



REPUBLIC OF TÜRKİYE
THE OMBUDSMAN INSTITUTION



"GAZA"

NAKBA OF HUMANITY



GAZA 2023



GERMANY 1945

**FROM THE WORLD'S LARGEST OPEN-AIR PRISON
TO THE WORLD'S LARGEST CHILDREN'S CEMETERY**

SPECIAL REPORT

FEBRUARY 2024



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THE GRAND NATIONAL ASSEMBLY OF TÜRKİYE
OMBUDSMAN INSTITUTION

Kavaklıdere Mah. Zeytinolı Cad.
No: 4 Çankaya/ANKARA
iletisim@ombudsman.gov.tr
www.ombudsman.gov.tr

Owner of rights on behalf of : Şeref MALKOÇ
Ombudsman Institution

General Coordinator : Fatma BENLİ YALÇIN

Special Report Working Group : Burak COŞKUN
: Muhammed Akif SÜSLÜ
: Hamza GÜNEYDİN
: Muhammed Emin DUMANOĞLU
: Vildan ÇETİN
: Adem YILDIRIM
: Zübeyde BERKMAN

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INTRODUCTION



The Ombudsmanship's Special Report titled "Gaza: From the World's Largest Open-Air Prison to the World's Largest Children's Cemetery" discusses the dimensions of the humanitarian disaster that has been experienced in Gaza since October 7. Even the title of the report demonstrates what a huge humanitarian disaster Gazans have been subjected. From a legal point of view, all circles of politics must be sensitive to the humanitarian plight of people Gaza with all their rights curtailed at first right to live and human dignity, facing the threat of extermination. Yet Gaza, and in fact Palestine, has been incrementally experiencing the depopulation and exile that has been going on since 1968.

In relation to the Report, non-governmental organizations and global human rights organizations, as well as official authorities, have presented the dimensions of the tragedy from different perspectives. The atrocities that started on October 7 and have continued unabated until today makes our souls and conscience bleed.

This Special Report prepared by the Ombudsman Institution will be shared with all those concerned, at first the International Court of Justice and the International Criminal Court. Since October 7, the law of war that must be followed during war have been seriously violated by Israel. Nevertheless, what is happening in Gaza is not a war, but the massacre of innocent people with their families, and their displacement, and their being uprooted.

Other points worth attention in the Special Report are the call for investigation of the massacres suffered by Gazans under three separate categories; request for investigation as genocide, crime against humanity and war crimes, and their detailed analysis.

The attacks on Gaza, which the Israeli administration launched by declaring it to be in a state of war after October 7, 2023, have led to an unprecedented humanitarian disaster in modern times. Before the eyes of the whole world, innocent civilians, mostly women and children, lost their lives under the heavy attacks of Israeli forces. While Gazans were

try to protect themselves from Israel's endless attacks and bombardments, the hospitals they sought shelter downed to rubble and in addition to all these they have had to struggle with starvation, thirst and epidemics.

Gaza is now a city where even hospitals, mosques and churches are bombed, babies are left to die in incubators, and people starve to death due to lack of water and food.

In addition, all the peoples of the world stand in solidarity with the oppressed and innocent Gazans, not with Netanyahu and his gang, who masterminded/conducted the massacre and are now called "pure evil". Despite the calls from the people of the world and international institutions, all organizations that should take responsibility, the United Nations in particular, have been dysfunctional by pressure and threats such as veto power, commercial and security concerns. Unfortunately, Israeli attacks could not have been stopped.

Since uninterrupted flow of humanitarian aid to Gaza has not been ensured, hundreds of children are left to die in Gaza before the eyes of the whole world, due to Israel's brutal attacks on the one hand and lack of access to health facilities on the other.

In fact, this silent inaction, which amounts the collapse of Western thought, especially the legal system and the world of values, also means estrangement and detachment of human beings from their humanity. We need to embrace justice again in order not to lose "human" and the voice of global conscience. This Report also contains important evidence that has been collected to ensure justice. It is hoped that we can rebuild a functioning architecture of global justice, free of all constraints and without double standards, so that the humanitarian tragedy in Gaza will stop immediately and never happen again. Not only the people of Gaza, but the peoples of the world have no other way out but justice.

In order for the Israel-Palestine issue to be resolved fairly, there must be a solution based on two states. Lasting peace will only be possible by the acceptance of the 1967 borders and by the establishment of an independent and geographically contiguous Palestinian state with Al-Quds as its capital. The settlers moved to the region by Israel must be removed from the places they occupied. Meanwhile, the protection of Al-Aqsa Mosque in particular and other historical temples and monuments is an integral part of peace.

I would like to express my gratitude to our Ombudsman Institution, Chief Ombudsman Mr. Şeref Malkoç in particular, Ombudswoman Fatma Benli Yalçın and all the working team for their contribution to justice by preparing the Special Report.

Numan KURTULMUŞ
Speaker of the Grand National Assembly of Türkiye

PRESENTATION



The Ombudsman Institution of Türkiye is a Constitutional Institution established by the Law on the Ombudsman Institution No.6328 as a constitutional public entity, based on the provision of Article 74 of the Constitution of the Republic of Türkiye, which says “The Ombudsman Institution of Türkiye which is established under the Grand National Assembly of Türkiye, examines complaints on the functioning of the administration”. In accordance with Article 5 of Law No. 6328, the Ombudsman Institution is responsible “for examining, investigating, and submitting recommendations to the Administration with regard to all sorts of acts and actions as well as attitudes and behaviours of the Administration upon complaint on the functioning of the Administration within the framework of an

understanding of human rights-based justice and in the aspect of legality and conformity with principles of fairness”.

The Ombudsman Institution is guided by the principle of “Let people live so that the state may live” and with the belief that “The best of all people are those who are the most beneficial to people”. Within this framework, the Institution works to contribute to improving the service quality of the administration, establishing good administration principles, advancing human rights and building a people-oriented administration. In this respect, the Ombudsman Institution is the manifestation of a will that unites the State and the citizens. The main duty of Ombudsman Institutions is to contribute to the protection of human rights by examining allegations of human rights violations, reporting the findings, and issuing recommendations and suggestions to their interlocutors when necessary. Within this framework, the Ombudsman Institution, which is a constitutional institution for seeking legal remedies, has been authorized by Law No. 6328 to prepare a “Special Report” on issues that concern large segments of society and human rights violations occurring anywhere in the world.

The Ombudsman Institution has conducted many special reports during the 10 years it has been established. The special report titled “Syrians in Türkiye” was published in 2018, “Report on Human Rights Violations Committed by the Armenian Armed Forces during the Azerbaijan-Armenia War” in 2020, “On-site Investigation Report on Human Rights in Karabakh” in 2021, “Pushbacks in the Aegean Sea and ‘Pushback’ of Human Rights” in 2022, and the report regarding the Ukrainians who escaped from the Russia-Ukraine war to Hungary was published in 2022, and these reports were announced to the public and shared with national and international interlocutors.

The reports prepared and the decisions issued by ombudsman institutions, which perform their duties independently and impartially, are taken into account as expert opinions in human rights proceedings and can be referred by the relevant parties to prove the allegations of violation of rights.

In our special report titled "Gaza: From the World's Largest Open-Air Prison to the World's Largest Children's Cemetery", the human rights violations experienced in Gaza are evaluated comprehensively at all stages. This special report aims to be shared with all relevant parties, especially the International Court of Justice and the International Criminal Court. In our special report, the actions of the Israeli administration and security forces, which caused serious violations of international humanitarian law and whose actions, which should be investigated as genocide, crimes against humanity and war crimes, are included in detail. The attacks on Gaza, which the Israeli administration launched by declaring that they were in a state of war after 7 October 2023, have led to an unprecedented humanitarian disaster in the last century. Before the eyes of the whole world, innocent civilians, most of whom are women and children, lost their lives under the heavy attacks of Israeli forces. While the people of Gaza are trying to protect themselves from Israel's endless attacks and bombardments, they are also struggling with severe hunger, thirst and epidemics.

Despite all the severity of the humanitarian disaster and the calls rising from the international community, Israeli attacks have not been stopped to date, because the organizations that should assume responsibility have not fulfilled their duties. Every day that a humanitarian ceasefire is not declared and an uninterrupted flow of humanitarian aid is not provided to Gaza, children continue to die because of Israeli attacks, hunger or lack of access to healthcare in Gaza. In Gaza, All the weapons and bombs produced by humanity with the technologies it has reached so far are being hurled on all the human values and achievements that humanity has achieved so far. We are watching the slaughter of humanity, human rights, human values, human dignity and honor in Gaza as a lesson to be drawn.

Through this report, we once again call for an urgent ceasefire to put an end to the indescribable pain. I would like to express once again our expectation that international judicial authorities should carry out the necessary investigations to ensure that the perpetrators, whose actions caused the deaths of thousands of innocent civilians, the displacement of hundreds of thousands of people and the rendering of their places uninhabitable, are held accountable for crimes against humanity and war crimes, including the crime of genocide.

As the Ombudsman Institution of Türkiye, we considered it our duty to prepare this report as part of our human rights responsibility. At the same time, we tried to fulfill one of our responsibilities towards humanity. I would like to thank Ombudsman Ms. Fatma BENLİ YALÇIN, who carried out the preparation of our special report with Ombudsman Experts Mr. Burak COŞKUN, Mr. Muhammed Akif SÜSLÜ and Mr. Hamza GÜNAYDIN, Assistant Ombudsman Experts Mr. Muhammet Emin DUMANOĞLU, Ms. Vildan ÇETİN, Mr. Adem YILDIRIM, Ms. Zübeyde BERKMAN and everyone who contributed to the preparation of the report, from its layout to printing.

Şeref MALKOÇ
Chief Ombudsman

FOREWORD



How many days can a person survive without a glass of clean water, or how long can a child go without a piece of bread?

Can the right to self-defense justify the displacement of 2.2 million people in Gaza, one of the world's most densely populated territories, who have been living in extremely difficult conditions for years due to Israel's blockade, as well as the dropping of bombs and missiles on them on a scale equivalent to three atomic bombs?

If one of the children whose arm or leg was amputated without anaesthesia was my child, or if a woman who had a caesarean section without anaesthesia was a relative of mine, how would I cope with the pain?

Which sentence can accurately describe the despair of having to wait for a preterm infant to be removed from an incubator due to power outages or for a severely injured child to die due to a lack of medical care?

Everyone with a conscience should ask themselves these questions. Everything that *we would have said only five months ago was impossible unless the world ended* has happened today in front of the entire world and is still the reality of Gaza.

In Gaza, children and women, who account for two-thirds of the deceased, have borne the highest price in Israeli attacks. The most *brutal occupation in history* was carried out after October 7, with the highest civilian death toll of the century. As of January 30, 2024, when this preface was written, 5% of the Gaza Strip's 2.2 million residents were dead, injured, or missing. That is at least 100,000 people. 1.9 million people have been displaced. This means they are not able to live in their homes and are deprived of their fundamental necessities. Almost all of Gaza is struggling with hunger. Some 500,000 survivors in northern Gaza are facing catastrophic hunger. It is not even known what their exact condition is. For the remaining 1.5 million people, in the words of the United Nations Special Rapporteur on the Right to Food, "*famine was imminent and now inevitable.*"

In just four months, more than 45,000 bombs and missiles totaling 65,000 tons have been dropped on the 365-square-kilometer Gaza Strip. Water and energy resources where basic human needs are met, as well as settlements, have been destroyed. Much of Gaza has since been rendered uninhabitable. No argument, including Israel's right

to self-defense, can justify practices of collective punishment, massive destruction, and displacement of innocent civilian populations. One only needs to look at the maps reflecting the historical process and the course of the attacks since October 7 to understand that the true goal of Israel's unprecedented intensity of attacks is to completely occupy the Gaza Strip and expel Palestinians from Gaza "if the rest of the world fails to stop it." With orders to leave their homes within 24 hours and indiscriminate attacks beginning in northern Gaza, Israeli security forces have been driving the Gaza population towards the southern border since October 11. When the siege of northern Gaza ended, they bombarded the southern city of Khan Younis. They are now bombing Rafah, the last stop on the border, where over a million people have sought safety in a small area of 64 square kilometres. Except for a brief humanitarian pause, the Israeli government continued its attacks and, with America's support, rejected all pleas for a ceasefire from the start. It has not followed the decisions of the UN General Assembly, the UN Security Council, or even the International Court of Justice. The Israeli government is attempting to entirely seize Gaza's land and take over its governance, as well as establish new settlements there, as announced at the Conference attended by ministers.

To accelerate the process, Israel is employing unprecedented bombing and destruction, as well as starvation, as a means of war to, in the words of the Chairperson of Euro-Med Human Rights Monitor (Euro-Med) *"drive people out of Gaza or even kill them."* Humanitarian aid waiting at the border with Egypt is not allowed to pass. On logically and conscientiously unacceptable grounds, and on the very next day after the Court of Justice's order on provisional measures, which included humanitarian aid, they attempted to cut off the funding of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), which is the only organization that can bring very limited aid to Gaza and which has housed 1.4 million displaced people in its facilities, four times its capacity, despite facing more than two hundred attacks. In this way, the razor-thin humanitarian line separating Gazans' lives from their deaths is being cut, and bombs, starvation, and epidemics are being used to occupy the Gaza Strip.

It is an undeniable reality that Israel's century-long strategy of displacement, destruction, and killing did not commence on October 7. The change in the maps of Palestine indicates that the area of Israel's surface, which was 6.5 percent in 1947 prior to its formal establishment, eventually surpassed 90 percent, and that the Palestinian people have been continuously driven from their own land for almost a century. History is repeating itself again, and today, in front of the entire world, 2.2 million people are being displaced first from their homes and then from their territory, suffering the worst of destruction and atrocities while being denied their most basic humanitarian needs.

This Special Report, prepared during the first four months of Israeli security forces' attacks on the Gaza Strip, includes acts by the Israeli administration that resulted in grave violations of international humanitarian law and should be investigated as crimes against humanity and war crimes, including genocide. This report painfully reveals how century-old human rights practices have been ignored when it comes to Israel and how the killing of 12,000 children by Israeli bombing, as well as the Israeli ministers' announcement that settlements will be built on children's graves, as thousands of bodies remain to be discovered beneath the ruins, and as Palestinians remain in their country, have failed to

mobilise international actors. The unwavering support of certain nations for the Israeli government's actions in Gaza, which have resulted in immense suffering and hopelessness, and the failure of others to fulfil their obligations while brutal policies of mass murder and displacement are carried out, will be remembered as a dark stain on history.

Today, millions of conscientious people, regardless of ethnicity, language or religion, continue to do everything they can to put an end to the slaughter of children in Gaza. It is time for states to unite and establish an international peace force in order to put an end to these policies of displacement, destruction and massacre, which will be remembered as a dark chapter in history for centuries to come. It is crucial to urgently declare a permanent ceasefire, establish a humanitarian corridor, and promptly deliver essential health and food aid to the region. Today, those who remain silent in the face of Israel's policies of slaughter are implicated in the crimes against humanity, war crimes, and genocide that Israel has perpetrated in Gaza. At this stage, it is crucial to adhere to international law and provide full support for the prompt execution of judicial processes. These processes are necessary to ensure that the perpetrators of crimes against humanity and war crimes, including genocide, in Gaza are held accountable.

Efforts should be made to find a fair resolution to the Israeli-Palestinian conflict through diplomatic and peaceful means, based on a two-state solution. Palestine, which has independent observer status, should be recognised as a full member state in the UN before it is completely destroyed by Israel. Lasting peace can only be achieved with the creation of an independent and sovereign Palestinian State, which has geographical integrity and East Jerusalem as its capital, based on the 1967 borders.

With this Special Report, we would like to remind everyone once again that they have an obligation to do their best in this historical process, which has been described as "one of the darkest moments of the world", and that we have a responsibility towards the children who are killed by Israel every ten minutes, whose limbs are amputated every hour, who suffer horrific wounds, and who have no one to accompany them for the last four months.

This work has been realised as a result of a very long and meticulous work and I would like to thank the Ombudsman Expert Burak Coşkun for his exceptional dedication and hard work in laying the foundation for this study; Muhammed Akif Süslü and Hamza Günaydın for their thorough analysis of the issue, which has over a century-long past from a historical context; and Assistant Ombudsman Experts Adem Yıldırım, Muhammet Emin Dumanoğlu, Vildan Çetin and Zübeyde Berkman for their dedicated work on numerous sources with a high volume of data shared daily since October 7.

We, the Special Report Working Group, dedicate this work to the "*children of Gaza*" who have endured unimaginable suffering without ever receiving the justice they deserve.

Fatma BENLİ YALÇIN
Ombudsman



WHAT IT MEANS TO BE DISPLACED

“Displaced means there is no mattress or pillow. Your mattress is the floor or your car, and your cover is a sheet that has been sitting in a warehouse for years, it smells musty, and there is no way to wash it.

Your pillow is the only bag of clothes you left your house with. You have constant back and leg pain from sleeping in awkward positions. Stomach aches and throat pain from the cold, and a headache from the anxiety.

Displaced means there is no water at all. You do not wash your hands, do not wash your clothes.

Displaced means there is no clean water to drink... you might have to drink contaminated water, full of diseases. And you might even die of thirst or from drinking the water.

Displaced means that when you want to go to the bathroom, you have to wait in line behind 600 people until your turn comes. When your turn finally comes, there will be another 500 people knocking on the door for you to finish quickly, and of course, there is no water in the bathroom.

Displaced means there is no cooked food, no bread, no food at all, except for a few boxes of cheese, which smells from the heat. No drink.

You go to the bakery to get bread for your family... you stand in line for seven hours, sometimes the bread might finish before your turn comes. Even if your turn comes, you are given just one bundle, not even enough for one meal - that is if you don't get hit by an airstrike while you are waiting.

Displaced means the loaf of bread is split between two, or possibly four; whatever it is, it's never enough. The important thing is that you ate and that is a great achievement.

Displaced means you look up to the sky 30 times every minute, imagining that a new massacre will happen to you, and the latest breaking news will be about you and your family.

Displaced means taking a shower is a dream that is difficult to achieve. Taking a bath is an impossible luxury.

Displaced means you always hear the bombing around you, and you see it, but you never know where it's coming from.

Displaced means that there is no electricity except by chance or luck, there is no mobile phone battery, there are no calls or messages, there is no internet, there is no communication with the world. You may die and no one in your family would know that you died.

Displaced means oppression, anxiety, tension, hunger, sweat, distress, delusion, sadness, darkness, anticipation, fear for the children, fear for the family, fear for the friends, fear for the future.

Please, when you read the word “displaced,” give it deep thorough thinking.”

*Save the Children staff member
Hasan's story in his words¹*

¹ <https://opt.savethechildren.net/news/stories-gaza-what-it-means-be-displaced> , Accessed: 30/01/2024.

LIST OF ABBREVIATIONS AND ACRONYMS

AA	Anadolu Agency
ECHR	European Convention on Human Rights
ECHR	European Court of Human Rights
EU	European Union
HRW	Human Rights Watch
ICC	International Criminal Court
ICJ	International Court of Justice
ICRC	International Committee of the Red Cross
IDF	Israel Defense Forces
ILO	International Labour Organization
IPC	Integrated Food Security Phase Classification
MSF	Doctors Without Borders
OCHA	UN Office for the Coordination of Humanitarian Affairs
OHCHR	Office of the United Nations High Commissioner for Human Rights
OIC	Organisation of Islamic Cooperation
RSF	Reporters Without Borders
TBMM	Türkiye Grand National Assembly
UAE	United Arab Emirates
UN	United Nations
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNFPA	UN Population Fund
UNHCR	UN High Commissioner for Refugees
UNICEF	UN Children's Fund
UNRWA	UN Relief and Works Agency for Palestine Refugees in the Near East
UNSC	United Nations Security Council
USA	United States of America
WCNSF	Wounded Child No Surviving Family
WFP	World Food Programme
WHO	World Health Organization

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PREFACE

With a history spanning over a century, the occupied Palestinian territories have been the site of numerous wars and conflicts, persisting in varying degrees of intensity. Nevertheless, the series of Israeli attacks on the Gaza Strip since October 7, 2023, have inflicted unprecedented harm upon the Palestinian population, surpassing the impact of previous Israeli offensives. Today, the people living in the Gaza Strip are facing a severe denial of their right to exist.

Never in any period of history and nowhere in the world has a handful of people fought such a long and arduous struggle for a small piece of land like Palestine. The conflict over Palestine is the longest struggle of the modern age. No issue or disagreement in the twentieth century has become as pivotal in international politics as the Palestinian issue. There is no other issue that has had such a sustained and strong influence on international politics. The void left by the Ottoman Empire in the Middle East has yet to be filled in a stable manner.²

On October 7, 2023, the Izzad-Din al-Qassam Brigades, the armed wing of Hamas, announced that they launched the operation “Al-Aqsa Flood” to “respond to Israel’s continuous violations against Palestinians and their holy sites, especially the Al-Aqsa Mosque.” The Israeli government launched the “Iron Sword” operation in response to this operation, and more than 65 thousand tons of bombs were dropped on Gaza, which has been blockaded by land, sea and air for 16 years, where 2.2 million Palestinians live in an area of only 365 km² and has the highest population density in the world.

Due to the unprecedented destruction and devastation caused by the Israeli security forces within a span of four months, as of 30 January 2024, more than 26,000 Palestinians, more than 70 per cent of whom were women and children, were killed, more than 65,000 were injured, settlements were rendered uninhabitable and 1.9 million people, representing 85 per cent of Gaza’s population, were displaced.

In the Gaza Strip, where Israel’s policies of displacement, destruction and massacre are ruthlessly implemented, people are trying to shelter in refugee camps and tents while struggling with hunger, thirst and epidemics under complete blockade. If there is no international intervention to prevent Israeli attacks and establish a permanent ceasefire on Gaza territory, it seems inevitable that there will be significant loss of life due to starvation and further displacement of the population towards the southern parts of Gaza, potentially towards Egyptian territory.

² Armaoğlu Fahir, *Filistin Meselesi ve Arap-İsrail Savaşları (1948-1988)*, 8. Edition, Kronik Yayınları, 2023, p.9.



Despite the fact that the Israeli government perpetrated war crimes in clear violation of international humanitarian law in front of the entire world, it has yet to face any sanctions. The Israeli administration, which caused hospitals to become inoperable and prevented the sick and wounded from receiving treatment, even went so far as to bomb refugee camps operating under the UN flag and cause the deaths of UN employees. They also disregarded the numerous UN General Assembly resolutions overwhelmingly calling for a humanitarian ceasefire, and despite the humanitarian crisis, the UN Security Council failed to pass a resolution for a ceasefire. In spite of the UN Security Council resolution and order on provisional measures by the International Court of Justice regarding the provision of humanitarian assistance, Israeli security forces continue to block humanitarian aid operations.

The Israeli government has consistently and extensively engaged in numerous actions that violate humanitarian law, all while being observed by the international community. Crucial evidence regarding each of these sections can be found in the news content of press organizations. It is important to note that the content included in the Special Report represents only a small portion of the violations we have analysed. Given that Israeli security forces have killed one child every 10 minutes and more than 12 thousand children in Gaza over the last four months, it is likely that even the chapter on *The Children of Gaza*, which we have had to summarise here in just a few pages, could be the subject of a very thorough study.

The sources of our Special Report primarily consist of reports from UN agencies and news content from media organizations. The hundred pieces of content shared by media organizations on a daily basis were followed and classified throughout the study period. When analysing the policies of countries, we relied on the official statements published on the Ministries of Foreign Affairs' websites. The video content primarily focused on the posts shared by these organizations on their social media accounts. In addition to the information collected from these sources, the testimonies of the people who came to our country from Gaza were also considered.

The primary purpose of this study is to classify the acts that caused serious violations of international humanitarian law on the protection of civilians during times of conflict after October 7, which should be investigated as crimes of genocide, crimes against humanity, and war crimes in accordance with international agreements that Israel has also ratified. Since the evidence of war crimes is predominantly the news content of media outlets, it is important to record and report on these sources while the attacks are still ongoing and the information is still up to date.

There are currently ongoing judicial proceedings before both the International Court of Justice and the International Criminal Court to investigate crimes against humanity and war crimes, including the crime of genocide, which is the international legal equivalent of the acts committed by Israel. One of the goals of our Special Report, in which we seek to reveal the violations of international humanitarian law committed by the Israeli administration and its security forces in every facet, is to share our independent organization's conclusions with these judicial authorities. In addition, our study, which provides a historical backdrop and detailed account of the incidents that unfolded since October 7, is also intended to serve as a lasting reminder of the issue regarding the occupied Palestinian territories.



The displacement of Palestinians to other countries and their status as refugees due to the occupation of their homelands in 1948 is symbolised by the term *Nakba*, meaning “Catastrophe.” This concept, which was used by Israeli authorities as a form of intimidation after October 7, once again became a harsh reality after four months, but under even more severe circumstances. Given the current state of international humanitarian law and international criminal jurisdiction, the Palestinians living in Gaza are once again subjected to policies of mass murder and displacement, which are significantly more severe. This situation not only negatively impacts the Palestinians but also undermines the fundamental values of humanity. As a result, the current situation in Gaza needs to be recognised as “*The Nakba of Humanity*,” which translates to “*The Catastrophe of Humanity*.” The situation in Gaza has been described by UN officials and experts using terms like “open-air prison” and “graveyard for children,” as mentioned in the title of the report. This title aims to illustrate the dire living conditions in Gaza, which were already challenging prior to October 7 due to the blockade policy but escalated to a humanitarian catastrophe after that date.

Our special report delves into the violations of humanitarian law in the Gaza Strip caused by four months of ongoing Israeli aggression, resulting in devastation and violence. The Special Report consists of 2 chapters and 3 appendices. The first chapter highlights the process that led to the humanitarian disaster and destruction since October 7, the regulations on protecting civilians in international humanitarian law and the reflections of the process in international law.

The second chapter covers 10 separate topics, each of which could form its own report, detailing actions committed by Israel predominantly in the Gaza Strip and Palestinian territories since October 7. These actions are considered to constitute severe violations of international humanitarian law and should be investigated as crimes against humanity and war crimes, including the crime of genocide.

The international ramifications of the post-October 7th period have been examined in the first two appendices of the report. The first appendix includes the work of international organizations such as the United Nations, the European Union, and the Organization of Islamic Cooperation, while the second appendix contains reports from international civil society organizations.

The last appendix of the Report explores the historical context of the Israeli occupation of Palestinian territories. It sheds light on the fact that the process of displacement, destruction, and occupation did not start recently but rather dates back to the collapse of the Ottoman Empire. The Report highlights how the demographic structure was deliberately altered in a systematic and planned manner and how these ongoing developments are part of a larger pattern that includes wars and occupations. Photographs and video content support the issues raised in the parts and appendices. The videos, the QR codes of which are shared, are important as they clearly demonstrate the humanitarian crisis and violations of humanitarian law in Gaza and the West Bank.





CHAPTER

1

Israeli Attacks On
Gaza After October 7
And International
Humanitarian Law



1.1. Chronology

▼ OCTOBER 7

On the morning of October 7, the Izz ad-Din al-Qassam Brigades, the armed wing of Hamas, launches the Operation Al-Aqsa Flood on the grounds of "responding to Israel's continuous violations against Palestinians and their holy sites, especially the Al-Aqsa Mosque."

Israel declares a state of war, launching Operation "Iron Sword" and intensive air strikes



▼ OCTOBER 9

Israel cuts off the flow of food, electricity and fuel to Gaza



▼ OCTOBER 11

Hamas releases a female settler and her child



▼ OCTOBER 13

Israel gives 1 million people living in northern Gaza 24 hours to leave their homes and move south and declares that if they do not, they will be treated as accomplices of a terrorist organizations, as well as exhibit of evidence of Israel's use of banned phosphorus bombs in its attacks



▼ OCTOBER 21

Opening the Rafah border crossing for the first time, allowing humanitarian aid to enter Gaza for the first time since October 7



▼ OCTOBER 23

Al-Qassam Brigades release two Israeli prisoners on "humanitarian and medical grounds" after Egypt's and Qatar's mediation



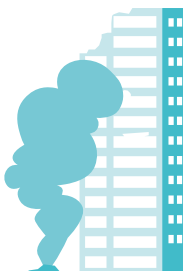
▼ OCTOBER 23

The rejection of the draft resolution submitted by the US to the UNSC on the right to self-defense of countries that did not call for a ceasefire in Gaza, with the veto of permanent members Russia and China, and the veto of Russia's draft resolution calling for a humanitarian ceasefire in Gaza by the US and the UK. The UN General Assembly adopts the draft resolution calling for an immediate, permanent and indefinite humanitarian ceasefire with a majority of 121 votes in favour, 14 against and 44 abstentions

The adopted draft resolution emphasises the need for all parties to fulfil their obligations under international law, particularly concerning the protection of civilians. The resolution also emphasises the urgent need for the "continuous, adequate and unhindered" provision of essential supplies and services to the Gaza Strip and the establishment of a mechanism to ensure the protection of the Palestinian civilian population in accordance with international law and relevant United Nations resolutions.

▼ NOVEMBER 15

Israeli forces demolish the parliament building in Gaza



▼ NOVEMBER 18

Israel evacuates 500 civilians from Al-Shifa Hospital



▼ NOVEMBER 23

Israel detains the director of Al-Shifa Hospital and a group of health workers



▼ NOVEMBER 24

Agreement for a four-day "humanitarian pause" and a "prisoner exchange"





OCTOBER 16

Russia submits the UNSC its call for a ceasefire in Gaza, where 70 percent of the population was displaced at the time, which is rejected due to the opposition of permanent members the US, the UK and France



OCTOBER 17

Israel kills more than 470 people in an attack on the Al-Ahli Baptist Hospital, to which it had issued an evacuation order along with 22 hospitals



OCTOBER 18

The US, a permanent member, vetoes a draft resolution submitted to the UNSC by Brazil calling for a "cessation of hostilities," despite 12 out of 15 members voting in favour of the resolution



OCTOBER 20

Israeli bombing of the Greek Orthodox Church of St. Porphyrius, where civilians took refuge



OCTOBER 28

Israel launches ground operation in Gaza



OCTOBER 30

Israeli shelling of Indonesian Hospital in North Gaza, Al-Quds Hospital in the west, managed by the Palestinian Red Crescent, the European Gaza Hospital in the southern Gaza, Turkish-Palestinian Friendship Hospitals, as well as Jabalia Refugee Camp



NOVEMBER 1

On November 1, the Ministry of Health of Egypt reports that the first group of numerous injured individuals in Gaza arrived in the country through the Rafah crossing, consisting of 117 foreigners



NOVEMBER 3

Israeli shelling of Al-Shifa Hospital, the largest medical facility in Gaza, where women and children, as well as the sick and wounded, have sought refuge



NOVEMBER 30

Extension of the humanitarian pause

"As part of the prisoner swap deal struck between Israel and Hamas, 240 Palestinian prisoners were released from Israeli prisons in return for the release of 81 Israeli prisoners from the Gaza Strip."



NOVEMBER 27

The humanitarian pause gets extended for an additional two days



DECEMBER 1

Israeli army announces resumption of attacks on the Gaza Strip



DECEMBER 6

UN Secretary-General sends a letter to the Security Council, appealing for a ceasefire





DECEMBER 8

The resolution that demanded an urgent humanitarian ceasefire in Gaza and the unconditional and immediate release of all hostages co-sponsored by 97 countries, including Türkiye, gets vetoed by the United States at the UN Security Council



DECEMBER 12

The draft resolution on "Protection of civilians and upholding legal and humanitarian obligations" gets adopted at the UN General Assembly with 153 votes in favour, 10 votes against, and 23 abstentions

(The four-article draft resolution included calls for an immediate humanitarian ceasefire, all parties to comply with their obligations under international law, including humanitarian law, particularly in terms of civilian protection, the immediate and unconditional release of all hostages, and the provision of humanitarian access.)

(The United States, Israel, Austria, Czechia, Guatemala, Liberia, Micronesia, Nauru, Papua New Guinea and Paraguay voted against the resolution, while the United Kingdom, Germany, Hungary, Italy, Argentina, Malawi, the Netherlands, Ukraine, South Sudan and Uruguay abstained.)

DECEMBER 22

Adoption of the UNSC resolution emphasising the critical nature of delivering humanitarian aid directly to Palestinian civilians across the entire territory and regulation of the appointment of a Senior Humanitarian and Reconstruction Coordinator for the Gaza Strip



DECEMBER 29

The Republic of South Africa presents its case regarding the implementation of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza Strip to the International Court of Justice, claiming that Israel violated its obligations under the Convention

JANUARY 23

The Israeli army besieges the largest settlement in the southern Gaza Strip, Khan Younis

JANUARY 26

The International Court of Justice (ICJ) issues an interim order on Israeli hostilities conducted in the Gaza Strip

JANUARY 27

The investigation into the alleged involvement of 12 UNRWA employees in the October 7 attacks prompts the suspension of funding to the organizations by several countries, including the US and the United Kingdom

JANUARY 28

The conference titled "Settlement Brings Security and Victory" held in West Jerusalem with the participation of twelve Israeli ministers and fifteen members of parliament





1.2. October 7 and After

Operation “*Al-Aqsa Flood*,” announced by Hamas’ armed wing, the Izzal-Din al-Qassam Brigades, on October 7, 2023, to “*respond to Israel’s continuous violations against the Palestinians and their holy sites, especially the Al-Aqsa Mosque*,” began in the morning with intense rocket and mortar fire on Israeli cities protected against missile and rocket attacks by the *Iron Dome* air defence system. Meanwhile, Hamas forces attacked security forces by crossing borders surrounded by walls and barbed wire on the ground and infiltrating Israel from the air, employing glider-like devices.

Israeli police and soldiers, as well as some civilians, were taken hostage during the attacks and were transferred to Gaza. According to Israel, since the attacks on October 7, there have been 1,400 Israelis and foreigners killed, 5,500 injured, and 247 taken hostage.

Following the attacks, Prime Minister Benjamin Netanyahu of Israel declared via a video message that Israel was at war, that the attacks would get a severe response, and that the operation “*Iron Sword*” would begin.

Amidst circumstances in which Israel has enforced a land, sea, and air blockade since 2017, in which it exercises control over borders via thermal cameras, aircraft, and walls, and where individuals’ movements are monitored via cell phones, the issue of how the security gap emerged and how the attacks were executed naturally arises. Prime Minister Benjamin Netanyahu of Israel said in a statement that was later deleted from his social media accounts that the Israeli army and internal security service Shin Bet (Shabak) were to blame for the security gap, that he was not warned in advance of the attacks, and that they only informed him at the last minute that Hamas was intimidated and that order was restored.³ According to statements made by soldiers on the Gaza border, the situation in Gaza was noticed months ago, and it was reported to higher-ranking officials.⁴

Regardless of the condition of the Israeli security forces at the time of the October 7 attacks, the four months of the Israeli attacks and the settlement plans shared at the Conference on Resettlement in Gaza, which 12 Israeli ministers attended, make it clear that Israel’s goal after the October 7 attacks was to render Gaza completely uninhabitable and to ensure the displacement of all Palestinians living there from Gaza towards Egypt.

On October 9, Defence Minister Gallant of Israel declared a complete siege on the Gaza Strip, prohibiting the entry of electricity, water, food, or fuel into the area, saying that they were fighting animals and acting accordingly. During the attacks, Israeli forces restricted the entry of humanitarian aid into Gaza and disrupted the supply of electricity, food, and fuel. Prime Minister Benjamin Netanyahu of Israel stated that the attacks on Gaza would “change the Middle East,” and on October 10, Gallant de-

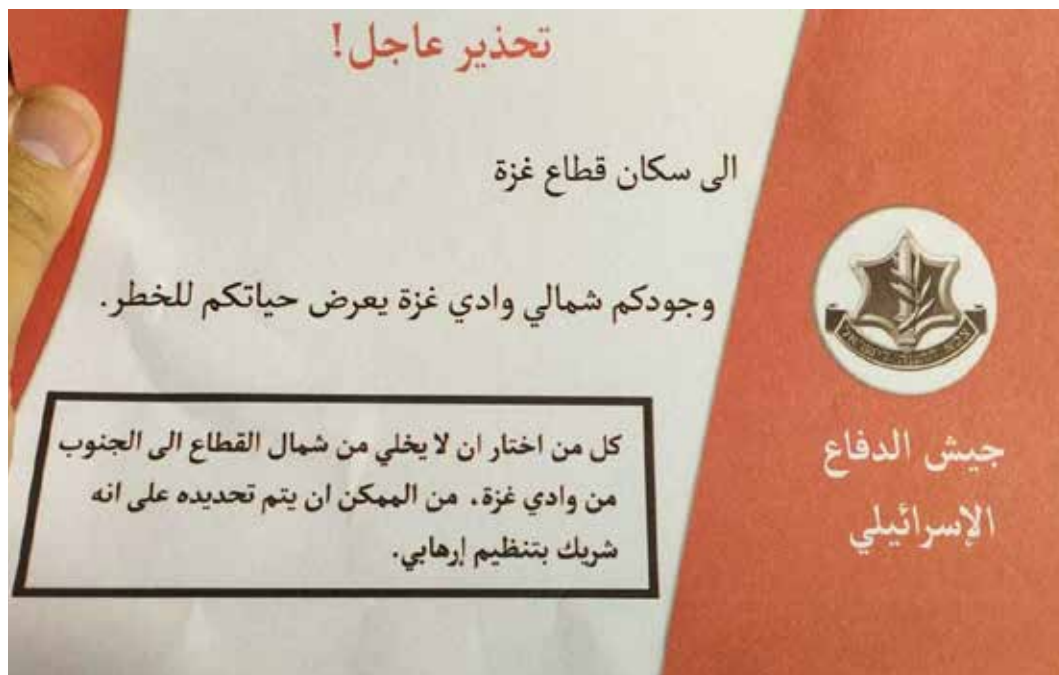
³ <https://www.trthaber.com/haber/dunya/netanyahu-hamasin-7-ekimdeki-saldirilarinda-ordu-ve-istihbarat-teskilatlarini-succladi-807890.html> , Accessed: 30/01/2024.

⁴ <https://www.bbc.com/turkce/articles/cd1j1zl9z6wo> , Accessed: 30/01/2024.

clared that Israeli forces were on a “full offensive.” Throughout this time, Israel has launched extremely severe airborne, seaborne, and ground attacks on Gaza, employing more than 65,000 tons of bombs.

A week after the attacks on Gaza began, Israeli Prime Minister Netanyahu urged more than one million people living in the north of Gaza, who are currently under siege and have no access to fuel, electricity, water, or food due to aerial bombardment, to evacuate the area, and the people were asked to proceed towards the Egyptian border.

The “evacuation order”, which states that anyone who chooses not to leave the area from the north of the Gaza Strip to the south of Wadi Gaza may be deemed an accomplice of a terrorist organization.



“Evacuation order” stating that anyone who chooses not to leave from the north of the Gaza Strip to the south of Wadi Gaza may be determined an accomplice in a terrorist organization was dropped in the form of leaflets on October 21, 2023, by the Israeli military in northern Gaza, ordering inhabitants to promptly “evacuate” within twenty-four hours. The leaflets read, “Anyone who chooses not to leave from the north of the Gaza Strip to the south of Wadi Gaza may be determined an accomplice in a terrorist organization”. The modus operandi of Israel, characterised by forced migration of the population in the north of Gaza via evacuation orders and the subsequent bombardment of civilian settlements, has gradually spread throughout Gaza. Evacuation orders and indiscriminate attacks on civilian settlements have resulted in the displacement of 85 per cent of the Palestinian people residing in Gaza, concentrating them in Rafah, situated along the Egyptian border. Similarly, the city of Rafah is exposed to Israeli strikes and, hence, is unable to provide secure shelter for Palestinians living in Gaza.



Genocide and More: The Various Forms Of Destruction Inflicted On Gaza

Apart from the massive scale of deaths, Israel has destroyed Gaza, its society and history in many other ways, which experts and rights groups assert are tantamount to crimes against humanity and war crimes

EDUCIDE: DESTRUCTION OF EDUCATION

H
Nearly
4,900
students
killed

8,500+
students
injured

620,000
STUDENTS ARE OUT
OF SCHOOL

286
government
schools bombed
or vandalized



65 UNRWA
schools bombed or
vandalized

12 higher education
institutions damaged
or destroyed

DOMICIDE: DESTRUCTION OF HOUSING

67,700
housing units
completely
destroyed

187,300
housing units
partially
damaged

60-70%
of structures damaged
or destroyed

ECOCIDE: DESTRUCTION OF ENVIRONMENT

97%

of Gaza's water
unsuitable for human
consumption

281,315
tons

Total **CO2**
emissions in
60 days

130,000+
m³

of untreated sewage
released daily into
Mediterranean Sea,
In October 2023

CULTURAL GENOCIDE

200 sites of historical and
cultural importance destroyed
or damaged, including:



12
Libraries



8
Museums



4
Churches



1,000
Mosques



Destroyed UNRWA school in Jabalia Camp

Feb. 8, 2024 | Sources: Anadolu | Echo-Med Monitor | Walla News Agency | Al Jazeera | UN | Palestinian Refugee Council | Palestinian Ministry of Education





A number of Palestinians, whose homes were demolished and who had to flee their homes due to the intense Israeli bombardment, took shelter in refugee camps, schools, hospitals, mosques and churches. Israel also targeted these facilities, which are supposed to be protected even in a state of war under international humanitarian law, and accused those who responded to its acts of supporting terrorism.

More than 470 people were killed in the Israeli airstrike on Al-Ahli Baptist Hospital.

<https://www.aa.com.tr/tr/dunya/israilin-gazzedeki-el-ehlibaptist-hastanesininbombal-amasisonucu-500-kisioldu/3023408>, Accessed: 30/01/2024



Israel's intensive targeting of places such as hospitals, refugee camps, schools and places of worship, where thousands of civilians, mostly women and children, took shelter and where many wounded and sick people needed treatment, has led to the severe loss of life and injury among an incomparably higher number of civilians than in any other war of the recent century. The death of more than 470 people in an Israeli airstrike on the Al-Ahli Baptist Hospital, to which Israel had issued an evacuation order along with 22 hospitals the day before, sparked deep outrage all over the world. The image of the doctors delivering a press statement amidst the remains of those who perished in the attack and the injured is etched in people's minds as a moment of historic disgrace. According to the Turkish Ministry of Foreign Affairs, Israel has implemented a policy of atrocities and massacres of innocent civilians in Gaza, which has emerged from the darkness of the Middle Ages and has been revived⁵ in the 21st century. The plight of innocent civilians, mostly women and children, whose corpses were

⁵ https://www.mfa.gov.tr/no_-291_-avrupa-birligi-komisyonu-2023-yili-turkiye-raporu-hk.tr.mfa, Accessed: 30/01/2024.



disfigured beyond recognition, who lost their arms and legs due to the severity of their injuries, and who suffered horrific wounds as a result of the attacks, makes it difficult to use different words to describe the tragedy.

Although the Israeli government, in an effort to maintain the support of the international community, claims to be targeting Hamas in its attacks, more than 70 per cent of the more than 25,000 people it has killed are women and children. More than 70,000 houses were destroyed in the Israeli attacks; 1.9 million out of Gaza's 2.2 million residents were compelled to flee their homes without taking their belongings with them.

Since October 7, there has also been a significant escalation of civilian casualties, settler attacks and detentions in the West Bank, which is not the primary focus of Israeli attacks. According to the data kept by the UN since 2005, 2022 was regarded as the *bloodiest year*, with more than 220 Palestinians, including 48 children, killed and more than 9,000 Palestinians injured. Israeli attacks in the last three months of 2023 caused many more civilian deaths and injuries in the West Bank than in 2022, which was considered the bloodiest year. Since October 7, more than 370 people, including more than 90 children, have been killed, and more than 4,300 people, including more than 650 children, have been injured in Israeli attacks in the West Bank.

The humanitarian catastrophe in Gaza today, caused by Israeli forces' indiscriminate attacks on civilian settlements by dropping tons of bombs and the killings of innocent civilians, is described as *hell on earth*, in the words of UN representatives.⁶ With one child killed every ten minutes, Gaza is the most dangerous place in the world to be a child.⁷ There is nowhere safe in Gaza, where even supposedly safe places are being bombed.

The official statements of the Palestinian and Israeli authorities on the developments are provided below, followed by a timeline of incidents since October 7, 2023, as well as details on the situation unfolding in Gaza, Jerusalem and the West Bank in the wake of Israeli attacks.

1.3. Official Statements by Palestine

The first statement issued by the State of Palestine on October 7 emphasized that they have repeatedly warned against the consequences of denying the Palestinian people the right to self-determination and the opportunity to establish their own state. They warned against the ongoing terrorism by settlers and occupation forces, as well as daily provocations and attacks, including raids on the Al-Aqsa Mosque and other Christian and Islamic holy sites. The statement also stressed that security, stability, and peace in the region can only be achieved by ending the Israeli occupation in the State of Palestine, with its capital in East Jerusalem, based on the 1967 borders, and by recognizing

⁶ <https://www.unrwa.org/newsroom/official-statements/statement-commissioner-general-philippe-lazzarini-occasion-french>, Accessed: 30/01/2024.

⁷ <https://www.unicef.org/press-releases/statement-unicef-regional-director-middle-east-and-north-africa-adele-khodr>, Accessed: 30/01/2024.



the people's right to independence and sovereignty. It pointed out that Israel's rejection of signed agreements and non-compliance with international legitimacy decisions leads to the collapse of the peace process. This situation, according to the statement, persists due to the failure to find a solution to the Palestinian cause after 75 years of suffering and displacement, as well as the continuation of double standards and the policies of the Israeli occupation forces, which constitute crimes against the Palestinian people and racist practices. It also highlighted the silence of the international community in the face of injustice and oppression suffered by the Palestinian people.⁸

In the statement issued on October 14, 2023, Israel's actions to displace the people in the occupied Gaza Strip were strongly condemned and rejected, being likened to a second Nakba (catastrophe) experienced by the Palestinian people in the eyes of the international community. The statement called for immediate and urgent intervention by the international community to stop Israel's massacres, killings, and attacks.⁹

In the statement dated October 17, 2023, regarding the attack on the Baptist Hospital (Ahli Arabi Hospital) by Israel, it was emphasized that the cold-blooded massacre committed against hundreds of Palestinian civilians taking refuge in the hospital would forever remain a stain on the conscience of humanity witnessing the horror inflicted upon the Palestinian people and failing to act to stop it. While thousands of people are mercilessly killed and millions are subjected to hunger and forced displacement, every rule of international law is being violated. Israeli occupying forces continue to target the Gaza Strip and civilian areas relentlessly with thousands of missiles and bombs from the air, land, and sea, threatening to commit mass killings.¹⁰

In the statement dated October 27, 2023, the State of Palestine expressed its satisfaction with the UN General Assembly resolution calling for the protection of the Palestinian people in the Gaza Strip from Israeli attacks and massacres, as well as an urgent humanitarian ceasefire and unimpeded humanitarian assistance, and firmly rejecting any attempts to displace the Palestinian population forcibly. According to the statement, Israel's attacks on the Palestinian people have reached a new peak of brutality, including the complete cessation of communication. There was an emphasis on the need for a strong international stance rejecting Israel's outrageous aggression and blatant disregard for international humanitarian law and the lives of Palestinian civilians. It was demanded that all states adhere to this resolution, with accountability ensured for non-compliance.¹¹

On the occasion of World Children's Day, in the statement made by the State of Palestine on November 20, 2023, the following expressions were included: ¹²

⁸ <http://www.mofa.pna.ps/en-us/mediaoffice/politicalstatement/pr71012023>, Accessed: 30/01/2024.

⁹ <http://www.mofa.pna.ps/en-us/mediaoffice/politicalstatement/statement-21>, Accessed: 30/01/2024.

¹⁰ <http://www.mofa.pna.ps/en-us/mediaoffice/politicalstatement/pr171020234>, Accessed: 30/01/2024.

¹¹ <http://www.mofa.pna.ps/en-us/mediaoffice/politicalstatement/pr271020238>, Accessed: 30/01/2024.

¹² <http://www.mofa.pna.ps/en-us/mediaoffice/politicalstatement/ps201120234>, Accessed: 30/01/2024.



“World Children’s Day is celebrated at a time when the lives, rights, homes, schools, and dreams of Palestinian children are deliberately and systematically destroyed by the illegal Israeli occupation regime. Palestinian children are subjected to ongoing arbitrary, indiscriminate, and excessive use of force, resulting in widespread suffering and long-term trauma.”

During the past six weeks, Israel’s deadly assault on Gaza has resulted in the deaths of more than 5,500 children, with thousands more presumed to have perished under the rubble. Thousands have also been injured. Those Palestinian children who have survived this massacre are being subjected to inhumane conditions imposed by the occupying power, Israel, including forced displacement, hunger, thirst, and deprivation of basic necessities of life.

This brutal reality also encompasses Palestinian children in the occupied West Bank, where the occupying army and settler militias have displaced dozens of families since the beginning of 2023 and killed 96 children, 53 of them in the last 44 days alone. Meanwhile, 200 Palestinian children are being held in Israeli detention centres, deprived of their most basic rights.

The structural and systematic violence against children is emblematic of the illegal occupation regime’s entrenched agenda of colonization, dispossession, and apartheid. This campaign of oppression against Palestinian children and their aspirations for a dignified, safe, and free life is an intentional assault on the future of Palestine.

The State of Palestine will continue to take determined steps to protect and defend the dignity, rights, and lives of Palestinian children, including holding accountable those responsible for war crimes committed against them.

In this context, we call on the United Nations Secretary-General to finally include Israeli occupation forces and settler militias on the list of parties committing grave violations affecting children in situations of armed conflict. Additionally, the State of Palestine urges all states, especially the High Contracting Parties to the Geneva Conventions, to take effective measures to end ongoing military attacks against Palestinian children. This includes holding Israeli government officials, military commanders and forces, as well as settlers, accountable for grave violations and heinous crimes against Palestinian children.

The State of Palestine, along with the Republic of South Africa, the People’s Republic of Bangladesh, the Plurinational State of Bolivia, the Union of Comoros, and the Republic of Djibouti, has submitted an application to the International Criminal Court regarding war crimes committed in the State of Palestine¹³ and the State of Palestine welcomes the Republic of South Africa’s filing of a case at the International Court of Justice alleging violations of the Convention on the Prevention and Punishment of the Crime of Genocide. The statement highlights that Israel’s policies and actions aim to annihilate the Palestinian people under colonial occupation and apartheid regime, qualifying as genocide.¹⁴

¹³ <http://www.mofa.pna.ps/en-us/mediaoffice/politicalstatement/pr17112023>, Accessed: 30/01/2024.

¹⁴ <http://www.mofa.pna.ps/en-us/mediaoffice/politicalstatement/statement-28>, Accessed: 30/01/2024.



1.4. Official Statements by Israel

"All of the places which Hamas is deployed, hiding and operating in, that wicked city, we will turn them into rubble. I say to the residents of Gaza: Leave now because we will operate forcefully everywhere."¹⁵

*Benjamin Netanyahu
Prime Minister of Israel*

"I have ordered a complete siege on the Gaza Strip. There will be no electricity, no food, no fuel, everything is closed. We are fighting human animals and we are acting accordingly."¹⁶

*Yoav Gallant
Israeli Defense Minister*

Israeli Prime Minister Benjamin Netanyahu, in his first statement following the start of Hamas attacks on October 7, 2023, declared that they are at war and will exact an unprecedented cost on the enemy.¹⁷

Hamas is designated as a terrorist organization by the Israeli Ministry of Foreign Affairs, according to their official website, which describes it as a group driven by bloodthirstiness, uncontrollable behaviour, lack of moral constraints, and a desire to harm Israeli citizens and dismantle the State of Israel.

Israeli authorities have declared themselves to be in a state of war with terrorist organizations due to the attacks that began on October 7th. According to official statements, Hamas is the governing body of the Gaza Strip and controls every aspect of life there. It is behind these attacks and will be held responsible for the consequences. The full responsibility for the actions Israel must take lies with Hamas. Israel will do whatever is necessary to protect its citizens and territory.¹⁸

On October 7th, Israeli Prime Minister Netanyahu, in his first statement, described Gaza as a treacherous city and stated that operations would be carried out to turn every place into rubble, emphasizing that Gazans should leave. Israeli Defense Minister Gallant, on October 9th, announced that a full-scale blockade would be imposed on Gaza, indicating that everything would be closed, including electricity, food, water, and fuel, and they were fighting against 'human-like animals' and would act accordingly. In a speech to Israeli soldiers on October 10th, it was mentioned that all rules were lifted in the army, fighting soldiers would not be held accountable for anything, they were fighting against 'human-like animals,' Gaza would not be the same as before, and they would obliterate everything.

¹⁵ <https://www.gov.il/en/departments/news/statement-by-pm-netanyahu-7-oct-2023> , Accessed: 30/01/2024.

¹⁶ <https://www.aa.com.tr/tr/ayrimcilikhatti/ayrimcilik/new-york-merkezli-orgut-israilli-bakanin-sozlerini-savas-sucuna-cagri-olarak-niteledi/1817315>, Accessed: 30/01/2024.

¹⁷ <https://www.gov.il/en/departments/news/statement-by-prime-minister-benjamin-netanyahu-7-oct-2023>, Accessed: 30/01/2024.

¹⁸ <https://www.gov.il/en/departments/news/swords-of-iron-war-in-the-south-7-oct-2023> , Accessed: 30/01/2024.



In his statement dated October 12, Israeli President Herzog emphasized that the entire nation is responsible for what has happened and that it is not accurate to claim that civilians were not involved. On October 13, Israeli Minister of Energy and Infrastructure Katz shared on his social media account that an order had been issued for all civilian populations in Gaza to evacuate the area immediately, stating that they would not be allowed to take even a drop of water or a single battery until they leave the world. On November 12, Israeli Minister of Agriculture Ditcher described the forced displacement of the civilian population in the Gaza Strip as the “2023 Gaza Exodus”. Israeli Minister of Heritage Eliyahu, during a television program, responded to a question about the fate of Palestinians living in Gaza by saying, “They can go to Ireland or to the deserts. The ‘monsters’ in Gaza should find their own solution.”

On October 11, in Israel, a national state of emergency government was established to make decisions regarding the state of war. According to Netanyahu, if Hamas could do what it wanted, it would do the same to Israel as the Nazis did to the Jews.¹⁹

With the start of the air bombardment on Gaza, a substantial shipment of weapons from the United States to Israel has begun simultaneously. Within two months of ongoing attacks on the Gaza Strip, over 10,000 tons of military equipment have been sent from America to Israel via 200 cargo planes.²⁰ According to the Yediot Ahronot newspaper in Israel, the United States has sent Israel 230 aircraft and 20 ships full of weapons so far. These shipments include artillery shells, armoured vehicles, and basic combat equipment for soldiers.²¹

In line with the fundamental humanitarian aid request from President Biden, the Israeli War Cabinet made the following decisions on October 18th:

1. Israel will not allow any humanitarian aid to be provided from its territory to the Gaza Strip unless prisoners are returned.
2. Israel is requesting the International Red Cross to visit the prisoners and is seeking broad international support for this request.
3. In accordance with President Biden’s request, Israel will only block humanitarian aid coming from Egypt to the civilian population located or evacuated to the south of the Gaza Strip in the form of food, water, and medicine. Aid reaching Hamas will be prevented.²²

After sustaining intensive aerial bombardment since October 7th, Israel announced the commencement of a ground operation on October 28, 2023, marking the second phase of the war.

¹⁹ <https://www.gov.il/en/departments/news/pm-netanyahu-meets-with-president-of-the-ec-ursula-von-der-leyen-13-oct-2023>, Accessed: 30/01/2024.

²⁰ <https://www.aa.com.tr/tr/dunya/israil-gazzedeki-savasin-basindan-bu-yana-abdden-200-ucak-askeri-yardim-aldik/3074938>, Accessed: 30/01/2024.

²¹ <https://www.aa.com.tr/tr/dunya/israil-basinina-gore-abd-israile-230-ucak-ve-20-gemi-dolusu-silah-gonderdi/3092199>, Accessed: 30/01/2024.

²² <https://www.gov.il/en/departments/news/statement-from-the-prime-minister-s-office-18-oct-2023>, Accessed: 30/01/2024.



The operation aims to eliminate Hamas's military and administrative capabilities and to bring prisoners back to their homes. In his statement on the same date, Netanyahu read a passage from the Torah, "Remember what Amalek did to you (Deuteronomy 25:17)," and stated, "We remember, and we fight."²³

Netanyahu also stated that under the leadership of President Biden, they have managed to secure broad international support from leaders of the United States and Europe, including the President of France, the Prime Minister of the United Kingdom, the Prime Minister of Italy, and the Chancellor of Germany, as well as leaders from other countries including the Netherlands, Greece, Cyprus, and others.²⁴

Israel has also expressed additional criticism towards numerous international organizations and states through its official website of the Ministry of Foreign Affairs, citing lack of support during their legitimate defense war for not adhering to their approaches in policy and rhetoric.²⁵

On November 14th, the Foreign and Health Ministers of Israel met with the Director-General of the World Health Organization (WHO), requesting the WHO to clearly expose Hamas's use of hospitals in the Gaza Strip for terrorist activities. According to the Foreign Minister, the use of hospitals by Hamas as shelters for terrorist activities represents a failure on the part of the World Health Organization and UN agencies.²⁶

On November 21st, the Israeli government approved a draft resolution that envisages the release of at least 50 hostages, including women and children, within four days, and calls for a cessation of hostilities during this period. The resolution also stipulates that for every ten hostages released, an additional day of ceasefire will be observed.²⁷

As the second month approached following Israel's operations and attacks on Gaza initiated after the October 7th assaults, the death toll had surpassed 15,000, including over 7,000 children and 4,000 women, with over 40,000 individuals injured and over 7,000 reported missing. The increasing number of fatalities, predominantly among children and women in Israel's attacks, along with the profound outrage sparked by images of civilians killed and severely injured, and the targeting of civilian settlements, schools, mosques, churches, and hospitals, led to a decline in support for Israel and calls for urgent investigations into actions deemed genocide, crimes against humanity, and war crimes falling within the jurisdiction of the International Criminal Court, as well as urgent calls for a ceasefire. A draft

²³ In a different section where the Amalek reference is made, the following statements are included: "Now go and strike Amalek and devote to destruction all that they have. Do not spare them, but kill both man and woman, child and infant, ox and sheep, camel and donkey" (Tanakh, 1 Samuel 15:3)

²⁴ <https://www.gov.il/en/departments/news/statement-by-pm-netanyahu-28-oct-2023>, Accessed: 30/01/2024

²⁵ <https://www.gov.il/en/departments/news/israel-to-summon-spanish-ambassador-for-reprimand-30-nov-2023>, Accessed: 30/01/2024.

²⁶ <https://www.gov.il/en/departments/news/fm-cohen-met-with-the-secretary-general-of-the-world-health-organization>, Accessed: 30/01/2024.

²⁷ <https://www.gov.il/en/departments/news/release-of-hostages-statement-by-the-government-of-israel-21-nov-2023>, Accessed: 30/01/2024.



resolution calling for an urgent, permanent, and unconditional humanitarian ceasefire was discussed in the UN General Assembly on October 26th, receiving 121 favourable votes, 14 votes against, and 44 abstentions, thereby being adopted with a large majority. In the UN Security Council meeting held on December 8th, the United States was the sole opponent to the resolution calling for a humanitarian ceasefire between the parties. A similar draft resolution, which included a request for an urgent ceasefire, was discussed on December 12th in the UN General Assembly and was adopted with 153 in favour and 10 against.

On December 3rd, the Israeli Ministry of Foreign Affairs published a comprehensive assessment titled " Hamas-Israel Conflict 2023: Key Legal Aspects" on its official website, regarding the ongoing attacks. According to the evaluations made therein;²⁸

- Hamas and Islamic Jihad continue to commit war crimes and crimes against humanity by attacking Israel and carrying out hostage-taking actions. These actions include the killing of more than 1,400 Israeli and foreign citizens, injuring over 5,500 people, widespread torture and mutilation, burning people alive, beheading, rape and sexual violence, dismemberment of bodies, kidnapping of at least 247 hostages (including babies and children), indiscriminate firing of thousands of rockets, and using Palestinian civilians as human shields. The assessment also suggests that these actions could amount to genocide.
- The scope of the attack initiated on October 7th is equivalent to the September 11 attacks. Israel has the right and obligation to defend itself. Israel has the right to defend its citizens and territory by taking all legitimate measures to ensure the release of hostages and neutralize the threat it faces.
- Despite Hamas's unimaginable actions and disregard for human life (whether Israeli or Palestinian) and law, Israel remains committed to conducting its military operations in accordance with international law, as repeatedly confirmed by its top political and military leadership. Israel has robust and independent investigation mechanisms in place to address allegations of abuse. The Israeli Attorney General provides continuous legal advice to the Cabinet and Government, and the Israeli High Court of Justice exercises judicial oversight, including during conflicts.
- War is between a state committed to the rule of law, which forms the basis of its military operations, and a terrorist group openly challenging the law. It is unacceptable to envisage parity between the parties.
- For a sound legal assessment, it is essential to evaluate not only the law but also the facts accurately and reliably. Incorrect and false news, as seen in the case of the Al-Ahli Hospital attack, can occur.
- Israel is not targeting the civilian population in Gaza but rather operating against Hamas and other terrorist groups. Its attacks are directed solely at military targets, and it does not engage

²⁸ <https://www.gov.il/en/departments/news/hamas-israel-conflict2023-key-legal-aspects>, Accessed:30/01/2024.



in “collective punishment” in any form. Considering Hamas’s unlawful strategy of systematically placing its military activities and assets in populated areas, including residential and commercial buildings, places of worship, and hospitals, seemingly civilian objects may become legitimate targets. Therefore, the conclusion that an attack is unlawful cannot be reached solely based on whether “civilian” or “civilian objects” are targeted.

- From a legal perspective, civilian casualties or damage to civilian objects, while tragic, do not allow for a conclusion on proportionality without a deliberate assessment of both the expected civilian harm and the anticipated military advantage during the attack.
- IDF takes various precautionary measures under operational conditions, including advance warning and selection of weapons and ammunition. In order to minimize civilian harm, IDF repeatedly called on civilians to temporarily evacuate northern Gaza, where more intense hostilities were expected, towards the south where aid was more easily accessible. Hamas has callously sought to prevent civilians from leaving hostile areas in an attempt to exploit civilian casualties and hinder IDF’s operational activities.
- Israel does not wish to cause harm to civilians. Israel is determined to meet the humanitarian needs of those suffering as a result of Hamas’s brutality and provocations. A designated Israeli unit (COGAT) closely monitors the humanitarian situation in Gaza and the needs of the civilian population, coordinating humanitarian activities with relevant international actors and organizations. Israel facilitates shipments and additional aid entries from Egypt to Gaza and works to significantly increase these aids.
- Real concern about the humanitarian situation should also encompass the explicit demand for the release of reserves withheld by Hamas from the civilian population, and effective mechanisms should be in place to ensure that humanitarian aid reaches its intended civilian destination and does not sustain terrorists.
- Israel continues to uphold its commitment to facilitate and expand access to humanitarian aid for Palestinian civilians. However, international law does not require humanitarian aid to be diverted or exploited to sustain Hamas’s ability to attack Israel and its citizens.

Due to Israel’s intensive attacks on Gaza, there has been ongoing discussion in the international community regarding civilian casualties, humanitarian ceasefires, humanitarian aid, blockade practices, and collective punishment, which raises concerns about violations of international humanitarian law and human rights. The Israeli Ministry of Foreign Affairs has created a frequently asked questions section on its official website to address these issues. In their statements, they emphasize that Hamas bears full responsibility for the conflict, targeting Hamas elements rather than civilians in the clashes, acting proportionately, doing everything possible to reduce civilian casualties and provide humanitarian aid, adhering to international law rules, and opposing ceasefires because they would give Hamas time to commit further atrocities.²⁹

²⁹ <https://www.gov.il/en/Departments/General/swords-of-iron-faq-6-dec-2023>, Accessed: 30/01/2024.



As Israel's attacks on the Gaza Strip entered their 100th day, Prime Minister Netanyahu stated in a declaration that despite the magnitude of the humanitarian disaster and devastation in Gaza, the attacks on Gaza would continue for months.³⁰

1.5. Current Situation in Gaza Strip

As one hundred days have passed since the most destructive and bloody attacks in recent history, in which Israel also targeted hospitals, schools, mosques and churches in the Gaza Strip, more than 26,000 Palestinians, the majority of whom were children and women, have been killed and more than 65,000 people have been injured in the attacks, which were executed using the gravest forms of war crimes.

According to the statements made by the United Nations Relief and Works Agency for Palestine Refugees (UNRWA), up to 1.9 million Palestinians, representing nearly 85 per cent of the population of the Gaza Strip, have been displaced within the past three months since October 7; 1.4 million Palestinians are sheltering in 155 UNRWA facilities, which is four times their capacity; 500,000 Palestinians are in need of humanitarian assistance; all of these people are receiving assistance from UNRWA; the bombardment and siege have resulted in inhumane and degrading living conditions; tens of thousands of people are sleeping on the streets in the absence of adequate food, water and hygiene; humanitarian assistance is severely insufficient; the economy has reached a state of collapse; and irreversible implications have ensued in Gaza due to the blatant disregard of international humanitarian law.³¹

According to data released by the Palestinian Central Bureau of Statistics, as of January 30, 2024, a total of 26,337 people, including 12,345 children and 7,500 women, have been martyred in the Gaza Strip in Israeli attacks. More than 70 per cent of the dead were children and women. In the West Bank, 378 people were killed. The number of missing persons reached 7,000, including 4,700 women and children. The dead include 200 journalists, 337 healthcare workers and 152 UN humanitarian aid personnel. More than 65,000 people were injured as a result of the attacks. Among the more than 25,000 buildings destroyed, more than 70,000 independent units, 140 public buildings, 161 mosques, 99 schools and 3 churches were completely destroyed. 290,000 independent units, 295 schools, 196 mosques and 25 hospitals were damaged; more than 122 ambulances were destroyed; and 30 hospitals were rendered out of service due to Israeli attacks and blockade conditions.³² More than 65,000 tons of explosives were dropped on homes, schools, hospitals and all other civilian settlements in the Gaza Strip during the Israeli military offensive.

³⁰ <https://www.aa.com.tr/tr/dunya/israil-basbakani-netanyahu-gazzeye-yonelik-saldirilarinin-aylar-surecegini-soyledi/3108676>, Accessed: 30/01/2024.

³¹ <https://www.unrwa.org/resources/reports/unrwa-situation-report-61-situation-gaza-strip-and-west-bank-including-east-jerusalem>, <https://www.unrwa.org/newsroom/official-statements/statement-unrwa-commissioner-general-philippe-lazzarini-virtual-follow>, Accessed: 30/01/2024.

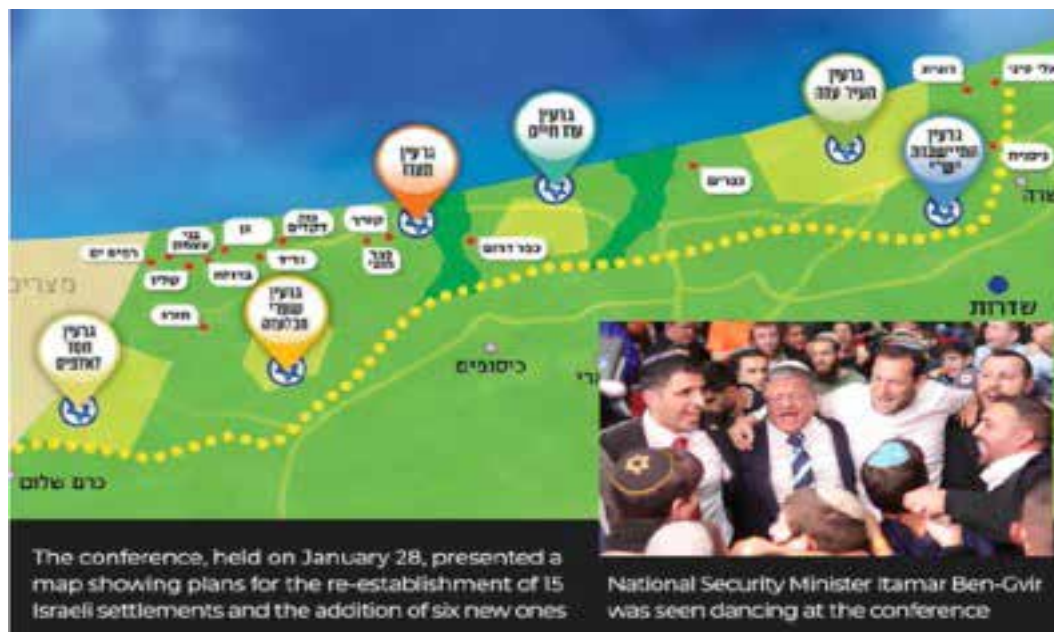
³² <https://www.pcbs.gov.ps/>, Accessed: 30/01/2024.



81 Israeli prisoners were released from the Gaza Strip, and 240 Palestinian prisoners were released from Israeli jails as part of the “humanitarian pause” that began on November 24 and lasted until December 1. However, since October 7, the number of people taken into custody and detention by Israel has exceeded 9,000.

Israeli Prime Minister Benjamin Netanyahu said in his first statement on October 7, 2023, that they were at war and that the enemy would pay an unprecedented price. His words have indeed become a reality; infants, women and children were made and are still being made to pay the price for Israeli security forces’ failure to prevent the October 7 attacks.

As of January 30, 2024, Israel has evacuated the north of Gaza, besieged Khan Younis in the south of Gaza, and initiated naval bombardment on Rafah, the last remaining town on the border with Egypt. The International Court of Justice issued an order on provisional measures on January 26, 2024, stating that it would try Israel for alleged acts of genocide. Immediately after the ruling, eight Western countries, particularly the USA, the UK and Germany, decided to suspend the funding to UNRWA, the sole lifeline for 1.9 million displaced people in the face of starvation. Despite the order on provisional measures by the International Court of Justice, two days later, on January 28, 2024, Israeli ministers and MPs held a conference to promote Jewish settlement in Gaza; while Gazans are still living in Gaza, and the settlements they would build in Gaza were presented on a map as they danced and celebrated. Minister Ben Gvir said, “We need to encourage voluntary emigration from Gaza,” while Settler Leader Daniella Weiss said that Israel’s southern gate was open and that people in Gaza could go anywhere in the world.”





Gaza death toll nears **27,000**

Number of
Palestinians
killed
26,751

SINCE OCT. 7

Number of injured
65,636



At least
11,000
children


At least
7,500
women





70,000 houses completely destroyed in Gaza




COMPLETELY DESTROYED BUILDINGS

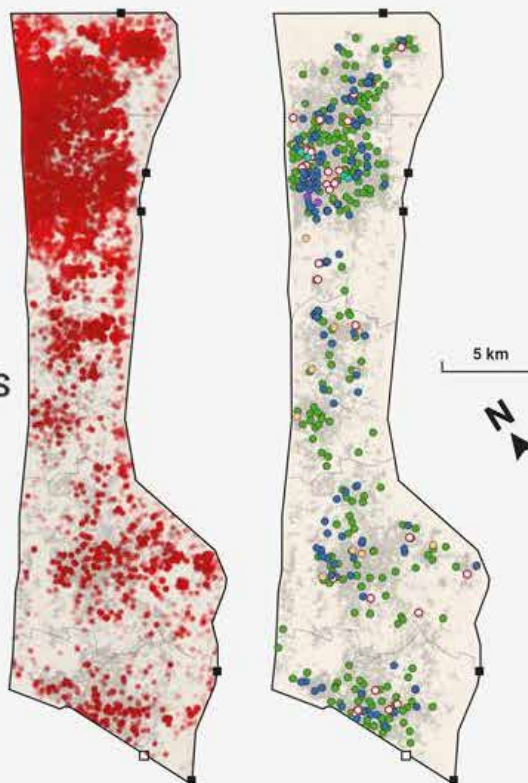
-  70,000 HOUSES
-  138 GOV'T FACILITIES
-  97 SCHOOLS AND UNIVERSITIES
-  157 MOSQUES

DAMAGED BUILDINGS

-  290,000 HOUSING UNITS
-  295 SCHOOLS AND UNIVERSITIES
-  89 MOSQUES
-  3 CHURCHES

150 HEALTH FACILITIES TARGETED

-  53 HEALTH CENTERS
-  30 HOSPITALS NO LONGER OPERATIONAL
-  122 AMBULANCES DESTROYED



● Damaged buildings

Before Oct. 7

Civil institutions and buildings in Gaza

-  Hospital
-  Refugee Camp
-  University
-  School
-  Mosque
-  Church
-  Border crossing
-  Settlement



1.6. Relevant International Conventions

Even though the prohibition of certain behavior in the conduct of armed conflict can be traced back many centuries, the concept of war crimes developed particularly at the end of the 19th century and beginning of the 20th century, when international humanitarian law, also known as the law of armed conflict, was codified. The Hague Conventions adopted in 1899 and 1907 focus on the prohibition to warring parties to use certain means and methods of warfare. Several other related treaties have been adopted since then. In contrast, the Geneva Convention of 1864 and subsequent Geneva Conventions, notably the four 1949 Geneva Conventions and the two 1977 Additional Protocols, focus on the protection of persons not or no longer taking part in hostilities. Both Hague Law and Geneva Law identify several of the violations of its norms, though not all, as war crimes. However there is no one single document in international law that codifies all war crimes. Lists of war crimes can be found in both international humanitarian law and international criminal law treaties, as well as in international customary law.

The 1949 Geneva Conventions have been ratified by all Member States of the United Nations, while the Additional Protocols and other international humanitarian law treaties have not yet reached the same level of acceptance. However, many of the rules contained in these treaties have been considered as part of customary law and, as such, are binding on all States (and other parties to the conflict), whether or not States have ratified the treaties themselves.³³

1.6.1. Convention on the Prevention and Punishment of the Crime of Genocide

In its resolution 96 (I) of December 11, 1946, the UN General Assembly stated that “Genocide is a denial of the right of existence of entire human groups, as homicide is the denial of the right to live of individual human beings; such denial of the right of existence shocks the conscience of mankind, results in great losses to humanity in the form of cultural and other contributions represented by these human groups, and is contrary to moral law and to the spirit and aims of the United Nations.”

Convention on the Prevention and Punishment of the Crime of Genocide was adopted by UN General Assembly Resolution 260 A (III) of December 9, 1948 and entered into force on January 12, 1951. In the Preamble of the Convention it is stated that genocide is a crime under international law, contrary to the spirit and aims of the United Nations and condemned by the civilized world, that at all periods of history it has inflicted great losses on humanity, that in order to liberate mankind from such an odious scourge, international co-operation is required.

According to the Article I of the Convention; The Contracting Parties confirm that genocide, whether committed in time of peace or in time of war, is a crime under international law which they undertake to prevent and to punish.

³³ <https://www.un.org/en/genocideprevention/war-crimes.shtml>, Accessed: 30/01/2024.



According to the Article II; In the present Convention, genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:

- a. Killing members of the group;
- b. Causing serious bodily or mental harm to members of the group;
- c. Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
- d. Imposing measures intended to prevent births within the group;
- e. Forcibly transferring children of the group to another group.

According to the Article III; The following acts shall be punishable: (a) Genocide; (b) Conspiracy to commit genocide; (c) Direct and public incitement to commit genocide; (d) Attempt to commit genocide; (e) Complicity in genocide.

According to the Article IV; Persons committing genocide or any of the other acts enumerated in article III shall be punished, whether they are constitutionally responsible rulers, public officials or private individuals.

According to the Article V; The Contracting Parties undertake to enact, in accordance with their respective Constitutions, the necessary legislation to give effect to the provisions of the present Convention, and, in particular, to provide effective penalties for persons guilty of genocide or any of the other acts enumerated in article III.

According to the Article VI; Persons charged with genocide or any of the other acts enumerated in article III shall be tried by a competent tribunal of the State in the territory of which the act was committed, or by such international penal tribunal as may have jurisdiction with respect to those Contracting Parties which shall have accepted its jurisdiction.

According to the Article VII; Genocide and the other acts enumerated in article III shall not be considered as political crimes for the purpose of extradition. The Contracting Parties pledge themselves in such cases to grant extradition in accordance with their laws and treaties in force.

According to the Article VIII: Any Contracting Party may call upon the competent organs of the United Nations to take such action under the Charter of the United Nations as they consider appropriate for the prevention and suppression of acts of genocide or any of the other acts enumerated in article III.

According to the Article IX; Disputes between the Contracting Parties relating to the interpretation, application or fulfilment of the present Convention, including those relating to the responsibility of a State for genocide or for any of the other acts enumerated in article III, shall be submitted to the International Court of Justice at the request of any of the parties to the dispute.



1.6.2. Geneva Conventions and Protection of Civilians in Armed Conflicts

The Geneva Conventions of August 12, 1949, which are the basic documents of international humanitarian law, consist of four separate conventions and additional protocols. The titles of the conventions and protocols are as follows:

- The First Geneva Convention “for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field”
- The Second Geneva Convention “for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea”
- The Third Geneva Convention “relative to the Treatment of Prisoners of War”
- The Fourth Geneva Convention “relative to the Protection of Civilian Persons in Time of War”
- Additional Protocols to the 1949 Geneva Conventions
 - Protocol I (1977) relating to the Protection of Victims of International Armed Conflicts
 - Protocol II (1977) relating to the Protection of Victims of Non-International Armed Conflicts
 - Protocol III (2005) relating to the Adoption of an Additional Distinctive Emblem

Since the subject matter of the Special Report is the protection of civilians, this section will focus on the provisions of Geneva Convention IV and the Additional Protocols. According to Geneva Convention IV;

- The wounded and sick, as well as the infirm, and expectant mothers, shall be the object of particular protection and respect. (*Article 16*)
- Civilian hospitals organized to give care to the wounded and sick, the infirm and maternity cases, may in no circumstances be the object of attack, but shall at all times be respected and protected by the Parties to the conflict. The protection to which civilian hospitals are entitled shall not cease unless they are used to commit, outside their humanitarian duties, acts harmful to the enemy. (*Articles 18-19*)
- Persons regularly and solely engaged in the operation and administration of civilian hospitals, including the personnel engaged in the search for, removal and transporting of and caring for wounded and sick civilians, the infirm and maternity cases, shall be respected and protected. (*Article 20*)
- Each High Contracting Party shall allow the free passage of all consignments of medical and hospital stores and objects necessary for religious worship intended only for civilians of another High Contracting Party, even if the latter is its adversary. It shall likewise permit the free passage of all consignments of essential foodstuffs, clothing and tonics intended for children under fifteen, expectant mothers and maternity cases. (*Article 23*)



- The Parties to the conflict shall take the necessary measures to ensure that children under fifteen, who are orphaned or are separated from their families as a result of the war, are not left to their own resources, and that their maintenance, the exercise of their religion and their education are facilitated in all circumstances. *(Article 24)*
- All persons in the territory of a Party to the conflict, or in a territory occupied by it, shall be enabled to give news of a strictly personal nature to members of their families, wherever they may be, and to receive news from them. *(Article 25)*
- Protected persons are entitled, in all circumstances, to respect for their persons, their honour, their family rights, their religious convictions and practices, and their manners and customs. They shall at all times be humanely treated, and shall be protected especially against all acts of violence or threats thereof and against insults and public curiosity.

Women shall be especially protected against any attack on their honour, in particular against rape, enforced prostitution, or any form of indecent assault.

Without prejudice to the provisions relating to their state of health, age and sex, all protected persons shall be treated with the same consideration by the Party to the conflict in whose power they are, without any adverse distinction based, in particular, on race, religion or political opinion.

However, the Parties to the conflict may take such measures of control and security in regard to protected persons as may be necessary as a result of the war. *(Article 27)*

- The presence of a protected person may not be used to render certain points or areas immune from military operations. *(Article 28)*
- The Party to the conflict in whose hands protected persons may be is responsible for the treatment accorded to them by its agents, irrespective of any individual responsibility which may be incurred. *(Article 29)*
- Protected persons shall have every facility for making application to the Protecting Powers, the International Committee of the Red Cross, the National Red Cross (Red Crescent, Red Lion and Sun) Society of the country where they may be, as well as to any organization that might assist them. *(Article 30)*
- The High Contracting Parties specifically agree that each of them is prohibited from taking any measure of such a character as to cause the physical suffering or extermination of protected persons in their hands. This prohibition applies not only to murder, torture, corporal punishment, mutilation and medical or scientific experiments not necessitated by the medical treatment of a protected person but also to any other measures of brutality whether applied by civilian or military agents. *(Article 32)*
- No protected person may be punished for an offence he or she has not personally committed. Collective penalties and likewise all measures of intimidation or of terrorism are prohibited.



Pillage is prohibited.

Reprisals against protected persons and their property are prohibited. *(Article 33)*

- The taking of hostages is prohibited. *(Article 34)*
- Should the Power in whose hands protected persons may be consider the measures of control mentioned in the present Convention to be inadequate, it may not have recourse to any other measure of control more severe than that of assigned residence or internment, in accordance with the provisions of Articles 42 and 43. *(Article 41)*
- The internment or placing in assigned residence of protected persons may be ordered only if the security of the Detaining Power makes it absolutely necessary. *(Article 42)*
- Any protected person who has been interned or placed in assigned residence shall be entitled to have such action reconsidered as soon as possible by an appropriate court or administrative board designated by the Detaining Power for that purpose. *(Article 43)*
- In applying the measures of control mentioned in the present Convention, the Detaining Power shall not treat as enemy aliens exclusively on the basis of their nationality de jure of an enemy State, refugees who do not, in fact, enjoy the protection of any government. *(Article 44)*
- Protected persons shall not be transferred to a Power which is not a party to the Convention.

This provision shall in no way constitute an obstacle to the repatriation of protected persons, or to their return to their country of residence after the cessation of hostilities.

Protected persons may be transferred by the Detaining Power only to a Power which is a party to the present Convention and after the Detaining Power has satisfied itself of the willingness and ability of such transferee Power to apply the present Convention. If protected persons are transferred under such circumstances, responsibility for the application of the present Convention rests on the Power accepting them, while they are in its custody. Nevertheless, if that Power fails to carry out the provisions of the present Convention in any important respect, the Power by which the protected persons were transferred shall, upon being so notified by the Protecting Power, take effective measures to correct the situation or shall request the return of the protected persons. Such request must be complied with. *(Article 45)*

- In so far as they have not been previously withdrawn, restrictive measures taken regarding protected persons shall be cancelled as soon as possible after the close of hostilities. *(Article 46)*
- Individual or mass forcible transfers, as well as deportations of protected persons from occupied territory to the territory of the Occupying Power or to that of any other country, occupied or not, are prohibited, regardless of their motive.

Nevertheless, the Occupying Power may undertake total or partial evacuation of a given area if the security of the population or imperative military reasons so demand. Such evacuations



may not involve the displacement of protected persons outside the bounds of the occupied territory except when for material reasons it is impossible to avoid such displacement. Persons thus evacuated shall be transferred back to their s as soon as hostilities in the area in question have ceased.

The Occupying Power undertaking such transfers or evacuations shall ensure, to the greatest practicable extent, that proper accommodation is provided to receive the protected persons, that the removals are effected in satisfactory conditions of hygiene, health, safety and nutrition, and that members of the same family are not separated.

The Protecting Power shall be informed of any transfers and evacuations as soon as they have taken place.

The Occupying Power shall not detain protected persons in an area particularly exposed to the dangers of war unless the security of the population or imperative military reasons so demand.

The Occupying Power shall not deport or transfer parts of its own civilian population into the territory it occupies. *(Article 49)*

- Any destruction by the Occupying Power of real or personal property belonging individually or collectively to private persons, or to the State, or to other public authorities, or to social or cooperative organizations, is prohibited, except where such destruction is rendered absolutely necessary by military operations. *(Article 53)*
- To the fullest extent of the means available to it the Occupying Power has the duty of ensuring the food and medical supplies of the population; it should, in particular, bring in the necessary foodstuffs, medical stores and other articles if the resources of the occupied territory are inadequate. *(Article 55)*
- To the fullest extent of the means available to it, the Occupying Power has the duty of ensuring and maintaining, with the cooperation of national and local authorities, the medical and hospital establishments and services, public health and hygiene in the occupied territory, with particular reference to the adoption and application of the prophylactic and preventive measures necessary to combat the spread of contagious diseases and epidemics. Medical personnel of all categories shall be allowed to carry out their duties. *(Article 56)*
- The Occupying Power may requisition civilian hospitals only temporarily and only in cases of urgent necessity for the care of military wounded and sick, and then on condition that suitable arrangements are made in due time for the care and treatment of the patients and for the needs of the civilian population for hospital accommodation. *(Article 57)*
- If the whole or part of the population of an occupied territory is inadequately supplied, the Occupying Power shall agree to relief schemes on behalf of the said population, and shall facilitate them by all the means at its disposal. *(Article 59)*



- Relief consignments shall in no way relieve the Occupying Power of any of its responsibilities under Articles 55, 56 and 59. *(Article 60)*
- Subject to temporary and exceptional measures imposed for urgent reasons of security by the Occupying Power: (a) Recognized National Red Cross (Red Crescent, Red Lion and Sun) Societies shall be able to pursue their activities in accordance with Red Cross principles, as defined by the International Red Cross Conferences. Other relief societies shall be permitted to continue their humanitarian activities under similar conditions. *(Article 63)*

Some important provisions on the protection of civilians regulated in Protocol I to the Geneva Conventions relating to the Protection of Victims of International Armed Conflicts are given below:

- The High Contracting Parties undertake to respect and to ensure respect for this Protocol in all circumstances.

