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 D(S): MHAYES - PROVISIONAL
 S/P: DRAND - OK
 P: ECATALANO - OK
 S/SEMEP: PKNOPF -OK
 NEA/ELA: BSTRUWE -OK
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E.O. 12958: N/A
 TAGS: OPDC, PGOV, PREL, PHUM, KPAL, EG, IS, XF
 SUBJECT: REPLY FROM THE SECRETARY TO AHMED ABOUL GHEIT,
 MINISTER OF FOREIGN AFFAIRS OF THE ARAB REPUBLIC OF
 EGYPT (S/ES 201010695)

1. PLEASE DELIVER THE FOLLOWING MESSAGE FROM SECRETARY
 CLINTON TO FOREIGN MINISTER AHMED ABOUL GHEIT. THE
 DEPARTMENT DOES NOT PLAN TO RELEASE THE TEXT OF THE
 SECRETARY'S MESSAGE. THERE WILL BE NO SIGNED ORIGINAL.

UNITED STATES DEPARTMENT OF STATE
 REVIEW AUTHORITY: SHARON E AHMAD
 DATE/CASE ID: 01 FEB 2012 201004163

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2. BEGIN TEXT:

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Dear Mr. Minister:

Thank you for your letter of June 7 regarding the importance of investigating the May 31 Gaza flotilla incident.

We fully support the June 1 UN Security Council Presidential Statement in condemning those acts which led to nine fatalities and many injuries on board the flotilla, and supporting a prompt, impartial, credible, and transparent investigation. It is our belief that Israel took an important step forward in proposing an independent public commission with international observers to investigate the flotilla incident. We believe the proposed investigation can be conducted seriously and with credibility, as Israel's military justice system meets international standards. However, the United States will not prejudge the process or its outcome, and we will await the findings of the investigation before reaching further conclusions. The Gaza flotilla incident underscores the need to move ahead quickly with negotiations leading to a comprehensive peace in the region based on the establishment of a Palestinian state in the West Bank and Gaza. The United States is deeply committed to working with its partners in the region to advance this objective.

Sincerely yours,
Hillary Rodham Clinton

End Text.
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IMMEDIATE TEL AVIV, JERUSALEM IMMEDIATE

E.O. 12958: N/A

TAGS: OPDC, PGOV, PREL, PHUM, KPAL, EG, IS, XF

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MINISTER OF FOREIGN AFFAIRS OF THE ARAB REPUBLIC OF EGYPT

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UNITED STATES DEPARTMENT OF STATE
REVIEW AUTHORITY: SHARON E AHMAD
DATE/CASE ID: 01 FEB 2012 201004163

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Sincerely yours,

Hillary Rodham Clinton

End Text.

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S/P: DRand - OK
P: ECatalano - OK
S/SEMEP: PKnopf -OK
NEA/ELA: BStruwe -OK
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IO/HR: AOstermeier - OK
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EMBASSY OF THE ARAB REPUBLIC OF EGYPT
 3521 INTERNATIONAL COURT, N.W.
 WASHINGTON, D.C. 20008
 TELEPHONE: (202) 955-5400 * FAX: (202) 244-4319/5121

URGENT

The Embassy of the Arab Republic of Egypt presents its compliments to the Office of the Honorable Secretary of State, and has the honour to attach herewith a verbal message from H.E. Ahmed Aboul Gheit, Minister of Foreign Affairs of the Arab Republic of Egypt, addressed to the Honorable Hillary Rodham Clinton, Secretary of State of the United States, regarding the Israeli attack on the Freedom convoy.

The Embassy of the Arab Republic of Egypt avails itself of this opportunity to renew to the Office of the Honorable Secretary of State, the assurances of its highest consideration.

June 7, 2010
 Washington, D.C.



Office of the Secretary of State
 Department of State
 United States of America
 Fax 202 647 8947

UNITED STATES DEPARTMENT OF STATE
 REVIEW AUTHORITY: SHARON E AHMAD
 DATE/CASE ID: 01 FEB 2012 201004163

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Verbal Message

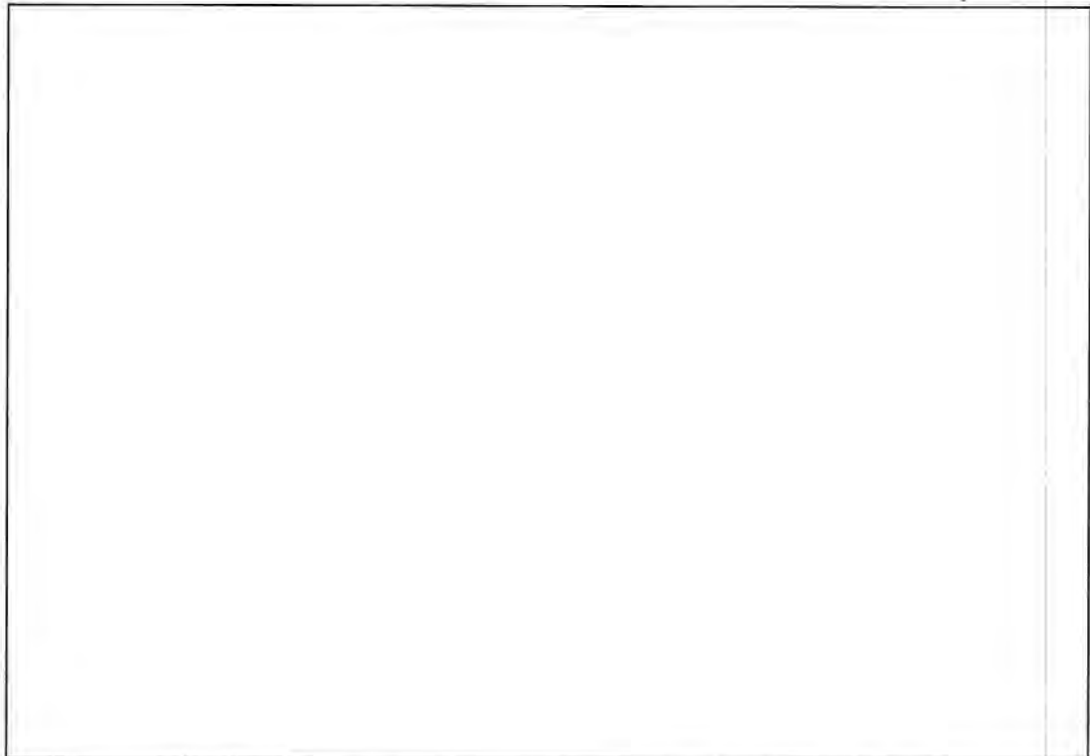
- 1- We have followed up with great concern the developments of the Israeli attack on the Freedom convoy. We have also followed closely international calls to carry out an international investigation related to the attack. We support that an international investigation be conducted and consider it a fundamental step to guaranteeing that Israel, as the occupying power of the Palestinian territories including Gaza, undertakes its legal and humanitarian responsibilities.
- 2- An international, independent, credible and transparent investigation as called for by the Human Rights Council remains, from our perspective, the only credible response for the international community to the Israeli attack. Other ideas, such as carrying an Israeli investigation with an international component will not meet the credible and independent minimum requirement.
- 3- Given the high moral authority of the UN Secretary General, we stress the necessity that he should promptly form an international investigation committee to carry out an independent and credible investigation on the Israeli attack on the Freedom convoy.

Options Paper for an Investigation of the Flotilla Incident

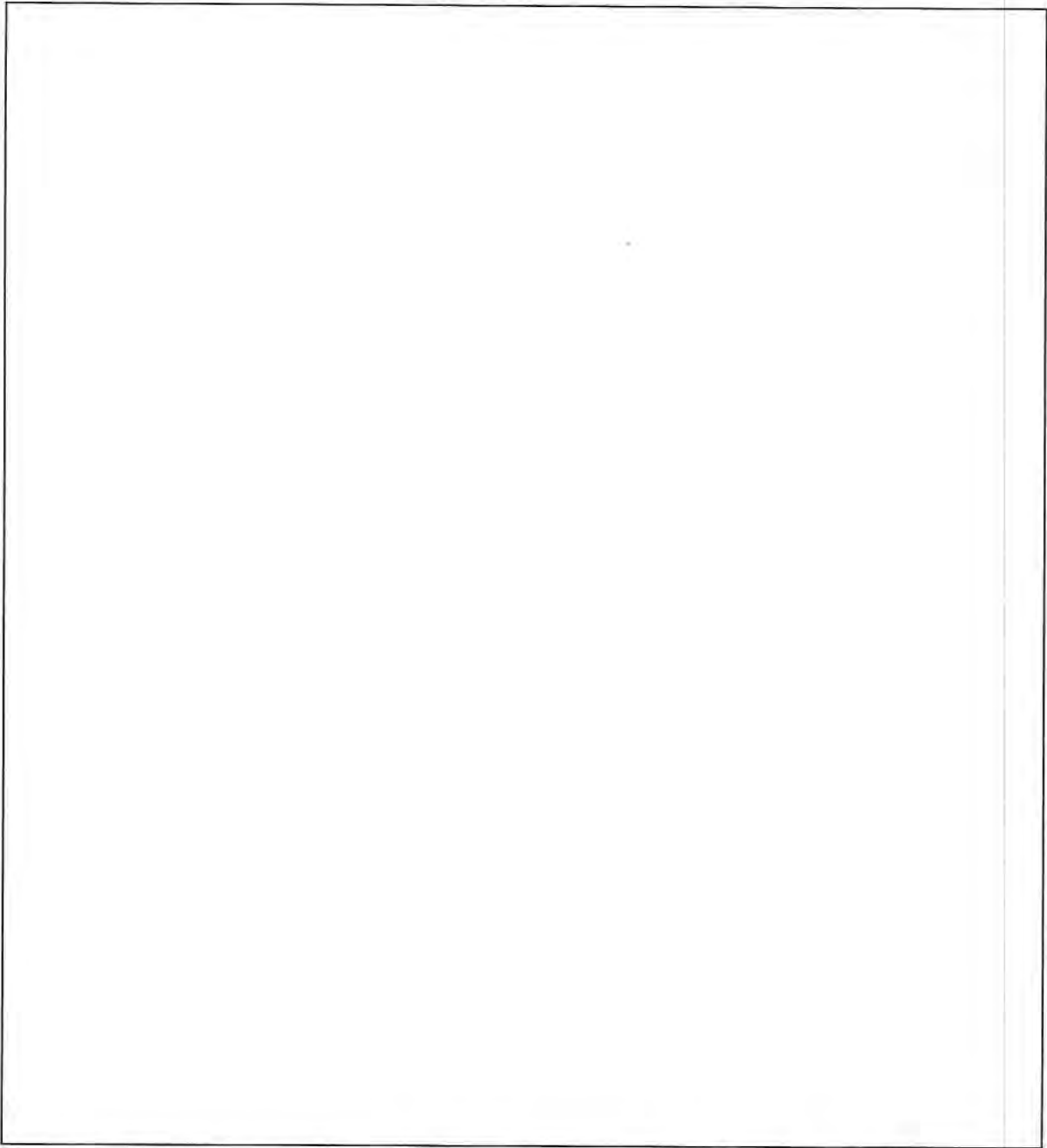
On June 1, Secretary of State Clinton said, "We support in the strongest terms the Security Council's call for a prompt, impartial, credible, and transparent investigation. We support an Israeli investigation that meets those criteria. We are open to different ways of assuring a credible investigation, including international participation, and we will continue to discuss these ideas with the Israelis and our international partners in the days ahead." There are two aspects to an investigation of the flotilla incident – ascertainment of the facts on the ground and evaluation of whether Israel complied with international law with respect to the blockade. (Israel already has prepared and made public its legal justification for establishment and maintenance of the naval blockade under the law of armed conflict and will likely resist a review, even internally, of the legality of the naval blockade. Israel is currently investigating the facts on the ground and reviewing its recent actions in enforcing the blockade.)

Here are some possible models for an Israeli investigation with international participation:

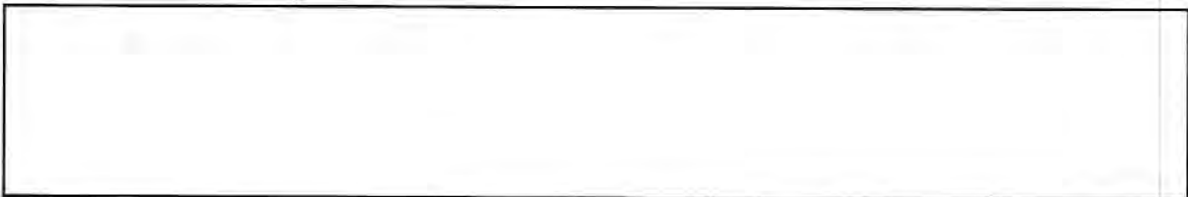
1. Technical Assistance by Third States to Determine the Facts. Given the plethora of conflicting videos as to the facts and general international disinclination to accept the current Israeli version of events, it may be useful for Israel to include international, technical experts in the conduct or evaluation of its investigation.
 - A. International experts could participate in the investigation.



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If Israel were to proceed without international involvement, several options are available:



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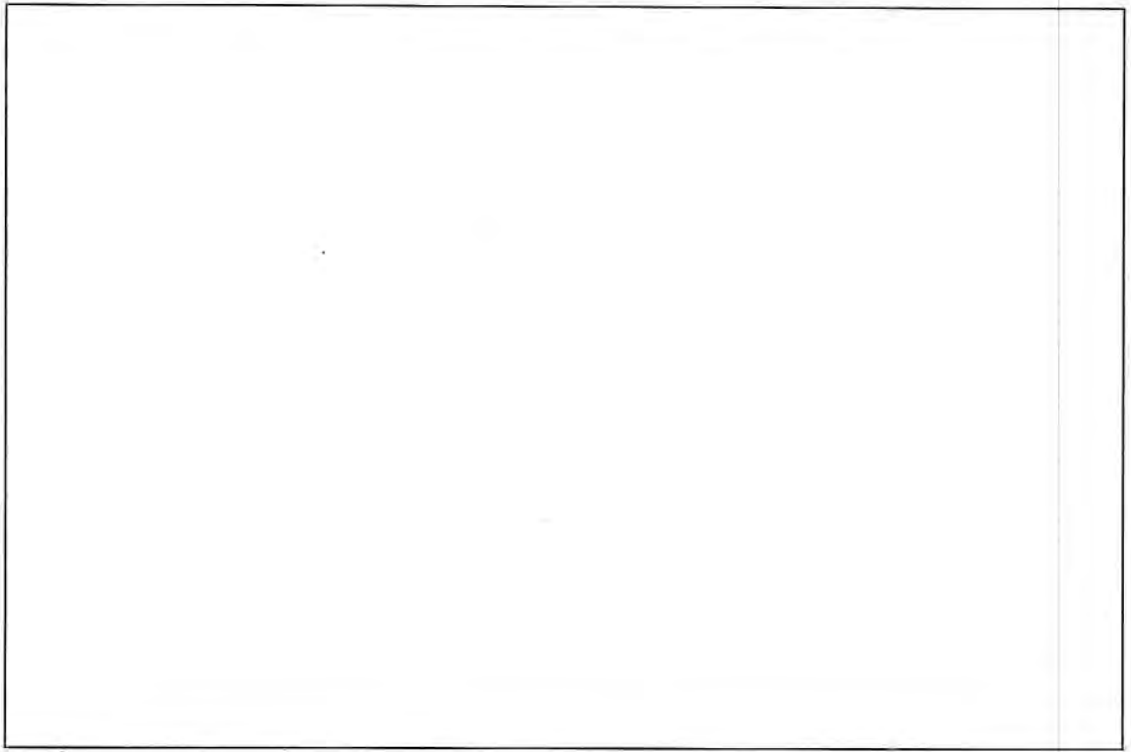
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E.O. 12958: N/A

TAGS: PREL, PGOV, KWEG, KPAL, UNSC, IS, TU

SUBJECT: UNSC: Security Council adopts June 1 Presidential Statement
 on Gaza flotilla

1. (SBU) SUMMARY: The Security Council met in an emergency session on May 31, in response to requests from Turkey and Lebanon, to discuss Israel's handling of its interdiction of a flotilla sailing to Gaza. Many Council members condemned the Israeli actions and Turkish FM Davutoglu made a particularly harsh statement criticizing Israel, calling the incident "banditry and piracy." The Israeli Deputy Perm Rep and Palestinian Observer also spoke, after which the Council went into consultations and negotiations to draft a Presidential Statement (PRST). Over the next 13 hours, the U.S. delegation negotiated with the Turkish delegation to produce a PRST which condemned "those acts which resulted in the loss of at least ten civilians and many wounded," called for a "prompt, impartial, credible and transparent investigation conforming to international standards," and requested the immediate release of the ships and civilians held by Israel. The PRST also expressed concern about the incident's potential effect on the proximity talks, and urged the parties to act with restraint and avoid unilateral or provocative actions. END SUMMARY.

2. (SBU) In response to written requests from Council members Turkey and Lebanon to convene a formal Council meeting, the Council decided in consultations on May 31 to hold an emergency Council

UNITED STATES DEPARTMENT OF STATE
 REVIEW AUTHORITY: ARCHIE M BOLSTER
 DATE/CASE ID: 02 FEB 2012 201004163

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debate on the recent incident in the Eastern Mediterranean with the participation of all Council members, Israel, the Palestinian Observer and a briefing by the Secretariat. That debate was held in the Chamber immediately following the Council's consultations. [Note: The provisional verbatim meeting record can be found at <http://www.un.org/Depts/dhl/resguide/scact2010.htm> <<http://www.un.org/Depts/dhl/resguide/scact2010.htm>> . End note.]

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Secretariat briefing

3. (SBU) Assistant Secretary-General for Political Affairs Oscar Fernandez-Taranco briefed the Council that, in the early hours of May 31, Israeli naval forces had boarded a six-ship convoy heading to Gaza. He noted that the stated purpose of the convoy was to deliver humanitarian assistance and to break the Israeli blockade on Gaza. He referred to Israeli government statements in the lead-up that it would not allow the convoy to proceed and that the vessels would be stopped, the cargo inspected and then transferred to Gaza, and any individuals onboard deported. He said that "de facto authorities in Gaza" had formed a committee to receive the convoy.

4. (SBU) He referred to the Secretary-General's spokesman's May 28 statement that "all involved act with a sense of care and responsibility and work for a satisfactory resolution." Though the Israeli navy had told the convoy it could not proceed to Gaza, the convoy nevertheless proceeded, he briefed, and the Israeli navy acted to intercept it by boarding the vessels some 40 nautical miles off the coast in international waters. While the Israelis were able to take control of all six vessels, "there was serious violence" on the main passenger vessel (the "Mavi Marmara") he said, with at least ten killed and 30 injured and six Israeli military injured, according to the information at the time. He underscored that it was "not possible to state definitively the sequence or details of what happened" and that the UN has "no independent information of what transpired."

5. (SBU) He referred to Israeli government statements that the demonstrators on board used knives and clubs against the IDF naval personnel, and possibly live fire from a weapon grabbed from an IDF soldier. He referred to Israeli statements that the seriously injured had been taken by helicopter to hospitals in Israel and that five of the ships had arrived under escort to the Israeli port of Ashdod but the "Mavi Marmara" had not yet been brought into port. He referred to Israeli authorities' expressions of regret about the casualties but noted that they blamed the activists for the violence. He noted Palestinian President Abbas' condemnation

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of Israel's actions, the killing of the activists, and the declaration of three days mourning. He summarized the Secretary-General's statement that he is shocked by the killings, that he condemned the violence, and called for a full investigation to determine how the bloodshed took place and stressed that Israel must provide a full explanation. Fernandez-Taranco underscored that Israel should provide access to detainees and for all parties to adhere to international law, including international humanitarian law and the law of the sea. He concluded by saying that "today's bloodshed would have been avoided if repeated calls on Israel to end the counterproductive and unacceptable blockade

had been heeded." He said that the only way forward for Gaza is a "different and more positive strategy that implements resolution 1860."

Turkish FM

6. (SBU) Turkish Foreign Minister Davutoglu was the first Council member to speak. In a sharply worded statement, he said it was a "very sad and tragic occasion when one state member of this august house has committed a serious crime" in total disregard of UN system values. He termed Israel's actions a "grave breach of international law," "tantamount to banditry and piracy," "aggression in high seas," "murder conducted by a state," and said "the distinction between terrorists and states has been blurred." He characterized the "sole aim" of the "multinational civilian flotilla" representing 32 countries as providing "much needed relief to the children of Gaza." He called the use of force "not only inappropriate, but also disproportionate." Referring to freedom of navigation, he claimed that no vessel can be stopped or boarded without the consent of its captain or the flag state. He said that this "unacceptable action" was perpetrated by those who had taken advantage in the past of "ships carrying refugees" and they should be more aware of the importance of humanitarian assistance and of the "dangers and inhumanity of ghettos" as in Gaza. He called on the Security Council to adopt a Presidential Statement "condemning the Israeli act of aggression, demanding an urgent inquiry," and calling for all responsible to be punished.

Council members

7. (SBU) A number of Council members joined Turkey in specifically condemning Israel's use of force/violence, including Austria, Bosnia, Brazil ("vehemently condemns"), and Mexico. The Lebanese

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Perm Rep, in a harshly worded statement, said, it was a "flagrant violation of the Charter," as well as of "international law, international humanitarian law and the law of the sea." He said the perpetrators of this "wanton attack" must be punished. Japan condemned the "violent acts of hostility that caused this tragic incident." Russia called the stopping of ships on the high seas without justification a "gross violation of the norms of international law." China condemned Israeli actions targeting humanitarian workers and civilians. All Council members spoke of the need to open up the crossings to Gaza, with some noting the need for the implementation of resolution 1860. Some called on Israel to provide a full and transparent account of what had occurred while others called for an independent investigation. Many called for Israel to provide immediate consular access to the detained activists. Almost all Council members expressed concern that this incident happened at this time during the peace process and some flagged it as a reason why the negotiations need to be successfully concluded.

Palestinian Observer

8. (SBU) The Palestinian Permanent Observer said that the Palestinian Authority had declared three days of mourning and that all of those killed were "martyrs of Palestine." He referred to "Israel's blatant acts of aggression" and condemned its actions. He attributed the violence to the silence of the international community and its inability to hold Israel accountable for its "war crimes." He called for an "independent, impartial, international investigation into this crime" and for all of those detained to be released.

Israeli Deputy Perm Rep

9. (SBU) Just before the Israeli Deputy Perm Rep was called on to speak, the Lebanese Perm Rep, as Security Council President, handed the gavel over to his deputy and left the Chamber, as did the Turkish Foreign Minister and the Palestinian Permanent Observer. The Israeli Perm Rep underscored that the purpose of the convoy was to break Israel's maritime blockade of Gaza and referred to the

convoy passengers' use of weapons to attack Israeli soldiers. He said that, if the mission had been truly humanitarian, its organizers would have accepted the Israeli government's offer to transfer the assistance through the Israeli port of Ashdod and overland to Gaza. He commented that there is no humanitarian

crisis in Gaza and referred to UN Special Coordinator Serry's recent remarks to the Security Council.

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10. (SBU) The Israeli Deputy Perm Rep stressed the state of armed conflict between Israel and the Hamas authorities in Gaza, the fact that rockets had been fired at Israel as recently as that morning, and that there continue to be attempts to smuggle arms by sea. He termed the maritime blockade a "legitimate mechanism of armed conflict" and said that Israel had provided the appropriate notification of the blockade to governments and the flotilla organizers. Nevertheless, the flotilla leader had publicly responded, "They are going to have to forcefully stop us." He described the organizers, the IHH, as having a radical anti-Western orientation and having provided previous support to Hamas and global jihad elements. He said that it was clear that there was an effort to "lynch" the soldiers boarding the one vessel and the soldiers acted in self-defense. He said the IDF would conduct a "debriefing" on the matter and will share it. He said that Israel "deeply regretted any loss of innocent life" and noted that the full picture will continue to unfold. He called for all to embrace the positive developments of the past few weeks in the peace process.

PRST

11. (SBU) The Council then returned to consultations which were suspended to allow for almost thirteen hours of largely bilateral negotiations between the Turkish and U.S. delegations on the text of a Presidential statement (PRST). Shortly after 1:30 a.m. on June 1, under the just-begun Mexican Presidency of the Security Council for the month of June, the Council formally adopted the Presidential Statement. Begin text of Security Council Presidential Statement (S/PRST/2010/9) on the recent incident in the Eastern Mediterranean:

"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.

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"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.

"The Security Council stresses that the situation in Gaza is not sustainable. The Council re-emphasizes the importance of the full implementation of Resolutions 1850 and 1860. In that context, it reiterates its grave concern at the humanitarian situation in Gaza and stresses the need for sustained and regular flow of goods and people to Gaza as well as unimpeded provision and distribution of humanitarian assistance throughout Gaza.

"The Security Council underscores that the only viable solution to Israeli-Palestinian conflict is an agreement negotiated between the parties and re-emphasizes that only a two-State solution, with an independent and viable Palestinian State living side by side in peace and security with Israel and its other neighbours, could bring peace to the region.

"The Security Council expresses support for the proximity talks and voices concern that this incident took place while the proximity

talks are underway and urges the parties to act with restraint, avoiding any unilateral and provocative actions, and all international partners to promote an atmosphere of cooperation between the parties and throughout the region." End text.

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E.O. 13526: N/A
 TAGS: PHUM, PREL, IS, KPAL, TU, UNHRC-1
 SUBJECT: HRC Gaza Flotilla Fact-Finding Mission: What Next ?

REF: GENEVA 654

1. (U) This is an action request. See para 13.

SUMMARY

2. (SBU) Following Secretary General Ban Ki-moon's announcement (on August 2) of a panel of inquiry into the May 31 flotilla incident, and the decision of both Israel and Turkey to cooperate with this investigation, Post has explored ways to "turn off" the flotilla fact finding mission established by the Human Rights Council (HRC) in HRC resolution 14/1. We very strongly favor having this fact finding mission (FFM) fall away; we opposed its creation and its superfluousness is now more evident. Unfortunately, having the FFM simply disband or stand down does not appear to be a realistic scenario. Based on recent statements by Turkey and the Thai HRC President, as well as conversations with the Turks and Palestinians in Geneva and with personnel in the Office of the High Commissioner for Human Rights, the HRC FFM will proceed as

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mandated. There are important outstanding questions, however, about how they will approach their work, i.e., how they understand the terms of their mandate and how ambitious they will be. There is also an urgent need for guidance with respect to whether and how the United States should seek to shape the outcome, as Post has learned that the members of the FFM will be in Geneva next week to consult with OHCHR and various Missions, including the U.S. Mission. The Department may want to consider [REDACTED]

B5

Reactions to Ban's Announcement

3. (U) Human Rights Council President Sihasak Phuanketkeow (Thailand) stated at a press conference on August 4 that the Geneva and New York processes would not overlap, but would "complement" one another. He stated that the Geneva process would focus on "perceived violations of human rights and humanitarian law" while the New York process would focus on preventing similar incidents in the future.

4. (SBU) In its response to Ban's announcement, Turkey, the main sponsor of the resolution establishing the Geneva-based mission, stated that the Geneva process should "complement" the New York process. In a conversation Ambassador Donahoe had with [REDACTED] [REDACTED] the Turks expressed that they have no fixed idea about what the HRC FFM should do apart from "fulfilling its mandate", i.e., they didn't express specific ideas about what it means for the HRC FFM to complement the NY process, but they did express that they fully expect the FFM to go forward. In a separate conversation on August 5, Palestinian [REDACTED] [REDACTED] and Turkish [REDACTED] told PolCouns that there was no way to turn off the Geneva process. Both indicated that if the fact-finding mission report provided actionable conclusions, then the HRC may have to consider follow-up actions. PolCouns argued that having the two processes run in parallel could complicate and politicize the issue with the result being no resolution to the problem, satisfying no one. [REDACTED] made clear that Ankara was expecting the investigation(s) to provide answers they could give to the families of the deceased. [REDACTED] and [REDACTED] insisted that the Geneva FFM had to pursue its mandate and provide its conclusions.

B6

5. (SBU) [REDACTED] HRC [REDACTED] told PolCouns on August 5 that OHCHR had approached the UN in NY about the "complementarity" of the two flotilla investigations. OHCHR wanted

investigation. According to [redacted] NY flatly ignored OHCHR's queries. [redacted] said that NY wants nothing to do with Geneva process and prefers to let the tracks run parallel.

B6

[redacted] sees this as a problem but is resigned to the fact that the HRC has created a mandate that must be fulfilled and that the Geneva FFM investigation will continue.

6. (SBU) [redacted]

B5, B6

Status of the Geneva Investigation

7. (SBU) Discussions with the OHCHR staff supporting the Geneva fact-finding mission closely tracked with the view outlined by the HRC President in his August 4 press statement (see para 2). The fact-finding mission sees itself as having a clear, "fixed" mandate from the HRC to investigate alleged violations of international human rights and humanitarian law, during the specific event of the flotilla incident. Ban's announcement does not change or affect that mandate.

8. (SBU) The fact-finding mission members will meet in Geneva beginning August 9 and will devise a formal plan of work. While in Geneva, the members will request meetings with several diplomatic missions including the United States.

9. (SBU) The fact-finding mission intends to request travel to Jordan, Turkey, and Israel to speak with government officials and witnesses. They intend to write a report detailing what occurred with an analysis of whether international law was violated. The group will submit the report at the September 2010 session of the Human Rights Council, at which point the mandate will be completed, barring any new resolution extending the mandate. Given the short timetable for the panel to carry out its work and the insatiable appetite of many HRC delegations for scrutiny of Israeli conduct, a call from some quarters to extend the mandate is judged likely.

10. (SBU) OHCHR reports that the New York panel will focus on recommendations for preventing future incidents, and its assessment will be based on the reports submitted by Turkey and Israel. The panel will not necessarily travel to the region or interview

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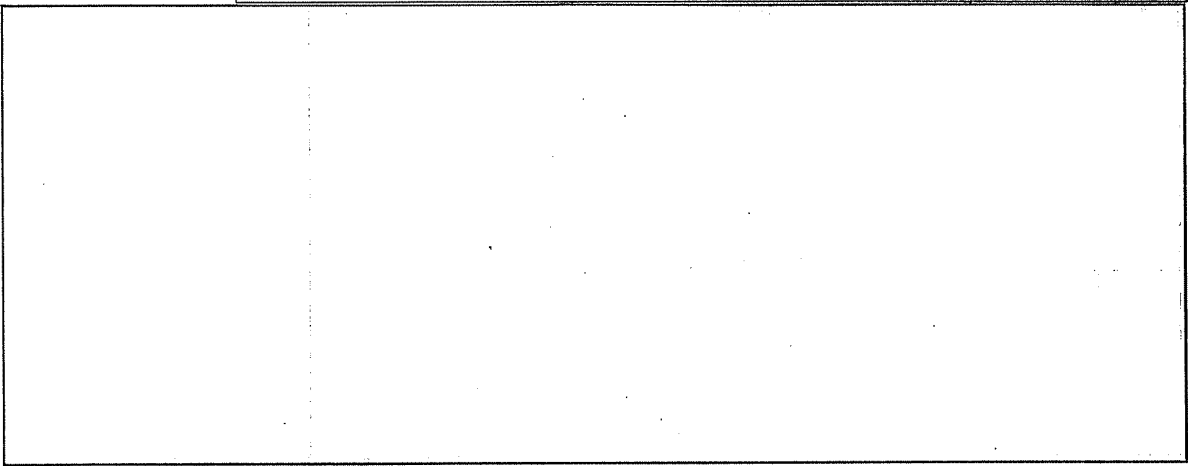
witnesses. Therefore, in OHCHR's view which is shared by others in Geneva, the New York and Geneva processes are completely distinct, and the creation of the New York panel has no bearing on the ability of the Geneva fact-finding mission to go forward. This limits our ability to push for a limited, narrow role for the fact-finding mission, much less call it off entirely.

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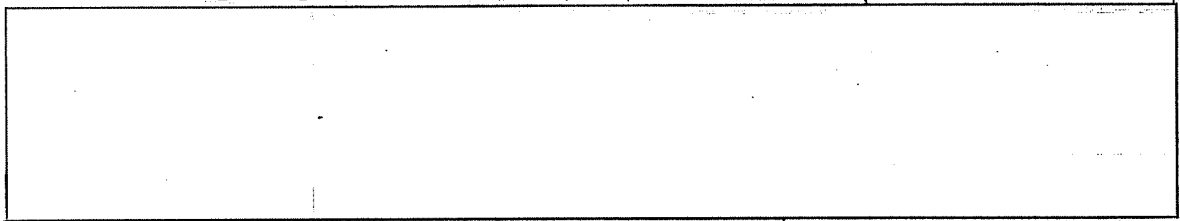
Comment and Possible Alternatives

11. (SBU) The current mandate of the Geneva-based group runs only through September 2010, leaving little time to complete a meaningful investigation. Furthermore, running parallel investigations is neither practical nor effective. Finally, Israel has not agreed to cooperate with the Geneva process, limiting its credibility and influence. Despite these obvious problems, the FFM will continue its work. While the Turks oppose disbanding the HRC FFM entirely, [redacted]

B5



12. (SBU) Post judges that, at least at the level of Geneva, an approach that stresses abandonment of the HRC investigation as the only acceptable outcome to the U.S. will gain no traction, and only intensify the commitment of others to see the FFM move forward. Engagement to shape the focus and outcomes appears the most effective way to potentially mitigate its impact. [redacted]



[redacted] The FFM's mandate is to "to investigate violations of international law, including

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international humanitarian law and human rights law, resulting from the Israeli attacks on the flotilla of ships carrying humanitarian assistance." It will therefore be difficult for them not to orient their work towards alleged international law violations. But we could potentially encourage an approach that develops some basic factual information that would be relevant to assessing potential violations, and argue that it would not be appropriate or prudent for them to make any assessments themselves with respect to actual violations.

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13. (SBU) ACTION REQUEST: The FFM members will be in Geneva for meetings with relevant delegations the week of August 9. Post requests guidance regarding interaction with the FFM and other delegations. (Note: Ambassador King knows one of the FFM members well personally. She expects to see him socially in any case during his visit to Geneva next week. End note.)

KING

NNNN

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ACTION NEA-00

RELEASED IN FULL

INFO	LOG-00	EEB-00	AID-00	AMAD-00	ACQ-00	CIAE-00	INL-00	
	DODE-00	DOEE-00	DOFE-00	DS-00	DHSE-00	AVC-00	EUR-00	
	OIGO-00	FAAE-00	FBIE-00	UTED-00	H-00	TEDE-00	INR-00	
	IO-00	LAB-01	L-00	MOFM-00	MOF-00	M-00	NSAE-00	
	ISN-00	NSCE-00	OIC-00	NIMA-00	PA-00	PM-00	GIWI-00	
	PRS-00	P-00	SCT-00	ISNE-00	DOHS-00	SP-00	SSO-00	
	SS-00	STR-00	TRSE-00	FMP-00	SCRS-00	PMB-00	DSCC-00	
	PRM-00	DRL-00	G-00	CARG-00	NEAT-00	SAS-00	FA-00	
	SWCI-00	SANA-00	/001W					

-----2471A7 241250Z /38

O R 241247Z JAN 11
 FM AMEMBASSY TEL AVIV
 TO SECSTATE WASHDC IMMEDIATE 1733
 INFO ARAB ISRAELI COLLECTIVE
 AMEMBASSY ANKARA

UNCLAS TEL AVIV 000079

SENSITIVE

E.O. 13526: N/A

TAGS: PGOV, PHUM, MOPS, TU, IS

SUBJECT: ISRAELI PUBLIC COMMISSION ON MAVI MARMARA: POSITIVE FOR
 ISRAEL, BUT TURKEY CONDEMNS

1. (SBU) Summary: On January 23, the Turkel Commission, a public commission examining the Gaza flotilla interdiction on May 31, 2010, submitted the first part of its findings to PM Netanyahu. Committee Chairman and former High Court Justice Jacob Turkel announced the results during a public session also on January 23. According to the report, the Commission found the GOI's naval blockade and the Israel Defense Force's use of force during the May 31 Gaza flotilla interdiction as legal pursuant to the rules of international law. However, the Commission criticized the planning process for failing to anticipate a "worst case scenario" in which armed activists confronted boarding IDF soldiers. The Commission's findings were well-received in Israel, and presented as justification for the May 31st intervention. The Israeli pressed covered extensively Turkish criticism of the report. The Turkish Embassy in Tel Aviv issued a press statement to the international community contesting the Turkey Commission's findings, and lambasting the public release of the Commission's conclusions. MFA interlocutors acknowledged several flotilla efforts on the immediate horizon that bear monitoring. End summary.

Commission Conclusions

2. (SBU) The first part of the Commission's report examined the legality of the naval blockade imposed on the Gaza Strip, and

UNITED STATES DEPARTMENT OF STATE
 REVIEW AUTHORITY: ARCHIE M BOLSTER
 DATE/CASE ID: 02 FEB 2012 201004163

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the legality of the actions carried out by the IDF in order to enforce the naval blockade under international law. The main findings of the first part of the Commission's report are:

-- The naval blockade imposed on the Gaza Strip - in view of the security circumstances and Israel's efforts to comply with its humanitarian obligations - was legal pursuant to the rules of international law.

-- The actions carried out by Israel on May 31, 2010, to enforce the naval blockade had the regrettable consequences of the loss of human life and physical injuries. Nonetheless, and despite the limited number of uses of force for which we could not reach a conclusion, the actions taken were found to be legal pursuant to the rules of international law.

3. (SBU) The Commission detailed efforts to hear both sides of the incident. According to the report, invitations were sent through the Turkish Embassy in Israel to the captain of the Mavi Marmara and leader of the Turkish sponsoring NGO IHH, Bulent Yildirim, as well as a request for other eyewitnesses to the incident. According to the Commission, these requests went unanswered.

4. (SBU) In order to assess the legitimacy and proportionality of the IDF's use of force during the May 31st incident, the Commission examined approximately 130 incidents in which force was used - including the use of force by IDF soldiers and commanders. In total, the Commission examined the actions of more than 40 soldiers and commanders, the testimonies of the commanders in charge of taking over other vessels participating in the flotilla, as well as incidents captured on magnetic media handed over to the Commission. The Commission noted difficulties re-constructing a complete and precise picture of the sequence of events, given the lack of testimonies from flotilla participants and the fact that the "scene of the events, i.e., the vessels themselves, were not kept in sterile conditions.

5. (SBU) The Commission determined that the IDF soldiers acted professionally and in a measured manner "in the face of extensive and unanticipated violence." This professionalism was evident in their "continuing to switch back and forth" between less-lethal and lethal weapons in order to address the "nature of the violence directed against them." The Commission found that 127 uses of force investigated appeared to be in conformity with international law. In five of the 127 cases, force appeared to be used against persons taking a direct part in hostilities; however, there was insufficient evidence to conclude that the force used was in accordance with law enforcement norms. In six cases the Commission concluded that it did not have sufficient information to be able to make a determination regarding the legality of the use of force.

6. (SBU) The Commission also noted that Israeli authorities did not have a forewarning of the violent reception planned by IHH activists. The inability to identify IHH intentions had a direct

impact on operational tactics, rules of engagement and training prior to the operation. As such, the Commission noted that the lack of appreciation of the threat was not exclusively the result of incomplete intelligence gathering, but also throughout the planning process. The scenario of an organized force armed with lethal weapon actively resisting boarding attempts appears not to have been considered. Planning in advance for the "worst case scenario" would have better prepared the soldiers.

7. (SBU) A forthcoming second part of the Commission's report - expected to be released in coming months - will address the question of whether the investigation and inquiry mechanism practiced in Israel and as applied to the Mavi Marmara incident is consistent with the duties of the State of Israel. This second part will also include questions that have importance from a domestic Israeli perspective.

International Observers

8. (SBU) The international observers of the Commission - former Nobel Peace Laureate (William) David Trimble from Northern Ireland and Brigadier-General (Ret.) Kenneth Watkin from Canada - issued a letter which accompanied the Commission's report. In the letter, the observers noted that they had "no doubt" that the Commission was independent, and expressed satisfaction that they had all access to the material before the Commission and were fully involved in all the Commission's work. They also expressed appreciation that the Commission made repeated efforts to hear both sides, extending to make arrangement for evidence to be given by video conference and taking evidence at a neutral location - although these offers were not taken up. The international observers expressed appreciation for Israeli Arabs who were on board the Mavi Marmara, as well as representatives of the Israeli Human Rights Non-Governmental Organization who testified before the Commission.

Turkish Reaction

9. (SBU) Israeli press outlets covered Turkish PM Erdogan's scathing critic of the Commission's report. In addition, the Turkish Embassy in Tel Aviv disseminated on January 24 a press statement to the international community in response to the Commission's findings. According to the statement, the Government of Turkey had submitted an interim report to the UN Panel of Inquiry on September 1 and kept its report confidential, while the Israeli response had been delayed several times and subsequently released to the public. The statement noted that:

-- Israel's "so-called maritime blockade" against the Gaza Strip is devoid of legal basis and legitimacy. Israel's attack - an extension of this unlawful practice - is therefore equally illegal.
-- Even if Israel's alleged blockade had not been lacking a legal basis, it would still have been unlawful because Israel has not met various requirements for a naval blockade to be accepted as lawful.

Israel's so-called blockade does not fulfill the requirements of "proportionality," "necessity," and "reasonableness" under international law.

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-- The Human Rights Council Fact-Finding Mission determined the Israeli blockade to be illegal and inferred therefore that the interception of the Mavi Marmara and the subsequent detention of passengers and crew was unlawful.

-- Israel's attack against the Gaza flotilla violated both wartime and peacetime international law, and "trampled" all international principles, rules and norms with respect to the manner the intervention was conducted.

-- The Turkish Commission is "surprised, appalled and dismayed" that the Israeli national inquiry process resulted in the exoneration of the Israeli armed forces despite all the facts confirmed by the Human Rights Council Fact-Finding Mission.

Israeli Reaction

10. (SBU) On January 23, PM Netanyahu praised the findings of the Commission. "The truth is simple - the IDF soldiers protected themselves and the State," Netanyahu said. "It is not only their right but also their duty to do so, and the State of Israel supports them." He called the report "independent and unbiased," and noted that the entire world had seen Israeli soldiers attacked on board the Mavi Marmara. "Every time Israel must defend itself, it is accused of committing war crimes... IDF soldiers boarded the Marmara with bravery and restraint. The aim was to enforce the naval blockade on Gaza, he added.

11. (SBU) MFA International Law Counselor Arthur Lenk said on January 23 that he will present the Turkey Commission's report to the UN Palmer Panel. Lenk noted that the Turkish report has yet to be finalized and will not be made public. According to Lenk, the only similarities between the Israeli and Turkish reports are that both are "dealing with an incident that happened on the Mavi Marmara on May 31st, and both of them mention there were nine fatalities." Lenk also addressed the credibility of the Turkel Commission, noting that the report had been critical of the GOI's policy planning process. He questioned why a report critical of Israel is often widely approved, while a report finding that Israel had acted in accordance with international humanitarian law is hastily second-guessed.

12. (SBU) On January 23, MFA Acting Director General Rafael Barak noted that the Commission report affirmed the behavior of the IDF. It was important that the two foreign representatives endorsed the report's findings. The report was also important for the army and the military units involved. The report also has been sent to Geoffrey Palmer, head of the UNSYG fact-finding panel, with plans for the Turkel Commission to meet with the panel in late February. Barak said that they were waiting for the reaction of the Turks, with the hope they would take the findings into consideration.

13. (SBU) MFA's Barak also said that the GOI was closely monitoring any new flotilla efforts designed to break the naval

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blockade. Israeli newspaper Haaretz included an article detailing several efforts, including by the Free Gaza movement and IHH. According to the article, these groups are planning to sail in the spring, potentially to coincide with the May 31st anniversary of

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the Mavi Marmara incident. These groups hope to include a greater number of ships and activists on-board, to include politicians, well-known athletes and artists.

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B

RELEASED IN PART

From: Eilfs, Colin C
To: Greene, Elisa
CC: Richter, Kim B
Subject: RE: Inquiry on Furkan Dogan / Possibly Rachel Corrie
Sent: 12/20/2010 3:59:19 PM
Elisa,

Here are the points that we used. Also, thank you for the introduction to Kim. I look forward to our work together!

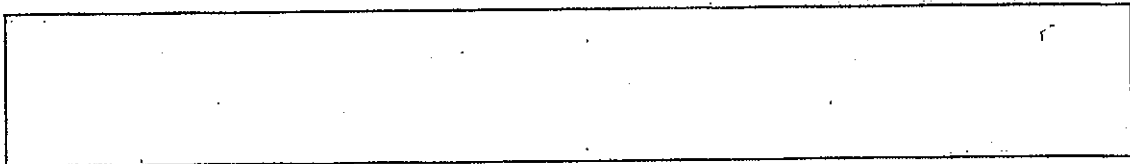
NEA/ISRAEL: When was the last time that an official from the US spoke to the Israelis about the death of an AmCit involved in the Free Gaza Flotilla?

Dogan

- Our Embassy in Tel Aviv has been in constant contact with the Government of Israel regarding their investigation (n.b. "the Turkel Commission") into the May 31 Mavi Marmara flotilla incident, including requesting additional information on the death of American citizen Furkan Dogan.
- In a discussion with Israeli authorities November 30, we were informed that further information regarding the circumstances of Mr. Dogan's would not be forthcoming until the Turkel Commission has finished its overall inquiry into the incident. We will continue to follow this case closely.

Note: We anticipate the Turkel Commission will finish its report some time in January or early February of 2011, but this should not be cited to the press. (b)(5)

Also, any update on Rachel Corrie's case is also appreciated. PJ did not officially ask for an update on this, but did mention it in our discussion and I think we need to be prepared for both issues.



NR

SBU
This email is UNCLASSIFIED.

From: Greene, Elisa
Sent: Friday, December 17, 2010 1:32 AM

CLASSIFICATION: UNCLASSIFIED
SBU
UNITED STATES DEPARTMENT OF STATE
REVIEW AUTHORITY: ARCHIE M. BOLSTER
DATE/CASE ID: 18 NOV 2011 201004163

Printed By: Richter, Kim B.
Page 1 of 5

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To: Ellits, Colin C
Subject: RE: Inquiry on Furqan Dogan / Possibly Rachel Corrie

Can you please send us a copy so we can keep it for our records in the ACS systems for each of these cases? By the way, our CA/OCS/ACS desk officer, Kim Richter, is the in-house expert on these types of ACS cases. She is a good go-to person on cases that overlap ACS/IPA. At post, ACS is the go-to office when it comes to Amcit issues. Thanks, elisa

Elisa Greene Chief, American Citizen Services U.S. Embassy, Tel Aviv, Israel
Address from Israel: 71 Ha-Yarkon Street, Tel Aviv 63900, Israel
Address from the U.S.: Box 13, APO AE 09830, U.S.A.
Switchboard Tel: +972-3-519-7575; Fax: +972-3-517-2348; Email: greene@state.gov

This email is UNCLASSIFIED.

From: Ellits, Colin C
Sent: Thursday, December 16, 2010 6:26 PM
To: Levin, Jan
Cc: Silverman, Robert J; Nelson, Timothy (Tel Aviv); Greene, Elisa
Subject: RE: Inquiry on Furqan Dogan / Possibly Rachel Corrie

All,

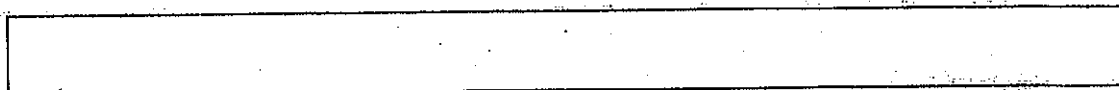
Thank you very much for this information. I will put together some points and get it cleared by our office.

Best,

Colin Ellits

This email is UNCLASSIFIED.

From: Levin, Jan
Sent: Thursday, December 16, 2010 10:22 AM
To: Ellits, Colin C
Cc: Silverman, Robert J; Nelson, Timothy (Tel Aviv); Greene, Elisa
Subject: FW: Inquiry on Furqan Dogan / Possibly Rachel Corrie



NR

Thanks,
Jan

This email is UNCLASSIFIED.

From: Greene, Elisa
Sent: Thursday, December 16, 2010 5:19 PM
To: Levin, Jan; Silverman, Robert J
Cc: Parker, Andrew C
Subject: FW: Inquiry on Furkan Dogan / Possibly Rachel Corrie

Regarding Furkan Dogan:

Postreps met with MFA reps on 30 Nov 2010. Post requested a status report on the investigation into circumstances of the death of Furkan Dogan, an Amcit killed on the May 2010 flotilla aboard the Mavi Marmara. MFA reps stated that since the Turkel committee has not yet finished, they cannot provide any information about the investigation. MFA requested Post provide the GOI with a copy of Dogan's autopsy report conducted by the Government of Turkey. Post, however, stated that Post was not in a position to give the autopsy report to the MFA.

Please let me know via separate email if you need further information on either case. Thanks, elisa

Elisa Greene, Chief, American Citizen Services, U.S. Embassy, Tel Aviv, Israel
Address from Israel: 71 Ha-Yarkon Street, Tel Aviv 63900, Israel
Address from the U.S.: Box 13, APO AE 09830, U.S.A.
Switchboard Tel: +972-3-519-7575; Fax: +972-3-517-2348; Email: egreene@state.gov

This email is UNCLASSIFIED.

From: Greene, Elisa
Sent: Thursday, December 16, 2010 11:47 AM
To: Levin, Jan; Silverman, Robert J
Subject: RE: Inquiry on Furkan Dogan / Possibly Rachel Corrie

Corrie: wrongful death lawsuit is still ongoing. The last two sessions, scheduled for 12/22/2010 and 1/3/2011, have been cancelled due to the prosecutor strike. Pending rescheduling after the strike is over.

Dogan: via separate email.

Txs, elisa

Elisa Greene, Chief, American Citizen Services, U.S. Embassy, Tel Aviv, Israel
Address from Israel: 71 Ha-Yarkon Street, Tel Aviv 63900, Israel
Address from the U.S.: Box 13, APO AE 09830, U.S.A.
Switchboard Tel: +972-3-519-7575; Fax: +972-3-517-2348; Email: greenee@state.gov

This email is UNCLASSIFIED.

From: Levin, Jan
Sent: Thursday, December 16, 2010 6:38 AM
To: Silverman, Robert J
Cc: Greene, Elisa
Subject: Fw: Inquiry on Furqan Dogan / Possibly Rachel Corrie

Hi, Elisa: Can you give us a quick update from the ACS perspective on these two cases? Thanks,
Jan

From: Ellits, Colin C
To: Levin, Jan; Nelson, Timothy (Tel Aviv); Lurie, Mike D
Sent: Thu, Dec 16 00:30:10 2010
Subject: FW: Inquiry on Furqan Dogan / Possibly Rachel Corrie

Dear TA colleagues,

Do we have any new information on the Furqan Dogan or Rachel Corrie cases? See below. Do you have any recommendations on updated points for NEA Press?

Thank you.

Colin Ellits

SBU:
This email is UNCLASSIFIED.

From: Sutphin, Paul R
Sent: Wednesday, December 15, 2010 3:17 PM
To: Buzbee, John R; Jacoby, Julia I; Ellits, Colin C
Subject: RE: Inquiry on Furqan Dogan / Possibly Rachel Corrie

One step forward....

The last update I saw on this case was in a memo for Bill Burns with Oren, if I recall. But we should run the traps with TA and CA on Dogan.

Paul Sutphin
Director
Office of Israel and Palestinian Affairs
Room 6251, Department of State

(T) 202-647-3672 (F) 202-736-4461

SBU
This email is UNCLASSIFIED.

From: Sayles, Ambrose G
Sent: Wednesday, December 15, 2010 1:41 PM
To: Sutphin, Paul R; Buzbee, John R; Jacoby, Julia T; Eilts, Collin C
Cc: Vasquez, Edgar J
Subject: Inquiry on Furqan Dogan / Possibly Rachel Corrie

Hi IPA Team -

PJ has agreed to stand down on requiring additional guidance/points on Abdallah Abu Rahmah. However, he asks that we provide him with up to date points on what we are doing regarding Furqan Dogan. My last understanding of the situation is that we were following developments and that the case was proceeding through the Israeli system. Is this still the case? Can IPA provide a few points that NEA Press can work with moving forward? Also, any update on Rachel Corrie's case is also appreciated. PJ did not officially ask for an update on this, but did mention it in our discussion and I think we need to be prepared for both issues.

Thank you,
Ambrose

Ambrose Sayles | Press Officer | Bureau of Near Eastern Affairs | U.S. Department of State
2201 C St, NW, Rm. 2234, Washington, DC 20520 | 202-647-4184 | saylesab@state.gov

This email is UNCLASSIFIED.

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H8

Law, Rosemary C

RELEASED IN FULL

From: Blaukopf, Ruth B
Sent: Monday, July 12, 2010 11:22 AM
To: Burnett, David R; Coley, Lea M; Doutrich, Jack T; Frelch, Karlene H; Goldberger, Thomas H; Groebbacher, Julia; Hale, David M; Harden, Dave; Hertzberg, David A; Holmstrom, Todd C; Irwin, Matthew T; Jacoby, Julia I; Khoury-Kincannon, Sahar; Knopf, Payton L (USUN); Lentz, Andrew N; Otto, Jeffrey L; Reisser, Wesley J; Sachar, Alon (NEA/PA); Sindle, James M; Waters, John R; Grubb, Jason B; Levin, Jan; Michaels, David G (MichaelsDG@state.gov); Nelson, Timothy (Tel Aviv)
Subject: EILAND COMMITTEE FINDINGS: ERRORS NOT NEGLIGENCE - HTZ

HTZ Latest update: 17:33 12.07.10

IDF report defends navy decision to drop commandos into Gaza flotilla

First Israeli probe of deadly May 31 raid, led by Maj. Gen. Eiland, cites intelligence failures but does not single out any officers for rebuke.

By Anshel Pfeffer

The Israel Defense Force committee investigating the navy's deadly raid on a Turkish-flagged aid flotilla bound for the Gaza Strip found the incident to be the consequence of failed intelligence and a lack of proper preparation for the operation, according to its report released on Monday.

Nine Turkish pro-Palestinian activists were killed in the May 31 raid after they used clubs and knives to attack Israel Navy commandos boarding the Turkish-flagged Mavi Marmara. Israel had previously warned that it would take over the ships to enforce its blockade of the Gaza Strip.

The committee led by Maj. Gen. (res.) Giora Eiland, however, characterized the failures made at the planning level as "mistakes," rather than as negligence or fault. The report also found that the navy would have had no means to stop the ship at sea without endangering the vessel, and thus backed the decision to carry out a commando operation.

The committee said in its report that the navy had failed to sufficiently consider the possibility that the commandos would encounter violent resistance when attempting to keep the ships out of Gaza.

It also criticized the navy for not cooperating sufficiently with the Mossad in gathering information ahead of the flotilla's arrival and to discuss the process by which the raid was approved.

The report did not, however, call for disciplinary action against particular officers.

"To my relief, the investigation found no negligence or failures on any significant matters, and that it was due to mistakes made at the relatively top levels that caused the results to be different from what was planned," Eiland said. He also said that some aspects of the operation could be "praised," particularly the way the Shayetet 13 commandos acted during the operation and the quick and efficient evacuation of casualties.

Eiland's is the first to complete its investigation. The Turkel Committee, appointed by the government to examine whether the raid adhered to international law, has just begun its investigation. A team from the State Comptroller's Office will be beginning its own probe of the flotilla raid shortly.

Meanwhile, the High Court of Justice on Monday opened the door to expanding the authority of the Turkel Commission. The five-member panel was appointed by the cabinet in June to investigate the naval raid - which resulted in the deaths of nine Turkish pro-Palestinian activists aboard the Mavi Marmara - and its adherence to international law.

The panel currently has a limited mandate. It is only supposed to determine whether Israel's efforts to stop the flotilla from reaching Gaza accorded with international law, and whether the soldiers' use of force was proportionate. It has no power to subpoena witnesses, and cannot draw personal conclusions against those involved in the raid.

Turkel, however, wants to turn it into a full-fledged governmental inquiry committee with real teeth. That would allow it to subpoena witnesses and documents, warn those who testify before it that the panel's findings could harm them, and hire outside experts in relevant fields.

UNITED STATES DEPARTMENT OF STATE
REVIEW AUTHORITY: SHARON E AHMAD
DATE/CASE ID: 07 MAR 2012 201004163

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At the hearing Monday to address a petition against the committee's limited authority, the justices said the court would consider widening the panel's mandate if its members seek to probe persons or events outside of their jurisdiction, including Israel Defense Forces soldiers.

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RELEASED IN FULL

M107

From: svcsmartmfi
Sent: 6/1/2010 12:33:50 AM
To: SMART.Core
Subject: MGGZ01: GAZA FLOTILLA MONITORING GROUP SITUATION REPORT NO. 2

UNCLASSIFIED
Sensitive



MRN: 10 STATE 56047
Date/DTG: Jun 01, 2010 / 010425Z JUN 10
From: SECSTATE WASHDC
Action: PORT AU PRINCE, AMEMBASSY IMMEDIATE; WHITE HOUSE WASHINGTON DC IMMEDIATE; NATIONAL SECURITY COUNCIL WASHINGTON DC IMMEDIATE; JOINT STAFF WASHINGTON DC IMMEDIATE; WASHINGTON DC, SECDEF//USD: SOLIC// IMMEDIATE; COMFIFTHFLT IMMEDIATE; COMSIXTHFLT IMMEDIATE; NGA HQ BETHESDA MD IMMEDIATE; COMSOCEUR VAHINGEN GE IMMEDIATE; JICPAC PEARL HONOLULU HI IMMEDIATE; HQ USPACOM HONOLULU HI IMMEDIATE; CDR USSOCOM MACDILL AFB FL IMMEDIATE; CDR USAFRICOM STUTTGART GE IMMEDIATE; CDR USCENTCOM MACDILL AFB FL IMMEDIATE; CDR USJFCOM NORFOLK VA IMMEDIATE; CDR USEUCOM VAHINGEN GE IMMEDIATE; DA WASHINGTON DC//DAPE:PRO/DAPE-PRR-C/DAPE:MO//IMMEDIATE; DA WASHINGTON DC//DAMO-AOC-CAT//IMMEDIATE; CDR USSTRATCOM OFFUTT AFB NE IMMEDIATE; DIA WASHINGTON DC IMMEDIATE; DIA WASHINGTON DC//TWC//IMMEDIATE; JOINT STAFF WASHINGTON DC//J-3/JOD/J-1// IMMEDIATE; CDR USSOUTHCOM MIAMI FL IMMEDIATE; HQ USSOUTHCOM J2 MIAMI FL IMMEDIATE; CIA WASHINGTON DC IMMEDIATE; FBI WASHINGTON DC IMMEDIATE; ALL DIPLOMATIC AND CONSULAR POSTS COLLECTIVE IMMEDIATE
E.O.: 12958
TAGS: AEMR, ASEC, CASC, KFLO, MARR, PREL, PINR, AMGT, IS, GZ
Captions: SENSITIVE, SIPDIS
Sensitivity: Sensitive
Subject: MGGZ01: GAZA FLOTILLA MONITORING GROUP SITUATION REPORT NO. 2

UNCLAS STATE 056047

SENSITIVE
SIPDIS

E.O. 12958: N/A
TAGS: AEMR, ASEC, CASC, KFLO, MARR, PREL, PINR, AMGT, IS, GZ
SUBJECT: MGGZ01: GAZA FLOTILLA MONITORING GROUP SITUATION REPORT NO. 2

STATUS OF AMERICAN CITIZENS

UNITED STATES DEPARTMENT OF STATE
REVIEW AUTHORITY: SHARON E AHMAD
DATE/CASE ID: 08 FEB 2012 201004163

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UNCLASSIFIED

CLASSIFICATION: UNCLASSIFIED
Page 2 of 3

1. (SBU) Embassy Tel Aviv has not yet made contact with any of the AmCits, though the MFA should provide consular access the morning of June 1.
2. (SBU) Only half of the passengers on the MAVI MARMARA were identified and some names were provided to the MFA.
3. (SBU) A former U.S. ambassador aboard one of the ships seized is reportedly fine and on his way home, likely to arrive in NYC on June 1, his wife said. Edward Peck, 81, of Chevy Chase, Md., was a former U.S. ambassador to Mauritania. (MGGZ01/Embassy Tel Aviv e-mail)

UN SECURITY COUNCIL RESOLUTION UPDATE

4. (SBU) USUN reports that a draft text is circulating amongst a small group - Lebanon, Turkey, and United States - but it was leaked by Turkey or Lebanon to the Israelis and Palestinians, complicating negotiations. Turkey wants a Presidential Statement. USUN seeks to negotiate the language in the text and SC consultations remain suspended. (MGGZ01/USUN e-mail)

U.S. STATEMENT TO UNSC

5. (SBU) Deputy PermRep Wolff addressed an emergency session of the UNSC, stating that the United States is "deeply disturbed by the recent violence and regrets the tragic loss of life and injuries suffered among those involved." Wolff noted that "we are working to ascertain the facts" and that the United States expects a "credible and transparent investigation." Wolff reiterated the United States is concerned about the situation in Gaza and we continue to engage with Israel to address the full range of humanitarian and recovery needs and this situation underscores need to move ahead with negotiations that can lead to a comprehensive peace in the region. (MGGZ01/USUN e-mail)

QUARTET STATEMENT

6. (SBU) Following a Quartet envoys' conference call and interagency concurrence, a draft statement was circulated for review. The Quartet plans to issue the statement after a second envoys' call scheduled for 0900 EDT June 1. The draft statement mirrors Deputy PermRep Wolff's earlier comments before the UNSC and also notes that the only viable solution to the conflict is negotiations between the parties toward realization of the two-state solution. (MGGZ01/SEMEP e-mail)

LINK TO PEACE EFFORTS

7. (SBU) NEA ambassadors will deliver demarches to host governments, asking that the Arab League meetings scheduled this week to discuss the Gaza flotilla not result in the withdrawal of Arab support for proximity talks. (MGGZ01/SEMEP e-mail)
8. (U) Additional updates are available through our Intellipedia portal on the unclassified system at:
http://www.intelink.gov/wiki/Portal:Gaza_Flotilla_2010.

CLASSIFICATION: UNCLASSIFIED
Page 2 of 3

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Page 3 of 3

9. (U) Minimize considered.
CLINTON

Signature: CLINTON

Drafted By: MGGZ01: KHFRELICH – 05/31/2010; 202-736-4958

Cleared By: S/ES-O: DLBANKS

Approved By: S/ES-O: JGOLDBERG

Info:

XMT: REO HILLAH

Attachments: metadata.dat

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Page 3 of 3

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B30

Coleman, Charmaine (DRL)

From: Rathod, Rona R
Sent: Sunday, June 06, 2010 10:19 AM
To: Gaza Flotilla Monitoring Group
Subject: Israel will reject int'l panel to study raid -ambassador

RELEASED IN FULL

Israel will reject int'l panel to study raid -ambassador

WASHINGTON (Reuters)- Israel's ambassador to the United States Michael Oren said Sunday that Jerusalem will reject the idea of an international commission to study its commando raid on a Gaza-bound aid ship in which nine pro-Palestinian activists were killed.

"We are rejecting an international commission. We are discussing with the Obama administration a way in which our inquiry will take place," Oren said on "Fox News Sunday."

U.N. Secretary-General Ban Ki-moon has proposed a multinational investigation of the raid, an Israeli official said earlier Sunday.

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Page 1 of 2

RELEASED IN FULL

B32

From: Carle, Lisa M
To: Smith, James B; Ziadch, Susan L; Treiber, Laird D (NEA/ASSIST)
CC: Mathur, Amit; Leff, Adam J; Gaza Flotilla Monitoring Group; Hill, Jeffrey M (Jeddah); Madyun, Munir M (Jeddah)
Subject: FW: Iranian FM Arrives in Saudi Arabia for OIC Urgent Meeting
Sent: 6/6/2010 7:04:11 AM
Colleagues,

FYI, see below. Jeddah is working on getting a readout of the meeting (and an indication whether Mottaki has any bilateral meetings with Saudis) with the intention of getting a report out by OOB Washington time tomorrow.

LMC

Lisa M. Carle
Counselor for Political Affairs

Embassy of the United States of America
P.O. Box 94309
Riyadh 11693
Kingdom of Saudi Arabia

Telephone: +966-1-488-3800 x4422
Mobile: +966-55-355-2145

This email is UNCLASSIFIED.

From: OSCINFO@rccb.osis.gov [mailto:OSCINFO@rccb.osis.gov]
Sent: Sunday, June 06, 2010 11:00 AM
Subject: OSC: Iranian FM Arrives in Saudi Arabia for OIC Urgent Meeting

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Source Metadata

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Printed By: Coleman, Charmaine
(DRL)

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Iranian FM Arrives in Saudi Arabia for OIC Urgent Meeting

IAP20100606950017 Tehran IRNA in English 0720 GMT 06 Jun 10

Jeddah, June 6, IRNA - Foreign Minister of Iran Manouchehr Mottaki arrived here on Sunday to attend the emergency Executive Committee meeting of the ministers of the Organization of the Islamic Conference (OIC) on Zionists' crimes in Gaza.

Heading a high-ranking delegation, Mottaki is in Saudi Arabia to elaborate on the Islamic Republic of Iran's stands on the attack of the Israeli forces on the aid flotilla to the Gaza Strip.

Mottaki has already held talks with a number of world leaders, including OIC Secretary-General Ekmeleddin Ihsanoglu, on the latest developments in Gaza, the Monday raid on the aid convoy to Gaza in particular.

Mottaki in his talks has called on the Islamic leaders to adopt a similar stance against the Zionist regime.

The OIC has 57 members.

According to media reports, early Monday morning in international waters, Israeli forces intercepted and took control of the six-ship aid convoy, which was carrying 10,000 tons of aid and hundreds of activists from several countries. At least 10 people were killed in the serious violence on one or more of the vessels.

The six-ship flotilla had 682 passengers from 42 countries.

Across the world, tens of thousands of people protested on the streets and several countries summoned Israel's ambassadors.

The international community has called for an impartial inquiry into the Israeli assault.

[Description of Source: Tehran IRNA in English -- Official state-run online news agency, headed as of January 2010 by Ali Akbar Javanfekr, former media adviser to President Ahmadinezhad.
URL: <http://www.irna.ir>]

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Source Name	IRNA
Source Medium(s)	News Agencies
Source City	Tehran
Source Country	Iran
Source Start Date	6/6/2010 - 0720 GMT
Source End Date	6/6/2010
Source Language(s)	English
Article Metadata	
Product ID	IAP20100606950017
Version	1
Content Type	Translation/Transcription
Processing Indicator	OSC Transcribed Text
Precedence	Priority
Topic Country(s)	Iran, Saudi Arabia
Topic Region(s)	Middle East
Topic Subregion(s)	Middle East
Event(s)	
International Organization(s)	OIC
Topic(s)	INTERNATIONAL POLITICAL, LEADER
Media Metadata	
Program Title(s)	
Program Type(s)	
Speaker(s)	

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Printed By: Coleman, Charmaine
(DRL)

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B/120

Coleman, Charmaine (DRL)

From: Posner, Michael H
Sent: Wednesday, June 02, 2010 2:50 PM
To: Otero, Maria
Cc: Baer, Daniel B; Fitzpatrick, Kathleen M; Lieberman, Jessica D (DRL); Cassidy, Joseph P; Stanfield, Emily
Subject: Israel

RELEASED IN FULL

Maria

Here is a quick update on recent developments related to the Flotilla. A resolution on the topic passed in the UN Human Rights Council (HRC) this morning with 32 in favor, 3 opposed (US plus Netherlands and Italy), and 9 abstentions (Belgium, Burkina Faso, France, Hungary, Japan, Korea, Slovakia, Ukraine and the UK). The flotilla resolution contained problematic language (e.g. "occupation") and also called for a new UN fact finding mission, which will result in even more of a focus on Israel in the HRC. Many of those who voted against the resolution or abstained did so based on the fact that the UNSC Presidential Statement's call for impartial, credible investigation does not necessarily require an international fact finding mission.

We have no doubt that our isolation on this issue will affect our other HRC priorities at the Council. In particular, we are concerned that this could have a negative effect on the renewal of the Sudan mandate.

According to press reports, Israel's inner security cabinet voted to deport remaining prisoners within 48 hours. A government statement stated that the detainees would be expelled immediately according to the procedures set by law. Turkey has sent three planes to Israel to repatriate approximately 400 people. According to press reports, Egypt has opened its Rafah crossing for travel and humanitarian aid and has allowed a shipment of electric generators into Gaza. This is the first time it has let in non-food or medical supplies since late 2008.

PRM is drafting a memo with ideas for improving the humanitarian situation, which we welcome (and to which we have contributed ideas). I also plan to give some ideas to NEA/SEMEP on how to address the human rights situation in Gaza.

Mike

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REVIEW AUTHORITY: SHARON E AHMAD
DATE/CASE ID: 03 APR 2012 201004163

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B122

RELEASED IN FULL

From: Enav, Cari R
To: Casteel, Ezra A; Gaza Flotilla Monitoring Group
Subject: RE: MGGZ01: (Reuters) UN rights body sets probe into flotilla raid
Sent: 6/2/2010 1:42:18 PM
Attachments: 100602 HRC 14 Flotilla EOV - FINAL.doc [100602 HRC 14 Flotilla EOV - FINAL.doc],
Gaza Flotilla res.pdf [Gaza Flotilla res.pdf]

Please note that three (vice 33) African countries were absent.

Voting breakdown:

32 in favor

3 opposed (US, Italy, Netherlands)

9 abstentions (Belgium, Burkina Faso, France, Hungary, Japan, Korea, Slovakia, Ukraine, UK)

3 absent (Cameroon, Madagascar, Zambia)

Attached is the resolution and the EOV as delivered.

SBU

This email is UNCLASSIFIED.

From: Casteel, Ezra A
Sent: Wednesday, June 02, 2010 1:29 PM
To: Gaza Flotilla Monitoring Group
Subject: MGGZ01: (Reuters) UN rights body sets probe into flotilla raid

GENEVA (Reuters) - The United Nations Human Rights Council voted to set up an independent fact-finding mission to look into what it called violations of international law in Israel's raid on a Gaza aid flotilla. In a resolution proposed by Pakistan for the Organization of the Islamic Conference and Sudan for the Arab group, the Council by a vote of 32 of its 47 members also condemned the Israeli action as outrageous. The United States together with Italy and the Netherlands voted against, while nine European, African and Asian nations abstained and 33 more African countries did not vote.

Ezra Casteel
S/ES-O Operations Specialist
202.647.1512

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B/123A

RELEASED IN FULL

HRC 14

Explanation of Vote: The Grave Attacks by Israeli Forces Against the
Humanitarian Boat Convoy

We regret having to call a vote and vote no on this resolution. It is our hope that, over time, this Council will be able to unite around balanced and appropriate responses to urgent situations that deserve our attention. We have engaged intently in discussions here in Geneva and in forums around the world in response to the events addressed in this resolution, and are deeply committed to working with partners to ensure a full and appropriate response to this incident and the circumstances that led to it.

As noted in our statement in this chamber yesterday, the United States is deeply disturbed by the recent violence and regrets the tragic loss of life and injuries suffered among those involved in the incident aboard the Gaza-bound ships. We condemn the acts that resulted in the loss of at least ten lives and many wounded, and we express our condolences to their families.

We call attention to the Security Council statement adopted on June 1. It is important to ensure a prompt, credible, impartial, and transparent investigation. Israel has a very strong interest in conducting such an investigation that meets international standards and exposes all the facts. There are, of course, a number of ways to ensure such an outcome.

The United States continues to be deeply concerned by the suffering of civilians in Gaza and the deteriorating humanitarian and human rights situation there. The situation in Gaza is unsustainable and unacceptable. In line with the Security Council statement adopted yesterday, we stress the need for sustained and regular flow of goods and provision and distribution of humanitarian access throughout Gaza, and we will continue our work towards this end while bearing in mind the Government of Israel's legitimate security concerns.

In the context of today's debate, it is important to once again stress that the only viable solution to the Israeli-Palestinian conflict is an agreement, negotiated between the parties, that ends the occupation that began in 1967 and fulfills the

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aspirations of both parties for independent homelands through two states for two peoples, Israel and an independent, contiguous, and viable state of Palestine, living side by side in peace and security.

Unfortunately, the resolution before us rushes to judgment on a set of facts that, as our debate over the last day makes clear, are only beginning to be discovered and understood. It creates an international mechanism before giving the responsible government an opportunity to investigate this incident itself and thereby risks further politicizing a sensitive and volatile situation. We understand the impetus to respond quickly to a troubling set of events. But we have an obligation to determine facts and make considered judgments on how to best address what is a complex and difficult situation.

For these reasons, we must vote against this resolution.

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DRAFT SECURITY COUNCIL PRESIDENTIAL STATEMENT ON THE RECENT INCIDENT IN THE EASTERN MEDITERRANEAN

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.

The Security Council stresses that the situation in Gaza is not sustainable. The Council re-emphasizes the importance of the full implementation of Resolutions 1850 and 1860. In that context, it reiterates its grave concern at the humanitarian situation in Gaza and stresses the need for sustained and regular flow of goods and people to Gaza as well as unimpeded provision and distribution of humanitarian assistance throughout Gaza.

The Security Council underscores that the only viable solution to Israeli-Palestinian conflict is an agreement negotiated between the parties and re-emphasizes that only a two-State solution, with an independent and viable Palestinian State living side by side in peace and security with Israel and its other neighbours, could bring peace to the region.

The Security Council expresses support for the proximity talks and voices concern that this incident took place while the proximity talks are underway and urges the parties to act with restraint, avoiding any unilateral and provocative actions, and all international partners to promote an atmosphere of cooperation between the parties and throughout the region.

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21

Schwartz, Jonathan B

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From: Gorove, Katherine M
Sent: Tuesday, June 08, 2010 7:01 PM
To: Gorove, Katherine M; Schwartz, Jonathan B; Harris, Robert K; Dolan, JoAnn; Jacobson, Linda; Townley, Stephen G; Woodward, Shirley G; Pomper, Stephen E; Banos, Mariano H
Subject: Israeli proposed COE -questions.DOC
Attachments: LEGAL-#247657-v2-Israeli_Flotilla_incident_-_Commission_of_Experts_-_questions.doc

Here is a newer version of this paper in case we need it at future point.

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82

Schwartz, Jonathan B

RELEASED IN FULL

From: Gorove, Katherine M
Sent: Tuesday, June 08, 2010 12:46 PM
To: Schwartz, Jonathan B; Harris, Robert K; Dolan, JoAnn; Jacobson, Linda; Townley, Stephen G; Woodward, Shirley G; Pomper, Stephen E; Banos, Mariano H; 'Bob and Sue Harris.Biniatz'
Subject: israeli-proposed COE - considerations.DOC
Attachments: LEGAL-#247657-v1-Israel_Flotilla_incident_-_Commission_of_Experts_-_questions.doc

Here's a draft paper for 2:30 meeting today on the proposed Commission of Experts, drawing from the questions raised by Joanne and Steve Townley. I can collect comments/edits. Thanks, Kate

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83

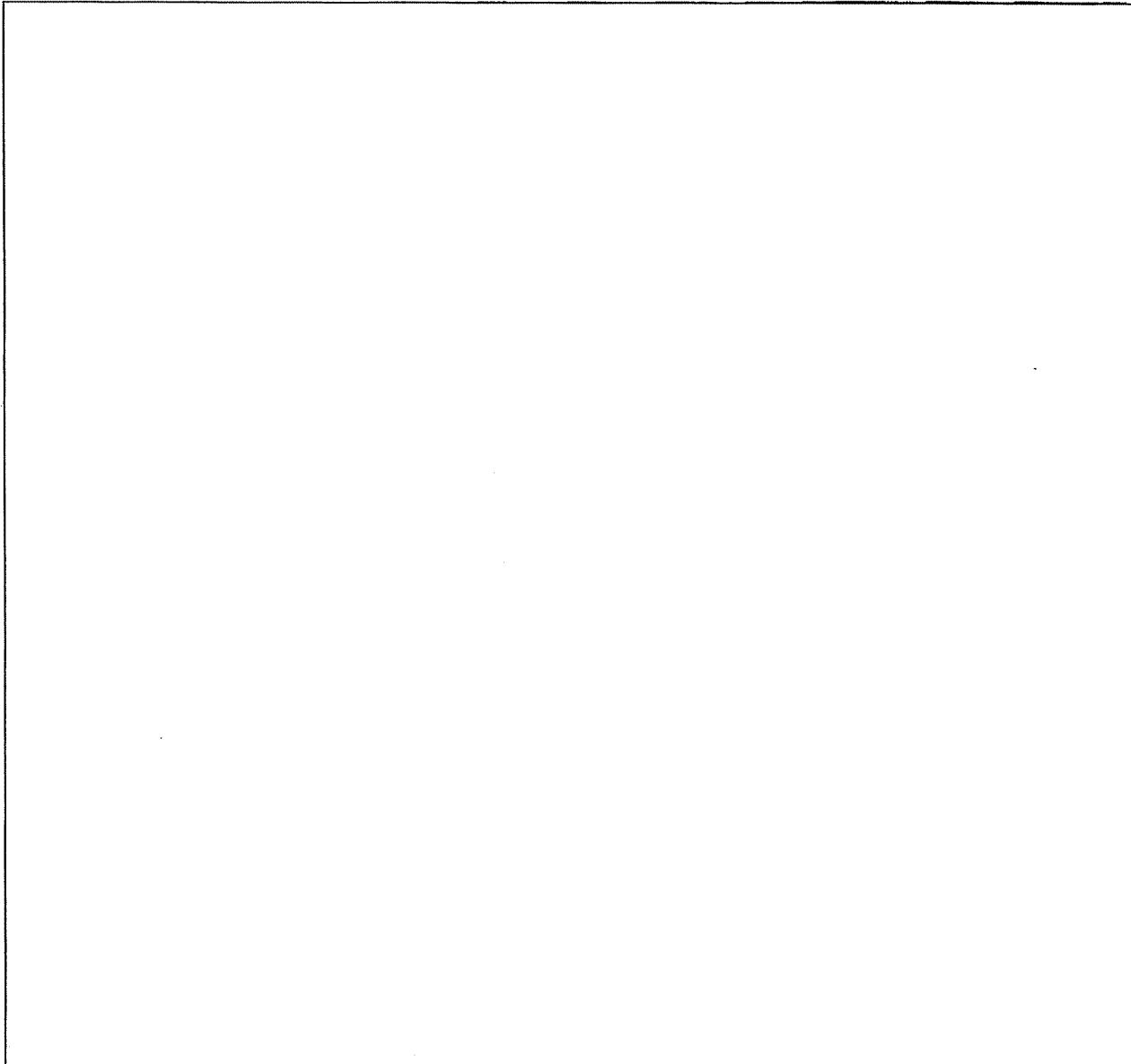
Schwartz, Jonathan B

From: Cleveland, Sarah H
Sent: Tuesday, June 08, 2010 12:27 PM
To: Schwartz, Jonathan B
Subject: FW: Israel -Flotilla and beyond

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B5

Importance: High

Jon -- per the Samantha Power conversation, FYI.



B5

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B5



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JS

Schwartz, Jonathan B

From: Dolan, JoAnn
Sent: Monday, July 12, 2010 6:11 PM
To: Perina, Alexandra H; Jacobson, Linda; Gorove, Katherine M; Banos, Mariano H; Baumert, Kevin A
Cc: Harris, Robert K; Townley, Stephen G; Schwartz, Jonathan B
Subject: FW: flotilla outline 2.doc
Attachments: flotilla outline 2.doc

RELEASED IN FULL

Inadvertently some of the changes to the prior draft were dropped from the final version. I have reentered them here as tracked changes for others to review and Linda to confirm before we send this to Harold. Please advise if there is anything further. In view of this complication, Stephen may want to wait until OOB to send forward to permit final input from others.

From: Jacobson, Linda
Sent: Monday, July 12, 2010 4:17 PM
To: Gorove, Katherine M; Banos, Mariano H; Baumert, Kevin A
Cc: Townley, Stephen G; Dolan, JoAnn
Subject: flotilla outline 2.doc

Here is the latest version incorporating some comments from BH and JoAnn. I need to leave at 4:45 today, so please send your comments soonest, or if later, to JoAnn. Steve, I think this is good to go to HHK if addressees have no further thoughts.

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StateDept01631

RELEASED, NON-RESPONSIVE DELETED
NR Ambassador Ricciardone Talking Points
For U/S Sinirlioglu

• Bahrain:

[Redacted]

NR

[Large redacted area]

- **Human Rights Council:** We are prepared to vote against the resolution you are proposing at the HRC in Geneva. Ambassador Tan demarched A/S Gordon on March 17, asking for U.S. support or at least abstention on a resolution Turkey drafted requesting follow up of the fact finding mission report. On March 21, the Council will consider a report from the High Commissioner on the Gaza flotilla issue. Turkey's resolution, which condemns Israel, is an effort to keep the issue alive in the HRC. The U.S. has consistently opposed HRC action on the flotilla issue. We continue to view the UN Secretary General's "Palmer Commission", which Turkey and Israel support, as the primary method for the international community to review this incident.

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Republic of Turkey Ministry of Foreign Affairs

K2

No: 29, 23 January 2011, Press Statement by the National Inquiry and Investigation Commission Instituted Upon Israel's Attack on the International Humanitarian Aid Convoy

On 31 May 2010, Israeli armed forces attacked, on the high seas, a convoy brought together by aid volunteers from 37 countries and different faiths to deliver humanitarian relief material to the people in the Gaza Strip. Nine persons were killed and scores were wounded during the attack.

In order to shed light upon all aspects of the attack, Turkey established a National Inquiry and Investigation Commission composed of representatives from pertinent institutions. The UN Secretary-General also set up a Panel of Inquiry in accordance with the Presidential Statement adopted by the UN Security Council which held an emergency meeting on 1 June 2010 upon Turkey's request. Israel initiated, through a commission, its own national inquiry as well. Moreover, the UN Human Rights Council has mandated an International Fact-Finding Mission to establish the violations of human rights law and international humanitarian law in connection with the attack.

Heeding the UN's call for prompt consideration of the issue, our Commission has worked intensively and submitted its Interim Report to the UN Panel on 1 September 2010. Also respecting the confidentiality of the process, our Commission has refrained from disclosing its report to the public. In contrast, the Israeli side impeded the Panel's work by constantly delaying its own report, and has chosen to share it with the public even before submitting it to the UN Panel.

Our Commission, convened on 23 January 2011 to thoroughly evaluate these developments, has decided to share, at this stage, the following with the public in view of Israel's unconstructive attitude:

- Israel's so-called "maritime blockade" against the Gaza Strip is devoid of legal basis and legitimacy. Israel's attack which is an extension of this unlawful practice is, therefore, equally illegal.

Under international law, blockades are warfare methods applicable only in armed conflicts of "international" character. Israel is seen to avoid characterizing its armed conflict with Hamas as "international", while claiming reliance on the San Remo Manual, an important compendium of international law applicable to naval war, for its so-called blockade and related practices. Yet, the San Remo Manual, including its provisions relating to the establishment of blockades and the interception of vessels on the high seas, comprise legal rules applicable only to international armed conflicts. As long as Israel does not qualify its armed conflict with Hamas as international, it is estopped from relying any of its practices within the framework of this conflict on the San Remo

REVIEW AUTHORITY: Charles Daris, Senior Reviewer

<http://www.mfa.gov.tr/common/print.htm>

1/24/2011

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The result is self-evident and requires no further explanation.

Basic human rights and fundamental freedoms, first and foremost the right to life, have been flagrantly violated, and these violations have continued massively up to the moment that the passengers left Israel. The report of the Fact-Finding Mission of the UN Human Rights Council vividly depicts Israel's violations and the violence it used.

Our Commission is surprised, appalled and dismayed that the national inquiry process in Israel has resulted in the exoneration of the Israeli armed forces despite all the facts that have also been confirmed by the International Fact-Finding Mission.

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K3

Ahn, Michael

From: Guido, Deborah L
 Sent: Monday, November 01, 2010 3:13 PM
 To: Silliman, Douglas A; Ankara-PAO-IO-DL; Ankara-POL-DL; Ankara-ECON-DL
 Subject: Gaza Flotilla Guidance - as cleared

Classification: UNCLASSIFIED

On Friday, the final guidance was released – FYI

EUR Draft Press Guidance
October 29, 2010

Turkey: Gaza Flotilla

Q: Did the US have advanced notice that the Free Gaza Flotilla was in fact headed to Egypt and not Gaza?

- **The flotilla organizers consistently declared in public their intention to sail directly to Gaza.**

Q: Was there an agreement between the U.S., Israel and Turkey to get the flotilla to reroute to Al-Arish (Egypt)?

- **The United States encouraged direct contacts between Israel and Turkey prior to May 31, but was not involved in any negotiations between Turkey and Israel.**

If Asked:

Q: Can you confirm assertions by Turkish officials that the U.S. was informed by Turkey that the ships were going to Al-Arish?

- **We do not comment on the contents of diplomatic exchanges.**
- **We continue to regard the UN Secretary General’s panel as the primary method for the international community to review the incident. We again express our appreciation to the Secretary General for his efforts to establish this panel, and to the governments of Turkey and Israel for their constructive participation.**

REVIEW AUTHORITY: Charles Daris, Senior Reviewer

Drafted:
EUR/Press Valerie O’Brien 7-8602

Cleared:

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EUR/FO: TKaidanow ok
EUR/SE: JBaily ok
NEA/IPA:PSutphin ok
NEA/Press:EVasquez ok
P: ABaez ok
D(S): D Duty ok
S/P: TNavratil ok

Gabrielle M. Price
Information Officer
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KH

The X Meeting with Turkish X
September 20-29th 2010 (NY/GENEVA/ANKARA)

Context

We welcomed UNSYG Ban's establishment of -- and Israel and Turkey's participation in -- a panel to receive and review the Israeli and Turkish investigations of the May 31 flotilla incident. We remain opposed to the HRC flotilla fact-finding mission (FFM), which is mandated to investigate possible Israeli violations of international law related to the incident and oppose a renewal of its mandate in the September session. [redacted]

B5



Key Objectives

- We recognize that the Government of Turkey takes the tragic May 31st incident seriously. [redacted] the USG shares its concern. [redacted]
[redacted]

- We appreciate Turkey's constructive and cooperative spirit in participating on the Secretary General's panel regarding the incident of May 31st. The United States believes that the UNSYG panel, which includes the participation of both Israel and Turkey, offers a balanced and credible channel to address these very serious issues.



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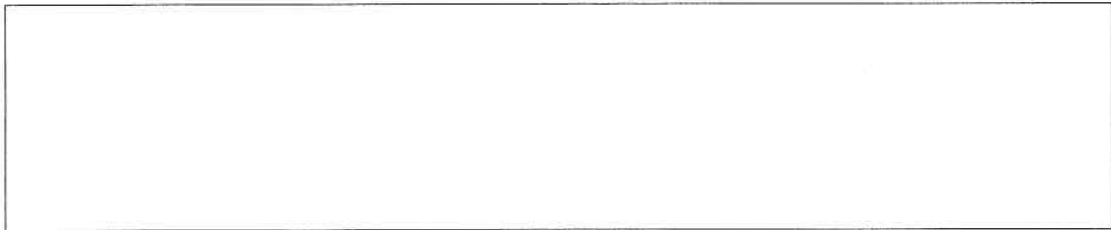
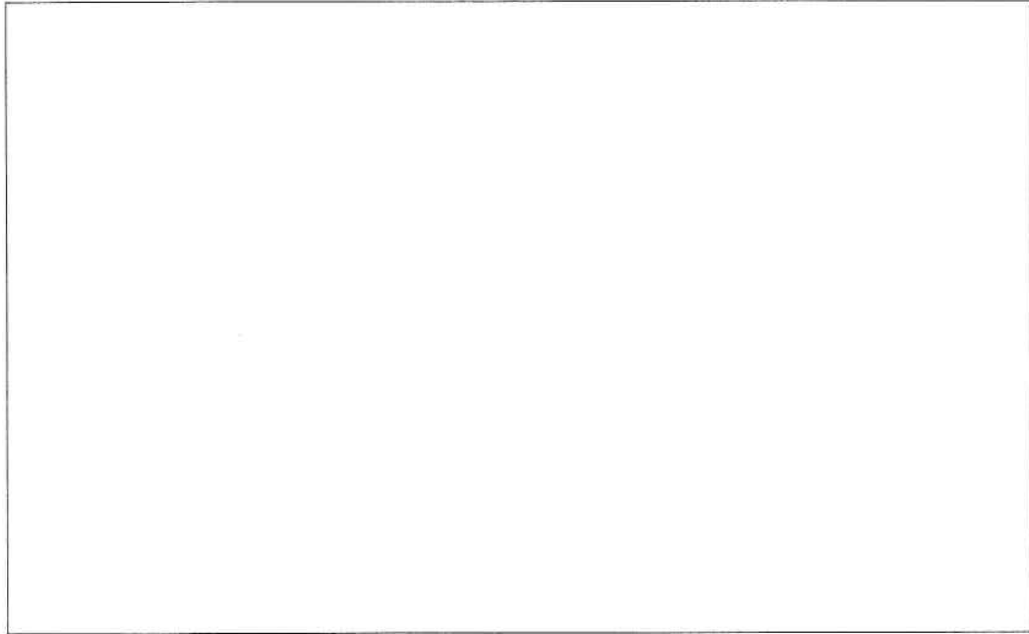
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A/HRC/RES/14/1

K5

Advance Edited Version

Distr.: General
23 June 2010

Original: English

Human Rights Council
Fourteenth session
Agenda item 1
Organizational and procedural matters

Resolution adopted by the Human Rights Council¹

14/1 The grave attacks by Israeli forces against the humanitarian boat convoy

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations and the provisions of the Universal Declaration of Human Rights,

Taking into consideration the provisions of the fourth Geneva Convention relative to the Protection of Civilian Persons in Times of War, of 12 August 1949,

Emphasizing the importance of the safety and well-being of all civilians, including humanitarian personnel,

Expressing grave concern at the deepening humanitarian crisis in occupied Gaza,

Emphasizing the need to ensure the sustained and regular flow of goods and people into occupied Gaza, and welcoming the initiatives aimed at creating and opening humanitarian corridors and other mechanisms for the sustained delivery of humanitarian aid,

1. *Condemns in the strongest terms the outrageous attack by the Israeli forces against the humanitarian flotilla of ships, which resulted in the killing and injuring of many innocent civilians from different countries;*

2. *Deeply deplores the loss of life of innocent civilians, and expresses its deepest sympathy and condolences to the victims and their families;*

¹ The resolutions and decisions adopted by the Human Rights Council will be contained in the report of the Council on its fourteenth session (A/HRC/14/37), chap. I.

REVIEW AUTHORITY: Charles Daris, Senior Reviewer

GE.10-

Please recycle 

A/HRC/RES/14/1

3. *Calls upon* the occupying Power, Israel, to cooperate fully with the International Committee of the Red Cross to seek and provide information on the whereabouts status and condition of detained and injured persons;
4. *Demands* that the occupying Power, Israel, immediately release all detained men and material and facilitate their safe return to their homelands;
5. *Calls upon* the occupying Power, Israel, to immediately lift the siege on occupied Gaza and other occupied territories;
6. *Also calls upon* the occupying Power, Israel, to ensure the unimpeded provision of humanitarian assistance, including of food, fuel and medical treatment, to the occupied Gaza Strip;
7. *Welcomes* the statements made by the Secretary-General and the United Nations High Commissioner for Human Rights condemning the Israeli attacks and calls for full accountability and credible independent inquiries into these attacks;
8. *Decides* to dispatch an 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;
9. *Also decides* to authorize the President of the Council to appoint members to the above-mentioned fact-finding mission, who should report on their findings to the Council at its fifteenth session;
10. *Further decides* to remain seized of this matter.

10th meeting
2 June 2010

[Adopted by a recorded vote of 32 to 3, with 9 abstentions. The voting was as follows:

In favour:

Angola, Argentina, Bahrain, Bangladesh, Bolivia (Plurinational State of), Bosnia and Herzegovina, Brazil, Chile, China, Cuba, Djibouti, Egypt, Gabon, Ghana, India, Indonesia, Jordan, Kyrgyzstan, Mauritius, Mexico, Nicaragua, Nigeria, Norway, Pakistan, Philippines, Qatar, Russian Federation, Saudi Arabia, Senegal, Slovenia, South Africa, Uruguay;

Against:

Italy, Netherlands, United States of America;

Abstaining:

Belgium, Burkina Faso, France, Hungary, Japan, Republic of Korea, Slovakia, Ukraine, United Kingdom of Great Britain and Northern Ireland.]

RELEASED IN PART B5, NR

P26

Logg, Cristina A

From: Howard, Jeremiah H
Sent: Thursday, August 05, 2010 6:21 AM
To: O'Grady, Daniel J
Cc: Ahn, Michael
Subject: RE: Potus Call to Erdogan [CONFIDENTIAL, Record]

Categories: Working

Middle East Peace

[Redacted]

NR

Sensitive
This email is UNCLASSIFIED.

From: O'Grady, Daniel J
Sent: Thursday, August 05, 2010 8:32 AM
To: Howard, Jeremiah H
Cc: Ahn, Michael
Subject: FW: Potus Call to Erdogan [CONFIDENTIAL, Record]
Importance: High

[Redacted]

This email is UNCLASSIFIED.

From: Collins, Jeffrey S. [mailto:JCollins@nss.eop.sgov.gov]
Sent: Thursday, August 05, 2010 3:36 AM
To: Silliman, Douglas A; O'Grady, Daniel J
Cc: Baily, Jess L
Subject: Potus Call to Erdogan [CONFIDENTIAL, Record]
Importance: High

Doug and Dan: [Redacted]

Gaza Flotilla

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

Talking points:

- I was pleased that the UN established a panel to investigate the Gaza flotilla tragedy.

- We think it is important that both Turkey and Israel will be involved in the UN inquiry. This is an opportunity for you and Israel to begin to rebuild your relationship.
- We support the panel fully and we look forward to the participation of Israel and Turkey.

Background: UN Secretary General Ban Ki-Moon announced August 2 that the UN will launch a panel of inquiry to investigate the May 31 Gaz flotilla incident that left nine dead. The panel will be led by Geoffrey Palmer, former prime minister of New Zealand, as chairman and Alvaro Uribe, outgoing Colombian president, as vice-chair. Representatives from Israel and Turkey will be the panel's other two members. In announcing the panel, Ban said he hopes the panel's work will "impact positively on the relationship between Turkey and Israel as well as the overall situation in the Middle East." Emotions continue to run high in Turkey regarding the flotilla. Turkish press has reacted [redacted]

B5

[redacted]

Middle East Peace

[redacted]

Thanks very much.

Jeff

RELEASED IN PART 1.4(B),B1,1.4(D),B6

P80

Logg, Cristina A

From: Howard, Jeremiah H
Sent: Sunday, April 17, 2011 4:41 PM
To: Ahn, Michael; O'Grady, Daniel J; Silliman, Douglas A
Cc: Mineo, Mark R
Subject: FW: Balanced Palmer Report Might Help Close Flotilla Rift, [redacted]

Categories: Working 1.4(B)
1.4(D)

Michael: Would you stick this one in the AMB's read file, if he hasn't seen it already. Thank you. ^{B1} Jerry

Classification: CONFIDENTIAL
Derived From: DSCG 05-1 b, d
Declassify On: 2021/04/17

From: SMART Core
Sent: Friday, April 15, 2011 07:26:05
Jones, Stacey L; Miles, Barbara J; Ahn, Michael; Howard, Jeremiah H; Keen, Berna; Witmer, Kami A; O'Grady, Daniel J; de Otalvaro, Laura H; Tarry, George R; Godfrey, Anthony F;
To: karlo [redacted]@incirlik.af.smil.mil; Hamilton, Elizabeth A; Milford, Rebekah C; Treiber, Adrianne M; Leary, Thomas M; Mineo, Mark R; Walston, Melissa L; Guido, Deborah L; Fernandes, Anthony C; Avery, David; Ricciardone, Francis J; Bijanki, Ashwin; Dunn, Patrick M; [redacted]@incirlik.af.smil.mil; Gibbs, Jennifer H

B6

Cc: Hamilton, Elizabeth H
Subject: Balanced Palmer Report Might Help Close Flotilla Rift, [redacted] 1.4(D)
B1

CONFIDENTIAL



REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

Action Office: POL
Info Office: AMB_INFO

MRN: 11 TEL AVIV 495
Date/DTG: Apr 15, 2011 / 151624Z APR 11
From: AMEMBASSY TEL AVIV
Action: WASHDC, SECSTATE ROUTINE
E.O.: 13526
TAGS: PREL, PGOV, KPAL, KWBG, IR, SY, TU, IS
Subject: Balanced Palmer Report Might Help Close Flotilla Rift, [redacted] 1.4(D)
B1

1. (C) Summary: [redacted] believes that a balanced report by the Palmer Commission might help 1.4(B)
and Turkey move past the Mavi Marmara incident, following general elections in Turkey. Such reconciliation, how 1.4(D)
would not repair ties to "pre-Cast Lead" levels, and relations would remain strained. [redacted] B1

[redacted] said CHP contains anti-Israel elements, and that a CHP-led government would not necessarily be better than the current leadership. End summary.

