

A/65/331

national inquiries. However, if the Committee concludes that one or another party has not carried out satisfactory investigations, then the responsibility shifts back to the international community to implement steps in accordance with the recommendations of the Goldstone report. It is notable that a second report by the Ministry of Foreign Affairs of Israel acknowledges several of the most serious findings of the Goldstone report, including the use of phosphorus in areas where it was known that civilians were present, the use of Palestinian civilians as human shields and the targeting of civilians and prohibited targets.⁸⁶ There have been announcements that the Israeli Defense Forces plan to initiate disciplinary action in relation to four incidents given prominence.⁸⁷ These developments do suggest some follow-up on the part of Israel to the allegations of the Goldstone report, but there is no indication that the most serious crimes alleged, involving reliance on an overall battle plan of excessive and indiscriminate force, have been examined by Israel, and failing this, imposing accountability only on soldiers in the field carrying out broad war plans confers impunity on the most serious perpetrators of war crimes and of breaches of international humanitarian law.

IV. Recommendations

19. A study of the legal, political, social, cultural and psychological impact of prolonged occupation should be undertaken by the Human Rights Council, perhaps in conjunction with the Government of Switzerland, which is reportedly considering a similar inquiry.

20. Palestinian legal rights, including the right of self-determination, must be fully respected and implemented in all attempts at a peaceful resolution of the conflict between the two peoples.

21. The recommendations of the Goldstone report should be implemented without further delay, in accordance with the conclusions reached by the Committee of Experts established by Human Rights Council resolution 13/9.

22. The United Nations should lend its support to the worldwide boycott, divestment and sanctions campaign, so long as Israel unlawfully occupies Palestinian territories, and the United Nations should endorse a non-violent "legitimacy war" as an alternative to both failed peace negotiations and armed struggle, as the best available means of promoting the rights of the civilian population of the occupied Palestinian territory, as specified by international humanitarian law.

⁸⁶ Ministry of Foreign Affairs of Israel, "Gaza Operation Investigations: Second Update", July 2010.

⁸⁷ See Yaniv Reich, "New Israeli report on Operation Cast Lead confirms Goldstone report's main findings", 22 July 2010; available at www.hybridstates.com/2010/07/new-israeli-report-on-operation-cast-lead-confirm-goldstone-reports-main-findings/.

RELEASED IN FULL

Law, Rosemary C

From: Goldberger, Thomas H
Sent: Monday, May 31, 2010 12:40 PM
To: Sayles, Ambrose G; Hale, David M; Rudman, Mara; Schwartz, Jonathan B; Jacobson, Linda; 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: RE: press guidance?>

Is this to replace draft press statement that was circulated earlier?

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 FULL

**Israeli military attack on Freedom Convoy going to Gaza Strip
and breaking the Israeli siege imposed on it**

The Arab League council on the ministerial level extraordinary session on 02 June 2010 at the Arab League General Secretariat head quarters,

-After looking at the general secretariat memo,

-Has studied the required steps regarding the Israeli military attack and piracy conduct in international Mediterranean sea waters on the Freedom convoy which carried humanitarian material going to Gaza strip which lies under siege, and which led to the deliberate murder and fall of unarmed civilian victims and injured in this convoy, and all the participants of which were kidnapped using armed force,

-Considers the continuous Israeli occupation of Arab territories and insistence to change the demographic and geographic formation of the occupied Palestinian territories including East Jerusalem to be the basis for disruption and tension in the area,

-Decides that Israel's continuation, as the occupation force, to put Gaza Strip under siege and obstruct its reconstruction is a crime against humanity that should be immediately stopped using all legitimate means including resistance,

-Emphasizes that the continuity of some states to offer support to Israel despite its savage practices and violations against Palestinian people and those who try to offer to Palestinians necessary humanitarian help, is based on a big political mistake by giving Israel an immunity to not respect international law bases which is a precedent that threatens the entire international order,

-Emphasizes that these Israeli policies and practices that form state terrorism feeds terrorist inclinations in the Middle East,

-After discussions and listening to the speeches of the heads of delegations and the general secretary,

DECIDES

- 1- To condemn the intentional military attack that Israel conducted against the Freedom Convoy in the international waters, an issue that constitutes piracy and state terrorism and threat to the stability and security in the Mediterranean Sea, and a clear violation of international law that protects sailing in international waters, and related international humanitarian law concepts and principles.
- 2- To break the siege imposed by Israel on the Gaza Strip and commit to deliver medical and food aid and necessary construction material for reconstruction and other required needs for the Palestinian people in the strip using all the means, and hold Israel internationally responsible for the obstruction of humanitarian aid and necessary requirements for reconstruction, and for not opening all the crossings for the movement of people and goods.

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

- 3- To assign Lebanon, the Arab member in the United Nations Security Council, and the Arab group in New York to request holding a meeting for the Security Council, in coordination with Turkey, and friend countries and groups, to issue the required resolution condemning the Israeli siege imposed on the Gaza Strip and compulsion of Israel to immediately lift this siege, and request holding the continued 10th session in the context of the UN General Assembly to counter the Israeli siege on Gaza Strip.
- 4- To commit to the resolutions of Sirte Summit and particularly resolution number 508 dated 28 March 2010 to stop all forms of normalization with Israel and commitment to the discussions in this regards, and in light of this continuous Israeli challenge and violation of all its commitments, the ministerial council decides to send a recommendation to their excellencies heads of states to implement the speech of Saudi King Abdallah at the Economic Summit in Kuwait in January 2010 that the Arab Peace Initiative will not stay on the table for long.
- 5- That Israel's continuation of its practices and the last of which was the criminal attack on unarmed civilians emphasize clearly Israel is not serious in reaching fair and comprehensive peace in the region and is committed to make the negotiations useless and in vain and doubts the credibility of assurances offered to the Palestinian side, and assign the Secretary General to direct a message to the US Administration in this regards.
- 6- To Coordinate the Arab steps with Turkey and other concerned sides to file cases to national and international specialized suing agencies, on top of which is the ICC regarding the Israeli siege imposed on Gaza Strip.
- 7- To ask Israel to immediately release the remaining kidnapped members of the Freedom Convoy and detained ships and relief material.
- 8- To welcome the Human Rights Council resolution regarding forming an independent fact finding committee to investigate the violations of international law in the Israeli attack on the Freedom Convoy and express appreciation for the countries that voted for the resolution and express resentment from the position of countries that voted against this resolution.
- 9- To welcome the positions of countries that took clear and strong procedures against the Israeli military attack and condemned it, and express resentment from the positions of some countries at the United Nations Security Council that obstructed the agreement to conduct an independent international investigation.
- 10- To call for coordination with all international rights and humanitarian organizations to actually and immediately begin to show all the sides of this case, including the legal and humanitarian dimensions, and target the world media to reveal this crime and show its consequences, and

praise the Qatari pledge to cover all the special costs for this movement on the legal and media tracks.

- 11- To appreciate all the activists who participated in this noble humanitarian mission and bless the souls of the victim martyrs and express appreciation of the Arab League council and its support for Turkey's honorable position and international positions that expressed condemnation for this attack and expressed solidarity with the Palestinian people and their fair case.
- 12- To ask the Arab delegation participating in the Arab Turkish Cooperation Forum meetings to express the appreciation for Turkey's positions and offer the condolences for the families of the victims of the Israeli attack on the Freedom Convoy.
- 13- To ask the Secretary General to follow on the implementation of this resolution and keep the Arab League Council in continuous session.

RELEASED IN FULL

Mr. President.

The Security Council is convened this afternoon following a serious event that took place today early morning local time, when a convoy of six ships attempted to break the maritime blockade off the coast of Gaza. Although portrayed in the media as a humanitarian mission delivering aid to Gaza, this flotilla was anything but a humanitarian mission. If indeed it were a humanitarian mission, the organizers would have accepted, weeks ago, during the planning stages, the offer by the Israeli authorities to transfer the aid, through to the port of Ashdod, to Gaza through the existing overland crossing, in accordance with established procedures. Many states and organizations, including the UN, are using those mechanisms on a daily basis.

The Flotilla organizers not only rejected this offer, but stated clearly that (and I quote) "this mission is not about delivering Humanitarian supply, but rather about breaking the Israeli siege " (end quote) as Greta Berlin, a flotilla spokesperson told the media last week.

Mr. President.

What kind of Humanitarian activists demand to bypass the United Nations, the Red Cross, and other internationally recognized agencies?

What kind of peace activists use knives, clubs and other weapons to attack soldiers who board a ship in accordance with international law?

What kind of Humanitarian activists, some with known terrorist history, embrace Hamas, a terrorist organization that openly shuns a two state solution and calls for Israel destruction, defying conditions set by the international community and the Quartet. The answer is clear: they are not peace activists; they are not messengers of good will. They cynically use the guise of humanitarian aid to send a message of hate and to implement violence.

Mr. President.

Let me remind the Council that a state of armed conflict exists between Israel and the Hamas terrorist regime controlling Gaza. Let me remind the Council that rockets and mortars are still being launched by Hamas and others toward southern Israel.

Let me remind the council that Gaza is occupied by terrorists that ousted the PA in a violent coup, and that arms are continuously being smuggled into the territory, including by sea.

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

Let me stress that a maritime blockade is a legitimate and recognized measure under international law that may be implemented as part of an armed conflict at sea. A blockade may be imposed at sea, including in international waters. Let me also stress that Israel provided, in due time, not only information about the existence of the blockade, but also appropriate notification to the relevant governments and to the organizers of the Gaza Flotilla. The organizers turned down the repeated offers by Israel to transfer the aid to Gaza, because they had other plans.

Listen to one of the statements made prior to the events by one of the main organizer: (quote)

"They [the Israelis] are going to have to forcefully stop us." (end of quote) so said Bulent Yildirim, the leader of the IHH, one of the primary organizers of the flotilla. Just prior to departure, he added and I quote: "we are going to resist and resistance will win."

Moreover, it should be noted that the organizing group, the IHH has a radical anti-Western orientation. Alongside its legitimate humanitarian activities, it supports radical Islamic networks such as Hamas, and at least in the past has even supported global jihad elements, such as Al-Qaeda.

Mr. President.

Being a so-called humanitarian mission, these champions of human rights also rejected in the initial planning stage an Israeli request to ask Hamas to allow the Red Cross to visit captured soldier Gilad Shalit.

When it became clear that the protest flotilla intended to violate the blockade, despite the repeated warnings, Israeli Naval personnel boarded the vessels and redirected them to Ashdod. Unfortunately, the soldiers boarding one of the ships, were violently attacked with life threatening means; live ammunition, knives, clubs and others types of weapons were used against IDF soldiers, the intentions was clear: to lynch the Israeli soldiers. With out any doubt, the soldiers acted in self-defense. According to reports, the unfortunate event that resulted in death and injuries to the protesters as well as grave injuries to our soldiers. The injured were evacuated and are currently being treated at Israeli hospitals. The IDF, as part of its standard operating procedures, will conduct debriefing on the matter that would shed more light on the occurrences we have witnessed today.

Mr. President.

Let me be very clear, this was not a peaceful protest. The IHH people on board one of the ships were not humanitarian aid activists. The IDF operation began as a preventive measure to counter illegal breakage of the blockade. Any responsible government would act accordingly in similar circumstances to protect

its civilians. It is the responsibility of the organizers, the provocateurs, some linked to terrorist organizations.

The results of last night's events are tragic and unfortunate, and Israel regrets any loss of innocent lives. But it cannot jeopardize its security.

The full picture of the circumstances that lead to these consequences will continue to unfold in the next few days. However It is important, members of the council, colleagues, that while assessing this particular event, we cannot lose grip of the bigger picture. We cannot ignore the threat to peace and security posed by Hamas. We cannot ignore the most basic necessity and obligation of Israel to safeguard its security by appropriate measures when threatened.

On the other hand, let us not get diverted from the need to continue advancing on the political track. While the complicated situation in and around Gaza persists, and today's incident is only an example of it, we should continue to embrace the positive developments from the past few weeks, so that we and the Palestinian Authority can sit together for direct talks for the benefit of our people and the region as a whole.

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 I) 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,

B6

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.

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 ?

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 ?

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 ?

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 ?

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 ?

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.

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]

[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
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; Eichensehr, Kristen E
Subject: RE: Turkey mulls legal action against Israel: report

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 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.

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www.sosiltd.com

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Law, Rosemary C

From: Goldberger, Thomas H
Sent: Tuesday, June 01, 2010 11:50 AM
To: Sayles, Ambrose G; Holmstrom, Todd C; Bernier-Toth, Michelle; Giauque, Ivna; Giauque, Jeffrey G; Jacobson, Linda; Schwartz, Jonathan B; Wills, Regina M; Lieberman, Jessica D (DRL); Ellis, Benjamin H; Waller, Robert P; Catalano, Elisa; Rana, Gautam A; Rand, Dafna H; Reynolds, Arlissa M; Hoyer, Kurt J; Harutunian, Ruben; Morrison, Andrew L; Cooper, Kurtis A; Bass, Warren; Kornblau, Mark (USUN); 'Michael_A._Hammer@nsc.eop.gov'; 'Chang, Benjamin'; 'Hensman, Chris D.'; Pelton, Erin; Ratney, Michael A
Subject: RE: FOR IMMEDIATE CLEARANCE: Israel/Palestinians: UPDATE Raid on Free Gaza Flotilla

B5

From: Sayles, Ambrose G
Sent: Tuesday, June 01, 2010 11:39 AM
To: Holmstrom, Todd C; Goldberger, Thomas H; Bernier-Toth, Michelle; Giauque, Ivna; Giauque, Jeffrey G; Jacobson, Linda; Schwartz, Jonathan B; Wills, Regina M; Lieberman, Jessica D (DRL); Ellis, Benjamin H; Waller, Robert P; Catalano, Elisa; Rana, Gautam A; Rand, Dafna H; Reynolds, Arlissa M; Hoyer, Kurt J; Harutunian, Ruben; Morrison, Andrew L; Cooper, Kurtis A; Bass, Warren; Kornblau, Mark (USUN); 'Michael_A._Hammer@nsc.eop.gov'; 'Chang, Benjamin'; 'Hensman, Chris D.'; Pelton, Erin; Ratney, Michael A
Subject: FOR IMMEDIATE CLEARANCE: Israel/Palestinians: UPDATE Raid on Free Gaza Flotilla
Importance: High

Hi Everyone –

Please clear the attached UPDATED press guidance re: Free Gaza Flotilla. Please note that this updates yesterday's press guidance and all updated sections are highlighted in yellow. Your clearance is appreciated by **12:15pm latest**. This will need to get to PA ASAP for use by the Secretary and senior officials.

Thank you,
 Ambrose

<< File: 060110-Israel-Palestinians - UPDATE Raid on Free Gaza Flotilla.docx >>

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 | ✉: saylesag@state.gov

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

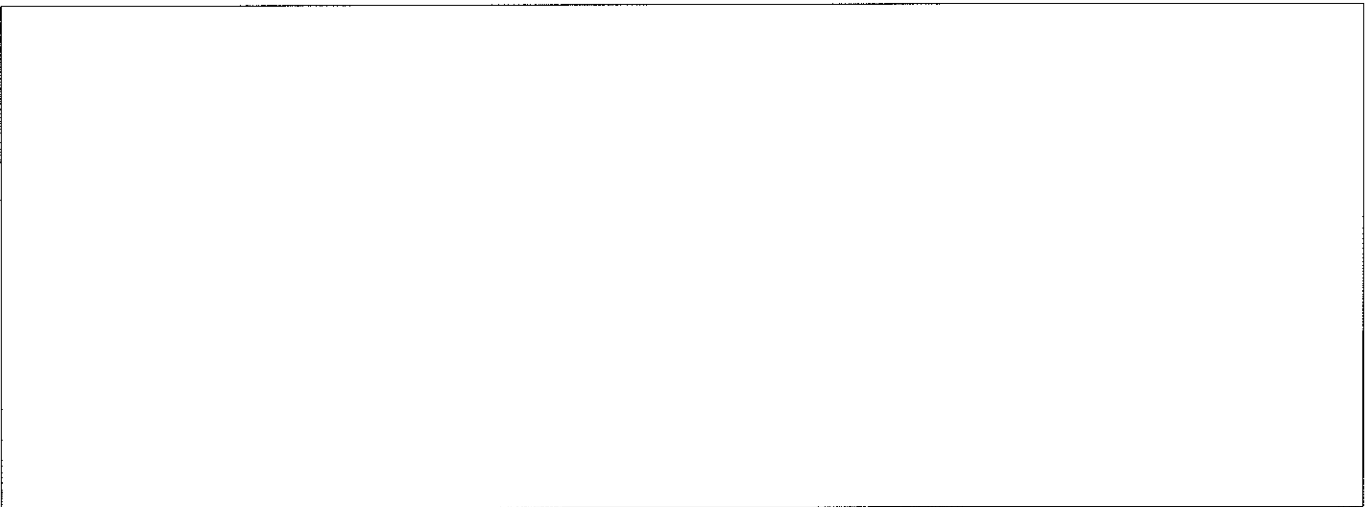
RELEASED IN PART B5

Law, Rosemary C

From: Goldberger, Thomas H
Sent: Monday, May 31, 2010 11:46 AM
To: Jacobson, Linda
Subject: FW: FOR IMMEDIATE CLEARANCE: Gaza Flotilla STATE DEPARTMENT statement

From: Giauque, Jeffrey G
Sent: Monday, May 31, 2010 11:43 AM
To: Sayles, Ambrose G
Cc: Goldberger, Thomas H; Knopf, Payton L; Holmstrom, Todd C
Subject: RE: FOR IMMEDIATE CLEARANCE: Gaza Flotilla STATE DEPARTMENT statement

Ambrose:



B5

Jeff

From: Goldberger, Thomas H
Sent: Monday, May 31, 2010 11:21 AM
To: Holmstrom, Todd C; Giauque, Jeffrey G; Knopf, Payton L
Subject: FW: FOR IMMEDIATE CLEARANCE: Gaza Flotilla STATE DEPARTMENT statement

Can someone send Ambrose our line on this?

From: Jacobson, Linda
Sent: Monday, May 31, 2010 11:19 AM
To: Sayles, Ambrose G; Schwartz, Jonathan B; Wills, Regina M; Goldberger, Thomas H
Subject: Re: FOR IMMEDIATE CLEARANCE: Gaza Flotilla STATE DEPARTMENT statement



REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

From: Sayles, Ambrose G
To: Schwartz, Jonathan B; Jacobson, Linda; Willis, Regina M
Sent: Mon May 31 11:14:17 2010
Subject: FOR IMMEDIATE CLEARANCE: Gaza Flotilla STATE DEPARTMENT statement

Hi Colleagues –

Please clear the attached statement on the Gaza Flotilla. Please also refer to the clearance list thus far. This is separate from a Quartet statement that is currently being drafted.

Thank you,
Ambrose

Law, Rosemary C

RELEASED IN PART B5

From: Goldberger, Thomas H
Sent: Monday, May 31, 2010 11:24 AM
To: Schwartz, Jonathan B; Sayles, Ambrose G; Jacobson, Linda; Wills, Regina M
Cc: Dolan, JoAnn; Knopf, Payton L; Rudman, Mara (Jerusalem); Hale, David M
Subject: RE: FOR IMMEDIATE CLEARANCE: Gaza Flotilla STATE DEPARTMENT statement

WH spokesman just made one line comment.

"The United States deeply regrets the loss of life and injuries sustained, and is currently working to understand the circumstances surrounding this tragedy," said White House spokesman William Burton.

From: Schwartz, Jonathan B
Sent: Monday, May 31, 2010 11:22 AM
To: Sayles, Ambrose G; Jacobson, Linda; Wills, Regina M
Cc: Goldberger, Thomas H; Dolan, JoAnn; Knopf, Payton L; Rudman, Mara (Jerusalem); Hale, David M
Subject: Re: FOR IMMEDIATE CLEARANCE: Gaza Flotilla STATE DEPARTMENT statement

Jon

From: Sayles, Ambrose G
To: Schwartz, Jonathan B; Jacobson, Linda; Wills, Regina M
Sent: Mon May 31 11:14:17 2010
Subject: FOR IMMEDIATE CLEARANCE: Gaza Flotilla STATE DEPARTMENT statement

Hi Colleagues –

Please clear the attached statement on the Gaza Flotilla. Please also refer to the clearance list thus far. This is separate from a Quartet statement that is currently being drafted.

Thank you,
Ambrose

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

RELEASED IN PART B5,B6

Law, Rosemary C

From: Goldberger, Thomas H
Sent: Monday, May 31, 2010 11:24 AM
To: Jacobson, Linda
Cc: Giauque, Jeffrey G; Holmstrom, Todd C
Subject: RE: URGENT!!! HRC Action re: Gaza Aid Flotilla

B5

From: Jacobson, Linda
Sent: Monday, May 31, 2010 11:16 AM
To: Goldberger, Thomas H
Subject: Fw: URGENT!!! HRC Action re: Gaza Aid Flotilla

Fyi

From: Jacobson, Linda
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
Sent: Mon May 31 11:15:29 2010
Subject: Re: URGENT!!! HRC Action re: Gaza Aid Flotilla

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

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 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 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: Goldberger, Thomas H
Sent: Thursday, June 03, 2010 8:27 AM
To: Dolan, JoAnn; Jacobson, Linda
Cc: Giauque, Jeffrey G; Holmstrom, Todd C
Subject: FW: xlation of the Arab League Resolution
Attachments: EN_AL_Res_Israeli Attack on Flotilla 02 June 2010.docx

Thanks.

Tom

B5

From: Holmstrom, Todd C
Sent: Thursday, June 03, 2010 8:20 AM
To: Giauque, 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; Giauque, Jeffrey G
Subject: Fw: xlation of the Arab League Resolution

B5

Thanks.

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.

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.

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

Thank You
Usama Najeeb

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

מאת: [REDACTED]
תאריך: May 31, 2010 13:51:55 EDT
אל: [REDACTED]
נושא: Ship 310510 - 13-45

This footnote confirms that this email message has been scanned by
PineApp Mail-SeCure for the presence of malicious code, vandals & computer viruses.

REVIEW AUTHORITY: Sharon Ahmad, Senior
Reviewer

1

RELEASED IN FULL

Mr. President.

The Security Council is convened this afternoon following a serious event that took place today early morning local time, when a convoy of six ships attempted to break the maritime blockade off the coast of Gaza. Although portrayed in the media as a humanitarian mission delivering aid to Gaza, this flotilla was anything but a humanitarian mission. If indeed it were a humanitarian mission, the organizers would have accepted, weeks ago, during the planning stages, the offer by the Israeli authorities to transfer the aid, through to the port of Ashdod, to Gaza through the existing overland crossing, in accordance with established procedures. Many states and organizations, including the UN, are using those mechanisms on a daily basis.

The Flotilla organizers not only rejected this offer, but stated clearly that (and I quote) "this mission is not about delivering Humanitarian supply, but rather about breaking the Israeli siege " (end quote) as Greta Berlin, a flotilla spokesperson told the media last week.

Mr. President.

What kind of Humanitarian activists demand to bypass the United Nations, the Red Cross, and other internationally recognized agencies?

What kind of peace activists use knives, clubs and other weapons to attack soldiers who board a ship in accordance with international law?

What kind of Humanitarian activists, some with known terrorist history, embrace Hamas, a terrorist organization that openly shuns a two state solution and calls for Israel destruction, defying conditions set by the international community and the Quartet. The answer is clear: they are not peace activists; they are not messengers of good will. They cynically use the guise of humanitarian aid to send a message of hate and to implement violence.

Mr. President.

Let me remind the Council that a state of armed conflict exists between Israel and the Hamas terrorist regime controlling Gaza. Let me remind the Council that rockets and mortars are still being launched by Hamas and others toward southern Israel.

Let me remind the council that Gaza is occupied by terrorists that ousted the PA in a violent coup, and that arms are continuously being smuggled into the territory, including by sea.

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

Let me stress that a maritime blockade is a legitimate and recognized measure under international law that may be implemented as part of an armed conflict at sea. A blockade may be imposed at sea, including in international waters. Let me also stress that Israel provided, in due time, not only information about the existence of the blockade, but also appropriate notification to the relevant governments and to the organizers of the Gaza Flotilla. The organizers turned down the repeated offers by Israel to transfer the aid to Gaza, because they had other plans.

Listen to one of the statements made prior to the events by one of the main organizer: (quote)

"They [the Israelis] are going to have to forcefully stop us." (end of quote) so said Bulent Yildirim, the leader of the IHH, one of the primary organizers of the flotilla. Just prior to departure, he added and I quote: "we are going to resist and resistance will win."

Moreover, it should be noted that the organizing group, the IHH has a radical anti-Western orientation. Alongside its legitimate humanitarian activities, it supports radical Islamic networks such as Hamas, and at least in the past has even supported global jihad elements, such as Al-Qaeda.

Mr. President.

Being a so-called humanitarian mission, these champions of human rights also rejected in the initial planning stage an Israeli request to ask Hamas to allow the Red Cross to visit captured soldier Gilad Shalit.

When it became clear that the protest flotilla intended to violate the blockade, despite the repeated warnings, Israeli Naval personnel boarded the vessels and redirected them to Ashdod. Unfortunately, the soldiers boarding one of the ships, were violently attacked with life threatening means; live ammunition, knives, clubs and others types of weapons were used against IDF soldiers, the intentions was clear: to lynch the Israeli soldiers. With out any doubt, the soldiers acted in self-defense. According to reports, the unfortunate event that resulted in death and injuries to the protesters as well as grave injuries to our soldiers. The injured were evacuated and are currently being treated at Israeli hospitals. The IDF, as part of its standard operating procedures, will conduct debriefing on the matter that would shed more light on the occurrences we have witnessed today.

Mr. President.

Let me be very clear, this was not a peaceful protest. The IHH people on board one of the ships were not humanitarian aid activists. The IDF operation began as a preventive measure to counter illegal breakage of the blockade. Any responsible government would act accordingly in similar circumstances to protect

its civilians. It is the responsibility of the organizers, the provocateurs, some linked to terrorist organizations.

The results of last night's events are tragic and unfortunate, and Israel regrets any loss of innocent lives. But it cannot jeopardize its security.

The full picture of the circumstances that lead to these consequences will continue to unfold in the next few days. However it is important, members of the council, colleagues, that while assessing this particular event, we cannot lose grip of the bigger picture. We cannot ignore the threat to peace and security posed by Hamas. We cannot ignore the most basic necessity and obligation of Israel to safeguard its security by appropriate measures when threatened.

On the other hand, let us not get diverted from the need to continue advancing on the political track. While the complicated situation in and around Gaza persists, and today's incident is only an example of it, we should continue to embrace the positive developments from the past few weeks, so that we and the Palestinian Authority can sit together for direct talks for the benefit of our people and the region as a whole.

RELEASED IN FULL

Law, Rosemary C

From: Goldberger, Thomas H
Sent: Monday, May 31, 2010 12:40 PM
To: Sayles, Ambrose G; Hale, David M; Rudman, Mara; Schwartz, Jonathan B; Jacobson, Linda; 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: RE: press guidance?>

Is this to replace draft press statement that was circulated earlier?

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

RELEASED IN FULL**Law, Rosemary C**

From: Eichensehr, Kristen E
Sent: Friday, June 04, 2010 8:06 AM
To: Jacobson, Linda; Dolan, JoAnn; Pomper, Stephen E; Guarin, Marc F; Cleveland, Sarah H
Cc: Townley, Stephen G
Subject: Gaza-related Articles

A Credible Investigation (NYT)

Friday, June 4, 2010

New York Times

Israel's government has decided to tough out the criticism of its attack this week on a six-ship flotilla trying to run the Gaza blockade. The story, and the anger, aren't going away.

The news wires on Thursday were filled with pictures of grieving mourners as Turkey held funerals for 8 of the 9 activists killed on the lead ship. Some of the more than 600 activists from 42 countries, released from Israeli detention, are accusing Israel of a litany of abuses. Israel's charges that its commandos were attacked and shot at by some of the ship's passengers are being ignored by everyone except its most passionate defenders.

We still don't know what happened on that ship. But we are sure that before things get even more out of control, the world - and Israel - needs an impartial international investigation. Instead of pressing for that, the Obama administration is encouraging Prime Minister Benjamin Netanyahu's misguided belief that Israel can lead its own probe with international participation. That is not going to suffice.

Some Israeli officials are pointing to South Korea, which recently conducted an investigation, with the participation of five other countries, into the sinking of a South Korean warship. There is a big difference: Seoul was examining North Korea's behavior not its own.

As Israel resists an independent inquiry, there are other parties eager to do their own investigations. The United Nations Human Rights Commission, whose 2009 probe of the Gaza war accused Israel and the Palestinian-faction Hamas of war crimes, has already announced its own probe of the flotilla debacle.

Israel needs to work with the United States to come up with a fair and independent investigatory body - and then cooperate fully. (It refused to cooperate with the Gaza war investigation that guaranteed that its side of the story wasn't heard.) Our suggestion: Do it under the auspices of the so-called quartet - the United States, Russia, the European Union and the United Nations - that is already working on Middle East peace.

Until this incident is credibly investigated, there is little hope of moving forward with Israeli-Palestinian peace talks or efforts to curb Iran's nuclear program.

The Gaza Blockade And International Law (Posner, WSJ)

Friday, June 4, 2010

Wall Street Journal

By Eric Posner

Israel's raid on a fleet of activists bound for the Gaza Strip has led to wild accusations of illegality. But the international law applicable to the blockade eludes the grasp of those in search of easy answers.

The most serious charge is that by seizing control of the flotilla, Israel violated the freedom of ships to travel on the high seas. The basic law here is that states have jurisdiction over a 12-mile territorial sea and can take enforcement actions in an additional 12-mile contiguous zone, according to the 1982 Law of the Sea Convention (which Israel has not ratified, but which is generally regarded as reflecting customary international law). Outside that area, foreign ships can sail unmolested.

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

But there are exceptions. Longstanding customary international law permits states to enforce publicly announced blockades on the high seas. The Gaza blockade was known to all, and certainly to those who launched the ships for the very purpose of breaking it. The real question is whether the Israeli blockade is lawful. Blockades certainly are during times of war or armed conflict. The U.S.-led coalition imposed a blockade on Iraq during the first Gulf War.

The catch here is the meaning of "armed conflict." Traditionally, armed conflict can take place only between sovereign states. If Gaza were clearly a sovereign state, then Israel would be at war with Gaza and the blockade would be lawful. If, however, Gaza were just a part of Israel, Israel would have the right to control its borders- but not by intercepting foreign ships outside its 12-mile territorial sea or contiguous zone.

Gaza is not a sovereign state (although it has its own government, controlled by Hamas) and is not a part of Israel or of any other state. Its status is ambiguous, and so too is the nature of the armed conflict between Israel and Hamas. Thus there is no clear answer to the question whether the blockade is lawful.

However, the traditional idea of armed conflict involving only sovereign states has long given way to a looser definition that includes some conflicts between states and nonstate actors. The international rules governing blockades attempt to balance belligerents' interest in security and other countries' economic interests in shipping. During war, security interests prevail.

War-like conditions certainly exist between Israel and Hamas. And because Israel intercepts only self-identified blockade runners, its actions have little impact on neutral shipping. This balance is reflected in the traditional privilege of states to capture foreign pirates on the high seas.

So Israel's legal position is reasonable, and it has precedent. During the U.S. Civil War, the Union claimed to blockade the Confederacy while at the same time maintaining that the Confederacy was not a sovereign state but an agent of insurrection.

When the Union navy seized ships trying to run the blockade, their owners argued that a country cannot interfere with shipping on the high seas except during war, and one cannot be at war except with another sovereign state. The U.S. Supreme Court approved the captures in an ambiguous opinion that held that an armed conflict existed, even though one side was not a sovereign state. The opinion suggests a certain latitude for countries to use blockades against internal as well as external enemies.

Human Rights Watch argues that a blockade to strike at a terrorist organization constitutes a collective penalty against a civilian population, in violation of Article 33 of the fourth Geneva Convention. This argument won't stand up. Blockades and other forms of economic sanction are permitted in international law, which necessarily means that civilians will suffer through no fault of their own.

Most attention has focused on the question whether Israeli commandos used excessive force while taking control of one of the flotilla ships, which resulted in nine deaths. Human Rights Watch says that Israel's actions violated the 1990 United Nations Basic Principles on the Use of Force and Firearms by Law Enforcement Officials. However, that document is not international law; its principles are akin to a set of "best practices" for advising countries with poorly trained police forces. It is also vague and it would not apply to a military operation.

Military operations must respect the principle of proportionality, which is a fuzzy, "know-it-when-you-see-it" test. But one thing is clear. Ships that run blockades may be attacked and sunk under international law. If Israel had exercised that right, far more than nine people would have been killed.

Mr. Posner, a professor at the University of Chicago Law School, is the author of "The Perils of Global Legalism" (University of Chicago Press, 2009).

RELEASED IN FULL



IDF SPOKESPERSON ANNOUNCEMENT



March 24th, 2009
0800

FOR IMMEDIATE RELEASE

The interception of the flotilla followed numerous warnings given to the organizers of the flotilla before leaving their ports as well as while sailing towards the Gaza Strip. In these warnings, it was made clear to the organizers that they could dock in the Ashdod sea port and unload the equipment they are carrying in order to deliver it to the Gaza Strip in an orderly manner, following the appropriate security checks. Upon expressing their unwillingness to cooperate and arrive at the port, it was decided to board the ships and lead them to Ashdod.

IDF naval personnel encountered severe violence, including use of weaponry prepared in advance in order to attack and to harm them. The forces operated in adherence with operational commands and took all necessary actions in order to avoid violence, but to no avail.

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

IDF Spokesperson Unit - Foreign Press Branch

News Desk:	+972-3-6080245/8	Arabic Media Desk:	+972-2-5485802
European & Pacific Media Desk:	+972-2-5485800	Russian Media Desk:	+972-2-5485808
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



RELEASED IN FULL

IDF SPOKESPERSON ANNOUNCEMENT



May 31st, 2010
11:30

FOR IMMEDIATE RELEASE

Pistols Found on Flotilla Activists

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

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

IDF Spokesperson Unit - Foreign Press Branch

News Desk:	+972-3-6080245/8	Arabic Media Desk:	+972-2-5485802
European & Pacific Media Desk:	+972-2-5485800	Russian Media Desk:	+972-2-5485808
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

RELEASED IN FULL

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

RELEASED IN FULL



Mission permanente d'Israël
auprès de l'Office des Nations Unies
et des Organisations Internationales à Genève

משלחת ישראל
ליד משרד האומות המאוחדות
והארגונים הבינלאומיים בג'נבה

Check Against Delivery

Statement by H.E. Aharon Leshno Yaar
Permanent Representative of Israel
To the United Nations, Geneva

Right of Reply
Item 2
Human Rights Council

31 May 2010

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

Mr. President,

I would like to reply to statements made today by some countries with regard to what happened this morning in the Mediterranean Sea.

Not everything is yet clear at this point, but I will inform you what is.

A maritime blockade is in effect off the coast of Gaza. Such blockade has been imposed, as Israel is currently in a state of armed conflict with the Hamas regime that controls Gaza, which has repeatedly targeted civilians in Israel with weapons that have been smuggled into Gaza via the sea.

A State may take action to enforce a blockade. Any vessel that violates or attempts to violate a maritime blockade may be captured or even attacked under international law.

As you all know, a flotilla was intercepted this morning by Israeli forces on its way to waters surrounding the Gaza Strip.

With full knowledge that the flotilla intended to sail into the waters surrounding the Gaza Strip, Israel repeatedly warned the ships participating in the flotilla, in line with its obligations under international law, that a maritime blockade is indeed in effect off the coast of Gaza and the ships were given due notice of its exact coordinates.

These numerous warnings were given to the organizers of the flotilla before leaving their ports as well as while sailing towards the Gaza Strip. Israel repeatedly offered the flotilla organizers to land in the port of Ashdod, and to transfer their aid to Gaza through the existing overland crossings, in accordance with established security procedures. The flotilla organizers rejected this offer, stating clearly that *"this mission is not about delivering humanitarian supplies, it's about breaking Israel's siege,"* as reported in AFP (Greta Berlin, AFP, 27May10).

The intention of the flotilla participants to resist Israeli Naval personnel was further made clear in numerous television interviews on 30 May given by the head of the IHH, a violent organization operating under the cover of humanitarian activity, Bulent Yildirim, on board the "Mavi Marmara". Due to the expressed unwillingness of the flotilla's participants to cooperate and arrive at the port of Ashdod, it was decided that Israeli forces would board the ships and lead them to Ashdod.

We do know there was only one ship of six where violence ensued, and this was the ship sailed by IHH members. The organizers' intent was violent, their method was violent, and unfortunately the results were violent.

We will certainly brief the Council on more specifics as they become available to us. I urge you not to rush to conclusions before that information is known to all of us.

Concerning the flotilla's cargo, it will be off-loaded in Ashdod and the humanitarian items will be transferred overland to Gaza in accordance with standard operating procedures.

And lastly Mr. President,

I would also like to say, that Israel regrets any loss of life. But all responsibility lies not upon Israel but rather upon the planners of this violent provocation.

Thank you.

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**Justice Ministry Statement on High Court of Justice Petitions Regarding the Gaza Flotilla**

(Communicated by the Justice Ministry Spokesman)

The State Attorney's Office earlier today (Tuesday), 1.6.10, submitted, to the High Court of Justice, the State's response to two petitions regarding the Gaza flotilla. The response was submitted by State Attorney Moshe Lador and other senior officials. The main points of the reply are as follows:

1. The Gaza Strip is controlled by the Hamas terrorist organization, which has set as its goal, and has consistently and systematically worked towards its realization, to attack the citizens and residents of the State of Israel – mainly those residing in the cities and communities in the south of the country, in proximity to the Gaza Strip. Deliberate attacks on a country's civilian population are perpetrated mainly via rockets, and the Hamas terrorist organization's ability (as well as that of its parallel organizations), is based mainly on the infiltration of war materiel into the Gaza Strip by any means possible and by any channel at the organization's disposal.
2. One of the main routes by which weapons and ordnance have been infiltrated into the Gaza Strip up to now is tunnels dug under the border with Egypt into the area of the Strip. Against these, as it is known, the State of Israel has done its utmost to thwart their being used to transfer war materiel. In addition, as part of the struggle to block the smuggling of weapons, the State of Israel has imposed a naval blockade on the Gaza Strip. The blockade is not intended to harm residents of the Strip. It is designed to prevent direct and free access to the Gaza Strip, not via Israel, in order to thwart, minimize, block and hinder the Gaza Strip from becoming a giant arsenal for the terrorist organizations to use in deliberately targeting Israelis in the framework of murderous terrorist actions that have been perpetrated over the years. Free access to Gaza – were it to be allowed (and were it to become possible in the future) – would obviate any possibility whatsoever of preventing the realization of this unbearable scenario.
3. No state that wishes to survive could agree to put itself before such a reality. No rational state would knowingly close its eyes to such an outstanding strategic threat. Therefore, Israel decided not to remain indifferent to such a crude attempt to violate the naval blockade which was imposed in the framework of the security measures taken following Operation Cast Lead, and acted to interdict the flotilla, the true goal of which was "to break the blockade on the Gaza Strip" and to create a new and accessible route for the delivery of war materiel for terrorist purposes.
4. There is no doubt that if Israel had taken a naïve approach regarding "clearing the sea route" towards the Gaza coast by the aforesaid flotilla, and if it had conceded on its determined enforcement of the naval blockade in this case, merely because the ships flew the "flag of peace", the State would have thereby allowed the creation of a new reality (which would have been impossible to halt), according to which any vessel, whatever its cargo (such as that of the Karine A, for example), would find its way – without oversight – to the coast of the Gaza terrorist authority, as long as it flew the "flag of peace" and on its decks were found the "spokespeople" of a "peace lobby" from somewhere in the world.

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

5. While the Gaza flotilla was publicly "marketed" as being for humanitarian purposes, the reality indicates a different goal. The organizers of the flotilla scorned Israel's efforts to prevent the vessels from reaching Gaza, via diplomatic dialogue, announcements in advance and declarations over the radio. The organizers of the flotilla similarly rejected Israel's offer to transfer the aid on board directly to Gaza via Israel, thereby attesting that their goal was to "break the blockade."

6. As is known, the violent "welcome" which the "peace activists" gave the IDF soldiers, who had been ordered to prevent the flotilla participants from violating the blockade in order to guard the State of Israel's most vital security interests, created a tangible danger to the soldiers who were compelled to defend themselves and take the necessary action to protect life and limb. The flotilla participants engaged in this severe violence despite their arrogance in calling themselves "peace activists." The lynching that they sought to perpetrate on IDF soldiers, which included – inter alia – attacks with knives, clubs iron bars, Molotov cocktails, the throwing of heavy objects and the throwing of a soldier from one of the decks, compelled the IDF soldiers to defend themselves and take the necessary action to protect life and limb. As a result, regrettably, nine flotilla participants were killed and people were injured, both flotilla participants and soldiers.

7. Thus may be seen the true, violent and provocative, nature of the flotilla, which bears no resemblance whatsoever to "humanitarian aid" to the Gaza Strip. Thus the claimants' veil of hypocrisy is lifted.

8. The IDF is a moral army and IDF soldiers are trained in the purity of arms and scrupulous upholding of human rights. However, the State of Israel and the security establishment will not neglect their duty to maintain the safety of citizens who have been under attack for many years by the terrorist organizations. These act continuously, diligently and deviously to build up vast stocks of war materiel – the hindering of which is sanctioned by international customary law – in order to deliberately shoot at Israeli communities.

The action was, therefore, legal:

The petition is without any factual or legal basis. Factually, the petition is riddled with crude and harsh distortions, baseless accusations and the tendentious defamation of the State, while using inflammatory language that ill befits this honorable Court. The foregoing alone justifies its outright dismissal.

Legally, the petition ignores central provisions of international law that permit the imposition of a naval blockade and the capture of vessels that are in violation, or are about to violate said blockade, and claims – without any basis in law – that these actions were carried out in the absence of authority. The State's actions were carried out according to law, both customary international law and the Entry into Israel Law. As for the petition's being directed at the detention of flotilla passengers who are not required for investigation regarding the events at issue, or for perpetrating severe violent offenses against IDF soldiers, there is full readiness to facilitate their immediate departure from the State of Israel. In any event, regarding the claim on the

issue of detention under the Entry into Israel Law, there is an alternative remedy, in the form of judicial review of the orders under the Entry into Israel Law.

RELEASED IN FULL

**Israeli military attack on Freedom Convoy going to Gaza Strip
and breaking the Israeli siege imposed on it**

The Arab League council on the ministerial level extraordinary session on 02 June 2010 at the Arab League General Secretariat head quarters,

-After looking at the general secretariat memo,

-Has studied the required steps regarding the Israeli military attack and piracy conduct in international Mediterranean sea waters on the Freedom convoy which carried humanitarian material going to Gaza strip which lies under siege, and which led to the deliberate murder and fall of unarmed civilian victims and injured in this convoy, and all the participants of which were kidnapped using armed force,

-Considers the continuous Israeli occupation of Arab territories and insistence to change the demographic and geographic formation of the occupied Palestinian territories including East Jerusalem to be the basis for disruption and tension in the area,

-Decides that Israel's continuation, as the occupation force, to put Gaza Strip under siege and obstruct its reconstruction is a crime against humanity that should be immediately stopped using all legitimate means including resistance,

-Emphasizes that the continuity of some states to offer support to Israel despite its savage practices and violations against Palestinian people and those who try to offer to Palestinians necessary humanitarian help, is based on a big political mistake by giving Israel an immunity to not respect international law bases which is a precedent that threatens the entire international order,

-Emphasizes that these Israeli policies and practices that form state terrorism feeds terrorist inclinations in the Middle East,

-After discussions and listening to the speeches of the heads of delegations and the general secretary,

DECIDES

- 1- To condemn the intentional military attack that Israel conducted against the Freedom Convoy in the international waters, an issue that constitutes piracy and state terrorism and threat to the stability and security in the Mediterranean Sea, and a clear violation of international law that protects sailing in international waters, and related international humanitarian law concepts and principles.
- 2- To break the siege imposed by Israel on the Gaza Strip and commit to deliver medical and food aid and necessary construction material for reconstruction and other required needs for the Palestinian people in the strip using all the means, and hold Israel internationally responsible for the obstruction of humanitarian aid and necessary requirements for reconstruction, and for not opening all the crossings for the movement of people and goods.

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

- 3- To assign Lebanon, the Arab member in the United Nations Security Council, and the Arab group in New York to request holding a meeting for the Security Council, in coordination with Turkey and friend countries and groups, to issue the required resolution condemning the Israeli siege imposed on the Gaza Strip and compulsion of Israel to immediately lift this siege, and request holding the continued 10th session in the context of the UN General Assembly to counter the Israeli siege on Gaza Strip.
- 4- To commit to the resolutions of Sirte Summit and particularly resolution number 508 dated 28 March 2010 to stop all forms of normalization with Israel and commitment to the discussions in this regards, and in light of this continuous Israeli challenge and violation of all its commitments, the ministerial council decides to send a recommendation to their excellencies heads of states to implement the speech of Saudi King Abdallah at the Economic Summit in Kuwait in January 2010 that the Arab Peace Initiative will not stay on the table for long.
- 5- That Israel's continuation of its practices and the last of which was the criminal attack on unarmed civilians emphasize clearly Israel is not serious in reaching fair and comprehensive peace in the region and is committed to make the negotiations useless and in vain and doubts the credibility of assurances offered to the Palestinian side, and assign the Secretary General to direct a message to the US Administration in this regards.
- 6- To Coordinate the Arab steps with Turkey and other concerned sides to file cases to national and international specialized suing agencies, on top of which is the ICC regarding the Israeli siege imposed on Gaza Strip.
- 7- To ask Israel to immediately release the remaining kidnapped members of the Freedom Convoy and detained ships and relief material.
- 8- To welcome the Human Rights Council resolution regarding forming an independent fact finding committee to investigate the violations of international law in the Israeli attack on the Freedom Convoy and express appreciation for the countries that voted for the resolution and express resentment from the position of countries that voted against this resolution.
- 9- To welcome the positions of countries that took clear and strong procedures against the Israeli military attack and condemned it, and express resentment from the positions of some countries at the United Nations Security Council that obstructed the agreement to conduct an independent international investigation.
- 10- To call for coordination with all international rights and humanitarian organizations to actually and immediately begin to show all the sides of this case, including the legal and humanitarian dimensions, and target the world media to reveal this crime and show its consequences, and

praise the Qatari pledge to cover all the special costs for this movement on the legal and media tracks.

- 11- To appreciate all the activists who participated in this noble humanitarian mission and bless the souls of the victim martyrs and express appreciation of the Arab League council and its support for Turkey's honorable position and international positions that expressed condemnation for this attack and expressed solidarity with the Palestinian people and their fair case.
- 12- To ask the Arab delegation participating in the Arab Turkish Cooperation Forum meetings to express the appreciation for Turkey's positions and offer the condolences for the families of the victims of the Israeli attack on the Freedom Convoy.
- 13- To ask the Secretary General to follow on the implementation of this resolution and keep the Arab League Council in continuous session.

Law, Rosemary C

From: Dolan, JoAnn
Sent: Tuesday, June 08, 2010 9:51 PM
To: Harris, Robert K; Jacobson, Linda; Donoghue, Joan E; Schwartz, Jonathan B
Cc: Baumert, Kevin A; Aswad, Evelyn M; Banos, Mariano H; Gorove, Katherine M; Pomper, Stephen E; Guarin, Marc F; Townley, Stephen G; Eichensehr, Kristen E
Subject: RE: LEGAL-#247254-v1-6_8_interdiction_inspection_paper.docx
Attachments: LEGAL-#247254-v1-6_8_interdiction_inspection_paper.docx

I am okay with these changes. Note one typo corrected in first para.

From: Harris, Robert K
Sent: Tuesday, June 08, 2010 6:22 PM
To: Jacobson, Linda; Donoghue, Joan E; Schwartz, Jonathan B
Cc: Dolan, JoAnn; Baumert, Kevin A; Aswad, Evelyn M; Banos, Mariano H; Gorove, Katherine M; Pomper, Stephen E; Guarin, Marc F; Townley, Stephen G; Eichensehr, Kristen E
Subject: RE: LEGAL-#247254-v1-6_8_interdiction_inspection_paper.docx

Here are some edits, which I'd love to make sure Linda and Kevin (and everyone else, of course) are OK with.

Bob

From: Jacobson, Linda
Sent: Tuesday, June 08, 2010 2:24 PM
To: Donoghue, Joan E; Schwartz, Jonathan B; Harris, Robert K
Cc: Dolan, JoAnn; Baumert, Kevin A; Aswad, Evelyn M; Banos, Mariano H; Gorove, Katherine M; Pomper, Stephen E; Guarin, Marc F; Townley, Stephen G; Eichensehr, Kristen E
Subject: LEGAL-#247254-v1-6_8_interdiction_inspection_paper.docx

Latest version of interdiction/inspection paper.

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-Israeli-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.

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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; Lapenn, 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: Monday, June 14, 2010 5:18 PM
To: Schwartz, Jonathan B
Cc: Jacobson, Linda
Subject: FW: EU Council statement on Gaza Flotilla

From: Banos, Mariano H
Sent: Monday, June 14, 2010 3:51 PM
To: Jacobson, Linda; Gorove, Katherine M; Perina, Alexandra H; Dolan, JoAnn; Townley, Stephen G
Subject: Fw: EU Council statement on Gaza Flotilla

FYI.

From: Cassayre, Mark J
To: Nossel, Suzanne F; Fitzpatrick, Kathleen M; Cassidy, Joseph P; Johnston-Gardner, Sarah R (DRL); Enav, Cari R; Donahoe, Eileen C; Khanna, Melanie J; Griffiths, Douglas M; Ostermeier, Amy A; Banos, Mariano H; Aswad, Evelyn M; Brancato, Gilda M; Foley, Tara E
Sent: Mon Jun 14 14:18:56 2010
Subject: EU Council statement on Gaza Flotilla

FYI.

THE EUROPEAN UNION

Council conclusions on Gaza

*3023rd FOREIGN AFFAIRS Council meeting
Luxembourg, 14 June 2010*

The Council adopted the following conclusions:

1. "The EU deeply regrets the loss of life during the Israeli military operation in international waters against the Flotilla sailing to Gaza and condemns the use of violence. The Council believes that an immediate, full and impartial inquiry into these events and the circumstances surrounding them is essential. To command the confidence of the international community this should include credible international participation.
2. The situation in Gaza remains unsustainable. The continued policy of closure is unacceptable and politically counterproductive. The EU calls for an urgent and fundamental change of policy leading to a durable solution to the situation in Gaza. In line with UNSC Resolution 1860, the EU reiterates its call for an immediate, sustained and unconditional opening of crossings for the flow of humanitarian aid, commercial goods and persons to and from Gaza including goods from the West Bank. The Council calls for a solution that addresses Israel's legitimate security concerns including a complete stop to all violence and arms smuggling into Gaza.

3. The Council deplores the continuing acts of rocket fire. All those responsible must take immediate and concrete steps to cease and prevent such violence. The Council calls on those holding the abducted Israeli soldier Gilad Shalit to release him without delay. Hamas must also unconditionally allow ICRC access and end its interference with the operations of NGOs and UN agencies in Gaza.

4. The EU stands ready to contribute to the implementation of a mechanism based on the 2005 Agreement on Movement and Access that would permit the reconstruction of Gaza and the revival of its economy. To this end, full and regular access via land crossings, and possibly by sea, on the basis of a list of prohibited goods, should be the prime aim, while at the same time providing strict control over the destination of imported merchandise. To achieve progress on the ground, the High Representative will continue to engage with the Government of Israel, the Palestinian Authority, Quartet members and other appropriate parties as a matter of urgency and present EU options with a view to the next Foreign Affairs Council.

