

# GAZA BETWEEN VIOLATIONS AND OMISSIONS

## ISRAEL ATTACKS AND HUMANITARIAN CRISIS

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## **CONTENTS**

- 1** SUMMARY
- 3** INTRODUCTION
- 3** PALESTINIAN-ISRAEL ISSUE: A BRIEF HISTORY OF THE ORIGINS OF THE CONFLICT
- 6** THE WORLD'S BIGGEST "OPEN AIR PRISON": GAZA
- 7** ISRAEL'S ATTACKS ON GAZA: A CHRONOLOGICAL OVERVIEW
- 12** OCTOBER 7 ATTACKS AND THE HUMANITARIAN SITUATION IN GAZA
- 14** LEGAL DIMENSION OF ISRAEL'S ATTACKS
- 16** HUMANITARIAN CORRIDOR: DEFINITION AND EXAMPLES
- 17** ACCESS TO HUMANITARIAN AID IN THE CONTEXT OF FUNDAMENTAL HUMAN RIGHTS
- 18** ACCESS TO HUMANITARIAN AID IN THE CONTEXT OF HUMANITARIAN LAW AND THE LAW OF ARMED CONFLICT
- 20** ATTITUDE OF THE INTERNATIONAL COMMUNITY
- 21** CONCLUSION: AS DEMONSTRATED AND RECOMMENDATIONS
- 24** ENDNOTES


## SUMMARY

Since 2007, Israel has been imposing a very intense blockade on Gaza by land, air and sea. On October 7, 2023, it launched an air, land and sea attack on Gaza, where more than 2,3 million people live. Then, on October 9, Defence Minister announced that Israel started a “complete siege” on Gaza, cut off electricity and water to the Gaza Strip, and prevented the entry of all kinds of goods, including food, fuel and health equipment, and people.<sup>1</sup>

It has been a continuous war that started with the declaration of the State of Israel in 1948 and continued with the 1948 First Arab-Israeli War, 1956 Suez War, 1967 Six-Day War, 1969-70 War of Attrition, 1973 Yom Kippur War, 1982 Lebanon War, and 1991 Gulf War.<sup>2</sup> Gaza is one of the regions where the Israeli-Palestinian

conflict, which continues in a state of war, is most violent. Israel withdrew from Gaza in 2005. Hamas, which won the elections held after Israel’s withdrawal, succeeded in establishing its political and military rule in Gaza. Hamas’s rule in Gaza caused Israel to initiate a blockade of Gaza in 2007, which still continues.

Humanitarian crisis in Gaza, where the civilian population is forced to live without safety under heavy bombardment, is getting deeper due to the civilian infrastructure targeted by Israel and the siege. In addition to all these attacks, Israel also prevents humanitarian aid from reaching the region. Israel’s embargo and siege of Gaza is seen as a form of collective punishment contrary to international law, especially the Fourth Geneva Convention, by many human rights



groups, international community representatives and lawyers. It means that Israel, as the occupying power, is responsible for all violations in the region.<sup>3</sup>

In addition to this blockade, there have been ongoing conflicts between Israel and the Qassam Brigades, the armed wing of Hamas and considered the army of Gaza, since 2006. While Israel targets civilians and infrastructure with its air strikes, Hamas, in retaliation for these attacks, launches missile attacks on Israeli cities close to Gaza with missiles it has manufactured with its own means.

In this entire process, those who suffer the most are civilians. Particularly children, the elderly, women and disabled people are among the groups most affected by attacks. There is a

deep humanitarian crisis in Gaza, especially after October 7, 2023, due to the difficulties in the entry of basic necessities to the region because of humanitarian aid activities to Gaza are blocked by Israel. According to the European Commission, Palestinians are “denied adequate housing, access to services while subjected to forced evictions and movement restrictions.”<sup>4</sup>

Preventing access to humanitarian aid in times of war and armed conflict is not only a crime against humanity, but also an international crime. International law rules and norms regarding this issue are quite clear. In this context, it can be said that the creation of humanitarian aid corridors to ensure the evacuation of civilians in war and conflict zones and their access to basic humanitarian needs is a legal obligation as well as a humanitarian one.

## INTRODUCTION

The Al-Aqsa Flood operation, which the Qassam Brigades declared was a retaliation for the Jewish raids on the Al-Aqsa Mosque, the increase in violence against Palestinians by Jewish settlers in the West Bank and East Jerusalem, and the ill-treatment of Palestinian prisoners held in Israeli prisons, has turned into a tragedy with Israel's unlawful attacks on Gaza.

However, Israel's attacks on Gaza pre-date October 7. Israeli troops withdrew from Gaza, which it occupied until 2005, and after Hamas won the elections in Gaza in 2006, they resumed their blockade and attacks on Gaza. The Gaza and Israel issue can be considered as a part of the Israel-Palestine issue, which has a history of more than a century. Israel, which uses different methods for occupation and annexation in the West Bank and Jerusalem, aims to forcibly displace the Palestinians in this region and occupy this region through an illegal blockade in Gaza that has lasted for 17 years and attacks that have caused the loss of tens of thousands of civilians.

Rather than providing a detailed analysis of the Israel-Palestine issue and the history of conflicts between Israel and Hamas, this report aims to provide a brief explanation of the origins of the conflict and informative content about the Israeli attacks on Gaza, the deaths and destruction caused by these attacks, and the legal dimension of the attacks.

Furthermore, the attacks that started on October 7, 2023, the current situation in Gaza and the reaction of the international community will also be discussed in the report. Moreover, suggestions and information about the humanitarian aid corridor, which is seen as a necessity regarding the current humanitarian crisis in Gaza, are also included in the report. In addition to secondary sources such as documents and reports in the relevant literature, the report also includes information obtained from various people and institutions in the field.