B1

Significant Disagreements Remain Over Flotilla Incident

[redacted]

1.4(B)
1.4(D)
B1

3. (U) [redacted] said April 4 that a significant majority of Israelis support Netanyahu's refusal to apologize, and that an unconditional apology would be politically untenable at this point. This Israeli majority feels as though Turkey turned its back on Israel in pursuit of other regional goals, and they have been unwilling to move beyond this perceived betrayal. [redacted] said that Netanyahu, given this political reality, will work to prevent ties from deteriorating further and wait for an opportunity to mend fences. Resolution of the flotilla issue, however, would not return ties to their "golden age" in the late 1990's, or even to "pre-Cast Lead levels," a sentiment echoed by [redacted]

B6

Palmer Commission: A Chance for Rapprochement...

4. (C) A Palmer Commission report that implicates both Israel and Turkey in the flotilla incident would [redacted] gave the way to rapprochement [redacted]

1.4(B)
1.4(D)
B1

[redacted]

[redacted] Erdogan's "Authoritarian" Bent Worrisome

B6

7. (SBU) [] aid that Erdogan's authoritarian nature, more so than his party's conservative religious platform, is at the core of Turkey's strained relations with Israel, as well as its push for ascendancy in the region. AKP's religious policies are a passing fad, but Erdogan's strong-arm tactics to stifle dissenting voices in the military, the MFA, and the Turkish media might have a prolonged impact on ties. The Turkish military's cooperation with Israel is at an all-time low largely because Erdogan has stymied its contact with Israeli counterparts in recent years. [] told poloff that the Turkish Embassy in Tel Aviv pressured Tel Aviv University to cancel []'s participation in an exchange with Turkish academics in March for fear that Erdogan's office would not approve of her lecture and would subsequently fault the Embassy for allowing Turkish participation. Erdogan has also repeatedly worked to silence his critics in the Turkish media in recent years through legal action, and has even succeeded in jailing some of these dissenters.

B6

Signature: GOLDBERGER

Derived From: DSCG 05-1 b, d
Declassify on: 2021/04/15
Drafted By: TEL AVIV:Parsell, Benjamin C
Cleared By: POL:Levin, Jan X
POL:Silverman, Robert J
Approved By: EXEC:Goldberger, Thomas H
Released By: TEL AVIV:Parsell, Benjamin C
Info: ARAB ISRAELI COLLECTIVE ROUTINE
XMT: AMEMBASSY TRIPOLI
Attachments: Metadata.dat

Action Post:
Dissemination Rule: POL, AMB_INFO

CONFIDENTIAL

RELEASED IN FULL

Law, Rosemary C

From: Gorove, Katherine M
Sent: Thursday, July 22, 2010 6:00 PM
To: Perina, Alexandra H; Banos, Mariano H; Dolan, JoAnn; Pomper, Stephen E; Townley, Stephen G; Cleveland, Sarah H; Schwartz, Jonathan B; Jacobson, Linda; Sharon, Chelsea C
Cc: Johnson, Clifton M
Subject: RE: LEGAL-#258297-v1-Flotilla_Note.docx
Attachments: LEGAL-#258297-v1-Flotilla_Note, revs. accpeted.docx; LEGAL-#258297-v1-Flotilla_Note (3) (2).docx

Jon, Attached is a clean version and a version with tracked changes, for you to review and forward to Harold for his review. A few others may chime in later. Thanks, Kate

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

RELEASED IN FULL

Law, Rosemary C

From: Goldberger, Thomas H
Sent: Tuesday, July 27, 2010 10:53 AM
To: Levin, Jan; Tsou, Leslie M; Jacobson, Linda; Kumar, Prem G.
Cc: Cunningham, James B; Otto, Jeffrey L; Silverman, Robert J
Subject: Eiland Report

Following is an OSC translation of a long interview Giora Eiland gave to Yediot Aharonot last week. With the report remaining classified, this is the most detail we have seen on its contents. Some interesting passages.

Israeli Paper Interviews Maj Gen (Res) Giyora Eiland on IDF Gaza Flotilla Probe

GMP20100723754004 Tel Aviv *Yedi'ot Aharonot (7-Yamim Supplement)* in Hebrew 23 Jul 10 pp 24, 25, 26, 28

[Interview with Major General (Res) Giyora Eiland, by Amira Lam; place and date not given: "A Sinking Feeling"]

A week after publishing his report, which investigated the events of the Gaza flotilla, Maj Gen (Res) Giyora Eiland responds to those who accused him of vacillating and of giving too much consideration to military officials.

The report that he wrote, he emphasizes, encompasses 150 pages, with only a small portion published in the media. Eiland feels that the report is piercing and detailed, addresses flaws in the decision-making process among the defense leadership, exposes conflicts between Military Intelligence Branch and the Israel Navy, and does not hesitate to point out weaknesses of additional players as well, such as the IDF General Staff Operations Branch and Flotilla 13 [Shayetet navy commandos].

"A lot of people receive criticism over this operation," Eiland says this week, "including the IDF chief of staff, the navy commander, the head of Military Intelligence Branch, the head of Operations Branch, some rear admirals, as well as the commander of Flotilla 13. Although he and his people fought bravely, he was also a partner to the faulty planning process."

[Lam] If so, why did you refrain from personal recommendations? Why didn't your report send anyone packing?

[Eiland] At the IDF Officers Training School as well, you can fail in one navigational exercise and still not be disqualified from becoming an officer. You have to look at things in perspective.

[Lam] Give an example.

[Eiland] For example, let's take the navy under the command of Eli'ezer (Cheney) Marom. Over the past four years he improved its operational capabilities in a most impressive manner. This has been expressed in operations, some complex and secret. So, yes, in this specific event they made big mistakes. If this were the only thing that the navy has done in recent years, it is possible that I would have reached other conclusions.

[Lam] But your job was to examine their performance in this specific event and to draw conclusions. And that -- it has been argued against you -- you did not do.

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

[Eiland] If you dismiss someone, you give the media the pound of flesh that it wants. I thought that after the investigation into the abduction of Gil'ad Shalit as well. Then, too, people said that I was lenient. If, in that case, I had led to the dismissal of people, everyone would have said good, the problem has been removed, we learned lessons. The fact that officers were not dismissed then -- some of whom, by the way, were outstanding officers -- enabled Southern Command to focus on fixing the deficiencies and implementing the main lessons. In general, when the mistakes are professional and not normative, and when you're talking about successful officers, it would be a mistake in the future as well to bring about their dismissal. [end Eiland].

Conducting and writing up the investigation, the decisions that he made, as well as the criticism he received, mainly regarding the lack of personal conclusions, have left their mark on Eiland.

[Lam] You look a bit worn out.

[Eiland] It's not been an easy month. The hardest part was the conversations with several people, mainly with the navy commander, the commander of Flotilla 13, and others. At Operations Branch and Military Intelligence Branch the conversations were emotional. At the start of the investigation, they felt they were being targeted, and that they, of all people, who had done so much and invested and put forth such great effort, suddenly a team had been set up that was meant to focus on their mistakes and was supposed to hurt them badly.

[Lam] How did you contend with that?

[Eiland] I faced a difficult challenge to succeed in two things between which there was tension. On the one hand, I had to show people a calming approach. On the other hand, I could not refrain from asking tough questions, arguing with them, nor could I agree with some of their explanations. And then, in the end, I had to write what I thought -- even if that meant looking someone in the eye and telling him: On this subject you made a serious error. By the way, it is important for me to note that I did not work alone, but rather with a team of officers with the rank of lieutenant colonel through brigadier general, who examined and investigated, and the results belong to all of us.

[Lam] With whom in the military was it easiest for you?

[Eiland] Surprisingly, it was actually with the IDF chief of staff. He displayed a very open and less emotional approach. From the first meeting, he said to me: "Write the report the way you think it should be. And if there are things about which I think 'A', and you think 'B', it is your report and you should write 'B.'"

And that's what I did. I did not come to placate the chief of staff or the media. The purpose of this report is neither to punish nor to settle accounts. The purpose of the report is to improve a given situation. I know that it would have been very convenient for many people if I had found one guilty person and sent him home. So, it was possible to have said that we are all OK, and just one person ruined everything for us. [end Eiland].

1. The Criticism: "No One Saw the Report"

Several days before he submitted his report, Eiland says, a journalist called and asked him: "Tell me, are there personal conclusions?" Eiland answered: "What are personal conclusions?" He replied: "To dismiss people." Eiland said: "No. No heads are rolling." The journalist responded: "If that's the case, your report is not serious."

In retrospect, Eiland says, that was the earliest indication of what was to come. "The media was disappointed over the fact that I did not recommend dismissing people, and over the fact that I did not say something along the lines of, 'And in light of all this, it is clear that everyone is stupid,' or 'Nothing has been learned since the Second Lebanon War.' I don't agree one bit with those sentences, and I therefore I did not utter them."

[Lam] Ultimately, you were accused of being too forgiving vis-a-vis the military. One commentator wrote, "A general does not expel other generals."

[Eiland] First of all, no one from the media saw the report. Anyone familiar with it knows that it is more biting than the way it was presented in the media. There haven't been many investigations done in the IDF in which mistakes that were made by such senior officers are highlighted. Clearly, not everything was published.

[Lam] Why not?

[Eiland] Partly because of field security, and partly not to go into an overly detailed explanation. In a briefing of half an hour or 40 minutes, you cannot describe a 150-page report. What went out to the media was perhaps five percent.

[Lam] Some commentators wrote that the failure proves that the military did not learn anything from the Second Lebanon War. Is that true?

[Eiland] I don't agree with that assertion. This was an operation that occurred at night, 70 miles off the coast of Israel. It involved taking control of six boats, which were sailing close to each other. Dozens of vessels and aircraft participated in the operation. From a security standpoint alone, leaving aside all the other things for a moment, it was a very complex move. On the five other ships -- which no one talks about -- it went smoothly, precisely and according to schedule. It was a complicated operation that, all in all, ran well, but serious mistakes were also made in it so far as the Marmara was concerned.

[Lam] In retrospect, are you sorry that you weren't a bit more forceful?

[Eiland] No. I am 100% content with everything in the report.

[Lam] You weren't hurt even when people wrote that if you had investigated the Second Lebanon War, Halutz would have emerged clean and remained in the army?

[Eiland] I did not investigate the Second Lebanon War, and therefore I don't want to comment.

[Lam] Could it be that you would have been more judgmental regarding Ashkenazi, had he not been at the end of his term?

[Eiland] There is really no connection.

[Lam] Do you think that Ashkenazi should not have sufficed with the letter that he wrote to the prime minister and to the defense minister, in which he asked the political leadership to do everything possible not to put troops on board the ship?

[Eiland] I disagree with the IDF chief of staff's thinking in everything related to the degree of the military's involvement in political subjects. The chief of staff's standpoint says: I do not want to get the military mixed up in political matters; it's enough for the military to present the significances of a military operation and to leave it to the political leadership to decide about non-military activities.

[Lam] How did you happen to enter this minefield, between Baraq and Ashkenazi?

[Eiland] I admit that it was entirely my fault that it happened. We made a movie in order to save time and to describe the incident's entire chain of events through it. We used it first in presenting the investigation to the General Staff. Later, we reached the conclusion that we should also prepare a "cleaned up" version that could be shown to the media and to the public.

We took the original version and made cuts in it. When the chief of staff saw the film he asked that several things be changed. One of them was a sentence describing a personal appeal by the chief of staff to the prime minister and to the defense minister.

He asked me to take out that part. Rightly so, from his perspective. He understood the political commentaries that would be ascribed to it. We took out several other things, and I erred when I did not make sure that that part had also been deleted. When we saw it again at the last moment it was too late, because the discs had already been distributed to journalists.

[Lam] Are you a friend of Ashkenazi's?

[Eiland] I am his friend like I'm Dan Halutz's friend, or Bogie's [Moshe Ya'alon's] friend. I was a major general at the same time with all of them. To the chief of staff's credit, it can be said that in the summary of the discussion about the investigation he began by detailing the mistakes that he himself made. I have not seen many chiefs of staff behave like that.

[Lam] And that is why you were so surprised by the reactions?

[Eiland] I was not surprised by the fact that the media was disappointed with the report, which it believes was not scathing enough. I read the articles and the opinionated columns that were written. Except for one issue, in which there was a remark about the chief of staff's or the navy commander's location at the time of the incident, there is not a single professional statement in the things that were written that is not based on my analysis and on things that I myself said. I saw no original professional perspective.

[Lam] Except, as was said, the subject of the commanders' location.

[Eiland] Regarding the chief of staff, he is often in the Pit [IDF's underground command center in Tel Aviv]. Especially during operations in which there is a risk of an entanglement that will require hard and complex decisions, he will be there. He spent many nights in the Pit during more complicated operations.

[Lam] This event was not sufficiently complex?

[Eiland] This operation was a lot less complex, if only for one reason -- it took place in an area in which we have complete control. It is very different from an operation that takes place deep inside hostile territory, and regarding which any mistake is liable to lead to a real complication.

[Lam] Do you believe the navy commander's location was reasonable?

[Eiland] In operations of this kind, the navy commander can either be at his headquarters, where there are good means of communication and conditions, or at sea, on a command ship, where there is a convenient work environment. He can also choose to be a lot closer to the event, in the Shayetet commander's command boat. And he preferred to be there.

[Lam] And you think that was a mistake?

[Eiland] At first, I thought it was a mistake. I agreed that he did not have to be on shore, but rather to feel the situation at sea. There is no substitute for that. However, I thought that the more proper place for him should have been on the large command ship, not on the little boat. However, after quite a few conversations with him, with the Shayetet commander and others, I was convinced that it was not a total mistake.

There are both pros and cons to this. Ultimately, he saw the event up close. He could speak directly with the Shayetet commander. At least from the moment that the first soldier went down the rope, they made correct decisions. Thus, it is possible to say that there are advantages and disadvantages here.

2. The Intelligence: Erroneous Assessments

Eiland, 58, one of the IDF's most valued generals, began his career in the paratroopers. Later, he commanded the Giv'ati Brigade, was chief infantry and paratrooper officer, head of Operations Division, head of Operations Branch, and head of Planning Branch. He belongs to the generation of officers, like Amnon Lipkin-Shahaq, who strode beside politicians at peace talks and proximity talks that they held with various world leaders. As such, he also accompanied Peres, when the latter was foreign minister, at his talks with Arafat, and in Sharon's time he served as head of the National Security Council. That track positioned him as someone who understands not only tactics, but rather strategy as well. The report that he submitted deals with the military, but it contains a lot of criticism about the political echelon as well, and its relationship with the military.

[Lam] What were the main mistakes that you found regarding intelligence?

[Eiland] Intelligence's first mistake was that it did not correctly assess the intensity and the determination, the motivation and the ideology of the IHH [Foundation for Human Rights and Freedoms and Humanitarian Relief] organization. Intelligence's assessments also failed to take into account the deep connection between the organization and the Turkish government. For example, it turns out that the organization's leader and [Turkish Prime Minister] Erdogan were members of the same branch of the Islamic Party in Istanbul back in the 1990s, and that today as well the connection between the ruling party and the organization is strong. That was information that was not difficult to obtain.

There were more concrete indications, which were not given the proper interpretation. For example, this flotilla was escorted by a Turkish warship, which tracked it from not far away. That was a clear sign that Turkey was interested in what was happening.

However, the problem is not just one of information, but rather also one of judgment and of assessment. They didn't draw a connection between this and the deteriorating relations between Israel and Turkey. Therefore, they also did not realize that Israel was not going here to confront an anarchist organization, but rather an ideological organization, one supported by a strong government like Turkey. IDF Military Intelligence Branch did not give sufficient weight to that connection.

A second intelligence mistake is connected with the navy and with the intelligence body known as the Naval Intelligence Division. The operation's commander was the navy commander, his intelligence officer was the head of naval intelligence. They were responsible for all of the intelligence collection, which was supposed to provide the concrete or tactical intelligence pictures. They made more than a few professional mistakes, mainly in defining the important things. Their order of priorities in the information's importance was incorrect.

[Lam] What do you mean?

[Eiland] Naval intelligence contacted the Mosad and requested several things. The things that it asked for were not necessarily the most important things that would have been right to request. It even directly contacted certain units within Military Intelligence Branch and requested that they do all sorts of things that I do not believe were of high importance.

The navy gave too much weight to things connected with the ships themselves -- their structure, their location and their capabilities. It gave too little weight to questions such as who the people on the ship are, and what their intentions, capabilities and means are. Who is their leadership, what are their weak points, and what can we expect from them?

They should have requested one of two things with top priority: either an agent who could report, or the existence of another means that would transmit sound or a picture. If that had been defined with high priority, it is possible that they could have known more.

[Lam] You spoke about problems of coordination between the intelligence bodies. Where did that happen, and what damage did it cause?

[Eiland] It happened in the work processes between naval intelligence and Military Intelligence Branch. Naval intelligence assumed too great a responsibility, and did certain things, in an insufficiently good way, among other things because it is not within its area of expertise. It should have contacted Military Intelligence Branch and asked for help. From its standpoint, that was a mistake. The other side of the same mistake was that Military Intelligence Branch should have taken the initiative to create a process of cooperation and said to the navy: I know better than you do, I have more means than you do -- let's sit down together and I will help you. It was done, but in a way that was too little, too late. The result was that the State of Israel's capability to bring all of the intelligence was not maximized.

[Lam] How did such a thing happen?

[Eiland] The navy had an erroneous sense that the operation was theirs. They feared, "maybe we are not being understood, maybe we won't get what we need, so let's do it all alone." And from Military Intelligence Branch's perspective -- it did not display

an approach of initiated action that says, this is a big event. It does not belong to the navy, but rather it has bigger implications. Therefore, it must be a lot more dominant in the collection process. Both sides were lacking. [end Eiland].

3. The Planning: Without Alternatives

According to Eiland, in addition to mistakes stemming from the intelligence collection, several severe errors were also made in planning the operation.

[Eiland] The central problem is that the entire system assumed only one course of action for the enemy. However, when you engage in operational planning you must ask yourself, in addition to the enemy's reasonable course of action, what is the other, more dangerous, path? The only course of action that they assessed said that there would be opposition on the ships in general, and particularly on the Marmara, and that it should be assumed that it would be violent.

However, no one addressed the possibility of weapons being used against our troops -- mainly non-firearm, but effective, weapons, and that this would happen in an effort to kill, and out of a willingness to be killed. That is already a different story. They did not prepare for that.

[Lam] So what, in effect, was the operational plan?

[Eiland] The plan was based on boarding the vessels using two techniques: from rubber boats and by descent from a helicopter. They should have realized that both of those methods contain a weakness. They are good only up to a certain level of opposition. There is a critical path here. Why? Because climbing a ladder is done in single file, and descending from a rope is also done one man at a time. That is a good plan vis-a-vis one course of action by the other side. It is not strong enough, and is unsuitable, for the violence course of action by the people on the ship. In that case, it would have been proper to prepare an alternative plan of action as well, the main aspect of which is employing various means in order to prevent people from being on the deck during the takeover.

[Lam] What means do you mean?

[Eiland] The most banal example is a water cannon, which you can bring to the boat sailing next to the hostile boat and shoot water salvos up to a range of 50 meters. It doesn't kill, but it is hard to resist. If you use this opposite the stern, then when the rubber boats arrive better conditions are created for the troops to board the boat.

[Lam] And was it possible to bring along such water cannons?

[Eiland] Not at the last moment. It is something that requires advance planning. It is also possible to spray water from a helicopter. You arrive with a big helicopter, with a five-ton tank of water, and pour in onto the deck. You don't have to use it immediately. It would have been possible to notify the captain that that was what was going to happen, and to tell him, "Look, there's a danger to anyone who remains on the deck. Please order everyone to get into the ship's hold, because anyone not doing so is taking a risk."

[Lam] And if that hadn't helped?

[Eiland] Then you give them a demonstration -- 100 meters opposite the deck. That would have impressed them, and some of them would have been convinced. After you'd documented and filmed this and issued the warnings, you'd pour the water. And that, too, at different heights and with a different force. It is a means that, in my opinion, could definitely have been used. I do not want to go into any more details, but there are additional means as well.

[Lam] Was that even considered before the operation?

[Eiland] Some of the things were said during the preparations, but not one of them was shaped into an alternative plan that would be at full operational preparedness. And to embark on an operation without an alternative is a substantive error.

A third thing in connection with planning is defining essential conditions for implementation. In an operation of this sort, in which we control the place and the timing of the operation, conditions for implementing the leading alternative should be defined, and then in real time an examination should be done to see whether they indeed exist.

[Lam] In your opinion, when they saw what was happening on the deck, should the action have been aborted?

[Eiland] The proper thing is to prepare a Plan A and a Plan B, and to examine the situation in real time. If the conditions for implementing Plan A do not exist, then you should move to Plan B.

The moment our boats reached the hull the first time and were repulsed by chains and metal bars and Molotov cocktails thrown by dozens of people standing on the deck -- they should have concluded that the conditions for implementing the plan did not exist. It was not an action that you had to complete within the next minute. In fact, one of the navy commander's correct decisions was to conduct the action as far as possible from Israel's shores, in order to allow time for all sorts of developments. He did not exploit that time, because he did not prepare an alternative plan that could have been used.

[Lam] Would you say that the IDF of today is flawed by conceptual rigidity ?

[Eiland] In military organizations there is a dangerous tendency toward groupthink that takes shape around what appears to be the commander's opinion. In this event as well, there was a convergence by many people around what appeared to them to be what the commander thinks. In the implementation phase that is something necessary. In the planning phase it is necessary for there to be an opposite process, in the context of which staff or other officers express doubt as to the correctness of the commander's view. In the military, including at the General Staff level, there are techniques that are supposed to neutralize groupthink. They were not employed in this case, and we of course suggested employing them in strategic events -- mainly in those for which the preparations take a long time.

[Lam] What did you propose?

[Eiland] The first proposal is to establish a "study group." A study group is a less formal and less hierarchical gathering. It is preferable that its participants, in addition to those with a part to play in the operation, also include several people with a suitable background but who are still not psychologically committed to the process and to the existing decisions. Such a forum can reexamine the basic assumptions that led to the existing plan -- and cast doubt on any other decision. The second or alternative

possibility is to establish a "Red Team," which would act as sort of a devil's advocate. The team's purpose is to accompany the entire combat procedure and to challenge the system. Both of these things did not take place here before this operation.

[Lam] Uri Sagi and Amnon Lipkin-Shahaq are Ashkenazi's "Red Team." Where were they in this case?

[Eiland] I don't know what happened in other events, but it appears that this time sufficient embarrassment was not created, which many times is essential in order to create such a process. [end Eiland].

4. The Question: How Do We Stop a Ship?

In the days following the flotilla affair, there was talk about the possibility that the ship should have been stopped using a rope that would have been wound around its propellers. Eiland examined the matter and addressed it in the report.

[Eiland] There is a huge gap between ideas and their feasibility. There is a difference between saying, "A rope of a certain thickness would have stopped the ship's propeller," and the answer to the question of how to get the rope there. As I've said, there is currently no proven capability anywhere in the world of winding a rope around the propeller of such a large ship.

[Lam] You're saying that there is no technique, anywhere, of stopping a ship that does not employ fire?

[Eiland] There is more than one possibility for causing a ship to "stop cold." However, on the day of the operation we did not possess one of the theoretical possibilities, or not one of them had gotten to the point of operational capability. As strange as it may seem, as far as we know, there is also no other military in the world that has the capability of remotely stopping a large ship sailing at a speed of 10 knots, without endangering the people on the ship, of course.

[Lam] But the military had time to prepare, to plan, to think.

[Eiland] Starting in the summer of 2008, when the flotilla phenomenon began to be common and perceived as a kind of threat, someone should have said, gentlemen, this is a very important mission. If they had taken this subject seriously two years ago, they could have reached good operational capability for stopping such a ship with a higher probability. One of the conclusions is to do this now.

[Lam] And what about clandestine activity for stopping the ship?

[Eiland] The report did not deal with that as well. I did not investigate the subject, so I cannot determine whether the Mosad could have done something so that the ship would not have reached its destination.

[Lam] The military didn't examine that option as well?

[Eiland] About the military, I can say that they should have taken the initiative and contacted the highest levels, and insisted on establishing a joint military-Mosad forum at a senior level, which would have examined, in a much deeper manner, the subject of the clandestine alternative. The military, despite the fact that it was not its responsibility, should have been more aggressive in its requests, that the Mosad examine additional avenues with it.

5. The Policy: Without Any Discussion

Eiland talks about the political alternative to the operation or, more precisely, the lack thereof.

[Eiland] When discussing the political sphere it is important to distinguish between a public diplomacy action and a political move. The purpose of public diplomacy is to convince others that we are good and just, and that our enemies are totally evil. Public diplomacy cannot effect change in the political arena. A political move is an initiative that convinces someone, generally a third party, to do something that matches our interest.

An astute political move generally necessitates a discreet approach to a third party that displays a clear interest. The nature of the offer is a "deal," according to which the third party initiates an offer that includes our ceding something less important, in order to receive something of much greater importance."

[Lam] And in practical terms?

[Eiland] Three months ago we could have already approached someone like the French president or the Italian prime minister, and asked him to initiate the next deal between the European Union and Israel: Israel would change its policy and allow the transfer of more goods through the land crossings to Gaza (as we eventually were compelled to do without compensation). In exchange, the European Union would announce that from the moment the crossings problem was solved, there was no longer any justification for any flotillas.

We could have done something even bolder -- approaching the Turks and telling them: You claim that the only way to bring Gaza what it needs is through the sea. We value you and trust you, and we are prepared to allow a sea line from Turkey that would supply Gaza providing three conditions were met: A. The ships would belong to the Turkish government; B. The Turkish police would examine their contents and sign in our presence, attesting that they are conveying only permitted equipment; C. The ships would sail directly to Gaza accompanied by the Turkish Navy.

It's an approach of reverse psychology. Were Erdogan to have answered in the affirmative, it's not clear that this solution would have been half bad, and it would have improved our relations with Turkey. Had he refused, his true face would have been revealed. Other alternatives are also noteworthy, though apparently we did little on the political front. It is correct to apply soft policy and strong military power. Many times what happens here is the reverse. We apologetically apply a weak military effort. The political rhetoric, on the other hand, is belligerent.

[Lam] Well, that is outside the military's control.

[Eiland] True, yet this is a fundamental issue. Shouldn't the military deal with this issue of political solutions? Should it suffice with saying that there is a problem but I'll deal with my business and you'll deal with yours?

[Lam] So what you're saying is that the military should engage in policy?

[Eiland] I couldn't argue that the military made a mistake and did not fulfill its role by not creating political alternatives, because that really isn't its job. But I think that the military could have prepared the sort of political alternatives that I noted and proposed them to the political leadership. In the State of Israel, unfortunately, the body more capable than any other of generating political alternatives is the IDF's Planning Branch. It's not appropriate that this happen all the time, only regarding cases where the political initiative is vital to avert a problematic security reality, such as the one created by the recent flotilla.

[Lam] Is there no such current relationship between the political and military echelons?

[Eiland] The relationship between the political and military echelons is a problematic sphere for the State of Israel. It doesn't just pertain to this or that situation, government or persons. I've had first-hand knowledge of the subject since 1996, and things were never done properly, in any period.

[Lam] In an ideal scenario, in your view, what should have happened before such an operation?

[Eiland] Two months before the operation, the prime minister, the defense minister, the heads of the Mosad and the Shin Bet, the IDF chief of staff, and three or four other people should have sat down together, put the cards on the table and spoken freely to try to reach a common understanding of the issue: What can the State of Israel do? If the outcome of the discussion is a military operation, then you define under what conditions it is not implemented and determine when the political price outweighs the military success.

[Lam] No such deliberation took place before the operation?

[Eiland] Of course not. By the way, no such deliberations took place over dozens of other, more important subjects.

6. The Orders: Bad Writing

[Lam] So you agree with the claims that we learned nothing from the Second Lebanon War?

[Eiland] No. The army improved many things and made many correct decisions. That said, there are also things that are not directly connected with the operation and its outcomes, where professional shortcomings were in evidence.

[Lam] Can you be more specific?

[Eiland] In this operation, the manner of writing orders was not good. Such a level of writing orders during a war, when you have no time to check things, can lead the army to unsuccessful outcomes. There were contradictions between what appeared in the main orders and the professional appendices in the written orders for this operation. Trivial subjects were detailed to an absurd degree, and analysis of main items relating to the enemy was absent. Operations Branch and the head of the Operations Division did not perform their job properly in this regard.

[Lam] In the report you also address the public diplomacy shortcomings on the first day.

[Eiland] There were two problems with public diplomacy. The first was that some of the IDF Spokesman's Unit's announcements and the release of filmed material were too slow, due to a convoluted chain of command that must be shortened. A more profound mistake relates to treatment of foreign journalists. The IDF Spokesman's Unit, despite maintaining a body designed to deal with the foreign media, is not equipped for it, because it is naturally oriented to the Israeli media. This must change. The military is not an organization that should have to worry only about its own public relations. It is part of the struggle for the State of Israel's legitimacy.

[Lam] How would you propose preparing for the next flotilla?

[Eiland] First of all, we must prevent the arrival of flotillas by political means. The military lesson is this: When faced with a complex enemy, in addition to the regular battle procedure a parallel process of a study group should be held, to avoid overly narrow thinking that leads to adherence to a plan that is not of necessity the only appropriate one, as happened in this case. [end Eiland].

In recent years, Eiland has been involved in the defense industries sphere. He serves as president of SDS [Star Defense Industries Ltd.], a defense company, and is a consultant to some of the biggest Israeli defense industries. In this field, too, he is not complacent.

"Many of the problems of Israeli defense exports happen as a consequence of penny-pinching and destructive competition between the various Israeli industries, and not as a result of technological difficulty or global competition. Unfortunately, I sometimes see how competing Israeli concerns are prepared to undermine others, not for profit, but so that another Israeli will fail. These phenomena sadden me even more than all the bad things characteristic of Israeli politics."

Eiland holds by an ordered political doctrine and a well-formulated political plan, according to which a Palestinian state would be established under Jordanian auspices. He has in mind a round of territorial swaps by which Egypt would double the size of the Gaza Strip, and Israel would retain the large settlements in the West Bank and transfer a commensurate area in the Paran Desert to Egypt.

Eiland has recently been asked if he has a mind to enter politics. He ruled out the option, saying that to be in politics you need thick skin, and that "I am thin-skinned." This week he remarked: "Perhaps after a few more commissions of inquiry and criticism like this, my skin will become thick enough."

[Description of Source: Tel Aviv Yedi'ot Aharonot in Hebrew -- Independent, centrist, largest circulation Hebrew-language paper]

Vernacular Attachments:

V-GMP20100723754004001.gif

V-GMP20100723754004002.gif

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RELEASED IN FULL

Law, Rosemary C

From: Dolan, JoAnn
Sent: Friday, June 18, 2010 12:45 PM
To: Dolan, JoAnn; Banos, Mariano H; Jacobson, Linda; Gorove, Katherine M
Cc: Perina, Alexandra H; Schwartz, Jonathan B; Giaouque, Jeffrey G; Khoury-Kincannon, Sahar
Subject: RE: Clearance reminder - TPs for OHCHR/US meetings - section on Israel and Palestinian T.
Attachments: Israel and Pal issues for OHCHR meeting SEMEP NEA IOUNP USUNW.DOC

Further changes suggested after tracking down the WH Statement at

<http://www.whitehouse.gov/the-press-office/statement-press-secretary-israels-investigation-flotilla-incident>

From: Dolan, JoAnn
Sent: Friday, June 18, 2010 12:19 PM
To: Banos, Mariano H; Jacobson, Linda; Gorove, Katherine M
Cc: Perina, Alexandra H; Schwartz, Jonathan B; Giaouque, Jeffrey G; Khoury-Kincannon, Sahar
Subject: RE: Clearance reminder - TPs for OHCHR/US meetings - section on Israel and Palestinian T.

Mariano: I have corrected a couple typos and offered a few comments. Unfortunately, I don't have access to high side at moment and cannot access the WH statement on the Israeli commission. Some of the language here on our position seems a bit off to me. I have noted some comments and am copying NEA and SEMEP clearers to clarify. I may be wrong. Also copying Jonathan and Alexandra who have been engaged on that issue. I will see if I can find the WH statement on line.

From: Banos, Mariano H
Sent: Friday, June 18, 2010 10:32 AM
To: Jacobson, Linda; Dolan, JoAnn; Gorove, Katherine M
Subject: Fw: Clearance reminder - TPs for OHCHR/US meetings - section on Israel and Palestinian T.

Please take a look at the attached. If you have any comments (esp on the Flotilla section), please let me know before noon.

Thanks,
Mariano

From: Johnston-Gardner, Sarah R (DRL)
To: Rosenthal, Hannah S; Lieberman, Jessica D (DRL); Patel, Gayatri A; Andris, Matthew R; Banos, Mariano H
Cc: Foley, Tara E
Sent: Fri Jun 18 10:19:06 2010
Subject: Clearance reminder - TPs for OHCHR/US meetings - section on Israel and Palestinian T.

Good morning,

Please provide your clearance and edits on the attached guidance for our delegation meeting with the OHCHR staff in Geneva. Please clear no later than 1pm today.

Thank you,
Sarah

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

Sarah Johnston-Gardner
Foreign Affairs Officer
Bureau of Democracy, Human Rights and Labor (DRL)
Office of Multilateral and Global Affairs (MLGA)
202-647-2286

RELEASED IN FULL

Law, Rosemary C

From: Dolan, JoAnn
Sent: Friday, July 09, 2010 9:53 AM
To: Jacobson, Linda; Perina, Alexandra H
Subject: FW: LEGAL-#256164-v1-Flotilla_Outline.doc
Attachments: LEGAL-#256164-v1-Flotilla_Outline.doc

A few additions. Agree this looks good.

From: Perina, Alexandra H
Sent: Thursday, July 08, 2010 5:41 PM
To: Jacobson, Linda; Dolan, JoAnn
Subject: FW: LEGAL-#256164-v1-Flotilla_Outline.doc

Linda, JoAnn – Just a few additional tweaks from me (a bit of reordering some of the points). I think this looks good.
Thanks, A.

From: Pomper, Stephen E
Sent: Friday, July 02, 2010 2:22 PM
To: Schwartz, Jonathan B; Jacobson, Linda; Dolan, JoAnn; Perina, Alexandra H; 'Alexandra Perina'
Subject: LEGAL-#256164-v1-Flotilla_Outline.doc

I have made a few tweaks and suggestions for possible additional discussion points (!) on the outline that Jon prepared, but nothing of much significance, and would happily yield on any of these edits. AP is on vacation today but will be on the job next week for L/PM, and I am copying her here in the perhaps less than likely event that she wishes to spend her holiday weekend thinking about the best way to introduce the Secretary to the legal nuances of putative Gaza de-occupation. Over to Linda and JoAnn.

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

RELEASED IN FULL

Law, Rosemary C

From: Dolan, JoAnn
Sent: Monday, July 12, 2010 3:30 PM
To: Jacobson, Linda
Subject: FW: LEGAL-#256164-v1-Flotilla_Outline.doc
Attachments: LEGAL-#256164-v1-Flotilla_Outline.doc

Two points worth clarifying noted in attached

From: Harris, Robert K
Sent: Monday, July 12, 2010 3:06 PM
To: Gorove, Katherine M; Jacobson, Linda
Cc: Townley, Stephen G; Schwartz, Jonathan B; Dolan, JoAnn; Pomper, Stephen E; Perina, Alexandra H; Baumert, Kevin A; Banos, Mariano H
Subject: RE: LEGAL-#256164-v1-Flotilla_Outline.doc

Linda,

I had a few fairly small comments.

Bob

From: Gorove, Katherine M
Sent: Monday, July 12, 2010 2:53 PM
To: Harris, Robert K
Subject: FW: LEGAL-#256164-v1-Flotilla_Outline.doc

Flotilla meeting at 1:30 tomorrow. Latest outline just came in.

From: Jacobson, Linda
Sent: Monday, July 12, 2010 2:50 PM
To: Townley, Stephen G; Schwartz, Jonathan B; Dolan, JoAnn; Gorove, Katherine M; Pomper, Stephen E; Perina, Alexandra H; Baumert, Kevin A; Banos, Mariano H
Subject: LEGAL-#256164-v1-Flotilla_Outline.doc

Please see revised version of outline for meeting tomorrow.

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

Law, Rosemary C

RELEASED IN FULL

From: Dolan, JoAnn
Sent: Monday, July 12, 2010 6:11 PM
To: Perina, Alexandra H; Jacobson, Linda; Gorove, Katherine M; Banos, Mariano H; Baumert, Kevin A
Cc: Harris, Robert K; Townley, Stephen G; Schwartz, Jonathan B
Subject: FW: flotilla outline 2.doc
Attachments: flotilla outline 2.doc

Inadvertently some of the changes to the prior draft were dropped from the final version. I have reentered them here as tracked changes for others to review and Linda to confirm before we send this to Harold. Please advise if there is anything further. In view of this complication, Stephen may want to wait until OOB to send forward to permit final input from others.

From: Jacobson, Linda
Sent: Monday, July 12, 2010 4:17 PM
To: Gorove, Katherine M; Banos, Mariano H; Baumert, Kevin A
Cc: Townley, Stephen G; Dolan, JoAnn
Subject: flotilla outline 2.doc

Here is the latest version incorporating some comments from BH and JoAnn. I need to leave at 4:45 today, so please send your comments soonest, or if later, to JoAnn. Steve, I think this is good to go to HHK if addressees have no further thoughts.

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

RELEASED IN FULL**Law, Rosemary C**

From: Dolan, JoAnn
Sent: Monday, July 12, 2010 7:12 PM
To: Jacobson, Linda; Perina, Alexandra H
Subject: RE: LEGAL-#256164-v1-Flotilla_Outline.doc

Stephen has gone ahead, accepted the tracked changes, and sent to Harold tonight with the proviso that further changes can be made in the course of the meeting. So there may be no need to come early for this.

From: Jacobson, Linda
Sent: Monday, July 12, 2010 7:07 PM
To: Dolan, JoAnn; Perina, Alexandra H
Subject: Re: LEGAL-#256164-v1-Flotilla_Outline.doc

I don't know what happened but will come in early and review.

From: Dolan, JoAnn
To: Perina, Alexandra H; Jacobson, Linda
Sent: Mon Jul 12 17:52:13 2010
Subject: RE: LEGAL-#256164-v1-Flotilla_Outline.doc

I am remaking the missing tracked changes in a version I will send to Linda this evening. Not sure when Linda will be able to review them, but perhaps we can finalize them before OOB. That should give Harold enough time to review before the 1:30 meeting

From: Perina, Alexandra H
Sent: Monday, July 12, 2010 5:48 PM
To: Dolan, JoAnn; Jacobson, Linda
Subject: RE: LEGAL-#256164-v1-Flotilla_Outline.doc

Yes, same here.

From: Dolan, JoAnn
Sent: Monday, July 12, 2010 5:42 PM
To: Dolan, JoAnn; Jacobson, Linda; Perina, Alexandra H
Subject: RE: LEGAL-#256164-v1-Flotilla_Outline.doc

First version I had from you today was at 2:50. It did not reflect our earlier input either.

From: Dolan, JoAnn
Sent: Monday, July 12, 2010 5:40 PM
To: Jacobson, Linda; Perina, Alexandra H
Subject: RE: LEGAL-#256164-v1-Flotilla_Outline.doc

I can do that. In the meantime, I went through our combined edits from last week and highlighted in yellow the changes that were not made. I am reluctant to make them without knowing whether you agreed with them all.

From: Jacobson, Linda
Sent: Monday, July 12, 2010 5:31 PM
To: Dolan, JoAnn; Perina, Alexandra H
Subject: Re: LEGAL-#256164-v1-Flotilla_Outline.doc

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

Sorry. I must have worked from an incorrect version bec I definitely wanted to include your comments. Could you look at the first version I sent around today, before I added the Malaysia language.

From: Dolan, JoAnn
To: Jacobson, Linda
Sent: Mon Jul 12 17:18:06 2010
Subject: FW: LEGAL-#256164-v1-Flotilla_Outline.doc

Linda: Can you advise whether you decided not to include Alexandra's and my changes from last Friday or whether you overlooked them when finalizing today's draft. I had noted that some of mine were missing but had assumed you had chosen not to use them. With this message from Alexandra, I am now not sure.

From: Perina, Alexandra H
Sent: Monday, July 12, 2010 4:48 PM
To: Dolan, JoAnn
Subject: FW: LEGAL-#256164-v1-Flotilla_Outline.doc

fyi

From: Perina, Alexandra H
Sent: Monday, July 12, 2010 4:48 PM
To: Jacobson, Linda
Subject: RE: LEGAL-#256164-v1-Flotilla_Outline.doc

Linda - I just noticed this version doesn't seem to reflect my and JoAnn's comments and wasn't sure whether you'd decided not to include them or they got lost in the shuffle. In case of the latter, they are attached. Thanks, A.

From: Jacobson, Linda
Sent: Monday, July 12, 2010 3:05 PM
To: Schwartz, Jonathan B; Townley, Stephen G; Cleveland, Sarah H; Dolan, JoAnn; Baumert, Kevin A; Gorove, Katherine M; Perina, Alexandra H; Pomper, Stephen E; Banos, Mariano H; Harris, Robert K
Subject: LEGAL-#256164-v1-Flotilla_Outline.doc

See slightly revised version to reflect Malaysia announcement on ICI referral.

RELEASED IN FULL

Law, Rosemary C

From: Bass, Warren
Sent: Friday, September 17, 2010 3:19 PM
To: Banos, Mariano H; Andris, Matthew R; Johnston-Gardner, Sarah R (DRL); Khoury-Kincannon, Sahar; Doutrich, Jack T; Gregonis, Meghan E; Schrank, Alexander D; Perina, Alexandra H; Masilko, Barbara J (USUN); Germain, Ellen J (USUN); Dolan, JoAnn; Jacobson, Linda
Cc: Khanna, Melanie J; Lapenn, Jessica; Barks-Ruggles, Erica J
Subject: RE: HRC Israel Statements
Attachments: HRC 15 Flotilla Intervention.docx; HRC 15 Item 7 General Intervention.docx

AttachmentsClassification:

UNCLASSIFIED

Classification: UNCLASSIFIED**SensitivityCode:** Sensitive

Here's my quick cut on these—though please note this is not final clearance. Others in my FO will want to see these when the working level is done, especially the flotilla one.

Thanks again.
 Warren

SBU
 This email is UNCLASSIFIED.

From: Banos, Mariano H
Sent: Thursday, September 16, 2010 2:16 PM
To: Andris, Matthew R; Johnston-Gardner, Sarah R (DRL); Khoury-Kincannon, Sahar; Doutrich, Jack T; Gregonis, Meghan E; Schrank, Alexander D; Perina, Alexandra H; Bass, Warren; Masilko, Barbara J (USUN); Dolan, JoAnn; Jacobson, Linda
Cc: Khanna, Melanie J; Lapenn, Jessica
Subject: RE: HRC Israel Statements

Also looping in L/AN

From: Andris, Matthew R
Sent: Thursday, September 16, 2010 1:44 PM
To: Johnston-Gardner, Sarah R (DRL); Khoury-Kincannon, Sahar; Doutrich, Jack T; Gregonis, Meghan E; Schrank, Alexander D; Banos, Mariano H; Perina, Alexandra H; Bass, Warren; Masilko, Barbara J (USUN)
Cc: Khanna, Melanie J; Lapenn, Jessica
Subject: HRC Israel Statements

All: **REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer**

Attached are our Item 7 General Statement and our intervention responding to the Flotilla FFM report. To be respectful of everyone's time, I'd appreciate your review of these today, so that we can discuss **conceptual comments at our meeting tomorrow morning**. If you won't be able to attend the meeting, please provide your conceptual comments to a proxy. Then, as I do not want to deprive you all of your deep love for rewriting this stuff, please provide your **happy/glad comments by COB tomorrow**. After we've collected those, we'll seek 7th floor/NSC approval.

Best,

Matthew R. Andris

Bureau of International Organization Affairs
Office of Human Rights
(202) 647-5892 - office
(312) 208-9897 - cell
andrismr@state.gov

This email is UNCLASSIFIED.

RELEASED IN FULL

Law, Rosemary C

From: Banos, Mariano H
Sent: Friday, July 09, 2010 5:08 PM
To: Perina, Alexandra H; Gorove, Katherine M; Jacobson, Linda; Dolan, JoAnn; Townley, Stephen G
Cc: Aswad, Evelyn M; Harris, Robert K
Subject: FYI: individuals to be named on Monday for the HRC Flotilla fact finding mission

From: Andris, Matthew R
Sent: Friday, July 09, 2010 3:21 PM
To: Johnston-Gardner, Sarah R (DRL); Doutrich, Jack T; Kolb, Natalie
Subject: Flotilla Fact-finding Committee

All:

Although the announcement won't be formally made until Monday, we have received the following from the President of the Human Rights Council, via Israel's ambassador in Geneva and our delegation in Geneva. For clarity's sake, this is the "independent, international fact-finding mission" created by the Human Rights Council in resolution 14/1 with a mandate "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."

Dino Kritsiotis is a Zimbabwean lawyer with extensive experience in the field of international humanitarian law. A regular contributor to the ICRC Warsaw Summer School on International Humanitarian Law and one of the founding directors of the All Africa Course on International Humanitarian Law, he has been teaching at the University of Nottingham School of Law since 1994.

Mary Shanthi Dairiam (Malaysia) was a member of the Committee on the Elimination of Discrimination against Women from 2005 to 2008. Since 2007, she has been serving on the Gender Equality Task Force of the United Nations Development Programme. She is a founding member of the Board of Directors of the International Women's Rights Action Watch Asia Pacific.

And the Head of the FFM will be Sir **Desmond de Silva**. His CV can be obtained from the following link:
<http://www.argentchambers.co.uk/site/people/profile/sirdesmonddeasilvaqc#>

Have a great weekend!

Matthew R. Andris

Bureau of International Organization Affairs
Office of Human Rights
(202) 647-5892 - office
(312) 208-9897 - cell
andrismr@state.gov

We understand the below named will be designated Monday to the HRC fact-finding mission on the flotilla.

Best,
Suzanne

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

Here is the short bio of the 2 members of the FFM on Flotilla, Dino Kritsiotis is a Zimbabwean lawyer with extensive experience in the field of international humanitarian law. A regular contributor to the ICRC Warsaw Summer School on International Humanitarian Law and one of the founding directors of the All Africa Course on International Humanitarian Law, he has been teaching at the University of Nottingham School of Law since 1994.

Mary Shanthi Dairiam (Malaysia) was a member of the Committee on the Elimination of Discrimination against Women from 2005 to 2008. Since 2007, she has been serving on the Gender Equality Task Force of the United Nations Development Programme. She is a founding member of the Board of Directors of the International Women's Rights Action Watch Asia Pacific.

And the Head of the FFM will be Sir Desmond de Silva His CV can be obtained from the following link <http://www.argentchambers.co.uk/site/people/profile/sirdesmonddeasilvaqc#>

RELEASED IN FULL

Law, Rosemary C

From: Banos, Mariano H
Sent: Wednesday, July 21, 2010 9:38 AM
To: Perina, Alexandra H; Jacobson, Linda; Dolan, JoAnn
Subject: FW: Questions re: Israel/Palestine Issues

Classification: UNCLASSIFIED

NON-RESPONSIVE PORTIONS REDACTED

FYI only.

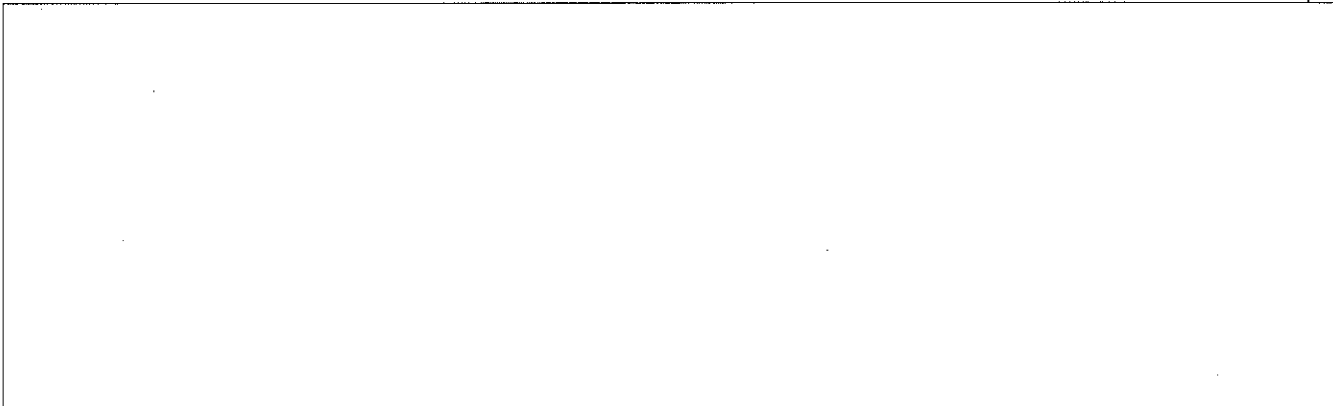
From: Andris, Matthew R
Sent: Wednesday, July 21, 2010 8:59 AM
To: Johnston-Gardner, Sarah R (DRL); Bass, Warren; Banos, Mariano H; Doutrich, Jack T; Germain, Ellen J (USUN); Masilko, Barbara J (USUN); Ried, Curtis R (USUN)
Subject: FW: Questions re: Israel/Palestine Issues

FYI. Please note the sensitive nature of this communication.

This email is UNCLASSIFIED.

From: Foley, Tara E
Sent: Wednesday, July 21, 2010 8:49 AM
To: Griffiths, Douglas M; Geneva HRC; Nossel, Suzanne F; Donahoe, Eileen C; IO-HR-DL
Subject: RE: Questions re: Israel/Palestine Issues

SBU – USG only



NR

If we have specific questions, let me know and I can follow up.

SBU
This email is UNCLASSIFIED.

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

From: Griffiths, Douglas M
Sent: Thursday, July 15, 2010 10:22 AM
To: Geneva HRC; Nossel, Suzanne F; Donahoe, Eileen C; IO-HR-DL
Subject: FW: Questions re: Israel/Palestine Issues

Here's the list of Israeli and Palestine items in text and as attachment.

**Human Rights Council
Regular Session 15
September 13 – October 1, 2010
Israeli and Palestinian Items**

There are potentially four reports related to Israel and the Palestinian Territories to be presented during the upcoming September session. We should consider how we will want to respond to each of these reports at the Council and through media messaging.

[Redacted]

NR

Expected Reports:

1. Experts Committee on Goldstone follow-up report:

[Redacted]

2. High Commissioner Pillay report:

[Redacted]

3. Secretary-General report:

[Redacted]

4. Report of the Fact-finding Mission on the flotilla: HRC Resolution 14/1 mandated the flotilla Fact-Finding Mission to report at the 15th session.

This email is UNCLASSIFIED.

From: Ciaccia, Sarah J
Sent: Thursday, July 15, 2010 9:56 AM
To: Cassayre, Mark J; Griffiths, Douglas M; Geneva HRC
Subject: RE: Questions re: Israel/Palestine Issues

Attached

This email is UNCLASSIFIED.

From: Andris, Matthew R
Sent: Wednesday, July 14, 2010 8:17 PM
To: Geneva HRC; Griffiths, Douglas M
Subject: Questions re: Israel/Palestine Issues

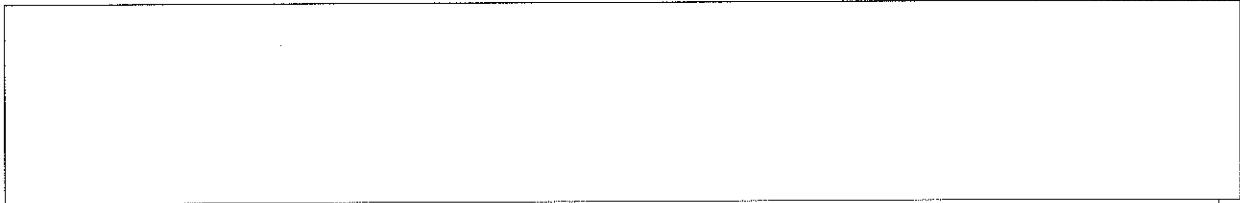
Geneva colleagues,

I realize you're a little short-staffed at the moment, so I'm sending this to a broad group in the hopes that someone will be able to respond. In our weekly HRC meeting yesterday, we identified a few tasks/communications that need to happen in Geneva, and I (your faithful scribe) am passing them on with a request for assistance.

1. 


NR

2. Please approach Ambassador Yaar to find out if he has views on the currently proposed flotilla committee and whether he prefers that the U.S. engage or hang back on this? There was a push in the room to engage (if it's not too late) but we don't want to unknowingly step on Israel's toes.

3. 

NR

Additionally, DRL was wondering about a few additional things. Please keep us informed as you get more info about these matters, but there's no need to actively pursue answers unless it comes up easily in conversations.

- 1. Have there been further developments on the flotilla committee composition? The last info I had is that Kirtsiotis is out and De Silva is a member, but not the chair. Do we know the basis of Turkey's objection to Kirtsiotis?
- 2. Given the late start, do we still think this committee will be able to present in September?
- 3. Have you heard anything about the Gol's forthcoming report on the flotilla boarding?
- 4. 

NR

As always, thank you.

Matthew R. Andris

Bureau of International Organization Affairs
Office of Human Rights

(202) 647-5892 - office
(312) 208-9897 - cell
andrismr@state.gov

This email is UNCLASSIFIED.

RELEASED IN FULL

NATIONS UNIES



UNITED NATIONS

HUMAN RIGHTS COUNCIL
INTERNATIONAL FACT FINDING MISSION ESTABLISHED UNDER RESOLUTION 14/1

International Fact Finding Mission on the Gaza Flotilla Incident

Terms of reference

Background

1. On 1 June 2010 at its 14th session, the Human Rights Council, in its resolution A/HRC/14/1, decided "*to dispatch an 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.*"
2. On 23 July 2010, the President of the Human Rights Council, in accordance with operative paragraph 9 of the Resolution, appointed three eminent experts to the Mission: Judge Karl Hudson-Philips (chair), Sir Desmond de Silva and Ms. Mary Shanthi Dairiam. The members of the Mission formally began their work on 9 August 2010.
3. The Fact-Finding Mission is requested in paragraph 9 of the Resolution to report their findings to the Human Rights Council at its 15th session.

Interpretation of Mandate

4. The members of the Mission have decided to interpret their mandate as ascertaining the facts surrounding the Israeli interception of the Gaza-bound flotilla to determine whether any violations of international law, including international humanitarian and human rights law, took place.
5. In carrying out this mandate, the members of the Mission have indicated to the Council that they will :
 - a. focus on the events that took place in international waters on 31 May 2010 as well as the way in which the Israeli authorities dealt with the aftermath of the operation and the repatriation of those participating in the flotilla;
 - b. seek to travel *inter alia* to Turkey, Gaza, Israel and Jordan in order to meet with witnesses, officials and non-governmental organizations;
 - c. travel to other countries to interview witnesses as may be necessary; and
 - d. make all enquiries it considers relevant to the forgoing in order to discharge its mandate.

Methodology

6. The members of the Mission intend to conduct their investigation independently and impartially and to this end are keen to receive information from any interested parties representing all points of view.
7. The Mission considers that the standard operating assumptions for a United Nations fact-finding mission will apply, including the following:
 - a. The Mission should enjoy the full cooperation of all States Members of the United Nations;
 - b. Members and staff shall enjoy the privileges and immunities accorded to experts on missions and officials under the 1946 Convention on the Privileges and Immunities of the United Nations;
 - c. The Mission should have freedom of movement throughout the relevant territories;
 - d. The Mission should have unhindered access to all places and establishments, and freedom to meet and interview representatives of Governmental and local authorities, military authorities, community leaders, non-governmental organizations and other institutions, and any such person whose testimony and/or expert advice is considered necessary for the fulfilment of its mandate;
 - e. The Mission should have unhindered access to and for individuals and organizations wishing to meet with the Mission;
 - f. The Mission should have free access to all sources of information, including documentary material and physical evidence;

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

2

RELEASED IN FULL

REV 1

DRAFT RESOLUTION

Follow up resolution to the report of the Independent International fact finding mission

The Human Rights Council,

Guided by the principles and objectives of the Charter of the United Nations and the Universal Declaration of Human Rights,

Considering that the promotion of respect for the obligations arising from the Charter and the other instruments and rules of international laws is among the basic purposes and principles of the United Nations,

Taking into consideration the provisions of the Fourth Geneva Convention for the Protection of Civilian Persons in Times of War of 12 August 1942,

Emphasizing the importance of the safety and well being of all civilians including humanitarian personnel,

Recalling its resolution A/HRC/14/1 of 2 June 2010, in which the Council decided to dispatch an independent international fact finding mission to investigate violations of international law resulting from the Israeli attacks on the flotilla of ships carrying humanitarian assistance.

1. Takes note of the report of the Independent International fact finding Mission,
2. Deeply regrets the non-cooperation by the occupying power, Israel, with the independent international fact-finding mission,
3. Considers the recommendations contained in the report of the Independent International fact finding mission, and calls upon all concerned parties to ensure their immediate implementation,
4. Recommends the General Assembly to consider the report of the Independent International fact finding mission,
5. Welcomes the establishment of a Panel of Inquiry by the UN Secretary General and the submission of its first progress report,
6. Request the High Commissioner for Human Rights to submit to the 17th Human Rights Council's session, a report, on the status of implementation of paragraph 3 of this resolution.
7. Decides to follow up the implementation of the present resolution at its 17th Session.

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

RELEASED IN FULL

Law, Rosemary C

From: Banos, Mariano H
Sent: Thursday, September 23, 2010 4:55 PM
To: Jacobson, Linda; Gorove, Katherine M; Perina, Alexandra H; Martin, Julie B
Subject: FW: Draft FFM Resolution
Attachments: REV_1_(2){1}.doc

Classification: UNCLASSIFIED

SMARTClassificationData:

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  <ClassificationWithAttachments xmlns="">UNCLASSIFIED</ClassificationWithAttachments>
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FYI

From: Andris, Matthew R
Sent: Thursday, September 23, 2010 4:37 PM
To: Nossel, Suzanne F; Hale, David M; Bass, Warren; Walles, Jacob; Lapenn, Jessica; Sutphin, Paul R; Rudman, Mara; Khoury-Kincannon, Sahar; Rudman, Mara (Jerusalem); Khoury-Kincannon, Sahar; Doutrich, Jack T; Anderson, Brooke D (USUN); Germain, Ellen J (USUN); Masilko, Barbara J (USUN); Banos, Mariano H; Cassidy, Joseph P
Cc: Honigstein, Michael D; Johnston-Gardner, Sarah R (DRL); Bame, David J; 'Scott_W_Busby@nss.eop.gov'; 'prem_g_kumar@nss.eop.gov'; Waters, John R; Goldberger, Thomas H; Feltman, Jeffrey D; 'Samantha_J_Power@nsc.eop.gov'; 'dshapiro@nsc.eop.gov'; Donahoe, Eileen C; Khanna, Melanie J; Cassayre, Mark J; Le Mon, Christopher J; P-IO Duty; Katz, Jonathan D
Subject: Draft FFM Resolution

All: **REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer**

Attached is a bootleg draft of the resolution to be proposed by the Turks in response to the report of the Flotilla Fact-finding Mission. It is not as bad as we could have expected. But it does contain a **referral to UNGA** and a **follow-up mechanism**.

Key elements:

1. **Takes note** of the FFM's report, [*not "welcomes" or other stronger language*]
2. Deeply regrets Israel's non-cooperation with FFM
3. Calls upon all concerned parties to ensure the immediate implementation of the FFM's recommendations [*Not clear what this means, as the report contained no clear recommendations*]
4. **Recommends the General Assembly to consider the report**
5. Welcomes SYG's Panel of Inquiry
6. **Request HCHR to submit a report to HRC on the status of implementation para 3 in June 2011.**

Best,

Matthew R. Andris

Bureau of International Organization Affairs
Office of Human Rights
(202) 647-5892 - office
(312) 208-9897 - cell
andrismr@state.gov

RELEASED IN FULL

DRAFT RESOLUTION

Follow up resolution to the report of the Independent International Fact Finding Mission

The Human Rights Council,

Guided by the principles and objectives of the Charter of the United Nations and the Universal Declaration of Human Rights,

Considering that the promotion of respect for the obligations arising from the Charter and the other instruments and rules of international laws is among the basic purposes and principles of the United Nations,

Taking into consideration the provisions of the Fourth Geneva Convention for the Protection of Civilian Persons in Times of War of 12 August 1942,

Emphasizing the importance of the safety and well being of all civilians including humanitarian personnel,

Recalling its resolution A/HRC/14/1 of 2 June 2010, in which the Council decided to dispatch an independent international fact finding mission to investigate violations of human rights law and international humanitarian law resulting from the Israeli attacks on the flotilla of ships carrying humanitarian assistance.

1. Welcomes the report of the Independent International fact finding Mission,
2. Deeply regrets the non-cooperation by the occupying power, Israel, with the independent international fact-finding mission,
3. Endorses the conclusions contained in the report of the Independent International fact finding mission, and calls upon all concerned parties to ensure their immediate implementation,
4. Recommends the General Assembly to consider the report of the Independent International fact finding mission,
5. Requests the High Commissioner for Human Rights to submit to the 16th Human Rights Council's session of March 2011, a report, on the status of implementation of paragraph 3 of this resolution.
6. Decides to follow up the implementation of the present resolution at its 16th Session of March 2011.

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

RELEASED IN FULL

**Interactive Dialogue on the Report of the Fact-finding Mission
Established pursuant to Resolution 14/1**

**Statement by the Delegation of the United States of America
Human Rights Council 15th Session
Geneva, September 27, 2010**

Thank you, Mr. President.

We deeply regret the tragic loss of life and injuries suffered among those involved in the incident aboard the Gaza-bound ships. We have received the report of the fact-finding mission. The report's language, tone and conclusions are unbalanced. We urge that this report not be used for actions that could disrupt the direct Israeli-Palestinian talks now underway or actions that could make it harder for Israel and Turkey to move beyond the recent strains in their historically strong bilateral relationship.

Last June, we noted the importance of a credible, impartial, and transparent investigation into the tragic events of May 31, and we continue to hold that view. We also expressed our commitment to working with partners, including our longstanding friends Israel and Turkey, to ensure a full and appropriate response to the incident and the circumstances that led to it. And we made clear that we felt that Resolution 14/1 was adopted in the heat of the moment and that much of its contents represented a rush to judgment. The resolution passed judgment on the facts before they were determined and handed the fact-finding mission a flawed mandate, something the mission itself acknowledged in its report.

We note that, with the benefit of more time and consideration, the UN Secretary General was able to obtain the support of both Turkey and Israel for the establishment of a panel of inquiry to receive and review the reports of Israel and Turkey's national investigations into the tragic incident. We continue to await the outcomes of these processes. We welcome the establishment of the Secretary General's panel and the spirit of cooperation that it represents. We continue to regard this panel as the primary method for the international community to review the incident. We again express our appreciation to the Secretary General for his efforts to establish this panel, and to the governments of Turkey and Israel for their constructive participation.

Thank you, Mr. President.

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

Approved: IO/FO: S Nossel (OK)

Drafted: M Andris x75892

Cleared:

USUN/FO: B Anderson (OK)

IO/HR: J Lapenn (OK)

Geneva: M Khanna (OK)

NEA: J Walles (OK)

NEA/IPA: P Sutphin (OK)

NEA/IPA: J Doutrich (OK)

SEMEP: M Rudman (OK)

EUR/SE: M Gregonis (OK)

L/HRR: M Banos (OK)

PRM: S Quinn (OK)

DRL/MLGA: S Johnston-Gardner (OK)

USUN/W: W Bass (OK)

USUN/NY: B Masilko (OK)

D(S): A Cook (OK)

P: W Haldeman (OK)

G: L Sherman (OK)

S/P: D Rand (OK)

NSC/Multi and NENA: S Busby (OK)

RELEASED IN PART B5

Law, Rosemary C

From: Gorove, Katherine M
Sent: Friday, July 30, 2010 4:06 PM
To: Jacobson, Linda
Subject: FW: flotilla Note, for comments

[Redacted]

B5

From: Schwartz, Jonathan B
Sent: Friday, July 30, 2010 4:05 PM
To: Gorove, Katherine M
Subject: RE: flotilla Note, for comments

[Redacted]

From: Gorove, Katherine M
Sent: Friday, July 30, 2010 3:46 PM
To: Schwartz, Jonathan B
Subject: FW: flotilla Note, for comments

[Redacted]

From: Rand, Dafna H
Sent: Friday, July 30, 2010 12:54 PM
To: Gorove, Katherine M
Subject: RE: flotilla Note, for comments

[Redacted]

From: Gorove, Katherine M
Sent: Friday, July 30, 2010 12:52 PM
To: Rand, Dafna H
Subject: RE: flotilla Note, for comments

[Redacted]

From: Rand, Dafna H
Sent: Friday, July 30, 2010 11:41 AM
To: Gorove, Katherine M
Subject: RE: flotilla Note, for comments

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer



Thanks,
Dafna

From: Gorove, Katherine M
Sent: Thursday, July 29, 2010 5:07 PM
To: Rand, Dafna H
Subject: FW: flotilla Note, for comments

From: Gorove, Katherine M
Sent: Thursday, July 29, 2010 4:44 PM
To: Powell, Catherine; Bass, Warren; Orentlicher, Diane F
Subject: flotilla Note, for comments

This is a note we have prepared for Harold Koh to send to S, possibly tomorrow. Harold has not reviewed yet, but I'd be interested in any comments you may have. Before noon tomorrow, please. Thanks so much, Kate

Law, Rosemary C

RELEASED IN PART
B5

From: Gorove, Katherine M
Sent: Wednesday, September 22, 2010 11:31 AM
To: Schwartz, Jonathan B; Buchwald, Todd F
Cc: Jacobson, Linda
Subject: RE: FYI - flotilla

[Redacted]

B5

From: Schwartz, Jonathan B
Sent: Wednesday, September 22, 2010 11:27 AM
To: Gorove, Katherine M; Buchwald, Todd F
Cc: Jacobson, Linda
Subject: RE: FYI - flotilla

Kate – which one is this? I’ve lost track, there are so many.

From: Gorove, Katherine M
Sent: Wednesday, September 22, 2010 11:21 AM
To: Schwartz, Jonathan B; Buchwald, Todd F
Subject: FYI - flotilla

We have received a copy of HRC’s flotilla report (which is not yet public). It absolutely slams Israel, finding them to have committed grave violations of human rights law and international humanitarian law. They committed willful killing and torture and intentional bodily injury.

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

Law, Rosemary C

RELEASED IN PART
1.4(B),B1,1.4(D)

From: Germain, Ellen J (USUN)
Sent: Thursday, September 23, 2010 3:58 PM
To: Nossel, Suzanne F; Bass, Warren; Banos, Mariano H; Andris, Matthew R; Hale, David M; Walles, Jacob; Lapenn, Jessica; Sutphin, Paul R; Rudman, Mara; Khoury-Kincannon, Sahar; Rudman, Mara (Jerusalem); Khoury-Kincannon, Sahar; Doutrich, Jack T; Anderson, Brooke D (USUN); Masilko, Barbara J (USUN); Cassidy, Joseph P; Perina, Alexandra H; Jacobson, Linda; Gorove, Katherine M
Cc: Honigstein, Michael D; Johnston-Gardner, Sarah R (DRL); Bame, David J; 'Scott_W._Busby@nss.eop.gov'; 'prem_g._kumar@nss.eop.gov'; Waters, John R; Goldberger, Thomas H; Feltman, Jeffrey D; 'Samantha_J._Power@nsc.eop.gov'; 'dshapiro@nsc.eop.gov'; Donahoe, Eileen C; Khanna, Melanie J; Cassayre, Mark J; Le Mon, Christopher J; Katz, Jonathan D
Subject: RE: Israeli embassy on Geneva issues (SBU)
Attachments: B0018847.pdf

AttachmentsClassification: UNCLASSIFIED
Classification: UNCLASSIFIED

With attachment.

This email is UNCLASSIFIED.

From: Germain, Ellen J (USUN)
Sent: Thursday, September 23, 2010 3:41 PM
To: Nossel, Suzanne F; Bass, Warren; Banos, Mariano H; Andris, Matthew R; Hale, David M; Walles, Jacob; Lapenn, Jessica; Sutphin, Paul R; Rudman, Mara; Khoury-Kincannon, Sahar; Rudman, Mara (Jerusalem); Khoury-Kincannon, Sahar; Doutrich, Jack T; Anderson, Brooke D (USUN); Masilko, Barbara J (USUN); Cassidy, Joseph P; Perina, Alexandra H; Jacobson, Linda; Gorove, Katherine M
Cc: Honigstein, Michael D; Johnston-Gardner, Sarah R (DRL); Bame, David J; 'Scott_W._Busby@nss.eop.gov'; 'prem_g._kumar@nss.eop.gov'; Waters, John R; Goldberger, Thomas H; Feltman, Jeffrey D; 'Samantha_J._Power@nsc.eop.gov'; 'dshapiro@nsc.eop.gov'; Donahoe, Eileen C; Khanna, Melanie J; Cassayre, Mark J; Le Mon, Christopher J; Katz, Jonathan D
Subject: RE: Israeli embassy on Geneva issues (SBU)

Classified by DAS, A/GIS, DoS on : 08/02/2012 ~ Class: CONFIDENTIAL ~ Authority:
DSCG 11-1 ~ Declassify on: 09/23/2010

1.4(B)
1.4(D)
B1

This email is UNCLASSIFIED.

From: Nossel, Suzanne F
Sent: Wednesday, September 22, 2010 5:36 PM
To: Bass, Warren; Banos, Mariano H; Andris, Matthew R; Hale, David M; Walles, Jacob; Lapenn, Jessica; Sutphin, Paul R; Rudman, Mara; Khoury-Kincannon, Sahar; Rudman, Mara (Jerusalem); Khoury-Kincannon, Sahar; Doutrich, Jack T; Anderson, Brooke D (USUN); Germain, Ellen J (USUN); Masilko, Barbara J (USUN); Cassidy, Joseph P; Perina, Alexandra H; Jacobson, Linda; Gorove, Katherine M
Cc: Honigstein, Michael D; Johnston-Gardner, Sarah R (DRL); Bame, David J; 'Scott_W._Busby@nss.eop.gov'; 'prem_g._kumar@nss.eop.gov'; Waters, John R; Goldberger, Thomas H; Feltman, Jeffrey D; 'Samantha_J._Power@nsc.eop.gov'; 'dshapiro@nsc.eop.gov'; Donahoe, Eileen C; Khanna, Melanie J; Cassayre, Mark J; Le
REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

Mon, Christopher J; Katz, Jonathan D
Subject: Re: Israeli embassy on Geneva issues (SBU)

[Redacted]

1.4(B)
1.4(D)
B1

Best,
Suzanne

From: Bass, Warren
To: Banos, Mariano H; Andris, Matthew R; Nossel, Suzanne F; Hale, David M; Walles, Jacob; Lapenn, Jessica; Sutphin, Paul R; Rudman, Mara; Khoury-Kincannon, Sahar; Rudman, Mara (Jerusalem); Khoury-Kincannon, Sahar; Doutrich, Jack T; Anderson, Brooke D (USUN); Germain, Ellen J (USUN); Masilko, Barbara J (USUN); Cassidy, Joseph P; Perina, Alexandra H; Jacobson, Linda; Gorove, Katherine M
Cc: Honigstein, Michael D; Johnston-Gardner, Sarah R (DRL); Bame, David J; 'Scott_W. Busby@nss.eop.gov' <Scott_W. Busby@nss.eop.gov>; 'prem_g. kumar@nss.eop.gov' <prem_g. kumar@nss.eop.gov>; Waters, John R; Goldberger, Thomas H; Feltman, Jeffrey D; 'Samantha_J. Power@nsc.eop.gov' <Samantha_J. Power@nsc.eop.gov>; 'dshapiro@nsc.eop.gov' <dshapiro@nsc.eop.gov>; Donahoe, Eileen C; Khanna, Melanie J; Cassayre, Mark J; Le Mon, Christopher J; P-IO Duty; Katz, Jonathan D
Sent: Wed Sep 22 17:25:00 2010
Subject: Israeli embassy on Geneva issues (SBU)

SBU

[Redacted]

1.4(B)
1.4(D)
B1

Law, Rosemary C

RELEASED IN PART
1.4(B),B1,1.4(D)

From: Donahoe, Eileen C
Sent: Thursday, September 23, 2010 12:07 AM
To: Nossel, Suzanne F; Bass, Warren; Banos, Mariano H; Andris, Matthew R; Hale, David M; Walles, Jacob; Lapenn, Jessica; Sutphin, Paul R; Rudman, Mara; Khoury-Kincannon, Sahar; Rudman, Mara (Jerusalem); Khoury-Kincannon, Sahar; Doutrich, Jack T; Anderson, Brooke D (USUN); Germain, Ellen J (USUN); Masilko, Barbara J (USUN); Cassidy, Joseph P; Perina, Alexandra H; Jacobson, Linda; Gorove, Katherine M
Cc: Honigstein, Michael D; Johnston-Gardner, Sarah R (DRL); Bame, David J; 'Scott_W._Busby@nss.eop.gov'; 'prem_g._kumar@nss.eop.gov'; Waters, John R; Goldberger, Thomas H; Feltman, Jeffrey D; 'Samantha_J._Power@nsc.eop.gov'; 'dshapiro@nsc.eop.gov'; Khanna, Melanie J; Cassayre, Mark J; Le Mon, Christopher J; Katz, Jonathan D
Subject: Re: Israeli embassy on Geneva issues (SBU)

Melanie and I meet with Turkish Amb. Today at 5 pm. In Geneva.

From: Nossel, Suzanne F
To: Bass, Warren; Banos, Mariano H; Andris, Matthew R; Hale, David M; Walles, Jacob; Lapenn, Jessica; Sutphin, Paul R; Rudman, Mara; Khoury-Kincannon, Sahar; Rudman, Mara (Jerusalem); Khoury-Kincannon, Sahar; Doutrich, Jack T; Anderson, Brooke D (USUN); Germain, Ellen J (USUN); Masilko, Barbara J (USUN); Cassidy, Joseph P; Perina, Alexandra H; Jacobson, Linda; Gorove, Katherine M
Cc: Honigstein, Michael D; Johnston-Gardner, Sarah R (DRL); Bame, David J; 'Scott_W._Busby@nss.eop.gov' <Scott_W._Busby@nss.eop.gov>; 'prem_g._kumar@nss.eop.gov' <prem_g._kumar@nss.eop.gov>; Waters, John R; Goldberger, Thomas H; Feltman, Jeffrey D; 'Samantha_J._Power@nsc.eop.gov' <Samantha_J._Power@nsc.eop.gov>; 'dshapiro@nsc.eop.gov' <dshapiro@nsc.eop.gov>; Donahoe, Eileen C; Khanna, Melanie J; Cassayre, Mark J; Le Mon, Christopher J; Katz, Jonathan D
Sent: Wed Sep 22 17:36:14 2010
Subject: Re: Israeli embassy on Geneva issues (SBU)

[Redacted]

1.4(B)
1.4(D)
B1

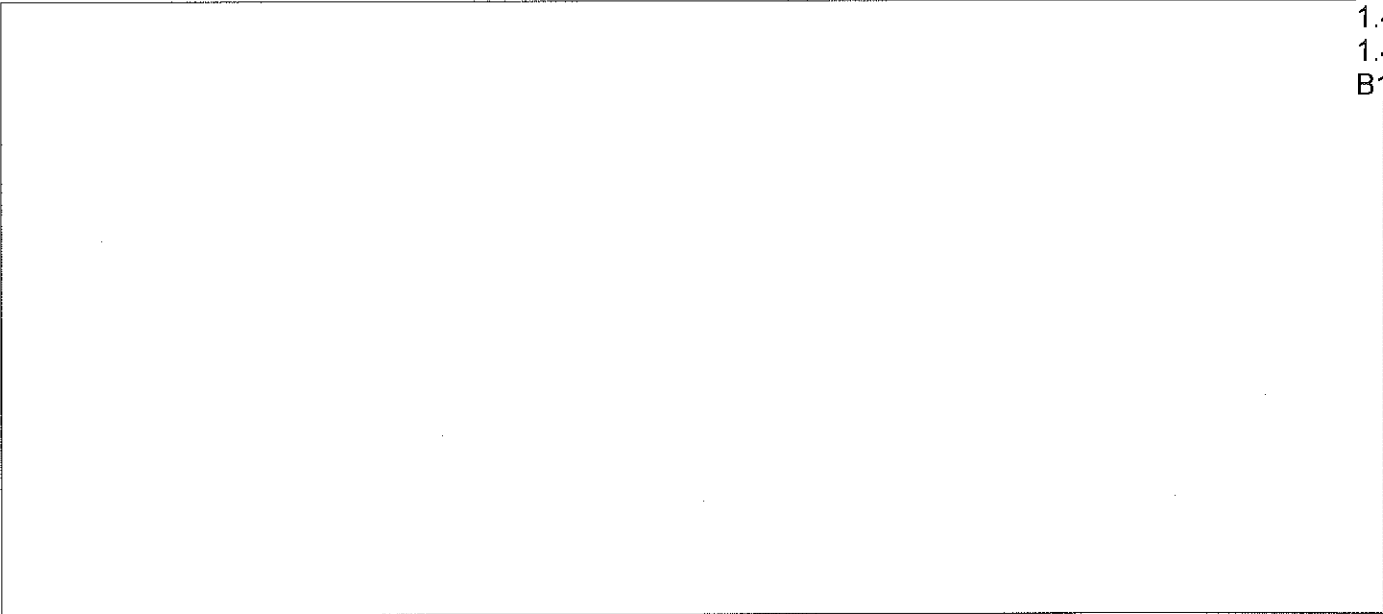
Best,
Suzanne

From: Bass, Warren
To: Banos, Mariano H; Andris, Matthew R; Nossel, Suzanne F; Hale, David M; Walles, Jacob; Lapenn, Jessica; Sutphin, Paul R; Rudman, Mara; Khoury-Kincannon, Sahar; Rudman, Mara (Jerusalem); Khoury-Kincannon, Sahar; Doutrich, Jack T; Anderson, Brooke D (USUN); Germain, Ellen J (USUN); Masilko, Barbara J (USUN); Cassidy, Joseph P; Perina, Alexandra H; Jacobson, Linda; Gorove, Katherine M
Cc: Honigstein, Michael D; Johnston-Gardner, Sarah R (DRL); Bame, David J; 'Scott_W._Busby@nss.eop.gov' <Scott_W._Busby@nss.eop.gov>; 'prem_g._kumar@nss.eop.gov' <prem_g._kumar@nss.eop.gov>; Waters, John R; Goldberger, Thomas H; Feltman, Jeffrey D; 'Samantha_J._Power@nsc.eop.gov' <Samantha_J._Power@nsc.eop.gov>; 'dshapiro@nsc.eop.gov' <dshapiro@nsc.eop.gov>; Donahoe, Eileen C; Khanna, Melanie J; Cassayre, Mark J; Le Mon, Christopher J; P-IO Duty; Katz, Jonathan D
Sent: Wed Sep 22 17:25:00 2010
Subject: Israeli embassy on Geneva issues (SBU)

SBU **Classified by DAS, A/GIS, DoS on : 08/02/2012 ~ Class: CONFIDENTIAL ~ Authority: DSCG 11-1 ~ Declassify on: 09/23/2020**

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

1.4(B)
1.4(D)
B1



RELEASED IN FULL

Law, Rosemary C

From: Levin, Jan
Sent: Friday, July 23, 2010 5:13 AM
To: Goldberger, Thomas H
Cc: Jacobson, Linda
Subject: FW: NEW NAMES ON TURKEL COMMITTEE -- YNET

Importance: High

These were the names discussed and presented as a fait accompli a week ago. We need to pin down exactly what's going on.

From: Blaukopf, Ruth B
Sent: Friday, July 16, 2010 1:51 PM
To: Burnett, David R; Coley, Lea M; Doutrich, Jack T; Frelich, Karlene H; Goldberger, Thomas H; Groeblacher, Julia; Hale, David M; Harden, Dave; Hertzberg, David A; Irwin, Matthew T; Jacoby, Julia I; Khoury-Kincannon, Sahar; Knopf, Payton L; Lentz, Andrew N; Otto, Jeffrey L; Reisser, Wesley J; Sachar, Alon (NEA/IPA); Sindle, James M; Tsou, Leslie M; Waters, John R; Grubb, Jason B; Levin, Jan; Michaels, David G; Nelson, Timothy (Tel Aviv); Silverman, Robert J
Subject: TURKEL COMMITTEE DEMANDS DOCUMENTATION ON GAZA BLOCKADE -- YNET

YNET 21:55 , 07.15.10

Turkel committee demands documents

Judge leading probe into Gaza-bound flotilla raid issues letters to Israeli officials asking for all correspondence pertaining to takeover, decision to place Strip under siege. Committee also gets two new members

Attila Somfalvi

Retired Justice Jacob Turkel, head of the commission probing the events surrounding the Gaza-bound flotilla, has issued letters to military and government officials demanding they turn over to him all correspondence that led to the decision to besiege the Gaza Strip.

Letters were issued to Defense Minister Ehud Barak, Attorney General Yehuda Weinstein and Brigadier General (Res.) Giora Eiland.

Turkel also asked for all the documentation pertaining to the takeover of the Turkish flotilla in the end of May.

In addition, the committee will be receiving two new members. Channel 2 reported on Thursday that **Reuven Merhav and Professor Miguel Deutsch will be joining** Turkel, Amos Horev and Shabtai Rosen, alongside observers William David Trimble and Ken Watkin.

Merhav, 76, is an Orientalist and veteran diplomat who served as the director-general of the Foreign Ministry.

Deutsch, a 55-year-old law professor, will be the youngest member on the committee. He is considered a close associate to former Supreme Court President Aharon Barak.

Earlier this week the dates officials will testify before the committee were released. Prime Minister Benjamin Netanyahu will be the first to testify on August 9.

The defense minister will give his testimony the following day, and IDF Chief of Staff Gabi Ashkenazi will appear before the committee on August 11. According to previous agreements, the testimonies will be made public.

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

Law, Rosemary C

From: Schwartz, Jonathan B
Sent: Wednesday, September 22, 2010 11:27 AM
To: Gorove, Katherine M; Buchwald, Todd F
Cc: Jacobson, Linda
Subject: RE: FYI - flotilla

RELEASED IN FULL

Kate – which one is this? I've lost track, there are so many.

From: Gorove, Katherine M
Sent: Wednesday, September 22, 2010 11:21 AM
To: Schwartz, Jonathan B; Buchwald, Todd F
Subject: FYI - flotilla

We have received a copy of HRC's flotilla report (which is not yet public). It absolutely slams Israel, finding them to have committed grave violations of human rights law and international humanitarian law. They committed willful killing and torture and intentional bodily injury.

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NON-RESPONSIVE PORTIONS
REDACTED

Law, Rosemary C

From: Schwartz, Jonathan B
Sent: Monday, July 19, 2010 9:49 AM
To: Jacobson, Linda
Subject: RE: 1701 and Maritime Boundary

[Redacted]

NR

Jon

From: Jacobson, Linda
Sent: Monday, July 19, 2010 9:32 AM
To: Schwartz, Jonathan B
Subject: RE: 1701 and Maritime Boundary

Yes, I was planning to do so. About to go into another meeting but will get to it shortly. Also, I emailed Kate and Steve over the weekend about the flotilla memo.

From: Schwartz, Jonathan B
Sent: Monday, July 19, 2010 4:30 PM
To: Jacobson, Linda
Subject: 1701 and Maritime Boundary

[Redacted]

NR

Jon

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

Law, Rosemary C

From: Schwartz, Jonathan B
Sent: Monday, July 12, 2010 9:58 AM
To: Jacobson, Linda; Dolan, JoAnn; Buchwald, Todd F; McLeod, Mary (USUN)
Subject: Fw: Malaysia to proopse an advisory opinion from the International Court of Justice on the flotilla incident

RELEASED IN FULL

Fyi

From: Daniel.Bethlehem@fco.gov.uk <Daniel.Bethlehem@fco.gov.uk>
To: Koh, Harold Hongju; Schwartz, Jonathan B; Alan.Kessel@international.gc.ca <Alan.Kessel@international.gc.ca>; Sabine.Nolke@international.gc.ca <Sabine.Nolke@international.gc.ca>; Richard.Rowe@dfat.gov.au <Richard.Rowe@dfat.gov.au>; Bill.Campbell@ag.gov.au <Bill.Campbell@ag.gov.au>; thowin@um.dk <thowin@um.dk>; Susanne-Marianne.Wasum-Rainer@diplo.de <Susanne-Marianne.Wasum-Rainer@diplo.de>; Liesbeth.Lijnzaad@minbuza.nl <Liesbeth.Lijnzaad@minbuza.nl>
Sent: Mon Jul 12 06:27:06 2010
Subject: FW: Malaysia to proopse an advisory opinion from the International Court of Justice on the flotilla incident

All

In case not yet seen, Malaysia's announcement that it will propose that the UNGA request an advisory opinion from the International Court of Justice on the flotilla incident.

Malaysia Will Request 65th UNGA for ICJ Freedom Flotilla Attack Advisory Opinion of 11 July 2010 at: <http://www.mmail.com.my/content/42719-malaysia-request-un-seek-icj-opinion-freedom-flotilla-attack> & <http://mmail.com.my/content/42698-malaysia-calls-un-advisory-israel> via: <http://search.news.yahoo.com/search/news?p=ICJ> & <http://search.news.yahoo.com/search/news?p=Tirkel> Commission & <http://search.news.yahoo.com/search/news?p=Gaza> Raid and **Israel MFA** at: <http://www.mfa.gov.il/MFA/>

Daniel

=====
Daniel Bethlehem QC
Legal Adviser
Foreign & Commonwealth Office
Tel: +44-20-7008 3052
Fax: +44-20-7008 3071

If your message is urgent, or in my absence, please redirect to Edward.Roman@fco.gov.uk or Jane.Waddington@fco.gov.uk

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REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

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Law, Rosemary C

From: Schwartz, Jonathan B
Sent: Monday, August 02, 2010 2:37 PM
To: Jacobson, Linda; Dolan, JoAnn; Koh, Harold Hongju; Townley, Stephen G; Banos, Mariano H; Buchwald, Todd F; Cleveland, Sarah H
Subject: SYG Flotilla Panel announced

The message is ready to be sent with the following file or link attachments:

Shortcut to: http://www.un.org/apps/news/infocus/speeches/statments_full.asp?statID=896#

Note: To protect against computer viruses, e-mail programs may prevent sending or receiving certain types of file attachments. Check your e-mail security settings to determine how attachments are handled.

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Law, Rosemary C

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FULL

From: Townley, Stephen G
Sent: Monday, July 12, 2010 6:41 PM
To: Dolan, JoAnn; Perina, Alexandra H; Jacobson, Linda; Gorove, Katherine M; Banos, Mariano H; Baumert, Kevin A
Cc: Harris, Robert K; Schwartz, Jonathan B
Subject: RE: flotilla outline 2.doc

Thanks all. I'll use this version. We can take up any further changes during the meeting tomorrow. Stephen

From: Dolan, JoAnn
Sent: Monday, July 12, 2010 6:11 PM
To: Perina, Alexandra H; Jacobson, Linda; Gorove, Katherine M; Banos, Mariano H; Baumert, Kevin A
Cc: Harris, Robert K; Townley, Stephen G; Schwartz, Jonathan B
Subject: FW: flotilla outline 2.doc

Inadvertently some of the changes to the prior draft were dropped from the final version. I have reentered them here as tracked changes for others to review and Linda to confirm before we send this to Harold. Please advise if there is anything further. In view of this complication, Stephen may want to wait until OOB to send forward to permit final input from others.

From: Jacobson, Linda
Sent: Monday, July 12, 2010 4:17 PM
To: Gorove, Katherine M; Banos, Mariano H; Baumert, Kevin A
Cc: Townley, Stephen G; Dolan, JoAnn
Subject: flotilla outline 2.doc

Here is the latest version incorporating some comments from BH and JoAnn. I need to leave at 4:45 today, so please send your comments soonest, or if later, to JoAnn. Steve, I think this is good to go to HHK if addressees have no further thoughts.

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Law, Rosemary C**RELEASED IN FULL**

From: Aswad, Evelyn M
Sent: Wednesday, June 02, 2010 9:11 AM
To: Dolan, JoAnn; Jacobson, Linda; Donoghue, Joan E; Pomper, Stephen E; Perina, Alexandra H; Harris, Robert K; Schwartz, Jonathan B
Cc: Legal-HRR-DL
Subject: FW: Update on HRC vote count for Gaza resolution

Please see Julie's e-mail below with the final vote count and quick summary on the HRC Gaza resolution. Many thanks to all for your rapid advice on this issue. EA

From: Martin, Julie B
Sent: Wednesday, June 02, 2010 7:56 AM
To: Griffiths, Douglas M; Cassayre, Mark J; Nossel, Suzanne F; Donahoe, Eileen C; Khanna, Melanie J; Ostermeier, Amy A; Anderson, Gerald C; Cassidy, Joseph P; 'Scott_W._Busby@nsc.eop.gov'; Aswad, Evelyn M; Banos, Mariano H
Subject: Re: Update on vote count

Summary of Vote

Pakistan introduced the text of A/HRC/14/1, The Grave Attacks by Israeli Forces on the Humanitarian Boat Convoy

Pakistan noted that, although states engaged in negotiations in an effort to reach compromise, voices calling for anything less than an international investigation could not be accommodated.

Statements by Concerned Countries:

Israel: Regrets loss of life. Notes that Gaza is controlled by the terrorist group Hamas and the blockade is a legitimate action necessary to prevent arms smuggling to Hamas. Under int'l law, Israel may control the means of access of humanitarian aid. The flotilla organizers were repeatedly warned, but their intention was to break the blockade (ref statements of some participants, weapons and other equipment on board). The process of releasing detainees should be complete in 48 hrs and the supplies will be delivered to residents of Gaza.

Palestine: No impunity can be accepted for this atrocious crime. This step helps the Israeli govt to realize the blockade and seize of Gaza must be lifted. Security Council condemned the acts and fully supports establishment of a fact finding mission.

PBIs: estimate 530k based on Goldstone figures.

General Comments:

United States: EOJ, call, vote no

France: Abstain, based on PRST call for impartial, credible investigation in a form that does not necessarily require an international fact finding mission

UK: Abstain, for same reason

Netherlands: No, for same reason

Vote:

32 in favor

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3 opposed (US, Italy, Netherlands)

9 abstentions (Belgium, Burkina Faso, France, Hungary, Japan, Korea, Slovakia, Ukraine, UK)

RELEASED IN FULL

HRC 14

Explanation of Vote: The Grave Attacks by Israeli Forces Against the Humanitarian Boat Convoy

We regret having to call a vote and vote no on this resolution. It is our hope that, over time, this Council will be able to unite in a balanced and appropriate response to all urgent situations that deserve our attention. We have engaged intently in discussions here in Geneva and in forums around the world in response to the events addressed in this resolution, and are deeply committed to working with partners to ensure a full and appropriate response to this incident and the circumstances that led to it.

As noted in our statement in this chamber yesterday, the United States is deeply disturbed by the recent violence and regrets the tragic loss of life and injuries suffered among those involved in the incident aboard the Gaza-bound ships. We condemn the acts that resulted in the loss of at least ten civilians and many wounded and express our condolences to their families.

We call attention to the Security Council statement adopted yesterday, and reinforce here our expectation for a prompt, impartial, credible and transparent investigation carried out in conformity with international standards. Only through such an investigation can the necessary facts be developed.

It bears repeating that the United States is deeply concerned by the suffering of civilians in Gaza and, of particular note here, to the deteriorating humanitarian and human rights situation there. In line with the Security Council statement adopted yesterday, we stress the need for sustained and regular flow of goods and provision and distribution of humanitarian access throughout Gaza, and will continue our work towards this end while bearing in mind the Government of Israel's legitimate security concerns.

In the context of today's debate, it is important to once again stress that the only viable solution to the Israeli-Palestinian conflict is an agreement, negotiated between the parties, that ends the occupation that began in 1967 and fulfills the aspirations of both parties for independent homelands through two states for two

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peoples, Israel and an independent, contiguous, and viable state of Palestine, living side by side in peace and security. As we deliberate here we do a disservice to all parties when we lose sight of this overarching goal.

Unfortunately, the resolution before us rushes to judgment on a set of facts that, as our debate over the last day makes clear, are only beginning to be discovered and understood. It creates an international mechanism before giving the responsible government an opportunity to investigate this incident itself and thereby risks further politicizing a sensitive and volatile situation, and deepening divisions that are already far too wide. We understand the impetus to respond quickly to a troubling set of events. But we cannot accept an approach that places the imperative to act ahead of the obligation to determine facts and make considered judgments on how to best address a complex and difficult situation.

For these reasons, we must vote against this resolution.

RELEASED IN FULL

The Grave Attacks by Israeli Forces Against the Humanitarian Boat Convoy

Guided by the purposes and the principles of the United Nations Charter, as well as by the provisions of the Universal Declaration for Human Rights,

Taking into consideration the provisions of the Fourth Geneva Convention for the protection of civilian persons in times of war of 12 August 1949,

Emphasizing the importance of the safety and well-being of all civilians including humanitarian personnel,

Expressing grave concern also at the deepening humanitarian crisis in Occupied Gaza,

Emphasizing the need to ensure sustained and regular flow of goods and people into Occupied Gaza and welcoming the initiatives aimed at creating and opening humanitarian corridors and other mechanisms for the sustained delivery of humanitarian aid;

1. *Condemns* in the strongest terms possible the outrageous attack by the Israeli forces against the humanitarian flotilla of ships which resulted in the killing and injuring of many innocent civilians from different countries;

2. *Deeply* deplores the loss of life of innocent civilians and expresses its deepest sympathy and condolences to the victims and their families;

3. *Requests* the ICRC to seek and provide information on the whereabouts status and condition of the detained and injured persons

4. *Demands* the Occupying Power Israel to immediately release all detained men and material and facilitate their safe return to their homelands.

5. *Calls* upon the Occupying power Israel to ensure the unimpeded provision of humanitarian assistance, including of food, fuel and medical treatment to the occupied Gaza strip;

6. *Welcomes* the statements of the Secretary General UN and the High Commissioner for Human Rights condemning the Israeli attacks and calls for the full accountability and credible independent inquiries into these attacks.

7. *Decides* to dispatch an independent international fact finding mission to investigate violations of international law resulting from the Israeli attacks on the flotilla of ships carrying humanitarian assistance.

8. *Decides* to remain seized of this matter.

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RELEASED IN FULL

The Grave Attacks by Israeli Forces Against the Humanitarian Boat Convoy

Guided by the purposes and the principles of the United Nations Charter, as well as by the provisions of the Universal Declaration for Human Rights,

Taking into consideration the provisions of the Fourth Geneva Convention for the protection of civilian persons in times of war of 12 August 1949,

Emphasizing the importance of the safety and well-being of all civilians including humanitarian personnel,

Expressing grave concern also at the deepening humanitarian crisis in Occupied Gaza,

Emphasizing the need to ensure sustained and regular flow of goods and people into Occupied Gaza and welcoming the initiatives aimed at creating and opening humanitarian corridors and other mechanisms for the sustained delivery of humanitarian aid;

1. *Condemns* in the strongest terms possible the outrageous attack by the Israeli forces against the humanitarian flotilla of ships which resulted in the killing and injuring of many innocent civilians from different countries;

2. *Deeply* deplores the loss of life of innocent civilians and expresses its deepest sympathy and condolences to the victims and their families;

3. *Requests* the ICRC to seek and provide information on the whereabouts status and condition of the detained and injured persons

4. *Demands* the Occupying Power Israel to immediately release all detained men and material and facilitate their safe return to their homelands.

