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## A Crime against Humanity and the Tragedy of Genocide: An Evaluation That Israel Should Be Sued for State Terrorism against Palestinians\*

*Bir İnsanlık Suçu ve Soykırım Trajedisi: İsrail'in Filistinlilere Uyguladığı Devlet Terörü Nedeniyle Yargılanması Gerektiğine Dair Bir Değerlendirme*

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### Abstract

Israel, which has been oppressing the people of the region, especially Muslims, since its establishment in the Palestinian territories, acts almost like a terrorist organization. As a recent development, since October 7, 2023, Israel has carried out many attacks on Gaza, killing or injuring thousands of innocent people living in Gaza. These attacks violate the rules of International Law, the Law of War and International Criminal Law, the International Criminal Court decisions, the Geneva and Hague Conventions, the UN Convention on Conventional Weapons, Human Rights Watch reports and the conscience of humanity. In Gaza, Israel has bombed babies, children, women, unarmed civilians, journalists, hospitals, schools, civilian housing, mosques and churches, refugee camps, ambulances, convoys of the wounded, cultural heritage, used phosphorus bombs, mistreated prisoners, starved and dehydrated the civilian population, imposed an embargo on energy and other basic necessities, forced the displacement of up to two million people and implemented a policy of mass extermination of the population. All of these are not only war crimes, but also crimes against humanity. In the face of Israel's series of massacres and unlawful actions since its establishment, many countries, especially the United States, have provided unconditional military and political support to the Israeli government. The US provides Israel with \$3.8 billion in annual military aid and vetoes UN Security Council resolutions against Israel. In addition to the US, countries such as France, Germany, the UK, Canada and the UK are trying to legitimize Israel's attacks and refuse to lift the embargo on Gaza. Moreover, these countries do not prevent Israeli settlement activities in the occupied territories and do not put pressure on Israel to comply with international law. By supporting Israel's war crimes, these countries are complicit in crimes against humanity. In the face of all the dramas and atrocities taking place in Gaza, academics, human rights defenders, artists, athletes, journalists, opinion leaders, clergy, judges and prosecutors from universities around the world are calling on the international community to take action. They demand an immediate halt to the suffering in Gaza, accountability for those responsible, the protection of the right to life and freedom of the people of Gaza, the lifting of the embargo on Gaza, the reconstruction of Gaza and an independent state for the Palestinian people. These demands are declared as a historical, conscientious, moral and civilized duty. The main purpose and problem of this article is the prosecution of Israel,

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which has captured the Palestinian territories and committed the crime of genocide by using disproportionate force against the people of the region at every opportunity with the support of many states, especially the USA, and the other powers that support it. The study has been prepared based on the data obtained through the method of source scanning by utilizing arguments from mass media, social media platforms and newspaper portal news, as well as research articles, books, etc..

**Keywords:** Sociology of Religion, Israel, USA, Terrorism, Palestine, Gaza, War, Occupation, Genocide.

### Öz

Filistin topraklarında kurulduğu günden beri bölge insanına özellikle de Müslümanlara baskı uygulayan İsrail, bir terör örgütü gibi hareket etmektedir. Yakın zamanda meydana gelen bir gelişme olarak; 7 Ekim 2023'ten beri Gazze'ye yönelik birçok saldırı düzenlemiş, Gazze'de yaşayan binlerce masum insanı katletmiş veya yaralamıştır. Bu saldırılar, Uluslararası Hukuk, Savaş Hukuku ve Uluslararası Ceza Hukuku kurallarını, Uluslararası Ceza Mahkemesi kararlarını, Cenevre ve Lahey Sözleşmelerini, BM Konvansiyonel Silahlar Sözleşmesi'ni, İnsan Hakları İzleme Örgütü raporlarını ve insanlık vicdanını ihlal etmektedir. İsrail, Gazze'de bebekleri, çocukları, kadınları, silahsız sivilleri, gazetecileri, hastaneleri, okulları, sivil konutları, cami ve kiliseleri, mülteci kamplarını, ambulansları, yaralı konvoylarını, kültürel mirası bombalamış, fosfor bombası kullanmış, esirlere kötü muamele etmiş, sivil halka açlık ve susuzluk çektirmiş, enerji ve diğer temel ihtiyaç maddelerine ambargo uygulamış, iki milyon kadar insanı göçe zorlamış ve bölge halkını topluca yok etme politikasını uygulamıştır. Tüm bu hususlar, savaş suçunun konusu olmanın yanı sıra aynı zamanda insanlığa karşı da işlenen suçlara da konu olmaktadır. Kuruluşundan beri İsrail'in yaptığı katliam dizisi ve hukuk tanımayan eylemleri karşısında, ABD başta olmak üzere birçok ülke, İsrail yönetimine koşulsuz askeri ve siyasi destek sağlamıştır. ABD, İsrail'e yıllık 3.8 milyar dolarlık askeri yardım yapmakta ve BM Güvenlik Konseyi'nde İsrail aleyhine çıkan karar tasarılarını veto etmektedir. ABD'nin yanı sıra Fransa, Almanya, İngiltere, Kanada gibi ülkeler de İsrail'in saldırılarını meşru göstermeye çalışmakta, Gazze'ye yönelik ambargoyu kaldırmamaktadır. Ayrıca bu ülkeler, İsrail'in işgal ettiği topraklarda yaptığı yerleşim faaliyetlerini engellemekte ve İsrail'in uluslararası hukuka uymasını sağlamak için kendisine baskı yapmamaktadırlar. Bu ülkeler, İsrail'in savaş suçlarını destekleyerek insanlık suçuna ortak olmaktadır. Gazze'de yaşanan bütün dram ve zulümler karşısında, dünyanın çeşitli üniversitelerinde çalışan akademisyenler, insan hakları savunucuları, sanatçılar, sporcular, gazeteciler, kanaat önderleri, din adamları, hâkim ve savcılar, uluslararası toplumu harekete geçmeye çalışmaktadır. Bu insanlar, Gazze'deki acının derhal durdurulmasını, sorumluların hesap vermesini, Gazze halkının yaşam hakkı ve özgürlüklerinin korunmasını, Gazze'ye yönelik ambargonun kaldırılmasını, Gazze'nin yeniden inşasını ve Filistin halkının bağımsız devletine kavuşmasını talep etmektedir. Bu talepler, tarihi, vicdani, ahlaki ve medeni bir görev olarak deklare edilmektedir. Filistin topraklarını ele geçiren ve ABD başta olmak üzere birçok devletten aldığı destekle bölge halkına her fırsatta orantısız güç kullanarak soykırım suçu işleyen İsrail'in ve kendisine destek veren diğer güçlerin yargılanması konusu, bu makalenin temel amaç ve problemini oluşturmaktadır. Çalışma; kitle iletişim araçları, sosyal medya platform ve gazete portal haberlerinin yanı sıra dergi makalesi, kitap vb. argümanlardan yararlanılarak kaynak taraması metodu ile elde edilen verilerden yola çıkılarak hazırlanmıştır.

**Anahtar Kelimeler:** Din Sosyolojisi, İsrail, ABD, Terörizm, Filistin, Gazze, Savaş, İşgal, Soykırım.

## 1. INTRODUCTION

Terrorism is included in the sources as a fact of human life and as a factor in the political, social, economic and cultural shaping and policies of nation states. In the historical process, states, which are the leading actors of the international system, have used terrorism

as a tool to determine their domestic and foreign policies, and have created fear and panic in the public with the developing mass media. Nation states that are powerful in the global system have resorted to state terrorism under the name of fighting against terrorism, and have instrumentalized institutions such as the United Nations for this purpose. This situation has turned some states into brutal terrorist organizations. Global powers provide opportunities for the formation of armed radical groups in order to carry out ethnic cleansing operations, prevent certain geographies from coming together, and achieve their desired goals, or they harass these existing groups and prepare the ground for them to take action.<sup>1</sup> State terrorism is defined as terrorist acts carried out or financed by the state itself or groups it supports. It is also called terrorism committed by the state to support its own people or international terrorism. State terrorism involves politically, ideologically or religiously motivated acts of violence against individuals or groups and is similar to non-state terrorism. The main difference between them is the application of violence by the elements of the state.<sup>2</sup>

This study aims to examine how violence turns into genocide as a result of individual or collective actions<sup>3</sup> that cause psychological and/or physical harm to people by applying disproportionate and uncontrolled force and pressure against the societies that do not resemble them and that they occupy, by states that follow a terrorism strategy. In this context, Israel's discourse and policies towards the public in Palestine were considered as a case study, and the actions of the Israeli state, which committed the crime of genocide, in light of the fact that a (multi) state-sponsored war led to genocide and how basic human rights and freedoms were ignored and the injustices it caused were investigated.

