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Organizational and procedural matters

Report of the United Nations High Commissioner for Human Rights on the implementation of paragraph 3 of Human Rights Council resolution 15/1 on follow-up to the report of the independent international fact-finding mission on the incident of the humanitarian flotilla

Summary

The present report provides information on the status of implementation of paragraph 3 of Human Rights Council resolution 15/1 on follow-up to the report of the independent international fact-finding mission on the incident of the humanitarian flotilla.

1. The present report is submitted pursuant to Human Rights Council resolution 15/1 of 29 September 2010. In paragraph 3 of that resolution the Council endorsed the conclusions contained in the 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 (A/HRC/15/21). It also called upon all concerned parties to ensure their immediate implementation. In paragraph 5 of the same resolution, the Council also requested the United Nations High Commissioner for Human Rights to submit a report on the status of the implementation of paragraph 3 of the resolution to the Council at its sixteenth session.
2. On 1 November 2010, the Office of the High Commissioner for Human Rights addressed notes verbales to the Permanent Missions of Israel and Turkey, as well as the Permanent Observer Mission of Palestine, requesting information about any steps their respective Governments had taken, envisaged taking, or were otherwise aware of concerning the implementation of paragraph 3 of resolution 15/1.
3. At the time of the preparation of the present report, no reply had been received from the Permanent Mission of Israel or the Permanent Observer Mission of Palestine.

4. In a submission dated 18 November 2010 addressed to the Office of the High Commissioner for Human Rights, the Government of Turkey expressed its strong interest in ensuring accountability for the violations of international law committed in the context of the attack on the flotilla as concluded by the report of the international fact-finding mission. To that end, it indicated its willingness and readiness to contribute to actions by the Human Rights Council. Noting that the conclusions of the report of the international fact-finding mission endorsed by the Council in paragraph 3 of resolution 15/1 were directed at Israel, the Government of Turkey expressed its readiness to assist Israel to implement the conclusions if and when Israel decides to take action.

5. Turkey regrets Israel's lack of cooperation with the international fact-finding mission on the flotilla incident and views this lack of cooperation as a way of delaying the efforts of the international community to ensure accountability for violations. Turkey also regrets that, in his meeting with the commandos who perpetrated the attacks against the Mavi Marmara, Israeli Prime Minister Benjamin Netanyahu referred to their "professionalism", "heroism" and "restraint."

6. In its submission, the Government of Turkey points to complaints lodged with the Istanbul Prosecutor's Office against Israel by the survivors of the attack on the flotilla as well as the family members of those killed. It notes that the work of the Prosecutor is still at the investigation phase and that it may lead to legal proceedings against those Israeli officials deemed responsible for the attack. In addition, the Government of Turkey noted with interest similar lawsuits that have been filed against Israeli officials in Spain and the United Kingdom as well as a complaint filed by a group of non-governmental organizations before the Prosecutor of the International Criminal Court on behalf of those killed and injured during the attack. The Government of Turkey reiterates its commitment to ensuring an end to impunity for violations committed as a result of the attack on the flotilla and its expectation that the Government of Israel will contribute to all efforts towards this end.

7. Finally, the Government of Turkey records that the remit of the Panel of Inquiry established by the Secretary-General and the international fact-finding mission established by the Human Rights Council are distinct. It notes that the former is a political process whereas the latter was mandated to address violations of international law. Turkey expresses its concern regarding the misrepresentation of the mandate of the international fact-finding mission and reaffirms the authority and mandate of the Human Rights Council to address violations of human rights law. The Government of Turkey further notes its cooperation with both the Panel of Inquiry and the international fact-finding mission on the flotilla.

8. In light of the short timeframe between the passing of the resolution on 29 September 2010 and the deadline for the submission of the present report, the High Commissioner will provide in due course any relevant updated information, if available, with regard to significant developments pertaining to the implementation of paragraph 3 of resolution 15/1.