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&

Timeline & Inconsistencies Report
Relating to the Gaza-bound Freedom Flotilla Attack
May 31, 2010

Advance Copy

October 1, 2010

Sponsored by

The International Bureau of Humanitarian NGOs (IBH) & Friends of Charities Association (FOCA)

Acknowledgments

Report sponsored by

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Table of Contents

INTRODUCTION

In the early morning hours of May 31, 2010, a convoy of humanitarian aid vessels referred to as the Gaza-bound 'Freedom Flotilla,' was attacked by the Israeli navy on the high seas. The convoy of six ships, comprising one passenger ferry, three cargo ships and two yachts, was taking supplies to the Gaza Strip, which had been under blockade and siege for over four years[1]. The attack occurred in international waters and resulted in the deaths of nine aid workers travelling on the largest ship, the *Mavi Marmara*. The Israeli government maintains that the passengers aboard the Flotilla were not humanitarians but instead working in conjunction with Hamas to undermine Israel's security. This convoy was the ninth flotilla and tenth attempt to break the blockade of Gaza by sea or land since 2008. The first five flotillas successfully reached port in Gaza. The sixth, seventh and eighth flotillas as well as the land convoy encountered resistance.

This report gathers and compiles information beginning from the week before the attack until September 30, 2010. It examines the actions leading up to and beyond the attack on the Flotilla by the Israeli navy. The information contained in this report has been gathered from more than one hundred hours of film and audio, plus over 2,000 official reports, articles, memorandums and other resources from around the world. Of particular interest are the inconsistencies that are revealed when the same version of events are compared side-by-side by both parties to the attack.

The primary component of this report is the timeline. We have juxtaposed the events as recorded by Flotilla participants alongside Israeli versions of events to create a comprehensive timeline. Most entries are presented using the actual words used by each party. A third column has been added to further clarify evidence used. Multiple examples of testimony are available for the various entries. We therefore include the entries that best describe each individual event.

[1] The main target of the Israeli attack was the Mavi Marmara passenger ship, which was an IHH humanitarian mission carrying aid and supplies from Turkey. The United Nations has made a distinction between activities that alleviated a crisis with humanitarian aid, and actions to address the root cause of the crisis. Because the latter is a political action, some activists on other Flotilla ships were therefore considered political activists per the UN definition. This report primarily concerns the actions against the IHH Mavi Marmara. See: "Report of the international fact-finding mission to investigate violations of international law, including international humanitarian and human rights law, resulting from the Israeli attacks on the flotilla of ships carrying humanitarian assistance," (late submission), Advance Unedited Version, United Nations Human Rights Council; Fifteenth session: A/HRC/15/21; 22 September 2010

STRUCTURE OF THIS REPORT

Three documents are included in this report:

1] A detailed overview of the event, supported by transcripts from the official Israeli videos;

2] A detailed timeline with supporting notes;

3] A detailed accounting of common contradictions, assumptions and rebuttals;

4] Example images from the official Israeli computer-manufactured attack videos.

The primary element of this report is the timeline of the attack on the Gaza-bound Freedom Flotilla.

1) THE TIMELINE

The one-hour raw video filmed and smuggled off the Mavi Marmara by Iara Lee[2], as well as the Eiland Team of Experts[3] video 'Flotilla Incident Timeline' [Parts One and Two] are anchor points to this report. The timeline examines the attack second-by-second, using a side-by-side comparison between the Israeli and Flotilla version of events.

Caveats:

1] The Flotilla video is contiguous until minute 48:55 and minute 49:23. At these points, it appears the camera was shut off for a minute or two while changing locations. The first break occurs 13 minutes into the assault. Times after this point are best possible estimates. Events are shown in the order they occurred.

2] Preparers of this report do not have naval or military expertise. Therefore, when sounds cannot be determined [e.g., gunshots or grenades], we have noted that a sound has been registered accompanied

[2] Iara Lee, of Brazilian-Korean descent, is an activist, filmmaker, and founder of the Caipirinha Foundation, grouped under the umbrella of CulturesOfResistance.org. Onboard the Mavi Marmara, she operated as a video journalist.
[3] Team of experts headed by Maj. Gen. [Res.] Giora Eiland, tasked with examining the incidents that took place at sea on May 31, 2010. The core of the report was presented to the Israeli Minister of Defense of Israel on July 12, 2010.

by a descriptive statement. There are several instances where further verification of translations from Arabic, Turkish or Hebrew into English would be advised. These are so noted where applicable.

Structure of the Timeline:

For much of the Lee video, we describe what happens on the videotape. What we see. What we hear. Studio quality noise cancelling headphones were used to decipher the raw material. These entries are noted as *Raw Footage from the Mavi Marmara*.

The beginning frame for all comments on each video is designated in a separate column with a time-stamp. For the Israeli video, we have noted whether it is Part 1 or Part 2[4] to designate the second video produced by the Eiland Team of Experts. These entries are noted as *Flotilla Incident Timeline Video.*

Raw footage is available online for the key videos cited in this report, including:

Iara Lee video: http://www.youtube.com/watch?v=7UN4DO1pL5E

Adam Shapiro[5] on RT[6] Television June 1st: http://www.youtube.com/watch?v=bmDjAu0DSiM

IDF Video Channel[7]: http://www.youtube.com/idfnadesk#g/c/D367B77C57326D3E

Eiland video PI: http://www.youtube.com/watch?v=TwoqGJJltPU

Eiland video P2: http://www.youtube.com/watch?v=BpPvs3YSE4g

Soldier's testimony: http://www.youtube.com/watch?v=BpPvs3YSE4g

The full transcript of the Eiland video is included in Appendixes A and B of this report.

Though we have cited the original articles and statements from the passengers to the press, previously published statements that appear in a book released by the survivors in August 2010, *Midnight on the Mavi Marmara,* are sourced as the main reference. This book is a compilation of diaries, blogs, articles and news reports concerning the attack from the perspective of the Flotilla passengers. We have also

[4] The Eiland Team divided their timeline video in to two parts.
[5] Adam Shapiro is an American co-founder of the International Solidarity Movement (ISM) and one the organizers of the Freedom Flotilla.
[6] Russian Television, previously known as Russia Today, is a global multilingual television news network based in Russia. RT was the first all-digital Russian television network.
[7] The Israel Defense Force released its video to the IDF YouTube Channel (the official IDF video site).

used the IHH (İnsan Hak ve Hürriyetleri ve İnsani Yardım Vakfı)[8] report on the attack, detailing the timeline from the ships' logs of the Defne[9], Gazze[10] and Mavi Marmara[11] vessels in the Flotilla.

The IHH report is available at:
http://www.freegaza.org/attachments/1234_Mavi%20Marmara%20Report.pdf

2) **STATEMENTS & INCONSISTENCIES SPREADSHEET.**

This is a notation spreadsheet of various denials, inconsistencies and misstated facts common to the narrative to justify the siege, blockade and various positions taken by Israel toward the people of Gaza in Palestine[12], along with sources supporting the statements. The statement in contention is listed on the left of the timeline; articles and statements that contradict the official narrative are noted in the columns on the right.

3) **TRANSCRIPT OF THE EILAND TEAM'S *FLOTILLA INCIDENT TIMELINE* VIDEO.**

This video is somewhat erratic in its presentation and therefore the transcript is included in full in the Appendix.

4) **EVIDENCE OF COMPUTER-MANUPULATION OF THE ISRAELI ATTACK VIDEO.**

In the days following the attack, a number of videos released by the Israeli Foreign Ministry and IDF appeared on the Internet and media broadcasts to support its version of events. Several of these segments were later shown to have been digitally enhanced[13], computer-manufactured or fraudulent.[14] This report includes screen shots of examples of the computer-generated segments within videos released by the Israeli government. Several of these segments, although already exposed as false, were integrated into the Eiland Team's *Flotilla Incident Timeline*.

[8] The Turkish *İnsan Hak ve Hürriyetleri ve İnsani Yardım Vakfı*; known in English as the IHH Humanitarian Foundation.
[9] Cargo ship in the Freedom Flotilla.
[10] Cargo ship in the Freedom Flotilla.
[11] Passenger ferry in the Freedom Flotilla.
[12] In this report, Palestine refers to the West Bank and Gaza Strip; also known as The Occupied Territories.
[13] 'Photographs of Battered Israeli Commandos Show New Side of Raid,' Robert Mackey, *New York Times*, June 7, 2010.
[14] 'IDF Released Fake Videos of Gaza Flotilla,' Adam Shapiro Interview on RT (Russian Television), June 2, 2010.

SUMMARY OF THE ISRAELI POSITION:

The official Israeli Government position is that its navy acted with the utmost professionalism and in accordance to international law. It also contends that both the siege and blockade of Gaza are legal under international law and therefore Israel has the right to prevent foreign ships from entering territory it controls. The Israeli government has repeatedly stated that there is no humanitarian crisis in Gaza, and that it allows necessary supplies in to the Gazans[15] to sustain the population. The Israeli blockade, the Israeli government states, is a form of 'economic warfare' that does not target civilians. Instead, it maintains, the only blockade is against the Hamas[16] militant group, bent on Israel's destruction. The government states that the maritime closure has only been in effect since the Israeli 2008[17] attack on Gaza.

The Israeli attack on the Freedom Flotilla to Gaza took place in the early morning hours of May 31, 2010, in international waters. Israel maintains the position that the passengers aboard the Flotilla were not humanitarian aid volunteers; rather they were working in conjunction with Hamas to undermine Israeli security. The Israel Defense Forces (IDF)[18] taking part in the attack were instead portrayed as the victims of 'violent resistance' perpetrated by a heavily armed group of terror-supporting activists, whose aim was to undermine Israeli authority and deliver items that would be in turn used by the enemies of Israel to attack and kill its people.

SUMMARY OF THE FLOTILLA POSITION:

The Flotilla organizers admit that their objective was to break the Israeli blockade and deliver humanitarian supplies to Gaza that Israel prohibited, including cement, pre-fabricated homes, playgrounds, paper, chocolate, medical equipment and medical supplies. The organizers insisted, and third party certification confirmed, that there were no weapons on board any vessel in the Flotilla expedition. The organizers of the Flotilla maintain that the blockade of Gaza is illegal, and therefore breaking the blockade remains a moral requirement.

This was the ninth flotilla mission to deliver goods to Gaza. The first five previous missions arrived successfully and were able to unload their cargo. Subsequent flotillas however, were attacked and rammed at sea by the Israeli navy but never with lethal force. Previous activists had been beaten, imprisoned and

[15] Over 1.6 million people live in the Gaza Strip, an area 23 miles long by 10 miles wide. Sixty-eight percent of the inhabitants are under the age of 18.
[16] The political party founded in 1988; known for its Islamic beliefs, and lack of corruption. In January 2006, Hamas was elected by the majority of Palestinian voters. Hamas includes a militant wing comprising an estimated 10% of its members.
[17] Known as Operation Cast Lead, this attack on the Gaza Strip by Israeli forces began on December 27, 2008 and lasted until January 16, 2009. Over 1400 Palestinian civilians were killed, and thousands lost their homes. Thirteen Israeli soldiers were also killed, four by friendly fire.
[18] The military forces of the State of Israel are comprised of the Army, Air Force and Navy.

harassed, and this had been somewhat expected. To comply with international law prohibiting the transfer of military arms and weapons to terrorists groups, the activists participating were fully vetted by third parties affiliated with the United Nations[19] as well as the port authorities of the nations from which they sailed before joining their vessels. Furthermore, before embarking, the ships were meticulously searched and all were certified weapons free and in full compliance with customs controls and international law.

The Flotilla participants had been trained in civil disobedience and non-violent resistance, which they planned to use in the event of the IDF potentially boarding and taking over their ships. Tactics rehearsed included the formation of human walls, the blocking of entry into various areas of the ships, the stringing of barbed wire on the railings to prevent hostile boarding, the use of night vision goggles to watch for any approaching Israeli vessels, the wearing of bullet proof vests to protect from possible gunfire, and the use of gas masks to protect from gaseous attacks based upon IDF actions upon civilians and demonstrators in the past. The Flotilla participants assert that Israel's attack on its humanitarian mission in international waters was illegal under international law, and was therefore considered an act of piracy on the high seas.

[19] Previously the League of Nations, the United Nations was founded in 1945 tasked with facilitating cooperation between all nations in matters of international law, international security, economic development, social progress, human rights, and achievement of world peace.

EXAMINATION OF THE EVIDENCE

On the day of the attack, a full court press of information reached the wire services, most of it originating from the Israeli government. The participants in the Freedom Flotilla themselves were imprisoned and thereby prevented from speaking to the media for at least thirty-six hours and up to several days past the attack. By that time, the media had received the bulk of their information on the attack from only one element to the tragedy.

With very few exceptions, the testimony and assertions of the Flotilla passengers is consistent. The only anomalies (e.g., three versus four IDF helicopters) may be attributed to the fact that the witnesses were on several different ships and thus varying vantage points to the attack. The other issues of contention are the exact size and specifics of the Israeli forces deployed to contain the Flotilla. The majority of those involved in the Flotilla were civilians with no military experience. As a result, their observations are consistent with a layman's understanding of military vehicles and vessels.

Israeli sources discuss various vessels including missile boats, patrol boats, at least two types of Zodiac Commando Hurricane rigid inflatable crafts (which cannot be seen on radar), at least two types of planes, and a Blackhawk and smaller model of helicopters. The Flotilla captains report seeing three or four combat navy vessels that they erroneously refer to as 'battleships,' as well as up to 30 Zodiac inflatable navy vessels. Based upon information provided by the Israel Defense Forces, it appears Israel used two sizes of Zodiac Commando Hurricanes, one capable of carrying 10 men with a second capable of carrying 15 to 20 men. The Flotilla captains and eyewitnesses on the ships also report seeing reconnaissance aircraft and drones deployed in the hours before the attack.

However, the Israeli navy does not possess any naval vessels the size of a classic destroyer or battleship. Israel does possess two Hetz/Nirit-class Sa'ar 4.5 missile boats, both currently active. Based upon the photographs published, at least one of these ships was involved in the attack on the Freedom Flotilla. Matching the ship's profile via photographic overlays, the Sa'ar 4.5, transport frigates and small-to-mid sized missile boats were those later referred to as a 'battleships'. This would be a logical mistake for civilians or non-naval personnel to make. 'Battleship' is a generalization to refer to a larger naval vessel, and should be treated as such throughout this report when considering witness statements.

Additionally, passengers on board the Defne, Gazze and Mavi Marmara all report seeing two Israeli submarines on their radar before and during the attack. The captains of the Flotilla ships report seeing 14 separate vessels on their radar during the attack. According to the Zodiac manufacturer's website, the rigid inflatable Commando Hurricane attack boats do not show up on radar. Based upon the photographs and

graphics distributed by the IDF used during the attack, the Zodiac Commando Hurricane rigid inflatable boats appear to be the same model as those used by the Israeli navy.

What is evidenced to date is that the Freedom Flotilla participants:

- Have not manufactured, altered or falsified evidence to support their story;
- Did not cut Israeli satellite communications to prevent Israel's official version of events from being made public;
- Did not have military grade weapons onboard their vessels;
- Did not institute a public relations campaign to libel and/or slander the Israeli government or its agents. They did protest Israeli policies towards the Gaza Strip and it implementation, backed with evidence in the public domain;
- Did not pursue the Israeli government or its navy in international waters;
- Did not engage in activities designed to harass and terrorize the civilian population of Israel or its occupied territories;
- Did not deny medical aid and care to wounded Israeli soldiers, even while under attack;
- Did not hold Israeli soldiers against their will once hostilities ended.

Was violence used? Yes, once the IDF had boarded the Mavi Marmara and commenced shooting at the passengers. At that point, some of the passengers did use sticks, knives, chains and other weapons of opportunity to attack the soldiers as they boarded, despite these actions being against their oath of non-violence to the Flotilla's organizers. This was admitted to, and is contained in their testimony. There is no evidence the Flotilla's passengers used any guns. The evidence available shows that when the activists came in to possession of guns taken from the IDF soldiers, they emptied each weapon of its bullets and discarded each firearm rather than use it against the Israelis.

Problems and contradictions arise with the evidence Israel has put forth. There are multiple instances of Israeli officials creating false evidence to implement and bolster the government's version of events. The Israel government also went to great lengths to prevent survivors from discussing the attack or proving their version of the event with evidence they collected or bore witness to themselves. With the exception of a small portion of video used in this report, the Israeli authorities confiscated all physical evidence. With the exception of some personal items such as clothing and empty suitcases, these majority of these items, particularly electronics and photography equipment, have yet to be returned to the passengers.

All traceable efforts to obscure the details of the attack have originated from within Israel and its champions. These include:

- Disabling the ships' satellite communications systems;
- Sending false messages between the ships in the Freedom Flotilla via inter-ship communications;
- Attacking the convoy ships in international waters when not on a heading to Israel;
- Attacking ships at night rather than during the day (so as to more easily protect and keep safe the passengers);
- Not using a loudspeaker from either the IDF boats or helicopters in order to warn the passengers that they were preparing to board. This is standard operating procedure on the high seas when a military vessel encounters a civilian vessel with intent to board;
- Barring access to individual Embassy and Consular staff, the media, and lawyers for several days after the activists had been taken into Israeli custody;
- Forcing the passengers of the Flotilla to enter Israel, confiscating their passports and subsequently charging them with the crime of illegal entry into Israel;
- Withholding medical treatment from passengers for several hours, resulting in the probable and unnecessary deaths of three of the activists.

The Israeli authorities went to extraordinary lengths to conceal the actual events of the attack in order to manipulate public opinion, at the diplomatic and media level worldwide. These actions included:

- Creating multiple false audio transmissions[20] to position the Flotilla participants as terrorists and terrorist-sympathizers; [First noted 22:30 on the Timeline; additional instances included]

- Creating multiple false video evidences to bolster the Israeli versions of events to pre-empt and sway public opinion; [Noted on the Timeline, beginning at 4:29:20]

- Planting false information in press releases and statements accusing Flotilla members of affiliates of Al-Qa'eda and/or other designated terrorist organizations. [Noted on the Timeline, on June 3rd]

- False statements to the press

    These include statements such as, 'there is no humanitarian crisis in Gaza', or stating that the Flotilla could not dock in Gaza because Gaza has no port. This also includes Israeli officials creating the false narrative that aid to Gaza had increased when their own records show that aid had decreased in the nine months before the Flotilla attack.

[20] Israel Admits It Doctored Flotilla Audio Tapes, Press TV, June 7, 2010, http://www.youtube.com/watch?v=zFMfaI_A8lk

- False statements as to the purpose of Israeli actions

  This includes the most repeated example of stating that the blockade was not intended to hurt the people of Gaza, yet later admitting that it was intended to collectively punish them.

- False statements regarding historical facts

  This includes Israel's insistence that it no longer occupies Gaza but maintains complete control over people, supplies and aid going in and out of the region, as well as claiming that there are no Palestinians and that all non-Jewish Arab citizens have equal rights within Israel.

- False statements as to how they treated the passengers once they were captured

  Testimonies of the passengers indicate a prolonged system of physical and emotional abuse and needs-depravation in addition to actions potentially considered war crimes. This includes the shooting of a medical doctor who cared for the wounded, including the IDF soldiers.

- Defamation of character and manufactured evidence as to the activities of the various Non-Government Organizations (NGOs) involved, most notably the Humanitarian Relief Foundation (IHH).

  The IHH, headquartered in Istanbul, Turkey, bore the brunt of a well-orchestrated campaign to malign its charitable intent. No other government other than Israel considers the IHH to have ties to terrorism. Israel itself only designated it a 'terrorist organization' after Operation Cast Lead in 2008. [Noted on June 1st, 16th and July 14th in the Timeline.]

  Human Rights Watch, Amnesty International, the World Health Organization and the United Nations were also heavily criticized for the conclusions in their reports on Israel's human rights abuses towards the Palestinians, as well as the severity of its siege against the people of Gaza.

- Denials of culpability in, or existence of, the humanitarian crisis in Gaza

  Perhaps the most blatant inconsistency is Israel's denial of its implementation of a blockade against the people in Gaza preventing goods from passing into the territory, and how Israel is therefore responsible for what the people of Gaza can and cannot receive. Under the Fourth Geneva Convention this is determined to be an occupation, and as such, Israel is responsible for conditions in Gaza.

- Translating terms to a singular definition

  A June 3rd PressTV video[21] showed a Flotilla participant stating that he hoped to become a *shahid* (witness). The title for the video subsequently included the following headline: *Video of Flotilla Passenger: "I want to be a shahid (martyr)".* [22]

- Euphemizing their actions

  An example of this is the use of the benign, safety-conscious word 'lifeboat' to describe the Zodiac Commando Hurricane naval vessels deployed in the attack, with fully-armed commandos and their equipment. [Noted throughout the timeline.]

- Planting evidence on the ship

  Adam Shapiro, one of the Flotilla organizers, and several passengers on board the Mavi Marmara stated on Democracy Now radio and television, Russian Television and multiple other media outlets that the ships in the Flotilla were weapons-free, and that the non-IDF ammunition and 'Hamas' branded slingshots were planted on the ship after the attack. [A gun removed from an IDF soldier is noted on the timeline at 4:33:12.]

- Stealing and/or destroying the personal belongings of the passengers

  In August, several IDF soldiers were apprehended when attempting to sell confiscated personal belongings of the Flotilla passengers; some were found to have used the activists' credit cards to purchase personal items for themselves. As of September 2010, the passengers had failed to receive most of their stolen personal property back, or been offered compensated for what was intentionally destroyed after the attack. Several reports from Reuters and the Associated Press state that the individuals on board collectively lost over $1million in personal property, including computers and professional camera equipment. These are detailed in the Free Gaza report: http://www.freegaza.org/en/home/56-news/1237-report-of-flotilla-free-media-team-from-their-meeting-in-istanbul-

[21] This video was removed from YouTube, due to a copyright claim by PressTV. The original segment cannot be accessed as of the writing of this report through either the IDF or PressTV. However, various archive copies continue to populate the internet on various unofficial sites.

[22] The IDF English-language version of the video states, "A passenger on board one of the vessels participating in the Gaza flotilla is interviewed by PressTV before IDF soldiers intercepted. He speaks in English, explaining how he has tried twice in the past to be a shahid (martyr). He refers to a previous convoy that he joined in hopes of being killed for a cause, but to no avail, and expresses his wish that on board this flotilla, he will succeed. The Arabic term "shahid" literally means "witness", but is a religious term in Islam used to honour Muslims who lay down their lives to wage war for Islam." http://dover.idf.il/IDF/English/News/today/10/06/0302.htm

- Denying medical assistance to the injured on the Mavi Marmara for several hours, thus conceivably contributing to the deaths of three passengers. [Noted first at 4:35 and then at 7:45.]

- Pressuring foreign governments to uphold Israel's unique designation of the IHH as a terrorist organization.

  > "The German Government, subsequent to the attack on the Mavi Marmara, banned the IHH from operations in Germany. According to IHH Turkey, the German IHH is not related to them in any way, and this was clarified in a lawsuit filed by the IHH Humanitarian Relief Foundation in October 2008. The Germany-based IHH was founded by a completely different group with no association to the Turkish organisation, and no action or operation by the German-based IHH Foundation existed."
  >
  > "We have no links with the IHH in Germany," IHH (Turkey), July 17, 2010[23]

- Assaulting the unarmed activists after capture. [Noted in the timeline after 8 am.]

- Denying food, medicine and basic needs to activists once captured. [Noted in the timeline after 8 am.]

- Using psychological torture against the activists while imprisoned. [Noted in the timeline after 8 am.]

[23] http://www.ihh.org.tr/ihh-insani-yardim-vakfi-ndan-yazili-aciklama--almanya-daki-ihh-nin-bizimle-ilgisi-yok/en/

CONCLUSION

The most challenging aspect of creating an unbiased report regarding the differing version of events surrounding the Freedom Flotilla attack of May 31, 2010, is that the weight of the immediate evidence collected mainly originated from within Israel, and proved to be false, manufactured or manipulated. The passengers on the Flotilla have told remarkably consistent and similar stories despite being on several different vessels and presenting their stories in different countries and at different times, uncoordinated in alignment with other activists. By contrast, much of what Israel has submitted as fact has since been proven false, thus leaving doubt as to the accuracy of any other evidence Israeli officials continue to put forth.

The primary unknown surrounding the Flotilla participants pertains to precisely when they chose active, as opposed to passive, resistance. It cannot be proved with certainty whether the fifteen people (according to IDF officials) on the top deck of the Mavi Marmara attacked the rappelling soldiers before they believed their own lives were in danger from gunfire, or if the IDF gunfire was a result of the activists being on the top deck prepared to resist. It is fair to assume, considering that more than thirty journalists were also on the same ship, that this element of the event was being filmed as it happened but that this critical footage was confiscated and possibly destroyed by the Israeli authorities.

Several activists state that the Israeli soldiers started firing live rounds at the passengers from the air before the IDF soldiers rappelled from the first helicopter. The Israelis consistently stated they only used non-lethal paintball guns and ammunition. However, one of the IDF guns was emptied of its live rounds by activist Kevin O'Keefe, 2½ minutes into the attack. O'Keefe's military background in the US Marines enables him to professionally ascertain whether the bullets were lethal. The two activists who died from multiple upper body and close-range head shot wounds during that first 2½ minutes seem to confirm O'Keefe's expert assessment. When juxtaposed against the Flotilla video and other supporting testimony, the Israeli video version appears highly implausible - especially given that the IDF soldiers claim to have been attacked by 2 or 3 men each as they rappelled. According to Israeli sources, 15 soldiers rappelled onto the ship, another helicopter with a further 12 armed soldiers hovered above the Mavi Marmara with sniper rifles trained upon the deck and ready to deploy, and 15 activists were waiting on the top deck. Given that two of the activists were killed within the first 2½ minutes, the remaining 13 activists were left to defend the ship against the 15 heavily armed and combat-protected soldiers. The statistics therefore do not support Israel's argument.

The Israeli government has classified much of the information surrounding this entire event and subsequently cleared itself in an investigation of its own actions they carried out themselves. The internal

report on the investigation, led by Israel's Maj. Gen. [Res.] Giora Eiland and presented to the Minister of on July 12, 2010, had not been made public as of September 2010.

If the evidence supported the position of the Israeli government, one can assume that they would want to make public any raw, unaltered footage confirming their actions. Three months since the attack on the Mavi Marmara and Freedom Flotilla, they have yet to do so.

Timeline and Inconsistencies

Between Passengers and the Israeli Government

Timeline and Inconsistencies

Between Passengers and the Israeli Government

Times given in the following minute-to-minute report are based upon the testimony of individuals, video filmed from onboard the Mavi Marmara prior to and during the attack, film footage provided by the Israeli government, and public records. Raw film footage from the Mavi Marmara begins at approximately 3:54 am, based upon the cross-referencing of events as reported. Times stated may be slightly different by plus or minus 2 minutes after 4:41am, due to a pause in film at that point. Events are listed sequentially. Any crossover is due to multiple eyewitness accounts. Much of the Israeli version is taken from the Eiland Team of Experts *Flotilla Incident Timeline* videos, posted to the IDF YouTube Channel as well as its supporting transcript. Key points and sources are noted, although most of the evidence is stand-alone, contrasting the Flotilla passengers stories against the Israeli government's version of events.

Nine passengers were killed, twenty-three seriously wounded and another thirty-one wounded, according to the IHH. The Israel Defense Force reported three of its soldiers seriously wounded, with six treated for minor wounds. With the exception of two activists killed in the first 2.5 minutes, and three who died from their wounds within three hours, it is unclear as to when, exactly, the other four passengers onboard were killed.

The book *Midnight on the Mavi Marmara* was published in August 2010, and includes many of the same sources independently cited in this report. In those instances where *Midnight on the Mavi Marmara* reproduces the original articles and testimonies, this report cites the book as the source where there is duplication.

Timeline and Inconsistencies
Between Passengers and the Israeli Government
Freedom Flotilla

Date	Time	Track #	Location	Flotilla Version
Preparation during the weeks before the attack				Typically each Flotilla mission is announced and planned several months in advance. The application process through FreeGaza.org requires full background information, passport information, verification of nationality, a short essay of the skills you can bring to the endeavor, emergency contact information and two letters of reference. These are then vetted, verified and checked against various lists to assure participants are not connected to any organization that is banned by international law.
				Source: Passenger Form, FreeGaza.org: http://www.freegaza.org/en/join-in/passenger-notice
			Friday	
14-May			Dundalk, Ireland	Rachel Corrie MV departs from Ireland
				Source: MV Rachel Corrie, The Freedom Flotilla Video, Pakistan.TV, May 14, 2010,: http://www.pakistan.tv/videos-the-mv-rachel-corrie-the-[3BENNl5GgyI].cfm
			Saturday	
22-May			Istanbul, Turkey	Mavi Marmara is inspected and departs Turkey. John Ging, Director of United Nation's Relief and Works Agency (UNRWA), said in a press release: "We recommend the world send ships to the shores of Gaza, and we believe that Israel would not stop these vessels because the sea is open, and many human rights organizations have been successful in previous similar steps, and proved that breaking the siege on Gaza is possible." *--John Ging*
				Source: Greta Berlin, "Second Ship Joins the Freedom Flotilla on Way to Gaza," FreeGaza.org, 5/22/2010, available online at: http://www.freegaza.org/en/home/press-releases/1171-second-ship-joins-the-freedom-flotilla-on-way-to-gaza
			Monday	
24-May			Greece and Turkey	Defne and Gazze leave Turkey and Sofia leaves Greece
				Source: Israel Defense Forces, Strategic Division, "Flotilla to Gaza: Operation Sea Breeze, Summary and Background May 31st –June 5th Report", Tel Aviv, June 10th, 2010, available online at: http://dover.idf.il/NR/rdonlyres/B2CAF6B4-C21F-4156-AE98-9E3950658B64/0/SummaryofFlotillaFinalVersion.ppt

Timeline and Inconsistencies
Between Passengers and the Israeli Government
Israel

Track #	Israeli Version	Notes
#2:36	According to the IDF website, at the same time as the preparations were being made by the Flotilla, and in cooperation with various government offices, a defined site was set up at Port Ashdod in Israel. IDF forces, police and government representatives prepared to receive hundreds of the ship's passengers. SWAT and IDF Masada units were trained, as well as Israeli Prison Services units.	Based upon Flotilla survivor testimony the attack force against the Flotilla included: 3-4 large naval vessels, 3-4 Black Hawk helicopters, up to 30 Zodiac Commando Hurricane boats in two sizes, 2 submarines, two planes and at least one drone. Number of Israeli personnel involved is unknown. There were 581 people on the Mavi Marmara, and a total of 718 people participating in the Flotilla.
	Source: Major General (Res.) Giora Eiland "Flotilla Incident Timeline, Video Part One", July 15, 2010, available online at: http://www.youtube.com/watch?v=TwoqGJJltPU	*Sources: Major General (Res.) Giora Eiland "Flotilla Incident Timeline, Video Part One", July 15, 2010, available online at: http://www.youtube.com/watch?v=TwoqGJJltPU, Mark #2:36* *"Midnight on the Mavi Marmara: The Attack on the Gaza Freedom Flotilla and How It Changed the Course of the Israeli/Palestine Conflict", Moustafa Bayoumi Ed., (Haymarket: Chicago) 2010, pg 1-70* *Insani Yardim Vakfi (IHH), "Palestine: Our Route, Humanitarian Aid Our Load Flotilla Campaign Summary Report", Report, (İstanbul), June 29, 2010, pg 30-31, available online at: http://www.ihh.org.tr/insani-yardim-filosu-ozet-raporu/en/*
	Friday	
		Israel's position is that they were within international law confronting the Flotilla in international waters. Laws applying to confrontation at sea include those issued per the United Nations Charter, the UN Convention on the Law of the Sea, the Geneva Conventions covering the laws or war and the San Remo Manual on International Law Applicable to Armed Conflicts at Sea [1994].
		Sources: Israel obeyed international law: Legally, the Gaza flotilla conflict is an open-and-shut case; Alan Dershowitz, June 2nd 2010, NY Daily News http://www.nydailynews.com/opinions/2010/06/02/2010-06-02_israel_obeyed_international_law_legally_the_gaza_flotilla_conflict_is_an_openand.html#ixzz0zkouQnVl *Israel Defense Forces, Strategic Division, "Flotilla to Gaza: Operation Sea Breeze, Summary and Background May 31st –June 5th Report", Tel Aviv, June 10th, 2010, available online at: http://dover.idf.il/NR/rdonlyres/B2CAF6B4-C21F-4156-AE98-9E3950658B64/0/SummaryofFlotillaFinalVersion.ppt*
	Saturday	
	Israeli Intelligence, according to IDF and Israel Foreign Ministry websites, begin following the activities of the Flotilla as they prepare to set sail from their various ports.	
	Source: Israeli Defense Force: http://dover.idf.il/IDF/English/; Israeli Ministry of Foreign Affairs: http://www.mfa.gov.il/	
	Monday	
	The reason for intercepting the Flotilla was articulated by the IDF: "In light of weapons smuggling attempts, a maritime closure was established during the 2008-2009 Gaza Operation. Under the guise of providing humanitarian aid, a number of ships have attempted to reach the Gaza Strip, some permitted to enter, while others were stopped. Due to these attempts, the IDF General Staff and Navy outlined orders to prepare for future attempts to break the closure, and in preparing for the May 31st Flotilla, the IDF planned far in advance with extended discussion, and various simulation model scenarios. IDF attaches abroad and foreign attaches to Israel were all briefed in advance."	
	Source: Background information provided on the Israel Defense Force's YouTube channel for the following video series: Major General (Res.) Giora Eiland, "Flotilla Incident Timeline, Video Part One & Two", July 15, 2010, available online at: http://www.youtube.com/watch?v=BpPvs3YSE4g	

Tuesday				
Date	Time	Track #	Location	Flotilla Version
25-May				
Wednesday				
26-May			Nicosia, Cyprus	"Some activists gather in Cyprus awaiting transfer to ships. The Greek government will not permit Flotilla ships in to port. "The ships are late, various problems have arisen, the coordinates still haven't been set for the actual rendezvous. The only thing that's certain is that it will be out at sea. Cyprus doesn't want our six ships putting in here. Presumably Israel has applied pressure." -- *Henning Mankell*
				Source: Henning Mankell, "Flotilla Raid Diary: A Man is Shot. I am Seeing It Happen," in "Midnight on the Mavi Marmara: The Attack on the Gaza Freedom Flotilla and How It Changed the Course of the Israeli/Palestine Conflict", Moustafa Bayoumi Ed., (Haymarket: Chicago) 2010, pg 20
Thursday				
27-May				Lee Shuster, Journalist: "When did it become clear that the Flotilla faced violence at the hands of Israeli military forces?" Kevin Ovenden, Organizer: "I became increasingly convinced that the Netanyahu government would stop at nothing to stop the Flotilla, and the reason for my thinking was that it became clear that allowing the Flotilla in—given the level of international support that was developing on Thursday [5/27] and Friday [5/28] of the previous week—would have signaled the end of the embargo on Gaza. In fact, what's happened has also signaled the end of the siege. It's changed the situation utterly. At the time, I believed that Israel's calculation was based on two things—one, that the force used would be brutal, but would not lead to such a large number of casualties—though it would lead to casualties. And second, that they would get away without any backlash in world opinion because, quite frankly, they've gotten away with far bigger crimes." -- *Excerpt of interview*
				Source: Kevin Ovenden, "An Act of State Terrorism," in "Midnight on the Mavi Marmara: The Attack on the Gaza Freedom Flotilla and How It Changed the Course of the Israeli/Palestine Conflict", Moustafa Bayoumi Ed., (Haymarket: Chicago) 2010, pg 58, original article online at: http://www.vivapalestina.org/alerts/flotilla_030610_ovenden.htm
Friday				
28-May	16:00:00		Off the coast of Cyprus	The Rachel Corrie MV was running late, and sabotage was suspected for two other boat six remaining ships in the Flotilla. They finally meet in the Mediterranean, and begin to head east. "The Greek ship, which was American-flagged, (Challenger II) failed to launch due either to technical difficulties or possibly Israeli sabotage." --*Moustafa Bayoumi*
				Source: Moustafa Bayoumi, "Introduction," in "Midnight on the Mavi Marmara: The Attack on the Gaza Freedom Flotilla and How It Changed the Course of the Israeli/Palestine Conflict", Moustafa Bayoumi Ed., (Haymarket: Chicago) 2010 pg 1

	Tuesday	
Track #	Israeli Version	Notes
	"Aware of the upcoming 'Free Gaza' Flotilla, Israel advises Turkey and other governments whose citizens were planning to participate that it will not allow the 'self-styled humanitarian mission to breach its defensive naval blockade of Gaza.' Instead, Israel offers to offload all humanitarian goods in the port of Ashdod and have United Nations personnel deliver the items to Gaza. Turkey rejects the offer; other European governments try to dissuade their nationals from participating to no avail."--*AIPAC*	By this date most of the ships have set sail and are enroute. The question may be asked, why the goods could not have been unloaded in Gaza to be overseen by UN personnel, if in fact Israel did not wish to prevent humanitarian aid getting in to Gaza. The control of the narrative presents options and parameters by Israeli authorities as the only acceptable solutions, with few alternative practical solutions proposed by international officials.
	Source: american Israeli Public Affairs Committee (AIPAC), "Timeline: Gaza Flotilla," Memo, June 1, 2010: www.aipac.org/Publications/FlotillaTimeline.pdf	
	Wednesday	
	Thursday	
	Vice Admiral Marom, head of the Israeli Navy, instructs the troops who would intercept the Flotilla. "We will not permit anyone to sail to or from the Gaza Strip without our permission, without our checking them and without our supervision over this crossing and as of now this naval territory is absolutely closed...We are IDF soldiers who operate according to the spirit of the IDF and according to IDF values and we will act professionally and with determination. We have no intention of harming any one of these people. And with that said, we have a very clear mission to carry out. We will prevent them from entering the Gaza Strip. Any provocation that they will create...We do not respond to these types of actions. We act as professional soldiers do; we have a mission to accomplish and we will fully accomplish it." --*Video transcript*	Several of the organizers commented that they had expected a confrontation but they did not expect the Israelis to use lethal force against them. The first five flotillas had passed the blockade; the sixth Flotilla, which occurred during Operation Cast Lead, attempted to bring in surgeons and medical equipment. The Dignity was carrying three volunteer surgeons, was rammed by the Israeli navy three times, almost sank and was prevented from entering Gaza. Organizers expected casualties in the form of broken bones, bruises and cuts given previous experience. They did not expect fatalities. Autopsy reports showed that the majority of those killed were done so via multiple shots to the head or chest, in almost all cases.
	Source: Israel Defense Forces, "Israeli Navy Commander Vice Admiral Eliezer Marom Briefs Forces Set to Intercept Gaza Flotilla," May 27, 2010; available online at: http://www.youtube.com/idfnadesk#p/c/D367B77C57326D3E/0/yphfyN0dqi8	*Sources: Free Gaza Movement, "The Sixth Breaking of the Siege", FreeGaza, April 12, 2009, available online at: http://www.freegaza.org/en/sixth-voyage* *Robert Booth, "Gaza Flotilla Activists Were Shot In Head at Close Range: Nine Turkish men on board Mavi Marmara were shot a total of 30 times, autopsy results reveal", Guardian, (London) June 4, 2010, [According to the article the information is taken from the official autopsy report of the martyred on the Mavi Marmara], available online at: http://www.guardian.co.uk/world/2010/jun/04/gaza-flotilla-activists-autopsy-results?CMP=twt_gu*
	Friday	
#0:54	Israeli military notes the Turkish naval ship Burak was stationed far to the east. Based upon the Israeli video, this 'warship' was at least half a day away from the coast of Lebanon.	
	Source: Major General (Res.) Giora Eiland "Flotilla Incident Timeline, Video Part One", July 15, 2010, available online at: http://www.youtube.com/watch?v=TwoqGJJltPU	

Date	Time	Track #	Location	Flotilla Version
28-May			Nicosia, Cyprus	"I suddenly start to wonder whether I may have to leave the island without getting onto a ship. There seems to be a shortage of places. There are apparently waiting lists for this project of solidarity. But K., the friendly Swedish MP, and S., the Swedish female doctor, who are traveling with me, help keep my spirits up. Travel by ship always involves some kind of bother, I think. We carry on with our task. Of waiting. Watching and waiting." *--Henning Mankell*
Saturday				
29-May			Nicosia, Cyprus	The few accounts available in the book Midnight on the Mavi Marmara, most notably that by international author Henning Mankell, note several participants spent this day in Cyprus waiting to learn where they would board the Flotilla. The Greek half of Cyprus would not grant entry to the Flotilla ships, nor allow their passengers to wait. They were therefore lodged on the Turkish half of Cyprus.
				Source: Mankell, "Midnight on the Mavi Marmara", pg 20.
29-May	17:00:00		Nicosia, Cyprus	"Suddenly everything happens very quickly. We are now, but of course still only maybe, to travel sometime today on a different, faster ship to the point out at sea where the coordinates meet, and there we will join the convoy of five other vessels that will then head as a single Flotilla for the Gaza Strip. We carry on waiting. But at about 5:00 p.m. the port authorities finally give us permission to board a ship called the Challenge, which will take us at a speed of fifteen knots to the rendezvous point, where we will transfer to the cargo ship Sophia. There are already lots of people aboard the Challenge. They seem a bit disappointed to see the three of us turn up. They had been hoping for some Irish campaigners who have, however, suddenly given up the idea and gone home. We climb aboard, say hello, quickly learn the rules. It's very cramped, plastic bags full of shoes everywhere, but the mood is good, calm." *--Henning Mankell*
				Source: Mankell, "Midnight on the Mavi Marmara", pg 20.

Track #	Israeli Version	Notes
	"600 pro-Palestinian passengers, including radicals with ties to terrorist groups and dozens of women and children—boarded the Mavi Marmara ship in Antalya, Turkey—the lead vessel in the "Free Gaza" Flotilla. Organized by the Islamist 'Turkish Humanitarian Relief Foundation' (IHH) — which has links to terrorist groups including Hamas and Al-Qa'eda—the stated goal of the mission was to provide "humanitarian aid" to Palestinians in Gaza. Many though, saw the Flotilla as something entirely different. "This mission is not about delivering humanitarian supplies, it's about breaking Israel's siege on 1.5 million Palestinians," said a Flotilla participant." --*AIPAC*	By June 3rd Israeli accusations of passengers, and the IHH, being connected to Al-Qa'eda or other terrorist organizations were exposed as false. The IDF admitted that it had no evidence to any ties to Al-Qa'eda.
	"Violent celebratory rallies, where crowds yelled chants invoking death to Jews, sent off flotilla leader and IHH President Bulent Yildrim and his supporters on their way to international waters, where they would meet up with five other ships departing from Turkey, Greece and Ireland. Enroute, Arab news channel Al Jazeera broadcasts interviews with passengers exalting jihadist martyrdom and singing Palestinian Intifada songs." --*AIPAC*	The AIPAC "Timeline: Gaza Flotilla" memo predicts the official statement of the Israeli government in the days ahead. There were no violent rallies and not reports of crowds invoking 'death to Jews'. A significant percentage of the Flotilla participants were in fact, Jewish themselves. Some on the Flotilla made statements referring to martyrdom, in solidarity with the Palestinians with the desire to be a witness/participant in the Flotilla's end. Jihad means 'struggle.' The non-Muslim press has used the word almost exclusively to refer to a holy war; the term shahid to mean suicide mission. Suicide is prohibited in Islam.
	Source: "Timeline: Gaza Flotilla," AIPAC, June 1, 2010	*Source: Max Blumenthal, "Under Scrutiny, IDF Retracts Claims About Flotilla's Al Qaeda Links," Max Blumenthal, June 3, 2010, available online at: http://maxblumenthal.com/2010/06/under-scrutiny-idf-retracts-claims-about-flotillas-al-qaeda-links/*
	Saturday	

Sunday				
Date	Time	Track #	Location	Flotilla Version
30-May	Morning		Between Cyprus and Lebanon in the Eastern Mediterranean. Coordinates and exact heading not available. Continuing East toward Beirut.	Flotilla organizers and captain meet on board "to assess the timing and direction of the ships. It was important to us that we approach the territorial water of Gaza in daylight. We stayed at sea for another day for this reason." *--Lubna Masarwa*
				Source: Lubna Masarwa, "From '48 to Gaza," in "Midnight on the Mavi Marmara: The Attack on the Gaza Freedom Flotilla and How It Changed the Course of the Israeli/Palestine Conflict", Moustafa Bayoumi Ed., (Haymarket: Chicago) 2010, pg 41.
30-May	15:54:00		Off the Coast of Lebanon & Cyprus International waters.	The six remaining ships in the Flotilla meet in the Mediterranean. The Rachel Corrie MV is running behind schedule, and sabotage is suspected on the Challenger II. Passengers are shuffled around to accommodate.
				Source: Henning Mankell, Midnight on the Mavi Marmara, pg 21
30-May	16:27:00		Approximately 100 miles off the coast of Israel in the Mediterranean Sea, International Waters. Current heading 222. Flotilla speed, according to the Israeli navy, is 8 knots.	"Israeli warships stalked a flotilla carrying hundreds of pro-Palestinian activists, including a Nobel laureate and a Holocaust survivor heading for the Gaza Strip on Monday, edging closer to a naval showdown on the high seas. Huwaida Arraf, one of the organizers, said the six-ship flotilla began the journey from international waters off the coast of Cyprus on Sunday afternoon after two days of delays. She said they expected to reach Gaza, about 250 miles away, on Monday afternoon, and that two more ships would follow in "a second wave."" *--USA Today*
				Associated Press, "Israeli ships stalk pro-Palestinian aid flotilla" USA Today, May 31, 2010, available online at: http://www.usatoday.com/news/world/2010-05-30-flotilla-israel_N.htm
30-May	21:00:00		Approximately 100 miles off the coast of Israel in the Mediterranean Sea, International Waters. Current heading 222. Flotilla speed, according to the Israeli navy is 8 knots.	
30-May	21:40:00		Approximately 100 miles off the coast of Israel in the Mediterranean Sea, International Waters. Current heading 222. Flotilla speed, according to the Israeli navy is 8 knots.	The captain of the Defne, one of the cargo ships, reports first contact with Israeli Navy. He notes that those communicating requiring that the ships change course to Israel, and that they are using abusive language and are cursing over open airways. This continues for 4 hours and 20 minutes.
				Source: Captain of the Defne, "Palestine: Our Route, Humanitarian Aid Our Load Flotilla Campaign Summary Report", Insani Yardim Vakfi (IHH), Report, Istanbul, June 29, 2010, pg. 27, available online at: http://www.ihh.org.tr/insani-yardim-filosu-ozet-raporu/en/
30-May	22:30:00		Approximately 100 miles off the coast of Israel in the Mediterranean Sea, International Waters. Current heading 222.	The captain of the Mavi Marmara first receives messages from the Israeli Navy he and others on the bridge describe as harassing. Israel demands he change course to Ashdod, a heading of 135. He informs them that they are on a heading of 222 (toward Egypt), and that Israel cannot require they change course.
				Source: Captain of the Mavi Marmara, "Palestine: Our Route, Humanitarian Aid Our Load Flotilla Campaign Summary Report", Insani Yardim Vakfi (IHH), Report, Istanbul, June 29, 2010, pg. 30-31, available online at: http://www.ihh.org.tr/insani-yardim-filosu-ozet-raporu/en/

Sunday		
Track #	Israeli Version	Notes
#1:02	Israeli forces depart from both northern and southern Israel. "Within three days six of the ships joined thirty miles south of Cyprus while a Turkish warship, the Burak, was stationed to the east. At the same time, diplomatic attempts were made to prevent the Flotilla's arrival at the Gaza Strip shores. In addition, continuous intelligence surveillance of the ships was carried out." --*Video transcript*	Assumption: During these hours, at around 21:00 hours, troops intercepting the Flotilla would have also set said in order to meet the Flotilla's coordinates. This included 3 ships, including at least one Sa'ar 4.5 class missile boat, 2 submarines, up to 30 Zodiac Commando Hurricanes, 3 Black Hawk attack helicopters and 2 or 3 aircraft. It included IDF elite forces consisting of at least one Masada team, one SWAT unit and an unknown number of naval personnel (estimated as over 100). The exact times are not available from Israeli sources; neither is the exact number of ships and supporting vehicles.
	Source: Flotilla Incident Timeline, Video Part One	
#2:36	"At the same time as preparations were ongoing at sea in cooperation with various government offices, a defined site for the Flotilla passengers was set up at the Port of Ashdod. IDF forces, police and government representatives prepared to receive hundreds of the ship's passengers. During preparations for the operation, SWAT and Masada teams were trained for the mission, as well as Israeli Prison Services units. In any situation where the use of weapons is deemed necessary, the forces were instructed to act in a gradual fashion using at first non-lethal weapons and only to use live weapons in life-threatening situations." --*Video transcript*	
	Source: Flotilla Incident Timeline, Video Part One	
#3:12	"May 30 16:27 the ships set sail. Six ships began to sail from the meeting point towards the Gaza Strip shore. The ships sailed collectively in a group structure with only dozens to a few hundred meters separating between them. At the same time, IDF Navy forces moved towards the Flotilla." --*Video transcript*	Israeli reports state that the Flotilla ships are sailing in tight formation. With a large passenger ferry and three cargo ships, they would not be able to maneuver close together, especially in the event of an emergency. Reports from the Dafne's bridge at the time of the attack show she is approximately 1 mile to the east of the Mavi Marmara off the port side.
	Source: Major General (Res.) Giora Eiland "Flotilla Incident Timeline, Video Part One", July 15, 2010, available online at: http://www.youtube.com/watch?v=TwoqGJJltPU	
	Israel reports its first contact with the Flotilla although it does not clarify whether this is by radar or by sight. It could be either; the Zodiacs are designed not to show up on radar.--Israel Defense Forces	
	Source: Israel Defense Forces, Strategic Division, "Flotilla to Gaza: Operation Sea Breeze, Summary and Background May 31st –June 5th Report", Tel Aviv, June 10th, 2010, available online at: http://dover.idf.il/NR/rdonlyres/B2CAF6B4-C21F-4156-AE98-9E3950658B64/0/SummaryofFlotillaFinalVersion.ppt	
#3:33	"From 21:00 – 00:41: Identification and transmission of messages. Questioning and transmitting messages to the ships. At first, messages were sent to the ships clarifying to the passengers they are heading towards an area under naval blockade and that they will not be permitted to enter the area." --*Video transcript*	
	Source: Flotilla Incident Timeline, Video Part One	
#3:46	"Next the IDF proposes that the ships enter the Port of Ashdod and transport their goods to Gaza by land. Some of the ships replied that the Israeli Navy does not have the authority to stop them and that they are on their way to the Gaza Strip. The Sofia did not respond at all, while the others responded with profanity." --*Video transcript*	
	Source: Flotilla Incident Timeline, Video Part One	