Since the establishment of the Zionist Israeli administration, thousands of innocent Palestinian people have been murdered, injured, or exiled from their own lands due to the brutal and inhumane attacks and state terrorism it has carried out and sustained since its establishment. Using the events that took place on October 7, 2023 as an excuse,<sup>4</sup> the occupying Zionist Israeli state administration has been carrying out state terrorism in Gaza and committing genocide in violation of human rights and the law of war since that date.<sup>5</sup> It is essential for the international community to take action to end the exiles and massacres that have witnessed this brutality and have been going on for more than half a century.<sup>6</sup> It is thought that the State of Israel and its Zionist leaders, as well as all leaders who supported the

<sup>1</sup> Terör Çalıştayı Raporu, *Uluslararası Terörizm ve Güvenlik Araştırmaları Merkezi (UTGAM)* (Ankara: Polis Akademisi Yayınları, 2017), 8.

<sup>2</sup> Muhammed Ali Yetgin - Mithat Baştuğ, "Devlet Terörizmi Bağlamında Tarihsel Vakaların İç ve Dış Etkilerinin Analizi: BM Güvenlik Konseyi Üyeleri Örneği", *İstanbul Aydın Üniversitesi Sosyal Bilimler Dergisi* 13/4 (2021), 955.

<sup>3</sup> Ali Rıza Gül, "Şiddeti Tanımlamak: Geniş Tabanlı Bir Yaklaşım", *International Journal of Social and Humanities Sciences Research (JSHSR)* 8/77 (2021), 3171. See also the author's work on the words violence and terrorism: Ali Rıza Gül, "Kur'an'ın Şiddet Ve Terörü Reddeden Lafızları", *Eskişehir Osmangazi Üniversitesi İlahiyat Fakültesi Dergisi* 4/7 (Aralık 2017), 35-58.

<sup>4</sup> Euronews, "Hamas - İsrail Savaşı: Nasıl başladı, ilk ayında neler yaşandı?" (Access Date 3 December 2023).

<sup>5</sup> As of 16.11.2023, the date on which these lines were written, this manifesto has been written in reference to the occupation, persecution and genocide that has taken place from all times until today.

<sup>6</sup> Fikir Turu, "Filistin-İsrail çatışmasının tarihçesi" (Access Date 3 December 2023).

Israeli administration that carried out the Gaza Genocide, which is a shame for humanity, should be tried to prevent further innocent blood being shed. In this context; We find it valuable that this article, which is a manifesto that we wrote on behalf of all segments of society that appeal to the conscience of humanity and express the demand for justice, has been recorded in the academic literature.

## 2. TERROR AND TERRORISM

Positioning historical accumulation through processes of war and conflict highlights a will of expression that emphasizes the option or necessity of 'taking people to account' or 'destroying', rather than the 'order of raising people', which is the basic function of tradition.<sup>7</sup> The word terrorism that stands out in this context is derived from the Latin word "terrere", meaning "to frighten, intimidate or overawe".<sup>8</sup> Terrorism is a phenomenon that has existed throughout history along with political organization.<sup>9</sup> Today, it is also understood as actions against the state order or the policy of violence applied by the state against individuals. It is known that these two concepts are actually state-oriented.<sup>10</sup>

Terrorism, in order to achieve a political goal; An individual or individuals affiliated with an organization may intervene in the constitutional characteristics, "political, economic, social, cultural"<sup>11</sup> and legal order of a state, weaken the state-nation unity, damage the existence of the state, neutralize, take over or destroy its authority, eliminate fundamental rights and freedoms. It can be defined as resorting to acts of violence against the state, the public or individuals in order to disrupt the internal and external security of the state, public order or general health.<sup>12</sup>

Today, terrorism emerges as a form of past political violence that changes according to today's conditions and opportunities.<sup>13</sup> In addition, developments in communication and weapon technologies have increased the extent of terrorism to an unpredictable level.<sup>14</sup> Since the 20th century, terrorism has had a devastating impact not only at the national level but also at the international level and has even played a decisive role in political developments.<sup>15</sup>

<sup>7</sup> Namık Kemal Okumuş, "Gün Ve Geleceği Iskalama Tercihinin Aşkın Formu: Kutsal Gelenek Perspektifi", *Uluslararası Dorlion Akademik Sosyal Araştırmalar Dergisi (DASAD)* 1/1 (June 2023), 24.

<sup>8</sup> Uğur Ersoy, "Terörizm ve Nefret Suçları Arasındaki Tetikleme Etkisi" *Ankara Barosu Dergisi* 2 (2018), 149.

<sup>9</sup> Faruk Örgün, *Küresel Terör* (İstanbul: Okumuş Adam Yayınları, 2001), 13.

<sup>10</sup> Murat Saraçlı, "Uluslararası Hukukta Terörizm", *Ankara Hacı Bayram Veli Üniversitesi Hukuk Fakültesi Dergisi* 11/1 (Haziran 2007), 1051-1052.

<sup>11</sup> Yetgin – Baştuğ, "Devlet Terörizmi Bağlamında Tarihsel Vakaların İç ve Dış Etkilerinin Analizi: BM Güvenlik Konseyi Üyeleri Örneği", 955.

<sup>12</sup> Orhan Erdem - Habip Özdemir, "Terror And Terrorism: A Multi-Dimensional Evaluation", *Elektronik Sosyal Bilimler Dergisi* 8/30 (2009), 268.

<sup>13</sup> Terörizm ve Radikalleşme ile Mücadele Araştırma Merkezi, (TERAM), Kavram Kutusu, "Kavramsal Çerçeve Terör ve Terörizm" (Access Date 10 December 2023).

<sup>14</sup> Cemal Güzel, in "Korkunun Korkusu: Terörizm", *Silinen Yüzler Karşısında Terör*, (compiled by.) Cemal Güzel (Ankara: Ayraç Yayınevi, 2002), 15-16, quote. Murat Saraçlı, "Uluslararası Hukukta Terörizm", *Ankara Hacı Bayram Veli Üniversitesi Hukuk Fakültesi Dergisi* 11/1 (Haziran 2007), 1052.

<sup>15</sup> Saraçlı, "Uluslararası Hukukta Terörizm", 1052.

### 2.1. State Terrorism

Terrorism, as a political strategy that aims to influence and intimidate societies through means of violence and fear, has different forms: individual terrorism, group terrorism and/or state terrorism.<sup>16</sup> State terrorism, on the other hand, is the use of violence by the state itself or by groups supported by the state against its own people or another people, as a distinctive feature of totalitarian regimes.<sup>17</sup> Unlike terrorism, which is a product of modern times and is seen as a crime/misdemeanor against humanity,<sup>18</sup> state terrorism occurs when the state resorts to violence to protect or increase its legitimacy, power or interests. this type of terrorism, in addition to being systematic, political, fear-inducing and sending a message to a wide audience; They can also be described as war crimes or human rights violations. Moreover:

1. States, like non-state actors, can commit terrorist acts.
2. State terrorism can lead to more widespread and destructive consequences than non-state terrorist organizations.<sup>19</sup>
3. The state carries out terrorism through its own institutions or by providing material or logistical support to non-state actors.
4. The state can target its own citizens or the citizens of other states (with the terrorism it implements).
5. Terrorism, as a phenomenon that harms the security of societies, can cause more civilian casualties when supported by the state.<sup>20</sup>

In cases of state terrorism, which is expressed as "Alliance with Terrorism" or "Terrorist Partnership of States" and can be defined as a distinct wave of modern terrorism, a state fights against another state by cooperating with terrorist organizations.<sup>21</sup> In this context, the Syrian Civil War in which the USA participated by supporting YPG, the Syrian branch of the PKK, giving the impression that it was fighting against DAESH, and the terrorist partnership it established by supporting Israel, which occupies Palestinian lands, in political and military fields at every opportunity, are relevant to this issue. They can be cited as obvious examples. In addition, examples of State terrorism that can be seen in different countries and different periods throughout history can be given as follows:

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<sup>16</sup> Güzide, Kayıtmazbatır, "Terörizmin Tarihinde Görmezden Geline Bir Olgu: Devlet Terörü", *Akdeniz Üniversitesi Sosyal Bilimler Enstitüsü Dergisi* 13 (2023), 147.

<sup>17</sup> Hayati Hazır, "Demokrasi ve Siyasi Terör", *Selçuk Üniversitesi Hukuk Fakültesi Dergisi* 3/1 (Haziran 1990), 35.

<sup>18</sup> Cüneyt Özata, "Yanlışlıklar (Terör) Komedi - Martin McDonagh'ın Korkutan Şiddeti", *Atatürk Üniversitesi Sosyal Bilimler Enstitüsü Dergisi*, 16/3 (2013), 185.

<sup>19</sup> Kayıtmazbatır, "Terörizmin Tarihinde Görmezden Geline Bir Olgu: Devlet Terörü", 147.