## PALESTINIAN-ISRAEL ISSUE: A BRIEF HISTORY OF THE ORIGINS OF THE CONFLICT

Israel declared its existence as a state in 1948 with the support of Western countries, especially the UK. Before this date, the region was under the control of the UK, which managed to dominate the Ottoman Empire in the First World War. While the majority group in the region at that time was Arabs, Jews were a minority along with some other ethnic groups. On November 1917, following the letter known as the Balfour Declaration, which was written by the British Foreign Secretary Arthur Balfour to Lord Rothschild, one of the leaders of the British Jewish community, to be delivered to the Zionist Federation of Great Britain and Ireland, Britain decided to establish a state in Palestine for the Jews. With



Map: Gaza and Occupied West Bank (Map Design: Esra Tatli)

the emergence of his promise to establish a state, the tension in the region gradually increased.

This declaration was dominated by the Biblical Palestine principle of “the establishment of a national home for the Jewish people”.<sup>5</sup> Also, the declaration, which included the plans for Palestine under British mandate, was also approved by the League of Nations (later to become the United Nations), which was established in 1922. However, on the one hand, the Zionists, who claimed that the region was promised to them by God, and on the other hand, the Palestinians, who had been living in this region for generations throughout history, claimed rights over these lands, sparking a conflict between these two groups that will continue until today.

After the 1920s, an increase in the Jewish population in the region was observed due to Jews escaping from the pogroms in Russia and the Holocaust during the Second World War. During this period, in addition to the conflicts between Jews and Arabs, these two people also took actions against Britain, which controlled the region. It is known that during this period, Jews committed many terrorist acts against the British in the region. The Irgun Movement, which sees “political violence and terrorism” as “legitimate tools in the Jewish national struggle for the Land of Israel”, has come to the fore as the most important actor carrying out these terrorist acts.<sup>6</sup>

In 1947, issue between Palestinians and Jews came to the UN agenda for

the first time with resolution 181 (II) as the Palestine Question. With the decision in question, the UN General Assembly adopted the decision to divide Palestine into two states, as Arab and Jewish states, and to make Jerusalem an international city with a special status.<sup>7</sup> Although this plan was accepted by the Jews, the Palestinians, whose lands would be taken away, did not accept this plan.

Realizing that the increasing attacks against it in the region and the Palestine Question had become a growing issue, Britain decided to withdraw from the region, and the Zionist leaders took action upon this, David Ben-Gurion declared the State of Israel on 14 May 1948, the day the British Mandate ended. The declaration of the State of Israel was announced 8 hours before the official end of the British Mandate.<sup>8</sup> However, this new-

ly declared state was not recognized by the Arab states in the region as well as the Palestinians, and only one day later, 5 Arab states in the region (Egypt, Iraq, Jordan, Lebanon, and Syria) declared war on Israel.<sup>9</sup>

When the war and conflicts ended a year later, Israel had expanded its territory. In addition, Jordan occupied the West Bank region and Egypt occupied Gaza. Jerusalem was divided between Israeli forces in the West and Jordanian forces in the East. During this war, 750 thousand of the Palestinian population of 1.9 million were forced to leave their homes by Israeli forces. This event was later known as Nakba (Catastrophe).<sup>10</sup> Since this war did not end with a peace agreement, conflicts continued, albeit at a low level, in the following years. In 1967, another war, also known as the Six-Day War, broke out. As a result of this war, Israel occupied East Jerusalem and the West Bank, as well as most of the Syrian Golan Heights, Gaza and the Egyptian Sinai peninsula.<sup>11</sup> In addition to the refugees who had to leave their homes due to these wars and conflicts, many of the Palestinians who were born as refugees live in Gaza and the West Bank, as well as in neighboring countries such as Jordan, Lebanon and Egypt. These Palestinian refugees are prevented by Israel from returning to their homes from which they were forcibly removed.

In addition to its attacks on Gaza, Israel is still gradually annexing and



The Nakba, which means “catastrophe” in Arabic, refers to the mass displacement and dispossession of Palestinians after declaration of Israel in 1948.



occupying the West Bank today. It wants to claim all of Jerusalem and make this city its capital. Despite this attitude, which is completely against international law, some countries such as the USA continue to support Israel.

Over the last 50 years, Israel has built more than 300 settlements in the West Bank and East Jerusalem, where more than 700 thousand Jewish settlers live. According to many decisions taken by the UN and international law, all of these settlements are illegal<sup>12</sup> and the Jewish settlers living here are therefore in the status of occupiers.

### **THE WORLD'S BIGGEST "OPEN AIR PRISON": GAZA**

Gaza, also known as the Gaza Strip, is a narrow strip of land located on the eastern coast of the Mediterranean, bordered by Egypt to the southwest and Israel to the east and north. It is approximately 40 km long and 10 km wide. 2.3 million people live in such a small area. This has made Gaza one of the most densely populated places in the world. The region, which was controlled by Egypt for 19 years after the war in 1948-49, was occupied by Israel in 1967, and this occupation lasted until 2005. Israel, which built Jewish settlements in Gaza during this period, realized that it could no longer keep the region under its control and decided to withdraw its soldiers and settlers from the region in 2005.<sup>13</sup>

Hamas won the elections held on January 25, 2006, with the withdrawal of Israel from Gaza. Entering these Palestinian parliamentary elections under the name Change and Reform, Hamas won 44.5% of the votes and won 74 of the 132 seats in the Parliament.<sup>14</sup>

The Carter Centre and the National Democratic Institute (NDI) considered the 2006 elections to have "compared favorably to international standards... with polling results reflect[ing] the will of the people". The EU held a similar view, describing them as "another important milestone in the building of democratic institutions. These elections saw impressive voter participation in an open and fairly-contested electoral process that was efficiently administered by a professional and independent Palestinian Central Elections Commission (CEC)." Ultimately, however, the US-led Quartet boycotted the Hamas-led government.<sup>15</sup>

After this date, Hamas was boycotted by the USA, the EU and some countries. On the other hand, conflicts began between Fatah, the other important power in Gaza, and Hamas, and as a result of these conflicts, Hamas took over the administration of Gaza.

