



Homeland Security

September 24, 2010

Ms. Katherine Gallagher
Senior Staff Attorney
Center for Constitutional Rights
666 Broadway, 6th Floor
New York, NY 10012

Re: **DHS/OS/PRIV 10-0824**

Dear Ms. Gallagher:

This is the final response to your Freedom of Information Act (FOIA) request to the Department of Homeland Security (DHS), dated August 13, 2010. Your request was received in this office on August 18, 2010. You are seeking all records relating to the May 31, 2010 Israeli military operation that occurred in international waters in the Mediterranean Sea involving a six-foot boat flotilla headed to Gaza with humanitarian supplies, including the U.S. registered "Challenger I" and Comoros-registered "Mavi Marmara," which was forcefully intercepted by Israeli Defense Forces, resulting in the death of 9 passengers on board the Mavi Marmara, including one U.S. Citizen and the injury of many more.

A search within the Executive Secretariat for documents responsive to your request produced a total of 4 pages. Of those pages, I have determined that 3 pages are releasable in their entirety and 1 page is partially releasable with certain information withheld pursuant to Title 5, U.S.C. § 552 (b)(2)high and (b)(6), FOIA Exemptions 2 and 6. The documents are enclosed with certain information withheld, as described below:

FOIA Exemption 2(high) protects information applicable to internal administrative and personnel matters, such as operating rules, guidelines, and manual of procedures of examiners or adjudicators, to the extent that disclosure would risk circumvention of an agency regulation or statute, impede the effectiveness of an agency's activities, or reveal sensitive information that may put the security and safety of an agency activity or employee at risk. Whether there is any public interest in disclosure is legally irrelevant. Rather, the concern under high 2 is that a FOIA disclosure should not benefit those attempting to violate the law and avoid detection.

FOIA Exemption 6 exempts from disclosure personnel or medical files and similar files the release of which would cause a clearly unwarranted invasion of personal privacy. This requires a balancing of the public's right to disclosure against the individual's right privacy. The privacy interests of the individuals in the records you have requested outweigh any minimal public interest in disclosure of the information. Any private interest you may have in that information does not factor into the aforementioned balancing test.

You have a right to appeal our withholding determination. Should you wish to do so, you must send your appeal and a copy of this letter, within 60 days of the date of this letter, to: Associate General Counsel (General Law), U.S. Department of Homeland Security, Washington, D.C. 20528, following the

procedures outlined in the DHS regulations at 6 C.F.R. § 5.9. Your envelope and letter should be marked "FOIA Appeal." Copies of the FOIA and DHS regulations are available at www.dhs.gov/foia.

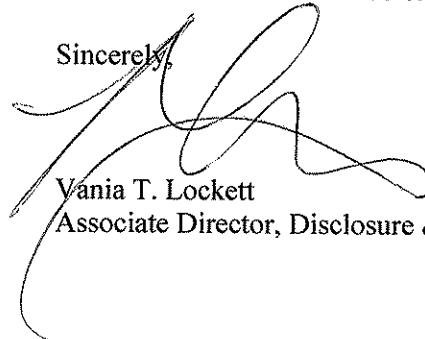
The Office of Government Information Services (OGIS) also mediates disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. If you are requesting access to your own records (which is considered a Privacy Act request), you should know that OGIS does not have the authority to handle requests made under the Privacy Act of 1974. If you wish to contact OGIS, you may email them at ogis@nara.gov or call 1-877-684-6448.

I am referring one document under the purview of the DHS Office of Policy (PLCY) to the FOIA Officer for PLCY, Traci Ballard, for processing and direct response to you. You may contact that office by writing to U.S. Department of Homeland Security, Office of Policy, Washington, D.C. 20528, via telephone at 202-447-4425, or via e-mail at PLCYExecSec@dhs.gov.

Due to the subject matter of your request, I also transferred your request to the FOIA Officer for DHS Science and Technology Directorate (S&T), Miles Wiley, for processing and direct response to you. You may contact that office in writing at U.S. Department of Homeland Security, Science and Technology Directorate, Washington, D.C. 20528 or via telephone at 202-254-6819.

Your request has been assigned reference number **DHS/OS/PRIV 10-0824**. Please refer to this identifier in any future correspondence. You may contact this office at 1-866-431-0486 or 703-235-0790.

Sincerely,



Vania T. Lockett
Associate Director, Disclosure & FOIA Operations

Enclosure: As stated, 4 pages



BRAD SHERMAN
UNITED STATES CONGRESS

PH: (202) 225-5911
FAX: (202) 225-5879

June 14, 2010

Secretary Janet Napolitano
Department of Homeland Security
U.S. Department of Homeland Security
Washington, DC 20528

Dear Secretary Napolitano:

I am writing to urge the Department of Homeland Security to investigate and bar from entry into the United States, where appropriate under 8 USC 1182(a)(3), any foreign individual who participated in the so-called Free Gaza Flotilla that was stopped by Israeli forces and diverted to the port of Ashdod on May 31.