5. *Calls* upon the Occupying power Israel to ensure the unimpeded provision of humanitarian assistance, including of food, fuel and medical treatment to the occupied Gaza strip;

6. *Welcomes* the statements of the Secretary General UN and the High Commissioner for Human Rights condemning the Israeli attacks and calls for the full accountability and credible independent inquiries into these attacks.

7. *Decides* to dispatch an independent international fact finding mission to investigate violations of international law resulting from the Israeli attacks on the flotilla of ships carrying humanitarian assistance.

8. *Decides* to remain seized of this matter.

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RELEASED IN FULL

Law, Rosemary C

From: Baumert, Kevin A
Sent: Friday, June 04, 2010 5:39 PM
To: Donoghue, Joan E; Schwartz, Jonathan B; Harris, Robert K; Thessin, James H; Pomper, Stephen E; Dolan, JoAnn; Guarin, Marc F; Jacobson, Linda; Townley, Stephen G; Sullivan, David J
Subject: FW: Gaza Flotilla: Clarifying information regarding Challengers II & III and Cyprus
Classification: UNCLASSIFIED
SensitivityCode: Sensitive

If true, this updated information from EMB Nicosia is very good news. Sounds like neither of the US flagged Challenger vessels (II and III) are leaving port. Let's hope this is accurate.

Thanks, Kevin

From: Netos, Eleftherios E
Sent: Friday, June 04, 2010 5:34 PM
To: Baumert, Kevin A
Subject: FW: Gaza Flotilla: Clarifying information regarding Challengers II & III and Cyprus

SBU

This email is UNCLASSIFIED.

From: Netos, Eleftherios E
Sent: Friday, June 04, 2010 5:34 PM
To: Gaza Flotilla Monitoring Group
Subject: FW: Gaza Flotilla: Clarifying information regarding Challengers II & III and Cyprus

To reduce confusion, please note the following information based on reporting from Embassy Nicosia and USCG contacts with Cypriot port authorities:

--The U.S.-flagged Challenger II has suffered extensive damages and is on the ground in Limassol. It arrived in Cyprus after showing ingress of water and will remain out of the water for at least a month.

--The U.S.-flagged Challenger III (formerly, the Greek-flagged Dimitris K) is in the water at Limassol new port, but without crew or passengers and is chained to the pier by port and marine police.

--Both vessels are U.S.-flagged. The Challenger II had previously been Greek-owned, flagged in Honduras and known as the Nitta II. The Challenger III, had previously been the Cyprus-flagged and owned Dimitris K.

--Cypriot port authorities in Limassol have told Embassy Nicosia they do not intend to let any vessel depart to participate in the flotilla.

Terry Netos
 Cyprus Desk Officer
 U.S. Department of State
 Bureau of European Affairs/Office of Southern Europe
 Tel.: +1-202-647-6760
 Fax: +1-202-647-5087

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PRESS RELEASE

RELEASED IN FULL

The International Maritime Organization (IMO), being the UN specialized agency responsible for the regulation of international shipping from, among other perspectives, the safety of human life at sea and safety of navigation, deeply regrets the loss of life and injuries sustained during an incident involving Israeli Defence Forces and ships carrying charity aid to the Gaza strip in international waters of the Eastern Mediterranean in the early hours of Monday, 31 May 2010.

The membership and staff of IMO convey their deep condolences to the Governments concerned as well as to the families and friends of the casualties incurred in the tragic incident.

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C:\Documents and Settings\lawrc\Local Settings\Temporary Internet Files\Content.Outlook\WJSB3JL4\PRESS RELEASE.doc

RELEASED IN PART B5

Law, Rosemary C

From: Schwartz, Jonathan B
Sent: Wednesday, July 21, 2010 7:03 PM
To: Gorove, Katherine M; Dolan, JoAnn; Banos, Mariano H; Pomper, Stephen E; Perina, Alexandra H; Townley, Stephen G; Cleveland, Sarah H
Cc: Jacobson, Linda
Subject: LEGAL-#258297-v1-Flotilla_Note.docx
Attachments: LEGAL-#258297-v1-Flotilla_Note.docx

I understand from Stephen that "the line" is agitating for Harold's memo on the flotilla

B5

Thanks.

Jonl

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Law, Rosemary C

RELEASED IN PART B5

From: Schwartz, Jonathan B
Sent: Thursday, July 01, 2010 3:01 PM
To: Jacobson, Linda; Dolan, JoAnn
Cc: Pomper, Stephen E; Townley, Stephen G; Banos, Mariano H; Baumert, Kevin A; Cleveland, Sarah H; Harris, Robert K
Subject: LEGAL-#256164-v1-Flotilla_Outline.DOC
Attachments: LEGAL-#256164-v1-Flotilla_Outline.doc



B5

Jon.

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Law, Rosemary C

RELEASED IN PART B5

From: Sutphin, Paul R
Sent: Wednesday, September 22, 2010 7:28 PM
To: Banos, Mariano H; Andris, Matthew R; Nossel, Suzanne F; Hale, David M; Bass, Warren; Walles, Jacob; Lapenn, Jessica; Rudman, Mara; Khoury-Kincannon, Sahar; Rudman, Mara (Jerusalem); Khoury-Kincannon, Sahar; Doutrich, Jack T; Anderson, Brooke D (USUN); Germain, Ellen J (USUN); Masilko, Barbara J (USUN); Cassidy, Joseph P; Perina, Alexandra H; Jacobson, Linda; Gorove, Katherine M
Cc: Honigstein, Michael D; Johnston-Gardner, Sarah R (DRL); Bame, David J; 'Scott_W._Busby@nss.eop.gov'; 'prem_g._kumar@nss.eop.gov'; Waters, John R; Goldberger, Thomas H; Feltman, Jeffrey D; 'Samantha_J._Power@nsc.eop.gov'; 'dshapiro@nsc.eop.gov'; Donahoe, Eileen C; Khanna, Melanie J; Cassayre, Mark J; Le Mon, Christopher J; P-IO Duty; Katz, Jonathan D
Subject: RE: FFM Report Readout

Classification: UNCLASSIFIED
SensitivityCode: Sensitive
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B5

Paul Sutphin

REVIEW AUTHORITY: Sharon Ahmad, Senior
 Reviewer

Director
Office of Israel and Palestinian Affairs
Room 6251, Department of State

(T) 202-647-3672 (F) 202-736-4461

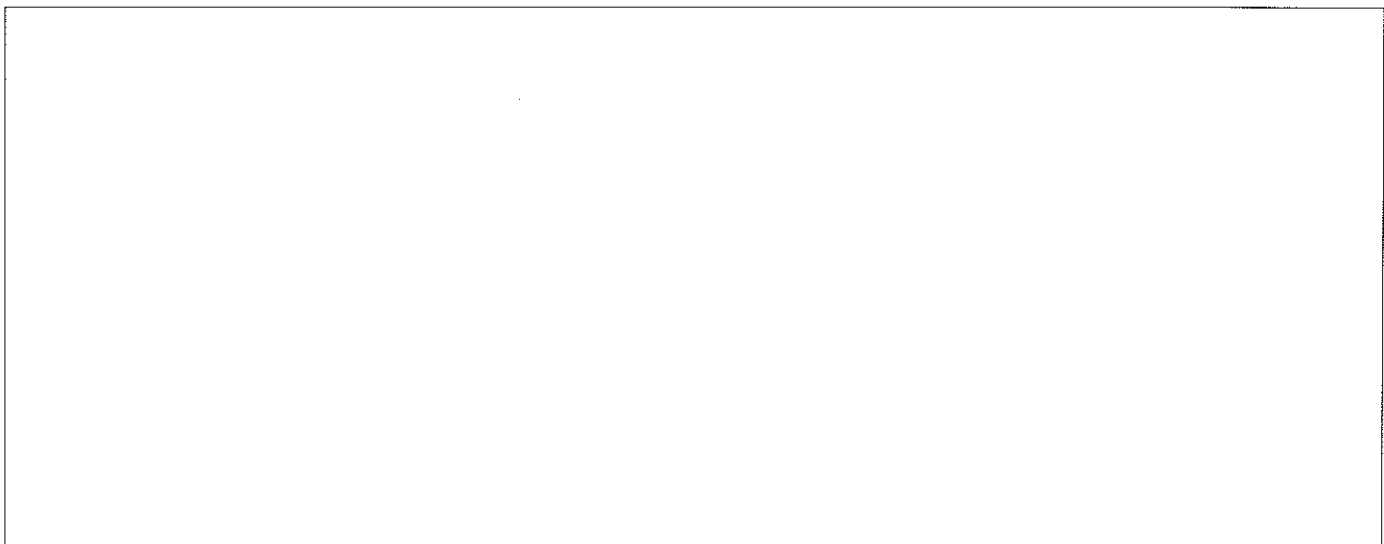
SBU
This email is UNCLASSIFIED.

From: Banos, Mariano H
Sent: Wednesday, September 22, 2010 4:08 PM
To: Andris, Matthew R; Nossel, Suzanne F; Hale, David M; Bass, Warren; Walles, Jacob; Lapenn, Jessica; Sutphin, Paul R; Rudman, Mara; Khoury-Kincannon, Sahar; Rudman, Mara (Jerusalem); Khoury-Kincannon, Sahar; Doutrich, Jack T; Anderson, Brooke D (USUN); Germain, Ellen J (USUN); Masilko, Barbara J (USUN); Cassidy, Joseph P; Perina, Alexandra H; Jacobson, Linda; Gorove, Katherine M
Cc: Honigstein, Michael D; Johnston-Gardner, Sarah R (DRL); Bame, David J; 'Scott_W._Busby@nss.eop.gov'; 'prem_g._kumar@nss.eop.gov'; Waters, John R; Goldberger, Thomas H; Feltman, Jeffrey D; 'Samantha_J._Power@nsc.eop.gov'; 'dshapiro@nsc.eop.gov'; Donahoe, Eileen C; Khanna, Melanie J; Cassayre, Mark J; Le Mon, Christopher J; P-IO Duty; Katz, Jonathan D
Subject: RE: FFM Report Readout

+ others at L following this

From: Andris, Matthew R
Sent: Wednesday, September 22, 2010 3:57 PM
To: Nossel, Suzanne F; Hale, David M; Bass, Warren; Walles, Jacob; Lapenn, Jessica; Sutphin, Paul R; Rudman, Mara; Khoury-Kincannon, Sahar; Rudman, Mara (Jerusalem); Khoury-Kincannon, Sahar; Doutrich, Jack T; Anderson, Brooke D (USUN); Germain, Ellen J (USUN); Masilko, Barbara J (USUN); Banos, Mariano H; Cassidy, Joseph P
Cc: Honigstein, Michael D; Johnston-Gardner, Sarah R (DRL); Bame, David J; 'Scott_W._Busby@nss.eop.gov'; 'prem_g._kumar@nss.eop.gov'; Waters, John R; Goldberger, Thomas H; Feltman, Jeffrey D; 'Samantha_J._Power@nsc.eop.gov'; 'dshapiro@nsc.eop.gov'; Donahoe, Eileen C; Khanna, Melanie J; Cassayre, Mark J; Le Mon, Christopher J; P-IO Duty; Katz, Jonathan D
Subject: FFM Report Readout

All:



B5

B5

Law, Rosemary C

RELEASED IN PART B5

From: Tsou, Leslie M
Sent: Tuesday, August 03, 2010 5:09 PM
To: Jacobson, Linda
Subject: FW: URGENT - FINAL CLEARANCE NEEDED ON FLOTILLA PRESS STATEMENT

Classification: UNCLASSIFIED
SensitivityCode: Sensitive

[Redacted]

B5

SBU
This email is UNCLASSIFIED.

From: Barks-Ruggles, Erica J
Sent: Tuesday, August 03, 2010 4:54 PM
To: Walles, Jacob; Sullivan, Jacob J; Ashraf, Madeeha S; Crocker, Bathsheba N; 'Shapiro, Daniel B.'; Kumar, Prem G; Anderson, Gerald C; 'dgeffen@nsc.eop.gov'
Cc: Bass, Warren; Morrison, Andrew L; Tsou, Leslie M
Subject: URGENT - FINAL CLEARANCE NEEDED ON FLOTILLA PRESS STATEMENT

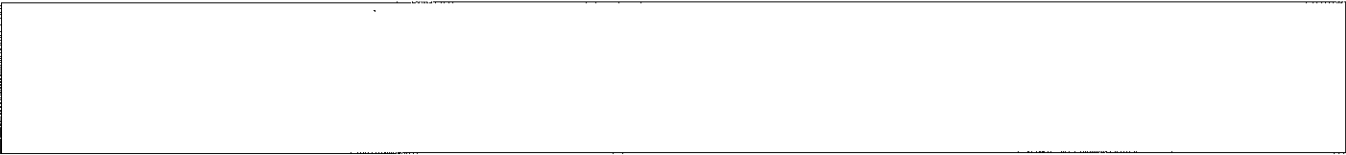
All -

[Redacted]

Thank you so much - Erica

[Redacted]

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RELEASED IN PART B5

Law, Rosemary C

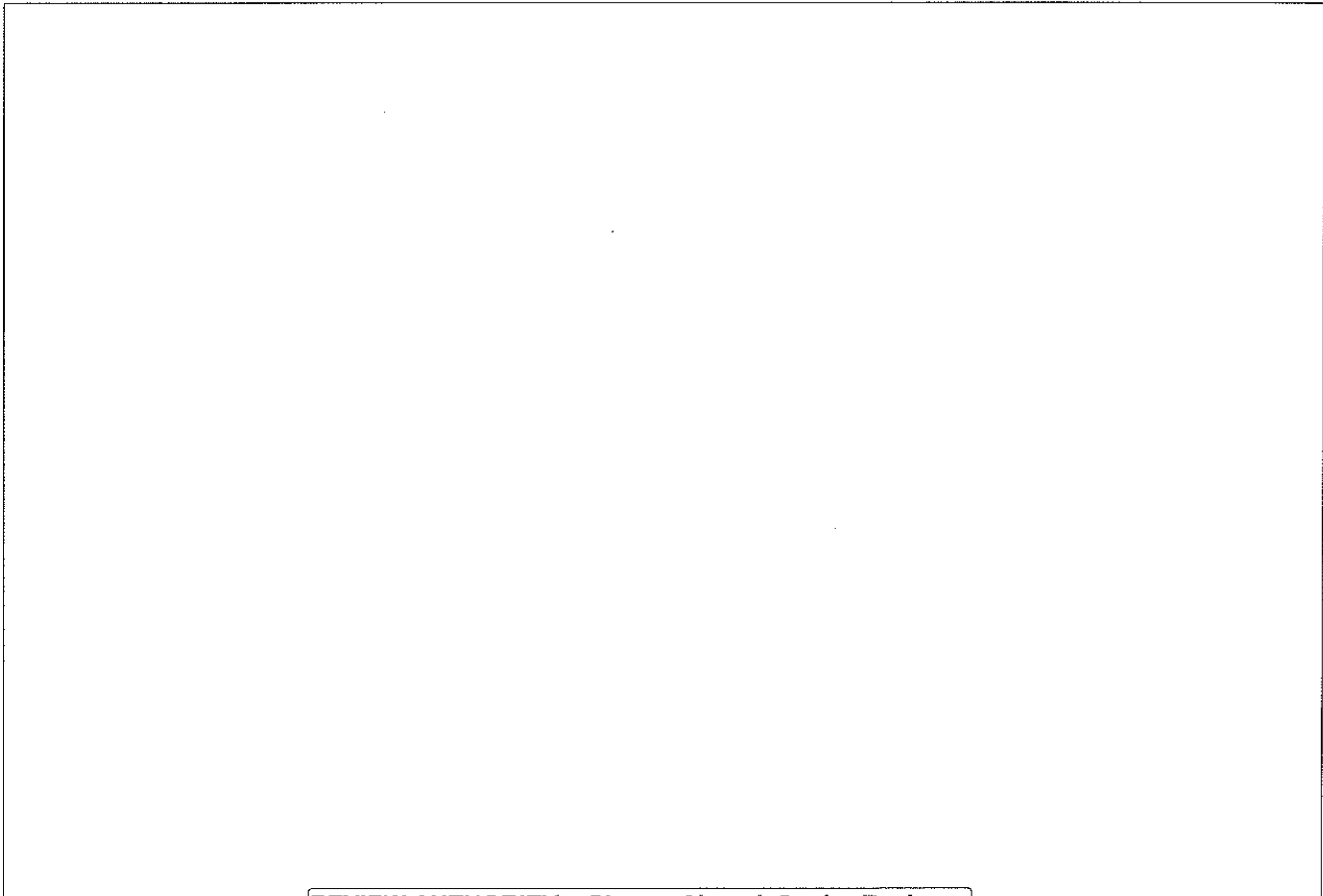
From: Youel Page, Kathryn
Sent: Monday, September 27, 2010 1:55 PM
To: Sayles, Ambrose G; Tsou, Leslie M; Masilko, Barbara J (USUN); Baily, Jess L; Bass, Warren; Doutrich, Jack T; Schlachter, Mark M; Sutphin, Paul R; Kornblau, Mark (USUN); Germain, Ellen J (USUN); Banos, Mariano H; Cassidy, Joseph P; Johnston-Gardner, Sarah R (DRL); Lapenn, Jessica; Doutrich, Jack T; Kaidanow, Tina S; Gregonis, Meghan E; Bernier-Toth, Michelle; Jacobson, Linda
Subject: RE: Press Guidance Clearance request: HRC FFM on Gaza Flotilla

please see edits in line one. Also looping in Linda in JoAnn's absence. Katy

From: Sayles, Ambrose G
Sent: Monday, September 27, 2010 1:50 PM
To: Tsou, Leslie M; Masilko, Barbara J (USUN); Baily, Jess L; Bass, Warren; Doutrich, Jack T; Schlachter, Mark M; Sutphin, Paul R; Kornblau, Mark (USUN); Germain, Ellen J (USUN); Banos, Mariano H; Cassidy, Joseph P; Johnston-Gardner, Sarah R (DRL); Lapenn, Jessica; Doutrich, Jack T; Kaidanow, Tina S; Gregonis, Meghan E; Bernier-Toth, Michelle; Youel Page, Kathryn
Subject: RE: Press Guidance Clearance request: HRC FFM on Gaza Flotilla

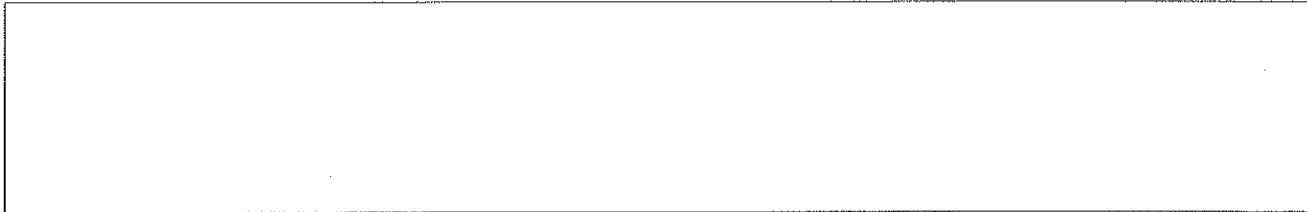
May I have some additional information on the Turkish report, please? I'll add it to the press guidance. Or Jess, can you maybe add some language to what's below?

Thank you,
Ambrose

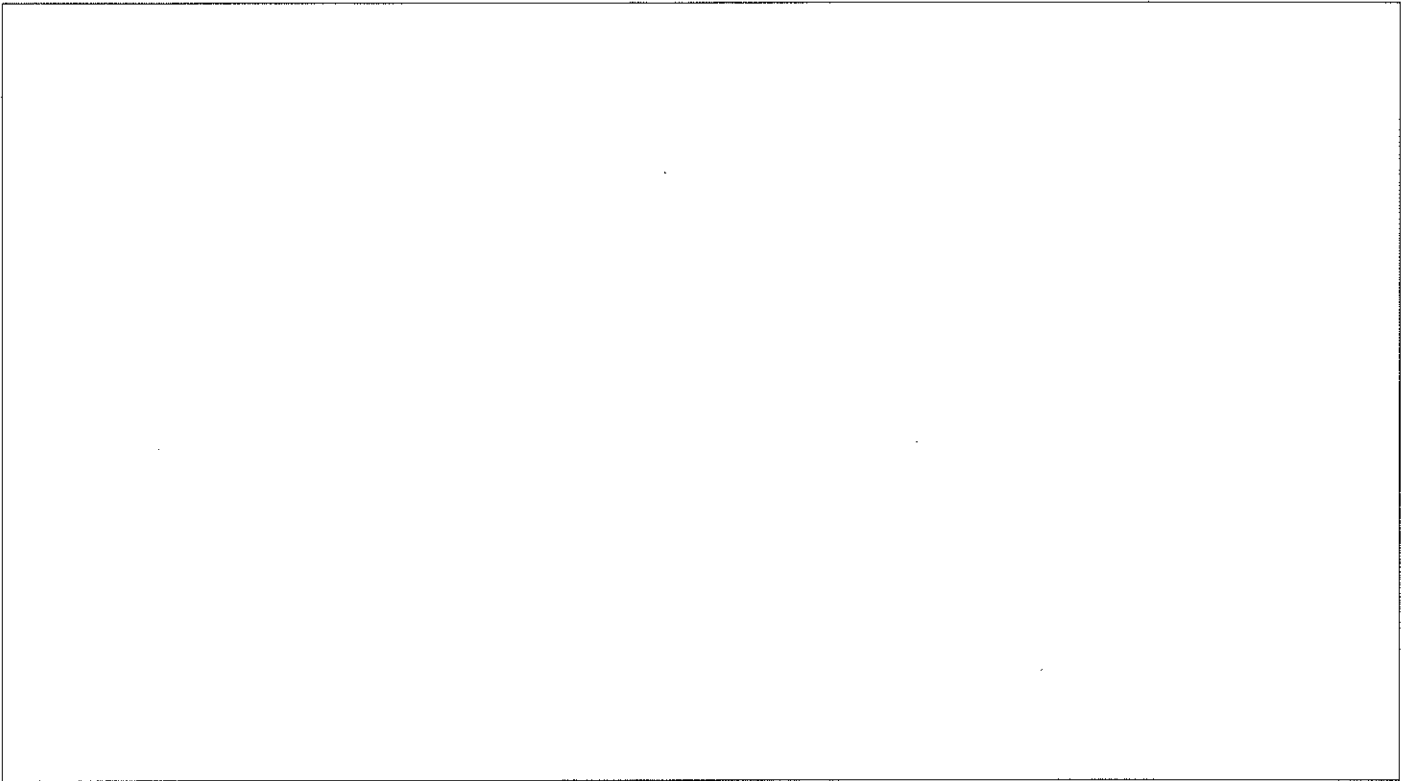


B5

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer



B5



This email is UNCLASSIFIED.

From: Tsou, Leslie M
Sent: Monday, September 27, 2010 1:28 PM
To: Masilko, Barbara J (USUN); Baily, Jess L; Sayles, Ambrose G; Bass, Warren; Doutrich, Jack T; Schlachter, Mark M; Sutphin, Paul R; Kornblau, Mark (USUN); Germain, Ellen J (USUN); Banos, Mariano H; Cassidy, Joseph P; Johnston-Gardner, Sarah R (DRL); Lapenn, Jessica; Doutrich, Jack T; Kaidanow, Tina S; Gregonis, Meghan E; Bernier-Toth, Michelle; Youel Page, Kathryn
Subject: RE: Press Guidance Clearance request: HRC FFM on Gaza Flotilla



B5

This email is UNCLASSIFIED.

From: Masilko, Barbara J (USUN)
Sent: Monday, September 27, 2010 1:23 PM
To: Baily, Jess L; Sayles, Ambrose G; Bass, Warren; Doutrich, Jack T; Schlachter, Mark M; Sutphin, Paul R; Tsou, Leslie M; Kornblau, Mark (USUN); Germain, Ellen J (USUN); Banos, Mariano H; Cassidy, Joseph P; Johnston-Gardner, Sarah R (DRL); Lapenn, Jessica; Doutrich, Jack T; Kaidanow, Tina S; Gregonis, Meghan E
Subject: RE: Press Guidance Clearance request: HRC FFM on Gaza Flotilla

[Redacted]

B5

This email is UNCLASSIFIED.

From: Baily, Jess L
Sent: Monday, September 27, 2010 1:22 PM
To: Sayles, Ambrose G; Bass, Warren; Doutrich, Jack T; Schlachter, Mark M; Sutphin, Paul R; Tsou, Leslie M; Kornblau, Mark (USUN); Masilko, Barbara J (USUN); Germain, Ellen J (USUN); Banos, Mariano H; Cassidy, Joseph P; Johnston-Gardner, Sarah R (DRL); Lapenn, Jessica; Doutrich, Jack T; Kaidanow, Tina S; Gregonis, Meghan E
Subject: RE: Press Guidance Clearance request: HRC FFM on Gaza Flotilla

[Redacted]

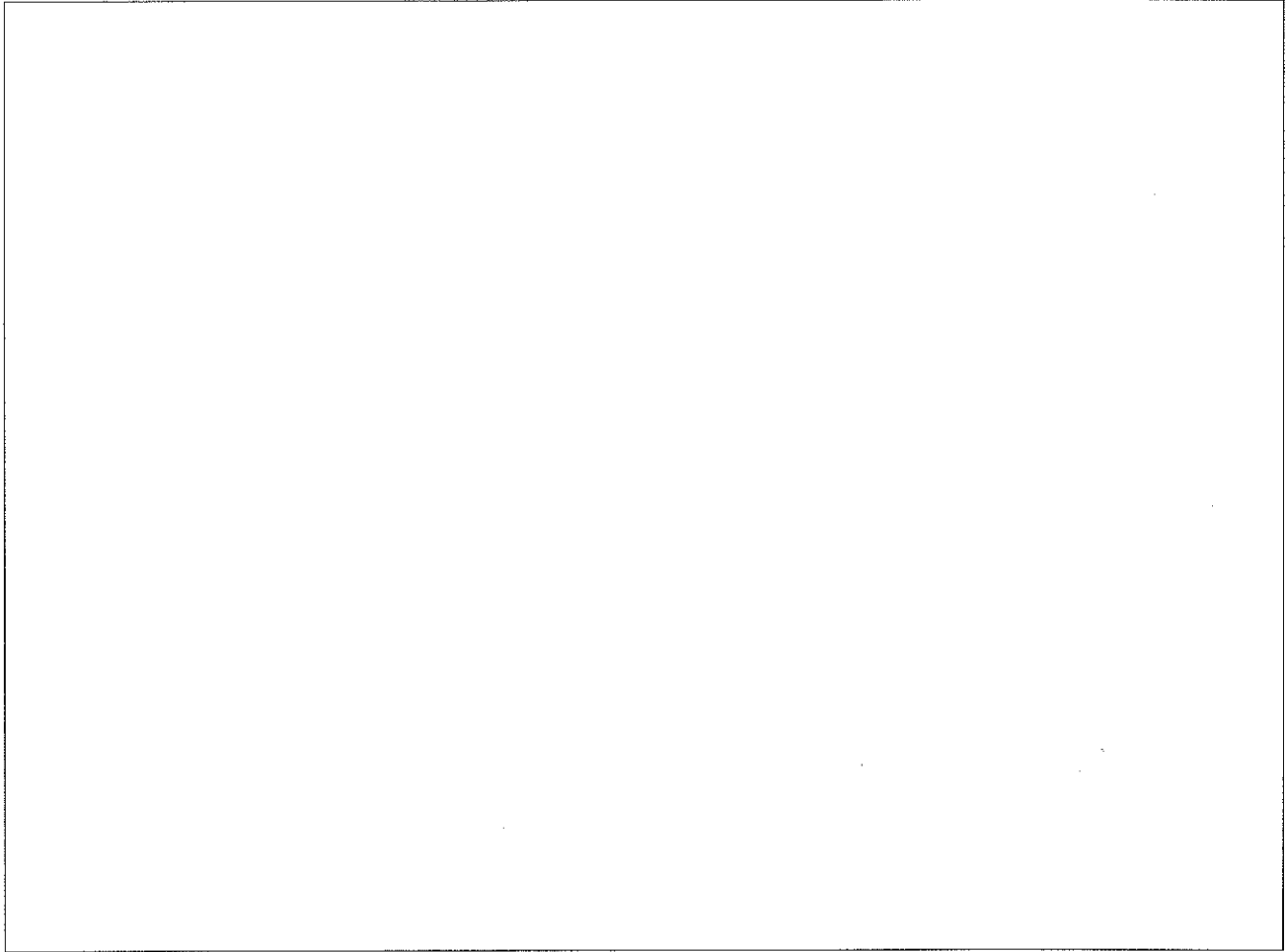
B5

This email is UNCLASSIFIED.

From: Sayles, Ambrose G
Sent: Monday, September 27, 2010 1:11 PM
To: Bass, Warren; Doutrich, Jack T; Schlachter, Mark M; Sutphin, Paul R; Tsou, Leslie M; Kornblau, Mark (USUN); Masilko, Barbara J (USUN); Germain, Ellen J (USUN); Baily, Jess L; Banos, Mariano H; Cassidy, Joseph P; Johnston-Gardner, Sarah R (DRL); Lapenn, Jessica; Doutrich, Jack T
Subject: RE: Press Guidance Clearance request: HRC FFM on Gaza Flotilla
Importance: High

[Redacted]

B5



This email is UNCLASSIFIED.

From: Bass, Warren
Sent: Monday, September 27, 2010 12:34 PM
To: Doutrich, Jack T; Sayles, Ambrose G; Schlachter, Mark M; Sutphin, Paul R; Tsou, Leslie M; Kornblau, Mark (USUN); Masilko, Barbara J (USUN); Germain, Ellen J (USUN); Baily, Jess L; Banos, Mariano H; Cassidy, Joseph P; Johnston-Gardner, Sarah R (DRL); Lapenn, Jessica
Subject: RE: Press Guidance Clearance request: HRC FFM on Gaza Flotilla

+ USUN/NY, EUR, L, DRL, IO

For those who haven't had time to read, here's the meat of the report's conclusions on Dogan's death:

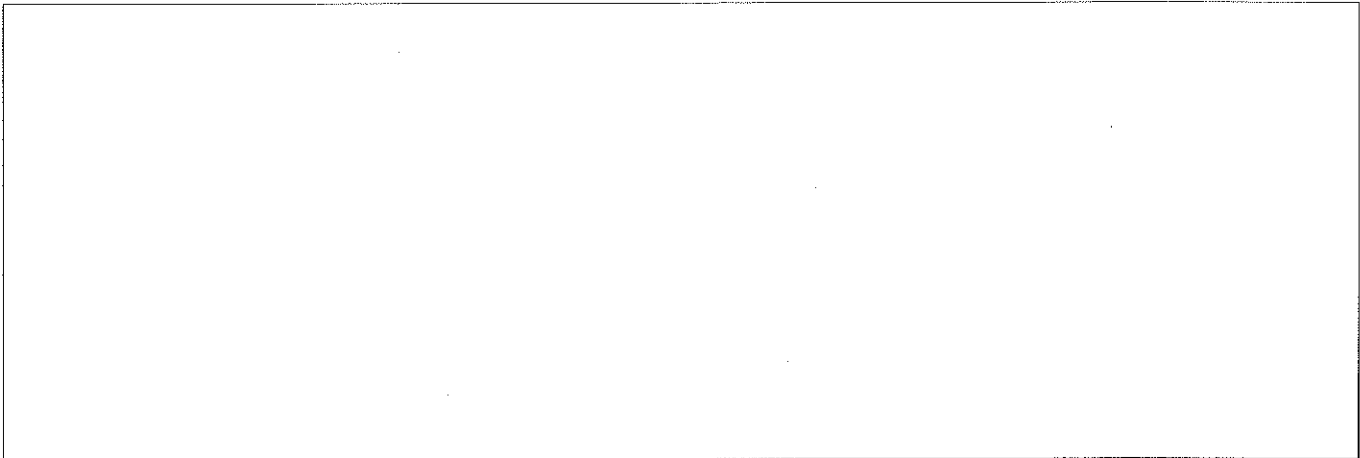
- Furkan Dogan, 19, dual U.S.-Turkish citizen; on top deck filming with small video camera; five bullet wounds, all of whose entry wounds were on back of his body except face wound to right of his nose that forensic analysis shows was fired "at point blank range"; wound trajectory is "compatible" with his being shot while "lying on the ground on his back"
- At least six of the nine dead passengers were killed in manner "consistent with an extra-legal, arbitrary and summary execution."

From: Doutrich, Jack T
Sent: Monday, September 27, 2010 12:29 PM
To: Sayles, Ambrose G; Schlachter, Mark M; Sutphin, Paul R; Bass, Warren; Tsou, Leslie M
Subject: RE: Press Guidance Clearance request: HRC FFM on Gaza Flotilla

+ Leslie Tsou

This email is UNCLASSIFIED.

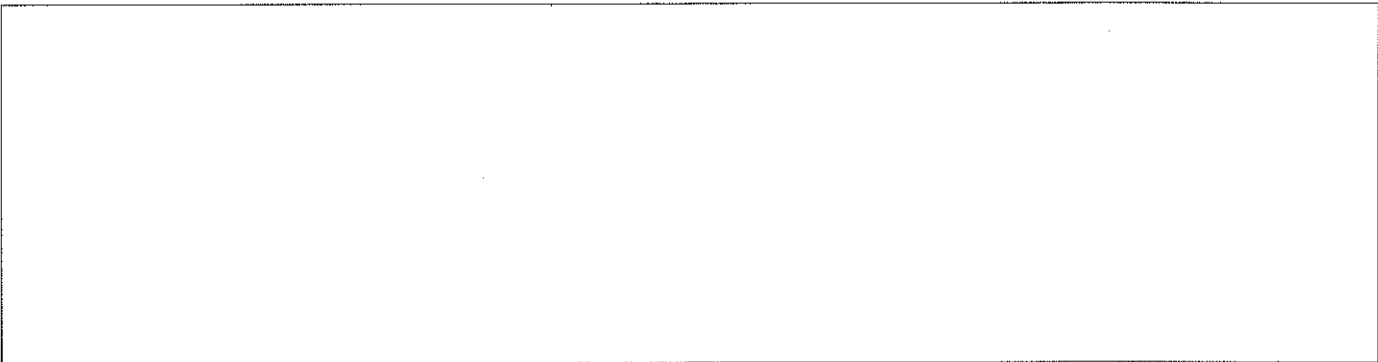
From: Sayles, Ambrose G
Sent: Monday, September 27, 2010 12:28 PM
To: Schlachter, Mark M; Sutphin, Paul R; Doutrich, Jack T; Bass, Warren
Subject: RE: Press Guidance Clearance request: HRC FFM on Gaza Flotilla
Importance: High



B5

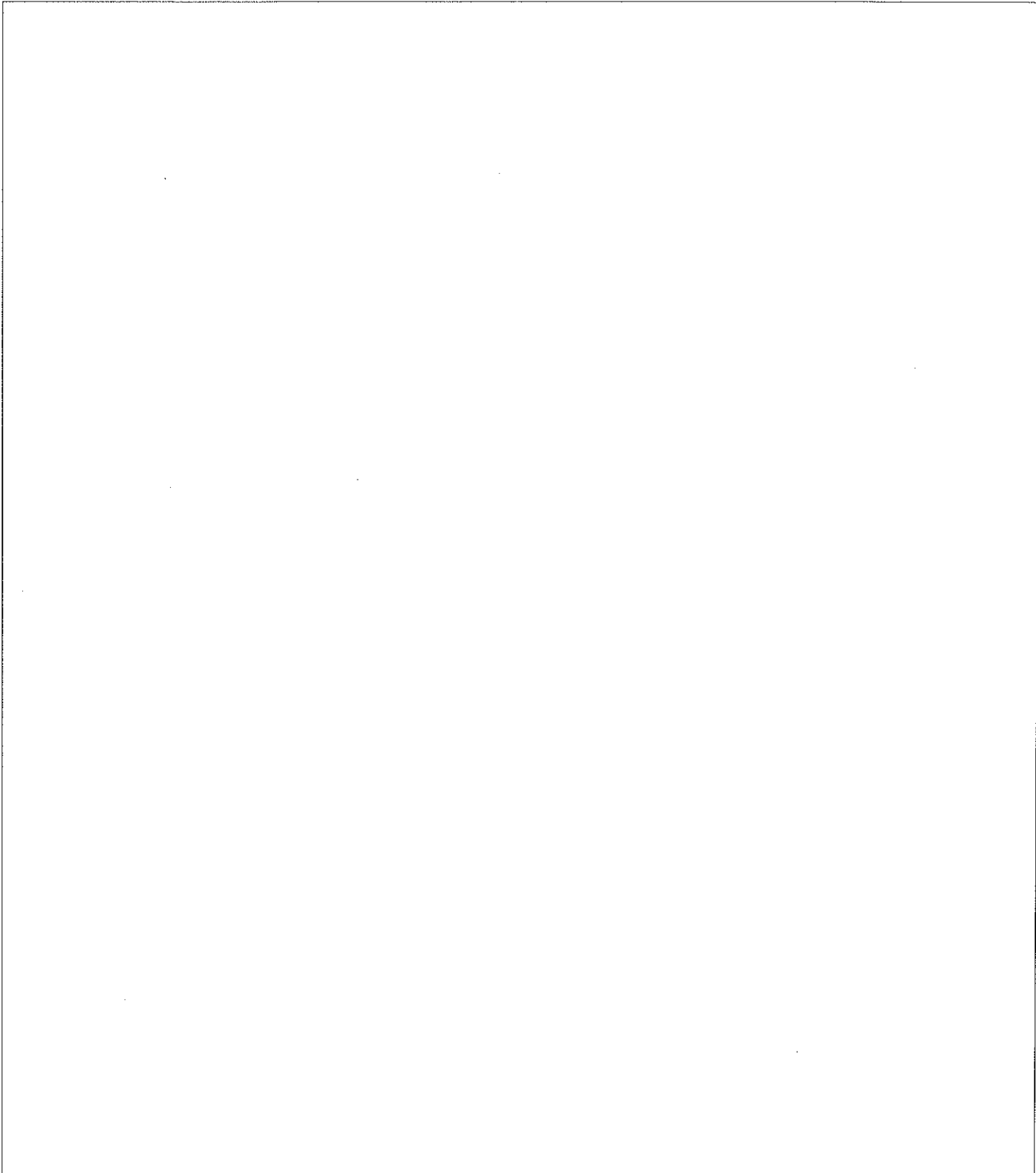
This email is UNCLASSIFIED.

From: Schlachter, Mark M
Sent: Monday, September 27, 2010 9:43 AM
To: Lápenn, Jessica; Khanna, Melanie J; Nossel, Suzanne F; Sayles, Ambrose G; Doutrich, Jack T; Rudman, Mara; Gregonis, Meghan E; Baily, Jess L; Banos, Mariano H; Johnston-Gardner, Sarah R (DRL); Quinn, Shannon D; Bass, Warren; Kornblau, Mark (USUN); Cook, Akunna E; P-IO Duty; Rand, Dafna H; Sherman, Lisa NK (G); 'Busby, Scott W.'
Cc: IO-Press-DL; Kennedy, David (Geneva); Lubetkin, Wendy C
Subject: Press Guidance Clearance request: HRC FFM on Gaza Flotilla
Importance: High



B5

B5



This email is UNCLASSIFIED.

Law, Rosemary C

RELEASED IN PART
B5, B6

From: Aswad, Evelyn M
Sent: Tuesday, June 01, 2010 9:02 PM
To: Dolan, JoAnn; Pomper, Stephen E; Jacobson, Linda; Perina, Alexandra H
Cc: Banos, Mariano H; Harris, Robert K; Donoghue, Joan E; Schwartz, Jonathan B
Subject: RE: FINAL CLEARANCE needed by 10 pm on [redacted]

B5

Attachments: image001.png

Many thanks to L/PM and L/AN for again commenting in record time on this [redacted] I'll pass along the consolidated L views and cc this group. [redacted]

From: Dolan, JoAnn
Sent: Tuesday, June 01, 2010 7:25 PM
To: Pomper, Stephen E; Jacobson, Linda; Aswad, Evelyn M; Perina, Alexandra H
Cc: Banos, Mariano H; Harris, Robert K; Donoghue, Joan E; Schwartz, Jonathan B
Subject: RE: FINAL CLEARANCE needed by 10 pm on [redacted]

Two comments noted in response to Stephen's tracked comments.

From: Pomper, Stephen E
Sent: Tuesday, June 01, 2010 8:11 PM
To: Jacobson, Linda; Aswad, Evelyn M; Dolan, JoAnn; Perina, Alexandra H
Cc: Banos, Mariano H; Harris, Robert K; Donoghue, Joan E; Schwartz, Jonathan B
Subject: RE: FINAL CLEARANCE needed by 10 pm on [redacted]

- 1. Reflected in the attached are a few minor/editorial thoughts.

[Large redacted area]

From: Jacobson, Linda
Sent: Tuesday, June 01, 2010 7:31 PM
To: Aswad, Evelyn M; Dolan, JoAnn; Pomper, Stephen E; Perina, Alexandra H
Cc: Banos, Mariano H; Harris, Robert K; Donoghue, Joan E; Schwartz, Jonathan B
Subject: Re: FINAL CLEARANCE needed by 10 pm on [redacted]

B5

[Large redacted area]

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

From: Aswad, Evelyn M
To: Dolan, JoAnn; Jacobson, Linda; Pomper, Stephen E; Perina, Alexandra H
Cc: Banos, Mariano H; Harris, Robert K; Donoghue, Joan E; Schwartz, Jonathan B
Sent: Tue Jun 01 19:24:16 2010
Subject: FW: FINAL CLEARANCE needed by 10 pm on [redacted]

B5

Dear L/AN and L/PM: Please send to Mariano and me your comments, [redacted]

[redacted] by 9:30 pm tonight. Thank you, Evelyn

From: Anderson, Gerald C
Sent: Tuesday, June 01, 2010 7:09 PM
To: Cue, Lourdes C; 'Daniel_B._Shapiro@nss.eop.gov'; Bass, Warren; Powell, Catherine; Ashraf, Madeeha S; Aguilera, Patricia; Littlejohn, J.R.; Giaouque, Jeffrey G; Knopf, Payton L; Goldberger, Thomas H; 'Scott_W._Busby@nss.eop.gov'; 'Prem_G._Kumar@nss.eop.gov'
Cc: Fitzpatrick, Kathleen M; Posner, Michael H; Geneva HRC; Cassidy, Joseph P; DRL-MLGA-DL; Feltman, Jeffrey D; IO-HR-DL; Wells, Alice G; Griffiths, Douglas M; Khanna, Melanie J; Donahoe, Eileen C; Schedlbauer, Amy W; Germain, Ellen J (USUN); Wolff, Alex D (USUN); Nossel, Suzanne F; Ostermeier, Amy A; 'jpcassidy [redacted]'; Wecker, John A; Aswad, Evelyn M; Legal-HRR-DL; Holmstrom, Todd C; Simon, Jennifer J; Perina, Alexandra H; Schwartz, Jonathan B; Pomper, Stephen E; Cassayre, Mark J
Subject: FINAL CLEARANCE needed by 10 pm on [redacted]

B6

B5

[redacted]

[redacted]

With thanks,

Gerald C. Anderson

Principal Deputy Assistant Secretary
Bureau of International Organization Affairs
Room 6323
U.S. Department of State
Washington, DC 20520
Office: 202-647-9602



Law, Rosemary C

RELEASED IN PART B5, B6

From: Aswad, Evelyn M
Sent: Tuesday, June 01, 2010 9:49 AM
To: Aswad, Evelyn M; Donoghue, Joan E; Schwartz, Jonathan B; Dolan, JoAnn; Jacobson, Linda; Pomper, Stephen E; Perina, Alexandra H
Cc: Banos, Mariano H; Martin, Julie B; Harris, Robert K
Subject: RE: Use this version. Instruction and EOV for HRC vote - clearance by 10 AM EST

We just heard from Mission Geneva that the vote will no longer happen today, but rather tomorrow morning. Any L comments by **NOON** today would be greatly appreciated. EA

From: Aswad, Evelyn M
Sent: Tuesday, June 01, 2010 9:42 AM
To: Donoghue, Joan E; Schwartz, Jonathan B; Dolan, JoAnn; Jacobson, Linda; Pomper, Stephen E; Perina, Alexandra H
Cc: Banos, Mariano H; Martin, Julie B; Harris, Robert K
Subject: FW: Use this version. Instruction and EOV for HRC vote - clearance by 10 AM EST
Importance: High

Can folks please send to Mariano and me your comments on this explanation of vote in the next 30 minutes? (This

[Redacted]

B5

Thanks, EA

From: Ostermeier, Amy A
Sent: Tuesday, June 01, 2010 8:56 AM
To: Ostermeier, Amy A; Bass, Warren; Nossel, Suzanne F; 'jpcassidy [Redacted]'; Ashraf, Madeeha S; Cue, Lourdes C; B6
Aguilera, Patricia; Littlejohn, J.R.; Wecker, John A; Powell, Catherine; Aswad, Evelyn M; Giaouque, Jeffrey G; Knopf, Payton L; Legal-HRR-DL; Goldberger, Thomas H; Holmstrom, Todd C; Simon, Jennifer J; 'scott_w._busby@nss.eop.gov'; Perina, Alexandra H; Schwartz, Jonathan B; Pomper, Stephen E; Donahoe, Eileen C; Cassayre, Mark J; Khanna, Melanie J; Griffiths, Douglas M; 'dshapiro@nsc.eop.gov'; 'Prem_G._Kumar@nsc.eop.gov'; Wolff, Alex D (USUN); Germain, Ellen J (USUN); Schedlbauer, Amy W
Cc: Fitzpatrick, Kathleen M; Posner, Michael H; Geneva HRC; Cassidy, Joseph P; DRL-MLGA-DL; Anderson, Gerald C; Feltman, Jeffrey D; IO-HR-DL
Subject: Use this version. Instruction and EOV for HRC vote - clearance by 10 AM EST
Importance: High

Apologies. THIS version includes NSC edits.

Thanks,

Amy

Amy A. Ostermeier, Deputy Director
Bureau of International Organization Affairs
Office of Human Rights (IO/HR)
(ph) 202-647-3901
(fx) 202-647-4628
ostermeieraa@state.gov

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

From: Ostermeier, Amy A
Sent: Tuesday, June 01, 2010 8:49 AM
To: Bass, Warren; Nossel, Suzanne F; 'jpcassidy [Redacted]'; Ashraf, Madeeha S; Cue, Lourdes C; Aguilera, Patricia; Littlejohn, J.R.; Wecker, John A; Powell, Catherine; Aswad, Evelyn M; Giaouque, Jeffrey G; Knopf, Payton L; Legal-HRR-DL; Goldberger, Thomas H; Holmstrom, Todd C; Simon, Jennifer J; 'scott_w._busby@nss.eop.gov'; Perina, Alexandra H; B6

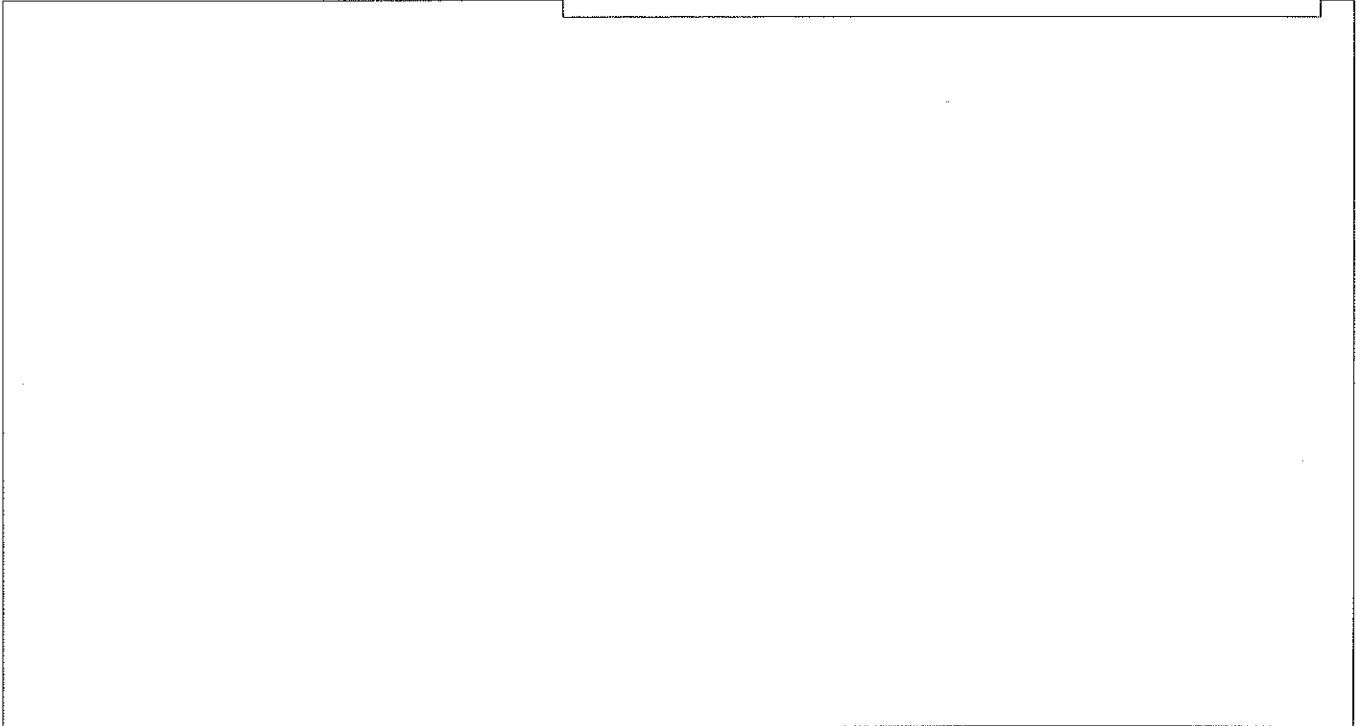
Schwartz, Jonathan B; Pomper, Stephen E; Donahoe, Eileen C; Cassayre, Mark J; Khanna, Melanie J; Griffiths, Douglas M; 'dshapiro@nsc.eop.gov'; 'Prem_G._Kumar@nsc.eop.gov'; Wolff, Alex D (USUN); Germain, Ellen J (USUN); Schedlbauer, Amy W

Cc: Fitzpatrick, Kathleen M; Posner, Michael H; Geneva HRC; Cassidy, Joseph P; DRL-MLGA-DL; Anderson, Gerald C; Feltman, Jeffrey D; IO-HR-DL

Subject: Instruction and EOV for HRC vote - clearance by 10 AM EST

Importance: High

Thanks to Warren and Scott for their suggestions. [REDACTED]



Many thanks,

Amy

Amy A. Ostermeier, Deputy Director
Bureau of International Organization Affairs
Office of Human Rights (IO/HR)
(ph) 202-647-3901
(fx) 202-647-4628
ostermeieraa@state.gov

From: Bass, Warren

Sent: Tuesday, June 01, 2010 7:38 AM

To: Nossel, Suzanne F; 'jpcassidy'; Ashraf, Madeeha S; Cue, Lourdes C; Aguilera, Patricia; Littlejohn, J.R.; B6 Wecker, John A; Powell, Catherine; Ostermeier, Amy A; Aswad, Evelyn M; Giaque, Jeffrey G; Knopf, Payton L; Legal-HRR-DL; Goldberger, Thomas H; Holmstrom, Todd C; Simon, Jennifer J; 'scott_w._busby@nss.eop.gov'; Perina, Alexandra H; Schwartz, Jonathan B; Pomper, Stephen E; Donahoe, Eileen C; Cassayre, Mark J; Khanna, Melanie J; Griffiths, Douglas M; 'dshapiro@nsc.eop.gov'; 'Prem_G._Kumar@nsc.eop.gov'; Wolff, Alex D (USUN); Germain, Ellen J (USUN); Schedlbauer, Amy W

Cc: Fitzpatrick, Kathleen M; Posner, Michael H; Geneva HRC; Cassidy, Joseph P; DRL-MLGA-DL

Subject: Re: Instruction and EOV for HRC vote tomorrow - clearance by 10 AM EST

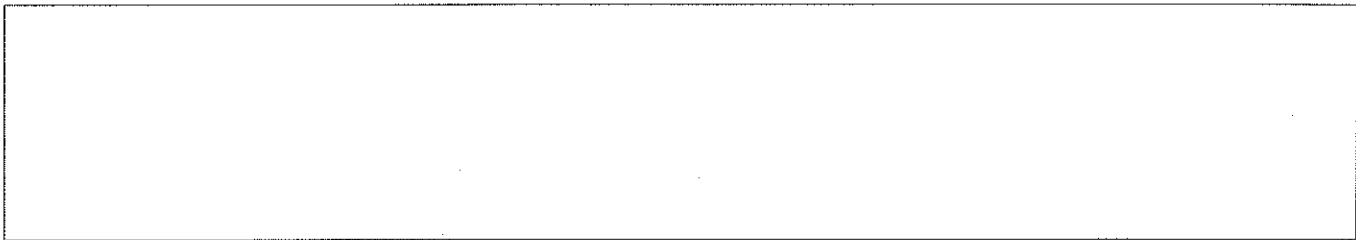
Adding USUN/NY and NSC/NENA. We should think about whether to refer to the PRST language.

From: Nossel, Suzanne F
To: 'jpcassidy' <jpcassidy>; Ashraf, Madeeha S; Cue, Lourdes C; Aguilera, Patricia; Littlejohn, J.R.; Wecker, John A; Powell, Catherine; Ostermeier, Amy A; Aswad, Evelyn M; Giauque, Jeffrey G; Knopf, Payton L; Legal-HRR-DL; Goldberger, Thomas H; Holmstrom, Todd C; Simon, Jennifer J; Bass, Warren; 'scott_w._busby@nss.eop.gov' <scott_w._busby@nss.eop.gov>; Perina, Alexandra H; Schwartz, Jonathan B; Pomper, Stephen E; Donahoe, Eileen C; Cassayre, Mark J; Khanna, Melanie J; Griffiths, Douglas M
Cc: Fitzpatrick, Kathleen M; Posner, Michael H; Geneva HRC; Cassidy, Joseph P; DRL-MLGA-DL
Sent: Mon May 31 23:32:34 2010
Subject: Instruction and EOV for HRC vote tomorrow - clearance by 10 AM EST

B6



Many thanks,
Suzanne



B5

The Grave Attacks by Israeli Forces Against the Humanitarian Boat Convoy

Guided by the purposes and the principles of the United Nations Charter, as well as by the provisions of the Universal Declaration for Human Rights,

Taking into consideration the provisions of the Fourth Geneva Convention for the protection of civilian persons in times of war of 12 August 1949,

Emphasizing the importance of the safety and well-being of all civilians including humanitarian personnel,

Expressing grave concern also at the deepening humanitarian crisis in Occupied Gaza,

Emphasizing the need to ensure sustained and regular flow of goods and people into Occupied Gaza and welcoming the initiatives aimed at creating and opening humanitarian corridors and other mechanisms for the sustained delivery of humanitarian aid;

1. Condemns in the strongest terms possible the outrageous attack by the Israeli forces against the humanitarian flotilla of ships which resulted in the killing and injuring of many innocent civilians from different countries;
2. Deeply deplores the loss of life of innocent civilians and expresses its deepest sympathy and condolences to the victims and their families;
3. Requests the ICRC to seek and provide information on the whereabouts status and condition of the detained and injured persons
4. Demands the Occupying Power Israel to immediately release all detained men and material and facilitate their safe return to their homelands.
5. Calls upon the Occupying power Israel to ensure the unimpeded provision of humanitarian assistance, including of food, fuel and medical treatment to the occupied Gaza strip;

[Redacted]

B5

From: Joseph Cassidy <jpcassidy [redacted]>
To: Ashraf, Madeeha S; Cue, Lourdes C; Aguilera, Patricia; Littlejohn, J.R.; Wecker, John A; Powell, Catherine; Ostermeier, Amy A; Aswad, Evelyn M; Giaque, Jeffrey G; Knopf, Payton L; Legal-HRR-DL; Goldberger, Thomas H; Holmstrom, Todd C; Simon, Jennifer J; Bass, Warren; scott_w_busby@nss.eop.gov <scott_w_busby@nss.eop.gov>; Perina, Alexandra H; Schwartz, Jonathan B; Pomper, Stephen E
Cc: Fitzpatrick, Kathleen M; Nossel, Suzanne F; Posner, Michael H; Geneva HRC; Cassidy, Joseph P; jpcassidy [redacted] <jpcassidy [redacted]>; DRL-MLGA-DL
Sent: Mon May 31 16:37:03 2010
Subject: URGENT -- Clearance needed Monday afternoon

B6

[Redacted]

B5

Thanks, Joe

(begin text)

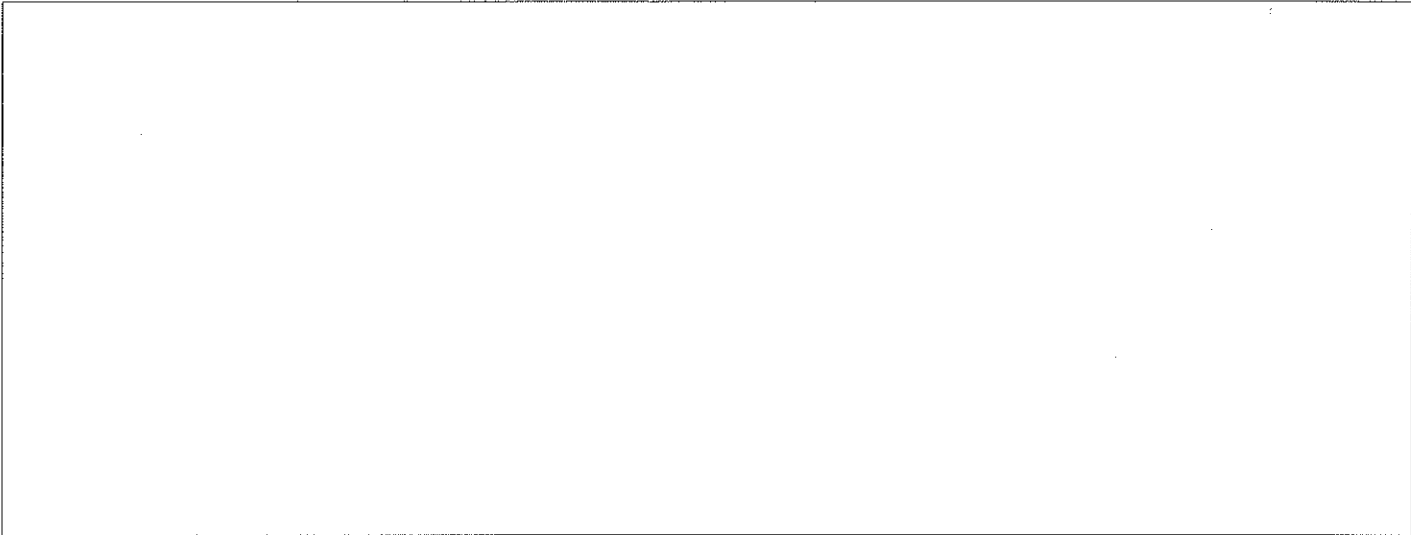
**Statement by Ambassador Eileen Donohoe on the Flotilla Incident
for the Human Rights Council special session, June 1, 2010**

Thank you, Mr. President.

[Redacted]

B5

B5



Thank you.

Law, Rosemary C

RELEASED IN PART
B5, B6, NR

From: Aswad, Evelyn M
Sent: Monday, May 31, 2010 5:08 PM
To: Schwartz, Jonathan B; Perina, Alexandra H; Pomper, Stephen E; Dolan, JoAnn; Jacobson, Linda; Banos, Mariano H; Martin, Julie B; Harris, Robert K
Subject: RE: URGENT -- Clearance needed Monday afternoon

[Redacted]

B5

From: Schwartz, Jonathan B
Sent: Monday, May 31, 2010 4:04 PM
To: Aswad, Evelyn M; Perina, Alexandra H; Pomper, Stephen E; Dolan, JoAnn; Jacobson, Linda; Banos, Mariano H; Martin, Julie B; Harris, Robert K
Subject: RE: URGENT -- Clearance needed Monday afternoon

[Redacted]

From: Aswad, Evelyn M
Sent: Monday, May 31, 2010 5:01 PM
To: Perina, Alexandra H; Schwartz, Jonathan B; Pomper, Stephen E; Dolan, JoAnn; Jacobson, Linda; Banos, Mariano H; Martin, Julie B; Harris, Robert K
Subject: RE: URGENT -- Clearance needed Monday afternoon

[Redacted]

USUN PRESS RELEASE #109
AS DELIVERED

May 31, 2010

Remarks by Ambassador Alejandro Wolff, Deputy Permanent U.S. Representative to the United Nations, at an Emergency Session of the Security Council, May 31, 2010

Thank you, Mr. President and thank you, Assistant Secretary-General Fernandez-Taranco.

The United States is deeply disturbed by the recent violence and regrets the tragic loss of life and injuries suffered among those involved in the incident last night aboard the Gaza-bound ships. We are working to ascertain the facts. We expect a credible and transparent investigation and strongly urge the Israeli government to investigate the incident fully.

As I stated in the Chamber in December 2008, when we were confronted by a similar situation, mechanisms exist for the transfer of humanitarian assistance to Gaza by member states and groups that want to do so. These non-provocative and non-confrontational mechanisms should be the ones used for the benefit of all those in Gaza. Direct delivery by sea is neither appropriate nor responsible, and certainly not effective, under the circumstances.

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

The United States remains deeply concerned by the suffering of civilians in Gaza, and the deterioration of the situation there, including the humanitarian and human rights situation. We continue to believe the situation is unsustainable and is not in the interests of any of those concerned. We will continue to engage the Israelis on a daily basis to expand the scope and type of goods allowed into Gaza to address the full range of the population's humanitarian and recovery needs. Hamas' interference with international assistance shipments and the work of nongovernmental organizations complicates efforts in Gaza. Its continued arms smuggling and commitment to terrorism undermines security and prosperity for Palestinians and Israelis alike.

We will continue to work closely with the Government of Israel and the Palestinian Authority, along with international NGOs and the UN, to provide adequate access for humanitarian goods, including reconstruction materials, through the border crossings, while bearing in mind the Government of Israel's legitimate security concerns.

Ultimately, this incident underscores the need to move ahead quickly with negotiations that can lead to a comprehensive peace in the region. The only viable solution to the Israeli-Palestinian conflict is an agreement, negotiated between the parties, that ends the occupation that began in 1967 and fulfills the aspirations of both parties for independent homelands through two states for two peoples, Israel and an independent, contiguous, and viable state of Palestine, living side by side in peace and security. We call again on our international partners – both inside and outside this Council – to promote an atmosphere of cooperation between the parties and throughout the entire region.

Thank you, Mr. President.

From: Perina, Alexandra H
Sent: Monday, May 31, 2010 3:44 PM
To: Legal-HRR-DL; Schwartz, Jonathan B; Pomper, Stephen E; Dolan, JoAnn; Jacobson, Linda
Subject: FW: URGENT -- Clearance needed Monday afternoon

[Redacted]

B5

From: Joseph Cassidy [mailto:jpcassidy@state.gov]
Sent: Monday, May 31, 2010 4:37 PM
To: Ashraf, Madeeha S; Cue, Lourdes C; Aguilera, Patricia; Littlejohn, J.R.; Wecker, John A; Powell, Catherine; Ostermeier, Amy A; Aswad, Evelyn M; Giauque, Jeffrey G; Knopf, Payton L; Legal-HRR-DL; Goldberger, Thomas H; Holmstrom, Todd C; Simon, Jennifer J; Bass, Warren; scott_w._busby@nss.eop.gov; Perina, Alexandra H; Schwartz, Jonathan B; Pomper, Stephen E
Cc: Fitzpatrick, Kathleen M; Nossel, Suzanne F; Posner, Michael H; Geneva HRC; Cassidy, Joseph P; jpcassidy@state.gov; DRL-MLGA-DL
Subject: URGENT -- Clearance needed Monday afternoon

B6

I ask that you review and clear this statement, which will be delivered tomorrow morning by Ambassador Donohoe at a special event within this UN Human Rights Council session, as soon as possible.

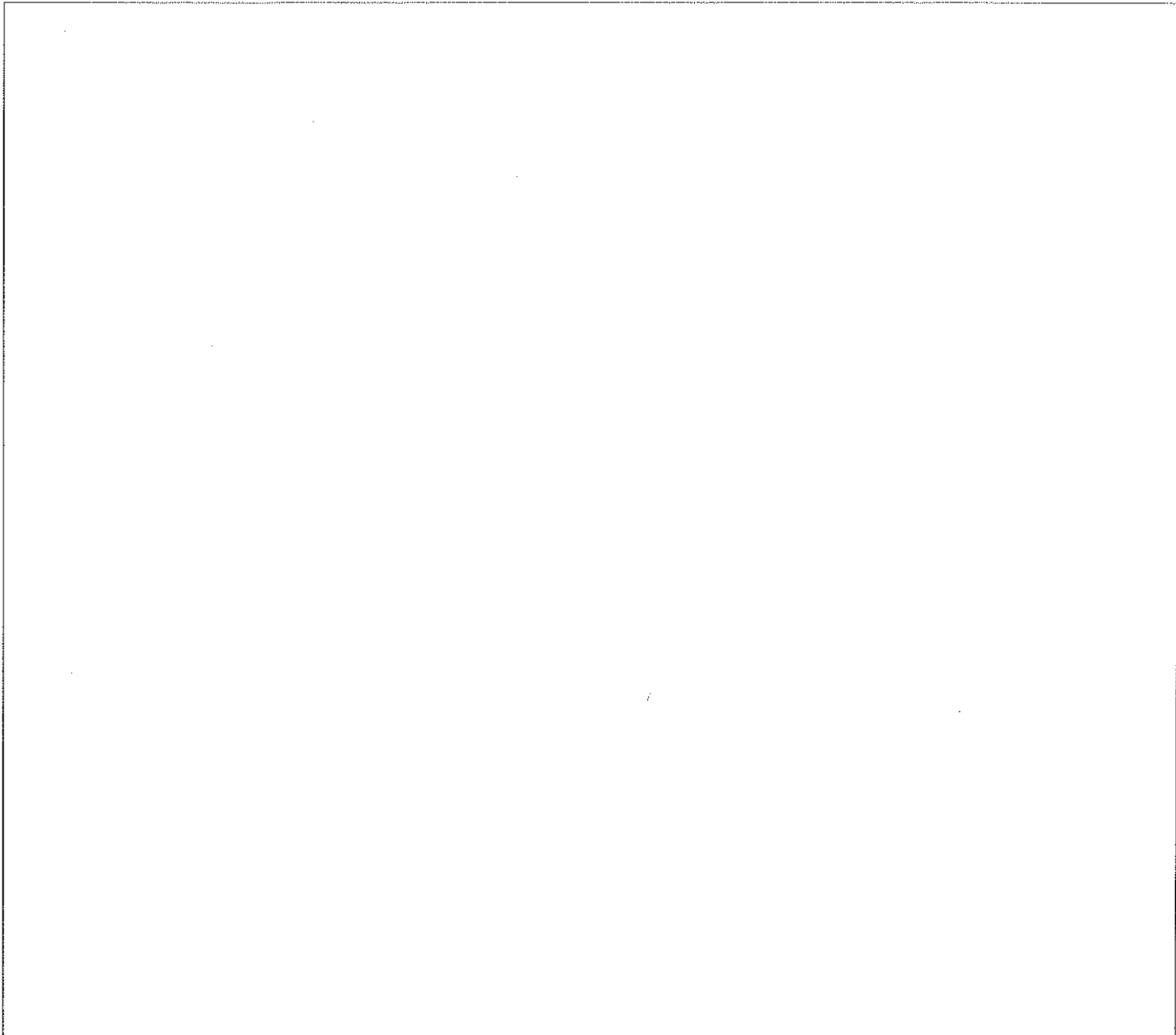
NR

[Redacted]

Thanks, Joe

(begin text)

**Statement by Ambassador Eileen Donohoe on the Flotilla Incident
for the Human Rights Council special session, June 1, 2010**



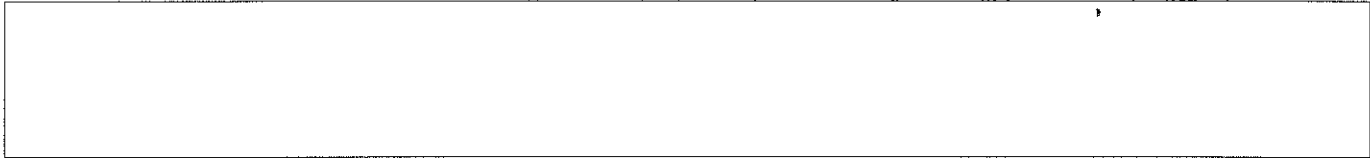
B5

Thank you.

RELEASED IN PART B5,B6

Law, Rosemary C

From: Aswad, Evelyn M
Sent: Monday, May 31, 2010 5:01 PM
To: Perina, Alexandra H; Schwartz, Jonathan B; Pomper, Stephen E; Dolan, JoAnn; Jacobson, Linda; Banos, Mariano H; Martin, Julie B; Harris, Robert K
Subject: RE: URGENT -- Clearance needed Monday afternoon



B5

USUN PRESS RELEASE #109
 AS DELIVERED

May 31, 2010

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As I stated in the Chamber in December 2008, when we were confronted by a similar situation, mechanisms exist for the transfer of humanitarian assistance to Gaza by member states and groups that want to do so. These non-provocative and non-confrontational mechanisms should be the ones used for the benefit of all those in Gaza. Direct delivery by sea is neither appropriate nor responsible, and certainly not effective, under the circumstances.

The United States remains deeply concerned by the suffering of civilians in Gaza, and the deterioration of the situation there, including the humanitarian and human rights situation. We continue to believe the situation is unsustainable and is not in the interests of any of those concerned. We will continue to engage the Israelis on a daily basis to expand the scope and type of goods allowed into Gaza to address the full range of the population's humanitarian and recovery needs. Hamas' interference with international assistance shipments and the work of nongovernmental organizations complicates efforts in Gaza. Its continued arms smuggling and commitment to terrorism undermines security and prosperity for Palestinians and Israelis alike.

We will continue to work closely with the Government of Israel and the Palestinian Authority, along with international NGOs and the UN, to provide adequate access for humanitarian goods, including reconstruction materials, through the border crossings, while bearing in mind the Government of Israel's legitimate security concerns.

Ultimately, this incident underscores the need to move ahead quickly with negotiations that can lead to a comprehensive peace in the region. The only viable solution to the Israeli-Palestinian conflict is an agreement, negotiated between the parties, that ends the occupation that began in 1967 and fulfills the aspirations of both parties for independent homelands through two states for two peoples, Israel and an independent, contiguous, and viable state of Palestine, living side by side in peace and security. We call again on our international

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer²⁰

partners – both inside and outside this Council – to promote an atmosphere of cooperation between the parties and throughout the entire region.

Thank you, Mr. President.

From: Perina, Alexandra H
Sent: Monday, May 31, 2010 3:44 PM
To: Legal-HRR-DL; Schwartz, Jonathan B; Pomper, Stephen E; Dolan, JoAnn; Jacobson, Linda
Subject: FW: URGENT -- Clearance needed Monday afternoon

[Redacted]

B5

From: Joseph Cassidy [mailto:jpcassidy@]
Sent: Monday, May 31, 2010 4:37 PM
To: Ashraf, Madeeha S; Cue, Lourdes C; Aguilera, Patricia; Littlejohn, J.R.; Wecker, John A; Powell, Catherine; Ostermeier, Amy A; Aswad, Evelyn M; Giaque, Jeffrey G; Knopf, Payton L; Legal-HRR-DL; Goldberger, Thomas H; Holmstrom, Todd C; Simon, Jennifer J; Bass, Warren; scott_w._busby@nss.eop.gov; Perina, Alexandra H; Schwartz, Jonathan B; Pomper, Stephen E
Cc: Fitzpatrick, Kathleen M; Nossel, Suzanne F; Posner, Michael H; Geneva HRC; Cassidy, Joseph P; jpcassidy@ DRL-MLGA-DL
Subject: URGENT -- Clearance needed Monday afternoon

B6

I ask that you review and clear this statement, which will be delivered tomorrow morning by Ambassador Donohoe at a special event within this UN Human Rights Council session, as soon as possible. [Redacted]

[Redacted]

B5

Thanks, Joe

(begin text)

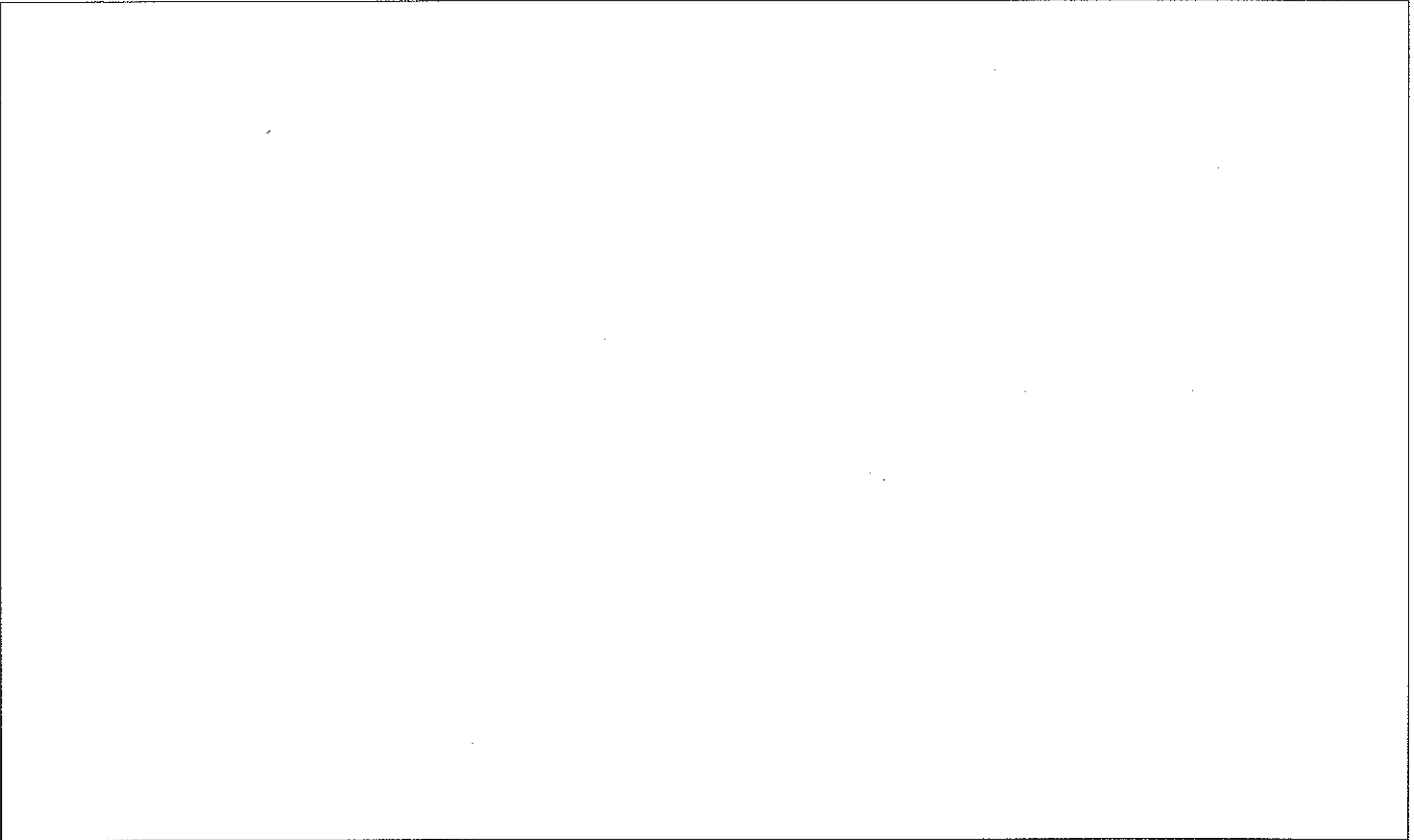
**Statement by Ambassador Eileen Donohoe on the Flotilla Incident
for the Human Rights Council special session, June 1, 2010**

Thank you, Mr. President.

[Redacted]

B5

B5



Thank you.

RELEASED IN PART B5

Law, Rosemary C

From: Aswad, Evelyn M
Sent: Monday, May 31, 2010 11:28 AM
To: Jacobson, Linda; Schwartz, Jonathan B; Harris, Robert K; Cleveland, Sarah H; Koh, Harold Hongju
Cc: Khanna, Melanie J; Banos, Mariano H; Perina, Alexandra H; Sullivan, David J; Baumert, Kevin A; Pomper, Stephen E; Townley, Stephen G; Eichensehr, Kristen E; Buchwald, Todd F; Martin, Julie B
Subject: RE: URGENT!!! HRC Action re: Gaza Aid Flotilla

Thanks very much, Linda. I understand the Quartet may be issuing a statement this afternoon and that the UNSC has called for an emergency session today. Please keep Mariano, Melanie and me in the loop on any developments as that will impact what we do at the HRC special session tomorrow. Thanks, EA

From: Jacobson, Linda
Sent: Monday, May 31, 2010 10:15 AM
To: Aswad, Evelyn M; Schwartz, Jonathan B; Harris, Robert K; Cleveland, Sarah H; Koh, Harold Hongju
Cc: Khanna, Melanie J; Banos, Mariano H; Perina, Alexandra H; Sullivan, David J; Baumert, Kevin A; Pomper, Stephen E; Townley, Stephen G; Eichensehr, Kristen E
Subject: Re: URGENT!!! HRC Action re: Gaza Aid Flotilla



B5

From: Aswad, Evelyn M
To: Schwartz, Jonathan B; Harris, Robert K; Jacobson, Linda; Cleveland, Sarah H; Koh, Harold Hongju
Cc: Khanna, Melanie J; Banos, Mariano H; Perina, Alexandra H; Sullivan, David J; Baumert, Kevin A; Pomper, Stephen E; Townley, Stephen G; Eichensehr, Kristen E; Khanna, Melanie J
Sent: Mon May 31 11:10:11 2010
Subject: FW: URGENT!!! HRC Action re: Gaza Aid Flotilla

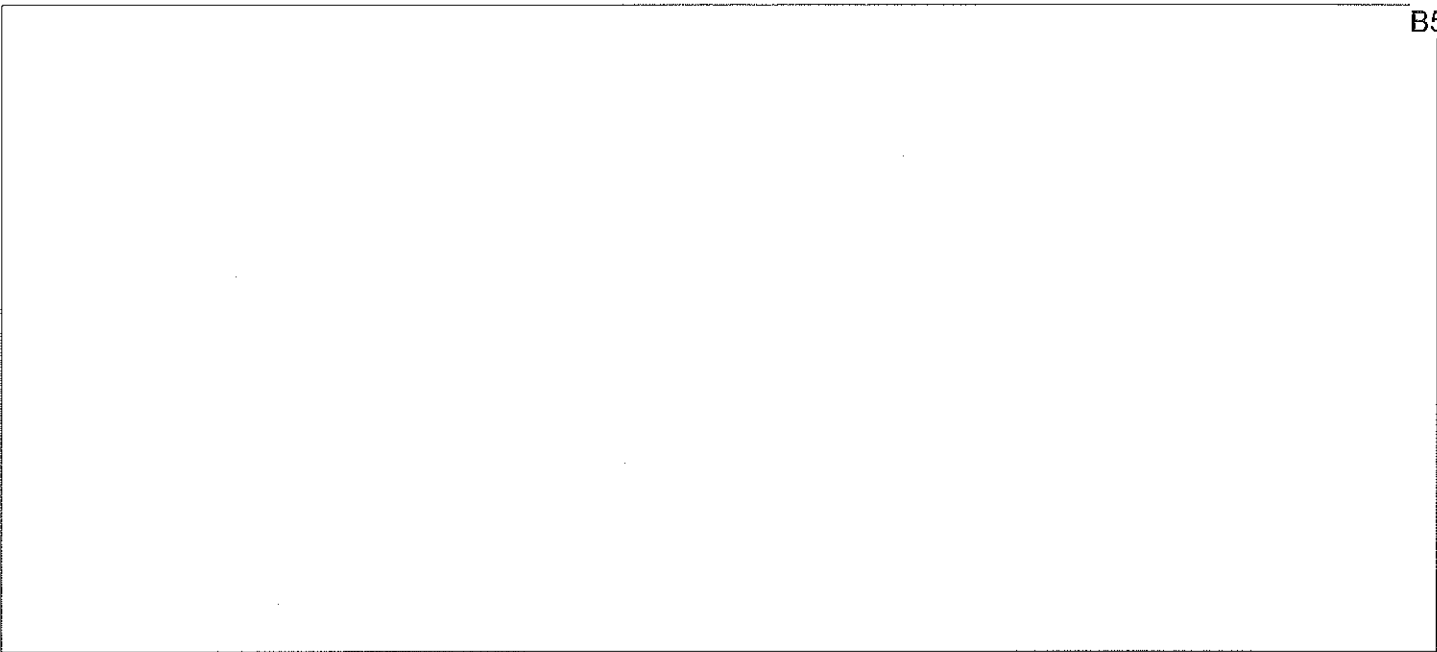
All – As discussed in my earlier e-mail today, the Palestinians will be calling for a special sitting of the HRC tomorrow the Gaza Aid Flotilla and seek to pass a resolution (see below regarding this new twist). Here is IO's draft statement for the discussion portion of the special sitting. We've advised that we are seeking input from other L offices and will get back to them, but gave the following preliminary advice on the statement. Please send your thoughts, if any, within 1-2 hours. THANKS!

Draft Statement:



REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

B5



From: Cassayre, Mark J
Sent: Monday, May 31, 2010 10:02 AM
To: Nossel, Suzanne F; IO-HR-DL; DRL-MLGA-M; Legal-HRR-DL; Geneva HRC; Griffiths, Douglas M; 'Scott_W._Busby@nss.eop.gov'; Johnston-Gardner, Sarah R (DRL); Salih, Lana L; Fitzpatrick, Kathleen M; Connelly, Maura; Goldberger, Thomas H; Giauque, Jeffrey G; Perina, Alexandra H
Subject: Re: URGENT!!! HRC Action re: Gaza Aid Flotilla

All: I just spoke with Pal DPR who confirmed that he will call for a special sitting for tmrw pm. He will also table a resolution tomorrow morning for ACTION TOMORROW EVENING.

- Reso will include:
- condemnation
 - call for protection by israel / respect for I'll
 - call for internation investigation

He said that "the Israelis have made it hard on us and we will make it hard on them."

During his statement Imad spoke in Arabic (he frequently does interventions in English). He made points:

- Premeditated crime
- Violations of occupying power
- Saluted courage of those on board vessels
- Israel has denied occupation of gaza but acts of last night show that gaza is still under occupation and therefore I'll applies and 4GC applies.
- Lift blocade

Israel will do right of reply at end of day.

From: Nossel, Suzanne F
To: Cassayre, Mark J; IO-HR-DL; DRL-MLGA-M; Legal-HRR-DL; Geneva HRC; Griffiths, Douglas M; 'Scott_W._Busby@nss.eop.gov' <Scott_W._Busby@nss.eop.gov>; Johnston-Gardner, Sarah R (DRL); Salih, Lana L; Fitzpatrick, Kathleen M; Connelly, Maura; Goldberger, Thomas H; Giauque, Jeffrey G; Perina, Alexandra H
Sent: Mon May 31 09:29:20 2010
Subject: Re: URGENT!!! HRC Action re: Gaza Aid Flotilla

Adding NEA.

B5

From: Cassayre, Mark J

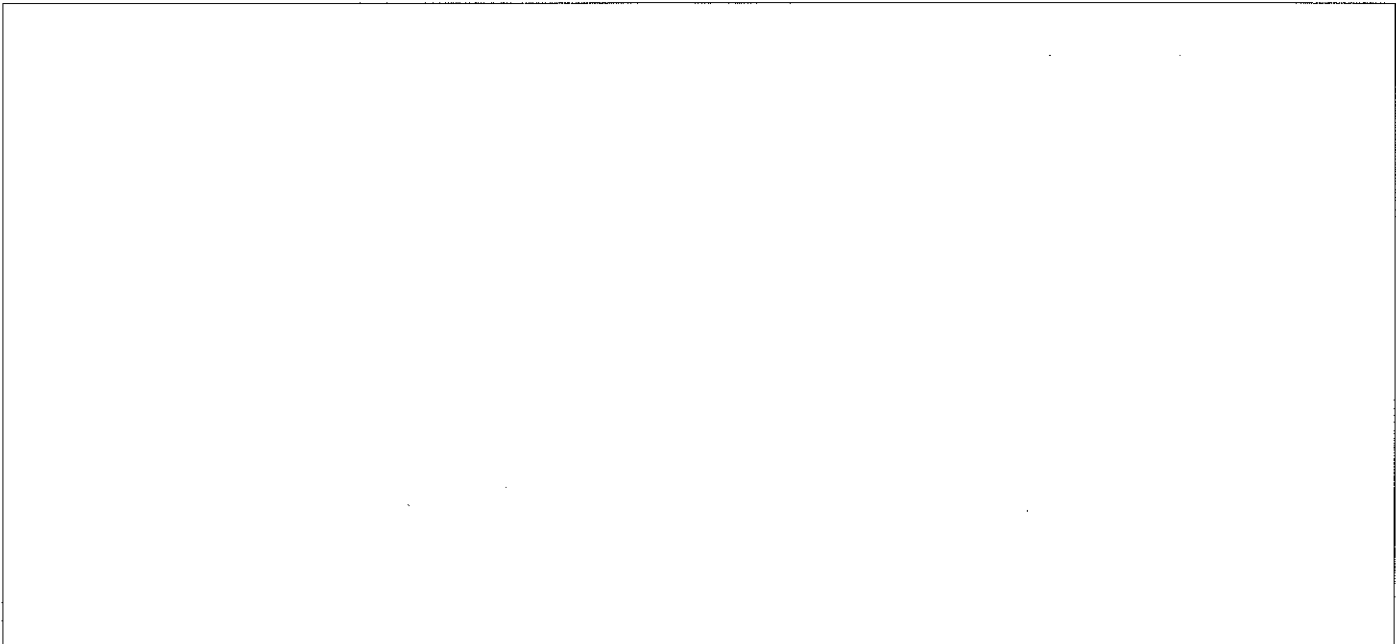
To: Nossel, Suzanne F; IO-HR-DL; DRL-MLGA-M; Legal-HRR-DL; Geneva HRC; Griffiths, Douglas M; 'Busby, Scott W.' <Scott_W_Busby@nss.eop.gov>; Johnston-Gardner, Sarah R (DRL); Salih, Lana L; Fitzpatrick, Kathleen M

Sent: Mon May 31 09:21:03 2010

Subject: URGENT!!! HRC Action re: Gaza Aid Flotilla

NEED GUIDANCE

"SPECIAL SITTING" of HRC to occur Tuesday (tomorrow) afternoon on the Israeli boarding of flotilla.



B5

WE NEED TALKING POINTS ASAP AND WILL NEED POINTS FOR A STATEMENT, IF WE INTEND TO MAKE ONE DURING THIS "SPECIAL SITTING."

Mark Cassayre
Counselor
Political and Specialized Agencies
U.S. Mission to the United Nations and Specialized Agencies
Geneva, Switzerland
Direct tel: +41 22 749-4214
Mobile: +41 79 775-3680
Fax: +41.22.749.4717
cassayremj@state.gov

SBU
This email is UNCLASSIFIED.

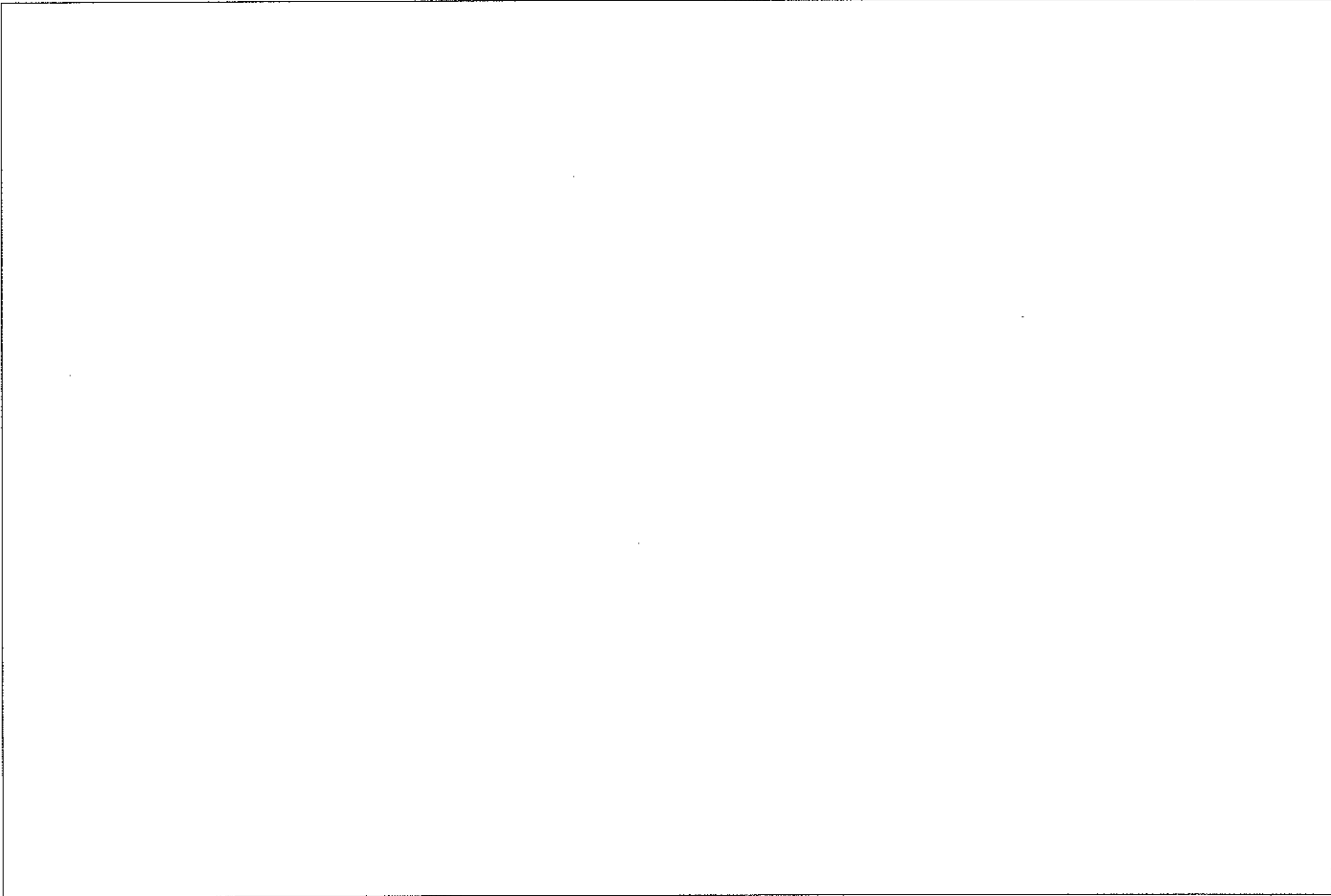
RELEASED IN PART B5

Law, Rosemary C

From: Aswad, Evelyn M
Sent: Monday, May 31, 2010 11:10 AM
To: Schwartz, Jonathan B; Harris, Robert K; Jacobson, Linda; Cleveland, Sarah H; Koh, Harold Hongju
Cc: Khanna, Melanie J; Banos, Mariano H; Perina, Alexandra H; Sullivan, David J; Baumert, Kevin A; Pomper, Stephen E; Townley, Stephen G; Eichensehr, Kristen E; Khanna, Melanie J
Subject: FW: URGENT!!! HRC Action re: Gaza Aid Flotilla

All – As discussed in my earlier e-mail today, the Palestinians will be calling for a special sitting of the HRC tomorrow the Gaza Aid Flotilla and seek to pass a resolution (see below regarding this new twist). Here is IO's draft statement for the discussion portion of the special sitting. We've advised that we are seeking input from other L offices and will get back to them, but gave the following preliminary advice on the statement. Please send your thoughts, if any, within 1-2 hours. THANKS!

Draft Statement:



B5

From: Cassayre, Mark J
Sent: Monday, May 31, 2010 10:02 AM
To: Nossel, Suzanne F; IO-HR-DL; DRL-MLGA-M; Legal-HRR-DL; Geneva HRC; Griffiths, Douglas M; 'Scott_W._Busby@nss.eop.gov'; Johnston-Gardner, Sarah R (DRL); Salih, Lana L; Fitzpatrick, Kathleen M; Connelly,

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer ⁴³

Maura; Goldberger, Thomas H; Giauque, Jeffrey G; Perina, Alexandra H
Subject: Re: URGENT!!! HRC Action re: Gaza Aid Flotilla

All: I just spoke with Pal DPR who confirmed that he will call for a special sitting for tmrw pm. He will also table a resolution tomorrow morning for ACTION TOMORROW EVENING.

Reso will include:

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Saluted courage of those on board vessels

Israel has denied occupation of gaza but acts of last night show that gaza is still under occupation and therefore I'll applies and 4GC applies.

Lift blocade

Israel will do right of reply at end of day.

From: Nossel, Suzanne F

To: Cassayre, Mark J; IO-HR-DL; DRL-MLGA-M; Legal-HRR-DL; Geneva HRC; Griffiths, Douglas M; 'Scott_W_Busby@nss.eop.gov' <Scott_W_Busby@nss.eop.gov>; Johnston-Gardner, Sarah R (DRL); Salih, Lana L; Fitzpatrick, Kathleen M; Connelly, Maura; Goldberger, Thomas H; Giauque, Jeffrey G; Perina, Alexandra H

Sent: Mon May 31 09:29:20 2010

Subject: Re: URGENT!!! HRC Action re: Gaza Aid Flotilla

Adding NEA.

B5

From: Cassayre, Mark J

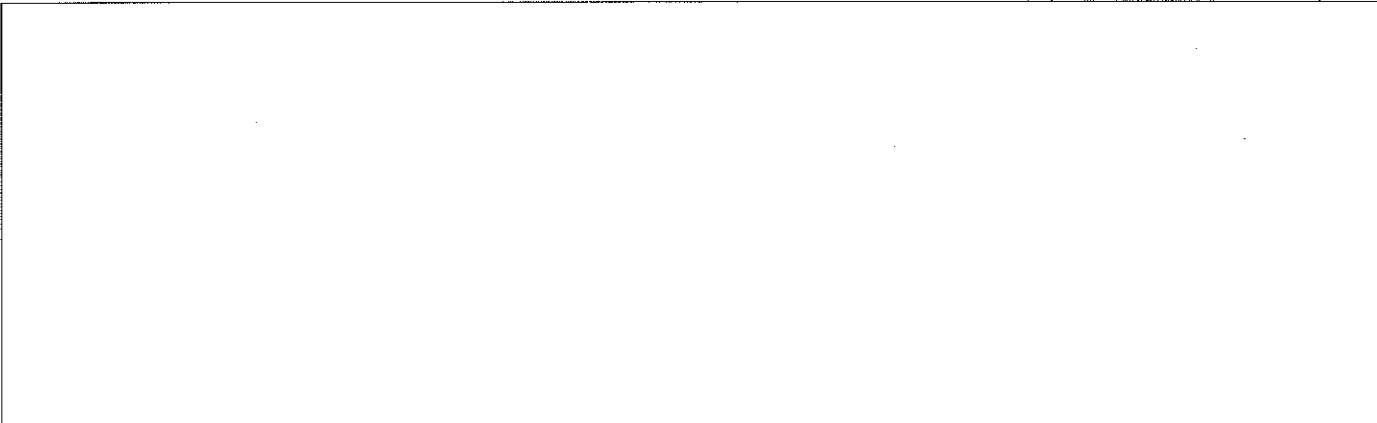
To: Nossel, Suzanne F; IO-HR-DL; DRL-MLGA-M; Legal-HRR-DL; Geneva HRC; Griffiths, Douglas M; 'Busby, Scott W.' <Scott_W_Busby@nss.eop.gov>; Johnston-Gardner, Sarah R (DRL); Salih, Lana L; Fitzpatrick, Kathleen M

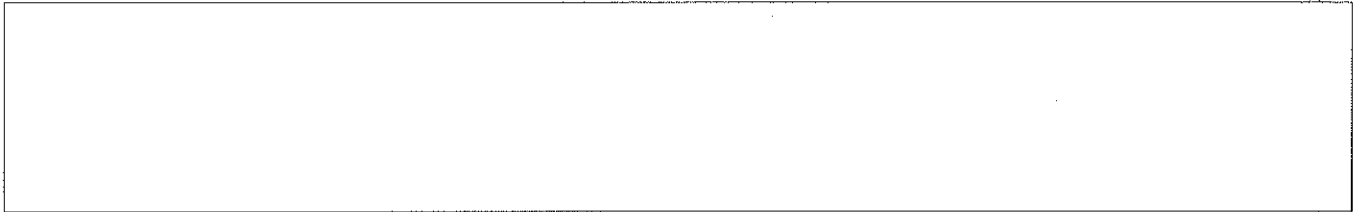
Sent: Mon May 31 09:21:03 2010

Subject: URGENT!!! HRC Action re: Gaza Aid Flotilla

NEED GUIDANCE

"SPECIAL SITTING" of HRC to occur Tuesday (tomorrow) afternoon on the Israeli boarding of flotilla.





