

UN issues apologia for Israeli massacre on Gaza aid ship

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The United Nations report on the assault on the Mavi Marmara humanitarian ship is a whitewash of the May 2010 massacre by Israeli military forces, which provides a continued justification for the blockade of Gaza.

The vessel was part of a Gaza-bound aid flotilla and was in international waters when Israeli commandos raided it and brutally murdered eight defenceless Turkish citizens and a Turkish American. Many other civilians on board were seriously injured in the attack.

Turkey has responded to the publication of the UN report by expelling Israel's ambassador from Ankara and severing military ties with Tel Aviv. Turkish officials have said they will resume full relations if Israel issues an apology for the killings.

The "Report of the Secretary-General's Panel of Inquiry on the 31 May 2010 Flotilla Incident" follows an inquiry headed by Sir Geoffrey Palmer, a former New Zealand prime minister. Also on the panel were former Colombian president, Alvaro Uribe, Joseph Ciechanover Itzhar, a representative of Israel, and Süleyman Özdem Sanberk, a representative of Turkey.

The *New York Times*, a noted pro-Israeli publication, leaked the report just prior to its publication by the UN. As was expected, the 105-page UN report was a whitewash, which gives Israel a clean bill of health, with only the mealy-mouthed complaint that the Israel Defence Force used "excessive force".

Most importantly, the report not only endorses the rampage aboard the Mavi Marmara but also provides the UN's imprimatur for any further actions by the Israeli state.

The report's summary states, "Israel faces a real threat to its security from militant groups in Gaza. The naval blockade was imposed as a legitimate security measure in order to prevent weapons from entering Gaza by sea and its implementation complied with the requirements of international law."

The report backs up the Israeli government's incessant propaganda that the aid flotilla was essentially engaged in an act of war and had to be prevented from reaching Gaza. It

states, "Although people are entitled to express their political views, the flotilla acted recklessly in attempting to breach the naval blockade. The majority of the flotilla participants had no violent intentions, but there exist serious questions about the conduct, true nature and objectives of the flotilla organizers, particularly IHH [The Turkish sponsored Foundation for Human Rights and Freedoms and Humanitarian Relief]. *The actions of the flotilla needlessly carried the potential for escalation,*" [emphasis added] the report declared, suggesting the unarmed victims were responsible for their own deaths.

In the most muted terms possible, the execution of nine people in an act of state sponsored murder is excused. The report complains that, "Israel's decision to board the vessels with such substantial force at a great distance from the blockade zone and with no final warning immediately prior to the boarding was excessive and unreasonable."

However, it adds, "Israeli Defense Forces personnel faced significant, organized and violent resistance from a group of passengers when they boarded the *Mavi Marmara* requiring them to use force for their own protection. Three soldiers were captured, mistreated, and placed at risk by those passengers. Several others were wounded."

The most criticism Israel faces is that it has not provided a "satisfactory explanation" for "any of the nine deaths. Forensic evidence showing that most of the victims were shot multiple times, including in the back, or at close range has not been adequately accounted for in the material presented by Israel."

Moreover, "There was significant mistreatment of passengers by Israeli authorities after the take-over of the vessels had been completed through until their deportation. This included physical mistreatment, harassment and intimidation, unjustified confiscation of belongings and the denial of timely consular assistance."

But even as this is acknowledged, and the UN pontificates about the "fundamental importance of the freedom of navigation on the high seas," the report declares the blockade of Gaza to be legal and merely advises that Israel

“should keep the naval blockade under regular review, in order to assess whether it continues to be necessary”.

The UN knows full well that Israel’s blockade, backed by Washington, is a collective punishment of the entire population of Gaza and is prohibited under international law, including previous UN resolutions.

The report even states, “Israel should continue with its efforts to ease its restrictions on movement of goods and persons to and from Gaza ... in accordance with Security Council resolution 1860, all aspects of which should be implemented.”

UN Security Council Resolution 1860, openly flouted by Israel, was passed in 2009 at the height of Israel’s 22-day bombardment of Gaza, known as Operation Cast Lead. The resolution called for unimpeded access for humanitarian aid and the sustained reopening of the crossings.

The UN report attempts to paint a picture of Israel doing all it could to avoid any confrontation with the flotilla, asserting. “The incident and its outcomes were not intended by either Turkey or Israel. Both States took steps in an attempt to ensure that events did not occur in a manner that endangered individuals’ lives and international peace and security.”

This flies in the face of substantial evidence that the massacre on the Mavi Marmara was well planned and that a shoot to kill policy was carried out to the letter. Commandos stormed the ship by rappelling onto the deck from helicopters. Fulkan Dogan, a 19-year-old US citizen, was shot five times from less than 45 centimetres—in the face, back of the head, twice in the leg and once in the back. Ibrahim Bilgen, a 60-year-old man, was shot four times—in the temple, chest, hip and back. Two others were shot four times and five of the victims were shot either in the back of the head or in the back.

The UN goes on to declare that Israel is at war with the Palestinians and the rules of war therefore apply.

The report states, “a blockade as a method of naval warfare aims at preventing any access to and from a blockaded area, regardless of the type of cargo There is nothing in international customary law, or in the United Nations Convention on the Law of the Sea (UNCLOS), that would generally prohibit the use of force on the high seas, as long as force is only used in self-defence”.

Further, in a passage specifically endorsing any such act of piracy that Israel takes in future, it states, “Moreover, once an armed conflict has commenced, the traditional laws of naval warfare apply (*ius in bello*). Those rules would apply in place of the general provisions of the law of the sea otherwise applicable in peacetime. They include provision for the imposition of a blockade.”

As a sop to Turkey, the UN offered very little. “An

appropriate statement of regret should be made by Israel in respect of the incident in light of its consequences,” the report says. “Israel should offer payment for the benefit of the deceased and injured victims and their families, to be administered by the two governments through a joint trust fund of a sufficient amount to be decided by them.”

Ever since the Mavi Marmara slaughter, the Turkish government has demanded that Israel issue an official apology. The document, which has been completed for months, was to have been published on July 7. It was delayed as representatives of Turkey and the Israeli government of Benjamin Netanyahu engaged in secret talks, supported by the United States in an attempt to agree on the wording. A compromise was reportedly agreed to, before being all-too predictably rejected by sections of the Israeli government. Since then Israel has been adamant that it will make no apology.

In an addendum to the document Ciechanover Itzhar expresses his overall satisfaction with the report. “As the Representative of Israel to this Panel, I join the Chairman and Vice Chairman in adopting this report.

“Israel has reservations to a few aspects of the report, which are expressed below, but appreciates that the report concurs with Israel’s view that the *‘naval blockade was legal,’* that it *‘was imposed as a legitimate security measure in order to prevent weapons from entering Gaza by sea,’* that the blockade’s implementation *‘complied with the requirements of international law,’* and that Israel had a *‘right to visit and search the vessel and to capture it if found in breach of a blockade’*, including in international waters.”

“Israel’s soldiers clearly acted in self-defence and responded reasonably, proportionally and with restraint,” he goes on to insist.



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