*[http://unispal.un.org/UNISPAL.nsf/47D4E277B48D9D3685256DDC00612265/E0D284C18D638A07852577740049A9E4](https://mail.hudsonny.org/exchweb/bin/redir.asp?URL=http://unispal.un.org/UNISPAL.nsf/47D4E277B48D9D3685256DDC00612265/E0D284C18D638A07852577740049A9E4" \t "_blank)*

August 2, 2010

**DAILY PRESS BRIEFING BY THE OFFICES OF THE SPOKESPERSON FOR THE SECRETARY-GENERAL**

The following is a near-verbatim transcript of today’s noon briefing by Martin Nesirky, Spokesperson for the Secretary-General.

Good afternoon, everybody.

\*\*Secretary-General’s Statement on Panel of Inquiry

The Secretary-General, as you heard, [announced](https://mail.hudsonny.org/exchweb/bin/redir.asp?URL=http://unispal.un.org/UNISPAL.nsf/5ba47a5c6cef541b802563e000493b8c/c1a79fdc099c8ac1852577730050d3a0?OpenDocument) this morning that he has set up a Panel of Inquiry on the flotilla incident of 31 May.  He called the launch of the Panel “an unprecedented development”.

He thanked the leaders of Israel and Turkey, with whom he engaged in last minute consultations over the weekend, for their spirit of compromise and forward looking cooperation.

The Panel will be led by the former Prime Minister of New Zealand, Geoffrey Palmer, as Chair, and the outgoing President of Colombia, Alvaro Uribe, as Vice-Chair.  The Panel will have two additional members, one each from Israel and Turkey.  It will begin its work on 10 August and submit the first progress report by mid-September.

The Secretary-General hopes that the Panel will fulfil its mandate based on the Presidential Statement of the Security Council and with the fullest cooperation of the relevant national authorities of the two countries.  It will also provide recommendations for the prevention of similar incidents in the future.  The Secretary-General also hopes that today's agreement will positively affect the relationship between Turkey and Israel, as well as the overall situation in the Middle East.

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\*\*Questions and Answers

Question:  Martin, on the panellists, why were the panellists from Turkey and Israel not named?  And will videos, such as the one shown here in this room, be allowed as information for the probe?

Spokesperson:  First of all, on the panel members.  You can expect an announcement in the next few days on the Turkish and Israeli panel members, and the Secretary-General will make that announcement in the next few days.  On the information that the panellists will want to look at — they will be reviewing and receiving the reports of the national investigations and they will also be able to request clarifications and additional information.  So, I think that probably covers your question.

Question:  A follow-up on that.  Just wondering — and I know you’re going to offer me an answer that in these days of video communications, everything is possible, but still — we have Mr. Uribe at one side of the planet and [the former] Prime Minister of New Zealand at the other side, and the only neighbours are really Turks and Israelis.  Would it be more practical that, again, if you can refer who really proposed the names, if somebody from the region would have been involved?

Spokesperson:  Well, the Secretary-General appointed both Sir Geoffrey Palmer and the outgoing President, Alvaro Uribe, as the Chair and Vice-Chair of the panel.  That’s the first thing.  The second thing is that, broadly speaking, the panel will be based at UN Headquarters here in New York, bringing together those two, and, as you know, the two panel members — one each from Israel and Turkey.

Question:  To stay here?

Spokesperson:  They won’t necessarily stay here, but, broadly speaking, they will be based here; the work will be based from here.  That’s an important point.  The other is, of course, that they will be meeting for the first time on 10 August, and at that point, they will be able to look at exactly how they are going to work.  As you also know, it’s a tight timeframe and, therefore, they will need to talk quickly once here on 10 August about some of these details, of the kind that you’ve referred to.  Yes?

Question:  Is this an investigative body or is it a review body?  It’s unclear what you’re saying.  What I really need is whether they’re going to be able to call witnesses, Israeli witnesses, in particular, Israeli soldiers?

Spokesperson: Well, first of all, it is not a criminal investigation.  It has been tasked with making findings about the facts and circumstances and the context of the incident, as well as recommending ways of avoiding similar incidents in the future.

What I can also say is that **it will be for the Panel to decide exactly how they will operate and decide what steps may need to be taken** in order to obtain the clarifications and the information from the national authorities that I’ve mentioned.

Question:  Just a follow-up:  wouldn’t it be better to be called a review panel, rather than a panel of inquiry, because they’re not going to be looking at new, fresh evidence, only looking at the national reports and asking for clarification?