In cases not covered by this Protocol or by other international agreements, civilians and combatants remain under the protection and authority of the principles of international law derived from established custom, from the principles of humanity and from the dictates of public conscience. *(Article 1)*

- This Part, the provisions of which are intended to ameliorate the condition of the wounded, sick and shipwrecked, shall apply to all those affected by a situation referred to in Article 1, without any adverse distinction founded on race, colour, sex, language, religion or belief, political or other opinion, national or social origin, wealth, birth or other status, or on any other similar criteria. *(Article 9)*

- All the wounded, sick and shipwrecked, to whichever Party they belong, shall be respected and protected.

In all circumstances they shall be treated humanely and shall receive, to the fullest extent practicable and with the least possible delay, the medical care and attention required by their condition. There shall be no distinction among them founded on any grounds other than medical ones. *(Article 10)*

- The physical or mental health and integrity of persons who are in the power of the adverse Party or who are interned, detained or otherwise deprived of liberty as a result of a situation referred to in Article 1 shall not be endangered by any unjustified act or omission. *(Article 11)*
- Medical units shall be respected and protected at all times and shall not be the object of attack.

The Parties to the conflict are invited to notify each other of the location of their fixed medical units. The absence of such notification shall not exempt any of the Parties from the obligation to comply with the provisions of paragraph 1. *(Article 12)*



- The Occupying Power has the duty to ensure that the medical needs of the civilian population in occupied territory continue to be satisfied.

The Occupying Power shall not, therefore, requisition civilian medical units, their equipment, their matériel or the services of their personnel, so long as these resources are necessary for the provision of adequate medical services for the civilian population and for the continuing medical care of any wounded and sick already under treatment.

Provided that the general rule in paragraph 2 continues to be observed, the Occupying Power may requisition the said resources, subject to the following particular conditions:

- a. That the resources are necessary for the adequate and immediate medical treatment of the wounded and sick members of the armed forces of the Occupying Power or of prisoners of war;
 - b. That the requisition continues only while such necessity exists; and
 - c. That immediate arrangements are made to ensure that the medical needs of the civilian population, as well as those of any wounded and sick under treatment who are affected by the requisition, continue to be satisfied. (*Article 14*)
- Civilian medical personnel shall be respected and protected.

The Occupying Power shall afford civilian medical personnel in occupied territories every assistance to enable them to perform, to the best of their ability, their humanitarian functions.

Civilian religious personnel shall be respected and protected. (*Article 15*)

- As soon as circumstances permit, and at the latest from the end of active hostilities, each Party to the conflict shall search for the persons who have been reported missing by an adverse Party. Such adverse Party shall transmit all relevant information concerning such persons in order to facilitate such searches. (*Article 33*)
- The remains of persons who have died for reasons related to occupation or in detention resulting from occupation or hostilities and those of persons not nationals of the country in which they have died as a result of hostilities shall be respected, and the gravesites of all such persons shall be respected, maintained and marked as provided for in Article 130 of the Fourth Convention, where their remains or gravesites would not receive more favourable consideration under the Conventions and this Protocol. (*Article 34*)
- In any armed conflict, the right of the Parties to the conflict to choose methods or means of warfare is not unlimited.

It is prohibited to employ weapons, projectiles and material and methods of warfare of a nature to cause superfluous injury or unnecessary suffering.



It is prohibited to employ methods or means of warfare which are intended, or may be expected, to cause widespread, long-term and severe damage to the natural environment. (*Article 35*)

- In the study, development, acquisition or adoption of a new weapon, means or method of warfare, a High Contracting Party is under an obligation to determine whether its employment would, in some or all circumstances, be prohibited by this Protocol or by any other rule of international law applicable to the High Contracting Party. (*Article 36*)
- It is prohibited to order that there shall be no survivors, to threaten an adversary therewith or to conduct hostilities on this basis. (*Article 40*)
- In order to ensure respect for and protection of the civilian population and civilian objects, the Parties to the conflict shall at all times distinguish between the civilian population and combatants and between civilian objects and military objectives and accordingly shall direct their operations only against military objectives. (*Article 48*)
- A civilian is any person who does not belong to one of the categories of persons referred to in Article 4 A (1), (2), (3) and (6) of the Third Convention and in Article 43 of this Protocol. In case of doubt whether a person is a civilian, that person shall be considered to be a civilian.

The civilian population comprises all persons who are civilians.

The presence within the civilian population of individuals who do not come within the definition of civilians does not deprive the population of its civilian character. (*Article 50*)

- The civilian population and individual civilians shall enjoy general protection against dangers arising from military operations. To give effect to this protection, the following rules, which are additional to other applicable rules of international law, shall be observed in all circumstances.

The civilian population as such, as well as individual civilians, shall not be the object of attack. Acts or threats of violence the primary purpose of which is to spread terror among the civilian population are prohibited.

Indiscriminate attacks are prohibited. Indiscriminate attacks are:

- (a) those which are not directed at a specific military objective;
- (b) those which employ a method or means of combat which cannot be directed at a specific military objective; or
- (c) those which employ a method or means of combat the effects of which cannot be limited as required by this Protocol;

and consequently, in each such case, are of a nature to strike military objectives and civilians or civilian objects without distinction.



Among others, the following types of attacks are to be considered as indiscriminate:

- (a) an attack by bombardment by any methods or means which treats as a single military objective a number of clearly separated and distinct military objectives located in a city, town, village or other area containing a similar concentration of civilians or civilian objects; and
- (b) an attack which may be expected to cause incidental loss of civilian life, injury to civilians, damage to civilian objects, or a combination thereof, which would be excessive in relation to the concrete and direct military advantage anticipated.

Attacks against the civilian population or civilians by way of reprisals are prohibited. *(Article 51)*

- Civilian objects shall not be the object of attack or of reprisals. Civilian objects are all objects which are not military objectives as defined in paragraph 2.

Attacks shall be limited strictly to military objectives. In so far as objects are concerned, military objectives are limited to those objects which by their nature, location, purpose or use make an effective contribution to military action and whose total or partial destruction, capture or neutralization, in the circumstances ruling at the time, offers a definite military advantage.

In case of doubt whether an object which is normally dedicated to civilian purposes, such as a place of worship, a house or other dwelling or a school, is being used to make an effective contribution to military action, it shall be presumed not to be so used. *(Article 52)*

- Without prejudice to the provisions of the Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict of 14 May 1954, and of other relevant international instruments, it is prohibited:
 - a. to commit any acts of hostility directed against the historic monuments, works of art or places of worship which constitute the cultural or spiritual heritage of peoples;
 - b. to use such objects in support of the military effort;
 - c. to make such objects the object of reprisals. *(Article 53)*

- Starvation of civilians as a method of warfare is prohibited.

It is prohibited to attack, destroy, remove or render useless objects indispensable to the survival of the civilian population, such as foodstuffs, agricultural areas for the production of foodstuffs, crops, livestock, drinking water installations and supplies and irrigation works, for the specific purpose of denying them for their sustenance value to the civilian population or to the adverse Party, whatever the motive, whether in order to starve out civilians, to cause them to move away, or for any other motive. *(Article 54)*

- In the conduct of military operations, constant care shall be taken to spare the civilian population, civilians and civilian objects.



With respect to attacks, the following precautions shall be taken:

- a. those who plan or decide upon an attack shall:
 - vi. do everything feasible to verify that the objectives to be attacked are neither civilians nor civilian objects and are not subject to special protection but are military objectives within the meaning of paragraph 2 of Article 52 and that it is not prohibited by the provisions of this Protocol to attack them;
 - vii. take all feasible precautions in the choice of means and methods of attack with a view to avoiding, and in any event to minimizing, incidental loss of civilian life, injury to civilians and damage to civilian objects;
 - viii. refrain from deciding to launch any attack which may be expected to cause incidental loss of civilian life, injury to civilians, damage to civilian objects, or a combination thereof, which would be excessive in relation to the concrete and direct military advantage anticipated;
- b. an attack shall be cancelled or suspended if it becomes apparent that the objective is not a military one or is subject to special protection or that the attack may be expected to cause incidental loss of civilian life, injury to civilians, damage to civilian objects, or a combination thereof, which would be excessive in relation to the concrete and direct military advantage anticipated;
- c. effective advance warning shall be given of attacks which may affect the civilian population, unless circumstances do not permit.

When a choice is possible between several military objectives for obtaining a similar military advantage, the objective to be selected shall be that the attack on which may be expected to cause the least danger to civilian lives and to civilian objects.

In the conduct of military operations at sea or in the air, each Party to the conflict shall, in conformity with its rights and duties under the rules of international law applicable in armed conflict, take all reasonable precautions to avoid losses of civilian lives and damage to civilian objects.

No provision of this Article may be construed as authorizing any attacks against the civilian population, civilians or civilian objects. *(Article 57)*

In addition to the duties specified in Article 55 of the Fourth Convention concerning food and medical supplies, the Occupying Power shall, to the fullest extent of the means available to it and without any adverse distinction, also ensure the provision of clothing, bedding, means of shelter, other supplies essential to the survival of the civilian population of the occupied territory and objects necessary for religious worship.

Relief actions for the benefit of the civilian population of occupied territories are governed by Articles 59, 60, 61, 62, 108, 109, 110 and 111 of the Fourth Convention, and by Article 71 of this Protocol, and shall be implemented without delay. *(Article 69)*



- Women shall be the object of special respect and shall be protected in particular against rape, forced prostitution and any other form of indecent assault.

Pregnant women and mothers having dependent infants who are arrested, detained or interned for reasons related to the armed conflict, shall have their cases considered with the utmost priority. *(Article 76)*

- Children shall be the object of special respect and shall be protected against any form of indecent assault. The Parties to the conflict shall provide them with the care and aid they require, whether because of their age or for any other reason.

If arrested, detained or interned for reasons related to the armed conflict, children shall be held in quarters separate from the quarters of adults, except where families are accommodated as family units as provided in Article 75, paragraph 5. *(Article 77)*

- Journalists engaged in dangerous professional missions in areas of armed conflict shall be considered as civilians within the meaning of Article 50, paragraph 1 .

They shall be protected as such under the Conventions and this Protocol, provided that they take no action adversely affecting their status as civilians, and without prejudice to the right of war correspondents accredited to the armed forces to the status provided for in Article 4 A (4) of the Third Convention. *(Article 79)*

1.6.2.1. Geneva Convention Regulations on Gross Violations of International Humanitarian Law

Geneva Convention IV contains the following provisions on the treatment to be applied to grave breaches of the Convention in Articles 146-149:

Article 146 - Penal sanctions I. General observations;

“The High Contracting Parties undertake to enact any legislation necessary to provide effective penal sanctions for persons committing, or ordering to be committed, any of the grave breaches of the present Convention defined in the following Article.

Each High Contracting Party shall be under the obligation to search for persons alleged to have committed, or to have ordered to be committed, such grave breaches, and shall bring such persons, regardless of their nationality, before its own courts. It may also, if it prefers, and in accordance with the provisions of its own legislation, hand such persons over for trial to another High Contracting Party concerned, provided such High Contracting Party has made out a ‘prima facie’ case.

Each High Contracting Party shall take measures necessary for the suppression of all acts contrary to the provisions of the present Convention other than the grave breaches defined in the following Article.



In all circumstances, the accused persons shall benefit by safeguards of proper trial and defence, which shall not be less favourable than those provided by Article 105 and those following of the Geneva Convention relative to the Treatment of Prisoners of War of August 12, 1949.”

Article 147 - Penal sanctions II. Grave breaches;

“Grave breaches to which the preceding Article relates shall be those involving any of the following acts, if committed against persons or property protected by the present Convention: wilful killing, torture or inhuman treatment, including biological experiments, wilfully causing great suffering or serious injury to body or health, unlawful deportation or transfer or unlawful confinement of a protected person, compelling a protected person to serve in the forces of a hostile Power, or wilfully depriving a protected person of the rights of fair and regular trial prescribed in the present Convention, taking of hostages and extensive destruction and appropriation of property, not justified by military necessity and carried out unlawfully and wantonly.”

Article 148 - Penal sanctions III. Responsibilities of the Contracting Parties;

“No High Contracting Party shall be allowed to absolve itself or any other High Contracting Party of any liability incurred by itself or by another High Contracting Party in respect of breaches referred to in the preceding Article.”

Article 149 - Enquiry procedure;

“At the request of a Party to the conflict, an enquiry shall be instituted, in a manner to be decided between the interested Parties, concerning any alleged violation of the Convention.

If agreement has not been reached concerning the procedure for the enquiry, the Parties should agree on the choice of an umpire who will decide upon the procedure to be followed.

Once the violation has been established, the Parties to the conflict shall put an end to it and shall repress it with the least possible delay.”

The Protocol I to the Geneva Conventions relating to the Protection of Victims of International Armed Conflicts, on the other hand, includes regulations on the prevention of grave violations in more detail than Convention IV, in Articles 85-91 of the Protocol. The relevant regulations are as follows:

Article 85 - Repression of breaches of this Protocol;

1. “The provisions of the Conventions relating to the repression of breaches and grave breaches, supplemented by this Section, shall apply to the repression of breaches and grave breaches of this Protocol.
2. Acts described as grave breaches in the Conventions are grave breaches of this Protocol if committed against persons in the power of an adverse Party protected by Articles 44 , 45 and 73 of this Protocol, or against the wounded, sick and shipwrecked of the adverse Party who



are protected by this Protocol, or against those medical or religious personnel, medical units or medical transports which are under the control of the adverse Party and are protected by this Protocol.

3. In addition to the grave breaches defined in Article 11 , the following acts shall be regarded as grave breaches of this Protocol, when committed wilfully, in violation of the relevant provisions of this Protocol, and causing death or serious injury to body or health:
 - a. making the civilian population or individual civilians the object of attack;
 - b. launching an indiscriminate attack affecting the civilian population or civilian objects in the knowledge that such attack will cause excessive loss of life, injury to civilians or damage to civilian objects, as defined in Article 57, paragraph 2 (a) (iii) ;
 - c. launching an attack against works or installations containing dangerous forces in the knowledge that such attack will cause excessive loss of life, injury to civilians or damage to civilian objects, as defined in Article 57, paragraph 2 (a) (iii) ;
 - d. making non-defended localities and demilitarized zones the object of attack;
 - e. making a person the object of attack in the knowledge that he is ' hors de combat ';
 - f. the perfidious use, in violation of Article 37 , of the distinctive emblem of the red cross, red crescent or red lion and sun or of other protective signs recognized by the Conventions or this Protocol.
4. In addition to the grave breaches defined in the preceding paragraphs and in the Conventions, the following shall be regarded as grave breaches of this Protocol, when committed wilfully and in violation of the Conventions or the Protocol:
 - a. the transfer by the Occupying Power of parts of its own civilian population into the territory it occupies, or the deportation or transfer of all or parts of the population of the occupied territory within or outside this territory, in violation of Article 49 of the Fourth Convention;
 - b. unjustifiable delay in the repatriation of prisoners of war or civilians;
 - c. practices of ' apartheid ' and other inhuman and degrading practices involving outrages upon personal dignity, based on racial discrimination;
 - d. making the clearly-recognized historic monuments, works of art or places of worship which constitute the cultural or spiritual heritage of peoples and to which special protection has been given by special arrangement, for example, within the framework of a competent international organization, the object of attack, causing as a result extensive destruction thereof, where there is no evidence of the violation by the adverse Party of Article 53, sub-paragraph (b) , and when such historic monuments, works of art and places of worship are not located in the immediate proximity of military objectives;



- e. depriving a person protected by the Conventions or referred to in paragraph 2 of this Article of the rights of fair and regular trial.
- 5. Without prejudice to the application of the Conventions and of this Protocol, grave breaches of these instruments shall be regarded as war crimes."

Article 86 - Failure to act;

"1. The High Contracting Parties and the Parties to the conflict shall repress grave breaches, and take measures necessary to suppress all other breaches, of the Conventions or of this Protocol which result from a failure to act when under a duty to do so.

2. The fact that a breach of the Conventions or of this Protocol was committed by a subordinate does not absolve his superiors from penal or disciplinary responsibility, as the case may be, if they knew, or had information which should have enabled them to conclude in the circumstances at the time, that he was committing or was going to commit such a breach and if they did not take all feasible measures within their power to prevent or repress the breach."

Article 87 - Duty of commanders;

"1. The High Contracting Parties and the Parties to the conflict shall require military commanders, with respect to members of the armed forces under their command and other persons under their control, to prevent and, where necessary, to suppress and to report to competent authorities breaches of the Conventions and of this Protocol.

2. In order to prevent and suppress breaches, High Contracting Parties and Parties to the conflict shall require that, commensurate with their level of responsibility, commanders ensure that members of the armed forces under their command are aware of their obligations under the Conventions and this Protocol.

3. The High Contracting Parties and Parties to the conflict shall require any commander who is aware that subordinates or other persons under his control are going to commit or have committed a breach of the Conventions or of this Protocol, to initiate such steps as are necessary to prevent such violations of the Conventions or this Protocol, and, where appropriate, to initiate disciplinary or penal action against violators thereof."

Article 88 - Mutual assistance in criminal matters;

"1. The High Contracting Parties shall afford one another the greatest measure of assistance in connexion with criminal proceedings brought in respect of grave breaches of the Conventions or of this Protocol.

2. Subject to the rights and obligations established in the Conventions and in Article 85, paragraph 1, of this Protocol, and when circumstances permit, the High Contracting Parties shall co-operate in the



matter of extradition. They shall give due consideration to the request of the State in whose territory the alleged offence has occurred

3. The law of the High Contracting Party requested shall apply in all cases. The provisions of the preceding paragraphs shall not, however, affect the obligations arising from the provisions of any other treaty of a bilateral or multilateral nature which governs or will govern the whole or part of the subject of mutual assistance in criminal matters."

Article 89 - Co-operation;

"In situations of serious violations of the Conventions or of this Protocol, the High Contracting Parties undertake to act, jointly or individually, in co-operation with the United Nations and in conformity with the United Nations Charter."

Article 90 - International Fact-Finding Commission;

1. "

- a. An International Fact-Finding Commission (hereinafter referred to as "the Commission") consisting of fifteen members of high moral standing and acknowledged impartiality shall be established.
- b. When not less than twenty High Contracting Parties have agreed to accept the competence of the Commission pursuant to paragraph 2, the depositary shall then, and at intervals of five years thereafter, convene a meeting of representatives of those High Contracting Parties for the purpose of electing the members of the Commission. At the meeting, the representatives shall elect the members of the Commission by secret ballot from a list of persons to which each of those High Contracting Parties may nominate one person.
- c. The members of the Commission shall serve in their personal capacity and shall hold office until the election of new members at the ensuing meeting.
- d. At the election, the High Contracting Parties shall ensure that the persons to be elected to the Commission individually possess the qualifications required and that, in the Commission as a whole, equitable geographical representation is assured.
- e. In the case of a casual vacancy, the Commission itself shall fill the vacancy, having due regard to the provisions of the preceding sub-paragraphs.
- f. The depositary shall make available to the Commission the necessary administrative facilities for the performance of its functions.

2.

- a. The High Contracting Parties may at the time of signing, ratifying or acceding to the Protocol, or at any other subsequent time, declare that they recognize ipso facto and without special agreement, in relation to any other High Contracting Party accepting the same



obligation, the competence of the Commission to enquire into allegations by such other Party, as authorized by this Article.

- b. The declarations referred to above shall be deposited with the depositary, which shall transmit copies thereof to the High Contracting Parties.
- c. The Commission shall be competent to:
 - i. enquire into any facts alleged to be a grave breach as defined in the Conventions and this Protocol or other serious violation of the Conventions or of this Protocol;
 - ii. facilitate, through its good offices, the restoration of an attitude of respect for the Conventions and this Protocol.
- d. In other situations, the Commission shall institute an enquiry at the request of a Party to the conflict only with the consent of the other Party or Parties concerned.
- e. Subject to the foregoing provisions of this paragraph, the provisions of Article 52 of the First Convention, Article 53 of the Second Convention, Article 132 of the Third Convention and Article 149 of the Fourth Convention shall continue to apply to any alleged violation of the Conventions and shall extend to any alleged violation of this Protocol.

3.

- a. Unless otherwise agreed by the Parties concerned, all enquiries shall be undertaken by a Chamber consisting of seven members appointed as follows:
 - i. five members of the Commission, not nationals of any Party to the conflict, appointed by the President of the Commission on the basis of equitable representation of the geographical areas, after consultation with the Parties to the conflict;
 - ii. two 'ad hoc' members, not nationals of any Party to the conflict, one to be appointed by each side.
- b. Upon receipt of the request for an enquiry, the President of the Commission shall specify an appropriate time limit for setting up a Chamber. If any 'ad hoc' member has not been appointed within the time limit, the President shall immediately appoint such additional member or members of the Commission as may be necessary to complete the membership of the Chamber.

4.

- a. The Chamber set up under paragraph 3 to undertake an enquiry shall invite the Parties to the conflict to assist it and to present evidence. The Chamber may also seek such other evidence as it deems appropriate and may carry out an investigation of the situation 'in loco'.
- b. All evidence shall be fully disclosed to the Parties, which shall have the right to comment on it to the Commission.



- c. Each Party shall have the right to challenge such evidence.
- 5.
 - a. The Commission shall submit to the Parties a report on the findings of fact of the Chamber, with such recommendations as it may deem appropriate.
 - b. If the Chamber is unable to secure sufficient evidence for factual and impartial findings, the Commission shall state the reasons for that inability.
 - c. The Commission shall not report its findings publicly, unless all the Parties to the conflict have requested the Commission to do so.
- 6. The Commission shall establish its own rules, including rules for the presidency of the Commission and the presidency of the Chamber. Those rules shall ensure that the functions of the President of the Commission are exercised at all times and that, in the case of an enquiry, they are exercised by a person who is not a national of a Party to the conflict.
- 7. The administrative expenses of the Commission shall be met by contributions from the High Contracting Parties which made declarations under paragraph 2, and by voluntary contributions. The Party or Parties to the conflict requesting an enquiry shall advance the necessary funds for expenses incurred by a Chamber and shall be reimbursed by the Party or Parties against which the allegations are made to the extent of fifty percent of the costs of the Chamber. Where there are counter-allegations before the Chamber each side shall advance fifty per cent of the necessary funds."

Article 91 – Responsibility;

"A Party to the conflict which violates the provisions of the Conventions or of this Protocol shall, if the case demands, be liable to pay compensation. It shall be responsible for all acts committed by persons forming part of its armed forces."

1.6.3. Rome Statute and International Criminal Court

The International Criminal Court (ICC) is the first permanent international criminal court established to ensure accountability and prosecute perpetrators of the most serious crimes of international concern: genocide, crimes against humanity, war crimes and the crime of aggression.

The International Criminal Tribunal for the former Yugoslavia was specially established by UN Security Council Resolution to prosecute international crimes committed on the territory of the former Yugoslavia and in Rwanda.

It differs significantly from the International Criminal Tribunal for Rwanda and the International Criminal Tribunal for Rwanda in terms of its establishment, mandate and rules of procedure.



The Rome Statute was adopted by 120 participating countries at the “United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court” on July 17, 1998. The ICC, the first permanent court and established on the basis of a treaty, aims to ensure that the most serious crimes do not go unpunished.

In the “Preamble” of the Rome Statute it was emphasized that;

During this century millions of children, women and men have been victims of unimaginable atrocities that deeply shock the conscience of humanity,

Such grave crimes threaten the peace, security and well-being of the world,

The most serious crimes of concern to the international community as a whole must not go unpunished and that their effective prosecution must be ensured by taking measures at the national level and by enhancing international cooperation,

It is the duty of every State to exercise its criminal jurisdiction over those responsible for international crimes,

All States shall refrain from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the Purposes of the United Nations.

The Rome Statute entered into force on July 1, 2002. The Court can exercise jurisdiction over crimes committed since that date and regulated in the Statute, under the conditions set out in the Statute.

Türkiye is not a party to the Rome Statute, the founding treaty of the ICC. It closely follows the activities of the ICC and participates in the meetings of the Assembly of States Parties.

The Rome Statute of the International Criminal Court consists of 128 articles, including a preamble and 13 chapters.

According to Part 1, “Establishment of the Court” (Articles 1-4);

The Court shall be a permanent institution and shall have the power to exercise its jurisdiction over persons for the most serious crimes of international concern, as referred to in this Statute.

The Court’s jurisdiction shall be complementary to national criminal jurisdictions.

The seat of the Court shall be established at The Hague in the Netherlands. The Court may sit elsewhere, whenever it considers it desirable.

The Court shall have international legal personality.

The Court may exercise its functions and powers on the territory of any State Party and, by special agreement, on the territory of any other State.



1.6.3.1. The Court's Jurisdiction

The ICC has jurisdiction over crimes committed after the Rome Statute entered into force.

The Court may exercise its jurisdiction if:

- a. A situation in which one or more of such crimes appears to have been committed is referred to the Prosecutor by a State Party in accordance with article 14;
- b. A situation in which one or more of such crimes appears to have been committed is referred to the Prosecutor by the Security Council acting under Chapter VII of the Charter of the United Nations; or
- c. The Prosecutor has initiated an investigation in respect of such a crime in accordance with article 15.

1.6.3.2. Crimes within the Jurisdiction of the Court

According to Article 5 of the Rome Statute, the Court has jurisdiction over the crime of genocide, crimes against humanity, war crimes and the crime of aggression. The Rome Statute characterizes these crimes as the most serious crimes of concern to the international community as a whole. The acts corresponding to these crimes are as follows:

1.6.3.2.1. Genocide

According to the Article 6 of the Statute, "genocide" means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:

- a. Killing members of the group;
- b. Causing serious bodily or mental harm to members of the group;
- c. Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
- d. Imposing measures intended to prevent births within the group;
- e. Forcibly transferring children of the group to another group.

1.6.3.2.2. Crimes Against Humanity

According to the Article 7 of the Statute, "crime against humanity" means any of the following acts when committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack:

- a. Murder;
- b. Extermination;



- c. Enslavement;
- d. Deportation or forcible transfer of population;
- e. Imprisonment or other severe deprivation of physical liberty in violation of fundamental rules of international law;
- f. Torture;
- g. Rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, or any other form of sexual violence of comparable gravity;
- h. Persecution against any identifiable group or collectivity on political, racial, national, ethnic, cultural, religious, gender as defined in paragraph 3, or other grounds that are universally recognized as impermissible under international law, in connection with any act referred to in this paragraph or any crime within the jurisdiction of the Court;
- i. Enforced disappearance of persons;
- j. The crime of apartheid;
- k. Other inhumane acts of a similar character intentionally causing great suffering, or serious injury to body or to mental or physical health.

1.6.3.2.3. War Crimes

According to Article 8 of the Statute, war crimes committed as part of a plan or policy or as part of a large-scale commission of such crimes are defined as:

- a. Grave breaches of the Geneva Conventions of 12 August 1949, namely, any of the following acts against persons or property protected under the provisions of the relevant Geneva Convention:
 - i. Wilful killing;
 - ii. Torture or inhuman treatment, including biological experiments;
 - iii. Wilfully causing great suffering, or serious injury to body or health;
 - iv. Extensive destruction and appropriation of property, not justified by military necessity and carried out unlawfully and wantonly;
 - v. Compelling a prisoner of war or other protected person to serve in the forces of a hostile Power;
 - vi. Wilfully depriving a prisoner of war or other protected person of the rights of fair and regular trial;
 - vii. Unlawful deportation or transfer or unlawful confinement;
 - viii. Taking of hostages.



- b. Other serious violations of the laws and customs applicable in international armed conflict, within the established framework of international law, namely, any of the following acts:
 - i. Intentionally directing attacks against the civilian population as such or against individual civilians not taking direct part in hostilities;
 - ii. Intentionally directing attacks against civilian objects, that is, objects which are not military objectives;
 - iii. Intentionally directing attacks against personnel, installations, material, units or vehicles involved in a humanitarian assistance or peacekeeping mission in accordance with the Charter of the United Nations, as long as they are entitled to the protection given to civilians or civilian objects under the international law of armed conflict;
 - iv. Intentionally launching an attack in the knowledge that such attack will cause incidental loss of life or injury to civilians or damage to civilian objects or widespread, long-term and severe damage to the natural environment which would be clearly excessive in relation to the concrete and direct overall military advantage anticipated;
 - v. Attacking or bombarding, by whatever means, towns, villages, dwellings or buildings which are undefended and which are not military objectives;
 - vi. Killing or wounding a combatant who, having laid down his arms or having no longer means of defence, has surrendered at discretion;
 - vii. Making improper use of a flag of truce, of the flag or of the military insignia and uniform of the enemy or of the United Nations, as well as of the distinctive emblems of the Geneva Conventions, resulting in death or serious personal injury;
 - viii. The transfer, directly or indirectly, by the Occupying Power of parts of its own civilian population into the territory it occupies, or the deportation or transfer of all or parts of the population of the occupied territory within or outside this territory;
 - ix. Intentionally directing attacks against buildings dedicated to religion, education, art, science or charitable purposes, historic monuments, hospitals and places where the sick and wounded are collected, provided they are not military objectives;
 - x. Subjecting persons who are in the power of an adverse party to physical mutilation or to medical or scientific experiments of any kind which are neither justified by the medical, dental or hospital treatment of the person concerned nor carried out in his or her interest, and which cause death to or seriously endanger the health of such person or persons;
 - xi. Killing or wounding treacherously individuals belonging to the hostile nation or army;
 - xii. Declaring that no quarter will be given;



- xiii. Destroying or seizing the enemy's property unless such destruction or seizure be imperatively demanded by the necessities of war;
- xiv. Declaring abolished, suspended or inadmissible in a court of law the rights and actions of the nationals of the hostile party;
- xv. Compelling the nationals of the hostile party to take part in the operations of war directed against their own country, even if they were in the belligerent's service before the commencement of the war;
- xvi. Pillaging a town or place, even when taken by assault;
- xvii. Employing poison or poisoned weapons;
- xviii. Employing asphyxiating, poisonous or other gases, and all analogous liquids, materials or devices;
- xix. Employing bullets which expand or flatten easily in the human body, such as bullets with a hard envelope which does not entirely cover the core or is pierced with incisions;
- xx. Employing weapons, projectiles and material and methods of warfare which are of a nature to cause superfluous injury or unnecessary suffering or which are inherently indiscriminate in violation of the international law of armed conflict, provided that such weapons, projectiles and material and methods of warfare are the subject of a comprehensive prohibition and are included in an annex to this Statute, by an amendment in accordance with the relevant provisions set forth in articles 121 and 123;
- xxi. Committing outrages upon personal dignity, in particular humiliating and degrading treatment;
- xxii. Committing rape, sexual slavery, enforced prostitution, forced pregnancy, as defined in article 7, paragraph 2 (f), enforced sterilization, or any other form of sexual violence also constituting a grave breach of the Geneva Conventions;
- xxiii. Utilizing the presence of a civilian or other protected person to render certain points, areas or military forces immune from military operations;
- xxiv. Intentionally directing attacks against buildings, material, medical units and transport, and personnel using the distinctive emblems of the Geneva Conventions in conformity with international law;
- xxv. Intentionally using starvation of civilians as a method of warfare by depriving them of objects indispensable to their survival, including wilfully impeding relief supplies as provided for under the Geneva Conventions;
- xxvi. Conscripting or enlisting children under the age of fifteen years into the national armed forces or using them to participate actively in hostilities.



1.6.3.2.4. Crime of Aggression

Crime of aggression means the planning, preparation, initiation or execution, by a person in a position effectively to exercise control over or to direct the political or military action of a State, of an act of aggression which, by its character, gravity and scale, constitutes a manifest violation of the Charter of the United Nations.

The definition of Crime of aggression as “the use of armed force by a State against the sovereignty, integrity or independence of another State” was adopted through amending the Rome Statute at the first Review Conference of the Statute in Kampala, Uganda, in 2010. On 15 December 2017, the Assembly of States Parties adopted by consensus a resolution on the activation of the jurisdiction of the Court over the crime of aggression as of 17 July 2018.³⁴

In this regard the Act of aggression means the use of armed force by a State against the sovereignty, territorial integrity or political independence of another State, or in any other manner inconsistent with the Charter of the United Nations. Any of the following acts, regardless of a declaration of war, shall, in accordance with United Nations General Assembly resolution 3314 (XXIX) of 14 December 1974, qualify as an act of aggression:

- a. The invasion or attack by the armed forces of a State of the territory of another State, or any military occupation, however temporary, resulting from such invasion or attack, or any annexation by the use of force of the territory of another State or part thereof;
- b. Bombardment by the armed forces of a State against the territory of another State or the use of any weapons by a State against the territory of another State;
- c. The blockade of the ports or coasts of a State by the armed forces of another State;
- d. An attack by the armed forces of a State on the land, sea or air forces, or marine and air fleets of another State;
- e. The use of armed forces of one State which are within the territory of another State with the agreement of the receiving State, in contravention of the conditions provided for in the agreement or any extension of their presence in such territory beyond the termination of the agreement;
- f. The action of a State in allowing its territory, which it has placed at the disposal of another State, to be used by that other State for perpetrating an act of aggression against a third State;
- g. The sending by or on behalf of a State of armed bands, groups, irregulars or mercenaries, which carry out acts of armed force against another State of such gravity as to amount to the acts listed above, or its substantial involvement therein.

³⁴ <https://www.icc-cpi.int/about/how-the-court-works> , Accessed: 30/01/2024.



1.7. Allegations of Genocide and War Crimes Directed at Israel

1.7.1. Cases Filed at the International Criminal Court Accusing Israel of War Crimes

As we entered 2015, a crucial step was taken in Palestine's favour on the international stage: Palestinian President Mahmoud Abbas signed an agreement in December 2014 to become a party to 20 international treaties, including the Rome Statute, which serves as the foundation for the International Criminal Court.³⁵ Palestine joined the Rome Statute by submitting its instrument of accession to the UN Secretary-General on January 2, 2015. The membership of Palestine in the ICC officially came into effect on April 1, 2015. Israel has never signed the Rome Statute and does not recognise the jurisdiction of the ICC. A significant development is Palestine's accession to the Rome Statute, an international legal instrument that can only be ratified by states. This admission signifies that the State of Palestine is recognised as a legal entity with "state" status.³⁶

On January 22, 2009, the Palestinian Authority applied to the ICC and declared its recognition of the court's jurisdiction. Article 12(3) of the Statute provides that a State, not a party to the Statute, may accept the jurisdiction of the court on an *ad hoc* basis.³⁷ Until 2018, a total of four applications have been submitted to the ICC regarding Palestine. Palestine's first application to the ICC was filed on January 22, 2009, by the Minister of Justice of the Palestinian Government, requesting "*an investigation into crimes committed on the territory of Palestine since July 1, 2002.*". This application was dismissed initially because Palestine is not a party to the Statute, and no investigation was launched.³⁸

The second application was submitted on May 14, 2014, on behalf of the Union of Comoros, the flag state of one of the ships, following Israel's intervention on May 31, 2010, against the Mavi Marmara aid flotilla, which sought to break the Gaza blockade and provide assistance. The Union of Comoros acceded to the Rome Statute on August 18, 2006. Furthermore, because the flag states of the other two ships, Greece and Cambodia, are both States Parties to the Rome Statute, the ICC has jurisdiction *ratione loci* due to what occurred aboard the three ships. Although the Prosecutor determined that the incidents between Israel and Hamas fell within the scope of a non-international armed conflict, he came to the conclusion that the law applicable to international armed conflicts outlined in the ICC's "Elements of the Crime" text also covers military occupations, and in this respect, the crimes committed during the occupation would also be considered war crimes and that the ICC has jurisdiction *ratione materiae*. Nevertheless, as the complaint solely focused on violations that took place on the three ships and did not extend to incidents in the Palestinian territories, the Prosecutor conclud-

³⁵ <https://www.trthaber.com/haber/dunya/filistin-ucmye-uye-oldu-176354.html> , Accessed: 22/01/2024.

³⁶ Dikran M. Zenginkuzucu, "Filistin Devleti'nin Başvurusu Bağlamında Uluslararası Ceza Mahkemesi'nin Yargı Yetkisi ve Birleşmiş Milletler Güvenlik Konseyi'nin Rolünün Analizi", *Uluslararası Suçlar ve Tarih Dergisi*, No. 19, 2018, p. 40.

³⁷ Ahmet Hamdi Topal, "27 Aralık 2008-18 Ocak 2009 Gazze Saldırısı ve Uluslararası Ceza Hukuku", *Gazi Üniversitesi Hukuk Fakültesi Dergisi*, Vol. 12, No. 1-2, 2008, p. 1111.

³⁸ Zenginkuzucu, p. 38.



ed that the severity and nature of the events were not significant enough to file a case before the ICC. Therefore, the decision was made not to initiate an investigation. However, the Prosecutor argued that the Israeli-Palestinian conflict and the situation of the civilian population in Gaza are global issues that need to be considered in a different framework.³⁹

The third application regarding the Palestinian question was filed on January 16, 2015. The application concerns “*crimes committed “in the occupied Palestinian territory, including East Jerusalem, since June 13, 2014”*”⁴⁰ On January 16, 2015, upon receipt of an application or a valid declaration under Article 12(3) of the Rome Statute, the Prosecutor announced the opening of a preliminary examination into the Situation in the State of Palestine in order to determine whether the Rome Statute criteria for opening an investigation are met. On March 3, 2021, the Prosecutor announced the opening of the investigation into the Situation in the State of Palestine. This followed Pre-Trial Chamber I’s decision on February 5, 2021, that the Court could exercise its criminal jurisdiction in the Situation and, by majority, that the territorial scope of this jurisdiction extends to Gaza and the West Bank, including East Jerusalem.⁴¹

On May 22, 2018, the State of Palestine, as a State Party, submitted an application to the ICC Prosecutor. The Ministry of Foreign Affairs and Expatriates of the State of Palestine requested the Prosecutor to investigate, *in accordance with the temporal jurisdiction of the Court, past, ongoing and future crimes within the court’s jurisdiction committed in all parts of the territory of the State of Palestine*.⁴² On December 20, 2019, the Prosecutor announced that following a thorough, independent and objective assessment of the reliable information available to her Office, the preliminary examination into this Situation had concluded with the determination that all the statutory criteria under the Rome Statute for the opening of an investigation had been met. However, given the complex legal and factual issues attaching to this situation, she announced that she would be making a request to Pre-Trial Chamber I for a ruling to clarify the territorial scope of the Court’s jurisdiction in this Situation. In the Prosecutor’s request, dated January 22, 2020, the Office set out its legal position, and encouraged the Chamber to hear views and arguments from all stakeholders before deciding the specific jurisdictional question before it. The Pre-Trial Chamber I, thereupon, issued an order on January 28, 2020, setting the procedure and schedule for the submission of observations on the Prosecutor’s request.⁴³

According to the ICC’s announcement on November 17, five member states of the court—South Africa, Bolivia, Bangladesh, the Union of the Comoros and Djibouti—have requested an investigation into Israel’s attacks on the Gaza Strip.⁴⁴ Upon receiving the application, the Prosecutor stated that an investigation was being conducted into the ongoing ‘Situation’ in the State of Palestine, which is

³⁹ Zenginkuzucu, p. 38.

⁴⁰ Zenginkuzucu, p. 39.

⁴¹ <https://www.icc-cpi.int/palestine> , Accessed: 30/01/2024.

⁴² Zenginkuzucu, p. 19.

⁴³ <https://www.icc-cpi.int/palestine> , Accessed: 30/01/2024.

⁴⁴ <https://www.icc-cpi.int/news/statement-prosecutor-international-criminal-court-karim-aa-khan-kc-situation-state-palestine> , Accessed: 31/01/2024.



ongoing and extends to the escalation of hostilities and violence since the attacks that took place on October 7, 2023. In January 2024, an application was submitted to the ICC regarding the ongoing investigation in Chile and Mexico.⁴⁵ Nevertheless, in the present circumstances, 5% of the 2.2 million inhabitants of Gaza have been killed, wounded, or gone missing, and 85% have been displaced, leaving no corner of the Gaza Strip untouched by bombs. The entire population on the brink of famine has been deported to the Egyptian border. The plans for establishing settlements in Gaza have been unveiled at a conference. Given the current situation, as of January 31, 2024, there has been no progress at the ICC.

1.7.2. The Filing of a Case at the International Court of Justice by the Republic of South Africa on 29/12/2023, with the Claim that Israel Committed the Crime of Genocide



The case regarding the implementation of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza Strip was presented to the International Court of Justice on December 29, 2023, by the Republic of South Africa, claiming that Israel violated its obligations under the Convention and committed the crime of genocide. The Republic of South Africa asserts that Israel's actions were intended to damage a substantial portion of the Palestinian population residing in the

⁴⁵ <https://www.icc-cpi.int/palestine> , Accessed: 31/01/2024.



Gaza Strip. It also stated that provisional measures are necessary in this case to protect against further, severe and irreparable harm to the rights of the Palestinian people under the Genocide Convention, which continue to be violated with impunity.

In its application, South Africa stated that Israel “*has perpetrated and is perpetrating genocidal acts*” in violation of Article 1 of the Genocide Convention and that “*Israel, its officials and/or agents, have acted with the intent to destroy Palestinians in Gaza, part of a protected group under the Genocide Convention.*” The acts in question include “*killing Palestinians in Gaza, causing them serious bodily and mental harm, inflicting on them conditions of life calculated to bring about their physical destruction, and the forcible displacement of people in Gaza*”. It has further stated that Israel “*has failed to prevent or to punish: genocide, conspiracy to commit genocide, direct and public incitement to genocide, attempted genocide, and complicity in genocide, contrary to Articles III and IV of the Genocide Convention,*” and that “*the intentional failure of the Government of Israel to condemn, prevent, and punish such genocidal incitement constitutes in itself a grave violation of the Genocide Convention.*”



Public hearings on the request for provisional measures were held on January 11–12, 2024, and were broadcast live by the Court.⁴⁶ The Court issued an order on provisional measures on January 26, 2024.⁴⁷ The order emphasises that the Court is acutely aware of the extent of the human tragedy that is unfolding in the region and is deeply concerned about the continuing loss of life and human suffering. At the stage of making an order on a request for the indication of provisional measures, the Court’s task is to establish whether the acts and omissions complained of by the applicant appear to be capable of falling within the provisions of the Genocide Convention.

In the Court’s view, at least some of the acts and omissions alleged by South Africa to have been committed by Israel in Gaza appear to be capable of falling within the provisions of the Convention. The Court found that any State party to the Genocide Convention may invoke the responsibility of another State party, including through the institution of proceedings before the Court, with a view to determining the alleged failure to comply with its obligations *erga omnes partes* under the Convention and to bringing that failure to an end.

The Court stated that the Palestinians appear to constitute a distinct “national, ethnical, racial, or religious group” and hence a protected group within the meaning of Article II of the Genocide Convention. The Court observed that, according to United Nations sources, the Palestinian population of the Gaza Strip comprises over 2 million people. Palestinians in the Gaza Strip form a substantial part of the protected group.

The Court noted that the military operation being conducted by Israel following the attack of October 7, 2023, has resulted in a large number of deaths and injuries, as well as the massive destruction

⁴⁶ <https://www.youtube.com/watch?v=ivFfbUu9SnE&t=2329s>, Accessed: 13/01/2024.

⁴⁷ For the text of the decision see: <https://www.icj-cij.org/sites/default/files/case-related/192/192-20240126-ord-01-00-en.pdf>, Accessed: 27/01/2024.



of homes, the forcible displacement of the vast majority of the population, and extensive damage to civilian infrastructure. While figures relating to the Gaza Strip cannot be independently verified, recent information indicates that 25,700 Palestinians have been killed, over 63,000 injuries have been reported, over 360,000 housing units have been destroyed or partially damaged, and approximately 1.7 million persons have been internally displaced.

The Court took note of the statement made by the United Nations Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, Mr. Martin Griffiths, on January 5, 2024:

"Gaza has become a place of death and despair. Families are sleeping in the open as temperatures plummet. Areas where civilians were told to relocate for their safety have come under bombardment. Medical facilities are under relentless attack. The few hospitals that are partially functional are overwhelmed with trauma cases, critically short of all supplies, and inundated by desperate people seeking safety. A public health disaster is unfolding. Infectious diseases are spreading in overcrowded shelters as sewers spill over. Some 180 Palestinian women are giving birth daily amidst this chaos. People are facing the highest levels of food insecurity ever recorded. Famine is around the corner. For children in particular, the past 12 weeks have been traumatic: No food. No water. No school. Nothing but the terrifying sounds of war, day in and day out. Gaza has simply become uninhabitable. Its people are witnessing daily threats to their very existence — while the world watches on."

Following a mission to North Gaza, the World Health Organization (WHO) reported that, as of December 21, 2023:

"An unprecedented 93% of the population in Gaza is facing crisis levels of hunger, with insufficient food and high levels of malnutrition. At least 1 in 4 households are facing 'catastrophic conditions': Experiencing an extreme lack of food and starvation and having resorted to selling off their possessions and other extreme measures to afford a simple meal. Starvation, destitution and death are evident."

The Court further noted the statement issued by the Commissioner-General of UNRWA, Mr. Philippe Lazzarini, on January 13, 2024:

"...In the past 100 days, sustained bombardment across the Gaza Strip caused the mass displacement of a population that is in a state of flux, constantly uprooted and forced to leave overnight, only to move to places which are just as unsafe. This has been the largest displacement of the Palestinian people since 1948. This war affected more than 2 million people, the entire population of Gaza...Overcrowded and unsanitary UNRWA shelters have now become 'home' to more than 1.4 million people. They lack everything, from food to hygiene to privacy. People live in inhumane conditions, where diseases are spreading, including among children. They live through the unlivable, with the clock ticking fast towards famine. The plight of children in Gaza is especially heartbreaking. An entire generation of children is traumatized and will take years to heal. Thousands have been killed, maimed, and orphaned. Hundreds of thousands are deprived of education. Their future is in jeopardy, with far-reaching and long-lasting consequences."



The Court has also taken note of a number of statements made by senior Israeli officials. On October 9, 2023, Mr. Yoav Gallant, Defence Minister of Israel, announced that he had ordered a “complete siege” of Gaza City and that there would be “no electricity, no food, no fuel” and that “everything [was] closed.” On the following day, Minister Gallant stated, speaking to Israeli troops on the Gaza border: “I have released all restraints... You saw what we are fighting against. We are fighting human animals. This is the ISIS of Gaza. This is what we are fighting against. Gaza won’t return to what it was before. There will be no Hamas. We will eliminate everything. If it doesn’t take one day, it will take a week; it will take weeks or even months; we will reach all places.” On October 12, 2023, Mr. Isaac Herzog, President of Israel, stated, referring to Gaza: “We are working, operating militarily according to the rules of international law. Unequivocally. It’s an entire nation out there that is responsible. It is not true this rhetoric about civilians not aware, not involved. It’s absolutely not true. They could have risen up. They could have fought against that evil regime which took over Gaza in a coup d’état. But we are at war. We are at war. We are at war. We are defending our homes. We are protecting our homes. That’s the truth. And when a nation protects its home, it fights. And we will fight until we break their backbone;” and statements of October 13, 2023, posted on X by Israel Katz, the then Israeli Minister of Energy and Infrastructure, which read, “We will fight the terrorist organization Hamas and destroy it. All the civilian population in Gaza is ordered to leave immediately. We will win. They will not receive a drop of water or a single battery until they leave the world.”

The Order indicates that the Court had taken note of a press release of November 16, 2023, issued by 37 Special Rapporteurs, Independent Experts and members of Working Groups part of the Special Procedures of the United Nations Human Rights Council, in which they voiced alarm over “discernibly genocidal and dehumanising rhetoric coming from senior Israeli government officials” and the statement made on October 27, 2023, by the United Nations Committee on the Elimination of Racial Discrimination that it was “highly concerned about the sharp increase in racist hate speech and dehumanisation directed at Palestinians since October 7”.

In view of the facts and circumstances mentioned by South Africa, the Court concluded that at least some of the rights claimed by South Africa and for which it was seeking protection were plausible.

In appreciating the risk of irreparable prejudice and urgency in relation to the request for the indication of provisional measures, the Court took note of the letter dated December 6, 2023, presented by the Secretary-General of the United Nations to the attention of the Security Council, which read, “The health-care system in Gaza is collapsing. Nowhere is safe in Gaza. Amid constant bombardment by the Israel Defence Forces and without shelter or the essentials to survive, I expect public order to completely break down soon due to the desperate conditions, rendering even limited humanitarian assistance impossible. An even worse situation could unfold, including epidemic diseases and increased pressure for mass displacement into neighbouring countries. We are facing a severe risk of the collapse of the humanitarian system. The situation is fast deteriorating into a catastrophe with potentially irreversible implications for Palestinians as a whole and for peace and security in the region. Such an outcome must be avoided at all costs,”the words in the letter dated January 5, 2024, from the Secretary-General addressed to the Security Council, “devastating levels of death and destruction continue”.



the statement of January 17, 2024, issued by the UNRWA Commissioner-General upon returning from his fourth visit to the Gaza Strip since the beginning of the current conflict in Gaza, which read, "Every time I visit Gaza, I witness how people have sunk further into despair, with the struggle for survival consuming every hour."

In light of the aforementioned facts and explanations of the case, the Court indicated provisional measures for the following reasons:

The civilian population in the Gaza Strip remains extremely vulnerable.

- The military operation conducted by Israel after October 7, 2023, has resulted, inter alia, in tens of thousands of deaths and injuries and the destruction of homes, schools, medical facilities and other vital infrastructure, as well as displacement on a massive scale.
- The Court notes that the operation is ongoing and that the Prime Minister of Israel announced on January 18, 2024, that the war *"will take many more long months"*.
- At present, many Palestinians in the Gaza Strip have no access to the most basic foodstuffs, potable water, electricity, essential medicines or heating.
- The WHO has estimated that 15 per cent of the women giving birth in the Gaza Strip are likely to experience complications, and it indicates that maternal and newborn death rates are expected to increase due to the lack of access to medical care.
- In these circumstances, the Court considers that the catastrophic humanitarian situation in the Gaza Strip is at serious risk of deteriorating further before the Court renders its final judgment.
- While steps such as these that Israel states it has taken are to be encouraged, they are insufficient to remove the risk that irreparable prejudice will be caused before the Court issues its final decision in the case.
- The Court considers that there is urgency, in the sense that there is a real and imminent risk that irreparable prejudice will be caused to the rights found by the Court to be plausible, before it gives its final decision.

The Court's orders on provisional measures have binding effect and thus create international legal obligations for any party to whom the provisional measures are addressed. Below are the provisional measures indicated by the Court:

1) *(By fifteen votes to two)* The State of Israel shall, in accordance with its obligations under the Convention on the Prevention and Punishment of the Crime of Genocide, in relation to Palestinians in Gaza, take all measures within its power to prevent the commission of all acts within the scope of Article 2 of this Convention, in particular:



- (a) killing members of the group;
- (b) causing serious bodily or mental harm to members of the group;
- (c) deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part; and
- (d) imposing measures intended to prevent births within the group;

2) By fifteen votes to two) The State of Israel shall ensure with immediate effect that its military does not commit any acts described in point 1 above.

3) *(By sixteen votes to one)* The State of Israel shall take all measures within its power to prevent and punish the direct and public incitement to commit genocide in relation to members of the Palestinian group in the Gaza Strip.

4) *(By sixteen votes to one)* The State of Israel shall take immediate and effective measures to enable the provision of urgently needed basic services and humanitarian assistance to address the adverse conditions of life faced by Palestinians in the Gaza Strip.

5) *(By fifteen votes to two)* The State of Israel shall take effective measures to prevent the destruction and ensure the preservation of evidence related to allegations of acts within the scope of Article II and Article III of the Convention against members of the Palestinian group in the Gaza Strip.

6) *(By fifteen votes to two)* The State of Israel shall submit a report to the Court on all measures taken to give effect to this Order within one month as from the date of this Order.









CHAPTER

2

Israel's Acts That
Result In Gross
Violations Of
International
Humanitarian Law
And Should Be
Investigated As
Genocide, Crimes
Against Humanity And
War Crimes



ISRAEL'S ACTS THAT RESULT IN GROSS VIOLATIONS OF INTERNATIONAL HUMANITARIAN LAW AND SHOULD BE INVESTIGATED AS GENOCIDE, CRIMES AGAINST HUMANITY AND WAR CRIMES

According to the Geneva Conventions and their Additional Protocols, the fundamental body of international humanitarian law, the civilian population and individual civilians shall enjoy general protection against the dangers arising from military operations. In order to ensure respect for and protection of the civilian population and civilian objects, the Parties to the conflict shall at all times distinguish between the civilian population and combatants and between civilian objects and military objectives and accordingly shall direct their operations only against military objectives.

Accordingly, civilians should not be targeted in attacks. Collective punishment and indiscriminate attacks are prohibited. Attacks that may be expected to cause incidental loss of civilian life, injury to civilians, damage to civilian objects, or a combination thereof, which would be excessive in relation to the concrete and direct military advantage anticipated, are considered indiscriminate.

In case of doubt whether a person is a civilian or not, that person must be considered to be a civilian. The presence within the civilian population of individuals who do not come within the definition of civilians does not deprive the population of its civilian character.

In any armed conflict, the right of the Parties to the conflict to choose methods or means of warfare is not unlimited. It is prohibited to employ weapons, projectiles and material and methods of warfare of a nature to cause superfluous injury or unnecessary suffering.

In the conduct of military operations, constant care must be taken to spare the civilian population, civilians and civilian objects. Those who plan or decide upon an attack must do everything feasible to verify that the objectives to be attacked are neither civilians nor civilian objects and not subject to special protection but are military objectives and that it is permissible to attack them. All feasible



precautions must be taken to avoid, and in any event to minimize, incidental loss of civilian life, injury to civilians and damage to civilian objects in determining the means and methods of the attack.

An attack shall be cancelled or suspended if it becomes apparent that the objective is not a military one or is subject to special protection or that the attack may be expected to cause incidental loss of civilian life, injury to civilians, damage to civilian objects, or a combination thereof, which would be excessive in relation to the concrete and direct military advantage anticipated.

Effective advance warning shall be given of attacks that may affect the civilian population, unless circumstances do not permit. When a choice is possible between several military objectives that would result in a similar military advantage, the attack selected shall be the one that may be expected to cause the least danger to civilian lives and to civilian objects. In the conduct of military operations at sea or in the air, each Party to the conflict shall, in conformity with its rights and duties under the rules of international law applicable in armed conflict, take all reasonable precautions to avoid losses of civilian lives and damage to civilian objects.

As detailed above, international humanitarian law regulations clearly set out the rules to be followed for the protection of civilians in cases of war. However, none of the basic principles of international humanitarian law, such as the obligations to provide humanitarian treatment, respect, protection, care, prevention, due diligence, precaution, proportionate response and effective warnings, were fulfilled in the Israeli attacks. Rather than trying to minimise civilian casualties, the Israeli administration has instead turned entire Gaza into rubble in a more devastating manner, directly targeting and destroying refugee camps, hospitals, schools, places of worship and aid centres where civilians, mostly women and children, took shelter and where people queued to get help. As stated in the words of its own officials, Israel has imposed an unprecedented price on the entire population of Gaza. The multitude of civilian deaths and injuries, 70 percent of which were women and children, the magnitude and severity of the destruction caused by tonnes of bombs, the unbearable living conditions to which the displaced people, corresponding to 85 percent of the population of Gaza, were exposed, and the blockade imposed by Israel depriving the people of basic needs, particularly water and food, prove clearly that Israel does not take any measures to protect civilians and even deliberately worsens people's living conditions by not allowing humanitarian aid efforts.

In cases where humanitarian law obligations are not fulfilled, investigations must be carried out by organizations authorised in accordance with international agreements pertaining to genocide, crimes against humanity, war crimes and crimes of aggression, which are the most egregious crimes that concern the international community as a whole; perpetrators responsible for these actions must be punished, and other sanctions required by international agreements must be applied. Due to international actors not fulfilling their responsibilities despite this unprecedented humanitarian crisis and disaster in which more than 170 women and children are killed every day in Gaza, nearly two million people are displaced multiple times by evacuation orders, and are forced to live on the streets, in shacks or tents in winter conditions, cannot have access to even bread and fresh water, and meet their most basic needs including medical care, except for the genocide case in which the Israeli



government was tried at the International Court of Justice upon the application of the Republic of South Africa, no significant progress has been made in stopping the attacks of Israel and holding the Israeli government accountable for what it has caused.

The following is a summary of Israeli actions that constitute gross violations of humanitarian law and should be investigated as war crimes, including the crime of genocide.

2.1. Forced Displacement of Population

All of the places in that wicked city, we will turn them into rubble. I say to the residents of Gaza: Leave now because we will operate forcefully everywhere.¹

*Benjamin Netanyahu
Prime Minister of Israel*



According to Article 49 of Geneva Convention IV, individual or mass forcible transfers, as well as deportations of protected persons from occupied territory to the territory of the occupying power or to that of any other country, occupied or not, are prohibited, regardless of their motive. If the security of the population or imperative military reasons so demand, the occupying power may undertake total or partial evacuation of a given area. Such evacuations may not involve the displacement of protected persons outside the bounds of the occupied territory, except when for material reasons, it is impossible to avoid such displacement. Persons thus evacuated shall be transferred back to their homes as soon as hostilities in the area in question have ceased. The occupying power undertaking

¹ <https://www.gov.il/en/departments/news/statement-by-pm-netanyahu-7-oct-2023> , Accessed: 31/01/2024.

such transfers or evacuations shall ensure, to the greatest practicable extent, that proper accommodation is provided to receive the protected persons, that the removals are effected in satisfactory conditions of hygiene, health, safety and nutrition, and that members of the same family are not separated. The occupying power shall not detain protected persons in an area particularly exposed to the dangers of war unless the security of the population or imperative military reasons so demand. The occupying power shall not deport or transfer parts of its own civilian population into the territory it occupies. Article 147 of the Convention lists unlawful deportation or transfer of protected persons as acts constituting grave breaches of the Convention.

Article 17 of Additional Protocol II to the Geneva Conventions, entitled “Prohibition of forced movement of civilians,” states that the displacement of the civilian population shall not be ordered for reasons related to the conflict unless the security of the civilians involved or imperative military reasons so demand. Should such displacements have to be carried out, all possible measures shall be taken in order that the civilian population may be received under satisfactory conditions of shelter, hygiene, health, safety and nutrition. Civilians shall not be compelled to leave their own territory for reasons connected with the conflict.



Displacement is one of the acts listed under crimes against humanity in Article 7 and war crimes in Article 8 of the Rome Statute. In Article 7 of the Rome Statute, acts of “deportation or forcible transfer of population” committed as part of a widespread and systematic attack directed against any civilian population are regulated as crimes against humanity. The second paragraph of Article 7 defines “deportation or forcible transfer of population” as “forced displacement of the persons concerned by expulsion or other coercive acts from the area in which they are lawfully present, without grounds permitted under international law.”

Article 8, paragraph 2, subparagraph (a) of the Rome Statute defines a grave breach of the humanitarian law regulations set out in the Geneva Conventions of 1949 as a war crime. One of these acts is “unlawful deportation, transfer or unlawful confinement.”

Article 8, paragraph 2, subparagraph (b) of the Rome Statute defines other serious violations of the laws and customs applicable in international armed conflict within the established framework of international law as war crimes. “The transfer, directly or indirectly, by the occupying power of parts of its own civilian population into the territory it occupies, or the deportation or transfer of all or parts of the population of the occupied territory within or outside this territory” are among the war crimes listed within this scope.



Since the beginning of Israel's attacks on Gaza, there have been statements by Israeli officials about the expulsion and forced displacement of Palestinians living in Gaza. *When asked what will happen to Palestinians living in Gaza on a television programme, Heritage Minister Eliyahu of Israel responded, “They can go to Ireland or deserts. The ‘monsters’ in Gaza should find a solution by themselves.”*² The transfer of 2.2 million people from the Gaza Strip to Egypt's mainly desert Sinai Peninsula is one of the issues discussed in Israel as a war scenario.³

The Israeli Prime Minister has requested that the authorities avoid discussing the forced displacement of Gaza people too much, but the fact that many of the population had to evacuate as far as Rafah on the Egyptian border due to the evacuation orders and the bombing of settlements, particularly in the north of Gaza, to the point of rendering them uninhabitable, all indicate that a similar plan is being carried out. Minister of Agriculture Avi Ditcher referred to the evacuation of Gaza's civilian population as “the Gaza Nakba of 2023” on November 12.⁴

² <https://www.aa.com.tr/tr/dunya/israilli-asiri-sagci-bakandan-gazze-nukleer-bomba-atilmasi-olasiliklardan-biri-aciklamasi/3044258> , Accessed: 31/01/2024.

³ <https://www.aa.com.tr/tr/dunya/israilde-gazzelileri-sina-colune-surme-senaryosu-yine-gundemde/3038341> , Accessed: 31/01/2024

⁴ <https://www.aa.com.tr/tr/ayrimcilikhatti/ayrimcilik/israillin-gazzelileri-goce-zorlamasi-yeni-nekbe-olarak-degerlendiriliyor/1818200> , Accessed: 31/01/2024.



People have been displaced and forced to migrate as a result of the heavy Israeli bombardment and siege of Gaza, attacks on civilian settlements, refugee camps, schools, hospitals, and places of worship, as well as the embargo on fuel, electricity, food, and water. The displacement of Gaza's population has resulted from Israeli attacks or exigencies caused by the inability to receive food or evacuation orders issued by Israeli authorities. Israeli security forces also targeted people who complied with evacuation orders by squeezing them into ever-tinier places in Gaza. There is nowhere in Gaza where one could feel safe, as reports from international organizations have stated.

The forcible displacement of the majority of Gaza's population following October 7 evokes memories of the *Nakba* (*Great Catastrophe*) of 1947–1949, during which over 750,000 Palestinians were forcibly displaced from their cities and villages. *Nakba* serves as a reminder of forced displacement, looting, and massacres committed under Israeli oppression for millions of Palestinians who have been living in exile for decades.⁵ Hundreds of thousands of people have remained in Gaza to stop this incident from repeating and prevent another Nakba, as it is deeply ingrained in the collective memory of the Palestinian people. Around 1,900,000 Palestinians, roughly 85% of the Gaza Strip's population, have been displaced in the three months since October 7, according to the Relief and Works Agency for Palestine Refugees in the Near East (UNRWA). This is the largest displacement of the Palestinian people since 1948.



On October 21, 2023, the Israeli army dropped leaflets in northern Gaza ordering residents to evacuate their houses immediately, explicitly stating that anyone who chooses not to leave from the north of the Gaza Strip to the south of Wadi Gaza may be determined an accomplice in a terrorist organi-

⁵ <https://www.trthaber.com/haber/guncel/nekbe-buyuk-felaket-nedir-nekbe-gununde-ne-oldu-484913.html>, Accessed: 31/01/2024.



zation. Nevertheless, these evacuation orders failed to consider the condition of the population and those who might require assistance, and did not specify an alternative location where they could seek shelter that was safe other than their destination. Israel continued to force civilians to leave their houses by dropping similar leaflets from the air in different settlements where it was going to carry out military operations. This has repeatedly resulted in the displacement of the population.⁶

Amnesty International noted that the Israeli army's order for the people in northern Gaza and Gaza city to "evacuate" to the south of the Gaza Strip, cannot be considered an effective warning and may amount to forced displacement of the civilian population, a violation of international humanitarian law.⁷ Ordering the evacuation of one million people when there is no safe place to go and no safe route is not an effective warning, it is a forced displacement of the population. Amnesty also points out that collective punishment for holding hundreds of thousands of civilians responsible for acts they did not commit may amount to war crime.⁸



As stated previously, only in exceptional circumstances and for the duration of military operations do the Geneva Conventions allow civilians to leave their places of residence due to military necessity.

⁶ <https://www.youtube.com/watch?v=gvjBvj8K2iw> , Accessed: 31/01/2024.

⁷ <https://www.amnesty.org/en/latest/news/2023/10/israel-opt-appalling-gaza-evacuation-order-must-be-rescinded-by-israel-immediately/> , Accessed: 31/01/2024.

⁸ <https://www.amnesty.org/en/latest/news/2023/10/israel-opt-israeli-army-threats-ordering-residents-of-northern-gaza-to-leave-may-amount-to-war-crimes/> , Accessed: 31/01/2024.



Furthermore, the state conducting the military operation must take all possible measures to ensure that civilians concerned are accommodated under satisfactory conditions of shelter, hygiene, health, safety and nutrition. When military necessity ends, the population should be allowed to return to their places of residence. Yet, Israel did not fulfill the requirements of the evacuation orders while carrying out its attacks and prevented humanitarian aid operations from being carried out. The locations where the majority of those who had to leave their houses and struggled to survive without basic human needs were destroyed or damaged by military operations. Israel has rendered many parts of Gaza uninhabitable with its indiscriminate attacks on civilian settlements and in grave violation of international humanitarian law. People are unable to return to their places of residence under these circumstances unless those places are reconstructed.

The main objective of Israel's attacks on Gaza is to guarantee that the people of Gaza, who have been forced to leave their homes from the very beginning, have no place to return to when the attacks end. On the first day of the declaration of war on Gaza territory, the Prime Minister of Israel told Gazans that they should leave and that he would turn the whole place into rubble.

On October 9, the Israeli government cut off the supply of water, food, electricity and fuel to Gaza and totally bombed the water supply and electricity infrastructure. On October 13, one million people living in northern Gaza were issued a one-day deadline to evacuate, forcing them to flee towards the Egyptian border as a result of the attacks. In its attacks, Israel continued to bomb those who had made their way to southern Gaza, where they took shelter. On October 28, a ground operation was launched in Gaza, which had been constantly bombarded from the air for days. Once northern Gaza was entirely destroyed and 1.9 million Gazans—85 percent of the population—were displaced, the attacks intensified towards southern Gaza. In late January, Khan Younis, where displaced Gazans had taken shelter, was besieged and ordered to evacuate after the main roads were blocked and shelling began. Meanwhile, the Red Crescent's Al-Amal Hospital, the Al-Khair Private Hospital and the Nasser Medical Complex, which is the largest surviving medical institution in the Gaza Strip were besieged in Khan Younis. The only place other than Khan Younis that can shelter 9 million Gazans is Rafah on the Egyptian border. Nevertheless, providing shelter for such a large population in Rafah, an area of merely 64 square kilometres, is practically impossible. If Israeli attacks continue unabated, it appears inevitable that substantial portions of the population will be compelled to evacuate the country en masse as a result of starvation and bombardment. For precisely this reason, in northern Gaza, demolitions were carried out with bulldozers in order to prevent the population from returning to the entirely evacuated areas.

Thus, the Israeli government has gradually put into practice what it told Gazans on October 7, the first day of its attacks, "leave now" and "we will turn the whole place into rubble," through its attacks that have caused great destruction and devastation for nearly four months, killing more than 26,000 Palestinians, the majority of whom are children and women, and injuring more than 65,000 Palestinians. This process amply demonstrates that the Israeli government's motivation is to completely eradicate the Palestinian population in Gaza, and that in pursuit of this goal, it has committed killings, inflicted severe physical harm, and purposefully altered living conditions to the point where it has aroused

international outrage. Given that these actions fulfil the criteria for the crime of genocide, it is imperative that the perpetrators be prosecuted by the appropriate judicial authorities and held accountable for the atrocities they have committed.

2.2. Collective Punishment of Civilian Population, Mass Killing, Mass Destruction, Causing Serious Injury and Unnecessary Suffering



The burial of the Palestinian bodies in a mass grave in Khan Younis city in the southern Gaza Strip. November 22, 2023, Gaza-Palestine (AA - Mohammad Fayq)⁹



⁹ <https://www.aa.com.tr/tr/dunya/israil-in-oldurdugu-111-filistinlinin-cenazesi-han-yunusta-toplu-mezara-defnedildi/3061859>, Accessed: 31/01/2024.



Can you hear the screams emanating from Gaza? Can you hear the screams as the Israeli war machine bombed yet another UN school and shelter? Can you hear the screams from the 1,000 injured?... Yes, you hear them and you do nothing. You do less than nothing; you actively support the Israeli war machine. In Gaza, seventy per cent of the people killed were women and children, innocent Palestinians... And you not only let it happen; you supported it... This is not self-defense for Israel. This is an all-out genocide of the Palestinian people in Gaza and the West Bank... You are responsible. You are writing your names on the darkest, blackest pages of the history books. You are complicit and you will be held accountable.¹⁰

*Norwegian Dr. Mads Gilbert
worked at Al Shifa Hospital for sixteen years.*

We buried more than 600 bodies in one day. Most of the people we buried were women and children. This exceeds the entire number of persons I have buried in Gaza over the last five years. We had to excavate mass graves since there were so many corpses. We interred 137 victims in one of the mass graves. I can not sleep because of the bodies of children I saw; what were their sins?¹¹

*Sadi Bereke
Palestinian Cemetery Attendant*

¹⁰ <https://www.youtube.com/watch?v=KOlG4chFwtI&t=3s> , Accessed: 31/01/2024.

¹¹ <https://www.aa.com.tr/tr/ayrimcilikhatti/ayrimcilik/gazzedeki-mezarlik-gorevlisi-gordugum-cocuk-cesetleri-nedeniyle-uyuyamiyorum/1818028> , Accessed: 31/01/2024.



In response to the actions on October 7, Israel declared a state of war in Gaza's 365 km² territory, dropping over 65,000 tonnes of bombs in the first 100 days. The battle has killed over 25,000 people, more than 70 per cent of whom are women and children, injured over 65,000 others, damaged more than 25,000 buildings, displaced 85 per cent of the population, and destroyed the majority of hospitals. The already poor living circumstances in Gaza, which have been dependent on humanitarian aid for 16 years due to a land, sea, and air embargo, have become practically unbearable. It has inflicted hunger, thirst, and epidemic diseases on individuals attempting to survive in refugee camps and tents by *enacting policies* that make *those who have not yet been slain resent their existence*. Despite worldwide calls, UN General Assembly decisions calling for an immediate humanitarian ceasefire, and UN Security Council resolutions requesting humanitarian aid, Israel's government continues to collectively punish Gaza's 2.2 million residents. According to the chiefs of UN organizations, there is no safe place in Gaza. Gaza is the world's most deadly place for children. Everyone in Gaza suffers from terrible hunger and thirst. The ongoing situation in Gaza can only be described as *hell on earth*.



Gaza death toll nears **27,000**

Number of
Palestinians
killed
26,751

At least
11,000
children

At least
7,500
women

SINCE OCT. 7

Number of injured
65,636



January 30, 2024 Source: Health Ministry in Gaza





Article 40 of Additional Protocol I to the Geneva Conventions expressly prohibits to order that there shall be no survivors, to threaten an adversary therewith or to conduct hostilities on this basis. Declaring that no quarter will be given is classified as a war crime under the Rome Statute. At the beginning of Israel's attacks on Gaza, Israeli Prime Minister Netanyahu's statements, such as *"Leave now"* and that *everything in Gaza would be turned into rubble*, the Israeli Defence Minister's statements that *they are fighting human animals and will act accordingly*, that all rules in the army have been abolished, that the soldiers who are fighting will not be held accountable for anything at all, and the statements of the Israeli President Herzog that *the entire nation out there is responsible for what happened and the rhetoric that civilians were not involved is not true*, reveal that the Israeli government acted in disregard of its responsibility under humanitarian law. In light of the devastation, destruction, and displacement caused by Israeli attacks, it is impossible to conclude that the aforementioned statements made by Israeli administrators were merely rhetoric and that no action was taken. Israeli security forces carried out an unparalleled programme of mass murder and extermination in Gaza, acting on orders from the government and army officials.



Many norms of international humanitarian law govern the need to take all necessary steps to safeguard civilians during times of war. It even prohibits measures that may cause disproportionate harm to civilians in relation to the military benefit gained. Intentionally directing attacks against the civilian population as such or against individual civilians not taking direct part in hostilities, as well as intentionally directing attacks against civilian objects, that is, objects that are not military objectives, are both considered war crimes under the Rome Statute. Israel has failed to discharge these commitments by conducting indiscriminate attacks.

Evacuation orders were issued to Gaza's northern cities, which are home to 1 million people, threatening them with being classified as Hamas members if they did not leave their homes within 24

hours, without constructing safe zones for them or taking into account the conditions under which they live. People who had previously been forced to flee to the south of Gaza were once again subjected to evacuation orders during Israel's offensive, forcing them to relocate to the Egyptian border.¹² With nowhere else to go, people have sought refuge in schools, houses of worship, hospitals, and refugee camps. Even these areas under the protection of humanitarian law have been designated as particular targets by the Israeli government, and convoys of displaced persons have been attacked.¹³ They used highly destructive weapons and bombs to reduce residential settlements to ruins in locations they ordered to be evacuated, as well as in numerous parts of Gaza. So much so that removing and burying the lifeless corpses of the 7,000 individuals reported missing in Gaza proved impossible. Those who observed the carnage in Gaza and spoke with our Institution confirmed that, contrary to the claims that warnings were issued just before the strikes, particularly in the initial weeks, in reality no warnings were issued at all.

As a result of Israel's failure to fulfil its obligations to distinguish between armed forces and civilians in its attacks, issue effective warnings to prevent civilian harm, and take all necessary precautions to protect civilians, civilian deaths and injuries continue to occur at a catastrophic rate in a very short period of time, far exceeding years of war and conflict.



¹² <https://www.aa.com.tr/tr/ayrimcilikhatti/ayrimcilik/israilin-zorla-goc-ettirdigi-gazzeliler-cile-yolundan-geciyor/1818031>, Accessed: 31/01/2024.

¹³ For the attack on a convoy of displaced Palestinians in which at least 70 people were killed and more than 200 injured, see: <https://www.aa.com.tr/tr/dunya/israil-ordusu-gazgede-yerinden-edilmis-insanlarin-konvoyunu-vurdu-en-az-70-kisi-oldu/3019086>, Accessed: 31/01/2024.

In the Rome Statute of the International Criminal Court,

- Genocide is defined as acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, killing members of the group, and causing serious bodily or mental harm to members of the group;
- Murder, mass extermination, persecution against any identifiable group or collectivity¹⁴ committed as part of a widespread or systematic attack directed against any civilian population¹⁵ other inhumane acts of a similar character intentionally causing great suffering, or serious injury to body or to mental or physical health, are introduced as crimes against humanity.
- A very grave breach of the Geneva Conventions, i.e., the wilful killing, wilfully causing great suffering, or serious injury to body or health committed against persons or property protected under the provisions of the relevant Geneva Convention, is regulated as a war crime.

In the very short period of the first three months of Israel's attacks on Gaza, the murders and serious injuries of civilians were at a level that caused outrage

all over the world. Since the attacks were carried out with highly destructive weapons and bombs, innocent civilians were horribly killed, and those who survived suffered severe burns and amputations. Due to the total blockade imposed by Israel and the specific targeting of hospitals, hospitals were rendered inoperable, a significant number of surgeries, including emergency responses causing some of the wounded to lose their legs and arms, were performed without anaesthesia, and some wounded died as a result of a lack of intervention.



Hani Zuhair Biseysu, an orthopedic surgeon at Al Shifa Hospital, had to amputate the leg of his 16-year-old niece, Ahed Taha Biseysu, who was wounded by an Israeli tank attack while at home, on the dining table, cleaning the wound with a dish sponge and soap and without anesthesia.¹⁶

¹⁴ "extermination" is defined as including the intentional infliction of conditions of life, inter alia the deprivation of access to food and medicine, calculated to bring about the destruction of part of a population in Article 7 of "crimes against humanity" of the Roma Statute.

¹⁵ "Persecution" is defined as the intentional and severe deprivation of fundamental rights contrary to international law by reason of the identity of the group or collectivity in the Roma Statute.

¹⁶ <https://www.aa.com.tr/tr/dunya/gazze-de-anestezi-olmadan-bacagi-ampute-edilen-ahed-dunyaya-savasi-durdurma-cagrisi-yapti/3114783> , Accessed: 31/01/2024



Israel's senior leadership has put into action its descriptions of Gazans as *"human animals," "Amalek," "Nakba 2023," "deportation to the desert," "there will be no rules in the attacks," "it's an entire nation out there that is responsible and that it is not true this rhetoric about civilians not aware, not involved,"* and attacks that amounted to collective punishment and massacres were carried out. The killing of civilians, mostly children and women, the high number of severe injuries caused by the use of weapons with high destructive power, and the loss of arms and legs for over a thousand children demonstrate that the Israeli regime has no humanitarian values towards Gazan civilians.

Under the Rome Statute, acts of killing and wounding can be considered genocide, crimes against humanity and war crimes by the International Criminal Court, depending on the character and nature of the crime. The Convention on the Prevention and Punishment of the Crime of Genocide contains regulations on the crime of genocide, which it defines as the odious scourge of humanity. While the International Criminal Court has jurisdiction over natural persons, the Convention on the Prevention and Punishment of the Crime of Genocide provides for an application to the International Court of Justice for the responsibility of states.

On December 29, 2023, the Republic of South Africa filed a lawsuit before the International Court of Justice alleging that Israel violated its obligations under the Convention on the Prevention and Punishment of the Crime of Genocide and committed the crime of genocide. At the International Criminal Court, there are applications filed by South Africa, Bangladesh, Bolivia, Comoros, Djibouti, Chile and Mexico, alleging war crimes by Israeli officials. Conducting investigations into war crimes committed in Gaza and punishing those responsible in the event of a finding of guilt is crucial to ensuring accountability and preventing recurrence.

The need for a humanitarian ceasefire remains urgent to prevent the humanitarian catastrophe in Gaza from escalating into much worse conditions and to ensure that humanitarian aid reaches all those in need. International organizations and states are making significant efforts to enable humanitarian operations in Gaza. However, in the absence of a humanitarian ceasefire and the necessary decisions by international actors to stop the attacks immediately, it is not possible to safely deliver humanitarian aid to those in need. Every day that passes without a humanitarian ceasefire in Gaza, the humanitarian catastrophe worsens.



2.2.1. Violations against Children



For every day without a definitive ceasefire, 100 children on average have been killed. There can never be any justification for killing children. The situation in Gaza is monstrous and a blight on our common humanity.¹⁷

*Jason Lee
Save the Children
Country Director for the Occupied Palestinian Territory*

¹⁷ "For nearly 100 days, children have been paying the price of a conflict they have no part in. They are terrified, hurt, maimed and displaced. One percent of the child population of Gaza has already been killed by Israeli bombardments and ground operations. Others risk being killed by starvation and disease with famine coming ever closer. For children who have survived, the mental harm inflicted and the utter devastation of infrastructure including homes, schools, and hospitals, has decimated their futures." <https://www.savethechildren.org.nz/media-hub/gaza-10000-children-killed-in-nearly-100-days-of-war/> , Accessed: 31/01/2024.



On January 24, 2024, in Khan Yunis, Israeli snipers shot Nahid Adel Barbakh, first of the two brothers who were desperate enough to go search for food. When his brother Ramiz tried to save him by carrying him on his back, they shot him too. The brothers' only crime was being Palestinian children.



Sidra Matar, who suffered from lung disease as a result of Israeli airstrikes, died on 6 January 2024 in the intensive care unit of Kemal Adwan Hospital due to the oxygen supply being cut off.



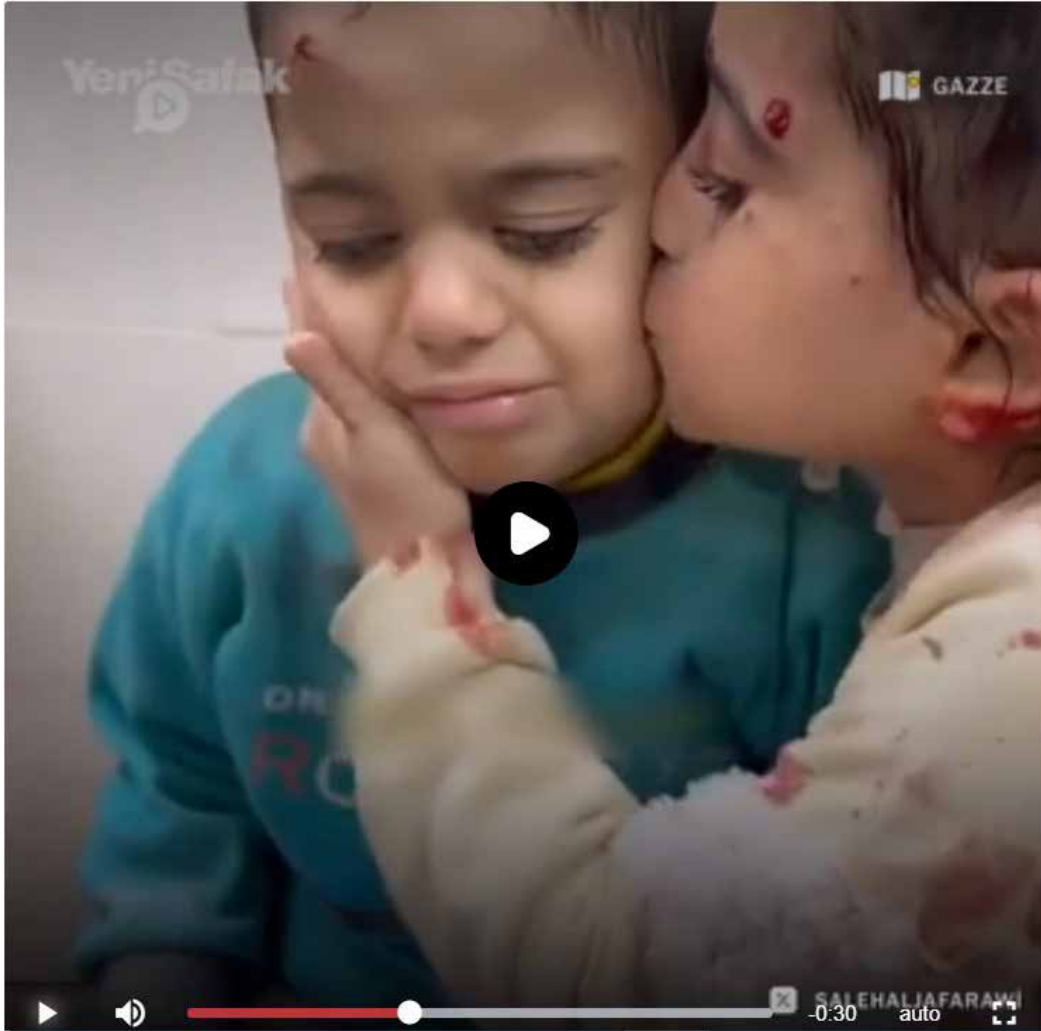
Al-Nasr Children's Hospital was bombed on November 4; 10 days later, Israel raided the hospital, forcing doctors and attending families to evacuate. Although Israelis promised doctors that they would receive the babies who needed further treatment in intensive care, on November 27, Al Mashhad reporter, who went to the hospital to take photos, found the decomposing bodies of five babies left to die in beds. *"I see that all the babies have lost their lives and their bodies are rotting and eaten by worms,"* the reporter said, indicating his bitter experience.¹⁸



A baby trapped in the rubble of a house destroyed in an Israeli army attack in the Gaza Strip on January 1 was rescued with the help of bystanders.¹⁹

¹⁸ <https://www.yenisafak.com/video-galeri/dunya/israilin-tahliyesine-izin-vermedigi-5-bebek-yataklarinda-hayatini-kaybetmis-halde-bulundu-4578091> , The US State Department Spokesperson was asked by a reporter whether the incident was a war crime, and the Spokesperson just replied that it was a tragedy. <https://www.aa.com.tr/tr/dunya/abd-disisleri-sozcusu-gazgede-bebeklerin-olum-terk-edilmesine-savas-sucu-diyemedi/3075648> , Accessed: 31/01/2024.

¹⁹ <https://www.aa.com.tr/tr/dunya/israil-in-gazze-seridi-nde-vurdugu-bir-evin-enkazindan-bir-bebek-sag-olarak-cikarildi/3097679> , <https://www.instagram.com/reel/C1jzMtVs9Xn/?igsh=eXk0ajZzeThsZ2Nq> , Accessed: 31/01/2024



Palestinian journalist Saleh Aljafarawi shared on his social media account the images of two Palestinian brothers in shock after the bombing. Asked what happened to them, the little Palestinian girl said that Israeli forces told her to leave and bombed her house before she could evacuate. Also captured on camera were the moments in which the Gazan girl consoled and kissed her younger sibling, who, like her, was injured and trembling.²⁰

²⁰ <https://www.yenisafak.com/video-galeri/dunya/soka-giren-filistinli-cocuklar-korkudan-titredi-gazzeli-abla-kucuk-kardesini-operek-sakinlestirmeye-calisti-4582074> , Accessed: 31/01/2024.



My entire family was martyred in a single day. I lost them all in a single day. My family no longer exists. Everyone I cared about died as a martyr. Even my mother became a martyr. The world needs to resonate with us. We are children, what kind of crime did we commit? What is our crime to be enduring such torment?²¹

Palestinian Child



I fall asleep crying and wake up crying. They murdered my grandchildren and set our hearts on fire. They set fire to not only our hearts, but those of all Gazans.²²

*The grandfather bids farewell to his granddaughter,
who was killed by Israel, kissing her on the eyes*



The family of 12-year-old Dunia Abu Mohsen, whose home had previously been bombed, were killed. Dunia was fighting to stay alive despite having one leg amputated. They aimed for Dunia with a tank shell that penetrated the wall and struck her in the skull, her blood was spread across the wall.²³

*The statement of
Mohammed Zaqout, Director-General of The Nasser Medical Complex,
regarding the attack in its Paediatric Department*

²¹ <https://x.com/yenisafak/status/1727788421676949539?s=20> , <https://www.yenisafak.com/video-galeri/dunya/filistinli-kucuk-kiz-dunyaya-seslendi-biz-cocuguz-sucumuz-ne-4576822> , Accessed: 31/01/2024.

