



Written by [Angeline Tan](#) on November 16, 2023

Turkish Lawyers Want ICC to Prosecute Netanyahu for “Genocide”

On November 14, two Turkish lawyers and a former lawmaker requested that the government in Ankara prosecute Israeli Prime Minister Benjamin Netanyahu for genocide and war crimes owing to his actions in Gaza. Such a petition is slated to reach the International Criminal Court (ICC), which neither Türkiye nor Israel acknowledges.

Metin Külünk, previously a member of parliament from the ruling Justice and Development Party (AKP), along with attorneys Mücahit Birinci and Burak Bekiroğlu, submitted the 23-page lawsuit to the Istanbul Prosecutor’s Office.



AP Images
Benjamin Netanyahu

“Today, representing the conscience of the citizens of the Republic of Türkiye, we filed a lawsuit at the International Criminal Court in The Hague against the 21st century Hitler, Israeli Prime Minister Netanyahu, who must stand trial for the genocide he committed in the Gaza Strip and all crimes against humanity,” Külünk posted on X with the cover page of the lawsuit.

“May God be with our Palestinian brothers and those who defend their just cause to the extent of their strength,” Birinci penned on X.

In an interview with Russian news agency Tass, Bekiroğlu stated the Istanbul office has already forwarded the case to the Turkish Justice Ministry and will submit a hard copy to The Hague, where it should arrive “no later than next week.”

The Turkish trio is part of an increasing international movement to charge Netanyahu over Israel’s actions during its month-long war on Hamas, which has claimed at least 11,000 Palestinian lives in Gaza, based on figures provided by the local authorities. After the Hamas terrorist group brutally attacked nearby Israeli settlements on October 7, killing some 1,200 people and taking over 200 hostages, Netanyahu vowed to eradicate the group.

Likewise, on November 14, Human Rights Watch (HRW) denounced Israeli attacks on hospitals and other healthcare infrastructure in Gaza as war crimes that the ICC should investigate. Turkish President Recep Tayyip Erdoğan accused Israel of war crimes at a political rally last month, but has not followed through on those words.

Türkiye cannot officially file lawsuits before the ICC, as it never ratified the Rome Statute that established the court. According to Turkish media, government bodies and NGOs can “inform the prosecutor’s office” of crimes and ask for an investigation, however.

Israel had signed the Rome Statute, but withdrew in 2022. The ICC has claimed jurisdiction over Gaza and the West Bank, however, as the UN considers them Palestinian territories under Israeli occupation



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since 1967.

The Israeli army has denied the allegations of war crimes, insisting that it is taking measures to avoid civilian casualties. It also accused Hamas of using hospitals, schools, and other civilian sites as command centers and storing weapons inside them.

Israel's attacks on hospitals, ambulances, and medical personnel in Gaza should be "investigated as war crimes," Human Rights Watch said on November 14, urging the Israeli government to end such strikes immediately.

Israel Defense Forces (IDF) attacks are "apparently unlawful" and are "further destroying" Gaza's healthcare system, [according to HRW](#). While Israel condemned Hamas for its "cynical use of hospitals" earlier this month, "no evidence put forward would justify depriving hospitals and ambulances of their protected status under international humanitarian law," HRW continued.

"The strikes on hospitals have killed hundreds of people and put many patients at grave risk because they're unable to receive proper medical care," said Dr. A. Kayum Ahmed, HRW's special advisor on the right to health, pointing out that the Gaza healthcare infrastructure was "already hard hit by an unlawful blockade."

As of November 12, the World Health Organization (WHO) claims, at least 521 people — including 16 medical workers — had been killed in 137 "attacks on health care" in Gaza. As of November 10, the UN declared, two-thirds of primary care facilities and half of all hospitals in the enclaves were "not functioning," amid "unprecedented numbers of severely injured patients."

On October 7, Israel cut off Gaza's supply of water and electricity. Medicine and basic equipment at local hospitals are running out, with HRW obtaining testimonies from doctors that they are using vinegar as an antiseptic.

"The Israeli government should immediately end unlawful attacks on hospitals, ambulances, and other civilian objects, as well as its total blockade of the Gaza Strip, which amounts to the war crime of collective punishment," HRW said, while urging Hamas and other Palestinian armed groups "to take all feasible precautions to protect civilians under their control from the effects of attacks and not use civilians as 'human shields.'"

HRW urged a probe into the IDF attacks on Gaza healthcare infrastructure, and called for the ICC, which has jurisdiction over the occupied Palestinian territories, to investigate into the matter as well.

In the meantime, the United States, the U.K., Canada, Germany, and other countries should "suspend military assistance and arms sales" to Israel "as long as its forces continue to commit widespread, serious abuses amounting to war crimes against Palestinian civilians with impunity," the HRW posited.

Earlier this month, Colombian President Gustavo Petro unveiled that his country will seek to prosecute Netanyahu for alleged atrocities committed against Palestinian civilians in Gaza. Colombian Foreign Minister Alvaro Leyva was poised to meet with ICC prosecutors to formally prosecute Netanyahu over "the massacre of the Palestinian people's children and civilians he has caused," according to Petro.

The president [posted](#) on X that Colombia "will contribute to the complaint by the Republic of Algeria" for war crimes filed before the ICC against Netanyahu.

Previously, Algerian President Abdelmadjid Tebboune urged the ICC to "take action" to stop Israel's campaign against Gaza, and called on human rights groups and other Arab nations to sue Netanyahu.



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Three NGOs — Al-Haq, Al Mezan, and the Palestinian Centre for Human Rights — did so, petitioning the ICC to investigate Israel for “apartheid” and “genocide” over the “continuous barrage of Israeli airstrikes on densely populated civilian areas within the Gaza Strip.”

The United States considers both Colombia and Israel to be “major non-NATO ally” states. Trouble between the two began last month, however, when the Israeli ambassador in Bogota, Gali Dagan, pushed Petro’s government to back Netanyahu’s war on Gaza.

Posting on X on October 19, Petro replied that “the barbarity of the state of Israel against the Palestinian people has far surpassed the barbarity of Hamas against the Israeli civilian population” during the October 7 attacks. Later, the Colombian leader advocated for an independent Palestinian state within the pre-1967 borders with Israel.

Bogota has since requested that Dagan leave — a move Dagan has not taken yet — and recalled its envoy from Tel Aviv. Colombia has refrained from cutting diplomatic ties with Israel, however, unlike Bolivia, which did so at the end of October.



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