Date	Time	Track #	Location	Flotilla Version
30-May	22:58:00		Approximately 100 miles off the coast of Israel in the Mediterranean Sea, International Waters. Current heading 185.	"Flotilla changes course going from a heading of 222 (toward Damietta in Egypt) to a heading of 185 (toward the Suez Canal)."--*Captain of the Mavi Marmara*
				Source: Captain of the Mavi Marmara, "Palestine: Our Route, Humanitarian Aid Our Load Flotilla Campaign Summary Report", Insani Yardim Vakfi (IHH), Report, Istanbul, June 29, 2010, pg. 30-31, available online at: http://www.ihh.org.tr/insani-yardim-filosu-ozet-raporu/en/
30-May	23:00:00		Approximately 100 miles off the coast of Israel in the Mediterranean Sea, International Waters. Current heading 185.	"That night, at 11:00 p.m., we saw two Israeli warships coming toward us. At about midnight we told the passengers to go to sleep. We thought the Israelis were only trying to scare us. We didn't believe they would dare do anything in international waters. Later we saw a drone plane take off."--*Lubna Masarwa*
				Source: Lubna Masarwa, "From '48 to Gaza," in "Midnight on the Mavi Marmara: The Attack on the Gaza Freedom Flotilla and How It Changed the Course of the Israeli/Palestine Conflict", Moustafa Bayoumi Ed., (Haymarket: Chicago) 2010, pg 41.
30-May	22:25:00		Approximately 100 miles off the coast of Israel in the Mediterranean Sea, International Waters. Heading 185 toward Suez Canal.	Israeli naval vessels first appear on the radar of the Flotilla. Four ships can be seen on radar. They are within 3.5 miles of the Mavi Marmara in international waters. The Zodiacs do not show up on radar.
				Sources: Captain of the Mavi Marmara, "Palestine: Our Route, Humanitarian Aid" June 29, 2010 *Zodiac, "Zodiac Hurricane RIBs" Website for Zodiac Boats, June 5, 2010, specifications online at: http://www.zodiacmilpro.com/hurricane-ribs.php#turnkey*
30-May	23:30:00		Approximately 100 miles off the coast of Israel in the Mediterranean Sea, International Waters. Current heading: 185 toward Arish and the Suez Canal.	*Israeli Navy continue harassing the ships and demanding they change course to Ashdod. To each inbound message the Captain responds with the same statement:* "There are approximately 600 participants on board and we are moving south in open seas; we are taking the humanitarian aid on the ship to Gaza".--*Captain of the Mavi Marmara*
				Source: Captain of the Mavi Marmara, "Palestine: Our Route, Humanitarian Aid Our Load Flotilla Campaign Summary Report", Insani Yardim Vakfi (IHH), Report, Istanbul, June 29, 2010, pg. 30-31, available online at: http://www.ihh.org.tr/insani-yardim-filosu-ozet-raporu/en/
30-May	23:45:00		Approximately 100 miles off the coast of Israel in the Mediterranean Sea, International Waters.	Israel begins to block satellite frequencies under the jurisdiction of Turkey, as well as communications via satellite phones. According to journalists on the Flotilla, all forms of communication is sporadic for the next few hours.
				Source: Captain of the Mavi Marmara, "Palestine: Our Route, Humanitarian Aid Our Load Flotilla Campaign Summary Report", Insani Yardim Vakfi (IHH), Report, Istanbul, June 29, 2010, pg. 30-31, available online at: http://www.ihh.org.tr/insani-yardim-filosu-ozet-raporu/en/

Track #	Israeli Version	Notes
#4:05	Bridge Commander: “Mavi Marmara you are approaching an area of hostilities which is under a naval blockade. The Israeli government supports delivery of humanitarian supplies to the civilian population in the Gaza Strip and invites you to enter the Ashdod Port after which you can return to your home ports aboard the vessels on which you arrived.” Off camera: “Shut the fuck up! Go back to Auschwitz.” “We’re helping Arabs go against the U.S. Don’t forget 9/11, guys." --*Video transcript*	The Israelis admitted editing the audio clip, maintaining that they did so only to shorten its length. They claim that the offensive comments were also present in the unedited version of the tape. There is no evidence that any of the ship captains of the Flotilla expressed hostilities or used ad hominems to Israeli naval personnel.
	Source: Flotilla Incident Timeline, Video Part One	*Sources: Max Blumenthal, “NY Times Lede Blog Surveys IDF’s Sea of Lies”, Max Blumenthal, June 8, 2010, available online at: http://maxblumenthal.com/2010/06/ny-times-lede-blog-surveys-idfs-sea-of-lies/* *Robert Mackey, “Photographs of Battered Israeli Commandos Show New Side of Raid,” The Lede, New York Times, June 7, 2010, available online at: http://thelede.blogs.nytimes.com/2010/06/07/photographs-of-battered-israeli-commandos-show-new-side-of-raid/* *Israel Defense Forces, “Clarification/Correction Regarding Audio Transmission Between Israeli Navy and Flotilla on 31 May 2010, Press Release, June 5, 2010, available online at: http://idfspokesperson.com/2010/06/05/clarificationcorrection-regarding-audio-transmission-between-israeli-navy-and-flotilla-on-31-may-2010-posted-on-5-june-2010/*
	Despite repeated warning from the Israel Defense Forces, all six vessels making up the “Free Gaza” Flotilla continue their voyage toward Israel’s maritime security zone. Aboard the Mavi Marmara, Yildrim tells Turkish television, “We will definitely resist and we will not allow the Israelis to enter here.” He continues, “The Israelis think that the more soldiers they send, the less casualties there will be among the activists. On this ship there are also women and children. The whole world knows this. We'll show them what it means to board the ship. If Israel wants to board this ship, it will meet strong resistance.” --*AIPAC*	
	Source: "Timeline: Gaza Flotilla," AIPAC, June 1, 2010	

Monday				
Date	Time	Track #	Location	Flotilla Version
31-May	0:00 - 03:00		Approximately 90 miles off the coast of Israel in the Mediterranean Sea, International Waters. Heading 185.	Israeli naval vessels continue to follow at about a 3 mile distance from the Flotilla. The captain of the Mavi Marmara continues to advise the Israelis that the Flotilla is a civilian humanitarian mission, with members of the press on board. Its only objective is to deliver aid to the people of Gaza. At 2 am the Israeli Navy ceases communications with the Flotilla. During this time people aboard the Flotilla boats report seeing Israeli drones launching from naval vessels.
				Source: Captain of the Mavi Marmara, "Palestine: Our Route, Humanitarian Aid Our Load Flotilla Campaign Summary Report", Insani Yardim Vakfi (IHH), Report, Istanbul, June 29, 2010, pg. 30-31, available online at: http://www.ihh.org.tr/insani-yardim-filosu-ozet-raporu/en/
31-May	0:00:00		Approximately 100 miles off the coast of Israel in the Mediterranean Sea, International Waters.	Israeli naval ships begin to close in. Captains on the Flotilla ships advise the passengers to put on life vests as a safety measure against a possible attack. --*Captain of the Mavi Marmara*
				Source: Captain of the Mavi Marmara, "Palestine: Our Route, Humanitarian Aid Our Load Flotilla Campaign Summary Report", Insani Yardim Vakfi (IHH), Report, Istanbul, June 29, 2010, pg. 30-31, available online at: http://www.ihh.org.tr/insani-yardim-filosu-ozet-raporu/en/
31-May	2:00:00		Approximately 90 miles off the coast of Israel. Heading 185 toward the Suez Canal, International waters.	All communication from the Israelis ceases abruptly with the Mavi Marmara. However, the Defne reports Israeli communication in the form of Turkish and English cursing, up until 4am when communication also abruptly ceases for her. Vessels on radar continue to follow the Flotilla, and it is determined that these are assault ships. Harassment continues in the form of 'buzzing' the Flotilla ships. Flotilla continues heading towards Egypt.
				Source: Captain of the Mavi Marmara, "Palestine: Our Route, Humanitarian Aid Our Load Flotilla Campaign Summary Report", Insani Yardim Vakfi (IHH), Report, Istanbul, June 29, 2010, pg. 27, 30-31, available online at: http://www.ihh.org.tr/insani-yardim-filosu-ozet-raporu/en/
31-May	2:00:00		Approximately 90 miles off the coast of Israel. Heading 185 toward the Suez Canal, International waters.	"At 2:00 a.m. local time the organizers informed me that they had rerouted the ship, as far away from Israel as possible, as deep into international waters as they could. They did not want a confrontation with the Israeli military, at least not by night". --*Jamal Eishayyal*
				Jamal Eishayyal, "Kidnapped by Israel, Forsaken by Britain," in "Midnight on the Mavi Marmara: The Attack on the Gaza Freedom Flotilla and How It Changed the Course of the Israeli/Palestine Conflict", Moustafa Bayoumi Ed., (Haymarket: Chicago) 2010, pg 48, original posting online at: http://blogs.aljazeera.net/profile/jamal-elshayyal
31-May	03:00-03:30		Approximately 80 miles off the coast of Israel in the Mediterranean Sea, International Waters.	"Battle ships continue to follow and start circling the fleet. Approximately 30 Israeli Zodiac boats, each loaded with 10 commandos begin to first appear at this time. This is noted on the Defne traveling adjacent to the Mavi and from the Gazze, traveling to from its stern. There is no communication between the Israeli Navy and the Mavi Marmara or Gazze"--Captain of the Defne
				Source: Captain of the Defne, "Palestine: Our Route, Humanitarian Aid Our Load Flotilla Campaign Summary Report", Insani Yardim Vakfi (IHH), Report, Istanbul, June 29, 2010, pg. 27, available online at: http://www.ihh.org.tr/insani-yardim-filosu-ozet-raporu/en/
31-May	3:30:00		Approximately 75 miles outside of Israel's territorial waters in the Mediterranean Sea, International Waters. Current heading: 185 toward the Suez Canal.	Two submarines and three helicopters appear on radar and begin circling the fleet.
				Source: Captain of the Mavi Marmara, "Palestine: Our Route, Humanitarian Aid Our Load Flotilla Campaign Summary Report", Insani Yardim Vakfi (IHH), Report, Istanbul, June 29, 2010, pg. 30-31, available online at: http://www.ihh.org.tr/insani-yardim-filosu-ozet-raporu/en/
31-May	4:00:00		Approximately 73 miles outside of Israel's territorial waters in the Mediterranean Sea, International Waters. Current heading: 185 toward the Suez Canal.	Israel cuts all satellite communication to the ship abruptly but misses one band which allows the ships to continue communicating until about 15 minutes into the attacks with the outside world when this error is discovered. Wireless communication between the ships is not altered at this time. "At 4:00 a.m. we lost our Internet connection and I understood that the Israelis were trying to cut us off from the outside world. I went immediately to call some journalists from the ship. This happened during morning prayers." --*Lubna Masarwa*
				Source: Lubna Masarwa, "Time to break the siege on Gaza: A survivor's account of Mavi Marmara," International Solidarity Movement, June 7, 2010 available online at: http://palsolidarity.org/2010/06/12704/

Monday		
Track #	Israeli Version	Notes
	"Chief of the General Staff, Lt. Gen. Gabi Ashkenazi sent a letter to the Defense Minister and Prime Minister emphasizing the following: "Cooperation between nation ministries is required and the military option which includes seizing, confiscating and detaining the ship's activists is a last resort and at a low priority.""*--Israel Defense Forces Blog*	The actions and preparation of the Israeli military for this event contradict General Ashkenazi's letter. If Israel sought the least amount of confrontation, soldiers would have intercepted the Flotilla during daylight hours and within Israeli territorial waters.
	Source: Israel Defense Forces, Videos of Flotilla Incident as Presented by Eiland Team of Experts (Hebrew Version), IDF Blog, 13 July 2010, available online at: http://idfspokesperson.com/2010/07/13/videos-of-flotilla-incident-as-presented-by-eiland-team-of-experts-hebrew-version-13-july-2010/	
#8:34 V2	"The organization members were divided into squads and conducted routine patrols on deck aided by walkie-talkies and night-vision equipment." *--Video transcript*	
	Source: Major General (Res.) Giora Eiland, "Flotilla Incident Timeline, Video Part Two", July 15, 2010, available online at: http://www.youtube.com/watch?v=BpPvs3YSE4g	
#4:41	"Boarding Dispatches: After completing the message communication stage, the IDF force prepares and divides into several dispatches in order to enable gaining control of several ships at the same time. One group of soldiers was assigned to gain control of the Marmara after which other dispatches were to gain control of the remaining ships." *--Video transcript*	
	Source: Flotilla Incident Timeline, Video Part One	
#4:54	"Electronic signal jamming was carried out, preventing most onboard material from being released. However, short video clips and several messages were leaked from the Marmara." *--Video transcript*	According to Flotilla organizers the leak occurred because Israel only blocked one of the satellite bands. They missed a seldom used one, which was later discovered and cut off.
	Source: Flotilla Incident Timeline, Video Part One	

Date	Time	Track #	Location	Flotilla Version
31-May	4:00:00		Approximately 73 miles outside of Israel's territorial waters in the Mediterranean Sea, International Waters. Current heading: 185 toward the Suez Canal.	"At 4:00 a.m., when we were getting ready for a live broadcast again with Bülent Yildrim, we learned that the number of Israeli ships around us was fourteen. We immediately started the live broadcast and reported that. Around a half-hour later, the morning call to prayer was heard on board. (The call to prayer was made five times a day on board and the prayers were performed by the religious members of our community.) A few minutes after the call to prayer, the Israeli assault boats surrounded us." --*Sümeyye Ertekin*
				Source: Sümeyye Ertekin, "First, They Appeared as Shadows," in "Midnight on the Mavi Marmara: The Attack on the Gaza Freedom Flotilla and How It Changed the Course of the Israeli/Palestine Conflict", Moustafa Bayoumi Ed., (Haymarket: Chicago), 2010, pg 53
31-May	4:05:00		Approximately 73 miles outside of Israel's territorial waters in the Mediterranean Sea, International Waters. Current heading: 185 toward the Suez Canal.	The captain of the Gazze learns that a transmission of his own voice is being sent over the inter-ship wireless communications system informing the other ships that he is being searched. He was not being searched, and did not send this transmission. Several other imitation transmissions and falsified radio interactions are sent by the Israeli military, using falsified voices, to the other ships during this time. --Captain of the Gazze
				Source: Captain of the Gazze, "Palestine: Our Route, Humanitarian Aid Our Load Flotilla Campaign Summary Report", Insani Yardim Vakfi (IHH), Report, (İstanbul), June 29, 2010, pg. 28-29, available online at: http://www.ihh.org.tr/insani-yardim-filosu-ozet-raporu/en/
31-May	4:10:00		Approximately 73 miles off the coast of Israel in the Mediterranean Sea, International Waters.	Captains of the Defne and Gazze report Zodiacs and other Israeli military vessels swarming around their ships. It is assumed by both captains, given that they are cargo ships, that they are the targets. At this point the submarines can be seen regularly.
				Source: Captain of the Gazze, Captain of the Defne, "Palestine: Our Route, Humanitarian Aid Our Load Flotilla Campaign Summary Report", Insani Yardim Vakfi (IHH), Report, (İstanbul), June 29, 2010, pg. 27-29, available online at: http://www.ihh.org.tr/insani-yardim-filosu-ozet-raporu/en/
31-May	4:15:00		Approximately 73 miles outside of Israel's territorial waters in the Mediterranean Sea, International Waters. Current heading: 185 toward the Suez Canal.	The call to prayer is heard on the Mavi Marmara. Approximately 100 of the passengers assemble on a mid-deck, lay down prayer rugs and begin to pray in full view of approaching vessels. The captain of the Mavi Marmara advises his passengers that the boats are approaching, and to remain calm.
				Source: Captain of the Mavi Marmara, "Palestine: Our Route, Humanitarian Aid Our Load Flotilla Campaign Summary Report", Insani Yardim Vakfi (IHH), Report, (İstanbul), June 29, 2010, pg. 30-31, available online at: http://www.ihh.org.tr/insani-yardim-filosu-ozet-raporu/en/
31-May	4:25:00		Approximately 70 miles off the coast of Israel in the Mediterranean Sea, International Waters.	The captain of the Defne, a cargo ship with 20 passengers and crew, radios the Mavi Marmara ship informing her captain that the full contingency of the Israeli Navy is descending upon the passenger ferry: "Mavi Marmara--all boats and ships are approaching you." --*Captain of the Defne*
				Source: Captain of the Defne, "Palestine: Our Route, Humanitarian Aid Our Load Flotilla Campaign Summary Report", Insani Yardim Vakfi (IHH), Report, (İstanbul), June 29, 2010, pg. 27, available online at: http://www.ihh.org.tr/insani-yardim-filosu-ozet-raporu/en/

Track #	Israeli Version	Notes
		Adam Shapiro, one of the Flotilla organizers, addresses the counterfeit transmissions deployed by the Israeli navy in a press conference the following day. In one example, the voice being heard on the tapes is his wife, Huwaida Arraf. The tape states that she is on the Mavi Marmara when in fact she is on the Challenger.
		Sources: Adam Shapiro, "Expose Israel's policy to the world" interview on Russian Television June 1, 2010: http://www.youtube.com/watch?v=bmDjAu0DSiM *Max Blumenthal, "(Updated) Nailed Again: IDF Description of Suspicious Photo It Distributed Is Retracted", Max Blumenthal, June 8, 2010 [photo of a bearded Muslim man with a knife surrounded by reporters distributed by IDF after the attack] available online at: http://maxblumenthal.com/2010/06/nailed-again-under-pressure-idf-and-haaretz-retract-description-of-suspicious-idf-distributed-photo/*
		"We were ninety miles away from Israel. The internationally recognized sovereignty zones extend twenty-two miles into the sea. We were well away from Gaza. The Israelis have unilaterally extended their sea border to sixty-eight miles. But we were a further twelve to twenty-two miles outside of even that extension, (when Israel attacked)." *--Kevin Ovenden, organizer on the Mavi Marmara*
		Source: Ovenden, "Midnight on the Mavi Marmara", pg 59

Date	Time	Track #	Location	Flotilla Version
31-May	4:25:10	#31:41	Approximately 70 miles off the coast of Israel in the Mediterranean Sea, International Waters.	Israeli naval vessels, helicopters and Zodiacs begin lighting up the Mavi Marmara from all sides with spotlights. Passengers continue to finish their prayers, fold up the prayer rugs and move calmly about the deck. "At about 4:25 a.m., the assault began. It began with percussion grenades. They are an explosive, and they can injure people badly when they go off next to them. They were designed to create panic, which itself is an extremely reckless and violent act when you consider that this was a civilian passenger ship carrying over 500 people from thirty-two different nationalities. The youngest participant was not yet one year old. The oldest was eighty-eight years old." *--Kevin Ovenden*
				Source: Kevin Ovenden, "An Act of State Terrorism," in "Midnight on the Mavi Marmara: The Attack on the Gaza Freedom Flotilla and How It Changed the Course of the Israeli/Palestine Conflict", Moustafa Bayoumi Ed., (Haymarket: Chicago) 2010, pg 59-60, original article online at: http://www.vivapalestina.org/alerts/flotilla_030610_ovenden.htm
31-May	4:25:15		Approximately 70 miles off the coast of Israel in the Mediterranean Sea, International Waters. Heading 185.	The Israeli Fleet, its helicopters, naval vessels, subs and zodiacs approach the cargo ships. At 100-150 meters, they abruptly change course, ceasing to circle the cargo ships. All descend upon the passenger ferry, the Mavi Marmara.
				Source: Captain of the Defne, "Palestine: Our Route, Humanitarian Aid Our Load Flotilla Campaign Summary Report", Insani Yardim Vakfi (IHH), Report, (İstanbul), June 29, 2010, pg. 27, available online at: http://www.ihh.org.tr/insani-yardim-filosu-ozet-raporu/en/
31-May	4:28:00	#34:31	Approximately 70 miles off the coast of Israel in the Mediterranean Sea, International Waters.	Zodiac boats begin to move in to the Mavi Marmara. No loudspeaker tells the passengers they are about to be boarded. It is standard operating procedure to use loudspeakers when approaching with the intent to board civilian vessels in international or domestic waters. [Verified with the US Coast Guard Legal] Many passengers go inside the ship, several others to the railings to see what is happening. Israel does not use a loudspeaker during the Mavi Marmara attack. The ship's captain continues to communicate with the Israeli navy to emphasize that they are a civilian ship on a humanitarian mission, in international waters, with no desire for a confrontation.*--Iara Lee Raw Video Footage*
				Source: Iara Lee, "Raw footage from the Mavi Marmara" covering roughly 3:54 am through 5:00 am UTC+3, Cultures of Resistance. May 31, 2010, available online at: http://www.youtube.com/watch?v=7UN4DO1pL5E
31-May	4:28:30		Approximately 70 miles off the coast of Israel in the Mediterranean Sea, International Waters.	The 'lifeboats' approach at high speed from the stern of the Mavi Marmara (estimated at 25-30 knots), and out of sight of the bridge. Israeli animation depicts only two Zodiacs. Images from the Mavi Marmara show at least three Zodiacs approaching from one side. Other ships report that all Israeli vessels descended upon the Mavi Marmara abruptly around 4:25 am.
				Source: Major General (Res.) Giora Eiland "Flotilla Incident Timeline, Video Part One", July 15, 2010, Mark #5:19, available online at: http://www.youtube.com/watch?v=TwoqGJJltPU,
31-May	4:28:30		Approximately 70 miles off the coast of Israel in the Mediterranean Sea, International Waters.	Captains of both the Defne and Gazze report explosions coming from the direction of the Mavi Marmara as the Israeli Navy closes in followed by rapid and sustained machine gun fire. The captain of the Gazze, directly behind the Mavi Marmara, reports seeing heavily armed Israeli soldiers in Zodiacs firing upon the civilians on board the Mavi Marmara as they approach. Screaming can be heard over the wireless.
				Captains of the Gazze and Defne, "Palestine: Our Route, Humanitarian Aid Our Load Flotilla Campaign Summary Report", Insani Yardim Vakfi (IHH), Report, (İstanbul), June 29, 2010, pg. 27-29, available online at: http://www.ihh.org.tr/insani-yardim-filosu-ozet-raporu/en/
31-May	4:28:30	#35:01	Approximately 70 miles off the coast of Israel in the Mediterranean Sea, International Waters.	Someone on the Mavi Marmara shouts to turn on more lights: "Someone get these lights on!" which in turn makes it easier for the Israelis to see the passengers. A flash is seen over the stern.
				Source: Iara Lee, "Raw footage from the Mavi Marmara," May 31, 2010
31-May	4:28:45	#35:14	Approximately 70 miles off the coast of Israel in the Mediterranean Sea, International Waters.	A flash grenade or a weapon that causes a bright flash is followed by a large boom seen over the stern. Passengers start moving quickly to either side to look over, or go downstairs.
				Source: Iara Lee, "Raw footage from the Mavi Marmara," May 31, 2010
31-May	4:28:58	#35:23	Approximately 70 miles off the coast of Israel in the Mediterranean Sea, International Waters.	Someone claps to get the attention of those in the prayer area, speaking in Arabic or Turkish. People begin moving to the starboard rail. *--Iara Lee Raw Video Footage*
				Source: Iara Lee, "Raw footage from the Mavi Marmara," May 31, 2010

Track #	Israeli Version	Notes
#4:39	The IDF forces were divided and each group boarded a different ship. The soldiers arrived at the Mavi Marmara at 4:28 am, but could not board the ship due to metal objects being thrown at them, and electric buzz saws used by the demonstrators to slice the ladders IDF soldiers needed to board the Marmara.--*Flotilla Incident Timeline Video Summary of several frames*	Israeli commandos did not board all flotilla ships at this time. All forces were concentrated on the Mavi Marmara passenger ferry, which was carrying 81% of the Flotilla's participants. The Gazze, Defne and Sofia would not be boarded until an hour to 1.5 hours later.
	Source: Flotilla Incident Timeline, Video Part One	
#5:29	"As soon as IDF lifeboats approach the ship, IHH activists crowd together at the side of the ship."--*Video transcript*	Lifeboats' is a misnomer. The boats being used by Israel are not lifeboats but black Zodiac attack boats (not distinctly visible orange, yellow or red life-saving vessels). They appear to be the Commando Hurricane model, with a 10-man tightly packed crew. According to the manufacturer, the ZHC model holds 10-men and has a top speed of 38 knots. The IDF video comment is one the first indicators positioning the IHH as the instigators in the attack, therefore justification for an Israeli assault. Presently Israel will brand IHH a terrorist organization, despite its being one of the larger and more active NGOs in the world.
	Source: Flotilla Incident Timeline, Video Part One	*Source: Zodiac, "Zodiac Hurricane RIBs" Official Website for Zodiac Boats, June 5, 2010, specifications online at: http://www.zodiacmilpro.com/hurricane-ribs.php#turnkey*
#6:16	"The lifeboats move slightly away from the ship but remain close to the side, attracting the activists' attention. At the same time, authorization was given to bring in the Black Hawk helicopter according to plan." --*Video transcript*	
	Source: Flotilla Incident Timeline, Video Part One	
#5:37	"It looks like most of the people are dispersing. Some of them are going to the sides, mostly towards the stern of the ship and the sides." --*Video transcript*	
	Source: Flotilla Incident Timeline, Video Part One	

Date	Time	Track #	Location	Flotilla Version
31-May	4:29:29	#35:31	Approximately 70 miles off the coast of Israel in the Mediterranean Sea, International Waters.	A spotlight can be seen from below, scanning the lower deck. Passengers remain calm but are visually agitated. A few have on gas masks. Others wrap headscarves over their mouths and noses.
				Source: Iara Lee, "Raw footage from the Mavi Marmara," May 31, 2010
31-May	4:29:30		Approximately 70 miles off the coast of Israel in the Mediterranean Sea, International Waters.	"A few minutes after the call to prayer, the Israeli assault boats surrounded us. First, the soldiers attempted to board and bottles were thrown from the ship to the assault boats. When they could not enter the ship by the assault boats, they started shooting while retreating. Then a helicopter appeared over the ship and started to descend. It stopped over the deckhouse. In the meantime, there was a constant sound of shots. I was on the upper deck and went to the side, where there was a common broadcast area."--*Sümeyye Ertekin*
				Source: Sümeyye Ertekin, "First, They Appeared as Shadows," in "Midnight on the Mavi Marmara: The Attack on the Gaza Freedom Flotilla and How It Changed the Course of the Israeli/Palestine Conflict", Moustafa Bayoumi Ed., (Haymarket: Chicago), 2010, pg 54
31-May	4:29:36	#35:40	Approximately 70 miles off the coast of Israel in the Mediterranean Sea, International Waters.	The camera on the deck below the top deck picks up the sound of the helicopter above. "Two helicopters at a time hovered above the vessel. Commandos on board the choppers joined the firing, using live ammunition, before any of the soldiers had descended onto the ship. Two unarmed civilians were killed just meters away from me. Dozens of unarmed civilians were injured right before my eyes. One Israeli soldier, armed with a large automatic gun and a side pistol, was overpowered by several passengers. They disarmed him. They did not use his weapons or fire them; instead they threw his weapons overboard and into the sea."--*Jamal Eishayyal*
				Source: Jamal Eishayyal, "Kidnapped by Israel, Forsaken by Britain," in "Midnight on the Mavi Marmara: The Attack on the Gaza Freedom Flotilla and How It Changed the Course of the Israeli/Palestine Conflict", Moustafa Bayoumi Ed., (Haymarket: Chicago) 2010, pg 49, original posting online at: http://blogs.aljazeera.net/profile/jamal-elshayyal
31-May	4:29:47	#35:51	Approximately 70 miles off the coast of Israel in the Mediterranean Sea, International Waters.	Zodiacs can be seen circling the Mavi Marmara from the deck.
				Source: Iara Lee, "Raw footage from the Mavi Marmara," May 31, 2010
31-May	4:29:49	#35:53	Approximately 70 miles off the coast of Israel in the Mediterranean Sea, International Waters.	The camera crew captures a rapidly approaching Zodiac from the stern of the ship on the starboard side.
				Source: Iara Lee, "Raw footage from the Mavi Marmara," May 31, 2010
31-May	4:30:00		Approximately 70 miles off the coast of Israel in the Mediterranean Sea, International Waters.	"04:30-I've just dropped off when I am woken again. Out on deck I see that the big passenger ferry is floodlit. Suddenly there is the sound of gunfire. So now I know that Israel has chosen the route of brutal confrontation. In international waters." --*Henning Mankell*
				Source: Mankell, "Midnight on the Mavi Marmara", pg 24

Track #	Israeli Version	Notes
#7:40 V2	The IDF states: "The group performed preliminary briefings putting an emphasis on assaulting IDF soldiers and preventing them from boarding the ship at any cost. They tell us: “We’re going to send military forces and the soldiers will board the ship. If they board our ship, we’ll throw them into the sea!" and “Allah is great!” "-- *Video transcript*	It appears to be another fabricated scene, filmed with the same actors using a blue screen as the next entry in this timeline.
	Source: Flotilla Incident Timeline, Video Part Two	*Sources: Max Blumenthal, “NY Times Lede Blog Surveys IDF’s Sea of Lies”, Max Blumenthal, June 8, 2010, available online at: http://maxblumenthal.com/2010/06/ny-times-lede-blog-surveys-idfs-sea-of-lies/* *Gordon Duff ““Dancing Israeli” Film Studios Present: Faked Attack Videos,” Veterans Today Military Veterans and Foreign Affairs Journal, June 14, 2010, available online at: http://www.veteranstoday.com/2010/06/14/gordon-duff-dancing-israeli-film-studios-present-faked-attack-videos/*
#5:55	The IDF video at this segment [#5:55] shows a group of passengers beating Israeli soldiers. The above entry on this timeline marking minute 7:42 on the second Flotilla Incident Timeline uses the same set and actors to imply pre-planning.	This portion of the Israeli video shows a 'violent resistance' and 'severe violence,' but appears to be filmed on a studio blue screen and later dubbed. Previously cited articles by Gordon Duff and Max Blumenthal detail the video deceptions. It appears to be a doctored tape, with multiple production errors. Passengers onboard all the ships are clear in their intent to prevent the boarding of their ship in international waters. At least on the cargo ships they did string barbed wire along the rail to repel IDF soldiers boarding, and probably did hoist the ladder seen.
	Sources: Max Blumenthal, “NY Times Lede Blog Surveys IDF’s Sea of Lies”, Max Blumenthal, June 8, 2010, available online at: http://maxblumenthal.com/2010/06/ny-times-lede-blog-surveys-idfs-sea-of-lies/ *Gordon Duff ““Dancing Israeli” Film Studios Present: Faked Attack Videos,” Veterans Today Military Veterans and Foreign Affairs Journal, June 14, 2010, available online at: http://www.veteranstoday.com/2010/06/14/gordon-duff-dancing-israeli-film-studios-present-faked-attack-videos/* *Flotilla Incident Timeline, Video Part One and Two*	*Source: Henning Mankell, “Flotilla Raid Diary: A Man is Shot. I Am Seeing It Happen,” in "Midnight on the Mavi Marmara: The Attack on the Gaza Freedom Flotilla and How It Changed the Course of the Israeli/Palestine Conflict", Moustafa Bayoumi Ed., (Haymarket: Chicago) 2010, pg 23.*
#6:04	Israel claims the activists are using a circular buzz-saw to detach the ladder. They show a close-up of this event in color, which does not match the night shots used before.	The water hose attack on soldiers from the IDF boat's view has been discredited as digital animation. The boat seen is twice as large as the Zodiacs seen on all the other footage, however it is believed there were two sizes of Zodiac boats used based upon IDF pictures and reports. In the last 3 minutes of the Flotilla Raw Video a drenched deck in the stern area can be seen. No survivor stories thus far mention water cannons but the ship was equipped with fire hoses that could have been used.
	Source: Flotilla Incident Timeline, Video Part One	*Gordon Duff ““Dancing Israeli” Film Studios Present: Faked Attack Videos,” Veterans Today Military Veterans and Foreign Affairs Journal, June 14, 2010, available online at: http://www.veteranstoday.com/2010/06/14/gordon-duff-dancing-israeli-film-studios-present-faked-attack-videos/*
		Several segments of the footage Israel used in the Flotilla Incident Timeline, including the most famous shots taken with a night vision camera of rappelling soldiers being beaten on the Mavi Marmara, were filmed on a Flotilla sister ship. On the Israeli videos of the attack, the name of the ship is not revealed. Based upon photographs taken during daylight, the name 'Mavi Marmara' should be visible on the upper deck but cannot be seen. One video includes several other issues in the 10 minute presentation. It is included as an anomaly, as a further example of contradictions.
		Source: Harrithshaz, “Fake Mavi Marmara videos?”, Harrithshaz, June 2, 2010, available online at: http://www.youtube.com/watch?v=93-GgQx4sio&NR=1
#6:10	"After an unsuccessful attempt to board the ship by smaller boats, a helicopter arrived at 4:30 am with 15 IDF soldiers. The first rope dropped by the helicopters was tied by the demonstrators to the deck of the ship in order to prevent the soldiers' descent." --*Video transcript*	The night-vision camera footage poses unanswered questions. It cannot be definitively authenticated, as the same events were not captured by the Iara Lee film crew, filming in this area at the same time. In the Lee video no water hoses are being used. The decks were strung with barb wire to make bordering more difficult, and slingshots, marbles and various loose items were thrown down on to the soldiers.
	Source: Flotilla Incident Timeline, Video Part One	

Date	Time	Track #	Location	Flotilla Version
31-May	4:30:00		Approximately 70 miles off the coast of Israel in the Mediterranean Sea, International Waters.	Helicopters position themselves above the passenger ferry, according to other boats in the Flotilla.
				Sources: Captains of the Gazze and Defne, "Palestine: Our Route, Humanitarian Aid Our Load Flotilla Campaign Summary Report", Insani Yardim Vakfi (IHH), Report, (İstanbul), June 29, 2010, pg. 27-29, available online at: http://www.ihh.org.tr/insani-yardim-filosu-ozet-raporu/en/
31-May	4:30:10	#36:01	Approximately 70 miles off the coast of Israel in the Mediterranean Sea, International Waters.	Two sets of multiple shots register on the video.
				Source: Iara Lee, "Raw footage from the Mavi Marmara," May 31, 2010
31-May	4:30:11		Approximately 70 miles off the coast of Israel in the Mediterranean Sea, International Waters.	"Contrary to our expectation and while we were still ninety miles from Gaza (and in international waters), the Israeli forces attacked us. They used a massive force that included fourteen warships and a helicopter, as if they were striking a strong, fortified base, not some 700 political activists. When I saw the size of their force, I was convinced that the one who sent this kind of attack must have also given the approval to kill. After about ten minutes, two people were already dead, and then quickly a third. The Israeli forces refused to offer any help to the wounded. We lost at least two more people that way. After about twenty minutes from the beginning of the attack (at around 4:30 a.m.) the noise started to go down. Then, after seventy minutes, we heard voices on the megaphones indicating that everything was over and that the ship was under Israeli control." *–Haneen Zoabi, Israeli Knesset MP onboard the Mavi Marmara*
				Source: Haneen Zoabi, "Freeing Gaza; Liberating Ourselves," in "Midnight on the Mavi Marmara: The Attack on the Gaza Freedom Flotilla and How It Changed the Course of the Israeli/Palestine Conflict", Moustafa Bayoumi Ed., (Haymarket: Chicago) 2010, pg 70
31-May	4:30:11	#36:02	Approximately 70 miles off the coast of Israel in the Mediterranean Sea, International Waters.	In the background, multiple rapid-fire shots are heard. These appear to be originating from the top deck, according to Israeli night-vision camera videos.
				Source: Iara Lee, "Raw footage from the Mavi Marmara," May 31, 2010
31-May	4:30:12	#36:03	Approximately 70 miles off the coast of Israel in the Mediterranean Sea, International Waters.	Zodiac boats pull up to the hull of the Mavi Marmara.
				Source: Iara Lee, "Raw footage from the Mavi Marmara," May 31, 2010
31-May	4:30:17	#36:05	Approximately 70 miles off the coast of Israel in the Mediterranean Sea, International Waters.	The Mavi Marmara is surrounded. Camera crews on board capture the first Zodiac commandos attempting to board the ship using grappling irons to hook on to the ship.
				Source: Iara Lee, "Raw footage from the Mavi Marmara," May 31, 2010
31-May	4:30:18	#36:09, #36:13	Approximately 70 miles off the coast of Israel in the Mediterranean Sea, International Waters.	Rapid fire consistent shots are heard, from an unidentified weapon. Large loud explosion is heard.
				Source: Iara Lee, "Raw footage from the Mavi Marmara," May 31, 2010
31-May	4:30:22		Approximately 70 miles off the coast of Israel in the Mediterranean Sea, International Waters.	"I saw two Israeli soldiers come down to the main deck and they were trying to get to where the cameras were broadcasting live. The volunteers on the ship held them back with their bare hands and the soldiers tried to open fire with their machine guns. The volunteers pulled the guns away from the soldiers. There was a struggle on the floor for quite a few minutes." *--Hassan Ghani*
				Source: Hassan Ghani, "Captured Press TV Journalist Onboard Flotilla Describes Ordeal, Part I," PressTV Global News YouTube Channel; June 3, 2010, available online at: http://www.youtube.com/user/PressTVGlobalNews#p/search/0/hRZi2jOqRho

Track #	Israeli Version	Notes
#6:26	"The first helicopter arrives carrying 15 soldiers." --*Video transcript*	Both sides give different renditions. Israel claims the Black Hawk helicopters approach separately over the course of the next five minutes, allowing the commandos to rappel down. One of the passengers on the top deck of the Mavi Marmara, Jamal Eishayyal, states they approached two helicopters at a time. Later on in this video, Israel implies this first helicopter is a medical team.
	Source: Flotilla Incident Timeline, Video Part One	
#5:43	Approximately 15 people mill around nervously in the night-vision shot taken from the Israeli helicopter. The Israelis can be heard discussing the crowd below in Hebrew. The Israelis do not use intercoms on the helicopter or boats to inform passengers as to their actions. The Israel claims they are not using live ammunition.	Several notations on the Israeli video are not in the correct time sequence. The IDF video groups together events in 2+ minute segments. Here we cross-reference the IDF video against the raw unedited and continuous footage from the Mavi Marmara.
	Source: Flotilla Incident Timeline, Video Part One	
#6:32	"While hovering in the air and before coming down, 10-15 people are seen on the ship's roof." --*Video transcript*	
	Source: Flotilla Incident Timeline, Video Part One	
		All of the events from 4:30-4:35 am occurred within 5 minutes but exact time-stamps on both the raw footage from Iara Lee and the IDF video are not the same. The Israeli footage is marked with time stamps several minutes apart, and the Iara Lee footage does not have the time marked - just the seconds noting how much film footage has been used. We have tried to accurately estimate the time of the event, based upon Israel footage and passenger comments.

Date	Time	Track #	Location	Flotilla Version
31-May	4:30:25		Approximately 70 miles off the coast of Israel in the Mediterranean Sea, International Waters.	While shots are being heard on the Mavi Marmara, eyewitnesses report that military helicopters full of armed soldiers came over the ship and soldiers started to rappel down. The soldiers were shooting as they descended.
				Sources: Hassan Ghani, "Captured Press TV Journalist Onboard Flotilla" June 3, 2010; O'Keefe, "Midnight on the Mavi Marmara", pg 35-39
31-May	4:30:30		Approximately 70 miles off the coast of Israel in the Mediterranean Sea, International Waters.	Passengers on the Mavi Marmara report hearing three types of shots as the commando units attempt to board from below. They describe these sounds an intermittent high frequency sound; a frequent full and loud noise resembling a gas bomb; and a constant sound of machine gun fire. Helicopters above hover, aiming spotlights on the ships. Several of the passengers continue to pray according to the raw footage.
				Sources: Bulent Yildrim, "Activists describe Israeli raid on Gaza aid convoy," BBC, June 3, 2010, *Flotilla Incident Timeline Video* *Hassan Ghani, Press TV, June 3, 2010* *Ken O'Keefe, "Midnight on the Mavi Marmara", pg 35-39,* *Lubna Masarwa, "Midnight on the Mavi Marmara", pg 40-47*
31-May	4:30:30		Approximately 70 miles off the coast of Israel in the Mediterranean Sea, International Waters.	Realizing the Mavi Marmara is under attack, the captain of the Gazze alters course west, towards open sea. This course continues until 6am, when Israeli soldiers stopped the motors on his ship. Because the Gazze is directly behind the Mavi Marmara, the captain is able to see the attack first from the back and then from the side as he steers the Gazze away from danger. *Captain's log, Gazze*
31-May	4:30:33	#36:22	Approximately 70 miles off the coast of Israel in the Mediterranean Sea, International Waters.	There is a 2nd flash. This is from the Zodiac's soldiers attempting to board the Mavi Marmara on the starboard side.
				Source: Iara Lee, "Raw footage from the Mavi Marmara," May 31, 2010
31-May	4:30:39	#36:28	Approximately 70 miles off the coast of Israel in the Mediterranean Sea, International Waters.	Someone shouts, "Let's all go inside -- go to the break room" on the lower-upper deck.
				Source: Iara Lee, "Raw footage from the Mavi Marmara," May 31, 2010
31-May	4:30:46	#36:35	Approximately 70 miles off the coast of Israel in the Mediterranean Sea, International Waters.	Commandos firing from the Zodiac's can be seen recoiling after each shot, weapons flashing sparks. On deck, passengers seen in the prayer area begin rolling up prayer-rugs and putting on shoes. Nobody run to grab weapons and no water hoses are being used.
				Source: Iara Lee, "Raw footage from the Mavi Marmara," May 31, 2010

Track #	Israeli Version	Notes
#6:49	"After, the first Black Hawk rope is dropped, three activists tie the rope to the deck of the ship." "I repeat, the people on the boat fooled around with the Black Hawk's rope and took it." *--Video transcript*	There is an inconsistency here. If the stun grenades cleared the deck and the soldiers then successfully rappelled down, here would be no passengers at the center of the deck to tie the rope of the helicopter to the ship.
	Source: Flotilla Incident Timeline, Video Part One	
#6:27	"We were above the ship, hovering above it. We understood there were 15 people on the roof. They took him, tied him to one of the antennas. We came down using the other rope, one by one, and every guy that descended was met by 3 or 4 people."*--Israeli Soldier --Video transcript*	On the first half of the Israeli video, it states that there are 15 soldiers on this helicopter.
	Source: Israel Defense Forces, "Israeli Navy Soldier Describes the Violent Mob Aboard Mavi Marmara", May 31, 2010; available online at: http://www.youtube.com/watch?v=BpPvs3YSE4g	*Source: Flotilla Incident Timeline, Video Part One*
	"And they just started beating him up, tearing him to pieces. It was a lynch."*--Israeli Soldier --Video transcript*	A further inconsistency. According to the captain of the Gazze, he turned the ship west towards open sea. It is therefore unclear as to how long his passengers were able to follow the attack before they were stopped at 6am.
	Source: "Israeli Navy Soldier Describes the Violent Mob Aboard Mavi Marmara", May 31, 2010	
		Amnesty International states: "Israel says its forces acted in self-defense, alleging that they were attacked by protestors, but it begs credibility that the level of lethal force used by Israeli troops could have been justified. It appears to have been out of all proportion to any threat posed."
		Source: Amnesty International, "Israeli Killings of Gaza Ship Activists Must be Investigated," Amnesty International Public Statement, May 31, 2010, available online at: http://www.amnesty.org/en/news-and-updates/israeli-killings-gaza-ship-activists-must-be-investigated-2010-05-31
#6:44	"In order to ensure the safe landing of the soldiers on the deck a number of stun grenades are thrown. As a result, the activists evacuate the center of the roof." *--Video transcript.* (The video has the words 'Clean Area' in quotes as a header for this segment of the film.)	
	Source: Flotilla Incident Timeline, Video Part One	

Date	Time	Track #	Location	Flotilla Version
31-May	4:30:55	#36:44	Approximately 70 miles off the coast of Israel in the Mediterranean Sea, International Waters.	Another Zodiac arrives and gunfire from soldiers is now constant.
				Source: Iara Lee, "Raw footage from the Mavi Marmara," May 31, 2010
31-May	4:31:05	#36:54	Approximately 70 miles off the coast of Israel in the Mediterranean Sea, International Waters.	The second Zodiac fires on the ship.
				Source: Iara Lee, "Raw footage from the Mavi Marmara," May 31, 2010
31-May	4:31:08	#36:57	Approximately 70 miles off the coast of Israel in the Mediterranean Sea, International Waters.	A flash with an explosion is seen on the ship, mid-ship starboard side behind the journalist photographing the Zodiacs. No passengers are hit.
				Source: Iara Lee, "Raw footage from the Mavi Marmara," May 31, 2010
31-May	4:31:15	#37:04	Approximately 70 miles off the coast of Israel in the Mediterranean Sea, International Waters.	The Zodiac closest to the ship pulls away and drops a box from its port side into the water.
				Source: Iara Lee, "Raw footage from the Mavi Marmara," May 31, 2010
31-May	4:31:28	#37:17	Approximately 70 miles off the coast of Israel in the Mediterranean Sea, International Waters.	At least 3 Zodiacs can be seen coming toward the starboard side hull.
				Source: Iara Lee, "Raw footage from the Mavi Marmara," May 31, 2010
31-May	4:31:29	#37:18	Approximately 70 miles off the coast of Israel in the Mediterranean Sea, International Waters.	Objects are being thrown from the upper deck toward the Zodiacs.
				Source: Iara Lee, "Raw footage from the Mavi Marmara," May 31, 2010
31-May	4:31:42	#37:32	Approximately 70 miles off the coast of Israel in the Mediterranean Sea, International Waters.	A young man throws something unidentifiable over the side towards the Zodiacs.
				Source: Iara Lee, "Raw footage from the Mavi Marmara," May 31, 2010
31-May	4:31:52	#37:42	Approximately 70 miles off the coast of Israel in the Mediterranean Sea, International Waters.	The first passengers are seen with what appear to be a broom handles or white plastic pipe. Flashes continue although gunfire has ceased in the background. A helicopter can be clearly heard.
				Source: Iara Lee, "Raw footage from the Mavi Marmara," May 31, 2010
31-May	4:32:00	#41:33	Approximately 70 miles off the coast of Israel in the Mediterranean Sea, International Waters.	The first soldiers rappel down the ropes.
				Source: Iara Lee, "Raw footage from the Mavi Marmara," May 31, 2010

Track #	Israeli Version	Notes
	"Every guy that came down the ropes was taken aside, and everyone there had metal rods, knives, slingshots, glass bottles. "At one point there was live fire, they started firing live rounds, two guys there had live ammunition. "They started hitting me with the metal rods, and while defending myself, I guess I broke my arm. At this point, I didn't even have a weapon in my hands. Any soldier coming down the rope did not have a gun in his hands." Off camera: "Did not what?" "Did not have a gun in his hands. We were empty handed. Our weapons were on our back." --*Video transcript*	
	Source: "Israeli Navy Soldier Describes the Violent Mob Aboard Mavi Marmara", May 31, 2010	
#7:13	"During the first few minutes, violent clashes develop on the roof and the first Israeli soldier is attacked. Every soldier that slides down is attacked by two to four activists using knives, iron bars and axes." --*Video transcript*	Segment #7:13 is being filmed from another helicopter above the one where soldiers are rappelling. A little further in the video this commando unit is part of a 'medical squad'. There are no symbols on the Black Hawk indicating a medical team. Likewise there is no mention of axes being used by any of the Flotilla survivors. The axes on the ship were those required by law for use in a fire emergency, but there is no report of any glass fire cases being broken.
	Source: Flotilla Incident Timeline, Video Part One	

Date	Time	Track #	Location	Flotilla Version
31-May	4:32:00		Approximately 70 miles off the coast of Israel in the Mediterranean Sea, International Waters. Heading 185.	Screaming can be heard from the Mavi Marmara, on the Gazze and Defne. "Numerous eyewitness accounts such as that of British national Jamal Eishayyal have suggested that Israeli troops fired shots without warning and may have used live ammunition before descending onto the Mavi Marmara. My own footage shows that they had begun firing on the ship well before boarding, creating fear among passengers that we were under possibly fatal attack; soldiers obviously did not inform passengers what type of ammunition, lethal or "non-lethal," they were using—nor when they would decide to switch between the two." *--Iara Lee*
				Source: Iara Lee, "Eyewitness Account of the Israeli Raid on the Gaza Flotilla, What Happened to Us Is Happening in Gaza", San Francisco Chronicle, June 5, 2010, available online at: http://articles.sfgate.com/2010-06-05/opinion/21658573_1_commandos-ship-aboard
31-May	4:32:00		Approximately 70 miles off the coast of Israel in the Mediterranean Sea, International Waters. Heading 185.	"Nobody knows what the Israelis will come up with. We only know that their statements have been menacing, announcing that the convoy will be repelled with all the means at their disposal. But what does that mean? Torpedoes? Hawsers? Soldiers let down from helicopters? We can't know. But violence will not be met with violence from our side. Only elementary self-defense. We can, on the other hand, make things harder for our attackers. Barbed wire is to be strung all round the ship's rail. In addition, we are all to get used to wearing life jackets, lookouts are to be posted, and we will be told where to assemble if foreign soldiers come aboard. Our last bastion will be the bridge." *--Henning Mankell*
				Source: Mankell, "Midnight on the Mavi Marmara", pg 23
31-May	4:32:10		Approximately 70 miles off the coast of Israel in the Mediterranean Sea, International Waters.	
31-May	4:32:14	#38:04	Approximately 70 miles off the coast of Israel in the Mediterranean Sea, International Waters.	Sporadic gunfire is heard.
				Source: Iara Lee, "Raw footage from the Mavi Marmara," May 31, 2010
31-May	4:32:15		Approximately 70 miles off the coast of Israel in the Mediterranean Sea, International Waters. Heading 185.	Somewhere in this minute two activists were killed, one with a shot to the head between the eyes. "I went up on to the deck and saw boats and dinghies, bristling with guns and military, speeding towards the ship. There were helicopters above us, and gas and sound bombs were being used. There were then gunshots and the first passenger was fatally wounded. He was brought to the back of the deck but he'd been shot in the head." *--Sarah Colborne, on the Mavi Marmara*
				Source: Alexander Christie-Miller, Helen Nugent and Laura Pitel [Sarah Colborne], "Mavi Marmara British activists describe moment when ship was attacked," Sunday Times, London, June 4, 2010, available online at:http://www.timesonline.co.uk/tol/news/world/middle_east/article7143825.ece
31-May	4:32:30	#38:20	Approximately 70 miles off the coast of Israel in the Mediterranean Sea, International Waters.	Another 'pop' is heard, followed by approximately 8 more, steadily.
				Source: Iara Lee, "Raw footage from the Mavi Marmara," May 31, 2010

Track #	Israeli Version	Notes
#7:10	"The second rope is dropped and soldiers begin to slide down. All the soldiers descend onto the roof within one minute." --*Video transcript*	
	Source: Flotilla Incident Timeline, Video Part One	
#3:56 V2	"The second soldier from the helicopter is shot in the stomach by activists shortly after he reached the roof. It was probably the first shot fired on the ship." --*Video transcript*	The statement 'It was probably the first shot fired' occurs in the second Flotilla Incident Video at marks #7:23-7:30, although it applies to this moment in the attack. In the first video, Israel states that the soldier was shot; they go on to state that the other soldiers were then forced to use live ammunition because of this life-threatening situation. They then state this situation is due to soldiers having been stabbed, not shot. The shooting accusations therefore change to stabbings.
	Source: Flotilla Incident Timeline, Video Part Two	*Source: Flotilla Incident Timeline, Video Part One*
	"It's important to clarify that the weapons were riot dispersal means. We had paintball guns. They fired live rounds. They were firing bullets. Real ammunition. They just came prepared for battle. We came prepared to straighten things out, talk to them, convince them to unboard (sic) the ship." --*Video transcript*	
	Source: "Israeli Navy Soldier Describes the Violent Mob Aboard Mavi Marmara", May 31, 2010	
#7:17 V2	"Organization members were prepared in advance for a violent and well-covered confrontation with the IDF forces. They were prepared with iron pipes, chains, sling shots and marbles, disk saws, gas masks, bottles of tear gas, ceramic vests, Molotov cocktails, weapons sight-devices, commando knives and more. In addition, non-IDF ammunition, cartridges and bullets were found on board the ship as well as an advanced editing and broadcasting studio." --*Video transcript*	There was no evidence of Molotov cocktails having been used. Adam Shapiro, an organizer of the Flotilla, states that any ammunition or guns on the ship would have to have been planted. Each ships had been certified weapons-free by third party customs officials before sailing.
	Source: Flotilla Incident Timeline, Video Part Two	*Source: Adam Shapiro, "Expose Israel's policy to the world" interview on Russian Television June 1, 2010, available online at: http://www.youtube.com/watch?v=bmDjAu0DSiM*
	"Every person that got to the boat was stormed. They just came and attacked him. There were soldiers that were thrown off the top deck. I conducted a search on one of the people, on him I found two utility knives—on one person. He had two utility knives, a pocket knife, an extendable metal rod, like a club. In his other pocket he had tear gas and pepper spray." --*Video transcript*	
	Source: "Israeli Navy Soldier Describes the Violent Mob Aboard Mavi Marmara", May 31, 2010	

