

RELEASED IN PART B3
DOD-CP, B5, B3 DODFGI

Law, Rosemary C

From: Deeks, Ashley S
Sent: Thursday, May 27, 2010 11:04 AM
To: Baumert, Kevin A; Guarin, Marc F; Jacobson, Linda
Cc: Dolan, JoAnn; Reisser, Wesley J; Perlina, Alexandra H; Pomper, Stephen E
Subject: RE: Israel Navy on Free Gaza

Looping in AP for the Israel angle and SP for the blockade angle, based on his Georgia work.

From: Baumert, Kevin A
Sent: Thursday, May 27, 2010 10:53 AM
To: Deeks, Ashley S; Guarin, Marc F; Jacobson, Linda
Cc: Dolan, JoAnn; Reisser, Wesley J
Subject: FW: Israel Navy on Free Gaza

[Redacted]

B5

Thanks,
Kevin

From: Reisser, Wesley J
Sent: Thursday, May 27, 2010 10:36 AM
To: Baumert, Kevin A
Cc: Dolan, JoAnn; Goodman, Ilan A; Scarlattelli, Adam W; Holmstrom, Todd C; Goldberger, Thomas H
Subject: RE: Israel Navy on Free Gaza

Kevin

[Redacted]

Wes

From: Baumert, Kevin A
Sent: Wednesday, May 26, 2010 3:41 PM **REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer**
To: Reisser, Wesley J
Cc: Dolan, JoAnn; Goodman, Ilan A; Scarlattelli, Adam W; Holmstrom, Todd C
Subject: RE: Israel Navy on Free Gaza

[Redacted]

Thanks,
Kevin

From: Reisser, Wesley J
Sent: Wednesday, May 26, 2010 3:00 PM
To: Baumert, Kevin A
Cc: Dolan, JoAnn; Goodman, Ian A; Scariatelli, Adam W; Holmstrom, Todd C
Subject: FW: Israel Navy on Free Gaza

Kevin

B5

Thanks!
Wes

From: [redacted] B3
Sent: Wednesday, May 26, 2010 11:06 AM DOD-CP
To: [redacted] Sievers, Marc J; Levin, Jan; Burnett, David R; Baron, Desiree A; Parker, Andrew C; Greene, Elisa; Burgess, Richard J; Chere, John E
Cc: Reisser, Wesley J; Goldberger, Thomas H
Subject: RE: Israel Navy on Free Gaza

B3 DODFGI

V/R,

B3
DOD-CP

From: [redacted] B3 DOD-CP
Sent: Wednesday, May 26, 2010 5:51 PM
To: Sievers, Marc J; Levin, Jan; Burnett, David R; Baron, Desiree A; Parker, Andrew C; Greene, Elisa; [redacted]
Cc: Reisser, Wesley J; Goldberger, Thomas H
Subject: RE: Israel Navy on Free Gaza

B3 DODFGI

Thanks.

B5

R/

B3
DOD-CP

From: Reisser, Wesley J

Sent: Wednesday, May 26, 2010 5:06 PM

B3 DOD-CP

To: Amodeo, Salvatore A (Istanbul); Goldberger, Thomas H; Holmstrom, Todd C; Sindle, James M; Struwe, Rebecca L; Richter, Kim B; Lopatkiewicz, Viktoria; Bernier-Toth, Michelle; Mendel, Teresa S; Slevens, Marc J; Levin, Jan; Burnett, David R; Baron, Desiree A; Adams, Julie D; Parker, Andrew C; Greene, Elisa; Zeroubavely, Sandra S; [REDACTED]; [REDACTED] Waters, John R; Rogan, Thomas G; Towry, Debra J; Hananla, Vera V; Weinfeld, Nili I; Lewis, Glenn K; Beran, Sarah; Greengrass, Sara D; Kaplan, Dean; Walker, Carolee B; Finver, Frank J; [REDACTED] Manning, Nicholas J; Tyson, Paul H; Maggi, Robert W; Frederick, Jeffrey D; Falls, Eric G; Reed, Julia G; Davison, Kees C; Ogle, Karen L; Keen, Daniel G; Howard, Jeremiah "Jerry"; Parra, Yolanda A; Dilworth, Allison E; Osman, Amany A; Netos, Eleftherios E; Taylor, Victoria J; Riley, Robert J; Dayton, Win (Istanbul); Marsh, Denise M; Bally, Jess L; Tomlinson, Christina (Istanbul); Abeyta, Susan K (Istanbul); Gisvold, Lisa C (Istanbul); Parker, Andrew C; Silliman, Douglas A; Rosenstock, Matthew S

Subject: Israel Navy on Free Gaza

(SBU) Courtesy Embassy Tel Aviv, a message on how the navy intends to handle this:

"The Israel Navy has expressed to me that they intend to respond to this situation as peaceful as possible; however they have been directed by the GOI to prevent the vessels from arriving in Gaza. Their intention is to ensure the ships arrive in Ashdod, process the individuals to be deported and deliver any legitimate humanitarian aide to Gaza via land. It should be noted, that GOI has made it clear that although they have directed a peaceful response, those participating are viewed as individuals deliberately attempting to provoke the Israel Navy and appropriate action to prevent arrival in Gaza will be taken."

Wesley J. Reisser, Ph.D.

Desk Officer - NEA/PA

Office of Israel & Palestinian Affairs

Phone (202) 647-2647

Fax (202) 736-4461

This message is UNCLASSIFIED/SBU according to the definitions provided by E.O. 12958.

Law, Rosemary C

RELEASED IN PART B3 DOD-CP,B3
DODFGI,B5,B6

From: Goldberger, Thomas H
Sent: Monday, May 31, 2010 11:48 AM
To: Cunningham, James B
Cc: Jacobson, Linda
Subject: RE: L comments on MFA flotilla briefing>

B5

-----Original Message-----

From: Jacobson, Linda
Sent: Monday, May 31, 2010 11:43 AM
To: Goldberger, Thomas H
Subject: Re: L comments on MFA flotilla briefing>

----- Original Message -----

From: Goldberger, Thomas H
To: Baumert, Kevin A; Jacobson, Linda; Schwartz, Jonathan B; Heinemann, Thomas B; Dolan, JoAnn; Perina, Alexandra H
Cc: Aswad, Evelyn M; Sullivan, David J
Sent: Mon May 31 11:39:39 2010
Subject: RE: L comments on MFA flotilla briefing>

-----Original Message-----

From: Baumert, Kevin A
Sent: Monday, May 31, 2010 11:34 AM
To: Jacobson, Linda; Goldberger, Thomas H; Schwartz, Jonathan B; Heinemann, Thomas B; Dolan, JoAnn; Perina, Alexandra H
Cc: Aswad, Evelyn M; Sullivan, David J
Subject: Re: L comments on MFA flotilla briefing>

----- Original Message -----

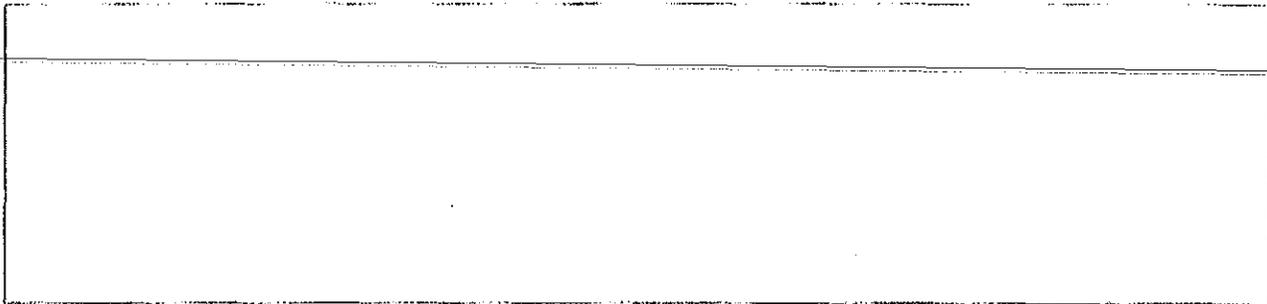
From: Jacobson, Linda
To: Baumert, Kevin A; Goldberger, Thomas H; Schwartz, Jonathan B; Heinemann, Thomas B; Dolan, JoAnn; Perina, Alexandra H
Cc: Aswad, Evelyn M
Sent: Mon May 31 11:20:32 2010
Subject: Re: L comments on MFA flotilla briefing>

----- Original Message -----

From: Baumert, Kevin A **REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer**

To: Goldberger, Thomas H; Schwartz, Jonathan B; Heinemann, Thomas B; Dolan, JoAnn; Jacobson, Linda; Perina, Alexandra H
Cc: Aswad, Evelyn M
Sent: Mon May 31 11:18:29 2010
Subject: Re: L comments on MFA flotilla briefing>

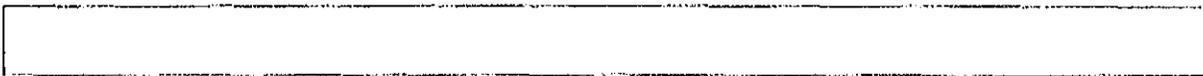
B5



Kevin
L/OES

----- Original Message -----

From: Goldberger, Thomas H
To: Schwartz, Jonathan B; Baumert, Kevin A; Heinemann, Thomas B; Dolan, JoAnn; Jacobson, Linda
Sent: Mon May 31 10:50:27 2010
Subject: FW: L comments on MFA flotilla briefing>



-----Original Message-----

From: Cunningham, James B
Sent: Monday, May 31, 2010 10:47 AM
To: Goldberger, Thomas H
Subject: Re: L comments on MFA flotilla briefing>



Sent from my BlackBerry

----- Original Message -----

From: Goldberger, Thomas H
To: Cunningham, James B; Hale, David M; Feltman, Jeffrey D; Rubinstein, Daniel H; Connelly, Maura; Schlicher, Ronald L; 'Daniel_B._Shapiro@nsc.eop.gov' <Daniel_B._Shapiro@nsc.eop.gov>
Cc: Holmstrom, Todd C; Schwartz, Jonathan B; Jacobson, Linda; Dolan, JoAnn
Sent: Mon May 31 17:37:00 2010
Subject: FW: L comments on MFA flotilla briefing>



-----Original Message-----

From: Schwartz, Jonathan B
Sent: Monday, May 31, 2010 9:13 AM
To: Goldberger, Thomas H

Sent: Mon May 31 08:08:22 2010
Subject: RE: MFA flotilla briefing

B3 DOD-CP
B3 DODFGI

Many of the details briefed have already been provided via other means. Specific Highlights

- Ongoing Operation
- Two Ships in Ashdod to include the CHALLENGER I
- M/V MAVI MARMARA expected in port between 1700L and 1800L
- All ships will be in port by later today
- 10-14 Civilians Seriously Injured or Killed
- 30 Civilians Wounded
- 10 IDF wounded to include 1 serious and 1 with "medium" wounds
- Turkish Ambassador to Israel recalled
- Interaction occurred approx 70 NM from coastline. IDF confident in International Law because of intent by flotilla to breach the blockade. (See Attached Slides)

B3 DOD-CP

-----Original Message-----

From: Rudman, Mara (Jerusalem)
Sent: Monday, May 31, 2010 2:46 PM
To: Cunningham, James B; Levin, Jan; Operations Center; Jeffrey, James F; Sievers, Marc J; Parker, Andrew C; Grubb, Jason B; NEA-IPA-DL; Greene, Elisa; Marchese, Gregory M; Waters, John R; [redacted]; Amodeo, Salvatore A (Istanbul); Connelly, Maura; Feltman, Jeffrey
Cc: 'Dennis_B_Ross@nsc.eop.gov'; 'Dshapiro@who.eop.gov'
Subject: RE: MFA flotilla briefing

This may largely repeat at this point what is out in other places and/or others have heard from me, but just to assure that various reporting lines have same info, this is from Gen. [redacted] who also spoke with the UN's Serry, among others, this am.

[redacted] reported that when Israeli soldiers boarded the main deck of the main ship, they met with what he described as clearly planned active/armed resistance, including live fire. Military who boarded were attacked with knives, sharpened metal and wood instruments, etc. He said the military who boarded were attacked by dozens; He indicated that some of the soldiers were stabbed and slashed. Made clear situation was one in which actions taken were in self-defense.

Current estimates of those killed from flotilla 14-15 "maybe more". He said all injured being moved to Israeli hospital - by helicopter. He said ships coming into Ashdod (some reports have them coming into Haifa). At Ashdod, he and others will meet the ships. There, they will need to ID the bodies; move the people either to return them to home countries rapidly and/or detain; ID the cargo and as planned initially, move as much of into Gaza as promptly as possible.

Earlier this morning [redacted] made the following calls/contacts:

--Turkish FM and MoD [] Erakat, Fayyad, and Hussein al Sheikh [] He felt the calls w the Turks given the situation were OK, but the concern clearly is Erdogan and how he will handle. With Pals, Erakat in particular, they discussed extent to which levels of rhetoric could be kept in check. With Fayyad they discussed primarily need for security cooperation, keeping things calm. Concern about how this will be affected by status of Israeli Arab Islamic leader on board the flotilla.

B6

(PIC seems to be on track/going forward. Some events may be affected by it.)

-----Original Message-----

From: Cunningham, James B
 Sent: Monday, May 31, 2010 1:38 PM
 To: Levin, Jan; Operations Center; Jeffrey, James F; Sievers, Marc J; Parker, Andrew C; Grubb, Jason B; NEA-IPA-DL; Greene, Elisa; Marchese, Gregory M; Waters, John R; [] B3 DOD-CP [] Amodeo, Salvatore A (Istanbul); Rudman, Mara (Jerusalem); Connelly; Maura; Feltman, Jeffrey D
 Cc: 'Dennis_B._Ross@nsc.eop.gov'; 'Dshapiro@who.eop.gov'
 Subject: Re: MFA flotilla briefing

Our Consular people are in contact with MFA and Ashdod to get info on amcits as soon as it's available. UN had been approached by COGAT last week to help in forwarding cargo from ships in Ashdod. Serry is trying to send a couple of observers to Ashdod, has told cogat that assisting deliveries of humanitarian goods, much of which is destined for Hamas, is problematic but he'll see. Barak just gave a press conference, and appears to have spoken to Davotuglu this am.

Sent from my BlackBerry

----- Original Message -----

From: Levin, Jan
 To: Operations Center; Jeffrey, James F; Cunningham, James B; Sievers, Marc J; Parker, Andrew C; Grubb, Jason B; NEA-IPA-DL; Greene, Elisa; Marchese, Gregory M; Waters, John R; [] B3 DOD-CP [] Amodeo, Salvatore A (Istanbul); Rudman, Mara (Jerusalem); Connelly, Maura; Feltman, Jeffrey D
 Sent: Mon May 31 13:20:31 2010
 Subject: MFA flotilla briefing

[] B3 DODFGI

Highlights - Identification of dead and wounded taking time. MFA will reach out proactively to Embassies as IDs are done, with location and status of citizens. The uninjured will be processed and escorted to airport for deportation. Unclear how long this will take.

-- Most violence occurred on ship Mavi (Blue) Marmara. As far as is currently known, all injuries occurred on this ship.

-- [] told Ambassador that activists on Mavi Marmara were prepared for boarders [] B3 DODFGI were armed. Unclear if they had firearms in advance or took them from IDF boarding party. One IDF soldier nearly beaten to death with metal bar. Activists also had knives.

-- Events took place in international waters. Israel asserted it had the legal right to intercept in intl waters because there is a military blockade under the law of armed conflict between Israel and Hamas.

Ambassador Cunningham requests that Embassy Tel Aviv clear Dept guidance on this issue, thank you.

Law, Rosemary C

RELEASED IN PART B3 DOD-CP, B3

DODFGI, B5, B6

From: Goldberger, Thomas H
Sent: Monday, May 31, 2010 8:55 AM
To: Schwartz, Jonathan B; Dolan, JoAnn; Jacobson, Linda
Cc: Holmstrom, Todd C; Knopf, Payton L; Baumert, Kevin A; Heinemann, Thomas B; Connelly, Maura
Subject: RE: MFA flotilla briefing

B5

-----Original Message-----

From: Schwartz, Jonathan B
Sent: Monday, May 31, 2010 8:48 AM
To: Goldberger, Thomas H; Dolan, JoAnn; Jacobson, Linda
Cc: Holmstrom, Todd C; Knopf, Payton L; Baumert, Kevin A; Heinemann, Thomas B
Subject: Re: MFA flotilla briefing

B5

Jon

----- Original Message -----

From: Goldberger, Thomas H
To: Dolan, JoAnn; Jacobson, Linda
Cc: Holmstrom, Todd C; Schwartz, Jonathan B; Knopf, Payton L
Sent: Mon May 31 08:24:00 2010
Subject: FW: MFA flotilla briefing

B5

----- Original Message -----

From: [redacted] B3 DOD-CP
To: Cunningham, James B; Levin, Jan; Operations Center; Jeffrey, James F; Sievers, Marc J; Parker, Andrew C; Grubb, Jason B; NEA-IPA-DL; Greene, Elisa; Marchese, Gregory M; Waters, John R; Amodeo, Salvatore A (Istanbul); Connelly, Maura; Feltman, Jeffrey D; Rudman, Mara (Jerusalem); Burgess, Richard J; Murphy, Michael P; Pica, Tolan M; Levin, Jan; [redacted] B3 DOD-CP
Sent: Mon May 31 08:08:22 2010
Subject: RE: MFA flotilla briefing

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B3 DOD-CP



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B6

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To: Operations Center; Jeffrey, James F; Cunningham, James B; Sievers, Marc J; Parker, Andrew C; Grubb, Jason B; NEA-IPA-DL; Greene, Elisa; Marchese, Gregory M; Waters, John R; [redacted] B3 DOD-CP [redacted] Amodeo, Salvatore A (Istanbul); Rudman, Mara (Jerusalem); Connelly, Maura; Feltman, Jeffrey D

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Law, Rosemary C

RELEASED IN PART B3 DOD-CP, B5, B3
DODFGI

From: Dolan, JoAnn
Sent: Thursday, May 27, 2010 2:02 PM
To: Jacobson, Linda
Subject: FW: Israel Navy on Free Gaza

[Redacted]

B5

From: Baumert, Kevin A
Sent: Thursday, May 27, 2010 1:40 PM
To: Reisser, Wesley J
Cc: Dolan, JoAnn; Goodman, Ilan A; Scarletelli, Adam W; Holmstrom, Todd C; Goldberger, Thomas H; Netos, Eleftherios E
Subject: RE: Israel Navy on Free Gaza

[Redacted]

B5

Thanks,
Kevin

From: Reisser, Wesley J
Sent: Thursday, May 27, 2010 12:37 PM
To: Baumert, Kevin A
Cc: Dolan, JoAnn; Goodman, Ilan A; Scarletelli, Adam W; Holmstrom, Todd C; Goldberger, Thomas H; Netos, Eleftherios E
Subject: RE: Israel Navy on Free Gaza

B5
B3 DOD-CP

[Redacted]

From: Baumert, Kevin A
Sent: Thursday, May 27, 2010 11:15 AM
To: Baumert, Kevin A; Reisser, Wesley J
Cc: Dolan, JoAnn; Goodman, Ilan A; Scarletelli, Adam W; Holmstrom, Todd C; Goldberger, Thomas H; Netos, Eleftherios E
Subject: RE: Israel Navy on Free Gaza

[Redacted]

B5

From: Baumert, Kevin A
Sent: Thursday, May 27, 2010 11:00 AM
To: Reisser, Wesley J
Cc: Dolan, JoAnn; Goodman, Ilan A; Scarletelli, Adam W; Holmstrom, Todd C; Goldberger, Thomas H; Netos, Eleftherios E
Subject: RE: Israel Navy on Free Gaza

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

B5

[REDACTED]

Thanks,
Kevin

From: Reisser, Wesley J
Sent: Thursday, May 27, 2010 10:56 AM
To: Baumert, Kevin A
Cc: Dolan, JoAnn; Goodman, Ilan A; Scarlatelli, Adam W; Holmstrom, Todd C; Goldberger, Thomas H; Netos, Eleftherios E
Subject: RE: Israel Navy on Free Gaza

[REDACTED]

Wes

From: Reisser, Wesley J
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[REDACTED]

Wes

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[REDACTED]

Kevin

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[Redacted]

B6

Thanks!
Wes

From: [Redacted]
Sent: Wednesday, May 26, 2010 11:06 AM
To: [Redacted] Sievers, Marc J; Levin, Jan; Burnett, David R; Baron, Desiree A; Parker, Andrew C; Greene, Elisa; Burgess, Richard J; Chere, John E
Cc: Reisser, Wesley J; Goldberger, Thomas H
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B3 DOD-CP

[Redacted]

B3 DODFGI

V/R,

[Redacted]

B3 DOD-CP

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To: Sievers, Marc J; Levin, Jan; Burnett, David R; Baron, Desiree A; Parker, Andrew C; Greene, Elisa; Burgess, Richard J; Chere, John E
Cc: Reisser, Wesley J; Goldberger, Thomas H
Subject: RE: Israel Navy on Free Gaza

B3 DOD-CP

[Redacted]

B3 DODFGI

[Redacted]

B5

R/

[Redacted]

B3 DOD-CP

B3 DOD-CP

From: Reisser, Wesley J

Sent: Wednesday, May 26, 2010 5:06 PM

To: Amodeo, Salvatore A (Istanbul); Goldberger, Thomas H; Holmstrom, Todd C; Sindle, James M; Struwe, Rebecca L; Richter, Kim B; Lopatkiewicz, Viktoria; Bernier-Toth, Michelle; Mendel, Teresa S; Sievers, Marc J; Levin, Jan; Burnett, David R; Baron, Desiree A; Adams, Julie D; Parker, Andrew C; Greene, Elisa; Zeroubavely, Sandra S; Burgess, Richard J; Chere, John E; Waters, John R; Rogan, Thomas G; Towry, Debra J; Hanania, Vera V; Weinfeld, Nill I; Lewis, Glenn K; Beran, Sarah; Greengrass, Sara D; Kaplan, Dean; Walker, Carolee B; Finver, Frank J; Manning, Nicholas J; Tyson, Paul H; Maggi, Robert W; Frederick, Jeffrey D; Falls, Eric G; Reed, Julia G; Davison, Kees C; Ogle, Karen L; Keen, Daniel G; Howard, Jeremiah "Jerry"; Parra, Yolanda A; Dilworth, Alison E; Osman, Amany A; Netos, Eleftherios E; Taylor, Victoria J; Riley, Robert J; Dayton, Win (Istanbul); Marsh, Denise M; Baily, Jess L; Tomlinson, Christina (Istanbul); Abeyta, Susan K (Istanbul); Gisvoid, Lisa C (Istanbul); Parker, Andrew C; Silliman, Douglas A; Rosenstock, Matthew S

Subject: Israel Navy on Free Gaza

(SBU) Courtesy Embassy Tel Aviv, a message on how the navy intends to handle this:

"The Israel Navy has expressed to me that they intend to respond to this situation as peaceful as possible; however they have been directed by the GOI to prevent the vessels from arriving in Gaza. Their intention is to ensure the ships arrive in Ashdod, process the individuals to be deported and deliver any legitimate humanitarian aide to Gaza via land. It should be noted, that GOI has made it clear that although they have directed a peaceful response, those participating are viewed as individuals deliberately attempting to provoke the Israel Navy and appropriate action to prevent arrival in Gaza will be taken."

Wesley J. Reisser, Ph.D.

Desk Officer - NEA/IPA

Office of Israel & Palestinian Affairs

Phone (202) 647-2647

Fax (202) 736-4461

This message is UNCLASSIFIED/SBU according to the definitions provided by E.O. 12958.

Law, Rosemary C

RELEASED IN PART B3 DOD-CP, B3
DODFGI, B5, B6

From: Dolan, JoAnn
Sent: Monday, May 31, 2010 2:52 PM
To: Schwartz, Jonathan B; Guarin, Marc F; Perina, Alexandra H; Baumert, Kevin A; Heinemann, Thomas B; Pomper, Stephen E
Cc: Aswad, Evelyn M; Sullivan, David J; 'pomper_andersen@hotmail.com'; McLeod, Mary (USUN); Donoghue, Joan E; Jacobson, Linda; Goldberger, Thomas H
Subject: RE: L comments on MFA flotilla briefing>

Israeli Briefing excerpts I circulated earlier say interaction occurred 70NM out. For those not familiar with Interim Agreement full text with further links to annexes is at <http://www.mfa.gov.il/MFA/Peace+Process/Guide+to+the+Peace+Process/THE+ISRAELI+PALESTINIAN+INTERIM+AGREEMENT.htm>

-----Original Message-----

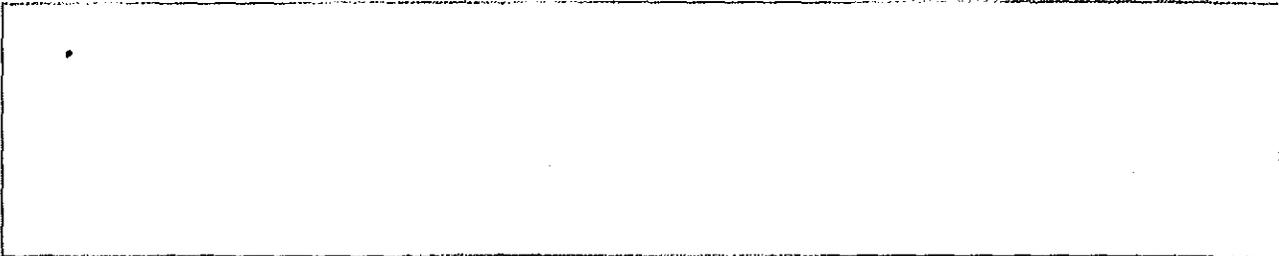
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B5

-----Original Message-----

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

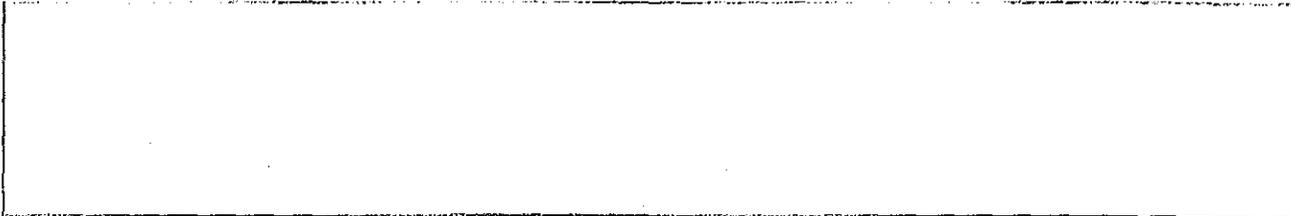
From: Guarin, Marc F
Sent: Monday, May 31, 2010 2:34 PM
To: Schwartz, Jonathan B; Perina, Alexandra H; Goldberger, Thomas H; Baumert, Kevin A; Jacobson, Linda; Heinemann, Thomas B; Dolan, JoAnn
Cc: Aswad, Evelyn M; Sullivan, David J; 'pomper_andersen@hotmail.com'; Pomper, Stephen E
Subject: RE: L comments on MFA flotilla briefing>



Marc

-----Original Message-----

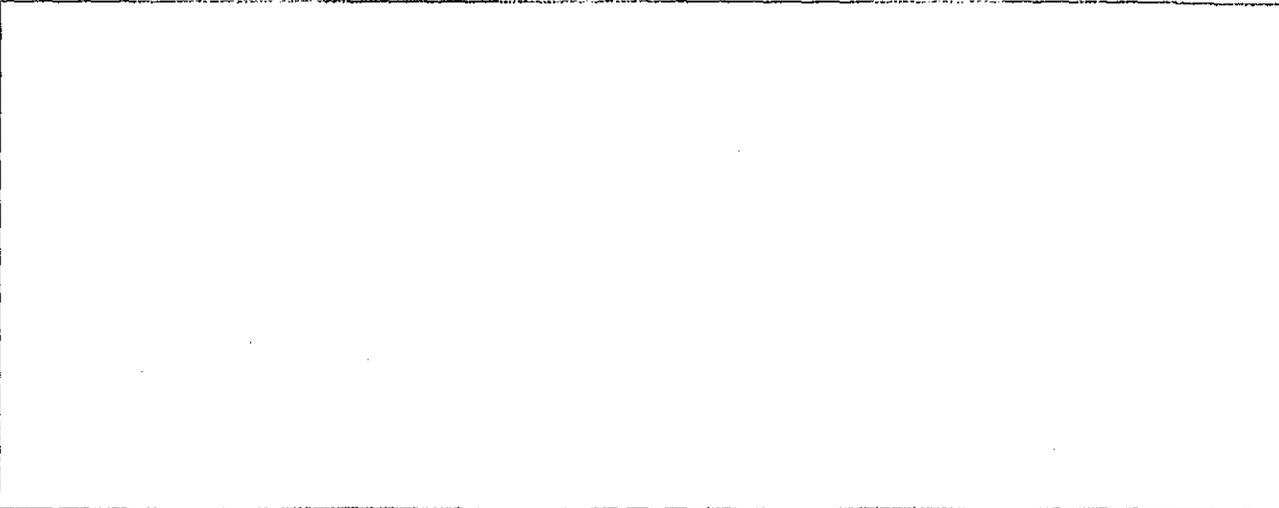
From: Schwartz, Jonathan B
Sent: Monday, May 31, 2010 1:02 PM
To: Perina, Alexandra H; Goldberger, Thomas H; Baumert, Kevin A; Jacobson, Linda; Heinemann, Thomas B; Dolan, JoAnn
Cc: Aswad, Evelyn M; Sullivan, David J; 'pomper_andersen@hotmail.com'; Pomper, Stephen E; Guarin, Marc F
Subject: RE: L comments on MFA flotilla briefing>



jon

-----Original Message-----

From: Perina, Alexandra H
Sent: Monday, May 31, 2010 12:56 PM
To: Schwartz, Jonathan B; Goldberger, Thomas H; Baumert, Kevin A; Jacobson, Linda; Heinemann, Thomas B; Dolan, JoAnn
Cc: Aswad, Evelyn M; Sullivan, David J; 'pomper_andersen@hotmail.com'; Pomper, Stephen E; Guarin, Marc F
Subject: RE: L comments on MFA flotilla briefing>



B5

[Redacted]

-----Original Message-----

From: Schwartz, Jonathan B
Sent: Monday, May 31, 2010 12:17 PM
To: Goldberger, Thomas H; Baumert, Kevin A; Jacobson, Linda; Heinemann, Thomas B; Dolan, JoAnn; Perina, Alexandra H
Cc: Aswad, Evelyn M; Sullivan, David J
Subject: RE: L comments on MFA flotilla briefing>

[Redacted]

-----Original Message-----

From: Goldberger, Thomas H
Sent: Monday, May 31, 2010 11:40 AM
To: Baumert, Kevin A; Jacobson, Linda; Schwartz, Jonathan B; Heinemann, Thomas B; Dolan, JoAnn; Perina, Alexandra H
Cc: Aswad, Evelyn M; Sullivan, David J
Subject: RE: L comments on MFA flotilla briefing>

[Redacted]

-----Original Message-----

From: Baumert, Kevin A
Sent: Monday, May 31, 2010 11:34 AM
To: Jacobson, Linda; Goldberger, Thomas H; Schwartz, Jonathan B; Heinemann, Thomas B; Dolan, JoAnn; Perina, Alexandra H
Cc: Aswad, Evelyn M; Sullivan, David J
Subject: Re: L comments on MFA flotilla briefing>

[Redacted]

----- Original Message -----

From: Jacobson, Linda
To: Baumert, Kevin A; Goldberger, Thomas H; Schwartz, Jonathan B; Heinemann, Thomas B; Dolan, JoAnn; Perina, Alexandra H
Cc: Aswad, Evelyn M
Sent: Mon May 31 11:20:32 2010
Subject: Re: L comments on MFA flotilla briefing>

[Redacted]

----- Original Message -----

From: Baumert, Kevin A
To: Goldberger, Thomas H; Schwartz, Jonathan B; Heinemann, Thomas B; Dolan, JoAnn; Jacobson, Linda; Perina, Alexandra H
Cc: Aswad, Evelyn M

Sent: Mon May 31 11:18:29 2010
Subject: Re: L comments on MFA flotilla briefing>

B5

Kevin
L/OES

----- Original Message -----

From: Goldberger, Thomas H
To: Schwartz, Jonathan B; Baumert, Kevin A; Heinemann, Thomas B; Dolan, JoAnn; Jacobson, Linda
Sent: Mon May 31 10:50:27 2010
Subject: FW: L comments on MFA flotilla briefing>

-----Original Message-----

From: Cunningham, James B
Sent: Monday, May 31, 2010 10:47 AM
To: Goldberger, Thomas H
Subject: Re: L comments on MFA flotilla briefing>

Sent from my BlackBerry

----- Original Message -----

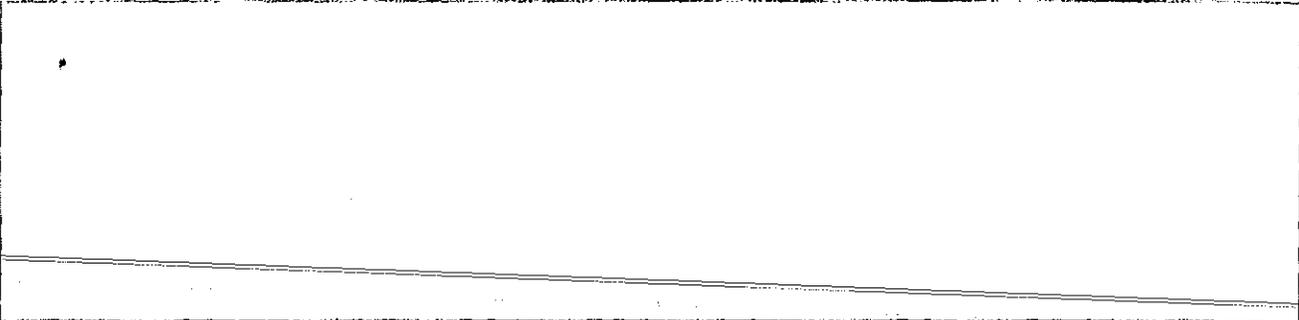
From: Goldberger, Thomas H
To: Cunningham, James B; Hale, David M; Feltman, Jeffrey D; Rubinstein, Daniel H; Connelly, Maura; Schlicher, Ronald L; 'Daniel_B._Shapiro@nsc.eop.gov' <Daniel_B._Shapiro@nsc.eop.gov>
Cc: Holmstrom, Todd C; Schwartz, Jonathan B; Jacobson, Linda; Dolan, JoAnn
Sent: Mon May 31 17:37:00 2010
Subject: FW: L comments on MFA flotilla briefing>

See below from Jonathan pls.

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From: Schwartz, Jonathan B
Sent: Monday, May 31, 2010 9:13 AM
To: Goldberger, Thomas H
Cc: Rudman, Mara (Jerusalem); Dolan, JoAnn; Baumert, Kevin A; Perina, Alexandra H; Heinemann, Thomas B
Subject: Fw: MFA flotilla briefing

B5

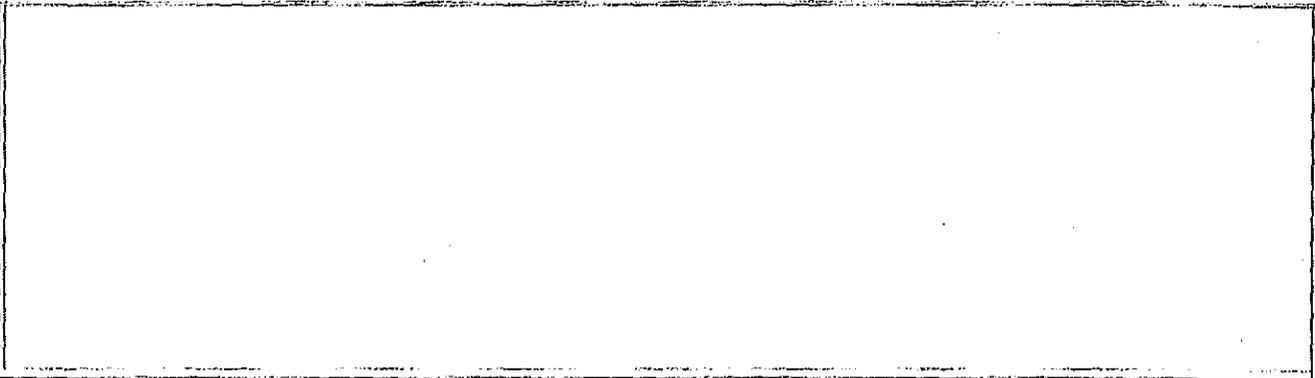


Jon

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From: Schwartz, Jonathan B
To: Perina, Alexandra H; Heinemann, Thomas B
Cc: Baumert, Kevin A; Harris, Robert K; Donoghue, Joan E; Dolan, JoAnn
Sent: Mon May 31 09:05:16 2010
Subject: Fw: MFA flotilla briefing

B5



Jon

----- Original Message -----

From: Goldberger, Thomas H
To: Dolan, JoAnn; Jacobson, Linda
Cc: Holmstrom, Todd C; Schwartz, Jonathan B; Knopf, Payton L
Sent: Mon May 31 08:24:00 2010
Subject: FW: MFA flotilla briefing

B5



----- Original Message -----

From: [redacted] B3 DOD-CP
To: Cunningham, James B; Levin, Jan; Operations Center; Jeffrey, James F; Sievers, Marc J;
Parker, Andrew C; Grubb, Jason B; NEA-IPA-DL; Greene, Elisa; Marchese, Gregory M; Waters,
John R; Amodeo, Salvatore A (Istanbul); Connelly, Maura; Feltman, Jeffrey D; Rudman, Mara
(Jerusalem); Burgess, Richard J; Murphy, Michael P; Pica, Tolan M; Levin, Jan; [redacted]

B3 DOD-CP

Sent: Mon May 31 08:08:22 2010
Subject: RE: MFA flotilla briefing

[Redacted]

Many of the details briefed have already been provided via other means. Specific Hi [Redacted] B3 DOD-CP B3 DODFGI

- Ongoing Operation
- Two Ships in Ashdod to include the CHALLENGER I
- M/V MAVI MARMARA expected in port between 1700L and 1800L
- All ships will be in port by later today
- 10-14 Civilians Seriously Injured or Killed
- 30 Civilians Wounded
- 10 IDF wounded to include 1 serious and 1 with "medium" wounds
- Turkish Ambassador to Israel recalled
- Interaction occurred approx 70 NM from coastline. IDF confident in International Law because of intent by flotilla to breach the blockade. (See Attached Slides)

[Redacted]

[Redacted]

B3 DOD-CP

-----Original Message-----

From: Rudman, Mara (Jerusalem)
 Sent: Monday, May 31, 2010 2:46 PM
 To: Cunningham, James B; Levin, Jan; Operations Center; Jeffrey, James F; Sievers, Marc J; Parker, Andrew C; Grubb, Jason B; NEA-IPA-DL; Greene, Elisa; Marchese, Gregory M; Waters, John R; [Redacted] Amodeo, Salvatore A (Istanbul); Connelly, Maura; Feltman, Jef B3 DOD-CP
 Cc: 'Dennis_B_Ross@nsc.eop.gov'; 'Dshapiro@who.eop.gov'
 Subject: RE: MFA flotilla briefing

This may largely repeat at this point what is out in other places and/or others have heard from me, but just to assure that various reporting lines have same info, this is from [Redacted] who also spoke with the UN's Serry, among others, this am.

B6

[Redacted] reported that when Israeli soldiers boarded the main deck of the main ship, they met with what he described as clearly planned active/armed resistance, including live fire. Military who boarded were attacked with knives, sharpened metal and wood instruments, etc. He said the military who boarded were attacked by dozens; He indicated that some of the soldiers were stabbed and slashed. Made clear situation was one in which actions taken were in self-defense.

Current estimates of those killed from flotilla 14-15 "maybe more". He said all injured being moved to Israeli hospital - by helicopter. He said ships coming into Ashdod (some reports have them coming into Haifa). At Ashdod, he and others will meet the ships. There, they will need to ID the bodies; move the people either to return them to home countries rapidly and/or detain; ID the cargo and as planned initially, move as much of into Gaza as promptly as possible.

Earlier this morning [Redacted] made the following calls/contacts:
 --Turkish FM and MOD [Redacted] Erakat, Fayyad, and Hussein al Sheikh [Redacted] He felt the calls w the Turks given the situation were OK, but the concern clearly is [Redacted] and how he will handle. With Pals, Erakat in particular, they discussed extent to which levels of

B6

RELEASED IN PART B3 DOD-CP,B3
DODFGI,B5,B6

Law, Rosemary C

From: Goldberger, Thomas H
Sent: Monday, May 31, 2010 11:46 AM
To: Cunningham, James B
Cc: Jacobson, Linda
Subject: RE: L comments on MFA flotilla briefing>

[Redacted]

B5

-----Original Message-----
From: Jacobson, Linda
Sent: Monday, May 31, 2010 11:43 AM
To: Goldberger, Thomas H
Subject: Re: L comments on MFA flotilla briefing>

[Redacted]

----- Original Message -----
From: Goldberger, Thomas H
To: Baumert, Kevin A; Jacobson, Linda; Schwartz, Jonathan B; Heinemann, Thomas B; Dolan, JoAnn; Perina, Alexandra H
Cc: Aswad, Evelyn M; Sullivan, David J
Sent: Mon May 31 11:39:39 2010
Subject: RE: L comments on MFA flotilla briefing>

[Redacted]

-----Original Message-----
From: Baumert, Kevin A
Sent: Monday, May 31, 2010 11:34 AM
To: Jacobson, Linda; Goldberger, Thomas H; Schwartz, Jonathan B; Heinemann, Thomas B; Dolan, JoAnn; Perina, Alexandra H
Cc: Aswad, Evelyn M; Sullivan, David J
Subject: Re: L comments on MFA flotilla briefing>

[Redacted]

----- Original Message -----
From: Jacobson, Linda
To: Baumert, Kevin A; Goldberger, Thomas H; Schwartz, Jonathan B; Heinemann, Thomas B; Dolan, JoAnn; Perina, Alexandra H
Cc: Aswad, Evelyn M
Sent: Mon May 31 11:20:32 2010
Subject: Re: L comments on MFA flotilla briefing>

[Redacted]

----- Original Message -----
From: Baumert, Kevin A

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

To: Goldberger, Thomas H; Schwartz, Jonathan B; Heinemann, Thomas B; Dolan, JoAnn; Jacobson, Linda; Perina, Alexandra H
Cc: Aswad, Evelyn M
Sent: Mon May 31 11:18:29 2010
Subject: Re: L comments on MFA flotilla briefing>

B5

Kevin
L/OES

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To: Schwartz, Jonathan B; Baumert, Kevin A; Heinemann, Thomas B; Dolan, JoAnn; Jacobson, Linda
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To: Goldberger, Thomas H
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Sent from my BlackBerry

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From: Goldberger, Thomas H
To: Cunningham, James B; Hale, David M; Feltman, Jeffrey D; Rubinstein, Daniel H; Connelly, Maura; Schlicher, Ronald L; 'Daniel_B._Shapiro@nsc.eop.gov' <Daniel_B._Shapiro@nsc.eop.gov>
Cc: Holmstrom, Todd C; Schwartz, Jonathan B; Jacobson, Linda; Dolan, JoAnn
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Subject: FW: L comments on MFA flotilla briefing>

See below from Jonathan pls.

-----Original Message-----

From: Schwartz, Jonathan B
Sent: Monday, May 31, 2010 9:13 AM
To: Goldberger, Thomas H

Cc: Rudman, Mara (Jerusalem); Dolan, JoAnn; Baumert, Kevin A; Perina, Alexandra H; Heinemann, Thomas B
Subject: FW: MFA flotilla briefing

[Redacted]

B5

Jon

----- Original Message -----

From: Schwartz, Jonathan B
To: Perina, Alexandra H; Heinemann, Thomas B
Cc: Baumert, Kevin A; Harris, Robert K; Donoghue, Joan E; Dolan, JoAnn
Sent: Mon May 31 09:05:16 2010
Subject: FW: MFA flotilla briefing

[Redacted]

B5

Jon

----- Original Message -----

From: Goldberger, Thomas H
To: Dolan, JoAnn; Jacobson, Linda
Cc: Holmstrom, Todd C; Schwartz, Jonathan B; Knopf, Payton L
Sent: Mon May 31 08:24:00 2010
Subject: FW: MFA flotilla briefing

[Redacted]

B5

----- Original Message -----

From: [Redacted] B3 DOD-CP
To: Cunningham, James B; Levin, Jan; Operations Center; Jeffrey, James F; Sievers, Marc J; Parker, Andrew C; Grubb, Jason B; NEA-IPA-DL; Greene, Elisa; Marchese, Gregory M; Waters, John R; Amodeo, Salvatore A (Istanbul); Connelly, Maura; Feltman, Jeffrey D; Rudman, Mara (Jerusalem); Burgess, Richard J; Murphy, Michael P; [Redacted] Levin, Jan; [Redacted] B3 DOD-CP

Sent: Mon May 31 08:08:22 2010
Subject: RE: MFA flotilla briefing

Many of the details briefed have already been provided via other means. Specific High [redacted] B3 DOD-CP B3 DODFGI

- Ongoing Operation
- Two Ships in Ashdod to include the CHALLENGER I
- M/V MAVI MARMARA expected in port between 1700L and 1800L
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[redacted]

B3 DOD-CP

-----Original Message-----

From: Rudman, Mara (Jerusalem)
 Sent: Monday, May 31, 2010 2:46 PM
 To: Cunningham, James B; Levin, Jan; Operations Center; Jeffrey, James F; Sievers, Marc J; Parker, Andrew C; Grubb, Jason B; NEA-IPA-DL; Greene, Elisa; Marchese, Gregory M; Waters, John R; [redacted] Amodeo, Salvatore A (Istanbul); Connelly, Maura; Feltman, J
 Cc: 'Dennis_B._Ross@nsc.eop.gov'; 'Dshapiro@who.eop.gov'
 Subject: RE: MFA flotilla briefing

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B6

B6

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B6

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B6

(PIC seems to be on track/going forward. Some events may be affected by it.)

-----Original Message-----

From: Cunningham, James B
 Sent: Monday, May 31, 2010 1:38 PM
 To: Levin, Jan; Operations Center; Jeffrey, James F; Sievers, Marc J; Parker, Andrew C; Grubb, Jason B; NEA-IPA-DL; Greene, Elisa; Marchese, Gregory M; Waters, John R; [redacted] B3 DOD-CP
 [redacted] Amodeo, Salvatore A (Istanbul); Rudman, Mara (Jerusalem); Connelly, Maura; Feltman, Jeffrey D
 Cc: 'Dennis_B_Ross@nsc.eop.gov'; 'Dshapiro@who.eop.gov'
 Subject: Re: MFA flotilla briefing

Our Consular people are in contact with MFA and Ashdod to get info on amcits as soon as it's available. UN had been approached by COGAT last week to help in forwarding cargo from ships in Ashdod. Serry is trying to send a couple of observers to Ashdod, has told cogat that assisting deliveries of humanitarian goods, much of which is destined for Hamas, is problematic but he'll see. Barak just gave a press conference, and appears to have spoken to Davotuglu this am.

Sent from my BlackBerry

----- Original Message -----

From: Levin, Jan
 To: Operations Center; Jeffrey, James F; Cunningham, James B; Sievers, Marc J; Parker, Andrew C; Grubb, Jason B; NEA-IPA-DL; Greene, Elisa; Marchese, Gregory M; Waters, John R; [redacted] B3 DOD-CP
 [redacted] Amodeo, Salvatore A (Istanbul); Rudman, Mara (Jerusalem); Connelly, Maura; Feltman, Jeffrey D
 Sent: Mon May 31 13:20:31 2010
 Subject: MFA flotilla briefing

MFA DG Yossi Gal and IDF Col. Assaf Orion, Dir. Of Dept of Strategic Coordination, briefed foreign ambassadors at 12:30 local time today.

Highlights - Identification of dead and wounded taking time. MFA will reach out proactively to Embassies as IDs are done, with location and status of citizens. The uninjured will be processed and escorted to airport for deportation. Unclear how long this will take.

-- Most violence occurred on ship Mavi (Blue) Marmara. As far as is currently known, all injuries occurred on this ship.

-- Col. Orion told Ambassador that activists on Mavi Marmara were prepared for boarders and were armed. Unclear if they had firearms in advance or took them from IDF boarding party. One IDF soldier nearly beaten to death with metal bar. Activists also had knives.

-- Events took place in international waters. Israel asserted it had the legal right to intercept in intl waters because there is a military blockade under the law of armed conflict between Israel and Hamas.

Ambassador Cunningham requests that Embassy Tel Aviv clear Dept guidance on this issue, thank you.

RELEASED IN PART B3 DOD-CP, B3 DODFGI, B5, B6

Law, Rosemary C

From: Goldberger, Thomas H
Sent: Monday, May 31, 2010 8:55 AM
To: Schwartz, Jonathan B; Dolan, JoAnn; Jacobson, Linda
Cc: Holmstrom, Todd C; Knopf, Payton L; Baumert, Kevin A; Heinemann, Thomas B; Connelly, Maura
Subject: RE: MFA flotilla briefing

[Redacted]

B5

-----Original Message-----

From: Schwartz, Jonathan B
Sent: Monday, May 31, 2010 8:48 AM
To: Goldberger, Thomas H; Dolan, JoAnn; Jacobson, Linda
Cc: Holmstrom, Todd C; Knopf, Payton L; Baumert, Kevin A; Heinemann, Thomas B
Subject: Re: MFA flotilla briefing

[Redacted]

B5

Jon

----- Original Message -----

From: Goldberger, Thomas H
To: Dolan, JoAnn; Jacobson, Linda
Cc: Holmstrom, Todd C; Schwartz, Jonathan B; Knopf, Payton L
Sent: Mon May 31 08:24:00 2010
Subject: FW: MFA flotilla briefing

[Redacted]

B5

----- Original Message -----

From: [Redacted] B3 DOD-CP
To: Cunningham, James B; Levin, Jan; Operations Center; Jeffrey, James F; Sievers, Marc J; Parker, Andrew C; Grubb, Jason B; NEA-IPA-DL; Greene, Elisa; Marchese, Gregory M; Waters, John R; Amodeo, Salvatore A (Istanbul); Connelly, Maura; Feltman, Jeffrey D; Rudman, Mara (Jerusalem); Burgess, Richard J; Murphy, Michael P; [Redacted] Levin, Jan; [Redacted] B3 DOD-CP
Sent: Mon May 31 08:08:22 2010
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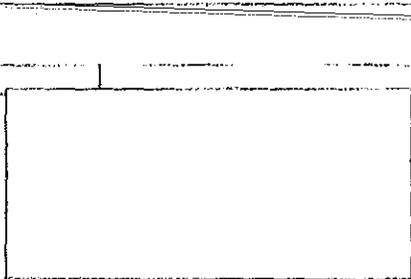
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B3 DOD-CP B3 DODFGI

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To: Cunningham, James B; Levin, Jan; Operations Center; Jeffrey, James F; Sievers, Marc J; Parker, Andrew C; Grubb, Jason B; NEA-IPA-DL; Greene, Elisa; Marchese, Gregory M; Waters, John R; [redacted] Amodeo, Salvatore A (Istanbul); Connelly, Maura; Feltman, Je

B3 DOD-CP

D
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Dangot reported that when Israeli soldiers boarded the main deck of the main ship, they met with what he described as clearly planned active/armed resistance, including live fire. Military who boarded were attacked with knives, sharpened metal and wood instruments, etc. He said the military who boarded were attacked by dozens; He indicated that some of the soldiers were stabbed and slashed. Made clear situation was one in which actions taken were in self-defense.

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Grubb, Jason B; NEA-IPA-DL; Greene, Elisa; Marchese, Gregory M; Waters, John R; [REDACTED]

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From: Levin, Jan

To: Operations Center; Jeffrey, James F; Cunningham, James B; Sievers, Marc J; Parker, Andrew C; Grubb, Jason B; NEA-IPA-DL; Greene, Elisa; Marchese, Gregory M; Waters, John R; [REDACTED]

[REDACTED] Amodeo, Salvatore A (Istanbul); Rudman, Mara (Jerusalem); Connelly, Maura; Feltman, Jeffrey D

Sent: Mon May 31 13:20:31 2010

Subject: MFA flotilla briefing

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RELEASED IN PART B3 DOD-CP,B3
DODFGI,B5,B6

Law, Rosemary C

From: McLeod, Mary (USUN)
Sent: Monday, May 31, 2010 10:20 AM
To: Jacobson, Linda
Subject: Re: MFA flotilla briefing

Have a safe flight! I'm sure we'll be in touch over the coming days.

----- Original Message -----

From: Jacobson, Linda
To: McLeod, Mary (USUN)
Sent: Mon May 31 10:07:18 2010
Subject: Fw: MFA flotilla briefing

Fyi, I am in Israel en route to airport so will be out of commission.

----- Original Message -----

From: Schwartz, Jonathan B
To: Goldberger, Thomas H; Dolan, JoAnn; Jacobson, Linda
Cc: Holmstrom, Todd C; Knopf, Payton L; Baumert, Kevin A; Heinemann, Thomas B
Sent: Mon May 31 08:47:48 2010
Subject: Re: MFA flotilla briefing

[Redacted]

B5

Jon

----- Original Message -----

From: Goldberger, Thomas H
To: Dolan, JoAnn; Jacobson, Linda
Cc: Holmstrom, Todd C; Schwartz, Jonathan B; Knopf, Payton L
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Subject: FW: MFA flotilla briefing

[Redacted]

B5

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From: [Redacted]
To: Cunningham, James B; Levin, Jan; Operations Center; Jeffrey, James F; Sievers, Marc J; Parker, Andrew C; Grubb, Jason B; NEA-IPA-DL; Greene, Elisa; Marchese, Gregory M; Waters, John R; Amodeo, Salvatore A (Istanbul); Connelly, Maura; Feltman, Jeffrey D; Rudman, Marla (Jerusalem); Burgess, Richard J; Murphy, Michael P; [Redacted] Levin, Jan; [Redacted]

B3 DOD-CP

B3 DOD-CP

Sent: Mon May 31 08:08:22 2010 REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer
Subject: RE: MFA flotilla briefing

Many of the details briefed have already been provided via other means. Specific High

B3 DOD-CP
B3 DODFGI

- Ongoing Operation
- Two Ships in Ashdod to include the CHALLENGER I
- M/V MAVI MARMARA expected in port between 1700L and 1800L
- All ships will be in port by later today
- 10-14 Civilians Seriously Injured or Killed
- 30 Civilians Wounded
- 10 IDF wounded to include 1 serious and 1 with "medium" wounds
- Turkish Ambassador to Israel recalled
- Interaction occurred approx 70 NM from coastline. IDF confident in International Law because of intent by flotilla to breach the blockade. (See Attached Slides)

B3 DOD-CP

-----Original Message-----

From: Rudman, Mara (Jerusalem)

Sent: Monday, May 31, 2010 2:46 PM

To: Cunningham, James B; Levin, Jan; Operations Center; Jeffrey, James F; Sievers, Marc J; Parker, Andrew C; Grubb, Jason B; NEA-IPA-DL; Greene, Elisa; Marchese, Gregory M; Waters, John R; [redacted] Amodeo, Salvatore A (Istanbul); Connelly, Maura; Feltman, J

B3 DOD-CP

Cc: 'Dennis_B._Ross@nsc.eop.gov'; 'Dshapiro@who.eop.gov'
Subject: RE: MFA flotilla briefing

B6

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B6

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B6

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[redacted] Amodeo, Salvatore A (Istanbul); Rudman, Mara (Jerusalem); Connelly, Maura; Feltman, Jeffrey D

Jeffrey D

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[redacted] Amodeo, Salvatore A (Istanbul); Rudman, Mara (Jerusalem); Connelly, Maura; Feltman, Jeffrey D

Sent: Mon May 31 13:20:31 2010

Subject: MFA flotilla briefing

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Highlights - Identification of dead and wounded taking time. MFA will reach out proactively to Embassies as IDs are done, with location and status of citizens. The uninjured will be processed and escorted to airport for deportation. Unclear how long this will take.

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-- Events took place in international waters. Israel asserted it had the legal right to intercept in intl waters because there is a military blockade under the law of armed conflict between Israel and Hamas.

Ambassador Cunningham requests that Embassy Tel Aviv clear Dept guidance on this issue, thank you.

RELEASED IN PART B3 DOD-CP, B3
DODFGI, B5, B6

Law, Rosemary C

From: McLeod, Mary (USUN)
Sent: Monday, May 31, 2010 10:20 AM
To: Jacobson, Linda
Subject: Re: MFA flotilla briefing

Have a safe flight! I'm sure we'll be in touch over the coming days.

----- Original Message -----

From: Jacobson, Linda
To: McLeod, Mary (USUN)
Sent: Mon May 31 10:07:18 2010
Subject: Fw: MFA flotilla briefing

Fyi, I am in Israel en route to airport so will be out of commission.

----- Original Message -----

From: Schwartz, Jonathan B
To: Goldberger, Thomas H; Dolan, JoAnn; Jacobson, Linda
Cc: Holmstrom, Todd C; Knopf, Payton L; Baumert, Kevin A; Heinemann, Thomas B
Sent: Mon May 31 08:47:48 2010
Subject: Re: MFA flotilla briefing

[Redacted]

B5

Jon

----- Original Message -----

From: Goldberger, Thomas H
To: Dolan, JoAnn; Jacobson, Linda
Cc: Holmstrom, Todd C; Schwartz, Jonathan B; Knopf, Payton L
Sent: Mon May 31 08:24:00 2010
Subject: FW: MFA flotilla briefing

[Redacted]

B5

----- Original Message -----

From: [Redacted]
To: Cunningham, James B; Levin, Jan; Operations Center; Jeffrey, James F; Sievers, Marc J;
Parker, Andrew C; Grubb, Jason B; NEA-IPA-DL; Greene, Elisa; Marchese, Gregory M; Waters,
John R; Amodeo, Salvatore A (Istanbul); Connelly, Maura; Feltman, Jeffrey D; Rudman, Maria
(Jerusalem); Burgess, Richard J; Murphy, Michael P; [Redacted] Levin, Jan; [Redacted]

B3 DOD-CP

B3 DOD-CP

Sent: Mon May 31 08:08:22 2010 [REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer]
Subject: RE: MFA flotilla briefing

[redacted] B3 DOD-CP
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Ambassador Cunningham requests that Embassy Tel Aviv clear Dept guidance on this issue, thank you.

RELEASED IN PART B3 DOD-CP,B5,B3
DODFGI

Law, Rosemary C

From: Pomper, Stephen E
Sent: Thursday, May 27, 2010 2:13 PM
To: Jacobson, Linda; Deeks, Ashley S; Baumert, Kevin A; Guarin, Marc F; Heinemann, Thomas B
Cc: Dolan, JoAnn; Reisser, Wesley J; Perina, Alexandra H; Meier, Michael W
Subject: RE: Israel Navy on Free Gaza

Jane Dalton worked extensively on the blockade law issues surrounding Georgia; it would be worth locating those files for general knowledge (Kevin maybe you have some of the papers?) though it's not clear that questions about our view of the legality of Israel's blockade are necessarily going to come up here (let's hope not).

From: Jacobson, Linda
Sent: Thursday, May 27, 2010 2:05 PM
To: Deeks, Ashley S; Baumert, Kevin A; Guarin, Marc F; Heinemann, Thomas B
Cc: Dolan, JoAnn; Reisser, Wesley J; Perina, Alexandra H; Pomper, Stephen E
Subject: Re: Israel Navy on Free Gaza

[redacted] Israel's position is that it is engaged in armed conflict w Hamas and it's actions to seal Gaza's maritime borders are acts of self-defense.]

B5

From: Deeks, Ashley S
To: Baumert, Kevin A; Guarin, Marc F; Jacobson, Linda
Cc: Dolan, JoAnn; Reisser, Wesley J; Perina, Alexandra H; Pomper, Stephen E
Sent: Thu May 27 11:04:23 2010
Subject: RE: Israel Navy on Free Gaza

Looping in AP for the Israeli angle and SP for the blockade angle, based on his Georgia work.

From: Baumert, Kevin A
Sent: Thursday, May 27, 2010 10:53 AM
To: Deeks, Ashley S; Guarin, Marc F; Jacobson, Linda
Cc: Dolan, JoAnn; Reisser, Wesley J
Subject: FW: Israel Navy on Free Gaza

Thanks,
Kevin

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

From: Reisser, Wesley J
Sent: Thursday, May 27, 2010 10:36 AM
To: Baumert, Kevin A
Cc: Dolan, JoAnn; Goodman, Ilan A; Scariatelli, Adam W; Holmstrom, Todd C; Goldberger, Thomas H
Subject: RE: Israel Navy on Free Gaza

Kevin - We are still trying to get confirmation from Greece on the 2 ships. They are yachts and may actually be U.S. registered.

[Redacted]

B5

Wes

From: Baumert, Kevin A

Sent: Wednesday, May 26, 2010 3:41 PM

To: Reisser, Wesley J

Cc: Dolan, JoAnn; Goodman, Ilan A; Scarletelli, Adam W; Holmstrom, Todd C

Subject: RE: Israel Navy on Free Gaza

Wes - it is definitely worth pursuing more factual information as to which vessels are actually doing what. I suspect they are not US flagged vessels, and might not even be Greek flagged (may just be Greek owned, but who knows).

[Redacted]

B5

Thanks,
Kevin

From: Reisser, Wesley J

Sent: Wednesday, May 26, 2010 3:00 PM

To: Baumert, Kevin A

Cc: Dolan, JoAnn; Goodman, Ilan A; Scarletelli, Adam W; Holmstrom, Todd C

Subject: FW: Israel Navy on Free Gaza

Kevin - We have a whole bunch of ships headed towards Gaza right now to "break the Israeli blockade." The Israeli Navy will probably interdict them this weekend, board the ships, haul them to port and deport all of the foreign nationals (they did this last summer). However, we have a slight hitch this time in that two of the boats, after leaving Greece, are now supposedly flying American flags rather than Greek ones. Embassy Athens is looking into this to find out if the boats are registered in Greece or the U.S.

The Israeli Embassy has contacted us about this, and they have been contacted by the Greek Ambassador here, who has stated these ships are flying U.S. flags (although he did not tell the Israelis if the boats are American or Greek registered).

[Redacted]

B5

soon.

Thanks!
Wes

From: [Redacted]

Sent: Wednesday, May 26, 2010 11:06 AM

To: [Redacted] Sievers, Marc J; Levin, Jan; Burnett, David R; Baron, Desiree A; Parker, Andrew C; Greene, Elisa;

Cc: Reisser, Wesley J; Goldberger, Thomas H

Subject: RE: [Redacted]

B3 DOD-CP

B3 DODFGI

[Redacted]

[Redacted]

V/R,

[Redacted]

B3 DODFGI

B3 DOD-CP

From: [Redacted]

Sent: Wednesday, May 26, 2010 5:51 PM

To: Sievers, Marc J; Levin, Jan; Burnett, David R; Baron, Desiree A; Parker, Andrew C; Greene, Elisa; [Redacted]

Cc: Reisser, Wesley J; Goldberger, Thomas H

Subject: RE: [Redacted]

B3 DOD-CP

B3 DODFGI

[Redacted]

B3 DODFGI

[Redacted]

B5

R/

[Redacted]

B3 DOD-CP

From: Reisser, Wesley J

Sent: Wednesday, May 26, 2010 5:06 PM

To: Amodeo, Salvatore A (Istanbul); Goldberger, Thomas H; Holmstrom, Todd C; Sindle, James M; Struwe, Rebecca L; Richter, Kim B; Lopatkiewicz, Viktoria; Bernier-Toth, Michelle; Mendel, Teresa S; Sievers, Marc J; Levin, Jan; Burnett, David R; Baron, Desiree A; Adams, Julie D; Parker, Andrew C; Greene, Elisa; Zeroubavely, Sandra S; [Redacted]

B3 DOD-CP

[Redacted] Waters, John R; Rogan, Thomas G; Towry, Debra J; Hanania, Vera V; Weinfeld, Nili I; Lewis, Glenn K; Beran, Sarah; Greengrass, Sara D; Kaplan, Dean; Walker, Carolee B; Flver, Frank J; [Redacted]

Manring, Nicholas J; Tyson, Paul H; Maggi, Robert W; Frederick, Jeffrey D; Falls, Eric G; Reed, Julia G; Davison, Kees C; Ogle, Karen L; Keen, Daniel G; Howard, Jeremiah "Jerry"; Parra, Yolanda A; Dilworth, Alison E; Osman, Amany A; Netos, Eleftherios E; Taylor, Victoria J; Riley, Robert J; Dayton, Win (Istanbul); Marsh, Denise M; Bally, Jess L; Tomlinson, Christina (Istanbul); Abeyta, Susan K (Istanbul); Givold, Lisa C (Istanbul); Parker, Andrew C; Silliman, Douglas A; Rosenstock, Matthew S

Subject: Israel Navy on Free Gaza

(SBU) Courtesy Embassy Tel Aviv, a message on how the navy intends to handle this:

"The Israel Navy has expressed to me that they intend to respond to this situation as peaceful as possible; however they have been directed by the GOI to prevent the vessels from arriving in Gaza. Their intention is to ensure the ships arrive in Ashdod, process the individuals to be deported and deliver any legitimate humanitarian aide to Gaza via land. It should be noted, that GOI has made it clear that although they have directed a peaceful response, those participating are viewed as individuals deliberately attempting to provoke the Israel Navy and appropriate action to prevent arrival in Gaza will be taken."

Wesley J. Reisser, Ph.D.

Desk Officer - NEA/IPA

Office of Israel & Palestinian Affairs

Phone (202) 647-2647
Fax (202) 736-4461

This message is UNCLASSIFIED/SBU according to the definitions provided by E.O. 12958.

RELEASED IN PART B3 DOD-CP, B3 DODFGI, B5

Law, Rosemary C

From: Rudman, Mara (Jerusalem)
Sent: Monday, May 31, 2010 8:14 AM
To: Jacobson, Linda; Schwartz, Jonathan B
Subject: FW: MFA flotilla briefing
Attachments: Legal Aspects.ppt

[Redacted]

B5

-----Original Message-----

From: [Redacted]
Sent: Monday, May 31, 2010 3:08 PM
To: Cunningham, James B; Levin, Jan; Operations Center; Jeffrey, James F; Sievers, Marc J; Parker, Andrew C; Grubb, Jason B; NEA-IPA-DL; Greene, Elisa; Marchese, Gregory M; Waters, John R; Amodeo, Salvatore A (Istanbul); Connelly, Maura; Feltman, Jeffrey D; Rudman, Mara (Jerusalem); [Redacted] Murphy, Michael P; [Redacted] Levin, Jan; [Redacted]
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B3 DOD-CP

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B3 DODFGI

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B6
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Law, Rosemary C

RELEASED IN PART B3 DOD-CP,B3
DODFGI,B6,B6

From: Pomper, Stephen E
Sent: Monday, May 31, 2010 1:02 PM
To: Jacobson, Linda; Perina, Alexandra H; Schwartz, Jonathan B; Goldberger, Thomas H; Baumert, Kevin A; Heinemann, Thomas B; Dolan, JoAnn
Cc: Aswad, Evelyn M; Sullivan, David J; [redacted] Guarin, Marc F; B6
Subject: Re: L comments on MFA flotilla briefing>

[redacted]

B5

----- Original Message -----

From: Jacobson, Linda
To: Perina, Alexandra H; Schwartz, Jonathan B; Goldberger, Thomas H; Baumert, Kevin A; Heinemann, Thomas B; Dolan, JoAnn
Cc: Aswad, Evelyn M; Sullivan, David J; [redacted] Pomper, Stephen E; Guarin, Marc F
Sent: Mon May 31 12:58:16 2010
Subject: Re: L comments on MFA flotilla briefing>

B6

[redacted]

B5

----- Original Message -----

From: Perina, Alexandra H
To: Schwartz, Jonathan B; Goldberger, Thomas H; Baumert, Kevin A; Jacobson, Linda; Heinemann, Thomas B; Dolan, JoAnn
Cc: Aswad, Evelyn M; Sullivan, David J; [redacted]; Pomper, Stephen E; Guarin, Marc F
Sent: Mon May 31 12:55:35 2010
Subject: RE: L comments on MFA flotilla briefing>

B6

[redacted]

B5

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

-----Original Message-----

From: Schwartz, Jonathan B
Sent: Monday, May 31, 2010 12:17 PM
To: Goldberger, Thomas H; Baumert, Kevin A; Jacobson, Linda; Heinemann, Thomas B; Dolan, JoAnn; Perina, Alexandra H
Cc: Aswad, Evelyn M; Sullivan, David J
Subject: RE: L comments on MFA flotilla briefing>

[Redacted]

B5

-----Original Message-----

From: Goldberger, Thomas H
Sent: Monday, May 31, 2010 11:40 AM
To: Baumert, Kevin A; Jacobson, Linda; Schwartz, Jonathan B; Heinemann, Thomas B; Dolan, JoAnn; Perina, Alexandra H
Cc: Aswad, Evelyn M; Sullivan, David J
Subject: RE: L comments on MFA flotilla briefing>

[Redacted]

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Cc: Aswad, Evelyn M; Sullivan, David J
Subject: Re: L comments on MFA flotilla briefing>

[Redacted]

----- Original Message -----

From: Jacobson, Linda
To: Baumert, Kevin A; Goldberger, Thomas H; Schwartz, Jonathan B; Heinemann, Thomas B; Dolan, JoAnn; Perina, Alexandra H
Cc: Aswad, Evelyn M
Sent: Mon May 31 11:20:32 2010
Subject: Re: L comments on MFA flotilla briefing>

[Redacted]

----- Original Message -----

From: Baumert, Kevin A
To: Goldberger, Thomas H; Schwartz, Jonathan B; Heinemann, Thomas B; Dolan, JoAnn; Jacobson, Linda; Perina, Alexandra H
Cc: Aswad, Evelyn M
Sent: Mon May 31 11:18:29 2010
Subject: Re: L comments on MFA flotilla briefing>

[Redacted]

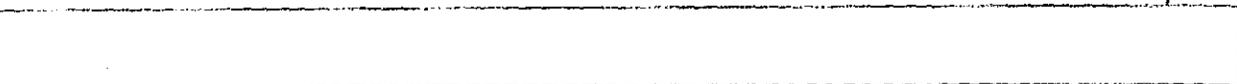
B5



Kevin
L/OES

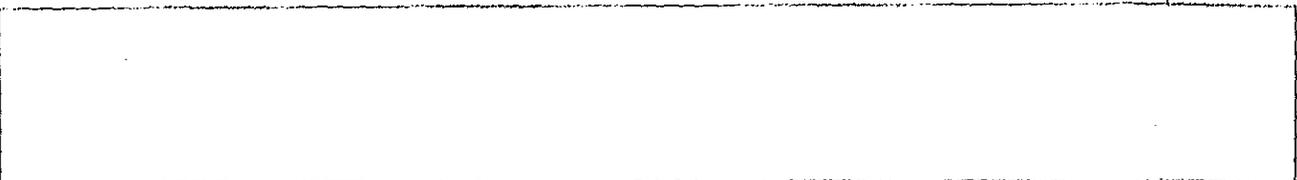
----- Original Message -----

From: Goldberger, Thomas H
To: Schwartz, Jonathan B; Baumert, Kevin A; Heinemann, Thomas B; Dolan, JoAnn; Jacobson, Linda
Sent: Mon May 31 10:50:27 2010
Subject: FW: L comments on MFA flotilla briefing>



-----Original Message-----

From: Cunningham, James B
Sent: Monday, May 31, 2010 10:47 AM
To: Goldberger, Thomas H
Subject: Re: L comments on MFA flotilla briefing>



----- Original Message -----

From: Goldberger, Thomas H
To: Cunningham, James B; Hale, David M; Feltman, Jeffrey D; Rubinstein, Daniel H; Connelly, Maura; Schlicher, Ronald L; 'Daniel_B._Shapiro@nsc.eop.gov' <Daniel_B._Shapiro@nsc.eop.gov>
Cc: Holmstrom, Todd C; Schwartz, Jonathan B; Jacobson, Linda; Dolan, JoAnn
Sent: Mon May 31 17:37:00 2010
Subject: FW: L comments on MFA flotilla briefing>

See below from Jonathan pls.

-----Original Message-----

From: Schwartz, Jonathan B
Sent: Monday, May 31, 2010 9:13 AM
To: Goldberger, Thomas H
Cc: Rudman, Mara (Jerusalem); Dolan, JoAnn; Baumert, Kevin A; Perina, Alexandra H; Heinemann, Thomas B
Subject: Fw: MFA flotilla briefing



Tom -

B5

[Redacted]

Jon

----- Original Message -----

From: Schwartz, Jonathan B
To: Perina, Alexandra H; Heinemann, Thomas B
Cc: Baumert, Kevin A; Harris, Robert K; Donoghue, Joan E; Dolan, JoAnn
Sent: Mon May 31 09:05:16 2010
Subject: Fw: MFA flotilla briefing

Alexandra/Tom -Are either of you in a position to assist L/OES?

B5

[Redacted]

Jon

----- Original Message -----

From: Goldberger, Thomas H
To: Dolan, JoAnn; Jacobson, Linda
Cc: Holmstrom, Todd C; Schwartz, Jonathan B; Knopf, Payton L
Sent: Mon May 31 08:24:00 2010
Subject: FW: MFA flotilla briefing

B5

[Redacted]

----- Original Message -----

From: [Redacted]
To: Cunningham, James B; Levin, Jan; Operations Center; Jeffrey, James F; Sievers, Marc J; Parker, Andrew C; Grubb, Jason B; NEA-IPA-DL; Greene, Elisa; Marchese, Gregory M; Waters, John R; Amodeo, Salvatore A (Istanbul); Connelly, Maura; Feltman, Jeffrey D; Rudman, Mara (Jerusalem); Burgess, Richard J; Murphy, Michael P; [Redacted] Levin, Jan; [Redacted], [Redacted]
Sent: Mon May 31 08:08:22 2010
Subject: RE: MFA flotilla briefing

B3 DOD-CP

[Redacted]

B3 DOD-CP

Many of the details briefed have already been provided via other means. Specific HighliB3 DODFGI

- Ongoing Operation
- Two Ships in Ashdod to include the CHALLENGER I
- M/V MAVI MARMARA expected in port between 1700L and 1800L

- All ships will be in port by later today
- 10-14 Civilians Seriously Injured or Killed
- 30 Civilians Wounded
- 10 IDF wounded to include 1 serious and 1 with "medium" wounds
- Turkish Ambassador to Israel recalled
- Interaction occurred approx 70 NM from coastline. IDF confident in International Law because of intent by flotilla to breach the blockade. (See Attached Slides)

B3 DOD-CP

-----Original Message-----

From: Rudman, Mara (Jerusalem)
Sent: Monday, May 31, 2010 2:46 PM
To: Cunningham, James B; Levin, Jan; Operations Center; Jeffrey, James F; Sievers, Marc J; Parker, Andrew C; Grubb, Jason B; NEA-IPA-DL; Greene, Elisa; Marchese, Gregory M; Waters, John R; [REDACTED] Amodeo, Salvatore A (Istanbul); Connelly, Maura; Feltman, Jeffrey
D
Cc: 'Dennis_B._Ross@nsc.eop.gov'; 'Dshapiro@who.eop.gov'
Subject: RE: MFA flotilla briefing

This may largely repeat at this point what is out in other places and/or others have heard from me, but just to assure that various reporting lines have same info, this is from Gen. Dangot, the COGAT, who also spoke with the UN's Serry, among others, this am.

Dangot reported that when Israeli soldiers boarded the main deck of the main ship, they met with what he described as clearly planned active/armed resistance, including live fire. Military who boarded were attacked with knives, sharpened metal and wood instruments, etc. He said the military who boarded were attacked by dozens; He indicated that some of the soldiers were stabbed and slashed. Made clear situation was one in which actions taken were in self-defense.

Current estimates of those killed from flotilla 14-15 "maybe more". He said all injured being moved to Israeli hospital - by helicopter. He said ships coming into Ashdod (some reports have them coming into Haifa). At Ashdod, he and others will meet the ships. There, they will need to ID the bodies; move the people either to return them to home countries rapidly and/or detain; ID the cargo and as planned initially, move as much of into Gaza as promptly as possible.

Earlier this morning he and Barak made the following calls/contacts:

--Turkish FM and MoD (Barak); Erakat, Fayyad, and Hussein al Sheikh (Dangot). He felt the calls w the Turks given the situation were OK, but the concern clearly is Erdogan and how he will handle. With Pals, Erakat in particular, they discussed extent to which levels of rhetoric could be kept in check. With Fayyad they discussed primarily need for security cooperation, keeping things calm. Concern about how this will be affected by status of Israeli Arab Islamic leader on board the flotilla.

(PIC seems to be on track/going forward. Some events may be affected by it.)

-----Original Message-----

From: Cunningham, James B

Sent: Monday, May 31, 2010 1:38 PM

To: Levin, Jan; Operations Center; Jeffrey, James F; Sievers, Marc J; Parker, Andrew G;

Grubb, Jason B; NEA-IPA-DL; Greene, Elisa; Marchese, Gregory M; Waters, John R; [REDACTED]

[REDACTED] Amodio, Salvatore A (Istanbul); Rudman, Mara (Jerusalem); Connelly, Maura; Feltman B3 DOD-CP

Jeffrey D

Cc: 'Dennis_B._Ross@nsc.eop.gov'; 'Dshapiro@who.eop.gov'

Subject: Re: MFA Flotilla briefing

Our Consular people are in contact with MFA and Ashdod to get info on amcits as soon as it's available. UN had been approached by COGAT last week to help in forwarding cargo from ships in Ashdod. Serry is trying to send a couple of observers to Ashdod, has told cogat that assisting deliveries of humanitarian goods, much of which is destined for Hamas, is problematic but he'll see. Barak just gave a press conference, and appears to have spoken to Davotuglu this am.

Sent from my BlackBerry

----- Original Message -----

From: Levin, Jan

To: Operations Center; Jeffrey, James F; Cunningham, James B; Sievers, Marc J; Parker, Andrew

G; Grubb, Jason B; NEA-IPA-DL; Greene, Elisa; Marchese, Gregory M; Waters, John R; [REDACTED]

[REDACTED] Amodio, Salvatore A (Istanbul); Rudman, Mara (Jerusalem); Connelly, Maura; Feltman,

Jeffrey D

Sent: Mon May 31 13:20:31 2010

Subject: MFA flotilla briefing

MFA DG Yossi Gal and IDF Col. Assaf Orion, Dir. Of Dept of Strategic Coordination, briefed foreign ambassadors at 12:30 local time today.

Highlights - Identification of dead and wounded taking time. MFA will reach out proactively to Embassies as IDs are done, with location and status of citizens. The uninjured will be processed and escorted to airport for deportation. Unclear how long this will take.

-- Most violence occurred on ship Mavi (Blue) Marmara. As far as is currently known, all injuries occurred on this ship.

-- Col. Orion told Ambassador that activists on Mavi Marmara were prepared for boarders and were armed. Unclear if they had firearms in advance or took them from IDF boarding party. One IDF soldier nearly beaten to death with metal bar. Activists also had knives.

-- Events took place in international waters. Israel asserted it had the legal right to intercept in intl waters because there is a military blockade under the law of armed conflict between Israel and Hamas.

Ambassador Cunningham requests that Embassy Tel Aviv clear Dept guidance on this issue, thank you.

RELEASED IN PART 1.4(B),B3 DOD-CP,B1,B5,1.4(D),1.4(C)

I140

Bowers, Allyson M

From: Sindle, James M
Sent: Monday, May 31, 2010 1:35 PM
To: NEA-SEMEP-DL; NEA-IPA-DL; Grubb, Jason B; Levin, Jan X; Sievers, Marc J; Greene, Elisa B; Parker, Andrew C; [redacted] B3 DOD-CP
Subject: FW: Recent [redacted] Reporting on Israel/Gaza
Attachments: 8_Hour_Update_310600_MAY10_CLEAR.doc; Free Gaza Flotilla 5x8 - 31May10.doc

This is what has been reported to the CJCS from [redacted] Nothing really new from our own reporting.

From: [redacted]
Sent: Monday, May 31, 2010 12:59 PM
To: Sindle, James M
Subject: Recent [redacted] Reporting on Israel/Gaza

Classification: SECRET//NOFORN

Jim,
Enclosed and below is what we have.

[redacted]

311400 MAY 10

Israel:

[Source: [redacted]]

(U) Gaza Freedom Flotilla Situation Update: The latest reports on Israel's seizure of the Gaza Freedom Flotilla indicate at least nine dead and up to 80 wounded, with all of the casualties on the Turkish flagged ship MAVI MARMARA. A press statement from the Israeli Defense Minister expressed regret over the injuries, but placed blame on the organizers and participants of the Freedom Flotilla. The statement further indicated passengers on the MAVI MARMARA resisted with clubs, knives, and possible small arms and "violence encountered necessitated acts of self defense." Video of the raid on the MAVI MARMARA shows an Israeli soldier being assaulted by people on the ship. Israel has said they will conduct a full investigation. Prime Minister Netanyahu of Israel has canceled a meeting with President Obama to deal with the aftermath of the event. Condemnation of the raid has been widespread. All European Union member countries have summoned their respective Israeli ambassadors to explain what happened and China has publicly condemned Israel, as have most Muslim majority countries. The government of Turkey has canceled upcoming military exercises with Israel, the Turkish prime minister has ended a trip to Latin America early, and more than 10,000 demonstrators are on the streets in Istanbul. The Turkish government has called meetings of both the United Nations Security Council and NATO to discuss the event. Two American citizens were reportedly aboard the MAVI MARMARA and one was reportedly injured. Former U.S. ambassador Edward Peck, also reportedly with the flotilla, was reported to be on a flight back to the U.S. according to a statement on his website.

Comment: While there are indications of violent resistance by passengers on the MAVI MARMARA, reaction to the event around the world has been very critical of Israel. The prevailing response is the use of force was disproportionate. Israel is likely to experience a great deal of international pressure over the next several weeks and threats to the U.S. could increase as well due to U.S. support of Israel.

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

301400 MAY 10

Israel:

[Source: [redacted]]

(S//NF) Counter-Flotilla Sails to "Free Gaza from Hamas": According to press reports, a small fleet of privately-owned Israeli boats will sail from Ashdod and Herzliya, Israeli coastal cities south and north of Tel Aviv, respectively, to meet the Free Gaza Flotilla that has rendezvoused off the coast of Cyprus en route on its humanitarian mission to deliver aid to Gaza. The counter-demonstration is sponsored by the Los Angeles-based StandWithUs organization. Crews have reportedly decorated their boats with "Free Gaza from Hamas" banners. **Comment:** According to the Free Gaza website, the Free Gaza Flotilla of six ships departed international waters in the vicinity of Cyprus at 1315Z on 30 May; they estimate they will arrive off the coast of Gaza 18 hours later (around 0915Z on 31 May).

<<8_Hour_Update_310600_MAY10_CLEAR.doc>> <<Free Gaza Flotilla 5x8 - 31May10.doc>>

B1
1.4(B)
1.4(C)
1.4(D)

RELEASED IN FULL

I 26

Bowers, Allyson M

From: Schwedt, Miriam L
Sent: Wednesday, June 23, 2010 8:39 AM
To: NEA-IPA-DL
Cc: NEA-Staff-Assistants-DL
Subject: FW: Blue Border - Summary of Conclusions of the Restricted Principals Committee Meeting on the Flotilla (SES 201011051) CONFIDENTIAL
Attachments: 201011051

-----Original Message-----

From: Reaves, Stacey A
Sent: Wednesday, June 23, 2010 8:02 AM
To: TTL-NEA
Cc: TTL-S; TTL-D-L; TTL-D-S; TTL-P; TTL-Y; TTL-SP; TTL-INR; TTL-EUR; TTL-IO; TTL-L; TTL-PM; TTL-SSEMEP; TTL-USUN-W; SES_4; Sarkis, Saadia E
Subject: Blue Border - Summary of Conclusions of the Restricted Principals Committee Meeting on the Flotilla (SES 201011051) CONFIDENTIAL

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

I134

Bowers, Allyson M

From: Kumar, Prem G. [PKumar@nss.eop.sgov.gov] B3 DOD-CP
Sent: Wednesday, July 06, 2011 7:07 PM
To: [Redacted]
Subject: RE: FREEDOM FLOTILLA II* GAZA AID CONVOY UPDATE - 6 JUL (SECRET) [SECRET, Record]
Categories: Working **RELEASED IN PART B3 DOD-CP, B1, 1.4(D)**

+ Rian Harris (Director for Aegean Affairs at NSC)

From: [Redacted]
Sent: Wednesday, July 06, 2011 7:32 AM
To: [Redacted]
Cc: [Redacted]



REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

B3 DOD-CP

Subject: FREEDOM FLOTILLA II" GAZA AID CONVOY UPDATE - 6 JUL (SECRET)

Classification: SECRET
Caveats: NOFORN

1.4(D)
B1

Good morning J2 -

(U) The international "Freedom Flotilla II (FF2) - Stay Human" will include at least 10 ships, at least two of which are cargo boats carrying aid, while the rest are passenger ships carrying hundreds of people, among them, politicians, MEPs, writers, religious faith representatives, people of arts and culture and activists. Press releases indicates many TV crews will be also on board (CNN, NBC, Al-Jazeera, et al) as well as journalists sent by various world media and newspapers. "Stay Human" was selected in honor of 36-year old Italian pro-Palestinian activist Vittorio Arrigoni, who was killed 14 Apr 2011 after being kidnapped in Gaza City by Salafist radicals.

SITREP follows:

[Redacted]

While there is conflicting open source reporting suggesting two FF2 ships are underway, there is no confirmation that any of the FF2 participants are en route to Gaza. 1.4(D)
B1

(S//OC//NF) [Redacted]

- 1.
- 2.
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- 14.

(S//OC//NF) [Redacted]

- 1.
- 2.

(S) Note (1): [Redacted]

(S//NF) Note (2): [Redacted]

(U) Political Developments:

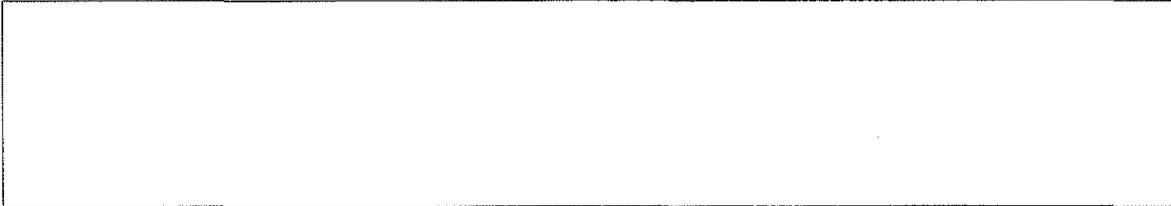
- (U) On 6 Jul, the Palestinian news agency Wafa reported that some 40 organizations have confirmed their participation in the "Welcome to Palestine" campaign to be carried out between 8-16 Jul. Activists from around the world, though mainly from Europe, plan to land at Ben Gurion International Airport to tour Jerusalem, Ramallah, Bethlehem, and the Jordan Valley.

Assessment: Israel's Foreign Ministry, Aviation Authority, Internal Security Ministry, police, and Prime Minister's Office are expecting some 500 activists and are preparing for the pro-Palestinian fly-in. An Israeli Public Security Ministry official states that activists identified at the airport as seeking provocation will not be allowed in Israel and will be sent back to their countries. Those who riot at the airport or refuse to head back will be transferred to a special airport facility or turned over to the Prison Service. (Press, 6 Jul)

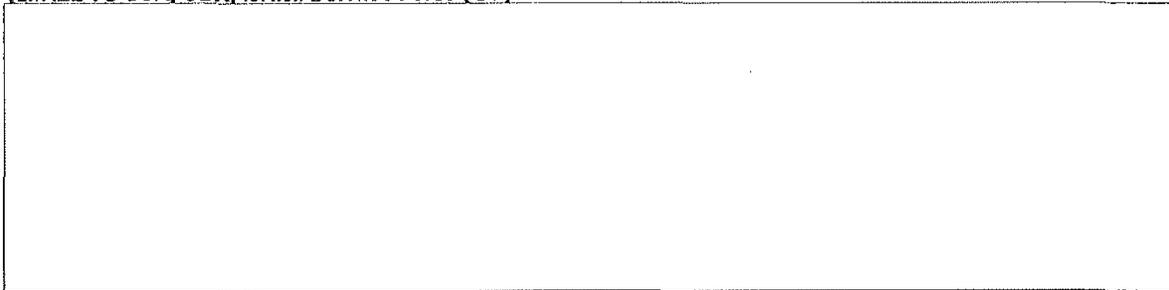
- (U) On 5 Jul, Israeli intelligence indicates a group of Arabs, of unknown origin, is attempting to travel from Jordan to Turkey in order to procure a boat in order to join the Gaza flotilla. (USDAO Ankara 051243Z Jul)

- (U) On 4 Jul, M/V TAHRIR, sponsored by the Canadian Boat to Gaza, attempted to depart Crete but was intercepted by the Hellenic Coast Guard and forced to return to port. (Press, OSINT) 1.4(D)

- (U) On 1 Jul, M/V AUDACITY OF HOPE, sponsored by the US Boat to Gaza, attempted to depart Piræus, Greece but was stopped by the Hellenic Coast Guard and forced to return to port. (Press, OSINT) B1



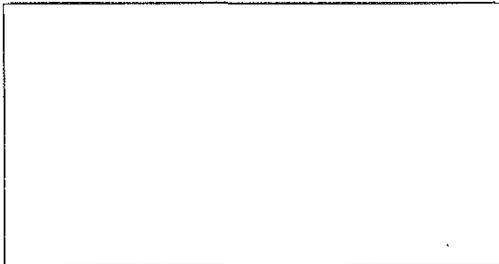
(S//REL TO USA, GBR) Israeli Defense Force (IDF)



(S) Nearest US Navy Forces



V/R, Larry



B3 DOD-CP

Attachment Classification: SECRET
Attachment Caveats: NOFORN
Classification: SECRET
Caveats: NOFORN

RELEASED IN FULL

126A

CONFIDENTIAL

INTERAGENCY DOCUMENT
DEPARTMENT OF STATE
EXECUTIVE SECRETARIAT

201011051

ACTION: NEA

S/ES

INFO COPIES TO:

DATE

2010 Jun 22 A 8:56
6/22/10

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<input checked="" type="checkbox"/> D(S)	<input checked="" type="checkbox"/> S/ES-IA	<input type="checkbox"/> CPR	<input type="checkbox"/> M/PRI	<input type="checkbox"/> S/GWI
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	<input type="checkbox"/> NEA	<input checked="" type="checkbox"/> INL	<input type="checkbox"/> S/CRS	<input type="checkbox"/> S/USSES
<input checked="" type="checkbox"/> PA	<input type="checkbox"/> SCA	<input type="checkbox"/> IRM	<input type="checkbox"/> S/CT	<input checked="" type="checkbox"/> S/WCI
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<input checked="" type="checkbox"/> INR		<input checked="" type="checkbox"/> L	<input type="checkbox"/> S/EENI	<input type="checkbox"/> VCI
<input type="checkbox"/> USAID			<input type="checkbox"/> S/GAC	<input type="checkbox"/> G/STAS
			<input type="checkbox"/> S/GC	<input type="checkbox"/> G/TIP

SUBJECT: SUMMARY OF CONCLUSIONS OF THE RESTRICTED PRINCIPALS
COMMITTEE MEETING ON THE FLOTILLA -- 6/3/10

COPY ADVANCED TO:

REMARKS:

ACTION REQUESTED:

- MEMORANDUM FOR:
- APPROPRIATE HANDLING
- FOR YOUR INFORMATION
- OTHER

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

DATE DUE IN S/ES: _____

AUTHORIZED BY: SAADIA SARKIS
S/ES-S, ROOM 7241
EXT: 7-6590
FAX: 7-2283

CONFIDENTIAL

A COPY OF THIS TASKER SHOULD ACCOMPANY YOUR RESPONSE

RELEASED IN PART B5

Law, Rosemary C

From: Baumert, Kevin A
Sent: Wednesday, June 02, 2010 4:14 PM
To: Dolan, JoAnn; Pomper, Stephen E; Townley, Stephen G; Guarin, Marc F; Perina, Alexandra H; Aswad, Evelyn M; Banos, Mariano H; Gorove, Katherine M; Sullivan, David J
Cc: Harris, Robert K; Jacobson, Linda
Subject: RE: PC on Flotilla Thursday evening

I've passed this to USCG, which needs to be involved in the first bullet since it is a US flagged vessel.

From: Dolan, JoAnn
Sent: Wednesday, June 02, 2010 3:41 PM
To: Pomper, Stephen E; Townley, Stephen G; Guarin, Marc F; Baumert, Kevin A; Perina, Alexandra H; Aswad, Evelyn M; Banos, Mariano H; Gorove, Katherine M; Sullivan, David J
Cc: Harris, Robert K; Jacobson, Linda
Subject: PC on Flotilla Thursday evening

Israel Desk has just called to alert us that NSC is scheduling a PC for Thursday evening to which S plans to attend. While agenda is still being worked out it apparently includes such items as:



B5

Apparently the [redacted] has been tasked to NSC/Legal and Desk assumed that we were already working with them and was looking for a point of contact to help them prepared the annotated agenda for S. Has anyone else heard about this and can I give Jeff Giaque a point of contact on that issue. It sounds like an L/HRR and L/UNA task in preparation for HCR, but cannot be sure.

B5

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

RELEASED IN
PART B5

Law, Rosemary C

From: Knopf, Payton L
Sent: Thursday, June 03, 2010 2:10 PM
To: Goldberger, Thomas H; Hof, Frederic C; Sindle, James M; Giauque, Jeffrey G; Holmström, Todd C; Jacobson, Linda
Subject: RE: Condensed version of the State paper for the PC

Have we seen the L paper?

