=1 (Access Date:27.09.2024)

Yeni Şafak, “ Hamas Releases Video Refuting Israel’s Slandorous Propaganda”, <https://www.yenisafak.com/video-galeri/dunya/hamas-israilin-iftira-propagandalarini-curuten-bir-video-yayinladi-4567144> (Access Date: 21.08.2024).

Youtube. “HREIT - Global Human Rights Politics - Human Tragedies, Loss of Values and Systemic Collapse” <https://www.youtube.com/watch?v=eATwzoowXj4&t=3s>

Youtube. “HREIT ACADEMY HUMAN RIGHTS TALKS -DR. FİLİZ DEĞER” <https://www.youtube.com/watch?v=LMSxFqwulNg> (Access Date:13.03.2024)

Youtube. “HREIT ACADEMY HUMAN RIGHTS TALKS PROF. DR. BERDAL ARAL” <https://www.youtube.com/watch?v=ZL98uXIQa4c>

Youtube. “HREIT ACADEMY HUMAN RIGHTS TALKS PROF. DR. YÜCELACER” <https://www.youtube.com/watch?v=mBAdQqdBCCg>

Youtube. “HREIT ACADEMY HUMAN RIGHTS TALKS-ASSOC. PROF. DR. HAKKI HAKAN ERKİNER” https://www.youtube.com/watch?v=QUOmyCDM_gY (Access Date:13.03.2024)

We would like to thank the Turkish Grand National Assembly and Anadolu Agency for their permission and contribution to the use of archive documents, photographs and infographics in the report.



HREIT

**HUMAN RIGHTS AND EQUALITY
INSTITUTION OF TÜRKİYE**



HREIT

HUMAN RIGHTS AND EQUALITY
INSTITUTION OF TÜRKİYE

Mithatpaşa Rd. No: 52 | 06420 | Kızılay-ANKARA

+90 312 422 78 00

baskanlik@tihek.gov.tr

www.tihek.gov.tr