



**HUMAN RIGHTS COUNCIL
INTERNATIONAL FACT FINDING MISSION ESTABLISHED UNDER RESOLUTION 14/1**

International Fact Finding Mission on the Gaza Flotilla Incident

Terms of reference

Background

1. On 1 June 2010 at its 14th session, the Human Rights Council, in its resolution A/HRC/14/1, decided “*to dispatch an independent 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.*”
2. On 23 July 2010, the President of the Human Rights Council, in accordance with operative paragraph 9 of the Resolution, appointed three eminent experts to the Mission: Judge Karl Hudson-Philips (chair), Sir Desmond de Silva and Ms. Mary Shanthi Dairiam. The members of the Mission formally began their work on 9 August 2010.
3. The Fact-Finding Mission is requested in paragraph 9 of the Resolution to report their findings to the Human Rights Council at its 15th session.

Interpretation of Mandate

4. The members of the Mission have decided to interpret their mandate as ascertaining the facts surrounding the Israeli interception of the Gaza-bound flotilla to determine whether any violations of international law, including international humanitarian and human rights law, took place.
5. In carrying out this mandate, the members of the Mission have indicated to the Council that they will :
 - a. focus on the events that took place in international waters on 31 May 2010 as well as the way in which the Israeli authorities dealt with the aftermath of the operation and the repatriation of those participating in the flotilla;
 - b. seek to travel *inter alia* to Turkey, Gaza, Israel and Jordan in order to meet with witnesses, officials and non-governmental organizations; and
 - c. travel to other countries to interview witnesses as may be necessary; and
 - d. make all enquiries it considers relevant to the forgoing in order to discharge its mandate.

Methodology

6. The members of the Mission intend to conduct their investigation independently and impartially and to this end are keen to receive information from any interested parties representing all points of view.
7. The Mission considers that the standard operating assumptions for a United Nations fact-finding mission will apply, including the following:
 - a. The Mission should enjoy the full cooperation of all States Members of the United Nations;
 - b. Members and staff shall enjoy the privileges and immunities accorded to experts on missions and officials under the 1946 Convention on the Privileges and Immunities of the United Nations;
 - c. The Mission should have freedom of movement throughout the relevant territories;
 - d. The Mission should have unhindered access to all places and establishments, and freedom to meet and interview representatives of Governmental and local authorities, military authorities, community leaders, non-governmental organizations and other institutions, and any such person whose testimony and/or expert advice is considered necessary for the fulfillment of its mandate;
 - e. The Mission should have unhindered access to and for individuals and organizations wishing to meet with the Mission;
 - f. The Mission should have free access to all sources of information, including documentary material and physical evidence;

- g. Protection should be guaranteed of victims and witnesses and all those who are in contact with the Mission in connection with the inquiry. No such person shall, as a result of such contact, suffer harassment, threats, acts of intimidation, ill-treatment or reprisals.
8. Given the large number of potential witnesses to the incidents and the short timeframe, the members of the Mission will determine appropriate criteria for the selection and examination of witnesses.

Secretariat

9. The United Nations High Commissioner for Human Rights has provided a designated staff of five professional human rights officers, one administrative officer and one security officer to act as the secretariat to support the members of the Mission. Additional expert consultants in the fields of pathology, law of the sea and international humanitarian and military law will also support the members of the Mission.
10. The Mission will be based in the Office of the United Nations High Commissioner for Human Rights in Geneva.