From: Goldberger, Thomas H
Sent: Thursday, June 03, 2010 2:06 PM
To: Hof, Frederic C; Sindle, James M; Giauque, Jeffrey G; Holmstrom, Todd C; Knopf, Payton L; Jacobson, Linda
Subject: FW: Condensed version of the State paper for the PC

From: Kumar, Prem G. [mailto:Prem_G_Kumar@nss.eop.gov]
Sent: Thursday, June 03, 2010 2:02 PM
To: Bass, Warren; Mustafa, Herro K.; Goldberger, Thomas H; Lynn, Eric CIV OSD POLICY; alan.sims@js.pentagon.mil; Antonietti, Patrick M CIV OSD POLICY
Subject: Condensed version of the State paper for the PC



B5

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

Page Denied

C18750924

RELEASED IN PART B1,B3 DOD-CP,1.4(C),B6

I 381

Bowers, Allyson M

From: SMART Core [svcSMARTHBTSRctSPrec@state.sgov.gov]
 Sent: Wednesday, July 06, 2011 2:38 PM
 Cc: Douthick, Jack T; Sachar, Alon; Eilts, Colin C; Pickett, Margarita; Rubinstein, Arriel J; Jimenez, Elizabeth
 Subject: (U) CONSUMER IIR EVALUATION/OIC-621
 Categories: Archival

SECRET//NOFORN
Sensitive

Info Office: POLITICAL

MRN: [REDACTED] B3 DOD-CP
 Date/DTG: Jul 06, 2011 / 061738Z JUL 11
 From: [REDACTED]
 Action:

547IS NELLIS AFB NV ROUTINE; 970SS ALTUS AFB OK//IN// ROUTINE; ACC CTIG LANGLEY AFB VA//DOXD// ROUTINE; AFIAA AMHS BOLLING AFB DC ROUTINE; AFIOC LACKLAND AFB TX ROUTINE; AFNORTH A2 TYNDALL AFB FL//IN// ROUTINE; ANCHORY FT GEORGE G MEADE MD ROUTINE; APL JHU LAUREL MD//STILO// ROUTINE; CDR USEUCOM INTEL VAHINGEN GE//ECJ22-P-M// ROUTINE; CDR USTRANSCOM INTEL CELL SCOTT AFB IL ROUTINE; CDR3DSFGA FT BRAGG NC//AOSO-SFT-SB// ROUTINE; CDRUSAREUR DCSINT HEIDELBERG GE ROUTINE; CIA WASHINGTON DC//PWSTAFF/JR// ROUTINE; COGARD INTELCOORDCEN WASHINGTON DC ROUTINE; COGARD MIFC PAC ALAMEDA CA ROUTINE; COMJSOC FT BRAGG NC//J2-CMD// ROUTINE; COMMARFORCOM ROUTINE; COMPACFLT PEARL HARBOR HI ROUTINE; COMSEVENTHFLT ROUTINE; COMSOCCENT INTEL MACDILL AFB FL ROUTINE; COMUSFLTFORCOM NORFOLK VA ROUTINE; COMUSMARCENT INTEL MACDILL AFB FL ROUTINE; COMUSNAVCENT ROUTINE; CTF 50 ROUTINE; CTF 56 ROUTINE; CTF 561 ROUTINE; CTF 67 ROUTINE; CTF 69 ROUTINE; DA-AMHS WASHINGTON DC//INTEL// ROUTINE; DEPT OF ENERGY WASHINGTON DC//IN-1// ROUTINE; DEPT OF HOMELAND SECURITY WASHINGTON DC ROUTINE; DEPT OF TRANSPORTATION WASHINGTON DC ROUTINE; DEPT OF TREASURY WASHINGTON DC//INTEL// ROUTINE; DIRJIATF SOUTH J2 ROUTINE; [REDACTED] DIRNSA FT GEORGE G MEADE MD//S512// ROUTINE; DNI WASHINGTON DC ROUTINE; DNI WATCH ROUTINE; FAA NATIONAL HQ WASHINGTON DC//ACI-100// ROUTINE; FORSCOM ACE FT MCPHERSON GA ROUTINE; HOMELAND SECURITY CENTER WASHINGTON DC ROUTINE; HQ AF ISR AGENCY LACKLAND AFB TX//IOC// ROUTINE; HQ AFOSI ANDREWS AFB MD ROUTINE; HQ AFTAC PATRICK AFB FL ROUTINE; HQ NORAD USNORTHCOM INTEL PETERSON AFB CO ROUTINE; INTEL FACILITY SOUTHEAST SECTOR TYNDALL AFB FL ROUTINE; JAC MOLESWORTH JCDX RAF MOLESWORTH UK ROUTINE; JAC MOLESWORTH RAF MOLESWORTH UK ROUTINE; JIATF SOUTH INTEL KEY WEST FL ROUTINE; JIATF WEST ROUTINE; JIOWC SAN ANTONIO TX//J52// ROUTINE; JWAC DAHLGREN VA ROUTINE; MARCORINTACT QUANTICO VA ROUTINE; NASIC WRIGHT PATTERSON AFB OH ROUTINE; NATIONAL DRUG INTELLIGENCE CENTER JOHNSTOWN PA ROUTINE; NAVCENT INTEL MANAMA BA ROUTINE; NAVEODTECHDIV INDIAN HEAD MD ROUTINE; NAVOCEANO STENNIS SPACE CENTER MS ROUTINE; NAVSTKAIRWARCEN FALLON NV ROUTINE; NGA WASHINGTON DC ROUTINE; NGIC INTEL OPS CHARLOTTESVILLE VA ROUTINE; NORAD-

USNORTHCOM J2 PETERSON AFB CO ROUTINE; NRC WASHINGTON DC ROUTINE; PACOM IDHS HONOLULU HI ROUTINE; PACOM JIOC HONOLULU HI//SVL// ROUTINE; WASHDC, SECSTATE//INR/DC// ROUTINE; SR JOIC NAPLES IT ROUTINE; STILO PATUXENT RIVER MD//STILO// ROUTINE; UDITDUSAREUR HEIDELBERG GE ROUTINE; US CUSTOMS AND BORDER PROTECTION WASHINGTON DC ROUTINE; US SECRET SERVICE WASHINGTON DC//SAIC// ROUTINE; US SURVEY DIV SHAPE BE ROUTINE; USAREUR ACE DARMSTADT GE ROUTINE; USARPAC INTEL FT SHAFTER HI ROUTINE; USCENTCOM INTEL CEN MACDILL AFB FL//CCJ2// ROUTINE; [REDACTED] B1 [REDACTED] ROUTINE; USSOCOM INTEL MACDILL AFB FL ROUTINE; USSS CRIMINAL 1.4(C) INVESTIGATIVE DIVISION WASHINGTON DC ROUTINE; USSTRATCOM INTEL DIRECTORATE OFFUTT AFB NE//OP322// ROUTINE; UTAIS RAMSTEIN AB GE//INAAT// ROUTINE

Captions:

Sensitive, NOFORN

Reference:

[REDACTED]

Subject:

(U) CONSUMER IIR EVALUATION/OIC-621

B3 DOD-CP

SECRET//NOFORN

QQQQ

SERIAL: (U)

[REDACTED]

B3 DOD-CP

COUNTRY: (U) GREECE (GRC); ISRAEL (ISR); SIERRA LEONE (SLE).

SUBJ: (U) CONSUMER IIR EVALUATION/OIC-621

REF: (C) [REDACTED] Location; Pictures; Current

B3 DOD-CP

Activity and Possible Schedule for Possible Gaza Freedom Flotilla II Participants IVO Piraeus, Greece--Update One

[REDACTED]

B3 DOD-CP

[REDACTED]

B1

TEXT: (U)

1.4(C)

[REDACTED]

1.4(C)

B1

2. (S//NF)

[REDACTED]

[REDACTED]

1.4(C)

B1

[REDACTED] will support further analysis for correlation and identification.

[REDACTED]

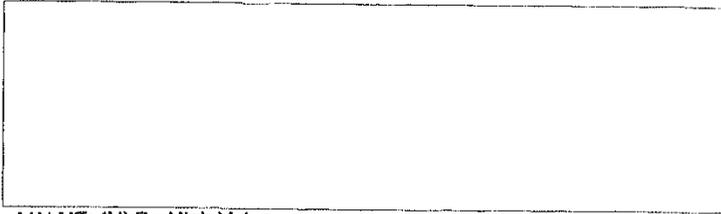
B3 DOD-CP

GUID: 1.

[REDACTED]

B1

1.4(C)



1.4(C)
B6

VALUE: (U) B - High Value
EVALNME: (U) [redacted]
PRODUCE: (U//FOUO) A - Update Database, B - Confirm analytical
judgment, D - Oral Briefing, F - Support Law Enforcement
CUSTNO: (U) 0008

B6



B3 DOD-CP

DRV FROM: MULTIPLE SOURCES.

DECL: 25X1-human.

Derived From: MULTIPLE SOURCES
Declassify on: 25X1-human
Attachments: metadata.dat

Action Post:
Dissemination Rule: DIS_POLITICAL

SECRET//NOFORN
Sensitive

RELEASED IN PART B3 DOD-CP

I360

Law, Rosemary C

From: Levin, Jan
Sent: Saturday, June 05, 2010 10:12 AM
To: Gaza Flotilla Monitoring Group
Subject: Fw: Rachel Corrie Boarding

Fyi

From: [redacted] B3 DOD-CP
To: Cunningham, James B
Cc: Sievers, Marc J; Levin, Jan; Grubb, Jason B; [redacted]
Sent: Sat Jun 05 16:55:13 2010
Subject: Rachel Corrie Boarding

Sir,

Rachel Corrie boarding as reported by YNET:

Takeover ended in 5 minutes

Ron Ben-Yishai reports from the field: Five days after bloody raid on Marmara, Navy stages peaceful takeover at sea; female combat soldiers take part in quick raid on Rachel Corrie, fighters board ship using rope ladders
Ron Ben-Yishai

Published: 06.05.10, 16:35 / Israel News

Just five minutes – this is the estimated time it took Israel's Navy to commandeer the Rachel Corrie Ship en route to the Gaza Strip.

The raid got underway with the vessel roughly 23 miles west of the Gaza shore, right on the boundary of the naval blockade imposed on the strip. Navy Chief Major General Eliezer Maron received the chief of staff's approval before proceeding. The top military officials were also in touch with Defense Minister Ehud Barak during the operation.

The overall operation was headed by the commander of Israel's missile boat fleet, while the actual raid on the ship was led by the commander of the Flotilla 13 commando unit, Colonel A.

The decision to take over the vessel was taken roughly at 12 pm, when it became clear that the ship had no intention of complying with the Navy's messages and turn to the Ashdod port for an inspection.

The vessel's captain was informed that Navy soldiers will board the ship in line with international law and without using force, and that the IDF expected personnel on the ship to behave similarly.

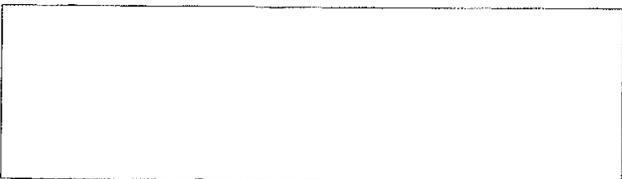
4 female fighters

The captain made it clear to the forces he had no intention to offer violent resistance. He gathered the 11 passengers and crewmembers on the ship's deck, where they peacefully waited for the Navy's boats. The Navy dispatched three missile boats to the area, as well as several patrol vessels which have been accompanying the Rachel Corrie since Friday. Additional missile boats were deployed in case the operation turned violent.

Shortly before 12:30, two missile boats reached the Rachel Corrie carrying about 20 combat soldiers, including four female fighters belonging to the Navy's special security unit, in charge of securing ports and vessels. The females were brought in so that they personally handle the females on board, including Nobel Prize Laureate Mairead Maguire.

The Navy commander was on board a nearby missile boat along with Flotilla 13's commander during the operation. The fighters boarded the ship using rope ladders without facing any resistance, explained their demands to the captain, and ensured they were being met.

The operation took about five minutes, with activists on board the ship yelling slogans at Navy troops but refraining from any violence. The incident highlighted the difference between passengers on Board the Marmara, who planned a violent and lethal clash in order to smear Israel, and Rachel Corrie activists. The Navy said the latter activists were part of a "provocative self", but made do with conveying their political message, thereby averting any kind of violent clash.



REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

RELEASED IN PART B3 DOD-CP, B3 DOD-FGI, B6

I358

Law, Rosemary C

From: Levin, Jan
Sent: Saturday, June 05, 2010 5:04 AM
To: Gaza Flotilla Monitoring Group
Subject: Fw: Rachel Corrie

----- Original Message -----

From: [redacted] B3 DOD-CP
To: [redacted] Sievers, Marc J; Palm, Robert H; Levin, Jan; Grubb, Jason B
Sent: Sat Jun 05 11:36:46 2010
Subject: Re: Rachel Corrie

[redacted] that RC is "making circles" in the Med and still insisting that RC go to Gaza. IDF is not going to allow RC into Gaza. No IDF boarding yet. B3 DOD-FGI

----- Original Message -----

From: [redacted] B3 DOD-CP
To: [redacted] Sievers, Marc J; Palm, Robert H; Levin, Jan; Grubb, Jason B
Sent: Sat Jun 05 10:57:14 2010
Subject: Re: Rachel Corrie

RC approx 25 miles from coast. Have rejected multiple requests to dock at Ashdod Port. Additional steps to be taken by INF.

[redacted]

B3 DOD-CP

----- Original Message -----

From: [redacted] B3 DOD-CP
To: [redacted] Sievers, Marc J; Palm, Robert H; Levin, Jan; Grubb, Jason B; Schlereth, Frank G
Sent: Sat Jun 05 08:54:09 2010
Subject: Re: Rachel Corrie

[redacted] RC continuing to refuse to head to Ashdod. Expect additional steps to have vessel make port in Ashdod. B3 DOD-FGI

[redacted]

B3 DOD-CP

----- Original Message -----

From: [redacted] B3 DOD-CP
To: Sievers, Marc J; [redacted] [redacted] B6
Sent: Sat Jun 05 08:29:36 2010
Subject: Rachel Corrie

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

C18750896

B3 DODFGI

[redacted] Saying RC still has not been boarded and negotiations with crew continue to convince them to proceed to Ashdod. [redacted] the message that RC will not be allowed into Gaza. RC is about 55 miles out and expect her to reach land around noon today.

1384

Bowers, Allyson M

From: Sindle, James M
Sent: Thursday, June 23, 2011 9:14 AM
To: NEA-IPA-DL; EUR-SE-DL
Cc: NEA-ELA-DL
Subject: FW: "FREEDOM FLOTILLA II" GAZA AID CONVOY (SITREP #1) (SECRET)
Attachments: Free Gaza II Flotilla Update_23 Jun 2011.ppt

Importance: High

Categories: Working

RELEASED IN PART B3 DOD-CP, B1, B5, 1.4(D)

B5

1.4(D)
B1

FYSA...



V/R,
Jim Sindle

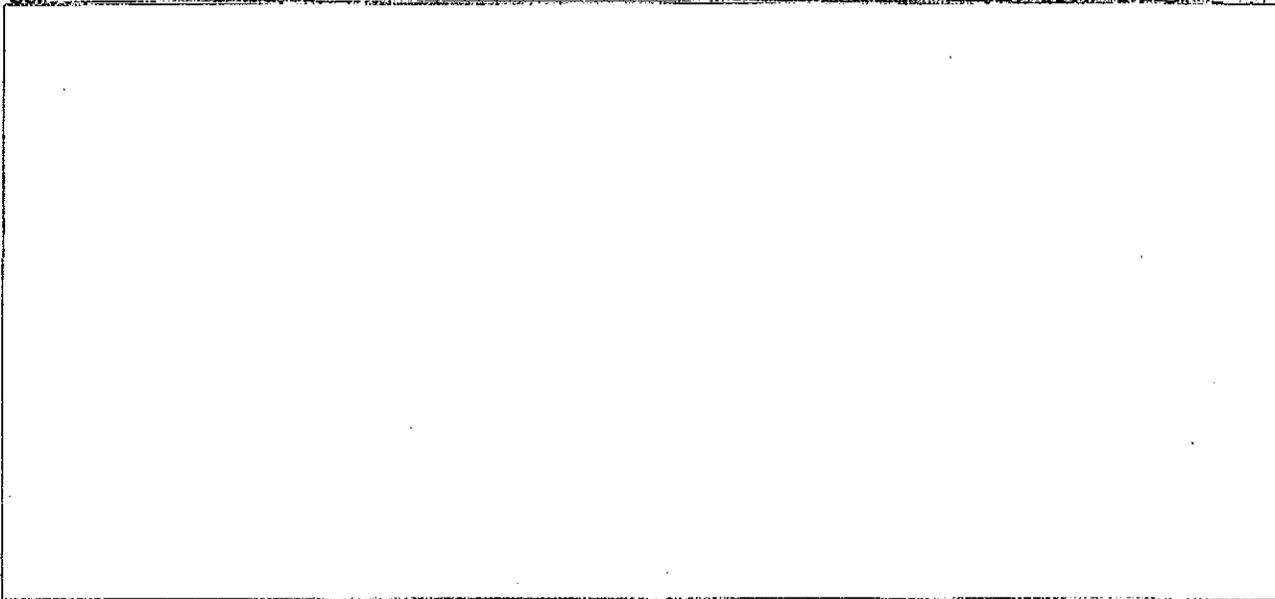
This document is SECRET//NOFORN when separated from SECRET//NOFORN attachment(s).

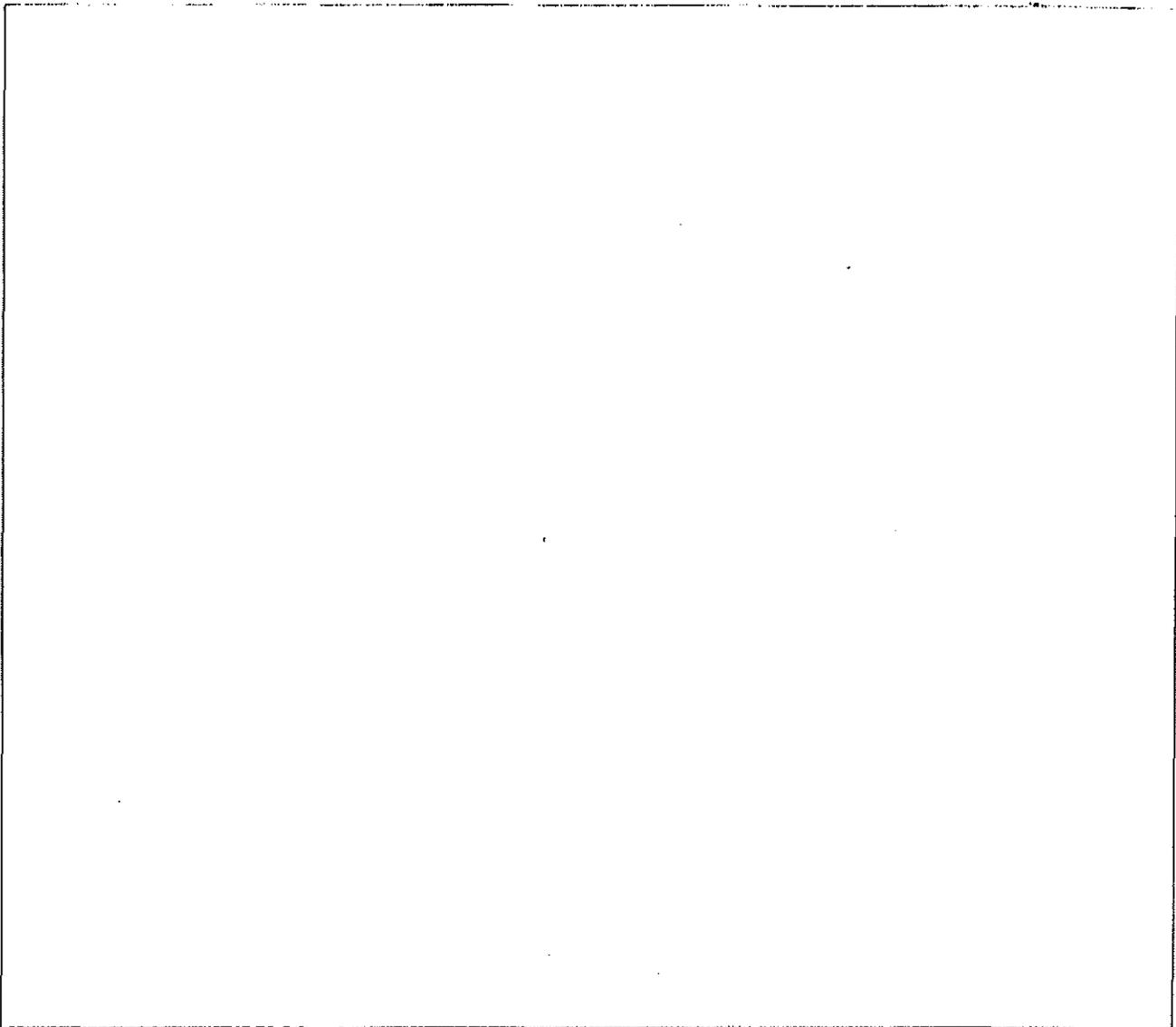
Sensitivity: Sensitive
Classification: SECRET//NOFORN
Derived From: DSCG 05-1 (b), (d)
Declassify On: 2021/08/23

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

From: [Redacted]
Sent: Thursday, June 23, 2011 2:26 AM
To: [Redacted]
Cc: [Redacted]

B3 DOD-CP



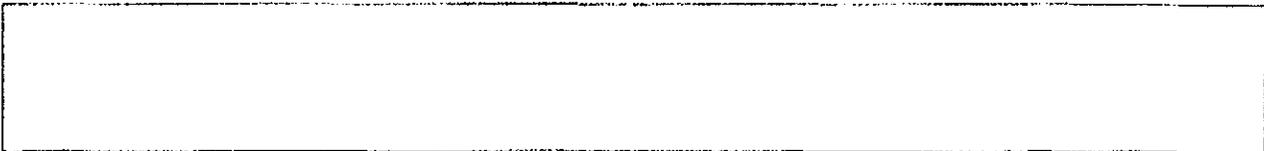


Subject: "FREEDOM FLOTILLA II" GAZA AID CONVOY (SITREP #1) (SECRET)

Classification: SECRET
Caveats: NOFORN

B5

Good morning J2 / DJ2 --



PAGE DENIED

C18750927

Attachment Classification: SECRET//REL TO USA, GBR
Classification: SECRET
Caveats: NOFORN

RELEASED IN PART 1.4(B), B3 DOD-CP, B1, 1.4(D), B7(C)

I137

Bowers, Allyson M

From:

[Redacted]

B3 DOD-CP

Sent:

Wednesday, July 06, 2011 12:12 PM

To:

Doutrich, Jack T; NEA-IPA-DL; EUR-SE-DL; Masilko, Barbara J (USUN); Zurcher, Kenneth M; Elts, Colin C

Cc:

[Redacted]

Subject:

RE: Greece Bans Departure of Flotilla Vessels to Gaza, Offers to Deliver Aid

CLASSIFICATION: SECRET

CAVEATS: NOFORN

REL TO: NONE

1.4(D)
B1

Jack/David/Matt -

[Redacted]

V/R.

[Redacted]

B3 DOD-CP

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

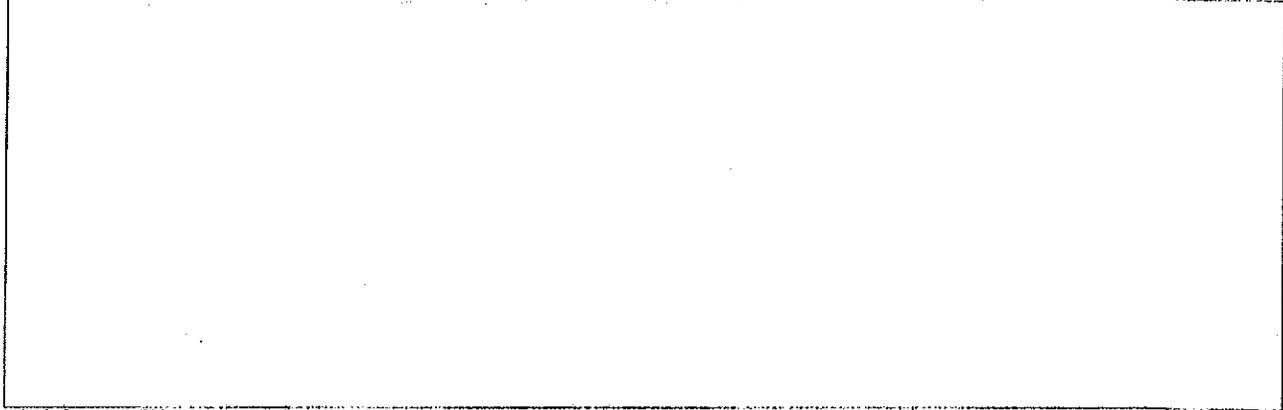
-----Original Message-----

From: Doutrich, Jack T [mailto:DoutrichJT@state.sgov.gov]

B3 DOD-CP

Sent: Wednesday, July 06, 2011 11:39 AM

To: NEA-IPA-DL; EUR-SE-DL; Masilko, Barbara J (USUN); Zucher, Kenneth M; Filts, Colin C



Subject: FW: Greece Bans Departure of Flotilla Vessels to Gaza, Offers to Deliver Aid

Jack Doutrich

Political Officer

NEA/IPA

(202) 647-4132

Sensitivity:

Sensitive

Classification:

CONFIDENTIAL

Derived From:

Derived from previous message in thread.

Declassify On:

2021/07/06

From:

SMART Core

Sent:

Wednesday, July 06, 2011 06:13:54

To:

Martin, Leah A (Athens)

Cc:

ATHENS-SMARTS; JERUSALEM-SMARTS; MILAN-SMARTS; SMARTS, Reykjavik; Valletta, SMARTS; GENEVA, SMARTS; BAKU-SMARTS; SOFIA-SMARTS; NICOSIA, SMARTS; TBILISI, SMARTS; BARCELONA, SMARTS; OSLO-SMARTS; Stockholm-SMARTS; BELGRADE-SMARTS; Dushanbe, SMARTS; VILNIUS, SMARTS; VATICAN, SMARTS; THEHAGUE-SMARTS; USNATO, SMARTS; YEREVAN-SMARTS; PODGORICA, SMARTS; SKOPJE, SMARTS; MOSCOW-SMARTS; WARSAW-SMARTS; ANKARA-SMARTS; TALLINN, SMARTS; Sarajevo, SMARTS; PARIS-SMARTS; BERN, SMARTS; UNVIE-SMARTS; LISBON, SMARTS; DUBLIN, SMARTS; Tashkent, SMARTS; BRUSSELS-SMARTS; OSCE-SMARTS; ISTANBUL, SMARTS; BUDAPEST-SMARTS; FRANKFURT, SMARTS; ZAGREB-SMARTS; LJUBLJANA-SMARTS; MADRID-SMARTS; KYIV-SMARTS; Ottawa-SmartS; HELSINKI-SMARTS; ASTANA-SMARTS; TiranaSMARTS; Bishkek, SMARTS; LONDON-SMARTS; BRATISLAVA-SMARTS; PRAGUE, SMARTS; HAMBURG-SMARTS; Riga, SMARTS; USEU-SMARTS; ROME, SMARTS; KRAKOW-SMARTS; BERLIN-SMARTS; LUXEMBOURG-SMARTS; NAPLES, SMARTS; Copenhagen-SMARTS; MUNICH-SMARTS; CHISINAU-SMARTS; Pristina, SMARTS; Ashgabat, SMARTS; USUN, SMARTS; BUCHAREST-SMARTS; VIENNA-SMARTS; PMAT (Pol-Mil Action Team);

fbi.gov.gov; [redacted]

B7(C)

B3 DOD-CP

Subject:

Greece Bans Departure of Flotilla Vessels to Gaza, Offers to Deliver Aid

CONFIDENTIAL

STATE SEAL

MRN:

11 ATHENS 407

Date/DTG:

Jul 06, 2011 / 061512Z JUL 11

From:

AMEMBASSY ATHENS

Action:

WASHDC, SECSTATE ROUTINE

E.O.:

13526

TAGS:

PREL, PHUM, PHSA, PTER, KCSY

Reference:

A) 11 ATHENS 383

<http://repository.state.sgov.gov/_layouts/OSSSearchResults.aspx?k=mrn%3a%22:11%20ATHENS%20383%22>

B) 11 ATHENS 349

<http://repository.state.sgov.gov/_layouts/OSSSearchResults.aspx?k=mrn%3a%22:11%20ATHENS%20349%22>

Pass Line:

AMEMBASSY ASTANA PASS TO AMCONSUL ALMATY AMEMBASSY ANKARA PASS TO AMCONSUL ADANA AMEMBASSY ROME PASS TO AMCONSUL FLORENCE AMEMBASSY PARIS PASS TO AMCONSUL STRASBOURG AMEMBASSY MOSCOW PASS TO AMCONSUL VLADIVOSTOK AMEMBASSY VILNIUS PASS TO AMEMBASSY MINSK AMEMBASSY BERLIN PASS TO AMCONSUL DUSSELDORF AMEMBASSY MOSCOW PASS TO AMCONSUL YEKATERINBURG AMEMBASSY BERLIN PASS TO AMCONSUL LEIPZIG AMEMBASSY MOSCOW PASS TO AMCONSUL ST PETERSBURG

Subject:

Greece Bans Departure of Flotilla Vessels to Gaza, Offers to Deliver Aid

1.4(B)
1.4(D)
B1

1. (C) SUMMARY: The Greek government's decision on July 1 to prohibit the departure of ships from Greek ports intended for Gaza was a significant shift from Greece's previous, less visibly confrontational, approach towards "Flotilla II - Stay Alive" Gaza vessels and activists. Over the July 4 weekend two boats attempting to depart Greek ports, in violation of the ban, were intercepted by the Hellenic Coast Guard, resulting in the arrest of the AMCIT captain of one of the boats. Also over the weekend, Gaza flotilla activists protested the Coast Guard action at the American Embassy and the Embassy Mission Residence (EMR).

END SUMMARY.

Greek Ban on Departure of Ships to Gaza

2. (SBU) On July 1, the Ministry of Citizen Protection released a notice to flotilla participants that the departure of ships with Greek and foreign flags from Greek ports to the maritime area of Gaza was prohibited, and that the Hellenic Coast Guard would take all appropriate measures to enforce the decision. Despite the departure ban by the Greek government (as well as an order to remain in port due to unresolved questions about the vessel's documentation and seaworthiness), the American-flagged vessel "Audacity of Hope" attempted to depart the Greek port of Perama, near Piraeus on July 1. The Hellenic Coast Guard intercepted the vessel and after a standoff at sea, the ship consented to return to port.

3. (SBU) The American captain was arrested by Greek authorities upon the ship's return to port. Embassy Athens provided regular consular services to Amcit members of this year's "Flotilla II - Stay Alive" US Boat to Gaza organization both before and after the captain's arrest. On June 24, American Citizens Services (ACS) Chief and Counsel General met with AMCIT flotilla participants to provide a consular briefing and ACS Chief had regular contact

with the captain and his attorney, including a meeting on July 5 to verify that he was in good health, understood his arrest, had legal representation, and that authorities were treating him well. The captain was released on July 6 without bail. There will be a trial at some point, but the captain will not have to return to Greece.

4. (C) On July 4, the Canadian boat "Tahrir" was intercepted by the Hellenic Coast Guard five kilometers off shore when it attempted to leave the eastern port of Aghios Nikolaos on the island of Crete. The boat carrying 50 Gaza activists and medicine was towed back to an undisclosed location on Crete. According to reports, no arrests were made. According to Embassy sources, a total of nine ships intending to participate in the flotilla docked around Greece. Two of those, the "Audacity of Hope" and "Tahrir", defied the departure ban, prompting Coast Guard action. Seven have remained docked.

5. (SBU) On July 1 some 35 demonstrators assembled outside the American Embassy to protest on behalf of the Gaza flotilla. On the evening of July 3, a group of eight people from the US Boat to Gaza organization assembled at the American Embassy and presented a letter calling for U.S. officials to defend their rights to sail out of Greece to Gaza and to request 50 tickets to the Embassy's upcoming Independence Day celebration. On both occasions the protestors dispersed peacefully. On July 4, nine demonstrators assembled outside the EMR. The demonstrators were taken into custody briefly for identification checks after stating they planned to sleep on the sidewalk in front of the EMR. The demonstrators spent under two hours in the station and were released. They were never placed under arrest.

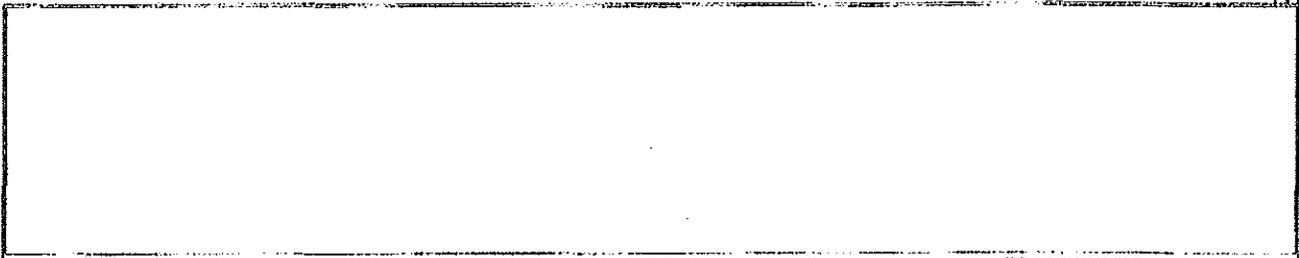
6. (SBU) In addition to the group's regular website updates and Tweets, the Embassy has received roughly 500 calls and emails since July 1 asking the USG to put pressure on Greece to allow the flotilla to proceed to Gaza.

Greek Proposal to Deliver Humanitarian Aid to Gaza .

7. (SBU) PM Papandreou spoke by phone with Palestinian Authority leader Mahmoud Abbas on July 3. According to reports, Abbas positively viewed a Greek government proposal to facilitate the transport of humanitarian aid to Gaza, in cooperation with the United Nations. The proposal was confirmed later in the day when the MFA released a statement announcing Greece's intention to undertake the task of transporting humanitarian aid to Gaza through "appropriate channels." The statement also reiterated Greece's ban on departure from Greek ports primarily to protect human life and stressed Greece's concurrent view that the naval blockade should be lifted. The MFA announced plans to liaise with all concerned parties, while flotilla organizers and activists decried both the Greek government's intent and Abbas' alleged backstabbing collusion with the Greeks.

1.4(B)
1.4(D)

B1



[Redacted]

COMMENT

1.4(B)
1.4(D)

9. (C) On June 22, the Greek MFA issued a strongly worded statement discouraging its citizens from participating in the flotilla, [Redacted]

B1

[Redacted]

Signature:

SMITH

Classified By:

Name: Daniel B. Smith, Title: Ambassador

Reason:

1.4 (b), (d)

Declassify on:

2021/07/06

Drafted By:

ATHENS:Martin, Leah A (Athens)

Cleared By:

POL:Cockrell, John D (Athens)

POL:Lawton, Daniel J (Athens)

Brandeis, Charles D (Athens)

Smith, Stuart M (Athens)

Miller, Thomas S (Athens)

Brandeis, Katherine (Athens)

C18750663

Approved By:

EXEC:Smith, Daniel B (Athens)

Released By:

ATHENS:Martin, Leah A (Athens)

Info:

JERUSALEM; AMCONSUL ROUTINE; EUROPEAN POLITICAL COLLECTIVE ROUTINE; ZEN/AMCONSUL ALMATY;
ZEN/AMCONSUL ADANA; ZEN/AMCONSUL FLORENCE; ZEN/AMCONSUL STRASBOURG; ZEN/AMCONSUL VLADIVOSTOK;
ZEN/AMEMBASSY MINSK; ZEN/AMCONSUL DUSSELDORF; ZEN/AMCONSUL YEKATERINBURG; ZEN/AMCONSUL
LEIPZIG; ZEN/AMCONSUL ST PETERSBURG

Attachments:

Metadata.dat

Action Post:

Dissemination Rule:

Released Copy

CONFIDENTIAL

DERIVED FROM: Multiple Sources.
DECLASSIFY ON: 20360706

CLASSIFICATION: SECRET
CAVEATS: NDFORN
REL TO: NONE

RELEASED IN PART B3 DOD-CP,B3
DODFGI,B5,B6

Law, Rosemary C

From: Schwartz, Jonathan B
Sent: Monday, May 31, 2010 1:57 PM
To: Pomper, Stephen E; Perina, Alexandra H
Cc: Dolan, JoAnn; Baumert, Kevin A; Harris, Robert K; Jacobson, Linda; Donoghue, Joan E
Subject: FW: MFA flotilla: TU Parliament For Aff Comm Chief Murat Mercan on Next Steps
Attachments: Legal Aspects.ppt

A further plea for L's advice on international law aspects.

B3 DOD-CP

-----Original Message-----

From: Sindle, James M
Sent: Monday, May 31, 2010 1:53 PM
To: Gordon, Philip H; Jeffrey, James F; [redacted] Cunningham, James B; Levin, Jan; Operations Center; Sievers, Marc J; Parker, Andrew C; Grubb, Jason B; NEA-IPA-DL; Greene, Elisa; Marchese, Gregory M; Waters, John R; Amodeo, Salvatore A (Istanbul); Connelly, Maura; Feltman, Jeffrey D; Rudman, Mara (Jerusalem); [redacted] Hale, David M; [redacted] 'elizabeth_d._sherwood-randall@nsc.eop.gov'; 'bbrink@nsc.eop.gov'; McEldowney, Nancy E; Kaidanow, Tina S; Baily, Jess L; Riley, Robert J; Marsh, Denise M; Waser, Tamir G; Silliman, Douglas A; Ankara-POL-DL; Wolff, Alexis S; [redacted] Baumert, Kevin A; Jacobson, Linda; Dolan, JoAnn; Schwartz, Jonathan B
Subject: RE: MFA flotilla: TU Parliament For Aff Comm Chief Murat Mercan on Next Steps

According to attachment and in several statements, GOI believes that they are in armed conflict with Hamas in Gaza and have the right to enforce blockade, including interdicting ships in international waters that intend to break that blockade. [redacted]

B5

-----Original Message-----

B3 DOD-CP

From: Gordon, Philip H
Sent: Monday, May 31, 2010 1:35 PM
To: Jeffrey, James F; [redacted] Cunningham, James B; Levin, Jan; Operations Center; Sievers, Marc J; Parker, Andrew C; Grubb, Jason B; NEA-IPA-DL; Greene, Elisa; Marchese, Gregory M; Waters, John R; Amodeo, Salvatore A (Istanbul); Connelly, Maura; Feltman, Jeffrey D; Rudman, Mara (Jerusalem); [redacted] Hale, David M; [redacted] 'elizabeth_d._sherwood-randall@nsc.eop.gov'; 'bbrink@nsc.eop.gov'; McEldowney, Nancy E; Kaidanow, Tina S; Baily, Jess L; Riley, Robert J; Marsh, Denise M; Waser, Tamir G; Silliman, Douglas A; Ankara-POL-DL; Wolff, Alexis S
Subject: Re: MFA flotilla: TU Parliament For Aff Comm Chief Murat Mercan on Next Steps

Isr Amb Oren told D-Steinberg that Israel would release/deport all the people forthwith. Did not address plans for the ships.

----- Original Message -- [REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer]

From: Jeffrey, James F

To: [redacted] Cunningham, James B; Levin, Jan; Operations Center; Sievers, Marc J; Parker, Andrew C; Grubb, Jason B; NEA-IPA-DL; Greene, Elisa; Marchese, Gregory M; Waters, John R; Amodeo, Salvatore A (Istanbul); Connelly, Maura; Feltman, Jeffrey D; Rudman, Mara (Jerusalem); [redacted] M; Hale, David M; [redacted] B3 DOD-CP

[redacted] 'elizabeth_d_sherwood-randall@nsc.eop.gov' <elizabeth_d_sherwood-randall@nsc.eop.gov>; 'bbrink@nsc.eop.gov' <bbrink@nsc.eop.gov>; Gordon, Philip H; McEldowney, Nancy E; Kaidanow, Tina S; Baily, Jess L; Riley, Robert J; Marsh, Denise M; Waser, Tamir G; Silliman, Douglas A; Ankara-POL-DL; Wolff, Alexis S; Rice, Susan E (USUN)
Sent: Mon May 31 13:27:49 2010

Subject: Re: MFA flotilla: TU Parliament For Aff Comm Chief Murat Mercan on Next Steps

Aside from stressing as Amb Tan did to Phil Gordon need for Am 'condemnation' of Israel Mercan-who can speak usually better for AKP leadership and Erdogan than MFA, Told Codel Delahunt and me that of particular importance for Turks is immediate release of Turkish ships and all personnel. He asserted and we need to look at, that under international law enforcing a blockade does not convey the right to seize people/property. [redacted] B5

----- Original Message -----

B3 DOD-CP

From: [redacted]

To: Cunningham, James B; Levin, Jan; Operations Center; Jeffrey, James F; Sievers, Marc J; Parker, Andrew C; Grubb, Jason B; NEA-IPA-DL; Greene, Elisa; Marchese, Gregory M; Waters, John R; Amodeo, Salvatore A (Istanbul); Connelly, Maura; Feltman, Jeffrey D; Rudman, Mara (Jerusalem); [redacted] Levin, Jan; Hale, David M; Murphy, Michael P;

Sent: Mon May 31 19:27:09 2010

B3 DOD-CP

Subject: RE: MFA flotilla briefing

B3 DODFGI

All,

[redacted] link between IHH organization and Muslim Brotherhood. Clear action on part of individuals on MAVI MARMARA to incite violence. Beat first wave of soldiers who arrived on board via Fast Rope. Several Rhibs and 3 Blackhawks were used in action against MAVI MARMARA. Took approximately an hour for INF forces (Flotilla 13(Navy Seals)) to gain control of the vessel. All 6 boats were boarded at approximately the same time(0400-0500L) in international waters. Violence isolated to MAVI MARMARA. Medical attention rendered to all injured.

- As of 1700L 3-4 of the vessels are in port Ashdod. MAVI MARAMRA to arrive soon.
- All IDF forces are monitoring for reaction, but currently no heightened activity on borders or in Gaza. Some minor incidents involving Israeli Arabs within Israel (stone throwing). Israeli Arab protests and strike expected tomorrow. IDF continuing to monitor situation to determine reactions.
- Several meetings and conversations with Turkish officials have taken place. There is concern for safety of Israeli representatives in Turkey.
- Air exercise that has been taking place in Crete with Greeks has been stopped by the Greeks and the IAF assets have been asked to leave.
- GDI and IDF focused on getting the facts out. Multiple video clips depicting violence against IDF forces being released. They will review the operation internally.

- No decision on reaction to any additional vessels that may attempt to head to Gaza.
- We are awaiting response on CHALLENGER I Flag and any status of AMCITs.
- At this time, unclear if any riot related gas, etc was used.

V/R,



B3 DOD-CP

-----Original Message-----

B3 DOD-CP

From: Murphy, Michael P
 Sent: Monday, May 31, 2010 4:37 PM
 To: [redacted] Cunningham, James B; Levin, Jan; Operations Center; Jeffrey, James F; Sievers, Marc J; Parker, Andrew C; Grubb, Jason B; NEA-IPA-DL; Greene, Elisa; Marchese, Gregory M; Waters, John R; Amodeo, Salvatore A (Istanbul); Connelly, Maura; Feltman, Jeffrey D; Rudman, Mara (Jerusalem); [redacted] Levin, Jan; Hale, David M
 Subject: RE: MFA flotilla briefing

Ma'am, Sir,



B3 DODFGI

"There was a significant event this morning, we don't have all the details, and we are still in the event. We will continue to update you."

B3 DODFGI

[redacted] a prepared, written statement beginning with the assertion that the Gaza Strip is ruled by a hostile enemy, HAMAS, that does not recognize the State of Israel. HAMAS encourages and executes hostile activity against Israel and is currently holding an Israeli citizen, Gilad Shalit, against international convention.

The naval blockade was established prevent smuggling that supports terrorist activity,

The Free Gaza flotilla was organized by the Turkish IHH which is belligerent towards Israel and supports the Muslim Brotherhood.

Israel tried different avenues to prevent the flotilla from launching to include communications with the ships' owning countries and companies to no avail. Israel expressed willingness to transfer any non-contraband supplies via established land procedures and Israel continues to look for ways to ameliorate the human conditions in Gaza. Israel assesses that there is no Humanitarian Crisis in Gaza.

When the organizers of the flotilla showed no desire to divert to Ashdod when requested by the Government of Israel (GoI), the GoI made the decision to board the ships in strict accordance with international law and with a desire to minimize damage to the ships and injury to passengers.

Boarding of the ships.

During boarding of the ship Mavi Marmara, Israel Navy (INF) Personnel encountered "severe physical violence" including knives, clubs and firearms. 1 INF weapon was seized by passengers. Due to a clear and present danger to INF personnel, the INF initiated contact using riot control systems (NFI) then transitioned to live fire. The injured in the event, both Israeli and foreign, have been transferred to "4-5 hospitals."

Short term future actions.

Provision of Medical attention to the wounded.

Non-contraband supplies, after inspection and processing, will be transferred to Gaza. An IDF investigation will be initiated.

The GoI continues to see HAMAS as a terrorist group. (Note: this seemed out of place in the context of the current topic of the briefing).

Israel is taking action to prevent escalation of the situation.

Israel will "respond heavily" to any entity seeking to provoke escalation.

B3 DODFGI

Legal Aspects

[redacted] that a separate briefing would be provided on the legal aspects of the operation. This was the attachment provided on [redacted]'s earlier summary. A copy is attached as well to this email.

B3 DOD-CP

Questions from the assembled group.

What are the nationalities of the casualties?

No information yet, should have details in "a few hours." This information will be transmitted via "diplomatic" channels, not military.

Where are the ships?

2 ships are at Ashdod, to include the Challenger I (as of 1415). The Challenger has US citizens, European citizens and at least one Israeli citizen. The Mavi Marmara should arrive to Ashdod between 1700-1800.

What will happen to passengers?

Passengers will have 2 options. Accept immediate extradition or be jailed by Israeli authorities. By "tonight," all personal details should be known.

Any information on nationalities?

Information will be passed to the Ambassador.

What time and where did boarding occur?

Between 0500-0600, 70 NM from Israel in international waters. All 6 ships were boarded. Only on the Mavi Marmara was serious violence encountered. One other minor incident occurred on a second ship. All casualties were on the Mavi Marmara.

Was permission granted to board the ships?

Unknown at this time.

What weapons were encountered?

One INF sailor was seriously wounded by rifle or pistol fire. 2 pistols were seized from dead passengers. One INF weapon was seized by the passengers during boarding.

What international reaction has occurred?

HAMAS has declared 3 days of mourning. Turkey has recalled its Ambassador. Israeli Ambassador to Turkey was summoned to the Turkish Deputy Minister of Foreign Affairs and was passed a "serious message."

[redacted] spoke with UNIFIL, and MFO to coordinate for de-escalation effortB3 DODFGI
Lebanon and Egypt.

The INF assesses that there were Jordanians on the ships, but no details were given. If there are Syrian or Lebanese citizens on the ships, then they will be transferred via the Red Cross and UN to their respective countries.

The MoD and IDF sent messages to the Palestinian Authority and the Israeli Arab Community to not escalate the situation. At least one Palestinian passenger may have been wounded.

[redacted] pointed out that there has been no US reaction as of yet. B3 DODFGI

Casualties?

10-14 passengers severely wounded or killed, all on the Mavi Marmara. A total of 30 passengers now at 4-5 Israeli hospitals.

10 INF wounded, 1 seriously, one moderately

B3 DODFGI

Why were the ships boarded in international waters?

[redacted] started by saying the organizers were warned that the GoI would respond to any provocation and the Free Gaze flotilla was meant only as a provocation. He then said he would not get into operational details, but the INF intercepted at 70 NM in accordance with international law as the flotilla made it clear that its intention was to violate the Israeli exclusion zone.

Did the INF know what was on board?

Only through press accounts, but INF assessed contraband items such as concrete, and iron.

Intentions for the ships?

The ships will remain at Ashdod until further notice.

Very Respectfully,

[redacted signature]

B3 DOD-CP

-----Original Message-----

From: [redacted]

B3 DOD-CP

Sent: Monday, May 31, 2010 3:08 PM

To: Cunningham, James B; Levin, Jan; Operations Center; Jeffrey, James F; Sievers, Marc J; Parker, Andrew C; Grubb, Jason B; NEA-IPA-DL; Greene, Elisa; Marchese, Gregory M; Waters, John R; Amodeo, Salvatore A (Istanbul); Connelly, Maura; Feltman, Jeffrey D; Rudman, Marc (Jerusalem); [redacted] Levin, Jan; Schlereth,

B3 DOD-CP

Frank G

Subject: RE: MFA flotilla briefing

B3 DOD-CP

B3 DODFGI

[redacted]

Many of the details briefed have already been provided via other means. Specific Highlights

- Ongoing Operation
- Two Ships in Ashdod to include the CHALLENGER I
- M/V MAVI MARMARA expected in port between 1700L and 1800L
- All ships will be in port by later today
- 10-14 Civilians Seriously Injured or Killed
- 30 Civilians Wounded
- 10 IDF wounded to include 1 serious and 1 with "medium" wounds
- Turkish Ambassador to Israel recalled

- Interaction occurred approx 70 NM from coastline. IDF confident in International Law because of intent by flotilla to breach the blockade. (See Attached Slides)

[Redacted]

[Redacted]

B3 DOD-CP

-----Original Message-----

From: Rudman, Mara (Jerusalem)
Sent: Monday, May 31, 2010 2:46 PM
To: Cunningham, James B; Levin, Jan; Operations Center; Jeffrey, James F; Sievers, Marc J; Parker, Andrew C; Grubb, Jason B; NEA-IPA-DL; Greene, Elisa; Marchese, Gregory M; Waters, John R; [Redacted] Amodeo, Salvatore A (Istanbul); Connelly, Maura; Felt; B3 DOD-CP
Cc: 'Dennis_B._Ross@nsc.eop.gov'; 'Dshapiro@who.eop.gov'
Subject: RE: MFA flotilla briefing

This may largely repeat at this point what is out in other places and/or others have heard from me, but just to assure that various reporting lines have same info, this is from [Redacted] [Redacted], who also spoke with the UN's Serry, among others, this am.

B6

B6

[Redacted] reported that when Israeli soldiers boarded the main deck of the main ship, they met with what he described as clearly planned active/armed resistance, including live fire. Military who boarded were attacked with knives, sharpened metal and wood instruments, etc. He said the military who boarded were attacked by dozens; He indicated that some of the soldiers were stabbed and slashed. Made clear situation was one in which actions taken were in self-defense.

Current estimates of those killed from flotilla 14-15 "maybe more". He said all injured being moved to Israeli hospital - by helicopter. He said ships coming into Ashdod (some reports have them coming into Haifa). At Ashdod, he and others will meet the ships. There, they will need to ID the bodies; move the people either to return them to home countries rapidly and/or detain; ID the cargo and as planned initially, move as much of into Gaza as promptly as possible.

Earlier this morning he and [Redacted] made the following calls/contacts:

--Turkish FM and MoD [Redacted]; Erakat, Fayyad, and Hussein al Sheikh [Redacted] He felt the calls w the Turks given the situation were OK, but the concern clearly is Erdogan and how he will handle. With Pals, Erakat in particular, they discussed extent to which levels of rhetoric could be kept in check. With Fayyad they discussed primarily need for security cooperation, keeping things calm. Concern about how this will be affected by status of Israeli Arab Islamic leader on board the flotilla.

B6

(PIC seems to be on track/going forward. Some events may be affected by it.)

-----Original Message-----

From: Cunningham, James B
Sent: Monday, May 31, 2010 1:38 PM
To: Levin, Jan; Operations Center; Jeffrey, James F; Sievers, Marc J; Parker, Andrew C; Grubb, Jason B; NEA-IPA-DL; Greene, Elisa; Marchese, Gregory M; Waters, John R; [Redacted]

B3 DOD-CP

[redacted] Amodeo, Salvatore A (Istanbul); Rudman, Mara (Jerusalem); Connelly, Maura; Feltman, Jeffrey D
Cc: 'Dennis_B_Ross@nsc.eop.gov'; 'Dshapiro@who.eop.gov'
Subject: Re: MFA flotilla briefing

Our Consular people are in contact with MFA and Ashdod to get info on amcits as soon as it's available. UN had been approached by COGAT last week to help in forwarding cargo from ships in Ashdod. Serry is trying to send a couple of observers to Ashdod, has told cogat that assisting deliveries of humanitarian goods, much of which is destined for Hamas, is problematic but he'll see. Barak just gave a press conference, and appears to have spoken to Davotuglu this am.
Sent from my BlackBerry

----- Original Message -----

From: Levin, Jan
To: Operations Center; Jeffrey, James F; Cunningham, James B; Sievers, Marc J; Parker, Andrew C; Grubb, Jason B; NEA-IPA-DL; Greene, Elisa; Marchese, Gregory M; Waters, John R; [redacted] Amodeo, Salvatore A (Istanbul); Rudman, Mara (Jerusalem); Connelly, Maura; Feltman, Jeffrey D
Sent: Mon May 31 13:20:31 2010
Subject: MFA flotilla briefing

MFA DG Yossi Gal and IDF Col. [redacted] briefed foreign ambassadors at 12:30 local time today.

B6

Highlights - Identification of dead and wounded taking time. MFA will reach out proactively to Embassies as IDs are done, with location and status of citizens. The uninjured will be processed and escorted to airport for deportation. Unclear how long this will take.

-- Most violence occurred on ship Mavi (Blue) Marmara. As far as is currently known, all injuries occurred on this ship.

-- Col. [redacted] told Ambassador that activists on Mavi Marmara were prepared for boarders and were armed. Unclear if they had firearms in advance or took them from IDF boarding party. One IDF soldier nearly beaten to death with metal bar. Activists also had knives.

B6

-- Events took place in international waters. Israel asserted it had the legal right to intercept in intl waters because there is a military blockade under the law of armed conflict between Israel and Hamas.

Ambassador Cunningham requests that Embassy Tel Aviv clear Dept guidance on this issue, thank you.

RELEASED IN PART B3 DOD-CP,B3
DODFGI,B5,B6

Law, Rosemary C

From: Townley, Stephen G
Sent: Monday, May 31, 2010 2:56 PM
To: Pomper, Stephen E; Heinemann, Thomas B; Donoghue, Joan E; Cleveland, Sarah H; Eichensehr, Kristen E; Schwartz, Jonathan B; Jacobson, Linda; Dolan, JoAnn; Baumert, Kevin A
Subject: Fw: MFA flotilla: TU Parliament For Aff Comm Chief Murat Mercan on Next Steps
Attachments: Legal Aspects.ppt

Sending also to L/PM. Seems related to another ongoing discussion.

----- Original Message -----

From: Gordon, Philip H
To: Donoghue, Joan E; Townley, Stephen G; Koh, Harold Hongju; Connery, Joyce L. <Joyce_L_Connery@nsc.eop.gov>
Sent: Mon May 31 14:06:54 2010
Subject: FW: MFA flotilla: TU Parliament For Aff Comm Chief Murat Mercan on Next Steps

Making sure you guys have this. (Tom Donilon asked for chop).

-----Original Message-----

From: Sindle, James M
Sent: Monday, May 31, 2010 1:53 PM
To: Gordon, Philip H; Jeffrey, James F; [redacted] Cunningham, James B; Levin, Jan; Operations Center; Sievers, Marc J; Parker, Andrew C; Grubb, Jason B; NEA-IPA-DL; Greene, Elisa; Marchese, Gregory M; Waters, John R; Amodeo, Salvatore A (Istanbul); Connelly, Maura; Feltman, Jeffrey D; Rudman, Mara (Jerusalem); [redacted] Hale, David M; [redacted] 'elizabeth_d_sherwood-randall@nsc.eop.gov'; 'Bbrink@nsc.eop.gov'; McEldowney, Nancy E; Kaidanow, Tina S; Baily, Jess L; Riley, Robert J; Marsh, Denise M; Waser, Tamir G; Silliman, Douglas A; Ankara-POL-DL; Wolff, Alexis S; [redacted] JCS JS AO'; [redacted]; Baumert, Kevin A; Jacobson, Linda; Dolan, JoAnn; Schwartz, Jonathan B
Subject: RE: MFA flotilla: TU Parliament For Aff Comm Chief Murat Mercan on Next Steps

B3 DOD-CP

According to attachment and in several statements, GOI believes that they are in armed conflict with Hamas in Gaza and have the right to enforce blockade, including interdicting ships in international waters that intend to break that blockade. [redacted]

B5



REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

-----Original Message-----

From: Gordon, Philip H
Sent: Monday, May 31, 2010 1:35 PM
To: Jeffrey, James F; [redacted] Cunningham, James B; Levin, Jan; Operations Center; Sievers, Marc J; Parker, Andrew C; Grubb, Jason B; NEA-IPA-DL; Greene, Elisa; Marchese, Gregory M; Waters, John R; Amodeo, Salvatore A (Istanbul); Connelly, Maura; Feltman, Jeffrey

B3 DOD-CP

D: Rudman, Mara (Jerusalem); [redacted] Hale, David M; [redacted]
[redacted] 'elizabeth.d.sherwood-randall@nsc.eop.gov'; 'bbrink@nsc.eop.gov';
McEldowney, Nancy E; Kaidanow, Tina S; Baily, Jess L; Riley, Robert J; Marsh, Denise M;
Waser, Tamir G; Silliman, Douglas A; Ankara-POL-DL; Wolff, Alexis S
Subject: Re: MFA flotilla: TU Parliament For Aff Comm Chief Murat Mercan on Next Steps

Isr Amb Oren told D-Steinberg that Israel would release/deport all the people forthwith. Did not address plans for the ships.

B3 DOD-CP

----- Original Message -----

From: Jeffrey, James F
To: [redacted] Cunningham, James B; Levin, Jan; Operations Center; Sievers, Marc J; Parker, Andrew C; Grubb, Jason B; NEA-IPA-DL; Greene, Elisa; Marchese, Gregory M; Waters, John R; Amodeo, Salvatore A (Istanbul); Connelly, Maura; Feltman, Jeffrey D; Rudman, Mara (Jerusalem); [redacted] Hale, David M; [redacted] 'elizabeth.d.sherwood-randall@nsc.eop.gov' <elizabeth.d.sherwood-randall@nsc.eop.gov>; 'bbrink@nsc.eop.gov' <bbrink@nsc.eop.gov>; Gordon, Philip H; McEldowney, Nancy E; Kaidanow, Tina S; Baily, Jess L; Riley, Robert J; Marsh, Denise M; Waser, Tamir G; Silliman, Douglas A; Ankara-POL-DL; Wolff, Alexis S; Rice, Susan E (USUN)
Sent: Mon May 31 13:27:49 2010
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B5

----- Original Message -----

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To: Cunningham, James B; Levin, Jan; Operations Center; Jeffrey, James F; Sievers, Marc J; Parker, Andrew C; Grubb, Jason B; NEA-IPA-DL; Greene, Elisa; Marchese, Gregory M; Waters, John R; Amodeo, Salvatore A (Istanbul); Connelly, Maura; Feltman, Jeffrey D; Rudman, Mara (Jerusalem); [redacted] Levin, Jan; Hale, David M; [redacted]
Sent: Mon May 31 19:27:09 2010
Subject: RE: MFA flotilla briefing

All,

B3 DOD-CP
B3 DODFGI

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- As of 1700L 3-4 of the vessels are in port Ashdod. MAVI MARAMRA to arrive soon.
- All IDF forces are monitoring for reaction, but currently no heightened activity on borders or in Gaza. Some minor incidents involving Israeli Arabs within Israel (stone throwing).

Israeli Arab protests and strike expected tomorrow. IDF continuing to monitor situation to determine reactions.

- Several meetings and conversations with Turkish officials have taken place. There is concern for safety of Israeli representatives in Turkey.
- Air exercise that has been taking place in Crete with Greeks has been stopped by the Greeks and the IAF assets have been asked to leave.
- GOI and IDF focused on getting the facts out. Multiple video clips depicting violence against IDF forces being released. They will review the operation internally.
- No decision on reaction to any additional vessels that may attempt to head to Gaza..
- We are awaiting response on CHALLENGER I Flag and any status of AMCITs.
- At this time, unclear if any riot related gas, etc was used.

V/R.



B3 DOD-CP

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Sent: Monday, May 31, 2010 4:37 PM
To: [Redacted] Cunningham, James B; Levin, Jan; Operations Center; Jeffrey, James F; Sievers, Marc J; Parker, Andrew C; Grubb, Jason B; NEA-IPA-DL; Greene, Elisa; Marchese, Gregory M; Waters, John R; Amodeo, Salvatore A (Istanbul); Connelly, Maura; Feltman, Jeffrey D; Rudman, Mara (Jerusalem); [Redacted] Levin, Jan; Hale, David M
Subject: RE: MFA flotilla briefing

B3 DOD-CP

Ma'am, Sir,

B3 DODFGI



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B3 DODFGI

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Israel continues to look for ways to ameliorate the human conditions in Gaza. Israel assesses that there is no Humanitarian Crisis in Gaza.

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The GoI continues to see HAMAS as a terrorist group. (Note: this seemed out of place in the context of the current topic of the briefing).

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Israel will "respond heavily" to any entity seeking to provoke escalation.

B3 DODFGI

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B3 DOD-CP

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[redacted] spoke with UNIFIL, and MFO to coordinate for de-escalation efforts [redacted] B3 DODFGI Lebanon and Egypt.

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[redacted] pointed out that there has been no US reaction as of yet. B3 DODFGI

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10-14 passengers severely wounded or killed, all on the Mavi Marmara. A total of 30 passengers now at 4-5 Israeli hospitals.

10 INF wounded, 1 seriously, one moderately

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B3 DODFGI

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Very Respectfully,

[redacted signature box]

B3 DOD-CP

-----Original Message-----

From: [redacted]

Sent: Monday, May 31, 2010 3:08 PM

To: Cunningham, James B; Levin, Jan; Operations Center; Jeffrey, James F; Sievers, Marc J; Parker, Andrew C; Grubb, Jason B; NEA-IPA-DL; Greene, Elisa; Marchese, Gregory M; Waters, John R; Amodio, Salvatore A (Istanbul); Connelly, Maura; Feltman, Jeffrey D; Rudman, Mara (Jerusalem); [redacted] Levin, Jan; [redacted] B3 DOD-CP

Subject: RE: MFA flotilla briefing

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- M/V MAVI MARMARA expected in port between 1700L and 1800L
- All ships will be in port by later today
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- 30 Civilians Wounded
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- Turkish Ambassador to Israel recalled
- Interaction occurred approx 70 NM from coastline. IDF confident in International Law because of intent by flotilla to breach the blockade. (See Attached Slides)

B3 DOD-CP

-----Original Message-----

From: Rudman, Mara (Jerusalem)

Sent: Monday, May 31, 2010 2:46 PM

To: Cunningham, James B; Levin, Jan; Operations Center; Jeffrey, James F; Sievers, Marc J; Parker, Andrew C; Grubb, Jason B; NEA-IPA-DL; Greene, Elisa; Marchese, Gregory M; Waters, John R; [redacted] Amodeo, Salvatore A (Istanbul); Connelly, Maura; Feltman, Jeffrey

Cc: 'Dennis_B._Ross@nsc.eop.gov'; 'Dshapiro@who.eop.gov'
Subject: RE: MFA flotilla briefing

B3 DOD-CP

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B6
B6

B6

[redacted] reported that when Israeli soldiers boarded the main deck of the main ship, they met with what he described as clearly planned active/armed resistance, including live fire. Military who boarded were attacked with knives, sharpened metal and wood instruments, etc. He said the military who boarded were attacked by dozens; He indicated that some of the soldiers were stabbed and slashed. Made clear situation was one in which actions taken were in self-defense.

Current estimates of those killed from flotilla 14-15 "maybe more". He said all injured being moved to Israeli hospital - by helicopter. He said ships coming into Ashdod (some reports have them coming into Haifa). At Ashdod, he and others will meet the ships. There, they will need to ID the bodies; move the people either to return them to home countries rapidly and/or detain; ID the cargo and as planned initially, move as much of into Gaza as promptly as possible.

Earlier this morning he and [redacted] made the following calls/contacts:
--Turkish FM and MoD (Barak); Erakat, Fayyad, and Hussein al Sheikh (Dangot). He felt the calls w the Turks given the situation were OK, but the concern clearly is Erdogan and how he will handle. With Pals, Erakat in particular, they discussed extent to which levels of

B6

rhetoric could be kept in check. With [redacted] they discussed primarily need for securityB3 DODFGI cooperation, keeping things calm. Concern about how this will be affected by status of Israeli Arab Islamic leader on board the flotilla.

(PIC seems to be on track/going forward. Some events may be affected by it.)

-----Original Message-----

From: Cunningham, James B

Sent: Monday, May 31, 2010 1:38 PM

To: Levin, Jan; Operations Center; Jeffrey, James F; Sievers, Marc J; Parker, Andrew C;

Grubb, Jason B; NEA-IPA-DL; Greene, Elisa; Marchese, Gregory M; Waters, John R; [redacted]

[redacted] Amodeo, Salvatore A (Istanbul); Rudman, Mara (Jerusalem); Connelly, Maura; Feltman,

Jeffrey D

Cc: 'Dennis_B_Ross@nsc.eop.gov'; 'Dshapiro@who.eop.gov'

Subject: Re: MFA flotilla briefing

B3 DOD-CP

Our Consular people are in contact with MFA and Ashdod to get info on amcits as soon as it's available. UN had been approached by COGAT last week to help in forwarding cargo from ships in Ashdod. Serry is trying to send a couple of observers to Ashdod, has told cogat that assisting deliveries of humanitarian goods, much of which is destined for Hamas, is problematic but he'll see. Barak just gave a press conference, and appears to have spoken to Davotuglu this am.

Sent from my BlackBerry

----- Original Message -----

From: Levin, Jan

To: Operations Center; Jeffrey, James F; Cunningham, James B; Sievers, Marc J; Parker, Andrew

C; Grubb, Jason B; NEA-IPA-DL; Greene, Elisa; Marchese, Gregory M; Waters, John R; [redacted]

[redacted] Amodeo, Salvatore A (Istanbul); Rudman, Mara (Jerusalem); Connelly, Maura; Feltman,

Jeffrey D

Sent: Mon May 31 13:20:31 2010

Subject: MFA flotilla briefing

MFA DG Yossi Gal and IDF Col. Assaf Orion, Dir. Of Dept of Strategic Coordination, briefed foreign ambassadors at 12:30 local time today.

Highlights - Identification of dead and wounded taking time. MFA will reach out proactively to Embassies as IDs are done, with location and status of citizens. The uninjured will be processed and escorted to airport for deportation. Unclear how long this will take.

-- Most violence occurred on ship Mavi (Blue) Marmara. As far as is currently known, all injuries occurred on this ship.

-- Col. Orion told Ambassador that activists on Mavi Marmara were prepared for boarders and were armed. Unclear if they had firearms in advance or took them from IDF boarding party.

One IDF soldier nearly beaten to death with metal bar. Activists also had knives.

-- Events took place in international waters. Israel asserted it had the legal right to intercept in intl waters because there is a military blockade under the law of armed conflict between Israel and Hamas.

Ambassador Cunningham requests that Embassy Tel Aviv clear Dept guidance on this issue, thank you.

I 120A

RELEASED IN PART B1,1.4(C)

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JIOCEUR Analytical Center
Morning Update Brief

Israel: Gaza Flotilla Update

[Redacted]
[Redacted] (S//REL TO USA, FVEY)

- **19 Jun: First Gaza Flotilla vessel scheduled to leave port from Hamburg, GE (U)**
 - Up to 22 ships, 1000 participants possible in Flotilla (U)
 - ~27 Jun: Flotilla to rdvs south of Cyprus (U)
- **Turkish NGO IHH sending mixed messages about Flotilla sailing (U)**
 - [Redacted]
 - Says may postpone flotilla due to concerns over possible int'l intervention in Syria (U)
- **Ankara discouraging Flotilla participation, but states it cannot block participation (U)**

S//REL TO USA, FVEY, 1.4(C)
B1

M/V Rachel Corrie
M/V Mari Marmara
M/V Gazze

Flotilla Rendezvous Point

Country	Candidate Vessel
USA	M/V Ozaj (Aidacity of Hope) IVO Croatia as of 5 May 11
ITA	M/V Stefano Chiarini
TUR	M/V Mavi Marmara IVO Istanbul as of 31 May 11
TUR	M/V Gazze IVO Istanbul as of 4 Apr 11
KHM	M/V Rachel Corrie
GAN	M/V Tahrir
GBR	M/V Discovery II
DEU	M/V Freedom Flotilla II
IRE	M/V Saoire

S//REL TO USA, FVEY

[Redacted]
[Redacted] (S//REL TO USA, FVEY)

16 Jun 11

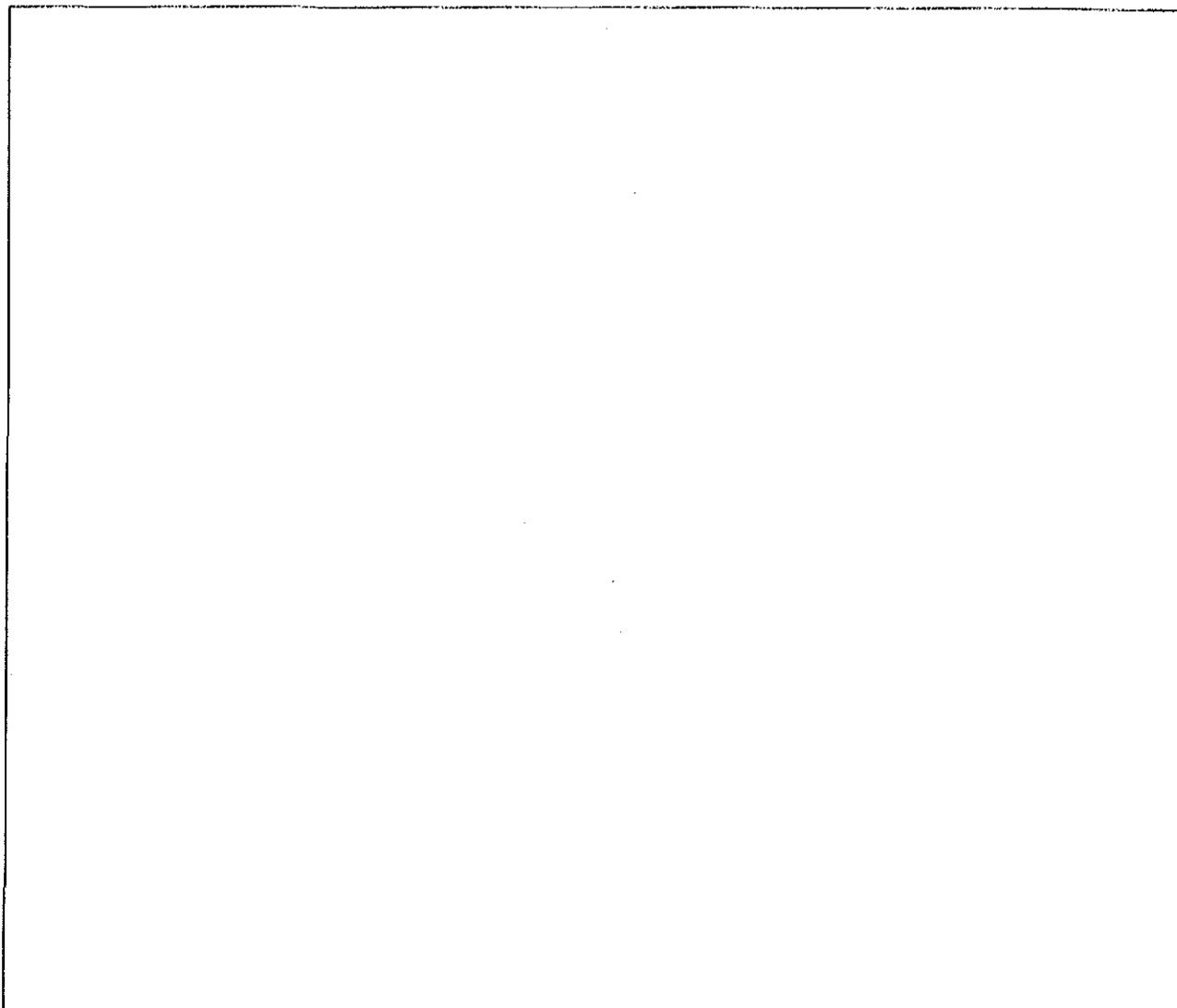
SECRET

Declassify On: 16 Jun 36

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

Logg, Cristina A

From: Stafford, Edward G
Sent: Thursday, November 03, 2011 1:33 PM
To: Berns, David B.; Kumar, Prem G.; Erickson, Mark D; Levin, Jan X; Stein, Lawrence J.
Cc: EUR-SE-TU-DL; NEA-IPA-DL; Ankara-PMA; Ankara-Political; [redacted] B3 DOD-CP
TELAVIV
Subject: POL: 'AGodfrey@nss.eop.sgov.gov'
RE: "FREEDOM WAVES TO GAZA" FLOTILLA - (SITREP 2) - 3 NOV 2011 (SECRET)
[SECRET, Record]



REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

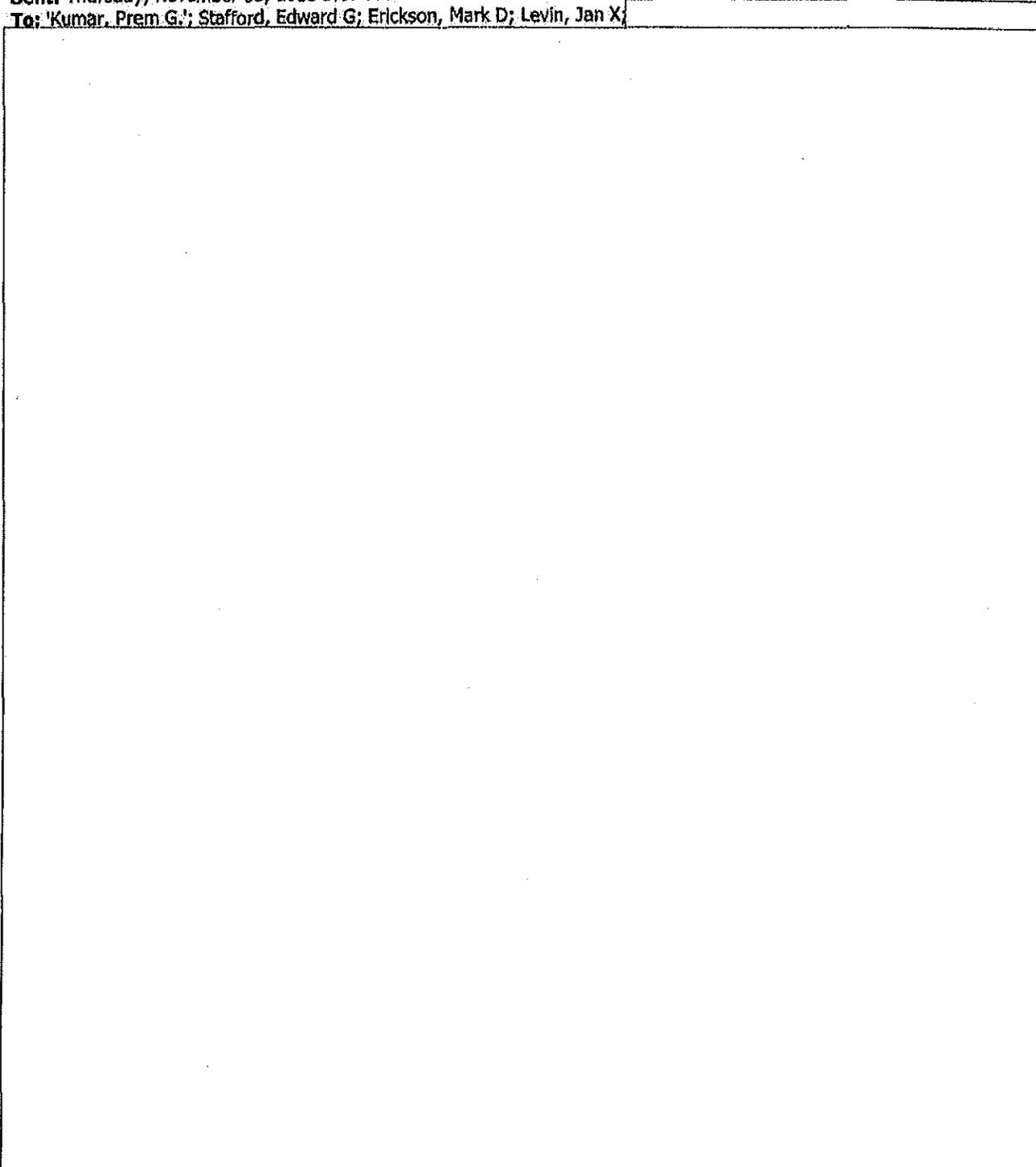
1.4(B)
1.4(D)
B1

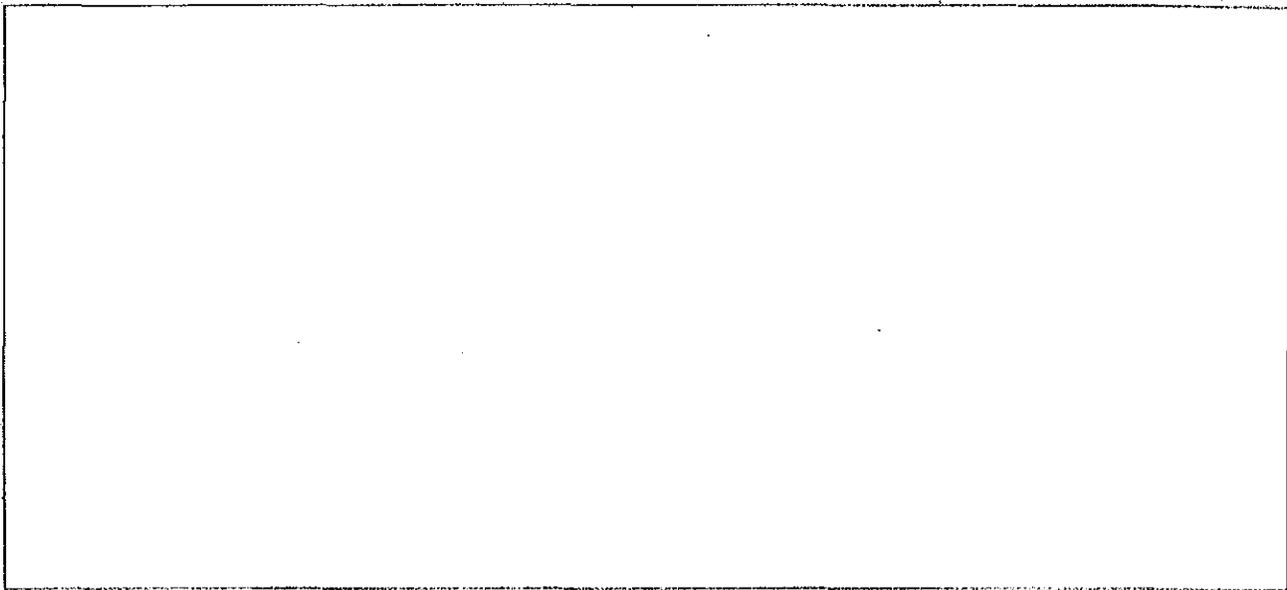
Sensitivity: Sensitive
Classification: SECRET//NOFORN
Derived From: incoming IIR

Declassify On: 2036/11/03

B3 DOD-CP
B6

From: Berns, David B
Sent: Thursday, November 03, 2011 5:57 PM
To: 'Kumar, Prem G.'; Stafford, Edward G; Erickson, Mark D; Levin, Jan X;





Subject: RE: "FREEDOM WAVES TO GAZA" FLOTILLA - (SITREP 2) - 3 NOV 2011 (SECRET) [SECRET, Record]

01 01 031156Z NOV 11 RR RR SSSS

AT ZYUW HOTRPM

B6
B3 DOD-CP

FM [redacted]

B3 DOD-CP

TO DIA WASHINGTON DC

[redacted]

B3 DOD-CP

CDR USCENTCOM MACDILL AFB FL
CDR USEUCOM [redacted] VAHINGEN GE/[redacted]
CDR USTRANSCOM [redacted] SCOTT AFB IL

[redacted]

CIA WASHINGTON DC/[redacted]
CNO WASHINGTON DC/[redacted]

[redacted]

DA WASHINGTON DC/[redacted]
DEPT OF ENERGY WASHINGTON DC
DEPT OF HOMELAND SECURITY WASHINGTON DC/[redacted]

[redacted]

DIRNSA FT GEORGE G MEADE MD/[redacted]
DNI WASHINGTON DC
ERI WASHINGTON DC

[redacted]
HQ NORAD PETERSON AFB CO/[redacted]
HQ USEUCOM VAHINGEN GE

[redacted]

B3 DOD-CP

[Redacted]

SECDEF WASHINGTON DC/[Redacted]
SECSTATE WASHDC/[Redacted]

[Redacted]

USCENTCOM [Redacted] MACDILL AFB FL//[Redacted]

[Redacted]

USSOCOM [Redacted] MACDILL AFB FL
USSTRATCOM [Redacted] OFFUTT AFB NE/[Redacted]

WHITE HOUSE SITUATION ROOM WASHINGTON DC

S E C R E T [Redacted] /NOFORN
QQQQ

B3 DODFGI

SERIAL: (U) [Redacted]

B3 DODFGI

COUNTRY: (U) Israel (ISR); Palestinian Territory, Occupied (PSE);
Comoros (COM); Turkey (TUR); Greece (GRC).

IPSP: (U) [Redacted]

B3 DODFGI

SUBJ: [Redacted] Update on Flotilla to Gaza - 3 November 2011
(S//NF).

B3 DODFGI

WARNING: (U) THIS IS AN INFORMATION REPORT, NOT FINALLY
EVALUATED INTELLIGENCE. REPORT CLASSIFIED
S E C R E T / [Redacted] /NOFORN.

B3 DODFGI

DOI: (U) 20111103.

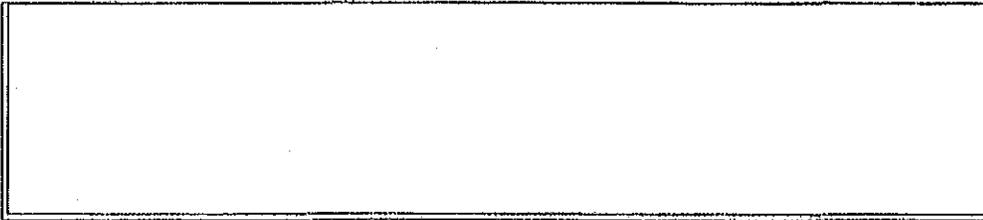
REQS: (U) [Redacted]

B3 DODFGI

SOURCE:

[Redacted]

1.4(C)
B1



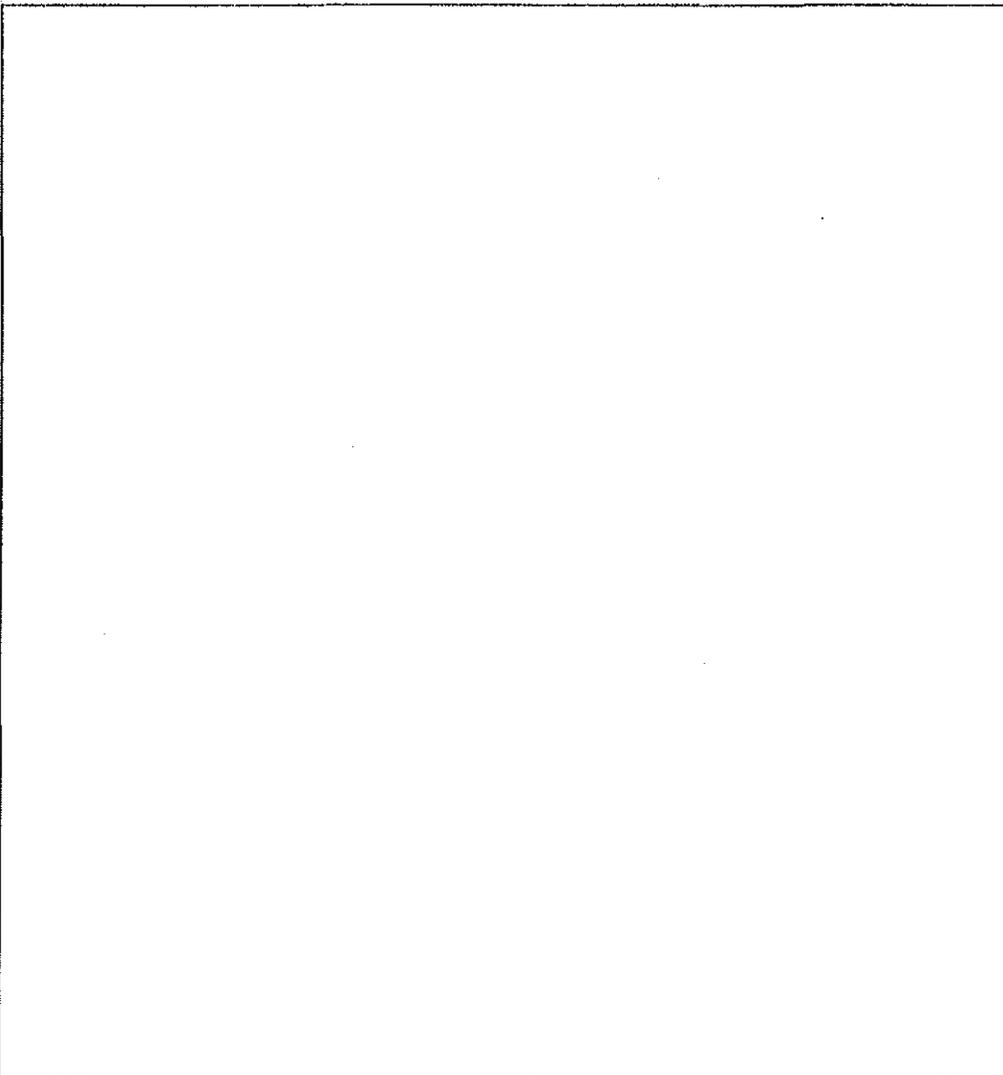
1.4(C)
B1
B3 DODFGI

SUMMARY: (U) SEE EXECUTIVE SUMMARY, TEXT PARAGRAPH 1, BELOW.

TEXT: 1. (S//NF) EXECUTIVE SUMMARY. The November 2011 Gaza Flotilla has transited south of Cyprus and as of 0730Z was located approximately 250 nm from Gaza. There are 27 participants from multiple nations. The vessels declared a next port of call to Rhodes, but then changed course after departing Turkish port. There is a Turkish vessel providing an escort for the flotilla, but at this time, it is not causing great consternation among the Israel Naval Forces. The intentions of this flotilla are still not known, and



1.4(C)
B1



1.4(B)
1.4(C)
1.4(D)
B1

1.4(B)
1.4(C)
1.4(D)
B3 DOD-CP

Page Denied

B3 DOD-CP

6. (U//FOUO) POC Information: [redacted]

7. (U) [redacted]

COLL: (U)

INSTR: (U)

PREP: (U)

ACQ: (U)

WARNING: (U) REPORT CLASSIFIED
S E C R E T / [redacted] /NOFORN.

