



00 February 2011

Sra. María Aurora Mejía Errasquín
Directora General de Cooperación Jurídica Internacional y de Relaciones con las Confesiones
Ministry of Justice
San Bernardo N° 62
28071 Madrid
Spain

Via Diplomatic Channels

Subject: Request for Legal Assistance in the Matter of the Maritime Incident of 31 May 2010
(Your ref. 0002489/2010 – CAP)

Dear Ms. Mejía Errasquín,

We are writing further to the International Request for Judicial Assistance of the Honorable Judge Pablo Rafael Ruz Gutierrez, dated 30 July 2010 (hereinafter: "**the Request**"), which was forwarded to the Israeli authorities by your office on 6 October 2010 and received by our Department on 12 October 2010, and further to our letter of 12 January 2011.

This letter and attached materials are provided out of respect for the Spanish judicial authorities and legal institutions, while strongly maintaining that this is an inappropriate case for the exercise of Spanish jurisdiction.

As noted in our letter of 12 January 2011, the Government of Israel has appointed an independent Public Commission (hereinafter "**the Turkel Commission**") to examine and address the conformity of the actions taken by Israel in connection with the flotilla incident with the norms and requirements of international law. We would like to bring to your attention that on 23 January 2011, the Turkel Commission issued an interim report, entitled "*Report of the Commission for Examining the Maritime Incident of May 31, 2010 - Part One*" (hereinafter "**the Report**").

The Report and the Report Summary are attached for your convenience, and are also available online at the Turkel Commission's website - <http://turkel-committee.com/content-107.html>. (An unofficial translation of the Report Summary in Spanish is also attached for your convenience).

As detailed in our previous letter, the Turkel Commission is headed by a retired Supreme Court, Justice Jacob Turkel, and includes not only a number of Israeli experts in the matters at issue but also two distinguished international observers, Nobel Peace Prize laureate Lord William David Trimble from Northern Ireland (UK), and former Canadian Judge Advocate General Kenneth Watkin. It should also be noted, that during the writing of the Report, the Turkel Commission was advised by two consultants that are prominent experts in the field of international law, Prof. Dr. Wolff Heintschel von Heinegg, Professor of Public Law at Viadrina European University in Germany, and Prof. Michael Schmitt, Professor of Public International Law at Durham University in the United Kingdom, who agreed with the legal conclusions of the Report. Prof. Ruth Lapidot, a recipient of the Israel Prize for international law, also assisted the Turkel Commission with advice and guidance.

The attached Report examines the legality of the naval blockade imposed on the Gaza Strip and the legality of the actions carried out by the IDF in order to enforce the naval blockade and the conformity of these actions with the rules of international law, as well as the actions of the participants of the flotilla.

The Report was submitted to the Prime Minister who **presented** it to the Government. The Report has also been submitted to the United Nations "Panel of Inquiry on the flotilla incident of 31 May 2010" established by the Secretary General of the United Nations on 2 August 2010, which is continuing its inquiry into the matter.

We believe that the information presented herein demonstrates clearly that this matter is being fully and effectively dealt with by the competent authorities in Israel, pursuant to a comprehensive, public and transparent process. We note that it continues to be our position that Israel is the appropriate forum for the examination of this matter, and thus is not an appropriate matter for the exercise of Spanish jurisdiction.

We take this opportunity to express our assurances of the highest consideration for the Spanish legal system and institutions.

Kind Regards,

Gal I. Levertov

Director
Department of International Affairs
Office of the State Attorney

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