

Global Sumud Flotilla Trial – First Hearing Observation Report

23 October 2026 | Istanbul 11th High Criminal Court | Case No. 2026/108

European Association of Lawyers for Democracy and World Human Rights (ELDH)

Background

In response to the worsening humanitarian crisis in the Gaza Strip resulting from the Israeli blockade and acts of genocide, civil society organisations and human rights defenders from various countries have undertaken a series of maritime initiatives aimed at delivering humanitarian aid to Gaza and drawing attention to the blockade. The Freedom Flotilla Coalition and the Global Sumud Flotilla are international civilian initiatives operating in this context.

Throughout 2025, vessels participating in these initiatives were subjected to repeated interventions by the Israeli military. In May 2025, the *Conscience*, a vessel located off the coast of Malta, was reportedly targeted by drone attacks. Similar attacks were reported in September 2025 against vessels of the Sumud Flotilla while they were in Tunisia and subsequently sailing off the coast of Crete. On 1–2 October 2025, Israeli armed forces intercepted 42 vessels belonging to the Global Sumud Flotilla in international waters, detained hundreds of participants from different countries and transferred them to Israel.

Flotilla participants reported numerous human rights violations during and following their detention, including torture, ill-treatment, arbitrary deprivation of liberty, confiscation of personal belongings and denial of access to legal assistance.

The United Nations Special Committee to Investigate Israeli Practices also addressed the interventions against humanitarian flotillas in its report of 9 September 2026 (A/81/354). The Committee found that the flotillas had been unlawfully intercepted in international waters and that hundreds of participants had been arbitrarily arrested and transferred to Israel.

Criminal Proceedings in Turkey and the Scope of the Case

On 2 October 2025, the Istanbul Chief Public Prosecutor's Office launched an investigation into these events. An indictment was subsequently prepared against Israeli political and military officials on the basis of the jurisdiction provided for under Article 13 of the Turkish Penal Code.

Following the acceptance of the indictment dated 10 April 2026, criminal proceedings were initiated before the Istanbul 11th High Criminal Court under case number 2026/108. The defendants include Israeli Prime Minister Benjamin Netanyahu, members of his cabinet and senior military officials. A total of 35 defendants face various charges, principally genocide, crimes against humanity, torture, unlawful deprivation of liberty and aggravated robbery. The case involves more than 100 complainants from 28 countries.

It was reported that the investigation file contains victim statements, forensic medical reports and technical analyses aimed at identifying the military personnel allegedly involved in the incidents.

The proceedings were publicised by various lawyers' organisations and civil society organisations in Turkey, which issued calls for attendance at the hearing. In addition, the international legal team representing flotilla participants called upon lawyers' organisations and international mechanisms to send observers to the proceedings.

However, it also appears that other criminal complaints concerning Israel's actions in Gaza and its interventions against humanitarian flotillas, submitted by the Istanbul Bar Association, the Progressive Lawyers Association (ÇHD), various democratic civic society organisations and left-wing opposition groups, have not resulted in prosecutions and remain at the investigation stage. This raises further questions concerning the scope of the proceedings and the differing treatment of complaints submitted by various organisations.

Observations from the First Hearing

The first hearing, observed by ELDH, took place on 23 October 2026 at the Istanbul Courthouse.

Although the proceedings were scheduled to take place in the courtroom of the Istanbul 11th High Criminal Court, the hearing was moved to the larger courtroom of the Istanbul 14th High Criminal Court due to the high level of attendance. A large number of complainants, lawyers, journalists and observers attended the hearing, and the sections reserved for lawyers and members of the public were completely full.

Complainants, lawyers and observers began entering the courtroom at approximately 10.25 a.m., when identity verification procedures commenced. The first complainant's statement was heard at 10.51 a.m.

Complainants' Statements: Allegations of Torture and Ill-Treatment

Throughout the hearing, the complainants gave detailed accounts of the treatment they alleged they had suffered during the military interventions against the vessels and following their transfer to Israel.

Their statements described, in particular, physical violence, threats and insults, handcuffing behind the back, being forced to remain in stress positions for prolonged periods, exposure to extreme heat and cold, detention in unsanitary conditions, denial of access to food and drinking water, strip searches and the confiscation of personal belongings. Many complainants also stated that they had been denied access to legal assistance and interpretation services.

Some complainants alleged that the violence used by military personnel during the interception of the vessels had directly endangered their lives. They also shared with the court their observations and information communicated to them concerning severe physical and

sexual violence inflicted upon Palestinian detainees and prisoners whom they had encountered in Israeli prisons.

These statements demonstrate the need to examine the interventions against the flotilla not merely in terms of interference with maritime navigation or the detention of participants, but also in relation to the prohibition of torture and the protection of human dignity. The nature and gravity of the allegations make the obligation to conduct an independent and effective investigation particularly significant.

Requests to Expand the Scope of the Proceedings

Lawyers representing the complainants requested that the proceedings should not be confined to the interventions against the Sumud Flotilla, but that these acts should be examined within the broader pattern of violations committed against the Palestinian people in Gaza. In this context, they emphasised the need to investigate allegations of genocide and crimes against humanity on the basis of specific incidents and evidence.

Another prominent issue raised during the hearing concerned the responsibility of individuals allegedly serving in the Israeli military while also holding Turkish citizenship. Some complainants referred to military personnel who had spoken to them in Turkish and claimed to be Turkish citizens. They specifically requested investigations into individuals identified by the names Sadık and Eray. The complainants sought the identification of these individuals, the initiation of criminal investigations against them and an examination of their assets in Türkiye.

Applications by Organisations to Join the Proceedings

Alongside the individual complainants, the court also considered applications submitted by various organisations seeking to join the proceedings as intervening parties.