CLASSIFIED BY: [redacted]

DERIVED FROM: [redacted]

DECLASSIFY ON: [redacted]

SECRET / [redacted] /NOFORN
#0000

Classification: **SECRET//NOFORN**
Derived From: DSCG 05-1 (a), (b), (d)
Declassify On: 2036/11/03

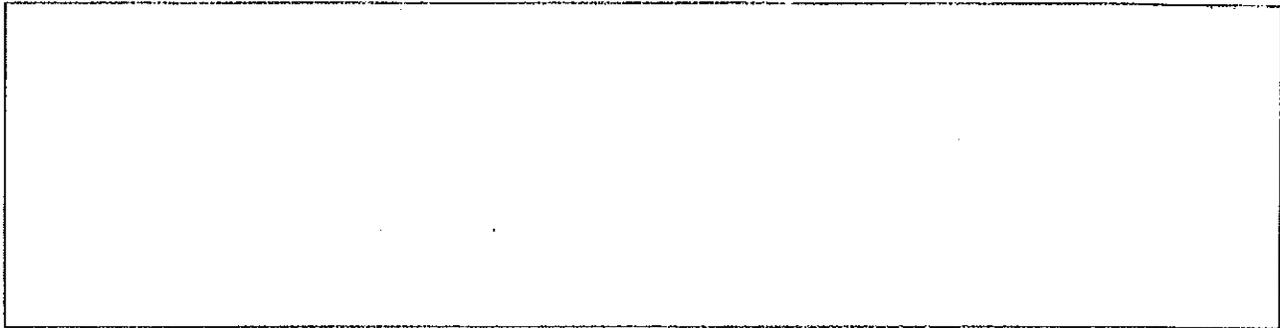
B3 DOD-CP
B6

From: Kumar, Prem G. [mailto:PKumar@nss.eop.sgov.gov]
Sent: Thursday, November 03, 2011 2:50 PM
To: Stafford, Edward G; Erickson, Mark D; Levin, Jan X; [redacted]

[Large redacted area]

Page Denied

Page Denied



Subject: RE: "FREEDOM WAVES TO GAZA" FLOTILLA - (SITREP 2) - 3 NOV 2011 (SECRET)

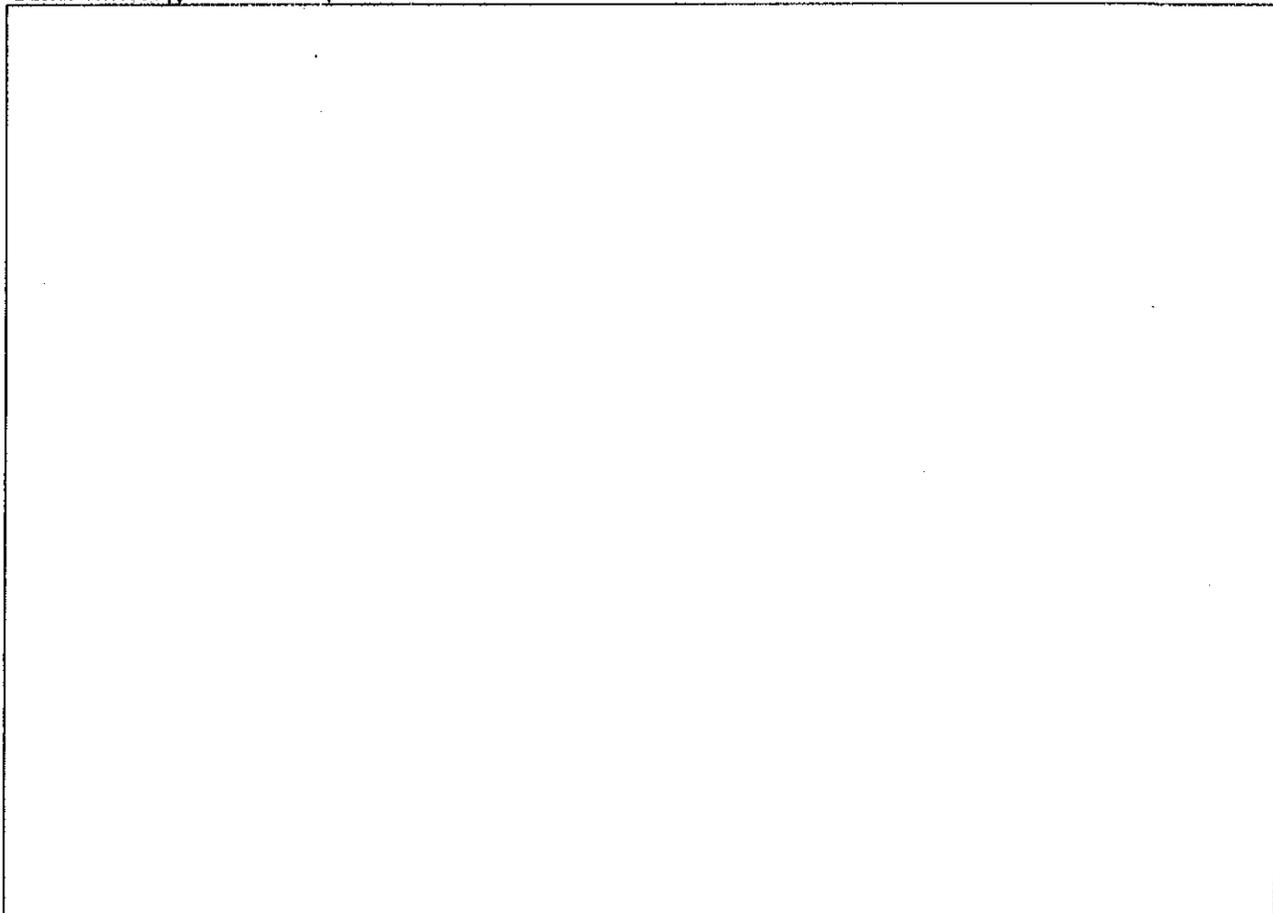


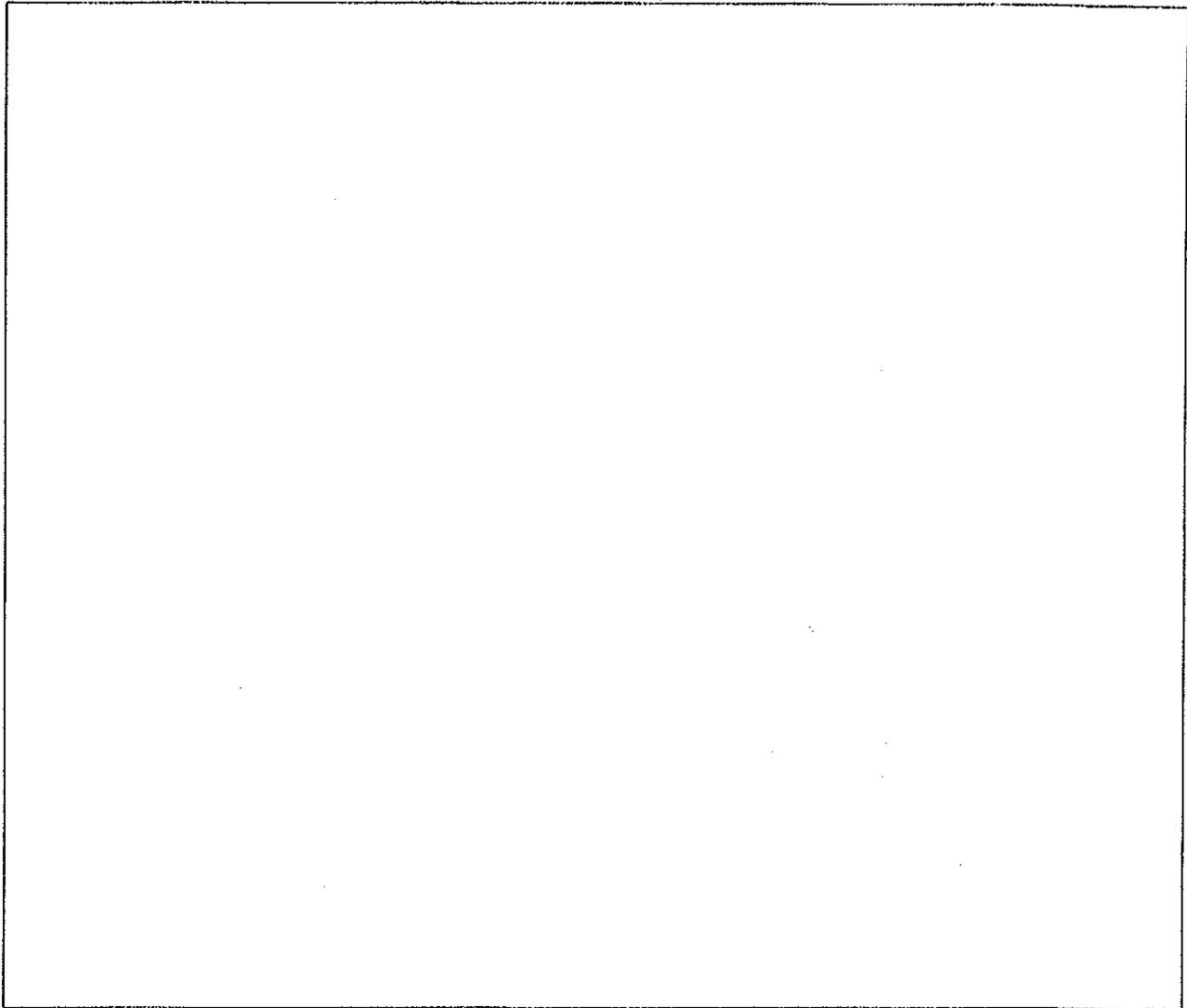
B5

Sensitivity: Sensitive
Classification: SECRET
Derived From: preceding thread
Declassify On: 2024/11/03

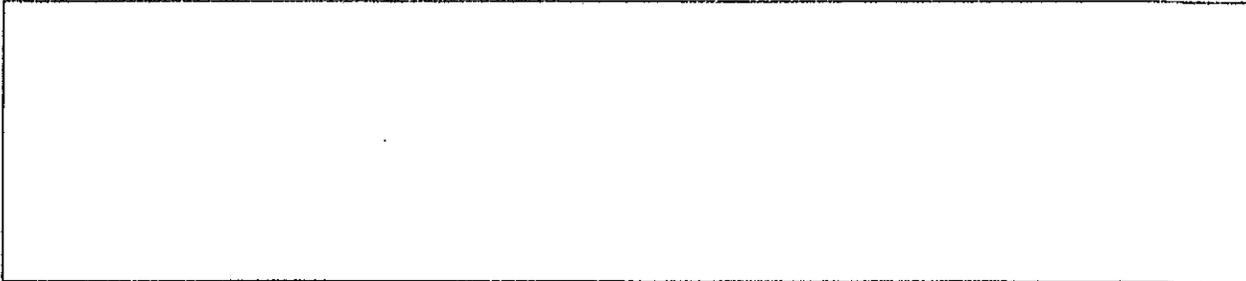
B3 DOD-CP
B6

From: Levin, Jan X
Sent: Thursday, November 03, 2011 11:34 AM





Subject: RE: "FREEDOM WAVES TO GAZA" FLOTILLA - (SITREP 2) - 3 NOV 2011 (SECRET)

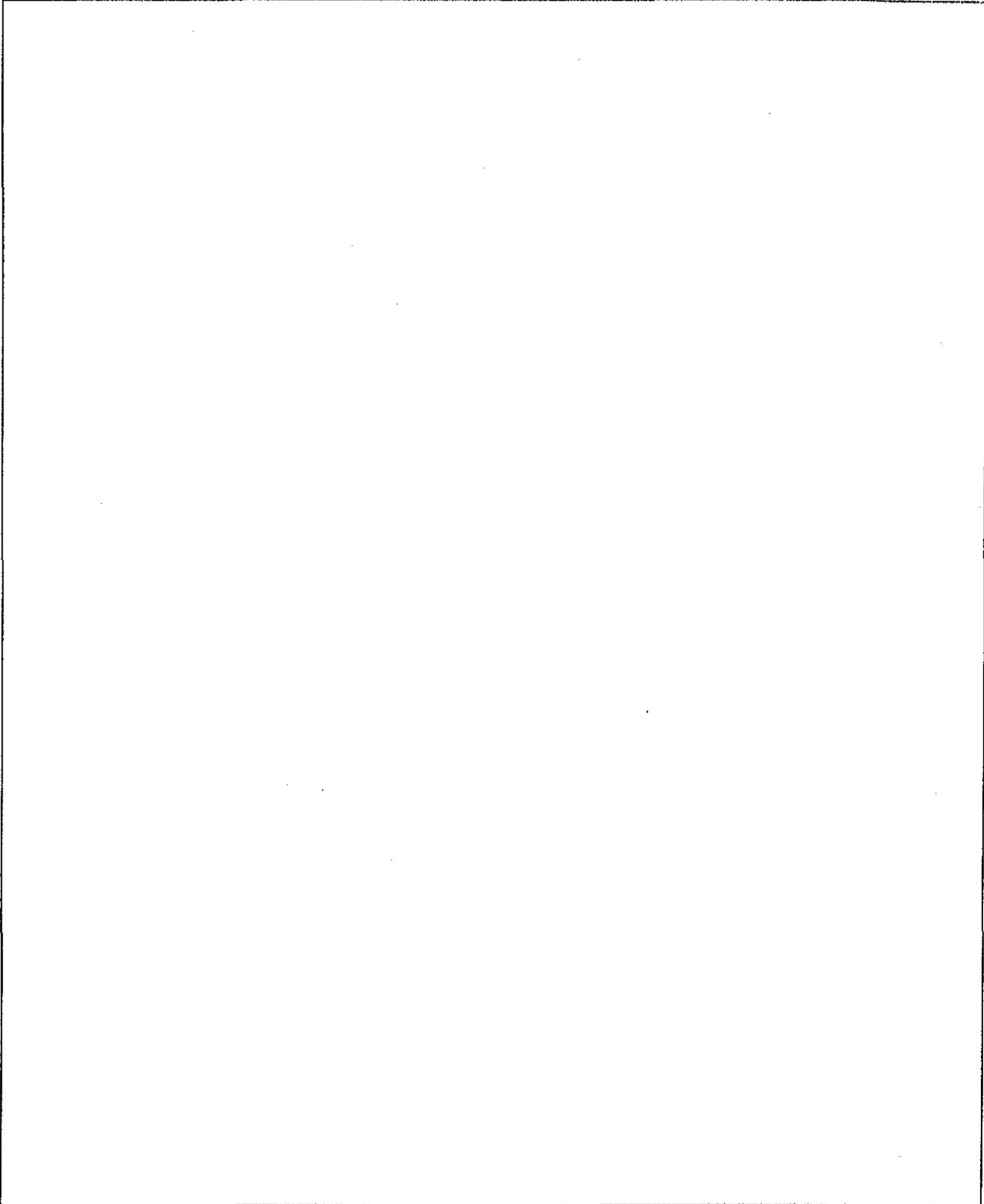


1.4(B)
1.4(D)
B1

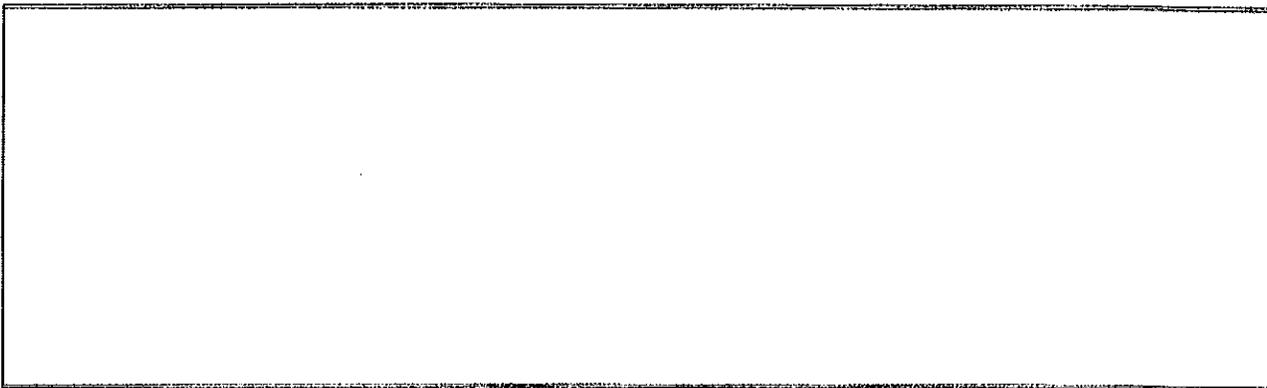
Sensitivity: Sensitive
Classification: SECRET
Derived From: preceding thread
Declassify On: 2021/11/03

From:

Sent: Thursday, November 03, 2011 8:14 AM



B6



Subject: "FREEDOM WAVES TO GAZA" FLOTILLA - (SITREP 2) - 3 NOV 2011 (SECRET)

Classification: SECRET//REL TO USA, GBR

Classification: SECRET//REL TO USA, GBR

Good morning J2 -

1.4(B)
1.4(C)
B1



SITREP follows:

Convention: Blue is new

(U) This event, called "Freedom Waves for Gaza," unites 27x activists from at least 6x countries, including America, Canada, Denmark, Belgium, Germany, and Australia, alongside Palestinians from Bethlehem and Haifa in an international movement to break Israel's blockade of the 1.6 million inhabitants of the Gaza Strip. "Freedom Waves for Gaza" is the 11th attempt by international activists to deliver humanitarian aid through the Israeli blockade of Gaza since 2008.

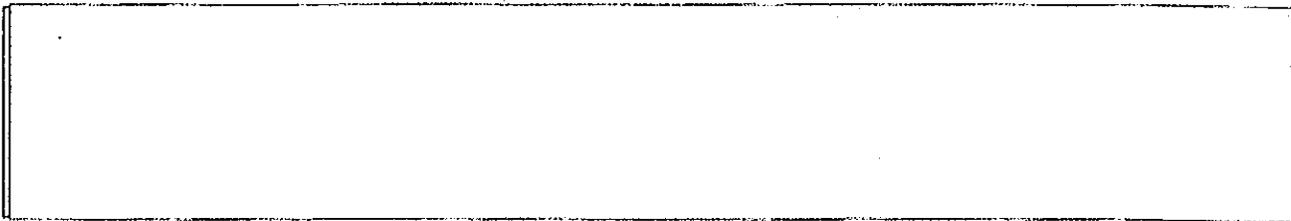
B1
1.4(B)
1.4(C)



(S//REL TO USA, GBR) Flotilla Ships

B1
1.4(C)
1.4(D)





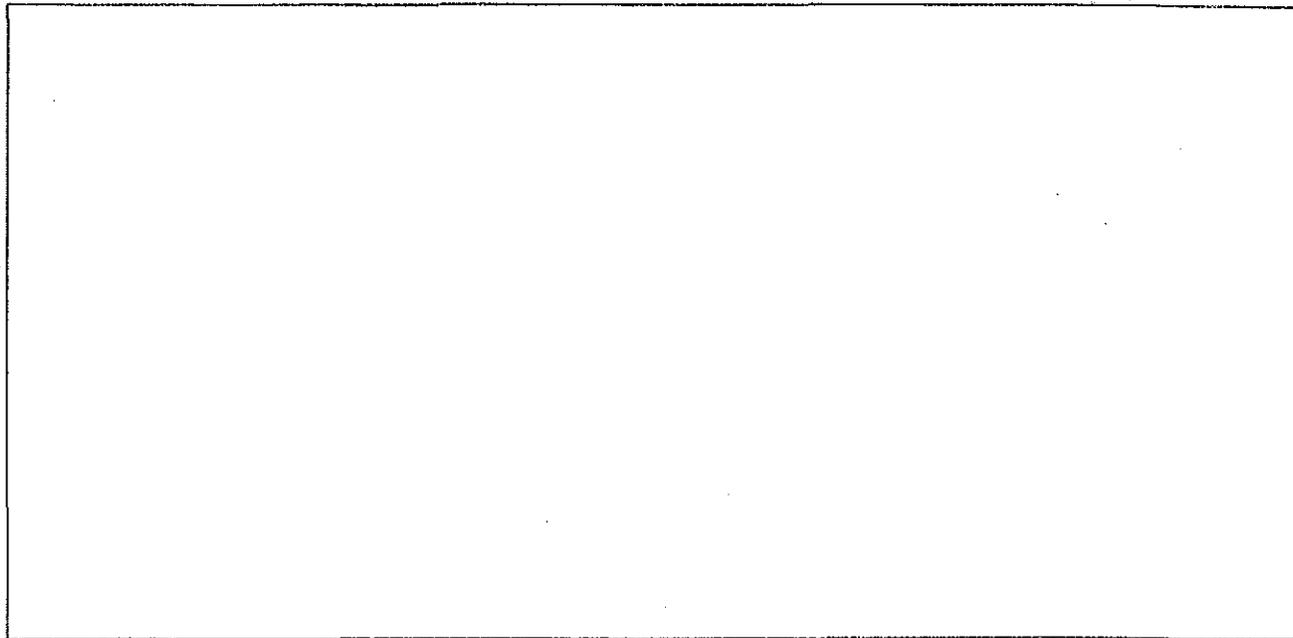
1.4(C)
1.4(D)
B1

(S//REL TO USA, FVEY)

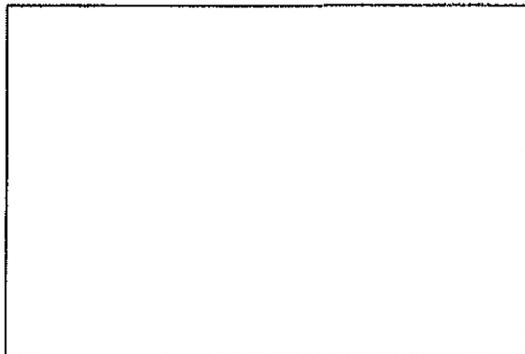


Naval Activity: Routine

1.4(C)
1.4(D)
B1



JAC Molesworth will continue to keep ALCON informed.



B3 DOD-CP
B6

Attachment Classification: SECRET//REL TO USA, FVEY
Classification: SECRET//REL TO USA, GBR

RELEASED IN FULL

The Supreme Court sitting as the High Court of Justice

HCJ 4169/10
HCJ 4193/10
HCJ 4220/10
HCJ 4221/10
HCJ 4240/10
HCJ 4243/10

Before: The Honorable President D. Beinisch, The Honorable Justice M. Naor, The Honorable Justice U. Vogelman

Petitioners in HCJ 4169/10: Yiftach Cohon; Omer Shatz, Itamar Mann
Respondents in HCJ 4169/10: The Minister of Defense; The Minister of the Interior; The Minister of Public Security

Petitioners in HCJ 4193/10: Adalah – The Legal Center for Arab Minority Rights in Israel; Public Committee Against Torture in Israel; Physicians for Human Rights
Respondents in HCJ 4193/10: The Minister of Defense; The Military Advocate General; The Israel Prison Service; The Israel Police; The Immigration Authority

Petitioners in HCJ 4220/10: Al Jazeera Satellite Network; Othman Al Bukhairi; Abas Naser; Muhammad Fal; Ali Sabri; Andrei Abu Khalil; Jamal Al Shial; Wasima Bin Salah
Respondents in HCJ 4220/10: The Israel Defense Forces; The Minister of Defense; The Minister of Public Security

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

Petitioner in HCJ 4221/10: Yekutiel Ben Yaakov

Respondents in HCJ 4221/10: The Israel Police; The Israel Prison Service; The Government of Israel; The Minister of Defense; The Prime Minister

Petitioner in HCJ 4240/10: Shurat Hadin – Israel Law Center

Respondents in HCJ 4240/10: The Attorney General; The Prime Minister; The Minister of Public Security; The Minister of the Interior; The Israel Police

Petitioners in HCJ 4243/10: 1. Almagor – Terror Victims Association; Y.S. – Navy commando (res.); D.B. – Navy commando (res.) and bereaved brother; Pnuel Krichman; Yekira and Zecharia Komemi; Aviva and Rahanim Komemi; Tzila Rahamim; Moshe Keinan; Briana and Shmuel Hilberg

Respondents in HCJ 4243/10: The Prime Minister; The Minister of the Interior; The Attorney General; The Inspector General of the Israel Police

Petitions to grant an order nisi

Date of hearing: 20 Nisan 5770 (June 2, 2010)

For the petitioners in HCJ 4169/10: Itamar Mann; Yiftach Cohen; Omer Shatz

For the petitioners in HCJ 4193/10: Fatima El Ajou

For the petitioners in HCJ 4220/10: Zaki Kamal; Kamal Zaki Kamal

For the petitioner in HCJ 4421/10: Himself

For the petitioner in HCJ 4240/10: Nitsana Darshan Leitner

For the petitioners in HCJ 4243/10: Sharon Avni; Shira Greenberg

For the respondents: The State Attorney Moshe Lador; Osnat Mandel;
Dina Zilber; Hila Groni

Judgment

President D. Beinisch:

1. In view of the control of the Gaza Strip by the Hamas organization, Israel has taken various measures designed to prevent direct access to the Gaza Strip, among them a blockade of the Gaza Strip which, as declared by the State, is designed to prevent the infiltration of weapons and arms to the Hamas organization, which, for years, has carried out acts of shooting and terrorism at Israeli territory for the purpose of harming civilians.

2. In recent weeks, announcements have been publicly made by various organizations, among them organizations that declared themselves to be acting for humanitarian purposes, regarding their intention to arrange a flotilla of ships which, they claimed, were designated to transfer foodstuffs and materials as humanitarian aid to the residents of the Gaza Strip. Israel, for its part, made efforts to prevent the flotilla from reaching the shores of Gaza and breaching the blockade in such manner. The State proposed to the organizers of the flotilla, among others, that the cargo – which was supposed to reach Gaza – be unloaded from the ships and transferred directly to Gaza via Israel. This proposal was rejected.

In the early hours of May 31, a number of ships approached the shores of Israel to implement the flotilla's plan. As decided by the political echelon, the IDF prepared to take measures to prevent the entry of the ships into the Gaza Strip as stated. In the framework of an operation that was designed to stop the ships, soldiers landed on the deck of the ship Mavi Marmara, the largest ship in the flotilla. The soldiers met with a violent and severe response from the flotilla participants on the ship. The soldiers were attacked with knives, clubs and iron rods. Attempts were made to seize the soldiers' personal weapons and they were violently attacked. One of the soldiers was even thrown off the deck of the ship. The soldiers were forced to respond to defend their lives and, unfortunately, the operation ended with unexpected loss of life – nine people were killed and both soldiers and flotilla participants were injured. The operation concluded with the ships being halted and their passengers removed and detained in Israel.

3. That same morning, when the results of the operation became known, the petition in HCJ 4169/10 was filed with this court (hereinafter, *the First Petition*), in which four attorneys filed the petition as public petitioners. It should be noted that at the opening of the hearing before us, the petitioners gave notice of the request of attorney A. Feldman, who was among the petitioners, to strike his name from the petition. The petition ascribed grave and illegal acts to the State of Israel and the petitions sought a remedy of habeas corpus to free all the detainees. It is evident in the petition, which was hastily filed, that, notwithstanding the fact that the petitioners knew nothing about the actual events, they were quick to cast the gravest aspersions on the actions of the IDF forces, while using inappropriate language. Notwithstanding that stated, because

the relief sought was the release of the detainees, the petition was not stricken in limine at that stage, and the State's response was requested by the following day.

During the course of that day and the following day, a number of additional petitions were filed with court. In HCJ 4193/10, which was filed on behalf of the Adalah organization and other human rights organizations, the petitioners requested information on the detainees and their whereabouts, as well as details on the injured and the dead. This petition was also filed as a public petition. Another petition (HCJ 4220/10) was filed by the Al Jazeera television network and in the name of journalists acting on its behalf who had been arrested on the ship. This petition requested the release of the network personnel who had participated in the flotilla. It should be noted that during the hearing that we held, it transpired that this petition was superfluous since the petitioners had already been released.

4. On June 1, 2010, the government issued a statement that all the foreign flotilla participants would be released and returned to their countries. After this statement was issued, three additional petitions were filed with this court: HCJ 4221/10, which was filed on behalf of Mr. Yekutiel Ben Yaakov; HCJ 4240/10, which was filed by Shurat Hadin -- Israel Law Center; and HJC 4243/10 filed by Almagor -- Terror Victims Association. In these three petitions, the remedy sought was to bar the release of the foreign flotilla participants, with the main argument being that these were people who had committed an offense, who were required both for investigating the facts and the circumstances surrounding the incident and for a decision about arraignment for trial.

In view of the remedy sought, which related to the question of the release of a large number of detainees, we conducted an urgent hearing and deliberated all the petitions together before the panel at that session, and within two days of the filing of the First Petition.

5. Before the hearing, the State submitted a written response in which it protested the description of the events in the First Petition and pointed out the distortion of the facts therein. In essence, the State addressed the legality of the blockade and referred to an alternative remedy set forth in the relevant provisions of the Entry into Israel Law, 5712-1952, with regard to the foreign participants in the flotilla and the relevant provisions of the law pertaining to the criminal proceedings of investigation and detention with regard to the Israeli suspects who participated in the event. During the day, proximate to the time of hearing the petitions, the State completed its statement and submitted a decision formulated by the attorney general, which stated that on the day of the event, May 31, 2010, the attorney general ordered the opening of an investigation on suspicion of offenses committed on the deck of the ship Mavi Marmara, including the offense of the grave attack on IDF soldiers, disturbing the peace, endangering the lives of soldiers, seizing weapons and so forth. The attorney general further stated that the next day, the ministerial committee on national security matters convened and conducted a long and exhaustive discussion of the security, political, legal and other aspects of the affair. At the end of the discussion, the senior political echelon recommended "to enable the immediate deportation of all the foreigners who had arrived on the flotilla, who were suspected of committing criminal offenses. This is recommended for clear political reasons pertaining to foreign relations and the security of the State of Israel." In his decision, the attorney general noted that he had

discussed the matter with the state attorney and other senior officials at the Ministry of Justice and other government ministries, at the end of which he decided, as stated, to allow the immediate deportation of all the foreigners from Israel.

6. During the hearing before us, State Attorney Moshe Lador, appeared together with senior attorneys. It should be noted that due to the nature of the proceedings which we conducted, we sought not to address the claims pertaining to the legality of the blockade, nor with the factual events during that grave incident, the full details of which had not been presented to us. Claims pertaining to the detention of Israelis suspected of committing offenses while participating in the flotilla were also not adjudicated before us, as they should be argued in individual hearings on the criminal arrest proceedings before the competent courts. The hearing focused on the urgent remedies sought which pertain to holding the foreign detainees. The state attorney stated that all the foreigners who wished to do so could be released from detention and, in effect, those who had not yet left the country were on their way to the airport. The wounded whose medical condition allowed for it, were also removed to their countries of origin. Apparently, two of the wounded remained in the hospital because their condition did not enable them to be flown back to their country. The state attorney further stated that the names of all the wounded had been submitted to the relevant consulates and, with regard to those who came from countries that do not have diplomatic relations with Israel, the details were provided to the Red Cross. It should be noted that the State did not see fit to acquiesce to the request to provide details in this matter to counsel for the Adalah organization, as the details had been provided to the relevant entities. However, the possibility arose that if a specific, substantive application were to be made to obtain details

regarding one of the casualties or the wounded, the State would examine the possibility of providing counsel for the Adalah organization with the requested details. It further transpired that the remaining details requested by the Adalah organization regarding the place in which the detainees were being held were resolved. The Adalah organization's counsel also made claims with regard to the detainees' ability to meet with attorneys. During the hearing it was made clear that there had been no intention to prevent such a meeting, and many detainees had actually already met with attorneys. Due to the need to release hundreds of people quickly, not all the detainees may have had the opportunity to meet with an attorney.

The position of the attorney general to release all the foreign participants meant that the main remedy sought in the First Petition was already granted. In the course of the arguments, in view of the response of the state attorney and the comments of the court, the petitioners retracted the style of the scathing verbal attack that they had employed in the petition.

7. As stated, three of the petitions were filed against the attorney general's decision to release the foreign detainees. Each one of the petitioners argued before us at length about the importance of keeping the detainees in Israel for the purpose of conducting an exhaustive investigation regarding the grave events that occurred on the ship, and regarding the need to exercise the full rigor of the law or, at least, to investigate details which, they claim, would constitute defense arguments for the IDF soldiers.

We did not find any ground for intervention in the decision of the attorney general. The decision to release the detainees is in the realm

of the attorney general's discretion. In a long series of judgments, this Court has ruled that the scope of intervention in the attorney general's discretion in decisions pertaining to investigation or prosecution is limited to exceptional and unusual instances. Due to the unusual nature of the event and the circumstances entailed therein which, aside from the criminal aspects, also encompass political aspects pertaining to the State's foreign relations, the attorney general was entitled to consider these aspects. The developments that have ensued in the international arena indicate that a particular political sensitivity exists in everything pertaining to the handling of the matter by the enforcement entities. The attorney general noted that he consulted with all the relevant government entities and after taking into account the fact that nine flotilla participants were killed and several dozen were wounded, he reached the conclusion that the public, political and security interests outweigh the interests of criminal enforcement. We did not find in this decision, which was reasoned as stated, and in the considerations underlying it, any cause for intervention.

Wherefore, after we were convinced that the main remedies sought in some of the petitions were superfluous, and in the absence of cause to intervene in the decision of the attorney general, we have decided to deny the petitions.

Given this day, 20 Sivan 5770 (June 2, 2010).

The President

Justice

Justice

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ISRAEL MFA

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Go!

MFA Humanitarian Aid Aid to Palestinians MFA Sp
Gaza flotilla 24-May-2010

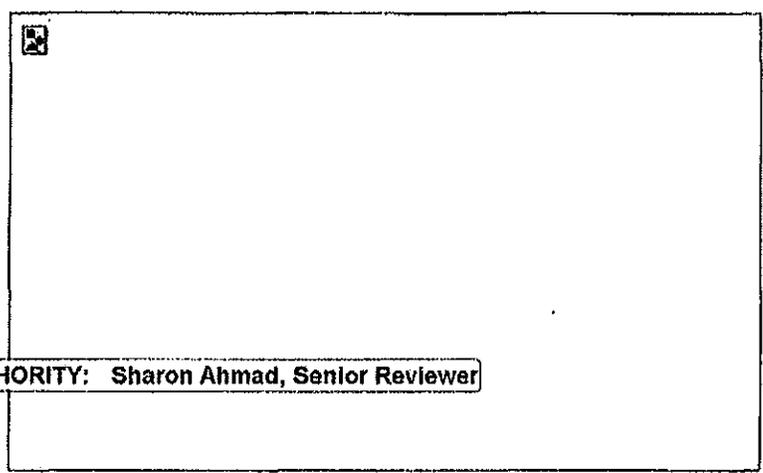
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MFA Spokesman on Gaza flotilla

24 May 2010
Ships forcing their way into Gaza will do nothing to aid the people there. Existing land crossings are more than capable of meeting their needs.

MFA Spokesman Yigal Palmor
MFA Spokesman Yigal Palmor

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REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

Text:

Ships forcing their way into Gaza will do nothing to aid the people there. Existing land crossings are more than capable of meeting their needs. International aid organizations and the private sector of Gaza ensure that all the necessary food, medicine and clothing are provided to the Strip via Israel.

In a typical week, 15,000 tons of supplies enter Gaza. Truckloads of meat, poultry, fish, dairy products, fruits, vegetables, milk

powder, baby food, wheat and other staples arrive in Gaza on a daily basis. Building materials are also shipped in, when monitored by International organization so as not to be commandeered by Hamas for the fortification of bunkers.

Since the ceasefire in January 2009, well over a million tons of humanitarian supplies entered Gaza from Israel - that is almost a ton of aid for each man, woman and child in the Strip.

The land crossings remain the most efficient system to transfer goods to Gaza, and the flotilla organizers are well aware of this fact. The organizers also know that since December 2008, their ships have been denied permission to land.

Israel has invited the organizers of the flotilla to use the land crossings, in the same manner as all the reputable international organizations.

However, they are less interested in bringing in aid than in promoting their radical agenda, playing into the hands of Hamas provocations. While they have wrapped themselves in a humanitarian cloak, they are engaging in political propaganda and not in pro-Palestinian aid.

If the organizers were truly interesting in providing humanitarian aid - as opposed to engaging in publicity stunts - they would use the proper channels to ensure delivery of any supplies.

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community keep the focus on what is certainly the main problem in the Middle East and in the world: a nuclear Iran. Iran is trying in numerous ways to distract international attention away from its nuclearization on the eve of the Security Council's resolution on the subject. Iran is using extremist organizations and states in order to distract world attention, and it is entirely possible that the timing of the "terrorist flotilla" is not coincidental.

2. The purpose of intercepting the flotilla was to protect Israel's security and sovereignty by maintaining the maritime blockade on the Hamas terrorist entity and the hostile territory of the Gaza Strip. Israel must continue the blockade in order to prevent more terrorist victims. If the international community wants to give the proximity talks between Israel and the Palestinian Authority a real chance, it must strengthen the PA and Abu Mazen and not the Hamas.
3. The goal of the flotilla was not peace but rather to continue the terrorism and to strengthen the waning status of Hamas, which has been losing political and economic power.
4. IHH, the organization behind the flotilla, has close connections with Hamas, Al-Qaeda, and Global Jihad.
5. Israel regrets the loss of life, but responsibility for Monday's events rests solely on the organizers.

In answer to a question concerning Israeli-Turkish relations, the deputy foreign minister said that Israel did not attack Turkey, although the latter had the power to stop the flotilla, as Cypress did. Turkey must decide for itself where its interests lie.

DFM Ayalon thanked all the participants for their support of Israel and asked them to continue to engage in public diplomacy. For this purpose, the participants will be sent clips from the IDF Spokesperson.

In light of the conference call's success, the participants asked the organizers to set up calls of this type on a regular basis as well as in times of emergency.

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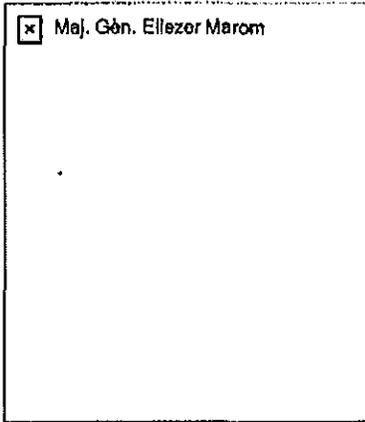
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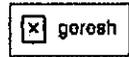
[English](#) > [News Channels](#) > [News and Events](#) > [2010](#) > [May](#) > [Navy Com](#)
solders: "Act with judgment and accomplish the mission"

Navy Commander to soldiers: "Act with judgment and accomplish the mis
27 May 2010 , 11:39

Maj. Gen.
Marom
required
soldiers not to
be dragged
into
provocations
while
fulfilling their
mission.
Moreover, the
flotilla will
have the
opportunity to
stop its
journey to
Gaza's shores
at several
stages;
otherwise the
passengers
will be
escorted into
Israel's shores
and deported
to their
country of
origin. The
aid brought
by the flotilla
will be
transferred
into the Gaza
Strip after a
security
check.



Navy Commander Maj. Gen.
Eliezer Marom. Photo: IDF
Spokesperson



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[Top level Islamic extremists linked to Gaza flotilla](#)



According to the decision made by the Israeli government, the IDF and the Navy are getting prepared to prevent the flotilla from reaching the shores c
flotilla's passengers will be given the opportunity to turn back at any stage
or to give up the control of their ships.

From the moment of their departure, the ships will receive formal warning

stages of their journey, requesting them to stop their trip to Gaza's shores.

Should the passengers decide to continue the journey and not take the Israel warning into consideration, they will be arrested, brought to Israel's shore, transferred to the Ministry of Interior and the immigration authorities so they are sent back to their country of origin.

The security forces will grab hold of the aid expected to be brought to Gaz flotilla, and after a security check of the goods, they will be transferred into the Strip.

During the last few days, the Commander of the Navy, Maj. Gen. Eliezer I organized a series of exercises, consisting in stopping the flotilla, gaining control of the ships and bringing them to Israel's shores. He stressed that during the operation Israeli forces will take all the required steps in order to protect the soldiers and make sure that no terrorist agents have been infiltrated into the ships.

Maj. Gen. Marom instructed his forces not to be dragged into provocations; with fair judgment; otherwise it could be harmful to the mission's accomplishment.

He also said to his men that there is no intention to cause any harm among hundreds of people expected to arrive on these ships, however a clear mission is assigned to the Israeli Navy and it has to be accomplished.

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invites the international flotilla to unload its cargo in Ashdod port-27-May-

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27 May 2010

The Minister of Defense has issued warrants prohibiting the entrance of the vessels to Gaza. Israel has advised the relevant countries of this ban, and requested they prevent the departure of the vessels.

D-G Gal with Swedish Ambassador Elisabet Borsjiin Bonnier today in Jerusalem (Photo: MFA)

Behind Headli

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MFA: Ships

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REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

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(Communicated by the MFA Spokesperson)

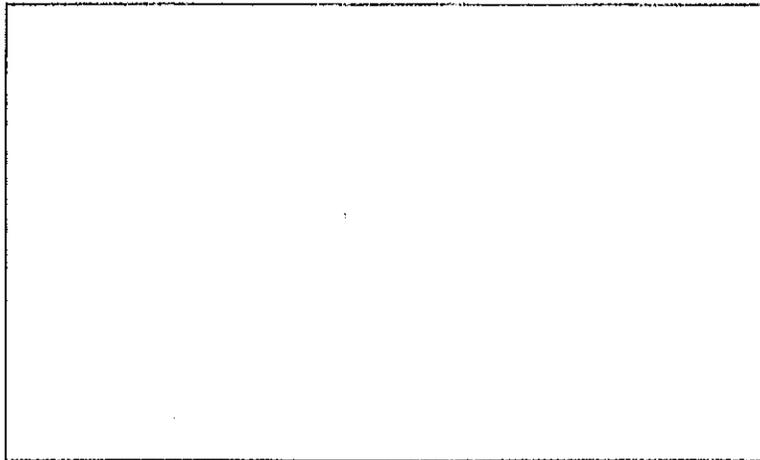
Ministry of Foreign Affairs Director-General Yossi Gal separately summoned today (Thursday, 27 May 2010) the ambassadors of Turkey, Greece, Cyprus, Sweden and Ireland – the countries from which the ships participating in the flotilla set sail.

At all the meetings, D-G Gal expressly clarified the State of Israel's official position, which declares the flotilla an absolute provocation: There is no shortage of humanitarian aid to Gaza, as food products, fuel and supplies are constantly transferred into the Gaza Strip by the international organizations. Therefore, the flotilla organizers are invited to dock at Ashdod port, to unload their cargo and transfer it to Gaza, after a security check, either via the Israeli authorities or via the humanitarian organizations.

[Redacted]

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This is the third round of talks with the ambassadors, and is in addition to parallel activities undertaken by Israeli ambassadors in the various countries warning the governments that the flotilla is about to break international law. In accordance with the authority granted to the State of Israel, the Minister of Defense issued warrants that prohibit the entrance of the vessels to Gaza. Israel has advised the relevant countries of this ban, and requested they prevent the departure of the vessels.

The Ministry of Foreign Affairs has arranged with the Ministry of Defense to assist the relevant government ministries in their handling of the passengers on the flotilla in order to assist them in leaving the country as soon as possible. The Consular Services Department has contacted the foreign embassies in Israel and explained the measures expected to be implemented against the participants in the flotilla. The MFA's situation room will also be reinforced in order to provide a response to developments.

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IDF SPOKESPERSON ANNOUNCEMENT



116A

May 31st, 2010
11:30

FOR IMMEDIATE RELEASE

Pistols Found on Flotilla Activists

According to reports from sea, on board the flotilla that was seeking to break the maritime closure on the Gaza Strip, IDF forces apprehended two violent activists holding pistols. The violent activists took these pistols from IDF forces and apparently opened fire on the soldiers as evident by the empty pistol magazines.

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

IDF Spokesperson Unit - Foreign Press Branch

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Video Release: "They are firing on us with live fire!"
 Video shows soldiers on their way to intercepting the Mavi Marmara ship being shot at with live fire

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 IDF forces unload the humanitarian cargo from the Gaza Flotilla and bring the aid through the Kerem Shalom crossing.

Humanitarian Aid Transfer Gaza Strip

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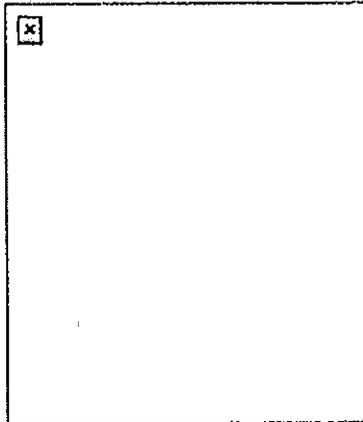
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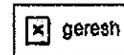
Video Release: "They are firing on us with live fire!"
01 June 2010, 21:08

Video shows soldiers on their way to intercepting the Mavi Marmara ship being shot at with live fire.



During the operation to redirect the Gaza flotilla on Monday (May 31), IDF commandos boarded the Mavi Marmara ship. On the other five ships which were part of the flotilla, the interception took place with no violence. When the soldiers attempted to board the Mavi Marmara, activists on board attacked the soldiers and stole two pistols in a prepared :

IDF commandos boarding the Mavi Marmara ship. Photo: IDF Spokesperson



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In this footage you can hear the radio exchange between soldiers on their v bridge and the IDF ship. The soldiers report encountering live fire and seri violence.

On Tuesday (June 1) Captain R., a Naval Special Forces commander of on squadrons who participated in the interception of the Mavi Marmara ship, interview with IDF Radio: "There were terrorists who wanted to kill us. I c explain it any other way. We used every means possible in order that those shouldn't get hurt - would not get hurt."

Captain R. was stabbed in the stomach and was wounded in his arm. "After I descended from the helicopter, I was in front of several terrorists and I had a weapon when I saw one of them come towards me with a knife. I fired once at that point, another twenty people started coming at me from every direction, jumped at me and hurled me to the lower deck. At the same time, I felt something hit my stomach. I saw a knife stabbed into my stomach and I pulled it out. I then managed to get to the lower level, where there was another mob of people. I, with other team members, jumped into the water. The third commando that was hit in the head and lost consciousness," he said.

"We came to speak, they came to fight."

Another naval soldier, who participated in the interception of the Mavi Marmara and sustained a broken arm while under attack by the ship's passengers, described how the soldiers were shot at from the entrance to the ship's corridor.

"I saw two from my group lying flat on the ground. From the opening of the door they were shooting at them the entire time with live fire, bullets. We had a rifle barrel, and one of us shot at the guy holding it. Afterwards we entered and there. About 30 men, they simply came for war. We came to straighten things out, to speak to those who went downstairs, but each of us who descended was subsequently attacked."

"There were some from my group that were thrown to the lower floor, and the passengers took their equipment. They jumped to the water as a last resort. I told them that if they didn't listen, we should shoot at their legs with our paintball pistol. That was to be used only if we really felt our lives in danger, which was not the case."

to happen. It would be extremely abnormal. But in the end, that is what ha

"We came with the intention of stopping the ship and taking it to Ashdod, not come with the weapons we usually have, we came for something entirely different."

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 IDF forces unload the humanitarian cargo from the Gaza Flotilla and bring the aid through the Kerem Shalom crossing.

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Supply of weapons discovered on board the Mavi Marmara
 After passengers on board departed the ship, security forces began checking the boat and found a cache of weapons.

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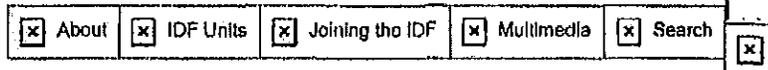
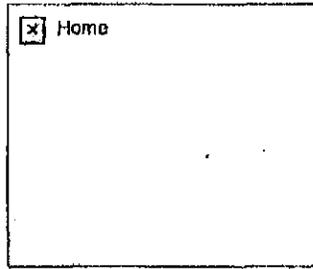
Video eyewitness account by Naval soldier: "They shot at us the entire time"
 One of the solders injured while intercepting the Mavi Marama ship gives an eye witness account of how his group was beaten and lynched. "We came to speak, they came to fight."

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Humanitarian Aid Transfer Gaza Strip

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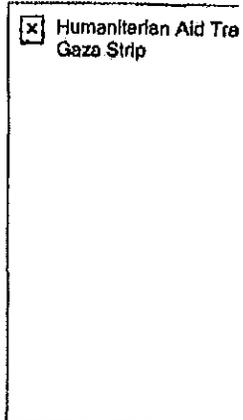
Video: Humanitarian aid from flotilla transferred into Gaza
01 June 2010 , 19:27

IDF forces unload the humanitarian cargo from the Gaza Flotilla and bring the aid through the Kerem

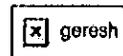
Shalom crossing 

An average of 10,000 tons of aid a week are imported into the Gaza Strip in coordination with international organizations through the land crossings. However, there remains a maritime closure on the strip as Hamas continues to smuggle weapons through tunnels for use against Israeli civilians.

For more information about the IDF's humanitarian operations visit: www.idfspokesperson.com and <https://www.swivel.com/people/1016582>



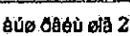
Humanitarian aid int Strip. Photo: IDF Sp



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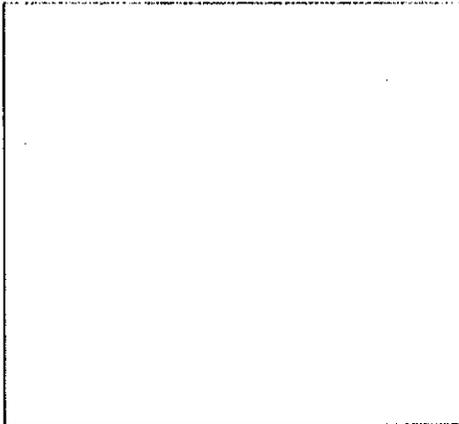
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 IDF forces unload the humanitarian cargo from the Gaza Flotilla and bring the aid through the Kerem Shalom crossing.



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Supply of weapons discovered on board the Mavi Marmara
 After passengers on board departed the ship, security forces began checking the boat and found a cache of weapons.



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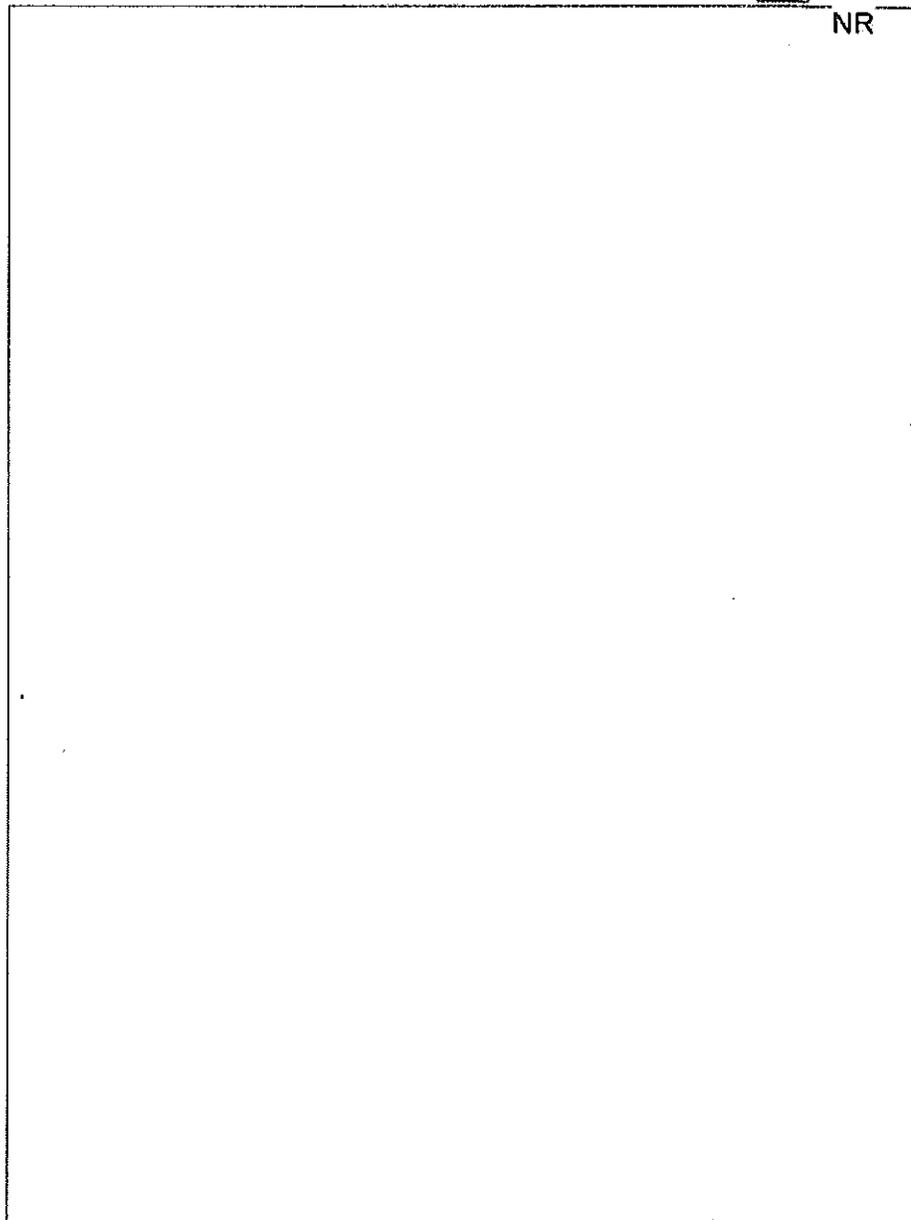
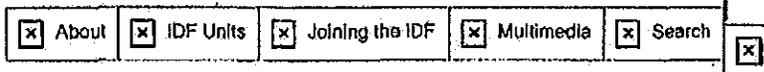
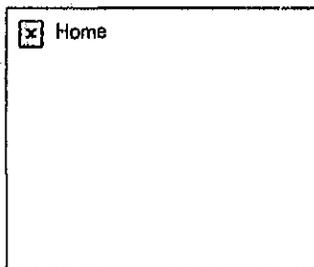
Video eyewitness account by Naval soldier: "They shot at us the entire time"
 One of the soldiers injured while intercepting the Mavi Marama ship gives an eye witness account of how his group was beaten and lynched. "We came to speak, they came to fight."

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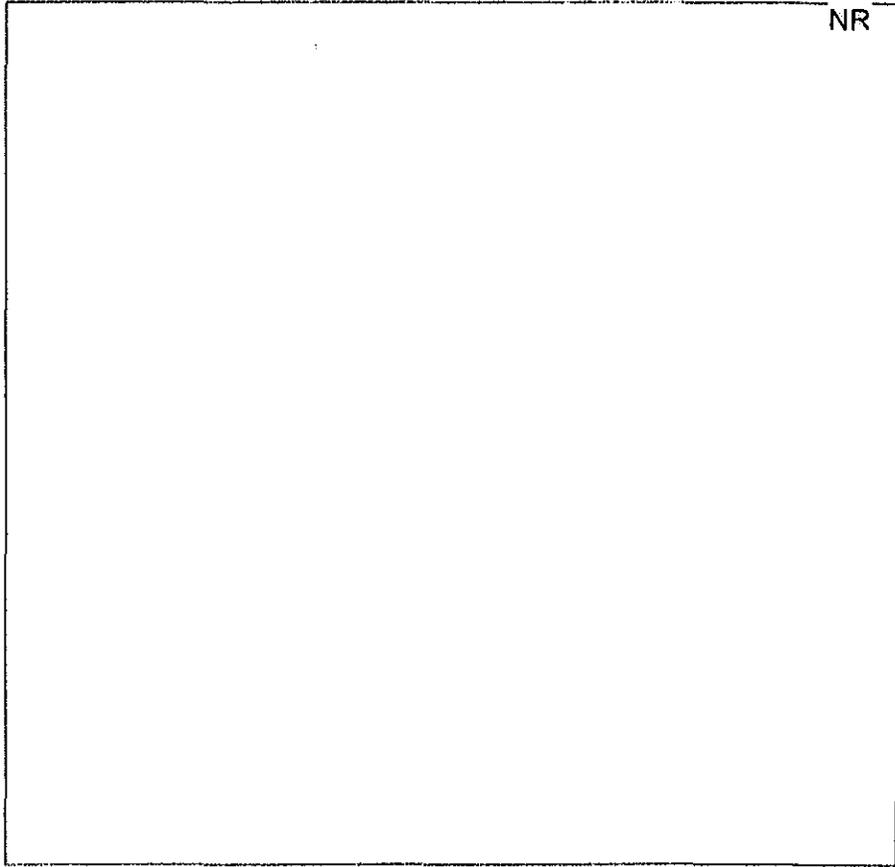
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[Breaking Footage from Mavi Marmara interception](#)
 Video shows what took place as IDF soldiers intercepted the Mavi Marmara ship and were attacked by its passengers

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 IAF targeted a terrorist squad preparing to fire rockets into Israel from northern Gaza

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Breaking Footage from Mavi Marmara interception

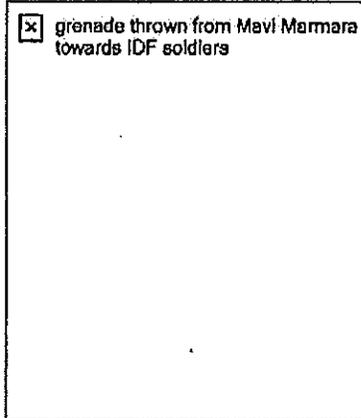
02 June 2010 , 14:53

Video shows what took place as IDF soldiers intercepted the Mavi Marmara ship and were attacked by its passengers

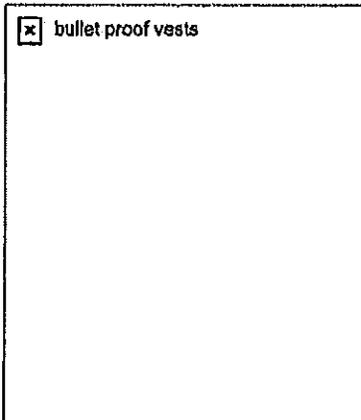
Elana Kieffer

Video footage shows Shayetet Naval Special Forces attempting to intercept the Mavi Marmara ship which is part of the Gaza flotilla.

Passengers on board are seen throwing chains, metal pipes and a stun grenade at the soldiers while attacking them with water hoses. The passengers later use the same metal pipes to beat the soldiers who boarded the Marmara. The soldiers can be seen armed with paintball guns, to be used as a means



grenade thrown from Mavi Marmara towards IDF soldiers
Photograph shows a grenade being thrown from the Mavi Marmara ship towards IDS soldiers. Photo: taken from video clip



bullet proof vests
Pictured here is a pile of bullet proof vests found on board the Mavi Marmara ship. Photo: Arielle Yahalom, IDF Spokesperson

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of riot dispersal.

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IDF Chief of Staff to combat soldiers: "You operated ou

Five other ships arrived to the area with the flotilla,

Terror attack thwarted along Gaza security fence

Video: Humanitarian aid from flotilla transferred into G;

however IDF interception took place with no incident. The passengers on 1 other ships cooperated nonviolently with IDF soldiers and there were no ir

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Law, Rosemary C

From: Aswad, Evelyn M
Sent: Monday, May 31, 2010 4:30 PM
To: Schwartz, Jonathan B; 'Stephen & Betsy Pomper/Andersen'; Perina, Alexandra H; Baumert, Kevin A; Jacobson, Linda; Heinemann, Thomas B; Dolan, JoAnn
Cc: Sullivan, David J; Pomper, Stephen E; Guarin, Marc F; Donoghue, Joan E; [redacted] Townley, Stephen G; Banos, Mariano H; Martin, Julie B
Subject: RE: L comments on MFA flotilla briefing>

B6

Looping in Mariano & Julie. EA

From: Schwartz, Jonathan B
Sent: Monday, May 31, 2010 3:10 PM
To: 'Stephen & Betsy Pomper/Andersen'; Perina, Alexandra H; Baumert, Kevin A; Jacobson, Linda; Heinemann, Thomas B; Dolan, JoAnn
Cc: Aswad, Evelyn M; Sullivan, David J; Pomper, Stephen E; Guarin, Marc F; Donoghue, Joan E; [redacted]
Subject: RE: L comments on MFA flotilla briefing>

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B5

Jon

From: Stephen & Betsy Pomper/Andersen [redacted]
Sent: Monday, May 31, 2010 3:14 PM
To: Schwartz, Jonathan B; Perina, Alexandra H; Baumert, Kevin A; Jacobson, Linda; Heinemann, Thomas B; Dolan, JoAnn
Cc: Aswad, Evelyn M; Sullivan, David J; Pomper, Stephen E; Guarin, Marc F; Donoghue, Joan E; [redacted]
Subject: RE: L comments on MFA flotilla briefing>

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Folks--

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

Here is a quick summary of where we seem to be on the grabbag of issues relating to the Israeli action off of Gaza (please jump in/correct as appropriate):

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B5

B5

B6

From San Remo Manual on International Law Applicable to Armed Conflicts at Sea, 12 June 1994

<http://www.icrc.org/ihl.nsf/385ec082b509e76c41256739003e636d/7694fe2016f347e1c125641f002d49ce>

Blockade

93. A blockade shall be declared and notified to all belligerents and neutral States.

94. The declaration shall specify the commencement, duration, location, and extent of the blockade and the period within which vessels of neutral States may leave the blockaded coastline.

95. A blockade must be effective. The question whether a blockade is effective is a question of fact.

96. The force maintaining the blockade may be stationed at a distance determined by military requirements.

97. A blockade may be enforced and maintained by a combination of legitimate methods and means of warfare provided this combination does not result in acts inconsistent with the rules set out in this document.

98. Merchant vessels believed on reasonable grounds to be breaching a blockade may be captured. Merchant vessels which, after prior warning, clearly resist capture may be attacked.

99. A blockade must not bar access to the ports and coasts of neutral States.

100. A blockade must be applied impartially to the vessels of all States.

101. The cessation, temporary lifting, re-establishment, extension or other alteration of a blockade must be declared and notified as in paragraphs 93 and 94.

102. The declaration or establishment of a blockade is prohibited if:

- (a) it has the sole purpose of starving the civilian population or denying it other objects essential for its survival; or
- (b) the damage to the civilian population is, or may be expected to be, excessive in relation to the concrete and direct military advantage anticipated from the blockade.

103. If the civilian population of the blockaded territory is inadequately provided with food and other objects essential for its survival, the blockading party must provide for free passage of such foodstuffs and other essential supplies, subject to:

- (a) the right to prescribe the technical arrangements, including search, under which such passage is permitted; and
- (b) the condition that the distribution of such supplies shall be made under the local supervision of a Protecting Power or a humanitarian organization which offers guarantees of impartiality, such as the International Committee of the Red Cross.

104. The blockading belligerent shall allow the passage of medical supplies for the civilian population or for the wounded and sick members of armed forces, subject to the right to prescribe technical arrangements, including search, under which such passage is permitted.

Zones

105. A belligerent cannot be absolved of its duties under international humanitarian law by establishing zones which might adversely affect the legitimate uses of defined areas of the sea.

106. Should a belligerent, as an exceptional measure, establish such a zone:

- (a) the same body of law applies both inside and outside the zone;
- (b) the extent, location and duration of the zone and the measures imposed shall not exceed what is strictly required by military necessity and the principles of proportionality;
- (c) due regard shall be given to the rights of neutral States to legitimate uses of the seas;
- (d) necessary safe passage through the zone for neutral vessels and aircraft shall be provided:
 - (i) where the geographical extent of the zone significantly impedes free and safe access to the ports and coasts of a neutral State;
 - (ii) in other cases where normal navigation routes are affected, except where military requirements do not permit; and
- (e) the commencement, duration, location and extent of the zone, as well as the restrictions imposed, shall be publicly declared and appropriately notified.

107. Compliance with the measures taken by one belligerent in the zone shall not be construed as an act harmful to the opposing belligerent.

108. Nothing in this Section should be deemed to derogate from the customary belligerent right to control neutral vessels and aircraft in the immediate vicinity of naval operations.

From Commander's Handbook

7.7 BLOCKADE

7.7.1 General

Blockade is a belligerent operation to prevent vessels and/or aircraft of all nations, enemy as well as neutral, from entering or exiting specified ports, airfields, or coastal areas belonging to, occupied by, or under the control of an enemy nation. While the belligerent right of visit and search is designed to interdict the flow of contraband goods, the belligerent right of blockade is intended to prevent vessels and aircraft, regardless of their cargo, from crossing an established and publicized cordon separating the enemy from international waters and/or airspace.

7.7.2 Criteria for Blockades

To be valid, a blockade must conform to the criteria in the following paragraphs.

7.7.2.1 Establishment

A blockade must be established by the government of the belligerent nation. This is usually accomplished by a declaration of the belligerent government or by the commander of the blockading force acting on behalf of the belligerent government. The declaration should include, as a minimum, the date the blockade is to begin, its geographic limits, and the grace period granted neutral vessels and aircraft to leave the area to be blockaded.

7.7.2.2 Notification

It is customary for the belligerent nation establishing the blockade to notify all affected nations of its imposition. Because knowledge of the existence of a blockade is an essential element of the offenses of breach and attempted breach of blockade (see paragraph 7.7.4), neutral vessels and aircraft are always entitled to notification. The commander of the blockading forces will usually also notify local authorities in the blockaded area. The form of the notification is not material so long as it is effective.

7.7.2.3 Effectiveness

To be valid, a blockade must be effective—that is, it must be maintained by a surface, air, or subsurface force or other legitimate methods and means of warfare that is sufficient to render ingress or egress of the blockaded area dangerous. The requirement of effectiveness does not preclude temporary absence of the blockading force, if such absence is due to stress of weather or to some other reason connected with the blockade (e.g., pursuit of a blockade runner). Effectiveness does not require that every possible avenue of approach to the blockaded area be covered.

7.7.2.4 Impartiality

A blockade must be applied impartially to the vessels and aircraft of all nations. Discrimination by the blockading belligerent in favor of or against the vessels and aircraft of particular nations, including those of its own or those of an allied nation, renders the blockade legally invalid.

7.7.2.5 Limitations

A blockade must not bar access to or departure from neutral ports and coasts. Neutral nations retain the right to engage in neutral commerce that does not involve trade or communications originating in or destined for the blockaded area. A blockade is prohibited if the sole purpose is to starve the civilian population or to deny it other objects essential for its survival.

7.7.3 Special Entry and Exit Authorization

Although neutral warships and military aircraft enjoy no positive right of access to blockaded areas, the belligerent imposing the blockade may authorize their entry and exit. Such special authorization may be made subject to such conditions as the blockading force considers to be necessary and expedient. Neutral vessels and aircraft in evident distress should be authorized entry into a blockaded area, and subsequently authorized to depart, under conditions prescribed by the officer in command of the blockading force or responsible for maintenance of the blockading instrumentality (e.g., mines). Similarly, neutral vessels and aircraft engaged in the carriage of qualifying relief supplies for the civilian population and the sick and wounded should be authorized to pass through the blockade cordon, subject to the right of the blockading force to prescribe the technical arrangements, including search, under which passage is permitted.

7.7.4 Breach and Attempted Breach of Blockade

Breach of blockade is the passage of a vessel or aircraft through a blockade without special entry or exit authorization from the blockading belligerent. Attempted breach of blockade occurs from the time a vessel or aircraft leaves a port or airfield with the intention of evading the blockade, and for vessels exiting the blockaded area, continues until the voyage is completed. Knowledge of the existence of the blockade is essential to the offenses of breach of blockade and attempted breach of blockade. Knowledge may be presumed once a blockade has been declared and appropriate notification provided to affected governments. It is immaterial that the vessel or aircraft is at the time of interception bound for neutral territory, if its ultimate destination is the blockaded area. There is a presumption of attempted breach of blockade where vessels or aircraft are bound for a neutral port or airfield serving as a point of transit to the blockaded area. (Capture of such vessels is discussed in paragraph 7.10.)

7.7.5 Contemporary Practice

The criteria for valid blockades, as set out above in paragraph 7.7.2, are for the most part customary in nature, having derived their definitive form through the practice of maritime powers during the nineteenth century. The rules reflect a balance between the right of a belligerent possessing effective command of the sea to close enemy ports and coastlines to international commerce, and the right of neutral nations to carry out neutral commerce with the least possible interference from belligerent forces. The law of blockade is, therefore, premised on a system of

controls designed to effect only a limited interference with neutral trade. This was traditionally accomplished by a relatively "close-in" cordon of surface warships stationed in the immediate vicinity of the blockaded area. The increasing emphasis in modern warfare on seeking to isolate completely the enemy from outside assistance and resources by targeting enemy merchant vessels as well as warships, and on interdicting all neutral commerce with the enemy, is not furthered substantially by blockades established in strict conformity with the traditional rules. In World Wars I and II, belligerents of both sides resorted to methods which, although frequently referred to as measures of blockade, cannot be reconciled with the traditional concept of the close-in blockade. The so-called long-distance blockade of both world wars departed materially from those traditional rules and were premised in large measure upon the belligerent right of reprisal against illegal acts of warfare on the part of the enemy. Moreover, developments in weapons systems and platforms, particularly submarines, supersonic aircraft, and cruise missiles, have rendered the in-shore blockade exceedingly difficult, if not impossible, to maintain during anything other than a local or limited armed conflict. Accordingly, the characteristics of modern weapon systems will be a factor in analyzing the effectiveness of contemporary blockades. Notwithstanding this trend in belligerent practices (during general war) away from the establishment of blockades that conform to the traditional rules, blockade continues to be a useful means to regulate the competing interests of belligerents and neutrals in more limited armed conflict. The experience of the United States during the Vietnam conflict provides a case in point. The closing of Haiphong and other North Vietnamese ports, accomplished by the emplacement of mines, was undertaken in conformity with traditional criteria of establishment, notification, effectiveness, limitation, and impartiality, although at the time the mining took place the term "blockade" was not used.

From: [redacted]
To: schwartzjb@state.gov; perinaah@state.gov; baumertka@state.gov; jacobsonl@state.gov; heinemanntb@state.gov; dolanja@state.gov
CC: aswadem@state.gov; sullivanjd1@state.gov; pomperse2@state.gov; guarinmf@state.gov; donoghueje@state.gov
Subject: RE: L comments on MFA flotilla briefing>
Date: Mon, 31 May 2010 17:29:30 +0000

B6

[redacted]

B5

> Subject: RE: L comments on MFA flotilla briefing>
> Date: Mon, 31 May 2010 13:01:59 -0400
> From: SchwartzJB@state.gov
> To: PerinaAH@state.gov; GoldbergerTH@state.gov; baumertka@state.gov; JacobsonL@state.gov; HeinemannTB@state.gov; DolanJA@state.gov
> CC: AswadEM@state.gov; SullivanDJ1@state.gov; [redacted]
> PomperSE2@state.gov; GuarinMF@state.gov

B6

[redacted]

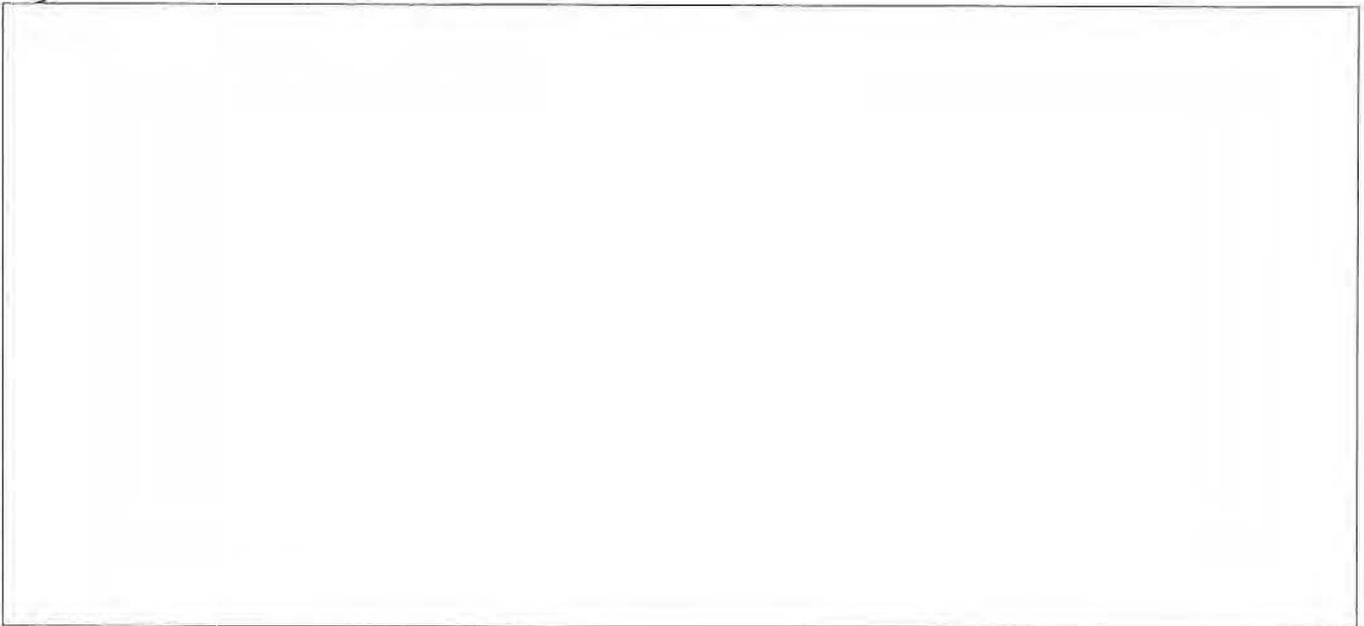
B5

> jon
>
> -----Original Message-----
> From: Perina, Alexandra H
> Sent: Monday, May 31, 2010 12:56 PM
> To: Schwartz, Jonathan B; Goldberger, Thomas H; Baumert, Kevin A; Jacobson, Linda; Heinemann, Thomas B; Dolan, JoAnn

> Cc: Aswad, Evelyn M; Sullivan, David J; [redacted] Pomper, Stephen E; Guarin, Marc F
> Subject: RE: L comments on MFA flotilla briefing>

B6

B5



>
> -----Original Message-----
> From: Schwartz, Jonathan B
> Sent: Monday, May 31, 2010 12:17 PM
> To: Goldberger, Thomas H; Baumert, Kevin A; Jacobson, Linda; Heinemann, Thomas B; Dolan, JoAnn; Perina, Alexandra H
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B5



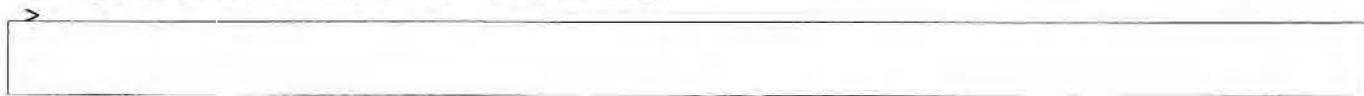
> -----Original Message-----
> From: Goldberger, Thomas H
> Sent: Monday, May 31, 2010 11:40 AM
> To: Baumert, Kevin A; Jacobson, Linda; Schwartz, Jonathan B; Heinemann, Thomas B; Dolan, JoAnn; Perina, Alexandra H
> Cc: Aswad, Evelyn M; Sullivan, David J
> Subject: RE: L comments on MFA flotilla briefing>

B5



> -----Original Message-----
> From: Baumert, Kevin A
> Sent: Monday, May 31, 2010 11:34 AM
> To: Jacobson, Linda; Goldberger, Thomas H; Schwartz, Jonathan B; Heinemann, Thomas B; Dolan, JoAnn; Perina, Alexandra H
> Cc: Aswad, Evelyn M; Sullivan, David J
> Subject: Re: L comments on MFA flotilla briefing>

B5



>

> ----- Original Message -----

> From: Jacobson, Linda
> To: Baumert, Kevin A; Goldberger, Thomas H; Schwartz, Jonathan B; Heinemann, Thomas B; Dolan, JoAnn; Perina, Alexandra H
> Cc: Aswad, Evelyn M
> Sent: Mon May 31 11:20:32 2010
> Subject: Re: L comments on MFA flotilla briefing>

>

[Redacted]

B5

>

> ----- Original Message -----

> From: Baumert, Kevin A
> To: Goldberger, Thomas H; Schwartz, Jonathan B; Heinemann, Thomas B; Dolan, JoAnn; Jacobson, Linda; Perina, Alexandra H
> Cc: Aswad, Evelyn M
> Sent: Mon May 31 11:18:29 2010
> Subject: Re: L comments on MFA flotilla briefing>

>

[Redacted]

B5

> Kevin
> L/OES

>

> ----- Original Message -----

> From: Goldberger, Thomas H
> To: Schwartz, Jonathan B; Baumert, Kevin A; Heinemann, Thomas B; Dolan, JoAnn; Jacobson, Linda
> Sent: Mon May 31 10:50:27 2010
> Subject: FW: L comments on MFA flotilla briefing>

>

[Redacted]

B5

> -----Original Message-----

> From: Cunningham, James B
> Sent: Monday, May 31, 2010 10:47 AM
> To: Goldberger, Thomas H
> Subject: Re: L comments on MFA flotilla briefing>

>

[Redacted]

B5

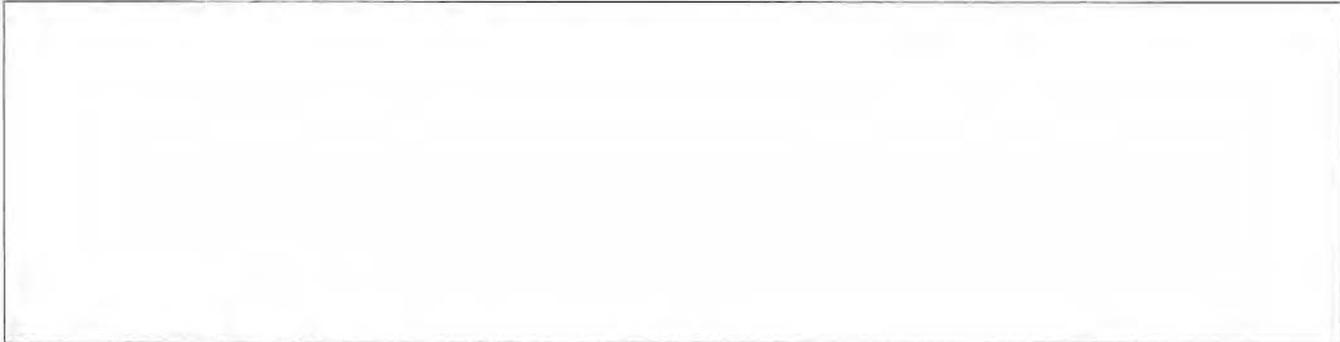
> ----- Original Message -----

> From: Goldberger, Thomas H
> To: Cunningham, James B; Hale, David M; Feltman, Jeffrey D; Rubinstein, Daniel H; Connelly, Maura; Schlicher, Ronald L; 'Daniel_B._Shapiro@nsc.eop.gov' <Daniel_B._Shapiro@nsc.eop.gov>
> Cc: Holmstrom, Todd C; Schwartz, Jonathan B; Jacobson, Linda; Dolan, JoAnn
> Sent: Mon May 31 17:37:00 2010
> Subject: FW: L comments on MFA flotilla briefing>

>
> See below from Jonathan pls.

>
> -----Original Message-----

> From: Schwartz, Jonathan B
> Sent: Monday, May 31, 2010 9:13 AM
> To: Goldberger, Thomas H
> Cc: Rudman, Mara (Jerusalem); Dolan, JoAnn; Baumert, Kevin A; Perina, Alexandra H; Heinemann, Thomas B
> Subject: Fw: MFA flotilla briefing



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> ----- Original Message -----

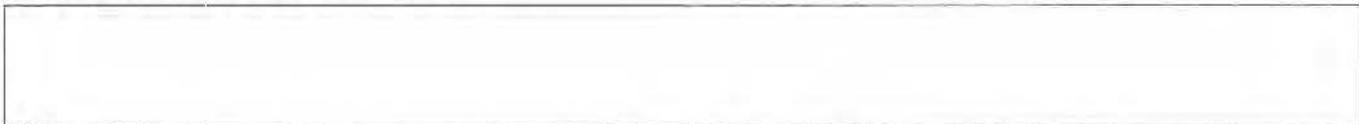
> From: Schwartz, Jonathan B
> To: Perina, Alexandra H; Heinemann, Thomas B
> Cc: Baumert, Kevin A; Harris, Robert K; Donoghue, Joan E; Dolan, JoAnn
> Sent: Mon May 31 09:05:16 2010
> Subject: Fw: MFA flotilla briefing



B5

>
> ----- Original Message -----

> From: Goldberger, Thomas H
> To: Dolan, JoAnn; Jacobson, Linda
> Cc: Holmstrom, Todd C; Schwartz, Jonathan B; Knopf, Payton L
> Sent: Mon May 31 08:24:00 2010
> Subject: FW: MFA flotilla briefing



B5

>
> ----- Original Message -----

> From: [redacted]
> To: Cunningham, James B; Levin, Jan; Operations Center; Jeffrey, James F; Sievers, Marc J; Parker,

B3 DOD-CP

B3 DOD-CP

Andrew C; Grubb, Jason B; NEA-IPA-DL; Greene, Elisa; Marchese, Gregory M; Waters, John R; Amodeo, Salvatore A (Istanbul); Connelly, Maura; Feltman, Jeffrey D; Rudman, Mara (Jerusalem); [redacted]

[redacted] Levin, Jan; [redacted]

> Sent: Mon May 31 08:08:22 2010
> Subject: RE: MFA flotilla briefing

>
[redacted] B3 DOD-CP
Many of the details briefed have already been provided via other means. Specific Highlights - B3 DODFGI

- > - Ongoing Operation
- > - Two Ships in Ashdod to include the CHALLENGER I
- > - M/V MAVI MARMARA expected in port between 1700L and 1800L
- > - All ships will be in port by later today
- > - 10-14 Civilians Seriously Injured or Killed
- > - 30 Civilians Wounded
- > - 10 IDF wounded to include 1 serious and 1 with "medium" wounds
- > - Turkish Ambassador to Israel recalled
- > - Interaction occurred approx 70 NM from coastline. IDF confident in International Law because of intent by flotilla to breach the blockade. (See Attached Slides)

>
[redacted]

[redacted] B3 DOD-CP

[redacted]

>
>
> ---Original Message-----
> From: Rudman, Mara (Jerusalem)
> Sent: Monday, May 31, 2010 2:46 PM
> To: Cunningham, James B; Levin, Jan; Operations Center; Jeffrey, James F; Sievers, Marc J; Parker, Andrew C; Grubb, Jason B; NEA-IPA-DL; Greene, Elisa; Marchese, Gregory M; Waters, John R; [redacted] Amodeo, Salvatore A (Istanbul); Connelly, Maura; Feltman, Jeffrey D B3 DOD-CP
> Cc: 'Dennis_B._Ross@nsc.eop.gov'; 'Dshapiro@who.eop.gov'
> Subject: RE: MFA flotilla briefing

> This may largely repeat at this point what is out in other places and/or others have heard from me, but just to assure that various reporting lines have same info, this is from [redacted] who also spoke with the UN's Serry, among others, this am. B6

> [redacted] reported that when Israeli soldiers boarded the main deck of the main ship, they met with what he described as clearly planned active/armed resistance, including live fire. Military who boarded were attacked with knives, sharpened metal and wood instruments, etc. He said the military who boarded were attacked by dozens; He indicated that some of the soldiers were stabbed and slashed. Made clear situation was one in which actions taken were in self-defense. B6

> Current estimates of those killed from flotilla 14-15 "maybe more". He said all injured being moved to Israeli hospital - by helicopter. He said ships coming into Ashdod (some reports have them coming into Haifa). At Ashdod, he and others will meet the ships. There, they will need to ID the bodies; move the people either to return them to home countries rapidly and/or detain; ID the cargo and as planned initially, move as much of into Gaza as promptly as possible.

> Earlier this morning [redacted] made the following calls/contacts: B6
> --Turkish FM and MoD [redacted] Erakat, Fayyad, and Hussein al Sheikh [redacted] He felt the calls w the Turks given the situation were OK, but the concern clearly is Erdogan and how he will handle. With Pals,

Erakat in particular, they discussed extent to which levels of rhetoric could be kept in check. With Fayyad they discussed primarily need for security cooperation, keeping things calm. Concern about how this will be affected by status of Israeli Arab Islamic leader on board the flotilla.

>
> (PIC seems to be on track/going forward. Some events may be affected by it.)

> -----Original Message-----

> From: Cunningham, James B
> Sent: Monday, May 31, 2010 1:38 PM
> To: Levin, Jan; Operations Center; Jeffrey, James F; Sievers, Marc J; Parker, Andrew C; Grubb, Jason B; NEA-IPA-DL; Greene, Elisa; Marchese, Gregory M; Waters, John R; [redacted] Amodeo, B3 DOD-CP Salvatore A (Istanbul); Rudman, Mara (Jerusalem); Connelly, Maura; Feltman, Jeffrey D
> Cc: 'Dennis_B._Ross@nsc.eop.gov'; 'Dshapiro@who.eop.gov'
> Subject: Re: MFA flotilla briefing

> Our Consular people are in contact with MFA and Ashdod to get info on amcits as soon as it's available. UN had been approached by COGAT last week to help in forwarding cargo from ships in Ashdod. Serry is trying to send a couple of observers to Ashdod, has told cogat that assisting deliveries of humanitarian goods, much of which is destined for Hamas, is problematic but he'll see. Barak just gave a press conference, and appears to have spoken to Davotuglu this am.

> Sent from my BlackBerry

> ----- Original Message -----

> From: Levin, Jan
> To: Operations Center; Jeffrey, James F; Cunningham, James B; Sievers, Marc J; Parker, Andrew C; Grubb, Jason B; NEA-IPA-DL; Greene, Elisa; Marchese, Gregory M; Waters, John R; [redacted] B3 DOD-CP Amodeo, Salvatore A (Istanbul); Rudman, Mara (Jerusalem); Connelly, Maura; Feltman, Jeffrey D
> Sent: Mon May 31 13:20:31 2010
> Subject: MFA flotilla briefing

[redacted] B3 DODFGI

> Highlights - Identification of dead and wounded taking time. MFA will reach out proactively to Embassies as IDs are done, with location and status of citizens. The uninjured will be processed and escorted to airport for deportation. Unclear how long this will take.

> -- Most violence occurred on ship Mavi (Blue) Marmara. As far as is currently known, all injuries occurred on this ship.

> -- [redacted] told Ambassador that activists on Mavi Marmara were prepared for boarders and were B3 DODFGI armed. Unclear if they had firearms in advance or took them from IDF boarding party. One IDF soldier nearly beaten to death with metal bar. Activists also had knives.

> -- Events took place in international waters. Israel asserted it had the legal right to intercept in intl waters because there is a military blockade under the law of armed conflict between Israel and Hamas.

> Ambassador Cunningham requests that Embassy Tel Aviv clear Dept guidance on this issue, thank you.

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The New Busy is not the old busy. Search, chat and e-mail from your inbox. [Get started.](#)

RELEASED IN PART B3 DOD-CP,B3 DODFGI,B5,B6

Law, Rosemary C

From: Aswad, Evelyn M
Sent: Monday, May 31, 2010 1:35 PM
To: Schwartz, Jonathan B; Perina, Alexandra H; Goldberger, Thomas H; Baumert, Kevin A; Jacobson, Linda; Heinemann, Thomas B; Dolan, JoAnn
Cc: Sullivan, David J; [redacted] Pomper, Stephen E; Guarin, Marc F; Martin, Julie B; Banos, Mariano H; Khanna, Melanie J; Harris, Robert K
Subject: RE: L comments on MFA flotilla briefing>

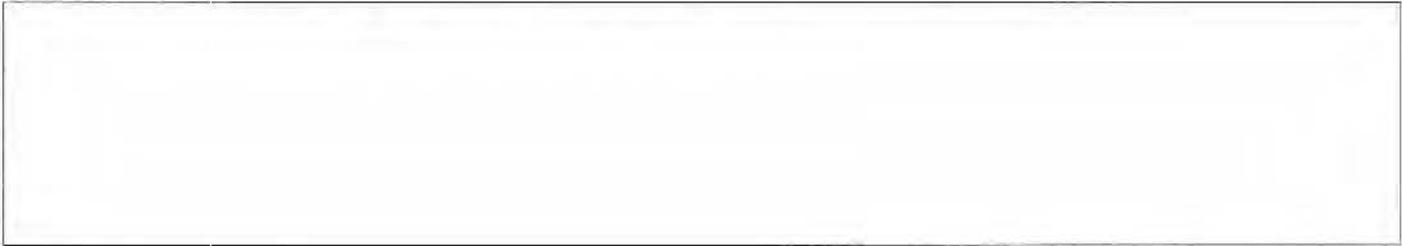
B5

Looping in Julie Martin who is TDY to Geneva for HRC and following this issue from there as well as Mariano who will follow this during the week from DC. EA

-----Original Message-----

From: Schwartz, Jonathan B
Sent: Monday, May 31, 2010 12:02 PM
To: Perina, Alexandra H; Goldberger, Thomas H; Baumert, Kevin A; Jacobson, Linda; Heinemann, Thomas B; Dolan, JoAnn
Cc: Aswad, Evelyn M; Sullivan, David J; [redacted]; Pomper, Stephen E; Guarin, Marc F
Subject: RE: L comments on MFA flotilla briefing>

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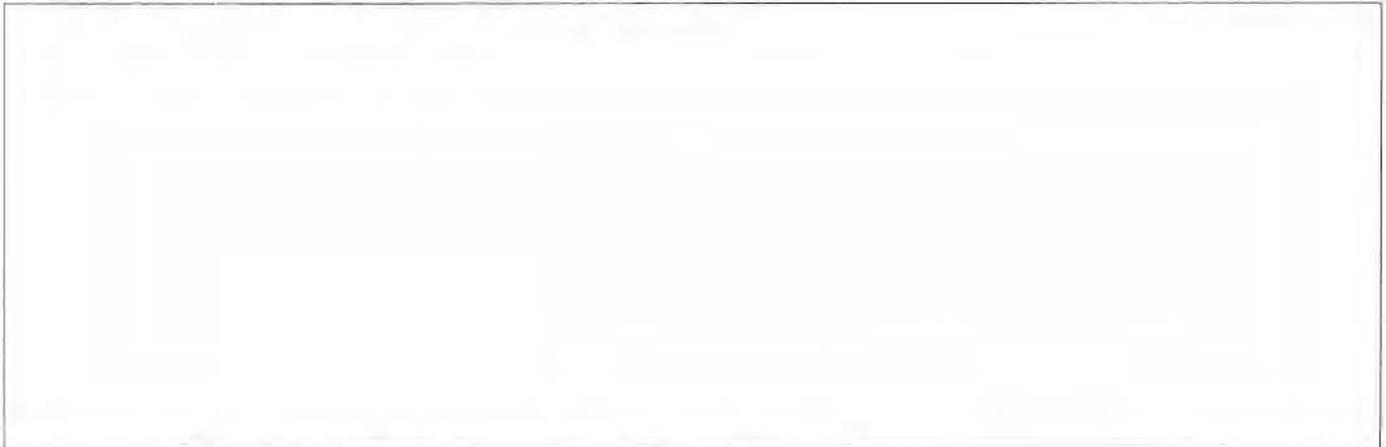
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jon

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From: Perina, Alexandra H
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To: Schwartz, Jonathan B; Goldberger, Thomas H; Baumert, Kevin A; Jacobson, Linda; Heinemann, Thomas B; Dolan, JoAnn
Cc: Aswad, Evelyn M; Sullivan, David J; [redacted]; Pomper, Stephen E; Guarin, Marc F
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REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer



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To: Goldberger, Thomas H; Baumert, Kevin A; Jacobson, Linda; Heinemann, Thomas B; Dolan, JoAnn; Perina, Alexandra H
Cc: Aswad, Evelyn M; Sullivan, David J
Subject: RE: L comments on MFA flotilla briefing>



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From: Goldberger, Thomas H
Sent: Monday, May 31, 2010 11:40 AM
To: Baumert, Kevin A; Jacobson, Linda; Schwartz, Jonathan B; Heinemann, Thomas B; Dolan, JoAnn; Perina, Alexandra H
Cc: Aswad, Evelyn M; Sullivan, David J
Subject: RE: L comments on MFA flotilla briefing>



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To: Jacobson, Linda; Goldberger, Thomas H; Schwartz, Jonathan B; Heinemann, Thomas B; Dolan, JoAnn; Perina, Alexandra H
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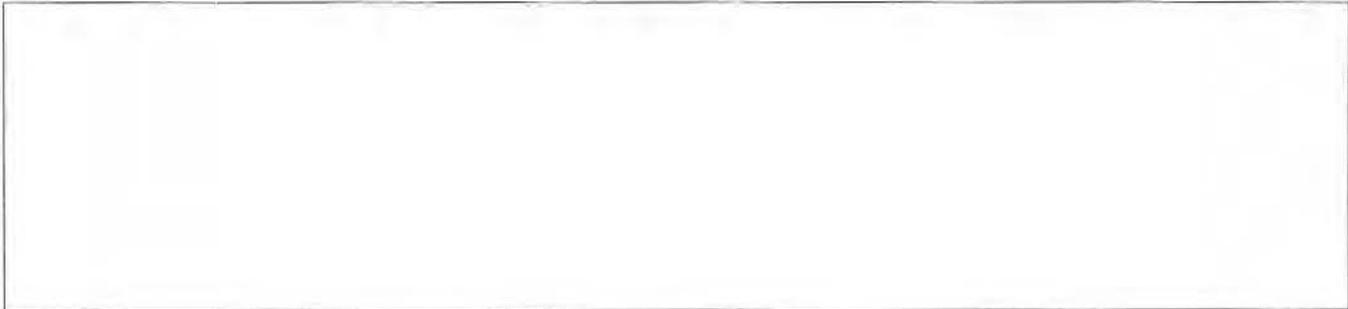
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To: Baumert, Kevin A; Goldberger, Thomas H; Schwartz, Jonathan B; Heinemann, Thomas B; Dolan, JoAnn; Perina, Alexandra H
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Cc: Aswad, Evelyn M
Sent: Mon May 31 11:18:29 2010
Subject: Re: L comments on MFA flotilla briefing>

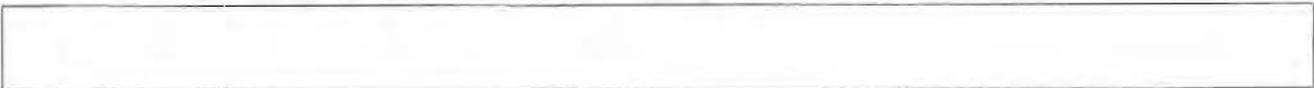


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Kevin
L/OES

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Subject: Re: L comments on MFA flotilla briefing>



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To: Cunningham, James B; Hale, David M; Feltman, Jeffrey D; Rubinstein, Daniel H; Connelly, Maura; Schlicher, Ronald L; 'Daniel_B._Shapiro@nsc.eop.gov' <Daniel_B._Shapiro@nsc.eop.gov>
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Cc: Rudman, Mara (Jerusalem); Dolan, JoAnn; Baumert, Kevin A; Perina, Alexandra H; Heinemann, Thomas B
Subject: Fw: MFA flotilla briefing

[Redacted]

B5

Jon

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Cc: Baumert, Kevin A; Harris, Robert K; Donoghue, Joan E; Dolan, JoAnn
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[Redacted]

B3 DOD-CP

Sent: Mon May 31 08:08:22 2010
Subject: RE: MFA flotilla briefing

[Redacted] B3 DOD-CP
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- Interaction occurred approx 70 NM from coastline. IDF confident in International Law because of intent by flotilla to breach the blockade. (See Attached Slides)

[Redacted]

[Redacted]

B3 DOD-CP

[Redacted]

-----Original Message-----

From: Rudman, Mara (Jerusalem)
 Sent: Monday, May 31, 2010 2:46 PM
 To: Cunningham, James B; Levin, Jan; Operations Center; Jeffrey, James F; Sievers, Marc J; Parker, Andrew C; Grubb, Jason B; NEA-IPA-DL; Greene, Elisa; Marchese, Gregory M; Waters, John R; [Redacted] Amodeo, Salvatore A (Istanbul); Connelly, Maura; Feltman, Je B3 DOD-CP
 Cc: 'Dennis_B._Ross@nsc.eop.gov'; 'Dshapiro@who.eop.gov'
 Subject: RE: MFA flotilla briefing

This may largely repeat at this point what is out in other places and/or others have heard from me, but just to assure that various reporting lines have same info, this is from Gen. [Redacted] who also spoke with the UN's Serry, among others, this am.

B6

[Redacted] reported that when Israeli soldiers boarded the main deck of the main ship, they met with what he described as clearly planned active/armed resistance, including live fire. Military who boarded were attacked with knives, sharpened metal and wood instruments, etc. He said the military who boarded were attacked by dozens; He indicated that some of the soldiers were stabbed and slashed. Made clear situation was one in which actions taken were in self-defense.

Current estimates of those killed from flotilla 14-15 "maybe more". He said all injured being moved to Israeli hospital - by helicopter. He said ships coming into Ashdod (some reports have them coming into Haifa). At Ashdod, he and others will meet the ships. There, they will need to ID the bodies; move the people either to return them to home countries rapidly and/or detain; ID the cargo and as planned initially, move as much of into Gaza as promptly as possible.

Earlier this morning [Redacted] made the following calls/contacts:

--Turkish FM and MoD [redacted]; Erakat, Fayyad, and Hussein al Sheikh [redacted]. He felt the calls w the Turks given the situation were OK, but the concern clearly is Erdogan and how he will handle. With Pals, Erakat in particular, they discussed extent to which levels of rhetoric could be kept in check. With Fayyad they discussed primarily need for security cooperation, keeping things calm. Concern about how this will be affected by status of Israeli Arab Islamic leader on board the flotilla.

(PIC seems to be on track/going forward. Some events may be affected by it.)

-----Original Message-----

From: Cunningham, James B
 Sent: Monday, May 31, 2010 1:38 PM
 To: Levin, Jan; Operations Center; Jeffrey, James F; Sievers, Marc J; Parker, Andrew C; Grubb, Jason B; NEA-IPA-DL; Greene, Elisa; Marchese, Gregory M; Waters, John R; [redacted] Amodeo, Salvatore A (Istanbul); Rudman, Mara (Jerusalem); Connelly, Maura; FeltrB3 DOD-CP Jeffrey D
 Cc: 'Dennis_B._Ross@nsc.eop.gov'; 'Dshapiro@who.eop.gov'
 Subject: Re: MFA flotilla briefing

Our Consular people are in contact with MFA and Ashdod to get info on amcits as soon as it's available. UN had been approached by COGAT last week to help in forwarding cargo from ships in Ashdod. Serry is trying to send a couple of observers to Ashdod, has told cogat that assisting deliveries of humanitarian goods, much of which is destined for Hamas, is problematic but he'll see. Barak just gave a press conference, and appears to have spoken to Davotuglu this am.

Sent from my BlackBerry

----- Original Message -----

From: Levin, Jan
 To: Operations Center; Jeffrey, James F; Cunningham, James B; Sievers, Marc J; Parker, Andrew C; Grubb, Jason B; NEA-IPA-DL; Greene, Elisa; Marchese, Gregory M; Waters, John R; [redacted] Amodeo, Salvatore A (Istanbul); Rudman, Mara (Jerusalem); Connelly, Maura; FeltrB3 DOD-CP Jeffrey D
 Sent: Mon May 31 13:20:31 2010
 Subject: MFA flotilla briefing

B3 DODFGI

Highlights - Identification of dead and wounded taking time. MFA will reach out proactively to Embassies as IDs are done, with location and status of citizens. The uninjured will be processed and escorted to airport for deportation. Unclear how long this will take.

-- Most violence occurred on ship Mavi (Blue) Marmara. As far as is currently known, all injuries occurred on this ship.

[redacted] told Ambassador that activists on Mavi Marmara were prepared for boarderB3 DODFGI were armed. Unclear if they had firearms in advance or took them from IDF boarding party. One IDF soldier nearly beaten to death with metal bar. Activists also had knives.

-- Events took place in international waters. Israel asserted it had the legal right to intercept in intl waters because there is a military blockade under the law of armed conflict between Israel and Hamas.