²² <https://www.youtube.com/watch?v=ku4chSduXF8&t=28s> , Accessed: 31/01/2024.

²³ <https://www.youtube.com/watch?v=PMizuKzoQv0> , Accessed: 31/01/2024.



The Geneva Conventions encompass several provisions that underscore the utmost regard for and safeguarding of children, including their protection against all types of indecent assault. These provisions also impose an obligation on the parties involved to provide the children with the necessary care and assistance. However, it is not possible to argue that humanitarian law provides protection for Palestinian children, who are among the most vulnerable to Israeli attacks.



According to United Nations officials, Gaza has emerged as the most dangerous region globally for children, with one child being murdered every ten minutes.²⁴ Mothers in Gaza have been compelled to

write the names of their children on the hands and arms as a means of ensuring their identification in the event of casualties or injuries caused by Israeli bombings.



²⁴ <https://www.youtube.com/watch?v=EPFGHv9uwuk>, <https://www.aa.com.tr/tr/ayrimcilikhatti/ayrimcilik/gazgede-3-haftada-oldurulen-cocuk-sayisi-dunyada-son-4-yildaki-catismalarda-oldurulenleri-asti/1818156> , Accessed: 31/01/2024.



Three-year-old Ahmad Shebat lost his parents, siblings, and lower limbs below the knee as a result of being caught in Israeli military assaults three times in various regions of the Gaza Strip.

Kanit-The Evidence, Anadolu Agency, 2023, p. 83.



Children who lost a limb or arm or sustained severe burn wounds as a result of the Israeli hostilities have disclosed the most unspeakable and intolerable suffering. One or both legs of at least ten children per day and over one thousand children in total have been amputated. Due to the restrictions on medical supplies entering Gaza, a number of these operations were conducted without anaesthesia. The acronym WCNSF (*Wounded Child No Surviving Family*) was coined to refer to wounded children from non-surviving families.²⁵ Many children who have lost their mother, father, or both are now unable to provide for their basic needs of survival. The plight of tens of thousands of orphaned children in Gaza is further exacerbated by the fact that, during the winter, all people are similarly deprived of their housing and the basic needs of life. Additionally, bombings have targeted hospitals and schools where children have sought refuge, causing concern for their safety.



One of the distressing indications that children endure not only continuous bombardments but also starvation and thirst is from a girl who was admitted to the hospital following the bombardment: *"I haven't had any water in three days."*²⁶

²⁵ <https://www.theguardian.com/world/2023/dec/22/the-plight-of-gazas-wcnsfs-wounded-child-no-surviving-family>, <https://www.bbc.com/news/world-middle-east-67614139>, Accessed: 31/01/2024

²⁶ <https://www.instagram.com/reel/C0rB3AGt6e5/?igsh=MW94enBrOHk0d213Ng%3D%3D>, Accessed: 31/01/2024.



Among the 1.9 million Gazans who have been displaced, almost one million children in Gaza must endure barefoot circumstances in flooded tents deprived of food and water.

While the Israeli government attempts to justify the casualties in Gaza through the Hamas narrative, the fact that nearly one hundred of the over 370 individuals killed in the non-Hamas-controlled West Bank, where no conflict exists, are children, at least two hundred Palestinian children are detained in Israeli detention centres without their most basic rights, and the accounts of little girls aged 12 to 13 who were subjected to humiliating treatment in prisons subsequent to their apprehension in the West Bank demonstrates the severity of the abuse that Israel allows, even towards children.²⁷

²⁷ <https://www.aa.com.tr/tr/dunya/israil-cezaevlerindeki-filistinlilere-siddet-iskence-tibbi-ihmal-gibi-ihlaller-7-ekim-sonrasi-artti/3060281> , <https://www.trthaber.com/haber/dunya/filistin-esirler-cemiyeti-israil-hapishanelerindeki-filistinli-kadinlar-iskenceye-maruz-kaliyor-825107.html> , Accessed: 31/01/2024.



Children are in fragile circumstances and, in accordance with the regulations of humanitarian law, must be safeguarded at all costs during times of conflict. Yet, Israel's military attacks on Gaza have deliberately targeted children. Children are without a doubt targeted deliberately by Israeli attacks, as evidenced by the facts that, since October 7, at least 40 percent of those murdered in the attacks are children; since then, one child has been killed and three children have been injured every ten minutes; hundreds of babies have perished; hospitals that treat children and injured individuals have been bombed; and more than half of the 7,000 unidentified individuals among the rubble are women and children.



Israeli Minister of Defence Gallant's explicit declaration, "We are fighting human animals and we are acting accordingly," in front of the cameras,²⁸ Israeli soldiers searching for babies to murder, with utterings such as "I could kill children, but I am searching for babies to kill,"²⁹ Prime Minister Netanyahu of Israel, and television commentators frequently emphasising the "*Amalekites*" and citing the Torah verse "*Kill men and women, infants and nursing babies*,"³⁰ prompted the killing of children and babies to become something to brag about for Israeli soldiers.

While the murder of a single child should have sparked global outrage, on the 100th day of the massacre, Israeli hostilities in Gaza killed over 12,000 children, maimed thousands, handicapped hundreds, and caused hundreds to disappear. This number also indicates that over forty percent of those killed in Gaza are children. Under the absence of an a ceasefire, more than one hundred children perish daily in Gaza, the most dangerous place in the world to be a child.

²⁸ <https://www.aa.com.tr/tr/dunya/israil-savunma-bakani-gallant-gazze-tamamen-ablukaya-alinacak/3012491>, Accessed: 31/01/2024

²⁹ <https://www.gzt.com/video/jurnalist/israil-askeri-belki-12-yasindaki-bir-cocugu-da-oldurebilirir-ama-ben-bebek-ariyorum-2231986>, Accessed: 31/01/2024

³⁰ "Now go, attack the Amalekites and totally destroy all that belongs to them. Do not spare them; put to death men and women, children and infants, cattle and sheep, camels and donkeys." (*Hebrew Bible, 1. (Samuel 15:3)*).



One of the greatest disasters the world has ever seen continues to unfold with all of its brutality in Gaza today, as international actors not only fail to stop the war crimes perpetrated in Gaza for more than 100 days but also continue to provide arms support to Israel.

The Gaza Strip, considered the world's largest open-air prison due to Israel's 16-year blockade by sea, land, and air, has now become the world's largest children's cemetery as a result of Israeli attacks. Furthermore, in the first months of the attacks, mothers lamented, "My child died hungry, he was bombed when I went to find food for him," while in the fourth month of the attacks, babies and children in Gaza began dying of hunger.

The day following the International Court of Justice's order on provisional measures on January 26, 2024, concerning the case where Israel is accused of committing genocide, several states, including the United States and the United Kingdom, announced that they suspended aid to UNRWA, citing the investigation conducted against 12 employees of UNRWA, 16 thousand of whose 30 thousand employees work in Gaza, for their alleged participation in the October 7 attacks.³¹ In this environment, where 1.4 million Gazans, mostly children and women, are taking refuge in UNRWA facilities and trying to find food, and other displaced people also require UNRWA aid, suspension of UNRWA aid will cause more children to die of hunger, as well as the 1.9 million people who have already been deported to the southern border, to face unbearable hunger and be forced to leave their homes.

At the Conference on the Promotion of Jewish Settlement in Gaza, where Israeli Ministers attended and danced at the end, two days after the order on provisional measures of the International Court of Justice, the plan, which has been implemented step by step since October 7, was made public and while Gazans endured bombings and famine in their own country, 15 settlements to be built on the remains of buried children in Gaza were depicted on maps, and it was stated that the soldiers fighting in Gaza would be given priority in the settlements.³²

³¹ <https://www.aa.com.tr/tr/dunya/israilin-iddialariyla-hedef-aldigi-unrwa-5-9-milyon-filistinli-multeciye-destek-sagliyor/3121926> , Accessed: 31/01/2024.

³² For the map, see "The Latest Situation in the Gaza Strip" section. <https://www.aa.com.tr/tr/dunya/hamas-gazgede-yahudi-yerlesimine-cagiran-konferans-israilin-etnik-temizlik-niyetini-ortaya-koyuyor/3122097> , <https://www.aa.com.tr/tr/dunya/gazgede-yasa-disi-yahudi-yerlesimler-kurma-cagrisi-yapilan-konferans-israilde-tepkilere-yol-acti/3122094> , Accessed: 31/01/2024.



2.2.2. Violations against Women



*The angel in my arms is a child, and we are women. We can handle this pain, we have seen so much before. We are all potential martyrs living on earth. We were just sitting in our houses. Are they doing this to children just to make themselves feel like men? Are they taking their revenge on the children?*³³

Palestinian Mother



*My child perished. He died in my arms. Where are the children? Somebody please tell me. Enough! Enough of this cruelty! We are defenceless people. Children died hungry. They could not eat anything. My children died hungry. They couldn't eat anything, I swear.*³⁴

Palestinian Mother

³³ <https://www.youtube.com/watch?v=kR0tGSrB6Ps> , Accessed: 31/01/2024.

³⁴ <https://www.youtube.com/watch?v=3SQ5ml2xt7U> , Accessed: 31/01/2024.



Women require special protection in accordance with the provisions outlined in Geneva Convention IV and Additional Protocol I to the Geneva Conventions. Hospitals and medical staff that treat pregnant women should not be attacked in any way. Parties are obligated to permit the free passage of all consignments of essential foodstuffs, clothing, and tonics intended for children under fifteen, expectant mothers, and maternity cases. Protected persons are entitled, in all circumstances, to respect for their persons, their honour, their family rights, their religious convictions and practices, and their manners and customs. They shall at all times be humanely treated, and shall be protected, especially against all acts of violence or threats thereof, and against insults and public curiosity. Women shall be protected against any attack on their honour.

According to Article 6 of the Rome Statute, imposing measures to prevent births with the intent to destroy, in whole or in part, a national, ethnical, racial, or religious group constitutes the crime of genocide. Crimes of sexual violence committed as part of a widespread and systematic attack directed against any civilian population are defined as crimes against humanity under Article 7 of the Statute.

More than 7,000 women have been killed and three times as many have been injured in Israel's attacks on Gaza territory, according to official figures. Women make up more than 30 per cent of those killed by Israel. These figures indicate that at least 70 women are killed every day in Gaza, leaving more than a hundred children motherless. Every hour, three women are killed in Gaza, which has become the world's most dangerous place for women and children.

The United Nations Population Fund indicates that 50 thousand pregnant women in Gaza do not have access to health services, 5 thousand 500 women will give birth within a month, these women need urgent health care and protection, which means 180 births per day under adverse conditions, an average of 840 women are likely to encounter complications related to pregnancy or childbirth, hospitals are overflowing with the injured, many people will be deprived of health services due to the lack of basic fuel, medicine and basic supplies, thus posing a life-threatening risk to pregnant women and newborns, there have been reports that cesarean sections had to be performed without anesthesia, and expresses deep concern for the situation of thousands of women who have recently given birth.³⁵

In its statement issued on January 14, 2024, the Palestinian Red Crescent reports that 180 women give birth in Gaza every day in "dangerous" and "inhumane" conditions as a result of Israeli attacks and occupation, and that many of them are unable to reach hospitals because Israeli forces block ambulances. All pregnant women are at risk of giving birth in unsafe conditions like cars, tents, and shelters. According to health workers in Gaza, the rate of miscarriages among pregnant women has increased by 300 per cent since the Israeli offensive began.³⁶

³⁵ <https://x.com/UNFPA/status/1712838361117794493?s=20>, <https://www.unfpa.org/press/statement-unfpa-executive-director-dr-natalia-kanem-during-security-council-open-briefing>, Accessed: 31/01/2024.

³⁶ <https://www.aa.com.tr/tr/dunya/israil-in-saldirilarindan-sonra-gazze-de-dusuk-yapma-orani-yuzde-300-artti/3112155>, Accessed: 31/01/2024.



Tess Ingram, UNICEF Communications Specialist, stated on January 19, 2024, "In the 105 days of this escalation in the Gaza Strip, nearly 20,000 babies have been born into war. That's a baby born into this horrendous war every 10 minutes." Stressing that the situation of pregnant women and newborns in the Gaza Strip was beyond belief, Ingram said that pregnant and breastfeeding women and infants were living in inhumane conditions and makeshift shelters, had poor nutrition, and had unsafe water, putting approximately 135,000 children under two at risk of severe malnutrition.³⁷

For babies who have lost their mothers, the conditions in Gaza make it virtually impossible to find clean water, milk and formula, to provide diapers, and to properly meet their medical needs. Israel's refusal to allow mothers and babies with postpartum health problems, pregnant women and babies who have lost their mothers to meet their basic needs and medical needs, and the disruption of the health system through deliberate attacks constitute the crime of genocide within the scope of "imposing measures intended to prevent births within the group."



Photo: AA/ Doaa Albaz
Kanit-The Evidence,
Anadolu Agency,
pp. 4-5.



With an average of one toilet for every 700 people in shelters across the Gaza Strip and even fewer showers, access to hygiene options is reduced to nearly non-existent. This particularly affects women and girls negatively.

Arrests and detentions in Gaza and the West Bank take place under much harsher conditions for women. 23-year-old Ahed al-Tamimi, known as the brave Pal-

³⁷ <https://www.aa.com.tr/tr/dunya/unicef-7-ekimden-bu-yana-gazze-seridinde-20-bin-bebegin-dogdugunu-bildirdi/3113515>, Accessed: 31/01/2024.



estinian girl, whom Israel detained and sent to prison on November 6, said in her statement after her release that the circumstances in the prison were very difficult, with daily abuse against female prisoners, as they were left without water or clothes, sleeping on the floor, and being beaten.³⁸

2.2.3. Violations against Persons with Disabilities, Injured, Elderly and Chronical Health Condition



*We are reliving what happened in 1948. Our house was bombed, we became homeless. I need to use the respirator all the time but there is no electricity. Because of my illness, I can't breathe when there is humidity; I suffocate. I'm trying to charge the battery and turn the device on so I can breathe.*³⁹

Fehime Abu Zaid

During times of war and conflict, humanitarian law regulations prioritise the well-being of the sick and wounded, expectant mothers, and people with disabilities to guarantee that health facilities are not attacked and medical services continue. Many articles in Geneva Convention IV and Annex I address the wounded, the sick, expectant mothers, people with disabilities, and health care facilities.

Israel's order at the end of October, demanding over 1 million residents in northern Gaza to evacuate to the south within 24 hours, and its subsequent request at the end of January for more than 1 million

³⁸ <https://www.aa.com.tr/tr/dunya/filistinli-cesur-kiz-olarak-taninan-temimi-israil-hapishanesinde-tanik-oldugu-ihlalleri-anlatti/3069092> , <https://m.facebook.com/trthaber/videos/filistinli-cesur-k%C4%B1z-ahed-et-temimi-filistin-direni%C5%9Fini-israil-hapishanelerinde-/2106588722692801/> , Accessed: 31/01/2024.

³⁹ <https://www.youtube.com/watch?v=w86aj9Cng4I> , Accessed: 31/01/2024.



individuals seeking refuge in Khan Younis to move towards the Egyptian border, have imposed severe hardships on vulnerable populations, including individuals with disabilities, the elderly, the chronically ill, and the wounded. It is reported that there are 340,000 chronic patients in Gaza in need of continuous medical treatment. Due to the blockade, medicines needed by people with chronic diseases and other patients are not available. Moreover, more than 60,000 people have been injured in Israeli attacks and more than a thousand children have had their arms or legs amputated. Due to the attacks carried out by Israel, the few hospitals that can provide services operate under limited conditions, causing all these vulnerable groups to have problems accessing medical care and treatment. Hospitals being deprived of electricity leave patients reliant on respirators or dialysis unable to benefit from these life-sustaining devices, which leads to their health conditions deteriorating gradually. Injured individuals are receiving treatment in unsterile environments due to the lack of adequate pharmaceuticals and medical supplies. International aid and health organizations report that doctors are forced to operate on sick and injured people without using anaesthesia, including amputations and caesarean sections.



In a report on the situations of individuals with disabilities released by Human Rights Watch on November 1, 2023, 13 interviewees spanning the period from October 18 to 29 shared accounts of the hurdles they faced during their escape from attacks, citing the absence of advance warnings, feelings of helplessness, apprehension about leaving behind vital assistive devices, and expressed concerns over the lack of access to essential resources such as water, food, hygiene products, basic medications, and healthcare facilities, while also underscoring the adverse effects of these circumstances on



their mental well-being. The embargo on electricity and the internet has resulted in the inability to use assistive devices and, as a consequence, the inability of people with visual, hearing, developmental or intellectual disabilities to comprehend events. The report emphasised that forced displacement disproportionately affected people with disabilities, that ordering the evacuation of a million people when they have no safe place to go was not an effective warning, and that the short timeframes given were not sufficient for evacuation. The report stated that Israel's blocking of humanitarian aid to Gaza led to severe shortages of medical equipment, supplies and medication; the average number of displaced people per shelter reached more than 2.5 times the designated capacity and such places were not equipped to meet the needs of disabled people; the situation caused epidemic disease cases; there was a lack of access to clean water or food after the blockade imposed by Israel; and the groundwater in Gaza was almost entirely unfit for human consumption.⁴⁰

The elderly are unable to withstand the constant bombardment and forced displacement. According to witness interviews conducted by the experts of our Institution, it was stated that the Centre for Elderly Care, where the elderly were staying, was also bombed, and the elderly were abandoned to die.⁴¹ Considering the challenges that young people face as a result of constant bombardment and displacement accompanied by hunger, it becomes exceedingly difficult for the disabled, elderly who have sustained injuries, and those with chronic conditions to endure these harsh conditions. As emphasised by UN officials in their statements, individuals who are in need of assistance in terms of their health conditions cannot endure diseases and hunger that have reached the level of famine without even the most fundamental medical equipment. The limited number of hospitals, which are able to operate with very limited resources, do not have the capacity to provide stable health care to the 340,000 people with chronic conditions in Gaza. The same problems also apply to the more than 65,000 people injured after October 7.

⁴⁰ <https://www.hrw.org/news/2023/11/01/gaza-israeli-attacks-blockade-devastating-people-disabilities> , Accessed: 31/01/2024.

⁴¹ The Director of the al-Wafa Hospital, interviewed by our Institution December 26, 2023, stated that about 40 elderly people and the staff of the Centre for the Elderly Care had taken shelter in the Hospital's Centre for the Elderly Care; on the evening of November 18, the Hospital was hit by two missiles fired on purpose; a few people were bending down to protect their faces and the missile passed through their backs, and the body of a doctor, Dr. Medhat Hussein, was dismembered; three people went out to look for food as there was no food or water left for the rest; however, they were shot by drones; the head of one of them was separated from his body, the arms of the other two were severed and their legs were dismembered; drones were constantly flying, ready to bomb anyone who came out; the next morning the elderly were stacked on top of each other in a car and brought to the Yafa Hospital in Deir al-Balah, but that they fled from there on December 7 because it was also bombed; they did not know what happened to the elderly; Israel's main objective was to scare them and direct them from north to south towards Egypt; they had prepared their place in Egypt and tried to expel them.



2.3. Suspending Access to Food, Water and the Basic Human Needs

I have ordered a complete siege on the Gaza Strip. There will be no electricity, no food, no water, no fuel, everything is closed. We are fighting human animals and we are acting accordingly.⁴²

Yoav Gallant
Israeli Minister of Defence

Everyone in Gaza is hungry! Skipping meals is the norm, and each day is a desperate search for sustenance. People often go the entire day and night without eating. Adults go hungry so children can eat.⁴³

World Food Programme (WFP)



Under the provisions of the Geneva Convention IV, all Contracting Parties shall allow the free passage of all consignments of medical and hospital stores to the civilian population. Parties shall likewise permit the free passage of all consignments of essential foodstuffs, clothing and tonics intended for

⁴² <https://www.aa.com.tr/tr/dunya/israil-savunma-bakani-gallant-gazze-tamamen-ablukaya-alinacak/3012491>, Accessed: 31/01/2024.

⁴³ https://twitter.com/WFP_Media/status/1742123573488263570, <https://www.wfp.org/news/gaza-grapples-catastrophic-hunger-new-report-predicts-famine-if-conflict-continues>, Accessed: 30/01/2024.

children under fifteen, expectant mothers and maternity cases. To the fullest extent of the means available to it, the Occupying Power has the duty of ensuring the food and medical supplies of the population. If the whole or part of the population of an occupied territory is inadequately supplied, the Occupying Power shall agree to relief schemes on behalf of the said population and shall facilitate them by all the means at its disposal.

According to Additional Protocol I to the Geneva Conventions, the Occupying Power shall, to the fullest extent of the means available to it and without any adverse distinction, also ensure the provision of clothing, bedding, means of shelter, and other supplies essential to the survival of the civilian population of the occupied territory and objects necessary for religious worship.

The Additional Protocol I to the Geneva Conventions prohibits the starvation of civilians as a method of warfare. The Protocol also states that it is prohibited to attack, destroy, remove or render useless such objects as are indispensable to the survival of the civilian population.

In the Rome Statute of the International Criminal Court, the crime of genocide is defined as the deliberate alteration of the living conditions of a national, ethnical, racial or religious group, calculated to bring about its physical destruction in whole or in part. The act of mass extermination, which is regulated as a crime against humanity, includes the intentional infliction of conditions of life, inter alia, the deprivation of access to food and medicine, calculated to bring about the destruction of part of a population. Using starvation of civilians as a method of warfare, by depriving them of objects indispensable to their survival, including by wilfully impeding relief supplies as envisaged in the Geneva Conventions, constitutes a war crime.





Following October 7, the Israeli Minister of Defense made the initial statement that Gaza, whose resources are limited due to a 16-year blockade and where the majority of its population depends on humanitarian aid, would be under a complete siege and that there would be no electricity, food, water and fuel. The failure to provide for these basic needs has resulted in severe repercussions in Israel's escalating attacks.

Israel's brutal attacks on the Gaza Strip have continued for months with a total blockade, targeting bakeries, water supplies, electricity infrastructure and solar panels. This has rendered the people of Gaza incapable of accessing either humanitarian assistance or basic needs, including water and food, through their own means.



The passage of food and medicine has been obstructed by Israel's blockade of Gaza, leaving displaced people who are already struggling to survive under Israeli bombardment to deal with severe hunger and thirst on top of their other difficulties. Furthermore, the lack of continuous access to clean water and food has contributed to the rise in infectious diseases. Warning that starvation and infectious diseases would pose grave, life-threatening risks to the people of Gaza, the authorities have repeated urgent calls for a permanent ceasefire and a continuous flow of humanitarian aid.⁴⁴

Ongoing attacks by Israel have also led to outages in communication and internet services.⁴⁵ On October 27, 2023, Amnesty International reported that the communications blackout would make it more difficult to obtain critical information and evidence about the human rights violations and war

⁴⁴ <https://www.aa.com.tr/tr/dunya/uluslararasi-kuruluslardan-gazzedeki-nufus-yeterli-gida-ve-temiz-suya-ulasamiyor-uyarisi/3076129> , Accessed: 31/01/2024.

⁴⁵ <https://www.aa.com.tr/tr/dunya/gazze-seridinde-altinci-kez-iletisim-ve-internet-hizmetleri-kesildi/3083140> , Accessed: 31/01/2024.



crimes being committed against civilians in Gaza, and to hear directly from those experiencing the violations.⁴⁶



Only ten per cent of Gaza's essential food supplies have been delivered since the conflict started, according to November research by the WFP. Fuel shortages have triggered a crippling halt in bread production across all 130 bakeries in Gaza. The food that has entered Gaza is only enough to meet 7 per cent of the people's daily minimum caloric needs. World Food Programme Executive Director Cindy McCain said in her statement on November 16, 2023, that supplies of food and water were practically non-existent, only a fraction of what was needed was arriving through the borders and that with winter fast approaching, unsafe and overcrowded shelters, and a lack of clean water, civilians were facing the immediate possibility of starvation.⁴⁷

⁴⁶ <https://www.amnesty.org/en/latest/news/2023/10/israel-opt-civilians-in-gaza-at-unprecedented-risk-as-israel-imposes-communication-black-out-during-bombardment-and-expanding-ground-attacks/> , Accessed: 31/01/2024.

⁴⁷ <https://www.wfp.org/news/gaza-faces-widespread-hunger-food-systems-collapse-warns-wfp> , Accessed: 31/01/2024.



The spread of the hepatitis A virus in the Gaza Strip is attributable to overcrowding and poor sanitation in settlements housing displaced persons, according to a statement from the Palestinian Ministry of Health on January 17, 2024.⁴⁸

On January 19, 2024, UN Secretary-General Spokesperson Stephane Dujarric said Israeli restrictions on the import of critical equipment, including communications equipment, seriously jeopardise the ability of humanitarian teams to conduct safe and effective relief operations anywhere in Gaza, UN humanitarian assistance to northern Gaza had been hampered by Israeli restrictions and only seven of the 29 deliveries planned for the first two weeks of January can be carried out in whole or in part, WHO said that 152,000 cases of diarrhoea were reported in Gaza, more than half of them in children under 5 years of age, due to the lack of adequate water supply, and that the disruption of routine immunisation activities and the unavailability of medicines to treat infectious diseases further increased the risk of disease spread.⁴⁹

The Integrated Food Security and Nutrition Phase Classification (IPC) report dated December 21, 2023 found devastating levels of food insecurity in Gaza. The entire population of Gaza – roughly 2.2 million people – are in crisis or worse levels of acute food insecurity. Virtually all Palestinians in Gaza

⁴⁸ <https://www.aa.com.tr/tr/dunya/gazgede-yerinden-edilmis-filistinlilerin-yasadigi-asiri-kalabalik-bolgelerde-hepatit-anin-yayildigi-bildirildi/3111810> , Accessed: 31/01/2024.

⁴⁹ <https://www.aa.com.tr/tr/dunya/bm-israil-gazze-ye-insani-yardimlarin-teslimatini-engelliyor/3113998> , Accessed: 31/01/2024.



are skipping meals every day, while many adults go hungry so children can eat. Famine is imminent if Israel's attacks persist.⁵⁰

In a joint statement released on January 15, 2024, the UN agencies WFP, UNICEF and WHO stated that getting enough supplies into and across Gaza now depends on the opening of new entry routes, more trucks being allowed through border checks each day, fewer restrictions on the movement of humanitarian workers, and guarantees of safety for people accessing and distributing aid. They further emphasised the urgent need to lift the barriers and restrictions on aid delivery to and within Gaza and for commercial traffic to resume, and they reiterated the call for a humanitarian ceasefire to enable this vitally important roll-out of a massive, multi-agency humanitarian operation.⁵¹

Among Gaza's 2.2 million residents, more than 75 per cent are suffering from severe levels of hunger, and more than half are facing critical levels of hunger. The remaining residents in the north of Gaza are all suffering from severe and brutal famine conditions. According to the Euro-Mediterranean Human Rights Watch, even before the start of the Israeli attacks, Gaza was under blockade and was experiencing severe food shortages, with one million people receiving daily aid and an average of 500 trucks of aid supplies entering Gaza daily, while this number has dropped to 100 trucks or less since the start of the attacks. People are starving in the northern part of Gaza due to the blockade of humanitarian relief efforts. UN Secretary-General Antonio Guterres has also confirmed that relief organizations are unable to supply food to all of Gaza. In Gaza's north, where harsh winter conditions and food shortages prevail, there are no humanitarian organizations.

Speaking to the Anadolu Agency regarding the famine in Gaza, Ramy Abdu, the Chairman of the Euro-Mediterranean Human Rights Monitor, said: *"We are talking about 'intentional starvation'; particularly in the area of the north. Children are the most affected population by this condition because they don't have the needed food. Most of the infants need milk. There is no milk getting into Gaza. There is no medicine; there are no medical supplies at all, not even nutrition supplies. Women can barely cope with this situation. They don't eat themselves and give the food to their children. It is obvious that the people in Gaza, particularly those in the north, are starving when you look at their body shapes. They endure tremendous suffering.*

*Israel is using starvation as a means of war to drive people out of Gaza or even kill them. The other element is mass killing and we see now the human cost. We are talking about 4.5% of Gazan people who were either killed, injured, or lost. The third element is the explosions and displacing the people of Gaza. Israel continues to use these three elements brutally. This indicates that Israel is becoming more and more adamant about committing genocide in Gaza.*⁵²

⁵⁰ Integrated Food Security Phase Classification (IPC) report, see , Accessed: 31/01/2024.

⁵¹ <https://www.who.int/news/item/15-01-2024-preventing-famine-and-deadly-disease-outbreak-in-gaza-requires-faster--safer-aid-access-and-more-supply-routes> , Accessed: 31/01/2024.

⁵² <https://www.aa.com.tr/tr/dunya/euro-med-baskani-abdu-israilin-gazgede-acligi-silah-olarak-kullandigini-soyledi/3122633#:~:text=Cenevre%20merkezli%20Avrupa%20DAkdeniz%20%C4%B0nsan,a%C3%A7%C4%B1%C4%9F%C4%B1%20silah%20olarak%20kulland%C4%B1%C4%9F%C4%B1n%C4%B1%20belirtti> , Accessed: 31/01/2024.



UNRWA reports that the limited amount of aid that does reach the Gaza Strip—which is under Israeli blockade and aggression—does not meet even 7 per cent of the needs of the population, and Israel blocks three-quarters of humanitarian aid supplied to the area. As the UN Secretary-General stated, the aid that can be delivered to Gaza is a drop of aid in an ocean of need. People who are suffering from war, the cold, and hunger are now grinding animal feed and eating ground grass in Gaza, where hunger is used as a weapon. Owing to the intensity of Israel's unrelenting attacks since October 7, pictures of corpses left on the streets and not buried are becoming viral, with stray animals consuming them.⁵³

Humanitarian conditions have deteriorated even more unbearably with Israel's siege of the central Gaza city of Khan Younis and its naval bombardment of Rafah, bordering Egypt. Adding insult to injury, eight nations, spearheaded by the United States and the United Kingdom, announced a temporary halt to their financing for the United Nations Relief and Works Agency (UNRWA) in response to Israel's lobbying efforts, the day after the International Court of Justice imposed an order on provisional measures against Israel, including humanitarian aid. This means the cessation of restricted

⁵³ <https://www.aa.com.tr/tr/dunya/acikla-mucadele-eden-gazzenin-kuzeyindeki-filistinliler-hayatta-kalmak-icin-hayvan-yemi-tuketiyor/3122095>,

<https://www.aa.com.tr/tr/dunya/gazzenin-kuzeyindeki-filistinliler-un-bulamadiklari-icin-hayvan-yemlerini-ogutmeye-basladi/3115599>,

<https://www.trthaber.com/foto-galeri/aclik-tehdidiyle-karsi-karsiya-kalan-gazzeliler-hayvan-yemini-ogutup-un-yapiyor/62451/sayfa-7.html>,

<https://www.aa.com.tr/tr/dunya/gazgede-binlerce-filistinli-gida-sikintisi-nedeniyle-tek-lokma-yemeden-gunler-geciriyor/3120158>, Accessed: 31/01/2024.

help to Gazans who are already suffering from starvation, as well as complicity in Israel's war crimes. The UN Special Rapporteur on the Right to Food, Michael Fakhri, described this situation as collective punishment of the population and said, *"Famine was already imminent; now it is inevitable."*⁵⁴

By preventing the entry of basic humanitarian needs into Gaza and bombing the infrastructure facilities where people can meet their basic needs, the Israeli government has used starving and dehydrating civilians as a method of warfare. Israel also refused to implement the UN Security Council resolution adopted on December 22, 2023, which emphasised the importance of delivering humanitarian aid directly to Palestinian civilians across the entire territory and regulated the appointment of a Senior Humanitarian and Reconstruction Coordinator for Gaza. From a point in which children struggling with hunger under the blockade were dying under Israeli attacks, we have come to a point in which children are dying of hunger. The Israeli government has killed, injured, and displaced Palestinians in Gaza through evacuation orders, indiscriminate bombardment, and acts that have rendered the health system unusable, all of which constitute war crimes. The Israeli government, which purposefully made the living circumstances in Gaza unbearable in order to exterminate the Palestinian population, condemned the Gazans to death from hunger and thirst and committed acts that constituted genocide.

2.4. Bombing of Hospitals, Forcing Healthcare Workers to Evacuate Hospitals, and Disrupting the Health System



Over 470 people were murdered in an Israeli airstrike on Al-Ahli Baptist Hospital.⁵⁵

⁵⁴ <https://twitter.com/MichaelFakhri/status/1751448773790986279?t=FBsMYfughRra3jEI8vXow&s=08>, Accessed: 31/01/2024.

⁵⁵ <https://www.aa.com.tr/tr/dunya/israilin-gazzedeki-el-ehli-baptist-hastanesini-bombalamasi-sonucu-500-kisi-oldu/3023408>, Accessed: 31/01/2024.



The main generator at Al Shifa Hospital is almost dead, this is the last call. If this generator stops, our next message will probably be about the deaths of babies in intensive care units and incubators. Our next possible message will be about the deaths of patients on ventilators in intensive care units and patients in operating rooms. This is the last call. The main generator at Al Shifa Hospital is almost dead. There is little left to keep this hospital operational.⁵⁶

*Statement by the Director of Al Shifa Hospital,
Dr. Mohammed Abu Salmaya on
November 1, 2023.*



We should ask the Israelis if there is proof that the "Command Centre" at Al Shifa Hospital exists, as they have been claiming for the past 16 years.⁵⁷

*Dr. Mads Gilbert
worked at Al Shifa Hospital for sixteen years.*

⁵⁶ https://www.youtube.com/watch?v=JnzASmb_Jzl, <https://www.youtube.com/watch?v=lknDI9xe4sl>, Accessed: 31/01/2024.

⁵⁷ <https://www.youtube.com/watch?v=hcsy3qOtFw0>, Accessed: 31/01/2024.



If death is inevitable, we shall spare as many lives as we can.⁵⁸

Health workers at the Indonesian Hospital

Photo:
Anadolu Ajansı



During times of war and conflict, humanitarian law regulations prioritise the well-being of the sick and wounded, expectant mothers, and people with disabilities to guarantee that health facilities are not attacked and medical services continue. Many articles in Geneva Convention IV and Annex I address the wounded, the sick, expectant mothers, people with disabilities, and health care facilities.

The Geneva Convention IV clearly prohibits attacks on medical units. The Convention emphasises that all personnel working in health services should also be protected. Parties have an obligation to allow medical personnel to perform their duties, to facilitate the delivery of all medicines and sanitary supplies, and to take preventive and protective measures against disease. The Occupying Power may requisition civilian hospitals only temporarily and only in cases of urgent necessity for the care of military wounded and sick, and then on condition that suitable arrangements are made in due time for the care and treatment of the patients and for the needs of the civilian population for hospital accommodation.

Under no circumstances may hospitals and safety zones be the object of attack. They shall be protected and respected at all times by the Parties to the conflict under Annex 1 of the Geneva Conven-

⁵⁸ <https://www.youtube.com/watch?v=-d5krEwr2gs>, <https://www.youtube.com/watch?v=gk7iWgCk14U>, Accessed: 31/01/2024.



tion. The parties to the conflict are invited to notify each other of the location of their fixed sanitary units. The absence of such notice does not relieve either party from the obligation to comply with these provisions. The Occupying Power has a duty to ensure that the medical needs of the civilian population in the occupied territories continue to be met. The Occupying Power may not confiscate civilian sanitary units, their equipment, supplies or personnel as long as these resources are necessary to provide appropriate medical services to the civilian population or for the ongoing medical care of wounded or sick persons already under treatment. Where there are special circumstances for the Occupying Power to seize hospitals, urgent measures must be taken to ensure that the medical needs of the civilian population and the sick and wounded under treatment affected by the seizure continue to be met.

In Article 8 of the Rome Statute, intentionally directing attacks against buildings, material, medical units, transport, and personnel using the distinctive emblems of the Geneva Conventions in conformity with international law constitutes war crime.

Since October 7, Israel's complete blockade of Gaza, including hospitals, evacuation orders, and brutal strikes, has rendered facilities where the ill, wounded, women, and children seek sanctuary impossible to function. Israel's evacuation order of October 14, 2023, to health facilities in northern Gaza was described by the WHO as tantamount to a death sentence.⁵⁹ The fact that hospitals that cannot satisfy their medical needs are likewise susceptible to evacuation orders implies that the sick and injured who require emergency health care are allowed to perish.

When the Israeli Defense Minister announced on October 9th that they were fighting *human animals* and accordingly would impose a full siege on Gaza, and the flow of electricity, fuel, water and food was cut off in Gaza, the situation of hospitals and people in need of medical care was not taken into account. Electricity is required to keep babies alive in incubators, to provide intensive care and surgical services, to treat dialysis patients, and to operate respiratory equipment, while fuel oil is required to power generators in the absence of electricity. Hospitals, which initially relied on generators and solar power, were unable to use medical equipment because their fuel ran out, and solar panels were also targeted in the attacks. Doctors working there had to choose between decisions that were critical to the health of the injured. Due to a failure to meet basic medical needs, surgeries were performed without anaesthesia, and patients did not have access to necessary medications. Testimonies of surgeries in which children's arms and legs were amputated without anaesthesia or painkillers show the gravity of the issue.

When the Israeli attacks began, 50,000 women in Gaza, including 5,500 who were expected to give birth within a month, miscarried, and infant mortality rates increased by more than 300 percent. Given that the majority of pregnant women in Gaza are unable to give birth in a hospital setting, that births can be complicated, and that anaesthesia is not available for some caesarean sections, every birth in Gaza puts both mothers and babies in grave danger.

⁵⁹ <https://www.emro.who.int/media/news/evacuation-orders-by-israel-to-hospitals-in-northern-gaza-are-a-death-sentence-for-the-sick-and-injured.html>, Accessed: 31/01/2024.



The WHO statement on December 17, 2023, on the hospital visits made on December 17, 2023, yielded significant observations regarding the *catastrophic* state of the health system in Gaza. Some of the findings are as follows: hospital complexes have become shelters for displaced people as well as the sick and wounded; although emergency wards are overflowing with patients, there is a shortage of health professionals; those who are available are exhausted; many patients are being treated on the floor due to overcapacity of beds; the operating theatres and other major services remain nonfunctional due to lack of fuel, oxygen, specialised medical staff, and supplies; some medical operations have to be performed without adequate medicines and medical equipment; there is a need for medicines, medical equipment, fuel, food and clean water; and there has been an increase in infectious diseases.



One of the most devastating consequences of the attacks is the tragic loss of premature and newborn babies who rely on life support systems that were unavailable due to the absence of electricity, oxygen, and water. Health facilities that have managed to endure are confronted with the majority of these problems, and the challenges they face are constantly growing.⁶⁰



In the post-October 7 period, Israel has violated humanitarian law to the point of bombing hospitals and their surroundings, which is clearly a war crime. Since hospitals in Gaza have become shelters for displaced women and children, as well as the injured and sick, attacks on hospitals have resulted in many deaths and injuries.⁶¹

More than 14 hospitals in the Gaza Strip and northern areas were directly bombed. Because the attacks used highly destructive and incendiary bombs, medical teams had to respond to severe burns, amputations, and serious body integrity disorders with limited resources.⁶²

According to WHO situation reports, as of December 14, 2023, of the 36 hospitals in Gaza, 8 are partially functioning, with a bed occupancy of 209 percent. 3 hospitals are functioning with rather limited resources. Only 2 hospitals are functional with adequate means. 18 out of 72 primary healthcare

⁶⁰ <https://www.emro.who.int/media/news/who-delivers-health-supplies-to-al-shifa-hospital-appeals-for-continued-access-to-address-urgent-needs-in-north-gaza.html>,

<https://www.emro.who.int/media/news/who-appeals-for-protection-of-the-health-system-from-further-attacks-and-degradation-of-its-capacity.html>,

https://twitter.com/anadoluajansi/status/1724525923607748732?ref_src=twsrc%5Etfw%7Ctwcamp%5Etweetembed%7Cterm%5E1724525923607748732%7Ctwgr%5E51901827d915d23751f31057108ba87dfa57953b%7Ctwcon%5Es1_ref_url=https%3A%2F%2F, www.aa.com.tr%2Ftr%2Fdunya%2Fgazzedeki-sifa-hastanesinde-saglik-hizmetleri-tumuyile-durdu%2F3053819, Accessed: 31/01/2024.

⁶¹ <https://www.aa.com.tr/tr/dunya/gazzedeki-sifa-hastanesi-israilin-saldirilari-nedeniyle-hizmet-disi-kaldi/3050336#:~:text=Filistin%20haber%20ajansi%C4%B1%20WAFa'ya,ve%20top%C3%A7u%20birlikleri%20taraf%C4%B1ndan%20vuruldu,> Accessed: 31/01/2024.

⁶² <https://www.aa.com.tr/tr/dunya/israilin-gazze-uzenledigi-saldirilarda-olenlerin-sayisi-15-bin-899a-yukseldi/3072362>, Accessed: 31/01/2024.



facilities are functional. 570 people were killed and 746 were injured in 238 attacks against healthcare facilities. Of those affected by the strikes, 26 healthcare facilities out of 61 and 38 ambulances out of 76 sustained damage. Since the start of the conflicts, 413 injured people and 390 patients, as well as 550 companions, have been evacuated through the Rafah Border Crossing.⁶³

Ghassan Abu Sitta, a plastic and reconstructive surgeon who crossed from Egypt into Gaza with Doctors Without Borders (MSF) on Oct. 9, after the start of the Israeli attacks, and served the people of Gaza until November 18th despite the medical impossibilities in Al-Shifa Hospital and Al-Ahli Baptist Hospital, describes the situation of health services in Gaza as follows:⁶⁴



"The situation in Gaza still remains catastrophic. There's a shortage of food, water, and medication. Out of 36 hospitals, only nine of them have survived the Israeli attacks. That's why the wounded are piled up on sheets on hospital floors. None of this has changed. The aim of this war is clearly to destroy Gaza and its people, to ethnically cleanse it, and to make it unlivable so that people will leave, so that if they don't go during the war, they will go after the war. If you want to make a place uninhabitable, you do two things: You injure 37,000 people, and then you destroy the health system so that they can never find treatment, which means that their families have to take them out of Gaza for their treatment, which means that you create an uninhabitable Gaza. For me, the worst-case scenario, if the attacks continue, would be a return to total blockade of Gaza following the pause, with no materials allowed inside to rebuild homes and bring hospitals back into operation. None of the patients will have medical teams to go in and treat them, nor will they be taken out to be treated outside, and so the war will continue as a silent death to make sure that Gaza becomes uninhabitable."

Israel's treatment of Gaza hospitals demonstrates that it disregards the rules of international humanitarian law while committing numerous heinous war crimes concurrently. Stopping the flow of electricity and fuel to disable hospitals knowing that it will cost the lives of the sick and wounded, cutting off medicine and medical equipment aid through blockade policies, targeting energy sources, killing and injuring hundreds of people, bombing directly around hospitals and their departments, and forcing health workers to evacuate hospitals at the risk of the lives of the sick and wounded are all gross violations of international humanitarian law. Failure to hold the perpetrators of these acts, which have caused outrage around the world and constitute war crimes, accountable before the judicial authorities and the continuation of such brutal acts with impunity will lead to a complete loss of credibility and reliability of the international system, which is based on the principle of ensuring international peace and security.

⁶³ https://www.emro.who.int/images/stories/Sitrep_-_issue_17_for_review.pdf?ua=1, Accessed: 31/01/2024.

⁶⁴ <https://www.aa.com.tr/tr/dunya/filistin-asilli-ingiliz-cerrah-ebu-sitte-bu-savasin-amaci-acikca-gazzeyi-ve-halkini-yok-etmek/3066699>, Accessed: 31/01/2024.



2.5. Use of Prohibited Weapons and Arms Supplying



Videos and images released by Anadolu Agency and other international outlets provide evidence of Israel's use of phosphorus bombs in Gaza.⁶⁵

⁶⁵ <https://www.aa.com.tr/tr/dunya/filistin-israil-gazze-uzenledigi-saldirilarda-fosfor-bombasi-kullandi/3014815>, The images captured by AA photojournalist Mustafa Al-Kharouf on October 9 display M825 and M825A1 artillery shells labelled D528, the US Department of Defense Identification Code (DODIC) for "white phosphorus-based rounds". <https://www.aa.com.tr/tr/pg/foto-galeri/aanin-fotograflari-israilin-fosfor-bombasi-kullandigini-bir-kez-daha-kanitladi>, <https://www.youtube.com/watch?v=jSqIA58l3N0&t=55s>, Accessed: 31/01/2024.



According to the Geneva Conventions and their Additional Protocols, in any armed conflict, the right of the Parties to the conflict to choose methods or means of warfare is not unlimited. It is prohibited to employ weapons, projectiles and material and methods of warfare of a nature to cause superfluous injury or unnecessary suffering.

According to the Rome Statute of the International Criminal Court,

- Genocide is defined as acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, causing serious bodily or mental harm to members of the group;
- As part of a widespread or systematic attack directed against any civilian population, other inhumane acts of a similar character intentionally causing great suffering, or serious injury to body or to mental or physical health.
- A very serious breach of the Geneva Conventions, i.e., the intentional killing of any person or property protected under the provisions of the Geneva Conventions, intentional infliction of great suffering, or serious injury to the body or health is regulated as a war crime.

Article 8 of the Rome Statute also includes the use of specific weapons as a war crime. These are:

- Employing poison or poisoned weapons;
- Employing asphyxiating, poisonous or other gases, and all analogous liquids, materials or devices;
- Employing bullets which expand or flatten easily in the human body, such as bullets with a hard envelope which does not entirely cover the core or is pierced with incisions;



- Employing weapons, projectiles and material and methods of warfare which are of a nature to cause superfluous injury or unnecessary suffering or which are inherently indiscriminate in violation of the international law of armed conflict, provided that such weapons, projectiles and material and methods of warfare are the subject of a comprehensive prohibition and are included in an annex to this Statute, by an amendment in accordance with the relevant provisions set forth in articles 121 and 123;

According to Article II of the Protocol III of the Convention on Certain Conventional Weapons (Protocol on Prohibitions or Restrictions on the Use of Incendiary Weapons),

- a) It is prohibited in all circumstances to make the civilian population as such, individual civilians or civilian objects the object of attack by incendiary weapons.
- b) It is prohibited in all circumstances to make any military objective located within a concentration of civilians the object of attack by air-delivered incendiary weapons.

Since October 7, Israel has used highly destructive weapons and bombs in the Gaza Strip, causing unprecedented destruction. In January, over 45,000 missiles and bombs, totaling 65,000 tonnes, were launched by Israel into Gaza, as reported by the government media office in Gaza. This exceeds the weight and power of the three nuclear bombs that were dropped on Hiroshima, Japan, the statement said.

The statement emphasized that nearly two-thirds of the bombs and missiles launched by Israeli warplanes in Gaza were unguided explosives referred to as “dummy bombs” or “dumb bombs,” indicating that the use of these bombs is clear evidence of Israel’s indiscriminate attacks.



It is documented that Israel has employed approximately nine varieties of internationally prohibited bombs and missiles against civilians, children, and women, according to the statement. These include bunker busters (BLU-113), (BLU-109), and (SDBS), as well as the American type (GBU-28), GPS-guided, white phosphorous, and unguided smart missiles, and Halper-type missiles designed to damage infrastructure.



The statement on the use of internationally banned bombs emphasized that these bombs cause permanent damage to the wounded, such as deformation and disability, as well as environmental risks due to the release of toxic radiation, causing massive death and injury within seconds.⁶⁶

⁶⁶ <https://www.aa.com.tr/tr/dunya/gazze-deki-hukumet-israil-gazze-seridi-ni-65-bin-ton-patlayiciyla-vurdu/3099784>, https://www.youtube.com/watch?v=G_XZAYoNQ4k, https://www.youtube.com/watch?v=kAPpPrAy5_M, Accessed: 31/01/2024.

65,000 tons of explosives dropped on Gaza Strip

Gaza Strip was struck with more than 45,000 missiles and bombs weighing over 65,000 tons

Death toll in Gaza

At least **9,100** children

22,313 At least **6,500** women

West Bank and Jerusalem

323 Palestinians killed in attacks



Use of 9 prohibited types of bombs and missiles have been proven

- Bunker-busting bombs (BLU-113, BLU-109, SDBS, American GBU-28)



- GPS-guided, white phosphorus and unguided missiles



January 4, 2024 Source: Local Government Media Office in Gaza





On 31 October 2023, Amnesty International published a Report sharing images and evidence of Israel's use of white phosphorus smoke artillery shells, an incendiary weapon, during military operations along Lebanon's southern border between October 10-16, 2023.⁶⁷ According to the report by Amnesty International, the usage of white phosphorus is restricted under international humanitarian law. Although there can be lawful uses, it must never be fired at, or in close proximity to, a populated civilian area or civilian infrastructure, due to the high likelihood that the fires and smoke it causes spread. Such attacks, which fail to distinguish between civilians and civilian objects and fighters and military objectives, are indiscriminate and thus prohibited. White phosphorus is an incendiary substance mostly used to create a dense smoke screen or mark targets. When exposed to air, it burns at extremely high temperatures and often starts fires in the areas in which it is deployed. People exposed to white phosphorus can suffer respiratory damage, organ failure and other horrific and life-changing injuries, including burns that are extremely difficult to treat and cannot be put out with water. Burns affecting only 10 percent of the body are often fatal.

According to a written statement issued by the Israeli Ministry of Defense on December 6, 2023, the United States has provided 200 cargo planes and more than 10,000 tons of military equipment to the Israeli army since October 7.⁶⁸ Israeli newspaper Yediot Ahronot reported that the United States has sent 230 cargo planes and 20 ships loaded with weapons and military equipment to Israel in the period until December.⁶⁹

⁶⁷ <https://www.amnesty.org/en/latest/news/2023/10/lebanon-evidence-of-israels-unlawful-use-of-white-phosphorus-in-southern-lebanon-as-cross-border-hostilities-escalate/>, Accessed: 31/01/2024.

⁶⁸ <https://www.aa.com.tr/tr/dunya/israil-gazzedeki-savasin-basindan-bu-yana-abdden-200-ucak-askeri-yardim-aldik/3074938>, Accessed: 31/01/2024.

⁶⁹ <https://www.aa.com.tr/tr/dunya/israil-basinina-gore-abd-israile-230-ucak-ve-20-gemi-dolusu-silah-gonderdi/3092199>, Accessed: 31/01/2024.



The Amnesty International Report of December 5, 2023, documented that two air strikes in Gaza that killed 43 civilians were launched with US-made munitions. Amnesty International found that these air strikes were either direct attacks on civilians or civilian objects or indiscriminate attacks and called for them to be investigated as war crimes. The Report emphasises that a state that continues to supply weapons used to commit violations of international humanitarian law may share responsibility for these violations and urges the United States and other governments to immediately halt the transfer of weapons to Israel that are likely to be used in violation of international law in light of the unprecedented civilian deaths and destruction in Gaza.⁷⁰

Israel's indiscriminate bombing attacks in Gaza, which is one of the most densely populated cities in the world, and the use of high-yield bombs, including phosphorus bombs, have led to the horrific deaths of innocent civilians, especially women and children, and to severe injuries to survivors. Because hospitals have also been targeted in the attacks, the injured, who cannot even obtain pain-killers in the few hospitals that can provide services with very limited facilities, endure indescribable pain and perish in agony. Israel's attacks on densely populated civilian settlements and shelters with banned and highly destructive bombs, which have resulted in over 65,000 Palestinian injuries and over 26,000 fatalities as of January 30, 2024, constitute a war crime. The fact that these attacks caused serious bodily and mental harm to innocent civilians on a lethal scale proves that Israel has committed genocide and crimes against humanity by targeting the civilian population.

2.6. Damaging Settlement Areas Rendering Them Uninhabitable



Photo: AA - 4th day of Israeli attacks

<https://www.aa.com.tr/tr/pg/foto-galeri/israilin-gazze-seridine-hava-saldirilari-dorduncu-gununde-de-suruyor/0>, Accessed: 31/01/2024

⁷⁰ <https://www.amnesty.org/en/latest/news/2023/12/israel-opt-us-made-munitions-killed-43-civilians-in-two-documented-israeli-air-strikes-in-gaza-new-investigation/>, Accessed: 31/01/2024.



Photo:
Anadolu Ajansı

According to Article 53 of Geneva Convention IV, the destruction of real or personal property belonging individually or collectively to private persons, or to the state, or to other public authorities, or to social or cooperative organizations, is prohibited, except where such destruction is rendered absolutely necessary by military operations.

According to Article 48 of Additional Protocol I to the Geneva Conventions, in order to ensure respect for and protection of the civilian population and civilian objects, the parties to the conflict shall at all times distinguish between the civilian population and combatants and between civilian objects and military objectives and accordingly shall direct their operations only against military objectives. According to Article 52 of the Protocol, in case of doubt whether an object which is normally dedicated



to civilian purposes, such as a place of worship, a house or other dwelling or a school, is being used to make an effective contribution to military action, it shall be presumed not to be so used.

It is stated in Article 8 of the Rome Statute that the following are war crimes:

- Extensive destruction and appropriation of property, not justified by military necessity and carried out unlawfully and wantonly,
- Attacking or bombarding, by whatever means, towns, villages, dwellings or buildings which are undefended and which are not military objectives,
- Destroying or seizing the enemy's property unless such destruction or seizure is imperatively demanded by the necessities of war.



As of January 30, 2024, more than 70,000 flats in more than 25,000 buildings destroyed, 140 public buildings, 161 mosques, 99 schools and 3 churches were completely destroyed, 290,000 independent sections, 295 schools, 196 mosques and 25 hospitals were damaged, more than 122 ambulances were destroyed, and 30 hospitals were rendered out of service due to Israeli attacks and blockade conditions.⁷¹



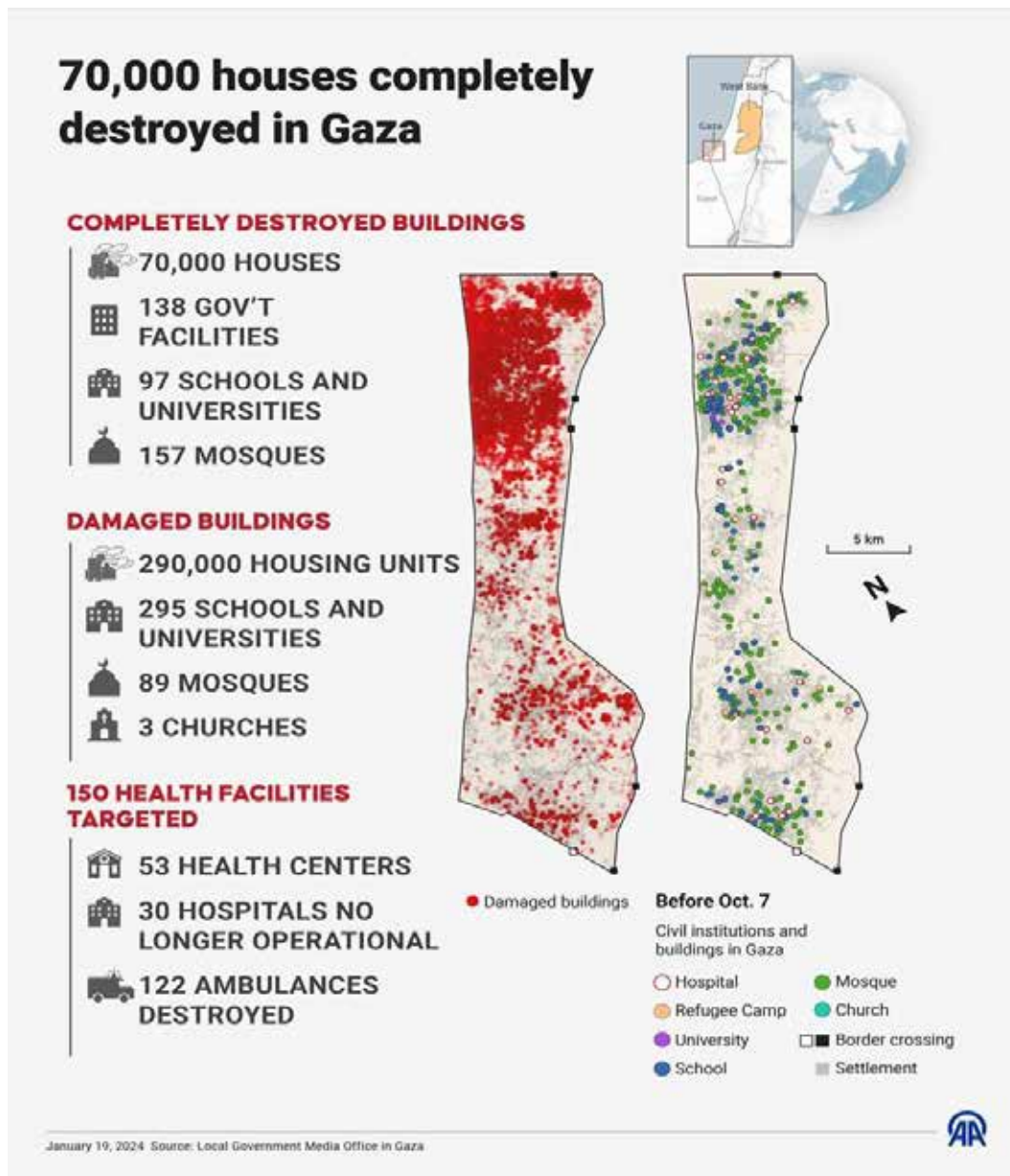
Given that there are a total of 400,000 houses in Gaza, the destruction of approximately 70,000 flats demonstrates the extent of Israel's destruction in Gaza. Even if people's homes are not destroyed, it will take an extended period of time for people to return to areas where infrastructure has been ruined and make these areas habitable, even if security is restored.⁷²

Israel's 16-year-long embargo, which includes materials for construction, as well as the massive destruction caused by previous attacks and wars, have made housing conditions in Gaza extremely difficult, as the country requires 14,000 housing units per year to accommodate its growing population.⁷³ Due to Israeli attacks, people in Gaza, which is home to one of the world's densest populations, are trying to survive in a much narrower space and under difficult conditions.

⁷¹ <https://www.pcbs.gov.ps/>, <https://www.youtube.com/watch?v=OOuKCczvBw>, Accessed: 31/01/2024.

⁷² <https://www.youtube.com/watch?v=O2bzplJvF20>, Accessed: 31/01/2024.

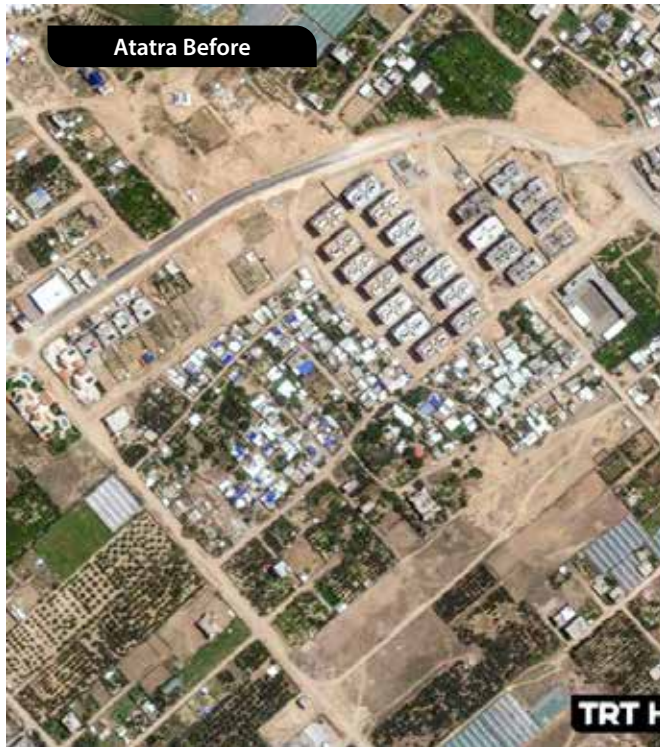
⁷³ <https://www.aa.com.tr/tr/dunya/abluka-nedeniyle-kisitli-insaat-malzemesinin-girebildigi-gazgede-120-bin-konut-acigi-var/2758452>, Accessed: 31/01/2024.



The following satellite images of northern Gaza show the consequences of Israel's attacks on residential areas during the first month of the conflict, as well as the scale of the destruction in Gaza.⁷⁴

⁷⁴ <https://www.trthaber.com/foto-galeri/gazze-seridindeki-yikim-uydu-goruntulerinde-oncesi-ve-sonrasi/60611/sayfa-1.html>, Accessed: 31/01/2024.







Israel's bombing attacks in Gaza, which have lasted more than four months, have destroyed not only innocent civilians' right to life but also their places of shelter. In humanitarian law, the arbitrary and widespread destruction of property and the bombing of cities, villages, settlements or buildings that are undefended or that are not military objectives, are classified as war crimes.

Due to Israel's indiscriminate attacks, regardless of civilian or military targets, many areas, especially the residential areas in northern Gaza, are now uninhabitable. Even with a permanent humanitarian



ceasefire and continuous humanitarian aid operations, it is extremely difficult to return residential areas that have been bombarded with over 65,000 tonnes of bombs and whose infrastructure has been completely destroyed to a habitable condition. At this point, a permanent humanitarian ceasefire is required to prevent further Israeli harm to innocent civilians and civilian settlements in Gaza. This must be combined with an exact illustration of the scope of the destruction in Gaza, as well as holding Israel accountable for its actions, including reparations, and imposing appropriate penalties and sanctions before international judicial authorities.

2.7. Bombing of United Nations Facilities and Refugee Camps

Photo:
UNRWA



According to Article 8 of the Rome Statute, intentionally directing attacks against personnel, installations, material, units or vehicles involved in a humanitarian assistance or peacekeeping mission in accordance with the Charter of the United Nations, as long as they are entitled to the protection given to civilians or civilian objects under the international law of armed conflict is a war crime.



Israel's attacks on Gaza have not only targeted Palestinian settlements and facilities but also directly targeted and bombarded refugee camps and facilities that fly the UN flag and operate on its behalf, and involved in humanitarian assistance.

Israeli attacks have killed more UN staff than at any time in the organization's existence, which began in 1948. Despite the direct targeting of UN facilities and the deaths of over 150 UN staff in these strikes, the UN has imposed no penalties on Israel.

According to UNRWA, Israel has launched several strikes on UN aid personnel and facilities. In 270 strikes on UNRWA facilities, 146 facilities were damaged, affecting tens of thousands of civilians. 152 UNRWA staff were killed in Israeli strikes.⁷⁵

The Israeli offensive on Gaza has caused irreparable damage to UN refugee camps and facilities governed by UNRWA for 75 years. 70 per cent of Gaza's population is made up of refugees who have fled the conflict over the years. Israel's 16-year blockade of Gaza and persistent bombardment have rendered 80 per cent of the population reliant on international humanitarian supplies. As a result, there is a large population who has been trying to live in UN refugee camps for many years.

Following October 7, the civilian population sought sanctuary in UN refugee camps, as well as schools, hospitals, and places of worship, to shield themselves from Israel's ongoing bombardment on Gaza. By the third month of the offensive, 1.9 million people, or 85 per cent of Gaza's population, had been displaced, including 1.4 million people who were sheltering in 155 UNRWA sites and in severe need of humanitarian aid. This is over four times the capacity of UNRWA facilities. Another 500,000 displaced persons rely on UNRWA support and seek shelter in shacks and tents near UNRWA facilities, where they lack even the most basic amenities. Israel's targeting of refugee camps has forced many seeking sanctuary there to escape.

⁷⁵ <https://www.unrwa.org/resources/reports/unrwa-situation-report-71-situation-gaza-strip-and-west-bank-including-east-jerusalem>, Accessed: 31/01/2024.



Photo:
UNRWA



AA - Jabalia Refugee
Camp



On October 31, 2023, an Israeli airstrike on the Jabalia refugee camp in northern Gaza killed and injured scores of civilians. Israeli bombings devastated parts of the Jabalia refugee camp, which is the largest of Gaza's eight refugee camps, covering 1.4 square kilometres and housing around 116,000 registered refugees.⁷⁶

⁷⁶ <https://www.bbc.com/news/world-middle-east-67276822>, <https://www.reuters.com/graphics/ISRAEL-PALESTINIANS/GAZA-JABALIA/byprdygje/>, <https://www.youtube.com/watch?v=Bgp7R9puZlw>, https://www.aa.com.tr/tr/pg/foto-galeri/20231118114_israil-gazzenin-kuzeyindeki-cibaliya-multeci-kampini-yine-vurdu-onlarca-olu-ve-yarali-var, Accessed: 31/01/2024.



AA - The children injured in the attack on the Maghazi Refugee Camp



On November 5, 2023, Israel attacked the Maghazi refugee camp in Gaza, killing over 50 people, the majority of whom were women and children. The wounded, including children and babies, were transferred to Al-Aqsa Martyrs Hospital.⁷⁷

During the December 24 attack on the Maghazi refugee camp, Israel killed dozens of civilians. Israeli public broadcaster KAN 11 announced that "The Israeli army acknowledges that the air force's attack on the Maghazi Refugee Camp on Sunday and Monday nights (December 24-25), which killed dozens of civilians who were not involved in the incidents, caused damage to buildings near the target and harmed civilians."⁷⁸

⁷⁷ <https://www.aa.com.tr/tr/pg/foto-galeri/israil-ordusu-gazgede-el-megazi-multeci-kampina-saldiri-duzenledi/0>, <https://www.aa.com.tr/tr/dunya/israilin-gazgede-multeci-kampini-hedef-alan-saldirisinda-olenlerin-sayisi-51e-yukseldi/3044050>, <https://www.youtube.com/shorts/QbsPLTLMIFE>, Accessed: 31/01/2024.

⁷⁸ <https://www.aa.com.tr/tr/dunya/israilin-gazze-ye-duzenledigi-saldirilarda-oldurulenlerin-sayisi-21-bin-320-ye-yukseldi/3094236>, Accessed: 31/01/2024.



UNRWA - Nuseirat
Refugee Camp



Another Israeli bombardment killed 17 individuals, including children and women, at the Nuseirat refugee camp in central Gaza.⁷⁹

⁷⁹ <https://www.aa.com.tr/tr/dunya/israil-savas-ucaklarinin-nusayrat-multeci-kampina-saldirilarinda-17-kisi-hayatini-kaybetti/3059926>,
https://www.youtube.com/watch?v=7u_4feFTyCg, Accessed: 31/01/2024.



AA - Bureij Refugee Camp



Gazan authorities said that 15 individuals were killed in an Israeli attack on the Bureij refugee camp.⁸⁰ Israeli security forces withdrew from the refugee camp after destroying hundreds of homes, roads, schools, and health clinics.⁸¹

⁸⁰ <https://www.aljazeera.com/news/2023/11/2/gaza-authorities-say-15-killed-in-israeli-strike-on-bureij-refugee-camp>, Accessed: 31/01/2024.

⁸¹ <https://www.aa.com.tr/tr/dunya/israil-kismen-cekildigi-gazzedeki-bureyc-multeci-kampinda-buyuk-yikima-neden-oldu/3107088>, https://twitter.com/anadolujansi/status/1745539623512584197?s=48&t=agGBI1TUhVzqeo_lhz_plw, Accessed: 31/01/2024.



AA- Al-Shati Refugee
Camp



Israeli attacks also targeted the Al-Shati refugee camp, leaving it in ruins.⁸²

After forcing residents in the north of Gaza to escape to the south via evacuation orders and destructive attacks, Israel has now encircled Khan Younis, shut the key highways, and begun shelling the area before giving the evacuation order in order to force them to go to the Egyptian border. The UN declared on January 24, 2024, that a vocational training centre housing 30,000 people in Khan Younis, southern Gaza, had been struck. Thomas White, UNRWA Director of Gaza Affairs, said, "There have been mass casualties, some buildings are in flames and there are reports of deaths. Many people are trying to flee the scene but are unable to do so," and he added that two tank shells hit one of the buildings in the centre, which houses about 800 displaced people. Philippe Lazzarini, head of UNRWA, said: "The compound is a clearly marked UN facility and its coordinates have been shared

⁸² <https://www.aa.com.tr/tr/pg/foto-galeri/israilin-gazze-saldirilarinda-harabeye-donen-es-sati-multeci-kampi-goruntulendi/0>, <https://www.youtube.com/watch?v=sfv-vLiihHI>, Accessed: 31/01/2024.



with the Israeli authorities, as we do for all our facilities. Once again, there is a blatant disregard for the basic rules of war.”⁸³

Despite the fact that intentionally directing attacks against personnel, installations, material, units, or vehicles involved in a humanitarian assistance or peacekeeping mission in accordance with the United Nations Charter is a war crime, Israel has targeted UN refugee camps and facilities, which are critical for Palestinians living in Gaza, as evidenced by the cases cited above. The fact that these UNRWA-operated facilities, their personnel, and their families should be protected and supported in accordance with humanitarian law is conclusive evidence that the Israeli government has rendered every location in Gaza perilous, including those under UN protection, in violation of international law. As indisputable evidence, Israel committed war crimes with the deliberate intention of collectively punishing and exterminating the population, as evidenced by its bombardment of refugee camps, schools, hospitals, places of worship, UN facilities, and civilian settlements. In just three months, Israel has launched 270 attacks against United Nations facilities, resulting in the deaths of over 150 UN personnel and the destruction of 146 UN facilities. Its ability to persist in defending itself against the United Nations at gatherings where it ought to face severe sanctions for the crimes against humanity and war crimes it has perpetrated, including genocide, lacks any rational justification.

2.8. Bombing of Schools, Mosques and Churches, Destruction of Cemeteries



*... Gaza as we know it, no longer exists. This is an annihilation. This is a genocide. The world is watching. Churches are watching. The people of Gaza are sending live images of their own executions. We will be OK. Despite the immense blow we have endured, we, the Palestinians, will recover. We will stand up again from the midst of destruction, as we have always done. But for those who are complicit, I feel sorry for you. Will you ever recover? Let me say it, we will not accept your apology after the genocide. I want you to look at the mirror and ask, "Where was I when Gaza was going through a genocide?"*⁸⁴

Palestinian Priest Munzir Ishak

⁸³ <https://www.aljazeera.com/news/2024/1/24/several-killed-in-israeli-attack-on-un-shelter-housing-800-in-southern-gaza>, Accessed: 31/01/2024.

⁸⁴ https://www.youtube.com/watch?v=d_YZmq17xSg, Accessed: 31/01/2024.





For Article 8 of the Rome Statute, “war crimes” means intentionally directing attacks against buildings dedicated to religion and education, provided they are not military objectives.

According to Article 48 of Protocol I to the Geneva Conventions, entitled “Basic rule,” in order to ensure respect for and protection of the civilian population and civilian objects, the Parties to the conflict shall at all times distinguish between the civilian population and combatants and between civilian objects and military objectives and accordingly shall direct their operations only against military objectives. Per Article 52 of the Protocol, entitled “General protection of civilian objects,” military objectives are limited to those objects which by their nature, location, purpose or use make an effective contribution to military action and whose total or partial destruction, capture or neutralization, in the circumstances ruling at the time, offers a definite military advantage. In case of doubt whether an object which is normally dedicated to civilian purposes, such as a place of worship, a house or other dwelling or a school, is being used to make an effective contribution to military action, it shall be presumed not to be so used.

Israeli airstrikes have inflicted significant destruction upon the civilian infrastructure of the Gaza Strip since October 7. As a result of intensive Israeli shelling, many civilians were forced to flee their towns, lose their homes and had to seek sanctuary in schools, mosques, churches, hospitals, and UN buildings. Schools and places of worship that serve civilian purposes, as well as civilians, must be protected in accordance with international humanitarian law. Nevertheless, numerous educational institutions and places of worship were subjected to Israeli attacks, resulting in fatalities and injuries among civilians, predominantly children and women, who sought refuge within these establishments.



According to official statements, schools at United Nations facilities in the region were also targeted, and all schools were in some manner affected. In this context, UNRWA's Al-Fakhoura School in northern Gaza, which is home to thousands of displaced civilians, and another UN school in Jibaliya Refugee Camp were targeted.⁸⁵

A European Union-built school in the village of Zamuta was destroyed by Israeli colonizers.⁸⁶



As of January 30, 2024, data from the Palestinian Central Bureau of Statistics indicates that 295 educational institutions and universities in the Gaza Strip had been partially damaged and 99 had been completely obliterated due to Israeli attacks. The lives of 231 education personnel were lost.⁸⁷

The educational progress of children residing in the Gaza Strip is irreparably impacted by the destruction of schools caused by military operations. Children in the region, whose development has been adversely impacted and traumatised as a result of devastation, displacement, and the inability to meet basic needs, being denied their right to education for over a century will not only harm the children in the region but also future generations. The devastation wrought by Israel's violent assaults and the intolerable living conditions in Gaza, where even children contend with hunger and thirst, render the right to education unattainable for children in the region.

⁸⁵ <https://www.aa.com.tr/en/middle-east/israel-bombs-another-un-affiliated-school-in-gaza-killing-and-injuring-dozens-of-people/3057867>, <https://www.aa.com.tr/tr/dunya/israilin-gazze-ye-duzenledigi-saldirilarda-oldurulenlerin-sayisi-18-bin-205e-cikti/3079018>, Accessed: 31/01/2024.

⁸⁶ The EU Commissioner for Crisis Management and Humanitarian Aid, Janez Lenarcic, disseminated the news regarding the destruction of the school through his official social media platform. <https://x.com/JanezLenarcic/status/1732422966561120622?s=20>, <https://www.aa.com.tr/tr/dunya/ab-bu-yikim-hos-gorulemez-ve-uluslararasi-insancil-hukukun-ihlalidir/3075248>, Accessed: 31/01/2024.

⁸⁷ <https://www.pCBS.gov.ps/>, Accessed: 31/01/2024.



Additionally, numerous attacks have been launched by Israel against places of worship, which are safeguarded and revered in accordance with international humanitarian law. As of January 30, 2024, the Palestinian Central Bureau of Statistics reported that 161 mosques and 3 churches had been demolished.⁸⁸ Israel has devastated cultural and historical heritage spanning millennia.



The historic Ibn Uthman Mosque in the Old City of Gaza was subject to an attack, while the Zafar al-Damri Mosque, which was constructed in 1360 and is considered a prominent historical edifice in the Gaza Strip, was entirely demolished. The minaret and the majority of the Great Omari Mosque, the oldest and largest mosque in the Old City, were both damaged.



Churches, which were among the structures destroyed and damaged by the Israelis, also inflicted casualties on civilians and sustained damage to their historical integrity. Shelling devastated the Greek Orthodox Church of Saint Porphyrius, the third-oldest church in the world and a refuge for hundreds of displaced Christians, which was situated in the southern Gaza Strip. The attack resulted in the deaths of eighteen people. The Byzantine Church in the town of Jabalia in the northern Gaza Strip and the Saint Hilarion Monastery in the town of Deir al-Balah were also bombed.⁸⁹

Authorities reported that a mother and her daughter were killed and seven others injured by an Israeli army sniper in the Holy Family Catholic Parish. The monastery of the Sisters of Mother Teresa in Gaza, which shelters more than 54 disabled individuals, was targeted by Israel, destroying the fuel tank and power generator and rendering the place unsuitable for habitation or

providing care for people with disabilities.⁹⁰

Article 34 of Protocol I to the Geneva Conventions, entitled "Remains of deceased", stipulates that "the remains of persons who have died for reasons related to occupation or in detention resulting from occupation or hostilities and those of persons not nationals of the country in which they have died

⁸⁸ <https://www.pcbs.gov.ps/>, Accessed: 31/01/2024.

⁸⁹ <https://www.aa.com.tr/tr/dunya/israil-gazgede-tarihi-cami-kilise-ve-muzeleri-hedef-alarak-kulturel-mirasi-da-yok-ediyor/3076138>, Accessed: 31/01/2024.

⁹⁰ <https://www.aa.com.tr/en/middle-east/israeli-sniper-kills-mother-daughter-inside-gazas-only-catholic-church/3084666>, Accessed: 31/01/2024.



as a result of hostilities shall be respected, and the gravesites of all such persons shall be respected, maintained and marked as provided for in Article 130 of the Fourth Convention". In accordance with this provision, the parties are also obligated to demonstrate due regard for burial grounds. Nonetheless, there have also been instances of Israeli army acts destroying cemeteries.⁹¹



In the news shared by the US broadcaster CNN by analysing satellite imagery and videos, it was reported that CNN reporters conducted an investigation after witnessing vandalised graves while traveling with the IDF in a convoy; the investigation revealed a systemic practice where Israeli ground forces have advanced across the Gaza Strip; when asked about this practice, which is regarded as a war crime, the IDF spokesman could not account for the destruction of those 16 cemeteries CNN provided coordinates for; but said the military sometimes has no other choice but to target cemeteries it claimed Hamas uses for military purposes; the IDF said rescuing the hostages and finding and returning their bodies is one of its key missions in Gaza, which is why some bodies were removed from gravesites. Analyses of satellite imagery and videos showed that the bulldozers used by the IDF turned multiple cemeteries into staging grounds, that the Israeli army used the cemeteries as

military outposts, that Israeli military vehicles could be seen in the satellite imagery, and that there are tank tracks on the cemeteries. According to the interviews, Palestinians whose loved ones were buried in the cemetery were unable to find them following the devastation.⁹²

⁹¹ <https://www.aa.com.tr/tr/dunya/israil-ordusu-gazgede-mezarlari-actigini-dogruladi/3113290>, Accessed: 31/01/2024.

⁹² <https://edition.cnn.com/2024/01/20/middleeast/israel-gaza-cemeteries-desecrated-investigation-intl-cmd/index.html>, <https://edition.cnn.com/2024/01/29/world/israel-cemetery-bani-suheila-intl/index.html>, <https://edition.cnn.com/videos/world/2024/01/18/gaza-cemeteries-destroyed-diamond-lead-dnt-vpx.cnn>, <https://www.youtube.com/watch?v=I8efWAN00HA>, Accessed: 31/01/2024.





Israel's bombing of schools, mosques and churches where civilians have taken shelter, as well as the destruction of cemeteries, all of which constitute war crimes, aimed to displace Palestinians living in Gaza, mean an attack not only on thousands of years of historical and cultural heritage, but also on the family and religious values of the people. Israel's attacks and destruction of places of worship and education aim to prevent displaced people from returning to their homes.

2.9. Arbitrary Detention, Torture and Ill-Treatment in Detention

Photo: AP/OHCHR

<https://www.ohchr.org/en/press-briefing-notes/2024/01/gaza-report-ground>, Accessed: 31/01/2024



The fundamental human rights principles stipulated in international human rights treaties include that no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment, or arbitrary arrest, detention or exile. Article 75 of Protocol I to the Geneva Conventions, entitled "Fundamental guarantees", stipulates that any person arrested, detained or interned for actions related to the armed conflict shall be informed promptly, in a language he understands, of the reasons why these measures have been taken. Except in cases of arrest or detention for penal offences, such persons shall be released with the minimum delay possible and, in any event, as soon as the circumstances justifying the arrest, detention or internment have ceased to exist. In Article 7 of the Rome Statute, acts of imprisonment or other deprivation of physical liberty in violation of the fundamental rules of international law, as well as acts of torture and sexual violence, as part of a widespread or systematic attack directed against any civilian population are defined as crimes against humanity.

According to official figures, the number of Palestinians detained by Israeli forces between October 7, 2023 and the end of January 2024 exceeded 6,000 in the West Bank and 3,000 in Gaza.⁹³ Prior to October 7, there were 5,250 Palestinians in Israeli prisons, including 180 children, 37 women and 1319 administrative detainees.⁹⁴ After October 7, the number of Palestinian prisoners in Israeli prisons

⁹³ https://www.pcbs.gov.ps/site/lang__ar/1409/Default.aspx, Accessed: 31/01/2024.

⁹⁴ Administrative detention, which Israel has been imposing on Palestinians since 1967, is a form of detention in which individuals are held by state authorities for confidential security reasons and on the assumption that they may break the law in the future; the reasons for which are not explained to the individual or their lawyers and which can be extended indefinitely without interrogation or trial. This practice, which is employed as an instrument of systematic oppression against Palestinians, disregards the right to a fair trial guaranteed under international law for all those deprived of their liberty. Palestinians can be imprisoned for up to 6



increased by nearly 50 percent to 7,800.⁹⁵ After October 7, the existing horrible conditions for Palestinian prisoners became unbearable. Prisoners released as part of the prisoner exchange stated that they were avenged for acts of Hamas, that they were beaten in prisons, that dogs with muzzles were set on them, that they were left without food and water, that their clothes, food and blankets were taken away, that they were subjected to constant swearing and insults, and that female prisoners were threatened with rape.⁹⁶



Ahmad Manasra, who was 13 years old when he was arrested in 2015, received a nine and a half-year prison sentence and endured years of torture while incarcerated, conditions that rendered him mentally unstable.⁹⁷

The detention of Ahmad Manasra at the age of 13 and his two years of solitary confinement, followed by his transfer to and from court with his hands and feet shackled, is one of many cases of Israeli violations of human rights against children long before October 7.

23-year-old Ahed al-Tamimi, known as *Palestine's brave girl* whom Israel detained and sent to prison on November 6 for no apparent reason, said in her statement after her release that the conditions in the prison were extremely severe, with regular abuse against female prisoners, who were left without water or clothes, sleeping on the floor, and being beaten. Tamimi, who was detained by Israeli forces

months without being informed of the charges against them and deprived of the right to a defense, while the detention period of a Palestinian who is transferred to a military court after this period but unaware of the charges can be repeatedly extended up to 5 years. A significant number of Palestinian detainees are held in Israeli prisons under administrative detention.

<https://www.aa.com.tr/tr/ayrimcilikhatti/ayrimcilik/israil-idari-tutukluluk-uygulamasiyla-binlerce-filistinliyi-yargilamadan-hapistet-tutuyor/1818371>, Accessed: 31/01/2024.

⁹⁵ <https://www.aa.com.tr/tr/dunya/israil-hapishanelerindeki-filistinli-esirlerin-sayisi-7-ekimden-bu-yana-yuzde-50-artti/3074012>, Accessed: 31/01/2024.

⁹⁶ <https://www.bbc.com/news/world-middle-east-67581915>, Accessed: 31/01/2024.

⁹⁷ https://www.youtube.com/watch?v=AwRFO_r6QGk, Accessed: 31/01/2024.

in 2017 and imprisoned for eight months, stated that Israeli authorities threatened her and her father, who was also detained, if they revealed what happened in prison.⁹⁸

During the ground operations in Gaza, Israeli security forces carried out arbitrary detentions. Men were asked to go out in their underwear despite the cold, handcuffed in a way that injured their hands, kicked on the ground, rejected access to food and water and prevented from using the restroom during the execution in Zeytun Neighborhood, according to the individuals who were released.⁹⁹



Israeli soldiers forcibly detained a significant number of forcibly displaced Palestinian civilians, including children and the elderly and kept them in a stadium in Gaza while they were half-naked, claiming that they were Hamas members.¹⁰⁰ The Israeli authorities have not publicly disclosed concrete justifications for categorising these individuals as members of Hamas.

In his statement titled *"Gaza: Report from the ground"* on January 19, 2024, the Head of the UN Human Rights Office Occupied Palestinian Territory, Ajith Sunghay, reported that during his time there, he managed to meet a number of released detainees, that these were men who were detained by Israeli Security Forces in unknown locations for between 30 and 55 days, that they described being beaten, humiliated, subjected to ill-treatment, and to what may amount to torture and that they

⁹⁸ <https://www.aa.com.tr/tr/dunya/filistinli-cesur-kiz-olarak-taninan-temimi-israil-hapishanesinde-tanik-oldugu-ihlalleri-anlatti/3069092>, Accessed: 31/01/2024.

⁹⁹ <https://www.aa.com.tr/tr/ayrimcilikhatti/ayrimcilik/israilin-4-gun-alikoydugu-filistinliler-yasadiklari-dehseti-aaya-anlatti/1818480>, Accessed: 31/01/2024.

¹⁰⁰ <https://www.aa.com.tr/tr/dunya/israil-aralarinda-cocuklarin-da-oldugu-filistinlileri-gazzedeki-bir-stadyumda-yari-cioplak-teshir-etti/3092405>, <https://www.aa.com.tr/tr/teyithatti/gazze/israil-ordusunun-cioplak-sekilde-esir-aldigi-gazzeliler-arasinda-cocuklarin-da-oldugu-iddiasi-/1817174>, https://twitter.com/anadolujansi/status/1739571501211246993?s=48&t=agGB1TUhVzqeo_lhz_plw, Accessed: 31/01/2024.



reported being blindfolded for long periods—some of them for several consecutive days. What they told Sunghay was consistent with reports the office had been gathering, and the families of detainees—believed to number in the thousands—were not provided with information on the fate or location of their loved ones.¹⁰¹

The statement issued by the UN High Commissioner for Human Rights on January 12, 2024, reported that hundreds of Palestinians had reportedly been arbitrarily detained in several unknown locations, both within and outside Gaza – in many cases amounting to enforced disappearance, that some of those released had alleged ill-treatment and torture at the hands of the IDF, and that Israel must immediately end arbitrary detention, torture, ill-treatment and enforced disappearance of Palestinians in Gaza and must independently and effectively investigate such acts, prosecute any perpetrators, and prevent recurrence.¹⁰²

2.10. Attacks against Press Members



¹⁰¹ <https://www.ohchr.org/en/press-briefing-notes/2024/01/gaza-report-ground>, Accessed: 31/01/2024.