Spokesperson:  Well, I think the second bit that you mentioned answers this point.  It’s a panel of inquiry; it’s the Secretary-General acting in line with the statement of the President of the Security Council from 1 June, as you recall. I could read it directly from the statement:

“The Security Council takes note of the statement of the UN Secretary-General on the need to have a full investigation into the matter, and he calls for a prompt, impartial, credible, and transparent investigation conforming to international standards.”  And, clearly, that’s the key aspect.

Question:  So the investigation is a review of the national investigations?

Spokesperson:  Well, there are four aspects here, four points.  One is that it will, as your rightly pointed out, it will receive and review reports of national investigations.  But, secondly, and importantly — and this addresses the point you’ve made — it can request clarifications and additional information.  The third point is that it will examine and identify the facts, circumstances, and context of the incident.  And the final point is that it will consider and recommend ways of avoiding similar incidents in the future.

Question:  Will it have the power to ask either country to reopen their investigation?

Spokesperson:  They will be able to ask for clarifications and additional information.

Question:  Will it be staffed beyond the four individuals?  And, on outgoing President Uribe, I know the Secretary-General met just last week with Venezuelan Ambassador Valero [Briceño], who, in a letter, raised claims, saying Mr. Uribe caused a grave threat to international peace and security by saying that Venezuela had FARC [Revolutionary Armed Forces of Colombia] rebels.  And I just wondered, did the Secretary-General speak to Mr. Uribe to get his consent to serve, and was this outstanding peace and security issue raised at the time?  What’s the relation between the two?  And does this signify somehow the Secretary-General dismissing the Venezuelan claims?  How should we read this?

Spokesperson:  You should read it simply that the Secretary-General has full confidence in Sir Geoffrey Palmer and the outgoing President of Colombia to discharge their duties, both as Chair and Vice-Chair, respectively, in an impartial way, and that’s what they’ve been asked to do, and he has every confidence in their ability to do that.  It has nothing to do with anything else.  What was the first part of your question?

Question:  How it can be staffed so quickly, as compared to other outstanding panels?

Spokesperson:  It will be assisted by experts in the fields that are relevant to its work.  That’s what I can tell you at this point.

Question:  There are four individuals, are they going to type it themselves?  How’s it going to work?

Spokesperson:  Did you hear what I said?  The panel will be assisted by experts in the fields that are relevant to its work.

Question:  Will they choose, or who chooses the people?

Spokesperson:  They are meeting on 10 August, and I’m sure that in advance of that, they’ll be in touch with each other about some of these specifics.

Question:  How is it funded?

Spokesperson:  This is something that I can get back to you on, but my understanding is that this falls under funding for unexpected developments.  Yes?

Question:  Speaking of unprecedented, the Secretary-General chose a rather curious way to announce the panel, and he left a distinct impression that he doesn’t want to talk to us about it.  But, are they going to go to either country?  Because in the past, Israel has been reluctant to allow UN teams on its soil.

Spokesperson:  Two things.  One is that panel, as I’ve said, will decide the steps that it needs to take to carry out the work that it is mandated to do, for example, to obtain the clarifications it requires.  And, I think that’s the main point.

Question:  Did the Secretary-General discuss this with the Israeli Deputy Prime Minister when he met with him, and get approval from him to go ahead?

Spokesperson:  Well, you will have seen the sequence of events, including the meeting of Israeli Cabinet Ministers this morning.  And, the Secretary-General had a series of phone calls over the weekend, including with [Israeli] Defense Minister and Deputy Prime Minister Ehud Barak and the Foreign Minister of Turkey, Mr. [Ahmet] Davotoğlu.  And the Secretary-General also spoke earlier this morning with the Israeli Prime Minister [Binyamin] Netanyahu.

Question:  You recently described the panel’s work as not a criminal investigation.  Is it not a family court or something; nine people were killed, and there is no criminality in this?

Spokesperson:  That’s not the point.  This is in light of the statement of the President of the Security Council, which talked, as we’ve already said about — I read it out just now — a prompt, impartial, credible, and transparent investigation conforming to international standards.  As you know, there are domestic national inquiries going on in both Turkey and Israel.  It’s the job of this panel of inquiry to look at those two national inquiries and then to ask for any clarification that may be needed; it’s trying to find out the facts and the circumstances and, importantly, trying to avoid similar incidents in future by making recommendations on how to avoid that.  But, it’s not a criminal investigation.  Yes?