Ambassador Cunningham requests that Embassy Tel Aviv clear Dept guidance on this issue, thank you.

RELEASED IN PART B3 DOD-CP,B3 DODFGI,B5,B6

Law, Rosemary C

From: Baumert, Kevin A
Sent: Monday, May 31, 2010 4:54 PM
To: Pomper, Stephen E; Aswad, Evelyn M; Schwartz, Jonathan B; [redacted] Perina, Alexandra H; Jacobson, Linda; Heinemann, Thomas B; Dolan, JoAnn
Cc: Sullivan, David J; Guarin, Marc F; Donoghue, Joan E; Townley, Stephen G; Banos, Mariano H; Martin, Julie B
Subject: RE: L comments on MFA flotilla briefing>

B6

[redacted]

B5

From: Pomper, Stephen E
Sent: Monday, May 31, 2010 4:31 PM
To: Aswad, Evelyn M; Schwartz, Jonathan B; [redacted] Perina, Alexandra H; Baumert, Kevin A; Jacobson, Linda; Heinemann, Thomas B; Dolan, JoAnn
Cc: Sullivan, David J; Guarin, Marc F; Donoghue, Joan E; Townley, Stephen G; Banos, Mariano H; Martin, Julie B
Subject: Re: L comments on MFA flotilla briefing>

B6

removing non L address

From: Aswad, Evelyn M
To: Schwartz, Jonathan B; 'Stephen & Betsy Pomper/Andersen' [redacted] Perina, Alexandra H; Baumert, Kevin A; Jacobson, Linda; Heinemann, Thomas B; Dolan, JoAnn
Cc: Sullivan, David J; Pomper, Stephen E; Guarin, Marc F; Donoghue, Joan E; [redacted] [redacted] Townley, Stephen G; Banos, Mariano H; Martin, Julie B
Sent: Mon May 31 16:29:33 2010
Subject: RE: L comments on MFA flotilla briefing>

B6

B6

B6

Looping in Mariano & Julie. EA

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

From: Schwartz, Jonathan B
Sent: Monday, May 31, 2010 3:10 PM
To: 'Stephen & Betsy Pomper/Andersen'; Perina, Alexandra H; Baumert, Kevin A; Jacobson, Linda; Heinemann, Thomas B; Dolan, JoAnn
Cc: Aswad, Evelyn M; Sullivan, David J; Pomper, Stephen E; Guarin, Marc F; Donoghue, Joan E; [redacted] Townley, Stephen G
Subject: RE: L comments on MFA flotilla briefing>

B6

[redacted]

[Redacted]

B5

From: Stephen & Betsy Pomper/Andersen [Redacted]
Sent: Monday, May 31, 2010 3:14 PM
To: Schwartz, Jonathan B; Perina, Alexandra H; Baumert, Kevin A; Jacobson, Linda; Heinemann, Thomas B; Dolan, JoAnn
Cc: Aswad, Evelyn M; Sullivan, David J; Pomper, Stephen E; Guarin, Marc F; Donoghue, Joan E; [Redacted]
Townley, Stephen G
Subject: RE: L comments on MFA flotilla briefing>

B6

B6

Folks--

[Redacted]

From San Remo Manual on International Law Applicable to Armed Conflicts at Sea, 12 June 1994

<http://www.icrc.org/ihl.nsf/385ec082b509e76c41256739003e636d/7694fe2016f347e1c125641f002d49ce>

Blockade

93. A blockade shall be declared and notified to all belligerents and neutral States.

94. The declaration shall specify the commencement, duration, location, and extent of the blockade and the period within which vessels of neutral States may leave the blockaded coastline.

95. A blockade must be effective. The question whether a blockade is effective is a question of fact.

96. The force maintaining the blockade may be stationed at a distance determined by military requirements.

97. A blockade may be enforced and maintained by a combination of legitimate methods and means of warfare provided this combination does not result in acts inconsistent with the rules set out in this document.

98. Merchant vessels believed on reasonable grounds to be breaching a blockade may be captured. Merchant vessels which, after prior warning, clearly resist capture may be attacked.

99. A blockade must not bar access to the ports and coasts of neutral States.

100. A blockade must be applied impartially to the vessels of all States.

101. The cessation, temporary lifting, re-establishment, extension or other alteration of a blockade must be declared and notified as in paragraphs 93 and 94.

102. The declaration or establishment of a blockade is prohibited if:

- (a) it has the sole purpose of starving the civilian population or denying it other objects essential for its survival; or
- (b) the damage to the civilian population is, or may be expected to be, excessive in relation to the concrete and direct military advantage anticipated from the blockade.

103. If the civilian population of the blockaded territory is inadequately provided with food and other objects essential for its survival, the blockading party must provide for free passage of such foodstuffs and other essential supplies, subject to:

- (a) the right to prescribe the technical arrangements, including search, under which such passage is permitted; and
- (b) the condition that the distribution of such supplies shall be made under the local supervision of a Protecting Power or a humanitarian organization which offers guarantees of impartiality, such as the International Committee of the Red Cross.

104. The blockading belligerent shall allow the passage of medical supplies for the civilian population or for the wounded and sick members of armed forces, subject to the right to prescribe technical arrangements, including search, under which such passage is permitted.

Zones

105. A belligerent cannot be absolved of its duties under international humanitarian law by establishing zones which might adversely affect the legitimate uses of defined areas of the sea.

106. Should a belligerent, as an exceptional measure, establish such a zone:

- (a) the same body of law applies both inside and outside the zone;
- (b) the extent, location and duration of the zone and the measures imposed shall not exceed what is strictly required by military necessity and the principles of proportionality;
- (c) due regard shall be given to the rights of neutral States to legitimate uses of the seas;
- (d) necessary safe passage through the zone for neutral vessels and aircraft shall be provided:
 - (i) where the geographical extent of the zone significantly impedes free and safe access to the ports and coasts of a neutral State;
 - (ii) in other cases where normal navigation routes are affected, except where military requirements do not permit; and
- (e) the commencement, duration, location and extent of the zone, as well as the restrictions imposed, shall be publicly declared and appropriately notified.

107. Compliance with the measures taken by one belligerent in the zone shall not be construed as an act harmful to the opposing belligerent.

108. Nothing in this Section should be deemed to derogate from the customary belligerent right to control neutral vessels and aircraft in the immediate vicinity of naval operations.

From Commander's Handbook

7.7 BLOCKADE

7.7.1 General

Blockade is a belligerent operation to prevent vessels and/or aircraft of all nations, enemy as well as neutral, from entering or exiting specified ports, airfields, or coastal areas belonging to, occupied by, or under the control of an enemy nation. While the belligerent right of visit and search is designed to interdict the flow of contraband goods, the belligerent right of blockade is intended to prevent vessels and aircraft, regardless of their cargo, from crossing an established and publicized cordon separating the enemy from international waters and/or airspace.

7.7.2 Criteria for Blockades

To be valid, a blockade must conform to the criteria in the following paragraphs.

7.7.2.1 Establishment

A blockade must be established by the government of the belligerent nation. This is usually accomplished by a declaration of the belligerent government or by the commander of the blockading force acting on behalf of the belligerent government. The declaration should include, as a minimum, the date the blockade is to begin, its geographic limits, and the grace period granted neutral vessels and aircraft to leave the area to be blockaded.

7.7.2.2 Notification

It is customary for the belligerent nation establishing the blockade to notify all affected nations of its imposition. Because knowledge of the existence of a blockade is an essential element of the offenses of breach and attempted breach of blockade (see paragraph 7.7.4), neutral vessels and aircraft are always entitled to notification. The commander of the blockading forces will usually also notify local authorities in the blockaded area. The form of the notification is not material so long as it is effective.

7.7.2.3 Effectiveness

To be valid, a blockade must be effective—that is, it must be maintained by a surface, air, or subsurface force or other legitimate methods and means of warfare that is sufficient to render ingress or egress of the blockaded area dangerous. The requirement of effectiveness does not preclude temporary absence of the blockading force, if such absence is due to stress of weather or to some other reason connected with the blockade (e.g., pursuit of a blockade runner). Effectiveness does not require that every possible avenue of approach to the blockaded area be covered.

7.7.2.4 Impartiality

A blockade must be applied impartially to the vessels and aircraft of all nations. Discrimination by the blockading belligerent in favor of or against the vessels and aircraft of particular nations, including those of its own or those of an allied nation, renders the blockade legally invalid.

7.7.2.5 Limitations

A blockade must not bar access to or departure from neutral ports and coasts. Neutral nations retain the right to engage in neutral commerce that does not involve trade or communications originating in or destined for the blockaded area. A blockade is prohibited if the sole purpose is to starve the civilian population or to deny it other objects essential for its survival.

7.7.3 Special Entry and Exit Authorization

Although neutral warships and military aircraft enjoy no positive right of access to blockaded areas, the belligerent imposing the blockade may authorize their entry and exit. Such special authorization may be made subject to such conditions as the blockading force considers to be necessary and expedient. Neutral vessels and aircraft in evident distress should be authorized entry into a blockaded area, and subsequently authorized to depart, under conditions prescribed by the officer in command of the blockading force or responsible for maintenance of the blockading instrumentality (e.g., mines). Similarly, neutral vessels and aircraft engaged in the carriage of qualifying relief supplies for the civilian population and the sick and wounded should be authorized to pass through the blockade cordon, subject to the right of the blockading force to prescribe the technical arrangements, including search, under which passage is permitted.

7.7.4 Breach and Attempted Breach of Blockade

Breach of blockade is the passage of a vessel or aircraft through a blockade without special entry or exit authorization from the blockading belligerent. Attempted breach of blockade occurs from the time a vessel or aircraft leaves a port or airfield with the intention of evading the blockade, and for vessels exiting the blockaded area, continues until the voyage is completed. Knowledge of the existence of the blockade is essential to the offenses of breach of blockade and attempted breach of blockade. Knowledge may be presumed once a blockade has been declared and appropriate notification provided to affected governments. It is immaterial that the vessel or aircraft is at the time of interception bound for neutral territory, if its ultimate destination is the blockaded area. There is a presumption of attempted breach of blockade where vessels or aircraft are bound for a neutral port or airfield serving as a point of transit to the blockaded area. (Capture of such vessels is discussed in paragraph 7.10.)

7.7.5 Contemporary Practice

The criteria for valid blockades, as set out above in paragraph 7.7.2, are for the most part customary in nature, having derived their definitive form through the practice of maritime powers during the nineteenth century. The rules reflect a balance between the right of a belligerent possessing effective command of the sea to close enemy ports and coastlines to international commerce, and the right of neutral nations to carry out neutral commerce with the least possible interference from belligerent forces. The law of blockade is, therefore, premised on a system of controls designed to effect only a limited interference with neutral trade. This was traditionally accomplished by a relatively "close-in" cordon of surface warships stationed in the immediate vicinity of the blockaded area.

The increasing emphasis in modern warfare on seeking to isolate completely the enemy from outside assistance and resources by targeting enemy merchant vessels as well as warships, and on interdicting all neutral commerce with the enemy, is not furthered substantially by blockades established in strict conformity with the traditional rules. In World Wars I and II, belligerents of both sides resorted to methods which, although frequently referred to as measures of blockade, cannot be reconciled with the traditional concept of the close-in blockade. The so-called long-distance blockade of both world wars departed materially from those traditional rules and were premised in large measure upon the belligerent right of reprisal against illegal acts of warfare on the part of the enemy.

Moreover, developments in weapons systems and platforms, particularly submarines, supersonic aircraft, and cruise missiles, have rendered the in-shore blockade exceedingly difficult, if not impossible, to maintain during anything other than a local or limited armed conflict. Accordingly, the characteristics of modern weapon systems will be a factor in analyzing the effectiveness of contemporary blockades.

Notwithstanding this trend in belligerent practices (during general war) away from the establishment of blockades that conform to the traditional rules, blockade continues to be a useful means to regulate the competing interests of belligerents and neutrals in more limited armed conflict. The experience of the United States during the Vietnam conflict provides a case in point. The closing of Haiphong and other North Vietnamese ports, accomplished by the emplacement of mines, was undertaken in conformity with traditional criteria of establishment, notification, effectiveness, limitation, and impartiality, although at the time the mining took place the term "blockade" was not used.

From:

To: schwartzjb@state.gov; perinaah@state.gov; baumertka@state.gov; jacobsonl@state.gov; heinemanntb@state.gov; dolanja@state.gov
 CC: aswadem@state.gov; sullivanjd1@state.gov; pomperse2@state.gov; guarinmf@state.gov; donoghueje@state.gov

B6

Subject: RE: L comments on MFA flotilla briefing>
Date: Mon, 31 May 2010 17:29:30 +0000

Marc Guarin is going to log in and weigh in on this question. I also reached out to JCS legal to see if they have a Navy lawyer we can talk to. Have taken Tom G off this chain for the moment. Steve

> Subject: RE: L comments on MFA flotilla briefing>
> Date: Mon, 31 May 2010 13:01:59 -0400
> From: SchwartzJB@state.gov
> To: PerinaAH@state.gov; GoldbergerTH@state.gov; baumertka@state.gov; JacobsonL@state.gov; HeinemannTB@state.gov; DolanJA@state.gov
> CC: AswadEM@state.gov; SullivanDJ1@state.gov; [redacted]
PomperSE2@state.gov; GuarinMF@state.gov

B6

[redacted]

B5

> -----Original Message-----
> From: Perina, Alexandra H
> Sent: Monday, May 31, 2010 12:56 PM
> To: Schwartz, Jonathan B; Goldberger, Thomas H; Baumert, Kevin A; Jacobson, Linda; Heinemann, Thomas B; Dolan, JoAnn
> Cc: Aswad, Evelyn M; Sullivan, David J; [redacted] Pomper, Stephen E; Guarin, Marc F
> Subject: RE: L comments on MFA flotilla briefing>
>

B6

[redacted]

B5

>
> -----Original Message-----
> From: Schwartz, Jonathan B
> Sent: Monday, May 31, 2010 12:17 PM
> To: Goldberger, Thomas H; Baumert, Kevin A; Jacobson, Linda; Heinemann, Thomas B; Dolan, JoAnn; Perina, Alexandra H

> Cc: Aswad, Evelyn M; Sullivan, David J
> Subject: RE: L comments on MFA flotilla briefing>

[Redacted]

B5

> -----Original Message-----
> From: Goldberger, Thomas H
> Sent: Monday, May 31, 2010 11:40 AM
> To: Baumert, Kevin A; Jacobson, Linda; Schwartz, Jonathan B; Heinemann, Thomas B; Dolan, JoAnn; Perina, Alexandra H
> Cc: Aswad, Evelyn M; Sullivan, David J
> Subject: RE: L comments on MFA flotilla briefing>

[Redacted]

> -----Original Message-----
> From: Baumert, Kevin A
> Sent: Monday, May 31, 2010 11:34 AM
> To: Jacobson, Linda; Goldberger, Thomas H; Schwartz, Jonathan B; Heinemann, Thomas B; Dolan, JoAnn; Perina, Alexandra H
> Cc: Aswad, Evelyn M; Sullivan, David J
> Subject: Re: L comments on MFA flotilla briefing>

[Redacted]

> ----- Original Message -----
> From: Jacobson, Linda
> To: Baumert, Kevin A; Goldberger, Thomas H; Schwartz, Jonathan B; Heinemann, Thomas B; Dolan, JoAnn; Perina, Alexandra H
> Cc: Aswad, Evelyn M
> Sent: Mon May 31 11:20:32 2010
> Subject: Re: L comments on MFA flotilla briefing>

[Redacted]

> ----- Original Message -----
> From: Baumert, Kevin A
> To: Goldberger, Thomas H; Schwartz, Jonathan B; Heinemann, Thomas B; Dolan, JoAnn; Jacobson, Linda; Perina, Alexandra H
> Cc: Aswad, Evelyn M
> Sent: Mon May 31 11:18:29 2010
> Subject: Re: L comments on MFA flotilla briefing>

[Redacted]

> L/OES

>
> ----- Original Message -----
> From: Goldberger, Thomas H
> To: Schwartz, Jonathan B; Baumert, Kevin A; Heinemann, Thomas B; Dolan, JoAnn; Jacobson, Linda
> Sent: Mon May 31 10:50:27 2010
> Subject: FW: L comments on MFA flotilla briefing>

[Redacted]

B5

> ----- Original Message -----
> From: Cunningham, James B
> Sent: Monday, May 31, 2010 10:47 AM
> To: Goldberger, Thomas H
> Subject: Re: L comments on MFA flotilla briefing>

[Redacted]

> ----- Original Message -----
> From: Goldberger, Thomas H
> To: Cunningham, James B; Hale, David M; Feltman, Jeffrey D; Rubinstein, Daniel H; Connelly, Maura; Schlicher, Ronald L; 'Daniel_B._Shapiro@nsc.eop.gov' <Daniel_B._Shapiro@nsc.eop.gov>
> Cc: Holmstrom, Todd C; Schwartz, Jonathan B; Jacobson, Linda; Dolan, JoAnn
> Sent: Mon May 31 17:37:00 2010
> Subject: FW: L comments on MFA flotilla briefing>

> See below from Jonathan pls.

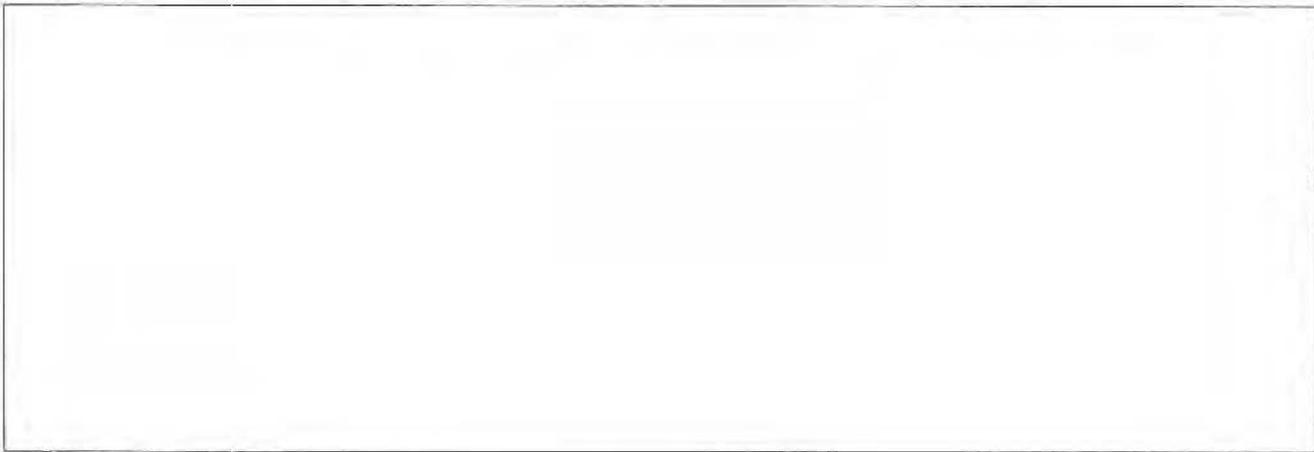
> -----Original Message-----
> From: Schwartz, Jonathan B
> Sent: Monday, May 31, 2010 9:13 AM
> To: Goldberger, Thomas H
> Cc: Rudman, Mara (Jerusalem); Dolan, JoAnn; Baumert, Kevin A; Perina, Alexandra H; Heinemann, Thomas B
> Subject: Fw: MFA flotilla briefing

[Redacted]

> Jon

> ----- Original Message -----
> From: Schwartz, Jonathan B
> To: Perina, Alexandra H; Heinemann, Thomas B
> Cc: Baumert, Kevin A; Harris, Robert K; Donoghue, Joan E; Dolan, JoAnn
> Sent: Mon May 31 09:05:16 2010
> Subject: Fw: MFA flotilla briefing

[Redacted]



B5

nt

> ----- Original Message -----
 > From: Goldberger, Thomas H
 > To: Dolan, JoAnn; Jacobson, Linda
 > Cc: Holmstrom, Todd C; Schwartz, Jonathan B; Knopf, Payton L
 > Sent: Mon May 31 08:24:00 2010
 > Subject: FW: MFA flotilla briefing



B5

> ----- Original Message -----
 > From: [redacted]
 > To: Cunningham, James B; Levin, Jan; Operations Center; Jeffrey, James F; Sievers, Marc J; Parker, Andrew C; Grubb, Jason B; NEA-IPA-DL; Greene, Elisa; Marchese, Gregory M; Waters, John R; Amodeo, Salvatore A (Istanbul); Connelly, Maura; Feltman, Jeffrey D; Rudman, Mara (Jerusalem); [redacted]
 [redacted] Levin, Jan; [redacted]
 > Sent: Mon May 31 08:08:22 2010
 > Subject: RE: MFA flotilla briefing

B3 DOD-CP

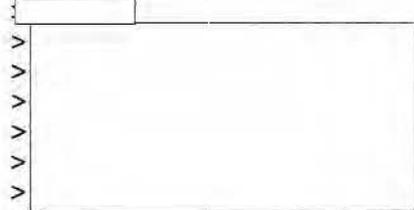


B3 DOD-CP
B3 DODFGI

Many of the details briefed have already been provided via other means. Specific Highlights -
 > - Ongoing Operation
 > - Two Ships in Ashdod to include the CHALLENGER I
 > - M/V MAVI MARMARA expected in port between 1700L and 1800L
 > - All ships will be in port by later today
 > - 10-14 Civilians Seriously Injured or Killed
 > - 30 Civilians Wounded
 > - 10 IDF wounded to include 1 serious and 1 with "medium" wounds
 > - Turkish Ambassador to Israel recalled
 > - Interaction occurred approx 70 NM from coastline. IDF confident in International Law because of intent by flotilla to breach the blockade. (See Attached Slides)



B3 DOD-CP



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> -----Original Message-----

> From: Rudman, Mara (Jerusalem)
> Sent: Monday, May 31, 2010 2:46 PM
> To: Cunningham, James B; Levin, Jan; Operations Center; Jeffrey, James F; Sievers, Marc J; Parker, Andrew C; Grubb, Jason B; NEA-IPA-DL; Greene, Elisa; Marchese, Gregory M; Waters, John R; [redacted] Amodeo, Salvatore A (Istanbul); Connelly, Maura; Feltman, Jeffrey D
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B3 DOD-CP

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B6

> [redacted] reported that when Israeli soldiers boarded the main deck of the main ship, they met with what he described as clearly planned active/armed resistance, including live fire. Military who boarded were attacked with knives, sharpened metal and wood instruments, etc. He said the military who boarded were attacked by dozens; He indicated that some of the soldiers were stabbed and slashed. Made clear situation was one in which actions taken were in self-defense.

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> --Turkish FM and MoD [redacted] Erakat, Fayyad, and Hussein al Sheikh [redacted] He felt the calls w the Turks given the situation were OK, but the concern clearly is Erdogan and how he will handle. With Pals, Erakat in particular, they discussed extent to which levels of rhetoric could be kept in check. With Fayyad they discussed primarily need for security cooperation, keeping things calm. Concern about how this will be affected by status of Israeli Arab Islamic leader on board the flotilla.

> (PIC seems to be on track/going forward. Some events may be affected by it.)

> -----Original Message-----

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> Sent: Monday, May 31, 2010 1:38 PM
> To: Levin, Jan; Operations Center; Jeffrey, James F; Sievers, Marc J; Parker, Andrew C; Grubb, Jason B; NEA-IPA-DL; Greene, Elisa; Marchese, Gregory M; Waters, John R; [redacted] Amodeo, Salvatore A (Istanbul); Rudman, Mara (Jerusalem); Connelly, Maura; Feltman, Jeffrey D
> Cc: 'Dennis_B._Ross@nsc.eop.gov'; 'Dshapiro@who.eop.gov'
> Subject: Re: MFA flotilla briefing

B3 DOD-CP

> Our Consular people are in contact with MFA and Ashdod to get info on amcits as soon as it's available. UN had been approached by COGAT last week to help in forwarding cargo from ships in Ashdod. Serry is trying to send a couple of observers to Ashdod, has told cogat that assisting deliveries of humanitarian goods, much of which is destined for Hamas, is problematic but he'll see. Barak just gave a press conference, and appears to have spoken to Davotuglu this am.

> Sent from my BlackBerry

> ----- Original Message -----

> From: Levin, Jan
> To: Operations Center; Jeffrey, James F; Cunningham, James B; Sievers, Marc J; Parker, Andrew C; Grubb, Jason B; NEA-IPA-DL; Greene, Elisa; Marchese, Gregory M; Waters, John R; [redacted] Amodeo, Salvatore A (Istanbul); Rudman, Mara (Jerusalem); Connelly, Maura; Feltman, Jeffrey D
> Sent: Mon May 31 13:20:31 2010
> Subject: MFA flotilla briefing

B3 DOD-CP

B3 DODFGI

- >
- > Highlights - Identification of dead and wounded taking time. MFA will reach out proactively to Embassies as IDs are done, with location and status of citizens. The uninjured will be processed and escorted to airport for deportation. Unclear how long this will take.
- > -- Most violence occurred on ship Mavi (Blue) Marmara. As far as is currently known, all injuries occurred on this ship.
- > -- [redacted] told Ambassador that activists on Mavi Marmara were prepared for boarders and were armed. Unclear if they had firearms in advance or took them from IDF boarding party. One IDF soldier nearly beaten to death with metal bar. Activists also had knives.
- > -- Events took place in international waters. Israel asserted it had the legal right to intercept in intl waters because there is a military blockade under the law of armed conflict between Israel and Hamas.
- >
- > Ambassador Cunningham requests that Embassy Tel Aviv clear Dept guidance on this issue, thank you.

B3 DODFGI

Hotmail has tools for the New Busy. Search, chat and e-mail from your inbox. [Learn more.](#)

The New Busy is not the old busy. Search, chat and e-mail from your inbox. [Get started.](#)

RELEASED IN PART B3 DOD-CP,B3 DODFGI,B5,B6

Law, Rosemary C

From: Baumert, Kevin A
Sent: Monday, May 31, 2010 12:24 PM
To: Schwartz, Jonathan B; Goldberger, Thomas H; Jacobson, Linda; Heinemann, Thomas B; Dolan, JoAnn; Perina, Alexandra H
Cc: Aswad, Evelyn M; Sullivan, David J
Subject: Re: L comments on MFA flotilla briefing>

Yes, just to confirm, that was my point. Thanks. Kevin

----- Original Message -----

From: Schwartz, Jonathan B
To: Goldberger, Thomas H; Baumert, Kevin A; Jacobson, Linda; Heinemann, Thomas B; Dolan, JoAnn; Perina, Alexandra H
Cc: Aswad, Evelyn M; Sullivan, David J
Sent: Mon May 31 12:17:15 2010
Subject: RE: L comments on MFA flotilla briefing>



B5

-----Original Message-----

From: Goldberger, Thomas H
Sent: Monday, May 31, 2010 11:40 AM
To: Baumert, Kevin A; Jacobson, Linda; Schwartz, Jonathan B; Heinemann, Thomas B; Dolan, JoAnn; Perina, Alexandra H
Cc: Aswad, Evelyn M; Sullivan, David J
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Sent: Monday, May 31, 2010 11:34 AM
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Cc: Aswad, Evelyn M; Sullivan, David J
Subject: Re: L comments on MFA flotilla briefing>



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From: Jacobson, Linda
To: Baumert, Kevin A; Goldberger, Thomas H; Schwartz, Jonathan B; Heinemann, Thomas B; Dolan, JoAnn; Perina, Alexandra H
Cc: Aswad, Evelyn M **REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer**
Sent: Mon May 31 11:20:32 2010
Subject: Re: L comments on MFA flotilla briefing>



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To: Goldberger, Thomas H; Schwartz, Jonathan B; Heinemann, Thomas B; Dolan, JoAnn; Jacobson, Linda; Perina, Alexandra H
Cc: Aswad, Evelyn M
Sent: Mon May 31 11:18:29 2010
Subject: Re: L comments on MFA flotilla briefing>



B5

Kevin
L/OES

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From: Goldberger, Thomas H
To: Schwartz, Jonathan B; Baumert, Kevin A; Heinemann, Thomas B; Dolan, JoAnn; Jacobson, Linda
Sent: Mon May 31 10:50:27 2010
Subject: FW: L comments on MFA flotilla briefing>



-----Original Message-----

From: Cunningham, James B
Sent: Monday, May 31, 2010 10:47 AM
To: Goldberger, Thomas H
Subject: Re: L comments on MFA flotilla briefing>



Sent from my BlackBerry

----- Original Message -----

From: Goldberger, Thomas H
To: Cunningham, James B; Hale, David M; Feltman, Jeffrey D; Rubinstein, Daniel H; Connelly, Maura; Schlicher, Ronald L; 'Daniel_B._Shapiro@nsc.eop.gov' <Daniel_B._Shapiro@nsc.eop.gov>
Cc: Holmstrom, Todd C; Schwartz, Jonathan B; Jacobson, Linda; Dolan, JoAnn
Sent: Mon May 31 17:37:00 2010
Subject: FW: L comments on MFA flotilla briefing>

See below from Jonathan pls.

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Sent: Monday, May 31, 2010 9:13 AM
To: Goldberger, Thomas H
Cc: Rudman, Mara (Jerusalem); Dolan, JoAnn; Baumert, Kevin A; Perina, Alexandra H; Heinemann, Thomas B
Subject: Fw: MFA flotilla briefing

[Redacted]

B5

Jon

----- Original Message -----

From: Schwartz, Jonathan B
To: Perina, Alexandra H; Heinemann, Thomas B
Cc: Baumert, Kevin A; Harris, Robert K; Donoghue, Joan E; Dolan, JoAnn
Sent: Mon May 31 09:05:16 2010
Subject: Fw: MFA flotilla briefing

[Redacted]

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To: Dolan, JoAnn; Jacobson, Linda
Cc: Holmstrom, Todd C; Schwartz, Jonathan B; Knopf, Payton L
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B3 DOD-CP

(Jerusalem); [redacted] Levin, Jan; [redacted] B3 DOD-CP

Sent: Mon May 31 08:08:22 2010
Subject: RE: MFA flotilla briefing

B3 DOD-CP

Many of the details briefed have already been provided via other means. Specific High B3 DODFGI

- Ongoing Operation
- Two Ships in Ashdod to include the CHALLENGER I
- M/V MAVI MARMARA expected in port between 1700L and 1800L
- All ships will be in port by later today
- 10-14 Civilians Seriously Injured or Killed
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- 10 IDF wounded to include 1 serious and 1 with "medium" wounds
- Turkish Ambassador to Israel recalled
- Interaction occurred approx 70 NM from coastline. IDF confident in International Law because of intent by flotilla to breach the blockade. (See Attached Slides)

B3 DOD-CP

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From: Rudman, Mara (Jerusalem)
 Sent: Monday, May 31, 2010 2:46 PM
 To: Cunningham, James B; Levin, Jan; Operations Center; Jeffrey, James F; Sievers, Marc J; Parker, Andrew C; Grubb, Jason B; NEA-IPA-DL; Greene, Elisa; Marchese, Gregory M; Waters, John R; [redacted] Amodeo, Salvatore A (Istanbul); Connelly, Maura; Feltman, Je B3 DOD-CP
 Cc: 'Dennis_B._Ross@nsc.eop.gov'; 'Dshapiro@who.eop.gov'
 Subject: RE: MFA flotilla briefing

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B6

[redacted] reported that when Israeli soldiers boarded the main deck of the main ship, they met with what he described as clearly planned active/armed resistance, including live fire. Military who boarded were attacked with knives, sharpened metal and wood instruments, etc. He said the military who boarded were attacked by dozens; He indicated that some of the soldiers were stabbed and slashed. Made clear situation was one in which actions taken were in self-defense.

Current estimates of those killed from flotilla 14-15 "maybe more". He said all injured being moved to Israeli hospital - by helicopter. He said ships coming into Ashdod (some reports have them coming into Haifa). At Ashdod, he and others will meet the ships. There, they will need to ID the bodies; move the people either to return them to home countries rapidly and/or detain; ID the cargo and as planned initially, move as much of into Gaza as promptly as possible.

Earlier this morning [redacted] made the following calls/contacts:

--Turkish FM and MoD [redacted] Erakat, Fayyad, and Hussein al Sheikh [redacted] He felt the calls w the Turks given the situation were OK, but the concern clearly is Erdogan and how he will handle. With Pals, Erakat in particular, they discussed extent to which levels of rhetoric could be kept in check. With Fayyad they discussed primarily need for security cooperation, keeping things calm. Concern about how this will be affected by status of Israeli Arab Islamic leader on board the flotilla.

B6

(PIC seems to be on track/going forward. Some events may be affected by it.)

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Sent: Monday, May 31, 2010 1:38 PM

To: Levin, Jan; Operations Center; Jeffrey, James F; Sievers, Marc J; Parker, Andrew C;

Grubb, Jason B; NEA-IPA-DL; Greene, Elisa; Marchese, Gregory M; Waters, John R; [redacted]

[redacted] Amodeo, Salvatore A (Istanbul); Rudman, Mara (Jerusalem); Connelly, Maura; FeltrB3 DOD-CP

Jeffrey D

Cc: 'Dennis_B_Ross@nsc.eop.gov'; 'Dshapiro@who.eop.gov'

Subject: Re: MFA flotilla briefing

Our Consular people are in contact with MFA and Ashdod to get info on amcits as soon as it's available. UN had been approached by COGAT last week to help in forwarding cargo from ships in Ashdod. Serry is trying to send a couple of observers to Ashdod, has told cogat that assisting deliveries of humanitarian goods, much of which is destined for Hamas, is problematic but he'll see. Barak just gave a press conference, and appears to have spoken to Davotuglu this am.

Sent from my BlackBerry

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C; Grubb, Jason B; NEA-IPA-DL; Greene, Elisa; Marchese, Gregory M; Waters, John R; [redacted]

[redacted] Amodeo, Salvatore A (Istanbul); Rudman, Mara (Jerusalem); Connelly, Maura; Feltman, B3 DOD-CP

Jeffrey D

Sent: Mon May 31 13:20:31 2010

Subject: MFA flotilla briefing

[redacted] B3 DODFGI

Highlights - Identification of dead and wounded taking time. MFA will reach out proactively to Embassies as IDs are done, with location and status of citizens. The uninjured will be processed and escorted to airport for deportation. Unclear how long this will take.

-- Most violence occurred on ship Mavi (Blue) Marmara. As far as is currently known, all injuries occurred on this ship.

[redacted] told Ambassador that activists on Mavi Marmara were prepared for boarders B3 DODFGI were armed. Unclear if they had firearms in advance or took them from IDF boarding party.

One IDF soldier nearly beaten to death with metal bar. Activists also had knives.

-- Events took place in international waters. Israel asserted it had the legal right to intercept in intl waters because there is a military blockade under the law of armed conflict between Israel and Hamas.

Ambassador Cunningham requests that Embassy Tel Aviv clear Dept guidance on this issue, thank you.

RELEASED IN PART B3 DOD-CP,B3 DODFGI,B5,B6

Law, Rosemary C

From: Baumert, Kevin A
Sent: Monday, May 31, 2010 3:02 PM
To: 'Stephen & Betsy Pomper/Andersen'; Schwartz, Jonathan B; Perina, Alexandra H; Jacobson, Linda; Heinemann, Thomas B; Dolan, JoAnn
Cc: Aswad, Evelyn M; Sullivan, David J; Pomper, Stephen E; Guarin, Marc F; Donoghue, Joan E
Subject: RE: L comments on MFA flotilla briefing>

I'm going to be inaccessible by email for a few hours. Here is my \$.02 on the laws of the sea angle. This can be re-packaged, as appropriate to the broader policy distro.



B5

Thanks,
Kevin

From: Stephen & Betsy Pomper/Andersen [redacted]
Sent: Monday, May 31, 2010 1:30 PM
To: Schwartz, Jonathan B; Perina, Alexandra H; Baumert, Kevin A; Jacobson, Linda; Heinemann, Thomas B; Dolan, JoAnn
Cc: Aswad, Evelyn M; Sullivan, David J; Pomper, Stephen E; Guarin, Marc F; Donoghue, Joan E
Subject: RE: L comments on MFA flotilla briefing>

B6

Marc Guarin is going to log in and weigh in on this question. I also reached out to JCS legal to see if they have a Navy lawyer we can talk to. Have taken Tom G off this chain for the moment. Steve

> Subject: RE: L comments on MFA flotilla briefing>
> Date: Mon, 31 May 2010 13:01:59 -0400
> From: SchwartzJB@state.gov
> To: PerinaAH@state.gov; GoldbergerTH@state.gov; baumertka@state.gov; JacobsonL@state.gov; HeinemannTB@state.gov; DolanJA@state.gov
> CC: AswadEM@state.gov; SullivanDJ1@state.gov; [redacted]
PomperSE2@state.gov; GuarinMF@state.gov
>

B6



> jon
> **REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer**
> -----Original Message-----
> From: Perina, Alexandra H
> Sent: Monday, May 31, 2010 12:56 PM
> To: Schwartz, Jonathan B; Goldberger, Thomas H; Baumert, Kevin A; Jacobson, Linda; Heinemann,

Thomas B; Dolan, JoAnn

> Cc: Aswad, Evelyn M; Sullivan, David J; [redacted] Pomper, Stephen E; Guarin, Marc F
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B6

B5

[redacted]

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> From: Jacobson, Linda
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> Cc: Aswad, Evelyn M
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B5

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> Cc: Holmstrom, Todd C; Schwartz, Jonathan B; Jacobson, Linda; Dolan, JoAnn
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B5

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> Jon

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B5

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> Sent: Mon May 31 08:24:00 2010

> Subject: FW: MFA flotilla briefing

[Redacted]

B5

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> From: [Redacted]

B3 DOD-CP

> To: Cunningham, James B; Levin, Jan; Operations Center; Jeffrey, James F; Sievers, Marc J; Parker, Andrew C; Grubbs, Jason B; NEA-IPA-DL; Greene, Elisa; Marchese, Gregory M; Waters, John R; Amodeo, Salvatore A (Istanbul); Connelly, Maura; Feltman, Jeffrey D; Rudman, Mara (Jerusalem); [redacted]

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> Sent: Mon May 31 08:08:22 2010

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B3 DODFGI

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Hotmail has tools for the New Busy. Search, chat and e-mail from your inbox. [Learn more.](#)

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(PIC seems to be on track/going forward. Some events may be affected by it.)

-----Original Message-----

From: Cunningham, James B
 Sent: Monday, May 31, 2010 1:38 PM
 To: Levin, Jan; Operations Center; Jeffrey, James F; Sievers, Marc J; Parker, Andrew C; Grubb, Jason B; NEA-IPA-DL; Greene, Elisa; Marchese, Gregory M; Waters, [redacted] B3 DOD-CP
 Frank G; Amodeo, Salvatore A (Istanbul); Rudman, Mara (Jerusalem); Connelly, Maura; Feltman, Jeffrey D
 Cc: 'Dennis_B._Ross@nsc.eop.gov'; 'Dshapiro@who.eop.gov'
 Subject: Re: MFA flotilla briefing

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Sent from my BlackBerry

----- Original Message -----

From: Levin, Jan
 To: Operations Center; Jeffrey, James F; Cunningham, James B; Sievers, Marc J; Parker, Andrew C; Grubb, Jason B; NEA-IPA-DL; Greene, Elisa; Marchese, Gregory M; Waters, John R; [redacted] B3 DOD-CP

[redacted] Amodeo, Salvatore A (Istanbul); Rudman, Mara (Jerusalem); Connelly, Maura; Felt; Jeffrey D
Sent: Mon May 31 13:20:31 2010
Subject: MFA flotilla briefing

[redacted] B3 DODFGI

Highlights - Identification of dead and wounded taking time. MFA will reach out proactively to Embassies as IDs are done, with location and status of citizens. The uninjured will be processed and escorted to airport for deportation. Unclear how long this will take.

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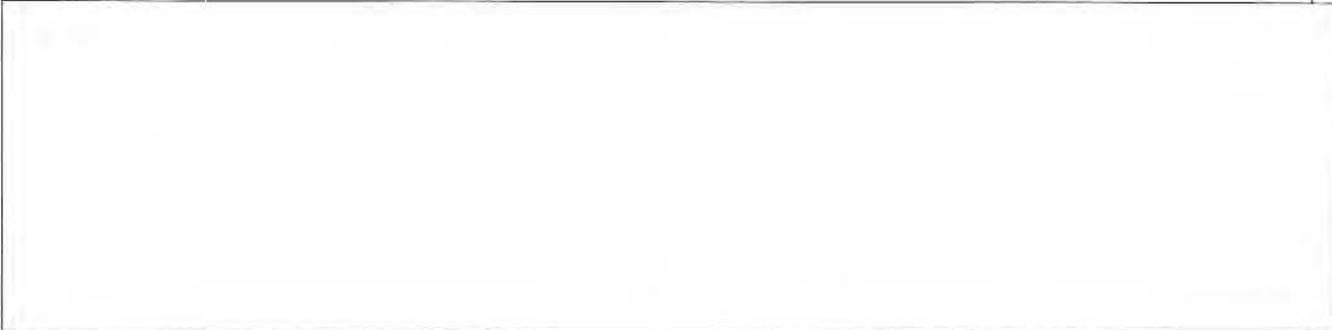
-- Events took place in international waters. Israel asserted it had the legal right to intercept in intl waters because there is a military blockade under the law of armed conflict between Israel and Hamas.

Ambassador Cunningham requests that Embassy Tel Aviv clear Dept guidance on this issue, thank you.

RELEASED IN PART B3 DOD-CP,B3 DODFGI,B5,B6

Law, Rosemary C

From: Baumert, Kevin A
Sent: Monday, May 31, 2010 11:18 AM
To: Goldberger, Thomas H; Schwartz, Jonathan B; Heinemann, Thomas B; Dolan, JoAnn; Jacobson, Linda; Perina, Alexandra H
Cc: Aswad, Evelyn M
Subject: Re: L comments on MFA flotilla briefing>



B5

Kevin
L/OES

----- Original Message -----

From: Goldberger, Thomas H
To: Schwartz, Jonathan B; Baumert, Kevin A; Heinemann, Thomas B; Dolan, JoAnn; Jacobson, Linda
Sent: Mon May 31 10:50:27 2010
Subject: FW: L comments on MFA flotilla briefing>



-----Original Message-----

From: Cunningham, James B
Sent: Monday, May 31, 2010 10:47 AM
To: Goldberger, Thomas H
Subject: Re: L comments on MFA flotilla briefing>



Sent from my BlackBerry

----- Original Message -----

From: Goldberger, Thomas H
To: Cunningham, James B; Hale, David M; Feltman, Jeffrey D; Rubinstein, Daniel H; Connelly, Maura; Schlicher, Ronald L; 'Daniel_B._Shapiro@nsc.eop.gov' <Daniel_B._Shapiro@nsc.eop.gov>
Cc: Holmstrom, Todd C; Schwartz, Jonathan B; Jacobson, Linda; Dolan, JoAnn
Sent: Mon May 31 17:37:00 2010
Subject: FW: L comments on MFA flotilla briefing>

See below from Jonathan pls.

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

-----Original Message-----

From: Schwartz, Jonathan B
Sent: Monday, May 31, 2010 9:13 AM
To: Goldberger, Thomas H
Cc: Rudman, Mara (Jerusalem); Dolan, JoAnn; Baumert, Kevin A; Perina, Alexandra H; Heinemann, Thomas B
Subject: Fw: MFA flotilla briefing

[Redacted]

B5

Jon

----- Original Message -----

From: Schwartz, Jonathan B
To: Perina, Alexandra H; Heinemann, Thomas B
Cc: Baumert, Kevin A; Harris, Robert K; Donoghue, Joan E; Dolan, JoAnn
Sent: Mon May 31 09:05:16 2010
Subject: Fw: MFA flotilla briefing

[Redacted]

B5

Jon

----- Original Message -----

From: Goldberger, Thomas H
To: Dolan, JoAnn; Jacobson, Linda
Cc: Holmstrom, Todd C; Schwartz, Jonathan B; Knopf, Payton L
Sent: Mon May 31 08:24:00 2010
Subject: FW: MFA flotilla briefing

[Redacted]

B5

----- Original Message -----

From: [Redacted]
To: Cunningham, James B; Levin, Jan; Operations Center; Jeffrey, James F; Sievers, Marc J; Parker, Andrew C; Grubb, Jason B; NEA-IPA-DL; Greene, Elisa; Marchese, Gregory M; Waters,

B3 DOD-CP

John R; Amodeo, Salvatore A (Istanbul); Connelly, Maura; Feltman, Jeffrey D; Rudman, Mara (Jerusalem); [redacted] Levin, Jan; [redacted]

B3 DOD-CP

Sent: Mon May 31 08:08:22 2010
Subject: RE: MFA flotilla briefing

B3 DOD-CP

Many of the details briefed have already been provided via other means. Specific High [redacted] B3 DODFGI

- Ongoing Operation
- Two Ships in Ashdod to include the CHALLENGER I
- M/V MAVI MARMARA expected in port between 1700L and 1800L
- All ships will be in port by later today
- 10-14 Civilians Seriously Injured or Killed
- 30 Civilians Wounded
- 10 IDF wounded to include 1 serious and 1 with "medium" wounds
- Turkish Ambassador to Israel recalled
- Interaction occurred approx 70 NM from coastline. IDF confident in International Law because of intent by flotilla to breach the blockade. (See Attached Slides)

B3 DOD-CP

-----Original Message-----

From: Rudman, Mara (Jerusalem)

Sent: Monday, May 31, 2010 2:46 PM

To: Cunningham, James B; Levin, Jan; Operations Center; Jeffrey, James F; Sievers, Marc J; Parker, Andrew C; Grubb, Jason B; NEA-IPA-DL; Greene, Elisa; Marchese, Gregory M; Waters, John R; [redacted] Amodeo, Salvatore A (Istanbul); Connelly, Maura; Feltman, Je

B3 DOD-CP

D

Cc: 'Dennis_B._Ross@nsc.eop.gov'; 'Dshapiro@who.eop.gov'

Subject: RE: MFA flotilla briefing

This may largely repeat at this point what is out in other places and/or others have heard from me, but just to assure that various reporting lines have same info, this is from [redacted]

B6

[redacted] who also spoke with the UN's Serry, among others, this am.

[redacted] reported that when Israeli soldiers boarded the main deck of the main ship, they met with what he described as clearly planned active/armed resistance, including live fire. Military who boarded were attacked with knives, sharpened metal and wood instruments, etc. He said the military who boarded were attacked by dozens; He indicated that some of the soldiers were stabbed and slashed. Made clear situation was one in which actions taken were in self-defense.

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 Jeffrey D

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RELEASED IN PART B3 DOD-CP,B3
DODFGI,B5,B6

Law, Rosemary C

From: Dolan, JoAnn
Sent: Monday, May 31, 2010 4:17 PM
To: Schwartz, Jonathan B; 'Stephen & Betsy Pomper/Andersen'; Perina, Alexandra H; Baumert, Kevin A; Jacobson, Linda; Heinemann, Thomas B
Cc: Aswad, Evelyn M; Sullivan, David J; Pomper, Stephen E; Guarin, Marc F; Donoghue, Joan E; [redacted] Townley, Stephen G
Subject: RE: L comments on MFA flotilla briefing>

[redacted]

From: Schwartz, Jonathan B
Sent: Monday, May 31, 2010 4:10 PM
To: 'Stephen & Betsy Pomper/Andersen'; Perina, Alexandra H; Baumert, Kevin A; Jacobson, Linda; Heinemann, Thomas B; Dolan, JoAnn
Cc: Aswad, Evelyn M; Sullivan, David J; Pomper, Stephen E; Guarin, Marc F; Donoghue, Joan E; [redacted] Townley, Stephen G
Subject: RE: L comments on MFA flotilla briefing>

[redacted]

Jon

From: Stephen & Betsy Pomper/Andersen [redacted]
Sent: Monday, May 31, 2010 3:14 PM
To: Schwartz, Jonathan B; Perina, Alexandra H; Baumert, Kevin A; Jacobson, Linda; Heinemann, Thomas B; Dolan, JoAnn
Cc: Aswad, Evelyn M; Sullivan, David J; Pomper, Stephen E; Guarin, Marc F; Donoghue, Joan E; [redacted] Townley, Stephen G
Subject: RE: L comments on MFA flotilla briefing>

Folks--

[redacted]

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

B6

B5

B6

B5

B6

B5

B5
B6

Steve

From San Remo Manual on International Law Applicable to Armed Conflicts at Sea, 12 June 1994

<http://www.icrc.org/ihl.nsf/385ec082b509e76c41256739003e636d/7694fe2016f347e1c125641f002d49ce>

Blockade

93. A blockade shall be declared and notified to all belligerents and neutral States.

94. The declaration shall specify the commencement, duration, location, and extent of the blockade and the period within which vessels of neutral States may leave the blockaded coastline.

95. A blockade must be effective. The question whether a blockade is effective is a question of fact.

96. The force maintaining the blockade may be stationed at a distance determined by military requirements.

97. A blockade may be enforced and maintained by a combination of legitimate methods and means of warfare provided this combination does not result in acts inconsistent with the rules set out in this document.

98. Merchant vessels believed on reasonable grounds to be breaching a blockade may be captured. Merchant vessels which, after prior warning, clearly resist capture may be attacked.

99. A blockade must not bar access to the ports and coasts of neutral States.

100. A blockade must be applied impartially to the vessels of all States.

101. The cessation, temporary lifting, re-establishment, extension or other alteration of a blockade must be declared and notified as in paragraphs 93 and 94.

102. The declaration or establishment of a blockade is prohibited if:

(a) it has the sole purpose of starving the civilian population or denying it other objects essential for its survival; or
(b) the damage to the civilian population is, or may be expected to be, excessive in relation to the concrete and direct military advantage anticipated from the blockade.

103. If the civilian population of the blockaded territory is inadequately provided with food and other objects essential for its survival, the blockading party must provide for free passage of such foodstuffs and other essential supplies, subject to:

(a) the right to prescribe the technical arrangements, including search, under which such passage is permitted; and
(b) the condition that the distribution of such supplies shall be made under the local supervision of a Protecting Power or a humanitarian organization which offers guarantees of impartiality, such as the International Committee of the Red Cross.

104. The blockading belligerent shall allow the passage of medical supplies for the civilian population or for the wounded and sick members of armed forces, subject to the right to prescribe technical arrangements, including search, under which such passage is permitted.

Zones

105. A belligerent cannot be absolved of its duties under international humanitarian law by establishing zones which might adversely affect the legitimate uses of defined areas of the sea.

106. Should a belligerent, as an exceptional measure, establish such a zone:

(a) the same body of law applies both inside and outside the zone;
(b) the extent, location and duration of the zone and the measures imposed shall not exceed what is strictly required by military necessity and the principles of proportionality;
(c) due regard shall be given to the rights of neutral States to legitimate uses of the seas;
(d) necessary safe passage through the zone for neutral vessels and aircraft shall be provided:
(i) where the geographical extent of the zone significantly impedes free and safe access to the ports and coasts of a neutral State;
(ii) in other cases where normal navigation routes are affected, except where military requirements do not permit; and
(e) the commencement, duration, location and extent of the zone, as well as the restrictions imposed, shall be publicly declared and appropriately notified.

107. Compliance with the measures taken by one belligerent in the zone shall not be construed as an act harmful to the opposing belligerent.

108. Nothing in this Section should be deemed to derogate from the customary belligerent right to control neutral vessels and aircraft in the immediate vicinity of naval operations.

From Commander's Handbook

7.7 BLOCKADE

7.7.1 General

Blockade is a belligerent operation to prevent vessels and/or aircraft of all nations, enemy as well as neutral, from entering or exiting specified ports, airfields, or coastal areas belonging to, occupied by, or under the control of an enemy nation. While the belligerent right of visit and search is designed to interdict the flow of contraband goods, the belligerent right of blockade is intended to prevent vessels and aircraft, regardless of their cargo, from

crossing an established and publicized cordon separating the enemy from international waters and/or airspace.

7.7.2 Criteria for Blockades

To be valid, a blockade must conform to the criteria in the following paragraphs.

7.7.2.1 Establishment

A blockade must be established by the government of the belligerent nation. This is usually accomplished by a declaration of the belligerent government or by the commander of the blockading force acting on behalf of the belligerent government. The declaration should include, as a minimum, the date the blockade is to begin, its geographic limits, and the grace period granted neutral vessels and aircraft to leave the area to be blockaded.

7.7.2.2 Notification

It is customary for the belligerent nation establishing the blockade to notify all affected nations of its imposition. Because knowledge of the existence of a blockade is an essential element of the offenses of breach and attempted breach of blockade (see paragraph 7.7.4), neutral vessels and aircraft are always entitled to notification. The commander of the blockading forces will usually also notify local authorities in the blockaded area. The form of the notification is not material so long as it is effective.

7.7.2.3 Effectiveness

To be valid, a blockade must be effective—that is, it must be maintained by a surface, air, or subsurface force or other legitimate methods and means of warfare that is sufficient to render ingress or egress of the blockaded area dangerous. The requirement of effectiveness does not preclude temporary absence of the blockading force, if such absence is due to stress of weather or to some other reason connected with the blockade (e.g., pursuit of a blockade runner). Effectiveness does not require that every possible avenue of approach to the blockaded area be covered.

7.7.2.4 Impartiality

A blockade must be applied impartially to the vessels and aircraft of all nations. Discrimination by the blockading belligerent in favor of or against the vessels and aircraft of particular nations, including those of its own or those of an allied nation, renders the blockade legally invalid.

7.7.2.5 Limitations

A blockade must not bar access to or departure from neutral ports and coasts. Neutral nations retain the right to engage in neutral commerce that does not involve trade or communications originating in or destined for the blockaded area. A blockade is prohibited if the sole purpose is to starve the civilian population or to deny it other objects essential for its survival.

7.7.3 Special Entry and Exit Authorization

Although neutral warships and military aircraft enjoy no positive right of access to blockaded areas, the belligerent imposing the blockade may authorize their entry and exit. Such special authorization may be made subject to such conditions as the blockading force considers to be necessary and expedient. Neutral vessels and aircraft in evident distress should be authorized entry into a blockaded area, and subsequently authorized to depart, under conditions prescribed by the officer in command of the blockading force or responsible for maintenance of the blockading instrumentality (e.g., mines). Similarly, neutral vessels and aircraft engaged in the carriage of qualifying relief supplies for the civilian population and the sick and wounded should be authorized to pass through the blockade cordon, subject to the right of the blockading force to prescribe the technical arrangements, including search, under which passage is permitted.

7.7.4 Breach and Attempted Breach of Blockade

Breach of blockade is the passage of a vessel or aircraft through a blockade without special entry or exit authorization from the blockading belligerent. Attempted breach of blockade occurs from the time a vessel or aircraft leaves a port or airfield with the intention of evading the blockade, and for vessels exiting the blockaded area, continues until the voyage is completed. Knowledge of the existence of the blockade is essential to the offenses of breach of blockade and attempted breach of blockade. Knowledge may be presumed once a blockade has been declared and appropriate notification provided to affected governments. It is immaterial that the vessel or aircraft is at the time of interception bound for neutral territory, if its ultimate destination is the blockaded area. There is a presumption of attempted breach of blockade where vessels or aircraft are bound for a neutral port or airfield serving as a point of transit to the blockaded area. (Capture of such vessels is discussed in paragraph 7.10.)

7.7.5 Contemporary Practice

The criteria for valid blockades, as set out above in paragraph 7.7.2, are for the most part customary in nature, having derived their definitive form through the practice of maritime powers during the nineteenth century. The rules reflect a balance between the right of a belligerent possessing effective command of the sea to close enemy ports and coastlines to international commerce, and the right of neutral nations to carry out neutral commerce with

the least possible interference from belligerent forces. The law of blockade is, therefore, premised on a system of controls designed to effect only a limited interference with neutral trade. This was traditionally accomplished by a relatively "close-in" cordon of surface warships stationed in the immediate vicinity of the blockaded area. The increasing emphasis in modern warfare on seeking to isolate completely the enemy from outside assistance and resources by targeting enemy merchant vessels as well as warships, and on interdicting all neutral commerce with the enemy, is not furthered substantially by blockades established in strict conformity with the traditional rules. In World Wars I and II, belligerents of both sides resorted to methods which, although frequently referred to as measures of blockade, cannot be reconciled with the traditional concept of the close-in blockade. The so-called long-distance blockade of both world wars departed materially from those traditional rules and were premised in large measure upon the belligerent right of reprisal against illegal acts of warfare on the part of the enemy. Moreover, developments in weapons systems and platforms, particularly submarines, supersonic aircraft, and cruise missiles, have rendered the in-shore blockade exceedingly difficult, if not impossible, to maintain during anything other than a local or limited armed conflict. Accordingly, the characteristics of modern weapon systems will be a factor in analyzing the effectiveness of contemporary blockades. Notwithstanding this trend in belligerent practices (during general war) away from the establishment of blockades that conform to the traditional rules, blockade continues to be a useful means to regulate the competing interests of belligerents and neutrals in more limited armed conflict. The experience of the United States during the Vietnam conflict provides a case in point. The closing of Haiphong and other North Vietnamese ports, accomplished by the emplacement of mines, was undertaken in conformity with traditional criteria of establishment, notification, effectiveness, limitation, and impartiality, although at the time the mining took place the term "blockade" was not used.

From: pomper [redacted]
To: schwartzjb@state.gov; perinaah@state.gov; baumertka@state.gov; jacobsonl@state.gov; heinemanntb@state.gov; dolanja@state.gov
CC: aswadem@state.gov; sullivanjd1@state.gov; pomperse2@state.gov; guarinmf@state.gov; donoghueje@state.gov
Subject: RE: L comments on MFA flotilla briefing>
Date: Mon, 31 May 2010 17:29:30 +0000

[redacted]

> Subject: RE: L comments on MFA flotilla briefing>
> Date: Mon, 31 May 2010 13:01:59 -0400
> From: SchwartzJB@state.gov
> To: PerinaAH@state.gov; GoldbergerTH@state.gov; baumertka@state.gov; JacobsonL@state.gov; HeinemannTB@state.gov; DolanJA@state.gov
> CC: AswadEM@state.gov; SullivanDJ1@state.gov; pomper [redacted]
PomperSE2@state.gov; GuarinMF@state.gov
>

[redacted]

>
> jon
>
> -----Original Message-----
> From: Perina, Alexandra H
> Sent: Monday, May 31, 2010 12:56 PM
> To: Schwartz, Jonathan B; Goldberger, Thomas H; Baumert, Kevin A; Jacobson, Linda; Heinemann,

B6

B5

B6

Thomas B; Dolan, JoAnn

> Cc: Aswad, Evelyn M; Sullivan, David J; [redacted] Pomper, Stephen E; Guarin, Marc F

B6

> Subject: RE: L comments on MFA flotilla briefing>

[redacted]

B5

[redacted]

>
> -----Original Message-----
> From: Schwartz, Jonathan B
> Sent: Monday, May 31, 2010 12:17 PM
> To: Goldberger, Thomas H; Baumert, Kevin A; Jacobson, Linda; Heinemann, Thomas B; Dolan, JoAnn; Perina, Alexandra H
> Cc: Aswad, Evelyn M; Sullivan, David J
> Subject: RE: L comments on MFA flotilla briefing>

[redacted]

>
> -----Original Message-----
> From: Goldberger, Thomas H
> Sent: Monday, May 31, 2010 11:40 AM
> To: Baumert, Kevin A; Jacobson, Linda; Schwartz, Jonathan B; Heinemann, Thomas B; Dolan, JoAnn; Perina, Alexandra H
> Cc: Aswad, Evelyn M; Sullivan, David J
> Subject: RE: L comments on MFA flotilla briefing>

[redacted]

>
> -----Original Message-----
> From: Baumert, Kevin A
> Sent: Monday, May 31, 2010 11:34 AM
> To: Jacobson, Linda; Goldberger, Thomas H; Schwartz, Jonathan B; Heinemann, Thomas B; Dolan, JoAnn; Perina, Alexandra H
> Cc: Aswad, Evelyn M; Sullivan, David J
> Subject: Re: L comments on MFA flotilla briefing>

[redacted]

>
> ----- Original Message -----
> From: Jacobson, Linda
> To: Baumert, Kevin A; Goldberger, Thomas H; Schwartz, Jonathan B; Heinemann, Thomas B; Dolan, JoAnn; Perina, Alexandra H
> Cc: Aswad, Evelyn M
> Sent: Mon May 31 11:20:32 2010
> Subject: Re: L comments on MFA flotilla briefing>

[Redacted]

B5

>
> ----- Original Message -----
> From: Baumert, Kevin A
> To: Goldberger, Thomas H; Schwartz, Jonathan B; Heinemann, Thomas B; Dolan, JoAnn; Jacobson, Linda; Perina, Alexandra H
> Cc: Aswad, Evelyn M
> Sent: Mon May 31 11:18:29 2010
> Subject: Re: L comments on MFA flotilla briefing>

[Redacted]

>
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> L/OES

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[Redacted]

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[Redacted]

> Sent from my BlackBerry

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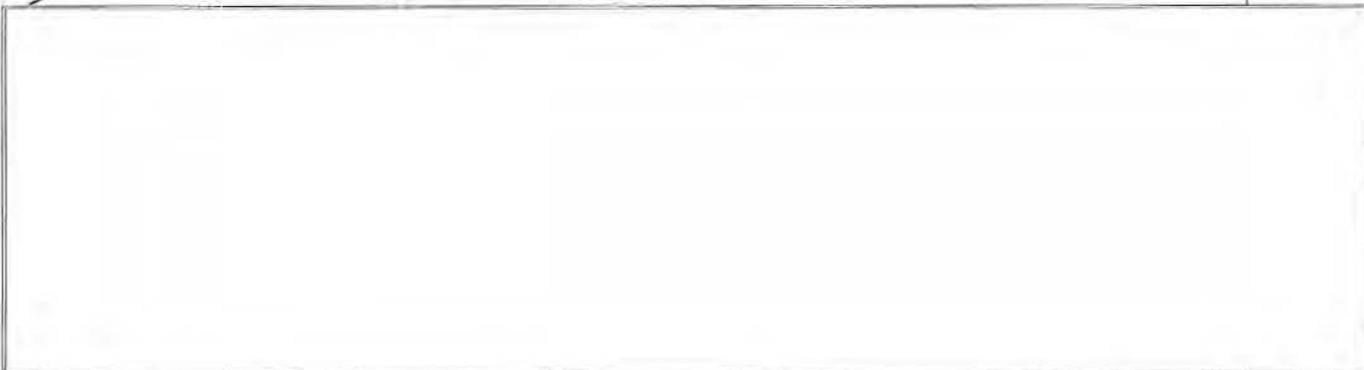


B5

> Jon

> ----- Original Message -----

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> To: Perina, Alexandra H; Heinemann, Thomas B
> Cc: Baumert, Kevin A; Harris, Robert K; Donoghue, Joan E; Dolan, JoAnn
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> To: Dolan, JoAnn; Jacobson, Linda
> Cc: Holmstrom, Todd C; Schwartz, Jonathan B; Knopf, Payton L
> Sent: Mon May 31 08:24:00 2010
> Subject: FW: MFA flotilla briefing



B5

> ----- Original Message -----

> From:

B3 DOD-CP

> To: Cunningham, James B; Levin, Jan; Operations Center; Jeffrey, James F; Sievers, Marc J; Parker, Andrew C; Grubb, Jason B; NEA-IPA-DL; Greene, Elisa; Marchese, Gregory M; Waters, John R; Amodeo, Salvatore A (Istanbul); Connelly, Maura; Feltman, Jeffrey D; Rudman, Mara (Jerusalem); [redacted] B3 DOD-CP

[redacted] M; Levin, Jan; [redacted]

> Sent: Mon May 31 08:08:22 2010
> Subject: RE: MFA flotilla briefing

> [redacted] B3 DOD-CP
> [redacted] B3 DODFGI

Many of the details briefed have already been provided via other means. Specific Highlights -

- > - Ongoing Operation
- > - Two Ships in Ashdod to include the CHALLENGER I
- > - M/V MAVI MARMARA expected in port between 1700L and 1800L
- > - All ships will be in port by later today
- > - 10-14 Civilians Seriously Injured or Killed
- > - 30 Civilians Wounded
- > - 10 IDF wounded to include 1 serious and 1 with "medium" wounds
- > - Turkish Ambassador to Israel recalled
- > - Interaction occurred approx 70 NM from coastline. IDF confident in International Law because of intent by flotilla to breach the blockade. (See Attached Slides)

[redacted] B3 DOD-CP

[redacted]

>
>
> -----Original Message-----
> From: Rudman, Mara (Jerusalem) B3 DOD-CP

> Sent: Monday, May 31, 2010 2:46 PM
> To: Cunningham, James B; Levin, Jan; Operations Center; Jeffrey, James F; Sievers, Marc J; Parker, Andrew C; Grubb, Jason B; NEA-IPA-DL; Greene, Elisa; Marchese, Gregory M; Waters, John R; [redacted] Amodeo, Salvatore A (Istanbul); Connelly, Maura; Feltman, Jeffrey D
> Cc: 'Dennis_B._Ross@nsc.eop.gov'; 'Dshapiro@who.eop.gov'
> Subject: RE: MFA flotilla briefing

>
> This may largely repeat at this point what is out in other places and/or others have heard from me, but just to assure that various reporting lines have same info, this is from [redacted], who also spoke with the UN's Serry, among others, this am.

> [redacted] reported that when Israeli soldiers boarded the main deck of the main ship, they met with what he described as clearly planned active/armed resistance, including live fire. Military who boarded were attacked with knives, sharpened metal and wood instruments, etc. He said the military who boarded were attacked by dozens; He indicated that some of the soldiers were stabbed and slashed. Made clear situation was one in which actions taken were in self-defense.

>
> Current estimates of those killed from flotilla 14-15 "maybe more". He said all injured being moved to Israeli hospital -- by helicopter. He said ships coming into Ashdod (some reports have them coming into Haifa). At Ashdod, he and others will meet the ships. There, they will need to ID the bodies; move the people either to return them to home countries rapidly and/or detain; ID the cargo and as planned initially, move as much of into Gaza as promptly as possible.

>
> Earlier this morning [redacted] made the following calls/contacts: B6
> --Turkish FM and MoD [redacted] Erakat, Fayyad, and Hussein al Sheikh [redacted]. He felt the calls w the

Turks given the situation were OK, but the concern clearly is Erdogan and how he will handle. With Pals, Erakat in particular, they discussed extent to which levels of rhetoric could be kept in check. With Fayyad they discussed primarily need for security cooperation, keeping things calm. Concern about how this will be affected by status of Israeli Arab Islamic leader on board the flotilla.

>
> (PIC seems to be on track/going forward. Some events may be affected by it.)
>
> -----Original Message-----
> From: Cunningham, James B
> Sent: Monday, May 31, 2010 1:38 PM
> To: Levin, Jan; Operations Center; Jeffrey, James F; Sievers, Marc J; Parker, Andrew C; Grubb, Jason B; NEA-IPA-DL; Greene, Elisa; Marchese, Gregory M; Waters, John R; [redacted] Amodeo, B3 DOD-CP
> Salvatore A (Istanbul); Rudman, Mara (Jerusalem); Connelly, Maura; Feltman, Jeffrey D
> Cc: 'Dennis_B._Ross@nsc.eop.gov'; 'Dshapiro@who.eop.gov'
> Subject: Re: MFA flotilla briefing

>
> Our Consular people are in contact with MFA and Ashdod to get info on amcits as soon as it's available. UN had been approached by COGAT last week to help in forwarding cargo from ships in Ashdod. Serry is trying to send a couple of observers to Ashdod, has told cogat that assisting deliveries of humanitarian goods, much of which is destined for Hamas, is problematic but he'll see. Barak just gave a press conference, and appears to have spoken to Davotuglu this am.
> Sent from my BlackBerry

>
> ----- Original Message -----
> From: Levin, Jan
> To: Operations Center; Jeffrey, James F; Cunningham, James B; Sievers, Marc J; Parker, Andrew C; Grubb, Jason B; NEA-IPA-DL; Greene, Elisa; Marchese, Gregory M; Waters, John R; [redacted] B3 DOD-CP
> Amodeo, Salvatore A (Istanbul); Rudman, Mara (Jerusalem); Connelly, Maura; Feltman, Jeffrey D
> Sent: Mon May 31 13:20:31 2010
> Subject: MFA flotilla briefing

> [redacted] briefed foreign B6
ambassadors at 12:30 local time today.

>
> Highlights - Identification of dead and wounded taking time. MFA will reach out proactively to Embassies as IDs are done, with location and status of citizens. The uninjured will be processed and escorted to airport for deportation. Unclear how long this will take.
> -- Most violence occurred on ship Mavi (Blue) Marmara. As far as is currently known, all injuries occurred on this ship.
> -- [redacted] told Ambassador that activists on Mavi Marmara were prepared for boarders and were armed. Unclear if they had firearms in advance or took them from IDF boarding party. One IDF soldier nearly beaten to death with metal bar. Activists also had knives. B6
> -- Events took place in international waters. Israel asserted it had the legal right to intercept in intl waters because there is a military blockade under the law of armed conflict between Israel and Hamas.
>
> Ambassador Cunningham requests that Embassy Tel Aviv clear Dept guidance on this issue, thank you.

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The New Busy is not the old busy. Search, chat and e-mail from your inbox. [Get started.](#)

RELEASED IN PART B3 DOD-CP, B3 DODFGI, B5, B6

Law, Rosemary C

From: Donoghue, Joan E
Sent: Tuesday, June 01, 2010 4:05 AM
To: Martin, Julie B; Baumert, Kevin A; Pomper, Stephen E; Aswad, Evelyn M; Schwartz, Jonathan B; [redacted] Perina, Alexandra H; Jacobson, Linda; Heinemann, Thomas B; Dolan, JoAnn; McLeod, Mary (USUN)
Cc: Sullivan, David J; Guarin, Marc F; Townley, Stephen G; Banos, Mariano H
Subject: Re: L comments on MFA flotilla briefing>

B6

[redacted]

B5

From: Martin, Julie B
To: Baumert, Kevin A; Pomper, Stephen E; Aswad, Evelyn M; Schwartz, Jonathan B; [redacted] Perina, Alexandra H; Jacobson, Linda; Heinemann, Thomas B; Dolan, JoAnn
Cc: Sullivan, David J; Guarin, Marc F; Donoghue, Joan E; Townley, Stephen G; Banos, Mariano H
Sent: Tue Jun 01 03:47:45 2010
Subject: RE: L comments on MFA flotilla briefing>

B6

Thanks to all.

[redacted]

B5

Thanks, Julie

This email is UNCLASSIFIED.

From: Baumert, Kevin A
Sent: Monday, May 31, 2010 10:54 PM
To: Pomper, Stephen E; Aswad, Evelyn M; Schwartz, Jonathan B; [redacted] Perina, Alexandra H; Jacobson, Linda; Heinemann, Thomas B; Dolan, JoAnn
Cc: Sullivan, David J; Guarin, Marc F; Donoghue, Joan E; Townley, Stephen G; Banos, Mariano H; Martin, Julie B
Subject: RE: L comments on MFA flotilla briefing>

B6

[redacted]

B5

Thanks, Kevin

From: Pomper, Stephen E
Sent: Monday, May 31, 2010 4:31 PM
To: Aswad, Evelyn M; Schwartz, Jonathan B; 'pomper [redacted] Perina, Alexandra H; Baumert, Kevin A;

B6

7
REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

Jacobson, Linda; Heinemann, Thomas B; Dolan, JoAnn

Cc: Sullivan, David J; Guarin, Marc F; Donoghue, Joan E; Townley, Stephen G; Banos, Mariano H; Martin, Julie B

Subject: Re: L comments on MFA flotilla briefing>

removing non L address

From: Aswad, Evelyn M

To: Schwartz, Jonathan B; 'Stephen & Betsy Pomper/Andersen' [redacted]; Perina, Alexandra H;

Baumert, Kevin A; Jacobson, Linda; Heinemann, Thomas B; Dolan, JoAnn

Cc: Sullivan, David J; Pomper, Stephen E; Guarin, Marc F; Donoghue, Joan E; [redacted]

[redacted] Townley, Stephen G; Banos, Mariano H; Martin, Julie B

Sent: Mon May 31 16:29:33 2010

Subject: RE: L comments on MFA flotilla briefing>

[redacted]

B6

From: Schwartz, Jonathan B

Sent: Monday, May 31, 2010 3:10 PM

To: 'Stephen & Betsy Pomper/Andersen'; Perina, Alexandra H; Baumert, Kevin A; Jacobson, Linda; Heinemann, Thomas B; Dolan, JoAnn

Cc: Aswad, Evelyn M; Sullivan, David J; Pomper, Stephen E; Guarin, Marc F; Donoghue, Joan E; eandersen@asil.org;

Townley, Stephen G

Subject: RE: L comments on MFA flotilla briefing>

[Large redacted block]

B5

Jon

From: Stephen & Betsy Pomper/Andersen [mailto:[redacted]]

Sent: Monday, May 31, 2010 3:14 PM

To: Schwartz, Jonathan B; Perina, Alexandra H; Baumert, Kevin A; Jacobson, Linda; Heinemann, Thomas B; Dolan, JoAnn

Cc: Aswad, Evelyn M; Sullivan, David J; Pomper, Stephen E; Guarin, Marc F; Donoghue, Joan E; [redacted]

Townley, Stephen G

Subject: RE: L comments on MFA flotilla briefing>

B6

Folks--

[Large redacted block]

B5

B6

B5

Steve

From San Remo Manual on International Law Applicable to Armed Conflicts at Sea, 12 June 1994

<http://www.icrc.org/ihl.nsf/385ec082b509e76c41256739003e636d/7694fe2016f347e1c125641f002d49ce>

Blockade

93. A blockade shall be declared and notified to all belligerents and neutral States.

94. The declaration shall specify the commencement, duration, location, and extent of the blockade and the period within which vessels of neutral States may leave the blockaded coastline.

95. A blockade must be effective. The question whether a blockade is effective is a question of fact.

96. The force maintaining the blockade may be stationed at a distance determined by military requirements.

97. A blockade may be enforced and maintained by a combination of legitimate methods and means of warfare provided this combination does not result in acts inconsistent with the rules set out in this document.

98. Merchant vessels believed on reasonable grounds to be breaching a blockade may be captured. Merchant vessels which, after prior warning, clearly resist capture may be attacked.

99. A blockade must not bar access to the ports and coasts of neutral States.

100. A blockade must be applied impartially to the vessels of all States.

101. The cessation, temporary lifting, re-establishment, extension or other alteration of a blockade must be declared and notified as in paragraphs 93 and 94.

102. The declaration or establishment of a blockade is prohibited if:

(a) it has the sole purpose of starving the civilian population or denying it other objects essential for its survival; or
(b) the damage to the civilian population is, or may be expected to be, excessive in relation to the concrete and direct military advantage anticipated from the blockade.

103. If the civilian population of the blockaded territory is inadequately provided with food and other objects essential for its survival, the blockading party must provide for free passage of such foodstuffs and other essential supplies, subject to:

(a) the right to prescribe the technical arrangements, including search, under which such passage is permitted; and
(b) the condition that the distribution of such supplies shall be made under the local supervision of a Protecting Power or a humanitarian organization which offers guarantees of impartiality, such as the International Committee of the Red Cross.

104. The blockading belligerent shall allow the passage of medical supplies for the civilian population or for the wounded and sick members of armed forces, subject to the right to prescribe technical arrangements, including search, under which such passage is permitted.

Zones

105. A belligerent cannot be absolved of its duties under international humanitarian law by establishing zones which might adversely affect the legitimate uses of defined areas of the sea.

106. Should a belligerent, as an exceptional measure, establish such a zone:

(a) the same body of law applies both inside and outside the zone;
(b) the extent, location and duration of the zone and the measures imposed shall not exceed what is strictly required by military necessity and the principles of proportionality;
(c) due regard shall be given to the rights of neutral States to legitimate uses of the seas;
(d) necessary safe passage through the zone for neutral vessels and aircraft shall be provided:
(i) where the geographical extent of the zone significantly impedes free and safe access to the ports and coasts of a neutral State;
(ii) in other cases where normal navigation routes are affected, except where military requirements do not permit; and
(e) the commencement, duration, location and extent of the zone, as well as the restrictions imposed, shall be publicly declared and appropriately notified.

107. Compliance with the measures taken by one belligerent in the zone shall not be construed as an act harmful to the opposing belligerent.

108. Nothing in this Section should be deemed to derogate from the customary belligerent right to control neutral vessels and aircraft in the immediate vicinity of naval operations.

From Commander's Handbook

7.7 BLOCKADE

7.7.1 General

Blockade is a belligerent operation to prevent vessels and/or aircraft of all nations, enemy as well as neutral, from

entering or exiting specified ports, airfields, or coastal areas belonging to, occupied by, or under the control of an enemy nation. While the belligerent right of visit and search is designed to interdict the flow of contraband goods, the belligerent right of blockade is intended to prevent vessels and aircraft, regardless of their cargo, from crossing an established and publicized cordon separating the enemy from international waters and/or airspace.

7.7.2 Criteria for Blockades

To be valid, a blockade must conform to the criteria in the following paragraphs.

7.7.2.1 Establishment

A blockade must be established by the government of the belligerent nation. This is usually accomplished by a declaration of the belligerent government or by the commander of the blockading force acting on behalf of the belligerent government. The declaration should include, as a minimum, the date the blockade is to begin, its geographic limits, and the grace period granted neutral vessels and aircraft to leave the area to be blockaded.

7.7.2.2 Notification

It is customary for the belligerent nation establishing the blockade to notify all affected nations of its imposition. Because knowledge of the existence of a blockade is an essential element of the offenses of breach and attempted breach of blockade (see paragraph 7.7.4), neutral vessels and aircraft are always entitled to notification. The commander of the blockading forces will usually also notify local authorities in the blockaded area. The form of the notification is not material so long as it is effective.

7.7.2.3 Effectiveness

To be valid, a blockade must be effective—that is, it must be maintained by a surface, air, or subsurface force or other legitimate methods and means of warfare that is sufficient to render ingress or egress of the blockaded area dangerous. The requirement of effectiveness does not preclude temporary absence of the blockading force, if such absence is due to stress of weather or to some other reason connected with the blockade (e.g., pursuit of a blockade runner). Effectiveness does not require that every possible avenue of approach to the blockaded area be covered.

7.7.2.4 Impartiality

A blockade must be applied impartially to the vessels and aircraft of all nations. Discrimination by the blockading belligerent in favor of or against the vessels and aircraft of particular nations, including those of its own or those of an allied nation, renders the blockade legally invalid.

7.7.2.5 Limitations

A blockade must not bar access to or departure from neutral ports and coasts. Neutral nations retain the right to engage in neutral commerce that does not involve trade or communications originating in or destined for the blockaded area. A blockade is prohibited if the sole purpose is to starve the civilian population or to deny it other objects essential for its survival.

7.7.3 Special Entry and Exit Authorization

Although neutral warships and military aircraft enjoy no positive right of access to blockaded areas, the belligerent imposing the blockade may authorize their entry and exit. Such special authorization may be made subject to such conditions as the blockading force considers to be necessary and expedient. Neutral vessels and aircraft in evident distress should be authorized entry into a blockaded area, and subsequently authorized to depart, under conditions prescribed by the officer in command of the blockading force or responsible for maintenance of the blockading instrumentality (e.g., mines). Similarly, neutral vessels and aircraft engaged in the carriage of qualifying relief supplies for the civilian population and the sick and wounded should be authorized to pass through the blockade cordon, subject to the right of the blockading force to prescribe the technical arrangements, including search, under which passage is permitted.

7.7.4 Breach and Attempted Breach of Blockade

Breach of blockade is the passage of a vessel or aircraft through a blockade without special entry or exit authorization from the blockading belligerent. Attempted breach of blockade occurs from the time a vessel or aircraft leaves a port or airfield with the intention of evading the blockade, and for vessels exiting the blockaded area, continues until the voyage is completed. Knowledge of the existence of the blockade is essential to the offenses of breach of blockade and attempted breach of blockade. Knowledge may be presumed once a blockade has been declared and appropriate notification provided to affected governments. It is immaterial that the vessel or aircraft is at the time of interception bound for neutral territory, if its ultimate destination is the blockaded area. There is a presumption of attempted breach of blockade where vessels or aircraft are bound for a neutral port or airfield serving as a point of transit to the blockaded area. (Capture of such vessels is discussed in paragraph 7.10.)

7.7.5 Contemporary Practice

The criteria for valid blockades, as set out above in paragraph 7.7.2, are for the most part customary in nature,

having derived their definitive form through the practice of maritime powers during the nineteenth century. The rules reflect a balance between the right of a belligerent possessing effective command of the sea to close enemy ports and coastlines to international commerce, and the right of neutral nations to carry out neutral commerce with the least possible interference from belligerent forces. The law of blockade is, therefore, premised on a system of controls designed to effect only a limited interference with neutral trade. This was traditionally accomplished by a relatively "close-in" cordon of surface warships stationed in the immediate vicinity of the blockaded area. The increasing emphasis in modern warfare on seeking to isolate completely the enemy from outside assistance and resources by targeting enemy merchant vessels as well as warships, and on interdicting all neutral commerce with the enemy, is not furthered substantially by blockades established in strict conformity with the traditional rules. In World Wars I and II, belligerents of both sides resorted to methods which, although frequently referred to as measures of blockade, cannot be reconciled with the traditional concept of the close-in blockade. The so-called long-distance blockade of both world wars departed materially from those traditional rules and were premised in large measure upon the belligerent right of reprisal against illegal acts of warfare on the part of the enemy. Moreover, developments in weapons systems and platforms, particularly submarines, supersonic aircraft, and cruise missiles, have rendered the in-shore blockade exceedingly difficult, if not impossible, to maintain during anything other than a local or limited armed conflict. Accordingly, the characteristics of modern weapon systems will be a factor in analyzing the effectiveness of contemporary blockades. Notwithstanding this trend in belligerent practices (during general war) away from the establishment of blockades that conform to the traditional rules, blockade continues to be a useful means to regulate the competing interests of belligerents and neutrals in more limited armed conflict. The experience of the United States during the Vietnam conflict provides a case in point. The closing of Haiphong and other North Vietnamese ports, accomplished by the emplacement of mines, was undertaken in conformity with traditional criteria of establishment, notification, effectiveness, limitation, and impartiality, although at the time the mining took place the term "blockade" was not used.

From: [redacted]
To: schwartzjb@state.gov; perinaah@state.gov; baumertka@state.gov; jacobsonl@state.gov; heinemannTB@state.gov; dolanja@state.gov
CC: aswadem@state.gov; sullivandj1@state.gov; pomperse2@state.gov; guarinmf@state.gov; donoghueje@state.gov
Subject: RE: L comments on MFA flotilla briefing>
Date: Mon, 31 May 2010 17:29:30 +0000

B6

[redacted]

B5

> Subject: RE: L comments on MFA flotilla briefing>
> Date: Mon, 31 May 2010 13:01:59 -0400
> From: SchwartzJB@state.gov
> To: PerinaAH@state.gov; GoldbergerTH@state.gov; baumertka@state.gov; JacobsonL@state.gov; HeinemannTB@state.gov; DolanJA@state.gov
> CC: AswadEM@state.gov; SullivanDJ1@state.gov; pomper [redacted]
PomperSE2@state.gov; GuarinMF@state.gov

B6

[redacted]

> jon
>
> -----Original Message-----

> From: Perina, Alexandra H
> Sent: Monday, May 31, 2010 12:56 PM
> To: Schwartz, Jonathan B; Goldberger, Thomas H; Baumert, Kevin A; Jacobson, Linda; Heinemann, Thomas B; Dolan, JoAnn
> Cc: Aswad, Evelyn M; Sullivan, David J; [redacted] Pomper, Stephen E; Guarin, Marc F
> Subject: RE: L comments on MFA flotilla briefing>

B6

[redacted]

B5

> -----Original Message-----
> From: Schwartz, Jonathan B
> Sent: Monday, May 31, 2010 12:17 PM
> To: Goldberger, Thomas H; Baumert, Kevin A; Jacobson, Linda; Heinemann, Thomas B; Dolan, JoAnn; Perina, Alexandra H
> Cc: Aswad, Evelyn M; Sullivan, David J
> Subject: RE: L comments on MFA flotilla briefing>

[redacted]

B5

> -----Original Message-----
> From: Goldberger, Thomas H
> Sent: Monday, May 31, 2010 11:40 AM
> To: Baumert, Kevin A; Jacobson, Linda; Schwartz, Jonathan B; Heinemann, Thomas B; Dolan, JoAnn; Perina, Alexandra H
> Cc: Aswad, Evelyn M; Sullivan, David J
> Subject: RE: L comments on MFA flotilla briefing>

[redacted]

B5

> -----Original Message-----
> From: Baumert, Kevin A
> Sent: Monday, May 31, 2010 11:34 AM
> To: Jacobson, Linda; Goldberger, Thomas H; Schwartz, Jonathan B; Heinemann, Thomas B; Dolan, JoAnn; Perina, Alexandra H
> Cc: Aswad, Evelyn M; Sullivan, David J
> Subject: Re: L comments on MFA flotilla briefing>

B5

[Redacted]

>
> ----- Original Message -----
> From: Jacobson, Linda
> To: Baumert, Kevin A; Goldberger, Thomas H; Schwartz, Jonathan B; Heinemann, Thomas B; Dolan, JoAnn; Perina, Alexandra H
> Cc: Aswad, Evelyn M
> Sent: Mon May 31 11:20:32 2010
> Subject: Re: L comments on MFA flotilla briefing>

[Redacted]

>
> ----- Original Message -----
> From: Baumert, Kevin A
> To: Goldberger, Thomas H; Schwartz, Jonathan B; Heinemann, Thomas B; Dolan, JoAnn; Jacobson, Linda; Perina, Alexandra H
> Cc: Aswad, Evelyn M
> Sent: Mon May 31 11:18:29 2010
> Subject: Re: L comments on MFA flotilla briefing>

[Redacted]

>
> Kevin
> L/OES
>
> ----- Original Message -----
> From: Goldberger, Thomas H
> To: Schwartz, Jonathan B; Baumert, Kevin A; Heinemann, Thomas B; Dolan, JoAnn; Jacobson, Linda
> Sent: Mon May 31 10:50:27 2010
> Subject: FW: L comments on MFA flotilla briefing>

[Redacted]

>
> -----Original Message-----
> From: Cunningham, James B
> Sent: Monday, May 31, 2010 10:47 AM
> To: Goldberger, Thomas H
> Subject: Re: L comments on MFA flotilla briefing>

[Redacted]

> Sent from my BlackBerry
>
> ----- Original Message -----
> From: Goldberger, Thomas H
> To: Cunningham, James B; Hale, David M; Feltman, Jeffrey D; Rubinstein, Daniel H; Connelly, Maura;

Schlicher, Ronald L; 'Daniel_B._Shapiro@nsc.eop.gov' <Daniel_B._Shapiro@nsc.eop.gov>

> Cc: Holmstrom, Todd C; Schwartz, Jonathan B; Jacobson, Linda; Dolan, JoAnn

> Sent: Mon May 31 17:37:00 2010

> Subject: FW: L comments on MFA flotilla briefing>

>

> See below from Jonathan pls.

>

> -----Original Message-----

> From: Schwartz, Jonathan B

> Sent: Monday, May 31, 2010 9:13 AM

> To: Goldberger, Thomas H

> Cc: Rudman, Mara (Jerusalem); Dolan, JoAnn; Baumert, Kevin A; Perina, Alexandra H; Heinemann, Thomas B

> Subject: Fw: MFA flotilla briefing

>



B5

>

> Jon

>

> ----- Original Message -----

> From: Schwartz, Jonathan B

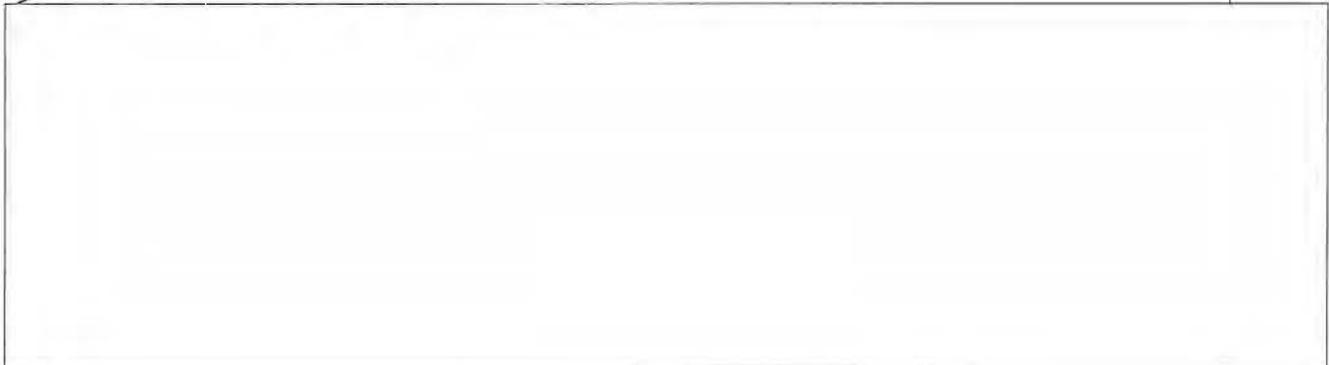
> To: Perina, Alexandra H; Heinemann, Thomas B

> Cc: Baumert, Kevin A; Harris, Robert K; Donoghue, Joan E; Dolan, JoAnn

> Sent: Mon May 31 09:05:16 2010

> Subject: Fw: MFA flotilla briefing

>



>

> Jon

>

> ----- Original Message -----

> From: Goldberger, Thomas H

> To: Dolan, JoAnn; Jacobson, Linda

> Cc: Holmstrom, Todd C; Schwartz, Jonathan B; Knopf, Payton L

> Sent: Mon May 31 08:24:00 2010

> Subject: FW: MFA flotilla briefing

>



>

>
> ----- Original Message -----

> From: [redacted] B3 DOD-CP
> To: Cunningham, James B; Levin, Jan; Operations Center; Jeffrey, James F; Sievers, Marc J; Parker, Andrew C; Grubb, Jason B; NEA-IPA-DL; Greene, Elisa; Marchese, Gregory M; Waters, John R; Amodeo, Salvatore A (Istanbul); Connelly, Maura; Feltman, Jeffrey D; Rudman, Mara (Jerusalem); [redacted] B3 DOD-CP
> [redacted] Levin, Jan; [redacted]

> Sent: Mon May 31 08:08:22 2010
> Subject: RE: MFA flotilla briefing

>
[redacted] B3 DOD-CP
[redacted] B3 DODFGI

Many of the details briefed have already been provided via other means. Specific Highlights -
> - Ongoing Operation
> - Two Ships in Ashdod to include the CHALLENGER I
> - M/V MAVI MARMARA expected in port between 1700L and 1800L
> - All ships will be in port by later today
> - 10-14 Civilians Seriously Injured or Killed
> - 30 Civilians Wounded
> - 10 IDF wounded to include 1 serious and 1 with "medium" wounds
> - Turkish Ambassador to Israel recalled
> - Interaction occurred approx 70 NM from coastline. IDF confident in International Law because of intent by flotilla to breach the blockade. (See Attached Slides)

>
[redacted] B3 DOD-CP



>
>
> -----Original Message-----
> From: Rudman, Mara (Jerusalem)
> Sent: Monday, May 31, 2010 2:46 PM
> To: Cunningham, James B; Levin, Jan; Operations Center; Jeffrey, James F; Sievers, Marc J; Parker, Andrew C; Grubb, Jason B; NEA-IPA-DL; Greene, Elisa; Marchese, Gregory M; Waters, John R; [redacted] B3 DOD-CP
[redacted] Amodeo, Salvatore A (Istanbul); Connelly, Maura; Feltman, Jeffrey D
> Cc: 'Dennis_B._Ross@nsc.eop.gov'; 'Dshapiro@who.eop.gov'
> Subject: RE: MFA flotilla briefing

>
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>
> [redacted] reported that when Israeli soldiers boarded the main deck of the main ship, they met with B3 DODFGI he described as clearly planned active/armed resistance, including live fire. Military who boarded were attacked with knives, sharpened metal and wood instruments, etc. He said the military who boarded were attacked by dozens; He indicated that some of the soldiers were stabbed and slashed. Made clear situation was one in which actions taken were in self-defense.

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> Earlier this morning [redacted] made the following calls/contacts:
> --Turkish FM and MoD [redacted] Erakat, Fayyad, and Hussein al Sheikh [redacted]. He felt the calls w the Turks given the situation were OK, but the concern clearly is Erdogan and how he will handle. With Pals, Erakat in particular, they discussed extent to which levels of rhetoric could be kept in check. With Fayyad they discussed primarily need for security cooperation, keeping things calm. Concern about how this will be affected by status of Israeli Arab Islamic leader on board the flotilla.

B6

>
> (PIC seems to be on track/going forward. Some events may be affected by it.)

>
> -----Original Message-----
> From: Cunningham, James B
> Sent: Monday, May 31, 2010 1:38 PM
> To: Levin, Jan; Operations Center; Jeffrey, James F; Sievers, Marc J; Parker, Andrew C; Grubb, Jason B; NEA-IPA-DL; Greene, Elisa; Marchese, Gregory M; Waters, John R; [redacted] Amodeo, B3 DOD-CP
> Salvatore A (Istanbul); Rudman, Mara (Jerusalem); Connelly, Maura; Feltman, Jeffrey D
> Cc: 'Dennis_B._Ross@nsc.eop.gov'; 'Dshapiro@who.eop.gov'
> Subject: Re: MFA flotilla briefing

>
> Our Consular people are in contact with MFA and Ashdod to get info on amcits as soon as it's available. UN had been approached be COGAT last week to help in forwarding cargo from ships in Ashdod. Serry is trying to send a couple of observers to Ashdod, has told cogat that assisting deliveries of humanitarian goods, much of which is destined for Hamas, is problematic but he'll see. Barak just gave a press conference, and appears to have spoken to Davotuglu this am.
> Sent from my BlackBerry

>
> ----- Original Message -----
> From: Levin, Jan
> To: Operations Center; Jeffrey, James F; Cunningham, James B; Sievers, Marc J; Parker, Andrew C; Grubb, Jason B; NEA-IPA-DL; Greene, Elisa; Marchese, Gregory M; Waters, John R; [redacted] Amodeo, Salvatore A (Istanbul); Rudman, Mara (Jerusalem); Connelly, Maura; Feltman, Jeffrey D
> Sent: Mon May 31 13:20:31 2010
> Subject: MFA flotilla briefing

B3 DOD-CP

>
[redacted] briefed foreign
ambassadors at 12:30 local time today.

