

**Milošević-prosecutor, Sir Geoffrey Nice QC, confirms today he is representing Mavi Marmara victims at the International Criminal Court.**

The court is being pressed to investigate the deaths, injuries and other suffering of those on board the Mavi Marmara when, four years ago, it was part of a humanitarian convoy attacked by Israel Defence Forces (IDF).

On 31 May 2010, the IDF conducted a pre-planned attack on a flotilla of aid ships in international waters. The flotilla, consisting of 6 ships carrying passengers of very many different nationalities, travelled under the joint name of the Gaza Freedom Flotilla towards Gaza where they hoped to deliver humanitarian aid carried on board, which included medicine, repair equipment for machinery and toys for children, and thereby to break the naval blockade, which is recognised by a majority of the international human rights community – scholars and practitioners - as unlawful.

At approximately 0400 in the morning of 31 May 2010, the IDF launched its attack on the ships, which resulted in the killing of 9 passengers on board the Mavi Marmara and the injuring of tens more. The ship was boarded, seized and taken to Ashdod where the IDF then proceeded to interrogate, humiliate and torture some of their detainees. Once in Israeli detention, the passengers were refused access to legal representation or consultation with their respective embassies and contact with their families.

The Israeli authorities have alleged that the ships carried weaponry and munitions, allegations which have to this date been shown to be without any foundation. They also claim that the violence carried out on the ship was in self-defence from attacks by the humanitarian aid passengers. Such a claim does not explain why – according to a UN commissioned report - live munition was fired from helicopters, or why all video footage or pictures taken by the passengers were seized and live transmissions of news from the ship were blocked during the attack by the IDF soldiers.

This attack left many people without husbands, fathers, sons. It left others with physical scars which will never heal; one passenger remains comatose as a result of the attack. It has left all of the passengers with the psychological scars of trauma.

The pre-planned attack went far beyond any justifiable use of force, it is argued for the victims. Indeed if the blockade was itself unlawful, as is argued, no force of any kind was justified. The attack may be judged to be a war crime and/or a crime against humanity and perpetrators of such crimes must be held to account.

In May 2013, a state referral was made on behalf of Comoros – under whose flag the Mavi Marmara M/V was sailing - to the International Criminal Court, requesting the initiation of an investigation. One year on from this referral and no decision has been made as to whether the Prosecutor of the ICC will commence an investigation.

A team of London lawyers now joins others from Turkey, the Netherlands in the pursuit of justice for the victims through the ICC's processes.

The legal team, now based in the UK, is led by well known human rights barristers and headed by Professor Sir Geoffrey Nice QC, who is known best for his pinnacle role in the prosecution of Slobodan Milošević, the former Serbian President who was charged with genocide, crimes against humanity and war crimes. In his 43 years of experience

as a practising barrister, Sir Geoffrey has also represented the Government of Kenya and other state interests in Africa, acted as an advisor to Qatar in the possible Syria case to come and works pro bono for victims of extreme state violence in Burma, Iran and North Korea. He remains involved as an adviser to states of the former Yugoslavia. He is a regular commentator on television & radio and lectures on international humanitarian law. He also sits as a part-time judge in England's top criminal court (the Old Bailey).

Rodney Dixon QC is a barrister specialising in international law and human rights. He acts and advises before all the international courts. He has represented governments and individuals in the Sudan, Kenya, Libya and Egypt Situations before the ICC including acting for the Government of Kenya, and for President Mohammed Morsi and the Egyptian Freedom and Justice Party. He has defended the former Prime Minister of Kosovo. He is the co-author of a leading textbook on international practice and has been appointed as Queen's Counsel, the highest rank a UK barrister can attain.

Paul Mylvaganam, a key member of the team, is an international lawyer and has been a barrister for more than 21 years. He has been the representative and advisor to a number of governments, corporate bodies and individuals. He has been involved in various high profile cases including the Oil for Food case in Iraq, a current major international corruption investigation involving the UNDP and also the case after the London Bombings in 2005.

The legal team were advised in the course of a meeting with the ICC Prosecutor held earlier this month that this matter is "controversial".

It is the position of the victims, through their lawyers, that controversy is not at all a reason for the ICC to derogate from the duty entrusted to it by the international community to administer justice, which, in this case and at this time, means the Prosecutor should be conducting a full investigation into the events on the Mavi Marmara M/V. The Prosecutor's office raised concerns in respect of the ICC's jurisdiction and admissibility, and the legal team has not hesitated to provide further submissions and evidence to assist the Prosecutor to reach a correct decision. It is argued for the victims that, in this particular Situation, there must be a full and proper investigation and that every person involved should be held accountable for their actions and that no person involved in killing or harming members of the flotilla shall be considered outside the reach of the rule of law that is applied at the ICC.

The allegations are certainly serious enough to warrant ICC attention especially when viewed in the context of the protracted armed conflict and related events of the humanitarian crisis in Gaza.

These submissions made by the legal team should not cause any further delay to a decision being made, which we were advised should be published within a couple of weeks.

This decision about whether to investigate in this case - or not to investigate - may be seen as a test for the ICC. Many will argue that the decisions will be indicative of its real standing as an international court of criminal justice. In making her decision the Prosecutor will have to answer hard questions; it is hoped that she and her office will have the courage to deal with the difficult, or to use the phrase of the Madame

Prosecutor herself, “controversial” situation. It will be argued that *not* to investigate in the particular circumstances of a case involving Israel may demonstrate an excess of caution over performance of her and her office’s responsibilities.