

Public Commission to Examine the Maritime Incident of May 31, 2010

Session Number 4, on the date of 8.11.2010

Participants: Chairman, Justice (Ret.) Jacob Turkel:

Professor Miguel Deutch

General (Ret.) Amos Horev

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Testifying: Chief of General Staff, Gabi Ashkenazi

Commission Secretary, Hoshea Gottlieb: The Public Commission to Examine the Maritime Incident of May 31, 2010, Session Number 4.

Chairman, Justice (Ret.) Jacob Turkel: Good morning. In the commission's session today, we will hear the testimony of the Chief of General Staff. The Chief of General Staff will respond to the questions directed at him, which are within the mandate of the commission. For that which he cannot respond to publicly, the Chief of General Staff will respond to in a closed-door discussion. We, I, warn again at the start, it is possible that we will decide to publicize portions of the closed discussion. The testimony of the Chief of General Staff shall begin now and last until the afternoon hours, as necessary. In the framework of the testimony, we shall leave for a recess. As will be found proper, the commission will allow the Chief of General Staff

to complete his testimony verbally or in writing, and at this point the photographers shall leave.

His honor, Chief of General Staff, according to the law you are cautioned to speak the truth. In the testimony, I will request of you to relate first and foremost to the first two topics in the commission's mandate, which are, whether the closure that was put in place meets the requirements of international law, and later, whether enforcement of the closure by the IDF was in accordance with the requirements of international law. There is an additional topic that I am not sure that his honor prepared for, and that is the topic of the mechanism of IDF internal investigations, to what extent this mechanism meets the principles of international law. If his honor could enlighten us also in this matter, all the better. If not, we will do it at a later stage. Please.

Chief of General Staff, Gabi Ashkenazi: Good morning, thank you very much. I, of course, would like to say several words of introduction, and after this I will relate in a concrete way. At the start of the matter, I would like to thank the commission and its head for allowing me to stand here and testify before you as the commander of the IDF. I, as commander of the military, bear responsibility for actions of the military, and I believe that the decision to invite me and to refrain, as much as possible, from inviting a series of commanders and soldiers, is an important and correct decision. It is a decision that allows, in my mind, preservation of the military's culture of inquiry, and especially our need to preserve the confidentiality of the investigation, but in the main, to allow the soldiers and commanders to deal with and prepare for the main occupations that we have, both in the matter of

the flotillas, as well as in these days, and I will represent them here.

Chairman, Justice (Ret.) Jacob Turkel: Excuse me, I have here a technical request. I have a feeling that something with the microphones is not entirely right. The sound is somewhat faint. Something is not adjusted so well, I think.

Chief of General Staff, Gabi Ashkenazi: Is it on my end? Is it okay now? To my perception and worldview, the IDF is a transparent organization, it is a monitored organization, studying and committed at all times and in all our fields of action to examine what is done, to investigate every action. In my view, the strength of the military is hidden in the ability to investigate a true investigation, revealing, critical, that will lead us to the correct conclusions and lessons, to the location of errors, the failures, and everything that will enable us to continue and improve. This is how we work in our entire series of actions, as well as in this case, from out of a granting of preference to our principal instrument, which is the instrument of operational investigation. Perhaps at the end of the matter, I will relate also to the third topic, of which you spoke and requested that I relate to. This is our central and principal way on all levels, at all ranks, in truth, to bring to light the flaws and to achieve an investigation of the truth.

Immediately following the operation, and previous to decisions that stemmed from the process that has brought us here, as we are accustomed to do, we began a course of investigations from the level of the operational force, up to the level of the General Staff, on all levels and in all branches. In addition, in light of the complexity of the incident, I decided to appoint an external team of experts, headed by Major General Giora Eiland, to investigate the incident and present to me the findings, the conclusions, and

the lessons. The summary of all investigations of the generals, and the summary of the work of Giora's team, were presented to me, presented to the General Staff forum, and on their basis we prepared a work plan to implement all of the lessons. We are already in the midst of this process, for the purpose of the investigation is really to improve execution, for when you come, as you recall, even after the flotilla that you are investigating, we have already had at least two more flotillas, and we have still more flotillas on the way.

On the basis of this matter, really, we prepared the work plan. I assigned this to the Vice Chief of General Staff, and we are in the full swing of implementation of the lessons. The findings of all the investigations, including the investigation of the team of experts, were presented to the General Staff forum, presented to the Defense Minister, presented to the subcommittee of the Knesset Foreign Affairs and Defense Committee. In addition, I decided to submit to you the full written report. I believe you have studied it.

I, of course, will be happy to answer all questions, even concerning the operation itself, and, according to need, also to clarify and update, if it is necessary, information supplementary to all the investigations. You may, of course, request also Major General Giora Eiland, we will assist as the IDF, it is important for me to emphasize this, in all that is truly necessary to present the complete facts and the complete findings required by the commission in the framework of its duty.

But I already would like to say at the outset, a point that I think is very important to highlight. I personally focused upon the investigation, upon all

the investigations, but personally on the investigation of the functioning of the commando unit on the ship Marmara. This will perhaps be surveyed more fully later on, we will present it, but I want to say from the outset, that to me it is clear, that from the moment the operation started, thus for me, at least, it was important to establish this, that in the circumstances into which the fighters of the commando unit were thrown, as well as anyone who operated around the ship Marmara, not only on this boat, but by the nature of things it is our main occupation, acted in the circumstances into which they were thrown, at risk of life, in a very complicated life reality, acted in an exceptional fashion. It is absolutely clear, that from the first moment they were thrown into life-threatening danger. Today it is clear to us, even after the investigations, that it was already after the first soldier descends and is in danger, the second soldier is already shot, that the soldiers immediately employ their weapons. I remember that immediately following the incident they spoke for some 45 minutes that we are dealing with fire from paintball guns. I want to emphasize, that the soldiers opened fire, and to my mind it was justified. The soldiers shot at whom they should have, and did not shoot at whom they should not have. We even have cases of a soldier employing less lethal weaponry, what we call "*nafak*" [Hebrew acronym for less lethal weaponry], there is a passing to live fire when faced with life-threatening danger, and then returning again to less lethal weaponry. I think that they displayed throughout the entire course of this operation, facing a very complex changing reality, split-second decisions, composure, bravery, morality, and action that truly is in accordance with the IDF's values, and the purity of arms. I think that we can certainly be proud of the way they acted. I

think that this operation certainly was commensurate and correct. I have a full appreciation for them. I also said this to the soldiers themselves, and I am personally proud, be your conclusion whatever it may be, for these are the soldiers we actually have, and I am not thus excusing everything that surrounds this, and that is not connected to the soldiers themselves.

Regarding the matters that I was requested in your letter to relate to, two topics: the first, the imposition of the closure on the Gaza Strip, and the second, the actions taken to enforce the closure on the date of 5.31. I will relate to each of the topics separately, while presenting the full relevant facts, to my mind, and, along the way, to everything that is to be related to regarding the secondary questions that you posed in each of the questions that appear in your letter. I, of course, invite the commission to ask, or clarifications in the course of my words.

In the first part, regarding the first question, I was requested by the commission to relate to the security circumstances, so is it noted, that brought about the imposition of the maritime closure on the Gaza Strip, and their examination in light of the question of the accordance of the maritime closure with the principles of international law. At the outset of my words, I would like to delineate the security background that led to the need for the imposition of the maritime closure, and this, on the background of the development of the terror threat and the military threat foreseen for Israel from the Gaza Strip at that time. The Hamas movement that today rules the strip has come a long way, from a cell of Muslim brothers and an opposition group to Arafat, over the course of the previous decade has brought about murderous attacks through suicide attacks in city centers.

After a number of years, it took control, essentially through a violent military operation, to somewhat obvious brutal treatment, certainly some of you have seen the pictures of the Authority men in Gaza, and essentially took power by force and turned de facto into the ruling body in Gaza. After the Disengagement, of course, in 2007. Since then, there has developed there a multi-dimensional entity that combines both terror capabilities and varied military capabilities, and at the same time represents a governmental address. The ideology of Hamas is extremely radical, denying the existence of the State of Israel and, in practice, working towards a state of Islamic law on the territories of Palestine, from the sea to the river. Rapidly, the Gaza Strip is turning into a hotbed of many additional terror elements, including various Palestinian organizations, global jihad elements, and more.

This development represents a threat to the State of Israel and rockets are fired towards the State of Israel, tens of thousands of missiles that essentially lead in the end to Operation Cast Lead. Even today, the relative quiet that reigns in the Gaza Strip, stems essentially from strong military deterrent, but the threat is not forgotten, and from time to time we even see actions, whether of wayward organizations or from the direction of Sinai, or what we call the “road of sin”, meaning the way to Egypt. To us it is clear that there is no doubt that Hamas has not abandoned the path of terror and it still aims even today to carry out attacks against Israel. Certainly the latest incidents, regarding Ashkelon and the firing on Eilat, I think are a precursor to this. It is absolutely clear that they have not abandoned this, the path of terror.

Alongside this there is developing an additional threat, which is no less significant, and it is perhaps less apparent to the eye, and that is the process

of reinforcement. Hamas is working under this relative quiet that has been kept since Cast Lead, to broaden its capabilities in all areas. By way of an immense project of smuggling by air, land, and sea, through the tunnels and by sea. The purpose of this effort is to improve their military capability within two central areas, the first: the area of rockets. Both to increase the quantity, as well as to produce rockets that achieve a longer range, larger explosive heads, and also capabilities for self-production. One can look, and I will not survey this here, at the development of this threat, and see how years ago they only had mortars, and after this, rockets of the Kassam class for shorter ranges, etc., etc., and today we are speaking of rockets for longer ranges. All of these things are happening or taking place by way of the smuggling effort that is run by the Hamas organization, and from within the Gaza Strip. In truth, it is a very central effort that also involves funds, experts in relevant content, and also self-production as far as it is possible within the Gaza Strip. They also are improving their ground capabilities with the assumption that it is possible there may be another ground confrontation, and for this purpose there is a very great effort to acquire a wide variety of measures that will improve their ground-handling capabilities, whether it is a system of anti-tank missiles, anti-aircraft missiles, night-vision devices, sabotage, a system of fortifications, concrete-reinforced command posts, etc. To our understanding, this process of reinforcement of Hamas would not be possible without the aid of countries that support terror, most centrally, of course, is the Iranian aid, that is truly attempting, also for Iranian reasons, not only to strengthen their capabilities, but also to set up against us deterrent by proxy. This is happening both with Hezbollah in the north and

with Hamas in the south.

In addition to all of this, Hamas is developing a maritime threat. I shall not expand upon it. I will only say that Hamas is attempting to improve its capabilities in connection with the ability to operate in deep water, from the water and on the shores of the State of Israel, against navy ships that operate opposite the Gaza Strip. We have things like this documented, whether it's explosive boats, whoever remembers the incident not long ago, of barrels of explosives that were sent from the coast of Gaza to the southern coast of the State of Israel. And attacks from the sea against civilians and military installations in abundance.

The smuggling effort is in the center of our occupations. I will not expand here, but I will say that we are dealing with this even in nearby areas, the navy and the naval commando units are really operating to disrupt, not just them, this effort is of all the organizations, but regarding what is relevant to the effort, we have seen outstanding and public examples, and they are not the only ones. I mention the Karin-A, and I mention the Francop that occurred for our purposes, for the purpose of the relevant discussion here, in November 2009, just opposite the shores of the State of Israel. The navy, the naval commando unit, the same soldiers that operated on the Marmara based on intelligence information, took over the boat and brought it to Ashdod. Our precise intelligence enables us to do this. I think that anyone who viewed what was unloaded from that ship understood the great risk hidden in maritime smuggling. Hundreds of tons of explosives, missiles. Just to give the commission an idea: on the Francop alone, the quantity of materiel, the quantity of munitions that was found, approaches 70 percent of the

ammunition fired upon the State of Israel over the course of the entire Second Lebanon War. Rockets, missiles, and mortars. It is completely clear that this matter is completely different from the smuggling efforts that you do, let's say, by way of tunnels that were found in Gaza, on the Gaza-Egypt border. Though we operate against the tunnels, occasionally attacking them, and also in efforts together with Egypt in all kinds of ways that I will not expand upon.

Regarding the maritime closure on the Gaza Strip: the importance of the maritime closure is in my eyes first of all a security importance. I see for this closure a number of central security goals, which are vital for ensuring the security of the State of Israel, and the ability to defend its citizens. The simple, central, basic, matter is, first of all, to prevent the terror organizations, with the aid of Iran and Hezbollah, from smuggling into the strip munitions in inestimably larger quantities than those that are possible to do through other smuggling. I think that this maritime smuggling is completely different, and in my opinion, it is our obligation to prevent the arrival, and the possibility of arrival, of munitions by sea. The things happen even very far from here, a portion of the smuggling routes known to us, I will not, due to the nature of the matter, specify. But, in the end, maritime smuggling is completely different smuggling, very significant, both regarding the quantity that it is possible to bring, and regarding the quality. I think that it would not be proper for us to allow this smuggling.

The second matter, the central goal is to prevent, of course, attacks that come out of Gaza against Israeli installations, off the coast of the State of Israel, or

penetration for the purpose of an attack in the State of Israel itself.

An additional, third, goal is, of course, to prevent infiltration of knowledge centers and military centers. I want to explain to the commission that sometimes a knowledgeable man, with production capability, guidance, an organization of weapons systems, his damage is no less than that from munitions systems themselves. Whether this is an expert for producing charges for rockets, or for anything else within the Gaza Strip. We have evidence that when people like this succeed in reaching other locations, in a process of relatively short time, he can train a cadre, and they succeed in developing and producing and bestowing to the organization a capability that it would not have, if not for this content expert, or this knowledgeable man getting to there. Therefore, our interest is not just in munitions, but also in terror activists of this type, and, of course, also others.

An additional central, fourth, goal is also to prevent entry of money in an unmonitored fashion into the strip. Attempts of this sort are carried out from time to time through the underground passages, but it is also possible with great ease to do this by sea. It is totally clear that the money is oil upon the wheels of terror. The smuggling operation, the need to purchase, to pay, to buy, to fund this entire process, requires large quantities of money, and we see a close connection between the financial capabilities of the organization and the ability to purchase and equip itself, and it is also possible to do this by sea.

Bottom line, while I cannot say that we succeeded in completely preventing the phenomenon of reinforcement by way of Hamas' smuggling to the strip, along with this, to the best of our judgment, this is the information in our

possession, we disrupt not a little, and the maritime closure has a real direct impact on the present ability, and if it wouldn't be, the future ability of Hamas. Of course, with no maritime closure, I want to establish this in an unequivocal fashion, an open sea route for ships to the Gaza Strip would increase and intensify the threat to the State of Israel and to broad portions of it.