¹⁰² <https://www.ohchr.org/en/press-briefing-notes/2024/01/israel-occupied-palestinian-territory-situation-100-days>, Accessed: 31/01/2024.



There is no international force to protect us. Nothing can grant you immunity. These vests offer no protection. These helmets offer no protection. These are merely symbols of our journalistic identity. They offer no form of protection to journalists. We are merely the victims here. One by one, we are dying. We are dying at no cost. We await our turn to be martyred.¹⁰³

Salman Bashir
Palestine TV Correspondent



Under Article 79 of Additional Protocol I of the Geneva Conventions, journalists engaged in dangerous professional missions in areas of armed conflict shall be considered as civilians and they shall be protected as such.

During the initial two months of the Israeli offensive in Gaza, 97 journalists were killed, violating a clear rule of international humanitarian law. This surpasses the total number of journalists killed in six years during World War II, which was 69.¹⁰⁴ Throughout the 20-year Vietnam War, 63 journalists were killed.¹⁰⁵ During the three-year Korean War, 17 journalists were killed. As of January 30, 2024, more than 120 journalists have been killed by Israel in Gaza since October 7. Even on January 10, Working

¹⁰³ <https://www.instagram.com/reel/CzLuKUYMx0K/?igsh=MXdienlicG94aTNjag%3D%3D>, Accessed: 31/01/2024.

¹⁰⁴ <https://www.aa.com.tr/tr/dunya/israil-ikinci-dunya-savasinda-olen-gazetecilerden-fazla-basin-mensubunu-oldurdu/3071174>, Accessed: 31/01/2024.

¹⁰⁵ <https://www.aa.com.tr/tr/dunya/israilin-3-ayda-gaztede-katletti-gazeteci-sayisi-dunyada-iki-yilda-oldurulenden-fazla/3103923>, <https://www.aa.com.tr/tr/dunya/israil-10-ocak-calisan-gazeteciler-gununde-gaztede-biri-kadin-3-gazeteci-oldurdu/3105380>, Accessed: 31/01/2024.



Journalists' Day, Israel killed 3 journalists, one of whom was a woman. The fact that Israeli attacks targeted journalists, who are in charge of informing the global public about the humanitarian crisis and war crimes committed in Gaza, demonstrates that the attacks were directly aimed at journalists. There are around 1,000 journalists in Gaza, with 10 per cent of them killed in the first three months.



Israel has attempted to suppress journalists by deliberately attacking their families. Wael al-Dahdouh, an Al Jazeera correspondent, lost his wife, two sons, daughter, grandson, and eight other family members in the Israeli attack.¹⁰⁶

¹⁰⁶ <https://www.bbc.com/news/world-middle-east-67905566>, <https://www.aljazeera.com/news/2024/1/17/al-jazeeras-gaza-bureau-chief-wael-dahdouh-in-qatar-for-medical-treatment>, <https://www.aa.com.tr/en/middle-east/this-will-never-silence-our-voices-al-jazeera-reporter-whose-family-was-killed-in-israeli-strike/3033617>, https://www.youtube.com/watch?v=NG-Vlv_reGk, Accessed: 31/01/2024.



Moamen Al Sharafi, an Al Jazeera Arabic correspondent, lost 22 family members in Israel's attacks on the Jabalia refugee camp.¹⁰⁷

Israel is not satisfied with simply killing journalists who document and disclose its war crimes to the world. Israel has also unlawfully detained more than 50 journalists since October 7. Journalists who want to enter Gaza are not granted permission by Israel either.



¹⁰⁷ <https://www.aljazeera.com/news/2023/12/6/israeli-raid-kills-21-members-of-al-jazeera-correspondents-family-in-gaza>, <https://www.youtube.com/watch?v=u5fJECm-bP8>, Accessed: 31/01/2024.



The difficult conditions under which press operations are conducted in Gaza are revealed by the remarks made by Turgut Alp Boyraz, Middle East News Director at Anadolu Agency:¹⁰⁸



"The Gaza Strip is only partially accessible to some journalists accompanied by members of the Israeli military. Furthermore, these journalists are not allowed to have contact with Palestinians and are required to submit their news stories and footage for prior permission to the Israeli military. The Union of Journalists in Israel filed a petition with the Supreme Court of Israel to let international journalists enter Gaza, but there was no outcome. Therefore, we

can only learn about what is happening in Gaza from the few journalists who are present there. The Anadolu Agency's team in Gaza plays a historical role in this regard. Social media and civilians and aid workers in Gaza are among the sources of international media coverage from Gaza. There are several reasons why Israel prohibits international journalists from entering the Gaza Strip. I think we can list them as follows: preventing the massacre and destruction in Gaza from being fully publicised to the world community and thereby reducing the pressure on Israel. Attempting to discredit the videos, photos and reports of the devastation in Gaza by claiming that Palestinian journalists in Gaza are "bi-

¹⁰⁸ <https://www.aa.com.tr/tr/analiz/gorus-israilden-gazetecilere-benzeri-gorulmemis-katliam/3104772>, https://www.youtube.com/watch?v=NG-Vlv_reGk, Accessed: 31/01/2024.



ased" in their coverage of the situation there. Preventing international journalists from entering Gaza so that the media depends solely on local journalists and exploiting this situation to exert informal pressure on international media outlets not to report through them, claiming that "journalists in Gaza are biased".

But is Israel achieving these goals? This question allows for both "Yes" and "No" answers. Let's start with the first answer. It can be argued that Israel has succeeded in lessening the pressure on itself, to some extent, by censoring journalists. If Israel had allowed international journalists inside, the destruction and massacres would have received much more coverage in the world press. So far, it is very difficult to say that the extent of the destruction and massacre in Gaza has been fully depicted in the world media. Among the reasons for this is, of course, the pro-Israel editorial policy of the mainstream Western media. However, the situation in the Gaza Strip, which resembles the ruined cities of the Second World War, would probably have received much more media coverage if international journalists had been able to get inside. Perhaps a stronger public opinion as a result of the reporting by these journalists would force countries such as the United States and the United Kingdom, which have been staunch supporters of Israel, to reconsider their positions.

Secondly, as I previously mentioned, "No" is also a possible response to this question. Israel has not fully succeeded in hiding the massacre and destruction it has committed in the Gaza Strip by banning the entry of international journalists. The primary factors behind this are the presence of journalists from news organizations like the Anadolu Agency, who risk their lives to report the events unfolding in the Gaza Strip to the world, and the existence of social media. Seeing the human tragedy unfolding in Gaza on some media outlets and social media, many people have asked mainstream Western media why they were "turning a blind eye to it." In particular, viewers who saw on social media the images of babies and children being killed exerted substantial pressure by questioning the editorial policy of the mainstream media in their own countries. As a result, many broadcasting organizations had to give more coverage to the incidents in the Gaza Strip. Millions of people, particularly those who saw what happened on social media, took to the streets for Palestine in many countries. Even in countries like the US and Germany, where the Israel lobby is very strong, we have witnessed hundreds of thousands of people protesting against Israel's attacks. This shows that Israel has not fully achieved what it intended by preventing journalists from entering Gaza. We could go as far as to argue that this time, Israel is significantly losing the media battle. This situation has shown Israel once again that, at this point, it cannot afford to suppress the truth by censoring the conventional media. This is due to the presence of broadcasting organizations such as Anadolu Agency and social media now."

The report dated December 21, 2023, published by Human Rights Watch (HRW), states that the current humanitarian situation makes it difficult to receive information from Gaza and share information with the world, and according to preliminary investigations by the Committee to Protect Journalists (CPJ), as of December 17, 2023, at least 64 journalists and media workers were confirmed dead: 57 Palestinian, 4 Israeli, and 3 Lebanese, freedom of expression has been violated in terms of posts regarding Palestine, and artists and academics in various countries have faced significant consequences in the form of silencing, censorship, and intimidation by some governments and private



institutions as a result of non-violent, pro-Palestinian speech since October 7, 2023, and there have also been restrictions on peaceful protests in support of Palestine.¹⁰⁹

Journalists who fulfil their duties at the risk of their lives have contributed greatly to the growing international outcry over the humanitarian crisis in Gaza as a result of Israel's attacks. However, this resulted in Israel directing its reaction against innocent civilians as well as journalists and engaging in actions that threatened the lives of journalists. Investigations into a few incidents indicate that Israel has targeted journalists directly. Amnesty International's report dated December 7, 2023, states that Israel carried out an attack on a group of seven reporters, all wearing blue flak jackets and helmets, most with "PRESS" written on them in white letters. It further states that Israeli strikes that killed Reuters journalist Issam Abdallah and wounded six others in south Lebanon on Oct. 13 were likely to have been a direct attack on civilians and must be investigated as a war crime.¹¹⁰



AA photojournalist Mustafa Alkharouf was beaten by Israeli forces on December 15 by being hit in the head with a gun and kicked on the ground while covering Israel's restrictions on Friday prayers at Al-Aqsa Mosque. The footage of the assault clearly demonstrated the disproportionate violence that Israeli forces inflicted without hesitation, even on journalists.¹¹¹

¹⁰⁹ <https://www.hrw.org/report/2023/12/21/metast-broken-promises/systemic-censorship-palestine-content-instagram-and>, Accessed: 31/01/2024.

¹¹⁰ <https://www.amnesty.org/en/latest/news/2023/12/lebanon-deadly-israeli-attack-on-journalists-must-be-investigated-as-a-war-crime/>, For other information about the attack, see: <https://www.aa.com.tr/tr/dunya/reuters-muhabiri-abdullahin-israil-atesi-ile-hayatini-kaybettigi-raporlarla-kanitlandi/3076095>, Accessed: 31/01/2024.

¹¹¹ <https://www.youtube.com/watch?v=8yswDsHmVCI>, <https://www.aa.com.tr/tr/dunya/israil-gucleri-aa-foto-muhabirini-dogu-kuduste-gorevi-sirasinda-darbetti/3083422>, Accessed: 31/01/2024.



Reporters Without Borders (RSF) has filed a third complaint for war crimes with the International Criminal Court (ICC) to investigate crimes against journalists committed during Israeli attacks, following two previous complaints since 2018. In their complaints to the ICC, Reporters Without Borders stated that there were reasonable grounds to believe that the journalists were victims of attacks amounting to “war crimes” and that the available evidence indicated that they may have been “deliberately” targeted. In a statement sent to Reporters Without Borders, the ICC Prosecutor’s Office emphasised that crimes against journalists are being examined, among other potential crimes, as part of the ongoing investigation into the situation in Palestine and that journalists are protected by international humanitarian law and the Rome Statute and must not under any circumstances be targeted in the exercise of their important mission.¹¹²

¹¹² <https://rsf.org/en/rsf-files-complaint-icc-war-crimes-against-journalists-palestine-and-israel>, <https://www.aa.com.tr/tr/dunya/uluslararasi-ceza-mahkemesi-israilin-gazetecilere-yonelik-succlarini-da-sorusturacak/3108160>, Accessed: 31/01/2024.



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A large-scale photograph of a nuclear explosion. A massive, billowing cloud of white and yellow smoke and fire rises from the ground, dominating the upper two-thirds of the frame. The cloud has a distinct mushroom shape. Below the cloud, the dark silhouettes of city buildings are visible against the bright, orange-red glow of the explosion. The sky is a deep red color.

CONCLUSION



1945



2023

CONCLUSION

As stated in the International Court of Justice's order on provisional measures dated January 26, 2024, Palestinians are protected by the Convention as a distinct national, ethnic, racial, or religious group under Article 2 of the Convention on the Prevention and Punishment of the Crime of Genocide. With a population of more than 2.2 million, Palestinians living in the Gaza Strip constitute a significant part of the protected group.

The commission of any of the acts listed in Article 2 of the Convention with the intent to destroy, in whole or in part, a national, ethnic, racial or religious group constitutes the crime of genocide. The statements issued by senior Israeli officials in the immediate aftermath of October 7th, which directly and openly instigated genocide, the actions they ordered to be carried out, and the manner in which these actions were carried out, the destruction of the Gaza Strip and the swift occurrence of catastrophic consequences such as displacement, destruction and death, indicate that the intention is the complete eradication of the Palestinians living in Gaza.

In his first statement on October 7, Prime Minister Netanyahu of Israel said that the operations to be carried out in Gaza, which he described as a wicked city, would turn the whole place into rubble and that Gazans should leave. On October 9, Defence Minister Gallant of Israel announced that they would impose a complete siege on Gaza; everything would be closed; there would be no electricity, food, water or fuel; they were fighting human animals; and they would act accordingly. On October 10, in his speech to the Israeli soldiers, he stated that they had released all restraints, that the soldiers fighting would not be responsible for anything, that they were fighting human animals, that Gaza would never return to what it was and that they would eliminate everything. In a statement dated October 12, President Herzog of Israel stated that the entire nation was responsible for what happened and that it was not true to say that civilians were not involved. On October 13, Minister of Energy and Infrastructure of Israel, Katz posted on his social media account that all the civilian population in Gaza was ordered to leave immediately and that they would not receive a drop of water or a single battery until they left the world. Agriculture Minister Avi Dichter of Israel referred to the evacuation of Gaza's civilian population as "the Gaza Nakba of 2023" on November 12. When asked what will happen to Palestinians living in Gaza on a television programme, Heritage Minister of Israel, Eliyahu responded, "They can go to Ireland or deserts. The 'monsters' in Gaza should find a solution by themselves." Israeli security forces carried out an unparalleled programme of mass murder and extermination on the civilian population in Gaza, acting on orders from the government and army officials.



The acts that correspond to the crime of genocide under Article 2 of the Convention are: killing members of the group; causing serious bodily or mental harm to members of the group; deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part; imposing measures intended to prevent births within the group; and forcibly transferring children of the group to another group.

The Israeli forces' systematic and indiscriminate bombardment of the Gaza Strip, the world's most densely civilian-populated area of 365 square kilometres, with more than 65,000 tonnes of bombs, including phosphorus bombs, resulted in massive destruction, the deaths of members of the group and serious bodily or mental harm to members of the group.

According to data acknowledged by UN agencies, since October 7, Israeli security forces killed over 26,000 Palestinians in Gaza, including 12,345 children and 7,500 women, and injured over 65,000 others, up until January 30, 2024, when this special report was written. More than 70 percent of those killed were women and children. The number of missing persons, thought to have died under the rubble of destroyed buildings, has reached 7,000, including 4,700 women and children.

The information provided indicates that the attacks carried out by Israel, under the pretext of legitimate defence against Hamas, have resulted in a massacre characterized by a blatant disregard for humanitarian law obligations. These attacks have disproportionately targeted children and women over a four-month period. On average, 100 children and 70 women were killed every day in Gaza during this time. The statement from UN agency leaders reflects the grim reality that Gaza has been turned into a graveyard for children, with a child being killed by Israeli attacks every 10 minutes. Gaza has become the most dangerous place to be a child or a woman due to Israeli assaults. Mothers in Gaza have been forced to write their children's names on their hands and feet so they can be identified if they fall victim to Israeli attacks. The abbreviation WCNSF (Wounded Child No Surviving Family) is used to describe the heartbreaking situation of numerous unaccompanied injured children in Gaza, highlighting the dire circumstances faced by Gazan children.

As a result of the indiscriminate and highly destructive bombings that characterised the majority of Israeli assaults, innocent civilians were horribly killed, and those who managed to survive suffered severe burns, amputations, and injuries. Due to the total blockade imposed by Israel, the evacuation orders issued for hospitals, and the specific targeting of hospitals from the first moment, hospitals were rendered inoperable, a significant number of surgeries, including emergency responses causing some of the wounded to lose their legs and arms, were performed without anaesthesia, and some wounded died as a result of a lack of intervention. Every day in Gaza, at least ten children's arms and legs are amputated due to wounds inflicted. At least a thousand children in Gaza have lost arms or legs as a result of Israeli attacks since October 7.

Since October 7, Israel has been engaged in flagrant violations of international humanitarian law by issuing evacuation orders in gross violation of international humanitarian law, rendering civilian settlements uninhabitable through indiscriminate bombardments, obstructing the delivery of food



and basic humanitarian needs and impeding humanitarian operations through blockade policies, using hunger and thirst as a weapon of war, rendering hospitals incapable of providing health care, and deliberately altering the living conditions of Palestinians in Gaza in such a way as to completely eliminate their physical existence.

Evacuation orders in complete violation of humanitarian law, indiscriminate bombardment and shelling, and the inability of people to obtain water, food, fuel, electricity, and other basic humanitarian needs have resulted in the forced displacement of 1.9 million Palestinians, or 85 percent of Gaza's population. This is the largest displacement of the Palestinian people since the Nakba in 1948, when Israel occupied 78 per cent of the Palestinian territories after its foundation.

Israel disregarded the situation of the people in the evacuation orders it issued. One million people in northern Gaza were ordered to evacuate their homes within twenty-four hours when there was no safe place to go and no safe road to use. After being blockaded and the main roads closed, the population travelling to Khan Younis in southern Gaza was ordered to evacuate the area and go to Rafah, which was later bombed. These are not effective warnings, but a forced displacement of the population. Israeli security forces also targeted people who complied with evacuation orders by squeezing them into ever-tinier places in Gaza. Nearly two million displaced people have sought shelter from Israeli attacks in UN facilities, refugee camps, schools, hospitals, and places of worship that are supposed to be safeguarded by humanitarian law. Since these areas were also targeted by Israeli attacks, inhabitants were compelled to migrate, initially to Khan Younis and subsequently to Rafah, a very small city along the Egyptian border. By the end of January, Israeli attacks have also been directed at the Egyptian border town of Rafah. Refugee camps under the UN flag, housing 1.4 million Palestinians, faced 270 attacks from Israeli forces in a span of only three months. These attacks resulted in the deaths of over 150 UN staff members and damage to 146 UN facilities. There is nowhere in Gaza where residents could feel safe, as reports from international organizations have stated. For the past four months, 2.2 million people in Gaza have been struggling to survive in a setting where Israeli bombs could strike anywhere at any moment.

Israel's bombardments in Gaza have destroyed not only innocent civilians' right to live but also their places of shelter. Residential areas in northern Gaza, in particular, have become uninhabitable. As of January 30, 2024, among the more than 25,000 buildings destroyed, more than 70,000 independent sections, 140 public buildings, 161 mosques, 99 schools and 3 churches were completely destroyed due to Israeli attacks using more than 65 thousand tonnes of bombs, and 290,000 independent sections, 295 schools, 196 mosques and 25 hospitals were damaged, more than 122 ambulances were destroyed, and 30 hospitals were rendered out of service due to Israeli attacks and blockade.

Even with a permanent humanitarian ceasefire and ongoing humanitarian aid operations, it is extraordinarily difficult to restore residential districts to a habitable state, as 70,000 out of 400,000 have been demolished and their infrastructure completely destroyed. The announcement of settlements to be built in Gaza at a conference attended by Israeli ministers, while 2.2 million Gazans were still in their own homeland, suggests that the initial objective of the attacks was to expel the people of



Gaza from their land. In order to displace Palestinians living in Gaza and ensure that they never return to their homes, Israel has extensively destroyed their property, bombed UN facilities and refugee camps, schools, mosques and churches, schools, mosques and churches, and destroyed cemeteries. All of these constitute separate war crimes, demonstrating that Palestinians' fundamental rights are being attacked, as well as their thousands of years of historical and cultural heritage and family and religious values.

By preventing the entry of basic humanitarian needs into Gaza and bombing the infrastructure necessary for meeting basic needs, the Israeli government has employed starvation and dehydration of civilians, most of whom are children, as a tactic of warfare. For 16 years, Gaza has been under blockade by land, sea, and air, with one million people relying on humanitarian aid for survival. Over the four months since October 7, the policies implemented have led to a shift where children who previously perished from Israeli attacks while struggling with hunger are now succumbing to starvation. Only ten per cent of Gaza's essential food supplies have been delivered since the conflict started, according to a statement by the World Food Programme. Fuel shortages and the bombing of bakeries have triggered a crippling halt in bread production across all 130 bakeries in Gaza. According to the Integrated Food Security and Nutrition Phase Classification (IPC) report issued on December 21, 2023, there are catastrophic levels of acute food insecurity in Gaza. The entire population of Gaza is facing crisis or worse levels of acute food insecurity. Virtually all Palestinians in Gaza are skipping meals every day, while many adults go hungry so children can eat.

According to UNRWA, which is able to deliver very limited humanitarian aid to Gaza, the limited amount of humanitarian aid entering to the Gaza Strip, which is under blockade and attack by Israel, does not meet even 7 per cent of the needs of the population. Israel blocks three-quarters of the humanitarian supplies destined for the northern part of Gaza, where over half a million people are unreachable. As the UN Secretary-General stated, the aid reaching Gaza is like a drop in the ocean of needs. People who are suffering from war, the cold, and hunger are now grinding animal feed and eating ground grass in Gaza, where hunger is used as a weapon. Israel does not allow the humanitarian aid waiting at the border with Egypt to pass. Owing to the intensity of Israel's unrelenting attacks since October 7, pictures of corpses left on the streets and not buried are becoming viral, with stray animals consuming them.

The fact that some countries, especially the USA and the UK, announced that they temporarily suspended the funds they provided to UNRWA, whose 16 thousand employees are in Gaza, citing the ongoing investigation into 12 of its employees, immediately after the International Court of Justice issued an injunction against Israel, including on the issue of humanitarian aid, and despite the UN Security Council resolution on December 22, 2023 emphasizing the urgent need to provide more humanitarian aid to the civilian population in Gaza and envisaging the appointment of a Senior Humanitarian and Reconstruction Coordinator for Gaza, has revealed the danger of a complete halt to the already very inadequate humanitarian aid operations in Gaza, and has made the imminent danger of famine inevitable.



Humanitarian law prioritises the protection of injured and sick individuals and safeguarding health facilities from being targeted in attacks. Israel's treatment of Gaza hospitals demonstrates that it disregards the rules of international humanitarian law while committing numerous heinous war crimes concurrently. Stopping the flow of electricity and fuel to disable hospitals, knowing that it would cost the lives of the sick and wounded, targeting energy sources as well as solar panels, cutting off medicine and medical equipment aid through blockade policies, bombing directly around hospitals and their departments, and forcing health workers to evacuate hospitals at the risk of the lives of the sick and wounded, shows that there has been a gross violation of international humanitarian law, the health system in Gaza has been rendered inoperable, and people who cannot find treatment are forced to leave the places where they live.

Israel's disruption of the healthcare system in Gaza had severe consequences for pregnant women, newborn babies, and those who were injured or ill. The discovery that premature babies who were removed from incubators as a result of power outages perished of suffocation and that the bodies of the babies left to die after the hospital was forcibly evacuated and the doctors and attendants were taken out commenced to decompose were among the most agonising repercussions of the attacks. Although the Convention defines imposing measures intended to prevent births within the group as crime of genocide, Israel has made no attempt to protect those in need of health assistance. The United Nations Population Fund indicates that 50 thousand pregnant women in Gaza do not have access to health services, which means 180 births per day, that women are likely to encounter complications related to pregnancy or childbirth; while hospitals are overflowing with the injured, many people will be deprived of health services due to the lack of basic fuel, medicine and basic supplies, thus posing a life-threatening risk to pregnant women and newborns, that there have been reports that caesarean sections had to be performed without anaesthesia. Since the attacks by Israel, infant mortality and miscarriage rates in Gaza have increased by over 300 percent. Given that the majority of pregnant women in Gaza are unable to give birth in a hospital setting, that births can be complicated, and that anaesthesia is not available for some caesarean sections, every birth in Gaza puts both mothers and babies in grave danger. Babies whose mothers have died or whose milk has quailed due to intense bombardment and malnutrition cannot survive without milk under blockade conditions.

Journalists who fulfil their duties at the risk of their lives have contributed greatly to the growing international outcry over the humanitarian crisis in Gaza as a result of Israel's attacks. However, this resulted in Israel directing its reaction against innocent civilians as well as journalists and engaging in actions that threatened the lives of journalists. As of January 30, 2024, more than 120 journalists have been killed by Israel in Gaza since October 7. This number, which is more than 10 percent of the number of journalists working in Gaza, surpasses the total number of journalists killed in six years during World War II, which was 69.

Israel's actions, which have been in gross violation of international humanitarian law since October 7, have resulted in the deaths of an unprecedented number of civilians, mostly women and children, as well as the displacement of 85 percent of Gaza's population, rendered settlements uninhabitable, and forced the Palestinian people of Gaza to struggle to survive in the face of severe hunger, thirst



and deprivation of basic necessities in 4 months. Today, the people living in the Gaza Strip are facing a severe denial of their right to exist.

As detailed above, since October 7, the Israeli government has committed the crime of genocide by systematical and widespread killing, causing serious bodily or mental harm, deliberately inflicting on the conditions of life, and imposing measures intended to prevent births, with the aim of completely eliminating the Palestinian people living in Gaza. According to Article 3 of the Convention, the following acts in Gaza shall be punishable: genocide; conspiracy to commit genocide; direct and public incitement to commit genocide; attempt to commit genocide; complicity in genocide.

In the event that contracting parties to the Convention on the Prevention and Punishment of the Crime of Genocide persistently neglect their obligations to prevent and penalise genocide as outlined in Article 1, as well as the UN Security Council's responsibility to uphold international peace and security, mass starvation-induced deaths and the forced displacement of Gaza residents appear to be unavoidable consequences. Failure to prosecute these perpetrators and allowing such impunity to continue, with unparalleled attacks targeting civilians, particularly women and children, will undermine the credibility and reliability of the international system based on the principle of ensuring international peace and security.







APPENDIX 1

Activities Of International Organizations

In this section, first of all, information on the functioning of the UN mechanism, the regulations in the UN Charter for the maintenance of international peace and security, and the UN General Assembly and Security Council resolutions on the October 7 Israeli-Palestinian conflicts will be detailed. Next, the activities of the UN bodies in the humanitarian crisis caused by the Israeli attacks in Gaza will be outlined. Additionally, information will also be provided on the policies pursued by the Organisation of Islamic Cooperation and the European Union regarding the crisis.

1. United Nations (UN)

The nightmare in Gaza is more than a humanitarian crisis. It is a crisis of humanity. I am deeply concerned about clear violations of international humanitarian law that we are witnessing. Let me be clear: No party to an armed conflict is above international humanitarian law. Gaza is becoming a graveyard for children. Hundreds of girls and boys are reportedly being killed or injured every day. More journalists have reportedly been killed over a four-week period than in any conflict in at least three decades. More United Nations aid workers have been killed than in any comparable period in the history of our organisation. The unfolding catastrophe makes the need for a humanitarian ceasefire more urgent with every passing hour. Some life-saving aid is getting into Gaza from Egypt through the Rafah crossing. But the trickle of assistance does not meet the ocean of need.¹

António Guterres
United Nations Secretary-General

Established to protect future generations from the indescribable suffering caused by two world wars, the UN's main task is to ensure international peace and security. As outlined below, many provisions in the UN Charter are pertinent to the maintenance of international peace, the settlement of disputes by peaceful means, and the prevention of conflicts.

¹ <https://www.un.org/sg/en/content/sg/speeches/2023-11-06/secretary-generals-press-conference-the-middle-east> , Accessed: 30/01/2024.



In the UN Charter, the primary responsibility for maintaining international peace and security is vested in the Security Council, which is empowered to act swiftly and effectively. The UN Security Council has the authority to impose sanctions and take binding decisions, including the use of armed force when necessary. The UN system and its functioning are criticised when it comes to achieving the objectives envisaged in the UN Charter, particularly for the inability to make decisions on important issues due to the veto power of the countries that are permanent members (*USA, China, Russia, the UK and France*) of the 15-member UN Security Council and therefore failure to prevent conflicts. As has been painfully experienced in many wars in the past, international law norms have often failed to effectively resolve conflicts, with only a few exceptional cases proving otherwise. However, in the event of a conflict, international actors are expected to fulfil their responsibilities to protect civilians, prevent devastation, and address humanitarian needs.

1.1. UN General Assembly

There is no time to mourn. If you do not stop it for all those who have been killed, stop it for all those who can be saved. Why not feel a sense of urgency to ending the killing. You are setting us back 80 years by trying to justify what Israel is doing now.²

Riyad Mansour

Permanent Observer of the State of Palestine to the UN

Session on October 26, 2023

According to resolution 337A(V) adopted by the United Nations General Assembly, in the absence of unanimity among the permanent members of the Security Council and in the event that the Council “fails to fulfil its primary responsibility for the maintenance of international peace and security,” the General Assembly may convene in an emergency special session to make appropriate recommendations to the members for collective measures. In this context, the Tenth Emergency Special Session of the UN General Assembly on “Illegal Israeli actions in occupied East Jerusalem and the rest of the Occupied Palestinian Territory” was convened for the first time in 1997. After the Security Council failed to reach a consensus on action four times in the period after October 7, an emergency special session was convened on October 26, 2023, upon requests to resume the session.³

The Jordanian-led draft resolution was voted on during the session on October 26. As a result of 121 votes in favour, 14 against, and 44 abstentions, the draft resolution passed with a majority of votes. The agreed-upon draft resolution called for an immediate, durable, and sustained humanitarian truce, emphasising the need for all parties to fulfil their international law commitments, particularly those relating to civilian protection. The resolution also emphasised the urgent need for the “continu-

² <https://news.un.org/en/story/2023/10/1142847>, Accessed: 30/01/2024.

³ <https://www.un.org/en/ga/sessions/pdf/PGA-Letter-resumption-of-10th-ESS-2023.pdf>, <https://news.un.org/en/story/2023/10/1142847>, Accessed: 30/01/2024.

ous, sufficient, and unhindered” provision of lifesaving supplies and services to the Gaza Strip, as well as the immediate establishment of a mechanism to protect Palestinian civilians in accordance with international law and relevant United Nations resolutions.⁴ In response to the UN General Assembly resolution calling for an immediate, durable, and sustained humanitarian truce in Gaza by 120 countries, Israeli Foreign Minister Eli Cohen said, “*We reject outright the UN General Assembly’s despicable call for a ceasefire.*” in a post on his X social media account.⁵

Session on December 12, 2023



During the session, which was a follow-up to the Tenth Emergency Special Session held on October 26, 2023, the draft resolution on “Protection of civilians and upholding legal and humanitarian obligations” supported by 21 countries, including Iraq, Egypt and Qatar, as well as two requests for amendments submitted by Austria and the United States of America, were discussed. The amendments proposed were not accepted by the General Assembly. The draft resolution was approved by the 193-member UN General Assembly, with 153 votes in favour, 10 against, and 23 abstentions. The United States, Israel, Austria, Czechia, Guatemala, Liberia, Micronesia, Nauru, Papua New Guinea and Paraguay voted against the resolution, while the United Kingdom, Germany, Hungary, Italy, Argentina, Malawi, the Netherlands, Ukraine, South Sudan and Uruguay abstained.⁶

⁴ <https://documents-dds-ny.un.org/doc/UNDOC/LTD/N23/319/20/PDF/N2331920.pdf?OpenElement> , Accessed: 30/01/2024.

⁵ <https://www.aa.com.tr/tr/dunya/israil-disisleri-bakani-120-ulkenin-insani-ateskes-talebi-icin-alcakca-cagri-ithaminda-bulundu/3035295> , Accessed: 30/01/2024.

⁶ <https://news.un.org/en/story/2023/12/1144717> , Accessed: 30/01/2024.



The adopted draft resolution also takes into account the Secretary-General's letter to the President of the Security Council dated December 6, 2023,⁷ and the UNRWA Commissioner-General's letter to the President of the General Assembly dated December 7, 2023,⁸ in accordance with Article 99 of the United Nations Charter. The four-article draft resolution calls for an immediate humanitarian ceasefire, all parties to comply with their obligations under international law, including humanitarian law, particularly in terms of civilian protection, the immediate and unconditional release of all hostages, and the provision of humanitarian access.⁹

Despite the urgent humanitarian ceasefire decision endorsed by the majority of UN General Assembly member states, Israel declared that the attacks would continue for months and increased its attacks on Gaza.

1.2. UN Security Council

The Security Council, which is primarily responsible for maintaining international peace and security, can advise its interlocutors on peaceful dispute resolution and make binding decisions in the event of threats to peace, breaches of the peace, and acts of aggression.¹⁰ In this regard, the 15-member Security Council, five of which have veto power, has had numerous meetings since October 7, 2023.

On October 16, 2023, the Russian Federation offered a draft calling for a humanitarian ceasefire, the release of all hostages, aid access, and the safe evacuation of civilians.¹¹ The draft was rejected with 5 votes in favour (*China, Gabon, Mozambique, Russia and the United Arab Emirates*), 4 against (*France, Japan, the United Kingdom and the United States*) and 6 abstentions (*Albania, Brazil, Ecuador, Ghana, Malta and Switzerland*).¹²

⁷ Since the commencement of Israeli military operations, the letter states that more than 15,000 civilians in Gaza are in grave danger, with over 40 percent of them being children, and that almost 80 percent of the population has been displaced. It was also stated that the health system is collapsing and nowhere in Gaza is safe. The letter stated that the international community has a responsibility to use all its influence to prevent further escalation and end this crisis; it also reaffirmed the call for a humanitarian ceasefire to spare the civilian population from greater harm.

https://www.un.org/sites/un2.un.org/files/sg_letter_of_6_december_gaza.pdf?_gl=1*1bbyhd9*_ga*NzcxODM4MzU0LjE3MDM3NDkwNjA.*_ga_TK9BQL5X7Z*MTcwNDEyODM5My40LjEuMTcwNDEyOTA3Ni4wLjAuMA.*_ga_S5EKZKS878*MTcwNDEyNzkxMS40LjEuMTcwNDEzMDA2Ny42MC4wLjA. , Accessed: 30/01/2024.

⁸ Lazzarini noted in a letter that in his 35 years working in complex emergencies, he has never written such a letter - predicting the killing of his staff and the collapse of the mandate he is expected to fulfill. He stated that the Agency is going through the darkest hour in its 75-year history, that UNRWA's ability to implement its General Assembly mandate in Gaza is today severely limited, and that if UNRWA collapses, humanitarian assistance in Gaza will also collapse, that Gaza's population has been forced into an ever-shrinking space, and shelters are shockingly overcrowded, with high risk of epidemic illness. <https://www.unrwa.org/resources/un-unrwa/letter-unrwa-commissioner-general-philippe-lazzarini-un-general-assembly> , Accessed: 30/01/2024.

⁹ <https://documents-dds-ny.un.org/doc/UNDOC/LTD/N23/397/09/PDF/N2339709.pdf?OpenElement> , Accessed: 30/01/2024.

¹⁰ United Nations Charter, Art. 24, 36, 39.

¹¹ <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N23/308/83/PDF/N2330883.pdf?OpenElement> , Accessed: 30/01/2024.

¹² <https://news.un.org/en/story/2023/10/1142427> , Accessed: 30/01/2024.



On October 18, 2023, a draft text proposed by Brazil condemning all violence against civilians and calling for a humanitarian pause, and two amendments proposed by the Russian Federation calling for an immediate, lasting and effective ceasefire and a halt to attacks against civilians were voted during the meeting.¹³ The draft resolution was not adopted as the United States cast a veto, despite the fact that two countries (Russia and the United Kingdom) abstained and twelve of the fifteen members of the Council voted in favour of the text proposed by Brazil.¹⁴

The Security Council conducted an open debate on the ongoing crisis on October 24, 2023, during which it extended invitations to over eighty countries to deliver statements.¹⁵ Numerous nations issued statements regarding the escalating crisis, and at the meeting the following day, Russia and China vetoed the draft resolution on Hamas proposed by the United States, while the Russian-led resolution failed to receive sufficient votes.¹⁶ The Security Council convened on October 30 and November 10 of the subsequent period, during which country representatives, UNICEF, UNRWA, OCHA, and WHO officials all delivered statements.¹⁷

Following four failed attempts, the draft resolution of Malta was finally approved at the November 15 meeting without a veto by the permanent members, with 12 votes in favour and 3 abstentions (*Russia, the United Kingdom, and the United States*).¹⁸ Resolution 2712, which was adopted, called for “urgent and extended humanitarian pauses and corridors” in Gaza for “a sufficient number of days” to allow full, rapid, safe and unhindered access for UN agencies and partners. Resolution 2712 called on all parties to refrain from depriving the civilian population in Gaza of basic services and aid indispensable to their survival, consistent with international humanitarian law.¹⁹

The first open meeting subsequent to the resolution that was adopted in mid-November took place on November 29. Turkish Foreign Minister Hakan Fidan expressed optimism that the humanitarian pause in Gaza could be extended and that the exchange of hostages and prisoners provided a glimmer of hope at a meeting of foreign ministers conducted during the humanitarian pause. Secretary-General of the UN Antonio Guterres welcomed the agreement between Israel and Hamas during the meeting, adding that the cessation of hostilities had made it possible to distribute aid within Gaza.²⁰

On December 6, 2023, in response to Israel’s escalated aggression subsequent to the six-day prolonged humanitarian pause, a letter was addressed by UN Secretary-General Antonio Guterres to

¹³ <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N23/311/26/PDF/N2331126.pdf?OpenElement>, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N23/311/90/PDF/N2331190.pdf?OpenElement>, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N23/311/33/PDF/N2331133.pdf?OpenElement>, Accessed: 30/01/2024.

¹⁴ <https://news.un.org/en/story/2023/10/1142507>, Accessed: 30/01/2024.

¹⁵ <https://news.un.org/en/story/2023/10/1142742>, Accessed: 30/01/2024.

¹⁶ <https://news.un.org/en/story/2023/10/1142817>, Accessed: 30/01/2024.

¹⁷ <https://news.un.org/en/story/2023/10/1143002>, <https://news.un.org/en/story/2023/11/1143462>, Accessed: 30/01/2024.

¹⁸ <https://news.un.org/en/story/2023/11/1143632>, Accessed: 30/01/2024.

¹⁹ <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N23/359/02/PDF/N2335902.pdf?OpenElement>, Accessed: 30/01/2024.

²⁰ <https://news.un.org/en/story/2023/11/1144102>, Accessed: 30/01/2024.



the President of the UN Security Council. The letter was penned in accordance with Article 99 of the United Nations Charter, which states that the Secretary-General may bring to the attention of the Security Council a matter which, in his opinion, may aggravate existing threats to the maintenance of international peace and security. Since the commencement of Israeli military operations, the letter states that more than 15,000 civilians in Gaza face grave danger, over forty percent of whom were children, and that almost eighty percent of the population has been forcibly displaced. It was also stated that the health system is collapsing and nowhere in Gaza is safe. The letter stated that the international community has a responsibility to use all its influence to prevent further escalation and end this crisis; it also reaffirmed the call for a humanitarian ceasefire to spare the civilian population from greater harm.²¹

On December 8, following Guterres' letter, an emergency meeting of the Security Council was convened. At the meeting, a draft resolution proposed by the United Arab Emirates and supported by more than 90 member states, calling for an immediate humanitarian ceasefire and the unconditional release of hostages, was vetoed by the US as a permanent member. 13 members of the Council voted in favour, while the United Kingdom abstained.²²

At the December 19 meeting, Tor Wennesland, UN Special Coordinator for the Middle East Peace Process, stated that the delivery of humanitarian aid in the Strip continues to face nearly insurmountable challenges, and that, amid displacement on an unimaginable scale and active hostilities, the humanitarian response system is on the brink. The vote on the draft resolution tabled by the UAE has been delayed.²³

The draft resolution submitted by the UAE, which did not include the US demand for a "humanitarian ceasefire" and only included the issue of humanitarian aid, was put to a vote on December 22 after intense negotiations and postponements among member states. The draft resolution was adopted with 13 votes in favour and 2 abstentions (*the USA, Russia*).²⁴ Resolution 2720 reiterated the demand that all involved parties adhere to their obligations under international humanitarian law with regard to the safeguarding of civilians and civilian structures, the safety of humanitarian personnel and the distribution of humanitarian aid. Urgent action was called to immediately allow safe, unhindered, and expanded humanitarian access and to create the conditions for a sustainable cessation of hostilities. In addition, the resolution requested that the United Nations Secretary-General appoint a "Senior Humanitarian and Reconstruction Coordinator" be appointed to facilitate the delivery of humanitarian assistance and that the Coordinator expeditiously establish a UN mechanism for accelerating the provision of humanitarian relief consignments.²⁵

²¹ https://www.un.org/sites/un2.un.org/files/sg_letter_of_6_december_gaza.pdf?_gl=1*1bbyhd9*_ga*NzcxODM4MzU0LjE3MDM3NDkwNjA.*_ga_TK9BQL5X7Z*MTcwNDEyODM5My40LjEuMTcwNDEyOTA3Ni4wLjAuMA.*_ga_SSEKZKS878*MTcwNDEyNzkxMS40LjEuMTcwNDEzMDA2Ny42MC4wLjA , Accessed: 30/01/2024.

²² <https://news.un.org/en/story/2023/12/1144562> , Accessed: 30/01/2024.

²³ <https://news.un.org/en/story/2023/12/1144937> , Accessed: 30/01/2024.

²⁴ <https://news.un.org/en/story/2023/12/1145022> , Accessed: 30/01/2024.

²⁵ <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N23/424/87/PDF/N2342487.pdf?OpenElement> , Accessed: 30/01/2024.



Following the resolution of the UN Security Council, Israel has declared that it will continue to inspect all humanitarian assistance to Gaza. In the absence of a humanitarian ceasefire agreement, Israeli attacks persisted at maximum intensity. Humanitarian assistance under very limited conditions has fallen far short of meeting the requirements of displaced people suffering from severe hunger and thirst and a lack of access to basic humanitarian necessities.

According to statements issued by United Nations officials, Israel is obstructing the delivery of humanitarian aid to Gaza. Specifically, the delivery of three-quarters of the aid intended for northern Gaza remains unfulfilled, while the aid distributed to other regions is deemed to be woefully inadequate. The United States and eight other Western nations announced the suspension of funding to UNRWA on January 26, 2024, two days after the International Court of Justice issued an order on provisional measures against Israel. UNRWA has been operating in Gaza to provide humanitarian aid and houses 1.4 million Palestinians in its facilities. Suspending aid to UNRWA would render the resolution of the United Nations Security Council nearly impossible to implement.

1.3. UN Agencies

Numerous UN-established organizations carry out crucial tasks to safeguard civilians and address humanitarian needs despite the UN Security Council's dysfunctional position with regard to conflict prevention and decision-making. During the October 7 process, organizations such as the UN Relief and Works Agency for Palestine Refugees in the Near East, the World Health Organization, the UN World Population Fund, the UN Children's Fund (UNICEF), the UN World Food Programme and the International Labour Organization, along with civil society and media organizations, have brought the humanitarian crisis caused by Israel's attacks on Gaza to the attention of the international community. The activities of these organizations are listed below:

1.3.1. The United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA)

The ongoing humanitarian catastrophe in Gaza can only be described as hell on earth.²⁶

UNRWA Commissioner-General Philippe Lazzarini

In Gaza, one has to stand in line for hours to get anything... water, the toilet, bread. Even entering the shelter. Everything except death. No line is needed for that.²⁷

²⁶ <https://www.unrwa.org/newsroom/official-statements/statement-commissioner-general-philippe-lazzarini-occasion-french>, Accessed: 30/01/2024.

²⁷ <https://www.unrwa.org/resources/reports/unrwa-situation-report-23-situation-gaza-strip-and-west-bank-including-east-jerusalem>, Accessed: 30/01/2024.



UNRWA Staff

Just getting into one of the shelters makes you burst into tears. Children looking for food and water and standing in queues for over six hours just to get a piece of bread or a bottle of water. People are literally sleeping on the streets here in Khan Younis as thousands keep escaping from the north. Markets are totally empty, except for a few vegetables. This misery has to stop, or people are going to die of hunger and diseases.²⁸

UNRWA Staff



The United Nations General Assembly established UNRWA in 1949 with a mandate to provide humanitarian assistance and protection to registered Palestine refugees in the Agency's area of operations pending a just and lasting solution to their plight. UNRWA operates in the West Bank, including East Jerusalem, the Gaza Strip, Jordan, Lebanon and Syria. Tens of thousands of Palestinian refugees who lost their homes and livelihoods due to the 1948 conflict continue to be displaced and in need of support, nearly 75 years on. There are three generations of Palestinians residing in refugee camps inside their own country. UNRWA helps Palestine refugees achieve their full potential in human de-

²⁸ <https://www.unrwa.org/resources/reports/unrwa-situation-report-33-situation-gaza-strip-and-west-bank-including-east-jerusalem> , Accessed: 30/01/2024.



velopment through the quality services it provides in education, health care, relief and social services, protection, camp infrastructure and improvement, microfinance, and emergency assistance. UNRWA is funded almost entirely by voluntary contributions.

It is important to closely analyse the statements and reports of UNRWA, a UN agency that is operating in Gaza. This will help us understand the true nature of the humanitarian crisis caused by Israel's attacks in Gaza on October 7. Over this time, UNRWA has issued over 60 situation reports highlighting the dire situation in Gaza and has made repeated appeals for emergency relief and a humanitarian ceasefire.

The statement, *"There is no space to grieve. Very few signs show we are alive. We breathe, but other than that, we have lost all other signs of life,"*²⁹ said UNRWA staff and their families who suffered from ceaseless Israeli attacks, strikingly conveying the extent of the suffering and devastation. Calls for Israel to adhere to international humanitarian law have gone unanswered. Israel has attacked hospitals, schools, refugee camps, and places of worship where desperate people seek refuge. As of January 6, 2024, Israeli attacks had claimed the lives of 146 UNRWA staff who were engaged in humanitarian relief activities. In the history of the UN, this is the conflict that has claimed the lives of most UN aid staff.³⁰

According to the statements made by the Relief and Works Agency for Palestine Refugees (UNRWA), up to 1.9 million Palestinians, representing nearly 85 per cent of the population of the Gaza Strip, have been displaced within the past three months since October 7. 1.4 million Palestinians are sheltering in 155 UNRWA facilities, which is four times their capacity. 500,000 Palestinians live near these facilities; all of these people are receiving assistance from UNRWA. 132 UNRWA facilities have been damaged in 220 attacks. The bombardment and siege have generated inhumane and degrading living conditions. Tens of thousands of people are sleeping on the streets in the absence of adequate food, water and hygiene. Humanitarian assistance is severely insufficient, the economy has reached a state of collapse, and irreversible implications have emerged in Gaza due to the blatant disregard of international humanitarian law.³¹

In response to Israel's relentless attacks, causing an intolerable humanitarian crisis in Gaza, UNRWA's Commissioner-General, Philippe Lazzarini, wrote a letter to the President of the UN General Assembly on December 7, 2023. Lazzarini noted in the letter that in his 35 years working in complex emergencies, he has never written such a letter - predicting the killing of his staff and the collapse of the mandate he is expected to fulfill.

²⁹ <https://www.unrwa.org/resources/reports/unrwa-situation-report-39-situation-gaza-strip-and-west-bank-including-east-jerusalem> , Accessed: 30/01/2024.

³⁰ <https://www.unrwa.org/resources/reports/opt-flash-appeal-progress-report> , Accessed: 30/01/2024.

³¹ <https://www.unrwa.org/resources/reports/unrwa-situation-report-61-situation-gaza-strip-and-west-bank-including-east-jerusalem>, <https://www.unrwa.org/newsroom/official-statements/statement-unrwa-commissioner-general-philippe-lazzarini-virtual-follow> , Accessed: 30/01/2024.



The letter painfully detailed how the agency has been experiencing the darkest hour in its 75-year history; UNRWA carries out its mandate in Gaza under extremely restricted circumstances; if UNRWA collapses, the humanitarian system in Gaza will also collapse; Gaza's population is forced to move into an ever-shrinking space; shelters are shockingly overcrowded, with a high risk of epidemic illness. In these overfull and unsanitary spaces, more than 700 people use a single toilet, women give birth (an average of 25 per day), and people nurse open wounds. Tens of thousands sleep in courtyards and streets. People burn plastic to stay warm. Nearly 90 UNRWA premises, including schools, have been hit or impacted by munitions. In Gaza as a whole, over 16,000 people, two-thirds of whom are women and children, are reported killed during bombardments. Large swathes of Gaza are destroyed and uninhabitable. Without safe shelter and aid, civilians in Gaza risk death.

The letter concludes by calling on the President of the UN General Assembly and Member States to take immediate action to (i) implement an immediate humanitarian ceasefire; (ii) enforce international law, including the protection of UN premises, hospitals and public buildings that provide safe shelter; and (iii) protect prospects for a political solution.³²

UNRWA's vital role in sustaining humanitarian aid operations in Gaza despite all the limited means and in communicating the humanitarian crisis to the world public has led to the Israeli administration's reactions against this organization. At the beginning of the attacks, it was alleged that UNRWA facilitated the transfer of humanitarian aid to terror organization. Knesset members endeavoured to halt funding for UNRWA. On January 26, 2024, two days after the International Court of Justice issued an order on provisional measures against Israel, the United States and eight Western countries announced that they suspended funding to UNRWA, which shelters 1.4 million Gazans in its facilities, provides humanitarian aid in Gaza, and deploys 16,000 of its 30,000 employees in Gaza, on the grounds that 12 employees of UNRWA were under investigation for alleged involvement in the October 7 attacks. As the UN Secretary-General stated, the aid that can be delivered to Gaza is a drop of aid in an ocean of need. In Gaza, where 1.9 million people have been displaced, UNRWA's inability to operate under these conditions, where the majority of people are living in tents during winter conditions without proper shelter and suffering from severe hunger and thirst due to a lack of basic needs, could lead to mass deaths due to starvation and diseases.



³² <https://www.unrwa.org/resources/un-unrwa/letter-unrwa-commissioner-general-philippe-lazarini-un-general-assembly>, Accessed: 30/01/2024.



The footage released on January 1, 2024, shows thousands of people swarming an aid truck in Gaza.³³ This footage highlights the urgent need for providing immediate assistance to Gaza and the potential consequences if UNRWA were to stop its operations.

1.3.2. World Health Organization (WHO)



Premature babies taken out of incubators due to power outage at Al-Shifa Hospital

<https://www.bbc.com/turkce/articles/crgp72gqpd1o>, Accessed: 30/01/2024.

*A child is killed every 10 minutes in Gaza. I think in that sense we are close by humanity's darkest hour.*³⁴

Rik Peeperkorn

WHO Representative for occupied Palestinian Territory

³³ <https://www.youtube.com/watch?v=uvmQ3n8Zlk4>, Accessed: 30/01/2024.

³⁴ <https://www.aa.com.tr/en/middle-east/who-says-1-child-killed-every-10-minutes-in-gaza/3073714#:~:text=Peeperkorn%20added%3A%20On%20average%20a,%2Dfire%2C%22%20he%20urged.>, Accessed: 30/01/2024.



WHO, like other UN agencies, has publicly shared its activities to protect civilians, briefings on humanitarian assistance and evacuation operations, reports on the situation and numerous calls for compliance with international humanitarian law with the international community since the beginning of the conflict. In its statement, WHO reiterated its plea for collective efforts to bring an end to the hostilities and humanitarian catastrophe in Gaza, an immediate ceasefire, the sustained flow of humanitarian assistance at scale, unhindered humanitarian access to all of those in need, the unconditional release of all hostages, and the cessation of attacks on health care and other vital infrastructure.³⁵

In its statements, WHO constantly emphasised that attacks on medical facilities and civilians are a violation of International Humanitarian and Human Rights Law and Conventions, that such actions cannot be condoned and that everyone has the right to seek medical assistance.³⁶ Patients seeking health care should never be exposed to fear, and health workers who have taken an oath to treat them should never be forced to risk their own lives to provide care.³⁷

The official website of the World Health Organization (WHO) delineates the situation in Gaza two months into the conflict: airstrikes and a lack of medical supplies, food, water and fuel in the Gaza Strip have killed and injured thousands of civilians and virtually depleted an already under-resourced health system; hospitals have been operating far beyond capacity due to rising numbers of patients as well as displaced civilians seeking shelter; the provision of essential health services – from maternal and newborn care to treatment for chronic conditions – has been severely compromised.³⁸

The official WHO statement issued on December 4, 2023, which appealed for the protection of Gaza's health system from further attacks, notes that in less than 60 days, the number of functioning hospitals has dropped from 36 to 18. Of these, three are only providing basic first aid, while the remaining hospitals are delivering only partial services. Those able to admit patients are delivering services well over their intended capacities, with some treating twice to three times as many patients as they were designed for. The 12 hospitals that are still operational in the south are now the backbone of the health system.³⁹

The WHO's hospital visits in Gaza yielded significant observations regarding the catastrophic state of the health system in Gaza. Some of the findings are as follows: hospital complexes have become shelters for displaced people as well as the sick and wounded; although emergency wards are overflowing with patients, there is a shortage of health professionals; those who are available are exhausted;

³⁵ <https://www.emro.who.int/media/news/who-leads-very-high-risk-joint-humanitarian-mission-to-al-shifa-hospital-in-gaza.html> , <https://www.emro.who.int/media/news/risk-of-disease-spread-soars-in-gaza-as-health-facilities-water-and-sanitation-systems-disrupted.html> , Accessed: 30/01/2024.

³⁶ <https://www.emro.who.int/media/news/unfpa-unicef-and-who-regional-directors-call-for-immediate-action-to-halt-attacks-on-health-care-in-gaza.html> , Accessed: 30/01/2024.

³⁷ <https://www.emro.who.int/media/news/who-loses-communication-with-contacts-in-al-shifa-hospital-in-gaza-amid-reports-of-attacks.html> , Accessed: 30/01/2024.

³⁸ <https://www.emro.who.int/opt/priority-areas/occupied-palestinian-territory-health-crisis-2023.html> , Accessed: 30/01/2024.

³⁹ <https://www.emro.who.int/media/news/who-appeals-for-protection-of-the-health-system-from-further-attacks-and-degradation-of-its-capacity.html> , Accessed: 30/01/2024.



many patients are being treated on the floor due to overcapacity of beds; the operating theatres and other major services remain nonfunctional due to lack of fuel, oxygen, specialised medical staff, and supplies; some medical operations have to be performed without adequate medicines and medical equipment; there is a need for medicines, medical equipment, fuel, food and clean water; there has been an increase in infectious diseases. One of the most devastating consequences of the attacks is the tragic loss of premature and newborn babies who rely on life support systems that were unavailable due to the absence of electricity, oxygen, and water. Health facilities that have managed to endure are confronted with the majority of these problems, and the challenges they face are constantly growing.⁴⁰

In addition to all these problems, numerous unprecedented attacks, evacuation orders, sieges, raids, and detentions targeting health facilities, ambulances, and health workers have brought the health-care system in Gaza to a standstill. These attacks resulted in the forced evacuation of hospitals and numerous deaths and injuries among patients, their attendants and those seeking refuge in hospitals.



Dima Abdullatif Mohammed Alhaj, 29, who had been working as a patient administrator at the Limb Reconstruction Centre, a critical part of the WHO Trauma and Emergency Team, since December 2019, died, along with her husband, six-month-old baby boy, and two brothers, when her parents' house was shelled in southern Gaza, killing more than 50 people.⁴¹

Israel's evacuation order of October 14, 2023, to health facilities in northern Gaza, compelling healthcare workers to make vital decisions, was described by the WHO as tantamount to a death sentence.⁴² Despite the WHO's call for Israel to immediately reverse its evacuation orders for hospitals in northern Gaza and to protect health facilities, healthcare workers, patients and civil-

ians, strikes and interventions continued uninterrupted, except during the humanitarian pause.

According to the situation reports shared by the WHO, as of December 14, 2023, a total of 18,787 people, including 7,729 children and 5,153 women, were killed, 50,897 people were injured, and

⁴⁰ <https://www.emro.who.int/media/news/who-delivers-health-supplies-to-al-shifa-hospital-appeals-for-continued-access-to-address-urgent-needs-in-north-gaza.html>, <https://www.emro.who.int/media/news/who-appeals-for-protection-of-the-health-system-from-further-attacks-and-degradation-of-its-capacity.html>, Accessed: 30/01/2024.

⁴¹ <https://www.emro.who.int/media/news/who-staff-member-killed-in-gaza.html>, Accessed: 30/01/2024.

⁴² <https://www.emro.who.int/media/news/evacuation-orders-by-israel-to-hospitals-in-northern-gaza-are-a-death-sentence-for-the-sick-and-injured.html>, Accessed: 30/01/2024.



many people were missing or trapped under rubble in Gaza. Of the 36 hospitals in Gaza, 8 are partially functioning, with a bed occupancy of 209 percent. 3 hospitals are functioning with rather limited resources. Only 2 hospitals are functional with adequate means. 18 out of 72 primary healthcare facilities are functional. 570 people were killed and 746 were injured in 238 attacks against healthcare facilities. Of those affected by the strikes, 26 healthcare facilities out of 61 and 38 ambulances out of 76 sustained damage. Since the start of the conflicts, 413 injured people and 390 patients, as well as 550 companions, have been evacuated through the Rafah Border Crossing.⁴³

1.3.3. UN Population Fund (UNFPA)

In a statement posted on X on October 13, the United Nations Population Fund (UNFPA) noted that 50,000 pregnant women in Gaza could not access health services, 5,500 would give birth that month, that those women needed urgent health care and protection, and that UNFPA urged all parties to abide by their obligations under international humanitarian law and international human rights law.⁴⁴

In her statement of November 22, 2023, during the Security Council open briefing on the situation in the Middle East, UNFPA Executive Director Dr. Natalia Kanem noted that presence of 5,500 pregnant women in the Gaza Strip meant 180 deliveries per day under appalling conditions, with an average of 840 women facing obstetric complications; while hospitals were overflowing with the injured, many people would be deprived of healthcare services due to the lack of fuel, medicines and basic supplies, which would pose a life-threatening risk to pregnant women and newborns; reports had been received that women had to undergo caesarean sections without anaesthesia; and they were deeply worried about the more than 7,000 women who had given over the past 47 days.⁴⁵

The humanitarian pause that took effect from November 24–30 enabled UNFPA to deliver medical assistance across Gaza; however, during the first weeks of December, the distribution of humanitarian assistance was limited mainly to Rafah as other areas remained largely inaccessible.

⁴³ https://www.emro.who.int/images/stories/Sitrep_-_issue_17_for_review.pdf?ua=1 , Accessed: 30/01/2024.

⁴⁴ <https://x.com/UNFPA/status/1712838361117794493?s=20> , Accessed: 30/01/2024.

⁴⁵ <https://www.unfpa.org/press/statement-unfpa-executive-director-dr-natalia-kanem-during-security-council-open-briefing> , Accessed: 30/01/2024.



1.3.4. UN Children's Fund (UNICEF)



Ghazal, 4-year-old child, and thousands of other children in the Gaza Strip have lost limbs and their dreams. They also face an unknown future.⁴⁶



⁴⁶ <https://www.unicef.org/sop/stories/facing-life-gaza-strip-new-disability> , Accessed: 30/01/2024.



The Gaza Strip is the most dangerous place in the world to be a child. Scores of children are reportedly being killed and injured on a daily basis. Entire neighbourhoods, where children used to play and go to school, have been turned into stacks of rubble with no life in them. UNICEF and other humanitarian actors have been ringing the alarm for weeks. Our team on the ground describes meeting children with missing limbs and third-degree burns and children left shell-shocked by the continuing violence that surrounds them.⁴⁷

Adele Khodr

UNICEF Regional Director for the Middle East and North Africa

In the statements made by UNICEF, the devastating impact of the situation in Gaza on children since October 7 was described, as were the efforts to be put in place to protect children and prevent child deaths in the region. UNICEF Executive Director Catherine Russell reported that many children were missing and believed to be buried under the rubble of collapsed buildings and homes as a result of the use of explosive weapons in populated areas. Meanwhile, newborn babies died as power and medical supplies ran out in hospitals, and violence continued with indiscriminate effect.⁴⁸

According to other statements, due to acute water shortages, children in the region have access to less than the amount needed to survive. Due to a lack of access to sufficient amounts of clean water, children have to use water from unsafe sources that are highly salinated or polluted. With an average of one toilet for every 700 people in shelters across the Gaza Strip and even fewer showers, access to hygiene options is reduced to nearly non-existent. This particularly affects women and girls and leads to an increase in the spread of diseases. It is reported that officials have already recorded more cases than usual of scabies, lice, chickenpox, skin rasher and acute respiratory infections in the region.⁴⁹

It is reported that due to the complete collapse of the food and health systems in the region, combined with the lack of water, more than 80 percent of young children are experiencing severe food poverty, and if the food poverty augments, children under five in the Gaza Strip will be put at risk of severe malnutrition and death.⁵⁰

The bombardments, damaged or non-functioning health facilities, massive levels of displacement, collapsing water and electricity supplies as well as restricted access to food and medicines, are severely disrupting maternal, newborn, and child health services. The psychological toll of the hostili-

⁴⁷ <https://www.unicef.org/press-releases/statement-unicef-regional-director-middle-east-and-north-africa-adele-khodr> , Accessed: 30/01/2024.

⁴⁸ <https://www.unicef.org/press-releases/statement-unicef-executive-director-catherine-russell-her-visit-gaza> , Accessed: 30/01/2024.

⁴⁹ <https://www.unicef.org/press-releases/barely-drop-drink-children-gaza-strip-do-not-access-90-cent-their-normal-water-use> , Accessed: 30/01/2024.

⁵⁰ <https://www.unicef.org/press-releases/statement-unicef-risk-famine-gaza-strip> , Accessed: 30/01/2024.



ties also has direct – and sometimes deadly – consequences on reproductive health, including a rise in stress-induced miscarriages, stillbirths and premature births.⁵¹

It has been stated that almost all of the children living in the region have been exposed to sadness and trauma due to destruction, attack, displacement and a shortage of basic needs. It was announced that even before October 7, more than 540,000 children in Gaza, which was under blockade, were identified as needing mental health support and psychosocial assistance. It has been stated that children who manage to survive the war are likely to see their lives irrevocably altered through repeated exposure to traumatic events and that the violence and upheaval around them can induce toxic stress that interferes with their physical and cognitive development.⁵²



⁵¹ <https://www.unicef.org/press-releases/joint-statement-unicef-who-unfpa-and-unrwa-women-and-newborns-bearing-brunt-conflict> , Accessed: 30/01/2024.

⁵² <https://www.unicef.org/press-releases/unicef-executive-director-catherine-russells-remarks-un-security-council-briefing> , Accessed: 30/01/2024.



1.3.5. UN World Food Programme (WFP)



Everyone in Gaza is hungry! Skipping meals is the norm, and each day is a desperate search for sustenance. People often go the entire day and night without eating. Adults go hungry so children can eat.⁵³

WFP

Right now, parents in Gaza do not know whether they can feed their children today and whether they will even survive to see tomorrow. The suffering just meters away is unfathomable standing on this side of the border.⁵⁴

WFP Executive Director Cindy McCain

According to the UN World Food Programme (WFP), only 10 percent of the necessary food supplies for the people living in Gaza after October 7 are entering Gaza. Fuel shortages have triggered a crippling halt in bread production across all 130 bakeries in Gaza. The food that has entered Gaza is only enough to meet 7 percent of the people's daily minimum caloric needs. World Food Programme Executive Director Cindy McCain said in her statement on November 16, 2023, that supplies of food

⁵³ https://twitter.com/WFP_Media/status/1742123573488263570 , Accessed: 30/01/2024.

⁵⁴ <https://www.wfp.org/news/wfp-chief-makes-urgent-plea-safe-expanded-humanitarian-access-gaza-food-runs-out> , Accessed: 30/01/2024.



and water were practically non-existent, only a fraction of what was needed was arriving through the borders and that with winter fast approaching, unsafe and overcrowded shelters, and the lack of clean water, civilians were facing the immediate possibility of starvation.⁵⁵

The WFP urges safe and unimpeded humanitarian access to affected areas, calling on all parties to uphold the principles of humanitarian law.⁵⁶ The WFP called for a humanitarian ceasefire, stated that there was no way to meet current needs with one operational border crossing and called for the opening of all border crossings for the delivery of aid.⁵⁷

WFP published the *"Gaza Food Security Assessment"* on December 6, 2023. The assessment noted that *the ongoing conflict in Gaza resulted in an unprecedented humanitarian crisis, widespread destruction and displacement, and limited access to food, water, electricity, cooking gas and other essential needs and services*. The limited flow of humanitarian aid and the complete halt of commercial goods severely affected households' access to nutritious supplies. The shutdown of communication services and the lack of fuel became additional barriers to the delivery of key food commodities.

It was stated that, as of December 6, 82 percent of the interviewed households in the northern part of Gaza had poor food consumption levels, whereas 15 percent of households had borderline consumption; in the southern governorates, 38 percent of the households had poor food consumption and 46 percent had borderline food consumption. On the other hand, according to the household hunger scale, almost half of the households in the northern governorates experienced severe or very severe hunger, and 48 percent experienced moderate hunger; in the southern governorates, a third of the households reported high levels of severe or very severe hunger, and 53 percent of the households experienced moderate hunger. Additionally, while the minimum average volume of water used for drinking and domestic hygiene should not be less than 15 litres per person per day, interviewed households were reporting having access to 1.8 litres in the Northern governorates and 2 litres in the Southern governorates of safe water per person per day.⁵⁸

On December 14, 2023, new data was published in the *"Food Security Update for Internally Displaced Populations in Southern Gaza Strip"*. In this regard, it was stated in the update text that in the span of just two months, more than 85 percent of the population in Gaza was displaced, the food security situation worsened significantly compared to the humanitarian pause period, and the rate of households experiencing severe or very severe levels of hunger in the south of Gaza increased to 56 percent.⁵⁹

⁵⁵ <https://www.wfp.org/news/gaza-faces-widespread-hunger-food-systems-collapse-warns-wfp> , Accessed: 30/01/2024.

⁵⁶ <https://www.wfp.org/news/wfp-sounds-alarm-food-security-amid-conflict-israel-and-palestine-urges-immediate-humanitarian> , <https://www.wfp.org/news/wfp-calls-humanitarian-corridors-it-launches-emergency-operation-gaza-and-west-bank> , Accessed: 30/01/2024.

⁵⁷ <https://www.wfp.org/news/statement-world-food-programme-growing-humanitarian-catastrophe-gaza> , <https://www.wfp.org/news/wfp-delivers-first-aid-convoy-jordan-gaza> , Accessed: 30/01/2024.

⁵⁸ <https://www.wfp.org/publications/gaza-food-security-assessment-december-2023> , Accessed: 30/01/2024.

⁵⁹ <https://www.wfp.org/publications/gaza-food-security-assessment-december-2023> , Accessed: 30/01/2024.



1.3.6. International Labor Organization (ILO)

*The Palestinians of Gaza are in the midst of a humanitarian catastrophe of epic proportions. The repercussions on the lives and livelihoods of affected communities are beyond anything seen in the Occupied Palestinian Territory before.*⁶⁰

ILO Regional Director for Arab States Ruba Jaradat

On October 27, the ILO Director-General expressed support for the UN Secretary-General's call for an immediate humanitarian ceasefire and the release of hostages and urged all parties to ensure the protection of all workers in Israel and the Occupied Palestinian Territory who were affected by this crisis. The Director-General stated that the hostilities resulted in and continued to cause not only tragic losses of human life but also an unprecedented loss of livelihoods, jobs, income, businesses, and civilian infrastructure.⁶¹

The ILO's first bulletin regarding the crisis, titled "Impact of the Israel-Hamas conflict on the labour market and livelihoods in the Occupied Palestinian Territory", was published in November. In summary, the bulletin states the following: The conflicts had huge implications on the labour market, employment prospects and unemployment in Gaza and the West Bank. Entire neighbourhoods in Gaza were destroyed. There was widespread damage to infrastructure. Businesses closed, and the lack of water, food and fuel was severely crippling economic activity. Even prior to the current conflict, as a result of a 17-year-old blockade imposed on the enclave, Gazans had long been grappling with high rates of poverty and unemployment. Initial estimates suggest that after the conflict, private-sector employment in Gaza decreased by 85 percent and public-sector employment decreased by 15 percent, resulting in at least 61 percent of total employment being lost. It was also stated that this situation is expected to worsen if military operations in Gaza intensify. The Recommendations section of the Bulletin recommended full, rapid, secure, and unhindered humanitarian access to the population in Gaza and emergency income support, including cash and in-kind transfers.⁶²

The second bulletin, "Impact of the escalation of hostilities in Gaza on the labour market and livelihoods in the Occupied Palestinian Territory," was published in December. According to the bulletin, the revised estimates show that a minimum of 66 per cent of employment has been lost in Gaza Strip, and the unemployment rate has risen from 24 percent in the fourth quarter of 2022 to 46.1 percent in the fourth quarter of 2023. Moreover, employment in all economic sectors is projected to decline with the exception of the agricultural sector, where employment is forecast to remain stable, and a replacement process is predicted to be taking place within this sector, whereby men take over women's agricultural jobs. The bulletin also noted that job and wage losses have already reshaped

⁶⁰ <https://www.aa.com.tr/tr/dunya/ilo-gazzedeki-istihdamin-en-az-yuzde-66si-yok-oldu/3088262> , Accessed: 30/01/2024.

⁶¹ https://www.ilo.org/global/about-the-ilo/how-the-ilo-works/ilo-director-general/statements-and-speeches/WCMS_900403/lang-en/index.htm , Accessed: 30/01/2024.

⁶² https://www.ilo.org/beirut/publications/WCMS_901136/lang-en/index.htm , Accessed: 30/01/2024.



the labour market, causing shifts in the distribution of workers across sectors and altering gender patterns within those sectors. The conclusion part of the bulletin emphasised that it is crucial to steer the Palestinian economy towards sustainable growth, reducing its dependence on external sources.⁶³

2. Organisation of Islamic Cooperation (OIC)

In its first statement on October 7, 2023, the General Secretariat of the Organisation of Islamic Cooperation (OIC) expressed its concern about the dangerous Israeli escalation in the occupied Palestinian territory, condemned the Israeli occupation and military aggression that led to the fall of hundreds of martyrs and wounded among the Palestinian people, and stressed that Israel's failure to adhere to the resolutions of international legitimacy and attacks against the Palestinian people, their land and sanctities, and depriving them of their legitimate rights was the main reason for instability. The OIC held the Israeli occupation responsible for the escalation and, called on the international community, especially the UN Security Council, to assume its responsibilities towards stopping the Israeli occupation and aggression, providing international protection for the Palestinian people, and achieving a just and comprehensive peace based on the vision of a two-state solution.⁶⁴

In another statement on October 12, 2023, the OIC strongly condemned the ongoing Israeli military aggression against the Palestinian people in the Gaza Strip for the sixth day in a row, killing more than 1,200 martyrs, wounding thousands of civilians, including women and children, and destructing residential buildings, civilian facilities, infrastructure, hospitals, schools, places of worship, and United Nations facilities. The OIC stated that it considered this brutal aggression against the Palestinian people a blatant international and humanitarian law violation and a war crime. The organisation called for the international community to intervene urgently to force Israel, the occupying power, to stop its ongoing attacks against the Palestinian people immediately and to ensure the opening of humanitarian corridors to facilitate the entry of medicines, food supplies and basic needs to the Gaza Strip.⁶⁵

On October 18, 2023, the OIC Executive Committee convened an extraordinary open-ended meeting at the level of Foreign Ministers to discuss the situation in Gaza and the threat to civilians and adopted a declaration. The Communique called for the immediate cessation of the barbaric aggression of the Israeli occupation forces against the Palestinian people and the immediate lifting of the siege imposed to the Gaza Strip; called upon all countries to quickly provide humanitarian, medical and relief aid, water and electricity, and to open humanitarian corridors immediately in order to safely deliver urgent aid to the Gaza Strip, including through the United Nations institutions.⁶⁶

⁶³ https://www.ilo.org/beirut/publications/WCMS_907175/lang-en/index.htm , Accessed: 30/01/2024.

⁶⁴ https://www.oic-oci.org/topic/?t_id=39707&ref=26680&lan=en, Accessed: 30/01/2024.

⁶⁵ https://www.oic-oci.org/topic/?t_id=39735&ref=26689&lan=en, Accessed: 30/01/2024.

⁶⁶ https://www.oic-oci.org/topic/?t_id=39767&ref=26705&lan=en , Accessed: 30/01/2024.



On November 11, 2023, the Joint Arab-Islamic Extraordinary Summit was held in Riyadh, which resulted in the issuance of a joint declaration containing 31 articles agreed upon by the heads of state and government of the member states. The Resolution;

Condemned the Israeli aggression against the Gaza Strip, rejected describing this retaliatory war as self-defence or justifying it under any pretext, and demanded an immediate stop to aggression;

Called for breaking the siege on Gaza and expressed support for Egypt's efforts to bring aid into the Gaza Strip in an immediate, sustainable and adequate manner;

And called on all countries to stop exporting weapons and ammunition.



The Committee of Ministers authorised by the resolution, including Hakan Fidan, Minister of Foreign Affairs of the Republic of Türkiye, organised official visits to the permanent members of the UN Security Council. During these visits, the involved parties were requested to take effective and urgent measures for a ceasefire in Gaza; the importance of achieving a just, lasting and comprehensive peace was expressed and the necessity of establishing secure humanitarian corridors to transport humanitarian aid, food, water, fuel and electricity to Gaza was emphasised.

3. European Union (EU)

The declaration adopted by the 27 member states of the EU on October 15, 2023, reflecting the common position of the EU on the attacks between Israel and Palestine that started on October 7, 2023, condemned in the strongest possible terms Hamas and its brutal and indiscriminate terrorist attacks across Israel and emphasised Israel's right to defend itself in line with international law. It called on



Hamas to immediately release all hostages without any preconditions. The declaration also noted the readiness to continue supporting those civilians most in need, ensuring that such assistance is not abused by terrorist organizations.⁶⁷

The statement issued at the conclusion of the European Council meeting on October 17, 2023, noted that the Council's 27 leaders took a very strong, very firm, very united position in support of the statement that was issued on October 15, 2023, condemning in the strongest terms the terrorist attacks perpetrated by Hamas against Israel and the Israeli people and reaffirming that Israel has the right to defend itself in line with humanitarian and international law. The declaration expressed a willingness to coordinate extensively with the United Nations to enable humanitarian assistance for the people in need and to make sure that they have access to water, electricity, food and the medicines they need.⁶⁸

The conclusions issued by the European Council at the end of the summit on October 26-27 included a strong condemnation of Hamas, recognition of Israel's right to self-defence in accordance with international law and international humanitarian law, and a call on Hamas to immediately release all hostages without any precondition, as well as for the rapid, safe and unhindered humanitarian access and aid to reach those in need through all necessary measures including humanitarian corridors and pauses for humanitarian needs.⁶⁹

In statements made by Josep Borrell, the EU High Representative for Foreign Affairs and Security Policy, during the process, it was stated that preventing the entry of humanitarian aid and oppressing the civilian population by cutting off basic necessities was against international law, that Israel had the right to self-defence, but that this right, like all rights, had its limits. According to statements by Josep Borrell, the EU High Representative for Foreign Affairs and Security Policy, it was emphasised that international law prohibits the prevention of humanitarian aid and the oppression of civilians by denying them basic necessities. It was also acknowledged that Israel has the right to self-defence, but like any right, it is not without limits. When asked about Israel's adherence to international law, he expressed that he could not provide a definitive answer due to the lack of consensus within the EU. However, he personally held the belief that there are boundaries to this right, emphasising that the loss of numerous innocent lives cannot be justified.⁷⁰

Only Spain and Belgium have vocally advocated for the ceasefire within the European Union. During his meeting with Israeli Prime Minister Binyamin Netanyahu, Spanish Prime Minister and EU President-in-Office Pedro Sanchez highlighted that the attacks on the Gaza Strip resulted in the tragic loss

⁶⁷ <https://www.consilium.europa.eu/en/press/press-releases/2023/10/15/statement-agreed-by-the-27-members-of-the-european-council-on-the-situation-in-the-middle-east/>, Accessed: 30/01/2024.

⁶⁸ <https://www.consilium.europa.eu/en/press/press-releases/2023/10/17/remarks-by-president-charles-michel-after-the-video-conference-of-the-members-of-the-european-council/>, Accessed: 30/01/2024.

⁶⁹ <https://www.consilium.europa.eu/media/67627/20241027-european-council-conclusions.pdf>, Accessed: 30/01/2024.

⁷⁰ <https://www.aa.com.tr/tr/dunya/borrell-filistinlilere-yonelik-siddet-eylemleri-gerceklestirenlere-karsi-abnin-onlem-almasini-isteyecek/3077419>, <https://www.aa.com.tr/tr/dunya/ab-yuksek-temsalcisi-borrellden-netanyahuya-elestiriler/3080872>, Accessed: 30/01/2024.



of civilian lives. He emphasised that these attacks should not be seen as a fight against terrorism but rather as a form of collective punishment of the civilian population. Later, following a meeting with President Abdel Fattah al-Sissi in Egypt, he drew attention to the need for a permanent humanitarian ceasefire in the region at the Rafah border crossing. Sanchez remarked that it was time to recognise the Palestinian state in order to achieve a two-state solution, and that if EU nations were unable to do so jointly, Spain would do it alone.⁷¹ Belgian Prime Minister De Croo, who visited Israel and Palestine with his Spanish counterpart Pedro Sanchez on November 23-24, said during his statement at the Rafah border crossing: *The killing of civilians must stop now. Way too many people have died. The destruction of Gaza is unacceptable. We cannot accept that a society is destroyed in the way the society of Gaza is being destroyed.*⁷² On the other hand, the EU has focused its stance on humanitarian aid rather than ceasefire.

In statements made by EU Commission President Ursula von der Leyen, who declared her unconditional support for Israel from the start, it was announced that humanitarian aid had been tripled to over €75 million to support civilians in Gaza,⁷³ that an additional €25 million of humanitarian aid would be provided by the Commission in the upcoming period, and ⁷⁴ that Palestine would receive a humanitarian aid budget of €125 million in 2024.⁷⁵ On December 8, 2023, EU Commissioner for Crisis Management Janez Lenarčič commented on the EU's humanitarian aid operations in Gaza: *"Lives in Gaza are hanging by a thread. There is profound concern around the world at such intense human suffering in such a short space of time. The consequences of this destruction will take years to mend. At a time when coherent emergency response is more important than ever, the EU is allocating €125 million in new humanitarian funding for the Palestinians in 2024. And I will not tire of repeating my call to respect International Humanitarian Law. Civilians and critical structures must be protected at all times."*⁷⁶

During its meeting on December 14-15, the European Council, like with the preceding two meetings on the Israeli-Palestinian crisis, condemned Hamas, recognised Israel's right to self-defense, expressed the need for the release of hostages, and voiced concern about the deteriorating humanitarian situation in Gaza.⁷⁷ However, none of the three leaders' summits conducted since October 7 has culminated in a decision calling for an EU-wide ceasefire. During his remarks following the meeting, President of the European Council Charles Michel stated that members of the European Council have different

⁷¹ <https://www.aa.com.tr/tr/analiz/gorus-istryayadan-filistin-destek-abde-yanki-bulur-mu/3079262> , Accessed: 30/01/2024.

⁷² <https://www.aa.com.tr/tr/dunya/belcika-bati-seriadaki-yerlesimcilerin-ulkeye-girmesini-yasaklayacak/3075383> , Accessed: 30/01/2024.

⁷³ https://ec.europa.eu/commission/presscorner/detail/en/ip_23_5051 , Accessed: 30/01/2024.

⁷⁴ https://ec.europa.eu/commission/presscorner/detail/en/ip_23_5585 , Accessed: 30/01/2024.

⁷⁵ https://ec.europa.eu/commission/presscorner/detail/en/STATEMENT_23_6825 , Accessed: 30/01/2024.

⁷⁶ https://civil-protection-humanitarian-aid.ec.europa.eu/news-stories/news/eu-announces-eu125-million-initial-humanitarian-aid-palestinians-2024-2023-12-08_en , Accessed: 30/01/2024.

⁷⁷ <https://www.consilium.europa.eu/en/meetings/european-council/2023/12/14-15/> , Accessed: 30/01/2024.



views regarding the ideas of a humanitarian pause, and a humanitarian ceasefire, but that must not overshadow the humanitarian aid efforts.⁷⁸

With the exception of Spain and Belgium, the majority of EU countries have shown a chilling indifference to the catastrophic impact of Israeli bombings on innocent civilians, particularly children and women, from the start, and instead have merely pledged to offer humanitarian aid, which will remain unfulfilled until the attacks come to an end. After the order on provisional measures of the International Court of Justice, they suspended their funding to UNRWA, ignoring the dire situation of 2.2 million people facing a severe crisis. At this stage, fundamental rights such as human rights, women's rights, children's rights, and freedom of the press, which EU member states have long advocated, are disregarded in the face of Israeli attacks. There is a noticeable absence of call for a humanitarian ceasefire and a lack of significant reaction to the displacement of a community from its own land to another country.

⁷⁸ <https://www.consilium.europa.eu/en/press/press-releases/2023/12/15/remarks-by-president-charles-michel-following-the-european-council-meeting-of-14-and-15-december-2023/> , Accessed: 30/01/2024.



APPENDIX 2

Reports Of International Non-Governmental Organizations

It is detailed above how the developments after October 7 were reflected in the activities and policies of countries and international organizations. Many non-governmental organizations have also published reports and made assessments on the humanitarian consequences of Israeli attacks. In this section, some of the reports and assessments of international non-governmental organizations regarding the humanitarian crisis in Gaza will be examined.

1. International Committee of the Red Cross (ICRC)



*"There is no hierarchy in pain and suffering. **These rules exist to help preserve humanity in the darkest moments, and they desperately need to be***



followed today. They are and should remain our compass to ensure that we put humanity first.”¹

Joint Statement from Mr. Jagan Chapagain, Secretary General of the International Federation of Red Cross and Red Crescent Societies (IFRC) and Mr. Robert Mardini, Director General of the ICRC

The International Committee of the Red Cross (ICRC) is an independent and impartial organization that carries out humanitarian activities around the world. To help people affected by armed conflict and other violence, the Red Cross and Red Crescent work with partners around the world to protect their lives and alleviate their pain.

In their first statement on October 7, the ICRC, which is in Gaza with more than 130 personnel, stated that hostage-taking actions are prohibited under international humanitarian law and that all detained persons should be treated humanely. They called on all parties to comply with their legal obligations under international humanitarian law and to protect civilians and healthcare workers.²

In their statement dated October 10, the ICRC warned that as an organization based in the occupied Palestinian territories since 1967, the ICRC has long witnessed civilian deaths leading to further spirals of violence and hatred and increasing war discourse causing civilians to suffer more, based on their experience. They further warned that it was worrying that so few voices were heard to reduce tensions in an environment of devastating violence, which manifested itself in the deliberate killing of civilians and the bombing of settlement areas. Finally, they also warned that if immediate action is not taken, the situation is heading towards a humanitarian disaster.³

In their statement dated October 13, the ICRC stated that while the horrific attacks Israel suffered cannot be justified in any way, those attacks cannot in turn justify the limitless destruction of Gaza. They added that “The instructions issued by the Israeli authorities for the population of Gaza City to immediately leave their homes, coupled with the complete siege explicitly denying them food, water and electricity, are not compatible with international humanitarian law”. Referring to the instructions the ICRC office in Gaza City received to leave, they expressed they are extremely concerned for their colleagues and their families in Gaza. Finally, they declared their continuing commitment for doing everything they can to provide humanitarian protection and assistance to the people of Gaza.⁴

¹ <https://www.icrc.org/en/document/joint-statement-jagan-chapagain-secretary-general-ifrc-and-robert-mardini-director-general>, Accessed: 30/01/2024.

² <https://www.icrc.org/en/document/israel-and-occupied-territories-icrc-calls-immediate-protection-civilians-after-horrific>, Accessed: 30/01/2024.

³ <https://www.icrc.org/en/document/israel-and-occupied-territories-targeting-civilians-leads-further-spirals-violence-and-hatred>, Accessed: 30/01/2024.

⁴ <https://www.icrc.org/en/document/israel-and-occupied-territories-evacuation-order-of-gaza-triggers-catastrophic-humanitarian-consequences>, Accessed: 30/01/2024.



From the beginning of the conflicts, the ICRC announced that they could conduct humanitarian negotiations and be an impartial mediator. These statements had their first effect on October 20, and the ICRC mediated the release and evacuation of two hostages in Gaza.⁵ Upon the agreement on humanitarian pause and prisoner exchange on November 24, the ICRC took part in the mutual handover of captives and detainees to their families.⁶

Because of the increasing humanitarian crisis, the ICRC has called many times for the protection of civilians, the uninterrupted delivery of humanitarian aid to Gaza and compliance with the rules of international humanitarian law, and it has carried out active work in the field.⁷

After visiting the hospital in Gaza on December 5, the President of the ICRC, Ms. Mirjana Spoljaric Egger, explained the humanitarian crisis with these words:

"I've just visited the European Gaza hospital and the things I saw there are beyond anything that anyone should be in a position to describe. **What shocked me the most were the children with atrocious injuries and at the same time having lost their parents with no one looking after them. We are facing a situation here that will not be healed by sending in more trucks.** We need to provide protection to the civilians in Gaza. To the women and children, to the elderly people that I saw today that have nowhere to go. The majority of the people I met today have been displaced several times. **I met people who have lost limbs because they needed to evacuate between treatments and they lost a hand or a foot because they couldn't be treated in the hospital where they arrived first. I was told today that the north has lost its entire surgical capacity. We have to find solutions to this. We can't turn away from what is evidently a moral failure facing the international community.** I'm calling on parties and everyone who has an influence to deescalate and to find other than military solutions to what is an immense suffering of the people on both sides. We have to protect the rights of the people. We have to protect the rights of the civilians. We have to protect the rights of the detainees. We have to protect the rights of the hostages. The ICRC will do its utmost to help alleviate and reduce the suffering but we can't do this alone. And there's not only a humanitarian solution to this, there must be a political one."⁸

⁵ <https://www.icrc.org/en/document/israel-and-occupied-territories-icrc-helps-release-hostages-gaza>, Accessed: 30/01/2024.

