



HUMAN RIGHTS COUNCIL
INTERNATIONAL INDEPENDENT FACT FINDING MISSION ESTABLISHED BY
RESOLUTION A/HRC/RES/14/1

Téléfax: (41-22) 917 9389
Address: Palais des Nations, Geneva
Telephone : (41 22) 928 9205
E-mail: Flotilla_FFM@ohchr.org

14 September 2010

Excellency,

I wish to acknowledge receipt of yours of the 13th instant in reply to mine of the 7th September 2010. I wish first of all to place on record my appreciation for the apparent change in the position of your Government in relation to the Mission which I have the honour to Chair.

It is appropriate to refer to your letter dated the 18th August 2010 to the President of the Human Rights Council, H.E. Ambassador Sihasak Phuangketkeow, in which you expressed the view of your government at that time that the Mission was not only "superfluous" but also "both unnecessary and unproductive". The suggestion in your letter under reference that the Mission is now capable of "responsibly" (your term) reporting to the Human Rights Council is a noted departure from the view previously stated. I regret that I personally cannot agree that notice of the results of national investigations is a prerequisite to the mission reporting to the Council in a responsible manner.

As you are aware, on the 2nd June 2010 the Human Rights Council adopted a resolution A/HCR/RES/14/1 which resulted in the appointment of its fact-finding Mission. The Mission is of course aware that on the 2nd August 2010 the Secretary General announced "the setting-up of a Panel of Inquiry (Panel) on the flotilla incident of 31st May". It is the understanding of the Mission that that Panel has been charged with the task of "reviewing and receiving the reports of the national investigations" expected to be carried out by the Governments of Israel and Turkey. It is not without significance to the Mission that the Secretary General considered it expedient to have a panel "review" the reports of national investigations (Israel and Turkey) and not that of the Mission. The inference to be drawn from this would suggest that there was no need to question in any way the work of the independent Mission appointed by the Human Rights Council. There is obviously merit in having investigations conducted by parties not intimately involved in the matter under inquiry or who may have an interest in the outcome of the same.

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His Excellency Mr. Aharon Leshno-Yaar
Permanent Mission of Israel
to the United Nations Office
and specialized institutions in Geneva
Avenue de la Paix 1-3
1202 Geneva
Fax: +41 22 716 05 55

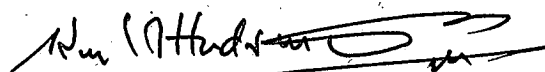
cc: His Excellency Mr. Sihasak Phuangketkeow
President of the Human Rights Council

I am grateful for your drawing my attention to the fact that transcripts of the testimony in the proceedings of the Commission under H.E. Judge Turkel are available on the internet. The Mission has been aware of this for some time. I trust that you will agree that even though, as you so kindly point out, a version in English is being published, this can in no way be a substitute for the specific request made to you for direct access to witnesses and relevant material. It is noted that the Commission under Judge Turkel does not appear to have direct access in public or at all to an important category of eye witnesses. This is a serious limitation which access to unauthenticated reports on the internet cannot remedy.

I wish once more to repeat my request to your Government for relevant direct evidence of the matters set out in the list left with you on the 18th August 2010. In particular, you are referred to the request for information on the medical condition of members of the Israeli Defence Force who were injured during the interception of the Mavi Marama. According to evidence in our possession, these soldiers were examined by medical doctors on board and none was seen to have gunshot wounds as is being alleged before Judge Turkel. There is also the issue of the large sums of money and extensive film footage seized from passengers at the time and not returned. All these and the other matters requested will assist the Mission in its fact-finding task.

The Mission have given most serious consideration to your letter and specifically the request that the Mission consider deferring the submission of its report to the Council in order to permit "other processes to reach their natural conclusions, unfettered by external events". The Mission is gratified by the apparent confidence shown in its efficacy but would suggest with deference that your request be directed to the Human Rights Council which appointed it.

Please accept, Your Excellency, continuing assurance of the highest regard and consideration.



Mr. Karl T. Hudson-Phillips
Chair of the United Nations Fact-Finding Mission