Date	Time	Track #	Location	Flotilla Version
31-May	4:32:34	#38:24	Approximately 70 miles off the coast of Israel in the Mediterranean Sea, International Waters.	Red drips down from a stairwell; after a few seconds the camera people realize it is paint and not blood. They nervously laugh at the discovery.
				Source: Iara Lee, "Raw footage from the Mavi Marmara," May 31, 2010
31-May	4:32:41		Approximately 70 miles off the coast of Israel in the Mediterranean Sea, International Waters. Heading 185.	"I was directly involved in the disarming of two Israeli Commandos. This was a forcible, non-negotiable, separation of weapons from commandos who had already murdered two brothers that I had seen that day. One brother with a bullet entering dead center in his forehead, in what appeared to be an execution. I knew the commandos were murdering when I removed a 9mm pistol from one of them. I had that gun in my hands and as an ex-US Marine with training in the use of guns it was completely within my power to use that gun on the commando who may have been the murderer of one of my brothers. But that is not what I, nor any other defender of the ship did. I took that weapon away, removed the bullets, proper lead bullets, separated them from the weapon and hid the gun. I did this in the hopes that we would repel the attack."*--Ken O'Keefe* "By the time any of the passengers picked up sticks and pipes, at least one person had been killed." *--Adam Shapiro*
				Source: Paul Woodward, "Kenneth O'Keefe interviewed on BBC's Hardtalk", BBC Hardtalk, June 27, 2101, available online at: http://warincontext.org/2010/06/27/kenneth-okeefe-interviewed-on-bbcs-hardtalk/ *Adam Shapiro, "Expose Israel's policy to the world" interview on Russian Television June 1, 2010, available online at: http://www.youtube.com/watch?v=bmDjAu0DSiM*
31-May	4:32:41		Approximately 70 miles off the coast of Israel in the Mediterranean Sea, International Waters.	"I took that weapon away, removed the bullets, proper lead bullets, separated them from the weapon, and hid the gun...We had in our full possession three completely disarmed and helpless commandos. These boys were at our mercy, they were out of reach of their fellow murderers, inside the ship and surrounded by 100 or more men."*-Ken O'Keefe*
				Ken O'Keefe, "Defenders of the Mavi Marmara," in "Midnight on the Mavi Marmara: The Attack on the Gaza Freedom Flotilla and How It Changed the Course of the Israeli/Palestine Conflict", Moustafa Bayoumi Ed., (Haymarket: Chicago) 2010, pg 37
31-May	4:33:03	#38:53	Approximately 70 miles off the coast of Israel in the Mediterranean Sea, International Waters.	Another 'pop.' The microphone on the camera picks up panicked shouting from the upper deck
				Source: Iara Lee, "Raw footage from the Mavi Marmara," May 31, 2010
31-May	4:33:12		Approximately 70 miles off the coast of Israel in the Mediterranean Sea, International Waters. Heading 185.	Upon his arrival back in Turkey, Bulent Yildrim, (head of the Istanbul-based IHH) admitted that some activists had grabbed guns off of soldiers in self-defense. "Yes, we took their guns. It would be self-defense even if we fired their guns. We told our friends on board: 'We will die, become martyrs, but never let us be shown... as the ones who used guns. By this decision, our friends accepted death, and we threw all the guns we took from them into the sea." Yildrim described how a doctor and a journalist were both shot at close range, and said another activist was shot as he was surrendering. "I took off my shirt and waved it, as a white flag. We thought they would stop after seeing the white flag, but they continued killing people," he said.
				Source: Bulent Yildrim, "Activists describe Israeli raid on Gaza aid convoy," BBC, June 3, 2010, available online at: http://www.bbc.co.uk/news/10206802
31-May	4:33:41	#39:31	Approximately 70 miles off the coast of Israel in the Mediterranean Sea, International Waters.	Loud bangs are now heard at regular frequencies. A French photojournalist on the film crouches down.
				Source: Iara Lee, "Raw footage from the Mavi Marmara," May 31, 2010

Track #	Israeli Version	Notes
#7:27	"A 2nd Israeli soldier is taken down. "The second soldier to come down was shot in the stomach by one of the activists. The soldiers who encounter a life-threatening situation are forced to use live ammunition."" --*Video transcript*	According to Israeli records, these soldiers rappelled onto the ship and were attacked and subdued within 2.5 minutes. Former marine Ken O'Keefe emptied the weapons he confiscated of live rounds within this time, from the first group of soldiers who had already shot and killed two people. If the soldiers were initially armed with non-lethal ammunition, two passengers would not have been killed.
	Source: Flotilla Incident Timeline, Video Part One	*Source: Israel Defense Forces, Strategic Division, "Flotilla to Gaza: Operation Sea Breeze, Summary and Background May 31st –June 5th Report", Tel Aviv, June 10th, 2010, available online at: http://dover.idf.il/NR/rdonlyres/B2CAF6B4-C21F-4156-AE98-9E3950658B64/0/SummaryofFlotillaFinalVersion.ppt*
#4:08 V2	"During the search a gun was found in the ship's hull. The gun was taken from one of the wounded soldiers that was moved by the activists to the ship's hull. The gun had no bullets, despite the fact that none of the three wounded soldiers used it." --*Video transcript*	O'Keefe readily admitted to emptying the IDF gun of its live ammunition, and hiding it in the hull to prevent it from being used upon the activists.
	Source: Flotilla Incident Timeline, Video Part Two	
#7:34	"A 3rd Israeli soldier is taken down: "During the battle, five soldiers are injured from stab wounds, beatings and gunshot wounds. Three soldiers are thrown off the roof of the ship onto the deck and are taken to the hull of the ship. While falling, one of the soldiers is stabbed in the stomach and hand."" --*Video transcript*	
	Source: Flotilla Incident Timeline, Video Part One	

Date	Time	Track #	Location	Flotilla Version
31-May	4:33:51	#39:41	Approximately 70 miles off the coast of Israel in the Mediterranean Sea, International Waters.	A laser from a sniper rifle shows on the second deck, and jumps between the photojournalists. Nervously they explain what is happening in French. They crouch down as a helicopter is heard above.
				Source: Iara Lee, "Raw footage from the Mavi Marmara," May 31, 2010
31-May	4:34:53	#40:34	Approximately 70 miles off the coast of Israel in the Mediterranean Sea, International Waters.	Loud bang as a Black Hawk positions itself above the center deck, hovering for some time.
				Source: Iara Lee, "Raw footage from the Mavi Marmara," May 31, 2010
31-May	4:35:00		Approximately 70 miles off the coast of Israel in the Mediterranean Sea, International Waters. Heading 185.	"I went down one more flight. As I descended, I saw injured people being brought in. It was a bloodbath. The floors were like a slaughterhouse. I saw people whose internal organs were out. "At one point, an Israeli soldier came down the stairs. Everybody was so angry and wanted to hit him, but a few tried to calm people down. "In the meantime, gas and sound bombs were thrown. I started to have difficulty breathing. There were so many shots aimed at the ship. I started to think that they were aiming to sink the boat. People were running around to help each other. I saw a woman with tears in her eyes trying to give first aid to the injured ones. She was quite calm and trying to help the people around. Later, I learned her husband had been shot in the head and fell martyred in her arms."--*Sümeyye Ertekin*
				Source: Sümeyye Ertekin, "First, They Appeared as Shadows," in "Midnight on the Mavi Marmara: The Attack on the Gaza Freedom Flotilla and How It Changed the Course of the Israeli/Palestine Conflict", Moustafa Bayoumi Ed., (Haymarket: Chicago), 2010, pg 55.
31-May	4:35:00		Approximately 70 miles off the coast of Israel in the Mediterranean Sea, International Waters. Heading 185.	"We had managed to get as many as we could to the makeshift emergency room—some of which became a makeshift mortuary. But many of the people who were killed or seriously injured were still on the roof and the top decks of the boat. It was chaos—we didn't know how many there were. She was told to go back or she'd be shot, as would anybody who attempted to make contact with the Israelis." --*Kevin Ovenden*
				Source: Kevin Ovenden, referring to Haneen Zoabi Israeli Knesset member appealing for help in Hebrew, pg 60-61, "Midnight on the Mavi Marmara",
31-May	4:35:24	#41:02	Approximately 70 miles off the coast of Israel in the Mediterranean Sea, International Waters.	Another Zodiac is spotted off the side of the ship, pacing itself to the same speed as the Mavi Marmara.
				Source: Iara Lee, "Raw footage from the Mavi Marmara," May 31, 2010
31-May	4:35:59	#41:37	Approximately 70 miles off the coast of Israel in the Mediterranean Sea, International Waters.	The first soldiers rappel down the ropes of the 2nd Black Hawk, witnessed from the stern. Activists on the top deck say two Black Hawks were unloading; IDF video states one.
				Source: Iara Lee, "Raw footage from the Mavi Marmara," May 31, 2010
31-May	4:36:03	#41:41	Approximately 70 miles off the coast of Israel in the Mediterranean Sea, International Waters.	A second soldier rappels down quickly, almost overtaking the first.
				Source: Iara Lee, "Raw footage from the Mavi Marmara," May 31, 2010
31-May	4:36:17	#41:55	Approximately 70 miles off the coast of Israel in the Mediterranean Sea, International Waters.	A third soldier propels down.
				Source: Iara Lee, "Raw footage from the Mavi Marmara," May 31, 2010

Track #	Israeli Version	Notes
#7:51	"The second helicopter arrives carrying 12 soldiers." --*Video transcript*	
	Source: Flotilla Incident Timeline, Video Part One	
#7:54	"The commander of the medical squad, the fourth in command, who arrived on the first helicopter overseas treatment of the injured and locates a secure spot for them." --*Video transcript*	This refers to the first commando unit, Shayetet 13 (S'13), responsible for at least two passenger deaths within their first 2 minutes boarding the ship. The Israeli video refers to this commando unit as medical squad.
	Source: Flotilla Incident Timeline, Video Part One	
#8:04	"The activists evacuate the center of the roof after absorbing casualties and gather in the front and back on the roof. Additional attempts to attack the force as the second helicopter approaches are met with gunfire aimed at the attackers' feet. At the same time, the life-boats approach the ship for the second time. The soldiers realize that they are being fired at from both sides of the ship. Again they encounter violent resistance." --*Video transcript*	The 'absorbing casualties' referred to are two killed passengers, both shot in the head, as well as several wounded passengers. Autopsy and medical personnel reports of the wounded show very few injuries below the waist.
	Source: Flotilla Incident Timeline, Video Part One	
#0:37 V-2	"While taking over the Marmara, Boat 8000 and the Challenger are being taken over. The combatants meet resistance on board these ships. The violent resistance is oppressed by use of crowd control tactics." --*Video transcript*	This statement that Israeli soldiers met resistance boarding the other ships in the Flotilla Incident Timeline, which was released in Hebrew on July 13, 2010 is contradicted by Israel's admission, none of the remaining five ships offered any resistance. Therefore they cannot be treating any injured passengers. According to the IDF Spokesperson's web library on the Gaza Flotilla, created May 31, "While Israeli soldiers peacefully boarded five of the six ships, aboard the Mavi Marmara soldiers encountered serious violence."
	Source: Flotilla Incident Timeline, Video Part Two	*Source: IDF, "Gaza Flotilla", IDF Spokesperson's Unit, May 31,2010, available online at: http://www.youtube.com/idfnadesk#g/c/D367B77C57326D3E*

Date	Time	Track #	Location	Flotilla Version
31-May	4:36:18	#41:56	Approximately 70 miles off the coast of Israel in the Mediterranean Sea, International Waters.	A slight 'pop' is heard in the audio, but hard to determine as to origin.
				Source: Iara Lee, "Raw footage from the Mavi Marmara," May 31, 2010
31-May	4:36:23	#42:01	Approximately 70 miles off the coast of Israel in the Mediterranean Sea, International Waters.	Another 'pop.' The microphone on the camera picks up the sound but does not register screams on the top deck.
				Source: Iara Lee, "Raw footage from the Mavi Marmara," May 31, 2010
31-May	4:36:29	#42:07	Approximately 70 miles off the coast of Israel in the Mediterranean Sea, International Waters.	On the deck below the top several passengers load slingshots with marbles, and blindly fire them up toward the top deck.
				Source: Iara Lee, "Raw footage from the Mavi Marmara," May 31, 2010
31-May	4:36:51	#42:29	Approximately 70 miles off the coast of Israel in the Mediterranean Sea, International Waters.	One Black Hawk flies away from the ship.
				Source: Iara Lee, "Raw footage from the Mavi Marmara," May 31, 2010
31-May	4:37:02	#42:40	Approximately 70 miles off the coast of Israel in the Mediterranean Sea, International Waters.	A third Black Hawk approaches. As the first one moves away, yelling can be heard from the upper deck of the Mavi Marmara.
				Source: Iara Lee, "Raw footage from the Mavi Marmara," May 31, 2010
31-May	4:37:03	#42:41	Approximately 70 miles off the coast of Israel in the Mediterranean Sea, International Waters.	Two sharp noises are heard that could be gunfire. Some of the passengers now have sticks.
				Source: Iara Lee, "Raw footage from the Mavi Marmara," May 31, 2010
31-May	4:37:12	#42:50	Approximately 70 miles off the coast of Israel in the Mediterranean Sea, International Waters.	Gunshots are undoubtedly coming from behind the camera and shouting increases from above.
				Source: Iara Lee, "Raw footage from the Mavi Marmara," May 31, 2010
31-May	4:37:24	#43:02	Approximately 70 miles off the coast of Israel in the Mediterranean Sea, International Waters.	Two more shots are fired as the third Black Hawk moves in.
				Source: Iara Lee, "Raw footage from the Mavi Marmara," May 31, 2010
31-May	4:37:46	#43:24	Approximately 70 miles off the coast of Israel in the Mediterranean Sea, International Waters.	Random shots are heard. Young men look around worriedly as though unsure whether to go inside the ship, or upstairs.
				Source: Iara Lee, "Raw footage from the Mavi Marmara," May 31, 2010
31-May	4:37:52	#43:30	Approximately 70 miles off the coast of Israel in the Mediterranean Sea, International Waters.	The first injured person is brought downstairs, a passenger. More gunshots are heard very near to the camera and in rapid succession. Several people work to bring the injured man downstairs. He has lost his shoes.
				Source: Iara Lee, "Raw footage from the Mavi Marmara," May 31, 2010
31-May	4:38:04	#43:42	Approximately 70 miles off the coast of Israel in the Mediterranean Sea, International Waters.	Automatic gunfire is heard very close to the camera.
				Source: Iara Lee, "Raw footage from the Mavi Marmara," May 31, 2010
31-May	4:38:07	#43:45	Approximately 70 miles off the coast of Israel in the Mediterranean Sea, International Waters.	The ship alarm rings and the camera goes inside as the injured man is taken into the hull of the Mavi Marmara.
				Source: Iara Lee, "Raw footage from the Mavi Marmara," May 31, 2010

Track #	Israeli Version	Notes
#6:27	"The first Black Hawk had 15 soldiers on board." --*Video transcript*	
	Source: Flotilla Incident Timeline, Video Part One	
#7:51	"The second Black Hawk had 12 soldiers on board." --*Video transcript*	
	Source: Flotilla Incident Timeline, Video Part One	

Date	Time	Track #	Location	Flotilla Version
31-May	4:38:42	#44:22	Approximately 70 miles off the coast of Israel in the Mediterranean Sea, International Waters.	Notebooks carried by the Israeli soldiers showing photographs and short dossiers of specific people onboard each of the ships is shown to the camera. Gunshots continue.
				Source: Iara Lee, "Raw footage from the Mavi Marmara," May 31, 2010
31-May	4:38:50	#45:30	Approximately 70 miles off the coast of Israel in the Mediterranean Sea, International Waters.	Video does not show the first injured soldier being brought down but the statement "We have another soldier" implies this he is the second soldier given quarter and medical care. Four men help carry him down. The soldier appears to have an orange life-vest on over his uniform. A passenger confirms they have two soldiers in triage, bleeding and wounded.
				Source: Iara Lee, "Raw footage from the Mavi Marmara," May 31, 2010
31-May	4:39:03	#46:43	Approximately 70 miles off the coast of Israel in the Mediterranean Sea, International Waters.	Gunshots continue in the background. The injured are showing wounds in the leg, or wounds in the arm.
				Source: Iara Lee, "Raw footage from the Mavi Marmara," May 31, 2010
31-May	4:39:14	#46:54	Approximately 70 miles off the coast of Israel in the Mediterranean Sea, International Waters.	Another wounded man is brought downstairs with multiple injuries.
				Source: Iara Lee, "Raw footage from the Mavi Marmara," May 31, 2010
31-May	4:40:03	#47:43	Approximately 70 miles off the coast of Israel in the Mediterranean Sea, International Waters.	Smoke is seen coming from the top deck, evidence of the extent of the shots fired and gas thrown. No helicopters can be heard from the camera from the stairwell.
				Source: Iara Lee, "Raw footage from the Mavi Marmara," May 31, 2010
31-May	4:40:22	#48:02	Approximately 70 miles off the coast of Israel in the Mediterranean Sea, International Waters.	The deck is now drenched in water. On the stern several people are praying. A lot of shouting can be heard on the top deck. One of the men praying points upwards. Individuals stop to pray before joining the others. One takes a gas mask and other has a rod in his hand.
				Source: Iara Lee, "Raw footage from the Mavi Marmara," May 31, 2010
31-May	4:40:52	#48:32	Approximately 70 miles off the coast of Israel in the Mediterranean Sea, International Waters.	The man who points up then grabs a metal pipe and a gas mask, puts on his shoes and heads away and off camera.
				Source: Iara Lee, "Raw footage from the Mavi Marmara," May 31, 2010
31-May	4:41:16	#48:55	Approximately 70 miles off the coast of Israel in the Mediterranean Sea, International Waters.	This is the first break in continuity on the video, which jumps from the prayer area back to the stairwell where the injured are being taken below for treatment.
				Source: Iara Lee, "Raw footage from the Mavi Marmara," May 31, 2010
31-May	4:41:25	#49:04	Approximately 70 miles off the coast of Israel in the Mediterranean Sea, International Waters.	Yelling, noises that sound like gunfire, and lots of commotion are ongoing. The stairwell is filled with the injured and those tending to them. The 'pop' sounds occur in regular intervals.
				Source: Iara Lee, "Raw footage from the Mavi Marmara," May 31, 2010
31-May	4:41:44	#49:23	Approximately 70 miles off the coast of Israel in the Mediterranean Sea, International Waters.	The second break in video continuity occurs, and goes to the break-room inside the ship. People are huddled to the ground trying to stay undercover, calm and quiet.
				Source: Iara Lee, "Raw footage from the Mavi Marmara," May 31, 2010
31-May	4:42:10	#49:48	Approximately 70 miles off the coast of Israel in the Mediterranean Sea, International Waters.	"They're coming" is heard on the video, referring to the Israeli soldiers. Passengers with weapons begin assembling in the stairwell. It appears as if they are trying to prevent entry into the sick bay and protect the medical workers. They station themselves inside the door. Small 'pops' can be heard, which could be gunshots or clubs banging on metal railing.
				Source: Iara Lee, "Raw footage from the Mavi Marmara," May 31, 2010

Track #	Israeli Version	Notes
		The fact that Israel prepared notebooks ahead of time with passengers they intended to target implies a premeditated attack upon unarmed activists. Israel would have known that the ships had been cleared after their port inspections, and found to have no weapons onboard. None of the ships docked in any other port once they were cleared from Cyprus.
		"Advanced identification and surveillance of specific passengers by the Israeli intelligence forces took place, as indicated by a laminated booklet, recovered from the possessions of one of the captured Israeli soldiers, which contained the names and photographs of specific high-profile individuals on each of the six vessels as well as photographs of each vessel.
		One passenger was able to confirm that the photograph of her included in the booklet was taken just a few days before the flotilla sailed." Source: United Nations Human Rights Council, "Report of the international fact-finding mission to investigate violations of international law, including international humanitarian and human rights law, resulting from the Israeli attacks on the flotilla of ships carrying humanitarian assistance," (late submission), Fifteenth session: A/HRC/15/21; 27 September 2010, p.22
#0:10 V2	"The force reaches the front of the roof and gains control of the attackers. At the same time it secures the lower decks. At this state the soldiers are attacked by the activists and are forced to fire at the attackers' feet. The first attempt to go down to the lower deck is met with violent resistance, including several shooting incidents at the soldiers." --*Video transcript*	It has been established that the activists did not have guns, did not shoot any guns, and the three they took from the soldiers were emptied of bullets and then discarded.
	Source: Flotilla Incident Timeline, Video Part Two	

Date	Time	Track #	Location	Flotilla Version
31-May	4:42:52	#50:30	Approximately 70 miles off the coast of Israel in the Mediterranean Sea, International Waters.	More gun shots are heard. The men in the stairwell are agitated and nervous, and positioned themselves to block easy access to the hull of the ship. Some are armed with sticks, pipes, pocket knives and chains.
				Source: Iara Lee, "Raw footage from the Mavi Marmara," May 31, 2010
31-May	4:43:05	#51:15	Approximately 70 miles off the coast of Israel in the Mediterranean Sea, International Waters.	One of the men moves toward the porthole in the door, which has been shot out. As he gets close, rapid gunfire is heard nearby, he drops below the window and retreats.
				Source: Iara Lee, "Raw footage from the Mavi Marmara," May 31, 2010
31-May	4:43:16	#50:54	Approximately 70 miles off the coast of Israel in the Mediterranean Sea, International Waters.	There are sounds of more sporadic single shots.
				Source: Iara Lee, "Raw footage from the Mavi Marmara," May 31, 2010
31-May	4:43:30	#51:10	Approximately 70 miles off the coast of Israel in the Mediterranean Sea, International Waters.	Some of the men in the stairwell bang on the walls with sticks, and speak in Arabic or Turkish. Sounds of Israeli soldiers are heard on the other side of the wall. Gunshots continue to be heard loudly and at regular intervals. The men move away from the door, crowded into the stairwell on both sides. Their body language is defensive, not offensive.
				Source: Iara Lee, "Raw footage from the Mavi Marmara," May 31, 2010
31-May	4:44:03	#52:13	Approximately 70 miles off the coast of Israel in the Mediterranean Sea, International Waters.	One of the men in the stairwell holds up a helmet that looks like it may have belonged to an IDF soldier.
				Source: Iara Lee, "Raw footage from the Mavi Marmara," May 31, 2010
31-May	4:44:17	#52:27	Approximately 70 miles off the coast of Israel in the Mediterranean Sea, International Waters.	One of the men opens the door to look out. He is shot at, pulls back and quickly closes the door.
				Source: Iara Lee, "Raw footage from the Mavi Marmara," May 31, 2010
31-May	4:45:17	#53:27	Approximately 70 miles off the coast of Israel in the Mediterranean Sea, International Waters.	One of the wounded is shown receiving CPR. It appears as though the medics are losing him as he is unresponsive. He has a bullet wound in the upper chest. Someone yells in English with an American Accent, "We've got someone else in the back!"
				Source: Iara Lee, "Raw footage from the Mavi Marmara," May 31, 2010
	4:46:00		Approximately 70 miles off the coast of Israel in the Mediterranean Sea, International Waters.	
31-May	4:47:02	#55:12	Approximately 70 miles off the coast of Israel in the Mediterranean Sea, International Waters.	Daylight can be seen on the horizon. The ships intercom comes on, with a message in Turkish.
				Source: Iara Lee, "Raw footage from the Mavi Marmara," May 31, 2010
31-May	4:48:55	#56:05	Approximately 70 miles off the coast of Israel in the Mediterranean Sea, International Waters.	More wounded are brought down below deck, one with a severe head wound. Automatic gunfire is heard in rapid succession, while in the background the captain continues to repeat a message over the loudspeaker. An apparent second voice comes on the intercom ten seconds later, speaking faster.
				Source: Iara Lee, "Raw footage from the Mavi Marmara," May 31, 2010
31-May	4:50:25	#57:35	Approximately 70 miles off the coast of Israel in the Mediterranean Sea, International Waters.	Gunfire appears to have stopped within range of the camera microphone.
				Source: Iara Lee, "Raw footage from the Mavi Marmara," May 31, 2010

Track #	Israeli Version	Notes
#0:050 V2	"4:46 Arrival of the third helicopter carrying 14 soldiers. The commander of the third helicopter joins the second helicopter commander on the ship's roof and forces begin to move towards the bridge. As soon as they begin to descend, the soldiers are attacked and they return fire." --*Video transcript*	This IDF comment seems too late to the incident, as the 3rd Black Hawk was seen approaching almost 10 minutes beforehand. It could, however, be a 4th trip, since some of the activists report seeing four helicopters rather than three.
	Source: Flotilla Incident Timeline, Video Part Two	

Date	Time	Track #	Location	Flotilla Version
31-May	4:50:30	#57:40	Approximately 70 miles off the coast of Israel in the Mediterranean Sea, International Waters.	Multiple Zodiacs again approach the Mavi Marmara from the stern at high speed.
				Source: Iara Lee, "Raw footage from the Mavi Marmara," May 31, 2010
31-May	4:50:50	#58:00	Approximately 70 miles off the coast of Israel in the Mediterranean Sea, International Waters.	Intercom messages continue; a passenger throws an unidentified? object from the boat toward the approaching Zodiac.
				Source: Iara Lee, "Raw footage from the Mavi Marmara," May 31, 2010
31-May	4:51:25	#58:35	Approximately 70 miles off the coast of Israel in the Mediterranean Sea, International Waters.	Three more gunshots are heard again. A Zodiac's crew, off of the starboard stern, is trying to board the ship. The intercom announcement switches to English: "Be very calm, be very calm. Sit down. They're using live ammunition."
				Source: Iara Lee, "Raw footage from the Mavi Marmara," May 31, 2010
31-May	4:52:50	#1:00:00	Approximately 70 miles off the coast of Israel in the Mediterranean Sea, International Waters.	The ship's alarm rings again. Passengers assemble and a woman announces to the Israelis now on board over the loudspeaker:" All the passengers are sitting down. We are civilians taking care of injured people. Don't use violence. We need help for the injured people...don't use violence against the civilians. People are sitting here. We have many injured people. Israeli army. We need help. Your people are okay. Don't use violence against civilians."
				Source: Iara Lee, "Raw footage from the Mavi Marmara," May 31, 2010
31-May	4:53:00		Approximately 70 miles off the coast of Israel in the Mediterranean Sea, International Waters.	"After what seemed at the time as roughly thirty minutes, passengers on board the ship raised a white flag. The Israeli Army continued to fire live ammunition. The ship's organizers made a loudspeaker announcement saying they had surrendered the ship. The Israeli Army continued to fire live ammunition. I was the last person to leave the top deck."--*Jamal Elshayyal*
				Source: Eishayyal, "Midnight on the Mavi Marmara", pg 49
31-May	5:00:00		Approximately 70 miles off the coast of Israel in the Mediterranean Sea, International Waters. Heading 185.	"Doctors ran in all directions trying to treat the wounded, blood was on the floor, tears ran down people's faces, cries of pain and mourning could be heard everywhere. Death was in the air. Three critically injured civilians were being treated on the ground in the reception area of the ship. Their clothes were soaked in blood. Passengers stood by watching in shock, some read out verses of the Qur'an to calm them, doctors worked desperately to save them.*"--Jamal Eishayyal*
				Source: Eishayyal, "Midnight on the Mavi Marmara", pg 49
31-May	5:05:00		Approximately 70 miles off the coast of Israel in the Mediterranean Sea, International Waters. Heading 185.	Bulent Yildrim described how a doctor and a journalist were both shot at close range, and said another activist was shot as he was surrendering. "I took off my shirt and waved it, as a white flag. We thought they would stop after seeing the white flag, but they continued killing people," he said.--*Bulent Yildrim*
				Source: Bulent Yildrim, "Activists describe Israeli raid on Gaza aid convoy," BBC, June 3, 2010, available online at: http://www.bbc.co.uk/news/10206802
31-May	5:10:00		Approximately 70 miles off the coast of Israel in the Mediterranean Sea, International Waters. Heading 185.	"For more than an hour and a quarter, we were appealing for help in a situation where quite literally we had people who were bleeding to death. According to the medics, at least one of those people who died may well have had their life saved if more sophisticated medical assistance of the kind that's on board an Israeli vessel had been to hand. But we were not allowed to evacuate any wounded over to the Israelis for more than an hour and a quarter, during which time one person died." --*Kevin Ovenden*
				Source: Ovenden, "Midnight on the Mavi Marmara", pg 60-61
31-May	5:10:00		Approximately 70 miles off the coast of Israel in the Mediterranean Sea, International Waters. Heading 185.	Several announcements were made on the load speakers in Hebrew, Arabic, and English: "This is a message to the Israeli Army, we have surrendered. We are unarmed. We have critically injured people. Please come and take them. We will not attack." There was no response. --*Jamal Eishayyal*
				Source: Eishayyal, "Midnight on the Mavi Marmara", pg 49

Track #	Israeli Version	Notes
#5:09 V2	"The three soldiers taken to the hull of the ship witnessed an argument between activists who wanted to hurt them and several passengers who asked the activists to stop what they were doing." --*Video transcript*	
	Source: Flotilla Incident Timeline, Video Part Two	
#1:38 V2	"At this stage, most of the activists who were assembled on the sides of the ship go down to the ship's hull. The rubber boats approach the ship for the third time." --*Video transcript*	Rubber boats is a gentler description for high speed Zodiac Commando Hurricane attack naval vessels.
	Source: Flotilla Incident Timeline, Video Part Two	
#1:47 V2	"The activists remaining on the sides of the ship continue violent resistance, flinging iron pipes at the soldiers." --*Video transcript*	There is a significant contradiction here between the Israelis and activists version of what happened during this particular time.
	Source: Flotilla Incident Timeline, Video Part Two	

Date	Time	Track #	Location	Flotilla Version
31-May	5:15:00		Approximately 70 miles off the coast of Israel in the Mediterranean Sea, International Waters. Heading 185.	Sarah Colborne, passenger on the Mavi Marmara "said that the captain then announced that live ammunition was being used, and that the passengers should stop resisting. At 5.15am he broadcast a request for help with the critically injured, and at 7am the Israelis started letting the wounded off. “Then four dead bodies were laid out on the floor and all the passengers were moved out. We were cuffed with cable ties, our phones were removed and we were made to sit or kneel on the deck in the hot sun. “After some hours we were moved back to the saloon, and we left the boat some time between 10am and 10.30am.” Ms Colborne and the others were then taken to Ashdod in Israel, and then Beersheba prison, where they remained until being deported."--*Sunday Times*
				Source: Alexander Christie-Miller, Helen Nugent and Laura Pitel, “Mavi Marmara British activists describe moment when ship was attacked,” Sunday Times, London, June 4, 2010, available online at: http://www.timesonline.co.uk/tol/news/world/middle_east/article7143825.ece
31-May	5:15:00		Approximately 70 miles off the coast of Israel in the Mediterranean Sea, International Waters. Heading 185.	
31-May	5:15:00		Approximately 70 miles off the coast of Israel in the Mediterranean Sea, International Waters. Heading 185.	
31-May	5:15:00		Approximately 70 miles off the coast of Israel in the Mediterranean Sea, International Waters. Heading 185.	There are multiple reports stating that the passengers carried the soldiers to the deck so they could be evacuated for medical help. Two of the injured soldiers jumped into the water, and swam to a Zodiac. When the doctor handed over the most critically injured, the Israelis shot him in the arm.
				Sources: Bulent Yildrim, “Activists describe Israeli raid on Gaza aid convoy,” BBC, June 3, 2010, *Flotilla Incident Timeline Video* *Hassan Ghani, Press TV, June 3, 2010* *Ken O'Keefe, "Midnight on the Mavi Marmara", pg 35-39,* *Lubna Masarwa, "Midnight on the Mavi Marmara", pg 40-47*
31-May	5:15:00		Approximately 70 miles off the coast of Israel in the Mediterranean Sea, International Waters. Heading 185.	
31-May	5:15:00		Approximately 70 miles off the coast of Israel in the Mediterranean Sea, International Waters. Heading 185.	
31-May	5:17:00		Approximately 70 miles off the coast of Israel in the Mediterranean Sea, International Waters. Heading 185.	

Track #	Israeli Version	Notes
#1:53 V2	"In view of the continued violent resistance on deck and the force commander's assessment that there are a number of wounded soldiers whose condition is unknown, he orders the easing of the use of live fire, accurate and precisely targeting the violent activists, in order to enable the soldiers to climb on board the ship quickly." --*Video transcript*	There continues to be a contradiction here. According to all of the survivor's testimonies including the ship's captain, the passengers had all surrendered fifteen minutes previously; yet even with a white surrender flag the Israelis continued firing at them.
	Source: Flotilla Incident Timeline, Video Part Two	
#2:11 V2	"The sides of the ship empty quickly and the soldiers climb up from the rubber boats onto the ship. The commander of the force and the commander of S'13 unit climb up from the lifeboats onto the ship and move towards the roof. When they reach the roof, an assessment of the situation is made and it turns out that three soldiers from the first helicopter team are missing." --*Video transcript*	
	Source: Flotilla Incident Timeline, Video Part Two	
#2:31 V2	"The force commander prepares to rush the passengers' area in order to locate the missing soldiers. At the same time, soldiers from the roof of the boat spot the three missing soldiers, who are wounded and being lead by the attackers to the ship's bow." --*Video transcript*	The soldiers were brought up by the medical team who had treated them so as to turn them back over to the IDF for further aid.
	Source: Flotilla Incident Timeline, Video Part Two	
#2:38 V2	"The unit opens fire with a non-lethal weapon towards the attackers who retreat into the ship, leaving the three wounded soldiers on the ship's bow." --*Video transcript*	
	Source: Flotilla Incident Timeline, Video Part Two	
#2:59 V2	"Two of the injured soldiers take advantage of the situation and jump into the water intending to swim towards the nearby boats. They're picked up by the rubber boats. The third soldier remains unconscious on the bow." --*Video transcript*	The two 'seriously injured' soldiers had been beaten with pipes, and received stab wounds and concussions according to the Israeli reports, but were nonetheless able to jump from an 8 - 14 meter high deck, and swim to safety in full combat gear to awaiting Zodiacs.
	Source: Flotilla Incident Timeline, Video Part Two	
#3:14V2	"There's a wounded soldier on the bow. A seriously wounded soldier on the bow! Get there as soon as possible!" "The suppressive fire unit jumps from the ship's roof to the bow and joins the wounded soldier. They identify the wounded soldier while a group of soldiers reaches him." --*Video transcript*	
	Source: Flotilla Incident Timeline, Video Part Two	
#3:36 V2	"End of the Battle: The team on the roof tends to the injured. The team on the bridge controls the ship. The team on the stern of the ship and the deck control the entrances. The findings indicate there were a number of shooting incidents by activists at Israeli soldiers. In addition, soldiers on the rubber boats identified activists shooting at them from the ship." --*Video transcript*	This is a curious inconsistency. The video from the Flotilla showed the passengers as having surrendered almost 20 minutes before this time noted by the Israelis. Israeli sources state the attack lasted 28 minutes; on the video, however, it is over at 5:1, This makes the entire attack last more than three-quarter of an hour (49 minutes), rather than less than half an hour (28 minutes).
	Source: Flotilla Incident Timeline, Video Part Two	

Date	Time	Track #	Location	Flotilla Version
31-May	5:30:00		Unknown if the ships are anchored, or on a heading toward Port Ashdod.	"The Sophia is taken over by Israeli soldiers: "It takes exactly an hour for the speeding black rubber dinghies with the masked soldiers to reach us and start to board. We gather, up on the bridge. The soldiers are impatient and want us down on deck. Someone who is going too slowly immediately gets a stun device fired into his arm. He falls. Another man who is not moving fast enough is shot with a rubber bullet." *--Henning Mankell*
				Source: Mankell, "Midnight on the Mavi Marmara", pg 24.
31-May	5:30-8:00		Unknown if the ships are anchored, or on a heading toward Port Ashdod.	
31-May	6:00:00		Unknown if the ships are anchored, or on a heading toward Port Ashdod.	Israeli navy ships shut down the motors on the Gazze and take control of the ship.
				Captain of the Gazze, "Palestine: Our Route, Humanitarian Aid Our Load Flotilla Campaign Summary Report", pg. 29
31-May	6:10:00		Unknown if the ships are anchored, or on a heading toward Port Ashdod.	Israeli commandos rappel from a helicopter to land on the Defne ship.
				Captain of the Defne, "Palestine: Our Route, Humanitarian Aid Our Load Flotilla Campaign Summary Report", pg. 27
31-May	7:45:00		The ships are under Israeli control and it is unknown if they are currently being towed.	"All three of the critically injured passengers were pronounced dead. The Israeli soldiers had refused to allow them treatment."*--Jamal Eishayyal*
				Source: Eishayyal, "Midnight on the Mavi Marmara", pg 50.

Track #	Israeli Version	Notes
#4:46	"Treating and Evacuating the Injured: After completing the takeover stage, the next stage was tending to the injured and evacuating them. "The injured are taken up to the roof where they are treated. A total of 38 injured are evacuated by air, seven of them from our forces. Two additional injured soldiers are evacuated through the sea. During the takeover nine S'13 commando soldiers were wounded, three seriously." --*Video transcript*	Israel uses camera footage of Israeli soldiers treating and tending to the wounded. There is no doubt this eventually occurred, but the specific time is unknown. Testimony from multiple Flotilla survivors state that the Israelis refused to treat the critically ill, and three death certificates confirm this. At least three of the passengers fatally injured would have in all probability survived had they been transferred to better facilities on nearby Israeli ships. The Israelis refused to do this for several hours.
	Source: Flotilla Incident Timeline, Video Part One	*Sources: Haneen Zoabi, "Freeing Gaza; Liberating Ourselves," pg 67-71;* *Lubna Masarwa, "From '48 to Gaza," pg 40-47;*
		Jamal Eishayyal, "Kidnapped by Israel, Forsaken by Britain," pg 42-52; *Sümeyye Ertekin, "First, They Appeared as Shadows," pg 53-57, in "Midnight on the Mavi Marmara", Moustafa Bayoumi Ed., (Haymarket: Chicago) 2010.*
#4:27 V2	"After gaining control of the Boat 8000 and Challenger, while the battle continues on the Marmara, the forces continue to gain control of the three remaining ships. An additional Fast Rope unit lands on the Defne while the other units take control of the Sofia and Gazze treating the injured and evacuating them." --*Video transcript*	There were no injured people on board the Sofia and Gazze. As noted earlier in the timeline, the IDF states they were able to board and secure these ships with no resistance. All the ships had been secured by 6:30 am. However, it took six hours to evacuate 40 wounded passengers to nearby ships.
	Source: Flotilla Incident Timeline, Video Part Two	
	"Nine of the dead were Turkish. Eight of them belonged to the IHH Organization or other Islamic Turkish parties and organizations associated with the IHH. Half of those killed informed their relatives of their wish to die as martyrs." --*Video transcript*	"It is interesting to note how the Israelis were able to predict which fatally injured passenger had expressed a wish to die, before the attack. One of the dead passengers was the Tae Kwon Do coach of the Turkish national team, a former European champion. Another was a sixty-one-year-old electrical engineer. Also killed were a Kurdish telephone repair shop owner; a former newspaper journalist who gave up his job to work for the IHH; a firefighter with four sons; a thirty-two-year-old aid worker with a young daughter; two family men; and a nineteen-year old American-born high school student from Turkey. Their ages ranged from nineteen to sixty-one. Their names are Çetin Topçuoglu, Ibrahim Bilgen, Ali Haydar Bengi, Cevdet Kiliçlar, Fahri Yaldiz, Necdet Yildrim, Cengiz Songür, Cengiz Akyüz, and Furkan Doğan." --Moustafa Bayoumi
	Source: Flotilla Incident Timeline, Video Part Two	*Source: Bayoumi, "Midnight on the Mavi Marmara", pg4.*

Date	Time	Track #	Location	Flotilla Version
31-May	8:00:00		The ships are under Israeli control and it is unknown if they are currently being towed.	Mavi Marmara: "The Israeli Army entered the sleeping quarters. They handcuffed the passengers. I was thrown onto the ground, my hands tied behind my back, I couldn't move an inch. I was taken to the top deck where the other passengers were, forced to sit on my knees under the burning sun. One passenger had his hands tied so tight his wrists were all sorts of colors. When he requested that the cuff s be loosened, an Israeli soldier tightened them even more." --*Jamal Eishayyal*
				Source: Eishayyal, "Midnight on the Mavi Marmara", pg 50.
31-May	12:30:00		The ships are under Israeli control and it is unknown if they are currently being towed.	
31-May	17:00:00		Ashdod Port, Israel	"We arrived at Ashdod at 5:00 p.m. on May 31. The army told us, "We finished with our mission. Now you will be in the hands of the immigration police." The army killed the civilians; the police would take care of the rest." --*Lubna Masarwa*
				Source: Masarwa, "Midnight on the Mavi Marmara", pg 44.

Track #	Israeli Version	Notes
#5:17 V2	"Nine activists were killed and 55 Flotilla participants were injured, 14 of them seriously. 31 of the wounded were evacuated by helicopter and 24 were diagnosed at Ashdod Port and are also sent for medical treatment. The bodies of the activists were taken to Israel on board a missile boat. 14 field surgeries were performed on board the ship. Approximately 40 helicopter evacuations of the wounded by the Search and Rescue 669 Unit were made." --*Video transcript*	
	Source: Flotilla Incident Timeline, Video Part Two	
#5:46 V2	"By 12:30 pm all the wounded were evacuated to hospitals in Israel." --*Video transcript*	All the ships had been secured by 6:30 am. However, it took six hours to evacuate 40 wounded passengers to nearby ships.
	Source: Flotilla Incident Timeline, Video Part Two	
#6:11 V2	"The boat's arrival at Ashdod Port and completion of the naval stage of the operation. After overtaking the six ships, they are lead by the navy to Ashdod Port. After questioning the Flotilla participants and from intelligence gathered after the flotilla, the following picture comes into view." --*Video transcript*	Passengers would not be permitted off the ship until early the next morning.
	Source: Flotilla Incident Timeline, Video Part Two	

SEPTEMBER 22-27, 2010

The United Nations Human Rights Council issued a report as to the events surrounding the attack on the Gaza Flotilla in September 2010. Interviewing 112 activists, medical personnel and crew members in Geneva, London, Istanbul and Amman, and securing written testimony from others located in other countries who had been on board the flotilla, the UNCHR also viewed the video footage and photographs that had not been confiscated by Israeli authorities.

The report concluded that the passengers had posed no threat to the Israeli soldiers, the soldiers had used "considerable live fire" from the top deck onto passengers below, that passengers had been fired upon, injured or killed by live ammunition whilst attempting to take refuge, and "Israeli soldiers ... continued shooting at passengers who had already been wounded" killing several at point-blank range, execution style.

The violence did not cease once the passengers had been taken into custody and detained at Ashdod: passengers were charged at and beaten with batons by IDF soldiers and guards; 30 passengers were kicked, punched, held in suffocating choke-positions and beaten to the ground; female passengers were pushed, sexually taunted and beaten with fists; a medical doctor was subjected to an attempt to break his fingers; and one passenger had his arm twisted behind him and broken.

The UNCHR Report specified that the independent "accounts were so consistent and vivid as to be beyond question."

Source: United Nations Human Rights Council, "Report of the international fact-finding mission to investigate violations of international law, including international humanitarian and human rights law, resulting from the Israeli attacks on the flotilla of ships carrying humanitarian assistance," (late submission), Fifteenth session: A/HRC/15/21; 27 September 2010

Events Following the Attack

Survivor Testimonies

Events Following the Attack

Survivor Testimonies

There is very little information from the Israeli side about what happened on board the ships once they took over the Flotilla. According to Israeli sources their soldiers and medical teams spent the time caring for the injured, interviewing and interrogating the survivors and taking care of the general needs of those captured. They did treat the injured. However they waited several hours before doing so on the Mavi Marmara and caused the death of three victims.

The testimony of the passengers reveals a drastically different unfolding of events. The following are excerpts from interviews, diary entries and blog entries by some of the survivors on the events occurring between their capture and arrival in Ashdod. They each state the abuse, harassment, beatings and maltreatment continued once they were imprisoned in Israel.

HENNING MANKELL (SWEDEN)
Aboard the Sophia

"It takes exactly an hour for the speeding black rubber dinghies with the masked soldiers to reach us and start to board. We gather, up on the bridge. The soldiers are impatient and want us down on deck. Someone who is going too slowly immediately gets a stun device fired into his arm. He falls. Another man who is not moving fast enough is shot with a rubber bullet. I think: I am seeing this happen right beside me. It is an absolute reality. People who have done nothing being driven like animals, being punished for their slowness.

We are put in a group down on the deck. Where we will then stay for eleven hours, until the ship docks in Israel. Every so often we are filmed. When I jot down a few notes, a soldier comes over at once and asks what I am writing. That’s the only time I lose my temper, and tell him it’s none of his business. I can only see his eyes; don’t know what he is thinking. But he turns and goes. Eleven hours, unable to move, packed

together in the heat. If we want to go for a pee, we have to ask permission.

The food they give us is biscuits, rusks, and apples. We're not allowed to make coffee, even though we could do it where we are sitting. We take a collective decision: not to ask if we can cook food. Then they would film us. It would be presented as showing how generously the soldiers had treated us. We stick to the biscuits and rusks. It is degradation beyond compare. Meanwhile, the soldiers who are off -duty have dragged mattresses out of the cabins and are sleeping at the back of the deck."

HENNING MANKELL
Detention Center

"We are split up; no one is allowed to talk to anyone else. Suddenly a man from the Israeli ministry for foreign affairs appears at my side. I realize he is there to make sure I am not treated too harshly. I am, after all, known as a writer in Israel. I admit to nothing, of course, and am told I am to be deported. Agitation and chaos reign in this 'asylum-seekers' reception center. Every so often, someone is knocked to the ground, tied up, and handcuffed. I think several times that no one will believe me when I tell them about this. But there are many eyes to see it. Many people will be obliged to admit that I am telling the truth. There are a lot of us who can bear witness. A single example will do. Right beside me, a man suddenly refuses to have his fingerprints taken. He resists. And is beaten to the ground. They drag him off. I don't know where."

--Mankell, "Midnight on the Mavi Marmara" pg 24-26

KEN O'KEEFE (U.K.)
Aboard the Mavi Marmara

"While in Israeli custody I, along with everyone else, was subjected to endless abuse and flagrant acts of disrespect. Women and the elderly were physically and mentally assaulted. Access to food and water and toilets was denied. Dogs were used against us, and we ourselves were treated like dogs. We were exposed to direct sun in stress positions while handcuffed to the point of losing circulation of blood in our hands. We were lied to incessantly; in fact, I am awed at the routineness (sic) and comfort in their ability to lie—it is remarkable, really.

We were abused in just about every way imaginable, and I myself was beaten and choked to the point of blacking out… and I was beaten again while in my cell.

In all this what I saw more than anything else were cowards… and yet I also see my brothers. Because no matter how vile and wrong the Israeli agents and government are, they are still my brothers and sisters."

--O'Keefe, "Midnight on the Mavi Marmara" pg 38

LUBNA MASARWA (ISRAEL)
Aboard the Mavi Marmara

"The soldiers surrounded the floor where we were sitting. I could see them. 'The military has taken control of the ship,' one of my Turkish colleagues declared over the speaker. 'The captain's room has been taken over. Go to your seats and remain seated.' Despite the fact that they had taken control of the ship, the Israeli Navy didn't allow medical access to the wounded. People died because of this.

At about 7:00 a.m. we were ordered to go one by one to the exit floor, which was controlled by many soldiers who came with dogs. I went to the soldiers and asked them if we could keep the doctors with the injured people. They said, 'Shut your mouth.' Later they called me and said, 'Tell the injured people that if they want to stay alive they should come one by one.'

One of the bodies I saw was Cevdet, who was the web director in the press room. Cevdet had left the press room with his camera to take some pictures. He was shot in his head and died immediately."

LUBNA MASARWA
Detention Center

"It took us at least seven hours to arrive at Ashdod port. During this time we were held by the military, sitting on the bloody floor with the noise from the helicopters, the dogs, the military ships around, the many soldiers with faces covered in black, and silence in the air. For more than thirty-six hours, my three Palestinian colleagues from the '48 delegation and I were not allowed to see a lawyer, despite the fact that this is against Israeli law. We were interrogated and taken to prison, where we were held for four days. Later, we were put under house arrest; we are not allowed to leave the state for forty-five days. It was clear that the decision to arrest us was a political one. It was a message to all Palestinians in Israel: Do not take this kind of action. Do not resist. And, of course, do not stand with your people in Gaza."

--Masarwa, "Midnight on the Mavi Marmara" pg 42- 44

JAMAL EISHAYYAL (U.K.)
Aboard the Mavi Marmara

"At around 8:00 a.m. the Israeli Army entered the sleeping quarters. They handcuffed the passengers. I was thrown onto the ground, my hands tied behind my back, I couldn't move an inch. I was taken to the top deck where the other passengers were, forced to sit on my knees under the burning sun. One passenger had his hands tied so tight his wrists were all sorts of colors. When he requested that the cuff s be loosened, an Israeli soldier tightened them even more. He let out a scream that sent chills down my body.

I requested to go to the bathroom, I was prevented. Instead the Israeli soldier told me to urinate where I was and in my own clothes. Three or four hours later I was allowed to go.

I was then marched, together with the other passengers, back to the sleeping quarters. The place was ransacked, its image like that of the aftermath of an earthquake."

JAMAL EISHAYYAL
Detention Center

"I remained on the ship, seated, without any food or drink, barring three sips of water, for more than twenty-four hours. Throughout this time, Israeli soldiers had their guns pointed at us. Their hands on the trigger. For more than twenty-four hours. I was then taken off the ship at Ashdod, where I was asked to sign a deportation order. It claimed that I had entered Israel illegally. My passport was taken from me. I was told that I would go to jail.

Only then were my hands freed. I spent more than twenty-four hours with my hands cuffed behind my back. Upon arrival at the prison I was put in a cell with three other passengers.

The cell was roughly twelve feet by nine feet. I spent more than twenty-four hours in jail. I was not allowed to make a single phone call.

The British consulate did not come and see me. I did not see a lawyer. There was no hot water for a shower. The only meal was frozen bread and some potatoes."
--Eishayyal, "Midnight on the Mavi Marmara" pg 50-51

SÜMEYYE ERTEKIN (TURKEY)
Aboard the Mavi Marmara

"When I looked outside through the window, I saw dozens of Israeli soldiers

with masks on their faces, standing there with their guns pointed at us. At around 7:00 a.m., they started to take us outside one by one. They asked us to put our hands over our heads and go outside.

When I went outside, I was surrounded by a few Israeli soldiers. The surrounding Israeli soldiers asked me if I was a journalist. I said, "Yes." They took my camera. Then they asked where I was from. When I said, 'I am from Turkey,' they started to mock me: 'Then you must love Israel.' Then they put plastic handcuffs on me and took me upstairs. A soldier who met me upstairs took my handcuffs off and made me sit in place.

All the men were handcuffed and were made to sit on the wet floor. One of the volunteers asked for my help, saying, 'My hands are cuffed so tight, can you please loosen them a little bit?' I told this to the Israeli soldiers, but could not get a response. His hands had gone black. They kept us waiting on the deck for around six hours."

SÜMEYYE ERTEKIN
Detention Center

"Around 1:00 p.m., they took us downstairs. There I saw a technological garbage dump. All of our electronic equipment, cameras, and laptops had been thrown on the floor. Most of them were broken and unusable.

We sailed to Ashdod in this hall. For a long time, we were not allowed to use the toilet. When we were, we had to go two by two, accompanied by the Israeli soldiers.

We arrived at the Ashdod port around 7:00 p.m. but they did not let us off the boat for an hour and a half. The parliamentarians from Europe protested and (sic) were able to leave the ship. Then they let us reporters out. None of the electronic equipment I owned was among my belongings sent to me later."
--Ertekin, "Midnight on the Mavi Marmara" pg 56-57

PAUL LARUDEE (U.S.A)
Aboard the Sfendoni

4:00 AM[1]: "Israeli soldiers begin boarding from the rear, head upstairs to upper deck. I do the same. I join other passengers in blocking the wheelhouse by locking arms and preventing entrance. Soldiers break window(s), taser us (me twice on the left arm), throw stun grenades, fire paint pellets, beat us with batons (or something).

[1] Paul Larudee was a passenger on the Sfendoni, one of the cargo ships in the fleet. His is the only testimony discovered that shows the boarding by Israeli soldiers to have occurred at 04:00 rather than at 04:28. Other than the time disparity, his testimony is inline with the testimony of other passengers on the Flotilla.

Two stun grenades go off in enclosed space less two feet from my right ear, causing pain. My left leg is struck with a baton.
They pry us away from the wheelhouse and take control, restraining us with plastic ties on the hands. At least one of the soldiers is regularly filming for as long as I am on board.

I slip away and hide in the space between the wheelhouse and water tanks, where I can overhear the UHF communication from and to the other ships. Also Israeli communication, but I don't know Hebrew."