I would like to move on to the decision-making process regarding the imposition of the maritime closure, as a part of the questions that you posed in the first section. I focused up to now on the security background and on the development of the threat facing us from Gaza, by ground, rocket, and sea, and, of course, on the phenomenon of smuggling and on the security goals of the maritime closure. I want to relate now in a more concrete way to the process of making the decision to impose the maritime closure on the Gaza Strip, and, for this purpose, I want to first go over the phenomenon of the flotillas, that occurred in 2008, if I am not mistaken, with their start being something like August 2008, and they essentially represent the trigger for the imposition of the maritime closure. It arises, essentially, with respect to what were generally called protest flotillas, and over the course of 2008 there were a number of these protest flotillas, led by the Free Gaza organization, vessels of various sizes sailing from Cyprus, most of them leaving Cyprus for the Gaza Strip.

On this background, we began dealing with the phenomenon, and seeking or deciding to shape the political course of action, in our case, legal and operational, regarding how to stop it. From an analysis of the connotations stemming from the discussion of the flotillas, there formed for us, for me,

the position according to which sailing vessels must be prevented from reaching the coast of Gaza. All of this, in light of the security consequences that I just described, that can stem from the description of the flotillas, and perhaps from a certain establishment of a sailing route, a line of ships from the Gaza coast to Cyprus, or to somewhere else. And essentially it would represent fertile ground for smuggling munitions, people, money, and perhaps even under the guise of humanitarian activity.

Meanwhile, we began to lead staff work in the IDF together with the navy regarding different alternatives for treatment of the phenomenon, and an operational conception crystallized that included a number of courses of action to prevent the entry of sailing vessels to Gaza. At that time, in the beginning of August, 2008, the position of the political echelon was that we need to prepare to prevent the entry of sailing vessels. And with reception of the information regarding arrangement of this possibility, the directive was actually to prohibit the ships' entry, as long as it would be achieved with the minimum possible international and public relations damage that could be caused by it.

Following the directive, I also found it proper to turn also to the Prime Minister and Defense Minister at that time, in August, 2008, to note that we are prepared for execution of the task, to prevent entry of the flotillas, and in light of the expected consequences of this operational activity, I think that it would be proper to take all efforts to prevent from the start, if possible, the departure of these flotillas to sea. For dealing with it at sea, by its nature, already then we thought, regarding the possibility of frictions, the images, and the public relations aspect, is a less desirable playing field.

We prepared, of course, to form an operational conception of how to deal with the phenomenon of the flotillas at that time, and the operational conception that crystallized based itself on graded confrontation, I will detail this later, with commandeering truly being the last stage. This graded conception was presented to the Defense Minister as a central idea already in the first stages of its formation, in the framework of the general authorization of preparations for stoppage of those flotillas. This matter, of course, was also authorized. Following the directive and preparations, we involved, of course, the Military Advocate General, as part of our usual work method, and we sought the legal and convenient tools and alternatives of how to actualize the ability to stop the vessels at sea, in a fashion that would enable us to prevent their entry to the waters of the Gaza Strip. I will not describe the entire process. I think that Military Advocate General gave you his document, in which he surveys all of the alternatives. But what arose in a clear way, and so I also understood from the conversation and from reading the assessment and from the discussion, is that the royal road, as it is called, to prevent the passage of all vessels, and the powers required to prevent entry of sailing vessels, is by means of, at the end of the day, is by means of a declaration of a maritime closure. There were other alternatives. Other legal sources that could have given us the ability to search, seize, divert from its route a sailing vessel that wants to reach the coast of Gaza. But the conclusion was quite clear that without a declaration of a maritime closure, there were regarding this doubts, limitations, and questions regarding the likelihood of implementing it.

The Military Advocate General who put together this legal assessment, and

myself as well, saw a need to turn also to the Attorney General to receive his approval and his assessment. This we indeed did, and as far as I know, the Attorney General indeed approved this assessment, and indeed, recommended taking it also to the political echelon. Alongside the formation of this legal position regarding the justification of imposing a closure, a decision had not yet been taken regarding the declaration of a maritime closure. Within this reality, navy elements acted to pass along a message in the accepted channels that called for foreign sailing vessels to refrain from entering the region adjacent the Gaza Strip, the declaration of a combat zone, and we considered it in the usual way, and the sailing vessels were called upon to refrain from entering it. This message was, of course, in accordance with the Attorney General, and according to it, without a maritime closure, the announcement of security activity in the region would aid in limiting entry to Gaza.

We also announced, it is important to make known, also already at this stage, that the transfer of humanitarian supplies to the Gaza Strip would be made possible through the land crossings between the State of Israel and the Gaza Strip, with the requirement, of course, of examination by the Israeli authorities.

Of course, as I noted, the initial decision was to allow, but while we were putting together the ways of dealing with this in an operational fashion, and forming the assessment and recommendation regarding the closure, the political echelon decided to allow, at the end of August, entry of the ships to Gaza. And, indeed, we see the entry of a number of yachts and other ships, on various dates, more or less until the end of the year, with them appearing

separately from Larnaca toward the Gaza Strip on various dates, and they were allowed to enter Gaza in light of the decision I just detailed.

A further incident must be noted, of another ship, which flew the Libyan flag, and attempted to reach the strip during that time, in November of 2008, and reversed course after messages were relayed to it not to continue on its way to a region in which security activity was being carried out, and, indeed, it reversed its course.

I would like to note that in light of the intensification of the flotilla phenomenon, and the policy that allowed their entry, I thought that it was not correct to allow them to enter, and this has been my consistent opinion. I appealed in writing both to the Defense Minister and the Prime Minister, and recommended changing the existing policy and prohibiting the entry of the flotillas, once again, out of security concerns, in order not to open that sailing route between Gaza and Cyprus, or other places for that matter, while I detailed the recommended grades of action for the IDF for activities to stop the ships at sea.

The next stage that is important for the development of the process is the stage of Cast Lead. As mentioned, after the entry of the flotillas and the government's decision not to establish a maritime closure, the government, in light of the events of the end of 2008, Hamas' intensifying shelling, ordered the IDF to initiate Operation Cast Lead, out of its obligation, of course, to protect the State of Israel, which was then subject to intolerable attacks, I believe. If I recall, there were weeks of dozens of rockets, and even more. In our frame of interest, in the framework of assessments of the situation, in the framework of Operation Cast Lead, there arose among us

once again the topic of dealing with foreign civilian sailing vessels that would try, or were trying, to reach the coast of the Gaza strip during the operation.

Thus, for example, one of the ships that had already been there, Dignity, sailed from Cyprus and made its way toward the Gaza Strip. The vessel reversed its course after we diverted it from its course with naval forces, and after it was warned that it was entering a region in which there is a combat event, in light of the events that were occurring then in Gaza. In its attempt, there was even a bow-to-bow confrontation between the Dignity and our ship. In the end, it turned around and returned to its port of berth.

Professor Miguel Deutch: At what distance from Gaza did you then stop the ship, and how many participants were there on it?

Chief of General Staff, Gabi Ashkenazi: The Dignity at that time, I think that it was something like several dozen miles from the coast of Gaza. Then, there hadn't been a declaration of a closure, as I tried describing just now, and we acted on the fact that there was combat there, an armed region, and that therefore they were interfering with activity, and were cautioned not to approach and required to move away.

Professor Miguel Deutch: And the amount of participants on it?

Chief of General Staff, Gabi Ashkenazi: There were a few dozen on those flotillas, a few dozen activists. I do not recall the precise number. But we are not discussing something similar to the Marmara with several hundred. There were a few dozen, some of them known to us, some of them less so. It was typical mainly of those flotillas that occurred even beforehand. But we did not know who all the people were.

This incident sharpened once again the legal difficulty we had in confronting sailing vessels trying to reach the Gaza coast. In a case where there is no concrete information, providing basis for a suspicion of involvement in hostile terror activity and anything related to the topic of contraband. In other words, bandages, munitions, terror activists, and similar things, things that can aid an enemy organization. This matter really raised once again the need to impose a maritime closure as the royal road. The Military Advocate General directed at me another letter, for the purpose of raising this topic of the maritime closure once again as a legitimate means, and accepted within the framework of laws of combat, and he accordingly recommended to raise it again. All of this for the reason that the legal and optimal ability to deal with the flotilla phenomenon should stand available to us, and to do this also from an operational perspective, to prevent the establishment of this norm, this phenomenon of an open and unmonitored line to the Gaza Strip. The Military Advocate General emphasized in his assessment that this maritime closure could continue even after Operation Cast Lead, in order to deal with the flotilla phenomenon.

In this assessment, which I studied, naturally are defined the conditions for the initiation of a closure, which I believe were rather detailed, at their center of course being a public declaration, effective enforcement, non-discrimination, commensurateness, prevention of a humanitarian crisis, granting to other vessels the allowance of access to neutral countries, and things of that nature. I originally thought it proper to prevent this phenomenon, and I of course accepted the recommendation, as I already thought previously, and as I already described earlier, I believe it was proper

to prevent this from the beginning. Naturally, I brought it up, I received the recommendation and I brought up my recommendation together with the recommendation of the Military Advocate General to the Defense Minister. The Defense Minister accepted the recommendation, and authorized it, and directed us to impose a maritime closure on the Gaza Strip until further notice. We formulated the letter, the Defense Minister signed it, we appended to it the map and the tools demanded according to international law regarding how to publicize it. There arose the question of how we publicized it. We publicized it in accordance with accepted practice and according to the law, in the mechanism for announcement to sailors. It is called "Notices to Marines." We passed on this message to the Ministry of Transportation for publicizing in additional channels. The declaration was also publicized in all the accepted channels for transmitting announcements to sailors. And we informed the coordinating war room of this. There is such a thing in the Mediterranean Sea called the Naval Center, with regional coordination in Cadiz, Spain, for ship agents, shipping companies, and in addition we broadcast this announcement, since then and today, twice daily, over a system called "Navatex," which is a system serving mariners that is received hundreds of kilometers from the coast of the State of Israel.

Professor Miguel Deutch: With his honor's permission. I request for a moment to return to the Dignity. Was there then a plan drawn up for commandeering the ship?

Chief of General Staff, Gabi Ashkenazi: We prepared a plan to commandeer the ship, more or less in the steps that we formulated then, which are quite similar to what I will describe later concerning the flotilla. But as long as the question was raised, our basic approach, as a conception more or less from the start of

dealing with the flotilla phenomenon, and largely also until today, was to look at the entire range of possibilities, in order to actualize, if there would be recognition of a maritime closure, or we would need to confront, of course in a legal way, to actualize all the alternatives that were possible to do, in order to stop it.

Our outlook was that commandeering is a type of last resort. Therefore we attributed very great importance to attempting in all possible ways, diplomatic and otherwise, and perhaps we will detail this less here, intelligence-wise and otherwise, to attempt first of all to deal with this matter at its formative and organizational stage in the ports of berth. By way of a long line of steps, taken towards the nations responsible. It is indeed known that a country has responsibility over vessels that sail from its ports, just as it has responsibility over aircraft that take off from its airports. The owners have responsibility, the country whose flag it flies, the captain has responsibility, the insurance companies have responsibility, and things like this. It is a way of operation that in certain cases even brought about a prevention of the departure of the flotillas. I will relate to this later.

For example, in the flotilla Sky Winds 7 it lowered the number of ships. This activity. We expected more ships. The president of Cyprus, for example, decided that he would not allow it to depart. There also other cases and examples in which this helped. But first of all attempt to deal with the actual departure of the flotilla. The other way to deal with the actual departure of the flotilla, this was true even then, is by publicizing an announcement that Israel will not prevent, and Israel has publicized the announcement, Israel will not prevent supplies, certainly humanitarian, to enter Gaza in the

accepted way. I coined then the statement that the rule of a container to Gaza is the rule of a container to Ramallah. Let's assume you want to order equipment, or you need equipment for Gaza. Since there is also no seaport in Gaza since there is no capability of inspection, the container will come to Ashdod or to another seaport, be inspected, and will travel after a sweep-through by way of the Erez checkpoint to Gaza. And this is exactly what we do. This suggestion was available already then, later on, and is available still today. This method, too, we proposed.

The next step, if you wish, or the next alternative, is one where if the flotilla sets sail, we are to warn it that it is approaching a region, in the case of the Dignity it was a combat region, in the case of a maritime closure, a region of a maritime closure, and in an aggressive fashion to request it to turn back, captain to captain, to speak with him and also to warn him that he is entering a region that it is forbidden to him to enter, and that there may be consequences to this. There is a precise formulation that we also later formulated and made known. If you wish, we can submit it. And we always read it out and also documented this.

Professor Miguel Deutch: And the plan for commandeering, in a case where it would come to this, in the case of the Dignity, was it similar, was the plan similar to the plan of the Marmara later on?

Chief of General Staff, Gabi Ashkenazi: I will relate to this presently. Before the step of commandeering, there was an additional step. Even after they set sail, and even after they were warned, there was another step from the perspective of the basic idea, which was to offer them to be escorted to Ashdod, to unload the cargo, which would be taken to Gaza. They would be able to travel back

on their way. There were cases, later on there were other ships, after the imposition of the closure, where that is actually what happened with them. They actually accepted and were escorted to Ashdod. We had such a case after the flotilla, of the Rachel Corrie. That's precisely what happened with it. After we appealed to them and offered them to be escorted to Ashdod, they actually came to Ashdod, and that's what happened.

Professor Miguel Deutch: And if it would have then come to commandeering, the plan would have been similar to that which we saw now, in the case of the Marmara?

Chief of General Staff, Gabi Ashkenazi: In the case of the Dignity? Then we did not yet have a maritime closure. The tools we had then, it was just to divert it from its course. Only after the imposition of the maritime closure we operated like this.

Professor Miguel Deutch: I understand, but if it would have come to commandeering, the plan then would have been similar?

Chief of General Staff, Gabi Ashkenazi: If there was a directive to stop it and to prevent its entry, then the only way after we would try all of these things, I assume probably that we would suggest boarding the ship and commandeering it.

Professor Miguel Deutch: In a similar fashion to that which you carried out?