⁶ <https://www.icrc.org/en/document/israel-and-occupied-territories-operation-reunite-hostages-detainees-families-deliver-assistance>, Accessed: 30/01/2024.

⁷ <https://www.icrc.org/en/document/israel-and-occupied-territories-key-facts-and-figures-october-december-2023>, Accessed: 30/01/2024.

⁸ <https://x.com/anadoluajansi/status/1732135854015967433?s=20>, Accessed: 30/01/2024.



2. Amnesty International

We went to sleep in 2023 and woke up in 1948.

-

All our lives we have known nothing but a series of displacements.

-

I raised my child, my entire life, for what? To see him die while buying bread.

-

My heart died with my children that evening. All my children were killed. I have nothing left. I should have died with my children.

-

Our lives were suddenly destroyed. Our family is gone. Things we could never even imagine have now become our reality.⁹

Amnesty International has published more than twenty reports regarding the humanitarian crisis and allegations of war crimes that emerged after October 7. Calls to comply with international humanitarian law and an immediate ceasefire were constantly repeated in the reports, and a series of recommendations were made to all relevant parties in line with the findings in the reports. Amnesty International reports are important as they include in-depth investigations and findings as admissible evidence regarding concrete cases. Below is a chronological list of the reports and summaries of some of them.

1. Civilians on both sides paying the price of unprecedented escalation in hostilities between Israel and Gaza as death toll mounts (October 7)¹⁰
2. Israel: Palestinian armed groups must be held accountable for deliberate civilian killings, abductions and indiscriminate attacks (October 12)¹¹
3. Israel must lift illegal and inhumane blockade on Gaza as power plant runs out of fuel (October 12)¹²
4. Appalling Gaza "evacuation order" must be rescinded by Israel immediately (October 13)¹³

⁹ The sentences included here are taken from the what by Palestinian victims told Amnesty officials in Amnesty International reports.

¹⁰ <https://www.amnesty.org/en/latest/news/2023/10/israel-opt-civilians-on-both-sides-paying-the-price-of-unprecedented-escalation-in-hostilities-between-israel-and-gaza-as-death-toll-mounts/>, Accessed: 30/01/2024.

¹¹ <https://www.amnesty.org/en/latest/news/2023/10/israel-palestinian-armed-groups-must-be-held-accountable-for-deliberate-civilian-killings-abductions-and-indiscriminate-attacks/>, Accessed: 30/01/2024.

¹² <https://www.amnesty.org/en/latest/news/2023/10/israel-opt-israel-must-lift-illegal-and-inhumane-blockade-on-gaza-as-power-plant-runs-out-of-fuel/>, Accessed: 30/01/2024.

¹³ <https://www.amnesty.org/en/latest/news/2023/10/israel-opt-appalling-gaza-evacuation-order-must-be-rescinded-by-israel-immediately/>, Accessed: 30/01/2024.



5. Call for an immediate ceasefire because of the escalating conflict in Gaza and Israel (October 15)¹⁴
6. Damning evidence of war crimes has been documented as Israeli attacks wipe out entire families in Gaza (October 20)¹⁵
7. Israeli army threats ordering residents of northern Gaza to leave may amount to war crimes (October 25)¹⁶
8. Urgent call for an immediate ceasefire by all parties to end unprecedented civilian suffering (October 26)¹⁷
9. Civilians in Gaza at unprecedented risk as Israel imposes communication black-out during bombardment and expanding ground attacks (October 27)¹⁸
10. Evidence show that Israel's unlawful use of white phosphorus in southern Lebanon (October 31)¹⁹
11. Hamas and other armed groups must release civilian hostages and treat all captives humanely (November 7)²⁰
12. Horrifying cases of torture and degrading treatment of Palestinian detainees amid spike in arbitrary arrests (November 8)²¹
13. States must call for an immediate ceasefire at Paris Humanitarian Conference to ensure safe delivery of aid in Gaza (November 8)²²
14. Amnesty petition demanding ceasefire to end civilian suffering backed by more than one million signatures (November 10)²³
15. 'Nowhere safe in Gaza': Unlawful Israeli strikes illustrate callous disregard for Palestinian lives (November 20)²⁴

¹⁴ <https://www.amnesty.org/en/latest/news/2023/10/the-escalating-conflict-in-gaza-and-israel/>, Accessed: 30/01/2024.

¹⁵ <https://www.amnesty.org/en/latest/news/2023/10/damning-evidence-of-war-crimes-as-israeli-attacks-wipe-out-entire-families-in-gaza/>, Accessed: 30/01/2024.

¹⁶ <https://www.amnesty.org/en/latest/news/2023/10/israel-opt-israeli-army-threats-ordering-residents-of-northern-gaza-to-leave-may-amount-to-war-crimes/>, Accessed: 30/01/2024.

¹⁷ <https://www.amnesty.org/en/latest/news/2023/10/israel-opt-urgent-call-for-an-immediate-ceasefire-by-all-parties-to-end-unprecedented-civilian-suffering/>, Accessed: 30/01/2024.

¹⁸ <https://www.amnesty.org/en/latest/news/2023/10/israel-opt-civilians-in-gaza-at-unprecedented-risk-as-israel-imposes-communication-black-out-during-bombardment-and-expanding-ground-attacks/>, Accessed: 30/01/2024.

¹⁹ <https://www.amnesty.org/en/latest/news/2023/10/lebanon-evidence-of-israels-unlawful-use-of-white-phosphorus-in-southern-lebanon-as-cross-border-hostilities-escalate/>, Accessed: 30/01/2024.

²⁰ <https://www.amnesty.org/en/latest/news/2023/11/israel-opt-hamas-and-other-armed-groups-must-release-civilian-hostages-and-treat-all-captives-humanely/>, Accessed: 30/01/2024.

²¹ <https://www.amnesty.org/en/latest/news/2023/11/israel-opt-horrifying-cases-of-torture-and-degrading-treatment-of-palestinian-detainees-amid-spike-in-arbitrary-arrests/>, Accessed: 30/01/2024.

²² <https://www.amnesty.org/en/latest/news/2023/11/global-states-must-call-for-an-immediate-ceasefire-at-paris-humanitarian-conference-to-ensure-safe-delivery-of-aid-in-gaza/>, Accessed: 30/01/2024.

²³ <https://www.amnesty.org/en/latest/news/2023/11/israel-opt-amnesty-petition-demanding-ceasefire-to-end-civilian-suffering-backed-by-more-than-one-million-signatures/>, Accessed: 30/01/2024.

²⁴ <https://www.amnesty.org/en/latest/news/2023/11/israel-opt-nowhere-safe-in-gaza-unlawful-israeli-strikes-illustrate-callous-disregard-for-palestinian-lives/>, Accessed: 30/01/2024.



16. Deal to release hostages and prisoners must pave way for further releases and a sustained ceasefire (November 22)²⁵
17. Urgent need for a sustained ceasefire to end civilian bloodshed and mass suffering as fighting resumes (December 1)²⁶
18. US-made munitions killed 43 civilians in two documented Israeli air strikes in Gaza (December 5)²⁷
19. Deadly Israeli attack on journalists must be investigated as a war crime (December 7)²⁸
20. US must not block a resolution to demand an immediate ceasefire (December 7)²⁹
21. US veto of ceasefire resolution displays callous disregard for civilian suffering in face of staggering death toll (December 8)³⁰
22. Urgently investigate inhumane treatment and enforced disappearance of Palestinians detainees from Gaza (December 20)³¹
23. Adoption of UN resolution to expedite humanitarian aid to Gaza an important but insufficient step (December 22)³²
24. ICJ hearings over Israel's alleged breaches of the Genocide Convention a vital step to help protect Palestinian civilians (January 10)³³
25. 16 leading humanitarian and human rights organizations call to stop arms transfers to Israel, Palestinian armed groups (January 24)³⁴
26. Israel must comply with key ICJ ruling ordering it do all in its power to prevent genocide against Palestinians in Gaza (January 26)³⁵

²⁵ <https://www.amnesty.org/en/latest/news/2023/11/israel-opt-deal-to-release-hostages-and-prisoners-must-pave-way-for-further-releases-and-a-sustained-ceasefire/>, Accessed: 30/01/2024.

²⁶ <https://www.amnesty.org/en/latest/news/2023/12/israel-opt-urgent-need-for-a-sustained-ceasefire-to-end-civilian-bloodshed-and-mass-suffering-as-fighting-resumes/>, Accessed: 30/01/2024.

²⁷ <https://www.amnesty.org/en/latest/news/2023/12/israel-opt-us-made-munitions-killed-43-civilians-in-two-documented-israeli-air-strikes-in-gaza-new-investigation/>, Accessed: 30/01/2024.

²⁸ <https://www.amnesty.org/en/latest/news/2023/12/lebanon-deadly-israeli-attack-on-journalists-must-be-investigated-as-a-war-crime/>, Accessed: 30/01/2024.

²⁹ <https://www.amnesty.org/en/latest/news/2023/12/israel-opt-us-must-not-block-a-resolution-to-demand-an-immediate-ceasefire/>, Accessed: 30/01/2024.

³⁰ <https://www.amnesty.org/en/latest/news/2023/12/israel-opt-us-veto-of-ceasefire-resolution-displays-callous-disregard-for-civilian-suffering-in-face-of-staggering-death-toll/>, Accessed: 30/01/2024.

³¹ <https://www.amnesty.org/en/latest/news/2023/12/urgently-investigate-inhumane-treatment-and-enforced-disappearance-of-palestinians-detainees-from-gaza/>, Accessed: 30/01/2024.

³² <https://www.amnesty.org/en/latest/news/2023/12/israel-opt-adoption-of-un-resolution-to-expedite-humanitarian-aid-to-gaza-an-important-but-insufficient-step/>, Accessed: 30/01/2024.

³³ <https://www.amnesty.org/en/latest/news/2024/01/icj-hearings-over-israels-alleged-breaches-of-the-genocide-convention-a-vital-step-to-help-protect-palestinian-civilians/>, Accessed: 30/01/2024.

³⁴ <https://www.amnesty.org/en/latest/news/2024/01/16-leading-humanitarian-and-human-rights-organizations-call-to-stop-arms-transfers-to-israel-palestinian-armed-groups/>, Accessed: 30/01/2024.

³⁵ <https://www.amnesty.org/en/latest/news/2024/01/israel-must-comply-with-key-icj-ruling-ordering-it-do-all-in-its-power-to-prevent-genocide-against-palestinians-in-gaza/>, Accessed: 30/01/2024.



Appalling Gaza “Evacuation Order” Must Be Rescinded by Israel Immediately³⁶

In the Report dated 13 October 2023, Amnesty International stated that the Israeli army’s “evacuation” order to the people living in the northern Gaza and Gaza city to move towards the south of the Gaza Strip could not be considered an effective warning. That could mean the forced displacement of the civilian population was a violation of international humanitarian law.

With the first announcement made by Israel, people were given 24 hours to leave the northern Gaza “for their safety and protection”. Regardless of the time period, Israel cannot rely on this order to view northern Gaza as an open fire zone. Israeli forces have an obligation to take all possible measures to minimize harm to civilians, wherever they are in Gaza.

“With this order, Israeli forces are setting in motion the mass forced displacement of more than 1.1 million people from Gaza city and the entire northern part of the Gaza Strip. It has sowed panic among the population and left thousands of internally displaced Palestinians now sleeping on the streets, not knowing where to flee to or where they can find safety amid a relentless bombing campaign by Israel and merciless collective punishment measures. This order must be rescinded immediately,” said Ms. Agnès Callamard, Amnesty International’s Secretary General.

The majority of Gaza’s people are descendants of refugees who were displaced or forced to flee their homes during the 1947-49 conflict, referred to by Palestinians as al-Nakba, in which more than 750,000 Palestinians were forcibly displaced from their cities and villages. While many Palestinians in northern Gaza are trying to flee, others told Amnesty International that they chose to stay because they feared this could be a second Nakba, because displacement has caused trauma for generations and this trauma has been engraved in the collective memory of many Gazans. Prof. Munir Radwan told Amnesty “Our parents were expelled from their homes in 1948 during the Nakba. We lost our house which was destroyed in the August 2022 offensive; our rebuilt house was destroyed again... all our lives we have known nothing but a series of displacements”.

Israeli Army Threats Ordering Residents of Northern Gaza to Leave May Amount to War Crimes³⁷

As stated in Amnesty International’s Report dated 25 October 2023, the Israeli army dropped leaflets from planes on 21 October 2023 warning civilians living in northern Gaza to “evacuate” the area immediately. The brochures explicitly stated that “anyone who chooses not to leave from the north of the [Gaza] Strip to south of Wadi Gaza may be determined an accomplice in a terrorist organization”. The move came one week after the Israeli army had issued an ultimatum warning the 1.1 million residents in those areas to leave southwards.

³⁶ <https://www.amnesty.org/en/latest/news/2023/10/israel-opt-appalling-gaza-evacuation-order-must-be-rescinded-by-israel-immediately/>, Accessed: 30/01/2024.

³⁷ <https://www.amnesty.org/en/latest/news/2023/10/israel-opt-israeli-army-threats-ordering-residents-of-northern-gaza-to-leave-may-amount-to-war-crimes/>, Accessed: 30/01/2024.



Amnesty International's Senior Crisis Response Adviser, Ms. Donatella Rovera said:

"Declaring a whole city or region a military target flies in the face of international humanitarian law, which stipulates that those carrying out attacks must distinguish at all times between civilians or civilian objects and military objectives, and that they must take all possible measures to spare civilians and civilian objects. Violating the principle of distinction by targeting civilians or civilian objects or by carrying out indiscriminate attacks that kill or injure civilians is a **war crime**.

The messages in these leaflets **cannot be considered an effective warning to civilians and instead provide further evidence that Israel aims to forcibly displace civilians in northern Gaza**. These threats also **may amount to the war crime of collective punishment for holding hundreds of thousands of civilians responsible for acts they did not commit**, based solely on the fact that they are staying in their homes when they have nowhere safe to go amid a relentless campaign of Israeli bombardment across the entire Gaza Strip."

Damning Evidence of War Crimes Has Been Documented As Israeli Attacks Wipe Out Entire Families in Gaza³⁸

While Israeli forces continue to intensify their terrifying attacks on the occupied Gaza Strip, in its Report dated 20 October 2023, Amnesty International announced that they documented unlawful Israeli attacks, including indiscriminate attacks that caused mass civilian casualties, and should be investigated as war crimes.

Amnesty spoke to survivors and eyewitnesses, analysed satellite imagery, and verified photos and videos to investigate air bombardments carried out by Israeli forces between 7 and 12 October, which caused horrific destruction, and in some cases wiped out entire families. In each of these cases, Israeli attacks violated international humanitarian law, including by failing to take feasible precautions to spare civilians, or by carrying out indiscriminate attacks that failed to distinguish between civilians and military objectives, or by carrying out attacks that may have been directed against civilian objects.

"...**For 16 years, Israel's illegal blockade has made Gaza the world's biggest open-air prison – the international community must act now to prevent it becoming a giant graveyard**. We are calling on Israeli forces to immediately end unlawful attacks in Gaza and ensure that they take all feasible precautions to minimize harm to civilians and damage to civilian objects. Israel's allies must immediately impose a comprehensive arms embargo given that serious violations under international law are being committed," said Ms. Agnès Callamard, Amnesty International's Secretary General.

The Israeli army claims it only attacks military targets, but in a number of cases Amnesty International found no evidence of the presence of fighters or other military objectives in the vicinity at the time of

³⁸ <https://www.amnesty.org/en/latest/news/2023/10/damning-evidence-of-war-crimes-as-israeli-attacks-wipe-out-entire-families-in-gaza/>, Accessed: 30/01/2024.



the attacks. Amnesty International also found that the Israeli military failed to take all feasible precautions ahead of attacks including by not giving Palestinian civilians effective prior warnings – in some cases they did not warn civilians at all and in others they issued inadequate warnings.

Amnesty International's research has found no evidence of military targets in the area at the time of the attack. If Israeli forces attacked this residential building knowing that there were only civilians present at the time of the attack, this would be a direct attack on a civilian object or on civilians, which are prohibited and constitute war crimes. It is incumbent on the attacker to prove the legitimacy of their military conduct. Even if Israeli forces targeted what they considered a military objective, attacking a residential building, at a time when it was full of civilians, in the heart of a densely populated civilian neighbourhood, in a manner that caused this number of civilian casualties and degree of destruction would be indiscriminate. Indiscriminate attacks that kill and injure civilians are war crimes. Families interviewed by Amnesty International also stated that neither they nor anyone in their family received any warning, their homes were suddenly bombed, no one told them anything, and their children died.

At the end of the Report, Amnesty International made the following calls and recommendations to some parties:

The Israeli authorities to:

- Immediately end unlawful attacks and abide by international humanitarian law; including by ensuring they take all feasible precautions to minimize harm to civilians and damage to civilian objects and refraining from direct attacks on civilians and civilian objects, indiscriminate and disproportionate attacks.
- Immediately allow unimpeded delivery of humanitarian aid to Gaza's civilians.
- Urgently lift its illegal blockade on Gaza, which amounts to collective punishment and is a war crime, in the face of the current devastation and humanitarian imperatives.
- Rescind their appalling "evacuation" order, which has left more than one million people displaced.
- Grant immediate access to the Independent Commission of Inquiry on the Occupied Palestinian Territory to carry out investigations, including collecting time sensitive evidence and testimonies.

The international community and particularly Israel's allies, including EU member states, the US and the UK, to:

- Take concrete measures to protect Gaza's civilian population from unlawful attacks.
- Impose a comprehensive arms embargo on all parties to the conflict given that serious violations amounting to crimes under international law are being committed. States must refrain from supplying Israel with arms and military materiel, including related technologies, parts



and components, technical assistance, training, financial or other assistance. They should also call on states supplying arms to Palestinian armed groups to refrain from doing so.

- Refrain from any statement or action that would, even indirectly, legitimize Israel's crimes and violations in Gaza.
- Pressure Israel to lift its illegal 16-year blockade of the Gaza strip which amounts to collective punishment of Gaza's population, is a war crime and is a key aspect of Israel's apartheid system.
- Ensure the International Criminal Court's ongoing investigation into the situation of Palestine receives full support and all necessary resources.

The Office of the Prosecutor of the International Criminal Court to:

- Urgently expedite its ongoing investigation in the situation of Palestine, examining alleged crimes by all parties, and including the crime against humanity of apartheid against Palestinians.

Hamas and other armed groups to:

- Immediately end deliberate attacks on civilians, the firing of indiscriminate rockets, and hostage-taking. They must release civilian hostages unconditionally and immediately.

Evidence Show That Israel's Unlawful Use of White Phosphorus in Southern Lebanon³⁹

In the Report dated 31 October 2023, Amnesty International mentioned the claim that the Israeli army fired artillery shells containing white phosphorus, an incendiary weapon, in military operations along Lebanon's southern border between 10-16 October 2023. Amnesty International stated that one attack on the town of Dhayra on October 16 must be investigated as a war crime because it was an indiscriminate attack that injured at least nine civilians and damaged civilian objects, and was therefore unlawful.

Ms. Aya Majzoub, Deputy Regional Director for the Middle East and North Africa at Amnesty International said:

"It is beyond horrific that the Israeli army has indiscriminately used white phosphorous in violation of international humanitarian law. The unlawful use of white phosphorus in Lebanon in the town of Dhayra on October 16 has seriously endangered the lives of civilians, many of whom were hospitalized and displaced, and whose homes and cars caught fire.

With concern growing about an intensification of the hostilities in southern Lebanon, the Israeli army must immediately halt the use of white phosphorus, especially in populated areas, in line with its forgotten 2013 pledge to stop using these weapons. It must abide by its commitment and stop further endangering the lives of civilians in Lebanon."

³⁹ <https://www.amnesty.org/en/latest/news/2023/10/lebanon-evidence-of-israels-unlawful-use-of-white-phosphorus-in-southern-lebanon-as-cross-border-hostilities-escalate/>, Accessed: 30/01/2024.



Amnesty International's Crisis Evidence Lab verified photos taken by AFP photographers on 18 October near the Lebanese border. These photos show 155mm white phosphorus smoke ammunition shells lined up for use next to Israeli army M109 howitzers. These shells have a distinctive pale green colour and red and yellow colour bands, as well as visible markings reading M825A1 and D528, respectively the shell's nomenclature and the US Department of Defense Identification Code (DODIC) for white phosphorus-based ammunition, as already documented by Amnesty International near the Gaza fence. While these are the US codes and nomenclatures, Amnesty International could not confirm where these shells have been manufactured.

In October, Amnesty International documented the use of white phosphorus artillery shells by the Israeli army in densely populated civilian areas in Gaza, some of which may be considered indiscriminate attacks and therefore unlawful. On October 14, Israeli authorities denied that they used white phosphorus in their military operations in Gaza and Lebanon.

The usage of white phosphorus is restricted under international humanitarian law. Although there can be lawful uses, it must never be fired at, or in close proximity to, a populated civilian area or civilian infrastructure, due to the high likelihood that the fires and smoke it causes spread. Such attacks, which fail to distinguish between civilians and civilian objects and fighters and military objectives, are indiscriminate and thus prohibited. White phosphorus is an incendiary substance mostly used to create a dense smoke screen or mark targets. When exposed to air, it burns at extremely high temperatures and often starts fires in the areas in which it is deployed. People exposed to white phosphorus can suffer respiratory damage, organ failure and other horrific and life-changing injuries, including burns that are extremely difficult to treat and cannot be put out with water. Burns affecting only 10 percent of the body are often fatal.

Horrifying Cases of Torture and Degrading Treatment of Palestinian Detainees amid Spike in Arbitrary Arrests⁴⁰

In the Report dated 8 November 2023, Amnesty International stated that with the clashes that started on October 7, Israeli authorities have significantly increased *administrative detention*, which is one of the key tools through which Israel has enforced its system of apartheid against Palestinians, expanded emergency measures that facilitated inhumane and degrading treatment of prisoners, and failed to investigate incidents of torture and deaths in custody in the last four weeks.

As of November 2023, according to the Palestinian Prisoners' Club, Israeli forces have detained more than 2,200 Palestinian men and women since October 7. According to Israeli human rights organization HaMoked between October 1 and November 1, the total number of Palestinians held in administrative detention, without charge or trial, rose from 1,319 to 2,070.

Testimony from released detainees and human rights lawyers, as well as video footage and images illustrate some of the forms of torture and other ill-treatment prisoners have been subjected to by

⁴⁰ <https://www.amnesty.org/en/latest/news/2023/11/israel-opt-horrifying-cases-of-torture-and-degrading-treatment-of-palestinian-detainees-amid-spike-in-arbitrary-arrests/>, Accessed: 30/01/2024.



Israeli forces over the past four weeks. These include severe beatings and humiliation of detainees, including by forcing them to keep their heads down, to kneel on the floor during inmate count, and to sing Israeli songs.

'Nowhere Safe In Gaza': Unlawful Israeli Strikes Illustrate Callous Disregard for Palestinian Lives⁴¹

In the Report dated 8 November 2023, as part of its ongoing investigation into violations of the laws of war, Amnesty International has documented two illustrative cases in which Israeli strikes killed 46 civilians, including 20 children. The oldest victim was an 80-year-old woman and the youngest was a three-month-old baby. The investigations have once again shown that Israeli forces display a chilling indifference to the disaster caused to civilians by their continuous bombardment of the occupied Gaza Strip.

The attacks, which occurred on 19-20 October, hit a church building where hundreds of displaced civilians were sheltering in Gaza City and a home in al-Nuseirat refugee camp in central Gaza. Amnesty International, based on its in-depth investigation of these events, has determined that there was no indication that there were any military targets at the scene of the two attacks or that people in the buildings were military targets, and these strikes were indiscriminate attacks or direct attacks on civilians or civilian objects, which must be investigated as war crimes.

Amnesty International's Director of Global Research, Advocacy and Policy, Ms. Erika Guevara-Rosas said, "These deadly, unlawful attacks are part of a documented pattern of disregard for Palestinian civilians, and demonstrate the devastating impact of the Israeli military's unprecedented onslaught has left nowhere safe in Gaza, regardless of where civilians live or seek shelter".

In this report as well, Amnesty International has urged the International Criminal Court's prosecutor to "take immediate concrete action to expedite the investigation into war crimes and other crimes under international law opened in 2021".

US-made Munitions Killed 43 Civilians in Two Documented Israeli Air Strikes in Gaza⁴²

In the Report dated 5 December 2023, Amnesty International found that US-made Joint Direct Attack Munitions (JDAM) were used by the Israeli military in two deadly, unlawful air strikes on homes full of civilians in the occupied Gaza Strip. The organization found that these air strikes were either direct attacks on civilians or civilian objects or indiscriminate attacks and called for them to be investigated as war crimes.

Amnesty International found distinctive fragments of the munition in the rubble of destroyed homes in central Gaza following two strikes that killed a total of 43 civilians – 19 children, 14 women and 10

⁴¹ <https://www.amnesty.org/en/latest/news/2023/11/israel-opt-nowhere-safe-in-gaza-unlawful-israeli-strikes-illustrate-callous-disregard-for-palestinian-lives/>, Accessed: 30/01/2024.

⁴² <https://www.amnesty.org/en/latest/news/2023/12/israel-opt-us-made-munitions-killed-43-civilians-in-two-documented-israeli-air-strikes-in-gaza-new-investigation/>, Accessed: 30/01/2024.



men. In both cases, survivors told Amnesty International there had been no warning of an imminent strike.

On 10 October, an air strike on the al-Najjar family home in Deir al-Balah killed 24 people. On October 22, an air strike on the Abu Mu'eileq family home in the same city killed 19 people. Both homes were south of Wadi Gaza, within the area where, on October 13, the Israeli military had ordered residents of northern Gaza to relocate to.

Amnesty International's Secretary General, Ms. Agnès Callamard said, "The fact that US-made munitions are being used by Israeli military in unlawful attacks with deadly consequences for civilians should be an urgent wake-up call to the Biden administration. The US-made weapons facilitated the mass killings of extended families".

As stated in the report, the decimation of two families in these attacks is further proof that the Israeli military is responsible for unlawfully killing and injuring civilians in its bombardment of Gaza.

Deadly Israeli Attack on Journalists Must Be Investigated as a War Crime⁴³

In the Report dated 7 December 2023, Amnesty International stated that the attack that Israel was carried out on October 13 on a group of seven journalists in southern Lebanon, wearing helmets and flak vests marked "press", in which Reuters correspondent Mr. Issam Abdallah was killed and six others were injured was probably a direct attack on civilians and should be investigated as a war crime.

In its investigation, Amnesty International verified over 100 videos and photographs, analyzed weapons fragments from the site, and interviewed nine witnesses. The findings indicate that the group was visibly identifiable as journalists and that the Israeli military knew or should have known that they were civilians yet attacked them anyway in two separate strikes 37 seconds apart.

Under international humanitarian law, parties to a conflict have a clear obligation to protect civilians – including journalists – and must at all times distinguish between civilians and civilian objects on one hand and fighters and military objectives on the other. During an armed conflict, the role of journalists is particularly important to ensure scrutiny over the conduct of hostilities and highlight possible violations.

⁴³ <https://www.amnesty.org/en/latest/news/2023/12/lebanon-deadly-israeli-attack-on-journalists-must-be-investigated-as-a-war-crime/>, Accessed: 30/01/2024.



3. Human Rights Watch (HRW)

I don't have a hearing device, so I don't know when they are bombing! I can feel the vibration under my feet, and I see people running without knowing what is happening!

Iman, 19 years old, hearing impaired

In its Report dated 1 November 2023, in which Human Rights Watch examined the devastating impact of the human rights tragedy and horrific bombardment in Gaza on people with disabilities, it is stated that people with disabilities face great difficulties in escaping attacks and accessing humanitarian aid and needs such as water, food, medicine and assistive devices, and that the situation of disabled people is ignored, especially when evacuation orders are given.⁴⁴ As part of the report, 13 people with disabilities interviewed between 18-29 October described the difficulties they faced while escaping attacks due to lack of prior warning, the helplessness they are in, the fear of abandoning their assistive devices, lack of access to water, food, hygiene, lack of access to basic medicines and health facilities, and that this situation badly affects their mental health. The imposed electricity and internet embargo causes assistive devices to be unavailable, and as a result, people with visual, hearing, developmental or mental disabilities cannot comprehend events.

Disabled individuals interviewed by HRW state that Israel did not give any warning about the attack, that it was difficult to escape using wheelchairs and assistive devices during the bombardment, and that the lack of electricity and the elevators not working virtually condemned physically people with disabilities to death. Abu Shaker, a 49-year-old man with a physical disability who lived in the Zeitoun residential neighborhood of Gaza City, described his experiences at the time of the air attack with the following words: "When we got bombed, I started crying. Everyone around me was running, and I just stood there, and I felt my disability. Two of my kids were missing, I didn't know what I should do, how to look for my kids.... I stopped my neighbors in the middle of the street, people I didn't know, everyone was screaming, and I kept asking them, "Where is Shaker [his son]?" I was so confused. I just stood there for an hour screaming my children's names because someone told me they could be under the rubble. After an hour and a half, I received a message that they were injured and in a hospital."

The report emphasized that forced displacement disproportionately affects people with disabilities, that ordering one million people to evacuate when they have no safe place to go is not an effective warning, and that the short periods given are not enough to evacuate. It has been stated that Israel's blocking of humanitarian aid to Gaza has created serious shortages of medical equipment, supplies, and medication. The average number of displaced people per shelter has reached more than 2.5 times their designated capacity and such places are not equipped to meet the needs of people with disabilities, and this situation causes epidemic cases. There is limited access to clean to clean water or

⁴⁴ <https://www.hrw.org/news/2023/11/01/gaza-israeli-attacks-blockade-devastating-people-disabilities>, Accessed: 30/01/2024.



food after the blockade imposed by Israel, and it has been previously reported that the groundwater in Gaza was almost entirely “unfit for human consumption.”

In the report, Psychologist Ms. Feadaa Omar described the situations they witnessed with the following words:

“What I am seeing is lots of fear. Lots of sadness and disappointment. We are dying every day and nothing is changing. When I am at school, I see lots of people crying. Some children and adults have stopped talking, you cannot get any reaction from them. And then there are huge reactions to any kind of sound, especially with the kids, they try to cover their ears to not hear the bombing. If an adult or a child has a disability, it’s even harder for them. Especially people who cannot hear.”

In the report dated 19 October 2023 which discussed civilians used as human shields, HRW also included the statements of the relatives of the hostages. In the report, it was stated that the groups should immediately and safely release all civilians detained, that no civilians, including children, people with disabilities and elderly people, could be used for bargaining, and that taking civilians hostage was considered a war crime.⁴⁵

The Report published by HRW on 14 November 2023 examined the attacks on medical facilities, medical personnel and ambulances in Gaza, the collapsed health-care system and evacuation orders for the evacuation of health facilities.⁴⁶ According to the report, **the attacks, the electricity and fuel embargo, and the lack of medicine lead to the death of countless people who need treatment, such as babies in incubators and patients receiving cancer treatment.** Stating that evacuation orders, as it is stated by the World Health Organization, are “death sentences for the sick and injured”, HRW investigated the attacks on the Indonesian Hospital, al-Ahli Hospital, the International Eye Care Center, the Turkish-Palestinian Friendship Hospital, and the al-Quds Hospital in Gaza.

Those who finish their treatment at the Indonesian Hospital cannot leave the hospital because there is no safe place to go. **According to the statement of a**



⁴⁵ <https://www.hrw.org/news/2023/10/19/hamas-islamic-jihad-holding-hostages-war-crime>, Accessed: 30/01/2024.

⁴⁶ <https://www.hrw.org/news/2023/11/14/gaza-unlawful-israeli-hospital-strikes-worsen-health-crisis>, Accessed: 30/01/2024.



doctor working at the hospital, no warning was given before the attack on the hospital, and the evacuation order was sent a week after the first attack on the hospital. The main generator of the Hospital stopped working due to a lack of fuel. Israel claims that this hospital is a command and control center used by Hamas.

HRW has not been able to find information that any advance warning was given for the attack on the International Eye Hospital. The report stated that the Turkish-Palestinian Friendship Hospital was closed as of November 1 due to air attacks and lack of fuel, the hospital served as the only special-



Medical workers treat a Palestinian injured in an Israeli strike, using flashlights due to the lack of electricity at the Indonesian Hospital in the northern Gaza Strip 10 November 2023, Anas al-Shareef/Reuters

ized cancer treatment center, four cancer patients died following the hospital evacuation and the condition of 70 of the hospital's cancer patients was critical, and that no information was available regarding any warning given to the hospital before the attack.

The Report dated 26 November 2023 examines the al-Ahli Hospital explosion that took place on 17 October 2023 at 18.59.⁴⁷ Through analyzes made by HRW on photographs, videos, satellite images

⁴⁷ <https://www.hrw.org/news/2023/11/26/gaza-findings-october-17-al-ahli-hospital-explosion>, Accessed: 30/01/2024.



and witness statements regarding the bomb dropped on the parking lot of the hospital campus and the asphalt area where many civilians gathered, it was stated that it was not possible to establish that the bomb dropped into the hospital campus was fired by Israel.

In the report dated 21 December 2023, it has been explained that the current humanitarian situation makes it difficult to obtain information from Gaza and share information with the world. According to preliminary investigations by the Committee to Protect Journalists (CPJ), as of 17 December 2023, at least 64 journalists and media workers were confirmed dead: 57 Palestinian, 4 Israeli, and 3 Lebanese. Freedom of expression has been violated in terms of posts about Palestine. Since 7 October 2023, artists and academics in various countries have been subjected to treatments and pressures such as silencing, censorship and intimidation by some governments and private organizations due to their non-violent, pro-Palestinian speeches. Restrictions on peaceful protests in support of Palestine have been imposed in some countries.⁴⁸

The report states voices in support of Palestine and Palestinian human rights have been silenced on the Instagram and Facebook platforms of Meta Company, and the censorship of Palestine-related content on Instagram and Facebook is implemented systematically. According to the report, this situation is a product of the company's failure to fulfill its responsibilities in terms of human rights. Such situations reduce the information available to the rest of the world about developments in Israel and Palestine at a time when the UN Secretary-General and UN human rights experts are warning with increasing urgency that Palestinians in Gaza face a humanitarian catastrophe. Between October and November 2023, Human Rights Watch documented over 1,050 takedowns and other suppression of content Instagram and Facebook that had been posted by Palestinians and their supporters, including about human rights abuses. Of the 1,050 cases reviewed for this report, 1,049 involved peaceful content in support of Palestine that was censored or otherwise unduly suppressed, while one case involved removal of content in support of Israel. It was stated that hundreds of people continued to complain about censorship even after the analysis was completed.

Human Rights Watch identified six key patterns of censorship: 1) removal of posts, stories, and comments; 2) suspension or permanent disabling of accounts; 3) restrictions on the ability to engage with content—such as liking, commenting, sharing, and reposting on stories—for a specific period, ranging from 24 hours to three months; 4) restrictions on the ability to follow or tag other accounts; 5) restrictions on the use of certain features, such as Instagram/Facebook Live, monetization, and recommendation of accounts to non-followers; and 6) “shadow banning,” the significant decrease in the visibility of an individual's posts, stories, or account, without notification, due to a reduction in the distribution or reach of content or disabling of searches for accounts.

According to media reports on 14 November, Israel's Cyber Unit sent Meta and other platforms 9,500 content takedown requests since 7 October 2023, 60 percent of which went to Meta, and platforms are reported to have responded with a 94-percent compliance rate. According to the report, the

⁴⁸ <https://www.hrw.org/report/2023/12/21/metabroken-promises/systemic-censorship-palestine-content-instagram-and>, Accessed: 30/01/2024.



Palestinian flag emoji has been removed and mentions of Hamas have been removed, regardless of content, prominent Palestinian accounts have been suspended, Instagram posts criticizing the Israeli government were removed on the grounds that they were “Hate Speech” and “Dangerous”, inconsistent bans were applied to newsworthy content. The report emphasized that social media platforms have a responsibility to respect human rights, which includes aligning their content moderation policies and practices with international human rights standards, ensuring that decisions to take down content are transparent and not overly broad or biased, and being transparent and accountable in their actions. They should also explain how the content was detected, evaluated, and removed and provide a meaningful opportunity for timely appeal of any content removal or account suspension. Stating that Meta Company does not comply with these responsibilities, HRW has made a number of recommendations to the Company regarding its Dangerous Organizations and Individuals (DOI) Policy, evaluation of government requests, handling of newsworthy posts, automation, transparency, access to remedies, and protecting materials that reveal human rights violations.

4. Save The Children

*A view of a toy
between the rubbles
of a destroyed
residential building
after the Israeli
airstrikes in Rafah,
Gaza on 18 October
2023. Photograph:
Abed Rahim Khatib/
AA*





Grief for the mothers in Gaza who are writing their children's names on their hands, so that if they're killed, they can be identified before being buried in a mass grave. Grief for the mothers who are giving birth amid rubble rather than a hospital room – or having C-sections without anaesthetic. Grief for the mothers whose children are among the one thousand who are said to be unaccounted for, trapped under the rubble. Guilt for every happy moment I feel with my newborn knowing that mothers in Gaza endure constant fear for their child's life or the unimaginable soul-crushing pain of their child's death.⁴⁹

*Lana Ramadan
Save the Children, Ramallah*

Save the Children is an international non-governmental organization founded in the United Kingdom in 1919 with the aim of improving the living conditions of all children and operating in 116 countries with 25 thousand employees. The organization strives to protect the rights and interests of children who die from preventable causes such as poverty, violence, disease and hunger in many parts of the world, who are deprived of basic education, and who pay the greatest price for countless wars and disasters of which they are not responsible.⁵⁰

In its reports and statements regarding the humanitarian crisis in Gaza, Save the Children has repeatedly called for an urgent permanent ceasefire to protect children and civilians. According to these reports, although they have no role in the emergence of the war, children pay the heaviest price, and day by day, children are dying in increasing numbers that even the official resources cannot keep up with them. Thousands of injured children lost their limbs. Many more are still buried under rubble. The number of children killed within three weeks after 7 October 2023 has exceeded the number of children killed in conflict zones since 2019. The acronym WCNSF (wounded child, no surviving family) is coined to describe the injured children who lost their families. In these reports and statements, it has been stated that the surviving children face the risk of death because they have no safe place to go and death is imminent at any moment for the children in Gaza. It has been highlighted that children cannot be taken hostage and that the children taken hostage must be released immediately. Furthermore, it has been emphasized that children are paying the price for the silence and inaction of the international community, that the current situation and evacuation orders offer families a "choice" to choose one death penalty over another, as there is no safe place to go, and that the UN and the international community must take immediate action.

- In the Report dated 13 October 2023, world leaders were requested to make the necessary efforts on the following issues:⁵¹

⁴⁹ <https://opt.savethechildren.net/news/%E2%80%98how-many-trucks-would-be-needed-carry-3300-child-sized-coffins%E2%80%99>, Accessed: 30/01/2024.

⁵⁰ <https://www.savethechildren.net/about-us/who-we-are>, Accessed: 30/01/2024.

⁵¹ <https://opt.savethechildren.net/news/urgent-plea-avert-unprecedented-humanitarian-crisis-amid-looming-israeli-land-incursion-gaza>, Accessed: 30/01/2024.



- Demand that the Government of Israel immediately rescind its order;
- Demand that all parties agree to an immediate cessation of hostilities;
- Demand to stop the use of explosive weapons in populated areas in addition to the targeting of civilians, of inviolable UN premises, schools and hospitals where civilians shelter;
- Facilitate the provision of essential and life-saving relief assistance, including food, water, and medical supplies and care and access of humanitarian personnel into Gaza;
- Immediately facilitate medical evacuations for children and families who require it;
- Ensure the immediate, unconditional release of all persons deprived of liberty, most urgently children, pregnant women and mothers with infants and young children, the wounded and sick held captive by armed groups in Gaza.

According to the reports of the organization, the conflicts have had terrible long-term consequences on children's mental health, such as depression, nightmares, bedwetting and self-harm. Hospitals and schools cannot be war zones, but children's access to education is denied due to bombed and closed schools. The electricity and fuel blockade and the attacks on hospitals will cause the death of babies in incubators, and the failure of hospitals to operate poses a danger to tens of thousands of pregnant women. There is a lack of access to basic health services and medical supplies for children living in Gaza, and some surgeries are even performed without anesthesia. Lack of basic needs such as first aid supplies and clean water and dehydration pose a life-threatening risk to young children. The embargo imposed is collective punishment and the cause of an imminent public health disaster.

In the Report titled "Born into War: About 15,000 Babies Expected to Be Born into Crisis in Gaza by End of 2023", published by the organization on 14 November 2023, it has been stated that about 15,000 babies are expected to be born in Gaza between October 7 and the end of 2023. The number of births per day in Gaza is approximately 180. Pregnant women give birth without medical care, and premature babies die in incubators because fuel and electricity is not provided to health facilities.⁵²

The Report dated 1 December 2023 stated that it is estimated that nearly 8,000 children in Gaza have already been killed or are missing, presumed under the rubble.⁵³ The Report dated 1 December 2023 on the other hand stated that a staff member of Save the Children, Mr. Sameh Ewaida, his four children –Mohammad (12), Heba (11), Zeina (3), and Zein (2)-, his wife Fatima, and many other members of his extended family of 28 have been killed in an Israeli airstrike on December 10 or December 11.⁵⁴

⁵² <https://opt.savethechildren.net/news/born-war-about-15000-babies-expected-be-born-crisis-gaza-end-2023>, Accessed: 30/01/2024.

⁵³ <https://opt.savethechildren.net/news/save-children-says-failure-extend-pause-death-sentence-children-bombardment-gaza-resumes>, Accessed: 30/01/2024.

⁵⁴ <https://opt.savethechildren.net/news/save-children-condemns-killing-staff-member-and-family-israeli-airstrike-gaza>, Accessed: 30/01/2024.



In the Report titled “Stories from Gaza: The Meaning of Displacement” published by the organization on 3 November 2023, the meaning of displacement was conveyed by Save the Children staff Hasan, a father of four children who is sheltered in a facility with more than 20 thousand people, in the following sentences.⁵⁵

“Displaced means there is no mattress or pillow. Your mattress is the floor or your car, and your cover is a sheet that has been sitting in a warehouse for years, it smells musty, and there is no way to wash it.

Your pillow is the only bag of clothes you left your house with. You have constant back and leg pain from sleeping in awkward positions. Stomach aches and throat pain from the cold, and a headache from the anxiety.

Displaced means there is no water at all. You do not wash your hands, do not wash your clothes.

Displaced means there is no clean water to drink... you might have to drink contaminated water, full of diseases. And you might even die of thirst or from drinking the water.

Displaced means that when you want to go to the bathroom, you have to wait in line behind 600 people until your turn comes. When your turn finally comes, there will be another 500 people knocking on the door for you to finish quickly, and of course, there is no water in the bathroom.

Displaced means there is no cooked food, no bread, no food at all, except for a few boxes of cheese, which smells from the heat. No drink.

You go to the bakery to get bread for your family... you stand in line for seven hours, sometimes the bread might finish before your turn comes. Even if your turn comes, you are given just one bundle, not even enough for one meal - that is if you don't get hit by an airstrike while you are waiting.

Displaced means the loaf of bread is split between two, or possibly four; whatever it is, it's never enough. The important thing is that you ate and that is a great achievement.

Displaced means you look up to the sky 30 times every minute, imagining that a new massacre will happen to you, and the latest breaking news will be about you and your family.

Displaced means taking a shower is a dream that is difficult to achieve. Taking a bath is an impossible luxury.

Displaced means you always hear the bombing around you, and you see it, but you never know where it's coming from.

Displaced means that there is no electricity except by chance or luck, there is no mobile phone battery, there are no calls or messages, there is no internet, there is no communication with the world. You may die and no one in your family would know that you died.

Displaced means oppression, anxiety, tension, hunger, sweat, distress, delusion, sadness, darkness, anticipation, fear for the children, fear for the family, fear for the friends, fear for the future.

Please, when you read the word “displaced,” give it deep thorough thinking.”

⁵⁵ <https://opt.savethechildren.net/news/stories-gaza-what-it-means-be-displaced>, Accessed: 30/01/2024.



5. Médecins Sans Frontières (MSF)

An above view of a crowded hallway at Al-Aqsa hospital, where patients and displaced people are forced to live. Middle Area, Gaza, Strip, Palestine, 29 November 2023. <https://www.msf.org/five-things-know-about-dire-situation-southern-gaza>, Accessed: 30/01/2024



"We did what we could. Remember us."

These are the words our Dr Mahmoud Abu Nujaila, who has since been killed in a hospital strike, wrote on a Gaza hospital whiteboard normally used for planning surgeries. When the guns fall silent and the true scale of devastation is revealed, will the Council and its members be able to say the same?⁵⁶

*Dr. Christos Christou
International President, Médecins Sans Frontières*

My five-year-old asked me the other day 'Dad, why do you let me starve? Dad, other kids, their father died with them, so don't let us die alone.'⁵⁷

*Abbas, a Palestinian who worked in Israel
and became a refugee in the West Bank after the war*

⁵⁶ <https://www.msf.org/letter-gaza-un-security-council>, Erişim Tarihi: 30/01/2024.

⁵⁷ <https://www.msf.org/attacks-palestinians-soar-west-bank>, Erişim Tarihi: 30/01/2024.



MSF, an international non-governmental organization that provides health services and medical aid to countries in need of humanitarian aid due to war and natural disasters, has been operating in Palestine since 1989. As of the end of 2022, MSF has provided 137,000 outpatient consultations and 2,870 surgical interventions in Palestine with its 367 staff.⁵⁸

MSF has been actively involved in the field amidst the escalating humanitarian crisis and has published numerous reports and statements.⁵⁹ MSF also included the statements of its own personnel and Palestinian witnesses in its reports, and stated that what happened in Gaza was a disaster. The intensity of the violence and bombardment and the number of deaths were shocking, morgues were overflowing with corpses, and hospitals and medical facilities were rendered unusable as a result of the attacks. According to these reports and statements, what was done amounted to collective punishment. Hospitals and the ambulances in front of these hospitals have been hit by air strikes, and hospitals are overflowing with injured people, some patients reported being beaten and mistreated by Israeli forces for weeks during detention. Ambulances cannot be used because of air attacks, and the number of medical personnel killed or injured while on duty as a result of attacks is increasing day by day. Soldiers fired bullets and tear gas at hospital, and medics were subjected to treatment such as stripping and kneeling. MSF stated that due to the attacks, many medical personnel in the north of Gaza went to the south, and the remaining personnel had limited access to electricity and water due to the siege. Without electricity, many patients in intensive care will die, people with chronic diseases and pregnant women are at risk, the healthcare system has collapsed, and an urgent ceasefire is needed so that hospitals can operate again.

The following statements were made in the reports and statements: **Impossible orders are given by Israeli forces to evacuate the places they are in within a few hours. Those in critical condition risk their lives by either moving or remaining behind. It is unacceptable for millions of people to be moved within a few hours to areas where there is no access to food, water, and healthcare. People are trapped and deprived of basic needs, and the destruction of roads, water pipes, and infrastructure is alarming. If the situation continues like this, infectious diseases and epidemics such as acute respiratory infection, skin infection, and hepatitis will erupt. People have only one liter of water a day for drinking, washing, and cooking, there is a lack of medical equipment such as medicines and painkillers, and basic necessities such as water, electricity and fuel (especially for hospital generators), the drug stock is rapidly depleting and surgeons are now forced to operate without using painkillers.**

MSF emphasized the following: Healthcare workers are exhausted, Israel's water and electricity cuts and lack of a telephone network make coordination difficult, they cannot reach the staff by phone, and the clinic they run independently has been damaged. Attacks on healthcare services have become systematic. Parties must respect the sanctity of medical facilities, vehicles, and personnel. Humanitarian aid materials must be allowed into Gaza. **Israel should stop bombing hospitals and**

⁵⁸ <https://www.msf.org/palestine>, Erişim Tarihi: 30/01/2024.

⁵⁹ <https://www.msf.org/gaza-israel-war>, Erişim Tarihi: 30/01/2024.

ambulances, the Rafah border gate should be opened to those who want to leave, and those who leave should be given the right to return. There is an urgent need for a permanent cease-fire. The international community needs to act immediately, guarantee the most basic protections for hospitals and staff, and restore the foundations of humanity in Gaza.

The following statements are drawn from the reports dated 27 October 2023,⁶⁰ 30 November 2023,⁶¹ and 19 December 2023:⁶² Evacuation orders put the lives of the most vulnerable in danger. Without electricity and fuel, hospitals would not be able to operate and the fuel had reached the point of exhaustion. This will mean a death sentence for thousands of patients, especially babies in incubators, those receiving dialysis treatment, and those on life support, whose survival depends on electricity. People have difficulty accessing essential medicines, hospitals that can operate are fully occupied, and the medical staff working in those hospitals are exhausted. Lack of clean water and hygiene, as well as overcrowded places such as refugee camps, increase the risk of disease. Displaced people are struggling with terrible living conditions and hunger, and they need mental health support. As of November 30, MSF is helping people in two hospitals and two clinics in southern Gaza.



⁶⁰ <https://www.msf.org/five-ways-war-gaza-impacting-palestinians-health>, Erişim Tarihi: 30/01/2024.

⁶¹ <https://www.msf.org/five-things-know-about-dire-situation-southern-gaza>, Erişim Tarihi: 30/01/2024.

⁶² <https://www.msf.org/no-safe-place-gaza-people-are-crushed-continuous-bombing>, Erişim Tarihi: 30/01/2024.



According to reports dated 8 November 2023,⁶³ 18 November 2023,⁶⁴ 21 November 2023⁶⁵ and 1 December 2023,⁶⁶ five members of MSF were killed and their vehicles were attacked. Laboratory technician Mohammed Al Ahel, a member of MSF Gaza, was killed along with several members of his family in the attack on 6 November 2023. Two family members of MSF staff were killed in the attack on the MSF evacuation convoy on 18 November 2023. **Although the parties were informed in advance that the MSF evacuation convoy was heading towards the south of Gaza and there were distinctive signs on the vehicles, MSF vehicles became unusable in the attacks on 20 and 24 November 2023.** In the Israeli attack on 21 November 2023, although it was previously reported that MFS members were working at a I-Awda Hospital, two MSF members, doctors Mahmoud Abu Nujaila and Ahmad Al Sahar, were killed and many people were injured in this hospital.

Dr. Christos Christou, who wrote a letter to the UN Security Council on 4 December 2023 on behalf of MSF to ensure an immediate and permanent ceasefire in the Gaza Strip, included the following statements in his letter⁶⁷:

"Israel has shown a blatant and total disregard for the protection of Gaza's medical facilities. We are watching as hospitals are turned into morgues and ruins. These supposedly protected facilities

⁶³ <https://www.msf.org/msf-mourns-tragic-death-staff-member-gaza>, Erişim Tarihi: 30/01/2024.

⁶⁴ <https://www.msf.org/gaza-msf-condemns-deliberate-attack-convoy-transporting-staff-resulting-one-death-and-one-injury>, Erişim Tarihi: 30/01/2024.

⁶⁵ <https://www.msf.org/msf-doctors-killed-strike-al-awda-hospital-northern-gaza-palestine>, Erişim Tarihi: 30/01/2024.

⁶⁶ <https://www.msf.org/msf-convoy-attacked-gaza-all-elements-point-israeli-army-responsibility>, Erişim Tarihi: 30/01/2024.

⁶⁷ <https://www.msf.org/letter-gaza-un-security-council>, Erişim Tarihi: 30/01/2024



are being bombed, are being shot at by tanks and guns, encircled and raided, killing patients and medical staff. The World Health Organization (WHO) has documented 203 attacks on health care that have led to at least 22 fatalities and 59 injuries of health workers on duty. Medical staff, including our own, are utterly exhausted and in despair. They have had to amputate limbs from children suffering from severe burns without anaesthesia or sterilised surgical tools. Due to forcible evacuations by Israeli soldiers, some doctors have had to leave patients behind after facing the unimaginable choice between their lives or those of their patients. There is no justification for the atrocious attacks on healthcare.

... Gaza, under an Israel-imposed blockade since 2007, is indeed the world's largest open-aided prison. From the start of its military campaign on 7 October, the Israeli government has enforced a "complete siege" on Gaza, banning the entry of water, food, fuel and medicinal supplies for the 2.3 million people trapped in the enclave. Added to this, unyielding restrictions have been put on humanitarian access and are preventing much needed aid from reaching anyone who needs it. Subjecting an entire population to collective punishment is a war crime under International Humanitarian Law (IHL)..."

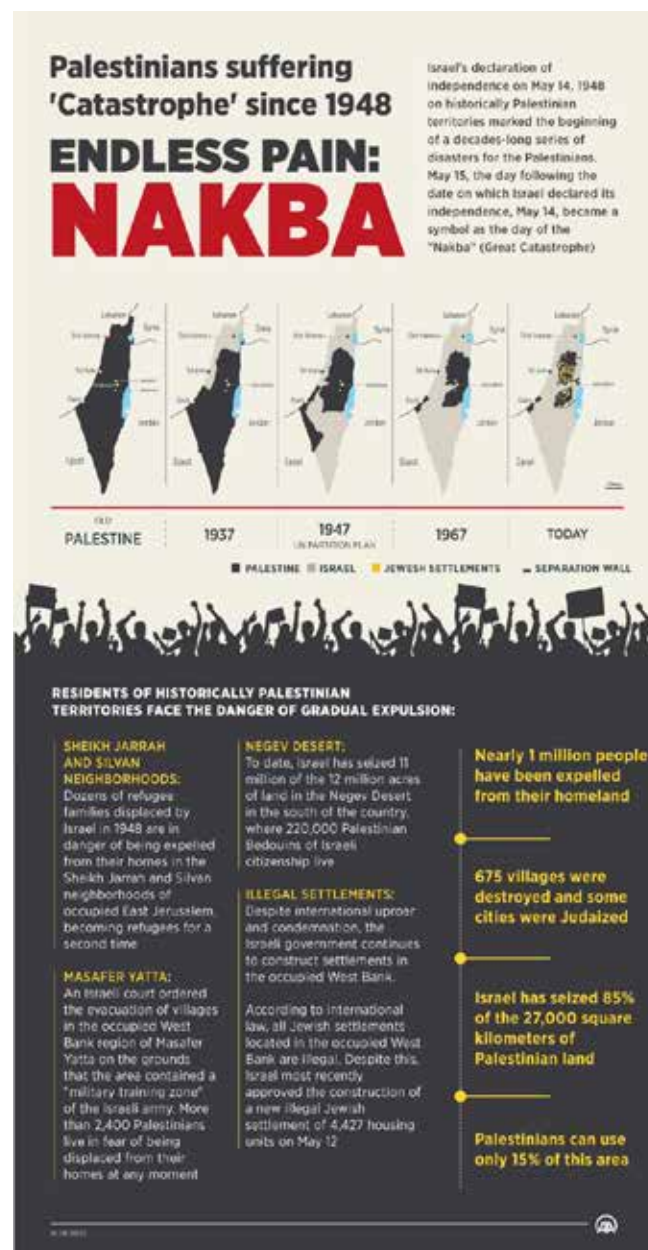






APPENDIX 3

Palestine and Occupied Territories From Past to Present





1. The Basis of Israel's Occupation Policy

According to data from the Israel Central Bureau of Statistics, Israel's population has reached 9,656,000 today.¹ Of this population, 2,037,000 are Arabs, and 513,000 are non-Arab Christians. The annual population growth rate was 2.3% in 2023.²

Approximately 5.5 million people live within the borders of the State of Palestine, with 2.2 million in the Gaza Strip and 3.3 million in the West Bank.³

The demographic situation is being seriously analyzed by Israel and is the subject of various studies. It is understood that Israel is following a planned policy based on this research and analysis results.

In May 2018, a report was presented to the Israeli parliament by Uri Mendes, the Deputy Head of the Israeli Civil Administration at the time, containing predictions regarding the population growth of Palestinians until 2050. The Civil Administration is the executive branch of the Israeli Defense Ministry responsible for the occupied Palestinian territories, and the report was prepared at the request of the committee. According to the report, in May 2018, the Palestinian population in the West Bank was estimated to be between 2.5 and 2.7 million, and it was projected to reach 6 million by 2050. The population of Gaza, which was 2.1 million, is expected to increase to between 4 and 4.3 million by 2050. It is anticipated that the Palestinian population in the West Bank and Gaza Strip will reach at least 10 million by 2050. According to data from the Israel Central Bureau of Statistics, it is expected that by 2050, there will be 10.6 million Jews and 3.2 million Arabs in Israel. In the region between the Mediterranean and the Jordan River, it is expected that the Palestinian population will reach 13 million and the Jewish population will reach 10.6 million by 2050. It has been noted that since the end of the large wave of Jewish immigration from the former Soviet Union, the Palestinian population has been increasing while the Jewish population has been decreasing in demographic balance. It is stated that if Israel annexes Palestinian territories with their Arab inhabitants, there will be a further decline in the proportion of Jews in the demographic balance.⁴

¹ According to data released by the Israel Jewish Agency, the worldwide Jewish population is recorded as 15.7 million. The United States hosts the second-largest Jewish population, with approximately 6.3 million.

² Territories occupied after the 1967 war are not considered part of the State of Israel under international law. Within the pre-1967 borders, the area is 20,700 km², with 445 km² covered by lakes. This figure increases to 27,900 km² when including the 5,678 km² of the West Bank, 1,150 km² of the Golan Heights, and 373 km² of the Gaza Strip currently under occupation. Israel's population, which was 3,349,997 in the 1983 census, surpassed 5 million in 1993 and reached 5,740,000 in 1998. (TDV Islamic Encyclopedia, Vol. 23, pp. 181-183).

³ It is estimated that 6.56 million Palestinians reside in Arab countries, with 772,000 residing in other countries. Although the estimated global Palestinian population at the end of 2023 was approximately 14.63 million, the population of Palestine, limited to the West Bank and Gaza, in 2023 was 5,483,450 when excluding Palestinians in the diaspora. The population of the West Bank is 3,256,906, and the population of Gaza is 2,226,544. According to data from the Palestinian Central Bureau of Statistics, the population growth rate between 2017 and 2019 was reported as 3.8%. However, sources indicate a population growth rate of 2.28% for 2023. The area of the West Bank is 5,655 km², and the area of the Gaza Strip is 365 km², with a total area of 6,020 km².

⁴ <https://www.aa.com.tr/tr/dunya/tarihi-filistin-topraklarindaki-arap-nufusunun-artisi-israili-endiselendiriyor/2460206>, Accessed: 07/01/2024.



According to a study conducted by the Jewish Policy Research Institute in 2020, the Jewish population in Europe is approximately 1.3 million. It is noted that in the 19th century, about 90% of the world's Jewish population lived in Europe, and this population has decreased by 60% in the last 50 years. While in the 1880s, 88% of the world's Jewish population lived in Europe, this percentage decreased to 35% in 1945, 26% in 1970, and 9% in 2020.⁵

In a statement made by Professor Arnon Soffer, a demographer at the University of Haifa, to the Army Radio in August 2022, it is analyzed, taking into account hundreds of thousands of non-Jewish individuals residing in Israel, alongside the Jewish and Arab population, that there are 7.45 million Jews and 7.53 million Arab Israelis and Palestinians living in the area referred to by Israel as Israeli territories, including the West Bank and the Gaza Strip. It is mentioned that Jews constitute less than 47% of those living west of the Jordan River. It is also stated that the majority of Israel's population is unaware of the danger they are facing due to becoming a dominant minority in the region. Considering the number of non-Israeli citizens, the Jewish proportion ranges between 46% and 47%. As of 2021, 9.449 million people were living in Israel, including Israelis in settlements in the West Bank, of which 6.982 million (74%) were Jewish, 1.99 million (21%) were Arab, and 472 thousand (5%) were non-Arab and non-Jewish. Despite higher birth rates in recent years, the mortality rate in Israel is also high, indicating that the Arab population, which is, on average, much younger than the Jewish population, is growing faster. Referring to the Central Bureau of Statistics prediction that the total population will reach 35 million by 2065, it is noted that Israel will become the most populous country in the Western world, prompting the question,

"Where will we stay? Where will we stand?"

The questions are reported to have been posed this way.⁶

Israel's perspective focuses on the demographic growth rate of Palestinians, the demographic structure in 2050 and 2065, how it will be after occupation and annexation, and the fear of becoming a dominant minority in the region. The question "Where will we stay? Where will we stand?" based on this perspective and population analyses for the coming years shapes Israel's displacement, occupation, and genocide policies, which have been unprecedentedly implemented since 2023.

On October 7, 2023, the Israeli Prime Minister's statement, "I say to the people of Gaza: Leave now because we will operate forcefully everywhere,"⁷ followed by the Israeli Defense Minister Yoav Gallant's statement on October 9, "We are imposing a full blockade on Gaza. There will be no electricity, food, water, or fuel. We are fighting against human animals and acting accordingly,"⁸ resulting in a complete blockade being imposed on Gaza, which has been under siege for 16 years. On October

⁵ <https://tr.euronews.com/2021/01/27/avrupa-daki-yahudi-nufusu-son-50-y-lda-yuzde-60-azald>, Accessed: 07/01/2024.

⁶ <https://www.timesofisrael.com/jews-now-a-minority-in-israel-and-the-territories-demographer-says/>, Accessed: 07/01/2024.

⁷ <https://www.gov.il/en/departments/news/statement-by-pm-netanyahu-7-oct-2023>, Accessed: 07/01/2024.

⁸ <https://www.voaturkce.com/a/israil-savunma-bakani-insansi-hayvanlarla-savasiyoruz-7303050.html>, <https://www.aa.com.tr/tr/ayrimcilikhatti/ayrimcilik/new-york-merkezli-orgut-israilli-bakanin-sozlerini-savas-sucuna-cagiri-olarak-niteledi/1817315>, Accessed: 07/01/2024.



13th, Israel issued a 24-hour ultimatum to one million people living in northern Gaza to evacuate their homes and move south.

Subsequently, Israel targeted the infrastructure, including hospitals, in the north as well as those fleeing from the north to the south. On January 24th, 2024, Israel besieged Han Yunus, the second-largest city in Gaza. They blocked the roads from Han Yunus to the Mediterranean coast with tanks, initiated bombing after closing main roads, and then issued an evacuation order. On January 27th, 2024, the International Court of Justice stated that Israel would be tried for genocide and issued precautionary measures. On the same day, the United States, followed by the United Kingdom and eight other countries, announced the cessation of funding for UNRWA, which shelters 1.4 million Gazans, in response. Thus, exacerbating the plight of the already displaced 1.9 million people.

For months, Palestinians have been deprived of their most basic necessities, including bread and water. The delicate balance between life and death has been completely severed, accelerating the forced exodus of Gazans who have been driven to the southern border of Egypt. Moreover, following the International Court of Justice's precautionary measures, a grand conference called the Gaza Return Conference was held on January 29, 2024, with the participation of 14 Israeli ministers and lawmakers. During this conference, plans for new settlements to be built on the graves of over ten thousand children were shared openly. It was explicitly declared that the true aim, since October 7th, is to expel the 2.2 million Gazans, who have lived in their homeland for thousands of years, from ever returning. Statements such as Minister Ben Gvir's "We need to encourage migration from Gaza," Settlement Leader Daniella Weiss's "Israel's southern gate is open, and the people of Gaza can go anywhere in the world," and even the Finance Minister's declaration that priority will be given to soldiers fighting in Gaza for settlement, all point to the fact that since October 7th, all collective punishment, genocide, war, and attack crimes have been committed with the clear objective and purpose of displacing 2.2 million Palestinians. This demonstrates the outcome of Israel's population policies and its approach.

With more than half of its land comprising the Negev Desert and 445 km² covered by lakes, Israel's current land structure, considering its population, cultural and economic habits, appears incapable of sustaining its rapidly growing population with high population growth rates and continuous migration. Therefore, despite its population increasing nearly threefold (288.2%) since 1983, Israel still encourages continuous Jewish migration to the country. This indicates that Israel's historical policy based on occupation, expansionism, and settlers will continue even if Palestinians in Gaza are expelled from their homes. It suggests that killing, arresting, confiscating, and squeezing through walls in the confined space of the West Bank will continue to establish new settlements.

According to data released by the Israel Jewish Agency, the global Jewish population is 15.7 million, with the United States having the largest second Jewish population of approximately 6.3 million. Despite Israel's encouragement of Jewish migration throughout its history, its limited land area, and population density per square kilometre compared to the world make it evident that the existing territory will not be sufficient for the migrating population. It is a historical fact that Zionists and the



most expansionist country in the world, Israel, believe that the land they call the “Promised Land” is promised to them by God. “Arz-ı Mev’ud” is a vast area encompassing Israel, Palestine, Egypt, Lebanon, Jordan, Syria, Iraq, Iran, Northern Saudi Arabia, and the southeastern part of Türkiye. This territory also includes 22 provinces within the borders of Türkiye.

Israel pursues a migration policy based on race, rooted in the concept of “chosenness,” allowing only Jewish population migration while constantly forcing Palestinians to migrate. The reasons behind the increase in its population threefold over the past 40 years need to be clarified, considering that a migration policy allowing only Jewish population migration is incapable of accommodating the migrating population or the population continuously increasing due to population growth rates, given its limited land area and population density per square kilometre. Understanding whether “Arz-ı Mev’ud” encompassing nine sovereign states, including our country, is a state policy and comprehending the brutal occupation policy currently imposed on Palestinians is essential.

Therefore, it is impossible to understand the Israeli-Palestinian issue, which manifests itself in the cruel occupation and genocide in Gaza today, without understanding its historical and ideological reasons.

The founding steps of Israel were taken with the Balfour Declaration, named after the British Foreign Secretary. As expressed by British journalist and writer Arthur Koestler,

“A nation has officially promised the land of a third nation to a second nation.”

Thus, it was stated that the state of Israel would be established at a time when the territories were still under Ottoman rule and when the Jewish population was only 5%. Under the influence of Zionist ideology, the mass movement to the “promised” lands was carried out with the slogan “A land without a people for a people without a land.”

The Palestinian territories, where Palestinians have lived for over four thousand years, were indeed not “a land without a people.” As described by Edward Said, it resulted in “the longest occupation of the century,” which led to the continuous expulsion of Palestinians from their own lands. Even in the 21st century, with 6.4 million registered Palestinian refugees, it wasn’t enough. In the Gaza Strip, a conference held on January 19, 2024, announced the continuation of “the most brutal occupation in history” after October 7th, with the establishment of settlements for which “the international community has not stopped.” This is accompanied by “the highest civilian death rate of the century.”⁹

Therefore, understanding the issue, which has brought very painful consequences to the present day, without elucidating its historical background and ideological origins is not possible. The historical process reveals that the weakening of the Ottoman Empire, which ruled and administered the Palestinian territories until the British occupation of Jerusalem on December 9, 1917, provided an opportunity to implement the Zionist project, which aimed to establish a Jewish state in the region. This was achieved by systematically and plannedly settling the Jewish population in Palestinian territories to change the demographic structure. The process of the occupation of 78% of Palestinian territories

⁹ <https://www.milliyet.com.tr/dunya/israilliler-de-kabul-etti-7047452>, Accessed: 07/01/2024.



by the 1948 War and the remaining Palestinian territories, including the West Bank and the Gaza Strip, including Jerusalem, by the 1967 War, demonstrates the evolution towards the goal of erasing the existence of Palestinians, shifting from the ideal of homeland acquisition for Jews.

Historical Process Leading to Genocide Without Acquiring Homeland							
The Ideal of Homeland Acquisition	Migration	Land Acquisition	Conflict	Displacement	War	Occupancy	Genocide

On January 31, 1970, the British philosopher Bertrand Russell expressed the following:

"The tragedy of the Palestinian people is this: Their country was given away by a superpower to another people for the creation of a new state. The result was that hundreds of thousands of innocent Palestinians were continually made homeless, and with each new conflict, the number of homeless increases. How long will the world tolerate this uncontrolled massacre game? It is very clear that refugees have every right to return to their homeland, even if their rights are disregarded during conflicts. No human being anywhere in the world can accept being expelled from their country, and no one can demand this injustice from the Palestinian people. The continuous displacement of refugees in their own countries has given rise to the real migration in the Middle East."

The words indicate a summary of the recent situation in the Palestinian geography.

Today, to be able to survive as a refugee or homeless person, you need to have survived. If you're lucky enough to have survived, you need to be able to access enough food and water to continue surviving; you need to be able to live without bombs falling on you if you're in a refugee camp or a hospital, and you need to be able to maintain the hope within you that one day, with pressure from international organizations, states, and the international community, the occupation and genocide will end. But now, you no longer have a home to return to.

The Israeli authorities, surrounded by enemies in a geography where they claim to struggle for peace, democracy, and life, yet refrain from exerting pressure or making an effort to end the occupation and genocide, utilize a wide range of tools from politics to media, from economics to lobbying, from cinema to diplomacy to gain the support of Western states and public opinion. Of course, there are many intellectuals, writers, artists, and politicians in Europe and America who oppose Israel's occupation policies and violations of law and support the Palestinian cause. However, when looking at the overall picture, the support given to Israel by Western countries is seen as a double standard and betrayal in the Islamic world.¹⁰

Indeed, it is necessary to elucidate the historical and ideological reasons underlying the unconditional support provided to Israel by Western countries, as well as the immunity enjoyed by Israel,

¹⁰ Kalin Ibrahim, Ben, Öteki ve Ötesi, İslam-Batı İlişkileri Tarihine Giriş, 23. Edition, İnsan Yayınları, İstanbul 2016, pp. 437-438.



regardless of the magnitude of the massacre, due to reasons such as the statements of Presidents who speak of “permanent commitment”¹¹ to Israel’s security, such as US President Biden, who said, “You don’t have to be Jewish to be a Zionist. I am a Zionist,”¹² and who provided military support without even submitting the collective punishment and genocide crime to Congress for approval and obstructed the ceasefire request in the UN Security Council from the very beginning, prioritising Israel’s interests over the interests of their own countries they govern.

Understanding the historical and ideological reasons behind this unconditional support, as well as how the ideology that succeeded in directing Jews spread throughout the world to the land of Palestine, which belonged to another state, where the indigenous and ancient Palestinian people lived, and the process of establishing a Jewish state surrounded by Muslim countries on all sides in these lands, is crucial.

The Jewish migration needed to establish the state of Israel, although it occurred spontaneously in response to increasing pressure and persecution against Jews in Western societies, required not only economic power but also theological myths and ideology to redirect this migration to the land of Palestine instead of another country, and to do so before the increase in pressure and persecution against Jews in Western countries. The necessary economic power was provided through Jewish wealth, and the political power was facilitated first through Britain and later through America. The chaotic atmosphere of the two world wars facilitated achieving the Zionist goals.

The necessary historical, political, and theological motivation and connection were provided through “political theology” rooted in the Torah. The need for an “ideology” was fulfilled through Zionism, which again originated from political theology. Thus, all the necessary infrastructure was prepared to manage and legitimize a process ranging from homeland acquisition to genocide.

Myths and ideologies that enable the ideal of homeland acquisition			
Belief in Chosenness	Promised Lands	Prophecies	Zionism

2. Israel’s Religious and Historical Claims over Palestinian Territories

2.1. The Fundamental Argument of Occupation and Genocide: “Chosenness” and the Myth of “Promised Land”

The Jewish community, based on their belief, justifies their occupation to their people by explaining that the lands, including Palestine, referred to as “Arz-ı Mev’ûd” (Promised Land) were promised to

¹¹ <https://www.al-monitor.com/originals/2022/07/biden-lapid-sign-jerusalem-declaration>, Accessed: 07/01/2024.

¹² <https://www.trthaber.com/haber/dunya/siyonistim-diyen-bidenin-israile-yakin-baglari-806322.html>, Accessed: 07/01/2024.



them by God, that these lands are their rightful possession, and that they have been the rulers of these lands for a long time.

"Arz-ı Mev'ûd," which is formed by the combination of the word "arz" meaning "earth, land, soil" and the word "mev'ûd" meaning "promised, pledged, word, promise," is defined as the "lands promised to be given by God Yahweh/Yehovah to the descendants of Prophet Abraham," and it is associated with the Jewish concept of "chosenness."¹³

In the Holy Bible, the promise made to Prophet Abraham includes the region "from the river of Egypt to the great river, the Euphrates" (Genesis, 15/8), and the promise made to Prophet Moses and Joshua states, "Every place where you set your foot will be yours" (Deuteronomy, 11/24; Joshua, 1/3).¹⁴

It is understood that the Promised Land (Arz-ı Mev'ûd) covers a wide area, including Israel, Palestine, Egypt, Lebanon, Jordan, Syria, Iraq, Iran, the northern part of Saudi Arabia, and the southeastern part of Türkiye.¹⁵

Ben Gurion, the first Prime Minister of Israel, clearly stated the goal of his state in its early stages, saying,

*"The map of Palestine today was drawn by the British Mandate. There is another map that we must strive to fulfill, the map from the Nile to the Euphrates..."*¹⁶

¹³ See for detailed information: TDV İslam Encyclopedia, Vol. 3, pp. 442-444.

¹⁴ TDV İslam Encyclopedia, Vol. 3, p. 442.

¹⁵ The boundaries of the Promised Land (Arz-ı Mev'ûd) are given in more detail in the Old Covenant as follows: South border: "Your southern side will extend from the Desert of Zin along the border of Edom. On the east, your southern boundary will start from the southern end of the Dead Sea, cross south of Scorpion Pass, continue on to Zin and go south of Kadesh Barnea. Then it will go to Hazar Addar and over to Azmon, where it will turn, join the Wadi of Egypt and end at the Mediterranean Sea" (Numbers, 34/3-5; Deuteronomy, 15/2-4). The Desert of Zin mentioned here is located northeast of Kadesh and forms the southern border of the Promised Land. The Dead Sea is the modern-day Dead Sea. Scorpion Pass is south of the Dead Sea, present-day Nakb es-Safa; Hazar Addar is in the northwest of Kadesh Barnea in present-day Wadi al-Qudeirat, Azmon is west of Wadi al-Qudeirat. The valley, and the valley is in the southwest of Gaza, opening into the Mediterranean Sea. This expression, which determines the southern border of the Promised Land, belongs to the Ruhban text and includes a large part of the Negev in the Promised Land. Western border: "The western boundary will be the Great Sea and its coast" (Numbers, 34/6; Joshua, 1/4). This sea, also called the "Mediterranean Sea" (Deuteronomy, 11/24), is the Mediterranean Sea. Northern border: "From the Mediterranean Sea make your boundary go toward Mount Hor and from Mount Hor to Lebo Hamath. Then the boundary will go to Zedad, continue to Ziphron and end at Hazar Enan. This will be your boundary on the north" (Numbers, 34/7-9). The northern border of the Promised Land is indicated as Lebanon in other parts of the Old Covenant (Deuteronomy, 11/24; Joshua, 1/4). The mentioned Mount Hor is claimed to be the Taurus Mountains in southern Anatolia (Ancien Testament, p. 326); however, the general opinion is that it is the Lebanon mountain (Mount Lebanon). In fact, the northern border of the Promised Land does not exceed the region of Lebanon in any part of the Old Covenant. Eastern border: "For your eastern boundary, run a line from Hazar Enan to Shepham. The boundary will go down from Shepham to Riblah on the east side of Ain and continue along the slopes east of the Sea of Galilee. Then the boundary will go down along the Jordan and end at the Dead Sea" (Numbers, 34/10-12). The Sea of Galilee is Lake Tiberias. Although the eastern border is also shown as "the great river, the Euphrates River" (Genesis, 15/18; Deuteronomy, 11/24; Joshua, 1/4) in the Old Covenant, the eastern border drawn by the Lord Yahweh to Moses is limited to the area east of Lake Tiberias and the Dead Sea in Numbers, 34/10-12. TDV İslam Ansiklopedisi, Vol. 3, p. 442.

¹⁶ Similarly, Theodor Herzl, also considered the founding father of the State of Israel, outlined the border goal that includes Turkish territories with his statement: "Our northern border extends to the mountains of Cappadocia. Where is Cappadocia? In the interior



The exact boundaries of the Promised Land are not known. However, the “Arz-ı Mev’ûd” with its capital considered to be Jerusalem, is described in three stages. Accordingly, the first stage includes Jerusalem and its surroundings; the second includes the region from the Nile to the Euphrates, also encompassing part of Türkiye in the Middle East; and the third comprises the entire world.¹⁷

The Jewish settlements built in the occupied Palestinian territories are perceived by the majority of Jews in Israel to be located on the “promised land” by God. Therefore, all of these policies are seen as a result of their loyalty to God. Consequently, granting land concessions to Palestinians is regarded by the vast majority of Jews as an act of disloyalty against the Divine Will.¹⁸

Therefore, Israeli Prime Minister Netanyahu’s emphasis on the “Amalek people” regarding the unprecedented destruction in the Gaza Strip is not coincidental. This is because, **after the Jews were expelled from the promised land (AD 70), they have always lived with the dream of that place.** The reason for the emergence of the Zionist movement is also the desire for the realization of the promised land ideal.¹⁹

In terms of providing a clear indication of the influence guiding and directing the politics of a state that believes it has the right to expel a people from their own country and seize their lands and properties, it is noteworthy that for the first time in the 21st century, an Israeli Prime Minister referred to the narrative in the Book of Isaiah in the Prophets section of the Jewish holy book, the Tanakh.

“We are the people of light, they are the people of darkness, and light will prevail against darkness... Now is the time to come together for a single purpose: rapidly advancing towards victory. With our collective strength and our deep faith in our righteousness and the eternity of the Jewish people, we will witness the prophecy of Isaiah against Hamas. There will no longer be news of violence from your country nor of plunder and destruction from the borderlands. You will give the name of salvation to its walls and praise to its gates.”

Explanation is sufficient.²⁰

of Anatolia, the region extending from the Taurus Mountains in the south to the Black Sea in the north. In the west, it is bounded by Lake Tatta (Lake Tuz), and in the east, by Russia, Iran, and the Euphrates River.”

¹⁷ Küçük Mehmet Alparslan, “Anadolu’daki Arzı Mevud: Urfa”, İnsan ve Toplum Bilimleri Araştırmaları Dergisi, Volume: 5, Issue: 2, 2016, p. 175. “Jerusalem, considered the ‘Land of God,’ is accepted as the capital of ‘Arz-ı Mev’ûd’ with the statement ‘For this is what the Sovereign Lord says: I myself will take Jerusalem and lay it at the center of the nations, yet in the countries to come’ (Ezekiel 5:5). Similarly, it is believed that the Israelites were chosen as a distinguished nation by God Yahweh.

¹⁸ Aral Berdal, Bitmeyen İhanet: Emperyalizmin Gölgesinde Filistin Sorunu ve Uluslararası Hukuk, 2. Edition, Çıra Yayınları, İstanbul 2023, p.93.

¹⁹ TDV İslam Encyclopedia, Vol. 3, p. 444.

²⁰ Isaiah, who is believed to have been a prophet during the Kingdom of Judah (8th-7th century BCE), is an important figure in both Christian and Jewish faiths. The Book of Isaiah comprises 66 chapters and is considered a sacred text by Christians. The portion emphasised by Netanyahu essentially discusses the Israelites being the “chosen people” by God, the gathering of all Israelites dispersed from the East and West in Zion (Jerusalem), the establishment of God’s Kingdom in Zion, the rebuilding of Solomon’s Temple for the third time, the restoration of power to the Israelites, and their role in bringing light and justice to the nations. In essence, it focuses on the salvation and glorious future of Israel. This holds great significance for the Jewish world. <https://ordaf.org/yesaya-kehaneti-ve-israil-saldirganligina-teopolitik-yaklasim/>, Accessed: 07/01/2024.



In a speech by Mike Johnson, the Evangelical Chairman of the U.S. House of Representatives, a theological argument has been provided to support the necessary assistance and aid for attacks by selecting a text that is sacred for both Jews and Christians in Palestine.

"I told him (Netanyahu) that our support for Israel and the Israeli people is unwavering. I assured him that under my leadership, our Congress would stand by Israel to the end. As a Christian, I know that the Bible clearly states where we should stand on Israel. I know that God will bless the nations that bless Israel."

The statements represent only one of the manifestations.²¹

The Protestant movement, founded by Martin Luther, regards service to Jews as a form of worship, evolving into a church movement known as "Evangelism" in the 19th century. Today, Evangelism stands as one of the most influential denominations within Christianity. Consequently, the Protestant Church, predominantly consisting of followers in England, the United States, Germany, and the Netherlands, has spearheaded the Zionist project.²²

Thus, the idea of Zionism has begun to spread among and gain support from non-Jewish individuals with a religious background through the selection of a sacred text for attacks, providing a theological argument for the necessary support and aid. Israel's resort to theo-political arguments in foreign policy is both to legitimize occupation and genocide and to secure external support.

2.2. The Evaluation of Israel's Historical Claims over Palestine

Even in the early 19th century, when the Ottoman Empire was economically and politically weakened, it did not concede to preventing Jewish migration to Palestine or allowing the establishment of a Jewish state.²³

²¹ <https://www.aa.com.tr/tr/dunya/abd-temsilciler-meclisinin-evangelik-baskani-israile-neden-sonuna-kadar-destek-verdigini-acikladi/3037758>, Accessed: 07/01/2024. US Senator Lindsey Graham, on October 11, 2023, during a live broadcast on FOX News, said: "We are in a religious war, and I stand with Israel. Do whatever it takes to defend yourself. Flatten Gaza." <https://www.haber7.com/dunya/haber/3358740-lindsey-graham-dini-bir-savastayiz-gazze-yi-dumduz-edin>, Accessed: 07/01/2024.

²² According to Christian belief, for the second coming of Jesus Christ to the earth, the Israelites must live as they did in ancient times. In other words, for Jesus Christ to come again, the ten lost tribes of Israel must be found and settled in Zion. Another part of the prophecy is the rebuilding of Solomon's Temple. The reason Evangelism is closely interested in the Jewish world is because of these issues. The spiritual salvation of both seems to be intertwined. Both Christianity and Judaism believe that one day the Kingdom of God will be established and await a savior (Messiah) for this purpose. However, their Gods are different, and the Messiah they await is different. The expected Messiah in Jewish sources is from the lineage of David; the Messiah awaited by Christians is Jesus Christ. Jews do not accept Jesus as either the Messiah or a prophet. The culmination of such narratives, known as the wars of Armageddon, is somewhat a clash of Messiahs. In the end, each claims that their God, their Messiah, has won. Although the theological combination of Judaism and Christianity is not possible, in recent times, a new understanding has emerged under the name of "Christian Zionism," which claims that the Savior awaited by Jews is Jesus Christ. <https://ordaf.org/yesaya-kehaneti-ve-israil-saldirganligina-teopolitik-yaklasim/>, Accessed: 07/01/2024.

²³ Especially from the 1880s onwards, various measures were taken by the Ottoman Empire to prevent the disruption of the demographic balance due to Jewish migration to Palestine. Prohibiting even Ottoman citizens who were Jewish from buying land, not granting residence permits to Jews coming to settle in Jerusalem, and not allowing visitors to stay for more than a month were among the prominent measures taken to prevent Jews from migrating to Palestinian territories. These measures indicate that the



Ottoman Empire recognized the main purpose of Zionist Jewish migration to Palestine and realized the consequences of disrupting the demographic balance.

Below are documents related to the measures taken by the Ottoman Empire in the early 19th century to prevent Jews from settling in Palestine:

Investigation of the reasons for the increase in Jewish places of worship in Safed, December 3, 1584, A. DVNS. MHM.d, 55/85

Reports that land is being purchased for Latin, Greek, and Armenian monasteries in Jerusalem, despite the prohibition of Muslims selling land, and reporting to the government the officials who do not comply with this ban, August 30, 1851, İ. MVL, 219/7348

Measures were taken to prevent foreigners from using various tricks to buy land in Palestine, and in this context, Esad Efendi was tasked with conducting a survey of land and properties in Jerusalem on December 13, 1857, A. MKT. MVL, 93/38.

The proposal by Monsieur Oliphand to establish an autonomous Jewish colony with administrative privileges on a large tract of land in Belka was deemed unsuitable by the Council of Ministers on May 9, 1880, Y. A. Res, 5/58.

Due to the vested interests of European states and financial difficulties faced by the Ottoman Empire, Newlinsky proposed to assist the Ottoman Empire by providing land in Palestine in exchange for help, and Jewish businessmen were to provide spiritual support through European newspapers they owned, on April 4, 1881, Y. PRK. TKM, 38/51.

