

International Criminal Court opens initial probe into Gaza flotilla raid

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The International Criminal Court's prosecutor said on Tuesday she would open a preliminary examination into the events surrounding the 2010 Israel Navy raid on a Turkish-flagged aid [flotilla](#) to the Gaza Strip.

Nine Turkish citizens died during the raid on the Mavi Marmara vessel, part of a flotilla which set out from Turkey to the Gaza. The International Criminal Court is the permanent war crimes court in The Hague, Netherlands.

Prosecutor Fatou Bensouda said in a statement she was obliged to open a preliminary examination following a referral from the Indian Ocean island nation of Comoros, to which the Mavi Marmara was registered. Few preliminary examinations ever lead to a full investigation, let alone a trial.

The tiny African state of Comoros, a member of the court, though Israel is not. The Mavi Marmari was registered in Comoros, an archipelago off the African coast near Madagascar with a population of around 800,000.

As required by the court's rules when a member state complains, "My office will be conducting a preliminary examination in order to establish whether the criteria for opening an investigation are met," she said in response to the referral, which was transmitted by a Turkish law firm. Bensouda said she met Tuesday with lawyers from a Turkish law firm that is representing Comoros.

"After careful analysis of all available information, I shall make a determination that will be made public in due course."

Previous attempts to engage prosecutors in an investigation of Israel have stalled due to lack of jurisdiction. The ICC has jurisdiction over its members, over cases that are referred to it by the UN Security Council and over events that take place on the territory of member states.

In a filing, lawyers from the Istanbul-based law firm Elmadag argued that events that took place on the Mavi Marmari should be considered as having occurred on the territory of Comoros.

The court, which is not part of the United Nations, relies on assistance from member states and other governments to enforce its rulings. The United States, Russia and China are not members, but 122 other countries are.

Sudan, despite being a member, has refused to arrest its president, Omar al-Bashir, who is wanted by the court for alleged war crimes and crimes against humanity. The court's arrest warrant against al-Bashir has been opposed by the African Union and League of Arab States, among others.

Relations between Turkey and Israel were badly strained by the Gaza flotilla incident. The two have since taken some steps toward a rapprochement. Israel offered an apology and compensation, and the Turkish and Israeli leaders agreed to try to normalize their relationship.

Earlier this month, [a second round of reconciliation](#) talks between Israel and Turkey took place in Jerusalem, after which Prime Minister Benjamin Netanyahu's bureau announced that a draft agreement had been formulated "but a number of clarifications are needed on a few issues."

These issues include payment of compensation to the families of the victims of the flotilla raid.

The negotiations for reconciliation between the two former allies began in April, exactly a month after Prime Minister Benjamin Netanyahu [called his Turkish counterpart](#), Recep Tayyip Erdogan, and apologized for the fatal raid.