6:00 AM: "It is now fully light, and the soldiers have most if not all of the passengers seated on the upper deck. They begin to take them away one at a time for purposes unknown. I refuse and remain, but others comply. I challenge the others to refuse, but they comply. I decide to jump overboard in an act of defiance, to slow the progress of the operation and to encourage others to resist. I climb over the rail and jump into the sea. Most of the passengers as well as some of the soldiers witness the act.

The *Sfendoni* stops. After 10 minutes, an Israeli naval vessel (number JL238 or similar) appears. One of the sailors throws a life preserver. I ignore it. They try a grappling hook. I catch it but let go before being pulled on board. After several tries, I attach it to the rope ladder they have slung over the side. They then try a pole with a hook, but I swim away. They maneuver the boat with side jets, but I am able to avoid by staying close to the axis. They reverse the boat and then come towards me, but I place myself in the path and they stop.

They prepare an inflatable Zodiac and lower it into the water with a crew of four. The outboard gas line appears clogged, and by that time I am much farther away.

They throw a line from the larger vessel and tow it close to me. Although the motor only works for 10 seconds at a time, it is enough to reach me at that range. They pull me aboard, punch me and slam my head into the rigid floor, injuring my right eye (black eye results). They fasten my wrists and ankles with nylon ties. They take me to the larger vessel, tie ropes around my mid section and try to hoist me up. The ropes slip and they grab me by the handcuffs and arms. The ties are cutting through my wrists and it feels like my arms are separating from their sockets, but they get me on board. At no

time do I actively resist, push or strike back."

PAUL LARUDEE
Aboard the JL238 Israeli Naval Vessel

"They [Israeli soldiers] blindfold me, then take me to the stern of the ship, where they seat me on some jagged material designed to provide traction for their combat boots. They tie me to a pole behind my back, with my hands still fastened in front of me. I am at an awkward angle, requiring me to arch my back, and unable to change my position. I am also getting very cold because of the wet clothes and being exposed to the wind. I begin to shudder uncontrollably.

They bring a pair of sweatpants, tear off my own and try to put them on me, but are unable to do so much beyond my crotch. They give me water. My rear is exposed directly to the jagged gripping material and some sections of skin are exposed directly to the sun. I complain.
They cover some of the exposed areas and bring the shirt matching the sweatpants to put under my rear.

They tell me that they will take me below, but only if I agree to tell them my name and promise not to cause problems, like jumping overboard. However they do not let me answer until later, at which time I agree to not cause additional problems, but not to provide any information. Finally, after 3-4 hours, they take me below, where they feed me a sandwich and allow me to wear the sweatshirt matching the pants."

PAUL LARUDEE
Detention Center

"As we reach Ashdod, I ask to use the toilet. They refuse several times, until I threaten to go without a toilet. They relent. Soon after, we arrive at the port. They remove my leg shackles.

At the hospital ward of the prison, Boukas and I are issued hospital clothes and are processed. We are given a physical examination. My blood sugar is tested and I receive diabetes medication. Our room is in a special high security section that has only two cells."

--Paul Larudee, "Flotilla Activist Paul Larudee's Experiences," Initial Questionnaire for American Citizens on Gaza Flotilla Boats, Legal debriefing, Thomas H. Nelson, Attorney at Law, (Portland, OR) June 15, 2010.

Events Following the Attack

Events Following the Attack

Date	Flotilla	Israel	Comments
1-Jun	Flotilla passengers are confined to the detention center and prevented from speaking to lawyers, Consular representatives or the press. "I was allowed to leave the ship on June 1 at 1:40 a.m. I didn't have anything on me—my passport, my laptop, my wallet, everything was on the ship. I was with a group of women who were made to stand in line to get off the ship. The soldiers made lewd sexual jokes about us to each other. We were handed over to the immigration police. When they learned that I have Israeli citizenship they treated me much more roughly and separated me from the others." *--Lubna Masarwa*		
	Source: Masarwa, "Midnight on the Mavi Marmara", pg 44		
1-Jun	Flotilla passengers are confined to the detention center and prevented from speaking to lawyers, Consular representatives or the press.	Press releases and media outlets are presented with Israel's version of the events. All footage, notes, videos and photographs found on the ships are under Israeli control, with the exception of a few that were smuggled out prior to communications being severed.	Further research into the public relation's campaign waged by Israel is explored in the video by filmmaker Danny Schechter, "Is Israel manipulating media?" RT Television, June 1, 2010, available online at: http://www.youtube.com/watch?v=igv4lFp3IFA&feature=channel
	Source: Mankell, "Midnight on the Mavi Marmara", pg 24-25	*Source: Dr Hanan Chehata, Israeli Censorship Report, Middle East Monitor, Report, London, August 23, 2010, available online at: http://www.middleeastmonitor.org.uk/reports/by-dr-hanan-chehata*	
2-Jun	The Irish government requests that Israel not interfere with the Rachel Corrie MV, laden with 550 tons of cement, educational materials, toys and medical equipment that is now on its way to break the blockade. *--Irish Times*	An Israeli government official who spoke on background because of the diplomatic sensitivity of the issue told CNN "the Israeli government is offering to receive the ship's cargo, as it has offered other vessels, if it docks at (Israel's) Ashdod port. The Israeli government will unload the cargo, screen it, and deliver it to Gaza."*--CNN*	
	Source: Jill Dougherty, "Ireland asks Israel for safe passage of another ship with aid for Gaza," CNN, June 2, 2010, available online at: http://articles.cnn.com/2010-06-02/world/gaza.irish.ship_1_ashdod-port-israeli-government-irish-government?_s=PM:WORLD	*Source: Jill Dougherty, "Ireland asks Israel for safe passage of another ship with aid for Gaza," CNN, June 2, 2010*	

Events Following the Attack

Date	Flotilla	Israel	Comments
2-Jun	Journalist Max Blumenthal documents the IDF has made press releases that they have later been forced to "clarify" or remove from their website after reporters questioned their baseless accusations. One of these, published on June 2, stated in its headline that many passengers on board the Mavi Marmara were "Al-Qa'eda mercenaries." Unable to defend the charge after journalists requested proof. The IDF later changed its headline and stated that the passengers merely were "found without identification papers." -- *Max Blumenthal*	According to Max Blumenthal, when he and Lia Tarachansky, an Israel-based freelance journalist fluent in Hebrew, called the IDF requesting more conclusive evidence of Al-Qa'eda affiliation than possession of bulletproof vests and night-vision goggles, they were each told, "We don't have any evidence." The IDF press release had been based on information emanating from Israeli Prime Minister Benjamin Netanyahu's National Security Council. The next day, Blumenthal notes the IDF's press office changed the headline to "Attackers of the IDF Soldiers Found Without Identification Papers," although the browser retains the original accusation of a link with Al-Qa'eda. The rewritten story, which still bears the date June 2, 2010, and the original time it was posted, omits any mention of a connection of the group with Al-Qa'eda.	
	Source: Max Blumenthal, "Under Scrutiny, IDF Retracts Claims About Flotilla's Al Qaeda Links," Max Blumenthal, June 3, 2010, available online at: http://maxblumenthal.com/2010/06/under-scrutiny-idf-retracts-claims-about-flotillas-al-qaeda-links/	*Source: Max Blumenthal, "Under Scrutiny, IDF Retracts Claims About Flotilla's Al Qaeda Links," June 3, 2010*	
3-Jun	"""Egypt's President Hosni Mubarak yesterday ordered the immediate opening of the Rafah passenger crossing between Egypt and Gaza. The sole crossing on this frontier is set to function for three days, allowing students, foreign passport holders and medical cases passage in both directions. This does not mean, however, that there will be freedom of movement of Palestinians in and out of the Strip. Only the fortunate few with special permits and non-Palestinian documents can make the crossing from the portion of Rafah that is on the Gaza side of the border to the Egyptian side of the city and the outside world. In addition to human traffic, Cairo says it will allow limited medical and other aid to pass through this entry point."""		
	Source: Michael Jensen, "Mubarak reopens crossing between Egypt and Gaza," Irish Times, June 2, 2010, available online at: http://www.irishtimes.com/newspaper/world/2010/0602/1224271674361.html		

Events Following the Attack

Date	Flotilla	Israel	Comments
2-Jun	"Israel has attempted to deliver humanitarian aid from an international flotilla to Gaza, but Hamas -- which controls the territory -- has refused to accept the cargo, the Israel Defense Forces said Wednesday. Palestinian sources confirmed that trucks that arrived from Israel at the Rafah terminal at the Israel-Gaza border were barred from delivering the aid. Ra'ed Fatooh, in charge of the crossings, and Jamal Khudari, head of a committee against the Gaza blockade, said Israel must release all flotilla detainees and that it will be accepted in the territory only by the Free Gaza Movement people who organized the flotilla."--*CNN*	Israel attempts to deliver by trucks a portion of the aid which arrived via the Freedom Flotilla.	
	Source: CNN Wire Staff "IDF: Hamas stops flotilla aid delivered by Israel," CNN, June 2, 2010, available online at: http://articles.cnn.com/2010-06-02/world/israel.palestinians.aid_1_gaza-blockade-rafah-terminal-free-gaza-movement?_s=PM:WORLD	*Source: Gaza aid flotilla activists arrive in Turkey, CNN, June 3, 2010, available online at: http://www.cnn.com/2010/WORLD/meast/06/02/gaza.raid.activists/index.html?hpt=T3*	
3-Jun	"Three Turkish Airlines planes carrying 466 activists and nine bodies landed Thursday morning in Istanbul, marking the end of the activists' involvement in a humanitarian mission to aid Gaza that went tragically awry, an official said. Their numbers included several wounded people, and their arrival occurred several hours after they departed from Tel Aviv, Israel, Turkish Deputy Prime Minister Bulent Arinc told CNN." --*CNN*	"On Wednesday, all foreign detainees had been taken to Ben Gurion Airport for flights to their various homes. Four Israeli-Arab activists on the Flotilla, however, remained in Israeli custody; a judge on Monday night remanded them until June 8."--*CNN*	
	Source: Gaza aid flotilla activists arrive in Turkey, CNN, June 3, 2010	*Source: Gaza aid flotilla activists arrive in Turkey, CNN, June 3, 2010*	
10-Jun		"Foreign Ministry (Israel) warned Israel Navy not to raid Gaza Flotilla in international waters In preparatory discussions, government cautioned that such an action would hamper Israel on the diplomatic and public relations front worldwide. The Foreign Ministry advised that Israel's security forces wait for the ships to reach the country's territorial waters - which lie within 20 miles from the coast - before launching a takeover operation." --*Ha'aretz*	
		Source: Barak Ravid, "Foreign Ministry warned Israel Navy not to raid Gaza flotilla in international waters," Ha'aretz, Israel, June 10, 2010, available online at: http://www.haaretz.com/print-edition/news/foreign-ministry-warned-israel-navy-not-to-raid-gaza-flotilla-in-international-waters-1.295227	

Events Following the Attack

Date	Flotilla	Israel	Comments
16-Jun		"On Wednesday, Israel added the IHH to its terror watch list following the events of the Gaza-bound flotilla." --*Ha'aretz*	
		Ha'aretz Service, "VIDEO / IHH leader tells Gaza flotilla activists to 'throw IDF soldiers into the sea'", Ha'aretz, June 18, 2010, available online at: http://www.haaretz.com/news/diplomacy-defense/video-ihh-leader-tells-gaza-flotilla-activists-to-throw-idf-soldiers-into-the-sea-1.296993	
16-Jun	US spokesman Philip Crowley tells reporters that "the IHH has not been designated as a Foreign Terrorist Organization."	"Pro-Israeli groups attempt to prevent Flotilla survivors from speaking: "Local officials are demanding that the State Department investigate the visa applications of Gaza flotilla activists before two of them speak at a Brooklyn church. "We have an obligation to protect our borders against Hamas," Rep. Carolyn Maloney (D-Manhattan/Queens) said at a Times Square press conference Monday that included City Council Speaker Christine Quinn (D-Chelsea) and Rep. Charlie Rangel (D-Harlem). "Use extra caution. Take this threat seriously." Hindy Poupko, a spokeswoman for the Jewish Community Relations Council, which organized the petition drive, said the group was particularly concerned about two of the activists. One is Ahmet Faruk Unsal, a member of the Foundation for Human Rights and Freedoms and Humanitarian Relief, the Turkish organization that organized the flotilla. "IHH has long been known for its affiliations with Hamas and Al Qaeda," said Rep. Jerrold Nadler (D-N.Y.)."--*New York Post*	
	Source: Alex Kane , "New York Politicians Peddle Israeli Propaganda About Gaza Flotilla", The Indypendent, New York, June 16, 2010, available online at: http://www.indypendent.org/2010/06/16/new-york-politicians-peddle-israeli-propaganda-about-gaza-flotilla/	*Source: Lore Croghan, "Carolyn Maloney, Charles Rangel, Christine Quinn call for probe of Gaza flotilla members' visas," New York Post, June 14, 2010, available online at: http://www.nydailynews.com/ny_local/2010/06/14/2010-06-14_carolyn_maloney_charles_rangel_christine_quinn_call_for_probe_of_gaza_flotilla_m.html#ixzz1008v2qlX*	

Events Following the Attack

Date	Flotilla	Israel	Comments
23-Jun	"State Dept Denies Visa: When a near-capacity crowd of New Yorkers sat down in their seats to hear testimonials on June 18 from survivors of Israel's attack on an Aid Flotilla trying to break the blockade of Gaza, they expected to hear from three different activists. Instead, they only heard from two at the House of the Lord Church in Brooklyn. Days after a June 14 press conference, called by the Jewish Community Relations Council of New York (JCRC-NY), that demanded a State Department investigation into the visa applications of two of the three speakers, a former Turkish politician named Ahmet Faruk Unsal was not allowed into the United States. The denial of entry to the politician who is also an activist with IHH, the humanitarian organization that was a main force behind the Gaza Freedom Flotilla, raises the question of whether the State Dept. caved to pressure from the JCRC-NY, an umbrella group of local Jewish organizations, and New York politicians who backed the JCRC's call."--*Alex Kane*		
	Source: Alex Kane, "Did the State Dept cave to pressure in denying flotilla activist entry to U.S.?" Mondoweiss, June 23, 2010, available online at: http://mondoweiss.net/2010/06/did-the-state-dept-cave-to-pressure-in-denying-flotilla-activist-entry-to-u-s.html		
7-Jul		"The new list of banned goods was announced on July 5. It includes more than 3,000 materials that Israel fears could be used for military purposes by Hamas, Israeli army general Eitan Dangot said. Previously prohibited consumer goods from cake to tableware have started reappearing on grocery shelves and some factory owners say they have started to receive supplies of raw materials for manufacturing. Smugglers who have been filling the supply gap by bringing everything from cars to cement through tunnels from Egypt are reporting a fall in demand for their services. Under the new policy, cement and steel vital for rebuilding homes and reviving the economy will be allowed only for projects under international supervision. That means private sector developers in need of such materials will have to continue to rely on the smugglers. There is also no loosening of tight restrictions Israel imposes on the movement of Palestinians in and out of Gaza." --*Reuters*	
		Source: Gisha Legal Center for Freedom of Movement: "Unraveling the Closure of Gaza: What has and hasn't changed since the Cabinet decision and what are the implications?" Report, (Tel Aviv) July 7, 2010, report available online at: http://www.gisha.org/UserFiles/File/publications/UnravelingTheClosureEng.pdf *Tom Perry, "Q&A - The Gaza blockade: What has changed? What's the impact?" Reuters, July 7, 2010, available online at: http://in.reuters.com/article/idINIndia-50423320100727*	

Events Following the Attack

Date	Flotilla	Israel	Comments
15-Jul	"The group's German leader, Dr. Mustafa Yoldas, refuted the Interior Ministry's claim and said IHH is a humanitarian, not a political organization. Yoldas accused the government of bowing to Israeli pressure and said he will appeal the ban in court. "I swear had they been suffering hunger, thirst or hardship, we would have also helped the Jews," Yoldas said. "Otherwise, you would have to let people starve or die to make sure not to support Hamas," he said. Yoldas, 39, a resident of Hamburg, is also an active member of Milli Gorus, an Islamic group suspected of supporting fundamental Islamic activities. Several other IHH leaders are also actively involved with Milli Gorus. Among its humanitarian aid projects, IHH supports orphanages, vocational education programs, hospitals and clinics, builds mosques and monitors human rights violations in Islamic areas."--*CBN News*	Germany's Interior Ministry banned the International Humanitarian Relief Organization (IHH) on Wednesday for providing $8.3 million to organizations that either belong to or support Hamas.	
	Source: Tzippe Barrow, "Germany Bans Pro-Hamas Aid Organization", Christian Broadcasting Network (CBN), July 15, 2010, available online at: http://www.cbn.com/cbnnews/insideisrael/2010/July/Germany-Bans-IHH-Aid-Group/	*Source: Tzippe Barrow, "Germany Bans Pro-Hamas Aid Organization", CBN, July 15, 2010*	
19-Jul	"Rachel Corrie MV, first mate Derek Graham, received an e-mail from the port agent at Ashdod informing him of the procedure to enable sailing of the vessel. This included the provision of an official appointment letter from the owners or operator; confirmation that the vessel can safely sail and has sufficient provisions to enable sailing to the next port; notification of next port of call; the arrangement of a crew with valid passports; and handling fees of $3,000."--*Irish Times*		
	Source: Mary Fitzgerald, "'Rachel Corrie' may sail within weeks," Irish Times, July 19, 2010, available online at: http://www.irishtimes.com/newspaper/ireland/2010/0719/1224275020331.html		
23-Jul		"Israel agreed to return to Turkey three vessels it seized in a raid on a flotilla carrying aid to the Gaza Strip, Turkish Foreign Minister Ahmet Davutoglu said. "This was in any case something Israel had to do," the state-run news agency Anatolia quoted Davutoglu as telling reporters today during a visit to the Vietnamese capital, Hanoi. "We hope the other necessary steps will also be taken." Turkey has demanded that Israel submit to an international investigation into the May 31 raid, pay compensation and apologize to the families of the nine Turkish activists killed, as conditions for its restoration of full diplomatic relations with Israel. Turkey withdrew its ambassador to Israel and is still threatening to cut off relations completely if Israel doesn't meet the demands. Mark Regev, spokesman for the Israeli prime minister's office, declined to comment on the issue of the Turkish ships when contacted by telephone today."--*Bloomberg*	
		Source: Benjamin Harvey, "Israel to Return Three Turkish Ships From Gaza Flotilla, Davutoglu Says", Bloomberg, July 23, 2010, available online at: http://www.bloomberg.com/news/2010-07-23/israel-to-return-three-turkish-ships-from-gaza-flotilla-davutoglu-says.html	

Events Following the Attack

Date	Flotilla	Israel	Comments
8-Aug	Defne arrives at Iskenderun.		
	Source: IHH Staff, "Mavi Marmara reaches Turkey," IHH website, August 8, 2010, available online at: http://www.ihh.org.tr/gemiler-geldi/en/		
8-Aug	The Gazze and Mavi Marmara arrive at Iskenderun: "A port worker who boarded the Mavi Marmara boat to help anchoring said he saw scars of the terrifying incident. He said he saw piled up clothes, some of them bloody, and damaged navigation equipment in the wheelhouse. There were life-vests on the ship, all drawers and cupboards had been trashed, passenger luggage was scattered all around, he said, "There is a strong odor in the ship coming from spoilt food. There are even half-full teapots prepared before the raid." Bullet scars on the wheelhouse of Mavi Marmara are reminders of the terrifying raid. Public prosecutors, insurance companies, and a United Nations delegation are expected to inspect the three ships. Mustafa Özcan, public prosecutor of İskenderun, came to the port and observed the ships from a distance for a while. Özcan talked to TRT reporter Elif Akkuş, who was on the board during the attack, about the incident. Inspections and insurance and appraisal companies will perform damage assessment A UN delegation is also expected to take part." --*IHH*		
	Source: IHH Staff, "Mavi Marmara reaches Turkey," IHH website, August 8, 2010		
10-Aug		In testimony to the Israeli internal inquiry on the flotilla attack, Israeli Defense Minister Ehud Barak took full responsibility for what happened on the Mavi Marmara. Barak also admitted that Israel saw the potential for a violent reaction if Israeli forces boarded the boat, and in hindsight would take the same reaction if the situation presented itself again. The day before, Prime Minister Benjamin Netanyahu told the Inquiry that Israel's inner cabinet had only been concerned with a public relations fall-out in response to an attack on the flotilla.	
		Source: "Ehud Barak accepts responsibility for Gaza flotilla raid," Harriet Sherwood, The Guardian, August 10, 2010	
19-Aug	"An investigation revealed by Ynet against officers, soldiers suspected of stealing and selling goods from the Turkish ship raided on its way to Gaza evokes anger and embarrassment among army officials and politicians. "If this is true, there must be a serious problem in the army in terms of values," a senior officer says. Evidence revealed that four to six computers among the hundreds that were taken from passengers on the six ships have been sold by an Israeli First Lieutenant to three junior military personnel. On August 18, a second officer was arrested in connection with the theft. An Israeli military official described the case as "embarrassing and shameful." Eitan Kabel, a member of parliament from the Labor party, told Israeli media: "This is an embarrassing, humiliating and infuriating act."" --*Yedioth Aharonot*		
	Source: Hanan Greenberg, "Army shocked by 'flotilla looters'", Yedioth Aharonot, Israel, August 19, 2010, available online at:http://www.ynetnews.com/articles/0,7340,L-3939674,00.html		

Events Following the Attack

Date	Flotilla	Israel	Comments
1-Sep		As time passes and more evidence is revealed showing the Israeli government's version of events is highly questionable, the targeting of individuals involved in the flotilla using smear campaigns escalates. Passenger Moustafa Bayoumi is tarnished by college faculty members: "Brooklyn College has assigned, as a book that all incoming transfer students must read, the extremely slanted work 'How Does It Feel to Be a Problem? Being Young and Arab in America.' A letter from the CUNY college's administration to faculty says the assignment is an "effort to provide a common experience for this population of students." Appalled that this is the "common experience" that administrators aim to foster, faculty members alerted The New York Jewish Week to the scandal. The book's author is Moustafa Bayoumi, an associate professor of English who teaches postcolonial literature and theory and ethnic studies. His work includes editing a volume in tribute to Edward Said ."--*Ronald Radish, New York Post*	
		Source: Ronald Radosh, "Misshaping minds at Brooklyn college", New York Post, September 1, 2010, available online at: http://www.nypost.com/p/news/opinion/opedcolumnists/misshaping_minds_at_brooklyn_college_NqRyN4ujcKOHlcYdDJA08H	
7-Sep	Survivor Kevin Neish even described the hours before the raid as romantic. Neish was part of the Flotilla as a human rights observer, heading to Gaza for a six month stay. Describing himself as "more a direct action" type of person. "I've done this all my life. I've been to Guatemala as a human shield, Columbia as a human rights interpreter and a human shield, an election observer in El Salvador. Lots of activism. I went to the West Bank in 2002 when the Israelis invaded the West Bank, so I was there when there was shooting on the street. Anyway, the reason I mention all that is 'cause people try to portray me as anti-Semitic. I'm pro-peace and justice. It just happens that at this particular time I was heading into Gaza." --*Kevin Neish*		
	Source: Stephanie Dearing, "Canadian Gaza aid flotilla survivor tells story of deadly raid," Digital Journal, Canada, September 7, 2010, available online at: http://www.digitaljournal.com/article/297170#ixzz0zuToWSlm		

Events Following the Attack

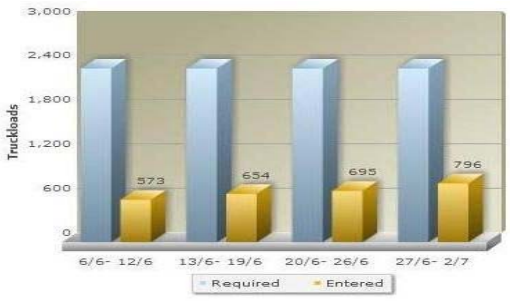
Date	Flotilla	Israel	Comments
22-Sep	A 56-page report released by the United Nations Human Rights Council, investigating the Gaza Flotilla attack, determined the actions of Israel to be “disproportionate” and to have “betrayed an unacceptable level of brutality.” The UN HRC stated that, “There is clear evidence to support prosecutions of the following crimes within the terms of article 147 of the Fourth Geneva Convention: wilful killing; torture or inhuman treatment; wilfully causing great suffering or serious injury to body or health". The UN fact-finding mission determined the blockade of Gaza by Israel to be “unlawful” and said there was clear evidence to support prosecutions against Israel for “wilful killing.”	Israel immediately rejected the UN report as being “biased and as one-sided as the body that has produced it,” insisting that its soldiers had acted in self-defence during the May 31 attack. The Israeli foreign ministry’s statement said, "Israel... is of the opinion that the flotilla incident is amply and sufficiently investigated as it is" and because Israel had launched its own independent inquiry into the Flotilla incident, "All additional dealing with this issue is superfluous and unproductive."	
	Source: “Report of the international fact-finding mission to investigate violations of international law, including international humanitarian and human rights law, resulting from the Israeli attacks on the flotilla of ships carrying humanitarian assistance,” (late submission), Advance Unedited Version, United Nations Human Rights Council; Fifteenth session: A/HRC/15/21; 22 September 2010	*“Israeli raid on Gaza aid flotilla broke law - UN probe,” BBC News, September 22, 2010*	

Statements & Inconsistencies

Statements & Inconsistencies

Throughout the past several months a number of statements have been made in the press that have been inconsistent with the facts. This table illustrates the most frequent statemets that have proved inconsistent with the facts between May and September 2010.

Statement		Inconsistencies
The limitation of products into Gaza allows the population to survive, although not comfortably. Every effort is taken to protect the civilian population.		Case studies have shown how sanctions fail to work: "The sanctions were imposed in August of 1990. They precluded Iraq from any imports and any exports, with very limited exceptions. They allowed medicine, and they allowed food, quote, "in humanitarian circumstances." After March of 1991 Iraq was allowed to import food without restriction, but the real problem was infrastructure, because in the Persian Gulf War in 1991, the US-led allied forces bombed all of Iraq's infrastructure—water treatment plants, sewage treatment plants, telecommunications towers, roads, bridges. The bankrupting of the state, which was one of the direct goals of the sanctions, had enormous consequences. The US unilaterally blocked essentially everything Iraq needed for its infrastructure—electrical generators, food-processing equipment, telephone systems. They could not export oil and they could not import equipment for the country to function, the result was that all public services collapsed. be over half-a-million children under five were dead ..." --Joy Gordon, author of "Invisible War"
Dan Izenberg, "Analysis: Is There a Humanitarian Crisis in Gaza?" Jerusalem Post, March 22, 2010, available online at: http://www.jpost.com/MiddleEast/Article.aspx?id=171509		*Sharif Abdel Kouddous, , "Invisible War: How Thirteen Years of US-Imposed Economic Sanctions Devastated Iraq Before the 2003 Invasion," Democracy Now! New York, September 1, 2010, available online at: http://www.democracynow.org/2010/9/1/invisible_war_how_thirteen_years_of*
Ibid.		According to figures published by Gisha Legal Center for the Freedom of Movement in Israel, in coordination with the United Nations, Israel allows 25% of goods it had permitted into Gaza before the Hamas takeover, into the area today. In the years prior to the closure, Israel allowed an average of 10,400 trucks to enter Gaza with goods each month; Israel now allows approximately 2,500 trucks a month. Israeli government records show a reduction of imports into Gaza in the 9 months leading up to the Flotilla Attack, not an increase. Figures show that Israel also limited the goods allowed to enter Gaza to 40 types of items; before June 2007 approximately 4,000 types of goods were listed as permissible to enter Gaza.
		Source: Gisha Legal Center, Gaza Closure Defined: Collective Punishment *Position paper on the international law and Israeli restrictions on movement in and out of the Gaza Strip, Tel Aviv, IsraelDecember 2008: http://www.gisha.org/UserFiles/File/publications/GazaClosureDefinedEng.pdf*

Statement		Inconsistencies
Ibid.		Permitted into Gaza versus what is required: 
		Source: Gisha Legal Center, Gaza Closure Defined: Collective Punishment *Position paper on the international law and Israeli restrictions on movement in and out of the Gaza Strip, Tel Aviv, IsraelDecember 2008: http://www.gisha.org/UserFiles/File/publications/GazaClosureDefinedEng.pdf*
"...damaging the enemy's economy is in and of itself a legitimate means in warfare and a relevant consideration even while deciding to allow the entry of relief consignments."		"Israel FM Lieberman admits Gaza blockade intended as collective punishment: a war crime. As Ha'aretz reported today, Foreign Minister Avigdor Lieberman said Thursday that Israel should not lift its blockade on the Gaza Strip unless Hamas agreed to goodwill gestures such as allowing representatives of the Red Cross to visit captive Israeli soldier Gilad Shalit. "Lieberman told Amir Oren and Gabriela Shalev, Israel's ambassadors to the United States and the United Nations, that there was no reason to change the status quo with that regard until Hamas acceded to that minimum request." *--Ha'aretz*
Source: Gisha Legal Center, Gaza Closure Defined: Collective Punishment *Position paper on the international law and Israeli restrictions on movement in and out of the Gaza Strip, Tel Aviv, IsraelDecember 2008: http://www.gisha.org/UserFiles/File/publications/GazaClosureDefinedEng.pdf*		*Haaretz Service, "Lieberman: Israel shouldn't lift Gaza siege until Hamas lets Red Cross see Shalit" Ha'aretz, June 10, 2010, available online at:http://www.haaretz.com/news/diplomacy-defense/lieberman-israel-shouldn-t-lift-gaza-siege-until-hamas-lets-red-cross-see-shalit-1.295342*

Statement		Inconsistencies
"… The state of Israel does not aim its policy against the civilians in Gaza. It aims its activities, legitimately and lawfully, against the terrorist entity ruling the Strip. Civilians in Gaza are harmed by Israel's policy as in any situation in which there is warfare in general and economic warfare specifically."		In response to a lawsuit by Gisha, the Israeli government explained the blockade as an exercise of the right of economic warfare: "A country has the right to decide that it chooses not to engage in economic relations or to give economic assistance to the other party to the conflict, or that it wishes to operate using 'economic warfare,'" the government said."
Source: Gisha Legal Center, Gaza Closure Defined: Collective Punishment Position paper on the international law and Israeli restrictions on movement in and out of the Gaza Strip, Tel Aviv, IsraelDecember 2008: http://www.gisha.org/UserFiles/File/publications/GazaClosureDefinedEng.pdf		*Sheera Frenkel, "Israeli Document, Gaza Blockade Isn't About Security," McClatchy Newspapers, June 9, 2010, available online at:*
		"The May 31st attack on the Gaza Flotilla is not the first violent attack by the Israeli navy against a humanitarian aid ships on the high seas. In December 2008 a small ship carrying three surgeons and medical supplies attempting to reach Gaza during Israel's three week attack dubbed Operation Cast Lead was rammed in International waters by the Israeli navy. This 9th Flotilla was announced in early Spring 2010 and the Israeli government and press repeatedly reported that the convoy would be repelled by all means at their disposal."
		Free Gaza Movement, Summary of Past Flotillas, May 31, 2010, available online at: http://www.freegaza.org/en/boat-trips
"A commando who participated in the raid said that the attack "looked like the Ramallah lynch." IDF said the activists had prepared to kill the soldiers. The soldiers boarded the ships at about 2 a.m. Monday morning after the soldiers called on the ship to stop, or follow them to the Ashdod Port several hours earlier."		The raid occurred at 4:28 am according to the IDF as well as ship captain's logs from the Dephne, Mavi Marmara and Gazze.
JPost Staff, "IDF soldier: 'It felt like a lynch'", Jerusalem Post, May 31, 2010, available online at: http://www.jpost.com/Israel/Article.aspx?id=177019		

Statement		Inconsistencies
Attacking the ship was necessary because engines could not be shut down. The Israelis were afraid there would not be enough food and supplies for the passengers due to the time it would take to tow it.		In the Press TV interview, Pollak suggests non-violent means could not be used because the Israelis were unsure they would have enough food and water for the passengers. The Flotilla carried food, water, medicine and other essential aid. Cutting the engines off, disabling the propeller and other disabling tactics were possible without armed confrontation. The engines on the Gazze were disabled at 06:00 according to the Flotilla Incident Timeline Video Two.
Crosstalk, "Who's at fault in Gaza flotilla crisis? Finkelstein and Pollak debate," Russian Television (RT), June 4, 2010, Edited July 29, 2010, available online at: http://rt.com/Top_News/2010-06-04/flotilla-gaza-finkelstein-pollak.html		*Crosstalk, "Who's at fault in Gaza flotilla crisis? Finkelstein and Pollak debate," Russian Television (RT), June 4, 2010, Edited July 29, 2010, available online at: http://rt.com/Top_News/2010-06-04/flotilla-gaza-finkelstein-pollak.html*
"We thought that on board these ships are only human rights activists. That is why, when we decided to stop these ships, we did not plan any violence. Nobody wanted to kill anybody. When they want to kill someone, especially on a big cargo ship like this, it is done with different methods." -- *Israeli Ambassador Anna Azari*		Prior to the attack just after 4am, the Israeli navy had harassed the Flotilla vessels for two hours, between 10pm and midnight. When the attack commenced, the Israeli army first disabled communications on the Mava Marmara, thus preventing any transmissions of the attack. If the Israelis had not expected violent resistance, there would have been no reason to disable communications. There would also not have needed to confiscate all footage from the activists, nor prevented them from speaking to the press.
Ekho Moskvy, "Interview with Israeli Ambassador Anna Azari", Israel Radio, June 2, 2010		*Timeline: 22:00 May 30, 2010 through 05:00 May 31, 2010*
Ibid.		Survivors report gunshots on the Mavi Marmara before soldiers landed on deck. Video shows an Israeli sniper laser from a helicopter above, aimed on the deck as activists watch it jump between them. A few seconds later, gunshots are heard in the background. Prior to this, activity on the ships shows calm but increasingly anxious activity. There is no organizing for an armed attack. Instead people are working on computers, sleeping, smoking, eating, praying, and watching the news.
		Timeline: 22:00 May 30, 2010 through 05:00 May 31, 2010 *Reuters, "Flotilla survivors describe 'bloodbath'," Reuters, June 3, 2010, available online at:www.reuters.com/article/idUSTRE6522P520100603*
"Real gunshots were used after passengers of the ship initiated violence against the soldiers. They dropped one of the soldiers head-first from one deck to another and used knives on two others."-- *Israeli Ambassador Anna Azari*		Although some soldiers on deck were equipped with paint guns, in the dark they looked very similar to automatic weapons; Israeli soldiers can be seen firing them yet recoiling from the force with each shot. The Israeli military had the ability to use loudspeakers to order assembled passengers to disburse, go inside or clear the deck. They did not do so; rather they chose to instill fear, hover and use laser-guided arms, rappel, use sound and flash grenades, and chose to board in darkness rather than daylight.
Ekho Moskvy, "Interview with Israeli Ambassador Anna Azari", Israel Radio, June 2, 2010		*Timeline: 22:00 May 30, 2010 through 05:00 May 31, 2010* *Reuters, "Flotilla survivors describe 'bloodbath'," Reuters, June 3, 2010, available online at:www.reuters.com/article/idUSTRE6522P520100603*

Statement		Inconsistencies
Ibid.		The Flotilla organizers immediately re-routed when the Israelis initially appeared and began shadowing the ships. People began issuing life vests to passengers, and their stated purpose -communicated to the Israeli navy - was to avoid a confrontation, especially at night.
		Timeline: 22:00 May 30, 2010 through 02:00 May 31, 2010
"We don't allow cement in to Gaza because Hamas uses it to build bunkers."--*Daniel Pollak, the co-director of government relations at the Zionist Organization of America*		There is no evidence Hamas builds bunkers. They do build tunnels between Gaza and Egypt.The infrastructure in Gaza has been severely disrupted or destroyed. Homes, schools, hospitals, roads and other means of infrastructure need to be rebuilt. Cement, rebar and other supplies continue to be allowed in via limited quantities or barred completely. The effects of a lack of infrastructure on a besieged population are just now becoming known with Iraq functioning as the case study beginning in 1989.
Crosstalk, "Who's at fault in Gaza flotilla crisis? Finkelstein and Pollak debate," Russian Television (RT), June 4, 2010, Edited July 29, 2010, available online at: http://rt.com/Top_News/2010-06-04/flotilla-gaza-finkelstein-pollak.html		*Invisible War: The United States and the Iraq Sanctions, Joy Gordon, (Harvard University Press: Boston) 2010*
"Hamas is smuggling thousands of Iranian rockets, missiles and other weaponry, smuggling it into Gaza in order to fire on Israel's cities. These missiles can reach Ashdod, Beersheba, these are major Israeli cities. And I regret to say that some of them can reach now Tel Aviv and very soon the outskirts of Jerusalem. And from the information we have, the planned shipments include weapons that can reach even farther and deeper into Israel. Under international law and under common sense and common decency, Israel has every right to interdict this weaponry and to inspect the ships that might be transporting them. This is not a theoretical challenge or a theoretical threat. We've already interdicted vessels bound for Hezbollah and for Hamas from Iran containing hundreds of tons of weapons. Israel simply cannot permit the free flow of weapons and war materials to Hamas from the sea."--*Benjamin Netanyahu*		There is no evidence that Iran is supplying the rockets and weapons being used by militant groups in the West Bank and Gaza. It remains speculation. Netanyahu's statement to the left accuses, but does not supply evidence. What Netanyahu says is, "We've already interdicted vessels bound for Hezbollah and for Hamas from Iran containing hundreds of tons of weapons." He does not state what kind of weapons, nor does he define what he considers to be weapons. What is known is "Iran's Red Crescent Society will try to break the Israeli blockade of Gaza by sending food and medical supplies to the besieged Palestinian territory. Red Crescent official Abdul Rauf Adibzadeh said one shipment of relief goods will arrive in Gaza via Egypt by the end of the week, Iranian media reported." Under the blockade, Israel continues to allocate dual-use standards for benign objects such as cement, pesticides and paper products. Prior to the Flotilla, only 81 items were allowed into Gaza according to the BBC. According to Adam Shapiro, Flotilla organizer, the ships bound for Gaza in the Flotilla were certified weapons free by third parties. There were no weapons.
Benjamin Netanyahu, "Excerpts from Israel PM Netanyahu's Televised Remarks," Reuters, June 2, 2010, available online at: http://www.reuters.com/article/idUSTRE6515T820100602		*Sources: CNN Wire Staff, "Iran Red Crescent to send aid to Gaza," CNN, June 7, 2010, available online at: http://articles.cnn.com/2010-06-07/world/iran.gaza.aid_1_israeli-blockade-gaza-palestinian-territory?_s=PM:WORLD* *Adam Shapiro, "Expose Israel's policy to the world" interview on Russian Television June 1, 2010, available online at: http://www.youtube.com/watch?v=bmDjAu0DSiM* *BBC, List of Commercial Goods Allowed for Import into Gaza, London, April 2010, available online at: http://news.bbc.co.uk/2/shared/bsp/hi/pdfs/05_05_10_gazaimports.pdf*

Statement		Inconsistencies
After their lives were endangered Israeli soldiers opened fire on passengers.		Multiple accounts by activists confirm that the Israelis started firing before landing on the deck. The video by Iara Lee supports this. Additional instances suggesting high powered weapons trained upon the activists is noted in the video, and infrared sniper lasers can be seen aimed at passengers.
Crosstalk, "Who's at fault in Gaza flotilla crisis? Finkelstein and Pollak debate," Russian Television (RT), June 4, 2010, Edited July 29, 2010, available online at: http://rt.com/Top_News/2010-06-04/flotilla-gaza-finkelstein-pollak.html		*See timeline: 4:28 -4:30 AM, May 31, 2010*
Violation of international waters is standard when enforcing a blockade, and the Flotilla ships "refused to follow the legitimate directions" of the Israeli navy.		"The crimes that Israel committed during its assault on the vessels and civilian passengers of the Gaza Freedom Flotilla fall firmly within the category of "high crimes." "The assault, rather than an act of piracy, must be defined as a "crime against the peace" and a "crime against humanity" as Israel subjected "part of the high seas to its sovereignty" in a murderous attack on unarmed civilian vessels. The severity of these crimes is magnified precisely because the criminal actor is not an individual but a highly militarized state, the power of which is exponentially greater than that of any individual or group of individuals."--*Lynda Brayer*
		Lynda Brayer, The Legal Framework of International Law: The Attack on the Gaza Freedom Flotilla by Israeli Navy Commandos on May 31, 2010, Legal Opinion, Haifa, Israel, June 1, 2010, available online at: http://www.scribd.com/doc/32579575/The-Legal-Framework
Ibid.		Israel pursued the ships well outside its territorial waters. Right of hot pursuit: 'The hot pursuit of a foreign ship may be undertaken when the competent authorities of the coastal State have good reason to believe that the ship has violated the laws and regulations of that State. Such pursuit must be commenced when the foreign ship or one of its boats is within the internal waters, the archipelagic waters, the territorial sea or the contiguous zone of the pursuing State, and may only be continued outside the territorial sea or the contiguous zone if the pursuit has not been interrupted." *--UN Conventions: Article111 etc*
		United Nations, Convention on the High Seas, 1958 proposed, September 30, 1962 entered into force, available online at: http://untreaty.un.org/ilc/texts/instruments/english/conventions/8_1_1958_high_seas.pdf
Ibid.		UN Conventions: Article110 states: "Except where acts of interference derive from powers conferred by treaty, a warship which encounters on the high seas a foreign ship, other than a ship entitled to complete immunity in accordance with articles 95 and 96, is not justified in boarding it unless there is reasonable ground for suspecting that: piracy, slave trade, illegal broadcasting, is without nationality or not showing its flag." According to Adam Shapiro, one of the organizers and Israel's own accounting of the events via its Flotilla Incident Timeline, none of these situations were present when the Israeli navy attacked the Flotilla. The cargo and the passengers had been verified multiple times by a third party. The convoy was a declared Humanitarian mission."
		Adam Shapiro, "Expose Israel's policy to the world" interview on Russian Television June 1, 2010, available online at: http://www.youtube.com/watch?v=bmDjAu0DSiM

Statement		Inconsistencies
The Israelis took the video from the Flotilla members in order to preserve it and prevent it from being distorted for the record.		Israel has yet to release all video and personal property of the Flotilla members. Israel dubbed, altered and re-edited the evidence, manufacturing and changing it to match their official story. It also kept members of the Flotilla from media contact for at least two days. Several Israeli soldiers were later caught selling personal items of Flotilla members; theft of personal property for personal gain is considered piracy.
Crosstalk, "Who's at fault in Gaza flotilla crisis? Finkelstein and Pollak debate," Russian Television (RT), June 4, 2010, Edited July 29, 2010, available online at: http://rt.com/Top_News/2010-06-04/flotilla-gaza-finkelstein-pollak.html		*Fadi Eyadat, "Officer held for stealing, selling Gaza flotilla laptops," Ha'aretz, August 20, 2010, available online at: http://www.haaretz.com/print-edition/news/officer-held-for-stealing-selling-gaza-flotilla-laptops-1.309105*
"Israel this week declared the 'easing' of the four-year blockade of Gaza, in the new guiding principle 'Civilian goods for civilian people.' "The severe and apparently arbitrary restrictions on foodstuffs entering the enclave – coriander bad, cinnamon good – will finally end, we are told. Gaza's 1.5 million inhabitants will have all the coriander they want."--*Jonathan Cook*		"Israel controls the crossing points into Gaza and determines how many trucks are allowed in daily. Currently, only a quarter of the number once permitted deliver supplies, unlikely to increase significantly. The ban on items such as cement and steel - desperately needed to build and repair the thousands of homes devastated by Israel's attack on Gaza in 2008 - remains. According to Israeli sources, additional trucks have been allowed through; however, critical supplies continue to be withheld. Even with an increase in cargo to previous pre-2007 levels, the amount of supplies needed to sustain a population of 1.6 million people will not be sufficient."--*Tom Perry*
Jonathan Cook, "Punitive blockade still in force despite Israeli bait and switch," The National, Abu Dhabi, June 24, 2010, article online at: http://www.thenational.ae/apps/pbcs.dll/article?AID=/20100625/OPINION/706249941/1080		*Tom Perry, "Q&A - The Gaza blockade: What has changed? What's the impact?" Reuters. July 7, 2010, available online at: http://in.reuters.com/article/idINIndia-50423320100727*
Ibid.		Israeli Prime Minister Benjamin Netanyahu readily acknowledged that decisions on what to allow or prohibit to Gaza were based not on concern for the welfare of the population in Gaza, but rather related to Israel's image in the international media. "Even though there was not a humanitarian crisis in Gaza, I decided to gradually ease the limitations and the movement of goods through the land crossings. I did so because gradually these limitations turned into a diplomatic and public relations burden".--*Benjamin Netanyahu*
		Haaretz Editorial, "A Frivolous Government: The testimonies of Benjamin Netanyahu and Ehud Barak to the Turkel Committee reveal grave flaws about their judgment and discussions on the most sensitive diplomatic and security matters." Ha'aretz, August 11, 2010, article online at: http://www.haaretz.com/print-edition/opinion/a-frivolous-government-1.307265 *Jonathan Cook, "Punitive blockade still in force despite Israeli bait and switch," The National, Abu Dhabi, June 24, 2010, article online at: http://www.thenational.ae/apps/pbcs.dll/article?AID=/20100625/OPINION/706249941/1080*

Statement		Inconsistencies
"Every step taken, be it part of classical warfare or economic warfare, aims to bring the other side to do what we want it to do. We want Hamas to stop launching rockets at our citizens." --*Military Advocate General Brig. Gen. Avichai Mendelblit*		Historically it is well-documented that Israel has engaged in provocation of Hamas, and broken truces. For example: "on June 19, 2008, Hamas and Israel commenced a six-month truce. Neither side complied perfectly. Israel refused to substantially ease the suffocating siege of Gaza imposed in June 2007. Hamas permitted sporadic rocket fire -- typically after Israel killed or seized Hamas members in the West Bank, where the truce did not apply. "Israel then broke the truce on Nov. 4, raiding the Gaza Strip and killing a Palestinian. Hamas retaliated with rocket fire; Israel then killed five more Palestinians. In the following days, Hamas continued rocket fire -- yet still no Israelis died. Israel cannot claim self-defense against this escalation, because it was provoked by Israel's own violation." --*George Bisharat*
Anshel Pfeffer, "Military Advocate General: Gaza Blockade Entirely Legal", Ha'aretz, August 26, 2010, available online at: http://www.haaretz.com/news/diplomacy-defense/military-advocate-general-gaza-blockade-entirely-legal-1.310346		*George E. Bisharat, "Israel Is Committing War Crimes--Hamas's violations are no justification for Israel's actions." Legal Opinion, Editorial, Wall Street Journal, January 10, 2009, available online at: http://online.wsj.com/article/NA_WSJ_PUB:SB123154826952369919.html#printMode*
The naval blockade, imposed by Israel in 2007 after Hamas violently seized power over the coastal Palestinian territory, was in keeping with international law and was imposed due to "pure military considerations" and not as a part of "economic warfare" against Hamas.		A few paragraphs from this statement the Military Advocate General contradicts himself: "Every step taken, be it part of classical warfare or economic warfare, aims to bring the other side to do what we want it to do."
Anshel Pfeffer, "Military Advocate General: Gaza Blockade Entirely Legal", Ha'aretz, August 26, 2010, available online at: http://www.haaretz.com/news/diplomacy-defense/military-advocate-general-gaza-blockade-entirely-legal-1.310346		*Anshel Pfeffer, "Military Advocate General: Gaza Blockade Entirely Legal", Ha'aretz, August 26, 2010, available online at: http://www.haaretz.com/news/diplomacy-defense/military-advocate-general-gaza-blockade-entirely-legal-1.310346*
Ibid.		"An Israeli government document describes the blockade not as a security measure but as "economic warfare" against the Islamist group Hamas. The Israeli government explained the blockade as an exercise of the right of economic warfare. "A country has the right to decide that it chooses not to engage in economic relations or to give economic assistance to the other party to the conflict, or that it wishes to operate using 'economic warfare,' the government said."--*Sheera Frenkel*
		Sheera Frenkel, "Israeli document: Gaza blockade isn't about security," McClatchy Newspapers, Washington DC, June 9, 2010, available online at: http://www.mcclatchydc.com/2010/06/09/95621/israeli-document-gaza-blockade.html#ixzz0zqXz1nm6

Statement		Inconsistencies
The Israel enforced naval blockade was imposed only in response to Hamas' violent seizure of power over the coastal Palestinian territory.		Hamas did not 'violently take over Gaza' and was elected by the people.
Anshel Pfeffer, "Military Advocate General: Gaza Blockade Entirely Legal", Ha'aretz, August 26, 2010, available online at: http://www.haaretz.com/news/diplomacy-defense/military-advocate-general-gaza-blockade-entirely-legal-1.310346		*David Rose, "THE MIDDLE EAST, The Gaza Bombshell" Vanity Fair New York,, April 2008, available online at: http://www.vanityfair.com/politics/features/2008/04/gaza200804*
"Even before the blockade was imposed, all supplies were transferred to the Gaza Strip by land because Gaza has no port."--*Anshel Pfeffer*		The Port of Gaza is in the Rimal district of Gaza. For centuries this natural port marked the end of the Nabataean spice road. Gaza also has an airport capable of handling international cargo and passenger planes. The Israeli military has maintained complete closure of the airspace. There are three legitimate and commercially viable methods for goods and services to come and go from Gaza, via air, sea and land.
Anshel Pfeffer, "Military Advocate General: Gaza Blockade Entirely Legal", Ha'aretz, August 26, 2010, available online at: http://www.haaretz.com/news/diplomacy-defense/military-advocate-general-gaza-blockade-entirely-legal-1.310346		
Ibid.		Hamas did not 'violently take over Gaza'. They were elected by the people and thwarted an attempted coup. With confidential documents corroborated by outraged former and current U.S. officials, Vanity Fair revealed in an article how President Bush, Condoleezza Rice, and Deputy National-Security Adviser Elliott Abrams backed an armed force under Fatah strongman Muhammad Dahlan, touching off a bloody civil war in Gaza and leaving Hamas stronger than ever. "The Bush administration's goals for Plan B were elaborated in a document titled 'An Action Plan for the Palestinian Presidency.' The drafts called for increasing the 'level and capacity' of 15,000 of Fatah's existing security personnel while adding 4,700 troops in seven new 'highly trained battalions on strong policing.' The plan also promised to arrange 'specialized training abroad,' in Jordan and Egypt, and pledged to "provide the security personnel with the necessary equipment and arms to carry out their missions." --*David Rose*
		David Rose, "THE MIDDLE EAST, The Gaza Bombshell" Vanity Fair New York,, April 2008, available online at: http://www.vanityfair.com/politics/features/2008/04/gaza200804

Statement		Inconsistencies
"The blockade was imposed "long before anyone ever heard of Flotillas" and that no one in the IDF would think to violate international law."--*Military Advocate General Brig. Gen. Avichai Mendelblit*		The United Nations Security Council lists 79 specific violations of UN Security Council Resolutions pertaining to the state of Israel.
Anshel Pfeffer, "Military Advocate General: Gaza Blockade Entirely Legal", Ha'aretz, August 26, 2010, available online at: http://www.haaretz.com/news/diplomacy-defense/military-advocate-general-gaza-blockade-entirely-legal-1.310346		*Jeremy R. Hammond, "Rogue State: Israeli Violations of U.N. Security Council Resolutions", Foreign Policy Journal, January 27, 2010, available online at: http://www.foreignpolicyjournal.com/2010/01/27/rogue-state-israeli-violations-of-u-n-security-council-resolutions/all/1*
The Israel enforced naval blockade was imposed only in response to Hamas' violent seizure of power over the coastal Palestinian territory.		In addition to the 79 citations by the United Nations Security Council Resolutions directly critical of Israel for violations of U.N. Security Council Resolutions, the U.N. Charter, the Geneva Conventions, international terrorism, or other violations of international law, Israeli leaders admit that the blockade of Gaza is punitive and directed at the civilian population. They argue it is punishment for electing Hamas, even though conceivably a war crime. Under the 4th Geneva Conventions, collective punishment is defined as a war crime.
Anshel Pfeffer, "Military Advocate General: Gaza Blockade Entirely Legal", Ha'aretz, August 26, 2010, available online at: http://www.haaretz.com/news/diplomacy-defense/military-advocate-general-gaza-blockade-entirely-legal-1.310346		*Jeremy R. Hammond, "Rogue State: Israeli Violations of U.N. Security Council Resolutions", Foreign Policy Journal, January 27, 2010, available online at: http://www.foreignpolicyjournal.com/2010/01/27/rogue-state-israeli-violations-of-u-n-security-council-resolutions/all/1*
There is no humanitarian crisis in Gaza.		Thousands of reports and eyewitness statements available in the public domain confirm the extreme nature of the humanitarian crisis. Even Israel's closest ally, the United States, confirms that there is a major humanitarian crisis in Gaza, a direct result of Israeli actions and policies.
		World Health Organization, "Unimpeded access of medical supplies needed for Gaza", Press statement, June 1, 2010, available online at: http://www.emro.who.int/palestine/reports/advocacy_HR/advocacy/WHO%20-Press%20statement-June2010.pdf *BBC, The Gaza Strip: A Humanitarian Implosion, [This report is coproduced with Amnesty International, CARE, Christian Aid, CAFOD, TROCAIRE, Save the Children and Médecins du Monde, UK.], March 6, 2008, available online at: http://news.bbc.co.uk/1/shared/bsp/hi/pdfs/06_03_08_gaza.pdf* *Doctors Without Borders, Gaza: One Year After the War, [Report], December 30, 2009, available online at: http://www.doctorswithoutborders.org/publications/article.cfm?id=4136&cat=special-report*