Beside, there have been many clashes between Israel and Hamas forces, which have completely blockaded Gaza, and Israel has carried out air and land operations against Gaza many times. However, in these operations carried out by Israel, civilian sensitivity was not taken into account and

many attacks were carried out contrary to international law.

## **ISRAEL'S ATTACKS ON GAZA: A CHRONOLOGICAL OVERVIEW**

The Israeli Occupation Forces withdrew from the Gaza Strip in 2005 and evacuated the settlements that were there. Since that withdrawal, they have carried out military operations in the Gaza from time to time, some of which turned into wars that lasted weeks and left thousands of dead. Gaza, which is the most densely populated area in the world, inhabited by 2.3 million Palestinians, has been subjected to several Israeli attacks over the years, some in which the occupation assassinated leaders of Palestinian resistance movements, and some in which it sought to recover its captives held by the resistance, especially soldier Gilad Shalit, whom it captured. Resistance in June 2006. After the Hamas took control of the Gaza Strip in June 2007, in September 2007 Israel declared Gaza a "hostile entity," and in October of the same year it imposed a comprehensive siege on it. Below are the most prominent wars launched by Israel against the Gaza Strip since its siege.

**2006: Operation Summer Rains:** 2006 Gaza-Israel conflict, referred to as Operation Summer Rains in Israel, consisted of a series of clashes between Palestinian militants and the Israel Defense Forces (IDF) during the summer of 2006. It was triggered by the capture of Israeli soldier Gilad



Gaza, which is the most densely populated area in the world, inhabited by 2.3 million Palestinians, has been subjected to several Israeli attacks over the years.

Shalit by Palestinian militants on June 25, 2006.

According to data passed on UN's Gaza strip situation report, published on 7 August 2006, 39 Palestinians, including 9 children, lost their lives, with 134 individuals sustaining injuries. Since the start of Operation Summer Rains on June 28, 184 Palestinians, including 42 children, have died, and 650 have been injured. Up to 3,400 Palestinians sought shelter in UNRWA installations due to IDF attacks. Estimated damages to Gaza's infrastructure from IDF actions reached \$15.5 million. Six Palestinian homes were destroyed by Israeli airstrikes, totaling 12 demolished by the Israel Air Force. Preliminary UNDP evaluations indicated \$15.5 million in infrastructure damage.

On 18 July 2006, 40 Palestinians, 9 of them were children, were killed, and 135 Palestinians and 11 internationals,

including 3 journalists, were injured. Three houses were demolished, and 17 were damaged in the Gaza strip. On 27 July 2006 reports shows that approximately one-quarter of the 150 Palestinians killed were children, with at least 541 Palestinians injured. Ninety-seven families abandoned homes near As-Shoka due to IDF shelling. Significant casualties occurred during the IDF incursion into Maghazi camp, causing extensive damage.

### 2006: Operation Autumn Clouds:

During Operation Autumn Clouds, the Israeli army occupied the zone for six days, imposing a 24-hour curfew and destroying infrastructure while cutting off water, electricity, and health services. Crimes included premeditated shelling of houses, targeting medical crews, and shelling schools. Final death toll was 104 Palestinian deaths, with over half being civilians, including 18 women and 10 children, and around 346 injuries. Notably, a women’s demonstration on November 3 led to the death of Rawda Jaber and injuries to seven others.

### 2008-2009: Operation Hot Winter and Operation Cast Lead:

On 27 February 2008, Israel launched Operation Hot Winter in response to Gaza rocket fire. 111 Palestinians, at least half of whom were civilians, were killed and over 400 Palestinians, mostly civilians, were wounded. Israel launched Operation Cast Lead on 27 December 2008, the Gaza Strip had

been under varying degrees of closure. Social and economic conditions in the Strip in late 2008 were dire. According to the Palestinian Centre for Human Rights, 1,417 people were killed, including 926 civilians, 255 civil police not engaged in hostilities, and 236 fighters. Among the civilians, 313 children were killed. 116 women, and at least 7 medical workers were also killed by attacks. Estimate of total Palestinians wounded was over 5 thousands, some 6,400 Palestinian homes were destroyed and 46 thousands heavily damaged, leaving 100 thousands Palestinians homeless. Government installations, educational and religious institutions, industrial facilities, and public infrastructure were devastated, with total property damage estimated at \$1.6–\$1.9 billion.



Source: UN Ocha, 2023

## **2012: Operation Returning Echo and Operation Pillar of Defense:**

In November 2012, Israel conducted a significant military operation in the Gaza Strip, encompassing eight days of airstrikes, naval attacks, and artillery bombardments. Offensive extensively targeted civilian facilities, including governmental institutions in densely-populated areas. During the operation, 171 Palestinians were killed, with 102 civilians accounting for 60% of the total victims. Children comprised 34% of the civilian victims, while women constituted 14%. Total wounded numbered as 648, with 625 civilians, including 214 children and 93 women.

Israeli forces destroyed 126 houses, affecting 1,229 people, including 710 children. Additionally, 243 buildings were severely damaged, and 233 public facilities, including educational and health establishments, were targeted. Notably, Israeli forces continued their systematic attacks on media workers, violating international law and contributing to the isolation of the occu-

pled Palestinian territory from the rest of the world. PCHR documented the killing of 15 media workers by Israeli forces between September 28, 2000, and December 31, 2012.

## **2014: Operation Protective Edge:**

2014 Gaza War, designated as Operation Protective Edge by the Israeli army, unfolded as a military conflict between Israel and Palestinian resistance movements in the Gaza Strip. Triggered by events like abduction and burning of Muhammad Abu Khudair by the Israeli settlers in East Jerusalem, and escalating tensions, the conflict led to widespread devastation. Key points include that during the 51 day hostilities from July 8 to August 26, 2014, 2,251 Palestinians were killed, including 1,600 civilians, 551 children, and 299 women.

Total of 11,231 Palestinians were injured, with approximately one-third of the children facing lasting disabilities. UNRWA reported damage to 118 installations, including 83 schools and 10 health centers. Over 12,600 housing units were completely destroyed, and almost 6,500 sustained severe damage.