<sup>20</sup> Nilüfer Önen, "Soykırım Yapan Devlet Terörizmi: Ruanda Örneği", *Africana* 3/1 (2023), 18.

<sup>21</sup> Rüştü Salim Savaş BİÇER, "Modern Terörizmin Beşinci Dalgası: Devletlerin Uluslararası Terörist Örgütlerle İş Birliğinin Sebepleri ve Sonuçları", *Güvenlik Stratejileri Dergisi* 16/36 (2020), 934.

- The Jewish genocide carried out by Nazi Germany,<sup>22</sup>
- Ethnic cleansing, massacres, exiles, etc., implemented in the Soviet Union both during the Tsarist period and during the periods when the communist regime was dominant. Millions of people were killed and displaced from their homes through all kinds of cruelty,<sup>23</sup>
- Carrying out state terrorism through events such as the Cultural Revolution<sup>24</sup> in China and the Tiananmen Square massacre,<sup>25</sup>
- France, especially in the countries it colonized; It can be said that they committed state terrorism by using violence against independence movements in Algeria, which they occupied and "left bloody traces in both its political and financial history."<sup>26</sup>
- The Vietnam War, which was a "ruthless war waged by a superpower like the USA against a country that was many times behind it in every respect" and caused the death of millions of people.<sup>27</sup>
- Again, the USA's policy of occupying strategic regions chosen to punish those who oppose its own world order, as well as the Iraq War, in which it tried to overcome the Vietnam syndrome.<sup>28</sup>
- The USA, which remained the only superpower in the international arena after the Cold War, adopted preemptive attacks as its basic defense policy since 2001,<sup>29</sup> using the September 11 attacks<sup>30</sup> as an excuse for allegedly fighting against terrorism, and started cross-border operations, including Afghanistan. It can be said that it has implemented unlimited state terrorism by using violence against civilians in conflicts that created chaos, violence and death in Afghanistan as a result of its intervention.
- Since the day it was founded, Israel has adopted the belief that the Palestinian people have rights to their land with a bigoted approach and has tried to impose this understanding on the whole world, and in this regard has tried to "destroy the beliefs and thoughts of others through humiliation and oppression"<sup>31</sup> and has applied the pressure,

<sup>22</sup> For more information: Stanford J. Shaw, *Yahudi Soykırımı ve Türkiye*, çev.: Prof. Dr. Fahir Armaoğlu (İstanbul: TİMAŞ Yay. 2014).

<sup>23</sup> Abdullah Temizkan - Elchin Shakirov. "Rusya'nın Kafkasya Siyaseti Üzerindeki Stalin Gölgesi", *Cihannüma Tarih Ve Coğrafya Araştırmaları Dergisi* 3/2 (Aralık 2017), 158.

<sup>24</sup> For more information: Stéphane Courtois vd., *Komünizmin Kara Kitabı* (İstanbul: Felix Kitap, 2020).

<sup>25</sup> Damla Yalın, "32. Yılında Tiananmen Katliamı", *21. Yüzyıl Türkiye Enstitüsü* (Access Date 10 December 2023).

<sup>26</sup> Özgenur Özyalçın, "Tarihi ve İktisadi Açılardan Cezayir - Fransa İlişkileri", *Maliye Çalışmaları Dergisi* 69 (2023), 163.

<sup>27</sup> Mehmet Ali Aybar, *Vietnam Günlüğü ABD'nin Vietnam'da İşlediği Savaş Suçlarına Karşı Russell Mahkemesi* (İstanbul: İletişim Yayınları, 2012), 13.

<sup>28</sup> Nasuh Uslu, "Körfez Savaşı Ve Amerika'nın Politikaları", *Ankara Üniversitesi SBF Dergisi* 54/3 (Şubat 2015), 165.

<sup>29</sup> Senem Atvur, "21.Yüzyıl için ABD Güvenlik Politikası ve Büyük Orta Doğu Girişimi", *Savunma Bilimleri Dergisi* 6/2 (2007), 1-16.

<sup>30</sup> Doğançan Bay, "11 Eylül Saldırıları'nın AB'nin Terörizmle Mücadelesine Etkileri", *EURO Politika* 11 (2021), 56-63

<sup>31</sup> Fevzi Rençber, "İslam Birliği İnşasında Bir Engel Olarak Mezhep-Cemaat Taassubu Ve Çözüm Yolları", *e-Makalat Mezhep Araştırmaları Dergisi* 10/1 (Haziran 2017), 87.

violence and dominance against the Palestinian people at every opportunity. The use of disproportionate force also constitutes an example of state terrorism.

The possible internal and external effects of state terrorism have negative consequences for both the perpetrators and the countries and peoples who are exposed to it. State terrorism, which damages values such as democracy, human rights, rule of law and peace, also fuels emotions such as fear, distrust, hatred, anger and revenge in social life. Additionally, it creates the perception that violence is a legitimate tool and causes opposing groups to resort to violence. State terrorism, which also causes major problems in international relations, can reach levels that violate international law and human rights agreements, as can be seen from the example of terrorism implemented by Israel in Gaza. We can also see the international community's reaction, sanction or intervention (request for) of this type of terrorism in the recent Gaza drama. In such cases, if precautions are not taken and adequate reaction/sanctions are not applied, international security and stability may be threatened.

State terrorism is a phenomenon that is against the interests of both states and people. State terrorism is an obstacle to a world dominated by dialogue, compromise, justice and democracy, not violence. State terrorism must be prevented and punished with the cooperation and solidarity of the international community. State terrorism must end with the construction of peaceful and law-abiding states that respect human rights.

## **2.2. Crimes Committed Against Humanity that Fall Within the Jurisdiction of the International Criminal Court**

“Crimes falling within the jurisdiction of the International Criminal Court are the most serious crimes that threaten the peace, security and well-being of humanity. These are genocide, crimes against humanity, war crimes and the crime of aggression.

**a. Crime of Genocide:** This crime is defined in Article 6 of the Statute. The same definition is found in Article 4 of the Statute of the International Criminal Tribunal for the Former Yugoslavia and in the 1948 Genocide Convention to which Turkey is a part. This crime is committed by deliberately killing members of a national, religious or ethnic group, inflicting severe mental or physical harm on them, subjecting them to harsh conditions aimed at their physical destruction, preventing their birth or forcibly giving their children to other groups.<sup>32</sup>

**b. Crimes Against Humanity:** “These crimes may be committed in time of war or peace, in the context of an armed national or international conflict. Unlike the crime of genocide, these are crimes committed as a result of widespread or systematic attacks against civilians

<sup>32</sup> Türkkaya Ataov, “Savaş Suçları Uluslararası Mahkeme: Jenosit Oturumu”, *Ankara Üniversitesi SBF Dergisi* 23/02 (Şubat 1968), 319-333.

that do not require membership in a particular group or community. It is possible to list them as follows:

- Murder, Homicide
- Total destruction,
- Sentencing to captivity,
- Forcing some of the population to deport or transfer,
- Imprisonment or serious deprivation of physical liberty in violation of the fundamental provisions of international law,
- Rape, sexual slavery, forced prostitution, forced pregnancy, forced sterilization or other similar serious sexual crimes,
- Torture,
- Persecution of any group or any group that may be distinguished from others on political, racial, national, ethnic, cultural, religious or the above-mentioned sexual grounds,
- Forced disappearance of persons,
- Discrimination (apartheid),
- Other acts against humanity that cause serious harm to physical or spiritual integrity or cause great suffering.”<sup>33</sup>

**c. War crimes:** “War crimes are determined in Article 8 of the Statute. These crimes fall within the jurisdiction of the International Criminal Court when committed in a political or mass manner. In Article 8, a distinction is made between crimes committed during international or non-international armed conflicts. War crimes are the oldest defined and recognized international crimes. Many of them are also included in The Hague Regulation and the Geneva Convention. What needs to be understood from war crimes is explained in the second paragraph of Article 8. According to this:

These crimes are serious crimes stipulated in the Geneva Convention dated 12 August 1949, and they may be committed against people and property protected by the provisions of the Geneva Convention. These acts, listed under 9 subheadings in paragraph 2-a of Article 8 of the Convention, were determined on the basis of the Geneva Conventions dated 12.8.1949. According to these conventions, these are the wounded, the sick, the shipwrecked, prisoners of war and civilians, and the property protected. Crimes committed against these people and property are considered crimes against persons protected within the scope of war crimes. These:

- Intentional murder,

<sup>33</sup> Dış İlişkiler ve Avrupa Birliği Genel Müdürlüğü, “Uluslararası Ceza Mahkemesi (UCM)” (Access Date 11 December 2023).



- Inhumane treatment and torture,
- Biological experiments, intentional acts that cause serious harm or great suffering to people's physical and spiritual integrity,
- Destruction of property in a manner incompatible with military difficulties,
- Forcing a prisoner of war or similarly protected person to serve the soldiers of a foreign state and making the person a prisoner of war,
- Depriving a prisoner of war or similar protected person of the right to an impartial and due trial,
- Illegal arrest, transfer or deportation incidents,
- Killing the prisoners is their act.