5. The Council recalls its conclusions of December 2009. The EU stresses the paramount importance that the proximity talks continue with a view to the resumption of direct negotiations which should lead to a settlement negotiated between the parties within 24 months. All efforts to achieve Palestinian reconciliation behind President Mahmoud Abbas must be accelerated. The Council acknowledges Egyptian efforts in this respect."

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

This email is UNCLASSIFIED.

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.

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RELEASED IN PART
B5, B6, NR

Law, Rosemary C

From: Dolan, JoAnn
Sent: Thursday, June 03, 2010 9:30 AM
To: Legal-CA-DL; Jacobson, Linda
Subject: Flotilla consular issues.

From CG in Tel Avi on [REDACTED] call. Also CNN reporting this am that Turkey has confirmed that one of the Turkish citizens killed in the Israeli operation was a dual US citizen. Assume others already know or are confirming.

B6

From: Parker, Andrew C
Sent: Thursday, June 03, 2010 9:20 AM
To: Reisser, Wesley J; Goldberger, Thomas H
Cc: Sachar, Alon (NEA/IPA); Dolan, JoAnn; Richter, Kim B; Levin, Jan
Subject: RE: Call from [REDACTED]

B6

B5

From: Reisser, Wesley J
Sent: Thursday, June 03, 2010 4:00 PM
To: Goldberger, Thomas H; Parker, Andrew C
Cc: Sachar, Alon (NEA/IPA); Dolan, JoAnn; Richter, Kim B
Subject: RE: Call from [REDACTED]

B6

B5

NR

From: Goldberger, Thomas H
Sent: Thursday, June 03, 2010 8:42 AM
To: Parker, Andrew C; Reisser, Wesley J
Cc: Sachar, Alon (NEA/IPA); Dolan, JoAnn
Subject: FW: Call from [REDACTED]

B6

B5
B6

From: Fuhrer, MaryJo
Sent: Wednesday, June 02, 2010 7:59 PM
To: Goldberger, Thomas H
Cc: Waller, Robert P; Woytovech, Suzonne M
Subject: Call from [REDACTED]

B6

Hi Mr. Goldberger,

REVIEW AUTHORITY: Sharon Ahmad, Senior
Reviewer

B5
B6

Thank you very much. Jo x7-1598

POC: 712-267-9735

RELEASED IN PART B5,B6

Law, Rosemary C

From: Dolan, JoAnn
Sent: Thursday, June 03, 2010 9:13 AM
To: Jacobson, Linda; Leal-CA-DL
Subject: FW: Call from [REDACTED]

B6

FYI

From: Reisser, Wesley J
Sent: Thursday, June 03, 2010 9:00 AM
To: Goldberger, Thomas H; Parker, Andrew C
Cc: Sachar, Alon (NEA/IPA); Dolan, JoAnn; Richter, Kim B
Subject: RE: Call from [REDACTED]

B6

B5
B6

NR

From: Goldberger, Thomas H
Sent: Thursday, June 03, 2010 8:42 AM
To: Parker, Andrew C; Reisser, Wesley J
Cc: Sachar, Alon (NEA/IPA); Dolan, JoAnn
Subject: FW: Call from [REDACTED]

B6

B5
B6

From: Fuhrer, MaryJo
Sent: Wednesday, June 02, 2010 7:59 PM
To: Goldberger, Thomas H
Cc: Waller, Robert P; Woytovech, Suzonne M
Subject: Call from [REDACTED]

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

B6

Hi Mr. Goldberger,

B5
B6

Thank you very much. Jo x7-1598

POC: 712-267-9735

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"

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 –

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

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

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

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.

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?

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; Guthrie, Peter A; Martin, Julie B
Cc: Harris, Robert K
Subject: RE: PC on Flotilla Thursday evening

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; Guthrie, Peter A; Martin, Julie B
Cc: Harris, Robert K
Subject: RE: PC on Flotilla Thursday evening

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

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

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

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

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

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

Law, Rosemary C

From: Dolan, JoAnn
Sent: Wednesday, June 02, 2010 10:51 AM
To: Baumert, Kevin A; Sullivan, David B; Townley, Stephen G; Pomper, Stephen E
Cc: Jacobson, Linda; Harris, Robert K
Subject: FW: US flagged vessels

Can you keep Linda and me looped in on anything flotilla related?

From: Schwartz, Jonathan B
Sent: Wednesday, June 02, 2010 9:41 AM
To: Hale, David M; Rubinstein, Daniel H; 'dshapiro@nsc.eop.gov'; Cunningham, James B; Sachar, Alon (NEA/IPA); Sievers, Marc J; Waters, John R
Cc: Dolan, JoAnn; Jacobson, Linda
Subject: Fw: US flagged vessels

B5

From: Baumert, Kevin A
To: Thessin, James H
Cc: Townley, Stephen G; Schwartz, Jonathan B; Harris, Robert K; Sullivan, David J; Pomper, Stephen E; Guarini, Marc F
Sent: Wed Jun 02 09:34:35 2010
Subject: RE: US flagged vessels

From: Baumert, Kevin A
Sent: Wednesday, June 02, 2010 12:08 AM
To: Thessin, James H
Cc: Townley, Stephen G; Schwartz, Jonathan B; Harris, Robert K; Sullivan, David J; Pomper, Stephen E; Guarini, Marc F
Subject: US flagged vessels

Jim – in case this comes up tomorrow, here is the situation as I understand it regarding the apparently US flagged vessels.

In terms of the facts –

- There are two vessels – Challenger I and Challenger II – that have been involved in this incident and are believed to be U.S. flagged vessels. Challenger I is believed to have been part of the flotilla that was intercepted on Monday by the IDF, although there were no violent confrontations with this vessel. Challenger II is believed to have had mechanical difficulties and may be intended to breach the blockade in the coming days (estimates range from Wed to Saturday).
- We are not certain that the vessels are properly registered in the United States. Greek port authority documentation showed both vessels as having Delaware registration numbers. Coast Guard is still checking whether those registrations are still valid; we should know tomorrow. IDF reported at various times that these vessels were actually flying Greek and St. Vincent flags (after earlier suggesting we take action because they were U.S. flagged). This also raises some doubt as to their nationality.

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

- It appears there are 12-20 persons on each vessel; Challenger II does not appear to include any AMCITs (again, based on Greek port docs). Cargo - humanitarian or otherwise - is not known. The two vessels are pleasure craft (yachts) that apparently do not tend to make international voyages. They are not equipped with identification/tracking gear, which makes locating them more difficult.
- Efforts were underway on Friday-Saturday to notify the vessel/owners and pass them a warning regarding potential consequences of unlawful activity. Unclear whether the vessels or owners have been reached yet (and efforts to reach Challenger II may have been aborted because it dropped out of the original flotilla). We are seeking an update on the facts.



Thanks,
Kevin

RELEASED IN PART B5**Law, Rosemary C**

From: Dolan, JoAnn
Sent: Wednesday, June 02, 2010 8:22 AM
To: Goldberger, Thomas H; Sievers, Marc J
Cc: Jacobson, Linda; Schwartz, Jonathan B; Pomper, Stephen E
Subject: FW: Situation Report No.5 - Gaza Flotilla (SBU)

ISRAEL MIGHT CONSIDER WOUNDED AS COMBATANTS

(SBU) Approximately 50 wounded detainees of various nationalities are currently being treated by the Government of Israel as suspects, and thus may not be allowed to leave the country. The GOI might want to file court cases against these individuals, but this course of action is subject to the attorney general's discretion. (MGGZ01/NEA-FO e-mail)

From: Pomper, Stephen E
Sent: Wednesday, June 02, 2010 7:47 AM
To: Dolan, JoAnn; Jacobson, Linda
Subject: Fw: Situation Report No.5 - Gaza Flotilla (SBU)

From: Donoghue, Joan E
To: Pomper, Stephen E; Perina, Alexandra H; Jacobson, Linda; Dolan, JoAnn; Townley, Stephen G
Cc: Schwartz, Jonathan B
Sent: Wed Jun 02 07:09:49 2010
Subject: Fw: Situation Report No.5 - Gaza Flotilla (SBU)

From: OpsAlert
Sent: Wed Jun 02 06:12:05 2010
Subject: Situation Report No.5 - Gaza Flotilla (SBU)

SENSITIVE BUT UNCLASSIFIED**SITUATION REPORT No. 5****Gaza Flotilla Monitoring Group MGGZ01**

Wednesday, June 2, 2010
0600 EDT

STATUS OF AMERICAN CITIZENS

REVIEW AUTHORITY: Sharon Ahmad, Senior
Reviewer

(SBU) Eleven AmCit detainees plan to, or have already signed, voluntary deportation forms provided by the Israeli Ministry of Interior. *(MGGZ01/Embassy Tel Aviv e-mail)*

STATUS OF INTERNATIONAL PASSENGERS

- (U) Israel's inner security cabinet voted to deport remaining prisoners within 48 hours. A government statement issued late June 1 stated that "the detainees would be expelled immediately according to the procedures set by law," said a government statement issued late June 1. *(AFP)*
- (U) Turkey sent three planes to Israel to repatriate approximately 350 detained activists. *(AFP)*

ISRAEL MIGHT CONSIDER WOUNDED AS COMBATANTS

(SBU) Approximately 50 wounded detainees of various nationalities are currently being treated by the Government of Israel as suspects, and thus may not be allowed to leave the country. The GOI might want to file court cases against these individuals, but this course of action is subject to the attorney general's discretion. *(MGGZ01/NEA-FO e-mail)*

RETURN OF ISRAELI DIPLOMATIC FAMILY MEMBERS FROM TURKEY

(U) Approximately 50 people related to Israeli consulate and embassy staff in Turkey are returning to Israel, a senior official told Israeli public radio. *(AFP)*

INTERNATIONAL REACTIONS

- (SBU) Moscow condemned Israel's action against the MAVI MARMARA, asserting that the "Use of weapons against civilians and detaining ships in the open sea without any legal reason constitutes obvious and gross violations of generally accepted international standards." Embassy Moscow notes Russia likely will use this incident to push for Israel to lift the Gaza blockade. *(MGGZ01/Embassy Moscow e-mail)*
- (SBU) NATO SYG Rasmussen released a statement June 1 expressing "deep regret over the loss of lives and the other casualties resulting from the use of force" and urging the UN and the EU to conduct "a prompt, impartial, credible and transparent investigation into the incident." He also called for "the immediate release of the detained civilians and ships held by Israel." *(MGGZ01/USNATO e-mail)*
- (U) India condemned Israel for "indiscriminate use of force" and asserted that "lasting peace and security in the region can be achieved only through peaceful dialogue." *(Xinhua)*
- (U) Lebanese President Sleiman discussed the incident with Turkish President Gul and reportedly agreed to coordinate efforts to "counter Israel's actions." *(nowlebanon.com)*
- (U) The Irish government called on Israel to allow an Irish-registered aid ship, the RACHEL CORRIE, to continue its voyage to Gaza. Late June 1, PM Cowen warned of "serious consequences" if any detained Irish citizens were harmed, and called for their immediate and unconditional release. *(bbc.co.uk)*
- (U) The Malaysian Cabinet tabled a parliamentary motion strongly condemning Israel's raid. FM Aman departed for Jordan to seek the release of the 12 Malaysians. *(Xinhua)*
- (SBU) Nicaragua suspended diplomatic ties with Israel June 1 to protest Israel's raid on the MAVI MARMARA, President Ortega's office said. Embassy Managua notes that Nicaragua has no diplomatic presence in Israel but has an embassy in Cairo. *(MGGZ01/Embassy Managua e-mail, elpueblopresidente.com)*
- (U) Iranian FM Mottaki expressed solidarity with the "martyrs" killed during the raid and added that the incident "opened some possibility" to put pressure on Israel to lift the blockade of the Gaza Strip and thereby allow the passage of medicine and humanitarian assistance. *(AFP)*
- (U) French FM Kouchner said that the raid was "a very grave mistake" and "extremely damaging to the image of Israel itself." Kouchner advocated for an international investigation and said "there should not be impunity." *(AP)*

For more information on the Gaza Flotilla, please see the Ops Portal at the following link:
[http://www.intelink.sgov.gov/wiki/Portal:Gaza Flotilla 2010](http://www.intelink.sgov.gov/wiki/Portal:Gaza_Flotilla_2010)

Drafted: MEBayes

Approved: DLBanks

Dist: State (all bureaus). NSS, OSD, NMCC, JCS, CIA, OSC, NCTC, DHS, DNI

SENSITIVE BUT 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

B5

B5

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]

B5

Dear L/AN and L/PM: Please send to Mariano and me your comments, if any, on the EOY (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.; 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 [REDACTED]

B6

B5

B5

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

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**Law, Rosemary C**

From: Dolan, JoAnn
Sent: Tuesday, June 01, 2010 11:59 AM
To: Jacobson, Linda
Cc: Townley, Stephen G
Subject: RE: FOR IMMEDIATE CLEARANCE: Israel/Palestinians: UPDATE Raid on Free Gaza Flotilla

Linda: Stephen Townley has asked that he be looped in on all press guidance. Could you send the attachment to us both along with others on L flotilla team. Thanks

From: Jacobson, Linda
Sent: Tuesday, June 01, 2010 11:56 AM
To: Sayles, Ambrose G; Schwartz, Jonathan B; Dolan, JoAnn; Gold, Ricki Ann (ME/MEA); Holmstrom, Todd C; Giauque, Jeffrey G
Subject: Re: FOR IMMEDIATE CLEARANCE: Israel/Palestinians: UPDATE Raid on Free Gaza Flotilla

B5

From: Sayles, Ambrose G
To: Holmstrom, Todd C; Goldberger, Thomas H; Bernier-Toth, Michelle; Giauque, Ivna; Giauque, Jeffrey G; Jacobson, Linda; Schwartz, Jonathan B; Wills, Regina M; Lieberman, Jessica D (DRL); Ellis, Benjamin H; Waller, Robert P; Catalano, Elisa; Rana, Gautam A; Rand, Dafna H; Reynolds, Arlissa M; Hoyer, Kurt J; Harutunian, Ruben; Morrison, Andrew L; Cooper, Kurtis A; Bass, Warren; Kornblau, Mark (USUN); 'Michael_A._Hammer@nsc.eop.gov' <Michael_A._Hammer@nsc.eop.gov>; 'Chang, Benjamin' <Benjamin_Chang@nsc.eop.gov>; 'Hensman, Chris D.' <Chris_D._Hensman@nss.eop.gov>; Pelton, Erin; Ratney, Michael A
Sent: Tue Jun 01 11:39:29 2010
Subject: FOR IMMEDIATE CLEARANCE: Israel/Palestinians: UPDATE Raid on Free Gaza Flotilla

Hi Everyone --

Please clear the attached UPDATED press guidance re: Free Gaza Flotilla. Please note that this updates yesterday's press guidance and all updated sections are highlighted in yellow. Your clearance is appreciated by **12:15pm latest**. This will need to get to PA ASAP for use by the Secretary and senior officials.

Thank you,

Ambrose

<<060110-Israel-Palestinians - UPDATE Raid on Free Gaza Flotilla.docx>>

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 | ✉: saylesag@state.gov

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

RELEASED IN PART
B5, B6

Law, Rosemary C

From: Dolan, JoAnn
Sent: Monday, May 31, 2010 6:11 PM
To: Dolan, JoAnn; McLeod, Mary (USUN); Schwartz, Jonathan B; 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; Mortlock, David JL
Subject: RE: Fwd: Ship 310510 - 13-45

This London Telegraph report provides more background on the IHH organization to which Ambassador Oren was apparently referring. Excerpts state:

However, one of the main groups involved in the flotilla that was raided by Israeli commandos on Monday was the Turkish Foundation for Human Rights and Freedom and Humanitarian Relief, which is a radical Islamist group masquerading as a humanitarian agency.

Israeli authorities claimed that the group is "sympathetic to al-Qaeda".

Israel does not dispute that the foundation, known by the initials of its name, IHH, provides relief compatible with its official status, including supplying food and medicines to orphans and conflict zones, and investing in education.

But they accuse it of overtly supporting Hamas, designated as a terrorist group by both the United States and the European Union, and also of being in contact with al-Qaeda cells and with the Sunni insurgency in Iraq.

The claims remain controversial, though IHH's public statements are aggressive. "It's an Islamist organization as it has been deeply involved with Hamas for some time," said Henri Barkey, an analyst for the Carnegie Endowment. "Some of its members went on the boat saying that they had written their last will and testament."

<http://www.telegraph.co.uk/news/worldnews/middleeast/israel/7790919/Gaza-flotilla-the-Free-Gaza-Movement-and-the-IHH.html>

From: Dolan, JoAnn
Sent: Monday, May 31, 2010 3:38 PM
To: McLeod, Mary (USUN); Schwartz, Jonathan B; 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; Mortlock, David JL
Subject: RE: Fwd: Ship 310510 - 13-45

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)

45
REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

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] B6

[REDACTED]
מאת: [REDACTED]
תאריך: May 31, 2010 13:51:55 EDT
אל: [REDACTED]
נושא: Ship 310510 - 13-45

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: Monday, May 31, 2010 3:53 PM
To: Mortlock, David JL; McLeod, Mary (USUN); Schwartz, Jonathan B; 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: RE: Fwd: Ship 310510 - 13-45

Israeli Ambassador Oren has just claimed in CNN interview that CIA has identified organization that is leading flotilla effort as closely linked to Al Qaida.

From: Mortlock, David JL
Sent: Monday, May 31, 2010 3:48 PM
To: Dolan, JoAnn; McLeod, Mary (USUN); Schwartz, Jonathan B; 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: Re: Fwd: Ship 310510 - 13-45

B5

From: Dolan, JoAnn
To: McLeod, Mary (USUN); Schwartz, Jonathan B; 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; Mortlock, David JL
Sent: Mon May 31 15:38:11 2010
Subject: RE: Fwd: Ship 310510 - 13-45

B5

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

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

Speech

B6

[REDACTED]

[REDACTED]

מאת:

תאריך: May 31, 2010 13:51:55 EDT

אל:

נושא: Ship 310510 - 13-45

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**Law, Rosemary C**

From: Dolan, JoAnn
Sent: Monday, May 31, 2010 12:14 PM
To: Jacobson, Linda
Subject: RE: Humanitarian flotilla

Home. JBS in office

From: Jacobson, Linda
Sent: Monday, May 31, 2010 12:13 PM
To: Dolan, JoAnn
Subject: Re: Humanitarian flotilla

Hi, are you home or at ofc?

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 mornong's traffic and the front page of the nyt but can help coordinate this afternoon. If someone could send me any analysis done in the run up last week that would be very helpful. Would it be useful to set up a call so that those folks who have been working the issue can pool info re knowledge/work done to date/etc?

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

From: Schwartz, Jonathan B
To: Donoghue, Joan E; Jacobson, Linda; McLeod, Mary (USUN); Pomper, Stephen E; Sullivan, David J; Baumert, Kevin A; Perina, Alexandra H; Dolan, JoAnn; Heinemann, Thomas B
Cc: Harris, Robert K; Jacobson, Linda
Sent: Mon May 31 11:29:10 2010
Subject: Re: Humanitarian flotilla

Embassy Tel Aviv has been sending in transcripts of Israeli briefings; JoAnn can forward to anyone who doesn't have. [REDACTED]

[REDACTED]

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

[REDACTED]

----- 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: Dolan, JoAnn
Sent: Thursday, May 27, 2010 2:03 PM
To: Jacobson, Linda
Subject: FW: Israel Navy on Free Gaza

Also FYI

From: Guarin, Marc F
Sent: Thursday, May 27, 2010 11:36 AM
To: Deeks, Ashley S; Baumert, Kevin A; Jacobson, Linda
Cc: Dolan, JoAnn; Reisser, Wesley J; Perina, Alexandra H; Pomper, Stephen E
Subject: RE: Israel Navy on Free Gaza

B5

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

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

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

Thanks,
Kevin

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

From: Reisser, Wesley J
Sent: Thursday, May 27, 2010 10:36 AM

To: Baumert, Kevin A
Cc: Dolan, JoAnn; Goodman, Ilan A; Scarlatelli, Adam W; Holmstrom, Todd C; Goldberger, Thomas H
Subject: RE: Israel Navy on Free Gaza

Wes

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

Thanks,
Kevin

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

Thanks!
Wes

From: Schlereth, Frank G
Sent: Wednesday, May 26, 2010 11:06 AM
To: Schlereth, Frank G; Sievers, Marc J; Levin, Jan; Burnett, David R; Baron, Desiree A; Parker, Andrew C; Greene, Elisa; Burgess, Richard J; Chere, John E

Cc: Reisser, Wesley J; Goldberger, Thomas H
Subject: RE: Israel Navy on Free Gaza

[REDACTED]
V/R,

[REDACTED]
Assistant Naval Attaché
US Defense Attaché Office
US Embassy, Tel Aviv
Tel: 972 3 519 7486
Email: [REDACTED]

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

[REDACTED]
R/

[REDACTED]
Assistant Naval Attaché
US Defense Attaché Office
US Embassy, Tel Aviv
Tel: 972 3 519 7486
Email: [REDACTED]@state.gov

From: Reisser, Wesley J
Sent: Wednesday, May 26, 2010 5:06 PM
To: Amodeo, Salvatore A (Istanbul); Goldberger, Thomas H; Holmstrom, Todd C; Sindle, James M; Struwe, Rebecca L; Richter, Kim B; Lopatkiewicz, Viktoria; Bernier-Toth, Michelle; Mendel, Teresa S; Sievers, Marc J; Levin, Jan; Burnett, David R; Baron, Desiree A; Adams, Julie D; Parker, Andrew C; Greene, Elisa; Zeroubavely, Sandra S; Schlereth, Frank G; Burgess, Richard J; Chere, John E; Waters, John R; Rogan, Thomas G; Towry, Debra J; Hanania, Vera V; Weinfeld, Nili I; Lewis, Glenn K; Beran, Sarah; Greengrass, Sara D; Kaplan, Dean; Walker, Carolee B; Finver, Frank J; Greene, David J; Manring, Nicholas J; Tyson, Paul H; Maggi, Robert W; Frederick, Jeffrey D; Falls, Eric G; Reed, Julia G; Davison, Kees C; Ogle, Karen L; Keen, Daniel G; Howard, Jeremiah "Jerry"; Parra, Yolanda A; Dilworth, Alison E; Osman, Amany A; Netos, Eleftherios E; Taylor, Victoria J; Riley, Robert J; Dayton, Win (Istanbul); Marsh, Denise M; Baily, Jess L; Tomlinson, Christina (Istanbul); Abeyta, Susan K (Istanbul); Gisvold, Lisa C (Istanbul); Parker, Andrew C; Silliman, Douglas A; Rosenstock, Matthew S
Subject: Israel Navy on Free Gaza

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

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

Wesley J. Reisser, Ph.D.

Desk Officer - NEA/IPA

Office of Israel & Palestinian Affairs

Phone (202) 647-2647

Fax (202) 736-4461

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

RELEASED IN PART 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

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: Dolan, 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: Giauque, Jeffrey G; Holmstrom, Todd C
Subject: FW: xlation of the Arab League Resolution

Tom

From: Holmstrom, Todd C
Sent: Thursday, June 03, 2010 8:20 AM
To: Giauque, 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; Giauque, Jeffrey G
Subject: Fw: xlation of the Arab League Resolution

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

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 B5

Law, Rosemary C

From: Dolan, JoAnn
Sent: Wednesday, June 02, 2010 2:21 PM
To: Jacobson, Linda
Cc: Townley, Stephen G
Subject: FW: CLEAR THIS VERSION ASAP: IHH PRESS GUIDANCE
Attachments: 060210-IHH.DOCX

Should have included you both.

From: Dolan, JoAnn
Sent: Wednesday, June 02, 2010 2:19 PM
To: Guthrie, Peter A; Shore, Rhonda H; P-NEA Duty; Rana, Gautam A; Hatcher, J Nathaniel; Reasor, Lonni H; Vasquez, Edgar J; Cohen, Jared A
Cc: Mortlock, David JL
Subject: RE: CLEAR THIS VERSION ASAP: IHH PRESS GUIDANCE

B5

From: Guthrie, Peter A
Sent: Wednesday, June 02, 2010 12:37 PM
To: Shore, Rhonda H; P-NEA Duty; Rana, Gautam A; Hatcher, J Nathaniel; Reasor, Lonni H; Vasquez, Edgar J; Cohen, Jared A
Cc: Mortlock, David JL; Dolan, JoAnn
Subject: RE: CLEAR THIS VERSION ASAP: IHH PRESS GUIDANCE

Edits attached. The questions are fairly similar, so I also think they (and the bullets) could be combined into one Q & A.

Copying David Mortlock on

From: Shore, Rhonda H
Sent: Wednesday, June 02, 2010 11:41 AM
To: P-NEA Duty; Rana, Gautam A; Hatcher, J Nathaniel; Guthrie, Peter A; Reasor, Lonni H; Vasquez, Edgar J; Cohen, Jared A
Subject: CLEAR THIS VERSION ASAP: IHH PRESS GUIDANCE

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

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

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

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

B5

Thanks.

Jon

Classified by DAS, A/GIS, DoS on : 11/09/2012 ~ Class:
CONFIDENTIAL ~ Reason: 1.4(B)(D) ~ Declassify
on: 06/02/2030

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]

B5

[Redacted]

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=P6jDIQr59Sk>

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/dXFVWGJJYXllcWRFQlE9PQ>

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]

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

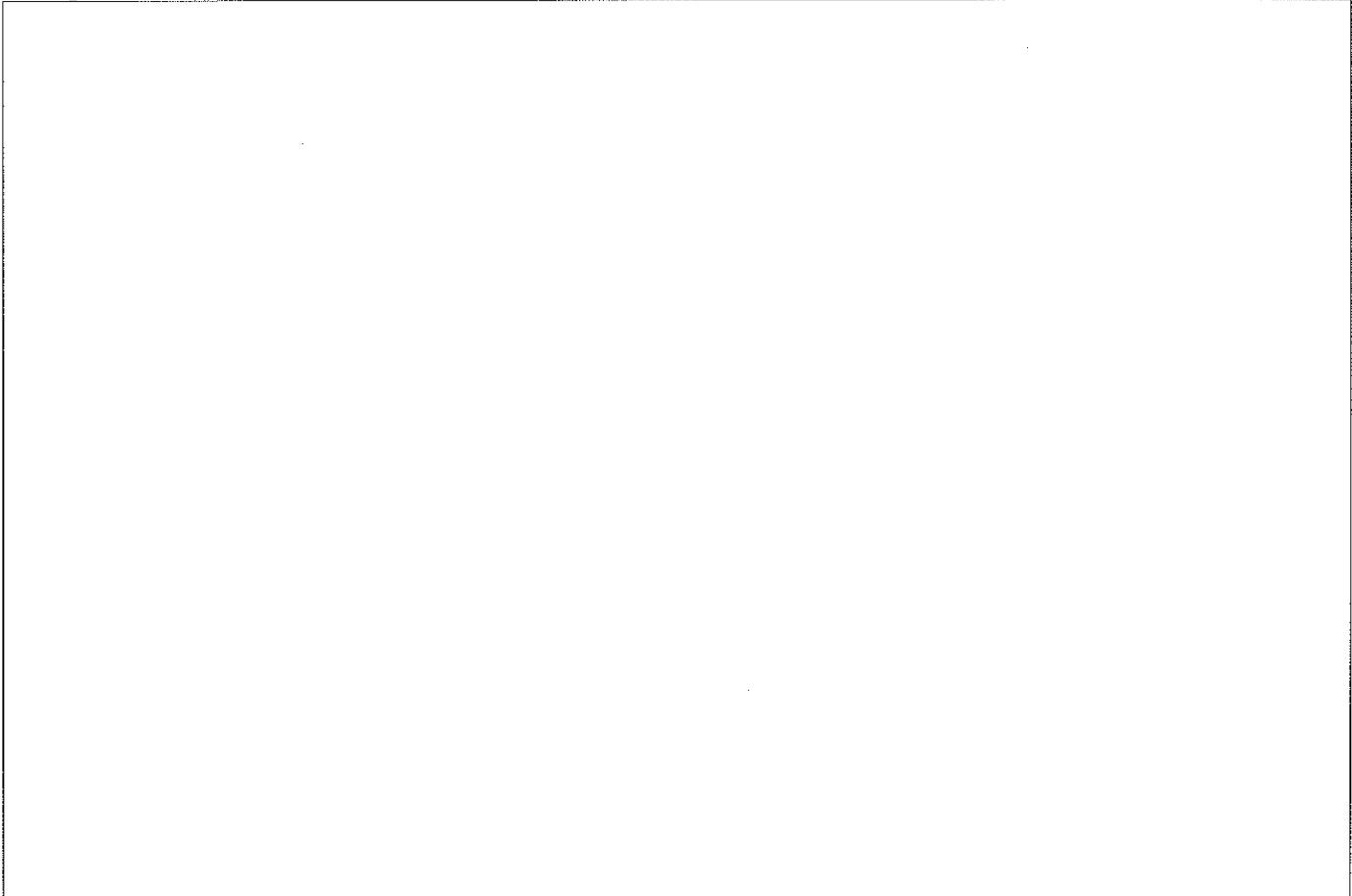
From: Anderson, Gerald C

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 B6

Subject: FINAL CLEARANCE needed by 10 pm on ()



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

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; Glauque, 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

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.

Law, Rosemary C**RELEASED IN PART B3
OTHER, B6**

From: Grubb, Jason B
Sent: Monday, May 31, 2010 7:08 AM
To: Sindle, James M; Goldberger, Thomas H; Baumert, Kevin A; 'Sergio L. Aguirre@nss.eop.gov'; Holmstrom, Todd C; [REDACTED] Waller, Robert P; Rana B3 OTHER; Gautam A; [REDACTED] 'Daniel B. Shapiro@nss.eop.gov'; 'Prem G. Kumar@nss.eop.gov'; Burgess, Richard J; Hickey, Mary E; Schwartz, Jonathan B; [REDACTED] Sievers, Marc J; Dolan, JoAnn; Bernier-Toth, Michelle; Glauque, Jeffrey G; Frelich, Karlene H; Connelly, Maura; Harris, Robert K; Mortlock, David JL; Rudman, Mara; Waters, John R; Marchese, Gregory M; Pelton, Erin; Gutman, Bonnie S; Greene, Elisa; Harutunian, Ruben; Levin, Jan; Roberts, Kristi (Tel Aviv); Reisser, Wesley J; Parker, Andrew C; Schlereth, Frank G
Subject: MOD Flotilla Brief...

Folks –

MOD press conference readout below...

From: Avida Landau <avida.landau> [REDACTED]
To: Landau, Avida
Sent: Mon May 31 13:34:31 2010
Subject: DEFMIN press briefing

B6

Defense Minister Barak:

- We are sorry about the results, but responsibility lies solely in the hands of organizers
- Israel asked the organizers to go to Ashdod and send the humanitarian supplies to Gaza after security checks, but all calls were refused.
- Soldiers were attacked during takeover of one of the ships.
- During the incident the soldiers used anti-riot gear and live fire against the protestors who used violence against the soldiers.
- I spoke to Turkish officials and to President Peres and Prime Minister Netanyahu.
- There is no starvation in Gaza and no humanitarian crisis. The area is controlled by Hamas, an organization that is arming itself with rockets that are intended to harm and have harmed Israel, and this is why Israel is standing by its right to inspect any ships approaching Gaza.
- IHH is a violent organization and has nothing to do with humanitarian aid. Their stated purpose was to break the blockade of Gaza.
- I call on all countries involved to calm the situation.
- Israel will act with determination to protect its sovereignty.
- Responsibility in Gaza lies in the hands of Hamas.

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

-- Israel wants peace and I am calling on all Arab states and Palestinians not to allow this incident to disrupt the proximity talks.

Chief of General Staff LTG Ashkenazi:

-- The action the IDF did tonight was meant to disallow contraband to enter Gaza.

-- What happened on the Marmara owned by IHH is nothing like what happened on five other ships. It does not resemble the humanitarian and peace mission as they stated.

-- Cold weapons and knives were pre-prepared on board and were used against the soldiers as they boarded the ships.

-- This violence necessitated acts of self defense. We know of 10 killed and several dozen wounded.

-- Some IDF soldiers were wounded by gunshots and stabbings.

-- The IDF was prepared and was ordered to use restraint, but when they were faced with such violence they acted accordingly in order to protect themselves.

-- The incident is not over. We will need to be ready in other areas as well.

-- The soldiers were faced with extreme violence

IDF Navy Commander Marom:

-- The navy was tasked to stop the Gaza flotilla.

-- During the time before their arrival we contacted them in order to bring to a peaceful ending but we were refused with foul language.

-- They refused to allow us to transfer the goods they were carrying to Ashdod and then to Gaza.

-- We warned the ships they will not be able to enter Gaza.

-- Several messages to end the situation peacefully were rejected.

-- 600 pax on marmara: hot and cold means were inflicted on the soldiers.

-- The soldiers used live fire in order to protect themselves

-- The soldiers used restraint and attempted not to use violence as they boarded the ships. But once they were faced with such extreme violence they had no choice but respond in kind in order to save their own lives.

-- 10 protestors were killed, tens injured – including IDF soldiers wounded by gunfire and knives. But it could have been much worse had the soldiers not acted with restraint.

-- All wounded were treated by Israeli soldiers on board and air lifted to Israeli hospitals.

RELEASED IN PART B5

Law, Rosemary C

From: Donoghue, Joan E
Sent: Thursday, June 03, 2010 11:33 AM
To: Sullivan, Jacob J
Cc: Jacobson, Linda; Townley, Stephen G
Subject: Investigation options

Jake,

Joan

B5

1)

2)

3)

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

RELEASED IN PART B5

Law, Rosemary C

From: Donoghue, Joan E
Sent: Wednesday, June 02, 2010 9:07 PM
To: Townley, Stephen G
Cc: Pomper, Stephen E; Cleveland, Sarah H; Eichensehr, Kristen E; Jacobson, Linda
Subject: Re: Gaza email

Thanks. Will review in about 20 mins

From: Townley, Stephen G
To: Donoghue, Joan E
Cc: Pomper, Stephen E; Cleveland, Sarah H; Eichensehr, Kristen E; Jacobson, Linda
Sent: Wed Jun 02 21:01:14 2010
Subject: Gaza email

Joan, Attached and pasted below for your review is one further iteration of the proposed email, reflecting comments from various offices. [REDACTED]

[REDACTED]

B5

Dear Jake--

[REDACTED]

[REDACTED]

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

Page Denied

Page Denied

B5

I hope you find this helpful. Please let me know if you have any questions.

Regards,

Joan

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

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.

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RELEASED IN PART
B5

Law, Rosemary C

From: Goldberger, Thomas H
Sent: Tuesday, June 01, 2010 11:50 AM
To: Sayles, Ambrose G; Holmstrom, Todd C; Bernier-Toth, Michelle; Giauque, Ivna; Giauque, Jeffrey G; Jacobson, Linda; Schwartz, Jonathan B; Wills, Regina M; Lieberman, Jessica D (DRL); Ellis, Benjamin H; Waller, Robert P; Catalano, Elisa; Rana, Gautam A; Rand, Dafna H; Reynolds, Arlissa M; Hoyer, Kurt J; Harutunian, Ruben; Morrison, Andrew L; Cooper, Kurtis A; Bass, Warren; Kornblau, Mark (USUN); 'Michael_A._Hammer@nsc.eop.gov'; 'Chang, Benjamin'; 'Hensman, Chris D.'; Pelton, Erin; Ratney, Michael A
Subject: RE: FOR IMMEDIATE CLEARANCE: Israel/Palestinians: UPDATE Raid on Free Gaza Flotilla

B5

From: Sayles, Ambrose G
Sent: Tuesday, June 01, 2010 11:39 AM
To: Holmstrom, Todd C; Goldberger, Thomas H; Bernier-Toth, Michelle; Giauque, Ivna; Giauque, Jeffrey G; Jacobson, Linda; Schwartz, Jonathan B; Wills, Regina M; Lieberman, Jessica D (DRL); Ellis, Benjamin H; Waller, Robert P; Catalano, Elisa; Rana, Gautam A; Rand, Dafna H; Reynolds, Arlissa M; Hoyer, Kurt J; Harutunian, Ruben; Morrison, Andrew L; Cooper, Kurtis A; Bass, Warren; Kornblau, Mark (USUN); 'Michael_A._Hammer@nsc.eop.gov'; 'Chang, Benjamin'; 'Hensman, Chris D.'; Pelton, Erin; Ratney, Michael A
Subject: FOR IMMEDIATE CLEARANCE: Israel/Palestinians: UPDATE Raid on Free Gaza Flotilla
Importance: High

Hi Everyone –

Please clear the attached UPDATED press guidance re: Free Gaza Flotilla. Please note that this updates yesterday's press guidance and all updated sections are highlighted in yellow. Your clearance is appreciated by **12:15pm latest**. This will need to get to PA ASAP for use by the Secretary and senior officials.

Thank you,
Ambrose

<< File: 060110-Israel-Palestinians - UPDATE Raid on Free Gaza Flotilla.docx >>

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 | ✉: saylesag@state.gov

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

RELEASED IN PART B5

Law, Rosemary C

From: Goldberger, Thomas H
Sent: Monday, May 31, 2010 11:46 AM
To: Jacobson, Linda
Subject: FW: FOR IMMEDIATE CLEARANCE: Gaza Flotilla STATE DEPARTMENT statement

From: Giauque, Jeffrey G
Sent: Monday, May 31, 2010 11:43 AM
To: Sayles, Ambrose G
Cc: Goldberger, Thomas H; Knopf, Payton L; Holmstrom, Todd C
Subject: RE: FOR IMMEDIATE CLEARANCE: Gaza Flotilla STATE DEPARTMENT statement

Ambrose:

B5

Jeff

From: Goldberger, Thomas H
Sent: Monday, May 31, 2010 11:21 AM
To: Holmstrom, Todd C; Giauque, Jeffrey G; Knopf, Payton L
Subject: FW: FOR IMMEDIATE CLEARANCE: Gaza Flotilla STATE DEPARTMENT statement

Can someone send Ambrose our line on this?

From: Jacobson, Linda
Sent: Monday, May 31, 2010 11:19 AM
To: Sayles, Ambrose G; Schwartz, Jonathan B; Wills, Regina M; Goldberger, Thomas H
Subject: Re: FOR IMMEDIATE CLEARANCE: Gaza Flotilla STATE DEPARTMENT statement

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

From: Sayles, Ambrose G
To: Schwartz, Jonathan B; Jacobson, Linda; Wills, Regina M
Sent: Mon May 31 11:14:17 2010
Subject: FOR IMMEDIATE CLEARANCE: Gaza Flotilla STATE DEPARTMENT statement

Hi Colleagues –

Please clear the attached statement on the Gaza Flotilla. Please also refer to the clearance list thus far. This is separate from a Quartet statement that is currently being drafted.

Thank you,
Ambrose

RELEASED IN PART B5

Law, Rosemary C

From: Goldberger, Thomas H
Sent: Monday, May 31, 2010 11:24 AM
To: Schwartz, Jonathan B; Sayles, Ambrose G; Jacobson, Linda; Wills, Regina M
Cc: Dolan, JoAnn; Knopf, Payton L; Rudman, Mara (Jerusalem); Hale, David M
Subject: RE: FOR IMMEDIATE CLEARANCE: Gaza Flotilla STATE DEPARTMENT statement

WH spokesman just made one line comment.

"The United States deeply regrets the loss of life and injuries sustained, and is currently working to understand the circumstances surrounding this tragedy," said White House spokesman William Burton.

From: Schwartz, Jonathan B
Sent: Monday, May 31, 2010 11:22 AM
To: Sayles, Ambrose G; Jacobson, Linda; Wills, Regina M
Cc: Goldberger, Thomas H; Dolan, JoAnn; Knopf, Payton L; Rudman, Mara (Jerusalem); Hale, David M
Subject: Re: FOR IMMEDIATE CLEARANCE: Gaza Flotilla STATE DEPARTMENT statement

I understand WH may be/has released something so raises the question about a separate State Dept statement.

[REDACTED]

Jon

From: Sayles, Ambrose G
To: Schwartz, Jonathan B; Jacobson, Linda; Wills, Regina M
Sent: Mon May 31 11:14:17 2010
Subject: FOR IMMEDIATE CLEARANCE: Gaza Flotilla STATE DEPARTMENT statement

Hi Colleagues –

Please clear the attached statement on the Gaza Flotilla. Please also refer to the clearance list thus far. This is separate from a Quartet statement that is currently being drafted.

Thank you,
Ambrose

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

B5

RELEASED IN PART B5

Law, Rosemary C

From: Goldberger, Thomas H
Sent: Monday, May 31, 2010 11:24 AM
To: Jacobson, Linda
Cc: Giauque, Jeffrey G; Holmstrom, Todd C
Subject: RE: URGENT!!! HRC Action re: Gaza Aid Flotilla

Thanks. We're trying to work directly with IO and drl

From: Jacobson, Linda
Sent: Monday, May 31, 2010 11:16 AM
To: Goldberger, Thomas H
Subject: Fw: URGENT!!! HRC Action re: Gaza Aid Flotilla

Fyi

From: Jacobson, Linda
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
Sent: Mon May 31 11:15:29 2010
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

Draft Statement:

26
REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

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 / repsect 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 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

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: Goldberger, Thomas H
Sent: Monday, May 31, 2010 11:08 AM
To: Rudman, Mara; Marchese, Gregory M; Rubinstein, Daniel H; Connelly, Maura
Cc: Holmstrom, Todd C; Giauque, Jeffrey G; Jacobson, Linda; Knopf, Payton L
Subject: FW: URGENT!!! HRC Action re: Gaza Aid Flotilla

From the Geneva theater

From: Cassayre, Mark J
Sent: Monday, May 31, 2010 11:02 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 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.

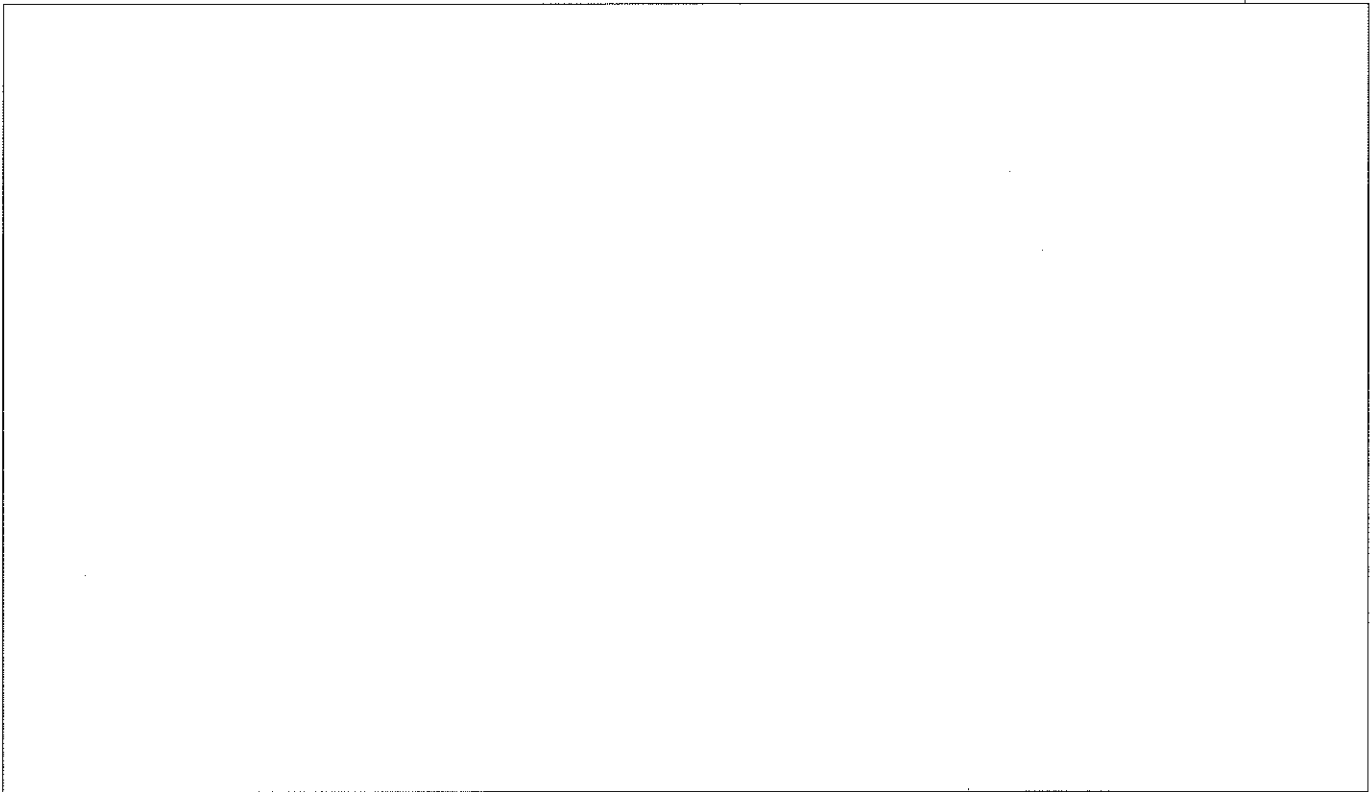
B5

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

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

B5



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: 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

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

B5

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 ?

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 ?

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 ?

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.

B5

[REDACTED]

Linda/Anne: do you know if there is any truth to the allegation that the ship was registered in Comoros? [REDACTED]

[REDACTED]

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

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

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

This email is UNCLASSIFIED.

RELEASED IN PART B5

Law, Rosemary C

From: Gorove, Katherine M
Sent: Tuesday, October 05, 2010 10:26 AM
To: Dolan, JoAnn; Hesprich, Benjamin D; Malin, Mary Catherine; Aswad, Evelyn M
Cc: Sharpe, Jeremy; Sullivan, David B; Forbes, Carlton E; Jacobson, Linda
Subject: Re: Clearance 11:00am: UPDATED BCL for SE Hussain's Meeting with Turkish Ambassador

Nothing to add. Thanks

From: Dolan, JoAnn
To: Hesprich, Benjamin D; Malin, Mary Catherine; Aswad, Evelyn M; Gorove, Katherine M
Cc: Sharpe, Jeremy; Sullivan, David B; Forbes, Carlton E; Jacobson, Linda
Sent: Tue Oct 05 09:40:18 2010
Subject: FW: Clearance 11:00am: UPDATED BCL for SE Hussain's Meeting with Turkish Ambassador

B5

From: Sharpe, Jeremy
Sent: Tuesday, October 05, 2010 9:24 AM
To: Sullivan, David B; Hesprich, Benjamin D; Malin, Mary Catherine
Cc: Aswad, Evelyn M; Jacobson, Linda; Forbes, Carlton E; Dolan, JoAnn
Subject: RE: Clearance 11:00am: UPDATED BCL for SE Hussain's Meeting with Turkish Ambassador

Also copying JoAnn Dolan for L/AN.

Jeremy

From: Sullivan, David B
Sent: Tuesday, October 05, 2010 9:23 AM
To: Hesprich, Benjamin D; Malin, Mary Catherine
Cc: Aswad, Evelyn M; Jacobson, Linda; Sharpe, Jeremy; Forbes, Carlton E
Subject: FW: Clearance 11:00am: UPDATED BCL for SE Hussain's Meeting with Turkish Ambassador

Benjamin -

Contrary to clearance page, Evelyn is not in L/DL, she's in L/HRR. She should look at the [redacted] if possible, and she may be back this morning.

B5

L/DL is the right office to review on Ps and Is; Mary Catherine Malin leads that office.

David

From: Hesprich, Benjamin D
Sent: Tuesday, October 05, 2010 9:17 AM
To: Jacobson, Linda; Sharpe, Jeremy; Forbes, Carlton E; Sullivan, David B
Cc: Aswad, Evelyn M
Subject: FW: Clearance 11:00am: UPDATED BCL for SE Hussain's Meeting with Turkish Ambassador

Thank you!

Benjamin D. Hesprich
IO/PRF
Room 4524, Main State
P: 202.736.4829

SBU
This email is UNCLASSIFIED.

From: Hesprich, Benjamin D
Sent: Tuesday, October 05, 2010 9:11 AM
To: Hesprich, Benjamin D; Gambone, Lisa; Honigstein, Michael D; Cook, Akunna E; P-IO Duty; Aswad, Evelyn M; Edmondson, Susan H
Cc: Germano, Maria L.; Ragsdale, Marguerita D
Subject: RE: Clearance 11:00am: UPDATED BCL for SE Hussain's Meeting with Turkish Ambassador

Greetings,

[REDACTED]

Ben

Benjamin D. Hesprich
IO/PRF
Room 4524, Main State
P: 202.736.4829

SBU
This email is UNCLASSIFIED.

From: Hesprich, Benjamin D
Sent: Tuesday, October 05, 2010 8:47 AM
To: Gambone, Lisa; Honigstein, Michael D; Cook, Akunna E; P-IO Duty
Cc: Germano, Maria L.; Ragsdale, Marguerita D
Subject: Clearance 11:00am: BCL for SE Hussain's Meeting with Turkish Ambassador

Good morning everyone,

[REDACTED]

[Redacted]
Thank you very much!

Ben

Benjamin D. Hesprich
International Relations Officer
Bureau of International Organizations (IO)
Office of Policy, Regional and Functional Organizations (PRF)
Room 4524, Main State
P: 202.736.4829
F: 202.647.0598

SBU
This email is UNCLASSIFIED.

RELEASED IN PART
B5, B6

Law, Rosemary C

From: Gorove, Katherine M
Sent: Monday, June 07, 2010 6:10 AM
To: Schwartz, Jonathan B
Cc: Jacobson, Linda
Subject: RE: investigations paper

B5

From: Schwartz, Jonathan B
Sent: Sunday, June 06, 2010 8:16 PM
To: Gorove, Katherine M
Cc: Jacobson, Linda
Subject: Re: investigations paper

B5

Thanks.

Jon

From: Gorove, Katherine M
To: 'Bob and Sue Harris.Biniarz' <biniarz@ [REDACTED]>; 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] <stephen.townley@ [REDACTED]>; 'woodwardsg@ [REDACTED]' <woodwardsg@ [REDACTED]>; 'kgorove@ [REDACTED]' <kgorove@ [REDACTED]>; McLeod, Mary (USUN); Schwartz, Jonathan B
Sent: Sun Jun 06 17:04:10 2010
Subject: investigations paper

B6

B5

Thanks, Kate

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

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

B6

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 or email me. I haven't seen anything from Kate yet but I need to leave. Thanks.

B6

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?

