

ANNEX II

PUBLIC

PROCEDURAL AGREEMENT

ON

COMPENSATION

BETWEEN

THE STATE OF ISRAEL

AND

THE REPUBLIC OF TURKEY

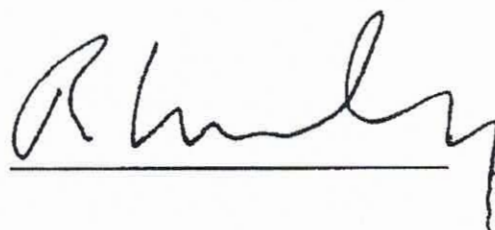
In the spirit of cooperation, Israel and Turkey have agreed to the following:

1. The Government of Israel shall make an ex gratia payment of 20 million US dollars to an account opened by the Government of Turkey to compensate the bereaved families during the flotilla (Mavi Marmara) incident that took place on 31 May 2010.
2. The above amount shall be provided in lump sum. The Government of Turkey shall inform the Government of Israel through diplomatic channels, of the bank account to which the amount shall be transferred. Israel will transfer the money to this account twenty-five business days following the entry into force of the Agreement.
3. The distribution of the above amount falls within the exclusive competence of the Government of Turkey in accordance with such methods of distribution as it may choose to adopt, without any responsibility arising therefrom for the Government of Israel.
4. Israel and Turkey agree that they do not attribute legal or other liability to the other side or its agents, and agree that this understanding will not be construed as admittance of or the placing of criminal or civil liability on any side or its agents. In any event, should any claims be made, this agreement will constitute full release from any liability of Israel, its agents and citizens with respect to any and all claims, civil or criminal, that have been or will be filed against them in Turkey, direct or indirect, by the Republic of Turkey or Turkish real and legal persons, in relation to the flotilla incident.
5. Should any claim of money against the Government of Israel or its natural or juridical persons be advanced or maintained by or on behalf of any Turkish natural or juridical person, notwithstanding the aforesaid provisions, the Government of Israel, its agents and/or citizens, shall be indemnified by the Government of Turkey against all loss, costs, damages, and/or expenses.
6. This Agreement shall enter into force on the date of the receipt of the last written notification through diplomatic channels by which the Parties inform each other, of the completion of their respective internal legal procedures necessary to that effect.

Done in Jerusalem and Ankara on 28 June, 2016, in duplicate in the Turkish, Hebrew and English languages all of which are equally authentic. In case of divergence of interpretation the English text will prevail.

For the Government
of the State of Israel

For the Government
of the Republic of Turkey



Dore Gold
Ambassador
Director General of
the Ministry of Foreign Affairs

Feridun H. Sinirlioğlu
Ambassador
Under Secretary of
the Ministry of Foreign Affairs

-The Government of Turkey will exert efforts to expedite the conclusion of all pending national legal proceedings in Turkey relating to the flotilla incident, within the confines of constitutional separation of powers. In any case, upon entry into force of the Procedural Agreement on Compensation, all pending national legal proceedings in Turkey relating to the flotilla incident will be predestined to be concluded by the national competent courts.

-It is agreed by Israel and Turkey that after the Procedural Agreement on Compensation enters into force each country shall have the exclusive jurisdiction to investigate, and where appropriate to prosecute, allegations of criminal activity by its nationals or citizens relating to the incident.

-Turkey and Israel declare that they do not allow any terrorist or military activities against each other on or from their respective territories or provide support for such activities abroad. To that end, Turkey and Israel undertake to take any and all measures necessary to ensure that such activities will not be initiated, planned, carried out, directed or financed from their respective territories by any organization or body towards each other.

-Israel welcomes any cooperation with Turkey on projects for the benefit of the population in the Gaza Strip, and to that end, they agreed on the following;

-Turkish export of civilian goods through the land crossings in Israel to the Gaza Strip, subject to procedures and protocols in place, including coordination with the local representatives of the Palestinian General Authority of Civil Affairs and subject to security considerations. Turkish export of construction material will enter the Gaza Strip in accordance with the provisions of the Gaza Reconstruction Mechanism (GRM).

-Turkey will be able to transfer money to the Gaza Strip through the banks that are approved by Israel and the Palestinian Authority to operate in the Gaza Strip, subject to Israel's security considerations.

-Israel welcomes the willingness of Turkey to construct a desalination plant in the Gaza Strip. Turkey expressed its intention to construct a power plant in the Gaza Strip, independently or in cooperation with other interested countries, subject to prior approval by Israel and security considerations.

-It is understood that all of the abovementioned understandings relating to the Gaza Strip will be implemented as long as calm prevails in the region.

-Israel and Turkey have agreed that the March 22, 2013 understanding, the Procedural Agreement on Compensation and the arrangement reflected in this note will be considered as covering and terminating all outstanding issues relating to the events surrounding the flotilla incident, its outcomes and consequences.

3.1 26.6.16

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