War crimes are defined as serious violations of legal and customary norms applicable in international armed conflicts. War crimes that occur as a result of behavior contrary to these norms are as follows:

- Conscious attack against civilians,
- Deliberate attacks that may be considered ill-treatment of protected places or persons,
- Intentional attacks and bombings against personnel, settlements, property, units or vehicles used in humanitarian services or within the framework of peacekeeping or humanitarian aid missions in accordance with the UN Charter,
- Crime of assault.

The Statute of the International Criminal Court was signed in Rome on 17 July 1998 and determined the jurisdiction of the Court. Article 5 of the Statute lists the crimes that the Court can try. These crimes include the crime of assault. "The crime of aggression is the use of armed force by a state or a non-state organization against the sovereignty or independence of another state."<sup>34</sup>

### **3. MANIFESTO: ISRAELI OCCUPATION FORCES AND NETANYAHU WHO ARE IMPLEMENTING STATE TERRORISM IN GAZA SHOULD BE SUED**

In the light of all the data and according to the mandate and decisions of the International Criminal Court,<sup>35</sup> the Geneva<sup>36</sup> and Hague Conventions,<sup>37</sup> the UN Convention on

<sup>34</sup> Dış İlişkiler ve Avrupa Birliği Genel Müdürlüğü, "Uluslararası Ceza Mahkemesi (UCM)".

<sup>35</sup> Dış İlişkiler ve Avrupa Birliği Genel Müdürlüğü, "Uluslararası Ceza Mahkemesi (UCM)".

<sup>36</sup> Ezeli Azarkan, Hukuk Politik, "Uluslararası Ceza Mahkemelerinde Savaş Suçları" (Access Date 11 December 2023).

<sup>37</sup> Adalet Bakanlığı, "Lahey Sözleşmeleri" (Access Date 11 December 2023).

Conventional Weapons,<sup>38</sup> the reports of Human Rights Watch,<sup>39</sup> and human morality and conscience:

1. The killing of babies as a result of the attacks carried out by the Zionist Israeli government, which committed cross-border state terrorism in Gaza, should be recorded as a war crime, and all Israeli administrators and soldiers who took decisions/tasks in these attacks, especially Israeli Prime Minister Benjamin Netanyahu, who committed state terrorism, should be accused of war and genocide and must be sued.<sup>40</sup>

2. The brutal murder of thousands of children with bombs as a result of the attacks carried out by the Zionist Israeli administration,<sup>41</sup> which committed cross-border state terrorism in Gaza, should be recorded as a war crime, and all Israeli administrators and soldiers who took decisions/tasks in these attacks, especially Israeli Prime Minister Benjamin Netanyahu, should be accused of war and genocide and must be sued.

3. The killing of women by the Zionist Israeli administration,<sup>42</sup> which committed cross-border state terrorism in Gaza, should be recorded as a war crime, and all Israeli administrators and soldiers who took decisions/participation in these attacks, especially Israeli Prime Minister Benjamin Netanyahu, who committed state terrorism, should be sued for the crime of war and genocide.

4. The killing of unarmed civilians by the Zionist Israeli administration,<sup>43</sup> which committed cross-border state terrorism in Gaza, should be recorded as a war crime, and all executives and members of this organization, especially Israeli Prime Minister Benjamin Netanyahu, who committed state terrorism, should be sued for the crime of war and genocide.

5. The murder of journalists by the Zionist Israeli administration,<sup>44</sup> which committed cross-border state terrorism in Gaza, should be recorded as a war crime, and all Israeli administrators and soldiers who took decisions/participation in these attacks, especially Israeli Prime Minister Benjamin Netanyahu, who committed state terrorism, should be sued for the crime of war and genocide.

6. The Zionist Israeli government's bombing of hospitals,<sup>45</sup> usurping the right of patients and injured people to be treated, attempting to kill doctors, bombing ambulances and

<sup>38</sup> Hukuk Ansiklopedisi, "Kimyasal Silahların Önlenmesi Sözleşmesi (CWC) (Access Date 11 December 2023).

<sup>39</sup> Mustafa Bağ, "İnsan Hakları İzleme Örgütü'nden İsrail'e 'Filistinlilere karşı apartheid' suçlaması" (Access Date 11 December 2023).

<sup>40</sup> TRT Haber, "İsrail güçleri, bir yaşını doldurmamış 133 bebeği öldürdü" (Access Date 11 December 2023).

<sup>41</sup> Anadolu Ajansı, (AA), "İsrail güçleri Gazze'de 3342 çocuk öldürdü" (Access Date 11 December 2023).

<sup>42</sup> Sağlık Aktüel, "İsrail, Gazze'de hamile bir kadını iki çocuğuyla öldürdü" (Access Date 11 December 2023).

<sup>43</sup> Sabah, "İsrail sivilleri hedef aldı! Gazze'de son durum açıklandı" (Access Date 11 December 2023).

<sup>44</sup> BBC, "CPJ: 7 Ekim'den bu yana savaş bölgesinde 61 gazeteci öldürüldü" (Access Date 11 December 2023).

<sup>45</sup> Dünya Gazetesi, "İsrail Gazze'de hastane vurdu: 500 ölü" (Access Date 11 December 2023).

paramedics,<sup>46</sup> which committed cross-border state terrorism in Gaza, should be recorded as war crimes, and the Israeli Prime Minister Benjamin Netanyahu, who is committing state terrorism, should be recorded as a war crime. All Israeli administrators and soldiers who took decisions/tasks in these attacks should be sued for war and genocide crimes.

7. The bombing of schools by the Zionist Israeli administration, which is committing cross-border state terrorism in Gaza, is usurping the right to education, its attempt on the lives of teachers and students<sup>47</sup> should be recorded as a war crime, and all Israeli administrators who took decisions/tasks in these attacks, especially Israeli Prime Minister Benjamin Netanyahu, who is committing state terrorism. and soldiers must be sued for war and genocide crimes.

8. The bombing of civilian residences by the Zionist Israeli administration,<sup>48</sup> which committed cross-border state terrorism in Gaza, and the resulting attempt on the lives of thousands of innocent civilians, should be recorded as a war crime, and all Israeli administrators who took decisions/tasks in these attacks, especially Israeli Prime Minister Benjamin Netanyahu, who committed state terrorism. and soldiers must be sued for war and genocide crimes.

9. The bombing of mosques<sup>49</sup> and churches<sup>50</sup> by the Zionist Israeli administration, which is committing cross-border state terrorism in Gaza, taking away people's freedom of worship, and not valuing their sanctities should be recorded as war crimes, and the Israelis who took part in these attacks, especially Israeli Prime Minister Benjamin Netanyahu, who is committing state terrorism, should be recorded as war crimes. All administrators and soldiers must be sued for war and genocide crimes.

10. The Zionist Israeli administration, which is committing cross-border state terrorism in Gaza, targeting thousands of innocent people even though they are not fighting as a result of bombing refugee camps,<sup>51</sup> making an attempt on their lives and depriving them of their right to live in safety, should be recorded as a war crime, and especially Israeli Prime Minister Benjamin Netanyahu, who is committing state terrorism. All Israeli administrators and soldiers who took decisions/tasks in these attacks should be sued for war and genocide crimes.

<sup>46</sup> Medyascope tv, "İsrail ordusu Gazze'de ambulans konvoyunu vurdu, en az 15 kişi hayatını kaybetti" (Access Date 11 December 2023).

<sup>47</sup> Yirmidört Tv, "Gazze'de 3 bin 117 öğrenci öldürüldü, 608 bin öğrenci okula gidemiyor" (Access Date 11 December 2023).

<sup>48</sup> Anadolu Ajansı (AA), "İsrail'in saldırılarında Gazze'de 35 bin konut tamamen yıkıldı" (Access Date 11 December 2023).

<sup>49</sup> Diyanet Haber. "İşgalci İsrail, Gazze'de 31 camiyi tamamen yıktı" (Access Date 11 December 2023)

<sup>50</sup> Şarkul Evsat, "İsrail Gazze'de sivillerin sığındığı tarihi kiliseyi bombaladı" (Access Date 11 December 2023).

<sup>51</sup> CNN Türk, "Gazze'de ateşkes bitti katliam başladı! İsrail mülteci kampını bombaladı: 100'den fazla kişi öldü" (Access Date 11 December 2023).

11. The bombing of vehicle convoys carrying the injured by the Zionist Israeli administration,<sup>52</sup> which is committing cross-border state terrorism in Gaza, shows how dangerous and desperate a terrorist state it is. This situation should be recorded as a war crime, and all Israeli administrators and soldiers who took decisions/participation in these attacks, especially Israeli Prime Minister Benjamin Netanyahu, who practices state terrorism, should be sued for the crime of war and genocide.

