

ISRAEL: HAS THE VICTIM OF GENOCIDE BECOME THE PERPETRATOR OF THE SAME CRIME?

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Analysis No : 2024 / 3

31.01.2024

There have been fierce debates over the state of Israels military campaign in the Gaza Strip and security incursions into the West Bank in response to the 7 October 2023 attack by the militant resistance group Hamas. While both sides have faced condemnation for their excessive behaviors, Israel has drawn more attention due to the scope, speed, and severity of the destruction its military campaign has caused in the Gaza Strip. Israel, whose creation was in the aftermath of the archetypal genocide against Jewish people, has now been accused of committing genocide against Palestinian people. What will all this entail for the NATO member, EU candidate, and Muslim majority Türkiye in terms of its standing in global politics and its relations with its Western partners?

The large-scale hostilities that have taken place in Israel and Palestine since 7 October 2023 have, as is always the case when it comes to the convoluted Israeli-Palestinian conflict, triggered emotional disputes full of mudslinging, accusations over double standards, and concerns over the breach of several international norms. Amidst all this, however, exists the undeniable tragedy of the thousands of civilians who have died or whose lives have been ruined on both sides since the beginning of the hostilities. It is not the aim of this article to condemn the actions of either the state of Israel or the Palestinian militant resistance group Hamas. It should suffice to say that there is overwhelming evidence indicating that both sides have employed brutal tactics and extremist discourses, showcasing how protracted political and ethnic conflicts generate enormous civilian suffering and bring out the worst of humankind. Instead, this article aims to draw attention to some important global political developments since 7 October and the increasing emphasis on the legally defined term genocide.

The Alarming Rise in Antisemitism and Islamophobia

The first development is the alarming rise in cases of antisemitism and Islamophobia especially in the West that hosts notable populations of both Jews and Muslims. The staunch support shown by most Western governments for Israel despite its military campaign indiscriminately targeting civilians[1] and the silencing, manipulation, and intimidation in the public sphere, academia, press, and business world of the (supposedly free and democratic) West directed against those showing sympathy to the Palestinian civilians plight[2] have been used as ammunition for antisemitic conspiracy theories. In other words, the over-zealousness of the Western establishment to shield Israel from criticism in the name of fighting antisemitism has backfired in the worst possible way. At the same time, anti-migrant far right groups in the West have capitalized on this toxic environment to further their agenda of vilifying Muslims as potential terrorists whose values cannot be reconciled with the values of the West based on the Judeo-Christian tradition.[3] The ongoing hostilities in Israel and Palestine are therefore having far-reaching and dangerous consequences for ordinary Jews and Muslims around the world, and by extension, Muslim-majority Türkiye that has been historically designated as the other by the West.

Questions over the State of Israels Privileged Status for the West

The second development is the revealing of the bizarre relationship between some the Western countries and Israel that calls into question the universal applicability of international norms. Few other conflicts in recent memory have showcased the discrepancy between what the West preaches in terms of political values and what it does in practice to such an extent. While the state of Israel naturally has to right to practice self-defense and to take security measures against the Hamas aggression after 7 October 2023, its actions in the face of this aggression have been described by high-ranking UN officials, various international organizations, human rights groups, and the Global South[4] (which in this case includes Türkiye) as being incredibly disproportionate. Only a handful of the Western governments (foremost being the American and German) are still providing unconditional moral support and diplomatic cover for Israels current conduct, with the usually heavily pro-Israel French and British governments being forced to admit that Israels conduct is becoming rather problematic. Even in the US and Germany, a noticeable crack is starting to appear between popular sentiment and official stance; people are expressing frustration over the discrepancy between the carnage in the Gaza Strip they are witnessing through the news with the disingenuous concern displayed by American and German officials for Palestinian civilian suffering. Additionally, no proper justification is being provided as to why Israel, an affluent country with a high-tech economy, is being given so much military and financial assistance when it is not even fighting a total war against another country. Critics argue that the resources spent for this assistance could instead be used to improve the economic conditions for people in the US and Germany suffering from soaring costs of living. It is perhaps because of this pressure that official American and German rhetoric has slowly and reluctantly begun to change concerning Israels conduct.[5]

The West had presented a strong united front against Russias aggression against Ukraine when it launched a full-scale invasion in February 2022 and put maximum pressure on Russia through furious diplomatic condemnation, orchestrated propaganda, and heavy economic sanctions. Despite the passing of almost two years since the start of the invasion, Russia has so far not carried out the level of destruction on Ukrainian civilian life and infrastructure that Israel has carried out in Gaza in about 4 months. Yet, Israel has not even faced a fraction of the pressure that Russia has faced from the West. Quite conversely, the US and Germany have focused so much on providing support to Israel that the Ukraine-Russia War has been sidelined, with Ukraine feeling neglected by the West in its existential struggle against Russia.[6]

