

Cabinet to vote on appointment of public commission into Gaza flotilla events

14 June 2010

(Communicated by the Prime Minister's Media Adviser)

Prime Minister Benjamin Netanyahu today (Sunday), 13.6.10, instructed Cabinet Secretary Tzvi Hauser to submit for Cabinet approval tomorrow (Monday), 14.6.10, a proposal to appoint a special, independent public Commission to inquire into the aspects – to be detailed below – of the actions taken by the State of Israel to prevent the arrival of ships to Gaza on 31 May 2010.

Retired Supreme Court Judge Jacob Turkel will chair the Commission; the other members will be international law Prof. Shabtai Rosen, winner of the Israel Prize for jurisprudence and the Hague Prize for International Law; and former Technion President, Maj.-Gen. (ret.) Amos Horev.

In light of the unique international aspects of the event, it was decided to appoint to the committee two foreign observers of the highest standing, with vast experience in the fields of military law and human rights. The two are Nobel Peace Prize laureate [Lord William David Trimble](#) from Northern Ireland and international jurist [Ken Watkin](#), former Judge Advocate General of the Canadian Armed Forces.

The Commission will submit conclusions on the question of whether the actions that the State of Israel took to prevent the arrival of ships to Gaza and their goals, as well as other related matters, were in accordance with the rules of international law. To this end, the Commission will relate to the following issues:

- 1) Consideration of the security circumstances for imposing a naval blockade on the Gaza Strip and the conformity of the naval blockade with the rules of international law;
- 2) Conformity of the actions taken by Israel to enforce the naval blockade on 31.5.10 to the principles of international law;
- 3) Consideration of the actions taken by those who organized – and participated in – the flotilla, and their identities.

The Commission will also consider the question of whether the inquiry and investigation mechanisms vis-à-vis complaints and claims regarding violations of the laws of armed conflict, as followed by Israel in general and as implemented with regard to the event in question, conform with the State of Israel's obligations under the rules of international law.

The Commission will be able to request any individual or entity to testify before it or provide information in another way, on matters that the Commission believes are relevant to its discussions.

All relevant Government bodies will fully cooperate with the Commission and place at its disposal information and documents that it requires to fulfill its duties, including through testimony before the Commission.

The Commission will be entitled to request any information from the Prime Minister, the Defense Minister, other ministers and the IDF Chief-of-Staff, including through testimony before the Commission.

However, in checking Israel's military actions, the Commission will operate in regard to military personnel and personnel from the other security forces only as follows: It will receive for study the documents that it requires and will be able to request from [the head of the investigating team of experts authorized by the IDF Chief-of-Staff, Maj.-Gen. Giora Eiland](#), to transfer to it summaries of the operational investigations carried out in wake of the event. Should the Commission believe, following its study of the aforesaid summaries, that there is a need for deeper or expanded investigations, it will be able to request Maj.-Gen. (ret.) Eiland to direct that this be done.

The Commission will set its own schedule and its modus operandi. Commission meetings will be either public or closed as it sees fit. However, the Commission will not hold a public discussion if such would endanger the security of the state or its foreign relations, or if the Commission believes that there is some other justification.

At the end of its work, the Commission will submit its report to the Cabinet, via the Prime Minister. Shortly thereafter, it will be made public.

The Attorney General states that, in light of the vital public interest in allowing the Commission to reach the truth, the law enforcement authorities will not use testimonies delivered before the Commission as evidence in any legal proceeding.