12. The destruction of cultural heritage by the Zionist Israeli administration, which commits cross-border state terrorism in Gaza,<sup>53</sup> shows how alienated and hostile it is to human and cultural values. This situation should be recorded as a war crime, and all Israeli administrators and soldiers who took decisions/participation in these attacks, especially Israeli Prime Minister Benjamin Netanyahu, who practices state terrorism, should be sued for the crime of war and genocide.

13. The use of phosphorus bombs by the Zionist Israeli administration, which is committing cross-border state terrorism in Gaza,<sup>54</sup> is an inhumane act and constitutes a war crime. This situation should be recorded as a war crime, and all Israeli administrators and soldiers who took decisions/participation in these attacks, especially Israeli Prime Minister Benjamin Netanyahu, who practices state terrorism, should be sued for the crime of war and genocide.

14. The ill-treatment of prisoners by the Zionist Israeli administration, which is committing cross-border state terrorism in Gaza,<sup>55</sup> constitutes a war crime that does not comply with the laws of war and human rights. This situation should be recorded as a war crime, and all Israeli administrators and soldiers who took decisions/participation in these attacks, especially Israeli Prime Minister Benjamin Netanyahu, who practices state terrorism, should be sued for the crime of war and genocide.

15. It is a war and a crime against humanity for the Zionist Israeli government, which is committing cross-border state terrorism in Gaza, to cause starvation to innocent people by bombing their food.<sup>56</sup> This situation should be recorded as a war crime, and all Israeli administrators and soldiers who took decisions/participation in these attacks, especially Israeli Prime Minister Benjamin Netanyahu, who practices state terrorism, should be sued for the crime of war and genocide.

<sup>52</sup> Haber Global, "İsrail Gazze'de ambulans konvoyunu vurdu: Çok sayıda can kaybı var" (Access Date 11 December 2023).

<sup>53</sup> Anadolu Ajansı (AA), "İsrail, Gazze'de tarihi cami, kilise ve müzeleri hedef alarak kültürel mirası da yok ediyor" (Access Date 11 December 2023).

<sup>54</sup> Halk Tv, "İsrail fosfor bombası kullandı' iddialarını İnsan Hakları İzleme Örgütü doğruladı!" (Access Date 11 December 2023).

<sup>55</sup> TRT Haber, "Filistinli STK'lar: İsrail Ofer Hapishanesindeki Gazzeli esirlere karşı korkunç suçlar işliyor" (Access Date 11 December 2023).

<sup>56</sup> World Socialist Web Site, "Yavaş ölüm": İsrail Gazze soykırımında hastalığı silah olarak kullanıyor" (Access Date 11 December 2023).

16. It is a war and a crime against humanity for the Zionist Israeli government, which is committing cross-border state terrorism in Gaza, to cause thirst to innocent people.<sup>57</sup> This situation should be recorded as a war crime, and all Israeli administrators and soldiers who took decisions/participation in these attacks, especially Israeli Prime Minister Benjamin Netanyahu, who practices state terrorism, should be sued for the crime of war and genocide.

17. The Zionist Israeli administration, which is committing cross-border state terrorism in Gaza, has a problem with electricity, communication, energy, etc. Bombing and embargoing resources, causing people to fall into a difficult situation and lose their lives as a result,<sup>58</sup> is a war crime and a crime against humanity. This situation should be recorded as a war crime, and all Israeli administrators and soldiers who took decisions/participation in these attacks, especially Israeli Prime Minister Benjamin Netanyahu, who practices state terrorism, should be sued for the crime of war and genocide.

18. The Zionist Israeli administration, which is committing cross-border state terrorism in Gaza, bombs basic necessities or closes the access roads to them, imposes an embargo on their transportation, import and various access routes, and prevents innocent people from accessing these vital items, resulting in the deterioration of people's living conditions, losing their health, dying, etc.<sup>59</sup> Causing such situations is a war crime and a crime against humanity. This situation should be recorded as a war crime, and all Israeli administrators and soldiers who took decisions/participation in these attacks, especially Israeli Prime Minister Benjamin Netanyahu, who practices state terrorism, should be sued for the crime of war and genocide.

19. It is a war crime and a crime against humanity for the Zionist Israeli government, which is committing cross-border state terrorism in Gaza, displacing nearly 2 million people, forcing them to migrate and continuing to invade their lands.<sup>60</sup> This situation should be recorded as a war crime, and all Israeli administrators and soldiers who took decisions/participation in these attacks, especially Israeli Prime Minister Benjamin Netanyahu, who practices state terrorism, should be sued for the crime of war and genocide.

20. The policy of the Zionist Israeli administration, which is committing cross-border state terrorism in Gaza, to mass exterminate innocent people, women, men, children, young, old and sick, is a war against humanity and a crime against humanity.<sup>61</sup> This situation should be recorded as a war crime, and all Israeli administrators and soldiers who took

<sup>57</sup> Şarkul Evsat, "Gazze Belediyesi: 500 bin vatandaşımız açlık ve susuzluk tehlikesiyle karşı karşıya" (Access Date 11 December 2023).

<sup>58</sup> Bianet, "İsrail: Esirler bırakılmadan Gazze'ye elektrik, su ve yakıt yok" (Access Date 11 December 2023).

<sup>59</sup> Sputnik Türkiye, "İsrail savaş uçakları, Gazze Şeridi'nde su boru hatlarını bombaladı" (Access Date 11 December 2023).

<sup>60</sup> Politik Yol, "BM: 2 milyona yakın Filistinli yerinden oldu" (Access Date 11 December 2023).

<sup>61</sup> Anadolu Ajansı (AA), "İsrail'in Gazze'ye düzenlediği saldırılarda can kaybı 17 bin 997'ye yükseldi" (Access Date 11 December 2023).

decisions/participation in these attacks, especially Israeli Prime Minister Benjamin Netanyahu, who practices state terrorism, should be sued for the crime of war and genocide.

21. Staying silent<sup>62</sup> in the face of all these unlawful acts and genocide is a sufficient crime to be tried in the courts of conscience, and the international community must act sensitively and react to all the events.

22. The UN's ineffectiveness and failure to intervene while the hospitals it built were bombed<sup>63</sup> is a crime against humanity. The existence of the UN itself has become questionable.

23. It is a crime against humanity that the US administration provides unconditional financial, military and political support to the Israeli administration, despite its intolerance towards other beliefs, its bloody history, and its disregard for law and rules.<sup>64</sup> It is known that the USA supports some terrorist organizations such as PKK and YPG in various parts of the world.<sup>65</sup> It is a crime to export terrorism to other countries to protect its own expansionist interests and national interests. For this reason, the US administration is also complicit in the crime against humanity and genocide committed in Gaza, due to all its support to the Israeli occupation regime that implements state terrorism in Gaza.<sup>66</sup> All US administrators and military personnel who support Israel, especially President Biden, should be sued for war and genocide crimes.

24. In this process, seizing the natural gas reserves in Gaza,<sup>67</sup> which is seen as the main cause of the war, means usurping the natural resources of the people of Gaza, who are the real owners of this reserve, and is understood as a war crime. This issue should be included in the trial on the grounds that it is incompatible with human values, and the administrators and military staff of all countries that send warships to the region with the desire to obtain natural gas against Gaza and support Israel's terrorism should be sued for the crime of war and genocide.

25. While all the rights and freedoms of Gazans, including the right to life, are violated by the State of Israel, it is a crime against humanity for some state administrators in the EU, who defend human rights and freedoms, to make statements supporting the war crimes committed by Israel in Gaza.<sup>68</sup> This situation, which defends the crime and the criminal, should be recorded as a war crime, and all Israeli administrators and soldiers who took

<sup>62</sup> EBS Org (Eğitim Bir Sen), Soykırımı seyirci ve sessiz kalmak bu suçta ortak olmak demektir” (Access Date 11 December 2023).

<sup>63</sup> Patronlar Dünyası, “Erdoğan'dan "Soykırım" paylaşımı... BM etkisiz kaldı” (Access Date 11 December 2023).

<sup>64</sup> Euro News, “ABD Temsilciler Meclisi, İsrail'e yardım tasarısını onayladı” (Access Date 11 December 2023).

<sup>65</sup> Savuma Sanayi Org, “ABD'nin, DEAŞ'la Mücadele Bahanesiyle PKK/YPG Terör Örgütüne Desteği Sürüyor” (Access Date 11 December 2023).

<sup>66</sup> Mepa News, “ABD İsrail'in Gazze'deki soykırımına ortak” (Access Date 11 December 2023).

<sup>67</sup> Strasam, “Savaşın Bir Diğer Nedeni de Gazze'nin Akdeniz'deki Doğalgaz Yatakları mı?” (Access Date 11 December 2023).