The court accepted the applications of Istanbul Bar Association No. 2¹, MAZLUMDER, the International Lawyers Association and the Lawyers of the Earth Association.

Given the generally restrictive approach to the participation of legal entities as intervening parties in Turkish criminal proceedings, these interim decisions are noteworthy. Nevertheless, the criteria applied in assessing applications to join the proceedings must also be applied consistently and without discrimination to other organisations submitting comparable applications.

¹ The bar association established with the support of the state authorities and still is not recognised by the majority of the lawyers as an independent legal body.

Interim Decisions of the Court

At the conclusion of the hearing, which ended at approximately 5.30 p.m., the court decided to maintain the arrest warrants previously issued against the defendants, as well as the procedures concerning INTERPOL Red Notices.

The court also ordered that a criminal complaint be filed with a view to identifying Turkish citizens allegedly serving in the Israeli military who had been mentioned in the complainants' statements, and ensuring that the necessary investigative steps were taken against them.

Considering that the acts committed against civilians in Gaza had not been sufficiently specified in the existing indictment, the court further decided to send an official request to the Istanbul Chief Public Prosecutor's Office concerning the identification of incidents and evidence relating to acts beyond those directed against the Sumud Flotilla, and the preparation of a new indictment in respect of these crimes.

In addition, the court ordered steps to be taken to investigate the defendants' assets in Türkiye and to obtain the relevant case file from the International Criminal Court, together with reports submitted to the United Nations.

The hearing was adjourned until **30 March 2027**.

Accountability and the Problem of Selective Justice

The initiation of criminal proceedings concerning the Israeli military's interventions against humanitarian flotillas and allegations of serious human rights violations against participants constitutes an important step in combating impunity for international crimes. In particular, hearing the complainants directly and examining their allegations on the basis of individual testimonies and forensic evidence are significant for establishing the truth.

However, the legal significance of these proceedings does not preclude a critical assessment of how the case was initiated, its political context and its scope.

First, whether the investigation and prosecution have been conducted selectively is a serious question. It has been observed that complaints concerning similar crimes submitted by the Istanbul Bar Association, left-wing and opposition organisations, and various democratic mass organisations have not progressed to the prosecution stage, whereas only applications submitted by certain organisations known for their ties to the government have come to the fore in the present proceedings.

The reasons for this differential treatment have yet to be clarified. Nevertheless, discrimination between organisations on the basis of their political positions or relationships with those in power is unacceptable in the assessment of complaints concerning serious international crimes. It is essential to establish the procedural and substantive grounds on which criminal complaints of a comparable nature have resulted in different outcomes.

Second, the manner in which certain political and ideological circles have claimed ownership of the proceedings is noteworthy. In statements concerning the hearing, some of the organisations calling for attendance specifically emphasised that Akin Gürlek, who initiated the investigation in his former capacity as Chief Public Prosecutor, now holds the position of Minister of Justice. This illustrates the manner in which the judicial process is being associated with the political leadership.

Such an approach carries the risk of presenting the case as an instrument for generating political legitimacy rather than as an independent mechanism of legal accountability. Against the backdrop of serious problems concerning judicial independence and the treatment of political opponents through the judicial system in Türkiye, presenting a particular case as evidence of the government's commitment to justice requires especially critical scrutiny.

Third, the scope of the proceedings remains limited in its connection to the violations committed in Gaza and the broader structures of responsibility that may have contributed to those violations. While investigating the treatment suffered by flotilla participants is necessary, it is equally important to examine the obligations of third States in relation to serious international crimes committed in Gaza, political and economic relations, possible commercial and military contributions, and the broader chain of international responsibility. In this respect, it is clear that any genuine mechanism of justice and accountability must also seek to expose the complicity of Türkiye's political leadership.

The current proceedings have not provided an opportunity for a comprehensive examination of these broader areas of responsibility. Although the court's request for the acts committed against civilians in Gaza to be further specified is significant in this respect, Türkiye's own practices, which have effectively helped create the conditions for genocide, were not discussed at any stage. On the contrary, President Erdoğan was repeatedly praised throughout the hearing.

In this context, it is essential that States which have publicly articulated their political positions concerning Israel's actions in Gaza should also be subject to independent scrutiny regarding their own obligations under international law and their political, economic and other relations.

For ELDH, the protection of human rights cannot be reduced to supporting demands for justice made by particular groups of victims or political circles. The prohibition of torture, the right to life, the obligation to investigate international crimes and the right to an effective remedy must be upheld irrespective of the identity of the victims or the political position of the organisations submitting complaints.

6. Conclusion

The first hearing in the Sumud Flotilla trial marked an important stage in bringing Israel's interventions against civilian humanitarian flotillas operating in international waters, and the serious human rights violations reported by their participants, before a court in public proceedings.

Nevertheless, whether these proceedings will make a meaningful contribution to international criminal justice depends on more than the arrest warrants issued against the defendants or the political visibility of the case. The scope of the investigation, the treatment of different complaints, the effective examination of evidence, the establishment of individual criminal responsibility and the protection of the proceedings from political instrumentalisation will be decisive.

For ELDH, the central concern is not only to ensure accountability for Israel's serious violations of international law, but also to ensure that this process is conducted in accordance with universal human rights principles, judicial independence and a non-discriminatory, non-selective approach to justice.

In monitoring these proceedings, it must never be forgotten that attempts are being made to instrumentalise the crime of genocide as a means of conferring legitimacy upon Türkiye's political leadership and a judiciary that has become entirely subordinated to the government.

ELDH will continue to monitor the subsequent stages of the case, particularly with regard to the expansion of the investigation, the status of other criminal complaints and international judicial cooperation.