B5

WE NEED TALKING POINTS ASAP AND WILL NEED POINTS FOR A STATEMENT, IF WE INTEND TO MAKE ONE DURING THIS "SPECIAL SITTING."

Mark Cassayre
Counselor
Political and Specialized Agencies
U.S. Mission to the United Nations and Specialized Agencies
Geneva, Switzerland
Direct tel: +41 22 749-4214
Mobile: +41 79 775-3680
Fax: +41.22.749.4717
cassayremj@state.gov

SBU
This email is UNCLASSIFIED.

Law, Rosemary C

RELEASED IN
PART B5, B6

From: Aswad, Evelyn M
Sent: Tuesday, June 01, 2010 9:18 PM
To: Knopf, Payton L; Bass, Warren; Wells, Alice G; Anderson, Gerald C; Cue, Lourdes C; 'Daniel_B_Shapiro@nss.eop.gov'; Powell, Catherine; Ashraf, Madeeha S; Aguilera, Patricia; Littlejohn, J.R.; Giauque, Jeffrey G; Goldberger, Thomas H; 'Scott_W_Busby@nss.eop.gov'; 'Prem_G_Kumar@nss.eop.gov'
Cc: Fitzpatrick, Kathleen M; Posner, Michael H; Geneva HRC; Cassidy, Joseph P; DRL-MLGA-DL; Feltman, Jeffrey D; IO-HR-DL; Griffiths, Douglas M; Khanna, Melanie J; Donahoe, Eileen C; Schedlbauer, Amy W; Germain, Ellen J (USUN); Wolff, Alex D (USUN); Nossel, Suzanne F; Ostermeier, Amy A; 'jpcassidy'; Wecker, John A; Legal-HRR-DL; Holmstrom, Todd C; Simon, Jennifer J; Perina, Alexandra H; Schwartz, Jonathan B; Pomper, Stephen E; Cassayre, Mark J; Harris, Robert K; Donoghue, Joan E; Dolan, JoAnn; Jacobson, Linda; Martin, Julie B
Subject: RE: FINAL CLEARANCE needed by 10 pm on [redacted]
Attachments: [redacted]

B6

B5

Please find attached consolidated L suggestions [redacted] for your consideration. EA

From: Knopf, Payton L
Sent: Tuesday, June 01, 2010 7:17 PM
To: Bass, Warren; Wells, Alice G; Anderson, Gerald C; Cue, Lourdes C; 'Daniel_B_Shapiro@nss.eop.gov'; Powell, Catherine; Ashraf, Madeeha S; Aguilera, Patricia; Littlejohn, J.R.; Giauque, Jeffrey G; Goldberger, Thomas H; 'Scott_W_Busby@nss.eop.gov'; 'Prem_G_Kumar@nss.eop.gov'
Cc: Fitzpatrick, Kathleen M; Posner, Michael H; Geneva HRC; Cassidy, Joseph P; DRL-MLGA-DL; Feltman, Jeffrey D; IO-HR-DL; Griffiths, Douglas M; Khanna, Melanie J; Donahoe, Eileen C; Schedlbauer, Amy W; Germain, Ellen J (USUN); Wolff, Alex D (USUN); Nossel, Suzanne F; Ostermeier, Amy A; 'jpcassidy'; Wecker, John A; Aswad, Evelyn M; Legal-HRR-DL; Holmstrom, Todd C; Simon, Jennifer J; Perina, Alexandra H; Schwartz, Jonathan B; Pomper, Stephen E; Cassayre, Mark J
Subject: RE: FINAL CLEARANCE needed by 10 pm on [redacted]

B6

B5

Few edits to reflect the Secretary's comments earlier this afternoon.

From: Bass, Warren
Sent: Tuesday, June 01, 2010 8:07 PM
To: Wells, Alice G; Anderson, Gerald C; Cue, Lourdes C; 'Daniel_B_Shapiro@nss.eop.gov'; Powell, Catherine; Ashraf, Madeeha S; Aguilera, Patricia; Littlejohn, J.R.; Giauque, Jeffrey G; Knopf, Payton L; Goldberger, Thomas H; 'Scott_W_Busby@nss.eop.gov'; 'Prem_G_Kumar@nss.eop.gov'
Cc: Fitzpatrick, Kathleen M; Posner, Michael H; Geneva HRC; Cassidy, Joseph P; DRL-MLGA-DL; Feltman, Jeffrey D; IO-HR-DL; Griffiths, Douglas M; Khanna, Melanie J; Donahoe, Eileen C; Schedlbauer, Amy W; Germain, Ellen J (USUN); Wolff, Alex D (USUN); Nossel, Suzanne F; Ostermeier, Amy A; 'jpcassidy'; Wecker, John A; Aswad, Evelyn M; Legal-HRR-DL; Holmstrom, Todd C; Simon, Jennifer J; Perina, Alexandra H; Schwartz, Jonathan B; Pomper, Stephen E; Cassayre, Mark J
Subject: RE: FINAL CLEARANCE needed by 10 pm on [redacted]

B6

B5

All, Erica Barks-Ruggles and I clear for USUN/W with the following edits. We'd also welcome comments from Ambassador Wolff, who's been deep in the trenches on this one in New York, should he want to weigh in.

Thanks much.
Warren

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

From: Wells, Alice G

Sent: Tuesday, June 01, 2010 7:41 PM

To: Anderson, Gerald C; Cue, Lourdes C; 'Daniel_B._Shapiro@nss.eop.gov'; Bass, Warren; Powell, Catherine; Ashraf, Madeeha S; Aguilera, Patricia; Littlejohn, J.R.; Giauque, Jeffrey G; Knopf, Payton L; Goldberger, Thomas H; 'Scott_W._Busby@nss.eop.gov'; 'Prem_G._Kumar@nss.eop.gov'

Cc: Fitzpatrick, Kathleen M; Posner, Michael H; Geneva HRC; Cassidy, Joseph P; DRL-MLGA-DL; Feltman, Jeffrey D; IO-HR-DL; Griffiths, Douglas M; Khanna, Melanie J; Donahoe, Eileen C; Schedlbauer, Amy W; Germain, Ellen J (USUN); Wolff, Alex D (USUN); Nossel, Suzanne F; Ostermeier, Amy A; 'jpcassidy[redacted]'; Wecker, John A; Aswad, Evelyn M; Legal-HRR-DL; Holmstrom, Todd C; Simon, Jennifer J; Perina, Alexandra H; Schwartz, Jonathan B; Pomper, Stephen E; Cassayre, Mark J

Subject: RE: FINAL CLEARANCE needed by 10 pm on [redacted]

B6

B5

Gerald – P made the attached edits. Thx, Alice

From: Anderson, Gerald C

Sent: Tuesday, June 01, 2010 7:09 PM

To: Cue, Lourdes C; 'Daniel_B._Shapiro@nss.eop.gov'; Bass, Warren; Powell, Catherine; Ashraf, Madeeha S; Aguilera, Patricia; Littlejohn, J.R.; Giauque, Jeffrey G; Knopf, Payton L; Goldberger, Thomas H; 'Scott_W._Busby@nss.eop.gov'; 'Prem_G._Kumar@nss.eop.gov'

Cc: Fitzpatrick, Kathleen M; Posner, Michael H; Geneva HRC; Cassidy, Joseph P; DRL-MLGA-DL; Feltman, Jeffrey D; IO-HR-DL; Wells, Alice G; Griffiths, Douglas M; Khanna, Melanie J; Donahoe, Eileen C; Schedlbauer, Amy W; Germain, Ellen J (USUN); Wolff, Alex D (USUN); Nossel, Suzanne F; Ostermeier, Amy A; 'jpcassidy[redacted]'; Wecker, John A; Aswad, Evelyn M; Legal-HRR-DL; Holmstrom, Todd C; Simon, Jennifer J; Perina, Alexandra H; Schwartz, Jonathan B; Pomper, Stephen E; Cassayre, Mark J

Subject: FINAL CLEARANCE needed by 10 pm on [redacted]

B6

B5

[Redacted content]

[Redacted content]

Please copy me, Suzanne Nossel, and Amy Ostermeier on your responses.

With thanks,

Gerald C. Anderson
Principal Deputy Assistant Secretary
Bureau of International Organization Affairs
Room 6323
U.S. Department of State
Washington, DC 20520
Office: 202-647-9602



Law, Rosemary C

RELEASED IN
PART B5, B6

From: Aswad, Evelyn M
Sent: Tuesday, June 01, 2010 7:24 PM
To: Dolan, JoAnn; Jacobson, Linda; Pomper, Stephen E; Perina, Alexandra H
Cc: Banos, Mariano H; Harris, Robert K; Donoghue, Joan E; Schwartz, Jonathan B
Subject: FW: FINAL CLEARANCE needed by 10 pm on [redacted]
Attachments: 2010-06-01 HRC 14. Flotilla EOv-revised 6 pm.docx; 2010-06-01 HRC 14. Flotilla RESO 1.doc

B5

Dear L/AN and L/PM: Please send to Mariano and me your comments, if any, [redacted] by 9:30 pm tonight. Thank you, Evelyn

B5

From: Anderson, Gerald C
Sent: Tuesday, June 01, 2010 7:09 PM
To: Cue, Lourdes C; 'Daniel_B._Shapiro@nss.eop.gov'; Bass, Warren; Powell, Catherine; Ashraf, Madeeha S; Aguilera, Patricia; Littlejohn, J.R.; Giaque, Jeffrey G; Knopf, Payton L; Goldberger, Thomas H; 'Scott_W._Busby@nss.eop.gov'; 'Prem_G._Kumar@nss.eop.gov'
Cc: Fitzpatrick, Kathleen M; Posner, Michael H; Geneva HRC; Cassidy, Joseph P; DRL-MLGA-DL; Feltman, Jeffrey D; IO-HR-DL; Wells, Alice G; Griffiths, Douglas M; Khanna, Melanie J; Donahoe, Eileen C; Schedlbauer, Amy W; Germain, Ellen J (USUN); Wolff, Alex D (USUN); Nossel, Suzanne F; Ostermeier, Amy A; 'jpcassidy@[redacted]'; Wecker, John A; Aswad, Evelyn M; Legal-HRR-DL; Holmstrom, Todd C; Simon, Jennifer J; Perina, Alexandra H; Schwartz, Jonathan B; Pomper, Stephen E; Cassayre, Mark J
Subject: FINAL CLEARANCE needed by 10 pm on instructions to Geneva for [redacted]

B6

B5

B5

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

With thanks,

Gerald C. Anderson
Principal Deputy Assistant Secretary
Bureau of International Organization Affairs
Room 6323
U.S. Department of State
Washington, DC 20520
Office: 202-647-9602



Law, Rosemary C

RELEASED IN
PART B5, B6

From: Aswad, Evelyn M
Sent: Tuesday, June 01, 2010 11:29 AM
To: Martin, Julie B
Cc: Banos, Mariano H; Dolan, JoAnn; Perina, Alexandra H; Pomper, Stephen E; Jacobson, Linda; Harris, Robert K
Subject: FW: HRC Gaza resolution - status of negotiations
Attachments: The Grave Attacks by Israeli Forces Against the Humanitarian Boat Convoy.doc

L ONLY E-MAIL CHAIN

[Redacted]

B5

From: Cassayre, Mark J
Sent: Tuesday, June 01, 2010 9:33 AM
To: 'Shapiro, Daniel B.'; Powell, Catherine; Ostermeier, Amy A; Bass, Warren; Nossel, Suzanne F; jpcassidy[]; Ashraf, Madeeha S; Cue, Lourdes C; Aguilera, Patricia; Littlejohn, J.R.; Wecker, John A; Aswad, Evelyn M; Giauque, Jeffrey G; Knopf, Payton L; Legal-HRR-DL; Goldberger, Thomas H; Holmstrom, Todd C; Simon, Jennifer J; Busby, Scott W.; Perina, Alexandra H; Schwartz, Jonathan B; Pomper, Stephen E; Donahoe, Eileen C; Khanna, Melanie J; Griffiths, Douglas M; Kumar, Prem G.; Wolff, Alex D (USUN); Germain, Ellen J (USUN); Schedlbauer, Amy W
Cc: Fitzpatrick, Kathleen M; Posner, Michael H; Geneva HRC; Cassidy, Joseph P; DRL-MLGA-DL; Anderson, Gerald C; Feltman, Jeffrey D; IO-HR-DL; Martin, Julie B
Subject: HRC Gaza resolution - status of negotiations

B6

[Redacted]

B5

From: Shapiro, Daniel B. [mailto:Daniel_B._Shapiro@nss.eop.gov]
Sent: Tuesday, June 01, 2010 2:58 PM

To: Powell, Catherine; Ostermeier, Amy A; Bass, Warren; Nossel, Suzanne F; jpcassidy[]; Ashraf, Madeeha S; Cue, Lourdes C; Aguilera, Patricia; Littlejohn, J.R.; Wecker, John A; Aswad, Evelyn M; Giauque, Jeffrey G; Knopf,

B6

REVIEW AUTHORITY: Sharon Ahmad, Senior

Payton L; Legal-HRR-DL; Goldberger, Thomas H; Holmstrom, Todd C; Simon, Jennifer J; Busby, Scott W.; Perina, Alexandra H; Schwartz, Jonathan B; Pomper, Stephen E; Donahoe, Eileen C; Cassayre, Mark J; Khanna, Melanie J; Griffiths, Douglas M; Kumar, Prem G.; Wolff, Alex D (USUN); Germain, Ellen J (USUN); Schedlbauer, Amy W
Cc: Fitzpatrick, Kathleen M; Posner, Michael H; Geneva HRC; Cassidy, Joseph P; DRL-MLGA-DL; Anderson, Gerald C; Feltman, Jeffrey D; IO-HR-DL

Subject: RE: [redacted] - clearance by 10 AM EST

B5

Will we be able to get the Europeans to vote with us?

From: Powell, Catherine [mailto:PowellC@state.gov]

Sent: Tuesday, June 01, 2010 8:56 AM

To: Ostermeier, Amy A; Bass, Warren; Nossel, Suzanne F; jpcassidy [redacted]; Ashraf, Madeeha S; Cue, Lourdes C; Aguilera, Patricia; Littlejohn, J.R.; Wecker, John A; Aswad, Evelyn M; Giauque, Jeffrey G; Knopf, Payton L; Legal-HRR-DL; Goldberger, Thomas H; Holmstrom, Todd C; Simon, Jennifer J; Busby, Scott W.; Perina, Alexandra H; Schwartz, Jonathan B; Pomper, Stephen E; Donahoe, Eileen C; Cassayre, Mark J; Khanna, Melanie J; Griffiths, Douglas M; Shapiro, Daniel B.; Kumar, Prem G.; Wolff, Alex D (USUN); Germain, Ellen J (USUN); Schedlbauer, Amy W

B6

Cc: Fitzpatrick, Kathleen M; Posner, Michael H; Geneva HRC; Cassidy, Joseph P; DRL-MLGA-DL; Anderson, Gerald C; Feltman, Jeffrey D; IO-HR-DL

Subject: Re: [redacted] - clearance by 10 AM EST

B5

Looping in Bill Burke-White and Dafna Rand for S/P.

From: Ostermeier, Amy A

To: Bass, Warren; Nossel, Suzanne F; 'jpcassidy [redacted]' <jpcassidy [redacted]>; Ashraf, Madeeha S; Cue, Lourdes C; Aguilera, Patricia; Littlejohn, J.R.; Wecker, John A; Powell, Catherine; Aswad, Evelyn M; Giauque, Jeffrey G; Knopf, Payton L; Legal-HRR-DL; Goldberger, Thomas H; Holmstrom, Todd C; Simon, Jennifer J; 'scott_w._busby@nss.eop.gov' <scott_w._busby@nss.eop.gov>; Perina, Alexandra H; Schwartz, Jonathan B; Pomper, Stephen E; Donahoe, Eileen C; Cassayre, Mark J; Khanna, Melanie J; Griffiths, Douglas M; 'dshapiro@nsc.eop.gov' <dshapiro@nsc.eop.gov>; 'Prem_G._Kumar@nsc.eop.gov' <Prem_G._Kumar@nsc.eop.gov>; Wolff, Alex D (USUN); Germain, Ellen J (USUN); Schedlbauer, Amy W

B6

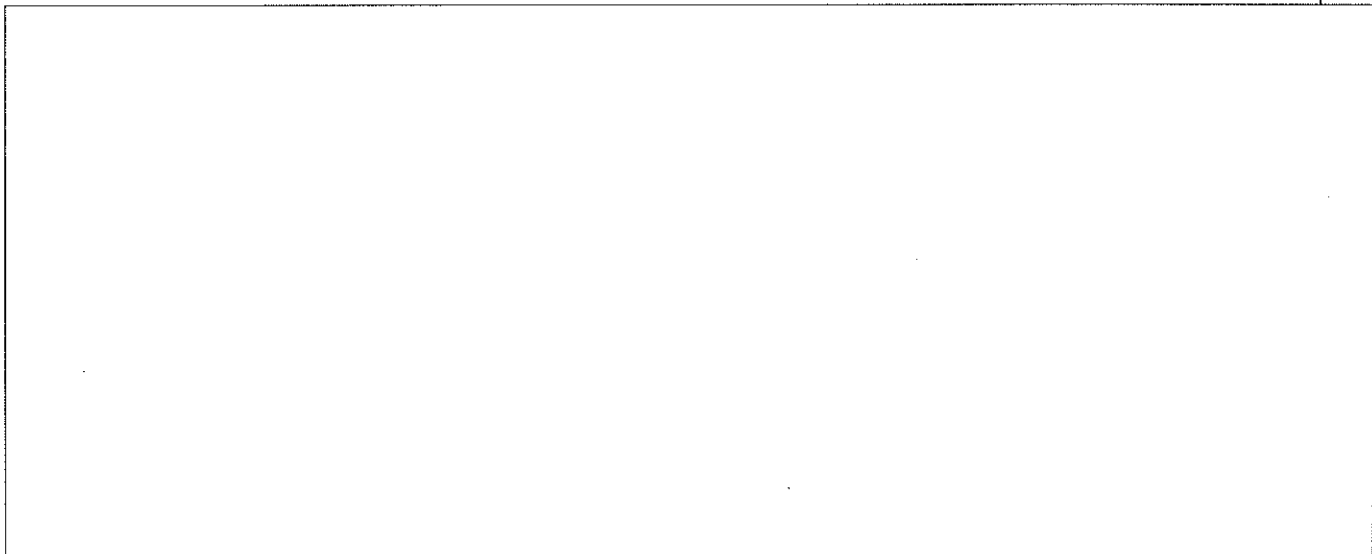
Cc: Fitzpatrick, Kathleen M; Posner, Michael H; Geneva HRC; Cassidy, Joseph P; DRL-MLGA-DL; Anderson, Gerald C; Feltman, Jeffrey D; IO-HR-DL

Sent: Tue Jun 01 08:49:16 2010

Subject: [redacted] clearance by 10 AM EST

B5

Thanks to Warren and Scott for their suggestions. [redacted]
in the attached (tracked).



[Redacted]

B5

Many thanks,

Amy

Amy A. Ostermeier, Deputy Director
Bureau of International Organization Affairs
Office of Human Rights (IO/HR)
(ph) 202-647-3901
(fx) 202-647-4628
ostermeieraa@state.gov

From: Bass, Warren
Sent: Tuesday, June 01, 2010 7:38 AM
To: Nossel, Suzanne F; 'jpcassidy([Redacted]); Ashraf, Madeeha S; Cue, Lourdes C; Aguilera, Patricia; Littlejohn, J.R.; Wecker, John A; Powell, Catherine; Ostermeier, Amy A; Aswad, Evelyn M; Giauque, Jeffrey G; Knopf, Payton L; Legal-HRR-DL; Goldberger, Thomas H; Holmstrom, Todd C; Simon, Jennifer J; 'scott_w._busby@nss.eop.gov'; Perina, Alexandra H; Schwartz, Jonathan B; Pomper, Stephen E; Donahoe, Eileen C; Cassayre, Mark J; Khanna, Melanie J; Griffiths, Douglas M; 'dshapiro@nsc.eop.gov'; 'Prem_G._Kumar@nsc.eop.gov'; Wolff, Alex D (USUN); Germain, Ellen J (USUN); Schedibauer, Amy W
Cc: Fitzpatrick, Kathleen M; Posner, Michael H; Geneva HRC; Cassidy, Joseph P; DRL-MLGA-DL
Subject: Re: [Redacted] clearance by 10 AM EST

B6

Adding USUN/NY and NSC/NENA [Redacted]

B5

From: Nossel, Suzanne F
To: 'jpcassidy([Redacted])' <jpcassidy([Redacted])>; Ashraf, Madeeha S; Cue, Lourdes C; Aguilera, Patricia; Littlejohn, J.R.; Wecker, John A; Powell, Catherine; Ostermeier, Amy A; Aswad, Evelyn M; Giauque, Jeffrey G; Knopf, Payton L; Legal-HRR-DL; Goldberger, Thomas H; Holmstrom, Todd C; Simon, Jennifer J; Bass, Warren; 'scott_w._busby@nss.eop.gov' <scott_w._busby@nss.eop.gov>; Perina, Alexandra H; Schwartz, Jonathan B; Pomper, Stephen E; Donahoe, Eileen C; Cassayre, Mark J; Khanna, Melanie J; Griffiths, Douglas M
Cc: Fitzpatrick, Kathleen M; Posner, Michael H; Geneva HRC; Cassidy, Joseph P; DRL-MLGA-DL
Sent: Mon May 31 23:32:34 2010
Subject: [Redacted] clearance by 10 AM EST

B6

B5

[Redacted] Please provide your comments/clearance copying Amy Ostermeier, no later than 10. This must be ready for delivery by 11 AM EST/5PM Geneva time. We will confer with Geneva first thing tomorrow on late breaking developments that may affect our approach.

Many thanks,
Suzanne

[Redacted]

B5



From: Joseph Cassidy <jpcassidy[redacted]>
To: Ashraf, Madeeha S; Cue, Lourdes C; Aguilera, Patricia; Littlejohn, J.R.; Wecker, John A; Powell, Catherine; Ostermeier, Amy A; Aswad, Evelyn M; Giaouque, Jeffrey G; Knopf, Payton L; Legal-HRR-DL; Goldberger, Thomas H; Holmstrom, Todd C; Simon, Jennifer J; Bass, Warren; scott_w._busby@nss.eop.gov <scott_w._busby@nss.eop.gov>; Perina, Alexandra H; Schwartz, Jonathan B; Pomper, Stephen E
Cc: Fitzpatrick, Kathleen M; Nossel, Suzanne F; Posner, Michael H; Geneva HRC; Cassidy, Joseph P; jpcassidy[redacted] <jpcassidy[redacted]>; DRL-MLGA-DL
Sent: Mon May 31 16:37:03 2010
Subject: URGENT -- Clearance needed Monday afternoon

B6



B5

Thanks, Joe

(begin text)

B5

Thank you.

RELEASED IN PART B5,B6

Law, Rosemary C

From: Aswad, Evelyn M
Sent: Tuesday, June 01, 2010 9:42 AM
To: Donoghue, Joan E; Schwartz, Jonathan B; Dolan, JoAnn; Jacobson, Linda; Pomper, Stephen E; Perina, Alexandra H
Cc: Banos, Mariano H; Martin, Julie B; Harris, Robert K
Subject: FW: Use this version. Instruction and EOV for HRC vote - clearance by 10 AM EST
Attachments: 2010-06-01 HRC 14. Flotilla EOV.docx; 2010-06-01 HRC 14. Flotilla RESO 1.doc
Importance: High

Can folks please send to Mariano and me your comments on this explanation of vote in the next 30 minutes? (This assumes the HRC text does not get better, that we vote no, and that we read the attached statement at the time of the vote. This is the most likely scenario.) Thanks, EA

From: Ostermeier, Amy A
Sent: Tuesday, June 01, 2010 8:56 AM
To: Ostermeier, Amy A; Bass, Warren; Nossel, Suzanne F; 'jpcassidy[redacted]'; Ashraf, Madeeha S; Cue, Lourdes C; Aguilera, Patricia; Littlejohn, J.R.; Wecker, John A; Powell, Catherine; Aswad, Evelyn M; Giauque, Jeffrey G; Knopf, Payton L; Legal-HRR-DL; Goldberger, Thomas H; Holmstrom, Todd C; Simon, Jennifer J; 'scott_w._busby@nss.eop.gov'; Perina, Alexandra H; Schwartz, Jonathan B; Pomper, Stephen E; Donahoe, Eileen C; Cassayre, Mark J; Khanna, Melanie J; Griffiths, Douglas M; 'dshapiro@nsc.eop.gov'; 'Prem_G._Kumar@nsc.eop.gov'; Wolff, Alex D (USUN); Germain, Ellen J (USUN); Schedlbauer, Amy W
Cc: Fitzpatrick, Kathleen M; Posner, Michael H; Geneva HRC; Cassidy, Joseph P; DRL-MLGA-DL; Anderson, Gerald C; Feltman, Jeffrey D; IO-HR-DL
Subject: Use this version. Instruction and EOV for HRC vote - clearance by 10 AM EST
Importance: High

B6

Apologies. THIS version includes NSC edits.

Thanks,

Amy

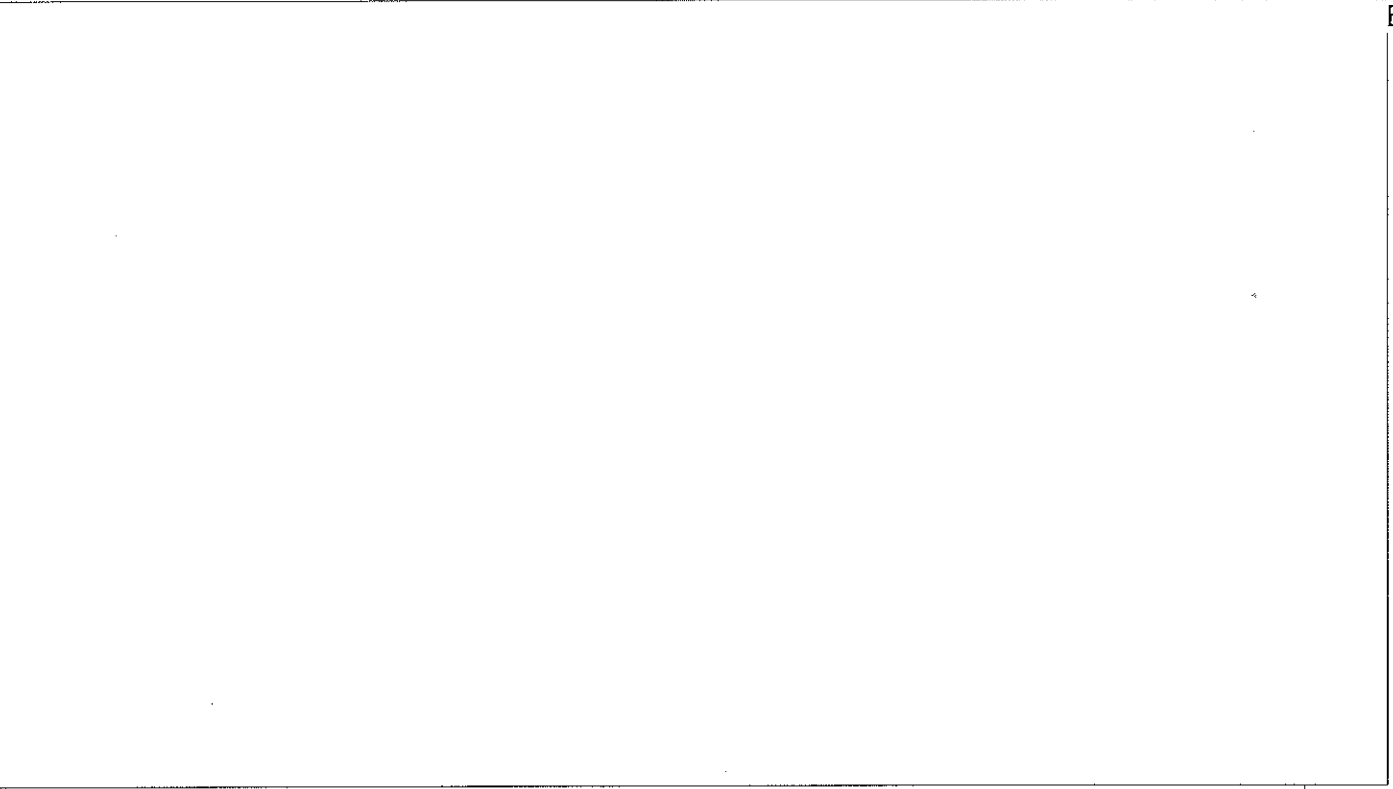
Amy A. Ostermeier, Deputy Director
Bureau of International Organization Affairs
Office of Human Rights (IO/HR)
(ph) 202-647-3901
(fx) 202-647-4628
ostermeieraa@state.gov

From: Ostermeier, Amy A
Sent: Tuesday, June 01, 2010 8:49 AM
To: Bass, Warren; Nossel, Suzanne F; 'jpcassidy[redacted]'; Ashraf, Madeeha S; Cue, Lourdes C; Aguilera, Patricia; Littlejohn, J.R.; Wecker, John A; Powell, Catherine; Aswad, Evelyn M; Giauque, Jeffrey G; Knopf, Payton L; Legal-HRR-DL; Goldberger, Thomas H; Holmstrom, Todd C; Simon, Jennifer J; 'scott_w._busby@nss.eop.gov'; Perina, Alexandra H; Schwartz, Jonathan B; Pomper, Stephen E; Donahoe, Eileen C; Cassayre, Mark J; Khanna, Melanie J; Griffiths, Douglas M; 'dshapiro@nsc.eop.gov'; 'Prem_G._Kumar@nsc.eop.gov'; Wolff, Alex D (USUN); Germain, Ellen J (USUN); Schedlbauer, Amy W
Cc: Fitzpatrick, Kathleen M; Posner, Michael H; Geneva HRC; Cassidy, Joseph P; DRL-MLGA-DL; Anderson, Gerald C; Feltman, Jeffrey D; IO-HR-DL
Subject: Instruction and EOV for HRC vote - clearance by 10 AM EST
Importance: High

B6

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

B5



Many thanks,

Amy

Amy A. Ostermeier, Deputy Director
Bureau of International Organization Affairs
Office of Human Rights (IO/HR)
(ph) 202-647-3901
(fx) 202-647-4628
ostermeieraa@state.gov

From: Bass, Warren
Sent: Tuesday, June 01, 2010 7:38 AM
To: Nossel, Suzanne F; 'jpcassidy[redacted]'; Ashraf, Madeeha S; Cue, Lourdes C; Aguilera, Patricia; Littlejohn, J.R.; Wecker, John A; Powell, Catherine; Ostermeier, Amy A; Aswad, Evelyn M; Giauque, Jeffrey G; Knopf, Payton L; Legal-HRR-DL; Goldberger, Thomas H; Holmstrom, Todd C; Simon, Jennifer J; 'scott_w._busby@nss.eop.gov'; Perina, Alexandra H; Schwartz, Jonathan B; Pomper, Stephen E; Donahoe, Eileen C; Cassayre, Mark J; Khanna, Melanie J; Griffiths, Douglas M; 'dshapiro@nsc.eop.gov'; 'Prem_G._Kumar@nsc.eop.gov'; Wolff, Alex D (USUN); Germain, Ellen J (USUN); Schedlbauer, Amy W
Cc: Fitzpatrick, Kathleen M; Posner, Michael H; Geneva HRC; Cassidy, Joseph P; DRL-MLGA-DL
Subject: Re: Instruction and EOV for HRC vote tomorrow - clearance by 10 AM EST

B6

Adding USUN/NY and NSC/NENA [redacted]

B5

From: Nossel, Suzanne F
To: 'jpcassidy[redacted]'; '<jpcassidy[redacted]>'; Ashraf, Madeeha S; Cue, Lourdes C; Aguilera, Patricia; Littlejohn, J.R.; Wecker, John A; Powell, Catherine; Ostermeier, Amy A; Aswad, Evelyn M; Giauque, Jeffrey G; Knopf, Payton L; Legal-HRR-DL; Goldberger, Thomas H; Holmstrom, Todd C; Simon, Jennifer J; Bass, Warren; 'scott_w._busby@nss.eop.gov' <scott_w._busby@nss.eop.gov>; Perina, Alexandra H; Schwartz, Jonathan B; Pomper, Stephen E; Donahoe, Eileen C; Cassayre, Mark J; Khanna, Melanie J; Griffiths, Douglas M
Cc: Fitzpatrick, Kathleen M; Posner, Michael H; Geneva HRC; Cassidy, Joseph P; DRL-MLGA-DL

B6

Sent: Mon May 31 23:32:34 2010

Subject: Instruction and EOV for HRC vote tomorrow - clearance by 10 AM EST

B5

The Grave Attacks by Israeli Forces Against the Humanitarian Boat Convoy

Guided by the purposes and the principles of the United Nations Charter, as well as by the provisions of the Universal Declaration for Human Rights,

Taking into consideration the provisions of the Fourth Geneva Convention for the protection of civilian persons in times of war of 12 August 1949,

Emphasizing the importance of the safety and well-being of all civilians including humanitarian personnel,

Expressing grave concern also at the deepening humanitarian crisis in Occupied Gaza,

Emphasizing the need to ensure sustained and regular flow of goods and people into Occupied Gaza and welcoming the initiatives aimed at creating and opening humanitarian corridors and other mechanisms for the sustained delivery of humanitarian aid;

1. Condemns in the strongest terms possible the outrageous attack by the Israeli forces against the humanitarian flotilla of ships which resulted in the killing and injuring of many innocent civilians from different countries;
2. Deeply deplores the loss of life of innocent civilians and expresses its deepest sympathy and condolences to the victims and their families;
3. Requests the ICRC to seek and provide information on the whereabouts status and condition of the detained and injured persons
4. Demands the Occupying Power Israel to immediately release all detained men and material and facilitate their safe return to their homelands.
5. Calls upon the Occupying power Israel to ensure the unimpeded provision of humanitarian assistance, including of food, fuel and medical treatment to the occupied Gaza strip;
6. Welcomes the statements of the Secretary General UN and the High Commissioner for Human Rights condemning the Israeli attacks and calls for the full accountability and credible independent inquiries into these attacks.
7. Decides to dispatch an independent international fact finding mission to investigate violations of international law resulting from the Israeli attacks on the flotilla of ships carrying humanitarian assistance.
8. Decides to remain seized of this matter.

From: Joseph Cassidy <jpcassidy[redacted]>
To: Ashraf, Madeeha S; Cue, Lourdes C; Aguilera, Patricia; Littlejohn, J.R.; Wecker, John A; Powell, Catherine; Ostermeier, Amy A; Aswad, Evelyn M; Giauque, Jeffrey G; Knopf, Payton L; Legal-HRR-DL; Goldberger, Thomas H; Holmstrom, Todd C; Simon, Jennifer J; Bass, Warren; scott_w._busby@nss.eop.gov <scott_w._busby@nss.eop.gov>; Perina, Alexandra H; Schwartz, Jonathan B; Pomper, Stephen E
Cc: Fitzpatrick, Kathleen M; Nossel, Suzanne F; Posner, Michael H; Geneva HRC; Cassidy, Joseph P; jpcassidy[redacted] <jpcassidy[redacted]>; DRL-MLGA-DL
Sent: Mon May 31 16:37:03 2010
Subject: URGENT -- Clearance needed Monday afternoon

B6

I ask that you review and clear this statement, which will be delivered tomorrow morning by Ambassador Donohoe at a special event within this UN Human Rights Council session, as soon as possible. [redacted]

B5

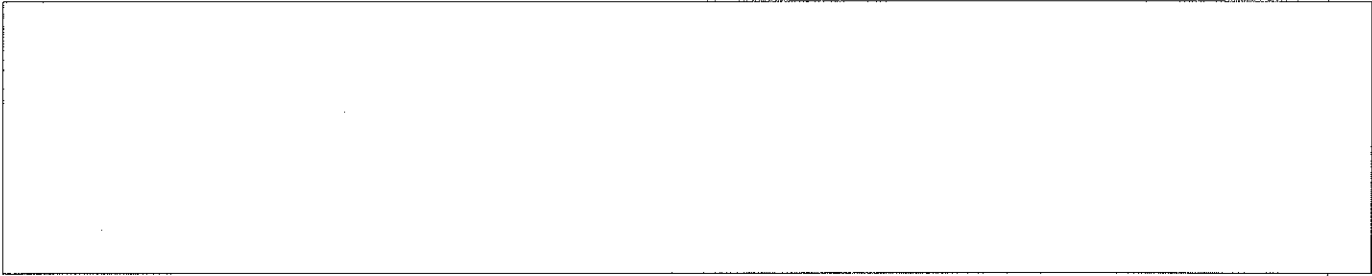
Thanks, Joe

(begin text)

**Statement by Ambassador Eileen Donohoe on the Flotilla Incident
for the Human Rights Council special session, June 1, 2010**

Thank you, Mr. President.

B5



Thank you.

Law, Rosemary C

RELEASED IN PART
B5

From: Aswad, Evelyn M
Sent: Monday, May 31, 2010 12:56 PM
To: Schwartz, Jonathan B; Jacobson, Linda; Dolan, JoAnn; Buchwald, Todd F; Pomper, Stephen E; Harris, Robert K; Baumert, Kevin A; Donoghue, Joan E
Cc: Banos, Mariano H; Khanna, Melanie J; Martin, Julie B
Subject: FW: Israeli Rt of Reply at HRC today re: Gaza Aid Flotilla
Attachments: Document.pdf

AttachmentsClassification:

Classification: UNCLASSIFIED
SensitivityCode: Sensitive

Looping in Joan. EA

From: Aswad, Evelyn M
Sent: Monday, May 31, 2010 11:50 AM
To: Schwartz, Jonathan B; Jacobson, Linda; Dolan, JoAnn; Buchwald, Todd F; Pomper, Stephen E; Harris, Robert K; Baumert, Kevin A
Cc: Banos, Mariano H; Khanna, Melanie J; Martin, Julie B
Subject: FW: Israeli Rt of Reply at HRC today re: Gaza Aid Flotilla

FYI

From: Cassayre, Mark J
Sent: Monday, May 31, 2010 11:46 AM
To: Cassayre, Mark J; Nossel, Suzanne F; IO-HR-DL; DRL-MLGA-M; Legal-HRR-DL; Geneva HRC; Griffiths, Douglas M; 'Scott_W_Busby@nss.eop.gov'; Johnston-Gardner, Sarah R (DRL); Salih, Lana L; Fitzpatrick, Kathleen M; Connelly, Maura; Goldberger, Thomas H; Giauque, Jeffrey G; Perina, Alexandra H
Subject: Israeli Rt of Reply at HRC today re: Gaza Aid Flotilla

Ambassador Yaar delivered this statement this afternoon at the HRC.

SBU
This email is UNCLASSIFIED.

From: Cassayre, Mark J
Sent: Monday, May 31, 2010 5:02 PM
To: Nossel, Suzanne F; IO-HR-DL; DRL-MLGA-M; Legal-HRR-DL; Geneva HRC; Griffiths, Douglas M; 'Scott_W_Busby@nss.eop.gov'; Johnston-Gardner, Sarah R (DRL); Salih, Lana L; Fitzpatrick, Kathleen M; Connelly, Maura; Goldberger, Thomas H; Giauque, Jeffrey G; Perina, Alexandra H
Subject: Re: URGENT!!! HRC Action re: Gaza Aid Flotilla

All: I just spoke with Pal DPR who confirmed that he will call for a special sitting for tmrw pm. He will also table a resolution tomorrow morning for ACTION TOMORROW EVENING.

Reso will include:
- condemnation
- call for protection by israel / respect for I'll

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

- call for international investigation

He said that "the Israelis have made it hard on us and we will make it hard on them."

During his statement Imad spoke in Arabic (he frequently does interventions in English). He made points:

Premeditated crime

Violations of occupying power

Saluted courage of those on board vessels

Israel has denied occupation of Gaza but acts of last night show that Gaza is still under occupation and therefore I'll apply and 4GC applies.

Lift blockade

Israel will do right of reply at end of day.

From: Nossel, Suzanne F
To: Cassayre, Mark J; IO-HR-DL; DRL-MLGA-M; Legal-HRR-DL; Geneva HRC; Griffiths, Douglas M; 'Scott_W._Busby@nss.eop.gov' <Scott_W._Busby@nss.eop.gov>; Johnston-Gardner, Sarah R (DRL); Salih, Lana L; Fitzpatrick, Kathleen M; Connelly, Maura; Goldberger, Thomas H; Giauque, Jeffrey G; Perina, Alexandra H
Sent: Mon May 31 09:29:20 2010
Subject: Re: URGENT!!! HRC Action re: Gaza Aid Flotilla

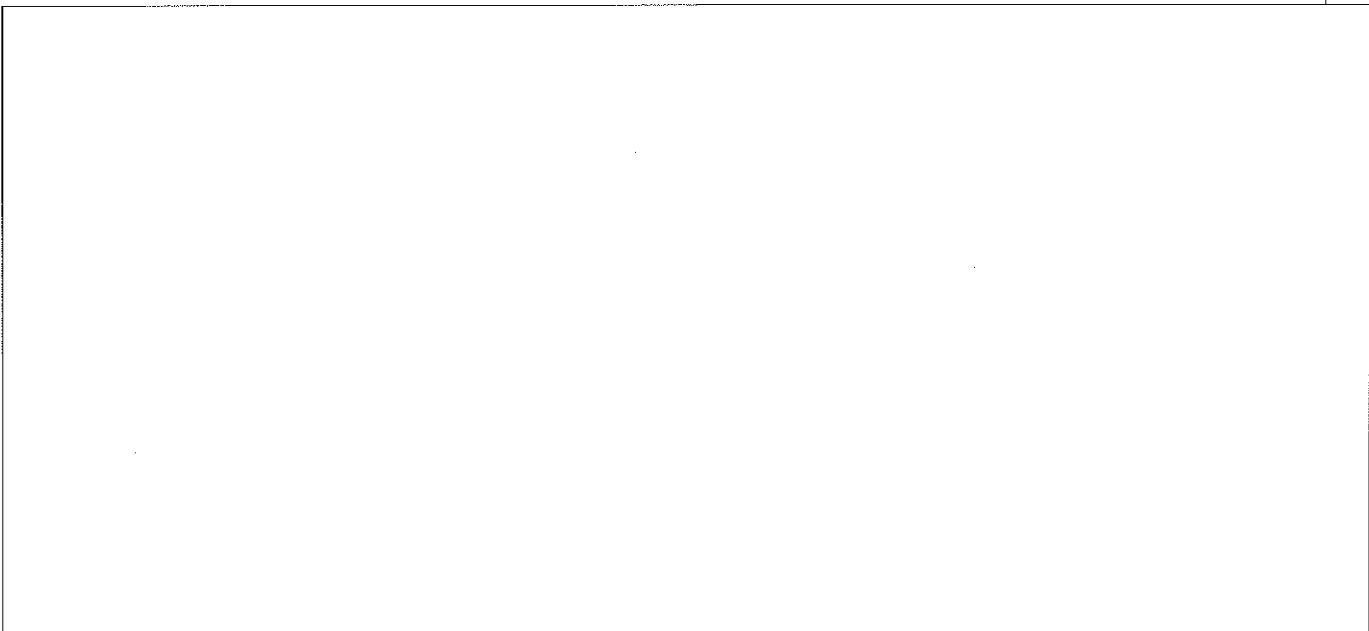
Adding NEA.

B5

From: Cassayre, Mark J
To: Nossel, Suzanne F; IO-HR-DL; DRL-MLGA-M; Legal-HRR-DL; Geneva HRC; Griffiths, Douglas M; 'Busby, Scott W.' <Scott_W._Busby@nss.eop.gov>; Johnston-Gardner, Sarah R (DRL); Salih, Lana L; Fitzpatrick, Kathleen M
Sent: Mon May 31 09:21:03 2010
Subject: URGENT!!! HRC Action re: Gaza Aid Flotilla

NEED GUIDANCE

"SPECIAL SITTING" of HRC to occur Tuesday (tomorrow) afternoon on the Israeli boarding of flotilla.



B5

WE NEED TALKING POINTS ASAP AND WILL NEED POINTS FOR A STATEMENT, IF WE INTEND TO MAKE ONE DURING THIS "SPECIAL SITTING."

Mark Cassayre
Counselor
Political and Specialized Agencies
U.S. Mission to the United Nations and Specialized Agencies
Geneva, Switzerland
Direct tel: +41 22 749-4214
Mobile: +41 79 775-3680
Fax: +41.22.749.4717
cassayremj@state.gov

SBU
This email is UNCLASSIFIED.

RELEASED IN PART B5

Law, Rosemary C

From: Aswad, Evelyn M
Sent: Monday, May 31, 2010 12:50 PM
To: Schwartz, Jonathan B; Jacobson, Linda; Dolan, JoAnn; Buchwald, Todd F; Pomper, Stephen E; Harris, Robert K; Baumert, Kevin A
Cc: Banos, Mariano H; Khanna, Melanie J; Martin, Julie B
Subject: FW: Israeli Rt of Reply at HRC today re: Gaza Aid Flotilla
Attachments: Document.pdf

AttachmentsClassification:

UNCLASSIFIED

Classification:

UNCLASSIFIED

SensitivityCode:

Sensitive

FYI

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Sent: Monday, May 31, 2010 11:46 AM
To: Cassayre, Mark J; Nossel, Suzanne F; IO-HR-DL; DRL-MLGA-M; Legal-HRR-DL; Geneva HRC; Griffiths, Douglas M; 'Scott_W._Busby@nss.eop.gov'; Johnston-Gardner, Sarah R (DRL); Salih, Lana L; Fitzpatrick, Kathleen M; Connelly, Maura; Goldberger, Thomas H; Giauque, Jeffrey G; Perina, Alexandra H
Subject: Israeli Rt of Reply at HRC today re: Gaza Aid Flotilla

Ambassador Yaar delivered this statement this afternoon at the HRC.

SBU

This email is UNCLASSIFIED.

From: Cassayre, Mark J
Sent: Monday, May 31, 2010 5:02 PM
To: Nossel, Suzanne F; IO-HR-DL; DRL-MLGA-M; Legal-HRR-DL; Geneva HRC; Griffiths, Douglas M; 'Scott_W._Busby@nss.eop.gov'; Johnston-Gardner, Sarah R (DRL); Salih, Lana L; Fitzpatrick, Kathleen M; Connelly, Maura; Goldberger, Thomas H; Giauque, Jeffrey G; Perina, Alexandra H
Subject: Re: URGENT!!! HRC Action re: Gaza Aid Flotilla

All: I just spoke with Pal DPR who confirmed that he will call for a special sitting for tmrw pm. He will also table a resolution tomorrow morning for ACTION TOMORROW EVENING.

Reso will include:

- condemnation
- call for protection by israel / respect for I'll
- call for internation investigation

He said that "the Israelis have made it hard on us and we will make it hard on them."

During his statement Imad spoke in Arabic (he frequently does interventions in English). He made points:

Premeditated crime

Violations of occupying power

Saluted courage of those on board vessels

Israel has denied occupation of gaza but acts of last night show that gaza is still under occupationa nd therefore I'll

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer 1

applies and 4GC applies.
Lift blockade

Israel will do right of reply at end of day.

From: Nossel, Suzanne F
To: Cassayre, Mark J; IO-HR-DL; DRL-MLGA-M; Legal-HRR-DL; Geneva HRC; Griffiths, Douglas M; 'Scott_W_Busby@nss.eop.gov' <Scott_W_Busby@nss.eop.gov>; Johnston-Gardner, Sarah R (DRL); Salih, Lana L; Fitzpatrick, Kathleen M; Connelly, Maura; Goldberger, Thomas H; Giauque, Jeffrey G; Perina, Alexandra H
Sent: Mon May 31 09:29:20 2010
Subject: Re: URGENT!!! HRC Action re: Gaza Aid Flotilla

Adding NEA.

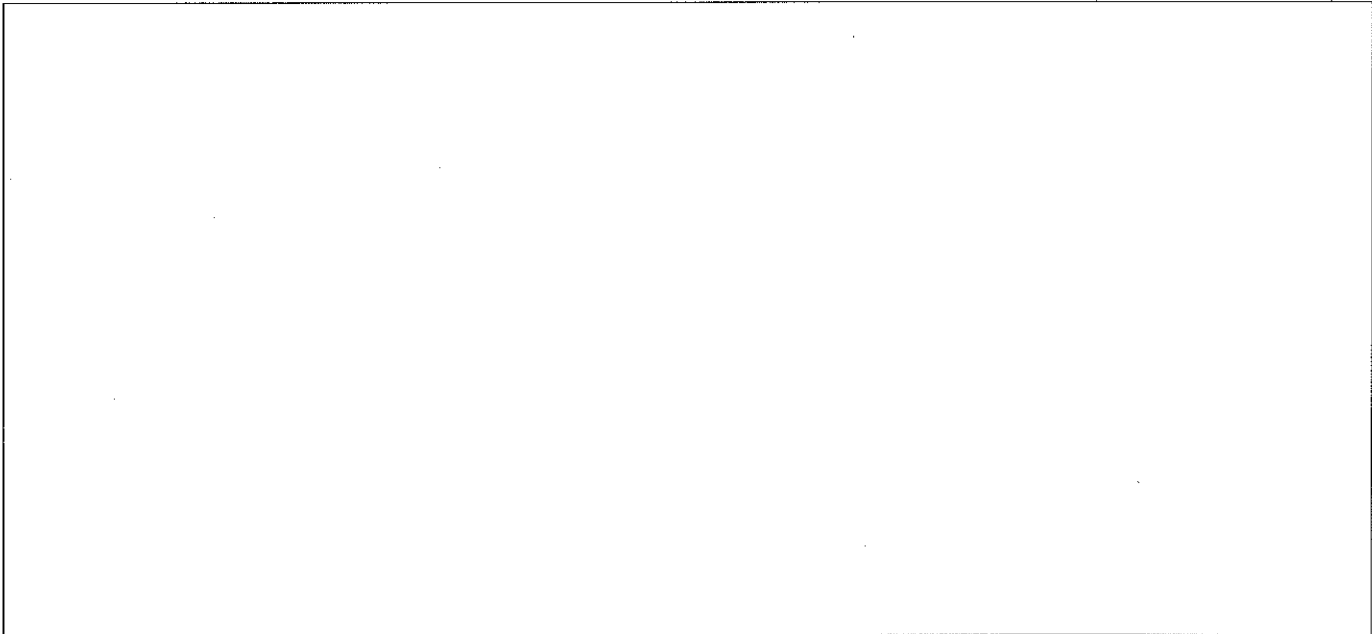
B5

From: Cassayre, Mark J
To: Nossel, Suzanne F; IO-HR-DL; DRL-MLGA-M; Legal-HRR-DL; Geneva HRC; Griffiths, Douglas M; 'Busby, Scott W.' <Scott_W_Busby@nss.eop.gov>; Johnston-Gardner, Sarah R (DRL); Salih, Lana L; Fitzpatrick, Kathleen M
Sent: Mon May 31 09:21:03 2010
Subject: URGENT!!! HRC Action re: Gaza Aid Flotilla

NEED GUIDANCE

"SPECIAL SITTING" of HRC to occur Tuesday (tomorrow) afternoon on the Israeli boarding of flotilla.

B5



WE NEED TALKING POINTS ASAP AND WILL NEED POINTS FOR A STATEMENT, IF WE INTEND TO MAKE ONE DURING THIS "SPECIAL SITTING."

Mark Cassayre
Counselor
Political and Specialized Agencies
U.S. Mission to the United Nations and Specialized Agencies
Geneva, Switzerland
Direct tel: +41 22 749-4214
Mobile: +41 79 775-3680

Fax: +41.22.749.4717
cassayremj@state.gov

SBU
This email is UNCLASSIFIED.

RELEASED IN PART B 5

Law, Rosemary C

From: Banos, Mariano H
Sent: Monday, January 24, 2011 2:42 PM
To: Simonoff, Mark A (USUN); Ingber, Rebecca M; Dolan, JoAnn; McLeod, Mary; Perina, Alexandra H; Pomper, Stephen E; Buchwald, Todd F; Baumert, Kevin A; Aswad, Evelyn M; Gorove, Katherine M
Cc: Jacobson, Linda; Schwartz, Jonathan B; Townley, Stephen G
Subject: RE: For Clearance: Israel-Turkel Commission report

[Redacted]

B5

From: Simonoff, Mark A (USUN)
Sent: Monday, January 24, 2011 2:37 PM
To: Ingber, Rebecca M; Dolan, JoAnn; McLeod, Mary; Banos, Mariano H; Perina, Alexandra H; Pomper, Stephen E; Buchwald, Todd F; Baumert, Kevin A; Aswad, Evelyn M; Gorove, Katherine M
Cc: Jacobson, Linda; Schwartz, Jonathan B; Townley, Stephen G
Subject: RE: For Clearance: Israel-Turkel Commission report

Colleagues,

[Redacted]

B5

From Amb Rice's Aug 2, 2010 statement:

The United States expects that the Panel will operate in a transparent and credible manner and that **its work will be the primary method for the international community to review the incident**, obviating the need for any overlapping international inquiries.

Best regards,

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

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

SBU
This email is UNCLASSIFIED.

From: Ingber, Rebecca M
Sent: Monday, January 24, 2011 2:09 PM
To: Dolan, JoAnn; McLeod, Mary; Banos, Mariano H; Perina, Alexandra H; Pomper, Stephen E; Simonoff, Mark A (USUN); Buchwald, Todd F; Baumert, Kevin A; Aswad, Evelyn M; Gorove, Katherine M
Cc: Jacobson, Linda; Schwartz, Jonathan B; Townley, Stephen G
Subject: RE: For Clearance: Israel-Turkel Commission report



B5

I just spoke with JoAnn and unless there are concerns with this, I will send back to NEA in the next 10 min.

Thanks!

From: Dolan, JoAnn
Sent: Monday, January 24, 2011 1:45 PM
To: McLeod, Mary; Ingber, Rebecca M; Banos, Mariano H; Perina, Alexandra H; Pomper, Stephen E; Simonoff, Mark A (USUN); Buchwald, Todd F; Baumert, Kevin A; Aswad, Evelyn M; Gorove, Katherine M
Cc: Jacobson, Linda; Schwartz, Jonathan B; Townley, Stephen G
Subject: RE: For Clearance: Israel-Turkel Commission report

Mariano thought NEA guidance looked fine and Alexandra and Rebecca are going over it now. Did anyone else want to weigh in before we get back to NEA? I thought L/UNA in particular might because of references to SYG investigation. I have also attached version with point added by DRL, which I am not sure Mariano had yet seen. Would L/FO normally want to clear as well?

From: Dolan, JoAnn
Sent: Monday, January 24, 2011 1:14 PM
To: Ingber, Rebecca M; Banos, Mariano H; Perina, Alexandra H; Pomper, Stephen E; Simonoff, Mark A (USUN); Buchwald, Todd F; Baumert, Kevin A; Aswad, Evelyn M
Cc: McLeod, Mary; Jacobson, Linda; Schwartz, Jonathan B
Subject: FW: For Clearance: Israel-Turkel Commission report

In case others have not seen as yet.

From: Ventrell, Patrick H (USUN)
Sent: Monday, January 24, 2011 1:03 PM
To: Vasquez, Edgar J; Schrepel, Dawn M; P-NEA Duty; Rand, Dafna H; Jacobson, Linda; Dolan, JoAnn; Kornblau, Mark (USUN); Bass, Warren; Cooper, Kurtis A; Lapenn, Jessica; Owen, Evan; PRM-Press-DL; EUR-Press; Sachar, Alon (NEA/IPA); Hale, David M
Cc: Doutrich, Jack T
Subject: RE: For Clearance: Israel-Turkel Commission report

Attached are the suggested edits from USUN.

This email is UNCLASSIFIED.

From: Vasquez, Edgar J

Sent: Monday, January 24, 2011 12:15 PM

To: Schrepel, Dawn M; P-NEA Duty; Rand, Dafna H; Jacobson, Linda; Dolan, JoAnn; Kornblau, Mark (USUN); Bass, Warren; Cooper, Kurtis A; Lapenn, Jessica; Ventrell, Patrick H (USUN); Owen, Evan; PRM-Press-DL; EUR-Press; Sachar, Alon (NEA/IPA); Hale, David M

Cc: Doutrich, Jack T

Subject: For Clearance: Israel-Turkel Commission report

Importance: High

Please clear on the attached press guidance.

Thanks,
Eddie

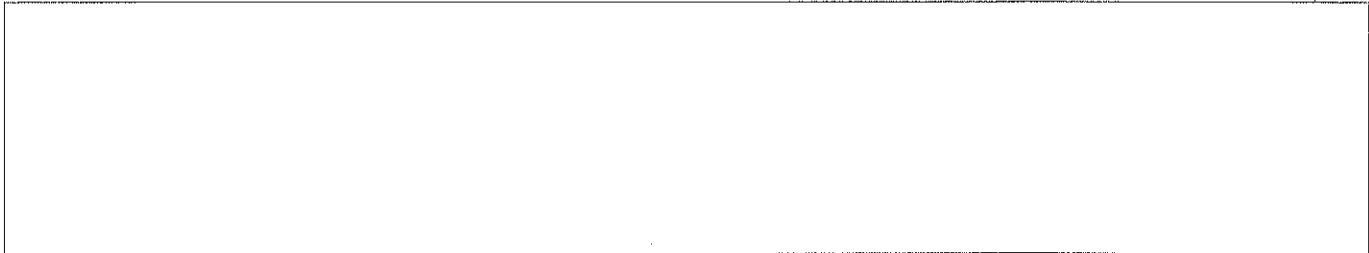
This email is UNCLASSIFIED.

Law, Rosemary C

RELEASED IN PART B5,B6

From: Banos, Mariano H
Sent: Monday, June 07, 2010 4:57 PM
To: Harris, Robert K; Gorove, Katherine M; Jacobson, Linda; Aswad, Evelyn M; Schwartz, Jonathan B; Baumert, Kevin A; Perina, Alexandra H; Guarin, Marc F
Subject: RE: HRC Gaza Flotilla Developments: Info Memo to S and Follow-Up Action

To be honest, the entire project is in such a state of flux, I am not sure the call will be a great use of time for other attorneys. Right now, it's just me, but others are more than welcome.



B5

Also, Geneva indicates that the timing may be a little slower than originally thought. It's increasingly looking like the President of the Council will not pick the members of the HRC mission for at least another week (and maybe until after the current President's term expires in a couple of weeks). Israel was hoping this would be the case.

From: Harris, Robert K
Sent: Monday, June 07, 2010 4:36 PM
To: Banos, Mariano H; Gorove, Katherine M; Jacobson, Linda; Aswad, Evelyn M; Schwartz, Jonathan B; Baumert, Kevin A
Subject: FW: HRC Gaza Flotilla Developments: Info Memo to S and Follow-Up Action

Mariano,

Do you know who from L is planning to participate in the cal?. Can you describe for us the issues currently in play in the memo? Thanks.

Bob

From: Wohlers, Marion J
Sent: Monday, June 07, 2010 3:42 PM
To: Harris, Robert K; Aswad, Evelyn M; Banos, Mariano H
Subject: FW: HRC Gaza Flotilla Developments: Info Memo to S and Follow-Up Action

From: Wohlers, Marion J
To: Kaidanow, Tina S; Connelly, Maura; Bass, Warren; Fitzpatrick, Kathleen M; Ashraf, Madeeha S; 'sbusby@nsc.eop.gov' <sbusby@nsc.eop.gov>; 'lchilderss@nsc.eop.gov' <lchilderss@nsc.eop.gov>; Neal, Janice M
Cc: Anderson, Gerald C; Ostermeier, Amy A; Enav, Cari R; Reed, Julia G
Sent: Mon Jun 07 14:25:59 2010
Subject: HRC Gaza Flotilla Developments: Info Memo to S and Follow-Up Action

Good afternoon –

6
REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

PDAS Anderson would like to set up a conference call to discuss the IM to S on HRC Gaza Flotilla Developments. Can you confirm your availability for tomorrow, June 8 at 9:30 am?

[Redacted]

B6

Many thanks,
Marion

Marion Wohlers
Bureau for International Organizations (IO)
WohlersM11@state.gov
(202)647-9602

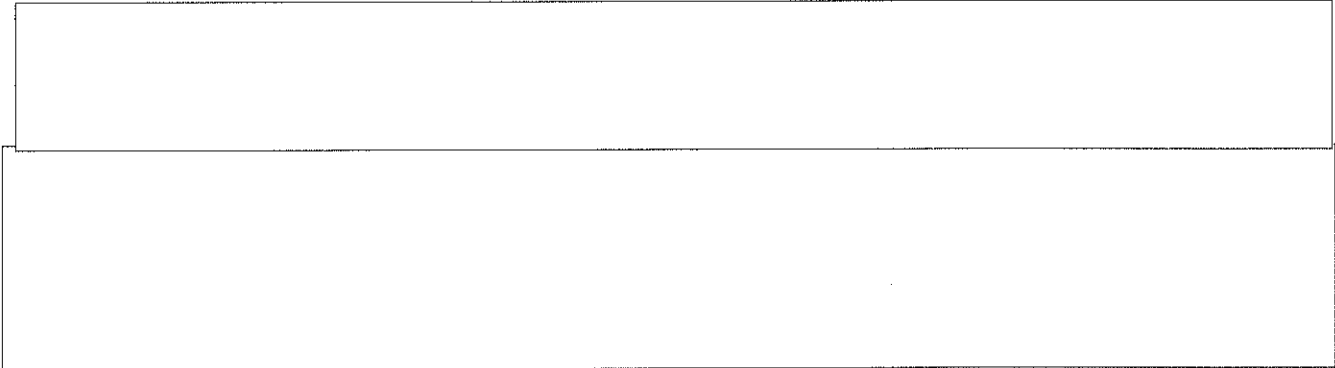
SBU
This email is UNCLASSIFIED.

This email is UNCLASSIFIED.

Law, Rosemary C

From: Baumert, Kevin A RELEASED IN PART B5
Sent: Thursday, October 14, 2010 5:03 PM
To: Daley, John D; Schwartz, Jonathan B; Joyce, Anne; Gorove, Katherine M; Kim, John J (Kimm); Johnson, Karen K; Jacobson, Linda
Cc: Buchwald, Todd F; Simonoff, Mark A (USUN); Townley, Stephen G; Perina, Alexandra H; Banos, Mariano H; Newman, David S (L-CA)
Subject: RE: flotilla incident -- Comoros-flagged vessel ?

Right.



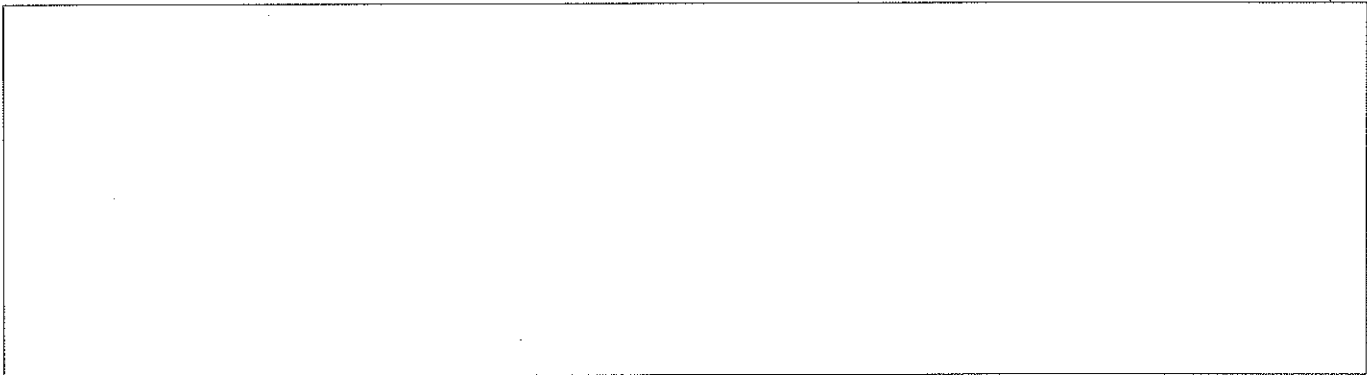
B5

Thanks,
Kevin
Article 94
Duties of the flag State

7. Each State shall cause an inquiry to be held by or before a suitably qualified person or persons into every marine casualty or incident of navigation on the high seas involving a ship flying its flag and causing loss of life or serious injury to nationals of another State or serious damage to ships or installations of another State or to the marine environment. The flag State and the other State shall cooperate in the conduct of any inquiry held by that other State into any such marine casualty or incident of navigation.

From: Daley, John D
Sent: Thursday, October 14, 2010 4:30 PM
To: Schwartz, Jonathan B; Joyce, Anne; Gorove, Katherine M; Kim, John J (Kimm); Johnson, Karen K; Jacobson, Linda
Cc: Buchwald, Todd F; Simonoff, Mark A (USUN); Townley, Stephen G; Perina, Alexandra H; Banos, Mariano H; Newman, David S (L-CA); Baumert, Kevin A
Subject: RE: flotilla incident -- Comoros-flagged vessel ?

Looping Kevin in as well.



REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

From: Schwartz, Jonathan B
Sent: Thursday, October 14, 2010 4:12 PM
To: Daley, John D; Joyce, Anne; Gorove, Katherine M; Kim, John J (Kimm); Johnson, Karen K; Jacobson, Linda
Cc: Buchwald, Todd F; Simonoff, Mark A (USUN); Townley, Stephen G; Perina, Alexandra H; Banos, Mariano H; Newman, David S (L-CA)
Subject: RE: flotilla incident -- Comoros-flagged vessel ?

B5

From: Daley, John D
Sent: Thursday, October 14, 2010 4:09 PM
To: Joyce, Anne; Gorove, Katherine M; Schwartz, Jonathan B; Kim, John J (Kimm); Johnson, Karen K; Jacobson, Linda
Cc: Buchwald, Todd F; Simonoff, Mark A (USUN); Townley, Stephen G; Perina, Alexandra H; Banos, Mariano H; Newman, David S (L-CA)
Subject: RE: flotilla incident -- Comoros-flagged vessel ?

Spoke to Baumert – he had EB check the database and it is indeed a Comoros-flagged vessel.

From: Joyce, Anne
Sent: Thursday, October 14, 2010 4:07 PM
To: Gorove, Katherine M; Daley, John D; Schwartz, Jonathan B; Kim, John J (Kimm); Johnson, Karen K; Jacobson, Linda
Cc: Buchwald, Todd F; Simonoff, Mark A (USUN); Townley, Stephen G; Perina, Alexandra H; Banos, Mariano H; Newman, David S (L-CA)
Subject: RE: flotilla incident -- Comoros-flagged vessel ?

David Newman knows a lot about the incident b/c of the visa sanctions issue – it's not directly related, but maybe he came across the issue of what flag the vessels were flying. It's the first I've heard of Comoros. aj

From: Gorove, Katherine M
Sent: Thursday, October 14, 2010 4:02 PM
To: Daley, John D; Schwartz, Jonathan B; Kim, John J (Kimm); Johnson, Karen K; Jacobson, Linda; Joyce, Anne
Cc: Buchwald, Todd F; Simonoff, Mark A (USUN); Townley, Stephen G; Perina, Alexandra H; Banos, Mariano H
Subject: RE: flotilla incident -- Comoros-flagged vessel ?

The HRC reports used the language of war crimes. Although the Turkish report has been given to the Secretary-General, I don't believe that it is public (nor do I think that the USG has seen it).

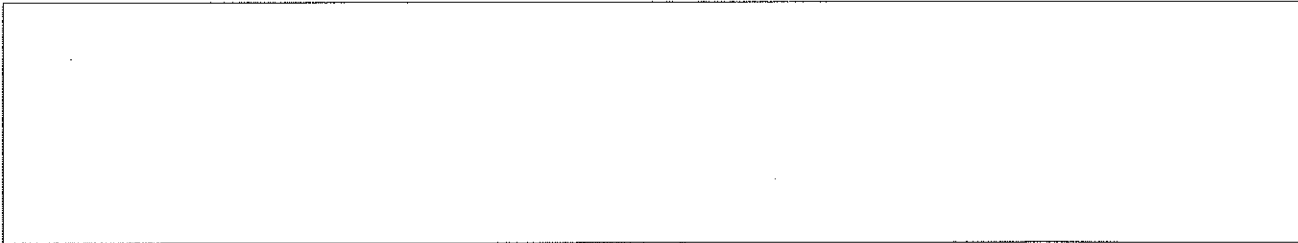
From: Daley, John D
Sent: Thursday, October 14, 2010 3:51 PM
To: Schwartz, Jonathan B; Kim, John J (Kimm); Johnson, Karen K; Jacobson, Linda; Joyce, Anne
Cc: Buchwald, Todd F; Simonoff, Mark A (USUN); Townley, Stephen G; Perina, Alexandra H; Gorove, Katherine M; Banos, Mariano H
Subject: RE: flotilla incident -- Comoros-flagged vessel ?

B5

From: Schwartz, Jonathan B
Sent: Thursday, October 14, 2010 3:43 PM
To: Daley, John D; Kim, John J (Kimm); Johnson, Karen K; Jacobson, Linda; Joyce, Anne
Cc: Buchwald, Todd F; Simonoff, Mark A (USUN); Townley, Stephen G; Perina, Alexandra H; Gorove, Katherine M; Banos,

Mariano H

Subject: RE: flotilla incident -- Comoros-flagged vessel ?



B5

From: Daley, John D

Sent: Thursday, October 14, 2010 3:31 PM

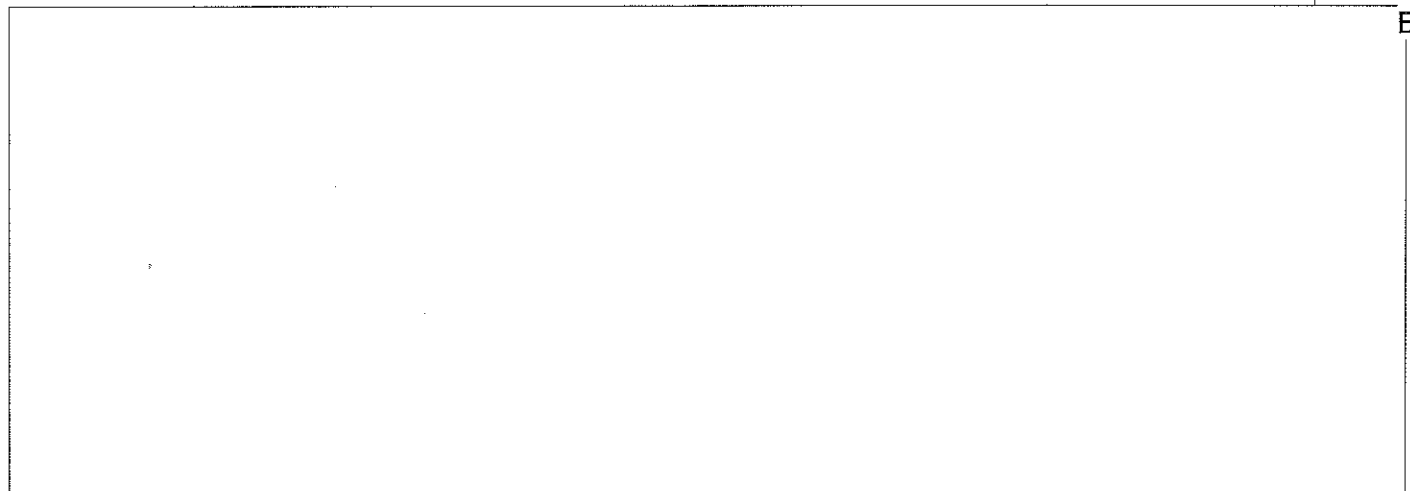
To: Kim, John J (Kimm); Johnson, Karen K; Jacobson, Linda; Joyce, Anne

Cc: Buchwald, Todd F; Simonoff, Mark A (USUN); Townley, Stephen G; Schwartz, Jonathan B; Perina, Alexandra H

Subject: flotilla incident -- Comoros-flagged vessel ?

John/Karen -

The press is reporting today that lawyers for the families of those killed by Israeli forces in connection with the Flotilla incident this spring have sent a letter to the ICC Prosecutor urging him to take action. Evidently their jurisdictional theory is based on an allegation that the ship, although Turkish operated, was flying the Comoros flag and apparently was registered there. While neither Turkey or Israel are Rome Statute parties, Comoros is – and Article 12 of the Rome Statute is fairly express that there can be jurisdiction if the crimes occurred on a vessel where the state of registration is a Rome Statute party.



B5

Thanks.

CONFIDENTIAL

RELEASED IN PART 1.4(B),1.4(D)

Law, Rosemary C

From: Baumert, Kevin A
Sent: Tuesday, October 05, 2010 2:22 PM
To: Jacobson, Linda; Dolan, JoAnn; Schwartz, Jonathan B; Gorove, Katherine M; Guarin, Marc F; Pomper, Stephen E; Aswad, Evelyn M; Banos, Mariano H; Biniiaz, Susan N
Subject: FW: UNGA Oceans Resolution: Turkey's flotilla proposal

Classification: UNCLASSIFIED
SensitivityCode: Sensitive

Circulating this to the Gaza/flotilla watchers in L. Turkey is trying to get language on this incident into the UNGA oceans resolution. More below, including a readout from Mark Simonoff. Negotiations resume in early Nov.

Thanks,
Kevin

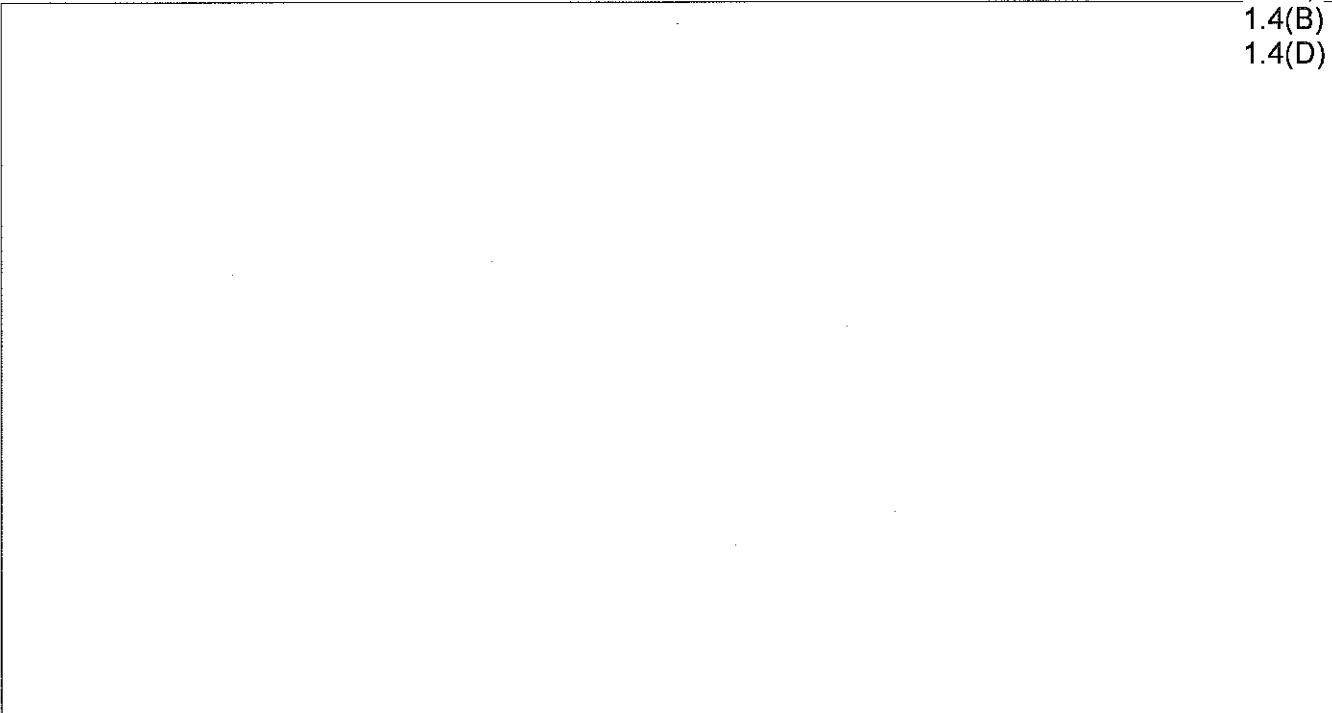
From: Kim, Elizabeth AB (OES)
Sent: Tuesday, October 05, 2010 2:03 PM
To: Cunningham, Thomas R; Ostfield, Marc L; Poisson, Beth L; Parker-Burns, Susan M; Pope, William P (USUN); Smolik, Robert J (USUN); Sindle, James M; Sachar, Alon (NEA/IPA)
Cc: Simonoff, Mark A (USUN); Baumert, Kevin A; Schaaf, Kenli A (OES)
Subject: UNGA Oceans Resolution: Turkey's flotilla proposal

Classified by DAS, A/GIS, DoS on : 08/02/2012 ~ Class: CONFIDENTIAL ~ Reason: 1.4(B) 1.4(D)
~ Declassify on: October 5, 2020

SBU

Colleagues,

I thought it would be helpful to send this email with more information on Turkey's flotilla proposal for the UNGA oceans resolution. I head the US Delegation to these informal negotiations and am joined by my colleague Kenli Schaaf. Last week we had our first round of negotiations; we'll complete our negotiations Nov 5-12.



1.4(B)
1.4(D)

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

CONFIDENTIAL

CONFIDENTIAL

1.4(B)
1.4(D)

Please let me know if you have any questions.

Thanks,
Elizabeth

Elizabeth Kim, JD, PhD
US Department of State, Office of Ocean and Polar Affairs (OES/OPA)
2201 C Street, NW, Rm 2665, Washington, DC 20520
202.647.4824 (T); 202.647.4353 (F); KimEAB@state.gov

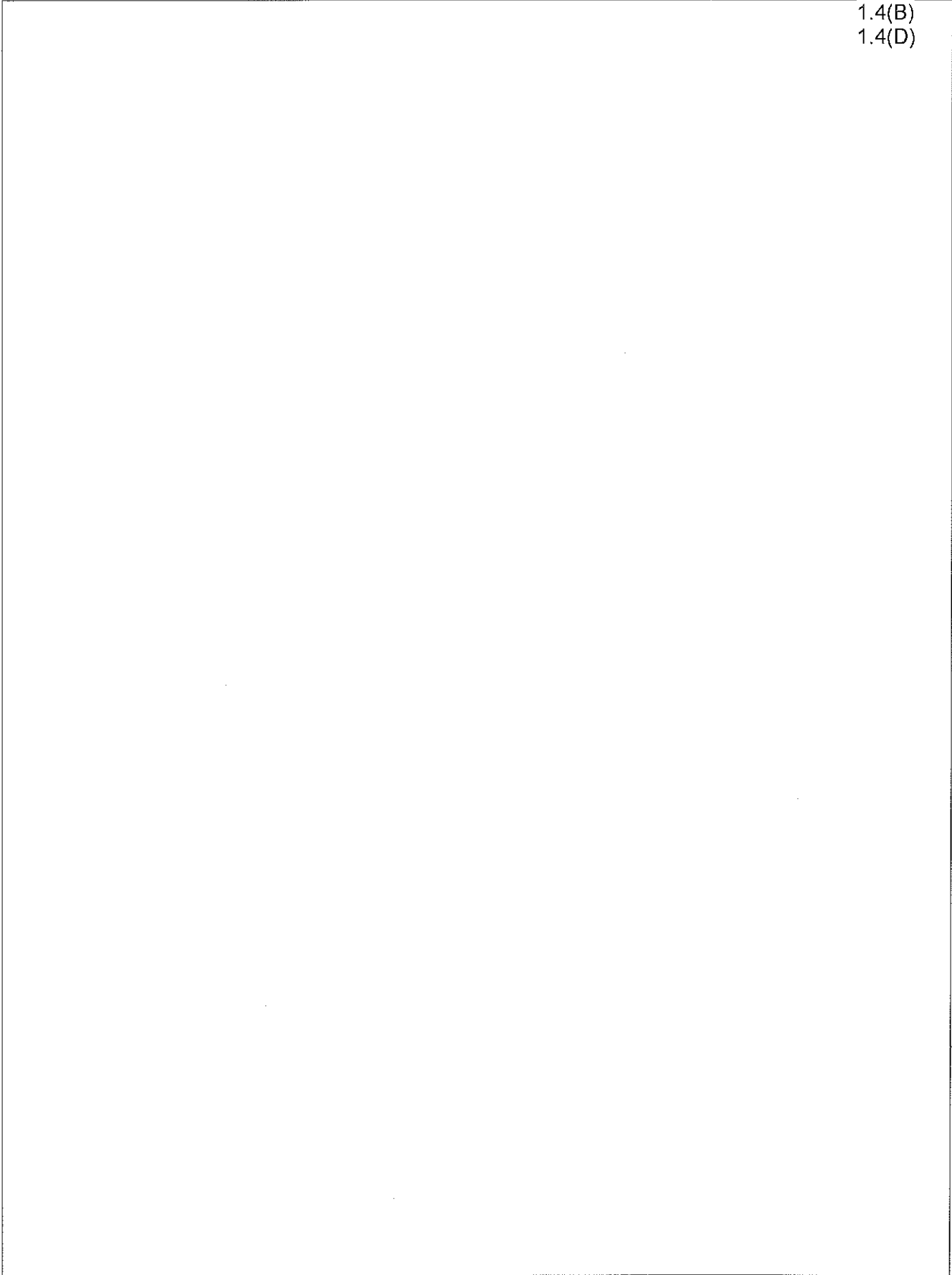
Following is a readout of the discussion today.

Mark

1.4(B)
1.4(D)

CONFIDENTIAL

1.4(B)
1.4(D)



CONFIDENTIAL

CONFIDENTIAL

1.4(B)
1.4(D)

Best regards,

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.

CONFIDENTIAL

Law, Rosemary C

RELEASED IN PART
B5, B6

From: Baumert, Kevin A
Sent: Thursday, June 10, 2010 10:39 AM
To: O'Brien, Gregory J (OES); Morrison, Andrew L; Johnson, Thomas A; Anderson, Gerald C; Cook, Nerissa J; Frelich, Karlene H; Huskey, James L; Connor, Julie G; Jacobson, Linda; Dolan, JoAnn
Cc: [redacted]@uscg.mil'
Subject: RE: IMO Council--Draft Press release on Israel-Turkey Incident
Attachments: IMO Council--Draft Press release on Israel-Turkey Incident

B6

Adding in L/AN here, which may have views on this draft IMO Press Release (attached again here).

B5

[Large redacted area]

Thanks,
Kevin
L/OES

From: O'Brien, Gregory J (OES)
Sent: Thursday, June 10, 2010 9:22 AM
To: Morrison, Andrew L; Johnson, Thomas A; Anderson, Gerald C; Cook, Nerissa J; Frelich, Karlene H; Baumert, Kevin A; Huskey, James L; Connor, Julie G
Cc: [redacted]@uscg.mil'
Subject: RE: IMO Council--Draft Press release on Israel-Turkey Incident

B6

Tom,

[Large redacted area]

v/r Greg

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

From: Morrison, Andrew L
Sent: Wednesday, June 09, 2010 8:42 PM
To: Johnson, Thomas A; Anderson, Gerald C; Cook, Nerissa J; Frelich, Karlene H; O'Brien, Gregory J (OES); Baumert, Kevin A; Huskey, James L; Connor, Julie G
Cc: [redacted]@uscg.mil
Subject: RE: IMO Council--Draft Press release on Israel-Turkey Incident

B6

Thanks, Tom. [redacted]

B5

[redacted]

[redacted] Andy

SBU
This email is UNCLASSIFIED.

From: Johnson, Thomas A
Sent: Wednesday, June 09, 2010 8:23 PM
To: Anderson, Gerald C; Cook, Nerissa J; Morrison, Andrew L; Frelich, Karlene H; O'Brien, Gregory J (OES); Baumert, Kevin A; Huskey, James L; Connor, Julie G
Cc: [redacted]@uscg.mil
Subject: IMO Council--Draft Press release on Israel-Turkey Incident

B6

Attachment is a draft IMO press release negotiated tonight with the Turks by the Secretary-General and the Chair. Delegations will have an opportunity to comment tomorrow. The

B5

[redacted]

USDEL requests guidance as soon as possible. Thanks.

RELEASED IN PART B5,
B6

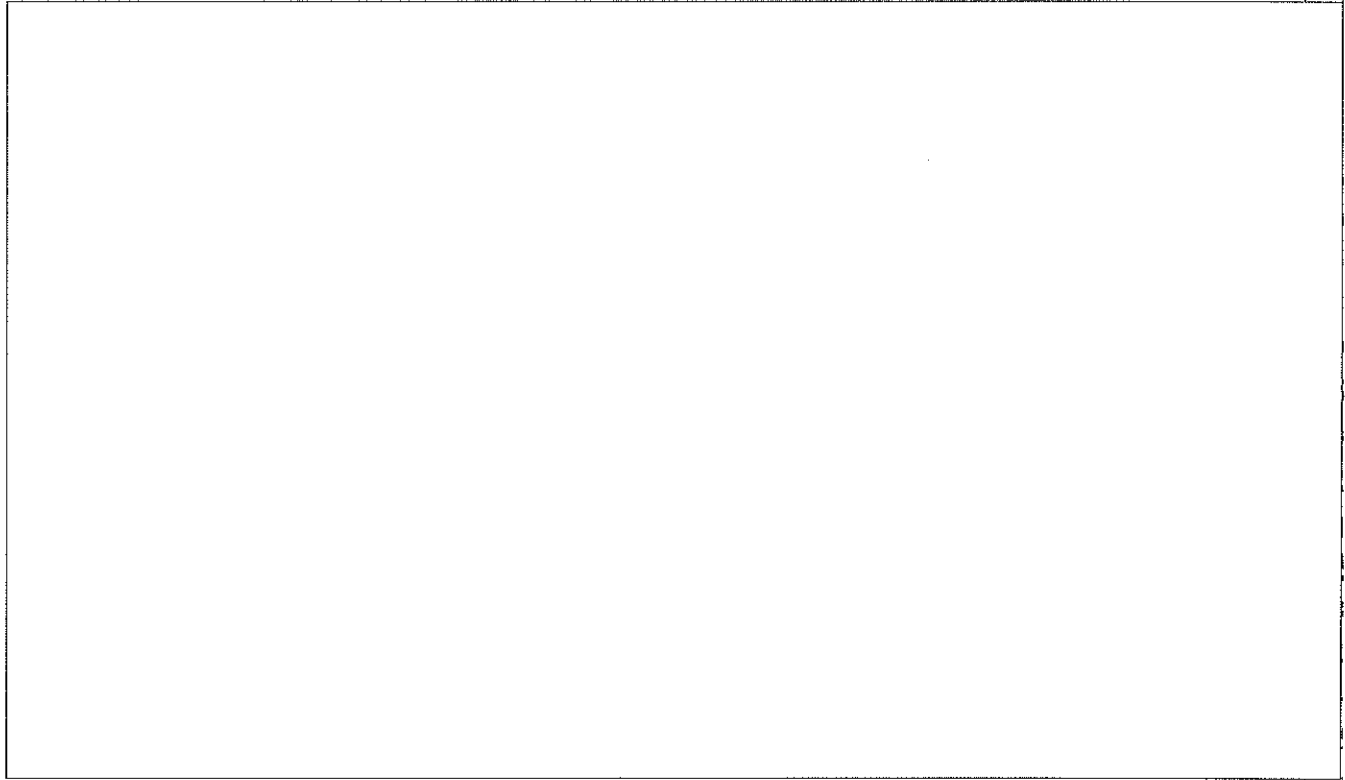
Law, Rosemary C

From: Johnson, Thomas A
Sent: Wednesday, June 09, 2010 8:23 PM
To: Anderson, Gerald C; Cook, Nerissa J; Morrison, Andrew L; Frelich, Karlene H; O'Brien, Gregory J (OES); Baumert, Kevin A; Huskey, James L; Connor, Julie G
Cc: [redacted]@uscg.mil
Subject: IMO Council--Draft Press release on Israel-Turkey Incident
Attachments: PRESS RELEASE.doc

B6

Attachment is a draft IMO press release negotiated tonight with the Turks by the Secretary-General and the Chair. Delegations will have an opportunity to comment tomorrow. The

B5



USDEL requests guidance as soon as possible. Thanks.

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

RELEASED IN PART
B5

Law, Rosemary C

From: Baumert, Kevin A
Sent: Wednesday, June 02, 2010 3:41 PM
To: Pomper, Stephen E; Townley, Stephen G; Guarin, Marc F; Jacobson, Linda; Dolan, JoAnn; Sullivan, David J
Subject: FW: Blockade email--draft
Attachments: Gaza.doc rev.docx

Just a few non-substantive edits. Dave may have additional ones... This looks quite useful and concise.

From: Pomper, Stephen E
Sent: Wednesday, June 02, 2010 3:05 PM
To: Townley, Stephen G; Guarin, Marc F; Baumert, Kevin A; Jacobson, Linda; Dolan, JoAnn
Subject: RE: Blockade email--draft

Please work from this draft, which implements Stephen T's comments. I will be out until at least 6, so Stephen/Marc will be running the doc. Thanks, Steve

From: Townley, Stephen G
Sent: Wednesday, June 02, 2010 3:01 PM
To: Pomper, Stephen E; Guarin, Marc F; Baumert, Kevin A; Jacobson, Linda; Dolan, JoAnn
Subject: RE: Blockade email--draft

Just a quick plug to please send comments as soon as you can, as we'd like to ship this out to HHK too before launching. Thanks, Stephen

From: Pomper, Stephen E
Sent: Wednesday, June 02, 2010 12:50 PM
To: Townley, Stephen G; Guarin, Marc F; Baumert, Kevin A; Jacobson, Linda; Dolan, JoAnn
Subject: Blockade email--draft

Folks—Here is a very rough draft email with some blank spots that is intended to help answer 7th floor questions on blockade issues. I unfortunately have to duck into something else but maybe Marc or Stephen could consolidate comments before this goes to Jim, Joan, and HK?

[Redacted]

B5

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

RELEASED IN PART B6

Law, Rosemary C

From: Buchwald, Todd F
Sent: Sunday, January 23, 2011 10:40 AM
To: Jacobson, Linda; Aswad, Evelyn M; Perina, Alexandra H; Gorove, Katherine M; Banos, Mariano H; Schwartz, Jonathan B
Cc: McLeod, Mary
Subject: FW: The Report & Findings of The Public Commission to Examine the Maritime Incident of 31 May 2010 (Part I)
Attachments: 8808report-eng.pdf; 7896summary-eng.pdf

See below and attached.

From: [REDACTED] B6
Sent: Sunday, January 23, 2011 10:18 AM
To: Simonoff, Mark A (USUN)
Cc: Buchwald, Todd F; McLeod, Mary
Subject: The Report & Findings of The Public Commission to Examine the Maritime Incident of 31 May 2010 (Part I)

Dear Mark,

I thought you would be interested in this very new Report (Part 1) and its detailed findings (both legal & factual) – prepared by the Israeli Public Commission to Examine the Maritime Incident of 31 May 2010 (also known as The Turkel Commission - as retired Supreme Court Justice Turkel is heading it). The Report was just submitted a few hours ago, to our Prime Minister and were later presented to the public.

I attach for your perusal both the Report itself (296 pages) as well as a summary (24 pages). These documents as well as all other relevant documents are posted on the official website of the Commission (both in English and Hebrew) in <http://www.turkel-committee.gov.il/content-107.html>

In addition to its Members, the Commission had two **Foreign Observers:** Lord David Trimble (United Kingdom) and Brigadier General (Ret.) Kenneth Watkin, Q.C. (Canada), as well as **Special Consultants** with expertise in the field of naval blockade and international law of armed conflict - Prof. Dr. Wolff Heintschel von Heinegg (Germany) and Prof. Michael Schmitt (United Kingdom\ U.S.A.)

The Turkel Commission will present its report in two parts.

The first part (above) deals with Article 4 of the 14.6.10 Cabinet decision:

"a) Examination of the security circumstances surrounding the imposition of the naval blockade on the Gaza Strip and the conformity of the naval blockade with the rules of international law.

b) The conformity of the actions taken by Israel to enforce the naval blockade in the incident of 31 May 2010 with the rules of international law.

c) Examination of the actions taken by the organizers of the flotilla and its participants, as well as their identity."

The second part of the Commission's report (no date has yet been determined) will deal with Article 5 of the aforesaid Cabinet decision:

1
 REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

"In addition, the Commission will examine the question of whether the mechanism for examining and investigating complaints and claims raised in relation to violations of the laws of armed conflict, as conducted in Israel generally, and as implemented with regard to the present incident, conform with the obligations of the State of Israel under the rules of international law."

Best,

[Redacted]

B6

[Redacted]

This footnote confirms that this email message has been scanned by
PineApp Mail-SeCure for the presence of malicious code, vandals & computer viruses.

Law, Rosemary C

RELEASED IN PART B5

From: Daley, John D
Sent: Thursday, October 14, 2010 4:30 PM
To: Schwartz, Jonathan B; Joyce, Anne; Gorove, Katherine M; Kim, John J (Kimm); Johnson, Karen K; Jacobson, Linda
Cc: Buchwald, Todd F; Simonoff, Mark A (USUN); Townley, Stephen G; Perina, Alexandra H; Banos, Mariano H; Newman, David S (L-CA); Baumert, Kevin A
Subject: RE: flotilla incident -- Comoros-flagged vessel ?

Looping Kevin in as well.

[Redacted]

B5

From: Schwartz, Jonathan B
Sent: Thursday, October 14, 2010 4:12 PM
To: Daley, John D; Joyce, Anne; Gorove, Katherine M; Kim, John J (Kimm); Johnson, Karen K; Jacobson, Linda
Cc: Buchwald, Todd F; Simonoff, Mark A (USUN); Townley, Stephen G; Perina, Alexandra H; Banos, Mariano H; Newman, David S (L-CA)
Subject: RE: flotilla incident -- Comoros-flagged vessel ?

[Redacted]

From: Daley, John D
Sent: Thursday, October 14, 2010 4:09 PM
To: Joyce, Anne; Gorove, Katherine M; Schwartz, Jonathan B; Kim, John J (Kimm); Johnson, Karen K; Jacobson, Linda
Cc: Buchwald, Todd F; Simonoff, Mark A (USUN); Townley, Stephen G; Perina, Alexandra H; Banos, Mariano H; Newman, David S (L-CA)
Subject: RE: flotilla incident -- Comoros-flagged vessel ?

Spoke to Baumert – he had EB check the database and it is indeed a Comoros-flagged vessel.

From: Joyce, Anne
Sent: Thursday, October 14, 2010 4:07 PM
To: Gorove, Katherine M; Daley, John D; Schwartz, Jonathan B; Kim, John J (Kimm); Johnson, Karen K; Jacobson, Linda
Cc: Buchwald, Todd F; Simonoff, Mark A (USUN); Townley, Stephen G; Perina, Alexandra H; Banos, Mariano H; Newman, David S (L-CA)
Subject: RE: flotilla incident -- Comoros-flagged vessel ?

[Redacted]

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

From: Gorove, Katherine M
Sent: Thursday, October 14, 2010 4:02 PM
To: Daley, John D; Schwartz, Jonathan B; Kim, John J (Kimm); Johnson, Karen K; Jacobson, Linda; Joyce, Anne
Cc: Buchwald, Todd F; Simonoff, Mark A (USUN); Townley, Stephen G; Perina, Alexandra H; Banos, Mariano H
Subject: RE: flotilla incident -- Comoros-flagged vessel ?

[Redacted]

B5

From: Daley, John D
Sent: Thursday, October 14, 2010 3:51 PM
To: Schwartz, Jonathan B; Kim, John J (Kimm); Johnson, Karen K; Jacobson, Linda; Joyce, Anne
Cc: Buchwald, Todd F; Simonoff, Mark A (USUN); Townley, Stephen G; Perina, Alexandra H; Gorove, Katherine M; Banos, Mariano H
Subject: RE: flotilla incident -- Comoros-flagged vessel ?