Chief of General Staff, Gabi Ashkenazi: Regarding each ship we discussed it. It depends on the size of the ship, on their technical details, in some of the ships its this way, in some another way. Not for every ship did we employ all the methods. But in principle, to perform a boarding of the ship, again, if there would actually be a decision to stop it. It could be that with respect to their character, and the amount of people that are their, of course, it would have

been clear to us that it is a different matter. The Rachel Corrie is one example. It is not similar in this sense, and thus the measure of the fashion in which we operate is matched to what we understand we'll meet on the ship. We, of course, after we made this known, understood the fact that this thing was carried out and actualized, and essentially the closure was imposed from 1.3 and on, including the limitations that were applied to it. In the legal assessment it was clear to us also that the boundary line of the closure set to 20 miles off the coast of Gaza, that is the line of the boundary, but in accordance with need, it is possible to prevent ships from reaching even beyond this range, as long as it is completely clear that the ship intends to reach Gaza, after it is warned, and on condition that it is located, of course, in international waters. In other words, not in the territorial waters of some neutral country.

The closure, as mentioned, continued even after Operation Cast Lead, in light of the fact that the conflict we have with Hamas, of course, did not end. Hamas did not change. The smuggling continues and therefore the need remains in full force. And in truth, at the end of 2009, we were constant witnesses to either the organization or the creation of flotillas, or to the arrival of flotillas, at least four ships arriving over the course of 2009. Actually, with the Francop it would be five. We are in a fixed state of readiness, readiness or action to stop the phenomenon of these flotillas. In light of this, I think that a detailing of the ships we stopped has been given. But the image set before us, of the flotilla phenomenon, indeed continues. The attempts to reach Gaza continue.

To summarize this chapter, I really dealt with up to now the topic of the

declaration of the closure. I believe I have surveyed the security background and the need that brought about, to my understanding, the imposition of the maritime closure. The security urgency of the maritime closure, what it comes to prevent, the background to the imposition of the closure, from the beginnings of the flotilla phenomenon up to Operation Cast Lead, and the considerations we considered before making a decision, in the main the security needs versus the consequences of the closure and what it means. I believe I have also spoken regarding the time of the declaration in the course of Operation Cast Lead, and after the Dignity incident. I believe I have detailed, as far as I am familiar, the elements in the military that dealt with this, and those above us, including the authorization of the political echelon, the mode of declaring the closure in accordance with the legal assessment; the weight given to legal considerations and the declaration of the closure, and the assessment of the Military Advocate General who received the approval of the Attorney General; and the fact that the closure continues up to this day, as long as the State of Israel is truly forced to deal with the maritime threat that Hamas faces it with, the smuggling, and terror incidents. I believe there is perhaps no better evidence for this purpose, and it is enough that I point out the fact that, even after the Marmara flotilla, the flotilla phenomena continued, and even in these very days we are preparing for flotillas that are taking shape, a flotilla from Lebanon, there is information regarding flotillas from Iran, and perhaps even from Europe.

Chairman, Justice (Ret.) Jacob Turkel: Excuse me, I have a question. Did the flotillas whose entry was permitted contain munitions or not? Were they inspected or through intelligence means was this known? Or perhaps they simply let them

through, while taking a risk?

Chief of General Staff, Gabi Ashkenazi: His honor is asking regarding the flotillas that entered before the declaration of the closure?

Chairman, Justice (Ret.) Jacob Turkel: Yes, and whose entry was permitted.

Chief of General Staff, Gabi Ashkenazi: First of all, we did not inspect the contents of the ships, and for that matter, not less important, also the people that were aboard them. We cannot say with certainty. We are unable to answer with certainty this question, since we did not check this, simply. The ships were loaded in the ports of Cyprus generally. Some of the supplies that went on we managed to see in the ports themselves; it was humanitarian supplies. Some we did not see, not in all the places we found did we monitor this matter, and also not the people, and also not when it was unloaded in Gaza. With respect to intelligence, I cannot say if there was or was not. I cannot negate this possibility. I also cannot negate the possibility that those people that we certainly would not want arriving, did not arrive. Or that there were not people who left with them on the return, or large amount of money, as we described the matter previously. Such that regarding your question, since we did not inspect them, we would have difficulty saying or answering in a better manner than how I answered you.

Chairman, Justice (Ret.) Jacob Turkel: O.K. Thank you.

Chief of General Staff, Gabi Ashkenazi: If there are no questions regarding the first question, of the background to the imposition of the closure, I –

General (Ret.) Amos Horev: I have a question not regarding the background. What is the significance of the number 20 miles that was set in the closure? And why 20 miles?

Chief of General Staff, Gabi Ashkenazi: The number 20 miles rests, I believe, on the following things: first of all, on the basis of agreements, what are known as the interim agreements between Israel and the Palestinian Authority, that were made previously. It was already established then that the responsibility of the State of Israel, until there will be a port, to the best of my memory, in Gaza, the security responsibility of the State of Israel is up to 20 miles from the coast of Gaza. And I believe it is also a combination of security considerations, of our need to operate navy ships off the coast of Gaza and in the region. The combination of these two things established the 20 mile boundary line, in accordance, of course, with the legal assessment.

Professor Miguel Deutch: And another question regarding the topic of distance. Was there formed any “general worldview” regarding the question whether it is worthwhile stopping the flotillas further from Gaza, closer to Gaza? Is this part of some preceding outlook, or was there an understanding that it would be a matter particular to each case?

Chief of General Staff, Gabi Ashkenazi: I will say this, first of all, in principle, there was both an understanding and a recommendation to do this as close as possible to the closure, to the closure boundary line, to the 20 mile line. I do not think this was related just to the legal question, for, as far as I understand, the ability to do this was available to us with respect to the law, under conditions that I described previously, even further than the 20 miles. But I think that it is connected also to the issue of legitimacy. And wherever it would be made possible, or made possible, it would be preferable to do it. And so we practiced in the majority of the cases. In the case of the Marmara, we did it far away, as is already known, and I am preceding, perhaps, an answer to the

question, we did it far away, because we added to this considerations. At the bottom line, I would answer the question, that we understand the connection between the 20 miles and legitimacy, and the need to stop it however possible, this was an understanding that existed previously. So we did in most of the cases. It think there was even one case when some ship crossed this thing, but I cannot say that it was the only consideration. It is clear there were also operational considerations, and I assume that we will deal with the Turkish flotilla, in light of Sky 7, we will get into this. That is to say, that was also, I would say, a need to balance between these two considerations, which were clear to us. To me it was clear and known.

If there are no more questions, I will move on to the next stage.

Amb. Shabtai Rosenne: Another question, with your permission. From the sixth of January, and it establishes what is called “Gaza Marine Area” and gives the points, the reference points. What exactly is this area? Is this the 20 miles, or what?

Chief of General Staff, Gabi Ashkenazi: Do you have the map?

Professor Miguel Deutch: There are only the coordinates. Yes.

Amb. Shabtai Rosenne: We do not have the maps. I would actually like to see the maps.

Chief of General Staff, Gabi Ashkenazi: I believe we transferred to you the maps that were attached to the closure boundary. In my opinion it appears in the material we transferred, and if not, it is possible to request and transfer.

Professor Miguel Deutch: What we have are the coordinates.

Chief of General Staff, Gabi Ashkenazi: Yes, in my opinion those are the coordinates that mark the points of the closure region.

Amb. Shabtai Rosenne: So if it is possible to get the actual marine map, I would thank you.

Thank you very much.

Chief of General Staff, Gabi Ashkenazi: Certainly. Certainly we will pass on the map. This is the map that we publicized to everyone. This is the map that was publicized with the announcement on the declaration of the closure.

Brigadier General (ret.) Kenneth Watkin: You made reference in the blockade with respect to people and supplies coming in. Of course a blockade also allows you to stop things going out. To what extent was that a consideration in terms of imposing the blockade?

Chief of General Staff, Gabi Ashkenazi: Regarding the question of attacks leaving from Gaza itself, that was one of the additional reasons that we actually thought a maritime closure necessary, and not to let ships leaving Gaza beyond a certain range, and this range was included within the maritime closure. I dealt with at the opening of my words the fact that the maritime threat in Gaza is anticipated not only from the arrival of ships with munitions and with weapons, but also the departure from the Gaza coast of terrorist ships, with explosives, or any other maritime activity towards navy ships that operate off the coast of Gaza, or penetration to the coast of the State of Israel, by way of this boundary, or the damaging of strategic installations. For example, this is not the type off the coast of Gaza, at a distance of several dozen miles there is a fuel pumping installation, the Tethys Sea installation, which also needs to be protected. It is also part of these considerations. Therefore it is intended also to prevent the departure of hostile terror activity from Gaza itself, even if this was not the central purpose.

With your permission, if there are no more questions, I will move on to the

second question: what were the actions taken to enforce the closure on 5.31, and how do they stand up to principles of international law. I would like to say a few words, and afterwards I think it is important, it will help to show for a moment the film to the commission, the film that the Giora Eiland commission prepared and presented also to us, in order that we get an impression of what we were dealing with.

We, at the start of 2010, in February, I think that perhaps a drop earlier, there begin to be publicized news, declarations of two organizations - Free Gaza, which is an organization known to us, which organized previous flotillas, and the organization IHH – in regard to the organization of a large flotilla to Gaza. Also the IHH organization at that time, despite not having attempted sailing to Gaza, was known to us from a previous incident in Egypt, when it came for a confrontation on land, near Gaza, with the Egyptian forces. We already at this stage understood that truly there was forming for us a much more challenging flotilla, both with respect to its size, as well as its participants. And I think that already from the start we related to this flotilla as a unique, different, flotilla, more complex, and I also think, with a greater risk.

This matter really was expressed, and I will deal with this later on, also in the manner of preparations, the readiness, and also, I think, in the manner in which we carried out the operation, both in the navy and in the IDF.

Professor Miguel Deutch: Did you view at this stage the IHH as an actual terror organization? As a terror-supporting organization?

Chief of General Staff, Gabi Ashkenazi: No, no.

Professor Miguel Deutch: What was the worldview towards it?

Chief of General Staff, Gabi Ashkenazi: I was just about to speak about these things. The intelligence we had at that stage, and this you need to understand, that intelligence develops, because it is not something that you know immediately at the outset, indicated that it is an anomalous flotilla, also with respect to its participants, the quantity of people, there were hundreds of people on one ship. This was something that did not happen previously. I will relate also later on to the entire subject of intelligence, in the confidential section. But I will already say, from the aspect of intelligence, it was clear to us that this was an organization outside the law, its financial side, its aid. It was not defined as a terror organization. This was known to us. It was known to us that this organization participated in, as I noted earlier, a land-based campaign of delivery of goods to Gaza, and that there, there was a confrontation. The activists themselves, and the identities of the participants or the people of the organization, were not known to us, for I already say at the start, this is not an organization that we investigated, and this is not an organization like Hezbollah or Hamas that we have dealt with. Its Islamist character, its connection to Hamas and its declared support of Hamas, of course, it was clear to us, painted it in a different color, say, from other peace organizations.

Professor Miguel Deutch: Today it is already perceived as a terror organization, or, perhaps its legal status has not been determined?

Chief of General Staff, Gabi Ashkenazi: It has not been declared legally as a terror organization, but from our perspective it is a very radical and violent organization, but it has not been declared, to answer your question.

Chairman, Justice (Ret.) Jacob Turkel: I think it has been declared a hostile organization, or

there is some classification to the matter.

Chairman, Justice (Ret.) Jacob Turkel: I think it has been declared an illegal organization. I believe that is the language of the formulation, illegal organization.

Chairman, Justice (Ret.) Jacob Turkel: But the military attitude, does it already relate to it, essentially, as a terror organization, or like a terror organization, today, then?

Chief of General Staff, Gabi Ashkenazi: I certainly relate to it after the incident, I relate to it as a radical organization, a radical Islamic organization, identified with Hamas. I cannot say it is a terror organization like other organizations, but it is not impossible. It is possible that elements from within it also do, in practice, the organization of terror. I do not know that anyone declared it, in practice, in the world, as a terror organization. I will relate to these topics more broadly later on in the confidential section. To the best of my memory, it was classified as an impermissible organization in the State of Israel, if I recall the legal formulation that was defined. Not in Europe, but an organization impermissible in Israel, though, in truth, I think this is to the best of my knowledge, we can clarify this, it is mainly in Israel, not in Europe. And this is on this background.

Chairman, Justice (Ret.) Jacob Turkel: I have another question, excuse me, that I precede already to here. Its somewhat strange in contrast to the impressive successes that there were regarding the bringing of weapons ships to Israel, the Karin-A and others. And according to various statements, also the foiling of weapons deliveries even in places very far from Israel, that is, there were intelligence sources and ways of acquiring information, apparently quite precise, and it seems a bit strange on this background, I think, the slight information regarding the Marmara. There is some difference in level.

Chief of General Staff, Gabi Ashkenazi: Correct. I think there are reasons for this. I will already say that we did not know enough about the organization. I am not trying to claim that we knew everything that was possible to know about it. But I would like to detail this in the more confidential section. I will answer this question, but I will say explicitly that the level of knowledge of the IDF, of the intelligence division, regarding this organization, was not on the level of knowledge that we have about Hamas or about other organizations, since we did not investigate them and they were not on the order of priorities, which were focused on the other organizations. We did not develop what should have been developed within this organization. It is not an unknown thing to us, and I say it explicitly. There isn't here, this is the explanation of the gap between knowledge that we have on other organizations and this organization. Precisely due to the fact that it is not an organization of the type we recognized beforehand, and that it is located in Turkey. Turkey is also not an enemy state to us, at least not classified that way, and I hope that it will not be classified that way, we also have military ties with the Turks. I was in Turkey two months before the flotilla by invitation of the Turkish Chief of General Staff, at an international professional conference, speaking with him in a common fashion, regarding the problematic security reality. But I would like to relate to this at length and I will respond in detail about this entire topic. I understand precisely the point. And I also agree with this statement. I will not contradict it.

I would like to stop here, before I continue speaking. Let us screen the film, with your permission, we'll see what was prepared, and continue accordingly.

(Screening of the film prepared by Giora Eiland)

Narrator: In light of the attempts to smuggle munitions, a maritime closure was imposed during the course of Operation Cast Lead. Over the last two years, attempts were carried out to have ships reach the coast of the Gaza Strip, under the guise of humanitarian aid. Some of the ships were permitted to enter the Gaza Strip, and others were stopped. Following these attempts, a general order of the navy and an order from the General Staff were issued, in April 2009, that defined the military's preparations. In the beginning of February the initial information about a protest flotilla was received, which was to sail in the month of May, with this apparent goal of breaking the closure on the Gaza Strip. Starting from the middle of that month, there began preparations in the navy, with the goal of preventing the ships from reaching the Gaza Strip. Over the entire duration of preparations, discussions were held to present this idea, to exchange intelligence, and to analyze the situation. These presentations were performed a great number of times in the navy, in the Operations Division, and with the Chief of General Staff. So, too, principles of the preparations, execution of models, and mental preparation for the soldiers. On 5.12, the first General Staff mission plan was distributed, and the next day, on the 13th of May, an authorization of the Chief of General Staff's plans was carried out, with the central idea being the execution of a commandeering by means of soldiers boarding the ships. In authorizing the plans, the Chief of General Staff spoke of the importance of the presence of senior command at the expected points of friction. In parallel to the operational preparations, the Division of Planning and navy

passed messages to the foreign military attaches in Israel, and to IDF attaches abroad. On the 5.13 the Chief of General Staff sent a letter to the Defense Minister and Prime Minister. In this letter he emphasized, among other things, that an integrated, interoffice operation is needed, with the military option including commandeering, impounding, and detaining of activists on the ships being the final option and low priority. On 5.26 a summary situation evaluation was carried out with the permission of the Chief of General Staff. The operation was presented to the Defense Minister and authorized by him.