Attacks by Israeli forces targeted civilian homes, medical facilities, schools, electricity, water, and sewage systems, resulting in the partial or complete destruction of essential civilian elements. Over 100 thousands Palestinians remain displaced in Gaza, with slow progress in rebuilding. UNDP estimates a 30 year timeline to restore Gaza to its 2014 pre-war status.



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The conflict included tragic incidents, such as the missile attack on the Bakr family children on Gaza City's beach, killing four and injuring six. The Palestinian Human Rights Organizations emphasize the pattern of Israeli offensives against Gaza, with previous attacks in 2008-2009 and 2012 resulting in 1589 casualties, 6256 injured and 3838 housing units and infrastructure destruction.

On July 25, 2014, during the eighth day of the ground operation in Khuza'a, Israeli soldiers seized control of Mohammed Tawfiq Qdeih's house. The soldiers, accompanied by an Israeli bulldozer, demolished the entrance as they entered. Mohammed, along with 20 extended family members hiding in the basement, pleaded for their civilian and unarmed status in Arabic, Hebrew, and English. Instructed to go upstairs, he ascended with a white cloth and a Quran. One meter away from the soldiers, he was fatally shot in the heart. Despite pleas, the soldiers prohibited any assistance. Mohammed Tawfiq Qdeih had no ties to armed groups and was not involved in hostilities.

In 2019, distressing incidents occurred along the Gaza-Israel borders. Israeli forces, positioned on their side of the fence, employed live ammunition against Gaza protesters, even in situations where an immediate threat to life wasn't evident. These actions, stemming from directives by high-ranking officials, violated international human rights norms. Regrettably, outcomes were grave, with 34 Palestinians losing

their lives, and 1,883 people sustaining injuries from live ammunition in these protests until October 31, as reported by the Palestinian rights group al-Mezan and Gaza's Health Ministry.

### **2020: Clashes and Airstrikes:**

In 2020, Israeli Occupation Forces continued their violations of international law and human rights in the occupied Palestinian territory indiscriminate policies led to the killing of 32 Palestinians in Gaza and 25 in the West Bank, including 10 children and 6 children, respectively. Seven citizens in Gaza succumbed to their wounds, and 3 detainees died in Israeli prisons due to health deterioration. Additionally, 671 Palestinians were injured by Israeli Occupation Forces and settlers, with 14 wounded by settlers in the West Bank, including children, a woman, journalists, paramedics, and a peace activist. Israeli human rights violations in the Gaza Strip during 2020 war were reported during various periods as:

**January 2020:** Two separate explosions near Rafah in southern Gaza led to the injury of one farmer, Mahdi Eid Ayyad Irmeilat, and another individual. Palestinian sources attributed these explosions to undetonated ordnance dropped by Israeli soldiers.

**August 2020:** Palestinians in Gaza launched incendiary balloons into Israel, prompting retaliatory measures by Israeli authorities. These measures included restricting the entry of goods, including food and medicine, blocking access to Gaza's territorial waters for

fishermen, and reducing fuel imports to the power plant, causing a further shortage of electricity for almost three weeks. These actions amounted to unlawful collective punishment against Gaza's civilian population. On 13 August 2020, Israeli military warplanes targeted al-Shati Joint Primary School, operated by UNRWA in Gaza City, causing severe damage and disrupting school activities. This attack was part of ongoing Israeli assaults on Palestinian civilians. Additionally, Israeli tanks and helicopters conducted attacks in Gaza, resulting in injuries to two children and a woman in Bureij refugee camp and another woman in Beit Hanoun.

**December 2020:** Israeli air strikes targeted al-Tofah neighborhood in Gaza City, resulting in injuries to three Palestinian civilians, including a girl. Densely-populated area suffered extensive damage to civilian objects. During this week, eight shootings were reported targeting Palestinians and agricultural lands, while fishing boats in both the eastern and western Gaza Strip were fired upon three times.

### **2021: Clashes and airstrikes:**

The operation, also named as Operation Guardian of the Walls, took place in the context of an exceptionally hard wave of repression by the Israeli authorities across occupied Palestine. Tensions escalated after Israeli courts ordered the expulsion of Palestinian families from their homes in the neighborhood of Sheikh Jarrah, in occupied East Jerusalem, and the transfer of

those lands to Israeli settlers. These events resulted in protests spreading all over the territory of Palestine, which were met by Israel with intensification of repression and resort to military force and violence. In Jerusalem and within the Green Line this translated into waves of arbitrary arrests, police violence, and mobs of Israeli extremists lynching Palestinians while being shielded and supported by the authorities; in the West Bank, it took the form of tightening the occupation regime by the Israeli military and security forces. The Gaza Strip, meanwhile, was crushed by a full-scale military assault, consisting of 11 days of heavy bombardments which resulted in the killing of 240 and wounding of 1968 Palestinians.

On the 8th day of the Israeli offensive on Gaza, airstrikes and systematic destruction continued, resulting in the death of 23 Palestinians, including 3 women and 7 children, with 53 others wounded, including 8 women and 18 children. Overall death toll reached 204, including 59 children and 34 women, with a total of 836 injuries, including 251 children and 184 women. Israeli airstrikes targeted 21 houses, governmental headquarters, and infrastructure, bringing the total of targeted houses to 115, including multi-story buildings and towers. Israeli Occupation Forces persisted in violating International Humanitarian Law, conducting intense airstrikes and shelling. This led to increased casualties, extensive property damage, and systematic destruction of streets and

crossroads, hindering the movement of vehicles and ambulances, particularly to al-Shifa Hospital. The Palestinian Ministry of Health reported a total of 1,300 injuries, including 50 serious cases, placing additional strain on the healthcare system already burdened by the Israeli closure, COVID-19, and power outages affecting laboratories, blood banks, and surgeries amid a growing number of injuries.