Statement		Inconsistencies
There is no humanitarian crisis in Gaza.		"In a similar way to those exposed to pollutants, children also suffer as a result of mental pressure, misery, worry and neglect. Chronic stress alters the way neurotransmitters work, inhibits the formation of new nerve cells and causes the hippocampus to shrivel. "...stressed children from poor families performed up to 10 percent worse at memory tests than well looked-after children from middle-class homes. "During World War II, some children in Holland started school late because of the Nazi occupation -- with momentous consequences. 'The average IQ for these children was seven points lower than for children who came of school age after the siege,' Nisbett says.'"--*Joerg Blech*
		Joerg Blech, Translated from the German by Jan Liebelt, "How Hereditary Can Intelligence Be? Studies Show Nurture at Least as Important as Nature," Der Spiegel (Germany), September 6, 2010, available online at: http://www.spiegel.de/international/zeitgeist/0,1518,716614-2,00.html
There is no humanitarian crisis in Gaza.		"80% of the population of Gaza relies on Humanitarian Aid. 45% of the population is unemployed. 40 items are allowed in by Israel including basic food, soap and medicine on a selective basis; only flowers and strawberries have been permitted to be exported." --*Ben Wedemen*
		Ben Wedemen, "Israel attacks Gaza aid fleet. Up to 19 people were killed and more than 200 people injured", CNN, (DHA/Turkey), available online at: http://www.youtube.com/watch?v=1OTLoxlZEGc&NR=1
There is no humanitarian crisis in Gaza.		Israel is alone in stating its actions against Gaza are legal; silence on its violations, by other nations - particularly the US - implies tacit support for its actions. Article 33 of the Fourth Geneva Convention clearly states that the siege and collective punishment of civilians is a war crime and crime against humanity. "The Israeli government, because it does not accept the legitimacy of the elected Hamas government, is pursuing a policy of what Human Rights Watch calls 'collective punishment against the civilian population,' illegal under international law." --*Iara Lee*
		Iara Lee, "Eyewitness Account of the Israeli Raid on the Gaza Flotilla, What Happened to Us Is Happening in Gaza", San Francisco Chronicle, June 5, 2010, available online at: http://articles.sfgate.com/2010-06-05/opinion/21658573_1_commandos-ship-aboard

Statement		Inconsistencies
Israel has no desire to punish the civilian population in Gaza. As an indirect result, the civilian population does suffer, but the Israeli attorney general and Supreme Court found that it is legal and permitted.		"The closure of Gaza is neither a siege, nor a blockade, nor an economic sanction – it is an illegal act of collective punishment and stands in violation of both international and Israeli law. The restrictions on freedom of movement in and out of Gaza constitute a closure aimed at civilians and undertaken for purposes of collective punishment – and are therefore illegal." *--Gisha Legal Center*
Anshel Pfeffer, "Military Advocate General: Gaza Blockade Entirely Legal", Ha'aretz, August 26, 2010, available online at: http://www.haaretz.com/news/diplomacy-defense/military-advocate-general-gaza-blockade-entirely-legal-1.310346		*Gisha Legal Center, Gaza Closure Defined: Collective Punishment Position paper on the international law and Israeli restrictions on movement in and out of the Gaza Strip, Tel Aviv, IsraelDecember 2008: http://www.gisha.org/UserFiles/File/publications/GazaClosureDefinedEng.pdf*
Ibid.		Confidential information from international groups, compiled by the BBC, refers to goods brought in by commercial importers. Humanitarian organizations, including UN agencies, also bring goods into Gaza. Although allowed to bring in staple foods and medicines, other items are approved or rejected on a case-by-case basis.
		BBC, List of Commercial Goods Allowed for Import into Gaza, (London) April 2010, available online at: http://news.bbc.co.uk/2/shared/bsp/hi/pdfs/05_05_10_gazaimports.pdf
Hamas cannot uphold a ceasefire.		Israeli Government spokesman, Mark Regev, finally admitted that Hamas did not break the ceasefire of 2008-2009. Also, "Hamas responded by firing a wave of rockets into southern Israel, although no one was injured. The violence represented the most serious break in a ceasefire agreed in mid-June, yet both sides suggested they wanted to return to atmosphere of calm.
		Rory McCarthy, "Gaza truce broken as Israeli raid kills six Hamas gunmen," The Guardian, November 5, 2008, available online at: http://www.guardian.co.uk/world/2008/nov/05/israelandthepalestinians
Hamas is not interested in peace.		Hamas has maintained several ceasefires and made efforts to enter into talks. "We've seen over the past few years many political initiatives from Hamas, including offers of long-term ceasefires to Israel and willingness to take part in a peace process. And the door has been slammed in the face of all those overtures. And what we may be seeing now is the assertion by those who believe in a more violent course. And it will be a tragedy if we see this sort of bloodshed escalate. You know, more than 2,000 Palestinians killed and sixty Israelis in the past three years is enough violence. And I think as long as these one-sided policies continue, it's going to be very difficult to break this pattern." *--Ali Abunimah*

Statement		Inconsistencies
		1) Ali Abunimah, "Security for Everyone, Not Just Settlers and Occupiers", Democracy Now, September 1, 2010, available online at: http://www.democracynow.org/2010/9/1/security_for_everyone_not_just_settlers 2)Rory McCarthy, "Gaza truce broken as Israeli raid kills six Hamas gunmen", Guardian (London), November 5, 2008, available online at: http://www.guardian.co.uk/world/2008/...
Hamas will use supplies to fight Israel, therefore all dual use items must be banned.		"Israel's restrictions continue to follow the same rational used by the US against Iraq in defining 'dual use'. The US used as its criterion dual use, basically labels everything used by a civilian population can be used for military purposes. In Gaza as well as Iraq this includes electrical generators, cars, tires, plywood, glass, glue—all of those things are things that the military uses. Infrastructure is classified as dual use with virtually no exceptions. The US blocked yogurt-making equipment and dental equipment. At one point, someone from the Pentagon came before the 661 Committee with a vial of cat litter, and he said, "This can be used to stabilize anthrax," suggesting on that grounds that the 661 Committee should be blocking everything up to and including cat litter. The US even argued that Iraq should not be permitted to import eggs on the grounds that the yolks of the eggs could be used as a medium in which to grow viruses, which in turn could be used to produce biological weapons. This is the type of reasoning used both in Gaza and previously in Iraq for dubbing items 'dual use'." --*Joy*
		Sharif Abdel Kouddous, , "Invisible War: How Thirteen Years of US-Imposed Economic Sanctions Devastated Iraq Before the 2003 Invasion," Democracy Now! New York, September 1, 2010, available online at: http://www.democracynow.org/2010/9/1/invi
Israel makes every effort to support human rights. Its army is the most just army in the world.		"The Association for Civil Rights in Israel noted that "The State of Israel has impressive achievements in the field of human rights." A decade later, it concludes that troubling 1997 trends are now worse." --*Stephen Ledman*
		Stephen Lendman, "Human Rights in Israel and Palestine", Baltimore Chronicle, (Baltimore, Maryland) March 4, 2009, available online at: http://www.baltimorechronicle.com/2009/030409Lendman.shtml
Ibid.		"For forty-one years, Israel has denied fundamental rights to four million Palestinians in the West Bank and Gaza," effectively controlling their lives, and repressively denying them their rights under military occupation: to life, liberty, personal security, free movement and expression, to earn a living, to health, education, to basic dignity." --*Stephen Ledman*
		Stephen Lendman, "Human Rights in Israel and Palestine", Baltimore Chronicle, (Baltimore, Maryland) March 4, 2009, available online at: http://www.baltimorechronicle.com/2009/030409Lendman.shtml

Statement		Inconsistencies
Ibid.		The United Nations has issued a minimum of 79 UN Security Council Resolutions against Israel.
		Al-Haq, Legal Questions and Answers on Israel's Action Relating to the Free Gaza Flotilla; Ref:142/2010, Report, Ramallah: Palestine, July 5, 2010 http://www.alhaq.org/etemplate.php?id=529 *Lawyers for Palestinian Human Rights, The Attack on the Gaza Freedom Flotilla and International Law, Report, London, June 1, 2010, available online at: http://www.lphr.org.uk/FlotilliaIL_QA/LPHR_FlotilliaIL_QA.pdf* *Richard Goldstone, United Nations Fact Finding Mission on the Gaza Conflict: Mission to the Human Rights Council in Geneva, Report, September 29, 2009, available online at:http://www2.ohchr.org/english/bodies/hrcouncil/docs/12session/A-HRC-12-48.pdf*
Israel was not seeking a confrontation with the activists.		Although Israel contends that it did not want a confrontation, preparations leading up to the deadly attack indicates that confrontation was the objective. The Israeli navy continued to circle the Flotilla after it had changed course and communicated to the Israelis that it did not want a confrontation. Then the IDF approached in ships and helicopters at high speed, with no loudspeaker alert to the passengers as to intended to board. They fired on passengers who were engaged in prayer with red paintball guns, which appeared to be blood and caused confusion. The soldiers tossed sound and concussion grenades. This is noted throughout the raw video and in the timeline beginning at 04:25 and ending at 05:00.
		Iara Lee, "Raw footage from the Mavi Marmara" covering roughly 3:54 AM through 5:00AM UTC+3, Cultures of Resistance. May 31, 2010, available online at: http://www.youtube.com/watch?v=7UN4DO1pL5E

Evidence of Israeli Computer-Manufactured Attack Video

"I saw a man handed a metal bar. Then he walked through, just like a ghost, a solid steel protrusion from the deck, the size of an ashcan. This thing would have stopped a truck but the Fox News "fighters" on the Mavi Marmara were like ghosts. In fact, the "steel bar thugs" were exactly that, or more appropriately, cartoons." *--Gordon Duff*

Segment from the official Israeli video showing a passenger walking straight through a large iron or steel object.

Source: "FAKE VIDEOS OF ISRAEL ABOUT THE FREEDOM FLOTILLA ATTACK EXPOSED", Beyaz Gazete, Turkey, June 12, 2010, available online at: http://www.youtube.com/watch?v=WW2R4Iw5afc&feature=player_embedded&has_verified=1

Gordon Duff "'Dancing Israeli Film Studios' Present: Faked Attack Videos," Veterans Today Military Veterans and Foreign Affairs Journal, June 14, 2010, available online at: http://www.veteranstoday.com/2010/06/14/gordon-duff-dancing-israeli-film-studios-present-faked-attack-videos/

Evidence of Israeli Computer-Manufactured Attack Video

Bayaz Gazete of Turkey completed an analysis of the Israeli videos released pursuant to the attack on the Flotilla. They discovered a number of inconsistencies.

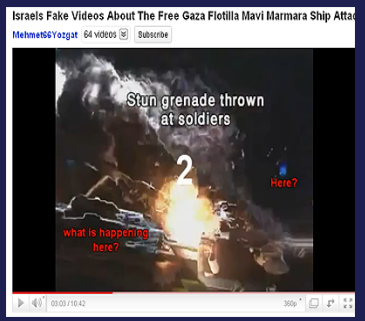
1) Several segments used as evidence did not include sound, including:

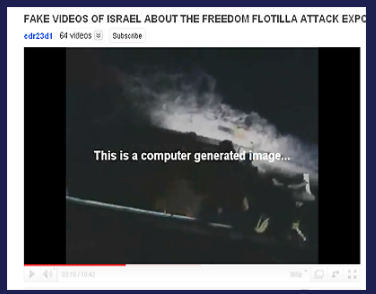
a) Video segments that show passengers preparing to attack the IDF;
b) Video showing passengers as angry, armed and waving weapons over the stern;
c) Video showing Israeli soldiers as helpless in the Zodiac as they are being sprayed with water canons from above.

2) Bayaz Gazete also discovered uneven editing in the videos:

a) A white frame appears in the video showing the Zodiac boat being hit with plates, stun grenades, water canons and explosives. The explosives, based upon a frame-by-frame analysis, are computer generated;
b) One sequence shows a man walking through an iron or steel pylon or drum;
c) Several sequences reveal a computer-cursor moving around on screen;
d) The background to the Israeli video are either black or blue, with an empty background, which does not match any other parts of the film.

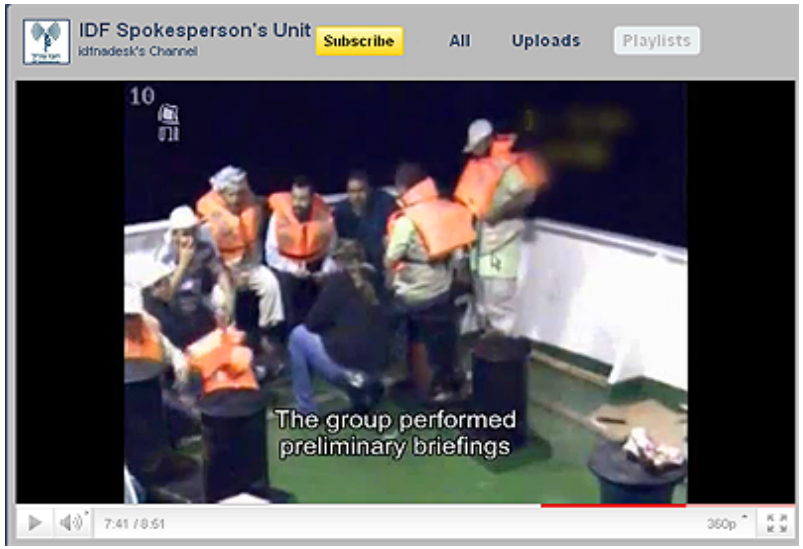
3) Additionally, investigative journalists discovered the false audio transmissions that used images and statements out of context to support its position. These are specified in the Timeline portion of this report.



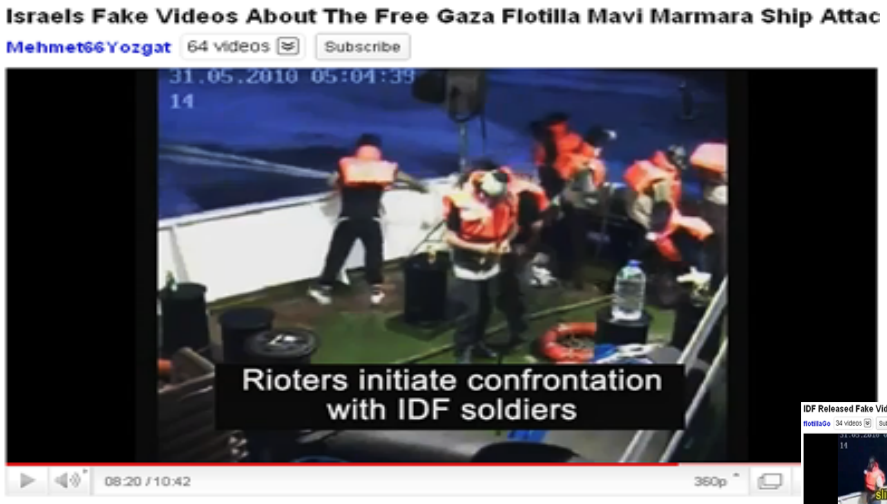


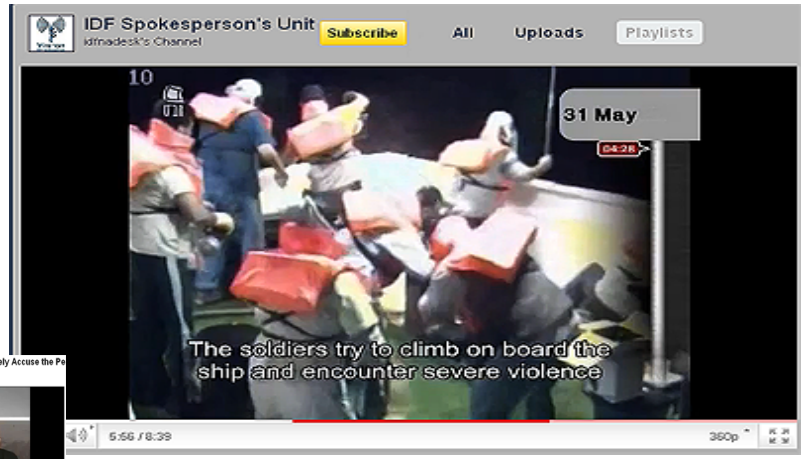
White frame appears in the video showing the large Zodiac being bombed with plates, stun grenades, water canons, and explosives. The explosives, based upon a frame-by-frame analysis prove to be computer generated. These segments occur between minutes 2:08 and 4:00 on "Fake Videos of Israel about the Freedom Flotilla Attack Exposed."

Evidence of Israeli Computer-Manufactured Attack Video



Adam Shapiro, one of the Flotilla organizers, stated on RT that these video segments within the "Flotilla Incident Timeline" are fake, and that the people shown here were not passengers on the Mavi Marmara.





Source: "FAKE VIDEOS OF ISRAEL ABOUT THE FREEDOM FLOTILLA ATTACK EXPOSED", Beyaz Gazete, Turkey, June 12, 2010, available online at: http://www.youtube.com/watch?v=WW2R4Iw5afc&feature=player_embedded&has_verified=1

Source: Adam Shapiro: "IDF Released Fake Videos of Gaza Flotilla," interview on Russian Television, June 2, 2010

Appendixes

APPENDIX A

Transcript of the Eiland Team Video

This is the official Israeli presentation of its version of the events of the attack on the Mavi Marmara. Minor spelling and grammatical corrections are made to aid readability; transcripts are otherwise as they were included within each of the videos released, as English subtitles.

Flotilla Incident Timeline (English: Part 1 of 2)

IDF YouTube Channel Introductory Description[1]:

In the early hours of the 31st of May, 2010, IDF soldiers boarded the ships of the "Free Gaza" Flotilla, after the ships refused to redirect their course. While Israeli soldiers peacefully boarded five of the six ships, aboard the Mavi Marmara soldiers encountered serious violence when, in a preplanned attack, the activists on board lynched the soldiers with knives, metal rods, and guns. As a result 7 soldiers were injured and 9 activists were killed.

On Saturday, June 5th, 2010, the 7th flotilla ship was intercepted by Israeli forces and the soldiers boarded the ship with the permission of the crew. The event occurred with no injuries to either parties and the activists have since been deported. The following videos detail the interaction between the flotilla and the IDF forces. The first video will show that the Israeli navy offered the flotilla to dock at the Port of Ashdod but the flotilla refused. The next videos illustrate the violent manner in which the demonstrators rioted on the Mavi Marmara, prompting the IDF commandos to defend themselves against the planned ambush. The next video shows the IDF attempting to deliver the humanitarian aid that was brought by the flotilla to Gaza through the Kerem Shalom Crossing. However, as of June 7th, 2010 Hamas has not allowed this humanitarian aid into the Gaza Strip. The remaining videos of the playlist detail the interception of the 7th flotilla ship, which occurred without incident.

[1] http://www.youtube.com/idfnadesk#g/c/D367B77C57326D3E August 25, 2010. This site is the primary distribution point for all official IDF Videos.

VIDEO ONE:

Eiland Team Flotilla Incident Timeline (English: Part 1)[2]

During the month of May 2010 eight ships sailed from Ireland, Turkey and Greece. The ships didn't dock at any ports along the way and sailed directly to a designated meeting point south of Cyprus. Several months before their departure diplomatic attempts were made to prevent the flotilla from sailing. At the same time, courses of action were considered in the event that the flotilla would set sail. Within three days six of the ships joined thirty miles south of Cyprus while a Turkish warship, the Burak, was stationed to the east. At the same time, diplomatic attempts were made to prevent the flotilla's arrival at the Gaza Strip shores.

In addition, continuous intelligence surveillance of the ships was carried out.

Name of ship: Gazze belonging to: IHH organization [Turkey]
Name of ship: Defney (sic) belonging to: IHH organization [Turkey]
Name of ship: Sofia belonging to: Gaza.org. [Sweden-Greece]
Name of ship: Boat 8000 (sic) belonging to ECSEG organization
Name of ship: Challenger 1 belonging to Free Gaza Org
Name of ship: Mavi Marmara 630 people on board belonging to: IHH organization [Turkey]

Mavi Marmara: 93 meters X 19 meters X 8 meters X 14 meters traveling at 8 knots.

Preparation of IDF Forces: The forces assigned to stop the flotilla include: Navy boats, helicopters with soldiers trained to rappel down ropes, and surveillance aircraft.

At the same time as the preparations at sea and in cooperation with various government offices a defined site was set up at the Port of Ashdod. IDF forces, police and government representatives prepared to receive hundreds of the ship's passengers. During preparations for the operation, SWAT and Masada teams were trained as well as Israeli Prison Services units.

In any situation where the use of weapons is deemed necessary, the forces were instructed to act in a gradual fashion using at first non-lethal weapons and only to use live weapons in life-threatening situations.

[2] http://www.youtube.com/idfnadesk#p/c/D367B77C57326D3E/14/TwoqGJJltPU July 15, 2010. The introduction to the collection of videos on the Flotilla Attack located on the IDF's official YouTube channel website. Israeli Major General [Res.] Giora Eiland was the leader of the task force assigned to investigate the Flotilla Attack for the government of Israel. Eiland and his team also created this video, posted three days after he submitted his official report.

May 30 16:27 the ships set sail. Six ships began to sail from the meeting point towards the Gaza Strip shore.

The ships sailed collectively in a group structure with only dozens to a few hundred meters separating between them. At the same time, IDF Navy forces moved towards the flotilla.

From 21:00 – 00:41: Identification and transmission of messages. Questioning and transmitting messages to the ships. At first, messages were sent to the ships clarifying to the passengers they are heading towards an area under naval blockade and that they will not be permitted to enter the area. Next the IDF proposes that the ships enter the Port of Ashdod and transport their goods to Gaza by land. Some of the ships replied that the Israeli Navy does not have the authority to stop them and that they are on their way to the Gaza Strip. The Sofia did not respond at all, while the others responded with profanity.

D., Bridge Commander: “Mavi Marmara you are approaching an area of hostilities which is under a naval blockade. The Israeli government supports delivery of humanitarian supplies to the civilian population in the Gaza Strip and invites you to enter the Ashdod Port after which you can return to your home ports aboard the vessels on which you arrived.”

“Shut the fuck up! Go back to Auschwitz.”
“We’re helping Arabs go against the U.S. Don’t forget 9/11, guys.”

Boarding Dispatches: After completing the message communication stage, the IDF force prepares and divides into several dispatches in order to enable gaining control of several ships at the same time. One group of soldiers was assigned to gain control of the Marmara after which other dispatches were to gain control of the remaining ships.

At the same time an electronic signal jamming was carried out, preventing most onboard material from being released. However, short video clips and several messages were leaked from the Marmara.

Due to the fact that there were several ships with a large number of passengers, the takeover took place at night, 70-100 miles from shore before they reached the blocked area.

04:28: Beginning of the Marmara takeover

Boarding the Mavi Marmara

As soon as IDF lifeboats [actually these are Zodiac attack boats, not lifeboats] approach the ship, IHH activists crowd together at the side of the ship.

“It looks like most of the people are dispersing. Some of them are going to the sides, mostly towards the stern of the ship and the sides.”

An attempt to hoist the ladder

The soldiers try to climb on board the ship and encounter severe violence in the form of water hoses, and hurling of iron pipes and chains at them, as well as using electric disc saws, to cut the ladders of the IDF Special Forces unit S’13.

“We’re getting hit with bottles and a barrage of rocks.”

The lifeboats move slightly away from the ship but remain close to the side attracting the activists’ attention. At the same time authorization was given to bring in the Black Hawk helicopter according to plan.

04:30: The first helicopter arrives carrying 15 soldiers.

While hovering in the air and before coming down, 10-15 people are seen on the ship’s roof. In order to ensure the safe landing of the soldiers on the deck a number of stun grenades are thrown. As a result, the activists evacuate the center of the roof. After, the first Black Hawk rope is dropped; three activists tie the rope to the deck of the ship.

“I repeat, the people on the boat fooled around with the Blackhawk’s rope and took it.”

The second rope is dropped and the soldiers begin to slide down. All the soldiers slide onto the roof within a minute after starting out.

4:32:15 First Soldier taken down
4:32:41 Second soldier taken down
4:33:12 Third soldier taken down

During the first few minutes, violent clashes develop on the roof. Every soldier that slides down is attacked by two to four activists using knives, iron bars and axes. The second soldier to come down was shot in the stomach by one of the activists. The soldiers who encounter a life-threatening situation [stabbing] are forced to use live ammunition.

During the battle, five soldiers are injured from stab wounds, beatings and gunshot wounds. Three soldiers are thrown off the roof of the ship onto the deck and are taken to the hull of the ship.

While falling, one of the soldiers is stabbed in the stomach and hand.

The commander of the medical squad, the fourth in command who arrived on the first helicopter, overseas treatment of the injured and locates a secure spot. The activists evacuate the center of the roof after absorbing casualties and gather in the front and back on the roof. Additional attempts to attack the force as the second helicopter approaches are met with gunfire aimed at the attackers' feet.

At the same time, the life-boats approach the ship for the second time. The soldiers realize that they are being fired at from both sides of the ship. Again they encounter violent resistance.

APPENDIX B

Transcript of the Eiland Team's Video:

Flotilla Incident Timeline (English: Part 2 of 2) [3]

VIDEO TWO:

Fast Rope unit slides down and begins moving towards the front of the roof in order to reinforce their control. The force reaches the front of the roof and gains control of the attackers. At the same time it secures the lower decks. At this state the soldiers are attacked by the activists and are forced to fire at the attackers' feet. The first attempt to go down to the lower deck is met with violent resistance including several shooting incidents at the soldiers.

Approach to the Simultaneous Boarding of Vessels

Mavi Marmara: Gaining control over the remaining ships while gaining control of the Marmara

While taking over the Marmara Boat 8000 and the Challenger are being taken over. The combatants meet resistance on board these ships. The violent resistance is oppressed by use of crowd control tactics[4].

4:46: Arrival of the third helicopter carrying 14 soldiers. The commander of the third helicopter joins the second helicopter commander on the ship's roof and forces begin to move towards the bridge. As soon as they begin to descend, the soldiers are attacked and they return fire.

5:04: **Rushing the bridge**

The forces advance towards the ship's bridge. While they are moving, another attempt is made to attack the force and the force responds with fire. The forces rush the bridge and take control. At the force's command, the ship's captain instructs all activists to enter their cabins and adds that he is no longer in command of the ship.

At this stage, most of the activists who were assembled on the sides of the ship go down to the ship's hull. The rubber boats approach the ship for the third time. The activists remaining on the sides of the ship continue violent resistance, flinging iron pipes at the soldiers. In view of the continued violent resistance on

[3] http://www.youtube.com/watch?v=BpPvs3YSE4g&feature=channel July 15, 2010
[4] The official IDF YouTube site contradicts its own statement here writing: "While Israeli soldiers peacefully boarded five of the six ships, aboard the Mavi Marmara soldiers encountered serious violence."
http://www.youtube.com/idfnadesk#g/c/D367B77C57326D3E

deck and the force commander's assessment that there are a number of wounded soldiers whose condition is unknown, he orders the easing of the use of live fire, accurate and precisely targeting the violent activists, in order to enable the soldiers to climb on board the ship quickly. The sides of the ship empty quickly and the soldiers climb up from the rubber boats onto the ship.

The commander of the force and the commander of S'13 unit climb up from the lifeboats onto the ship and move towards the roof. When they reach the roof, an assessment of the situation is made and it turns out that three soldiers from the first helicopter team are missing. The force commander prepares to rush the passengers' area in order to locate the missing soldiers. At the same time, soldiers from the roof of the boat spot the three missing soldiers, who are wounded and being lead by the attackers to the ship's bow.

The unit opens fire with a non-lethal weapon towards the attackers who retreat into the ship, leaving the three wounded soldiers on the ship's bow. Two of the injured soldiers take advantage of the situation and jump into the water intending to swim towards the nearby boats. They're picked up by the rubber boats. The third soldier remains unconscious on the bow.

"There's a wounded soldier on the bow. A seriously wounded soldier on the bow! Get there as soon as possible!"

The suppressive fire unit jumps from the ship's roof to the bow and joins the wounded soldier. They identify the wounded soldier while a group of soldiers reaches him.

05:17: End of the battle

State of Affairs

The team on the roof tends to the injured. The team on the bridge controls the ship. The team on the stern of the ship and the deck control the entrances. The findings indicate there were a number of shooting incidents by activists at Israeli soldiers. In addition, soldiers on the rubber boats identified activists shooting at them from the ship. The second soldier who came down from the helicopter was shot in the stomach by activists shortly after he reached the roof. That was probably the first shot fired on the ship.

During the search a gun was found in the ship's hull. The gun was taken from one of the wounded soldiers that was moved by the activists to the ship's hull. The gun had no bullets, despite the fact that none of the three wounded soldiers used it.

Takeover of the remaining ships

After gaining control of the Boat 8000 and Challenger, while the battle continues on the Marmara, the forces continue to gain control of the three remaining ships. An additional Fast Rope unit lands on the Defne while the other units take control of the Sofia and Gazze treating the injured and evacuating them[5].

Treating and Evacuating the Injured

After completing the takeover stage, the next stage was tending to the injured and evacuating them.

The injured are taken up to the roof where they are treated. A total of 38 injured are evacuated by air, seven of them from our forces. Two additional injured soldiers are evacuated through the sea. During the takeover nine S'13 commando soldiers were wounded, three seriously.

The three soldiers taken to the hull of the ship witnessed an argument between activists who wanted to hurt them and several passengers who asked the activists to stop what they were doing. Nine activists were killed and 55 flotilla participants were injured, 14 of them seriously. 31 of the wounded were evacuated by helicopter and 24 were diagnosed at Ashdod Port and are also sent for medical treatment. The bodies of the activists were taken to Israel on board a missile boat. 14 field surgeries were performed on board the ship. Approximately 40 helicopter evacuations of the wounded by the Search and Rescue 669 Unit were made. By 12:30PM all the wounded were evacuated to hospitals in Israel.

The remaining flotilla participants are removed from their rooms onto the deck: Masada combatants and SWAT teams search them. Later, the hull of the ship is searched. During the search an IDF gun is found without bullets.

Arrival at the Ashdod Port

The boat's arrival at Ashdod Port and completion of the naval stage of the operation. After overtaking the six ships, they are lead by the navy to Ashdod Port. After questioning the flotilla participants and from intelligence gathered after the flotilla, the following picture comes into view. 40 activists, members of the IHH Organizations boarded the Marmara at the port of Istanbul and were later joined by the remaining participants at the port of Anatolia. Nine of the dead were Turkish. Eight of them belonged to the IHH Organization or other Islamic Turkish parties and organizations associated with the IHH. Half of those killed informed their relatives of their wish to die as martyrs.

[5] There were no reports of injuries onboard these ships since there was no resistance according to Israeli government records as well as the testimony of the passengers.

Activist on board the Marmara: “When I went first on board I wanted to be a shahid [martyr]. I wasn’t that lucky. The third time I’ll be lucky. Inshallah [Allah willing] I’ll be a shahid.”

There were no human rights activists among those killed. One of the casualties is a young man whose affiliation is unknown. Organization members were prepared in advance for a violent and well-covered confrontation with the IDF forces. They were prepared with iron pipes, chains, sling shots and marbles, disk saws, gas masks, bottles of tear gas, ceramic vests, Molotov cocktails, weapons sight devices, commando knives and more. In addition, non-IDF ammunition, cartridges and bullets were found on board the ship as well as an advanced editing and broadcasting studio. The group performed preliminary briefings putting an emphasis on assaulting IDF soldiers and preventing them from boarding the ship at any cost.

“They tell us: “We’re going to send military forces and the soldiers will board the ship. If they board our ship, we’ll throw them into the sea!”

“Allah is great!”

The organization members were divided into squads and conducted routine patrols on deck aided by walkie-talkies and night-vision equipment. The flotilla included a total of 718 passengers. According to a government decision, all passengers were released without completing their debriefing. The last passenger left Israel on June 6.

[END]

APPENDIX C

Eiland Team Flotilla Incident Timeline Video Summary [6].

Below each IDF video on their YouTube channel is a description of the video and its context. This is the information presented below the *Flotilla Incident Timeline* videos within a scrolled frame on the IDF website.

The film, produced by the Eiland Team of Experts, breaks down the events of the flotilla using a timeline that alternates between 3D models and footage captured throughout the incident.

The events leading up to and throughout the flotilla incident are recounted in the video, as presented by the team of experts led by Maj. Gen. [res.] Giora Eiland in the IDF's internal inquiry.

In light of weapons smuggling attempts, a maritime closure was established during the 2008-2009 Gaza Operation. Under the guise of providing humanitarian aid, a number of ships have attempted to reach the Gaza Strip, some permitted to enter, while others were stopped.

Due to these attempts, the IDF General Staff and Navy outlined orders to prepare for future attempts to break the closure, and in preparing for the May 31st flotilla, the IDF planned far in advance with extended discussion, and various simulation model scenarios. IDF attaches abroad and foreign attaches to Israel were all briefed in advance.

In addition, the Chief of the General Staff, Lt. Gen. Gabi Ashkenazi sent a letter to the Defense Minister and Prime Minister emphasizing the following:

"Cooperation between nation ministries is required and the military option which includes seizing, confiscating and detaining the ship's activists is a last resort and at a low priority."

The video goes on to describe the various ships in the flotilla and the courses of their attempted journey to the Gaza Strip, as well as the number and extent of Israeli response ships, aircraft, and absorption center for the ships' passengers.

The video also outlines the orders given to the IDF soldiers boarding the flotilla ships, including the policy of using gradual force, and using live weapons only in life threatening scenarios.

[6] http://www.youtube.com/idfnadesk#p/c/D367B77C57326D3E/14/TwoqGJJltPU

The first phase of the operation: The IDF relayed the message that the flotilla ships were in an area of a maritime closure, and offered the ships to transfer their cargo from the Ashdod Port to the Gaza Strip. The Sofia ship did not respond at all, while the other ships responded with refusal and/or profanity.

The IDF forces were divided and each group boarded a different ship. The soldiers arrived at the Mavi Marmara at 4:28 AM, but could not board the ship due to metal objects being thrown at them, and electric buzz saws used by the demonstrators to slice the ladders IDF soldiers needed to board the Marmara. After an unsuccessful attempt to board the ship by smaller boats, a helicopter arrived at 4:30 AM with 15 IDF soldiers. The first rope dropped by the helicopters was tied by the demonstrators to the deck of the ship in order to prevent the soldiers' descent.

[END]

APPENDIX D

Israeli IDF Soldier Transcript

There are very few interviews with members of the Israeli military specifically involved in the attack on the Freedom Flotilla. This video was created on the same days as the event, and includes comments from two soldiers injured in the operation and posted on the IDF YouTube website on May 31, 2010. Both soldiers are wearing left arm slings and their faces are obscured. All identifying information has been obscured or removed. As with other transcripts, this is taken from the English translation of Hebrew subtitles.

VIDEO THREE:
Israeli Navy Soldier Testifies Regarding the Violent Incident aboard Mavi Marmara[7]

"We were above the ship, hovering above it. We understood there were 15 people on the roof. They took him, tied him [motions to his left] to one of the antennas. We came down using the other rope, one by one, and every guy that descended was met by 3 or 4 people.[8]

And they just started beating him up, tearing him to pieces. It was a lynch.[9]
Every guy that came down the ropes was taken aside, and everyone there had metal rods, knives, slingshots, glass bottles.

At one point there was live fire, they started firing live rounds, two guys there had live ammunition.

They started hitting me with the metal rods, and while defending myself, I guess I broke my arm. At this point, I didn't even have a weapon in my hands. Any soldier coming down the rope did not have a gun in his hands.

Off camera: "Did not what?"

Did not have a gun in his hands. We were empty handed. Our weapons were on our back. It's important to clarify that the weapons were riot dispersal means. We had paintball guns. They fired live rounds. They were firing bullets. Real ammunition. They just came prepared for battle. We came prepared to straighten things out, talk to them, convince them to un-board the ship. They were just…Every person that got to the boat was stormed. They just came and attacked him. There were soldiers that were thrown off the top deck. I conducted a search on one of the people, on him I found two utility knives—on one person. He had two utility knives, a pocket knife, an extendable metal rod, like a club. In his other pocket he had tear gas and pepper spray.
[END]

[7] http://www.youtube.com/watch?v=C9p5QT91QYs&feature=channel May 31, 2010; IDF Video Channel YouTube
[8] According to Israeli records, 15 people were on the top deck and this commando unit had 15 heavily armed men in it
[9] To *lynch* is defined as, one put to death, especially by hanging, by mob action and without legal authority. No Israeli soldiers were killed. Like the IHH description of Israeli naval vessels as "battle ships," this is a case of misstated metaphor.

APPENDIX E

United Nations Human Rights Council

Report of the international fact-finding mission to investigate violations of international law, including international humanitarian and human rights law, resulting from the Israeli attacks on the flotilla of ships carrying humanitarian assistance

Fifteenth session: A/HRC/15/21; 22 September 2010

United Nations A/HRC/15/21

General Assembly

Distr.: General
27 September 2010

Original: English

Human Rights Council
Fifteenth session
Agenda item 1
Organizational and procedural matters

Report of the international fact-finding mission to investigate violations of international law, including international humanitarian and human rights law, resulting from the Israeli attacks on the flotilla of ships carrying humanitarian assistance*

Summary

This report was prepared by the fact-finding mission established by the Human Rights Council in resolution 14/1 of 2 June 2010 to investigate violations of international law, including international humanitarian law and human rights law, resulting from the interception by Israeli forces of the humanitarian aid flotilla bound for Gaza on 31 May 2010 during which nine people were killed and many others injured.

The report sets out background information relating to the interception of the flotilla as well as the applicable international law.

The fact-finding mission conducted interviews with more than 100 witnesses in Geneva, London, Istanbul and Amman. On the basis of this testimony and other information received, the Mission was able to reconstruct a picture of the circumstances surrounding the interception on 31 May 2010 and its aftermath. The report presents a factual description of the events leading up to the interception, the interception of each of the six ships in the flotilla as well as a seventh ship subsequently intercepted on 6 June 2010, the deaths of nine passengers and wounding of many others and the detention of passengers in Israel and their deportation.

The report contains a legal analysis of facts as determined by the Mission with a view to determining whether violations of international law, including international humanitarian and human rights law, took place.

The fact-finding mission concluded that a series of violations of international law, including international humanitarian and human rights law, were committed by the Israeli forces during the interception of the flotilla and during the detention of passengers in Israel prior to deportation.

* Late submission.

Contents

I. Introduction

A. Mandate

1. On 2 June 2010 the Human Rights Council, in resolution 14/1, decided "to dispatch an independent international fact-finding mission to investigate violations of international law, including international humanitarian law and human rights law, resulting from the Israeli attacks on the flotilla of ships carrying humanitarian assistance" to Gaza. The same resolution authorized the President of the Council to appoint the members of this Mission and called for the independent international fact-finding mission, hereinafter referred to as "the Mission", to report its findings to the fifteenth session of the Council.[1]

2. Seven weeks later, on 23 July 2010, the President of the Human Rights Council appointed Judge Karl T. Hudson-Phillips, Q.C., retired Judge of the International Criminal Court and former Attorney General of Trinidad and Tobago, to be Chairman and to head the Mission. The other appointed members were Sir Desmond de Silva, Q.C. of the United Kingdom, former Chief Prosecutor of the United Nations-backed Special Court for Sierra Leone and Ms. Mary Shanthi Dairiam of Malaysia, founding member of the Board of Directors of the International Women's Rights Action Watch Asia Pacific and former member of the Committee on the Elimination of Discrimination against Women.

3. In accordance with common practice, the Office of the United Nations High Commissioner for Human Rights (OHCHR) established a secretariat to support the Mission. The experts were also assisted by external specialists in forensic pathology, military issues, firearms, the law of the sea and international humanitarian law.

4. The Mission considered that its task was directed to investigating the facts and circumstances surrounding the boarding by Israeli military personnel of a flotilla of ships bound for Gaza and to determine whether in the process violations occurred of international law, including international humanitarian and human rights law.

5. The Council, in its resolution, decided to dispatch a mission to investigate "violations" of international law, international humanitarian and human rights law, resulting from the Israeli "attacks" on the flotilla carrying humanitarian assistance. This appeared to determine that "violations" of international law, including international humanitarian and human rights law had in fact occurred prior to any investigation. The resolution also appeared to find as a fact that there had been Israeli attacks on the flotilla of ships and that the ships were carrying humanitarian assistance.

6. The Mission did not interpret its task as proceeding on any such assumptions. It could not determine what its position was until the Mission came to its conclusion on the facts. The same can be said of the alleged actions by the Israeli forces.

7. It was not generally contested that there was an interception by Israeli forces of a flotilla of ships and that the ships were carrying cargoes of a humanitarian nature. That apart, the Mission considered that its mandate required it to ascertain the sequence of the facts and events as they occurred and to examine the reasons and justification in law, if any, for the above.

8. The Mission convened in Geneva to officially commence its work on 9 August 2010. Shortly prior thereto, on 2 August 2010, the Secretary-General of the United Nations announced the setting-up of a Panel of Inquiry on the flotilla incident of 31 May. The

[1] Resolution 14/1 was adopted by a recorded vote of 32 to 3, with 9 abstentions.

Secretary-General, without indicating what specific area of inquiry the Panel was to undertake, expressed the hope that the panel "will fulfil its mandate based on the Presidential Statement of the Security Council".

9. The Panel of Inquiry was given the mandate to receive and review the reports of the national investigations with a view to recommending ways of avoiding similar incidents in the future.[2]

10. Both Israel and Turkey announced the setting-up of national inquiries, on 15 July and 10 August 2010 respectively.

11. In the opinion of the Mission, the remit of the Panel appointed by the Secretary-General is quite different and distinct from that of the Mission as its ultimate goal is to "positively affect the relationship between Turkey and Israel, as well as the overall situation in the Middle East" .[3]

12. At the time of writing this report, the Mission was made aware of sittings of the Israeli inquiry under Judge Turkel.[4] Both from the Internet and other sources, the Mission was able to secure transcripts of some of the evidence given by witnesses to that enquiry. It appears that evidence was given partly in closed sessions, the transcripts of which have not been made available to the Mission. As far as the Mission is aware, the inquiry announced by the Government of Turkey submitted a preliminary report to the Secretary-General's Panel on 1 September 2010.

13. The Mission decided that its task required it to seek the cooperation of as wide a cross section of relevant interests as possible and in particular that of the Governments of Turkey and Israel. The Mission was greatly assisted by having discussions in Geneva with the Permanent Representatives of Israel, Jordan, Turkey, the United Kingdom and the United States of America, as well as with the Permanent Observer Mission of Palestine to the United Nations.

14. The Mission wishes to place on record its appreciation for the assistance provided by the Governments of Turkey and Jordan in facilitating its visits to Istanbul, Ankara and Amman and providing relevant information, in the case of Turkey at an official level.

15. The Mission also wishes to thank the Office of the United Nations Resident Coordinators and the United Nations Development Programme (UNDP) in Ankara and Amman for the cooperation provided. Particular mention is also to be made of the collaboration provided by the Office for the Coordination of Humanitarian Affairs in the Occupied Palestinian Territory (OCHA oPt), the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) and the Office of the Special Coordinator for the Middle East Peace Process (UNSCO) for briefing the Mission on the situation in the Gaza Strip.

16. The Mission expresses its profound regret that, notwithstanding a most cordial meeting on 18 August 2010, the Permanent Representative of Israel advised in writing at the end of the meeting that the position of his Government was one of non-recognition of, and non-cooperation with, the Mission. In the hope that this position would change before the conclusion of its work, the Mission left the Permanent Representative a list of requests for information.[5]

[2] Daily press briefing by the Office of the Spokesperson for the Secretary-General. 2 August 2010. http://www.un.org/News/briefings/docs/2010/db100802.doc.htm.

[3] Ibid.

[4] See correspondence between the Mission and the Israeli Permanent Mission in annex II.

[5] See annex II.

17. Not having heard from the Permanent Representative of Israel, the Mission wrote to the Permanent Representative, by letter dated 7 September 2010, renewing its request for information. The Permanent Representative replied by letter dated 13 September 2010 requesting the Mission to delay delivering its report to the Council on the ground that it should await the report of the Commission under Judge Turkel in Israel and the Panel appointed by the Secretary-General of the United Nations. The Mission replied advising the Permanent Representative that the request should be made to the Council. Regrettably to date, no information has been given to the Mission by or on behalf of the Government of Israel.

B. Methodology

18. Following its official establishment, the Mission redrafted its Terms of Reference so as to reflect its approach to the mandate given. The Mission then established its working methodology, including the criteria to select witnesses who had participated in the flotilla.

19. Different sources of information were made available to the Mission, including the evidence of eyewitnesses, forensic reports and interviews with medical and forensic personnel in Turkey, as well as written statements, video film footage and other photographic material relating to the incident.

20. In ascertaining the facts surrounding the Israeli interception of the Gaza-bound flotilla, the Mission gave particular weight to the direct evidence received from interviews with eyewitnesses and crew, as well as the forensic evidence and interviews with government officials. In light of the seizure of cameras, CCTV footage and digital media storage devices and the subsequent disclosure of only a selected and minute quantity of it, the Mission was obliged to treat with extreme caution the versions released by the Israeli authorities where those versions did not coincide with the evidence of eyewitnesses who appeared before it.

21. Taking into consideration the resources and limited time available, the Mission travelled to Istanbul, Ankara and Iskenderun in Turkey, Amman in Jordan and London in the United Kingdom in order to interview witnesses, hold meetings with government officials and conduct an inspection of the ship *Mavi Marmara*, in which nine passengers died on 31 May 2010. The Mission was able to contact several persons with information bearing on the matters under enquiry. A total of 112 witnesses[6] were interviewed by the Mission, either by all of its members at the same time or by individual members. In addition written statements were received from several persons through their attorneys.

22. The Mission wishes to record its appreciation for the assistance given by various firms of attorneys for facilitating the appearance before it of persons involved in the incident[7] and represented by them. Meetings were also held with different non-governmental organizations in Geneva, Istanbul and Amman.

23. The Mission is of the opinion that evidence from a sufficient number and range of witnesses was taken to afford it a comprehensive picture of the events as they occurred on 31 May 2010. In addition to the information received directly, the Mission took into consideration information from a variety of sources, subject to verification of authenticity.

[6] Witnesses were interviewed at the following locations: London; Geneva; Istanbul; Amman. The Mission is grateful to the International Maritime Organization for its assistance in providing a venue for the interviews in London.

[7] Law firms in London, Istanbul and Athens assisted the Mission.

24. In assessing the evidence and information available to it, the Mission paid particular attention to the content of the evidence and demeanour of the persons appearing before it in deciding whether, and if so, what part of the information provided should be accepted. More weight of necessity was accorded to such evidence if believed than to information from other sources. In addition, with respect to information in the nature of hearsay evidence, due regard was paid, giving to it such weight as the circumstances merited. Matters were decided on the basis of the preponderance and quality of the evidence so as to satisfy all the members of the Mission in order that they felt sure of their conclusions.

25. In the preparation of the report, the Mission first of all reviewed the factual contextual background to the incident and came to its conclusions on the facts, which are set out in this report. The Mission expressed its opinion on the relevant principles of international law, including international humanitarian and human rights law on the basis of the facts it found. A segmented approach is taken to the analysis.

II. Background

A. Context

1. The blockade of the Gaza Strip

Pre-existing restrictions of maritime access to the Gaza Strip

26. Israel implemented a complete military occupation of the Gaza Strip from June 1967 until its first disengagement from parts of the Gaza Strip starting from May 1994 as part of the peace process. A series of peace agreements between 1993 and 1995 concluded between the State of Israel and the Palestinian Liberation Organization with international backing were intended, within a transitional period of five years, to regulate Israel's disengagement from the West Bank and Gaza Strip leading up to the conclusion of a permanent status agreement which would establish an independent Palestinian state alongside Israel. These agreements, often collectively referred to as the Oslo Accords, provided the basis for, amongst other matters, the establishment of the Palestinian Authority and Council and put in place interim arrangements for security cooperation between the Israeli and Palestinian police, including the policing of borders, maritime waters and airspace.

27. Under the Oslo Accords, it was agreed that the territorial waters off Gaza would be included in the territorial jurisdiction of the Palestinian Authority (PA).[8] However, the external security of the Gaza Strip was specifically excluded from the PA's functional jurisdiction;[9] responsibility for external security was retained by Israel until the final status agreement.[10] Article VIII of the Gaza-Jericho Agreement specifically states that "Israel shall continue to carry the responsibility … for defense against external threats from the sea and from the air … and will have all the powers to take the steps necessary to meet this responsibility." The agreed security arrangements and coordination mechanisms establish three maritime activity zones: a central zone extending twenty nautical miles out to sea, bounded by two one-nautical mile-wide strips of water at the Egyptian end and Israeli end of the Gaza Strip, both of which are closed military areas under Israeli control. The central zone, under joint Palestinian-Israeli control, was designated as open for fishing up to the twenty nautical miles limit and for recreational boats up to three nautical miles. Foreign

[8] Article 5, para. 1(a), Gaza-Jericho Agreement.
[9] Article 5, para. 1(b), Gaza-Jericho Agreement.
[10] Article 5, para. 3, Gaza-Jericho Agreement.

vessels entering the central zone were not allowed to approach closer than twenty nautical miles from the coast pending agreement on construction of a sea port for Gaza. Even though there was a breakdown in security cooperation between Israelis and Palestinians in the West Bank and Gaza Strip following the breakdown of bilateral peace negotiations in 2002, significant aspects of the Oslo Accords remain in force, including provisions related to the territorial waters off Gaza.

28. During the 1990s, following the contours of the peace negotiations, Israeli forces imposed periodic "closures" of the Palestinian areas, usually in response to suicide bombings inside Israel. These closures would last for a matter of weeks or months. Prior to the first peace accords, it was estimated that as many as 20,000 Gazans left the strip each day to work inside Israel, returning each evening. Closures impacted on the many families dependent on the wages earned by these workers.

Restrictions imposed on Gaza following the Hamas election victory

29. Since the beginning of the Second Intifada in 2000, a progressive restriction of the access for Gaza fishermen to the sea has taken place. According to OCHA the latest expansion of the restricted sea areas can be dated to late 2008, on the eve of the "Cast Lead" offensive.[11] Along most of Gaza's coast, the restricted areas begin at three nautical miles from shore. Overall, OCHA states that Palestinians are barred access to 85 per cent of the sea areas on which they are entitled to carry out maritime activities and that Palestinian fishermen entering the restricted sea areas are regularly exposed to warning fire by Israeli naval forces and in some cases, directly targeted and that fishing boats are often intercepted by the Israeli military and confiscated.

30. Economic and political measures started to be imposed against the Gaza Strip in February 2006 following the Hamas election victory in the legislative elections, accompanied by the withholding of financial resources on the part of donor countries. The closure on the Gaza Strip was imposed by Israel after Hamas took control of the Gaza Strip in June 2007. In September 2007, Israel declared the Gaza Strip "hostile territory" and that the movement of goods into and out of Gaza would be restricted for security concerns as well as in order to apply pressure on the Hamas government "as part of the State of Israel's operations against continuous terrorism."[12] Harsher fuel restrictions came into effect since October 2007.