Over the course of the month of May, 2010, 8 ships left Ireland, Turkey, and Greece. The ships were not stopped at ports along the way, and directly reached the gathering point south of Cyprus. A number of months before the departure, diplomatic efforts were made in order to prevent the departure of the ships to the flotilla. In parallel, methods of action were examined, in case the flotilla actually set off. Within three days, a rendezvous was executed by 6 of the ships, roughly 30 miles south of Cyprus, while east of them sailed the Turkish warship Burak. During this time diplomatic efforts were made in order to prevent the ships' reaching the coast of the Gaza Strip. Also, continuous intelligence monitoring of the vessels was carried out.

The deployment of our forces, the extent of forces that were designated to stop the flotilla: a range of naval vessels, helicopters manned with soldiers designated to descend by rope, and observation aircraft. In parallel to all the preparations at sea, a designated compound in the port of Ashdod was prepared in conjunction with the various government offices. IDF forces, Israel Police, and representatives of government offices, set up in the

compound with the goal of receiving the hundreds of passengers of the ships. In the course of preparations for the operation, training was carried out for forces of the police Special Reconnaissance Unit, and the Masada Force, the Prisons Service intervention unit. In any case in which use of weapons would be necessary, the forces were instructed to act in a graded fashion, first “*Nafak*”, less-lethal weaponry, and only in life-threatening circumstances live fire would be used. 5.30, 04:27, the start of movement. Six ships began moving from the point of deployment toward the coast of the Gaza Strip. The ships sailed in a close formation, a mere tens to hundreds of meters between each boat. Parallel to this, the naval forces moved toward the flotilla ships. 9 to 12:41: questioning and transmission of messages. At the first stage, messages were passed to the ships clarifying that they are on their way toward a maritime closure region, and that they would not be allowed to enter this region. At the next stage, the ships were offered entry to the port of Ashdod, to transfer through it the goods to the Gaza Strip. Some of the ships responded that the navy ships do not have the authority to stop them, and they are on their way to Gaza. The Sofia did not respond at all. The others responded with curses:

(English during the film)

After completion of the stage of transmitting messages, the force deployed at a number of hubs, in order to enable the commandeering of a number of vessels simultaneously. One hub was to carry out the commandeering of the Marmara, in a graded process. In the next wave, the other hubs were to carry out commandeering on the rest of the vessels. In parallel, an electronic warfare blockage was employed that prevented the outlet of most of the

material, though in any case short video clips and a number of messages leaked from the Marmara. In light of the fact that there were a number of vessels with a large number of passengers, the commandeering was carried out at night, at a range of 70 to 100 miles from shore, before they reached the closed off area.

4:28 : the start of the commandeering of the Marmara. First encounter of the rubber boats with the ship; activists of the IHH organization concentrated at the walls of the ship.

“It appears as though a number of people are concentrating at the walls and walking in the direction, mainly in the region of the stern and at the walls.”

The soldiers are trying to climb onto the ship and facing intense violence, expressed with the use of water hoses, the throwing of iron rods and iron chains, and use of electric rotary saws in the cutting of the climbing ladders of the troops of Naval Commando Unit 13.

The rubber boats move slightly away from the ship, but remain close to the wall and draw the attention of the activists. In parallel, authorization is granted for the entry of a helicopter according to plan. 4:30: the approach of the first helicopter, containing 15 soldiers. With the start of hovering and before the rappelling, roughly 10 to 15 people are identified on the roof of the ship. In order to enable safe descent of the soldiers onto the deck, a number of stun grenades are thrown. As a result of this, the activists clear the center of the roof. After dropping the first fast-rope three activists leave the rope on the ship's deck.

“I repeat a second time, the people on the ship messed with the fast-rope, of the helicopter and took it.”

The second rope is dropped and the soldiers begin rappelling. All of the soldiers rappel to the roof within a minute of the start of rappelling. Over the course of the first minutes, a violent conflict develops on the roof. Each soldier that rappels is attacked by two to four activists, using knives, iron bars, and axes. The second soldier that rappelled was shot in his abdomen by one of the activists, and the soldiers encounter a threat to life, are forced to use live fire. In the course of the battle, five soldiers are wounded by stabbings, blows, and shooting. Three soldiers are thrown from the roof of the ship to the deck, and are taken below deck. While falling, one of them is stabbed in his abdomen and hand. 4:35 The second helicopter arrives carrying 12 soldiers. The commander of the medical squad, the fourth in command who arrived on the first helicopter, oversees treatment of the injured and locates a secure spot. The activists evacuate the center of the roof after absorbing casualties and gather in the front and back of the roof. Additional attempts to attack the force as the second helicopter approaches are met with gunfire aimed at the attackers' feet. At the same time, the life boats approach the ship for the second time. The soldiers realize that they are being fired at from both sides of the ship. Again they encounter violent resistance. Fast Rope unit slides down and begins moving towards the front of the roof in order to reinforce their control. The force reaches the front of the roof and gains control of the attackers. At the same time it secures the lower decks. at this stage the soldiers are attacked by the activists and are forced to fire at the attackers' feet. The first attempt to go down to the lower deck is met with violent resistance including several shooting incidents at the soldiers. Gaining control over the remaining ships while gaining control of

the Marmara. While taking over the Marmara, Boat 8000 and the Challenger are being taken over. The combatants meet resistance on board these ships. The violent resistance is oppressed by use of crowd control tactics. 04:46. Arrival of the third helicopter carrying 14 soldiers. The commander of the third helicopter joins the second helicopter commander on the ship's roof and the forces begin to move towards the bridge. As soon as they begin to descend, the soldiers are attacked and they return fire. 05:04. Rushing the bridge.

The forces advance towards the ship's bridge. While they are moving, another attempt is made to attack the force and the force responds with fire. The forces rush the bridge and take control. At the force's command, the ship's captain instructs all activists to enter their cabins and adds that he is no longer in command of the ship. At this stage, most of the activists who were assembled on the sides of the ship go down to the ship's hull. The rubber boats approach the ship for the third time. The activists remaining on the sides of the ship continue violent resistance, flinging iron pipes at the soldiers. In view of the continued violent resistance on deck and the force commander's assessment that there are a number of wounded soldiers whose condition is unknown, he orders the easing of the use of live fire, accurately and precisely targeting the violent activists, in order to enable the soldiers to climb on board the ship quickly. The sides of the ship empty quickly and the soldiers climb up from the rubber boats onto the ship. The commander of the force and the Commander of S'13 unit climb up from the lifeboats onto the ship and move towards the roof. When they reach the roof, an assessment of the situation is made and it turns out that three soldiers from the first

helicopter team are missing. The force commander prepares to rush the passengers' area in order to locate the missing soldiers. At the same time, soldiers from the roof of the boat spot the three missing soldiers, who are wounded and being lead by the attackers to the ship's bow. The unit opens fire with a non-lethal weapon towards the attackers who retreat into the ship, leaving the three wounded soldiers on the ship's bow. Two of the injured soldiers take advantage of the situation and jump into the water intending to swim towards the nearby boats. They're picked up by the rubber boats. The third soldier remains unconscious on the bow. "There's a wounded soldier on the bow. A seriously wounded soldier on the bow! Get there as soon as possible!" The suppressive fire unit jumps from the ship's roof to the bow and joins the wounded soldier. They identify the wounded soldier while a group of soldiers reaches him. 05:17 – End of the battle.

State of affairs:

The team on the roof tends to the injured. The team at the bridge controls the ship. A team in the stern of the ship and the deck control the entrances. The findings indicate that there were a number of shooting incidents by activists at Israeli soldiers. In addition, soldiers on the rubber boats identified activists shooting at them from the ship. The second soldier who came down from the helicopter was shot in the stomach by activists shortly after he reached the roof. This was probably the first shot fired on the ship. During the search a gun was found in the ship's hull. The gun was taken from one of the wounded soldiers that was moved by the activists to the ship's hull. The gun had no bullets, despite the fact that none of the three wounded soldier used it.

Takeover of the remaining ships.

After gaining control of the Boat 8000 and the Challenger, while the battle continues on the Marmara, the forces continue to gain control of the three remaining ships. An additional Fast Rope unit lands on the Defney, while the other units take control of the Sofia and Gazze.

Treating the injured and evacuating them.

After completing the takeover stage, the next stage was tending to the injured and evacuating them. The injured are taken up to the roof where they are treated. A total of 38 injured are evacuated by air, seven of them from our forces. Two additional injured soldiers are evacuated through the sea. During the takeover nine S'13 commando soldiers were wounded, three seriously. The three soldiers taken to the hull of the ship witnessed an argument between activists who wanted to hurt them and several passengers who asked the activists to stop what they were doing. Nine activists were killed and 55 flotilla participants were injured, 14 of them seriously. 31 of the wounded were evacuated by helicopter and 24 were diagnosed at Ashdod Port and are also sent for medical treatment. The bodies of the activists were taken to Israel on board a missile boat. 14 field surgeries were performed on board the ship. Approximately 40 helicopter evacuations of the wounded by the Search and Rescue 669 Unit were made. By 12:30 PM, all the wounded were evacuated to hospitals in Israel. The remaining flotilla participants are removed from their rooms onto the deck: Masada combatants and SWAT teams search them. Later, the hull of the ship is searched. During the search an IDF gun is found without bullets.

The boats' arrival at Ashdod Port and completion of the naval stage of the

operation.

After overtaking the six ships, they are lead by the navy to Ashdod Port. After questioning the flotilla participants and from the intelligence gathered after the flotilla, the following picture comes into view. 40 activists, members of the IHH Organization boarded the Marmara at the port of Istanbul and were later joined by the remaining participants at the port of Anatolia. Nine of the dead were Turkish. Eight of them belonged to the IHH Organization or other Islamic Turkish parties and organizations associated with the IHH. Half of those killed informed their relatives of their wish to die as martyrs. When I went first on board I wanted to be a shahid [martyr]. I wasn't that lucky. The third time I'll be lucky, Inshallah [Allah willing] I'll be a shahid. There were no human rights activists among those killed. One of the casualties is a young man whose affiliation is unknown. Organizations members were prepared in advance for a violent and well-covered confrontation with the IDF forces. They were prepared with iron pipes, chains, sling shots and marbles, disc saws, gas masks, bottles of tear gas, ceramic vests, Molotov cocktails, weapons sight devices, commando knives and more. In addition, non-IDF ammunition, cartridges and bullets were found on board the ship as well as an advanced editing and broadcasting studio. The group performed preliminary briefings putting an emphasis on assaulting IDF soldiers and preventing them from boarding the ship at any cost. They tell us: "We're going to send military forces and the soldiers will board the ship." "If they board our ship, we'll throw them into the sea!" Allah is great! The organization members were divided into squads and conducted routine patrols on deck aided by walkie-talkies and night-vision

equipment. The flotilla included a total of 718 passengers. According to a government decision, all passengers were released without completing their debriefing. The last passenger left Israel on June 6.

(End of film)

Chairman, Justice (Ret.) Jacob Turkel: Yes, please.

Chief of General Staff, Gabi Ashkenazi: And so, as I already said, I think the film exemplifies, more or less, the essence – I think that the film truly exemplifies the essence of the operation, more detailed descriptions are in the operational investigation report that is placed before you. We, with the onset of receiving word and with the development and arrangement of the flotilla, I think we all understood that we are talking about a different flotilla, and the attitude of all the people, and I am responsible for the military, within the military, really everyone dealing with the work, understood that we are talking about a different flotilla, and that is also how we relate to this flotilla. In parallel with our preparations, we also arranged diplomatic activity to prevent the departure of the flotilla. I will not expand on this. We, in cooperation with the various government offices, transmitted the required messages. We were also working through our military channels, as far as we could convince, and prevent the departure of the flotilla. Thus, for example, the commander of the navy approached the commanders of the Turkish and Greek navies, for that's where the main arrangement of the flotilla took place, and implored them to prevent their departure, in parallel to what was done through other diplomatic channels. We summoned the foreign military attaches and informed them regarding who is responsible for this flotilla, and the consequences expected of it. We spoke, our attaché in Turkey spoke with

the Turkish Vice Chief of General Staff about this, and the answers were, more or less, that the countries do not bear responsibility, and they are not involved, and it would be difficult to prevent this. I must note one country, at least, that behaved differently in this case, the State of Cyprus. The president decided not let out the flotilla, or the ships that were in his ports. We originally prepared for 10 ships, and this decreased in the end due to all sorts of reasons, some of which are those I described, and some are different. Actually sailing after the waiting and organization period were six ships. Our activity and our preparation was really rather broad, and it included General Staff preparation. We dealt with this in a long series of discussions and approvals of operational plans. I defined the –

Lord David Trimble: Excuse me. Just a little point of clarification. You said a moment ago, if I recall correctly, that the president of Cyprus took some action. Did he actually prevent ships from leaving Cyprus? You also said at one point,

Chief of General Staff, Gabi Ashkenazi: Yes, he,

Lord David Trimble: There were 10 ships leaving, you thought there were going to be 10 ships, but only 6 left. So just to be absolutely clear, did the president of Cyprus stop 4 ships from sailing from Cyprus?

Chief of General Staff, Gabi Ashkenazi: The answer is definitely yes. The number is not 4, because I think it was at least 2, which already was in the Cyprus port, and it didn't allow them to leave the port since he understood that he as responsibility over the destination of this ship.

Lord David Trimble: I just wanted to be,

Chief of General Staff, Gabi Ashkenazi: Yeah, but that's definitely true. I'm not correct about the number; we can check the number. I did say that we were

organizing in the beginning for 10 boats; finally we met 6. I think 2 out of them were in Cyprus and the other 2 were through other problems and difficulties which maybe I'll explain later.

Lord David Trimble: Thank you.

Chief of General Staff, Gabi Ashkenazi: I hope it answers your question.