[Redacted]

From: Schwartz, Jonathan B
Sent: Thursday, October 14, 2010 3:43 PM
To: Daley, John D; Kim, John J (Kimm); Johnson, Karen K; Jacobson, Linda; Joyce, Anne
Cc: Buchwald, Todd F; Simonoff, Mark A (USUN); Townley, Stephen G; Perina, Alexandra H; Gorove, Katherine M; Banos, Mariano H
Subject: RE: flotilla incident -- Comoros-flagged vessel ?

[Redacted]

jon

From: Daley, John D
Sent: Thursday, October 14, 2010 3:31 PM
To: Kim, John J (Kimm); Johnson, Karen K; Jacobson, Linda; Joyce, Anne
Cc: Buchwald, Todd F; Simonoff, Mark A (USUN); Townley, Stephen G; Schwartz, Jonathan B; Perina, Alexandra H
Subject: flotilla incident -- Comoros-flagged vessel ?

John/Karen -

The press is reporting today that lawyers for the families of those killed by Israeli forces in connection with the Flotilla incident this spring have sent a letter to the ICC Prosecutor urging him to take action. Evidently their jurisdictional theory is based on an allegation that the ship, although Turkish operated, was flying the Comoros flag and apparently was registered there. [Redacted]

[Redacted]

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

B5

[Redacted]

Linda/Anne: do you know if there is any truth to the allegation that the ship was registered in Comoros?

[Redacted]

Thanks.

RELEASED IN PART B5

Law, Rosemary C

From: Goldberger, Thomas H
Sent: Wednesday, June 02, 2010 11:11 AM
To: Dolan, JoAnn; Holmstrom, Todd C
Cc: Jacobson, Linda; Schwartz, Jonathan B; Connelly, Maura; Cunningham, James B; Sievers, Marc J; Levin, Jan
Subject: RE: Turkey mulls legal action against Israel: report

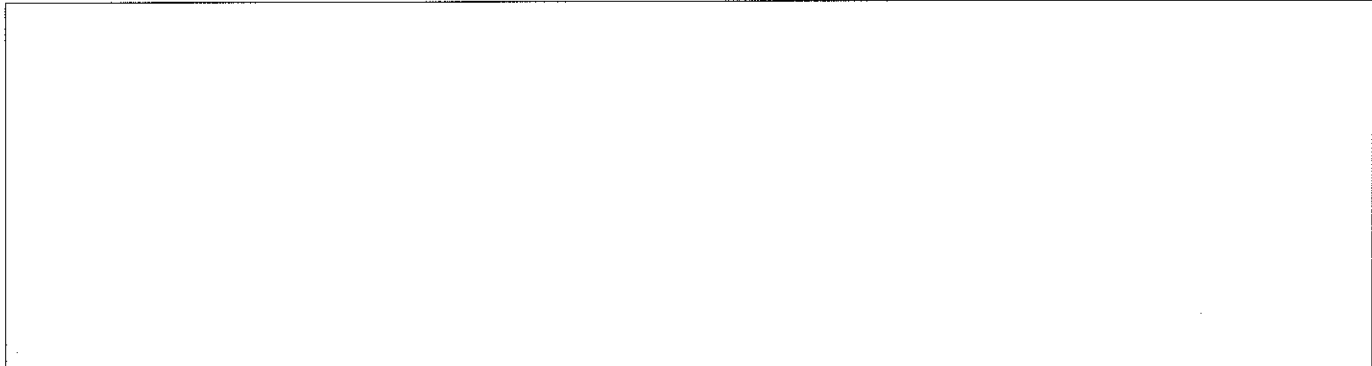
Very helpful, thanks. Adding Maura and TLV.

I gather that this is from an ICC meeting in Uganda that Harold Koh is also participating in.

From: Dolan, JoAnn
Sent: Wednesday, June 02, 2010 11:04 AM
To: Goldberger, Thomas H; Holmstrom, Todd C
Cc: Jacobson, Linda; Schwartz, Jonathan B
Subject: FW: Turkey mulls legal action against Israel: report

In response to Tom's earlier inquiry . . .

From: Eichensehr, Kristen E
Sent: Wednesday, June 02, 2010 10:44 AM
To: Gorove, Katherine M; Harris, Robert K; Dolan, JoAnn; Townley, Stephen G; Daley, John D; Pomper, Stephen E; Buchwald, Todd F; Aswad, Evelyn M; Perina, Alexandra H; Pomper, Stephen E; Legal-UNA-DL
Subject: RE: Turkey mulls legal action against Israel: report



B5

Thanks,
Kristen

From: Gorove, Katherine M
Sent: Wednesday, June 02, 2010 9:25 AM
To: Harris, Robert K; Dolan, JoAnn; Townley, Stephen G; Daley, John D; Pomper, Stephen E; Buchwald, Todd F; Aswad, Evelyn M; Perina, Alexandra H; Pomper, Stephen E; Legal-UNA-DL; Eichensehr, Kristen E
Subject: RE: Turkey mulls legal action against Israel: report

Me or Kristen (who is in touch with folks in Kampala).

From: Harris, Robert K **REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer**
Sent: Wednesday, June 02, 2010 8:56 AM
To: Dolan, JoAnn; Townley, Stephen G; Daley, John D; Pomper, Stephen E; Buchwald, Todd F; Aswad, Evelyn M; Perina,

Alexandra H; Pomper, Stephen E; Legal-UNA-DL

Subject: RE: Turkey mulls legal action against Israel: report

Kate,

With Todd and John out of the office, can you tell me who would be following ICC-related issues in L/UNA?

Thanks.

Bob

From: Dolan, JoAnn

Sent: Wednesday, June 02, 2010 8:45 AM

To: Townley, Stephen G; Daley, John D; Harris, Robert K; Pomper, Stephen E; Buchwald, Todd F; Aswad, Evelyn M; Perina, Alexandra H; Pomper, Stephen E

Subject: FW: Turkey mulls legal action against Israel: report

May be early but be alert to this ICC angle. See desk inquiry below. Has anyone seen more?

From: Goldberger, Thomas H

Sent: Wednesday, June 02, 2010 8:27 AM

To: Dolan, JoAnn; Jacobson, Linda; Schwartz, Jonathan B

Cc: Holmstrom, Todd C

Subject: FW: Turkey mulls legal action against Israel: report

Has anyone seen anything concrete about ICC action against Israel on this? Could Turkey request? Thanks. Tom

From: Sullivan, John L

Sent: Wednesday, June 02, 2010 5:11 AM

To: Gaza Flotilla Monitoring Group

Subject: FW: Turkey mulls legal action against Israel: report

Turkey mulls legal action against Israel: report

ANKARA, June 2, 2010 (AFP) - Turkey's justice ministry is mulling possible legal action against Israel over its deadly raid on aid ships bound for the Gaza Strip, Anatolia news agency reported Wednesday.

Officials are looking into both domestic and international law to see what action might be undertaken after Monday's operation in international waters that left nine people dead, among them at least four Turks, the report said.

The ministry will also decide whether to file a complaint with Turkish prosecutors, it said.

Calling the raid a "bloody massacre," Prime Minister Recep Tayyip Erdogan Tuesday urged an international inquiry into the raid, insisting that Israel's "lawlessness" must be punished.

"It is no longer possible to cover up or ignore Israel's lawlessness. It is time for the international community to say 'enough is enough'," he said.

Most of the bloodshed occurred on a Turkish-flagged ship, the Mavi Marmara, carrying hundreds of pro-Palestinian activists from about 30 countries, mostly Turkish nationals mobilised by an Islamist charity.

Media Analysis and Watch Center
USSTRATCOM Foreign Media Analysis Program
SOS International Ltd.
www.sosilt.com

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To unsubscribe from this list, please use the following link: **[**REPORT_UNSUBSCRIBE_LINK**]**

SOS International Ltd. E-mail Disclaimer.

Law, Rosemary C

From: Goldberger, Thomas H
Sent: Monday, May 31, 2010 3:23 PM
To: Schwartz, Jonathan B; Jacobson, Linda; Dolan, JoAnn; Baumert, Kevin A; Heinemann, Thomas B; Perina, Alexandra H; Guarin, Marc F
Cc: Sindle, James M; Holmstrom, Todd C; Giauque, Jeffrey G
Subject: FW: Fwd: Ship 310510 - 13-45
Attachments: Ship 310510 - 13-45.docx; ATT142880.htm

RELEASED IN PART B6

Note Israeli legal justification

From: McLeod, Mary (USUN)
Sent: Monday, May 31, 2010 3:16 PM
To: Schwartz, Jonathan B; Dolan, JoAnn; Perina, Alexandra H; Pomper, Stephen E; Guarin, Marc F; Donoghue, Joan E; Goldberger, Thomas H; Jacobson, Linda; Heinemann, Thomas B; Sullivan, David J; Aswad, Evelyn M
Subject: Fw: Fwd: Ship 310510 - 13-45

FYI

From: Wolff, Alex D (USUN)
To: Schedlbauer, Amy W; Germain, Ellen J (USUN); Delaurentis, Jeffrey A (USUN); McLeod, Mary (USUN)
Sent: Mon May 31 14:06:20 2010
Subject: Fw: Fwd: Ship 310510 - 13-45

Israeli statement.

From: [Redacted]
To: Wolff, Alex D (USUN)
Sent: Mon May 31 13:56:34 2010
Subject: Fwd: Ship 310510 - 13-45

B6

Speech

[Redacted]

[Redacted]

מאת: [Redacted]
תאריך: May 31, 2010 13:51:55 EDT
אל: [Redacted]
נושא: Ship 310510 - 13-45

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PineApp Mail-SeCure for the presence of malicious code, vandals & computer viruses.

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

RELEASED IN FULL

**Statement by Ambassador Eileen Donohoe on the Flotilla Incident
for the Human Rights Council special session, June 1, 2010**

Thank you, Mr. President.

As we made clear yesterday at the Security Council, the United States government is deeply disturbed by the recent violence and regrets the tragic loss of life and injuries suffered among those involved in the May 31 incident aboard the Gaza-bound ships. We are working to ascertain the facts. We expect a credible and transparent investigation and strongly urge the Israeli government to investigate the incident fully, with Quartet support. We urge all parties to behave responsibly and uphold their international obligations.

The United States remains deeply concerned by the suffering of civilians in Gaza, and the deterioration of the situation there, including the humanitarian and human rights situation. We continue to believe the situation is unsustainable and is not in the interests of any of those concerned. As we have pointed out when confronted by a similar situations in the past, mechanisms are in place for the transfer of humanitarian assistance to Gaza. We will continue to engage the Israelis on a daily basis to expand the scope and type of goods allowed into Gaza to address the full range of the population's humanitarian and recovery needs. Hamas' interference with international assistance shipments and the work of nongovernmental organizations complicates efforts in Gaza, and the Government of Israel has legitimate security concerns.

Ultimately, this incident underscores the needs to move ahead quickly with negotiations that can lead to a comprehensive peace in the region. The only viable solution to the Israeli-Palestinian conflict is an agreement, negotiated between the parties, that ends the occupation that began in 1967 and fulfills the aspirations of both parties for independent homelands through two states for two peoples, Israel and an independent, contiguous, and viable state of Palestine, living side by side in peace and security. We call again on our international partners – both inside and outside this Council – to promote an atmosphere of cooperation between the parties and throughout the entire region.

Thank you.

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

RELEASED IN FULL

Law, Rosemary C

From: Dolan, JoAnn
Sent: Monday, January 24, 2011 1:18 PM
To: Dolan, JoAnn; Ingber, Rebecca M; Banos, Mariano H; Perina, Alexandra H; Pomper, Stephen E; Simonoff, Mark A (USUN); Buchwald, Todd F; Baumert, Kevin A; Aswad, Evelyn M
Cc: McLeod, Mary; Jacobson, Linda; Schwartz, Jonathan B
Subject: RE: For Clearance: Israel-Turkel Commission report
Attachments: RE: For Clearance: Israel-Turkel Commission report

Further to last email, see attached comment from USUN

From: Dolan, JoAnn
Sent: Monday, January 24, 2011 1:14 PM
To: Ingber, Rebecca M; Banos, Mariano H; Perina, Alexandra H; Pomper, Stephen E; Simonoff, Mark A (USUN); Buchwald, Todd F; Baumert, Kevin A; Aswad, Evelyn M
Cc: McLeod, Mary; Jacobson, Linda; Schwartz, Jonathan B
Subject: FW: For Clearance: Israel-Turkel Commission report

In case others have not seen as yet.

From: Ventrell, Patrick H (USUN)
Sent: Monday, January 24, 2011 1:03 PM
To: Vasquez, Edgar J; Schrepel, Dawn M; P-NEA Duty; Rand, Dafna H; Jacobson, Linda; Dolan, JoAnn; Kornblau, Mark (USUN); Bass, Warren; Cooper, Kurtis A; Lapenn, Jessica; Owen, Evan; PRM-Press-DL; EUR-Press; Sachar, Alon (NEA/IPA); Hale, David M
Cc: Doutrich, Jack T
Subject: RE: For Clearance: Israel-Turkel Commission report

Attached are the suggested edits from USUN.

This email is UNCLASSIFIED.

From: Vasquez, Edgar J
Sent: Monday, January 24, 2011 12:15 PM
To: Schrepel, Dawn M; P-NEA Duty; Rand, Dafna H; Jacobson, Linda; Dolan, JoAnn; Kornblau, Mark (USUN); Bass, Warren; Cooper, Kurtis A; Lapenn, Jessica; Ventrell, Patrick H (USUN); Owen, Evan; PRM-Press-DL; EUR-Press; Sachar, Alon (NEA/IPA); Hale, David M
Cc: Doutrich, Jack T
Subject: For Clearance: Israel-Turkel Commission report
Importance: High

Please clear on the attached press guidance.

Thanks,
Eddie

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

This email is UNCLASSIFIED.

Law, Rosemary C

RELEASED IN FULL

From: Ingber, Rebecca M
Sent: Monday, January 24, 2011 1:33 PM
To: Dolan, JoAnn; Banos, Mariano H
Subject: FW: For Clearance: Israel-Turkel Commission report
Attachments: 012411-Israel-Palestinians-Free Gaza Flotilla Investigation Report DRL MLGA.doc

Received this separately from DRL

From: Johnston-Gardner, Sarah R (DRL)
Sent: Monday, January 24, 2011 1:19 PM
To: Doutrich, Jack T; Ingber, Rebecca M
Cc: Vasquez, Edgar J
Subject: RE: For Clearance: Israel-Turkel Commission report

Thanks, we cleared via our press office. Same usual DRL point that we've cleared in the past.

Sarah Johnston-Gardner
Foreign Affairs Officer
Bureau of Democracy, Human Rights and Labor (DRL)
Office of Multilateral and Global Affairs (MLGA)
202-647-2286

From: Doutrich, Jack T
Sent: Monday, January 24, 2011 12:31 PM
To: Ingber, Rebecca M; Johnston-Gardner, Sarah R (DRL)
Cc: Vasquez, Edgar J
Subject: FW: For Clearance: Israel-Turkel Commission report
Importance: High

Rebecca/ Sarah – per you requests for L and DRL to clear on this item.

This email is UNCLASSIFIED.

From: Vasquez, Edgar J
Sent: Monday, January 24, 2011 12:15 PM
To: Schrepel, Dawn M; P-NEA Duty; Rand, Dafna H; Jacobson, Linda; Dolan, JoAnn; Kornblau, Mark (USUN); Bass, Warren; Cooper, Kurtis A; Lapenn, Jessica; Ventrell, Patrick H (USUN); Owen, Evan; PRM-Press-DL; EUR-Press; Sachar, Alon (NEA/IPA); Hale, David M
Cc: Doutrich, Jack T
Subject: For Clearance: Israel-Turkel Commission report
Importance: High

Please clear on the attached press guidance.

Thanks,
Eddie

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

This email is UNCLASSIFIED.

RELEASED IN FULL

Law, Rosemary C

From: Dolan, JoAnn
Sent: Wednesday, June 02, 2010 4:54 PM
To: Jacobson, Linda
Subject: FW: Remarks - Secretary of State Hillary Rodham Clinton And Romanian Foreign Minister Teodor Baconschi After Their Meeting

I expect full transcript is on website, but here are excerpts we received..

From: Townley, Stephen G
Sent: Tuesday, June 01, 2010 4:17 PM
To: Schwartz, Jonathan B; Donoghue, Joan E; Eichensehr, Kristen E; Cleveland, Sarah H; Dolan, JoAnn; Pomper, Stephen E; Guarin, Marc F; Baumert, Kevin A; Perina, Alexandra H; Jacobson, Linda; Aswad, Evelyn M; Martin, Julie B; Banos, Mariano H; Harris, Robert K; Thessin, James H; Bischoff, James L
Subject: FW: Remarks - Secretary of State Hillary Rodham Clinton And Romanian Foreign Minister Teodor Baconschi After Their Meeting

FYI – what S said at the press avail about Gaza flotilla issues.

Stephen

QUESTION: Well, thank you very much even without doing it.

Madam Secretary, I'd like to ask you a couple things about the Israeli situation which, as you know, is getting more and more serious by the day. I know there are many unknowns at this point, but do you accept Israel's argument of self-defense? And do you think that the investigation should be done by Israel or by a third independent party, as other Security Council members have said?

And more broadly, we all know there are so many moving pieces to this. There's Turkey, there's Israel and in the Palestinians, there's Iran, there's Syria. What are the implications in your mind of this situation to the peace process and in the larger issues in the Middle East? Thanks.

SECRETARY CLINTON: Well, Nick, on your last day, you've asked a very complicated set of interrelated questions. And let me put it into context as I respond. First, let me say how deeply we regret the tragic loss of life and injuries suffered among those involved in the incident aboard the Gaza-bound ships, and we offer our condolences to the families of the deceased and the wounded.

Turkey and Israel are both good friends of the United States, and we are working with both to deal with the aftermath of this tragic incident.

The United States supports the Security Council's condemnation of the acts leading to this tragedy. And we urge Israel to permit full consular access to the individuals involved and to allow the countries concerned to retrieve their deceased and wounded immediately. We urge all concerned countries to work together to resolve the status of those who were part of this incident as soon as possible.

We support in the strongest terms the Security Council's call for a prompt, impartial, credible, and transparent investigation. We support an Israeli investigation that meets those criteria. We are open to different ways of assuring a credible investigation, including international participation, and we will continue to discuss these ideas with the Israelis and our international partners in the days ahead.

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

The situation in Gaza is unsustainable and unacceptable. Israel's legitimate security needs must be met, just as the Palestinians' legitimate needs for sustained humanitarian assistance and regular access for reconstruction materials must also be assured.

We will continue to work closely with the Israeli Government and the Palestinian Authority along with international NGOs and the United Nations to ensure adequate access for humanitarian goods, including reconstruction and building supplies. And we welcome efforts to promote the reunification of Gaza and the West Bank under the legitimate and internationally recognized Palestinian Authority.

Ultimately, the solution to this conflict must be found through an agreement based on a two-state solution negotiated between the parties. This incident underscores the urgency of reaching this goal and we remain committed to working with both sides to move forward these negotiations.

I think the situation from our perspective is very difficult and requires careful, thoughtful responses from all concerned. But we fully support the Security Council's action last night in issuing a presidential statement and we will work to implement the intention that this presidential statement represents.

RELEASED IN FULL

Law, Rosemary C

From: Dolan, JoAnn
Sent: Monday, January 24, 2011 1:27 PM
To: Ventrell, Patrick H (USUN); Vasquez, Edgar J; Schrepel, Dawn M; P-NEA Duty; Rand, Dafna H; Jacobson, Linda; Kornblau, Mark (USUN); Bass, Warren; Cooper, Kurtis A; Lapeñ, Jessica; Owen, Evan; PRM-Press-DL; EUR-Press; Sachar, Alon (NEA/IPA); Hale, David M
Cc: Doutrich, Jack T; Ingber, Rebecca M; Banos, Mariano H
Subject: RE: For Clearance: Israel-Turkel Commission report

Please include Rebecca Ingber and Mariano Banos on further distribution as well.

From: Ventrell, Patrick H (USUN)
Sent: Monday, January 24, 2011 1:03 PM
To: Vasquez, Edgar J; Schrepel, Dawn M; P-NEA Duty; Rand, Dafna H; Jacobson, Linda; Dolan, JoAnn; Kornblau, Mark (USUN); Bass, Warren; Cooper, Kurtis A; Lapenn, Jessica; Owen, Evan; PRM-Press-DL; EUR-Press; Sachar, Alon (NEA/IPA); Hale, David M
Cc: Doutrich, Jack T
Subject: RE: For Clearance: Israel-Turkel Commission report

Attached are the suggested edits from USUN.

This email is UNCLASSIFIED.

From: Vasquez, Edgar J
Sent: Monday, January 24, 2011 12:15 PM
To: Schrepel, Dawn M; P-NEA Duty; Rand, Dafna H; Jacobson, Linda; Dolan, JoAnn; Kornblau, Mark (USUN); Bass, Warren; Cooper, Kurtis A; Lapenn, Jessica; Ventrell, Patrick H (USUN); Owen, Evan; PRM-Press-DL; EUR-Press; Sachar, Alon (NEA/IPA); Hale, David M
Cc: Doutrich, Jack T
Subject: For Clearance: Israel-Turkel Commission report
Importance: High

Please clear on the attached press guidance.

Thanks,
Eddie

This email is UNCLASSIFIED.

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

RELEASED IN PART B5

Law, Rosemary C

From: Dolan, JoAnn
Sent: Monday, January 24, 2011 2:03 PM
To: McLeod, Mary; Ingber, Rebecca M; Banos, Mariano H; Perina, Alexandra H; Pomper, Stephen E; Simonoff, Mark A (USUN); Buchwald, Todd F; Baumert, Kevin A; Aswad, Evelyn M; Gorove, Katherine M
Cc: Jacobson, Linda; Schwartz, Jonathan B; Townley, Stephen G
Subject: RE: For Clearance: Israel-Turkel Commission report

Thanks, Mary. Once I close the loop with L/PM I will clear for L.

From: McLeod, Mary
Sent: Monday, January 24, 2011 2:01 PM
To: Dolan, JoAnn; Ingber, Rebecca M; Banos, Mariano H; Perina, Alexandra H; Pomper, Stephen E; Simonoff, Mark A (USUN); Buchwald, Todd F; Baumert, Kevin A; Aswad, Evelyn M; Gorove, Katherine M
Cc: Jacobson, Linda; Schwartz, Jonathan B; Townley, Stephen G
Subject: RE: For Clearance: Israel-Turkel Commission report

I think the guidance looks OK.

This email is UNCLASSIFIED.

From: Dolan, JoAnn
Sent: Monday, January 24, 2011 1:45 PM
To: McLeod, Mary; Ingber, Rebecca M; Banos, Mariano H; Perina, Alexandra H; Pomper, Stephen E; Simonoff, Mark A (USUN); Buchwald, Todd F; Baumert, Kevin A; Aswad, Evelyn M; Gorove, Katherine M
Cc: Jacobson, Linda; Schwartz, Jonathan B; Townley, Stephen G
Subject: RE: For Clearance: Israel-Turkel Commission report

From: Dolan, JoAnn
Sent: Monday, January 24, 2011 1:14 PM
To: Ingber, Rebecca M; Banos, Mariano H; Perina, Alexandra H; Pomper, Stephen E; Simonoff, Mark A (USUN); Buchwald, Todd F; Baumert, Kevin A; Aswad, Evelyn M
Cc: McLeod, Mary; Jacobson, Linda; Schwartz, Jonathan B
Subject: FW: For Clearance: Israel-Turkel Commission report

In case others have not seen as yet.

From: Ventrell, Patrick H (USUN)
Sent: Monday, January 24, 2011 1:03 PM
To: Vasquez, Edgar J; Schrepel, Dawn M; P-NEA Duty; Rand, Dafna H; Jacobson, Linda; Dolan, JoAnn; Kornblau, Mark (USUN); Bass, Warren; Cooper, Kurtis A; Lapenn, Jessica; Owen, Evan; PRM-Press-DL; EUR-Press; Sachar, Alon (NEA/IPA); Hale, David M

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

Cc: Doutrich, Jack T

Subject: RE: For Clearance: Israel-Turkel Commission report

Attached are the suggested edits from USUN.

This email is UNCLASSIFIED.

From: Vasquez, Edgar J

Sent: Monday, January 24, 2011 12:15 PM

To: Schrepel, Dawn M; P-NEA Duty; Rand, Dafna H; Jacobson, Linda; Dolan, JoAnn; Kornblau, Mark (USUN); Bass, Warren; Cooper, Kurtis A; Lapenn, Jessica; Ventrell, Patrick H (USUN); Owen, Evan; PRM-Press-DL; EUR-Press; Sachar, Alon (NEA/IPA); Hale, David M

Cc: Doutrich, Jack T

Subject: For Clearance: Israel-Turkel Commission report

Importance: High

Please clear on the attached press guidance.

Thanks,
Eddie

This email is UNCLASSIFIED.

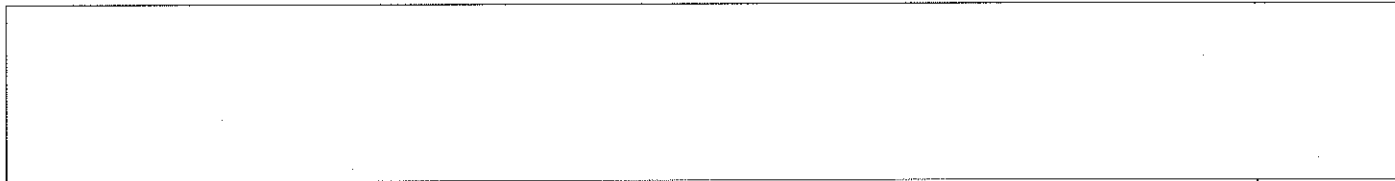
RELEASED IN PART B5

Law, Rosemary C

From: Dolan, JoAnn
Sent: Monday, January 24, 2011 1:52 PM
To: Perina, Alexandra H; Ingber, Rebecca M; Banos, Mariano H; Simonoff, Mark A (USUN)
Cc: Jacobson, Linda
Subject: RE: For Clearance: Israel-Turkel Commission report

I am adding Todd, Mark and Linda on Alexandra's concern. I also sent to Kate but got out-of-office from her mailbox.

From: Perina, Alexandra H
Sent: Monday, January 24, 2011 1:19 PM
To: Dolan, JoAnn; Ingber, Rebecca M; Banos, Mariano H
Subject: RE: For Clearance: Israel-Turkel Commission report



B5

From: Dolan, JoAnn
Sent: Monday, January 24, 2011 1:06 PM
To: Ingber, Rebecca M; Perina, Alexandra H; Banos, Mariano H
Subject: FW: For Clearance: Israel-Turkel Commission report
Importance: High

Adding you three as well.

From: Vasquez, Edgar J
Sent: Monday, January 24, 2011 12:15 PM
To: Schrepel, Dawn M; P-NEA Duty; Rand, Dafna H; Jacobson, Linda; Dolan, JoAnn; Kornblau, Mark (USUN); Bass, Warren; Cooper, Kurtis A; Lapenn, Jessica; Ventrell, Patrick H (USUN); Owen, Evan; PRM-Press-DL; EUR-Press; Sachar, Alon (NEA/IPA); Hale, David M
Cc: Doutrich, Jack T
Subject: For Clearance: Israel-Turkel Commission report
Importance: High

Please clear on the attached press guidance.

Thanks,
Eddie

This email is UNCLASSIFIED.

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

RELEASED IN PART B5

Law, Rosemary C

From: Dolan, JoAnn
Sent: Thursday, June 03, 2010 4:03 PM
To: Schwartz, Jonathan B; Jacobson, Linda
Subject: FW: Turkey mulls legal action against Israel: report

If this is ICC question Jonathan is asking about, it was answered by below message

From: Goldberger, Thomas H
Sent: Wednesday, June 02, 2010 11:11 AM
To: Dolan, JoAnn; Holmstrom, Todd C
Cc: Jacobson, Linda; Schwartz, Jonathan B; Connelly, Maura; Cunningham, James B; Sievers, Marc J; Levin, Jan
Subject: RE: Turkey mulls legal action against Israel: report

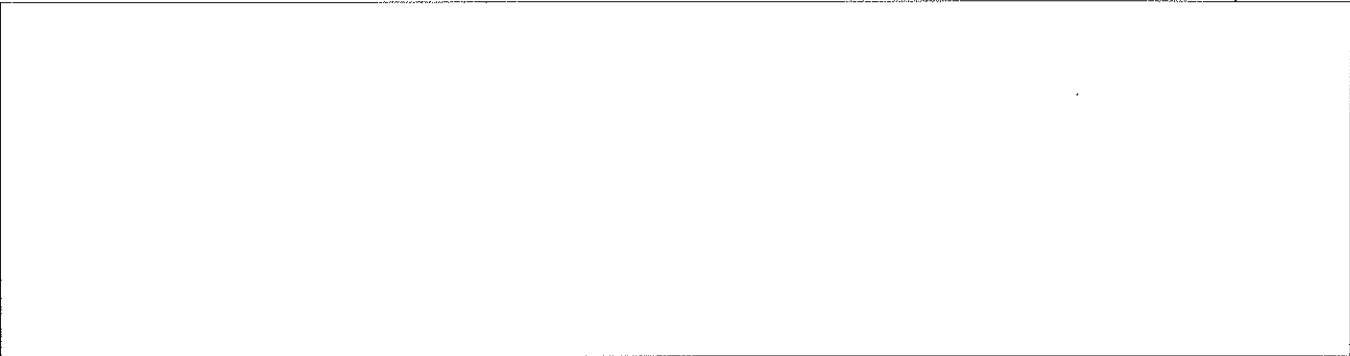
Very helpful, thanks. Adding Maura and TLV.

I gather that this is from an ICC meeting in Uganda that Harold Koh is also participating in.

From: Dolan, JoAnn
Sent: Wednesday, June 02, 2010 11:04 AM
To: Goldberger, Thomas H; Holmstrom, Todd C
Cc: Jacobson, Linda; Schwartz, Jonathan B
Subject: FW: Turkey mulls legal action against Israel: report

In response to Tom's earlier inquiry . . .

From: Eichensehr, Kristen E
Sent: Wednesday, June 02, 2010 10:44 AM
To: Gorove, Katherine M; Harris, Robert K; Dolan, JoAnn; Townley, Stephen G; Daley, John D; Pomper, Stephen E; Buchwald, Todd F; Aswad, Evelyn M; Perina, Alexandra H; Pomper, Stephen E; Legal-UNA-DL
Subject: RE: Turkey mulls legal action against Israel: report



Thanks,
Kristen

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

From: Gorove, Katherine M
Sent: Wednesday, June 02, 2010 9:25 AM
To: Harris, Robert K; Dolan, JoAnn; Townley, Stephen G; Daley, John D; Pomper, Stephen E; Buchwald, Todd F; Aswad, Evelyn M; Perina, Alexandra H; Pomper, Stephen E; Legal-UNA-DL; Eichensehr, Kristen E
Subject: RE: Turkey mulls legal action against Israel: report

Me or Kristen (who is in touch with folks in Kampala).

From: Harris, Robert K
Sent: Wednesday, June 02, 2010 8:56 AM
To: Dolan, JoAnn; Townley, Stephen G; Daley, John D; Pomper, Stephen E; Buchwald, Todd F; Aswad, Evelyn M; Perina, Alexandra H; Pomper, Stephen E; Legal-UNA-DL
Subject: RE: Turkey mulls legal action against Israel: report

Kate,

With Todd and John out of the office, can you tell me who would be following ICC-related issues in L/UNA?

Thanks.

Bob

From: Dolan, JoAnn
Sent: Wednesday, June 02, 2010 8:45 AM
To: Townley, Stephen G; Daley, John D; Harris, Robert K; Pomper, Stephen E; Buchwald, Todd F; Aswad, Evelyn M; Perina, Alexandra H; Pomper, Stephen E
Subject: FW: Turkey mulls legal action against Israel: report

May be early but be alert to this ICC angle. See desk inquiry below. Has anyone seen more?

From: Goldberger, Thomas H
Sent: Wednesday, June 02, 2010 8:27 AM
To: Dolan, JoAnn; Jacobson, Linda; Schwartz, Jonathan B
Cc: Holmstrom, Todd C
Subject: FW: Turkey mulls legal action against Israel: report

From: Sullivan, John L
Sent: Wednesday, June 02, 2010 5:11 AM
To: Gaza Flotilla Monitoring Group
Subject: FW: Turkey mulls legal action against Israel: report

Turkey mulls legal action against Israel: report

ANKARA, June 2, 2010 (AFP) - Turkey's justice ministry is mulling possible legal action against Israel over its deadly raid on aid ships bound for the Gaza Strip, Anatolia news agency reported Wednesday.

Officials are looking into both domestic and international law to see what action might be undertaken after Monday's operation in international waters that left nine people dead, among them at least four Turks, the report said.

The ministry will also decide whether to file a complaint with Turkish prosecutors, it said.

Calling the raid a "bloody massacre," Prime Minister Recep Tayyip Erdogan Tuesday urged an international inquiry into the raid, insisting that Israel's "lawlessness" must be punished.

"It is no longer possible to cover up or ignore Israel's lawlessness. It is time for the international community to say 'enough is enough'," he said.

Most of the bloodshed occurred on a Turkish-flagged ship, the Mavi Marmara, carrying hundreds of pro-Palestinian activists from about 30 countries, mostly Turkish nationals mobilised by an Islamist charity.

Media Analysis and Watch Center
USSTRATCOM Foreign Media Analysis Program
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www.sosiltd.com

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RELEASED IN PART B5

Law, Rosemary C

From: Dolan, JoAnn
Sent: Wednesday, June 02, 2010 11:22 PM
To: Gorove, Katherine M; Jacobson, Linda
Subject: "including international participation"

[REDACTED]

From: Gorove, Katherine M
Sent: Wednesday, June 02, 2010 7:44 PM
To: Jacobson, Linda; Dolan, JoAnn
Subject:

From: Powell, Catherine
Sent: Wednesday, June 02, 2010 6:59 PM
To: Aswad, Evelyn M; Gorove, Katherine M
Subject: FW: IO Guidance on HRC Flotilla Resolution

Evelyn, Kate -

[REDACTED]

Thanks.
Catherine

From: Powell, Catherine
Sent: Wednesday, June 02, 2010 6:40 PM
To: Sayles, Ambrose G; Knopf, Payton L; Cooper, Kurtis A; Bass, Warren; Kornblau, Mark (USUN); Simon, Jennifer J; Littlejohn, J.R.; Ashraf, Madeeha S; D Duty Officer3; Prince, Jonathan M; Reed, Julia G; Aswad, Evelyn M; Gorove, Katherine M
Cc: Rand, Dafna H; Burke-White, William
Subject: RE: IO Guidance on HRC Flotilla Resolution

Looping in L.

From: Powell, Catherine
Sent: Wednesday, June 02, 2010 6:39 PM
To: Sayles, Ambrose G; Knopf, Payton L; Cooper, Kurtis A; Bass, Warren; Kornblau, Mark (USUN); Simon, Jennifer J; Littlejohn, J.R.; Ashraf, Madeeha S; D Duty Officer3; Prince, Jonathan M; Reed, Julia G
Cc: Rand, Dafna H; Burke-White, William
Subject: RE: IO Guidance on HRC Flotilla Resolution

[REDACTED]

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

B5

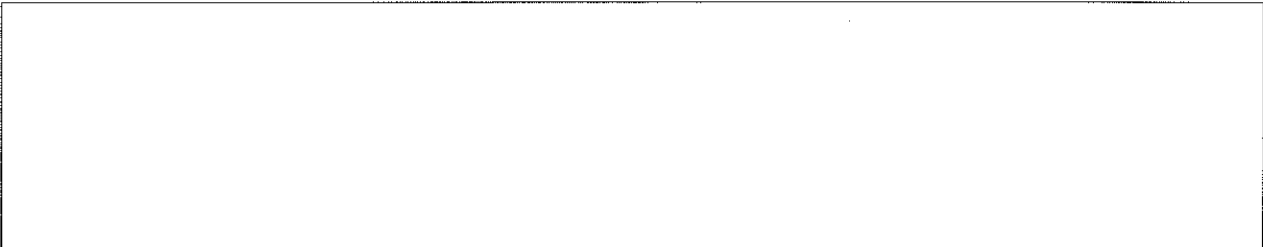
Thanks.
Catherine

Catherine Powell | Secretary of State's Policy Planning Office (S/P) | HST 7312
Department of State | Phone: 202-647-4487 | Email: powellc@state.gov

From: Sayles, Ambrose G
Sent: Wednesday, June 02, 2010 6:21 PM
To: Knopf, Payton L; Cooper, Kurtis A; Bass, Warren; Kornblau, Mark (USUN); Simon, Jennifer J; Littlejohn, J.R.; Powell, Catherine; Ashraf, Madeeha S; D Duty Officer3; Prince, Jonathan M; Reed, Julia G
Subject: RE: IO Guidance on HRC Flotilla Resolution

Thanks Payton.

Kurtis, this is the other edit to which Payton referred:

- 

From: Knopf, Payton L
Sent: Wednesday, June 02, 2010 6:18 PM
To: Sayles, Ambrose G; Cooper, Kurtis A; Bass, Warren; Kornblau, Mark (USUN); Simon, Jennifer J; Littlejohn, J.R.; Powell, Catherine; Ashraf, Madeeha S; D Duty Officer3; Prince, Jonathan M; Reed, Julia G
Subject: Re: IO Guidance on HRC Flotilla Resolution



From: Sayles, Ambrose G
To: Knopf, Payton L; Cooper, Kurtis A; Bass, Warren; Kornblau, Mark (USUN); Simon, Jennifer J; Littlejohn, J.R.; Powell, Catherine; Ashraf, Madeeha S; D Duty Officer3; Prince, Jonathan M; Reed, Julia G
Sent: Wed Jun 02 18:16:57 2010
Subject: RE: IO Guidance on HRC Flotilla Resolution



From: Knopf, Payton L
Sent: Wednesday, June 02, 2010 5:57 PM
To: Sayles, Ambrose G; Cooper, Kurtis A; Bass, Warren; Kornblau, Mark (USUN); Simon, Jennifer J; Littlejohn, J.R.; Powell, Catherine; Ashraf, Madeeha S; D Duty Officer3; Prince, Jonathan M; Reed, Julia G
Subject: Re: IO Guidance on HRC Flotilla Resolution

[Redacted]

From: Sayles, Ambrose G
To: Cooper, Kurtis A; Knopf, Payton L; Bass, Warren; Kornblau, Mark (USUN); Simon, Jennifer J; Littlejohn, J.R.; Powell, Catherine; Ashraf, Madeeha S; D Duty Officer3; Prince, Jonathan M; Reed, Julia G
Sent: Wed Jun 02 17:44:15 2010
Subject: RE: IO Guidance on HRC Flotilla Resolution

Including Jonathan and Julia from SEMEP, just in case they can assist with expediting SEMEP clearance.

From: Cooper, Kurtis A
Sent: Wednesday, June 02, 2010 5:41 PM
To: Knopf, Payton L; Sayles, Ambrose G; Bass, Warren; Kornblau, Mark (USUN); Simon, Jennifer J; Littlejohn, J.R.; Powell, Catherine; Ashraf, Madeeha S; D Duty Officer3
Subject: IO Guidance on HRC Flotilla Resolution

Still need SEMEP, USUN, P, S/P and D(S) clearance. Latest version attached. It has been cleared by the IO, NEA and EUR front offices.

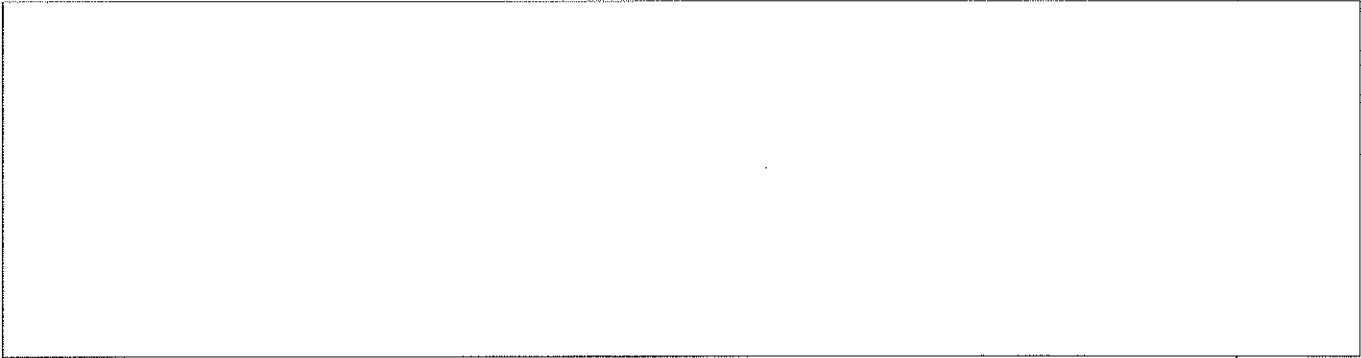
kc

SBU
This email is UNCLASSIFIED.

RELEASED IN PART B5

Law, Rosemary C

From: Dolan, JoAnn
Sent: Wednesday, June 02, 2010 6:11 PM
To: Townley, Stephen G; Guarin, Marc F; Sullivan, David J; Baumert, Kevin A; Pomper, Stephen E; Jacobson, Linda; Eichensehr, Kristen E
Cc: Thessin, James H
Subject: RE: Blockade email--draft



B5

From: Townley, Stephen G
Sent: Wednesday, June 02, 2010 5:59 PM
To: Guarin, Marc F; Sullivan, David J; Baumert, Kevin A; Dolan, JoAnn; Pomper, Stephen E; Jacobson, Linda; Eichensehr, Kristen E
Cc: Thessin, James H
Subject: RE: Blockade email--draft



From: Guarin, Marc F
Sent: Wednesday, June 02, 2010 5:41 PM
To: Sullivan, David J; Baumert, Kevin A; Dolan, JoAnn; Pomper, Stephen E; Townley, Stephen G; Jacobson, Linda; Eichensehr, Kristen E
Cc: Donoghue, Joan E; Thessin, James H
Subject: RE: Blockade email--draft

All-

Just got revised guidance in from Joan. I've copied and pasted it into a separate word document (attached), which now becomes the new baseline. I'm standing by to incorporate all of your modifications, subject to guidance from the FO,

Marc

From: Guarin, Marc F
Sent: Wednesday, 2 June, 2010 17:00
To: Sullivan, David J; Baumert, Kevin A; Dolan, JoAnn; Pomper, Stephen E; Townley, Stephen G; Jacobson, Linda; Eichensehr, Kristen E
Subject: RE: Blockade email--draft

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

Thanks for your patience... the attached version is both consolidated and cleaned up aesthetically (set the track changes view to "final" vice "final showing markup" if you want to see what it looks like clean), so I'd say it's pretty close to being ready for prime time.

Marc

From: Guarin, Marc F
Sent: Wednesday, 2 June, 2010 16:31
To: Sullivan, David J; Baumert, Kevin A; Dolan, JoAnn; Pomper, Stephen E; Townley, Stephen G; Jacobson, Linda
Subject: RE: Blockade email--draft

All-

It looks like there are now two versions floating around (one that JoAnn and David edited, and one that Linda and I edited). To minimize confusion, I'm going to run a mail merge and then recirculate the combined version. Please don't make any additional mods until I've had a chance to consolidate.

Marc

From: Sullivan, David J
Sent: Wednesday, 2 June, 2010 16:28
To: Baumert, Kevin A; Dolan, JoAnn; Pomper, Stephen E; Townley, Stephen G; Guarin, Marc F; Jacobson, Linda
Subject: RE: Blockade email--draft

From: Baumert, Kevin A
Sent: Wednesday, June 02, 2010 4:09 PM
To: Dolan, JoAnn; Pomper, Stephen E; Townley, Stephen G; Guarin, Marc F; Jacobson, Linda; Sullivan, David J
Subject: RE: Blockade email--draft

From: Dolan, JoAnn
Sent: Wednesday, June 02, 2010 3:59 PM
To: Baumert, Kevin A; Pomper, Stephen E; Townley, Stephen G; Guarin, Marc F; Jacobson, Linda; Sullivan, David J
Subject: RE: Blockade email--draft

I have added a few questions and comments.

B5

B5

From: Baumert, Kevin A
Sent: Wednesday, June 02, 2010 3:41 PM
To: Pomper, Stephen E; Townley, Stephen G; Guarin, Marc F; Jacobson, Linda; Dolan, JoAnn; Sullivan, David J
Subject: FW: Blockade email--draft

Just a few non-substantive edits. Dave may have additional ones... This looks quite useful and concise.

From: Pomper, Stephen E
Sent: Wednesday, June 02, 2010 3:05 PM
To: Townley, Stephen G; Guarin, Marc F; Baumert, Kevin A; Jacobson, Linda; Dolan, JoAnn
Subject: RE: Blockade email--draft

Please work from this draft, which implements Stephen T's comments. I will be out until at least 6, so Stephen/Marc will be running the doc. Thanks, Steve

From: Townley, Stephen G
Sent: Wednesday, June 02, 2010 3:01 PM
To: Pomper, Stephen E; Guarin, Marc F; Baumert, Kevin A; Jacobson, Linda; Dolan, JoAnn
Subject: RE: Blockade email--draft

Just a quick plug to please send comments as soon as you can, as we'd like to ship this out to HHK too before launching. Thanks, Stephen

From: Pomper, Stephen E
Sent: Wednesday, June 02, 2010 12:50 PM
To: Townley, Stephen G; Guarin, Marc F; Baumert, Kevin A; Jacobson, Linda; Dolan, JoAnn
Subject: Blockade email--draft

Folks—Here is a very rough draft email with some blank spots that is intended to help answer 7th floor questions on blockade issues. I unfortunately have to duck into something else but maybe Marc or Stephen could consolidate comments before this goes to Jim, Joan, and HK?

[Redacted]

[Redacted]

B5

RELEASED IN PART B5

Law, Rosemary C

From: Dolan, JoAnn
Sent: Wednesday, June 02, 2010 5:44 PM
To: Aswad, Evelyn M; Jacobson, Linda; Baumert, Kevin A; Pomper, Stephen E; Townley, Stephen G; Guarin, Marc F; Perina, Alexandra H; Banos, Mariano H; Gorove, Katherine M; Sullivan, David J; Mortlock, David JL; Gutherie, Peter A; Martin, Julie B
Cc: Harris, Robert K
Subject: RE: PC on Flotilla Thursday evening

[Redacted]

B5

From: Aswad, Evelyn M
Sent: Wednesday, June 02, 2010 5:43 PM
To: Jacobson, Linda; Baumert, Kevin A; Dolan, JoAnn; Pomper, Stephen E; Townley, Stephen G; Guarin, Marc F; Perina, Alexandra H; Banos, Mariano H; Gorove, Katherine M; Sullivan, David J; Mortlock, David JL; Gutherie, Peter A; Martin, Julie B
Cc: Harris, Robert K
Subject: RE: PC on Flotilla Thursday evening

[Redacted]

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

[Redacted]

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

RELEASED IN PART B5

Law, Rosemary C

From: Dolan, JoAnn
Sent: Wednesday, June 02, 2010 5:34 PM
To: Harris, Robert K; Nossel, Suzanne F; Cassidy, Joseph P; Aswad, Evelyn M; McGeeney, Kristen R (DRL); Ostermeier, Amy A; Fitzpatrick, Kathleen M; Banos, Mariano H; Aswad, Evelyn M; Pomper, Stephen E; Gorove, Katherine M; Jacobson, Linda
Subject: RE: Clearance Request: IO Guidance on the HRC Resolution on the Flotilla

Please loop in Linda Jacobson as well.

From: Harris, Robert K
Sent: Wednesday, June 02, 2010 5:24 PM
To: Nossel, Suzanne F; Cassidy, Joseph P; Aswad, Evelyn M; McGeeney, Kristen R (DRL); Ostermeier, Amy A; Fitzpatrick, Kathleen M; Banos, Mariano H; Aswad, Evelyn M; Pomper, Stephen E; Gorove, Katherine M; Dolan, JoAnn
Subject: RE: Clearance Request: IO Guidance on the HRC Resolution on the Flotilla

Mariano is out for a few days. I'm adding a few L colleagues to this discussion.

From: Nossel, Suzanne F
Sent: Wednesday, June 02, 2010 5:19 PM
To: Cassidy, Joseph P; Aswad, Evelyn M; McGeeney, Kristen R (DRL); Ostermeier, Amy A; Fitzpatrick, Kathleen M; Banos, Mariano H; Harris, Robert K
Subject: Re: Clearance Request: IO Guidance on the HRC Resolution on the Flotilla

[Redacted]

B5

From: Cassidy, Joseph P
To: Aswad, Evelyn M; McGeeney, Kristen R (DRL); Ostermeier, Amy A; Nossel, Suzanne F; Fitzpatrick, Kathleen M; Banos, Mariano H; Harris, Robert K
Sent: Wed Jun 02 17:16:55 2010
Subject: RE: Clearance Request: IO Guidance on the HRC Resolution on the Flotilla

[Redacted]

From: Aswad, Evelyn M
Sent: Wednesday, June 02, 2010 4:57 PM
To: Cassidy, Joseph P; McGeeney, Kristen R (DRL); Ostermeier, Amy A; Nossel, Suzanne F; Fitzpatrick, Kathleen M; Banos, Mariano H; Harris, Robert K
Subject: FW: Clearance Request: IO Guidance on the HRC Resolution on the Flotilla

[Redacted]

From: Cooper, Kurtis A
Sent: Wednesday, June 02, 2010 4:45 PM
To: Gorove, Katherine M
Cc: Aswad, Evelyn M; Dolan, JoAnn; Pomper, Stephen E; Harris, Robert K
Subject: RE: Clearance Request: IO Guidance on the HRC Resolution on the Flotilla

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

[Redacted]

SBU
This email is UNCLASSIFIED.

From: Gorove, Katherine M
Sent: Wednesday, June 02, 2010 4:32 PM
To: Cooper, Kurtis A
Cc: Aswad, Evelyn M; Dolan, JoAnn; Pomper, Stephen E; Harris, Robert K
Subject: FW: Clearance Request: IO Guidance on the HRC Resolution on the Flotilla

Kurt, here are comments from L/HRR and L/UNA. Thanks,

From: Aswad, Evelyn M
Sent: Wednesday, June 02, 2010 2:57 PM
To: Gorove, Katherine M; Harris, Robert K; Banos, Mariano H; Dolan, JoAnn; Pomper, Stephen E
Subject: FW: Clearance Request: IO Guidance on the HRC Resolution on the Flotilla

Kate - L/HRR comments in text. Thanks, EA

From: Gorove, Katherine M
Sent: Wednesday, June 02, 2010 2:33 PM
To: Harris, Robert K; Aswad, Evelyn M; Banos, Mariano H; Dolan, JoAnn
Subject: FW: Clearance Request: IO Guidance on the HRC Resolution on the Flotilla

I have one comment that I put in attached. For your input/clearances by 4:30 today.

From: Cooper, Kurtis A
Sent: Wednesday, June 02, 2010 2:18 PM
To: Schlachter, Mark M; Ostermeier, Amy A; Glauque, Jeffrey G; Sayles, Ambrose G; Ellis, Benjamin H; Knopf, Payton L; Coughlin, Shaun (S/WCI); Bass, Warren; Kornblau, Mark (USUN); Tekach, Mara (USUN); Vadino, Carolyn; Neville, Colleen C; Johnston-Gardner, Sarah R (DRL); Gorove, Katherine M; Littlejohn, J.R.; Burke-White, William; Ashraf, Madeeha S; 'Busby, Scott W.'; Simon, Jennifer J
Subject: Clearance Request: IO Guidance on the HRC Resolution on the Flotilla

Colleagues:

Attached is press guidance regarding today's vote at the HRC. Please clear by 4:30. Thanks in advance.

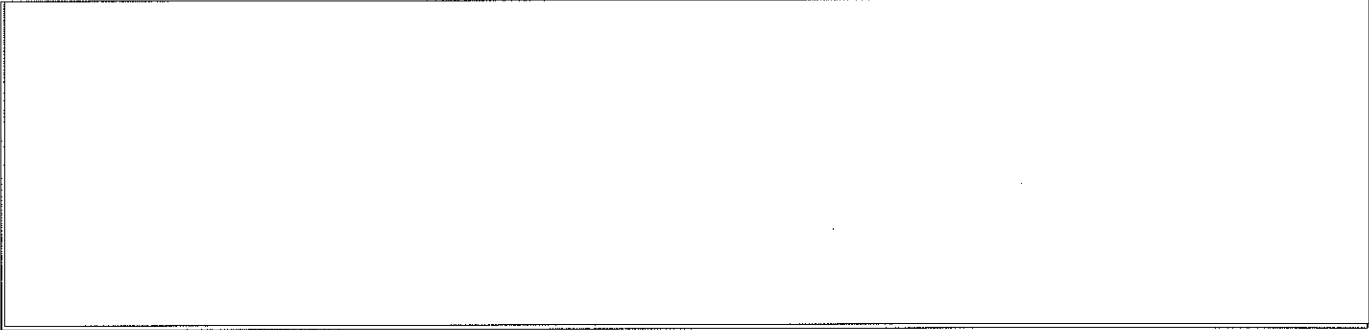
Kurtis

SBU
This email is UNCLASSIFIED.

RELEASED IN PART
B5, B6

Law, Rosemary C

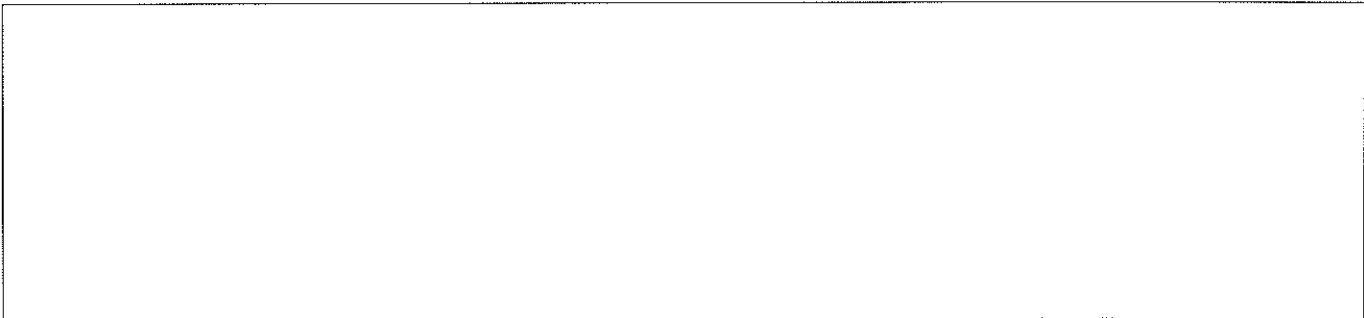
From: Dolan, JoAnn
Sent: Tuesday, June 01, 2010 8:08 PM
To: Aswad, Evelyn M; Jacobson, Linda; Pomper, Stephen E; Perina, Alexandra H
Cc: Banos, Mariano H; Harris, Robert K; Donoghue, Joan E; Schwartz, Jonathan B
Subject: RE: FINAL CLEARANCE needed by 10 pm on [redacted]
Attachments: image001.png



From: Aswad, Evelyn M
Sent: Tuesday, June 01, 2010 7:24 PM
To: Dolan, JoAnn; Jacobson, Linda; Pomper, Stephen E; Perina, Alexandra H
Cc: Banos, Mariano H; Harris, Robert K; Donoghue, Joan E; Schwartz, Jonathan B
Subject: FW: FINAL CLEARANCE needed by 10 pm on [redacted]

Dear L/AN and L/PM: Please send to Mariano and me your comments, if any, on the EOV (and any concerns with the instructions below), by 9:30 pm tonight. Thank you, Evelyn

From: Anderson, Gerald C
Sent: Tuesday, June 01, 2010 7:09 PM
To: Cue, Lourdes C; 'Daniel_B_Shapiro@nss.eop.gov'; Bass, Warren; Powell, Catherine; Ashraf, Madeeha S; Aguilera, Patricia; Littlejohn, J.R.; Giaque, Jeffrey G; Knopf, Payton L; Goldberger, Thomas H; 'Scott_W_Busby@nss.eop.gov'; 'Prem_G_Kumar@nss.eop.gov'
Cc: Fitzpatrick, Kathleen M; Posner, Michael H; Geneva HRC; Cassidy, Joseph P; DRL-MLGA-DL; Feltman, Jeffrey D; IO-HR-DL; Wells, Alice G; Griffiths, Douglas M; Khanna, Melanie J; Donahoe, Eileen C; Schedlbauer, Amy W; Germain, Ellen J (USUN); Wolff, Alex D (USUN); Nossel, Suzanne F; Ostermeier, Amy A; 'jpcassidy'; Wecker, John A; Aswad, Evelyn M; Legal-HRR-DL; Holmstrom, Todd C; Simon, Jennifer J; Perina, Alexandra H; Schwartz, Jonathan B; Pomper, Stephen E; Cassayre, Mark J
Subject: FINAL CLEARANCE needed by 10 pm on [redacted]



REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

With thanks,

Gerald C. Anderson
Principal Deputy Assistant Secretary
Bureau of International Organization Affairs
Room 6323
U.S. Department of State
Washington, DC 20520
Office: 202-647-9602



RELEASED IN PART B5

Law, Rosemary C

From: Dolan, JoAnn
Sent: Monday, January 24, 2011 1:45 PM
To: McLeod, Mary; Ingber, Rebecca M; Banos, Mariano H; Perina, Alexandra H; Pomper, Stephen E; Simonoff, Mark A (USUN); Buchwald, Todd F; Baumert, Kevin A; Aswad, Evelyn M; Gorove, Katherine M
Cc: Jacobson, Linda; Schwartz, Jonathan B; Townley, Stephen G
Subject: RE: For Clearance: Israel-Turkel Commission report
Attachments: 012411-Israel-Palestinians-Free Gaza Flotilla Investigation Report.docx; FW: For Clearance: Israel-Turkel Commission report



B5

From: Dolan, JoAnn
Sent: Monday, January 24, 2011 1:14 PM
To: Ingber, Rebecca M; Banos, Mariano H; Perina, Alexandra H; Pomper, Stephen E; Simonoff, Mark A (USUN); Buchwald, Todd F; Baumert, Kevin A; Aswad, Evelyn M
Cc: McLeod, Mary; Jacobson, Linda; Schwartz, Jonathan B
Subject: FW: For Clearance: Israel-Turkel Commission report

In case others have not seen as yet.

From: Ventrell, Patrick H (USUN)
Sent: Monday, January 24, 2011 1:03 PM
To: Vasquez, Edgar J; Schrepel, Dawn M; P-NEA Duty; Rand, Dafna H; Jacobson, Linda; Dolan, JoAnn; Kornblau, Mark (USUN); Bass, Warren; Cooper, Kurtis A; Lapenn, Jessica; Owen, Evan; PRM-Press-DL; EUR-Press; Sachar, Alon (NEA/IPA); Hale, David M
Cc: Doutrich, Jack T
Subject: RE: For Clearance: Israel-Turkel Commission report

Attached are the suggested edits from USUN.

This email is UNCLASSIFIED.

From: Vasquez, Edgar J
Sent: Monday, January 24, 2011 12:15 PM
To: Schrepel, Dawn M; P-NEA Duty; Rand, Dafna H; Jacobson, Linda; Dolan, JoAnn; Kornblau, Mark (USUN); Bass, Warren; Cooper, Kurtis A; Lapenn, Jessica; Ventrell, Patrick H (USUN); Owen, Evan; PRM-Press-DL; EUR-Press; Sachar, Alon (NEA/IPA); Hale, David M
Cc: Doutrich, Jack T
Subject: For Clearance: Israel-Turkel Commission report
Importance: High

Please clear on the attached press guidance.

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

Thanks,
Eddie

This email is UNCLASSIFIED.

RELEASED IN PART B5

Law, Rosemary C

From: Ventrell, Patrick H (USUN)
Sent: Monday, January 24, 2011 12:53 PM
To: Bass, Warren; Vasquez, Edgar J; Schrepel, Dawn M; P-NEA Duty; Rand, Dafna H; Jacobson, Linda; Dolan, JoAnn; Kornblau, Mark (USUN); Cooper, Kurtis A; Lapenn, Jessica; Owen, Evan; PRM-Press-DL; EUR-Press; Sachar, Alon (NEA/IPA); Hale, David M; Germain, Ellen J (USUN); Masilko, Barbara J (USUN)
Subject: RE: For Clearance: Israel-Turkel Commission report
Classification: UNCLASSIFIED



B5

Statement by Ambassador Susan E. Rice, U.S. Permanent Representative to the United Nations, on Secretary General Ban's Panel Concerning the May 31 Flotilla Incident

Susan E. Rice

U.S. Permanent Representative to the United Nations

U.S. Mission to the United Nations

New York, NY

August 2, 2010

FOR IMMEDIATE RELEASE

The United States welcomes today's announcement by UN Secretary General Ban Ki-moon of the establishment of a Panel regarding the incident of May 31st. We thank both governments for the constructive and cooperative spirit they have shown and the Secretary General for his leadership and determination. The Panel, which has the support of both Israel and Turkey, will receive and review the reports of each government's national investigation into the incident and make recommendations as to how to avoid such incidents in the future. This Panel is not a substitute for those national investigations. It complements them, affording Israel and Turkey the opportunity to present the conclusions of their investigations to the international community. The focus of the Panel is appropriately on the future and on preventing such incidents from recurring. The United States also hopes that the Panel can serve as a vehicle to enable Israel and Turkey to move beyond the recent strains in their relationship and repair their strong historic ties.

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

The United States expects that the Panel will operate in a transparent and credible manner and that its work will be the primary method for the international community to review the incident, obviating the need for any overlapping international inquiries. The United States welcomes the naming of the former Prime Minister of New Zealand, Geoffrey Palmer, as Chair and the outgoing President of Colombia, Alvaro Uribe, as Vice-Chair. We look forward to the announcement of the two additional members from Israel and Turkey.

###

This email is UNCLASSIFIED.

From: Bass, Warren
Sent: Monday, January 24, 2011 12:30 PM
To: Vasquez, Edgar J; Schrepel, Dawn M; P-NEA Duty; Rand, Dafna H; Jacobson, Linda; Dolan, JoAnn; Kornblau, Mark (USUN); Bass, Warren; Cooper, Kurtis A; Lapenn, Jessica; Ventrell, Patrick H (USUN); Owen, Evan; PRM-Press-DL; EUR-Press; Sachar, Alon (NEA/IPA); Hale, David M; Germain, Ellen J (USUN); Masilko, Barbara J (USUN)
Subject: For Clearance: Israel-Turkel Commission report
Importance: High

Looping others in USUN/NY.

SBU
This email is UNCLASSIFIED.

From: Vasquez, Edgar J
Sent: Monday, January 24, 2011 12:15 PM
To: Schrepel, Dawn M; P-NEA Duty; Rand, Dafna H; Jacobson, Linda; Dolan, JoAnn; Kornblau, Mark (USUN); Bass, Warren; Cooper, Kurtis A; Lapenn, Jessica; Ventrell, Patrick H (USUN); Owen, Evan; PRM-Press-DL; EUR-Press; Sachar, Alon (NEA/IPA); Hale, David M
Cc: Doutrich, Jack T
Subject: For Clearance: Israel-Turkel Commission report
Importance: High

Please clear on the attached press guidance.

Thanks,
Eddie

This email is UNCLASSIFIED.

RELEASED IN PART B5

Law, Rosemary C

From: Doan, JoAnn
Sent: Thursday, June 03, 2010 9:26 AM
To: Townley, Stephen G; Eichensehr, Kristen E; Daley, John D; Gorove, Katherine M; Aswad, Evelyn M; Banos, Mariano H
Cc: Harris, Robert K; Schwartz, Jonathan B; Jacobson, Linda
Subject: FW: xlation of the Arab League Resolution
Attachments: EN_AL_Res_Israeli Attack on Flotilla 02 June 2010.docx

From: Goldberger, Thomas H
Sent: Thursday, June 03, 2010 8:27 AM
To: Dolan, JoAnn; Jacobson, Linda
Cc: Giaouque, Jeffrey G; Holmstrom, Todd C
Subject: FW: xlation of the Arab League Resolution

[Redacted]
Tom

From: Holmstrom, Todd C
Sent: Thursday, June 03, 2010 8:20 AM
To: Giaouque, Jeffrey G
Cc: Goldberger, Thomas H
Subject: FW: xlation of the Arab League Resolution

Jeff, will you do this please?

From: Connelly, Maura
Sent: Thursday, June 03, 2010 7:21 AM
To: Goldberger, Thomas H; Holmstrom, Todd C
Cc: Lentz, Andrew N; Giaouque, Jeffrey G
Subject: Fw: xlation of the Arab League Resolution

[Redacted]

From: Blome, Donald A
To: Scobey, Margaret; Tueller, Matthew H; Hale, David M; Shampaine, Nicole D; Rubinstein, Daniel H; Connelly, Maura
Cc: Sievers, Marc J; Waters, John R
Sent: Thu Jun 03 04:17:40 2010
Subject: FW: xlation of the Arab League Resolution

Final text with Embassy translation

This email is UNCLASSIFIED. **REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer**

B5

From: Najeeb, Usama M
Sent: Thursday, June 03, 2010 10:59 AM
To: Rosenstock, Matthew S; Watkins, Todd J; Blome, Donald A; Perry, Laura M
Subject: xlation of the Arab League Resolution

Enclosed is the Arabic original and unofficial English translation of the Arab League resolutions issued yesterday at the foreign ministers' meeting.

Thank You
Usama Najeeb

RELEASED IN PART B5

Law, Rosemary C

From: Dolan, JoAnn
Sent: Wednesday, June 02, 2010 8:24 PM
To: Townley, Stephen G; Guarin, Marc F; Sullivan, David J; Baumert, Kevin A; Pomper, Stephen E; Jacobson, Linda; Eichensehr, Kristen E; Cleveland, Sarah H; Gorove, Katherine M
Cc: Thessin, James H; Harris, Robert K
Subject: RE: Blockade email--draft
Attachments: Gaza v3.docx



B5

From: Townley, Stephen G
Sent: Wednesday, June 02, 2010 7:53 PM
To: Guarin, Marc F; Sullivan, David J; Baumert, Kevin A; Dolan, JoAnn; Pomper, Stephen E; Jacobson, Linda; Eichensehr, Kristen E; Cleveland, Sarah H; Gorove, Katherine M
Cc: Thessin, James H; Harris, Robert K
Subject: RE: Blockade email--draft

All, Attached are some small revisions following our discussion just now. Please send me any further edits/comments by 8:30pm. Thanks, Stephen

From: Townley, Stephen G
Sent: Wednesday, June 02, 2010 6:31 PM
To: Guarin, Marc F; Sullivan, David J; Baumert, Kevin A; Dolan, JoAnn; Pomper, Stephen E; Jacobson, Linda; Eichensehr, Kristen E; Cleveland, Sarah H; Gorove, Katherine M
Cc: Thessin, James H
Subject: RE: Blockade email--draft

All, I have tried to consolidate existing comments in Joan's version and made a few other suggestions. If everyone could please take another look, we are hoping to get this back to Joan for final approval later tonight. Thanks, Stephen

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

RELEASED IN PART
1.4(B),B1,B5,1.4(D),B6

Law, Rosemary C

From: Dolan, JoAnn
Sent: Wednesday, June 02, 2010 10:46 AM
To: Schwartz, Jonathan B
Cc: Jacobson, Linda
Subject: FW: Flotilla to Gaza Materials
Attachments: LEGAL-#196110-v11-Israel_best_practices_IHL_non-paper.doc; LEGAL-#195490-v2-Commission_of_Inquiry_draft.docx

[Redacted]

B5

From: Harris, Robert K
Sent: Wednesday, June 02, 2010 8:48 AM
To: Dolan, JoAnn; Aswad, Evelyn M; Banos, Mariano H; Pomper, Stephen E; Perina, Alexandra H; Townley, Stephen G
Cc: Jacobson, Linda; Gorove, Katherine M
Subject: RE: Flotilla to Gaza Materials

[Redacted]

B5

From: Dolan, JoAnn
Sent: Wednesday, June 02, 2010 8:39 AM
To: Aswad, Evelyn M; Harris, Robert K; Banos, Mariano H; Pomper, Stephen E; Perina, Alexandra H; Townley, Stephen G
Cc: Jacobson, Linda
Subject: FW: Flotilla to Gaza Materials

[Redacted]

B5

From: Schwartz, Jonathan B
Sent: Wednesday, June 02, 2010 2:26 AM
To: Dolan, JoAnn
Cc: Jacobson, Linda
Subject: Fw: Flotilla to Gaza Materials

[Redacted]

B5

Thanks.

Classified by DAS, A/GIS, DoS on : 11/09/2012 ~ Class: CONFIDENTIAL ~ Reason: 1.4(B)(D) ~ Declassify on:06/02/2030

Jon

B6

From: [Redacted]
To: Schwartz, Jonathan B
Sent: Tue Jun 01 23:46:21 2010
Subject: RE: Flotilla to Gaza Materials

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

Jon,

It would be very good to speak to you. Not sure what time I will be back in Israel on Thursday morning. Do you have an Israeli cell no I can reach you on?

[Redacted]

[Redacted]

B5

B6

[Schwartz, Jonathan B [mailto:SchwartzJB@state.gov] :**From**
Wednesday, June 02, 2010 12:40 AM :**Sent**
Taub Daniel :**To**
Re: Flotilla to Gaza Materials :**Subject**

Thanks [Redacted] am en route to Israel and may have time Thursday morning if convenient. (I will be staying in Jerusalem and am not planning to join Mitchell for that morning's activities.)

B6

Regards,

Jon

From: [Redacted]
To: kohh@state.gov <kohh@state.gov>; Schwartz, Jonathan B
Sent: Tue Jun 01 15:39:15 2010
Subject: Flotilla to Gaza Materials

B6

Harold, many thanks for your time and insights today. Following our conversation here is some initial background material about the flotilla incident, which I hope will be useful to you. I will make sure you are copied on significant material as it becomes available.

Jon, Hope all is well with you. Copying this to you at Harold's suggestion. Hope to speak soon.

[Redacted]

B6

VIDEOS

1. IDF Spokesperson video:

The Israel Navy warns flotilla that the Gaza region is closed to maritime traffic, and invites the ships to enter Ashdod port to transfer humanitarian aid.

<http://www.youtube.com/watch?v=P6jDIQr595k>

2. IDF Spokesperson 2nd video taken from helicopter

<http://www.youtube.com/watch?v=bU12KW-XyZE>

and one more by the IDF Navy

<http://www.youtube.com/watch?v=yphfyN0dqi8&NR=1>

3. Hamas is behind human rights violations clips:

<http://www.youtube.com/watch?v=b5I3koQ10h4>

4. Channel 10 clips with 2 main points:

1. The flotilla mob attacks soldiers and try to take weapon from one of them while stabbing him with a knife.
2. 10 hours before the takeover they are calling Kaybahr ya yahud which basically means kill the Jews.

Click here to download the video: <https://www.yousendit.com/download/dXFVWGJJYXlIcWRFQIE9PQ>

Another video with the stabbing

<http://www.nrg.co.il/online/1/ART2/114/294.html?hp=1&loc=2&tmp=2454>

5. MFA CLIPS

<http://www.youtube.com/watch?v=5wIWcNXzstI>

Media coverage:

<http://www.justjournalism.com/media-analysis/view/peace-activists-or-violent-attackers-how-the-media-narrative-on-flotilla-incident-is-shaping-up>

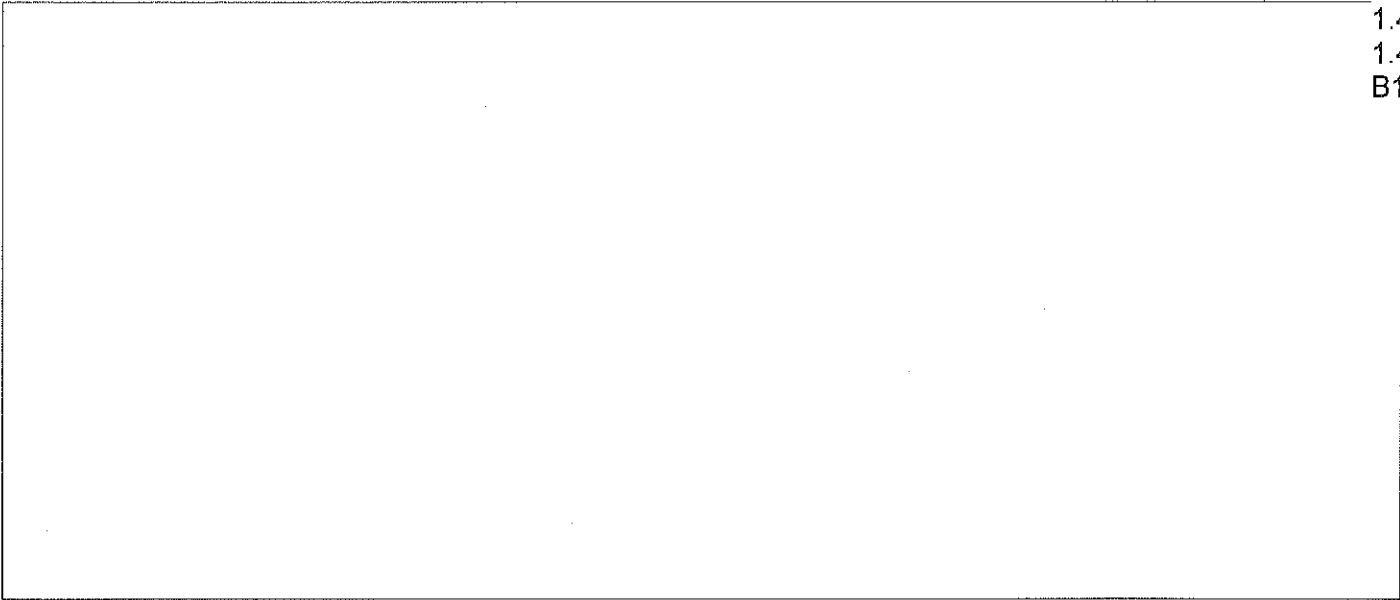
[Regarding claims of Israel violating Laws of the sea click here](#)

http://blog.camera.org/archives/2010/05/ny_times_flotilla_coverage_mis.html

and legal update by MFA

1.4(B)
1.4(D)
B1

1.4(B)
1.4(D)
B1



This footnote confirms that this email message has been scanned by
PineApp Mail-SeCure for the presence of malicious code, vandals & computer viruses.

RELEASED IN PART
B5, B6

Law, Rosemary C

From: Dolan, JoAnn
Sent: Tuesday, June 01, 2010 8:25 PM
To: Pomper, Stephen E; Jacobson, Linda; Aswad, Evelyn M; Perina, Alexandra H
Cc: Banos, Mariano H; Harris, Robert K; Donoghue, Joan E; Schwartz, Jonathan B
Subject: RE: FINAL CLEARANCE needed by 10 pm on [redacted]
resolution at HRC
Attachments: 2010-06-01 HRC 14 Flotilla EOV-revised 6 pm lpm.docx

B5

Two comments noted in response to Stephen's tracked comments.

From: Pomper, Stephen E
Sent: Tuesday, June 01, 2010 8:11 PM
To: Jacobson, Linda; Aswad, Evelyn M; Dolan, JoAnn; Perina, Alexandra H
Cc: Banos, Mariano H; Harris, Robert K; Donoghue, Joan E; Schwartz, Jonathan B
Subject: RE: FINAL CLEARANCE needed by 10 pm on [redacted]

[Large redacted area]

From: Jacobson, Linda
Sent: Tuesday, June 01, 2010 7:31 PM
To: Aswad, Evelyn M; Dolan, JoAnn; Pomper, Stephen E; Perina, Alexandra H
Cc: Banos, Mariano H; Harris, Robert K; Donoghue, Joan E; Schwartz, Jonathan B
Subject: Re: FINAL CLEARANCE needed by 10 pm on instructions to Geneva for [redacted]

Evelyn, I sent my comments to JoAnn earlier so I expect you will also be hearing from her. Our redlines are reference to occupation re Gaza and Israel as occupier; a SYG or other international investigation (S press briefing toda highlighted this). On GCIV reference, I am a little more cautious than Alexandra. I don't have the Israeli past statements on this so can't remember whether they said they would apply as a matter of policy GCIV or rather customary IHL. I can't check that remotely.

From: Aswad, Evelyn M
To: Dolan, JoAnn; Jacobson, Linda; Pomper, Stephen E; Perina, Alexandra H
Cc: Banos, Mariano H; Harris, Robert K; Donoghue, Joan E; Schwartz, Jonathan B
Sent: Tue Jun 01 19:24:16 2010
Subject: FW: FINAL CLEARANCE needed by 10 pm on [redacted]

Dear L/AN and L/PM: Please send to Mariano and me your comments, if any, on the EOV (and any concerns with the instructions below), by 9:30 pm tonight. Thank you, Evelyn

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

From: Anderson, Gerald C

Sent: Tuesday, June 01, 2010 7:09 PM

To: Cue, Lourdes C; 'Daniel_B._Shapiro@nss.eop.gov'; Bass, Warren; Powell, Catherine; Ashraf, Madeeha S; Aguilera, Patricia; Littlejohn, J.R.; Giauque, Jeffrey G; Knopf, Payton L; Goldberger, Thomas H; 'Scott_W._Busby@nss.eop.gov'; 'Prem_G._Kumar@nss.eop.gov'

Cc: Fitzpatrick, Kathleen M; Posner, Michael H; Geneva HRC; Cassidy, Joseph P; DRL-MLGA-DL; Feltman, Jeffrey D; IO-HR-DL; Wells, Alice G; Griffiths, Douglas M; Khanna, Melanie J; Donahoe, Eileen C; Schedlbauer, Amy W; Germain, Ellen J (USUN); Wolff, Alex D (USUN); Nossel, Suzanne F; Ostermeier, Amy A; 'jpcassidy()' Wecker, John A; Aswad, Evelyn M; Legal-HRR-DL; Holmstrom, Todd C; Simon, Jennifer J; Perina, Alexandra H; Schwartz, Jonathan B; Pomper, Stephen E; Cassayre, Mark J

Subject: FINAL CLEARANCE needed by 10 pm on ()

B6



B5

With thanks,

Gerald C. Anderson
Principal Deputy Assistant Secretary
Bureau of International Organization Affairs
Room 6323
U.S. Department of State
Washington, DC 20520
Office: 202-647-9602



RELEASED IN PART
B5, B6

Law, Rosemary C

From: Dolan, JoAnn
Sent: Monday, May 31, 2010 5:00 PM
To: Perina, Alexandra H; Legal-HRR-DL; Schwartz, Jonathan B; Pomper, Stephen E; Jacobson, Linda
Cc: Baumert, Kevin A
Subject: RE: URGENT -- Clearance needed Monday afternoon
Attachments: statement - 2010 04 31 - flotilla2.doc

This seems fine to me with Alexandria's revision. Found Wolff statement this afternoon on USUN website

<http://usun.state.gov/briefing/statements/2010/142381.htm>

From: Perina, Alexandra H
Sent: Monday, May 31, 2010 4:44 PM
To: Legal-HRR-DL; Schwartz, Jonathan B; Pomper, Stephen E; Dolan, JoAnn; Jacobson, Linda
Subject: FW: URGENT -- Clearance needed Monday afternoon

[Redacted]

B5

From: Joseph Cassidy [mailto:jpcassidy@]
Sent: Monday, May 31, 2010 4:37 PM
To: Ashraf, Madeeha S; Cue, Lourdes C; Aguilera, Patricia; Littlejohn, J.R.; Wecker, John A; Powell, Catherine; Ostermeier, Amy A; Aswad, Evelyn M; Giauque, Jeffrey G; Knopf, Payton L; Legal-HRR-DL; Goldberger, Thomas H; Holmstrom, Todd C; Simon, Jennifer J; Bass, Warren; [scott.w. busby@nss.eop.gov](mailto:scott.w.busby@nss.eop.gov); Perina, Alexandra H; Schwartz, Jonathan B; Pomper, Stephen E
Cc: Fitzpatrick, Kathleen M; Nossel, Suzanne F; Posner, Michael H; Geneva HRC; Cassidy, Joseph P; jpcassidy@ ; DRL-MLGA-DL
Subject: URGENT -- Clearance needed Monday afternoon

B6

[Redacted]

B5

Thanks, Joe

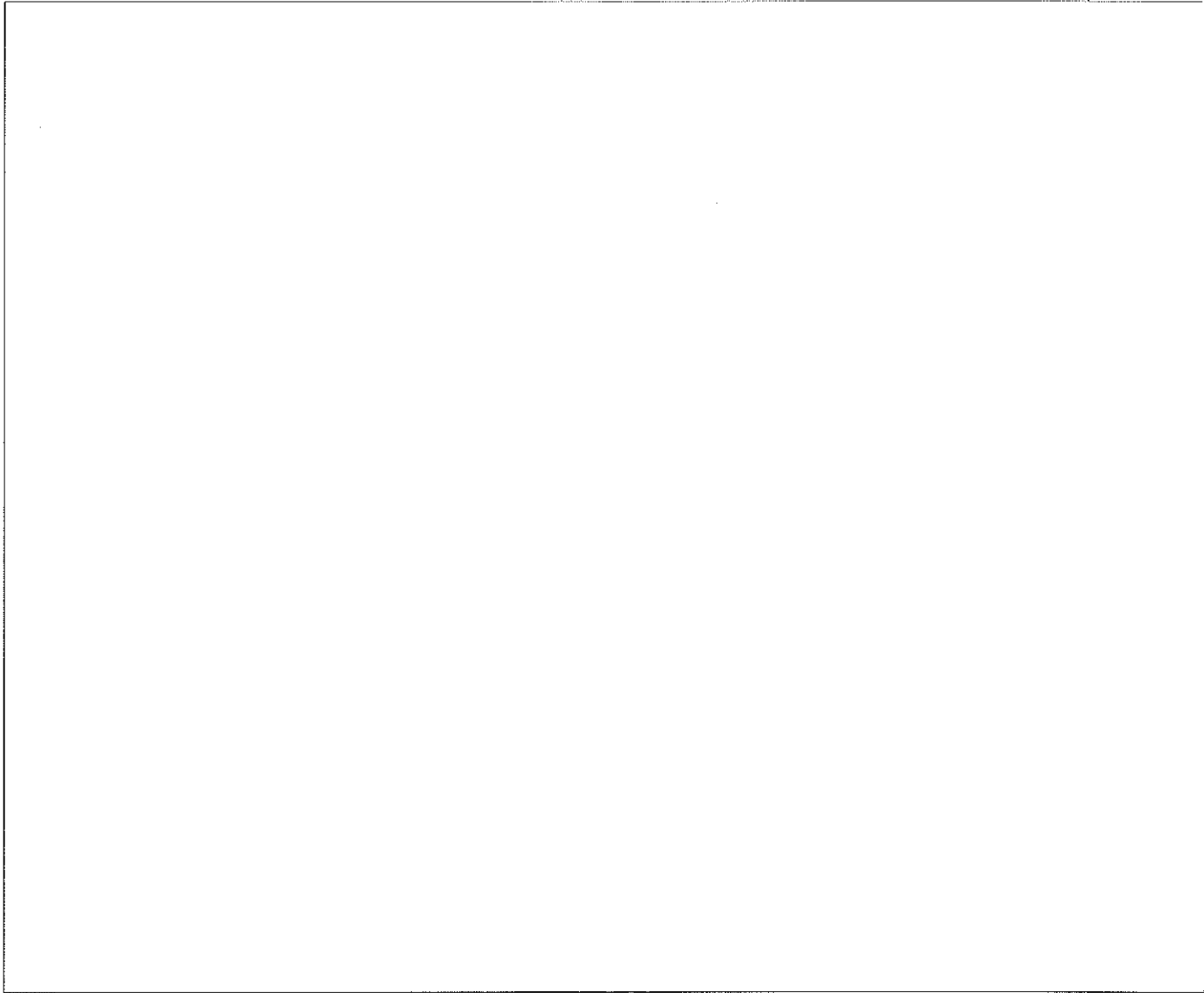
REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

(begin text)

**Statement by Ambassador Eileen Donohoe on the Flotilla Incident
for the Human Rights Council special session, June 1, 2010**

Thank you, Mr. President.

B5



Thank you.

RELEASED IN PART B5

Law, Rosemary C

From: Donoghue, Joan E
Sent: Monday, May 31, 2010 4:00 PM
To: Dolan, JoAnn; Aswad, Evelyn M; Schwartz, Jonathan B; Jacobson, Linda; Buchwald, Todd F; Pomper, Stephen E; Harris, Robert K; Baumert, Kevin A; McLeod, Mary (USUN); Perina, Alexandra H; Guarin, Marc F; Heinemann, Thomas B; Sullivan, David J
Cc: Banos, Mariano H; Khanna, Melanie J; Martin, Julie B
Subject: Re: Israeli Rt of Reply at HRC today re: Gaza Aid Flotilla

Folks,
Unfortunately, I am in the ER waiting to get an ankle xrayed. Feeling pretty terrible so you won't hear from me for a while.
Joan

From: Dolan, JoAnn
To: Aswad, Evelyn M; Schwartz, Jonathan B; Jacobson, Linda; Buchwald, Todd F; Pomper, Stephen E; Harris, Robert K; Baumert, Kevin A; Donoghue, Joan E; McLeod, Mary (USUN); Perina, Alexandra H; Guarin, Marc F; Heinemann, Thomas B; Sullivan, David J
Cc: Banos, Mariano H; Khanna, Melanie J; Martin, Julie B
Sent: Mon May 31 13:17:54 2010
Subject: RE: Israeli Rt of Reply at HRC today re: Gaza Aid Flotilla

Loop in some other so we all have same info.

From: Aswad, Evelyn M
Sent: Monday, May 31, 2010 12:56 PM
To: Schwartz, Jonathan B; Jacobson, Linda; Dolan, JoAnn; Buchwald, Todd F; Pomper, Stephen E; Harris, Robert K; Baumert, Kevin A; Donoghue, Joan E
Cc: Banos, Mariano H; Khanna, Melanie J; Martin, Julie B
Subject: FW: Israeli Rt of Reply at HRC today re: Gaza Aid Flotilla

Looping in Joan. EA

From: Aswad, Evelyn M
Sent: Monday, May 31, 2010 11:50 AM
To: Schwartz, Jonathan B; Jacobson, Linda; Dolan, JoAnn; Buchwald, Todd F; Pomper, Stephen E; Harris, Robert K; Baumert, Kevin A
Cc: Banos, Mariano H; Khanna, Melanie J; Martin, Julie B
Subject: FW: Israeli Rt of Reply at HRC today re: Gaza Aid Flotilla

FYI

From: Cassayre, Mark J
Sent: Monday, May 31, 2010 11:46 AM
To: Cassayre, Mark J; Nossel, Suzanne F; IO-HR-DL; DRL-MLGA-M; Legal-HRR-DL; Geneva HRC; Griffiths, Douglas M; 'Scott_W._Busby@nss.eop.gov'; Johnston-Gardner, Sarah R (DRL); Salih, Lana L; Fitzpatrick, Kathleen M; Connelly, Maura; Goldberger, Thomas H; Giaque, Jeffrey G; Perina, Alexandra H
Subject: Israeli Rt of Reply at HRC today re: Gaza Aid Flotilla

Ambassador Yaar delivered this statement this afternoon at the HRC.

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

SBU
This email is UNCLASSIFIED.

From: Cassayre, Mark J
Sent: Monday, May 31, 2010 5:02 PM
To: Nossel, Suzanne F; IO-HR-DL; DRL-MLGA-M; Legal-HRR-DL; Geneva HRC; Griffiths, Douglas M; 'Scott_W._Busby@nss.eop.gov'; Johnston-Gardner, Sarah R (DRL); Salih, Lana L; Fitzpatrick, Kathleen M; Connelly, Maura; Goldberger, Thomas H; Giauque, Jeffrey G; Perina, Alexandra H
Subject: Re: URGENT!!! HRC Action re: Gaza Aid Flotilla

All: I just spoke with Pal DPR who confirmed that he will call for a special sitting for tmrw pm. He will also table a resolution tomorrow morning for ACTION TOMORROW EVENING.

- Reso will include:
- condemnation
 - call for protection by israel / respect for I'll
 - call for internation investigation

He said that "the Israelis have made it hard on us and we will make it hard on them."

During his statement Imad spoke in Arabic (he frequently does interventions in English). He made points:

- Premeditated crime
- Violations of occupying power
- Saluted courage of those on board vessels
- Israel has denied occupation of gaza but acts of last night show that gaza is still under occupation and therefore I'll applies and 4GC applies.
- Lift blockade

Israel will do right of reply at end of day.

From: Nossel, Suzanne F
To: Cassayre, Mark J; IO-HR-DL; DRL-MLGA-M; Legal-HRR-DL; Geneva HRC; Griffiths, Douglas M; 'Scott_W._Busby@nss.eop.gov' <Scott_W._Busby@nss.eop.gov>; Johnston-Gardner, Sarah R (DRL); Salih, Lana L; Fitzpatrick, Kathleen M; Connelly, Maura; Goldberger, Thomas H; Giauque, Jeffrey G; Perina, Alexandra H
Sent: Mon May 31 09:29:20 2010
Subject: Re: URGENT!!! HRC Action re: Gaza Aid Flotilla

Adding NEA.

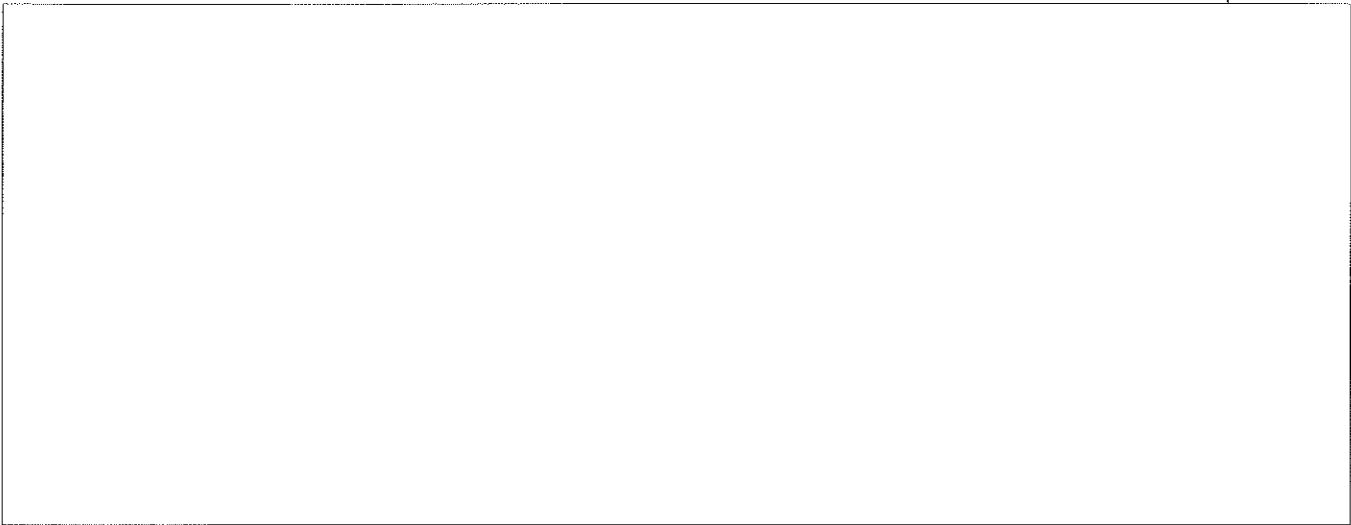
B5

From: Cassayre, Mark J
To: Nossel, Suzanne F; IO-HR-DL; DRL-MLGA-M; Legal-HRR-DL; Geneva HRC; Griffiths, Douglas M; 'Busby, Scott W.' <Scott_W._Busby@nss.eop.gov>; Johnston-Gardner, Sarah R (DRL); Salih, Lana L; Fitzpatrick, Kathleen M
Sent: Mon May 31 09:21:03 2010
Subject: URGENT!!! HRC Action re: Gaza Aid Flotilla

NEED GUIDANCE

"SPECIAL SITTING" of HRC to occur Tuesday (tomorrow) afternoon on the Israeli boarding of flotilla.

B5.



WE NEED TALKING POINTS ASAP AND WILL NEED POINTS FOR A STATEMENT, IF WE INTEND TO MAKE ONE DURING THIS "SPECIAL SITTING."

Mark Cassayre
Counselor
Political and Specialized Agencies
U.S. Mission to the United Nations and Specialized Agencies
Geneva, Switzerland
Direct tel: +41 22 749-4214
Mobile: +41 79 775-3680
Fax: +41.22.749.4717
cassayremj@state.gov

SBU
This email is UNCLASSIFIED.

RELEASED IN PART B5

Law, Rosemary C

From: Egan, Brian J. [Brian_J_Egan@nss.eop.gov]
Sent: Wednesday, June 02, 2010 4:26 PM
To: Jacobson, Linda
Cc: Townley, Stephen G
Subject: Re: "credible investigation" for flotilla incident

Linda, not that I have heard, but I will ask.

From: Jacobson, Linda <JacobsonL@state.gov>
To: Egan, Brian J.
Cc: Townley, Stephen G <TownleySG@state.gov>
Sent: Wed Jun 02 15:56:53 2010
Subject: "credible investigation" for flotilla incident

[Redacted]

B5

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

RELEASED IN PART B5

Law, Rosemary C

From: Goldberger, Thomas H
Sent: Wednesday, June 02, 2010 11:11 AM
To: Dolan, JoAnn; Holmstrom, Todd C
Cc: Jacobson, Linda; Schwartz, Jonathan B; Connelly, Maura; Cunningham, James B; Sievers, Marc J; Levin, Jan
Subject: RE: Turkey mulls legal action against Israel: report

Very helpful, thanks. Adding Maura and TLV.

I gather that this is from an ICC meeting in Uganda that Harold Koh is also participating in.

From: Dolan, JoAnn
Sent: Wednesday, June 02, 2010 11:04 AM
To: Goldberger, Thomas H; Holmstrom, Todd C
Cc: Jacobson, Linda; Schwartz, Jonathan B
Subject: FW: Turkey mulls legal action against Israel: report

In response to Tom's earlier inquiry . . .

From: Eichensehr, Kristen E
Sent: Wednesday, June 02, 2010 10:44 AM
To: Gorove, Katherine M; Harris, Robert K; Dolan, JoAnn; Townley, Stephen G; Daley, John D; Pomper, Stephen E; Buchwald, Todd F; Aswad, Evelyn M; Perina, Alexandra H; Pomper, Stephen E; Legal-UNA-DL
Subject: RE: Turkey mulls legal action against Israel: report



Thanks,
Kristen

From: Gorove, Katherine M
Sent: Wednesday, June 02, 2010 9:25 AM
To: Harris, Robert K; Dolan, JoAnn; Townley, Stephen G; Daley, John D; Pomper, Stephen E; Buchwald, Todd F; Aswad, Evelyn M; Perina, Alexandra H; Pomper, Stephen E; Legal-UNA-DL; Eichensehr, Kristen E
Subject: RE: Turkey mulls legal action against Israel: report

Me or Kristen (who is in touch with folks in Kampala).

From: Harris, Robert K
Sent: Wednesday, June 02, 2010 8:56 AM
To: Dolan, JoAnn; Townley, Stephen G; Daley, John D; Pomper, Stephen E; Buchwald, Todd F; Aswad, Evelyn M; Perina,

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

Alexandra H; Pomper, Stephen E; Legal-UNA-DL
Subject: RE: Turkey mulls legal action against Israel: report

Kate,

With Todd and John out of the office, can you tell me who would be following ICC-related issues in L/UNA?

Thanks.

Bob

From: Dolan, JoAnn
Sent: Wednesday, June 02, 2010 8:45 AM
To: Townley, Stephen G; Daley, John D; Harris, Robert K; Pomper, Stephen E; Buchwald, Todd F; Aswad, Evelyn M; Perina, Alexandra H; Pomper, Stephen E
Subject: FW: Turkey mulls legal action against Israel: report

May be early but See desk inquiry below. Has anyone seen more?