The Wests preferential treatment for Israel has traditionally been attributed to the collective guilt the West feels for the historical antisemitism in the West that culminated in the horrors of the Holocaust against the Jewish people. Another explanation is that the fact that Israel, now acknowledged as a Jewish state and as such part of Judeo-Christianity (a partner in the armageddon anticipated by various Christian circles), acts as a proxy for Western geopolitical interests the Middle East. However, information that has come out since 7 October has showcased that there are further elements in the Wests staunch support for Israel. These include substantial economic interests of American politicians and military industrial complex in the high-tech economy of Israel[7], Israels highly effective lobbyists who grease the palms of the Western establishment under the guise of election campaign donations, and Israels blackmailing operations against Western politicians that allegedly even resort to using international pedophile sex-traffickers as intelligence assets[8]. All this means that lofty ideals such as democracy, human rights, accountability, and laws of war that the West supposedly cherishes and uses as justification to chastise other countries can be quickly cast aside when Western geopolitical interests come into play. This has always been a widely acknowledged fact in international relations and a common complaint by the Global South. However, the preferential treatment Israel receives from the West despite all that has happened since 7 October seems to have turned into a breaking point, with the countries of the Global South described as being fed up with Western double standards and increasing the sharpness of their critical rhetoric against the West.[9]

The Risk of Israel Turning into an Irrational State

The third development is the risk of the nuclear-armed Israel turning into an irrational state under the current extreme far right government of Prime Minister Benjamin Netanyahu. This development complicates Türkiyes relations with its Western allies who refuse to fully grasp Israels precarious situation that could drag Türkiyes immediate neighborhood into regional instability and war. Prime Minister Netanyahu is widely known as an unscrupulous politician who will do and say almost anything to remain in power, but even he has limits in comparison to the likes of Ministers Bezalel Smotrich and Itamar Ben-Gvir, both aggressive Jewish supremacists that American officials describe as insane ideologues[10]. Experts in Israeli politics had been arguing even before the outbreak of

hostilities on 7 October that Netanyahu was being forced to give into the pressure from the far-right elements of Israeli politics to remain in power. The surprise attack by Hamas on 7 October humiliated Israel because it failed to detect what Hamas had no doubt spent a long-time planning and failed the quickly repel Hamas before it massacred 1200 Israelis that day. The attack portrayed Israel as a country incapable of adequately protecting itself against even a non-state actor and damaged the reputation of its often-praised military forces and intelligence apparatus. The rage triggered by humiliation[11] allowed the far-right elements in Israel to gain more control, and perhaps explains why Israel both as government and society has managed to simultaneously victimize or anger a disparate group of people and actors including the West Bank[12] and Gazan Palestinians, dissident Israelis voicing alarm over the implications of the ongoing hostilities[13], the Armenian Patriarchate of Jerusalem[14], the World Council of Churches[15], the Roman Catholic Church[16], high ranking UN officials[17], the global press community and UN aid workers [18], and even Western government officials trying to protect Israel and prevent the ongoing hostilities from turning into a regional conflict[19].

In the last couple of years, Türkiye and Israel had been working hard to improve their relations to restore them to the level that was present until the year 2010. Israel has historically been an important trading partner and a point of global connectivity for Türkiye (and vice versa). However, the unprecedented level of destruction and killing in the Gaza Strip, the wide-spread arbitrary arrests in the West Bank, the accelerated theft of Palestinian land and property with impunity by armed Jewish supremacist settlers, and Israels aggressive responses to criticisms related to these facts are having profound destabilizing effects in Türkiyes immediate vicinity. This has made it impossible for the Turkish government to remain silent or idle. Türkiye is only a part of the global condemnation currently directed against Israel, but its criticisms have been sharper and more frequent than others. This has inevitably derailed efforts to restore Türkiye-Israel relations to pre-2010 levels for the foreseeable future. All of this has put Türkiye at odds with its Western allies, many of which are hesitant to criticize Israel for reasons outlined above.

The Renewed Emphasis on the Official Definition of Genocide

This fourth and final development is the renewed global emphasis on the legal term genocide clearly defined by the 1948 Convention on the Prevention and Punishment of the Crime of Genocide. This is in stark contrast to the haphazard way in which the term is popularly used to serve political interests.