Amb. Shabtai Rosenne: If I may, sir, excuse me, two questions. The first is, under which flag did the Minerva sail, for example. At the least it sailed under the same flag to Cyprus, and from Cyprus here? This is the first question. The second question that I wanted to ask you, if and when was it decided to attack, to use helicopters to seize the ships? Was this always in the plans.

Chief of General Staff, Gabi Ashkenazi: Regarding the first question, the issue of the flags under which the ships appeared, it depends. There are country flags, there are what's called flags of convenience. In the concrete case, the ship, the Marmara, was known to us to be connected to the IHH organization, but it sailed under the flag, if I am not mistaken, of the Comoros Islands, which is a flag, in the professional jargon, it is a flag of convenience. Not by chance do they turn to there. We've had cases, by the way, of ships in other flotillas, because the phenomenon – you, naturally, are dealing with this flotilla, since that is what the commission is investigating, but we've had other ships that through the country flags we managed to convince and employ leverage against those countries, as stemming from their responsibility for the ship sailing under their flag, and it was possible to stop of delay. In this case, you understand that the Comoros Islands are not something you can work with. Regarding the second question, the fast-rope is a very unique operational capability, I will not go into all the details. It is not new to the IDF, but is

belongs to only a few units in the IDF, the naval commando unit included. We do not employ the fast-rope on a regular basis. We employ it in cases where there is an urgency or operational need, and this arises along the way of evaluating operational plans, as part of the regular work method in the General Staff. In this case, we have employed fast-rope in the past, even before this flotilla, on other ships. I have mentioned in my words, very concisely, some of the ships that attempted to come after the imposition of the closure, among them, the Iranian Tali and the Orion, and the Spirit of Humanity. On some of the boats that did not agree to enter Ashdod, and did not turn around, then we used also this technique. In other words, regarding your question, it was not the first time, and we judge this at the heart of the matter for each case. It is not some kind of employment decision like a missile ship or sailing vessel. It is a special capability, unique, and it is considered before its employment.

Amb. Reuven Merhav: You mentioned in your last sentence the treatment of the General Staff in the matter.

Chief of General Staff, Gabi Ashkenazi: I did not yet specify. I just started.

Amb. Reuven Merhav: I will finish later. O.K.

Professor Miguel Deutch: Following the film that we saw, just one point of general principle. At the beginning of the execution, it seems to me that there began to be hints to some violent activity. Those sickening responses regarding Auschwitz, etc. Yes. Was there also immediately with the actual first soldier's descent, was there essentially, was there any planning for a change of plans? In other words, was there in light of the developments or signs of this sort, was there someone that it was reasonable to expect to reconsider

that portion of the plan, who was authorized for this I certainly assume, but wasn't it fitting then to consider a change of plans immediately at the opening?

Chief of General Staff, Gabi Ashkenazi: I will relate also to this question, and I think that I understand also Mr. Merhav's question regarding General Staff activity. I just want to survey –

Amb. Reuven Merhav: No, I want to finish it before you go on to expand. Perhaps it worthwhile, for it will make it easier for you from the outset, and for us. One gets the impression that the navy was the general contractor, and you oversaw from above. But in the General Staff there are, as far as we know, there are other bodies that deal with a comprehensive view. They do not come to expression, or at least from the papers they do not come to expression. There is your correspondence in a very clear fashion with the political echelon, and very clear statements. I would request of you to relate to this matter. I understand that in the matter of intelligence you will relate in a clearer way in the confidential section. But as the one in charge of one of the most important branches of intelligence, you surely will relate even now, as far as you can, in the comprehensive framework of the General Staff, also to this subject.

General (Ret.) Amos Horev: Will you relate in your words also to the support of the Turkish government, or the Turkish establishment, for the organization of the flotilla itself?

Chief of General Staff, Gabi Ashkenazi: I will relate in the confidential section on intelligence. I want to say that the preparation for prevention of this flotilla was unusual from our perspective. We prepared for every flotilla. We made

combat protocols and everything related to preparations. I assigned the mission to the navy and to the bodies of the General Staff, of course, to aid the navy in executing the mission. In the end, the mission was assigned to the navy. The preparation within the military was very broad preparation. The navy with the forces and means set aside for it, performed a long series, and in my opinion, a very impressive one, of combat protocol. Combat protocol is the generic term for operational procedures that need to be conducted to bring you to be ready for the mission. Among them is a very long series of exercises. We drilled the soldiers on a ship. We simply took a ship similar to the Marmara, we understood, by the way, from the outset, that the central problem would be the Marmara. We are discussing it, but we need to deal with other ships. We understood that we will need to focus on the ship itself. We loaded on soldiers and others that could execute there some drill with the soldiers and the mental preparations were done. For, in the end, the reality the soldiers encountered was very complex. There was mention that there may be weapons and a pistol and other things. Within this, one must operate in a quantity of civilian population. Therefore there are very problematic passages for the soldiers that must handle it. There is physical violence, you need to know how to control yourself, to display composure, not to employ live fire when not necessary, and to employ less-lethal weaponry when it is necessary. We defined all of these things. This drill, mental preparation, in my opinion helped the soldiers very much. We all did war games, also other scenarios. What happens if there will be shooting from this place or another. These are, of course, models in which we drill in a practical way closest to reality, all the forces that you say here

on film, who do it physically, except, of course, the passengers themselves on this specific ship, they do it on a sample ship and with people. Thus in truth they did whatever was possible to do regarding the entirety of preparations. In parallel to the other bodies in the General Staff, each in accordance with its areas of responsibility, did what it needed to do. The body that collects all of the operational work of the General Staff is a body called the Operations Division, which is done under my leadership. The Intelligence Division aids with everything needed in the subject of intelligence, and of course the designation of means of collection. There was here not a small amount of visual means of collection and others, which you saw, and this happens because the Intelligence Division designates it. The Air Force is a central part in the plan, acting in everything connected with cooperation in all Air Force tasks, not just in evacuation of wounded. From the fast-rope to other things. The Telecommunications Division, in everything related to electronic warfare blockages. We employed here a very massive process of electronic warfare systems, with the intent to allow the other part of the mission to prevent the entry of the ships, but at a low-as-possible media profile. As far as was possible, we employed a very large blockage scheme. By the way, this was a system shut down three and a half years ago and we re-established it. It was closed. To my mind, it did very impressive work. It included aircraft and other means, and I will not detail them. The Technology and Logistics Division who did all the preparations and aided the navy also in the preparations in Ashdod, and in other places. The IDF spokesperson, with all aspects of PR before and during the operation. There were foreign staffs located on the ship itself. And of course

this includes also the other bodies. It is impossible to say that here the Navy did it alone. When this entire thing is executed with General Staff combat protocol, when the Chief of General Staff, for example, and this is what it's called, does an authorization of plans, before him the matters are raised both to the head of the Operations Division, and to the Vice Chief of General Staff. The general attitude to the operation was in this sense as General Staff combat protocol. It is clear that at that time, and also this must be recalled, we were dealing with other activities. I will not detail them all, I will not list them, but the world does not stop in its tracks. By the way, also not in the Navy. Without getting into detail, those soldiers, that navy officer, is busy with another two operational matter that were happening in parallel, which also occupied the General Staff.

I do not know if you remember, but this I can say, that three days after the Marmara, those same soldiers of the naval commando unit, carry out an operation off the coast of Gaza, to foil Hamas terrorist activity aimed at us. It was a mission they prepared for during that time. Same is true of the General Staff, running the rest of the military, the entire military, with all its aspects, the educational and operational training. There are also these, and so, this is what we do in parallel.

This broad preparation found its true expression in a long series of discussions, also with us, some of which you have seen, and some not, and of course, also in presentations to the political echelon. The execution was presented here, the results, I think, need to be related to in the following manner: on the one hand, we stopped this flotilla. On the other hand, the other part, of the lowest possible media profile, was not, of course, at the

desired low-profile level, in other words, there was friction here. I will say something about this later on. But I think that, as I said at the beginning, you get the impression both from the film and from the investigations that the soldiers, I believe, acted in exceptional fashion. They employed their weapons with composure in a not simple reality, from their perspective. It is completely clear that they were also fired upon, by the way, I can tell you that the findings of the shells and bullets that did not belong to us were tested also by the laboratory for criminal identification, we can say that also the laboratory for criminal identification validates this, and its findings are that it was not our fire. And in my opinion, this strengthens the opinion that that pistol, or perhaps something else, was there. It is clear to us, by the way, that they also used our weapons to fire upon soldiers, with weapons that they seized from our troops. The captain said in his words, when we reached the bridge, that apparently there were weapons, in his opinion, even previously, and they were thrown into the sea.

The plans themselves –

Chairman, Justice (Ret.) Jacob Turkel: Excuse me, here on this point of the tests that were done, the Turks did tests and performed pathology tests on the bodies of those who died. And a claim that is heard from that direction is that according to the wounds, they were shot at very close ranges, that is, as one of the sources called it, that to the best of my knowledge, this was a kind of execution by the IDF soldiers of these nine. How does his honor relate to this claim?

Chief of General Staff, Gabi Ashkenazi: I reject it full force. I think, I reject it with contempt, not full force. I know the soldiers. There is also a description, as

much as we can describe, for each soldier what is happening with him. Was there fire from close range? Yes. There were cases where they were bending over a soldier with an ax or with an iron bar, and the soldier drew his weapon and shot. So he shoots someone who is located relatively close to him. But I reject with revulsion this determination. The soldiers were at risk, they fired where they needed, they did not fire where they did not need. Notice that within essentially a structure of four floors, with central halls, with hundreds of people, from all kinds of directions, running at the soldiers, or shooting at them, or attacking them with axes and clubs, and they shoot at whom they need and not at whom they do not need. There is a hall, I went aboard the boat, there is a complete hall in which were sitting 400 people, 400 people in this hall, who by nature were exposed, not one of them was scratched or hurt. Not one of them. We do not use weapons that do not need to be used. By the way, I want you to know, that also the fact that we use 9mm weapons, I say this, this is out of a thought-out intent, because the damage of weapons with low muzzle velocity is smaller than weapons with high muzzle velocity. I visited our wounded in the hospital, the director of the Tel Hashomer hospital said to me, that the fact is that some of the wounded of the flotilla were wounded in the head. I do not know whether you remember, there was some rumor that the wounded, they thought it was Ra'ad Salah, they thought it was that man. So I asked about that man, and he said to me: he will live. I asked him, why? The reason, he said to me, is very simple, because the soldiers used weapons with very low muzzle velocity. I have no better way to exemplify the fact that they displayed restraint and self-control. To my mind, when you look at the images, I say to you,

sometimes the soldiers put themselves at even greater risk than some people who observed this were ready for. I say to you more than this, if it were not for these soldiers, with the composure and restraint they practiced, it certainly could have been that the results regarding wounded would have been even more severe. Therefore I am not prepared to accept this claim at all.

Lord David Trimble: Excuse me. On this specific point with regard to the 9 fatalities, has there been an investigation into each individual case? Have you looked to see just exactly who was, which soldiers opened fire on which fatalities? And are you going to release publicly the results of that investigation?
(They most unfortunately have not yet received an English translation)

Chief of General Staff, Gabi Ashkenazi: In the report that you, that the committee received from us, this General Eiland report, we indicated as detailed as we can every event of shooting that we can understand. And I think we described it as detailed as it's possible. You have to understand that during this event it's sometimes impossible to identify any,

Lord David Trimble: If in the Eiland Report, I'll wait until we get the translation. But at the moment we don't have a translation.

Chief of General Staff, Gabi Ashkenazi: Okay, I think that can be done. But to address your question, sir, the answer is yes, as much as we can. We literally, aboard the ship, asked every soldier what was his position where this happened, what was the danger, how we fired, to whom he fired with the target. I think we know most of the detail. It will be, I think, fair to say that. But as you understand and realize, during the dark, it will be impossible to know exactly everything. But I think we pretty much the picture who shot, how many

shots. We know how many bullets we fired, the total amount. We know the amount of,

Lord David Trimble: I appreciate that it's not going to be possible under the circumstances to be able to provide an absolutely exact and accurate account of everything.

Chief of General Staff, Gabi Ashkenazi: Okay.

Lord David Trimble: But I think more that you can put into the public debate, and the more that you can show that each individual fatality has been addressed to determine as far as we can the circumstances of it, the more of that that can be put into the public, the better.

Chief of General Staff, Gabi Ashkenazi: I totally agree with you.

Professor Miguel Deutch: O.K. On this point of life-threatening\ non-life-threatening, danger of death essentially, the legal definition, despite that I, of course, am aware of the great difference between legal terms and instantaneous factual circumstance, but the definition of the order to fire was real, fundamental danger of death, something of this sort, or danger of death?

Chief of General Staff, Gabi Ashkenazi: We, both in the preparations and in the briefings, understood that there could be that there would be shooting. This was one of the reasons that all the soldiers, in contrast to what you might have understood immediately after the story was publicized, all the soldiers were equipped with "hot" weapons and "cold" weapons. Cold weapons are a less lethal means, and hot weapons are either 9mm pistols or Uzis, each with his own weaponry. We as a matter of course define for each operation the orders for opening fire. I defined the orders for opening fire. I do not know if in this film you saw, but in another film which we purposely recorded, you also saw the briefing the commander of the Navy personally delivered to the soldiers.

The rule from our perspective is that complex activity like this is much more difficult, by the way, than another, simple, reality, that we all understood. It would have been easier for us to deal with a boat that was a terror boat through and through. We would not limit the arms, we would be able to use other arms that we did not use here.

For from where does the difficulty here stem? The difficulty stems from the fact you're approaching a ship that has in it hundreds of people, most of whom are apparently people that, even if not fans of the State of Israel, they are not people that are going to shoot or attack, but within it there is a group of the sort we saw here. By the way, this is a phenomenon that we are familiar with also from other places. Also on the ground. Therefore, mental preparation of the soldiers is very important in the way we define for them.

Regarding your question: the open-fire orders were very clear. As a rule, against physical resistance we employ physical resistance. Where it is possible to physically push, to control him by force, we call this the physical cycle. The soldiers will understand. That is to say, someone you can overcome, several people can overcome someone going wild, to cuff him, to put him aside, this was the directive. Someone else, that is possible to employ or necessary to employ less-lethal weaponry, we employ less-lethal weaponry. We employ, according to the open-fire orders, live fire when there is threat to a soldier's life or to his friend's, for that matter. We also define the circumstance for the soldier, to the extent possible. The terminology with us, and this is what the soldiers are familiar with, is when there are means and intent. That is to say, means and intent.

Professor Miguel Deutch: That is to say, to the enemy, and intent.