31. In a petition to the Israeli Supreme Court,[13] the legality of the decision by the Government of Israel to reduce the supply of electricity and fuel was challenged based on the argument that such cuts were inconsistent with the obligations of Israel under the Fourth Geneva Convention relating to the protection of civilians. In its response, the State

[11] United Nations Office for the Coordination Humanitarian Affairs, occupied Palestinian territory (OCHA-oPt), *Between the Fence and a Hard Place*, (August 2010)

[12] "Hamas is a terrorist organization that has taken control of the Gaza Strip and turned it into hostile territory. This organization engages in hostile activity against the State of Israel and its citizens and bears responsibility for this activity. In light of the foregoing, it has been decided to adopt the recommendations that have been presented by the security establishment, including the continuation of military and counter-terrorist operations against the terrorist organizations. Additional sanctions will be placed on the Hamas regime in order to restrict the passage of various goods to the Gaza Strip and reduce the supply of fuel and electricity. Restrictions will also be placed on the movement of people to and from the Gaza Strip. The sanctions will be enacted following a legal examination, while taking into account both the humanitarian aspects relevant to the Gaza Strip and the intention to avoid a humanitarian crisis."
http://www.mfa.gov.il/MFA/Government/Communiques/2007/Security+Cabinet+declares+Gaza+hostile+territory+19-Sep-2007.htm

[13] Israeli Supreme Court, case HCJ 9132/07 – *Al Bassiouni vs. Prime Minister*.

Attorney's Office submitted, inter alia, that harming the economy itself is a legitimate means of warfare and a relevant consideration even when deciding on allowing in relief consignments.[14]

32. From mid-2008, in response to the Free Gaza Movement's attempts to enter Gaza by sea, the Israeli Government took a series of steps aimed initially at deterring shipping from travelling to the area. A Notice to Mariners was issued[15] stating that all ships entering the central zone of the Gaza Maritime Area would be "subject to supervision and inspection." Then, in August 2008, a second Notice to Mariners was issued stating that a maritime zone extends 20 miles to seaward from the Gaza Strip. In accordance with the agreements between Israel and the PA, entry by foreign vessels to this zone is prohibited.[16]

Imposition of the naval blockade

33. In his testimony to the Turkel Committee, Chief of General Staff Gabi Ashkenazi accepted that the "phenomenon of the flotillas" in mid-2008 represented the trigger for the imposition of the maritime closure, although he outlines that it was done for security purposes.[17] Israeli Chief Military Advocate General, Avichai Mandelblit also stated that the justification for a naval blockade was on security grounds only. However, plans for a full naval blockade were initially not approved at the political level "on grounds of legitimacy" and the possibility of what Mandelblit describes as "severe criticism" at the international level.[18]

34. Shortly prior to the initiation of Operation Cast Lead at the end of 2008, a recommendation for the initiation of a closure was made by the Military Advocate General to the Defence Minister, who directed the imposition of a maritime closure on the Gaza Strip until further notice.[19] The naval blockade of the Gaza Strip was established by Israel on 3 January 2009 and announced by the Israeli Navy on 6 January. The advisory states that "the Gaza maritime area is closed to all maritime traffic and is under blockade imposed by [the] Israeli Navy until further notice."[20] This advisory was publicized inter alia in a further Notice to Mariners (NTM) and through other channels. It was also publicized twice daily on the NAVTEX broadcast system, regularly updating shipping according to location via a direct-printing service.[21] Chief Military Advocate General Mandelblit stated that this

[14] Section 4 of State Submission to the Israeli Supreme Court in case HCJ 9132/07 – *Al Bassiouni vs.Prime Minister*. See http://www.gisha.org/UserFiles/File/turkel%2026-8-2010-3.pdf

[15] A Notice to Mariners advises mariners of important matters affecting navigational safety, including new hydrographic information, changes in channels and aids to navigation and other important data.

[16] Israeli Notice to Mariners 6/2008

[17] IDF Chief of General Staff, Gabi Ashkenazi's testimony to the Turkel Committee: Public Commission to Examine the Maritime Incident of May 31, 2010, Session Number 4, 11 August 2010, p. 13.

[18] IDF Chief Military Advocate General, Avichai Mandelblit's testimony to the Turkel Committee: Public Commission to Examine the Maritime Incident of May 31, 2010, Session Number 4, 26 August 2010, p. 41.

[19] IDF Chief of General Staff, Gabi Ashkenazi's testimony to the Turkel Committee: Public Commission to Examine the Maritime Incident of May 31, 2010, Session Number 4, 11 August 2010, pp. 18f.

[20] NO. 1/2009 Blockade of the Gaza Strip. See website of the State of Israel Ministry of Transport and Road Safety: http://info.mot.gov.il/EN/index.php?option=com_content&view=article&id=124:no12009&catid=17:noticetomariners&Itemid=12

[21] IDF Chief of General Staff, Gabi Ashkenazi's testimony to the Turkel Committee: Public Commission to Examine the Maritime Incident of May 31, 2010, Session Number 4, 11 August 2010, pp. 18f.

blockade was approved at ministry level by the State Attorney without involving military legal advice.[22]

35. Senior Israeli officials have stated that the legal basis for the blockade was (1) the San Remo Manual, (2) the London Declaration and (3) customary law[23] and the existence of an armed conflict between Hamas and Israel that had continued after Operation Cast Lead.[24]

36. A military closure order was signed by the Commander of the Israeli Navy on 28 May 2010,[25] prohibiting persons from entering a specified "closed area" referred to as "Area A" and advising all ships and persons to stay away from a "dangerous area" referred to as "Area B"[26] but, according to testimony received by the Mission, not gazetted. The order announcing the blockade was presented by the representative of the State in a hearing on the extension of detention of four Palestinian Arab citizens of Israel as the provision on the basis of which the Israeli forces entered international waters. The application to extend the arrest of the 4 individuals concerned was based on the argument that there had been a violation of the above mentioned order.

2. The humanitarian situation in the Gaza Strip

37. The humanitarian situation in Gaza resulting from the imposition of the blockade on the Gaza Strip since June 2007 has been a matter of increasing concern for the international community, including the Security Council. Following the Flotilla incident, the Security Council qualified the situation in Gaza as "not sustainable", stressing the full implementation of Resolutions 1850 (2008) and 1860 (2009), in which it, inter alia, expressed "grave concern [...] at the deepening humanitarian crisis in Gaza", emphasized "the need to ensure sustained and regular flow of goods and people through the Gaza crossings" and called for the "unimpeded provision and distribution throughout Gaza of humanitarian assistance, including food, fuel and medical treatment." In the Presidential Statement, the Security Council reiterated its "grave concern at the humanitarian situation in Gaza" and stressed "the need for sustained and regular flow of goods and people to Gaza as well as unimpeded provision and distribution of humanitarian assistance throughout Gaza."[27] In addition, the United States Ambassador to the United Nations in Geneva said "we continue to believe the situation in Gaza is unsustainable and is not in the interest of any of those concerned".[28]

38. In a United Nations joint statement issued on 31 May, Robert Serry, the United Nations Special Coordinator for the Middle East Peace Process and Filippo Grandi,

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[22] IDF Chief Military Advocate General Staff, Avichai Mandelblit's testimony to the Turkel Committee: Public Commission to Examine the Maritime Incident of May 31, 2010, Session Number 4, 26 August 2010, pp. 41-43.

[23] Ibid., p. 43.

[24] Ibid., pp. 44-45.

[25] Closure Order and Announcement of Dangerous Area in Sea 06(10, 2010 [Defense (Emergency) Regulations of 1945].

[26] Extract of the hearing on 1 June 2010 on the detention of the four Palestinian Arab citizens of Israeli, before the Ashkelon Magistrates Court (unofficial translation).

[27] S/PRST/2010/9. In Security Council resolution 1860 (2009) of 8 January 2009, the Council expressed "grave concern ...at the deepening humanitarian crisis in Gaza" and emphasized "the need to ensure sustained and regular flow of goods and people through the Gaza crossings. It called for the "unimpeded provision and distribution throughout Gaza of humanitarian assistance, including food, fuel and medical treatment".

[28] Statement by the representative of the United States of American to the Human Rights Council, Geneva, 1 June 2010.

Commissioner-General of the United Nations Relief and Works Agency (UNRWA) emphasized that "such tragedies are entirely avoidable if Israel heeds the repeated calls of the international community to end its counterproductive and unacceptable blockade of Gaza." In a public statement issued on 14 June 2010, the International Committee of the Red Cross (ICRC) described the impact of the closure on the situation in Gaza as "devastating" for the 1.5 million people living there, emphasizing that "the closure constitutes a collective punishment imposed in clear violation of Israel's obligations under international humanitarian law", saying the only sustainable solution was a lifting of the closure.

39. Similarly, the Human Rights Committee, in its concluding observations of 3 September 2010, expressed its concern at the "effects of the blockade on the civilian population in the Gaza Strip, including restrictions to their freedom of movement, some of which led to deaths of patients in need of urgent medical care, as well as restrictions on the access to sufficient drinking water and adequate sanitation." It recommended that Israel lift the military blockade of Gaza, insofar as it adversely affects the civilian population.[29]

40. According to information provided to the Mission by the United Nations Office for the Coordination of Humanitarian Affairs (OCHA) in the occupied Palestinian territory, the blockade exacerbated the already existing difficulties of the population in Gaza in terms of livelihoods and brought to new peaks the severe human dignity crisis resulting from the deteriorated public services, widespread poverty, food insecurity, over 40 per cent unemployment and 80 per cent aid dependence (i.e. some 80 per cent of the population receives humanitarian assistance, mainly food). People's lives were reduced to a daily struggle in an attempt to secure the most basic needs.

41. "Abject poverty" among refugees has tripled since the imposition of the blockade from 100,000 to 300,000 and 61 per cent of households are food insecure. There has been a shift in diet (from protein rich to low cost and high carbohydrate foods), triggering concerns over mineral and vitamin deficiencies. Moreover, Gaza has been affected by a protracted energy crisis, with the power plant operating at 30 per cent of its capacity, scheduled cuts of 8-12 hours per day, leaving households with partial food refrigeration. Services and utilities are forced to rely on generators and UPS units vulnerable due to inconsistent supply of spare parts.

42. Water and sanitation services have deteriorated and resulted in over 40 per cent of water loss due to leakages. On a daily basis, eighty million litres of untreated and partially treated sewage is discharged into the environment. Polluted sea water has led to increased health risks and as a result of sewage infiltrating into the aquifer only between five and ten per cent of the extracted water is safe. Challenges to the health system include the impossibility of ensuring that medical equipment is available and properly maintained, while referral abroad is subject to long and arduous permit processing and medical staff are prevented from upgrading knowledge and skills.

43. On 20 June 2010, the Security Cabinet of the Government of Israel decided on several steps to implement a new Governmental policy towards Gaza, seeking to keep weapons and war material out of Gaza while liberalizing the system by which civilian goods enter Gaza.[30] In July, the United Nations and international relief agencies cautiously welcomed the easing of import restrictions on the blockade, but emphasized that only a complete lifting of the blockade can address the humanitarian crisis, highlighting that this

[29] CCPR/C/ISR/CO/3, para. 8

[30] See http://www.mfa.gov.il/MFA/HumanitarianAid/Palestinians/Briefing-Israel_new_policy_towards_Gaza_5-Jul-2010.htm outlining specific elements of the new policy.

would also mean bringing exports out of Gaza in order to rebuild the economy destroyed by the blockade.[31]

44. At the end of August, OCHA reported that despite the easing of the restrictions and an increase of imports into the Gaza Strip for some weeks, ongoing restrictions on the entry of construction materials, as well as on exports, continued to impede major reconstruction and development, noting that the truckloads of goods entering Gaza during the week of 18 to 24 August constituted only 37 per cent of the weekly average of truckloads that entered during the first five months of 2007, prior to the imposition of the blockade. In the same report, OCHA also highlights the continuing fuel shortage and electricity crisis in the Gaza Strip.[32] The impact of the power cuts in terms of putting people's lives at risk, for instance those people in need of medical treatment (i.e. dialysis patients), was also highlighted by the ICRC in a press release on 7 September 2010.

3. Information on recent armed hostilities

45. According to OCHA, in 2010, 41 Palestinians (including 14 civilians), 3 Israeli soldiers and one foreign national have been killed in the context of the Palestinian-Israeli conflict in the Gaza Strip and southern Israel, with another 178 Palestinians (including 154 civilians) and 8 Israeli soldiers having been injured.[33] According to the Israeli Defense Forces, a total of 120 rockets were fired from the Gaza Strip into Israel from 1 January to 31 July 2010.[34] This figure does not include failed attempts or firing directly at Israeli forces.

B. Applicable law

46. At the outset it should be noted that a State is responsible for the conduct of its officials, including its armed forces, when acting either in their official capacity or when acting under the authority of, and using means put at their disposal by, the State, even if exceeding their authority or contravening instructions.[35] In the course of enforcement actions carried out by a State, certain fundamental, minimum obligations are applicable at all times, whether an operation is governed by the laws of armed conflict (LOAC) or the laws of international human rights law. The content of those obligations is not affected by the legality or otherwise of a State's claim to exercise authority over individuals or property.

47. However, acting in an official capacity does not relieve a State agent of individual criminal responsibility. It is possible that individual criminal liability and State responsibility may arise from the same act. The fact that the State bears international responsibility does not mean that individuals cannot also bear individual criminal liability.

[31] See http://www.irinnews.org/Report.aspx?ReportId=89762

[32] Protection of Civilians Weekly Report, 18-24 August 2010, United Nations OCHA oPt, p.4.

[33] Protection of Civilians Weekly Report, 18-24 August 2010, United Nations OCHA oPt, p.3.

[34] http://dover.idf.il/IDF/English/News/today/10/08/1203.htm

[35] Article 7, International Law Commission Articles on Responsibility of States for Internationally Wrongful Acts, [2001] Vol. II(2) ,*Yearbook of the International Law Commission*, p. 45. See also: Caire (1929) 5 Reports of International Arbitral Awards 516; Mallén (1925) 4 Reports of International Arbitral Awards 173.

1. The law of naval warfare and the question of the blockade

48. Considering the issues raised by the mandate given to the Mission which involved issues of law relating to naval warfare and the matter of a naval blockade imposed by Israel, the Mission views those matters as follows.

49. According to applicable international law, unless an exception applies, a vessel on the high seas is subject to the exclusive jurisdiction of its flag State. Under the international law of the sea such exceptions are usually limited to suspicion of certain activities (piracy, the slave trade, unauthorized high seas broadcasting), ships suspected of lacking nationality (i.e. stateless vessels) and cases where permission to board and inspect have been given either ad hoc or by treaty (e.g. those related to narcotics smuggling).[36] Other exceptions would include acts of self-defence under Article 51 of the United Nations Charter against vessels which posed an immediate and overwhelming threat to the boarding State and lawful acts under LOAC.

50. It has been suggested that the United Nations Convention on the Law of the Sea (UNCLOS), by reserving the use of the high seas for peaceful purposes,[37] has effectively outlawed acts of naval warfare on the high seas. First, it should be noted that Israel is not a party to the Convention. Second, there was no consensus on this position during the negotiation of the Convention and it was certainly not accepted by the major naval powers at the time. Indeed, the military manuals of many States (both UNCLOS parties and non-parties) continue to include provisions on the law of naval warfare and blockade.[38] Further, a report of the United Nations Secretary General found that these UNCLOS provisions did not affect action that was lawful either under the law of self-defence under Article 51 of the Charter of the United Nations (the *jus ad bellum*) or acts justified by the law of armed conflict (LOAC) once an armed conflict has commenced (the *jus in bello*).[39] The majority of scholarly opinion would also support the view that the law of naval warfare continues to be potentially applicable on the high seas. One attempt at codifying this law was the independent expert study, the San Remo Manual on International Law Applicable to Armed Conflicts at Sea (SRM).[40] While not authoritative, its codification effort has had a significant impact on the formulation of military manuals and it has been expressly relied upon by Israel.

Blockade

51. Under the laws of armed conflict, a blockade is the prohibition of all commerce with a defined enemy coastline. A belligerent who has established a lawful blockade is entitled

[36] See, in particular, United Nations Law of the Sea Convention 1982, United Nations, *Treaty Series*, vol. 1833, No. 31363, art. 110(1); Convention on the High Seas 1958, United Nations, *Treaty Series*, vol. 450, No. 6465, art. 22.

[37] United Nations, *Treaty Series*, vol. 1833, No. 31363, arts. 88, 141 and 301.

[38] UK Ministry of Defence, *The Manual of the Law of Armed Conflict* (Oxford University Press, 2004) (hereinafter, UK Manual); Dieter Fleck (ed), *Handbook of International Humanitarian Law* 2nd edition (Oxford University Press, 2008), being an annotated translation of the German military manual (hereinafter, German Manual); *The Law of Armed Conflict at the Operational and Tactical Levels* (2004), available at the website of the Canadian Office of the Judge Advocate General, http://www.forces.gc.ca/jag/publications/Training-formation/LOAC-DDCA_2004-eng.pdf (hereinafter, Canadian Manual); *Commander's Handbook of the Law of Naval Operations* (US, 2007), available at http://usnwc.edu/getattachment/a9b8e92d-2c8d-4779-9925-0defea93325c/1-14M_(Jul_2007)_(NWP) (hereinafter, US Manual).

[39] Report of the Secretary General, "Study on the Naval Arms Race", (A/40/535), 1985, para. 188.

[40] As reproduced in Louise Doswald-Beck et al (eds.), *San Remo Manual on International Law Applicable to Armed Conflicts at Sea* (Cambridge University Press, 1995). Available at: http://www.icrc.org/ihl.nsf/FULL/560?OpenDocument.

to enforce that blockade on the high seas.[41] A blockade must satisfy a number of legal requirements, including: notification, effective and impartial enforcement and proportionality.[42] In particular a blockade is illegal if:

(a) it has the sole purpose of starving the civilian population or denying it other objects essential for its survival; or

(b) 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.[43]

52. A blockade may not continue to be enforced where it inflicts disproportionate damage on the civilian population. The usual meaning of "damage to the civilian population" in the law of armed conflict refers to deaths, injuries and property damage. Here the damage may be thought of as the destruction of the civilian economy and prevention of reconstruction further to damage. One might also note, insofar as many in Gaza face a shortage of food or the means to buy it, that the ordinary meaning of "starvation" under the law of armed conflict is simply to cause hunger.[44]

53. In evaluating the evidence submitted to the Mission, including by OCHA oPt, confirming the severe humanitarian situation in Gaza, the destruction of the economy and the prevention of reconstruction (as detailed above), the Mission is satisfied that the blockade was inflicting disproportionate damage upon the civilian population in the Gaza strip and that as such the interception could not be justified and therefore has to be considered illegal.

54. Moreover, the Mission emphasizes that according to article 33 of the Fourth Geneva Convention, collective punishment of civilians under occupation is prohibited. "No protected person may be punished for an offence he or she has not personally committed. Collective penalties and likewise all measures of intimidation or of terrorism are prohibited." The Mission considers that one of the principal motives behind the imposition of the blockade was a desire to punish the people of the Gaza Strip for having elected Hamas. The combination of this motive and the effect of the restrictions on the Gaza Strip leave no doubt that Israel's actions and policies amount to collective punishment as defined by international law. In this connection, the Mission supports the findings of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, Richard Falk,[45] the report of the United Nations Fact-Finding Mission on the Gaza Conflict[46] and most recently the ICRC[47] that the blockade amounts to collective punishment in violation of Israel's obligations under international humanitarian law.

55. It might be suggested that a belligerent in an armed conflict has a right to visit, inspect and control the destinations of neutral vessels on the high seas, irrespective of any

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41 San Remo Manual, para.10(b).

42 Ibid., paras. 93-95, 100.

43 Ibid., para 102.

44 C. Pilloud and J. Pictet, *Commentary on the Additional Protocols of 8 June 1977 to the Geneva Conventions of 12 August 1949* (International Committee of the Red Cross, 1987), p.53, para. 2089. See also Oxford English Dictionary definitions: "to deprive of or keep scantily supplied with food" or to "subdue by famine or low diet".

45 A/HRC/13/53, para.34

46 The Mission considered the policy of blockade "amounts to collective punishment intentionally inflicted by the Government of Israel on the people of Gaza"; A/HRC/12/48, para. 1878.

47 In its statement of 14 June 2010, the ICRC maintained that "the whole of Gaza's civilian population is being punished for acts for which they bear no responsibility. The closure therefore constitutes a collective punishment imposed in clear violation of Israel's obligations under international humanitarian law".

declared blockade. Whilst there is some controversy on this issue, the San Remo Manual and a number of military manuals take the view that the right may only be exercised upon reasonable suspicion that a vessel is engaged in activities which support the enemy.[48] The Mission takes the view that a right of interference with third States' freedom of navigation should not lightly be presumed.

56. Thus, if there is no lawful blockade, the only lawful basis for intercepting the vessel would be a reasonable suspicion that it:

- was making an effective contribution to the opposing forces' war effort, such as by carrying weaponry or was otherwise closely integrated into the enemy war effort (belligerent right of capture);[49] or
- posed an imminent and overwhelming threat to Israel and there was no alternative but to use force to prevent it (self-defence under Article 51 of the United Nations Charter).

In view of the information available, the Mission is satisfied that the interception of the flotilla and related preparatory planning by Israel was not purely motivated by concerns as to the vessels' contribution to the war effort. Evidence attributed to the Chief of General Staff, Gabi Ashkenazi, who testified that he did not believe that the Foundation for Human Rights and Freedoms and Humanitarian Relief (IHH), one of the coalition members organizing the flotilla, was a "terrorist organization".[50] The evidence of Prime Minister Netanyahu to the Turkel Committee indicates that the decision to stop the flotilla was not taken because the vessels in themselves posed any immediate security threat. In any event, no such right of belligerent interdiction or wider claim of self-defence against the Flotilla has been asserted by Israel.

57. Therefore the Mission is satisfied not only that the flotilla presented no imminent threat but that the interception was motivated by concerns about the possible propaganda victory that might be claimed by the organizers of the flotilla.

58. Given the evidence at the Turkel Committee, it is clear that there was no reasonable suspicion that the Flotilla posed any military risk of itself. As a result, no case could be made for intercepting the vessels in the exercise of belligerent rights or Article 51 self-defence. Thus, no case can be made for the legality of the interception and the Mission therefore finds that the interception was illegal.

59. The Mission finds that the policy of blockade or closure regime, including the naval blockade imposed by Israel on Gaza was inflicting disproportionate civilian damage. The Mission considers that the naval blockade was implemented in support of the overall closure regime. As such it was part of a single disproportionate measure of armed conflict and as such cannot itself be found proportionate.

60. Furthermore, the closure regime is considered by the Mission to constitute collective punishment of the people living in the Gaza Strip and thus to be illegal and contrary to article 33 of the Fourth Geneva Convention.

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[48] San Remo Manual, paras 118 and 67; UK Manual, para 13.91.

[49] Ibid., paras. 67 and 146.

[50] Turkel Committee: Public Commission to Examine the Maritime Incident of May 31, 2010, Session Number 4, 11 August 2010, responding to a question by Professor Deutch; see http://www.turkel-committee.gov.il/files/wordocs/07790ga.doc. The Mission notes that a German-based organization called "Internationale Humanitaere Hilfsorganisation" that shares the same abbreviation but has no connection with the Turkish organization, is under investigation in Germany for alleged "terrorist" links.

61. The Mission considers that the enforcement of an illegal blockade does not only constitute a violation of the laws of war, but also a violation of the laws of neutrality giving rise to State responsibility.

2. International humanitarian law

62. The relevant international humanitarian law standards binding on Israel as the occupying power in the occupied Palestinian territory are set out in the Fourth Geneva Convention of 1949 relative to the Protection of Civilian Persons in Time of War. In addition, Israel is bound by customary rules of international humanitarian law.

63. As the occupying power, Israel has certain obligations imposed on it by international law. The International Court of Justice has concluded that the Fourth Geneva Convention is applicable in the occupied Palestinian territories which before the 1967 conflict lay to the east of the Green Line and which during the conflict were occupied by Israel.[51] This is also the case for the Gaza strip, despite the unilateral withdrawal by Israel of the forces from the Gaza Strip in 2005, as the occupation has been confirmed repeatedly since then by the General Assembly and the Security Council.[52] In this context, the Mission notes that occupation continues to the extent to which the occupying power retains effective control.

64. The Mission agrees with the assessment presented in the Goldstone Report as follows:

> Given the specific geopolitical configuration of the Gaza Strip, the powers that Israel exercises from the borders enable it to determine the conditions of life within the Gaza Strip. Israel controls the border crossings (including to a significant degree the Rafah crossing to Egypt, under the terms of the Agreement on Movement and Access) and decides what and who gets in or out of the Gaza Strip. It also controls the territorial sea adjacent to the Gaza Strip and has declared a virtual blockade and limits to the fishing zone, thereby regulating economic activity in that zone. It also keeps complete control of the airspace of the Gaza Strip, inter alia, through continuous surveillance by aircraft and unmanned aviation vehicles (UAVs) or drones. It makes military incursions and from time to time hit[s] targets within the Gaza Strip. No-go areas are declared within the Gaza Strip near the border where Israeli settlements used to be and enforced by the Israeli armed forces. Furthermore, Israel regulates the local monetary market based on the Israeli currency (the new sheqel) and controls taxes and custom duties.[53]

The Mission is satisfied that these circumstances continued to prevail at the time of the incident under investigation.

65. Under the Fourth Geneva Convention, individuals may not be killed, tortured, ill-treated or suffer humiliating and degrading treatment and there may not be destruction of property unless absolutely necessary for the military operation. Article 147 of the Fourth Geneva Convention spells out a list of "grave breaches" of international humanitarian law.

66. Flotilla passengers were civilians and in the context of the interception of the vessels must be considered protected persons. Under article 4 of the Fourth Geneva Convention, protected persons "are those who, at a given moment and in any manner whatsoever, find themselves … in the hands of a Party to the conflict or Occupying Power of which they are

[51] *Legal Consequences of the construction of a Wall in the Occupied Palestinian Territory*, Advisory Opinion of 9 July 2004, ICJ Reports 2004, para. 101.

[52] Security Council resolution 1860 (2009); General Assembly resolutions 64/92 and 64/94.

[53] Human Rights in Palestine and Other Occupied Arab Territories: Report of the United Nations Fact-Finding Mission on the Gaza Conflict, A/HRC/12/48 (25 September 2009), para. 278.

not nationals". In a situation of armed conflict, military force can only be used against a combatant or against civilians participating actively and directly in combat activities, which cannot be said of the civilians on the *Mavi Marmara*.

3. International human rights law

67. Israel is party to the core human rights treaties relevant to the situation under consideration.[54] The vessels in the flotilla whilst in international waters were also subject to the jurisdiction of the flag states, namely Cambodia (*Rachel Corrie*), Comoros (*Mavi Marmara*), Greece (*Eleftheri Mesogios*), Kiribati (*Defne Y*), Togo (*Sfendoni*), Turkey (*Gazze 1*) and the United States of America (*Challenger 1*), The international human rights treaties accepted by each of these States at the time of the incident under investigation were applicable on the relevant vessels.

68. Human rights law in its entirety continues to apply in situations of armed conflict, except for derogations in accordance with treaty provisions relating to times of emergencies. In this respect the Mission notes the recent reiteration by the Human Rights Committee of its view that "the applicability of the regime of international humanitarian law during an armed conflict, as well as in a situation of occupation, does not preclude the application of the International Covenant on Civil and Political Rights, except by operation of article 4, whereby certain provisions may be derogated from in a time of national emergency."[55] In its General Comment 29, the Human Rights Committee specified that the Covenant continues to apply in situations of armed conflict to which the rules of international humanitarian law are applicable. "While, in respect of certain Covenant rights, more specific rules of international humanitarian law may be especially relevant for the purposes of the interpretation of Covenant rights, both spheres of law are complementary, not mutually exclusive."[56]

69. Moreover, in the *Nuclear Weapons Advisory Opinion* (1996) the ICJ affirmed the applicability of the Covenant during armed conflict, stating that "In principle, the right not arbitrarily to be deprived of one's life applies also in hostilities. The test of what is an arbitrary deprivation of life, however, then falls to be determined by the applicable *lex specialis*, namely, the law applicable in armed conflict which is designed to regulate the conduct of hostilities. Thus whether a particular loss of life, through the use of a certain weapon in warfare, is to be considered an arbitrary deprivation of life contrary to Article 6 of the Covenant can only be decided by reference to the law applicable in armed conflict and not deduced from the terms of the Covenant itself."[57]

70. In its *Advisory Opinion on the Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*, the Court considered that "the protection offered by the human rights conventions does not cease in case of armed conflict, save through the effect of provisions for derogation of any kind to be found in Article 4 of the International Covenant on Civil and Political Rights. As regards the relationship between international humanitarian law and human rights law, there are thus three possible situations: some rights may be exclusively matters of international humanitarian law; others may be exclusively

[54] ICCPR, ICESCR, CEDAW, ICERD, CAT, CRC and the OP on the involvement of children in Armed Conflict.

[55] CCPR/ISR/CO/3, para. 5

[56] Human Rights Committee, general comment No. 29, para. 3, also incorporated into general comment 31, para. 11.

[57] *Legality of the Threat or Use of Nuclear Weapons, Advisory Opinion of 8 July 1996*, 1996 ICJ Reports, p. 226, para. 25.

matters of human rights law; yet others may be matters of both these branches of international law."[58]

71. The Mission is of the view that the conduct of the IDF on board the Mavi Marmara as well as the conduct of the authorities in the aftermath of the operation is not limited strictly to the law of armed conflict, but is subject also to human rights law. Indeed human rights law and international humanitarian law are not mutually exclusive but rather should be regarded as complementary and mutually reinforcing to ensure the fullest protection to the persons concerned.

72. The International Covenant contains several articles which cannot be derogated from even "in times of public emergency which threatens the life of the nation (art. 4)." Non-derogable rights include the right to life and the right not to be subjected to torture or to cruel, inhuman or degrading treatment of punishment. Israel has made a notification under article 4(3) of the International Covenant – states of emergency, dated 3 October 1991, specifically relevant to article 9 regarding liberty and security of person.[59] In this connection, the Human Rights Committee extends in its General Comment No. 29 the list of non-derogable provisions as provided for by article 4 (2), emphasizing that States parties to the Covenant "may in no circumstances invoke article 4 of the Covenant as a justification for acting in violation of humanitarian law or peremptory norms of international law, for instance by taking hostages, by imposing collective punishments, through arbitrary deprivation of liberty or by deviating from fundamental principles of fair trial, including the presumption of innocence."[60]

73. Article 2 of the International Covenant obliges each State party to respect and to ensure to all individuals "within its territory and subject to its jurisdiction" the rights recognized within it. The extra-territorial applicability was elaborated by the Human Rights Committee in its general comment 31: "A State party must respect and ensure the rights laid down in the Covenant to anyone with the power or effective control of that State party, even if not situated within the territory of the State party."[61] The applicability of the ICCPR "in respect of acts done by a State in the exercise of its jurisdiction outside its own territory" was confirmed by the ICJ in its 2004 Advisory Opinion on the Wall.[62] The

[58] *Legal Consequences of the construction of a Wall in the Occupied Palestinian Territory*, Advisory Opinion of 9 July 2004, ICJ Reports 2004, para. 101, para 106.

[59] "Since its establishment, the State of Israel has been the victim of continuous threats and attacks on its very existence as well as on the life and property of its citizens.
"These have taken the form of threats of war, of actual armed attacks and campaigns of terrorism resulting in the murder of and injury to human beings.
"In view of the above, the State of Emergency which was proclaimed in May 1948 has remained in force ever since. This situation constitutes a public emergency within the meaning of article 4 (1) of the Covenant.
"The Government of Israel has therefore found it necessary, in accordance with the said article 4, to take measures to the extent strictly required by the exigencies of the situation, for the defence of the State and for the protection of life and property, including the exercise of powers of arrest and detention.
"In so far as any of these measures are inconsistent with article 9 of the Covenant, Israel thereby derogates from its obligations under that provision."

[60] Human Rights Committee, general comment No. 29, para. 11 (HRI/GEN/Rev.9 (Vol.I))

[61] Human Rights Committee, general comment No. 31, para. 10.

[62] *Legal Consequences of the construction of a Wall in the Occupied Palestinian Territory*, Advisory Opinion of 9 July 2004, ICJ Reports 2004,, paragraph 111.

Human Rights Committee itself has reaffirmed this view in its recent consideration of Israel in July 2010.[63]

74. Other relevant United Nations human rights standards applicable to member States of the United Nations include the Code of Conduct for Law Enforcement Officials; the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials; the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment; and the Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions.

III. Interception of the flotilla by the Israeli Navy and its aftermath

A. Organization of the Gaza flotilla and the response of the Government of Israel

Factual description and findings

75. The Mission found the facts set out below to have been established to its satisfaction.

(a) The aims of the Free Gaza Movement and the Gaza flotilla of May 2010

76. The Free Gaza Movement, a human rights organization registered as a charity in Cyprus, organized five successful boat voyages to Gaza between August and December 2008 using on each occasion one or two small boats. The self-declared purpose of the voyages was to break the blockade on Gaza. The boats were not intercepted by the Israeli authorities at the time, although some threatening messages were received by the organizers from the Israeli authorities. A sixth mission in December 2008 was obliged to divert to

[63] CCPR/ISR/CO/3, para.5: "The Committee reiterates its view, previously noted in paragraph 11 of its concluding observations on the State party's second periodic report (CCPR/CO/78/ISR) and paragraph 10 of its concluding observations on the State party's initial report (CCPR/C/79/Add.93), that the applicability of the regime of international humanitarian law during an armed conflict, as well as in a situation of occupation, does not preclude the application of the Covenant, except by operation of article 4, whereby certain provisions may be derogated from in a time of national emergency. The Committee's position has been endorsed, unanimously, by the International Court of Justice in its *Advisory Opinion on the Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory* (Advisory Opinion, I.C.J. Reports 2004, p. 136), according to which the Covenant is applicable in respect of acts done by a State in exercise of its jurisdiction outside its own territory. Furthermore, the applicability of the regime of international humanitarian law does not preclude accountability of States parties under article 2, paragraph 1, of the Covenant for the actions of their authorities or agents outside their own territories, including in occupied territories. The Committee therefore reiterates and underscores that, contrary to the State party's position, in the current circumstances, the provisions of the Covenant apply to the benefit of the population of the occupied territories, including in the Gaza Strip, for all conduct by the State party's authorities or agents in those territories affecting the enjoyment of rights enshrined in the Covenant (arts. 2 and 40). The State party should ensure the full application of the Covenant in Israel as well as in the occupied territories, including the West Bank, East Jerusalem, the Gaza Strip and the occupied Syrian Golan Heights. In accordance with the Committee's general comment No. 31, the State party should ensure that all persons under its jurisdiction and effective control are afforded the full enjoyment of the rights enshrined in the Covenant."

Lebanon after the boat was rammed and severely damaged by the Israeli Navy and a seventh mission in January 2009 was aborted after fears it too would be rammed.

77. On 29 June 2009, approximately 20 nautical miles from the coast of Gaza, the Israeli Navy intercepted a boat called the "Spirit of Humanity" owned by the Free Gaza Movement, carrying 21 passengers and a cargo of humanitarian aid to Gaza. After Israeli requests to turn around were refused, the boat was boarded and taken to Ashdod where the passengers were arrested and detained.

78. After these unsuccessful attempts, the Free Gaza Movement sought wider collaboration with other organizations with a view to increasing the number of boats on future missions. The Movement established contact with a number of organizations including a Turkish humanitarian organization called the Foundation for Human Rights and Freedoms and Humanitarian Relief (IHH) which enjoys consultative status with the Economic and Social Council. IHH, which has been active in over 120 countries and territories including the Gaza Strip, had been planning its own mission to Gaza and committed to joining the flotilla with two cargo vessels and a newly-purchased passenger boat with a total carrying capacity of over six hundred passengers. A number of other organizations, including Ship to Gaza (Sweden), Ship to Gaza (Greece) and the European Campaign to Break the Siege on Gaza, also agreed to join what became known as the "Gaza Freedom Flotilla".

79. The stated aims of the Flotilla, as testified by the leaders of the Free Gaza Movement and IHH, were threefold: (a) to draw international public attention to the situation in the Gaza Strip and the effect the blockade; (b) to break the blockade; and (c) to deliver humanitarian assistance and supplies to Gaza. All participants interviewed by the Mission shared their aims, although most placed emphasis on the delivery of humanitarian aid.

80. The Mission notes a certain tension between the political objectives of the flotilla and its humanitarian objectives. This comes to light the moment that the Government of Israel made offers to allow the humanitarian aid to be delivered via Israeli ports but under the supervision of a neutral organization. The Mission also notes that the Gaza Strip does not possess a deep sea port designed to receive the kind of cargo vessels included in the flotilla, raising practical logistical questions about the plan to deliver large quantities of aid by the route chosen. Whilst the Mission is satisfied that the flotilla constituted a serious attempt to bring essential humanitarian supplies into Gaza, it seems clear that the primary objective was political, as indeed demonstrated by the decision of those on board the *Rachel Corrie* to reject a Government of Ireland-sponsored proposal that the cargo in that ship to be allowed through Ashdod intact.

(b) Composition of the flotilla

81. The flotilla was composed initially of eight vessels carrying a total of 748 persons (see table in annexes):

- *M.V. Mavi Marmara* – a passenger ship registered in the Comoros[64] and owned by IHH;
- *M.V. Defne Y* – a cargo boat registered in Kiribati and owned by IHH;
- *M.V. Gazze 1* – a cargo boat registered in Turkey and owned by IHH;

[64] The ship was bought by IHH early in 2010 with funds raised by members and was registered with the Comoros just a few days before it set sail for Gaza.

- *M.V. Sfendoni or Sfendonh* – a passenger boat registered in Togo and owned by Sfendonh S.A. based in the Marshall Islands. The boat was given an alternative name, "Boat 8000", just before it joined the flotilla which was used in official Israeli accounts;
- *M.V. Eleftheri Mesogios or Sofia* – a cargo boat registered in Greece and owned by the Eleftheri Mesogios Marine Company based in Athens. The Greek name of the ship translates as "Free Mediterranean" and an alternative name "Sofia" is also used in some accounts;
- *Challenger 1* – a pleasure boat registered in the United States of America and owned by the Free Gaza Movement;
- *Challenger 2* – a pleasure boat registered in the United States of America and owned by Free Gaza Movement; and
- *M.V. Rachel Corrie* – a cargo ship registered in Cambodia and owned by the Free Gaza Movement.

The participating organizations were obliged to purchase their own vessels since commercial shipping companies were reluctant to allow their vessels to be chartered for the planned flotilla. The services of the crew of the IHH-owned cargo ships were procured through an agency in Istanbul.

82. The *Challenger 2* withdrew from the flotilla when it developed engine problems. Its passengers were transferred to the *Challenger 1* and the *Mavi Marmara* in international waters. The departure of the *Rachel Corrie* from Ireland was delayed and it therefore was unable to join the flotilla on 31 May. Since it was intercepted by the Israeli Navy on 6 June in international waters and its passengers went through the same detention and deportation process, the Mission has included this vessel in its investigation.

83. In line with practice during previous trips, some passengers planned to board certain ships in international waters after being ferried from Cyprus. However, at the last moment, the Cypriot authorities refused to allow these passengers to embark. After a series of failed attempts to embark from ports in the south of the island, some passengers were able to embark from the port of Famagusta.

(c) Preparation of the flotilla

84. The participating organizations in the flotilla were loosely bound together by a nine-point agreement, entitled "Points of Unity", delineating the points of common purpose shared by all participants, including their commitment to resist interception only through the use of non-violent means. According to the Free Gaza Movement, a steering committee, made of representatives of the participant organizations, was set up in each vessel.

85. Individuals with some 40 different nationalities joined the flotilla. Each organization applied its own criteria in selecting who should join the various vessels. There was no unified protocol across all participating organizations to register prospective passengers using a single signed form, although individual organizations did require applications to be filled out and a screening and selection process took place. Many of the participants interviewed did not have specific skills or qualifications for humanitarian work. Some organizations said that they selected participants on the basis of their qualifications (for example, medical doctors), status as people of influence (parliamentarians, authors) as well as their ability to resist provocation. Some organizers expressed a preference for people who were known to them.

86. The mission's attention was drawn to allegations that one of the passengers on the ship, who had logistical responsibilities with regard to the cargo on the *Mavi Marmara*, was

convicted and had served a term of imprisonment for his involvement in the 1996 hijacking of a Russian ferry boat. The hijackers were demanding the release of Chechen prisoners at the time.[65]

87. Participants raised money within their communities for the trip and also solicited cash donations which would be given directly to the population of Gaza.

88. There was stringent security surrounding the *Mavi Mamara* in the port of Antalya and all items taken on board were checked. Passengers and their luggage were subjected to security checks similar to those found in airports before boarding, including body searches The passengers who were transferred from the *Challenger 1* onto the *Mavi Marmara* on the ocean were subjected to the same security checks.

89. Similar meticulous security checks were carried out on passengers onboard the *Eleftheri Mesogios* at the port in Greece. The *Sfendoni* was primarily carrying passengers but also had on board a few medical items, including an ultra-sound machine, which had been donated. The boat's captain personally checked the machine and the boat to confirm that there were no weapons or similar items on board. Witnesses also said that the cargo on board the *Rachel Corrie* was checked by three independent authorities and sealed before it left Ireland. The seals remained intact when the ship was boarded by the Israelis.

90. Testimony did not show a clear logistical plan as to how the large amounts of humanitarian aid being carried by the cargo ships in the flotilla would be unloaded in Gaza given the limited port facilities in Gaza. One witness said that he understood that IHH workers already in Gaza were preparing cranes to off-load the cargo into smaller boats. Another witness confirmed this plan and said that the *Eleftheri Mesogios* itself had a crane.

(d) Planned course and destination of the flotilla

91. The vessels participating in the flotilla to Gaza departed from different ports at different dates, as shown below and made for an agreed rendezvous point in international waters, approximately 40 nautical miles south of Cyprus. The following vessels proceeded to the rendezvous as follows:

- 14 May 2010, *Gazze 1* departs from Istanbul to Iskenderun
- 18 May, *Rachel Corrie* departs Greenore Port, Ireland, bound for Malta. It had initially left Dundalk on 14 May but stopped for repairs.
- 22 May, *Mavi Marmara* departs from Istanbul to Antalya, Turkey
- 22 May, *Gazze 1* departs Iskenderun towards Gaza
- 24 May, *Defne Y* departs from Istanbul
- 24 May, *Elftheri Mesogios* departs Piraeus, Greece
- 25 May, *Mavi Marmara* arrives in Antalya, Turkey
- 25 May, *Sfendoni* departs Piraeus, Greece (then makes an intermediary stop in Rhodes).
- 28 May, *Mavi Marmara* departs Antalya, Turkey.
- 29 May, *Challenger 1* and *Challenger 2* depart from Crete; the *Rachel Corrie* arrives in Malta.

[65] Report from the Meir Amit Intelligence and Terrorism Information Center, Israel, 26 August 2010. See http://www.terrorism-info.org.il/malam_multimedia/English/eng_n/pdf/ipc_e119.pdf

- 30 May, the six vessels congregate at a meeting point to the south of Cyprus; the *Rachel Corrie* departs Malta.

92. Embarkation documents for the vessels leaving Turkey gave Gaza as the official destination, although customs documents stated the destination as Lebanon since the computer system did not include Gaza as a designated port of entry. Some crew members interviewed from certain boats said that they understood the intention to be to sail first to Egypt and then enter Gaza waters from the west.

93. The flotilla commenced its journey towards Gaza at 1554 hours on 30 May 2010 from the position approximately 65 nautical miles west of the coast of Lebanon.

(e) Israeli advance plans to intercept the flotilla

94. According to the Israel Defense Force Chief of Staff, the Israeli authorities learned of the planned flotilla in early February 2010 and understood that its intention was to break the blockade. Diplomatic efforts began immediately to prevent the flotilla from sailing and contingency plans began to be formulated. Formal initial orders to undertake preparations to intercept the flotilla were issued in mid-April and by 12 May a mission plan had been developed which was approved by the Israeli Chief of General Staff on 13 May 2010.

95. On 13 May 2010, the Israeli Chief of General Staff sent a letter to the Defence Minister and Prime Minister setting out options for dealing with the flotilla, including the military option of commandeering and impounding the ships and detaining the passengers. A further evaluation was made on 26 May and the Defense Minister formally authorized the operation. Extensive training and planning was undertaken, including the setting up of a processing centre for detainees at the Port of Ashdod.

96. According to information available to the Mission, the Israeli forces deployed to intercept the flotilla included a number of corvettes and missile boats, helicopters, zodiacs, surveillance aircraft and possibly two submarines. Soldiers from the "Shayetet 13" special naval forces unit took part in the operation. The operation was given the code name "Operation Sea Breeze" or "Operation Sky Winds".

97. Advanced identification and surveillance of specific passengers by Israeli intelligence forces took place, as indicated by a laminated booklet, recovered from the possessions of one of the captured Israeli soldiers which contained the names and photographs of specific high-profile individuals on each of the six vessels as well as photographs of each vessel. One passenger was able to confirm that the photograph of her included in the booklet was taken just a few days before the flotilla sailed. Advance surveillance is confirmed by evidence attributed to Defence Minister Ehud Barak before the Turkel Committee which indicated that specific orders were taken "to continue intelligence tracking of the flotilla organizers, with an emphasis on the possibility that amongst the passengers in the flotilla there would be terror elements who would attempt to harm Israeli forces".[66]

(f) Preparations to defend the vessels in the event of an attempt to board

98. It is clear to the Mission that, as the flotilla was assembling off Cyprus, participants became aware of the full extent of Israeli plans to intercept, board and commandeer the ships. Details of the Israeli plans had been published in an Israeli newspaper. Many passengers said that, prior to this point, they believed that the Israelis would try to block the path of the flotilla and force it to divert, but they did not imagine that they would seek to

[66] Testimony of Ehud Barak, Minister of Defence, Turkel Committee: Public Commission of Inquiry.

board the vessels by force. This belief persisted among many less-experienced passengers right up to the moment of the interception, notwithstanding the precedent of the *Spirit of Humanity* in 2009. Many passengers told the Mission that they did not really believe that the Israelis would attempt to board until the first boats approached the *Mavi Marmara* on the morning of 31 May.

Preparation and planning on the Mavi Marmara

99. The full realization that the Israelis were serious about commandeering the flotilla spread through the passengers on the *Mavi Marmara* during the course of 30 May. There is clear evidence that some people on board the *Mavi Marmara*, including senior IHH leaders, were prepared actively to defend the ship against any boarding attempt. Video evidence shows a meeting of about 50 to 100 passengers on the ship on 30 May at which the IHH President and a number of other prominent passengers spoke with some bravado about preventing an Israeli takeover of the ship. The pressure of the water hoses was seen being tested on the decks the day before the interception.

100. Following radio communication with the Israeli Navy and the sightings of the Israeli vessels, it became apparent that a boarding of the ship was an imminent reality. Passengers were instructed to put on their life jackets. Although there does not seem to have been a coordinated plan involving all passengers, some individuals grouped together with the intention of defending the ship. There is little evidence of any unified command to coordinate the defence of the ship.

101. During the night of 30 to 31 May, some passengers took electric tools from the ship's workshop, which was not kept locked and sawed sections of railings into lengths of approximately one and a half metres, apparently for use as weapons. Lengths of metal chains from between the railings were also removed. When the ship's crew discovered this, the tools were confiscated and locked in the radio room on the bridge. A number of the passengers were also provided with gas masks to counter the effects of tear gas. However, the Mission notes that the ship's standard fire-fighting equipment would have included breathing apparatus. Furthermore, the fact that some passengers engaged in last minute efforts to fashion rudimentary weapons shortly prior to the interception confirms the findings of the Mission that no weapons were brought on board the ship.

Preparation and planning on the Challenger 1, Sfendoni, Eleftheri Mesogios and the Rachel Corrie

102. Passengers and crew on the *Challenger 1* underwent training in passive resistance techniques, non-violence and what to do if detained in Israel (including contacting a lawyer before embarkation). Witnesses said discussions took place in advance amongst the passengers on how to respond to an Israeli attempt to board the ship during which the crew had insisted that there should be no attempts to repel boarders with physical force. The captain and crew opposed a suggestion that access to the bridge should be blocked, as it was feared this would incense the soldiers. The intention, according to witnesses, was to show a symbolic resistance to the soldiers sufficient to demonstrate that the boarding was unwanted. The planned response to a boarding of the *Challenger 1* was in part informed by the experience of some of the passengers on previous boats which had been intercepted by the Israelis.

103. Witnesses aboard the *Svendoni* and the *Eleftheri Mesogios* confirmed similar discussions aboard their vessels. On the *Eleftheri Mesogios*, it was also decided that water hoses could be misconstrued as weapons and hence should not be used. On the *Sfendoni,* passengers intended to sit on the decks and slow down any attempt to take control of the bridge through passive resistance.

104. The passengers on board the *Rachel Corrie* agreed and notified the Israelis before boarding that no resistance would be offered to the Israeli forces.

Preparation and planning on the Gazze 1 and Defne Y

105. There is no information to suggest that any specific preparations were made by the crew or passengers of *Gazze1* and *Defne Y* to defend against a possible boarding.

B. The interception of the Gaza flotilla by the Israeli Navy on 31 May 2010

1. Factual description and findings

106. The Mission found the following facts to have been established to its satisfaction.

(a) Contacts between the Israeli Navy and the vessels of the flotilla

107. The flotilla left the rendezvous point at 1554 hours on 30 May 2010 and proceeded in a south-westerly direction on course 222 degrees. This course was altered to 185 degrees, approximately due south, at 2330 hours upon drawing level with the coast of Israel and in order to maintain a course roughly parallel to the coast. The flotilla maintained a distance of 70 nautical miles from the coast since a NAVTEX (Navigational Telex) advisory had warned that the Israeli military were conducting exercises up to 68 nautical miles from the coast.

108. The first radio contact with the Israeli Navy was at approximately 2230 hours. Each vessel was contacted by the Israeli Navy, one after the other, on Channel 16 and requested to switch to an alternative channel. Each vessel refused to switch in order that the conversation could be monitored by all shipping. The Israeli Navy requested each vessel to identify itself and state its destination. It then warned each vessel, with some variations, it was approaching an area of hostilities which is under a naval blockade, that the Gaza maritime area is closed to all vessels and that they must change course to deliver their supplies to the Port of Ashdod in Israel. In some of the messages, the captain of each vessel was warned that he would be held personally responsible for any consequences of a failure to comply with the Israeli request. The Israeli Navy's contacts were similar to those in relation to previous Free Gaza Movement efforts to enter Gaza by sea.

109. In response, the captains of the various vessels stated that their destination was Gaza and the purpose was to deliver humanitarian aid. They also asserted that the Israeli forces did not have the right to order the vessels to change course and that the blockade referred to was illegal. A representative of the Free Gaza Movement spoke to the Israelis on behalf of the whole flotilla, reiterating that the passengers were unarmed civilians delivering humanitarian aid and that none of the ships that should be considered as any form of threat to Israel. At no stage was a request made by the Israeli Navy for the cargo to be inspected. Contacts with the Israeli Navy continued until around 0200 hours when communication equipment was jammed by the Israeli forces, cutting them off to all external communications. However, the vessels in the flotilla were able to maintain contact with one another via handheld two-way radios.

110. In early June 2010, audio recordings were released by the Israeli authorities of apparent exchanges between the Israeli Navy and the *Defne Y* which included insulting references by unknown persons referring to "Auschwitz" and the 11 September 2001 attack on the World Trade Centre in New York. However, the Mission is not satisfied that these recordings are authentic, nor has the Government of Israel made this material available to the Mission for appropriate examination. The Mission was given positive evidence that no such statements were made by anyone involved in communications on the flotilla.

111. The crew and passengers of the six vessels became visually aware of the presence of Israeli naval vessels some time after the initial communications, between 2300 hours and midnight, both through sightings and two-way radio communication between the vessels. The larger Israeli ships and helicopters came into view of the crew of the vessels at approximately 0100 hours on 31 May. Similar sightings were made by other vessels in the flotilla at around the same time.

(b) Events on board the M.V. Mavi Marmara[67]

(i) Initial attempt to board the Mavi Marmara from the sea

112. Israeli zodiac boats made a first attempt to board the *Mavi Marmara* from the sea shortly before 0430 hours. Several zodiac boats approached the ship at the stern from both the port and starboard sides. The approach was accompanied by the firing of non-lethal weaponry onto the ship, including smoke and stun grenades, tear-gas and paintballs. Plastic bullets may also have been used at this stage: however, despite some claims that live ammunition was also fired from the zodiac boats, the Mission is not satisfied that this was the case. The smoke and tear gas were not effective due to the strong sea breeze and later due to the downdraft from helicopters.