The participants in the Gaza flotilla knew that the materials on the ships in the flotilla were intended to be provided to the Hamas organization. The Hamas organization, which effectively controls the Gaza territory, was first designated a Foreign Terrorist Organization (FTO) by the Secretary of State in 1997. The Israeli government and the United Nations Relief and Works Agency provide legitimate channels for aid via land routes. These allow for proper inspection and safeguards to prevent weapons smuggling and direct assistance to Hamas. By attempting to bypass legitimate channels, which were offered to the flotilla by the Israeli government,¹ the flotilla participants in effect were attempting to provide assistance directly to Hamas.

Several of the flotilla participants have contacts with the Hamas organization. Photos from an early Free Gaza visit to the region shows members of the group, including a U.S. participant in the latest flotilla, meeting with Hamas leader Ismail Haniyeh and receiving medals from the group.² The Israeli government has described a U.S. national participant in the flotilla as a Hamas operative who intended to enter Gaza for the purposes of conducting terrorist activity.³ In addition, an Iranian national residing in the United

¹ The Israeli government offered numerous times to provide for the delivery of the aid to the Gazan people through the existing land corridor if the flotilla ships were to be diverted to the Israeli Port of Ashdod, and did in fact do so once the ships were seized in the May 31 raid. Similarly, a subsequent vessel, the *Rachel Corrie*, was peacefully diverted by the Israeli forces to Ashdod so that the aid could be delivered through legitimate channels.

² See June 2 briefing by the Jewish Community Relations Council of the Bay Area, available at <http://www.theisraelproject.org/atf/cf/%7B84dc5887-741e-4056-8d91-a389164bc94e%7D/JCRC%20SF%20BRIEFING%20ON%20THE%20GAZA%20FLOTILLA%20CRISIS.PDF>

³ See June 6 Israeli Defense Briefing (attached)

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States who participated in the flotilla has been accused by the Israelis of attempting to smuggle forbidden electronic equipment into the territory.⁴

One of the groups responsible for organizing the flotilla, the Insani Yarhim Vakfi (IHH) was accused in testimony provided by a highly respected French counter-terrorism jurist of playing “an important role” in planning the Al Qaeda millennium plot.⁵ The umbrella organization to which IHH belongs, the Union of Good, was designated under Executive Order 13224 in 2008 by the Treasury Department – specifically for being a fundraiser for Hamas.⁶

There are appropriate channels for providing aid to the people of Gaza through various international organizations. Individuals that are moved to help should be encouraged to provide assistance through these channels and discouraged in the strongest possible ways from providing the assistance in ways that will aid Hamas. The United States should not welcome any citizen into our country who has provided material assistance to terrorist organization.

I thank you for your attention to this request and look forward to your reply.

Sincerely,



BRAD SHERMAN
Member of Congress

⁴ Ibid.

⁵ This testimony is available at http://seattletimes.nwsource.com/art/news/nation_world/terroristwithin/testimony16.pdf

⁶ See Treasury Press Release <http://treas.gov/press/releases/hp1267.htm>.

6 June 2010

**Several Flotilla Passengers are Active terror Operatives linked to Al-Qaeda, Hamas, and other Organizations
(Communicated by the IDF Spokesperson)**

The following passengers on board the Mavi Marmara are known to be involved in terrorist activity. The Mavi Marmara attempted to break the maritime closure on the Gaza Strip on Monday, May 31, 2010, and was boarded by Israel Navy forces.

Fatima Mahmadi (born 1979), is a United States resident of Iranian origin, and an active member of the organization "Viva Palestine", she attempted to smuggle forbidden electronic components into the Gaza Strip.

Ken O'Keefe (Born 1969), an American and British citizen, is a radical anti-Israel activist and operative of the Hamas terror organization. He attempted to enter the Gaza Strip in order to form and train a commando unit for the Palestinian terror organization.

Hassan Iynasi (born 1982), a Turkish citizen and activist in a Turkish charity organization, is known of providing financial support to the Palestinian Islamic Jihad terror organization.

Hussein Urosh, a Turkish citizen and activist in the IHH organization, was on his way to the Gaza Strip in order to assist in smuggling Al-Qaeda operatives via Turkey into the Strip.

Ahmad Umimon (born 1959), is a French citizen of Moroccan origin, and an operative of the Hamas terrorist organization.

From: Dugan, Catherine
Sent: Tuesday, July 06, 2010 4:03 PM
To: 'sarkiss@[REDACTED]'
Cc: ESLIAISON1
Subject: Transfer of letter from DHS to DOS
Attachments: 10-7021 Sherman 06.14.10.pdf; 10-7021 Sherman attachment 7.2.10.doc

Ms. Sarkis,

The Department of Homeland Security received the attached incoming letter and enclosure from Rep. Sherman regarding participants in the Free Gaza Flotilla. I believe this matter falls within the jurisdiction of the U.S. Department of State, and I would appreciate it if appropriate inquiries could be initiated and a response prepared for Rep. Sherman.

Please reply to this email, so I know that it has been received.

Thank you,

Catherine Dugan
Correspondence Analyst
Office of the Executive Secretary
Office of the Secretary
Department of Homeland Security

[REDACTED]