

# PROJECTION OF THE MAVI MARMARA IN INTERNATIONAL REPORTS

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In this article, three reports are considered reflecting their salient features: the report drafted by the United Nations (UN) Human Rights Council International Fact-Finding Mission after the Israeli attack at the humanitarian aid ships<sup>1</sup> on May 31<sup>st</sup> 2010; Turkey's final report to the UN<sup>2</sup> and the Turkel Commission Report<sup>3</sup> that was formed by Israel.

The United Nations Human Rights Council adopted a resolution on 2 June 2010 to establish an

impartial and independent international "Fact-Finding Mission" in order to investigate violations of international law resulting from the Israeli assault of 31<sup>st</sup> May and requested the commission to present its result to the 15<sup>th</sup> session of the Human Rights Council. On 23<sup>rd</sup> July 2010, Judge Karl T. Hudson-Phillips, Q.C., retired judge of the International Criminal Court and former Attorney General of Trinidad and Tobago was appointed to be the chairman of the Commission. The other members appointed for the commission were Sir



Desmond de Silva, Q.C., 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. The commission shared its findings with the public in a report presented on (September 27, 2010). Although the report does not have an internationally binding force, it has been drafted by the most competent authority of the UN body on human rights and is, therefore, respected by the international community. The report cannot be ignored during any of the follow-up processes in the context of the Mavi Marmara incident.

The two other reports written respectively by the Turkish and Israeli commissions were drafted for submission to the "Panel of Inquiry on the flotilla incident of 31<sup>st</sup> May", which was announced by the UN General Secretary on August 2, 2010. But the UN Secretary-General Ban Ki-Moon had not "indicated what specific area of inquiry the Panel was to undertake." He only "expressed the hope that the panel will fulfil its mandate based on the Presidential Statement of the Security Council."

The Inquiry Panel "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." The panel was chaired by the former New Zealand Prime Minister Geoffrey Palmer. The former President of Columbia Alvaro Uribe co-chaired the panel of which Joseph Ciechanove of Israel and retired Turkish ambassador Özdem Sanberk were members. The panel could, therefore, be said to provide an objective picture of the Mavi Marmara incident.<sup>4</sup>

Israel announced its own investigation on July 15 2010 ahead of the setting up of the UN panel while Turkey announced on August 10 2010 that it was launching its own investigation. The reports were framed for submission to the Panel. Chaired by retired judge Jakob Turkel, the Israeli commission comprised Reuven Merhav, Miguel Deutch, Shabtai Rosenne and Amos Horev reflecting legal,

military and diplomatic backgrounds. The Turkel commission report was based on testimonies of Israeli soldiers and authorities and from the footage that Israel refused to share with the international public. The report was submitted to the UN in January 2011.

Immediately after the assault, Turkey dispatched a committee chaired by Foreign Minister Ahmet Davutoglu and Justice Minister Sadullah Ergin in order to investigate the incident from all sides. After an Inquiry Panel was set up by the UN Secretary General, a "Turkish National Commission of Inquiry" was established. Its mandate was to examine the Israeli military attack in international waters against the international aid convoy on May 31, 2010 which resulted in the killing of nine civilians and injury of many others. The Commission investigated the factual background of the attack, the ensuing violence and mistreatment inflicted on the passengers of the convoy and the legal implications and consequences of these acts. The commission worked in coordination with the office of the Prime Minister and with contributions from the Ministries of Foreign Affairs, Justice, Home Affairs, Communications and the Under-Secretariat for Maritime Affairs. Ambassador Mithat Rende was assigned to officiate as contact point between this Turkish commission and the UN Inquiry Panel. The Turkish National Commission of Inquiry examined the assault on the humanitarian aid convoy, coordinated its work with all the institutions and organizations involved and prepared its final report for submission to the UN in February 2011."<sup>5</sup>

### **The Mavi Marmara report by the UN Human Rights Council: The ability to say: The King is naked!**

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. (p. 56)

The report drafted by the UN Human Rights Council International Fact-Finding Mission headed by Judge Karl Hudson-Phillips has determined and discussed the present humanitarian situation in the Gaza Strip, attacks against ships comprising the humanitarian flotilla and the incidents that took place in the aftermath of the interception of ships in terms of international law and human right law. In the report, which has been drafted using precise legal terms and with great care to support all decisions reached with sources in international law such as contracts, treaties and court orders. 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” have been evaluated. “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.” (pp. 6-7, 49-50)

Despite Israeli attempts to cover up the attack, “On the basis of this testimony and other information received, the Mission” says “it was able to reconstruct a picture of the circumstances.” (p. 7). The report emphasizes that the mission has arrived at the firm opinion that the embargo imposed upon Gaza since 2007 “has reached to a humanitarian crisis”.<sup>6</sup> The report underlines that “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.”