B5

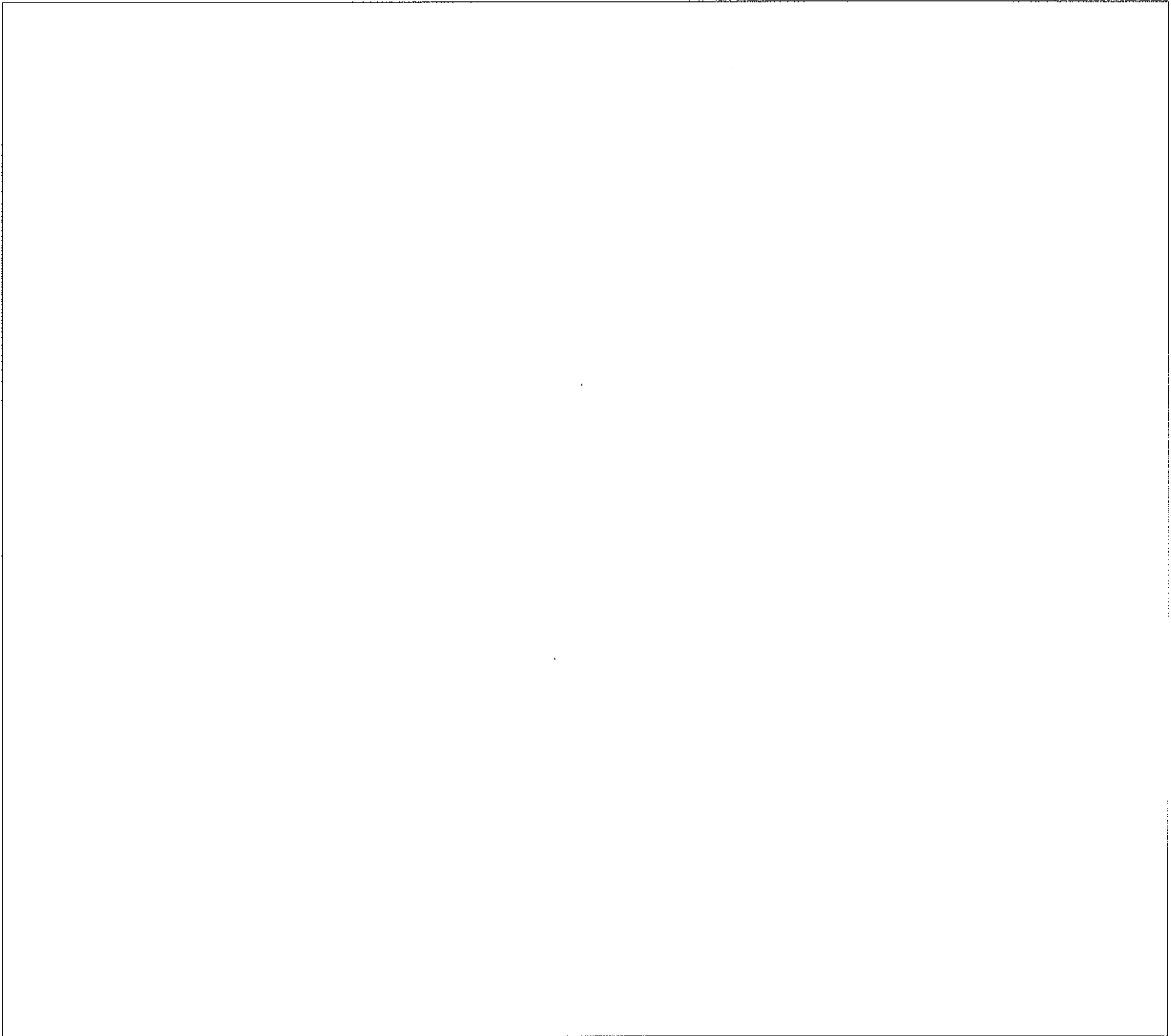
From: McLeod, Mary (USUN)
Sent: Thursday, June 03, 2010 5:09 PM
To: Jacobson, Linda; Gorove, Katherine M; Harris, Robert K; Aswad, Evelyn M
Cc: Schwartz, Jonathan B; Townley, Stephen G
Subject: RE: Is Quartet investig'n feasible with HRC investig'n?

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?

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?

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?

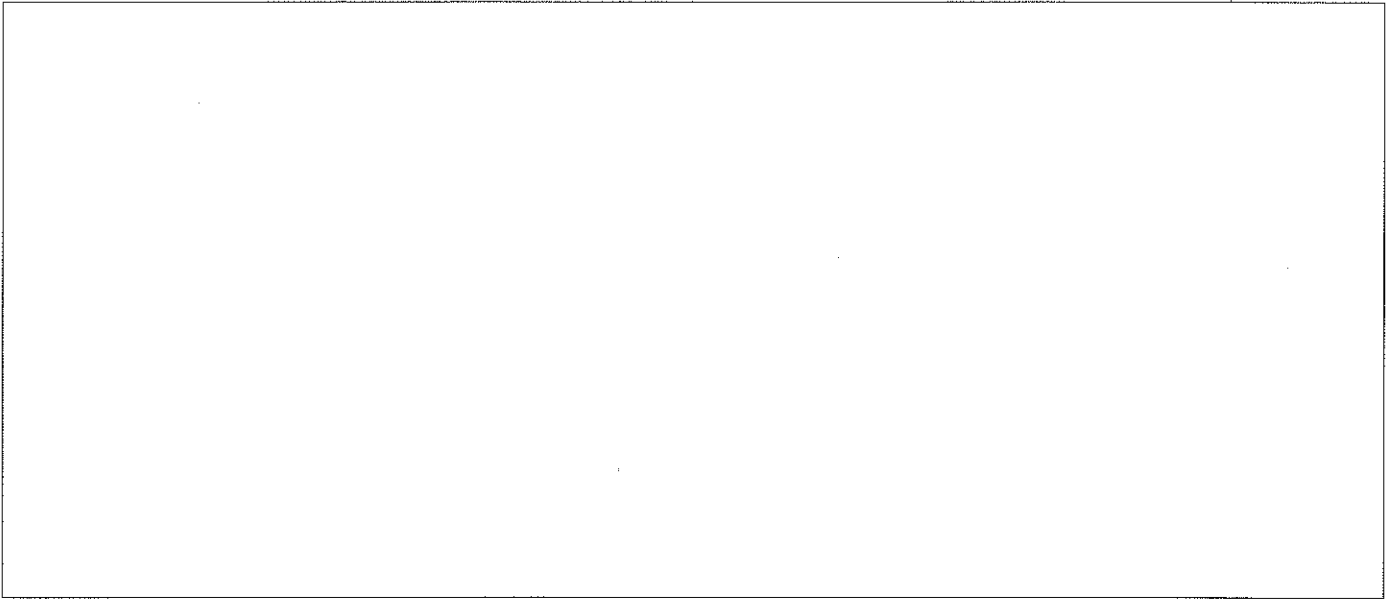
B5

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?

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?

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 –

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

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.

B5

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

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

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

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

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

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

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

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

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

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

"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, fuel 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]
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

B6

B5

1.

2.

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

3.

4.

5.

RELEASED IN PART B5

Law, Rosemary C

From: Goldberger, Thomas H
Sent: Thursday, June 03, 2010 12:07 PM
To: Jacobson, Linda
Subject: FW: Conference Call: Deceased confirmed as Amcit

[Redacted]

B5

From: Yares, John T. <John.T.Yares@nss.eop.gov>
To: McDonough, Denis R. <Denis.R.McDonough@nss.eop.gov>; Feltman, Jeffrey D; Rhodes, Benjamin J. <Benjamin.J.Rhodes@nss.eop.gov>; Crowley, Philip J; Sullivan, Jacob J; Donoghue, Joan E; Hammer, Michael A. <Michael.A.Hammer@nss.eop.gov>; Carlin, John <jcarlin@ic.fbi.gov>; lisa.monaco@usdoj.gov <lisa.monaco@usdoj.gov>; Sherwood-Randall, Elizabeth D. <Elizabeth.D.Sherwood-Randall@nss.eop.gov>; Brink, Bridget A. <Bridget.A.Brink@nss.eop.gov>; Ross, Dennis B. <Dennis.B.Ross@nss.eop.gov>; Kumar, Prem G. <Prem.G.Kumar@nss.eop.gov>; Vietor, Tommy <Thomas.F.Vietor@who.eop.gov>
Cc: Hammer, Michael A. <Michael.A.Hammer@nss.eop.gov>; DL-NSC-WHSR <DL-NSC-WHSR@nsc.eop.gov>; Alhassani, Mehdi K. <Mehdi.K.Alhassani@nss.eop.gov>
Sent: Thu Jun 03 11:17:06 2010
Subject: Conference Call: Deceased confirmed as Amcit

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

From: McDonough, Denis R.
Sent: Thursday, June 03, 2010 11:12 AM
To: 'Feltman, Jeffrey D'; Rhodes, Benjamin J.; Crowley, Philip J; Sullivan, Jacob J; Donoghue, Joan E; Hammer, Michael A.; 'Carlin, John'; 'lisa.monaco@usdoj.gov'; Sherwood-Randall, Elizabeth D.; Brink, Bridget A.; Ross, Dennis B.; Kumar, Prem G.; Vietor, Tommy

Cc: Hammer, Michael A.; DL-NSC-WHSR; Alhassani, Mehdi K.

Subject: Deceased confirmed as Amcit

B5

FACTS THAT WE HAVE:

THANKS -
Denis.

RELEASED IN PART
B5

Law, Rosemary C

From: Goldberger, Thomas H
Sent: Thursday, June 03, 2010 8:27 AM
To: Dolan, JoAnn; Jacobson, Linda
Cc: Giauque, Jeffrey G; Holmstrom, Todd C
Subject: FW: xlation of the Arab League Resolution
Attachments: EN_AL_Res_Israeli Attack on Flotilla 02 June 2010.docx

Tom

From: Holmstrom, Todd C
Sent: Thursday, June 03, 2010 8:20 AM
To: Giauque, 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; Giauque, Jeffrey G
Subject: Fw: xlation of the Arab League Resolution

Thanks.

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.

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.

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

Thank You
Usama Najeeb

RELEASED IN FULL

Law, Rosemary C

From: Newman, David S (L-CA)
Sent: Monday, February 14, 2011 4:11 PM
To: Schwartz, Jonathan B; Jacobson, Linda; Dolan, JoAnn; Weinberg, Jeremy M
Subject: FYI: Israel's Turkel Commission Report (Gaza flotilla) (see link to report below)

Classification: UNCLASSIFIED
SensitivityCode: Sensitive

Below is a link to Israel's report on the Gaza flotilla.

From: Schrank, Alexander D
Sent: Monday, February 14, 2011 3:55 PM
To: Newman, David S (L-CA); Jacobson, Michael N; Blazakis, Jason M; Bilge, Kerem S
Subject: Turkel Commission Report (flotilla)

Fyi... and since I sent you the Turkish flotilla report earlier today, I also wanted to share the Turkel Commission report (Israel's report). See the link below:

<http://www.turkel-committee.gov.il/files/wordocs/8808report-eng.pdf>

Thanks,
Alex.

SBU
This email is UNCLASSIFIED.

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

RELEASED IN FULL

Law, Rosemary C

From: Irwin, Matthew T
Sent: Friday, May 28, 2010 7:38 AM
To: NEA-SEMEP-DL; Prem_G_Kumar@nsc.eop.gov; Daniel_B_Shapiro@nsc.eop.gov; Goldberger, Thomas H; Schwartz, Jonathan B; Jacobson, Linda
Subject: Yedioth Ahronoth: Fishman on proximity talks

Worth a read...

Yedioth Ahronoth (p. B6) by Alex Fishman
 PROXIMITY TALKS

High Sea Pressure

[...] The semi-official Israeli argument for stopping the flotilla goes as follows: if we allow them to reach the Gaza Strip, a permanent supply line to the area will be established, without Israeli supervision or control. And who can promise us that only humanitarian equipment will be making its way, and not armaments as well? If we allow the ships to arrive just this once, we have essentially given up on our blockade regime. There will no longer be any point in leaving the crossings closed. And if we open the crossings, what leverage will we have in the Shalit matter?

Economic Oppression

These arguments are correct, but this is only half the truth. The flotilla is a Turkish attempt forcibly to break the Israeli-Egyptian policy toward Hamas. Both Egypt and Israel have a clear interest in leaving the Hamas government in Gaza with its head just barely above water. Each time it begins to drown we give it a dose of oxygen. Let it survive, but no more than this. The sole reason both nations are prepared to leave the Hamas government floundering: as of now there is no alternative in the Gaza Strip other than anarchy. There is no chance that Hamas, in the foreseeable future, will encounter public protest, and therefore it should be preserved in a semi-alive state. No more than this.

This is where Israeli and Egyptian interests divide. The Egyptians, by means of the blockade, would like Hamas to adopt their rationale and accept, for example, their compromise deal between Hamas and Fatah. Israel, on the other hand, has a clear policy of segregating the Gaza Strip from the West Bank. This is a double segregation, in fact: not only between the West Bank and Gaza but also between the civilian population and the Hamas regime.

This is why Israel has been waging a tough battle against foreign currency — dollars and euros — entering the Gaza Strip. The shekels allow the local population to live, procure food and so forth. The dollars, on the other hand, allow the Hamas government to survive. The entire smuggling industry is conducted by means of foreign currency. Over the past year pressure on Hamas's financial systems has begun to bear fruit. The most significant assistance came from Egypt, which took control of the entire trading system that was pumping hundreds of millions of dollars into the Gaza Strip through the tunnels. Israel took on Islamic trusts as well as the assistance rendered by states such as Saudi Arabia through banks in the West Bank. The assassination of Mabhouh contributed also directly to this and landed a major blow on the smuggling of funds into the Gaza Strip.

The Iranians — in light of the troubling economic times and in view of their preparations for possible sanctions — have lowered the pace of transfers to Hamas as well. Hamas in Damascus, as part of its control over the Gazan leadership, also decreased the amount it has been transferring. Khaled Mashal even appointed a finance minister as part of his shadow government in order to supervise the Haniya government's spending.

The Palestinian Authority has also understood that the best way of repressing Hamas is by means of money. Jihad al-Wazir, governor of the Palestinian Monetary Authority, son to the same Abu Jihad who was killed in Tunis in 1988 as well as an esteemed economist, issued an order that all transfers of funds to Gaza above NIS 10,000 require filing a report. This is how the Palestinian Authority supervises how and how much money enters.

1

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

And indeed, as of January, the Hamas government is in financial trouble. No foreign currency is reaching its coffers. Activities in the tunnels are slowing down. It finds itself incapable of formulating an annual working plan. They need USD 500 million in order to administer the affairs of Gaza — and they don't have it. So salaries are cut and taxes are raised. Life in Gaza has become more difficult. Israel looks on and takes measurements: how much flour, how much sugar, milk, and send what is needed. So that Hamas will not be able to repair the sewage system, but they do not run out of food.

And sources in Israel say that there is plenty of food. Furthermore: the moment there was a sense that the Hamas government was beginning to fall apart, a few million dollars suddenly came out of nowhere and went into its accounts. These, in turn, allowed the Gazan regime to pay a few million in unemployment allowances and complete the salaries of government employees that had only received half pay in recent months.

Where did this abundance come from so suddenly? Quite simple. Egypt, it would seem, turned a blind eye for a moment, and the money entered. But in order not to be too nice, the Egyptians announced last week that Hamas senior officials would no longer be allowed to leave through the Rafah crossing. Where one hand giveth, the other taketh away. This is precisely the policy that the Turks are attempting to break, and the flotilla is just one means of achieving this end. Thus, the Israeli decision is to stop it at all costs, even if this is inconvenient, and even if the PR repercussions are somewhat high.

Defense, Defense!

On the second Palestinian front, the West Bank, as well, Israel is facing a rather large political challenge. President Obama has decided — a year late — that he would like to get the badge of honor as Israel's Greatest Friend in the White House, and has invited Netanyahu for a meeting. But one must not mistake these signs of affection. Netanyahu still has his back against the wall.

George Mitchell believes he is going to conclude the final borders and security arrangements of the future Palestinian state already this coming fall. Sometime between September and November. Both sides are questioning the source of this optimism. Mitchell has indeed shuttled between Ramallah and Jerusalem, but did not even have time — and perhaps did not wish — to report to each side the position of the other. That's odd, this didn't seem to preclude his reporting to both the White House and State Department about his target date immediately upon returning to Washington.

The first round of proximity talks resembles a minor league soccer game. One team is still warming up, planning a bunker, but not yet out on the field. Meanwhile, all the other team's forwards are already storming in wave after wave, unloading all their ammo and kicking in all directions, mostly in the direction of the fans. And the referee? Ignoring everything that's going on. He thought he was here to judge a basketball game. Israel arrived at the proximity talks to discuss procedure: to discuss what is to be discussed. The Palestinians, for their part, not only prepared seriously for the talks, but arrived with a clear strategy. From the very first moment they are presenting their positions on all the core issues — refugees, Jerusalem, borders, security — and attempting to set the pace.

There were those who attempted to curb the Palestinian storming of the Israeli goalpost, by leaking the word that the Palestinians were prepared to relinquish four percent of the West Bank in exchange for alternative Israeli land. This leak was allegedly expected to stir negative opinions across the Arab world against the PA. Officially the Palestinians denied the report, but in the course of the talks they did indeed discuss a territorial swap twice the size Abu Mazen had proposed to Olmert.

Generally speaking, the Palestinians surprised the Americans when they took ideas discussed solely between Olmert and Abu Mazen, at the time practically in whispers, and presented them in proximity talks as their starting points. These are positions that may be very unpopular in the Palestinian street.

But the Palestinian maneuver was also revealed here. Whereas Israel is busy with warm up stretches on the field, the other side is already preparing its ambush. We're actually willing to go forward with very generous territorial swaps, the Palestinians tell Mitchell, three-four percent as our starting point. But in exchange we demand similar land — not only in scope but also in quality — within Israel. Thus, in exchange for Gush Etzion, for example, we demand lands in the Jerusalem area and not in the Halutza desert or Yatir near the Hebron hills, like Israel is planning.

The Palestinians believe that Israel will fold very quickly, because according to their proposals it will have to relinquish high-quality land in Jerusalem and the Lower Galilee. Thus Israel itself will no longer desire a large territorial swap. Mitchell believes that once Israel realizes that territorial swaps are not the greatest thing since sliced bread, he'll have an easier time reaching an understanding about the borderline with both parties.

All Eyes on Obama

When it comes to security, the Palestinians are talking about a demilitarized state with military power capable of effectively taking on matters of "internal security." They have retreated from their previous agreement to allow an Israeli presence in three spots along the Jordan Valley. They have also retreated from their willingness to allow two early warning stations in the area. on the other hand, they are willing to accept the presence of an international force in both the Jordan Valley and the West Bank, possibly to include NATO.

In the matter of Jerusalem, the positions Olmert heard at the time were again delivered to Mitchell: what is Arab — to the Arabs, what is Jewish — to the Jews, and in the holy basin — a special regime. When it comes to the right of return, the Palestinian formula distinguishes between a de facto right of return and an Israeli recognition of its responsibility for the refugee problem: Israel must recognize its responsibility, but will not have to accept them into its territory.

The Palestinians immediately ventured deep into the core issues. They have also, for example, prepared papers, yet to be presented, on economic matters. As far as they are concerned there is to be no economic integration. Two completely independent and sovereign states.

As of now the only common denominator between Israelis and Palestinians in the proximity talks is the fact that neither side is looking the other in the eye but rather gazing somewhere else: towards President Obama. The Palestinians believe that if they can demonstrate their seriousness, the American leader will be willing to enter the matter personally with a full presidential initiative, and not via some envoy, for a solution in the Middle East. According to the Palestinian strategy, if all goes well and no mistakes are made, Obama will stand up at the year's end and finalize a deal between the two parties. In Israel, on the other hand, Netanyahu is leading an altogether different policy: let us make sure we don't get blamed.

Mitchell will apparently return to the area next week. With an Irish poker face, as though nothing is very urgent. Israel has not yet grasped that we need to wake up from our nap and take these talks a bit more seriously. It be best that we wake up on our own and not by means of a sudden slap on the face.

Matthew Irwin
Office of the Special Envoy for Middle East Peace
+972-(0)2-622-7268 (Office)
+972-(0)54-662-0254 (Mobile)

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: Guarin, Marc F
Sent: Thursday, June 03, 2010 10:17 AM
To: Jacobson, Linda; Dolan, JoAnn; Pomper, Stephen E; Townley, Stephen G; Baumert, Kevin A
Subject: FW: Breaking News: American citizen was among those killed in Israeli raid of Turkish aid ship

FYI.

Marc

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

From: The Washington Post [<mailto:newsletters@email.washingtonpost.com>]
Sent: Thursday, 3 June, 2010 10:08
To: Guarin, Marc F
Subject: Breaking News: American citizen was among those killed in Israeli raid of Turkish aid ship

News Alert: American citizen was among those killed in Israeli raid of Turkish aid ship
09:57 AM EDT Thursday, June 3, 2010

JERUSALEM - An American citizen of Turkish origin was among the nine Turks killed in a botched Israeli effort to stop a Turkish aid ship from reaching the Hamas-controlled Gaza Strip, a Turkish official said on Thursday.

"It's a Turkish origin, American citizen. We know that," the official said by phone from Turkey, adding that more details were not yet available.

The nine bodies were flown home from Israel to Turkey, along with hundreds of activists, aboard a Turkish plane yesterday. Israel was not able to identify the bodies because the dead had no identification on them, Israeli officials said.

The killing of nine Turks has created enormous tensions in the relationship between Israel and Turkey.

Israel has come under widespread criticism following the operation, aimed at maintaining a blockade of Gaza. Israel accused the Turkish contingent of being part of a radical Islamic movement and showed video of passengers attacking naval commandos as they landed on board.

For more information, visit [washingtonpost.com](http://www.washingtonpost.com):

<http://link.email.washingtonpost.com/r/NOU5FR/QSY9T/Q189RV/7QMGM8/9E9FD/YT/t>

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<http://link.email.washingtonpost.com/r/NQU5FR/QSY9T/Q189RV/7QMGM8/NHG0H/YT/t?a=N02&b=Z3Vhcm1uBWZAc3RhdGUuZ292>

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RELEASED IN FULLSummary of the Palmer report on the May 31, 2010 Flotilla incident

Process:

- The Panel received and reviewed reports of the national investigations into the flotilla incident by both Israel and Turkey. It also reviewed further information and clarifications it received from each government. It did not conduct any independent fact-finding.
- The Panel operated by consensus, but where that was not possible, the Panel operated on the basis of agreement between the Chair and Vice-Chair.
- The Panel was not acting as a court and made no findings with respect to legal liability or responsibilities. It could not make definitive findings of law or fact.

Primary Conclusions:

- The imposition of a blockade involves the use of force, which can only be employed in the exercise of the right of self-defense. Measures taken in the exercise of the right to self-defense must be notified to the Security Council under Article 51.
- States maintaining a naval blockade must abide by their obligations with respect to the provision of humanitarian assistance.
- Humanitarian missions must respect security measures put in place by blockading states.
- Once a blockade has been lawfully established, the blockading power can attack any vessel breaching the blockade if after prior warning the vessel intentionally and clearly refuses to stop or intentionally and clearly resists visit, search, or capture. There is no right within those rules to breach a lawful blockade as a right of protest. Therefore, states have a duty to take active steps to warn their citizens of the risks involved in running a blockade and attempt to dissuade them from doing so.
- States enforcing a naval blockade against non-military vessels (especially with civilian passengers) should only use force when absolutely necessary and should use the minimum force necessary to maintain the blockade.
- The legal elements of the blockade need to be analyzed separately from Israel's policy regarding land border crossings into Gaza. The Panel seemed to believe that their view on this is why they differed with Turkey and the Human Rights Council on whether the blockade was legal.
- Uncertain legal status of Gaza under international law does not mean that Israel has no right to self-defense against attacks from Gaza against Israel.
- The scale and intensity of rocket attacks has decreased since the blockade was imposed. Unclear causation, but Panel concludes that under these circumstances the blockade is a legitimate exercise of the right to self-defense and not disproportionate to the threat faced.
- Conflict between Israel and Hamas is an armed conflict, but dispute about whether it is an international armed conflict. However, Panel concludes that it should be treated as such for purposes of applying the law of naval blockade.
- The naval blockade was legal because it met all of the legally required elements of a lawful blockade – namely, it was (1) declared and notified, (2) maintained effectively and impartially, (3) it was not

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

imposed for an unlawful purpose, like collective punishment of the population of Gaza, and (4) the blockade does not have disproportionate impact on the civilian population.

- One of the primary objectives of the flotilla organizers was to generate publicity about the situation in Gaza by attempting to breach the blockade.
- The Panel was unable to resolve a dispute between Israel and Turkey over whether Turkey secured the agreement of the flotilla organizers to divert to Al-Arish port in Egypt if necessary. The Panel did, however, conclude that more could have been done to warn flotilla participants of the potential risks and to dissuade them from their actions.
- The Panel questioned whether it was reasonable for the Israeli Navy to board the ships when they did. Specifically, they note that the boarding took place hours before the blockade area was reached, no request to board was made, no warning shots were fired, no announcement of immediate intention to board was made, and no less forceful measures (like the use of water cannons) were used.
- Given the lack of immediate military threat to Israel, the methods used were excessive. The Panel suggested that they were more likely motivated by a desire to avoid publicity than by operational considerations.
- The Panel was unable to resolve conflicting accounts on many points from Israel and Turkey as to the use of force on the Mavi Marmara once the boarding operation was under way. The Panel accepted that the soldiers landing on the deck faced organized violent resistance, some were mistreated after capture, and that IDF personnel needed to take action for their own protection. Nevertheless, the Panel questioned the level of violence that took place during the operation, and concluded that no satisfactory explanation was provided for how the nine deaths occurred.
- The Panel concluded that there are good grounds to believe that there was significant mistreatment of passengers by Israeli authorities after completion of the takeover. Examples of mistreatment include allegations of overly tight handcuffs, denial of bathroom access, exposure to the elements on deck, and physical and verbal harassment and intimidation. The Panel notes that some of the detained received consular access, but others complained that they were denied such access. There were also a number of examples of personal belongings being confiscated or taken by Israeli authorities.

Recommendations:

- All relevant states should consult and make every effort to avoid a repetition of the flotilla incident.
- Israel should keep the naval blockade under regular review to assess its continuing necessity.
- Israel should continue its efforts to ease restrictions on movements of goods and persons to and from Gaza.
- Humanitarian assistance to Gaza should be delivered through land crossings in consultation with the GOI and the PA.
- "An appropriate statement of regret should be made by Israel."
- Israel should offer payment for the benefit of the deceased and injured victims and their families.
- Turkey and Israel should resume full diplomatic relations.

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: McLeod, Mary (USUN)
Sent: Monday, June 07, 2010 12:48 PM
To: Schwartz, Jonathan B; Harris, Robert K; Gorove, Katherine M; Townley, Stephen G; Jacobson, Linda; Dolan, JoAnn
Subject: FW: Haaretz: Israel to appoint state panel to investigate Gaza Flotilla
Attachments: image001.gif

AttachmentsClassification:

UNCLASSIFIED

Classification:

UNCLASSIFIED

This email is UNCLASSIFIED.

From: Pelton, Erin
Sent: Monday, June 07, 2010 12:44 PM
To: Gaza Flotilla Monitoring Group
Subject: Haaretz: Israel to appoint state panel to investigate Gaza Flotilla

HAARETZ.com

Israel to appoint state panel to investigate Gaza flotilla raid

Senior government source says committee to comprise top justices, as well as two international observers.

By Barak Ravid Tags: Israel news Gaza flotilla

Prime Minister Benjamin Netanyahu was expected to announce on Monday or Tuesday the creation of a state panel of inquiry to investigate the Israel Navy's deadly raid of a humanitarian aid flotilla bound for the Gaza Strip last week.

A senior source in Jerusalem said the panel would comprise top justices experienced in matters of international and marine law. Two international justices, at least one of them American, would be invited to participate as observers, said the source.

In addition to investigating the circumstances surrounding the Israel Navy's seizure of the Turkish-flagged Mavi Marmara, the committee will also be charged with looking into the legality of Israel's closure of the Gaza Strip and its naval blockade.

Netanyahu's forum of top seven ministers decided to create the internal investigative panel on Monday, after days of deliberation. An official announcement on the matter was awaiting approval from the attorney general, to ensure that there were no conflicts of interest among the potential members of the committee.

The forum of seven ruled in its decision that the panel would not be allowed to interrogate soldiers or officers who took part in the commando raid, which left nine Turkish activists dead and several people wounded. It was not yet clear whether senior Israel Defense Forces officials – including IDF Chief of Staff Gabi Ashkenazi and Israel Navy Commander Eliezer "Chiney" Marom.

The ministers' decision comes on the heels of a United Nations proposal to establish an international committee comprising representatives of Israel, the U.S. and Turkey to investigate the incident.

Despite growing international pressure, Netanyahu had balked at the proposal, claiming Israel has the right to investigate itself.

Erin Pelton | Deputy Spokesperson for Foreign Media | Bureau of Near Eastern Affairs | US Department of State
t: (202) 647-4148 | bb: (202) 664-3968 | Email: ErinPelton@state.gov

RELEASED IN FULL

Law, Rosemary C

From: Jibril, Ibrahim E
Sent: Tuesday, June 15, 2010 2:31 AM
To: Jibril, Ibrahim E
Subject: Political / Security Update Tuesday June 15, 2010
Attachments: June 15.doc

NON-RESPONSIVE PORTIONS REDACTED

Political / Security Update Tuesday June 15, 2010

Political developments

President Abbas said that the **Israeli probe committee does not meet the UNSC demand** to investigate the Flotilla incident. He also said in press statements that following his meeting with the French President Sarkozy that "we fully support and agree to forming an investigation commission as per the UNSC statement, and Israel must lift the siege impose on the people in the Gaza strip. Press also reported that Hamas and several other factions also rejected the Israeli probe committee as impartial and an Israeli attempt to avoid responsibility over the incidents.

NR

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NR

RELEASED IN FULL

Law, Rosemary C

From: Jibril, Ibrahim E
Sent: Friday, June 11, 2010 2:16 AM
To: Jibril, Ibrahim E
Subject: Political / Security Update Friday June 11, 2010
Attachments: June 11.doc

NON-RESPONSIVE PORTIONS REDACTED

Political / Security Update Friday June 11, 2010**Political developments**

In a press interview to al Ayyam newspaper, President Abbas said that "I expect the Israeli siege on Gaza to be eased". He also said that "**progress on the issues of borders and security** will lead to starting direct negotiations". President Abbas also said that once progress is made in the context of proximity talks conducted with the Israelis through American mediation, then it would be possible to move to direct talks. However, President Abbas said that the Israeli PM Netanyahu continues to refuse recognizing the 1967 borders and refuses but to impose Israeli presence in the 1967 areas. President Abbas also said that he won't sign any agreement that does not stipulate East Jerusalem as the capital of the Palestinian state. He also indicated that he explained during his meetings in DC that he refuses to maintain any Israeli presence within the borders of the state of Palestine while accepting the presence of a third party i.e., NATO forces for an agreed upon period of time and arrangements. He also urged Israel to accept the Arab Peace Initiative. President Abbas told Palestine TV that he discussed with President Obama the lifting of the Israeli siege on the Gaza strip, and the issue of Palestinian reconciliation. He also said that he discussed with President Obama the formation of an investigation committee into the Flotilla incident. He also said that Israel must open the Gaza crossings immediately to end the suffering of the Palestinian people. He also explained that he explained to President Obama, that once progress is made in proximity talks on the issues of borders and security, then it would be possible to move to direct negotiations. He also said that he met with someone 40 Jewish community leaders in the US. He said that he expressed concern on the wearing prospects of creating a two state solution because of settlement activities.

NR

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Law, Rosemary C

From: Harris, Robert K
Sent: Wednesday, June 02, 2010 2:00 PM
To: Baumert, Kevin A; Sullivan, David J; Pomper, Stephen E; Jacobson, Linda; Dolan, JoAnn; Aswad, Evelyn M; Banos, Mariano H
Cc: Donoghue, Joan E
Subject: FW: LOS News - June 2, 2010: Information Supplement-Article from Reuter's on Israel's Gaza Blockade

I have not looked at this yet, but thought you might be interested.

From: Biniaz, Susan N
Sent: Wednesday, June 02, 2010 1:56 PM
To: Harris, Robert K
Subject: Fw: LOS News - June 2, 2010: Information Supplement-Article from Reuter's on Israel's Gaza Blockade

Fyi

From: Caitlyn L Antrim <caitlyn@alum.mit.edu>
To: LOSList@oceanlaw.org <LOSList@oceanlaw.org>
Sent: Wed Jun 02 10:52:42 2010
Subject: LOS News - June 2, 2010: Information Supplement-Article from Reuter's on Israel's Gaza Blockade

The Ocean Law Daily

"Security, Sovereignty, Sustainability - the Law of the Sea Convention"

June 2, 2010

In today's issue:

This just arrived in my mailbox and I thought it was a good information source for those of you who want or need to address the Israeli blockade from a legal perspective. The [article](http://in.reuters.com/article/idINIndia-48994620100602) can be found on-line at: <<http://in.reuters.com/article/idINIndia-48994620100602>>.

In particular, take note of Commander James Kraska's comments below on the topic of proportionality and on the issue of piracy.

• Article from Reuter's (in India) on Israel's Gaza Blockade

Q&A - Is Israel's naval blockade of Gaza legal?

Wed Jun 2, 2010 7:03pm IST

By Jonathan Saul

WORLD

(Reuters) - Israel has said it will continue a naval blockade of the Gaza Strip despite growing global pressure to lift the siege after a navy raid on a Turkish ferry carrying aid killed nine activists this week.

What is the legality of the blockade and did Israel's intervention breach international law? Below are some questions and answers on the issue:

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

CAN ISRAEL IMPOSE A NAVAL BLOCKADE ON GAZA?

Yes it can, according to the law of blockade which was derived from customary international law and codified in the 1909 Declaration of London. It was updated in 1994 in a legally recognised document called the "San Remo Manual on International Law Applicable to Armed Conflicts at Sea".

Under some of the key rules, a blockade must be declared and notified to all belligerents and neutral states, access to neutral ports cannot be blocked, and an area can only be blockaded which is under enemy control.

"On the basis that Hamas is the ruling entity of Gaza and Israel is in the midst of an armed struggle against that ruling entity, the blockade is legal," said Philip Roche, partner in the shipping disputes and risk management team with law firm Norton Rose.

WHAT ARE INTERNATIONAL WATERS?

Under the U.N. Convention of the Law of the Sea a coastal state has a "territorial sea" of 12 nautical miles from the coast over which it is sovereign. Ships of other states are allowed "innocent passage" through such waters.

There is a further 12 nautical mile zone called the "contiguous zone" over which a state may take action to protect itself or its laws.

"However, strictly beyond the 12 nautical miles limit the seas are the "high seas" or international waters," Roche said.

The Israeli navy said on Monday the Gaza bound flotilla was intercepted 120 km (75 miles) west of Israel. The Turkish captain of one of the vessels told an Istanbul news conference after returning home from Israeli detention they were 68 miles outside Israeli territorial waters.

Under the law of a blockade, intercepting a vessel could apply globally so long as a ship is bound for a "belligerent" territory, legal experts say.

CAN ISRAEL USE FORCE WHEN INTERCEPTING SHIPS?

Under international law it can use force when boarding a ship.

"If force is disproportionate it would be a violation of the key tenets of the use of force," said Commander James Kraska, professor of international law at the U.S. Naval War College.

Israeli authorities said marines who boarded the Turkish vessel Mavi Marmara opened fire in self-defence after activists clubbed and stabbed them and snatched some of their weapons.

Legal experts say proportional force does not mean that guns cannot be used by forces when being attacked with knives.

"But there has got to be a relationship between the threat and response," Kraska said.

The use of force may also have other repercussions.

"While the full facts need to emerge from a credible and transparent investigation, from what is known now, it appears that Israel acted within its legal rights," said J. Peter Pham, a strategic adviser to U.S. and European governments.

"However, not every operation that the law permits is necessarily prudent from the strategic point of view."

OPPONENTS HAVE CALLED ISRAEL'S RAID "PIRACY". WAS IT?

No, as under international law it was considered a state action.

"Whether what Israel did is right or wrong, it is not an act of piracy. Piracy deals with private conduct particularly with a pecuniary or financial interest," Kraska said.

HAVE THERE BEEN ANY SHIPPING DISRUPTIONS AFTER THE RAID?

None so far but the International Chamber of Shipping (ICS), an association which represents 75 percent of the world's merchant fleet, has expressed "deep concern" over the boarding by Israeli forces, arguing that merchant ships have a right to safe passage and freedom of navigation in international waters.

"These fundamental principles of international law must always be upheld by all of the world's nations," the ICS said.

(Editing by Noah Barkin)

Caitlyn L Antrim

Executive Director
Rule of Law Committee
for the Oceans
caitlyn@oceanlaw.org
<http://www.oceanlaw.org>

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?

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?

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?

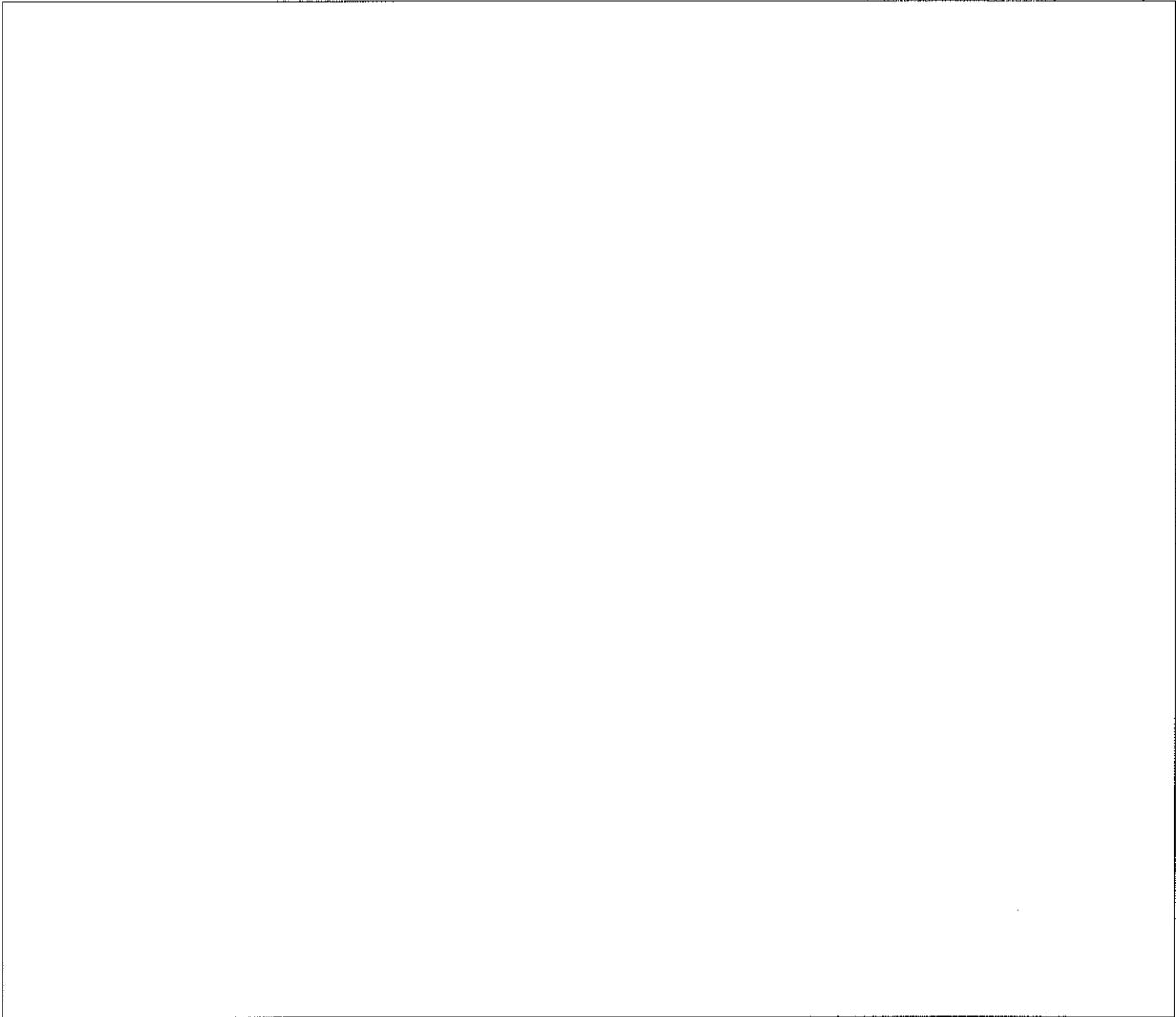
From: Gorove, Katherine M
Sent: Thursday, June 03, 2010 4:53 PM
To: Jacobson, Linda; Harris, Robert K; Aswad, Evelyn M; McLeod, Mary (USUN)
Cc: Schwartz, Jonathan B; Townley, Stephen G
Subject: Is Quartet investig'n feasible with HRC investig'n?

B5

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

14

B5



RELEASED IN PART B5

Law, Rosemary C

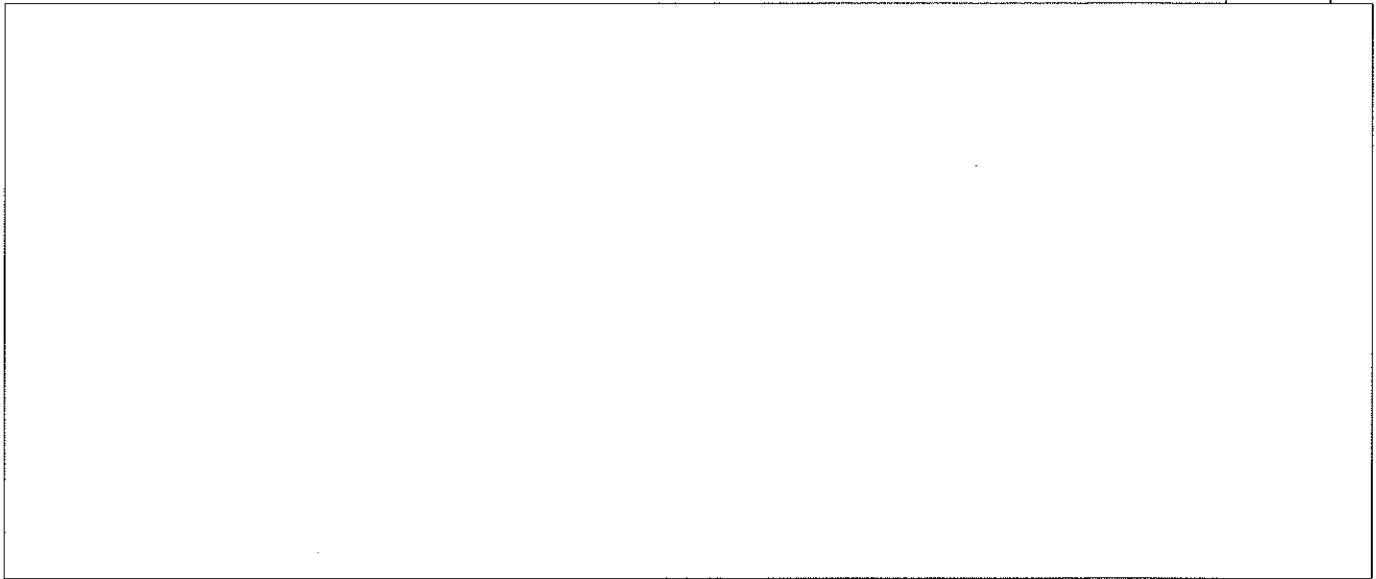
From: Gorove, Katherine M
Sent: Thursday, June 03, 2010 5:06 PM
To: Jacobson, Linda; Harris, Robert K; Aswad, Evelyn M; McLeod, Mary (USUN)
Cc: Schwartz, Jonathan B; Townley, Stephen G
Subject: RE: Is Quartet investig'n feasible with HRC investig'n?

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?

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?

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer



B5

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

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

B5

Charlie Rose: That's what they're trying to bring in, building materials.

Joe Biden: Yes, we know that, but they could have easily brought it in here and we'd get it through. And so now the question is what do we do? Well, we had made it clear, the President of the United States has spoken three times, yesterday with Bibi, or the day before yesterday, he's spoken once yesterday with a guy that I have spent a fair amount of time with, with Prime Minister Erdogan in Turkey; the Turks, we passed a resolution in the U.N. saying we need a transparent and open investigation of what happened. It looks like things are --

Charlie Rose: International investigation --

Joe Biden: Well, an investigation run by the Israelis, but we're open to international participation, just like the investigation run on the sunken sub in -- off the coast of Korea. That was run by South Korea, but the international community joined in that investigation. And so that is very possible here as well. I might add by the way for all those who say the Israelis, you know, you know, you can't trust them, the Israeli Supreme Court ruled today that every one of the people on those ships had to be released immediately, immediately.

SBU

This email is UNCLASSIFIED.

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

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

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.

Kurtis, this is the other edit to which Payton referred:

B5

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

B5

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

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

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: Friday, March 18, 2011 3:12 PM
To: Jacobson, Linda
Subject: FW: Turkey flotilla resolution - final USG position on the resolution requested
Attachments: Document.pdf

AttachmentsClassification: UNCLASSIFIED
Classification: UNCLASSIFIED

FYI

This email is UNCLASSIFIED.

From: Sutphin, Paul R
Sent: Friday, March 18, 2011 3:11 PM
To: Gregonis, Meghan E; Johnston-Gardner, Sarah R (DRL); 'Scott_W_Busby@nss.eop.gov'; 'Kumar, Prem G.'; Doutrich, Jack T; Eilts, Colin C; Bass, Warren; Reisser, Wesley J; Lapenn, Jessica; Ostermeier, Amy A; Sicade, Lynn M (DRL); Cassidy, Joseph P; Banos, Mariano H; Gorove, Katherine M; Haldeman, William E (P); Miller, Andrew P; Cue, Lourdes C; Hickey, Matthew B; Masilko, Barbara J (USUN)
Cc: Razzouk, Kelly L; Khanna, Melanie J; Galindo, David R; Aswad, Evelyn M
Subject: RE: Turkey flotilla resolution - final USG position on the resolution requested

Meghan et al:

B5

Regards, P.

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

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

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

SBU
This email is UNCLASSIFIED.

From: Gregonis, Meghan E

Sent: Friday, March 18, 2011 1:15 PM

To: Johnston-Gardner, Sarah R (DRL); 'Scott_W._Busby@nss.eop.gov'; 'Kumar, Prem G.'; Sutphin, Paul R; Doutrich, Jack T; Eilts, Colin C; Bass, Warren; Reisser, Wesley J; Lapenn, Jessica; Ostermeier, Amy A; Sicade, Lynn M (DRL); Cassidy, Joseph P; Banos, Mariano H; Gorove, Katherine M; Haldeman, William E (P); Miller, Andrew P; Cue, Lourdes C; Hickey, Matthew B; Masilko, Barbara J (USUN)

Cc: Razzouk, Kelly L; Khanna, Melanie J; Galindo, David R; Aswad, Evelyn M

Subject: RE: Turkey flotilla resolution - final USG position on the resolution requested

B5

Meghan

Meghan Gregonis • Senior Turkey Desk Officer • Office of Southern European Affairs • US Department of State

2201 C St, NW Rm 5511 Washington, DC 20520 | ☎: 202.647.9749 | ✉: GregonisME@state.gov

SBU

This email is UNCLASSIFIED.

From: Johnston-Gardner, Sarah R (DRL)

Sent: Friday, March 18, 2011 12:21 PM

To: 'Scott_W._Busby@nss.eop.gov'; 'Kumar, Prem G.'; Sutphin, Paul R; Doutrich, Jack T; Eilts, Colin C; Gregonis, Meghan E; Bass, Warren; Reisser, Wesley J; Lapenn, Jessica; Ostermeier, Amy A; Sicade, Lynn M (DRL); Cassidy, Joseph P; Banos, Mariano H; Gorove, Katherine M; Haldeman, William E (P); Miller, Andrew P; Cue, Lourdes C; Hickey, Matthew B; Masilko, Barbara J (USUN)

Cc: Razzouk, Kelly L; Khanna, Melanie J; Galindo, David R; Aswad, Evelyn M

Subject: Turkey flotilla resolution - final USG position on the resolution requested

Importance: High

Thank you,
Sarah

Sarah Johnston-Gardner
Foreign Affairs Officer

Bureau of Democracy, Human Rights and Labor (DRL)
Office of Multilateral and Global Affairs (MLGA)
202-647-0293

SBU

This email is UNCLASSIFIED.

RELEASED IN PART B5

Law, Rosemary C

From: Gorove, Katherine M
Sent: Thursday, February 24, 2011 2:14 PM
To: Buchwald, Todd F; Swiney, Gabriel; Jacobson, Linda; Banos, Mariano H
Subject: FW: Clearance: QA35 Goldstone Flotilla.docx
Attachments: 110224 QA35 Goldstone Flotilla.docx

Importance: High

AttachmentsClassification:

Classification: UNCLASSIFIED
UNCLASSIFIED

I've put a few comments in, but Todd please look at my first comment - [REDACTED]

[REDACTED] Gabriel, could you go back to drafter and tell him that he needs to clear with DRL's Sarah Johnston-Gardner as well.

This email is UNCLASSIFIED.

From: Swiney, Gabriel
Sent: Thursday, February 24, 2011 1:57 PM
To: Buchwald, Todd F
Cc: Gorove, Katherine M
Subject: FW: Clearance: QA35 Goldstone Flotilla.docx
Importance: High

Todd, I haven't followed Goldstone etc. at all. In Kate's absence, do you want to clear on this?

SBU
This email is UNCLASSIFIED.

From: Zurcher, Kenneth M
Sent: Thursday, February 24, 2011 1:54 PM
To: Reisser, Wesley J; Bass, Warren; Ried, Curtis R (USUN); Masilko, Barbara J (USUN); Doutrich, Jack T; Reed, Julia G; Sachar, Alon (NEA/IPA); Jacobson, Linda; Swiney, Gabriel
Subject: Clearance: QA35 Goldstone Flotilla.docx
Importance: High

Good afternoon,

Attached please find the HFACO Q&A on Goldstone and the Flotilla. As these papers draw 100% from previously cleared material - I appreciate any ability to provide your comments/clearance by COB today.

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

Thank you,
Ken

SBU

This email is UNCLASSIFIED.

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

1
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.Biniarz'; 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

B5

[REDACTED]

From: Feldman, Mark E
Sent: Thursday, June 10, 2010 5:22 PM
To: Carlson, Hugh A
Cc: Grosh, Lisa J.
Subject: RE: Flotilla/MST

B5

[REDACTED]

From: Carlson, Hugh A
Sent: Thursday, June 10, 2010 5:02 PM
To: Feldman, Mark E
Subject: Flotilla/MST

Hi Mark,

B5

[REDACTED]

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

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

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

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

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; Eichenwehr, 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

Law, Rosemary C

RELEASED IN PART B5

From: Guarin, Marc F
Sent: Friday, June 04, 2010 11:48 AM
To: Eichensehr, Kristen E; Jacobson, Linda; Dolan, JoAnn; Pomper, Stephen E; Cleveland, Sarah H
Cc: Townley, Stephen G
Subject: RE: Gaza-related Articles
Attachments: 67_us_635.pdf

B5

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

From: Eichensehr, Kristen E
Sent: Friday, 4 June, 2010 08:06
To: Jacobson, Linda; Dolan, JoAnn; Pomper, Stephen E; Guarin, Marc F; Cleveland, Sarah H
Cc: Townley, Stephen G
Subject: Gaza-related Articles

A Credible Investigation (NYT)

Friday, June 4, 2010

New York Times

Israel's government has decided to tough out the criticism of its attack this week on a six-ship flotilla trying to run the Gaza blockade. The story, and the anger, aren't going away.

The news wires on Thursday were filled with pictures of grieving mourners as Turkey held funerals for 8 of the 9 activists killed on the lead ship. Some of the more than 600 activists from 42 countries, released from Israeli detention, are accusing Israel of a litany of abuses. Israel's charges that its commandos were attacked and shot at by some of the ship's passengers are being ignored by everyone except its most passionate defenders.

We still don't know what happened on that ship. But we are sure that before things get even more out of control, the world - and Israel - needs an impartial international investigation. Instead of pressing for that, the Obama administration is encouraging Prime Minister Benjamin Netanyahu's misguided belief that Israel can lead its own probe with international participation. That is not going to suffice.

Some Israeli officials are pointing to South Korea, which recently conducted an investigation, with the participation of five other countries, into the sinking of a South Korean warship. There is a big difference: Seoul was examining North Korea's behavior not its own.

As Israel resists an independent inquiry, there are other parties eager to do their own investigations. The United Nations Human Rights Commission, whose 2009 probe of the Gaza war accused Israel and the Palestinian-faction Hamas of war crimes, has already announced its own probe of the flotilla debacle.

Israel needs to work with the United States to come up with a fair and independent investigatory body - and then cooperate fully. (It refused to cooperate with the Gaza war investigation that guaranteed that its side of the story wasn't heard.) Our suggestion: Do it under the auspices of the so-called quartet - the United States, Russia, the European Union and the United Nations - that is already working on Middle East peace.

Until this incident is credibly investigated, there is little hope of moving forward with Israeli-Palestinian peace talks or efforts to curb Iran's nuclear program.

