

Global Sumud Flotilla: The Global Public Consciousness Facing a Genocidal Regime

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Israel maintains a violent and genocidal regime. In the past two years alone, it has attacked seven countries, precipitated a famine, and obliterated almost all of the Gaza strip, killing and maiming countless Palestinians in the process. Israel's constant strategic resort to catastrophic levels of lethal force, especially against children, has triggered a global public reaction, generating momentum toward the liberation of Palestine.

Part of this momentum is the Global Sumud Flotilla. The Flotilla is more than an aid convoy: it is an act of lawful civil resistance against the machinery of collective punishment imposed through Israel's illegal blockade, including its despicable use of starvation as part of its genocidal strategy. Seeking to express whatever is left of humanity's consciousness, it represents a non-violent humanitarian mission aimed at offering life-saving relief to the Palestinians endangered by Israel's genocidal campaign. Indeed, the Sumud initiative attempts to establish 'a safe and continuous humanitarian corridor to Gaza'. This peaceful action is consistent with international law, which allows freedom of navigation, especially when in pursuit of 'humanitarian' aims.

Customary international law expressly prohibits blockades which have the purpose or effect of starving civilians (San Remo Manual, Rules 102–103). More importantly, in the case of the Israeli blockade, customary law establishes that 'the declaration or establishment of a blockade is prohibited if [...] the damage to the civilian population is, or may be expected to be, excessive in relation to the concrete and direct military advantage anticipated from the blockade'. Israel has met the conditions of this prohibition, having both caused and aggravated the 'un-liveability' of Gaza, where conditions of survival of the Palestinian people, as a protected national group in its own land, are being destroyed.

Moreover, under the Rome Statute, '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', constitutes a war crime. For this crime and for crimes against humanity, the International Criminal Court has issued arrest warrants against the Israeli Prime Minister and former Defence Minister.

In January 2024, the ICJ explicitly and unanimously ruled that Israel must 'take immediate and effective measures to enable the provision of urgently needed basic services and humanitarian assistance to address the adverse conditions of life faced by Palestinians in the Gaza Strip'. That order incorporates an obligation not only to refrain from obstructing humanitarian aid but to facilitate it, an order consistent with the obligation to allow the free passage of life-saving relief expressed in Articles 23 and 55 of the Fourth Geneva Convention

(1949). Instead, Israel did the exact opposite: ordered the ships in the Flotilla to ‘stop their engines’, forcibly seized the vessels, and abducted the individuals aboard. This is yet another war crime by Israeli officials, a violation of IHL to accompany the many many others Israel has committed.

Israel’s casual violence against the Flotilla constitutes a flagrant violation of the human rights of the individuals onboard. International human rights instruments bolster the customary rules outlined above. Human rights treaties declare that states must not infringe the right to life, liberty, and security of individuals on the international plane, as expressed by Articles 6, 7 and 9 of the International Covenant on Civil and Political Rights. Israel’s actions against the Flotilla place these three rights under immediate risk. Israel has vandalised the ships and violated the individuals, causing corporeal harm during their removal while violating their liberty and security. Many of these protections enjoy the highest normative status under international law, paving the path for individual, statist, and institutional action against the Israeli Government. Human rights regimes could even be operationalised at the regional level. Recall that a substantive portion of the Flotilla passengers enjoys access to the European Court of Human Rights.

When boarding and raiding the vessels, Israel shamelessly declared that the individuals onboard bore ‘full responsibility for their actions’. Yet, as highlighted above, it is Israel that is obliged to facilitate the provision of life saving humanitarian relief, another responsibility Israel actively ignores. Israel’s actions against the Flotilla are part of its genocidal strategy of starvation. Hence, these acts of sabotage and human rights violations constitute an essential component in its ongoing crime of genocide. Accordingly, it is Israel that bears full legal responsibility for the actions it has taken against a peaceful humanitarian mission.

International law obligates the Israeli Government to immediately release the individuals detained, return the Flotilla undamaged to its rightful owners at their desired location, pay an adequate compensation, acknowledge its international legal responsibility via a publicly available apology, and cease all its genocidal actions, including its obstruction of the delivery of humanitarian relief into Gaza.

Israel’s international responsibility must be materialised through individual and institutional action in international and national venues. States should take action against the Israeli aggression and ensure the protection of the rights of the passengers. Universal jurisdiction could streamline national processes in over forty potential jurisdictions, and the ICC could extend its investigations to incorporate the Israeli actions against humanitarian relief missions. The ICJ should take note of the fact that Israel’s obstruction of humanitarian aid, including the unlawful interception of the Flotilla, is part of its deliberate starvation policy against Gaza’s population and constitutes an essential element of its genocidal campaign.

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