<sup>68</sup> DW, “AB'de Ortadoğu çatlağı: Borrell'den uyarı” (Access Date 11 December 2023).

decisions/tasks in these attacks, especially Israeli Prime Minister Benjamin Netanyahu, who practices state terrorism, as well as the country leaders who support them, should be sued for the crime of war and genocide.

26. It is a crime against humanity for Muslim countries to turn a blind eye to the bombing of refugee camps right next to convoys of injured people. According to Islamic sources, the principle of "consent to oppression is oppression" is included.<sup>69</sup> According to this principle, for a just world, these leaders should also receive their share during the trial and be held accountable. This situation is important for a more livable world and should be recorded.

27. It is a crime against humanity that powerful states, artists, scientists, athletes, business people, clergy, journalists, public speakers, judges and prosecutors follow a policy of "Silent Condemnation"<sup>70</sup> in the face of the indescribable cruelty and unlawfulness committed by Israel against civilians. This situation should also be recorded during the trial.

28. It is obvious that all officials and journalists who provide misleading information in mass media and social media accounts<sup>71</sup> and support the actions of the genocidal Israeli terrorist state are complicit in the crime of genocide, and they must be identified and sued.

29. It is a clear crime and shame for up to 8 billion people that they could not even let aid vehicles carrying food and medicine into Gaza, and that aid was not delivered to babies whose arms and legs were severed by Israeli bombs.<sup>72</sup> An article should also be added for all humanity who remain silent in judgment.

30. For subsequent generations; This issue is very important for this situation to be a lesson, and the genocide committed by the Zionist Israeli administration in Gaza should be added to textbooks and taught in high schools.

#### **CONCLUSION AND RECOMMENDATIONS**

Genocide; It is a crime against humanity that disregards human dignity and is one of the most serious violations of human rights. It is a conscious, deliberate and systematic attempt to destroy a group on the basis of their nationality, ethnic origin, race, religion or political opinion. Acts of separating a society from its land and cultural ties, destroying or seizing living spaces are also included in the definition of genocide.

The United Nations General Assembly adopted the Convention on the Prevention and Punishment of the Crime of Genocide on 9 December 1948. The Convention is the first human rights document approved by the General Assembly. The main goal of the Convention is to establish international cooperation to protect humanity against the crime of genocide, which

<sup>69</sup> "Do not show the slightest inclination to the oppressors, lest the fire of Hell touch you too" (Surah al-Hud: 113)

<sup>70</sup> DAILYMOTION, Savaş Eğilmez, İsrail'e Sessiz Kalan Batı, 1'inci Dünya Savaşı'nda 80'den Fazla Sağlık Kuruluşunu Vurdu" (Access Date 11 December 2023).

<sup>71</sup> Yirmidört Tv, "İletişim Başkanı Altun: İsrail karşısında hakikat mücadelesini buldu" (Access Date 11 December 2023).

<sup>72</sup> Mecra, "İsrail, Gazze'ye insanî yardım girişlerine engel oluyor" (Access Date 11 December 2023).

causes great disasters for humanity. With the decision taken on 29 September 2015, the United Nations General Assembly declared 9 December, the day the Convention was adopted, as the "International Day of Remembrance and Honor of the Victims of the Crime of Genocide and the Prevention of this Crime" in order to raise awareness about the crime of genocide.

According to the Convention on the Prevention and Punishment of the Crime of Genocide defined as actions, committed with the intent to destroy, in whole or in part, a national, ethnic, racial or religious group; Killing members of the group, causing serious physical or mental harm to members of the group, deliberately changing the living conditions of the group in a way that will end their physical existence for all or part of the group, taking measures to prevent births of the group, forcibly transferring children of the group to another group constitute the crime of genocide. In this context, "Parts of State" are given the responsibility of preventing the crime of genocide and punishing those who commit this crime, those who participate in the crime, those who attempt to commit the crime, and those who cooperate in the commission of the crime.

Thousands of innocent civilians, including children and women, have lost their lives and hundreds of thousands of people have been left homeless in Israel's attacks against Gaza since October 7, 2023. Due to the bombardments that have continued for more than two months and targeted civilian places, places of worship, refugee camps and hospitals, people have been deprived of their basic human rights, especially the right to live, in open prison conditions in a narrow area. What happened in Gaza has turned into the crime of genocide according to the provisions of humanitarian law and international documents, especially the "Convention on the Prevention and Punishment of the Crime of Genocide". Killing Palestinians who are the targets of the attacks because they are of the same nation, ethnicity and religion, and trying to exile them from the region; Acts of knowingly making living conditions difficult by depriving them of water, food, fuel and all other human needs constitute the crime of genocide determined under the Convention. The world's silence about the human tragedy, and even the support of some states for the attack, is a violation of the responsibility to prevent the crime of genocide regulated under the Convention.

According to the decisions of the International Criminal Court, the Geneva and Hague Conventions, the UN Convention on Conventional Weapons, the reports of the Human Rights Watch, and human morality and conscience, those responsible for the massacre and unlawfulness in Gaza, those who ordered and supported them, should be held accountable in historical and conscientious terms. It is a moral and civil duty. Humanity must urgently fulfill this duty. All activities of the Israeli terrorist state, which is supported by the United Kingdom and the United States and has become a major problem in the Middle East, must be stopped. The international community should not ignore the human tragedy in Gaza, especially the active parties of the war, US President Joe Biden and the Israeli state terror executor. He should demand that all those responsible, including Benjamin Netanyahu, be held



accountable. Thus, following the process will prevent similar genocides from happening anywhere in the world from now on.

As one of the individuals who care about ensuring the right of individuals to be treated equally, based on human dignity, and preventing discrimination in enjoying legally recognized rights and freedoms; On the occasion of "December 9, International Day of Remembrance and Honor of the Victims of Genocide and the Prevention of This Crime", I respectfully commemorate all victims of genocide, especially in Gaza, and invite the international community to increase their joint efforts to end the human tragedy that amounted to genocide in Gaza.

#### DEDICATION

This article is dedicated to the scientists, students, health workers, religious officials, journalists, babies, children and innocent civilians who lost their lives as a result of Israel's brutal, barbaric, inhumane and illegal attacks on universities, schools, hospitals, refugee camps, homes, mosques and churches in Gaza. Israel's attempt to expel more than two million Gazans from their homes and lands is inhumane. All Israeli occupations and attacks that violate international law, human rights and freedoms are crimes and therefore Israel must be prosecuted.

Bu makale, İsrail'in Gazze'deki üniversitelere, okullara, hastanelere, mülteci kamplarına, evlere, camilere ve kiliselere düzenlediği vahşi, barbar, insanlık ve hukuk dışı saldırıları nedeniyle hayatını kaybeden bilim insanları, öğrenciler, sağlık çalışanları, din adamları, gazeteciler, bebekler, çocuklar ve masum sivillere ithaf edilmiştir. İsrail'in iki milyondan fazla Gazzeliyi evlerinden ve topraklarından sürgün etmek istemesi insanlık dışıdır. İsrail'in uluslararası hukuka, insan hak ve hürriyetlerine aykırılık içeren tüm işgal ve saldırıları suçtur ve bu nedenle yargılanması gerekmektedir.

هذه المقالة موجهة إلى العلماء والطلاب وعاملين في مجال الصحة ورجال الدين والصحفيين والرضع والأطفال والمدنيين الأبرياء الذين فقدوا حياتهم بسبب الهجمات الوحشية واللاإنسانية وغير القانونية التي شنتها إسرائيل على الجامعات والمدارس والمستشفيات ومحيمات اللاجئين والمنازل والجوامع والكنائس الموجودة في غزة. فما تريده إسرائيل من نفي وتهجير أكثر من مليوني فلسطيني من أراضيهم ومنازلهم هو أمر غير إنساني. إن كافة ما تفعله إسرائيل من هجمات تتنافى مع حقوق الإنسان والحريات والقانون الدولي هي جرائم ولهذا السبب يجب محاكماته

#### KAYNAKÇA / REFERENCES

- AA, Anadolu Ajansı. "İsrail güçleri Gazze'de 3342 çocuk öldürdü". Access Date 11 December 2023. <https://www.aa.com.tr/tr/vg/video-galeri/israil-gucleri-gazze-de-3342-cocuk-oldurdu/0>
- AA, Anadolu Ajansı. "İsrail'in saldırılarında Gazze'de 35 bin konut tamamen yıkıldı". Access Date 11 December 2023. <https://www.aa.com.tr/tr/dunya/israilin-saldirilarinda-gazgede-35-bin-konut-tamamen-yikildi/3042132>
- AA, Anadolu Ajansı. "İsrail, Gazze'de tarihi cami, kilise ve müzeleri hedef alarak kültürel mirası da yok ediyor". Access Date 11 December 2023. <https://www.aa.com.tr/tr/dunya/israil-gazgede-tarihi-cami-kilise-ve-muzeleri-hedef-alarak-kulturel-mirasi-da-yok-ediyor/3076138>