The Gaza Blockade And International Law (Posner, WSJ)

Friday, June 4, 2010

Wall Street Journal

By Eric Posner

Israel's raid on a fleet of activists bound for the Gaza Strip has led to wild accusations of illegality. But the international law applicable to the blockade eludes the grasp of those in search of easy answers.

The most serious charge is that by seizing control of the flotilla, Israel violated the freedom of ships to travel on the high seas. The basic law here is that states have jurisdiction over a 12-mile territorial sea and can take enforcement actions in an additional 12-mile contiguous zone, according to the 1982 Law of the Sea Convention (which Israel has not ratified, but which is generally regarded as reflecting customary international law). Outside that area, foreign ships can sail unmolested.

But there are exceptions. Longstanding customary international law permits states to enforce publicly announced blockades on the high seas. The Gaza blockade was known to all, and certainly to those who launched the ships for the very purpose of breaking it.

The real question is whether the Israeli blockade is lawful. Blockades certainly are during times of war or armed conflict. The U.S.-led coalition imposed a blockade on Iraq during the first Gulf War.

The catch here is the meaning of "armed conflict." Traditionally, armed conflict can take place only between sovereign states. If Gaza were clearly a sovereign state, then Israel would be at war with Gaza and the blockade would be lawful. If, however, Gaza were just a part of Israel, Israel would have the right to control its borders- but not by intercepting foreign ships outside its 12-mile territorial sea or contiguous zone.

Gaza is not a sovereign state (although it has its own government, controlled by Hamas) and is not a part of Israel or of any other state. Its status is ambiguous, and so too is the nature of the armed conflict between Israel and Hamas. Thus there is no clear answer to the question whether the blockade is lawful.

However, the traditional idea of armed conflict involving only sovereign states has long given way to a looser definition that includes some conflicts between states and nonstate actors. The international rules governing blockades attempt to balance belligerents' interest in security and other countries' economic interests in shipping. During war, security interests prevail.

War-like conditions certainly exist between Israel and Hamas. And because Israel intercepts only self-identified blockade runners, its actions have little impact on neutral shipping. This balance is reflected in the traditional privilege of states to capture foreign pirates on the high seas.

So Israel's legal position is reasonable, and it has precedent. During the U.S. Civil War, the Union claimed to blockade the Confederacy while at the same time maintaining that the Confederacy was not a sovereign state but an agent of insurrection.

When the Union navy seized ships trying to run the blockade, their owners argued that a country cannot interfere with shipping on the high seas except during war, and one cannot be at war except with another sovereign state. The U.S. Supreme Court approved the captures in an ambiguous opinion that held that an armed conflict existed, even though one side was not a sovereign state. The opinion suggests a certain latitude for countries to use blockades against internal as well as external enemies.

Human Rights Watch argues that a blockade to strike at a terrorist organization constitutes a collective penalty against a civilian population, in violation of Article 33 of the fourth Geneva Convention. This argument won't stand up. Blockades and other forms of economic sanction are permitted in international law, which necessarily means that civilians will suffer through no fault of their own.

Most attention has focused on the question whether Israeli commandos used excessive force while taking control of one of the flotilla ships, which resulted in nine deaths. Human Rights Watch says that Israel's actions violated the 1990 United Nations Basic Principles on the Use of Force and Firearms by Law Enforcement Officials. However, that document is not international law; its principles are akin to a set of "best practices" for advising countries with poorly trained police forces. It is also vague and it would not apply to a military operation.

Military operations must respect the principle of proportionality, which is a fuzzy, "know-it-when-you-see-it" test. But one thing is clear. Ships that run blockades may be attacked and sunk under international law. If Israel had exercised that right, far more than nine people would have been killed.

Mr. Posner, a professor at the University of Chicago Law School, is the author of "The Perils of Global Legalism" (University of Chicago Press, 2009).

RELEASED IN PART B5

Law, Rosemary C

From: Guarin, Marc F
Sent: Wednesday, June 02, 2010 5:00 PM
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
Attachments: Gaza doc rev [CONSOLIDATED].docx

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. [REDACTED]

B5

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

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

B5

[REDACTED]

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.

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]

RELEASED IN PART B5

Law, Rosemary C

From: Guarin, Marc F
Sent: Wednesday, June 02, 2010 3:57 PM
To: Baumert, Kevin A; Pomper, Stephen E; Townley, Stephen G; Jacobson, Linda; Dolan, JoAnn; Sullivan, David J
Subject: RE: Blockade email--draft
Attachments: Gaza doc rev.docx

Sorry, have been in a Kazakhstan meeting all afternoon and just got to look this over. My edits are attached.

Marc

From: Baumert, Kevin A
Sent: Wednesday, 2 June, 2010 15:41
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?

B5

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

Law, Rosemary C

RELEASED IN PART B5

From: Guthrie, Peter A
Sent: Wednesday, June 02, 2010 3:31 PM
To: Jacobson, Linda; Dolan, JoAnn; Mortlock, David JL
Cc: Townley, Stephen G
Subject: RE: CLEAR THIS VERSION ASAP: IHH PRESS GUIDANCE

B5

From: Jacobson, Linda
Sent: Wednesday, June 02, 2010 2:35 PM
To: Dolan, JoAnn; Guthrie, Peter A; Mortlock, David JL
Cc: Townley, Stephen G
Subject: RE: CLEAR THIS VERSION ASAP: IHH PRESS GUIDANCE

From: Dolan, JoAnn
Sent: Wednesday, June 02, 2010 2:21 PM
To: Jacobson, Linda
Cc: Townley, Stephen G
Subject: FW: CLEAR THIS VERSION ASAP: IHH PRESS GUIDANCE

Should have included you both.

From: Dolan, JoAnn
Sent: Wednesday, June 02, 2010 2:19 PM
To: Guthrie, Peter A; Shore, Rhonda H; P-NEA Duty; Rana, Gautam A; Hatcher, J Nathaniel; Reasor, Lonni H; Vasquez, Edgar J; Cohen, Jared A
Cc: Mortlock, David JL
Subject: RE: CLEAR THIS VERSION ASAP: IHH PRESS GUIDANCE

From: Guthrie, Peter A
Sent: Wednesday, June 02, 2010 12:37 PM
To: Shore, Rhonda H; P-NEA Duty; Rana, Gautam A; Hatcher, J Nathaniel; Reasor, Lonni H; Vasquez, Edgar J; Cohen, Jared A
Cc: Mortlock, David JL; Dolan, JoAnn
Subject: RE: CLEAR THIS VERSION ASAP: IHH PRESS GUIDANCE

Edits attached. The questions are fairly similar, so I also think they (and the bullets) could be combined into one Q & A.

Copying David Mortlock on

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

From: Shore, Rhonda H

Sent: Wednesday, June 02, 2010 11:41 AM

To: P-NEA Duty; Rana, Gautam A; Hatcher, J Nathaniel; Guthrie, Peter A; Reasor, Lonni H; Vasquez, Edgar J; Cohen, Jared A

Subject: CLEAR THIS VERSION ASAP: IHH PRESS GUIDANCE

Law, Rosemary C

RELEASED IN PART B5

From: Harris, Robert K
Sent: Tuesday, June 08, 2010 4:00 PM
To: Schwartz, Jonathan B; Donoghue, Joan E; Townley, Stephen G; Jacobson, Linda; Goroye, Katherine M; Banos, Mariano H; Cleveland, Sarah H; Pomper, Stephen E
Subject: FW: Israel -Flotilla and beyond
Importance: High

I was a blind cc on this.

[REDACTED]

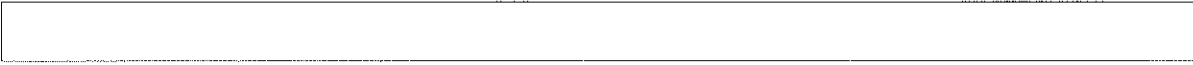
B5

From: Posner, Michael H
Sent: Tuesday, June 08, 2010 12:05 PM
To: 'Power, Samantha J.'; Feltman, Jeffrey D
Cc: 'Busby, Scott W.'; Graze, Deborah E; Koh, Harold Hongju
Subject: FW: Israel -Flotilla and beyond
Importance: High

Samantha and Jeff

[REDACTED]

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer



B5

RELEASED IN PART B5

Law, Rosemary C

From: Heinemann, Thomas B
Sent: Monday, September 12, 2011 1:19 PM
To: Perina, Alexandra H; Jacobson, Linda; Conklin, Maegan L; Guarin, Marc F
Subject: RE: [REDACTED] analysis on international law governing blockades

Classification: UNCLASSIFIED

[REDACTED]

This email is UNCLASSIFIED.

From: Perina, Alexandra H
Sent: Monday, September 12, 2011 12:44 PM
To: Heinemann, Thomas B; Jacobson, Linda; Conklin, Maegan L; Guarin, Marc F
Subject: RE: [REDACTED] analysis on international law governing blockades

[REDACTED]

From: Heinemann, Thomas B
Sent: Monday, September 12, 2011 12:21 PM
To: Jacobson, Linda; Conklin, Maegan L; Perina, Alexandra H; Guarin, Marc F
Subject: [REDACTED] L analysis on international law governing blockades

[REDACTED]

Thanks.

[REDACTED]

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

B5

B5

SBU
This email is UNCLASSIFIED.

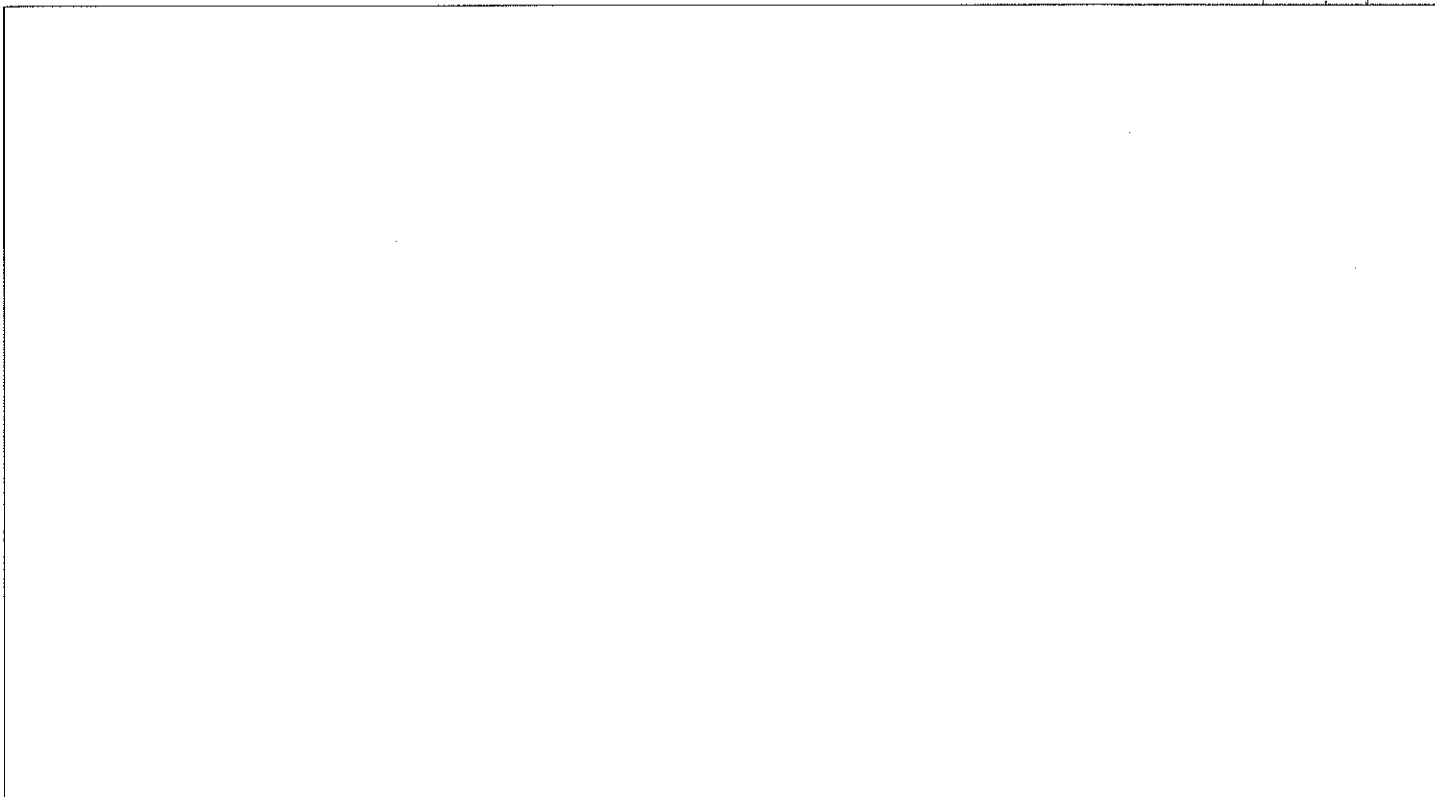
Law, Rosemary C

RELEASED IN PART B5

From: Heinemann, Thomas B
Sent: Tuesday, September 06, 2011 12:29 PM
To: Schwartz, Jonathan B; Kimball, Emily J; Gorove, Katherine M
Cc: Jacobson, Linda; Buchwald, Todd F; Biniaz, Susan N; McLeod, Mary; Visek, Richard C
Subject: RE: Turkey ICJ

Classification: UNCLASSIFIED

A couple of additional thoughts on these points:



-- Also, in case anyone missed it, the report is now officially up on the UN website.

Sorry for the delayed response, I was offline over the weekend.

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

From: Schwartz, Jonathan B
Sent: Saturday, September 03, 2011 5:28 PM
To: Heinemann, Thomas B; Kimball, Emily J; Gorove, Katherine M
Cc: Jacobson, Linda; Buchwald, Todd F; Biniaz, Susan N; McLeod, Mary; Visek, Richard C
Subject: Re: Turkey ICJ

Reading through the report, the following concerned me:



REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

B5

Jon

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

From: Schwartz, Jonathan B

Sent: Saturday, September 03, 2011 03:47 PM

To: Heinemann, Thomas B; Kimball, Emily J; Gorove, Katherine M

Cc: Jacobson, Linda; Buchwald, Todd F; Biniaz, Susan N; McLeod, Mary; Visek, Richard C

Subject: Turkey ICJ

Tom/Emily/Kate - are any of you in a position to get me some thoughts on the Turkish announcement they will take the blockade issue to the ICJ (before I leave Monday morning)? I

Thanks

Jon

This email is UNCLASSIFIED

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

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--

B5

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

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

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:

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

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

From: Mitchell, Mary T
Sent: Thursday, June 03, 2010 10:00 AM

1
REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

To: Jacobson, Linda; Sharpe, Jeremy
Cc: Townley, Stephen G
Subject: RE: Options Paper on Flotilla Investigation

B5

[REDACTED]

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] 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] 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

3

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

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

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

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

B5

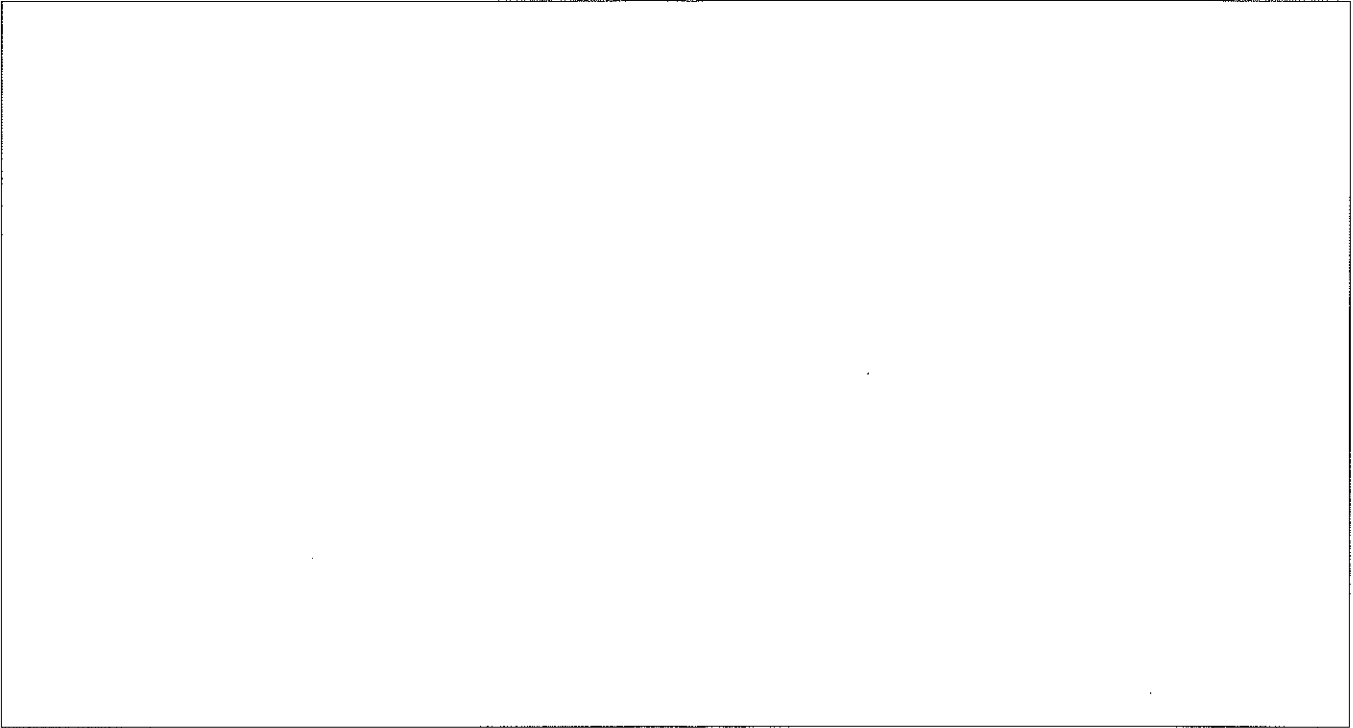
SBU
This email is UNCLASSIFIED.

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

B5

B5



RELEASED IN PART B6

Law, Rosemary C

From: [REDACTED]
Sent: Tuesday, June 01, 2010 10:57 PM
To: Jacobson, Linda
Subject: Fwd: Open Letter: People of Conscience Condemn Israeli Massacre and Call To Sustained Action

B6

Any possibility the State Department can express concern for the safety of Archbishop Hilarion Cappucci of Jerusalem. I met the archbishop in the home of my good friend Shafic Budron. I would really appreciate any actions u could take to express concern for the Archbishop's safety.

The information transmitted in this e-mail message and attachments, if any, may be attorney-client information, including privileged and confidential matter, and is intended only for the use of the individual or entity named above. Distribution to, or review by, unauthorized persons is prohibited. All personal messages express views solely of the sender, which are not to be attributed to [REDACTED]. If you have received this transmission in error, immediately notify the sender and permanently delete this transmission including attachments, if any.

Sent from my iPhone

Begin forwarded message:

From: "Shafic M. Budron, Ph.D." <SMBudron@AGSustainableSolutions.com>
Date: June 1, 2010 9:50:16 PM CDT
To: [REDACTED]
Subject: Open Letter: People of Conscience Condemn Israeli Massacre and Call To Sustained Action
Reply-To: <SMBudron@AGSustainableSolutions.com>

Dear [REDACTED]

I hope all is well with you.

On Board of the "Gaza Freedom Flotilla" which was attacked by Israeli forces in international waters, was my dear and special friend/ father figure "Peace Dove" Archbishop Hilarion

1
REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

Cappucci of Jerusalem. The Archbishop is near 90 years old and in frail health. You met the Archbishop in our home last year when we had him on a U.S. speaking tour which spanned Washington, Chicago, Los Angeles and New York. He is a consummate humanitarian, and last June at ADC while seated next to President Bill Clinton, we bestowed on him "The Humanitarian Achievement Award". I am personally and especially concerned about his well being, and I have been reaching out to officials within our government to ensure his safety, healthcare and immediate release from his detention/ imprisonment by Israel.

Let's reach out to our friends and contacts within the U.S. government to ensure that Israel he receives decent and dignified treatment, proper healthcare and also ensure his immediate release. I would appreciate your help.

p.s. The Archbishop was the only person who was allowed to conduct religious services for the American hostages who were held in Tehran in 1979, and later was the individual who escorted the hostages with the International Red Cross from Tehran to Geneva, where they were handed to the U.S. government. Shortly thereafter, President Jimmy Carter sent Archbishop Cappucci a special thank you letter, in which President Carter told him that "America is indebted to you".

Warm regards,



Shafic M. Budron, Ph.D.

President & CEO

WasteTech*AltEnergy*Technology & Processes*Construction & Development*Design-Build*MO&M

Burr Ridge, IL 60527

Cell (847) 489-7999 * Fax (630) 794-9329 * www.AGSustainableSolutions.com

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From: Shafic M. Budron, Ph.D. [mailto:SMBudron@AGSustainableSolutions.com]

Sent: Tuesday, June 01, 2010 2:50 AM

To:

B6

Cc: [REDACTED]
Subject: FW: Open Letter: People of Conscience Condemn Israeli Massacre and Call To Sustained Action

B6

Dear [REDACTED],

Like you and people of conscious all over the U.S. and throughout the world, we are truly saddened and appalled by the shocking dreadful news of the murderous attack committed by the Israeli forces against unarmed humanitarian activists on the "Gaza Freedom Flotilla". This massacre will NOT dissuade the determination of people of faith and conviction to break the illegal and criminal siege and end all acts of collective punishment. Plans are already under way for future humanitarian and relief convoy to break the siege, and will continue until the siege and blockade come to total end.

I know many fine and peace loving individuals who were on board the Flotilla. I am especially personally concerned about the safety of Beloved "Peace Dove" Archbishop Hilarion Cappucci, who bid me special farewell prior to leaving to Istanbul to join the Flotilla. Imagine for a moment, I and several of our mutual friends could have been on board of that ship, and could have been amongst those massacred by the Israeli forces on the high seas. May be soon you, I and a delegation of American Jewish, Christian, Muslim and other leaders will lead a convoy to break the siege, if not already ended.

No doubt, you agree that like the Israelis, and other peoples in the Free World, the Palestinians are entitled to and must have the same equal rights to live free, with justice, peace and security. Every human life is as dear as the other. Palestinian and Arab life is not less precious NOR less sacred than Israeli life. We the embracers and cherishers of justice and peace for all, need to shore up and substantiate our slogans and rhetoric with real serious action toward that end. History taught us that when people are determined to be free, they shall be free. Israel's survival rests in its ability to co-exist with the Palestinian people with equal justice, peace and security for all- nothing less.

I plan to be in Washington D.C. for the ADC 30th Anniversary Convention on June 4th through June 6th, and call upon you to arrange for a joint-meeting with the "White House" to renew our commitment for justice and peace, and usher the way for concrete actions to achieve sustainable peace.

Best regards,

Shafic M. Budron



Shafic M. Budron, Ph.D.

President & CEO

WasteTech*AltEnergy*Technology & Processes*Construction & Development*Design-Build*MO&M

Burr Ridge, IL 60527

Cell (847) 489-7999 * Fax (630) 794-9329 * www.AGSustainableSolutions.com

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Before printing this email or any attachments, please think about your responsibility and commitment to the **ENVIRONMENT**.

From: Shafic M. Budron, Ph.D. [mailto:SMBudron@AGSustainableSolutions.com]

Sent: Tuesday, June 01, 2010 1:42 AM

To: Shafic M. Budron

Subject: Open Letter: People of Conscience Condemn Israeli Massacre and Call To Sustained Action

Open Letter To Esteemed Friends, Administration Officials and Congressional Leaders:

This morning we wake up to the dreadful news of Israel's premeditated massacre committed by the Israeli forces against unarmed humanitarian activists on the "Gaza Freedom Flotilla". Twenty humanitarian workers were slaughtered and about eighty were wounded by the Israeli forces in International waters. This arrogant murderous act is another flagrant and provocative defiance for the International Community and another violation of The Universal Declaration of Human Rights, The Fourth Geneva Convention, International Law and the U.S. Arms Export Act.

Israel's reprehensible and unfathomable actions are manifestations of a delusional, near-insane and deranged, yet routine, conduct, which threatens regional and world peace. These heinous actions with all the local and global implications, as well as the repercussions on U.S. leadership, responsibility and corresponding National Security and Interests demand from us to rise to the commensurate level. We must connect and do all which is necessary to restore reason and justice amidst insanity and oppression.

J-Street's Executive Director, Jeremy Ben-Ami, in a statement titled Shocking News Off Gaza said, "This shocking outcome of an effort to bring humanitarian relief to the people of Gaza is in part a consequence of the ongoing, counterproductive Israeli blockade of Gaza. J Street has been and continues to be opposed to the blockade" ..., "today is one more nail in the coffin for hopes of ending the Israeli-Palestinian conflict peacefully and diplomatically".

Americans For Peace Now President & CEO, Debra DeLee, in a statement titled Tragedy off Gaza Coast said, "An Israeli attempt to intercept one of the ships that was part of an international Gaza aid flotilla ended in disaster." ..., "one thing is clear: Israel's policy of blockading Gaza is untenable and increasingly indefensible. The time has come for a re-evaluation of current policies." ..., "Israel has learned through painful experience that military force alone cannot eliminate threats. It is time for a new approach."

Peace Now Chief, Yariv Oppenheimer, in an Israeli newspaper Ma'ariv titled Israel's moral decadence wrote, "Tonight Israel marked a new low point in the way it chose to contend with its domestic and external policy dissidents" ..., "With the use of our repression mechanisms and the encouragement of the IDF spokesman we will again dissociate from reality and the world and manufacture our own unique script in which we are the victims and the whole world is against us as usual." ..., "The price for the unfortunate results of the fleet will be paid primarily by the families of those who were killed at sea last night. Next in line to pay the price will be the residents of Israel who want peace and the end of the conflict with all their hearts, and who wish to stop the cycle of bloodshed and live in a saner country." ..., "Without a loud voice of protest by a patriotic Israeli public calling on its leaders to change course, we will all find ourselves in a morally and politically decadent country, slowly sinking into the depths."

It is evident that we have an Israeli leadership which has gone insane and out of touch. This leadership has become a menace to both Israelis and Palestinians, regional and world peace. People of conscious can no longer stay silent and watch idly as Israel gets away with murder and "state-inflicted-terrorism" time and time again. For the sake of both the Israeli and Palestinian peoples, and the peoples of the region and the world, we must take a stand. We are the silent majority who failingly allowed insane megalomaniac radicals hijack the agenda and lead us closer to doomsday, while in our hearts we embrace and vie for reason, justice, peace, security and prosperity for all. It is imperative that, as a minimum, we mobilize and activate our coalition partners, like-minded organizations and leaders to join in a sustained Movement calling on the Obama administration and U.S. Congress to ensuring:

1. Independent International Investigation into the Massacre and holding accountable those responsible for planning, ordering and executing war crimes and crimes against humanity;
2. End of siege, sanction and embargo on Gaza;
3. The Palestinian people, including the Palestinians of Gaza, be afforded the same universal and inalienable rights as all other peoples in the Free World.
4. No one State, Group or Person is to be placed above the law.

Israel cannot rationally expect to enjoy peace and security, while at the same time deny them to the Palestinian people and its neighbors. Israel's survival will be neither guaranteed by its sheer military might nor the strengths of its bonds with an external force- no matter how powerful- but rather by its ability and resolve to live in justice and peace with the Palestinian people. Nothing else short of that will ever stand!.

Shafic M. Budron, Ph.D.
Burr Ridge, IL 60527
Cell (847) 489-7999

Shafic M. Budron Co-founder of: 1.) Arab-Jewish For Justice & Peace in the Middle East; 2.) African Americans for Justice & Peace in Palestine/ Israel; 3.) Council of Arab American Organizations; and more...

Shafic M. Budron is a National Treasurer and Chair of the Planning Committee of The American-Arab Anti-Discrimination Committee (ADC), which is non-profit, non-sectarian and non-partisan, is the largest Arab-American civil rights organization in the United States. It was founded in 1980 by former Senator James Abourezk to protect the civil rights of people of Arab descent in the United States and to promote the cultural heritage of the Arabs. ADC has 38 chapters nationwide, including chapters in every major city in the country, and members in all 50 states.

The ADC Research Institute (ADC-RI), which was founded in 1981, is a Section 501(c)(3) educational organization that sponsors a wide range of programs on behalf of Arab Americans and of importance to all Americans. ADC-RI programs include research studies, seminars, conferences and publications that document and analyze the discrimination faced by Arab Americans in the workplace, schools, media, and governmental agencies and institutions. ADC-RI also celebrates the rich cultural heritage of the Arabs.

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

7

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

was registered there. While neither Turkey or Israel are Rome Statute parties, Comoros is -

B5

Thanks.

RELEASED IN PART B5

Law, Rosemary C

From: Kimball, Emily J
Sent: Thursday, February 24, 2011 6:04 PM
To: Banos, Mariano H; Swiney, Gabriel; Gorove, Katherine M; Buchwald, Todd F; Jacobson, Linda
Subject: RE: Clearance: QA35 Goldstone Flotilla.docx
Attachments: 110224 QA35 Goldstone Flotilla.docx

These are the edits we suggested for a similar piece in the HRC priorities demarche earlier today. Todd: Does this look ok to you?

Emily

From: Banos, Mariano H
Sent: Thursday, February 24, 2011 2:50 PM
To: Swiney, Gabriel; Gorove, Katherine M; Buchwald, Todd F; Jacobson, Linda; Kimball, Emily J
Subject: RE: Clearance: QA35 Goldstone Flotilla.docx

We just did the complementarity piece with Emily in a sep doc. Looping her in to send her latest language.

Mariano

SBU
This email is UNCLASSIFIED.

From: Swiney, Gabriel
Sent: Thursday, February 24, 2011 2:16 PM
To: Gorove, Katherine M; Buchwald, Todd F; Jacobson, Linda; Banos, Mariano H
Subject: RE: Clearance: QA35 Goldstone Flotilla.docx

Passed the message along.

SBU
This email is UNCLASSIFIED.

From: Gorove, Katherine M
Sent: Thursday, February 24, 2011 2:14 PM
To: Buchwald, Todd F; Swiney, Gabriel; Jacobson, Linda; Banos, Mariano H
Subject: FW: Clearance: QA35 Goldstone Flotilla.docx
Importance: High

B5

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

This email is UNCLASSIFIED.

From: Swiney, Gabriel
Sent: Thursday, February 24, 2011 1:57 PM
To: Buchwald, Todd F
Cc: Gorove, Katherine M
Subject: FW: Clearance: QA35 Goldstone Flotilla.docx
Importance: High

Todd, I haven't followed Goldstone etc. at all. In Kate's absence, do you want to clear on this?

SBU
This email is UNCLASSIFIED.

From: Zurcher, Kenneth M
Sent: Thursday, February 24, 2011 1:54 PM
To: Reisser, Wesley J; Bass, Warren; Ried, Curtis R (USUN); Masilko, Barbara J (USUN); Doutrich, Jack T; Reed, Julia G; Sachar, Alon (NEA/IPA); Jacobson, Linda; Swiney, Gabriel
Subject: Clearance: QA35 Goldstone Flotilla.docx
Importance: High

Good afternoon,

Attached please find the HFACO Q&A on Goldstone and the Flotilla. As these papers draw 100% from previously cleared material – I appreciate any ability to provide your comments/clearance by COB today.

Thank you,
Ken

SBU
This email is UNCLASSIFIED.

RELEASED IN PART B5

Law, Rosemary C

From: Lapenn, Jessica
Sent: Tuesday, October 19, 2010 5:02 PM
To: Jacobson, Linda
Cc: Nemroff, Courtney R (USUN)
Subject: RE: Falk report statement

Classification: UNCLASSIFIED
SensitivityCode: Sensitive

Ok, looping in Courtney

SBU
This email is UNCLASSIFIED.

From: Jacobson, Linda
Sent: Tuesday, October 19, 2010 5:02 PM
To: Lapenn, Jessica
Subject: RE: Falk report statement

Jessye, Todd and I just talked and he will be sending within minutes some language on this.

From: Laperin, Jessica
Sent: Tuesday, October 19, 2010 5:01 PM
To: Morrison, Andrew L; Honigstein, Michael D; Johnston-Gardner, Sarah R (DRL); Nemroff, Courtney R (USUN)
Cc: Cassidy, Joseph P; Evans, Heidi B; Dolan, JoAnn; Doutrich, Jack T; Nossel, Suzanne F; Zurcher, Kenneth M; Naranjo, Brian R; Jacobson, Linda; Buchwald, Todd F
Subject: RE: Falk report statement

Given that time is ticking – we have minutes until this must go to Ambassador Rice – we won't resolve this issue, so will move the text without the additions – but be mindful of the issues that Andy raises for "next time," which surely there will be.

Attached version has new last para (DRL and NEA – pls have a look) taken from yesterday at UNSC that USUN would like to add.

Suzanne – can you pls review on BB, and we'll then pass to Gerry. Thanks! Jessye

SBU
This email is UNCLASSIFIED.

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

From: Morrison, Andrew L
Sent: Tuesday, October 19, 2010 4:40 PM
To: Lapenn, Jessica; Honigstein, Michael D; Johnston-Gardner, Sarah R (DRL); Nemroff, Courtney R (USUN)
Cc: Cassidy, Joseph P; Evans, Heidi B; Dolan, JoAnn; Doutrich, Jack T; Nossel, Suzanne F; Zurcher, Kenneth M; Naranjo,

Brian R; Jacobson, Linda; Buchwald, Todd F
Subject: FW: Falk report statement

B5

SBU
This email is UNCLASSIFIED.

From: Morrison, Andrew L
Sent: Tuesday, October 19, 2010 4:34 PM
To: Lapenn, Jessica; Honigstein, Michael D; Johnston-Gardner, Sarah R (DRL); Nemroff, Courtney R (USUN)
Cc: Cassidy, Joseph P; Evans, Heidi B; Dolan, JoAnn; Doutrich, Jack T; Nossel, Suzanne F; Zurcher, Kenneth M; Naranjo, Brian R; Jacobson, Linda; Buchwald, Todd F
Subject: RE: Falk report statement

SBU
This email is UNCLASSIFIED.

From: Lapenn, Jessica
Sent: Tuesday, October 19, 2010 3:46 PM
To: Morrison, Andrew L; Honigstein, Michael D; Johnston-Gardner, Sarah R (DRL); Nemroff, Courtney R (USUN)
Cc: Cassidy, Joseph P; Evans, Heidi B; Dolan, JoAnn; Doutrich, Jack T; Nossel, Suzanne F; Zurcher, Kenneth M
Subject: RE: Falk report statement

B5

SBU
This email is UNCLASSIFIED.

From: Morrison, Andrew L
Sent: Tuesday, October 19, 2010 3:33 PM
To: Honigstein, Michael D; Johnston-Gardner, Sarah R (DRL); Nemroff, Courtney R (USUN); Lapenn, Jessica
Cc: Cassidy, Joseph P; Evans, Heidi B; Dolan, JoAnn; Doutrich, Jack T; Nossel, Suzanne F; Zurcher, Kenneth M
Subject: RE: Falk report statement

SBU
This email is UNCLASSIFIED.

From: Honigstein, Michael D
Sent: Tuesday, October 19, 2010 3:25 PM
To: Morrison, Andrew L; Johnston-Gardner, Sarah R (DRL); Nemroff, Courtney R (USUN); Lapenn, Jessica
Cc: Cassidy, Joseph P; Evans, Heidi B; Dolan, JoAnn; Doutrich, Jack T; Nossel, Suzanne F; Zurcher, Kenneth M
Subject: Re: Falk report statement

Mike

Michael Honigstein
Human Rights Section Chief
Office of Human Rights, Humanitarian and Social
Affairs (IO/HR)
Bureau of International Organizations

From: Morrison, Andrew L
To: Johnston-Gardner, Sarah R (DRL); Nemroff, Courtney R (USUN); Lapenn, Jessica; Honigstein, Michael D
Cc: Cassidy, Joseph P; Evans, Heidi B; Dolan, JoAnn; Doutrich, Jack T; Nossel, Suzanne F; Zurcher, Kenneth M
Sent: Tue Oct 19 15:15:58 2010
Subject: RE: Falk report statement

B5

Privacy/PII
This email is UNCLASSIFIED.

From: Johnston-Gardner, Sarah R (DRL)
Sent: Tuesday, October 19, 2010 2:53 PM
To: Nemroff, Courtney R (USUN); Lapenn, Jessica; Honigstein, Michael D
Cc: Cassidy, Joseph P; Morrison, Andrew L
Subject: RE: Falk report statement

Thank you. Barbara already looked at it and did not have any additions or need to clear. I think we need to move this up to the FOs of IO and DRL so get out of here by COB.

Will IO bring this to DAS Nossel for approval?

Best,
Sarah

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: Nemroff, Courtney R (USUN)
Sent: Tuesday, October 19, 2010 2:20 PM
To: Lapenn, Jessica; Johnston-Gardner, Sarah R (DRL); Honigstein, Michael D
Cc: Cassidy, Joseph P; Morrison, Andrew L
Subject: RE: Falk report statement

This email is UNCLASSIFIED.

From: Lapenn, Jessica
Sent: Tuesday, October 19, 2010 2:08 PM

To: Johnston-Gardner, Sarah R (DRL); Honigstein, Michael D
Cc: Cassidy, Joseph P; Morrison, Andrew L; Nemroff, Courtney R (USUN)
Subject: RE: Falk report statement

B5

SBU
This email is UNCLASSIFIED.

From: Johnston-Gardner, Sarah R (DRL)
Sent: Tuesday, October 19, 2010 2:07 PM
To: Lapenn, Jessica; Honigstein, Michael D
Cc: Cassidy, Joseph P
Subject: Falk report statement

It has been cleared with D(S) and is attached. I am in discussions with NEA and SEMEP about it now, but otherwise it is cleared and ready for FO approval in IO and DRL.

Best,
Sarah

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: Lapenn, Jessica
Sent: Tuesday, October 19, 2010 1:33 PM
To: Johnston-Gardner, Sarah R (DRL); Honigstein, Michael D
Cc: Cassidy, Joseph P
Subject: RE: Meeting with Arthur Lenk

Can you send me current draft of Falk statement? Thanks!

SBU
This email is UNCLASSIFIED.

From: Johnston-Gardner, Sarah R (DRL)
Sent: Monday, October 18, 2010 6:22 PM
To: Honigstein, Michael D; Lapenn, Jessica
Cc: Cassidy, Joseph P
Subject: Meeting with Arthur Lenk

Hello,

I ran into Eliav from the Israeli embassy and he told me Arthur Lenk from the MFA will be in town this Friday and is meeting with DAS Nossel. Would you mind if we joined?

Best,
Sarah

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

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

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

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, 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; Martin, Julie B
Subject: HRC Gaza resolution - status of negotiations

B5

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

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[]; 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

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[]; 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[] <jpcassidy[]>; 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@nss.eop.gov' <dshapiro@nss.eop.gov>; 'Prem_G._Kumar@nss.eop.gov' <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 08:49:16 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 [] 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; 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: 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; 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

B5

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 [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. [REDACTED]

----- 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,

AO
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

B5

B5

[REDACTED]

[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.

Thanks,

Julie

B6

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

B5

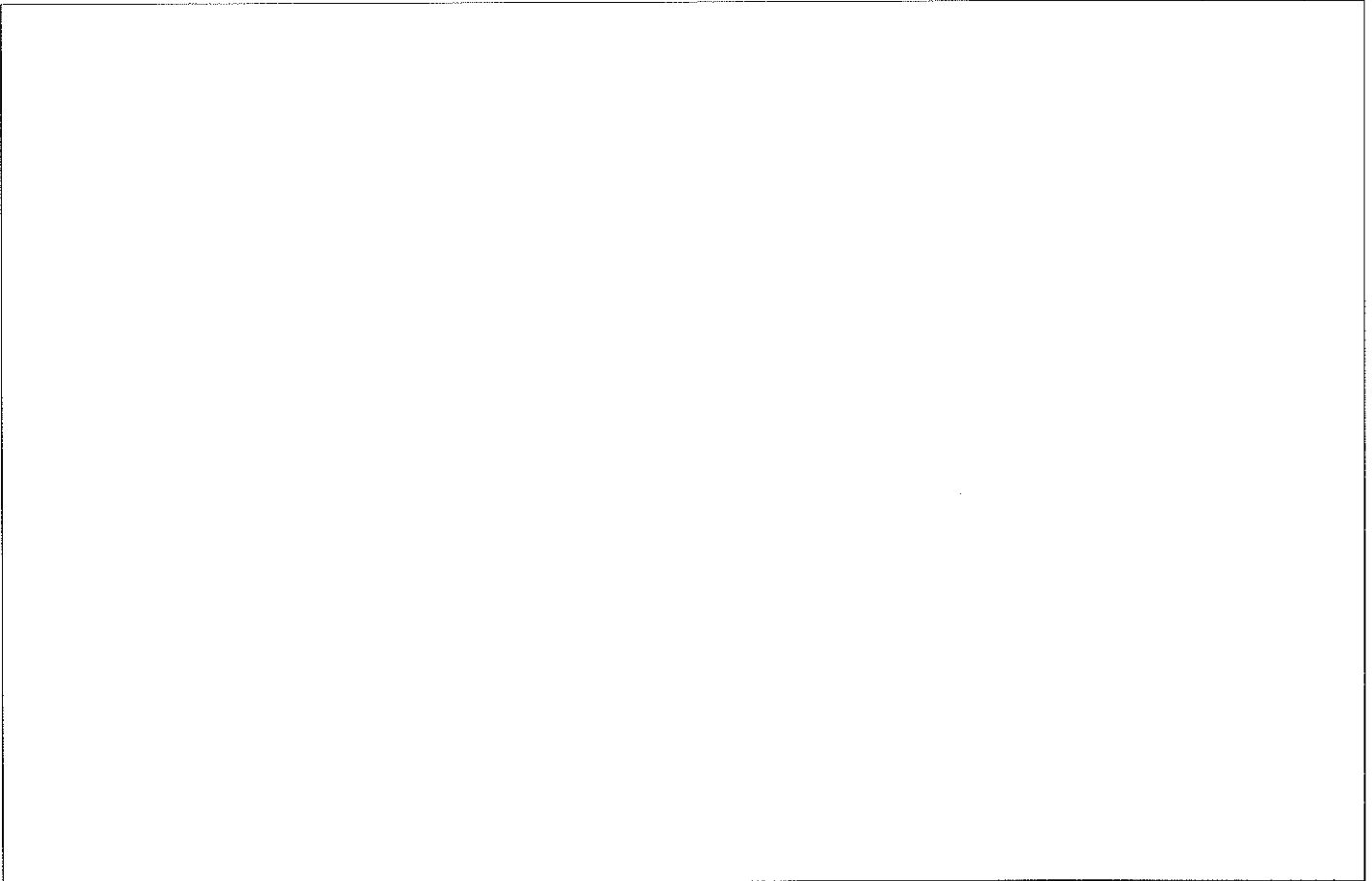
SBU
This email is UNCLASSIFIED.

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?

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?

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

[REDACTED]

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" [REDACTED]

[REDACTED]

[REDACTED]

Thanks for your help and sorry for the mad rush. Linda

RELEASED IN FULL

**REPORT ON THE ISRAELI ATTACK
ON THE HUMANITARIAN AID CONVOY TO GAZA
ON 31 MAY 2010**

TURKISH NATIONAL COMMISSION OF INQUIRY

**FEBRUARY 2011
ANKARA**

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

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EXECUTIVE SUMMARY

Israeli military forces on the early hours of 31 May 2010 attacked in international waters an international and multi-faith convoy of six ships organized by a coalition of NGOs from 37 countries transporting certified humanitarian aid to the Gaza Strip. The attack took place 72 nautical miles from the nearest coast, and 64 nautical miles from the zone declared unlawfully, as will be seen, blockaded by Israel. As a result of the attack, eight Turkish citizens and one US citizen of Turkish descent were killed. Over 70 passengers from a host of nationalities were wounded. One of these remains in a coma to this day.

The vessels that set sail from Turkey had been duly inspected for security, immigration and customs. The passengers on board, their personal belongings and the large volume of humanitarian aid had also been thoroughly checked. It was firmly established that there were no firearms or any sort of weapon on board the vessels. Those Turkish ports from where the ships in the convoy set sail are duly certified under the International Ship and Port Facility Security Code (ISPS) of the International Maritime Organization.

The Israeli forces mounted a full-fledged and well-planned attack with frigates, helicopters, zodiacs, submarines, and elite combat troops heavily armed with machine guns, laser-guided rifles, pistols and modified paintball rifles. The Israeli soldiers shot from the helicopter onto the Mavi Marmara using live ammunition and killing two passengers before any Israeli soldier descended on the deck. During the attack, excessive, indiscriminate and disproportionate force was used by the Israeli soldiers against the civilians on board. The Israeli military action was of excessive disproportion to such magnitude that the United Nations Human Rights Council Fact-Finding Mission used the terms "totally unnecessary and incredible violence...unacceptable level of brutality". The

Report of the Turkish Commission of Inquiry 4

passengers only exercised a lawful right of self-defense, without any firearms, against the armed attack of the Israeli forces.

Once the Israeli forces took over the vessel, instead of exercising caution and restraint, they continued to brutalize and terrorize the passengers, abusing them physically, verbally and psychologically. The passengers were beaten, kicked, elbowed, punched, deprived of food and water, handcuffed, left exposed to sun, sprayed with sea-water for hours, and denied toilet access.

During and after the ten hours of sailing to the port of Ashdod in Israel, most of the passengers were kept handcuffed. Some of them were stripped and searched; women were subjected to sexually humiliating treatment; one of them, a journalist, was forced to strip multiple times and a metal detector was placed between her legs.

All passengers were forced to sign incriminatory statements in Hebrew which most did not even understand; they were not allowed access to legal assistance, or to consular officials, nor provided with proper and timely medical care. They were denied adequate food and were confined to restricted spaces with extreme temperatures.

The Israeli officials confiscated all property belonging to the passengers. Aside from the unlawful seizure of personal property, evidences of critical importance to shed light on the attack was destroyed, tampered with or despoiled.

The severe abuse against the passengers continued throughout their stay in Israel, including their transport to prison/hospital and therefrom to the Ben Gurion Airport which was the scene to the second most brutal episode in this tragedy. The passengers who arrived at the airport, exhausted by the ordeal they

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were subjected to, were taunted, paraded as terrorists and enemies, verbally abused, spat on, bullied, pushed around and manhandled just to spark the slightest reaction which would be countered with massive retribution, resulting in mass beatings where officers brutalizing the passengers were shielded from view by their colleagues.

The bodies of the deceased were completely washed and repatriated to Turkey without any accompanying medical and autopsy reports. The Mavi Marmara itself, when returned after being held for 66 days in Ashdod, had been scrubbed down thoroughly, blood stains completely washed off, bullet holes painted over; ship records, Captain's log, computer hardware, ship documents seized, CCTV cameras smashed, all photographic footage seized and presumably destroyed or withheld.

The unlawfulness of the attack put aside, the killing of nine civilian passengers on the Mavi Marmara was first and foremost a violation of the right to life enshrined in the Universal Declaration of Human Rights, and also in the International Covenant on Civil and Political Rights (ICCPR) to which Israel has been a party since 1991. International law was also violated as a result of mistreatment of injured and other passengers on board of the Mavi Marmara and in Ashdod by the Israeli forces and officials.

Furthermore, the fact that the Israeli forces committed torture, engaged in degrading and inhuman treatment; forcibly deprived passengers of their human rights and fundamental freedoms, including the right to privacy, physical security and due process; and abused them physically and psychologically constitutes clear violations of the prohibition of torture and ill-treatment under Article 7 of the ICCPR and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) to which Israel has been

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a party since 1991. These acts also constitute a breach of Article 3 of the European Convention on Human Rights (ECHR).

The Israeli attack on the humanitarian aid convoy in international waters constitutes a violation of freedom of navigation and safety of navigation on the high seas. Freedom of navigation on the high seas is a long-standing rule of customary international law. The 1958 High Seas Convention and the 1982 United Nations Law of the Sea Convention codify what widely recognized to be the customary international rules of the freedom of the high seas. One of the components of freedom of the high seas is the exclusive jurisdiction of the flag State.

The Law of the Sea restricts the right of warships to seize a foreign ship, and its property and arrest the persons on board only in the case of *pirate ships* or aircraft.

Israel's failure to recognize its armed conflict with Hamas as one of international character precludes it from establishing any lawful naval blockade off the Gaza Strip. Since Israel's naval "blockade" on the Gaza Strip is unlawful, any act it performs as a function of this "blockade" is also unlawful *par excellence*.

Israel's naval "blockade" against the Gaza Strip, as it existed on 31 May 2010, was also in violation of the principles of international law governing blockade, as laid down in the San Remo Manual.

Even assuming, *in arguendum*, the validity of the basis of Israel's "blockade", its implementation would render it unlawful. It was excessive, unreasonable, and disproportionate to any military advantage to be achieved in relation to its

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impact on the civilian population. This has been documented by numerous UN agencies and the international community at large.

Numerous *official* statements acknowledged that Israel's blockade was "illegal" and had to be lifted, describing the blockade as "collective punishment on civilians."

The blockade failed to meet the other requirements of a lawful naval blockade under international law, such as specifying the duration and extent of the blockade.

Israel retains effective control over the Gaza Strip and is generally recognized by the international community and the UN as the occupying power there. As a result, Israel cannot lawfully impose a blockade on the Gaza Strip. From this perspective also, the Israeli blockade is illegal and any interdiction based on such blockade is, by definition, unlawful.

Finally, it is a central principle of international law that when a state violates its international obligations, it has a duty to make reparations for the wrongs committed and provide for compensation.

This case is a critical litmus test for the international community in upholding the rule of law. No State should be allowed to act above the law. Impunity must give way to accountability. Israel must acknowledge its responsibility and accordingly convey a public apology to the Republic of Turkey and provide compensation for all damages and losses resulting from its unlawful attack.

The condemnation of Israel's attack is also crucial for the future of the right of navigation on the high seas. Otherwise, a dangerous precedential derogation

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from that paramount right will be established—with far-reaching ramifications that may not be accurately estimated today.

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INTRODUCTION

On 11 August 2010, a Turkish National Commission of Inquiry was established to examine the Israeli military attack in international waters against the international aid convoy on 31 May 2010 which resulted in the killing of nine civilians and injury of many others. The Commission investigated the factual background of the attack, the ensuing violence and mistreatment endured by the passengers, as well as the legal implications and consequences of these acts.

The Turkish National Commission of Inquiry included senior officials from the Board of Inspectors in the Office of the Prime Minister, the Ministry of Justice, the Ministry of Interior, the Ministry of Foreign Affairs and the Under-Secretariat for Maritime Affairs. The Commission examined pertinent international legal instruments as well as numerous depositions made and complaints lodged by survivors to Turkish judicial authorities upon their return to Turkey, solicited verbal and written testimonies from key witnesses, met with relevant authorities, consulted international law experts of renown, and carried out an on-site inspection in the Port of Iskenderun on those vessels in the convoy which had set sail from Turkish ports.

The Turkish Commission of Inquiry was also tasked to prepare a report for consideration by the Panel of Inquiry set up by the UN Secretary-General on 2 August 2010 on the matter, in accordance with the Presidential Statement issued by the UN Security Council on 1 June 2010 which called for a "prompt, impartial, credible and transparent investigation conforming to international standards".

The text of the abovementioned Presidential Statement is presented hereby to provide a full view of the basis of the UN inquiry process.

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(S/PRST/2010/9)

"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."

This final report is a follow-up to the Interim Report submitted to the Panel on 1 September 2010, in pursuance of the abovementioned task.

The Commission remains committed to the fullest possible cooperation with the UN Panel of Inquiry. It accordingly stands ready and willing to furnish further information and clarification, wherever and whenever required.

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I. STATEMENT OF THE FACTS

"In international law, as in internal law, the ends do not justify the means. The state's power is not unlimited. Not all of the means are permitted." "It is when the cannons roar that we especially need the laws."