B6

>
> Highlights - Identification of dead and wounded taking time. MFA will reach out proactively to Embassies as IDs are done, with location and status of citizens. The uninjured will be processed and escorted to airport for deportation. Unclear how long this will take.
> -- Most violence occurred on ship Mavi (Blue) Marmara. As far as is currently known, all injuries occurred on this ship.
> -- [redacted] told Ambassador that activists on Mavi Marmara were prepared for boarders and were armed. Unclear if they had firearms in advance or took them from IDF boarding party. One IDF soldier nearly beaten to death with metal bar. Activists also had knives.
> -- Events took place in international waters. Israel asserted it had the legal right to intercept in intl waters because there is a military blockade under the law of armed conflict between Israel and Hamas.
>
> Ambassador Cunningham requests that Embassy Tel Aviv clear Dept guidance on this issue, thank you.

B6

Hotmail has tools for the New Busy. Search, chat and e-mail from your inbox. [Learn more.](#)

The New Busy is not the old busy. Search, chat and e-mail from your inbox. [Get started.](#)

RELEASED IN PART B3 DOD-CP,B3 DODFGI,B5,B6

Law, Rosemary C

From: Dolan, JoAnn
Sent: Monday, May 31, 2010 12:14 PM
To: Dolan, JoAnn; Pomper, Stephen E; Schwartz, Jonathan B; Donoghue, Joan E; Jacobson, Linda; McLeod, Mary (USUN); Sullivan, David J; Baumert, Kevin A; Perina, Alexandra H; Heinemann, Thomas B; Aswad, Evelyn M
Cc: Harris, Robert K
Subject: RE: Humanitarian flotilla
Attachments: Fw: MFA flotilla briefing; Fw: MFA flotilla briefing; FW: DEF. MINISTER BARAK NEWS CONF. -- YNET ; MOD Flotilla Brief... ; FW: IDF Spokesperson Announcement-Pistols Found on Flotilla Activists; FW: IDF Spokesperson Announcement: IDF Forces Met with Pre-Planned Violence when attempting to Board Flotilla

I have not found full transcript of Israeli briefings in my queue but here are what appear to be most relevant from morning

From: Dolan, JoAnn
Sent: Monday, May 31, 2010 11:45 AM
To: Pomper, Stephen E; Schwartz, Jonathan B; Donoghue, Joan E; Jacobson, Linda; McLeod, Mary (USUN); Sullivan, David J; Baumert, Kevin A; Perina, Alexandra H; Heinemann, Thomas B; Aswad, Evelyn M
Cc: Harris, Robert K
Subject: RE: Humanitarian flotilla

Thanks, Steve. I have been unable to reach Alexandra or Kevin by phone. I have left phone messages for both but will try them through op center next. I will go through emails and circulate what I have for benefit of addressees. Conference call may be the way to go. Including Evelyn as she is following HRC angle.

-----Original Message-----

From: Pomper, Stephen E
Sent: Monday, May 31, 2010 11:40 AM
To: Schwartz, Jonathan B; Donoghue, Joan E; Jacobson, Linda; McLeod, Mary (USUN); Sullivan, David J; Baumert, Kevin A; Perina, Alexandra H; Dolan, JoAnn; Heinemann, Thomas B
Cc: Harris, Robert K
Subject: Re: Humanitarian flotilla

Joann just reached me. I haven't tracked this beyond this mornong's traffic and the front page of the nyt but can help coordinate this afternoon. If someone could send me any analysis done in the run up last week that would be very helpful. Would it be useful to set up a call so that those folks who have been working the issue can pool info re knowledge/work done to date/etc?

----- Original Message -----

From: Schwartz, Jonathan B
To: Donoghue, Joan E; Jacobson, Linda; McLeod, Mary (USUN); Pomper, Stephen E; Sullivan, David J; Baumert, Kevin A; Perina, Alexandra H; Dolan, JoAnn; Heinemann, Thomas B
Cc: Harris, Robert K; Jacobson, Linda
Sent: Mon May 31 11:29:10 2010
Subject: Re: Humanitarian flotilla

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

B5



Jon

----- Original Message -----

From: Donoghue, Joan E
To: Jacobson, Linda; McLeod, Mary (USUN); Pomper, Stephen E; Sullivan, David J; Schwartz, Jonathan B; Baumert, Kevin A; Perina, Alexandra H; Dolan, JoAnn; Heinemann, Thomas B
Sent: Mon May 31 11:21:26 2010
Subject: Re: Humanitarian flotilla



----- Original Message -----

From: Jacobson, Linda
To: McLeod, Mary (USUN); Pomper, Stephen E; Sullivan, David J; Donoghue, Joan E; Schwartz, Jonathan B; Baumert, Kevin A; Perina, Alexandra H; Dolan, JoAnn; Heinemann, Thomas B
Sent: Mon May 31 10:05:35 2010
Subject: Re: Humanitarian flotilla

Including others working on this.

----- Original Message -----

From: McLeod, Mary (USUN)
To: Jacobson, Linda; Pomper, Stephen E; Sullivan, David J; Donoghue, Joan E; Schwartz, Jonathan B
Sent: Mon May 31 09:57:46 2010
Subject: Humanitarian flotilla

All--Assume you all are working on this. I know Todd and Harold are in Kampala and bbs aren't working. I am rushing back to NYC to try to make the SC meeting, currently scheduled for 1. Anticipate much interest in legal issues focused on Israeli claims they were acting in self-defense and that the flotilla was violating international law.

Law, Rosemary C

From: Grubb, Jason B
Sent: Monday, May 31, 2010 7:09 AM
To: Sindle, James M; Goldberger, Thomas H; Baumert, Kevin A; 'Sergio_L_Aguirre@nss.eop.gov'; Holmstrom, Todd C; 'Eric.Lynn@osd.mil'; Waller, Robert P; Rana, Gautam A; [redacted] 'Patrick.Antoniotti@osd.mil'; 'Daniel B. Shapiro@nss.eop.gov'; 'Prem_G_Kumar@nss.eop.gov'; [redacted] Hickey, Mary E; Schwartz, Jonathan B; 'joe.ramirez@eucom.mil'; [redacted] 'mike.holmes@osd.mil'; 'Timothy.P.Connors@uscg.mil'; Sievers, Marc J; Dolan, JoAnn; Bernier-Toth, Michelle; Giauque, Jeffrey G; Frelich, Karlene H; Connelly, Maura; Harris, Robert K; Mortlock, David JL; Rudman, Mara; Waters, John R; Marchese, Gregory M; Pelton, Erin; Gutman, Bonnie S; Greene, Elisa; Harutunian, Ruben; Levin, Jan; Roberts, Kristi (Tel Aviv); Reisser, Wesley J; Parker, Andrew C; [redacted]
Subject: FW: DEF. MINISTER BARAK NEWS CONF. -- YNET

B3 DOD-CP

From: Blaukopf, Ruth B
Sent: Monday, May 31, 2010 1:53 PM
To: BARON Desirée; Garcia, Dennis J; KAPLAN Crystal ; Burnett, David R; Frelich, Karlene H; Giauque, Jeffrey G; Goldberger, Thomas H; Hale, David M; Harden, Dave; Hertzberg, David A; Holmstrom, Todd C; Irwin, Matthew T (IrwinMT@state.gov); Jacoby, Julia I; Khoury-Kincannon, Sahar; Knopf, Payton L; Lentz, Andrew N; Marc Sievers; Mayo, Iris J; Reisser, Wesley J; Roberts, Kristi (Tel Aviv); Sachar, Alon (NEA/IPA); Sindle, James M; Waters, John R; Alan Holst; Grubb Jason; Levin, Jan (LevinJ@state.gov); Michael Honigstein; Michaels, David G (MichaelsDG@state.gov); Nelson Tim
Subject: DEF. MINISTER BARAK NEWS CONF. -- YNET Jason pls note

YNET 13:23 , 05.31.10

Barak: Sail's organizers responsible for deadly raid

Defense minister, IDF chief of staff and Navy commander explain Israeli considerations following takeover of aid ships sailing to Gaza, which left at least 15 pro-Palestinian activists dead. 'We regret the casualties, but the sail's organizers are fully responsible'

Attila Somfalvi

Defense Minister Ehud Barak said Monday that the organizers of the flotilla to Gaza were responsible for the deadly Israel Defense Forces raid of the ships, which left at least 15 pro-Palestinian activists dead and dozens injured.

Speaking at a joint press briefing with IDF Chief of Staff Gabi Ashkenazi and Navy Commander Eliezer Marom, Barak said, "We express our regret over the injuries, but the sail's organizers and its participants are fully responsible."

He added that a violent incident took place on only one of the six ships involved in the sail.

"The State of Israel appealed to the organizers before the ships set sail and during the sail and invited them to arrive at the Ashdod Port and transfer the aid to Gaza after security checks," he said. "All of our appeals were turned down. The soldiers were attacked after arriving at one of the ships. Some were injured by serious physical violence on the part of the protestors.

"I am familiar with these types of operations and their possible developments, and I am familiar with the units which operated and with their commanders. They are the best of our people," the defense minister explained.

"In light of the life-threatening situation, the soldiers were forced to use crowd dispersal means and firearms," he said, adding that some of the casualties were killed by firearms. According to Barak, 10 soldiers were injured in the incident, some from firearms and some from cold arms.

"The IHH organization, which was behind these unruly ship, is a violent and radical organization acting under the cover of humanitarian activity," Barak argued.

"This is the time for responsibility and I call on everyone to act with restraint and common sense and not let an anarchistic organization and radical elements seeking to undermine the public order to take advantage of this unfortunate incident for violence."

'Crowd dispersal equipment wasn't enough'

Law, Rosemary C

From: Schwartz, Jonathan B
Sent: Monday, May 31, 2010 9:13 AM
To: Goldberger, Thomas H
Cc: Rudman, Mara (Jerusalem); Dolan, JoAnn; Baumert, Kevin A; Perina, Alexandra H; Heinemann, Thomas B
Subject: Fw: MFA flotilla briefing
Attachments: Legal Aspects.ppt

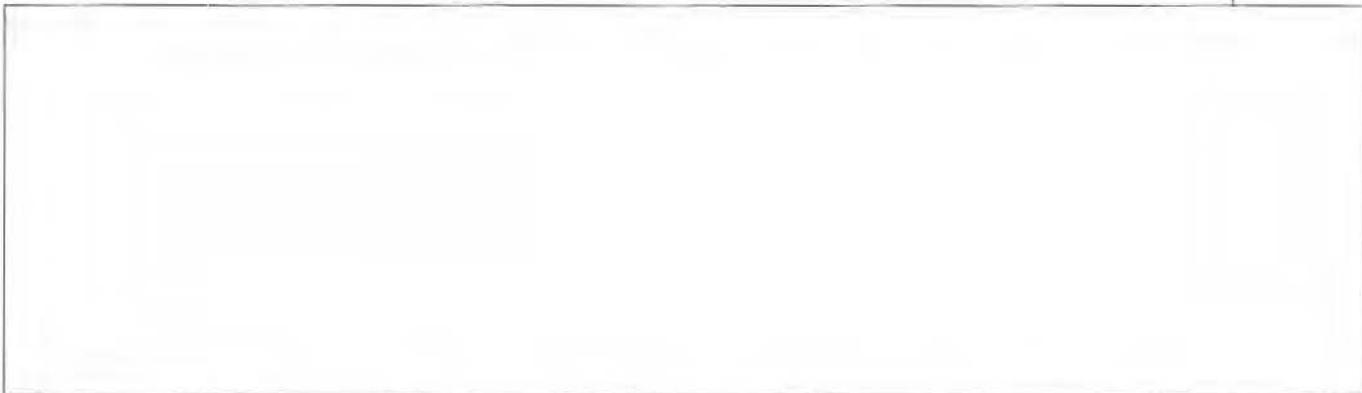


B5

Jon

----- Original Message -----

From: Schwartz, Jonathan B
To: Perina, Alexandra H; Heinemann, Thomas B
Cc: Baumert, Kevin A; Harris, Robert K; Donoghue, Joan E; Dolan, JoAnn
Sent: Mon May 31 09:05:16 2010
Subject: Fw: MFA flotilla briefing



Jon

----- Original Message -----

From: Goldberger, Thomas H
To: Dolan, JoAnn; Jacobson, Linda
Cc: Holmstrom, Todd C; Schwartz, Jonathan B; Knopf, Payton L
Sent: Mon May 31 08:24:00 2010
Subject: FW: MFA flotilla briefing



----- Original Message -----

From: [redacted]
To: Cunningham, James B; Levin, Jan; Operations Center; Jeffrey, James F; Sievers, Marc J; Parker, Andrew C; Grubb, Jason B; NEA-IPA-DL; Greene, Elisa; Marchese, Gregory M; Waters, John R; Amodeo, Salvatore A (Istanbul); Connelly, Maura; Feltman, Jeffrey D; Rudman, Mara (Jerusalem); [redacted] Levin, Jan; [redacted]
Sent: Mon May 31 08:08:22 2010
Subject: RE: MFA flotilla briefing

B3 DOD-CP

[redacted] B3 DOD-CP
Many of the details briefed have already been provided via other means. Specific High [redacted] B3 DODFGI

- Ongoing Operation
- Two Ships in Ashdod to include the CHALLENGER I
- M/V MAVI MARIMARA expected in port between 1700L and 1800L
- All ships will be in port by later today
- 10-14 Civilians Seriously Injured or Killed
- 30 Civilians Wounded
- 10 IDF wounded to include 1 serious and 1 with "medium" wounds
- Turkish Ambassador to Israel recalled
- Interaction occurred approx 70 NM from coastline. IDF confident in International Law because of intent by flotilla to breach the blockade. (See Attached Slides)

[redacted]

[redacted]

B3 DOD-CP

-----Original Message-----

From: Rudman, Mara (Jerusalem)
Sent: Monday, May 31, 2010 2:46 PM
To: Cunningham, James B; Levin, Jan; Operations Center; Jeffrey, James F; Sievers, Marc J; Parker, Andrew C; Grubb, Jason B; NEA-IPA-DL; Greene, Elisa; Marchese, Gregory M; Waters, John R; [redacted] Amodeo, Salvatore A (Istanbul); Connelly, Maura; Feltman, Jeffrey D; Rudman, Mara (Jerusalem)
Cc: 'Dennis_B_Ross@nsc.eop.gov'; 'Dshapiro@who.eop.gov'
Subject: RE: MFA flotilla briefing

B3 DOD-CP

This may largely repeat at this point what is out in other places and/or others have heard from me, but just to assure that various reporting lines have same info, this is from [redacted] who also spoke with the UN's Serry, among others, this am.

B6

[redacted] reported that when Israeli soldiers boarded the main deck of the main ship, they met with what he described as clearly planned active/armed resistance, including live fire. Military who boarded were attacked with knives, sharpened metal and wood instruments, etc. He said the military who boarded were attacked by dozens; He indicated that some of the soldiers were stabbed and slashed. Made clear situation was one in which actions taken were in self-defense.

Current estimates of those killed from flotilla 14-15 "maybe more". He said all injured being moved to Israeli hospital - by helicopter. He said ships coming into Ashdod (some reports have them coming into Haifa). At Ashdod, he and others will meet the ships. There, they will need to ID the bodies; move the people either to return them to home countries rapidly and/or detain; ID the cargo and as planned initially, move as much of into Gaza as promptly as possible.

Earlier this morning [redacted] made the following calls/contacts:

--Turkish FM and MoD [redacted]; Erakat, Fayyad, and Hussein al Sheikh [redacted] He felt the calls w the Turks given the situation were OK, but the concern clearly is Erdogan and how he will handle. With Pals, Erakat in particular, they discussed extent to which levels of rhetoric could be kept in check. With Fayyad they discussed primarily need for security cooperation, keeping things calm. Concern about how this will be affected by status of Israeli Arab Islamic leader on board the flotilla.

(PIC seems to be on track/going forward. Some events may be affected by it.)

-----Original Message-----

From: Cunningham, James B

Sent: Monday, May 31, 2010 1:38 PM

To: Levin, Jan; Operations Center; Jeffrey, James F; Sievers, Marc J; Parker, Andrew C;

Grubb, Jason B; NEA-IPA-DL; Greene, Elisa; Marchese, Gregory M; Waters, John R; [redacted]

[redacted] Amodeo, Salvatore A (Istanbul); Rudman, Mara (Jerusalem); Connelly, Maura; FeltB3 DOD-CP

Jeffrey D

Cc: 'Dennis_B._Ross@nsc.eop.gov'; 'Dshapiro@who.eop.gov'

Subject: Re: MFA flotilla briefing

Our Consular people are in contact with MFA and Ashdod to get info on amcits as soon as it's available. UN had been approached by COGAT last week to help in forwarding cargo from ships in Ashdod. Serry is trying to send a couple of observers to Ashdod, has told cogat that assisting deliveries of humanitarian goods, much of which is destined for Hamas, is problematic but he'll see. Barak just gave a press conference, and appears to have spoken to Davotuglu this am.

Sent from my BlackBerry

----- Original Message -----

From: Levin, Jan

To: Operations Center; Jeffrey, James F; Cunningham, James B; Sievers, Marc J; Parker, Andrew C; Grubb, Jason B; NEA-IPA-DL; Greene, Elisa; Marchese, Gregory M; Waters, John R; Schlereth, Frank G; Amodeo, Salvatore A (Istanbul); Rudman, Mara (Jerusalem); Connelly, Maura; Feltman, Jeffrey D

Sent: Mon May 31 13:20:31 2010

Subject: MFA flotilla briefing

[redacted] briefed
foreign ambassadors at 12:30 local time today.

Highlights - Identification of dead and wounded taking time. MFA will reach out proactively to Embassies as IDs are done, with location and status of citizens. The uninjured will be processed and escorted to airport for deportation. Unclear how long this will take.

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-- Events took place in international waters. Israel asserted it had the legal right to intercept in intl waters because there is a military blockade under the law of armed conflict between Israel and Hamas.

Ambassador Cunningham requests that Embassy Tel Aviv clear Dept guidance on this issue, thank you.

Law, Rosemary C

RELEASED IN PART B3 DOD-CP,B3
DODFGI,B5,B6

From: McLeod, Mary (USUN)
Sent: Tuesday, June 01, 2010 8:32 AM
To: Martin, Julie B; Donoghue, Joan E; Baumert, Kevin A; Pomper, Stephen E; Aswad, Evelyn M; Schwartz, Jonathan B; [redacted] Perina, Alexandra H; Jacobson, Linda; Heinemann, Thomas B; Dolan, JoAnn
Cc: Sullivan, David J; Guarin, Marc F; Townley, Stephen G; Banos, Mariano H
Subject: Re: L comments on MFA flotilla briefing>

B6

[redacted]

B5

From: Martin, Julie B
To: Donoghue, Joan E; Baumert, Kevin A; Pomper, Stephen E; Aswad, Evelyn M; Schwartz, Jonathan B; [redacted] Perina, Alexandra H; Jacobson, Linda; Heinemann, Thomas B; Dolan, JoAnn; McLeod, Mary (USUN)
Cc: Sullivan, David J; Guarin, Marc F; Townley, Stephen G; Banos, Mariano H
Sent: Tue Jun 01 05:10:54 2010
Subject: Re: L comments on MFA flotilla briefing>

B6

[redacted]

B5

From: Donoghue, Joan E
To: Martin, Julie B; Baumert, Kevin A; Pomper, Stephen E; Aswad, Evelyn M; Schwartz, Jonathan B; [redacted] Perina, Alexandra H; Jacobson, Linda; Heinemann, Thomas B; Dolan, JoAnn; McLeod, Mary (USUN)
Cc: Sullivan, David J; Guarin, Marc F; Townley, Stephen G; Banos, Mariano H
Sent: Tue Jun 01 04:04:41 2010
Subject: Re: L comments on MFA flotilla briefing>

B6

[redacted]

B5

Cd someone send the SYG statement please? Thanks.

From: Martin, Julie B
To: Baumert, Kevin A; Pomper, Stephen E; Aswad, Evelyn M; Schwartz, Jonathan B; [redacted] Perina, Alexandra H; Jacobson, Linda; Heinemann, Thomas B; Dolan, JoAnn
Cc: Sullivan, David J; Guarin, Marc F; Donoghue, Joan E; Townley, Stephen G; Banos, Mariano H
Sent: Tue Jun 01 03:47:45 2010
Subject: RE: L comments on MFA flotilla briefing>

B6

Thanks to all.

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

[Redacted]

B5

Thanks, Julie

This email is UNCLASSIFIED.

From: Baumert, Kevin A
Sent: Monday, May 31, 2010 10:54 PM
To: Pomper, Stephen E; Aswad, Evelyn M; Schwartz, Jonathan B; [Redacted] Perina, Alexandra H; Jacobson, Linda; Heinemann, Thomas B; Dolan, JoAnn
Cc: Sullivan, David J; Guarin, Marc F; Donoghue, Joan E; Townley, Stephen G; Banos, Mariano H; Martin, Julie B
Subject: RE: L comments on MFA flotilla briefing>

B6

[Redacted]

B5

Thanks, Kevin

From: Pomper, Stephen E
Sent: Monday, May 31, 2010 4:31 PM
To: Aswad, Evelyn M; Schwartz, Jonathan B; [Redacted] Perina, Alexandra H; Baumert, Kevin A; Jacobson, Linda; Heinemann, Thomas B; Dolan, JoAnn
Cc: Sullivan, David J; Guarin, Marc F; Donoghue, Joan E; Townley, Stephen G; Banos, Mariano H; Martin, Julie B
Subject: Re: L comments on MFA flotilla briefing>

B6

removing non L address

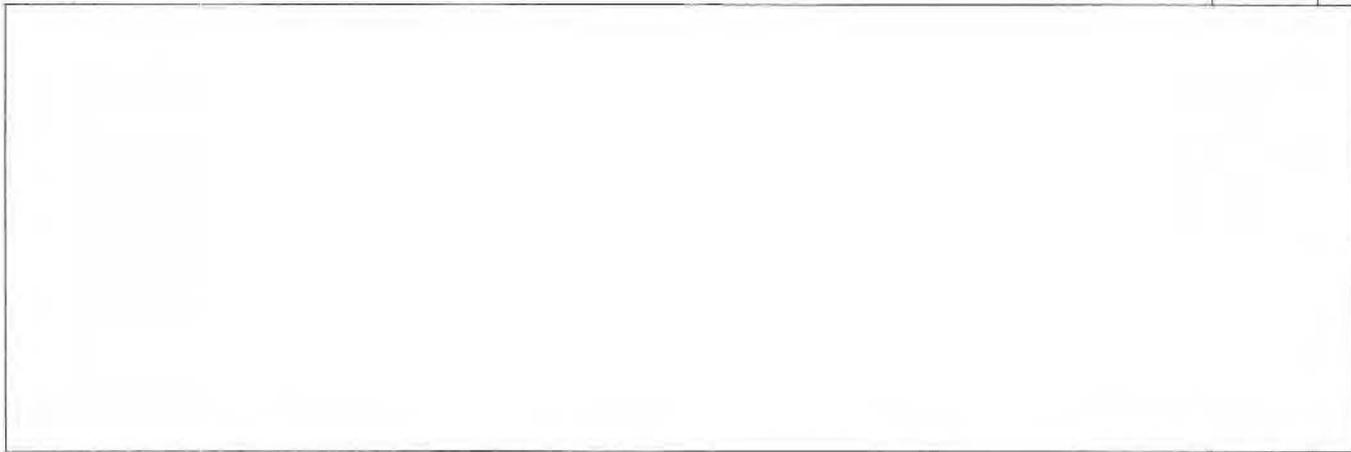
From: Aswad, Evelyn M
To: Schwartz, Jonathan B; 'Stephen & Betsy Pomper/Andersen' [Redacted] Perina, Alexandra H; Baumert, Kevin A; Jacobson, Linda; Heinemann, Thomas B; Dolan, JoAnn
Cc: Sullivan, David J; Pomper, Stephen E; Guarin, Marc F; Donoghue, Joan E; [Redacted]; Townley, Stephen G; Banos, Mariano H; Martin, Julie B
Sent: Mon May 31 16:29:33 2010
Subject: RE: L comments on MFA flotilla briefing>

B6

Looping in Mariano & Julie. EA

From: Schwartz, Jonathan B
Sent: Monday, May 31, 2010 3:10 PM
To: 'Stephen & Betsy Pomper/Andersen'; Perina, Alexandra H; Baumert, Kevin A; Jacobson, Linda; Heinemann, Thomas B; Dolan, JoAnn
Cc: Aswad, Evelyn M; Sullivan, David J; Pomper, Stephen E; Guarin, Marc F; Donoghue, Joan E; [Redacted] Townley, Stephen G
Subject: RE: L comments on MFA flotilla briefing>

B6



B5

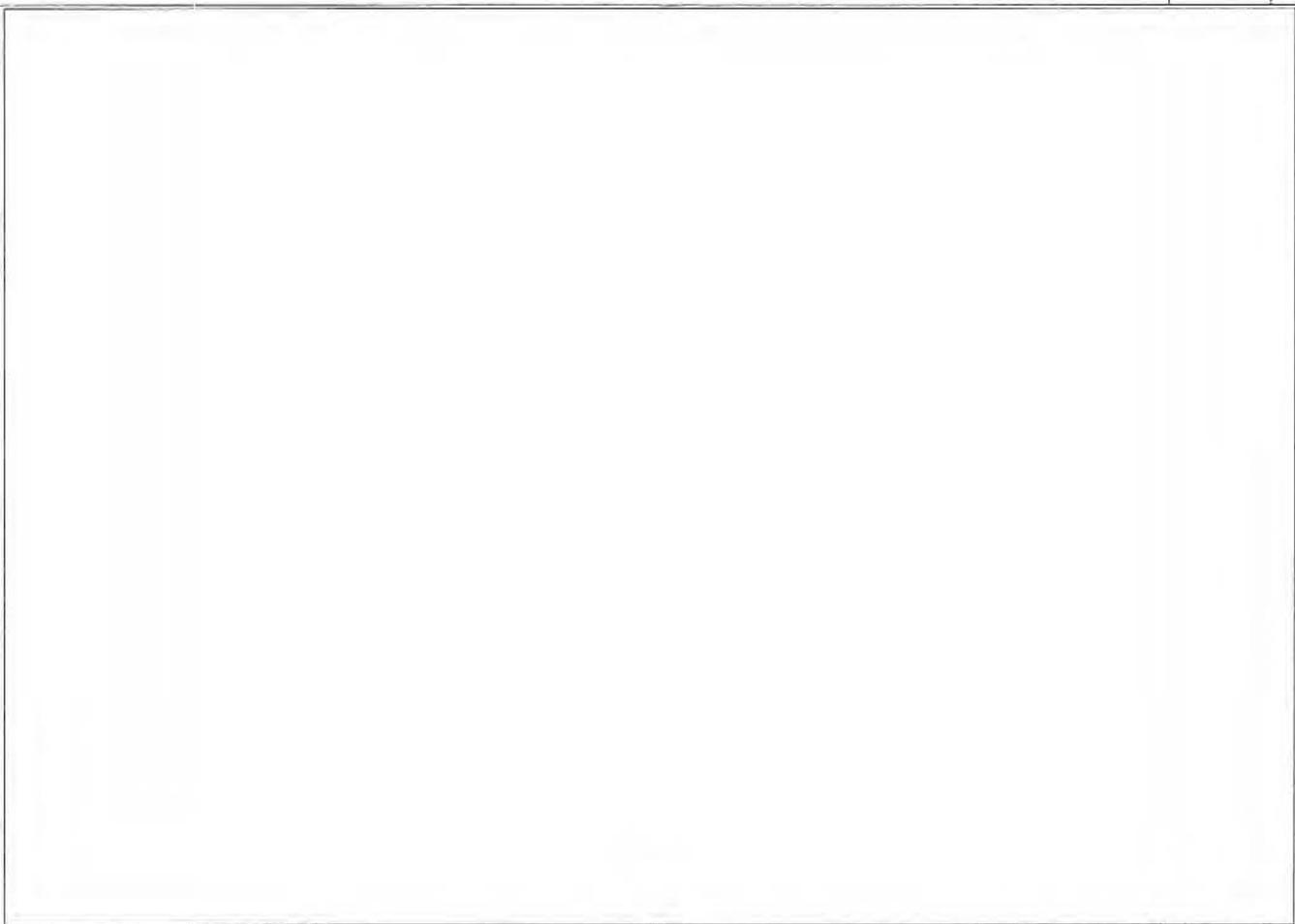
Jon

From: Stephen & Betsy Pomper/Andersen [redacted]
Sent: Monday, May 31, 2010 3:14 PM
To: Schwartz, Jonathan B; Perina, Alexandra H; Baumert, Kevin A; Jacobson, Linda; Heinemann, Thomas B; Dolan, JoAnn
Cc: Aswad, Evelyn M; Sullivan, David J; Pomper, Stephen E; Guarin, Marc F; Donoghue, Joan E; [redacted]
 Townley, Stephen G
Subject: RE: L comments on MFA flotilla briefing>

B6

B6

Folks--



B5

B5

B6

Steve

From San Remo Manual on International Law Applicable to Armed Conflicts at Sea, 12 June 1994

<http://www.icrc.org/ihl.nsf/385ec082b509e76c41256739003e636d/7694fe2016f347e1c125641f002d49ce>

Blockade

93. A blockade shall be declared and notified to all belligerents and neutral States.

94. The declaration shall specify the commencement, duration, location, and extent of the blockade and the period within which vessels of neutral States may leave the blockaded coastline.

95. A blockade must be effective. The question whether a blockade is effective is a question of fact.

96. The force maintaining the blockade may be stationed at a distance determined by military requirements.

97. A blockade may be enforced and maintained by a combination of legitimate methods and means of warfare provided this combination does not result in acts inconsistent with the rules set out in this document.

98. Merchant vessels believed on reasonable grounds to be breaching a blockade may be captured. Merchant vessels which, after prior warning, clearly resist capture may be attacked.

99. A blockade must not bar access to the ports and coasts of neutral States.

100. A blockade must be applied impartially to the vessels of all States.

101. The cessation, temporary lifting, re-establishment, extension or other alteration of a blockade must be declared and notified as in paragraphs 93 and 94.

102. The declaration or establishment of a blockade is prohibited if:

- (a) it has the sole purpose of starving the civilian population or denying it other objects essential for its survival; or
- (b) the damage to the civilian population is, or may be expected to be, excessive in relation to the concrete and direct military advantage anticipated from the blockade.

103. If the civilian population of the blockaded territory is inadequately provided with food and other objects essential for its survival, the blockading party must provide for free passage of such foodstuffs and other essential supplies, subject to:

- (a) the right to prescribe the technical arrangements, including search, under which such passage is permitted; and
- (b) the condition that the distribution of such supplies shall be made under the local supervision of a Protecting Power or a humanitarian organization which offers guarantees of impartiality, such as the International Committee of the Red Cross.

104. The blockading belligerent shall allow the passage of medical supplies for the civilian population or for the wounded

and sick members of armed forces, subject to the right to prescribe technical arrangements, including search, under which such passage is permitted.

Zones

105. A belligerent cannot be absolved of its duties under international humanitarian law by establishing zones which might adversely affect the legitimate uses of defined areas of the sea.

106. Should a belligerent, as an exceptional measure, establish such a zone:

- (a) the same body of law applies both inside and outside the zone;
- (b) the extent, location and duration of the zone and the measures imposed shall not exceed what is strictly required by military necessity and the principles of proportionality;
- (c) due regard shall be given to the rights of neutral States to legitimate uses of the seas;
- (d) necessary safe passage through the zone for neutral vessels and aircraft shall be provided:
 - (i) where the geographical extent of the zone significantly impedes free and safe access to the ports and coasts of a neutral State;
 - (ii) in other cases where normal navigation routes are affected, except where military requirements do not permit; and
- (e) the commencement, duration, location and extent of the zone, as well as the restrictions imposed, shall be publicly declared and appropriately notified.

107. Compliance with the measures taken by one belligerent in the zone shall not be construed as an act harmful to the opposing belligerent.

108. Nothing in this Section should be deemed to derogate from the customary belligerent right to control neutral vessels and aircraft in the immediate vicinity of naval operations.

From Commander's Handbook

7.7 BLOCKADE

7.7.1 General

Blockade is a belligerent operation to prevent vessels and/or aircraft of all nations, enemy as well as neutral, from entering or exiting specified ports, airfields, or coastal areas belonging to, occupied by, or under the control of an enemy nation. While the belligerent right of visit and search is designed to interdict the flow of contraband goods, the belligerent right of blockade is intended to prevent vessels and aircraft, regardless of their cargo, from crossing an established and publicized cordon separating the enemy from international waters and/or airspace.

7.7.2 Criteria for Blockades

To be valid, a blockade must conform to the criteria in the following paragraphs.

7.7.2.1 Establishment

A blockade must be established by the government of the belligerent nation. This is usually accomplished by a declaration of the belligerent government or by the commander of the blockading force acting on behalf of the belligerent government. The declaration should include, as a minimum, the date the blockade is to begin, its geographic limits, and the grace period granted neutral vessels and aircraft to leave the area to be blockaded.

7.7.2.2 Notification

It is customary for the belligerent nation establishing the blockade to notify all affected nations of its imposition. Because knowledge of the existence of a blockade is an essential element of the offenses of breach and attempted breach of blockade (see paragraph 7.7.4), neutral vessels and aircraft are always entitled to notification. The commander of the blockading forces will usually also notify local authorities in the blockaded area. The form of the notification is not material so long as it is effective.

7.7.2.3 Effectiveness

To be valid, a blockade must be effective—that is, it must be maintained by a surface, air, or subsurface force or other legitimate methods and means of warfare that is sufficient to render ingress or egress of the blockaded area dangerous. The requirement of effectiveness does not preclude temporary absence of the blockading force, if such absence is due to stress of weather or to some other reason connected with the blockade (e.g., pursuit of a blockade runner). Effectiveness does not require that every possible avenue of approach to the blockaded area be covered.

7.7.2.4 Impartiality

A blockade must be applied impartially to the vessels and aircraft of all nations. Discrimination by the blockading belligerent in favor of or against the vessels and aircraft of particular nations, including those of its own or those of an allied nation, renders the blockade legally invalid.

7.7.2.5 Limitations

A blockade must not bar access to or departure from neutral ports and coasts. Neutral nations retain the right to engage in neutral commerce that does not involve trade or communications originating in or destined for the blockaded area. A blockade is prohibited if the sole purpose is to starve the civilian population or to deny it other objects essential for its survival.

7.7.3 Special Entry and Exit Authorization

Although neutral warships and military aircraft enjoy no positive right of access to blockaded areas, the belligerent imposing the blockade may authorize their entry and exit. Such special authorization may be made subject to such conditions as the blockading force considers to be necessary and expedient. Neutral vessels and aircraft in evident distress should be authorized entry into a blockaded area, and subsequently authorized to depart, under conditions prescribed by the officer in command of the blockading force or responsible for maintenance of the blockading instrumentality (e.g., mines). Similarly, neutral vessels and aircraft engaged in the carriage of qualifying relief supplies for the civilian population and the sick and wounded should be authorized to pass through the blockade cordon, subject to the right of the blockading force to prescribe the technical arrangements, including search, under which passage is permitted.

7.7.4 Breach and Attempted Breach of Blockade

Breach of blockade is the passage of a vessel or aircraft through a blockade without special entry or exit authorization from the blockading belligerent. Attempted breach of blockade occurs from the time a vessel or aircraft leaves a port or airfield with the intention of evading the blockade, and for vessels exiting the blockaded area, continues until the voyage is completed. Knowledge of the existence of the blockade is essential to the offenses of breach of blockade and attempted breach of blockade. Knowledge may be presumed once a blockade has been declared and appropriate notification provided to affected governments. It is immaterial that the vessel or aircraft is at the time of interception bound for neutral territory, if its ultimate destination is the blockaded area. There is a presumption of attempted breach of blockade where vessels or aircraft are bound for a neutral port or airfield serving as a point of transit to the blockaded area. (Capture of such vessels is discussed in paragraph 7.10.)

7.7.5 Contemporary Practice

The criteria for valid blockades, as set out above in paragraph 7.7.2, are for the most part customary in nature, having derived their definitive form through the practice of maritime powers during the nineteenth century. The rules reflect a balance between the right of a belligerent possessing effective command of the sea to close enemy ports and coastlines to international commerce, and the right of neutral nations to carry out neutral commerce with the least possible interference from belligerent forces. The law of blockade is, therefore, premised on a system of controls designed to effect only a limited interference with neutral trade. This was traditionally accomplished by a relatively "close-in" cordon of surface warships stationed in the immediate vicinity of the blockaded area.

The increasing emphasis in modern warfare on seeking to isolate completely the enemy from outside assistance and resources by targeting enemy merchant vessels as well as warships, and on interdicting all neutral commerce with the enemy, is not furthered substantially by blockades established in strict conformity with the traditional rules. In World Wars I and II, belligerents of both sides resorted to methods which, although frequently referred to as measures of blockade, cannot be reconciled with the traditional concept of the close-in blockade. The so-called long-distance blockade of both world wars departed materially from those traditional rules and were premised in large measure upon the belligerent right of reprisal against illegal acts of warfare on the part of the enemy. Moreover, developments in weapons systems and platforms, particularly submarines, supersonic aircraft, and cruise missiles, have rendered the in-shore blockade exceedingly difficult, if not impossible, to maintain during anything other than a local or limited armed conflict. Accordingly, the characteristics of modern weapon systems will be a factor in analyzing the effectiveness of contemporary blockades.

Notwithstanding this trend in belligerent practices (during general war) away from the establishment of blockades that conform to the traditional rules, blockade continues to be a useful means to regulate the competing interests of belligerents and neutrals in more limited armed conflict. The experience of the United States during the Vietnam conflict provides a case in point. The closing of Haiphong and other North Vietnamese ports, accomplished by the emplacement of mines, was undertaken in conformity with traditional criteria of establishment, notification, effectiveness, limitation, and impartiality, although at the time the mining took place the term "blockade" was not used.

From: pomper [redacted]
To: schwartzjb@state.gov; perinaah@state.gov; baumertka@state.gov; jacobsonl@state.gov; heinemannb@state.gov; dolanja@state.gov
CC: aswadem@state.gov; sullivanjd1@state.gov; pomperse2@state.gov; guarinmf@state.gov; donoghueje@state.gov
Subject: RE: L comments on MFA flotilla briefing >
Date: Mon, 31 May 2010 17:29:30 +0000

B6

[redacted]

B5

> Subject: RE: L comments on MFA flotilla briefing >
> Date: Mon, 31 May 2010 13:01:59 -0400
> From: SchwartzJB@state.gov
> To: PerinaAH@state.gov; GoldbergerTH@state.gov; baumertka@state.gov; JacobsonL@state.gov; HeinemannTB@state.gov; DolanJA@state.gov
> CC: AswadEM@state.gov; SullivanDJ1@state.gov; [redacted]
PomperSE2@state.gov; GuarinMF@state.gov
>

B5

[redacted]

B5

>
> jon
>
> -----Original Message-----
> From: Perina, Alexandra H
> Sent: Monday, May 31, 2010 12:56 PM
> To: Schwartz, Jonathan B; Goldberger, Thomas H; Baumert, Kevin A; Jacobson, Linda; Heinemann, Thomas B; Dolan, JoAnn
> Cc: Aswad, Evelyn M; Sullivan, David J; [redacted] Pomper, Stephen E; Guarin, Marc F
> Subject: RE: L comments on MFA flotilla briefing >
>

B6

[redacted]

B5

[redacted]

[Redacted]

>
> -----Original Message-----
> From: Schwartz, Jonathan B
> Sent: Monday, May 31, 2010 12:17 PM
> To: Goldberger, Thomas H; Baumert, Kevin A; Jacobson, Linda; Heinemann, Thomas B; Dolan, JoAnn; Perina, Alexandra H
> Cc: Aswad, Evelyn M; Sullivan, David J
> Subject: RE: L comments on MFA flotilla briefing>

[Redacted]

>
> -----Original Message-----
> From: Goldberger, Thomas H
> Sent: Monday, May 31, 2010 11:40 AM
> To: Baumert, Kevin A; Jacobson, Linda; Schwartz, Jonathan B; Heinemann, Thomas B; Dolan, JoAnn; Perina, Alexandra H
> Cc: Aswad, Evelyn M; Sullivan, David J
> Subject: RE: L comments on MFA flotilla briefing>

[Redacted]

>
> -----Original Message-----
> From: Baumert, Kevin A
> Sent: Monday, May 31, 2010 11:34 AM
> To: Jacobson, Linda; Goldberger, Thomas H; Schwartz, Jonathan B; Heinemann, Thomas B; Dolan, JoAnn; Perina, Alexandra H
> Cc: Aswad, Evelyn M; Sullivan, David J
> Subject: Re: L comments on MFA flotilla briefing>

[Redacted]

>
> ----- Original Message -----
> From: Jacobson, Linda
> To: Baumert, Kevin A; Goldberger, Thomas H; Schwartz, Jonathan B; Heinemann, Thomas B; Dolan, JoAnn; Perina, Alexandra H
> Cc: Aswad, Evelyn M
> Sent: Mon May 31 11:20:32 2010
> Subject: Re: L comments on MFA flotilla briefing>

[Redacted]

>
> ----- Original Message -----
> From: Baumert, Kevin A
> To: Goldberger, Thomas H; Schwartz, Jonathan B; Heinemann, Thomas B; Dolan, JoAnn; Jacobson, Linda; Perina, Alexandra H
> Cc: Aswad, Evelyn M
> Sent: Mon May 31 11:18:29 2010
> Subject: Re: L comments on MFA flotilla briefing>

[Redacted]

[Redacted]

> Kevin
 > L/OES
 >
 > ----- Original Message -----
 > From: Goldberger, Thomas H
 > To: Schwartz, Jonathan B; Baumert, Kevin A; Heinemann, Thomas B; Dolan, JoAnn; Jacobson, Linda
 > Sent: Mon May 31 10:50:27 2010
 > Subject: FW: L comments on MFA flotilla briefing>

[Redacted]

> -----Original Message-----
 > From: Cunningham, James B
 > Sent: Monday, May 31, 2010 10:47 AM
 > To: Goldberger, Thomas H
 > Subject: Re: L comments on MFA flotilla briefing>

[Redacted]

> Sent from my BlackBerry
 >
 > ----- Original Message -----
 > From: Goldberger, Thomas H
 > To: Cunningham, James B; Hale, David M; Feltman, Jeffrey D; Rubinstein, Daniel H; Connelly, Maura; Schlicher, Ronald L; 'Daniel_B._Shapiro@nsc.eop.gov' <Daniel_B._Shapiro@nsc.eop.gov>
 > Cc: Holmstrom, Todd C; Schwartz, Jonathan B; Jacobson, Linda; Dolan, JoAnn
 > Sent: Mon May 31 17:37:00 2010
 > Subject: FW: L comments on MFA flotilla briefing>

> See below from Jonathan pls.
 >
 > -----Original Message-----
 > From: Schwartz, Jonathan B
 > Sent: Monday, May 31, 2010 9:13 AM
 > To: Goldberger, Thomas H
 > Cc: Rudman, Mara (Jerusalem); Dolan, JoAnn; Baumert, Kevin A; Perina, Alexandra H; Heinemann, Thomas B
 > Subject: Fw: MFA flotilla briefing

[Redacted]

>
 > Jon
 >
 > ----- Original Message -----

> From: Schwartz, Jonathan B
> To: Perina, Alexandra H; Heinemann, Thomas B
> Cc: Baumert, Kevin A; Harris, Robert K; Donoghue, Joan E; Dolan, JoAnn
> Sent: Mon May 31 09:05:16 2010
> Subject: Fw: MFA flotilla briefing

[Redacted]

B5

>
> Jon
>
> ----- Original Message -----
> From: Goldberger, Thomas H
> To: Dolan, JoAnn; Jacobson, Linda
> Cc: Holmstrom, Todd C; Schwartz, Jonathan B; Knopf, Payton L
> Sent: Mon May 31 08:24:00 2010
> Subject: FW: MFA flotilla briefing

[Redacted]

>
>
> ----- Original Message -----
> From: [Redacted]
> To: Cunningham, James B; Levin, Jan; Operations Center; Jeffrey, James F; Sievers, Marc J; Parker, Andrew C; Grubb, Jason B; NEA-IPA-DL; Greene, Elisa; Marchese, Gregory M; Waters, John R; Amodeo, Salvatore A (Istanbul); Connelly, Maura; Feltman, Jeffrey D; Rudman, Mara (Jerusalem); Burgess, Richard J; Murphy, Michael P; [Redacted] Levin, Jan; [Redacted]
> Sent: Mon May 31 08:08:22 2010
> Subject: RE: MFA flotilla briefing

B3 DOD-CP

[Redacted]

B3 DOD-CP

Many of the details briefed have already been provided via other means. Specific Highlights -
> - Ongoing Operation
> - Two Ships in Ashdod to include the CHALLENGER I
> - M/V MAVI MARMARA expected in port between 1700L and 1800L
> - All ships will be in port by later today
> - 10-14 Civilians Seriously Injured or Killed
> - 30 Civilians Wounded
> - 10 IDF wounded to include 1 serious and 1 with "medium" wounds
> - Turkish Ambassador to Israel recalled
> - Interaction occurred approx 70 NM from coastline. IDF confident in International Law because of intent by flotilla to breach the blockade. (See Attached Slides)

B3 DODFGI

[Redacted]

B3 DOD-CP

B3 DOD-CP



>
 >
 > -----Original Message-----
 > From: Rudman, Mara (Jerusalem)
 > Sent: Monday, May 31, 2010 2:46 PM
 > To: Cunningham, James B; Levin, Jan; Operations Center; Jeffrey, James F; Sievers, Marc J; Parker, Andrew C; Grubb, Jason B; NEA-IPA-DL; Greene, Elisa; Marchese, Gregory M; Waters, John R; [redacted] Amodeo, Salvatore A (Istanbul); Connelly, Maura; Feltman, Jeffrey D
 > Cc: 'Dennis_B._Ross@nsc.eop.gov'; 'Dshapiro@who.eop.gov'
 > Subject: RE: MFA flotilla briefing

B3 DOD-CP

>
 > This may largely repeat at this point what is out in other places and/or others have heard from me, but just to assure that various reporting lines have same info, this is from [redacted] who also spoke with the UN's Serry, among others, this am.

B6

>
 > [redacted] reported that when Israeli soldiers boarded the main deck of the main ship, they met with what he described as clearly planned active/armed resistance, including live fire. Military who boarded were attacked with knives, sharpened metal and wood instruments, etc. He said the military who boarded were attacked by dozens; He indicated that some of the soldiers were stabbed and slashed. Made clear situation was one in which actions taken were in self-defense.

B6

>
 > Current estimates of those killed from flotilla 14-15 "maybe more". He said all injured being moved to Israeli hospital - by helicopter. He said ships coming into Ashdod (some reports have them coming into Haifa). At Ashdod, he and others will meet the ships. There, they will need to ID the bodies; move the people either to return them to home countries rapidly and/or detain; ID the cargo and as planned initially, move as much of into Gaza as promptly as possible.

>
 > Earlier this morning [redacted] made the following calls/contacts:
 > --Turkish FM and MoD [redacted]; Erakat, Fayyad, and Hussein al Sheikh [redacted]. He felt the calls w the Turks given the situation were OK, but the concern clearly is [redacted] and how he will handle. With Pals, [redacted] in particular, they discussed extent to which levels of rhetoric could be kept in check. With [redacted] they discussed primarily need for security cooperation, keeping things calm. Concern about how this will be affected by status of Israeli Arab Islamic leader on board the flotilla.

B6

>
 > (PIC seems to be on track/going forward. Some events may be affected by it.)

>
 > -----Original Message-----
 > From: Cunningham, James B
 > Sent: Monday, May 31, 2010 1:38 PM
 > To: Levin, Jan; Operations Center; Jeffrey, James F; Sievers, Marc J; Parker, Andrew C; Grubb, Jason B; NEA-IPA-DL; Greene, Elisa; Marchese, Gregory M; Waters, John R; [redacted] Amodeo, Salvatore A (Istanbul); Rudman, Mara (Jerusalem); Connelly, Maura; Feltman, Jeffrey D
 > Cc: 'Dennis_B._Ross@nsc.eop.gov'; 'Dshapiro@who.eop.gov'
 > Subject: Re: MFA flotilla briefing

B3 DOD-CP

>
 > Our Consular people are in contact with MFA and Ashdod to get info on amcits as soon as it's available. UN had been approached be COGAT last week to help in forwarding cargo from ships in Ashdod. Serry is trying to send a couple of observers to Ashdod, has told cogat that assisting deliveries of humanitarian goods, much of which is destined for Hamas, is problematic but he'll see. Barak just gave a press conference, and appears to have spoken to Davotuglu this am.
 > Sent from my BlackBerry

>
 > ----- Original Message -----

B3 DOD-CP

> From: Levin, Jan
> To: Operations Center; Jeffrey, James F; Cunningham, James B; Sievers, Marc J; Parker, Andrew C;
Grubb, Jason B; NEA-IPA-DL; Greene, Elisa; Marchese, Gregory M; Waters, John R; [redacted]
Amodeo, Salvatore A (Istanbul); Rudman, Mara (Jerusalem); Connelly, Maura; Feltman, Jeffrey D
> Sent: Mon May 31 13:20:31 2010
> Subject: MFA flotilla briefing

B3 DODFGI

>
[redacted]

> Highlights - Identification of dead and wounded taking time. MFA will reach out proactively to Embassies as IDs are done, with location and status of citizens. The uninjured will be processed and escorted to airport for deportation. Unclear how long this will take.

> -- Most violence occurred on ship Mavi (Blue) Marmara. As far as is currently known, all incidents occurred on this ship. B3 DODFGI

> -- [redacted] told Ambassador that activists on Mavi Marmara were prepared for boarders and were armed. Unclear if they had firearms in advance or took them from IDF boarding party. One IDF soldier nearly beaten to death with metal bar. Activists also had knives.

> -- Events took place in international waters. Israel asserted it had the legal right to intercept in intl waters because there is a military blockade under the law of armed conflict between Israel and Hamas.

>
> Ambassador Cunningham requests that Embassy Tel Aviv clear Dept guidance on this issue, thank you.

Hotmail has tools for the New Busy. Search, chat and e-mail from your inbox. [Learn more.](#)

The New Busy is not the old busy. Search, chat and e-mail from your inbox. [Get started.](#)

RELEASED IN PART B3 DOD-CP,B3 DODFGI,B5,B6

Law, Rosemary C

From: Pomper, Stephen E
Sent: Monday, May 31, 2010 4:31 PM
To: Aswad, Evelyn M; Schwartz, Jonathan B; [redacted] Perina, Alexandra H; Baumert, Kevin A; Jacobson, Linda; Heinemann, Thomas B; Dolan, JoAnn
Cc: Sullivan, David J; Guarin, Marc F; Donoghue, Joan E; Townley, Stephen G; Banos, Mariano H; Martin, Julie B
Subject: Re: L comments on MFA flotilla briefing>

B6

removing non L address

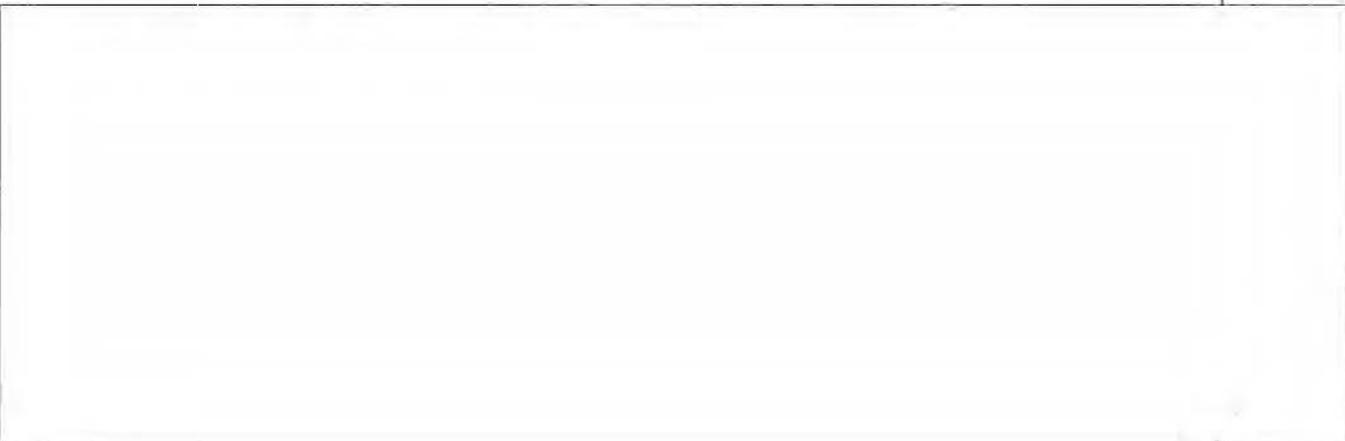
From: Aswad, Evelyn M
To: Schwartz, Jonathan B; 'Stephen & Betsy Pomper/Andersen' <[redacted]> Perina, Alexandra H; Baumert, Kevin A; Jacobson, Linda; Heinemann, Thomas B; Dolan, JoAnn
Cc: Sullivan, David J; Pomper, Stephen E; Guarin, Marc F; Donoghue, Joan E; [redacted] <eandersen@asil.org>; Townley, Stephen G; Banos, Mariano H; Martin, Julie B
Sent: Mon May 31 16:29:33 2010
Subject: RE: L comments on MFA flotilla briefing>

B6

Looping in Mariano & Julie. EA

From: Schwartz, Jonathan B
Sent: Monday, May 31, 2010 3:10 PM
To: 'Stephen & Betsy Pomper/Andersen'; Perina, Alexandra H; Baumert, Kevin A; Jacobson, Linda; Heinemann, Thomas B; Dolan, JoAnn
Cc: Aswad, Evelyn M; Sullivan, David J; Pomper, Stephen E; Guarin, Marc F; Donoghue, Joan E; eandersen@asil.org; Townley, Stephen G
Subject: RE: L comments on MFA flotilla briefing>

B5



Jon

From: Stephen & Betsy Pomper/Andersen [redacted]
Sent: Monday, May 31, 2010 3:14 PM
To: Schwartz, Jonathan B; Perina, Alexandra H; Baumert, Kevin A; Jacobson, Linda; Heinemann, Thomas B; Dolan, JoAnn
Cc: Aswad, Evelyn M; Sullivan, David J; Pomper, Stephen E; Guarin, Marc F; Donoghue, Joan E; [redacted] Townley, Stephen G
Subject: RE: L comments on MFA flotilla briefing>

B6

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

Folks--

B5

B6

Steve

From San Remo Manual on International Law Applicable to Armed Conflicts at Sea, 12 June 1994

<http://www.icrc.org/ihl.nsf/385ec082b509e76c41256739003e636d/7694fe2016f347e1c125641f002d49ce>

Blockade

93. A blockade shall be declared and notified to all belligerents and neutral States.

94. The declaration shall specify the commencement, duration, location, and extent of the blockade and the period within which vessels of neutral States may leave the blockaded coastline.

95. A blockade must be effective. The question whether a blockade is effective is a question of fact.

96. The force maintaining the blockade may be stationed at a distance determined by military requirements.

97. A blockade may be enforced and maintained by a combination of legitimate methods and means of warfare provided this combination does not result in acts inconsistent with the rules set out in this document.

98. Merchant vessels believed on reasonable grounds to be breaching a blockade may be captured. Merchant vessels which, after prior warning, clearly resist capture may be attacked.

99. A blockade must not bar access to the ports and coasts of neutral States.

100. A blockade must be applied impartially to the vessels of all States.

101. The cessation, temporary lifting, re-establishment, extension or other alteration of a blockade must be declared and notified as in paragraphs 93 and 94.

102. The declaration or establishment of a blockade is prohibited if:

- (a) it has the sole purpose of starving the civilian population or denying it other objects essential for its survival; or
- (b) the damage to the civilian population is, or may be expected to be, excessive in relation to the concrete and direct military advantage anticipated from the blockade.

103. If the civilian population of the blockaded territory is inadequately provided with food and other objects essential for its survival, the blockading party must provide for free passage of such foodstuffs and other essential supplies, subject to:

- (a) the right to prescribe the technical arrangements, including search, under which such passage is permitted; and
- (b) the condition that the distribution of such supplies shall be made under the local supervision of a Protecting Power or a humanitarian organization which offers guarantees of impartiality, such as the International Committee of the Red Cross.

104. The blockading belligerent shall allow the passage of medical supplies for the civilian population or for the wounded and sick members of armed forces, subject to the right to prescribe technical arrangements, including search, under which such passage is permitted.

Zones

105. A belligerent cannot be absolved of its duties under international humanitarian law by establishing zones which might adversely affect the legitimate uses of defined areas of the sea.

106. Should a belligerent, as an exceptional measure, establish such a zone:

- (a) the same body of law applies both inside and outside the zone;
- (b) the extent, location and duration of the zone and the measures imposed shall not exceed what is strictly required by military necessity and the principles of proportionality;
- (c) due regard shall be given to the rights of neutral States to legitimate uses of the seas;
- (d) necessary safe passage through the zone for neutral vessels and aircraft shall be provided:
 - (i) where the geographical extent of the zone significantly impedes free and safe access to the ports and coasts of a neutral State;
 - (ii) in other cases where normal navigation routes are affected, except where military requirements do not permit; and
- (e) the commencement, duration, location and extent of the zone, as well as the restrictions imposed, shall be publicly declared and appropriately notified.

107. Compliance with the measures taken by one belligerent in the zone shall not be construed as an act harmful to the opposing belligerent.

108. Nothing in this Section should be deemed to derogate from the customary belligerent right to control neutral vessels and aircraft in the immediate vicinity of naval operations.

From Commander's Handbook**7.7 BLOCKADE****7.7.1 General**

Blockade is a belligerent operation to prevent vessels and/or aircraft of all nations, enemy as well as neutral, from entering or exiting specified ports, airfields, or coastal areas belonging to, occupied by, or under the control of an enemy nation. While the belligerent right of visit and search is designed to interdict the flow of contraband goods, the belligerent right of blockade is intended to prevent vessels and aircraft, regardless of their cargo, from crossing an established and publicized cordon separating the enemy from international waters and/or airspace.

7.7.2 Criteria for Blockades

To be valid, a blockade must conform to the criteria in the following paragraphs.

7.7.2.1 Establishment

A blockade must be established by the government of the belligerent nation. This is usually accomplished by a declaration of the belligerent government or by the commander of the blockading force acting on behalf of the belligerent government. The declaration should include, as a minimum, the date the blockade is to begin, its geographic limits, and the grace period granted neutral vessels and aircraft to leave the area to be blockaded.

7.7.2.2 Notification

It is customary for the belligerent nation establishing the blockade to notify all affected nations of its imposition. Because knowledge of the existence of a blockade is an essential element of the offenses of breach and attempted breach of blockade (see paragraph 7.7.4), neutral vessels and aircraft are always entitled to notification. The commander of the blockading forces will usually also notify local authorities in the blockaded area. The form of the notification is not material so long as it is effective.

7.7.2.3 Effectiveness

To be valid, a blockade must be effective—that is, it must be maintained by a surface, air, or subsurface force or other legitimate methods and means of warfare that is sufficient to render ingress or egress of the blockaded area dangerous. The requirement of effectiveness does not preclude temporary absence of the blockading force, if such absence is due to stress of weather or to some other reason connected with the blockade (e.g., pursuit of a blockade runner). Effectiveness does not require that every possible avenue of approach to the blockaded area be covered.

7.7.2.4 Impartiality

A blockade must be applied impartially to the vessels and aircraft of all nations. Discrimination by the blockading belligerent in favor of or against the vessels and aircraft of particular nations, including those of its own or those of an allied nation, renders the blockade legally invalid.

7.7.2.5 Limitations

A blockade must not bar access to or departure from neutral ports and coasts. Neutral nations retain the right to engage in neutral commerce that does not involve trade or communications originating in or destined for the blockaded area. A blockade is prohibited if the sole purpose is to starve the civilian population or to deny it other objects essential for its survival.

7.7.3 Special Entry and Exit Authorization

Although neutral warships and military aircraft enjoy no positive right of access to blockaded areas, the belligerent imposing the blockade may authorize their entry and exit. Such special authorization may be made subject to such conditions as the blockading force considers to be necessary and expedient. Neutral vessels and aircraft in evident distress should be authorized entry into a blockaded area, and subsequently authorized to depart, under conditions prescribed by the officer in command of the blockading force or responsible for maintenance of the blockading instrumentality (e.g., mines). Similarly, neutral vessels and aircraft engaged in the carriage of qualifying relief supplies for the civilian population and the sick and wounded should be authorized to pass through the blockade cordon, subject to the right of the blockading force to prescribe the technical arrangements, including search, under which passage is permitted.

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has been declared and appropriate notification provided to affected governments. It is immaterial that the vessel or aircraft is at the time of interception bound for neutral territory, if its ultimate destination is the blockaded area. There is a presumption of attempted breach of blockade where vessels or aircraft are bound for a neutral port or airfield serving as a point of transit to the blockaded area. (Capture of such vessels is discussed in paragraph 7.10.)

7.7.5 Contemporary Practice

The criteria for valid blockades, as set out above in paragraph 7.7.2, are for the most part customary in nature, having derived their definitive form through the practice of maritime powers during the nineteenth century. The rules reflect a balance between the right of a belligerent possessing effective command of the sea to close enemy ports and coastlines to international commerce, and the right of neutral nations to carry out neutral commerce with the least possible interference from belligerent forces. The law of blockade is, therefore, premised on a system of controls designed to effect only a limited interference with neutral trade. This was traditionally accomplished by a relatively "close-in" cordon of surface warships stationed in the immediate vicinity of the blockaded area.

The increasing emphasis in modern warfare on seeking to isolate completely the enemy from outside assistance and resources by targeting enemy merchant vessels as well as warships, and on interdicting all neutral commerce with the enemy, is not furthered substantially by blockades established in strict conformity with the traditional rules. In World Wars I and II, belligerents of both sides resorted to methods which, although frequently referred to as measures of blockade, cannot be reconciled with the traditional concept of the close-in blockade. The so-called long-distance blockade of both world wars departed materially from those traditional rules and were premised in large measure upon the belligerent right of reprisal against illegal acts of warfare on the part of the enemy. Moreover, developments in weapons systems and platforms, particularly submarines, supersonic aircraft, and cruise missiles, have rendered the in-shore blockade exceedingly difficult, if not impossible, to maintain during anything other than a local or limited armed conflict. Accordingly, the characteristics of modern weapon systems will be a factor in analyzing the effectiveness of contemporary blockades.

Notwithstanding this trend in belligerent practices (during general war) away from the establishment of blockades that conform to the traditional rules, blockade continues to be a useful means to regulate the competing interests of belligerents and neutrals in more limited armed conflict. The experience of the United States during the Vietnam conflict provides a case in point. The closing of Haiphong and other North Vietnamese ports, accomplished by the emplacement of mines, was undertaken in conformity with traditional criteria of establishment, notification, effectiveness, limitation, and impartiality, although at the time the mining took place the term "blockade" was not used.

From: [REDACTED]
 To: schwartzjb@state.gov; perinaah@state.gov; baumertka@state.gov; jacobsonl@state.gov; heinemannb@state.gov; dolanja@state.gov
 CC: aswadem@state.gov; sullivanvj1@state.gov; pomperse2@state.gov; guarinmf@state.gov; donoghueje@state.gov
 Subject: RE: L comments on MFA flotilla briefing
 Date: Mon, 31 May 2010 17:29:30 +0000

B6

[REDACTED]

> Subject: RE: L comments on MFA flotilla briefing
 > Date: Mon, 31 May 2010 13:01:59 -0400
 > From: SchwartzJB@state.gov
 > To: PerinaAH@state.gov; GoldbergerTH@state.gov; baumertka@state.gov; JacobsonL@state.gov; HeinemannTB@state.gov; DolanJA@state.gov
 > CC: AswadEM@state.gov; SullivanDJ1@state.gov; [REDACTED]
 PomperSE2@state.gov; GuarinMF@state.gov
 >

B5

B6

B5

[Redacted]

B5

> jon
 >
 > -----Original Message-----
 > From: Perina, Alexandra H
 > Sent: Monday, May 31, 2010 12:56 PM
 > To: Schwartz, Jonathan B; Goldberger, Thomas H; Baumert, Kevin A; Jacobson, Linda; Heinemann, Thomas B; Dolan, JoAnn
 > Cc: Aswad, Evelyn M; Sullivan, David J; [Redacted] Pomper, Stephen E; Guarin, Marc F
 > Subject: RE: L comments on MFA flotilla briefing>

B6

[Redacted]

B5

> -----Original Message-----
 > From: Schwartz, Jonathan B
 > Sent: Monday, May 31, 2010 12:17 PM
 > To: Goldberger, Thomas H; Baumert, Kevin A; Jacobson, Linda; Heinemann, Thomas B; Dolan, JoAnn; Perina, Alexandra H
 > Cc: Aswad, Evelyn M; Sullivan, David J
 > Subject: RE: L comments on MFA flotilla briefing>

[Redacted]

dy

> -----Original Message-----
 > From: Goldberger, Thomas H
 > Sent: Monday, May 31, 2010 11:40 AM
 > To: Baumert, Kevin A; Jacobson, Linda; Schwartz, Jonathan B; Heinemann, Thomas B; Dolan, JoAnn; Perina, Alexandra H
 > Cc: Aswad, Evelyn M; Sullivan, David J
 > Subject: RE: L comments on MFA flotilla briefing>

[Redacted]

> -----Original Message-----

> From: Baumert, Kevin A
> Sent: Monday, May 31, 2010 11:34 AM
> To: Jacobson, Linda; Goldberger, Thomas H; Schwartz, Jonathan B; Heinemann, Thomas B; Dolan, JoAnn; Perina, Alexandra H
> Cc: Aswad, Evelyn M; Sullivan, David J
> Subject: Re: L comments on MFA flotilla briefing>

[Redacted]

B5

> ----- Original Message -----

> From: Jacobson, Linda
> To: Baumert, Kevin A; Goldberger, Thomas H; Schwartz, Jonathan B; Heinemann, Thomas B; Dolan, JoAnn; Perina, Alexandra H
> Cc: Aswad, Evelyn M
> Sent: Mon May 31 11:20:32 2010
> Subject: Re: L comments on MFA flotilla briefing>

[Redacted]

> ----- Original Message -----

> From: Baumert, Kevin A
> To: Goldberger, Thomas H; Schwartz, Jonathan B; Heinemann, Thomas B; Dolan, JoAnn; Jacobson, Linda; Perina, Alexandra H
> Cc: Aswad, Evelyn M
> Sent: Mon May 31 11:18:29 2010
> Subject: Re: L comments on MFA flotilla briefing>

[Redacted]

> Kevin
> L/OES

> ----- Original Message -----

> From: Goldberger, Thomas H
> To: Schwartz, Jonathan B; Baumert, Kevin A; Heinemann, Thomas B; Dolan, JoAnn; Jacobson, Linda
> Sent: Mon May 31 10:50:27 2010
> Subject: FW: L comments on MFA flotilla briefing>

[Redacted]

> -----Original Message-----

> From: Cunningham, James B
> Sent: Monday, May 31, 2010 10:47 AM
> To: Goldberger, Thomas H
> Subject: Re: L comments on MFA flotilla briefing>

[Redacted]

[Redacted]

> Sent from my BlackBerry
 >
 > ----- Original Message -----
 > From: Goldberger, Thomas H
 > To: Cunningham, James B; Hale, David M; Feltman, Jeffrey D; Rubinstein, Daniel H; Connelly, Maura; Schlicher, Ronald L; 'Daniel_B._Shapiro@nsc.eop.gov' <Daniel_B._Shapiro@nsc.eop.gov>
 > Cc: Holmstrom, Todd C; Schwartz, Jonathan B; Jacobson, Linda; Dolan, JoAnn
 > Sent: Mon May 31 17:37:00 2010
 > Subject: FW: L comments on MFA flotilla briefing>

>
 > See below from Jonathan pls.
 >
 > -----Original Message-----
 > From: Schwartz, Jonathan B
 > Sent: Monday, May 31, 2010 9:13 AM
 > To: Goldberger, Thomas H
 > Cc: Rudman, Mara (Jerusalem); Dolan, JoAnn; Baumert, Kevin A; Perina, Alexandra H; Heinemann, Thomas B
 > Subject: Fw: MFA flotilla briefing

[Redacted]

> Jon
 >
 > ----- Original Message -----
 > From: Schwartz, Jonathan B
 > To: Perina, Alexandra H; Heinemann, Thomas B
 > Cc: Baumert, Kevin A; Harris, Robert K; Donoghue, Joan E; Dolan, JoAnn
 > Sent: Mon May 31 09:05:16 2010
 > Subject: Fw: MFA flotilla briefing

[Redacted]

> Jon
 >
 > ----- Original Message -----
 > From: Goldberger, Thomas H
 > To: Dolan, JoAnn; Jacobson, Linda

> Cc: Holmstrom, Todd C; Schwartz, Jonathan B; Knopf, Payton L
> Sent: Mon May 31 08:24:00 2010
> Subject: FW: MFA flotilla briefing

> [Redacted]

B5

> ----- Original Message -----

> From: [Redacted]
> To: Cunningham, James B; Levin, Jan; Operations Center; Jeffrey, James F; Sievers, Marc J; Parker, Andrew C; Grubb, Jason B; NEA-IPA-DL; Greene, Elisa; Marchese, Gregory M; Waters, John R; Amodeo, Salvatore A (Istanbul); Connelly, Maura; Feltman, Jeffrey D; Rudman, Mara (Jerusalem); [Redacted]
> [Redacted] Levin, Jan; [Redacted]

B3 DOD-CP

> Sent: Mon May 31 08:08:22 2010
> Subject: RE: MFA flotilla briefing

> Many of the details briefed have already been provided via other means. Specific Highlights -

B3 DOD-CP
B3 DODFGI

- > - Ongoing Operation
- > - Two Ships in Ashdod to include the CHALLENGER I
- > - M/V MAVI MARMARA expected in port between 1700L and 1800L
- > - All ships will be in port by later today
- > - 10-14 Civilians Seriously Injured or Killed
- > - 30 Civilians Wounded
- > - 10 IDF wounded to include 1 serious and 1 with "medium" wounds
- > - Turkish Ambassador to Israel recalled
- > - Interaction occurred approx 70 NM from coastline. IDF confident in International Law because of intent by flotilla to breach the blockade. (See Attached Slides)

> [Redacted]

[Redacted]

B3 DOD-CP

> -----Original Message-----

> From: Rudman, Mara (Jerusalem)
> Sent: Monday, May 31, 2010 2:46 PM
> To: Cunningham, James B; Levin, Jan; Operations Center; Jeffrey, James F; Sievers, Marc J; Parker, Andrew C; Grubb, Jason B; NEA-IPA-DL; Greene, Elisa; Marchese, Gregory M; Waters, John R; [Redacted]
> [Redacted] Amodeo, Salvatore A (Istanbul); Connelly, Maura; Feltman, Jeffrey D

B3 DOD-CP

> Cc: 'Dennis_B._Ross@nsc.eop.gov'; 'Dshapiro@who.eop.gov'
> Subject: RE: MFA flotilla briefing

> This may largely repeat at this point what is out in other places and/or others have heard from me, but just to assure that various reporting lines have same info, this is from [Redacted] who also spoke with the UN's Serry, among others, this am.

B6

> [Redacted] reported that when Israeli soldiers boarded the main deck of the main ship, they met with what he described as clearly planned active/armed resistance, including live fire. Military who boarded were attacked with knives, sharpened metal and wood instruments, etc. He said the military who boarded were attacked by dozens; He indicated that some of the soldiers were stabbed and slashed. Made clear situation

B6

was one in which actions taken were in self-defense.

>
> Current estimates of those killed from flotilla 14-15 "maybe more". He said all injured being moved to Israeli hospital -- by helicopter. He said ships coming into Ashdod (some reports have them coming into Haifa). At Ashdod, he and others will meet the ships. There, they will need to ID the bodies; move the people either to return them to home countries rapidly and/or detain; ID the cargo and as planned initially, move as much of into Gaza as promptly as possible.

B6

> Earlier this morning [redacted] made the following calls/contacts:
> --Turkish FM and MoD [redacted]; Erakat, Fayyad, and Hussein al Sheikh [redacted]. He felt the calls w the Turks given the situation were OK, but the concern clearly is Erdogan and how he will handle. With Pals, Erakat in particular, they discussed extent to which levels of rhetoric could be kept in check. With Fayyad they discussed primarily need for security cooperation, keeping things calm. Concern about how this will be affected by status of Israeli Arab Islamic leader on board the flotilla.

>
> (PIC seems to be on track/going forward. Some events may be affected by it.)

>
> -----Original Message-----
> From: Cunningham, James B
> Sent: Monday, May 31, 2010 1:38 PM
> To: Levin, Jan; Operations Center; Jeffrey, James F; Sievers, Marc J; Parker, Andrew C; Grubb, Jason B; NEA-IPA-DL; Greene, Elisa; Marchese, Gregory M; Waters, John R; [redacted] Amodeo, Salvatore A (Istanbul); Rudman, Mara (Jerusalem); Connelly, Maura; Feltman, Jeffrey D
> Cc: 'Dennis_B._Ross@nsc.eop.gov'; 'Dshapiro@who.eop.gov'
> Subject: Re: MFA flotilla briefing

B3 DOD-CP

> Our Consular people are in contact with MFA and Ashdod to get info on amcits as soon as it's available. UN had been approached by COGAT last week to help in forwarding cargo from ships in Ashdod. Serry is trying to send a couple of observers to Ashdod, has told cogat that assisting deliveries of humanitarian goods, much of which is destined for Hamas, is problematic but he'll see. Barak just gave a press conference, and appears to have spoken to Davotuglu this am.

> Sent from my BlackBerry

>
> ----- Original Message -----
> From: Levin, Jan
> To: Operations Center; Jeffrey, James F; Cunningham, James B; Sievers, Marc J; Parker, Andrew C; Grubb, Jason B; NEA-IPA-DL; Greene, Elisa; Marchese, Gregory M; Waters, John R; [redacted] Amodeo, Salvatore A (Istanbul); Rudman, Mara (Jerusalem); Connelly, Maura; Feltman, Jeffrey D
> Sent: Mon May 31 13:20:31 2010
> Subject: MFA flotilla briefing

B3 DOD-CP

[redacted]

B3 DODFGI

>
> Highlights - Identification of dead and wounded taking time. MFA will reach out proactively to Embassies as IDs are done, with location and status of citizens. The uninjured will be processed and escorted to airport for deportation. Unclear how long this will take.

> -- Most violence occurred on ship Mavi (Blue) Marmara. As far as is currently known, all injuries occurred on this ship.

> -[redacted] told Ambassador that activists on Mavi Marmara were prepared for boarders and were armed. Unclear if they had firearms in advance or took them from IDF boarding party. One IDF soldier nearly beaten to death with metal bar. Activists also had knives.

B3 DODFGI

> -- Events took place in international waters. Israel asserted it had the legal right to intercept in intl waters because there is a military blockade under the law of armed conflict between Israel and Hamas.

>
> Ambassador Cunningham requests that Embassy Tel Aviv clear Dept guidance on this issue, thank you.

Hotmail has tools for the New Busy. Search, chat and e-mail from your inbox. [Learn more.](#)

The New Busy is not the old busy. Search, chat and e-mail from your inbox. [Get started.](#)

RELEASED IN PART B3 DOD-CP,B3 DODFGI,B5,B6

Law, Rosemary C

From: Pomper, Stephen E
Sent: Monday, May 31, 2010 4:20 PM
To: Dolan, JoAnn; Schwartz, Jonathan B; [redacted] Perina, Alexandra H;
Baumert, Kevin A; Jacobson, Linda; Heinemann, Thomas B
Cc: Aswad, Evelyn M; Sullivan, David J; Guarin, Marc F; Donoghue, Joan E; Townley, Stephen G
Subject: Re: L comments on MFA flotilla briefing>

B6

Rmoving a non USG family-member address that wound up on this chain.

[redacted]

B5

From: Dolan, JoAnn
To: Schwartz, Jonathan B; 'Stephen & Betsy Pomper/Andersen' [redacted] Perina, Alexandra H;
Baumert, Kevin A; Jacobson, Linda; Heinemann, Thomas B
Cc: Aswad, Evelyn M; Sullivan, David J; Pomper, Stephen E; Guarin, Marc F; Donoghue, Joan E; [redacted]
[redacted] Townley, Stephen G
Sent: Mon May 31 16:16:35 2010
Subject: RE: L comments on MFA flotilla briefing>

B6

[redacted]

B5

From: Schwartz, Jonathan B
Sent: Monday, May 31, 2010 4:10 PM
To: 'Stephen & Betsy Pomper/Andersen'; Perina, Alexandra H; Baumert, Kevin A; Jacobson, Linda; Heinemann, Thomas B; Dolan, JoAnn
Cc: Aswad, Evelyn M; Sullivan, David J; Pomper, Stephen E; Guarin, Marc F; Donoghue, Joan E; eandersen@asil.org; Townley, Stephen G
Subject: RE: L comments on MFA flotilla briefing>

B5

[redacted]

Jon

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

From: Stephen & Betsy Pomper/Andersen [redacted]

Sent: Monday, May 31, 2010 3:14 PM

To: Schwartz, Jonathan B; Perina, Alexandra H; Baumert, Kevin A; Jacobson, Linda; Heinemann, Thomas B; Dolan, JoAnn

Cc: Aswad, Evelyn M; Sullivan, David J; Pomper, Stephen E; Guarin, Marc F; Donoghue, Joan E; [redacted]

Townley, Stephen G

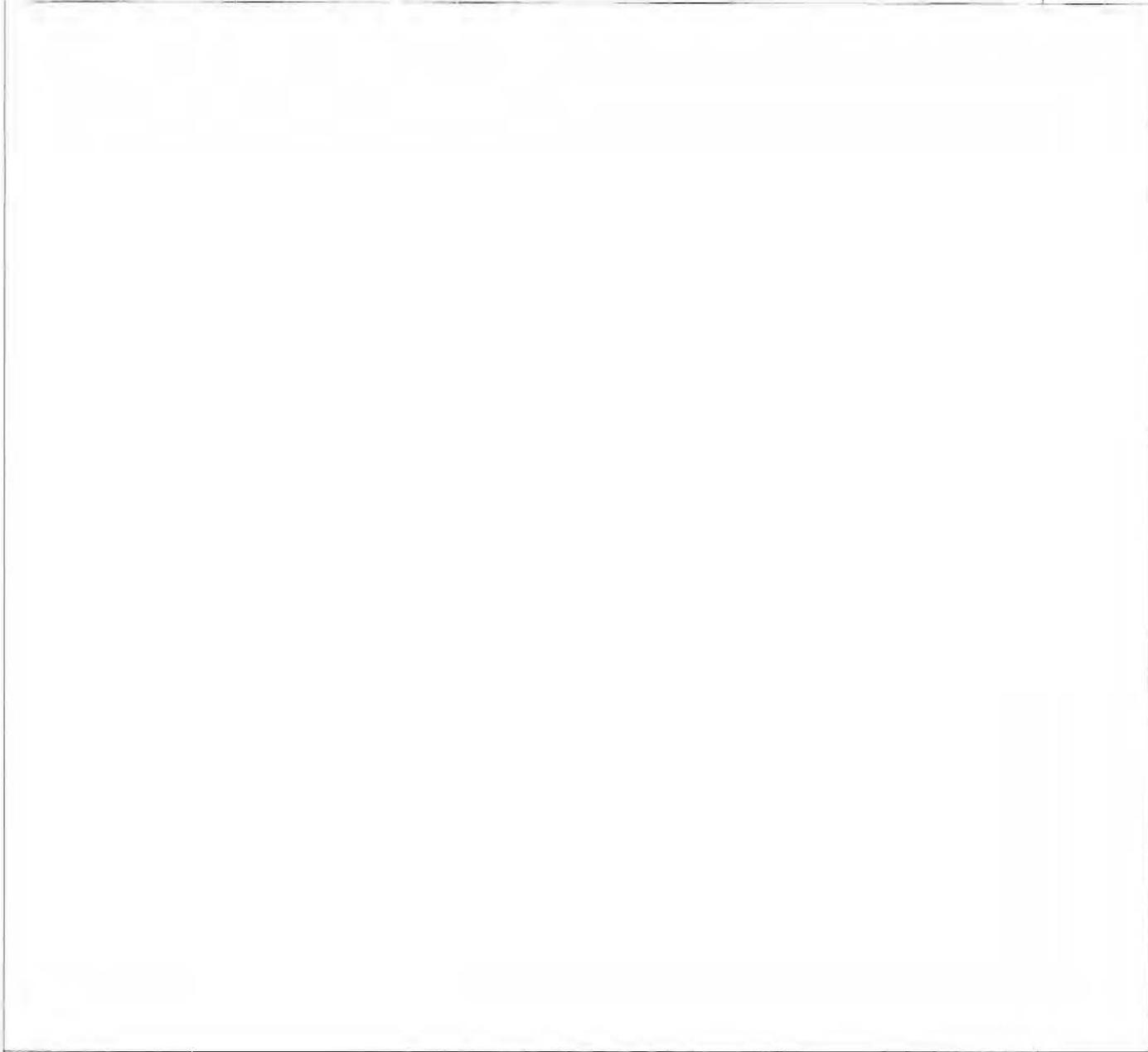
Subject: RE: L comments on MFA flotilla briefing>

B6

Folks--

Here is a quick summary of where we seem to be on the grabbag of issues relating to the Israeli action off of Gaza (please jump in/correct as appropriate):

B5



Steve

From San Remo Manual on International Law Applicable to Armed Conflicts at Sea, 12 June 1994

<http://www.icrc.org/ihl.nsf/385ec082b509e76c41256739003e636d/7694fe2016f347e1c125641f002d49ce>

Blockade

93. A blockade shall be declared and notified to all belligerents and neutral States.

94. The declaration shall specify the commencement, duration, location, and extent of the blockade and the period within which vessels of neutral States may leave the blockaded coastline.

95. A blockade must be effective. The question whether a blockade is effective is a question of fact.

96. The force maintaining the blockade may be stationed at a distance determined by military requirements.

97. A blockade may be enforced and maintained by a combination of legitimate methods and means of warfare provided this combination does not result in acts inconsistent with the rules set out in this document.

98. Merchant vessels believed on reasonable grounds to be breaching a blockade may be captured. Merchant vessels which, after prior warning, clearly resist capture may be attacked.

99. A blockade must not bar access to the ports and coasts of neutral States.

100. A blockade must be applied impartially to the vessels of all States.

101. The cessation, temporary lifting, re-establishment, extension or other alteration of a blockade must be declared and notified as in paragraphs 93 and 94.

102. The declaration or establishment of a blockade is prohibited if:

- (a) it has the sole purpose of starving the civilian population or denying it other objects essential for its survival; or
- (b) the damage to the civilian population is, or may be expected to be, excessive in relation to the concrete and direct military advantage anticipated from the blockade.

103. If the civilian population of the blockaded territory is inadequately provided with food and other objects essential for its survival, the blockading party must provide for free passage of such foodstuffs and other essential supplies, subject to:

- (a) the right to prescribe the technical arrangements, including search, under which such passage is permitted; and
- (b) the condition that the distribution of such supplies shall be made under the local supervision of a Protecting Power or a humanitarian organization which offers guarantees of impartiality, such as the International Committee of the Red Cross.

104. The blockading belligerent shall allow the passage of medical supplies for the civilian population or for the wounded and sick members of armed forces, subject to the right to prescribe technical arrangements, including search, under which such passage is permitted.

Zones

105. A belligerent cannot be absolved of its duties under international humanitarian law by establishing zones which might adversely affect the legitimate uses of defined areas of the sea.

106. Should a belligerent, as an exceptional measure, establish such a zone:

- (a) the same body of law applies both inside and outside the zone;
- (b) the extent, location and duration of the zone and the measures imposed shall not exceed what is strictly required by military necessity and the principles of proportionality;
- (c) due regard shall be given to the rights of neutral States to legitimate uses of the seas;
- (d) necessary safe passage through the zone for neutral vessels and aircraft shall be provided:
 - (i) where the geographical extent of the zone significantly impedes free and safe access to the ports and coasts of a neutral State;
 - (ii) in other cases where normal navigation routes are affected, except where military requirements do not permit; and
- (e) the commencement, duration, location and extent of the zone, as well as the restrictions imposed, shall be publicly

declared and appropriately notified.

107. Compliance with the measures taken by one belligerent in the zone shall not be construed as an act harmful to the opposing belligerent.

108. Nothing in this Section should be deemed to derogate from the customary belligerent right to control neutral vessels and aircraft in the immediate vicinity of naval operations.

From Commander's Handbook

7.7 BLOCKADE

7.7.1 General

Blockade is a belligerent operation to prevent vessels and/or aircraft of all nations, enemy as well as neutral, from entering or exiting specified ports, airfields, or coastal areas belonging to, occupied by, or under the control of an enemy nation. While the belligerent right of visit and search is designed to interdict the flow of contraband goods, the belligerent right of blockade is intended to prevent vessels and aircraft, regardless of their cargo, from crossing an established and publicized cordon separating the enemy from international waters and/or airspace.

7.7.2 Criteria for Blockades

To be valid, a blockade must conform to the criteria in the following paragraphs.

7.7.2.1 Establishment

A blockade must be established by the government of the belligerent nation. This is usually accomplished by a declaration of the belligerent government or by the commander of the blockading force acting on behalf of the belligerent government. The declaration should include, as a minimum, the date the blockade is to begin, its geographic limits, and the grace period granted neutral vessels and aircraft to leave the area to be blockaded.

7.7.2.2 Notification

It is customary for the belligerent nation establishing the blockade to notify all affected nations of its imposition. Because knowledge of the existence of a blockade is an essential element of the offenses of breach and attempted breach of blockade (see paragraph 7.7.4), neutral vessels and aircraft are always entitled to notification. The commander of the blockading forces will usually also notify local authorities in the blockaded area. The form of the notification is not material so long as it is effective.

7.7.2.3 Effectiveness

To be valid, a blockade must be effective—that is, it must be maintained by a surface, air, or subsurface force or other legitimate methods and means of warfare that is sufficient to render ingress or egress of the blockaded area dangerous. The requirement of effectiveness does not preclude temporary absence of the blockading force, if such absence is due to stress of weather or to some other reason connected with the blockade (e.g., pursuit of a blockade runner). Effectiveness does not require that every possible avenue of approach to the blockaded area be covered.

7.7.2.4 Impartiality

A blockade must be applied impartially to the vessels and aircraft of all nations. Discrimination by the blockading belligerent in favor of or against the vessels and aircraft of particular nations, including those of its own or those of an allied nation, renders the blockade legally invalid.

7.7.2.5 Limitations

A blockade must not bar access to or departure from neutral ports and coasts. Neutral nations retain the right to engage in neutral commerce that does not involve trade or communications originating in or destined for the blockaded area. A blockade is prohibited if the sole purpose is to starve the civilian population or to deny it other objects essential for its survival.

7.7.3 Special Entry and Exit Authorization

Although neutral warships and military aircraft enjoy no positive right of access to blockaded areas, the belligerent imposing the blockade may authorize their entry and exit. Such special authorization may be made subject to such conditions as the blockading force considers to be necessary and expedient. Neutral vessels and aircraft in evident distress should be authorized entry into a blockaded area, and subsequently authorized to depart, under conditions prescribed by the officer in command of the blockading force or responsible for maintenance of the blockading instrumentality (e.g., mines). Similarly, neutral vessels and aircraft engaged in the carriage of qualifying relief supplies for the civilian population and the sick and wounded should be authorized to pass through the blockade cordon, subject to the right of the blockading force to prescribe the technical

arrangements, including search, under which passage is permitted.

7.7.4 Breach and Attempted Breach of Blockade

Breach of blockade is the passage of a vessel or aircraft through a blockade without special entry or exit authorization from the blockading belligerent. Attempted breach of blockade occurs from the time a vessel or aircraft leaves a port or airfield with the intention of evading the blockade, and for vessels exiting the blockaded area, continues until the voyage is completed. Knowledge of the existence of the blockade is essential to the offenses of breach of blockade and attempted breach of blockade. Knowledge may be presumed once a blockade has been declared and appropriate notification provided to affected governments. It is immaterial that the vessel or aircraft is at the time of interception bound for neutral territory, if its ultimate destination is the blockaded area. There is a presumption of attempted breach of blockade where vessels or aircraft are bound for a neutral port or airfield serving as a point of transit to the blockaded area. (Capture of such vessels is discussed in paragraph 7.10.)

7.7.5 Contemporary Practice

The criteria for valid blockades, as set out above in paragraph 7.7.2, are for the most part customary in nature, having derived their definitive form through the practice of maritime powers during the nineteenth century. The rules reflect a balance between the right of a belligerent possessing effective command of the sea to close enemy ports and coastlines to international commerce, and the right of neutral nations to carry out neutral commerce with the least possible interference from belligerent forces. The law of blockade is, therefore, premised on a system of controls designed to effect only a limited interference with neutral trade. This was traditionally accomplished by a relatively "close-in" cordon of surface warships stationed in the immediate vicinity of the blockaded area. The increasing emphasis in modern warfare on seeking to isolate completely the enemy from outside assistance and resources by targeting enemy merchant vessels as well as warships, and on interdicting all neutral commerce with the enemy, is not furthered substantially by blockades established in strict conformity with the traditional rules. In World Wars I and II, belligerents of both sides resorted to methods which, although frequently referred to as measures of blockade, cannot be reconciled with the traditional concept of the close-in blockade. The so-called long-distance blockade of both world wars departed materially from those traditional rules and were premised in large measure upon the belligerent right of reprisal against illegal acts of warfare on the part of the enemy. Moreover, developments in weapons systems and platforms, particularly submarines, supersonic aircraft, and cruise missiles, have rendered the in-shore blockade exceedingly difficult, if not impossible, to maintain during anything other than a local or limited armed conflict. Accordingly, the characteristics of modern weapon systems will be a factor in analyzing the effectiveness of contemporary blockades. Notwithstanding this trend in belligerent practices (during general war) away from the establishment of blockades that conform to the traditional rules, blockade continues to be a useful means to regulate the competing interests of belligerents and neutrals in more limited armed conflict. The experience of the United States during the Vietnam conflict provides a case in point. The closing of Haiphong and other North Vietnamese ports, accomplished by the emplacement of mines, was undertaken in conformity with traditional criteria of establishment, notification, effectiveness, limitation, and impartiality, although at the time the mining took place the term "blockade" was not used.

From:
 To: schwartzjb@state.gov; perinaah@state.gov; baumertka@state.gov; jacobsonl@state.gov; heinemanntb@state.gov; dolanja@state.gov
 CC: aswadem@state.gov; sullivandj1@state.gov; pomperse2@state.gov; guarinmf@state.gov; donoghueje@state.gov
 Subject: RE: L comments on MFA flotilla briefing>
 Date: Mon, 31 May 2010 17:29:30 +0000

Marc Guarin is going to log in and weigh in on this question. I also reached out to JCS legal to see if they have a Navy lawyer we can talk to. Have taken Tom G off this chain for the moment. Steve

> Subject: RE: L comments on MFA flotilla briefing>
 > Date: Mon, 31 May 2010 13:01:59 -0400
 > From: SchwartzJB@state.gov

> To: PerinaAH@state.gov; GoldbergerTH@state.gov; baumertka@state.gov; JacobsonL@state.gov; HeinemannTB@state.gov; DolanJA@state.gov
> CC: AswadEM@state.gov; SullivanDJ1@state.gov; [redacted]
PomperSE2@state.gov; GuarinMF@state.gov

B6

> Thanks Alexandra. [redacted]

B5

> jon

>

> -----Original Message-----

> From: Perina, Alexandra H

> Sent: Monday, May 31, 2010 12:56 PM

> To: Schwartz, Jonathan B; Goldberger, Thomas H; Baumert, Kevin A; Jacobson, Linda; Heinemann, Thomas B; Dolan, JoAnn

> Cc: Aswad, Evelyn M; Sullivan, David J; [redacted]; Pomper, Stephen E; Guarin, Marc F

> Subject: RE: L comments on MFA flotilla briefing>

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> -----Original Message-----

> From: Schwartz, Jonathan B

> Sent: Monday, May 31, 2010 12:17 PM

> To: Goldberger, Thomas H; Baumert, Kevin A; Jacobson, Linda; Heinemann, Thomas B; Dolan, JoAnn; Perina, Alexandra H

> Cc: Aswad, Evelyn M; Sullivan, David J

> Subject: RE: L comments on MFA flotilla briefing>

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> -----Original Message-----

> From: Goldberger, Thomas H

> Sent: Monday, May 31, 2010 11:40 AM
> To: Baumert, Kevin A; Jacobson, Linda; Schwartz, Jonathan B; Heinemann, Thomas B; Dolan, JoAnn; Perina, Alexandra H
> Cc: Aswad, Evelyn M; Sullivan, David J
> Subject: RE: L comments on MFA flotilla briefing>

> [Redacted]

> -----Original Message-----
> From: Baumert, Kevin A
> Sent: Monday, May 31, 2010 11:34 AM
> To: Jacobson, Linda; Goldberger, Thomas H; Schwartz, Jonathan B; Heinemann, Thomas B; Dolan, JoAnn; Perina, Alexandra H
> Cc: Aswad, Evelyn M; Sullivan, David J
> Subject: Re: L comments on MFA flotilla briefing>

> [Redacted]

> ----- Original Message -----
> From: Jacobson, Linda
> To: Baumert, Kevin A; Goldberger, Thomas H; Schwartz, Jonathan B; Heinemann, Thomas B; Dolan, JoAnn; Perina, Alexandra H
> Cc: Aswad, Evelyn M
> Sent: Mon May 31 11:20:32 2010
> Subject: Re: L comments on MFA flotilla briefing>

> Kevin, [Redacted]

> [Redacted]

> ----- Original Message -----
> From: Baumert, Kevin A
> To: Goldberger, Thomas H; Schwartz, Jonathan B; Heinemann, Thomas B; Dolan, JoAnn; Jacobson, Linda; Perina, Alexandra H
> Cc: Aswad, Evelyn M
> Sent: Mon May 31 11:18:29 2010
> Subject: Re: L comments on MFA flotilla briefing>

> [Redacted]

> Kevin
> L/OES

> ----- Original Message -----
> From: Goldberger, Thomas H
> To: Schwartz, Jonathan B; Baumert, Kevin A; Heinemann, Thomas B; Dolan, JoAnn; Jacobson, Linda
> Sent: Mon May 31 10:50:27 2010
> Subject: FW: L comments on MFA flotilla briefing>

> [Redacted]

B5

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> -----Original Message-----
> From: Cunningham, James B
> Sent: Monday, May 31, 2010 10:47 AM
> To: Goldberger, Thomas H
> Subject: Re: L comments on MFA flotilla briefing>

>
> [Redacted]

> Sent from my BlackBerry
>
> ----- Original Message -----
> From: Goldberger, Thomas H
> To: Cunningham, James B; Hale, David M; Feltman, Jeffrey D; Rubinstein, Daniel H; Connelly, Maura; Schlicher, Ronald L; 'Daniel_B._Shapiro@nsc.eop.gov' <Daniel_B._Shapiro@nsc.eop.gov>
> Cc: Holmstrom, Todd C; Schwartz, Jonathan B; Jacobson, Linda; Dolan, JoAnn
> Sent: Mon May 31 17:37:00 2010
> Subject: FW: L comments on MFA flotilla briefing>

>
> See below from Jonathan pls.