B5

From: Goldberger, Thomas H
Sent: Wednesday, June 02, 2010 8:27 AM
To: Dolan, JoAnn; Jacobson, Linda; Schwartz, Jonathan B
Cc: Holmstrom, Todd C
Subject: FW: Turkey mulls legal action against Israel: report

From: Sullivan, John L
Sent: Wednesday, June 02, 2010 5:11 AM
To: Gaza Flotilla Monitoring Group
Subject: FW: Turkey mulls legal action against Israel: report

Turkey mulls legal action against Israel: report

ANKARA, June 2, 2010 (AFP) - Turkey's justice ministry is mulling possible legal action against Israel over its deadly raid on aid ships bound for the Gaza Strip, Anatolia news agency reported Wednesday.

Officials are looking into both domestic and international law to see what action might be undertaken after Monday's operation in international waters that left nine people dead, among them at least four Turks, the report said.

The ministry will also decide whether to file a complaint with Turkish prosecutors, it said.

Calling the raid a "bloody massacre," Prime Minister Recep Tayyip Erdogan Tuesday urged an international inquiry into the raid, insisting that Israel's "lawlessness" must be punished.

"It is no longer possible to cover up or ignore Israel's lawlessness. It is time for the international community to say 'enough is enough'," he said.

Most of the bloodshed occurred on a Turkish-flagged ship, the Mavi Marmara, carrying hundreds of pro-Palestinian activists from about 30 countries, mostly Turkish nationals mobilised by an Islamist charity.

Media Analysis and Watch Center
USSTRATCOM Foreign Media Analysis Program
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For additional information, please visit the SOSi USSTRATCOM FMA portal at <http://fma.sosiltd.com/secure/?SID=SECF83EFBEF>. Once registered, you may access FMA products and manage your subscriptions. Write to helpdeskfma@sosiltd.com or call 703-483-4898 for assistance.

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RELEASED IN PART B5

Law, Rosemary C

From: Gorove, Katherine M
Sent: Friday, October 15, 2010 5:49 PM
To: Heinemann, Thomas B; Pomper, Stephen E; Jacobson, Linda; Schwartz, Jonathan B
Cc: Martin, Julie B; Buchwald, Todd F; Daley, John D; Perina, Alexandra H; Banos, Mariano H
Subject: Re: urgent - flotilla - D question

I will forward you draft answer.

From: Heinemann, Thomas B
To: Gorove, Katherine M; Pomper, Stephen E; Jacobson, Linda; Schwartz, Jonathan B
Cc: Martin, Julie B; Buchwald, Todd F; Daley, John D; Perina, Alexandra H; Banos, Mariano H
Sent: Fri Oct 15 17:36:17 2010
Subject: RE: urgent - flotilla - D question

I can't tell from this if there is a question we are supposed to be answering. Can someone clarify?

From: Gorove, Katherine M
Sent: Friday, October 15, 2010 4:18 PM
To: Gorove, Katherine M; Pomper, Stephen E; Jacobson, Linda; Schwartz, Jonathan B; Heinemann, Thomas B
Cc: Martin, Julie B; Buchwald, Todd F; Daley, John D; Perina, Alexandra H; Banos, Mariano H
Subject: RE: urgent - flotilla - D question

Looping in Tom in Steve's absence.

From: Gorove, Katherine M
Sent: Friday, October 15, 2010 4:16 PM
To: Pomper, Stephen E; Jacobson, Linda; Schwartz, Jonathan B
Cc: Martin, Julie B; Buchwald, Todd F; Daley, John D; Perina, Alexandra H
Subject: urgent - flotilla - D question

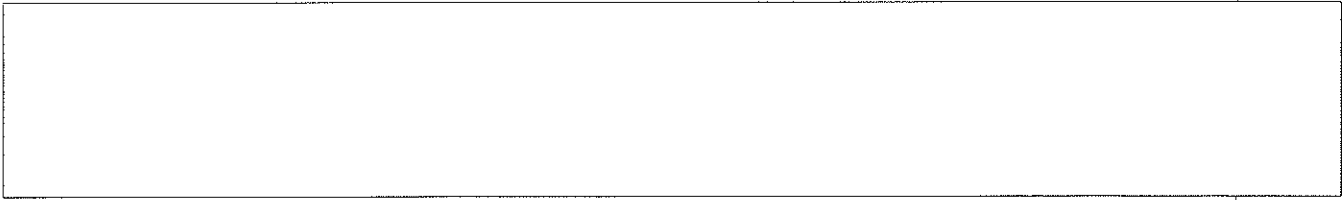
[Redacted]

From: Daley, John D
Sent: Friday, October 15, 2010 3:55 PM
To: Perina, Alexandra H
Cc: Gorove, Katherine M; Martin, Julie B; Buchwald, Todd F
Subject: URGENT--SEE BELOW

From: Koh, Harold Hongju
Sent: Friday, October 15, 2010 3:42 PM
To: Schwartz, Jonathan B; Buchwald, Todd F
Cc: Daley, John D; Townley, Stephen G; Zelinsky, Aaron
Subject: Turkey Flotilla ICC guidance

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

[Redacted]



Harold Hongju Koh
The Legal Adviser
United States Department of State
2201 C St. N.W. Suite 6421
Washington, D.C. 20520
202-647-9598 phone
202-262-8295 cell
202-647- 7096 fax

RELEASED IN PART B5

Law, Rosemary C

From: Gorove, Katherine M
Sent: Thursday, October 14, 2010 4:02 PM
To: Daley, John D; Schwartz, Jonathan B; Kim, John J (Kimm); Johnson, Karen K; Jacobson, Linda; Joyce, Anne
Cc: Buchwald, Todd F; Simonoff, Mark A (USUN); Townley, Stephen G; Perina, Alexandra H; Banos, Mariano H
Subject: RE: flotilla incident -- Comoros-flagged vessel ?

[Redacted]

B5

From: Daley, John D
Sent: Thursday, October 14, 2010 3:51 PM
To: Schwartz, Jonathan B; Kim, John J (Kimm); Johnson, Karen K; Jacobson, Linda; Joyce, Anne
Cc: Buchwald, Todd F; Simonoff, Mark A (USUN); Townley, Stephen G; Perina, Alexandra H; Gorove, Katherine M; Banos, Mariano H
Subject: RE: flotilla incident -- Comoros-flagged vessel ?

[Redacted]

From: Schwartz, Jonathan B
Sent: Thursday, October 14, 2010 3:43 PM
To: Daley, John D; Kim, John J (Kimm); Johnson, Karen K; Jacobson, Linda; Joyce, Anne
Cc: Buchwald, Todd F; Simonoff, Mark A (USUN); Townley, Stephen G; Perina, Alexandra H; Gorove, Katherine M; Banos, Mariano H
Subject: RE: flotilla incident -- Comoros-flagged vessel ?

[Redacted]

jon

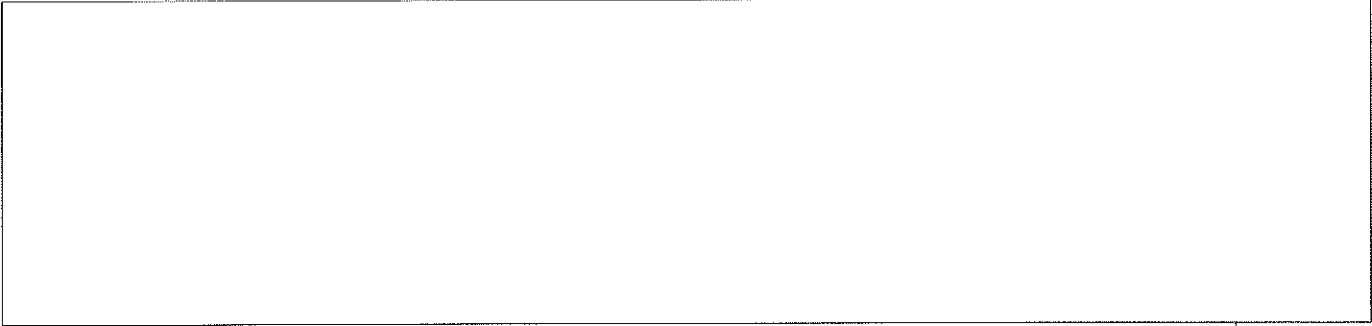
From: Daley, John D
Sent: Thursday, October 14, 2010 3:31 PM
To: Kim, John J (Kimm); Johnson, Karen K; Jacobson, Linda; Joyce, Anne
Cc: Buchwald, Todd F; Simonoff, Mark A (USUN); Townley, Stephen G; Schwartz, Jonathan B; Perina, Alexandra H
Subject: flotilla incident -- Comoros-flagged vessel ?

John/Karen -

The press is reporting today that lawyers for the families of those killed by Israeli forces in connection with the Flotilla incident this spring have sent a letter to the ICC Prosecutor urging him to take action. [Redacted]

[Redacted]

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer



Linda/Anne: do you know if there is any truth to the allegation that the ship was registered in Comoros?



Thanks.

RELEASED IN PART B5

Law, Rosemary C

From: Gorove, Katherine M
Sent: Thursday, October 14, 2010 12:05 PM
To: Jacobson, Linda; Cooper, Kurtis A
Cc: Daley, John D; Martin, Julie B
Subject: RE: Clearance Request: IO Press Guidance on Turkish Complaint to ICC on Gaza Flotilla
Attachments: image001.png

[Redacted]

B5

From: Jacobson, Linda
Sent: Thursday, October 14, 2010 11:59 AM
To: Gorove, Katherine M; Cooper, Kurtis A
Cc: Daley, John D; Martin, Julie B
Subject: RE: Clearance Request: IO Press Guidance on Turkish Complaint to ICC on Gaza Flotilla

[Redacted]

From: Gorove, Katherine M
Sent: Thursday, October 14, 2010 11:53 AM
To: Cooper, Kurtis A
Cc: Daley, John D; Jacobson, Linda; Martin, Julie B
Subject: FW: Clearance Request: IO Press Guidance on Turkish Complaint to ICC on Gaza Flotilla
Importance: High

Kurtis, I clear for L/UNA. Copying a few others in case they have additional thoughts. Thanks,

From: Cooper, Kurtis A
Sent: Thursday, October 14, 2010 11:42 AM
To: Gorove, Katherine M
Subject: FW: Clearance Request: IO Press Guidance on Turkish Complaint to ICC on Gaza Flotilla
Importance: High

Can you clear in Mariano's absence?

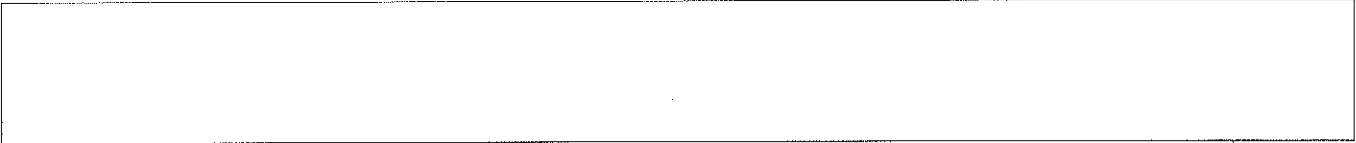
SBU
This email is UNCLASSIFIED.

From: Cooper, Kurtis A
Sent: Thursday, October 14, 2010 11:41 AM
To: IO-HR-DL; Coughlin, Shaun (S/WCI); Banos, Mariano H; Sayles, Ambrose G; Vasquez, Edgar J; Johnston-Gardner, Sarah R (DRL); Bass, Warren; Ventrell, Patrick H (USUN); Kornblau, Mark (USUN); Cook, Akunna E; P-IO Duty; Burke-White, William; 'Scott_W._Busby@nss.eop.gov'; EUR-Press

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

Subject: Clearance Request: IO Press Guidance on Turkish Complaint to ICC on Gaza Flotilla
Importance: High

Colleagues:



B5

Kurtis

Turks accuse Israel of war crimes at int'l court

AP Associated Press

By ARTHUR MAX, Associated Press Writer Arthur Max, Associated Press Writer

AMSTERDAM – Turkish lawyers representing pro-Palestinian activists filed a complaint Thursday with the International Criminal Court accusing Israel of committing war crimes in May when its troops raided a boat trying to break Israel's blockade of Gaza.

It was unclear whether the prosecutor would agree to pursue the case or whether the court has jurisdiction. But the filing reignited an issue that has severely strained Israel's relations with Turkey, previously its strongest ally in the Muslim world, and keeps Israel on the defensive over its much-criticized Gaza blockade.

A delegation representing some 300 activists and a Turkish nongovernment organization submitted the complaint to the prosecutor's office in The Hague seeking an investigation into the May 31 raid.

Nine Turkish citizens, including 19-year-old Furkan Dogan who had dual U.S.-Turkish nationality, were killed during the melee after Israeli troops rappelled from helicopters onto the deck of the ship Mavi Marmara before dawn.

"I have confidence the international court and the prosecutor will take this case," said Ahmet Dogan, Furkan's father.

Israel has said its troops fired live ammunition only after they were attacked by activists with clubs and metal bars and they felt their lives were in danger.

Attorney Ugur Sevgili said the victims want Israel investigated for torture, inhuman treatment, the taking of hostages and other violations of the Geneva war crimes convention.

"We demanded from the prosecutor to initiate an investigation and prosecute the perpetrators of this crime," Sevgili said. "We didn't mention any Israeli soldiers or any Israeli politicians. We just told them that we believe war crimes and crimes against humanity were committed."

The court, which began work in 2002 as the world's first permanent war crimes tribunal, receives hundreds of complaints every year, but so far has filed indictments against 17 war crimes suspects — all of them involved in African conflicts.

Dogan, speaking outside the court's headquarters, said he thought politics might get in the way of justice.

"I believe that people who killed my son will be prosecuted. However, this case also has international and political dimensions," he said.

A U.N.-appointed panel of human rights experts, chaired by a former judge of the international court, found last month that Israel violated human rights law during its interception of the flotilla carrying humanitarian supplies to Gaza, which has been under an Israeli blockade for three years.

Israel rejected the panel's findings, which it said were biased and one-sided, and said the U.N. Human Rights Council that appointed the panel is heavily weighted in the Palestinians' favor.

The court normally intercedes only if the country involved is among the 114 nations that have endorsed the court's founding treaty. Israeli is not a signatory, but the ship was flying the flag of the Comoros Island, which is a member of the court.

Sevgili said he expected the Comoros to support the victims' application to the court or file its own complaint.

The prosecutor also may initiate an investigation even if the accused country does not belong to the court — but only if he determines that the country is unable to launch its own credible investigation of human rights abuses.

Among the complaints submitted and presumably pending in the prosecutor's office is an application by the Palestinian Authority 18 months ago asking for a war crimes investigation into Israel's brief yet deadly 2008 war in Gaza.

SBU
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RELEASED IN PART B5

Law, Rosemary C

From: Gorove, Katherine M
Sent: Thursday, June 03, 2010 5:12 PM
To: McLeod, Mary (USUN); Jacobson, Linda; Harris, Robert K; Aswad, Evelyn M
Cc: Schwartz, Jonathan B; Townley, Stephen G
Subject: RE: Is Quartet investig'n feasible with HRC investig'n?

[Redacted]

B5

From: McLeod, Mary (USUN)
Sent: Thursday, June 03, 2010 5:09 PM
To: Jacobson, Linda; Gorove, Katherine M; Harris, Robert K; Aswad, Evelyn M
Cc: Schwartz, Jonathan B; Townley, Stephen G
Subject: RE: Is Quartet investig'n feasible with HRC investig'n?

[Redacted]

SBU **REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer**
This email is UNCLASSIFIED.

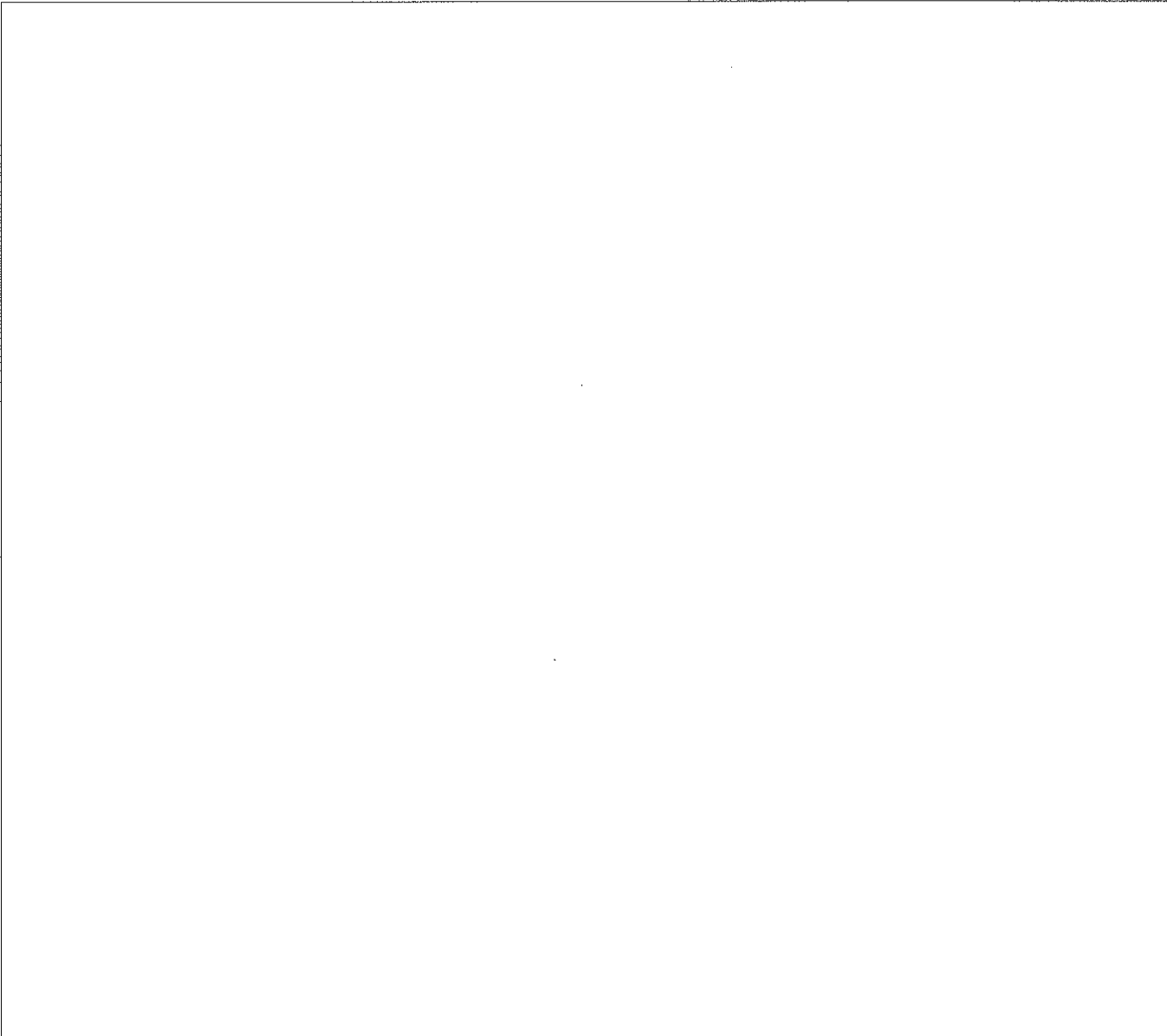
From: Jacobson, Linda
Sent: Thursday, June 03, 2010 5:03 PM
To: Gorove, Katherine M; Harris, Robert K; Aswad, Evelyn M; McLeod, Mary (USUN)
Cc: Schwartz, Jonathan B; Townley, Stephen G
Subject: RE: Is Quartet investig'n feasible with HRC investig'n?

[Redacted]

From: Gorove, Katherine M
Sent: Thursday, June 03, 2010 4:53 PM
To: Jacobson, Linda; Harris, Robert K; Aswad, Evelyn M; McLeod, Mary (USUN)
Cc: Schwartz, Jonathan B; Townley, Stephen G
Subject: Is Quartet investig'n feasible with HRC investig'n?

[Redacted]

B5



RELEASED IN PART B5

Law, Rosemary C

From: Gorove, Katherine M
Sent: Thursday, June 03, 2010 5:06 PM
To: Jacobson, Linda; Harris, Robert K; Aswad, Evelyn M; McLeod, Mary (USUN)
Cc: Schwartz, Jonathan B; Townley, Stephen G
Subject: RE: Is Quartet investig'n feasible with HRC investig'n?

[Redacted]

B5

From: Jacobson, Linda
Sent: Thursday, June 03, 2010 5:03 PM
To: Gorove, Katherine M; Harris, Robert K; Aswad, Evelyn M; McLeod, Mary (USUN)
Cc: Schwartz, Jonathan B; Townley, Stephen G
Subject: RE: Is Quartet investig'n feasible with HRC investig'n?

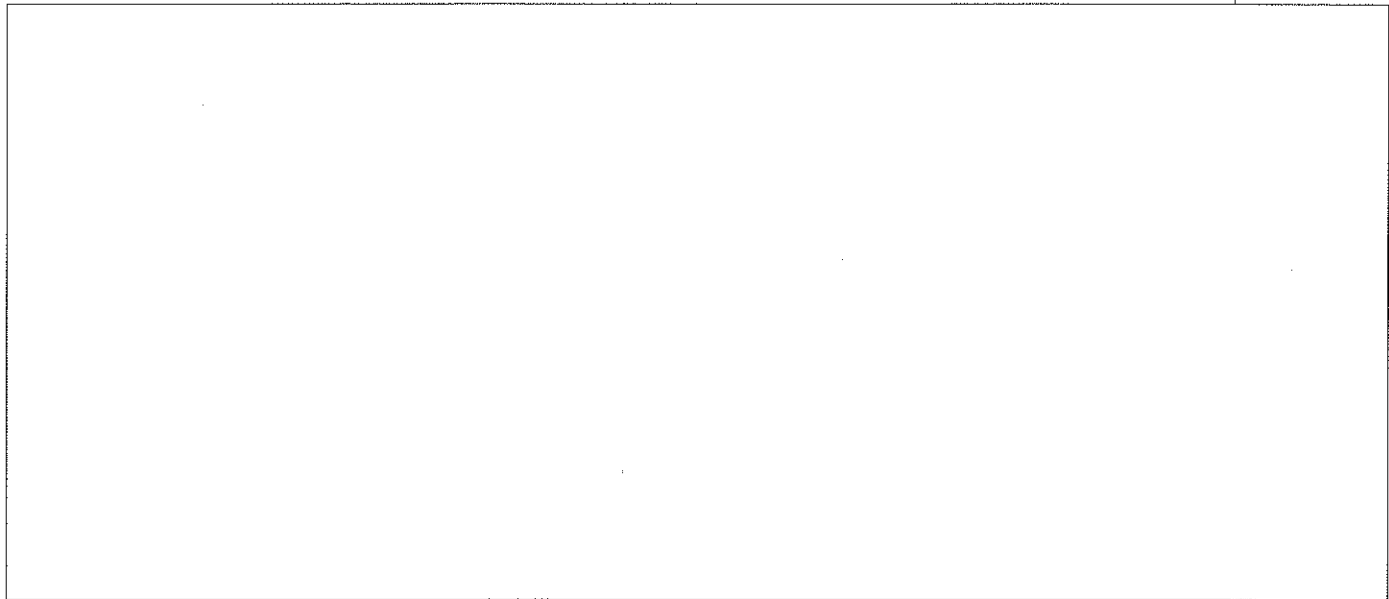
[Redacted]

From: Gorove, Katherine M
Sent: Thursday, June 03, 2010 4:53 PM
To: Jacobson, Linda; Harris, Robert K; Aswad, Evelyn M; McLeod, Mary (USUN)
Cc: Schwartz, Jonathan B; Townley, Stephen G
Subject: Is Quartet investig'n feasible with HRC investig'n?

[Redacted]

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

B5



RELEASED IN PART B5

Law, Rosemary C

From: Gorove, Katherine M
Sent: Wednesday, June 02, 2010 7:44 PM
To: Jacobson, Linda; Dolan, JoAnn

From: Powell, Catherine
Sent: Wednesday, June 02, 2010 6:59 PM
To: Aswad, Evelyn M; Gorove, Katherine M
Subject: FW: IO Guidance on HRC Flotilla Resolution

Evelyn, Kate –

[Redacted]

B5

Thanks.
Catherine

From: Powell, Catherine
Sent: Wednesday, June 02, 2010 6:40 PM
To: Sayles, Ambrose G; Knopf, Payton L; Cooper, Kurtis A; Bass, Warren; Kornblau, Mark (USUN); Simon, Jennifer J; Littlejohn, J.R.; Ashraf, Madeeha S; D Duty Officer3; Prince, Jonathan M; Reed, Julia G; Aswad, Evelyn M; Gorove, Katherine M
Cc: Rand, Dafna H; Burke-White, William
Subject: RE: IO Guidance on HRC Flotilla Resolution

Looping in L.

From: Powell, Catherine
Sent: Wednesday, June 02, 2010 6:39 PM
To: Sayles, Ambrose G; Knopf, Payton L; Cooper, Kurtis A; Bass, Warren; Kornblau, Mark (USUN); Simon, Jennifer J; Littlejohn, J.R.; Ashraf, Madeeha S; D Duty Officer3; Prince, Jonathan M; Reed, Julia G
Cc: Rand, Dafna H; Burke-White, William
Subject: RE: IO Guidance on HRC Flotilla Resolution

[Redacted]

Thanks.
Catherine

Catherine Powell | Secretary of State's Policy Planning Office (S/P) | HST 7312
Department of State | Phone: 202-647-4487 | Email: powellc@state.gov

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

From: Sayles, Ambrose G
Sent: Wednesday, June 02, 2010 6:21 PM
To: Knopf, Payton L; Cooper, Kurtis A; Bass, Warren; Kornblau, Mark (USUN); Simon, Jennifer J; Littlejohn, J.R.; Powell, Catherine; Ashraf, Madeeha S; D Duty Officer3; Prince, Jonathan M; Reed, Julia G
Subject: RE: IO Guidance on HRC Flotilla Resolution

Thanks Payton.

[Redacted]

B5

[Redacted]

From: Knopf, Payton L
Sent: Wednesday, June 02, 2010 6:18 PM
To: Sayles, Ambrose G; Cooper, Kurtis A; Bass, Warren; Kornblau, Mark (USUN); Simon, Jennifer J; Littlejohn, J.R.; Powell, Catherine; Ashraf, Madeeha S; D Duty Officer3; Prince, Jonathan M; Reed, Julia G
Subject: Re: IO Guidance on HRC Flotilla Resolution

[Redacted]

From: Sayles, Ambrose G
To: Knopf, Payton L; Cooper, Kurtis A; Bass, Warren; Kornblau, Mark (USUN); Simon, Jennifer J; Littlejohn, J.R.; Powell, Catherine; Ashraf, Madeeha S; D Duty Officer3; Prince, Jonathan M; Reed, Julia G
Sent: Wed Jun 02 18:16:57 2010
Subject: RE: IO Guidance on HRC Flotilla Resolution

[Redacted]

From: Knopf, Payton L
Sent: Wednesday, June 02, 2010 5:57 PM
To: Sayles, Ambrose G; Cooper, Kurtis A; Bass, Warren; Kornblau, Mark (USUN); Simon, Jennifer J; Littlejohn, J.R.; Powell, Catherine; Ashraf, Madeeha S; D Duty Officer3; Prince, Jonathan M; Reed, Julia G
Subject: Re: IO Guidance on HRC Flotilla Resolution

[Redacted]

From: Sayles, Ambrose G
To: Cooper, Kurtis A; Knopf, Payton L; Bass, Warren; Kornblau, Mark (USUN); Simon, Jennifer J; Littlejohn, J.R.; Powell, Catherine; Ashraf, Madeeha S; D Duty Officer3; Prince, Jonathan M; Reed, Julia G
Sent: Wed Jun 02 17:44:15 2010
Subject: RE: IO Guidance on HRC Flotilla Resolution

Including Jonathan and Julia from SEMEP, just in case they can assist with expediting SEMEP clearance.

From: Cooper, Kurtis A

Sent: Wednesday, June 02, 2010 5:41 PM

To: Knopf, Payton L; Sayles, Ambrose G; Bass, Warren; Kornblau, Mark (USUN); Simon, Jennifer J; Littlejohn, J.R.; Powell, Catherine; Ashraf, Madeeha S; D Duty Officer3

Subject: IO Guidance on HRC Flotilla Resolution

Still need SEMEP, USUN, P, S/P and D(S) clearance. Latest version attached. It has been cleared by the IO, NEA and EUR front offices.

kc

SBU

This email is UNCLASSIFIED.

RELEASED IN PART B5

Law, Rosemary C

From: Gorove, Katherine M
Sent: Wednesday, June 02, 2010 7:43 PM
To: Dolan, JoAnn; Jacobson, Linda
Subject: FW: IO Guidance on HRC Flotilla Resolution

Classification: UNCLASSIFIED
SensitivityCode: Sensitive

[Redacted]

B5

From: Cooper, Kurtis A
Sent: Wednesday, June 02, 2010 6:44 PM
To: Powell, Catherine; Sayles, Ambrose G; Knopf, Payton L; Bass, Warren; Kornblau, Mark (USUN); Simon, Jennifer J; Littlejohn, J.R.; Ashraf, Madeeha S; D Duty Officer3; Prince, Jonathan M; Reed, Julia G; Aswad, Evelyn M; Gorove, Katherine M
Cc: Rand, Dafna H; Burke-White, William
Subject: RE: IO Guidance on HRC Flotilla Resolution

[Large Redacted Area]

SBU
This email is UNCLASSIFIED.

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

From: Powell, Catherine
Sent: Wednesday, June 02, 2010 6:40 PM
To: Sayles, Ambrose G; Knopf, Payton L; Cooper, Kurtis A; Bass, Warren; Kornblau, Mark (USUN); Simon, Jennifer J; Littlejohn, J.R.; Ashraf, Madeeha S; D Duty Officer3; Prince, Jonathan M; Reed, Julia G; Aswad, Evelyn M; Gorove, Katherine M
Cc: Rand, Dafna H; Burke-White, William
Subject: RE: IO Guidance on HRC Flotilla Resolution

Looping in L.

From: Powell, Catherine
Sent: Wednesday, June 02, 2010 6:39 PM
To: Sayles, Ambrose G; Knopf, Payton L; Cooper, Kurtis A; Bass, Warren; Kornblau, Mark (USUN); Simon, Jennifer J; Littlejohn, J.R.; Ashraf, Madeeha S; D Duty Officer3; Prince, Jonathan M; Reed, Julia G
Cc: Rand, Dafna H; Burke-White, William
Subject: RE: IO Guidance on HRC Flotilla Resolution



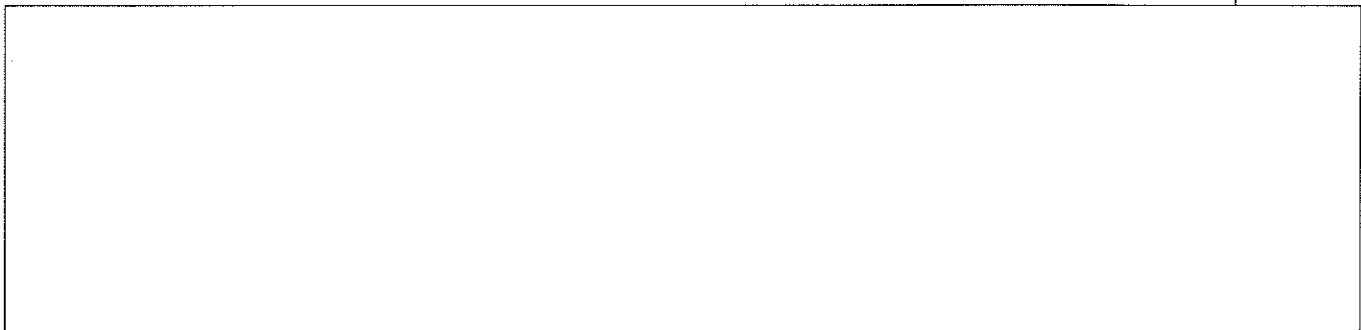
B5

Thanks.
Catherine

Catherine Powell | Secretary of State's Policy Planning Office (S/P) | HST 7312
Department of State | Phone: 202-647-4487 | Email: powellc@state.gov

From: Sayles, Ambrose G
Sent: Wednesday, June 02, 2010 6:21 PM
To: Knopf, Payton L; Cooper, Kurtis A; Bass, Warren; Kornblau, Mark (USUN); Simon, Jennifer J; Littlejohn, J.R.; Powell, Catherine; Ashraf, Madeeha S; D Duty Officer3; Prince, Jonathan M; Reed, Julia G
Subject: RE: IO Guidance on HRC Flotilla Resolution

Thanks Payton.



From: Knopf, Payton L
Sent: Wednesday, June 02, 2010 6:18 PM
To: Sayles, Ambrose G; Cooper, Kurtis A; Bass, Warren; Kornblau, Mark (USUN); Simon, Jennifer J; Littlejohn, J.R.; Powell, Catherine; Ashraf, Madeeha S; D Duty Officer3; Prince, Jonathan M; Reed, Julia G
Subject: Re: IO Guidance on HRC Flotilla Resolution



From: Sayles, Ambrose G
To: Knopf, Payton L; Cooper, Kurtis A; Bass, Warren; Kornblau, Mark (USUN); Simon, Jennifer J; Littlejohn, J.R.; Powell, Catherine; Ashraf, Madeeha S; D Duty Officer3; Prince, Jonathan M; Reed, Julia G

Sent: Wed Jun 02 18:16:57 2010
Subject: RE: IO Guidance on HRC Flotilla Resolution

[Redacted]

B5

From: Knopf, Payton L
Sent: Wednesday, June 02, 2010 5:57 PM
To: Sayles, Ambrose G; Cooper, Kurtis A; Bass, Warren; Kornblau, Mark (USUN); Simon, Jennifer J; Littlejohn, J.R.; Powell, Catherine; Ashraf, Madeeha S; D Duty Officer3; Prince, Jonathan M; Reed, Julia G
Subject: Re: IO Guidance on HRC Flotilla Resolution

[Redacted]

From: Sayles, Ambrose G
To: Cooper, Kurtis A; Knopf, Payton L; Bass, Warren; Kornblau, Mark (USUN); Simon, Jennifer J; Littlejohn, J.R.; Powell, Catherine; Ashraf, Madeeha S; D Duty Officer3; Prince, Jonathan M; Reed, Julia G
Sent: Wed Jun 02 17:44:15 2010
Subject: RE: IO Guidance on HRC Flotilla Resolution

Including Jonathan and Julia from SEMEP, just in case they can assist with expediting SEMEP clearance.

From: Cooper, Kurtis A
Sent: Wednesday, June 02, 2010 5:41 PM
To: Knopf, Payton L; Sayles, Ambrose G; Bass, Warren; Kornblau, Mark (USUN); Simon, Jennifer J; Littlejohn, J.R.; Powell, Catherine; Ashraf, Madeeha S; D Duty Officer3
Subject: IO Guidance on HRC Flotilla Resolution

Still need SEMEP, USUN, P, S/P and D(S) clearance. Latest version attached. It has been cleared by the IO, NEA and EUR front offices.

kc

SBU
This email is UNCLASSIFIED.

RELEASED IN PART B5

Law, Rosemary C

From: Gorove, Katherine M
Sent: Wednesday, June 02, 2010 12:35 PM
To: Dolan, JoAnn; Townley, Stephen G; Pomper, Stephen E; McLeod, Mary (USUN); Martin, Julie B; Khanna, Melanie J
Cc: Eichensehr, Kristen E; Jacobson, Linda; Baumert, Kevin A
Subject: RE: Gaza/UNSCRs

[Redacted]

B5

From: Dolan, JoAnn
Sent: Wednesday, June 02, 2010 11:23 AM
To: Gorove, Katherine M; Townley, Stephen G; Pomper, Stephen E; McLeod, Mary (USUN); Martin, Julie B; Khanna, Melanie J
Cc: Eichensehr, Kristen E; Jacobson, Linda; Baumert, Kevin A
Subject: RE: Gaza/UNSCRs

[Redacted]

From: Gorove, Katherine M
Sent: Wednesday, June 02, 2010 9:51 AM
To: Townley, Stephen G; Pomper, Stephen E
Cc: Eichensehr, Kristen E; Jacobson, Linda; Dolan, JoAnn; Baumert, Kevin A
Subject: RE: Gaza/UNSCRs

[Redacted]

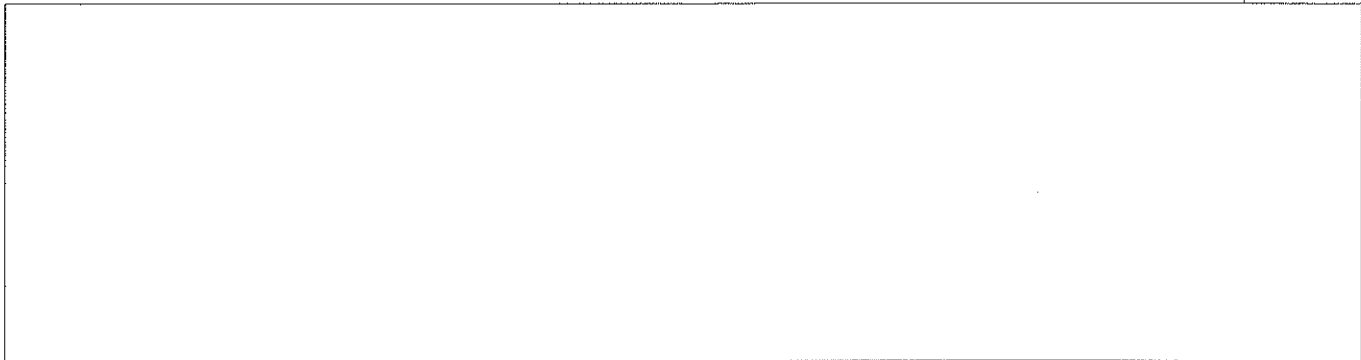
From: Townley, Stephen G
Sent: Wednesday, June 02, 2010 9:49 AM
To: Gorove, Katherine M; Pomper, Stephen E
Cc: Eichensehr, Kristen E; Jacobson, Linda; Dolan, JoAnn; Baumert, Kevin A
Subject: RE: Gaza/UNSCRs

[Redacted]

From: Gorove, Katherine M
Sent: Wednesday, June 02, 2010 9:46 AM
To: Townley, Stephen G; Pomper, Stephen E
Cc: Eichensehr, Kristen E
Subject: RE: Gaza/UNSCRs

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

[Redacted]



"The Security Council,

"Recalling all of its relevant resolutions, including resolutions 242 (1967), 338 (1973), 1397 (2002), 1515 (2003) and 1850 (2008),

"Stressing that the Gaza Strip constitutes an integral part of the territory occupied in 1967 and will be a part of the Palestinian state,

"Emphasising the importance of the safety and well-being of all civilians,

"Expressing grave concern at the escalation of violence and the deterioration of the situation, in particular the resulting heavy civilian casualties since the refusal to extend the period of calm; and emphasising that the Palestinian and Israeli civilian populations must be protected,

"Expressing grave concern also at the deepening humanitarian crisis in Gaza,

"Emphasising the need to ensure sustained and regular flow of goods and people through the Gaza crossings,

"Recognising the vital role played by UNRWA in providing humanitarian and economic assistance within Gaza,

"Recalling that a lasting solution to the Israeli-Palestinian conflict can only be achieved by peaceful means,

"Reaffirming the right of all States in the region to live in peace within secure and internationally recognized borders,

"1. Stresses the urgency of and calls for an immediate, durable and fully respected ceasefire, leading to the full withdrawal of Israeli forces from Gaza;

"2. Calls for the unimpeded provision and distribution throughout Gaza of humanitarian assistance, including food (the) and medical treatment;

"3. Welcomes the initiatives aimed at creating and opening humanitarian corridors and other mechanisms for the sustained delivery of humanitarian aid;

"4. Calls on Member States to support international efforts to alleviate the humanitarian and economic situation in Gaza, including through urgently needed additional contributions to UNRWA and through the Ad Hoc Liaison Committee;

"5. Condemns all violence and hostilities directed against civilians and all acts of terrorism;

"6. Calls upon Member States to intensify efforts to provide arrangements and guarantees in Gaza in order to sustain a durable ceasefire and calm, including to prevent illicit trafficking in arms and ammunition and to ensure the sustained re-opening of

the crossing points on the basis of the 2005 Agreement on Movement and Access between the Palestinian Authority and Israel; and in this regard, *welcomes* the Egyptian initiative, and other regional and international efforts that are under way;

“7. *Encourages* tangible steps towards intra-Palestinian reconciliation including in support of mediation efforts of Egypt and the League of Arab States as expressed in the 26 November 2008 resolution, and consistent with Security Council resolution 1850 (2008) and other relevant resolutions;

“8. *Calls for* renewed and urgent efforts by the parties and the international community to achieve a comprehensive peace based on the vision of a region where two democratic States, Israel and Palestine, live side by side in peace with secure and recognised borders, as envisaged in Security Council resolution 1850 (2008), and recalls also the importance of the Arab Peace Initiative;

“9. *Welcomes* the Quartet’s consideration, in consultation with the parties, of an international meeting in Moscow in 2009;

“10. *Decides* to remain seized of the matter.”

From: Townley, Stephen G
Sent: Wednesday, June 02, 2010 9:31 AM
To: Pomper, Stephen E; Gorove, Katherine M
Cc: Eichensehr, Kristen E
Subject: Gaza/UNSCRs



B5

RELEASED IN PART B5, B6

Law, Rosemary C

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]

B6

Sent: Thursday, June 03, 2010 2:02 PM

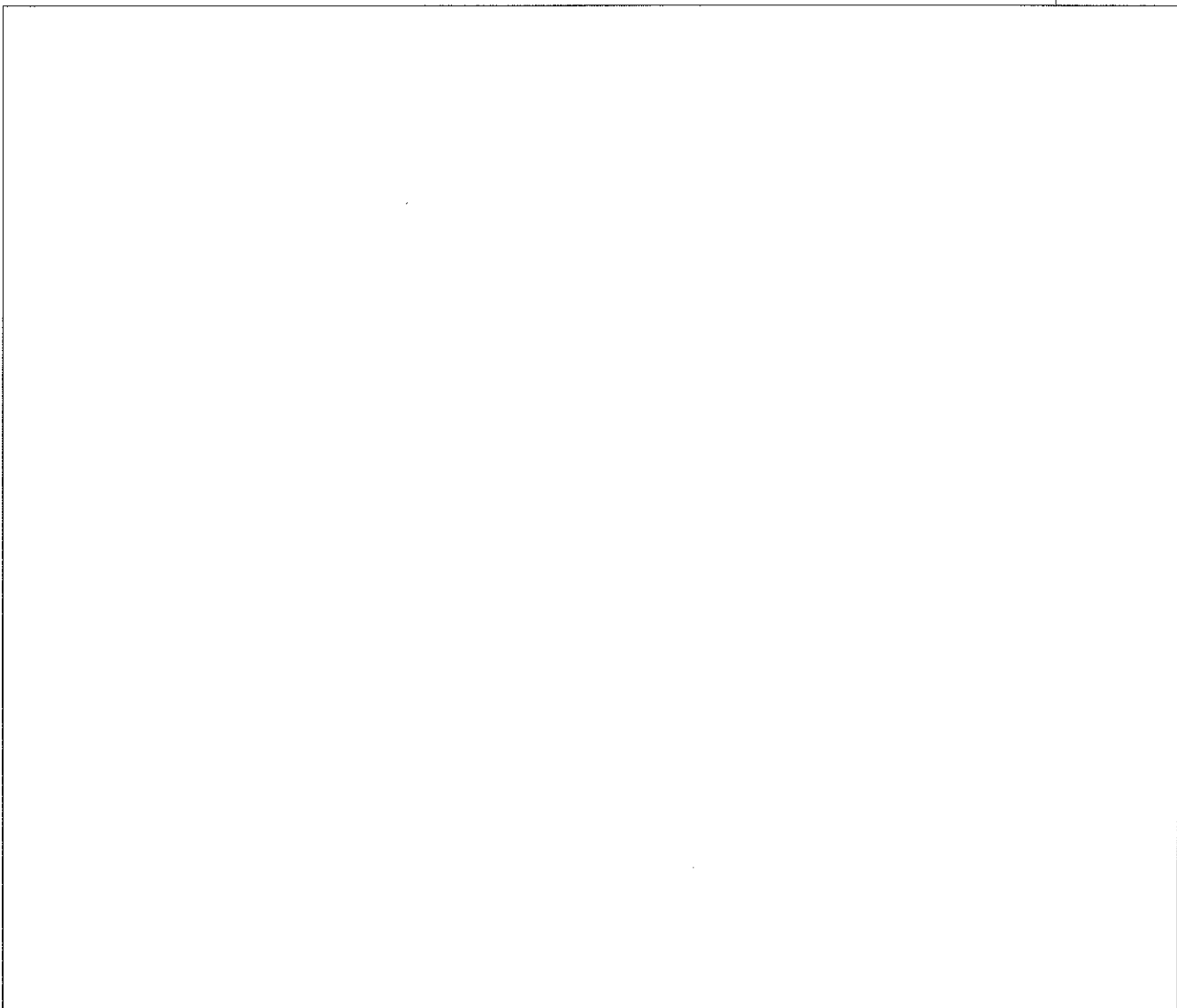
To: Bass, Warren; Mustafa, Herro K.; Goldberger, Thomas H; Lynn, Eric CIV OSD POLICY; [redacted]@js.pentagon.mil;

Antonietti, Patrick M CIV OSD POLICY

Subject: Condensed version of the State paper for the PC

B5

1.



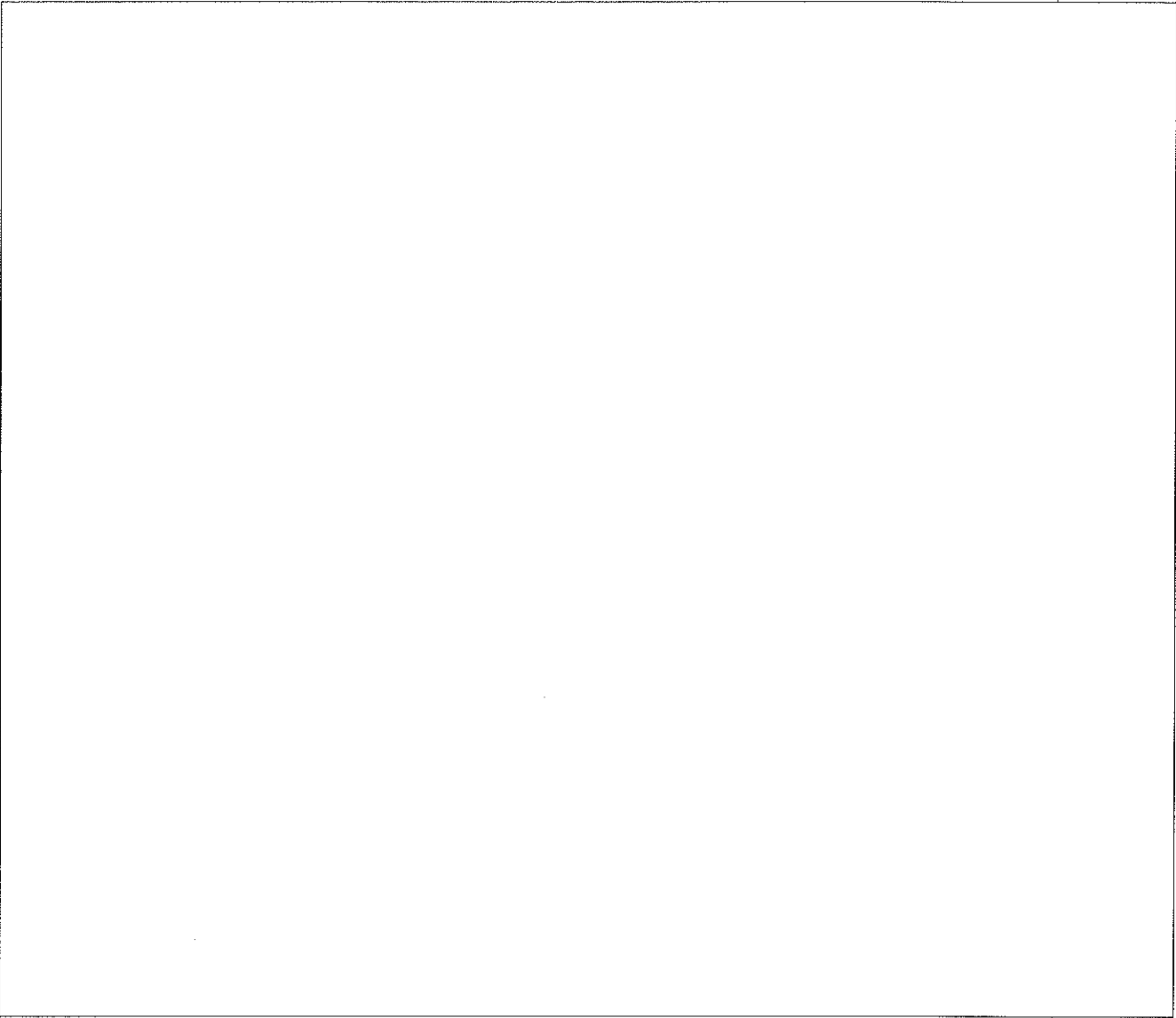
2.

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

3.

4.

5.



RELEASED IN FULL

Law, Rosemary C

From: Gorove, Katherine M
Sent: Tuesday, June 08, 2010 12:46 PM
To: Schwartz, Jonathan B; Harris, Robert K; Dolan, JoAnn; Jacobson, Linda; Townley, Stephen G; Woodward, Shirley G; Pomper, Stephen E; Banos, Mariano H; 'Bob and Sue Harris.Biniatz'
Subject: israeli proposed COE - considerations.DOC
Attachments: LEGAL-#247657-v1-Israel_Flotilla_incident_-_Commission_of_Experts_-_questions.doc

Here's a draft paper for 2:30 meeting today on the proposed Commission of Experts , drawing from the questions raised by Joanne and Steve Townley. I can collect comments/edits. Thanks, Kate

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

RELEASED IN FULL

Law, Rosemary C

From: McLeod, Mary (USUN)
Sent: Monday, May 31, 2010 11:31 AM
To: Jacobson, Linda
Subject: Re: Humanitarian flotilla

Yes, the Israelis are saying their blockade of Gaza is legal. Do we have a position?

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

From: Jacobson, Linda
To: Donoghue, Joan E; 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 11:25:55 2010
Subject: Re: Humanitarian flotilla

From what I understand from here, Israel is saying that because it is in armed conflict with Hamas it can lawfully maintain a naval blockade of the territorial waters of Gaza and that it can stop vessels on the high seas that are bound towards the territorial waters of Gaza. On the ship, Israeli press is reporting that the navy force were fired upon when they attempted to board the tukish flag ship. I have not seen an official Israeli statement yet.

----- 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

On the self- defense rationale, what has GOI said and do we know the facts?

----- 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.

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

RELEASED IN FULL

Law, Rosemary C

From: McLeod, Mary
Sent: Monday, January 24, 2011 2:01 PM
To: Dolan, JoAnn; Ingber, Rebecca M; Banos, Mariano H; Perina, Alexandra H; Pomper, Stephen E; Simonoff, Mark A (USUN); Buchwald, Todd F; Baumert, Kevin A; Aswad, Evelyn M; Gorove, Katherine M
Cc: Jacobson, Linda; Schwartz, Jonathan B; Townley, Stephen G
Subject: RE: For Clearance: Israel-Turkel Commission report

Classification: UNCLASSIFIED

I think the guidance looks OK.

This email is UNCLASSIFIED.

From: Dolan, JoAnn
Sent: Monday, January 24, 2011 1:45 PM
To: McLeod, Mary; Ingber, Rebecca M; Banos, Mariano H; Perina, Alexandra H; Pomper, Stephen E; Simonoff, Mark A (USUN); Buchwald, Todd F; Baumert, Kevin A; Aswad, Evelyn M; Gorove, Katherine M
Cc: Jacobson, Linda; Schwartz, Jonathan B; Townley, Stephen G
Subject: RE: For Clearance: Israel-Turkel Commission report

Mariano thought NEA guidance looked fine and Alexandra and Rebecca are going over it now. Did anyone else want to weigh in before we get back to NEA? I thought L/UNA in particular might because of references to SYG investigation. I have also attached version with point added by DRL, which I am not sure Mariano had yet seen. Would L/FO normally want to clear as well?

From: Dolan, JoAnn
Sent: Monday, January 24, 2011 1:14 PM
To: Ingber, Rebecca M; Banos, Mariano H; Perina, Alexandra H; Pomper, Stephen E; Simonoff, Mark A (USUN); Buchwald, Todd F; Baumert, Kevin A; Aswad, Evelyn M
Cc: McLeod, Mary; Jacobson, Linda; Schwartz, Jonathan B
Subject: FW: For Clearance: Israel-Turkel Commission report

In case others have not seen as yet.

From: Ventrell, Patrick H (USUN)
Sent: Monday, January 24, 2011 1:03 PM
To: Vasquez, Edgar J; Schrepel, Dawn M; P-NEA Duty; Rand, Dafna H; Jacobson, Linda; Dolan, JoAnn; Kornblau, Mark (USUN); Bass, Warren; Cooper, Kurtis A; Lapenn, Jessica; Owen, Evan; PRM-Press-DL; EUR-Press; Sachar, Alon (NEA/IPA); Hale, David M
Cc: Doutrich, Jack T
Subject: RE: For Clearance: Israel-Turkel Commission report

Attached are the suggested edits from USUN.

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

This email is UNCLASSIFIED.

From: Vasquez, Edgar J
Sent: Monday, January 24, 2011 12:15 PM
To: Schrepel, Dawn M; P-NEA Duty; Rand, Dafna H; Jacobson, Linda; Dolan, JoAnn; Kornblau, Mark (USUN); Bass, Warren; Cooper, Kurtis A; Lapenn, Jessica; Ventrell, Patrick H (USUN); Owen, Evan; PRM-Press-DL; EUR-Press; Sachar, Alon (NEA/IPA); Hale, David M
Cc: Doutrich, Jack T
Subject: For Clearance: Israel-Turkel Commission report
Importance: High

Please clear on the attached press guidance.

Thanks,
Eddie

This email is UNCLASSIFIED.

RELEASED IN FULL

Law, Rosemary C

From: Gorove, Katherine M
Sent: Tuesday, October 19, 2010 9:29 AM
To: Daley, John D; Aswad, Evelyn M; Khanna, Melanie J
Cc: Banos, Mariano H; Martin, Julie B; Perina, Alexandra H; Simonoff, Mark A (USUN); Mansfield, Anna M; Kim, John J (Kimm); Johnson, Karen K
Subject: RE: AP -- Turks accuse Israel of war crimes at int'l court
Attachments: -flotilla_war_crimes_ICC_Press_guidance.DOC

I think this is final Press guidance. It's definitely final on the war crimes/ICC answer.

From: Khanna, Melanie J
To: Daley, John D; Nossel, Suzanne F; Lapenn, Jessica; Honigstein, Michael D; Banos, Mariano H; Cassidy, Joseph P; Johnston-Gardner, Sarah R (DRL); Bass, Warren; Aswad, Evelyn M; Martin, Julie B
Cc: Cassayre, Mark J; Foley, Tara E
Sent: Tue Oct 19 02:43:03 2010
Subject: Fw: AP -- Turks accuse Israel of war crimes at int'l court

Have there been any Dept memos or meeting outputs on this? Amb Donahoe and I have a mtg with the Israeli Amb here tomorrow and this may come up. If you have any (related or unrelated) points or questions you'd like us to raise, pls let me know. Thanks.

From: Kennedy, David (Geneva)
To: Donahoe, Eileen C; Griffiths, Douglas M; Geneva HRC; Lubetkin, Wendy C
Sent: Thu Oct 14 12:49:13 2010
Subject: AP -- Turks accuse Israel of war crimes at int'l court

Turks accuse Israel of war crimes at int'l court

By ARTHUR MAX (AP) – 2 hours ago

AMSTERDAM — Turkish lawyers representing pro-Palestinian activists filed a complaint Thursday with the International Criminal Court accusing Israel of committing war crimes in May when its troops raided a boat trying to break Israel's blockade of Gaza.

It was unclear whether the prosecutor would agree to pursue the case or whether the court has jurisdiction. But the filing reignited an issue that has severely strained Israel's relations with Turkey, previously its strongest ally in the Muslim world, and keeps Israel on the defensive over its much-criticized Gaza blockade.

A delegation representing some 300 activists and a Turkish nongovernment organization submitted the complaint to the prosecutor's office in The Hague seeking an investigation into the May 31 raid.

Nine Turkish citizens, including 19-year-old Furkan Dogan who had dual U.S.-Turkish nationality, were killed during the melee after Israeli troops rappelled from helicopters onto the deck of the ship Mavi Marmara before dawn.

"I have confidence the international court and the prosecutor will take this case," said Ahmet Dogan, Furkan's father.

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

Israel has said its troops fired live ammunition only after they were attacked by activists with clubs and metal bars and they felt their lives were in danger.

Attorney Ugur Sevgili said the victims want Israel investigated for torture, inhuman treatment, the taking of hostages and other violations of the Geneva war crimes convention.

"We demanded from the prosecutor to initiate an investigation and prosecute the perpetrators of this crime," Sevgili said. "We didn't mention any Israeli soldiers or any Israeli politicians. We just told them that we believe war crimes and crimes against humanity were committed."

The court, which began work in 2002 as the world's first permanent war crimes tribunal, receives hundreds of complaints every year, but so far has filed indictments against 17 war crimes suspects — all of them involved in African conflicts.

Dogan, speaking outside the court's headquarters, said he thought politics might get in the way of justice.

"I believe that people who killed my son will be prosecuted. However, this case also has international and political dimensions," he said.

A U.N.-appointed panel of human rights experts, chaired by a former judge of the international court, found last month that Israel violated human rights law during its interception of the flotilla carrying humanitarian supplies to Gaza, which has been under an Israeli blockade for three years.

Israel rejected the panel's findings, which it said were biased and one-sided, and said the U.N. Human Rights Council that appointed the panel is heavily weighted in the Palestinians' favor.

The court normally intercedes only if the country involved is among the 114 nations that have endorsed the court's founding treaty. Israeli is not a signatory, but the ship was flying the flag of the Comoros Island, which is a member of the court.

Sevgili said he expected the Comoros to support the victims' application to the court or file its own complaint.

The prosecutor also may initiate an investigation even if the accused country does not belong to the court — but only if he determines that the country is unable to launch its own credible investigation of human rights abuses.

Among the complaints submitted and presumably pending in the prosecutor's office is an application by the Palestinian Authority 18 months ago asking for a war crimes investigation into Israel's brief yet deadly 2008 war in Gaza.

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RELEASED IN FULL

Law, Rosemary C

From: Guarin, Marc F
Sent: Friday, June 04, 2010 11:53 AM
To: Jacobson, Linda; Townley, Stephen G; Gorove, Katherine M; Pomper, Stephen E; Harris, Robert K; Aswad, Evelyn M; Eichensehr, Kristen E
Cc: Dolan, JoAnn; Schwartz, Jonathan B
Subject: RE: 060410-Israel-Palestinians - UPDATE on Free Gaza Flotilla.docx
Attachments: 060410-Israel-Palestinians - UPDATE on Free Gaza Flotilla [with L-PM edits].docx

A couple of minor edits, attached.

From: Jacobson, Linda
Sent: Friday, 4 June, 2010 11:40
To: Townley, Stephen G; Gorove, Katherine M; Pomper, Stephen E; Harris, Robert K; Guarin, Marc F; Aswad, Evelyn M; Eichensehr, Kristen E
Cc: Dolan, JoAnn; Schwartz, Jonathan B
Subject: 060410-Israel-Palestinians - UPDATE on Free Gaza Flotilla.docx

Here is some updated press guidance. I've included my changes. Please get back to me with any additions in next 10 minutes as there is a noon deadline.

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

RELEASED IN FULL

Law, Rosemary C

From: Gorove, Katherine M
Sent: Friday, October 15, 2010 12:35 PM
To: Cooper, Kurtis A; Perina, Alexandra H; Jacobson, Linda; Dolan, JoAnn; Martin, Julie B
Cc: Schwartz, Jonathan B; Daley, John D
Subject: PG 10-14-10 ICC Flotilla Complaint.doc
Attachments: PG 10-14-10 ICC Flotilla Complaint.doc

Kurtis, In addition to L/PM's comment, I would also reinsert part of what was deleted from yesterday's guidance. Other colleagues may have further comments.

Thanks,

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

RELEASED IN PART B5

Law, Rosemary C

From: Gorove, Katherine M
Sent: Thursday, June 03, 2010 5:12 PM
To: McLeod, Mary (USUN); Jacobson, Linda; Harris, Robert K; Aswad, Evelyn M
Cc: Schwartz, Jonathan B; Townley, Stephen G
Subject: RE: Is Quartet investig'n feasible with HRC investig'n?

[Redacted]

B5

From: McLeod, Mary (USUN)
Sent: Thursday, June 03, 2010 5:09 PM
To: Jacobson, Linda; Gorove, Katherine M; Harris, Robert K; Aswad, Evelyn M
Cc: Schwartz, Jonathan B; Townley, Stephen G
Subject: RE: Is Quartet investig'n feasible with HRC investig'n?

[Redacted]

SBU
This email is UNCLASSIFIED.

From: Jacobson, Linda
Sent: Thursday, June 03, 2010 5:03 PM
To: Gorove, Katherine M; Harris, Robert K; Aswad, Evelyn M; McLeod, Mary (USUN)
Cc: Schwartz, Jonathan B; Townley, Stephen G
Subject: RE: Is Quartet investig'n feasible with HRC investig'n?

[Redacted]

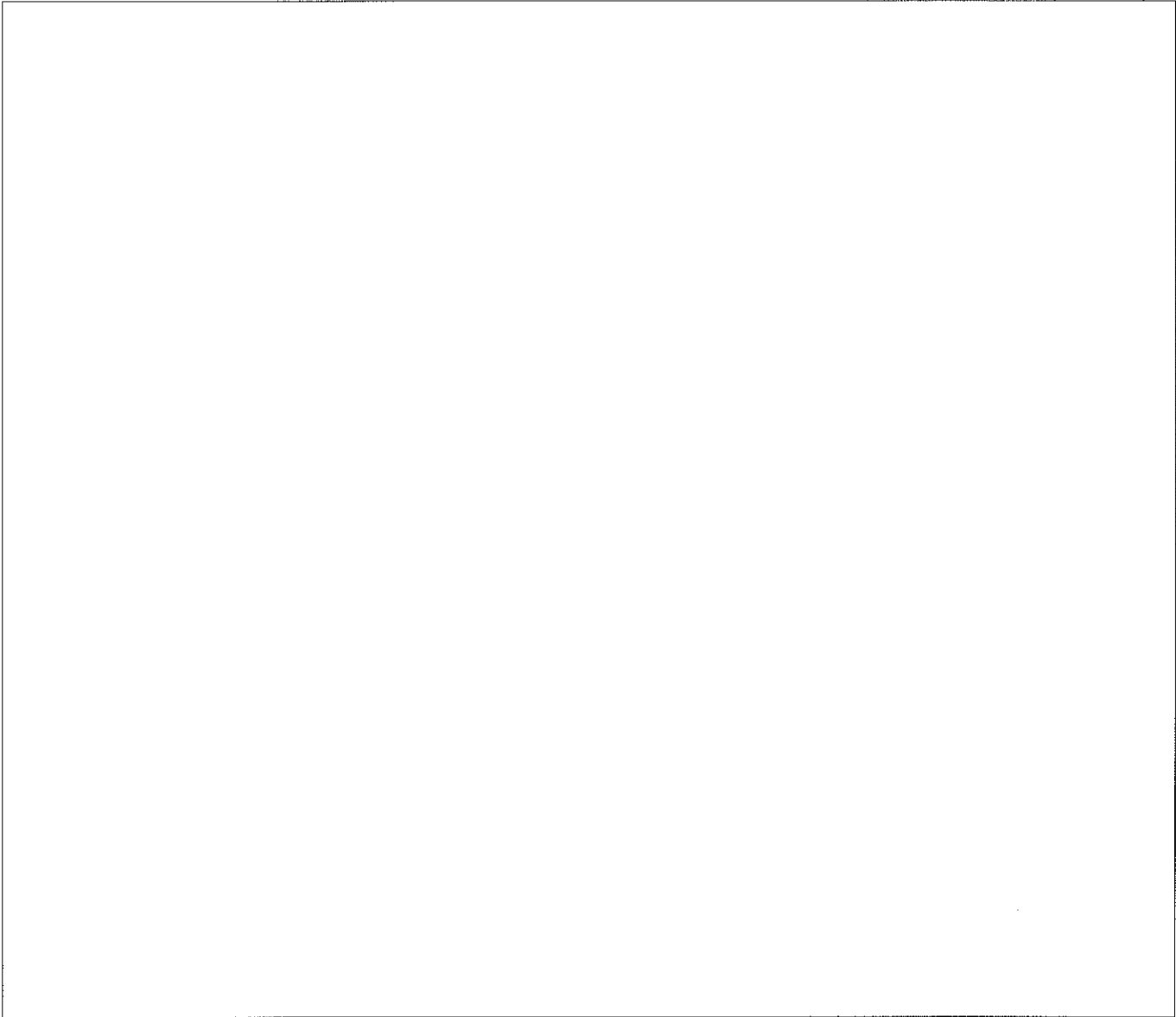
From: Gorove, Katherine M
Sent: Thursday, June 03, 2010 4:53 PM
To: Jacobson, Linda; Harris, Robert K; Aswad, Evelyn M; McLeod, Mary (USUN)
Cc: Schwartz, Jonathan B; Townley, Stephen G
Subject: Is Quartet investig'n feasible with HRC investig'n?

[Redacted]

B5

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

B5



RELEASED IN PART B5

Law, Rosemary C

From: Gorove, Katherine M
Sent: Thursday, June 03, 2010 5:06 PM
To: Jacobson, Linda; Harris, Robert K; Aswad, Evelyn M; McLeod, Mary (USUN)
Cc: Schwartz, Jonathan B; Townley, Stephen G
Subject: RE: Is Quartet investig'n feasible with HRC investig'n?

[Redacted]

B5

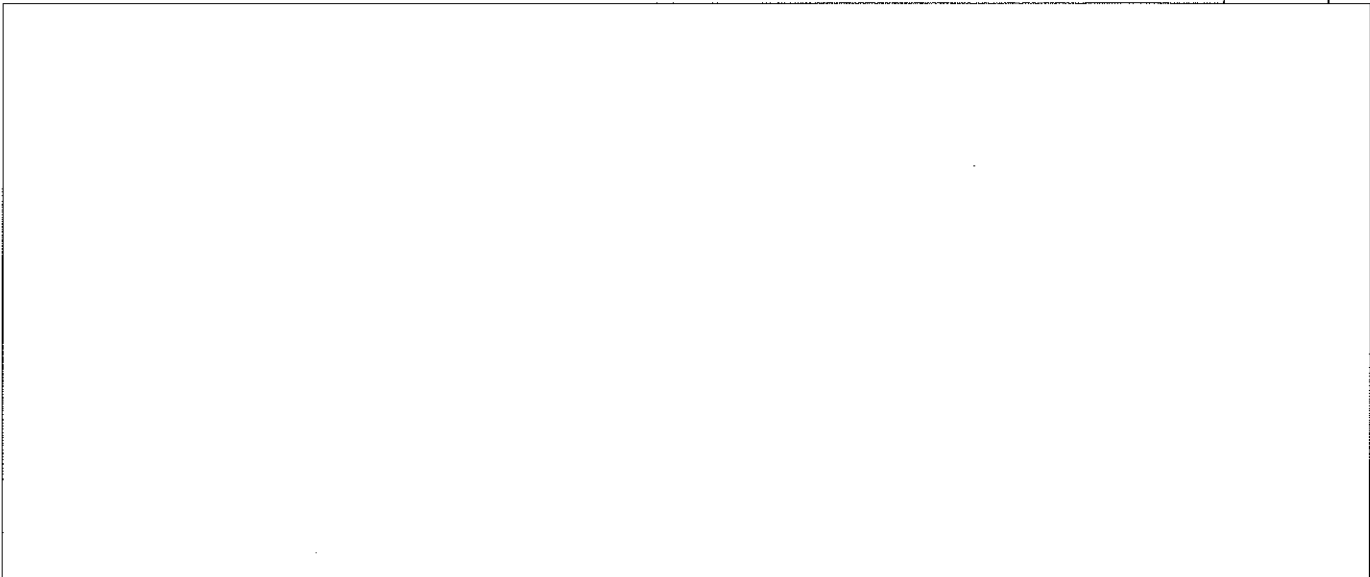
From: Jacobson, Linda
Sent: Thursday, June 03, 2010 5:03 PM
To: Gorove, Katherine M; Harris, Robert K; Aswad, Evelyn M; McLeod, Mary (USUN)
Cc: Schwartz, Jonathan B; Townley, Stephen G
Subject: RE: Is Quartet investig'n feasible with HRC investig'n?

[Redacted]

From: Gorove, Katherine M
Sent: Thursday, June 03, 2010 4:53 PM
To: Jacobson, Linda; Harris, Robert K; Aswad, Evelyn M; McLeod, Mary (USUN)
Cc: Schwartz, Jonathan B; Townley, Stephen G
Subject: Is Quartet investig'n feasible with HRC investig'n?

[Large Redacted Area]

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer



B5

Law, Rosemary C

RELEASED IN PART B5

From: Gorove, Katherine M
Sent: Thursday, October 14, 2010 11:53 AM
To: Cooper, Kurtis A
Cc: Daley, John D; Jacobson, Linda; Martin, Julie B
Subject: FW: Clearance Request: IO Press Guidance on Turkish Complaint to ICC on Gaza Flotilla
Attachments: PG 10-14-10 ICC Flotilla Complaint.doc

Importance: High

AttachmentsClassification:

Classification: UNCLASSIFIED
SensitivityCode: Sensitive

Kurtis, I clear for L/UNA. Copying a few others in case they have additional thoughts. Thanks,

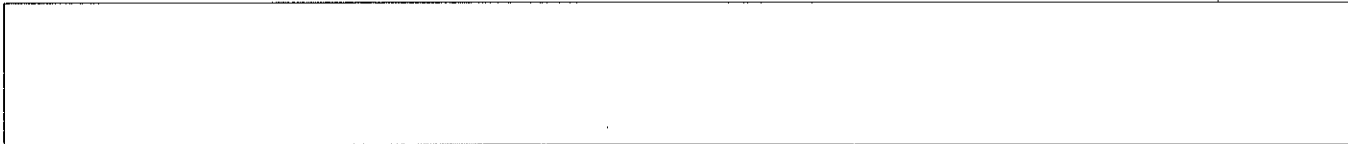
From: Cooper, Kurtis A
Sent: Thursday, October 14, 2010 11:42 AM
To: Gorove, Katherine M
Subject: FW: Clearance Request: IO Press Guidance on Turkish Complaint to ICC on Gaza Flotilla
Importance: High

Can you clear in Mariano's absence?

SBU
This email is UNCLASSIFIED.

From: Cooper, Kurtis A
Sent: Thursday, October 14, 2010 11:41 AM
To: IO-HR-DL; Coughlin, Shaun (S/WCI); Banos, Mariano H; Sayles, Ambrose G; Vasquez, Edgar J; Johnston-Gardner, Sarah R (DRL); Bass, Warren; Ventrell, Patrick H (USUN); Kornblau, Mark (USUN); Cook, Akunna E; P-IO Duty; Burke-White, William; 'Scott_W_Busby@nss.eop.gov'; EUR-Press
Subject: Clearance Request: IO Press Guidance on Turkish Complaint to ICC on Gaza Flotilla
Importance: High

Colleagues:



B5

Kurtis

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

Turks accuse Israel of war crimes at int'l court

AP Associated Press

By ARTHUR MAX, Associated Press Writer Arthur Max, Associated Press Writer

AMSTERDAM – Turkish lawyers representing pro-Palestinian activists filed a complaint Thursday with the International Criminal Court accusing Israel of committing war crimes in May when its troops raided a boat trying to break Israel's blockade of Gaza.

It was unclear whether the prosecutor would agree to pursue the case or whether the court has jurisdiction. But the filing reignited an issue that has severely strained Israel's relations with Turkey, previously its strongest ally in the Muslim world, and keeps Israel on the defensive over its much-criticized Gaza blockade.

A delegation representing some 300 activists and a Turkish nongovernment organization submitted the complaint to the prosecutor's office in The Hague seeking an investigation into the May 31 raid.

Nine Turkish citizens, including 19-year-old Furkan Dogan who had dual U.S.-Turkish nationality, were killed during the melee after Israeli troops rappelled from helicopters onto the deck of the ship Mavi Marmara before dawn.

"I have confidence the international court and the prosecutor will take this case," said Ahmet Dogan, Furkan's father.

Israel has said its troops fired live ammunition only after they were attacked by activists with clubs and metal bars and they felt their lives were in danger.

Attorney Ugur Sevgili said the victims want Israel investigated for torture, inhuman treatment, the taking of hostages and other violations of the Geneva war crimes convention.

"We demanded from the prosecutor to initiate an investigation and prosecute the perpetrators of this crime," Sevgili said. "We didn't mention any Israeli soldiers or any Israeli politicians. We just told them that we believe war crimes and crimes against humanity were committed."

The court, which began work in 2002 as the world's first permanent war crimes tribunal, receives hundreds of complaints every year, but so far has filed indictments against 17 war crimes suspects — all of them involved in African conflicts.

Dogan, speaking outside the court's headquarters, said he thought politics might get in the way of justice.

"I believe that people who killed my son will be prosecuted. However, this case also has international and political dimensions," he said.

A U.N.-appointed panel of human rights experts, chaired by a former judge of the international court, found last month that Israel violated human rights law during its interception of the flotilla carrying humanitarian supplies to Gaza, which has been under an Israeli blockade for three years.

Israel rejected the panel's findings, which it said were biased and one-sided, and said the U.N. Human Rights Council that appointed the panel is heavily weighted in the Palestinians' favor.

The court normally intercedes only if the country involved is among the 114 nations that have endorsed the court's founding treaty. Israeli is not a signatory, but the ship was flying the flag of the Comoros Island, which is a member of the court.

Sevgili said he expected the Comoros to support the victims' application to the court or file its own complaint.

The prosecutor also may initiate an investigation even if the accused country does not belong to the court — but only if he determines that the country is unable to launch its own credible investigation of human rights abuses.

Among the complaints submitted and presumably pending in the prosecutor's office is an application by the Palestinian Authority 18 months ago asking for a war crimes investigation into Israel's brief yet deadly 2008 war in Gaza.

SBU
This email is UNCLASSIFIED.

RELEASED IN PART B5

Law, Rosemary C

From: Gorove, Katherine M
Sent: Wednesday, October 06, 2010 2:56 PM
To: Banos, Mariano H; Martin, Julie B; Jacobson, Linda; Schwartz, Jonathan B; Harris, Robert K; Buchwald, Todd F
Subject: FW: D Issue Paper--Flotilla
Attachments: Issue Paper Flotilla.docx

AttachmentsClassification:

UNCLASSIFIED

Classification:

UNCLASSIFIED

SMARTClassificationData:

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B5

From: Gorove, Katherine M
Sent: Wednesday, October 06, 2010 2:49 PM
To: Andris, Matthew R; Bass, Warren; Masilko, Barbara J (USUN); Kolb, Natalie; Gregonis, Meghan E; Martin, Julie B; Banos, Mariano H; Harris, Robert K; Schwartz, Jonathan B
Subject: RE: D Issue Paper--Flotilla



REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

B5

Thanks, Kate, L/UNA

From: Andris, Matthew R
Sent: Wednesday, October 06, 2010 2:15 PM
To: Bass, Warren; Masilko, Barbara J (USUN); Kolb, Natalie; Gregonis, Meghan E; Martin, Julie B; Gorove, Katherine M
Subject: D Issue Paper--Flotilla

All:

Attached is a courtesy copy of our issue paper for D(S) on the Gaza Flotilla Investigations. D(S)'s deadline tomorrow, and I will be moving this to my front office this at 5:00 pm.

Best,

Matthew R. Andris

Bureau of International Organization Affairs
Office of Human Rights
(202) 647-5892 - office
(312) 208-9897 - cell
andrismr@state.gov

This email is UNCLASSIFIED.

RELEASED IN PART
B5, B6

Law, Rosemary C

From: Gorove, Katherine M
Sent: Sunday, June 06, 2010 5:04 PM
To: 'Bob and Sue Harris.Biniatz'; Townley, Stephen G; Jacobson, Linda; Donoghue, Joan E; Harris, Robert K; Aswad, Evelyn M; Banos, Mariano H; Baumert, Kevin A; Pomper, Stephen E; Guarin, Marc F; Woodward, Shirley G; stephen.townley [redacted] B6
'woodwardsg [redacted] 'kgorove [redacted] McLeod, Mary (USUN); Schwartz, Jonathan B
Subject: investigations paper
Attachments: UN investigations.docx

[redacted]

B5

Thanks, Kate

From: Gorove, Katherine M
Sent: Friday, June 04, 2010 6:11 PM
To: Jacobson, Linda; Donoghue, Joan E; Harris, Robert K; Aswad, Evelyn M; Banos, Mariano H; Baumert, Kevin A; Pomper, Stephen E; Guarin, Marc F; Townley, Stephen G; Woodward, Shirley G
Subject: investigations paper

Here's a draft of where I am now. Comments appreciated as we keep adding more information in. I'm looping in Shirley, our fabulous PMF, who has been helping me cull through examples. My cell is [redacted] B6
[redacted]

From: Jacobson, Linda
Sent: Friday, June 04, 2010 6:07 PM
To: Donoghue, Joan E; Harris, Robert K; Aswad, Evelyn M; Banos, Mariano H; Baumert, Kevin A; Pomper, Stephen E; Guarin, Marc F; Townley, Stephen G; Gorove, Katherine M
Subject: this weekend

If anyone needs me, pls call on my cell [redacted] or email me. I haven't seen anything from Kate yet but I need to leave. Thanks. B6

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

RELEASED IN PART B5

Law, Rosemary C

From: Grosh, Lisa J.
Sent: Thursday, June 10, 2010 8:46 PM
To: Donoghue, Joan E; Schwartz, Jonathan B; Jacobson, Linda
Cc: Kovar, Jeffrey D; Feldman, Mark E; Carlson, Hugh A
Subject: FW: Flotilla -- International Standrds for Investigation

B5

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

[Redacted]

B5

From: Feldman, Mark E
Sent: Thursday, June 10, 2010 5:22 PM
To: Carlson, Hugh A
Cc: Grosh, Lisa J.
Subject: RE: Flotilla/MST

[Redacted]

B5

From: Carlson, Hugh A
Sent: Thursday, June 10, 2010 5:02 PM
To: Feldman, Mark E
Subject: Flotilla/MST

Hi Mark,

[Redacted]

B5

Best,
Hugh

RELEASED IN PART B5

Law, Rosemary C

From: Guarin, Marc F
Sent: Wednesday, June 02, 2010 10:43 PM
To: Pomper, Stephen E; Townley, Stephen G; Dolan, JoAnn; Jacobson, Linda
Subject: RE: Blockade email--draft

[Redacted]

B5

From: Pomper, Stephen E
Sent: Wednesday, June 02, 2010 8:30 PM
To: Townley, Stephen G; Dolan, JoAnn; Jacobson, Linda; Guarin, Marc F
Subject: RE: Blockade email--draft

[Redacted]

From: Townley, Stephen G
Sent: Wednesday, June 02, 2010 8:28 PM
To: Dolan, JoAnn; Jacobson, Linda; Pomper, Stephen E; Guarin, Marc F
Subject: RE: Blockade email--draft

[Redacted]

From: Dolan, JoAnn
Sent: Wednesday, June 02, 2010 8:24 PM
To: Townley, Stephen G; Guarin, Marc F; Sullivan, David J; Baumert, Kevin A; Pomper, Stephen E; Jacobson, Linda; Eichensehr, Kristen E; Cleveland, Sarah H; Gorove, Katherine M
Cc: Thessin, James H; Harris, Robert K
Subject: RE: Blockade email--draft

[Redacted]

From: Townley, Stephen G
Sent: Wednesday, June 02, 2010 7:53 PM
To: Guarin, Marc F; Sullivan, David J; Baumert, Kevin A; Dolan, JoAnn; Pomper, Stephen E; Jacobson, Linda; Eichensehr, Kristen E; Cleveland, Sarah H; Gorove, Katherine M
Cc: Thessin, James H; Harris, Robert K
Subject: RE: Blockade email--draft

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

All, Attached are some small revisions following our discussion just now. Please send me any further edits/comments by 8:30pm. Thanks, Stephen

From: Townley, Stephen G

Sent: Wednesday, June 02, 2010 6:31 PM

To: Guarin, Marc F; Sullivan, David J; Baumert, Kevin A; Dolan, JoAnn; Pomper, Stephen E; Jacobson, Linda; Eichensehr, Kristen E; Cleveland, Sarah H; Gorove, Katherine M

Cc: Thessin, James H

Subject: RE: Blockade email--draft

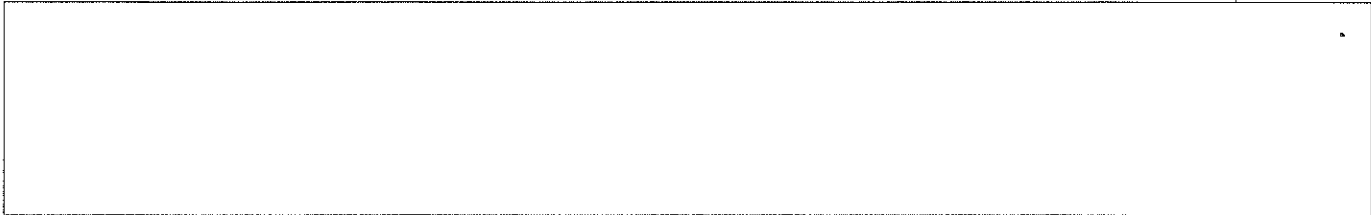
All, I have tried to consolidate existing comments in Joan's version and made a few other suggestions. If everyone could please take another look, we are hoping to get this back to Joan for final approval later tonight. Thanks, Stephen

RELEASED IN PART B5

Law, Rosemary C

From: Guarin, Marc F
Sent: Wednesday, June 02, 2010 6:38 PM
To: Townley, Stephen G
Cc: Thessin, James H; Sullivan, David J; Baumert, Kevin A; Dolan, JoAnn; Pomper, Stephen E; Jacobson, Linda; Eichensehr, Kristen E; Cleveland, Sarah H; Gorove, Katherine M
Subject: RE: Blockade email--draft

Stephen-



B5

Marc

From: Townley, Stephen G
Sent: Wednesday, 2 June, 2010 18:31
To: Guarin, Marc F; Sullivan, David J; Baumert, Kevin A; Dolan, JoAnn; Pomper, Stephen E; Jacobson, Linda; Eichensehr, Kristen E; Cleveland, Sarah H; Gorove, Katherine M
Cc: Thessin, James H
Subject: RE: Blockade email--draft

All, I have tried to consolidate existing comments in Joan's version and made a few other suggestions. If everyone could please take another look, we are hoping to get this back to Joan for final approval later tonight. Thanks, Stephen

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

RELEASED IN PART B5

Law, Rosemary C

From: Heinemann, Thomas B
Sent: Friday, October 15, 2010 5:36 PM
To: Gorove, Katherine M; Pomper, Stephen E; Jacobson, Linda; Schwartz, Jonathan B
Cc: Martin, Julie B; Buchwald, Todd F; Daley, John D; Perina, Alexandra H; Banos, Mariano H
Subject: RE: urgent - flotilla - D question

I can't tell from this if there is a question we are supposed to be answering. Can someone clarify?

From: Gorove, Katherine M
Sent: Friday, October 15, 2010 4:18 PM
To: Gorove, Katherine M; Pomper, Stephen E; Jacobson, Linda; Schwartz, Jonathan B; Heinemann, Thomas B
Cc: Martin, Julie B; Buchwald, Todd F; Daley, John D; Perina, Alexandra H; Banos, Mariano H
Subject: RE: urgent - flotilla - D question

Looping in Tom in Steve's absence.

From: Gorove, Katherine M
Sent: Friday, October 15, 2010 4:16 PM
To: Pomper, Stephen E; Jacobson, Linda; Schwartz, Jonathan B
Cc: Martin, Julie B; Buchwald, Todd F; Daley, John D; Perina, Alexandra H
Subject: urgent - flotilla - D question

[Redacted] But, see below from Harold.

B5

From: Daley, John D
Sent: Friday, October 15, 2010 3:55 PM
To: Perina, Alexandra H
Cc: Gorove, Katherine M; Martin, Julie B; Buchwald, Todd F
Subject: URGENT--SEE BELOW

From: Koh, Harold Hongju
Sent: Friday, October 15, 2010 3:42 PM
To: Schwartz, Jonathan B; Buchwald, Todd F
Cc: Daley, John D; Townley, Stephen G; Zelinsky, Aaron
Subject: Turkey Flotilla ICC guidance

[Redacted]

[Redacted]

Harold Hongju Koh
The Legal Adviser
United States Department of State

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

2201 C St. N.W. Suite 6421
Washington, D.C. 20520
202-647-9598 phone
202-262-8295 cell
202-647- 7096 fax

RELEASED IN PART B5

Law, Rosemary C

From: Heinemann, Thomas B
Sent: Monday, September 12, 2011 12:14 PM
To: Heinemann, Thomas B
Subject: FW: Questions from the morning meeting regarding the blockade

From: Donoghue, Joan E
Sent: Wednesday, June 02, 2010 9:53 PM
To: Sullivan, Jacob J
Cc: Thessin, James H; Townley, Stephen G; Pomper, Stephen E; Cleveland, Sarah H; Schwartz, Jonathan B; Jacobson, Linda; Guarin, Marc F; Koh, Harold Hongju
Subject: Questions from the morning meeting regarding the blockade

Dear Jake--

[Redacted]

B5

[Redacted]

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

Page Denied

Page Denied



B5

I hope you find this helpful. Please let us know if you have any questions.

Regards,

Joan

RELEASED IN PART B5

Law, Rosemary C

From: Holmstrom, Todd C
Sent: Monday, May 31, 2010 12:58 PM
To: Sayles, Ambrose G
Cc: Hale, David M; Rudman, Mara; Schwartz, Jonathan B; Jacobson, Linda; Goldberger, Thomas H; Ratney, Michael A; Vasquez, Edgar J; Pelton, Erin; Waller, Robert P; Rand, Dafna H; Rana, Gautam A; Knopf, Payton L; Prince, Jonathan M
Subject: FW:
Attachments: 053110-Israel-Palestinians - Raid on Free Gaza Flotilla.docx
Importance: High

Couple edits.

B5

From: Sayles, Ambrose G
Sent: Monday, May 31, 2010 12:39 PM
To: Hale, David M; Rudman, Mara; Schwartz, Jonathan B; Jacobson, Linda; Goldberger, Thomas H; Holmstrom, Todd C; Ratney, Michael A; Vasquez, Edgar J; Pelton, Erin; Bernier-Toth, Michelle; Wills, Regina M; Lieberman, Jessica D (DRL); Katsoulos, Athena; Waller, Robert P; Fuchs, Michael H; Rand, Dafna H; Rana, Gautam A; Harutunian, Ruben; Reynolds, Arlissa M; Knopf, Payton L; Prince, Jonathan M
Subject:
Importance: High

Hi Everyone –

Please clear the attached press guidance on the raid on the Free Gaza flotilla. Please note that your clearance is appreciated **ASAP**. We will need to move this guidance to PA soonest so that it can be used by all that need it.

Thank you,
Ambrose

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

RELEASED IN PART B5

Law, Rosemary C

From: Ingber, Rebecca M
Sent: Monday, January 24, 2011 2:45 PM
To: Banos, Mariano H; Simonoff, Mark A (USUN); Dolan, JoAnn; McLeod, Mary; Perina, Alexandra H; Pomper, Stephen E; Buchwald, Todd F; Baumert, Kevin A; Aswad, Evelyn M; Gorove, Katherine M
Cc: Jacobson, Linda; Schwartz, Jonathan B; Townley, Stephen G
Subject: RE: For Clearance: Israel-Turkel Commission report
Attachments: RE: AP -- Turks accuse Israel of war crimes at int'l court

[Redacted]

B5

From: Banos, Mariano H
Sent: Monday, January 24, 2011 2:42 PM
To: Simonoff, Mark A (USUN); Ingber, Rebecca M; Dolan, JoAnn; McLeod, Mary; Perina, Alexandra H; Pomper, Stephen E; Buchwald, Todd F; Baumert, Kevin A; Aswad, Evelyn M; Gorove, Katherine M
Cc: Jacobson, Linda; Schwartz, Jonathan B; Townley, Stephen G
Subject: RE: For Clearance: Israel-Turkel Commission report

[Redacted]

From: Simonoff, Mark A (USUN)
Sent: Monday, January 24, 2011 2:37 PM
To: Ingber, Rebecca M; Dolan, JoAnn; McLeod, Mary; Banos, Mariano H; Perina, Alexandra H; Pomper, Stephen E; Buchwald, Todd F; Baumert, Kevin A; Aswad, Evelyn M; Gorove, Katherine M
Cc: Jacobson, Linda; Schwartz, Jonathan B; Townley, Stephen G
Subject: RE: For Clearance: Israel-Turkel Commission report

Colleagues,

My colleagues in the Political Section responded to Rebecca's suggested revision and the explanation as follows:

[Redacted] From Amb Rice's Aug 2, 2010 statement:

The United States expects that the Panel will operate in a transparent and credible manner and that **its work will be the primary method for the international community to review the incident**, obviating the need for any overlapping international inquiries.

Best regards,

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.

From: Ingber, Rebecca M
Sent: Monday, January 24, 2011 2:09 PM
To: Dolan, JoAnn; McLeod, Mary; Banos, Mariano H; Perina, Alexandra H; Pomper, Stephen E; Simonoff, Mark A (USUN); Buchwald, Todd F; Baumert, Kevin A; Aswad, Evelyn M; Gorove, Katherine M
Cc: Jacobson, Linda; Schwartz, Jonathan B; Townley, Stephen G
Subject: RE: For Clearance: Israel-Turkel Commission report



B5

I just spoke with JoAnn and unless there are concerns with this, I will send back to NEA in the next 10 min.

Thanks!

From: Dolan, JoAnn
Sent: Monday, January 24, 2011 1:45 PM
To: McLeod, Mary; Ingber, Rebecca M; Banos, Mariano H; Perina, Alexandra H; Pomper, Stephen E; Simonoff, Mark A (USUN); Buchwald, Todd F; Baumert, Kevin A; Aswad, Evelyn M; Gorove, Katherine M
Cc: Jacobson, Linda; Schwartz, Jonathan B; Townley, Stephen G
Subject: RE: For Clearance: Israel-Turkel Commission report

Mariano thought NEA guidance looked fine and Alexandra and Rebecca are going over it now. Did anyone else want to weigh in before we get back to NEA? I thought L/UNA in particular might because of references to SYG investigation. I have also attached version with point added by DRL, which I am not sure Mariano had yet seen. Would L/FO normally want to clear as well?

From: Dolan, JoAnn
Sent: Monday, January 24, 2011 1:14 PM
To: Ingber, Rebecca M; Banos, Mariano H; Perina, Alexandra H; Pomper, Stephen E; Simonoff, Mark A (USUN); Buchwald, Todd F; Baumert, Kevin A; Aswad, Evelyn M
Cc: McLeod, Mary; Jacobson, Linda; Schwartz, Jonathan B
Subject: FW: For Clearance: Israel-Turkel Commission report

In case others have not seen as yet.

From: Ventrell, Patrick H (USUN)
Sent: Monday, January 24, 2011 1:03 PM
To: Vasquez, Edgar J; Schrepel, Dawn M; P-NEA Duty; Rand, Dafna H; Jacobson, Linda; Dolan, JoAnn; Kornblau, Mark (USUN); Bass, Warren; Cooper, Kurtis A; Lapenn, Jessica; Owen, Evan; PRM-Press-DL; EUR-Press; Sachar, Alon (NEA/IPA); Hale, David M

Cc: Doutrich, Jack T
Subject: RE: For Clearance: Israel-Turkel Commission report

Attached are the suggested edits from USUN.

This email is UNCLASSIFIED.

From: Vasquez, Edgar J
Sent: Monday, January 24, 2011 12:15 PM
To: Schrepel, Dawn M; P-NEA Duty; Rand, Dafna H; Jacobson, Linda; Dolan, JoAnn; Kornblau, Mark (USUN); Bass, Warren; Cooper, Kurtis A; Lapenn, Jessica; Ventrell, Patrick H (USUN); Owen, Evan; PRM-Press-DL; EUR-Press; Sachar, Alon (NEA/IPA); Hale, David M
Cc: Doutrich, Jack T
Subject: For Clearance: Israel-Turkel Commission report
Importance: High

Please clear on the attached press guidance.

Thanks,
Eddie

This email is UNCLASSIFIED.

RELEASED IN PART B5

Law, Rosemary C

From: Johnson, Clifton M
Sent: Friday, June 04, 2010 12:10 PM
To: Mitchell, Mary T; Townley, Stephen G; Jacobson, Linda; Sharpe, Jeremy
Cc: McDonough, Patricia E
Subject: RE: Options Paper on Flotilla Investigation

Adding Trish, who's following this issue for LEI. Cliff

From: Mitchell, Mary T
Sent: Friday, June 04, 2010 12:04 PM
To: Townley, Stephen G; Jacobson, Linda; Johnson, Clifton M; Sharpe, Jeremy
Subject: RE: Options Paper on Flotilla Investigation

[Redacted]

B5

From: Townley, Stephen G
Sent: Friday, June 04, 2010 12:02 PM
To: Jacobson, Linda; Johnson, Clifton M; Mitchell, Mary T; Sharpe, Jeremy
Subject: FW: Options Paper on Flotilla Investigation

[Large Redacted Area]

From: Mitchell, Mary T
Sent: Thursday, June 03, 2010 10:00 AM

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

To: Jacobson, Linda; Sharpe, Jeremy
Cc: Townley, Stephen G
Subject: RE: Options Paper on Flotilla Investigation

[Redacted]

B5

From: Townley, Stephen G
Sent: Thursday, June 03, 2010 9:42 AM
To: Mitchell, Mary T; Jacobson, Linda; Ramish, Timothy E; Prosser, Sarah E; Joyce, Anne
Cc: Eichensehr, Kristen E; Cleveland, Sarah H; Thessin, James H; McLeod, Mary (USUN); Buchwald, Todd F
Subject: FW: Options Paper on Flotilla Investigation

All, attached is an options paper we (by that I mean Linda!) prepared at Jake Sullivan's request on possible ways to [Redacted]

[Redacted]

[Redacted] Do any of you have other ideas we could add? We have not shared this outside of L yet. Thanks, Stephen

From: Townley, Stephen G
Sent: Thursday, June 03, 2010 8:10 AM
To: Sullivan, Jacob J
Cc: Donoghue, Joan E; Eichensehr, Kristen E; Cleveland, Sarah H; Thessin, James H; Jacobson, Linda; Schwartz, Jonathan B; Harris, Robert K
Subject: Options Paper on Flotilla Investigation

Jake, Attached please find the latest draft of our paper on [Redacted]

[Redacted]

[Redacted] Thanks, Stephen

RELEASED IN PART
B6,1.4(B),B1,B5,1.4(D)

Law, Rosemary C

From: Johnson, Thomas A
Sent: Friday, June 11, 2010 2:25 PM
To: O'Brien, Gregory J (OES); Baumert, Kevin A; Morrison, Andrew L; Anderson, Gerald C; Cook, Nerissa J; Frelich, Karlene H; Huskey, James L; Connor, Julie G; Jacobson, Linda; Dolan, JoAnn
Cc: [redacted]@uscg.mil; Whittlesey, John K; Graves, Jackie M
Subject: Re: IMO Council--Probable Solution for Israel-Turkey Dispute

B6

The deal described below held together in its entirety. There were no changes to the texts below. After reviewing the summary of decisions on all agenda items, the Council ended its 104th session without further incident.

The Turkish ambassador was nowhere to be seen on Friday. By the end of last meeting, the Turkish delegation was down to its normal size of one or two--from an earlier high of eight. The Israeli Embassy and Del expressed profuse thanks for USDEL assistance.