As reported by UN agencies, the situation of children is dire, with UNICEF reporting that the ages of the Palestinian children killed in Gaza range between 6 months and 17 years. Over half of them were under 10 years old, and children are nearly a third of civilian casualties. It must be stressed that Israel also continues to bomb main roads leading to hospitals and healthcare facilities, including an attack the 17th of May on the central and only COVID-19 testing lab in Gaza Al-Rimal health clinic. According to the OCHA, six hospitals and nine primary health care centers have been damaged, with one center suffering severe damage. From 10 to 21 May 2021, the Gaza Strip endured intensive Israeli military attacks that resulted in the deaths of 260 Palestinians, including 66 children and 41 women. 113,000 persons had to seek shelter outside of their homes.

### **2022: Operation Breaking Down:**

This Israeli offensive resulted in the killing of 49 Palestinians including 17 children and 4 women. Despite the Israeli claims that this military operation was carried out against armed Pales-



Israeli Occupation Forces persisted in violating International Humanitarian Law, conducting intense airstrikes and shelling.

tinian resistance fractions, 35 casualties were civilians, the injury of at least 360. On 6 August 2022 the Israeli military air force targeted a group of children who were sitting near their grandfather's grave in Al-Fallujah cemetery, in the north of the Gaza Strip. Targeting killed five children, most of them from one family, whose names were Hamed Haidar Hamed Najem (16); Jameel Ihab Jameel Najem (13); Jameel Najmeddin Jameel Najem (3); Mohammad Salah Hamed Najem (16); Nadhmi Fayez Abdulhadi Abu Karsh (15). Their bodies were turned into remains.

### **OCTOBER 7 ATTACKS AND THE HUMANITARIAN SITUATION IN GAZA**

The war on Gaza, under the mass of the complete siege imposed by Israel on the Strip, resulted in the population being plunged into an unprecedented spiral of deprivation and multidimensional poverty, and thus into a humanitarian catastrophe on all levels. Even if a ceasefire is accepted and human-

itarian aid is allowed to enter Gaza, a large percentage of the population will remain trapped for several years in a cycle of poverty and deprivation. This is mainly due to the massive loss of life and the number of wounded, the loss of human capital and human capabilities, and the destruction of social and economic infrastructure.

According to the data of the Ministry of Health and the Government Media Office, 15,523 civilians have lost their lives in Gaza due to the ongoing Israeli attacks since October 7. Of these, 6,387 are children and 4,257 are women. According to these figures, 70% of the civilians killed by Israel are children and women. More than 41,316 civilians were also injured to varying degrees in these attacks.<sup>16</sup>

Also, it is stated that 1.8 million people, equivalent to 80% of the population in Gaza, are internally displaced. However, authorities also state that this number may be higher due to interruptions in the flow of information from the region.<sup>17</sup>

Inadequate housing conditions in Gaza also increase concerns about particularly vulnerable groups of people. Children, the elderly, the disabled, women who have just given birth, pregnant women and the injured can be given as examples of this group of people.

Israeli army has destroyed more than 60% of the homes and residential units in the Gaza Strip. People in Gaza are facing a genuine and worsening hu-



70% of the civilians killed by Israel are children and women. More than 41,316 civilians were also injured to varying degrees in these attacks.

manitarian catastrophe due to the Israeli occupation army's destruction of over 60% of the homes and residential units in the Gaza Strip, especially in the Gaza and North Gaza governorates. The residential units housed more than 50,000 families who lost their homes entirely, in addition to 250 thousands housing units partially destroyed by the occupation.<sup>18</sup>

In addition to the deaths and injuries of tens of thousands of civilians, Israeli attacks have caused serious damage to civilian infrastructure and basic services. This situation, which clearly violates the civilian population's right to a dignified life and the right to maintain basic living standards, results from Israel's attacks carried out indiscriminately, in violation of international law.

People of Gaza have been living under a power blockade since October 11, as Israel completely cut off the electrici-



ty supply and the only power plant in the Gaza region cannot supply fuel. Electricity can be provided in a very limited way with generators powered by limited fuel provided by the limited number of humanitarian aid allowed to enter the region and with solar panels in some regions.

The Ministry of Health in Gaza and various local and international institutions has been struggling to update casualty figures as Israeli forces have increasingly targeted hospitals and allied services in the besieged enclave. The United Nations has confirmed that the “collapse of services and communications” at hospitals in northern Gaza is seriously hampering health officials.

Israeli air raids have struck areas in and surrounding hospitals and medical centers across Gaza to devastating effect since the start of the war based on a claim disputed by Palestinians as well as international medical NGOs that Hamas is operating in those areas. Israel has not provided any proof for its claims. However, as Israel’s ground offensive has progressed in northern Gaza, its forces have also increasingly focused on hospitals, and the past few days have marked a sharp increase in their targeting. Israeli tanks have also surrounded al-Shifa Hospital, the largest facility in Gaza, and snipers and drones positioned all around are shooting at people.

Facility’s director, Mohammed Abu Salmiya, told Al Jazeera on Saturday that two premature babies have died

after an electricity failure at the neonatal intensive care unit, and 37 more babies are at risk of imminent death. On 13th November, the Palestine Red Crescent Society said Al-Quds Hospital was no longer operational due to a shortage of fuel and a power outage. The World Health Organization (WHO) said early on same day that it had lost communication with its contacts at the hospital and confirmed receiving reports of people being killed while trying to flee. More than 26 hospitals and 55 health centers have ceased operations due to the targeting, bombing, occupation, destruction and blowing up of hospitals.

Hospitals, which are forbidden to be attacked even in times of war according to international law, are at high risk due to Israel’s unreserved attacks. Only 6 of the 24 hospitals in Gaza can provide service despite their limited facilities. Moreover, Since October 7, 111 UNRWA staff, 1 WHO staff, 281 healthcare workers, 26 civil defense workers and 77 journalists have been killed by Israel while on their duties. One of the most important services affected by the wars and conflicts is education. Educational activities have completely stopped in Gaza, where there are approximately 625 thousand registered students.<sup>19</sup>

## **LEGAL DIMENSION OF ISRAEL’S ATTACKS**

Israel’s illegal settlements in the West Bank and East Jerusalem, its unlawful demolition orders and arbitrary deten-

tions, as well as its attacks on Gaza, are also against human rights and international law. This section will not go into details about the attacks carried out by Israel and which articles of international agreements and human rights law these attacks violate. In this section, opinions will be included on the context of which agreements and conventions can be evaluated in terms of whether Israel's attacks are fundamentally against international law.