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> -----Original Message-----
> From: Schwartz, Jonathan B
> Sent: Monday, May 31, 2010 9:13 AM
> To: Goldberger, Thomas H
> Cc: Rudman, Mara (Jerusalem); Dolan, JoAnn; Baumert, Kevin A; Perina, Alexandra H; Heinemann, Thomas B
> Subject: Fw: MFA flotilla briefing

>
> Tom - [Redacted]

>
> Jon
>
> ----- Original Message -----
> From: Schwartz, Jonathan B
> To: Perina, Alexandra H; Heinemann, Thomas B
> Cc: Baumert, Kevin A; Harris, Robert K; Donoghue, Joan E; Dolan, JoAnn
> Sent: Mon May 31 09:05:16 2010
> Subject: Fw: MFA flotilla briefing

>
> Alexandra/Tom -Are either of you in a position to assist L/OES?
> [Redacted]

B5

[Redacted]

B5

>
> Jon
>
> ----- Original Message -----
> From: Goldberger, Thomas H
> To: Dolan, JoAnn; Jacobson, Linda
> Cc: Holmstrom, Todd C; Schwartz, Jonathan B; Knopf, Payton L
> Sent: Mon May 31 08:24:00 2010
> Subject: FW: MFA flotilla briefing

> Sorry, but could we get quick reactions to this?

[Redacted]

B5

[Redacted]

> ----- Original Message -----

> From: [Redacted]
> To: Cunningham, James B; Levin, Jan; Operations Center; Jeffrey, James F; Sievers, Marc J; Parker, Andrew C; Grubb, Jason B; NEA-IPA-DL; Greene, Elisa; Marchese, Gregory M; Waters, John R; Amodeo, Salvatore A (Istanbul); Connelly, Maura; Feltman, Jeffrey D; Rudman, Mara (Jerusalem); [Redacted]
> [Redacted] M; Levin, Jan; [Redacted]

B3 DOD-CP

> Sent: Mon May 31 08:08:22 2010
> Subject: RE: MFA flotilla briefing

>
> Many of the details briefed have already been provided via other means. Specific Highlights -

B3 DOD-CP
B3 DODFGI

- > - Ongoing Operation
- > - Two Ships in Ashdod to include the CHALLENGER I
- > - M/V MAVI MARMARA expected in port between 1700L and 1800L
- > - All ships will be in port by later today
- > - 10-14 Civilians Seriously Injured or Killed
- > - 30 Civilians Wounded
- > - 10 IDF wounded to include 1 serious and 1 with "medium" wounds
- > - Turkish Ambassador to Israel recalled
- > - Interaction occurred approx 70 NM from coastline. IDF confident in International Law because of intent by flotilla to breach the blockade. (See Attached Slides)

[Redacted]

B3 DOD-CP

[Redacted]

> -----Original Message-----

> From: Rudman, Mara (Jerusalem)
> Sent: Monday, May 31, 2010 2:46 PM
> To: Cunningham, James B; Levin, Jan; Operations Center; Jeffrey, James F; Sievers, Marc J; Parker, Andrew C; Grubb, Jason B; NEA-IPA-DL; Greene, Elisa; Marchese, Gregory M; Waters, John R; [Redacted]
> [Redacted] Amodeo, Salvatore A (Istanbul); Connelly, Maura; Feltman, Jeffrey D

B3 DOD-CP

> Cc: 'Dennis_B._Ross@nsc.eop.gov'; 'Dshapiro@who.eop.gov'
> Subject: RE: MFA flotilla briefing

> This may largely repeat at this point what is out in other places and/or others have heard from me, but just to assure that various reporting lines have same info, this is from [redacted] who also spoke with the UN's Serry, among others, this am.

B6

> [redacted] reported that when Israeli soldiers boarded the main deck of the main ship, they met with what he described as clearly planned active/armed resistance, including live fire. Military who boarded were attacked with knives, sharpened metal and wood instruments, etc. He said the military who boarded were attacked by dozens; He indicated that some of the soldiers were stabbed and slashed. Made clear situation was one in which actions taken were in self-defense.

B6

> Current estimates of those killed from flotilla 14-15 "maybe more". He said all injured being moved to Israeli hospital - by helicopter. He said ships coming into Ashdod (some reports have them coming into Haifa). At Ashdod, he and others will meet the ships. There, they will need to ID the bodies; move the people either to return them to home countries rapidly and/or detain; ID the cargo and as planned initially, move as much of into Gaza as promptly as possible.

> Earlier this morning [redacted] made the following calls/contacts:

B6

> --Turkish FM and MoD [redacted]; Erakat, Fayyad, and Hussein al Sheikh [redacted] He felt the calls w the Turks given the situation were OK, but the concern clearly is Erdogan and how he will handle. With Pals, Erakat in particular, they discussed extent to which levels of rhetoric could be kept in check. With Fayyad they discussed primarily need for security cooperation, keeping things calm. Concern about how this will be affected by status of Israeli Arab Islamic leader on board the flotilla.

> (PIC seems to be on track/going forward. Some events may be affected by it.)

> -----Original Message-----

> From: Cunningham, James B

> Sent: Monday, May 31, 2010 1:38 PM

> To: Levin, Jan; Operations Center; Jeffrey, James F; Sievers, Marc J; Parker, Andrew C; Grubb, Jason B; NEA-IPA-DL; Greene, Elisa; Marchese, Gregory M; Waters, John R; [redacted] Amodeo, B3 DOD-CP Salvatore A (Istanbul); Rudman, Mara (Jerusalem); Connelly, Maura; Feltman, Jeffrey D

> Cc: 'Dennis_B._Ross@nsc.eop.gov'; 'Dshapiro@who.eop.gov'

> Subject: Re: MFA flotilla briefing

> Our Consular people are in contact with MFA and Ashdod to get info on amcits as soon as it's available. UN had been approached by COGAT last week to help in forwarding cargo from ships in Ashdod. Serry is trying to send a couple of observers to Ashdod, has told cogat that assisting deliveries of humanitarian goods, much of which is destined for Hamas, is problematic but he'll see. Barak just gave a press conference, and appears to have spoken to Davotuglu this am.

> Sent from my BlackBerry

> ----- Original Message -----

> From: Levin, Jan

> To: Operations Center; Jeffrey, James F; Cunningham, James B; Sievers, Marc J; Parker, Andrew C; Grubb, Jason B; NEA-IPA-DL; Greene, Elisa; Marchese, Gregory M; Waters, John R; [redacted] B3 DOD-CP Amodeo, Salvatore A (Istanbul); Rudman, Mara (Jerusalem); Connelly, Maura; Feltman, Jeffrey D

> Sent: Mon May 31 13:20:31 2010

> Subject: MFA flotilla briefing

B3 DODFGI

> Highlights - Identification of dead and wounded taking time. MFA will reach out proactively to Embassies as IDs are done, with location and status of citizens. The uninjured will be processed and escorted to airport for deportation. Unclear how long this will take.

> -- Most violence occurred on ship Mavi (Blue) Marmara. As far as is currently known, all injuries occurred on this ship.

> -- [redacted] told Ambassador that activists on Mavi Marmara were prepared for boarders and were B3 DODFGI

armed. Unclear if they had firearms in advance or took them from IDF boarding party. One IDF soldier nearly beaten to death with metal bar. Activists also had knives.

> -- Events took place in international waters. Israel asserted it had the legal right to intercept in intl waters because there is a military blockade under the law of armed conflict between Israel and Hamas.

>

> Ambassador Cunningham requests that Embassy Tel Aviv clear Dept guidance on this issue, thank you.

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The New Busy is not the old busy. Search, chat and e-mail from your inbox. [Get started.](#)

Declassify on: 06/04/2020

I37

Bowers, Allyson M

From: Sindle, James M
Sent: Friday, June 04, 2010 10:43 AM
To: Gaza Flotilla Monitoring Group
Subject: FW: PM 4 JUN 10 - FREE GAZA MOVEMENT (FGM) FLOTILLA UPDATE - WAVE # 2 (SITREP #9) (SECRET)
Attachments: Free Gaza Movement Flotilla Update_PM 4 Jun 10.ppt; GAZA FLOTILLA AFTERMATH - SITREP 3.doc

RELEASED IN PART B3
DOD-CP,B1,B5,1.4(D),1.4(C),B6

The latest locations of the Israeli SAARs and Rachel Corrie.

[Redacted] 1.4(C)
B1

From: [Redacted]
Sent: Friday, June 04, 2010 10:28 AM
To: Gardner, John D. LTG; john.allen@centcom.smil.mil
Cc: [Redacted]

B3 DOD-CP

B6

[Redacted] B3 DOD-CP
B6

Subject: PM 4 JUN 10 - FREE GAZA MOVEMENT (FGM) FLOTILLA UPDATE - WAVE # 2 (SITREP #9) (SECRET)

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

Classification: SECRET//REL TO USA, AUS, CAN, GBR

Good afternoon LTG Gardner / LtGen Allen

[Redacted] 1.4(C)
B1

[Redacted] 1.4(C)
B1

Current Situation:

1. Free Gaza Movement (FGM) "Freedom "Flotilla – Wave # 2 (reduced to a single ship)

[Redacted] 1.4(D)
B1

- Open source reporting indicates RACHEL CORRIE has no plans to stop until reaching port in Gaza and does not intend to resist, should Israeli forces attempt to board. [Redacted] 1.4(C)
B1

- [Redacted] 1.4(C)
B1

Assessment: [Redacted]

o [Redacted] 1.4(C)
B1

[Redacted]

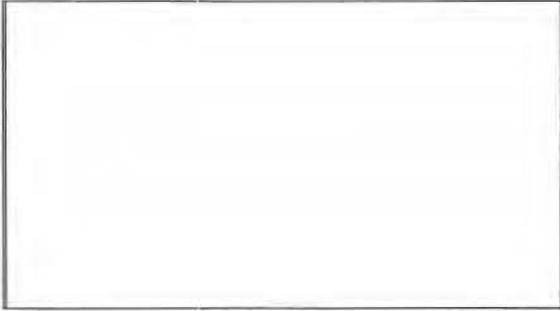
2. Israeli Defense Force (IDF)

Naval Activity:

[Redacted]

[Redacted] 1.4(C)
B1

V/R, Larry



B6
B3 DOD-CP

Attachment Classification: SECRET
Attachment Caveats: NOFORN
Classification: SECRET//REL TO USA, AUS, CAN, GBR

RELEASED IN PART B3 DOD-CP,B1,1.4(D),B6,1.4(C)

I132

Bowers, Allyson M

From: Yoo, Donny H
Sent: Thursday, June 30, 2011 4:59 AM
To: Eussen, Matthew M; SES-O_OPS-WatchTeam
Cc: NEA-IPA-DL; Silverman, Robert J; Levin, Jan X; Grubb, Jason B; Berns, David B
Subject: RE: "FREEDOM FLOTILLA II" GAZA AID CONVOY UPDATE (SITREP #7) (SECRET)

Mr. Eussen,

Many thanks for these very helpful emails.

Thanks,
Donny Yoo

From: Eussen, Matthew M
Sent: Thursday, June 30, 2011 4:15 AM
To: SES-O_OPS-WatchTeam
Cc: NEA-IPA-DL; Silverman, Robert J; Levin, Jan X; Grubb, Jason B; Berns, David B
Subject: FW: "FREEDOM FLOTILLA II" GAZA AID CONVOY UPDATE (SITREP #7) (SECRET)

Additional information.

Respectfully-
-Matt

This document is UNCLASSIFIED//NOFORN when separated from SECRET//NOFORN attachment(s).

Sensitivity: Sensitive
Classification: SECRET//NOFORN
Derived From: previous msg in thread.
Declassify On: 2021/06/30

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

From: [Redacted] B3 DOD-CP
Sent: Wednesday, June 29, 2011 7:42 AM B6
To: [Redacted]

[Large Redacted Area]

B3 DOD-CP

B6

Subject: "FREEDOM FLOTILLA II" GAZA AID CONVOY UPDATE (SITREP #7) (SECRET)

Classification: SECRET

Caveats: NOFORN

Good morning J2 -

[Redacted]

1.4(C)
B1

Request all addressees continue to please feed updates to USEUCOM theater all-source fusion analysis center at [redacted] This will help to ensure accuracy, timeliness, relevancy, and dissemination at all levels. B3 DOD-CP, B6

Convention: Blue is new.

[redacted] 1.4(D) B1

(U) The international "Freedom Flotilla II (FF2) – Stay Human" will include 10 ships, at least two of which are cargo boats carrying aid, while the rest are passenger ships carrying hundreds of people, among them, politicians, MEPs, writers, religious faith representatives, people of arts and culture and activists. Press releases indicates many TV crews will be also on board (CNN, NBC, Al-Jazeera, et al) as well as journalists sent by various world media and newspapers. "Stay Human" was selected in honor of 36-year old Italian pro-Palestinian activist Vittorio Arrigoni, who was killed 14 Apr 2011 after being kidnapped in Gaza City by Salafist radicals.

SITREP follows:

[redacted] 1.4(C) 1.4(D) B1

(U) Political Developments:

- (U) On 28 Jun, Israel Defense Ministry proposed confiscating the ships that attempt to break the naval blockade to Gaza, a move aimed at deterring future flotillas. Israeli press reporting indicates IDF claims they have intelligence showing some flotilla participants are planning to use violence and possibly chemical weapons against the troops. Flotilla members claim this is an attempt to justify IDF violence. (Source: Jerusalem Post)

1.4(C)
1.4(D)
B1

- (U) On 27 Jun, the Israeli "Lawfare" Group took responsibility for lodging the complaint against flotilla ship AUDACITY OF HOPE. Free Gaza Movement (FGM) organizers and AUDACITY OF HOPE passengers believe the complaint was frivolous and are now confident the Greek government will allow them to depart Greece.

- (U) On 27 Jun, the "Freedom Flotilla II (FF2) – Stay Human" press conference occurred in Athens but no specific ship names, departure dates, launch times, or rendezvous date, time, or area were revealed. Organizers also withheld the length of time the flotilla would remain at the rendezvous area before heading south. In short, FF2 spokespersons stated the flotilla will press forward with their departure plans despite Israel's warnings.

- (U) On 27 Jun, after two days of closed-doors meetings, the Israeli ministers committee on security affairs voted in favor of the navy plans to stop the FF2 flotilla from breaching the Israeli-imposed naval blockade on the Palestinian territory, giving the army authority to use "all necessary means" during the operation. The Israeli cabinet has ordered Israeli troops to operate with "maximal restraint and avoid clashes with activists on board the vessels."

- (U) On 22 Jun, US STATE Dept warned US citizens against taking part in the flotilla and to avoid all travel to the Gaza Strip, citing threats to themselves as well as US interests. (STATE)

(S//REL TO USA, GBR) Israeli Defense Force (IDF)

1.4(C)
1.4(D)
B1

(S) US Navy Forces

1.4(C)
1.4(D)
B1

B3 DOD-CP
B6

V/R,

B3 DOD-CP
B6

Attachment Classification: SECRET
Attachment Caveats: NOFORN
Classification: SECRET
Caveats: NOFORN

RELEASED IN PART B3 DOD-CP,B3
DODFGI,B5,B6

Law, Rosemary C

From: Stephen & Betsy Pomper/Andersen [redacted]
Sent: Monday, May 31, 2010 1:29 PM
To: Schwartz, Jonathan B; Perina, Alexandra H; Baumert, Kevin A; Jacobson, Linda; Heinemann, Thomas B; Dolan, JoAnn
Cc: Aswad, Evelyn M; Sullivan, David J; Pomper, Stephen E; Guarin, Marc F; Donoghue, Joan E
Subject: RE: L comments on MFA flotilla briefing>

B6

Marc Guarin is going to log in and weigh in on this question. I also reached out to JCS legal to see if they have a Navy lawyer we can talk to. Have taken Tom G off this chain for the moment. Steve

> Subject: RE: L comments on MFA flotilla briefing>
> Date: Mon, 31 May 2010 13:01:59 -0400
> From: SchwartzJB@state.gov
> To: PerinaAH@state.gov; GoldbergerTH@state.gov; baumertka@state.gov; JacobsonL@state.gov; HeinemannTB@state.gov; DolanJA@state.gov
> CC: AswadEM@state.gov; SullivanDJ1@state.gov; pomper_andersen [redacted]
PomperSE2@state.gov; GuarinMF@state.gov

B6

[redacted]

B5

>
> jon
>
> -----Original Message-----
> From: Perina, Alexandra H
> Sent: Monday, May 31, 2010 12:56 PM
> To: Schwartz, Jonathan B; Goldberger, Thomas H; Baumert, Kevin A; Jacobson, Linda; Heinemann, Thomas B; Dolan, JoAnn
> Cc: Aswad, Evelyn M; Sullivan, David J; [redacted] Pomper, Stephen E; Guarin, Marc F
> Subject: RE: L comments on MFA flotilla briefing>

B6

[redacted]

B5

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

>
[Redacted]

>
> -----Original Message-----
> From: Schwartz, Jonathan B
> Sent: Monday, May 31, 2010 12:17 PM
> To: Goldberger, Thomas H; Baumert, Kevin A; Jacobson, Linda; Heinemann, Thomas B; Dolan, JoAnn; Perina, Alexandra H
> Cc: Aswad, Evelyn M; Sullivan, David J
> Subject: RE: L comments on MFA flotilla briefing>

[Redacted]

>
> -----Original Message-----
> From: Goldberger, Thomas H
> Sent: Monday, May 31, 2010 11:40 AM
> To: Baumert, Kevin A; Jacobson, Linda; Schwartz, Jonathan B; Heinemann, Thomas B; Dolan, JoAnn; Perina, Alexandra H
> Cc: Aswad, Evelyn M; Sullivan, David J
> Subject: RE: L comments on MFA flotilla briefing>

[Redacted]

>
> -----Original Message-----
> From: Baumert, Kevin A
> Sent: Monday, May 31, 2010 11:34 AM
> To: Jacobson, Linda; Goldberger, Thomas H; Schwartz, Jonathan B; Heinemann, Thomas B; Dolan, JoAnn; Perina, Alexandra H
> Cc: Aswad, Evelyn M; Sullivan, David J
> Subject: Re: L comments on MFA flotilla briefing>

[Redacted]

>
> ----- Original Message -----
> From: Jacobson, Linda
> To: Baumert, Kevin A; Goldberger, Thomas H; Schwartz, Jonathan B; Heinemann, Thomas B; Dolan, JoAnn; Perina, Alexandra H
> Cc: Aswad, Evelyn M
> Sent: Mon May 31 11:20:32 2010
> Subject: Re: L comments on MFA flotilla briefing>

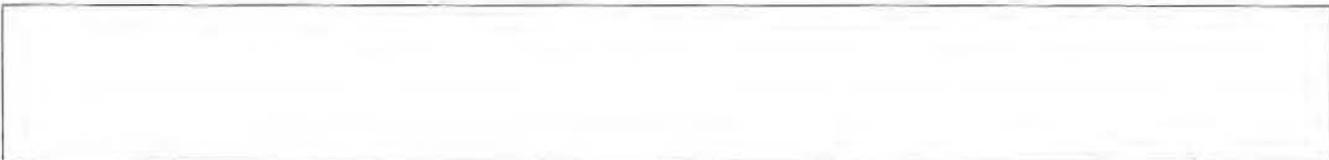
[Redacted]

>
> ----- Original Message -----
> From: Baumert, Kevin A
> To: Goldberger, Thomas H; Schwartz, Jonathan B; Heinemann, Thomas B; Dolan, JoAnn; Jacobson, Linda; Perina, Alexandra H
> Cc: Aswad, Evelyn M
> Sent: Mon May 31 11:18:29 2010
> Subject: Re: L comments on MFA flotilla briefing>

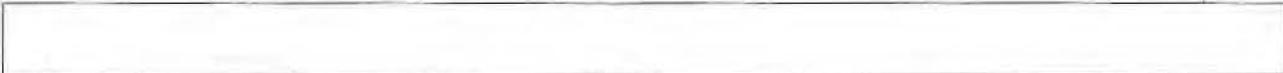
[Redacted]

B5

B5



> Kevin
 > L/OES
 >
 > ----- Original Message -----
 > From: Goldberger, Thomas H
 > To: Schwartz, Jonathan B; Baumert, Kevin A; Heinemann, Thomas B; Dolan, JoAnn; Jacobson, Linda
 > Sent: Mon May 31 10:50:27 2010
 > Subject: FW: L comments on MFA flotilla briefing>
 >



> -----Original Message-----
 > From: Cunningham, James B
 > Sent: Monday, May 31, 2010 10:47 AM
 > To: Goldberger, Thomas H
 > Subject: Re: L comments on MFA flotilla briefing>
 >



> Sent from my BlackBerry
 >
 > ----- Original Message -----
 > From: Goldberger, Thomas H
 > To: Cunningham, James B; Hale, David M; Feltman, Jeffrey D; Rubinstein, Daniel H; Connelly, Maura; Schlicher, Ronald L; 'Daniel_B._Shapiro@nsc.eop.gov' <Daniel_B._Shapiro@nsc.eop.gov>
 > Cc: Holmstrom, Todd C; Schwartz, Jonathan B; Jacobson, Linda; Dolan, JoAnn
 > Sent: Mon May 31 17:37:00 2010
 > Subject: FW: L comments on MFA flotilla briefing>
 >

> See below from Jonathan pls.
 >
 > -----Original Message-----
 > From: Schwartz, Jonathan B
 > Sent: Monday, May 31, 2010 9:13 AM
 > To: Goldberger, Thomas H
 > Cc: Rudman, Mara (Jerusalem); Dolan, JoAnn; Baumert, Kevin A; Perina, Alexandra H; Heinemann, Thomas B
 > Subject: Fw: MFA flotilla briefing
 >



>
 > Jon
 >

> ----- Original Message -----
> From: Schwartz, Jonathan B
> To: Perina, Alexandra H; Heinemann, Thomas B
> Cc: Baumert, Kevin A; Harris, Robert K; Donoghue, Joan E; Dolan, JoAnn
> Sent: Mon May 31 09:05:16 2010
> Subject: Fw: MFA flotilla briefing
>

[Redacted]

B5

> Jon
>
> ----- Original Message -----
> From: Goldberger, Thomas H
> To: Dolan, JoAnn; Jacobson, Linda
> Cc: Holmstrom, Todd C; Schwartz, Jonathan B; Knopf, Payton L
> Sent: Mon May 31 08:24:00 2010
> Subject: FW: MFA flotilla briefing
>

[Redacted]

B5

>
>
> ----- Original Message ----- B3 DOD-CP
> From: [Redacted]
> To: Cunningham, James B; Levin, Jan; Operations Center; Jeffrey, James F; Sievers, Marc J; Parker, Andrew C; Grubb, Jason B; NEA-IPA-DL; Greene, Elisa; Marchese, Gregory M; Waters, John R; Amodeo, Salvatore A (Istanbul); Connelly, Maura; Feltman, Jeffrey D; Rudman, Mara (Jerusalem); [Redacted]
> [Redacted] M; Levin, Jan; [Redacted]
> Sent: Mon May 31 08:08:22 2010
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[Redacted] B3 DOD-CP

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B3 DOD-CP

>

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> Sent: Monday, May 31, 2010 1:38 PM

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> Subject: Re: MFA flotilla briefing

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>

B3 DOD-CP

> ----- Original Message -----

> From: Levin, Jan

> To: Operations Center; Jeffrey, James F; Cunningham, James B; Sievers, Marc J; Parker, Andrew C; Grubb, Jason B; NEA-IPA-DL; Greene, Elisa; Marchese, Gregory M; Waters, John R; [redacted] Amodeo, Salvatore A (Istanbul); Rudman, Mara (Jerusalem); Connelly, Maura; Feltman, Jeffrey D

> Sent: Mon May 31 13:20:31 2010

> Subject: MFA flotilla briefing

>

> MFA DG Yossi Gal and IDF Col. [redacted] briefed foreign ambassadors at 12:30 local time today.

B6

>

> Highlights - Identification of dead and wounded taking time. MFA will reach out proactively to Embassies as IDs are done, with location and status of citizens. The uninjured will be processed and escorted to airport for deportation. Unclear how long this will take.

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> Ambassador Cunningham requests that Embassy Tel Aviv clear Dept guidance on this issue, thank you.

Hotmail has tools for the New Busy. Search, chat and e-mail from your inbox. [Learn more.](#)

116

Bowers, Allyson M

From: Sindle, James M
Sent: Thursday, June 03, 2010 8:42 AM
To: Gaza Flotilla Monitoring Group
Subject: FW: 3 JUN 10 - FREE GAZA MOVEMENT (FGM) FLOTILLA UPDATE - WAVE # 2 (SITREP #6) (SECRET)
Attachments: Free Gaza Movement Flotilla Update_3 Jun 10.ppt; 20100604_TUR_IHH.ppt

RELEASED IN PART B1,B3 DOD-CP,1.4(A),B6,1.4(C)

Interesting that Rachel Corrie heading to Alexandria, Egypt.

From: Stein, Lawrence J. CAPT [mailto:Lawrence.Stein@jac.eucom.smil.mil]
Sent: Thursday, June 03, 2010 12:36 AM
To: Gardner, John D. LTG
Cc:

B3 DOD-CP

[Redacted content]

B6

(SECRET)

1.4(A)
B1

Good morning LTG Gardner-

Classification Extended on : 02/19/2013 ~ Class: SECRET ~ Authority: DSCG 11-1 ~ Declassify on: 06-02-2025

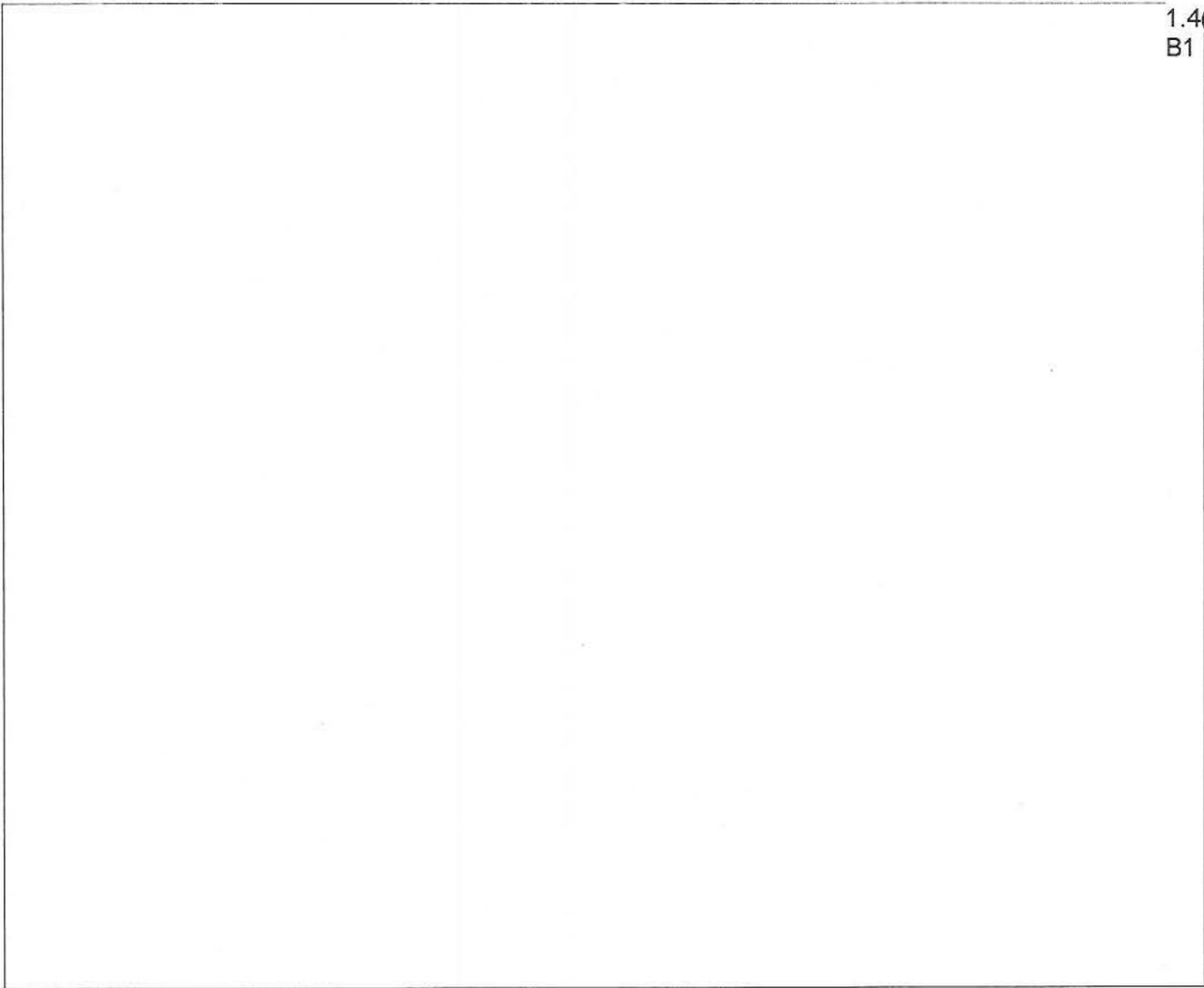
Situation Update:

[Redacted content]

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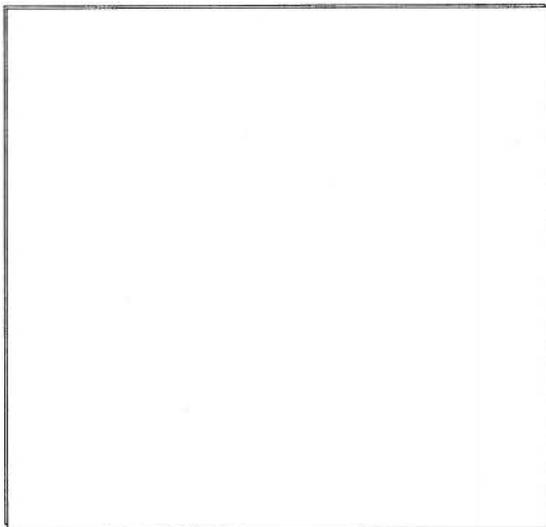
REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

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B6

B3 DOD-CP





B3 DOD-CP

B6

<<Free Gaza Movement Flotilla Update_3 Jun 10.ppt>> <<20100604_TUR_IHH.ppt>>

B5

JI

DPF

Schaefer, Courtney

From: Warlow, Molly
Sent: Thursday, February 17, 2011 10:08 AM
To: McHenry, Teresa; Warner, David
Cc: Hammer, Timothy; Schaefer, Courtney
Subject: RE: Meeting re Furkhat Dogan

RELEASED IN PART B5

I would recommend doing it with State – don't want to have them playing one against the other, plus I would want to know what state says, and I think this more a foreign relations than legal issue at this point. Would you be willing to attend?

Molly

~~From: Molly, Teresa~~
~~Sent: Wednesday, February 16, 2011 6:31 PM~~
~~To: Warlow, Molly; Warner, David~~
~~Cc: Hammer, Timothy; Schaefer, Courtney~~
~~Subject: Re: Meeting re Furkhat Dogan~~

WLF
-B5, AMP
DPF

I inclined to think we shid meet. Don't have strong preference re whether doj does w state, or we do separately
T

~~From: Warlow, Molly~~
~~To: Warner, David; McHenry, Teresa~~
~~Cc: Hammer, Timothy~~
~~Sent: Wed Feb 16 13:34:21 2011~~
~~Subject: RE: Meeting re Furkhat Dogan~~

WLF
-B5, AMP
DPF

Or join their meeting?

~~From: Warner, David~~
~~Sent: Wednesday, February 16, 2011 1:21 PM~~
~~To: McHenry, Teresa; Warlow, Molly~~
~~Cc: Hammer, Timothy~~
~~Subject: Fw: Meeting re Furkhat Dogan~~

Molly and Teresa, State is taking the meeting with Dogan. They are asking about our intentions re: his proposed meeting with us and whether we want to attend their meeting. With State taking the meeting, do we want to decline the meeting him perhaps provide a talking point that speaks to the lack of jurisdiction under US law? David

~~From: Wilson, Kathleen A <WilsonKA2@state.gov>~~
~~To: McDonough, Patricia E <McDonoughPE@state.gov>; Hammer, Timothy; Warner, David~~
~~Sent: Wed Feb 16 12:24:47 2011~~
~~Subject: RE: Meeting re Furkhat Dogan~~

State Dept

[Redacted]

B5

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REVIEW AUTHORITY: Charles Daris, Senior Reviewer

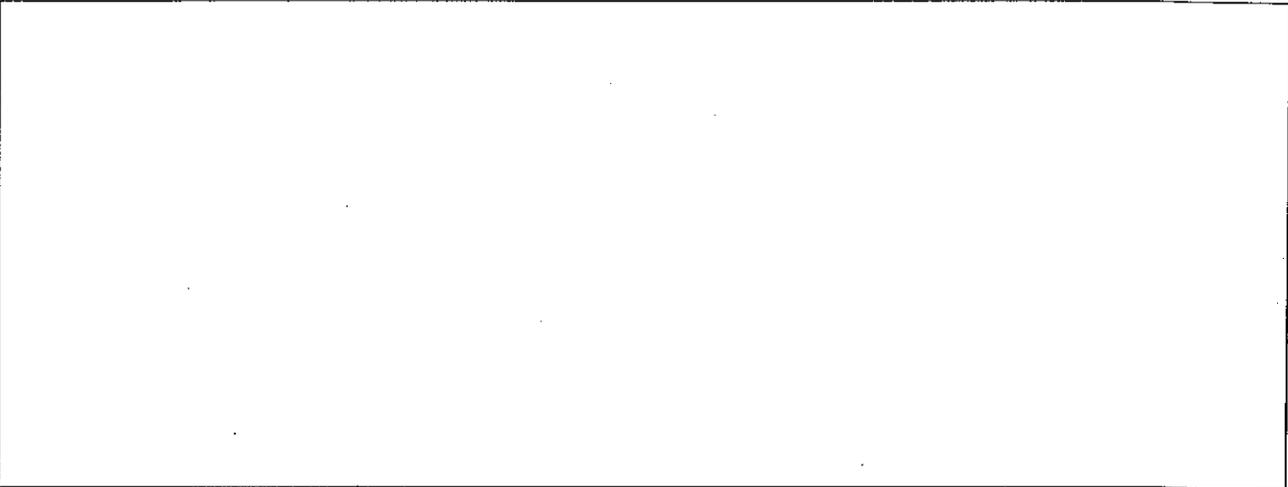
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*State
Dept*

From: McDonough, Patricia E
Sent: Wednesday, February 16, 2011 12:22 PM
To: Hammer, Timothy; 'Warner, David'; Wilson, Kathleen A
Subject: Meeting re Furkhat Dogan

Tim, David -



B5

Best,
Trish

Patricia E. McDonough
Attorney-Adviser
US Department of State
Office of the Assistant Legal Adviser, Law Enforcement and Intelligence (L/LEI)
Tel: 202-647-6194

This email is UNCLASSIFIED.

UNCLASSIFIED

RIF

Schaefer, Courtney

From: McHenry, Teresa
Sent: Friday, February 18, 2011 1:03 PM
To: Warlow, Molly; Warner, David
Cc: Schaefer, Courtney; Swartz, Bruce; Weinstein, Jason
Subject: FW: DOS meeting re: Dogan

J2

Lets discuss
Thks
t

From: McDonough, Patricia E [mailto:McDonoughPE@state.gov]
Sent: Friday, February 18, 2011 11:56 AM
To: Warner, David; McHenry, Teresa
Cc: Wilson, Kathleen A
Subject: DOS meeting re: Dogan

Still
dept

Teresa, David -

I have just been informed that the DOS meeting with Mr. Dogan and his counsel is not going to be open to include a DOJ representative. I had previously been asked to see if DOJ would be interested in attending that meeting on Wednesday, but the office that has been tasked with holding this meeting plans to confine the meeting to DOS consular matters. Thus, the current thinking is that a DOJ representative should not attend the DOS meeting - rather, if DOJ meets with Mr. Dogan and counsel, such a meeting should be separate.

I am sorry for the confusion on this issue! I just learned of this development this morning. I am happy to discuss - clearly there has been an evolution of thinking on this end and I do not know whether that will change again.

Best,
Trish

Patricia E. McDonough
Attorney-Adviser
US Department of State
Office of the Assistant Legal Adviser, Law Enforcement and Intelligence (L/LEI)

Tel: 202-647-6194

REVIEW AUTHORITY: Charles Daris, Senior Reviewer

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33

Sub
Next

McHenry, Teresa

From: McDonough, Patricia E [McDonoughPE@state.gov]
Sent: Tuesday, February 22, 2011 6:06 PM
To: Warner, David; McHenry, Teresa
Subject: FW: Haaretz - Father of teen killed in Gaza flotilla raid seeks American justice

David, Teresa - From the Turkey desk - you may wish to review (or pass to people attending the Dogan meeting at DOJ tomorrow) for information purposes, if you have not seen these already.

Best,
Trish

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This email is UNCLASSIFIED.

From: Gregonis, Meghan E
Sent: Tuesday, February 22, 2011 6:05 PM
To: McDonough, Patricia E
Subject: Haaretz - Father of teen killed in Gaza flotilla raid seeks American justice

Trish,
Below see a link to the NYTimes article from this summer and further below there's a Haaretz article from today. DOJ might want to review these in advance of the meeting, if they haven't done so already. Thanks,

Meghan

Meghan Gregonis • Senior Turkey Desk Officer • Office of Southern European Affairs • US Department of State
2201 C St, NW Rm 5511 Washington, DC 20520 | ☎: 202.647.9749 | ✉: GregonisME@state.gov

<http://www.nytimes.com/2010/07/27/opinion/27iht-edcohen.html?scp=1&sq=roger+cohen+dogan&st=nyt>

<http://www.haaretz.com/blogs/focus-u-s-a/father-of-teen-killed-in-gaza-flotilla-raid-seeks-american-justice-1.345023>

- Published 15:36 22.02.11
- Latest update 15:36 22.02.11

Father of teen killed in Gaza flotilla raid seeks American justice

Like the other people on board the Mavi Marmara, says Professor Ahmet Doğan, 'we did not expect Israelis to attack the ship in the middle of the night.'

By [Natasha Mozgovaya](#)

REVIEW AUTHORITY: Charles Daris, Senior Reviewer

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Did you see the video of IDF soldiers being attacked on the Mavi Marmara? Did it not look like a provocation to you?

"If these were really dangerous people, instead of throwing away the weapons that they captured from the soldiers, they could have used them and killed the soldiers. When the helicopters were tied to the ship with ropes so that the soldiers could scale down, they could have pulled them down, but they let them go," says Doğan.

"Have you ever imagined what it would be like to be in their shoes, being set upon by commandos at the crack of dawn? I think that the Israelis were the ones that wanted a provocation."

Doğan says he has nothing against Jews or Israel.

"The Turks accepted Jews that were expelled from Spain, Jews that fled the Second World War. That was Furkan's belief. If Jews were living under an oppressive regime, he would have joined a flotilla to aid them. When I studied in the U.S., I had a lot of Jewish friends, I never had anything against them."

"My opinion of the Israeli people has not changed, but I want those responsible for my son's death to face justice. Regardless of who is responsible, including army commanders and the politicians that send them. And if the State of Israel has self-respect, it must admit its mistake," says Doğan. "I would appeal to an Israeli court in a quest for justice, but I no longer believe that Israeli justice is impartial."

Doğan says that no Israeli has made any effort to contact him since the flotilla. "No government official and no peace activist. I was quite surprised by it, because I am sure that there are many people in Israel that do not agree with the policies of their government," he says. "I expected more solidarity."

"Twice we were contacted by the American Embassy, once regarding the death certificate, and a second time the ambassador called to express his condolences, two months after the incident." He has two more grown children, a boy and a girl. "I don't know if there are words that can express what they feel."

He received advice on how to deal with the U.S. government and the names of possible contacts from the parents of Rachel Corrie, the International Solidarity Movement activist that was killed by an Israeli bulldozer in Gaza. They met once in Istanbul and plan to meet again during Doğan's upcoming visit in the U.S.

"They told me who to talk to and what steps to take. They also told me that it won't be easy."

Doğan says that he has still not received the clothes that his son was wearing when he was killed, nor his video camera with which he filmed what happened on the ship.

"If Israel is so certain of its righteousness, I call upon it to stand trial at the international court in the Hague and provide its explanations," says Yugur Sevgili, Doğan's lawyer.

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54

B5

From: McDonough, Patricia E [mailto:McDonoughPE@state.gov]
Sent: Wednesday, February 23, 2011 11:52 AM
To: Warlow, Molly
Subject: FW: READOUT of meeting with Prof. Dogan (Feb 23)

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Privacy/PII
This email is UNCLASSIFIED.

From: Baily, Jess L
Sent: Wednesday, February 23, 2011 11:48 AM
To: McDonough, Patricia E
Cc: Gregonis, Meghan E
Subject: FW: READOUT of meeting with Prof. Dogan (Feb 23)

State Dept

This just come in. Jess

Privacy/PII
This email is UNCLASSIFIED.

From: Pettit, James D
Sent: Wednesday, February 23, 2011 11:41 AM
To: Schnier, David M; Riley, Robert J; Miller, Andrew T; Gregonis, Meghan E
Cc: Baily, Jess L; Mokhtarzada, Homeyra N; Baez, Alejandro X; Kaidanow, Tina S; Ellts, Colin C; Richter, Kim B; Sutphin, Paul R; Flood, Colleen B
Subject: READOUT of meeting with Prof. Dogan (Feb 23)

State Dept

(Please feel free to forward as necessary)

Participants:

DOS

REVIEW AUTHORITY: Charles Daris, Senior Reviewer

Jim Pettit (DAS for CA/OCS)
Kim Richter (OCS/ACS/NESCA)
Colleen Flood (OCS/PRI)

State Dept

Colin Eilts (NEA/IPA)

Dogan Party

Prof. Ahmet Dogan
Katherine Gallagher (attorney, Center for Constitutional Rights)
Ugur Sevgilli (attorney/interpreter)

Meeting was held at 10:00 a.m. in CA front office on Feb. 23, 2011.

I just want to share my general impressions - others were taking notes if addressees need more detail.

I expressed condolences to Prof. Dogan on the loss of his son. I told him that CA places a high priority on assisting the next-of-kin when a U.S. citizen dies abroad. He initially stated that he had no contact with the embassy after his son's body arrived in Turkey. I recounted dates and names of individuals from our embassy in Ankara (including the Ambassador) who were in touch with him in the first few days. He eventually qualified his initial assertion by stating that the embassy has not provided any information.

There were repeated calls for a USG investigation. I told them that the USG does not as a rule conduct investigations overseas, but must rely on local jurisdictions. In this instance, we were awaiting the findings of the UN SYG inquiry panel (Palmer Commission), which would be based on independent investigations of the Gaza Flotilla incident by the governments of both Turkey and Israel. I was queried as to why we did not accept the findings of the earlier UNHRC report and why the USG was critical of that report. I replied that we were seeking a more balanced and better informed study, noting that the UNHRC's mandate had been somewhat unclear and the investigation a bit "rushed." [REDACTED]

B5

The meeting was generally friendly, although Ms. Gallagher got a bit aggressive with her questioning toward the end, asking who/when/how we engaged with the Israelis on this issue, whether we had asked for an apology, etc. My response was always "we're waiting for the UN report."

Ms. Gallagher also pressed on the autopsy report, saying that it clearly showed summary execution of protesters and of Furkan. I told her I had seen the autopsy report and agreed that it seemed to evidence gunshots at close range, but that the characterization of the cause of death being "summary execution" was a call that would have to be made by experts who could determine the context.

I apologized for the delay in issuance of a Consular Report of Death, explaining that such documents are issued on the basis of a death report issued by local authorities and not just on the autopsy report.

The group is meeting with DOJ later today. I did say that there were circumstances under which the USG (including the FBI) could and would assist in investigation of crimes against U.S. citizens overseas, but that whether this incident fell within those narrow parameters would have to be determined by DOJ.

Ms. Gallagher pointed out that the Israelis have yet to return the video camera taken from Furkan and insisted that this needed to be returned both because 1) it was the property of a deceased U.S.

State Dept

citizen and 2) It could have crucial evidentiary/forensic value to the ongoing investigation. I agreed and we committed to ask for an update from our embassy in Tel Aviv on efforts to locate and return this item.

I did make the point that we have been in frequent contact with the Israelis on this matter, most recently on February 15.

At the end of the meeting, I told Prof. Dogan that he was always entitled to a response when he asked for information from the Department or our posts and that he should let me know personally if he was not receiving requested information. At the same time, I pointed out that many previous inquiries on his behalf to our embassy in Ankara were made by third parties who had no clear relationship to him (citing the Privacy Act). I added that our consular staff in Ankara would be happy to meet with him upon request.

Let me know if you have questions. I'll be back in the office on March 1.

Jim

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NON-RESPONSIVE PORTIONS
REDACTED

Text: ISRAEL
1d: LEBANON

UNITED STATES MISSION TO THE UNITED NATIONS



June 10, 2010

BRIEFING MEMORANDUM FOR THE DEPUTY PERMANENT REPRESENTATIVE

SENSITIVE BUT UNCLASSIFIED

FROM: POL – Jeff Delaurentis
SUBJECT: Meeting with Israeli MFA Deputy DG, IO, Eviatar Manor and BG Yossi Heymann, Friday, June 11, 4:00 p.m., USUN

Background

[Redacted]

[Redacted]

Issues/Talking Points

Gaza flotilla:
[Redacted]

[Redacted] Israeli Foreign Minister Lieberman told Ambassador Rice that the Israeli cabinet would likely make a decision on an investigation on Sunday, June 13.

[Redacted]

SENSITIVE BUT UNCLASSIFIED

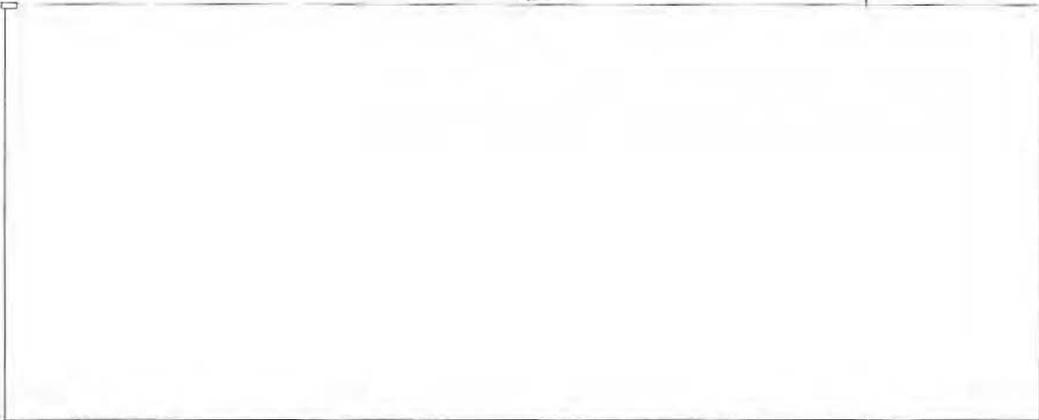
REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

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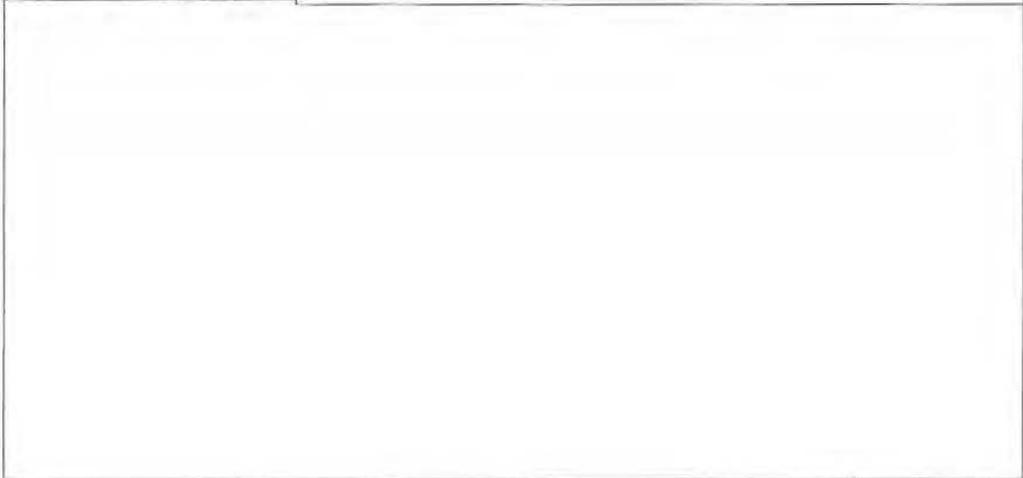
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NR



- We expect your government to conduct a prompt, impartial, credible and transparent investigation conforming to international standards that gets to all the facts surrounding the tragic incident. We are open to different ways of assuring a credible investigation, including international participation.

Lebanon/resolution 1701:



Ghajar:

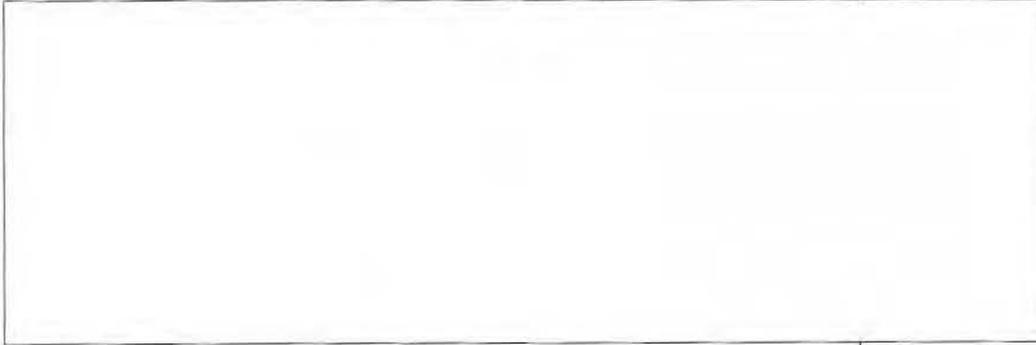


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SENSITIVE BUT UNCLASSIFIED

-3-



NR

SENSITIVE BUT UNCLASSIFIED

(Low side)

AW 06-8-10 Mtg with Isr MFA Dep DG Manor and BG Heymann.doc

Drafted: POL: ASchedlbauer

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Participants

Israel

Mr. Eviatar (Evi) Manor, Deputy Director General
for International Organizations, MFA
Brigadier General Yossi Heymann, Head of Strategic
Division, IDF

Ambassador Gabriela Shalev
Ambassador Danny Carmon
Haim Waxman, Deputy Perm Rep-designate
(will replace Ambassador Carmon in mid-August)
Inbal Eshed, Adviser

United States

Ambassador Wolff
Jeff DeLaurentis (t)
Ellen German
Amy Schedlbauer (notetaker)

REVIEW AUTHORITY: Sharon Ahmad, Senior
Reviewer

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The White House

Office of the Press Secretary

For Immediate Release

June 09, 2010

Remarks by President Obama and President Abbas of the Palestinian Authority after Meeting

Oval Office

11:58 A.M. EDT

PRESIDENT OBAMA: Hello, everybody. Be careful, careful.

Before I begin, I know that there was just a vote in the United Nations Security Council. I'm going to comment on that separately. I don't want to detract from the topic at hand here. So for reporters who are interested in that issue, I will be making a statement about that after our session here.

I just want to thank President Abbas for being here, and his delegation. We just concluded some very productive discussions on this issue. I commended President Abbas for the excellent work that he and Prime Minister Fayyad have been engaged in over the last several years in strengthening the security as well as improving the economic situation for his people. He's done so through hard work and dedication, and I think the whole world has noticed the significant improvements that we've seen as a consequence of his good administration.

But obviously there is a lot of work that remains to be done so that we can create a two-state solution in the Middle East in which we have an Israel that is secure and fully accepted by its neighbors, and a Palestinian people that have their own state, self-determination, and the ability to chart their own destiny.

Now, we've just gone through a difficult period in the region. We saw the tragedy with the flotillas, something that I think has drawn attention all around the world to the ongoing problems in Gaza. As part of the United Nations Security Council, we were very clear in condemning the acts that led to this crisis and have called for a full investigation. And it is important that we get all the facts out. But what we also know is that the situation in Gaza is unsustainable. I think increasingly you're seeing debates within Israel, recognizing the problems with the status quo. And so President Abbas and I had very extensive discussions about how we could help to promote a better approach to Gaza.

We agree that Israelis have the right to prevent arms from entering into Gaza that can be used to launch attacks into Israeli territory. But we also think that it is important for us to explore new mechanisms so that we can have goods and services, and economic development, and the ability of people to start their own businesses, and to grow the economy and provide opportunity within Gaza.

And so we are going to be working hand in hand to make sure that we come up with a better approach, and urge Israel to work with all parties involved -- Egypt, the Palestinian Authority, and the international community -- to find a resolution to this issue.

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

In the meantime, the United States -- which is already the biggest humanitarian aid donor in Gaza -- is going to be announcing an additional \$400 million in assistance for housing, school construction, business development -- not only in Gaza, but also in the West Bank, because we think it's important for us to reaffirm once again our commitment to improving the day-to-day lives of ordinary Palestinians.

Now, what we also discussed, though, and what we will continue to work on over the next several months is the fact that not only is the status quo with respect to Gaza unsustainable, the status quo with respect to the Middle East is unsustainable. It is time for us to go ahead and move forward on a two-state solution that will affirm the needs of Israeli citizens and will affirm the needs of Palestinian -- Palestinians who are desperate for a homeland.

We have had very productive proximity talks. Senator Mitchell -- who is here, I think standing in the back -- has been very active, working with both the Palestinians and the Israelis to try to start moving this process forward. And I want to thank President Abbas for participating in these proximity talks even under some difficult circumstances. He has shown courage and tenacity in wanting to resolve this issue. And we believe that with Israelis and the Palestinian Authority coming together, making clear that a peaceful, non-violent solution that recognizes both the security needs of Israel as well as the legitimate aspirations of Palestinians is the right way to go, can yield real progress in the coming months.

It's important that we understand the sense of urgency that the Palestinian people feel in this process. Obviously you've got organizations like Hamas that have not recognized Israel, have not renounced violence, who are calling for a different approach. And we think it's important that, given President Abbas's commitment to a peaceful diplomatic solution to these issues, and I think the desire of people both in Israel and Palestine -- Palestinian Territories for a peaceful solution, that we move forward. And the United States is going to put its full weight behind those efforts.

I did share with President Abbas, in order for us to be successful in these next several months, that both sides have to create an environment, a climate, that is going to be conducive to an actual breakthrough. And that means on the Israeli side, curbing settlement activity and recognizing some of the progress that has been made by the Palestinian Authority when it comes to issues like security. It means on the Palestinian side -- and I was very frank with President Abbas that we have to continue to make more progress on both security as well as incitement issues.

And if we can over the next several months try to lift up what are the honest and legitimate concerns of both sides and if both Palestinians and Israelis can recognize that they have a common interest in moving off of what has been this dead end, then I believe that potentially we can make significant progress before the end of the year.

So I just want to let President Abbas know that I said when I took office this was an issue that I cared deeply about and I was willing to spend a lot of time and energy and political capital on. That commitment has not wavered. And I think the American people want to see a resolution of this issue that is equitable. We will continue to work side by side with you, as well as the Israelis, to resolve this in a way that is good for the children and future generations both in Israel and in a future Palestine.

So thank you very much.

PRESIDENT ABBAS: (As translated.) Thank you, Mr. President. And we, indeed, have just held very important discussions that touched on the political process as well as the very important latest development that happened in Gaza.

Of course we value and deeply appreciate all the efforts of the United States, as well as the effort of President Obama, and all the assistance and help for pushing forward the economic and security levels. And we have reached a satisfactory picture of the economic and security levels. Yet we are determined to keep pushing forward in our efforts to bring it up to the next level.

And I also appreciate the attention and the determination of President Obama in seeing that we push forward the political process as soon as possible. And I assert and I affirm that we will not give up on this endeavor ahead of us, because it is in our interest, it is in the interest of Israel, in the interest of the world, and also, most of all, in the interest of the United States.

We know that time is of essence; we know that we must not miss this opportunity. We affirm the importance of bringing about peace and security in the region.

And I would like to thank President Obama for the support that he will give to Gaza -- and we have just talked about that now. This is a positive signal of the United States that the United States cares about the suffering of the people in Gaza and about the suffering of the Palestinian people.

And we also see the need to lift the Israeli siege of the Palestinian people, the need to open all the crossings, and the need to let building material and humanitarian material and all the necessities go into the Palestinian people.

And also we appreciate the attention given to the formation of an investigation committee that would investigate what happened in the latest events, the events of what we call the Freedom Flotilla, or the Freedom Fleet.

And I say in front of you, Mr. President, that we have nothing to do with incitement against Israel, and we're not doing that. What we care about is to live in coexistence with Israel, in order to bring about the independent Palestinian state that will live side by side with Israel in peace and stability.

We adopt and we affirm the Arab Peace Initiative that was adopted in summits, in Arab summits, as well as in summits held by Islamic countries. Fifty-seven Arab and Islamic countries have said that they would recognize Israel if Israel withdrew from the occupied Arab land.

Mr. President, we thank you and we express our deep respect for all your efforts, specifically on the peace process and bringing about peace in the Middle East. We know the two-state solution you said is a critical interest of the United States. This is a slogan that we are proud of and we will pursue very seriously our efforts in order to bring about peace in the Middle East.

PRESIDENT OBAMA: We got time for, I think, two questions. So, on the U.S. side, we're going to call on Matt Spetalnick of Reuters.

Q Yes, Mr. President, I know you're going to be making a statement later on Iran, but I just wondered if --

PRESIDENT OBAMA: Yes, so just don't waste that question on that.

Q You're not going to answer anything --

PRESIDENT OBAMA: I'll do that at the next one.

Q Okay. Did President Abbas ask you to take a tougher line with Israel over the Gaza aid flotilla raid, and will you in fact do so in outright condemnation of Israel's actions? And do you support Israel's insistence on doing a flotilla investigation on its own, perhaps with some foreign involvement, or are you in favor of the U.N. proposal for a completely independent inquiry?

PRESIDENT OBAMA: Well, let me take the second question first. What the U.N. Security Council called for was a credible, transparent investigation that met international standards. And we meant what we said; that's what we expect.

I think everybody -- people in Israel, people in Turkey, people within the Palestinian Territories, certainly people here in the United States -- want to know the facts of this tragedy, what led to it, how can we prevent it in the future. And I think I've said to the Israelis directly and certainly my team has communicated the fact that it is in Israel's interest to make sure that everybody knows exactly how this happened so that we don't see these kinds of events occurring again. And we expect that the standard that was called for in the U.N. Security Council to be met.

With respect to the issue of taking a tougher line, I think President Abbas and I spent most of our time discussing how do we solve the problem. One of the things that we see is that so often rhetoric when it comes to issues in the Middle East outstrip actually solving issues. And our conversation was focused on how do we actually allow more goods, more services into Gaza? How do we allow businesses to thrive? How can we get construction moving? How can we put people to work in Gaza?

The Palestinian Authority is already doing a number of things inside of Gaza, providing employment opportunities, providing assistance to people directly. The United States is already providing assistance. But the status quo that we have is one that is inherently unstable. And I think the Israelis have come to recognize that.

The question now is how do we create a different framework so that people in Gaza can thrive and succeed, so that extremists are isolated as opposed to having an excuse for engaging in violent activities; but also, how do we do it in a way that Israel's legitimate security concerns are met.

We -- and I think President Abbas agrees with this -- recognize that Israel should not have missiles flying out of Gaza into its territories. And so there should be a means by which we are able to stop the flow of arms that could endanger Israel's security. At the same time, we're doing so in a way that allows the people in Gaza to live out their aspirations and their dreams both for themselves and their children. And that's something that we're going to spend a lot of time focusing on. And we've already begun some hard-headed discussions with the Israelis in achieving that.

Q (Asks a question in Arabic.)

And, Mr. President, if I may ask you a question --

PRESIDENT OBAMA: Okay, I was just finding out what you were asking him. (Laughter.)

Q: I can translate that to you if you want. I just asked him that there is talk that the administration wants to move from proximity talk to direct negotiation, what the Palestinian Authority wants to see as a condition to move to that stage.

And if I may ask you, the European Union has proposed opening of the Gaza crossing. Would you endorse that, with the E.U. supervision? And the money you talked about now, the \$400 million, what mechanism -- who is going to distribute this money? Because in the past it has been a problem regarding the money.

PRESIDENT ABBAS: (As translated.) With regards to the transitioning from the proximity talks to the direct talks, we did not say -- we are not saying that we have conditions. What has happened is that we agreed that should a progress be achieved, then we would move on to direct talks. We are working in order to make progress. President Obama is working for that to see progress. And we -- this is what we have.

PRESIDENT OBAMA: With respect to the aid to Gaza, I'll let my team give you the details in terms of how that will be administered and how the money will begin to flow.

With respect to the broader issue of lifting the blockade, as I said before, I think the key here is making sure that Israel's security needs are met, but that the needs of people in Gaza are also

met. And it seems to us that there should be ways of focusing narrowly on arms shipments, rather than focusing in a blanket way on stopping everything and then in a piecemeal way allowing things into Gaza.

So if we can get a new conceptual framework -- and I'll be talking to my European counterparts, as well as Egypt and Israel and the Palestinian Authority -- it seems to me that we should be able to take what has been a tragedy and turn it into an opportunity to create a situation where lives in Gaza are actually directly improved.

But let me make this final point, that in the long run, the only real way to solve this problem is to make sure that we've got a Palestinian state side by side with an Israel that is secure. And so we're going to be dealing with these short-term problems, but we also have to keep our eye on the horizon and recognize that it's that long-term issue that has to be focused on. So many of the immediate problems in front of us have to do with the fact that we haven't solved this broader problem.

Okay? Thank you very much, everybody.

END

12:21 P.M. EDT

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Non-Relevant
Excised

MIDDLE EAST
ISRAEL
PALESTINE



799 United Nations Plaza
New York, N.Y. 10017

UNITED STATES MISSION TO THE UNITED NATIONS

July 28, 2011

BRIEFING MEMORANDUM FOR THE PERMANENT REPRESENTATIVE

SENSITIVE BUT UNCLASSIFIED

FROM: POL – Ellen Germain, Acting

THROUGH: EXEC – Ambassador DiCarlo

SUBJECT: Meeting with Malcolm Hoenlein, Executive Vice Chairman of the Conference of Presidents of Major Jewish Organizations; Monday, August 1; 10:00 a.m.

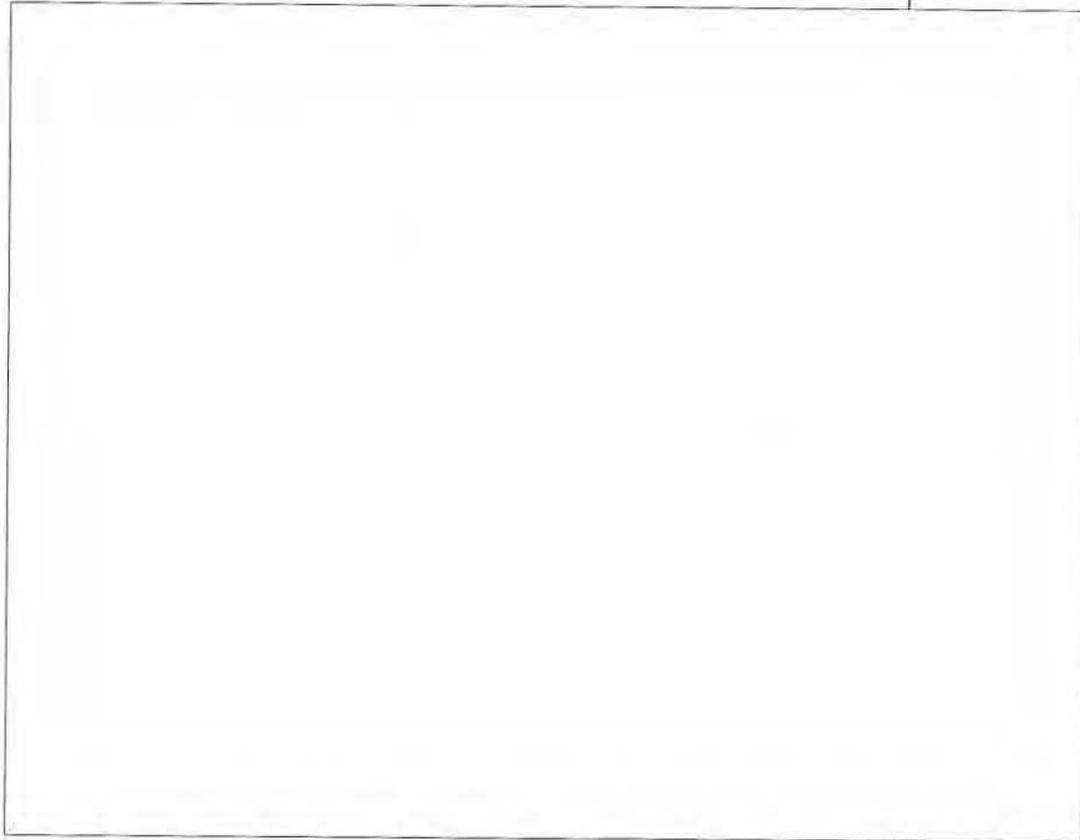


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REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

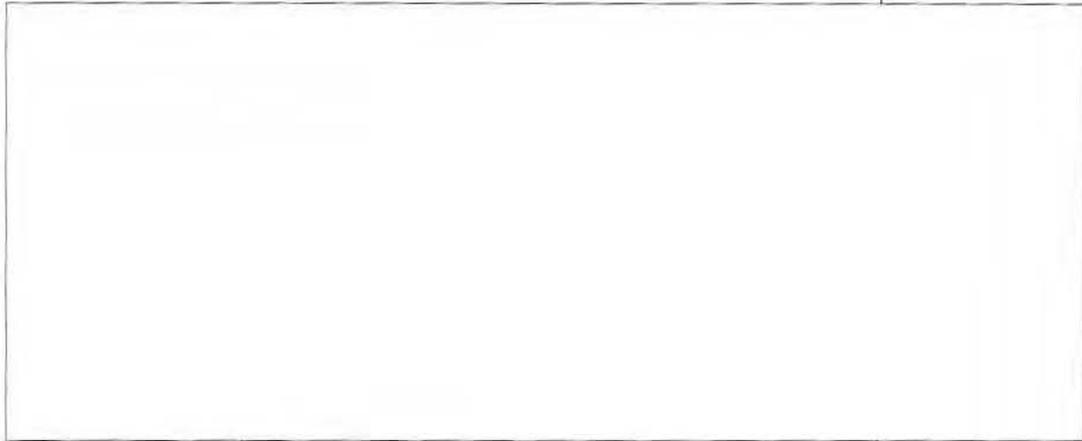
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Flotilla/Palmer report: The efforts in early July to launch a second flotilla to Gaza fizzled, as did simultaneous efforts to create an "air flotilla." The Greek government was helpful in refusing permission for vessels to sail to Gaza, and the one French vessel that did finally sail on July 19 was peacefully intercepted by the Israeli Navy. Israel detained activists who arrived by air at Ben Gurion airport on July 8.

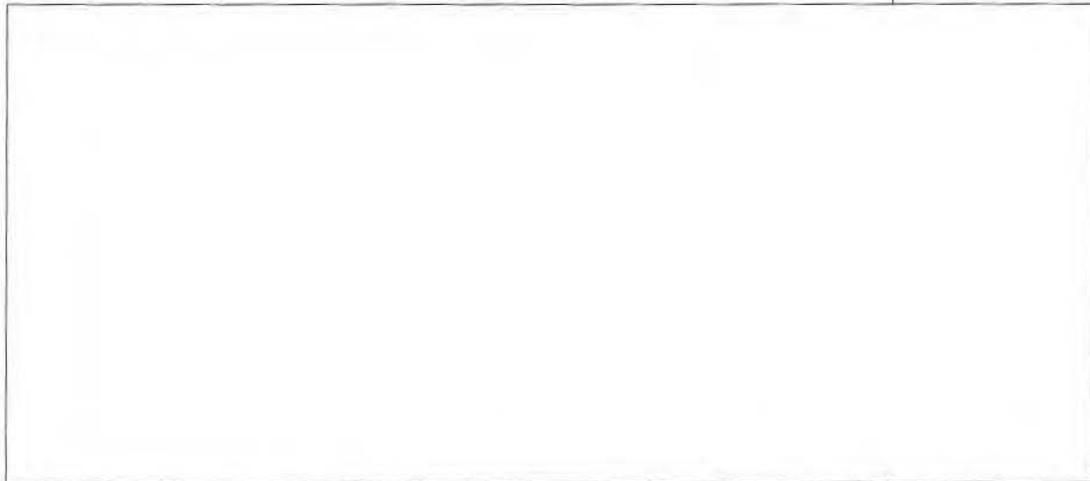
The Israeli press has reported that release of the Palmer report will be delayed until August 20, at Israel's request, and Israeli DPR Waxman confirmed to us that the report will be delayed until August 22. News reports say the Israeli-Turkish talks are deadlocked over the issue of an Israeli apology to Turkey for the May 31 incident. In his statement during last week's open debate on the Middle East, the Turkish DPR said Israel must apologize and pay compensation, otherwise there will be no normalization of diplomatic relations.

IF RAISED ISSUES:

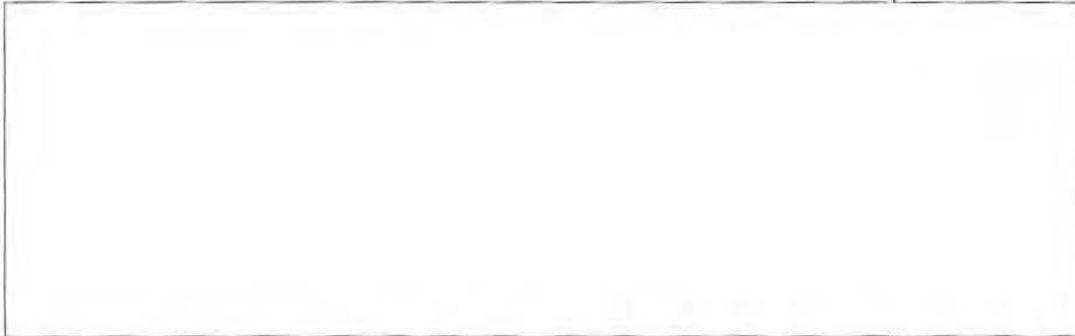


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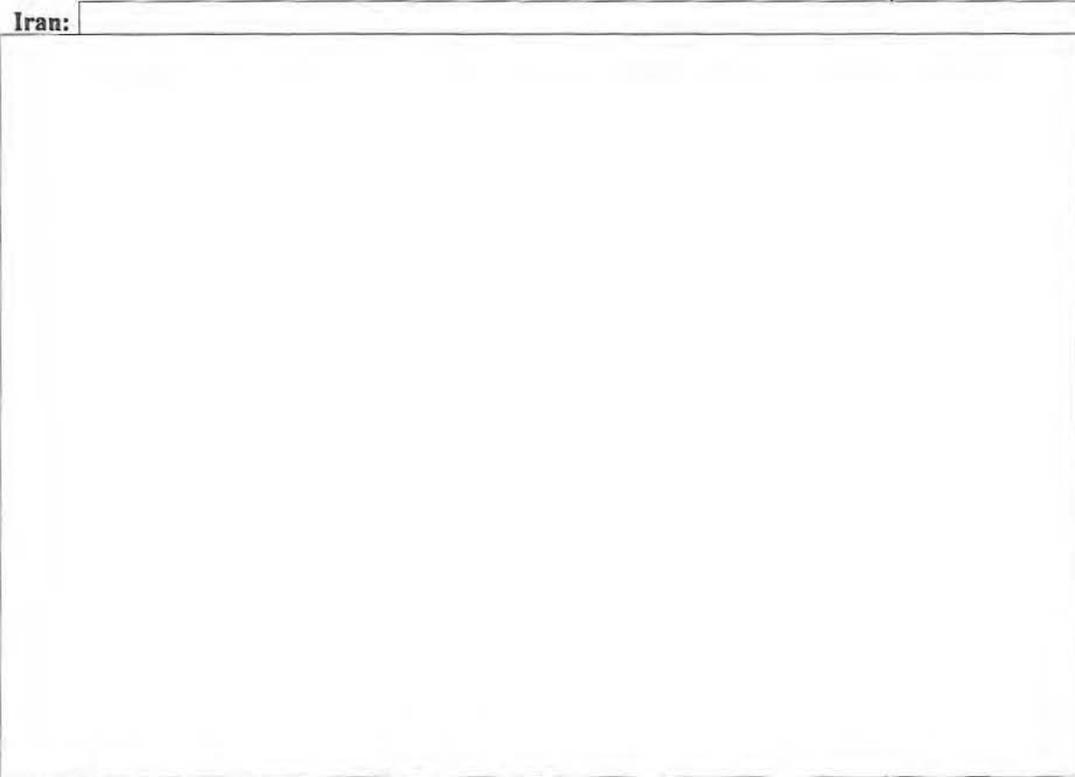
Syria:



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Drafted: POL: EGermain

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Text: PALESTINE
3d: ISRAEL
SOC 14 (ARMED CONFLICT)
MIDDLE EAST

NON-RESPONSIVE PORTIONS
REDACTED



UNITED STATES MISSION TO THE UNITED NATIONS

140 East 45th Street
NEW YORK, N.Y. 10017-3505

June 11, 2010

MEMORANDUM FOR THE PERMANENT REPRESENTATIVE

SENSITIVE BUT UNCLASSIFIED

FROM: POL – Jeff DeLaurentis
THROUGH: EXEC – Ambassador Wolff
SUBJECT: Security Council Briefing/Consultations on the Middle East, June 15, 2010,
Security Council Chamber/Consultation Room

BACKGROUND:

Assistant Secretary-General for Political Affairs Oscar Fernandez-Taranco will likely brief the Council on events in the region since the Council's last regular meeting on the Middle East on May 18 and the Council's emergency meeting on the Middle East on May 31 and the issuance of the Presidential Statement. He will likely review the events of May 31 and what has happened subsequently. He may touch on the Secretary-General's consultations with various parties on an investigative mechanism. The most recent public comment from the Secretary-General's office on the investigation came on June 8 from his spokesman: "We have been asked since yesterday about reports that Israel may reject any international investigation into the 31 May incident involving the flotilla. First, we have not yet received an official response from Israel. We would like to underscore the Secretary-General's considered view that credible international involvement is crucial to a prompt, credible, impartial and transparent investigation, as called for in the Security Council's Presidential Statement of 1 June. The Secretary-General understands that Israel is still considering how and if to bring an international element into the investigative process." Fernandez-Taranco should also highlight that the proximity talks between Israelis and Palestinians continued during the May 31 crisis.

[Redacted]

[Redacted]

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REVIEW AUTHORITY: Sharon Ahmad, Senior
Reviewer

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[Redacted]

[Redacted]

The talking points for Tuesday's consultations have been fully cleared within the Department and by the NSC. There has not yet been a formal Israeli government announcement of its plans for a national (non-IDF) investigation. Such an announcement could come on Sunday, June 13, as Foreign Minister Lieberman mentioned to you, and Washington and USUN may want to update the remarks with revised language to reflect the announcement. The remarks also only contain general language on the need for a new mechanism for Gaza. If there is agreement with the GOI before the meeting on Tuesday, revised language could be included.

Until we have formal announcement of an Israeli national investigation and/or a new mechanism for Gaza, here is the current NSC guidance:

- AS WE'VE SAID FROM THE BEGINNING, we support an Israeli-led investigation into the flotilla incident that is prompt, credible, impartial, and transparent.
- We are open to different ways of ensuring the credibility of this Israeli-led investigation, including international participation, and have been in intensive talks with our Israeli partners in the past few days on how to move forward.
- We know of no resolution that will be debated at the UN on the flotilla investigation next week.

Attachment: Draft talking points for consultations

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Cleared: POL: EGermain ok

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**NON-RESPONSIVE PORTIONS
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**UNSC Middle East Consultations
Talking Points
June 15, 2010**

Thank you, Mr. President, and thank you, Assistant Secretary-General Fernandez-Taranco, for your briefing.

[Redacted]

[Redacted]

On June 1, the President of the Council issued a statement in reaction to the incident involving the convoy sailing to Gaza, expressing on behalf of all Council members our deep regret at the loss of life and injuries, and our condolences to the families. The Council condemned those acts which resulted in these casualties, and called for a prompt, impartial, credible and transparent investigation conforming to international standards.

[Redacted]

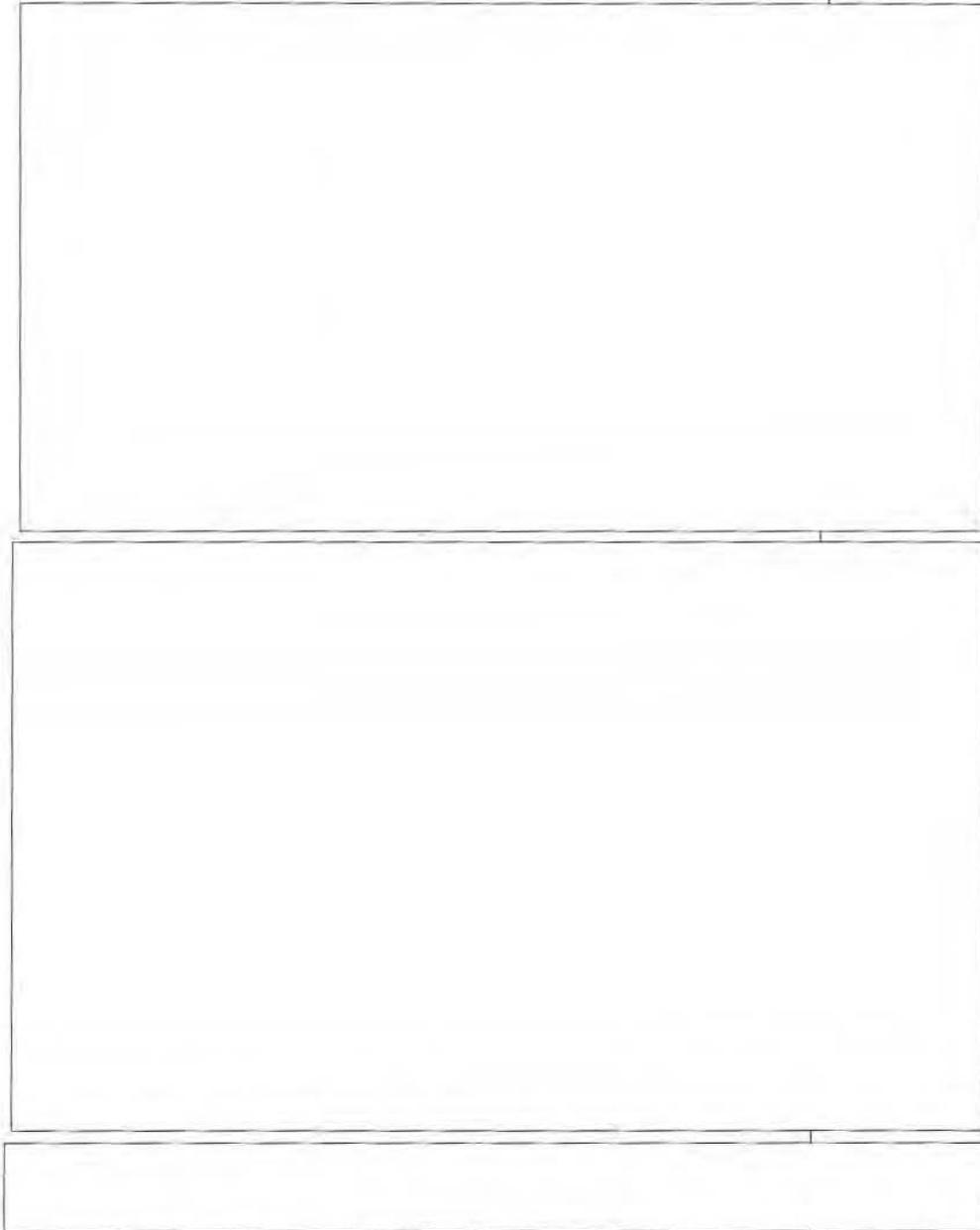
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Thank you Mr. President.

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ISRAEL



UNITED STATES MISSION TO THE UNITED NATIONS

June 10, 2010

BRIEFING MEMORANDUM FOR THE PERMANENT REPRESENTATIVE

SENSITIVE BUT UNCLASSIFIED

FROM: POL – Bill Grant
THROUGH: EXEC – Ambassador DiCarlo
SUBJECT: Your meeting with IDF Intelligence Director Major General Aviv Kochavi, your office

Background

[Redacted]

NR

This is an opportunity to ask for the latest IDF assessments of a second Gaza flotilla.

[Redacted]

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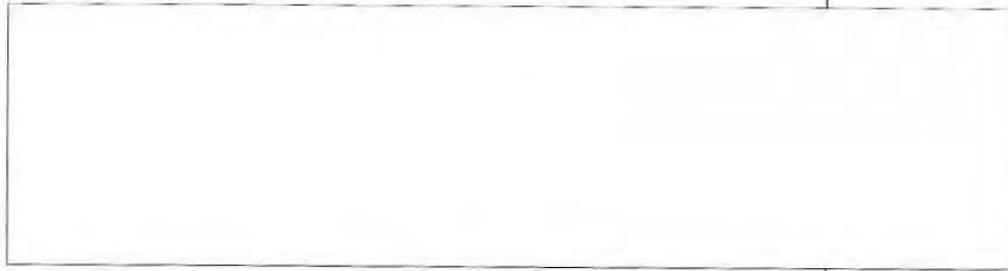
[Redacted]

On the flotilla, Warren's email readout (on the other system) of yesterday's meeting in Washington is our most up-to-date information.

[Redacted]

- What are the IDF's plans for handling a possible second Gaza flotilla?

[Redacted]



NR

Attachments:



ISRAEL ✓
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UNITED STATES MISSION TO THE UNITED NATIONS



June 10, 2010

BRIEFING MEMORANDUM FOR THE PERMANENT REPRESENTATIVE

SENSITIVE BUT UNCLASSIFIED

FROM: POL – Bill Grant
THROUGH: EXEC – Ambassador DiCarlo
SUBJECT: Your meeting with Israeli ambassador to the United States, Michael Oren, June 13, your office

Background

[Redacted]

Oren is also likely to want to discuss
Gaza flotilla follow-up.

[Redacted]

[Redacted]

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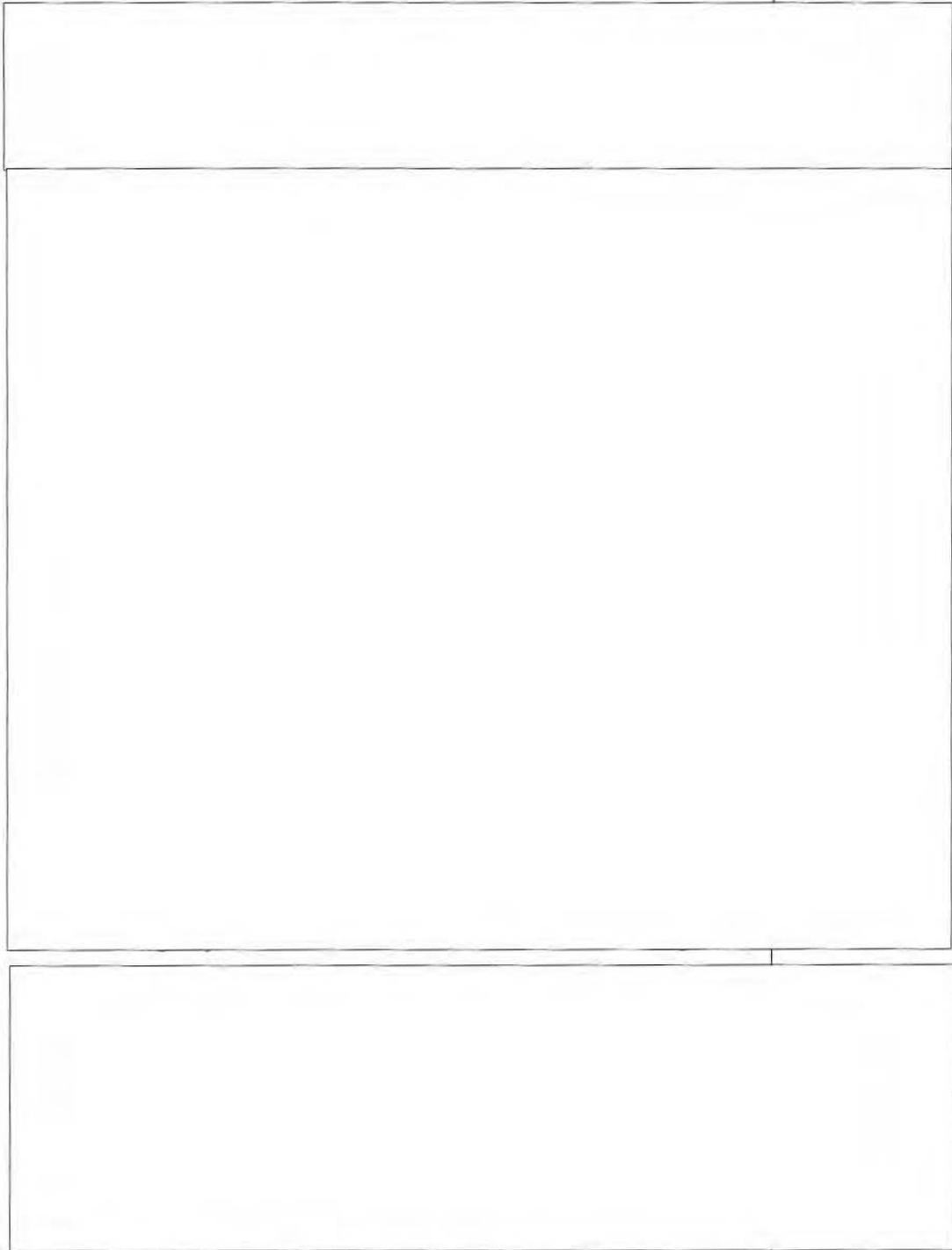
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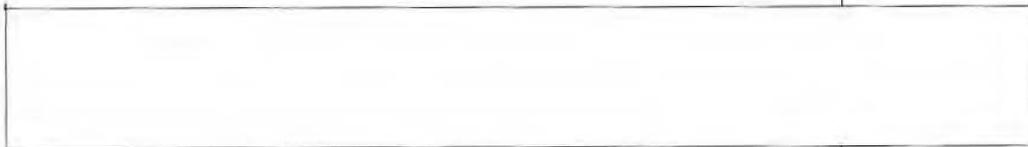
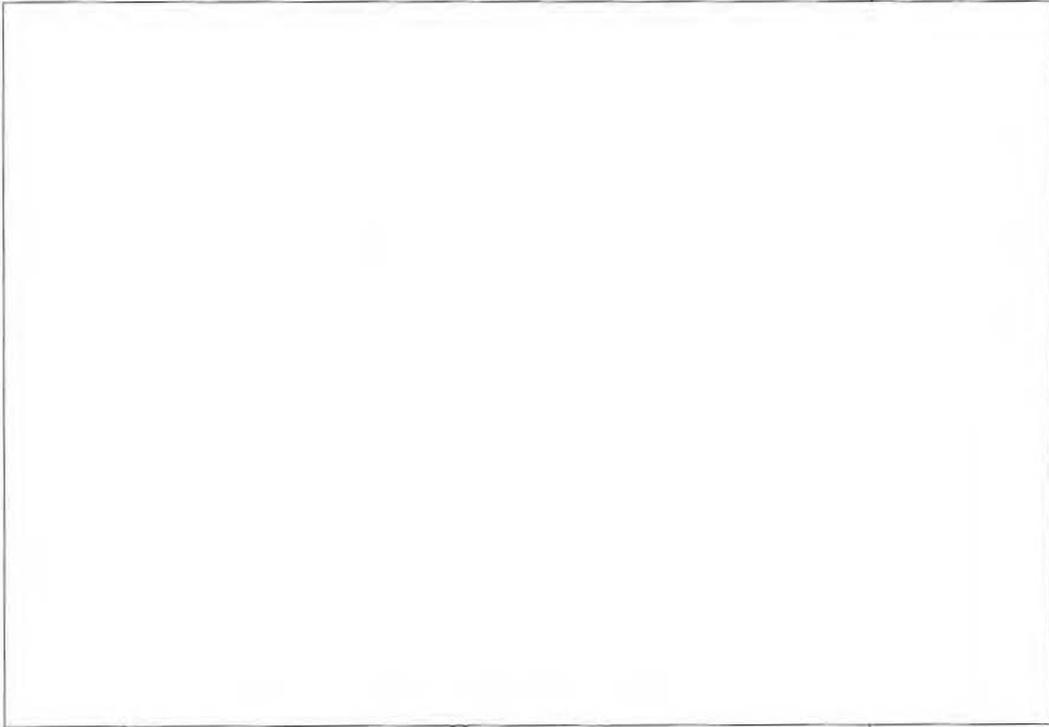
Gaza flotilla: Turkey has again presented a resolution in Geneva on the follow-up to the Human Rights Council's fact-finding mission on the May 31, 2010, flotilla incident. We will again vote no, most likely in complete isolation. The new resolution requests that the SYG take into consideration the conclusions contained in the report of the HRC fact-finding Mission and drops positive language on the Palmer panel, which Turkey had included in prior HRC resolutions on the incident. The Turkish press has reported that the draft Palmer report says the Israeli blockade of Gaza does not breach international law, and that Turkey is threatening to pull out of the panel unless the report changes.

- We're grateful to those who have issued statements discouraging activists from attempting another flotilla to Gaza, including the SYG. We remain committed to working together with Israel to further expand the flow of reconstruction material and exports, with appropriate safeguards.
- As evidenced by recent terrorist attacks, Gaza militants possess and continue to seek advanced weapons and Israel has legitimate security concerns.
- (If raised - Palmer panel) The SYG told the press on June 6 that the Palmer Panel will report sometime in July, but that no exact date has been set as the panel's work is ongoing.

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UNITED STATES MISSION TO THE UNITED NATIONS

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NEW YORK, N.Y. 10017-3505

July 19, 2010

**BRIEFING MEMORANDUM FOR ALTERNATE REPRESENTATIVE FOR SPECIAL
POLITICAL AFFAIRS**

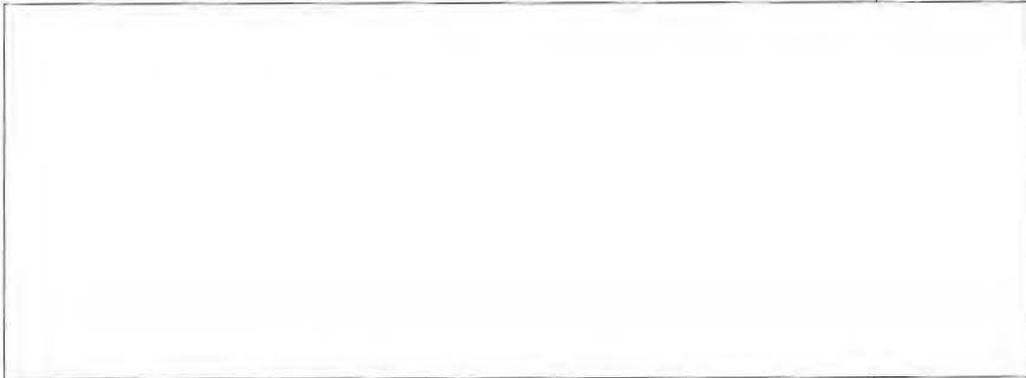
SENSITIVE BUT UNCLASSIFIED

FROM: POL – William Grant
SUBJECT: Security Council Briefing/Open Debate on the Middle East, July 21, 2010

BACKGROUND:

Under Secretary-General for Political Affairs Pascoe will brief the Council on events in the Middle East since the June 15th briefing by UN Middle East Special Coordinator Robert Serry. In June the Secretariat briefing focused on events in Gaza, in the wake of the May 31 Gaza flotilla incident. The June briefing occurred before Israel's new policy on access for goods into Gaza was announced on June 20. The U.S. statement at this meeting will be the first public U.S. remarks on the Gaza flotilla incident since the June 13 White House statement, from which your remarks are largely drawn.

