

Statement by H.E. Aharon Leshno Yaar, Permanent Representative of Israel to the United Nations, Geneva

Special Sitting
Item 1
Human Rights Council

1 June 2010

Mr. President,

The results of yesterday's events are tragic and unfortunate, and Israel regrets any loss of life. I would like to emphasize that despite the desire of many for a swift condemnation of Israel that it would be appropriate to focus on the important, central issue - the bigger picture.

Before anything else, we should ask ourselves if today's meeting and outcome will contribute in any way to advance those goals that most of you that sit here still surely support.

We must support the efforts of moderate parties, to build upon the recently renewed peace talks between Israel and the Palestinians. The important thing is to bring about reconciliation between Jews, Arabs, and Palestinians, and a fair and durable peace solution, that results in stability and prosperity.

We must support Palestinian and Arab moderates, and steadfastly refuse to support the radicals and Hamas.

It is important to remember that the Gaza Strip is still controlled by a terrorist organization that ousted the Palestinian Authority in a violent coup - an organization that refuses to accept international demands to recognize Israel and stop terrorist acts against Israeli civilians.

And it is also important to remind you that an Israeli abducted soldier is still in captivity in Gaza for four years this month without any contact with the external world, and that the indiscriminate shooting of missiles and rockets at Israeli civilians continues.

Mr. President,

Yesterday I told members of this Council that I would brief them on more specifics as they become available to us. I also urged the Council not to rush to conclusions before that information is known to all of us. I believe today, we know a little more.

Mr. President,

In the early hours of 31 May, Israeli naval personnel boarded a flotilla of six vessels attempting to violate the maritime blockade on Gaza. Unbeknownst to us then, the assault against Israeli forces was a premeditated act by IHH members, a Turkish organizing group which is known to have a radical anti-Western orientation. Alongside its legitimate humanitarian activities, IHH also supports radical Islamic networks. The IHH has publicly professed connections to Egypt's Islamic Brotherhood and the Hamas, and has been a central actor of fund raising and financing terror for Hamas around the world.

The attack on the Israeli soldiers was beyond all doubt premeditated. The weapons used had been prepared in advance. Bulent Yildirim, the leader of the IHH, announced just prior to boarding: "We are going to resist and resistance will win." They were not on a humanitarian mission but one of provocation and incitement. They used knives and clubs and shot two Israeli soldiers. Israeli forces had no choice but to defend themselves.

It is important to remember that all other vessels in the flotilla reacted peacefully to the operation and were escorted unharmed to Israel, the same practice as with previous vessels that tried to violate the maritime blockade.

Mr. President,

Israel was justified under international law in acting against the flotilla. A state of armed conflict exists between Israel and the Hamas regime that controls Gaza. Hamas has launched 10,000 rockets against Israeli civilians. At present, it is engaged in smuggling arms and military supplies into Gaza, by land and sea, in order to fortify its positions and continue its attacks.

Under international law, Israel has the right to protect the lives of its civilians from Hamas attacks. Consequently, it has undertaken measures to defend itself, including the imposition of a maritime blockade to curb Hamas rearmament.

International law provides that a blockade may be imposed at sea, including in international waters, so long as it does not bar access to the ports and coasts of neutral States.

Further, the naval manuals of several western countries recognize the maritime blockade as an effective naval measure and set forth the various criteria that make a blockade valid, including the requirement to give due notice of the existence of the blockade. Israel repeatedly warned the ships participating in the flotilla, in line with its obligations under international law, that a maritime blockade is indeed in effect off the coast of Gaza and the ships were given due notice of its exact coordinates, all within the accepted international maritime channels.

Moreover, Israel provided appropriate notification to the affected governments and to the organizers of the Gaza protest flotilla. The ships participating in the

protest flotilla were also warned repeatedly, in real time, from the point of departure to the point of interception that the maritime blockade is in effect.

It should be noted that under customary law, knowledge of the blockade may be presumed once a blockade has been declared and appropriate notification has been granted, as above.

A State may take action to enforce a blockade. Any vessel that violates or attempts to violate a maritime blockade may be captured or even attacked under international law. The US Commander's Handbook on the Law of Naval Operations sets forth that a vessel is considered to be in attempt to breach a blockade from the time the vessel leaves its port with the intention of evading the blockade.

Under applicable international law, capture of a vessel attempting to breach a Naval Blockade can be done in international waters, before entrance to the blockaded area.

As I stated just a few moments ago, the intentions of IHH members aboard the flotilla to breach the blockade was clear from well-before departure, and the protesters indicated their clear intention to violate the blockade by means of written and oral statements.

Prior to undertaking enforcement measures, explicit warnings were relayed directly to the captains of the vessels, expressing Israel's intent to exercise its right to enforce the blockade.

International law further allows Israel to prescribe the technical arrangement, including search, under which passage is permitted, in order to make sure that no means are transferred to the benefit of the enemy, rather than the civilian population. The ships participating in the flotilla were repeatedly offered to land the vessels in the Israeli port of Ashdod, and to transfer their aid through the existing land crossings, in accordance with established security procedures. But all our overtures were outright rejected.

For those of you who are interested, you can find an Israeli legal paper in the back of the room briefly describing the law applicable to the events in the East Mediterranean.

Mr. President,

The manner in which Israel has been portrayed runs counter to what actually occurred on the ground.

The flotilla organizers had made it clear that their primary goal was to target the maritime blockade. The flotilla spokesperson, Ms. Berlin, told the Press on 27 May that "this mission is not about delivering humanitarian supplies, it's

about breaking Israel's siege." Similar statements were also expressed in interviews given by the head of the IHH, Bulent Yildirim.

Israel had attempted to take control of the vessels participating in the flotilla by peaceful means and in an orderly fashion in order to enforce the blockade. Israeli forces took the necessary steps in order to capture the vessels in an operation that clearly indicates vigilance and proportionality.

Many of you saw the pictures. The videos are easily accessible. The people on the sixth and largest ship were not peaceful demonstrators. Their reaction was premeditated, well organized and violent. Very violent. Metal bars and hunting knives were used. A "lynch" is the word used by reporters who covered the incident.

It was also clear from the pictures that I saw, that the soldiers made every effort to avoid using live ammunition, and they did so only when they had no choice, when their lives were threatened. The people who surrounded them were not peace activists, they were a lynch mob. And that is what caused the tragic events.

Mr. President,

As I stated yesterday, the flotilla's cargo is in the process of being off-loaded in the Port of Ashdod, and the humanitarian items will be transferred overland to Gaza in accordance with standard operating procedures.

The State of Israel is fully implementing its obligations under international law with regard to the people onboard the ships which have been captured.

Foreign nationals are being treated by the Ministry of Internal Affairs in order to provide for their repatriation, and the wounded were evacuated to hospitals in Israel.

Activists suspected of attacking Israeli forces will be investigated and the necessary legal measures will be taken against them.

Mr. President,

The loss of life is tragic. But I would like to ask this Council whether what we are doing here today contributes to the empowering of the moderates or to achieving peace. You know better than I, what the answer is to that question. This Council by its actions empowers Hamas and weakens the Palestinian Authority. It may give some of you satisfaction today, but it offers no hope, no promise for tomorrow or the future.

Thank you very much.