113. The Israeli forces attempted to board the ship through attaching ladders to the hull. Passengers engaged in efforts to repel the attempted boarding using the ship's water hoses[68] and the throwing of various items at the boats including chairs, sticks, a box of plates and other objects that were readily to hand. This initial attempt to board the ship proved unsuccessful. It is the view of the Mission that the Israeli forces should have re-evaluated their plans when it became obvious that putting their soldiers on board the ship may lead to civilian casualties.

(ii) Landing of soldiers from helicopters onto the Mavi Marmara

114. Just minutes after soldiers from the zodiac boats had made initial unsuccessful attempts to board, the first helicopter approached the ship at approximately 0430 hours, hovering above the top deck. At this point between 10 and 20 passengers were located in the central area of the top deck, although this number increased as other passengers learned of events on the top deck. The Israeli forces used smoke and stun grenades in an attempt to clear an area for the landing of soldiers. The first rope that was let down from the helicopter was taken by passengers and tied it to a part of the top deck and thereby rendered ineffective for the purpose of soldiers' descent. A second rope was then let down from the

[67] For the purposes of this report, the following terms are used to describe the various decks of the *Mavi Marmara*: top deck – the roof of the ship where the satellite tower and funnel are located, bridge deck – the deck below the top deck which gives access to the bridge, bow deck – lowest open deck with access to the front of the ship. live television broadcasts were made from an open deck area at the back of the bridge deck.

[68] It is worth noting that in accordance with the International Maritime Organization's circular "Guidance to ship owners and ship operators, shipmasters and crews on preventing and suppressing acts of piracy and armed robbery against ships" of June 2009, the use of water hoses is recommended as a means to prevent an attempted boarding by pirates and armed robbers. IMO Circular Msc.1/Circ.1334, date 23 June 2009, Annex, para. 57 states as follows: "The use of water hoses should also be considered though they may be difficult to train if evasive manoeuvring is also taking place. Water pressures of 80 lb per square inch and above have deterred and repulsed attackers. Not only does the attacker have to fight against the jet of water but the flow may swamp his/her boat and damage engines and electrical systems. Special fittings for training hoses could be considered which would also provide protection for the hose operator. A number of spare fire hoses could be rigged and tied down to be pressurized at short notice if a potential attack is detected".

helicopter and the first group of soldiers descended. The Mission does not find it plausible that soldiers were holding their weapons and firing as they descended on the rope. However, it has concluded that live ammunition was used from the helicopter onto the top deck prior to the descent of the soldiers.

115. With the available evidence it is difficult to delineate the exact course of events on the top deck between the time of the first soldier descending and the Israeli forces securing control of the deck. A fight ensued between passengers and the first soldiers to descend onto the top deck that resulted in at least two soldiers being pushed down onto the bridge deck below, where they were involved in struggles with groups of passengers who attempted to take their weapons. The equipment jacket of at least one soldier was removed as he was pushed over the side of the deck. A number of weapons were taken from the soldiers by passengers and thrown into the sea: one weapon, a 9-mm pistol, was unloaded by a passenger, a former U.S. Marine, in front of witnesses and then hidden in another part of the ship in an attempt to retain evidence.

116. A number of the passengers on the top deck fought with the soldiers using their fists, sticks, metal rods and knives.[69] At least one of the soldiers was stabbed with a knife or other sharp object. Witnesses informed the Mission that their objective was to subdue and disarm the soldiers so that they could not harm anyone. The Mission is satisfied on the evidence that at least two passengers on the bridge deck also used handheld catapults to propel small projectiles at the helicopters. The Mission has found no evidence to suggest that any of the passengers used firearms or that any firearms were taken on board the ship. Despite requests, the Mission has not received any medical records or other substantiated information from the Israeli authorities regarding any firearm injuries sustained by soldiers participating in the raid. Doctors examined the three soldiers taken below decks and no firearm injuries were noted. Further, the Mission finds that the Israeli accounts so inconsistent and contradictory with regard to evidence of alleged firearms injuries to Israeli soldiers that it has to reject it.[70]

(iii) Deaths of 9 passengers and wounding of at least 50 other passengers

117. During the operation to secure control of the top deck, the Israeli forces landed soldiers from three helicopters over a 15-minute period.[71] The Israeli forces used paintballs, plastic bullets and live ammunition, fired by soldiers from the helicopter above and soldiers who had landed on the top deck. The use of live ammunition during this period resulted in fatal injuries to four passengers,[72] and injuries to at least 19 others, 14 with gunshot wounds. Escape points to the bridge deck from the top deck were narrow and restricted and as such it was very difficult for passengers in this area to avoid being hit by live rounds. At

[69] The Mission has found no evidence of knives being taken on board by passengers except for one traditional ceremonial knife. However, the *Mavi Marmara* had six kitchens, each of which was stocked with usual culinary knives.

[70] In his testimony to the Turkel Committee, held in Israel on 11 August 2010, Chief of General Staff Ashkenazi refers to one soldier being "shot in his abdomen by one of the activists" and that "in the course of the battle, five soldiers [were] wounded by stabbings, blows and shooting". However, at the urgent debate of the Human Rights Council held during its fourteenth session, on 1 June 2010, the Permanent Representative of Israel stated that passengers "shot two Israeli soldiers". In contrast, in the State's response at the habeas corpus hearing, held on 2 June 2010 (petition HCJ 4913/10 before the Supreme Court in Jerusalem, sitting as the High Court of Justice; unofficial translation), no specific reference was made to any Israeli soldiers being shot.

[71] In his testimony to the Turkel Committee on 11 August 2010, Chief of General Staff Ashkenazi stated that the first helicopter carried 15 soldiers, the second carried 12 soldiers and the third carried 14 soldiers.

[72] Fahri Yaldiz, Furkan Doğan, İbrahim Bilgen and Ali Haydar Bengi.

least one of those killed was using a video camera and not involved in any of the fighting with the soldiers. The majority of gunshot wounds received by passengers were to their upper torsos in the head, thorax, abdomen and back. Given the relatively small number of passengers on the top deck during the incident, the Mission is driven to the conclusion that the vast majority were in receipt of gunshot wounds.

118. Israeli soldiers continued shooting at passengers who had already been wounded, with live ammunition, soft baton charges (beanbags) and plastic bullets. Forensic analysis demonstrates that two of the passengers killed on the top deck received wounds compatible with being shot at close range while lying on the ground: Furkan Doğan received a bullet in the face and İbrahim Bilgen received a fatal wound from a soft baton round (beanbag) fired at such close proximity to his head that parts such as wadding penetrated his skull and entered his brain. Furthermore, some of the wounded were subjected to further violence, including being hit with the butt of a weapon, being kicked in the head, chest and back and being verbally abused. A number of the wounded passengers were handcuffed and then left unattended for some time before being dragged to the front of the deck by their arms or legs.

119. Once the Israeli forces had secured control of the top deck they undertook measures to move down to the bridge deck below in order to take over the ship's bridge and thus take control of the ship. In relation to this operation, a series of shooting incidents occurred centred on the portside doorway which gives access to the main stairwell on the bridge deck. This door is near to the hatch and ladder, which allows access from the top deck to the bridge deck.

120. Israeli soldiers fired live ammunition both from the top deck at passengers on the bridge deck below, and after they had moved down to the bridge deck. At least four passengers were killed,[73] and at least nine injured (five with firearms injuries) during this phase. None of the four passengers who were killed, including a photographer who at the time of being shot was engaged in taking photographs and was shot by an Israeli soldier positioned on the top deck above, posed any threat to the Israeli forces. There was considerable live fire from Israeli soldiers on the top deck and a number of passengers were injured or killed whilst trying to take refuge inside the door or assisting other to do so. Wounded passengers were brought into the ship through the stairwell and through the ship's bridge room and were helped downstairs where they could be given some form of medical treatment by doctors and others on board.

121. One witness described the circumstances in which one passenger was killed on the bridge deck:

> I saw two soldiers on top of the roof standing there holding their guns down at something on the roof that I couldn't see. There were two guys hidden underneath a walkway of the ship to the right hand side and I was screaming at them not to move. The two passengers were below the soldiers. They could not see the soldiers and the soldiers could not see them while they were hidden under the walkway. Then the guys moved out, making themselves visible as they tried to run towards the metal door. One man made it to open the door and got inside. The other man must have been shot. I think he was shot in the head from the way he looked, he wasn't moving at all. He was 20 or 30 metres away from me. When the second man got shot, the first man opened the door and using it as a shield tried to reach out for the second man. He managed to reach him and was pulling him by his right arm. I couldn't see any blood, but he wasn't moving at all.

[73] Cevdet Kiliçlar, Cengiz Songür, Cengiz Akyüz and Çetin Topçuoğlu.

122. A group of up to 20 passengers, some holding sticks and rods and wearing gas masks, were located on or around the stairwell inside the ship. One passenger standing just inside the door was shot through the broken porthole in the door by a soldier standing a few metres away on the bridge deck outside.

123. During the shootings on the bridge deck and as it became apparent that a large number of passengers had become injured, Bulent Yildirim, the President of IHH and one of principal organizers of the flotilla, removed his white shirt which was then used as a white flag to indicate a surrender. This does not appear to have had any effect and live firing continued on the ship.

124. Israeli forces moved down to the bridge deck and moved rapidly to take over the bridge room towards the front of the ship. The doorway and windows of the bridge room came under fire and the captain ordered that the ship's engines be cut. Israeli soldiers entered the bridge room through the door and broken window. The crew were made to lie on the ground at gunpoint. The captain remained standing but was held at gunpoint.

(iv) Shootings at the bow deck, the release of the Israeli soldiers and end of the operation

125. During the initial fighting on the top deck three Israeli soldiers were taken under control and brought inside the ship. While some passengers wished to harm the soldiers, other passengers ensured that they were protected and able to receive rudimentary medical treatment from doctors on board. Two of the soldiers had received wounds to the abdomen. One of the soldiers had a superficial wound to the abdomen, caused by a sharp object, which penetrated to the subcutaneous tissue. None of the three soldiers had received gunshot injuries, according to doctors who examined them. All three soldiers were in a state of shock and were suffering from cuts, bruises and blunt force trauma.

126. As the seriousness of incidents on the outer decks became apparent, there was growing concern among some of the flotilla organisers that holding the captured Israeli soldiers may have serious implications for the security of all passengers on board.[74] It was decided that the soldiers should be released and they were taken to the bow of the lower deck. Once on the bow deck two of the soldiers jumped into the sea and were picked up by Israeli boats. The third soldier did not jump and was rapidly joined by Israeli soldiers who came down from the top deck.

127. At least four passengers were injured on the bow of the ship, both before and around the time that the Israeli soldiers were released. At least two passengers received wounds from live ammunition, while others received injuries from soft baton charges, including one doctor who was tending to injured passengers.

128. The Israeli forces stated that the active phase of the Israeli forces operation concluded at 0517 hours,[75] once the ship was under their control and the three soldiers were released. During the 45-50 minute operation, nine passengers were killed, more than 24 passengers had received serious injuries caused by live ammunition and a large number of other passengers had received injuries caused by plastic rounds, soft baton charges (bean-bags) and other means.

[74] It also appears that the Israeli forces were planning to enter the ship's cabins in order to locate the three soldiers: In his testimony to the Turkel Committee on 11 August 2010, COGS Ashkenazi stated that at the time when the Israeli forces spotted the three soldiers on the bow deck: "The force commander [was preparing] to rush the passengers' area in order to locate the missing soldiers."

[75] As stated by COGS Ashkenazi in his testimony to the Turkel Committee on 11 August 2010.

Table - Deaths of flotilla participants

Deaths occurring on the top deck (roof)

Furkan Doğan

Furkan Doğan, a 19-year-old with dual Turkish and United States citizenship, was on the central area of the top deck filming with a small video camera when he was first hit with live fire. It appears that he was lying on the deck in a conscious, or semi-conscious, state for some time. In total Furkan received five bullet wounds, to the face, head, back thorax, left leg and foot. All of the entry wounds were on the back of his body, except for the face wound which entered to the right of his nose. According to forensic analysis, tattooing around the wound in his face indicates that the shot was delivered at point blank range. Furthermore, the trajectory of the wound, from bottom to top, together with a vital abrasion to the left shoulder that could be consistent with the bullet exit point, is compatible with the shot being received while he was lying on the ground on his back. The other wounds were not the result of firing in contact, near contact or close range, but it is not otherwise possible to determine the exact firing range. The wounds to the leg and foot were most likely received in a standing position.

İbrahim Bilgen

İbrahim Bilgen, a 60-year-old Turkish citizen, from Siirt in Turkey, was on the top deck and was one of the first passengers to be shot. He received a bullet wound to the chest, the trajectory of which was from above and not at close range. He had a further two bullet wounds to the right side of the back and right buttock, both back to front. These wounds would not have caused instant death, but he would have bled to death within a short time without medical attention. Forensic evidence shows that he was shot in the side of the head with a soft baton round at such close proximity and that an entire bean bag and its wadding penetrated the skull and lodged in the brain. He had a further bruise on the right flank consistent with another beanbag wound. The wounds are consistent with the deceased initially being shot from soldiers on board the helicopter above and receiving a further wound to the head while lying on the ground, already wounded.

Fahri Yaldiz

Fahri Yaldiz, a 42-year-old Turkish citizen from Adiyaman, received five bullet wounds, one to the chest, one to the left leg and three to the right leg. The chest wound was caused by a bullet that entered near the left nipple and hit the heart and lungs before exiting from the shoulder. This injury would have caused rapid death.

Ali Heyder Bengi

According to the pathology report, Ali Heyder Bengi, a 38-year-old Turkish citizen from Diyarbakir, received six bullet wounds (one in the chest, one in the abdomen, one in the right arm, one in the right thigh and two in the left hand). One bullet lodged in the chest area. None of the wounds would have been instantly fatal, but damage to the liver caused bleeding which would have been fatal if not stemmed. There are several witness accounts which suggest that Israeli soldiers shot the deceased in the back and chest at close range while he was lying on the deck as a consequence of initial bullet wounds.

Deaths occurring on the bridge deck, portside

Cevdet Kiliçlar

Cevdet Kiliçlar, a 38-year-old Turkish citizen from Istanbul, was on the *Mavi Marmara*, in his capacity as a photographer employed by IHH. At the moment he was shot he was standing on the bridge deck on the port side of the ship near to the door leading to the main stairwell and was attempting to photograph Israeli soldiers on the top deck. According to

the pathology reports, he received a single bullet to his forehead between the eyes. The bullet followed a horizontal trajectory which crossed the middle of the brain from front to back. He would have died instantly.

Cengiz Akyüz and Cengiz Songür

Cengiz Akyüz, 41, from Hatay and Cengiz Songür, 46, from Izmir, both Turkish citizens, were injured on the bridge deck in close succession by live fire from above. They had been sheltering and were shot as they attempted to move inside the door leading to the stairwell. Cengiz Akyüz received a shot to the head and it is probable that he died instantly.

The pathology report shows four wounds: to the neck, face, chest and thigh. Cengiz Songür received a single bullet to the upper central thorax below the neck, shot from a high angle, which lodged in the right thoracic cavity injuring the heart and aorta. Unsuccessful efforts were made by doctors inside the ship to resuscitate him through heart massage.

Çetin Topçuoğlu

Çetin Topçuoğlu, a 54-year-old Turkish citizen from Adana had been involved in helping to bring injured passengers inside the ship to be treated. He was also shot close to the door on the bridge deck. He did not die instantly and his wife, who was also on board the ship, was with him when he died. He was shot by three bullets. One bullet entered from the top the soft tissues of the right side of the back of the head, exited from the neck and then re-entered into the thorax. Another bullet entered the left buttock and lodged in the right pelvis. The third entered the right groin and exited from the lower back. There are indications that the victim may have been in a crouching or bending position when this wound was sustained.

Deaths and seriously wounded occurring in unknown locations

Necdet Yildirim

The location and circumstances of the shooting and death of Necdet Yildirim, a 31-year-old Turkish citizen from Istanbul, remain unclear. He was shot twice in the thorax, once from the front and once from the back. The trajectory of both bullets was from top to bottom. He also received bruises consistent with plastic bullet impact

Wounding of Uğur Suleyman Söylemez (in a coma)

The serious nature of wounds to Uğur Suleyman Söylemez, a 46-year-old Turkish citizen from Ankara, which include at least one bullet wound to the head, have left the victim in a coma in an Ankara hospital. He remains in a critical condition with a serious head injury.

(v) Treatment of injured on the Mavi Marmara

129. Whilst the Israeli operation was still under way, efforts were made to tend to wounded passengers inside the ship by other passengers, amongst whom were around 15 doctors, nurses and others with medical training, including an ophthalmologist and orthopaedic specialist. Prior to the attack, the doctors had met and agreed to use the ship's small medical room, but there was no anticipated or preparation for the nature of injuries that transpired. The limited medicines and lack of appropriate equipment made it very difficult to properly treat wounded persons, particularly those who had received live fire injuries and required immediate surgery. By the end of the Israeli operation more than thirty persons were being treated inside the cabins, primarily in the lower deck in makeshift surgery areas, twenty of whom were in a critical condition.

130. The flotilla organizers and other passengers engaged in efforts to request the Israeli forces to provide the necessary treatment to the wounded persons. One organiser used the ship's intercom to request assistance in Hebrew and persons also communicated directly

through the cabin windows or by placing signs, written in English and Hebrew, in the ship's windows. These attempts proved unsuccessful and it was up to two hours before the Israeli forces took out the wounded persons. However, the wounded were required to leave the cabins themselves, or taken outside in a rough manner, without apparent concern for the nature of their injuries and the discomfort that this would cause.

131. The wounded passengers were taken to the front of the top deck where they joined other passengers injured during the operation on the top deck and where the bodies of persons killed during the operation had been left. Wounded passengers, including persons seriously injured with live fire wounds, were handcuffed with plastic cord handcuffs, which were often tied very tightly causing some of the injured to lose sensitivity in their hands. These plastic handcuffs cannot be loosened without being cut off, but can be tightened. Many were also stripped naked and then had to wait some time, possibly as long as two-three hours, before receiving medical treatment. Medical treatment was given to a number of wounded persons on the top deck by the Israeli forces.[76]

132. Over several hours the wounded passengers were then airlifted by Israeli forces helicopters from the ship to hospitals in Israel.[77] However, some of the wounded remained on board the *Mavi Marmara*, at least one of whom had injuries caused by live ammunition and did not receive appropriate medical treatment until after the ship's arrival at the port of Ashdod in Israel many hours later.

(vi) Search and initial detention of Mavi Marmara passengers

133. All other passengers on the *Mavi Marmara* were taken one by one from the cabin areas and onto the external deck areas and were searched. The vast majority of passengers, including the ship's captain and crew, were then handcuffed with plastic handcuffs and forced to kneel on the various decks for some hours. Some women, elderly men and persons from Western countries were not handcuffed, or were temporarily handcuffed and then uncuffed after a relatively short period of time and were then permitted to sit on the benches. Most of those kneeling were drenched by water from the blades of the helicopter and were thus also in wet clothing throughout this period and were very cold. Other passengers exposed on open decks received serious sun-burn to their skin as a result of many hours exposure: medical reports show that at least 13 passengers received first-degree burns as a consequence. During the course of the 12-hour journey to the port of Ashdod in Israel, the passengers were brought inside the ship and allowed to sit on the available seating.

134. In the process of being detained, or while kneeling on the outer decks for several hours, there was physical abuse of passengers by the Israeli forces, including kicking and punching and being hit with the butts of rifles. One foreign correspondent, on board in his professional capacity, was thrown on the ground and kicked and beaten before being handcuffed. The passengers were not allowed to speak or to move and there were frequent instances of verbal abuse, including derogatory sexual remarks about the female passengers. Passengers were denied access to toilet facilities or made to wait for lengthy periods before being escorted to the toilet and then forced to use the toilet with Israeli soldiers watching and while handcuffed. Some passengers were in serious discomfort as a result, while others used makeshift receptacles, such as plastic bottles and others still were

[76] According to the testimony of COGS Ashkenazi to the Turkel Committee on 11 August 2010, field surgeries were performed on14 passengers on board the ship.

[77] Also according to the above testimony, 31 wounded passengers and 7 wounded Israeli soldiers were airlifted from the ship utilizing "approximately 40 helicopter evacuations" and all wounded had been evacuated by 1230 hours.

forced to urinate on themselves. The Israeli forces also employed dogs and some passengers received dog-bite wounds. Some witnesses who suffer from chronic medical conditions, such as diabetes or heart conditions, were not provided access to their required medicines, which were taken by Israeli soldiers.

135. The manner in which plastic handcuffs were attached to the wrists of passengers caused severe pain and discomfort. There was widespread misuse of the handcuffs by the Israeli soldiers who tightened the plastic handcuffs to an extent that caused pain, swelling, a loss of blood circulation in the hands and the loss of sensitivity in their hands and fingers. Most passengers who requested that the handcuffs be loosened were ignored or it resulted in the handcuffs being further tightened. A number of passengers are still experiencing medical problems related to the handcuffing three months later and forensic reports confirm that at least 54 passengers had received injuries, transversal abrasions and bruises, as a result of handcuffing on board the *Mavi Mamara*.

(c) Events aboard the Challenger 1

136. Passengers and crew on the *Challenger 1*, the smallest and fastest vessel in the flotilla, were able to witness the first moments of the assault on the *Mavi Marmara*. Once it became apparent that the Israelis intended to commandeer the ships, the decision was made for the *Challenger 1* to accelerate out of the formation of the flotilla to allow more time for the journalists aboard to transmit news of the assault to the outside world via the boat's satellite Internet connection, which remained in operation, but also in the hope that at least one boat might still be able to reach Gaza. The boat was chased by one of the Israeli corvette boats which it was unable to outrun. Eventually the starboard engine lost oil pressure and the captain, concerned the Israelis might ram the boat, shut down the engines.

137. The boat was intercepted by two Israeli boats and a helicopter. Passengers on the board said that at least one stun grenade was launched at the boat by the Israelis before they attempted to board. Passengers on the decks had decided in advance to employ passive resistance techniques to resist symbolically the Israeli soldiers boarding the boat. The passengers stood unarmed side-by-side blocking the path of the soldiers. Soldiers opened fire with paintballs and rubber bullets as they boarded, hitting and injuring one woman in the face with either a plastic bullet or a paintball. Another woman was bruised on her back by from rubber bullets.

138. Once on board, the soldiers moved to take control of the fly bridge. Passengers obstructing access were forcibly removed. On entering the fly bridge, the soldiers were met with no resistance, but a female journalist sustained burns on her arms from an electroshock weapon fired by an Israeli soldier. Witnesses said that the primary concern of the soldiers seemed to be the confiscation of photographic equipment and media.

139. The passive resistance offered by the passengers was met with force. One woman's head was hit against the deck of the boat and then stepped on by an Israeli soldier. Passengers were handcuffed very tightly with plastic ties behind their backs, while the woman injured in the face was left unattended.

140. Several passengers said that it was clear that the Israeli soldiers knew who was on board as they referred to some passengers by name. A plasticized booklet recovered from a soldier on the *Mavi Marmara,* and filmed, identified specific passengers on several boats with names and photographs, including on the *Challenger 1*.

141. One crew member observed that the soldiers were very young, seemed frightened and that were initially poorly organized. Soldiers behaved aggressively from the outset towards the passengers. Passengers were handcuffed with plastic ties and denied access to the toilet. One elderly man was obliged to urinate in his clothes because he was refused access to the toilet. There was an attempt to forcibly eject one woman from the boat into

one of the zodiacs. Two women had hemp bags placed over their heads for an extended period. The woman injured in the face in the initial stage of boarding was left unattended for an extended period, even though there was an army medic on board. The physical violence was described as "unwarranted and excessive". No distinction was made between activists and journalists, despite the presence of several respected international journalists on board.

142. The boat arrived in Ashdod at around 1100 hours on 31 May. Several passengers joined arms to resist disembarkation, protesting that they had been brought to Israel against their will from international waters. Two female passengers were handcuffed and forcibly removed while a male passenger was threatened with an electroshock weapon at point blank range. Passengers were led off the boat one-by-one accompanied by two Israeli officers.

(d) Events aboard the Sfendoni

143. The operation to board the *Sfendoni* took place simultaneously with the assault on the *Mavi Marmara*. Soldiers were able to climb directly on board in a straightforward manner from zodiac boats without the need to use grappling irons or other equipment. Prior to boarding a number of stun grenades, plastic bullets and paint balls were fired at the boat from soldiers on the zodiacs: at least two passengers were hit, one on the back of the head. According to a medical doctor on board, one of stun grenades landed in the confined space of the bridge, injuring a number of people and causing damage to the hearing of one man.

144. Once aboard, the soldiers proceeded to the bridge of the ship. The passengers had planned to sit down on the decks of the boat to show passive resistance, but in the event the plan was only partially implemented. Many of the passengers, including the elderly, stayed below decks in the main lounge. On deck, passengers linked arms around the bridge. The Israelis then proceeded to fire electroshock weapons at the protesting passengers to clear access; a medical doctor, who was himself hurt in this way, later treated numerous electrical burn injuries to passengers. When two Israeli soldiers entered the bridge, one of the crew grabbed the wheel tightly, protesting that the boat was in international waters. A soldier hit him with the butt of his gun and in the ensuing scuffle the captain was kicked in the back, punched several times in the face and received electric shock burns from an electroshock weapon.

145. At one point after the boat was taken under control, one passenger was roughly treated and restrained at the hands and feet with plastic ties. He screamed in protest and because the ties were too tight. At the insistence of a medical doctor, the handcuffs were removed. The man then ran and jumped into the sea. The passenger was later picked up by another boat.

146. The Israeli forces took control of the boat and the passengers were made to sit down. Some passengers were restrained with plastic ties for an initial period, but most were not. The soldiers attempted to stop a medical doctor from treating the passengers' injuries, saying that the army medical officer on board would treat them. But since he was masked and armed like the other soldiers, no passengers would consent to be treated by him. The doctor said that they would have to shoot him to prevent him doing his job.

147. Passengers were searched one by one and taken to the main salon. Passengers said that access to water and to the toilet was only possibly with difficulty after repeated requests and not all passengers were granted access. Passengers were allowed to prepare food which they refused to eat until an army cameraman ceased filming them for propaganda reasons. Witnesses said that the soldiers were always aggressive and shouting and pointing their guns, but otherwise no one was ill-treated or restrained.

(e) Events aboard the Eleftheri Mesogios

148. Israeli forces boarded the *Eleftheri Mesogios* after 0430 hours, concurrently with the assault on the *Mavi Marmara* and *Sfendoni*. Soldiers boarded from three zodiac boats, using grappling irons and rope ladders to climb the sides of the ship. Although barbed wire had been placed around the ship, the soldiers were able to board relatively quickly.

149. The passengers did not engage in any pro-active resistance to the take-over of the ship but used passive resistance methods, blocking access to the bridge with their bodies. The Israeli forces used physical force, electroshock weapons, plastic bullets and paint balls to clear the area. A number of passengers were injured, including one passenger whose leg was fractured.

150. All the passengers and crew were handcuffed. Israeli soldiers confiscated their passports and subjected them to body searches. Those who refused to cooperate were roughly treated. According to a number of witnesses, some people who refused to surrender their passports were assaulted, including one woman who was punched in the stomach and one man who was wrestled to the ground by two soldiers, kicked and beaten. One passenger said that the hand ties were too tight and when he asked for them to be loosened they were instead tightened further.

151. Witnesses stated that the passengers were almost continuously filmed on video cameras by the Israeli forces. One passenger said that he felt this was being done deliberately to humiliate the passengers and that this contributed directly to an elderly passenger experiencing an anxiety attack.

(f) Events aboard the M.V. Gazze 1 and M.V. Defne Y

152. Israeli forces boarded the *M.V. Gazze 1* from zodiac boats sometime after 0530 hours. The crew and passengers on board offered no resistance and the Israeli forces took control of the ship without incident. Passengers were ordered onto the deck while the ship was searched with dogs and then later taken to the dining hall where they were body-searched. During the eight-hour journey to Ashdod they were not handcuffed and were provided with food.

153. Israeli forces boarded the *M.V. Defne Y* by fast rope from helicopters at approximately 0530 hours. The crew and passengers on board offered no resistance and the Israeli forces took control of the ship without incident. They were then kept within the cabins until they arrived in the port of Ashdod. No crew members or passengers were handcuffed and the Israeli soldiers brought food from the kitchens for them to eat. One passenger, a cameraman working for the IHH organization, said that he was interrogated for a five-hour period and physically assaulted, in relation to a video tape that he had hidden.

(g) Events aboard the M.V. Rachel Corrie on 5 June 2010

154. The *Rachel Corrie* was delayed in departing Ireland and stopped in Malta for passengers to embark. The ship therefore was unable to join the rest of the flotilla at the meeting point south of Cyprus. Nevertheless, it was intercepted by the Israeli forces and the people on board went through similar experiences to those on the other ships. There was a total of 9 crew and 11 passengers on board including a number of high-profile public figures.

155. The passengers aboard the *Rachel Corrie*, having learned by satellite phone of the interception of the flotilla, unanimously decided to proceed to Gaza as planned, as a mark of respect for those who had died. The crew were consulted and also agreed to continue. A press release was issued confirming the decision to continue.

156. On 3 June, the Government of Ireland engaged in negotiations with the Government of Israel to guarantee that the cargo of aid aboard the *Rachel Corrie* could be delivered to Gaza if the ship diverted to the port of Ashdod. The passengers on the ship did not participate in these negotiations and decided to reject the offer since their objective was not only to deliver the aid but also to break what they considered the illegal siege of Gaza.

157. The ship continued its journey towards Gaza. The interception of the vessel followed the precedent of the earlier interceptions, but without violence, on 5 June. A number of Israeli naval vessels came into view and radio contact commenced at about 0630 hours. The captain was informed that Gaza was a closed military zone and that the ship should not proceed. The *Rachel Corrie* responded that it was a civilian ship delivering humanitarian aid and that their cargo, which had been checked and sealed by the authorities in Ireland, did not constitute a threat to Israel.

158. The passengers on the ship noted with irritation that the Israelis continually referred to the ship by its former name, the *M. V. Linda*. The ship had been renamed shortly before leaving Ireland to commemorate an American woman, Rachel Corrie, who had been killed by an Israeli bulldozer in the Gaza Strip in 2003.

159. When the Israelis warned of their intention to board the vessel, the passengers rejected Israel's right to board since they were in international waters and did not constitute a threat but stated that there would be no violent resistance to a boarding. The ship's communication capability was jammed. The engines were cut by the captain and, at around 1100 hours, zodiacs approached the ship and soldiers boarded in accordance with an agreed procedure. The passengers and crew were gather amidships and sit with their hands outstretched, while one man controlled the boat in the wheel house. Around 35 armed soldiers, including three women, boarded in full riot gear. The boarding proceeded peacefully. According to one witness, the ship was 35 nautical miles from Gaza at this point.

160. The lead passenger, who had control of the ship just prior to the boarding, was handcuffed and made to kneel at the back of the ship for approximately 45 minutes after which he was placed with the crew. His wife was not allowed to see him during most of the journey to Ashdod. The other passengers had their passports checked, were searched and then made to sit in the sun for several hours while the ship was searched. The ship was then taken to Ashdod without incident.

161. The Israeli Chief of General Staff, testifying before the Turkel Committee, cited the *Rachel Corrie* as an example of a humanitarian ship which had accepted to be diverted to Ashdod in order that the aid could be delivered to the Gaza Strip by land. This contradicts the assertion by passengers of the ship that they were boarded after protest and were taken to Ashdod against their will.

2. Legal analysis of the use of force in intercepting the Gaza flotilla

(a) Excessive use of force and the right to life and to physical integrity

162. Article 6, paragraph 1, of the International Covenant on Civil and Political Rights states:

> Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life.

This right is non-derogable.

163. Insofar as the Israeli interception of the flotilla was unlawful—and the Mission considers that it was unlawful—the use of force by the Israeli forces in seizing control of the *Mavi Marmara* and other vessels was also *prima facie* unlawful since there was no legal

basis for the Israeli forces to conduct an assault and interception in international waters. Moreover, in undertaking these operations and regardless of the legality of the operation, the Israeli forces were obliged to do so in accordance with the law, including Israel's international human rights obligations.

164. The Code of Conduct for Law Enforcement Officials prescribes in article 2 that "in the performance of their duty, law enforcement officials shall respect and protect human dignity and maintain and uphold the human rights of all persons"; and article 3 adds that "law enforcement officials may use force only when strictly necessary and to the extent required for the performance of their duty". This article clearly determines that the use of firearms is considered as an extreme measure and that, whenever the lawful use of force and firearms is unavoidable, law enforcement officials shall minimize damage and injury and respect and preserve human life.

165. In boarding the *Mavi Marmara*, both from the sea and from the air, the Israeli forces met a level of resistance from some of the passengers on board that was significant and, it appears, unexpected. However, there is no available evidence to support the claim that any of the passengers had or used firearms at any stage. In the initial phases of fighting with the Israeli soldiers on the top deck, three Israeli soldiers were disarmed and taken inside the ship. At this point, there may have been a justifiable belief of an immediate threat to life or serious injury of certain soldiers which would have justified the use of firearms against specific passengers.[78]

166. Principle 9 of the Basic Principles on the Use of Firearms by Law Enforcement Officials stipulates that "law enforcement officials shall not use firearms against persons except in self-defence or defence of others against the imminent threat of death or serious injury, to prevent the perpetration of a particularly serious crime involving grave threat to life […] and only when less extreme means are insufficient to achieve these objectives. In any event, intentional lethal use of firearms may only be made when strictly unavoidable in order to protect life".

167. Nevertheless, throughout the operation to seize control of the *Mavi Marmara,* including before the live fire restriction was eased, lethal force was employed by the Israeli soldiers in a widespread and arbitrary manner which caused an unnecessarily large number of persons to be killed or seriously injured. Less extreme means could have been employed in nearly all instances of the Israeli operation, since there was no imminent threat to soldiers; for example in relation to the operation to move down to the bridge deck and seize control of the ship and the firing of live ammunition at passengers on the bow deck of the ship. Even in a situation where three individual soldiers have been injured and detained, the objective of freeing these soldiers does not legitimate the use of force outside applicable international standards and soldiers must continue to respect and preserve life and to minimize injury and damage.

168. In such circumstances the use of less extreme means, such as available less-lethal weaponry, would have been sufficient to achieve the required objective as required by Principle 4 of the Basic Principles on the Use of Firearms by Law Enforcement Officials.[79]

[78] The Israeli Defense Chief of Staff is quoted as saying that the rules of engagement of the soldiers made clear that live fire was initially only to be used in life-threatening situations and that this restriction was only later eased in order to target protesters deemed to be violent in response to unexpected level of violent resistance and the unknown whereabouts of some soldiers. IDF Chief of General Staff, Gabi Ashkenazi's testimony to the Turkel Committee (Public Commission to Examine the Maritime Incident of May 31, 2010, Session Number 4, 11 August 2010).

[79] Law enforcement officials, in carrying out their duty, shall, as far as possible, apply non-violent means before resorting to the use of force and firearms. They may use force and firearms only if other

A well-trained force such as the Israeli Defense Force should have been able to successfully contain a relatively small group of passengers armed with sticks and knives and secure control of the ship without the loss of life or serious injury to either passengers or soldiers.

169. A large number of injured passengers received wounds to critical areas of the body containing vital organs – the abdomen, thorax and head. Furthermore, a number of passengers who were clearly not engaged in any activities to resist the boarding by the Israeli forces, including a number of journalists and persons who had been sheltering from the fire, received injuries, including fatal injuries. It is apparent that no effort was made to minimize injuries at certain stages of the operation and that the use of live fire was done in an extensive and arbitrary manner. It is difficult not to conclude that, once the order to use live fire had been given, no one was safe. Under the circumstances, it seems a matter of pure chance that there were not more fatalities as a result. Principle 5 of the Basic Principles on the Use of Firearms by Law Enforcement Officials stipulates that "whenever the lawful use of force and firearms is unavoidable, law enforcement officials shall: (a) Exercise restraint in such use and act in proportion to the seriousness of the offence and the legitimate objective to be achieved; and (b) Minimize damage and injury and respect and preserve human life".

170. The circumstances of the killing of at least six of the passengers were in a manner consistent with an extra-legal, arbitrary and summary execution. Furkan Doğan and İbrahim Bilgen were shot at near range while the victims were lying injured on the top deck. Cevdet Kiliçlar, Cengiz Akyüz, Cengiz Songür and Çetin Topçuoğlu were shot on the bridge deck while not participating in activities that represented a threat to any Israeli soldier. In these instances and possibly other killings on the *Mavi Marmara*, Israeli forces carried out extra-legal, arbitrary and summary executions prohibited by international human rights law, specifically article 6 of the International Covenant on Civil and Political Rights.[80]

171. It is apparent that a number of the passengers on the top deck were subjected to further mistreatment while lying injured. This included physical and verbal abuse some time after the operation to secure control of the deck had concluded. Furthermore, these passengers were not provided with medical treatment for two to three hours after the cessation of the operation. Similarly injured passengers who were inside the ship at the end of the operation of the Israeli forces were denied proper medical treatment for a similar length of time despite frequent efforts by other persons on board, including flotilla organizers, requesting such assistance to be provided. Other passengers suffering from chronic medical conditions were also denied access to their required essential medicines. The Israeli forces failed to meet the requirement to provide proper medical treatment to all those injured as rapidly as possible.[81] Furthermore, the use of firearms should have been preceded by clear warnings of the intent to do so.[82] While the circumstances of the initial stages on the top deck may not have been conducive to the issuance of such warnings, later

means remain ineffective or without any promise of achieving the intended result.

[80] See Principles 1 and 2 of the Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions.

[81] As set out in principle 4 (c) of the Basic Principles on the Use of firearms by Law Enforcement Officials states that law enforcement officials shall: "Ensure that assistance and medical aid are rendered to any injured or affected persons at the earliest possible moment".

[82] Principle 10 of the Basic Principles on the Use of firearms by Law Enforcement Officials stipulates that "law enforcement officials shall identify themselves as such and give a clear warning of their intent to use firearms, with sufficient time for the warning to be observed, unless to do so would unduly place the law enforcement officials at risk or would create a risk of death or serious harm to other persons, or would be clearly inappropriate or pointless in the circumstances of the incident."

stages in the Israeli operation to secure control of the ship certainly were possible and necessary.

172. The Mission is satisfied that much of the force used by the Israeli soldiers on board the *Mavi Marmara* and from the helicopters was unnecessary, disproportionate, excessive and inappropriate and resulted in the wholly avoidable killing and maiming of a large number of civilian passengers. On the basis of the forensic and firearm evidence, at least six of the killings can be characterized as extra-legal, arbitrary and summary executions. As such, the conduct of the Israeli forces amounted to violations of the right to life and of the right to physical integrity, as stipulated in articles 6 and 7 of the International Covenant on Civil and Political Rights.

173. The Mission is also concerned with the nature of the force used by the Israeli forces in the interception of the three further vessels in the flotilla: *Challenger 1, Sfendoni* and the *Eleftheri Mesogios*. One each of the vessels some of the passengers merely used passive resistance techniques – placing their bodies in the paths of the Israeli soldiers – as a symbolic gesture in opposition to the respective boarding. However, in securing control of these vessels the Israeli forces used significant force, including stun grenades, electroshock weapons, soft-baton charges fired at close range, paintballs, plastic bullets and physical force. This resulted in a number of injuries to passengers including burns, bruises, hematomas and fractures. One passenger who was not participating in passive resistance activities, a photo-journalist, received burns from an electroshock weapon. The Mission has found that the force used by the Israeli soldiers in intercepting the *Challenger 1*, the *Sfendoni* and the *Eleftheri Mesogios* was unnecessary, disproportionate, excessive and inappropriate, and amounted to violations of the right to physical integrity, as stipulated in article 7 of the International Covenant on Civil and Political Rights.

(b) Right to liberty and security of person and treatment of detainees, including torture and other cruel inhuman and degrading treatment or punishment

174. Article 9, paragraph 1, of the International Covenant on Civil and Political Rights states:

> Everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law.

Since the Mission considers the Israeli interception of the flotilla was unlawful, the detention of passengers on board each of the vessels was also prima facie unlawful.

175. The deprivation of the liberty of the passengers further meets the criteria for being arbitrary in nature in accordance with the definitions adopted by the Working Group on Arbitrary Detention. Deprivation of liberty is considered category I arbitrary detention: "When it is clearly impossible to invoke any legal basis justifying the deprivation of liberty."

176. The mass detention of more than 700 passengers and crew on board the six vessels had no basis in law, was arbitrary in nature and is a violation of article 9 of the International Covenant on Civil and Political Rights.

177. Furthermore, no one on board the flotilla was informed of any reason for their detention. Article 9, paragraph 2 of the International Covenant on Civil and Political Rights states:

> Anyone who is arrested shall be informed, at the time of arrest, of the reasons for his arrest and shall be promptly informed of any charges against him.

While detained on board the vessels of the flotilla, a period which lasted up to 12 hours, all passengers should have been informed of why they were being subject to detention and the natures of the specific charges being brought against them. This was not done and in some instances passenger requests for such information were met with verbal abuse or physical violence. As such, the concerned Israeli forces violated article 9 of the International Covenant on Civil and Political Rights.

178. During the period of detention on board the *Mavi Marmara* the passengers were subjected to treatment that was cruel and inhuman in nature and which did not respect the inherent dignity of persons who have been deprived of their liberty. This included a large number of persons being forced to kneel on the outer decks in harsh conditions for many hours, the physical mistreatment and verbal abuse inflicted on many of those detained, the widespread unnecessarily tight handcuffing and the denial of access to basic human needs such as the use of toilet facilities and provision of food. In addition there was a prevailing climate of fear of violence that had a dehumanizing effect on all those detained on board. On other vessels in the flotilla there were additional instances of persons being subjected to similar severe pain and suffering, including a person being seriously physically abused for refusing to provide his passport without a receipt. Principle 1 of the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment states: "All persons under any form of detention or imprisonment shall be treated in a humane manner and with respect for the inherent dignity of the human person". In addition, Principle 6 states: "No person under any form of detention or imprisonment shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. No circumstance whatever may be invoked as a justification for torture or other cruel, inhuman or degrading treatment or punishment".

179. The Mission is particularly concerned with the widespread use of tight handcuffing of passengers on board the *Mavi Marmara* in particular and to an extent of passengers on board the *Challenger 1, Sfendoni* and the *Eleftheri Mesogios*. Numerous passengers described the pain and suffering caused by being shackled by plastic handcuffs (also known as "'plasticuffs") in an overly tight manner, frequently behind their backs, causing further suffering. Many were experiencing neurological damage up to three months after the events of the flotilla. As has been highlighted, the manner in which handcuffs were used on passengers on board the flotilla is consistent with the systematic use of handcuffs by the Israeli forces in a manner that causes pain and injury.[83] The Mission is satisfied that the

[83] In June 2009 the Public Committee Against Torture in Israel (PCATI) published a report on the use of handcuffs by the Israeli Defence Forces entitled "Shackling as a form of torture and abuse". PCATI finds that: "Soldiers routinely handcuff detainees in a painful and injurious manner from the moment of their arrest and through their transfer to the various interrogation facilities. The systematic nature of the practice suggests disregard for the suffering caused to detainees and perhaps even deliberate intent to cause pain. This treatment often breaks the detainee's spirit and "softens" them up before they arrive for interrogation at the GSS facility. This is particularly true in the case of minors. The systemic use of the cuffing position as explained above may also reflect the collective punishment and intimidation of security detainees in general. Every month PCATI receives dozens of complaints describing this form of shackling. Over the past year alone, PCATI has documented 574 such cases. Though this figure is surely only the tip of the iceberg, it may indicate the scope of the phenomenon." Furthermore, an expert medical opinion by neurological specialist Dr. Hannah-Bettina Steiner-Birmanns is annexed to the report. Dr. Steiner-Birmanns states that: "Tight handcuffs – such as narrow and rigid plastic handcuffs tightened so that there is no space between the handcuffs and the detainee's hands – press strongly against the wrists. The handcuffs may remain on the detainee's hands for protracted periods. In such conditions the handcuffs can cause abrasions and damage to soft tissues, skin bruises and even bone fractures. The handcuffs also press against the nerves in the palms, leading to paralysis and a loss of sensation in the palms. These neurological damages can be transient

manner in which the handcuffs were used was clearly unnecessary and deliberately used to cause pain and suffering to passengers.

180. Torture is prohibited under the non-derogable article 7 of the ICCPR. Furthermore, article 1 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment states:

> For the purposes of this Convention, the term "torture" means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity.

Article 2, paragraph 2, of the Convention emphasizes the absolute prohibition of torture:

> No exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political in stability or any other public emergency, may be invoked as a justification of torture.

Insofar as these abuses amounted to the deliberate punishment of the passengers, or were an attempt to intimidate or coerce one or more of the passengers for participation in the flotilla and/or activities to prevent the interception of the flotilla, the treatment tended towards torture.

181. The Mission thus determines that the treatment of passengers on board the *Mavi Marmara* and in certain instances on board the *Challenger 1, Sfendoni* and the *Eleftheri Mesogios*, by the Israeli forces amounted to cruel, inhuman and degrading treatment and, insofar as the treatment was additionally applied as a form of punishment, torture. This represents a violation of articles 7 and 10, paragraph 1, of the International Covenant on Civil and Political Rights and of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

(c) Possible violations of the Fourth Geneva Convention and customary international humanitarian law

182. In addition to the international human rights violations set out above, the Mission considers that the same factual circumstances provide prima facie evidence that protected persons suffered violations of international humanitarian law committed by Israeli forces during the interception, including wilful killing, torture or inhuman treatment and wilfully causing great suffering or serious injury to body or health within the terms of article 147 of the Fourth Geneva Convention.

C. Detention of flotilla passengers in Israel and deportation

1. Factual description and findings

183. The Mission found the facts set out below to have been established to its satisfaction.

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but they can also be permanent. From the neurologist's perspective tight handcuffs may cause transient or irreversible damage to the detainee and, accordingly, the use of loosened handcuffs should be considered".

(a) Processing of the passengers at the port of Ashdod

184. All of the intercepted vessels in the flotilla were taken to the Israeli port of Ashdod where a processing centre had been set up in advance in marquees on the quayside to receive the passengers. The *Challenger 1*, the fastest vessel in the flotilla, arrived around 1100 hours on 31 May. The last ship to arrive was the *Mavi Marmara* at around 1800 hours on the same day. As a result of the numbers of passengers to be processed, the disembarkation process was extremely lengthy. Some passengers from the *Mavi Marmara* said that they had to wait up to 12 hours inside the ship under armed guard after it had arrived at the port and some did not disembark until the next morning.

185. The vessels were greeted by crowds of soldiers and sometimes civilians, including school children, at the quayside, waving flags and cheering the return of the Israeli forces. Some passengers said that they were jeered or taunted by the people on the quay. There were also television camera crews and journalists recording the disembarkation of the passengers. Many passengers said that they found the experience of being "paraded" before the media and the sometimes hostile crowds unsettling and humiliating.

186. Injured passengers who had not been airlifted were diagnosed and sent to nearby hospitals for treatment. Some passengers with serious injuries were made to walk off the *Mavi Marmara* unaided. Due to the delay in disembarking and processing all passengers, some injured passengers had to wait for considerable periods before they were diagnosed and sent to hospital. Others were not diagnosed until they arrived at the prison later.

187. During processing, all passengers were presented with official papers to sign. Various translations of the papers were in circulation, in English, Turkish and Arabic, but most passengers said that they were given a version in Hebrew and that the contents were not explained to them. According to those able to understand the papers, they stated that the signatory admitted to having entered Israel illegally and consented to deportation and be banned from re-entering Israel for a 10-year period. Some passengers were told that signing the document would expedite early release from custody and repatriation whereas failure to sign would result in a lengthy detention period pending court proceedings.

188. Almost all passengers refused to sign the document on the basis that they had been brought to Israel from international waters against their will or because they did not want to sign a document that they did not understand. There were concerted efforts by some Israeli officers to coerce passengers into signing the forms. Some passengers did sign under duress having annotated the text to reflect the circumstances of their entry into Israel or stating that it was signed "under protest". Some passengers were threatened with physical violence for refusing to sign; others were beaten or physically abused for refusing to sign or for advising others not to sign. Efforts to persuade passengers to sign the forms continued at the airport almost up to the moment of departure.

189. Passengers were subjected to a series of meticulous searches, including strip searches. Although female officers generally searched the women, some complained that they were searched in full or partial view of male officers. Some male passengers said that they were subjected to or threatened with internal cavity searches. A number of passengers described the process of being searched as being deliberately degrading and humiliating, accompanied by taunts, provocative and insulting language and physical abuse. During the course of their detention in Israel, many passengers were searched multiple times, long after such searches could serve a useful security purpose.

190. During processing, passengers were photographed either for official documentation or, in some cases, for "trophy pictures". The processing of some passengers was also videotaped. Passengers had their fingerprints and in some cases DNA swabs, were taken. Whilst some successfully declined to submit to fingerprinting, some had their prints taken by force. A victim and witnesses provided a vivid description of the circumstances in which

one passenger, a Greek national, was severely beaten for refusing to provide his fingerprints to the Israeli authorities. The passenger was dragged along the ground for some distance and then surrounded by a large group of Israeli officials who proceeded to beat him severely, including the deliberate fracture of his leg. His cries for help were ignored, and one witness noted uniformed officials, both male and female, laughing at him. The passenger's broken leg was not treated until after he had left Israel.

191. Passengers were also given a medical check, although some were able to and did refuse. Many passengers considered the medical checks to be cursory and pro forma. The medication of some passengers who were following special medical prescriptions for existing conditions had been confiscated by soldiers or left behind on the vessels. Requests for these medications to be returned were not met promptly although some people did receive their medication later after repeated requests.

192. In addition to the examples described above, there were other incidents of physical violence being perpetrated against individual passengers deemed non-cooperative, which resulted in physical injuries and trauma. One passenger, who made a general protest about the way the passengers were being treated, was told by an Israeli officer: "You are in Israel now; you have no rights".

193. Passengers were not allowed access to a lawyer or to consular services during processing at the port. Some passengers said that there were translators available in some languages and some officials involved in the processing spoke languages other than Hebrew. However, many passengers were unable to understand what was being said to them.

194. The wife of one of the deceased passengers was treated with complete insensitivity to her bereavement. She was not allowed to make a phone call to inform her family of her loss. There were examples of members of the same family who were separated and kept in complete ignorance of the whereabouts and well-being of their relatives until repatriation. This separation added to the distress and anxiety experienced by the passengers.

(b) Detention of passengers and crew at Ella prison near Beersheva

195. After processing at Ashdod, the majority of passengers were transferred in batches to Ella Prison, near Beersheva, a one-to-two-hour journey by road. Passengers were transferred in regular prison vehicles with barred windows. Some passengers had to wait in the vehicles for several hours. One passenger said that he spent 20 hours waiting in a van both at Ashdod and at the prison. Many passengers complained that excessive air-conditioning made the vans very cold. Others complained that they were locked in the vans with closed windows in the sun for long periods so that the atmosphere became suffocating. Requests to adjust the temperature or to allow access to the toilet were either ignored or in some cases resulted in threats of or actual violence.

196. On arrival at the prison, most passengers were placed in cells in groups of up to four persons. A number of passengers reported that they were kept in isolation and did not meet with other passengers until they left the prison.

197. Most witnesses reported that the conditions at the prison were acceptable, although some complained that on arrival at the facility they had to clean the cells and the communal areas. Some also stated that the toilets did not function properly and some, including women, reported discomfort in using the showers due to the presence of surveillance cameras. Passengers were generally provided with food and water. Many passengers complained that they were prevented from sleeping in the prison due to regular roll-calls, noise from the prison guards and other deliberate disturbances.

198. Many passengers were subjected to further interrogations while in detention; some said that this was done repeatedly. There were a number of allegations of beatings during these interrogations.

199. Most witnesses reported that they continued to be denied access to a lawyer and to contact with their embassies. Lawyers from one Israeli legal aid NGO said that they made repeated attempts to visit the detainees but were denied entry for some time. When they were granted access, the lawyers had a very limited time with each detainee and could only conduct cursory interviews. Some passengers received a visit from their embassy representative but the majority had no such contact. Although there was some access to telephones, telephone cards, when distributed, allowed very limited calling time making it practically impossible to call abroad.