The Israeli Supreme Court, 11 December 2005

A. The international humanitarian aid convoy

In order to fully grasp the context and circumstances under which the tragedy unfolded in international waters on 31 May 2010, it is essential to have a clear understanding of the background which led to the organization of an international humanitarian aid convoy for the Gaza Strip and Israel's subsequent attack thereon.

Israel was in full occupation of the Gaza Strip between 1967 and 2005. Under the disengagement in 2005, Israel withdrew its military and civilian components from the Gaza Strip, while still maintaining effective control over this area.

Hamas' success at the legislative elections in 2006 prompted Israel to adopt policies aimed at delegitimizing Hamas. These policies picked up pace in 2007, as Hamas gained the upper hand against Fatah in the internecine struggle in the Gaza Strip.

While the makeshift rockets and mortars fired from the Gaza Strip to the southernmost areas of Israel caused few casualties and little material damage,

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they provided Israel with a pretext to take action. Israel disproportionately responded with strict measures suffocating the Gaza Strip's entire population of approximately 1.5 million, half of which are children. These measures were aimed at the movement of persons, goods and capital in and out of the Gaza Strip, as well as the provision of electricity and fuel. Meanwhile Israel also sustained its punitive military actions against the Gaza Strip, which included systematic air, naval and land operations causing many civilian deaths since 2005.

It was against such a backdrop that Israel also imposed air, maritime, and land "blockades" against the Gaza Strip.

At the end of 2008, Israel launched a full-scale military assault on the Gaza Strip. The attack caused some 1,400 deaths, mostly women and children, as well as the destruction of a substantial portion of the already weak infrastructure. The devastation was so great that an international donors' conference was convened to help Gazans rebuild their livelihoods. Despite pledges amounting to 4.5 billion USD, Israel's prohibitive policies against the Gaza Strip prevented any meaningful improvement on the ground, even bringing the United Nations projects to a standstill.

The continuing deterioration of the situation and the Gazans' plight caused ever increasing alarm and concern within the international community. As it became evident that Israel's policies would continue to hinder the provision of adequate supplies from land, attention was turned to the idea of bringing in the assistance via the sea. Ultimately, Mr. John Ging, UN Relief and Works Agency's then-

Director of Operations in Gaza had to make a public call to the international community to bring aid to Gaza by sea.¹

Attempts to assist Gaza by sea were not a novelty. The grim situation in Gaza had already led to the organization of various humanitarian missions. Following Israel's above-mentioned military operation, these attempts found a new source of inspiration in United Nations Security Council Resolution 1860 where the Council, expressing grave concern at the deepening humanitarian crisis in Gaza, and emphasizing the need to ensure sustained and regular flow of goods and people through the Gaza crossings, called for the unimpeded provision and distribution throughout Gaza of humanitarian assistance, including of food, fuel and medical treatment; welcomed the initiatives aimed at creating and opening humanitarian corridors and other mechanisms for the sustained delivery of humanitarian aid; and called on Member States to support international efforts to alleviate the humanitarian and economic situation in Gaza.²

It is within such a context that a multitude of NGO's from a variety of countries came together in a coalition to help alleviate the alarming humanitarian crisis in Gaza. The principal Turkish NGO within the coalition was "İnsan Hak ve Hürriyetleri Vakfı" (the "Foundation for Human Rights and Freedoms"—IHH), which enjoys consultative status within the UN ECOSOC and performs humanitarian activities in over 120 countries worldwide since 1992.

The coalition organized an international and multi-faith convoy of ships laden with certified humanitarian aid. The ships set sail in May 2010 from different

¹ See John Ging's statements, Israel wants clarification about UNRWA Gaza Director's call to break the siege, *The Middle East Monitor*, 4 May 2010, <<http://www.middleeastmonitor.org.uk/news/middle-east/980-israel-wants-clarification-about-unrwa-gaza-directors-call-to-break-the-siege>> 3 February 2011

² Security Council, United Nations, Resolution on the Situation in the Middle East, including the Palestinian question, S/RES/1860 (2009)

countries. The convoy consisted of passenger vessels “*Mavi Marmara*” (Comoros), “*Sfendoni*” (Togo) (referred to in some instances as the “8000”), “*Challenger I*” (US) and cargo vessels “*Gazze I*” (Turkish), “*Eleftheri Mesogeio*” (Greek) (also referred to in some instances as the “*Sofia*”), “*Defne-Y*” (Kiribati).³ The total cargo on the six ships was in excess of 10,000 tons.⁴

The passengers included Members of Parliaments from different European countries as well as a Member of the Knesset, academics, journalists, former diplomats including a retired US ambassador, religious leaders, elderly people, women, and the one-year-old son of the *Mavi Marmara*’s Chief Engineer.^{5,6} These passengers, who came from different walks of life and backgrounds, had united behind the humane goal of helping other persons in distress.

B. The vessels that departed from Turkish ports

The *Mavi Marmara* left Istanbul on 22 May 2010 with a crew of 29 and a cleaning and maintenance personnel of 42.⁷ The Port of Zeytinburnu (Istanbul), as all Turkish ports used by the vessels in the convoy, has an International Ship and Port Facility Security (ISPS) Certificate under the Convention on Safety of Life at Sea (SOLAS).⁸ All crew members and passengers were subjected to x-ray checks, and customs and passport controls conforming to the pertinent international standards.⁹ On 25 May 2010, the vessel docked at the Port of Antalya which it left on 28 May 2010 with a total of 546 passengers and 29 crew

³For photographs of the vessels, see: The Foundation for Human Rights and Freedoms and Humanitarian Relief, *Palestine Our Route Humanitarian Aid Our Load Convoy Campaign Summary Report*, p.12 <http://www.ihh.org.tr/uploads/2010/insaniyardim-filosu-ozet-raporu_en.pdf>, (Accessed 14 July 2010)

⁴For a comprehensive description of the cargo, see Annex 3 (Section 1-4).

⁵For the crew and passenger lists of the vessels *Mavi Marmara*, *Gazze* and *Defne-Y*, see Annex 3 (Section 1-4).

⁶A video footage of the said baby is in Annex 7 (Clip19).

⁷For the testimony of Captain Mahmut Tural, see Annex 5 (Section1/i)

⁸For the Statement of Compliance Documents (ISPS) of the Ports of Istanbul, Antalya, Iskenderun and Zeytinburnu, see Annex 3 (Section 5)

⁹For the customs records of the passengers and crew of the *Mavi Marmara*, see Annex 4 (Section 2 & 7)

members.¹⁰ Again, all the passengers and crew were subjected to the same stringent x-ray checks as well as customs and passport controls. All personal belongings and cargo were also thoroughly inspected and cleared.^{11, 12, 13}

The Gazze-I left the Port of Iskenderun on 22 May 2010 with a crew of thirteen and five passengers, while the Defne-Y departed the Port of Zeytinburnu, Istanbul, on 24 May 2010 with a crew of thirteen and seven passengers. Both vessels underwent similar rigorous checks and controls.

On 28 May 2010, the Mavi Marmara sailed towards the meeting point south of the island of Cyprus where all the vessels in the convoy were expected to get together. At the meeting point, Challenger-II was discovered to have become unfit to complete the rest of the planned journey. As a result, its 14 passengers were transferred to the Mavi Marmara.¹⁴ The personal effects of the new arrivals were thoroughly checked by the crew of the Mavi Marmara.

The convoy sailed from the meeting point on 30 May 2010 at 16.00 on a bearing of 222°.¹⁵

C. Diplomatic contacts prior to the departure of the convoy

A number of diplomatic representations were carried out by Israeli authorities in Tel Aviv, Jerusalem and Ankara, demanding that Turkish authorities deny the convoy departure from Turkish ports, also insisting that, should the convoy sail on as planned, the aid be routed to Israel for inspection and subsequent delivery to its destination.

¹⁰ For the customs records of the passengers and crew of the Mavi Marmara, see Annex 4 (Section 2 & 7)

¹¹ For the written deposition of First Captain Mr. Mahmut Tural, see Annex 5 (Section 1/i)

¹² For the Statement of Compliance Documents of the Port of Antalya, see Annex 3 (Section 5)

¹³ For the Port Authority Records of Mavi Marmara, see Annex 3 (Section 1 & 2)

¹⁴ For a list the passengers who boarded the Mavi Marmara from the Challenger-II, see Annex 3 (Section 8)

¹⁵ For the map of the coordinates of the vessels during the time of journey see, Annex 3 (Section 5)

In reply, the Turkish authorities stressed the difficulties, in an open and democratic society, in preventing an NGO endeavor from lawfully departing Turkish ports. Nonetheless, the Turkish authorities pledged to inform the convoy's Turkish participants about the messages conveyed by Israel and to try to convince them to take the aid to Ashdod in Israel or to Al-Arish in Egypt. All these steps were taken prior to the departure of the convoy. The Turkish authorities also urged Israel repeatedly to act with maximum restraint and to avoid using force to intercept the vessels.

On 28 May 2010, the Undersecretary of the Turkish Ministry of Foreign Affairs told the US Ambassador in Ankara that contacts with the convoy's Turkish participants were starting to bear fruit, and that the IHH representatives agreed to eventually dock at Al-Arish. But the convoy would first try to approach the Gaza Strip and, if necessary, alter its course to Al-Arish. The Undersecretary also cautioned that Israel should act with maximum restraint and avoid using force by any means. He asked the US Ambassador to pass this message on to Israel. A few hours later, the Director General of the Israeli Ministry of Foreign Affairs called the Undersecretary to express their accord to the above.

D. The Israeli attack

Israeli forces, undermining the above-mentioned understanding, attacked the convoy in the early hours of 31 May 2010. The attack took place in international waters, 72 nautical miles from the nearest coast and 64 nautical miles from the so-called blockaded naval zone off the Gaza Strip.¹⁶ The Israeli soldiers were heavily armed with machine guns, laser-guided rifles, stun grenades, tasers, pistols and modified paintball rifles.^{17,18,19} The Israeli forces mounted a full-

¹⁶ For the coordinates of the area in international waters where the Mavi Marmara was attacked, see Annex 3 (Section 7)

¹⁷ For witness accounts of weapons deployed by Israeli military personnel, see Annex 5

¹⁸ For video footage of Israeli soldiers during the attack, see Annex 7 (Clip 6 & 9)

fledged military attack with frigates, helicopters, zodiac inflatable military boats and submarines.^{20,21}

The attack on the Mavi Marmara resulted in the death of nine passengers, of whom eight were Turkish citizens and one was a US national of Turkish descent.²² Moreover, several dozen civilians were injured in the attack, some with serious bullet wounds and one still in a state of coma from which he is not expected to emerge.²³ Other vessels in the convoy were not spared from the premeditated military attack by Israeli forces, either.

i. Timeline of the attack

30 May 2010

22.00 - Israeli interference on the satellite communications of the Mavi Marmara²⁴, as it sails at a south-southwesterly bearing of 222°.^{25,26,27}

22.30 - The Mavi Marmara receives the first communication from Israeli naval forces, but no visual contact is established yet. The Israeli Navy demands the ship *"to report the ship's identity and destination"*. Captain Mahmut Tural responds by *"identifying the ship, stating the number of passengers on board, describing the humanitarian mission of the ship and notifying the port of destination as Gaza"*. The Israeli forces caution the Captain that a naval

¹⁹ For the testimonies of Barış Oktay, Cengiz Kandilci, Ahmet Abdülazizogulları, Dilaver Kutluay, Michael Curt, Alper Mutlu, Ekrem Çetin, Yaşar Kutluay, Cenk Süha Tatlıses, Abdullah Keskin, Fatma Kanlıoğlu, Halis Akıncı, Musa Üzer, Nilüfer Ören, Garoglan Guruyev, Musa Çiftçi, Ersin Esen, Hakkı Aygün, see Annex 5 (Section 4)

²⁰ For video footage of Israeli naval vessels used during the attack, see Annex 7 (Clip 2, 3 & 7)

²¹ For the testimonies of Yaşar Kutluay, Ekrem Çetin, Cenk Süha Tatlıses, Abdullah Keskin, Barış Oktay, Halis Akıncı, Musa Üzer, Nilüfer Ören, Garoglan Guruyev, Musa Çiftçi, İllas Yıldız, Ersin Esen, Mathias Gardell, and Gene St. Onge, see Annex 5 (Sections 4&5)

²² For autopsy reports of those killed in the attack, see Annex 1

²³ For treatment reports of those injured and treated in Turkey, see Annex 2

²⁴ For the testimony of Mr. Ümit Sönmez see, Annex 5 (Section 1/v)

²⁵ For the testimony of First Captain Mr. Mahmut Tural, see Annex 5 (Section 1/i)

²⁶ For the coordinates and position of the Mavi Marmara during its trip beginning from 29 May 2010, see the Maps obtained from Undersecretariat for Maritime Affairs, see Annex 3 (Section 7)

²⁷ For the coordinates and position of the Mavi Marmara during its trip beginning from 29 May 2010, see the Maps obtained from Republic of Turkey Undersecretariat for Maritime Affairs, see Annex 3 (Section 7)

blockade exists off the coast of the Gaza Strip and that, approaching an area of hostilities, the ship should change course. The Captain insists that *"the convoy is in international waters and Israel cannot demand a vessel on the high seas to change course."*

Other ships in the convoy receive similar calls from the Israeli navy.^{28,29} On board Challenger-I, Israeli citizen Huwaida Arraf, begins answering the Israeli Navy on behalf of the entire convoy, with the Captains' consent. Arraf repeatedly states the illegality of Israel's blockade, that they are unarmed civilians carrying only humanitarian aid, not constituting any threat to Israel, and that Israel should therefore refrain from using any violence against them.³⁰ Some passengers maintain that later Israeli communications contained expletives.³¹ Arraf reports that the Israeli Navy stopped communicating with her at around 01.00-01.30.³² In any event, no demand was ever made by the Israeli forces to "stop, visit and search" the vessel. Fear spreads among passengers. On the Mavi Marmara, passengers don their life jackets.³³

23.30 - The vessel adopts a course at a bearing of 185°, the final destination of which would have been a point between Al-Arish and the Suez Canal; radar spots the first Israeli naval craft about three or four miles away.³⁴ Israeli warnings continue in international waters, almost 100 nautical miles off the shores of Israel.

²⁸ For the testimony of First Captain Mr. Mahmut Tural, see Annex 5 (Section 1/i)

²⁹ rabbletv, 9 July 2010; *Gaza Freedom Convoy: Farooq Burney's eyewitness report (1/3)*.
<http://www.youtube.com/watch?v=gAbm-0yWZzw&feature=related> (Accessed 6 August 2010)

³⁰ For the testimony of Huwaida Arraf, see Annex 5 (Section 5/x)

³¹ For the testimonies of Cengiz Kandilci and Dilaver Kutluay, see Annex 5 (Section 4)

³² For the testimony of Huwaida Arraf, see Annex 5 (Section 5/x)

³³ For the testimony of Mr. Abdulhamit Ates, see Annex 5 (Section 5/xi)

³⁴ For the testimony of Captain Mahmut Tural, see Annex 5 (Section 1/i); for the coordinates and position of the Mavi Marmara during its trip beginning from 29 May 2010, see the Maps obtained from Republic of Turkey Undersecretariat for Maritime Affairs, see Annex 3 (Section 7)

31 May 2010

02.00 - Lights from several craft sailing behind the convoy are spotted.³⁵ The last Israeli communication calls, specifically addressed to the captain of the Mavi Marmara, come to an end.³⁶

02.00 - 04.30 - No further communications from the Israeli Navy. Pursuit by the Israeli craft continues.

04.00 - Israeli forces impose a total blackout on the vessels' satellite communication.³⁷ Panic among passengers sets in.

04.32 and onwards - Without any immediate prior warning, Israeli forces launch a massive attack on the Mavi Marmara in international waters, at 32° 43' North and 33° 31' East. Israeli forces, deployed in various categories of naval vessels and helicopters, employ laser guided automatic rifles, stun and sound grenades, tear gas canisters, as well as high powered paintball guns modified to shoot a variety of projectiles. An initial attempt to board the Mavi Marmara from zodiacs, employing fire, is unsuccessful. The first firing of shots which thus took place causes the passengers to genuinely fear for their lives and repel the boarding attempt. Israeli forces then open fire on the Mavi Marmara with live ammunition from both zodiacs and helicopters, resulting in numerous civilian casualties. Israeli commandos fast-rope down to the ship from helicopters. Bloodshed continues after the descent of airborne Israeli commandos. Even after white flags of surrender are raised and multi-lingual announcements to the same effect are made over the ship's PA system, Israeli

³⁵ For the testimony of Muhammet Cihat Ülkü, see Annex 5 (Section 4/xxxii)

³⁶ For the testimony of Captain Mahmut Tural, see Annex 5 (Section 1/i)

³⁷ For the testimony of Mr. Hilseyin Oruç, see Annex 5 (Section 1/vi)

forces continue to use live ammunition. They also carry on shooting at already wounded and incapacitated civilians.^{38,39}

As soon as the attack commences, the captain changes the vessel's course to a bearing of 270° heading West, in opposite direction to the Israeli coast, increasing power to full speed. This change of course has been verified by the Turkish Search and Rescue Center. Israeli frigates approach from the starboard bow and close in, forcing the convoy to turn to the direction of Israel.^{40, 41}

Appr. 05.30 onwards - Israeli forces seize full control of the convoy and re-route it on a bearing of 130° towards Ashdod. The vessels reach Ashdod around noon. Throughout this period, Israeli forces commit numerous acts of brutality, inhumane and degrading treatment and taunting against the civilian passengers.

ii. Accounts of witnesses of the Israeli attack on the Mavi Marmara

As corroborated by eyewitness accounts and supported by forensic data, Israeli soldiers used excessive and indiscriminate force while and after boarding the Mavi Marmara.

The Israeli zodiacs, warships and helicopters concentrated at first on the Mavi Marmara. Witness accounts report sounds of machine guns coming from the zodiacs as these approached the ship. At this stage, extensive use of tear gas, stun and sound grenades is reported by numerous eye witnesses on board the Mavi Marmara as well as the other vessels.⁴²

³⁸ For various accounts that verify the timing and the conduct of the attack, see Annex 5

³⁹ For a video footage of the moment of attack, see Annex 7(Clip 1)

⁴⁰ For the testimony of First Captain Mr. Mahmut Tural, see Annex 5 (Section 1/i)

⁴¹ See Annex 3 (Section 7) for the Maps and Date obtained from Turkish Republic Undersecretariat for Maritime Affairs.

⁴² For various accounts, see Annex 5 (Sections 1, 3,4,5)

There was also widespread use of paintball guns by soldiers on the zodiacs. While Israel minimizes the impact of paintballs, these are military variants specifically adapted for use in close quarter assaults by Special Forces. The pellets contain not only 'paint' but are usually filled with compressed gases and other chemical irritants to debilitate human targets. They are intended to sting sharply and shock the recipient, so as to give assailants the initiative.⁴³ Reports were given that the Israeli soldiers used the largest size pellets to inflict the greatest injury. Evidence further shows the magnitude of actual injuries received from paintballs.⁴⁴

Once the passengers saw the hostile approach of the Israeli forces, they panicked and, in fear for their lives, attempted to dissuade the Israeli soldiers in the zodiacs from boarding, by throwing plastic bottles, waste bins and boxes, by swinging chains and by spraying jets of water.⁴⁵ Many passengers expressed their belief and fear that, once on board, the Israeli soldiers would kill them.⁴⁶

Following the failure of the boarding attempt from zodiacs, helicopters appeared on the scene. Eyewitness accounts converge on the fact that, at this stage, Israeli forces began firing live ammunition onto the Mavi Marmara from helicopters and zodiacs.⁴⁷ For example, news producer Jamal Elshayyal saw live fire from the helicopter before the first Israeli soldier descended and said that one of the passengers killed was clearly shot from above.⁴⁸ Another journalist, the Spaniard Manuel Tapial recounts that *"real bullets started being shot from the zodiac*

⁴³ Counterfeet, Israel vs. Turkey – Hanin Zoabi UNCENSORED, Youtube, 1 June 2010
<<http://www.youtube.com/watch?v=ZkFnNss490&feature=related>> (27 July 2010)

⁴⁴ For the testimony of Doctor Hasan Hüseyin Uysal, see Annex 5 (Section 1/x)

⁴⁵ For a video footage of the moment of attack, see Annex 7 (Clip 1)

⁴⁶ For the testimony of Elif Akkuş, see Annex 5 (Section 1/ix)

⁴⁷ For a sample, see the testimonies of Kenneth O'Keefe, Anne de Jong and Mehmet Ali Zeybek, see Annex 5 (Section 3/xvi & xii and Section 1/xii)

⁴⁸ Jamal Elshayyal, "Kidnapped by Israel, forsaken by Britain," The Middle East Blog, 6 June 2010
<<http://blogs.aljazeera.net/middle-east/2010/06/06/kidnapped-israel-forsaken-britain>> (27 August 2010)

*boats and helicopters that appeared above the ship, and thus the first injuries prior to their boarding the ship occurred".*⁴⁹ Mattias Gardell testified that *"before the first Israeli soldier came on board, two passengers were shot dead from the helicopter"*⁵⁰, while Aydan Bekar recollected how *"without landing on the ship, they started to shoot with guns, using real bullets. Several friends were shot and fell down."*⁵¹ Elshayyal also recalled that soldiers pointed their guns down through some sort of hatch in the helicopter and fired live ammunition indiscriminately⁵². Kuwaiti MP Waleed Al-Tabtabaei said that it was the killing of two unarmed Turkish men which provoked the resistance against the first three soldiers rappelling onto the vessel, while Kuwaiti lawyer Mubarak Al-Mutawa said that the soldiers opened fire from above without giving any warning, killing a number of volunteers before even boarding the ship.^{53,54} A video footage taken during the attack that shows red-laser beams from rifles being directed from above supports these accounts.⁵⁵

The Turkish Commission of Inquiry, which thoroughly inspected the Mavi Marmara, encountered bullet marks that were clearly the result of fire from above.⁵⁶ Forensic evidence also incontrovertibly established that a significant number of bullets penetrated victims' bodies from above. It is therefore not surprising that the UN Human Rights Council International Independent Fact Finding Mission *"concluded that live ammunition was used from the helicopter onto the top deck prior the descent of the soldiers"*.⁵⁷

⁴⁹ For the testimony of Manuel Espinar Tapial, see Annex 5 (Section 5/xiii)

⁵⁰ For the testimony of Mattias Gardell, see Annex 5 (Section 5/xvi)

⁵¹ For the testimony of Aydan Bekar, see Annex 5 (Section 4/x)

⁵² Jamal Elshayyal, "Kidnapped by Israel, forsaken by Britain," *The Middle East Blog*, 6 June 2010 <<http://blogs.aljazeera.net/middle-east/2010/06/06/kidnapped-israel-forsaken-britain>> (27 August 2010)

⁵³ Abdullah Al-Qattan, "Gaza heroes' welcomed home", *Kuwait Times*, 3 June 2010 <http://www.kuwaittimes.net/read_news.php?newsid=NDg0MzQ1OTYy> (8 June 2010)

⁵⁴ For the testimony of Mehmet Ali Zeybek see Annex 5 (Section 1/xii)

⁵⁵ For the said video footage, see Annex 7 (Clip 9)

⁵⁶ For the relevant photos, see Annex 6 (Section 1)

⁵⁷ UN Document A/HRC/15/21, Annex 8, paragraph 114

The UN Fact Finding Mission, after its on-site inspection of the Mavi Marmara and conducting interviews of witnesses found no evidence to suggest that any of the passengers used firearms or that any firearms were taken on board the ship. The Mission stated in its report that, despite requests, it had not received any medical records or other substantiated information from the Israeli authorities regarding any firearm injuries sustained by soldiers participating in the raid.⁵⁸ Moreover, the doctors who examined the three soldiers taken below decks did not notice any firearm injuries.⁵⁹

Once having landed on the upper deck of the Mavi Marmara, the Israeli soldiers began what can only be called a shooting spree. Ahmad Luqman Talib, who was already wounded from gunfire apparently from the helicopters, says *"soldiers were very aggressive and intentionally kicked and stepped on me, especially on my wounded leg"*.⁶⁰ Ryad Bustanji recounts how armed soldiers rappelled from the helicopter *"began firing at the people before them... one of the Israeli soldiers shot at me from nearby with a rubber bullet that landed above my ear... I fell to the ground... This was followed by three more bullets to my back."*⁶¹ Halis Akıncı describes those moments with the following: *"The Israeli soldiers ruthlessly sprayed their bullets at us. They were shooting as if in a battlefield. Some of them were throwing bombs to the lower decks. I got two gunshot wounds... They were livid... They started shooting at people lying motionless on the floor... They were kicking and hitting with their rifle-butts those wounded who called for medical attention..."*⁶² Medet Kan testified that *"Two Israeli soldiers appeared in the area in front the bridge. They started shooting at us... They were shooting at everyone made visible by projector lights. When Fatih Kavaktan attempted to throw a teargas canister overboard, he was*

⁵⁸ See paragraph 116 of the Report of the Fact Finding Mission, Annex 8

⁵⁹ For the testimony of Doctor Hasan Hüseyin Uysal, see Annex 5 (Section 1/x)

⁶⁰ For the testimony of Ahmed Luqman Muttalib, see Annex 5 (Section 5/iii)

⁶¹ For the testimony of Ryad Bustanji, see Annex 5 (Section 5/xv)

⁶² For the testimony of Halis Akıncı, see Annex 5 (Section 4/xxv)

sprayed with bullets coming from above. Hit by four bullets, he was heavily injured."⁶³ Abdullah Özkaya, on board Gazze-I, recounts how he was shocked when he looked at the Mavi Marmara with his binoculars: *"They were shooting at people."*⁶⁴ One last recount about this stage of the attack calling for mention is by Ayetullah Tekin, who claims *"I was shot in my abdomen, in the left side, with a bullet. I was first shot with a real bullet. But, I and the other wounded were shot one after the other with rounds of plastic bullets. I think they did this to claim later that they first fired rubber bullets, and then resorted to using live ammunition."*⁶⁵ There were several reports of Israeli soldiers beating people with batons. Moroccan MP Abdelqader Amara said that the soldiers hit victims with their rifle butts before shooting them dead.⁶⁶ Video footage shows Israeli soldiers beating and shooting at point blank an unidentified passenger (apparently the 19-year-old Furkan Doğan) who was clearly lying on the deck.⁶⁷ Rifat Audeh was thrown onto the lower deck by four Israeli soldiers, blindfolded and had his hands tied behind his back while a soldier's knee was digging in his ribs.⁶⁸

Once having boarded, the soldiers also began firing towards the lower decks with indiscriminate as well as targeted shooting at everyone who was visible.⁶⁹ One man was shot in the leg just in front of Kevin Ovenden and another man immediately to his right was shot in the abdomen. He said that the shots came

⁶³ For the testimony of Medet Kan, see Annex 5 (Section 4/xxix)

⁶⁴ For the testimony of Abdullah Özkaya, see Annex 5 (Section 4/iii)

⁶⁵ For the testimony of Ayetullah Tekin, see Annex 5 (Section 4/xi)

⁶⁶ Abdullah Al-Qattan, Gaza heroes welcomed home, *The Kuwait Times*, 3 June 2010 <http://www.kuwaittimes.net/read_news.php?newsid=NDg0MzQ1OTYy> (8 June 2010)

⁶⁷ For the said video footage, see Annex 7 (Clip 4)

⁶⁸ Rifat Audeh, Israeli terror then and now: Rifat Audeh experienced first-hand what the sailors on the US warship experienced 43 years ago, *Uruknet.info*, 10 July 2010 <<http://www.uruknet.info/?p=67783>> (27 August 2010)

⁶⁹ Mavi Marmara attack: Exclusive first interview with Gaza Convoy activist Kevin Neish", *Rabble.ca*, 3 Jun 2010 <<http://rabble.ca/podcasts/shows/rabble-radio/2010/05/106-interview-gaza-peace-activist-kevin-neish>> (27 August 2010)

from above, and that the victims could not have posed any threat to the shooter.⁷⁰ Kevin Neish witnessed about 20 dead or wounded aid workers being carried towards the ship's stairway. Two of these bodies had twin bullet holes in the sides of their heads, appearing to have been shot in execution style killing.⁷¹

The bridge was taken over when ten Israeli soldiers, who tried to shatter the windows without success, gunned down the door and rushed in with guns ready and aimed to shoot. All the crew members were made to lie down on the floor littered with shards of glass, and handcuffed. Some of those lying were stomped upon.⁷² All documents including the ship's certificates were seized.⁷³

A very large number of testimonies all state that Israeli soldiers continued with their deadly shooting even after white flags were flown by a number of the passengers and a multi-lingual surrender announcement was made over the ship's loudspeakers.⁷⁴

iii. Fatalities

Turkish autopsy reports concluded that five of the deceased were shot in the head at close range, as detailed in Annex 1. The said reports also indicate that residues around the wounds had been deliberately cleansed prior to their repatriation to Turkey for the purpose of suppression of ballistic evidence. The following passengers lost their lives:

⁷⁰ Mavi Marmara Report: Ovenden, Doares and the Vile Zionists, [Youtube](#), 21 June 2010

< <http://www.youtube.com/watch?v=d5q1CVS3D6o> > (18 July 2010)

⁷¹ Mavi Marmara attack: Exclusive first interview with Gaza Convoy activist Kevin Neish", [Rabble.ca](#), 3 Jun 2010 < <http://rabble.ca/podcasts/shows/rabble-radio/2010/05/106-interview-gaza-peace-activist-kevin-neish> > (27 August 2010)

⁷² For the testimony of Ali Mert Şahin, see Annex 5 (Section 4/v)

⁷³ For the testimony of First Captain Mahmut Tural, see Annex 5 (Section 1/i)

⁷⁴ For the testimonies of Nilüfer Ören, Ali Yunusoğlu, Ali Şahin Özdemir, Medet Kan, see Annex 5 (Section 4)

- Furkan Doğan received five gunshot wounds in the back of his head, nose, left leg, left ankle and in the back, all from close range. A citizen of the United States, Mr. Doğan was a 19-year-old high school student with ambitions of becoming a medical doctor.^{75,76} Mr. Doğan's motionless, wounded body was kicked and shot upon, execution-style by two Israeli soldiers.⁷⁷
- Cengiz Akyüz received four gunshot wounds, in the back of his head, right side of his face, the back and the left leg.⁷⁸ Mr. Akyüz was married and a 41-year-old father of three.
- Ali Haydar Bengi received a total of six gunshot wounds, in the left side of his chest, belly, right arm, right leg and twice in the left hand. Mr. Bengi was married, a 39-year-old father of four.⁷⁹
- İbrahim Bilgen received four gunshot wounds, in the right temple, right chest, right hip and back.⁸⁰ Mr. Bilgen was married, 61-year-old father of six, who worked as an electrical engineer.
- Cevdet Kılıçlar, a photographer, was killed by a single distant shot to the middle of the forehead.⁸¹ He was shot most probably with a laser-pointer rifle.⁸² Mr. Kılıçlar was married, 38-year-old father of two.
- Cengiz Songür was killed by a single gunshot wound in the front of the neck.⁸³ He was a 47-year-old textile worker, married and the father of seven.

⁷⁵ Roger Cohen, *The Forgotten American*, 26 July 2010, *The New York Times*, <http://www.nytimes.com/2010/07/27/opinion/27iht-edcohen.html?_r=2> (19 January 2011)

⁷⁶ For Furkan Doğan's autopsy report, see Annex 1 (Section 7)

⁷⁷ For the testimonies of Ekrem Sezer and Muharrem Güneş, see Annex 5 (Section 4/xviii and xxxiv respectively); for the related video footage, see Annex 7 (Clip 4)

⁷⁸ For Cengiz Akyüz's autopsy report, see Annex 1 (Section 2)

⁷⁹ For Ali Haydar Bengi's autopsy report, see Annex 1 (Section 1)

⁸⁰ For İbrahim Bilgen's autopsy report, see Annex 1 (Section 8)

⁸¹ For Cevdet Kılıçlar's autopsy report, see Annex 1 (Section 4)

⁸² For the testimonies of Erol Çıtır Barış Oktay, Musa Üzer, see Annex 5 (Section 3/ii, Section 4/xxxvi)

⁸³ For Cengiz Songür's autopsy report, see Annex 1 (Section 3)

- Necdet Yıldırım received two gunshot wounds in the right shoulder and left back.⁸⁴ He was 32-years-old, married, father of one.
- Çetin Topçuoğlu was killed by three gunshot wounds in the back of the head, the hip and the belly.⁸⁵ He was 54-years old, married and a father of one.
- Fahri Yıldız was killed by four gunshot wounds: left chest, left leg and twice in the right leg.⁸⁶ He was 43 years-old, married and father of four, and worked as a fire-fighter.

At least one witness claims that Mr. Topçuoğlu and Mr. Yıldız were shot upon and killed after the passengers had waved the white flag of surrender.⁸⁷

Numerous testimonies also indicate that at least three of the deaths occurred because Israeli soldiers denied timely medical attention to the wounded.⁸⁸ Sümeyye Ertekin and Halis Akıncı testified that the Israeli soldiers hit those doctors trying to help the wounded with the butts of their rifles.⁸⁹ Edda Manga says *"They did not allow the medics to treat the people; the doctors and nurses were forced at gunpoint to leave the wounded."*⁹⁰

Ali Buhamd's testimony contains a grim mixture of some of the points made above: *"I saw a soldier shooting a wounded Turk in the head. There was another Turk asking for help, but he bled to death."*⁹¹

⁸⁴ For Necdet Yıldırım's autopsy report, see Annex 1 (Section 9)

⁸⁵ For Çetin Topçuoğlu's autopsy report, see Annex 1 (Section 5)

⁸⁶ For Fahri Yıldız's autopsy report, see Annex 1 (Section 6)

⁸⁷ For the testimony of Salim Seyyar, see Annex 5 (Section 4/xli)

⁸⁸ See for example the testimonies of Kevin Neish and Jamal Al-Shayyal, see Annex 5 (Section 5/xii & xvii)

⁸⁹ For the testimonies of Sümeyye Ertekin and Halis Akıncı, see Annex 5 (Section 4/xliii and xxv respectively)

⁹⁰ For the testimony of Edda Manga, see Annex 5 (Section 5/xiv)

⁹¹ Israeli attack written into history with chilling survivor accounts, *Today's Zaman*, 5 June 2010, <
http://www.todayszaman.com/newsDetail_getNewsById.action?sessionId=05CA12501D73BA0358BBD61F9B3FAASE?newsId=212265 > (15 January 2011)

iv. Injuries caused by gunshots

The Israeli soldiers' widespread indiscriminate shooting also wounded over 50 of the Mavi Marmara's passengers:

- Uğur Süleyman Söylemez has been in a coma ever since the attack as a result of the wounds he sustained.⁹²
- Abdülhamit Ateş reported that he collapsed on the deck upon being shot in the knee. Soldiers hit him in the forehead and his right eye, then turned him over and shot him with a plastic bullet in the chest. He barely survived.⁹³
- Muharrem Güneş was lying on the deck when soldiers wielding laser-guided rifles approached him and shot him at close range in the left cheek. The bullet exited through his lower right jaw.^{94,95}
- Mustafa Batırhan was shot in the lower abdomen from a range of about one meter.⁹⁶
- Sadreddin Furkan, who was in the control centre on the bridge at the time, said that the soldiers were shooting in all directions, and that he felt a strong pain in his leg which began bleeding. He was shot from behind, three times in the leg and once in the foot.⁹⁷
- Osman Çalık was shot in the knee.⁹⁸
- Alper Mutlu was wounded by fire coming from above, the bullet entering his body at the level of his kidney and coming out of his leg.⁹⁹
- Musa Çiftçi was shot upon from behind and wounded by an Israeli soldier as he was trying to help wounded passengers.¹⁰⁰

⁹² For the treatment report of Uğur Süleyman Söylemez, see Annex 2 (Section 24)

⁹³ For the testimony of Abdülhamit Ateş, see Annex 5 (Section 1/xi).

⁹⁴ For the interview of Muharrem Güneş, see Annex 7 (Clip 27)

⁹⁵ For Muharrem Güneş's medical report, see Annex 2 (Section 13)

⁹⁶ For Mustafa Batırhan's medical report, see Annex 2 (Section 6)

⁹⁷ For Sadreddin Furkan's medical report, see Annex 2 (Section 11)

⁹⁸ For Osman Çalık's medical report, see Annex 2 (Section 10)

⁹⁹ For the testimony of Alper Mutlu, see Annex 5 (Section 4/viii)

- Erkan Bayfidan says he was shot and injured by the very soldier he was trying to photograph.¹⁰¹ Unlike his colleague Cevdet Kılıçlar, who was shot upon under identical circumstances, he survived.

The above are just a few examples selected to illustrate the frenzied atmosphere aboard the Mavi Marmara during the Israeli attack. The magnitude and nature of the force used by Israeli soldiers has been depicted as follows in the report of the UN Human Rights Council Fact Finding Mission: *"a large number of injured passengers received wounds to critical areas of the body containing vital organs [...]. Furthermore, a number of passengers who were clearly not engaged in any activities to resist the boarding by the Israeli forces, including a number of journalists and persons who had been sheltering from the fire, received injuries, including fatal injuries. It is apparent that no effort was made to minimize injuries at certain stages of the operation and that the use of live fire was done in an extensive and arbitrary manner. It is difficult not to conclude that once the order to use live fire had been given, no one was safe. Under the circumstances, it seems a matter of pure chance that there were not more fatalities as a result."*¹⁰²

Israeli soldiers' prevention of timely first aid to the injured was mentioned earlier as a cause for a number of fatalities. It should not go unmentioned that when the captain asked an Israeli officer several times for medical assistance for the wounded, the response he got was: *"I don't care how many dead people you [will] have, now alter your course to Ashdod"*.¹⁰³ Once the soldiers took full control of the ship, Dr. Hasan Hüseyin Uysal, who had treated the lightly

¹⁰¹ For the testimony of Musa Çiğçi, see Annex 5 (Section 4/xxv)

¹⁰¹ For the testimony of Erkan Bayfidan, see Annex 5 (Section 4/xix); see Annex 2 (Section 7) for his medical treatment report and photos at the hospital.

¹⁰² See paragraph 169 of the Report of the Fact Finding Mission, Annex 8

¹⁰³ For the testimonies of Captain Mahmut Tural and Ali Mert Şahin, see Annex 5 (Section 1/i & Section 4/v)

wounded Israeli soldiers, was handcuffed tightly and made to kneel for three hours like the rest of the passengers.¹⁰⁴

v. Attacks on the other ships

The brutal and tragic nature of the Israeli attack on the Mavi Marmara has overshadowed the raid on the remaining ships that were part of the humanitarian aid convoy. Contrary to repeated claims by Israel that the remaining ships were boarded peacefully, Israeli soldiers used force on the other vessels as well, and subjected their passengers to violent treatment.

The Sfendoni was sailing about 300-400 meters astern of the Mavi Marmara. The two ships were attacked simultaneously from zodiacs on either side.¹⁰⁵ The Captain disabled the engines and stopped the ship.¹⁰⁶ About 15 to 20 masked Israeli soldiers boarded the vessel and resorted to violence against the passengers who were engaged in passive resistance.¹⁰⁷

Eyewitness reports are as follows:

- Bilal Abdulazziz witnessed soldiers using stun grenades and batons against activists who were merely locking arms. He was tasered in the head, legs and back. He also witnessed elderly people being beaten.¹⁰⁸
- Dimitris Gielalis saw Israeli soldiers using plastic bullets and tasers and beating people.¹⁰⁹ He witnessed a cameraman getting hit in the eye with a rifle butt.¹¹⁰

¹⁰⁴ For the written deposition of Doctor Hasan Hüseyn Uysal, where he also describes how he attended to the wounded Israeli soldiers, see Annex 5 (Section 1/x)

¹⁰⁵ See paragraph 143 of the Report of the Fact Finding Mission, Annex 8

¹⁰⁶ Trish Mary Hill, Dr Hasan Nowrah Convoy Massacre Survivor Clip of 1/3, [YouTube](http://www.youtube.com/watch?v=BNfq12_PLxk&feature=related), 10 June 2010, <http://www.youtube.com/watch?v=BNfq12_PLxk&feature=related> (9 July 2010)

¹⁰⁷ Mikael Stengård and Josefine Hökerberg, Teologen Ulf Carmesund tillbaka från Israel, [Aftonbladet](http://www.aftonbladet.se/nyheter/article7231718.ab), 2 June 2010 <<http://www.aftonbladet.se/nyheter/article7231718.ab>> (7 July 2010)

¹⁰⁸ Adycousins, Gaza Flotilla Testimony of Bilal Abdulazziz, [YouTube](http://www.youtube.com/watch?v=1FJh91mCbkl&feature=related), 9 June 2010, <<http://www.youtube.com/watch?v=1FJh91mCbkl&feature=related>> (1 July 2010)

- Al Mahdi Alharati was hit with rubber bullets in the leg, beaten in the groin and over the head, hit with the back of a gun in the eye and hit with the butt of a machine gun on the back of the head.^{111,112}
- Gene St. Onge was kicked and hit with a 'rifle or something' suffering a gash on his head. He was then restrained with handcuffs. He said their captain, who was pulled and hit, sustained a punctured eardrum along with neck and back injuries.¹¹³
- Yousser Benderbal said that the Captain's ear was torn and that he suffered injuries to his neck and leg.¹¹⁴
- Retired US Ambassador, the octogenarian Edward Peck said that as a result of the non-violent resistance outside the bridge, the Israeli soldiers roughly treated some people. Some ended up needing crutches, bandages and arm slings, and the Captain was in need of a neck brace.¹¹⁵
- Dr. Hasan Nowarah was hit by a rubber bullet. He saw Edward Peck knocked down by an Israeli soldier, and the captain lying on the floor with his face covered in blood and his arms full of cuts.¹¹⁶
- Television journalist Manolo Luppichini saw two people hurt by tasers.¹¹⁷

¹⁰⁹ Robert Booth et. al., Gaza convoy raid: We heard gunfire – then our ship turned into lake of blood, [guardian.co.uk](http://www.guardian.co.uk), 2 June 2010 <<http://www.guardian.co.uk/world/2010/jun/02/gaza-flotilla-raid-gunfire-ship-blood>> (5 June 2010)

¹¹⁰ Elena Becatoros and Suzan Fraser, Troops boarded and ship turned into a lake of blood, [independent.ie](http://www.independent.ie), 2 June 2010 <<http://www.independent.ie/national-news/troops-boarded-and-ship-turned-into-a-lake-of-blood-2203364.html>> (5 July 2010)

¹¹¹ Genevieve Carbery, Irish citizen 'beaten' by Israeli forces, [theirishtimes.com](http://www.irishtimes.com), 9 June 2010 <<http://www.irishtimes.com/newspaper/world/2010/0609/1224272122281.html>> (12 June 2010)

¹¹² For the medical report of Almahdi Abdulhameed Alharati, see Annex 2 (Section 2)

¹¹³ Testimony of Gene St. Onge, [The Free Gaza Movement](http://www.freegaza.org), 7 June 2010 <<http://www.freegaza.org/en/testimonies-from-israeli-jail/1221-in-their-own-words-survivor-testimonies-from-flotilla-31-may-2010>> (27 August 2010)

¹¹⁴ "We were unarmed and didn't provoke anybody" – aid convoy member, [RT](http://rt.com), 6 June 2010 <http://rt.com/Top_News/2010-06-06/gaza-aid-convoy-eyewitness.html> (5 July 2010)

¹¹⁵ Interview with Edward Peck, *Democracy Now, War and Peace Report*, 2 June 2010, <http://www.democracynow.org/2010/6/2/israels_explanation_for_deadly_gaza_aid> (19 January 2011)

¹¹⁶ For the testimony of Hasan Nowarah, see Annex 5 (Section 5/ii)

¹¹⁷ Dimi Reider, Italian convoy journalist: My credit card was used after IDF confiscated it, [Haaretz.com](http://www.haaretz.com), 11 June 2010 <<http://www.haaretz.com/print-edition/news/italian-flotilla-journalist-my-credit-card-was-used-after-idf-confiscated-it-1.295493>> (12 June 2010)

- Manuel Zani recounted how the soldiers used tasers, truncheons, sound bombs etc. against unarmed civilians. He reported the captain being badly beaten with blood coming from his ear.¹¹⁸

Once the Israeli raid on the Mavi Marmara began, Challenger-I attempted to flee the scene and transmit reports about the attack to the outside world. This attempt was unsuccessful because of the telecommunications blackout executed by the Israeli forces. Moreover, the ship had to slow down due to loss of oil pressure in its engines. Eyewitnesses on the ship said rubber bullets were fired before they were boarded, and many passengers were hit.¹¹⁹

Witnesses recounted later that Israeli soldiers used stun grenades and high-powered paintball guns, hit people with their rifle butts, pushed people onto the deck and stomped on them.

- Pintan Lane had a gun pointed in his face. He genuinely feared for his life. He saw Fiachra Ó Luain dragged around the deck.¹²⁰
- Photographer Kate Geraghty was trying to take photographs when she was tasered on the upper arm, which caused her to be thrown a meter and a half and collapse vomiting on the deck.¹²¹
- Huwaida Arraf told CNN that her head was banged on the deck after she was handcuffed and hooded.¹²² She said soldiers beat many passengers.¹²³

¹¹⁸ For the testimony of Manuel Zani, see Annex 5 (Section 5/xviii)

¹¹⁹ For the testimony of Anne de Jong, see Annex 5 (Section 1/xii)

¹²⁰ Shane Hickey and Anita Guidera, 'I tried to reason with them, but they attacked us', Independent <<http://www.independent.ie/service/about-us-24072.html>> (19 January 2011)

¹²¹ Abdullah Al-Qattan, Gaza heroes welcomed home, The Kuwait Times, 3 June 2010 <http://www.kuwaittimes.net/read_news.php?newsid=NDgOMzQ1OTYy> (15 January 2011)

¹²² CNN Wire Staff, Eyewitnesses recount Israel convoy raid, CNN, 1 June 2010.

<<http://edition.cnn.com/2010/WORLD/meast/06/01/gaza.raid.eyewitnesses>> (1 June 2010)

¹²³ axis4 peace2, Convoy Survivor says Israeli marines boarded unarmed American ship throwing grenades, YouTube, 2 June 2010 <http://www.youtube.com/watch?v=cfn_bScn08E&feature=related> (6 June 2010)

- Theresa McDermott saw a Belgian woman named Margarita (apparently, Griet Deknopper) hit in the face by a projectile which burst her nose causing heavy bleeding. She also saw Huwaida Arraf and Anne de Jong, who tried to block the stairs, thrown to the ground, their hands cuffed with plastic ties that cut into their wrists, and their faces pushed on to the deck covered with broken glass. When Theresa shouted and tried to get to the two women, a soldier put his pistol to her head and said he would shoot her if she did not do as she was told.¹²⁴
- Anne de Jong recalls how they were shot at from 2-4 meters and how she was hit by 6 rubber bullets on the back, the doctor in the Israeli port of Ashdod labeling the resulting bruises as "insect bites".¹²⁵
- Ewa Jasiewicz saw Huwaida Arraf held by soldiers in stress positions. Jasiewicz was insulted and had her life threatened on more than one occasion by Israeli soldiers.¹²⁶
- An 80-year-old man was not allowed to go to the toilet, forcing him to soil his clothes.¹²⁷

Israeli vessels closed in on the Eleftheri Mesogios at around 05.30 and warned the ship to make a starboard turn or be shot upon. The Israeli soldiers boarded the ship and shot a number of Greek passengers with rubber bullets and paintballs. Tasers were also used against a number of passengers. A few passengers were knocked to the floor by the soldiers. Dror Feiler testified he was wrestled down with his arms bent and hit. He recollects being thrown on the floor and being kicked in the ribs, an Israeli soldier standing with his boot on his

¹²⁴ Fear, pain and propaganda: an activist's story, *The Herald Scotland*, 6 June 2010
<<http://www.heraldscotland.com/news/world-news/fear-pain-and-propaganda-an-activist-s-story-1.1033113>>
(29 August 2010)

¹²⁵ For the testimony of Anne De Jong, see Annex 5 (Section 1/xii)

¹²⁶ Emine Saner, Gaza Convoy: protesters' story, *guardian.co.uk*, 5 June 2010
<<http://www.guardian.co.uk/theguardian/2010/jun/05/gaza-flotilla-protesters-story>> (5 June 2010)

¹²⁷ For the testimony of Anne de Jong, see Annex 5 (Section 1/xii)

face, and being kicked even more after being handcuffed. Other passengers told him he was bleeding from his ear.¹²⁸ Famous author Henning Mankell also recounts soldiers shooting passengers with rubber bullets and tasing them. Mankell sarcastically recalls how an Israeli soldier, claiming to have found a weapon on board, brandished Mankell's disposable razor blade.¹²⁹

Zodiacs and helicopters surrounded the Gazze-I at around 06.00 and fully armed Israeli troops came aboard shortly thereafter. Bayram Kalyon was hit with rifle butts on his back and his arm.¹³⁰ The detainees were searched and taken for individual questioning. They remained in the galley until the ship reached Ashdod.¹³¹

The attack against the Defne-Y occurred at 06.10 when helicopters landed soldiers on the ship. Everyone was transferred to the galley. The 20 persons were kept in a 15-square-meter unventilated area until the ship reached Ashdod.¹³²

E. Mistreatment of passenger victims including journalists

i. Mistreatment on the way to Ashdod

Israeli soldiers committed crimes not only during the attack phase. Once they assumed control of the convoy, they continuously subjected the passengers to a variety of mistreatment, which amount to no less than torture and cruel, inhuman or degrading treatment under the pertinent international conventions. The acts

¹²⁸ For the testimony of Dror Feiler, see Annex 5 (Section 5/vi)

¹²⁹ For the testimony of Henning Mankell, see Annex 5 (Section 5/vii)

¹³⁰ For the testimony of Bayram Kalyon, see Annex 5 (Section 4/xiii)

¹³¹ The Foundation for Human Rights and Freedoms and Humanitarian Relief, Palestine Our Route Humanitarian Aid Our Load Convoy Campaign Summary Report, p. 29.

¹³² The Foundation for Human Rights and Freedoms and Humanitarian Relief, Palestine Our Route Humanitarian Aid Our Load Convoy Campaign Summary Report, p. 27.

described below continued throughout the journey to Ashdod, which took some 12 hours.

Virtually all passengers, including the wounded and elderly, were handcuffed with plastic cords so tightly that these quickly caused swelling, discoloration and numbing in their hands. It should be noted that these cuffs cannot be loosened. Most passengers who complained of agonizing pain caused by the cuffs were either ignored or punished by having these even further tightened instead. The tightness of the cuffs was of such proportion that, as expressed in the Fact Finding Mission's report, over 50 passengers still suffered from medical problems months after the ordeal.¹³³

Handcuffed passengers, including even the wounded, particularly on board the Mavi Marmara were beaten and forced to remain kneeling on the decks, exposed not only to the sun, but also to continuous seawater spray and wind gusts caused by the rotors of interchanging helicopters hovering nearby. Their already dire situation was further aggravated by almost constant physical and verbal abuse, as well as threats. Even the Chief Engineer's wife and her one year old baby were not spared¹³⁴. Passengers with chronic illnesses requiring regular medication, such as diabetes and heart condition, were deprived of their medicine. Dogs were used to intimidate and taunt the passengers with at least one instance of biting. Some passengers were blindfolded while a number of others had hoods put on their heads. Many passengers also complained about not being given food and water. A number of passengers also report being filmed despite their protests. Some eyewitnesses also reported that the Israeli soldiers treated the passengers with discrimination based upon their complexion.¹³⁵

¹³³ See paragraph 135 of the Report of the Fact Finding Mission, Annex 8

¹³⁴ For the testimony of Chief Engineer Ekrem Çetin, see Annex 5 (Section 1/iii)

¹³⁵ For the testimonies of Manuel Tapial and Henning Mankell, see Annex 5 (Section 5)

A general practice warranting special mention was the denial of toilet access to the passengers. Some passengers ended up publicly wetting themselves and thus humiliated. In one extreme case, one kneeling passenger who tried to move away from urine coming from his neighbour had his face pressed down into the puddle.¹³⁶ Those who were ultimately permitted to use the toilets were kept handcuffed and watched while in the water closet.