For example, Israel's actions are subject to regulation under International Humanitarian Law, which includes adherence to fundamental principles such as humanity, distinction between civilians and combatants, proportionality, precaution, and military necessity. However, Israel violates all these principles with the attacks it carries out.

Israel's conduct during the conflict is amount to war crimes under Article 8 of the Rome Statute, including wilful killings, indiscriminate attacks against civilians and civilian objects, and intentional attacks against humanitarian workers. In addition, Israel's actions are purely violate the prohibition of collective punishment, which is required to be respected at all times under International Humanitarian Law.

Furthermore, Israel consistently failed to issue necessary precautions in its attacks, a violation of international law under Article 2(3) of the 1907 Hague Convention (IX) and Article 57(1) of Additional Protocol I. These

provisions, considered customary international law, mandate that attacking parties must issue feasible precautions and refrain from attacks likely to cause excessive civilian harm. Article 57(2)(b) of the 1977 Additional Protocol I specifies that attacks should be canceled or suspended if the objective is not military or subject to special protection, and if the attack is expected to cause excessive harm to civilians or civilian objects compared to the anticipated military advantage.

Moreover, on 9 October 2023, Yoav Gallant, Israel's Minister of Defense, stated: "We are imposing a complete siege on Gaza. No electricity, no food, no water, no fuel, everything is closed. We are fighting human animals, and we act accordingly." This statement, that includes genocidal language, appears as an admission of intent to commit war crimes and other grave international crimes against the civilian population in the Gaza Strip. In this context, International humanitarian law unequivocally prohibits total warfare.

According to Article 54 of Additional Protocol I to the 1949 Geneva Conventions, the use of starvation as a method of warfare is absolutely forbidden, preventing combatants from targeting essential items for civilian survival, such as food. Rule 53 of the ICRC Customary International Law Database reinforces this prohibition as a customary rule. Depriving the population of crucial supplies, including food and clean water, may constitute a war

crime under Article 8(2)(b)(xxv) and a crime against humanity under Articles 7(1)(b), 7(2)(b), and 7(1)(k) of the Rome Statute of the International Criminal Court.

Beside these, Israel's actions may also be assessed for potential violations of Convention on the Prevention and Punishment of the Crime of Genocide, particularly in relation to causing serious bodily or mental harm to members of a group. It is both a legal and humanitarian obligation for the international community and relevant bodies to take urgent action to investigate Israel's unlawful attacks, which have been documented many times by many international institutions.

### **HUMANITARIAN CORRIDOR: DEFINITION AND EXAMPLES**

Humanitarian aid corridor can be defined as a safe route for the delivery of humanitarian aid supplies to civilians in the conflict zone and the evacuation of civilians from conflict zones. The most important feature that distinguishes these corridors from standard humanitarian aid activities is that humanitarian aid corridors are created in pre-determined narrow areas and for limited periods of time.<sup>20</sup>

Thus, humanitarian corridors are typically narrow roads designed for specific purposes, with a limited duration of function (as short as a few hours or as long as a few years). In this respect, humanitarian aid corridors are

regions/lanes where humanitarian aid activities for civilians in war and conflict zones are carried out and where the movement of civilians is allowed. The United Nations Office for the Coordination of Humanitarian Affairs (OCHA) defines humanitarian aid corridors as follows;

“Specific routes and logistical methods agreed upon by all relevant parties to allow the safe passage of humanitarian goods and/or people from one point to another in an area of active fighting.”<sup>21</sup>

Establishing humanitarian aid corridors has a long history involving aid activities for civilians in situations such as international armed conflicts, non-international armed conflicts, and migration movements. There are different uses such as “temporary aid corridors”, “temporary security zones”

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and “safe corridors” in the UN General Assembly and UN Security Council resolutions.<sup>22</sup>

The most well-known examples of these corridors include the evacuation corridor, also known as the Kindertransport, where Jewish children were evacuated from Nazi Germany-controlled areas to the UK in 1938-1939, and the humanitarian aid corridor, including air aid, created for Sarajevo, which was under siege by the Chetnik Serbs during the Bosnian War between 1992 and 1995.

Humanitarian corridors mostly take place under the umbrella of the UN. Negotiations for the creation of these corridors can take place through negotiations between the parties to the



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conflict, or they can be formed through the initiatives of other states as a result of concerns arising from the life safety of civilians and the deepening of the humanitarian crisis.<sup>23</sup>

In this context, although state permission is required for humanitarian aid according to Article 70(1) of Additional Protocol I of the Geneva Conventions, it is possible to establish humanitarian aid corridors without state approval by the decision of the UN Security Council. Humanitarian aid corridors established by UN Security Council resolutions without state approval have recently been encountered. For example, through the humanitarian aid corridors established under the leadership of the UN since 2014, humanitarian aid passing through various border gates, especially in Northwest Syria, has been delivered to people in need of aid in Syria. In addition, a humanitarian aid corridor was established for the evacuation of civilians in Aleppo under siege of the Assad regime in 2016 and in Ghouta in 2018, and thousands of people were able to evacuate the cities safely.

### **ACCESS TO HUMANITARIAN AID IN THE CONTEXT OF FUNDAMENTAL HUMAN RIGHTS**

Every human being has fundamental rights that arise simply from being human. The main ones of these basic human rights consist of the rights to access the most basic needs such as security, food, water, health, education and shelter.