The report states that “according to Article 33 of the Fourth Geneva Convention, collective punishment of civilians under occupation is prohibited.” (p. 16). From this finding of the UN

Mission, we can conclude that the main objective of the flotilla’s setting out was legitimate in terms of international law. Within this framework, the report points out that “There was stringent security surrounding the Mavi Marmara in the port of Antalya” (p. 22). The UN concurs that “no weapons were brought on board the ship” as opposed to Israeli government claims (p. 24). The IHH, which was among the organizers, has been cited as “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” (p. 20, Article 78) in the report is very significant when Israel’s accusations against IHH are considered.

Finding the Israeli interception of a humanitarian aid flotilla in international waters entirely against the law, (p. 15) the Mission has made a detailed legal analysis of the incidents that took place during the interception of the ships, atrocities endured after the interception, and every incident the passengers went through from the beginning of interception to their return to their home countries. As for the analysis of armed interception, the mission states that “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” (p. 27, Article 117). The Mission says “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” (p. 36, Article 167). Having met with this violent interception, the passengers acted in self-defence and the mission reports “However, there is no available evidence to support the claim that any of the passengers had or used firearms at any stage” (p. 36, Article 165). The Mission is forced to conclude that none of the vessels in the flotilla or the passengers who were killed on board posed any threat for Israeli forces (pp. 15, 25, 36) and from that judgment of the mission it would thus be more accurate to categorize the incidents that took place on board the ship as a “massacre”. In fact, the narrative depicting the incidents on board the ship has backed this case:

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... During the operation to secure control of the top deck, the Israeli forces landed soldiers from three helicopters over a 15-minute period. 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, 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 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. 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. (pp. 25-27)

Events during interception of the ships are also described by the Mission. According to this “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 (pp. 28-29, 31-32, 49). The detainees who were not wounded were subject to the similar inhuman degrading treatments.

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. (...) 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. (pp. 32, 33)

The report’s description of the phase after detention also confirms that the passengers were subjected to ill treatment “reaching to torture”. This occurred during the forced diversion of ships to the Port of Ashdod, marching off passengers from the ships, during their time in prisons and while the passengers were released and being repatriated. Giving examples of such mistreatment, the report lists major violations of law that occurred during this process under such headings as: “(a) Arbitrary or illegal arrest or detention (b) Torture and other cruel, inhuman and degrading treatment or punishment (c) Parading of detainees d) Right to security of the person and to human dignity (e) Other detention rights.”<sup>7</sup>

According to the report “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.” The mission characterizes these accounts as “so consistent and vivid as to be beyond question.” After these accounts described above, the report continues:

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. None of the violence described seems to have been justified. (...) [During the foray here] 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. (p. 44)

Almost all sections of the report touch on the crimes and violations of law depending on the subject being discussed. In the “conclusions” part, the report says “there is clear evidence to support prosecutions of the following crimes a) Wilful killing; b) Torture or inhuman treatment; c) Wilfully causing great suffering or serious injury to body or health.” (p. 54)

The Mission is also of the opinion “that a series of violations of Israel’s obligations under international human rights law have taken place, including: a) Right to life, b) torture and other cruel, inhuman or degrading treatment or punishment, c) right to liberty and security of the person and freedom from arbitrary arrest or detention, d) right of detainees to be treated with humanity and respect for the inherent dignity of the human person, e) freedom of expression. (pp. 54, 55)<sup>8</sup>

### **Turkey’s official report: “No State should be allowed to act above the law.”**

These passengers, who came from different walks of life and backgrounds, had united behind the humane goal of helping other persons in distress. (p. 15)

Turkey’s final report begins with describing the preparation process of the humanitarian aid flotilla and gives an account of the time when the assaults took place, incidents following the attack and has allocated considerable space to a detailed legal analysis of those processes. It concurs with the UN report in many aspects in terms of the basic facts about the Israeli assault. Both reports confirm the same basic facts about the humanitarian

situation in Gaza and underline the same crimes and violations of law that occurred during the attack against the flotilla and the various phases that followed. Nevertheless, Turkey’s official report mentions some new findings. For Instance, the UN report cites Israeli attempts to hide evidence. The Turkish report moves this point one step further. According to it, “Parts of these footages where passengers are shown with food, would be used to misrepresent the real circumstances on board. A witness supports this argument by stating that they [Israeli soldiers] put food and water in front of us, then took pictures and filmed us.” (pp. 38-39)