Regarding the flotilla incident, Serry noted that, "The SYG has taken note of Israel's announcement [of its own investigation] and recognized that a thorough Israeli investigation is important and could be consistent with the SYG's own proposals for an international panel. The two combined would fully meet the international community's expectation for a credible and impartial investigation. The SYG's proposal is not incompatible with domestic inquiries; in fact, the two approaches are complementary, so his proposal, accordingly, remains on the table."



NR

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Reviewer SENSITIVE BUT UNCLASSIFIED

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Attachment: Remarks

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Cleared: POL: EGermain

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ISRAEL
PALESTINE
LEBANON
MIDDLE EAST



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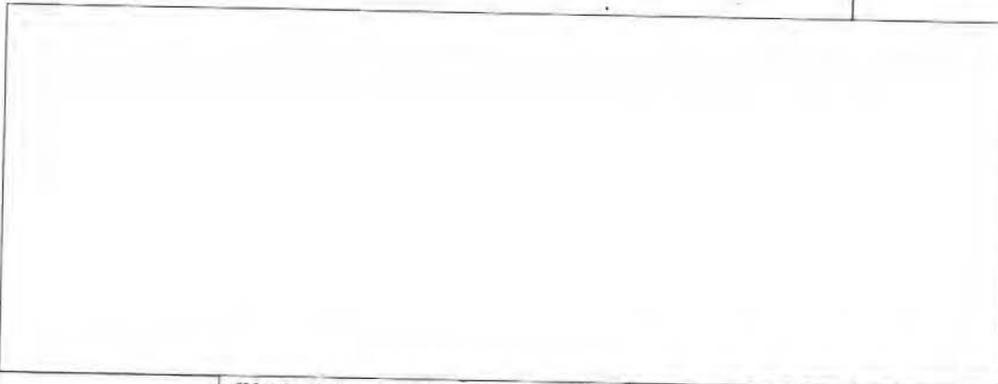
October 15, 2010

BRIEFING MEMORANDUM FOR THE PERMANENT REPRESENTATIVE

SENSITIVE BUT UNCLASSIFIED

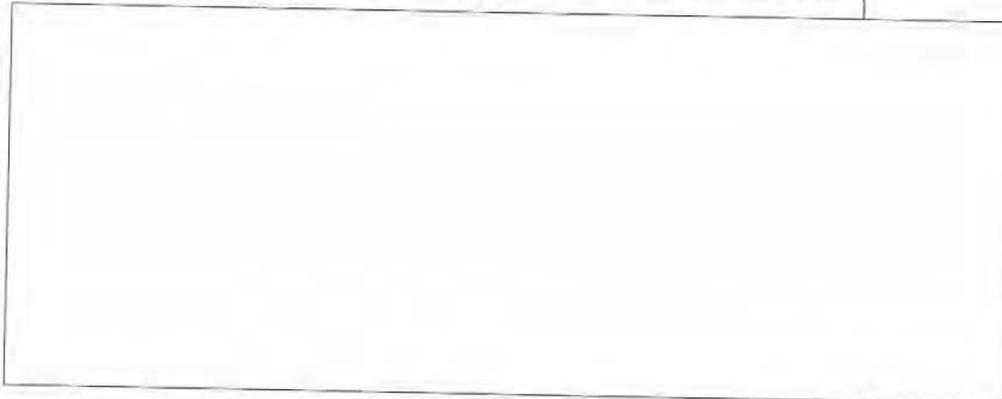
FROM: POL – Bill Grant
THROUGH: EXEC – Ambassador Anderson
SUBJECT: Security Council Briefing/Open Debate on the Middle East, October 18, 2010

BACKGROUND:



NR

[Redacted] We don't expect a Secretariat update on the Gaza flotilla panel, although Turkish victims' families appealed to the ICC prosecutor on the issue this week.



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Remarks by Ambassador Susan E. Rice,
U.S. Permanent Representative
To the United Nations,
At an Open Security Council Debate
On the Middle East
October 18, 2010

Thank you, Mister President, and thank you, Under Secretary-General Pascoe, for your helpful briefing today.

Mr. President, last month, Israeli and Palestinian leaders took the momentous step of returning to direct talks. The core issues of this longstanding and tragic conflict will not be easily resolved. Direct talks are the path for the parties to reach a solution that resolves all issues, ends all claims, and establishes a viable state of Palestine alongside a secure state of Israel, as a key part of a comprehensive peace among Israel and all of its neighbors.

The United States will continue to be a vigorous and steadfast partner in this vital effort. We are working closely with both sides to allow these negotiations to continue. So we were disappointed by the announcement of new tenders in East Jerusalem on October 14, which was contrary to our efforts to resume negotiations. We have long urged both parties to avoid actions that could undermine trust, including in Jerusalem, and we will continue to do so as we work to make progress toward Middle East peace. Ultimately, however, forging a lasting and just peace will depend on leadership, vision, and courage from the Israelis and the Palestinians.

As President Obama has noted, we have urged Israel to extend the settlement moratorium, which we believe makes sense as long as constructive talks are underway. As we continue to urge Prime Minister Netanyahu to institute another moratorium, we also urge President Abbas to resume negotiations, which remain the only way to resolve the conflict's most difficult issues and give the Palestinians the dignity of an independent state of their own.

We know that many obstacles lie ahead. We know that attempts to move toward lasting peace may be met by rejectionists and terrorism. But we must not let the forces of violence and despair determine whether Israeli and Palestinian children will live in peace or languish in conflict. We must press forward together toward our common goal of a comprehensive Arab-Israeli peace including a two-state solution, with Israel and Palestine living side by side in peace and security. That goal is in the interests of Israelis, Palestinians, the United States, and all those who seek to maintain international peace and security. Those in the region who want a Palestinian state should do all they can to support the parties' efforts to bring about a just and lasting peace. And those around the world who seek an end to this bitter conflict should support these efforts and do nothing to undermine them.

Mr. President, let me turn to the situation in Gaza. We continue to view the situation there with concern. Israel's July 5 announcement was an important step in improving the flow of goods and material into Gaza. That progress is continuing several months later, and we encourage the Government of Israel to take further steps to expand trade in both directions, consistent with its security needs. All those wishing to deliver goods should do so through the expanded

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

established channels to ensure that Israel's legitimate security needs are addressed even as the Palestinians' humanitarian needs are met.

Let us also remember the Israeli soldier Gilad Shalit, whom Hamas abducted in 2006 and who remains in captivity. We call again for his immediate release.

In its June 1 presidential statement on the flotilla incident, the Council called for a prompt, impartial, credible, and transparent investigation conforming to international standards. We commend the Secretary General's constructive initiative in convening a panel that will receive and review the results of Israel and Turkey's investigations. We welcome the spirit of cooperation that this panel represents and continue to regard it as the primary and most appropriate method for the international community to review the incident.

Mr. President, let me conclude by touching on the situation in Lebanon. The United States remains firmly committed to Lebanon's sovereignty and independence, and therefore to the full implementation of Resolutions 1559, 1680, and 1701. We continue to be gravely concerned with attempts by foreign players to undermine Lebanon's independence, endanger its stability, and interfere with its sovereign affairs. The continuing flow of weapons and war-fighting material across the Syrian border to Hizballah is a reckless practice that risks plunging the region into open conflict. We urge this Council to remain vigilant to these destabilizing trends, which threaten international peace and security and the lives of innocent civilians on both sides of the Blue Line.

Finally, let me turn to the Special Tribunal for Lebanon. On October 6, the Secretary-General rightly and unequivocally noted that the Tribunal is an independent body, with a clear mandate from the Security Council to uncover the truth and end the era of impunity for political assassinations in Lebanon. The Tribunal is an independent judicial entity; its work is not a matter of politics but of law. The Tribunal is fulfilling its independent judicial mandate under this Council's Resolution 1757, at the request of the sovereign government of Lebanon. We completely endorse the Secretary-General's statement that the Tribunal's efforts must go forward without interference. Efforts to discredit, hinder, or delay the Tribunal's work should not be tolerated, and those who engage in them do not have the interests of Lebanon or justice at heart.

Thank you, Mr. President.

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Text- PALESTINE
3d- ISRAEL
MIDDLE EAST
LEBANON



UNITED STATES MISSION TO THE UNITED NATIONS

140 East 45th Street
NEW YORK, N.Y. 10017-3505

August 16, 2010

**BRIEFING MEMORANDUM FOR THE ALTERNATE REPRESENTATIVE FOR
SPECIAL POLITICAL AFFAIRS**

SENSITIVE BUT UNCLASSIFIED

FROM: POL – Ellen Germain, Acting
SUBJECT: Security Council Briefing/Open Debate on the Middle East, August 17, 2010

BACKGROUND:

Assistant Secretary-General Oscar Fernandez-Taranco will brief the Council on events in the Middle East since the July 21 briefing by Under Secretary-General for Political Affairs Pascoe.



NR

The Council welcomed the August 2 announcement by the SYG of the formation of a panel of inquiry on the Gaza flotilla incident of May 31st with a press statement (Attachment A). Council members may probe Fernandez-Taranco for additional information about the panel, as the Secretariat has carefully restricted information flow in the wake of last week's confusion over the panel's work when the press asked questions about summoning Israeli soldiers to testify.



U.S. draft remarks are attached (Attachment B).

Attachment:

- A) August 4 Council Press Statement
- B) U.S. talking points

**REVIEW AUTHORITY: Sharon Ahmad, Senior
Reviewer**

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Drafted: POL: BMasilko, 4-4190

Cleared: POL: EGermain

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**SECURITY COUNCIL PRESS STATEMENT ON PANEL OF INQUIRY ON 31 MAY FLOTILLA
INCIDENT**

The following Security Council press statement was read out on 3 August by Council President Vitaly Churkin (Russian Federation):

The members of the Security Council welcomed the establishment by the Secretary-General of the United Nations of the Panel of Inquiry on the flotilla incident of 31 May 2010.

The members of the Security Council look forward to a successful implementation by the Panel of its mandate, as announced by the Secretary-General as based on the statement of the President of the Security Council of 1 June 2010, which called for a prompt, impartial, credible and transparent investigation conforming to international standards.

The members of the Security Council welcomed the commitment of Israel and Turkey to provide full cooperation to the Panel.

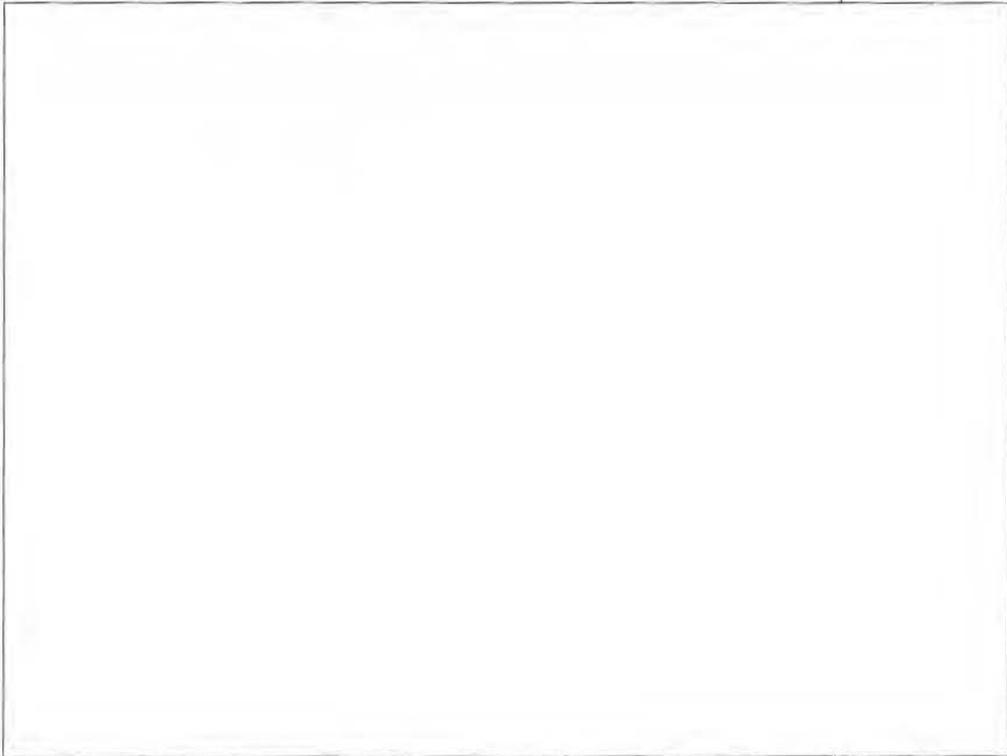
**REVIEW AUTHORITY: Sharon Ahmad, Senior
Reviewer**

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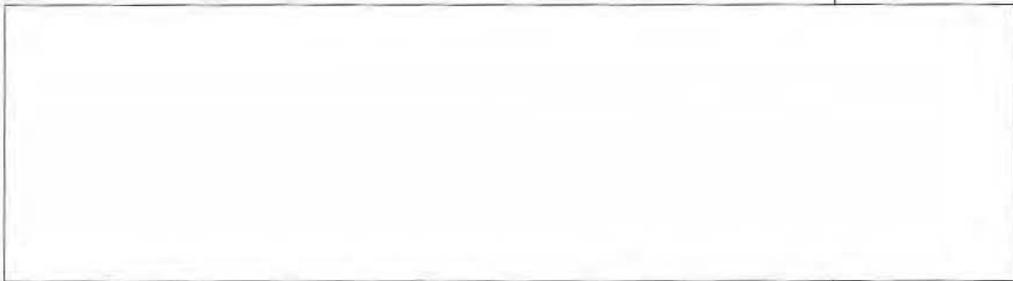
NON-RESPONSIVE PORTIONS
REDACTED

Talking Points for Ambassador Brooke D. Anderson,
U.S. Alternate Representative
For Special Political Affairs,
At Security Council Consultations on
The Middle East
August 17, 2010

- Thank you, Mr. President, and thank you, Assistant Secretary General Fernandez-Taranco, for your briefing.

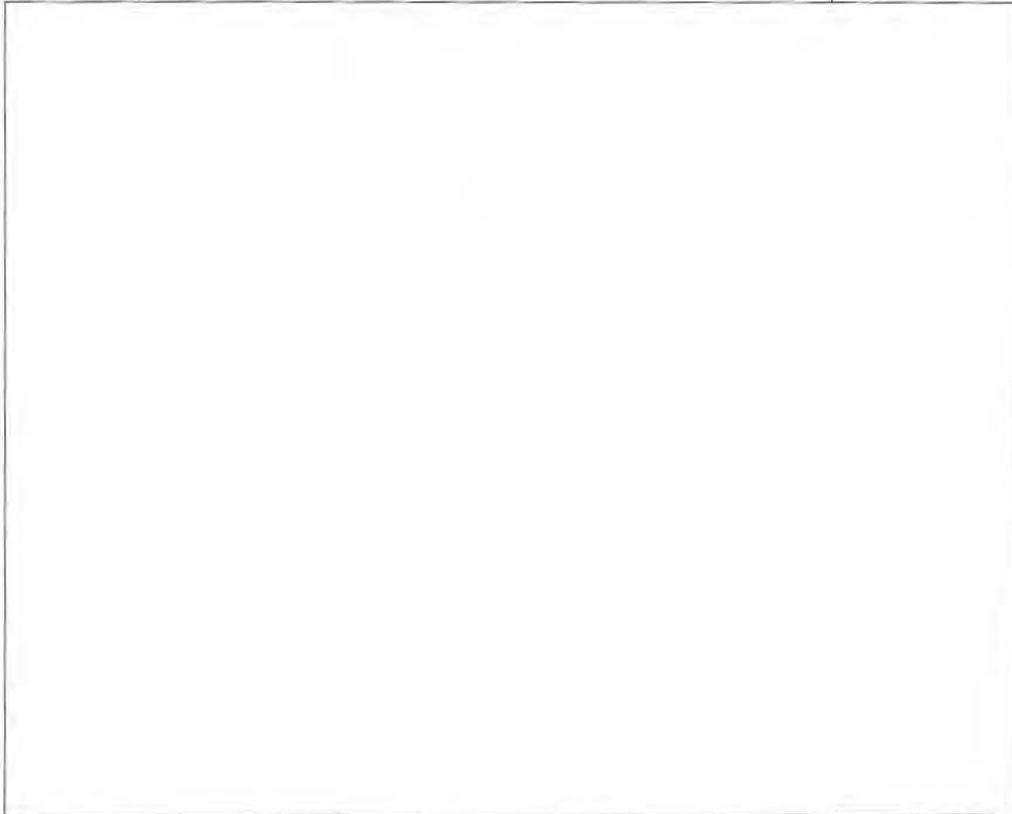


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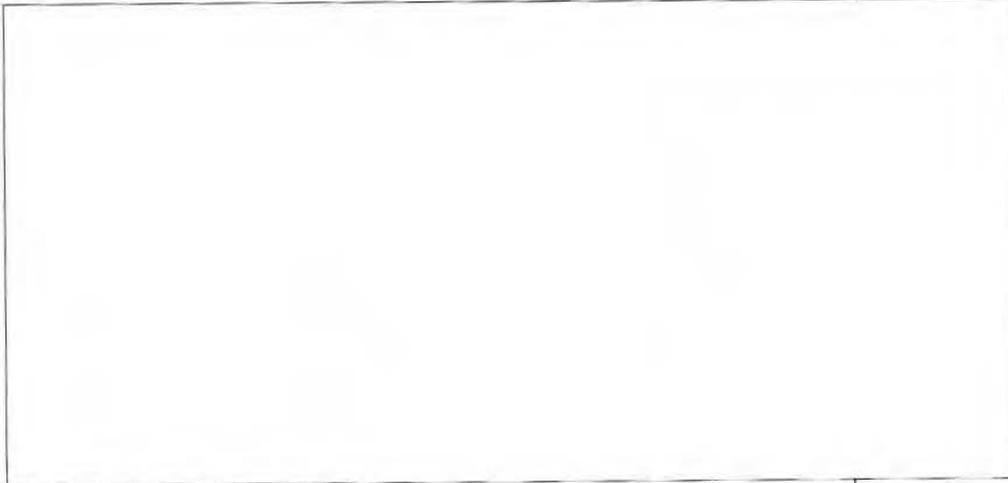
REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

NR



- Mr. President, the United States has welcomed the Secretary-General's announcement of the establishment of a panel regarding the May 31 flotilla incident. As we have emphasized before, the panel is not a substitute for national investigations.





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- Thank you, Mr. President.

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3d: PALESTINE
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UNITED STATES MISSION TO THE UNITED NATIONS



June 14, 2010

BRIEFING MEMORANDUM FOR THE PERMANENT REPRESENTATIVE

SENSITIVE BUT UNCLASSIFIED

FROM: POL – Jeff Delaurentis
THROUGH: EXEC – Ambassador Wolff
SUBJECT: Meeting with Israeli Foreign Minister Avigdor Liberman, Tuesday, June 15, 2:30 p.m., USUN

Background

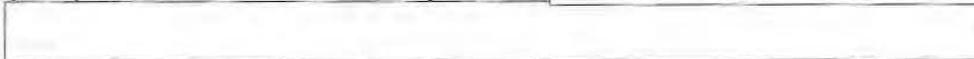
Foreign Minister Liberman is traveling to New York with Deputy Foreign Minister Danny Ayalon, whom you met in April. Liberman will brief the Israeli Missions in North America about the Gaza flotilla (aka Mavi Marmara), the proximity talks, and calls to review Israeli actions under international legal regimes – what Israel has termed a “lawfare” campaign.



NR

Talking Points

Gaza Flotilla: Liberman has been quoted by the Israeli press as supporting an international component to investigating the events related to the Mavi Marmara. He said “We have excellent jurists ... one of whom will be willing to take it on himself, and if they want to include an international member of some sort in their committee that’s all right too”. According to press reports, Israel is expected to announce a state panel to investigate the incident with international participation. Turkish officials have not yet reacted.



The OIC and NAM in New York have criticized Israel’s actions regarding the Mavi Marmara. The OIC statement from 4 June refers to “Israeli military aggression” and alleges an “explicit act of piracy” under the UN Convention on the Law of the Sea. The OIC statement called for an

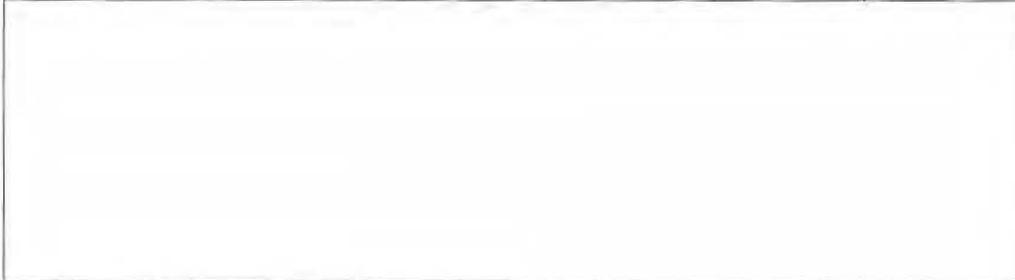
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REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

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“impartial, credible, transparent, and independent international investigation in accordance with international standards led by the UN Secretary-General.” The statement also reiterates demands for accountability related to the Goldstone Report.



NR

- In the wake of the Mavi Marmara incident, it is important to show progress on addressing Gaza access. The NSC statement of June 4 notes that we are working with Israel, the Palestinian Authority and international partners on “new procedures for delivering more goods and assistance to Gaza, while also increasing opportunity for the people of Gaza and preventing the importation of weapons. The current arrangements are unsustainable and must be changed.”
- UN partners, especially UNRWA, continue to experience delays and hurdles importing the quantities and range of goods needed to complete projects. As we expand overall access, I hope that you will help ensure that they have the access they need through the crossings. While many of the goods UNRWA needs are available in Gaza as a result of the tunnel economy, the UN is not purchasing those goods.
- Whenever there is a change in the status quo in the West Bank, Gaza, or Jerusalem, it reverberates in New York and often negatively affects the atmosphere.
- Of course, we remain mindful of Israel’s security needs and will never ask that Israel take steps that contravene those needs.
- We also remind mindful that Gilad Shlait remains captive in Gaza and continue to call for his immediate release. As we continue down this path, the cause of his release has not been forgotten.

Peace efforts:



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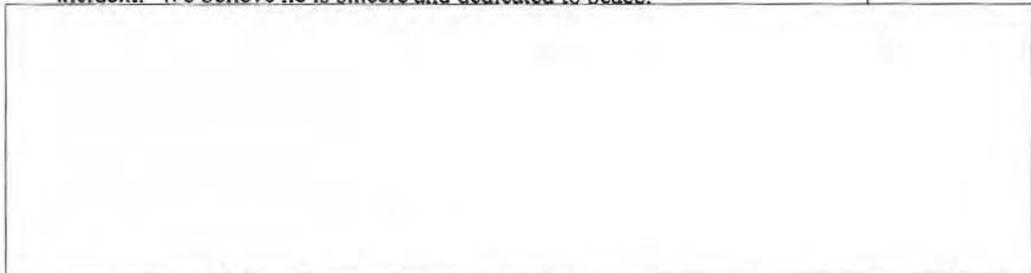
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- President Abbas has rejected calls to suspend the proximity talks after the Mavi Marmara incident. We believe he is sincere and dedicated to peace.



Iran:



Ghajar:



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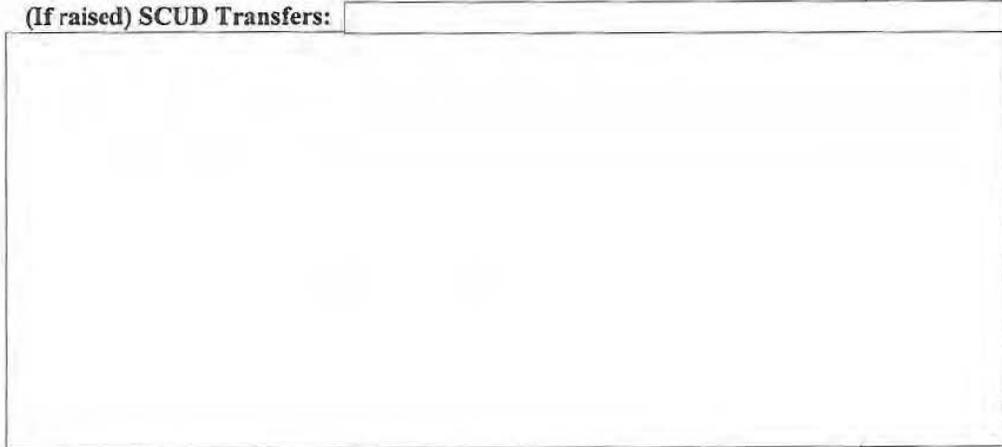


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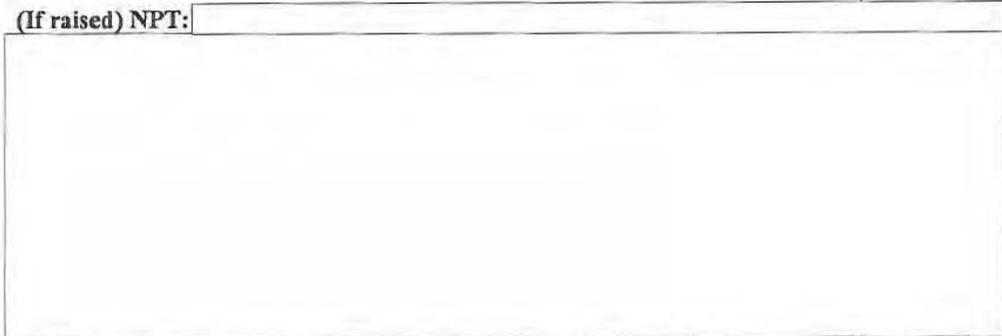
“Lawfare”: Liberman will want to discuss calls to review Israeli actions under international legal regimes. The Swiss appear to be moving forward on consultations on convening a meeting of the High Contracting Parties of the Fourth Geneva convention as called for by General Assembly and Human Rights Council (HRC) resolutions on Goldstone follow-up. Before the Gaza flotilla incident, the Swiss were working on a paper to circulate on possible topics of discussion for such a meeting. The final HRC resolution on the Gaza flotilla asked the independent international fact finding mission to investigate violations of “international law, including international humanitarian and human rights law, resulting from the Israeli attacks on the flotilla of ships carrying humanitarian assistance.”

- We have stood firmly against the counterproductive recommendation to convene the High Contracting Parties to the Fourth Geneva Convention as called for in the Goldstone Report and in subsequent follow-up UN action.

(If raised) SCUD Transfers:



(If raised) NPT:



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NR

Attachment:

- 1) Participants list
- 2) Security Council PRST on Gaza Flotilla
- 3) HRC resolution on Gaza Flotilla

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Participants

Israel

Deputy PM and Foreign Minister Avigdor Lieberman
Deputy Foreign Minister Daniel Ayalon
Israeli Ambassador to the US Michael Oren
Ambassador Gabriela Shalev
Ambassador Daniel Carmon
Political Counselor Amir Weissbrod (notetaker)
Yitzhak Bachman - Chief of policy staff to the FM
Sharon Shalom- Chief of staff to the FM

United States

Ambassador Rice
Ambassador Wolff
Deputy Pol Counselor Germain
PolOff Masilko (notetaker)

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

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ISRAEL

UNITED STATES MISSION TO THE UNITED NATIONS



June 9, 2010

BRIEFING MEMORANDUM FOR THE PERMANENT REPRESENTATIVE

SENSITIVE BUT UNCLASSIFIED

FROM: POL - Bill Grant
THROUGH: EXEC - Ambassador DiCarlo
SUBJECT: Your meeting with AJC Executive Director David Harris, June 13, your office

Background

[Redacted]

[Redacted] Harris is also likely to want to discuss Palestinian reconciliation, developments on [Redacted] Gaza flotilla follow-up, and Syria. [Redacted]

[Redacted]

[Redacted]

[Redacted]

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

NR

NR

Gaza flotilla: Turkey has again presented a resolution in Geneva on the follow-up to the Human Rights Council's fact-finding mission on the tragic May 31, 2010, flotilla incident. We will again vote no, most likely in complete isolation. The new resolution requests that the SYG take into consideration the conclusions contained in the report of the HRC fact-finding Mission and drops positive language on the Palmer panel, which Turkey had included in prior HRC resolutions on the incident. The Turkish press has reported that the draft Palmer report says the Israeli blockade of Gaza doesn't breach international law, and that Turkey is threatening to pull out of the panel unless the report changes.

- We're grateful to those who have issued statements discouraging activists from attempting another flotilla to Gaza, including the SYG. We remain committed to working together with Israel to further expand the flow of reconstruction material and exports, with appropriate safeguards.
- As evidenced by recent terrorist attacks, Gaza militants possess and continue to seek advanced weapons and Israel has legitimate security concerns.
- (If raised - Palmer panel) The SYG told the press on June 6 that the Palmer Panel will report sometime in July, but that no exact date has been set as the panel's work is ongoing.

[Redacted]

[Redacted]

[Redacted]

[Redacted]

NR

RELEASED IN FULL

NON-RESPONSIVE PORTIONS
REDACTED

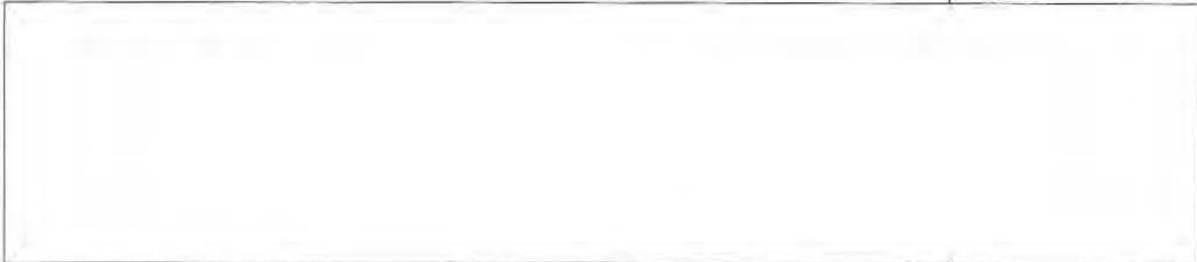
Simonoff, Mark A (USUN)

From: Arbogast, John R
Sent: Monday, November 14, 2011 2:41 PM
To: Kim, Elizabeth AB (OES); Schaat, Kenli A (OES)
Cc: Simonoff, Mark A (USUN); Norman, Cherith (USUN)
Subject: LOS resolution, etc.

Classification: UNCLASSIFIED
SensitivityCode: Sensitive

Dear Elizabeth & Kenli – a few items on this:

- 122bis "flotilla" para: Mark will be back to you on this.



NR

Many thanks/best regards, john

SBU
This email is UNCLASSIFIED.

REVIEW AUTHORITY: Sharon Ahmad, Senior
Reviewer

RELEASED IN
FULL

Draft for consideration by Panel

Progress Report to the Secretary-General

Secretary-General's Panel of Inquiry

on the 31 May 2010 Flotilla Incident

September 2010

Sir Geoffrey Palmer, Chair

President Alvaro Uribe, Vice-Chair

Mr. Joseph Ciechanover Itzhar

Mr. Suleyman Özden Sanberk

REVIEW AUTHORITY: Sharon Ahmad, Senior
Reviewer

Rev. 2

Summary

1. This document provides a progress report to the Secretary-General, Ban Ki-moon, from the Secretary-General's Panel of Inquiry on the 31 May 2010 Flotilla incident. Upon establishing the Panel, the Secretary-General requested a progress report by 15 September 2010.
2. The introduction outlines the steps that preceded the decision by the Secretary-General to establish the Panel of Inquiry. The report then outlines the Panel's first meeting, a summary of the backdrop to the Panel's work, and a description of the Panel's approach to its task and intended programme of work.

Introduction

3. The Security Council received a briefing on the incident from Mr. Oscar Fernandez-Taranco, Assistant Secretary-General for Political Affairs, on 31 May 2010. He gave the following account to the Security Council of the facts as understood at that time (S/PV.6325):

"In the early hours of this morning, Israeli naval forces boarded a six-ship convoy that was heading towards Gaza. The stated purpose of the convoy was to deliver humanitarian aid to Gaza and to break the Israeli blockade on Gaza. The convoy was reportedly carrying a range of educational, medical and construction materials and approximately 700 activists, citizens of a number of countries. Among their numbers were reportedly members of Parliament from several countries.

"In the lead-up to today's events, the Israeli authorities conveyed their intention, both publicly and through diplomatic channels, not to allow the convoy to reach Gaza. The Israeli authorities stated that, should the convoy

proceed contrary to these warnings, they would divert the convoy to an Israeli port, inspect the cargo, facilitate the entry of only those goods that are allowed into Gaza, in accordance with Israel's blockade, and deport those on board.

"The organizers of the convoy indicated their intention to proceed with their convoy and to attempt to deliver their full consignment of cargo to Gaza and to break the blockade. A committee of persons organized by the de facto Hamas authorities in Gaza was formed to receive the convoy.

"Several Governments with nationals on board the vessels urged restraint on all sides and indicated to the Israeli authorities their utmost concern that their nationals be protected. The Secretary-General's spokesman warned on Friday that all involved should act with a sense of care and responsibility and work for a satisfactory resolution.

"The convoy was due to reach Gaza today. According to the Israeli authorities, Israel's naval forces conveyed directly to the convoy during the early hours this morning that it would not be allowed to reach port in Gaza. However, the convoy proceeded towards Gaza.

"At approximately 4 a.m. local time, the Israeli navy acted to intercept the convoy. This reportedly took place 40 nautical miles off the coast in international waters and involved Israeli military personnel boarding the vessels, supported by naval ships and helicopters. Israeli forces took control of all six vessels. However, there was serious violence on the main passenger vessel, a Turkish-registered ship named Mavi Marmara. We have also seen media reports of violence related to a Greek-registered ship, the Sfondoni. As a result of this violence, according to the latest information, at least 10 people

were killed and at least 30 injured, while at least six Israeli military personnel were injured. There are no final confirmed casualty figures at this stage.

“Given the circumstances, it is not possible to state definitively the sequence or details of what happened. The Israeli Government has stated that the demonstrators on board used knives and clubs against Israel Defense Forces (IDF) naval personnel and possibly live fire, and that a weapon was grabbed from an IDF soldier. Given that those who were on board the ships are now in Israeli custody, including reporters who were travelling with the convoy, and had their transmission equipment confiscated by the boarding Israeli forces, further information from the organizers of the convoy has been minimal since this morning. We have no independent information on what transpired.

“According to Israeli statements, the seriously injured were subsequently evacuated by helicopter to hospitals in Israel. All of the ships have arrived under escort at the Israeli port of Ashdod. An Israeli Ministry of Foreign Affairs spokesman has stated that all international persons from the vessels will be deported.

“Israeli authorities have expressed regret about the casualties but blamed the activists for the violence. President Abbas has condemned Israel’s actions and the killing of the activists, and declared three days of mourning in the occupied Palestinian territory. There have been widespread regional and international expressions of alarm and concern at the bloodshed, as well as diplomatic demarches seeking a full explanation from the Israeli authorities. There have been protests in Gaza, the West Bank, Israel and several regional capitals.

“The Secretary-General stated earlier today in Kampala that he is shocked by the killing and injury of people on the boats and condemned the violence. He called for a full investigation to determine exactly how the bloodshed took place and stressed that Israel must urgently provide a full explanation.

“At the Secretary-General’s direction, Special Coordinator Robert Serry, along with Filippo Grandi, the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East, have been actively engaged on the ground since the crisis broke to urge restraint and an end to the violence, and to coordinate with all relevant parties in the aftermath of this tragedy.”

4. The Panel is not endorsing that statement of facts. It is simply reciting them to contextualise the subsequent steps that led to the establishment of the Panel.
5. On 1 June 2010, the President of the Security Council made a statement on behalf of the Council in connection with the Council’s consideration of the item entitled “The situation in the Middle East including the Palestinian question” (S/PRST/2010/9). Parts of that statement are relevant to the Panel’s inquiry. They are as follows:

“The Security Council deeply regrets the loss of life and injuries resulting from the use of force during the Israeli military operation in international waters against the convoy sailing to Gaza. The Council, in this context, condemns those acts which resulted in the loss of at least ten civilians and many wounded, and expresses its condolences to their families.

“The Security Council requests the immediate release of the ships as well as the civilians held by Israel. The Council urges Israel to permit full consular access, to allow the countries concerned to retrieve their deceased and wounded immediately, and to ensure the delivery of humanitarian assistance from the convoy to its destination.

“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 it calls for a prompt, impartial, credible and transparent investigation conforming to international standards.”

6. On 15 June 2010, the UN Special Coordinator for the Middle East Peace Process, Mr. Robert Serry, briefed the Security Council on the situation in the Middle East. Among other things he said (S/PV.6340):

“In its 1 June Presidential Statement (S/PRST/2010/9), this Council called for a prompt, impartial, credible and transparent investigation conforming to international standards. The Secretary-General held consultations with the permanent members of the Security Council and a host of other concerned parties on the modalities to comply with the Council’s call. In this context, he has proposed an international panel under the aegis of a third party seen as impartial and in which both Turkey and Israel actively participate. He has briefed the leadership of both Turkey and Israel.”

7. On 2 August 2010, the Secretary-General made a public announcement concerning the Panel in the following terms:

“For the past two months, I have engaged in intensive consultation with the leaders of Israel and Turkey on the setting-up of a Panel of Inquiry on

the flotilla incident of 31 May. Today I am very pleased to announce the launch of the Panel. This is an unprecedented development.

“I thank the leaders of the two countries with whom I have engaged in last minute consultations over the weekend, for their spirit of compromise and forward looking cooperation.

“The Panel will be led by eminent personalities: former Prime Minister of New Zealand, Mr. Geoffrey Palmer as Chair and the outgoing President of Colombia, Mr. 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.

“I hope 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 give me recommendations for the prevention of similar incidents in the future. I also hope that today's agreement will impact positively on the relationship between Turkey and Israel as well as the overall situation in the Middle East.”

8. On the same day as his public announcement, the Secretary-General formally advised the President of the Security Council of his decision concerning the Panel, saying among other things:

“I hope the Panel will discharge its responsibilities with the fullest cooperation of the relevant national authorities of the two countries. It will also give me recommendations on the prevention of similar incidents in the

future. I further hope that this will impact positively on the overall Turkey-Israel relationship and the situation in the Middle East.”

9. The Secretary-General also thanked the leaders of Turkey and Israel for “their spirit of compromise and forward-looking cooperation”.

10. The Secretary-General appointed Sir Geoffrey Palmer as the Chair of the Panel and President Alvaro Uribe as the Vice-Chair. Israel identified, and the Secretary-General appointed, Mr. Joseph Ciechanover as the member from Israel. Turkey identified, and the Secretary-General appointed, Mr. Suleyman Özden Sanberk as the member from Turkey.

11. The Security Council issued a press statement on 3 August 2010 in response to the Secretary-General’s announcement (SC/10001), which “welcomed the establishment” of the Panel and noted that:

“The members of the Security Council look forward to a successful implementation by the Panel of its mandate, as announced by the Secretary-General as based on the statement of the President of the Security Council of 1 June 2010, which called for a prompt, impartial, credible and transparent investigation conforming to international standards.

“The members of the Security Council welcomed the commitment of Israel and Turkey to provide full cooperation to the Panel.”

The Panel’s First Meeting

12. On 10 August 2010, the Panel convened in New York. It met for two full days on 10 and 11 August. During that time the Panel met with the Secretary-General. He referred to the “unprecedented and critical” nature of the task facing the Panel. He

made reference to the methods of work that are discussed later in this report. He encouraged the Panel to pay close attention to both aspects of its remit: first, to examine and identify the facts, circumstances and context of the Flotilla incident; second, to consider and recommend ways of avoiding similar incidents in the future. He stressed the importance of the Panel's main task to review the reports of national investigations into the incident.

13. The Secretary-General stressed the need for the Panel to work as one team. It would be supported by the United Nations Secretariat. He sought a first progress report from the Panel by 15 September 2010. The Secretary-General expressed the hope that the Panel would have a positive impact to improve the friendly relationship between Israel and Turkey and assist with the situation in the Middle East. He counted on the leadership and commitment of the Panel members and he wanted to achieve a way forward.

Relationships

14. The Panel will examine and identify the facts, circumstances and context of the 31 May incident. In doing so, it is conscious of the deterioration in the relationship between Israel and Turkey that appears to have resulted from the incident. This deterioration has wider implications for the situation in the Middle East as well as bilateral relations between Turkey and Israel. While these consequences are beyond the Panel's frame of reference to report upon, they do make up an important part of the context in which the Panel's work takes place.

15. It is for reason of context that we provide here a brief overview of the relations between Israel and Turkey, and we are particularly concerned in this short analysis to

point out the importance of the economic relations and the consequences that may ensue if they are not repaired.

16. Israel and Turkey have built over the years a strong and dynamic trade, diplomatic and military cooperation alliance, which has contributed to the economic performance of both nations. In 1949, Turkey became the first Muslim majority country to recognize and engage in diplomatic relations with Israel, creating a positive environment for the structuring of a long term bilateral agenda. Since then, each decade has presented constructive evolutions in different fields, and as of today, Turkey represents Israel's largest market in the region.

17. In the late fifties (1958-1959), Israeli Prime Minister David Ben Gurion and his Turkish equivalent Prime Minister Adrvan Menderes developed a framework of cooperation that increased bilateral military and intelligence exchange that has been the basis for the construction of trust among both States' highest officials. The evolution of the 1950's alliance helped increase trade, reaching in 1990 a marginal level of commercial exchange close to US\$170 million dollars.

18. During the 1990's, Israeli-Turkish relations became more active than ever. In 1992 both countries formalised the "Parameters for military cooperation" defining all the areas and protocols to be followed in the provision of combat and intelligence equipment. In 1993 the Turkish-Israeli Business Council was created to promote cross border investment and trade, and developed into a vigorous match-making organization and business information provider for corporations, investment firms and project developers.

19. Throughout 1994 another important milestone took place when a cultural exchange cooperation agreement was signed, increasing the number of artistic

performances, museum exchanges and travelling exhibits, and symposia between both nations. The impact of such initiatives strengthened ties between business leaders, academic organizations and government officials and in 1995 Israel publicly supported Turkey's plans to enter the European Union, expressing the substantial contribution that this mechanism would bring to relations within the Mediterranean.

20. Between 1996 and 1997 Israel and Turkey negotiated, signed and ratified a Free Trade Agreement, making Turkey the first Muslim majority country to develop a mechanism of this nature with Israel. The results of this accord can be described in different ways by highlighting that in 2000 both countries signed a protocol for various irrigation projects in Turkey valued above US\$500 million, that in 2001 a scientific cooperation memorandum of understanding was agreed, that more than 300,000 Israeli tourists visited Turkey in 2003, that in 2004 the Magnavot Agreement was signed for Israel to import an annual amount of 50 million water cubic meters for a period of twenty years, and that in 2005 bilateral trade amounted to US\$2,000 million, 13 times the existing trade in 1990.

21. Today Turkey is Israel's eighth largest trading partner, while Israel represents Turkey's 17th largest market. During the first semester of 2010 and despite the recent diplomatic tensions, bilateral trade has increased 40% compared with 2009 and it is expected to surpass the record number of US\$3,000 million reached during the previous year.

22. The normalization of both countries' diplomatic relations after the incident that took place on 31 May 2010 is vital for the continuation of this strategic and prosperous relationship.

23. Against the backdrop of relations between Turkey and Israel, the matters relating to the 31 May incident have resulted in a significant set of issues between the two countries and a concerned state of public opinion in both countries. The Panel is highly conscious that nine people have died in the incident. Precisely how and why they died remains at issue between the nations and there needs to be some rational understanding of what occurred. Those are the questions with which the Panel is concerned. The Panel hopes further that in addressing these questions, its work may contribute to create a better environment with respect to the broader situation in the Middle East.

The Panel's Approach to its Task

Summary of the Panel's Tasks

24. The Secretary-General has asked the Panel to focus and organize its work around four elements. The first and foundation requirement is to receive and review interim and final reports of national investigations into the incident that occurred on 31 May 2010.

25. The dates by which these reports become available to the Panel will be a material consideration in determining the precise timetable for the Panel's work. The Panel will strive to submit its final report to the Secretary-General within six months from the first meeting of the Panel, taking into account the progress of the national investigations. Any adjustment to that timetable will be in the hands of the Secretary-General, depending on the progress of the Panel's work.

26. The second step of the Panel's work will be to request such clarifications and information as it may require from relevant national authorities. What clarifications

and information may be required cannot be properly assessed until the relevant reports are in the hands of the Panel.

27. Then follow the two substantive tasks with which the Panel has been entrusted. In light of the information so gathered, the Panel will examine and identify the facts, circumstances and context of the incident. The Panel is accordingly required to consider the facts of what happened on 31 May, the surrounding background to those events, and the broader general state of affairs.

28. Following the task set out in the previous paragraph, the Panel will consider and recommend ways of avoiding similar incidents in the future. This task is likely to require some degree of creativity on the part of the Panel since this element invites a consideration of international policy issues. The Panel hopes to develop an analytical framework within which the issues can be addressed.

29. The final task of the Panel is to prepare a report including both its findings and its recommendations. That report will be submitted to the Secretary-General. The report of the Panel will be designated unclassified. The Panel may attach confidential annexes to its report.

30. The Panel is under an obligation to conduct its work in a prompt, impartial, credible and transparent manner, in conformity with international standards.

The Panel's Methods of Work

31. The Panel has arrived at some conclusions about its functions and methods of work that will guide its approach to its task. The Panel is not a court. Courts adjudicate on disputes and in criminal cases adjudicate on criminal liability. The Panel is not empowered to adjudicate. Neither does the Panel have the necessary

powers or the required capacity to conduct criminal investigations or to compel people to give evidence. It is a review inquiry.

32. What the Panel can do is:

- receive and review reports of national investigations into the incident;
- request such clarifications and information as it may require from relevant national authorities;
- examine and identify the facts, circumstances and context of the incident; and
- make findings and recommendations.

33. There are important parameters within which the Panel must work and these parameters need to be understood clearly from the outset in order to avoid misunderstandings later. The Panel cannot receive unsolicited information from persons and organisations who may wish to supply it. Nor can the Panel approach individuals and organisations directly.

34. Any clarifications or information from Israel or Turkey that the Panel considers necessary to complete its inquiry will be sought through Points of Contact designated by those two States. Those Points of Contact have now been designated and formally notified to the Inquiry as follows:

Israel: Ambassador Yossi Gal, Director-General of the Ministry of Foreign Affairs of the State of Israel

Turkey: Ambassador Mithat Rende, Director General for Multilateral Economic Affairs at the Ministry of Foreign Affairs

35. Where the Panel considers it necessary to obtain information from other affected States, it may request such information through appropriate diplomatic channels. Such diplomatic channels are understood to mean the Permanent Missions of such States to the United Nations in New York.

36. Such requests for information are the only means available to the Panel to receive information beyond the reports of national investigations. The Panel's requests will specify the questions or issues on which information or clarification is required. This may include a request for a meeting with the Point of Contact.

[37. In that case, the Point of Contact will determine if other members of his or her national authorities (civil servants) should attend the meeting in order to provide the Panel with the information or clarifications that have been requested. The Point of Contact will advise the Panel in advance of the names of those members of its national authorities who will attend the meeting and the specific questions or issues that they will address regarding the requested information or clarifications. The information provided by the persons who attend any meeting must be directed to the questions or issues raised in the Panel's request, and will afterwards be attached to the country file presented to the Panel. It should be noted that it is within the competence of the Panel to decide whether to go ahead with the meeting. (To be adjusted as necessary to reflect further discussions on 2 and 3 September as to who may accompany the Point of Contact to meetings.)]

38. It needs to be appreciated that the Panel's method is the diplomatic method of obtaining information - not the adversarial method, or the inquisitorial method or independent fact-finding of the type that other United Nations panels have carried out. This Panel is not empowered to use any of those methods. The Secretary-General has described the establishment of this Panel in its particular circumstances as

"unprecedented". Literally that means there is no precedent for it. Thus, analogies to other United Nations panels established with a different frame of reference are not apt. This Panel is unique and its methods are similarly unique.

39. The method for obtaining information does not restrict the findings and recommendations the Panel may decide to make. The Panel can and will examine and identify the facts, circumstances and context of the incident. It can and will recommend ways of avoiding such incidents in the future. It can and will report its findings and recommendations to the Secretary-General. Upon the nature of those findings and recommendations, it is futile to speculate at this stage. Suffice it to say the level of international concern that has been expressed concerning the incident under review has been high. The Panel has the means available to it to respond to that concern and carry out a review that will give the Secretary-General some material that will allow him and the international community as a whole to address the issues raised.

40. The Panel has discussed, but at this stage taken no decisions, as to whether it is authorized or whether it is necessary for Members of the Panel to visit Israel and Turkey in the process of its work. It was considered that the benefit of such visits may become clearer once the Panel has had the opportunity to receive and review interim and final reports of national investigations into the incident.

Staffing and Administrative Support

41. The United Nations will provide Secretariat services to the Panel and will arrange for the provision of necessary administrative, logistic and security support,

including transportation and accommodation. The Archives and Records Management System will provide records-management support to the panel.

42. In addition, it will be necessary for each Panel member to have an aide. These aides will be paid by the United Nations and accountable to it for their work with the Panel. The Panel sees itself very much as a team and the arrangements that have been made in this regard should facilitate both collegiality and communication. The details of the aides are as follows:

Sir Geoffrey Palmer:	Ms. Elana Geddis
President Alvary Uribe Velez:	Mr. Ivan Duque Marquez
Mr. Joseph Ciechanover Itzhar:	tbc
Mr Suleyman Ozdem Sanberk:	Mr. Can Dizdar

The Panel's Intended Programme of Work

43. The Panel held its second meeting on 2 and 3 September, in New York, to [discuss the interim reports of national investigations received from Israel and Turkey and] determine its programme of work.

[Review of Interim Reports of National Investigations Received from Turkey and Israel – to be inserted if such interim reports are received, and to reflect discussions on this point at 2 & 3 September meeting]

Programme of Work

[to be inserted to reflect discussions on Programme of Work at 2 & 3 September meeting]

Conclusion

44. The Panel has had two meetings for a total of four days. It has met in New York on 10 and 11 August and again in New York on 2 and 3 September. It has conducted its proceedings in a positive and collegial atmosphere. The Panel feels keenly the responsibilities that weigh upon it. Within the Panel there are two members whose appointments have been made on the proposal of the two States most closely connected with the incident. The structure of the Panel ensures that those States will not be at arm's length from the Panel's work. The structure may also have the advantage of ensuring that each State has a full understanding of the points of view of the other.

45. The points at issue between the States will become easier to identify and hopefully easier to resolve in such a process than in a third-party inquiry process. Furthermore, this element of the process may further help to soothe relations between two important States in the Middle East, an area of the world beset by a series of difficult issues.

46. The Panel will make every effort to reach consensus in relation to its findings and recommendations. When the best efforts to achieve consensus have been exhausted and consensus has not been achieved, the Chair and the Vice-Chair will agree on the particular procedural issues, finding or recommendation in issue. Such a procedure ensures that the Panel will have the means to accomplish its tasks fully and not become rendered incapable of making progress.

Simonoff, Mark A (USUN)

RELEASED IN FULL

From: Pope, William P (USUN)
Sent: Thursday, September 30, 2010 12:12 PM
To: Simonoff, Mark A (USUN)
Subject: FW: Law of the Sea Language vis a vis Gaza Flotilla
Categories: Working

William P. Pope
Senior Advisor for Europe
U.S. Mission to the United Nations
212-415-4079
popewp2@state.gov

From: Anderson, William H (USUN)
Sent: Thursday, September 30, 2010 11:46 AM
To: Anderson, William H (USUN)
Subject: Law of the Sea Language vis a vis Gaza Flotilla

To All:

Annual Law of the Sea Resoution

The Turks are apparently trying to insert language into the General Assembly's annual Law of the Sea resolution that criticizes Israel for its raid on the Gaza Flotilla. The Turks are trying to pull language from the SC Presidential Statement. USUN Legal commented that we (US) will object to this initiative saying that the Law of the Sea Resolution is supposed to be general and not mention any countries by name.

Thought you might find this useful.

Regards,

ANDO

CDR Bill "ANDO" Anderson
Commander, USN
Military-Political Advisor
U.S. Mission to the United Nations

Email: AndersonWH@state.gov
PH#: 212-415-4111
FAX: 212-415-4415

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

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140 East 45th Street
NEW YORK, N.Y. 10017-3505

UNITED STATES MISSION TO THE UNITED NATIONS

September 30, 2010

UNCLASSIFIED

INFORMATION MEMORANDUM FOR THE PERMANENT REPRESENTATIVE

From: LEGAL – Mark A. Simonoff
Through: EXEC – Ambassador Anderson
Subject: Sixth Committee: Administration of Justice

As I noted this morning, Turkey is proposing a flotilla paragraph for the annual UN General Assembly Oceans and Law of the Sea resolution. The paragraph provides as follows:

"Expresses its deep regrets for the loss of life and injuries resulting from the use of force during the Israeli military operation in international waters against the convoy sailing to Gaza and in this context condemns those acts which resulted in the loss of 9 civilians and many wounded as expressed by the Security Council Presidential Statement (S/PRST/2010/9) of 1 June 2010;"

As of 4:30 today, Turkey had circulated the text in writing, but had not yet discussed it at the informal consultations. The Brazilian Permanent Representative, who is coordinator of the informal consultations, plans to have the paragraph discussed at about 5:30 this afternoon.

I talked to my Turkish counterpart and urged him to withdraw the paragraph, but he plans to go forward with it. He asked whether the US would be prepared to accept some reference to the flotilla incident, and I said "no." I plan to take the floor for the US and oppose the paragraph as inappropriate for the oceans resolution. The EU and Australia plan to do the same. I have been coordinating with my Israeli counterpart.

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

For your additional background:

Every year, the UNGA adopts an omnibus resolution on oceans and law of the sea. The resolution covers a vast range of oceans issues, including piracy, the environment, scientific issues, capacity-building, Law of the Sea Convention institutions, freedom of navigation and other ocean-related issues. The practice has been not to include any language on bilateral or country-specific issues in the resolution (other than piracy off the coast of Somalia).

There are two rounds of informal consultations, chaired by Brazil. The first round, where delegations make proposals for new paragraphs, is taking place this week. The second round will be in mid November. The worst case this week is that the text will remain in brackets and will be considered further at the second round of informal consultations in mid November.

The US delegation is composed of two Oceans, Environment and Science officers from OES, who are very experienced and capable, and who have been coordinating closely with me.

Turkey has also been pressing for text on the flotilla elsewhere in New York. Turkey has tried to add language to the UNRWA Finance Working Group Report; negotiations over this technical report are ongoing with Turkey as chair of the Working Group. During its Council Presidency Turkey also attempted to build support for a Security Council press statement on the interim report of the SYG panel of inquiry during the September 17 Middle East consultations; but after U.S. efforts demurred.

Drafted: Legal: Mark Simonoff
Cleared: POL: E Germain
POL: B Masilko

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NON-RESPONSIVE PORTIONS
REDACTED

ISRAEL



UNITED STATES MISSION TO THE UNITED
NATIONS

September 27, 2010

BRIEFING MEMORANDUM FOR THE PERMANENT REPRESENTATIVE

SENSITIVE BUT UNCLASSIFIED

FROM: POL – Bill Grant
THROUGH: EXEC – Ambassador Anderson
SUBJECT: Meeting with Israeli Foreign Minister Avigdor Lieberman, Wednesday,
September 29, 4:00 p.m, Regency hotel (Park & 61st)

Background

[Redacted]

NR

Lieberman will want to address efforts to minimize diplomatic fallout on reports to the Human Rights Council (HRC) by the independent experts committee assessing domestic Israeli and Palestinian investigations on [redacted] the HRC Fact-Finding Mission (FFM) on the Gaza flotilla incident. We expect HRC resolutions on [redacted] the flotilla to be voted on Thursday/Friday in Geneva. [redacted]

Talking Points

[Redacted]

SENSITIVE BUT UNCLASSIFIED

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

SENSITIVE BUT UNCLASSIFIED

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NR

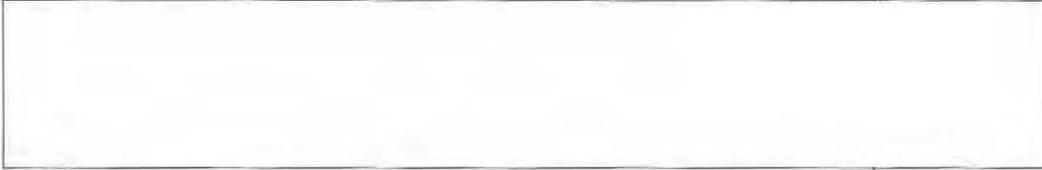
Gaza Flotilla: Lieberman's prickly views on Turkey and complicated relations with Ankara precede the flotilla incident --- in January 2010, his deputy, Daniel Ayalon, caused a major outcry in both the Turkish and Israeli press with a humiliating dressing-down of Turkey's Ambassador to Israel during a meeting. We continue to emphasize the primacy of the SYG panel of inquiry for follow-up to the May 31 Gaza flotilla incident. We persuaded Turkey not to propose a Security Council press statement or press elements after the issuance of the panel's interim report to the SYG on September 15. We understand Turkey is not satiated by the SYG panel and continues to demand compensation and an apology from Israel. The FFM's report on the Gaza flotilla incident was blistering, including a strikingly harsh tone toward Israel. The Turkish draft HRC resolution on follow-up to the Fact-Finding Mission (attachment B) makes no mention of the SYG panel and instead promotes a General Assembly debate on the flotilla incident. Israel has asked for our help in keeping the HRC flotilla inquiry contained to Geneva and out of New York. Meanwhile, Israel's independent civilian commission into the episode, the Turkel Commission, is reportedly nearing completion. According to public reports, the Turkel Commission has taken public as well as closed testimony from senior Israeli officials including

SENSITIVE BUT UNCLASSIFIED

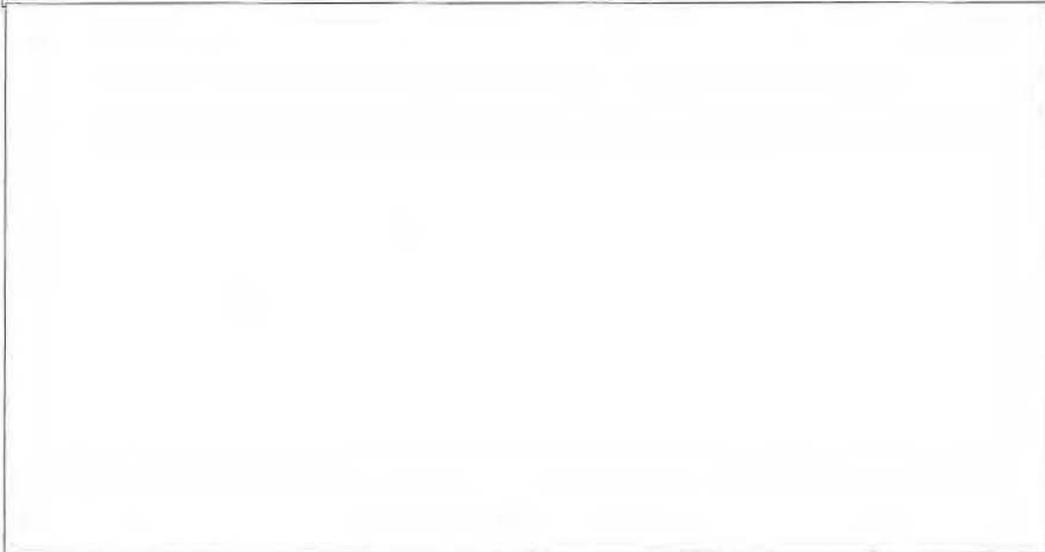
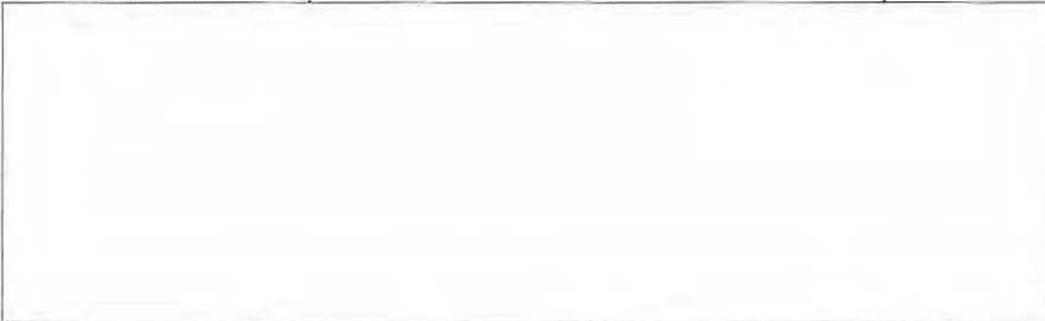
SENSITIVE BUT UNCLASSIFIED

-3-

Prime Minister Netanyahu and Defense Minister Barak. The Turkel Commission has requested that the (Turkish) Captain of the Mavi Marmara testify as well.



- The draft Turkish resolution in Geneva on follow-up to the Fact-Finding Mission on the Gaza flotilla incident could extend discussion of the legality of Israel's actions on May 31.
- The FFM's language, tone, and conclusions were unbalanced.
- We continue to hope that Israel and Turkey will move beyond the recent strains in their historically strong bilateral relationship and urge you to do what you can to move ahead.
- We continue to regard the SYG's panel as the primary method for the international community to review the flotilla incident, and we continue to await the outcome of the Turkel commission.

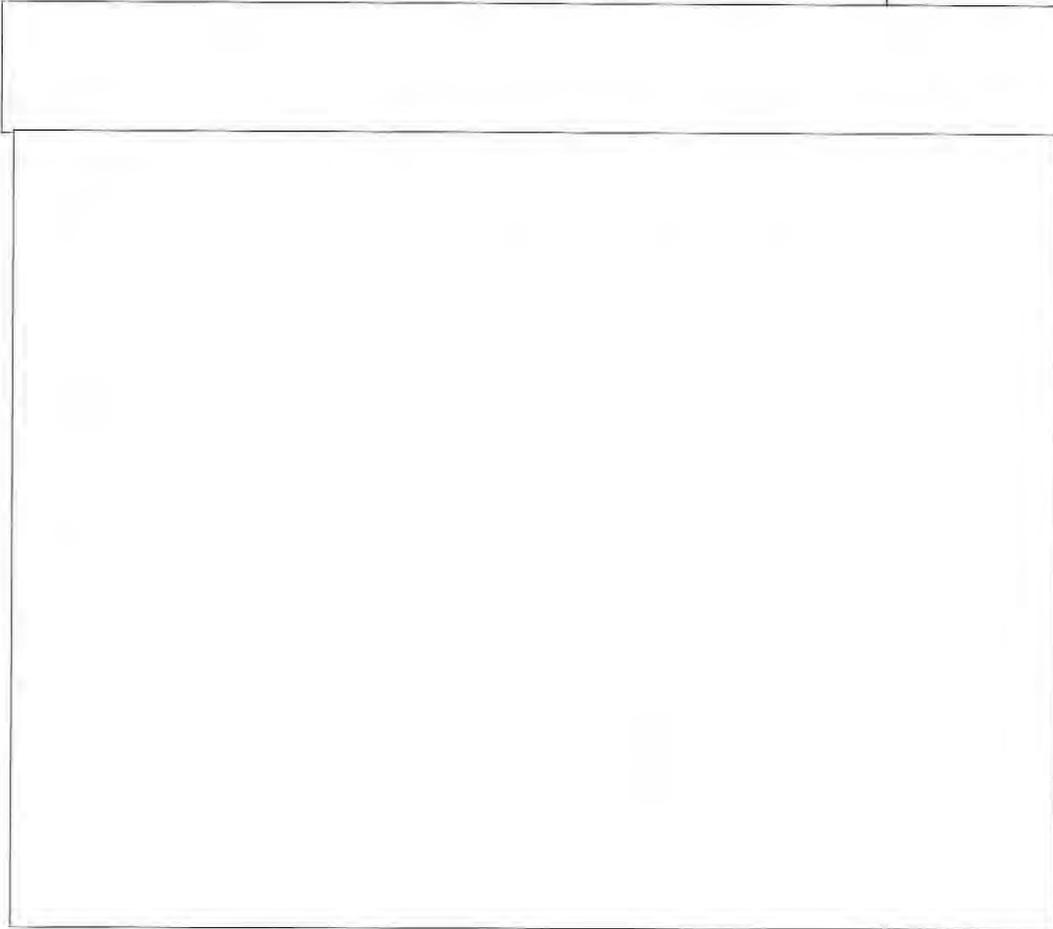


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NR

SENSITIVE BUT UNCLASSIFIED

-4-



NR

Attachments:

B) Draft Turkish Flotilla HRC resolution

SENSITIVE BUT UNCLASSIFIED

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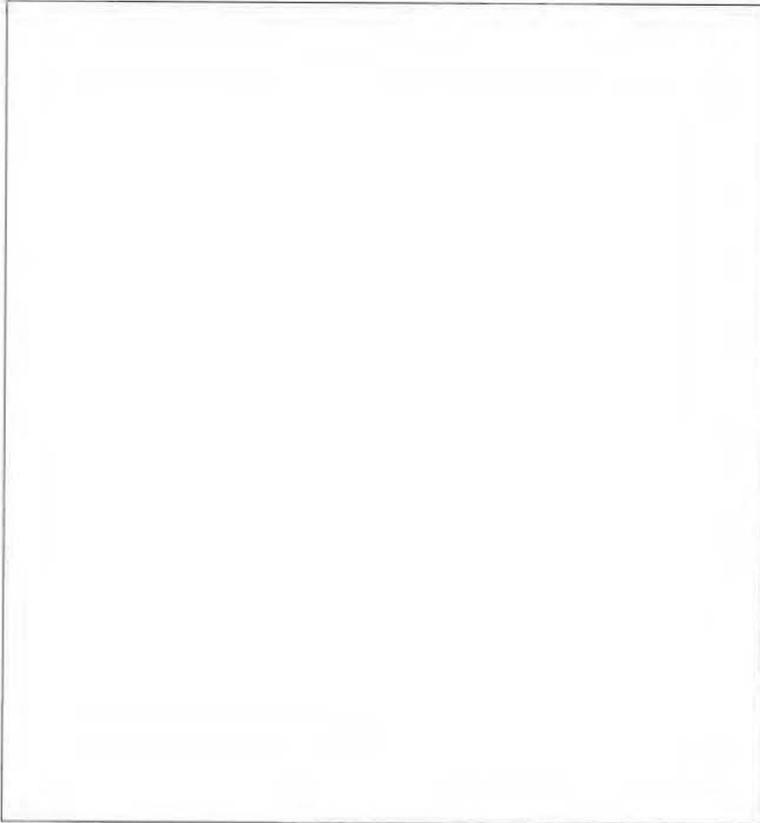
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Cleared: POL: JFasoli ok
USUN/W: WBass ok
POL: EGermain ok

RELEASED IN FULL

NON-RESPONSIVE PORTIONS
REDACTED

Talking Points for Ambassador Brooke D. Anderson,
U.S. Alternate Representative
For Special Political Affairs,
At Security Council Consultations on
The Middle East
September 17, 2010

- Thank you, Mister President, and thank you, Special Coordinator Serry, for your briefing.



NR

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

NR

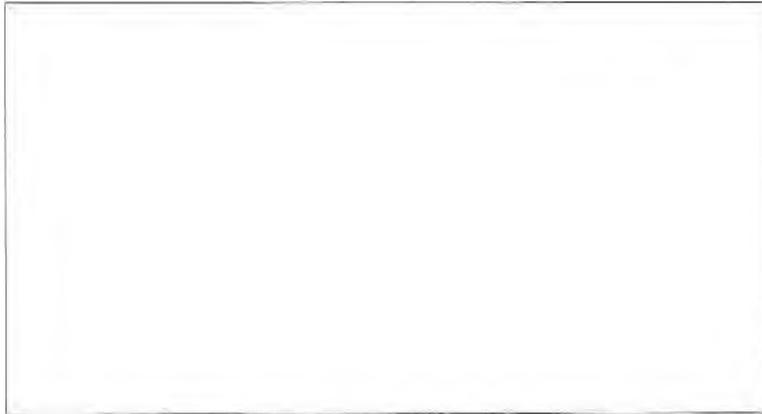
[Redacted]

[Redacted]

[Redacted]

- o **CONTINGENCY LANGUAGE IN THE EVENT THE ESTABLISHMENT OF THE FLOTILLA INVESTIGATION PANEL IS RAISED:** We take note of the report of the HRC's flotilla fact-finding mission and will review it in due course. But we again welcome the establishment of the Secretary-General's panel regarding the flotilla incident, which has the support of both Israel and Turkey. We reiterate that this panel is not a substitute for national investigations. We expect that the work of the Secretary-General's panel will be the primary method for the international community to review the incident.

[Redacted]



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- Thank you, Mr. President.

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Drafted: POL: BMasilko, 4-4190

Cleared: POL: EGermain ok

ISRAEL
LEBANON
PALESTINE
MIDDLE EAST

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REDACTED



UNITED STATES MISSION TO THE UNITED NATIONS

140 East 45th Street
NEW YORK, N.Y. 10017-3505

September 16, 2010

BRIEFING MEMORANDUM FOR THE PERMANENT REPRESENTATIVE

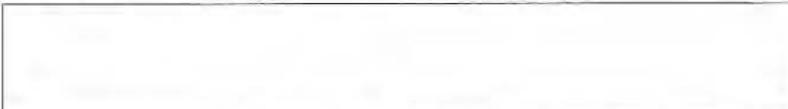
SENSITIVE BUT UNCLASSIFIED

FROM: POL – Bill Grant
THROUGH: EXEC – Ambassador Anderson
SUBJECT: Security Council Briefing/Consultations on the Middle East, September 17, 2010

BACKGROUND:

Special Coordinator Serry will brief the Council on events in the Middle East since the August 15 briefing by Assistant Secretary-General Fernandez Taranco, followed by closed consultations.

We expect a positive briefing from the Secretariat. On September 15 the SYG released a factual statement to the press on the interim report of the Gaza flotilla panel of inquiry (attachment A). The U.S. draft remarks contain contingency guidance on the panel of inquiry, should we choose to use it (attachment B). USUN proposed changes to DC's draft are shown as track changes. The Human Rights Council report of its fact-finding mission on the flotilla is unlikely to be released before tomorrow's consultations.



Turkey, as Council president, will speak last. We are not clear to what extent Turkey will use the meeting to highlight the Gaza flotilla panel of inquiry interim report. Other Council members, most notably Mexico, have consistently called for follow-up briefings to the Council on the panel's work.



Attachment:

- A) Gaza flotilla panel of inquiry: SYG September 15 Press Statement
- B) Draft U.S. talking points

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

NR

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The Secretary-General's Panel of Inquiry
on the 31 May 2010 Flotilla Incident

PROGRESS REPORT TO THE SECRETARY-GENERAL

SEPTEMBER 2010

Sir Geoffrey Palmer, Chair

President Alvaro Uribe, Vice-Chair

Mr. Joseph Ciechanover Itzhar

Mr. Süleyman Özdem Sanberk

**REVIEW AUTHORITY: Sharon Ahmad, Senior
Reviewer**

Introduction

1. This document provides a progress report to the Secretary-General, Ban Ki-moon, from the Secretary-General's Panel of Inquiry on the 31 May 2010 Flotilla Incident. Upon establishing the Panel, the Secretary-General requested a progress report by 15 September 2010.
2. The Panel was established by the Secretary-General on 2 August 2010. The Secretary-General appointed Sir Geoffrey Palmer as the Chair of the Panel and President Alvaro Uribe as the Vice-Chair. Israel identified, and the Secretary-General appointed, Mr. Joseph Ciechanover as the member from Israel. Turkey identified, and the Secretary-General appointed, Mr. Süleyman Özden Sanberk as the member from Turkey.
3. This report outlines the Panel's decisions at its first meetings and sets out the Panel's agreed approach to its task.

The Panel's First Meeting

4. On 10 August 2010, the Panel convened in New York. It met for two full days on 10 and 11 August. During that time the Panel met with the Secretary-General. He referred to the "unprecedented and critical" nature of the task facing the Panel. He made reference to the methods of work that are discussed later in this report. He encouraged the Panel to pay close attention to both aspects of its remit: first, to examine and identify the facts, circumstances and context of the Flotilla incident; second, to consider and recommend ways of avoiding similar incidents in the future. He stressed the importance of the Panel's main task to review the reports of national investigations into the incident.
5. The Secretary-General stressed the need for the Panel to work as one team. It would be supported by the United Nations Secretariat. He sought a first progress report from the Panel by 15 September 2010. The Secretary-General expressed the hope that the Panel would impact positively on the relationship between Israel and Turkey and assist with the overall situation in the Middle East. He counted on the leadership and commitment of the Panel members and he wanted to achieve a way forward.

The Panel's Approach to its Task

Summary of the Panel's Tasks

6. The Secretary-General has asked the Panel to focus and organize its work around four elements. The first requirement is to receive and review interim and final reports of national investigations into the incident that occurred on 31 May 2010.
7. The dates by which these reports become available to the Panel will be a material consideration in determining the precise timetable for the Panel's work. The Panel will strive to submit its final report to the Secretary-General within six months from the first meeting of the Panel, taking into account the progress of the national investigations. Any adjustment to that timetable will be in the hands of the Secretary-General, depending on the progress of the Panel's work.
8. The second requirement of the Panel's work will be to request such clarifications and information as it may require from relevant national authorities. What clarifications and information may be required cannot be properly assessed until the relevant reports are in the hands of the Panel.
9. Then follow the two substantive tasks with which the Panel has been entrusted. In light of the information so gathered, the Panel will examine and identify the facts, circumstances and context of the incident. The Panel is accordingly required to consider the facts of what happened on 31 May and the surrounding background to those events.
10. Following the task set out in the previous paragraph, the Panel will consider and recommend ways of avoiding similar incidents in the future. This task is likely to require some degree of creativity on the part of the Panel since this element invites a consideration of international policy issues. The Panel hopes to develop an analytical framework within which the issues can be addressed.
11. The final task of the Panel is to prepare a report including both its findings and its recommendations. That report will be submitted to the Secretary-General. The report of the Panel will be designated unclassified. The Panel may attach confidential annexes to its report.
12. The Panel is under an obligation to conduct its work in a prompt, impartial, credible and transparent manner, in conformity with international standards.

The Panel's Methods of Work

13. The Panel has arrived at some conclusions about its functions and methods of work that will guide its approach to its task. The Panel is not a court. Courts adjudicate on disputes and in criminal cases adjudicate on criminal liability. The Panel is not empowered to adjudicate. Neither does the Panel have the necessary powers or the required capacity to conduct criminal investigations or to compel people to give evidence.

14. The Panel will:

- receive and review reports of national investigations into the incident from Israel and Turkey;
- where it considers that it requires further information, clarifications or meetings from Israel or Turkey, make such request to the points of contact designated by those States;
- where it considers it necessary to obtain information from other affected States, it may request such information through appropriate diplomatic channels;
- in the light of the information so gathered, examine and identify the facts, circumstances and context of the incident and make findings and recommendations.

15. There are important parameters within which the Panel must work and these parameters need to be understood clearly from the outset in order to avoid misunderstandings later. The Panel cannot receive unsolicited information from persons and organisations who may wish to supply it. Nor can the Panel approach individuals and organisations except through the Points of Contact.

16. Any clarifications or information from Israel or Turkey that the Panel considers necessary to complete its inquiry will be sought through Points of Contact designated by those two States. This may include a request for a meeting with the Point of Contact. Those Points of Contact have now been designated and formally notified to the Inquiry as follows:

Israel: Ambassador Yossi Gal, Director-General of the Ministry of Foreign Affairs of the State of Israel

Turkey: Ambassador Miithat Rende, Director General for Multilateral Economic Affairs at the Ministry of Foreign Affairs of Turkey

17. Where the Panel considers it necessary to obtain information from other affected States, it may request such information through appropriate diplomatic channels. Such diplomatic channels are understood to mean the Permanent Missions of such States to the United Nations in New York.

18. Such requests for information are the only means available to the Panel to receive information beyond the reports of national investigations. The Panel's requests will specify the questions or issues on which information or clarification is required.

Meetings with Points of Contact

19. The Panel discussed its approach to meetings with the Point of Contact. The Panel will not meet with Non-Governmental Organisations or other individuals. Any meetings will be according to the following procedure:

- a. The Panel will receive both countries' (Turkey and Israel) interim and final reports through the Points of Contact.
- b. Once the Panel has reviewed both interim and final reports it may request further information or clarifications from the Point of Contact.
- c. The Point of Contact will receive the questions and clarifications and may:
 - i) Provide written or oral answers and clarifications; or
 - ii) Suggest a meeting with a Civil Servant who can provide answers and clarifications to the specific questions in the Panel's request. When making such a suggestion the Point of Contact will indicate the name of the Civil Servant and the specific question that he or she will address. In this instance, the four members of the Panel will unanimously decide whether or not to authorize the meeting with the Civil Servant.
- d. All written and oral answers and clarifications provided by the Point of Contact or Civil Servants will constitute part of each country's interim and final reports.

20. It needs to be appreciated that the Panel's method is the diplomatic method of obtaining information - not the adversarial method, or the inquisitorial method or independent fact-finding of the type that other United Nations panels have carried out. This Panel is unique and its methods are similarly unique.

21. The method for obtaining information does not restrict the findings and recommendations the Panel may decide to make. The Panel can and will examine and identify the facts, circumstances and context of the incident. It can and will recommend ways of avoiding such incidents in the future. It can and will report its findings and recommendations to the Secretary-General. Upon the nature of those findings and recommendations, it is futile to speculate at this stage. Suffice it to say the level of international concern that has been expressed concerning the incident under review has been high. The Panel has the means available to it to respond to that concern.

22. The Panel has discussed, but at this stage taken no decisions, as to whether it is authorized or whether it is necessary for Members of the Panel to visit Israel and Turkey in the process of its work. It was considered that the benefit of such visits may become clearer once the Panel has had the opportunity to receive and review interim and final reports of national investigations into the incident.

Staffing and Administrative Support

23. The United Nations Secretariat is providing secretariat services to the Panel and arranged for the provision of necessary administrative, logistic and security support, including transportation and accommodation. The Archives and Records Management System is providing records-management support to the Panel.

24. In addition, it is necessary for each Panel member to have an aide. These aides will be paid by the United Nations and accountable to it for their work with the Panel. The Panel sees itself very much as a team and the arrangements that have been made in this regard should facilitate both collegiality and communication. The details of the aides are as follows:

Sir Geoffrey Palmer:	Ms. Elana Geddis
President Alvaro Uribe Velez:	Mr. Ivan Duque Marquez
Mr. Joseph Ciechanover Itzhar:	Mr. Arthur Lenk
Mr Süleyman Özdem Sanberk:	Mr. Can Dizdar

The Panel's Intended Programme of Work

25. The Panel held its second meeting on 2 and 3 September, in New York.

Interim Report of National Investigation Received from Turkey

26. The Panel received an interim report, with annexes and related material, from Turkey on the progress with respect to its national investigation on 1 September. The Panel appreciates that the Government of Turkey has submitted its report. Members of the Panel will individually study the report and the material it contains, and the Israeli report once it has been submitted. The Panel agreed to reconvene from 1 to 3 December to discuss and review the interim reports, at which time it expects to have also received a report from Israel.

Conclusion

27. The Panel has had two meetings for a total of four days. It has met in New York on 10 and 11 August and again in New York on 2 and 3 September. It has conducted its proceedings in a positive and collegial atmosphere. The Panel feels keenly the responsibilities that weigh upon it. Within the Panel there are two members whose appointments have been made on the proposal of the two States most closely connected with the incident. The structure has the advantage of ensuring that each State has a full understanding of the points of view of the other.

28. The points at issue between the States will become easier to identify and hopefully easier to resolve in such a process than in a third-party inquiry process. The Panel will make every effort to reach consensus in relation to procedural issues, its findings and recommendations. When the best efforts to achieve consensus have been exhausted and consensus has not been achieved, the Chair and the Vice-Chair will agree on the particular procedural issues, finding or recommendation in issue. Such a procedure ensures that the Panel will have the means to accomplish its tasks fully and not become rendered incapable of making progress.

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TEL.: 1 (212) 963.1234 • FAX: 1 (212) 963.4879

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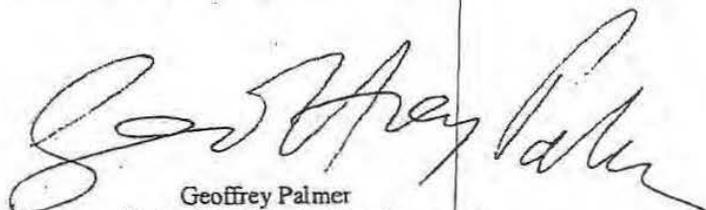
8 September 2010

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Excellency,

I am writing to you on behalf of the Panel of Inquiry on the 31 May 2010 Flotilla Incident. The Panel has met on two occasions, on 10-11 August and 2-3 September. You had requested that the Panel submit a progress report to you by 15 September. This report has now been completed and is attached. The work of the Panel is going well and has continued in a constructive tone. The Panel agreed to reconvene from 1 to 3 December to discuss and review the interim reports submitted by the parties.

Please accept, Excellency, the assurances of my highest consideration.



Geoffrey Palmer
Chair of the Panel of Inquiry
on the 31 May 2010 Flotilla Incident

His Excellency
Mr. BAN Ki-moon
Secretary-General
New York

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

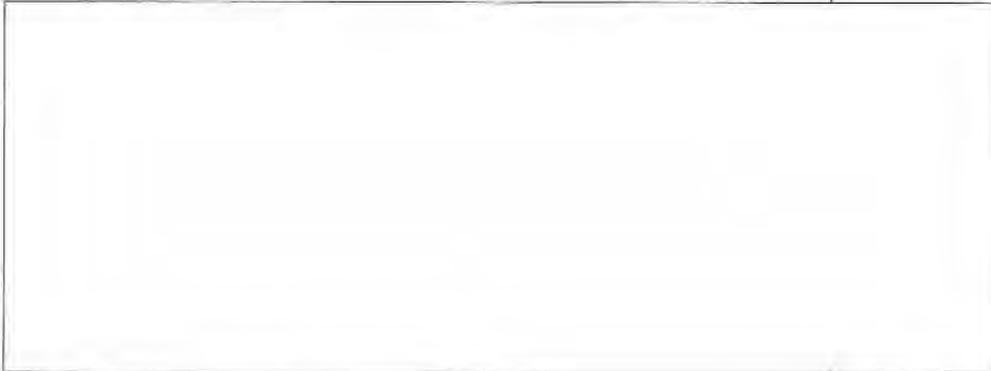
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Madam President,

In its June 1 statement on the Gaza flotilla incident, this Council expressed support for the proximity talks, "urged the parties to act with restraint, avoiding any unilateral or provocative actions," and called on "all international partners to promote an atmosphere of cooperation between the parties and throughout the region." We urge the international community to shun unilateral action and confrontation and instead undertake conciliatory steps that promote cooperation between the parties. We call on all parties to act responsibly to meet the recovery needs of the people of Gaza and to rebuild Gaza's civilian private sector, which will be the engine of Gaza's recovery.

In this context, Israel, like any other nation, should be allowed to undertake an investigation into events that involve its national security. Israel is capable of conducting a serious and credible investigation and the structure and terms of reference of the independent public commission on the Gaza flotilla can meet the standard of a prompt, impartial, credible, and transparent investigation. We will prejudge neither the process nor its outcome, and we will await the conduct and findings of the investigation before drawing further conclusions.



Thank you, Madam President.

REVIEW AUTHORITY: Sharon Ahmad, Senior
Reviewer

NR

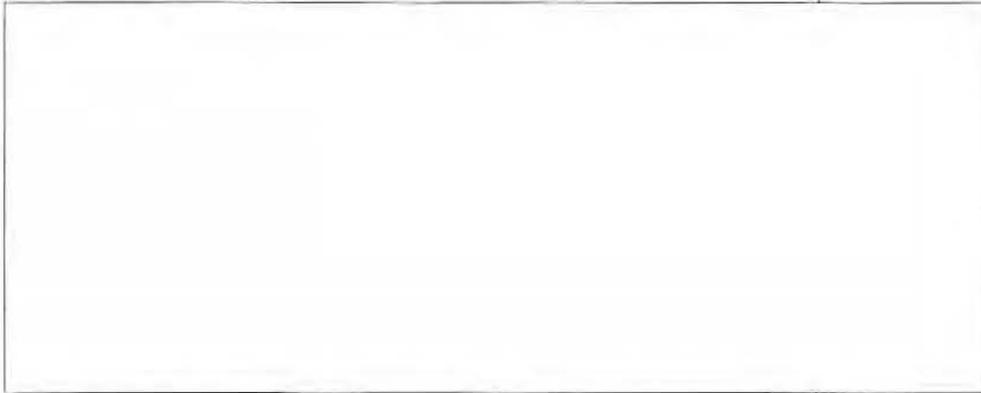
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MIDDLE EAST

UNSC Middle East Consultations
Talking Points
June 15, 2010

Thank you, Mr. President, and thank you, Special Coordinator Serry, for your briefing.



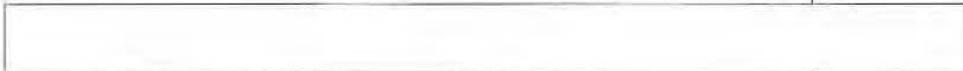
NR

On June 1, the President of the Council issued a statement in reaction to the incident involving the convoy sailing to Gaza, expressing on behalf of all Council members our deep regret at the loss of life and injuries, and our condolences to the families. The Council condemned those acts which resulted in these casualties, and called for a prompt, impartial, credible and transparent investigation conforming to international standards.

The Government of Israel took an important step forward on June 14 in approving an independent public commission to investigate the circumstances of the recent tragic events on board the flotilla headed for Gaza.

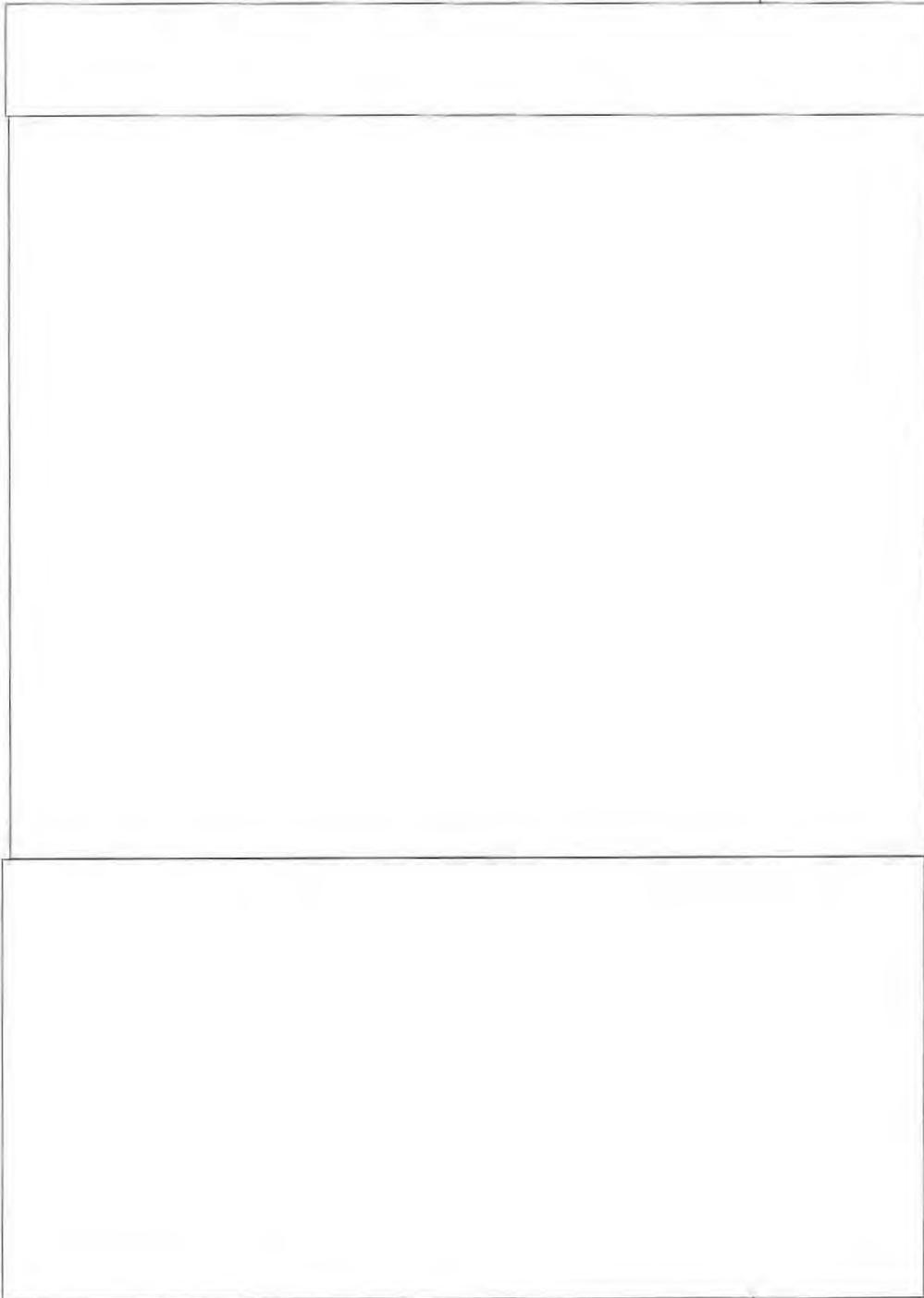
We believe that Israel, like any other nation, should be allowed to undertake an investigation into events that involve its national security. Israel has a military justice system that meets international standards and is capable of conducting a serious and credible investigation, and the structure and terms of reference of Israel's independent public commission can meet the standard of a prompt, impartial, credible, and transparent investigation. But we will not prejudge the process or its outcome, and will await the conduct and findings of the investigation before drawing further conclusions.

While Israel should be afforded the time to complete its process, we expect Israel's commission and military investigation will be carried out promptly. We also expect that, upon completion, its findings will be presented publicly and will be presented to the international community.



REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

NR





NR

Thank you Mr. President.

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ISRAEL
PALESTINE ✓



UNITED STATES MISSION TO THE UNITED NATIONS

140 East 45th Street
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January 18, 2011

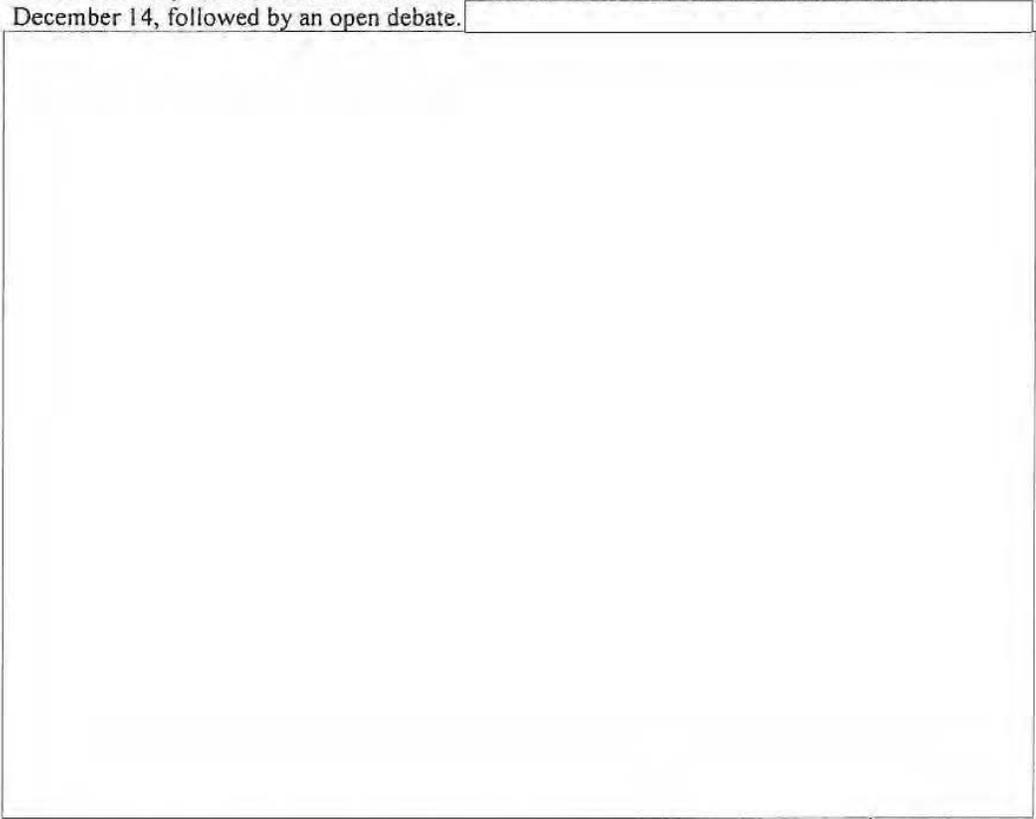
BRIEFING MEMORANDUM FOR THE PERMANENT REPRESENTATIVE

SENSITIVE BUT UNCLASSIFIED

FROM: POL – Bill Grant
THROUGH: EXEC – Ambassador DiCarlo
SUBJECT: Security Council Open Debate on the Middle East, January 19, 2011

BACKGROUND:

Under Secretary-General Pascoe will brief the Council on events in the Middle East since December 14, followed by an open debate.