Below are references to just a few testimonies to illustrate the gravity of the Israeli soldiers' misconduct en route to Ashdod. These testimonies represent a mere fraction of the passengers' ordeal. Other eyewitness accounts corroborating these abound in the annexes.

Mattias Gardell described how an elderly man apparently lost an eye due to the dire circumstances on the decks of the Mavi Marmara and the lack of medical attention.¹³⁷

When Musa Üzer, a passenger with a severe kidney condition, wanted to take his medication out of his pocket, he was badly beaten and was deprived of his pills until he returned to Turkey days later¹³⁸.

The Spanish reporter Manuel Tapial describes how another passenger was beaten up, hooded and forced to stay *"on his knees on top of two metal cylinders; because of the wind that the helicopter was causing, it was impossible for him to stay in that position. He kept falling over, and each time he would be violently beaten up."*¹³⁹

¹³⁶ For the testimony, see Annex 5 (Section 4/xxxii)

¹³⁷ For the testimony of Mattias Gardell, see Annex 5 (Section 5/xvi)

¹³⁸ For the testimony of Musa Üzer, see Annex 5 (Section 4/xxxvi)

¹³⁹ For the testimony of Manuel Tapial, see Annex 5 (Section 5/xiii)

Hüseyin Mutlu, already suffering from a gunshot wound to the leg, recounts, *"I was forced to wait under the sun for some 5 hours, as a result of which first degree burns developed on my arms, head, face and wounded leg. Throughout this period, I asked for painkillers and antibiotics, but these were not given."*¹⁴⁰

Selim Özkabakçı recalls *"After asking for my handcuffs to be loosened, an Israeli soldier put his handgun against my head and mockingly cursed to me in English. Then he hit me on the head with his gun's barrel. At that moment I thought that he was going to shoot me."*¹⁴¹

Muhammet Latif Kaya reports that he saw one of the German shepherd dogs used by the Israeli soldiers to intimidate the passengers bite a friend of his in the abdomen.¹⁴²

Anne de Jong on board Challenger-I reports how she was beaten, handcuffed and hooded, denied her asthma medication, and how an elderly American man was refused toilet access and ended up wetting himself. She also reports that when asked why such treatment was being done, an Israeli soldier replied *"Shut up! Your boat has been lucky."*¹⁴³

Again on Challenger-I, Inge Neefs recounts how the wounded were denied treatment for a long time, the hoodings, the cuffing of hands and feet, and how she was watched while in the toilet.¹⁴⁴

Henning Mankell is one of the eyewitnesses referring to Israeli soldiers filming the passengers against their will on the way to Ashdod. In his testimony,

¹⁴⁰ For the testimony of Hüseyin Mutlu, see Annex 5 (Section 4/xxvii)

¹⁴¹ For the testimony of Selim Özkabakçı, see Annex 5 (Section 4/xlii)

¹⁴² For the testimony of Muhammet Latif Kaya, see Annex 5 (Section 4/xxxiii)

¹⁴³ For the testimony of Anne de Jong, see Annex 5 (Section 1/xii)

¹⁴⁴ For the testimony of Inge Neefs, see Annex 5 (Section 5/ix)

Mankell expresses suspicion that parts of these footages where passengers are shown with food, would be used to misrepresent the real circumstances on board.¹⁴⁵ Abdullah Özkaya supports this argument by stating that "*they [Israeli soldiers] put food and water in front of us, then took pictures and filmed us.*"¹⁴⁶

ii. Mistreatment at the Port of Ashdod

Following a journey, which lasted about 12 hours, the convoy was brought to the Israeli port of Ashdod where, some days prior to the attack, the Israeli authorities had already established a specifically designed processing center for the detained passengers.¹⁴⁷

The passengers were subjected to severe humiliation throughout the disembarkation process. Some witnesses recount being brought ashore at gunpoint.¹⁴⁸ Some others were beaten up.¹⁴⁹ No preferential treatment was accorded to the wounded. Hüseyin Mutlu, who had been shot in the leg, had to wait about 9 hours to disembark. He ultimately got off the ship unaided.¹⁵⁰

All the passengers were paraded before jeering hostile crowds as well as the media. At least one witness reports that Israeli soldiers had their photographs taken with the captives in what appears to be "trophy poses".¹⁵¹

Once ashore, the passengers were taken to the processing center composed of numerous tents. In several cases, groups of female passengers were taken into the same tent and forced to remove all their clothes in front of military personnel

¹⁴⁵ For the testimony of Henning Mankel, see Annex 5 (Section 5/vii)

¹⁴⁶ For the testimony of Abdullah Özkaya, see Annex 5 (Section 4/iii)

¹⁴⁷ For the relevant footage, see Annex 7 (Clip 20)

¹⁴⁸ For the testimonies of Inge Neefs, Barış Oktay and Hayrullah Küçükaytekin, see Annex 5 (Section 5/ix & Section 4/xxvi)

¹⁴⁹ For the testimonies of Henning Mankell, Griet Deknopper and Ewa Jasiewicz, see Annex 5 (Section 5)

¹⁵⁰ For the testimony of Hüseyin Mutlu, see Annex 5 (Section 4/xxvii)

¹⁵¹ For the testimony of Abdullah Özkaya, see Annex 5 (Section 4/iii)

including men, in a move that was clearly intended to cause severe embarrassment and humiliation.¹⁵² In at least one instance, soldiers pushed a metal detector between the legs of a Turkish female passenger.

Fiachra Ó Luain recollects having been threatened with cavity search in Ashdod. He was lucky to get away with threat only.¹⁵³ Not all were so fortunate, as they were subjected to this inhuman treatment.¹⁵⁴

Apart from being meticulously searched, the passengers were finger-printed, photographed and repeatedly interrogated. They were not provided any information whatsoever of their rights, nor were they offered the possibility of obtaining legal counsel or consular support. In fact, one witness who protested this unlawful treatment was told by an Israeli officer: *"You are in Israel now; you have no rights."*¹⁵⁵

With regard to the interrogations, it should also be noted that the edited footage of the secretly filmed interrogation of Mahmut Tural, First Captain of the Mavi Marmara, was later released to the media. The footage was edited in a manner to misrepresent and distort the events that had transpired on the Mavi Marmara with a view to misguiding the public opinion. Captain Tural's recount of the events taken in an interview without duress portrays an entirely different flow of events.^{156,157} The same must be said also with respect to the testimony of the Second Captain, Gökhan Kökkıran.¹⁵⁸

¹⁵² For the testimony of Elif Akkuş, see Annex 5 (Section 1/ix)

¹⁵³ For the testimony of Fiachra Ó Luain, see Annex 5 (Section 5/viii)

¹⁵⁴ For pertinent testimonies see Annex 5 (Section 4/xxx and ix)

¹⁵⁵ See paragraph 192 of the Report of the Fact Finding Mission, Annex 8

¹⁵⁶ For the testimony of First Captain Mr. Mahmut Tural, see Annex 5 (Section 1/i)

¹⁵⁷ İnsani Yardım Vakfı, Captain of The Mavi Marmara Recounts Attack On Convoy.

<<http://www.ihh.org.tr/mavi-marmara-nin-kaptani-konustu/en/>> (30 July 2010)

¹⁵⁸ For the testimony of Gökhan Kökkıran, see Annex 5 (Section 1/ii)

Passenger victims were required to sign statements to the effect that “they regretted attacking the State of Israel”¹⁵⁹ and that they “willingly entered Israel illegally”, in Hebrew, which most did not know.¹⁶⁰ People who refused to sign were threatened with prosecution that would result in years in Israeli prisons. Nilüfer Ören states that although she did not intend on signing the papers, she eventually did so after receiving threats related to her baby.¹⁶¹

Some Israeli officers went as far as to coerce passengers into signing the forms. A few passengers capitulated, while others were beaten or physically abused for still refusing to sign. Efforts to persuade passengers to sign the forms continued almost up to the moment of departure.¹⁶²

iii. Mistreatment during transportation to prison

The transfer of the passengers to the Ella Prison, near Beersheva, also took place under severe circumstances. In certain vehicles used to transfer the passengers the cooling systems were turned on excessively, while passengers in other vehicles were made to wait under the scorching sun without any air conditioning, which caused some passengers to lose consciousness. Though the distance between Ashdod and the prison would normally take two hours at most, the passengers had to wait much longer in the vehicles, with at least one passenger stating that he remained inside for 20 hours.¹⁶³ Throughout this period, the passengers had no access to water, food or toilets. Some passengers were subjected to particularly harsh treatment on the way to the prison. Dror Feiler was taken on a prisoner bus, but not allowed to sit with the others and instead “*was placed in a small barred metal cage that had small holes in it, it*

¹⁵⁹ For the testimony of Ümit Sönmez, see Annex 5 (Section 1/v)

¹⁶⁰ For the testimony of Anne de Jong, see Annex 5 (Section 1/xii)

¹⁶¹ For the testimony of Nilüfer Ören, see Annex 5 (Section 4/xxxix)

¹⁶² See paragraph 189 of the Report of the Fact Finding Mission, Annex 8

¹⁶³ See paragraph 195 of the Report of the Fact Finding Mission, Annex 8

was like a small box, about 1x1 meters."¹⁶⁴ Huwaida Arraf underwent physical violence in the van that was supposed to take her to prison. The violence, which also included of her being literally thrown out of the van, was of such extent that she needed to be taken to a hospital in Ashkelon instead.¹⁶⁵

iv. Mistreatment in prison / hospital

The mistreatment of the passengers continued in prison / hospital in different forms. At the Ella Prison, the passengers were subjected to further interrogations *"centering on any connections [...] with organizations like Al Qaeda or Hamas."*¹⁶⁶ Some stated that they were interrogated with their clothes stripped down and subjected to degrading and humiliating searches.¹⁶⁷

A number of passengers reported that they were kept in isolation and did not meet with other passengers until they left the prison. The access given to consular officers to contact their citizens was not only late, but also below the standards prescribed in international law. This was duly reflected also in the Presidential Statement adopted by the UN Security Council on 1 June 2010.¹⁶⁸

The passengers were generally denied making phone calls to their relatives; those who were allowed could speak only English and their lines were cut as soon as they switched to their mother tongues.

Some passengers report they were forced to remove construction rubble from their cells.¹⁶⁹ This calls forced labor into question.

¹⁶⁴ For the testimony of Dror Feiler, see Annex 5 (Section 5/vi)

¹⁶⁵ For the testimony of Huwaida Arraf, see Annex 5 (Section 5/x)

¹⁶⁶ For the testimony of Gene St. Onge, see Annex 5 (Section 5/xi)

¹⁶⁷ For pertinent testimonies, see Annex 5 (Section 4/ii and xlv)

¹⁶⁸ See the UN Security Council Presidential Statement S/PRST/2010/9,

<<http://domino.un.org/unispal.nsf/0/e74146ac22d2d71f8525773600528edb?OpenDocument>>

¹⁶⁹ For the testimonies of Murat Palavar, Barış Oktay, Musa Uzer, Hakkı Aygün, see Annex 5 (Section 4)

The presence of cameras in the showers and toilets caused discomfort among some passengers, particularly women.¹⁷⁰

Virtually all passengers report that they were deliberately deprived of sleep. The Israeli authorities achieved this through a variety of means that included, but were not limited to, regular bangings on the doors and lights that were perpetually on.

Witnesses recount that beatings happened also in prison.¹⁷¹

Some passengers requiring regular medication for such conditions as diabetes were continued to be deprived of their medicine¹⁷². A number of passengers complained of inadequate water and food, with Israeli prison officials telling those asking for water to drink from the toilets¹⁷³.

Moreover, as stated in the UN Fact Finding Mission's report: *"No foreign national detained at Beersheva was charged with any offence or brought before a judge. One passenger was, however, taken, after he had protested his right to appear before a judge, before what he considered to be a "sham court" close to the airport to have his deportation confirmed."*¹⁷⁴

On the other hand, Lubna Masarwa, an Israeli citizen, states she was held in isolation and subjected to strip searches four times a day. She was taken to court

¹⁷⁰ For the testimonies of Dilaver Kutluay, Cenk Suha Tatlıses, Barış Oktay, Gönül Memiş, Şahin Uzun, Abdullah Camioğlu, see Annex 5 (Section 4)

¹⁷¹ For the testimony of Gene St. Onge, see Annex 5 (Section 5/xi)

¹⁷² For the testimony of Selim Özkabakçı, see Annex 5 (Section 5/xi)

¹⁷³ For the testimonies of Bayram Kalyon and Uğur Akan, see Annex 5 (Section 4/xiii and xlv respectively)

¹⁷⁴ See paragraph 200, of the Report of the Fact Finding Mission, Annex 8

in a small metal box inside a police car in which she was held for eight hours with her hands and legs shackled¹⁷⁵.

With regard to maltreatment in hospitals, Ahmed Luqman Talib recounts being interrogated immediately after undergoing surgery, being cuffed to his hospital bed and subjected to verbal abuse, including threats of violence and long-term imprisonment¹⁷⁶. The restraints imposed on the wounded, including Ahmed Luqman Talib and Mustafa Şimşek mentioned above, was done needlessly and in utter disregard and indifference to their injuries, as mentioned in the Fact Finding Mission's report¹⁷⁷.

v. Mistreatment on the way to the Airport

The transportation of the passengers to the airport took place under similar circumstances with the journey between Ashdod and Ella prison. Again were instances of long, unwarranted delays with passengers waiting in extremely hot or cold vehicles. Michael Curt states that an elderly man suffocated from the extreme heat in the bus; Israeli soldiers ignoring their calls, finally giving half a bottle of water.¹⁷⁸ Dror Feiler and some others were forced once again into a 1x1 meter metal cage¹⁷⁹, Theresa McDermott was crammed into a tiny cell in a high-security vehicle with two other women. They were kept in the vehicle for five hours. One of the women in the cell was pregnant¹⁸⁰. One woman, overcome by the oppressive conditions in her vehicle, said that she was refused access to a

¹⁷⁵ Lubna Masarwa, *Time to break the siege on Gaza: A survivor's account of Mavi Marmara*; International Solidarity Movement, 7 June 2010, <[http://palsolidarity.org/2010/06/12704/?utm_source=feedburner&utm_medium=feed&utm_campaign=Feed:+palsolidarity+\(International+Solidarity+Movement\)>](http://palsolidarity.org/2010/06/12704/?utm_source=feedburner&utm_medium=feed&utm_campaign=Feed:+palsolidarity+(International+Solidarity+Movement)>) (7 June 2010)

¹⁷⁶ For the testimony of Ahmed Luqman Muttalib, see Annex 5 (Section 5/iii)

¹⁷⁷ See paragraph 212 through to 214 of the Report of the Fact Finding Mission, Annex 8

¹⁷⁸ For the testimony of Michael Kurt, see Annex 5 (Section 4/xxxi)

¹⁷⁹ For the testimony of Dror Feiler, see Annex 5 (Section 5/vi)

¹⁸⁰ Fear, pain and propaganda: an activist's story, The Herald Scotland, 6 June 2010 <<http://www.heraldsotland.com/news/world-news/fear-pain-and-propaganda-an-activist-s-story-1.1033113>> (29 August 2010)

toilet despite making clear that she was menstruating¹⁸¹. In another instance, Edda Manga states *"We were placed in a small kind of transport box with little space and were locked in there for several hours. One person needed to use the toilets and we started to knock at the walls and started screaming so that they would allow her; but they did not. In the end, she had no choice but to urinate on herself and she was crying when she did it and for some time. It was very humilia[ting] and she was just crying. The guard that was outside told us that we were nothing but animals."*¹⁸²

vi. Mistreatment and violence at Ben Gurion Airport

The second most violent episode of this entire saga took place at the Ben Gurion Airport. The incidents contain an entire range of unprovoked, violent, cruel and criminal behavior including humiliation, taunting, threats, as well as brutal and ruthless beatings by many uniformed officers. It must be emphasized that while officers were mercilessly beating the passengers, their colleagues, far from intervening to stop them, formed shields to hide those acts from view. It is apparent from the testimonies that the unusually high number of security personnel present at the airport was there only to engage in violence against the passengers.¹⁸³ This is further corroborated by the fact that the officers immediately began their provocations directed against the passengers without exception. The passengers were paraded to little children as terrorists and enemies, verbally abused, spat on, bullied, pushed around and manhandled just to spark the slightest reaction which would be countered with massive retribution.¹⁸⁴

¹⁸¹ See paragraph 162 through to 173 of the Report of the Fact Finding Mission, Annex 8

¹⁸² For the testimony of Edda Manga, see Annex 5 (Section 5/xiv)

¹⁸³ For the testimony of Güliden Sönmez and Ewa Jasiewicz, see Annex 5 (Section 5/iv) & (Section 1/iv) respectively

¹⁸⁴ For the examples of passengers being paraded to little children, see the testimonies of Mustafa Bulut & Gönül Memiş; verbal abuses and bullying, see the testimonies of Inge Neefs and Cengiz Kandilci; spitting on passengers, see the testimony of Murat Palavar and for manhandling of passengers, see the testimonies of Barış Oktay and Halis Akıncı, on Annex 5 (Sections 4&5)

It is also essential to note that this ferocity was directed against an utterly harmless group of people. This fact finds its full expression in the following excerpt from the UN Human Rights Council Fact Finding Mission's report "*All passengers had been subjected to multiple searches and were completely under the control of the Israelis by this stage.*".¹⁸⁵ The only act of protest coming from the passengers was their continued refusal to sign the deportation documents that were being imposed upon them.

Eyewitness testimonies are so consistent and vivid, to use the terms employed in the UN Human Rights Council Fact Finding Mission's report, that they defy being summarized in a manner that does them justice. Numerous incidents, including collective beatings, took place at the airport. In virtually all these cases, one or more members from the group of victimized passengers were then isolated from the rest to be subjected to further physical violence. Women and medical doctors were not spared from the Israeli officers' abusive behavior either. An aggressive fully armed soldier began hitting one of the women while grabbing her hair.¹⁸⁶ While some underwent physical violence, at least one passenger records being subjected to vaginal and rectal search at the airport.¹⁸⁷ There were even cases where some passengers were removed from the terminal, taken elsewhere to be battered and brought back covered in blood.¹⁸⁸ Those who had drip or drainage bags were left unassisted.¹⁸⁹ Many who had been wounded in the feet were denied assistance. Anyone trying to help them was shouted at,

¹⁸⁵ See paragraph 201 of the Report of the Fact Finding Mission, Annex 8

¹⁸⁶ İnsani Yardım Vakfı, I am just waiting for an announcement to go back to Gaza again, <<http://www.ihh.org.tr/yeniden-gazze-ye-gitmek-icin-sadece-bir-duyuru-bekliyorum/en/>> (30 July 2010)

¹⁸⁷ For the relevant testimony, see Annex 5 (Section 4/xxxix)

¹⁸⁸ For the testimony of Gülden Sönmez, see Annex 5(Section 1/iv)

¹⁸⁹ Fear, pain and propaganda: an activist's story, *The Herald Scotland*, 6 June 2010 <<http://www.heraldscotland.com/news/world-news/fear-pain-and-propaganda-an-activist-s-story-1.1033113>> (29 August 2010)

pulled away and beaten. Some people were slapped in the back of the head as they went up a staircase.¹⁹⁰

When a Greek passenger with signs of severe beating and torture refused to sign the deportation document, he was slapped by an officer, who then attempted to drag him out of sight. A few passengers tried to intervene. At this moment, over a dozen uniformed officers charged all the passengers in that area. Muhammet Latif Kaya recounts that *"some of the officers pressed me onto the floor while pulling my hair whereas another soldier squeezed my head between his legs to prevent me from screaming. The other officers began kicking me mercilessly. Two officers twisted my arms. Another stepped on my upper leg to immobilize me. Yet another officer was trying to break my fingers."* Apparently, Muhammet Latif Kaya lost consciousness for a while. When he regained his senses, he was handcuffed and was subjected to further beatings and verbal abuse, including repeated insults of *"filthy Turk"*. Muhammet Latif Kaya was in this situation when he was taken to the bus for the airplane, where he saw *"an Irishman with blood gushing from his head"*.¹⁹¹

That Irishman was most probably Fiachra Ó Luain. Ewa Jasiewicz witnessed *"around 10 soldiers jump on top of Fiachra and hold him in stress positions as he screamed in pain"*.¹⁹² Manuel Tapial saw Israeli officers *"hit an Irish volunteer [...] on the head and saw the blood gushing out."*¹⁹³ Fiachra Ó Luain himself recounts *"we were baton-charged for expressing dismay at how Paul Larudee was being manhandled [...] I saw the IDF use batons, rifle butts, boots and fists to break people's limbs and concuss men of all ages [...]"* On the third

¹⁹⁰ Free Gaza Team, "Testimonies from Passengers begin to come in", *The Free Gaza Movement*, 3 June 2010 <<http://www.freegaza.org/en/boat-trips/passenger-lists/75-ninth-trip-to-gaza-in-may-2010/1200-testimonies-from-passengers-begin-to-come-in>>

¹⁹¹ For the testimony of Muhammet Latif Kaya, see Annex 5 (Section 4/xxxiii)

¹⁹² For the testimony of Ewa Jasiewicz, see Annex 5 (Section 5/iv)

¹⁹³ For the testimony of Manuel Tapial, see Annex 5 (Section 5/xiii)

*occasion one of them grabbed my left arm and straight away I felt hands all over me. I was wrested to the ground where 17 of them assaulted me in plain view of a CCTV camera. I stayed limp and repeated 'OK, OK, OK', but they kept on beating me, giving me at least three head wounds [...] Then they put their guns on me and threatened to shoot me in the head. I asked once again to see a Rabbi and was told that I would only see a Rabbi at my funeral."*¹⁹⁴

In case the Irishman described by Muhammet Latif Kaya was not Fiachra Ó Luain, then it would have to be Ken O'Keefe. Ewa Jasiewicz had this to say about Ken O'Keefe's fate at the airport: *"Israeli soldiers beat Ken O'Keefe over the head with a baton—we heard a loud crack and saw his face streaming with blood."*¹⁹⁵

vii. Mistreatment of journalists

At least 60 journalists were covering the convoy.¹⁹⁶ As mentioned earlier in the report, Cevdet Kılıçlar, a photographer, was killed on board the Mavi Marmara. Indonesian cameraman Sura Fachrizaz was shot in the chest, while Issam Za'atar was hit with a stun gun while filming and suffered a broken arm. Despite his injury, he had to endure a long and exhausting interrogation.¹⁹⁷ Cameraman Valentin Vassilev's medication for hyper-tension was taken from him.¹⁹⁸

¹⁹⁴ For the testimony Fiachra Ó Luain, see Annex 5 (Section 5/viii)

¹⁹⁵ For the testimony of Ewa Jasiewicz, see Annex 5 (Section 5/iv)

¹⁹⁶ For the testimony of Anne de Jong, see Annex 5 (Section 1/xii)

¹⁹⁷ Journalists on raided convoy speak out; one journalist killed in attack, International Freedom of Expression Exchange, 9 June 2010 <http://www.ifex.org/israel/2010/06/09/speak_out/> (5 July 2010)

¹⁹⁸ Bulgarian Gaza Reporter: Turkish Ship Was Provocation for Israel, novinite.com, (3 June 2010) <http://www.novinite.com/view_news.php?id=116792> (5 July 2010)

Journalists on the Mavi Marmara were identifiable by their press vests so they were grouped, searched, handcuffed and left in the sun for five hours.¹⁹⁹ Marcello Faraggi was forced to undress, which he found humiliating. He was squeezed into a truck with other prisoners in which they had to wait for more than an hour in the sun without air conditioning.²⁰⁰ Mario Damolin complained about surveillance cameras in the showers and toilets in the Ella Prison.²⁰¹ At the airport, an Israeli official called Jan Linek a '*fucking Russian*'.²⁰²

All journalists' personal belongings were confiscated and no receipts were issued.²⁰³ Of those confiscated electronic media equipment, some were later returned without any memory units or memory cards.²⁰⁴

Apart from photographic equipment, many passengers also reported the confiscation of money, credit cards, mobile phones, computers, electronic goods²⁰⁵ and clothes.²⁰⁶ Some electronic equipment was returned irreparably damaged.²⁰⁷

¹⁹⁹ Interview with convoy journalist, Reporters without Borders, 7 June 2010, <<http://en.rsf.org/israel-interview-with-flotilla-journalist-07-06-2010,37682.html>> (9 June 2010)

²⁰⁰ Marcello Faraggi, As Turkish photographer is buried, other journalists aboard flotilla speak out, International Freedom of Expression Exchange, 9 June 2010, <http://www.ifex.org/israel/2010/06/10/kiliclar_buried> (13 July 2010)

²⁰¹ Mario Damolin, Eyewitness report from the Gaza fleet, Frankfurter Allgemeine Zeitung, (7 June 2010) <<http://www.faz.net/s/RubB30ABD11B91F41C0BF2722C308D40318/Doc~E08164C9F915B4356A59A4A028667A884~ATpl~Ecommon~Scontent.html>> (29 August 2010)

²⁰² Czech camera man describes beating of Irish activist in Israeli prison, Workers Solidarity Movement, 2 June 2010 <<http://www.wsm.ie/c/beatng-irish-activist-israeli-prison>> (7 July 2010)

²⁰³ Interview with convoy journalist, Reporters without Borders, 7 June 2010, <<http://en.rsf.org/israel-interview-with-flotilla-journalist-07-06-2010,37682.html>> (9 June 2010)

²⁰⁴ For the testimony of Elif Akkuş, see Annex 5 (Section 1/ix)

²⁰⁵ Robert Booth, Gaza convoy attack: British activists arrive in Turkey, guardian.co.uk, (3 June 2010) <<http://www.guardian.co.uk/world/2010/jun/03/gaza-flotilla-attack-british-activists-return-turkey>> (5 June 2010)

²⁰⁶ Kate Connolly, Henning Mankell on Gaza convoy attack: 'I think they went out to murder', guardian.co.uk, 3 June 2010 <<http://www.guardian.co.uk/world/2010/jun/03/gaza-flotilla-attack-henning-mankell>> (5 June 2010)

²⁰⁷ Stanley Heller, Grand Theft Convoy, OpEdNews.com, (17 June 2010) <<http://www.opednews.com/articles/Grand-Theft-Flotilla-by-Stanley-Heller-100616-410.html>> (17 June 2010)

The missing items included approximately 600 mobile phones, 400 video cameras, 350 laptops and cash raised for charities in Gaza. There are no reports of any detainees being allowed to keep money or of any money being subsequently returned. Some activists have reported that their stolen credit cards have since been used.²⁰⁸ There were recent articles in the media reporting that were selling property such as laptops confiscated from the passengers.

²⁰⁸ Encryptereality, \$3.5mn stolen from Gaza convoy survivors by Israeli pirates, [YouTube](http://www.youtube.com/watch?v=HBqorI059xI&feature=player_embedded), (11 June 2010), <http://www.youtube.com/watch?v=HBqorI059xI&feature=player_embedded> (1 July 2010)

II. STATEMENT OF THE LAW

A. The right to freedom of navigation on the high seas

The high seas are governed under the rules of the law of the sea at all times. The law of the sea and the rights of freedom of navigation on the high seas was developed over the centuries and is one of the areas of international law that remains uncontested. Any derogation from this fundamental freedom must be of equal weight or greater to justify what would otherwise constitute a violation of international law.

Under the rule of *pacta sunt servanda*, a State is bound by a treaty to which it has consented and must perform its obligations in good faith.²⁰⁹ Israel, although not a party to the 1982 United Nations Convention on the Law of the Sea (UNCLOS), has signed and ratified the 1958 Geneva Convention on the High Seas. UNCLOS, by its express terms, replaces the 1958 Convention between State Parties, but the 1958 Convention remains in force for those countries, such as Israel, that have not ratified the 1982 Convention.²¹⁰

Freedom of the high seas is a long-standing rule of customary international law. As widely acknowledged, the 1958 Convention is declaratory of customary international law as are the provisions of UNCLOS on freedoms of the high seas, which are almost identical to the parallel provisions in the 1958 Convention. The burden is thus on Israel to provide legal justification under international law of an exception to the freedom of the high seas.

²⁰⁹ Vienna Convention on the Law of Treaties, 1969. Article 26

²¹⁰ Article 311(1) of the 1982 Convention provides that "This Convention shall prevail, as between States Parties, over the Geneva Conventions on the Law of the Sea of 29 April 1958."

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As one of the pillars of international law, freedom of the high seas has been zealously guarded over the centuries.²¹¹ It is a right that belongs to all States.²¹² One of the components of freedom of the high seas is the exclusive jurisdiction of the flag State, which was expounded in the well-known *S.S. Lotus Case*.²¹³

Article 2 of the 1958 Convention establishes the universal character of freedom of the high seas and provides a non-exhaustive list, including freedom of navigation, that was reaffirmed and expanded under UNCLOS.²¹⁴ The exercise of these freedoms is subject to the conditions provided in the Conventions and by other rules of international law. Furthermore, both Conventions require that “these freedoms, and others which are recognized by the general principle of international law, shall be exercised by all States with reasonable regard to the interests of other States in their exercise of freedom of the high seas.”²¹⁵ Moreover, the high seas are to be “reserved for peaceful purposes.”²¹⁶

The instant case, where the humanitarian aid convoy was attacked on the high seas, is subject to the laws of peace time, in particular the law of the sea.

B. Exceptions to freedom of navigation and the exclusivity of flag State jurisdiction

i. Right of visit

A state does not have any authority or jurisdiction to interfere in peacetime with the passage of a foreign vessel on the high seas, except in limited cases. The

²¹¹ RR. Churchill and A.V. Lowe, *The Law of the Sea (Third Edition)*, (Manchester University Press 1999), p.204.

²¹² Article 89

²¹³ *S.S. Lotus Case* (Fr. v. Turk.), 1927 P.C.I.J.

²¹⁴ The other enumerated freedoms are freedom of fishing, freedom to lay submarine cables and pipelines, and freedom of overflight.

²¹⁵ Article 87 (2)

²¹⁶ Article 88

“right of visit”, which permits a warship to stop and board a foreign vessel on the high seas, is a narrowly-drawn exception to the right of freedom of navigation and the flag exclusivity rule. Codifying customary international law, both the 1958 Convention and UNCLOS limit the right of visit to a set of well-defined and exhaustive circumstances. The grounds allowing a right of visit found in Article 22 of the 1958 Convention and Article 110 of UNCLOS are identical *mutis mutandis* and limit the competence of a warship to stop and board a foreign-flagged vessel on the high seas.

These grounds arise when:

- there is bilateral treaty in force;
- a ship is engaged in piracy;
- a ship is engaged in the slave trade; or
- though flying a foreign flag or refusing to show its flag, the ship is, in reality, of the same nationality as the warship.

UNCLOS has added two more exceptions:²¹⁷

- a ship engages in unauthorized broadcasting subject to Article 109, and
- a ship is without nationality.

Both Conventions, reflecting customary international law, provide in identical language clear procedural limitations on how to stop and board a foreign merchant vessel on the high seas. The warship should first “proceed to verify

²¹⁷ Examples of permissible acts of interference derived from powers conferred by treaty include the 1995 *United Nations Convention on Straddling Fish Stocks and Highly Migratory Fish Stocks* under which the Contracting parties agree to have fishing vessels under their flag subject to boarding and inspection on the high seas; and the 1969 *International Convention Relating to Intervention on the High Seas in Cases of Oil Pollution Casualties*, which allows Parties to the Convention to take the necessary measures on the high seas following a maritime accident to prevent, mitigate or eliminate grave and imminent danger to their coastline or related interests from pollution or threat of pollution of the sea by oil, which may reasonably be expected to result in major harmful consequences. However, unless there is extreme urgency the Convention requires prior notification and consultation with the flag State. Measures that exceed what is allowed under the Convention creates liability in the Party who must provide compensation for any losses and damages.

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the ship's right to fly the flag," and *this should be done by sending a single boat*, (the language in Article 110 (2) of UNCLOS is in the singular), under the command of an officer to make an initial inspection of the ship's flag. Only if, after this initial inspection of the documents, suspicion remains as to the flag of the ship, may the warship engage in further inspection on board the ship "which must be carried out with *all possible consideration*." (Article 110 (2)).

This procedure applies in the cases of suspected slavery transport, piracy or when there are questions as to the flag of the ship. The provision is silent as to the right of the warship to seize the ship, property or persons on board. This procedural limitation is identical in both the 1958 Convention and UNCLOS. Both Conventions stipulate that, if the suspicions are unfounded, the seizing State is obliged to pay compensation for any losses or damages sustained.²¹⁸

The 1988 Convention on the Suppression of Unlawful Acts Against the Safety of Maritime Navigation (SUA) was adopted by the International Maritime Organization (IMO) following the 1985 *Achille Lauro* terrorist attack which took place on the high seas and resulted in the death of a US citizen.

The 2005 Protocol to the SUA Convention adopted a set of well-defined procedures for boarding a ship in international waters suspected of violating its provisions. It is significant that the participating Parties at the diplomatic conference were extremely cautious to maintain the primary jurisdiction of the flag State in line with codified and customary international law. The Protocol subjects the right to board a vessel suspected of committing violation of the acts provided under the Convention to the express consent of the flag State.

It stands to reason that if international consensus existed for expanding the right

²¹⁸ Article 110 (3)

to interdict foreign vessels in international waters, certainly the 2005 Protocol which deals with the prevention of international terrorism would have provided the right legal forum. The strong will of States to maintain flag State jurisdiction over a vessel on the high seas was reaffirmed by the international community under the 2005 Protocol. This provides further evidence of State practice in limiting the exceptions allowed to interfere with the right of freedom of navigation on the high seas.

Immediately following the terror attack against the United States on 11 September 2001, IMO convened and amended Chapter XI of the International Convention for the Safety of Life at Sea (SOLAS) 1974, as well as adopting the Special Measures to Enhance Security, and the new International Ship and Port Facility Security Code (ISPS Code) which went into effect 1 July 2004.²¹⁹ Its objectives include establishing an international framework involving cooperation to detect security threats and take preventive measures.²²⁰ The ISPS Code introduced for the first time measures intended to prevent the occurrence of a terror incident against a ship or a port facility. With some 80 percent of the world's trade carried by sea, the security of shipping is of the utmost concern for international trade and military security. The ISPS Code was the first international regulation designed to detect and prevent terror at sea.

The "clear grounds" standard is found in the provisions of UNCLOS Article 220 for enforcement by the coastal State of any violations of its rules and regulations adopted under the Convention itself or in accordance with applicable international rules and standards for the prevention, reduction and control of vessel-sourced pollution. According to the same Article, if there are clear grounds for the coastal State to believe that the vessel has violated such rules in

²¹⁹ The IMO Doc. MSC 78/7 Annex (Proposed Draft Amendment to SOLAS XI-2 Measures to Enhance Maritime Security) < <http://www.iaphworldports.org/new/MS78-7Add.1.pdf> >

²²⁰ Article 1.2.1, ISPS Code, Part A.

either its territorial waters or exclusive economic zone (and has refused to provide information when requested under subsection 3), the State can detain, inspect and institute proceedings against the ship.

Both Turkey and Israel are Parties to SOLAS and have accepted the ISPS Code. This means that when the ships set sail from Turkish ports, in addition to undergoing Turkish customs inspection, all cargo was shipped from ports that have been recognized internationally, under the ISPS Code, as secure.²²¹

Israel should, therefore, have accepted the internationally recognized assurances resulting from both the possession of the ISPS Codes by the ports of departure as well as the regular detailed checks conducted by the Turkish authorities on the ships, that the cargo contained no arms, munitions or other material that would constitute a threat to its security.

ii. Right of seizure and arrest on the high seas

Customary international law does not recognize a general right of visit and seizure of vessels on the high seas.²²² As explained in the previous section, there are only limited situations when a warship may visit or seize a foreign ship in international waters.

The restricted scope of the existing lawful grounds for seizing a vessel on the high seas was demonstrated by the conduct of the United States during the *Soan* incident on 10 December 2002. Following a request from the United States, the Spanish naval forces intercepted and boarded a ship on the high seas some 600 miles from the coast of Yemen. The ship was not flying a flag and its name had been painted over. However, it was discovered that the ship was

²²¹For the Statement of Compliance Documents (ISPS) of the Ports of Istanbul, Antalya, Iskenderun and Zeytinburnu, see Annex 3 (Section 5)

²²²Ian Brownlie, *Principles of Public International Law 5th Edition*, (Oxford University Press, 1999)

registered to Cambodia. During the search of the vessel, fifteen Scud missiles, not listed in the ship's manifest, were discovered beneath a cargo of cement. Upon verifying that Yemen had purchased the missiles, the United States Administration decided to release the vessel and its cargo. The US found that, although the lack of a flag gave legal grounds for the initial boarding of the vessel, there was no 'clear authority' for seizing the missiles under international law. No provision under UNCLOS or other sources of international law prohibits the maritime transport of missiles.²²³

iii. Hot pursuit

One other exception that permits a State to interfere with a foreign ship on the high seas is in the case of hot pursuit. The provisions for hot pursuit, identical in both the 1958 Convention²²⁴ and UNCLOS,²²⁵ stipulate the following:

"The hot pursuit of a foreign ship may be undertaken when the competent authorities of the coastal State have good reason to believe that the ship has violated the laws and regulations of that State. Such pursuit must be commenced when the foreign ship or one of its boats is within the internal waters or the territorial sea or the contiguous zone of the pursuing State, and may only be continued outside the territorial sea or the contiguous zone if the pursuit has not been interrupted."

²²³ Michael A. Becker, *The Shifting Public Order of the Oceans: Freedom of Navigation and the Interdiction of Ships at Sea*, Harvard International Law Journal 131 (2005), p. 153

²²⁴ Article 23

²²⁵ Article 111 is adopted *mutis mutandis* from Article 23 of the 1958 Convention, with the addition of the Exclusive Economic Zone.

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C. The concept of self-defence under the UN Charter

The right of self-defence is the only exception to the prohibition against the use of force by States under the Charter of the United Nations and customary international law. Article 51 of the UN Charter expressly limits the right of States to exercise self-defence to situations of armed attack. The extension of the right of self-defence to include anticipatory self-defence to justify the interdiction of a foreign ship on the high seas has extremely limited support in international law. Even accepting *in arguendum* the right of anticipatory self-defence, the widely accepted criteria that must be fulfilled are those that were famously stated by Daniel Webster in the *Caroline* incident where “necessity of that self-defence is instant, overwhelming, and leaving no choice of means, and no moment for deliberation” and furthermore, that “the act justified by the necessity of self-defence, must be limited by that necessity, and kept clearly within it.”²²⁶ In short, acts of self-defense must be based on necessity and be proportionate to the threat.

A review of State practice reveals the general rejection by the international community and the judiciary of anticipatory self-defence as an exception to the right of freedom of the high seas and the rule of flag State exclusivity. The proposal to allow a warship the right to visit a vessel on the high seas, based on suspicions that the vessel is hostile to or poses an imminent threat to the security of the State of the warship, was rejected by the UN International Law Commission during the negotiations on the Draft Articles of the 1958 Convention.

There has been a systematic rejection of the invocation of anticipatory self-defence by a State to interdict ships on the high seas.

²²⁶ Letter from Daniel Webster, Secretary of State, to Lord Ashburton, British Plenipotentiary, 6 August 1842, in John B. Moore, *Digest of International Law* 412 (1906)

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In the case of *Nicaragua v. United States of America (Merits)*, the International Court of Justice rejected the claims of the United States to exercise the right of self-defence under Article 51 of the Charter and customary international law.²²⁷ The Court clearly stated that Article 51 could be invoked only against an armed attack and that “whether the response to an attack is lawful depends on the observance of the criteria of the necessity and the proportionality of the measures taken in self-defence.” In defining the substance of what would constitute an “armed attack” the court rejected the argument that an armed attack would include assistance to rebels in the form of the provision of weapons or logistical or other support. According to the Court, an “armed attack” that would justify the exercise of self-defence “is to be understood as meaning not merely action by regular armed forces across an international border, but also the sending by a State of armed bands on to the territory of another State, if such an operation, because of its scale and effects, would have been classified as an armed attack had it been carried out by regular armed forces.”²²⁸ The Court noted in *dictum* that the “normal purpose of an invocation of self-defence is to justify conduct which would otherwise be wrongful.”²²⁹

The general international opposition to expanding the limited right to visit and board a foreign vessel on the high seas on grounds of anticipatory self-defence is borne out by several other examples. One is the decision of the United States to adopt the Proliferation Security Initiative (PSI) based on flag State consent instead of relying on the questionable right of anticipatory self-defence as grounds for boarding ships on the high seas suspected of transporting weapons of mass destruction (WMD) to hostile States or terrorists. As part of the PSI, the

²²⁷ Case Concerning Military and Paramilitary Activities in and Against Nicaragua (*Nicaragua v. United States of America*, (Merits), *ICJ Reports*, (1986)

²²⁸ *Ibid.* Para. 195, p. 93 The Court also noted that Article 3, paragraph (g), of the Definition of Aggression annexed to General Assembly resolution 3314 (XXIX), may be taken to reflect customary international law.

²²⁹ *Ibid.* p 45

United States concluded bilateral treaties with flag States granting the US the right to board and inspect their vessels while on the high seas. A considerable volume of literature was penned following the adoption of the PSI by the United States. Collectively, the common view was that the US recognized the strength of freedom of the high seas and sought to conclude bilateral agreements in order to obtain the consent of flag States. These agreements could be considered as falling within the provision of “[e]xcept where acts of interference derive from powers conferred by treaty” found in both the 1958 Convention and UNCLOS, constituting customary international law.²³⁰

D. Israel is estopped from reliance on the San Remo Manual provisions on naval blockades

i. Naval blockade under international law

Naval blockades have been used as a military tactic throughout history, and have continued to be used in a number of contemporary international armed conflicts. Recent blockades include UN Security Council approved “military intercept” operations against Iraq (1999)²³¹ and against Yugoslavia (1991-1992)²³². State practices, including UN authorized blockades, have contributed to establish the current principles governing naval blockade. Past efforts to develop rules governing naval blockades were abandoned during World Wars I and II. Since then there has been no codification by governments of an agreed set of rules on naval blockades in international armed conflicts. The San Remo Manual is the

²³⁰ Article 110

²³¹ U.N. Security Council Resolution 665 (1990); Lois E. Fielding, *Maritime Interception: Centerpiece of Economic Sanctions in the New World Order*, 53 Louisiana Law Review 1191, 1194 (1993); *supra* note 14, at 1214.

²³² U.N. Security Council Resolutions 713 (1991) and 757 (1992); Richard Zeigler, *Ubi Sumus? Quo Vadimus?: Charting the Course of Maritime Interception Operations*, 43 Naval Law Review 1, 15 (1996), *supra* note 30, at 31-33; William Drozdiak, *NATO Agrees to Impose Blockade of Serbia*, WASHINGTON POST, Nov. 19, 1992, at A31.

only non- governmental developed set of principles on international armed conflicts at sea.

ii. The inapplicability of San Remo Manual provisions to the Israeli naval blockade

The San Remo Manual is accepted as the reflection of the existing customary international law applicable to inter-state armed conflicts at sea. It was prepared by a group of independent international law and naval experts to provide guidance for developing national naval manuals. The Manual was intended to present a compilation of existing state practice and progressive law. The *travaux preparatoires* clearly demonstrate that the rules and state practice on naval blockade are applicable to *international* armed conflicts at sea and not those of a non-international character. This fact has been confirmed by the recognized authority and the editor of the San Remo Manual, who was also the head co-ordinator of the drafting work, Prof. Louise Doswald-Beck.

Prof. Doswald-Beck unequivocally states that the San Remo Manual is intended to apply to international armed conflicts.²³³ Furthermore, she stresses in particular that those rules allowing activities that affect third party States, such as naval blockade, reflect treaty and other practice that is categorized as customary law only for inter-state conflicts. Consequently, the provisions of the San Remo Manual that authorize the enforcement of a blockade such as capture of neutral vessels on the high seas cannot be seen as customary international law applicable to non-international armed conflicts.

Prof. Doswald Beck underscores the following, which is critical to correctly understand the scope of application of the Manual:

²³³ For the Testimony of Prof. Louise Doswald Beck on the SAN REMO MANUAL ON INTERNATIONAL LAW APPLICABLE TO ARMED CONFLICTS AT SEA, see Annex 9

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*"...the commentary to the Manual states (in Section 1.1 of the Explanation to the Manual, p.73 of the CUP publication) that, although the Manual is primarily intended to apply to international conflicts, the lack of mention of scope of application is to avoid an understanding that the Manual cannot apply to non-international ones. However, it is crucial that this statement is read together with the statement in Section 1.3 of the commentary on p.74 of the CUP publication. This states that activities that affect third States (the term "neutral" was used for any State not party to the conflict (para.13 (d)) on the high seas reflect treaty and other practice that had sufficiently solidified to be categorised as customary law only for inter-State conflicts. These relate to special rules on belligerent or neutral vessels or aircraft in their respective territories (paras. 18-22), to the establishment of a blockade (paras.93-104), and to the interception, visit, search, diversion or capture of vessels or aircraft outside national jurisdiction (paras. 118-158). It follows that the parts of the San Remo Manual that authorise interception of neutral vessels on the high seas cannot be seen as customary law applicable to non-international armed conflicts."*²³⁴

In conclusion, naval blockades apply in international/inter-state armed conflicts, as re-stated as a customary norm in the San Remo Manual.

iii. Israel's inconsistent and inequitable position on the nature of the conflict

The State of Israel has denied recognition of statehood to Palestine and does not accept the characterization of its armed conflict with Hamas and other groups in Gaza as international. On the other hand, Israel asserts international law applicable to international armed conflicts to justify its naval blockade on the Gaza Strip, and its ensuing acts of high seas interception. These two variant positions are legally irreconcilable. Israel cannot deny rights to the Palestinians

²³⁴ For the Statement of Prof. Louise Doswald Beck on the SAN REMO MANUAL ON INTERNATIONAL LAW APPLICABLE TO ARMED CONFLICTS AT SEA, see Annex 9

based on the argument that international law does not apply, while at the same time claim belligerent rights under the law of international armed conflict. Not only is this inconsistent but creates an unacceptable inequitable legal result to the detriment of the Palestinians.

It is also essential to highlight at this juncture that the nature of the armed conflict can not be retroactively re-characterized in order to conveniently bestow belligerent rights which did not actually exist at the time of the event. In other words, given that Israel has never recognized Palestine as a State, and its conflict with Hamas as an international one, including the denial of Prisoner of War status to captured Hamas elements, it can not invoke international humanitarian law applicable to international armed conflicts to serve its own purposes in this particular case. Even if Israel now recognized its conflict with Hamas as "international", this would have no retroactive effect on the law applicable to the attack on the international humanitarian convoy.

E. The naval "blockade" of the Gaza Strip by Israel was unlawful also in practice and implementation

As stated above, the "blockade" was unlawful *par excellence* due to its lack of legal basis. Even if, for the sake of argument, the "blockade" had lawful grounds, it would still have failed because of the manner in which it was established and implemented.

i. Israeli "blockade" of the Gaza Strip did not comply with notification requirements

The law governing naval blockades is based on customary international law, which has been reflected in the San Remo Manual on International Law

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Applicable to Armed Conflict at Sea (San Remo Manual).²³⁵ One of the requirements for a naval blockade to be lawful under customary international law is that explicit notice be given of the nature and limits of each blockade.²³⁶ Article 94 of the Rules in the San Remo Manual requires that blockades be formally declared, providing "the commencement, duration, location, *and extent* of the blockade" (emphasis added).²³⁷ Between 2005²³⁸ and 2008,²³⁹ Israel notified mariners of its maritime policy, which restricted the movements of vessels surrounding the Gaza coast. The current "blockade" against Gaza was officially declared on 3 January 2009.²⁴⁰

The Israeli position that a declaration of duration of the blockade was not possible because of the so-called open-ended nature of the conflict with Hamas lacks credibility as all conflicts are of an open-ended nature. It is the duty on the blockading state to establish a clear time period and to extend it if necessary. This customary rule of international law as restated in Rule 94 of the San Remo Manual employs the conjunctive and not disjunctive where all elements are required for a lawful blockade and not simply those chosen as convenient. The vague formulation of 'until further notice' is not acceptable. The purpose for

²³⁵ SAN REMO MANUAL ON INTERNATIONAL LAW APPLICABLE TO ARMED CONFLICTS AT SEA, 12 JUNE 1994 (Institute of International Humanitarian Law, 1995), <<http://www.icrc.org/IHL.nsf/webPrint/560-FULL?OpenDocument>>

²³⁶ Notice has always been an essential requirement of blockade law, and is still required. See Michael G. Fraunces, Note, *The International Law of Blockade: New Guiding Principles in Contemporary State Practice*, 101 YALE LAW JOURNAL 893-908 (1992), at 913-17

²³⁷ San Remo Manual, Article 94.

²³⁸ Marian Houk, *Free Gaza" Ships Set Off from Cyprus on Expedition to "Break Siege" of Gaza Strip*, American Chronicle, 22 August 2008 <<http://www.americanchronicle.com/articles/printFriendly/72046>> (20 August 2010)

²³⁹ Admiralty Notices to Mariners, 20 October 2008, <http://nms.ukho.gov.uk/2008/Week40_5327-5486/40snii08.pdf>; Notice to Mariners (2008) <nms.ukho.gov.uk/2008/Week40_5327-5486/Wk40-magnote.pdf>.

²⁴⁰ Cargo Boat Attempting Illegal Entry to Gaza Intercepted, Israel Ministry of Foreign Affairs, 5 February 2009, <http://www.mfa.gov.il/MFA/Government/Communiques/2009/Cargo_boat_illegal_entry_Gaza_waters_intercepted_5-Feb-2009.htm?DisplayMode=print> (20 August 2010); Carol Migdalovitz, *Israel's Blockade of Gaza, the Mavi Marmara Incident, and Its Aftermath*, Congressional Research Service, 23 June 2010 <<http://www.fas.org/spp/crs/mideast/R41275.pdf>> (20 August 2010)

requiring an express time limit is to allow for periodic reviews to assess the impact of the blockade. For example, whether the military advantage is being achieved or not, or assess the impact on the civilian population. An open-ended time frame left to the discretion of the blockading authorities risks arbitrariness which is not consistent with international law.

In addition, since 2007, Israel has not made clear the “extent” of the “blockade”, namely, which products were actually being banned.²⁴¹ The UN Fact Finding Mission on the Gaza Conflict, led by Justice Richard Goldstone, (hereinafter referred to as the “Goldstone Report”, to avoid confusion with the Fact Finding Mission established following the attack against the humanitarian aid convoy) stated that “[n]either the list of items allowed into the Gaza Strip, nor the criteria for their selection are made known to the public.”²⁴² According to a 3 May 2010 report on BBC:

Israel has never published a list of banned items, saying it approves requests on a case-by-case basis. Items allowed have changed over time, which has left humanitarian organizations and commercial importers constantly attempting to guess what will be approved.²⁴³

²⁴¹ According to reports of observers, Israel allowed only 81 items into Gaza, and prohibited dual-use items such as steel pipes, concrete, cement, and fertilizer.

²⁴² Human Rights Council, *Human Rights in Palestine and Other Occupied Arab Territories*, at 97, ¶316, A/HRC/12/48, 15 September 2009.

²⁴³ Details of Gaza Blockade Revealed (citing Israeli Supreme Court documents), *BBC NEWS*, 3 May 2010 <http://news.bbc.co.uk/2/hi/middle_east/8654337.stm> (20 August 2010)

In fact, Israel itself decided to adjust the terms of the "blockade" after the attack, and on 6 July 2010 it began to allow many more items into Gaza.²⁴⁴ This revision is, indeed, a recognition of the wrongfulness of the listing of goods method that was in application at the time of the attack.