Question:  Is someone jumping to a conclusion that there is no criminal case?  But what if one of the panel members, let’s say Mr. Palmer or his deputy, would have found there is criminality involved in this, then could someone change, say, “We made a mistake by describing it that way?”

Spokesperson:  The point here is that this is looking at existing national inquiries that are under way already in Turkey and in Israel, and it’s to review their reports and, then, if necessary, and one assumes it will be necessary, to ask for clarifications and for more information.  There are four panel members, as you know, and they will be working closely together and then they will submit, as we’ve said, an initial progress report already by the middle of September and they would aim and strive to submit their final report within six months, by February.  Yes?

Question:  The Secretary-General said this is an unprecedented development, which gives lots of importance to this panel’s happening.  I’m a journalist for a daily.  If I were working for an encyclopaedia, it was okay that I have gotten in touch with you now, two or three hours late; I have been waiting, I called several times to your office, and I didn’t get beyond your secretary or assistant. You have a large team of co-workers with you; this is important.  The Secretary-General gives the situation the highest importance.  Why, maybe you can do something about it, when we call to get some information about something, to ask a few questions, that you’re not in a meeting, and your deputy is not in a meeting all the time…

Spokesperson:  Needless to say, there were quite a few phone calls on this topic, and people were contacting us in other ways.  We do our best to answer all the questions we get as quickly as we can.  If it wasn’t fast enough for you, all I can do is say sorry, but we try to do it as fast as we can.  Yes?

Question:  Israel had previously refused to cooperate with the United Nations on any kind of investigation.  Can you give us any insight into what led to a change of mind and concessions or conditions that may have been laid out in order for them to cooperate this time?

Spokesperson:  Well, I think the Israelis can speak for themselves, and, indeed, they have done so in Israel today.  What the Secretary-General has made clear is that this would be impartial and credible, and that it would conform to international standards.  And, crucially, of course, it has a panel member from Israel and a panel member from Turkey.  Yes?

Question:  Is there any sense of how the panel will make its own decisions — will it be a majority vote, is it going to be a consensus vote, or will that be something for them to decide when they meet, as well?

Spokesperson:  Well, they’re certainly expected to work together, with each other, and to reach consensus, where possible.

Question:  Let’s say three panel members thought that requesting additional information stretched to being able to invite in witnesses, and one panel member did not think that.  Is there any way to resolve that dispute?

Spokesperson:  I think that the panel members will be meeting, as I said, on 10 August, and they will be able to decide some of these factors.

Question:  Would you describe this as international management of the two inquiries?

Spokesperson:  No, it does what it says on the tin:  it’s a panel of inquiry.

Question:  I don’t think you’ve convinced a lot of people in this room that this is in inquiry.

Spokesperson:  It’s not for me to convince or otherwise, in that sense.  It is called a panel of inquiry.  I’ve set out the four points.  It isn’t just receiving and reviewing the reports, important though that is.  But, if the panel is empowered and has the mandate to ask for clarifications and additional information, that goes well beyond simply reviewing the national… beyond supervision.  But, importantly, this is done with the full backing of Israel and Turkey, and they, as the Secretary-General has said, will provide full cooperation.

Question:  Looking forward procedurally — so let’s say the probe is complete, the national investigations are complete, there has been, at some point, criminal activities found — what happens after, for the sake of accountability?

Spokesperson:  We should not prejudge the outcome…

Question: This is strictly procedural, not about prejudging at all.

Spokesperson:  No, no.  I’m getting there.  **The first thing is that there will be an interim report, already in the middle of September, a progress report on the way that this panel of inquiry has been set up and the steps that have been taken.  Then, when you get, as the panel members hope, to February, six months down the track — they hope, at that point, the final report to the Secretary-General.**  It will be then for the Secretary-General to decide what the next steps are.  It’s important also to note that, of course, because, as Joe has mentioned a number of times, this is importantly about the national inquiries, the domestic inquiries that are already under way, we need to ensure that we have the final reports from both of these national inquiries to be able to build the final report and to seek the clarifications and any further explanations that we need.  So, to get to the point, the procedural outcome, it’s going to be six months down the track, and it’s going to be for the Secretary-General at that point to decide what the next steps are.