Chief of General Staff, Gabi Ashkenazi: Yes. Means and intent. If someone is wielding an ax and is going to strike with it, from my perspective this is risk of death for the soldier. In other words, when there is risk of death, and with it means and intent. And in my opinion, this is exactly what happened here. The soldiers also did not err. I spoke with the soldiers. I spoke with them immediately when they returned, and I also went to the hospitals and spoke with the wounded. I do not want to go into names here, for the sake of the men's immunity. But I say to you, a soldier going down the rope describes to me, he is the second to go down the rope, that he sees that they're hitting and beating the first one, and he takes a bullet to the abdomen. I asked him what happened, and he says to me that he sees someone shooting at him with a pistol toward the abdomen. The soldier told me what he did. He simply drew his weapon and shot the shooter. This is exactly what happened here.

I will return to the questions themselves. I just want to say a few more prepared things. The expression of it being a different and unusual flotilla was not just in the breadth of the preparations. We also, in contrast with other flotillas, understood that there would be here a different group, therefore we did something we had not done in the past. We took with us the people of the State of Israel who know how to deal with severe violence in cases like this, the Masada force, and the experts of the Prisons Service, and the Special Reconnaissance Unit. For the idea was that the soldiers of the naval commando unit should take control both of the walls and of the helm, and we would immediately board the Special Reconnaissance Unit and Masada, in order that they would deal in a, let's say, more professional fashion, as people experienced in dealings of this sort. They trained with us

at sea, and this is exactly what we did. Every soldier, as I noted, was equipped with both “hot” and “cold” arms. The open-fire orders spoke of a possibility that if there would be risk of death we would need to open fire, while we were all, of course, ordered to restraint. All the soldiers were with the best armor we had, both helmets and ceramic vests. This is what protected them. For very many soldiers, both the helmet and the ceramic vest in not a few cases saved their lives, in light of the activity that was there.

The commandeering, as you saw, concluded after approximately forty minutes. There was here a very impressive evacuation operation both of our people and of the other participants. Actually, the Air Force ran here an evacuation operation from the sea, perhaps the largest since the Eilat destroyer catastrophe. And it did it truly in exceptional fashion, while treating everyone and performing field surgeries, most of them, of course, on the flotilla participants. And the results of the flotilla you of course saw here in the film itself.

The questions that were asked here, on the topic of the plan. From the moment that we saw what we saw. First of all, I want to say in a clear fashion, that at the moment the first soldier descended, and I believe they started acting upon him, there was no room to change the plan. Simply, when your friend is down below, the soldiers dove down, and I think that from that moment there was no doubt that they needed to continue with the plan.

General (Ret.) Amos Horev: I understand there were approximately 200 or 250 ceramic protective vests.

Chief of General Staff, Gabi Ashkenazi: Correct, of the flotilla participants.

General (Ret.) Amos Horev: In their hands.

Chief of General Staff, Gabi Ashkenazi: Correct.

General (Ret.) Amos Horev: Did they use the protective vests?

Chief of General Staff, Gabi Ashkenazi: Some were wearing the vests.

General (Ret.) Amos Horev: That is to say, they prepared.

Chief of General Staff, Gabi Ashkenazi: Yes, some were wearing the protective vests and were wearing gas masks. From the moment that the first soldier descended down the fast-rope, in my opinion, I think this is clear, you cannot leave him on the deck. All of them truly descended and the operation continued. The question that you are asking,

General (Ret.) Amos Horev: The question whether the plan should have been changed, the question was whether this was an option.

Chief of General Staff, Gabi Ashkenazi: But it was impossible to evacuate him, from the moment that he was down and they were beating him, then you need to get to him, and from the moment the second descends and they're beating him, and the conflict starts here, it was already impossible to do an evacuation. The question essentially, I will even broaden it, is whether in light of the fact that we watched, we saw the resistance of the ships, was there room to consider doing something else. As I noted before, one of the things that we established because this was a different flotilla, and this was not just the breadth of preparations, police forces and Special Reconnaissance Unit, but also I set senior command at sea. I think this is not just a matter of perception, but it is one of the answers we have for those complex situations which can change rapidly, when there is uncertainty, and when all is not clear. In general, I want to say to you, that in this occupation, we are dealing

with risk management. There is here no matter of absolute certainty. You do not know one hundred percent of intelligence ever. And therefore I think that it was a correct decision of the Navy commander, and his subordinates would be very close and do the calculations. In this case, I think that it would not have been correct to return after not succeeding to confront the ships. I think we would have met a boat perhaps even more enflamed, even more organized, or even more prepared. We must remember, that all of this was under the directive that we must stop it. We do not have the – certainly the soldiers do not have, do not have the privilege to say that we will not execute. The decision was made in advance: we will come from several direction, both from the wall and from above, each for its own reason, but also as an alternative. And that is exactly what happened.

You are asking me what was the central error in this section. In my eyes, that is the goal of the investigation. The central error, including mine, the central error, we assessed, we, I assessed that there were 10-15 people on the deck, on the upper roof – we need to distinguish between the upper roof and the lower decks. I thought that 10-15 people were on the upper roof, so when you come with a helicopter over them, throw stun grenades, since you can't shoot them, since they didn't do anything, it would have been easier for us to operate if we would employ arms. You throw upon them at night, hover a helicopter over them and you throw on the 10-15, and that's what there was there, the Tzofit also verified this for us in real time. They're moving to the sides, and on one rope or on two, in this case on one rope, they descend within a minute, and this is also exactly what happened here. 15 fighters, they can organize in a way that they secure the sterile area, and you bring

another fast-rope, that's 30 guys, as we did. Now, if you don't succeed to come up the walls, as we did not succeed, their mission was to go to the bridge and secure the wall and bring the men up over the wall. In the end, boarding a ship is possible either from the walls or from above. It is impossible to board the ship otherwise. And I say to you that the most expert people we have did this. By the way, they did it also with other methods.

Therefore, I think that here was our error. You ask me what we would do differently if we had to do it? In my opinion, we should have ensured sterile conditions that would allow the force to gather in a minimum of time.

Professor Miguel Deutch: What do you mean, more or less, what may be said in the open section, what do you mean?

Chief of General Staff, Gabi Ashkenazi: I will tell you very simply. In order to do this thing, we would need to place at the sides of the operation, people with precise arms, who would neutralize with fire those preventing you from taking control and descending. This would greatly reduce the risk to our soldiers, and create better conditions to descend with the fast-rope. But this would not prevent the friction. In general, my opinion is, I will already save a comment later, my opinion is that people come to look for friction, and we need to board this ship, this friction will happen. It will happen in any case and in any way. And I think that also in this case it would happen. Therefore I think that our central gap, or our error was mainly here. I am pleased to say that after this happened, the decisions taken by the commander of the Navy were correct. He immediately brought his plans and it is actually possible also to see in the film that the last soldier of the first fast-rope, the soldiers are already organizing in a semicircle, securing themselves, and they already

enable the descent of the second fast-rope, and from there they go to the bridge. They take over the bridge, the captain announces in his voice that the ship – and essentially this rather resolves already the incident. The men board from the walls and all the rest we have seen. I think that this part is the central lesson from our perspective, for the next time. For in the end, what is the focus of the investigation from our perspective? And had we known everything we know, if this would happen before us, what would we do differently? With the assumption that we must stop the ship, and it does not want to stop, and it does not want to go back, etc., and we still have to commandeer it by force. In my opinion, the central thing is how to create conditions such that we could in a minimum of time gather the maximum force. For in the end, we also from the walls, well it didn't happen, also from the wall you climb up ladders. It's a person and another person and another person. Somehow you have to board the boat. Whether it is from the wall, or from the fast-rope. I think that going on the fast-rope is correct for another reason: we have experienced other circumstances where when we quickly reach the bridge and take the helm and speak with the captain, this calms the whole event immediately. And the upper deck was the closest place to the bridge and the ship's helm, and this is also what actually happened.

Chairman, Justice (Ret.) Jacob Turkel: I have a question for your honor. We are approaching the time for the planned recess, how much longer does his honor plan to speak, in the open portion?

Chief of General Staff, Gabi Ashkenazi: I need another 20 minutes or so and I think I will finish.

Chairman, Justice (Ret.) Jacob Turkel: So we will take our recess now, for about a half-

hour. Afterwards, his honor will continue with the open portion and afterwards we will go on to the closed portion.

(Recess)

Chairman, Justice (Ret.) Jacob Turkel: Please be seated. We are continuing. Yes, his honor the General Chief of Staff, please.

Chief of General Staff, Gabi Ashkenazi: I would like to summarize this section of the second question, regarding the actions of 5.31. This summary is also a summary and my understanding of the entirety of the investigations we carried out, and of the insights that I have from this flotilla, and also from looking at other missions. I want to say several things. Afterward I will relate briefly to the question that his honor asked me on the topic of the mechanism for investigation. I will say a few words regarding this. But I also, there would be no problem for also the Military Advocate General to detail this for you at greater length. But I will say a few things regarding this. After this, questions, and after this we will move to the portion that is –

Chairman, Justice (Ret.) Jacob Turkel: However for his honor, as far as order, however for his honor it is more convenient.

Chief of General Staff, Gabi Ashkenazi: So I suggest that I summarize this part of the second question, if you wish, questions, and after this, if more time is left, however you decide, on the third question regarding the investigation mechanism, and after this to the final part. I dedicated no small amount of thought to the events that occurred on the flotilla itself, including true critical consideration. And I want to share with you my conclusions and my insights, beyond what appears in the investigation report and what I've said until now. In a way that is direct. As someone who is truly appointed over the military,

and who understands that we will continue to act, and we will be called to other missions, for that is our job, and that is the justification for the existence of the military, and really from a critical consideration, on one hand an understanding that we are required to act, and also that we make mistakes. In general, this profession is a profession of risk-taking, we manage risks and the question is whether the risk we are taking is a reasonable risk. There is not here something comparable to construction engineering. We are truly in a profession of risk-taking, and we will continue to take risks. And I think that this matter is important along the entire avenue of military command. And I think that our military is a military that knows to act, to take initiative, to cling to the task, to work towards contact, and also to take risks. The handling of this flotilla actually started well in advance. We all, Israel, tried to prevent the flotilla by diplomatic and other means. It was clear that we need to invest in this means and efforts, and that commandeering was really a last resort. This understanding was shared by us all, in all ranks, and we surveyed the efforts, and I'm sure others spoke of it, both the Prime Minister and the Defense Minister. In the end, it was clear to us that we would need to deal with the flotilla, and actually this did not lead to the prevention of the flotilla, though it did lead to its shrinkage. And we worked in accordance with the directive to stop the flotilla, and we executed the mission. To my mind, the military preparation for commandeering the flotilla was done with an effort of the General Staff and General Staff combat protocol for the Navy, including me at the head. Perhaps some of the documents do not reflect this, since you do not see all of the activity of all the divisions in all things. But it certainly was a General Staff effort. This

topic was presented to the Defense Minister, and authorized by him. In a discussion held in the presence of the septet, we presented also the possible scenarios and also the consequences, even the possibility that there would be violence, blood, shooting, wounded, and everything that could embarrass Israel in such a situation. On the background of all the scenarios and alternatives that were presented before the septet, a decision was finally made, according to which we were to stop the flotilla by force despite the expected results. I think that this decision was also, of course, correct. Of course, the understanding we all had was that the commandeering should be executed with a minimum of friction. But even after the probable risks and consequences were clarified, and there would be bloody friction, and there would be a drawn out incident, I think the decision to stop the flotilla was correct. At the time of the commandeering, what played out was the scenario of use of severe violence against the naval commandos by the flotilla participants and through their initiative. I want to emphasize that the first shot fired on the deck of the Marmara was fire of the flotilla participants and not of IDF soldiers. This matter is absolutely clear. Who fired first were the flotilla participants at the IDF soldiers. This fact is clear and well-founded. As a result of this the soldiers of the commando unit were required to make use of live arms for a necessary time period until taking control of the bridge. In light of the behavior of the participants and the clashing and making use of arms violently, it was not possible to carry out the mission of stopping the flotilla without violent conflict and with preservation of a low media profile. This is a very clear conclusion, as far as I'm concerned. In sum, from an operational perspective versus the plan, the operation was

executed in a reasonable fashion, as can be seen in the investigation, which we passed on to the commission in its entirety. Of course, there are lessons that can be culled from the running of the operation, from every operation, even successful, it is possible to learn lessons, beginning with what relates to the intelligence aspect, to the arrangement of responsibility among collection elements in the community. I will deal with this also later on at length, and with different perspectives on planning. I see the failures, the errors, that we discovered, things that are correct and need to be fixed, and the IDF indeed needs to carry out a process of applying lessons. I see a distinction also between error and failure in military terminology, from our perspective. Error is in general, you could have done it this way, you could have done it that way, they did it this way, and in retrospect it becomes clear that it was an error. Failure is a completely different thing. You need to do it like this, and somebody didn't do it. A type of omission or such a thing. And I think that in this sense, we mainly have here failures. But along with this, in this entire matter, it is impossible to change the fact, even today, with retrospective analysis, that it was correct to prevent the flotilla from reaching the coast of Gaza, and that it was correct to preserve the closure. Surely it cannot be done in a selective fashion, as we discussed in the first section. And we must prevent the opening of a sea route for the smuggling of munitions and activists. I believe even today, as I believed two years ago, that this closure is most vital for preventing reinforcement and supply of munitions to Gaza's terror organizations. In my opinion, this is a first-rate, clear, security interest. I stand by this even now. I think that even with the errors that were revealed in preparations for the operation, they do not have

the power to detract even a bit from the praiseworthy functioning of the forces that acted in a professional way, while displaying exemplary restraint and self-control, while facing real threat to life that was presented to them by those who called themselves peace activists, but were actually terrorists who attacked the IDF, the soldiers, both with “hot” and “cold” arms, until the soldiers were at true risk. And we saw the images; they speak for themselves. The force operated under problematic operational conditions, but I say to you, it did it professionally, while working toward contact, bravery, and preserved the purity of arms and the values of the IDF. I would like to establish that it also arose in the conclusions of the team of experts that were presented to you, that the commandos acted in commensurate fashion, and anyone who was wounded from among the terror activists, was wounded in a justified fashion in light of the risk to the IDF soldiers in combat directly in front of us. At the bottom line, although it was possible and necessary to know more about the elements of this flotilla, and the intentions of some of the activists who were on the Marmara, I say that we had here a shortfall in assessment regarding the strength of resistance. We had a shortfall of power versus the power of their resistance and their intentions. I think that despite this, the operational response that was prepared was broad enough, that it answered the range of possibilities, including the possibility there would be shooting, and we saw also that the soldiers knew how to act even in this case. The assessment was that the force, arms, and tools were ready for the scenarios, from a quiet flotilla to risk of death with live fire. The results also proved, in my opinion, in practice, that the flotilla was stopped and the harm to the participants was