- AA, Anadolu Ajansı. “İsrail'in Gazze'ye düzenlediği saldırılarda can kaybı 17 bin 997'ye yükseldi”. Access Date 11 December 2023. <https://www.aa.com.tr/tr/dunya/israilin-gazze-ye-duzenledigi-saldirilarda-can-kaybi-17-bin-997-ye-yukseldi/3078903>
- Adalet Bakanlığı. “Lahey Sözleşmeleri”. Access Date 11 December 2023. <https://diabgm.adalet.gov.tr/arsiv/sozlesmeler/coktarafli-soz/lahey.html>
- Arı, Yılmaz. “Bir İnsanlık Suçu ve Soykırım Trajedisi: İsrail'in Filistinlilere Uyguladığı Devlet Terörü Nedeniyle Yargılanması Gerekliğine Dair Bir Değerlendirme”. *Darul Hadis İslami Araştırmalar Dergisi* 5 (Aralık 2023), 16-38. DOI: <https://doi.org/10.61216/darulhadisdergisi.1392165>
- Ataov, Türkkaya. “Savaş Suçları Uluslararası Mahkeme: Jenosit Oturumu”. *Ankara Üniversitesi SBF Dergisi* 23/02 (Şubat 1968), 319-333.
- Atvur, Senem. “21.Yüzyıl için ABD Güvenlik Politikası ve Büyük Orta Doğu Girişimi”. *Savunma Bilimleri Dergisi* 6/2 (2007), 1-16
- Aybar, Mehmet Ali. *Vietnam Günlüğü ABD'nin Vietnam'da İşlediği Savaş Suçlarına Karşı Russell Mahkemesi*. İstanbul: İletişim Yayınları, 2012.
- Azarkan, Ezeli. Hukuk Politik. “Uluslararası Ceza Mahkemelerinde Savaş Suçları”. Access Date 11 December 2023. <https://www.hukukpolitik.com.tr/2016/05/06/uluslararasi-ceza-mahkemelerinde-savas-suclari/>
- Bag, Mustafa. “İnsan Hakları İzleme Örgütü'nden İsrail'e 'Filistinlilere karşı apartheid' suçlaması”. Access Date 11 December 2023. <https://tr.euronews.com/2021/04/27/insan-haklar-izleme-orgutu-nden-israil-e-filistinlilere-kars-apartheid-suclamas>
- Bay, Doğançan. “11 Eylül Saldırılarının AB'nin Terörizmle Mücadelesine Etkileri”. *EURO Politika* 11 (2021), 56-63.
- BBC, “CPJ: 7 Ekim'den bu yana savaş bölgesinde 61 gazeteci öldürüldü”. Access Date 11 December 2023. <https://www.bbc.com/turkce/articles/c4n61j9lmg9o>
- Bianet. “İsrail: Esirler bırakılmadan Gazze'ye elektrik, su ve yakıt yok”. Access Date 11 December 2023. <https://bianet.org/haber/israil-esirler-birakilmadan-gazze-ye-elektrik-su-ve-yakit-yok-286223>
- Biçer, Rüştü Salim Savaş. “Modern Terörizmin Beşinci Dalgası: Devletlerin Uluslararası Terörizmle Mücadeleleriyle İş Birliğinin Sebepleri ve Sonuçları”. *Güvenlik Stratejileri Dergisi* 16/36 (Aralık 2020), 915-945.
- CNN Türk. “Gazze'de ateşkes bitti katliam başladı! İsrail mülteci kampını bombaladı: 100'den fazla kişi öldü”. Access Date 11 December 2023. <https://www.cnnturk.com/dunya/israil-multeci-kampini-bombaladi-100den-fazla-kisi-oldu>
- Courtois, Stéphane vd., *Komünizmin Kara Kitabı*. İstanbul: Felix Kitap, 2020.
- DAILYMOTION. Savaş Eğilmez. “İsrail'e Sessiz Kalan Batı, 1'inci Dünya Savaşı'nda 80'den Fazla Sağlık Kuruluşunu Vurdu”. Access Date 11 December 2023.
- Dış İlişkiler ve Avrupa Birliği Genel Müdürlüğü. “Uluslararası Ceza Mahkemesi (UCM)”. Access Date 11 December 2023. <https://diabgm.adalet.gov.tr/Home/SayfaDetay/uluslararasi-ceza-mahkemesi-ucm28022020101834>
- Dünya Gazetesi. “İsrail Gazze'de hastane vurdu: 500 ölü”. Access Date 11 December 2023. <https://dunya.com/dunya/israil-gazgede-hastane-vurdu-500-olu-haberi-708111>
- Diyanet Haber. “İşgalci İsrail, Gazze'de 31 camiyi tamamen yıktı”. Access Date 11 December 2023. <https://www.diyanethaber.com.tr/ishgalci-israil-gazgede-31-camiyi-tamamen-yikti>
- DW. “AB'de Ortadoğu çatlağı: Borrell'den uyarı”. Access Date 11 December 2023.

- <https://www.dw.com/tr/abde-ortado%C4%9Fu-%C3%A7atla%C4%9F%C4%B1-borrelden-uyar%C4%B1/a-67189323>
- Eğitim Bir Sen (EBS Org). “Soykırımı seyirci ve sessiz kalmak bu suça ortak olmak demektir”. Access Date 11 December 2023. <https://www.ebs.org.tr/manset/5922/soykirima-seyirci-ve-sessiz-kalmak-bu-suca-ortak-olmak-demektir>
- Erdem, Orhan - Özdemir, Habip. “Terror And Terrorism: A Multi-Dimensional Evaluation”. *Elektronik Sosyal Bilimler Dergisi* 8/30 (2009), 266-278.
- Ersoy, Uğur. “Terörizm ve Nefret Suçları Arasındaki Tetikleme Etkisi”. *Ankara Barosu Dergisi* 2 (2018), 145-170.
- Euronews. “Hamis-İsrail Savaşı: Nasıl başladı, ilk ayında neler yaşandı?”. Access Date 3 December 2023. <https://tr.euronews.com/2023/10/15/hamasin-silahlı-kanadı-gazzenen-İsrail-rocket-saldırısı-başlattı>
- Euro News. “ABD Temsilciler Meclisi, İsrail'e yardım tasarısını onayladı”. Access Date 11 December 2023. <https://tr.euronews.com/2023/11/03/abd-temsilciler-meclisi-İsrail-yardım-tasarısını-onayladı-ukrayna-ve-gazze-plan-disında-k>
- Fikir Turu, “Filistin-İsrail çatışmasının tarihçesi”. Access Date 3 December 2023. <https://fikirturu.com/jeo-strateji/filistin-İsrail-catışmasının-tarihçesi/>
- Gül, Ali Rıza. “Şiddeti Tanımlamak: Geniş Tabanlı Bir Yaklaşım”. *International Journal of Social and Humanities Sciences Research (JSHSR)* 8/77 (2021), 3164–3178.
- Gül, Ali Rıza. “Kur’ân’ın Şiddet Ve Terörü Reddeden Lafızları”. *Eskişehir Osmangazi Üniversitesi İlahiyat Fakültesi Dergisi* 4/7 (Aralık 2017), 35-58.
- Güzel, Cemal. “Korkunun Korkusu: Terörizm”. *Silinen Yüzler Karşısında Terör*. compiled by. Cemal Güzel. Ankara: Ayraç Yayınevi, 2002.
- Haber Global. “İsrail Gazze'de ambulans konvoyunu vurdu: Çok sayıda can kaybı var”. Access Date 11 December 2023. <https://haberglobal.com.tr/dunya/israil-gazgede-ambulans-konvoyunu-vurdu-cok-sayida-can-kaybi-var-293467>
- Halk Tv. “İsrail fosfor bombası kullandı' iddialarını İnsan Hakları İzleme Örgütü doğruladı!”. Access Date 11 December 2023. <https://www.youtube.com/watch?v=kJi4TKRhgkM>
- Hayati Hazır. “Demokrasi ve Siyasi Terör”. *Selçuk Üniversitesi Hukuk Fakültesi Dergisi* 3/1 (Haziran 1990), 35-49.
- Hukuk Ansiklopedisi. “Kimyasal Silahların Önlenmesi Sözleşmesi (CWC). Access Date 11 December 2023. <https://hukukbook.com/kimyasal-silahların-onlenmesi-sozlesmesi-cwc/>
- Okumuş, Namık Kemal. “Gün Ve Geleceği İskalama Tercihinin Aşkın Formu: Kutsal Gelenek Perspektifi”. *Uluslararası Dorlion Akademik Sosyal Araştırmalar Dergisi (DASAD)* 1/1 (June 2023), 24–47. <https://doi.org/10.5281/zenodo.8057481>
- Önen, Nilüfer. “Soykırım Yapan Devlet Terörizmi: Ruanda Örneği”. *Africana* 3/1 (2023), 18-35.
- Örgün, Faruk. *Küresel Terör*. İstanbul: Okumuş Adam Yayınları, 2001.
- Özata, Cüneyt. “Yanlışlıklar (Terör) Komedi - Martin McDonagh'ın Korkutan Şiddeti”. *Atatürk Üniversitesi Sosyal Bilimler Enstitüsü Dergisi*, 16/3 (2013), 185-196.
- Özyalçın, Özgenur. “Tarih ve İktisadi Açılardan Cezayir - Fransa İlişkileri”. *Maliye Çalışmaları Dergisi* 69 (2023), 163-185.
- Kayıtmazbatır, Güzide. “Terörizmin Tarihinde Görmezden Geline Bir Olgı: Devlet Terörü”. *Akdeniz Üniversitesi Sosyal Bilimler Enstitüsü Dergisi* 13 (2023), 147-166.