200. No foreign national detained at Beersheva was charged with any offence or brought before a judge. One passenger was, however, taken, after he had protested his right to appear before a judge, before what he considered to be a "sham court" close to the airport to have his deportation confirmed.

(c) Ill-treatment of passengers at the airport and repatriation

201. Depending on their time of arrival, passengers were detained from between 24 and 72 hours. Jordanians and passengers from certain other countries with no diplomatic relations with Israel were released early and transported back to Jordan by road. The majority of passengers were taken from the prison to Ben Gurion International Airport in Tel Aviv for repatriation by air. Many passengers complained that they had again to wait for many hours in the sun inside prison vans both at the prison and on arrival at the airport during the deportation phase. One women, overcome by the oppressive conditions in her vehicle said that she was refused access to a toilet despite making clear that she was menstruating.

202. Perhaps the most shocking testimony, after that relating to the violence on the *Mavi Marmara*, provided to the Mission was the consistent accounts of a number of incidents of extreme and unprovoked violence perpetrated by uniformed Israeli personnel upon certain passengers during the processing procedures inside the terminal at Ben Gurion International Airport on the day of deportation. These accounts were so consistent and vivid as to be beyond question. An intimidating number of armed soldiers and police were present inside the terminal building. Some passengers said that these officers were "spoiling for a fight". All passengers had been subjected to multiple searches and were completely under the control of the Israelis by this stage. Most passengers were continuing to refuse to sign deportation documents and some were determined to make a point about the legality of the process by insisting on a court hearing to confirm the deportation. None of the violence described seems to have been justified.

203. Some passengers in the passport checking area saw an older passenger being roughly treated after receiving what appeared to be a beating. When other passengers, including Irish and Turkish passengers, protested this treatment, they were charged by soldiers using batons. In the foray, around 30 passengers were beaten to the ground, kicked and punched in a sustained attack by soldiers. One Irish passenger was seen being particularly badly beaten around the head and held in a choke position to the point of near suffocation. He identified his attackers as police officers. He was taken to a holding cell.

204. One Turkish passenger involved in the fight said that he was subsequently taken by soldiers, handcuffed with metal cuffs, picked up by the cuffs, taken to a small room and beaten and kicked by five more soldiers while others shielded the scene from outside. The police intervened to stop the violence in this case.

205. A number of women were pushed around by soldiers, one of whom was beaten with fists. They were also subjected to sexual taunts.

206. In a separate incident, a passenger was physically attacked by around 17 officers when he refused to sign deportation paper, kicked in the head and threatened at gunpoint. A number of passengers had resolved to resist deportation in order to have the opportunity to demonstrate their innocence in an Israeli court. This was taken as a provocation by the Israelis.

207. One medical doctor gave a detailed account of his treatment. On arrival at the airport, the officer accompanying him jostled him and tried to trip him up on the stairs. He was then subjected to verbal insults as he passed through a check point. An officer slapped him on the back of the head and when he protested he was set upon by a group of uniformed officers, knocked to the ground and repeatedly punched and kicked. He was then dragged out of sight of other passengers where the attacks resumed. Attempts were made to break his fingers. He was restrained with metal handcuffs behind his back so tightly that he lost feeling to one hand. He was then hoisted up by the cuffs and pushed against a wall. When he asked for the cuffs to be loosened, he was told this was the price he had to pay for attempting to go to Gaza and that "it would be good for his health". The doctor was wearing a jacket which clearly identified him as a medical doctor and said the attacks were completely unprovoked.

208. There were other incidents of isolated violence against individual passengers who were deemed to be uncooperative. One passenger was seen having his arm twisted behind his back by police to the point that the arm broke. Another was kicked and hit by some 10 soldiers, handcuffed and taken by vehicle to another place 10-15 minutes away, where soldiers abused him for up to two hours. When he returned to the airport, he was bleeding from the head.

209. A large number of the military and police personnel at the airport exhibited serious and unprofessional lapses of military discipline whilst commanding officers failed in most cases to intervene promptly. Much of the behaviour was surely criminal under domestic Israeli law.

210. The majority of the passengers regardless of nationality were deported from Israel aboard aircraft provided by the Government of Turkey. The Jordanian detainees however were deported by bus across the land border between Israel and Jordan. The Greek passengers were airlifted back to Athens aboard a Greek military aircraft sent by the Government of Greece. At least one passenger with dual nationality, including Israeli nationality elected not to be deported in order not to jeopardize his Israeli citizenship. He was threatened with prosecution but was released in Israel and later left the country without hindrance.

211. Some passengers were made to wait for many hours on board the aircraft while the deportation procedures for the other passengers were being completed. Some passengers said that they boarded the plane in the morning but did not take off until after midnight.

(d) Treatment of injured passengers in Israeli hospitals

212. According to Israeli sources, 31 wounded passengers from the *Mavi Marmara* were air-lifted to various hospitals in Tel Aviv, Jerusalem, Haifa and other locations. All witnesses reported that there were guards, either police or soldiers or both, at the bedside or stationed outside their rooms. They remained in the hospitals for between three and five days receiving medical treatment and were then transferred to Turkey by aeroplane. Most were then taken directly to the Atatürk Research Hospital in Ankara for further treatment.

213. Some of the passengers treated in Israeli hospitals acknowledged that they were well cared for by the medical personnel, but others reported verbal abuse and taunting by their guards. A number of witnesses said that they were unable to sleep properly throughout their stay in hospital due, in some cases, to deliberate disturbance by the guards. The patients were subjected to the same repeated questioning by police or soldiers and heavy pressure to sign documents in Hebrew as other passengers had experienced at Ashdod. Some patients were visited by a representative of their embassy or by representatives of the International Committee of the Red Cross.

214. Many of those treated in the Israeli hospitals reported that they were handcuffed to their beds using standard metal handcuffs throughout their stay. Some were also restrained at their ankles. These were seriously injured people and the cuffing was done with no apparent regard to their injuries.

2. Legal analysis of the treatment of the passengers in Israel

(a) Arbitrary or illegal arrest or detention

215. As stated above, article 9, paragraph 1, of the International Covenant on Civil and Political Rights guards against arbitrary arrest or detention. Since the Israeli interception of the flotilla was unlawful, the detention of the passengers and crew from the seven vessels at Ashdod was also prima facie unlawful since there was no legal basis for the Israeli authorities to have detained and transported these people to Israel. The passengers found themselves in Israel on the basis of an unlawful act by the State of Israel. The Israeli authorities were therefore under an obligation to deal with these people in accordance with their international human rights obligations. However, once they arrived in Israel, the Israeli authorities attempted to shroud the illegality of the interception in a veil of legality.

216. On arrival in Ashdod, attempts were made to get passengers to sign certain documents which passengers understood to be a confession of illegal entry into Israel. The passengers almost universally refused to sign these documents based on the logic that since they had been brought to Israel against their will, they could not themselves be held to have illegally entered the country. They objected to the implication that they, as victims of an illegal act by the State of Israel, could then be held guilty of the illegal act of entering Israel. The Mission shared this objection and is of the view that the continued detention of the passengers at Ashdod, Beersheva and at the airport constituted a continuation of their unlawful detention initiated by the soldiers on the vessels after the interception

217. Some passengers wished to challenge the legality of that detention as a means of drawing attention to the illegal acts which had resulted in their arrival in Israel. They insisted on their right to appear before a judge and said that they had received summons to appear in court to face charges. The Mission did not receive copies of any court documents showing that foreign nationals involved in the flotilla were charged with any criminal offences in Israel. If they were, then the denial of the right to a fair hearing before an independent, impartial and competent tribunal would constitute a violation of their rights under article 14 of the International Covenant.

(b) Torture and other cruel, inhuman and degrading treatment or punishment

218. At all times, the Israeli authorities were bound to treat the detainees in accordance with Israel's international human rights obligations and to protect them from harm. The Mission considers that, whilst the detention phase purported to proceed within a framework of legality, there was pervasive hostility towards the passengers which allowed abuse to take place.

219. Passengers' testimony included a number of credible allegations of physical violence and abuse perpetrated by Israeli officers, soldiers and policemen at the processing centre in Ashdod, at the prison and at the airport. In some cases, this violence seemed gratuitous; in other cases, it seemed aimed specifically at forcing compliance with particular procedures (signing forms, fingerprinting) or punishing individuals for non-compliance. The Mission considers that acts of torture were committed by Israeli officials against passengers during their period of detention in Israel in violation of article 1 of the Convention against Torture and articles 7 and 10 of the International Covenant on Civil and Political Rights.

220. There were other instances of behaviour by Israeli officials which was aimed at humiliating individuals which, if not torture, would constitute cruel, inhuman or degrading treatment or punishment under the terms of article 16 of the Convention against Torture. Body searches were not always conducted in accordance with accepted procedures aimed at protecting the dignity of the person being searched and the frequency of the searches raises the suggestion that they served to humiliate and degrade rather than meet security needs. The Mission would like to draw particular attention to the treatment received by some women by female Israeli officers at the processing centre that fell well short of acceptable behaviour.

(c) Parading of detainees

221. Whilst the passengers and crew arriving at Ashdod cannot be classified as prisoners of war, the scene at the quayside described by those interviewed carries the hallmarks of a "triumph" at which captured prisoners of war are paraded in front of flag-waving crowds. Prisoners of war would have been protected against this humiliating spectacle by article 13 of the Third Geneva Convention which protects them from "insults and public curiosity". As civilians, the flotilla passengers should have been entitled to the same basic level of protection, which would also fall under general customary law provisions protecting civilians from assaults on their dignity. The failure of the Israeli authorities to afford this protection may also be construed, inter alia, as a violation of the presumption of innocence under article 14, paragraph 2, of the International Covenant comparable to the public display of those suspected of criminal offences. Regardless of whether any passengers on board the flotilla were suspected of having committed of criminal acts, all passengers should have been protected from public curiosity.

(d) Right to security of the person and to human dignity

222. The serious incidents of physical violence perpetrating by Israeli military and/or police officers against the passengers at Ben Gurion International Airport clearly constitute grave violations of the protection that should be afforded to detainees under international human rights law and international humanitarian law. Article 9 of the International Covenant provides for the right to security of person and article 10 guarantees that "all persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person". Insofar as the treatment meted out at the airport was perpetrated by soldiers and police, sometimes with the acquiescence of their superiors, this behaviour can also be considered torture. It seems clear to the Mission that these acts at the airport, at a time when the passengers were completely under the control of the authorities, constituted an attempt by individual groups of officers to "give them a bloody nose" just before departure.

223. Other reported acts of physical abuse and ill treatment during the detention and deportation phase would similarly constitute violations of the right to security of person.

224. The Code of Conduct for Law Enforcement Officials sets out some basic obligations which should have been followed by all Israeli military and police personnel whilst they

were charged with the care of the passengers. These include the duty to respect and protect human dignity and maintain and uphold the human rights of all persons (art. 2), to use force only when strictly necessary and to the extent required for the performance of their duty (art. 3) and not to inflict, instigate or tolerate any act of torture or other cruel, inhuman or degrading treatment or punishment (article 5). Each of these duties was disregarded by certain Israeli officials at certain points during the detention and deportation process.

(e) Other detention rights

225. Regardless of the pretended claim to legality of the detention of the flotilla participants inside Israel, the State of Israel was bound to afford the detainees certain basic rights whilst in detention. In certain instances, the facts as presented to the Mission indicate that these rights were not respected.

226. Article 10 of the International Covenant provides that all persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person. This provision is supplemented, inter alia, by the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment (1988) and the Code of Conduct for Law Enforcement Officials (1979). Whilst a system was put in place at Ashdod for the processing of the disembarking passengers, it is clear that officers showed a hostility towards the passengers under their care which encouraged behaviour which violated basic standards of civilized treatment of detainees.

227. There were problems with ensuring that all disembarking passengers understood the legal processes and procedures to which they were being subjected due to language difficulties. Although the Israeli authorities clearly attempted to provide documents in languages other than Hebrew and some officers were on hand able to speak English, Arabic and Turkish, it is clear that many passengers did not understand what was happening to them. Article 9, paragraph 2, of the International Covenant requires that detained persons be informed about the reasons for their arrest and detention. Principle 14 of the Body of Principles states that a person who does not adequately understand or speak the language used by the authorities responsible for the arrest, detention or imprisonment is entitled to receive promptly in a language which he understands certain specific information relating to his arrest and detention and to have the assistance, free of charge, if necessary, of an interpreter in connection with legal proceedings subsequent to arrest. The Mission considers that many detainees were not afforded these rights.

228. Furthermore, there is evidence that some detainees were specifically misinformed about their legal situation by Israeli officers, particular with regard to the deportation papers they were asked to sign. In one absurd example, an individual says that he was told that refusing to sign the deportation form would incur the death penalty – an assertion which the detainee did not take seriously. Principle 21 of the Body of Principles prohibits taking "undue advantage of the situation of a detained or imprisoned person for the purpose of compelling him to confess, to incriminate himself otherwise or to testify against another person".

229. Many of the detainees specifically requested, on numerous occasions, access to legal counsel and/or the consular services of their embassies or diplomatic representatives in Israel. Although some did eventually receive visits from legal aid lawyers and diplomatic consuls, other did not. Principle 17 of the Body of Principles states that "a detained person shall be entitled to have the assistance of a legal counsel. He shall be informed of his right by the competent authority promptly after arrest and shall be provided with reasonable facilities for exercising it." Principle 16 (2) furthermore provides:

> If a detained person is a foreigner, he shall also be promptly informed of his right to communicate by appropriate means with a consular post of the diplomatic mission

of the State of which he is a national or which is otherwise entitled to receive such communication in accordance with international law or with the representative of a competent international organization, if he is a refugee or is otherwise under the protection of an international organization.

Any communication under this provision must be made or permitted without delay. Most detainees who gained access to a consul were only allowed such access several days after they had originally been detained and requested access.

230. Principle 18 provides that "a detained person shall be entitled to communicate and consult with his legal counsel [and] shall be allowed adequate time and facilities for consultation". Israeli legal-aid lawyers who gained access to some of the detainees were barely able to spend more than a few minutes with each detainee in the time allocated by the authorities for the visit.

231. All detainees complained that they were not allowed the means to contact their families, who would have been distressed and concerned after hearing from news reports about the interception of the flotilla. In one extreme and insensitive example, the wife of one of the deceased was not able to call her family to notify them of her bereavement. Although telephones were available to some detainees in prison, they could not be used to make the numerous international telephone calls necessary for this particular cohort of detainees from more than 40 countries. Principle 16 (1) of the Body of Principles states that "promptly after arrest and after each transfer from one place of detention to another, a detained person shall be entitled to notify or to require the competent authority to notify members of his family or other appropriate persons of his choice of his arrest, detention or imprisonment or for the transfer and of the place of detention where he is kept in custody". There should be no delay in the implementation of this requirement.

(f) Treatment of injured people in detention

232. Most passengers were offered a medical examination, albeit perfunctory, in accordance with Principle 24 of the Body of Rules, which states that "a proper medical examination shall be offered to a detained or imprisoned person as promptly as possible after his admission to the place of detention or imprisonment".

233. In some instances, passengers who had been injured, including those injured by assaults committed by Israeli officials did not receive immediate medical attention. Article 6 of the Code of Conduct states that "law enforcement officials shall ensure the full protection of the health of persons in their custody and, in particular, shall take immediate action to secure medical attention whenever required".

D. Confiscation and return of property by the Israeli authorities

1. Factual description and findings

234. The Mission found the facts set out below to have been established to its satisfaction.

(a) Possessions of passengers confiscated by the Israeli authorities

235. The Mission received accounts from passengers who were on board all six vessels in the flotilla on the confiscation by the Israeli authorities of cash and a wide variety of personal belongings, including passports, identification cards, driving licences, mobile telephones, laptop computers, audio equipment including MP3 players, photographic and video recording equipment, credit cards, documents, books and clothing. These items were taken at a number of stages, primarily while on board the vessels (during body searches and

items left in others parts of the vessels that they were not permitted to retrieve) or during processing at the Ashdod detention facility. The Mission estimates that many hundreds of expensive electronic items remain in the possession of the Israeli authorities. Many passengers were carrying considerable amounts of cash donations to be distributed in Gaza, in some cases amounting to tens of thousands of dollars. There was inconsistent practice by the Israelis with regard to cash: some passengers were allowed to hold on to cash throughout their detention, some had cash confiscated and then returned and others had the cash taken and it was not returned.

236. Furthermore, while most passports were returned to passengers prior to their departure from Israel and others have since been returned, some passengers have still not received their passports nearly four months after the incident.

237. It is clear in the view of the Mission that the Israeli authorities did not put a system in place to properly record items that were confiscated and identify personal effects with the aim of returning them to the rightful owners. On board the various vessels, the Israeli forces conducted extensive searches of the passengers' luggage that left personal possessions strewn across the cabins in a highly disordered state. One witness, who had been isolated and beaten, described the surreal experience of sitting handcuffed on a large heap of laptops and electronic devices and being "serenaded" by mobile telephones reconnecting to a network as the ship approached Ashdod.

238. Some items were returned to the Turkish authorities and passengers were able to retrieve some items of luggage from the forensic office in Istanbul. When the vessels were later returned from Israeli custody, some luggage and other items still on board were stored at an IHH warehouse in Istanbul. However, passengers who went to the warehouse were only able to reclaim a few clothing items or empty suitcases. The mission was informed that items belonging to some of the British passengers were also returned to them by post via the British Consulate in Israel but that these items were damaged or not actually theirs.

239. The mission's attention has been drawn to several allegations regarding misuse of items confiscated by the Israeli authorities, including laptop computers, credit cards and mobile telephones. On 20 August 2010 it was reported in the Israeli media that "at least four" Israeli soldiers had been detained on suspicion of stealing and selling laptops belonging to passengers that were on board the flotilla.[84] Furthermore, at least four passengers have stated that their personal items, including credit cards and mobile telephones, have been subsequently used in Israel. There is an account of a particular witness, a journalist, who was on board the *Sfendoni* and alleged that his credit card was used to purchase items in Israel, both while he was detained at the Beersheva prison and after he had been released.[85] There is another specific account where more than $1,000 was spent on a confiscated credit card in Israel.[86]

240. Amongst the items confiscated and not returned by the Israeli authorities is a large amount of video and photographic footage that was recorded on electronic and other media by passengers, including many professional journalists, on board the vessels of the flotilla. This includes a large number of photographic and video material of the Israeli assault and interception on the *Mavi Marmara* and other vessels. The Israeli authorities have

[84] See www.haaretz.com/news/diplomacy-defense/idf-soldiers-suspected-of-theft-from-gaza-flotilla-ship-1.308862

[85] See www.haaretz.com/print-edition/news/italian-flotilla-journalist-my-credit-card-was-used-after-idf-confiscated-it-1.295493

[86] See www.guardian.co.uk/world/2010/jun/18/gaza-convoy-activists-debit-card-fraud

subsequently released a very limited amount of this for public access, in an edited form,[87] but the vast majority has remained in the private control of the Israeli authorities.

241. The Mission is satisfied that this represents a deliberate attempt by the Israeli authorities to suppress or destroy evidence and other information related to the events of 31 May on the *Mavi Marmara* and other vessels of the flotilla.

242. Many journalists who were on board the flotilla in their professional capacity have subsequently submitted various complaints regarding the confiscation of their data and equipment and the non-payment of damages or compensation. An example of this is a letter of behalf of the approximately 60 journalists that was sent to request action of the European Commission. The mission is aware of formal claims being prepared on behalf of a number of passengers whose personal property was taken or confiscated on board the *Mavi Marmara* and other vessels. The Mission estimates the value of such property to be not inconsiderable.

(b) Vessels of the flotilla confiscated by the Israeli authorities

243. The six vessels of the flotilla were held by the Israeli authorities for an extended period of time. For example, the *Mavi Marmara, Defne Y* and *Gazze 1* ships were only taken to the Turkish port of Iskenderun on 7 August, more than two months after arriving at the port of Ashdod in Israel.

244. The *Mavi Marmara* was in a state of disrepair on its return to Turkey. The ship's captain and other crew members confirmed that items damaged had been in full working order when the ship was taken under the control of the Israeli authorities on 31 May. The Mission's own investigations confirmed that equipment had been destroyed or badly damaged including two Automatic Identification Systems (AIS) and a gyro-screen, two Very High Frequency (VHF) handset radio loud speakers, surveillance and other equipment, the VHF radio and VHF DSC Watch Receiver, MF-HF radio and DSC equipment, the control panel indicator, the speed log screen, the INMARSAT-C screen, the Raytheon Plotter-Radar replacement screen, two mobile Global Positioning Systems (GPS) and the fire-alarm control panel. Other items had been removed, including the satellite telephone, the ship survey recording computer and its spare equipment and the ship's journal and all records, including the ship's certificate file. In the engine room, the control room generator and main control dash were destroyed and the gear dash was damaged. There was oily water and submergible pumps in the bilge water compartment of the engine and the diesel generator spare parts were scattered with some sea water as well as oil leaks were present. Furthermore, the engine command and control systems had been tampered with.

2. Legal analysis of the denial of property and right to freedom of expression

245. The Mission is concerned that the actions of the Israeli authorities in confiscating, withholding, and in some cases destroying the private property of many hundreds of passengers on board the various vessels of the flotilla represents both a violation of rights related to property ownership and to the freedom of expression.

246. Article 17 of the Universal Declaration of Human Rights states that "everyone has the right to own property alone as well as in association with others; No one shall be arbitrarily deprived of his property". Insofar as the Universal Declaration in considered to form part of customary international law, no State may arbitrarily deprive someone of their

[87] For example, footage taken by a passenger on the top deck while Israeli soldiers descended onto the deck: www.youtube.com/watch?v=S6Xm8Irz-so

own property. The Mission considers that the Israeli authorities, in disregarding the rights of many hundreds of passengers on board the flotilla to their possessions, fails to meet a State's obligations in relation to rights to own property.

247. In relation to international humanitarian law, Article 97 of the Fourth Geneva Convention states: "Internees shall be permitted to retain articles of personal use. Monies ... and valuables in their possession may not be taken from them except in accordance with established procedure ... On release or repatriation; internees shall be given all articles, monies or other valuables taken from them during internment ... with the exception of any articles or amounts withheld by the Detaining Power by virtue of its legislation in force. If the property of an internee is so withheld, the owner shall receive a detailed receipt. Family or identity documents in the possession of internees may not be taken away without a receipt being given".

248. Furthermore, the International Criminal Tribunal for the Former Yugoslavia has established that, as far as the destruction or appropriation of property cannot be justified by military necessity, it is unlawful.[88] Clearly no military necessity existed to justify the confiscation and continuing appropriation of the property of the passengers of the flotilla. Furthermore, the Mission has been made aware of communications between the Government of Israel and a law firm in the United Kingdom, in which the Government admits to retaining property of the passengers, but does not claim reasons of military necessity but only that the items are necessary for ongoing investigations within Israel.

249. Article 19, paragraph 2, of the International Covenant on Civil and Political Rights states that "Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice." While this right may be subject to certain restrictions, as set out in article 19, , paragraph 3, none of these are met in this case that would allow the Israeli authorities to restrict the rights of journalists and other passengers to freely utilize and share information gathered on board the vessels of the flotilla. Journalists in particular have the right to utilize the tools of their trade. The Mission considers that the actions of the Israeli authorities represent a continuing violation of the right to freedom of expression for the journalists and other passengers on board the flotilla.

E. Consequences for Israeli citizens of participation in the flotilla

Factual description and findings

250. The Mission found the facts set out below to have been established to its satisfaction.

(a) Detention and criminal prosecution of Israeli citizens

251. Passengers with Israeli citizenship were separated from other passengers on arrival in Ashdod. After interrogation, they were informed that they would be detained and face charges under Israeli law, including attempting to kill a soldier, seizing arms, shooting from a soldier's gun, organizing violence and being present in a military zone. Although taken to a different prison, they had similar experiences to the other passengers, including sleep deprivation and denial of access to a lawyer.

[88] ICTY, Judgment, *The Prosecutor v. Dario Kordic and Mario Cerkez*, IT-95-14/2-T.

252. On 1 June 2010, the Ashkelon Magistrate's Court remanded in custody four Palestinian Israelis: Muhammed Zeidan, Chairman of the High Follow-up Committee for Arab Citizens of Israel; Sheikh Raed Salah, the Head of the Islamic Movement of Israel (northern branch); Sheikh Hamad Abu Daabe, Head of the Islamic Movement in Israel (southern branch) and Lubna Masarwa of the Free Gaza Movement. On 3 June 2010, the same court decided to release the group with certain conditions, including a period of house arrest until 8 June, prohibition from leaving the country for 45 days and the posting of a bond of 150,000 Shekels by a third party.

253. The four people have not since been indicted but the file is still open and the charges have not been withdrawn.

(b) Reprisals against an elected member of the Knesset

254. One member of the Israeli Knesset, Haneen Zouabi, was a passenger on the Mavi Marmara. Ms. Zouabi was not detained, but was extensively interrogated.

255. As a result of her participation in the flotilla, the Knesset voted on 7 June 2010 to remove three of parliamentary privileges available to Ms. Zouabi as a Member of the Knesset: her privileges in overseas travel; her diplomatic passport; payment of any legal fees in case of removal of her parliamentary immunity from criminal prosecution. The Knesset held several sessions on the issue of her participation in the flotilla during which there were racist and sexist remarks and physical threats made against her. Some parliamentarians have also called for her to face criminal prosecution and measures, such as revoking her membership in the Knesset, were discussed. The Israeli Minister of Interior accused Ms. Zouabi of treason and requested authorization from the Attorney General to revoke her citizenship. To date, no criminal proceedings have been initiated against Ms. Zouabi. Since her participation in the Gaza flotilla, Ms. Zouabi has received many death threats.

256. The Inter-Parliamentary Union's Committee on the Human Rights of Parliamentarians adopted a confidential decision at its 130th session in July 2010,[89] holding the punishment of Ms. Zouabi for exercising her freedom of speech by expressing her political position to be unacceptable and calling on the Knesset to reconsider its decision.

257. The Mission refrains from any comment on any domestic legal proceedings which may be *sub judice*. However, the Mission notes that these actions against Israeli citizens could give rise to certain violations of Israel's international human rights obligations, including freedom of expression, political participation rights and rights to due process.

IV. Accountability and effective remedy

258. The Mission notes that the facts established give rise to a series of violations in law. In accordance with the provisions of the International Covenant on Civil and Political Rights, the victims of such violations have a right to an effective remedy which includes judicial remedies as well as the right to reparations which should be proportionate to the gravity of the violations. In cases of torture, victims should in addition be afforded medical and psychological care. Finally, article 9, paragraph 5, of the Covenant provides for a specific right to compensation. As far as the grave breaches of the Fourth Geneva Convention are concerned, these may give rise to individual criminal responsibility.

[89] Case No. IL/04 – Haneen Zoabi – Israel

259. In the past, Israel has not honoured its obligations referred to in the preceding paragraph. It is hoped that on this occasion the Israeli authorities and those concerned will carry out prompt, independent and impartial judicial investigations of violations of international law, including international humanitarian law and human rights law, with a view to bringing the perpetrators to justice.

V. Conclusions

260. **The attack on the flotilla must be viewed in the context of the ongoing problems between the Government of Israel and the Palestinian Authority and people. In carrying out its task, the Mission was exposed to the depth of conviction on both sides of the correctness of their respective positions. Similar disasters are likely to reoccur unless there is a dramatic shift in the existing paradigm. It must be remembered that might and strength are enhanced when attended by a sense of justice and fair play. Peace and respect have to be earned, not bludgeoned out of any opponent. An unfair victory has never been known to bring lasting peace.**

261. **The Mission has come to the firm conclusion that a humanitarian crisis existed on the 31 May 2010 in Gaza. The preponderance of evidence from impeccable sources is too overwhelming to come to a contrary opinion. Any denial of this cannot be supported on any rational grounds. One of the consequences flowing from this is that for this reason alone the blockade is unlawful and cannot be sustained in law. This is so regardless of the grounds on which one seeks to justify the legality of the blockade.**

262. **Certain results flow from this conclusion. Principally, the action of the Israel Defense Force in intercepting the *Mavi Marmara* on the high seas in the circumstances and for the reasons given was clearly unlawful. Specifically, the action cannot be justified in the circumstances even under Article 51 of the Charter of the United Nations.**

263. **Israel seeks to justify the blockade on security grounds. The State of Israel is entitled to peace and security like any other. The firing of rockets and other munitions of war into Israeli territory from Gaza constitutes serious violations of international law and of international humanitarian law. But any action in response which constitutes collective punishment of the civilian population in Gaza is not lawful in any circumstances.**

264. **The conduct of the Israeli military and other personnel towards the flotilla passengers was not only disproportionate to the occasion but demonstrated levels of totally unnecessary and incredible violence. It betrayed an unacceptable level of brutality. Such conduct cannot be justified or condoned on security or any other grounds. It constituted a grave violation of human rights law and international humanitarian law.**

265. **The Mission considers that several violations and offences have been committed. It is not satisfied that, in the time available, it has been able to compile a comprehensive list of all offences. However, there is clear evidence to support prosecutions of the following crimes within the terms of article 147 of the Fourth Geneva Convention:**

- **Wilful killing;**
- **Torture or inhuman treatment;**
- **Wilfully causing great suffering or serious injury to body or health.**

The Mission also considers that a series of violations of Israel's obligations under international human rights law have taken place, including:

- **Right to life (art. 6, International Covenant on Civil and Political Rights);**
- **Torture and other cruel, inhuman or degrading treatment or punishment (art. 7, International Covenant; Convention against Torture);**
- **Right to liberty and security of the person and freedom from arbitrary arrest or detention (art. 9, International Covenant);**
- **Right of detainees to be treated with humanity and respect for the inherent dignity of the human person (art. 10, International Covenant);**
- **Freedom of expression (art. 19, International Covenant).**

The right to an effective remedy should be guaranteed to all victims. The mission must not be understood to be saying that this is a comprehensive list by any means.

266. **The Mission notes that the retention by the Israeli authorities of unlawfully seized property remains a continuing offence and Israel is called upon to return such property forthwith.**

267. **The perpetrators of the more serious crimes, being masked, cannot be identified without the assistance of the Israeli authorities. They reacted in a violent manner when they thought that anyone was attempting to identify them. The Mission sincerely hopes that there will be cooperation from the Government of Israel to assist in their identification with a view to prosecuting the culpable and bringing closure to the situation.**

268. **The Mission is aware that this is not the first time that the Government of Israel has declined to cooperate with an inquiry into events in which its military personnel were involved. On this occasion the Mission accepts the assurances of the Permanent Representative of Israel that the position which he was directed to defend was in no way directed towards the members of the Mission in their personal capacities. It is nonetheless regrettable that, on yet another occasion of an enquiry into events involving loss of life at the hands of the Israeli military, the Government of Israel has declined to cooperate in an inquiry not appointed by it or on which it was significantly represented.**

269. **The Mission regrets that its requests to the Permanent Mission of Israel for information were not entertained. The reason initially given was that the Government of Israel had established its own independent panel of distinguished persons to investigate the flotilla incident. The Mission was told that for that reason, and also because the Secretary-General had announced the establishment of another distinguished panel with a similar mandate, that "an additional Human Rights Council initiative in this regard [are] both unnecessary and unproductive".**

270. **The Mission did not agree with that position and for that reason suggested to the Permanent Representative of Israel that he should direct to the Council and not the Mission a request that the Mission defer submitting its report to permit other enquiries to complete their tasks. The Mission has not received any direction from the Council to date and considers that it would have been obligated to respond positively to any such directive from the Council.**

271. **In the light of the fact that the Turkel Committee and the Secretary-General's panel have not concluded their sittings, the Mission will refrain from any remarks which are capable of being construed as not allowing those bodies to complete their tasks "unfettered by external events". The Mission confines itself to the observation**

that public confidence in any investigative process in circumstances such as the present is not enhanced when the subject of an investigation either investigates himself or plays a pivotal role in the process.

272. **Elsewhere in this report the Mission has referred to the fact that it found it necessary to reinterpret its mandate because of the manner in which the resolution appointing it was couched. It is important in the drafting of matters of the sort that the impression is not given of the appearance of any prejudgment. The Mission took particular care at the first opportunity to indicate that it interpreted its mandate as requiring it to approach its task without any preconceptions or prejudices. It wishes to assure all concerned that it has held to that position scrupulously.**

273. **All the passengers on board the ships comprising the flotilla who appeared before the Mission impressed the members as persons genuinely committed to the spirit of humanitarianism and imbued with a deep and genuine concern for the welfare of the inhabitants of Gaza. The Mission can only express the hope that differences will be resolved in the short rather than the long term so that peace and harmony may exist in the area.**

274. **Nine human beings lost their lives and several others suffered serious injuries. From the observations of the Mission, deep psychological scars have been inflicted by what must have been a very traumatic experience not only for the passengers but also the soldiers who received injuries. The members of the Mission sympathize with all concerned and in particular with the families of the deceased.**

275. **The Mission is not alone in finding that a deplorable situation exists in Gaza. It has been characterized as "unsustainable". This is totally intolerable and unacceptable in the twenty-first century. It is amazing that anyone could characterize the condition of the people there as satisfying the most basic standards. The parties and the international community are urged to find the solution that will address all legitimate security concern of both Israel and the people of Palestine, both of whom are equally entitled to "their place under the heavens". The apparent dichotomy in this case between the competing rights of security and to a decent living can only be resolved if old antagonisms are subordinated to a sense of justice and fair play. One has to find the strength to pluck rooted sorrows from the memory and to move on.**

276. **The Mission has given thought to the position of humanitarian organizations who wish to intervene in situations of long-standing humanitarian crisis where the international community is unwilling for whatever reason to take positive action. Too often they are accused as being meddlesome and at worst as terrorists or enemy agents.**

277. **A distinction must be made between activities taken to alleviate crises and action to address the causes creating the crisis. The latter action is characterized as political action and therefore inappropriate for groups that wish to be classified as humanitarian. This point is made because of the evidence that, while some of the passengers were solely interested in delivering supplies to the people in Gaza, for others the main purpose was raising awareness of the blockade with a view to its removal, as the only way to solve the crisis. An examination should be made to clearly define humanitarianism, as distinct from humanitarian action, so that there can be an agreed form of intervention and jurisdiction when humanitarian crises occur.**

278. **The Mission sincerely hopes that no impediment will be put in the way of those who suffered loss as a result of the unlawful actions of the Israeli military to be compensated adequately and promptly. It is hoped that there will be swift action by the Government of Israel. This will go a long way to reversing the regrettable reputation which that country has for impunity and intransigence in international**

affairs. It will also assist those who genuinely sympathise with their situation to support them without being stigmatized.

Annexes

Annex I

Human Rights Council international fact-finding mission established under resolution 14/1: International Fact-Finding Mission on the Gaza Flotilla Incident

Terms of reference

Background

1 On 1 June 2010 at its fourteenth session, the Human Rights Council, in its resolution 14/1, decided "to dispatch an independent international fact finding mission to investigate violations of international law, including international humanitarian and human rights law, resulting from the Israeli attacks on the flotilla of ships carrying humanitarian assistance."

2 On 23 July 2010, the President of the Council, in accordance with paragraph 9 of the resolution, appointed three eminent experts to the Mission: Judge Karl Hudson-Philips (Chair), Sir Desmond de Silva and Ms. Mary Shanthi Dairiam. The members of the Mission formally began their work on 9 August 2010.

3 The Fact-Finding Mission is requested in paragraph 9 of the resolution to report its findings to the Council at its fifteenth session.

Interpretation of the mandate

4. The members of the Mission have decided to interpret their mandate as ascertaining the facts surrounding the Israeli interception of the Gaza-bound flotilla to determine whether any violations of international law, including international humanitarian and human rights law, took place.

5. In carrying out this mandate, the members of the Mission have indicated to the Council that they would:

(a) Focus on the events that took place in international waters on 31 May 2010 as well as the way in which the Israeli authorities dealt with the aftermath of the operation and the repatriation of those participating in the flotilla;

(b) Seek to travel to, inter alia, Turkey, Gaza, Israel and Jordan in order to meet with witnesses, officials and non-governmental organizations;

(c) Travel to other countries to interview witnesses as may be necessary; and

(d) Make all enquiries it considers relevant to the forgoing in order to discharge its mandate.

Methodology

6. The members of the Mission intend to conduct their investigation independently and impartially and to this end are keen to receive information from any interested parties representing all points of view.

7. The Mission considers that the standard operating assumptions for a United Nations fact-finding mission will apply, including the following:

(a) The Mission should enjoy the full cooperation of all States Members of the United Nations;

(b) Members and staff shall enjoy the privileges and immunities accorded to experts on missions and officials under the 1946 Convention on the Privileges and Immunities of the United Nations;

(c) The Mission should have freedom of movement throughout the relevant territories;

(d) The Mission should have unhindered access to all places and establishments, and freedom to meet and interview representatives of Governmental and local authorities, military authorities, community leaders, non-governmental organizations and other institutions, and any such person whose testimony and/or expert advice is considered necessary for the fulfilment of its mandate;

(e) The Mission should have unhindered access to and for individuals and organizations wishing to meet with the Mission;

(f) The Mission should have free access to all sources of information, including documentary material and physical evidence;

(g) Protection should be guaranteed of victims and witnesses and all those who are in contact with the Mission in connection with the inquiry. No such person shall, as a result of such contact, suffer harassment, threats, acts of intimidation, ill-treatment or reprisals.

8. Given the large number of potential witnesses to the incidents and the short timeframe, the members of the Mission will determine appropriate criteria for the selection and examination of witnesses.

Secretariat

9. The United Nations High Commissioner for Human Rights has provided a designated staff of five Professional human rights officers, one administrative officer and one Security officer to act as the secretariat to support the members of the Mission. Additional expert consultants in the fields of pathology, law of the sea and international humanitarian and military law will also support the members of the Mission.

10. The Mission will be based in the Office of the United Nations High Commissioner for Human Rights in Geneva.

Annex II: Correspondence*

(a) Letter, dated 10 August 2010, from Mr. Karl T. Hudson-Phillips, Chair of the United Nations Fact-Finding Mission, addressed to His Excellency Mr. Aaron Leshno Yaar

Excellency,

I am writing to you in my capacity as Chair of the United Nations Fact-Finding Mission established pursuant to Resolution 14/1 of the Human Rights Council (HRC), adopted on 1 June 2010. On 23 July 2010, the President of the Council, His Excellency Mr. Sihasak Phuangketkeow, appointed me, together with Sir Desmond de Silva and Ms. Mary Shanthi Dairiam, to investigate the incidents related to the interception of the flotilla of ships carrying humanitarian assistance to Gaza on 31 May.

The Mission will be guided by its mandate, and will conduct its work independently and impartially. As a completely independent body, the Mission is currently determining its own terms of reference and deployment plans.

As a Chair of the Fact-Finding Mission, I believe that in order to investigate the incident, it is necessary and important to take into account all the relevant contextual facts and that the Mission can travel to Israel with the aim to have access to the relevant officials in the Israeli Government, the members of the Israel investigation team, relevant military officials and official documents. I would appreciate your cooperation in this regard.

I would therefore like to request a meeting to brief you about the Mission and discuss all the relevant matters. Please indicate your availability to meet with us at your earliest convenience.

Please accept, Excellency, the assurances of my highest consideration.

pp Desmond de Silva

Mr. Karl T. Hudson-Phillips
Chair of the United Nations Fact-Finding Mission

His Excellency Mr. Aharon Leshno-Yaar
Permanent Mission of Israel
to the United Nations Office
and specialized institutions in Geneva
Avenue de la Paix 1-3
1202 Geneva
Fax: +41 22 716 05 55

cc: His Excellency Mr. Sihasak Phuangketkeow
President of the Human Rights Council

* Reproduced as submitted.

(b) Letter, dated 18 August 2010, from His Excellency Mr. Aaron Leshno Yaar addressed to H.E. Ambassador Sihasak Phuangketkeow, President, Human Rights Council

Excellency,

I refer to the appointment of a fact finding mission to investigate the flotilla incident which occurred on May 31, 2010, pursuant to UNHRC resolution A/HRC/RES/14/1 dated 2 June 2010.

Beyond the clearly prejudicial terminology of the mandate, which determines that there were 'violations' of international law and that Israel 'attacked' the flotilla before any fact-finding has even taken place, the proposed mission is clearly superfluous in light of the Independent Public Commission of Experts which has already been established to investigate the issue.

As you may be aware, on June 14, 2010 the Government of Israel established an Independent Public Commission of Experts to the issues arising from the flotilla incident. The Commission is headed by former Supreme Court Justice Yaakov Turkel, and, in addition to legal and naval experts, includes, as international observers, Nobel Peace Prize winner Lord William David Trimble from Northern Ireland, and former Canadian Judge Advocate General Kenneth Watkin.

The Commission is authorized to request any individual or organization to testify before it, and every relevant governmental body is required to cooperate fully and to make available to the Commission any information or documents it requires.

At the request of Justice Turkel and the Committee, on June 30, 2010, the authority of the Commission was expanded still further, with additional authority to summon witnesses and take evidence under oath, pursuant to Israel's Commissions of Inquiry law, 1968.

In addition to this independent inquiry, the Secretary General of the United Nations has also established a distinguished international Panel, in order to examine and identify the facts, circumstances and context of the incident, and to consider and recommend ways of avoiding similar incidents in the future. Both Israel and Turkey are cooperating with this Panel.

In light of the fully independent Israeli inquiry into the incident, and the additional layer of review provided by the Secretary-General's own Panel, I trust you will appreciate Israel's position that an additional Human Rights Council initiative in this regard is both unnecessary and unproductive.

Please accept, Excellency, the continued assurances of my highest consideration.

Aharon Leshno Yaar
Ambassador
Permanent Representative

(c) Letter, dated 7 September 2010, from Mr. Karl T. Hudson-Phillips to His Excellency Mr. Aaron Leshno Yaar

Excellency,

Re Human Rights Council Fact Finding Mission on the Gaza Flotilla Incident

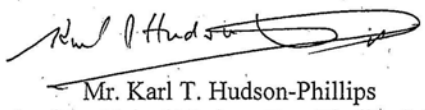
Permit me respectfully to refer to the most cordial meeting which members of the above Mission had with you on the 18th. August 2010. I wish to be pardoned for expressing my continuing regret at the position of your Government at that time not to cooperate with the Mission appointed by the Human Rights Council into the Gaza Flotilla Incident on the ground that such an initiative was ' both unnecessary and unproductive'.

Since our meeting, the Mission, which I have the honour to Chair, has worked assiduously in an attempt to complete its task by the stipulated date of 27th. September 2010. Considerable progress has been made towards ascertaining the factual circumstances surrounding the incident. However, the Mission regrets that the position adopted by your Government will deprive it of direct access to information which may be relevant.

The effect of the position of your Government was anticipated by the Mission. Consequently you will no doubt recall that a list of requests for information from the relevant authorities of your Government was given to you at the meeting under reference. This was in the hope, which I trust was not misplaced, that cooperation would have resulted, notwithstanding the apparently unequivocal position of your Government at that time.

I wish to forward once more, for ease of reference, a copy of the request for information referred to above and to enquire whether the position of your Government now permits you to favour the Mission with a positive response.

Please accept, Your Excellency, continuing assurances of the highest regard and consideration.



Mr. Karl T. Hudson-Phillips
Chair of the United Nations Fact-Finding Mission

His Excellency Mr. Aharon Leshno-Yaar
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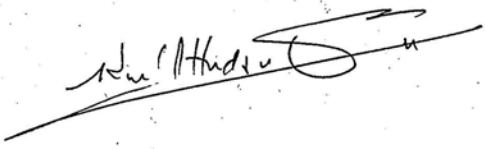
cc: His Excellency Mr. Sihasak Phuangketkeow
President of the Human Rights Council

1. Visits to Israel and Gaza for examination of evidence and any relevant observations
2. Specifically in relation to evidence :
   (a) Visit Israel to interview witnesses.
   (b) Visit Gaza to observe situation there first hand
   (c) View items of physical evidence in the hands if the Israeli authorities including unedited film footage taken by the Israeli Defence Force or on its request or direction.
   (d) View and examine items alleged seized by Israeli authorities from the passengers on the ships – allegation of improper uses of credit cards and the existence of photographic material and equipment, telephones etc.,
   (e) Medical reports by Israeli authorities of persons who received attention pre and post mortem in Israel – both Israeli and non-Israeli – including autopsy reports if any
   (f) As an alternative to (d), duly authenticated copies of statements by Israeli witnesses with particular reference to -
      (1) injuries suffered by Israeli personnel
      (2) Nature and calibre of firearms and any projectiles used in the exercise



(d) Letter, dated 13 September 2010, from His Excellency Mr. Aaron Leshno Yaar to Mr. Karl T. Hudson-Phillips

Excellency,

Thank you for your letter dated 7 September 2010 and your sincere interest in hearing from all sides, including that of Israel, before concluding the work of your fact-finding mission.

As you are surely aware, on 14 June 2010, the Government of Israel appointed an Independent Public Commission which is headed by retired Supreme Court Justice Jacob Turkel with the participation of international observers. This Commission has held a significant number of hearings in the past few months and continues to gather testimony from a wide range of officials in Israel. These hearings are open and transcripts of the testimony have been made public, including in English via the website of the Commission. The expectation of the Commission is to conclude its work in a speedy manner.

Additionally, on 2 August 2010, the United Nations Secretary General announced the launching of a Panel of Inquiry into the events of 31 May 2010. After extensive consultations and negotiations, Israel agreed to cooperate with this Panel. Two rounds of meetings have already taken place. The expectation of the Panel is to conclude its work soon after the completion of the national processes in Israel and Turkey.

Given the continuing work of these two bodies, Israel believes that your mission would only have the necessary information before it in order to responsibly report to the Human Rights Council following the conclusion of work by those two bodies. During our meeting on 18 August 2010, you and the other members of your mission emphasized your desire for your findings to reflect fairly, and in conforming with international practice, the fullest picture possible regarding the events in question.

Therefore, allowing for the completion of Israel's internal, domestic work together with its cooperation with the Panel established by the Secretary General would seem to be necessary before your mission would be able to report. I urge you to consider deferring the submission of your report in order to allow for those processes to reach their natural conclusions, unfettered by external events.

Please accept my continuing assurances of my highest regard and consideration.

Aharon Leshno-Yaar
Ambassador
Permanent Representative

(e) Letter, dated 14 September 2010, from Mr. Karl T. Hudson-Phillips to His Excellency Mr. Aaron Leshno Yaar

Excellency,

I wish to acknowledge receipt of yours of the 13th instant in reply to mine of the 7th.September 2010. I wish first of all to place on record my appreciation for the apparent change in the position of your Government in relation to the Mission which I have the honour to Chair.

It is appropriate to refer to your letter dated the 18th August 2010 to the President of the Human Rights Council, H.E. Ambassador Sihasak Phuangketkoew, in which you expressed the view of your government at that time that the Mission was not only "superfluous" but also "both unnecessary and unproductive". The suggestion in your letter under reference that the Mission is now capable of "responsibly" (your term) reporting to the Human Rights Council is a noted departure from the view previously stated. I regret that I personally cannot agree that notice of the results of national investigations is a prerequisite to the mission reporting to the Council in a responsible manner.

As you are aware, on the 2nd June 2010 the Human Rights Council adopted a resolution A/HCR/RES/14/1 which resulted in the appointment of its fact-finding Mission. The Mission is of course aware that on the 2nd August 2010 the Secretary General announced "the setting-up of a Panel of Inquiry (Panel) on the flotilla incident of 31st May". It is the understanding of the Mission that that Panel has been charged with the task of "reviewing and receiving the reports of the national investigations" expected to be carried out by the Governments of Israel and Turkey. It is not without significance to the Mission that the Secretary General considered it expedient to have a panel "review" the reports of national investigations (Israel and Turkey) and not that of the Mission. The inference to be drawn from this would suggest that there was no need to question in any way the work of the independent Mission appointed by the Human Rights Council. There is obviously merit in having investigations conducted by parties not intimately involved in the matter under inquiry or who may have an interest in the outcome of the same.

./..

His Excellency Mr. Aharon Leshno-Yaar
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cc: His Excellency Mr. Sihasak Phuangketkeow
President of the Human Rights Council

I am grateful for your drawing my attention to the fact that transcripts of the testimony in the proceedings of the Commission under H.E. Judge Turkel are available on the internet. The Mission has been aware of this for some time. I trust that you will agree that even though, as you so kindly point out, a version in English is being published, this can in no way be a substitute for the specific request made to you for direct access to witnesses and relevant material. It is noted that the Commission under Judge Turkel does not appear to have direct access in public or at all to an important category of eye witnesses. This is a serious limitation which access to unauthenticated reports on the internet cannot remedy.

I wish once more to repeat my request to your Government for relevant direct evidence of the matters set out in the list left with you on the 18th August 2010. In particular, you are referred to the request for information on the medical condition of members of the Israeli Defence Force who were injured during the interception of the Mavi Mamara. According to evidence in our possession, these soldiers were examined by medical doctors on board and none was seen to have gunshot wounds as is being alleged before Judge Turkel. There is also the issue of the large sums of money and extensive film footage seized from passengers at the time and not returned. All these and the other matters requested will assist the Mission in it fact-finding task.

The Mission have given most serious consideration to your letter and specifically the request that the Mission consider deferring the submission of its report to the Council in order to permit "other processes to reach their natural conclusions, unfettered by external events". The Mission is gratified by the apparent confidence shown in its efficacy but would suggest with deference that you request be directed to the Human Rights Council which appointed it.

Please accept, Your Excellency, continuing assurance of the highest regard and consideration.

Mr. Karl T. Hudson-Phillips
Chair of the United Nations Fact-Finding Mission

Annex III

Ships in the flotilla

Name	*Flag State*	*No. of Passengers with nationalities*	*No. of Crew with nationalities*	*Total*	*Type*	*Organiser*	*Owner*
Mavi Marmara	Comoros	546 (353 Turkish nationals and 193 others) Fifteen passengers from Challenger II joined later. Algeria, Australia, Bahrain, Belgium, Bosnia and Herzegovina, Canada, Egypt, France, Germany, Kosovo,[1] Kuwait, Indonesia, Ireland, Israel, Jordan, Lebanon, FYR Macedonia, Malaysia, Mauritania, Morocco, New Zealand, Oman, Palestine, Pakistan, South Africa, Spain, Sweden, Syria, Turkey, United Kingdom, United States, Yemen.	29 Turkey	575 (589)	Passenger ship	IHH	IHH
Defne	Kiribati	7 Turkey	13 Turkey, Azerbaijan	20	Cargo ship	IHH	IHH
Gazze I	Turkey	13 Turkey	5 Turkey	18	Cargo ship	IHH	IHH
Eleftheri Mesogios or Sofia	Greece	Greece, Sweden	Greece	30	Cargo ship	Ship to Gaza (Greece); Ship to Gaza (Sweden)	Eleftheri Mesogios Marine Company
Sfendoni or Boat 8000	Togo	Bulgaria, Czech Republic, Greece, Sweden, United Kingdom, United States of America.	Greece	43	Passenger boat	Ship to Gaza (Greece); Ship to Gaza (Sweden)	Sfendonh S.A
Challenger I	USA	13 Belgium, Germany, Netherlands, Poland, United Kingdom, United States of America	4[2] Ireland, United Kingdom	17	Passenger boat	Free Gaza Movement	F. G. (Human Rights) Projects
Challenger II	USA	19 Australia, Canada, Germany, Greece, Ireland, Malaysia, Norway, Serbia, United Kingdom, United States of America	1 United States of America	20	Passenger boat[3]	Free Gaza Movement	F. G. (Human Rights) Projects
Rachel Corrie	Cambodia	8 Ireland; Malaysia	11[4] United Kingdom; Philippines; Cuba	19	Cargo ship	Free Gaza Movement	F. G. (Human Rights) Projects

[1] Self-identified nationality

[2] Including crew. Some of the crew were also committed activists.

[3] Due to breakdown, passengers transferred to Mavi Mamara.

[4] Two Irish passengers are listed in the official manifest as crew members.

Reading & Resources

Recommended Reading & Resources

A wide variety of books, reports, media presentations, legal reviews and interviews were used as references for the compilation of this report. In some cases they were used to provide background context to a specific action; in others they provided further supporting information, including strategies, international law, treaties, agreements and history. Although the Timeline Report includes the main source citations, this a full list of reports and books that contributed. They are included to facilitate additional research into specific actions as needed.

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