NR

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

[Redacted]

NR

The U.S. draft statement for the open debate is still being finalized in Washington. We've removed points on the Gaza flotilla incident, as Israel's report will not be submitted to the UN this week.

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Drafted: POL: BMasilko

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Simonoff, Mark A (USUN)

From: Anderson, Brooke D (USUN)
Sent: Saturday, November 13, 2010 6:44 AM
To: Simonoff, Mark A (USUN)
Subject: Re: Weekly Report: Legal Section

NON-RESPONSIVE PORTIONS
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Great !!!

From: Simonoff, Mark A (USUN)
To: Anderson, Brooke D (USUN)
Sent: Sat Nov 13 00:16:09 2010
Subject: Re: Weekly Report: Legal Section

Yes

From: Anderson, Brooke D (USUN)
To: Simonoff, Mark A (USUN)
Sent: Fri Nov 12 21:46:12 2010
Subject: Re: Weekly Report: Legal Section

U got flotilla language out of law of the sea??

From: Simonoff, Mark A (USUN)
To: Singh, Priya (USUN); DiCarlo, Rosemary A (USUN); Anderson, Brooke D (USUN); Ahmed, Salman (USUN); Harris, Grant T
Sent: Fri Nov 12 20:37:56 2010
Subject: Weekly Report: Legal Section

Weekly Report: Legal Section

Following are highlights of the work of the Legal Section on matters which we have the lead on.

NR

Sixth Committee

[Redacted content]

Disabilities Convention

[Redacted content]

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

[Redacted]

International Criminal Court UN General Assembly Resolution

[Redacted]

Oceans and Law of the Sea Resolution

We remained united with the EU, Canada, Australia, Israel and others in our opposition to the flotilla paragraph in the annual oceans and law of the sea resolution. While Turkey did not affirmatively withdraw the paragraph, it took a rather low profile on the issue and did not put up much of a fight. (I consulted separately with Turkey and Israel throughout the negotiations. Everyone seemed eager to avoid an open confrontation on the issue.) Because there was no consensus on this flotilla paragraph, it was deleted from the text of the resolution.

CTED Mandate Renewal Resolution

[Redacted]

Mark A. Simonoff
Acting Legal Adviser
U.S. Mission to the United Nations
799 United Nations Plaza
New York, NY 10017
(212)415-4220

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centerforconstitutionalrights
on the front lines for social justice

February 16, 2011

Ms. Peggy Kerry
NGO Liaison
United States Mission to the United Nations
799 United Nations Plaza
New York, N.Y. 10017

Re: **Meeting Request: Ahmet Doğan, Father of Furkan Doğan, U.S. citizen killed on the Mavi Marmara on May 31, 2010**

Dear Ms Kerry:

I write on behalf of Ahmet Doğan, the father of Furkan Doğan, the U.S. citizen killed aboard the *Mavi Marmara* on May 31, 2010. Mr. Doğan will be travelling to the United States next week for the purpose of meeting with U.S. government officials to discuss his son's killing and actions that the United States has taken or can take to assist in seeking justice and accountability for his son's death. **Mr. Doğan will be in New York on February 24th and would like to meet with you or representatives from your Office to discuss his son's killing and the U.S. response to it.** I note that efforts to secure a meeting for Mr. Doğan with representatives of the United States Embassy in Ankara, Turkey have been unavailing, prompting him to make this trip to the United States. See Enclosure A.

As you may be aware, 19-year old Furkan Doğan was among the sixteen United States citizens who were part of the flotilla, including five who were on the Challenger I, a U.S.-registered vessel. At the time of his death, Furkan Doğan was only a U.S. citizen, (and not a dual citizen with Turkish citizenship) having previously renounced his Turkish citizenship. Furkan Doğan was shot five times, including twice in the head, once in the back, in the left leg and foot. All of the entry wounds were to the back of his body, except the shot to his face, which was delivered at point-blank range. See Enclosure B. An English-translation of the autopsy report for Furkan Doğan is attached. See Enclosure C.

In addition, United States citizens were beaten, and their property, which includes video and photographic evidence, was seized and appropriated by Israel and has not been returned. The U.S. passengers have urged the State Department to assist in securing the return of their property and safeguarding evidence for a criminal investigation. See Enclosure D. The evidence which was seized by the Israeli government and remains in its possession includes the video-camera Furkan Doğan was holding at the time that the Israeli commandos rappelled onto the *Mavi Marmara*.

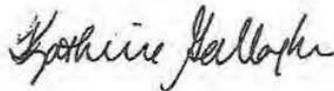
REVIEW AUTHORITY: Sharon Ahmad, Senior
Reviewer

666 Broadway, 7 fl, New York, NY 10012
t 212 614 6464 f 212 614 6499 www.CCRjustice.org

Meeting Request: Ahmet Doğan
February 16, 2011
Page 2 of 2

I appreciate your urgent attention to this matter and look forward to your prompt response. Please feel free to contact me at 212-614-6445 or kgallagher@ccrjustice.org if you have any questions or need any additional information.

Sincerely,



Katherine Gallagher
Senior Staff Attorney

- Encl. A. Letters exchanged between the Elmadağ Law Office and the Embassy of the United States – Ankara
- B. Excerpt from the United Nations Human Rights Council Report Fact-Finding Mission on the Flotilla Attack, September 27, 2010, A/HRC/15/21
- C. Autopsy Report for Furkan Doğan
- D. Letter from U.S. passengers, including Ahmet Doğan to Secretary of State Clinton, October 6, 2010

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t 212 614 6464 f 212 614 6499 www.CCRjustice.org

Enclosure A



THE UNITED STATES OF AMERICA EMBASSY, ANKARA-TURKEY

Douglas A. SILLIMAN

To: Deputy Chief of Mission

Atatürk Bulvarı 110
Kavaklıdere, 06100 Ankara - Türkiye
ozbagd@state.gov

No: HUKMEK-01-10-28

Subject: Formal request for information about the USA citizen FURKAN DOGAN whom he was killed on 31 May 2010 by the Israeli attack on Freedom Gaza Flotilla while it was in the international waters.

Date: 7.09.2010

Dear Sir DEPUTY CHIEF OF MISSION

At the outset allow us to introduce ourselves. We, Elmadag Law Office, are the Legal Representatives of each victim of the 31 May Gaza Flotilla Incident who hold Turkish Citizenship. Our role is to pursue the rights of the each victim in accordance with remedies available under international law, inter alia United Nations, International Court of Justice and International Criminal Court, and exhaust every possible international legal remedy.

On the day of May 31 when the aforementioned attack has occurred, 9 civilians were killed with gunfire. Among them one of the deceased people was Furkan Dogan, having Turkish origin and holding the USA citizenship. His dead body was sent to Turkey after the attack. His autopsy report

prepared by the Forensic Medicine Institute and his family took his body and buried in the city of Kayseri.

Elmadag Law Office is the representatives of his Family for the fact that they were victim and complainant since their son was shot.

Based on the foregoing;

On behalf of the Dogan Family, we respectfully request from the authority of the United States Government to act the legal and diplomatic remedies for Furkan Dogan's death, we therefore request the US Embassy in Ankara to inform us about the aforesaid situation further and have a meeting.

Sincerely,

Att. RAMAZAN ARITÜRK

EK - I: 30.07.2010 Tarihli, Kayseri 8. Noterliğinden 28678 Yevmiye No'lu

EK - II: Vekâletname - Vekil: Ahmet Dođan
17.06.2010 Tarihli, Furkan Dođan'a ait Otopsi Raporu - Adli Tıp Kurumu Başkanlığı



Embassy of the United States of America

Ankara, Ekim 7, 2010

Sayın Avukat Ramazan Arıtürk,
İstanbul Dünya Ticaret Merkezi
A-1 Blk. N: 61 Yeşilköy,
İstanbul

Sayın Arıtürk,

Amerikan Büyükelçiliği Maslahatgüzarı Douglas A. Silliman'a göndermiş olduğunuz 1-10-2010 tarihli yazınıza cevaben Maslahatgüzar adına bu mektubu yazmaktayım.

Göndermiş olduğunuz yazı tarafımıza ulaşmıştır.

Saygılarımla,

Richard Appleton

Başkonsolos

Amerikan Büyükelçiliği

Ankara

Embassy of the United States of America

Ankara, September 7, 2010

Dear Att. Ramazan Arıtürk,
Istanbul World Trade Centre
A-1 Block No:61 Yesilkoy,
Istanbul

Dear ARITURK,

I am writing on behalf of the United States Charge d'Affaires Douglas A. Silliman in response to letter he received dated 1/10/210.

We have received your letter.

Regards,

Richard Appleton

Consul General

Embassy of the United States

Ankara



EMBASSY OF THE UNITED STATE, ANKARA-TURKEY

Douglas A. SILLIMAN

Deputy Chief of Mission

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HUKMEK-01-10-39

Reiteration for Formal request for information about the USA citizen FURKAN DOGAN whom he was killed on 31 May 2010 by the Israeli attack on Freedom Gaza Flotilla while it was in the international waters.

29.11.2010

Dear Sir **DEPUTY CHIEF OF MISSION**

We, Elmadağ Law Office, are the Legal Representatives of each victim of the 31 May Gaza Flotilla Incident who hold Turkish Citizenship.

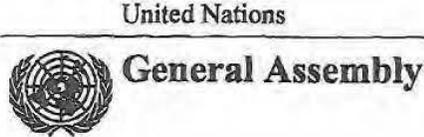
On the day of 31 May 2010 one of the deceased of the consequence of the aforementioned attack was Furkan Dogan. The legal team of our office will go to the USA on the point of legal process for Furkan Dogan's case.

It was asked for formal request on the date of 01.10.2010 to have appointment with you on behalf of victim and complaint Dogan Family for further information about Furkan Dogan. (no: HUKMEK-01-10-28). We have received your letters indicating that you received our request letter. Respectfully, We would like to renew our aforementioned request dated 01.10.2010 for meeting with you before we visit the USA.

Sincerely,

Av. Ramazan ARITÜRK

Enclosure B



United Nations

General Assembly

A/HRC/15/21

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Human Rights Council
Fifteenth session
Agenda item 1
Organizational and procedural matters

Report of the international fact-finding mission to investigate violations of international law, including international humanitarian and human rights law, resulting from the Israeli attacks on the flotilla of ships carrying humanitarian assistance*

Summary

This report was prepared by the fact-finding mission established by the Human Rights Council in resolution 14/1 of 2 June 2010 to investigate violations of international law, including international humanitarian law and human rights law, resulting from the interception by Israeli forces of the humanitarian aid flotilla bound for Gaza on 31 May 2010 during which nine people were killed and many others injured.

The report sets out background information relating to the interception of the flotilla as well as the applicable international law.

The fact-finding mission conducted interviews with more than 100 witnesses in Geneva, London, Istanbul and Amman. On the basis of this testimony and other information received, the Mission was able to reconstruct a picture of the circumstances surrounding the interception on 31 May 2010 and its aftermath. The report presents a factual description of the events leading up to the interception, the interception of each of the six ships in the flotilla as well as a seventh ship subsequently intercepted on 6 June 2010, the deaths of nine passengers and wounding of many others and the detention of passengers in Israel and their deportation.

The report contains a legal analysis of facts as determined by the Mission with a view to determining whether violations of international law, including international humanitarian and human rights law, took place.

The fact-finding mission concluded that a series of violations of international law, including international humanitarian and human rights law, were committed by the Israeli forces during the interception of the flotilla and during the detention of passengers in Israel prior to deportation.

* Late submission.

GE.10-16486



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board the vessels by force. This belief persisted among many less-experienced passengers right up to the moment of the interception, notwithstanding the precedent of the *Spirit of Humanity* in 2009. Many passengers told the Mission that they did not really believe that the Israelis would attempt to board until the first boats approached the *Mavi Marmara* on the morning of 31 May.

Preparation and planning on the Mavi Marmara

99. The full realization that the Israelis were serious about commandeering the flotilla spread through the passengers on the *Mavi Marmara* during the course of 30 May. There is clear evidence that some people on board the *Mavi Marmara*, including senior IHH leaders, were prepared actively to defend the ship against any boarding attempt. Video evidence shows a meeting of about 50 to 100 passengers on the ship on 30 May at which the IHH President and a number of other prominent passengers spoke with some bravado about preventing an Israeli takeover of the ship. The pressure of the water hoses was seen being tested on the decks the day before the interception.

100. Following radio communication with the Israeli Navy and the sightings of the Israeli vessels, it became apparent that a boarding of the ship was an imminent reality. Passengers were instructed to put on their life jackets. Although there does not seem to have been a coordinated plan involving all passengers, some individuals grouped together with the intention of defending the ship. There is little evidence of any unified command to coordinate the defence of the ship.

101. During the night of 30 to 31 May, some passengers took electric tools from the ship's workshop, which was not kept locked and sawed sections of railings into lengths of approximately one and a half metres, apparently for use as weapons. Lengths of metal chains from between the railings were also removed. When the ship's crew discovered this, the tools were confiscated and locked in the radio room on the bridge. A number of the passengers were also provided with gas masks to counter the effects of tear gas. However, the Mission notes that the ship's standard fire-fighting equipment would have included breathing apparatus. Furthermore, the fact that some passengers engaged in last minute efforts to fashion rudimentary weapons shortly prior to the interception confirms the findings of the Mission that no weapons were brought on board the ship.

Preparation and planning on the Challenger 1, Sfendoni, Eleftheri Mesogios and the Rachel Corrie

102. Passengers and crew on the *Challenger 1* underwent training in passive resistance techniques, non-violence and what to do if detained in Israel (including contacting a lawyer before embarkation). Witnesses said discussions took place in advance amongst the passengers on how to respond to an Israeli attempt to board the ship during which the crew had insisted that there should be no attempts to repel boarders with physical force. The captain and crew opposed a suggestion that access to the bridge should be blocked, as it was feared this would incense the soldiers. The intention, according to witnesses, was to show a symbolic resistance to the soldiers sufficient to demonstrate that the boarding was unwanted. The planned response to a boarding of the *Challenger 1* was in part informed by the experience of some of the passengers on previous boats which had been intercepted by the Israelis.

103. Witnesses aboard the *Svendoni* and the *Eleftheri Mesogios* confirmed similar discussions aboard their vessels. On the *Eleftheri Mesogios*, it was also decided that water hoses could be misconstrued as weapons and hence should not be used. On the *Sfendoni*, passengers intended to sit on the decks and slow down any attempt to take control of the bridge through passive resistance.

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104. The passengers on board the *Rachel Corrie* agreed and notified the Israelis before boarding that no resistance would be offered to the Israeli forces.

Preparation and planning on the Gazze I and Defne Y

105. There is no information to suggest that any specific preparations were made by the crew or passengers of *Gazze I* and *Defne Y* to defend against a possible boarding.

B. The interception of the Gaza flotilla by the Israeli Navy on 31 May 2010

1. Factual description and findings

106. The Mission found the following facts to have been established to its satisfaction.

(a) Contacts between the Israeli Navy and the vessels of the flotilla

107. The flotilla left the rendezvous point at 1554 hours on 30 May 2010 and proceeded in a south-westerly direction on course 222 degrees. This course was altered to 185 degrees, approximately due south, at 2330 hours upon drawing level with the coast of Israel and in order to maintain a course roughly parallel to the coast. The flotilla maintained a distance of 70 nautical miles from the coast since a NAVTEX (Navigational Telex) advisory had warned that the Israeli military were conducting exercises up to 68 nautical miles from the coast.

108. The first radio contact with the Israeli Navy was at approximately 2230 hours. Each vessel was contacted by the Israeli Navy, one after the other, on Channel 16 and requested to switch to an alternative channel. Each vessel refused to switch in order that the conversation could be monitored by all shipping. The Israeli Navy requested each vessel to identify itself and state its destination. It then warned each vessel, with some variations, it was approaching an area of hostilities which is under a naval blockade, that the Gaza maritime area is closed to all vessels and that they must change course to deliver their supplies to the Port of Ashdod in Israel. In some of the messages, the captain of each vessel was warned that he would be held personally responsible for any consequences of a failure to comply with the Israeli request. The Israeli Navy's contacts were similar to those in relation to previous Free Gaza Movement efforts to enter Gaza by sea.

109. In response, the captains of the various vessels stated that their destination was Gaza and the purpose was to deliver humanitarian aid. They also asserted that the Israeli forces did not have the right to order the vessels to change course and that the blockade referred to was illegal. A representative of the Free Gaza Movement spoke to the Israelis on behalf of the whole flotilla, reiterating that the passengers were unarmed civilians delivering humanitarian aid and that none of the ships should be considered as any form of threat to Israel. At no stage was a request made by the Israeli Navy for the cargo to be inspected. Contacts with the Israeli Navy continued until around 0200 hours when communication equipment was jammed by the Israeli forces, cutting them off to all external communications. However, the vessels in the flotilla were able to maintain contact with one another via handheld two-way radios.

110. In early June 2010, audio recordings were released by the Israeli authorities of apparent exchanges between the Israeli Navy and the *Defne Y* which included insulting references by unknown persons referring to "Auschwitz" and the 11 September 2001 attack on the World Trade Centre in New York. However, the Mission is not satisfied that these recordings are authentic, nor has the Government of Israel made this material available to the Mission for appropriate examination. The Mission was given positive evidence that no such statements were made by anyone involved in communications on the flotilla.

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111. The crew and passengers of the six vessels became visually aware of the presence of Israeli naval vessels some time after the initial communications, between 2300 hours and midnight, both through sightings and two-way radio communication between the vessels. The larger Israeli ships and helicopters came into view of the crew of the vessels at approximately 0100 hours on 31 May. Similar sightings were made by other vessels in the flotilla at around the same time.

(b) *Events on board the M.V. Mavi Marmara*⁶⁷

(i) Initial attempt to board the Mavi Marmara from the sea

112. Israeli zodiac boats made a first attempt to board the *Mavi Marmara* from the sea shortly before 0430 hours. Several zodiac boats approached the ship at the stern from both the port and starboard sides. The approach was accompanied by the firing of non-lethal weaponry onto the ship, including smoke and stun grenades, tear-gas and paintballs. Plastic bullets may also have been used at this stage; however, despite some claims that live ammunition was also fired from the zodiac boats, the Mission is not satisfied that this was the case. The smoke and tear gas were not effective due to the strong sea breeze and later due to the downdraft from helicopters.

113. The Israeli forces attempted to board the ship through attaching ladders to the hull. Passengers engaged in efforts to repel the attempted boarding using the ship's water hoses⁶⁸ and the throwing of various items at the boats including chairs, sticks, a box of plates and other objects that were readily to hand. This initial attempt to board the ship proved unsuccessful. It is the view of the Mission that the Israeli forces should have re-evaluated their plans when it became obvious that putting their soldiers on board the ship may lead to civilian casualties.

(ii) Landing of soldiers from helicopters onto the Mavi Marmara

114. Just minutes after soldiers from the zodiac boats had made initial unsuccessful attempts to board, the first helicopter approached the ship at approximately 0430 hours, hovering above the top deck. At this point between 10 and 20 passengers were located in the central area of the top deck, although this number increased as other passengers learned of events on the top deck. The Israeli forces used smoke and stun grenades in an attempt to clear an area for the landing of soldiers. The first rope that was let down from the helicopter was taken by passengers and tied it to a part of the top deck and thereby rendered ineffective for the purpose of soldiers' descent. A second rope was then let down from the

⁶⁷ For the purposes of this report, the following terms are used to describe the various decks of the *Mavi Marmara*: top deck – the roof of the ship where the satellite tower and funnel are located, bridge deck – the deck below the top deck which gives access to the bridge, bow deck – lowest open deck with access to the front of the ship. Live television broadcasts were made from an open deck area at the back of the bridge deck.

⁶⁸ It is worth noting that in accordance with the International Maritime Organization's circular "Guidance to ship owners and ship operators, shipmasters and crews on preventing and suppressing acts of piracy and armed robbery against ships" of June 2009, the use of water hoses is recommended as a means to prevent an attempted boarding by pirates and armed robbers. IMO Circular Msc.1/Circ.1334, date 23 June 2009, Annex, para. 57 states as follows: "The use of water hoses should also be considered though they may be difficult to train if evasive manoeuvring is also taking place. Water pressures of 80 lb per square inch and above have deterred and repulsed attackers. Not only does the attacker have to fight against the jet of water but the flow may swamp his/her boat and damage engines and electrical systems. Special fittings for training hoses could be considered which would also provide protection for the hose operator. A number of spare fire hoses could be rigged and tied down to be pressurized at short notice if a potential attack is detected".

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helicopter and the first group of soldiers descended. The Mission does not find it plausible that soldiers were holding their weapons and firing as they descended on the rope. However, it has concluded that live ammunition was used from the helicopter onto the top deck prior to the descent of the soldiers.

115. With the available evidence it is difficult to delineate the exact course of events on the top deck between the time of the first soldier descending and the Israeli forces securing control of the deck. A fight ensued between passengers and the first soldiers to descend onto the top deck that resulted in at least two soldiers being pushed down onto the bridge deck below, where they were involved in struggles with groups of passengers who attempted to take their weapons. The equipment jacket of at least one soldier was removed as he was pushed over the side of the deck. A number of weapons were taken from the soldiers by passengers and thrown into the sea: one weapon, a 9-mm pistol, was unloaded by a passenger, a former U.S. Marine, in front of witnesses and then hidden in another part of the ship in an attempt to retain evidence.

116. A number of the passengers on the top deck fought with the soldiers using their fists, sticks, metal rods and knives.⁶⁹ At least one of the soldiers was stabbed with a knife or other sharp object. Witnesses informed the Mission that their objective was to subdue and disarm the soldiers so that they could not harm anyone. The Mission is satisfied on the evidence that at least two passengers on the bridge deck also used handheld catapults to propel small projectiles at the helicopters. The Mission has found no evidence to suggest that any of the passengers used firearms or that any firearms were taken on board the ship. Despite requests, the Mission has not received any medical records or other substantiated information from the Israeli authorities regarding any firearm injuries sustained by soldiers participating in the raid. Doctors examined the three soldiers taken below decks and no firearm injuries were noted. Further, the Mission finds that the Israeli accounts are inconsistent and contradictory with regard to evidence of alleged firearms injuries to Israeli soldiers that it has to reject it.⁷⁰

(iii) Deaths of 9 passengers and wounding of at least 50 other passengers

117. During the operation to secure control of the top deck, the Israeli forces landed soldiers from three helicopters over a 15-minute period.⁷¹ The Israeli forces used paintballs, plastic bullets and live ammunition, fired by soldiers from the helicopter above and soldiers who had landed on the top deck. The use of live ammunition during this period resulted in fatal injuries to four passengers,⁷² and injuries to at least 19 others, 14 with gunshot wounds. Escape points to the bridge deck from the top deck were narrow and restricted and as such it was very difficult for passengers in this area to avoid being hit by live rounds. At

⁶⁹ The Mission has found no evidence of knives being taken on board by passengers except for one traditional ceremonial knife. However, the *Mavi Marmara* had six kitchens, each of which was stocked with usual culinary knives.

⁷⁰ In his testimony to the Turkel Committee, held in Israel on 11 August 2010, Chief of General Staff Ashkenazi refers to one soldier being "shot in his abdomen by one of the activists" and that "in the course of the battle, five soldiers [were] wounded by stabbings, blows and shooting". However, at the urgent debate of the Human Rights Council held during its fourteenth session, on 1 June 2010, the Permanent Representative of Israel stated that passengers "shot two Israeli soldiers". In contrast, in the State's response at the habeas corpus hearing, held on 2 June 2010 (petition HCJ 4913/10 before the Supreme Court in Jerusalem, sitting as the High Court of Justice; unofficial translation), no specific reference was made to any Israeli soldiers being shot.

⁷¹ In his testimony to the Turkel Committee on 11 August 2010, Chief of General Staff Ashkenazi stated that the first helicopter carried 15 soldiers, the second carried 12 soldiers and the third carried 14 soldiers.

⁷² Fahri Yaldiz, Furkan Dogan, Ibrahim Bilgen and Ali Haydar Bengi.

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least one of those killed was using a video camera and not involved in any of the fighting with the soldiers. The majority of gunshot wounds received by passengers were to their upper torsos in the head, thorax, abdomen and back. Given the relatively small number of passengers on the top deck during the incident, the Mission is driven to the conclusion that the vast majority were in receipt of gunshot wounds.

118. Israeli soldiers continued shooting at passengers who had already been wounded, with live ammunition, soft baton charges (beanbags) and plastic bullets. Forensic analysis demonstrates that two of the passengers killed on the top deck received wounds compatible with being shot at close range while lying on the ground: Furkan Doğan received a bullet in the face and Ibrahim Bilgen received a fatal wound from a soft baton round (beanbag) fired at such close proximity to his head that parts such as wadding penetrated his skull and entered his brain. Furthermore, some of the wounded were subjected to further violence, including being hit with the butt of a weapon, being kicked in the head, chest and back and being verbally abused. A number of the wounded passengers were handcuffed and then left unattended for some time before being dragged to the front of the deck by their arms or legs.

119. Once the Israeli forces had secured control of the top deck they undertook measures to move down to the bridge deck below in order to take over the ship's bridge and thus take control of the ship. In relation to this operation, a series of shooting incidents occurred centred on the portside doorway which gives access to the main stairwell on the bridge deck. This door is near to the hatch and ladder, which allows access from the top deck to the bridge deck.

120. Israeli soldiers fired live ammunition both from the top deck at passengers on the bridge deck below, and after they had moved down to the bridge deck. At least four passengers were killed,⁷³ and at least nine injured (five with firearms injuries) during this phase. None of the four passengers who were killed, including a photographer who at the time of being shot was engaged in taking photographs and was shot by an Israeli soldier positioned on the top deck above, posed any threat to the Israeli forces. There was considerable live fire from Israeli soldiers on the top deck and a number of passengers were injured or killed whilst trying to take refuge inside the door or assisting other to do so. Wounded passengers were brought into the ship through the stairwell and through the ship's bridge room and were helped downstairs where they could be given some form of medical treatment by doctors and others on board.

121. One witness described the circumstances in which one passenger was killed on the bridge deck:

I saw two soldiers on top of the roof standing there holding their guns down at something on the roof that I couldn't see. There were two guys hidden underneath a walkway of the ship to the right hand side and I was screaming at them not to move. The two passengers were below the soldiers. They could not see the soldiers and the soldiers could not see them while they were hidden under the walkway. Then the guys moved out, making themselves visible as they tried to run towards the metal door. One man made it to open the door and got inside. The other man must have been shot. I think he was shot in the head from the way he looked, he wasn't moving at all. He was 20 or 30 metres away from me. When the second man got shot, the first man opened the door and using it as a shield tried to reach out for the second man. He managed to reach him and was pulling him by his right arm. I couldn't see any blood, but he wasn't moving at all.

⁷³ Cevdet Kiliçlar, Cengiz Songür, Cengiz Akyüz and Çetin Topçuoğlu.

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122. A group of up to 20 passengers, some holding sticks and rods and wearing gas masks, were located on or around the stairwell inside the ship. One passenger standing just inside the door was shot through the broken porthole in the door by a soldier standing a few metres away on the bridge deck outside.

123. During the shootings on the bridge deck and as it became apparent that a large number of passengers had become injured, Bulent Yildirim, the President of IHH and one of principal organizers of the flotilla, removed his white shirt which was then used as a white flag to indicate a surrender. This does not appear to have had any effect and live firing continued on the ship.

124. Israeli forces moved down to the bridge deck and moved rapidly to take over the bridge room towards the front of the ship. The doorway and windows of the bridge room came under fire and the captain ordered that the ship's engines be cut. Israeli soldiers entered the bridge room through the door and broken window. The crew were made to lie on the ground at gunpoint. The captain remained standing but was held at gunpoint.

(iv) Shootings at the bow deck, the release of the Israeli soldiers and end of the operation

125. During the initial fighting on the top deck three Israeli soldiers were taken under control and brought inside the ship. While some passengers wished to harm the soldiers, other passengers ensured that they were protected and able to receive rudimentary medical treatment from doctors on board. Two of the soldiers had received wounds to the abdomen. One of the soldiers had a superficial wound to the abdomen, caused by a sharp object, which penetrated to the subcutaneous tissue. None of the three soldiers had received gunshot injuries, according to doctors who examined them. All three soldiers were in a state of shock and were suffering from cuts, bruises and blunt force trauma.

126. As the seriousness of incidents on the outer decks became apparent, there was growing concern among some of the flotilla organisers that holding the captured Israeli soldiers may have serious implications for the security of all passengers on board.⁷⁴ It was decided that the soldiers should be released and they were taken to the bow of the lower deck. Once on the bow deck two of the soldiers jumped into the sea and were picked up by Israeli boats. The third soldier did not jump and was rapidly joined by Israeli soldiers who came down from the top deck.

127. At least four passengers were injured on the bow of the ship, both before and around the time that the Israeli soldiers were released. At least two passengers received wounds from live ammunition, while others received injuries from soft baton charges, including one doctor who was tending to injured passengers.

128. The Israeli forces stated that the active phase of the Israeli forces operation concluded at 0517 hours,⁷⁵ once the ship was under their control and the three soldiers were released. During the 45-50 minute operation, nine passengers were killed, more than 24 passengers had received serious injuries caused by live ammunition and a large number of other passengers had received injuries caused by plastic rounds, soft baton charges (bean-bags) and other means.

⁷⁴ It also appears that the Israeli forces were planning to enter the ship's cabins in order to locate the three soldiers: In his testimony to the Turkel Committee on 11 August 2010, COGS Ashkenazi stated that at the time when the Israeli forces spotted the three soldiers on the bow deck: "The force commander [was preparing] to rush the passengers' area in order to locate the missing soldiers."

⁷⁵ As stated by COGS Ashkenazi in his testimony to the Turkel Committee on 11 August 2010.

Table - Deaths of flotilla participants*Deaths occurring on the top deck (roof)**Furkan Doğan*

Furkan Doğan, a 19-year-old with dual Turkish and United States citizenship, was on the central area of the top deck filming with a small video camera when he was first hit with live fire. It appears that he was lying on the deck in a conscious, or semi-conscious, state for some time. In total Furkan received five bullet wounds, to the face, head, back thorax, left leg and foot. All of the entry wounds were on the back of his body, except for the face wound which entered to the right of his nose. According to forensic analysis, tattooing around the wound in his face indicates that the shot was delivered at point blank range. Furthermore, the trajectory of the wound, from bottom to top, together with a vital abrasion to the left shoulder that could be consistent with the bullet exit point, is compatible with the shot being received while he was lying on the ground on his back. The other wounds were not the result of firing in contact, near contact or close range, but it is not otherwise possible to determine the exact firing range. The wounds to the leg and foot were most likely received in a standing position.

Ibrahim Bilgen

Ibrahim Bilgen, a 60-year-old Turkish citizen, from Siirt in Turkey, was on the top deck and was one of the first passengers to be shot. He received a bullet wound to the chest, the trajectory of which was from above and not at close range. He had a further two bullet wounds to the right side of the back and right buttock, both back to front. These wounds would not have caused instant death, but he would have bled to death within a short time without medical attention. Forensic evidence shows that he was shot in the side of the head with a soft baton round at such close proximity and that an entire bean bag and its wadding penetrated the skull and lodged in the brain. He had a further bruise on the right flank consistent with another beanbag wound. The wounds are consistent with the deceased initially being shot from soldiers on board the helicopter above and receiving a further wound to the head while lying on the ground, already wounded.

Fahri Yaldiz

Fahri Yaldiz, a 42-year-old Turkish citizen from Adiyaman, received five bullet wounds, one to the chest, one to the left leg and three to the right leg. The chest wound was caused by a bullet that entered near the left nipple and hit the heart and lungs before exiting from the shoulder. This injury would have caused rapid death.

Ali Heyder Bengi

According to the pathology report, Ali Heyder Bengi, a 38-year-old Turkish citizen from Diyarbakir, received six bullet wounds (one in the chest, one in the abdomen, one in the right arm, one in the right thigh and two in the left hand). One bullet lodged in the chest area. None of the wounds would have been instantly fatal, but damage to the liver caused bleeding which would have been fatal if not stemmed. There are several witness accounts which suggest that Israeli soldiers shot the deceased in the back and chest at close range while he was lying on the deck as a consequence of initial bullet wounds.

*Deaths occurring on the bridge deck, portside**Cevdet Kiliçlar*

Cevdet Kiliçlar, a 38-year-old Turkish citizen from Istanbul, was on the *Mavi Marmara*, in his capacity as a photographer employed by IHH. At the moment he was shot he was standing on the bridge deck on the port side of the ship near to the door leading to the main stairwell and was attempting to photograph Israeli soldiers on the top deck. According to

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the pathology reports, he received a single bullet to his forehead between the eyes. The bullet followed a horizontal trajectory which crossed the middle of the brain from front to back. He would have died instantly.

Cengiz Akyüz and Cengiz Songür

Cengiz Akyüz, 41, from Hatay and Cengiz Songür, 46, from Izmir, both Turkish citizens, were injured on the bridge deck in close succession by live fire from above. They had been sheltering and were shot as they attempted to move inside the door leading to the stairwell. Cengiz Akyüz received a shot to the head and it is probable that he died instantly.

The pathology report shows four wounds; to the neck, face, chest and thigh. Cengiz Songür received a single bullet to the upper central thorax below the neck, shot from a high angle, which lodged in the right thoracic cavity injuring the heart and aorta. Unsuccessful efforts were made by doctors inside the ship to resuscitate him through heart massage.

Çetin Topçuoğlu

Çetin Topçuoğlu, a 54-year-old Turkish citizen from Adana had been involved in helping to bring injured passengers inside the ship to be treated. He was also shot close to the door on the bridge deck. He did not die instantly and his wife, who was also on board the ship, was with him when he died. He was shot by three bullets. One bullet entered from the top the soft tissues of the right side of the back of the head, exited from the neck and then re-entered into the thorax. Another bullet entered the left buttock and lodged in the right pelvis. The third entered the right groin and exited from the lower back. There are indications that the victim may have been in a crouching or bending position when this wound was sustained.

Deaths and seriously wounded occurring in unknown locations

Neçdet Yıldırım

The location and circumstances of the shooting and death of Neçdet Yıldırım, a 31-year-old Turkish citizen from Istanbul, remain unclear. He was shot twice in the thorax, once from the front and once from the back. The trajectory of both bullets was from top to bottom. He also received bruises consistent with plastic bullet impact.

Wounding of Uğur Süleyman Söylemez (in a coma)

The serious nature of wounds to Uğur Süleyman Söylemez, a 46-year-old Turkish citizen from Ankara, which include at least one bullet wound to the head, have left the victim in a coma in an Ankara hospital. He remains in a critical condition with a serious head injury.

(v) Treatment of injured on the Mavi Marmara

129. Whilst the Israeli operation was still under way, efforts were made to tend to wounded passengers inside the ship by other passengers, amongst whom were around 15 doctors, nurses and others with medical training, including an ophthalmologist and orthopaedic specialist. Prior to the attack, the doctors had met and agreed to use the ship's small medical room, but there was no anticipated or preparation for the nature of injuries that transpired. The limited medicines and lack of appropriate equipment made it very difficult to properly treat wounded persons, particularly those who had received live fire injuries and required immediate surgery. By the end of the Israeli operation more than thirty persons were being treated inside the cabins, primarily in the lower deck in makeshift surgery areas, twenty of whom were in a critical condition.

130. The flotilla organizers and other passengers engaged in efforts to request the Israeli forces to provide the necessary treatment to the wounded persons. One organiser used the ship's intercom to request assistance in Hebrew and persons also communicated directly

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through the cabin windows or by placing signs, written in English and Hebrew, in the ship's windows. These attempts proved unsuccessful and it was up to two hours before the Israeli forces took out the wounded persons. However, the wounded were required to leave the cabins themselves, or taken outside in a rough manner, without apparent concern for the nature of their injuries and the discomfort that this would cause.

131. The wounded passengers were taken to the front of the top deck where they joined other passengers injured during the operation on the top deck and where the bodies of persons killed during the operation had been left. Wounded passengers, including persons seriously injured with live fire wounds, were handcuffed with plastic cord handcuffs, which were often tied very tightly causing some of the injured to lose sensitivity in their hands. These plastic handcuffs cannot be loosened without being cut off, but can be tightened. Many were also stripped naked and then had to wait some time, possibly as long as two-three hours, before receiving medical treatment. Medical treatment was given to a number of wounded persons on the top deck by the Israeli forces.⁷⁶

132. Over several hours the wounded passengers were then airlifted by Israeli forces helicopters from the ship to hospitals in Israel.⁷⁷ However, some of the wounded remained on board the *Mavi Marmara*, at least one of whom had injuries caused by live ammunition and did not receive appropriate medical treatment until after the ship's arrival at the port of Ashdod in Israel many hours later.

(vi) Search and initial detention of *Mavi Marmara* passengers

133. All other passengers on the *Mavi Marmara* were taken one by one from the cabin areas and onto the external deck areas and were searched. The vast majority of passengers, including the ship's captain and crew, were then handcuffed with plastic handcuffs and forced to kneel on the various decks for some hours. Some women, elderly men and persons from Western countries were not handcuffed, or were temporarily handcuffed and then uncuffed after a relatively short period of time and were then permitted to sit on the benches. Most of those kneeling were drenched by water from the blades of the helicopter and were thus also in wet clothing throughout this period and were very cold. Other passengers exposed on open decks received serious sun-burn to their skin as a result of many hours exposure: medical reports show that at least 13 passengers received first-degree burns as a consequence. During the course of the 12-hour journey to the port of Ashdod in Israel, the passengers were brought inside the ship and allowed to sit on the available seating.

134. In the process of being detained, or while kneeling on the outer decks for several hours, there was physical abuse of passengers by the Israeli forces, including kicking and punching and being hit with the butts of rifles. One foreign correspondent, on board in his professional capacity, was thrown on the ground and kicked and beaten before being handcuffed. The passengers were not allowed to speak or to move and there were frequent instances of verbal abuse, including derogatory sexual remarks about the female passengers. Passengers were denied access to toilet facilities or made to wait for lengthy periods before being escorted to the toilet and then forced to use the toilet with Israeli soldiers watching and while handcuffed. Some passengers were in serious discomfort as a result, while others used makeshift receptacles, such as plastic bottles and others still were

⁷⁶ According to the testimony of COGS Ashkenazi to the Turkel Committee on 11 August 2010, field surgeries were performed on 14 passengers on board the ship.

⁷⁷ Also according to the above testimony, 31 wounded passengers and 7 wounded Israeli soldiers were airlifted from the ship utilizing "approximately 40 helicopter evacuations" and all wounded had been evacuated by 1230 hours.

A/HRC/15/21

forced to urinate on themselves. The Israeli forces also employed dogs and some passengers received dog-bite wounds. Some witnesses who suffer from chronic medical conditions, such as diabetes or heart conditions, were not provided access to their required medicines, which were taken by Israeli soldiers.

135. The manner in which plastic handcuffs were attached to the wrists of passengers caused severe pain and discomfort. There was widespread misuse of the handcuffs by the Israeli soldiers who tightened the plastic handcuffs to an extent that caused pain, swelling, a loss of blood circulation in the hands and the loss of sensitivity in their hands and fingers. Most passengers who requested that the handcuffs be loosened were ignored or it resulted in the handcuffs being further tightened. A number of passengers are still experiencing medical problems related to the handcuffing three months later and forensic reports confirm that at least 54 passengers had received injuries, transversal abrasions and bruises, as a result of handcuffing on board the *Mavi Marmara*.

(c) *Events aboard the Challenger 1*

136. Passengers and crew on the *Challenger 1*, the smallest and fastest vessel in the flotilla, were able to witness the first moments of the assault on the *Mavi Marmara*. Once it became apparent that the Israelis intended to commandeer the ships, the decision was made for the *Challenger 1* to accelerate out of the formation of the flotilla to allow more time for the journalists aboard to transmit news of the assault to the outside world via the boat's satellite Internet connection, which remained in operation, but also in the hope that at least one boat might still be able to reach Gaza. The boat was chased by one of the Israeli corvette boats which it was unable to outrun. Eventually the starboard engine lost oil pressure and the captain, concerned the Israelis might ram the boat, shut down the engines.

137. The boat was intercepted by two Israeli boats and a helicopter. Passengers on the board said that at least one stun grenade was launched at the boat by the Israelis before they attempted to board. Passengers on the decks had decided in advance to employ passive resistance techniques to resist symbolically the Israeli soldiers boarding the boat. The passengers stood unarmed side-by-side blocking the path of the soldiers. Soldiers opened fire with paintballs and rubber bullets as they boarded, hitting and injuring one woman in the face with either a plastic bullet or a paintball. Another woman was bruised on her back by from rubber bullets.

138. Once on board, the soldiers moved to take control of the fly bridge. Passengers obstructing access were forcibly removed. On entering the fly bridge, the soldiers were met with no resistance, but a female journalist sustained burns on her arms from an electroshock weapon fired by an Israeli soldier. Witnesses said that the primary concern of the soldiers seemed to be the confiscation of photographic equipment and media.

139. The passive resistance offered by the passengers was met with force. One woman's head was hit against the deck of the boat and then stepped on by an Israeli soldier. Passengers were handcuffed very tightly with plastic ties behind their backs, while the woman injured in the face was left unattended.

140. Several passengers said that it was clear that the Israeli soldiers knew who was on board as they referred to some passengers by name. A plasticized booklet recovered from a soldier on the *Mavi Marmara*, and filmed, identified specific passengers on several boats with names and photographs, including on the *Challenger 1*.

141. One crew member observed that the soldiers were very young, seemed frightened and that were initially poorly organized. Soldiers behaved aggressively from the outset towards the passengers. Passengers were handcuffed with plastic ties and denied access to the toilet. One elderly man was obliged to urinate in his clothes because he was refused access to the toilet. There was an attempt to forcibly eject one woman from the boat into

Enclosure C

Republic of Turkey
MINISTRY OF JUSTICE
Forensic Medicine Authority

17 June 2010

NUMBER: B0.3.1.ATK.0.11.00.01-101.02-38269/1596

SUBJECT: AUTOPSY REPORT

Name Surname : FURKAN DOĞAN
Date of Birth : 20 October 1991
Gender : Male
Republic of Turkey ID No : 600 280 161 48
Matriculation Record : Of USA nationality
Residence : -
Date of Finding Dead : 31 May 2010
Place of Finding Dead : Mavi Marmara Ship
Autopsy Requested by : Bakırköy Public Prosecution Office
Date/Number : 02 June 2010 -66833
Autopsy Held At : Forensic Medicine Authority Morgue Specialization Office
Autopsy Date and Time : 03 June 2010 – 03.40
Public Prosecutor : A. Cemil Talaslıoğlu
Doctors under Oath : Dr. M. Özbay, Dr. İ. Üzün, Dr. G. Şirin, Dr. M. Akgül
Observer : Lawyer Okan Kadir Bektaşoğlu (Bar Association Registry No:
38727)

EXTERNAL EXAMINATION

It has been seen that the naked body wrapped up in a sheet and taken out of the brown wooden coffin on which there is a label numbered 3/0584, has been washed up, that it had a white plastic label with some notes in Hebrew and a paper label with yellow color reading "DVI ISRAEL POLICE – Dental Examination" on its left hand wrist, with red color reading "DVI ISRAEL POLICE - Fingerprinted", with green color reading "DVI ISRAEL POLICE – Sampled for DNA", and with white color reading "DVI ISRAEL POLICE – External Examination", and with blue color reading "DVI ISRAEL POLICE – Photographed" on his right hand wrist, and a plastic label reading "584" on him and that it had a plastic label reading "584" on its right ankle.

In the examination held under scopy, a double fragment fracture of the left cruris and metallic parts with a diameter of 0.1-0.3 mm at that site, a metallic part of 0.1x0.3 under the skin to the left of

thorax, and an oval metallic object with a diameter of 1.5-2 cm at the level of his left ankle were observed.

In the circumcised male body with a fair complexion, brown eyes, short brown hair, brown-red moustache-beard, at the age 18-20, with a height of 1.71 m, a weight of 64 kg; it has been observed that rigor mortis has passed, that livor mortis have been formed at locations of the back of body not subject to compression, and that ridding has started at the lower quadrants of the abdomen in the form of yellow green color change.

It has been observed that

1- There were a firearm bullet entrance wound with a diameter of 0.7 cm, with abrasion ring around and with flesh wound of 0.6x0.5 cm to the frontal lower section, a flesh wound of 0.6x0.5 cm to the front lower section of the same, and oval powder impresses distributed at a longitudinal axis of 7 cm under the right eye,

2- There was a firearm bullet exit wound to the left frontal back in the form of + at dimensions 3x2.5 cm at a distance of 1 cm to the midline,

3- There was a firearm bullet exit hole having a diameter of 1 cm in the form of tear 1.5 behind the left ear, and a flesh wound of 0.5 cm near the auricle, on the same line,

4- There was a firearm bullet entrance wound on the right occipital, with a diameter of 0.8 cm with abrasion ring but without shot residues around, 7 cm posterior to the ear,

5- There was a firearm bullet entrance wound with a diameter of 0.8 cm with abrasion ring but without shot residues around, at the paravertebral region aligned at 4th-5th rib level on the median line of the back,

6- There was a firearm bullet exit wound on the right arm 1/3 lower external lateral plane, firearm bullet exit wound, to the left of the chest, in line with the frontal armpit line and the 5th rib, and 4x1 cm bruise with a flesh wound under that,

7- On the left foot, 5th finger distal interior, there was a flesh wound of 2x1 due to passing of the firearm bullet, and at the bottom of the 4th finger to the bottom external side, in the form of a split of 0.6 cm, a firearm bullet entrance wound without shot residues,

2- There was a firearm bullet exit wound in the form of star-like laceration with a diameter of 0.7 cm, 2 cm posterior to the origin of the 4th finger of the left foot base,

9- In left cruris lateral, 1/3 median, there was a firearm bullet entrance wound having a diameter of 0.7 cm, with abrasion ring but without shot residues around,

Within the left eye internal side, there were bruises on the upper and lower eyelids, there was a purple colored bruise at left cruris 1/3 medium frontal side and internal side with a diameter of 6 cm, also at left cruris distal to the internal side, upper section of internal malleol, there was a purple colored bruise with a diameter of 5 cm, and a flesh wound of 0.5x0.3 cm in the middle of the same, and also in that region a foreign body that might be a bullet was found under the skin through palpation, and that a

purple colored bruise of 6x4 cm on the medial left shoulder posterior side with a flesh wound of 1 cm in diameter at one end.

Anal examination showed no macroscopic pathologic characteristic apart from postmortem dilatation. Both hands were determined to involve black-pink-red ink stains on the palmar side.

INTERNAL EXAMINATION

THE HEAD WAS OPENED: The scalp was removed. The regions under the firearm entries under the scalp was found to have hemorrhage. Both temporal muscle groups have hemorrhage, and an entry defect of the firearm bullet without soot, 2 cm below the lambdoid sutura to the right occipital right side in the calvaria, and a linear fracture line going 3 cm leftward and upward from that point, a firearm bullet exit defect with external impresses on the outer lamina with a dimension of 2.5x3cm at a distance of 1 cm to the coronal sutura in frontal left medium, that one of the fracture lines originating from that point goes 2 cm to the back and comes to an end, that the second goes to the front, that a fracture line generated by the entry defect of the firearm bullet no 1 and coming from the firearm bullet exit wound described in the right frontal bone comes to an end at the point of intersection of such fracture line were observed. It was observed that there was a 2x1 cm firearm bullet exit defect on the posterior left temporal bone, and a multiple fragmented fracture on the squamous bone there, that the broken bone parts showed an elevation of 2-3 mm.

The skull was opened using the fracture lines, the brain and cerebellum were removed, weighed as 1493 gr. There are widespread subarachnoidal hemorrhage on the cerebellum surfaces and intense tissue destruction in the base of skull and left hemisphere, and intense tissue destruction was observed along the firearm bullet trajectory in their sections. Widespread fracture lines were observed in the entire base of skull, with multiple fragmented fractures in the left medial cranial cavity and the frontal cranial cavity.

In examination of the orbita, nose and mouth cavities, no macroscopic pathologic characteristics were observed apart from blood smear.

THE CHEST WAS OPENED: Sternal valve was removed. Both lungs were found free. 600 cc blood was emptied from the left chest cavity. No free liquid or blood was detected in the right chest cavity. Pericardial fluid of usual amount and appearance was found in the pericardial cavity.

The heart was resected, weighed as 285 gr. Anatomic pathology was not monitored. Coronary arteries were found open. Left ventricle wall thickness was measured 1,3 cm, right ventricle wall thickness as 0,3 cm, aorta valve periphery as 6,8 cm, mitral valve periphery as 9 cml, pulmonary valve periphery as 6.3 cm, tricuspid valve periphery as 11.7 cm. No macroscopic pathologic characteristics were observed on the heart valve, cavity and wall tissues and myocardium sections thereof.

The lungs were resected, the right lung was weighed as 285 gr, and the left lung 295 gr. There was a hole due to the passing of the firearm bullet on the lower lobe upper posterior left lung and between upper-lower lobes to the front, and intense intra-tissue bleeding along the trajectory, but no

macroscopic pathologic characteristics were observed in the other areas of the left lung and the right lung.

Macroscopic pathologic characteristics were not observed in mediastinal structures.

A fracture was found due to the passing of a firearm bullet from the left 5th rib frontal axillary line and left 4th rib paravertebral line. In the examination held during the scopy, the tiny part of metal observed near the left of thorax close to the exit wound could not be found in spite of all searches.

In examination of the neck organs, hyoid bone, thyroid cartilage and neck vertebrae were found intact.

No macroscopic pathologic characteristics were observed in the trachea and esophagus.

THE ABDOMEN WAS OPENED: No free fluid or blood was observed in the abdominal cavity.

100 cc semi digested food content was found in the stomach.

The large and small intestines showed no macroscopic pathologic characteristics.

The liver was resected; weighed as 1157 gr. Its surfaces were smooth and no macroscopic pathologic characteristic was observed apart from the pale appearance at its sections.

The spleen was weighed 162 gr. Its surface and sections showed no macroscopic pathologic characteristics.

The right kidney was weighed 141 gr, left kidney 135 gr. There are fetal lobulation on the surfaces of both kidneys, and their sections showed no macroscopic pathologic characteristics.

The pelvis wall and soft tissue showed no macroscopic pathologic characteristic.

The bladder was found full.

When the left cruris was dissected, widespread hematoma and tibia as well as multiple fractures on the fibule covering 1/3 under cruris were found. The tiny metal fragments detected during in the left cruris could not be found despite all searches. During the external examination, when an incision was made to the bruise site described in the left cruris distal in the external examination, one bullet with rifling marks with deformed jacket, which is partially lost, from within the muscular tissue behind the internal malleol.

The following were found out:

That the firearm bullet entering from the spot described in no 1 in the external examination broke the frontal bone and entered the skull, passed through the brain tissue in its course right to left and front to the back, broke the occipital bone, and left the body from the spot described in no 3 in the external examination,

That the firearm bullet entering from the spot described in no 4 in the external examination broke the occipital bone and entered the skull, passed through the brain tissue in its course right to left and downward, broke the frontal bone, and left the body,

That the firearm bullet entering from the spot described in no 5 in the external examination entered the thoracic cavity in its course left to right, slightly downward, and back to the front, broke the 4th rib from below the paravertebral line, entered the left lung from the lower lobe posterior superior and

exited at the front from the interlobar region, broke the 5th rib from the left frontal axillary line, and left the body,

That the firearm bullet entering at the place described in no 7 in the external examination left the body passing through soft tissue from the spot described in no 8 in the external examination, without any bone fracture,

That the firearm bullet entering at the spot described in no 9 in the external examination caused multiple fractures in the tibia and fibula in its course inward and downward, and remained within the soft tissue at inner malleol upper section.

On examination of the firearm bullet entrance wounds, no subcutaneous shot residue was detected.

Blood sample, nail sample and bone sample were taken with FTA to be kept to do DNA profiling when necessary.

Skin samples from the skin around the entrance wounds were sent to Physics Specialization Office to seek shot residues (nitrite-nitrate)

2 blue colored, plastic bags stated to involve clothes were sent to Physics Specialization Office for examination.

Biopsy was made from the heart, lung, liver, kidney, cerebellum, peduncle and the brain for histopathological examination when necessary.

Samples of blood, urine, fat tissue, as well as the stomach and intestines along with its contents were taken for systematic toxicological analysis and seeking alcohol, soporific-narcotic, and skin wipe samples were taken to seek explosive products; and were sent to Chemistry Specialization Office.

One bullet obtained was sent to Physics Specialization Office for definition and determination of the type of the shooting weapon.

In the letter by Physics Specialization Office dated 10 June 2010; it was specified that the persons were cleaned (washed) to whom the skin and subcutaneous tissue parts of 4 boxes 38272 (1599), 2 boxes 38303 (1601), 2 boxes 38249 (1593), 6 boxes 38269 (1598), 5 boxes 38266 (1597), 4 boxes 38254 (1594), 1 box 38259 (1595), 1 box 38304 (1600), 5 boxes 38263 (1596) belong to, and thus that they were returned to the Morgue Specialization Office without examination,

In the report dated 16 June 2010 and numbered 6150 by the Physics Specialization Office; the following sent for examination,

1- On the coat with a hood in gray color outside and beige color inside;

A- One with a diameter of 0.6 cm on the back side right upper side area (12 cm below the shoulder seam, 14 cm to the right arm body seam),

B- One with a size of 2x2 cm in "T" shape at the front side left edge medium area (10 cm below the armpit joint, 26 cm to zipper edge),

2- On the sweat pants with the expression "ADIDAS" on the black colored left pocket;

One with a diameter of 0.6 cm on the back side left leg lower edge external area (22 cm to the lowest part of the trousers, 1.5 cm to the external side seam),

3- Black colored "ADIDAS" brand shoes;

One with a diameter of 0.6 cm to the upper left end of the external side on the left shoe,

4- It has been recorded in relation with the holes on the coat with hood gray outside and beige inside, the sweat pants with the expression "ADIDAS" on the black colored left pocket, and the black colored shoes with "ADIDAS" brand; and around the holes,

A- In the physical examination held visually and using a magnifying glass; burn, searing and powder soot WERE NOT OBSERVED,

B- In the chemical examination held using improved grease indicator, powder residues WERE NOT DETECTED,

5- A deformed bullet with broken jacket, having a diameter of 9 mm pertained to cartridges produced for weapons having a diameter of 9x19 mm,

Consequently in the examination;

1- It has been recorded in relation with the holes on the coat with hood gray outside and beige inside, the sweat pants with the expression "ADIDAS" on the black colored left pocket, and the black colored shoes with "ADIDAS" brand; and around the holes,

2- According to the physical and chemical findings obtained, the shots causing entrance holes on the clothes;

A- were not fired at ranges IN CONTACT, NEAR CONTACT or CLOSE-RANGE, B- However, according to the actual findings, there is no way to determine the actual firing range,

3- One (1) bullet having a diameter of 9 x 19 mm, have been fired from automatic or semi-automatic gun with corresponding diameter and type,

In the report by Chemistry Specialization Office dated 15 June 2010 and numbered 02/10-38269/2781; the substances of the sought systematic were not found out as a result of the systematic toxicological analysis held on the internal organs, stomach and the fat tissue, there was trimethobenzamide in the internal organs, no Ethanol and methanol was found in the blood, soporific-anesthetic substances of the sought systematic were not found out, 168.8 ng/mL trimethobenzamide was found, soporific-anesthetic substances of the sought systematic were not found in the urine, Trimethobenzamide was found, explosive substances of the sought systemic (2-Amino-6-Nitrotoluene; 2,6-DNT; TNB; HMX; 4-Amino-2,6-Dinitrotoluene, RDX; Nitrobenzene, 1,2-DNB; 2,4-DNT) were not detected in the skin wipe.

RESULT

The following opinions were reached:

In view of the information and findings given above, obtained with the autopsy and examinations held by the Morgue Specialization Office of the Forensic Medicine Authority on 03 June 2010 over the

body of FURKAN DOĞAN, born in 1991, son of Ahmet, reported to have died in the incident that occurred onboard Mavi Marmara Ship on 31 May 2010;

1. In the report by Chemistry Specialization Office; the substances of the sought systematic were not found out as a result of the systematic toxicological analysis held on the internal organs, stomach and the fat tissue, there was trimethobenzamide in the internal organs, no Ethanol and methanol methanol was found in the blood, soporific-anesthetic substances of the sought systematic were not found out, 168.8 ng/mL trimethobenzamide was found, soporific-anesthetic substances of the sought systematic were not found in the urine, Trimethobenzamide was found, explosive substances of the sought systemic (2-Amino-6-Nitrotoluene; 2,6-DNT; TNB; HMX; 4-Amino-2,6-Dinitrotoluene, RDX; Nitrobenzene, 1,2-DNB; 2,4-DNT) were not detected in the skin wipe.

2. According to the report by Physics Specialization Office; since it was specified that the people to whom the skin and subcutaneous tissue samples belong to were cleaned (washed), no examination was held, upon the examination of the holes on the coat with a hood gray inside and beige outside, the sweat pants with the expression "ADIDAS" on the left pocket, and the black colored "ADIDAS" brand shoes, according to the physical and chemical findings obtained, the discharges causing the entrance holes on the clothes were not fired at ranges in contact, near contact or close-range, however it is not possible to determine the actual firing range, one (1) cartridge having a diameter of 9x19 mm was fired from an automatic or semi-automatic weapon with corresponding diameter and type,

3. The active ingredient of the antiemetic drug found in the blood (16.8 ng/mL Trimethobenzamide) was not at toxic levels, but it was at therapy level,

4. 5 (five) firearm bullets hit the body of the person, and the injuries caused by the bullets described in no 1, 4 and 5 in the external examination were individually lethal, and the others were not fatal,

5. According to the firearm bullet entrance wound, skin and subcutaneous findings, it was found out in the external examination that the discharges causing the wounds described in item 1 were close, that the discharge constituting the wound described in no 4 was a distant range one (at a range of 35-45 cm for short barrel weapons, and 75-100 cm for long-barrel weapons), that since the other discharges hit the sites with clothing, according to the report of the Physics Specialization Office; they were not fired in contact, near contact or close firing range, however, it is not possible to determine the actual firing range in view of the current findings; and that it is unknown whether the examined clothing is the top clothing of the person at the time of the incident,

6. From the body, 1 (one) bullet with deformed appearance, with a partially lost jacket, was obtained with rifling marks thereon,

7. The death of the person is due to a wound by a firearm bullet causing fractures of the skull, rib and limb bones entailing internal bleeding, cerebral hemorrhage, brain tissue destruction.

Spec. Dr. Mehmet Özbay

Spec. Dr. İbrahim Üzün

Dr. Gözde Şirin

Forensic Medicine Specialist
{Signature}

Forensic Medicine Specialist
{Signature}

Forensic Medicine Specialist
{ Signature}
Dr. Meral Akbul
Assistant

To: İstanbul Chief Public Prosecutor's Office

Assoc. Prof. Dr. C. Haluk İnce
Head of Forensic Medicine Institution

17 June 2010

{Seal and Signature}

Bakırköy Public Prosecutor

MA/ST

Note: The report was sent by UYAP system.

Enclosure D

October 6, 2010

The Honorable Hillary Clinton,
Secretary of State
United States Department of State
2201 C St NW
Washington, DC 20037

Dear Secretary Clinton,

We, Americans who were aboard the three passenger ships of the Gaza flotilla over four months ago and the father of the U.S. citizen killed on the Mavi Marmara, are appalled at the lack of any visible, active effort on the part of any agency in our government to conduct and release an independent investigation of the killing of one and assaults on other Americans by a foreign military force, the Israeli commandos. We are also angered by lack of any concerted effort by the State Department to secure our possessions. We appreciate the efforts of junior and mid-level officials, but without the full weight of the senior leadership of the State Department, the Israeli government will continue to ignore our concerns.

Although our own government has apparently done nothing, the September 27, 2010, report of the Fact Finding Mission to the Office of the United Nations High Commissioner for Human Rights (OHCHR) revealed there is clear evidence that U.S. citizen Furkan Dogan and four Turkish citizens were murdered, execution-style with gunshots to their heads, by Israeli commandos and four other unarmed passengers were killed with gunshots to other parts of their bodies.

The report reveals that Dogan was filming with a small video camera on the top deck of the Mavi Marmara when he was shot twice in the head, once in the back, in the left leg and foot, at point blank range while lying on the ground. The report says Furkan had apparently been "lying on the deck in a conscious or semi-conscious, state for some time" before being shot in the face. The forensic evidence of "tattooing around the wound in his face," according to the report indicates that the shot was "delivered at point blank range." The report describes the forensic evidence as showing "the trajectory of the wound, from bottom to top, together with a vital abrasion to the left shoulder that could be consistent with the bullet exit point, is compatible with the shot being received while he was lying on the ground on his back."

We want to know if the United States has investigated Furkan's death, and if so, what are the results.

Protecting Israeli actions, particularly the complete reliance on its reports on the acts of its own military at the expense of American citizens, is an absolute dereliction of the responsibilities of our government. The State Department has allied itself with Israel, ignoring its responsibilities to its own citizens. We have been abandoned by our own government, and we demand an investigation of why and how the Department of State and the American Embassy in Tel Aviv have totally failed in their responsibilities to us.

Finally, if the Israeli government insists that we pay for the eventual return of our property, we expect that the United States government will deduct the costs from the \$3 billion given to it each year.

Signed:



Ann Wright has been authorized to sign this letter on behalf of the following American citizens and the father of an American citizen

Ahmet Dogan, father of Furkan Dogan

Huwaida Arraf

Scott Hamann

Janet Koburn

Paul Larudee

Iara Lee

Fatima Mohammadi

Joe Meadors

Fiachra Ó Luain

Edward Peck

David Schmererhorn

Kathleen Sheetz

Gene St. Ong

Ann Wright

CC: Inspector General
US Department of State
United States Department of State
2201 C St NW
Washington, DC 20037

CC: Michelle Bernier-Toth
Director, Office of American Citizens Services and Crisis Management
United States Department of State
2201 C St NW
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CC: Jake Wallis,
Deputy Assistant Secretary
Bureau of Near Eastern Affairs
2201 C St NW
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CC: Katherine Gallagher
Senior Staff Attorney
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06/04/2010 FRI 12:33 FAX 2128830147 OIC TO THE UN

RELEASED IN FULL

002/004

Mission Permanente d'Observation
de l'Organisation de la Conference Islamique
aupres des Nations Unies



Permanent Observer Mission
of the Organization of the Islamic Conference
to the United Nations

البعثة المراقبة الدائمة لمنظمة المؤتمر الإسلامي لدى الأمم المتحدة

New York, 3 June 2010

Statement issued by the Organization of the Islamic Conference (OIC) Group at the Ambassadorial level on the recent illegal Israeli military aggression against the civilian convoy of humanitarian aid ships destined for the Gaza Strip

The OIC Group strongly condemns the illegal, brutal and provocative Israeli aggression carried out in international waters against the civilian convoy of ships that was carrying vital humanitarian aid to be delivered by hundreds of international peace and human rights activists to the occupied and besieged Gaza Strip. The OIC Group also condemns in the strongest possible terms the killing and injury of several civilians by the Israeli military forces that attacked the Turkish vessel in the humanitarian convoy. The OIC Group conveys its deepest condolences to the families of those killed in this military aggression and expresses its hopes for the early recovery of the wounded.

The OIC Group stresses that the Israeli military aggression on the civilian convoy of ships constitutes a flagrant violation of international law, including international humanitarian law and human rights law, and also constitutes an explicit act of piracy under the United Nations Convention on the Law of the Sea. The OIC Group also recalls in this regard General Assembly resolution 3314 (XXIX) of 1974 on the "Definition of Aggression". The international community must undertake all necessary measures to hold Israel accountable for the perpetration of this condemnable and illegal act. The OIC Group joins the UN Security Council's calls made in the Presidential Statement of 1 June 2010, and calls upon the United Nations Secretary-General to immediately initiate a full, impartial, transparent, independent and credible investigation in conformity with international standards into the Israeli military aggression and demands that the perpetrators of this crime to be brought to justice.

The OIC Group further deplores the Israeli seizure of the civilian peace and human rights activists, the ships and the humanitarian supplies in the civilian convoy that were intended for the Palestinian civilian population in the Gaza Strip that continues to suffer gravely under the inhumane blockade that has been illegally imposed by Israel, the occupying Power, for nearly three years, impoverishing the Palestinian population, devastating the Palestinian society and causing widespread trauma and despair. The OIC Group demands the immediate and unconditional release of all of these detained civilians as well as of the ships seized and calls for the delivery of all of the humanitarian aid and supplies to the Palestinian civilian population in the Gaza Strip, as intended by the organizers of the convoy. The OIC Group further demands that full compensation be made, in accordance with international standards, for the loss of lives

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REVIEW AUTHORITY: Sharon Ahmad, Senior
Reviewer

06/04/2010 FRI 12:33 FAX 2128830147 OIC TO THE UN

003/004

and injury caused to civilians by this Israeli military aggression on the humanitarian convoy of ships as well as compensation for all material damages caused.

The OIC Group reiterates that the Israeli blockade of the Gaza Strip constitutes collective punishment on a massive scope and scale and is tantamount to a war crime against the Palestinian people. The OIC Group reiterates its firm and unwavering demand for an immediate end to this unlawful Israeli blockade of the Gaza Strip and the opening of all crossing points to allow for the freedom of movement of persons and goods into and out of the Gaza Strip and to allow for unfettered humanitarian access. The OIC Group appeals to the United Nations Secretary-General to exert all efforts to support the suffering Palestinian people in the Gaza Strip and calls for urgent action in this regard. Moreover, the OIC Group calls upon all humanitarian organizations, including the International Committee of the Red Cross and the Red Crescent to insist on access to the besieged civilian population in Gaza, in accordance with the provisions of international humanitarian law, and to expedite the provision of humanitarian aid, including food, medical, sanitation and fuel supplies, to meet the basic needs of the population.

The OIC Group stresses in this regard the urgency of the entry of all necessary humanitarian and civilian goods to the Gaza Strip as well as the entry of reconstruction materials to allow for the long and unjustly-delayed reconstruction of the homes, infrastructure, and institutions, including United Nations facilities that were destroyed by the Israeli occupying forces during the military aggression against the Gaza Strip from December 2008 to January 2009. In this regard, the OIC Group also reiterates its demand for accountability and justice for the war crimes and human rights violations perpetrated against the Palestinian civilian population during that Israeli military aggression, as called for by the General Assembly and the Human Rights Council in follow up of the report of the United Nations Fact-Finding Mission on the Gaza Conflict (Goldstone Report).

The OIC Group calls upon the international community, especially the Security Council, to uphold its responsibilities with regard to this serious matter in all its aspects. Urgent action must be taken to bring an end to such blatant Israeli impunity and disregard for all norms and standards of international law. Action must also be taken to bring a halt to all other illegal Israeli practices against the Palestinian civilian population in the Occupied Palestinian Territory, including East Jerusalem.

The OIC Group reaffirms the importance of continuing the strong coordination among the OIC, the Non-Aligned Movement (NAM) and the Arab Group and the need to continue the coordination and cooperation of these groups in order to ensure comprehensive follow-up of this serious and urgent matter, including to ensure the full implementation of the Security Council Presidential Statement of 1 June 2010, particularly the pursuit of an impartial, credible, transparent, and independent international investigation in accordance with international standards led by the United Nations Secretary-General.

05/04/2010 FRI 12:33 FAX 2128830147 OIC TO THE UN

0004/004

The OIC Group reiterates its call for an end to the illegal Israeli occupation of the Palestinian Territory, including East Jerusalem, and all other Arab territories occupied since 1967 and for the realization by the Palestinian people of their inalienable right to self-determination in their independent State of Palestine, with Al-Quds Al-Shareef as its capital, and the achievement of a just, lasting and comprehensive peace, including a just solution for the plight of the Palestine refugees in accordance General Assembly resolution 194.

The OIC Group decides to remain seized of this matter.

RELEASED IN FULL



**PERMANENT MISSION OF THE SYRIAN ARAB REPUBLIC
TO THE UNITED NATIONS**

820 Second Ave., 15th Floor, New York, N. Y. 10017

Tel: (212) 661-1313

Fax: (212) 983-4439

URGENT

UN-2010- 295

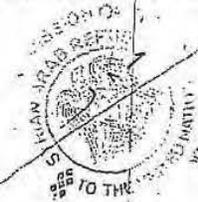
New York, 4 June 2010

I have the honor, in my capacity as Chair of the Organization of the Islamic Conference (OIC) Group in New York, to convey for your valuable consideration a statement that was endorsed on 3 June 2010 by the OIC Group at the Ambassadorial level on the recent illegal Israeli military aggression against the civilian convoy of humanitarian aid destined for the Gaza Strip.

Please Accept, Excellency, the assurances of my highest consideration.

Dr. Bashar Ja'afari
Ambassador
Permanent Representative

His Excellency
Mr. Claude Heller
President of the Security Council
United Nations



REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

RELEASED IN FULL

The President of the Security Council presents his compliments to the members of the Council and has the honour to transmit herewith, for their information, a copy of a letter dated 4 June 2010 from the Permanent Representative of the Syrian Arab Republic to the United Nations addressed to the President of the Security Council, and its enclosure.

4 June 2010

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

UN CONFIDENTIAL

RELEASED IN FULL

METHOD OF WORK
of the

Secretary General's Panel of Inquiry on the 31 May 2010 Flotilla Incident

1. The panel will receive and review copies of the national investigations into the incident from Israel and Turkey.
2. Where the panel considers that it requires further information, clarifications or meetings from Israel and/or Turkey, it will make such request to the points of contact designated by those States.
3. Where the panel considers it necessary to obtain information from other affected States, it may request such information through appropriate diplomatic channels.
4. The report and any recommendations it may contain are to be agreed by consensus. Where the members of the panel are unable to reach agreement on any element of the report or its recommendations, the Chair and Vice-Chair will use their best efforts to try to secure consensus among the members of the panel regarding that element. Where, despite the best efforts of the Chair and Vice-Chair, it is not possible to achieve consensus among the members of the panel on a particular element or recommendation of the report, the Chair and Vice-Chair will agree on any such element or recommendation in the report.
5. The UN Secretariat will provide secretariat services to the panel and will arrange for the provision of necessary administrative, logistic and security support, including transportation and accommodation.
6. The Archives and Records Management Section will provide records-management support to the panel.
7. The report of the panel shall be designated unclassified. The panel may attach confidential annexes to its report.
8. The panel shall take the necessary steps to ensure that all documents and materials provided to it on the understanding of confidentiality are marked "third party confidential" and that all necessary measures are taken to safeguard their confidentiality.

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

RELEASED IN
FULL

UN CONFIDENTIAL

TERMS OF REFERENCE

The Secretary-General's Panel of Inquiry on the 31 May 2010 Flotilla Incident



Establishment of panel

1. In the light of the Statement of the President of the Security Council dated 1 June 2010 (S/PRST/2010/9), the Secretary-General has established a panel of inquiry on the incident that occurred on 31 May 2010 off the coast of Israel.

Tasks

2. The panel:
 - (a) will receive and review interim and final reports of national investigations into the incident;
 - (b) may request such clarifications and information as it may require from relevant national authorities.
3. In the light of the information so gathered, the panel will:
 - (a) examine and identify the facts, circumstances and context of the incident; and
 - (b) consider and suggest ways of avoiding similar incidents in the future.
4. The panel will prepare a report and submit it to the Secretary-General.

Composition of the panel

5. The panel, to be appointed by the Secretary General, will be composed of a Chair, a Vice-Chair and one member each from Israel and Turkey, with recognized and relevant expertise.

Time Frame

6. The panel will hold its first meeting on 10 August 2010 at United Nations Headquarters in New York. It will hold such further meetings as required, in order to submit a preliminary report by 10 November 2010. After that, it will submit periodic reports until the completion of its work when it will submit its final report to the Secretary General.

Location

7. The panel will be based at United Nations Headquarters in New York.

Secretariat

8. The UN Secretariat will provide secretariat services for the panel.

UN CONFIDENTIAL

1

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

RELEASED IN PART B6

Simonoff, Mark A (USUN)

From: Ried, Curtis R (USUN)
Sent: Wednesday, October 26, 2011 7:44 PM
To: DiCarlo, Rosemary A (USUN); Grant, William K (USUN); Finerty, Tressa R (USUN); Simonoff, Mark A (USUN); Horak, Gail R (USUN); Ahmed, Salman (USUN)
Subject: Turkey re GA resolution on flotilla
Classification: UNCLASSIFIED

During his speech at the Middle East debate on Monday, Apakan told the Council that Turkey would use "all available platforms to refer the matter of Israel's blockade of Gaza to the ICJ." I recently had dinner with [redacted] and he said that the Turkish government had wanted to wait for the Palestinians to resolve their membership issue before pursuing action in the GA, but they were now tired of waiting. He said we should expect to see a GA resolution on the flotilla/blockade in November that would refer the matter to the ICJ.

B6

Curtis R. Ried
Political Adviser
U.S. Mission to the United Nations
Office 212-415-4346 Fax 212-415-4415

This email is UNCLASSIFIED.

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

RELEASED IN PART B5

Simonoff, Mark A (USUN)

From: Banos, Mariano H
Sent: Thursday, September 30, 2010 10:35 AM
To: Baumert, Kevin A; Simonoff, Mark A (USUN); Martin, Julie B
Cc: Aswad, Evelyn M; Guarin, Marc F; Pompian, Shawn M; Dolan, JoAnn; Jacobson, Linda
Subject: Re: Flotilla

Categories: Working

Hi Mark,

Are you referring to the HRC flotilla report? We've seen the report, which was presented at the HRC last week, and issued an intervention which called it "unbalanced." [redacted]

B5

From: Baumert, Kevin A
To: Simonoff, Mark A (USUN)
Cc: Aswad, Evelyn M; Banos, Mariano H; Guarin, Marc F; Pompian, Shawn M; Dolan, JoAnn
Sent: Thu Sep 30 10:26:28 2010
Subject: RE: Flotilla

Mark – looping in some others here. I would expect L/HRR, in particular, to have access to our TPs on this. [redacted]

Evelyn, Mariano – anything for USUN's use?

Thanks,
Kevin

From: Simonoff, Mark A (USUN)
Sent: Thursday, September 30, 2010 10:15 AM
To: Baumert, Kevin A
Subject: Flotilla

Kevin,

Do you have some talkers/analysis on the legality of Israel's "blockade"? We're getting queries up here re whether disagree with the recent report (which I have not seen yet!) characterizing the blockade as illegal.

Thanks!

Mark

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

Mark A. Simonoff
Acting Legal Adviser
U.S. Mission to the United Nations
799 United Nations Plaza
New York, NY 10017

(212)415-4220

SBU
This email is UNCLASSIFIED.

RELEASED IN PART B5

Simonoff, Mark A (USUN)

From: Schaaf, Kenli A (OES)
Sent: Thursday, September 30, 2010 10:28 AM
To: Kim, Elizabeth AB (OES); Simonoff, Mark A (USUN)
Subject: Re: Israel (update)

Categories: Working

We just heard from Secretariat that proposal will come up right after mid-morning coffee break.

We shared this info with UK and Israel (we met Ady this AM, she met with coordinator).

CAN will not/not make statement b/c of reasons you suggest.

Thanks,
K n E

From: Schaaf, Kenli A (OES)
To: Kim, Elizabeth AB (OES); Simonoff, Mark A (USUN)
Sent: Thu Sep 30 10:14:59 2010
Subject: Re: Israel

Btw, vladi (secretariat) just told me he's not sure how this will go down. (I.e. Not sure on timing).

UK just told me EU will unanimously oppose this (not the right place,etc).
UK hoping they can turn this off still, such that Turkey not even table.

AUS will make similar statement opposing. Can will not/not make statement.

Turkey is here this AM, so perhaps he is thinking he will?? (Eu talking to turkey now)

[Redacted]

All for now, will keep posted.

K n E

From: Kim, Elizabeth AB (OES)
To: Simonoff, Mark A (USUN); Schaaf, Kenli A (OES)
Sent: Thu Sep 30 10:06:20 2010
Subject: Re: Israel

She is talking to coordinator now. I just happened to be standing in line next to them all when she was introduced. I will introduce myself when she is done

[Redacted]

From: Simonoff, Mark A (USUN)
To: Schaaf, Kenli A (OES); Kim, Elizabeth AB (OES)
Sent: Thu Sep 30 09:51:04 2010
Subject: Israel

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

Ady is heading over now to informal consultations to confer with you and to talk to the facilitator.

As today is a Jewish holiday, Israel cannot speak into the microphone.

Israel has asked that, when you make the flotilla intervention, you state that Israel cannot be present and cannot speak because of the religious holiday. Our front office has OK'd your doing this. So please do that.



B5

Mark

Mark A. Simonoff
Acting Legal Adviser
U.S. Mission to the United Nations
799 United Nations Plaza
New York, NY 10017
(212)415-4220

SBU
This email is UNCLASSIFIED.

Simonoff, Mark A (USUN)

RELEASED IN PART B5,B6

From: Kim, Elizabeth AB (OES)
Sent: Wednesday, September 29, 2010 5:46 PM
To: Simonoff, Mark A (USUN); Schaaf, Kenli A (OES)
Subject: Re: Please advise-- Re: LOS mtg today

Categories: Working

No, Turkey has not yet tabled.

----- Original Message -----

From: Simonoff, Mark A (USUN)
To: Schaaf, Kenli A (OES)
Cc: Kim, Elizabeth AB (OES)
Sent: Wed Sep 29 17:45:27 2010
Subject: RE: Please advise-- Re: LOS mtg today

Israel just called.

Was told that Turkey tabled the resolution.

Was told that the US did not speak.

Please advise on the latest...

Mark

SBU
This email is UNCLASSIFIED

-----Original Message-----

From: Schaaf, Kenli A (OES)
Sent: Wednesday, September 29, 2010 5:19 PM
To: Simonoff, Mark A (USUN)
Cc: Kim, Elizabeth AB (OES)
Subject: Re: Please advise-- Re: LOS mtg today

Yes, we think it could come up this afternoon (that's our best guess), or 1st thing tomorrow AM

[Redacted]

Thanks,
K n E

----- Original Message -----

From: Simonoff, Mark A (USUN)
To: Schaaf, Kenli A (OES)
Cc: Kim, Elizabeth AB (OES)
Sent: Wed Sep 29 17:09:42 2010

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

Subject: RE: Please advise-- Re: LOS mtg today

Think you'll get to that para this afternoon.

B5

SBU

This email is UNCLASSIFIED-----Original Message-----

From: Schaaf, Kenli A (OES)

Sent: Wednesday, September 29, 2010 5:08 PM

To: Simonoff, Mark A (USUN)

Cc: Kim, Elizabeth AB (OES)

Subject: Re: Please advise-- Re: LOS mtg today

We'll keep you posted.

Thanks,

K n E

----- Original Message -----

From: Simonoff, Mark A (USUN)

To: Schaaf, Kenli A (OES)

Cc: Kim, Elizabeth AB (OES)

Sent: Wed Sep 29 16:35:03 2010

Subject: RE: Please advise-- Re: LOS mtg today

Thanks!

For my information:

Mark

SBU

This email is UNCLASSIFIED

-----Original Message-----

From: Schaaf, Kenli A (OES)

Sent: Wednesday, September 29, 2010 3:58 PM

To: Masilko, Barbara J (USUN); Kim, Elizabeth AB (OES); Grant, William K (USUN); Simonoff, Mark A (USUN);

Donovan, James B (USUN)

Cc: Baumert, Kevin A

Subject: Re: Please advise-- Re: LOS mtg today

Thanks, Barbara (and Mark).

B5

[Redacted]

We'll keep you posted. It hasn't come up yet, but prob will this afternoon.

Thanks,
K n E

----- Original Message -----

From: Masilko, Barbara J (USUN)
To: Schaaf, Kenli A (OES); Kim, Elizabeth AB (OES); Grant, William K (USUN); Simonoff, Mark A (USUN);
Donovan, James B (USUN)
Cc: Baumert, Kevin A
Sent: Wed Sep 29 15:51:33 2010
Subject: RE: Please advise-- Re: LOS mtg today

Ghost writing for Mark Simonoff -

Our sense is that we should:

[Redacted]

-----Original Message-----

From: Schaaf, Kenli A (OES)
Sent: Wednesday, September 29, 2010 3:28 PM
To: Kim, Elizabeth AB (OES); Grant, William K (USUN); Simonoff, Mark A (USUN); Donovan, James B (USUN)
Cc: Masilko, Barbara J (USUN); Baumert, Kevin A
Subject: Please advise-- Re: LOS mtg today

All,

Secretariat just distributed text:

76bis

"Expresses its deep regrets for the loss of life and injuries resulting from the use of force during the Israeli military operation in international waters against the convoy sailing to Gaza and in this context condemns those acts which resulted in the loss of 9 civilians and many wounded as expressed by the Security Council Presidential Statement (S/PRST/2010/9) of 1 June 2010;"

[Redacted]

It prob will come up very soon.

Thanks,
K n E

----- Original Message -----

From: Kim, Elizabeth AB (OES)
To: Grant, William K (USUN); Simonoff, Mark A (USUN); Donovan, James B (USUN)
Cc: Masilko, Barbara J (USUN); Baumert, Kevin A; Schaaf, Kenli A (OES)
Sent: Wed Sep 29 15:00:49 2010
Subject: RE: LOS mtg today



B5

Thanks,
Elizabeth

-----Original Message-----

From: Grant, William K (USUN)
Sent: Wednesday, September 29, 2010 2:28 PM
To: Kim, Elizabeth AB (OES); Simonoff, Mark A (USUN); Donovan, James B (USUN)
Cc: Masilko, Barbara J (USUN)
Subject: RE: LOS mtg today

Mark or Jim or Elizabeth: know anything about this?

Barbara trying to get info from her sources

This email is UNCLASSIFIED

Bill Grant
Political Minister-Counselor, U.S. Mission to the United Nations office 212-415-4363 (x44363)

-----Original Message-----

From: Masud.Husain@international.gc.ca [mailto:Masud.Husain@international.gc.ca]
Sent: Wednesday, September 29, 2010 2:15 PM
To: Grant, William K (USUN)
Subject: RE: LOS mtg today

Bill

We have heard that Turkey may introduce flotilla language in negotiations on the Law of the Sea resolution today. Have you heard this? What are you guys going to do?

Can you give me a shout

Cheers Masud

Masud Husain
Minister-Counsellor/Ministre-conseiller
Mission permanente du Canada

4

Permanent Mission of Canada

Tél:

Cell:

B6

This email is UNCLASSIFIED

Simonoff, Mark A (USUN)

RELEASED IN PART B5,B6

From: Schaaf, Kenli A (OES)
Sent: Wednesday, September 29, 2010 6:52 PM
To: Masilko, Barbara J (USUN); Kim, Elizabeth AB (OES); Simonoff, Mark A (USUN)
Cc: Baumert, Kevin A; Germain, Ellen J (USUN); Grant, William K (USUN)
Subject: Re: tomorrow's LOS session

Categories: Working

It resumes at 10am. We will keep you posted, and like Eliz said, we hope to have a heads-up on when it will come up. As soon as we know, we will share with you.

Thanks for your helpful rxns today.

Best,
K n E

— Original Message —

From: Masilko, Barbara J (USUN)
To: Kim, Elizabeth AB (OES); Simonoff, Mark A (USUN); Schaaf, Kenli A (OES)
Cc: Baumert, Kevin A; Germain, Ellen J (USUN); Grant, William K (USUN)
Sent: Wed Sep 29 18:39:14 2010
Subject: tomorrow's LOS session

Thanks. what time does the session resume tomorrow?

This email is UNCLASSIFIED

—Original Message—

From: Kim, Elizabeth AB (OES)
Sent: Wednesday, September 29, 2010 6:36 PM
To: Masilko, Barbara J (USUN); Simonoff, Mark A (USUN); Schaaf, Kenli A (OES)
Cc: Baumert, Kevin A; Germain, Ellen J (USUN); Grant, William K (USUN)
Subject: Re: notes from LOS mgt?

No worries, not tonight. We are finished for the day. Not sure if it would be tomorrow or Friday but our guess would be tomorrow if at all.

— Original Message —

From: Masilko, Barbara J (USUN)
To: Kim, Elizabeth AB (OES); Simonoff, Mark A (USUN); Schaaf, Kenli A (OES)
Cc: Baumert, Kevin A; Germain, Ellen J (USUN); Grant, William K (USUN)
Sent: Wed Sep 29 18:30:04 2010
Subject: RE: notes from LOS mgt?

Does that mean tonight or sometime later this week?

This email is UNCLASSIFIED

—Original Message—

From: Kim, Elizabeth AB (OES)
Sent: Wednesday, September 29, 2010 6:29 PM
To: Simonoff, Mark A (USUN); Masilko, Barbara J (USUN); Schaaf, Kenli A (OES)

1

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

Cc: Baumert, Kevin A; Germain, Ellen J (USUN)
Subject: Re: notes from LOS mgt?

Turkey's proposal has not yet been made. Coordinator does not know when it will come up. Turkey asked if he could bring it up "when the time is right" which we think means they are trying to do consultations first. The Secretariat will try to give us warning of at least 30 min before it comes up. We will take good notes.

----- Original Message -----

From: Simonoff, Mark A (USUN)
To: Masilko, Barbara J (USUN); Kim, Elizabeth AB (OES); Schaaf, Kenli A (OES)
Cc: Baumert, Kevin A; Germain, Ellen J (USUN)
Sent: Wed Sep 29 18:03:52 2010
Subject: RE: notes from LOS mgt?

Also send it in writing please.

SBU

This email is UNCLASSIFIED

-----Original Message-----

From: Masilko, Barbara J (USUN)
Sent: Wednesday, September 29, 2010 6:03 PM
To: Kim, Elizabeth AB (OES); Schaaf, Kenli A (OES); Simonoff, Mark A (USUN)
Cc: Baumert, Kevin A; Germain, Ellen J (USUN)
Subject: notes from LOS mgt?

Mark is taking up the issue of getting additional guidance on this issue.

Can someone give me a brief on what happened today in the meeting (i.e. who spoke, what was said, etc) either this evening or tomorrow a.m. is fine - I'm at 212-415-4190

Thanks,

Barbara

This email is UNCLASSIFIED

-----Original Message-----

From: Kim, Elizabeth AB (OES)
Sent: Wednesday, September 29, 2010 4:56 PM
To: Masilko, Barbara J (USUN); Schaaf, Kenli A (OES); Grant, William K (USUN); Simonoff, Mark A (USUN); Donovan, James B (USUN)
Cc: Baumert, Kevin A; Germain, Ellen J (USUN)
Subject: Re: Please advise-- Re: LOS mtg today

On the margin, Turkey asked for our opinion on their text (which has not yet been introduced). I told him we don't think this is the right place for this. He said he doesn't want to cause controversy, he tried to stick to earlier language, and is the ANY text to which we could agree?

Please advise.

----- Original Message -----

From: Masilko, Barbara J (USUN)

To: Schaaf, Kenli A (OES); Kim, Elizabeth AB (OES); Grant, William K (USUN); Simonoff, Mark A (USUN);
Donovan, James B (USUN)
Cc: Baumert, Kevin A; Germain, Ellen J (USUN)
Sent: Wed Sep 29 16:02:14 2010
Subject: RE: Please advise-- Re: LOS mtg today

Thanks, the UK legal advisor whom you all know (Doug Wilson) indicated the need for internal EU coordination on anything before they can make a statement — that won't happen until tomorrow a.m.

I've included Ellen Germain in this email chain in case anything evolves this afternoon.

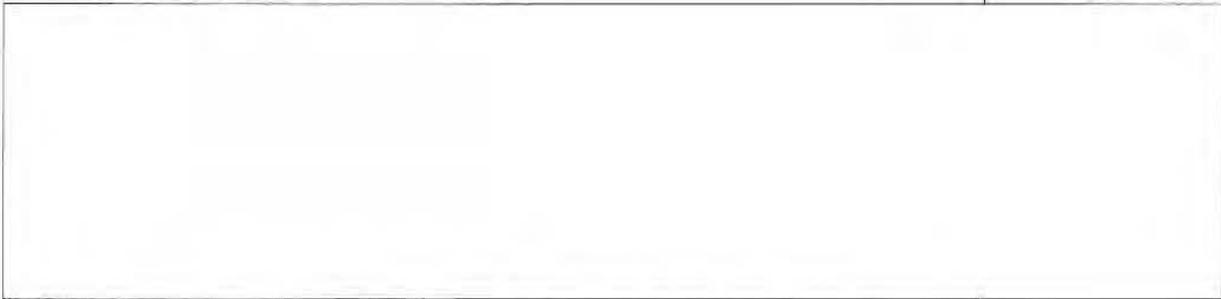
I would appreciate good notes on anything Turkey may say during introduction of the text so we can use in sending back to Washington.

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-----Original Message-----

From: Schaaf, Kenli A (OES)
Sent: Wednesday, September 29, 2010 3:58 PM
To: Masilko, Barbara J (USUN); Kim, Elizabeth AB (OES); Grant, William K (USUN); Simonoff, Mark A (USUN);
Donovan, James B (USUN)
Cc: Baumert, Kevin A
Subject: Re: Please advise-- Re: LOS mtg today

Thanks, Barbara (and Mark).



B5

We'll keep you posted. It hasn't come up yet, but prob will this afternoon.

Thanks,
K n E

----- Original Message -----

From: Masilko, Barbara J (USUN)
To: Schaaf, Kenli A (OES); Kim, Elizabeth AB (OES); Grant, William K (USUN); Simonoff, Mark A (USUN);
Donovan, James B (USUN)
Cc: Baumert, Kevin A
Sent: Wed Sep 29 15:51:33 2010
Subject: RE: Please advise-- Re: LOS mtg today

Ghost writing for Mark Simonoff -

Our sense is that we should:



-----Original Message-----

From: Schaaf, Kenli A (OES)
Sent: Wednesday, September 29, 2010 3:28 PM
To: Kim, Elizabeth AB (OES); Grant, William K (USUN); Simonoff, Mark A (USUN); Donovan, James B (USUN)
Cc: Masilko, Barbara J (USUN); Baumert, Kevin A
Subject: Please advise-- Re: LOS mtg today

All,

Secretariat just distributed text:

76bis

"Expresses its deep regrets for the loss of life and injuries resulting from the use of force during the Israeli military operation in international waters against the convoy sailing to Gaza and in this context condemns those acts which resulted in the loss of 9 civilians and many wounded as expressed by the Security Council Presidential Statement (S/PRST/2010/9) of 1 June 2010;"

[Redacted]

It prob will come up very soon.

Thanks,
K n E

----- Original Message -----

From: Kim, Elizabeth AB (OES)
To: Grant, William K (USUN); Simonoff, Mark A (USUN); Donovan, James B (USUN)
Cc: Masilko, Barbara J (USUN); Baumert, Kevin A; Schaaf, Kenli A (OES)
Sent: Wed Sep 29 15:00:49 2010
Subject: RE: LOS mtg today

[Redacted]

Thanks,
Elizabeth

-----Original Message-----

From: Grant, William K (USUN)
Sent: Wednesday, September 29, 2010 2:28 PM
To: Kim, Elizabeth AB (OES); Simonoff, Mark A (USUN); Donovan, James B (USUN)
Cc: Masilko, Barbara J (USUN)
Subject: RE: LOS mtg today

Mark or Jim or Elizabeth: know anything about this?

Barbara trying to get info from her sources

This email is UNCLASSIFIED

B5

Bill Grant

Political Minister-Counselor, U.S. Mission to the United Nations office 212-415-4363 (x44363)

—Original Message—

From: Masud.Husain@international.gc.ca [mailto:Masud.Husain@international.gc.ca]

Sent: Wednesday, September 29, 2010 2:15 PM

To: Grant, William K (USUN)

Subject: RE: LOS mtg today

Bill

We have heard that Turkey may introduce flotilla language in negotiations on the Law of the Sea resolution today. Have you heard this? What are you guys going to do?

Can you give me a shout

Cheers Masud

Masud Husain
Minister-Counsellor/Ministre-conseiller
Mission permanente du Canada
Permanent Mission of Canada

Tél:

Cell

B6

This email is UNCLASSIFIED

CLASSIFICATION: CONFIDENTIAL
Sensitive

RELEASED IN PART
1.4(B),B1,1.4(D)

From: Anderson, Brooke D (USUN)
To: 'dshapiro@nss.eop.gov.gov'
Subject: UN panel update. UN has given revised documents to Israelis.
Sent: 7/20/2010 8:04:42 PM
Update on UN Panel.

Israeli DPR told me that UN's Pascoe (DPA) and O'Brien (Legal) gave him a new draft Terms of Reference (TOR) and Method of Work (MOW) for the panel on the Gaza flotilla incident, reflecting conversations that the UN had with Turkey.

UN's message to Israel's DPR was:

[Redacted]

B1
1.4(B)
1.4(D)

New TOR adds:

[Redacted]

New MOW adds:

[Redacted]

Israeli DPR told UN he would send it back to capital for review - [Redacted]

[Redacted]

CLASSIFICATION: CONFIDENTIAL
Sensitive

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

Printed By: Anderson, Brooke D (USUN)
Page 1 of 2

CLASSIFICATION: CONFIDENTIAL
Sensitive

Israeli DPR told me that the Israeli government meeting that was going to happen last Friday hasn't been held yet, but that there is likely to be a meeting tomorrow. He will wait for instructions.

[Redacted]

B1
1.4(B)
1.4(D)

Please advise if you have any thoughts or direction for me. I will be talking with Israeli DPR in the morning when he will share with me the reaction from Jerusalem.

Best,
Brooke

Sensitivity: Sensitive
Classification: CONFIDENTIAL
Classified by: Brooke Anderson, Chief of Staff, Exec, USUN
Reason: 1.4(b), (d)
Declassify On: 2035/07/20

CLASSIFICATION: CONFIDENTIAL
Sensitive

Printed By: Anderson, Brooke D (USUN)
Page 2 of 2