Question:  Martin, going back to Joe’s question, it’s a matter of conviction, obviously.  It also seems to be the Secretary-General, the way you present the statement, is really basing great hope in this panel.  But, I don’t like to be ironic, but just as a matter of conviction again:  how do you explain this, what he says a compromise?  Two members of the panel — Turks and Israelis — sitting together in one room, or compromise on principles…

Spokesperson:  I’m not really following you, Erol.

Question:  I’d really like to see the philosophy behind the statements, when he says, “in the best spirit of compromise” — compromise on what, what is a compromise that was reached or should be reached?  That shouldn’t be reached on truth obviously, on facts?

Spokesperson:  That’s obviously not the point here.  As you well know, today is 2 August.  The incident that this is about took place on 31 May.  In the intervening two months, and, as you know, the Secretary-General said right from the outset there needed to be an investigation — in the intervening two months, the Secretary-General has been working extremely hard, behind the scenes and publicly in the sense that he’s mentioned these things publicly, to find a formula, to find a way for this panel to be able to work.  And, that’s what compromise is about.  Turkey and Israel have both agreed to the nature of this panel of inquiry, and as you can see, they’re both on board; that’s what compromise means.  And, it’s also thanks to the Israeli and Turkish leaders really actively engaging in a spirit of cooperation with the Secretary-General.  Yes?

Question:  This panel sounds something like the Benazir Bhutto panel, the board of inquiry.  That panel did not identify culprits.  Will this panel be in a position to identify the guilty party?

Spokesperson:  Again, what I can tell you is it’s not a criminal investigation.  Its job is to review the two national inquiries that are already under way and then, based on that, to be able to go back and seek further information and clarifications, if necessary.  And, importantly, it’s about what you then do with that information.  And the key factor here is to try to avoid incidents of this kind in the future.  Yes?

Question:  I didn’t know we were going to get into comparative panels.  But following up on the Bhutto discussion, some have wondered about comparing panels, **comparing this to the Sri Lanka panel**, which is three people instead of four.

Spokesperson:  Why did I think you were going to go there?

Question:  Yeah, yeah.  **The question is, I guess, it hasn’t started yet, due to staffing, I’m told.  And so I wonder how can you explain the difference of the speed** — I mean, the speed should be, in all cases, I would assume — what would you say that to those who say it took a year to name one in Sri Lanka and it still hasn’t begun due to some staffing issues, whereas this one you’ve said when it’ll start, when it’ll report…

Spokesperson:  You’re saying there are staffing issues; I have not.  And, that’s the first… [talkover].  The first thing is, as you know, they [the Sri Lanka panel] have already met, and they are looking at exactly how they will work.  They have a Chief of Staff, we’ve already named him, as you know.  That person is already working with the three experts.  So, that’s the first thing.  The second thing is, in all of these cases, where you’re setting up an inquiry, a panel of experts, or whatever else you want to call it, this involves careful groundwork and diplomacy.  And, this can take, in some cases, a long time; in some cases, it can take less time.  You can’t compare one to another.  This is how diplomacy works.

Question:  But has the four months, because the staffing quote, I believe it was actually from Choi Soung-ah on the record to the Sri Lankan media — saying the staff is not yet in place for the panel.  So my question is, you’ve said it’s already begun, he’s working with them; has the four-month clock started?  When did it start?

Spokesperson:  As we’ve said, you have the experts and you have the support team.  The support team is working in the background.  The experts will be meeting again in the coming weeks, and that is part of the process, part of their work as they’ve been mandated to do so by the Secretary-General.

Question:  When does the four-month clock start?

Spokesperson:  I’ll let you know.  So, I’m happy to take any other questions on this, but is this on the panel?  Yes?

Question:  One last question, hopefully. You said it’s not a criminal investigation, which we understand, but is it an investigation; not every investigation is criminal?  In other words, will they actually be having an opportunity to review evidence as opposed to somebody else’s investigation?  Will they be interviewing witnesses?

Spokesperson:  As I’ve said, it will be for the panel to decide what steps to take on such questions, and they will be meeting on 10 August, and as I‘ve said, doubtless they will be in contact with each other even before that.  And it’s important to note precisely what the Security Council said, and the Secretary-General’s naming of the panel is in light of that statement from 1 June.

Question:  You say it’s up to the panel to decide what steps to take, whether they’ll interview witnesses, but it’ll be up to the Israeli Defense Force whether to make them available, so it is not their decision.

Spokesperson:  Well, I think you know what I mean.  It’s for them to decide whether to ask.  I think that that’s evident.