On January 29, 1881, it was announced by a decree that without the approval of the government, land mortgages would not be accepted, as it was reported that agricultural lands belonging to the inhabitants engaged in agriculture in the Syrian region were being mortgaged to traders and bankers at high interest rates, with the intention of these lands being seized by a bank being established in England, ŞD. TNZ, 2272/86.

Despite the prohibition against Jewish immigrants settling in Palestine, an investigation was conducted on July 22, 1886, regarding those responsible for granting settlement permits and admitting Jewish immigrants from Romania who settled in Haifa to the jurisdiction of the Ottoman Empire, and it was emphasized that this ban should continue to be rigorously enforced, ŞD, 2275/34.

On May 29, 1891, Ambassador Abdülhak Hamid warned against showing tolerance towards Jewish migration from Russia to Palestine, Y. PRK. EŞA, 13/67.

The requests of Jews who settled in Safed and Haifa to become subjects of the Ottoman Empire, to be exempt from military service, and to settle in America were rejected on July 27, 1891. Instead, they were sent abroad for settlement, İ. MMS, 123/5276.

On September 27, 1891, administrative and military measures were taken against the clandestine activities of Jews attempting to seize the region by purchasing large tracts of land on the coasts of Gaza and Jaffa to establish modern villages, Y. PRK. UM, 23/66.

On January 5, 1892, it was decreed that Jews intending to settle in Jerusalem would not be granted residency permits, and those coming for visits would not be allowed to stay for more than a month, DH. MKT, 1908/19.

Due to the prohibition of foreign nationals residing in Jerusalem, Jewish immigrants arriving from Iran were ordered to be returned to their home countries on January 14, 1892, DH. MKT, 1911/115.

Although settlement of Jewish immigrants in Palestine was prohibited, it was understood that due to the negligence and leniency of officials or by tempting landowners, Jews had acquired land. To prevent this, it was temporarily decreed on November 26, 1892, that land registry officials were forbidden from issuing titles based on unofficial promissory notes between individuals, provided that this regulation applied exclusively to this region, DH. MKT, 2025/36.

On August 15, 1893, a report was issued regarding Jews deported from countries like Russia and Romania who were illegally settling near Jaffa and Haifa in Palestine, detailing who was assisting them and how, Y. PRK. AZJ, 27/39.

On February 25, 1893, it was noted that despite Michel Erlanger, a French national, wanting to transfer the lands he owned in Haifa, Jerusalem, and Jaffa to Rothschild's representative El-Shayyed, the notification prohibiting the transfer of lands to Jewish immigrants in Palestine was still in effect. Therefore, no land transfer should be made to them under any circumstances, ŞD, 2280/26.

Due to the practice of fraudulent lawsuits being filed in courts to convert both registered and unregistered lands in Palestine at prices higher than their value and the unauthorized construction of buildings on these lands without the Sultan's permission, it was ordered on January 3, 1894, that henceforth court officials, including those from the Defter-i Hakani (imperial land registry), should be present in such cases to be more vigilant, and those not complying with the laws should be punished, DH. MKT, 196/62.

On October 20, 1894, following disputes over interference by Bethlehem Matran Despot Stefanos Efendi on land registered under the Sultan in Jericho, a new investigation was ordered by Captain Nuri Efendi, appointed by the Jerusalem Municipality. Additionally, a map showing the lands and gardens registered under foreigners in Jericho was requested, HH. THR, 27/2.



Due to the ongoing settlement of Jewish immigrants expelled from Russia and other countries with the support of Baron Rothschild in the territories of Palestine and the concentration of Jews in this region, which could potentially lead to a crisis similar to the Armenian issue in the future, it was emphasized on December 22, 1894, to take systematic measures to prevent this migration, Y. PRK. AZJ, 30/37.

To determine the Jewish population in Tiberias, both registered and unregistered, a clerk proficient in a foreign language was sent on April 24, 1898, ŞD, 2289/8.

On September 3, 1898, Mr. Herzl, speaking at the second congress of the Zionist Organization in Vienna, declared their intention to return to their ancient homeland, the land of Palestine, based on the principle of "You give, I give," Y. PRK. TKM, 41/5.

Dr. Theodor Herzl's proposal to Foreign Secretary Artin Pasha, presented on April 30, 1899, stating that they would assist in resolving the financial problems of the Ottoman Empire on the condition of providing land to Jews in Palestine, Y. MTV, 285/162

The decision to prevent Jews from migrating to Palestinian territories and to maintain the ban on this matter, September 30, 1901, İ. HUS, 1319.B/2

Despite the decision not to allocate excessive land to Baron Rothschild in the Haifa District and not to build more than one hundred and thirty households, it was understood that he did not comply with this restriction and additionally resettled banned immigrants; In order to conduct examinations regarding these lands, one official each was appointed from the Sublime Porte, Military, and Land Registry Ministries, March 14, 1900, Y. MTV, 200/41

It is indicated that the decisions regarding the temporary residence permits of different colours to be given to Jews visiting Palestine and other rules mentioned in the instructions, which have been implemented for many years, are only aimed at preventing Jews from settling in Palestine and do not intend to obstruct their right to visit in any way. Foreign embassies opposing these practices will be informed accordingly, October 18, 1900, HR. SYS, 410/3

Due to the encroachments by the Remilan tribe on the Sultan's lands in Jerusalem, it was decided to build garrisons at designated locations and to increase the existing personnel of the Yafa battalion, sending reinforcements to the mentioned garrisons, March 15, 1906, İ. HUS, 139-1324.M/54

Informing the Ministry about the registration of the Masfara land in Jerusalem in the Sultan's private property in exchange for payment, April 4, 1909, Y. MTV, 313/162

Evaluation of the request from Isaac Fernandez, a merchant from Galata, for the survey and measurement of his lands in Palestine within the scope of the ban, and notification to the Land Registry about the conditions under which Jewish immigrants wishing to migrate to the Ottoman State can purchase land, June 13, 1909, MV, 128/69

Application of legal provisions to prevent Jews who want to settle in Palestine by taking advantage of the declaration of the Constitutional Monarchy and the return of Nazareth to its previous status under Acre's administration, June 20, 1909, MV, 129/6

Issuing temporary permits to Jews visiting Palestine and Jerusalem for monitoring purposes and preventing their settlement there, November 8, 1909, DH. MUİ, 26-2/29

Due to the fact that the coastal area near the Re'sül-Ayn Farm in the Sur District and some other places are registered in the name of Sultan Abdulhamid II in the land registry, it was informed to the local population seeking property rights in these areas and to the district governor leading them that administrative decisions cannot grant them this right, and they need to apply to the court, June 2, 1910, DH. MUİ, 25-2/31

Taking necessary measures to prevent the increase in the number of Jews buying land in Jerusalem with false identities, January 11, 1914, Y. PRK. DH, 7/29

Since it was observed that the red-coloured temporary residence permit given to Jewish visitors to Palestine was not sufficient to prevent them from staying for extended periods and buying land, upon the proposal for the complete abolition of this practice, discussions were held in the Council of State (Meclis-i Vâlâ), resulting in the firm implementation of the measures taken in this regard and the continuation of existing practices regarding land sales as deemed appropriate by the Ministry of the Interior, January 25, 1914, MV, 184/67

Covering the expenses required for the deportation of poor Jews who are citizens of enemy states and do not accept Ottoman citizenship from Ottoman territories in Palestine, January 13, 1915, MV 195/151

Due to the activities of Zionist societies, the majority of Jews who came to Palestine to establish a Jewish state are subjects of hostile states and pose a danger to the Ottoman Empire. Therefore, those who do not accept Ottoman citizenship are deported without any pressure, April 10, 1915, HR. SYS, 2160/3



From the destruction of Solomon's Temple after the Roman armies took the city of Jerusalem (70 A.D.) until the establishment of the State of Israel (1948), the Jews lived in diasporas and migrations, and their dominance in Palestine covers a period of no more than four hundred years in only a small part of Palestine. However, it is known that throughout the known history of Palestine, spanning approximately 4,500 years, the Palestinian people continued to live in their lands, maintaining their connections and living peacefully under the 12-century Islamic rule, among other periods.

Contrary to the Zionist claim of **"A land without a people for a people without a land," the Ottoman Empire had a strong registration system where every piece of land was documented and owned, indicating that the land in Palestine was not ownerless. Thus, the plan to settle Jews in Palestine actually aimed at displacing the ancient and indigenous Palestinian people from their lands from the very beginning.** It can be said that the policy of displacement that Palestinians still face today actually began with the emergence of Zionism and the Jewish migration to Palestine in the 1880s.

There are various sources regarding the Jewish population in Palestine. In 1890, the total population of Palestine was reported as 532,000, with 431,800 Muslims, 57,400 Christians, and 42,900 Jews. Some sources indicate that by the early 20th century, the Jewish population in Palestine was 50,000, rising to 85,000 in 1914. According to official Ottoman records, the total population in 1915 was 689,275, with 83,000 Jews. In 1917, there were reportedly 56,000 Jews, increasing to 66,000 in 1920, and 83,790 in 1922. British documents indicate that in March 1919, the total population was 647,850, with 515,000 Muslims and 65,300 Jews. Despite the discrepancies in these numbers, it can be concluded that the Jewish population, which was around 35,000 in the 1880s, had doubled or even tripled by the outbreak of World War I, particularly during the British mandate period when there was a surge in Jewish migration to Palestine.²⁴

It is understood that the ideal of establishing a Jewish state with its capital in Jerusalem, within the boundaries of the "Promised Land" in Palestine, is not a new or hidden ideal, but has continued through a program that has been gradually implemented by seizing opportunities. The current stage of displacement and occupation policies is evidenced by the latest goal of the occupation and displacement of Gaza.

As the new minister of the Pope stated in a Spanish newspaper, "There is no permission to put Palestine back under the bondage of Muslims," it was requested to obtain the opinion of the Pope's representative in Istanbul regarding this statement, September 14, 1917, HR. SYS, 2333/1

President Wilson of the United States wrote a special letter to the Russian Government requesting assistance in establishing a Jewish government in Palestine on October 7, 1917, HR. SYS, 2333/3

Since Palestine's independence and administration being handed over to the Jews were promised to the Zionists by the President of the United States, and the British Government also agreed to this idea, measures were taken to prevent the advancing British army from entering Jerusalem from Gaza, October 13, 1917, HR. SYS, 2333/4

Instructions regarding how to deal with the lands acquired by Sultan Abdulhamid as personal property in the Hijaz, Iraq, Palestine, Rumelia, and some provinces of Anatolia, February 3, 1919, MV, 214/57

²⁴ Armaoğlu, p. 35.



3. The Administrative Approach of the Ottoman Empire in the Palestinian Territories

In Palestine, wars, migrations, and massacres have been witnessed since ancient times. It can be said that the Islamic rule over the Palestinian territories spanned approximately twelve centuries. This period of twelve centuries, including the Ottoman rule from the conquest of Jerusalem in 1517 until December 9, 1917, represents the longest period of stability and peace in Palestine, apart from the Crusades, during which Palestine lived in peace and tranquility.

The Ottoman Empire adopted as a state policy ensuring the free practice of everyone's faith, allowing followers of different religions and sects to practice their beliefs without interference from one another, and it successfully maintained this policy.

The historical Babu'l-Halil/El-Halil Gate (also known as the Gate of Abraham or the Jaffa Gate) of the Jerusalem walls, built during the Ottoman Empire, bears an inscription commissioned by Sultan Suleiman the Magnificent.

"La ilahe illallah, Ibrahim Halilullah"

Which means:

"There is no god but Allah, and Abraham is His friend."

It provides an idea about how Muslims, Christians, and Jews lived together peacefully under the rule of the Ottoman Empire, their governance approach, and how Jerusalem should be governed today.

By highlighting a prophet who is a common ancestor to Muslims, Christians, and Jews, the inscription also acknowledges the presence of Jews and Christians living in Jerusalem. No one entering the city passing under this inscription has been disturbed by it, and this spirit inscribed on the walls has also been reflected in social life.



The inscription "La ilahe illallah, Ibrahim Halilullah" found on the Gate of Abraham (Bab al-Khalil)

Samuel P. Huntington, in his thesis "The Clash of Civilizations," argues that the differences in civilizations and their distant thought structures will turn into a struggle. However, contrary to the imperialist understanding based on Western civilization's "colonial" oriented governance and the policy of "divide and rule," which led to incitement of people against each other, even Christian communities from different sects were in conflict. In contrast, the Ottoman Empire's governance, rooted in the Medina model of the Prophet Muhammad (peace be upon him), accommodated different civilizations for centuries within a framework of tolerance, allowing them to live their religions and cultures.

There is no doubt that the Palestinians, who have been the primary victims of British colonialism and Zionism, were a people with a distinct identity and personality both a century ago and today, with the right to establish an independent state. After World War I, Palestinian Arabs had a unique identity and character. Arabs living in these lands, which were dominated by the Ottomans for centuries and where Jerusalem was the lifeline, saw themselves as "Palestinians."²⁵

Ottoman archival documents clearly demonstrate that, just as Arab inhabitants with a "Palestinian" identity lived in peace, Jews and Christians living in Palestine were also allowed to freely practice their religious obligations. The Ottoman Empire successfully maintained the "millet system," which

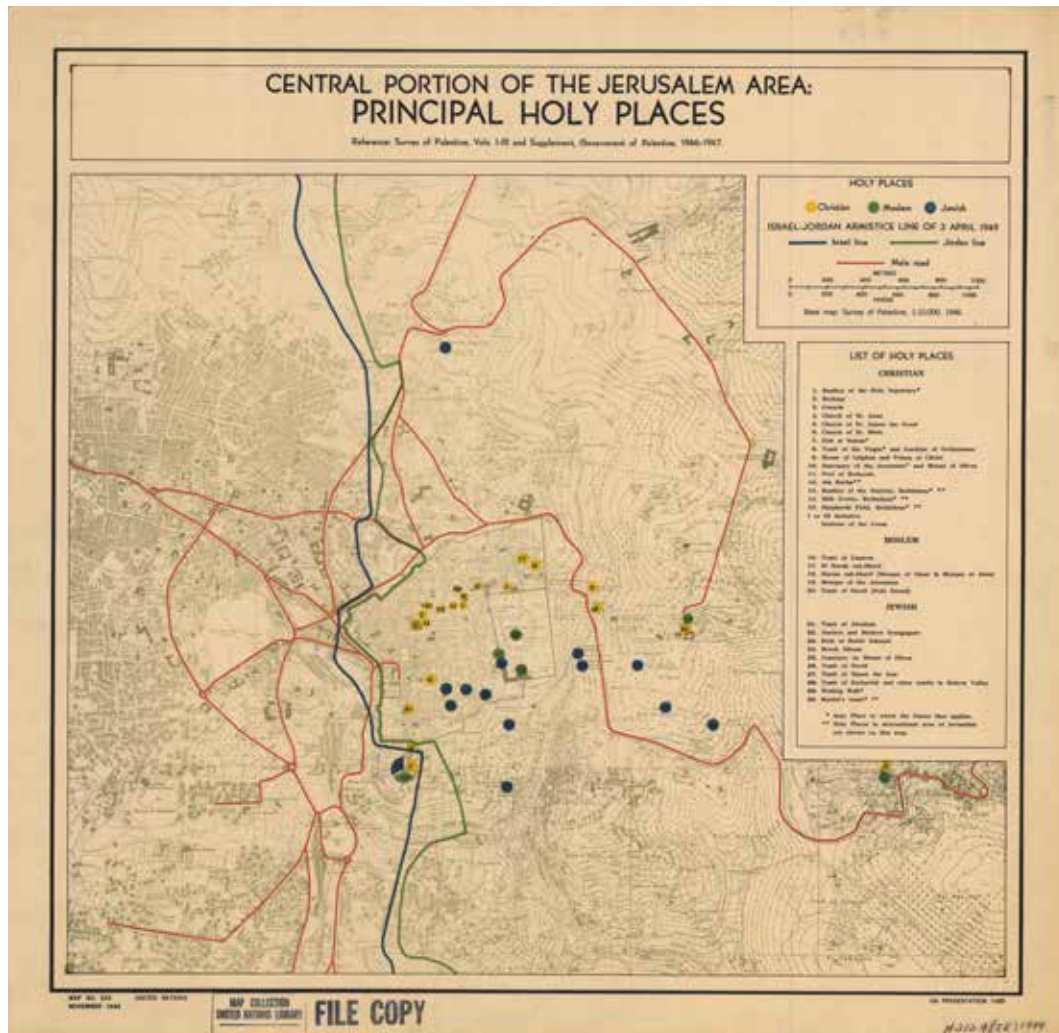
²⁵ Aral, p. 68.



provided different communities with legal status and freedom. The concept of “millet,” representing religious affiliation, enabled the actual realization of religious and conscience freedom even in today’s conflict-ridden Middle East region. Unlike colonialist approaches based on destroying, eliminating, and transforming religious, linguistic, and cultural structures, the Ottoman Empire allowed different nations living in Palestine to preserve their religious, linguistic, and cultural heritage until today. The original structures of places of worship belonging to different faiths were preserved, which is the greatest evidence that the Ottoman Empire supported the economic, legal, religious, linguistic, and cultural development of each nation and ensured the preservation of their unique identities.

*Jerusalem during the
Ottoman period*





Main Holy Sites in
Jerusalem, dated
30/11/1949, un.org

In accordance with its era, the Ottoman Empire ensured the application of Islamic law principles in matters concerning public order for non-Muslim subjects in a manner that could be considered quite advanced, while allowing the application of their own religious law rules in matters of family, inheritance, and some commercial law issues. Non-Muslims were granted the same citizenship rights as Muslims in fundamental rights as well as in rights related to marriage, alimony, inheritance, and property acquisition.

This governance approach, viewed as a barrier to division and colonization, was perceived to be under threat due to the instigation of rebellions resulting from the exploitation of nationalist movements by Western states. Consequently, like other remaining Ottoman territories, the Palestine region also became associated with conflict and oppression in the past century.



The dissolution of the Ottoman Empire in the Middle East and its fragmentation did not only signify a political breakdown or the end of the state that provided protection for them. It also resulted in a deformation of the social, cultural, and communal life encompassed by the legacy of the empire.

4. The Ideological Justification of the Occupation of Palestine: Zionism

The term “Zionism” was first used in 1885 by the Viennese Jewish writer Nathan Birnbaum.²⁶ Zion, a name used for Jerusalem, which was conquered by King David and made the capital in the Old Testament (II Samuel, 5/7). Over time, its scope expanded to encompass all of Israel. Zionism, based on the word Zion, refers to the political movement of the Jewish people aiming to establish a Jewish state in Palestine as their “historic homeland.”²⁷

The emergence of the Zionist movement, which revolves around a national consciousness uniting Jews scattered throughout the world (diaspora), is closely linked to the surge of nationalism in Europe during the latter half of the 19th century. Nationalism in Europe not only fueled anti-Semitism, or anti-Jewish sentiment, but also prompted Jews dispersed across European countries to embrace nationalism, albeit in the form of a religious-cultural nationalism.²⁸

The worldwide organization and transformation of Zionism into a political movement occurred with Theodor Herzl, who also brought the proposal to Sultan Abdulhamid II, allowing Jews to immigrate to Palestine and acquire land.²⁹ While formulating the theory and organization of Zionism, Herzl tapped into an existing political consciousness among Jews, transforming motifs from the Jewish faith into a national ideology and shaping them into a political movement.³⁰

²⁶ Shlaim, Avi, Demir Duvar: İsrail ve Arap Dünyası, 2. Edition, Küre Yayınları, İstanbul 2022, p. 43.

²⁷ TDV İslam Encyclopedia, Vol. 37, p. 329.

²⁸ For this reason, Jews also began to examine and develop their national culture, and the examination of ancient Jewish culture led to the awakening of national sentiments based on religion among Jews, turning their eyes towards Zion, the place where the city of Jerusalem was established and where the Holy Temple of King Solomon was built. Armaoğlu, p. 23.

²⁹ Initially, Herzl's Zionism had limited impact. Long before Herzl, the 1841 Charleston Declaration of the Jews stated, “This country (U.S.) is our Palestine, this city is our Jerusalem, this house of God is our Temple.” At that time, the majority of American Jews, particularly Reform Jews, held this view for years. Similar views were widespread among Jews in other countries, especially in Germany. Orthodox Jews, however, reacted negatively to Zionism. As early as 1903, Lubavitscher Hasidim accused political Zionism of blasphemy as “opposing God and denying the Torah.” Zionism and Racism, Translated by Türkaya Ataöv, (L. Humphrey Walz), Ankara University Faculty of Political Sciences Publications, 1982, p. 24.

³⁰ Herzl's and his followers' underlying assumptions are fundamentally fourfold. Despite being expressed in various forms, they continue to strongly influence the hopes, designs, and practices of present-day Israel. According to Edwin M. Wright, a former foreign policy expert at the U.S. Department of State, these assumptions are as follows:

(1) Jews and non-Jews cannot genetically (and perhaps genetically) live together in harmony, and non-Jews are implacably anti-Semitic.

(2) All Jews must come together in the same country to protect themselves; the “strong legend” that Palestine is the traditional homeland of all Jews has made the choice of this land compulsory.



The emergence of Zionism is not based on religion per se, but rather on concepts and beliefs derived from the Torah, which are used as political arguments. Zionism suggests that the historical oppression and humiliation experienced by Jews can be overcome by establishing a Jewish state in the promised lands of the Torah. It asserts that in order to achieve this goal, Jews in exile around the world must unite with a national consciousness, based on a religious form of nationalism. Therefore, Zionism has used anti-Semitism as a political argument to achieve its goals, convincing not only the Jewish community but also Western society, given the need for Western support and belief that the establishment of a "Jewish state" is the only solution to the difficulties Jews have faced throughout history. Thus, Zionism has created all the necessary conditions and environments to ensure that Western society believes and supports the idea, serving as the missing link to achieving its goal.

The Zionist ideology aims to normalize, legitimize, and justify the establishment of a Jewish state in Palestine, convincing Jews (or non-Jews) to see it as a legitimate and correct solution to the "Jewish question" or "Jewish problem."³¹ The World Zionist Organization was established with the convening of the World Zionist Congress in Basel on August 29, 1897.³²

Following that date, Zionists have periodically organized congresses. They have implemented one by one the political and economic means they would need for the Jewish colonies they would establish in Palestine. Despite the Arab population already living in the lands coveted by Zionist Jews, the widely accepted view is that Zionism has consistently ignored the Arab population in Palestine, considering them primitive and backward.³³ In this way, the early Zionists adopted the form, philosophy, language, and style of imperialist thinking regarding the Eastern lands from European circles. The initial orientation of the early Zionists towards Palestine resembled the European trend of targeting lands deemed empty and uncivilized. The indigenous Arabs were considered backward or non-existent.³⁴

(3) Non-Jews must either be expelled from the Jewish state or kept separate from established Jews by a legal and psychological barrier.

(4) The establishment of a Jewish state requires the assistance of non-Jews.

(a) Semitism antagonists who provoke the migration of Jews from their own countries.

(b) Overcoming the relative dispersal of world Jewry requires the support of at least one major state.

Zionism and Racism, Tr. Türkaya Ataöv, (L. Humphrey Walz), Ankara University Faculty of Political Sciences Publications, 1982, p. 24.

³¹ Zionism and Racism, Tr. Türkaya Ataöv, (Guy Bajoit), Ankara University Faculty of Political Sciences Publications, 1982, p. 143.

³² The Basel Program defines the official framework of the movement as follows: "Zionism aims to establish a homeland for the Jewish people under public law in Palestine. To achieve this, the congress has decided to work towards the meaningful settlement of Jewish farmers, artisans, and merchants in Palestine, the consolidation and organization of Jews according to the local laws of each country, the strengthening of Jewish national feelings and consciousness, and the initiation of preparatory work to obtain the approval of relevant governments to achieve the goals of Zionism." Öke Mim Kemal, *Siyonizm'den Uyarlıklar Çatışmasına Filistin Sorunu*, Ufuk Yayınları, 1. Edition, İstanbul 2002, p. 38.

³³ Shlaim, pp. 46-47.

³⁴ Zionism and Racism, Tr. Türkaya Ataöv, (Edward W. Said), Ankara University Faculty of Political Sciences Publications, 1982, p. 137-142.



The Zionist movement, even in its formative stages under Herzl's leadership, contained two fundamental characteristics that it would not lose in the future: the permanent rejection of Palestinian national existence and the quest for an alliance with a global power from outside the Middle East. From the First Zionist Congress in Basel onwards, sidelining the Palestinians became a fundamental tendency in Zionist politics. An assumption not explicitly stated by Herzl and his followers is that the Zionist movement aims to achieve its goals not by reconciling with the indigenous population but by forming an alliance with the superpower of the time.³⁵ In this context Theodor Herzl, for the settlement of Jews in Palestine, made five trips to Istanbul between 1896 and 1902 to persuade II. Abdülhamit and brought the proposal of supporting the Ottoman State by Jews in foreign policy and fixing the struggling Ottoman finances in exchange for these lands.

II. Abdülhamit, through the Polish nobleman Count Philipp de Newlinsky, sent to Herzl,

"The Turkish Empire does not belong to me. It belongs to the Turkish nation. I cannot give away any part of it. Let the Jews keep their millions. When my empire is divided, they can take Palestine without any price. But our only parts that can be divided are our corpses. I cannot allow surgery on a living body."

His request was rejected with this response.³⁶

In Herzl's memoirs, it is stated as, "We must wait for the dissolution of the Ottoman Empire for Zionism to achieve its goal."³⁷ Due to the Ottoman Empire's rigid approach, the territories of Argentina, Cyprus, Mozambique, Congo, Libya, and Uganda were considered for the planned Jewish state. However, the motto "Zionism without Zion is not possible" prevailed.³⁸

4.1. Zionism and Racism

The slogans used by Zionism such as "World Jewish Nation" and "God's chosen people," as well as the discourse centered around the Jewish nation, have sparked debates about whether Zionism is based on racism or not, leading to the acceptance of racism as a fundamental principle of Zionism. Zionism,

³⁵ Herzl's supporters included the Pope, the King of Italy, the German Emperor and Joseph Chamberlain, the Colonial Minister of the United Kingdom at that time. Herzl offered Jewish capital to the Ottoman Sultan and promised the Kaiser to make Jerusalem Berlin's advanced post. To Chamberlain, he promised that Jewish lands would eventually become a colony of the British Empire. Regardless of his arguments, Herzl's fundamental goal remained unchanged. This is to garner the support of great powers to turn Palestine into a political center for Jews. Shlaim, p. 46. The position of influential superpowers in the Middle East has changed hands numerous times throughout the 20th century. Once the Ottoman Empire held this position, then after World War I, it was Great Britain, followed by the United States after World War II. However, seeking the patronage and support of major powers in the struggle for statehood and the establishment of the state has remained an immutable factor for Zionism. Shlaim, p. 48.

³⁶ Öke, pp. 41-52. Furthermore, to prevent Jews from settling in Palestine, various measures were taken, including passing laws to prevent land acquisition.

³⁷ Arı Tayyar, Geçmişten Günümüze Ortadoğu Siyaset, Savaş ve Diplomasi, Alfa Yayınları, 1. Edition, İstanbul 2005, p.119.

³⁸ The Great Zionist Cover-up, Cleveland, 1975. Cited in: Zionism and Racism, Translated by Türkaya Ataöv (L. Humphrey Walz), Ankara University Faculty of Political Sciences Publications, 1982, p. 24.



as a reflection of the nationalist movement in Europe and influenced by the oppressive approach towards Jews, has emerged as a reactionary response with racist tendencies.

On November 10, 1975, the United Nations General Assembly adopted Resolution 3379, which determined that Zionism is a form of racism and racial discrimination.³⁹

“... recalling its resolution 1904 (XVIII) of 20 November 1963, proclaiming the Declaration on the Elimination of All Forms of Racial Discrimination, and its resolution 3151 G (XXVIII) of 14 December 1973, recalling also the unholy alliance between South African racism and Zionism condemned by the General Assembly in its resolution of that date, bearing in mind the International Women's Year World Conference held in Mexico City between 19 June and 2 July 1975, which solemnly declared ... considering also the Declaration of Mexico on the equality of women and their contribution to development and peace and the elimination of apartheid and Zionism in all their forms adopted by the World Conference on International Women's Year, and ... recalling further the declaration adopted by the Conference of Ministers for Foreign Affairs of Non-Aligned Countries at its meeting in Lima, Peru, from 25 to 30 August 1975, which stressed the serious threat posed by Zionism to world peace and security, and called for all countries to oppose this racist and imperialist ideology and strengthen international peace and security ...

decides that Zionism is a form of racism and racial discrimination.”

The General Assembly Resolution 2106 A (XX), adopted on December 21, 1965, broadly defines racial discrimination as

“Any distinction, exclusion, restriction, or preference based on race, colour, descent, or national or ethnic origin.”

The United Nations General Assembly Resolution 3379, adopted on November 10, 1975, which strongly condemned and regarded Zionism as a threat to world peace and security, calling on all countries to oppose this racism and imperialist ideology, was revoked by another United Nations General Assembly resolution adopted on December 16, 1991. The decision taken in 1991 was not because Israel had abandoned being a racist state but because it was put forward as a prerequisite for the Zionist state to participate in the Madrid Peace Conference, which aimed to address the Israel-Palestine issue. This decision was made as a result of pressure exerted by the United States and other influential international circles on many countries to obtain the required majority in the General Assembly.⁴⁰

As described by Garaudy,

“A domestic policy based on racism; an aggressive and expansionist foreign policy aimed at creating ‘living space’ for imagined future generations through forced migration; and state terrorism as the preferred form of political action.”⁴¹

³⁹ https://www.ruhr-uni-bochum.de/gna/Quellensammlung/11/11_unresolution_1975.htm, Accessed: 07/01/2024.

⁴⁰ Aral, p. 214.

⁴¹ Roger Garaudy, *The Founding Myths of Israeli Politics* (AAARGH, 1996), p. 25. Quoted in: Aral, p. 262.



the Zionist ideology, from the outset, has taken a hostile attitude towards the “indigenous” Arabs who have been living in the Palestinian territories for a century. Zionists have considered themselves superior ethnically, culturally, and politically to the people living in the Middle East.⁴²

Throughout its history, Zionism, much like European colonialism, has remained committed to the establishment of a state exclusively for Jews, adorned with a religious-racial superiority ideology inspired by Christian Europe, over the indigenous Palestinians. It has never wavered from its goal of creating a state composed entirely of Jews, regardless of the demographic makeup of the region.⁴³

To occupy another nation necessitates and fuels racism. The reason behind Zionism’s adoption of a racist identity against Palestinians, Arabs, and Muslims should be sought here. To justify decades of unjust and inhumane occupation, Muslims, Arabs, and Palestinians politically, mentally, and morally must always be portrayed as guilty, prone to violence, terrorists, etc.: This results in the construction and dissemination of uniform, accusatory, and ultimately racist stereotypes against almost all Muslims worldwide, through the media. Anyone opposing the great injustice in Palestine is immediately accused of supporting terrorists, etc. So much so that even Jimmy Carter faced a massive attack for stating that Israel had become an “apartheid state” due to its occupation and discrimination policies; he was accused of being a bigot, antisemitic, etc. If a former American President faces such treatment, one must consider the attacks ordinary people and, of course, Palestinians face every day.⁴⁴

The changing times have not reduced the pressure; to the extent that even during a period when 170 women and children are killed every day by Israel in the Gaza Strip, calls for the resignation of Harvard University President Claudine Gay, University of Pennsylvania President Elizabeth Magill, and Massachusetts Institute of Technology (MIT) President Sally Kornbluth, who did not punish students advocating for Palestine, and their testimony before the Commission on Antisemitism, along with the pressures exerted on them, serve as examples of this.

It is a fact that Zionism, with its “expansionist” policy, has set itself an imperialist goal from the outset, determining common objectives with the imperialist countries it has chosen as its center, and Zionism and imperialism have become intertwined.

Indeed, Zionism, which shares the West’s eagerness for overseas territorial acquisition, has referred to itself not as a Jewish liberation movement but unequivocally as a Jewish movement aiming to establish colonial settlements in the East.⁴⁵

According to Edward Said, Zionism should not be viewed solely as the revival of European colonialism prevalent in the 19th century. From the outset, Zionism has also aimed to eliminate the presence of Palestinians in the region. If this was not possible, it envisioned the non-Jewish population existing here to be subservient to the Zionists and to serve them.⁴⁶

⁴² Aral, p. 263.

⁴³ Joseph A. Massad, *The Persistence of the Palestinian Question* (London & New York, Routledge, 2006), p. 143. Quoted in: Aral, p. 91.

⁴⁴ Kalin, pp. 440-441.

⁴⁵ Edward Said, “Zionism from the Standpoint of Its Victims,” *Social Text*, no: 1, 1979, pp. 22-23. Quoted in: Aral, p. 264.

⁴⁶ Edward W. Said, *The Question of Palestine*, (New York, Vintage Books, 1979), pp. 88-89. Quoted in: Aral, p. 66.



Indeed, both Theodor Herzl, considered the founder of Zionism, and David Ben-Gurion, the first Prime Minister of Israel, agreed that there was no place for non-Jews in the state to be established by the Zionists in the land of Palestine. Zionist forces aimed to first reduce the number of Arabs, the indigenous people of the land, as much as possible and eventually to put an end to the presence of those who remained in Palestine. As Israel was being established as a state, it built its presence in Palestine on exclusive sovereignty. Thus, it aimed to ensure that no other state - such as Palestine - would have sovereign authority in the area.⁴⁷

5. The Territories of Palestine Following Ottoman Rule

The failure to obtain a satisfactory response from the Ottoman Empire led to a deepening of Jewish efforts to seek alliances. Recognizing that the establishment of a state in Palestine could only be achieved by ending Ottoman rule, the Zionists viewed World War I as an opportunity. They intensified their quest for alliances, focusing on finding states that could help them achieve their goals after the Ottoman Empire's defeat in the war. The first tangible response to their quest for alliances came from England.

Thus began the process leading to the longest occupation of the century, fraught with displacement, migration, occupation, and war, as Ottoman rule came to an end.

In determining the current borders of the Arab world, the influence of Britain, to a lesser extent France, and the United States has been significant. In 1914, Britain signed the Damascus Protocol with Arab nationalists. Under this agreement, Britain pledged support for the creation of a single Arab state encompassing the Arabian Peninsula, Iraq, and the territories of present-day Syria, Palestine, and Lebanon, known as Greater Syria, in exchange for Arab support for Britain's alliance against the Ottoman Empire in World War I. However, a year after the signing of this protocol, Britain and France concluded an agreement that envisaged the partitioning of Arab countries, with Iraq assigned to Britain and Greater Syria to France. This agreement excluded the Palestine region due to the interest of the Zionist movement in these territories.⁴⁸

5.1. The Sykes-Picot Agreement

On May 16, 1916, Britain and France signed the Sykes-Picot Agreement, which involved the division of the Ottoman Empire's territories in the Middle East. With this agreement, the map of the Middle East was redrawn, and artificial nation-states were constructed that could not reach their natural borders.

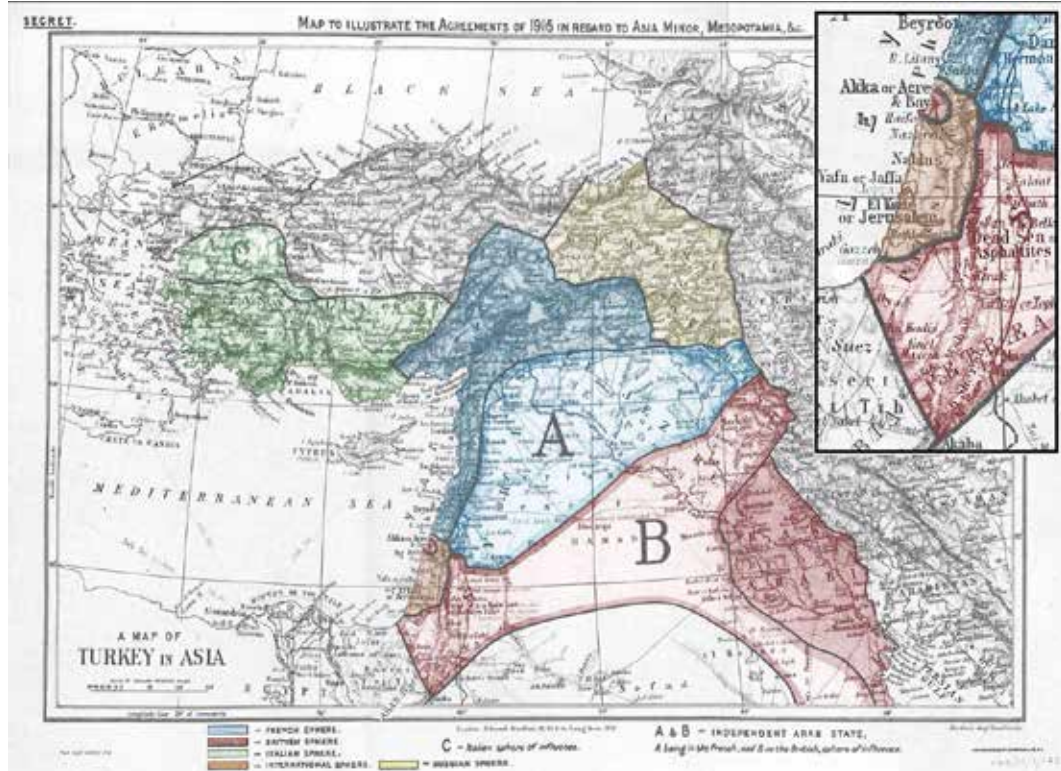
The agreement envisioned granting limited sovereignty to Arab kingdoms in the Gulf region, on the condition that they remain under their control. It also provided for the direct colonization of the

⁴⁷ Edward W. Said, *The Question of Palestine*, (New York, Vintage Books, 1979), p. 84. Quoted in: Aral, p. 68.

⁴⁸ Aral, p. 58.

Arab Mashriq geography, including Iraq, Syria, Palestine, Lebanon, and Jordan.⁴⁹ Including Beirut, all coastal areas of Syria from Acre northward, as well as the regions of Adana and Mersin, were allocated to France. The region between Baghdad and Basra along the Tigris-Euphrates rivers was given to England.⁵⁰

Map showing the
1916 Agreement,
cnnturk.com



The first step towards the opening of the conflict-ridden establishment process of the future Israeli State within the regional population, with the actual piercing of the Ottoman Empire's sphere of influence in Palestine and the settlers' occupation of the region, was the Sykes-Picot Agreement.⁵¹ The agreement is interpreted as having provided Zionists with the opportunity to gain control over Palestine by completely eliminating the possibility of Arab control over it, given the current situation. To avoid losing Arab support, Britain denied the existence of this secret agreement for a long time. The Russian government exposed the content of this document in 1917.

With exceptions such as Egypt and Saudi Arabia, the generally fragmented Arab political order, divided into small states, is to some extent indicative of the continuing presence of the 1916 Sykes-Picot

⁴⁹ Aral, p. 58.

⁵⁰ Armaoğlu, p. 41.

⁵¹ Yazar Erhan, Tarihsel Dönüşüm-Filistin Sorunu Temelinde Türk Dış Politikası ve İsrail Devletini Tanıma Süreci, 4. Edition, Siyasal Kitabevi, Ankara 2006, pp.83-84.



Agreement, which was imposed on Arab peoples by colonial powers in the past. The primary victims of this colonial division have been the Palestinian people.⁵²

The secret agreement between Britain and France to divide the region through the Sykes-Picot Agreement while also expanding its alliance with the Jews to benefit from its influence in America and Russia, to maintain its imperialist and expansionist policies by protecting its conflicting interests with its allies and taking advantage of the situation of the crumbling Ottoman Empire, is exemplified by Britain's promise to establish a homeland for Jews in Palestine through the 1917 Balfour Declaration, as well as its support for Arab nationalism by promising territorial unity to Sharif Hussein of Mecca through Sir Henry McMahon, the British High Commissioner in Egypt.

This policy set the stage for the British mandate period, which lasted until World War II, and the more than a century-long process of occupation in which the Palestinian people found themselves in a foreign state on their own land.

During this period, Britain showed increasing interest in the Middle East, partly due to its strategic position along transportation routes to its Asian colonies and also with the discovery of the region's oil wealth.⁵³

The fundamental approach of British imperialism to the region was based on the belief that a dependent, fragmented, and unstable Middle East would be easier to control, with the aim of safeguarding the European-Indian trade route and colonial interests. A region under stable and peaceful Ottoman rule might not require British domination or could lead to the emergence of other powerful entities beyond their control. Therefore, the presence of a Jewish state in the Middle East, capable of guaranteeing instability, war, chaos, and bloody conflicts, would ensure the continuation of colonial and imperialist policies. Disputes and conflicts would pave the way for the intervention of dominant powers, and these interventions would, in turn, perpetuate the continuation of disputes and conflicts.

5.2. Balfour Declaration

Following the death of Herzl in 1904, Chaim Weizmann, who became the president of the World Zionist Organization and would later become the first President of Israel, believed that the establishment of a Jewish state could be achieved with the support of the British Empire, the greatest colonial empire of the 19th century. In the memorandum they submitted to the British government, they requested not just a homeland in Palestine but the recognition of Palestine as the Jewish homeland, autonomy for Palestine, and the freedom of Jewish immigration to Palestine.

On July 18, 1917, Lord Rothschild, President of the Zionist Federation of England, presented similar demands to British Foreign Secretary Balfour in a letter bearing his own signature.

⁵² Aral, p. 312.

⁵³ Salam Hawa, *The Erasure of Arab Political Identity: Colonialism and Violence* (New York: Routledge, 2017), p. 151. Cited in: Aral, p. 56.



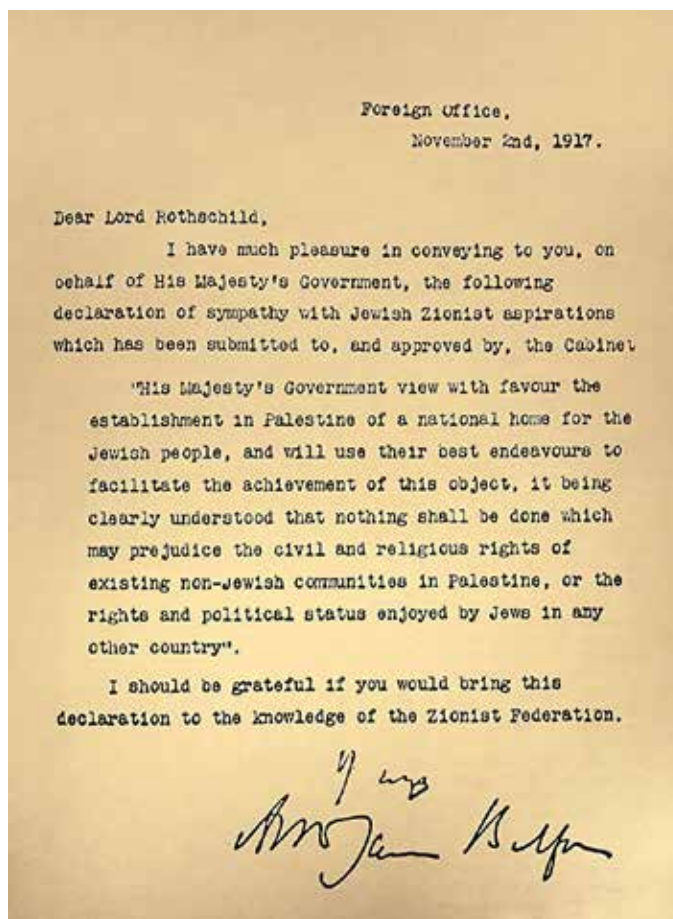
The Cabinet accepted the establishment of a Jewish homeland in Palestine. On November 2, 1917, British Foreign Secretary Balfour addressed a letter to the President of the Zionist Federation of England, Lord Rothschild, which would thereafter be known as the Balfour Declaration.

*"Dear Lord Rothschild, I am delighted to convey to you, on behalf of His Majesty's Government, the following sympathetic declaration, which has been submitted to and approved by the Cabinet in favour of Jewish Zionist aspirations. His Majesty's Government views with favour the establishment in Palestine of a national home for the Jewish people and will use its 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. If you inform the federation of this declaration, I would be grateful. Yours sincerely, A.W. James Balfour"*⁵⁴

In January 1919, Britain notified Sharif Hussein about the Balfour Declaration, after stating that the Allied Powers were also committed to the establishment of a single Arab state. They further assured that no one people in Palestine would be subject to another, that a special regime would be applied in Palestine, and that the Al-Aqsa Mosque would be exclusively for Muslims.⁵⁵

The British journalist and writer Arthur Koestler describes the Balfour Declaration as, *"One nation officially promising the land of a third nation to a second nation."*

This document, known as the Balfour Declaration, officially promised the land of Palestine, which legally belonged to another country at that time, the Ottoman Empire, and where the



The letter known as the 'Balfour Declaration,' sent from the British Foreign Office to Lord Rothschild.

⁵⁴ See for the Balfour Declaration dated November 2, 1917: https://avalon.law.yale.edu/20th_century/balfour.asp; <https://www.un.org/unispa/document/%20auto-insert-206581/>, Accessed: 07/01/2024. For detailed information, see Armaoğlu, pp. 41-42; Shlaim, pp. 49-51.

⁵⁵ Armaoğlu, p.43.



Palestinian people lived, to the dispersed Jewish communities around the world by England. It marks the first step towards the long-term action plan whose effects still extend to the present day, as it signifies the formal declaration by England of the internationalization of Zionism, turning it into an international political program.

As one of the most shameful documents in human history⁵⁶ the Balfour Declaration represented a significant victory for Zionist diplomacy. At the time of the declaration, the Jewish population in Palestine was around 56,000, compared to 600,000 Arabs, which is less than ten percent.⁵⁷ Considering that Arabs constituted ninety percent of the total population, the emphasis on their civil and religious rights rings hollow. Since their political rights were completely disregarded, the gesture of ensuring their rights was nothing but insincerity. England presented the Jewish people with the golden key to Palestine, offering to open its doors to them and make them the rulers of Palestine.⁵⁸

One month after the publication of the Balfour Declaration, England occupied Jerusalem, and Jewish immigration to Palestine gained momentum. İzzet Bey, the last administrator of Jerusalem, sent a coded telegram to the Ministry of Interior in Istanbul, stating:

"Artillery shells are falling on the holy sites, so we are evacuating the city to prevent destruction."⁵⁹

The occupation of Jerusalem has been declared a historical success by Christian and Jewish religious and state figures as a triumph of the crusader spirit over Muslims. However, Muslims have experienced profound psychological trauma due to the loss of Jerusalem.

5.3. Palestine under British Mandate

At the end of World War I, the idea of establishing an international organization to ensure "the prevention of future wars" was proposed by U.S. President Woodrow Wilson. This aimed to create an international institution and a new world order for this purpose. On January 8, 1918, in a speech delivered to the U.S. Congress, President Woodrow Wilson outlined his principles, including in the 14th point the proposal for the establishment of an international organization that includes all nations through special agreements to provide mutual guarantees for the political independence and territorial integrity of all states, both large and small. This proposal was realized with the establishment of the League of Nations on January 10, 1920.

The first task undertaken by the League of Nations, which would be responsible for ensuring international peace, was to address the question of what would happen to the territories and colonies of the defeated states and how these territories would be governed. This issue was addressed through the

⁵⁶ Aral, p.153.

⁵⁷ According to official data from the United Nations, the proportion of Arab population in 1919 was 90%, while the proportion of Jewish population was stated as 10%. See: <https://www.un.org/unispal/document/%20auto-insert-206581/>, Accessed: 07/01/2024.

⁵⁸ Shlaim, pp. 50-51.

⁵⁹ <https://www.haberturk.com/gundem/haber/1580589-kudusu-ingilizlere-neden-terkettik-bilir-misiniz-zarar-gormesin-diye>, Accessed: 07/01/2024.



"mandate system." Thus, peoples deemed unable to govern themselves, i.e., lacking administrative experience, were given the opportunity to "choose" a mandatory power, usually colonial states, to govern them "democratically" according to their own wishes.⁶⁰

The territories administered by Germany and the Ottoman Empire were transferred to the League of Nations. As a result of the desire of the Arabs, represented by Sharif Faisal (the son of Sharif Hussein), and the Zionists to have Britain as the mandatory power, the countries participating in the commission for Palestine agreed to divide the Middle East. This was formalized by the San Remo decisions on April 24, 1920, which designated Britain as the mandatory power for Jordan, Iraq, and Palestine, and France as the mandatory power for Syria and Lebanon.⁶¹

At the San Remo Conference, the description of the Arabs living in Palestine as "non-Jewish" and the issue of establishing a Jewish homeland in Palestine were among the agreed-upon matters by the participating countries. However, the process progressed in a manner that did not meet the basic expectations and demands of the Arabs, resulting in disappointment as promises remained unfulfilled. This disappointment culminated with the formal onset of British mandatory rule over Palestine when the League of Nations approved the mandate conditions in July 1922. Consequently, the Zionist aspirations were met, especially with the adoption of the Balfour Declaration as the main text for the Palestine Mandate, which pleased the Zionists who gained British protection in the Palestinian territories.⁶²

The borders of Palestine were delineated by a memorandum provided by the British government to the Council of the League of Nations, which was approved by the council on September 16, 1921. According to this, the borders would begin two miles west of the city of Aqaba in the Gulf of Aqaba, then pass through the Arabah Valley and the Dead Sea, and extend to the point where the Jordan River meets the Yarmouk River, from where it continues to the Syrian border. The eastern part of this line constitutes the territory of Jordan, and the western border of Palestine is essentially the existing border between Egypt and Palestine.⁶³

⁶⁰ This system exemplifies the outlook of Western countries, which have assumed a superior mission like bringing civilization, towards Eastern peoples who were believed to lack the ability to govern themselves. The solution was thus found to continue colonialism over raw materials, markets, and manpower, and the peoples governed by mandate were waiting with loyalty to the mandatory power, believing that their independence would be granted one day, as they did not consider themselves under occupation.

⁶¹ For the League of Nations Council's decision on the "Palestine Mandate" dated July 24, 1922, see: <https://www.un.org/unispal/document/auto-insert-201057/>, Accessed: 07/01/2024.

⁶² Both Britain and France were known as colonial powers in the true sense; as "mandatory powers" in the Middle Eastern countries they dominated after World War I, they acted with typical colonial reflexes. The fundamental difference between mandate administrations and other colonial examples is their short-term nature. (Source: Aral, pp. 60-65)

⁶³ On September 21, 1921, the U.S. Senate accepted a resolution with a text similar to that of the Balfour Declaration, agreeing to the establishment of a Jewish homeland in Palestine. Furthermore, on December 3, 1924, the United States recognized Britain's mandate over Palestine by signing an agreement with Britain. According to the 7th article of the agreement, any changes that Britain would make in its mandate administration were subject to approval by the United States. From then on, based on this article, the United States would closely monitor all developments in Palestine. This article, in a sense, linked the fate of Palestine with America. Armaoğlu, pp. 46-47.



5.3.1. Self-determination Right

After World War I, when the Palestine region came under British mandate, it was classified as Class A mandate. This meant that Britain had the obligation to grant independence to the people of this region over time. Indeed, in Article 22 of the Covenant of the League of Nations, it was expressed that the right of the Palestinian people to establish an independent state would be recognized in due course with the following words: *"Certain communities formerly belonging to the Turkish Empire have reached a level of development where their existence as independent nations can be provisionally recognized, subject to the rendering of administrative advice and assistance by a mandatory power until such time as they are able to stand alone. The wishes of these communities must be a principal consideration in the selection of the mandatory power."*

This situation indicates that Palestinians would have the right to establish an independent state after Britain's withdrawal as the mandatory power. Thus, under the framework of the Charter of the United Nations adopted in 1945, the right to self-determination, considered one of the most fundamental principles of the UN system, was granted to Palestinians even before the establishment of the UN. In 1922, when the mandate administration was established in Palestine, 88% of the population consisted of Arabs, the majority of whom were Muslims. Therefore, from an international law perspective, the only group entitled to the right to establish a state based on the right to self-determination in Palestine in the 1920s was the Arab majority. The League of Nations did not grant sovereignty over Palestine to the British mandate administration between 1922 and 1948 but rather bestowed upon it the right to establish effective authority in the region. This meant that after Britain's withdrawal from the region as the mandatory power, sovereignty would pass to the Palestinian Arabs, who continued to constitute the majority despite the massive Jewish migration to the area. The continued Jewish migration, despite Arab opposition throughout the 30 years under British mandate, was clearly contrary to the fundamental principles and objectives of the mandate system, the principle of self-determination, and the important principle of international law known as the "principle of good faith."⁶⁴

5.3.2. The Beginning of the Arab-Jewish Conflict

It can be said that the Palestinians Arabs perceived the danger from the very beginning. Palestinian Arabs began resisting from the first day because they understood the significance of the Balfour Declaration as soon as the British mandate began. This marked the beginning of an Arab-Jewish conflict that has persisted to this day. It can be argued that during the interwar period (1919-1939), the essence of the Palestinian issue consisted of Jews solidifying the Balfour Declaration in practice beyond establishing a homeland, aiming to establish a state, while Arabs sought to nullify this declaration, thwart Jewish statehood aspirations, and prevent even the establishment of a homeland. Therefore, while Jews sought to facilitate Jewish immigration to Palestine during this period, Arabs attempted

⁶⁴ Aral, pp. 155-156.



to hinder these migrations and, at the same time, endeavoured to establish an independent Arab state in Palestine, considering the overwhelming majority of the population in Palestine to be Arab.⁶⁵

Throughout this process, despite the scattered nature of the Arabs, the World Zionist Organization and the Jewish Agency in Palestine have pursued a very systematic and consistent policy in close collaboration. They have succeeded in exerting intense pressure on the British mandate administration and the British government from time to time. As a result of this policy, they have expanded both the Jewish population and Jewish land ownership in Palestine.⁶⁶

The first Zionist settlers were diligent record keepers. Since their arrival in Palestine in the early 20th century, they began writing, leaving historians with a vast amount of travel diaries, memoirs, and letters. Palestine was an unknown land to them, and their journey from Eastern Europe was often arduous and dangerous. However, upon being taken from their ships and brought to the shore by boats in Jaffa, they were warmly welcomed. The native Palestinians often helped these newcomers find accommodation and provided advice on how to cultivate the land. For these Zionist settlers, who had been deprived of farming or land ownership for centuries in their places of origin, this was an area in which they had almost no knowledge.⁶⁷

However, the settlers did not reciprocate this kindness and hospitality similarly. In their diaries, which they kept by candlelight at night, they referred to the native Palestinians as wandering strangers on Jewish land. Some even came with the belief that Palestine was empty and assumed that the people they found there were foreign invaders. Others, like the founder of the Zionist movement, Theodor Herzl, knew that Palestine was not uninhabited but believed that the indigenous population could be 'quietly removed' to make way for the return of Jews and the reclaiming of Israeli lands.⁶⁸

The perception of Palestinians as unwanted and unwelcome is the strongest aspect of Zionist discourse, and the state of Israel, established after 1948, has also embraced this approach. More than a century later, the descendants of these Palestinians have become citizens of the Jewish state. Yet, this citizenship has not exempted them from being viewed as a dangerous threat in their homeland and

⁶⁵ Armaoğlu, p. 47.

⁶⁶ Armaoğlu, pp. 50-51. Britain, in collaboration with political Zionism from the outset, has overturned the social balances established over thousands of years in Palestine. The demographic balance has shifted in favor of Jews over time, and the settlement areas have come under Jewish control. It has been impossible for Arabs without economic power to compete with internationally powerful Jews. Through conscious migration and settlement policies aimed at changing the political, economic, and demographic balance in the region, the foundations of the State of Israel to be established for the second time in Palestinian territories have been laid in this way. The first Jewish state was established in 1032 BCE and dissolved in 930 BCE.

⁶⁷ These records can be found in: Braha Habas, *Second Aliya Book*, Tel Aviv: Am Oved, 1947 (Hebrew). This work is a collection of letters and diaries of settlers who arrived in Palestine around 1905. See also Nur Masalha, *Expulsion of the Palestinians: The Concept of 'Transfer' in Zionist Political Thought, 1882-1948*, Institute of Palestine Studies, Washington DC, 1992. Cited by: Pappé İlhan, *Unutulmuş Filistinliler: İsrail'deki Filistinlilerin Tarihi 1. Edition*, Küre Yayınları, İstanbul 2020, p. 11.

⁶⁸ Herzl's diary, June 12, 1895, translated from German by Michael Prior; see Michael Prior, 'Zionism and the Challenge of Historical Truth and Morality,' in M. Prior (ed.), *Speaking the Truth about Zionism and Israel*, Melisende, London, 2004, p. 27. As cited by: Pappé, p. 12.



from being treated accordingly. This attitude has permeated the Israeli establishment and manifests itself in various ways.⁶⁹

It is also necessary to make the population figures for this initial period when Jews began to migrate to Palestine known.

At the end of World War I, the estimated Jewish population in Palestine was around 60,000 to 80,000, constituting 11% of the total population in 1923. By 1929, the Jewish population had increased to 170,000, accounting for 17% of the total population. Between 1930 and 1936, it would further increase by 200,000, reaching 400,000 in 1936, which made up 31% of the total population. As of June 30, 1938, the population of Palestine was 1,418,619, with 895,159 (63.1%) being Muslim, or Arab, and 399,808 (28.2%) being Jewish. In 1933, the Nazi (National Socialist) Party came to power in Germany, leading to a new wave of migration (aliyah) to Palestine due to the Nazis' anti-Semitic policies and genocide. The acceleration of Jewish immigration to Palestine after 1933 also led to an escalation in Arab-Jewish conflicts in the region.⁷⁰

6. Palestine After World War II

At the outbreak of World War II, with more than 3 million Jews living and the increasingly growing influence of the World Zionist Organization, one of the strongest centers being in America, combined with the rising power of the United States in world politics, the synergy of Zionist activity in America, in this new phase towards statehood, necessitated Jews to rely more on the support of the United States rather than the British. During this period, a new understanding of colonialism also emerged, with America seeking to fill the void left by Britain and France in managing colonial territories, while Jews sought to control this new power.

Zionist leaders in post-war Europe assumed that millions of Jewish refugees would strengthen the cause of establishing a Jewish state in Palestine. None of them foresaw the Holocaust, the genocide that would annihilate six million Jews, as the greatest catastrophe in Jewish history. A more rigid form of Zionism emerged during World War II, and commitment to the struggle for Jewish statehood deepened and became more assertive in the shadow of the Holocaust. While the Holocaust

⁶⁹ Pappé, p. 12

⁷⁰ During this period, it is observed that the amount of land held by Jews in Palestine increased more rapidly than the Jewish population. This expansion of land ownership led to the emergence of the first Arab-Jewish conflicts. With the increase in attacks on Palestinians by the militant Zionist organization Irgun Zvai Leumi, Palestinian reactions turned from widespread strikes and civil disobedience in 1936. The escalation of Arab reactions into uprisings over time prompted Britain to seek a new solution to the Palestine issue. The idea of partitioning Palestine was first proposed in 1937. In July 1937, a Royal Commission chaired by former Colonial Secretary Lord Peel in Britain proposed dividing the region into Jewish and Arab states. According to this proposal, the Jewish state would occupy one-third of British Mandate Palestine, including the Galilee and the coastal plains. Palestinian and Arab representatives rejected the proposal. While the British brutally suppressed the increasing rebellions of Palestinians during this period, they also did not refrain from giving the impression of pursuing a pro-Arab policy, both to stop the increasing rebellions and due to the threat of World War II. For this purpose, the British government published the White Paper in 1939, declaring that the establishment of a Jewish state was not a British policy and restricting Jewish immigration.



confirmed the belief among Zionists that justice was on their side in the struggle for Palestine, it also convinced the international community of the necessity of an independent Jewish state.⁷¹

Even before the end of World War II, David Ben-Gurion, one of the leaders of the Jewish community (Yishuv) in Palestine and the Chairman of the Jewish Agency Executive, **foresaw that the main challenge the Yishuv would face from then on would be a war with the Arabs**. For this reason, on July 1, 1945, Ben-Gurion, in New York, asked 17 sympathetic Jewish millionaires to establish a fund both for the defense of the Yishuv and to assist Jewish immigration to Palestine. **Material and weapons stored in warehouses in America and Europe began to be shipped to Palestine.**⁷²

6.1. United Nations General Assembly's Partition Resolution Regarding Palestine in 1947

In 1947, due to the ongoing Jewish and Arab conflict stemming from settlements and land occupations, Britain referred the issue to the United Nations General Assembly. In the same year, the United Nations Special Committee on Palestine (UNSCOP) was established within the UN framework⁷³ The United Nations Special Committee on Palestine (UNSCOP) presented a proposal for a two-state solution.⁷⁴

On November 29, 1947, Resolution 181, which envisaged the partition of the region by a two-thirds majority vote, was adopted by the General Assembly.⁷⁵

According to this Partition Plan, Jews, who make up only one-third (31.7%) of the population and own 6.5% of the land, will be allocated 56.4% of the land in Palestine. In contrast, Arabs, who constitute more than two-thirds (68.3%) of the population, will only be allocated 42.9% of the land in the region. Jerusalem will be declared a corpus separatum and placed under the "international" status under the supervision of the UN. The population of Jerusalem is planned to consist of 105,000 Arabs and 100,000 Jews.⁷⁶

⁷¹ Shlaim, p. 69.

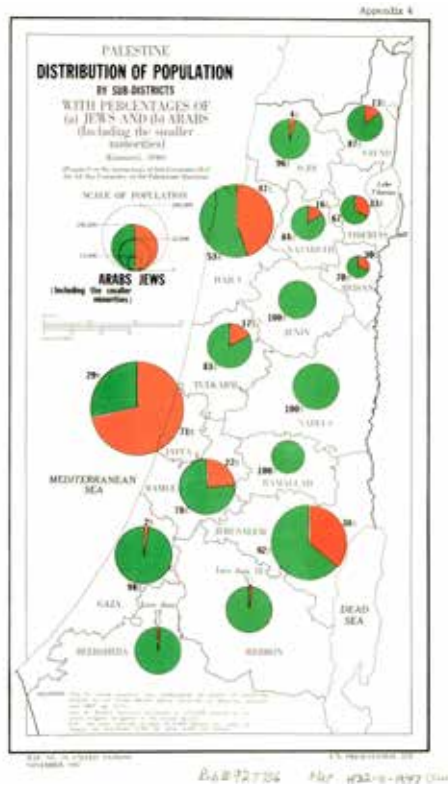
⁷² Armaoğlu, p. 73.

⁷³ <https://www.ohchr.org/en/countries/palestine/special-committee-reports>, Accessed: 07/01/2024.

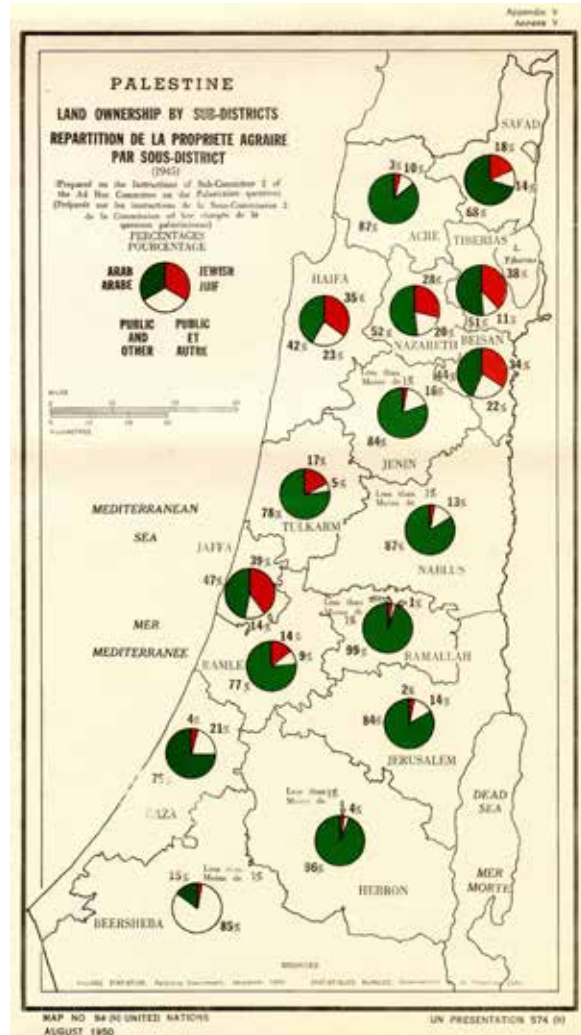
⁷⁴ <https://www.un.org/unispal/document/auto-insert-179435/> and <https://www.un.org/unispal/document/auto-insert-186346/>, Accessed: 07/01/2024.

⁷⁵ <https://www.un.org/unispal/document/auto-insert-185393/>, Accessed: 07/01/2024.

⁷⁶ <https://www.un.org/unispal/document/%20auto-insert-206581/>, Accessed: 07/01/2024.



The map showing population distribution by districts prepared according to the 1946 data by the United Nations can be found at un.org



The map showing land ownership by districts according to the 1945 data prepared by the United Nations can be found at un.org.

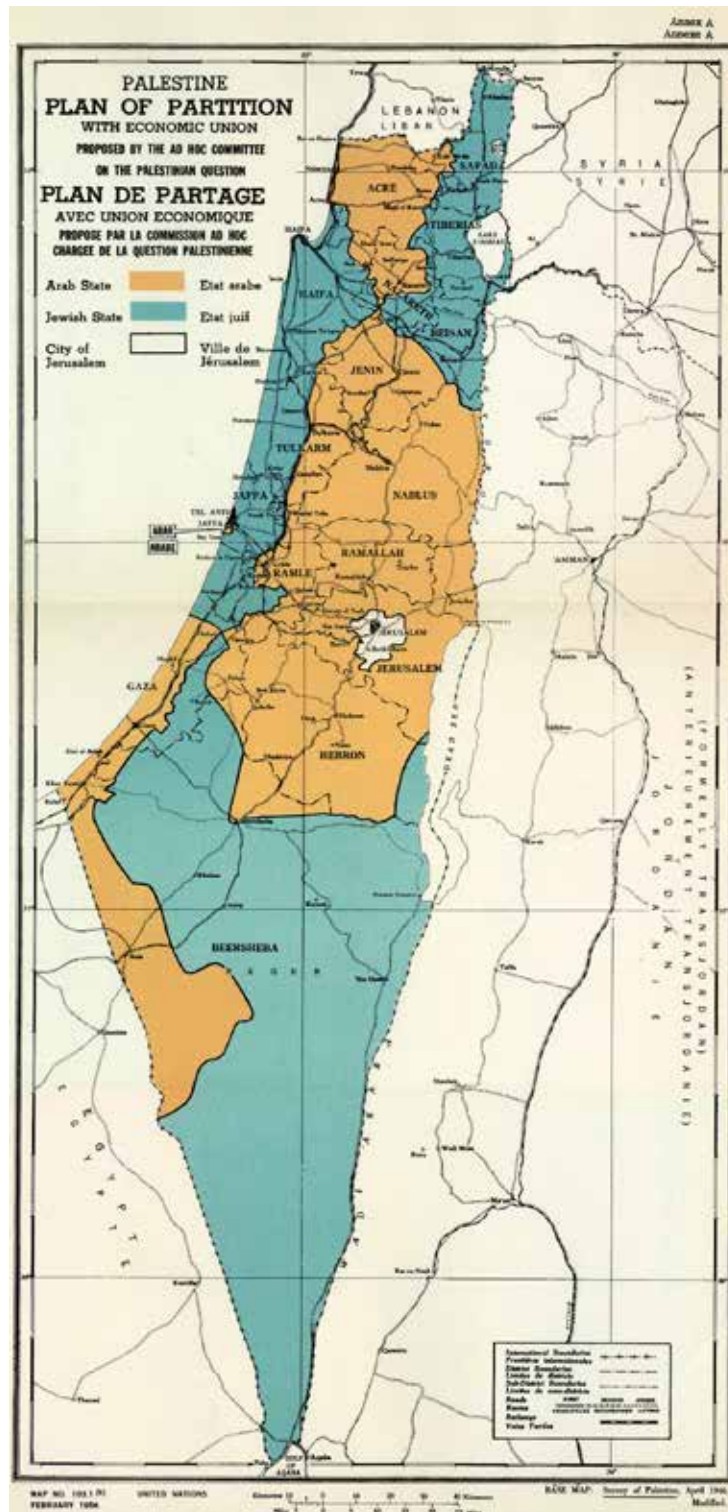
In contrast to the unjust partition envisaged in the 1947 Partition Plan, it can be seen that Palestinian Arabs, who were the majority in terms of population at that time (68.3%), were also in the majority in terms of land ownership in 1945.

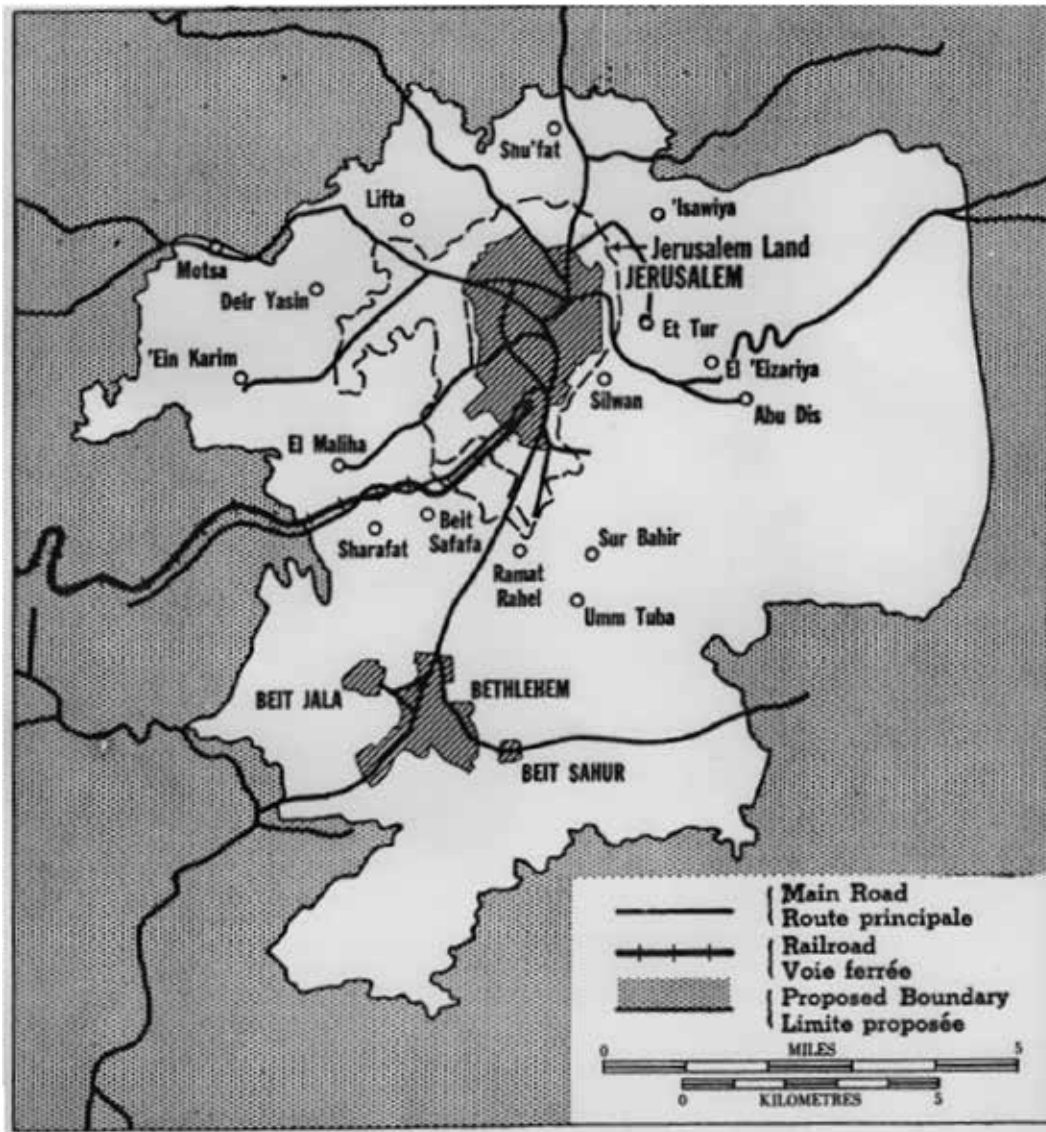
According to the plan, the unusually long and winding borders, combined with strategically vulnerable crossing points, separate Israel from the Arab state by isolating areas in East Galilee, coastal plains, and the Negev Desert. The peculiarly shaped borders of these two states, resembling two fighting serpents, are described as a strategic nightmare.⁷⁷

⁷⁷ Shlaim, p. 70.



The United Nations
Partition Plan Map
dated 29/11/1947
can be found on
un.org





*The United Nations
Map of Proposed
Borders for Jerusalem
dated 29/11/1947
can be found on
un.org*

This unjust and unfair plan, which invited chaos, was rejected by the Palestinian Arabs.⁷⁸ During the Cold War era, the United States and the Soviet Union voted in favour of the decision in an uncommon consensus.⁷⁹ The Arab states rejected the Partition Plan accepted under Resolution 181, considering it both a blatant violation of the UN Charter (1945) and an arbitrary and unfair decision. Therefore, the

⁷⁸ Despite not actively supporting the Partition Plan, Britain, which had served as the Mandatory power in Palestine, abstained from voting against the resolution during the voting. At that time, a few Muslim countries that were members of the UN, along with Cuba, Greece, and India, voted "no" to this resolution. (Aral, p. 157).

⁷⁹ Shlaim, p. 70.



independent Arab states of the time declared that they would not consider themselves bound by Resolution 181.⁸⁰

The Arab Higher Committee condemned the plan as “absurd, unworkable, and unjust.” Arab states loosely organized within the Arab League (League of Arab States) since 1945 also asserted that the United Nations plan was illegitimate and declared that they would resist its implementation through the use of force. The partition-friendly United Nations vote also signaled an imminent conflict between the two communities in Palestine.⁸¹

Resolution 181 of the United Nations General Assembly could not be fully implemented due to both the rejection of the plan by the Arabs and Israel’s expansion beyond the land allocated to it in the Partition Plan. However, this resolution has not been revoked by the UN General Assembly to this day. This situation clearly indicates that Israel has no sovereignty rights over settlements such as Safed, Haifa, Tiberias, and Jaffa, which are beyond any part of Jerusalem and the region allocated to it in the Partition Plan. Undoubtedly, the same applies to the West Bank and Gaza Strip, which Israel occupied during the 1967 war.⁸²

On the other hand, it should be noted that Resolution 181 is not legally bind-



The United Nations Partition Plan dated 29/11/1947 can be found on un.org.

⁸⁰ Aral, p. 157.

⁸¹ David Ben-Gurion, Letters to Paula (London, 1971), 153-157. Cited in: Shlaim, pp. 72. 93.

⁸² Aral, pp. 160-161.



ing. According to the UN Charter, the General Assembly does not have the authority to make binding decisions; its decisions are of an advisory nature. Secondly, with the introduction of Resolution 181 to the General Assembly's agenda, the United States and Zionist lobbies around the world exerted pressure on many states and their delegations at the UN. When it became clear that the resolution would not achieve the necessary two-thirds majority, the vote on the resolution envisaging the division of Palestine was postponed twice. Thirdly, Resolution 181 violated the right to self-determination in two respects: firstly, the right to self-determination is based on the will of the majority of the people living in a specific geographical area. In 1947, when Resolution 181 was adopted, despite decades of Jewish migration waves to Palestine, the Arab population in Palestine at that time was around 1.325 million, while the Jewish population was approximately 630 thousand. This meant that the Arab population constituted two-thirds of the total population. However, the plan allocated a larger portion of Palestine's territory (56.5%) to Jews, leaving only 43% of the land to the Arab majority. Secondly, the Arab majority living in Palestine vehemently opposed the Partition Plan. Imposing a plan that the vast majority of the people living in Palestine did not want constitutes a grave violation of the right to self-determination.⁸³

6.2. The 1948 Arab Israeli War

Following the partition-friendly decision of the United Nations, the situation in Palestine rapidly deteriorated. After the General Assembly's decision on November 29, 1947, Britain began gradually withdrawing its forces from Palestine starting in December.

The former British Secretary of State for the Colonies, Arthur Creech Jones, announced Britain's withdrawal from Palestine at the United Nations.⁸⁴



Jews began seizing the territories allocated to them by the partition plan before Britain's withdrawal, while Arabs moved to prevent this. Consequently, Arab-Jewish conflicts in Palestine commenced immediately after the General Assembly decision.⁸⁵

In December 1947, Egypt, Iraq, Syria, Lebanon, Jordan, Saudi Arabia, and Yemen declared their determination to oppose the UN resolution. Syria decided to send a volunteer force of 3,000 trained individuals, along with 10,000 rifles and light weapons, and approved the dispatch of necessary am-

⁸³ Aral, pp. 157-159.

⁸⁴ <https://www.youtube.com/watch?v=zJNuvqlwis>, Accessed: 07/01/2024.

⁸⁵ Armaoğlu, p. 95.



munition to Palestine. This force, including volunteers from Syria and Iraq alongside Palestinian Arabs, came to be known as the Arab Liberation Army.⁸⁶

According to witness testimonies, it has been reported in an article published in Haaretz newspaper that in the village of Tantura, located north of the city of Caesarea on the Mediterranean coast of Israel, Palestinian villagers were massacred as war prisoners and buried in mass graves. The testimonies of the Zionist militia force called the "Alexandroni Brigade" contain various accounts, and although the exact number of Palestinian villagers killed by gunfire cannot be determined, it is stated that more than 200 Palestinian villagers were killed, and the mass graves are said to be buried in the parking lot area behind the popular Israeli beach spot of Dor Beach today.⁸⁷

In April and May of 1948, the situation deteriorated further with intensified clashes. The most significant event of the April clashes was the Deir Yassin massacre committed by the Jews. On the night of April 9th, Irgun and Stern terrorists attacked the village of Deir Yassin near Jerusalem. After capturing the village, the Irgun and Stern forces roamed the streets, looted, humiliated, and took photos of about 250 Arab villagers, including pregnant women and children, before lining them up and shooting them. These actions resulted in the killing of 250 people, and on April 11th, an International Red Cross representative visiting Deir Yassin reported seeing piled corpses of approximately 150 Arab men, women, and children in a cave, with an additional 50 bodies found in the fortress. These details were outlined in a letter dated April 20, 1948, from the United Kingdom Delegation to the UN Palestine Commission.⁸⁸

The Palestinian community was shattered and began a mass exodus due to the Jewish military attacks that started in April 1948. The Jewish military plan ordered the seizure of Arab cities and the destruction of their villages, while also creating both the opportunity for and justification of the forced displacement of Arab civilians. By the end of 1948, the number of Palestinian refugees had reached around 700,000. However, the first and largest wave of refugees emerged on May 15, before the official start of the war. Most of the refugees fled to neighboring Arab countries, including the West Bank, the Gaza Strip, and particularly Transjordan (Jordan), Syria, and Lebanon.⁸⁹

6.3. The Declaration of the State of Israel in the Shadow of War (Nakba)

On March 10, 1948, the leaders of the Jewish community in Palestine, along with their military commanders, decided to occupy 78% of the country. At that time, this 78% portion of the country (excluding the occupied territories equivalent to present-day Israel) was home to one million Palestinians. The leadership decided to expel the majority of the population. Orders were given that afternoon to

⁸⁶ Armaoğlu, p. 96.

⁸⁷ Testimonies of the Tantura Massacre Committed by Israel in 1948 Have Come to Light. <https://www.aa.com.tr/tr/dunya/israilin-1948de-isledigi-tantura-katliaminin-tanikliklari-gun-yuzune-cikti/2482663>, Accessed: 07/01/2024.

⁸⁸ For the letter, see <https://www.un.org/unispal/document/auto-insert-211346/>, Accessed: 07/01/2024.

⁸⁹ Shlaim, p. 77.



prepare for the systematic expulsion of Palestinians from vast areas of the country. The orders specified how the expulsion would take place: extensive intimidation, besieging villages, bombing neighbourhoods, setting homes and fields on fire, forcibly expelling people, and finally, placing bombs in the rubble to prevent those evicted from returning. Each military unit was provided with a list of villages and neighbourhoods to be demolished and where the inhabitants would be placed. The plan and the means to implement it, referred to as Plan D, are contained in a briefcase full of documents. It is a continuation of Plan A, B, and C, which were prepared by the Zionist leadership since 1937 and first mentioned ethnic cleansing of Palestine.⁹⁰

The British mandate rule over Palestine officially ended as declared by the UK, on the night of May 14-15 at midnight. On May 14th, just a few hours before the end of the British mandate rule in Palestine, the Jewish National Council gathered in Tel Aviv and issued a declaration.⁹¹ Thus, the establishment of the State of Israel was declared.⁹² The United States was the first country to recognize the State of Israel. President Harry Truman disregarded the advice of the State Department and made this recognition. The Soviet Union also followed suit.⁹³



The group of leaders who declared the establishment of Israel in 1948

⁹⁰ Pappé, p. 39

⁹¹ Armaoğlu, p. 98.

⁹² For the telegram declaring the establishment of the State of Israel on May 15, 1948, see <https://www.un.org/unispal/document/auto-insert-189917/>, Accessed: 07/01/2024. The declaration began with the statement "Eretz Israel, the land of Israel, is the birthplace of the Jewish people, where the Jewish nation was first formed;" and continued, "We, the members of the People's Council, representatives of the Jewish community and the Zionist movement in Eretz Israel, by virtue of our natural and historic right... hereby declare the establishment of a Jewish state in Eretz Israel, to be known as the State of Israel." Armaoğlu, pp. 98-99.

⁹³ As a result, Israel began to replace European powers in the Middle East, becoming the spiritual successor of the superpowers of the post-war era. Shlaim, p. 79-80. After the Soviet Union recognized Israel on May 7, Poland and Uruguay followed suit on May 18, Czechoslovakia and Yugoslavia on May 19, and South Africa on May 24. Armaoğlu, p. 99.



The increase in Jewish migration, displacements, conflicts, and eventually the establishment of the State of Israel despite reactions led to the resentment of Arab countries, particularly Egypt, Syria, Lebanon, Iraq, and Jordan, due to the massacres under the auspices of Britain and America.

May 15, 1948, is regarded as the “day of the establishment of a state” for Israelis. For Palestinians, however, it marks the beginning of a series of catastrophes that have continued to the present day, starting with the forced displacement of 957,000 people, equivalent to 67% of their population, and the destruction of their cultural and social fabric.⁹⁴

The reason Palestinians commemorate May 15, the day after Israel's declaration of independence, as the “Great Catastrophe” (al-Nakba) is due to the transition from a process of massacres since World War I to practices verging on genocide, culminating in the events of displacement and destruction that followed Israel's independence declaration.

The “War of Independence” as termed by Israel had two phases. The first phase lasted from November 29, 1947, when the United Nations passed the partition resolution, until May 14, 1948, when the State of Israel was declared. The second phase extended from May 15, 1948, until the cessation of hostilities on January 7, 1949. The first, unofficial phase of the war between the Jewish and Arab communities in Palestine ended in victory for the Jews and tragedy for the Palestinians. The second, official phase involving the regular armies of neighboring Arab states also concluded with a Jewish victory and a significant defeat for the Arabs.⁹⁵

After the declaration of Israel's establishment, on the night of May 14-15, 1948, the second phase of the war began as Egyptian, Jordanian, Syrian, Lebanese, and Iraqi forces started to enter Palestine from three directions. By mid-May 1948, the total number of regular and irregular Arab forces was less than 25,000, while the Israeli Defense Forces (IDF) deployed over 35,000 troops. By mid-July, Israel had mobilized 65,000 personnel, reaching its peak at 96,441 in December. Arab states attempted to bolster their armies, but they couldn't match Israel's pace. Consequently, the IDF consistently outnumbered Arab forces in every stage of the war, with the numerical superiority ratio almost reaching two to one in the final stage. Therefore, the outcome of the war was not a miracle but rather a reflection of the military balance between the Arab states and Israel.⁹⁶

Britain and the United States imposed a blockade on the Palestinian coast and embargoed arms shipments to Palestine to prevent the war from prolonging. Meanwhile, the Soviet Union began supplying Israel with light artillery and automatic weapons from Czechoslovakia through an established air bridge. Zionist supporters worldwide also initiated extensive aid campaigns to support Israel.⁹⁷ As

⁹⁴ The Great Catastrophe That Has Lasted for 75 Years in the Occupied Palestinian Territories; <https://www.aa.com.tr/tr/dunya/isgal-altindaki-filistin-topraklarinda-75-yildir-suren-buyuk-felaket-nekbe/2897896>, Accessed: 07/01/2024.

⁹⁵ Shlaim, p. 73.

⁹⁶ Shlaim, pp. 81-82.