According to Article 3 of the Universal Declaration of Human Rights, “Everyone has the right to life, liberty and security of person.” Article 25 of the Declaration states that “Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services...”<sup>24</sup>

In addition, the right to food includes the right of everyone to access adequate, safe, healthy food easily and sustainably. The right to water is another fundamental human right. No one can be prevented from accessing water due to their physical, economic or other characteristics, and their right to water cannot be usurped in any way. Access to safe drinking water and sanitation are internationally recognized human rights derived from the right to an adequate standard of living under article 11(1) of the International Covenant on Economic, Social and Cultural Rights.<sup>25</sup>

## **ACCESS TO HUMANITARIAN AID IN THE CONTEXT OF HUMANITARIAN LAW AND THE LAW OF ARMED CONFLICT**

The most important texts that form the basis of human rights law, humanitarian law and the law of armed conflict are the Geneva Conventions (1949) and their Additional Protocols I and II (1977). The process of monitoring compliance with the Geneva Conventions and Protocols is carried out

by the International Committee of the Red Cross (ICRC). When international law texts on the subject are examined, many articles supporting the efforts to establish humanitarian aid corridors can be found. For example;

According to Article 7 of the Rome Statute of the International Criminal Court, the definition of extermination 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.”<sup>26</sup> While it shows that aid corridors are a necessity, it also reveals that being against them is a crime against humanity.

Article 8(2) of the Statute states that “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”<sup>27</sup> is a war crime in armed conflicts.

Article 23 of the Fourth Geneva Convention for the Protection of Civilians in Time of War, which forms the basis of International Humanitarian Law, clearly states that “the free passage of all consignments of medical and hospital stores and objects necessary for religious worship intended only for civilians” and “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.”<sup>28</sup>

Article 70 of the Additional Protocol I of the said contract expands this obligation to include “allow and facilitate rapid and unimpeded passage of all relief consignments, equipment and personnel... even if such assistance is destined for the civilian population of the adverse Party.”<sup>29</sup>

Relevant article of Additional Protocol I also requires the unhindered passage of humanitarian assistance not only by the parties to the conflict, but also by each State party to the Protocol.

Article 75 of Additional Protocol I regulates the rights of individuals who find themselves involved in a conflict in which they do not participate. Article 75 can be considered as a mini-convention on the protection of fundamental human rights during international armed conflicts. The article in question states that “violence to the life, health, or physical or mental well-being of persons, in particular: murder; torture of all kinds, whether physical or mental; corporal punishment; and mutilation; outrages upon personal dignity, in particular humiliating and degrading treatment, enforced prostitution and any form of indecent assault; the taking of hostages; collective punishments; and threats to commit any of the foregoing acts” and similar actions against civilians are prohibited even in wartime.<sup>30</sup>

In a resolution adopted in 1999 on the protection of civilians in armed conflict, the UN Security Council called on “all parties concerned, including

neighboring states, to cooperate fully” in ensuring access for humanitarian personnel.<sup>31</sup>

In the Guiding Principles on Humanitarian Aid adopted by the UN General Assembly in 1991, it is stated that “States in proximity to emergencies are urged to participate closely with the affected countries in international efforts, with a view to facilitating, to the extent possible, the transit of humanitarian assistance.”<sup>32</sup> This statement clearly emphasizes role and responsibility of neighboring states in establishing humanitarian aid corridors in war and conflict times.

In a resolution adopted in 1999 on children in armed conflict in the context of war and conflict in Kosovo, the UN Security Council called on all parties to armed conflicts to “ensure full, safe and unhindered access of humanitarian personnel and the provision of humanitarian assistance to all children affected by armed conflict.”<sup>33</sup> Today, it has become a necessity to repeat a similar call for Gaza.

In accordance with international humanitarian law, there are practices that recognize that civilian populations in need have the right to receive humanitarian assistance necessary for their survival. Article 30 of the Fourth Geneva Convention recognizes the right of protected persons to appeal to the protective powers, the International Committee of the Red Cross (ICRC) or the National Red Cross or Red Crescent Society, as well as to any organization that can assist them.

In addition, according to the law of occupation, the obligation of the occupying power to ensure that the basic needs of the population under its control are met is clear. This is mainly due to Article 55(1) of the Fourth Geneva Convention, which provides that the occupying power has the duty to ensure the provision of food and medical supplies to the civilian population. According to Article 55, “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.”<sup>34</sup>

## **ATTITUDE OF THE INTERNATIONAL COMMUNITY**

Israel, which claims the attacks that started on October 7 as self-defense, received the support of the USA, the EU and other Western countries. In addition to US President Joe Biden, leaders of European states such as Germany, France and England personally went to Israel and met with Prime Minister Benjamin Netanyahu and President Yitzhak Herzog and expressed their support. Spain and Belgium, on the other hand, have recently come to the fore as countries against Israel’s attacks on Gaza within the EU, with their statements against Israel.

The USA, Israel’s closest ally, has over the years given the Jewish state more than \$260 billion in military and eco-

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According to international humanitarian law, there are practices that recognize that civilian populations in need have the right to receive humanitarian assistance necessary for their survival.

nomic aid, and has promised additional equipment, air defence missiles, guided bombs and ammunition. In addition, it sent two aircraft carrier strike groups to the eastern Mediterranean in order to prevent the opening of a second front against Israel, citing the threats of the Hezbollah Movement in Lebanon against Israel.<sup>35</sup>

However, although Western leaders strongly support Israel, they cannot call for more restraint in the face of Israel’s attacks, which amount to brutality and genocide, and openly target civilians, hospitals and schools. In addition, people all over the world take to the streets and protest in solidarity with the Palestinian people against Israeli attacks.

Although Russia and China expressed their sorrow for civilian casualties, they did not condemn Hamas, unlike

Western leaders. These two global powers, which chose to continue their contacts with both sides of the conflict, made statements regarding the end of the attacks. Russia, on the other hand, held the USA's hegemony policies responsible for this chaotic environment in the Middle East.