Reports from early in the "blockade's" enforcement mention that goods entering into Gaza were subject to ministerial review. No comprehensive list of banned items had been published as of 31 May 2010.²⁴⁵ Even under the recently relaxed policy,²⁴⁶ Israel remains far from meeting the established notification norms.^{247,}
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Furthermore, the actual blockade that was enforced on 31 May 2010 went far beyond what was required for the actual security needs of Israel, and Israeli officials have acknowledged that the punitive restrictions sharply limiting the goods allowed into Gaza were designed also to be "economic sanctions" to put pressure on Hamas. Such a blockade, which interferes with trade from neutral nations and shipments of humanitarian aid, is excessive and is inconsistent with international law principles.

The Israeli Government states that the naval blockade is part of Israel's wider effort not to give legitimacy to the Hamas's (*sic*) rule over the Gaza Strip, to

²⁴⁴ State of Israel Ministry of Defense Coordinator of Government Activities in the Territories, *The Civilian Policy Towards the Gaza Strip – The Implementation of the Cabinet Decision (June 2010)* (listing items that would continue to be prohibited from importation into Gaza); *Guide: Eased Gaza Blockade, BBC NEWS*, 19 July 2010, <<http://www.bbc.co.uk/news/world-middle+east=10520844>>

²⁴⁵ See List of commercial goods allowed for import into Gaza, April 2010, *BBC NEWS*, <http://news.bbc.co.uk/1/shared/bsp/hi/pdfs/05_05_10_gazaimports.pdf>.

²⁴⁶ On July 6, 2010, Israel adjusted the terms of the blockade and began to allow many more items into Gaza.

²⁴⁷ CIVILIAN POLICY TOWARDS THE GAZA STRIP, Ministry of Defense, June 2010, at <<http://www.pmo.gov.il/NR/rdonlyres/EBDB36CF-2BA0-4719-B532-F723C7CF2456/0/gazaENG.pdf>>

²⁴⁸ The list of items banned from Iraq during the Second Gulf War, for instance, was extensive and specific compared to the list published by Israel's Ministry of Defense. S. C. Res, S/2002/515 (May 31, 2002) (describing specific chemical compounds, including diagram of molecular structure, prohibited from entering Iraq). See also S.C. Res, 1454, U.N. Doc. S/RES/1454 (Dec. 30, 2002) (describing how list of banned goods is subject to review for humanitarian purposes).

isolate it in the international arena, and to strengthen the Palestinian authority. This is clearly a political objective, which evidently is the overriding goal of the Israeli government. Since Hamas' election in 2006 it has been the policy and goal of Israel to overthrow Hamas. Israel's reliance on military security needs cannot serve as a disguise for what is in truth the ultimate objective of undermining popular support for Hamas by strangulating the livelihood of the Gazans.

This further raises the question of abuse of right under international law by Israel. This is evidenced by the Israeli government's continued insistence to knowingly allow the Palestinian people in Gaza to live under extreme inhumane conditions and depriving them of their human dignity. It is particularly inequitable for Israel to attempt to shroud the humanitarian crisis in Gaza in the artificial confusion of statistical data, when the magnitude of this crisis has been documented by independent international organizations. The historical reality is that the Palestinian Territories have been under the long-term control by "occupation" of Israel creating what has been described as a state of dependency on Israel.²⁴⁹ Israel cannot claim pre-existing economic problems, and then use these as a pretext to avoid its legal obligations under international law of blockade—particularly when Israel was the very cause of those pre-existing economic problems. More importantly, the facts all support a direct relationship between the escalation of the humanitarian crisis in Gaza with the imposition of the "blockade".

What the Israeli Government admits as an 'economic warfare' is actually a "political warfare" where civilians are condemned to suffer in the cross-fire aimed at Hamas.

²⁴⁹ Human Rights Council, Report of the United Nations Fact Finding Mission on the Gaza Conflict (Goldstone Report), ¶ 74, U.N. Doc. A/HRC/12/48 (Sept. 15, 2009), at http://www2.ohchr.org/english/bodies/hrcouncil/.../UNFFMGC_Report.pdf. >, p.96

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ii. Israeli “blockade” of the Gaza Strip was not reasonable, proportional or necessary

The San Remo Manual identifies situations where blockades would be legally impermissible, specifically when “(a) it has the sole purpose of starving the civilian population or denying it other objects essential for its survival; or (b) the damage to the civilian population is, or may be expected to be, excessive in relation to the concrete and direct military advantage anticipated from the blockade.”²⁵⁰

On the question of “starvation” there is no litmus test and certainly the general lack of access to food and nutrition should be considered to constitute a level of unacceptable starvation. To place 1.5 million civilians on “diet” as justification for a blockade would be tantamount to an intent to “starve” people.²⁵¹ In terms of assessing the level of nutrition of 1.5 million people, it is clear that the vast majority of the population of Gaza is suffering from lack of adequate food. Under contemporary standards it is difficult to envision an international legal system that would condone a blockade that punished 1.5 million people with hardships and malnourishment for so-called military advantage.

As “the [San Remo Manual] suggests a balancing test weighing the means and methods of warfare against potential collateral damage,” belligerents must consider “potential damage beyond that expected” and should also “continue to monitor for collateral damage and to cease that activity as soon as it is apparent

²⁵⁰ San Remo Manual, Article 102.

²⁵¹ Dov Weissglas, an Israeli advisor to former Prime Minister Sharon is reported to have stated in relation to the blockade that “The idea is to put the Palestinians on a diet, but not to make them die of hunger.”
<<http://www.guardian.co.uk/world/2006/apr/16/israel>> (2 February 2011)

that the balance has shifted.”²⁵² In addition to these requirements, the San Remo Manual makes it clear that belligerents employing naval blockades must also adhere to the principle of proportionality, and exercise restraint by taking precautions in enforcement of the blockade.²⁵³

Dr. Stephen C. Neff, of the University of Edinburgh School of Law, has explained that “[a]ccording to the principle of necessity, blockades would only be permissible under certain restricted circumstances (*i.e.*, when necessity was actually present) - it would not be an automatic right . . .”²⁵⁴ The principle of proportionality, he has explained, “would imply that only certain types of trade could be stopped (*i.e.*, trade in goods that furthered the aggression). . . . [and] would furthermore imply that the self-defending state would only be entitled to divert neutral ships away from the blockaded area, not to capture and confiscate them.”²⁵⁵ The principles of proportionality and necessity are also central to the rules found in the San Remo Manual, as discussed below.²⁵⁶

The principle of reasonableness, which could replace “traditional principles of establishment, effectiveness, and respect for neutral rights,” might consider factors such as size of blockade, proportionality, probability of severe damage, rights of neutrals, method of enforcement, and accommodation.²⁵⁷ Under the principle of reasonableness, states can tailor their blockade policy to meet their specific needs because “the law retains flexibility to guide state practice in the

²⁵² Matthew L. Tucker, *Mitigating Collateral Damage to the Natural Environment in Naval Warfare: An Examination of the Israeli Naval Blockade of 2006*, 57 NAVAL L. REV. 161, 176 (2009). See *supra* note 146, at 177.

²⁵³ See SAN REMO COMMENTARY, p. 179 (stating that Article 102(b) “reflects the impact of the rules of proportionality and precautions in attack on blockade”).

²⁵⁴ Stephen C. Neff, *Towards a Law of Unarmed Conflict: A Proposal for a New International Law of Hostility*, 28 CORNELL INTERNATIONAL LAW JOURNAL 1 (1995), p. 19

²⁵⁵ *Ibid.*

²⁵⁶ See generally Matthew L. Tucker, *Mitigating Collateral Damage to the Natural Environment in Naval Warfare: An Examination of the Israeli Naval Blockade of 2006*, 57 NAVAL L. REV. 161, 176 (2009).

²⁵⁷ Michael G. Fraunces, Note, *The International Law of Blockade: New Guiding Principles in Contemporary State Practice*, 101 YALE LAW JOURNAL 893-908 (1992), at 913-17

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varied environment of modern conflict.”²⁵⁸ The present law on naval blockades is thus based on the principles of proportionality, necessity, and reasonableness.

The existing humanitarian crisis in Gaza was severe to the point that on 8 January 2009, just five days following the Israeli declaration of the 2009 blockade in Gaza, it compelled the UN Security Council to adopt Resolution 1860, which brought attention to the “deepening humanitarian crisis in Gaza” and further emphasized “the need to ensure sustained and regular flow of goods and people through the Gaza crossings.” This situation did not abate but, in fact, deteriorated during the one and a half year period that lapsed between the adoption of Res. 1860 and the attack on the international humanitarian aid convoy on 31 May 2010.

This is supported by the conclusions of the UN Fact Finding Commission in its detailed analysis of the incident in which it found that Israel’s “blockade” against Gaza as it existed on 31 May 2010 violated the requirements of proportionality and reasonableness. In its report, the Mission stated that “the blockade was inflicting disproportionate damage upon the civilian population in the Gaza Strip and that as such the interception could not be justified and therefore has to be considered illegal.”

The view of the disproportionate impact of the blockade is shared by multiple official sources. Various UN agencies and the international community at large, such as OCHA, the World Food Programme, the ICRC, the UN High Commissioner for Human Rights, the World Bank, the UNHCR and the UNDP have all described the humanitarian situation in Gaza as a result of the blockade as *dire, unacceptable* and *unsustainable*.

²⁵⁸ *Ibid.* p.913.

OCHA and the UNHRC reported that "... the blockade exacerbated the already existing difficulties of the population in Gaza in terms of livelihoods and brought to new peaks the severe human dignity crisis resulting from the deteriorated public services, widespread poverty, food insecurity, over 40 per cent unemployment and 80 per cent aid dependence (i.e. some 80 per cent of the population receives humanitarian assistance, mainly food). People's lives were reduced to a daily struggle in an attempt to secure the most basic needs. Abject poverty among refugees has tripled since the imposition of the blockade from 100.000 to 300.000 and 61 per cent of households are food insecure. There has been a shift in diet (from protein rich to low cost and high carbohydrate foods), triggering concerns over mineral and vitamin deficiencies."²⁵⁹

The IMF observed that the blockade has had a direct negative impact on the economy of Gaza. It notes that "output had been highly suppressed in the first half 2009 by the exceptionally tight blockade..." The output per capita is only 60 per cent of what it had been in 1994 and unemployment remains at over 35 per cent, one of the highest in the world. More importantly, the report stated that "for a growth to be sustained, it is essential that the remaining restrictions on economic activity be lifted."²⁶⁰

The "blockade's public health impact on the civilian population of Gaza has also been severe. On 14 June 2010 the International Committee of the Red Cross (ICRC) reported that as a result of the blockade imposed on the Gaza Strip "the quality of Gaza's health care system has reached an all time low."²⁶¹

²⁵⁹ See paragraph 40-41 of the Report of the Fact Finding Mission, Annex 8

²⁶⁰ Macroeconomic and fiscal framework for the West Bank and Gaza: Sixth Review of Progress Staff Report for the Meeting of the Ad Hoc Liaison Committee New York Sep 21, 2010, IMF
<<http://unispal.un.org/UNISPAL.NSF/0/729B065A70854337852577A8006A5CE8>> (3 February 2011)

²⁶¹ ICRC Geneva/Jerusalem 14 June 2010, *Gaza closure: not another year!*; News release 10/103.

The principle of proportionality and the duty to protect civilians require that Israel ban only items that can be utilized against Israel,²⁶² and the principle of reasonableness requires Israel to implement a policy that maintains an “acceptable balance between belligerent and neutral interests.”²⁶³ As of 31 May 2010, Israel’s blockade policy banned consumer items that had no relationship to the ability of Hamas to attack Israel, and Israel’s blockade policy had not struck a reasonable balance between its military objectives and the humanitarian needs of the civilian population of Gaza. None of the ordinary consumer items banned by Israel would constitute military contraband that could be used in armed conflict against Israel. It is difficult to see what possible legitimate military tactical advantage would be achieved by prohibiting one type of food stuff that is clearly not of dual-purpose over another.

For the past three years, goods flowing into Gaza sharply declined,²⁶⁴ and until the recent relaxation on July 6, 2010,²⁶⁵ ordinary items were banned,²⁶⁶ apparently, for punitive purposes.²⁶⁷ For example, canned meat and tuna were allowed, but not canned fruit; mineral water was allowed, but not fruit juice; sesame paste (tahini) was permitted but not jam; tea and coffee were permitted

²⁶² Stephen C. Neff, *Towards a Law of Unarmed Conflict: A Proposal for a New International Law of Hostility*, 28 *Cornell International Law Journal* 1, 24 (1995) p. 19

²⁶³ Michael G. Fraunces, Note, *The International Law of Blockade: New Guiding Principles in Contemporary State Practice*, 101 *YALE LAW JOURNAL* 893-908 (1992). at 913-17

²⁶⁴ The 1.5 million people of Gaza “have relied on less than a quarter of the volume of imported supplies they received in December 2005.” *Guide: Gaza under Blockade*, *BBC*, July 6, 2010, <http://news.bbc.co.uk/2/hi/middle_east/7545636.stm>

²⁶⁵ As of July 6, 2010, Israel’s blockade has been relaxed. “Israeli authorities will allow more civilian goods to enter, including all food items, toys, stationery, kitchen utensils, mattresses and towels. Construction materials for civilian projects will be allowed in under international supervision.” *Guide: Gaza under Blockade*, *BBC*, July 6, 2010, <http://news.bbc.co.uk/2/hi/middle_east/7545636.stm>; Israel eases blockade of cargo to Hamas-ruled Gaza, *Reuters News Service*, June 21, 2007, <http://uk.reuters.com/article/idUKL21817222_CH_24202007062>

²⁶⁶ “Among the large range of goods currently forbidden [as of May 3, 2010] are jam, chocolate, wood for furniture, fruit juice, textiles, and plastic toys.” *Details of Gaza Blockade Revealed*, *BBC*, May 3, 2010, <http://news.bbc.co.uk/2/hi/middle_east/8654337.stm>

²⁶⁷ See *infra* iv of this report.

but not chocolate; cinnamon was permitted, but not coriander.²⁶⁸ Commentators have criticized Israel's review process, stating that the problem "is not just the shortages themselves, but the unpredictability and changing nature of what is permitted for import."²⁶⁹ These ever continuing changes were not the result of methodical revisions, but rather of an arbitrary nature. Needless to say, exports from Gaza were banned altogether.

These are all tactics to create political dissatisfaction against Hamas and not enhance military security. Israel has acknowledged that one purpose of its naval "blockade" has been to put pressure on and to isolate Hamas, currently in government in Gaza.²⁷⁰ The Israeli Supreme Court has confirmed this as one of the reasons for the "blockade": "The limitation on the transfer of goods is a central pillar in the means at the disposal of the State of Israel in the armed conflict between it and Hamas." This fact was confirmed by the Goldstone Report.²⁷¹

Food and fuel shortages have been common in Gaza, requiring people to ration these resources.²⁷² Israel has banned cement from Gaza because it is viewed a dual-use item; although necessary to rebuild buildings destroyed during Israel's Operation Cast Lead (Dec. 2008- Jan. 2009).^{273, 274}

²⁶⁸ This partial list describes banned goods as of May 2010. Details of Gaza Blockade Revealed, BBC, 3 May 2010 <http://news.bbc.co.uk/2/hi/middle_east/8654337.stm> (20 August 2010). The partial list was published again in July 2010. Guide: Gaza under Blockade, BBC, 6 July 2010 <http://news.bbc.co.uk/2/hi/middle_east/7545636.stm> (20 August 2010)

²⁶⁹ Details of Gaza Blockade Revealed, BBC News, 3 May 2010, <http://news.bbc.co.uk/2/hi/middle_east/8654337.stm>

²⁷⁰ *Ibid.*

²⁷¹ Human Rights Council, Report of the United Nations Fact Finding Mission on the Gaza Conflict (Goldstone Report), ¶ 74, U.N. Doc. A/HRC/12/48 (Sept. 15, 2009), at <http://www2.ohchr.org/english/bodies/hrcouncil/.../UNFFMGC_Report.pdf> , p.369

²⁷² Details of Gaza Blockade Revealed, BBC, 6 July 2010 <http://news.bbc.co.uk/2/hi/middle_east/8654337.stm> (15 January 2011)

²⁷³ Cement is also necessary to repair the water and sewage system destroyed during Operation Cast Lead. Access to adequately treated water is below UN standards, and "Gaza's sewage treatment body estimates that at

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Critics have condemned the “blockade”, stating that it “has contributed to a humanitarian crisis, deepened poverty and ruined the economy [of Gaza],”²⁷⁵ and the United Nations says “the blockade has caused the economy ‘irreversible damage’.”²⁷⁶ The UN Security Council’s Presidential Statement of 1 June 2010 reiterated the Council’s “grave concern at the humanitarian situation in Gaza and stress[ed] 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.”²⁷⁷ The economic-political warfare Israel has been waging against Gaza is illegal not only because it is not proportional or reasonable, but in addition “[t]here is a very strong argument that in most cases punitive measures are ineffective and may even harm chances for a peaceful settlement.”²⁷⁸

iii. Israeli enforcement of the naval “blockade” was arbitrary, erratic and partial

Israel’s enforcement of the “blockade” has also been arbitrary, erratic and partial, making it difficult for vessels to understand what was expected of them. In 2008, prior to the 3 January 2009 formal declaration of the “blockade”, at

least 50m litres of raw or poorly-treated sewage is released into the sea daily.” *Guide: Gaza under Blockade*, BBC NEWS, July 6, 2010, http://news.bbc.co.uk/2/hi/middle_east/7545636.stm.

²⁷⁴ Sheera Frenkel, *Pressure Mounts On Israel To Ease Gaza Blockade*, NPR, June 16, 2010, <<http://www.npr.org/templates/story/story.php?storyId=127886050>>.

²⁷⁵ Sarah Leah Whitson, *Letter to Olmert: Stop the Blockade of Gaza*, HUMAN RIGHTS WATCH, Nov. 20, 2008, <<http://www.hrw.org/en/news/2008/11/20/letter-olmert-stop-blockade-gaza>>.

²⁷⁶ Details of Gaza Blockade Revealed, *BBC*, 6 July 2010 <http://news.bbc.co.uk/2/hi/middle_east/8654337.stm> (15 January 2011)

²⁷⁷ Statement by the President of the U.N. Security Council, 1 June 2010, S/PRST/2010/9, <<http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N10/382/79/PDF/N1038279.pdf?OpenElement>>

²⁷⁸ Encyclopedia of the Nations, *The Security Council – Maintaining International Peace and Security*, <<http://www.nationsencyclopedia.com/United-Nations/The-Security-Council-MAINTAINING-INTERNATIONAL-PEACE-AND-SECURITY.html>>

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least six voyages from Cyprus to Gaza occurred without naval interception.²⁷⁹ After January 2009, enforcement seems to have increased, with one report stating that the Israeli Navy deliberately rammed the *Dignity*, as it was attempting to break the “blockade” in April 2009.²⁸⁰ At least two other attempts to break the “blockade” occurred in 2009: (1) on 5 February 2009, the *Tali* attempted to enter the “blockaded” zone,²⁸¹ and (2) on 30 June 2009, the *Spirit of Humanity* tried to break the Gaza “blockade”.²⁸²

Israel, arguably, has had a form of a naval “blockade” of Gaza since the 1995 Interim Agreement on the West Bank and the Gaza Strip when the currently enforced 20 nautical-mile (“nm”) zone was established. Under the Agreement, Israel maintained exclusive control over the air space and marine area of Gaza. One example of the “blockade” aspect of this 20-nm zone established in 1995 is the 2002 *Karin-A* incident when Israel interdicted in the Red Sea in international waters a merchant vessel suspected of transporting arms to Gaza.

Conflict between Gaza and Israel escalated following Israeli disengagement from the Occupied Territories of Gaza in 2005 and the election of Hamas in 2006. In response Israel declared Gaza, including the 20 nm maritime zone, a “hostile zone” in 2007, a “combat zone” in 2008 and finally, as part of its Operation Cast Lead, a “military enclosure” in 2009. The “humanitarian flotilla” phenomenon emerged in 2008 as a direct consequence of Israel’s increasingly severe economic “blockade” on Gaza. The ships carrying humanitarian aid

²⁷⁹ Nathan Morley, *Gloomy Mood as Mercy Mission Leaves Cyprus for Gaza*, CYPRUS MAIL, Dec.30, 2008, available at 2008 WLNR 24903958. <<http://famagusta-gazette.com/israeli-navy-pulls-in-humanitarian-aid-boat-p9114-69.htm>>

²⁸⁰ Pat McDonnell, *Free Gaza*, MIDDLE E., May 1, 2009, at 78, available at 2009 WLNR 9919095.

²⁸¹ Israel Ministry of Foreign Affairs, *Cargo Boat Attempting Illegal Entry to Gaza Intercepted*, Feb. 5, 2009, <http://www.mfa.gov.il/MFA/Government/Communiques/2009/Cargo_boat_illegal_entry_Gaza_waters_intercepted_5-Feb-2009.htm?DisplayMode=print>

²⁸² Yaakov Katz, *Navy Stops Ship on Way to Gaza*, JERUSALEM POST, July 1, 2009, at 3, available at 2009 WLNR 12809496.

created a "public relations" problem for Israel. Defense Minister Ehud Barak explained that, during the latter half of 2008 various convoys of ships began sailing in the direction of Gaza presumably to breach the siege imposed on the Gaza Strip. On 11 August 2008 a notice to mariners was issued declaring the defined area as a "combat zone" so that Israeli navy could act against vessels. Even then, however, Israel did not fully enforce the "blockade" and allowed vessels to pass. Defense Minister Barak has acknowledged that the Israeli navy lawyers warned that the naval "blockade" was not on solid grounds as ships had been allowed to pass through the "blockade".²⁸³ To remedy this situation, the Israeli government imposed another "maritime enclosure", or in other words, a "blockade", on 3 January 2009.

Although Israel has frequently characterized the "blockade" as an element of its "economic warfare" it has at other times asserted that the naval "blockade" is for security reasons only, primarily to prevent the delivery of armaments and supplies that could be used as such by Hamas. According to Israel, the land "blockade", on the other hand, has three purposes:

- 1) limitation of the flow of goods to Gaza,
- 2) security,
- 3) restriction on the movement of people.

Yet, in the actual implementation, one cannot distinguish between the two "blockades". All shipments must be unloaded in Ashdod and can only then be transported to Gaza by land. Consequently, the naval "blockade" is an integral part of the land blockade and the two must be examined in tandem. This becomes clear by understanding that all shipments brought to the port of Ashdod

²⁸³ Public Commission for Examining the Naval Incident of 31 May 2010 (The Turkel Commission), Session Three, 10.08.2010, <<http://www.mfa.gov.il/NR/rdonlyres/0427E10C-01BB-4330-A60E-54D265AE6496/0/BarakTurkelAug10.pdf>> (15 January 2011)

must go through land crossings and are not given expedited and priority delivery to Gaza. Ships are not permitted to land at Gaza, and also cannot depart. This would entail a restriction on the export of goods and movement of people as well. Thus the purpose of the naval "blockade" is economic and constitutes a restriction on the freedom of movement of civilians in the Gaza area.

And by Israel's own admission, Israel has not systematically and uniformly applied the "blockade", including in 2008. Defense Minister Barak admitted that the naval blockade in force until the 2009 revised military enclosure was legally defective.²⁸⁴ Although Israel issued in 2009 a new notice to mariners, it has been operating the same defective "blockade", at least since 2007. The Gaza naval "blockade" must be examined and assessed in its entirety, as a single unbroken continuum and not in fragmentation as Israel is attempting to do.

One cause of the erratic enforcement of the "blockade" lies in Israel's concerns with managing its public relations internationally. Ehud Barak has explained that in the discussions in 2008 on how to handle the aid ships seeking the enter Gaza, the question of public relations and media coverage was important. The Chief of the Israeli General Staff, Gabi Ashkenazi, has explained that when the "protest convoy phenomenon" emerged in 2008, a directive was adopted to exclude vessels from Gaza "as long as it would be achieved with the minimum possible international and public relations damage that could be caused by it."²⁸⁵ Likewise, in the deliberations over how to handle the aid convoy in May 2010, the Government weighed the impact on public relations and media. This is the reason why they chose to interdict the convoy at night, some ten hours away

²⁸⁴ Public Commission for Examining the Naval Incident of 31 May 2010 (The Turkel Commission), Session Three, 10.08.2010, <<http://www.mfa.gov.il/NR/rdonlyres/0427E10C-01BB-4330-A60E-54D265AE6496/0/BarakTurkelAug10.pdf>> (15 January 2011)

²⁸⁵ Public Commission for Examining the Naval Incident of 31 May 2010 (The Turkel Commission), Session Three, 10.08.2010, <<http://www.mfa.gov.il/NR/rdonlyres/0427E10C-01BB-4330-A60E-54D265AE6496/0/BarakTurkelAug10.pdf>> (15 January 2011)

from the coast of Israel and also to engage in electronic warfare. The concerns of Israel in stopping the convoy very much included political protection against negative media coverage. As testified to by Ashkenazi, before the attack on the Mavi Marmara, the Israeli forces employed electronic warfare blockages to “prevent the entry of ships at a low-as-possible media profile.”²⁸⁶

Political and public relations concerns are not legitimate grounds for enforcement of a blockade in international waters.

iv. Israeli “blockade” of the Gaza Strip is collective punishment

Collective punishment is prohibited under international law. Persons cannot be punished for acts that they did not commit. The prohibition against collective punishment is one of the fundamental guarantees provided by Geneva Conventions and their protocols, specifically Article 33 of the Fourth Geneva Convention. What are actually reprisals against Hamas cannot be cloaked in the language of “security” when the facts show they are punitive in intent and impact upon the entire Gazan population of 1.5 million.

The “economic warfare” waged by Israel against the Gaza population has been described by many observers as a form of collective punishment.²⁸⁷ For example, Israel had not published a list of which items would be permitted and which would be prohibited, but monitoring organizations reported that Israel permitted only 81 items to enter Gaza, compared to the 6,000 items deemed

²⁸⁶ Public Commission for Examining the Naval Incident of 31 May 2010 (The Turkel Commission), Session Three, 10.08.2010, <<http://www.mfa.gov.il/NR/rdonlyres/0427E10C-01BB-4330-A60E-54D265AE6496/0/BarakTurkelAug10.pdf>> (15 January 2011)

²⁸⁷ “Israel’s continuing blockade of the Gaza Strip is depriving its population of food, fuel, and basic services, and constitutes a form of collective punishment.” Sarah Leah Whitson, *Letter to Olmert: Stop the Blockade of Gaza*, HUMAN RIGHTS WATCH, Nov. 20, 2008, <<http://www.hrw.org/en/news/2008/11/20/letter-olmert-stop-blockade-gaza>>; “EU Warns against collective punishment in Gaza,” *Reuters*, 29 October 2007

appropriate for normal human existence.²⁸⁸ Clearly the intent was to “punish” the civilian population for having elected Hamas. The “vindictive” intent for the blockade was expressed by Deputy Prime Minister Haim Ramon in 2007, after the election of Hamas, where he stated “We will set a price tag for every Qassam, in terms of cutting off infrastructure and water.”^{289, 290}

Numerous authoritative commentators have stated that Israel’s “blockade” as of 31 May 2010 was “illegal” and had to be lifted. UN High Commissioner for Human Rights Navi Pillay said repeatedly that the “blockade” was “illegal,” stating that “[i]nternational humanitarian law prohibits starvation of civilians as a method of warfare,” and has described it as “collective punishment on civilians.”²⁹¹ Her predecessor as High Commissioner, Louise Arbour, also

²⁸⁸ The European Parliament’s Resolution of June 17, 2010 on the Israeli Military Operation Against the Humanitarian Flotilla and the Gaza Blockade, ¶E, P7_TA-PROV(2010)0235, says that only 81 products are allowed into Gaza, although “the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) estimates that 6,000 products are required to meet basic humanitarian needs.” See *List of Commercial Goods Allowed for Import Into Gaza, April 2010*, BBC NEWS, May 5, 2010, <http://news.bbc.co.uk/1/shared/bsp/hi/pdfs/05_05_10gazaimports.pdf>.

Israel greatly expanded the items permitted into Gaza on July 6, 2010. “Israeli authorities will allow more civilian goods to enter, including all food items, toys, stationery, kitchen utensils, mattresses and towels. Construction materials for civilian projects will be allowed in under international supervision.” *Guide: Gaza under Blockade*, BBC NEWS, July 6, 2010, <http://news.bbc.co.uk/2/hi/middle_east/7545636.stm>; Israel eases blockade of cargo to Hamas-ruled Gaza, *Reuters*, 21 June 2007, http://uk.reuters.com/article/idUKL21817222_CH_242020070621. See Israel’s List of Banned Goods into Gaza, *MA’AN NEWS AGENCY*, 31 July 2010, <<http://www.maannews.net/eng/Print.aspx?ID=297438>>; Gisha – Legal Center for Freedom of Movement, Partial List of Items Prohibited/Permitted into the Gaza Strip – June 2010, *GISHA WEBSITE*, <www.gisha.org>.

²⁸⁹ “Cabinet likely to back ‘punishing’ Gaza civilians over Qassams” <<http://www.haaretz.com/news/cabinet-likely-to-back-punishing-gaza-civilians-over-qassams-1.228787>> 4 September 2007 (last visited on 3 February 2011).

²⁹⁰ Dov Weissglas, an Israeli advisor to former Prime Minister Sharon is reported to have stated in relation to the blockade that “The idea is to put the Palestinians on a diet, but not to make them die of hunger.” <<http://www.guardian.co.uk/world/2006/apr/16/israel>> (2 February 2011).

²⁹¹ Gaza Blockade Illegal, Must Be Lifted – UN’s Pillay, *Reuters*, 5 June 2010, <<http://www.alertnet.org/thenews/newsdesk/LDE65407X.htm>>. Ms. Pillay (a South African who previously served as a judge on the High Court of South Africa and on the International Criminal Court) had made similar statements frequently in previous years. See, e.g., *UN Human Rights Chief Calls for End to Israeli Blockade of Gaza Strip*, UN News Centre, Nov. 18, 2008, <<http://www.un.org/apps/news/story.asp?NewsID=28983&Cr=palest>>... (stating that the blockade was “in direct contravention of international human rights and humanitarian law” and that “[i]t must end now”); U.N. Human Rights Chief: Israel’s Blockade of Gaza Strip Is Illegal, *foxnews.com*, 14 August 2009, <http://www.foxnews.com/printer_friendly_story/0,3566,539363,00.html> (describing a 34-page report in which

condemned the “blockade” of Gaza, stating that it violated “international human rights and humanitarian law obligations and in particular the prohibition of collective punishment.”²⁹² The UN Human Rights Council has also repeatedly called upon Israel to reduce the harsh restrictions caused by its “blockade”.²⁹³ The Goldstone Report characterized the “blockade” as a form of collective punishment.²⁹⁴ Specifically, the report noted that “The conditions of life in Gaza, resulting from deliberate actions of the Israeli forces and the declared policies of the Government of Israel – as they were presented by its authorized and legitimate representatives - with regard to the Gaza Strip before, during and after the military operation, cumulatively indicate the intention to inflict collective punishment on the people of the Gaza Strip in violation of international humanitarian law.”²⁹⁵

Navi Pillay “said the Gaza blockade amounts to collective punishment of civilians, which is prohibited under the Geneva Conventions on the conduct of warfare and occupation). Agreeing that the blockade is “collective punishment” is the U.N Office for the Coordination of Humanitarian Aid. Statement of John Holmes, USG for Humanitarian affairs and Relief Coordinator on the ‘Free Gaza’ Flotilla Crisis, 2 June 2010, <<http://www.ochaopt.org>>.

²⁹² Human Rights Council, Human Rights Situation in Palestine and Other Occupied Arab Territories, 14 March 2008, UNGA A/HRC/7/76, at 16 ¶61. This report by High Commissioner Arbour (previously a member of the Canadian Supreme Court) referred to the condemnation of collective punishment in Article 33 of the Fourth 1949 Geneva Convention Relative to the Protection of Civilian Persons in Time of War (“No protected person may be punished for an offence he or she has not personally committed. Collective penalties and likewise all measures of intimidation or of terrorism are prohibited.” *Id.*, at 9 ¶ 28. *See also* European Parliament Resolution of June 17, 2010 (“whereas according to previous statements by UN organs, the blockade on the Gaza Strip represents collective punishment in contravention of international humanitarian law”); Human Rights Council, *Human Rights in Palestine and Other Occupied Arab Territories*, at 369-70, ¶1325, A/HRC/12/48, Sept. 15, 2009 (because “the conditions resulting from the deliberate actions of the Israeli armed forces and the declared policies of the Israeli Government...cumulatively indicate the intention to inflict collective punishment on the people of the Gaza Strip[.] [t]he Mission.

Israel argues that it no longer “occupies” Gaza, because it withdrew its military forces and settlers from the territory in 2005 and because Hamas now controls the government and access to information in Gaza. Israel still, however, exercises control over Gaza’s airspace, sea space, and land borders, and over its electricity, water, sewage and telecommunications networks, and population registry.

²⁹³ *See, e.g., Sixth Special Session of Human Rights Council Concludes with Call on Israel to End Siege Imposed on Occupied Gaza Strip*, UN Press Release, Jan. 24, 2008 (describing a resolution adopted 30-1 with 15 abstentions that called upon Israel to “lift immediately the siege it had imposed on the occupied Gaza Strip, restore continued supply of fuel, food and medicine and reopen the border crossings”).

²⁹⁴ Human Rights Council, Report of the United Nations Fact Finding Mission on the Gaza Conflict (Goldstone Report), ¶ 74, U.N. Doc. A/HRC/12/48 (Sept. 15, 2009), at <http://www2.ohchr.org/english/bodies/hrcouncil/.../UNFFMGC_Report.pdf>.

²⁹⁵ Goldstone Report *supra* at para. 74

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The Report further drew attention to statements made by Israeli officials who indicated the intention of maintaining the blockade as a response to the Gilad Shalit incident and was of the view this would also constitute collective punishment of the civilian population of the Gaza Strip.²⁹⁶

The Fact Finding Mission reconfirmed the view that the blockade constituted collective punishment as prohibited under article 33 of the Fourth Geneva Convention. The Mission report concluded that “one of the principal motives behind the imposition of the blockade was a desire to punish the people of the Gaza Strip for having elected Hamas” and that the “combination of this motive and the effect of the restrictions on the Gaza Strip leave no doubt that Israel’s actions and policies amount to collective punishment as defined by international law.”²⁹⁷

The ICRC has also concluded that the blockade imposed on the Gaza Strip constitutes collective punishment in violation of Israel’s obligations under International Humanitarian Law.²⁹⁸

v. Israeli “blockade” of the Gaza Strip is unlawful because Israel remains the occupying power in Gaza

The international community considers Israel as the “occupying power” in the Gaza Strip, and this has not changed with the disengagement in 2005.²⁹⁹ This view has been reflected in virtually every single UN Document relating to the situation in the Middle East. This is valid to the extent that even the pertinent UN meetings have agenda items regularly referring to “Occupied Palestinian Territory”; not to mention the existence of a “Special Rapporteur on the

²⁹⁶ Id. At para. 78

²⁹⁷ See paragraph 54 of the Report of the Fact Finding Mission, Annex 8

²⁹⁸ ICRC Geneva/Jerusalem 14 June 2010, *Gaza closure: not another year!*; News release 10/103.

²⁹⁹ Security Council, United Nations, Resolution on the Situation in the Middle East, including the Palestinian question, S/RES/1860 (2009)

situation of human rights in the Palestinian territories occupied since 1967” under the UN Human Rights Council. The imposition by a State of a blockade over territories under its occupation is a legal nullity. Therefore, the enforcement of such a blockade as well as any other act or practice linked thereto would be unlawful.

The factors of Israel’s continuing occupation of the Gaza Strip are manifold. Israel exercises effective control over the Gaza Strip including its borders, airspace and territorial sea as well as trade activities. Moreover, Israel continues to control the entry of workers from Gaza to Israel, the entry and exit of goods between the Gaza Strip, the West Bank, Israel and abroad, the monetary regime, population registry, tax and customs arrangements as well as post and telecommunications.

Furthermore, Israel’s Supreme Court in *Jaber al Bassouini Ahmed et al v. Prime Minister and Minister of Defense* confirmed that Israel is obliged to supply fuel and electricity to the Gaza Strip.³⁰⁰ Only an occupier bears the responsibility of supplying commodities such as fuel and electricity.

One other important evidence of Israel’s continued effective occupation of the Gaza Strip is that despite the disengagement, Israel still feels free to send back its armed forces back into the area at will.

In conclusion, withdrawal of permanent military installations from the Gaza Strip is a change in degree but not of kind, and the “facts on the ground...leave

³⁰⁰ Decision (HCJ 9132/07) of the Supreme Court sitting as High Council on petition by *Jaber al Bassouini Ahmed et al v Prime Minister and Minister of Defense*, 27 January 2008, <<http://www.mfa.gov.il/NR/rdonlyres/938CCD2E-89C7-4E77-B071-56772DFF79CC/0/HCJGazaelectricity.pdf>>

no room for questioning the status of Israel in the Gaza Strip: it remains the Occupying Power.”³⁰¹

F. The enforcement of the naval “blockade” was in violation of international law

i. Vessels transporting humanitarian aid cannot be attacked under international law

According to the San Remo Manual, when a blockade is in place, the belligerent state is required to allow humanitarian aid to be delivered to those in the area being blockaded,³⁰² and belligerents may not attack ships loaded with medical supplies and humanitarian aid.³⁰³ Given that vessels carrying humanitarian aid are exempt from seizure, the passengers on board the *Mavi Marmara* were within their rights to resist the Israeli attempts to stop, seize and search the ship.

The actions taken by Israel against the *Mavi Marmara* and the killing and wounding of many of its passengers were unreasonable because the vessel carried civilians and humanitarian aid and did not pose any legitimate security threat to Israel.

According to the basic rules of the San Remo Manual, parties to the conflict shall at all times distinguish between civilians or other protected persons and combatants and between civilian or exempt objects and military objectives.³⁰⁴ This rule goes beyond simply reflecting customary international law but

³⁰¹ M. Mari, “The Israeli Disengagement from the Gaza Strip: an end of the occupation?”, 8 Yearbook of International Humanitarian Law (2005) p. 356, 366-367

³⁰² See San Remo Manual, page 103-104

³⁰³ *Id.*, art. 47(ii) lists “vessels engaged in humanitarian missions, including vessels carrying supplies indispensable to the survival of the civilian population, and vessels engaged in relief actions and rescue operations” as being exempt from attack.

³⁰⁴ San Remo Manual, Article 39.

constitutes *jus cogens*. Furthermore, attacks are to be limited strictly to military objects and that merchant vessels are considered as civilian objects unless they are military objectives according to the principles and rules of San Remo Manual.³⁰⁵ The humanitarian aid convoy was not transporting any contraband of a military nature that could cause any legitimate security concerns for Israel and, for this reason, could not be considered as a military objective.

Moreover, the San Remo Manual recognizes specifically an exemption from attack of vessels engaged in humanitarian missions including vessels carrying supplies indispensable to the survival of the civilian population, and vessels engaged in relief actions and rescue operations.³⁰⁶

ii. The legal right to “self-defense” belongs to the passengers, and not to the Israeli soldiers

As a general principle of law, an unlawful attack gives rise to a right to self-defence. When the Israeli forces unlawfully attacked the Mavi Marmara and other ships in the convoy, the civilians on board had the right to defend themselves.

Yet, the IDF attempts to justify the use of live fire and lethal weapons with so-called self-defense against alleged attack by the passengers. Self-defense is an affirmative defense to what would otherwise be an unlawful act. In this case, the Israeli soldiers attacked a civilian humanitarian convoy, in international waters, ostensibly trying to enforce a blockade which is illegal. The enforcement of the unlawful Gaza blockade is an unlawful attack and cannot serve as legal grounds for the IDF to claim self-defense. On the other hand, it does give rise to self-defense by the passengers on board.

³⁰⁵ San Remo Manual, Article 41.

³⁰⁶ San Remo Manual, Article 47(c)(ii).

The aggressor cannot claim self-defense when he was the initial attacker. In assessing the situation on 31 May 2010, at approximately 04.30 one must look at the totality of events as they unfolded, taking into account the different status of the parties involved. On the one side there was the highly trained and fully equipped professional Israeli IDF combat force who determined the time and manner of the attack. On the other side, there was a group of untrained, unarmed civilians who were taken by surprise and in an evident state of fear for their lives. The IDF came very well prepared as they had conducted military exercises conceived especially for this operation they named "Winds of Heaven 7". Therefore, the IDF soldiers must be held to much higher standards of conduct than the ordinary civilian person.

The facts show, more importantly, that the Israeli soldiers were the first to fire at the passengers before boarding the ship. No prior warning had been given to the passengers to alert them about the imminent possible use of force.

The disproportionate use of force by Israel continued and increased once aboard the Mavi Marmara. The incontestable evidence provided by the location of the bullet wounds of the nine casualties as well as the injuries sustained by dozens of other passengers show "execution style killing" as well as indiscriminate shooting including from above, most certainly from helicopters. The 19-year old Furkan Doğan was shot in the back of head as well as in his back, nose, left leg and left ankle all from less than 50 cm range. Cevdet Kılıçlar, who was trying to take a photograph of the helicopter, was shot sniper-style from a distance right in the centre of his forehead, in manner which suggests a trained shooter fired at him. Cengiz Akyüz was shot four times in the back of his head, the right side of his face, the back and his left leg. The mode of killing of these victims can in no way be reconciled with the concept of self-defense.

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The facts show that the IDF raid was designed to maximize fear by attacking without notice, and in the dark. The so-called resistance by the passengers was in fact self-defense to a reasonable perception of an imminent threat of possible death by the IDF. The argument that the IDF with its full military panoply pointed against unarmed and fearful passengers was acting in self-defense is not supported by these facts. Once the IDF saw the passengers' reaction, they should have withdrawn, and should have sought alternative ways to defuse the situation. There was also plenty of time, given that the convoy was still some ten travel hours away from the blockaded area.

In sum, the Israelis initiated the confrontation by attacking and boarding the ships in the first instance and exercised unlawful use of force that cannot be justified by self-defense. In view of this picture, the passengers on board had the right to defend themselves and the ships against an unlawful attack. If there is one party to rely on self-defence on this incident, it should be the people on board.

iii. Israeli military used excessive force against the Mavi Marmara

Even if, *in arguendum*, Israel were justified in establishing a limited blockade to restrict rocket-related materials from being brought into Gaza, the military force the Israeli Defense Force applied to intercept the *Mavi Marmara* well exceeded what was appropriate and necessary. "[I]n the arrest of ships, international law...requires that the use of force must be avoided as far as possible and, where force is unavoidable, it must not go beyond what is reasonable and necessary in

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the circumstances.”³⁰⁷ Using force must be viewed as a “measure of last resort.”³⁰⁸

The location of the attack upon the humanitarian aid convoy 64 nm away from the outer border of the blockaded area is itself in violation of the San Remo Manual, Rule 96, which states that the ‘force maintaining the blockade may be stationed at a distance determined by military requirements.’ It is evident that this rule is of a limiting nature. The explanation to the provision clarifies the “military requirement” as what would be necessary to prevent foreign vessels from actually entering into the blockaded area. There is scarce military justification to deploy a full-fledged military force almost 100 nm outside the blockaded area, and to do so against vessels that were carrying civilian passengers and humanitarian aid. The distance in terms of travel time to Gaza was approximately 10 hours, which is a significant period of time during which Israel could have engaged in continued peaceful and non-violent alternative measures to stop the vessels. Israel’s claim that the enforcement action was necessary after diplomatic efforts had been exhausted is undermined by the distance at which they attacked. There were still many hours available to explore non-violent options. The distance of the vessels from the blockaded area and Israel defeats any claim of imminent threat to the security interests of the Israel. Once again, this is another example of abuse of rights under international law by Israel.

Any military operation against the neutral vessel must be limited by the “basic rules in paragraphs 38-46” of the San Remo Manual,³⁰⁹ which require the

³⁰⁷ *The M/V Saiga Case (Saint Vincent and the Grenadines v. Guinea)*, International Tribunal for the Law of the Sea, July 1, 1999, Para. 155, <http://www.itlos.org/case_documents/2001/document_en_68.pdf> (15 January 2011)

³⁰⁸ Douglas Guilfoyle, *Shipping Interdiction and the Law of the Sea* 282 (Cambridge University Press, 2009) p.271.

³⁰⁹ San Remo Manual, Article 68.

attacking state to "take all feasible precautions in the choice of methods and means in order to avoid or minimize collateral casualties or damage."³¹⁰

Furthermore:

(d) an attack shall not be launched if it may be expected to cause collateral casualties or damage which would be excessive in relation to the concrete and direct military advantage anticipated from the attack as a whole; an attack shall be cancelled or suspended as soon as it becomes apparent that the collateral casualties or damage would be excessive.³¹¹

The final phrase in this provision is particularly important, because the Israeli forces had the capacity to change its tactics when they realized as the operation unfolded that civilian casualties would be inevitable unless they adopted a different approach. When the Israeli forces understood the reaction they faced, before they had managed to place any soldiers on board, they must have recognized that the risk of civilian casualties had increased significantly from the original plan. As a result, the attack should have been suspended until a better strategy could be devised.

In this context, the criticism directed by Retired Israeli Admiral Ze'ev Almog towards the handling of the intervention of the IDF against the convoy deserves attention. Almog, who served as the Head of the Israeli Naval Commandos between 1968-1972 and Commander of Naval Forces from 1979-1985,

³¹⁰ San Remo Manual, Article 46.

³¹¹ San Remo Manual, Article 46(d)

suggested that he would have done things differently and alternative plans should have been ready to prevent fatalities.³¹²

In the *M/V Saiga Case*, a Guinean fast-moving patrol boat attacked (with live, large-caliber rounds), boarded, and seized a slow-moving oil tanker, "fully laden and...low in the water at the time," alleged to be violating Guinean customs law.

³¹³ Guinea argued that the "public interest" was at stake, and that a "state of necessity" justified its actions. The International Tribunal for the Law of the Sea did not agree with Guinea's interpretation of public interest and found that a state of necessity did not exist, explaining the "state of necessity" defense can be asserted only if "the act was the only means of safeguarding an essential interest of the State against *a grave and imminent peril*."³¹⁴

Israel would argue that a state of necessity had been created by the missiles fired by Hamas in Gaza. But they would have a hard time establishing imminency. The Mavi Marmara was travelling at a speed of eight knots (about nine miles per hour).³¹⁵ The ships were intercepted 72 miles from the nearest coast, and 64 miles outside of the blockade area. Israel thus had approximately 10 hours until the Mavi Marmara reached the "blockade" area. The Israeli Defense Force had ample time to develop a strategy to engage the vessel without loss of life.

Even in a case where a state of necessity exists, the Tribunal in the *Saiga Case* stated that "the normal practice used to stop a ship at sea is first to give an

³¹² Undercover, underwater and underrated, Abraham Rabinovich, *The Jerusalem Post Magazine*, 4 February 2011, p.20-27.

³¹³ The *Saiga's* maximum speed was 10 knots. *The M/V Saiga Case (Saint Vincent and the Grenadines v. Guinea)*, International Tribunal for the Law of the Sea, 1 July 1999, Para. 157. <http://www.itlos.org/case_documents/2001/document_en_68.pdf> (15 January 2011)157.

³¹⁴ *Ibid.* Para.133 (emphasis added).

³¹⁵ Eiland Video Report, Israeli Defense Forces, 13 July 2010 < <http://idfspokesperson.com/2010/07/15/videos-timeline-of-flotilla-incident-as-presented-by-eiland-team-of-experts-english-version-13-july-2010/>> (15 January 2011)

auditory or visual signal to stop... [and] [w]here this does not succeed, a variety of actions may be taken, including the firing of shots across the bows of the ship. It is only after the appropriate actions fail that the pursuing vessel may, as a last resort, use force."³¹⁶ The Tribunal criticized the Guineans not only for firing at the *Saiga*, but also for using firearms once on board the vessels, saying "the Guinean officers appeared to have attached little or no importance to the safety of the ship and the persons on board."³¹⁷

iv. Israel had an obligation to use non-lethal modes of interdiction against the humanitarian aid convoy

Israel argues that the military operation against the Mavi Marmara was conducted to protect the people of Israel. But attacking a ship carrying humanitarian aid and civilians on the purported grounds that it may contain contraband is not sufficient related to that goal, especially given the fact that non-lethal options were available. As Professor Michael Byers has explained, "[t]o say that this blockade would be jeopardized by the flotilla and that sometime down the road weapons might come into Gaza as a result, and thereby pose a threat to Israel, is to stretch the definition of self-defence way further than anyone ever countenanced."³¹⁸

The Israeli forces had the choice of using methods to engage the vessel without causing loss of life. At various points during the operation, they could and should have reassessed their strategy and adopted a different approach. Their

³¹⁶ *The M/V Saiga Case (Saint Vincent and the Grenadines v. Guinea)*, International Tribunal for the Law of the Sea, July 1, 1999, Para. 156.

³¹⁷ *The M/V Saiga Case (Saint Vincent and the Grenadines v. Guinea)*, International Tribunal for the Law of the Sea, July 1, 1999, Para. 158.

³¹⁸ Quoted in Patrick Martin, *Was Seizing the Flotilla Legal?*, The Globe and Mail, 1 June 2010, <<http://www.theglobeandmail.com/news/world/africa-mideast/who-was-behind-the-seized-flotilla/article1587638/>>

military operation must, therefore, be viewed as disproportionate and in violation of international law.

The San Remo Manual Rules in Part V enumerates measures short of attack that include interception, visit, search, diversion and capture. According to Rule 118 when there are reasonable grounds for suspecting that a vessel may be subject to capture, the belligerent warships can visit and search merchant vessels outside neutral waters. The Israeli force made no effort to request from either the captain or the flag State to visit and search the vessels. Instead there is presumptive conclusion that such request would have been refused. But this does not justify a failure to make the attempt before proceeding to other alternatives. Rule 119 also provides for diversion of the neutral merchant vessel from its declared destination with its consent. Again, no information is provided that any such request was made by Israel. Capturing the vessel should have been viewed as a final resort, particularly given that there were passengers on board. It is important to make a distinction at this point between merchant vessels carrying no other than trained crew, and passenger vessels with ordinary civilians not prepared in any way for such possibilities.

An incident during the blockade employed during the First Gulf War provides an example of how a vessel seeking to penetrate a blockade can be stopped without bloodshed. In December 1990, the Iraqi merchant vessel *Ibn Khaldun* traveling through the Arabian Sea carrying some 250 passengers as well as medicines and food supplies on a "peace mission" was intercepted by two US destroyers and an Australian vessel. The captain of the *Ibn Khaldun* ignored requests to stop, and so the Navy sent a boarding party by helicopter, which persuaded the captain to stop the ship, and then additional navy personnel arrived by boat. The ship's crew and its passengers made a human chain to obstruct the passage of the boarding party, who numbered about 20, and sought

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to grab the weapons of the Navy personnel, but the boarding party was able to control the crowd and the boat with the use of smoke and noise grenades, and by firing warning shots in the air. No injuries occurred, and this incident was the only incident in the interception operations during the First Gulf War that a boarding team fired weapons during a boarding. After inspectors located cargo which violated sanctions, the vessel was escorted by US and Australian ships to Muscat, Oman.³¹⁹

Military officers have a duty to suspend operations when it becomes clear that the damage to civilians is not justified by the military advantage being sought, or when alternative methods of achieving the goal with less damage to civilians are available.

Israel, however, did not make any effort to resort to measures short of attack. The facts show that the final communication between the IDF and the captain took place at 02.00 on 31 May 2010. However, the Israeli forces appeared out of the dark at 04.00 without any prior effective warning of the intent to stop, divert or capture the vessels that would give sufficient time to react to the warning and explain what they should do to avoid harm. Established practice would require the warships to give effective warning close in time with a deadline for the intended action against the vessel to prevent panic, such as what happened on board the Mavi Marmara.