The outbreak of the hostilities after 7 October quickly led to renewed accusations of apartheid, ethnic cleansing, collective punishment, war crimes, and crimes against humanity that Israel had faced multiple times in the past. However, the scope, speed, and severity[20] of the destruction Israels military campaign has caused in the Gaza Strip has also led to accusations that Israel is committing genocide. Here, the numbers related to the destruction are making a strong case against Israel.[21] Additionally, Israel has shot itself in the foot by the sheer number of statements uttered in every layer of Israeli

society that may be characterized as incitement to commit genocide.[22] Special intent (*dolus specialis*), or the intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such that is defined in Article 2 of the 1948 Genocide Convention[23] has been notoriously difficult to prove in component courts overseeing cases of genocide. In the matter at hand, it must be demonstrated that the genocidal rhetoric emanating from Israeli leadership directly translates into the genocidal actions of the people implementing Israels policies against the Palestinians. In any case, however, Israel has provided an obvious case here in the sense that never before has any country openly provided so many statements that potentially point to special intent.

Despite knowing full well that it would face backlash from Israels powerful Western backers, South Africa, based on its right and duty as a signatory of the 1948 Genocide Convention, took the bold decision to file a case against Israel at the UNs International Court of Justice (ICJ), claiming that Israel is engaging in genocidal acts in the Gaza Strip and asked the court to order a ceasefire to protect the Palestinians from further attacks by Israel.[24] In its application document and the ICJ hearing for the case,[25] South Africa based its arguments on the historical mistreatment of the Palestinian people by the state of Israel, the ongoing destruction in the Gaza Strip, and the potentially genocidal statements that came out of Israel. The fact that South Africa was the original apartheid state, meaning that it has a firm understanding of systemic discrimination and dehumanization that can lead to genocide, made its application against Israel even more potent.

Israels rebuttal of the South Africas application and its defense during the court hearing rested on the following points: 1) Israel is waging a war of defense and survival against Hamas, not a war of destruction against the Palestinian people, 2) Hamas openly states, without reservation, that it wishes to exterminate Jews and destroy the state of Israel, 3) Hamas has a long standing policy of embedding itself in the local population, and the high death toll in Gaza is a direct result of the Hamas tactic of using Palestinian as human shields. The Israeli military forces are putting maximum effort to limit collateral damage despite this Hamas tactic, 4) As per Israels international obligation, it has allowed the entrance of aid to the Gaza Strip, despite knowing that this may help Hamas, 5) The 7 October attack by Hamas was traumatizing for Israel and some statements were made in the heat of the moment. South Africa has decontextualized these statements and has distorted facts in an attempt to make its case, 6) South Africa made no attempt to bring its concerns to Israel in effort to resolve them and applied straight to the ICJ with only a few days of notice. This means that the ICJ lacks jurisdiction in this matter, 7) South Africa is simply using this case to buy time and provide diplomatic and legal cover for Hamas and limit Israels right to defend itself.

Despite the points raised by Israel, however, most legal experts have deemed that South Africa made powerful case for probable genocide and that Israel defense was weak. The only true advantage that Israel had was the before-mentioned difficulty of conclusively proving the intent to destroy aspect of genocide. While deciding on the merits of the case will take years, South Africa had asked for provisional measures against Israel over its military assault on Gaza, which the Court ruled upon on 26 January. In its ruling, the Court

highlighted the 7 October attack of Hamas and the wide-spread destruction caused by Israels military response, and indicated that it is acutely aware of the extent of the human tragedy that is unfolding in the region and is deeply concerned about the continuing loss of life and human suffering.[26] While the Court did not issue a ceasefire, by near unanimous vote, it ordered Israel to;[27] 1) Take all measures possible to prevent any genocidal acts and ensure that its military forces do not engage in such acts, 2) Prevent and punish any public incitement of genocidal acts, 3) Immediately ensure the delivery of humanitarian assistance to the Palestinians of the Gaza Strip, 4) Preserve any evidence related to the allegations of genocide related to this case, and 5) Submit a report within one month explaining the actions taken to comply with this court order. These orders mean that the ICJ considers South Africas application to have merit and that it is plausible that Israel has committed genocide. This is a grave development for a country whose people were the victims of the Holocaust and raises questions about what has been learned from the painful memories of that genocide.

The ICJ lacks an enforcement mechanism for its rulings and Russia, for example, has ignored the ICJs order in March 2022 to stop its invasion of Ukraine.[28] Barring pressure from its Western backers for it to comply, Israel will most probably ignore the essence of ICJs orders. However, since the ICJ is considered to be the World Court, its rulings carry a powerful moral weight in global politics, which will serve to significantly increase the pressure on Israel to act in line with international norms. In anticipation that the ICJ would rule in favor of South Africa in its request for provisional measures, Israeli Prime Minister Netanyahu had indicated no one, not even the ICJ, would be able to stop Israels military operation and Israel from eliminating Hamas,[29] and attempted to draw Israels Western backers into a wider regional war involving Hamas of Palestine, Hizbollah of Lebanon, the Houthis of Yemen, and the state of Iran.[30]However, Israel began to refrain from making additional bombastic statements that can be interpreted as incitement to genocide after it was taken to court by South Africa.[31]