Iran, which is considered one of Israel's main enemies, has made statements condemning and blaming Israel from the beginning of the attacks. In addition, Iran's reaction to the attacks is important for Israel, as Iran has a significant influence on the Hezbollah Movement in Lebanon. In addition to its statements against Israel, Iran also stated that it had no involvement in the Aqsa Flood operation carried out by the Qassam Brigades on October 7 and rejected all allegations regarding this.

Although the leaders of the Arab states took a position against Israel, this opposition remained only in rhetoric and they did not take any deterrent measures against Israel. There are analyzes that the reasons for this silence of Arab leaders and policy makers are that they are afraid of the potential for the conflict to turn into a regional war.<sup>36</sup> On the other hand, the people of these countries show that they stand with the civilians in Gaza and Palestine against Israeli attacks through protests and boycott movements. Arab leaders, on the other hand, are afraid of their people starting an opposition movement against them due to their lack of reaction towards Gaza.

Türkiye, on the other hand, took a more cautious stance in the first days after October 7, considering the previous tensions with Israel and President Recep Tayyip Erdoğan's tendency towards Palestine. From the first moment civilian deaths were discussed, it was seen that Erdogan emphasized the importance of protecting civilians and called for moderation on both sides. However, Türkiye's attitude towards the increasingly violent and unruly Israeli attacks changed day by day, and Erdogan began to criticize Israel more.

After defining Hamas as a mujahideen group on October 25, Erdoğan described Israel as a "terror state" that is "employing state terrorism". On November 28, he made a statement to UN Secretary-General Antonio Guterres that Israel should be "held responsible in international courts" for war crimes committed against Palestinians and described Netanyahu the "butcher of Gaza" who "is endangering the security of all Jews in the world."

Although Türkiye is clearly against Israel in its current position, the ongoing strong commercial network between Türkiye and Israel is one of the main issues for which Erdoğan is criticized.

## **CONCLUSION: AS DEMONSTRATED AND RECOMMENDATIONS**

Purpose of this report is not to make political inferences or suggest solutions regarding the future of Israel's



attacks on Gaza because, making comments are quite difficult on issues such as how far Israel will advance its occupation activities, how far it can go in its genocidal massacres, how the Qassam Brigades' resistance strategy against Israel will be shaped in the coming days, and how both local and international actors will intervene in this conflict.


This report underlines the need for international pressure on Israel to immediately stop its attacks on Gaza. It also emphasizes the imposition of economic and diplomatic sanctions against Israel. In this context, countries' closure of their airspace and ports to Israel should be brought to the agenda. Those responsible for the attacks and massacres against international law and human rights against Gaza, especially Israeli Prime Minister Benjamin Netanyahu, must be tried by the International Criminal Court. For this reason, an arrest warrant must be issued urgently for the responsible persons.

When recent history is examined, there are many examples such as Slobodan Milošević, Radovan Karadžić and Ratko Mladić, who were tried in the ICC for the genocide and massacres they committed during the Bosnian War, Omer al-Bashir, the deposed leader of Sudan, who was held responsible for the genocide in Darfur, and Russian President Vladimir Putin, for whom an arrest warrant was issued within the scope of the ongoing war in Ukraine.

In this context, the trial process carried out for the Israeli politicians, soldiers and administrators who were tried and sentenced in the Mavi Marmara Case may also be carried out for the Israeli officials responsible for the attacks in Gaza. Furthermore, considering the current humanitarian crisis in Gaza, it is clear that taking action for the international community for Gaza is both a humanitarian and legal responsibility.

Dimensions of the humanitarian crisis in Gaza, which has been subjected to continuous heavy bombardment from land, air and sea since October 7, is getting worse day by day. The people of Gaza, whose access to many basic needs, health equipment, and basic infrastructure services such as water and electricity have been denied under Israel's siege and embargo for more than 15 years, are deprived of the security of life and property by Israel. Undoubtedly, Israel's unlawful and inhumane practices in the past constitute a strong reference for what it is doing today and what it may do in the future.

Israel, which does not allow access to even basic humanitarian aid supplies to Gaza strip, will not allow the return of Palestinians who had to leave Northern Gaza due to their lack of life safety due to heavy bombardment, as well as the difficulties they experience in accessing food, water and electricity, and will not allow this region to return. It is quite clear that Israel wants to annex to Gaza Strip like it is doing in West Bank.



In order to end the humanitarian crisis in Gaza, an urgent ceasefire must be established and Israel's heavy bombardment of Gaza must end. In order to improve the humanitarian situation in the region, a humanitarian aid corridor should be urgently established and basic humanitarian aid, especially food, water and health supplies, should be delivered to the region.

It can be seen that Israel will not look favorably on the idea of creating a humanitarian aid corridor due to its concern about the revelation of the crimes against humanity and war committed by Israel in Gaza. Because the creation of a humanitarian aid corridor means that United Nations observers and journalists who will accompany humanitarian aid activities will bring the dimensions of the crisis and human

rights violations in the region to the international level. Therefore, in order to establish a humanitarian aid corridor, which is a humanitarian and legal obligation, the international community and non-governmental organizations need to put pressure on global decision makers and Israel.

Humanitarian aid is a non-negotiable issue and is a fundamental human right. Therefore, opening a humanitarian aid corridor to Gaza and carrying out humanitarian aid activities should be seen as a legal obligation as well as a humanitarian responsibility. In this context, the humanitarian aid issue should not be allowed to be instrumentalized and turned into a bargaining element, and any attempt in this direction should be prevented.

## ENDNOTES

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On October 7, 2023, it launched an air, land and sea attack on Gaza, where more than 2,3 million people live. However, Israel's attacks on Gaza predate October 7. Since 2007, Israel has been imposing a very intense blockade on Gaza by land, air and sea. Humanitarian crisis in Gaza, where the civilian population is forced to live without safety under heavy bombardment, is getting deeper due to the civilian infrastructure targeted by Israel and the siege. In addition to all these attacks, Israel also prevents humanitarian aid from reaching the region. Israel's embargo and siege of Gaza is seen as a form of collective punishment contrary to international law.



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