From: Johnson, Thomas A
To: O'Brien, Gregory J (OES); Baumert, Kevin A; Morrison, Andrew L; Anderson, Gerald C; Cook, Nerissa J; Frelich, Karlene H; Huskey, James L; Connor, Julie G; Jacobson, Linda; Dolan, JoAnn
Cc: [redacted]@uscg.mil <[redacted]@uscg.mil>; Whittlesey, John K; Graves, Jackie M
Sent: Thu Jun 10 12:51:32 2010
Subject: RE: IMO Council--Probable Solution for Israel-Turkey Dispute

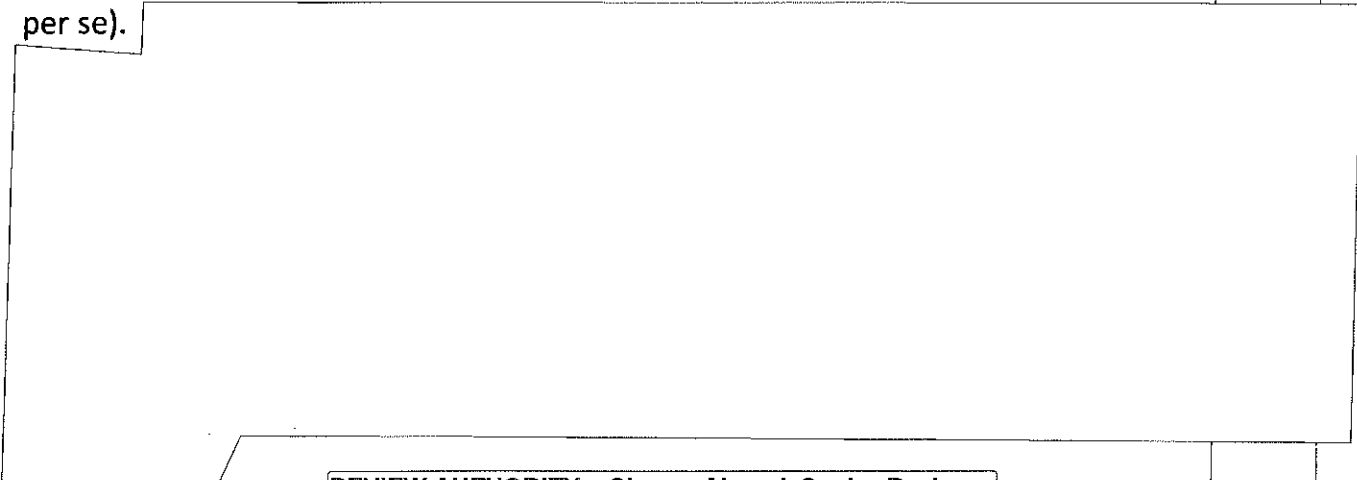
B6

1.4(B)

1.4(D)

B1

USDEL believes that issues mentioned below have been resolved, if the current deal holds. It is reflected in the text below for an insert in the Record of Decisions (there is no Council report per se).



REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

Insert in Record of Decisions:

"In a subsequent discussion of the 31 May 2010 incident, at the instigation of the delegation of Turkey, the Council unanimously reiterated its expression of deep regret for the loss of life and injuries suffered in the incident and its condolences to the families and friends of the reported casualties. The Council noted that the Secretary-General would issue a press release encapsulating the essence of its debate on the issue."

Classified by DAS, A/GIS, DoS on : 08/02/2012 ~ Class: CONFIDENTIAL ~ Reason: 1.4(B), 1.4(D), B1 ~
Declassify on: 06/11/2020

Press Release:

“The Secretary-General of the IMO—the UN specialized agency responsible for the regulation of international shipping from, among other perspectives, the safety of human life at sea and safety of navigation—deeply regrets the loss of life and injuries sustained during an incident involving Israeli Defense Forces and ships carrying charity aid to the Gaza Strip in international waters of the Eastern Mediterranean in the early hours of Monday, 31 May 2010. In this context, he has conveyed his deep condolences to the families and friends of the casualties incurred in the tragic incident.”

From: O'Brien, Gregory J (OES)
Sent: Thursday, June 10, 2010 11:13 AM
To: Baumert, Kevin A; Morrison, Andrew L; Johnson, Thomas A; Anderson, Gerald C; Cook, Nerissa J; Frelich, Karlene H; Huskey, James L; Connor, Julie G; Jacobson, Linda; Dolan, JoAnn
Cc: [redacted]@uscg.mil'
Subject: RE: IMO Council--Draft Press release on Israel-Turkey Incident

B6

[redacted]

B5

v/r Greg

From: Baumert, Kevin A
Sent: Thursday, June 10, 2010 10:39 AM
To: O'Brien, Gregory J (OES); Morrison, Andrew L; Johnson, Thomas A; Anderson, Gerald C; Cook, Nerissa J; Frelich, Karlene H; Huskey, James L; Connor, Julie G; Jacobson, Linda; Dolan, JoAnn
Cc: [redacted]@uscg.mil'
Subject: RE: IMO Council--Draft Press release on Israel-Turkey Incident

B6

[redacted]

B5

Thanks,
Kevin
L/OES

From: O'Brien, Gregory J (OES)
Sent: Thursday, June 10, 2010 9:22 AM
To: Morrison, Andrew L; Johnson, Thomas A; Anderson, Gerald C; Cook, Nerissa J; Frelich, Karlene H; Baumert, Kevin A; Huskey, James L; Connor, Julie G
Cc: [redacted]@uscg.mil
Subject: RE: IMO Council--Draft Press release on Israel-Turkey Incident

B6

[redacted]

B5

v/r Greg

From: Morrison, Andrew L
Sent: Wednesday, June 09, 2010 8:42 PM
To: Johnson, Thomas A; Anderson, Gerald C; Cook, Nerissa J; Frelich, Karlene H; O'Brien, Gregory J (OES); Baumert, Kevin A; Huskey, James L; Connor, Julie G
Cc: [redacted]@uscg.mil
Subject: RE: IMO Council--Draft Press release on Israel-Turkey Incident

B6

[redacted]

B5

SBU
This email is UNCLASSIFIED.

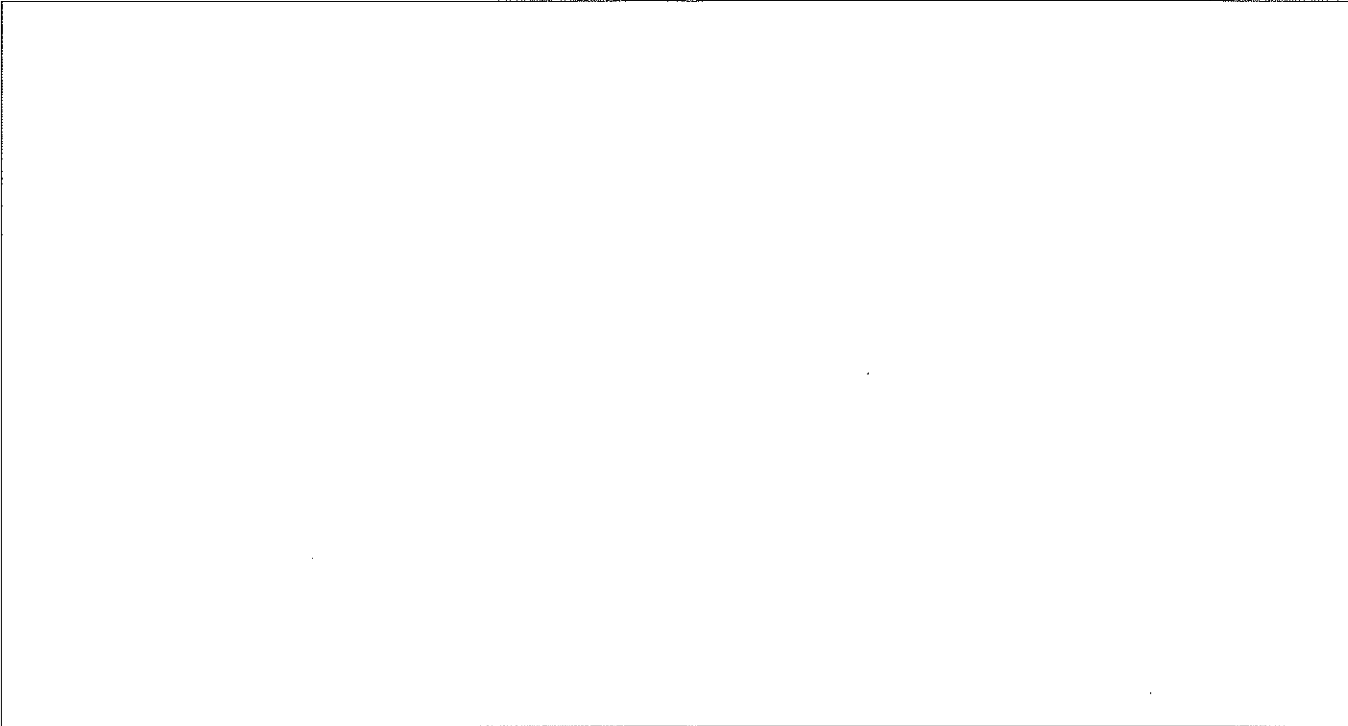
From: Johnson, Thomas A
Sent: Wednesday, June 09, 2010 8:23 PM
To: Anderson, Gerald C; Cook, Nerissa J; Morrison, Andrew L; Frelich, Karlene H; O'Brien, Gregory J (OES); Baumert, Kevin A; Huskey, James L; Connor, Julie G
Cc: [redacted]@uscg.mil
Subject: IMO Council--Draft Press release on Israel-Turkey Incident

B6

[redacted]

B5

B5

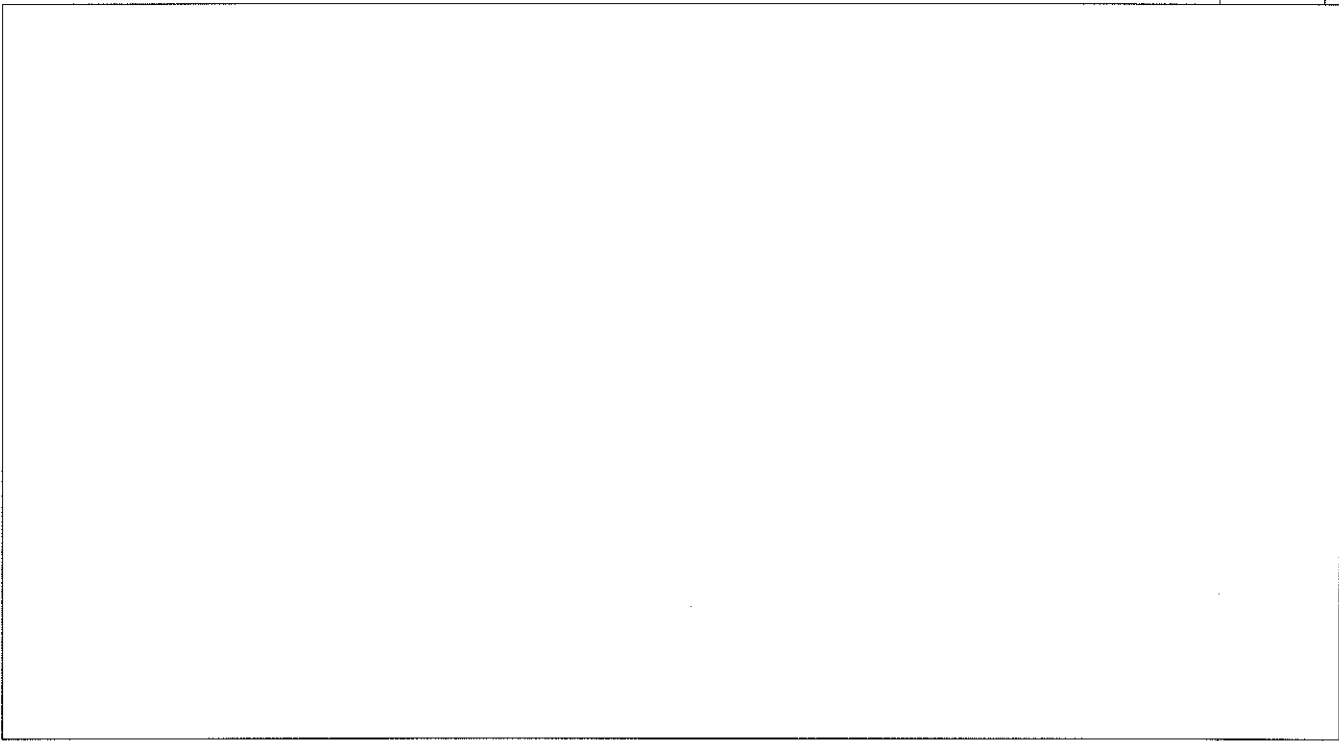


RELEASED IN PART B5

Law, Rosemary C

From: Kim, John J (Kimm)
Sent: Saturday, October 16, 2010 6:05 AM
To: Daley, John D; Johnson, Karen K; Jacobson, Linda; Joyce, Anne
Cc: Buchwald, Todd F; Simonoff, Mark A (USUN); Townley, Stephen G; Schwartz, Jonathan B; Perina, Alexandra H
Subject: RE: flotilla incident -- Comoros-flagged vessel ?

Classification: UNCLASSIFIED
SensitivityCode: Sensitive



B5

SBU
This email is UNCLASSIFIED.

From: Daley, John D
Sent: Thursday, October 14, 2010 9:31 PM
To: Kim, John J (Kimm); Johnson, Karen K; Jacobson, Linda; Joyce, Anne
Cc: Buchwald, Todd F; Simonoff, Mark A (USUN); Townley, Stephen G; Schwartz, Jonathan B; Perina, Alexandra H
Subject: flotilla incident -- Comoros-flagged vessel ?

John/Karen -

The press is reporting today that lawyers for the families of those killed by Israeli forces in connection with the Flotilla incident this spring have sent a letter to the ICC Prosecutor urging him to take action. Evidently their jurisdictional theory is based on an allegation that the ship, although Turkish operated, was flying the Comoros flag and apparently

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

was registered there. While neither Turkey or Israel are Rome Statute parties, Comoros is

[Redacted]

[Redacted]

Thanks.

B5

Law, Rosemary C

RELEASED IN PART

B5, B6

From: Martin, Julie B
Sent: Tuesday, June 01, 2010 1:25 PM
To: Aswad, Evelyn M
Cc: Banos, Mariano H; Dolan, JoAnn; Perina, Alexandra H; Pomper, Stephen E; Jacobson, Linda; Harris, Robert K
Subject: RE: HRC Gaza resolution - status of negotiations
Classification: UNCLASSIFIED

Thanks, Evelyn. Following our call with Suzanne, Eileen, et. al, Mariano and others will take a look at the text to identify

[Redacted]

B5

This email is UNCLASSIFIED.

From: Aswad, Evelyn M
Sent: Tuesday, June 01, 2010 5:29 PM
To: Martin, Julie B
Cc: Banos, Mariano H; Dolan, JoAnn; Perina, Alexandra H; Pomper, Stephen E; Jacobson, Linda; Harris, Robert K
Subject: FW: HRC Gaza resolution - status of negotiations

L ONLY E-MAIL CHAIN

[Redacted]

From: Cassayre, Mark J
Sent: Tuesday, June 01, 2010 9:33 AM
To: 'Shapiro, Daniel B.'; Powell, Catherine; Ostermeier, Amy A; Bass, Warren; Nossel, Suzanne F; jpcassidy [Redacted]; Ashraf, Madeeha S; Cue, Lourdes C; Aguilera, Patricia; Littlejohn, J.R.; Wecker, John A; Aswad, Evelyn M; Giauque, Jeffrey G; Knopf, Payton L; Legal-HRR-DL; Goldberger, Thomas H; Holmstrom, Todd C; Simon, Jennifer J; Busby, Scott W.; Perina, Alexandra H; Schwartz, Jonathan B; Pomper, Stephen E; Donahoe, Eileen C; Khanna, Melanie J; Griffiths, Douglas M; Kumar, Prem G.; Wolff, Alex D (USUN); Germain, Ellen J (USUN); Schedlbauer, Amy W
Cc: Fitzpatrick, Kathleen M; Posner, Michael H; Geneva HRC; Cassidy, Joseph P; DRL-MLGA-DL; Anderson, Gerald C; Feltman, Jeffrey D; IO-HR-DL; Martin, Julie B
Subject: HRC Gaza resolution - status of negotiations

[Redacted]

B5

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

[Redacted]

B5

There were some other minor suggestions for language changes, but nothing too major.

From: Shapiro, Daniel B. [mailto:Daniel_B._Shapiro@nss.eop.gov]
Sent: Tuesday, June 01, 2010 2:58 PM

To: Powell, Catherine; Ostermeier, Amy A; Bass, Warren; Nossel, Suzanne F; jpcassidy [redacted]; Ashraf, Madeeha S; Cue, Lourdes C; Aguilera, Patricia; Littlejohn, J.R.; Wecker, John A; Aswad, Evelyn M; Giauque, Jeffrey G; Knopf, Payton L; Legal-HRR-DL; Goldberger, Thomas H; Holmstrom, Todd C; Simon, Jennifer J; Busby, Scott W.; Perina, Alexandra H; Schwartz, Jonathan B; Pomper, Stephen E; Donahoe, Eileen C; Cassayre, Mark J; Khanna, Melanie J; Griffiths, Douglas M; Kumar, Prem G.; Wolff, Alex D (USUN); Germain, Ellen J (USUN); Schedlbauer, Amy W
Cc: Fitzpatrick, Kathleen M; Posner, Michael H; Geneva HRC; Cassidy, Joseph P; DRL-MLGA-DL; Anderson, Gerald C; Feltman, Jeffrey D; IO-HR-DL
Subject: RE: Instruction and EOV for HRC vote - clearance by 10 AM EST

B6

[Redacted]

B5

From: Powell, Catherine [mailto:PowellC@state.gov]
Sent: Tuesday, June 01, 2010 8:56 AM

To: Ostermeier, Amy A; Bass, Warren; Nossel, Suzanne F; jpcassidy [redacted]; Ashraf, Madeeha S; Cue, Lourdes C; Aguilera, Patricia; Littlejohn, J.R.; Wecker, John A; Aswad, Evelyn M; Giauque, Jeffrey G; Knopf, Payton L; Legal-HRR-DL; Goldberger, Thomas H; Holmstrom, Todd C; Simon, Jennifer J; Busby, Scott W.; Perina, Alexandra H; Schwartz, Jonathan B; Pomper, Stephen E; Donahoe, Eileen C; Cassayre, Mark J; Khanna, Melanie J; Griffiths, Douglas M; Shapiro, Daniel B.; Kumar, Prem G.; Wolff, Alex D (USUN); Germain, Ellen J (USUN); Schedlbauer, Amy W
Cc: Fitzpatrick, Kathleen M; Posner, Michael H; Geneva HRC; Cassidy, Joseph P; DRL-MLGA-DL; Anderson, Gerald C; Feltman, Jeffrey D; IO-HR-DL
Subject: Re: Instruction and EOV for HRC vote - clearance by 10 AM EST

B6

Looping in Bill Burke-White and Dafna Rand for S/P.

From: Ostermeier, Amy A

To: Bass, Warren; Nossel, Suzanne F; 'jpcassidy [redacted] <jpcassidy [redacted]>; Ashraf, Madeeha S; Cue, Lourdes C; Aguilera, Patricia; Littlejohn, J.R.; Wecker, John A; Powell, Catherine; Aswad, Evelyn M; Giauque, Jeffrey G; Knopf, Payton L; Legal-HRR-DL; Goldberger, Thomas H; Holmstrom, Todd C; Simon, Jennifer J; 'scott_w._busby@nss.eop.gov' <scott_w._busby@nss.eop.gov>; Perina, Alexandra H; Schwartz, Jonathan B; Pomper, Stephen E; Donahoe, Eileen C; Cassayre, Mark J; Khanna, Melanie J; Griffiths, Douglas M; 'dshapiro@nsc.eop.gov' <dshapiro@nsc.eop.gov>; 'Prem_G._Kumar@nsc.eop.gov' <Prem_G._Kumar@nsc.eop.gov>; Wolff, Alex D (USUN); Germain, Ellen J (USUN); Schedlbauer, Amy W
Cc: Fitzpatrick, Kathleen M; Posner, Michael H; Geneva HRC; Cassidy, Joseph P; DRL-MLGA-DL; Anderson, Gerald C; Feltman, Jeffrey D; IO-HR-DL
Sent: Tue Jun 01 08:49:16 2010
Subject: Instruction and EOV for HRC vote - clearance by 10 AM EST

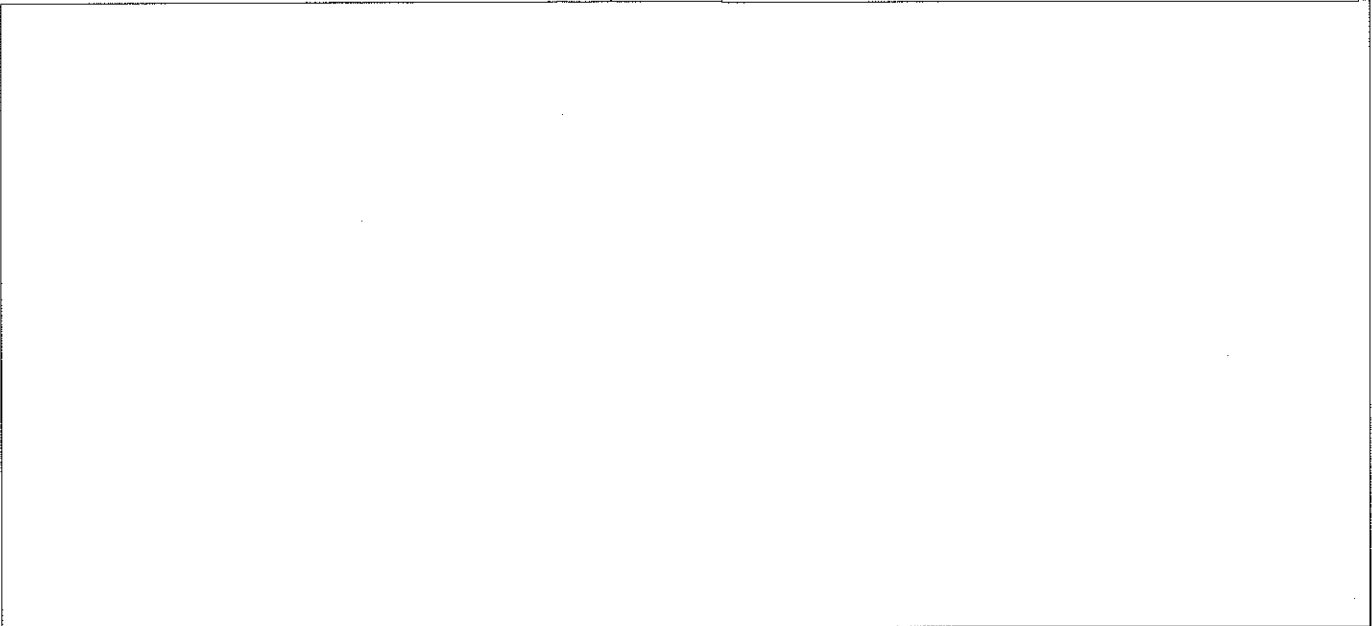
B6

Thanks to Warren and Scott for their suggestions. I've added a suggested [redacted] and the NSC's changes in the attached (tracked).

B5

We'd appreciate clearance/comments from others on the draft

B5



Many thanks,

Amy

Amy A. Ostermeier, Deputy Director
Bureau of International Organization Affairs
Office of Human Rights (IO/HR)
(ph) 202-647-3901
(fx) 202-647-4628
ostermeieraa@state.gov

From: Bass, Warren
Sent: Tuesday, June 01, 2010 7:38 AM
To: Nossel, Suzanne F; 'jpcassidy@hotmail.com'; Ashraf, Madeeha S; Cue, Lourdes C; Aguilera, Patricia; Littlejohn, J.R.; Wecker, John A; Powell, Catherine; Ostermeier, Amy A; Aswad, Evelyn M; Giaque, Jeffrey G; Knopf, Payton L; Legal-HRR-DL; Goldberger, Thomas H; Holmstrom, Todd C; Simon, Jennifer J; 'scott_w._busby@nss.eop.gov'; Perina, Alexandra H; Schwartz, Jonathan B; Pomper, Stephen E; Donahoe, Eileen C; Cassayre, Mark J; Khanna, Melanie J; Griffiths, Douglas M; 'dshapiro@nsc.eop.gov'; 'Prem_G._Kumar@nsc.eop.gov'; Wolff, Alex D (USUN); Germain, Ellen J (USUN); Schedibauer, Amy W
Cc: Fitzpatrick, Kathleen M; Posner, Michael H; Geneva HRC; Cassidy, Joseph P; DRL-MLGA-DL
Subject: Re: Instruction and EOv for HRC vote tomorrow - clearance by 10 AM EST

Adding USUN/NY and NSC/NENA.

From: Nossel, Suzanne F
To: 'jpcassidy@hotmail.com' <jpcassidy@hotmail.com>; Ashraf, Madeeha S; Cue, Lourdes C; Aguilera, Patricia; Littlejohn, J.R.; Wecker, John A; Powell, Catherine; Ostermeier, Amy A; Aswad, Evelyn M; Giaque, Jeffrey G; Knopf, Payton L; Legal-HRR-DL; Goldberger, Thomas H; Holmstrom, Todd C; Simon, Jennifer J; Bass, Warren; 'scott_w._busby@nss.eop.gov' <scott_w._busby@nss.eop.gov>; Perina, Alexandra H; Schwartz, Jonathan B; Pomper, Stephen E; Donahoe, Eileen C; Cassayre, Mark J; Khanna, Melanie J; Griffiths, Douglas M
Cc: Fitzpatrick, Kathleen M; Posner, Michael H; Geneva HRC; Cassidy, Joseph P; DRL-MLGA-DL
Sent: Mon May 31 23:32:34 2010
Subject: Instruction and EOv for HRC vote tomorrow - clearance by 10 AM EST

[Redacted]

B5

Many thanks,
Suzanne

[Redacted]

B5

The Grave Attacks by Israeli Forces Against the Humanitarian Boat Convoy

Guided by the purposes and the principles of the United Nations Charter, as well as by the provisions of the Universal Declaration for Human Rights,

Taking into consideration the provisions of the Fourth Geneva Convention for the protection of civilian persons in times of war of 12 August 1949,

Emphasizing the importance of the safety and well-being of all civilians including humanitarian personnel,

Expressing grave concern also at the deepening humanitarian crisis in Occupied Gaza,

Emphasizing the need to ensure sustained and regular flow of goods and people into Occupied Gaza and welcoming the initiatives aimed at creating and opening humanitarian corridors and other mechanisms for the sustained delivery of humanitarian aid;

1. Condemns in the strongest terms possible the outrageous attack by the Israeli forces against the humanitarian flotilla of ships which resulted in the killing and injuring of many innocent civilians from different countries;
2. Deeply deplores the loss of life of innocent civilians and expresses its deepest sympathy and condolences to the victims and their families;
3. Requests the ICRC to seek and provide information on the whereabouts status and condition of the detained and injured persons
4. Demands the Occupying Power Israel to immediately release all detained men and material and facilitate their safe return to their homelands.
5. Calls upon the Occupying power Israel to ensure the unimpeded provision of humanitarian assistance, including of food, fuel and medical treatment to the occupied Gaza strip;
6. Welcomes the statements of the Secretary General UN and the High Commissioner for Human Rights condemning the Israeli attacks and calls for the full accountability and credible independent inquiries into these attacks.
7. Decides to dispatch an independent international fact finding mission to investigate violations of international law resulting from the Israeli attacks on the flotilla of ships carrying humanitarian assistance.
8. Decides to remain seized of this matter.

From: Joseph Cassidy [Redacted]
To: Ashraf, Madeeha S; Cue, Lourdes C; Aguilera, Patricia; Littlejohn, J.R.; Wecker, John A; Powell, Catherine;

B6

Ostermeier, Amy A; Aswad, Evelyn M; Giaque, Jeffrey G; Knopf, Payton L; Legal-HRR-DL; Goldberger, Thomas H; Holmstrom, Todd C; Simon, Jennifer J; Bass, Warren; scott_w._busby@nss.eop.gov <scott_w._busby@nss.eop.gov>; Perina, Alexandra H; Schwartz, Jonathan B; Pomper, Stephen E
Cc: Fitzpatrick, Kathleen M; Nossel, Suzanne F; Posner, Michael H; Geneva HRC; Cassidy, Joseph P; jpcassidy@hotmail.com <jpcassidy@hotmail.com>; DRL-MLGA-DL
Sent: Mon May 31 16:37:03 2010
Subject: URGENT -- Clearance needed Monday afternoon

I ask that you review and clear this statement, which will be delivered tomorrow morning by Ambassador Donohoe at a special event within this UN Human Rights Council session, as soon as possible.

B5

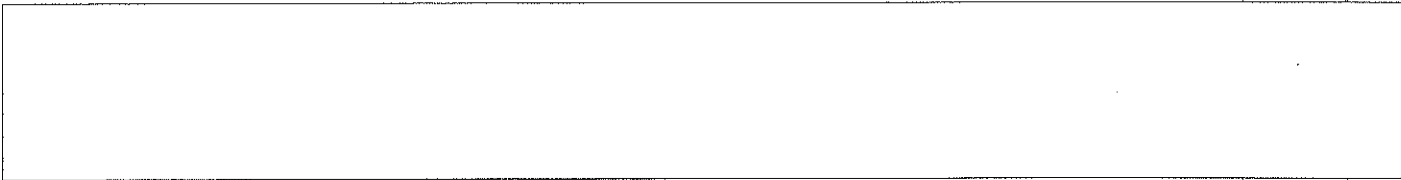
Thanks, Joe

(begin text)

**Statement by Ambassador Eileen Donohoe on the Flotilla Incident
for the Human Rights Council special session, June 1, 2010**

Thank you, Mr. President.

B5



B5

Thank you.

RELEASED IN PART B5,B6

Law, Rosemary C

From: Martin, Julie B
Sent: Tuesday, June 01, 2010 6:35 AM
To: Ostermeier, Amy A; Geneva HRC Delegation; Griffiths, Douglas M; Cassidy, Joseph P; Nossel, Suzanne F; Donoghue, Joan E; Pomper, Stephen E; Aswad, Evelyn M; Harris, Robert K; Schwartz, Jonathan B; Perina, Alexandra H; Banos, Mariano H; Townley, Stephen G; Jacobson, Linda; Heinemann, Thomas B; Anderson, Gerald C; Fitzpatrick, Kathleen M
Subject: Re: Urgent Guidance Request RE Gaza Flotilla Resolution

Amy - thanks, this is in our mark-up.

B5

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

From: Ostermeier, Amy A
To: Martin, Julie B; Geneva HRC Delegation; Griffiths, Douglas M; Cassidy, Joseph P; Nossel, Suzanne F; Donoghue, Joan E; Pomper, Stephen E; Aswad, Evelyn M; Harris, Robert K; Schwartz, Jonathan B; Perina, Alexandra H; Banos, Mariano H; Townley, Stephen G; Jacobson, Linda; Heinemann, Thomas B; Anderson, Gerald C; Fitzpatrick, Kathleen M
Sent: Tue Jun 01 06:30:27 2010
Subject: Re: Urgent Guidance Request RE Gaza Flotilla Resolution

Thanks,

A0
Sent via blackberry

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

From: Martin, Julie B
To: Geneva HRC Delegation; Griffiths, Douglas M; Cassidy, Joseph P; Nossel, Suzanne F; Ostermeier, Amy A; Donoghue, Joan E; Pomper, Stephen E; Aswad, Evelyn M; Harris, Robert K; Schwartz, Jonathan B; Perina, Alexandra H; Banos, Mariano H; Townley, Stephen G; Jacobson, Linda; Heinemann, Thomas B
Sent: Tue Jun 01 06:13:50 2010
Subject: Urgent Guidance Request RE Gaza Flotilla Resolution

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

[Redacted]

B5

[Redacted] we need to know how critical it is to address these points and others you may identify.

My blackberry is [Redacted] should you wish to reach me via phone.

B6

Thanks,

Julie

Law, Rosemary C

From: McLeod, Mary (USUN)
Sent: Thursday, June 03, 2010 5:09 PM
To: Jacobson, Linda; Gorove, Katherine M; Harris, Robert K; Aswad, Evelyn M
Cc: Schwartz, Jonathan B; Townley, Stephen G
Subject: RE: Is Quartet investig'n feasible with HRC investig'n?

Classification: UNCLASSIFIED
SensitivityCode: Sensitive

[Redacted]

B5

SBU
This email is UNCLASSIFIED.

From: Jacobson, Linda
Sent: Thursday, June 03, 2010 5:03 PM
To: Gorove, Katherine M; Harris, Robert K; Aswad, Evelyn M; McLeod, Mary (USUN)
Cc: Schwartz, Jonathan B; Townley, Stephen G
Subject: RE: Is Quartet investig'n feasible with HRC investig'n?

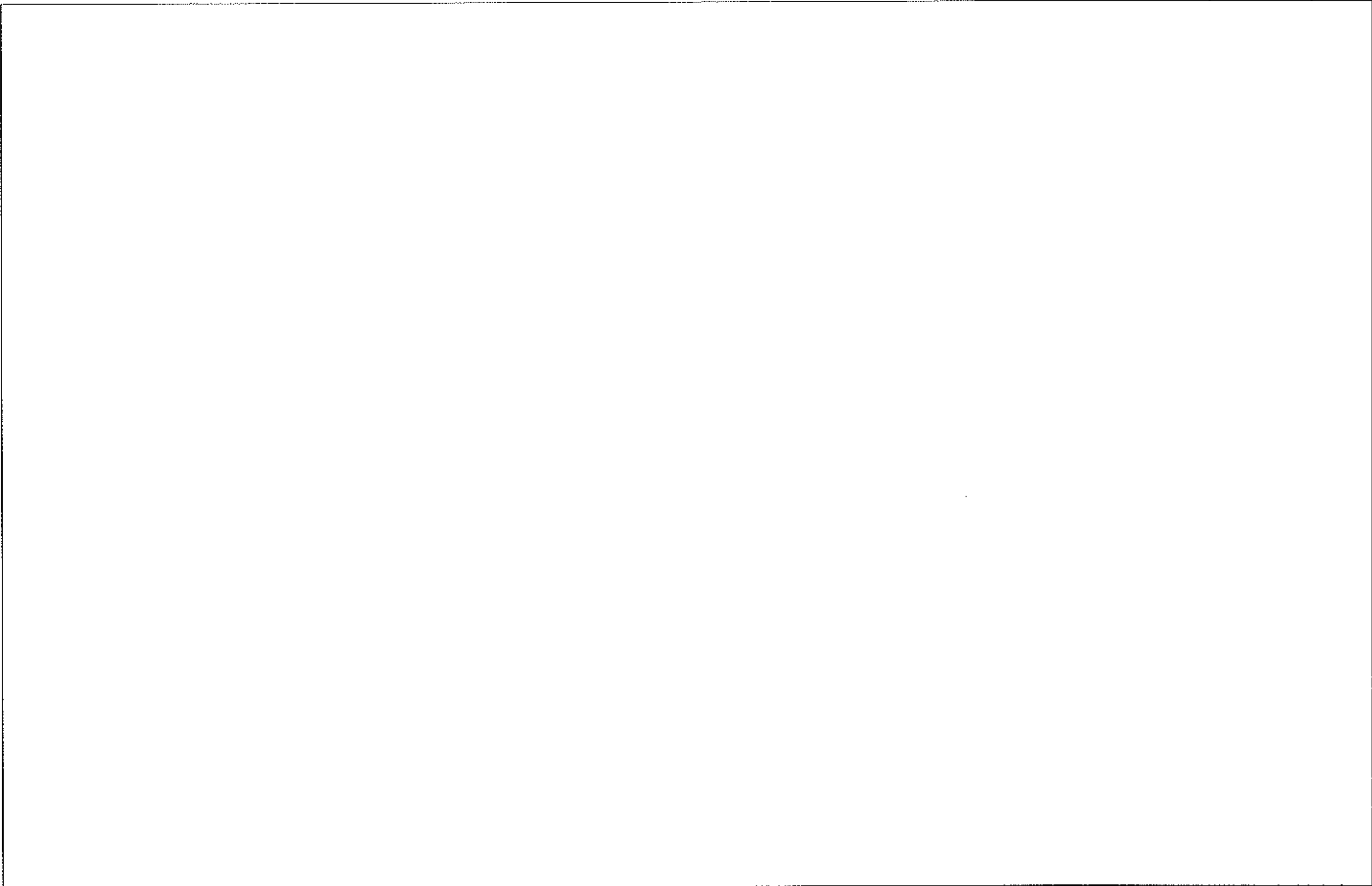
[Redacted]

From: Gorove, Katherine M
Sent: Thursday, June 03, 2010 4:53 PM
To: Jacobson, Linda; Harris, Robert K; Aswad, Evelyn M; McLeod, Mary (USUN)
Cc: Schwartz, Jonathan B; Townley, Stephen G
Subject: Is Quartet investig'n feasible with HRC investig'n?

[Redacted]

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

B5



RELEASED IN PART B5

Law, Rosemary C

From: McLeod, Mary (USUN)
Sent: Wednesday, June 02, 2010 4:35 PM
To: Mitchell, Mary T; Jacobson, Linda
Cc: Townley, Stephen G
Subject: RE: Flotilla investigation

Classification: UNCLASSIFIED
SensitivityCode: Sensitive

[Redacted]

B5

SBU
This email is UNCLASSIFIED.

From: Mitchell, Mary T
Sent: Wednesday, June 02, 2010 4:14 PM
To: Jacobson, Linda; McLeod, Mary (USUN)
Cc: Townley, Stephen G
Subject: RE: Flotilla investigation

You're welcome, [Redacted]

From: Jacobson, Linda
Sent: Wednesday, June 02, 2010 4:08 PM
To: Mitchell, Mary T; McLeod, Mary (USUN)
Cc: Townley, Stephen G
Subject: RE: Flotilla investigation

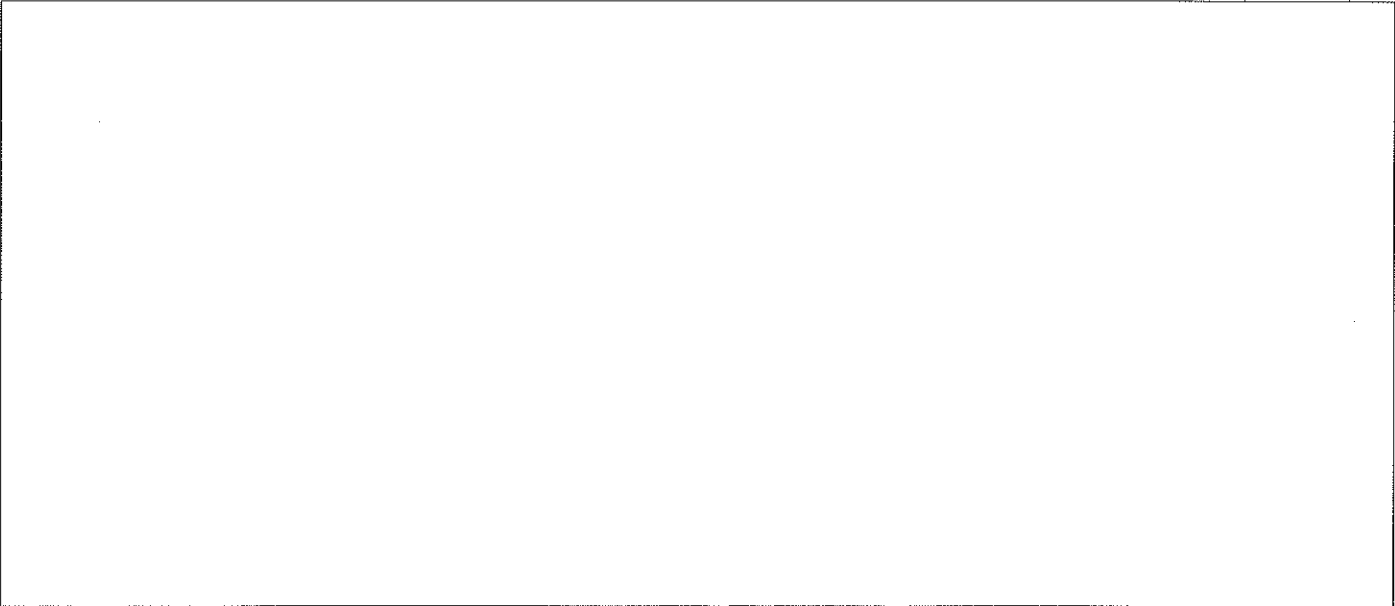
Thanks, very helpful.

From: Mitchell, Mary T
Sent: Wednesday, June 02, 2010 4:06 PM
To: Jacobson, Linda; McLeod, Mary (USUN)
Cc: Townley, Stephen G
Subject: RE: Flotilla investigation

Hi Linda

[Redacted]

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer



From: Jacobson, Linda
Sent: Wednesday, June 02, 2010 3:48 PM
To: Mitchell, Mary T; McLeod, Mary (USUN)
Cc: Townley, Stephen G
Subject: Flotilla investigation

Steve and I were just asked by Jim to pull some material together (due tonight) on "options"



Thanks for your help and sorry for the mad rush. Linda

RELEASED IN
FULL

**Statement by Ambassador Eileen Donohoe on the Flotilla Incident
for the Human Rights Council special session, June 1, 2010**

Thank you, Mr. President.

As we made clear yesterday at the Security Council, the United States government is deeply disturbed by the recent violence and regrets the tragic loss of life and injuries suffered among those involved in the May 31 incident aboard the Gaza-bound ships. We are working to ascertain the facts. We expect a credible and transparent investigation and strongly urge the Israeli government to investigate the incident fully, with Quartet support. We urge all parties to behave responsibly and uphold their international obligations.

The United States remains deeply concerned by the suffering of civilians in Gaza, and the deterioration of the situation there, including the humanitarian and human rights situation. We continue to believe the situation is unsustainable and is not in the interests of any of those concerned. As we have pointed out when confronted by a similar situations in the past, mechanisms are in place for the transfer of humanitarian assistance to Gaza. We will continue to engage the Israelis on a daily basis to expand the scope and type of goods allowed into Gaza to address the full range of the population's humanitarian and recovery needs. Hamas' interference with international assistance shipments and the work of nongovernmental organizations complicates efforts in Gaza, and the Government of Israel has legitimate security concerns.

Ultimately, this incident underscores the needs to move ahead quickly with negotiations that can lead to a comprehensive peace in the region. The only viable solution to the Israeli-Palestinian conflict is an agreement, negotiated between the parties, that ends the occupation that began in 1967 and fulfills the aspirations of both parties for independent homelands through two states for two peoples, Israel and an independent, contiguous, and viable state of Palestine, living side by side in peace and security. We call again on our international partners – both inside and outside this Council – to promote an atmosphere of cooperation between the parties and throughout the entire region.

Thank you.

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

RELEASED IN FULL

The Grave Attacks by Israeli Forces Against the Humanitarian Boat Convoy

Guided by the purposes and the principles of the United Nations Charter, as well as by the provisions of the Universal Declaration for Human Rights,

Taking into consideration the provisions of the Fourth Geneva Convention for the protection of civilian persons in times of war of 12 August 1949,

Emphasizing the importance of the safety and well-being of all civilians including humanitarian personnel,

Expressing grave concern also at the deepening humanitarian crisis in Occupied Gaza,

Emphasizing the need to ensure sustained and regular flow of goods and people into Occupied Gaza and welcoming the initiatives aimed at creating and opening humanitarian corridors and other mechanisms for the sustained delivery of humanitarian aid;

1. *Condemns* in the strongest terms possible the outrageous attack by the Israeli forces against the humanitarian flotilla of ships which resulted in the killing and injuring of many innocent civilians from different countries;
2. *Deeply* deplores the loss of life of innocent civilians and expresses its deepest sympathy and condolences to the victims and their families;
3. *Requests* the ICRC to seek and provide information on the whereabouts status and condition of the detained and injured persons
4. *Demands* the Occupying Power Israel to immediately release all detained men and material and facilitate their safe return to their homelands.
5. *Calls* upon the Occupying power Israel to ensure the unimpeded provision of humanitarian assistance, including of food, fuel and medical treatment to the occupied Gaza strip;
6. *Welcomes* the statements of the Secretary General UN and the High Commissioner for Human Rights condemning the Israeli attacks and calls for the full accountability and credible independent inquiries into these attacks.
7. *Decides* to dispatch an independent international fact finding mission to investigate violations of international law resulting from the Israeli attacks on the flotilla of ships carrying humanitarian assistance.
8. *Decides* to remain seized of this matter.

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

Law, Rosemary C

From: Pomper, Stephen E
Sent: Monday, May 31, 2010 10:08 AM
To: Jacobson, Linda
Subject: Re: Humanitarian flotilla

RELEASED IN FULL

Hi--I've seen some traffic but am not up to speed on this. What needs to be done today?

----- 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.

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

RELEASED IN PART B5

Law, Rosemary C

From: Perina, Alexandra H
Sent: Thursday, October 14, 2010 6:38 PM
To: Schwartz, Jonathan B; Baumert, Kevin A; Jacobson, Linda; Daley, John D; Joyce, Anne; Gorove, Katherine M; Kim, John J (Kimm); Johnson, Karen K
Cc: Buchwald, Todd F; Simonoff, Mark A (USUN); Townley, Stephen G; Banos, Mariano H; Newman, David S (L-CA)
Subject: RE: flotilla incident -- Comoros-flagged vessel ?

[Redacted]

B5

From: Schwartz, Jonathan B
Sent: Thursday, October 14, 2010 6:32 PM
To: Baumert, Kevin A; Jacobson, Linda; Daley, John D; Joyce, Anne; Gorove, Katherine M; Kim, John J (Kimm); Johnson, Karen K
Cc: Buchwald, Todd F; Simonoff, Mark A (USUN); Townley, Stephen G; Perina, Alexandra H; Banos, Mariano H; Newman, David S (L-CA)
Subject: RE: flotilla incident -- Comoros-flagged vessel ?

[Redacted]

From: Baumert, Kevin A
Sent: Thursday, October 14, 2010 5:48 PM
To: Jacobson, Linda; Daley, John D; Schwartz, Jonathan B; Joyce, Anne; Gorove, Katherine M; Kim, John J (Kimm); Johnson, Karen K
Cc: Buchwald, Todd F; Simonoff, Mark A (USUN); Townley, Stephen G; Perina, Alexandra H; Banos, Mariano H; Newman, David S (L-CA)
Subject: RE: flotilla incident -- Comoros-flagged vessel ?

[Redacted]

Thanks,
Kevin

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

From: Jacobson, Linda
Sent: Thursday, October 14, 2010 5:05 PM
To: Baumert, Kevin A; Daley, John D; Schwartz, Jonathan B; Joyce, Anne; Gorove, Katherine M; Kim, John J (Kimm); Johnson, Karen K
Cc: Buchwald, Todd F; Simonoff, Mark A (USUN); Townley, Stephen G; Perina, Alexandra H; Banos, Mariano H; Newman,

David S (L-CA)

Subject: RE: flotilla incident -- Comoros-flagged vessel ?

[Redacted]

B5

From: Baumert, Kevin A

Sent: Thursday, October 14, 2010 5:03 PM

To: Daley, John D; Schwartz, Jonathan B; Joyce, Anne; Gorove, Katherine M; Kim, John J (Kimm); Johnson, Karen K; Jacobson, Linda

Cc: Buchwald, Todd F; Simonoff, Mark A (USUN); Townley, Stephen G; Perina, Alexandra H; Banos, Mariano H; Newman, David S (L-CA)

Subject: RE: flotilla incident -- Comoros-flagged vessel ?

[Redacted]

Thanks,

Kevin

Article 94

Duties of the flag State

7. Each State shall cause an inquiry to be held by or before a suitably qualified person or persons into every marine casualty or incident of navigation on the high seas involving a ship flying its flag and causing loss of life or serious injury to nationals of another State or serious damage to ships or installations of another State or to the marine environment. The flag State and the other State shall cooperate in the conduct of any inquiry held by that other State into any such marine casualty or incident of navigation.

From: Daley, John D

Sent: Thursday, October 14, 2010 4:30 PM

To: Schwartz, Jonathan B; Joyce, Anne; Gorove, Katherine M; Kim, John J (Kimm); Johnson, Karen K; Jacobson, Linda

Cc: Buchwald, Todd F; Simonoff, Mark A (USUN); Townley, Stephen G; Perina, Alexandra H; Banos, Mariano H; Newman, David S (L-CA); Baumert, Kevin A

Subject: RE: flotilla incident -- Comoros-flagged vessel ?

Looping Kevin in as well.

[Redacted]

[Redacted]

From: Schwartz, Jonathan B
Sent: Thursday, October 14, 2010 4:12 PM
To: Daley, John D; Joyce, Anne; Gorove, Katherine M; Kim, John J (Kimm); Johnson, Karen K; Jacobson, Linda
Cc: Buchwald, Todd F; Simonoff, Mark A (USUN); Townley, Stephen G; Perina, Alexandra H; Banos, Mariano H; Newman, David S (L-CA)
Subject: RE: flotilla incident -- Comoros-flagged vessel ?

[Redacted]

From: Daley, John D
Sent: Thursday, October 14, 2010 4:09 PM
To: Joyce, Anne; Gorove, Katherine M; Schwartz, Jonathan B; Kim, John J (Kimm); Johnson, Karen K; Jacobson, Linda
Cc: Buchwald, Todd F; Simonoff, Mark A (USUN); Townley, Stephen G; Perina, Alexandra H; Banos, Mariano H; Newman, David S (L-CA)
Subject: RE: flotilla incident -- Comoros-flagged vessel ?

Spoke to Baumert -- he had EB check the database and it is indeed a Comoros-flagged vessel.

From: Joyce, Anne
Sent: Thursday, October 14, 2010 4:07 PM
To: Gorove, Katherine M; Daley, John D; Schwartz, Jonathan B; Kim, John J (Kimm); Johnson, Karen K; Jacobson, Linda
Cc: Buchwald, Todd F; Simonoff, Mark A (USUN); Townley, Stephen G; Perina, Alexandra H; Banos, Mariano H; Newman, David S (L-CA)
Subject: RE: flotilla incident -- Comoros-flagged vessel ?

[Redacted]

From: Gorove, Katherine M
Sent: Thursday, October 14, 2010 4:02 PM
To: Daley, John D; Schwartz, Jonathan B; Kim, John J (Kimm); Johnson, Karen K; Jacobson, Linda; Joyce, Anne
Cc: Buchwald, Todd F; Simonoff, Mark A (USUN); Townley, Stephen G; Perina, Alexandra H; Banos, Mariano H
Subject: RE: flotilla incident -- Comoros-flagged vessel ?

[Redacted]

From: Daley, John D
Sent: Thursday, October 14, 2010 3:51 PM
To: Schwartz, Jonathan B; Kim, John J (Kimm); Johnson, Karen K; Jacobson, Linda; Joyce, Anne
Cc: Buchwald, Todd F; Simonoff, Mark A (USUN); Townley, Stephen G; Perina, Alexandra H; Gorove, Katherine M; Banos, Mariano H
Subject: RE: flotilla incident -- Comoros-flagged vessel ?

[Redacted]

From: Schwartz, Jonathan B
Sent: Thursday, October 14, 2010 3:43 PM
To: Daley, John D; Kim, John J (Kimm); Johnson, Karen K; Jacobson, Linda; Joyce, Anne
Cc: Buchwald, Todd F; Simonoff, Mark A (USUN); Townley, Stephen G; Perina, Alexandra H; Gorove, Katherine M; Banos, Mariano H
Subject: RE: flotilla incident -- Comoros-flagged vessel ?

[Redacted]

B5

jon

From: Daley, John D
Sent: Thursday, October 14, 2010 3:31 PM
To: Kim, John J (Kimm); Johnson, Karen K; Jacobson, Linda; Joyce, Anne
Cc: Buchwald, Todd F; Simonoff, Mark A (USUN); Townley, Stephen G; Schwartz, Jonathan B; Perina, Alexandra H
Subject: flotilla incident -- Comoros-flagged vessel ?

John/Karen -

The press is reporting today that lawyers for the families of those killed by Israeli forces in connection with the Flotilla incident this spring have sent a letter to the ICC Prosecutor urging him to take action. Evidently their jurisdictional theory is based on an allegation that the ship, although Turkish operated, was flying the Comoros flag and apparently was registered there. While neither Turkey or Israel are Rome Statute parties, Comoros is - [Redacted]

[Redacted]

Linda/Anne: do you know if there is any truth to the allegation that the ship was registered in Comoros? [Redacted]

[Redacted]

Thanks.

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

Law, Rosemary C

RELEASED IN PART B5

From: Perina, Alexandra H
Sent: Thursday, October 14, 2010 4:11 PM
To: Daley, John D; Schwartz, Jonathan B; Kim, John J (Kimm); Johnson, Karen K; Jacobson, Linda; Joyce, Anne
Cc: Buchwald, Todd F; Simonoff, Mark A (USUN); Townley, Stephen G; Gorove, Katherine M; Banos, Mariano H
Subject: RE: flotilla incident -- Comoros-flagged vessel ?

[Redacted]

B5

From: Daley, John D
Sent: Thursday, October 14, 2010 3:51 PM
To: Schwartz, Jonathan B; Kim, John J (Kimm); Johnson, Karen K; Jacobson, Linda; Joyce, Anne
Cc: Buchwald, Todd F; Simonoff, Mark A (USUN); Townley, Stephen G; Perina, Alexandra H; Gorove, Katherine M; Banos, Mariano H
Subject: RE: flotilla incident -- Comoros-flagged vessel ?

[Redacted]

From: Schwartz, Jonathan B
Sent: Thursday, October 14, 2010 3:43 PM
To: Daley, John D; Kim, John J (Kimm); Johnson, Karen K; Jacobson, Linda; Joyce, Anne
Cc: Buchwald, Todd F; Simonoff, Mark A (USUN); Townley, Stephen G; Perina, Alexandra H; Gorove, Katherine M; Banos, Mariano H
Subject: RE: flotilla incident -- Comoros-flagged vessel ?

[Redacted]

jon

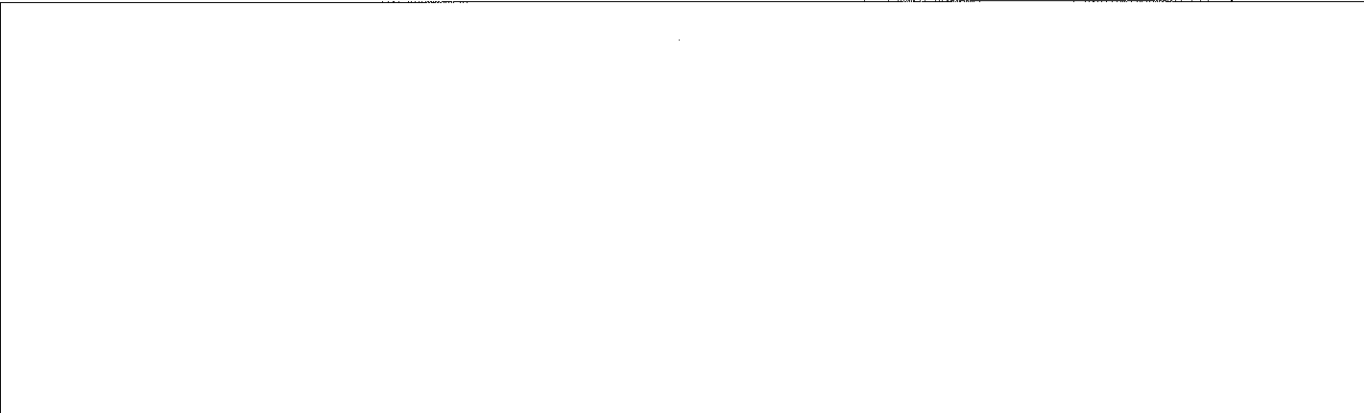
From: Daley, John D
Sent: Thursday, October 14, 2010 3:31 PM
To: Kim, John J (Kimm); Johnson, Karen K; Jacobson, Linda; Joyce, Anne
Cc: Buchwald, Todd F; Simonoff, Mark A (USUN); Townley, Stephen G; Schwartz, Jonathan B; Perina, Alexandra H
Subject: flotilla incident -- Comoros-flagged vessel ?

John/Karen -

The press is reporting today that lawyers for the families of those killed by Israeli forces in connection with the Flotilla incident this spring have sent a letter to the ICC Prosecutor urging him to take action. Evidently their jurisdictional theory is based on an allegation that the ship, although Turkish operated, was flying the Comoros flag and apparently was registered there. While neither Turkey or Israel are Rome Statute parties, Comoros is [Redacted]

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

B5



Linda/Anne: do you know if there is any truth to the allegation that the ship was registered in Comoros?



Thanks.

RELEASED IN PART B5, B6

Law, Rosemary C

From: Perina, Alexandra H
Sent: Monday, May 31, 2010 5:09 PM
To: Schwartz, Jonathan B; Aswad, Evelyn M; Pomper, Stephen E; Dolan, JoAnn; Jacobson, Linda; Banos, Mariano H; Martin, Julie B; Harris, Robert K
Cc: 'Stephen & Betsy Pomper/Andersen'
Subject: RE: URGENT -- Clearance needed Monday afternoon

Thanks -

B5

From: Schwartz, Jonathan B
Sent: Monday, May 31, 2010 5:04 PM
To: Aswad, Evelyn M; Perina, Alexandra H; Pomper, Stephen E; Dolan, JoAnn; Jacobson, Linda; Banos, Mariano H; Martin, Julie B; Harris, Robert K
Subject: RE: URGENT -- Clearance needed Monday afternoon

Evelyn -

B5

From: Aswad, Evelyn M
Sent: Monday, May 31, 2010 5:01 PM
To: Perina, Alexandra H; Schwartz, Jonathan B; Pomper, Stephen E; Dolan, JoAnn; Jacobson, Linda; Banos, Mariano H; Martin, Julie B; Harris, Robert K
Subject: RE: URGENT -- Clearance needed Monday afternoon

B5

Thanks, EA

USUN PRESS RELEASE #109
AS DELIVERED

May 31, 2010

Remarks by Ambassador Alejandro Wolff, Deputy Permanent U.S. Representative to the United Nations, at an Emergency Session of the Security Council, May 31, 2010

Thank you, Mr. President and thank you, Assistant Secretary-General Fernandez-Taranco.

The United States is deeply disturbed by the recent violence and regrets the tragic loss of life and injuries suffered among those involved in the incident last night aboard the Gaza-bound ships. We are working to ascertain the facts. We expect a credible and transparent investigation and strongly urge the Israeli government to investigate the incident fully.

As I stated in the Chamber in December 2008, when we were confronted by a similar situation, mechanisms exist for the transfer of humanitarian assistance to Gaza by member states and groups that want to do so. These non-provocative and non-confrontational mechanisms should be the ones used for the benefit of all those in Gaza. Direct delivery by sea is neither appropriate nor responsible, and certainly not effective, under the circumstances.

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

The United States remains deeply concerned by the suffering of civilians in Gaza, and the deterioration of the situation there, including the humanitarian and human rights situation. We continue to believe the situation is unsustainable and is not in the interests of any of those concerned. We will continue to engage the Israelis on a daily basis to expand the scope and type of goods allowed into Gaza to address the full range of the population's humanitarian and recovery needs. Hamas' interference with international assistance shipments and the work of nongovernmental organizations complicates efforts in Gaza. Its continued arms smuggling and commitment to terrorism undermines security and prosperity for Palestinians and Israelis alike.

We will continue to work closely with the Government of Israel and the Palestinian Authority, along with international NGOs and the UN, to provide adequate access for humanitarian goods, including reconstruction materials, through the border crossings, while bearing in mind the Government of Israel's legitimate security concerns.

Ultimately, this incident underscores the need to move ahead quickly with negotiations that can lead to a comprehensive peace in the region. The only viable solution to the Israeli-Palestinian conflict is an agreement, negotiated between the parties, that ends the occupation that began in 1967 and fulfills the aspirations of both parties for independent homelands through two states for two peoples, Israel and an independent, contiguous, and viable state of Palestine, living side by side in peace and security. We call again on our international partners – both inside and outside this Council – to promote an atmosphere of cooperation between the parties and throughout the entire region.

Thank you, Mr. President.

From: Perina, Alexandra H
Sent: Monday, May 31, 2010 3:44 PM
To: Legal-HRR-DL; Schwartz, Jonathan B; Pomper, Stephen E; Dolan, JoAnn; Jacobson, Linda
Subject: FW: URGENT -- Clearance needed Monday afternoon

[Redacted]

B5

From: Joseph Cassidy [mailto:jpcassidy@]
Sent: Monday, May 31, 2010 4:37 PM
To: Ashraf, Madeeha S; Cue, Lourdes C; Aguilera, Patricia; Littlejohn, J.R.; Wecker, John A; Powell, Catherine; Ostermeier, Amy A; Aswad, Evelyn M; Giaouque, Jeffrey G; Knopf, Payton L; Legal-HRR-DL; Goldberger, Thomas H; Holmstrom, Todd C; Simon, Jennifer J; Bass, Warren; scott_w._busby@nss.eop.gov; Perina, Alexandra H; Schwartz, Jonathan B; Pomper, Stephen E
Cc: Fitzpatrick, Kathleen M; Nossel, Suzanne F; Posner, Michael H; Geneva HRC; Cassidy, Joseph P; jpcassidy@ ; DRL-MLGA-DL
Subject: URGENT -- Clearance needed Monday afternoon

B6

I ask that you review and clear this statement, which will be delivered tomorrow morning by Ambassador Donohoe at a special event within this UN Human Rights Council session, as soon as possible. It is drawn directly from Amb. Wolff's statement at the UNSC today --

[Redacted]

B5

Thanks, Joe

(begin text)

**Statement by Ambassador Eileen Donohoe on the Flotilla Incident
for the Human Rights Council special session, June 1, 2010**

Thank you, Mr. President.



B5

Thank you.

RELEASED IN PART B5

Law, Rosemary C

From: Perina, Alexandra H
Sent: Monday, May 31, 2010 12:11 PM
To: Baumert, Kevin A; Dolan, JoAnn; Pomper, Stephen E; Schwartz, Jonathan B; Donoghue, Joan E; Jacobson, Linda; McLeod, Mary (USUN); Sullivan, David J; Heinemann, Thomas B; Aswad, Evelyn M
Cc: Harris, Robert K; Guarin, Marc F
Subject: RE: Humanitarian flotilla

I just spoke to Steve. Looping in also Marc G who advised on the blockade/navy angle last week.

From: Baumert, Kevin A
Sent: Monday, May 31, 2010 12:09 PM
To: Dolan, JoAnn; Pomper, Stephen E; Schwartz, Jonathan B; Donoghue, Joan E; Jacobson, Linda; McLeod, Mary (USUN); Sullivan, David J; Perina, Alexandra H; Heinemann, Thomas B; Aswad, Evelyn M
Cc: Harris, Robert K
Subject: Re: Humanitarian flotilla

My phone is 202-341-2074

From: Dolan, JoAnn
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
Sent: Mon May 31 11:45:13 2010
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 morning'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?

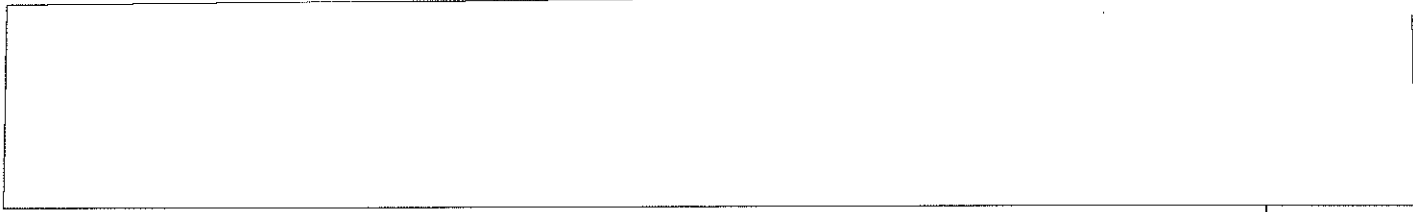
----- Original Message -----

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

Embassy Tel Aviv has been sending in transcripts of Israeli briefings; JoAnn can forward to anyone who doesn't have. Essentially, Israeli boarding party says it was attacked with lethal force so they responded in kind. They claim to have found evidence on board of a plan to resist with force, unlike the prior flotillas.

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.

RELEASED IN PART
B5, B6

Law, Rosemary C

From: Perina, Alexandra H
Sent: Tuesday, June 01, 2010 10:54 AM
To: Aswad, Evelyn M; Donoghue, Joan E; Schwartz, Jonathan B; Dolan, JoAnn; Jacobson, Linda; Pomper, Stephen E
Cc: Banos, Mariano H; Martin, Julie B; Harris, Robert K
Subject: RE: Use this version. Instruction and EOV for HRC vote - clearance by 10 AM EST
Attachments: RE: Instruction and EOV for HRC vote - clearance by 10 AM EST

Attaching comments from USUN/W and NSC, to make sure we're all on the same page. [redacted]

B5

From: Aswad, Evelyn M
Sent: Tuesday, June 01, 2010 9:49 AM
To: Aswad, Evelyn M; Donoghue, Joan E; Schwartz, Jonathan B; Dolan, JoAnn; Jacobson, Linda; Pomper, Stephen E; Perina, Alexandra H
Cc: Banos, Mariano H; Martin, Julie B; Harris, Robert K
Subject: RE: Use this version. Instruction and EOV for HRC vote - clearance by 10 AM EST

We just heard from Mission Geneva that the vote will no longer happen today, but rather tomorrow morning. Any L comments by **NOON** today would be greatly appreciated. EA

From: Aswad, Evelyn M
Sent: Tuesday, June 01, 2010 9:42 AM
To: Donoghue, Joan E; Schwartz, Jonathan B; Dolan, JoAnn; Jacobson, Linda; Pomper, Stephen E; Perina, Alexandra H
Cc: Banos, Mariano H; Martin, Julie B; Harris, Robert K
Subject: FW: Use this version. Instruction and EOV for HRC vote - clearance by 10 AM EST
Importance: High

Can folks please send to Mariano and me your comments on this [redacted] in the next 30 minutes? [redacted]

B5

[redacted] Thanks, EA

From: Ostermeier, Amy A
Sent: Tuesday, June 01, 2010 8:56 AM
To: Ostermeier, Amy A; Bass, Warren; Nossel, Suzanne F; 'jpcassidy@[redacted]'; Ashraf, Madeeha S; Cue, Lourdes C; Aguilera, Patricia; Littlejohn, J.R.; Wecker, John A; Powell, Catherine; Aswad, Evelyn M; Giauque, Jeffrey G; Knopf, Payton L; Legal-HRR-DL; Goldberger, Thomas H; Holmstrom, Todd C; Simon, Jennifer J; 'scott_w._busby@nss.eop.gov'; Perina, Alexandra H; Schwartz, Jonathan B; Pomper, Stephen E; Donahoe, Eileen C; Cassayre, Mark J; Khanna, Melanie J; Griffiths, Douglas M; 'dshapiro@nsc.eop.gov'; 'Prem_G._Kumar@nsc.eop.gov'; Wolff, Alex D (USUN); Germain, Ellen J (USUN); Schedlbauer, Amy W
Cc: Fitzpatrick, Kathleen M; Posner, Michael H; Geneva HRC; Cassidy, Joseph P; DRL-MLGA-DL; Anderson, Gerald C; Feltman, Jeffrey D; IO-HR-DL
Subject: Use this version. Instruction and EOV for HRC vote - clearance by 10 AM EST
Importance: High

B6

Apologies. THIS version includes NSC edits.

Thanks,

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

Amy

Amy A. Ostermeier, Deputy Director
Bureau of International Organization Affairs
Office of Human Rights (IO/HR)
(ph) 202-647-3901
(fx) 202-647-4628
ostermeieraa@state.gov

From: Ostermeier, Amy A
Sent: Tuesday, June 01, 2010 8:49 AM
To: Bass, Warren; Nossel, Suzanne F; 'jpcassidy [redacted]'; Ashraf, Madeeha S; Cue, Lourdes C; Aguilera, Patricia; Littlejohn, J.R.; Wecker, John A; Powell, Catherine; Aswad, Evelyn M; Giauque, Jeffrey G; Knopf, Payton L; Legal-HRR-DL; Goldberger, Thomas H; Holmstrom, Todd C; Simon, Jennifer J; 'scott_w._busby@nss.eop.gov'; Perina, Alexandra H; Schwartz, Jonathan B; Pomper, Stephen E; Donahoe, Eileen C; Cassayre, Mark J; Khanna, Melanie J; Griffiths, Douglas M; 'dshapiro@nsc.eop.gov'; 'Prem_G._Kumar@nsc.eop.gov'; Wolff, Alex D (USUN); Germain, Ellen J (USUN); Schedlbauer, Amy W
Cc: Fitzpatrick, Kathleen M; Posner, Michael H; Geneva HRC; Cassidy, Joseph P; DRL-MLGA-DL; Anderson, Gerald C; Feltman, Jeffrey D; IO-HR-DL
Subject: Instruction and EOV for HRC vote - clearance by 10 AM EST
Importance: High

B6

[redacted]

B5

We'd appreciate clearance/comments from others on the draft/ [redacted]

B5

[redacted]

B5

We expect to have news from Geneva this morning, should the situation change, we'll be in touch as soon as possible

[redacted]

B5

Many thanks,

Amy

Amy A. Ostermeier, Deputy Director
Bureau of International Organization Affairs
Office of Human Rights (IO/HR)
(ph) 202-647-3901
(fx) 202-647-4628
ostermeieraa@state.gov

From: Bass, Warren

Sent: Tuesday, June 01, 2010 7:38 AM

To: Nossel, Suzanne F; 'jpcassidy'; Ashraf, Madeeha S; Cue, Lourdes C; Aguilera, Patricia; Littlejohn, J.R.; Wecker, John A; Powell, Catherine; Ostermeier, Amy A; Aswad, Evelyn M; Giauque, Jeffrey G; Knopf, Payton L; Legal-HRR-DL; Goldberger, Thomas H; Holmstrom, Todd C; Simon, Jennifer J; 'scott_w._busby@nss.eop.gov'; Perina, Alexandra H; Schwartz, Jonathan B; Pomper, Stephen E; Donahoe, Eileen C; Cassayre, Mark J; Khanna, Melanie J; Griffiths, Douglas M; 'dshapiro@nsc.eop.gov'; 'Prem_G._Kumar@nsc.eop.gov'; Wolff, Alex D (USUN); Germain, Ellen J (USUN); Schedlbauer, Amy W

Cc: Fitzpatrick, Kathleen M; Posner, Michael H; Geneva HRC; Cassidy, Joseph P; DRL-MLGA-DL

Subject: Re: Instruction and EOV for HRC vote tomorrow - clearance by 10 AM EST

B6

Adding USUN/NY and NSC/NENA

B5

From: Nossel, Suzanne F

To: 'jpcassidy' <jpcassidy>; Ashraf, Madeeha S; Cue, Lourdes C; Aguilera, Patricia; Littlejohn, J.R.; Wecker, John A; Powell, Catherine; Ostermeier, Amy A; Aswad, Evelyn M; Giauque, Jeffrey G; Knopf, Payton L; Legal-HRR-DL; Goldberger, Thomas H; Holmstrom, Todd C; Simon, Jennifer J; Bass, Warren; 'scott_w._busby@nss.eop.gov' <scott_w._busby@nss.eop.gov>; Perina, Alexandra H; Schwartz, Jonathan B; Pomper, Stephen E; Donahoe, Eileen C; Cassayre, Mark J; Khanna, Melanie J; Griffiths, Douglas M

Cc: Fitzpatrick, Kathleen M; Posner, Michael H; Geneva HRC; Cassidy, Joseph P; DRL-MLGA-DL

Sent: Mon May 31 23:32:34 2010

Subject: Instruction and EOV for HRC vote tomorrow - clearance by 10 AM EST

B6

B5

in response to the draft HRC resolution on the flotilla incident pasted further down.

Please provide your comments/clearance copying Amy Ostermeier, no later than 10. This must be ready for delivery by 11 AM EST/5PM Geneva time. We will confer with Geneva first thing tomorrow on late breaking developments that may affect our approach.

Many thanks,
Suzanne

B5

The Grave Attacks by Israeli Forces Against the Humanitarian Boat Convoy

Guided by the purposes and the principles of the United Nations Charter, as well as by the provisions of the Universal Declaration for Human Rights,

Taking into consideration the provisions of the Fourth Geneva Convention for the protection of civilian persons in times of war of 12 August 1949,

Emphasizing the importance of the safety and well-being of all civilians including humanitarian personnel,

Expressing grave concern also at the deepening humanitarian crisis in Occupied Gaza,

Emphasizing the need to ensure sustained and regular flow of goods and people into Occupied Gaza and welcoming the initiatives aimed at creating and opening humanitarian corridors and other mechanisms for the sustained delivery of humanitarian aid;

1. Condemns in the strongest terms possible the outrageous attack by the Israeli forces against the humanitarian flotilla of

ships which resulted in the killing and injuring of many innocent civilians from different countries;

2. Deeply deplores the loss of life of innocent civilians and expresses its deepest sympathy and condolences to the victims and their families;

3. Requests the ICRC to seek and provide information on the whereabouts status and condition of the detained and injured persons

4. Demands the Occupying Power Israel to immediately release all detained men and material and facilitate their safe return to their homelands.

5. Calls upon the Occupying power Israel to ensure the unimpeded provision of humanitarian assistance, including of food, fuel and medical treatment to the occupied Gaza strip;

6. Welcomes the statements of the Secretary General UN and the High Commissioner for Human Rights condemning the Israeli attacks and calls for the full accountability and credible independent inquiries into these attacks.

7. Decides to dispatch an independent international fact finding mission to investigate violations of international law resulting from the Israeli attacks on the flotilla of ships carrying humanitarian assistance.

8. Decides to remain seized of this matter.

From: Joseph Cassidy <jpcassidy[redacted]>
To: Ashraf, Madeeha S; Cue, Lourdes C; Aguilera, Patricia; Littlejohn, J.R.; Wecker, John A; Powell, Catherine; Ostermeier, Amy A; Aswad, Evelyn M; Giauque, Jeffrey G; Knopf, Payton L; Legal-HRR-DL; Goldberger, Thomas H; Holmstrom, Todd C; Simon, Jennifer J; Bass, Warren; scott_w._busby@nss.eop.gov <scott_w._busby@nss.eop.gov>; Perina, Alexandra H; Schwartz, Jonathan B; Pomper, Stephen E
Cc: Fitzpatrick, Kathleen M; Nossel, Suzanne F; Posner, Michael H; Geneva HRC; Cassidy, Joseph P; jpcassidy[redacted] <jpcassidy[redacted]>; DRL-MLGA-DL
Sent: Mon May 31 16:37:03 2010
Subject: URGENT -- Clearance needed Monday afternoon

B6

I ask that you review and clear this statement, which will be delivered tomorrow morning by Ambassador Donohoe at a special event within this UN Human Rights Council session, as soon as possible. It is drawn

[redacted]

B5

Thanks, Joe

(begin text)

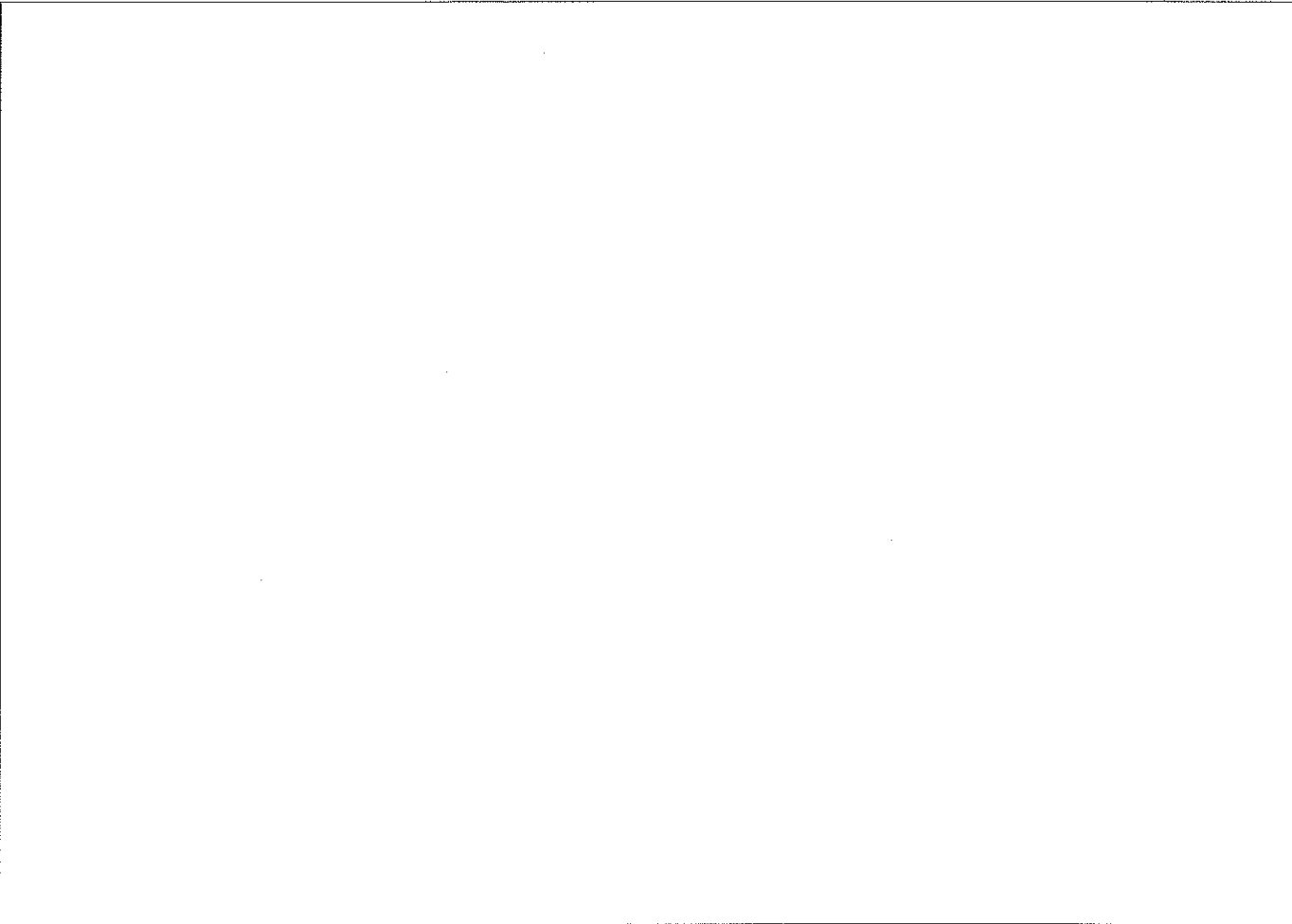
**Statement by Ambassador Eileen Donohoe on the Flotilla Incident
for the Human Rights Council special session, June 1, 2010**

Thank you, Mr. President.

[redacted]

B5

B5



Thank you.

RELEASED IN PART B5,B6

Law, Rosemary C

From: Shapiro, Daniel B. [Daniel_B._Shapiro@nss.eop.gov]
Sent: Tuesday, June 01, 2010 10:14 AM
To: Bass, Warren; Nossel, Suzanne F; Powell, Catherine; Ostermeier, Amy A; jpcassidy[redacted]; Ashraf, Madeeha S; Cue, Lourdes C; Aguilera, Patricia; Littlejohn, J.R.; Wecker, John A; Aswad, Evelyn M; Giauque, Jeffrey G; Knopf, Payton L; Legal-HRR-DL; Goldberger, Thomas H; Holmstrom, Todd C; Simon, Jennifer J; Busby, Scott W.; Perina, Alexandra H; Schwartz, Jonathan B; Pomper, Stephen E; Donahoe, Eileen C; Cassayre, Mark J; Khanna, Melanie J; Griffiths, Douglas M; Kumar, Prem G.; Wolff, Alex D (USUN); Germain, Ellen J (USUN); Schedlbauer, Amy W
Cc: Fitzpatrick, Kathleen M; Posner, Michael H; Geneva HRC; Cassidy, Joseph P; DRL-MLGA-DL; Anderson, Gerald C; Feltman, Jeffrey D; IO-HR-DL; Wells, Alice G
Subject: RE: Instruction and EOV for HRC vote - clearance by 10 AM EST

B6

[redacted]

From: Bass, Warren [mailto:BassW@state.gov]
Sent: Tuesday, June 01, 2010 10:13 AM
To: Nossel, Suzanne F; Shapiro, Daniel B.; Powell, Catherine; Ostermeier, Amy A; jpcassidy[redacted]; Ashraf, Madeeha S; Cue, Lourdes C; Aguilera, Patricia; Littlejohn, J.R.; Wecker, John A; Aswad, Evelyn M; Giauque, Jeffrey G; Knopf, Payton L; Legal-HRR-DL; Goldberger, Thomas H; Holmstrom, Todd C; Simon, Jennifer J; Busby, Scott W.; Perina, Alexandra H; Schwartz, Jonathan B; Pomper, Stephen E; Donahoe, Eileen C; Cassayre, Mark J; Khanna, Melanie J; Griffiths, Douglas M; Kumar, Prem G.; Wolff, Alex D (USUN); Germain, Ellen J (USUN); Schedlbauer, Amy W
Cc: Fitzpatrick, Kathleen M; Posner, Michael H; Geneva HRC; Cassidy, Joseph P; DRL-MLGA-DL; Anderson, Gerald C; Feltman, Jeffrey D; IO-HR-DL; Wells, Alice G
Subject: RE: Instruction and EOV for HRC vote - clearance by 10 AM EST

B6

[redacted]

B5

From: Nossel, Suzanne F
Sent: Tuesday, June 01, 2010 9:03 AM
To: 'Daniel_B._Shapiro@nss.eop.gov'; Powell, Catherine; Ostermeier, Amy A; Bass, Warren; jpcassidy[redacted]; Ashraf, Madeeha S; Cue, Lourdes C; Aguilera, Patricia; Littlejohn, J.R.; Wecker, John A; Aswad, Evelyn M; Giauque, Jeffrey G; Knopf, Payton L; Legal-HRR-DL; Goldberger, Thomas H; Holmstrom, Todd C; Simon, Jennifer J; 'Scott_W._Busby@nss.eop.gov'; Perina, Alexandra H; Schwartz, Jonathan B; Pomper, Stephen E; Donahoe, Eileen C; Cassayre, Mark J; Khanna, Melanie J; Griffiths, Douglas M; 'Prem_G._Kumar@nss.eop.gov'; Wolff, Alex D (USUN); Germain, Ellen J (USUN); Schedlbauer, Amy W
Cc: Fitzpatrick, Kathleen M; Posner, Michael H; Geneva HRC; Cassidy, Joseph P; DRL-MLGA-DL; Anderson, Gerald C; Feltman, Jeffrey D; IO-HR-DL; Wells, Alice G
Subject: Re: Instruction and EOV for HRC vote - clearance by 10 AM EST

B6

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

[Redacted]

B5

From: Shapiro, Daniel B. <Daniel_B_Shapiro@nss.eop.gov>
To: Powell, Catherine; Ostermeier, Amy A; Bass, Warren; Nossel, Suzanne F; jpcassidy [Redacted] <jpcassidy [Redacted]>; Ashraf, Madeeha S; Cue, Lourdes C; Aguilera, Patricia; Littlejohn, J.R.; Wecker, John A; Aswad, Evelyn M; Giauque, Jeffrey G; Knopf, Payton L; Legal-HRR-DL; Goldberger, Thomas H; Holmstrom, Todd C; Simon, Jennifer J; Busby, Scott W. <Scott_W_Busby@nss.eop.gov>; Perina, Alexandra H; Schwartz, Jonathan B; Pomper, Stephen E; Donahoe, Eileen C; Cassayre, Mark J; Khanna, Melanie J; Griffiths, Douglas M; Kumar, Prem G. <Prem_G_Kumar@nss.eop.gov>; Wolff, Alex D (USUN); Germain, Ellen J (USUN); Schedlbauer, Amy W
Cc: Fitzpatrick, Kathleen M; Posner, Michael H; Geneva HRC; Cassidy, Joseph P; DRL-MLGA-DL; Anderson, Gerald C; Feltman, Jeffrey D; IO-HR-DL
Sent: Tue Jun 01 08:58:25 2010
Subject: RE: Instruction and EOV for HRC vote - clearance by 10 AM EST

B6

[Redacted]

From: Powell, Catherine [mailto:PowellC@state.gov]
Sent: Tuesday, June 01, 2010 8:56 AM
To: Ostermeier, Amy A; Bass, Warren; Nossel, Suzanne F; jpcassidy [Redacted] <jpcassidy [Redacted]>; Ashraf, Madeeha S; Cue, Lourdes C; Aguilera, Patricia; Littlejohn, J.R.; Wecker, John A; Aswad, Evelyn M; Giauque, Jeffrey G; Knopf, Payton L; Legal-HRR-DL; Goldberger, Thomas H; Holmstrom, Todd C; Simon, Jennifer J; Busby, Scott W.; Perina, Alexandra H; Schwartz, Jonathan B; Pomper, Stephen E; Donahoe, Eileen C; Cassayre, Mark J; Khanna, Melanie J; Griffiths, Douglas M; Shapiro, Daniel B.; Kumar, Prem G.; Wolff, Alex D (USUN); Germain, Ellen J (USUN); Schedlbauer, Amy W
Cc: Fitzpatrick, Kathleen M; Posner, Michael H; Geneva HRC; Cassidy, Joseph P; DRL-MLGA-DL; Anderson, Gerald C; Feltman, Jeffrey D; IO-HR-DL
Subject: Re: Instruction and EOV for HRC vote - clearance by 10 AM EST

B6

Looping in Bill Burke-White and Dafna Rand for S/P.

From: Ostermeier, Amy A
To: Bass, Warren; Nossel, Suzanne F; 'jpcassidy [Redacted] <jpcassidy [Redacted]>; Ashraf, Madeeha S; Cue, Lourdes C; Aguilera, Patricia; Littlejohn, J.R.; Wecker, John A; Powell, Catherine; Aswad, Evelyn M; Giauque, Jeffrey G; Knopf, Payton L; Legal-HRR-DL; Goldberger, Thomas H; Holmstrom, Todd C; Simon, Jennifer J; 'scott_w_busby@nss.eop.gov' <scott_w_busby@nss.eop.gov>; Perina, Alexandra H; Schwartz, Jonathan B; Pomper, Stephen E; Donahoe, Eileen C; Cassayre, Mark J; Khanna, Melanie J; Griffiths, Douglas M; 'dshapiro@nsc.eop.gov' <dshapiro@nsc.eop.gov>; 'Prem_G_Kumar@nsc.eop.gov' <Prem_G_Kumar@nsc.eop.gov>; Wolff, Alex D (USUN); Germain, Ellen J (USUN); Schedlbauer, Amy W
Cc: Fitzpatrick, Kathleen M; Posner, Michael H; Geneva HRC; Cassidy, Joseph P; DRL-MLGA-DL; Anderson, Gerald C; Feltman, Jeffrey D; IO-HR-DL
Sent: Tue Jun 01 08:49:16 2010
Subject: Instruction and EOV for HRC vote - clearance by 10 AM EST

B6

Thanks to Warren and Scott for their suggestions. [Redacted]

B5

We'd appreciate clearance/comments from others on the draft [Redacted]

[Redacted]

B5

Many thanks,

Amy

Amy A. Ostermeier, Deputy Director
Bureau of International Organization Affairs
Office of Human Rights (IO/HR)
(ph) 202-647-3901
(fx) 202-647-4628
ostermeieraa@state.gov

From: Bass, Warren

Sent: Tuesday, June 01, 2010 7:38 AM

To: Nossel, Suzanne F; 'jpcassidy[redacted]'; Ashraf, Madeeha S; Cue, Lourdes C; Aguilera, Patricia; Littlejohn, J.R.; Wecker, John A; Powell, Catherine; Ostermeier, Amy A; Aswad, Evelyn M; Giauque, Jeffrey G; Knopf, Payton L; Legal-HRR-DL; Goldberger, Thomas H; Holmstrom, Todd C; Simon, Jennifer J; 'scott_w._busby@nss.eop.gov'; Perina, Alexandra H; Schwartz, Jonathan B; Pomper, Stephen E; Donahoe, Eileen C; Cassayre, Mark J; Khanna, Melanie J; Griffiths, Douglas M; 'dshapiro@nsc.eop.gov'; 'Prem_G._Kumar@nsc.eop.gov'; Wolff, Alex D (USUN); Germain, Ellen J (USUN); Schedlbauer, Amy W

B6

Cc: Fitzpatrick, Kathleen M; Posner, Michael H; Geneva HRC; Cassidy, Joseph P; DRL-MLGA-DL

Subject: Re: Instruction and EOV for HRC vote tomorrow - clearance by 10 AM EST

Adding USUN/NY and NSC/NENA. [redacted]

B5

From: Nossel, Suzanne F

To: 'jpcassidy[redacted]'; 'jpcassidy[redacted]'; Ashraf, Madeeha S; Cue, Lourdes C; Aguilera, Patricia; Littlejohn, J.R.; Wecker, John A; Powell, Catherine; Ostermeier, Amy A; Aswad, Evelyn M; Giauque, Jeffrey G; Knopf, Payton L; Legal-HRR-DL; Goldberger, Thomas H; Holmstrom, Todd C; Simon, Jennifer J; Bass, Warren; 'scott_w._busby@nss.eop.gov' <scott_w._busby@nss.eop.gov>; Perina, Alexandra H; Schwartz, Jonathan B; Pomper, Stephen E; Donahoe, Eileen C; Cassayre, Mark J; Khanna, Melanie J; Griffiths, Douglas M

B6

Cc: Fitzpatrick, Kathleen M; Posner, Michael H; Geneva HRC; Cassidy, Joseph P; DRL-MLGA-DL

Sent: Mon May 31 23:32:34 2010

Subject: Instruction and EOV for HRC vote tomorrow - clearance by 10 AM EST

[redacted] in response to the draft HRC resolution on the flotilla incident pasted further down. [redacted]

B5

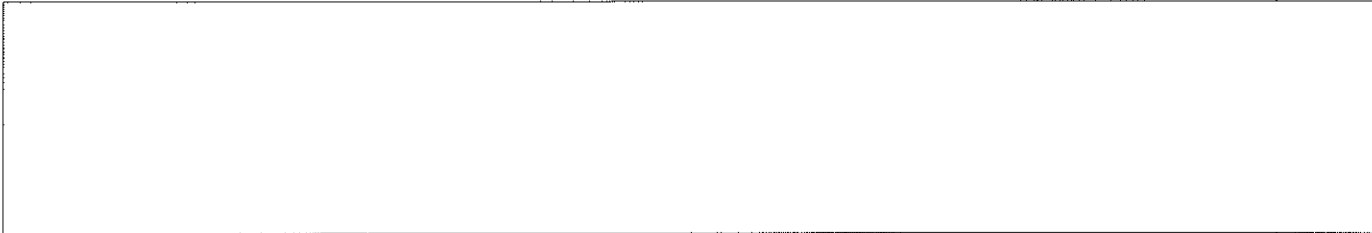
[redacted] Please provide your comments/clearance copying Amy Ostermeier, no later than 10. This must be ready for delivery by 11 AM EST/5PM Geneva time. We will confer with Geneva first thing tomorrow on late breaking developments that may affect our approach.

Many thanks,
Suzanne

[Redacted]

B5

B5



The Grave Attacks by Israeli Forces Against the Humanitarian Boat Convoy

Guided by the purposes and the principles of the United Nations Charter, as well as by the provisions of the Universal Declaration for Human Rights,

Taking into consideration the provisions of the Fourth Geneva Convention for the protection of civilian persons in times of war of 12 August 1949,

Emphasizing the importance of the safety and well-being of all civilians including humanitarian personnel,

Expressing grave concern also at the deepening humanitarian crisis in Occupied Gaza,

Emphasizing the need to ensure sustained and regular flow of goods and people into Occupied Gaza and welcoming the initiatives aimed at creating and opening humanitarian corridors and other mechanisms for the sustained delivery of humanitarian aid;

1. Condemns in the strongest terms possible the outrageous attack by the Israeli forces against the humanitarian flotilla of ships which resulted in the killing and injuring of many innocent civilians from different countries;

2. Deeply deplores the loss of life of innocent civilians and expresses its deepest sympathy and condolences to the victims and their families;

3. Requests the ICRC to seek and provide information on the whereabouts status and condition of the detained and injured persons

4. Demands the Occupying Power Israel to immediately release all detained men and material and facilitate their safe return to their homelands.

5. Calls upon the Occupying power Israel to ensure the unimpeded provision of humanitarian assistance, including of food, fuel and medical treatment to the occupied Gaza strip;

6. Welcomes the statements of the Secretary General UN and the High Commissioner for Human Rights condemning the Israeli attacks and calls for the full accountability and credible independent inquiries into these attacks.

7. Decides to dispatch an independent international fact finding mission to investigate violations of international law resulting from the Israeli attacks on the flotilla of ships carrying humanitarian assistance.

8. Decides to remain seized of this matter.

From: Joseph Cassidy <jpcassidy[redacted]>
To: Ashraf, Madeeha S; Cue, Lourdes C; Aguilera, Patricia; Littlejohn, J.R.; Wecker, John A; Powell, Catherine; Ostermeier, Amy A; Aswad, Evelyn M; Giauque, Jeffrey G; Knopf, Payton L; Legal-HRR-DL; Goldberger, Thomas H; Holmstrom, Todd C; Simon, Jennifer J; Bass, Warren; scott_w._busby@nss.eop.gov <scott_w._busby@nss.eop.gov>; Perina, Alexandra H; Schwartz, Jonathan B; Pomper, Stephen E
Cc: Fitzpatrick, Kathleen M; Nossel, Suzanne F; Posner, Michael H; Geneva HRC; Cassidy, Joseph P; jpcassidy[redacted] <jpcassidy[redacted]>; DRL-MLGA-DL
Sent: Mon May 31 16:37:03 2010
Subject: URGENT -- Clearance needed Monday afternoon

B6

I ask that you review and clear this statement, which will be delivered tomorrow morning by Ambassador Donohoe at a special event within this UN Human Rights Council session, as soon as possible.

B5

Thanks, Joe

(begin text)

**Statement by Ambassador Eileen Donohoe on the Flotilla Incident
for the Human Rights Council special session, June 1, 2010**

Thank you, Mr. President.

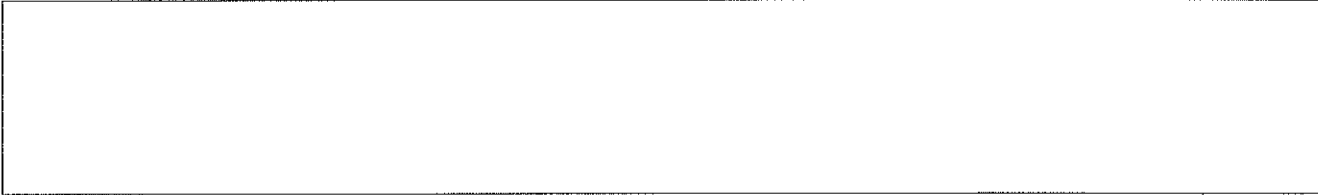
Thank you.

RELEASED IN PART B5

Law, Rosemary C

From: Perina, Alexandra H
Sent: Monday, May 31, 2010 4:13 PM
To: Pomper, Stephen E; Aswad, Evelyn M; Dolan, JoAnn; Jacobson, Linda; Banos, Mariano H; Martin, Julie B; Schwartz, Jonathan B; Jacobson, Linda; Guarin, Marc F; Baumert, Kevin A; Khanna, Melanie J
Subject: FW: HRC draft resolution
Attachments: RESO 1.doc

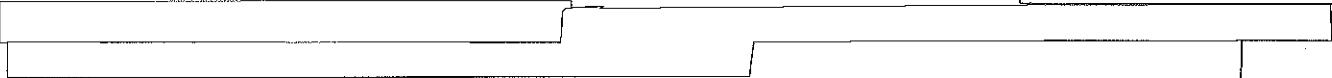
All – The draft Palestinian HRC resolution is below and attached. Problems include:



B5

From: Cassayre, Mark J
Sent: Monday, May 31, 2010 4:03 PM
To: Cassayre, Mark J; Nossel, Suzanne F; IO-HR-DL; DRL-MLGA-M; Legal-HRR-DL; Geneva HRC; Griffiths, Douglas M; 'Scott_W._Busby@nss.eop.gov'; Johnston-Gardner, Sarah R (DRL); Salih, Lana L; Fitzpatrick, Kathleen M; Connelly, Maura; Goldberger, Thomas H; Giauque, Jeffrey G; Perina, Alexandra H
Subject: HRC draft resolution

Attached is the draft I just received from the Palestinians. I pasted below for those on BBs.