As Turkey was a party to the incident since most of the passengers on board the Mavi Marmara were Turkish citizens and the largest number of dead and wounded were also Turkish, some issues have been dealt with in much greater detail in Turkey’s report. Among the issues that directly concerns Turkey are claims regarding customs inspection of the ships and passengers:

The vessels that set sail from Turkey had been duly inspected for security, immigration and customs. The passengers on board, their personal belongings and the large volume of humanitarian aid had also been thoroughly checked. It was firmly established that there were no firearms or any sort of weapon on board the vessels. Those Turkish ports from where the ships in the convoy set sail are duly certified under the International Ship and Port Facility Security Code (ISPS) of the International Maritime Organization. (p. 4)

As the findings of the report help to emphasize that the flotilla was a civilian initiative, which had set out on the journey with completely humanitarian purposes, its interception by Israel in international waters was an unacceptable show of hostility. It stated that Israel’s interception in international waters is unacceptable. The report draws attention to the point that “In any event, no demand was ever made by the Israeli forces to stop, visit and search the vessel” (p. 19), but the report states, “without any immediate prior warning Israeli forces launched a massive attack on the Mavi Marmara in international waters.” Israeli forces “deployed in various categories of naval vessels and helicopters,

employed laser guided automatic rifles, stun and sound grenades, tear gas canisters, as well as high powered paintball guns modified to shoot a variety of projectiles.” The report notes that Israel “mounted a full-fledged and well-planned attack with frigates, helicopters, zodiacs, submarines, and elite combat troops heavily armed with machine guns, laser-guided rifles, pistols and modified paintball rifles.” (pp. 4, 17-18)

One of the main findings of the Turkish report is that “The Israeli soldiers shot from the helicopter onto the Mavi Marmara using live ammunition and killing two passengers before any Israeli soldier descended on the deck.” (pp. 4, 20, 22-23). According to the report backed by autopsy results (pp. 27-28): “During the attack, excessive, indiscriminate and disproportionate force was used by the Israeli soldiers against the civilians on board. (...) The nature and magnitude of the Israeli attack caused panic among the passengers who, in fear for their lives, reacted in self-defence” (pp. 84-86, 114). “Israeli soldiers continued with their deadly shooting even after white flags were flown by a number of the passengers and a multi-lingual surrender announcement was made over the ship’s loudspeakers.” (pp. 26, 28)

The fact that the people who lost their lives as a result of the Israeli attack binds Turkey with some obligations because they were born in Turkey and were Turkish citizens. For this reason Turkey has demanded Israel’s apology for the crimes it committed against Turkish citizens and to give an account of its deplorable conduct. Turkey has also demanded compensation for the people who were killed or wounded during the Israeli assault. The report underlines that international law must be binding on all countries without exception. The basic premise of the report can be summarized as follows:

This case is a critical litmus test for the international community in upholding the rule of law. No State should be allowed to act above the law. Impunity must give way to accountability. Israel must acknowledge its responsibility and accordingly convey a public apology to the Republic of Turkey and provide compensation for all damages and losses resulting

from its unlawful attack. The condemnation of Israel’s attack is also crucial for the future of the right of navigation on the high seas. Otherwise, a dangerous precedential derogation from that paramount right will be established with far-reaching ramifications that may not be accurately estimated today. (pp. 8-9)

## **Report by Turkel Commission or creating a fictitious reality?**

Being left with no option but to establish an investigative commission after the severe backlash it faced, Israel had a report prepared under the chairmanship of retired Judge Jacob Turkel. The report has attempted to give responses to the arguments presented in the report by the UN Human Rights Council, which found the Israeli interception of the flotilla vessels to be against international law and to Turkey’s report, which was first submitted to UN while it remained classified. The Israeli report has discussed mainly three subjects. a) The embargo imposed upon Gaza for military reasons is compatible with international law and this embargo has not had a worsening effect on the humanitarian situation in Gaza Strip; b) These and other actions the Israeli army took are legitimate in order to sustain the embargo; c) The organizations that organized the humanitarian aid flotilla and the positions and activities of persons involved in the flotilla.