⁹⁷ Armaoğlu, p. 100.



a result of the Arab-Israeli war, Israel seized half of the land allocated to the Palestinians under the partition plan, effectively occupying 78% of the historical Palestinian territories.⁹⁸

After capturing West Jerusalem, Israel declared that it no longer considered itself bound by the Partition Plan and subsequently asserted sovereignty over this region. While avoiding annexation, Israel embarked on efforts to integrate this part of the city. In this context, Israel extended its judicial authority to this area immediately after capturing West Jerusalem and transferred some public institutions there. Moreover, since then, it has sought to change the demographic composition of the area in favor of Jews and has completely transformed the judicial and administrative structure according to its own desires. All these policies essentially demonstrate that Israel has pursued a de facto annexation policy here. East Jerusalem (along with the West Bank) was occupied by Jordan during the 1948-49 war.⁹⁹

The United Nations Security Council, unfortunately, did not take any sanctions against Israel, protected by the United States and Britain, to force this occupying power to withdraw in the face of its unlawful territorial acquisitions according to international law.¹⁰⁰ According to the United Nations Charter, war is prohibited in principle; therefore, any forms of territorial acquisition resulting from war are prohibited both by this charter and by general international law a fortiori. When it comes to a territory that did not previously belong to any sovereign, the establishment of sovereignty by a state that occupies this territory is legally invalid. International law does not permit Israel or any other entity to establish sovereignty over West Jerusalem in 1948 or at present.¹⁰¹

6.4. Armistice Agreements

On January 7, 1949, both sides agreed to accept the ceasefire call of the United Nations Security Council and to start disarmament negotiations. The ceasefire negotiations began on January 13, 1949, on the island of Rhodes.¹⁰² Israel signed separate ceasefire agreements with each of the neighboring Arab states, starting with Egypt. The Israel-Egypt agreement was signed on February 24,¹⁰³ the

⁹⁸ Aral, p. 69. However, in Israeli schools, the narrative of the war and the traditional Zionist approach interpret the 1948 war as a simple, two-polar, and unrestricted struggle between Arab and Israel. According to this interpretation, the seven Arab armies occupied the Jewish State immediately after the end of the British Mandate. Thus, the struggle that followed the occupation is an unequal battle between Jewish David and Arab Goliath. The nascent Jewish state fought courageously and stubbornly against overwhelming Arab superiority, engaging in a successful struggle for survival. During the war, hundreds of thousands of Palestinians sought refuge in neighboring Arab countries in anticipation of a victorious return. According to the Zionist narrative, Israeli leaders sought peace with all their hearts and power after the war, but could not find a counterpart for peace on the other side. The thirty-year political deadlock that followed the cessation of hostilities is blamed on the Arabs' refusal to compromise. Shlaim, p. 80.

⁹⁹ Aral, p. 160.

¹⁰⁰ Aral, p. 34.

¹⁰¹ Aral, p. 161.

¹⁰² Shlaim, p. 89.

¹⁰³ <https://www.un.org/unispal/document/auto-insert-187865/>, Accessed: 01/07/2024.



Israel-Lebanon agreement on March 23,¹⁰⁴ the Israel-Jordan agreement on April 3,¹⁰⁵ and the Israel-Syria agreement on July 20.¹⁰⁶ All negotiations were conducted under the auspices of the United Nations. With the agreement reached between Israel and Syria on July 20, the Rhodes ceasefire talks were concluded. The first Arab Israeli war officially came to an end. Israel increased its land share from 55% - the portion allocated by the United Nations from the Palestine Mandate - to 78% during the war. Israel also succeeded in driving out all Arab forces except for the Arab Legion, which retained control of the West Bank.¹⁰⁷

After the war, the targeted 78% of Palestine became the state of Israel, built upon the ruins of hundreds of destroyed villages and towns, and confiscated cultivated lands. Following the cessation of hostilities, a special law was enacted by the state to confiscate the property of first the expelled Palestinians and then those permitted to stay. Meanwhile, compensation or alternative land was offered to the Palestinians allowed to remain, or they were given the option to repurchase their own lands at significantly higher prices. The remaining 22% of Palestine became the West Bank and the Gaza Strip.¹⁰⁸ The Arab portion of Palestine, or whatever was left of it, was formally designated as the West Bank, or more simply, as the West Bank, while the former Transjordan (Emirate) from that moment onwards became known as East Jordan or East Bank. Therefore, the signing ceremony in Rhodes marked the formal end of Arab Palestine.¹⁰⁹

Another consequence of the armistice agreements was the General Assembly's resolution on May 11, 1949, numbered 273 (III), based on a report from the Security Council¹¹⁰ With the acceptance of Israel's membership in the United Nations. The decision emphasizes the United Nations Charter, which seeks to protect future generations from the unspeakable horrors of war disasters, fundamental human rights, and the dignity and value of human personality.¹¹¹

After it is noted that Israel has accepted membership without reservation and pledged to fulfill its obligations, the acceptance of membership reminds the state of Palestine, which was divided into two states by resolution 181 of 1947 and the right of Palestinian refugees to return to their lands by resolution 194 of 1948. Therefore, the decision, from another perspective, clearly indicates that the

¹⁰⁴ <https://www.un.org/unispal/document/auto-insert-179329/>, Accessed: 01/07/2024.

¹⁰⁵ <https://www.un.org/unispal/document/auto-insert-189953/>, Accessed: 01/07/2024.

¹⁰⁶ <https://www.un.org/unispal/document/auto-insert-177464/>, Accessed: 01/07/2024.

¹⁰⁷ Shlaim, p. 96.

¹⁰⁸ The West Bank was not occupied due to an implicit agreement with the Hashemite Kingdom of Jordan; it was annexed to this country as a result of Jordan's limited involvement in the 1948 war. Pappé, p. 40-41.

¹⁰⁹ Shlaim, p. 93. The fact that the West Bank was not included in the future state of Israel is not due to a military defeat, but rather the result of a strategic political decision. This decision was never officially adopted by the Zionist leadership. Because, just like Galilee or Negev, in Zionist terminology, Judea and Samaria are also part of "Eretz Israel" (the land of Israel). When the agreement with Jordan emerged, many officers and politicians in Israel described this decision as a major national mistake. In response to this, the notion of a "missed opportunity" was introduced to the Israeli public at a very early stage. This narrative was later adopted by mainstream parties and media, playing a significant role in supporting the occupation of the West Bank in 1967. Pappé, p. 41.

¹¹⁰ <https://www.un.org/unispal/document/auto-insert-187677/>, Accessed: 07/01/2024.

¹¹¹ <https://www.un.org/en/about-us/un-charter/full-text>, Accessed: 07/01/2024.



State of Israel will not show any reluctance in fulfilling its obligations under the United Nations Charter and will respect its obligations from the moment it becomes a member of the UN. On the other hand, the decision also states that Israel is admitted to UN membership because it is a peaceful state, acknowledges its ability and willingness to fulfill its obligations, and is committed to doing so.

6.5. The Issue of Increasing Number of Refugees After 1948

The 1948-49 Arab Israeli war brought about the issue of Palestinian refugees, which has continued to the present day. Israel's commitment to the new demographic status quo has taken the form of steadfast opposition to the return of refugees.¹¹²

In 1914, the Jewish population in Palestine was 85,000, which increased to 539,000 in 1943 and 608,000 in 1946. During the partition plan of 1947, it was recorded as 650,000, and by the end of 1949, when the armistice was signed, it had reached 758,000.¹¹³

As the Jewish population increased, so did the conflict and war, resulting in an increase in the number of Palestinian refugees. The UN General Assembly established the United Nations Relief for Palestine Refugees (UNRPR) with Resolution 212 (III)¹¹⁴ on November 19, 1948. Shortly after, the name of UNRPR was changed with Resolution 302 on December 9, 1949,¹¹⁵ to The United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA).¹¹⁶ This organization aims to provide assistance to Palestinians who have lost their homes and livelihoods.

The issue of finding a solution to the displacement and war causing Palestinians to become refugees was overlooked by the UN, and only general recommendations were made.

The United Nations Relief and Works Agency for Palestine Refugees (UNRWA), established by the UN, aided 940,000 Palestinian refugees in November 1949. The distribution of this aid by country is as follows: Lebanon 127,800, Syria 78,200, Jordan 94,000, Arab part of Palestine 357,400, Israel 37,600, and Gaza Strip 245,000. However, none of this aid managed to facilitate the return of Palestinian refugees to their homes.¹¹⁷

6.6. Declaration of Jerusalem as the Capital

The UN General Assembly, with Resolution 181 in 1947, envisioned Jerusalem to have a "corpus separatum" status, meaning it would be administered by the UN as an international city. After the 1948-1949 war, the eastern part of Jerusalem remained under the special status and control of Jordan.

¹¹² Shlaim, p. 105.

¹¹³ Armaoğlu, p. 109.

¹¹⁴ <https://www.un.org/unispal/document/auto-insert-179872/>, Accessed: 07/01/2024.

¹¹⁵ <https://www.un.org/unispal/document/auto-insert-180266/>, Accessed: 07/01/2024.

¹¹⁶ <https://www.unrwa.org/>, Accessed: 07/01/2024.

¹¹⁷ Armaoğlu, pp. 110-113.



(Jordan relinquished its sovereignty claim here in 1988.) Meanwhile, West Jerusalem was occupied by Israel. Thus, Jerusalem was effectively divided into two.

The UN General Assembly reaffirmed the corpus separatum principle with Resolution 303 (IV) on December 9, 1949. However, Israel, disregarding this decision, transferred some government agencies and offices to Jerusalem. The UN called on the Israeli government to reverse these measures and refrain from actions that would hinder the implementation of General Assembly resolutions. Nevertheless, the Israeli Parliament convened in Jerusalem on January 23, 1950, declaring Jerusalem as the capital of Israel.

6.7. The Citizenship Law and the Law of Return

Since assuming office, Israeli Prime Minister David Ben-Gurion had done everything in his official political statements to encourage immigration to Israel. In a speech he made on August 31, 1949, during a visit by a group of Americans, he clearly stated the following:

"Though we have realized our dream of establishing a Jewish state, we are still at the beginning. The majority of the Jewish people are still outside; today there are only 900,000 Jews in Israel. In the future, all Jews should gather in Israel. We call on parents to bring their children here. If they do not help, we will bring the youth to Israel ourselves; but hopefully this will not be necessary."¹¹⁸

The primary objective of Zionist organization is to bring together the "exiles." According to Zionism, every Jew in the world is considered to be in exile until they come to Israel. To facilitate this, the "Law of Return," adopted by the Israeli Knesset¹¹⁹ on July 5, 1950, and the "Citizenship Law" of 1952, which grants every Jew the right to settle permanently in Israel and automatically acquire Israeli citizenship, were enacted, thus legalizing the "Gathering Bill." The evacuation of Jewish Displacement Camps in Europe led to the sudden influx of around 300,000 Jews, many of whom had escaped from Hitler but had nowhere else to go, to Israel. According to the plan, the second wave of migration would consist of voluntary migrants from the United States and Western European countries. It was believed that their arrival would be natural, as they would seek to lead a "complete Jewish life" and escape persecution in their countries of exile.¹²⁰

In his declaration to the Knesset, Prime Minister David Ben-Gurion stated that this law did not grant a right, but rather reaffirmed a right that a Jew already possessed.

"This law does not grant the State the right of settlement for Jews living abroad; it merely reaffirms the inherent right that every Jew is born with; the State does not grant the right of return to dias-

¹¹⁸ Zionism and Racism, translated by Türkaya Ataöv, (Alfred M. Lilienthal), Ankara University Faculty of Political Sciences Publications, 1982, p. 51.

¹¹⁹ The legislative body of the Israeli government.

¹²⁰ Lilienthal, p. 51.



pora Jews, but rather acknowledges the historical reality between Jews and their homeland as an essential obligation preceding statehood.”¹²¹

So, according to the Israeli Prime Minister, living in the land belonging to the Palestinian people is an inherent right for every Jew living in the world.

The Law of Return stated that “every Jew has the right to come to his country as an *oleh* (Jewish immigrant).” The most controversial parts of the law related to residency and citizenship acquisition. While Israel succeeded the Palestine Mandate, the law did not automatically consider Palestinian citizens as Israeli. Jewish and Arab Mandate citizens acquired citizenship through different means. Jews obtained citizenship using the Law of Return, while Arabs only;

- If they were previously Palestinian citizens,
- If they had residency permits in Israel as of 1949
- If they still had registered residency permits when the Law came into effect in 1952
- If they were living in Israel or in areas later incorporated into Israel between the establishment of the State of Israel and the enactment of the law. Additionally, if they entered Israel legally during this period, they could have become citizens.

During the war, a large group of Arabs fled their occupied lands by Israel and were unable to obtain residency permits at that time. As a result, they could not acquire citizenship. Unable to obtain citizenship from neighboring Arab countries where they sought refuge, they became stateless.¹²²

In addition, the definition of a migrant for the purpose of this war, and only for this war, has been rewritten. Anyone who lived in the Palestine Mandate for 2 years or more will be considered as a migrant. In the definition applied to other wars, the residency period should have been longer. This new and unique definition of migrant could also be applied to descendants of the original migrants, which was again a practice specific to this war. When these factors came together, the world's longest-lasting migrant crisis was created. Scholars advocating for the right of return of Palestinian refugees have pointed out that the 1952 Citizenship Law was a law of “denationalization” and violated international law.¹²³

¹²¹ Edelman, Martin, “Who is an Israeli?: “Halakah” and Citizenship in the Jewish State”. Jewish Political Studies Review. 10 (3/4). Jerusalem Center for Public Affairs, 1998, pp. 87-115. Cited from: <https://tr.wikipedia.org>, Accessed: 07/01/2024.

¹²² <https://tr.wikipedia.org>, Accessed: 07/01/2024.

¹²³ Mazen, Masri, “The Implications of the Acquisition of a New Nationality for the Right of Return of Palestinian Refugees”. Asian Journal of International Law. Cambridge University Press, 2014. Cited from: <https://tr.wikipedia.org>, Accessed: 07/01/2024.



7. Arab Israeli Wars

7.1. The Suez Crisis

On July 26, 1956, Egypt's second president, Gamal Abdel Nasser's decision to nationalize the Suez Canal was met with strong reactions from Britain and France.¹²⁴ Israel mobilized 50,000 soldiers, while Egypt had 75,000 troops in the Sinai. Within five days, Israel had completely taken control of the Sinai, where half of Egypt's army was stationed, and had captured 5,000 Egyptian soldiers. The rapid success of Israel in the Sinai was also influenced by Nasser's order on November 2 for Egyptian forces to withdraw from the Sinai to defend the Suez Canal, following Britain and France's intervention in the war starting from October 31. However, Egyptian forces carried out this withdrawal in a very poor and disorganized manner, which facilitated Israel's progress.¹²⁵

Britain and France, in accordance with a previous secret agreement, issued an ultimatum, which Israel accepted. Egypt, as expected, declared its intention to fight to the end. As a result, British and French aircraft began bombing Egyptian targets. The Soviet Union threatened Britain and France with a nuclear attack if they did not withdraw from Egypt, and the United States urged Britain and France to withdraw to avoid escalating tensions. Consequently, a ceasefire was declared, and the UN Peacekeeping Force was deployed to the region. The Suez Canal was reopened to international traffic.

7.2. Six-Day War (1967) and the Occupation of East Jerusalem by Israel

After the Suez Crisis, the void left by Britain and France in the region was sought to be filled by the United States. With the Eisenhower Doctrine of January 5, 1957, it was stated that economic and military aid would be provided, and if necessary, American armed forces would be used against an armed attack from a communist-controlled country. Britain and France expressed their support for this doctrine, while Lebanon, Pakistan, Iraq, Türkiye, Greece, Afghanistan, Libya, Tunisia, Morocco, and Israel announced their acceptance of the doctrine. However, countries supported by the Soviet Union, such as Syria and Egypt, opposed the doctrine. Thus, the Eisenhower Doctrine led to divisions among Arab countries.

¹²⁴ Nasser's decision, although indisputable due to the complete sovereignty of the Canal within Egyptian territory, received criticism on grounds that it threatened the security of free passage. Nasser, who had close relations with the Soviet Union, was seen as evaluating the Canal decision as the final stage, aiming to remove Nasser from power and regain Western control over the canal, prompting negotiations between Israel, England, and France for a joint military operation. As a result of secret negotiations between England, France, and Israel, a document was signed by the three states, agreeing that Israel would launch the initial attack, upon which England and France would call for a cessation of hostilities and withdraw their forces 16 km back from both sides of the canal. This call was scheduled for October 30 to ensure Israeli forces reached the canal. Israel's attack was planned for October 29. Since Egypt did not accept this call, within 36 hours, England and France would conduct a landing operation to intervene between the warring parties, occupying Port Said, Ismailia, and Suez. Armaoğlu, p. 163.

¹²⁵ Armaoğlu, p. 163.



During this period (1964), the establishment of the Palestine Liberation Organization (PLO), supported by Nasser, and the leadership of Yasser Arafat in al-Fatah took place. Later, these two entities, officially declaring their alliance, envisioned the PLO as the political representative of the Palestinians, while al-Fatah, under Yasser Arafat's command, would struggle for the independence of Palestine.

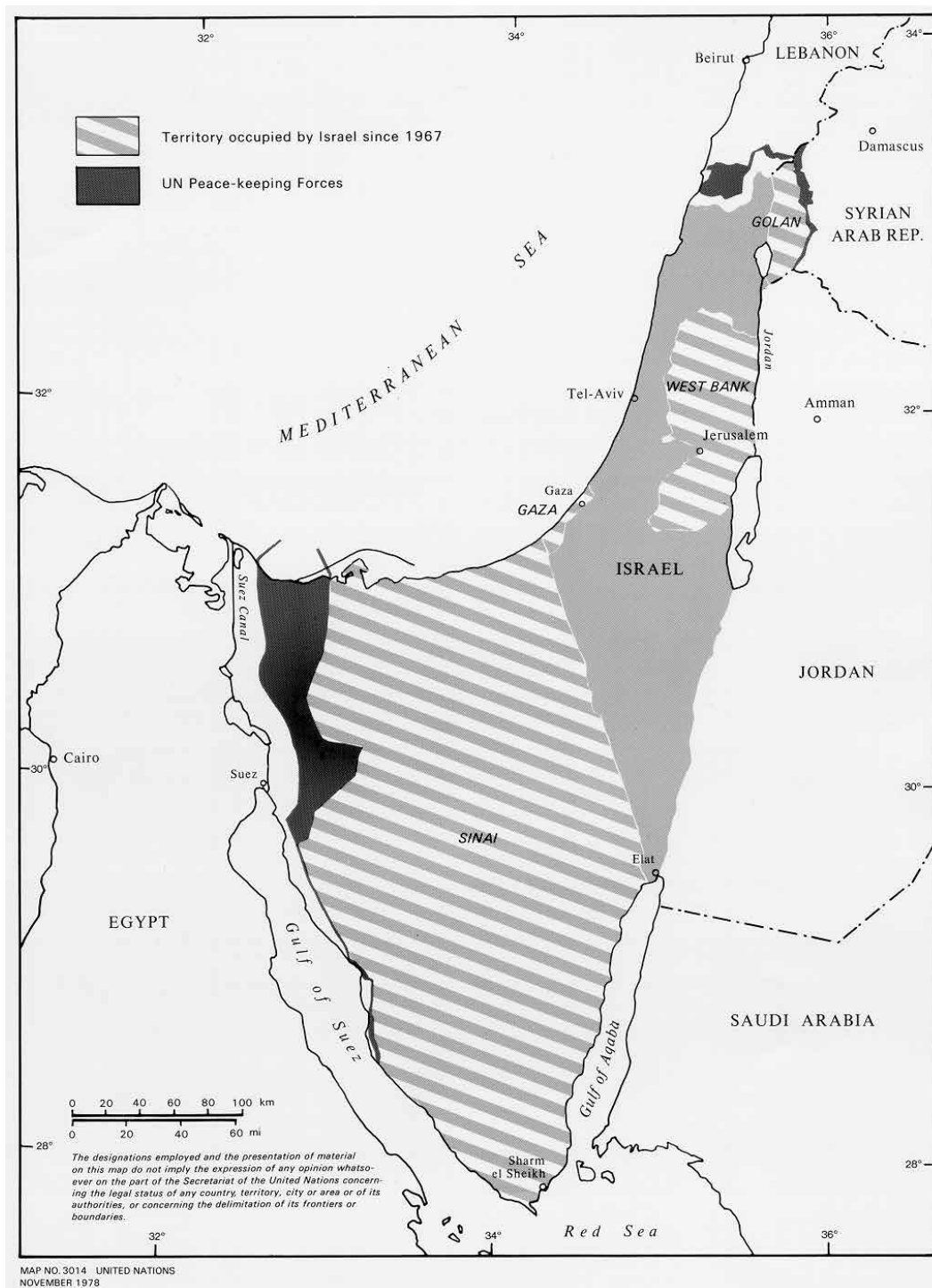
Until the year of 1967, when the Six-Day War occurred, there were occasional conflicts and skirmishes between Israel and its neighbors, but these conflicts did not escalate to a serious level. However, by 1967, Arab countries had entered a divided state. By May of 1967, tensions between Israel and Syria had escalated, prompting Israel to begin war preparations. Egypt and Syria started military buildups along the Israeli border.

Israel launched the first attack on the morning of June 5, 1967. These attacks, unexpected from the direction Arab countries had anticipated, paved the way for the defeat of Arab countries on the first day of the war. As a result of the sudden attack, the air forces of Egypt and Syria were neutralized on the first day of the war. With the advance on the Jordanian front, Israel occupied East Jerusalem, thereby gaining control of the entire Jerusalem and the West Bank. Through ground attacks supported by air forces, Israel occupied the Golan Heights from Syria and the Sinai Peninsula from Egypt. Thus, during the "1967 War" or "Six-Day War" or "3rd Arab Israeli War," approximately 20,000 Arabs and 800 Israeli soldiers died, Israel expanded its territory by more than three times, and all of Palestine came under Israeli control. Half a million Palestinians, whose homes were taken away, were forced to seek refuge in neighboring countries.¹²⁶

¹²⁶ When the June 1967 war ended, one million more Palestinians were added to the three hundred thousand Palestinians who had been residing in the state since 1948. This figure roughly corresponds to the number of Palestinians expelled by Israel in 1948. Pappé, p. 31.



The territories occupied by Israel in 1967 and the UN peacekeeping force can be found on the official website of the United Nations at un.org.





On November 22, 1967, the United Nations Security Council unanimously adopted Resolution 242, presented by the United Kingdom.¹²⁷ The resolution begins by stating the need for a just and lasting peace in which every state in the region can live securely, emphasizing that the acquisition of territory by war is inadmissible. In the first paragraph, it calls for the withdrawal of Israeli forces from territories occupied in the recent conflict, cessation of hostilities, recognition of the sovereignty, territorial integrity, and political independence of every state in the region, and the right to live in peace within secure and recognized boundaries, free from threats or acts of force. The second paragraph guarantees the freedom of navigation in international waterways. Resolution 242 has remained valid and relevant to the Arab Israeli conflict, strengthened by subsequent resolutions such as Resolution 338 adopted by the Security Council during the 1973 war. All peace plans proposed since then have taken Resolution 242 as a starting point.¹²⁸

Israel swiftly enacted new laws aimed at extending its jurisdiction to East Jerusalem in order to integrate it with Israel. The United Nations (UN) viewed Israel's efforts to extend its legal system to East Jerusalem as *de facto* annexation and condemned this action as a clear violation of international law concerning warfare and acquisition of territory. It is prohibited under international laws of war for a state that has occupied a particular territory to impose its own laws in place of existing laws. Therefore, the annexation of occupied territory by an occupying state is prohibited under international law *a fortiori*.¹²⁹

Even if Israel's actions in this war were assumed to be based on its legitimate right to self-defense against Jordan, as in the 1948-49 war, this does not change the fact that the use of military force for territorial acquisition is prohibited under international law, and returning such acquired territory to its rightful owners is a legal obligation. According to the United Nations (UN), Israel's presence in East Jerusalem goes beyond that of a belligerent occupier. In other words, according to the UN, Israel does not have any form of sovereignty over East Jerusalem.¹³⁰

The Resolution 242 does not mention what kind of punitive measures would be applied if Israel does not withdraw from the recently occupied territories. Furthermore, since the resolution only regulated the status of Palestinian territories occupied after 1967, it excluded Palestinians living in Israel and holding Israeli citizenship, as well as the millions of Palestinians living outside the historical Palestinian territories as refugees.¹³¹

The UN established a special committee in 1968 with Resolution 2443 to investigate Israeli practices affecting the human rights of the Palestinian people and other Arabs in the occupied territories.¹³²

¹²⁷ <https://www.un.org/unispal/document/auto-insert-184858/>, Accessed: 07/01/2024.

¹²⁸ Armaoğlu, p. 269.

¹²⁹ Aral, pp. 163-164.

¹³⁰ Aral, pp. 163-164.

¹³¹ Aral, pp. 127-129.

¹³² <https://www.ohchr.org/en/countries/palestine/special-committee-reports>, Accessed: 07/01/2024.



The establishment of the Organization of Islamic Cooperation (OIC) is also one of the outcomes of the Six-Day War. Following the occupation of East Jerusalem by Israel and the attempted arson at the Al-Aqsa Mosque in 1969, King Faisal of Saudi Arabia led a meeting in Rabat in 1969, where the Organization of Islamic Cooperation (OIC) was founded.

7.3. 1973 Yom Kippur (October 6) War

After the 1967 war, the goal for Arab states became the reclamation of the lost territories. Therefore, Israel's actual existence but rather its acquisition of Sinai, the West Bank, Gaza, Jerusalem, and the Golan Heights became the biggest obstacle to Middle East peace up to the present day. Israel will seek to use these territories as a means to force Arabs into peace, to impose Israel's peace upon Arabs. However, the retention of these territories by Israel will block the path to peace.¹³³

After 1967, it became glaringly apparent that expecting Palestine to be liberated from Zionist occupation by Arab states was not a viable option. Therefore, Palestinian Arabs deemed their own freedom struggle to be henceforth primarily reliant on their own efforts and endeavors. Up to that point, Arab states had supported the Palestinian cause, both due to pressure from their own populations and for reasons specific to each state.¹³⁴ On the other hand, following 1967, the United Nations, which had previously emphasized the "refugee" aspect of the Palestinian issue for a long time, gradually recognized that Palestinians were engaged in a struggle for independence as a "people/nation".¹³⁵

In Egypt, Anwar Sadat succeeded Nasser, and under the leadership of Arafat, who would unite with the Palestine Liberation Organization, Fatah began armed struggle. The date of October 6, which coincided with the Jewish holy day of Yom Kippur, was chosen for the celebration. Therefore, the war was named "6th of October" by the Egyptians and "Yom Kippur" by the Israelis. Unlike the 1967 war, this time Egypt and Syria launched a surprise attack on Israel.

Initially, Egypt and Syria made advances in the Sinai and the Golan Heights, while Israel completed its mobilization quickly. After three weeks of fighting, during which Israel received significant military support from the United States, it gained the upper hand. With diplomatic efforts from the United States and a ceasefire resolution at the UN, the weapons fell silent on October 27, 1973, the 21st day of the war. During this period, Egypt and Syria recorded a total of 8,500 military casualties, while Israel recorded 6,000.

The UN Security Council adopted Resolution 338 on October 22, 1973, following the war, calling for the implementation of Resolution 242, ceasefire, and negotiations between the parties.¹³⁶ The de-

¹³³ Armaoğlu, p. 273.

¹³⁴ Edward W. Said, *The Question of Palestine*, (New York, Vintage Books, 1979), pp. 131-132. Cited in: Aral, p. 70.

¹³⁵ Aral, p. 70.

¹³⁶ <https://www.un.org/unispal/document/auto-insert-185880/>, Accessed: 07/01/2024.



termination of new borders between the parties was achieved through the Separation Agreements, which led to Israel's partial withdrawal from its new occupations.¹³⁷

In 1973, a Petroleum Crisis occurred following Saudi Arabia's imposition of an embargo on countries supporting Israel. Under the leadership of King Faisal of Saudi Arabia, the petroleum embargo led to a fourfold increase in oil prices. King Faisal, who played a leading role in the establishment of the Organization of Islamic Cooperation (OIC) and the OPEC embargo, fell victim to an assassination in 1975.

8. Recognition Process of Palestine and Peace Initiatives

8.1. 1974 Arafat's First Visit to the UN

During the 7th Arab Summit held in Rabat, the capital of Morocco, from October 26th to 29th, 1974, a declaration was issued stating that the Palestine Liberation Organization (PLO) was recognized as the sole legitimate representative of the 3 million Palestinians living under Israeli occupation and those residing outside these territories. The declaration affirmed the right of the Palestinian people to self-determination and the right of return to their homeland. It also confirmed the establishment of an independent national authority under the leadership of the PLO in any liberated Palestinian territory. The declaration further emphasized the collective support of all Arab countries for the PLO in fulfilling its national and international responsibilities as the sole and legitimate representative of the Palestinian people.¹³⁸

Türkiye, along with Arab countries and Non-Aligned Movement members, was among the 56 countries that requested the inclusion of the Palestinian Issue as a separate agenda item in the General Assembly on September 11, 1974. This request was accepted. During the General Assembly meeting on October 14, 72 countries, including Türkiye, requested that the Palestinian issue be addressed as a separate matter and invited the Palestine Liberation Organization (PLO) to attend the General Assembly session. This proposal was accepted by a vote of 105 in favour, 4 against (the United States, Israel, Bolivia, and the Dominican Republic), and 20 abstentions. Consequently, the General Assembly invited Yasser Arafat to speak on November 13. In his speech, Arafat recounted the history of the Palestinian issue, mentioning that while there were 10,000 Jews living in Palestinian territories in 1881, this number had risen to 600,000 by 1947. He stated that Palestine had been virtually occupied through external migrations, and he provided a brief history of the Arab-Israeli wars, addressing the

¹³⁷ <https://www.un.org/unispal/document/auto-insert-182087/> and <https://www.un.org/unispal/document/auto-insert-177068/>, Accessed: 07/01/2024.

¹³⁸ Armaoğlu, p. 332.



Palestinian refugees. He concluded by calling for the return of the Palestinian people to their homeland and the establishment of their national authority there.¹³⁹

Arafat made a speech at the UN General Assembly on November 13, 1974.¹⁴⁰



In 1974, Yasser Arafat's first visit to the UN as a representative of the Palestinian people and his speech there marked a significant turning point. Arafat's speech advocating for a peaceful solution contributed significantly to the international recognition of the Palestinian issue and helped the Palestinians make their voices heard in the international community.

The UN General Assembly, in its resolutions numbered 3236 and 3237 adopted on November 22, 1974, recognized the right of self-determination, national independence, sovereignty, and the right of return of refugees for Palestine. It emphasized that the Palestinian people were a principal party in establishing an urgent and lasting peace in the Middle East. The General Assembly also requested the Secretary-General to establish relations with the PLO on all matters related to the Palestinian issue and granted observer status to the PLO in all meetings of the General Assembly and international conferences under its auspices.¹⁴¹ On November 10, 1975, the Committee for the Exercise of the Inalienable Rights of the Palestinian People was established within the United Nations framework¹⁴² and the United Nations General Assembly adopted Resolution 3379, which determined that "Zionism is a form of racism and racial discrimination,"¹⁴³ It has been decided to celebrate November 29th annually as the International Day of Solidarity with the Palestinian People.¹⁴⁴

¹³⁹ Armaoğlu, p. 333.

¹⁴⁰ <https://www.youtube.com/watch?v=HYul6RLRMq8>, Accessed: 07/01/2024.

¹⁴¹ <https://www.un.org/unispal/document/auto-insert-177305/>, Accessed: 07/01/2024.

¹⁴² <https://www.un.org/unispal/document/auto-insert-183010/>, Accessed: 07/01/2024

¹⁴³ The United Nations General Assembly resolution numbered 3379, dated November 10, 1975, which calls on all countries that perceive Zionism as a threat to world peace and security and strongly condemn this racism and imperialist ideology, was revoked by another UN General Assembly resolution adopted on December 16, 1991. For Resolution 3379, see https://www.ruhr-uni-bochum.de/gna/Quellensammlung/11/11_unresolution_1975.htm; Accessed: 07/01/2024.

¹⁴⁴ <https://www.un.org/unispal/document/auto-insert-179591/>, Accessed: 07/01/2024.



8.2. The 1978 Camp David Accords and the 1979 Peace Treaty between Israel and Egypt, which Resulted in Israel's Withdrawal from the Sinai Desert

The second half of the 1970s marked a period of rise for the right-wing in Israel. In a country where power was mostly held by the left-wing Labor Party, later known as "Likud," the rise of the far-right Herut, which later adopted the project of "Greater Israel" (Eretz Yisrael), defined as the promised land, occurred during this period. Led by former Irgun leader Menachem Begin, the new government rapidly constructed settlements in the West Bank and Gaza Strip, aiming to solidify reasons for not returning the territories captured in 1967 and potentially using the status of the Jewish population in these areas as leverage in the future. This accelerated the growth of illegal Jewish settlements. Ariel Sharon, who would later become associated with massacres, was at the forefront of this project as the Minister of Agriculture.

Enver Sedat, Egypt's President, believed that obtaining support from the United States was crucial, and therefore pursued policies aimed at cutting ties with the Soviet Union. Actions such as expelling Soviet experts and technicians from the country in 1972 and terminating the "Friendship and Cooperation Agreement" signed with the Soviets in 1976 indicated Egypt's shift towards a pro-American stance.

On November 9, 1977, in a speech at the Egyptian People's Assembly, Enver Sedat announced his intention to visit Israel, which caused astonishment worldwide. Subsequently, on November 19, he delivered a speech at the Israeli Parliament, the Knesset. This made Enver Sedat the first Arab leader to de facto (in practice) recognize Israel. On December 25-26, Israeli Prime Minister Menachem Begin also visited Egypt.

Egypt's approach, from the perspectives of Israel and America, has increased the hope of achieving a peace agreement that would alleviate the Arab countries' policy of disregarding Israel and grant Israel legitimacy on the international stage by softening their approach. In this regard, America aimed to implement its peace plan by inviting Sedat and Begin to Camp David, facilitating their mutual discussions.

Under the leadership of American President Jimmy Carter, negotiations aimed at outlining a framework for peace in the Middle East between Egyptian President Anwar Sadat and Israeli Prime Minister Menachem Begin began on September 5, 1978, at Camp David, the presidential retreat outside Washington. After intense deliberations and significant debates, the Camp David Accords, which would ultimately lead to Menachem Begin and Anwar Sadat jointly receiving the Nobel Peace Prize, were signed at the White House on September 17, 1978.¹⁴⁵

¹⁴⁵ <https://www.un.org/unispal/document/auto-insert-210245/>, Accessed: 07/01/2024.



Egypt's unilateral agreement with Israel without consulting other Arab countries has been met with criticism from Arab nations, especially Syria, which, along with the Palestine Liberation Organization (PLO) and the Soviet Union, had historically acted and fought alongside Egypt against Israel.

After Camp David, the final agreement was signed on March 26, 1979, in Washington. It was emphasized that the agreement, labeled as the Egypt-Israel Peace Treaty, was based on the framework established by the Camp David Accords for Middle East peace. Other Arab states were also invited to participate in the peace process with Israel. The Egyptian government agreed to demilitarize certain areas of the Sinai Peninsula and allowed Israeli ships to pass through the Suez Canal. Egypt also recognized the Tiran Strait and the Gulf of Aqaba as international waterways. Israel, in return, agreed to withdraw all military and civilian presence from the Sinai Peninsula, which it had occupied since 1967, under the condition that it remains demilitarized. Diplomatic relations were established between Egypt and Israel, and Egypt began selling oil to Israel.

Thus, 32 years after its establishment, Israel was recognized by an Arab state, made peace with an Arab state for the first time, and, in return, agreed for the first time to withdraw from all the territory it had occupied.

The Egypt-Israel peace was debated in the UN General Assembly. In its resolution numbered 34/70, adopted on December 6, 1979, with 102 votes in favour (including Türkiye) against 17 opposed (including the majority of the United States, Israel, and NATO countries) and 20 abstentions, Israel's continued occupation of Palestinian and Arab territories was condemned. It was emphasized that peace in the Middle East is indivisible, and partial agreements through separate treaties were deemed to violate the principle of a fair and comprehensive peace. Such agreements were condemned, and it was stated that comprehensive peace ensuring the right of all nations in the region to live in peace and security within recognized and secure borders cannot be achieved until Israel completely withdraws from Palestinian and Arab territories and until the Palestinian people attain their national rights, in accordance with the UN General Assembly's resolution 3236 (XXIX) of November 22, 1974. Furthermore, the UN Security Council was called upon to ensure the implementation of all UN resolutions and to convene an international conference.¹⁴⁶

Forty years after the Camp David Accords, the Egyptian Information Agency revealed a set of confidential documents belonging to the Egyptian Ministry of Foreign Affairs in 2018.¹⁴⁷ According to these documents, it was revealed that during the Camp David Accords negotiations, Egypt and Israel agreed on granting "full autonomy" to Palestinians in the West Bank and Gaza Strip.

In the mentioned additional document of the Camp David Accords, it was understood that Egypt, Israel, and Jordan agreed on the administration of the West Bank and Gaza by a "local government" that came to power through free elections, the withdrawal of Israeli armed forces from Palestinian territories, and the presence of forces for security and public order only in designated areas. It was

¹⁴⁶ Armaoğlu, p. 427.

¹⁴⁷ <https://www.aa.com.tr/tr/dunya/camp-david-anlasmasi-gizli-belgelerinden-filistine-ozerklik-cikti/1260109>, Accessed: 07/01/2024.



also agreed that the transition to “full autonomy” in the West Bank and Gaza Strip would take 5 years, with Palestinians forming a “Administrative Council” in these areas, and transitioning to “autonomous governance” within 3 years thereafter.

“Negotiations will be held to determine the current status of relations with the neighbors of the West Bank and Gaza. Representatives from Egypt, Jordan, Israel, Gaza, and the West Bank will participate in these negotiations. Following the end of the transition period, a peace treaty will be signed between Jordan and Israel.”

The document containing these statements records that in the negotiations, the determination of borders, security, and various other issues will be discussed. It also notes that as a result of the negotiations, legitimate rights such as Palestinians’ right to determine their own future will be recognized, and all necessary measures will be taken for the security of Israel and its neighbors. It is stated that the Palestinian autonomy will establish a local force, which will liaise with appointed Israeli, Egyptian, and Jordanian officers for Palestinian internal security. Furthermore, it is mentioned that Egypt and Israel will work together to implement the agreement and efforts will be made for an urgent and fair resolution of the Palestinian refugee issue.

Israel’s complete withdrawal from Sinai took place on April 26, 1982. However, Israel pursued a policy of not reaching a conclusion in negotiations for the participation of Jordan and Palestinian representatives, as well as for granting autonomy to Palestinians, which were commitments made. As a result, the conditions agreed upon for Palestinian territories were not fulfilled.

9. Conflict and Occupation Process

The overthrow of the monarchy and the Shah in Iran, and the rise of the Khomeini regime in February 1979, along with the Soviet Union’s invasion of Afghanistan in December 1979, and the Iraq-Iran war in September 1980, are significant developments in the region. As a result, the Arab world has become more fragmented.

Although the Camp David Accords were presented as a hope for peace, Israel, while continuing peace negotiations, has also periodically engaged in conflict, escalated tensions, and continued with occupations.

9.1. The Israeli Law Declaring Jerusalem as the “Complete and United” Capital of Israel

In the Six-Day War of 1967, Israel occupied East Jerusalem and the West Bank, and UN Resolution 242 called for Israel to withdraw from the occupied territories. However, disregarding the will of the UN



and the international community, **the Israeli Parliament (Knesset) adopted the Basic Law on July 30, 1980, declaring Jerusalem as the “complete and united” capital of Israel.**¹⁴⁸

The United Nations Security Council, through resolution number 478 adopted on August 20, 1980, with 14 votes in favour and 1 abstention (from the United States), expressed its non-recognition of the Basic Law, stating that it does not recognize it.¹⁴⁹

As an occupying power, all legislative and administrative measures, especially the recent “basic law” adopted regarding Jerusalem, which aim to change or alter the characteristics and status of the Holy City of Jerusalem, are completely invalid and must be immediately repealed.

With decision number 35/169 dated December 15, 1980, it also condemned this law.¹⁵⁰

The unilateral declaration of Jerusalem as the capital by Israel is contrary to international law. Indeed, the Declaration on Friendly Relations adopted by consensus in the UN General Assembly in 1970 declared that acquisition of territory by armed aggression is prohibited. Israel has pursued a policy of mistreatment of Palestinians, erasure of their cultural traces, exclusion, coercion to leave, and bringing Jews to vacant places in order to change the demographic and physical structure of East Jerusalem. This situation constitutes a violation of international law, particularly Articles 47 and 49 of the Fourth Geneva Convention. Numerous resolutions adopted within the UN system since 1967 have indicated that the Fourth Geneva Convention could be applied to occupied East Jerusalem, and have warned Israel not to change the population, physical character, or administrative structure of this part of the city.

The Advisory Opinion of the International Court of Justice (ICJ) in 2004, titled “Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory,” confirmed Israel’s violative position under international law. In this advisory opinion, the ICJ affirmed that the Fourth Geneva Convention could be applicable to all territories occupied as a result of armed conflict. Specifically, the court noted that both Israel and Jordan were parties to this convention before the 1967 war, implying that the provisions of the convention could be applied to the occupied Palestinian territories as well.

In August 1988, Jordan declared that it was withdrawing its legal claim of sovereignty over the West Bank and East Jerusalem, which it had annexed in 1950. Immediately following this decision, on November 15, 1988, the Palestinian National Council announced the declaration of independence of Palestine to the world, with Jerusalem designated as its capital. This declaration of independence was highly welcomed by the United Nations General Assembly. In fact, in a resolution adopted with a large majority in December 1988, the General Assembly confirmed that the Palestinian people had

¹⁴⁸ The policies pursued by Israel also put Anwar Sadat, who was conducting peace negotiations with Israel, in a difficult situation, leading to an increase in reactions from the Egyptian public and other Arab countries towards Sadat. Peace plans that had long been stalled by Israel were blocked by the assassination of Anwar Sadat on October 6, 1981.

¹⁴⁹ <https://documents-dds-ny.un.org/doc/RESOLUTION/GEN/NR0/399/71/PDF/NR039971.pdf?OpenElement>, Accessed: 07/01/2024.

¹⁵⁰ <https://www.un.org/unispal/document/auto-insert-184664/>, Accessed: 07/01/2024



the right to sovereignty over the Palestinian territories occupied by Israel in 1967.¹⁵¹ Therefore, Israel's unilateral declaration of Jerusalem as its capital constitutes a clear violation of international law.

9.2. The Annexation of the Golan Heights by Israel

Israel occupied the Golan Heights during the Six-Day War in 1967 and regained a small portion of this area that was occupied by Syria during the 1973 Arab Israeli War. On December 14, 1981, the Knesset (Israeli parliament) made the decision to consider the Golan Heights as Israeli territory, thus annexing it.

The United Nations Security Council declared the annexation decision invalid through Resolution 497, adopted on December 17, 1981, and called on Israel to rescind the measures related to annexation.¹⁵²

9.3. The Occupancy of Lebanon by Israel and the Sabra and Shatila Massacres

The occupancy of Lebanon, which resulted in a massacre, shares the same justifications as contemporary occupations and massacres. Although the target's name has changed from Gaza, Jordan, and the Golan Heights, the pretext for occupancy and massacre remains the same: "clearing out terrorism." This justification was also used in the occupancy and massacre in Lebanon. Similarly to the present day, the definition of a terrorist organization, unilaterally determined, is now named the PLO and Fatah. Despite only two months passing since the withdrawal of Israeli forces from the Sinai Peninsula, Israel began its occupation of Lebanon on June 6, 1982, citing the threat and terrorism of the PLO and Fatah, who had taken refuge in Lebanon, including Palestinian refugees fleeing threats and displacement. Although the pretext was the same, the outcome was once again destruction, occupancy, and the massacre of 3,500 Palestinians.

Ariel Sharon, who commanded Israeli forces, claimed that when the PLO left Beirut, they left behind around 2,000 guerrillas who were hiding among civilians in Palestinian refugee camps. This view was also shared by the Israeli government. With the Multinational Force withdrawing from Beirut within two days starting from September, and due to the weakness of the Lebanese forces, the issue of ensuring security in the city emerged, and this responsibility fell upon the Israeli forces and the Phalangists.¹⁵³

After the evacuation of Beirut, Israeli forces further advanced their positions in West Beirut, which was the Muslim sector, moving closer to the Palestinian refugee camps in the south of Beirut.

¹⁵¹ Aral, pp. 165-168.

¹⁵² <https://www.un.org/unispal/document/auto-insert-180751/>, Accessed: 07/01/2024.

¹⁵³ Armaoğlu, p. 530.



Christian Phalangist militiamen, citing the assassination of Lebanese Christian Kataeb Party leader Bashir Gemayel shortly after his election as president, initiated an attack on September 16, 1982, in the area under their control. This attack targeted the Sabra and Shatila refugee camps in western Beirut, where approximately 12,000 Palestinian refugees were confined to an area of approximately one square kilometer. The Phalangist militia carried out the attack with the knowledge of Israeli soldiers stationed a few hundred meters away, under the supervision of the Israeli army.

During the three-day-long attacks led by Ariel Sharon, who was the Defense Minister of Israel at the time, more than 3,000 defenseless Palestinian refugees were massacred. The majority of these Palestinian refugees, consisting of elderly, women, and children, were brutally killed using heavy weapons and bombs, as well as axes and sharp tools employed by the militia.¹⁵⁴

For the video describing the Sabra and Shatila massacre.¹⁵⁵



Maher, a survivor, recounted his family's killing in a 2003 Al Jazeera article. He remembered the Phalangists knocking on his family's door and throwing a bomb inside when they opened it. He recalled hiding in the bathroom and his small child miraculously surviving the explosion.¹⁵⁶

"Shadya was trying to crawl towards me. She was looking at me, screaming, and saying 'daddy.' When they saw that she was still moving, they shot her in the head."

During the massacre, Muhammed Dimmas, a Palestinian refugee who was 16 years old at the time, said that it was impossible to forget the day when thousands of people were killed. Dimmas expressed that it is very difficult to put into words what happened,

"I personally witnessed the crimes committed by the Zionists against Palestinians and Lebanese. The scene I witnessed in the camp I arrived at immediately after the withdrawal of the Israeli army was horrifying. The ground was filled with corpses. There were even booby traps placed on the bodies to cause more deaths. The occupying Israeli forces were not held accountable for this massacre. However, if a Palestinian living in Palestine were to do something against the occupying Israeli forces, the whole world would take action."

The massacre sparked outrage worldwide, leading to hundreds of thousands of people taking to the streets. Following the massacre, the United Nations issued a follow-up report on September 18, 1982.¹⁵⁷

¹⁵⁴ <https://www.aa.com.tr/tr/dunya/40-yildir-hesabi-sorulamayan-katliam-sabra-ve-satilla/2685857>, Accessed: 07/01/2024.

¹⁵⁵ https://youtu.be/CDZSXA_uz2Y?si=IGHuSSGTaCP6dzwT, Accessed: 07/01/2024.

¹⁵⁶ <https://www.trtworld.com/middle-east/remembering-the-sabra-and-shatila-massacres-29865>, Accessed: 07/01/2024.

¹⁵⁷ <https://www.un.org/unispal/document/auto-insert-182151/>, Accessed: 07/01/2024.



On December 16, 1982, the United Nations condemned the events, declaring it a “Genocide,” yet no trial or punishment was carried out regarding the massacre. A commission established by Israel to investigate the massacre, in a report released in February 1983, implicated Sharon as one of the perpetrators of the massacre.¹⁵⁸



Sabra and Shatila massacre, yenisafak.com

Although Israeli Defense Minister Sharon resigned to calm the reactions, in 2000, as the leader of the right-wing Likud party, his provocative visit to the Al-Aqsa Mosque accompanied by a large number of Israeli soldiers and police officers resulted in the start of the Second Intifada, and afterward he served as the Prime Minister of Israel from 2001 to 2006.

Thus, Israel, by appointing him as Prime Minister, elevated Sharon to the highest office despite previously implicating him as responsible for the massacre in the commission report it established to investigate the massacre.

23 survivors of the Sabra and Shatila massacre filed a lawsuit against Sharon in Belgium on June 18, 2001, accusing him of committing crimes against humanity during his tenure as Prime Minister of Israel in 2001. Due to pressure from the United States and Israel, Belgium had to change the law that allowed such lawsuits, and on May 15, 2002, the case was dismissed due to lack of jurisdiction. Shortly after the dismissal of the case, Eli Hobeika, one of the main figures in the massacre as the leader of the

¹⁵⁸ <https://www.aa.com.tr/tr/dunya/40-yildir-hesabi-sorulamayan-katliam-sabra-ve-satilla/2685857>, Accessed: 07/01/2024.

Phalangist Lebanese Forces, announced that he would testify against Sharon. However, a few days later, he was killed by a bomb placed in his car in Beirut.¹⁵⁹

The Israeli newspaper Haaretz published some partially classified documents, submitted to court by the Israeli Prime Minister's Office, regarding Israel's invasion of Lebanon and Mossad's connections with allied far-right militias in that country between 1981 and 1982. The documents indicate that the Israeli army coordinated preparations with Phalangist militias a year before the invasion, with preparations beginning as early as the middle of 1981 and rapidly progressing towards the end of the year. It is also stated that before the invasion of Lebanon and the subsequent massacre, Mossad shipped 6,000 M-16 rifles, 60,000 rounds of ammunition, and 12,000 artillery pieces ranging from 40 to 120 millimeters to its allies within Lebanon.¹⁶⁰

10. The First Intifada

*The child throwing
a stone at an Israeli
tank*

<https://www.hurriyet.com.tr/galeri-intifada-ne-demek-ne-anlama-geliyor-filistin-intifada-hareketi-tarihcesi-42347567>,
Accessed: 03/01/2024



On December 8, 1987, an Israeli truck driver deliberately ran over a group of Palestinian workers at the Beit Hanoun (Erez) checkpoint in the northern Gaza Strip, killing four people. This incident served as the spark for the First Intifada, also known as the "Stone Intifada," which began on December 21, 1987. The First Intifada symbolized the Palestinians' uprising against occupation. This marked the first time that the Palestinian people collectively initiated civil resistance against Israel, following a history of occupation that began in 1948 and intensified with the Six-Day War in 1967, leading to increased oppression of Palestinians until 1987.¹⁶¹

In December, Palestinians initiated an uprising in the West Bank and Gaza Strip aimed at ending Israeli presence. Inspired by the Arabic term already used for popular uprisings in the Arab world, the

¹⁵⁹ <https://www.aa.com.tr/tr/dunya/40-yildir-hesabi-sorulamayan-katliam-sabra-ve-satilla/2685857>, Accessed: 07/01/2024.

¹⁶⁰ <https://www.aa.com.tr/tr/dunya/40-yildir-hesabi-sorulamayan-katliam-sabra-ve-satilla/2685857>, Accessed: 07/01/2024.

¹⁶¹ <https://www.aa.com.tr/tr/dunya/filistinde-israil-isgaline-karsi-baslayan-birinci-intifadanin-uzerinden-34-yil-gecti/2442849>, Accessed: 03/01/2024.



movement was named “intifada” (shaking off). The intifada began in Gaza, where Palestinians who had been displaced and relocated there bore the brunt of Israel’s retaliations. It then spread to rural areas of the West Bank and later to urban areas. The Palestine Liberation Organization (PLO), stationed in Tunisia after being expelled from Lebanon in 1983, initially responded slowly to the uprising.¹⁶²

The mass uprising against the Israeli occupation that began in the Gaza Strip in 1987 quickly spread to other Palestinian territories. Protests evolved into forms of civil disobedience, with general strikes organized, Israeli products boycotted, slogans written on walls, and roadblocks erected. A notable form of protest during the First Intifada was Palestinians throwing stones at heavily armed Israeli soldiers. In response, the Israeli army’s actions resulted in the deaths of many Palestinian civilians. By the time the protests ended in 1993, the death toll exceeded a thousand, with over twenty thousand wounded.¹⁶³ According to the Palestinian Information Center’s data, during the First Intifada, 1,300 Palestinians and 160 Israelis lost their lives.¹⁶⁴



The manifestation of violence by Israeli soldiers captured on camera¹⁶⁵

During the protests where Palestinians threw stones, Israel responded with excessive force, adopting a policy known as “bone-breaking.” Israeli soldiers, following the decision of Defense Minister Yitzhak Rabin at the time, broke the arms and legs of many Palestinians by hitting them with sticks.¹⁶⁶

Palestinians in Israel responded more quickly to the uprising than the PLO did. A few weeks after the Intifada began, special days called “Peace Days” were observed, marked by strikes and demonstrations. The first major demonstration took place in January 1988 in Nazareth. During and after these demonstrations, food and other essential items were regularly collected and sent to Palestinians under occupation in the West Bank and Gaza Strip. Israel responded with arbitrary mass arrests, torture during interrogation, and brutalities such as gathering men together in reoccupied villages and beating them mercilessly. Despite strict censorship, these images reached television screens worldwide,

¹⁶² Pappé, pp. 205-206.

¹⁶³ The Occupation of the Century: In the Shadow of Unilateral Plans for Palestine, The Republic of Türkiye Directorate of Communications, pp. 13-14.

¹⁶⁴ <https://www.indyturk.com/node/130776/d%C3%BCnya/i%C3%87ki-sava%C5%9F-ve-iki-i%C3%87ntifada-i%C3%87sraillerle%C5%9Fim-yerleri-alt%C4%B1nda-g%C3%B6m%C3%BCl%C3%BC-filistin>, Accessed: 18/01/2024.

¹⁶⁵ <https://www.dailymotion.com/video/x8q9420>, Accessed: 03/01/2024

¹⁶⁶ <https://www.aa.com.tr/tr/dunya/filistinde-israil-isgaline-karsi-baslayan-birinci-intifadanin-uzerinden-34-yil-gecti/2442849>, Accessed: 03/01/2024.



especially in the Arab world. The first demonstration on December 21, 1987, was accompanied by actions such as stone-throwing and burning tires.¹⁶⁷



During the First Intifada, the behavior of Israeli soldiers towards civilians was captured on camera like this:¹⁶⁸

The increased economic and political pressures exerted by Israel on Palestinians led to the outbreak of the First Intifada. Violations such as “land confiscation, construction of Jewish settlements, taxation, arrests, and blockade” against Palestinians were the starting point for these protests.¹⁶⁹ After the Six-Day War, a group of Palestinian refugees numbering 325,000 had to migrate to Egypt, Jordan, and Syria. Meanwhile, Israel began establishing Jewish settlements in the occupied territories. In 1967, the employment rate in agriculture in Palestine was 60%, but by 1983, it had dropped to 23%, resulting in increased unemployment. Consequently, the number of Palestinian workers employed in Israel reached 92,000 in 1985. Research has shown that between 1967 and 1985, Israel seized 52% of the land in the West Bank and 35% in Gaza. In 1986, there were 10,000 unemployed students, unofficially reaching 25,000. By 1986, there were 1,500 political prisoners from Gaza in Israeli prisons, with 180,000 individuals sentenced to imprisonment ranging from one day to life imprisonment, constituting 40% of the total population. Between 1967 and 1986, a total of 500,000 people were arrested in the occupied territories, and 15,000 houses were demolished by bulldozers.¹⁷⁰ The second step of the First Intifada process occurred on August 2, 1988, with the “Jordan Declaration,” in which Jordan renounced its sovereignty rights over the West Bank and East Jerusalem, expressing respect for the Palestinian people’s desire to establish an independent Palestinian state separate from Jordan.¹⁷¹

Previously, a plan for establishing a confederation between an independent Palestinian state to be established in the West Bank and Gaza, accepted through an agreement signed by King Hussein and Arafat in February 1985, was disrupted when King Hussein terminated the agreement due to the deterioration of Jordan-PLO relations in February 1986. Jordan had hoped to strengthen its support in

¹⁶⁷ Pappé, p. 207.

¹⁶⁸ <https://www.youtube.com/watch?v=YzSaeSERWpA>, Accessed: 15/01/2024.

¹⁶⁹ <https://www.aa.com.tr/tr/dunya/filistinde-israil-iscaline-karsi-baslayan-birinci-intifadanin-uzerinden-34-yil-gecti/2442849>, Accessed: 03/01/2024.

¹⁷⁰ <http://bdsturkiye.org/filistin/filistin-direnis-tarihi-birinci-intifada/>, Accessed: 03/01/2024.

¹⁷¹ The Occupation of the Century: Palestine in the Shadow of Unilateral Plans, p. 14.



the West Bank by preparing a four-year development plan and increasing Palestinian representation in parliament, and also by seeking to regain part of the West Bank through an agreement with Israel. However, with the failure of negotiations between Israeli Foreign Minister Shimon Peres and King Hussein in April 1987, and the outbreak of the Intifada in December 1987, the feasibility of the Jordan option was undermined. In July 1988, Jordan underwent a dramatic policy shift by deciding to sever its legal and administrative ties with the West Bank. The cancellation of the development plan for the West Bank, dissolution of parliament, elimination of institutions implementing social, financial, and administrative policies in the West Bank, and revocation of citizenship rights for Palestinians in the West Bank except for holding Jordanian passports were swiftly implemented. Jordan's decision to sever ties with the West Bank meant that Palestinians in the West Bank would now be represented by the PLO. Consequently, this decision was regarded as the first step towards the establishment of an independent Palestinian state in the West Bank and Gaza.¹⁷²

Another development of this period was the official emergence of Hamas onto the stage of history. The name is Islamic from the Arabic acronym Harakat al-Muqwamma al-Islamiyya, meaning Resistance Movement Hamas, which was formed during the First Intifada, considered the Palestinian resistance a responsibility and it acts from the ideal that lands cannot be abandoned.¹⁷³

11. Declaration of the Independent State of Palestine

The Palestinian National Council, in a meeting held in Algeria on November 15, 1988, declared the establishment of an independent State of Palestine and announced its acceptance of all United Nations decisions regarding the Israel-Palestine conflict. Following Jordan's announcement on July 31, 1988, of severing ties with the West Bank, Arafat's move marked a significant milestone for Palestine. Jordan formally recognized this decision.¹⁷⁴ The Declaration of Independence of the State of Palestine, written by Palestinian poet Mahmoud Darwish, was announced in exile, with its capital in Jerusalem, encompassing the territories of the West Bank, Gaza, and East Jerusalem within the borders of 1967 using the following statements:

"The National Council, in the name of God and on behalf of the people, declares the establishment of a state with its capital in Jerusalem on the land of Palestine. The State of Palestine calls upon the United Nations, the peace-loving nations and states of the world, who bear responsibility towards the Palestinian people, to exert the necessary efforts to end the Israeli occupation of Palestinian territories and ensure the security of the people. It seeks assistance in achieving the goals of the Palestinian state and ending the suffering of its people."

¹⁷² Kemiksiz N. Neşe, "Ürdün-Filistin İlişkilerine Tarihsel Bir Bakış", Türkiye Uluslararası İlişkiler Yıllığı, Issue: 50, 2019, pp.197-198.

¹⁷³ Sarı Buğra, "Filistin Direnişinde Aşıl Tendonu: Hamas-Fetih Çatışması". Yeni Fikir Dergisi, Volume: 10, Issue:21, 2018, p. 29.

¹⁷⁴ Kemiksiz, p.198.

*Declaration of the
Independent State
of Palestine/Image:
www.gzt.com*



On December 14, 1988, Yasser Arafat declared that Palestinians accepted UN Resolution 242, recognized the State of Israel, and renounced terrorism entirely. UN Security Council Resolution 242 called for Israel's withdrawal from the territories it occupied in 1967. Thus, the PLO accepted that negotiations would be based on the boundaries before the 1967 Arab Israeli War, not the pre-1948 borders.¹⁷⁵

¹⁷⁵ Özkoç Özge, "Savaş ve Barış: Doksanlı Yıllarda Filistin-İsrail Sorunu", Ankara Üniversitesi SBF Dergisi, Volume:64, Issue:3, 2009, pp. 174-175.



Following Yasser Arafat's statement on December 14, 1988, where he declared the acceptance of UN Resolution 242 and renounced terrorism, the United States engaged in dialogue with the PLO with the aim of recognizing it. Consequently, starting from December 16, 1988, the US initiated dialogue with the PLO in Tunis for the first time in the history of the Palestinian issue. However, it did not declare recognition of an independent Palestinian state. On the other hand, in August 1989, at the fifth congress held in Tunis, which was the first meeting of Fatah since its fourth congress held on May 21-



29, 1980, Fatah endorsed Arafat's policy regarding the establishment of a Palestinian state alongside Israel. This decision represented a significant policy shift for Fatah because while the Political Program adopted at the Fourth Congress aimed for the establishment of an independent Palestinian state in all Palestinian territories, effectively eliminating Israel, the new stance aimed for the establishment of an independent Palestinian state in the West Bank, Gaza, and alongside Israel.¹⁷⁶ Israel responded strongly to the declaration of the establishment of an independent Palestinian state and subsequently referred to the United States' decision to engage in dialogue with the PLO as a "fatal mistake."¹⁷⁷

Türkiye became the fifth country to recognize the Palestinian state on the same day / Source: Milliyet



12. Talks Towards the Resolution of the Israel-Palestine Conflict

12.1. "Land for Peace" Principle Negotiations: Madrid Peace Conference

On March 7, 1991, under the leadership of US Secretary of State James Baker, a Middle East conference was held in Madrid, which lasted until October 30, 1991. Although the decisions of the conference were not binding, the deliberations included provisions aimed at peacefully resolving the issues between Israel and Palestine. The Peace Conference held on October 30, 1991, was attended

¹⁷⁶ Armaoğlu, p. 537.

¹⁷⁷ Shlaim, pp. 615-616.



by delegations from the US, Soviet Union, Syria, Lebanon, Israel, and Jordan-Palestine. Bilateral meetings followed by multilateral discussions were conducted, with bilateral talks taking place between the Israel-Palestine/Jordan, Israel-Syria, and Israel-Lebanon delegations. During the discussions, the establishment of a Palestinian autonomous region in the occupied territories was considered, but no positive outcome was achieved. Israeli officials announced a plan during a critical phase of the process in Madrid to double the Jewish population in the occupied territories within four years through a new wave of construction.¹⁷⁸ Subsequent negotiations in Madrid failed to yield positive results due to the continuation of the same attitudes. The second round took place on December 4, 1991, in Washington, and the third round was held on January 28, 1992, in Moscow, both ending in similar failure.¹⁷⁹



Photo of Isaac Shamir and his delegation attending the Madrid Peace Conference / Source: AFP

The Madrid Peace Conference, organized under the leadership of James Baker by the United States, was secretly arranged within the framework of the commitment to the principle of "land for peace" as outlined in United Nations Security Council Resolutions 242 and 338.

However, there was a significant divergence regarding the framework of the land-for-peace principle. The discussions revolved around the interpretation of United Nations Resolution 242. The Arabs

¹⁷⁸ Shlaim, pp. 640-641

¹⁷⁹ In these ongoing negotiations, Syria did not participate, claiming that Israel's situation would increasingly become legitimate. The Palestinian Delegation also did not participate, arguing that Palestinians residing in East Jerusalem and in the diaspora should also be represented. See Yıldırım, Yusuf, "Search for a Two-State Solution in the Israel-Palestine Conflict," *OPUS International Journal of Society Research*, Vol. 18, No. 41, September 2021, pp. 3855.



insisted that the resolution required Israel to withdraw from all the territories it occupied during the June 1967 War – including the Golan Heights, the West Bank, the Gaza Strip, and East Jerusalem – similar to how it returned the Sinai to Egypt. Israel, on the other hand, argued that by returning the Sinai to Egypt, it had fulfilled the territorial provisions of the resolution, and now it was the turn of the Arabs to propose peace in return for peace. Additionally, while the Palestinians operated under the assumption that they were a people with national rights and saw temporary arrangements as the first stage of independence, the Israeli government assumed that Palestinians were residents of the occupied territories who did not possess any national rights and thus had no right to independence even after the interim period. Palestinian negotiators accused Israel of eliminating options and creating deadlock by claiming that Israel's plan aimed to perpetuate Jewish settlements in the West Bank and Gaza, consolidate Israeli control over resources like water and land in those territories, and promote racial discrimination or apartheid. Israel, in turn, accused the Palestinians of attempting to alter proposals seemingly aimed at determining the final status of the disputed territories by laying the groundwork for future statehood.¹⁸⁰

Israel, Syria, Jordan, Lebanon, and Palestinian delegations at the joint negotiation table.
/ Photo: AP,

<https://turkish.aawsat.com/d%C3%BCnya/4783251-de%C4%9Fi%C5%9Fen-abd-i%C5%87s-rail-ili%C5%9Fkileri-hakk%C4%B1nda>, Accessed:18/01/2024



The Madrid Peace Conference, convened in 1991, marked the first step towards the easing of relations between Israel and Palestine. Delegations from Israel, Syria, Jordan, Lebanon, and Palestine came together at the negotiating table for the first time, laying the groundwork for the talks that began in Oslo in 1993. One distinctive feature of the Madrid Peace Conference was that Palestinians

¹⁸⁰ Shlaim, pp. 649-650.



were not directly represented by the PLO in the negotiations. Instead, the Palestinian delegation from the occupied territories was aligned with Jordan, giving them a voice in the negotiations. Unlike other Arab-Israeli conferences, the Madrid Conference represented Palestinians on an equal footing with Israel for the first time. Israel's acceptance of Palestinians as stakeholders in the negotiations signaled a departure from its previous rejectionist stance. Israel insisted that Palestinians representing Palestine should be chosen specifically from individuals other than PLO members and Palestinians residing in East Jerusalem. Thus, Palestinians represented under the Jordan-Palestine joint delegation had the opportunity to introduce new and unfamiliar names from among the inhabitants of the territories and present a new image of Palestinian nationalism.¹⁸¹

The head of the Palestinian delegation, Dr. Haidar Abdul Shafi, stated in his opening speech at the beginning of the negotiations, *"We are willing to live side by side on the land and the promise of the future. Sharing, however, requires two partners willing to share as equals. Mutuality and reciprocity must replace domination and hostility for genuine reconciliation and coexistence under international legality. Your security and ours are mutually dependent, as entwined as the fears and nightmares of our children."*¹⁸²

However, on the first day of the talks, Shamir, without beginning the talks, raised the Israeli flag, stating that not even a single stone would be given in exchange for peace and refused to accept the land-for-peace principle, saying, "Even though they may strive day and night for peace, the leaders of Israel will never consider conceding Jerusalem, the West Bank, Gaza, and the Golan Heights." Additionally, during this process, another settlement was established near the Arab town of al-Bireh in the West Bank.¹⁸³ Similarly, when asked before the Israeli elections held on June 23, 1992, whether he planned to achieve peace without relinquishing control of the occupied territories, Yitzhak Shamir responded, *"Of course. Without relinquishing the territories of the Land of Israel. We will advance on two fronts, which are the preservation of the Land of Israel and uninterrupted efforts towards peace."*¹⁸⁴

On December 16th, the negotiations were suspended, and the ninth round of talks resumed in Washington on April 27th following a four-and-a-half-month hiatus. Israel, despite residing in East Jerusalem, accepted Faisal Husseini as a negotiator and endorsed the principle of establishing a Palestinian police force in the occupied territories. During this process, Israel became willing to accept a linkage between the interim and final stages of the Palestinian self-government, stating that the council to be elected to govern Palestinians during the five-year interim period could have some legislative responsibilities. Israel also declared that negotiations regarding the final status of the occupied territories would be based on UN Resolution 242. Under the leadership of Bill Clinton, who had recently assumed office, the U.S. administration presented a new framework document for negotiations to the Palestinians. This document, which turned American policy upside down after 26 years, accepted the claim that East Jerusalem, the West Bank, and the remaining parts of Gaza occupied by Israel were

¹⁸¹ Shlaim, pp. 642-643.

¹⁸² <https://www.gov.il/en/Departments/General/address-by-dr-haider-abdul-shafi-31-october-91>, Accessed: 30/01/2024.

¹⁸³ Shlaim, p. 648.

¹⁸⁴ Shlaim, p. 655.



not occupied but disputed territories. However, the Palestinian delegation argued that the framework document contradicted the initial framework of the negotiations and therefore was not even suitable as a starting point for the talks.¹⁸⁵

12.2. The First Oslo Agreement

With the rise of the left-wing Labor Party to power in Israel in June 1992, steps were taken to initiate the peace process, opening the door to hope for peace between Palestine and Israel. Israel's Prime Minister at the time, Yitzhak Rabin, who was seen as hardline, along with "doves" like Shimon Peres and Yossi Beilin, formed a team to conduct peace negotiations with the Palestinians.¹⁸⁶ In December 1992, the Rabin government took a new step by abolishing the six-year-old law that banned all kinds of relations between Israeli citizens and the PLO (Palestine Liberation Organization). In a speech delivered at the Knesset, Rabin clarified that lifting this ban did not imply that his government had entered negotiations with the PLO.¹⁸⁷

Following the failure to achieve results from bilateral talks in Washington, secret Oslo negotiations began on January 20, 1993, conducted over a period of eight months in fourteen sessions. Progress was made during the meetings held in the town of Sarpsborg, Norway. The Palestinians pledged to recognize the state of Israel in exchange for a phased withdrawal from the occupied territories. As a result of the negotiations, the Declaration of Principles (the First Oslo Agreement) was signed in Washington. Millions of people witnessed the historic handshake between Arafat and Rabin, marking a historic moment in history.

The initial contacts, which began with unofficial discussions without the knowledge of official negotiators, initially focused on economic cooperation but quickly evolved into a joint declaration of principles. The change in approach by the PLO involved a shift from insisting that Palestinian recognition of Israel was contingent upon Israel recognizing Palestinian self-determination to expressing readiness to discuss interim arrangements without any prior agreement on a final outcome. A similar change in attitude occurred from the Israeli side, as the prolonged period of isolation, particularly in the Gaza Strip, where poverty and population density prevailed and where Israeli soldiers were involved in ruthless interventions against unarmed civilians, damaged Israel's international image and shocked the public opinion. This led to renewed debates within the public opinion about unilateral withdrawal from the Gaza Strip. Peres proposed the idea of "Gaza first" to prompt Arafat to take action, while Arafat, before outright rejecting the Israeli offer, countered with his own proposal of "Gaza and Jericho first," emphasizing the demand for rights over the entirety of the West Bank.¹⁸⁸ Prior to

¹⁸⁵ Shlaim, pp. 671-672.

¹⁸⁶ Peres aimed to persuade voters that a negotiable agreement could be reached to achieve peace without jeopardizing Israel's security, whereas Likud politicians criticized Labor Party politicians for their soft approach to the intifada and their willingness to resolve the Arab Israeli conflict through land swaps in exchange for peace. Shlaim, p. 609.

¹⁸⁷ Shlaim, p. 668.

¹⁸⁸ Shlaim, pp. 675-676.



the Declaration of Principles, on September 9, 1993, mutual letters between Arafat and Rabin paved the way for the recognition of each other by the parties. On September 13, 1993, it was also signed by then Israeli Foreign Minister Shimon Peres and the negotiator representing the PLO at the time, Mahmoud Abbas.



The first public handshake between Israeli Prime Minister Yitzhak Rabin and Palestinian leader Yasser Arafat at the White House on September 13, 1993, marked a historic moment.

https://www.bbc.com/turkce/multimedya/2012/06/120628_handshake, Accessed 29/12/2023

The Declaration of Principles on Interim Self-Government Arrangements, which is essentially an agenda for ongoing negotiations rather than a finalized agreement, envisages Israel's evacuation of Gaza and Jericho within two months of the signing ceremony and completion of the withdrawal within four months thereafter. In this context, a Palestinian police force loyal to Arafat will be deployed to ensure internal security in Gaza and Jericho, while Israel will assume full responsibility for external security and foreign affairs. Israel will also transfer authority to "empowered" Palestinians in five areas in the West Bank: education, health, social welfare, direct taxation, and tourism. Palestinians in the West Bank and Gaza will hold elections for the Palestinian Council within nine months, assuming responsibility for all matters except defense and foreign affairs. Israel and the Palestinians agreed to



commence negotiations on the final status of the region within two years, with a permanent peace agreement to take effect within five years.¹⁸⁹

During the bilateral negotiations, on February 25, 1994, a racist member of the American-born Kach party, Dr. Baruch Goldstein, opened fire on Palestinians praying at the historic Ibrahim Mosque in Hebron, West Bank, using a Galil assault rifle provided by the Israeli Defense Forces, killing 29 people and being subsequently beaten to death by survivors. This incident disrupted the withdrawal process. The massacre in Hebron revealed the flaws in Israel's security approach in the occupied territories. This security approach was focused solely on protecting Jews and did not extend to protecting the Palestinian population. Israeli settlers were heavily armed, in addition to being protected by the army, police, and border police. Meanwhile, the Palestinian inhabitants of the occupied territories were left at the mercy of the settlers and Israeli security forces.¹⁹⁰

In response to this incident, the PLO suspended participation in peace negotiations in reaction to the massacre and demanded the expulsion of around 400 militant settlers from Hebron and the disarmament of those remaining. Following the massacre, sympathy towards settlers in Israel significantly decreased. The demand for the removal of settlers from Hebron was rejected by Israelis on the grounds that the Oslo Protocol did not obligate Israel to dismantle any settlements during the interim agreement. Instead, some leaders of the extremist Kach Party in Israel were detained without trial, and the party itself was shut down.¹⁹¹

Israel's joint statement with the PLO in Cairo on March 31, pledging to accelerate the withdrawal process from Gaza and Jericho and to adhere to the dates specified in the Declaration of Principles, provided assurances that allowed the PLO to resume peace negotiations from where they left off.¹⁹²

Israel and the Palestine Liberation Organization (PLO) signed the Cairo Agreement, also known as the Gaza-Jericho Agreement or the Egypt Agreement, on May 4, 1994, in Cairo, outlining how the Declaration of Principles would initially be implemented. According to this agreement, Israel would withdraw from most of the Gaza Strip, maintaining its presence only in Jewish settlements and surrounding areas. In the West Bank, the city of Jericho would be handed over to the Palestinians.

The agreement included many provisions that were the result of arduous negotiations. It was agreed that during a five-year transitional period, issues such as the withdrawal of the Israeli army, the establishment of the Palestinian state, the status of Jerusalem, the status of Jewish settlements in the occupied territories, and the situation of the three and a half million Palestinian refugees displaced between 1948 and 1967 would be addressed in accordance with the resolution of key preliminary issues.

¹⁸⁹ Shlaim, p. 679.

¹⁹⁰ Shlaim, p. 688.

¹⁹¹ Shlaim, pp. 688-689.

¹⁹² Shlaim, pp. 688.



Through secret negotiations between Israel and the PLO, a temporary timeframe was envisaged, and it was agreed upon a gradual plan that would lead to the establishment of an independent Palestinian state within five years through negotiations. However, due to the failure to achieve interim goals, the plan did not reach its intended target.

In the ongoing peace process, on July 1, 1994, Yasser Arafat returned to Palestinian territories that he had not set foot in for 27 years, greeted by a jubilant crowd with an air of triumph. The Palestinian Liberation Army was deployed to the areas vacated by Israeli forces, and Yasser Arafat became the head of the Palestinian National Authority, or in other words, the president of the autonomous administration. This situation was further confirmed by the elections held in 1996.¹⁹³

12.3. The Second Oslo Agreement

In continuation of the Oslo process, despite not achieving complete success in the initial stage, the Second Oslo Agreement, which regulated the transfer of authority from Israel's military government and civilian administration to the Palestinian Authority, was signed on September 28, 1995. This agreement was signed in separate ceremonies in the city of Taba, Egypt, and in Washington. The agreement addressed withdrawal and security arrangements in the region, dividing Gaza and the West Bank into three areas: A, B, and C.

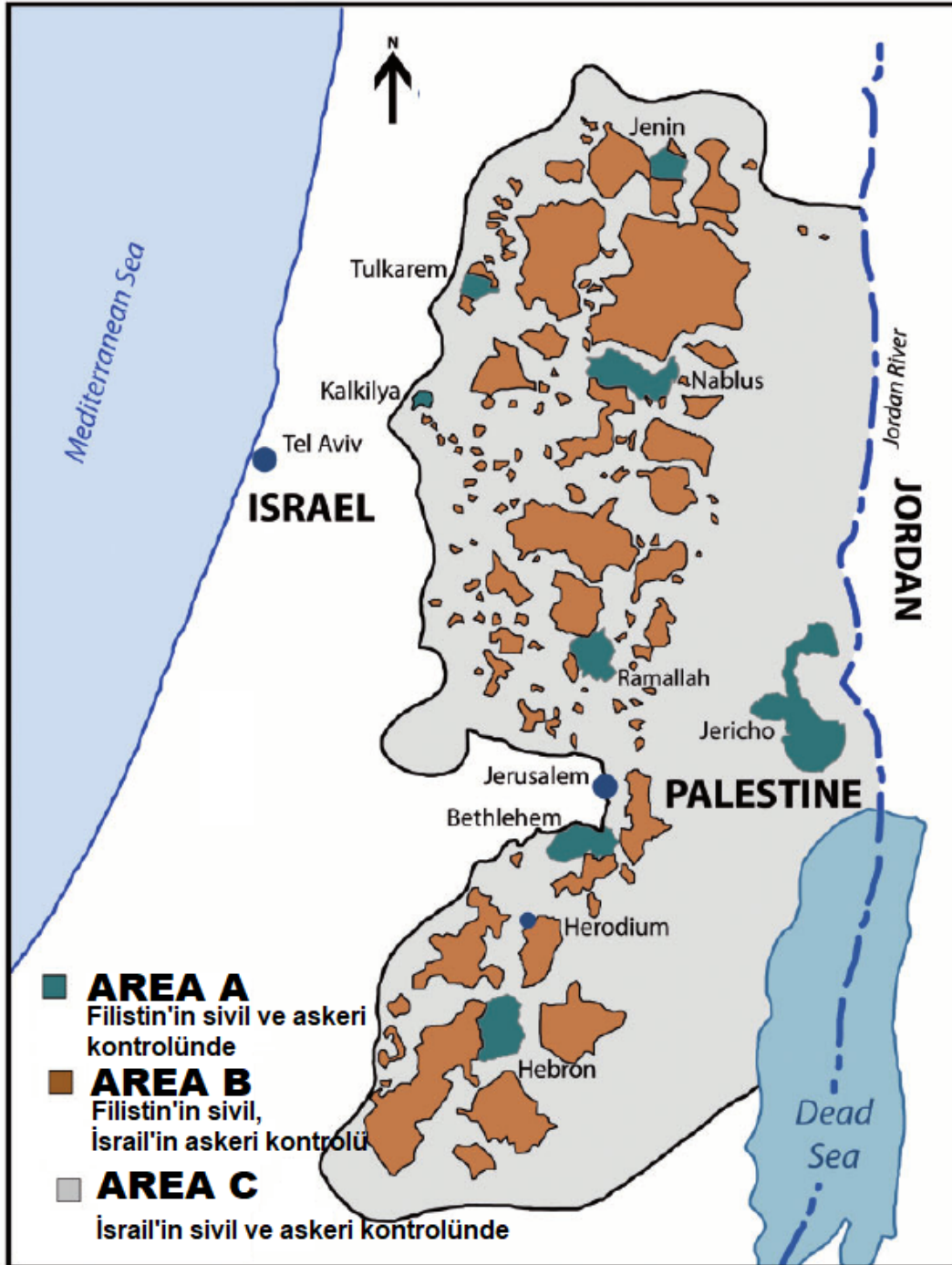
The Area B, constituting 7% of the West Bank, excluding East Jerusalem and Hebron, includes Gaza, Jericho, Nablus, Qalqilya, Tulkarm, Ramallah, Bethlehem, Jenin, and Hebron, where an agreement was reached for complete transfer from Israeli control to Palestinian administration. In the Area B of the West Bank, comprising 450 Palestinian towns and villages, joint Israeli-Palestinian control will be established, with civil authority under Palestinian governance but security remaining under Israeli control. This area constitutes 21% of the West Bank. Area C, covering territories where people do not reside, will remain under Israeli control. Israel also committed to releasing Palestinian prisoners. Following the signing of the agreement, Israel withdrew from Jenin in November 1995 and from Nablus, Tulkarm, Bethlehem, and Ramallah in December of the same year.¹⁹⁴

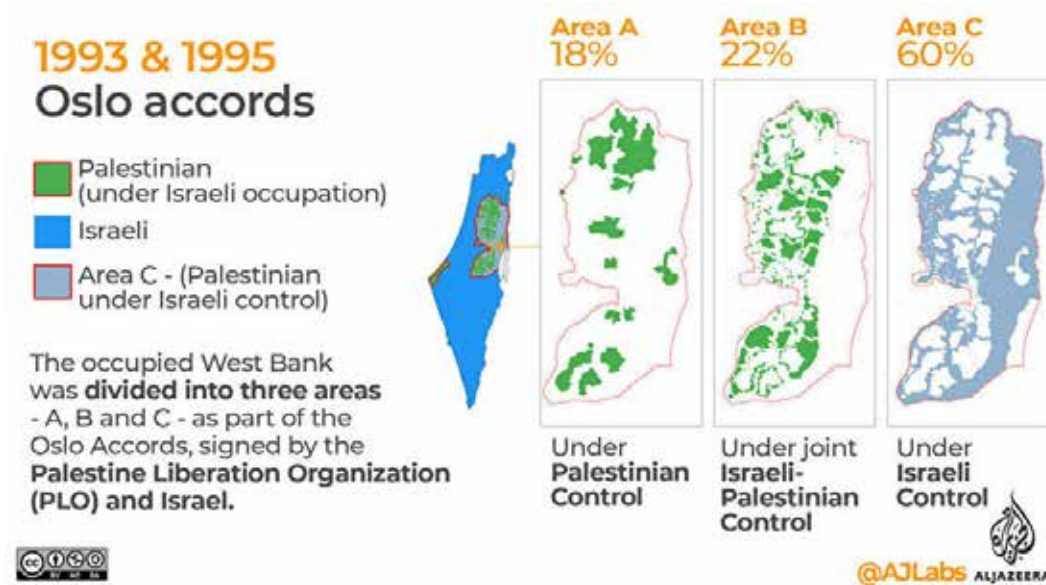
¹⁹³ <https://www.bbc.com/turkce/haberler-dunya-44128837>; Accessed: 27/12/2023.

¹⁹⁴ Yıldırım Yusuf, "İsrail-Filistin Sorununda İki Devletli Çözüm Arayışları", OPUS Toplum Araştırmaları Dergisi, Volume: 18, Issue: 41, 2021, pp. 3856-3857.



Oslo II Map Outlining Areas A, B, and C





Topographic division map according to the 1993-1995 Oslo Accords / Source: Al Jazeera

The Second Oslo Agreement may not have held significant meaning for Palestinians, but for Zionists, it was perceived as the surrender of "Jewish land." Prime Minister Yitzhak Rabin, who became the target of an angry and provocative campaign, was assassinated on November 4, 1995, by a fanatic Jew who fired three bullets from close range as a peace rally was concluding.¹⁹⁵ Although Yasser Arafat expressed his desire to attend Rabin's funeral, security reasons prevented him from doing so. Instead, Arafat visited Leah Rabin, Rabin's wife, at her home in Tel Aviv to offer his condolences.

"I have lost a friend. This loss is significant for the path of peace and personally, it is a great loss for me. I am in a state of shock and horror due to such a tragic event." He said.

Rabin's wife refused to shake hands with the then Likud leader Benjamin Netanyahu, who came to her house to offer condolences, due to Netanyahu's role in the incitement that led to her husband's assassination passing the comments;

"Sometimes, I feel that finding common ground with Arabs is easier than talking to Jewish extremists. It's like we live in different worlds with Jewish extremists."

He indicated that shaking hands with Arafat symbolized hope for peace, but not shaking hands with Netanyahu did not entail such hope.¹⁹⁶

After the assassination, Shimon Peres, previously considered a peace-oriented "dove," became prime minister. Peres narrowly lost the May 29, 1996 elections to Benjamin Netanyahu. Netanyahu, by lifting the freeze on settlement construction in the occupied territories, angered Arabs. Furthermore,

¹⁹⁵ Shlaim, p. 715.

¹⁹⁶ Shlaim, pp. 717-718.



tensions escalated when he allowed the excavation of a tunnel beneath the Al-Aqsa Mosque for archaeological purposes.¹⁹⁷

On October 5th, the day the Second Oslo Agreement was approved by a majority vote in the Knesset, thousands of demonstrators gathered in Zion Square in Jerusalem. In his speech, Benjamin Netanyahu stated,

"Today, the surrender agreement known as Oslo II has been brought to the Knesset. The Jewish majority of the State of Israel does not approve of this agreement. We will fight against this agreement and bring down the government."¹⁹⁸

With Netanyahu coming to power, the full implementation of the treaty provisions became unfeasible. The peace process essentially continued with the Palestinian leader being coerced into accepting Israel's terms. Partial withdrawals of Israeli forces, continuation of Jewish settlements, retention of Jerusalem and established settlements under Israeli sovereignty, control over borders, waters, entrances, and exits by Israel, and security under Israeli control further solidified Israel's dominance in the region. The Palestinian side, believing in the establishment of an independent Palestine, continued to engage in negotiations by making concessions.¹⁹⁹

Rabin proposed completing this process by gradually withdrawing from non-vital parts of the occupied territories, which would amount to less than a state, culminating in the construction of a demilitarized Palestinian entity. On the other hand, Arafat envisioned the establishment of an independent Palestinian state with its capital in East Jerusalem following a complete Israeli withdrawal from all occupied territories. The policy of expanding Israeli settlements in the West Bank during Rabin's government transition exacerbated the difficulties of reconciling these two perspectives. Although a date was set for initiating negotiations to determine the final status of the occupied territories on May 4, 1996, the process was derailed by Rabin's political assassination.²⁰⁰

¹⁹⁷ <https://www.bbc.com/turkce/haberler-dunya-44128837>, Accessed: 27/12/2023.