truly a result of their decision to adopt severe violence against the IDF. To my mind, from the moment the organizers of the flotilla sought the conflict and decided to make use of hot and cold arms against the IDF soldiers, and from the moment the decision was to stop the flotilla, even though the possible results had been clarified, the conflict that occurred actually was unavoidable. It is important for me to say this thing. From the moment that we, or every time we should encounter people of this sort who seek confrontation, when we board a boat in such a fashion or in a different way, there will be conflict. And this needs to be clear. I think in the wisdom of hindsight, this conflict was not only unavoidable, and as long as we act to execute the mission of stopping sailing vessels, it could be that we will encounter this again in the future. Even with the wisdom of hindsight, even if all the intelligence existed before us and before those who authorized the operation, and even if we knew from hindsight how the participants intend to prevent commandeering, there would still be a violent conflict on the boat. I want to say that we cannot expect one hundred percent intelligence. We operate within the realm of uncertainty, and I also think it is forbidden for us to bequeath some rule of hundred percent intelligence, as it would paralyze us from acting. We act upon extant intelligence and we supplement it with assessments and reasonable risk-taking. The arrangement as it was of IHH activists on the ship, and also in the investigation of them, now proves that this is what they sought. The only difference that would have been executed, if we would have known all of the things, as I already noted previously, it would have been carried out with less risk to the IDF soldiers. In the way we would adopt measures and use other measures, in order to ensure that we

could gather the force in a better fashion than we did here, and here we did it less well. With this, I have now really finished relating to the entire flotilla. I want to say that we really, as I said at the start of my words, scanned, checked, overturned every stone with us, with an understanding that we will need to deal with the coming flotillas. I see an obligation for myself, out of the fact that I send soldiers to dangerous missions, even more dangerous than these, a vital need to investigate our operations, not only under my auspices but at all levels of the military and at all ranks, and this is what should be. And I think that this is also a part of the genetic code of the IDF, really to carry out these investigations. Even if they overexpose. So we acted also after the Second Lebanon War; so we acted in other places; so we act even in successful operations, and even in successful operations we learn no small amount of lessons, and we also have mistakes there. This culture of investigation is very important. And in the end, we must remember that we will never know everything, there will always be uncertainty, and we will really need to take risks and understand that we are taking risks. And within this reality, against something that is opposing you, the plans will change, rapid, blink of an eye decisions will need to be made by the young fighters and commanders, and it could be that they will make mistakes. And we have to give them the backup, if the mistake is legitimate, to learn, to fix, to practice, to apply the next time. Otherwise we will be damaged in what in my eyes is the very life's breath of the military, in the readiness of the commanders to strive for contact, to take a risk and execute the mission. I think this is critical. It is more important than any weapons system that the military has. I say it over and over again. It reflects my professional

understanding of 40 years in the business of the military. In the end, we, those who dispatch the soldiers, in fulfillment of our real contract with them, need to define for them a mission that is possible to carry out, to give them the maximum means, the maximum resources, the time, and what is needed for the sake of executing the mission, and to expect from them to carry it out. But also to understand that in our type of work, which is not the building of a road or an engineering profession, in which you can calculate the necessary materials, when you fight, or when you are at conflict, against an enemy, the plan will always change, and you will never have all the intelligence. You expect that people will decide correctly, and take the risk. And in my opinion, this is the spirit of today's military, it is important to preserve this, despite the mistakes that happen. And mistakes do happen. And we must give them that backup. I use the word backup and not the word cover. When we have a failure it is a failure, and when we do something, Heaven forbid, and we do not here have a case like this, something criminal, then it needs to be dealt with as criminal. Here I do not see anything like this. But we really need to ensure that we enable people to work in a space where they understand that those sending them, for that matter, the Chief of General Staff, the commander of the military, give them the full backup for action. And also when they come back, analyze, and understand in the operational, professional, conversation, what is reasonable, what is not, where were the mistakes, fix them and continue to function. Thank you.

Professor Miguel Deutch: A question. His honor spoke with much fairness regarding the missing information. And I also assume that in risk management theory it would not be correct to take into account, at least not always, the worst

alternative as far as possible scenarios. The question is, and there will likely be such a feeling, of course I haven't formed a position, but there might be a feeling that here the most optimistic option was chosen regarding the possible developments. In the range, on the spectrum, between assuming the most pessimistic possibility, and the most optimistic possibility, the question is whether in the framework of risk management theory, this alternative is really the optimal alternative in your view?

Chief of General Staff, Gabi Ashkenazi: We had a comment, that I accept, that we did not define the risky mode of action. Generally, as far as theory is concerned, we define the modes of action: less reasonable, reasonable, and risky. The common denominator to all modes of action is quite clear. That it is possible. If it is not possible, it is not a mode of action. This is the theoretical dictate and we spare here the risky thing. I think that even when we didn't say, and even when we didn't call the mode of action risky, the risky mode of action was there the whole time, as far as we were concerned, and it was even called this in the scenarios, the possibility of shooting. And for this possibility of shooting, we prepared. Whoever examines the preparations of the commando unit, so there is a thing we call cases and responses, and scenarios and tactics, which is a tactical issue and not really for the forces; we speak shooting at such a stage or shooting at another stage. The Defense Minister raised the possibility of shooting while descending on the fast-rope, we spoke regarding this possibility and explained what to do. To shooting, we respond with shooting. The problem is that you cannot open fire at the outset on someone with intent, unknown to you, to open fire. Or anything else. Only when it happens. The more I go over this topic, I think in the end,

even if we didn't call it that, we prepared for the risky possibility that there would be shooting. I at some stage even described a concern that someone might use a flare gun, which every ship has, or something else, and shoot at a helicopter. For this purpose we prepared the answers we prepared, by means of other weapons in a different way. For example, one of the scenarios was, what would be if shooting started when we were approaching. Then there was also nearby a naval vessel, that was ready to do this. If it were necessary. But what, when you speak of this type of target, if you can call it that, which is civilian, you do not employ all means, and you justifiably restrain yourself from the outset. You just prepare it as a case if it would happen. I say again that in my opinion, the central gap, from our perspective, the central gap, is the fact that we didn't properly assess the strength of resistance when we would descend with the fast-rope. This is the central gap. And this was our mistake. It stemmed, in my opinion, from the fact that we did not know enough. But I say, that in retrospect, I already said this before, the even in retrospect, if we would have known this thing. I'm not sure it was possible to know. By the way, in material that afterwards we examined and found, there was no golden piece of information that had the plan laid out, point for point. It certainly could have been something that they decided just an hour, or right before the operation itself. Something that could happen. I think that if we say this was sitting before us, and we still need to board the ship. And we try to board from the decks and it's not happening. Or we try to board from the – it is not possible. And we try to descend with fast-rope and there really are people, I think that what we would do in this situation, we would adopt other means, in order to ensure

that the deck would be sterile, free of people, to enable going down to there. I simply am saying, that if this would happen, this would with certainty lower, with certainty this would lower the risk to IDF soldiers. But it would not prevent the friction. Just the opposite. In my opinion, people would be hurt as a result of the need to make this sterile area, without even discussing that after you gathered the men, even without risk to them, from the moment that you have opposite you people that want to clash, the clash will happen in any case. Therefore we also need to ask to what degree this is relevant to the results of this flotilla. I think that this point I explained.

Amb. Reuven Merhav: Sir, the central mandate of this commission is the examination of the legal aspects. And to this I think was given, or gradually given, we already received an answer that is certainly quite detailed. But the legal aspect in the entire operation is just one of four sides, another of which is the operational, and then the diplomatic, and then the media aspect. For the operational aspect we are getting, we received an answer, and joining this is the intelligence portion that you certainly will complete here, you said yourself that portions were missing. There are other things that perhaps are not worth discussing now. I want to concentrate, to ask a question regarding the media aspect, that much of it was under your responsibility, and in the first critical hours there was no failure because you prepared for it very much, but there was a great error. Because there was a large gap of time. Time of critical hours, in which we were exposed, or the country was exposed, or the military was exposed, and the atmosphere was wild. I would like your response to this matter. That's one thing. A second thing, which is perhaps not less severe, is the entire matter of comprehensive diplomatic

insight. This is a question directed especially at you, because, 1, you have experience with other things, and, 2, because we, excuse the expression, we, to a large of correctness, challenge Turkey. Turkey is a very important country in the region, relations with it are dear to us, within our geopolitical reality it is a vital element, and here something happens that gradually we find very severe shifting, the radical expression of which is this flotilla. Now I wanted to ask you, and with you it is expressed once in your letter on 5.13, afterward in the discussion of the septet on 5.26 – do you think that the diplomatic insight involved in this matter, and the diplomatic backing, was enough? Do you think we were enough aware of the great gap between what we want to achieve and how it is interpreted in the flotilla itself? Because here there is a very severe dichotomy. Because it is certainly possible, I say this very cautiously, that without the passive support, or half-active, of Turkey, this whole thing wouldn't have happened.

Chief of General Staff, Gabi Ashkenazi: First of all, regarding the legal advice, I did not expand on this, regarding the second question. I think, but it must be clear that we, all the activity, from the stage of combat protocol, from the stage of planning, and throughout all the stages of the operation and its various stages, including questions that stemmed from execution and including preparation afterward, as a set method. By the way, and not in a special way, the Military Advocate General is integrated in into the operational planning components of the IDF, a day to day matter. They are part of our operational presentations. In the branches and in the General Staff. And not just for this specific flotilla. We have the people who can be confidants, and they are part of this thing, because in today's reality, in asymmetrical warfare, questions

of legitimacy and international law, it is necessary to listen to them. In the end, the decision is given to you, with the assumption that you understand which decision you're making, within the framework of the law. To my mind, the legal advice starts with all the questions of what is permitted and what is forbidden, what stands within the principles of international law, from the use of type of arms in various situations, from employment of policemen. A question arose regarding the employment of Masada and the Special Reconnaissance Unit outside of the State of Israel; and ends with different aspects of dealing with people, of their personal baggage and otherwise, dealing with the ships, dealing with members of parliament, with Israeli Knesset members, with the question of detainment after this, deportation, what we do with them, the question of the boats. I, for example, learned that the court in Haifa is for the State of Israel the court that hears maritime issues and it ruled in this matter. This entire matter was escorted from beginning to end, and in my opinion the advocate general performed at all levels, also at the level of the Navy, and the attorney general and others, did truly exceptional work. Regarding the second question, on the side, or sides, the diplomatic, operational, intelligence, and media, first of all I thought that, of course, the most important thing was the mission assigned to us. I think that any examination, certainly mine, is examined in light of the mission. You do not examine a mission in light of the fact that you don't execute it. You execute the mission. All of this is, of course, in light of execution of the mission. Someone else might ask, and such questions arose, about alternatives, if it was correct to execute or not to execute, but once the mission is assigned to the military, or I assign a mission, and they define for

it the conditions and caused, then the examination is in light of this matter. Concretely, regarding the topic of PR and the spokespeople. First of all, I want to say that the responsibility for this subject was that of the PR staff, so it is defined. And the IDF spokesperson, explicitly, even if he wasn't asked, is asked to help and so indeed it worked. But even without this definition, we have our military spokespeople and we adopted here all the steps, out of an understanding of the importance of the international and media arena, and the telling of our story. The question of legitimacy, the narrative that would be there. Therefore we took actions that we generally don't take. For example, we took teams of reporters, including foreign reporters, and attached them to the forces before the operation and during it, from the outset. Teams traveled on the boats themselves. Teams boarded the ship Marmara immediately as the operation concluded. We simply transferred them from ship to ship, they were already at sea. We arranged media centers, both there and broadcasts further back. The PR situation room, the representative of the IDF spokesperson, sat at all central junctions in order to know what was going on and what we needed to do. The High Command Post, because it was such a deployment, was open and manned, including representatives of the IDF spokesperson. Not just the maritime control post of the the Navy, under the command of the vice commander of the Navy, with all the representations. Regarding the concrete question you are asking, the IDF spokesperson from the outset wanted to publicize an announcement, already an hour and a half, two hours, after this. We did not immediately come out with an announcement, we also have an obligation to inform the families of the wounded, that they were wounded. They cannot hear it, this is

a rule we are meticulous about. Therefore it is delayed slightly, until the announcement is approved. In the end it came out at 90 -. The question, I think, that you are asking, relates more to images. To publicizing. I remind you that the operation concluded around 6:00, and I think 2-3 hours afterward the announcement went out. In the afternoon, 4 hours after this, there is a press conference headed by the Defense Minister with my participation and the participation of the commander of the Navy, and a little after this, even a drop before this, the images came out. I do not think this was an error. I debated the issue of the images. The images came to us from the Tzofit, we saw them in real time. I, as is known, I was not at the start of the operation, I wasn't sitting there. I arrived after the news was received that there was resistance and got there rather quickly, still in the midst of the process you say. And I saw the images, and we deliberated whether to publicize them. I must tell you that I deliberated quite hard. To see the commandos beaten like that, it was not an easy thing for me. In the end I was convinced that it was right to release these images in order to tell our story and they would explain that the soldiers really were at risk, and that's why they so acted. And that was the reason for the delay, it was not long. By the way, I deliberated, among other things, because I knew the images of the deck and what went on upon it were publicized long before this, around 6:00-6:30, by Al Jazeera, despite that we blocked the entire event, there was some short breakthrough in which they succeeded in getting the information out, precisely Al Jazeera. But they were images that in the end served our story. I think the PR deployment was really good and quite massive. Immediately after the operation we held a briefing for all the military

attaches here. We came out very quickly with a version for all of our attaches throughout the world. We held briefings for embassies, over a hundred and something interviews to the international media. I think that the story, in the afternoon, evening, I think that it was quite clear what happened on the ship. In my opinion also afterward, people understand that there was a clash and shooting. Everyone understood. There was no story here that developed like in Jenin, some massacre on a boat. And it was this we wanted to prevent. And in my opinion, we even succeeded in preventing this thing. I want to say that also in the future we will not be able to ensure that we immediately with the occurrence of the event will be able to distribute it. The confrontation on screen and in today's new media, of Youtube, the blogosphere, this is something understood and known to us, the General Staff. We understand that we live in a different place. We understand the importance of the image on the screen. We understand the battle for conscience, for the hearts and minds of the people. We really understand this thing. But sometimes we are limited in announcing, when there are wounded, to our people, what happened. And we had here wounded. It is important to make this known, we keep to this, it takes a little time. In any case, a matter of hours, and it came out. Not a matter of days, a matter of hours and the thing came out. Yes.