The Grave Attacks by Israeli Forces Against the Humanitarian Boat Convoy

Guided by the purposes and the principles of the United Nations Charter, as well as by the provisions of the Universal Declaration for Human Rights,

Taking into consideration the provisions of the Fourth Geneva Convention for the protection of civilian persons in times of war of 12 August 1949,

Emphasizing the importance of the safety and well-being of all civilians including humanitarian personnel,

Expressing grave concern also at the deepening humanitarian crisis in Occupied Gaza,

Emphasizing the need to ensure sustained and regular flow of goods and people into Occupied Gaza and welcoming the initiatives aimed at creating and opening humanitarian corridors and other mechanisms for the sustained delivery of humanitarian aid;

1. *Condemns* in the strongest terms possible the outrageous attack by the Israeli forces against the humanitarian flotilla of ships which resulted in the killing and injuring of many innocent civilians from different countries;

2. *Deeply* deplores the loss of life of innocent civilians and expresses its deepest sympathy and condolences to the victims and their families;

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

3. *Requests* the ICRC to seek and provide information on the whereabouts status and condition of the detained and injured persons

4. *Demands* the Occupying Power Israel to immediately release all detained men and material and facilitate their safe return to their homelands.

5. *Calls* upon the Occupying power Israel to ensure the unimpeded provision of humanitarian assistance, including of food, fuel and medical treatment to the occupied Gaza strip;

6. *Welcomes* the statements of the Secretary General UN and the High Commissioner for Human Rights condemning the Israeli attacks and calls for the full accountability and credible independent inquiries into these attacks.

7. *Decides* to dispatch an independent international fact finding mission to investigate violations of international law resulting from the Israeli attacks on the flotilla of ships carrying humanitarian assistance.

8. *Decides* to remain seized of this matter.

From: Cassayre, Mark J

Sent: Monday, May 31, 2010 6:46 PM

To: Cassayre, Mark J; Nossel, Suzanne F; IO-HR-DL; DRL-MLGA-M; Legal-HRR-DL; Geneva HRC; Griffiths, Douglas M; 'Scott_W_Busby@nss.eop.gov'; Johnston-Gardner, Sarah R (DRL); Salih, Lana L; Fitzpatrick, Kathleen M; Connelly, Maura; Goldberger, Thomas H; Giauque, Jeffrey G; Perina, Alexandra H

Subject: Israeli Rt of Reply at HRC today re: Gaza Aid Flotilla

Ambassador Yaar delivered this statement this afternoon at the HRC.

SBU

This email is UNCLASSIFIED.

From: Cassayre, Mark J

Sent: Monday, May 31, 2010 5:02 PM

To: Nossel, Suzanne F; IO-HR-DL; DRL-MLGA-M; Legal-HRR-DL; Geneva HRC; Griffiths, Douglas M; 'Scott_W_Busby@nss.eop.gov'; Johnston-Gardner, Sarah R (DRL); Salih, Lana L; Fitzpatrick, Kathleen M; Connelly, Maura; Goldberger, Thomas H; Giauque, Jeffrey G; Perina, Alexandra H

Subject: Re: URGENT!!! HRC Action re: Gaza Aid Flotilla

All: I just spoke with Pal DPR who confirmed that he will call for a special sitting for tmrw pm. He will also table a resolution tomorrow morning for ACTION TOMORROW EVENING.

Reso will include:

- condemnation
- call for protection by israel / respect for I'll
- call for internation investigation

He said that "the Israelis have made it hard on us and we will make it hard on them."

During his statement Imad spoke in Arabic (he frequently does interventions in English). He made points:

Premeditated crime

Violations of occupying power

Saluted courage of those on board vessels

Israel has denied occupation of gaza but acts of last night show that gaza is still under occupation and therefore 4GC applies and 4GC applies.
Lift blockade

Israel will do right of reply at end of day.

From: Nossel, Suzanne F
To: Cassayre, Mark J; IO-HR-DL; DRL-MLGA-M; Legal-HRR-DL; Geneva HRC; Griffiths, Douglas M; 'Scott_W._Busby@nss.eop.gov' <Scott_W._Busby@nss.eop.gov>; Johnston-Gardner, Sarah R (DRL); Salih, Lana L; Fitzpatrick, Kathleen M; Connelly, Maura; Goldberger, Thomas H; Giauque, Jeffrey G; Perina, Alexandra H
Sent: Mon May 31 09:29:20 2010
Subject: Re: URGENT!!! HRC Action re: Gaza Aid Flotilla

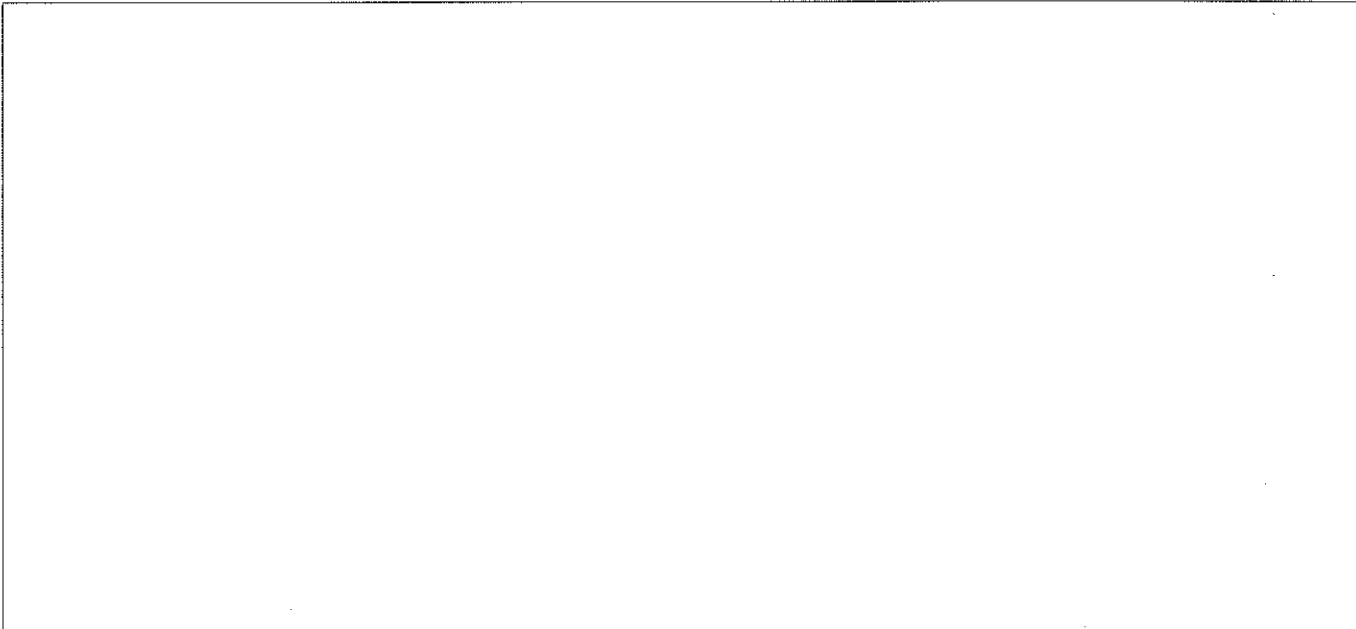
Adding NEA.

B5

From: Cassayre, Mark J
To: Nossel, Suzanne F; IO-HR-DL; DRL-MLGA-M; Legal-HRR-DL; Geneva HRC; Griffiths, Douglas M; 'Busby, Scott W.' <Scott_W._Busby@nss.eop.gov>; Johnston-Gardner, Sarah R (DRL); Salih, Lana L; Fitzpatrick, Kathleen M
Sent: Mon May 31 09:21:03 2010
Subject: URGENT!!! HRC Action re: Gaza Aid Flotilla

NEED GUIDANCE

"SPECIAL SITTING" of HRC to occur Tuesday (tomorrow) afternoon on the Israeli boarding of flotilla.



B5

WE NEED TALKING POINTS ASAP AND WILL NEED POINTS FOR A STATEMENT, IF WE INTEND TO MAKE ONE DURING THIS "SPECIAL SITTING."

Mark Cassayre
Counselor
Political and Specialized Agencies
U.S. Mission to the United Nations and Specialized Agencies
Geneva, Switzerland

Direct tel: +41 22 749-4214
Mobile: +41 79 775-3680
Fax: +41.22.749.4717
cassayremj@state.gov

SBU
This email is UNCLASSIFIED.

RELEASED IN PART B5

Law, Rosemary C

From: Pomper, Stephen E
Sent: Tuesday, June 08, 2010 12:09 PM
To: Jacobson, Linda; Townley, Stephen G; Baumert, Kevin A; Guarin, Marc F; Dolan, JoAnn; Aswad, Evelyn M; Banos, Mariano H; Gorove, Katherine M; Schwartz, Jonathan B; Harris, Robert K; Eichensehr, Kristen E
Subject: Re: LEGAL-#247254-v1-6_8_interdiction_inspection_paper.docx

Linda-i am at Doj and have meetings when I get back so perhaps Marc can review for L/PM.

From: Jacobson, Linda
To: Townley, Stephen G; Baumert, Kevin A; Guarin, Marc F; Pomper, Stephen E; Dolan, JoAnn; Aswad, Evelyn M; Banos, Mariano H; Gorove, Katherine M; Schwartz, Jonathan B; Harris, Robert K; Eichensehr, Kristen E
Sent: Tue Jun 08 11:30:02 2010
Subject: RE: LEGAL-#247254-v1-6_8_interdiction_inspection_paper.docx

Will do. And am waiting for L/PM's comments and everyone's comments on the Israeli proposal.

From: Townley, Stephen G
Sent: Tuesday, June 08, 2010 11:28 AM
To: Jacobson, Linda; Baumert, Kevin A; Guarin, Marc F; Pomper, Stephen E; Dolan, JoAnn; Aswad, Evelyn M; Banos, Mariano H; Gorove, Katherine M; Schwartz, Jonathan B; Harris, Robert K; Eichensehr, Kristen E
Subject: RE: LEGAL-#247254-v1-6_8_interdiction_inspection_paper.docx

That's fine. [redacted] Thanks, Stephen

From: Jacobson, Linda
Sent: Tuesday, June 08, 2010 11:28 AM
To: Townley, Stephen G; Baumert, Kevin A; Guarin, Marc F; Pomper, Stephen E; Dolan, JoAnn; Aswad, Evelyn M; Banos, Mariano H; Gorove, Katherine M; Schwartz, Jonathan B; Harris, Robert K; Eichensehr, Kristen E
Subject: RE: LEGAL-#247254-v1-6_8_interdiction_inspection_paper.docx



B5

From: Townley, Stephen G
Sent: Tuesday, June 08, 2010 10:43 AM
To: Jacobson, Linda; Baumert, Kevin A; Guarin, Marc F; Pomper, Stephen E; Dolan, JoAnn; Aswad, Evelyn M; Banos, Mariano H; Gorove, Katherine M; Schwartz, Jonathan B; Harris, Robert K; Eichensehr, Kristen E
Subject: RE: LEGAL-#247254-v1-6_8_interdiction_inspection_paper.docx

This looks really good to me. A few small comments/questions. Thanks, Stephen

From: Jacobson, Linda
Sent: Tuesday, June 08, 2010 10:23 AM
To: Baumert, Kevin A; Guarin, Marc F; Pomper, Stephen E; Dolan, JoAnn; Aswad, Evelyn M; Banos, Mariano H; Gorove, Katherine M; Schwartz, Jonathan B; Harris, Robert K; Townley, Stephen G; Eichensehr, Kristen E
Subject: LEGAL-#247254-v1-6_8_interdiction_inspection_paper.docx

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

Pls see a new version of the interdiction/inspection paper; Kevin and Marc, pls see 2 embedded questions for you.
Thanks.

RELEASED IN PART B5

Law, Rosemary C

From: Pomper, Stephen E
Sent: Wednesday, June 02, 2010 8:30 PM
To: Townley, Stephen G; Dolan, JoAnn; Jacobson, Linda; Guarin, Marc F
Subject: RE: Blockade email--draft

[Redacted]

B5

From: Townley, Stephen G
Sent: Wednesday, June 02, 2010 8:28 PM
To: Dolan, JoAnn; Jacobson, Linda; Pomper, Stephen E; Guarin, Marc F
Subject: RE: Blockade email--draft

[Redacted]

B5

From: Dolan, JoAnn
Sent: Wednesday, June 02, 2010 8:24 PM
To: Townley, Stephen G; Guarin, Marc F; Sullivan, David J; Baumert, Kevin A; Pomper, Stephen E; Jacobson, Linda; Eichensehr, Kristen E; Cleveland, Sarah H; Gorove, Katherine M
Cc: Thessin, James H; Harris, Robert K
Subject: RE: Blockade email--draft

[Redacted]

B5

From: Townley, Stephen G
Sent: Wednesday, June 02, 2010 7:53 PM
To: Guarin, Marc F; Sullivan, David J; Baumert, Kevin A; Dolan, JoAnn; Pomper, Stephen E; Jacobson, Linda; Eichensehr, Kristen E; Cleveland, Sarah H; Gorove, Katherine M
Cc: Thessin, James H; Harris, Robert K
Subject: RE: Blockade email--draft

All, Attached are some small revisions following our discussion just now. Please send me any further edits/comments by 8:30pm. Thanks, Stephen

From: Townley, Stephen G
Sent: Wednesday, June 02, 2010 6:31 PM
To: Guarin, Marc F; Sullivan, David J; Baumert, Kevin A; Dolan, JoAnn; Pomper, Stephen E; Jacobson, Linda; Eichensehr, Kristen E; Cleveland, Sarah H; Gorove, Katherine M
Cc: Thessin, James H
Subject: RE: Blockade email--draft

All, I have tried to consolidate existing comments in Joan's version and made a few other suggestions. If everyone could please take another look, we are hoping to get this back to Joan for final approval later tonight. Thanks, Stephen

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

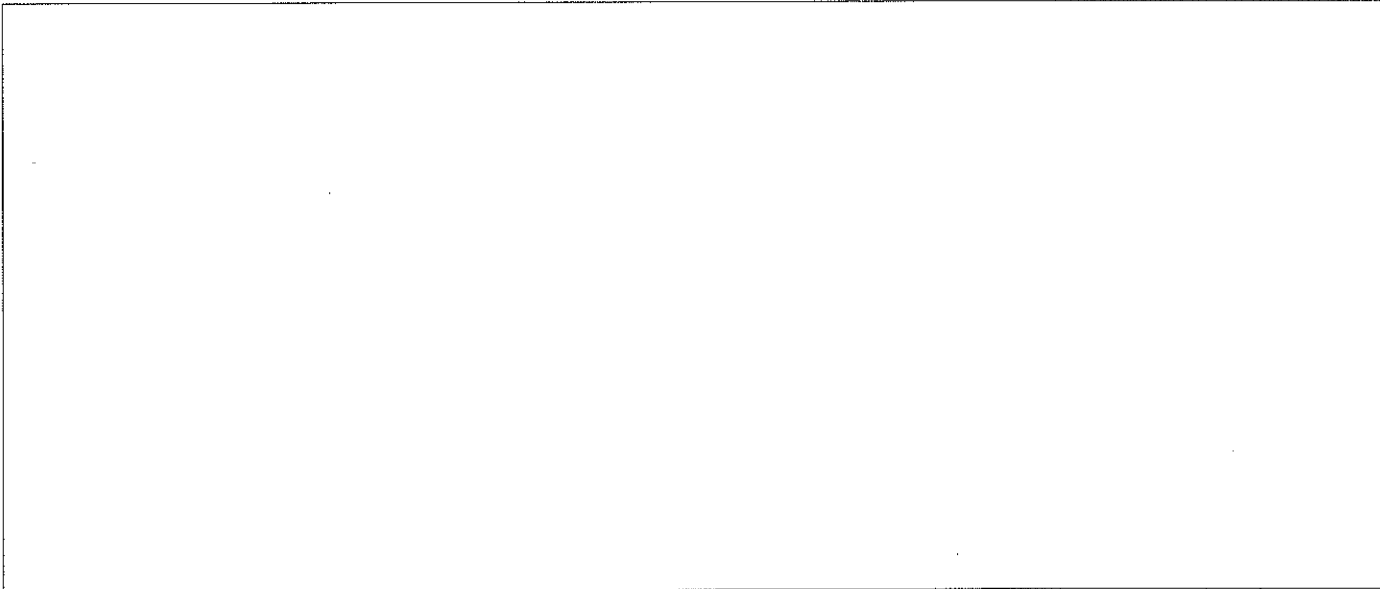
RELEASED IN PART B5

Law, Rosemary C

From: Schwartz, Jonathan B
Sent: Thursday, June 03, 2010 7:22 AM
To: Jacobson, Linda
Subject: Re: Israel Investigation Options Paper

Thanks Linda. Israeli press is reporting that Dennis Ross and Dan Shapiro proposed to Netanyahu that there be an American observer to the IDF investigation, but I cannot confirm.

I can't go through your paper right now, but if relevant here are a couple general observations:



B5

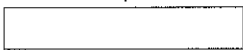
Jon

From: Jacobson, Linda
To: Schwartz, Jonathan B
Sent: Thu Jun 03 05:32:50 2010
Subject: Fw: Israel Investigation Options Paper

Jon, apologies, I am just seeing Steve's email that he did not send this to you for review.

From: Townley, Stephen G
To: Jacobson, Linda
Sent: Wed Jun 02 21:36:19 2010
Subject: FW: Israel Investigation Options Paper

A further question – should we try to send to Jon to see if he has thoughts from afar [redacted]



REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

From: Townley, Stephen G
Sent: Wednesday, June 02, 2010 9:23 PM
To: Cleveland, Sarah H; Eichensehr, Kristen E; Donoghue, Joan E; Koh, Harold Hongju
Cc: Thessin, James H
Subject: RE: Israel Investigation Options Paper

Apologies, attached is a small revision reflecting some further input from Jake. Please use this version. Thanks, Stephen

From: Townley, Stephen G
Sent: Wednesday, June 02, 2010 9:05 PM
To: Cleveland, Sarah H; Eichensehr, Kristen E; Donoghue, Joan E; Koh, Harold Hongju
Subject: Israel Investigation Options Paper

Joan (and Harold, if you have time and internetability),

Attached for your review is a paper that Linda has worked up (drawing on work done after Goldstone) on ways to

Thanks, Stephen

B5

RELEASED IN FULL

I280

Law, Rosemary C

From: Blaukopf, Ruth B
Sent: Monday, July 12, 2010 11:33 AM
To: Burnett, David R; Coley, Lea M; Doutrich, Jack T; Frellich, Karlene H; Goldberger, Thomas H; Groeblacher, Julia; Hale, David M; Harden, Dave; Hertzberg, David A; Holmstrom, Todd C; Irwin, Matthew T; Jacoby, Julia I; Khoury-Kincannon, Sahar; Knopf, Payton L; Lentz, Andrew N; Otto, Jeffrey L; Reisser, Wesley J; Sachar, Alon (NEA/IPA); Sindle, James M; Waters, John R; Grubb, Jason B; Levin, Jan; Michaels, David G; Nelson, Timothy (Tel Aviv)
Subject: EILAND CTTEE: MISTAKES WERE MADE -- YNET

YNET 17:30 , 07.12.10

Eiland report finds 'mistakes, but no failures'

Committee that probed IDF raid on Gaza-bound flotilla ship says high-ranking officers erred in assessment of situation, gathering of intelligence. Army should have considered changing relations with Turkey, report says

Hanan Greenberg

The committee elected to investigate the deadly Israel Defense Forces raid on a Gaza-bound flotilla ship in late May handed in its report Monday, in which it says that there had been "no failures, but mistakes were made".

The committee, headed by Major-General (Res.) Giora Eiland, concluded that high-level officials had made errors in judgment, but accused no one of negligence.

The report was handed Monday afternoon to the army's chief of staff as well as a number of high-rank officers. Since the Eiland committee was appointed by the IDF, its report deals neither with the state's conduct nor the army's pre-emptive gathering of intelligence, but rather focuses on preparations for the flotilla's arrival.

Analysis of the incident that occurred on board the Turkish Marmara, the report says, led the committee to conclude that the activists on deck had been the first instigators of violence.

At least four instances of live fire on soldiers were noted, though the committee believes there were six in all. In addition, a bullet removed from a soldier's knee shows the Turkish activists had prepared non-military arms to use against the forces.

The report adds that the IDF had begun preparing for the flotilla in February. In mid-May Chief of Staff Gabi Ashkenazi sent a letter to Prime Minister Benjamin Netanyahu and Defense Minister Ehud Barak requesting their cooperation in order to prevent a violent incident.

The first issue probed by the committee was whether the Navy had the chance to stop the ships before they arrived in Israel's territorial waters. It concluded that this was not an option because the Navy has not yet developed such abilities, which take around two years to acquire. The army is discussing the option of doing so now.

Another issue probed was that of intelligence gathered by the Navy and the Military Intelligence Directorate before the flotilla set sail. The committee concluded that the IDF had chosen not to collect intelligence on Turkey and the IHH because the former is considered friendly and the latter unthreatening.

Eiland said this decision seemed correct, but that army officials should have taken into consideration the changing tides of Israel's relations with Turkey in the first months of 2010, which was also the time the IHH began openly discussing the flotilla.

He added that the developing relationship between the IHH and the Turkish government necessitated more extensive research than provided by intelligence sources.

However, Eiland said, even with more research intelligence still would have failed because so much of the violence had been brewing on board the Marmara itself.

Regarding the actual raid, the report found that the Navy had prepared only for "likely" resistance by a handful of activists, and not for a violent attack. Even when the ships neared, and the Navy began to understand it had erred, no new set of plans was formulated.

Eiland said the Navy should have understood that the situation did not match its assessments and stop to reconsider the actions it would take.

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

Aside from the criticism, the Eiland committee also made use of its report to praise the forces that conducted the raid. "I am glad to say we found a long list of praise-worthy things, and these do not only have to do with the conduct of the commando soldiers on the ship but also with other factors, including the evacuation of victims after the operation," the major-general said.

And in any case, he concluded, there was probably nothing the army could have done that would have led to a vastly different outcome. "We must learn from the conclusions deduced by the investigation and the way I see it, the IDF is trying to do so," Eiland said.

RELEASED IN FULL

I 282

Law, Rosemary C

From: Tsou, Leslie M
Sent: Monday, July 12, 2010 1:34 PM
To: NEA-IPA-DL; NEA-SEMEP-DL; NEA-Staff-Assistants-DL; Wallis, Jacob; Waters, John R; Marchese, Gregory M; Finver, Frank J
Subject: Email 1 of 2 on Eiland Report: MG Eiland Presents the Chief of the General Staff with the Conclusions of his Examination Team
Attachments: IDF Spokesperson Announcement- Maj. Gen. (Res.) Eiland Presents the Chief of the General Staff with the Conclusions of his Examination Team.doc

This is the first of two emails about the Eiland Report. What we don't yet have is a copy of the report itself, but Embassy TA is working on it.

Leslie

From: IDF News Desk <idfnewsdesk@idf.gov.il>
To: idfnewsdesk@idf.gov.il <idfnewsdesk@idf.gov.il>; idfnewmedia@gmail.com <idfnewmedia@gmail.com>
Sent: Mon Jul 12 17:20:17 2010
Subject: IDF Spokesperson Announcement- Maj. Gen. (Res.) Eiland Presents the Chief of the General Staff with the Conclusions of his Examination Team



דובר צה"ל
IDF Spokesperson

For Immediate Release
July 12th, 2010
17:00

Maj. Gen. (Res.) Eiland Presents the Chief of the General Staff with the Conclusions of his Examination Team

The IDF Chief of the General Staff, Lt. Gen. Gabi Ashkenazi, received the conclusions reached by a team of experts, headed by Maj. Gen. (Res.) Giora Eiland, tasked with examining the incidents that took place at sea on May 31st 2010.

Maj. Gen. Eiland presented the team's findings and conclusions to the Chief of the General Staff as well as to officers from the General Staff and from other IDF branches and directorates who were involved in the preparations and in the actual boarding of the flotilla. The core of the report was presented the Minister of Defense of Israel as well.

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

The team was appointed by the Chief of the General Staff to examine the deployment towards the flotilla, the chosen course of action and other possible alternatives, advance preparations, and the operation's implementation.

The team included eight officers and their examination focused on intelligence, Naval command, the naval commando unit responsible for carrying out the operation, the Israel Air Force, media relations, technological alternatives, medical aspects and legal counsel and international law.

The examination presented various lessons on a broad, systemic level, not only as regards this specific operation (stopping the flotilla).

In terms of the intelligence effort, the team concluded that not all possible intelligence gathering methods were fully implemented and that the coordination between Navy Intelligence and the Israel Defense Intelligence was insufficient. At the same time, the team emphasized that it is not certain that an optimal intelligence effort would create a complete intelligence picture. The team also pointed out that the anticipated level of violence used against the forces was underestimated.

In terms of situation assessments towards the flotilla, the team clarified that the operation relied excessively on a single course of action, albeit a probable one, while no alternative courses of action were prepared for the event of more dangerous scenarios.

Regarding technological alternatives, the team determined that on the day of the incident, decision makers were not presented with alternative operational courses of action other than a full boarding of the flotilla. The team emphasized the fact that as far as is currently known, no country in the world holds the ability to stop a vessel at sea in a non hostile manner. Therefore statements made on this matter following the incident are unfounded and irresponsible. At the same time, the team determined that alternative courses of action could have existed had the process of preparation begun enough time in advance, and recommended to accelerate the process of examining alternative methods.

The expert team determined that regarding media relations, the preparations made in advance were good. However, the release of press statements and visual materials was delayed due to the need to maintain reliability, the obligation to notify the families of the critically injured soldiers and the long authorization process at the levels above the IDF Spokesperson Unit. The team noted with favor the work of the IDF spokesperson following the incident and emphasized the need for better coordination between the IDF, the foreign ministry and other foreign affairs institutions.

In terms of commanding over the operation, the team determines that the location of the commanders during the incident and the presence of the Commander of the Israel Navy at sea during the operation, was proper and fit

with the Chief of the General Staff's view regarding the role of commanders at the front lines of IDF activity. His presence proved effective in terms of the decision making process, saving lives and more. The team praised the Israel Navy combat protocols, the preparations of the Naval Commando Unit, the Navy Command, the Electronic Warfare Formation and the medical evacuation.

The team determined that the Navy Commando soldiers operated properly, with professionalism, bravery and resourcefulness and that the commanders exhibited correct decision making. The report further determines that the use of live fire was justified and that the entire operation is estimable.

The team noted with favor the various stages of medical evacuation of the injured by air and by sea, including the injured passengers of the Mavi Marmara. In addition the team pointed out the serious attitude with which the General Staff and the Israel Navy approached the matter, as expressed in the preparations.

Maj. Gen. (Res.) Eiland noted with favor the degree of cooperation and transparency exhibited by those involved in the examination at all levels. In the summary of the examination Maj. Gen. Eiland determined that the issue should be viewed with perspective, being that the damage caused to Israel is not as severe as it seemed following the incident. In addition, he said that there's a tendency to draw general conclusions based on a single incident and that the fact that the IDF examines itself and others does not result in that only the command of

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I368

Bowers, Allyson M

From: Snipes, Christopher K
Sent: Monday, June 27, 2011 8:51 AM
To: Riley, Robert J; Gregonis, Meghan E
Cc: NEA-IPA-DL
Subject: FW: FPD IIR Gaza Freedom Flotilla
Attachments: IIR 6 120 0021 11 - IDENTIFICATION OF SHIPS PARTICIPATING IN THE.doc

Categories: Working

FYI – and please see attached. Post believes “Audacity of Hope” is U.S.-flagged. Chris

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

Sensitivity: Sensitive
Classification: CONFIDENTIAL//NOFORN
Derived From: MS
Declassify On: 2021/06/27

From: Lawton, Daniel J (Athens)
Sent: Monday, June 27, 2011 8:07 AM
To: Snipes, Christopher K; Goodman, Ilan A
Cc: Cockrell, John D (Athens); Martin, Leah A (Athens)
Subject: FW: FPD IIR Gaza Freedom Flotilla

Chris/Ilan – Some more data on vessels and ownership. We understand from the MFA that the “Audacity of Hope” is U.S.-flagged. Also, unrelated to the flotilla, President Papoulias is expected to travel to Israel July 10-12.

Regards,
Dan

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Sensitivity: Sensitive
Classification: CONFIDENTIAL//NOFORN
Derived From: MS
Declassify On: 2021/06/27

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

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**Statement by Ambassador Eileen Donohoe on the Flotilla Incident
for the Human Rights Council special session, June 1, 2010**

Thank you, Mr. President.

As we made clear yesterday at the Security Council, the United States government is deeply disturbed by the recent violence and regrets the tragic loss of life and injuries suffered among those involved in the May 31 incident aboard the Gaza-bound ships. We are working to ascertain the facts. We expect a credible and transparent investigation and strongly urge the Israeli government to investigate the incident fully, with Quartet support. We urge all parties to behave responsibly and uphold their international obligations.

The United States remains deeply concerned by the suffering of civilians in Gaza, and the deterioration of the situation there, including the humanitarian and human rights situation. We continue to believe the situation is unsustainable and is not in the interests of any of those concerned. As we have pointed out when confronted by a similar situations in the past, mechanisms are in place for the transfer of humanitarian assistance to Gaza. We will continue to engage the Israelis on a daily basis to expand the scope and type of goods allowed into Gaza to address the full range of the population's humanitarian and recovery needs. Hamas' interference with international assistance shipments and the work of nongovernmental organizations complicates efforts in Gaza, and the Government of Israel has legitimate security concerns.

Ultimately, this incident underscores the needs to move ahead quickly with negotiations that can lead to a comprehensive peace in the region. The only viable solution to the Israeli-Palestinian conflict is an agreement, negotiated between the parties, that ends the occupation that began in 1967 and fulfills the aspirations of both parties for independent homelands through two states for two peoples, Israel and an independent, contiguous, and viable state of Palestine, living side by side in peace and security. We call again on our international partners – both inside and outside this Council – to promote an atmosphere of cooperation between the parties and throughout the entire region.

Thank you.

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

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I287

Law, Rosemary C

From: Blaukopf, Ruth B
Sent: Monday, May 31, 2010 6:53 AM
To: Baron, Desiree A; Garcia, Dennis J; Kaplan, Crystal T; 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; Jacoby, Julia I; Khoury-Kincannon, Sahar; Knopf, Payton L; Lentz, Andrew N; Sievers, Marc J; Mayo, Iris J; Reisser, Wesley J; Roberts, Kristi (Tel Aviv); Sachar, Alon (NEA/IPA); Sindle, James M; Waters, John R; Holst, Alan R; Grubb, Jason B; Levin, Jan; Honigstein, Michael D; Michaels, David G; Nelson, Timothy (Tel Aviv)
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'

IDF Chief of Staff Ashkenazi said that during the clash with the passengers of the Marmara ship, the activists used iron bars and knives.

"They even fired shots from a weapon snatched from one of the soldiers," he said. "It's clear beyond any doubt that the soldiers acted as required."

Ashkenazi added that the soldiers were prepared for the mission, but that "the crowd dispersal equipment was not enough."

As for the organizers' intentions, the army chief insisted that "it had nothing to do with humanitarian aid. The activity was radical from the very first moment."

According to Ashkenazi, the Navy operation was aimed at preventing an unsupervised infiltration of people and cargo to Gaza.

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer



July, 12th 2010
1700

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IDF SPOKESPERSON ANNOUNCEMENT



דובר צה"ל
IDF Spokesperson

I 2824

FOR IMMEDIATE RELEASE

Maj. Gen. (Res.) Eiland Presents the Chief of the General Staff with the Conclusions of his Examination Team

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Maj. Gen. Eiland presented the team's findings and conclusions to the Chief of the General Staff as well as to officers from the General Staff and from other IDF branches and directorates who were involved in the preparations and in the actual boarding of the flotilla. The core of the report was presented the Minister of Defense of Israel as well.

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IDF Spokesperson Unit - Foreign Press Branch

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Latin-American & Asian Media Desk:	+972-2-5485801	IDF Spokesperson Blog:	idfspokesperson.com

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer



July, 12th 2010
1700

IDF SPOKESPERSON ANNOUNCEMENT



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Intelligence and the Israel Defense Intelligence was insufficient. At the same time, the team emphasized that it is not certain that an optimal intelligence effort would create a complete intelligence picture. The team also pointed out that the anticipated level of violence used against the forces was underestimated.

In terms of situation assessments towards the flotilla, the team clarified that the operation relied excessively on a single course of action, albeit a probable one, while no alternative courses of action were prepared for the event of more dangerous scenarios.

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July, 12th 2010
1700

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In terms of commanding over the operation, the team determines that the location of the commanders during the incident and the presence of the Commander of the Israel Navy at sea during the operation, was proper and fit with the Chief of the General Staff's view regarding the role of commanders at the front lines of IDF activity. His presence proved effective in terms of the decision making process, saving lives and more. The team praised the Israel Navy combat protocols, the preparations of the Naval Commando Unit, the Navy Command, the Electronic Warfare Formation and the medical evacuation.

The team determined that the Navy Commando soldiers operated properly, with professionalism, bravery and resourcefulness and that the commanders exhibited correct decision making. The report further determines that the use of live fire was justified and that the entire operation is estimable.

The team noted with favor the various stages of medical evacuation of the injured by air and by sea, including the injured passengers of the Mavi Marmara. In addition the team pointed out the serious attitude with which the General Staff and the Israel Navy approached the matter, as expressed in the preparations.

Maj. Gen. (Res.) Eiland noted with favor the degree of cooperation and transparency exhibited by those involved in the examination at all levels. In the summary of the examination Maj. Gen. Eiland determined that the issue should be viewed with perspective, being that the damage caused to Israel is not as severe as it seemed following the incident. In addition, he said that there's a tendency to draw general conclusions based on a single incident and that "the fact that the IDF examines itself

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July, 12th 2010
1700

IDF SPOKESPERSON ANNOUNCEMENT



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IDF Spokesperson

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and others do not, results in that only the errors of the IDF are publicized", according to Maj. Gen. Eiland.

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IDF SPOKESPERSON ANNOUNCEMENT



July 12th, 2010
18:10

FOR IMMEDIATE RELEASE

The IDF Chief of the General Staff Refers to the Conclusions of the Eiland Report

The IDF Chief of the General Staff, Lt. Gen. Gabi Ashkenazi, announced today that he adopts the report and the conclusions made by the expert team following the examination of the Flotilla incident "Winds of the Sky 7". The Chief of the General Staff thanked the team and its head, Maj. Gen. (Res.) Giora Eiland, for their thorough and comprehensive examination, which was presented to him and to a group of other commanders, this morning.

The Chief of the General Staff appointed the IDF Operations Branch and the Doctrine and Training Division, to gather the conclusions and follow their implementation by all of the relevant IDF branches. The Chief of the General Staff said that an expert's examination of this kind is at the foundations of the IDF's organizational culture as a supervised, transparent and constantly learning institution which aims to continue and improve in order to face the challenges before him.

Lt. Gen. Ashkenazi added that the flotilla incident is an opportunity that should not be wasted to learn and reach conclusions. "The IDF is confident enough to critically examine itself and improve based on the conclusions. This is the heart and soul of the IDF", said the Chief of the General Staff and added: "Not me, nor did the examination team identify a failure or negligence, but nonetheless, an examination as thorough as this brings up mistakes which must be corrected for future incidents".

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REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer



IDF SPOKESPERSON ANNOUNCEMENT



July 12th, 2010
18:10

FOR IMMEDIATE RELEASE

The Chief of the General Staff expressed his appreciation for the Israel Navy and the Naval Commando Unit, which for the past three and a half years proved high and unique capabilities in the field of boarding boats during various known and unknown incidents. He stated: "We continue to send our soldiers every day, in the air, on land and at sea, to missions much more dangerous than this flotilla. We want them to continue to act charge and take risks. I wouldn't want commanders and soldiers to embark on missions much more complicated and dangerous, knowing that back on land, or past the border at home, there waits an investigation committee. Therefore, the centrality of the examination, its thoroughness and quality, are a central method in our military culture".

IDF Spokesperson Unit - Foreign Press Branch

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North American Media Desk:	+972-2-5485807	Official IDF Website:	idf.il/English
Latin-American & Asian Media Desk:	+972-2-5485801	IDF Spokesperson Blog:	idfspokesperson.com

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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]

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

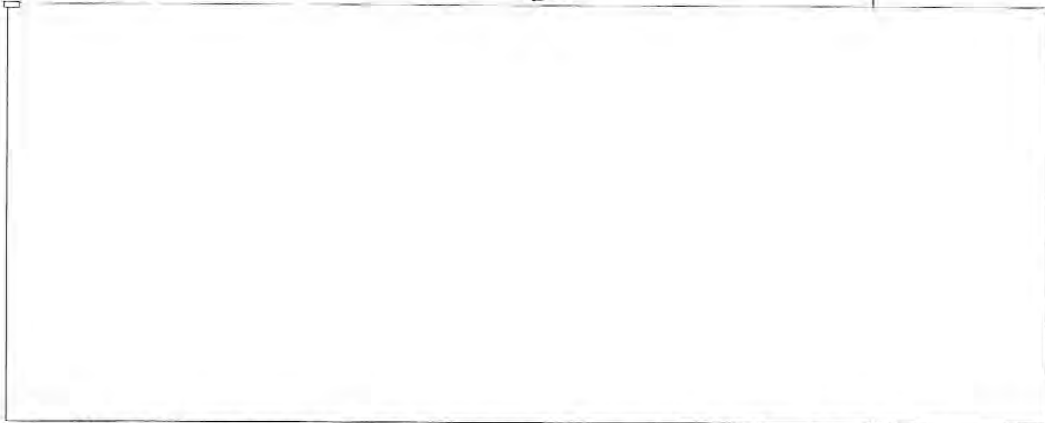
REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

NR

SENSITIVE BUT UNCLASSIFIED

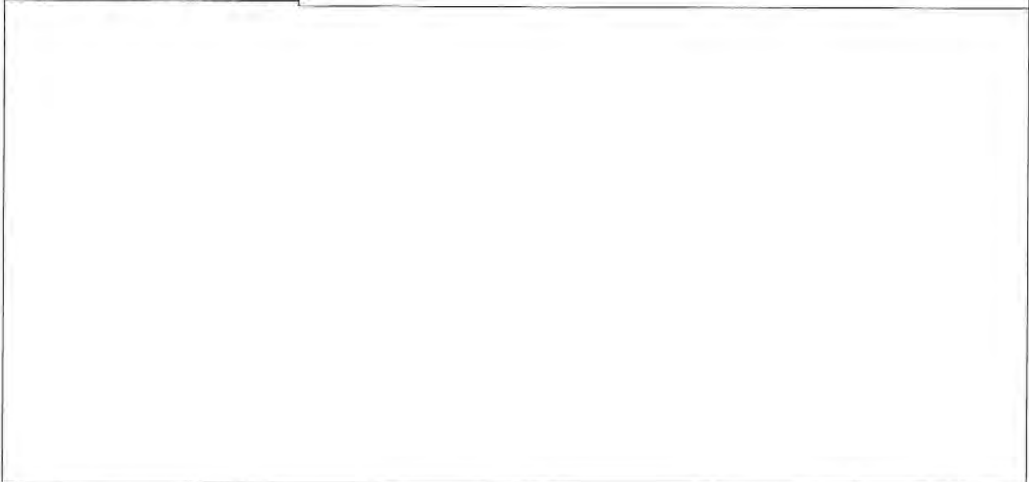
-2-

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:

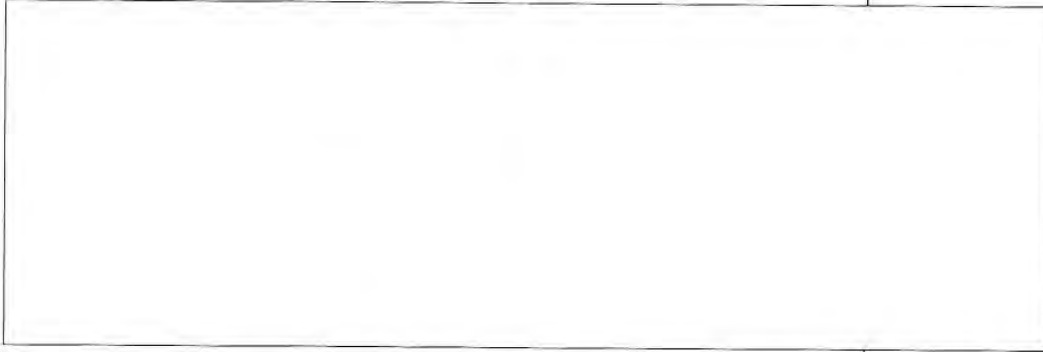


NR

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SENSITIVE BUT UNCLASSIFIED

-3-



NR

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(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**

RELEASED IN FULL

NON-RESPONSIVE PORTIONS
REDACTED

Text: PALESTINE
3d: ISRAEL
SOC 14 (ARMED CONFLICT)
MIDDLE EAST



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]

NR

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
REDACTED

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]

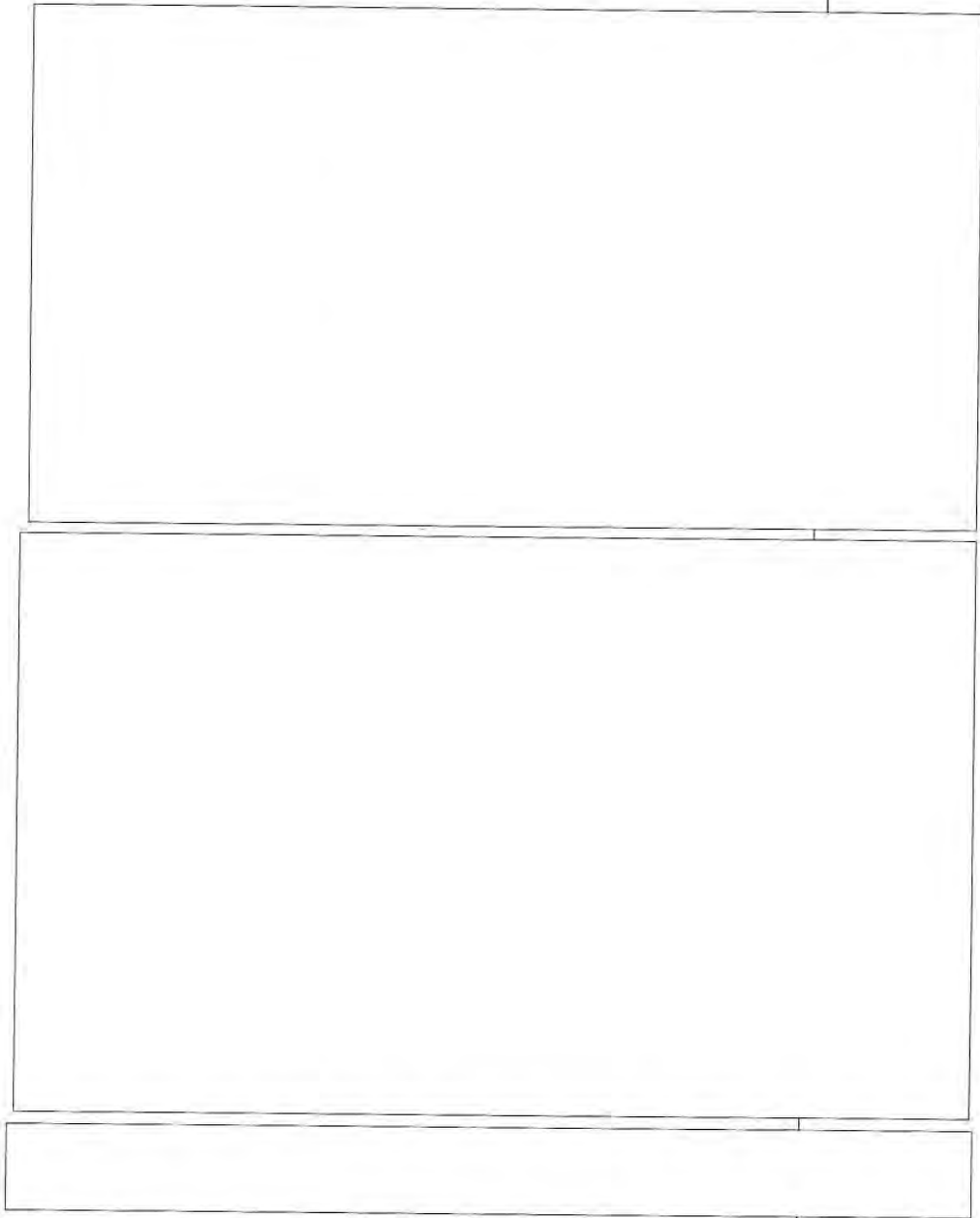
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REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

NR

NR



Thank you Mr. President.

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ISRAEL ✓
PALESTINE

UNITED STATES MISSION TO THE UNITED NATIONS



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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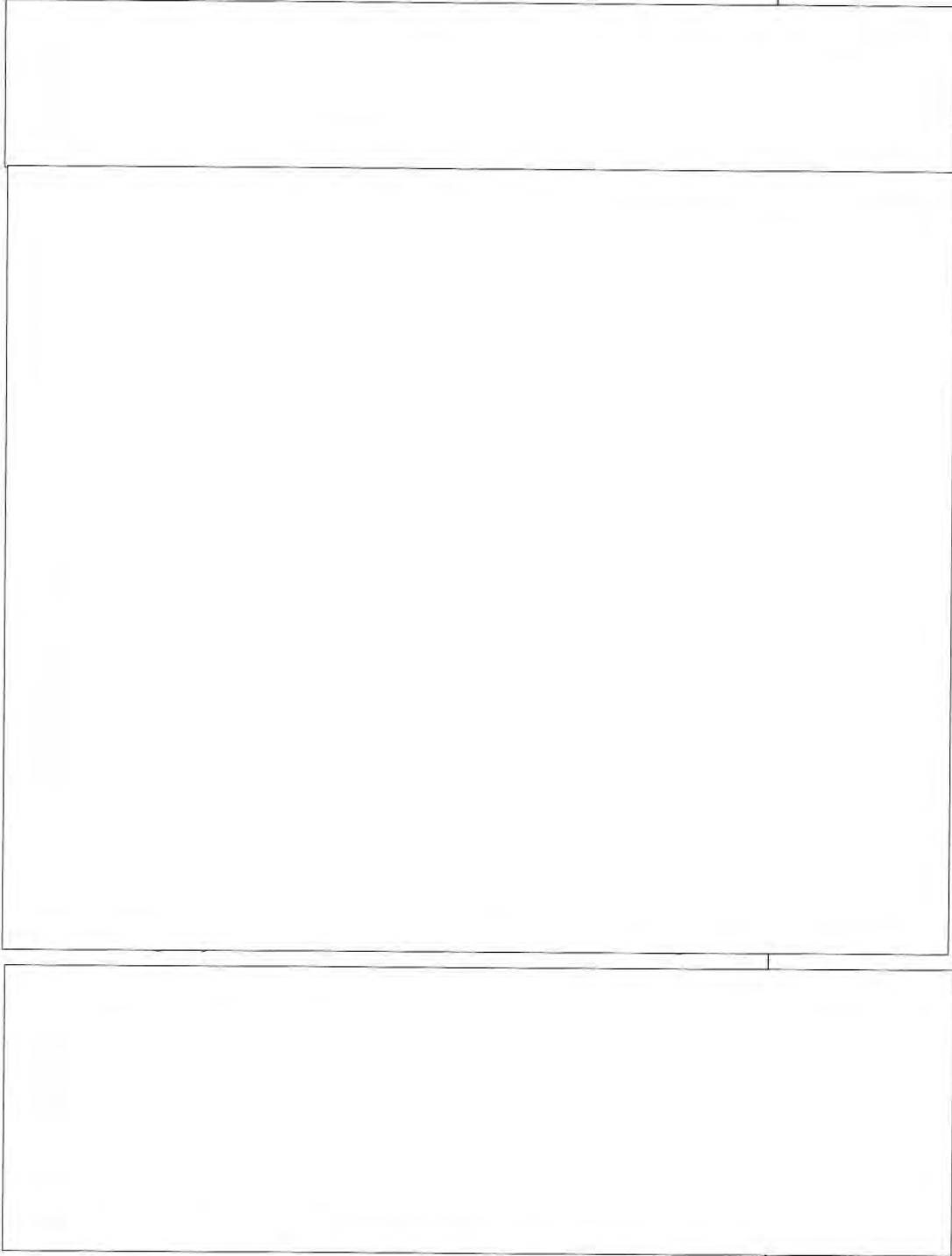
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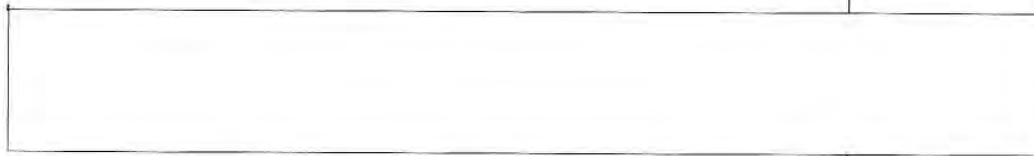
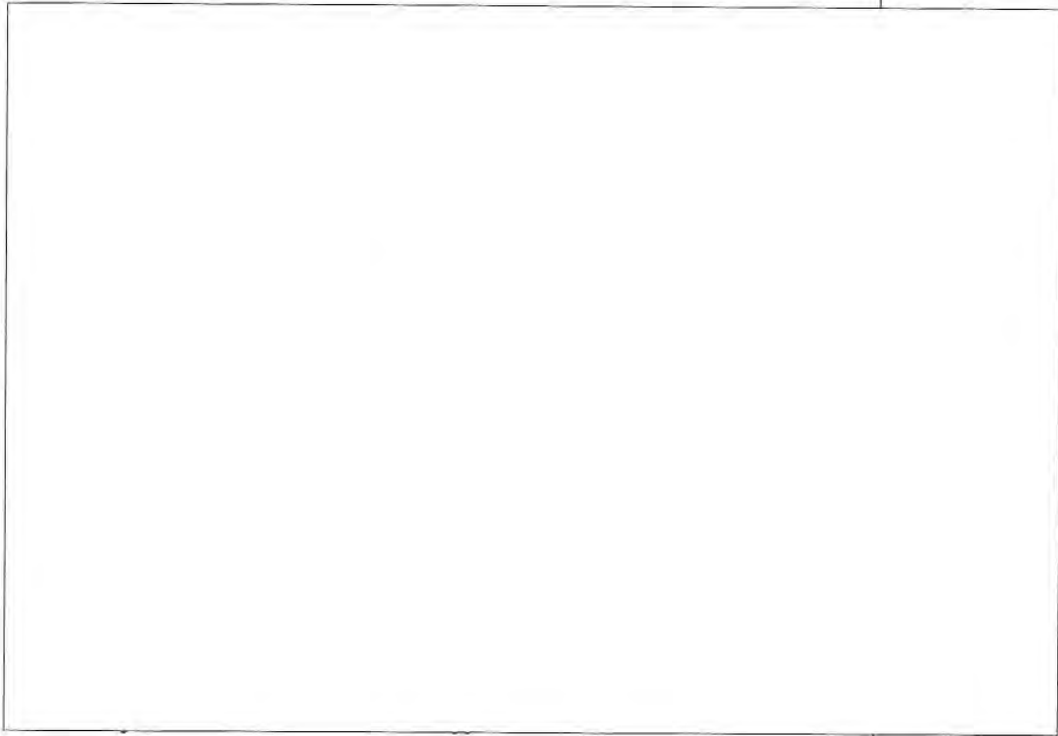
Gaza flotilla: Turkey has again presented a resolution in Geneva on the follow-up to the Human Rights Council's fact-finding mission on the May 31, 2010, flotilla incident. We will again vote no, most likely in complete isolation. The new resolution requests that the SYG take into consideration the conclusions 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.

NR



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Text - PALESTINE
2d- ISRAEL
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UNITED STATES MISSION TO THE UNITED NATIONS

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July 19, 2010

**BRIEFING MEMORANDUM FOR ALTERNATE REPRESENTATIVE FOR SPECIAL
POLITICAL AFFAIRS**

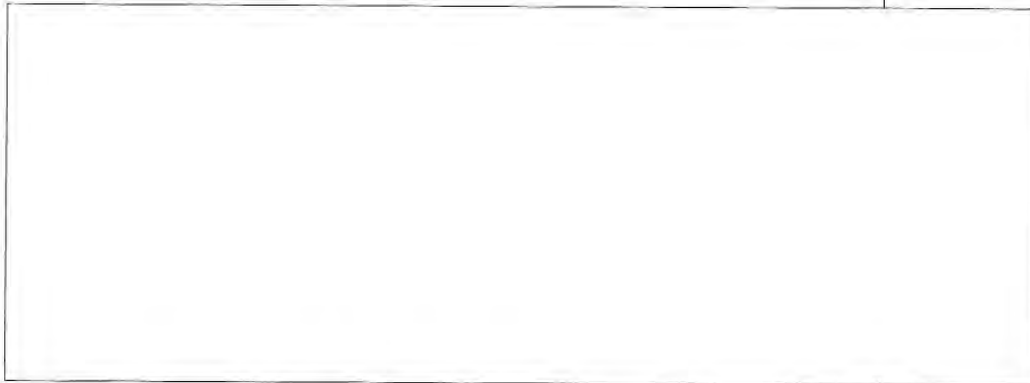
SENSITIVE BUT UNCLASSIFIED

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

REVIEW AUTHORITY: Sharon Ahmad, Senior
Reviewer SENSITIVE BUT UNCLASSIFIED

SENSITIVE BUT UNCLASSIFIED

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NR

Attachment: Remarks

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Cleared: POL: EGermain

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ISRAEL
PALESTINE
LEBANON
MIDDLE EAST



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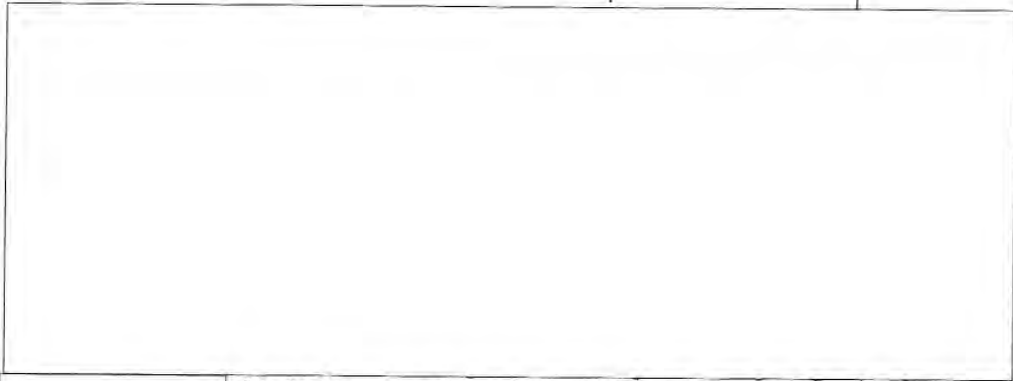
October 15, 2010

BRIEFING MEMORANDUM FOR THE PERMANENT REPRESENTATIVE

SENSITIVE BUT UNCLASSIFIED

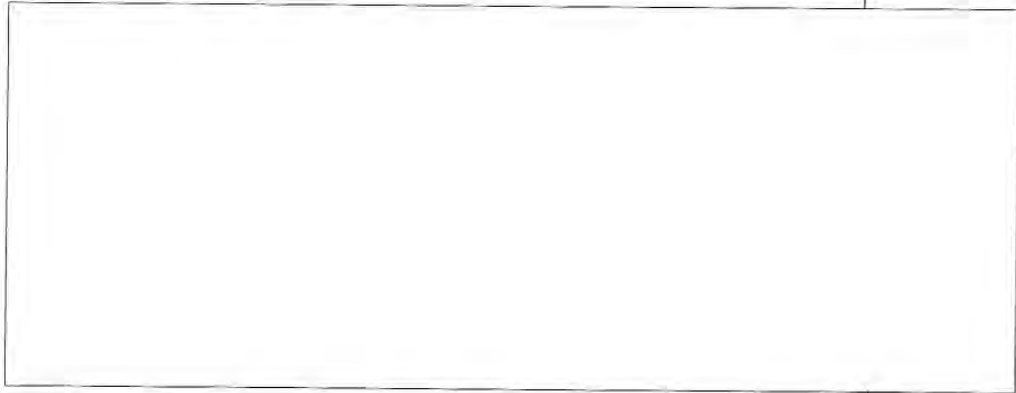
FROM: POL – Bill Grant
THROUGH: EXEC – Ambassador Anderson
SUBJECT: Security Council Briefing/Open Debate on the Middle East, October 18, 2010

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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NON-RESPONSIVE PORTIONS
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Text- PALESTINE
3d- ISRAEL
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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.

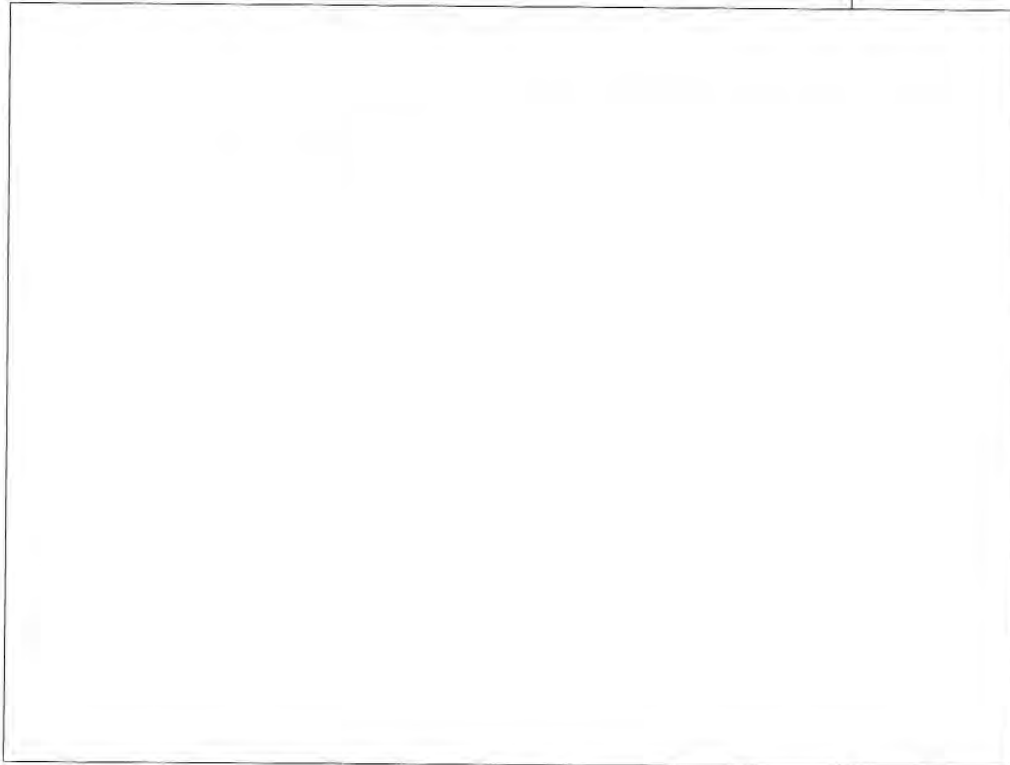
**REVIEW AUTHORITY: Sharon Ahmad, Senior
Reviewer**

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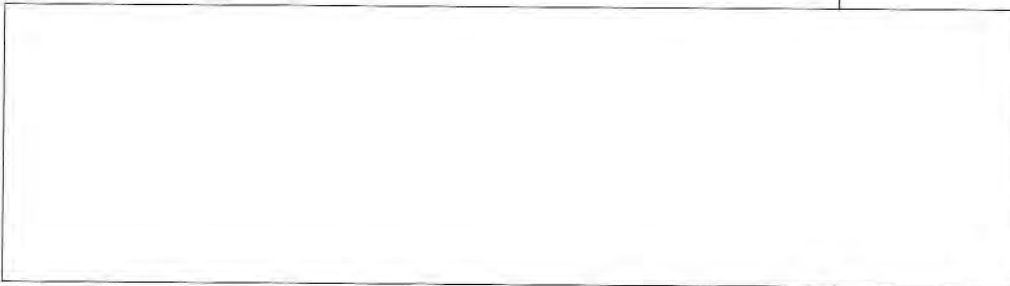
NON-RESPONSIVE PORTIONS
REDACTED

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.

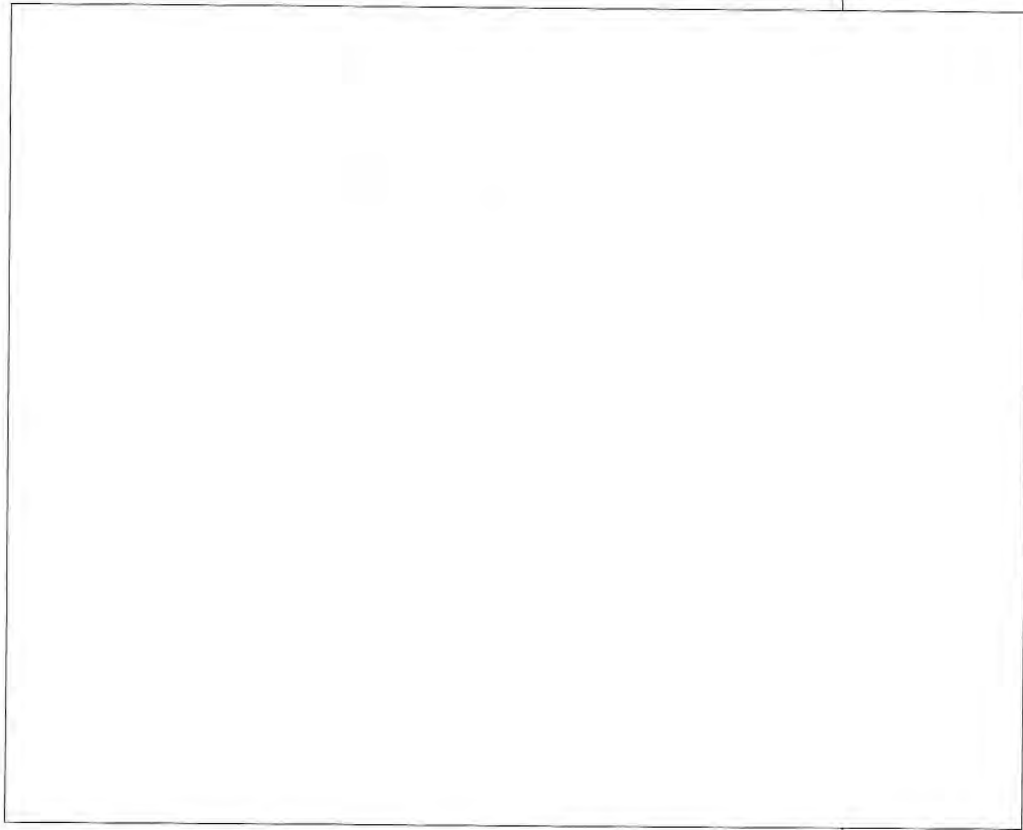


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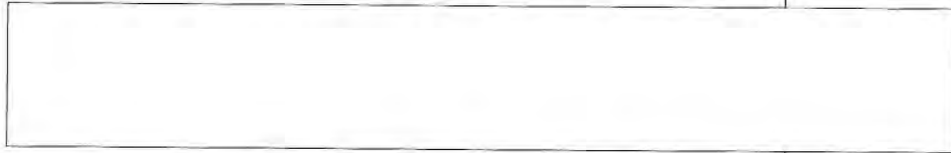


REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

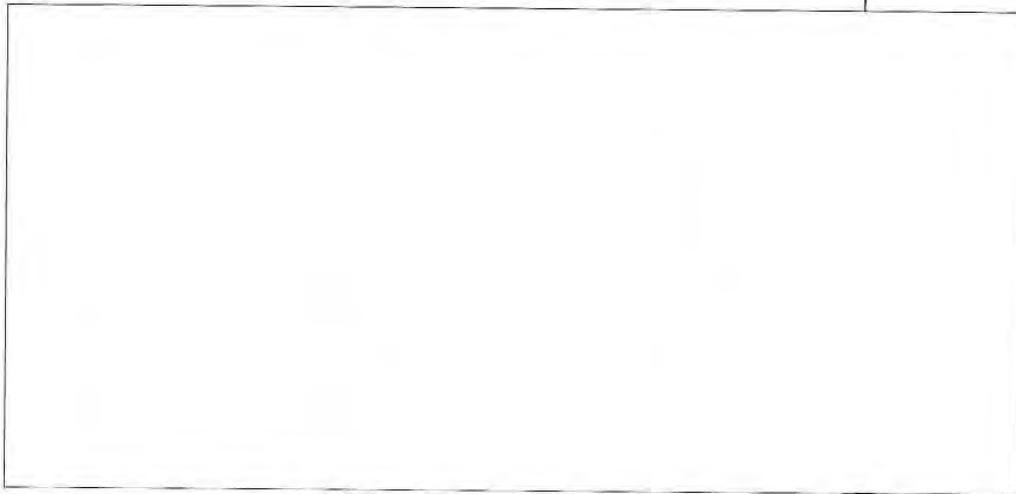
NR



- 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.



NR



- Thank you, Mr. President.

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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

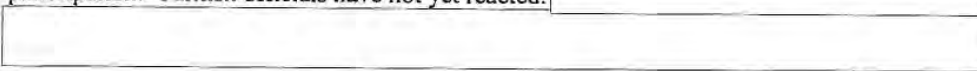
Foreign Minister Liberman is traveling to New York with Deputy Foreign Minister Danny Ayalon, whom you met in April. Liberman will brief the Israeli Missions in North America about the Gaza flotilla (aka Mavi Marmara), the proximity talks, and calls to review Israeli actions under international legal 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

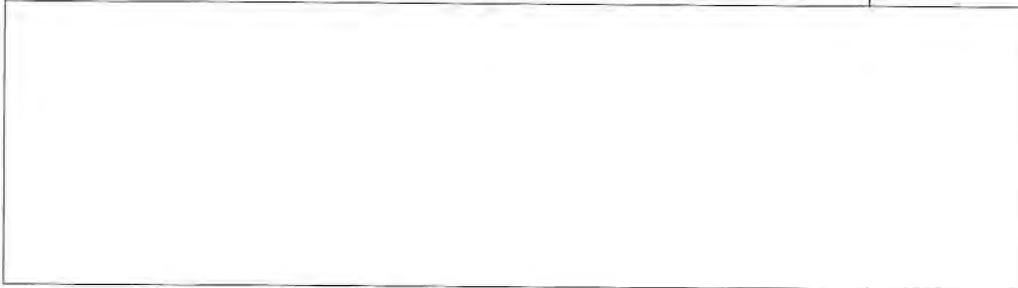
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REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

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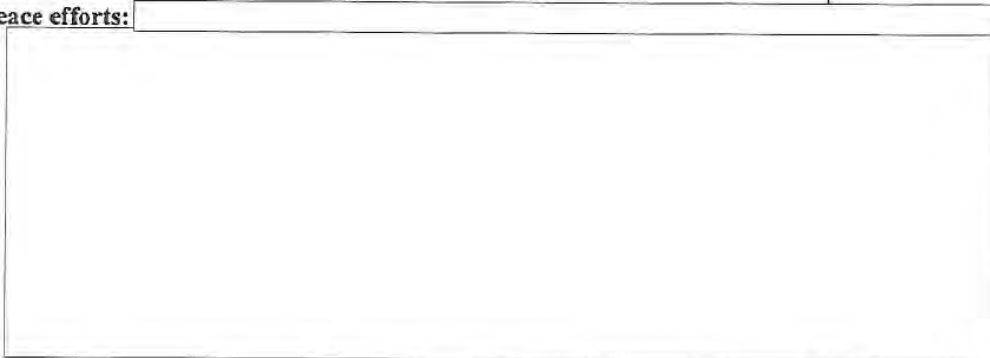
“impartial, credible, transparent, and independent international investigation in accordance with international standards led by the UN Secretary-General.” The statement also reiterates demands for accountability related to the Goldstone Report.



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 Shlavit 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.

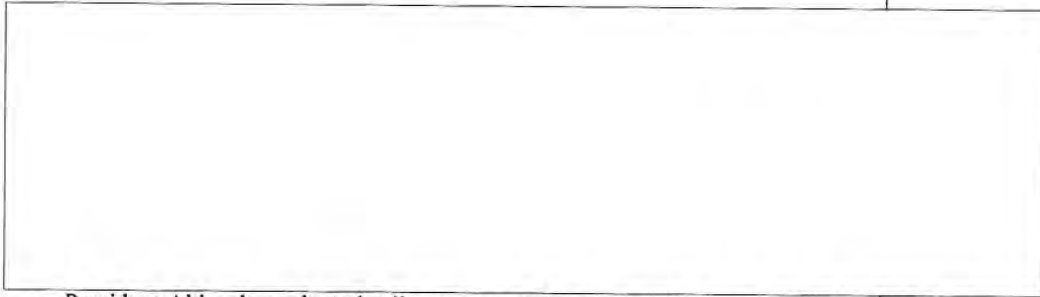
Peace efforts:



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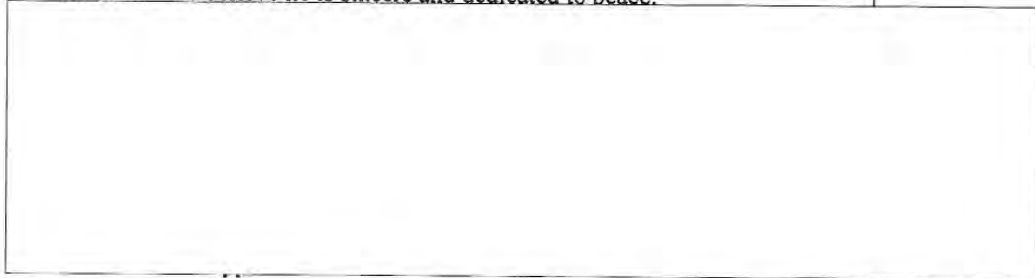
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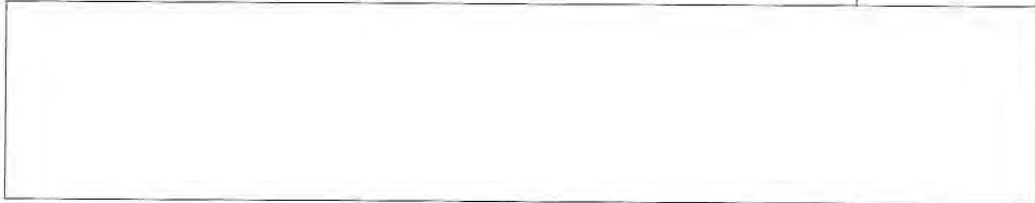
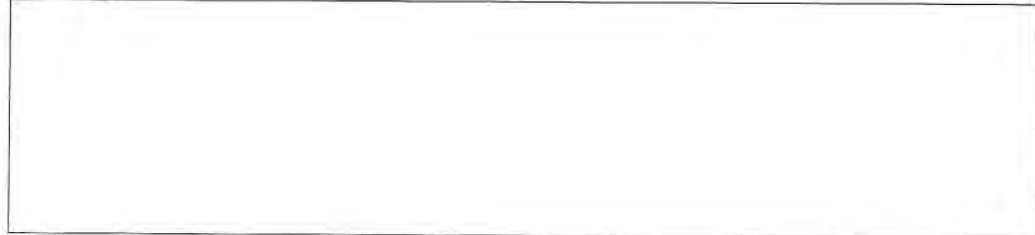
- President Abbas has rejected calls to suspend the proximity talks after the Mavi Marmara incident. We believe he is sincere and dedicated to peace.



Iran: 



Ghajar: 



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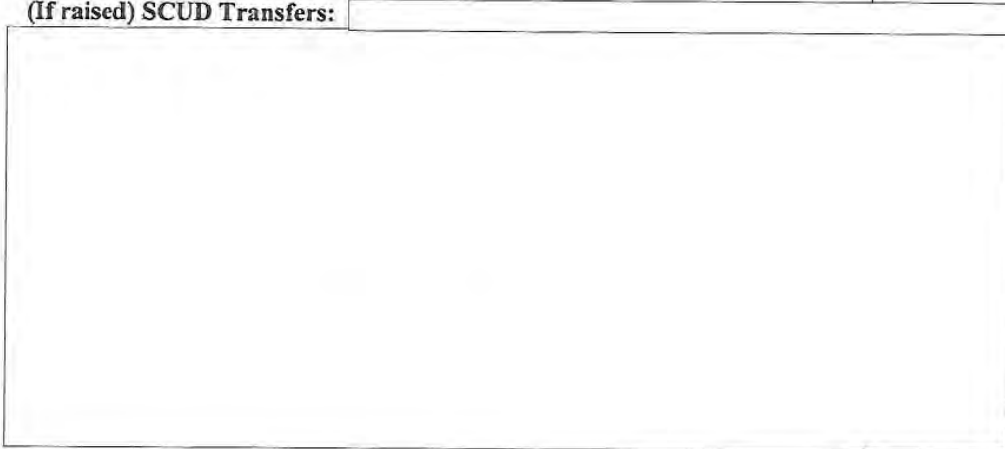


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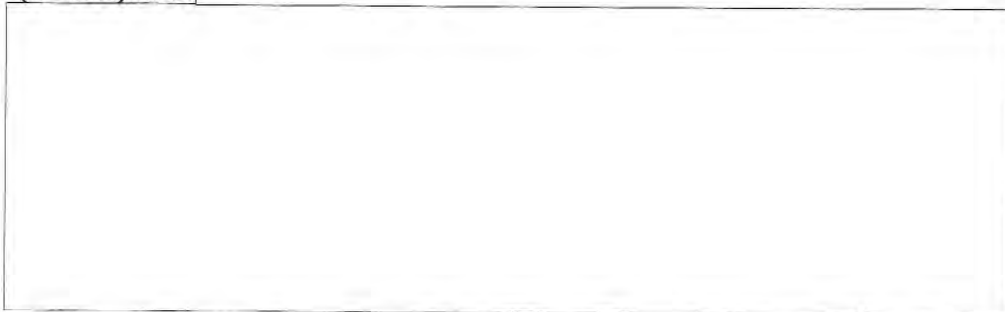
“**Lawfare**”: Liberman will want to discuss calls to review Israeli actions under international legal regimes. The Swiss appear to be moving forward on consultations on convening a meeting of the High Contracting Parties of the Fourth Geneva convention as called for by General Assembly and Human Rights 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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-6-

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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Cleared: POL: EGermain ok

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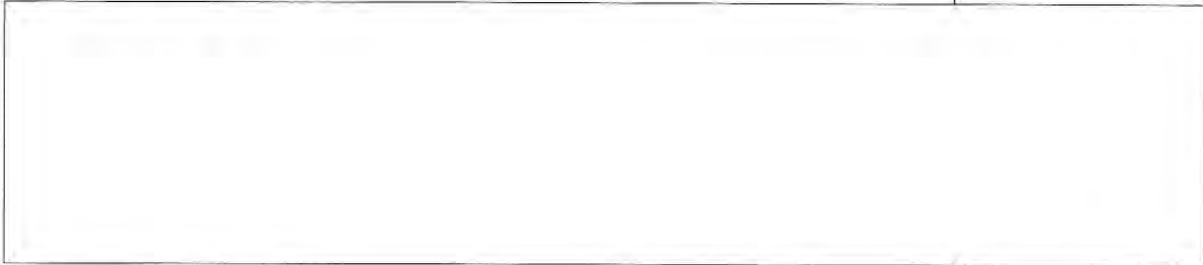
Simonoff, Mark A (USUN)

From: Arbogast, John R
Sent: Monday, November 14, 2011 2:41 PM
To: Kim, Elizabeth AB (OES); SchAAF, 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

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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 Florilla 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 Sfendoni. 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

RELEASED IN FULL



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

RELEASED IN FULL



140 East 45th Street
NEW YORK, N.Y. 10017-3505

UNITED STATES MISSION TO THE UNITED NATIONS

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Drafted: Legal: Mark Simonoff
Cleared: POL: E Germain
POL: B Masilko

RELEASED IN FULL

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]

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]

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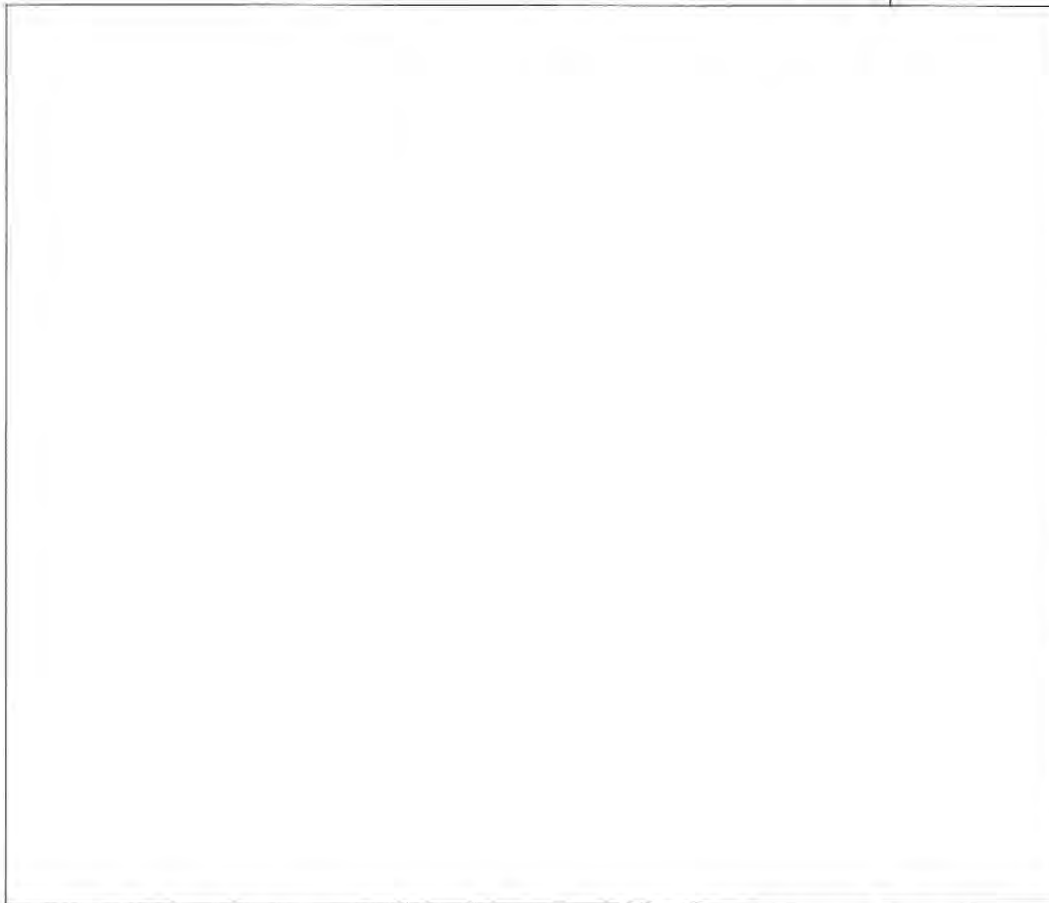
REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

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SENSITIVE BUT UNCLASSIFIED

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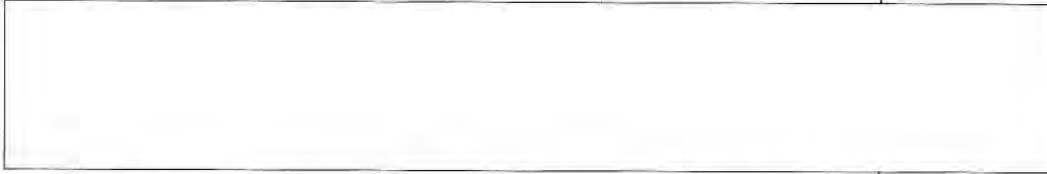
Gaza Flotilla: Lieberman's prickly views on Turkey and complicated relations with Ankara precede the flotilla incident --- in January 2010, his deputy, Daniel Ayalon, caused a major outcry in both the Turkish and Israeli press with a humiliating dressing-down of Turkey's Ambassador to Israel during a 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

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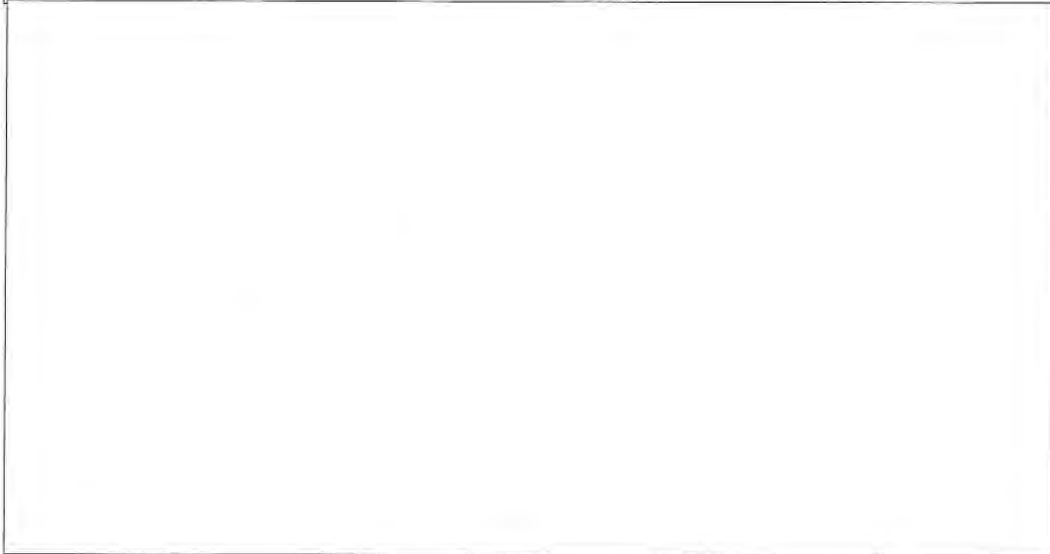
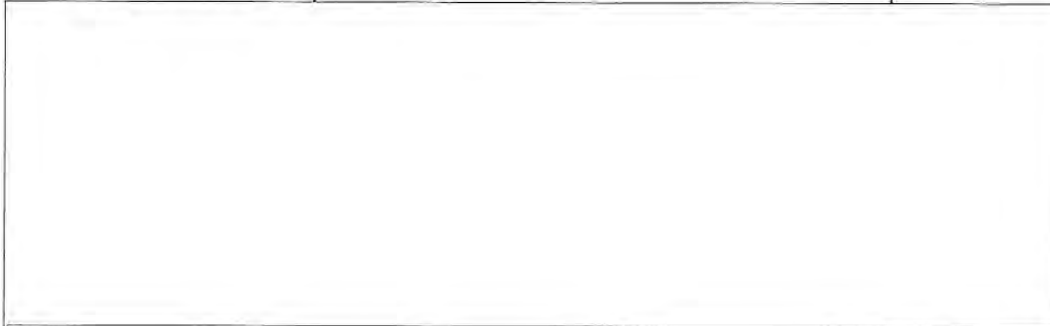
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Prime Minister Netanyahu and Defense Minister Barak. The Turkel Commission has requested that the (Turkish) Captain of the Mavi Marmara testify as well.



NR

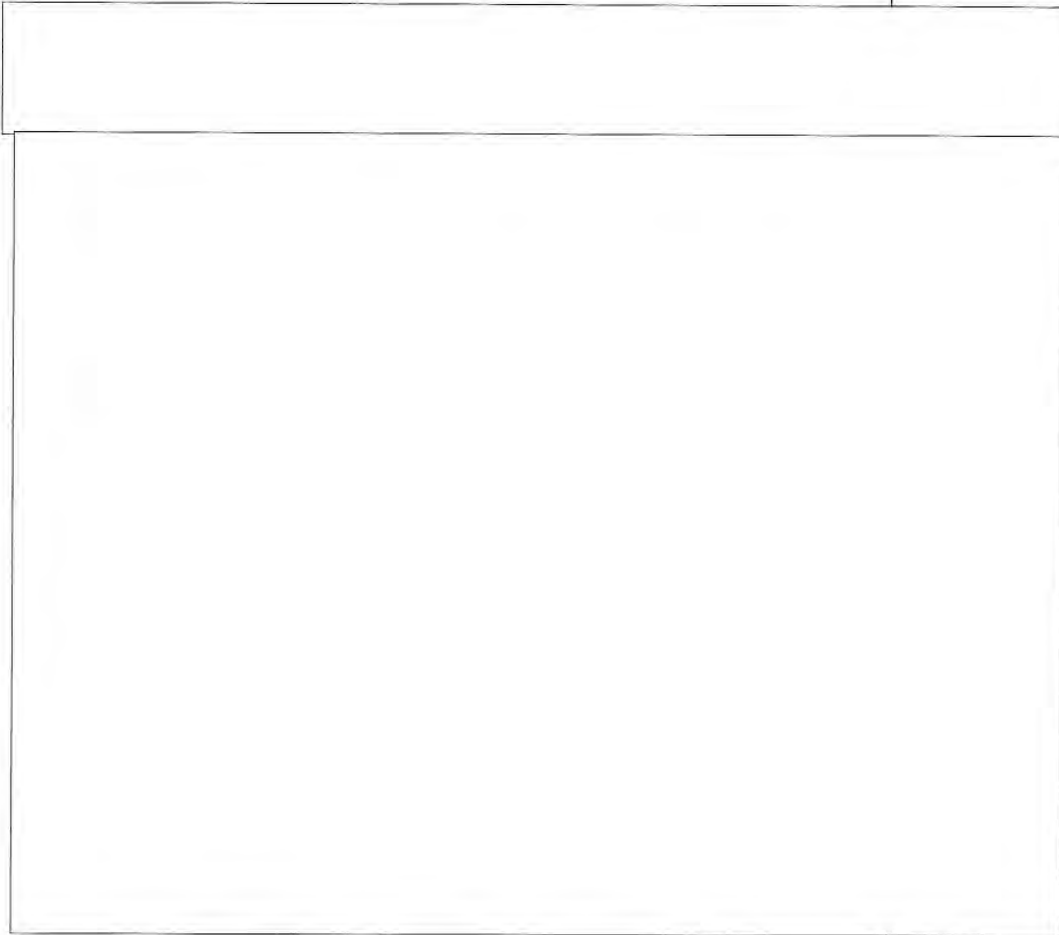
- The draft Turkish resolution in Geneva on follow-up to the Fact-Finding Mission on the Gaza flotilla incident could extend discussion of the legality of Israel's actions on May 31.
- The FFM's language, tone, and conclusions were unbalanced.
- We continue to hope that Israel and Turkey will move beyond 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.



SENSITIVE BUT UNCLASSIFIED

SENSITIVE BUT UNCLASSIFIED

-4-



NR

Attachments:

- B) Draft Turkish Flotilla HRC resolution

SENSITIVE BUT UNCLASSIFIED

(Low side)

Drafted: POL: BMasilko

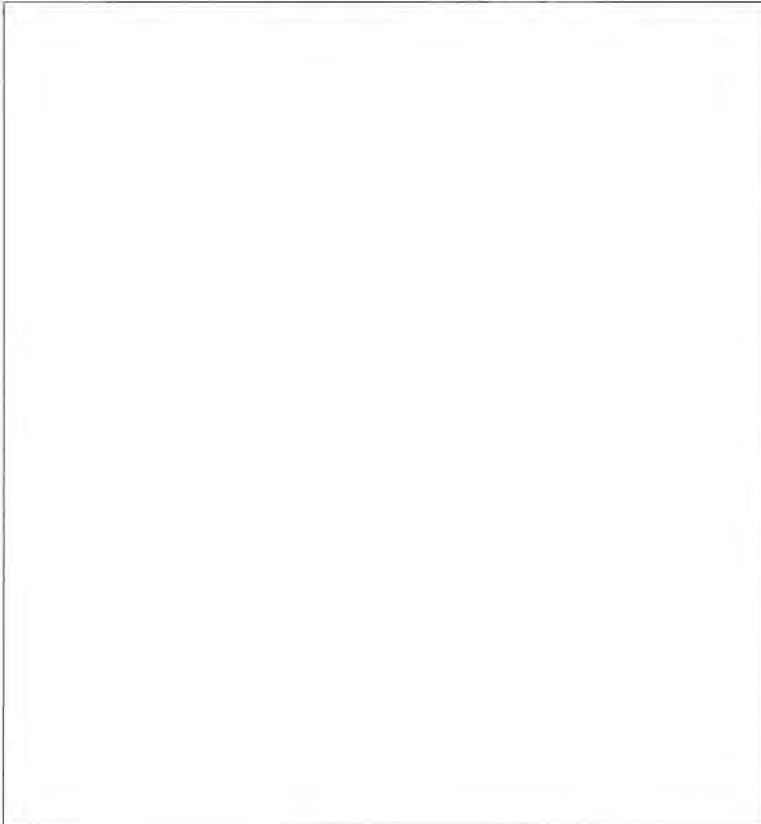
Cleared: POL: JFasoli ok
USUN/W: WBass ok
POL: EGermain ok

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

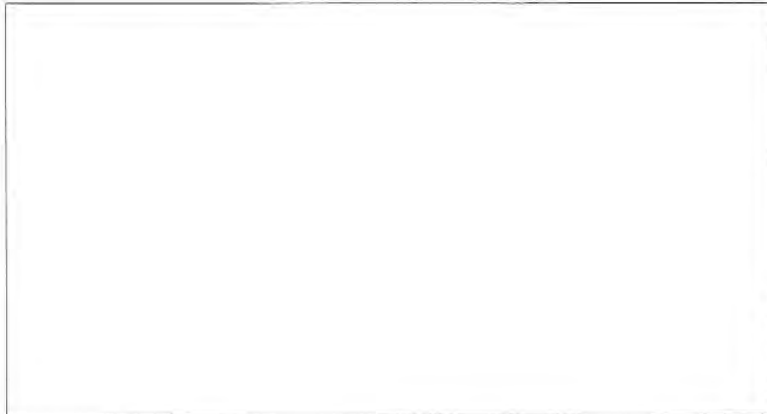
[Redacted]

[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]



Formatted: Indent: Left: 0.5", No bullets or numbering

NR

- Thank you, Mr. President.

(Low side)

L:\LIBS\POLSEC\MasilkoBJ \SER 09 17 2010 SC ME consultations.doc

Drafted: POL: BMasilko, 4-4190

Cleared: POL: EGermain ok

ISRAEL
LEBANON
PALESTINE
MIDDLE EAST

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NON-RESPONSIVE PORTIONS
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

RELEASED IN FULL



**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 Mithat 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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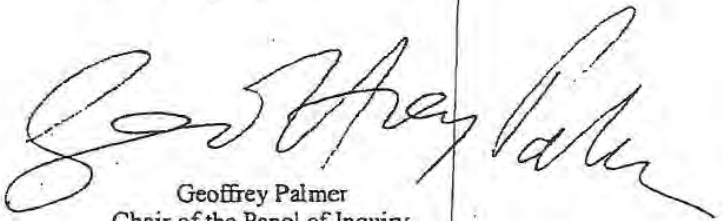
8 September 2010

RELEASED IN FULL

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

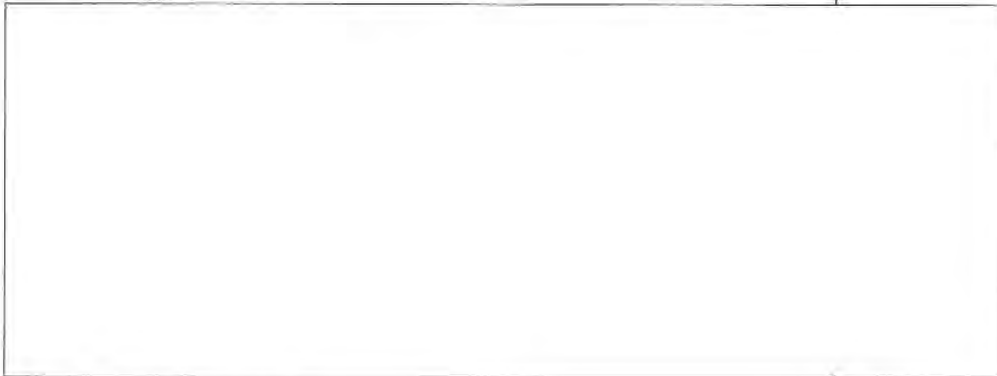
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Madam President,

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.



NR

Thank you, Madam President.

REVIEW AUTHORITY: Sharon Ahmad, Senior
Reviewer

RELEASED IN FULL

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
REDACTED

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

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

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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
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-----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

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

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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

[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

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?

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—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.

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

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.sgov.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

RELEASED IN PART B5

DeLaurentis, Jeffrey

From: McLeod, Mary E (USUN)
Sent: Thursday, June 03, 2010 8:02 PM
To: Germain, Ellen J (USUN)
Cc: DeLaurentis, Jeffrey
Subject: RE: TOR for UN investigation

Categories: Working

And yet more. [Redacted]

B5

From: McLeod, Mary E (USUN)
Sent: Thursday, June 03, 2010 7:41 PM

[Redacted]

Terms of Reference

The Commission's tasks are:

[Redacted]

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

UN CONFIDENTIAL

**TERMS OF REFERENCE
of the**

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 in international waters, in which an Israeli military operation was conducted against a convoy sailing to Gaza and which resulted in the death of nine civilians.

Tasks

RELEASED IN PART
B5

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 including its findings, conclusions and recommendations 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 within three months. The panel will submit its final report to the Secretary-General no later than three months after submission of the preliminary report. This timeline may be adjusted by the Secretary-General depending on the progress of the panel's work.

Location

7. The panel will be based at United Nations Headquarters in New York.

Secretariat

UN CONFIDENTIAL

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

(4)

UN CONFIDENTIAL

8. The UN Secretariat will provide secretariat services for the panel.


Dated: XX XXXX 2010

Place: New York

Vijay Nambiar
Chef de Cabinet
Executive Office of the Secretary-General
United Nations

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2



RELEASED IN PART
B5

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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 panel will conduct its work in a prompt, impartial, credible and transparent manner, in conformity with international standards.
5. The report and any findings, conclusions and 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 findings, conclusions or 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, finding, conclusion or recommendation. 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 finding, conclusion or recommendation, the Chair and Vice-Chair will agree on any such element, finding, conclusion or recommendation in the report.
6. 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.
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

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29/7/2010

RELEASED IN PART
B5

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B5

**TERMS OF REFERENCE
of the**

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 in international waters involving an Israeli military operation against a convoy sailing to Gaza during which nine civilians died.

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 recommend ways of avoiding similar incidents in the future.
4. The panel will prepare a report including its findings and recommendations 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 progress report within three months. The panel will submit its final report to the Secretary-General no later than three months after submission of the progress report. This timeline may be adjusted by the Secretary-General depending on the progress of the panel's work.

Location

7. The panel will be based at United Nations Headquarters in New York.

Secretariat

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

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UN CONFIDENTIAL

8. The UN Secretariat will provide secretariat services for the panel.

Dated: XX XXXX 2010

Place: New York

Vijay Nambiar
Chef de Cabinet
Executive Office of the Secretary-General
United Nations

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2

UN CONFIDENTIAL

7/27/10

TERMS OF REFERENCE

RELEASED IN PART
B5

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 in international waters involving a convoy sailing to Gaza.

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 recommend ways of avoiding similar incidents in the future.
4. The panel will prepare a report including its findings and recommendations 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 at United Nations Headquarters in New York as required. The panel will submit a progress report within three months and thereafter as necessary. The panel will strive to submit its final report to the Secretary-General within six months taking into account the progress of the national investigations. This timeline may be adjusted by the Secretary-General depending on the progress of the panel's work.

Location

7. The panel will be based at United Nations Headquarters in New York.

Secretariat

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REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

UN CONFIDENTIAL

8. The UN Secretariat will provide secretariat services for the panel.

Dated: XX.XXXX 2010

Place: New York

Vijay Nambiar
Chef de Cabinet
Executive Office of the Secretary-General
United Nations

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RELEASED IN PART
B5

METHOD OF WORK

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 panel will conduct its work in a prompt, impartial, credible and transparent manner, in conformity with international standards.
5. The panel is to operate by consensus and the findings of 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 a procedural issue or on any finding or recommendation, the Chair and Vice-Chair will use their best efforts to try to secure consensus among the members of the panel on that procedural issue, finding or recommendation. 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 procedural issue, finding or recommendation, the Chair and Vice-Chair will agree on that procedural issue, finding or recommendation.
6. 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.
7. The Archives and Records Management Section will provide records-management support to the panel.
8. The report of the panel shall be designated unclassified. The panel may attach confidential annexes to its report.
9. 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