

## **Main Findings and Messages from the Turkel Commission Report**

### **Main Messages**

1. The government established a public, independent, autonomous commission of inquiry, headed by a former Supreme Court justice and including jurists and world-renowned experts as well as international observers. This proves that Israel is a law-abiding nation that knows how to audit itself. Few countries would be willing to investigate itself in such a comprehensive, fundamental manner.
2. The committee determined unequivocally that imposing and enforcing a blockade including in international waters was legal and justified.
3. Despite the attempt by various parties to accuse Israel of war crimes, the findings prove that Israel stated the truth and acted in accordance with the law.
4. The government and the IDF will study the report at length and learn the necessary lessons for the future.
5. The security risk of weapons being brought into Gaza is high. Although Israel continues to ease conditions for the residents of Gaza, rockets and mortars continue to be fired at Israeli towns. Hamas is continuing to invest all its resources in arming itself with rockets and weapons.
6. The government and security forces will continue to employ all actions necessary to protect the citizens of Israel.
7. Let it be emphasized that Gaza is open to the entry of all types of goods and products. Any organization wishing to transfer products to Gaza can do so through the existing border crossings. There is no need for additional flotillas, which in fact comprise a provocation and have no connection to humanitarian aid.

### **Main Findings**

1. The marine blockade was imposed due to security needs and meets the requirements of international law.

The commission reached the conclusion that the marine blockade was justified in light of the security concerns and was imposed in accordance with the rules of international law.

The commission concluded that Israel is upholding its international humanitarian obligations in the situation of a naval blockade. This is evident, among other things, by the fact that vessels are allowed to pass into Ashdod Port to unload humanitarian equipment.

2. The policy towards the Gaza Strip complies with international and humanitarian law.
  - Israel's effective control over the Gaza Strip ended when the disengagement was completed in 2005.

- Israel does not prevent the entry of supplies essential to the civilian population, and provides as much humanitarian and medical assistance as is necessary according to the rules of international law. Israel cooperates with the Palestinian Authority and the international community in these realms.
- The measures adopted by Israel do not constitute “collective punishment” of the Gazan population. There is nothing to indicate that Israel deliberately imposes restrictions, with the sole aim or out of principle, to prevent the population from receiving essential goods.

3. The takeover of the Marmara was done in accordance with international law.

- According to international law, if it may be determined that a vessel is intentionally trying to breach a blockade, it is permitted to overtake it wherever it is located, even in international waters. Taking all the circumstances into consideration, the committee reached the conclusion that the takeover in international waters was legal.
- The possibility of stopping vessels, especially large ones, at high sea is extremely limited. Therefore, lowering soldiers from helicopters was an appropriate tactic that suits international law, and is consistent with the experience of other navies. It can potentially lower the risk of loss of life compared to other techniques.
- The instructions for opening fire were not to shoot except in the case of a real and immediate threat to life. The committee was convinced that these instructions were made clear to the troops participating in the event.
- A number of warnings were transmitted to the vessels, but the captain said he refused to stop and no attempt was made to change course.
- Let it be noted that no humanitarian equipment was found on board the Marmara.

4. The soldiers took action only after they were violently attacked by the ship’s passengers, and their action complies with the rules of international law.

- As preparations were being made for the flotilla, the organizers emphasized the need to refrain as much as possible from using force. The IDF did not anticipate that the flotilla participants would not be innocent civilians but rather direct participants in hostilities. The instructions for opening fire reflected this view and were mainly suited to a law enforcement operation.
- The soldiers started trying to board the Marmara from Morena dinghies, but encountered violent, fierce resistance; it was then decided to drop from helicopters.
- The soldiers were violently attacked with shots, knives, clubs, hammers, blows and more. Nine soldiers were injured during the attack, including from live bullets, and others from stabbings. Three soldiers were seized and dragged to the ship’s hold.
- The committee found that the IDF soldiers behaved professionally on the whole upon encountering ferocious violence that they had not anticipated. Most of the events in which the soldiers used force, including shooting into the center of the mass of their

attackers, are consistent with international law. In a few isolated cases the committee did not have enough information to draw a conclusion.

## 5. Conduct of the passengers

- The passengers aboard the Marmara may be divided into two groups: peace activists, who boarded the ship in Antalya following a security inspection, and a “hard core” of 40 IHH activists who boarded in Istanbul without any security inspection and behaved as a separate group. They were joined by 60 other activists who participated in the violent events.
- When the ship’s captain ordered the passengers to return to their places below deck, the IHH activists remained on deck, put on life jackets and armed themselves with axes, chains, knives, hammers, and so forth. They demonstrated a high level of organization and violence.
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- The committee was convinced that the IHH activists used live weapons. Their intention was to breach the marine blockade and thereby provide Hamas with an advantage in its armed struggle against the State of Israel.
- The committee has determined that the status of the members of the violent group is that of direct participants in hostilities (DHP), who do not enjoy the protections granted to civilians.
- Out of nine killed, four were identified as IHH activists. The other four were identified as activists of Turkish Islamic organizations. The other casualty is not known to have belonged to any organization. The relatives of some of the dead men testified that they wanted to die as shahids; some of them even left a letter stating their last will and testament.

## 6. Handling of the passengers

- After the takeover was completed, the stage of treating the wounded began. Eighteen doctors, six paramedics, and 70 combat medics and one senior physician were involved in this event. Some of the wounded resisted the administration of medical treatment but none died of their wounds after medical treatment commenced.
- The passengers were given water and food, and taken to the restroom whenever they asked.
- Some of the passengers were handcuffed, especially those who were feared likely to try and attack or disturb the order. Searches revealed knives and a great deal of money, as well as one of the soldiers’ pistols, cold weapons, material belonging to the Hamas movement, and more.
- The committee found that the actions taken to handle the flotilla participants as soon as the ship arrived at Ashdod port were legal and in accordance with international law.