Members of commission stress their independence and state they “made repeated efforts to hear both sides.” (p. 11). But as the video recordings were not seen as legitimate either by the government of the Turkish Republic or IHH, the Israeli commission relied on video images<sup>9</sup> that only served to confirm their own arguments and the testimonies of Israeli soldiers involved in the attack. This situation resonates in the writing style of the report as well. What has been presented as “facts” by the commission are mostly the testimonials given by members of the Israeli armed forces.

The commission considers the Israeli embargo on Gaza as military action conducted entirely within the bounds of international law. The report insists that the current humanitarian situation in Gaza is not as bad as to be “ a humanitarian disaster”

like the flotilla organizers claim and Israel works constantly with UN representatives (pp. 27, 34, 45-61, 64-90). Therefore the commission, which reached the conclusion that “there is no doubt Israeli troops are waging the war against Hamas in accordance with international law,” (pp. 91-102) believes the possibility of breaching international law in the attack on the flotilla passengers is out of the question. The commission members take their arguments so far as to view the flotilla attempt to break the embargo as “military action against Israel” (p. 111). Thus the bags of cement, which were carried into the ships to at least wipe away if not eradicate the traces of destruction caused by “Operation Cast Lead” in Gaza, turns into a “commodity being used for military purposes” (p. 239) and almost 700 passengers from 37 countries on board the Mavi Marmara, whose ages ranged from a 1-year-old to a man in his eighties, turn into “militants”; the life jackets the passengers put on turn into “military uniforms”, and their correspondence over the headphones to provide communication on board is misrepresented as they “moved in a chain of command.” Proving its proficiency in finding out the weapons of this “regular military combat”, the commission dares to describe “hoses, chairs, bars and glass marble” as “lethal weapons” (pp. 247-251). Thus Israel, which was acting within a “legitimate framework” and which was faced with such military action, used its right of self-defense against the “hostile” and “excessive use of violence” when they embarked on the ship and killed 9 humanitarian aid volunteers (pp. 221, 255 and so on). While organizing the flotilla and its navigation in international waters and the fact that passengers resisted Israeli soldiers, who had already begun shooting even before boarding the ship, are illegitimate activities, this operation by Israel which was “acting in self-defense”, naturally is seen as being in line with international law(!).

When the report is analyzed as a whole, one finds there is emphasis on the members’ legal background as proof of their credentials for framing this report (p. 14). The Israeli commission members come across not as independent “judges”, but as “counsel for the defense” in the manner of their presentation. This style of writing, which turns

into more of blaming the victims and aggressively try to defend the aggressors, has transformed the text from being a report to being a “written defense”. And the attempt to provide justification for its biases, the report uses such labels as “radical Islam” and “political Islam”. Such expressions were used immediately after the events of 9/11 to conjure up images of terrorism, and to tarnish the reputation of IHH (pp. 118-119). The purpose behind such distortions was to send a message to the West that far from being the guilty party, Israel was facing a “terrorist” threat, and to manipulate presentation of the attack from what it was: an illegal act and a war crime, to a totally different context. The fact that this “written defense” would be taken seriously in any kind of platform will be most surprising in terms of both the principles of international law and of the legal logic. In fact, the report draws attention to its naivety and its implied “This too good” report for Israel will do no good. Rather, it will only worsen Israel’s current situation at the bar of international public opinion.<sup>10</sup> The commission members, who are fairly advanced in age, if they have not lost their mental faculties, must be mocking all of humanity. No other explanation is possible about the text of the report.

## Assessment

In conclusion, we can say that similarities between the two reports, one by the UN and the other by Turkey, results to a great extent from the efforts of its members to depict the reality of what had happened with objectivity. On the other hand, the “written defence” of Israel betrays a defensive style that is trying to answer what the two other reports have based on the testimony of the victims of Israeli aggressioj. But what has been scribbled in the text of the Israeli report stays at the level of being “wilful misrepresentation” rather than being a legal evaluation. Still, with Israel left with no option but to draft a report about itself, - albeit its poor character exposed according to the principles of international law- shows that Israel is gradually come to terms to realize that the world has begun to change together with the Mavi Marmara incident.

