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WHAT ARE ISRAEL'S CRIMES?

Israel has been committing horrific crimes and disregarding international law since 1947 and especially since October 7. The state of Israel violates even the general principles of international law. At first glance, it can be said that it violates at least three of these general principles, which can be listed as good faith, non-intervention, pacta sunt servanda, sovereignty and prohibition of the use of military force. As a matter of fact, Israel violates the principle of pacta sunt servanda by failing to fulfill its responsibilities to the UN Charter as a UN member state, the principle of sovereignty by annexing Palestinian territories, and the prohibition of the use of force by targeting children, women, the sick and the elderly in Palestinian territories.

While Israel's crimes are recognized by the majority of states and the world community, there is a naming problem regarding the scope of the crimes. Officials of many states say that Israel is committing crimes against humanity and even genocide. The Republic of Türkiye has taken many diplomatic steps to resolve the Israeli-Palestinian conflict and stop Israel's aggression. President Erdogan has also announced that they have launched an effort to name Israel's crimes so that they are widely recognized as genocide. When Israel's crimes are so obvious, it is extremely wrong to think that it does not matter what they are called. Indeed, international crimes such as crimes against humanity and genocide have a different

place in international law and their punishments are differentiated. Accordingly, it is important to examine the place of the relevant crimes in international law.

In international law, war crimes, crimes against humanity, crimes of genocide and crimes of aggression fall within the scope of international crimes. Among these, war crimes are listed as 40 separate acts in Article 8 of the Statute of the International Criminal Court (Rome Treaty). Here, it would be meaningful to address the acts that are important for our subject. These are, in general, intentional killing; torture; injury; deportation; attack on civilian targets not for military purposes; intentional attack on officials, supplies, facilities, vehicles or troops allocated to peacekeeping or humanitarian assistance according to the UN Charter; bombing or other means of attacking settlements that are not military targets; settlement of the occupying state's own population in occupied territories and expulsion of the population of the occupied state; deliberately attacking non-military religious, educational, artistic, scientific and charitable buildings, hospitals, places where the sick and wounded gather; the use of poison or poisonous weapons; the starvation of civilians and its use as a method of warfare; the denial of aid provided under the Geneva Conventions.

It is well known that Israel has killed thousands of civilians, mostly women, children and the sick, since October 7 alone, in addition to what it has been doing for years. It has targeted buildings where civilians live, refugee camps. It has bombed hospitals, health centers, ambulances. In addition to forcing the Palestinian population to migrate by settling Israeli settlers on Palestinian lands for years, it

has recently forced people to migrate to the south of Gaza, but has also bombed them during this migration. The use of phosphorus bombs has been reported by international organizations. All these crimes fall within the scope of the war crimes mentioned above.

Crimes against humanity are also regulated in Article 7 of the International Criminal Court (ICC) Statute. These are various crimes such as killing, mass extermination, deportation of populations, torture "committed as part of a widespread and systematic attack against any civilian population".

The condition of being "part of a widespread and systematic attack", which distinguishes crimes against humanity from war crimes, can be seen in all of Israel's criminal acts when the entire Israeli-Palestinian war is considered. Crimes against humanity should not be confused with genocide. As a matter of fact, genocide crimes involve the killing of a member or members of an ethnic, religious, racial or national group with the aim of completely or partially destroying that group, whereas in crimes against humanity, the victim is the individual and the target of these crimes is not the group.

Another title, which is one of the international crimes and which needs to be examined for our subject, is the crime of genocide. The crime of genocide was first defined in the Convention on the Prevention and Punishment of the Crime of Genocide adopted by the UN General Assembly in 1948. Subsequently, these crimes were listed in Article 6 of the ICC Statute, which entered into force in 2002. Accordingly, crimes of genocide are acts committed with the intent to destroy, in whole or in part, an ethnic, religious, racial

or national group. These are acts such as genocide by killing members of the group, genocide by causing serious mental or physical harm to members of the group, genocide by altering the living conditions of the group in order to destroy it in whole or in part. The state itself cannot be prosecuted for these crimes, but the ICC can prosecute the state officials who took the decision.

The crimes of the state of Israel are committed against the Palestinian nation, the Palestinian Arab ethnicity, and Muslims of the Islamic religion. Israel's goal is the total or partial destruction of a nation, ethnic and religious group. For this purpose, it has cut off Gaza's water, electricity and fuel, making life impossible. In recent days alone, it has demonstrated its desire for mass murder by killing more than fourteen thousand members of the same group and wounding thousands more.

All these crimes can be judged by the International Criminal Court. But the Court can only convict nationals of states party to the Treaty of Rome. On 22 January 2009, Palestine applied to the ICC and declared its recognition of the court's jurisdiction. The ICC accepted Palestine as a party. There is even a Palestinian case against Israel for crimes against humanity before the ICC today. But Israel is not a party to the Treaty. This means that the ICC has no right to convict Israeli officials. Moreover, since Israel does not cooperate with the Court during the trial process, it is difficult to collect evidence.

Of course, it should be added that there is widespread state consensus on most of the provisions in the ICC Statute mentioned above. Moreover, all these provisions, although not fully contained in the UN

Charter, do not contradict or conflict with the Charter. Although Israel cannot be bound by the ICC's decisions because it is not a party, the UN can take the initiative in this regard. Indeed, the UN previously established the International Criminal Tribunal for the Former Yugoslavia to investigate crimes in the former Yugoslavia. The Tribunal sentenced Radovan Karadzic, the President of the Republic of Serbia during the Bosnian war, and several other officials to prison for genocide, crimes against humanity and war crimes. Israeli state officials and others responsible for these crimes could also be tried in a court established by a UN resolution.

Since the ICC, or a tribunal to be established specifically for the Israeli-Palestinian war, like the one for Bosnia, will not try states, but the officials who took decisions that constitute war crimes, crimes against humanity and genocide, it is meaningful that President Erdoğan targets Netanyahu in this sense and makes statements regarding his crimes. As a matter of fact, Netanyahu and other officials are the decision makers of all the crimes we mentioned against the Palestinians.

The Republic of Türkiye is a signatory to the Rome Treaty but is not a party to the ICC as it has not completed the ratification procedure in domestic law. In this case, it can be assumed that Türkiye's policy of spreading the acceptance of Israel's committing genocide crimes will be carried out mostly through the states party to this treaty and through the UN. Regardless of the route, the recognition of Israel's commission of genocide, crimes against humanity and war crimes are important in terms of the sanctioning power of international law. Indeed, unlike domestic

law, international law has a very limited enforcement power. In this context, international courts have great importance. It is expected and probable that Israel's genocide will be tried by the courts even within this system. For this reason, it is important for international institutions to report these crimes, for states to name these crimes through diplomatic channels and to play a role compelling the UN to take action, making prosecution compulsory.



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