In response to ICJs provisional measures, the Israeli government simultaneously tried to spin the lack of a ceasefire order in Israels favor by arguing that the Court implicitly acknowledged Israels military response, mocked the authority of the Court, accused it of siding with antisemitic claims, and claimed that it has an unwavering commitment to international law.[32] The South African government expressed regret over the the lack of a ceasefire order, but satisfaction that Israel has been put on notice at the highest level for its mistreatment of the Palestinians. Experts have argued that despite the lack of a ceasefire order, the provisional measures ordered by the ICJ effectively means that Israel must stop or at least substantially change the way it is conducting its military operations. This would be the only way to ensure the delivery of humanitarian aid if Israel wants to be viewed as complying with the Courts orders.[33]

The number of countries and organizations that have voiced support for South Africa ICJs application is far higher than those who have rejected it.[34] Around 50 countries (including Türkiye) and several important organizations such the the Arab League and the Organization of Islamic Cooperation (OIC) have voiced support. It can thus be said that, generally speaking, the Global South has supported South Africa, but there are notable

exceptions such China and India, who are probably adopting tactical silence in accordance with their foreign policy. Another major power, Russia, which is not considered to be a part of the Global South but is at the same time rejected by the West as an aggressor, is pursuing tactical silence as well. Another organization pursuing tactical silence is the European Union (EU),[35] an integral part of the West. All the countries that have so far firmly rejected South Africas application and come out in support of Israel are Western countries. It can be thus stated that there is a noticeable divide in global politics on who supports or rejects South Africas ICJ application.

In this respect, the strong rejection of the South African application by the US and Germany announcing its intention to intervene in the ICJ case as a third party on the side of Israel draw attention. Besides being Israels principal military and political backer since 7 October, the US government described the South African case as galling and meritless, counterproductive and completely without any basis in fact whatsoever.[36] Explaining its decision to intervene in the ICJ case, Germany indicated that Germany bears special responsibility for Israel due to the Nazi genocide of Jews during World War II, and said the government will continue to support Israel to defend itself against Hamas.[37] Yet both the US and Germany, along with most the West, had hurled every possible accusation against Russia when it launched its invasion on Ukraine, with Germany going so far as to intervene as a third party in the genocide case filed by Ukraine against Russia in the International Criminal Court (ICC, a separate court from the ICJ).[38] Neither the US nor Germany has substantially altered their positions on the ICJ case after the announcement of the provisional measures.[39]

Germanys behavior is even more strange in light of its ongoing genocide recognition negotiations with Namibia,[40] where it is being accused by Namibia of stalling the process and failing to properly own up to the consequences of its colonial past. It is precisely for this reason that Namibia slammed Germany after Germany announced its plan to intervene in the South Africa-Israel ICJ case,[41] arguing that Germany is yet to fully atone for the genocide it committed on Namibian soil, that Germany has been unable to draw lessons from its horrific history, and that Germany cannot morally express commitment to the United Nations Convention against genocide, including atonement for the genocide in Namibia, whilst supporting the equivalent of a holocaust and genocide in Gaza.

Lastly, the US and Germanys stance on this issue becomes nonsensical considering their policy of supporting the genocide claims concerning the 1915 Events, often used as a verbal harassment tool by countries whose foreign policy objectives are in conflict with Türkiye. Unlike the Israel case that is unfolding live for everyone to witness and where there is mounting evidence pointing to a possible case of genocide, historical facts and legal considerations indicate that 1915 Events cannot be labeled as genocide. No document has ever been found despite the passing of 108 years implying that the Ottoman government had a special intent against its Armenian subjects (minus forgeries that have been debunked repeatedly, but are nevertheless used for propaganda purposes).[42] Assessing all these points together, it becomes apparent that the legal term genocide is used by many actors in global politics in an arbitrary manner according

to differing foreign policy interests. In the specific case of the US and Germany, as well as a number of other Western, Christian-majority countries, their support or rejection for claims of genocide should not be taken seriously because their approach to the issue lacks consistency.

Picture: The South African (left) and the Israeli (right) legal teams stand ready for the ICJ case hearing

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To cite this article: TULUN, Mehmet Oğuzhan. 2026. "ISRAEL: HAS THE VICTIM OF GENOCIDE BECOME THE PERPETRATOR OF THE SAME CRIME?." Center For Eurasian Studies (AVİM), Analysis No.2024 / 3. January 31. Accessed October 30, 2026. https://www.avim.org.tr/en/Analiz/ISRAEL-HAS-THE-VICTIM-OF-GENOCIDE-BECOME-THE-PERPETRATOR-OF-THE-SAME-CRIME

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