**ICC Prosecutor Rejects Judges’ Request to Reinvestigate Mavi Marmara Incident**

July 27, 2015

By Tal Shalev

I24 News

<http://www.i24news.tv/en/news/israel/diplomacy-defense/79956-150727-icc-prosecutor-rejects-judge-s-request-to-reinvestigate-mavi-marmara-incident>

The office of International Criminal Court Prosecutor Fatou Bensouda, has appealed to the ICC appeals chamber regarding last week's decision requesting her to reconsider her earlier decision not to investigate Israel for allegations of war crimes committed during the 2010 Mavi Marmara flotilla incident.

Bensouda appealed the decision, which was passed by the court 2-1, which harshly criticized Bensouda for closing the file which saw 10 Turkish activists die on the flotilla that aimed to break the Israeli blockade on Gaza boarded by Israeli commandos.

The ICC told Bensouda that she should have taken the possibility into consideration that those killed by the IDF in the boarding, lost their lives in a "deliberate plan or policy to attack, kill or injure civilians." As well, the ICC added in their ruling that that she made "material errors in her determination of the gravity" of the case.

In her appeal, Bensouda said that the decision of the court failed to take in consideration "the unique context of violent resistance aboard the Mavi Marmara."

"If new, reliable, facts or information become available, the Prosecution may reconsider her decision," the appeal continued on to say.

Last November Bensouda said that there would be no investigation leading to a potential prosecution because the alleged crimes, including the killing of the 10 activists by Israeli commandos, were not of "sufficient gravity."

The ICC told Bensouda that she should have taken the possibility into consideration that those killed by the IDF in the boarding, lost their lives in a "deliberate plan or policy to attack, kill or injure civilians." As well, the ICC added in their ruling that that she made "material errors in her determination of the gravity" of the case.

An Israeli inquiry found that the soldiers opened fire after the activists aboard the ship attempted to attack them with knives and metal rods.

Israel imposed its blockade on Gaza in 2006 after militants there seized an Israeli soldier, who was eventually freed in 2011 in a trade for 1,000 Palestinian prisoners held by Israel. Cairo has also maintained a blockade on the Strip.

The blockade was strengthened in 2007, when the Islamist Hamas movement took control of Gaza, then eased somewhat following an international outcry over the killing of the Turkish activists.

A Turkish court in May ordered the arrest of four former Israeli military chiefs over the raid as part of an ongoing trial in absentia brought by aid group IHH and the victims' families in 2012.

The assault sparked widespread condemnation and provoked a major diplomatic crisis between the two countries.

Ankara expelled the Israeli ambassador, demanded a formal apology and compensation and an end to the blockade on the Gaza Strip, which is ruled by Hamas.

An Israeli probe found that the raid did not violate international law, in a conclusion which Turkey said lacked credibility.