If we sum up the reports drafted about the interception carried out against the Gaza Freedom Flotilla, we find two opposing pictures: the one that comes across of Israel, which transgresses articles of international law with every move it takes, from the UN Human Right Council report and the report of the Turkish National Inquiry Commission; and there emerges a self-portrait of Israel from the Turkel Commission report. The latter did not follow the law in this particular case. Thus, what matters for humanity boils down to this: do we bury our heads in the sand and stay there or face the reality of Israeli crimes and find ways to confront them?

When it is looked at in terms of the impact and opportunities for international law, the UN Inquiry Panel which must take all these reports into consideration, has failed to reconcile the Turkish and Israeli parties with the report it has drafted.<sup>11</sup> It is not possible to estimate what kind of results will be concluded by attempts of both the representatives of the Turkish Republic,<sup>12</sup> who will carry the enforced embargo upon Gaza and the brutal attack by Israel to the international authorities, and the attempts of humanitarian flotilla participants. But the matter also has another dimension, which is important in terms of international conscience.

It is in the hands of humanity to wail, in the words of İsmet Özel: "I am blind, then why does the darkness flee from me?"<sup>13</sup> or find the illuminated path of conscience, that has completely surrendered to justice.

## Endnotes

<sup>1</sup> *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*, (September 27, 2010), 66 s.

<sup>2</sup> *Report on the Israeli Attack on the Humanitarian Aid Convoy to Gaza on 31 May 2010, Turkish National Commission of Inquiry*, (Ankara, February 2011), 120 s.

<sup>3</sup> *The Public Commission to Examine the Maritime Incident of 31 May 2010, The Turkel Commission*, (Report/Part One), Government Printing Israel, (January 2010 [Should be 2011]), 294 p. The second part of the report has not been released yet.

<sup>4</sup> For the UN statement on the panel see: <http://www.un.org/News/Press/docs/2010/sgsm13101.doc.htm>.

<sup>5</sup> For the process of the report preparation see: <http://strasbourg.cg.mfa.gov.tr/ShowAnnouncement.aspx?ID=3470>.

<sup>6</sup> Following the flotilla incident the Mission recalled that the Security Council had described the situation in Gaza as “unsustainable” and the International Committee of the Red Cross and the International Committee for Human Rights shared the same opinion, registering the findings in its report. See: pp. 10-11, 14. The international organizations sharing this opinion include: UN Office for the Coordination of Humanitarian Affairs, World Food Program, World Bank, UN High Commissioner for Human Rights, UN High Commissioner for Refugees and UN Development Program.

<sup>7</sup> Violations in this regard are listed as: “Violating standards of basic civilized behaviours, failing to properly inform detainees about legal process and procedures involving them, misinforming them particularly about deportation papers, denying the detainees legal counselling and/

or consular services from their countries’ embassies or diplomatic missions in Israel and denying them the right to contact their families and relatives. Not allowing a woman passenger who lost her husband to call and inform her family about the situation is one of the many examples of violent and disproportionate actions.” pp. 47-48.

<sup>8</sup> Other violations of law founded by the Mission include “confiscating passengers’ property and detaining the ships and inflicting considerable damage on the Mavi Marmara.” See: pp. 51-52.

<sup>9</sup> It is quite suspicious that the Commission uses video footage from the ship’s security cameras in the section about Mavi Marmara activists’ “stationing on the upper deck of the boat” but it only uses testimonies by Israeli soldiers and some tailored pictures to prove their response to the wounded and the detainees in the wake of the attack was “extremely humane.” (pp. 193-197). However, both the UN and Turkey reports state that actions “amounting to torture and mistreatment” were committed during the raid. It was pointed above that this situation amounts to tampering with evidence.

<sup>10</sup> “The report is good, the situation is bad”, <http://www.haaretz.com/print-edition/opinion/the-report-is-good-the-situation-is-bad-1.338817>.

<sup>11</sup> *Report of the Secretary-General’s Panel of Inquiry on the 31 May 2010 Flotilla Incident, September 2011*, (p.105) <http://www.un.org/News/dh/infocus/middleeast/GazaiFlotillaiPaneliReport.pdf>.

<sup>12</sup> For Turkish Foreign Minister Ahmet Davutoglu’s statement on the issue see: <http://www.mfa.gov.tr/sayin-bakanimizin-palmer-komisyonu-raporu-hakkinda-gerceklestirdigi-basin-toplantisi.tr.mfa>.

<sup>13</sup> İsmet Özel, *Of Not Being A Jew*, Şule Yayınları, İstanbul: 2005, (p. 11).