- Mecra. “İsrail, Gazze'ye insanî yardım girişlerine engel oluyor”. Access Date 11 December 2023. <https://www.gzt.com/mecra/israil-gazze-ye-insan-yarim-girislerine-engel-oluyor-3771421>
- Medyascope.tv. “İsrail ordusu Gazze'de ambulans konvoyunu vurdu, en az 15 kişi hayatını kaybetti”. Access Date 11 December 2023. <https://medyascope.tv/2023/11/04/israil-ordusu-gazgede-ambulans-konvoyunu-vurdu-en-az-15-kisi-hayatini-kaybetti/>
- Mepa News. “ABD İsrail'in Gazze'deki soykırımına ortak”. Access Date 11 December 2023. <https://www.mepanews.com/analiz-abd-israilin-gazdedeki-soykirimina-ortak-63223h.htm>
- Patronlar Dünyası. “Erdoğan'dan "Soykırım" paylaşımı...BM etkisiz kaldı”. Access Date 11 December 2023. <https://www.patronlardunyasi.com/haber/erdogan-dan-soykirim-paylasimi-bm-etkisiz-kaldi/293225>
- Politik Yol. “BM: 2 milyona yakın Filistinli yerinden oldu”. Access Date 11 December 2023. <https://www.politikyol.com/bm-2-milyona-yakin-filistinli-yerinden-oldu/>
- Rençber, Fevzi. “İslam Birliği İnşasında Bir Engel Olarak Mezhep-Cemaat Taassubu Ve Çözüm Yolları”, *e-Makalat Mezhep Araştırmaları Dergisi* 10/1 (Haziran 2017), 77-102. <https://doi.org/10.18403/emakalat.303020>.
- Sabah. “İsrail sivilleri hedef aldı! Gazze'de son durum açıklandı”. Access Date 11 December 2023. <https://www.sabah.com.tr/dunya/israil-sivilleri-hedef-aldi-gazgede-son-durum-aciklandi-cok-sayida-olu-ve-yarali-var-6654487>
- Sağlık Aktüel. “İsrail, Gazze'de hamile bir kadını iki çocuğuyla öldürdü”. Access Date 11 December 2023. <https://www.saglikaktuel.com/haber/israil-gazgede-hamile-bir-kadini-iki-cocuguyla-oldurdu-93098.htm>
- Saraçlı, Murat. “Uluslararası Hukukta Terörizm”. *Ankara Hacı Bayram Veli Üniversitesi Hukuk Fakültesi Dergisi* 11/1 (Haziran 2007), 1049-1078.
- Savuma Sanayi Org. “ABD'nin, DEAŞ'la Mücadele Bahanesiyle PKK/YPG Terör Örgütüne Desteği Sürüyor”. Access Date 11 December 2023. <https://www.savunmasanayi.org/abd-nin-deas-la-mucadele-bahanesiyle-pkk-ypg-teror-orgutune-destegi-suruyor/>
- Shaw, Stanford J., *Yahudi Soykırımı ve Türkiye*, çev.: Prof. Dr. Fahir Armaoğlu. İstanbul: TİMAŞ Yay. 2014.
- Sputnik Türkiye. “İsrail savaş uçakları, Gazze Şeridi'nde su boru hatlarını bombaladı”. Access Date 11 December 2023. <https://sputniknews.com.tr/20231210/israil-savas-ucaklari-gazze-seridinde-su-boru-hatlarini-bombaladi-1078269201.html>
- STRASAM. “Savaşın Bir Diğer Nedeni de Gazze'nin Akdeniz'deki Doğalgaz Yatakları mı?”. Access Date 11 December 2023. <https://strasam.org/ua-iliskiler/uluslararasi-sorunlar/savasin-bir-diger-nedeni-de-gazzenin-akdenizdeki-dogalgaz-yataklari-mi-2470>
- Şarkul Evsat, “İsrail Gazze'de sivillerin sığındığı tarihi kiliseyi bombaladı”. Access Date 11 December 2023). <https://turkish.aawsat.com/arap-dunyasi/4616456-israil-gazgede-sivillerin-sigindiği-tarihi-kiliseyi-bombaladı>
- Şarkul Evsat. “Gazze Belediyesi: 500 bin vatandaşımız açlık ve susuzluk tehlikesiyle karşı karşıya”. Access Date 11 December 2023. <https://turkish.aawsat.com/arap-dunyasi/4717791-gazze-belediyesi-500-bin-vatandasımız-açlık-ve-susuzluk-tehlikesiyle-karşı>
- Temizkan, Abdullah – Shakirov, Elchin. “Rusya'nın Kafkasya Siyaseti Üzerindeki Stalin Gölgesi”. *Cihannüma Tarih Ve Coğrafya Araştırmaları Dergisi* 3/2 (Aralık 2017), 139-162.
- TERAM, Terörizm ve Radikalleşme ile Mücadele Araştırma Merkezi. Kavram Kutusu, “Kavramsal Çerçeve de Terör ve Terörizm”. Access Date 10 December 2023.

<https://teram.org/Icerik/kavramsal-ercevede-teror-ve-terorizm-42>

TRT Haber. "İsrail güçleri, bir yaşını doldurmamış 133 bebeği öldürdü". Access Date 11 December 2023.

<https://www.trthaber.com/haber/dunya/israil-gucleri-bir-yasini-doldurmamis-133-bebegi-oldurdu-808486.html>

TRT Haber. "Filistinli STK'lar: İsrail Ofer Hapishanesindeki Gazzeli esirlere karşı korkunç suçlar işliyor".

Access Date 11 December 2023. <https://www.trthaber.com/haber/dunya/filistinli-stklar-israil-ofer-hapishanesindeki-gazzeli-esirlere-karsi-korkunc-suclar-isliyor-819076.html>

Terör Çalıştayı Raporu. *Uluslararası Terörizm ve Güvenlik Araştırmaları Merkezi (UTGAM)*. Ankara: Polis Akademisi Yayınları, 2017.

Uslu, Nasuh. "Körfez Savaşı Ve Amerika'nın Politikaları". *Ankara Üniversitesi SBF Dergisi* 54/3 (Şubat 2015), 165-199.

Yalın, Damla. "32. Yılında Tiananmen Katliamı". *21. Yüzyıl Türkiye Enstitüsü*. Access Date 10 December 2023. [https://21yyte.org/tr/fikir-tanki/32-yilinda-tiananmen-katliami#google\\_vignette](https://21yyte.org/tr/fikir-tanki/32-yilinda-tiananmen-katliami#google_vignette)

Yetgin, Muhammed Ali - Baştuğ, Mithat, "Devlet Terörizmi Bağlamında Tarihsel Vakaların İç ve Dış Etkilerinin Analizi: BM Güvenlik Konseyi Üyeleri Örneği". *İstanbul Aydın Üniversitesi Sosyal Bilimler Dergisi* 13/4 (2021), 955-980.

Yirmidört Tv. "Gazze'de 3 bin 117 öğrenci öldürüldü, 608 bin öğrenci okula gidemiyor". Access Date 11 December 2023. <https://www.yirmidort.tv/dunya/gazze-3-bin-117-ogrenci-olduruldu-608-bin-ogrenci-okula-gidemiyor-133275>

Yirmidört Tv. "İletişim Başkanı Altun: İsrail karşısında hakikat mücadelesini buldu". Access Date 11 December 2023. <https://www.yirmidort.tv/gundem/iletisim-baskani-altun-israil-karsisinda-hakikat-mucadelesini-buldu-139453>

World Socialist Web Site. "Yavaş ölüm": İsrail Gazze soykırımında hastalığı silah olarak kullanıyor". Access Date 11 December 2023. <https://www.wsws.org/tr/articles/2023/11/29/mliq-n29.html>