

Turkey Tries IDF Commanders in Absentia

By [Stephen Lendman](#)

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On May 31, 2010, Israeli commandos lawlessly interdicted Freedom Flotilla vessels in international waters. They were bringing humanitarian aid to besieged Gazans.

They attacked and murdered nine Turkish nationals aboard the Mavi Marmara mother ship. Dozens of others were wounded. Everyone on board was arrested, imprisoned in Israel for days, harshly treated, and summarily deported.

What happened was a well planned premeditated attack. Unarmed, nonviolent humanitarian activists were targeted. Cold-blooded murder followed.

In September 2010, the UN [Human Rights Council](#) (HRC) issued damning findings. They described “a series of violations of international law, including international humanitarian and human rights law, were committed by the Israeli forces during the interception of the flotilla and during the detention of passengers in Israel prior to deportation.”

Israel’s interdiction was lawless “since there was no legal basis for the Israeli forces to conduct an assault and interception in international waters.”

In doing so, Israel was “obligated” to respect international law and its own “international human rights obligations.”

Israeli force “was unnecessary, disproportionate, excessive, inappropriate and resulted in the wholly avoidable killing and maiming of a large number of civilian passengers.”

Israel made “a deliberate attempt...to suppress or destroy evidence.” It fabricated its own version of events. They included fake videos and other falsified materials.

Despite indisputable crimes against humanity and high-seas piracy, UN Secretary-General Ban Ki-moon appointed his own pro-Israeli commission. He spurned justice in the process.

Former New Zealand Prime Minister Geoffrey Palmer chaired it. Notorious human rights violator Alvaro Uribe was vice chairman. Formerly he was Colombia’s president. He ranks among the region’s worst scoundrels. He should be in prison, not impaneled to judge others.

His resume includes horrendous human rights abuses, murder, corruption and scandal, along with close ties to drug lords and paramilitary death squads. He also supports the worst of US and Israeli crimes.

He, Palmer, and two other Ban appointees absolved Israel of cold-blooded murder.

Under Fourth Geneva’s Article 146, each High Contracting Party is “under the obligation to

search for persons alleged to have committed, or to have ordered to be committed, such grave breaches, and shall bring such persons, regardless of their nationality, before its own courts.”

Key also is Fourth Geneva’s Article 33. It prohibits collective punishment. Gaza’s blockade is illegal. It violates Fourth Geneva and other international law.

Isolating Gaza is a war crime. Prosecutions are warranted. High Contracting parties are obligated to enforce binding laws. Failure means complicity.

Last May, Turkey issued arrest warrants for four former IDF officers. Named were Chief of Staff Gabi Ashkenazi, military intelligence head Amos Yadlin, naval commander Eliezer Marom, and air force intelligence head Avishai Levi.

Charges include voluntary manslaughter, attempted voluntary manslaughter, intentional injury, incitement to assault with a deadly weapon, robbery, abduction or confiscation of maritime vessels, property damage, false arrest, and mistreatment of prisoners.

The indictment included hundreds of testimonies from Mavi Marmara passengers and relatives of those on board killed and abused.

Israeli commanders were accused of ordering the massacre. On November 5, [Haaretz](#) carried a Reuters report headlined “Turkey indicts IDF commanders over Gaza flotilla deaths.”

On November 6 in Istanbul, four ex-IDF commanders went on trial in absentia for murder and related crimes. Doing so is largely symbolic. Strained Turkish/Israeli relations won’t be helped.

Israel called Ankara’s action a “show trial” and “political theater. A Foreign Ministry statement said proceedings have “nothing to do with either law or justice.”

(It doesn’t) qualify under any facet or foundation of a lawful judicial system, and is merely a propaganda display. It would be in Turkey’s interest to deal with this issue through bilateral dialogue.”

Israel holds itself above the law. It believes it’s entitled to kill, torture, abuse, intimidate, harass, and humiliate with impunity.

For months, Ankara demanded a formal apology and restitution for families of victims. Israel offered inadequate compensation. It refused to apologize. It never says it’s sorry.

Relations became strained. Diplomatic ties were downgraded. Israel’s ambassador was expelled. Military agreements were suspended.

Turkey’s Foreign Ministry declined comment on Israeli remarks. Its judiciary is handling the incident, it said.

Prosecutor Mehmet Akif Ekinici seeks multiple consecutive life sentences. Proceedings aren’t expected to be televised. They will be videotaped.

Last May, Netanyahu defiantly condoned cold-blooded murder, saying:

"I would like to say clearly to the soldiers and commanders of the Israel Defense Forces: the state of Israel will always stand beside you, wherever you are and in any situation. You defended us; we will protect you."

As head of state, Netanyahu controls Israel's military. Chain of command authority is similar to America's. Israel's Minister of Defense replicates Washington's Secretary of Defense. Military commanders report to them. They serve under chief executives.

In both countries, heads of state appoint top officials. Netanyahu bears full responsibility for Israeli crimes of war and against humanity. They include Mavi Marmara assassinations.

Indicting him for high crimes is warranted. Perhaps testimonies will cite him. Plaintiffs should demand that he and others in his chain of command be held accountable.

Respect for international law is fundamental. No one's above the law. Israel's gotten away with murder much too long. Istanbul proceedings won't change things. At most, they represent a small symbolic step. Maybe others will follow.

Stephen Lendman lives in Chicago and can be reached at lendmanstephen@sbcglobal.net.

His new book is titled "How Wall Street Fleeces America: Privatized Banking, Government Collusion and Class War"

<http://www.claritypress.com/Lendman.html>

Visit his blog site at sjlendman.blogspot.com and listen to cutting-edge discussions with distinguished guests on the Progressive Radio News Hour on the Progressive Radio Network Thursdays at 10AM US Central time and Saturdays and Sundays at noon. All programs are archived for easy listening.

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Articles by: [Stephen Lendman](#)

About the author:

Stephen Lendman lives in Chicago. He can be reached at lendmanstephen@sbcglobal.net. His new book as editor and contributor is titled "Flashpoint in Ukraine: US Drive for Hegemony Risks WW III."

<http://www.claritypress.com/LendmanIII.html> Visit his blog site at sjlendman.blogspot.com. Listen to cutting-

edge discussions with distinguished guests on the Progressive Radio News Hour on the Progressive Radio Network. It airs three times weekly: live on Sundays at 1PM Central time plus two prerecorded archived programs.

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