¹⁹⁸ Shlaim, p. 721.

¹⁹⁹ Yıldırım, p. 3858.

²⁰⁰ Shlaim, p. 715.



13. The Second Intifada and Subsequent Developments



Faris Avde, who responded to an Israeli tank with a stone, became a symbol of the Second Intifada.

<https://www.gzt.com/mecra/ikinci-intifadanin-izleri-21inci-yilinda-hala-taze-3596639>, Accessed: 03/01/2024.

On September 28, 2000, the leader of the opposition Likud party, Ariel Sharon, under the protection of Israeli soldiers, entered the courtyard of the Al-Aqsa Mosque, which then led to events starting on Friday, September 29, when Prime Minister Ehud Barak deployed police and military forces to the Har am al-Sharif (Noble Sanctuary). These events initiated the Second Intifada, also known as the Al-Aqsa Intifada, which lasted for about 5 years. Sharon, surrounded by a thousand security personnel, deliberately disregarded the Muslim worshippers and entered the holy area, known to Jews as the Temple Mount, located in the Old City of Jerusalem. His visit to the Al-Aqsa Mosque provoked Palestinians, leading to protests the following day after Friday prayers. These protests escalated into the uprising



known as the Al-Aqsa Intifada. Following Palestinians throwing stones at Jews worshipping at the Western Wall of the Temple Mount, Israeli police used rubber-coated steel bullets, resulting in the deaths of four Palestinian youths. In the first five days that followed, 47 Palestinians were killed, and 1,855 were injured.²⁰¹

At the end of the Second Intifada, 5,000 people were killed, and 15,000 were injured in Palestine, including the West Bank and the Gaza Strip. During the 5-year period, Israel intensified its siege and military operations. Israel's operations included the excessive use of force without distinguishing between military and civilian targets, deliberate killings and injuries, restrictions on civilians' freedom of movement, curfews, destruction of homes, properties, and infrastructure, obstruction of education and healthcare services, confiscation of Palestinian land, damage to crops, extrajudicial killings, arbitrary mass arrests and detentions, and torture, all of which resulted in human rights violations.



On September 29, 2000, 11-year-old Palestinian Muhammad Durra was killed by Israeli soldiers while seeking refuge behind his father.

13.1. The Disproportionate Intervention Towards Refugee Camps: Operation Defensive Shield

On March 27, 2002, the most devastating suicide bombing since the start of the Al-Aqsa Intifada occurred. As a result, Israeli tanks entered the West Bank on March 29, 2002, reoccupying the settlements that had been under Palestinian control since 1995. An advance unit directly besieged Yasser Arafat's headquarters in Ramallah. During the operation that continued until the end of April, the Israeli Defense Forces engaged in clashes with armed Palestinians, utilized combat helicopters, and caused extensive damage on a large scale.²⁰²

Israel declared Jenin and an adjacent refugee camp as closed military zones and enforced a daytime curfew, preventing journalists from entering the town and the refugee camp. Troops inside the camp used civilians as human shields to search homes and inspect suspicious objects. The central area

²⁰¹ Shlaim, p.860.

²⁰² Shlaim, pp. 916-922.



of the camp was destroyed. Around 150 buildings were demolished, others were destroyed, and 4,000 people were left homeless. A United Nations representative, upon visiting Jenin, described the situation as incredibly terrifying, comparable to the effects of an earthquake. Rumors spread about atrocities and war crimes being committed inside the camp, leading to international outcry and calls for a United Nations investigation.

The United Nations Security Council unanimously decided on April 19 to send a team to gather evidence and investigate the allegations. United Nations Secretary-General Kofi Annan promptly formed the team. However, Israeli Defense Forces Chief of Staff Shaul Mofaz vehemently rejected the idea of an external team conducting an investigation, and the Prime Minister supported him. Following unusual personal statements by Saudi Crown Prince Abdullah to President Bush, the United States pressured Israel to lift the siege on Arafat. Israel agreed to lift the siege around Arafat's headquarters on the condition that the United States veto the United Nations investigation. The Americans accepted this offer, and the UN team was halted, but the siege was only partially lifted.²⁰³

Defense Shield Operation had disastrous consequences for Palestinians beyond the death toll and extensive damage to infrastructure. According to the United Nations, 497 Palestinians lost their lives during the operation, while Israel lost 29 soldiers. With the occupation of the A and B zones as defined by the Second Oslo Protocol, Israel regained security control over the entirety of the West Bank, effectively nullifying what Palestinians had gained through the agreement.

At the end of the operation, the Israel Defense Forces withdrew from cities and towns but left units around them to establish additional checkpoints and control points to regulate entry and exit. As a result of the Defense Shield Operation, Palestinians' freedom of movement in their own territories was indefinitely restricted. The Second Oslo Protocol was thus completely nullified.²⁰⁴

13.2. Encircling Palestine with a Wall: Decision to Build the Wall of Shame

During the term of former Israeli Prime Minister Ariel Sharon's government in 2002, a decision was made to start building a wall around the occupied West Bank, where nearly three million Palestinians lived, citing "security reasons." The "Separation Wall," stretching about 50 miles into the West Bank, surrounded the main Jewish settlement blocs and deliberately intruded into the depths of the West Bank to carve out land parcels to establish "facts on the ground." Over time, it became evident that the barrier's purpose was also to unilaterally establish new borders for the country. Israel seized Arab lands behind the Green Line to build the wall, demolished homes belonging to Arabs, separated farmers from their fields, workers from their workplaces, school children from their schools, and the entire population from water sources. The wall, which was expected to be 692 km long, was constructed in the section of the line belonging to Arabs.

²⁰³ Shlaim, pp. 927-928.

²⁰⁴ Shlaim, p. 929.



When considering that the West Bank is a landmass with a width ranging from 20 to 56 kilometers, the barrier has, in some sections, veered off from the Green Line, penetrating as much as 22.5 kilometers into the West Bank.²⁰⁵

The construction of the wall has also led to a significant loss of agricultural land and seriously disrupted the daily lives of the Palestinian people. The livelihoods of over 200,000 individuals have been affected.²⁰⁶

*Above, Shuafat
refugee camp, on
its left, Pisgat Zeev
Jewish settlement,
the Separation Wall /
Photo: AFP.*



The United Nations General Assembly declared its belief in the illegality of the wall under international law with a resolution adopted on October 20, 2003. Following this resolution, it was decided to refer the matter to the International Court of Justice for an “advisory opinion”²⁰⁷ within the framework

²⁰⁵ Shlaim, pp. 933-935.

²⁰⁶ Shlaim, p. 937.

²⁰⁷ An “advisory opinion” is provided when the General Assembly and the Security Council of the UN, as well as certain specialized agencies, seek legal assistance to form opinions, determine stances, or clarify certain controversial issues related to matters within their competence.



of authorization. The decision, numbered 10/14, taken on December 8, 2003, received positive votes from 90 countries including Türkiye, negative votes from 8 countries including the United States and Israel, and abstentions from 72 countries, including almost all Western states.

In the aforementioned decision, in accordance with Article 96 of the UN Charter and Article 65 of the Statute of the International Court of Justice,

"The rules and principles of international law, including the Fourth Geneva Convention of 1949 and East Jerusalem and its surroundings, taking into account the relevant General Assembly and Security Council resolutions In the occupied Palestinian territories, including, by the occupying power Israel, the Secretary-General "What are the legal consequences of building a wall as explained in the report?"

Regarding the question, a request has been made for an advisory opinion from the International Court of Justice (ICJ).

The legal process was completed on July 9, 2004. The Court issued a recommendation calling for the removal of barriers and compensation to be paid to the Arab residents of the area for any damages suffered.

In summary, the decision stated that the wall and settlements violate the clear rights of Palestinians to self-determination. It highlighted violations such as land confiscation, home demolitions, establishment of settlement areas, and restrictions on freedom of movement, which hinder access to water, food, education, healthcare, employment, and acceptable living standards. The court concluded that Israel had failed to fulfill its obligations under international law.

What makes the decision interesting and significant is the characterization of the land where the wall's contested section was constructed as "occupied territories" according to international law, and the designation of Israel as an "occupying state." The decision also involves evaluations regarding the actual annexation, the trend of altering the demographic structure, the right of Palestinians to self-determination, and Israel's legitimate defense claim as a right to defend against another state, considering that the legitimate population living in the occupied territories does not pose the specified foreign threat. Additionally, it emphasizes the responsibility of other states to take action to ensure Israel's compliance with the Fourth Geneva Convention. Historical assessments of the Palestinian territories are occasionally made, summarizing the post-1947 period of conflict, violence, and oppressive measures, and emphasizing that the solution to this issue lies in the establishment of the State of Palestine as soon as possible.

The historical status of Palestinian territories is examined in paragraphs 70-78 of the decision.²⁰⁸ During this analysis, the Court mentions the conflicts of 1948-1949 and the general ceasefire agreement signed between Israel and Jordan on April 3, 1949, which established the ceasefire line known as the "Green Line" between Israel and Arab forces. At the end of the analysis, the Court indicates that the

²⁰⁸ <https://www.icj-cij.org/node/103941>, Accessed: 27/12/2023.



territory between the Green Line and the former eastern border of Palestine under mandate, which was occupied by Israel during the armed conflict with Jordan in 1967, falls under Israeli occupation according to customary international law. The Court observes that subsequent events in these territories have not altered this status. Consequently, the Court concludes that all of these territories, including East Jerusalem, remain occupied territories, and Israel continues to be considered an occupying power. Therefore, according to the striking conclusion reached by the ICJ, the status of the land on which the wall's contested section was constructed is "occupied territory" according to international law, and Israel is considered an "occupying state".

Later, the Court observed that the existence of the Palestinian people is no longer subject to debate and that Israel has recognized this people along with their "legitimate rights", including the right to self-determination. The Court noted that since 1977, Israel has pursued a policy, contrary to Article 49(6) of the Fourth Geneva Convention of establishing settlements in the occupied Palestinian territories and has developed practices accordingly. It concluded that Israeli settlements in the occupied Palestinian territories (including East Jerusalem) have been established in violation of international law. Furthermore, the Court determined that the construction of the wall and the regime it would bring about could lead to a permanent "fait accompli" situation, equivalent to de facto annexation. It stated that the construction seriously impedes the Palestinian people's exercise of their right to self-determination. (paragraphs 115-122)

The wall imposes significant restrictions on the freedom of movement of the inhabitants of the occupied Palestinian territories, causing serious effects on agricultural production and increasingly difficult access to health services, educational institutions, and primary water sources. It is noted that a significant number of Palestinians will be deprived of their "freedom to choose their residence," and there is a tendency to change the demographic structure of the occupied Palestinian territories. It is also mentioned that the utilization of rights declared in the International Covenant on Economic, Social, and Cultural Rights and the United Nations Convention on the Rights of the Child, including the rights to work, health, education, and an adequate standard of living, is hindered (paragraphs 123-137). The Court rejected Israel's claim that the wall constitutes a legitimate defense measure, referring to Article 51 of the UN Charter, which stipulates that legitimate defense is the right to defend against another state and emphasizing that the legitimate population living in the occupied territories does not pose the foreign threat specified in the relevant article of the said convention (paragraphs 138-141).

The Court stated that Israel is obligated to ensure access to the holy sites it came under control after the 1967 War, to immediately cease the construction of the wall, and to immediately dismantle the portions of this structure located in the occupied Palestinian territories, including East Jerusalem and its surroundings. It was decided that all damages incurred by natural and legal persons should be compensated for, and confiscated lands, orchards, olive groves, and other immovable properties should be returned (paragraphs 149-154).



The Court stated that there are legal consequences for other states to ensure the implementation of the decision. In this context, all states are obliged to not recognize the illegal situation resulting from the construction of the wall in the occupied Palestinian territories, including East Jerusalem, to refrain from aiding or assisting in maintaining the situation caused by the construction, and to ensure the cessation of any obstacles to the exercise of the Palestinian people's right to self-determination arising from the construction of the wall, in accordance with the UN Charter and international law. It was also emphasized that all states parties to the Geneva Convention for the Protection of Civilian Persons in Time of War of August 12, 1949, are obligated to ensure Israel's compliance with international humanitarian law contained in this Convention, while respecting the UN Charter and international law (paragraphs 154-159).

The Court made a historical assessment and reminded the United Nations of its duty. It summarized the post-1947 period, characterized by conflict, violence, and oppressive measures, and indicated that the solution to this issue lies in the establishment of a State of Palestine, existing side by side with Israel and its other neighbors, ensuring peace and security for everyone in the region, as soon as possible.

In the decision, it is noted that since the adoption of General Assembly Resolution 181 (II) and the termination of the Palestine Mandate in 1947, armed conflicts, indiscriminate acts of violence, and oppressive measures have followed one another in the former mandate territories. According to the Court, this tragic situation can only be ended through the good faith implementation of all relevant Security Council resolutions, particularly Resolution 242 (1967) and Resolution 338 (1973). The Court emphasized that the Road Map approved by Security Council Resolution 1515 (2003) represents the latest effort to initiate negotiations towards this goal. The Court considers it a duty to draw the attention of the General Assembly, as the addressee, to the need for negotiations on unresolved issues based on international law, and to encourage efforts aimed at the establishment of a State of Palestine, existing side by side with Israel and ensuring peace and security for everyone in the region, as soon as possible (paragraph 160).

United Nations resolutions and the advisory opinions of the International Court of Justice have not had a noticeable impact on the Israeli government. Israel has not complied with dozens of UN resolutions issued against it, and it has also failed to comply with the requirements of the ICJ decision. Despite the ICJ ruling, the wall's length has increased from 225 km at the time of the decision to 425 km in subsequent years. However, Israel's violative position in international law has been confirmed, and it has been indicated that the Fourth Geneva Convention could be applicable to the occupied Palestinian territories.²⁰⁹

Israel, by surrounding Palestinian settlements with walls, has divided Palestinians into much smaller areas than those seen in the South African example. Through the wall, Israel violates virtually all the rights of Palestinians outlined in the Universal Declaration of Human Rights. Palestinians are deprived

²⁰⁹ Shlaim, p. 938

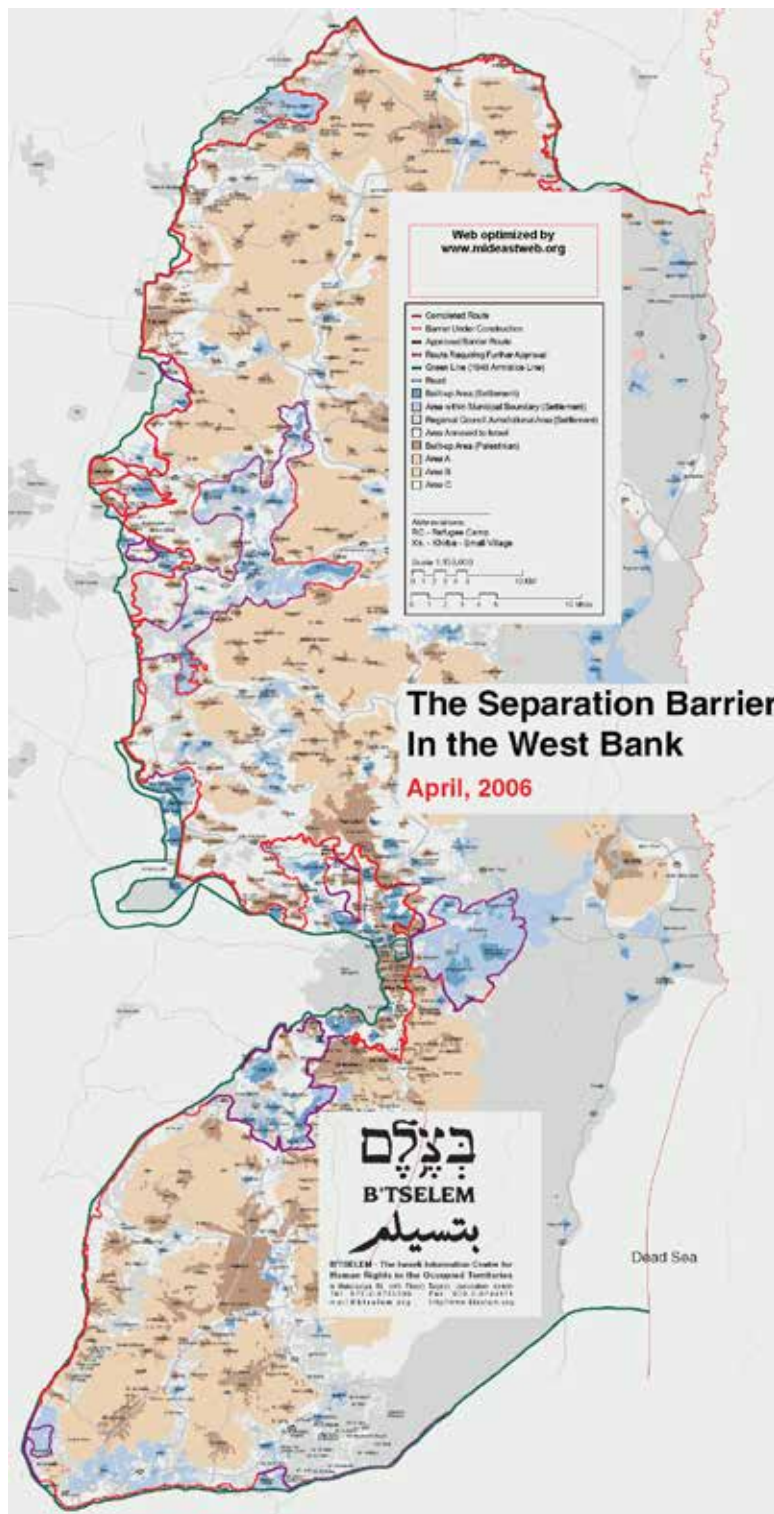


of their rights to education, travel, and work, and even prevented from seeing relatives in other cities and villages of Palestine due to barricades and walls. The International Court of Justice's decision on July 9, 2004, declared the wall to be in violation of international law. The Court found that Israel's construction of the wall in the occupied West Bank, including East Jerusalem, seriously violates a series of international obligations binding Israel. The Court recognized Palestinian territories not as disputed lands, as Israel claims, but as occupied territories. It ruled that Jewish settlements are illegal under international law and emphasized that human rights law applies to Palestinians as well. Contrary to claims that the Fourth Geneva Convention of 1949 and the Additional Protocols of 1977 do not apply to Palestinian territories, the Court found them applicable. It unequivocally rejected Israel's security justifications for the wall's construction and emphasized the applicability of the provisions of the 1907 Hague Convention to Palestinian territories. The Court's decision was endorsed by the United Nations General Assembly. In its resolution 58/292 of May 6, 2004, the General Assembly affirmed the International Court of Justice's opinion that the wall is unlawful and called for Israel to dismantle the constructed portions of the wall and restore the area to its previous state.²¹⁰

Israel Defense Forces' more than 200 checkpoints have slowed down the movement of population and commercial goods, obstructing passage to the West Bank. Moreover, the security walls separating villages from each other and towns from other towns have been the biggest obstacle to progress towards a two-state solution. The methods applied to Israelis and Palestinians and the rights granted to them are entirely different, which has strengthened allegations that the Jewish State has implemented an apartheid regime.²¹¹

²¹⁰ In addition, it emphasized the need to compensate for the damages caused by the construction of the wall for both individuals and legal entities. The UN General Assembly also requested the establishment of a registry for damages caused by the wall. In accordance with this decision of the General Assembly, a special team was formed to calculate both individual and collective damages caused by the wall. This team first calculated individual damages in areas such as housing, agriculture, health, education, travel, trade, and employment. Then, it inventoried the damages to public resources due to the impact of the wall on the public sector, local institutions and organizations, government agencies, civil society organizations, and the private sector. Abdullatif Sedda, *Uluslararası Hukuka Göre Filistin'deki İsrail Yerleşimi*, İstanbul Üniversitesi, PhD Thesis, İstanbul 2020.

²¹¹ Shlaim, p. 954.



<http://www.mideastweb.org/thefence.htm>



13.3. The Period of Israel's Withdrawal from Gaza and Blockade Politics

Yaser Arafat passed away on November 11, 2004. With Arafat's passing, presidential elections were held on January 9, 2005. A team of hundreds of international observers provided highly positive reports on the conduct of the elections. Six candidates competed in lively debates and a genuine competition, with the winner of the election being Mahmoud Abbas, the candidate of Fatah, who received 62% of the votes.²¹²

As part of the unilateral withdrawal plan, the withdrawal of settlers began to be implemented by Israeli security forces in August 2005. When more families applied to receive the money proposed by the government and leave, except for a few settlements left abandoned to their fate, the evacuation of settlements took less than three days.²¹³ On September 12, 2005, the last Israeli military forces withdrew from Gaza.²¹⁴

Based on the outcome of the elections held in January 2006 in the West Bank and Gaza Strip, Hamas won a decisive victory over Fatah. Hamas secured 74 out of 132 seats in the Palestinian Legislative Council, enabling them to form a government within the Palestinian National Authority, which exercises control in the West Bank and Gaza Strip. However, Israel refused to recognize the new government, and the United States and the European Union followed suit in not recognizing it. Israel withheld tax revenues, and Western states suspended direct aid to the Palestinian Authority.²¹⁵ In these elections, Fatah won 45 seats, while other groups secured 13 seats. As a result, although Hamas won the elections, its ability to govern in Palestine has been hindered by both external actors and Fatah.²¹⁶

On February 8, 2007, Fatah and Hamas signed an agreement in Mecca, deciding to halt the ongoing clashes among armed groups in Gaza and form a National Unity Government. An agreement was reached on a power-sharing system where independents would assume important positions such as the Ministry of Foreign Affairs, Finance, and Interior. They declared their readiness to negotiate a long-term ceasefire with Israel. However, this unity government failed to achieve real unity in Palestine. In June 2007, Hamas seized power in Gaza, leading to the fragmentation of the Palestinian National Movement, with Fatah controlling the West Bank and Hamas governing the Gaza Strip. In response, Israel declared Gaza a hostile territory and implemented a series of economic, social, and military measures to isolate Hamas and weaken its power. The most significant of these measures was the blockade, purportedly aimed at halting the entry of weapons and military equipment into Gaza.

²¹² Shlaim, p. 980.

²¹³ As soon as Hamas won the elections, Mahmoud Abbas issued decrees connecting the Palestinian security forces and the Ministries of Finance and Information directly to himself as the President of the Palestinian Authority, which should have been under government control. He appointed individuals affiliated with Fatah to key positions responsible for personnel appointments and salaries in the Palestinian administration. Shlaim, p. 981.

²¹⁴ Çalık Topuz Zuhail, "Tek Taraflı Çekilmenin Ardından Gazze", International Journal of Social Inquiry, Volume: 15, Issue:1, 2022, p. 212.

²¹⁵ Shlaim, p. 989.

²¹⁶ Sari, p. 34.



However, the blockade also restricted the passage of essential goods such as food, fuel, and medical supplies needed by the civilian population. The non-military aspect of the blockade took on a form of collective punishment prohibited by international law.²¹⁷

Following that, Mahmoud Abbas announced the dissolution of the Hamas government and entrusted Salam Fayyad, who had good relations with the United States, with forming a new government. Meanwhile, Hamas buildings and offices in the West Bank were raided by Fatah. Hamas Prime Minister Ismail Haniyeh stated that they did not recognize the new government initiative and affirmed that the Unity Government remained in office.²¹⁸

After the 2006 elections, a new de facto situation emerged with Fatah controlling the West Bank and Hamas controlling the Gaza Strip. Consequently, there was an internal division within the Palestinian resistance, and conflicts between Hamas and Fatah began after this process, shifting the Palestinian issue to another dimension. Israel's blockade on Gaza under Hamas control, coupled with the silence of the international community, has made life in Gaza increasingly difficult for Palestinians.²¹⁹

The 2006 Hamas victory in the Gaza elections initiated a process that led to uncertainty surrounding Israel's unilateral withdrawal from Gaza in 2005. Following Hamas's electoral success, Israel decided to close its land borders with the Gaza Strip, leading to the naval blockade with the Operation Cast Lead in 2009. On December 6, 2021, the construction of the Gaza Wall, completely encircling Gaza from land and sea, further restricted access to the Gaza Strip, with both air and sea blockades and Israeli control over highways. Israel, citing security concerns, imposed restrictions on the free movement of people and goods entering the region.²²⁰ Despite the Gaza Strip having a functional airport in the 1990s, it was bombed by Israel during the Second Intifada and is no longer operational due to the denial of airspace usage.²²¹ The land and sea blockade by Israel have also hindered the Gaza population's ability to benefit adequately from agriculture and fishing. As a result, over 80% of those under the age of 25 in the Gaza Strip now rely on aid for survival.

²¹⁷ Shlaim, pp. 989-990.

²¹⁸ Sarı, p. 35.

²¹⁹ Akçapa Mevlüt, "Arap Baharı Öncesi Filistin'in İçsel Dinamikleri Bağlamında Türkiye'nin Filistin Meselesine Yaklaşımı", *Uluslararası İlişkiler ve Diplomasi Dergisi*, Volume:4 Issue:1, 2021, p.37.

²²⁰ Çalık Topuz, Zuhail, p. 216.

²²¹ Gaza Report 2023: Genocide Witnessed Before Humanity's Eyes, Mazlumder, p. 10.



The general overview of the blockade imposed on Gaza can be found on the BBC website: <https://www.bbc.com/turkce/haberler-dunya-57065624>, Accessed: 19/01/2024.







13.4. The Demolition of Walls at the Rafah Border

The blockade imposed by Israel has significantly exacerbated life. On January 23, 2008, unable to endure the blockade further, Gazans broke down the walls at the Rafah border with Egypt, crossing over to purchase essential goods on the Egyptian side, with Israel's support. Although Egyptian security forces later prohibited crossings on February 3, nearly 800,000 Gazans entered and exited Egypt. Following this, during the Israeli attacks on the Gaza Strip between February 28 and March 3, 2008, at least 117 Palestinians lost their lives, with 200 Palestinians wounded, and approximately 800 Palestinian homes destroyed. Negotiations brokered by Egypt on June 19, 2008, resulted in a six-month ceasefire between Hamas and Israel. Hamas agreed to refrain from rocket attacks and release the captured Israeli soldier Gilad Shalit, while Israel promised to lift the embargo on Gaza and halt assassinations. However, the ceasefire ended on December 19, 2008, without the embargo being lifted, and attacks continued. As the deadline approached at the end of December, Israel insisted on halting rocket attacks, while Hamas demanded the opening of Israeli border crossings for the passage of legal goods into and out of Gaza. Although Hamas proposed renewing the ceasefire based on its original terms, Israel did not consider this proposal.²²²

13.5. Operation Cast Lead: Lead Poured onto Gaza

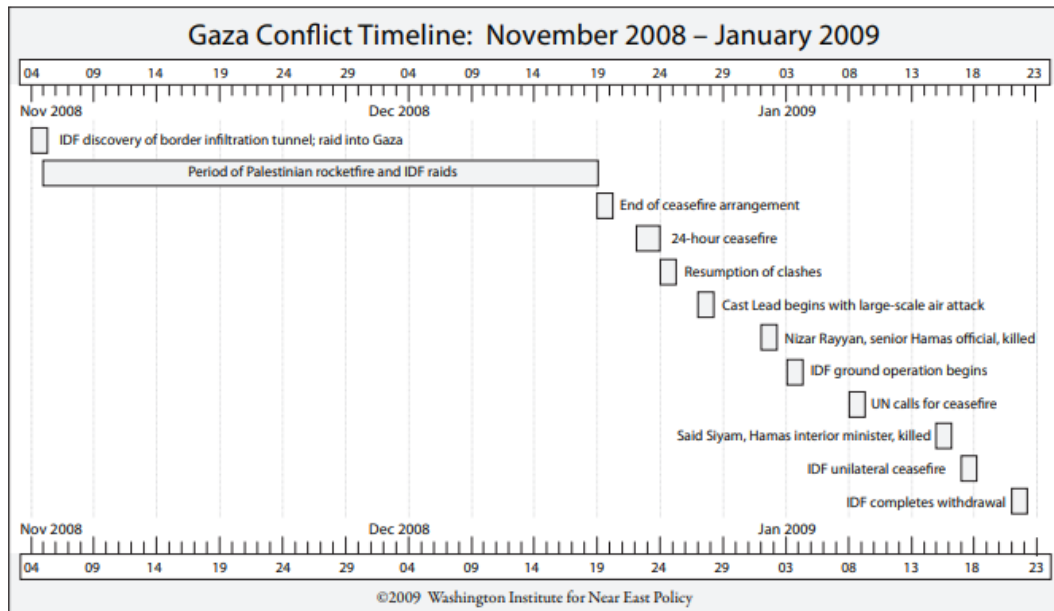
On December 27, 2008, Israel, citing rocket attacks as justification, bombed a police station where a graduation ceremony was taking place, killing 140 policemen, including senior Hamas security officials, and initiating the Operation Cast Lead in the Gaza Strip. In just the first few hours of the operation, more than 200 Palestinians lost their lives, with 60 fighter jets involved.²²³ During the 23-day attacks by Israel, 1,436 Palestinians lost their lives, including 410 children and 104 women. More than 5,400 people were injured. The attacks resulted in the complete destruction of 5,700 homes in Gaza, with approximately 52,000 homes sustaining damage.²²⁴ With this attack, the economic and physical infrastructure of Gaza was devastated. Throughout the Operation Cast Lead, the Israeli Defense Forces bombed Hamas targets and rained bullets on the vulnerable civilian population in Gaza, resulting in death and destruction. The war brought about serious consequences not only in terms of the high number of civilian casualties but also in terms of economic, industrial, and public health aspects. Gaza suffered approximately \$2 billion in property damage. About 4,000 homes were completely destroyed, and another 20,000 were damaged. The Israeli Defense Forces destroyed 600-700 factories, small industrial units, workshops, and commercial ventures, as well as 24 mosques and 31 security centers. Eight hospitals, 26 primary health care clinics, and more than 50 UN facilities were also damaged during the conflict.²²⁵

²²² Shlaim, pp. 991-992.

²²³ <https://www.aljazeera.com.tr/kronoloji/kronoloji-1915ten-gunumuz-filistin> , Accessed: 19/01/2024.

²²⁴ <https://www.aa.com.tr/tr/dunya/israilin-dokme-kursun-operasyonunun-kurbanlari-13-yilinda-gazgede-anildi/2458691> , Accessed: 27/12/2023.

²²⁵ Shlaim, p. 994.



Operation Cast Lead Process 3416 (washingtoninstitute.org), Accessed: 20/01/2024.

The Israeli government presented Operation Cast Lead not as a war against an occupied population but as a war against an external enemy. Hamas was declared as an “enemy” in “enemy territory.” Following the operation, UN General Assembly resolutions 64/92 and 64/94 stated that Israel’s status as an occupying power in the Gaza Strip persisted.²²⁶

The United Nations Security Council, albeit with delay, took action in response to the attacks. On January 8, 2009, it issued Resolution 1860, demanding an immediate ceasefire and the withdrawal of the Israeli army from the Gaza Strip. Despite this demand from the Security Council, the Israeli military did not halt its operations until a ceasefire was signed.²²⁷

War crimes were investigated by an independent research team led by renowned South African judge Richard Goldstone, appointed by the UN Human Rights Council in April 2009. Goldstone and his team determined that both Hamas and the Israeli Defense Forces violated the laws of war. The Israeli Defense Forces faced harsher condemnation compared to Hamas due to the scale and severity of the violations. Hamas and other Palestinian armed groups were also found guilty of intentionally harming Israeli civilians through rocket and mortar attacks. The team investigated 36 incidents involving the Israeli Defense Forces.

In 12 incidents, Israeli soldiers initiated direct attacks that resulted in deadly consequences for civilians. In 7 instances, they targeted civilians leaving their homes with white flags, and in one case, they deliberately and intentionally targeted a hospital. In numerous incidents, they obstructed ambulance access to critically injured individuals. Additionally, in 9 cases, they caused damage to civilian infra-

²²⁶ Çalık Topuz, Zuhail, p. 215.

²²⁷ Topal, p. 1095.



structure elements such as flour mills, chicken farms, sewage systems, and water wells, which had no military value, as part of a campaign aimed at depriving civilians of their basic necessities. According to the report, the majority of the damage was unjustified and without military justification, constituting unlawful and unjustified actions.

In the 575-page Goldstone Report, it was acknowledged that Operation Cast Lead targeted the entire population of Gaza. The report stated that the events within the three-week period were designed as a disproportionate attack to punish, humiliate, and terrorize the civilian population, severely diminish the local economic capacity necessary for both their work and livelihoods, and subject them to increasing dependency and vulnerability. The report also emphasized that the Israeli Defense Forces' violation of the Fourth Geneva Convention warrants individual accountability, recommending that the report be submitted to the International Criminal Court prosecutor by the UN Human Rights Council. However, due to pressure from the Palestinian Authority and the joint Israeli-American influence on the UN, the recommended actions were hindered from being carried out.²²⁸ On November 5, 2009, the Goldstone Report, which accused Israel of committing war crimes due to the disproportionate use of force during Operation Cast Lead in Gaza, was adopted by the UN General Assembly on October 16, 2009.

The Israel-Palestine negotiations, which encompassed six final status issues including Jerusalem, settlements, borders, refugees, security, and water, were interrupted due to the Gaza crisis at the end of 2008. Despite signals from U.S. President Obama, who took office in early 2009, indicating an active policy direction towards advancing the peace process, the persistent insistence of the Netanyahu-led Israeli government formed in 2009 on continuing settlement activities in the West Bank, including East Jerusalem, led to a deadlock in the process.²²⁹

13.6. Piracy Against Humanitarian Volunteers: Mavi Marmara Attack

To bring humanitarian aid to the people of Gaza, who were under Israeli blockade and siege, and to draw attention to the humanitarian crisis in the region, international humanitarian organizations-initiated aid campaigns starting from 2009. The first convoy, named "Road to Palestine," departed from the UK on December 6, 2009, carrying humanitarian aid materials, and reached Gaza by road on January 6, 2010.²³⁰

Partially overcoming the disagreements with Egyptian authorities from the convoy of 200 vehicles, which included participants from 17 countries, permission was granted for the passage of 139 vehicles carrying passengers and aid materials to Gaza. Egypt stated that it could not accept all vehicles at the Rafah Border, proposing that some could enter Gaza through border crossings under Israeli con-

²²⁸ Shlaim, pp. 994-995.

²²⁹ The Occupation of the Century: Palestine in the Shadow of Unilateral Plans; p. 17.

²³⁰ <https://www.aljazeera.com.tr/kronoloji/kronoloji-1915ten-gunumuze-filistin>, Accessed: 19/01/2024.



trol. However, this proposal was not accepted. Instead, it was decided that trucks would enter Gaza through Egypt to the extent permitted, while the remaining trucks would either return to Türkiye or be sent to Palestinian refugee camps in Lebanon.²³¹



The humanitarian aid convoy of 200 vehicles that departed from the UK by road can be found at the following link: <https://english.alarabiya.net/articles/2009%2F03%2F08%2F67972>, Accessed: 22/01/2024.

Following this, thousands of civil society organizations and activists supported the campaign with the slogan “Our Route is Palestine, Our Load is Freedom.” Loaded entirely with medical supplies, medicines, cement, iron, toys, children’s playgrounds, and school supplies, the ships Defne Y, Gazze 1, and Mavi Marmara departed from Istanbul on May 22, 2010. The Mavi Marmara ship departed from Antalya’s Kepez Port, carrying 560 passengers from 32 countries and various faiths, including 34 foreigners and 50 journalists. The Mavi Marmara ship met with 5 other ships from different countries in international waters 30 miles south of Cyprus, and on May 30, 2010, all the ships set sail towards Gaza.



Video footage related to the attack on the Mavi Marmara ship²³²

²³¹ https://www.bbc.com/turkce/haberler/2010/01/100105_gaza_convoy, Accessed: 22/01/2024.

²³² <https://www.haberturk.com/video/haber/izle/mavi-marmara-saldirisina-ait-yeni-goruntuler/69613>, Accessed: 22/01/2024.



On May 31, 2010, the Israeli navy attacked civilians aboard the Mavi Marmara ship in international waters. During the Israeli attack, 9 aid volunteers were killed, and over 50 volunteers were injured. Following a two-hour assault by Israeli soldiers, the Mavi Marmara and other ships in the fleet were seized by the Israeli navy. While soldiers prevented passengers from aiding the wounded, the injured were transported by helicopter several hours later. Journalists and passengers aboard the ship were subjected to mistreatment by Israeli soldiers while the vessel was underway. Passengers, with their hands cuffed, were not allowed to meet their most basic humanitarian needs, and items such as wallets, computers, cameras, mobile phones, and technical equipment used by journalists in their work were confiscated. Journalists and activists were detained for 2 days at the Be'er Sheva Prison.²³³

The attacked Mavi Marmara ship can be found at the following link: <https://www.trthaber.com/haber/dunya/mavi-marmaraya-saldiridavasi-160176.html>, Accessed: 22/01/2024.



The autopsy report of Furkan Doğan, the youngest victim of the attack, aged 19, states the cause of death as follows: *"It has been determined that 5 bullets hit his body, including his face, head, back, left leg, and foot. According to the report, it was determined that the bullet entering his face was fired from close range, but the shooting distance of the bullets entering the body could not be determined due to the clothes."*²³⁴

The UN Human Rights Council has published a report highlighting the violation of international law by Israel in its attack on the Mavi Marmara.²³⁵ Following increased international pressure after the Mavi Marmara massacre in June 2010, the Rafah Border Crossing was reopened indefinitely three years later. Additionally, on June 20, Israel decided to ease the blockade by renewing the list of goods allowed into Gaza. On September 22, 2010, the UN Human Rights Council described Israel's raid on the Mavi Marmara, which resulted in the deaths of 9 Turkish citizens, as *"illegal, disproportionate, and*

²³³ <https://www.aa.com.tr/en/turkey/11-years-pass-since-mavi-marmara-attack/2259240> , Accessed: 03/01/2024.

²³⁴ <https://web.archive.org/web/20130122172529/http://www.ihh.org.tr/sehittlerin-otopsi-raporlari-aciklandi/tr/>, Accessed: 01/03/2024.

²³⁵ TÜBA Palestine - Israel War Report, Turkey Academy of Sciences Publications, Ankara, 2023, p. 13-14.



unacceptable brutality” in its report. The report also stated that the imposition of a naval blockade on Palestinian territory was “illegal.”²³⁶

13.7. Palestine’s Application for UN Membership

The Palestinian Liberation Organization and Palestinian President Mahmoud Abbas’s administration, since the beginning of the 2010s, shifted the direction of the ‘peace process’ strategy towards achieving statehood through membership in the UN.²³⁷

The entry of Palestine into the UN as an ‘observer state’ is a new step aimed at achieving true independence. Prior to this, on September 23, 2011, the Palestinian Authority applied to UN Secretary-General Ban Ki-moon for full membership status in the United Nations. On the day Palestine made its application to the UN, Netanyahu addressed the UN General Assembly, expressing a desire to ‘restart the peace process’ with the Palestinians. In August 2011, the American Congress passed a resolution with a large majority, requesting President Obama to suspend the annual \$500 million American aid to Palestine if it applied for UN membership.²³⁸ Additionally, the Obama administration made it clear that if Palestine were to apply for membership in the United Nations, the United States would veto this application in the Security Council.²³⁹

On October 31, 2011, Palestine became the 195th member of UNESCO at the UNESCO General Conference. Following the acceptance of Palestine’s membership application to UNESCO, the United States announced its decision to suspend the planned \$60 million financial support to UNESCO in November 2011. In the vote held at UNESCO, out of 185 members, 173 participated, with 107 voting ‘yes,’ 14 voting ‘no,’ and 52 abstaining. Palestine’s acceptance into UNESCO signifies recognition of its statehood, which holds significant importance.²⁴⁰ The fact that approximately 160 states, including those who remained neutral, from the majority of the international community, provided either covert or overt support, demonstrates the international legitimacy gained by the Palestinian issue.²⁴¹

The membership of a political entity in the United Nations does not necessarily equate to statehood. However, the lack of state status for Palestine at the UN does not by itself hinder its process and struggle for statehood. The norms regarding statehood are regulated not by the UN Charter but by general international legal principles. The Montevideo Convention, signed among American states in 1933 and later recognized as customary international law, outlines the criteria for statehood as “a

²³⁶ <https://www.aljazeera.com.tr/kronoloji/kronoloji-1915ten-gunumuze-filistin>, Accessed: 19/01/2024.

²³⁷ Aral, p. 138. The failure to achieve positive results from the Oslo “peace process” led Mahmut Abbas to believe that negotiations with Israel would not yield any benefits, especially in light of the Netanyahu government’s insistence on allowing new settlements. See Aral, p. 139.

²³⁸ Aral, p. 149.

²³⁹ Aral, p. 140.

²⁴⁰ <https://www.aa.com.tr/tr/arsiv/unescoda-filistin-zaferi/404524>, Accessed: 22/01/2024.

²⁴¹ <https://www.orsam.org.tr/filistin-in-unesco-uyelig-ve-anlami/>, Accessed: 22/01/2024.



permanent population; a defined territory (however vague); government capacity (central authority); and the ability to engage in relations with other states.”²⁴²

In contrast to the pre-20th century, it is not a necessary precondition for an entity to be recognized by other states in order to be considered a state today. In other words, political entities that meet the requirements of statehood are recognized as states by international law independently of the will of other states. However, during the era of the United Nations, the prohibition of states resorting to the use of military force in their international relations, the increasing importance of human rights, and the evolution of international law from being solely state-centric to a process centered around society/people, indicate that some political entities may not be recognized as states. Additionally, states established as a result of illegal use of force are not generally recognized as a matter of principle.²⁴³

In light of the principles outlined above, when evaluating the issue of recognizing Palestine as a state, it is noted that Palestine indeed possesses a “permanent population,” consisting of the recognized human community known as the “Palestinian people,” totaling approximately 12 million, roughly half of whom are refugees. It also holds a portion of land that has been confirmed by United Nations resolution within the framework of international law, even if based solely on positive legal norms and the existing status quo, consisting at least of Gaza, the West Bank, and East Jerusalem. The lack of “geographical integrity” of these territories does not constitute an obstacle to independence, as demonstrated by examples such as Alaska, Kaliningrad, and the Falkland Islands, which are disconnected from the main global geography. Moreover, it is noted that in September 2011, when Palestine applied for UN membership, 127 countries had recognized Palestine as a state. However, in terms of the condition of “effective control over a territory,” it is understood that the intense pressure exerted by Israel on the Palestinian people and leaders has contributed to this situation.

The doctrine emphasizes that just as territorial gains obtained through the illegal use of force are not recognized by states and the UN according to existing international legal norms, it should not be disregarded that a political entity whose opportunity for statehood has been deprived due to the illegal use of force also has the right to statehood. It is an undeniable and indefensible fact that Israel has committed crimes against humanity against the Palestinian people for decades, similar to examples like Serbia (against Bosnia and Kosovo) and Indonesia (against East Timor), where states engaging in ethnic cleansing by attempting to partially or completely eradicate a human community, thus abusing their sovereignty, would lose the right to govern the population they victimized according to evolving human rights law. It is evident that the Palestinian people have the right to determine their own future, a principle recognized by the international community, particularly by the United Nations.

In addition, the historic Resolution 181 adopted by the UN General Assembly in 1947 envisaged the establishment of a Palestinian state in part of historical Palestine, to be shared between Zionist Jews and

²⁴² Aral, pp. 139-141; For a similar evaluation, see Zenginkuzucu, p. 39.

²⁴³ Aral, p. 142.

Arabs. In this context, it would be more appropriate to view Palestine's application to the UN as an attempt to implement a long-standing right that has been on the table for a considerable period of time.²⁴⁴

As it is known, decisions of the United Nations General Assembly are not inherently binding. However, some important decisions of the UN General Assembly may acquire binding effects over time if certain conditions are met. For this to happen, the issue must be of great importance to the international community and must be widely accepted by the General Assembly. A General Assembly Resolution possessing these two characteristics gains *opinio juris*, meaning it reflects the common opinion of the international community and thus acquires the psychological/subjective element necessary for the norm to be binding. The United Nations General Assembly Resolution on the Granting of Independence to Colonial Countries and Peoples, dated 1960, has evolved over time into a binding norm of international law due to these qualities. This resolution has become one of the fundamental references for peoples fighting for independence, placing colonial powers in a guilty position, and leading to successive declarations of independence by peoples living under colonial rule, especially in the 1960s.²⁴⁵



Palestine's application for membership to the UN on September 23, 2011, never came to the agenda of the UN Security Council due to the explicit declaration by the US that it would veto it.²⁴⁶ Therefore, the Palestinian delegation implemented Plan B, bringing the issue to the agenda of the UN General

²⁴⁴ Aral, pp. 142-145.

²⁴⁵ Aral, p. 145.

²⁴⁶ Between 1978 and 2010, the United States used its veto power in the UN Security Council 42 times in favour of Israel. Shlaim, p. 999.



Assembly to obtain “observer state” status, which would not be blocked by the veto of any permanent member. In the vote held on November 29, 2012, Palestine was accepted by the UN as an “observer state” with 138 in favour and 8 against. In the vote at the UN General Assembly, among the five permanent members of the UN Security Council, France, Russia, and China supported this decision, while the UK abstained, and the US voted “no”. Palestinian President Mahmoud Abbas, in his speech at the UN General Assembly meeting,

“They’re still burying their wounds from Israel’s attacks, burying their martyrs consisting of children, women, and men, searching for lives trapped under the rubble of homes demolished by Israel. Today, Palestine has come to the UN General Assembly.²⁴⁷ Israel massacred families in Gaza, it massacred their dreams and aspirations of living in peace and freedom.”²⁴⁸

Thus, while not enjoying full equal rights as member states, Palestine has been recognized as a state by the UN, granting it the right to participate in all activities of the UN without voting rights. Additionally, Palestine’s observer status has prompted other international organizations to treat Palestine as a state when dealing with matters at the UN. Consequently, Palestine has gained access to significant legal advantages associated with statehood. This new status provides Palestine with important opportunities in the context of international law:

- The rights and privileges associated with statehood include: Sovereign immunity and judicial immunity for the state and its officials. The right to legitimate self-defense in the event of an armed attack. Legal, political, administrative, and judicial sovereignty over the country’s territory - Palestine. Non-interference in Palestine’s internal affairs from external sources. Membership in international organizations. The right to sign international treaties and become a party to existing treaties.²⁴⁹
- Palestine, both within the UN and other prominent international organizations, has the right to appeal to human rights commissions and international courts. Within this framework, under Article 32 of the Statute of the International Court of Justice, Palestine has the right to submit its disputes to the International Court of Justice for judicial resolution.
- Palestine has obtained the right to appeal to the International Criminal Court for the prosecution of Israeli officials responsible for crimes against humanity and war crimes committed against the Palestinian people, by accepting the jurisdiction of the International Criminal Court.²⁵⁰

²⁴⁷ Unfortunately, 12 years later, the situation in the Gaza Strip has not changed. Palestinians are still searching for their children under the rubble of their homes. As of January 31, 2024, at least 7,000 people are missing in Gaza, with even their graves not yet found. www.pcbs.gov.ps, Accessed: 31/01/2024.

²⁴⁸ <https://www.aa.com.tr/tr/dunya/filistinli-bm-zaferi/303610>, Accessed: 31/01/2024.

²⁴⁹ Palestine has become a party to around 50 international organizations and treaties.

²⁵⁰ Palestine submitted its accession document to the Rome Statute to the UN Secretariat on January 2, 2015, and became a member of the International Criminal Court (ICC) on April 1, 2015. Israel, on the other hand, has never signed the Rome Statute and does not recognize the jurisdiction of the ICC. (Zenginkuzucu, p. 24)



- Palestine's struggle for genuine independence has gained greater legitimacy at the international level. As a result, Palestine's struggle for freedom has gained a stronger political and legal foundation in the eyes of the international community.
- The "observer state" status at the UN has increased Palestine's bargaining power against Israel. Therefore, during the application process, Palestinian President Mahmoud Abbas stated, "Palestine, from now on, will negotiate not as a defeated people ready to accept any proposal placed before it but as a member state of the UN whose territory has been militarily occupied by another state."²⁵¹

13.8. Massacre with Torah Reference: Operation Pillar of Cloud

Israel, on November 14, 2012, Ahmet, Commander of Hamas's military wing, Izz al-Din al-Qassam Brigades. With the assassination of al-Jaberi, he used air, land and sea forces against Gaza, which he called the "Cloud Column" to launch its attacks. Israel later reached an agreement with Palestinian groups and declared a ceasefire on November 21. In Israel's eight-day Gaza attacks, 190 people lost their lives and approximately one thousand five hundred people lost their lives 270 people were also injured.²⁵² The beginning of the events dates back to November 8th, when a 13-year-old boy playing soccer in Gaza was shot by Israeli soldiers, reportedly prompting a retaliatory missile fire from Hamas.²⁵³



"The Pillar of Cloud" attack /
Photo: AA

²⁵¹ Aral, pp. 146-148.

²⁵² <https://www.aa.com.tr/tr/dunya/gazzede-ozgurluk-yuruyusu/204483>, Accessed: January 19, 2024.

²⁵³ Bölme Selin M., İsrail'in Değişime Direnci 2012 Gazze Saldırısı, SETA Analiz, Issue: 55, Ankara 2012, p.6.



The term “Pillar of Cloud,” which is given to the Gaza attack, is mentioned in the Bible, and Jews believe that “God protected the Jews against their enemies with a pillar of cloud.”²⁵⁴ Hamas’ military wing, the Izz ad-Din al-Qassam Brigades, also launched numerous rockets at several cities, including the capital Tel Aviv, as part of their retaliation named “Stone of Sijil” against the “Pillar of Cloud Operation.” According to a general situation report released by the Israeli military, during the “Pillar of Cloud Operation,” five Israelis were killed and 240 were injured.²⁵⁵

According to statements from the Israeli Army, during the operation, 1,550 targets were hit in Gaza, while 1,400 rocket launches originated from Gaza. Many buildings in Gaza, including the Ministry of Interior, Hamas headquarters, Jerusalem Hospital, Gaza Stadium, and schools, suffered severe damage or were completely destroyed, along with the infrastructure. It was noted that 42% of the deceased and 59% of the injured were women, children, and the elderly.²⁵⁶

13.9. Longest and Most Intensive Operation: “Protective Edge”

On July 8, 2014, during the holy month of Ramadan for Muslims, Israel’s “Protective Edge Operation,” a series of air, land, and sea attacks on Gaza, lasted for 51 days. Described by international reports as the “longest and most intense” of its kind at the time, the assault led to the destruction of industrial facilities in the Gaza Strip, the loss of thousands of jobs, and consequently, the collapse of the economy.

The Israeli army accused Hamas of launching rocket attacks on Israeli cities and initially targeted the Gaza Strip, which is squeezed into a narrow area of 360 square kilometers with a population of over 2 million, with warplanes. Subsequently, intense clashes occurred between the Israeli army, which launched a ground operation with 8,000 soldiers, and Palestinian groups.

According to the United Nations report, the Israeli army struck Gaza with 6,000 airstrikes, 14,500 tank shells, and over 35,000 artillery shells during the 51-day period. Palestinian groups responded to Israeli airstrikes with rockets and missiles. In the Israeli attacks, 2,158 Palestinians, including 551 children, died, and over 11,000 people were injured. The clashes and rocket fire resulted in the deaths of 67 soldiers and 73 Israelis, with 2,522 people, including 740 soldiers, injured. Palestinian authorities reported that 28,366 homes were damaged in the devastated city, with 3,329 completely destroyed and 23,445 partially destroyed due to the airstrikes. Approximately 65,000 Palestinians were left homeless in Gaza, which suffered severe damage to its infrastructure.²⁵⁷

²⁵⁴ The term “Pillar of Cloud” appears in the “Exodus” section of the Bible, which includes the Torah, the Bible, and the Psalms. “By day the Lord went ahead of them in a pillar of cloud to guide them on their way and by night in a pillar of fire to give them light, so that they could travel by day or night. Neither the pillar of cloud by day nor the pillar of fire by night left its place in front of the people.” <https://www.haber7.com/ortadogu/haber/952782-tevrat-referansli-israil-katliami-bulut-sutunu>, Accessed: 19/01/2024.

²⁵⁵ <https://www.aa.com.tr/tr/dunya/gazgede-ozgurluk-yuruyusu/204483>, Accessed: 19/01/2024.

²⁵⁶ Bölme, pp. 5-6.

²⁵⁷ <https://www.aa.com.tr/tr/dunya/gazze-israilin-2014teki-saldirisinin-uzerinden-6-yil-gecmesine-ragmen-yaralarini-saramadi/1903669>, Accessed: 19/01/2024.



The International Amnesty Organization stated in a report that the deliberate targeting of iconic buildings in Gaza by Israel's military operation, known as Protective Edge Operation, in August 2014, amounted to direct attacks on civilians, intentionally and in a manner that could constitute war crimes. It highlighted that the attacks on four-story buildings in the last four days of the conflict contradicted international humanitarian law and called for these attacks to be investigated independently and impartially.²⁵⁸

In another report, the International Amnesty Organization revealed that during the "Protective Edge Operation" in Gaza, houses where families were residing were targeted by Israeli forces without any warning. In eight incidents resulting in the deaths of 104 civilians, including 62 children, large aerial bombs were repeatedly used to completely destroy homes where civilians lived. This demonstrated a shocking disregard for the lives of Palestinian civilians.²⁵⁹



Targeted during the operation: Municipal Trade Center / Photo: International Amnesty Organization

On December 31, 2015, the United Nations Office for the Coordination of Humanitarian Affairs (OCHA) published the "2015 Israel-Palestine Report." According to the report, Israel killed 170 Palestinians and injured 15,377 in 2015. Additionally, it was noted that within the past year, Israel demolished 539 Palestinian homes and structures in the West Bank and Jerusalem.

On December 23, 2016, the United Nations Security Council adopted a draft resolution calling for Israel to "immediately and completely" cease all illegal settlement activities in the occupied Palestinian territories. Of the 15 member countries of the Security Council, 14 voted "yes" for the resolution, while the United States, exercising its veto power but abstaining from its use during the Obama administra-

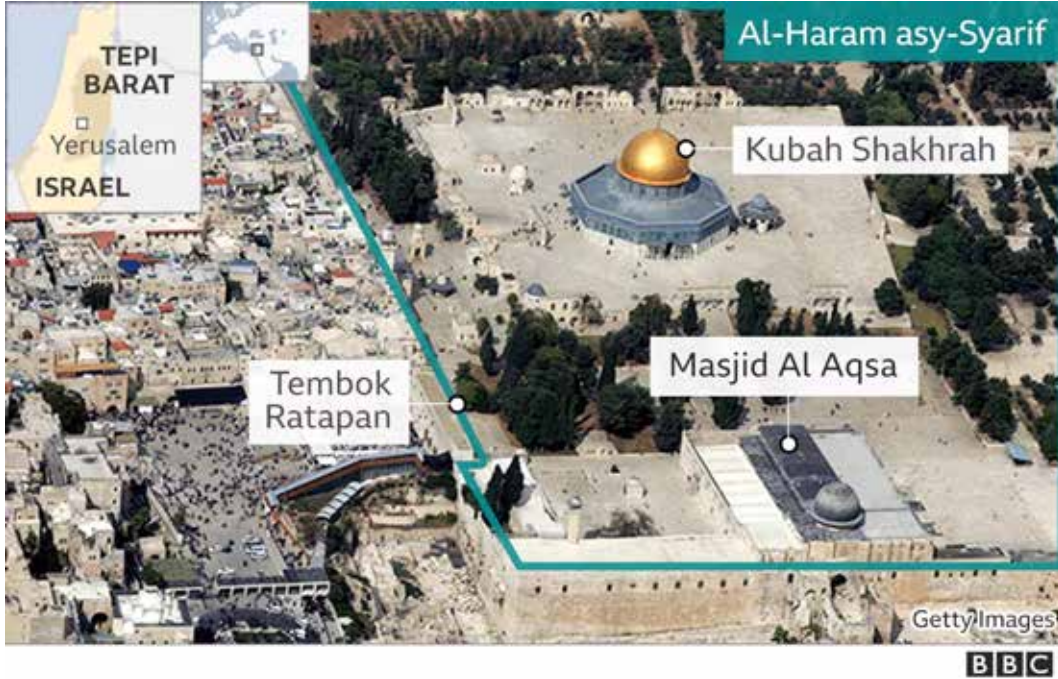
²⁵⁸ <https://www.amnesty.org.tr/icerik/israilin-cok-katli-binalari-yikmasi-hakli-gosterilemez>, Accessed: 19/01/2024.

²⁵⁹ <https://www.amnesty.org.tr/icerik/israil-gucleri-gazgede-ailelerin-evlerine-umursamaz-bir-duyarsizlik-ile-saldirdi>, Accessed: 19/01/2024.

tion, cast a “abstain” vote. Israel, however, declared that it would not comply with the UNSC’s decision and strongly criticized the United States for its stance.²⁶⁰

13.10. The Announcement by U.S. President Trump to Move the U.S. Embassy from Tel Aviv to Jerusalem

Harem-üş-Şerif Area/
Photo: BBC <https://www.bbc.com/turkce/haberler-dunya-40727659>,
Accessed: 19/1/2024.



On July 14, 2017, Israeli police claimed to have killed three Palestinians whom they alleged carried out an armed attack in the morning at the Al-Aqsa Mosque. Two Israeli police officers were also killed in the incident. Israeli authorities installed metal detectors at the gates of the Old City in Jerusalem on July 16, 2017. As a result of the ensuing events in Jerusalem and its surroundings, four Palestinians and three Israelis lost their lives. Due to the ongoing events, Israeli police removed the metal detectors on July 25.²⁶¹ Following the removal of the detectors, the Israeli government announced plans to implement new measures within the next six months, including an increase in the number of police in the area. Reuters News Agency reported that numerous security cameras were installed in the area after the removal of the metal detectors. Abbas also announced the suspension of all cooperation and contacts with the Israeli government by the Palestinian Authority until normalization occurs.²⁶²

²⁶⁰ <https://bianet.org/haber/israil-filistin-sorununun-tarihcesi-1897-den-2022-ye-192219>, Accessed: 19/1/2024.

²⁶¹ Gaza Report 2023 Genocide Witnessed Before Humanity, p. 17.

²⁶² <https://www.bbc.com/turkce/haberler-dunya-40727659>, Accessed: 19/01/2024.



On December 6, 2017, US President Trump announced that they recognize Jerusalem as the capital of Israel and will move the US Embassy from Tel Aviv to Jerusalem. On January 3, 2018, the Israeli Parliament (Knesset) passed the “United Jerusalem” law. This law has made it nearly impossible for Israel to withdraw from any part of the city, including East Jerusalem, which it occupies. According to the law, approval for withdrawal requires at least a three-thirds majority in parliament, meaning the approval of 80 members of the Knesset. There is a provision in the law stating that unless 61 Knesset members vote against it, the law will not be repealed in the future.²⁶³

Following the announcement by US President Trump that the US Embassy would be moved from Tel Aviv to Jerusalem, the 6th Extraordinary Summit of the Organization of Islamic Cooperation (OIC) State and Government Leaders was convened in Istanbul on December 13, 2017, under the call of President Recep Tayyip Erdoğan, with the theme “Together for Solidarity with Jerusalem” and hosted by Türkiye. At the conclusion of the extraordinary summit, the “Final Declaration and Istanbul Declaration” were adopted. In the declaration, the unlawful statement by the US administration regarding the status of Jerusalem was rejected and condemned.

Additionally, Egypt, as the representative of the Arab Group in the UN Security Council, presented a draft resolution on Jerusalem to the Security Council on December 16. The resolution was voted on December 18, and while it received support from 14 out of the 15 members, it was vetoed by the United States. On December 21, 2017, the 10th Emergency Special Session of the UN General Assembly was convened at the request of Türkiye and Yemen, in their capacities as the Summit Presidency and the Arab Group, respectively. During this session, the resolution titled “Status of Jerusalem,” proposed by Türkiye and Yemen, was adopted. Nevertheless, the opening ceremony of the US Embassy took place on May 14, 2018. Following the US, Guatemala also relocated its embassy to Jerusalem.²⁶⁴ On the same day as the opening of the US Embassy and in preparation for the two-day protest demonstrations in Gaza due to the 70th anniversary of Nakba (the Great Catastrophe), Israeli soldiers attacked the protesters, resulting in the killing of 59 Palestinians by Israeli forces.²⁶⁵

13.11. The Law of Racism: The Law of Jewish Nation-State

On July 19, 2018, the Israeli parliament passed the “Jewish Nation-State” Law with 62 “yes” votes against 55 “no” votes, which primarily characterizes the country as a Jewish state. Following the adoption of the controversial law, Palestinian-origin Israeli parliamentarians protested by tearing copies of the bill. With this law, the State of Israel is defined as the representative ethnic-religious state of all world Jews, Arabic is no longer recognized as an official language, and Hebrew is accepted as the sole official language of the country.

²⁶³ <https://bianet.org/haber/israil-filistin-sorununun-tarihcesi-1897-den-2022-ye-192219>, Accessed: 19/1/2024.

²⁶⁴ The Occupation of the Century: Palestine in the Shadow of Unilateral Plans; p. 23.

²⁶⁵ <https://bianet.org/haber/israil-filistin-sorununun-tarihcesi-1897-den-2022-ye-192219>, Accessed: 19/1/2024.



The text of the law also includes provisions stating that “the right to self-determination in the country is exclusively reserved for Jews, Israel is a Jewish state, Israel is the historic homeland of all Jews worldwide, Jewish law will be a reference in legal matters where there is a gap, all Jews worldwide have the right to return to Israel, Jewish religious days will be recognized as official holidays, and Jerusalem is the capital of Israel.”²⁶⁶

14. The Process Leading Up to October 7

The “peace process” initiated in 1993 did not benefit the Palestinian people, while Israel rapidly continued its strategy of ethnic cleansing against the Palestinian population and destabilized the economic and administrative infrastructure of Palestine. During this period, Israel built new settlements in occupied East Jerusalem and the West Bank, facilitating the settlement of hundreds of thousands of Zionist Jews in these territories.²⁶⁷

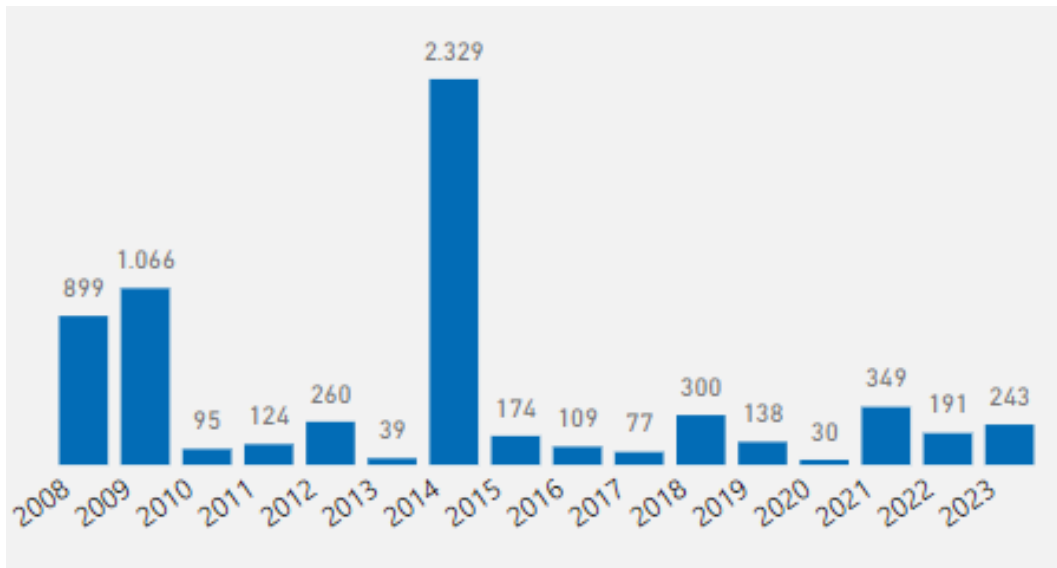
During the Oslo peace process, Israel continued its unilateral violations and did not adhere to the Oslo Accords. Israel utilized the Oslo peace process as a tool to expand its maneuverability in foreign policy and gain more legitimacy on the international stage.²⁶⁸

Following the peace process negotiations between Palestine and Israel, the Israeli government engaged in unacceptable actions against the Palestinian people, including killing, injuring, demolishing, displacing, seizing land, confiscating property, constructing settlements, and turning a blind eye to Zionist Jewish settler terrorism. Operations such as Operation Defensive Shield in 2002, Operation Cast Lead in 2008, Operation Pillar of Defense in 2012, Operation Protective Edge in 2014, and Operation Guardian of the Walls in 2021 were among the largest-scale military operations, but leading up to October 7, there were numerous developments of varying sizes. It has been observed that these operations gained momentum, particularly after Israel’s withdrawal from the Gaza Strip in 2005, and actions aimed at controlling the region were not ceased.

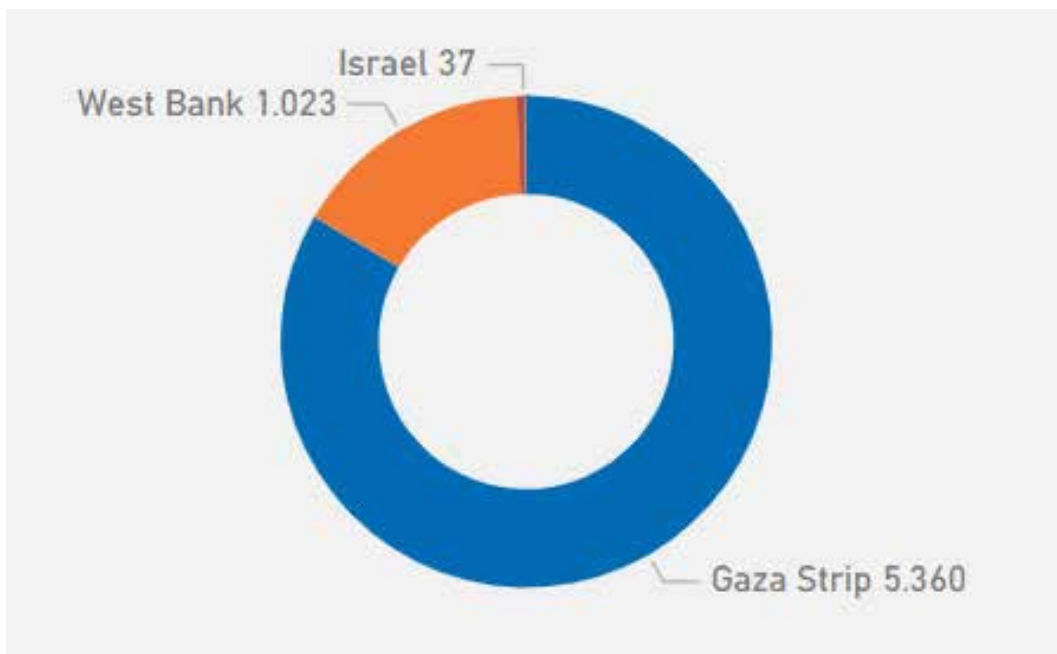
²⁶⁶ <https://www.aa.com.tr/tr/dunya/israilde-yahudi-ulus-devlet-yasasi-kabul-edildi/1208156>, Accessed: 19/01/2024. The Turkish Ministry of Foreign Affairs expressed its reaction to the Jewish Nation-State Law, stating that “the Jewish Nation-State Law adopted today in the Israeli Parliament undermines universal legal principles and disregards the rights of Palestinian citizens of Israel. The declaration of Jerusalem, which is under occupation, as the capital in the law is null and void in terms of the international community. Encouraging settlements, which have been repeatedly declared illegal by UN resolutions, in the same law is unacceptable. Defining the right to self-determination as a right only for Jews is a product of an outdated and discriminatory mindset. The international community should react to the said law, which aims to justify the occupation and illegal practices in Palestine and eliminate the vision of a two-state solution. https://www.mfa.gov.tr/no_-191_-israil-parlamentosunda-kabul-edilen-yahudi-ulus-devleti-yasasi-hk.tr.mfa, Accessed: 19/01/2024.

²⁶⁷ Aral, p. 137.

²⁶⁸ Aral, p. 138.



Between January 1, 2008, and October 7, 2023, the number of Palestinian deaths:
Source: OCHA



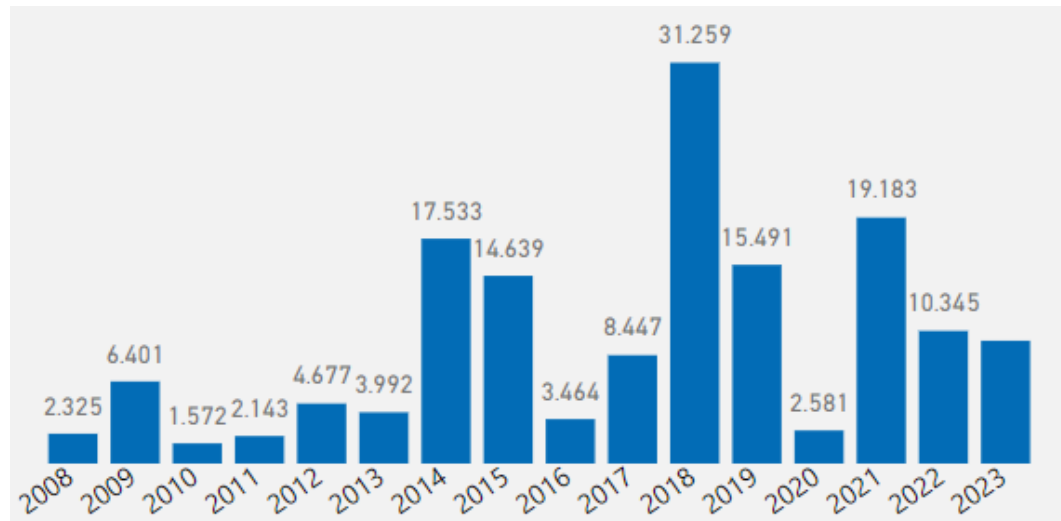
Distribution of Palestinian deaths by regions between January 1, 2008, and October 7, 2023:
Source: OCHA

Between January 26, 2008, and October 7, 2023, a total of 6,423 Palestinians died. Of these, 4,339 were male, 626 were female, 1,165 were male children, and 275 were female children.²⁶⁹

²⁶⁹ The information regarding the number of Palestinian and Israeli casualties was sourced from OCHA data. <https://www.ochaopt.org/data/casualties>, Accessed: 21/01/2024.



The number of Palestinian injuries that occurred between January 1, 2008, and October 7, 2023, is sourced from OCHA. (In 2023, the number of Palestinian injuries is 9,576.)



Between January 1, 2008, and October 7, 2023, a total of 153,628 Palestinians have been injured. Among the injured, 84,245 are male, 8,964 are female, 29,818 are male children, and 2,659 are female children. The age and gender of the remaining 27,919 injured individuals could not be determined.

Israel's intensified military interventions have primarily targeted the Gaza Strip, yet even in areas of the West Bank where Hamas is absent, the region has not been spared from the destructive consequences of unlawful actions. Upon reviewing developments preceding October 7, 2023, it is evident that a systematic intimidation campaign persisted, fluctuating between periods of reduced activity and intensified aggression. The conflicts between Israel and Palestine continued intensively in 2020 and 2021 as well.²⁷⁰

According to the Israeli system, for any wave of conflict initiated by the Tel Aviv army to be considered a large-scale military operation, it must have a name and also require the opening of a file in the Israeli Ministry of Defense archive. Therefore, rapid air strikes against rocket attacks by Palestinian groups in Gaza, retaliations, or prolonged attacks on targets are not named and classified as military operations.²⁷¹

Therefore, only operations with high numbers of casualties and injuries can come to the attention of the international public opinion, as the magnitude of the operations. It is not the ongoing and systematic nature of human rights violations but rather the instantaneous situations that can draw attention.

²⁷⁰ https://en.wikipedia.org/wiki/Timeline_of_the_Israeli%E2%80%93Palestinian_conflict_in_2020; https://en.wikipedia.org/wiki/Timeline_of_the_Israeli%E2%80%93Palestinian_conflict_in_2021, Accessed: 20/01/2024.

²⁷¹ <https://www.indyturk.com/node/667006/d%C3%BCnya/gazze-ve-i%C3%87sraildeki-askeri-operasyonlara-verilen-isimlerin-%C3%A7a%C4%9Fr%C4%B1%C5%9F%C4%B1mlar%C4%B1>, Accessed: 22/01/2024.



On January 21, 2020, three Palestinian youths aged 17 or 18 from the Ma'ghazi refugee camp in Gaza, Mohammad Hani Abu Mandeel, Salem Zuweid an-Na'ami, and Mahmoud Khaled Sa'id, were shot and killed by Israeli soldiers near the Israel-Gaza barrier in northern Gaza. On January 24, a mosque in the Beit Safafa neighborhood of East Jerusalem was set on fire, and Hebrew graffiti was sprayed on the walls. Israeli police indicated suspicion that this was a "price tag" attack carried out by extremist settlers. On January 25, a Palestinian father and son from As-Sawiya were attacked by a group of settlers armed with stones and iron bars while working on their land.



The expressions "Jews Awake!", "Death to Arabs", "Revenge!" written in graffiti on the Palestinians' house are indicative of a "price tag attack". https://en.wikipedia.org/wiki/Price_tag_attack_policy; Accessed: 20/01/2024

The attacks known as "price tag" attacks, both in the Israeli media and in the international literature, are considered a method of violence used by Israeli settlers. These attacks are carried out in response to the government's actions and decisions regarding the evacuation of illegal settlements, aiming to prevent the demolition of these settlements by diverting security forces responsible for demolition to other areas in the West Bank where these attacks occur. Additionally, they aim to keep the possibility of Palestinians using violence alive, thereby keeping the army stationed in these areas. Preventing further concessions of land in the Israeli-Palestinian peace process is also among the long-term objectives of these attacks. Palestinian civilians are the most affected by these attacks, which are often organized through internet forums or text messages. These groups target Palestinian civilians directly with physical attacks or damage Palestinian-owned property. Acts of vandalism such as arson, uprooting trees, and closing Palestinian routes are among the most common methods used in price tag attacks.²⁷²

²⁷² Birinci Ebru, 2006-2015 Yılları Arası Batı Şeria ve Doğu Kudüs'te İsrail Yerleşim Aktiviteleri ve Yerleşimci Şiddeti, Karadeniz Teknik Üniversitesi, Master's Thesis, Trabzon 2016, pp. 95-97.



The expressions written on the walls of properties belonging to Palestinians. <https://www.sabah.com.tr/dunya/israilin-yeni-teror-orgutu-price-tag-4276259>; Accessed: 20/01/2024



On February 5, a 16 or 17-year-old, Muhammed el-Haddad, was shot and killed by Israeli forces during clashes in the Bab al-Zawiya neighborhood of Hebron. In Jerusalem, at least 14 people were injured, most of them Israeli soldiers, in a car ramming attack, and the driver fled the scene.

On February 6, 2020, Israeli troops with bulldozers entered Jenin in the northern West Bank to demolish the home of Palestinian prisoner Ahmed Kunba, who was convicted of killing an Israeli settler in January 2018. During clashes between soldiers and local residents, 19-year-old Yazan Munther Khaled Abu Tabikh was shot and killed, while six other Palestinians were injured. On the same day, Israeli Border Police shot and killed 45-year-old Shadi Banna, a Palestinian Israeli citizen, at the entrance of the Temple Mount in Jerusalem.

On February 7, 2020, 19 or 20-year-old Badr Nedal Nafla was shot and killed by Israeli soldiers during clashes in Qaffin, northeast of Tulkarem in the West Bank, on allegations of throwing Molotov cocktails at them. On February 11, the tires of 170 cars were slashed, and anti-Palestinian graffiti was sprayed on the walls of a mosque in the Palestinian town of Jish in northern Israel. Prime Minister Benjamin Netanyahu condemned the suspected price tag attack.



On February 15, a 9-year-old Palestinian boy named Malik Eissa was shot in the face by Israeli police, allegedly for participating in the unrest in East Jerusalem, causing him to lose sight in his left eye. Local residents have stated that the child was returning home from school.

On March 11, 15-year-old Muhammed Hamayel was shot and killed by Israeli soldiers during a protest against Israeli settlements in the vicinity of Beitah near the city of Nablus in the West Bank. Eighteen others were injured in the incident. Among the injured, 22-year-old Islam Dweikat fell into a coma and was later pronounced dead on April 1.

On April 6, Israeli aircraft sprayed herbicides on farmland near the border fences in Gaza, causing damage to crop.

On April 13, near Metzoke Dragot, a group of masked Israeli settlers sprayed pepper gas and threw stones at three Palestinian men, as well as bombed two cars, who were ordered to quarantine due to the COVID-19 pandemic.

On April 16, Issa and Musa Qatash from the Jalazon refugee camp under the jurisdiction of the Ramallah Governorate were attacked and beaten by settlers. The attack on Issa resulted in a broken bone and two broken front teeth. On May 6, Harbi Muhammed Ali Abdo, a Palestinian shepherd, was attacked by a group of about ten settlers near the evacuated settlement of Homesh in the northern West Bank while tending to his herd, after which he was taken to the hospital.

On May 21, near the capital of the West Bank, Nablus, two Palestinians were injured as a result of an attack on a house by a group of settlers, with one sustaining a broken leg. The settlers threw stones along the main road near the Yitzhar settlement and clashed with Palestinians from Hawara, causing damage to numerous cars and shops owned by Palestinians. Police who arrived at the scene detained a Palestinian.

On the morning of May 25, around 9:00 a.m., eight members of the Abu Aliya family went to their fields to collect clover. A settler and three Israeli soldiers approached them in a white jeep, brandishing their weapons and ordering the Palestinians to kneel down. Imad Abu Alia, 39, was sprayed with pepper spray in the face after asking for the reason, and two soldiers fired shots, hitting Imad in the left thigh and Murad Abu Alia in the waist.

On May 30, Eyad al-Hallaq, a Palestinian with autism, was shot and killed by Israeli police officers near the Lion's Gate checkpoint in Jerusalem after he failed to stop when ordered to do so.

On June 23, 27-year-old Ahmad Erekat, the nephew of Saeb Erakat, was shot and killed by Israeli Border Police officers at a checkpoint outside of Bethlehem. On July 9, late in the evening, 34-year-old Ibrahim Abu Ya'qub was killed by Israeli soldiers near a military watchtower close to the southern entrance of the Kifl Haris village in the Salfit Governorate of the West Bank.

On July 18, near the Shilo settlement in the West Bank, two Palestinian cyclists were injured as settlers threw stones at them.



On July 25, according to local sources, Zionist Jewish settlers entered agricultural land near the village of Huwara in the southern part of Nablus in the West Bank and set fire to olive and almond trees belonging to Palestinians.

On July 27, a mosque in Al-Bireh in the West Bank was set on fire and vandalized in a price tag attack carried out by Israeli settlers. Anti-Palestinian slogans were spray-painted on the walls of the mosque.

On August 4, Israeli settlers in the West Bank village of Fara'ata in the Qalqilya Governorate set fire to two Palestinian-owned vehicles and spray-painted "price tag" on the walls.

On August 14, the Israeli navy fired at Palestinian fishermen sailing off the coast of Beit Lahia in northern Gaza, injuring one fisherman with rubber bullets.

On September 25, two Gaza fishermen, Hasan and Mahmud el-Zazoua brothers, were shot and killed by the Egyptian navy off the coast of Rafah.

On November 6, 73 Palestinians, including 41 children, were displaced after the Bedouin village of Khirbet Humsa al-Fawqa was demolished in the largest destruction in recent years. Palestinian Prime Minister Mohammed Shtayyeh accused Israel of timing the demolition for the US election day, when attention was diverted.

The events triggered by the forced eviction of Palestinians living in the Sheikh Jarrah neighborhood of East Jerusalem have led to a new operation by Israel. Behind the conflict between the parties, internal political turmoil on both sides has played a significant role.²⁷³ Despite giving the impression of clashes between Palestinian families and settler groups, an examination of the background of the conflicts reveals that the problem began with Israel's confiscation of the properties of Palestinians who fled their homes in 1948, escaping from the war, through the "Absentee Property Law" enacted in 1950. After Israel occupied East Jerusalem in 1967, the "Legal and Administrative Matters Law" issued in 1970 opened the way for Israelis to reclaim their properties from before 1948. It has been observed that Zionist Jewish settler groups reach out to Israeli families who previously owned property in the Sheikh Jarrah neighborhood of occupied East Jerusalem, purchasing these properties from Israeli families, covering legal fees related to the judicial process. Subsequently, settler groups have applied to the Israeli judiciary to obtain decisions to forcibly evict Palestinian families, most of whom have been living in these houses for three generations. It is evident that the Sheikh Jarrah neighborhood near the Old City of East Jerusalem has long been a target of Zionist Jewish settler groups. The attempt to expel Palestinians was met with widespread condemnation in the Palestinian territories in May 2021, resulting in Israel's military attack on Gaza and attracting global attention.²⁷⁴

During the "Guardian of the Walls Operation" launched by Israel from May 10th to May 21st, 2021, hundreds of Palestinians were killed in the Gaza Strip. In response, Palestinian armed groups fired

²⁷³ Çalık Topuz, Zuhail, p. 216.

²⁷⁴ Israeli High Court Overturns Decision to Evict 4 Families from Sheikh Jarrah, <https://www.aa.com.tr/tr/dunya/israil-yuksekmahkemesi-seyh-cerrahtaki-4-ailenin-evlerinden-cikarilmasi-kararini-bozdu/2520300>, Accessed: 22/01/2024.



thousands of rockets into Israeli cities.²⁷⁵ The Palestinian Ministry of Health in Gaza reported that more than 230 Palestinians lost their lives in the Israeli attacks, including 65 children, 39 women, and 17 elderly individuals. Additionally, over 1,900 people were injured, including 560 children, 380 women, and 91 elderly individuals, with 90 of them in critical condition.²⁷⁶

OCHA's Protection of Civilians reports, prepared at regular two-week intervals, have highlighted various human rights violations. Apart from major military operations, Israel's raids on refugee camps involving military searches, arrests, and detentions without judicial basis leading to prolonged administrative detention, demolition of private properties, and displacement of Palestinians due to demolitions are just some of the issues raised. Additionally, there has been a rapid increase in settler terrorist attacks in recent years, with Israeli authorities often failing to fulfill their obligations to prevent settler violence.²⁷⁷



In a video recording from the year 2020, it is horrifyingly depicted that children in the field were first shot at, then a bulldozer was driven over the children who came to rescue a fallen child, one child was injured by the bulldozer, another who fell was initially crushed, and then, horrifyingly, was carried to the side of an Israeli tank by being attached to the bulldozer's blade. These disturbing scenes lay bare the brutality inflicted upon Palestinians.

²⁷⁵ <https://www.trthaber.com/haber/dunya/israil-ordusundan-yeni-operasyona-haziriz-mesaji-669309.html>, Accessed: 22/01/2024.

²⁷⁶ <https://www.aa.com.tr/tr/dunya/filistin-ve-israilde-2021e-seyh-cerrah-olaylari-ile-gazzedeki-savas-damga-vurdu/2460278>, Accessed: 22/01/2024.

²⁷⁷ United Nations Office for the Coordination of Humanitarian Affairs - occupied Palestinian territory | Publications, Accessed: 22/01/2024.





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To the citizens of Gaza, I say. You must leave now. We will target each and every corner of the strip.

Benjamin Netanyahu (Prime Minister of Israel)

It's an entire nation out there that is responsible. This rhetoric about civilians not aware, not involved, it's absolutely not true.

Isaac Herzog (President of Israel)

I have ordered a complete siege on the Gaza Strip. There will be no electricity, no food, no fuel, everything is closed. We are fighting human animals and we are acting accordingly.

Yoav Gallant (Israeli Defence Minister)

On average a child is killed every 10 minutes in Gaza. I think in that sense we are close by the humanity's darkest hour.

Rik Peeperkorn (WHO representative in occupied Palestinian territories)

Gaza is becoming a graveyard for children. Hundreds of girls and boys are reportedly being killed or injured every day. The unfolding catastrophe makes the need for a humanitarian ceasefire more urgent with every passing hour. The trickle of assistance does not meet the ocean of need.

António Guterres (UN Secretary-General)

The Gaza Strip is the most dangerous place in the world to be a child... Our team on the ground describe meeting children with missing limbs and third-degree burns, and children left shell-shocked by the continuing violence that surrounds them.

Adele Khodr (UNICEF Regional Director for the Middle East and North Africa)

Everyone in Gaza is hungry! Skipping meals is the norm, and each day is a desperate search for sustenance. People often go the entire day and night without eating. Adults go hungry so children can eat.

UN World Food Programme (WFP)

(for Gaza after UNRWA funding cuts) Famine was imminent. Famine is now inevitable.

Michael Fakhri (UN Rapporteur on the Right to Food)



REPUBLIC OF TÜRKİYE
THE OMBUDSMAN INSTITUTION

Kavaklıdere Mah. Zeytin dalı Cad. No: 4 Çankaya/ANKARA
Tel: (312) 465 22 00 Faks: (312) 465 22 65

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