General (Ret.) Amos Horev: Regarding the Turkish matter you did not answer. Regarding the involvement, if you could be more specific.

Chief of General Staff, Gabi Ashkenazi: Regarding the third question, excuse me. Mr. Reuven Merhav asked me the third question. Look, I think the question of costs with Turkey is a very central question and very serious. I do not wish

to relate here to what arose on the 26th of the month in a meeting, I will relate to it perhaps, I will say a few words in the confidential section. I think that cabinet discussions should remain confidential. I don't want to break this rule. But I will tell you that at least my understanding, and our understanding in the IDF, is that Turkey, it is forbidden that, preferable that Turkey, Turkey, from my perspective, should be on the right side of the map. We, I, think it is not right to relate to Turkey as an enemy state. The IDF has connection with the Turkish military. I told you before that I visited Turkey a month or two beforehand, and we are really in constant contact with them. There is a change in Turkish policy. You cannot ignore this. It happened already before the flotilla, and for a collection of reasons that I'm not sure that here we should analyze them. Was this considered and how did it arise, also on the level of, I think, of the political echelon. I think it will be possible to discuss this perhaps in the other section. But the question of responsibility and influence was asked.

Chairman, Justice (Ret.) Jacob Turkel: Amos, please.

General (Ret.) Amos Horev: First of all, I have a comment. You related to the subject of intelligence and engineering. In engineering, at least, as long as you do not know precisely, the ignorance coefficient is higher. That is to say, naturally, to the extent that intelligence is missing, you to think the worst. And the feeling is that that was not exactly done, because, whatever may be, there was a surprise in the intensity of resistance. True, they assessed that there might be shooting and such, but this consideration was given very small measure. There was a surprise here. This is a comment and not a question. Surely we highly value Turkey as a country important to the State of Israel

and such, but it is also worthwhile knowing the truth. What is interesting, a month afterward, how long after the flotilla? Intelligence has been gathered by those people who were in our hand several days, and it was possible to reach a conclusion or clear knowledge, regarding what was their specific involvement on the topic of the flotilla. And this is important, very important to know this. Do we know more today?

Chief of General Staff, Gabi Ashkenazi: I will relate to this in the section on intelligence.

Professor Miguel Deutch: Regarding the discussion of 7.26, I understand you will detail more in the confidential section. If I understand correctly you previously noted that the nature of the operation was presented at that meeting?

Chief of General Staff, Gabi Ashkenazi: Correct.

Chairman, Justice (Ret.) Jacob Turkel: Additional questions? None. So I think that -

Brigadier General (ret.) Kenneth Watkin: You mentioned with respect to the Eiland Commission, you described it as an operational investigation. And in terms of sort of the international, when incidents when civilians are killed or injured, state security forces are involved, there's injury or deaths, it's not uncommon, as you know, to have a number of different types of investigation such as this commission, the military would have an investigation as well. To what extent were there other investigations? Was consideration given to have a police investigation in this incident?

Chief of General Staff, Gabi Ashkenazi: Are you talking about civilian police or the military police?

Brigadier General (ret.) Kenneth Watkin: Either.

Chief of General Staff, Gabi Ashkenazi: Either. In this specific event, there was no police, civilian police involvement to exclude the use of the laboratory about the

findings regarding the bullets and the weapon on the, aboard the ship, in order to try to identify whether they were fired by our rifles or not. But besides that, they were not involved. In our case, the military police is under the JAG authority. And whenever there is a case of allegedly criminal acts by soldiers, it has the sovereignty and the authority to open a military police investigation. That's our system. It's completely subordinate. It's not in my chain of command in that order, which is different from other systems. As you know, the U.S., for instance, is different; it's subordinate to the military command, the JAG. In our case, it enjoys, if I may phrase it such, it enjoys all the freedom of action to execute its responsibility the way it's judged or assessed for that situation.

In addition to that, all investigations, both the military police or even the operational debriefing or investigation, are subject to the examination of JAG. And above it, we have the government Attorney General who is capable to watch the procedures to see what happened and whether to make his comments if needed.

And above all, in Israel we have the Supreme Court, and you can, you know, almost in any subject you can go to the Supreme Court and to challenge the decision or the procedure or the investigation itself.

Brigadier General (ret.) Kenneth Watkin: And from an operational commander's perspective, would the holding of a police investigation, however it's ordered, have been viewed as problematic in a case like this?

Chief of General Staff, Gabi Ashkenazi: Usually in an operational environment we, generally we don't use the military police, unless we have the suspicion that it's something which is criminal. If it's not, we keep it within the operational

procedure chain of command. We think that's the best way to investigate, to debrief and to find the facts through, and to get to the main objective of this briefing to learn what went wrong, what was good and what we have, what are the lessons learned for the next time.

Brigadier General (ret.) Kenneth Watkin: But if one had been ordered, that wouldn't have been problematic? Next question is one you may want to answer in the other, in camera, because it relates to questions of options of lethal force. And you have indicated that stun grenades were used. I believe you said paintball guns were used. At one point, live ammunition was fired into the feet of some of the opponents. I just wondered, to the extent from your perspective, were all the options canvassed? And are you able to elaborate in this forum in terms of that issue in terms of providing the soldiers the different options that they had to meet the threats that they were being presented?

Chief of General Staff, Gabi Ashkenazi: What exactly is the question?

Brigadier General (ret.) Kenneth Watkin: Related to considering all the different types of potential less than lethal means, riot control agents, you know, all the,

Chief of General Staff, Gabi Ashkenazi: Definitely. Unfortunately, given the circumstances in Israel, we are dealing with demonstrations and events not always in the sea which are similar to this, I mean, dealing with a crowd that is violent or a demonstration. So the issue of nonlethal weapons is quite developed here. We're using it sometimes on a monthly basis around the West Bank or in Gaza.

We explained to the soldiers, and they used it in the past, not for the first time, what are the characters and the nature and the capabilities and the

orders in using each one of the nonlethal weapons. There are differences between all of them. Sometimes it's about the distance, sometimes about the condition to use it. So that's not only that they were briefed about it; they have an exercise, as I mentioned, using these weapons. And I think they used them appropriately. I don't think we have any problem in, we didn't find any problem in using this type of weapon. They knew what the paintball can do or not, and it's, we have another nonlethal weapon which fired kind of a salt package which hurts you when you get hit, but not kill you. And we didn't use rubber bullets, for instance, because we thought, in close contact, rubber bullets are more dangerous and close to almost live ammunition. That was our decision. Just to give you an example that we do distinguish between the various nonlethal weapons.

Brigadier General (ret.) Kenneth Watkin: Okay. Thank you. One, just a bit of clarification, I guess, from the film that was shown was, as I understood it, the flotilla was intercepted 70 to 100 nautical miles off the coast, and they were traveling at about 11 knots or so, which left a few hours before they got to Gaza. Just in terms of the options in terms of stopping the flotilla itself, you know, stopping, beyond asking, the film just showed in terms of asking the vessels to heave to. I guess it's a question of options or consideration of options that might have been used to cause the vessel to stop to provide more time to address some of the issues.

Chief of General Staff, Gabi Ashkenazi: At the time of the operation, and even now, without going into, you know, details, we did not have any cold system to stop the vessel or to delay it, unless using weapons, which were ruled out, because you can harm people on the boat in a way that will not be cost-effective to

what you want to do. So at the end of the day, before the operation, we had to balance between two considerations: one, to be as close as possible to the 20 miles but, on the other hand, to do it at night, because we want to diminish the picture of this operation. So we did it at the last point that we could, that means almost before dawn, and that was the point when we balanced between the two considerations.

Brigadier General (ret.) Kenneth Watkin: Okay, thanks.

Lord David Trimble: I have a point of clarification arising from the film. In the film, we saw a map showing the 6 vessels in a formation just sailing south of Cyprus. And then to the east of them, there was marked a Turkish naval vessel. It didn't appear in the subsequent map, and there's no further explanation about it. Was its presence purely coincidental, or was there, I mean, what was your assessment of the capability and the intention of that vessel at that point?

Chief of General Staff, Gabi Ashkenazi: Three days before the operation, put it this way: From the minute we observed the vessel, we held them, in a way, in our intelligence assets, without going into details. So we watched them as they gathered at the point that was shown on the map. And at one specific point we observed this Turkish vessel. It's called Burak (ph.). We checked what's the reason they are there. We even contacted the Turks to understand it, and the answer was through the military communication: They routinely tour the area between the Turkish Cyprus to the shore of Turkey. They never got close to less than 10 miles from the gathering point of this flotilla, and they didn't escort them. Once the flotilla started to sail south, the vessel remained there and then disappeared. We don't, we checked it very carefully, we reported about the presence of this boat to our political bosses, and we

watched it very closely. And I can tell you for sure that they were not involved with the event later on.

Lord David Trimble: Good. Thank you.

Chairman, Justice (Ret.) Jacob Turkel: Are there more questions?

Chief of General Staff, Gabi Ashkenazi: Regarding the investigation, the topic of military investigation, you requested of me,

Chairman, Justice (Ret.) Jacob Turkel: Yes.

Chief of General Staff, Gabi Ashkenazi: So I will say just a few words. The IDF investigation mechanism is familiar to me. I will say it only in a general way. In principle, it stands on two legs. One leg is the leg of the command investigation, I would say. In most cases it is operational, but not just operational. But it is an investigation in the chain of command, in which an incident happens in the brigade, the naval commando unit, the reconnaissance commando unit, an investigation is carried out. There are definitions in the military of who performs the investigation for which incident. With all sorts of criteria. This matter is distributed in the directives of the General Staff, and it is clear who investigates in which incident, at what level. There are inquiries that reach even my level, for example, any incident in which there are wounded, then it is investigated, or up to the commanding officer. Or, Heaven forbid, in a case of loss of life, it also reaches me. This is one leg of the investigations. And there is the other leg, that is the entire investigative system of the Military Advocate General, which is performed by decision of the Military Advocate General. The Military Advocate General in the IDF, and I think we know quite well the methods of investigation and investigative mechanisms in other armies,

what's more that he is a member of the General Staff and is a senior officer. From a professional perspective I absolutely think, his obligation, I would say he answers only to himself, and not more. He does not need to request my approval or anyone's within the military, to open an investigation in any case and matter that he decides. I think the Military Advocate also understands that it is proper in the proper places that an operational command investigation be carried out, and we will preserve this tool as an operational tool, a primary tool, that is important and vital to investigating the operational system. And in any place there is a suspicion or concern for involvement or for crime or for doing something criminal, it is important that a police investigation takes place. And we have cases like this and like that. Of course, when complaints reach us not from within the military, the complaints go to the Military Advocate, and the Military Advocate decides how to deal with them. He examines them and after examining he decides. Sometimes he refers them to the command system. And sometimes he orders the opening of a criminal investigation. And then he has the department of military investigation, Matzach. Matzach opens an investigation, reaches conclusions, and from there it decides what it decides. It sometimes ends by them returning it for a disciplinary hearing, or to the court. We have both situations. I want to say that the IDF deals with all cases that reach it, in a fashion, I tell you, that is unprecedented. After Cast Lead, for example, we investigated not just the claims that arose in the Goldstone report, not just the claims raised by the peace activist organizations, what are called NGOs, but even Palestinians who came to the Erez checkpoint and complained that in their house such and such was done or in this such was done. We

investigated hundreds of complaints such as these. All of this reaches the Military Advocate, it is checked, whether this is an investigative process of the Military Advocate, or whether this is a process of command investigation. I want to say to you that the IDF, in this sense, is an army that performs investigations and checks in a fashion I do not see in many other places. For us it is important to know, first of all, for us it is important to know, that we are acting right. And that we are employing the force, the people, and the means in a legal fashion. More than this, in a way that fits our values. And so we behave. This is more or less the mechanism with us. Of course, above us there is also the Attorney General who observes the procedures that are carried out with us. This is not a matter, this is a matter of part of the process. Such that if there is some suspicion that some topic was not dealt with properly, or was not dealt with as it should have been, then the Attorney General gets involved. It is difficult for me to recall cases where this happened, but it exists. And of course, that above all of this there is the institution of the Supreme Court. If we assume for argument's sake that there was an investigation in the command channel, and it ended however it ended, it is summarized, it is publicized. Or an investigation in the legal channel, and it reaches court, and whatever decision is made, the matters are out in the open. In many senses we, in this sense, are an open army. The object of the investigation or someone who sees himself as harmed by it, or even the Council for the Quality of Government, can take us to the Supreme Court. And this matter will be clarified also in the Supreme Court, and this also happens to us. Such that I believe, in a comprehensive perspective, we actually have a balanced system, and I think, professional, of

investigation mechanisms. Thus in summary I would say we really have such a system.

Chairman, Justice (Ret.) Jacob Turkel: Here I would like to make a point. Not as criticism, and not even as a recommendation. Has the possibility ever been considered, and here I am giving expression to criticisms of the military, has the possibility been considered that there be in investigation procedures or investigative bodies, representation of civilian legal elements, external to the military, that would participate in the process?

Chief of General Staff, Gabi Ashkenazi: We hold, 1, it has been considered in the past. We consider it from time to time. It has happened to us in the past that a person or people participated in a committee that investigated, or in a court that sat who accepted someone else. It is not a rare thing in our provinces. Is there something permanent, some permanent figure, external to the military, who participates and observes these things, the answer is no. We do it according to the matter and need, beyond, of course, the comptroller of the security establishment, who is generally part of this process when necessary.

Professor Miguel Deutch: Does the comptroller deal with crimes that do not have to do with crimes?

Chief of General Staff, Gabi Ashkenazi: Excuse me?

Professor Miguel Deutch: Does the comptroller deal also with complaints regarding activities, when the matter is not connected to a concern of any crime?

Chief of General Staff, Gabi Ashkenazi: It depends on the nature. I would say that regarding what relates to military matters that are not operational activity, or concrete matters such as this, but they are matters between a man, between a soldier and his commander, and rights or complaints or other matters, for

this subject we have special institution, I think it also unique, that we call the
Commissioner for Soldier Complaints. Commissioner for Soldier
Complaints -

Professor Miguel Deutch: No, my question concerns various types of complaints relating to
soldier activity towards the populace -

Chief of General Staff, Gabi Ashkenazi: No, the comptroller -

Professor Miguel Deutch: Gazan, for example.

Chief of General Staff, Gabi Ashkenazi: No. The answer is no.

Chairman, Justice (Ret.) Jacob Turkel: Good. More questions, comments? So we will move
on now to the closed discussion.

Chief of General Staff, Gabi Ashkenazi: I thank you.

Chairman, Justice (Ret.) Jacob Turkel: Thank you.