According to the video timeline created by General Eiland, when the Israeli commandos first attempted to board the Mavi Marmara in rubber boats, they

³¹⁹ Guy Gugliotta, *U.S. Sailors, Crew Scuffle on Iraqi Ship*, WASHINGTON POST, Dec. 27, 1990, at A20 <<http://www.highbeam.com/doc/1P2-1165871.html>>; *Severing Saddam's Lifeline*, ALL HANDS, at 13 (Special Ed., No. 892).

were met with resistance and were unable to board from the sides of the ship.³²⁰ According to press reports, General Eiland stated that the decision to continue to attempt to board the boat was a mistake.³²¹ Upon meeting resistance, the Israeli forces should have regrouped and formulated a new plan to stop the boats.³²² Proceeding to land on a boat whose occupants were prepared to resist is what ultimately led to unnecessary bloodshed.

This moment was not the only time when the IDF should have regrouped to formulate a new strategy. The helicopters attempted to clear the roof with live fire, but some passengers remained on the deck and resisted against the attempt to board the ship. Given the fact that the Mavi Marmara and the rest of the convoy were still quite a distance away from the blockade zone (64 miles) and were travelling slowly, the IDF had time to formulate an alternate strategy.

Instead, Israeli soldiers descended into a group of passengers resisting with make-shift weapons. The use of lethal force in this situation was excessive because other options were available. According to Professor Douglas Guilfoyle, “[e]nforcement action must be both necessary and proportionate. Going aboard a civilian vessel with the intention of using lethal force against civilians would clearly be disproportionate and unlawful.”³²³

It is not reasonable to think “that arrival of Israeli soldiers would convince the crew and passengers to submit.” The use of naval commandos, “an elite unit,

³²⁰ Eiland Video Report, Israeli Defense Forces, 13 July 2010 < <http://idfspokesperson.com/2010/07/15/videos-timeline-of-flotilla-incident-as-presented-by-eiland-team-of-experts-english-version-13-july-2010/> > (15 January 2011)

³²¹ Yaakov Katz, IDF Probe: Army Didn't Have 'Plan B', *Jerusalem Post*, 12 July 2010 < <http://www.jpost.com/Israel/Article.aspx?id=181182> >

³²² Article 46(d) of the San Remo Rules says explicitly that “an attack shall be cancelled or suspended as soon as it becomes apparent that the collateral casualties or damage would be excessive.”

³²³ Douglas Guilfoyle, Gaza Fleet Raid Raises Questions over Legality of Israel's Blockade, *The Times* (London), 1 June 2010, < <http://business.timesonline.co.uk/tol/business/law/article7142055.ece> >.

trained for daring operations,” was inappropriate in a situation requiring personnel who had “training in crowd control and self-restraint.”³²⁴

Israel could have stopped the vessels from reaching Gaza without landing commandoes onto the vessel. Israel did not fire a shot across the bow of the Mavi Marmara, the normal way of making it clear that force would be used to stop a vessel.³²⁵ Other Israel should have considered using included maneuvering a vessel in front of the Mavi Marmara to block its passage and force a change in direction.

Israel’s failure to warn the convoy of an imminent use of force has had another crucial repercussion on the manner in which the tragedy unfolded. As mentioned earlier, an understanding between the Undersecretary of the Turkish Ministry of Foreign Affairs and the Israeli Foreign Ministry’s Director General had been reached whereby the convoy would first try to arrive at Gaza, but if necessary, alter its course to Al-Arish. The actual Israeli attack gave the convoy no chance to change its course as per the above-mentioned understanding: the IDF gave no indication of an imminent use of force, such as a warning shot across the bow.

Under these circumstances, the Mavi Marmara’s captain acted as soon as the Israeli attack began. He went as far as to alter the ship’s course to 270°, heading West, away from Israel, the Gaza Strip and even Al-Arish.^{326, 327}

³²⁴ Gershon Gorenberg, *A Brief History of the Gaza Folly*, *The American Prospect*, 1 June 2010, <http://prospect.org/cs/articles?article=a_brief_history_of_the_gaza_folly>

³²⁵ Professor Guilfoyle has said that the rule “that warning shots shall be used in cases other than self-defence, is universally accepted.” Douglas Guilfoyle, *Gaza Fleet Raid Raises Questions over Legality of Israel's Blockade*, *The Times (London)*, 1 June 2010, <<http://business.timesonline.co.uk/tol/business/law/article7142055.ece>>

³²⁶ For the testimony of Captain Mahmut Tural, see Annex 5 (Section 1/i & Section 3/xv)

³²⁷ For the relevant maps and data obtained from Undersecretariat for Maritime Affairs, see Annex 3 (Section 7)

It is to be assumed that the convoy would have altered its course as per the earlier understanding, had the Israelis given a clear warning about imminent use of force.

v. Naval blockades and state practice

State practice provides important standards to be followed by States in enforcing blockades. The San Remo Manual Rules are for the most part considered to be a restatement of customary international law, which is based on widespread State practice and *opinio juris*. It should be underlined that an example of one country based on national naval manuals without the required *opinio juris* does not establish customary international law.

Among those blockades recognized as lawful according to customary international law is the example of the Cuban Missile Crisis, which has been viewed by most commentators as a carefully calibrated and proportionate use of force appropriate for the situation. Interdiction was accomplished by firing shots across the bow of the ships, searching the ships sailing towards Cuba and allowing them to pass after such searches. The Cuban Quarantine was effective in deterring the "offending conduct" and in limiting the "flow of targeted trade into and out of the target state, and controlled escalation of the crisis," and it demonstrated that blockades can be "effective without the use of actual force."

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Another example is provided by UN approved "Military Intercept" Operations. Operating within the framework of comprehensive economic sanctions, the Security Council authorized member states to use force,³²⁹ including through the

³²⁸ Richard Zeigler, *Ubi Sumus? Quo Vadimus?: Charting the Course of Maritime Interception Operations*, 43 *Naval Law Review* 1, 15 (1996).

³²⁹ Lois E. Fielding, *Maritime Interception: Centerpiece of Economic Sanctions in the New World Order*, 53 *Louisiana Law Review* 1191, 1194 (1993); at 1217-18.

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establishment of these intercept operations.³³⁰ The resolution enacted prior to the First Gulf War called upon:

“those Member States co-operating with the Government of Kuwait which are deploying maritime forces to the area to use such measures commensurate to the specific circumstances as may be necessary under the authority of the Security Council to halt all inward and outward maritime shipping, in order to inspect and verify their cargoes and destinations and to insure strict implementation of the provisions related to such shipping laid down in resolution 661 (1990)...”³³¹

Resolution 661 (1990) banned the transfer of “any commodities or products, including weapons or any other military equipment, whether or not originating in their territories, but not including supplies intended strictly for medical purposes, and, in humanitarian circumstances, foodstuffs, to any person or body in Iraq or Kuwait.”³³² This provision was carefully crafted to conform to the requirements of the Fourth Geneva Convention. Although the prohibition is broadly worded,³³³ the naval operations they authorized were “limited and less intrusive” compared to earlier blockades.³³⁴ The military intercept operation inspected all cargo vessels in the Gulf bound for or departing from Iraq through Iraqi ports and in the Red Sea for cargo entering Iraq through the port of Aqaba, Jordan.

³³⁰ Richard Zeigler, *Ubi Sumus? Quo Vadimus?: Charting the Course of Maritime Interception Operations*, 43 *Naval Law Review* 1, 15 (1996). *Supra* note 30, at 31.

³³¹ U.N. Security Council Resolution 665, Para. 1 (1990).

³³² U.N. Security Council Resolution 661, Para. 3(c) (1990).

³³³ Lois E. Fielding, *Maritime Interception: Centerpiece of Economic Sanctions in the New World Order*, 53 *Louisiana Law Review* 1191, 1194 (1993); at 1217-18. See *supra* note 220 at 1217-18.

³³⁴ *Ibid.*

During 1990 and 1991, “multinational forces intercepted over 17,800 vessels, boarding approximately 7,400 and diverting 410 of them.”³³⁵ Similar to US practice in the Cuban Quarantine, shots would be fired, where needed, across the bow before the ship would stop. The interception policy used during the Iraq naval operations was viewed as effective and uncomplicated, as “[c]ontrols were built into the process to allow the minimum possible application of force needed.”³³⁶

The multinational forces carrying out this military intercept operation “made it very clear from the outset of the interception operations that only the ‘minimum force necessary’ would be used.”³³⁷ If force were required, it began “with warning shots across the bow,” and if necessary escalated “to disabling fire aimed at the rudders or sternpost.”³³⁸ This approach, with “disabling shots” as the *final military option* is designed to ensure that the ship can be intercepted “if at all possible without risk to human lives.”³³⁹

These recent examples of State practice and United Nations authorizations help to establish the current principles governing naval blockades. Notice is required, as discussed earlier, and all blockades are governed by the requirements of proportionality, necessity,³⁴⁰ and reasonableness. Dr. Stephen C. Neff, of the University of Edinburgh School of Law, has explained that “[a]ccording to the

³³⁵ J. Astley III & Michael N. Schmitt, *The Law of the Sea and Naval Operations*, 42 Air Force Law Review 119, 139 (1997) at 146 n. 110

³³⁶ Lois E. Fielding, *Maritime Interception: Centerpiece of Economic Sanctions in the New World Order*, 53 Louisiana Law Review 1191, 1194 (1993); at 1217-18. See *supra* note 231, at 1218.

³³⁷ Jane Gilliland Dalton, *The Influence of Law on Seapower in Desert Shield / Desert Storm*, 41 *Naval Law Review* 27, 33 (1993) p. 58. See *supra* note 220, at 58.

³³⁸ *Ibid.*

³³⁹ Rob McLaughlin, *United Nations Mandated Naval Interdiction Operations in the Territorial Sea?*, 51 International & Comparative Law Quarterly 249, 261 (2002).

³⁴⁰ Lois E. Fielding, *Maritime Interception: Centerpiece of Economic Sanctions in the New World Order*, 53 Louisiana Law Review 1191, 1194 (1993); at 1217-18. See *supra* note 231, at 1203 (stating that the principles of necessity, humanity, and proportionality are part of the law of armed conflict).

principle of necessity, blockades would only be permissible under certain restricted circumstances (*i.e.* when necessity was actually present), it would not be an automatic right . . .”³⁴¹ The principle of proportionality, he further stated, “would imply that only certain types of trade could be stopped (*i.e.*, trade in goods that furthered the aggression). . . . [and] would furthermore imply that the self-defending state would only be entitled to divert neutral ships away from the blockaded area, not to capture and confiscate them.”³⁴² The principles of proportionality and necessity are also central to the rules found in the San Remo Manual discussed next.³⁴³

According to the San Remo Manual, when a blockade is in place, the belligerent state is required to allow humanitarian aid to be delivered to those in the area being blockaded,³⁴⁴ and belligerents may not attack ships loaded with medical supplies and humanitarian aid.³⁴⁵ Given that vessels carrying humanitarian aid are exempt from attack and presumably capture, the passengers on board the

³⁴¹ Stephen C. Neff, *Towards a Law of Unarmed Conflict: A Proposal for a New International Law of Hostility*, 28 *Cornell International Law Journal* 1, 24 (1995). See *supra* note 158, at 19.

³⁴² *Ibid.*

³⁴³ Stephen C. Neff, *Towards a Law of Unarmed Conflict: A Proposal for a New International Law of Hostility*, 28 *Cornell International Law Journal* 1, 24 (1995). See *supra* note 144 and 146.

The SAN REMO MANUAL permits blockades as a “method of warfare,” but Article 94 requires that they be formally declared, providing “the commencement, duration, location, and extent of the blockade.” Article 98 says merchant ships “breaching a blockade may be captured” and those “which, after prior warning, clearly resist capture may be attacked.” Article 102 says blockades are prohibited if their “sole purpose” is to “starv[e] the civilian population or deny[] it other objects essential for its survival” and if “the damage to the civilian population is, or may be expected to be, excessive in relation to the concrete and direct military advantage anticipated from the blockade.” Article 67(a) permits attacks on neutral-flag ships if they “are believed on reasonable grounds to be carrying contraband or breaching a blockade, and after prior warning they intentionally and clearly refuse to stop, or intentionally and clearly resist visit, search or capture.” See also Article 146 (same). San Remo Manual Article 103 requires blockading party to permit “food and other objects essential for its survival” to pass through. San Remo Articles 39, 40, 41, 42, and 46 require protection of civilians and proportionality.

³⁴⁴ San Remo Manual, Articles. 103-104. But these provisions also provide some support for Israel’s position that the belligerent state can control the way in which the aid is disbursed and can search the shipment for contraband. Israel thus argues that it was within its rights to order the Convoy to travel to Ashdod, and to board the ships after they refused.

³⁴⁵ San Remo Manual, Article. 47(c)(ii) lists “vessels engaged in humanitarian missions, including vessels carrying supplies indispensable to the survival of the civilian population, and vessels engaged in relief actions and rescue operations” as being exempt from attack.

Mavi Marmara were within their rights to resist the Israeli attempts to stop, divert or seize the ship.

G. The legal implications of the Israeli attack

i. The disproportionate nature of the attack

Israel's claim that it was entitled to interdict the vessels in the humanitarian aid convoy rests on its argument that it was acting in self-defence to enforce a legitimately-established blockade. First and foremost, as explained earlier, the "blockade" itself is unlawful and, therefore, any action taken within the ambit of such a "blockade" is devoid of legitimacy. Consequently, Israel can only legally justify what is otherwise an unlawful blockade on grounds of reasonable suspicion that the humanitarian convoy

- i) was making an effective contribution to the opposing forces' war effort, such as by carrying weaponry or was otherwise closely integrated into the enemy war effort (belligerent right of capture); or
- ii) posed an imminent and overwhelming threat to Israel and there was no alternative but to use force to prevent it (self-defence under Article 51 of the United Nations Charter).

Based on Prime Minister Netanyahu's statements, the Fact Finding Mission found that the decision to stop the flotilla was not because the vessel presented any immediate security threat to Israel, and concluded that the interception was motivated by concerns about the possible propaganda victory that might be claimed by the organizers of the flotilla.³⁴⁶

³⁴⁶ See paragraph 56 of the Report of the Fact Finding Mission, Annex 8

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Moreover, the actions taken by Israel against the Mavi Marmara and the wanton killing and wounding of many of its passengers were unreasonable because the latter did not pose any legitimate security threat to Israel.³⁴⁷ The Rules in the San Remo Manual allow blockades as a military tactic in certain circumstances, but Article 47(c)(ii) does not permit attacks on civilians or on vessels carrying humanitarian goods.³⁴⁸ The Israeli forces had the choice of using methods to engage the vessel without causing loss of life. At various points during the operation, it could and should have reassessed its strategy and adopted a different approach. Its military operation must, therefore, be viewed as disproportionate and in violation of international law.

ii. Excessive use of force and misconduct

Applying the principles of reasonableness, proportionality, and necessity to evaluate the actions of the Israeli forces on 31 May 2010 leads to the conclusion that the Israeli military operation violated governing principles of international law. The decision to send “a handful of Israeli soldiers to seize the ship -- a decision approved by Prime Minister Netanyahu and his inner circle of ministers” not only “shows hubris, poor intelligence work, and determined inability to learn from experience,” but also demonstrates the unreasonableness of the Israeli interception of the Mavi Marmara.³⁴⁹ It is not reasonable to think that “arrival of Israeli soldiers would convince the crew and passengers to submit.” The use of Shayetet 13, “an elite unit, trained for daring operations,” was inappropriate in a situation requiring personnel who had “training in crowd control and self-restraint.”

³⁴⁷ The Mavi Marmara was located well outside Israel’s 12-mile territorial sea when Israel’s military operation against it began on May 31, 2010. Israel has not yet declared an exclusive economic zone (EEZ) but is apparently contemplating doing so. Neither Turkey nor Israel has ratified the 1982 UN Law of the Sea Convention, but most parts of the Convention are thought to reflect binding customary international law.

³⁴⁸ San Remo Manual, Article 47(c)(ii)

³⁴⁹ See *supra* note 302

The Israeli soldiers were armed with a range of lethal force, including machine guns and grenades approached a passenger vessel with over 600 civilians under the cover of darkness and after severing the convoy's links with the outside world clearly with the intent of a covert operation the goal of which was the creation of intimidation and fear, which they succeeded in generating.

As mentioned earlier, Israel could have stopped the vessels from reaching Gaza without landing commandoes onto the vessel. Israel did not fire a shot across the bow of the Mavi Marmara, the normal way of making it clear that force would be used to stop a vessel.³⁵⁰ Other methods Israel should have considered using included maneuvering a vessel in front of the Mavi Marmara to block its passage and force a change in direction. General Giora Eiland, in his report prepared for the Israeli Defence Forces, has indicated that a ship was available that could have directed powerful streams of water at the activists, but acknowledged that this approach was not used.³⁵¹ Another option would have been "disabling fire aimed at the rudders or sternpost" as used in the military intercept operations during the First Gulf War. It is not clear why this option was not acted upon.

The decision to use live ammunition was also clearly irresponsible, since other non-lethal options were available.³⁵² Upon meeting initial resistance, the IDF forces should have reassessed their strategy to save lives, rather than to persist with their original plan.³⁵³ The question which must be asked is why these

³⁵⁰ Professor Guilfoyle has said that the rule "that warning shots shall be used in cases other than self-defence, is universally accepted." Douglas Guilfoyle, *Gaza Fleet Raid Raises Questions over Legality of Israel's Blockade*, *The Times (London)*, June 1, 2010, <<http://business.timesonline.co.uk/tol/business/law/article7142055.ece>> (15 January 2011)

³⁵¹ Eiland Video Report, Israeli Defense Forces, 13 July 2010 <<http://idfspokesperson.com/2010/07/15/videos-timeline-of-flotilla-incident-as-presented-by-eiland-team-of-experts-english-version-13-july-2010/>> (15 January 2011)

³⁵² The commandos were armed with paintball guns and percussion grenades as well as firearms.

³⁵³ Yaakov Katz, *IDF Probe: Army Didn't Have 'Plan B'*, JERUSALEM POST, July 12, 2010 <<http://www.jpost.com/Israel/Article.aspx?id=181182>>.

highly trained military Israeli soldiers continued to spread fear among civilians by firing at them from the Zodiacs, before boarding the vessel, when the fearful and disoriented resistance of the civilians was obvious.

Defence Minister Barak recounted that the decision to stop the convoy was taken by himself and six other Ministers of the inner cabinet after deliberating the option to allow it to pass or interdict it on the high seas despite the “high probability that violent friction” would occur.³⁵⁴ The likelihood of violence and the negative media exposure for Israel were discussed at great length. Alternative measures were also discussed. Defence Minister Barak recounts that during high level meetings, questions were asked on how the forces would react to different forms of resistance such as “protest” resistance or “terror” resistance. During the Ministerial meeting, a prescient question anticipating in eerie detail the events that would actually transpire on the deck of the Mavi Marmara, was posed to Minister Barak as “could a situation be created that you will be in the minority and out of weakness, because of crowding on the deck, you will find yourselves in the position that you will have to open fire?” and “What happens if 30 of the rioters will block your way to the bridge, and it will not be possible to get there easily.” Minister Barak has acknowledged that the decision to stop the convoy was taken after “prolonged deliberation”, but has stubbornly insisted that “one had to stop the convoy, with all the attendant risks and developments that were clearly presented by the chief of staff and other.”

More than deliberating, the Israeli forces actually conducted an exercise at sea as part of the preparation for interdicting the aid convoy, similar to a war exercise. There is no question that the Israeli forces had studied carefully every

³⁵⁴ Public Commission for Examining the Naval Incident of 31 May 2010 (The Turkel Commission), Session Three, 10.08.2010, <<http://www.mfa.gov.il/NR/rdonlyres/0427E10C-01BB-4330-A60E-54D265AE6496/0/BarakTurkelAug10.pdf>> (15 January 2011)

aspect of the interdiction and knew that they probably would meet resistance. They chose the path of violence and were fully prepared for its consequences.

When the Israeli forces attacked the Mavi Marmara and other ships in the aid convoy, the civilians on board had the right to defend themselves. The Israeli approach to the Mavi Marmara following the severance of the convoy's communications with the rest of the world before daybreak and the presence of Zodiacs, frigates, submarines and helicopters created a reasonable apprehension of danger and terror by the passengers and entitled them to exercise their right of self-defence. Specifically, the Israeli soldiers descended from the first helicopter fully cognizant that the crowd was already agitated by the circumstances and fire from the Zodiacs. The Israeli forces approached with guns, grenades, paintball guns and laser-guided weapons against passengers, who therefore had to employ whatever objects came to hand. Upon meeting resistance, the Israeli forces should have developed a new plan to stop the boats.³⁵⁵

Consistent with this view, the UN Fact Finding Mission concluded in its report dated 22 September 2010 that "much of the force used by the Israeli soldiers on board the Mavi Marmara and from the helicopters was unnecessary, disproportionate, excessive and inappropriate and resulted in the wholly avoidable killing and maiming of a large number of civilian passengers."³⁵⁶

H. Additional violations of international law by Israel

i. Targeting of civilians

The April 1996 Text of Ceasefire Understanding, which Israel accepted during the Lebanese conflict, includes the provision that "Israel and those cooperating

³⁵⁵ San Remo Manual, Article 46(d) explicitly says that "an attack shall be cancelled or suspended as soon as it becomes apparent that the collateral casualties or damage would be excessive."

³⁵⁶ See also paragraph 162 through to 173 of the Report of the Fact Finding Mission, Annex 8

with it will not fire any kind of weapon at civilians or civilian targets in Lebanon.”³⁵⁷ This principle is codified in Articles 51(5)(b) and 57(2)(b) of the First Additional Protocol (1977) to the 1949 Geneva Conventions³⁵⁸, which prohibit attacks that are expected to cause civilian casualties that “would be excessive in relation to the concrete and direct military advantage anticipated.”

The Israeli Supreme Court has recognized “the duty to do everything possible to minimize collateral damage to the civilian population during the attacks on ‘combatants’”³⁵⁹ and has also ruled that, pursuant to the principle of proportionality, even civilians taking a direct part in hostilities may not be physically attacked if less harmful means could be employed against them, such as arrest, interrogation, and trial.³⁶⁰ This conclusion was based on the decision of the European Court of Human Rights in *McCann v. United Kingdom*, where the court decided that the United Kingdom had deprived three IRA terrorists in Northern Ireland of their right to life under Article 2 of the European Convention on Human Rights by using lethal force without taking steps that “would have avoided the deprivation of life of the suspects without putting the lives of others at risk.”³⁶¹

³⁵⁷ W. Michael Riesman, *The Lessons of Qanna*, 22 *Yale Journal of International Law* 381, 382 n. 1 (1997).

³⁵⁸ Protocol Additional (No.1) to the Geneva Conventions of August 12, 1949, and Relating to the Protection of Victims of International Armed Conflicts, June 8, 1977, 1125 U.N.T.S. 3.

³⁵⁹ *Public Committee Against Torture in Israel v. Government of Israel*, Supreme Court of Israel Sitting as the High Court of Justice, HCJ 769/02 (Dec. 13, 2006), p. 19.

<http://elyon1.court.gov.il/files_eng/02/690/007/a34/02007690.a34.pdf> (15 January 2011)

³⁶⁰ *Ibid.* p. 29.

³⁶¹ *McCann v. United Kingdom*, 21 ECHR 97 GC p. 235 (1995).

<<http://cmiskp.echr.coe.int/tkp197/view.asp?action=html&documentId=695820&portal=hbkm&source=externalbydocnumber&table=F69A27FD8FB86142BF01C1166DEA398649>> (15 January 2011)

ii. Violations of fundamental human rights and mistreatment of passenger victims

Many violations of the applicable peacetime law were committed by Israeli soldiers during the attack against the Mavi Marmara and the other vessels of the convoy.

The Israeli soldiers shot nine unarmed civilians on board, violating their right to life. The right to life is enshrined in the Universal Declaration of Human Rights and also in the International Covenant on Civil and Political Rights (ICCPR) to which Israel has been a party since 1991. The General Comment (No. 6) by the Human Rights Committee underscores that States Parties to ICCPR should "take measures not only to prevent and punish deprivation of life by criminal acts, but also to prevent arbitrary killing by their own security forces."

Israel purports to have applied the principle of distinction in the treatment of the passengers. Yet, the facts show that all passengers were deprived of human rights and human dignity while on board the vessels and throughout their detention in Israel.

Israeli soldiers mistreated all passengers through physical violence by kicking and beating them. Passengers were forced to sit or kneel in the same position for hours. When they attempted to stand up, they were beaten down with batons. As detailed earlier, passengers were subjected to extreme physical and psychological abuse by the soldiers. Although many passengers suffered from injuries, Israeli soldiers did not allow the ship doctor to treat the wounded.

Such unlawful conduct constitutes clear violations of the prohibition of torture and ill-treatment under Article 7 of the ICCPR and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

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(CAT) to which Israel has been a party since 1991, and also a breach of Article 3 of the European Convention on Human Rights (ECHR).

The same conclusion was reached by the UN Fact Finding Mission which qualified the Israeli forces' treatment of the passengers as "cruel, inhuman and degrading treatment and, insofar as the treatment was additionally applied as a form of punishment, torture. This represents a violation of articles 7 and 10, paragraph 1, of the International Covenant on Civil and Political Rights and of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment."³⁶²

Human rights violations by the Israeli officials continued during the 10-hour journey to the Port of Ashdod and while the passengers were in captivity in Israel. Israeli doctors treated one victim's injured leg without sedating him.³⁶³ Many of those hospitalized passengers reported maltreatment from the soldiers. Again, such conduct constitutes a violation of the prohibition of torture and the right to health under CAT, ICCPR and the European Convention on Human Rights.

The UN Fact Finding Commission found cases of abuse of rights and acts of torture committed by Israeli officials against passengers while detained in Ashdod in violation of Article 1 of the Convention against Torture, and articles 7 and 10 of the International Covenant on Civil and Political Rights. Furthermore, the Commission also concluded that humiliation of the passengers by Israeli officials constituted cruel, inhuman or degrading treatment or punishment under the terms of article 16 of the Convention against Torture.³⁶⁴ Overall the Commission noted other serious violations of human rights law and

³⁶² See paragraph 181 of the Report of the Fact Finding Mission, Annex 8

³⁶³ For the testimony of Abdülhamit Ateş, see Annex 5 (Section 1/xi)

³⁶⁴ See paragraph 220 of the Report of the Fact Finding Mission, Annex 8

humanitarian law resulting from the physical abuse and treatment of passengers that would constitute a violation of right to security of person and human dignity.

Some passengers were forced to strip naked and searched multiple times. The temperature was kept excessively cold like "a cold storage". One woman journalist was forced to remove all her clothes and the soldiers forcibly inserted a metal detector between her legs. She stated to our Commission that she had never been subjected to such degrading treatment in her life. Another passenger reported that she was touched inappropriately after she was bound and handcuffed by Israeli commandos. Such practices amount to torture, degrading or inhuman treatment under ICCPR, CAT and the European Convention on Human Rights.

The passengers were not allowed to fulfill their most basic needs. They were not permitted to use the restrooms for hours and as a result elderly people and a pregnant woman wetted themselves and soiled their clothes.³⁶⁵ When, finally, passengers were allowed to use the restrooms in the ship only two were made available for 600 passengers. The passengers were given insufficient water and food. As such, Israeli soldiers acted in breach of the prohibition of torture, degrading and inhuman treatment according to ICCPR, CAT and the European Convention on Human Rights.

One woman passenger of Israeli citizenship was brought to court in a small metal box inside a police car, in which she was held for eight hours with her hands and legs shackled.³⁶⁶ Again, this treatment would amount to torture and

³⁶⁵ For the testimony of Anne de Jong see Annex 5 (Section 1/xii)

³⁶⁶ Lubna Masarwa, *Time to break the siege on Gaza: A survivor's account of Mavi Marmara*; International Solidarity Movement, 7 June 2010,

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degrading treatment under ICCPR, CAT and the European Convention on Human Rights.

Passengers' money, credit cards, camera, laptops, mobile phones were confiscated. This is a clear violation of property rights under article 1 of the First Protocol to the European Convention of Human Rights and article 17 (2) of the Universal Declaration of Human Rights.

Israeli soldiers forced the passengers to fill out forms in Hebrew without translation. Soldiers explained that the forms were admissions that the participants had entered Israel without permission. Passengers were required to sign Hebrew-only statements which most did not understand, saying they regretted attacking the State of Israel. The people who refused were beaten and threatened with prosecution. Such conduct is a violation of the right to liberty and security of persons under Article 9 of ICCPR and Article 5 of the European Convention on Human Rights. Again, beatings and physical violence would amount to torture and ill treatment under ICCPR, CAR and the European Convention on Human Rights.

Passengers were interrogated without the presence of their lawyers. They were denied the right to legal aid. Consular access was both limited and restricted. Passengers were allowed to use the telephone on the condition that they spoke in English, which excluded many. They were subject to unlawful deportation instead of repatriation. These are clear examples of violations of the right to liberty and security of persons under Article 9 of ICCPR and Article 5 of the European Convention on Human Rights.

<[http://palsolidarity.org/2010/06/12704/?utm_source=feedburner&utm_medium=feed&utm_campaign=Feed:+palsolidarity+\(International+Solidarity+Movement\)](http://palsolidarity.org/2010/06/12704/?utm_source=feedburner&utm_medium=feed&utm_campaign=Feed:+palsolidarity+(International+Solidarity+Movement))> (7 June 2010)

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Member of the Knesset, Haneen Zoabi was subjected to racist and sexist remarks. Some Westerners noticed a clear distinction in the treatment of “white” and “brown” passengers. Most western women were not handcuffed. Such discrimination is a breach of the ban on discrimination according to Article 2 of ICCPR and article 14 of the European Convention on Human Rights.

The UN Fact Finding Mission also considered the attack on the Mavi Marmara and its aftermath as constituting, in addition to breaching international human rights, violations of international humanitarian law provisions that may not be derogated from under any circumstances.³⁶⁷

I. Entitlement to compensation

It is a central principle of international law that when a State violates its international obligations, it has a duty to make reparations for the wrongs committed. This principle has been codified by the International Law Commission in its Draft Articles on the Responsibility of States for Internationally Wrongful Acts³⁶⁸.

Article 31 of the Draft Articles reads as follows:

“Reparation:

1. The responsible State is under an obligation to make full reparation for the injury caused by the internationally wrongful act.
2. Injury includes any damage, whether material or moral, caused by the internationally wrongful act of a State.”

³⁶⁷ See paragraph 182 of the Report of the Fact Finding Mission, Annex 8

³⁶⁸ UNGA A/CN.4/L.602/Rev. 1 (26 July 2001).

Article 36 *Compensation* further states that:

- “1. The State responsible for an internationally wrongful act is under an obligation to compensate for the damage caused thereby, insofar as such damage is not made good by restitution.
2. The compensation shall cover any financially assessable damage including loss of profits insofar as it is established.”

The Permanent Court of International Justice (PCIJ) in the *Factory at Chorzów Case* stated that “reparation must, as far as possible, wipe out all the consequences of the illegal act and re-establish the situation which would, in all probability, have existed if that act had not been committed.”³⁶⁹ When direct restitution or restoration of the prior conditions is impossible (as when individuals are killed or wounded) compensation becomes the appropriate remedy.

The ICJ recognized in the *Gabcikovo Case* that “[i]t is a well-established rule of international law that an injured State is entitled to obtain compensation from the State which has committed an internationally wrongful act for the damage caused by it.”³⁷⁰ This rule was later reaffirmed by the International Tribunal for the Law of the Sea in its first full opinion, *The M/V Saiga Case*.³⁷¹ When addressing the question of damages, the Tribunal quoted from the venerable

³⁶⁹ *Factory at Chorzów*, (*Germany v. Poland*), 1928 P.C.I.J., Series A, No. 17, at 47-48 (Sept. 13).

³⁷⁰ *Gabcikovo-Nagymaros Project* (*Hungary v. Slovakia*), 1997 I.C.J. 7, 80 ¶ 152 (Sept. 25). See also *Genocide Convention* (*Bosnia v. Serbia*), 2007 I.C.J. ¶460; *Construction of a Wall*, Advisory Opinion, 2004 I.C.J. 136, 198; *Democratic Republic of the Congo v. Uganda*, 2005 I.C.J. 168, 257.

³⁷¹ *The M/V Saiga Case* (*Saint Vincent and the Grenadines v. Guinea*), International Tribunal for the Law of the Sea, July 1, 1999, Para. 170 <http://www.itlos.org/case_documents/2001/document_en_68.pdf> (15 January 2011)

Factory at Chorzów Case for the proposition that every wrong requires a remedy:

“It is a well-established rule of international law that a State which suffers damage as a result of an internationally wrongful act by another State is entitled to obtain reparation for the damage suffered from the State which committed the wrongful act and that “reparation must, as far as possible, wipe out all the consequences of the illegal act and reestablish the situation which would, in all probability, have existed if that act had not been committed”³⁷²

Pursuant to this framework, the Tribunal awarded 2,123,357 USD to Saint Vincent and the Grenadines for damages resulting from the detention of the *Saiga*, the damage to the vessel, and the injury to the crewmembers.³⁷³

In the *Rainbow Warrior* case, mediated by the U.N. Secretary-General in 1986, France paid New Zealand the sum of 7 million USD “for all the damage it has suffered” which also included the “moral damage” as well as compensation.³⁷⁴ France paid a further 2.3 million French francs to the widow, children, and parents of Fernando Pereira, who had perished, and 8.1 million USD to Greenpeace.³⁷⁵

³⁷² *Factory at Chorzów, (Germany v. Poland)*, 1928 P.C.I.J., Series A, No. 17. Page. 47

³⁷³ *The M/V Saiga Case (Saint Vincent and the Grenadines v. Guinea)*, International Tribunal for the Law of the Sea, July 1, 1999, Para. 175 <http://www.itlos.org/case_documents/2001/document_en_68.pdf> (15 January 2011)

³⁷⁴ *Rainbow Warrior (New Zealand v. France)* France-New Zealand Arbitration Tribunal. 30 April 1990 <http://untreaty.un.org/cod/riaa/cases/vol_XX/215-284.pdf>

³⁷⁵ Mark W. Janis & John E. Noyes, *International Law* 280 (3d ed. 2006) (citing Philip Shabecoff, *France Must Pay Greenpeace \$8 Million in Sinking of Ship*, N.Y. TIMES, Oct. 3, 1987, at A2).

These examples of State practice illustrate that it has become an accepted practice by the international community to provide compensation, and this obligation now extends even to civilian victims of military action, because such payments serve the goal of ensuring proportionality by forcing military forces to internalize the real costs of failing to properly assess the impact of a military operation on civilians. Israel should, therefore, be required to pay compensation and issue a formal apology for those killed and wounded during the IDF's military operation against the Mavi Marmara on 31 May 2010.

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III. CONCLUSIONS

In light of the foregoing, the Commission has reached the following factual and legal conclusions:

1. The international humanitarian aid convoy was a civilian initiative. Its aims were peaceful. It constituted no threat to Israel.
2. All the Turkish ports used by the convoy possessed ISPS Certificates. All participants, ships and cargo departing from Turkish ports were subjected to the entire range of border and boarding checks, in a manner consistent with international standards.
3. There were no firearms on board the ships.
4. Prior to the convoy's departure, an understanding was reached among Turkish, Israeli and American officials that the convoy would eventually steer towards the Egyptian port of Al-Arish, when faced with compelling opposition. Events demonstrated that Israel did not abide by this understanding.
5. No attempt was made by the Israeli forces to visit and search the vessels before taking any other action.
6. Israeli forces severed the ships' communication capabilities. This put the vessels, passengers and crew at risk.
7. The Israeli forces launched an attack against the convoy approximately 2 hours after the last communication with the vessels.
8. The attack took place in international waters, 72 nautical miles from the nearest shore.
9. When the Israeli forces took control of the ship, nine passengers had been killed. Israel seriously breached the fundamental right of a human being, namely the "Right to Life"

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10. Five of the deceased were shot in the head at close range. Furkan Doğan received 5 gunshot wounds, three of them in the head. After he fell down receiving the first bullet in his foot, two Israeli soldiers kicked and shot him in execution style. Cevdet Kılıçlar, a photographer, was killed by a single distant shot to the middle of the forehead. The nine dead passengers suffered a total of 30 bullet wounds.
11. As a result of the attack over 50 had sustained wounds of varying gravity. One wounded passenger remains in coma.
12. The attack was carried out by an overwhelming Israeli force comprising frigates, zodiacs, helicopters, submarines, and fully-equipped elite commando units.
13. Prior to their attack, the Israeli forces did not proceed with standard warning practices, i.e. firing across the bow, to indicate an imminent use of force.
14. Israeli forces initially tried to board the Mavi Marmara from zodiacs. At this stage, the Israeli forces fired the first shots.
15. The nature and magnitude of the Israeli attack caused panic among the passengers who, in fear for their lives, reacted in self-defence.
16. The Israeli military did not at any time pause to re-assess the situation with a view to consider the least violent options in face of the passengers' self-defence.
17. The Israeli forces opened fire with live ammunition from the zodiacs and helicopters onto the passengers on deck, resulting in the first casualties.
18. As soon as the attack started, the Captain changed the course of Mavi Marmara to a bearing of 270° heading West, in opposite direction of the Israeli coast. However, Israeli frigates approached from the starboard bow and closed in, forcing the convoy to turn to the direction of Israel.

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19. Israeli soldiers fast-rope down to the Mavi Marmara from helicopters. Three were subdued by the passengers. They were taken to the lower decks where they were treated for their non-lethal injuries.
20. Israeli soldiers shot indiscriminately, killing and wounding passengers, once on the upper deck.
21. The shooting spree of the Israeli soldiers continued in spite of the white flags waved by the passengers and multilingual surrender announcements made over the ship's PA system.
22. The Israeli forces attacked the other ships as well. Violence by Israeli soldiers occurred on all the ships of the convoy.
23. The total number of wounded on the convoy exceeded 70 from a host of nationalities.
24. On no occasion did the passengers use firearms against their Israeli assailants.
25. Once the Israeli military assumed control of the entire convoy, the vessels were diverted to the Israeli port of Ashdod.
26. Throughout the hours-long journey to Ashdod, the passengers aboard the Mavi Marmara, including the Captain, and some on the other ships were subjected to severe physical, verbal and psychological abuses.
27. These abuses continued at Ashdod, during the transfer to prisons/hospitals, en route to the Ben Gurion Airport until the passengers boarded the airplanes for departure.
28. Throughout the ordeal, passengers from virtually all the nationalities represented in the convoy were indiscriminately and brutally victimized by Israeli forces.
29. Freedom of navigation on the high seas is a long-standing universally accepted rule of international law.
30. The high seas are governed by the laws of peace time.
31. The law of naval blockade applies only in international armed conflicts.

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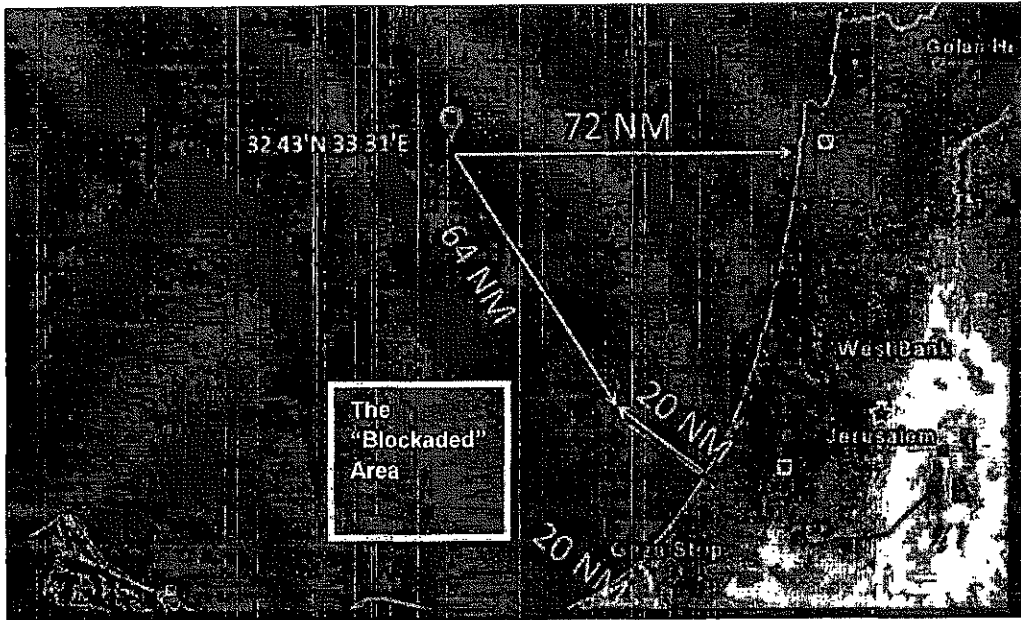
32. Israel does not recognize Palestine as a State. Israel has, therefore, consistently treated its conflict with Hamas as a non-international armed conflict.
33. The international community and the UN continue to regard Israel as an occupying power of the Palestinian Territory, which includes the Gaza Strip.
34. The "naval blockade" imposed by Israel off the Gaza Strip is unlawful under international law and its enforcement is therefore unlawful.
35. The "blockade" was also unlawful in its implementation and practice.
36. The "blockade"s "open-ended" nature did not comply with mandatory notification requirements under customary international law, particularly those relating to duration and extent.
37. The "blockade" was unlawful as it was not reasonable, proportional or necessary.
38. The "blockade" was excessive in the damage it inflicted on the population of the Gaza Strip in comparison to the expected military advantage.
39. The "blockade" was unlawful as it constituted collective punishment of the entire civilian population of the Gaza Strip.
40. Israel's ultimate objective through its "blockade" has been to punish the people of the Gaza Strip for supporting Hamas. This is why Israel chose in 2007 to impose a "blockade" although there were other options, and to persistently maintain it even though it did not yield its purported military objectives.
41. The international community has condemned the Israeli "blockade" of the Gaza Strip as a form of collective punishment.
42. Under customary international law, vessels carrying humanitarian aid cannot be lawfully attacked.

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43. As a consequence of its attack on 31 May 2010, Israel has violated *inter alia* the right to life, the right to liberty and security of the person, freedom from arbitrary arrest or detention, prohibition of torture and other cruel, inhuman or degrading treatment or punishment of the passengers.
44. Israel is liable for compensating the damages and losses it caused.
45. Israel's attack must be condemned as unlawful. Any other disposition would establish a dangerous precedential derogation from the paramount right of freedom of navigation on the high seas.

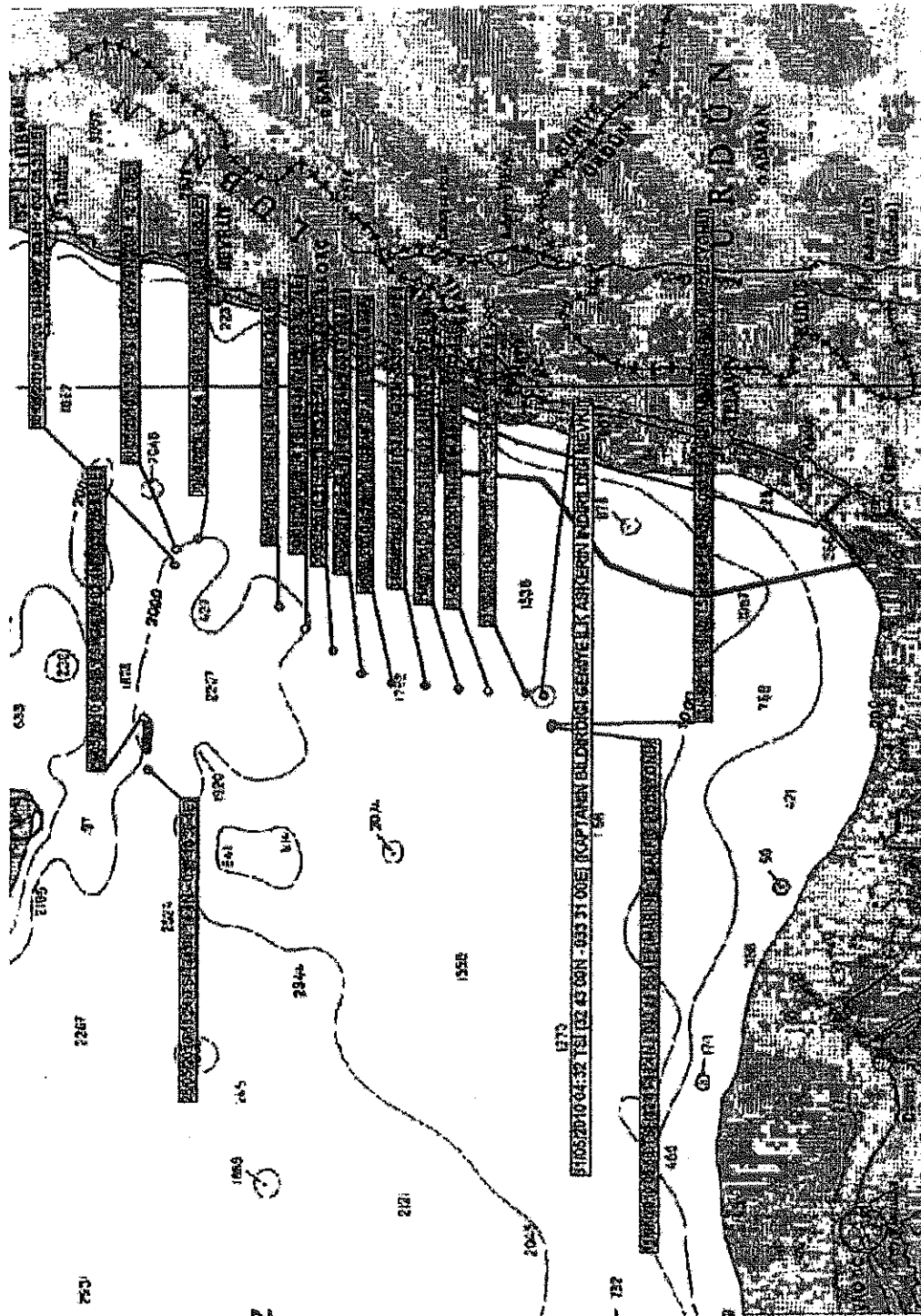
MAPS

Map 1: The position of the Mavi Marmara in the moment of attack.



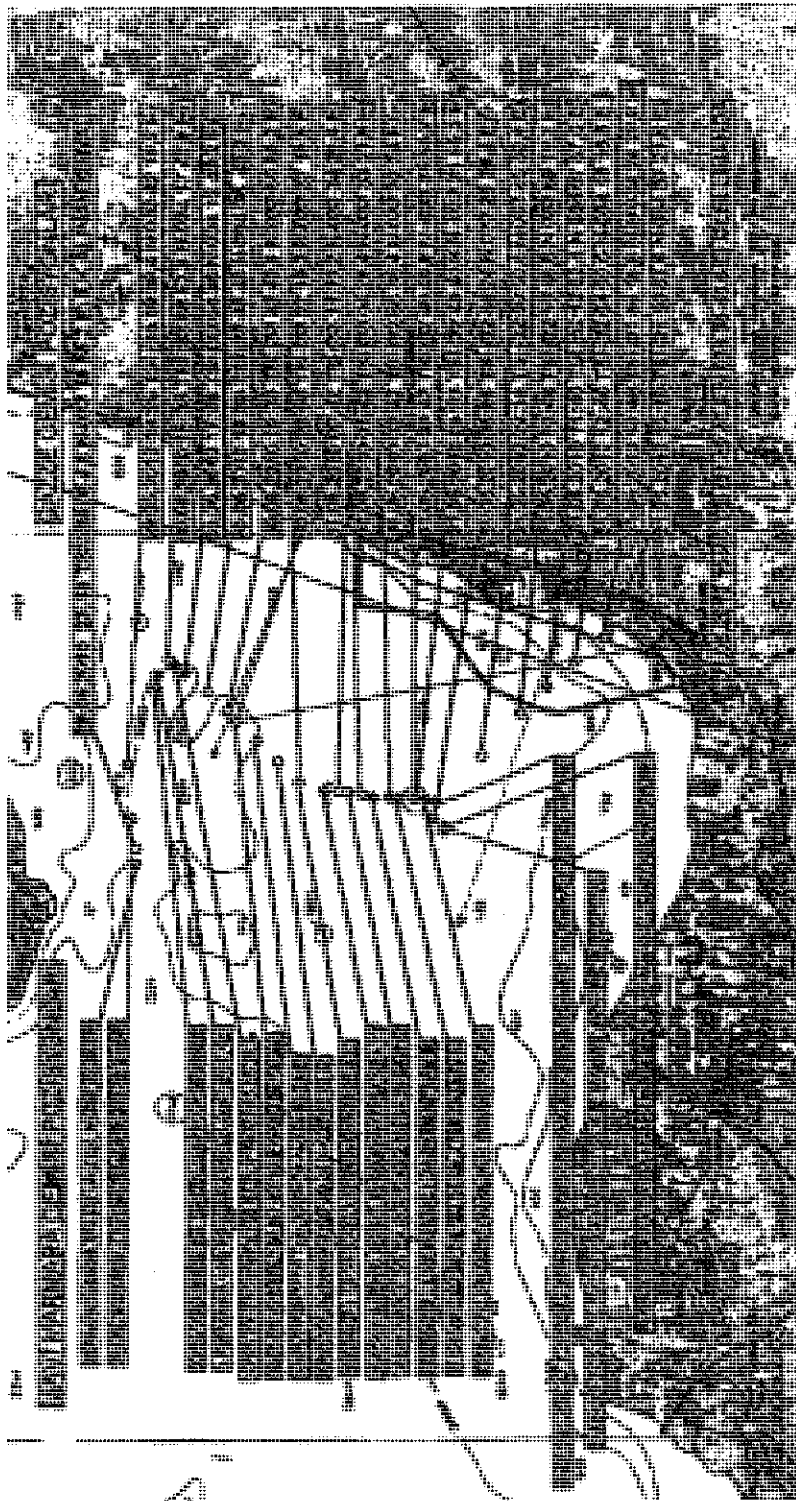
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Map 2: Coordinates of Mavi Marmara during its journey from 28 May 2010, 18.34 TSI until the end of Israeli attack on 31 May 2010, 05.51 TSI.



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Map 3: Coordinates of Mavi Marmara and Gazze during their journey from 28 May 2010, 18.34 TSI until 31 May 2010, 06.40 TSI.



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**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 FULL

Law, Rosemary C

NON-RESPONSIVE PORTIONS
REDACTED

From: Sayles, Ambrose G
Sent: Thursday, June 03, 2010 10:21 PM
Subject: On the Record, Off-Camera Daily Press Briefing Thursday, June 3, 2010

On the Record, Off-Camera Daily Press Briefing Index
Thursday, June 3, 2010
12:35 p.m.

~DEPARTMENT~

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Turkish American Citizen's Death

~ISRAEL/FREE GAZA FLOTILLA~

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U.S. Takes Responsibility for U.S. Citizens Abroad Seriously/ Flotilla Larger with Greater Potential of Confrontation/ Consular Officials in Contact with U.S. Citizens/ Looking into the Cause of Death/ Multiple Contacts with Israel and Turkey Prior to the Incident/ US in Contact with Multiple Contacts Regarding Ships on Their Way to Gaza/ Israel Has Legitimate Security Concerns/ U.S. Confident Investigation Will Take Place/ U.S. Evaluating How to Expand its Assistance to Gaza/ Current Gaza Status Quo Not Sustainable/ Amb. Oren: Israel Has Received Over 10,000 Rockets from Gaza/ Israel Has a Legitimate Interest in Inspecting Supplies Entering Gaza/ U.S. Mindful of Humanitarian Plight of Gaza/ U.S. and Israel Interest in Isolating Hamas/ Ways to Assist Gaza Without Hamas/ Variety of U.S. Officials Involved in Investigation/ Furkan Dogan Born in Troy, New York/ Aged 19

~TURKEY~

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Turkey Expressed Importance of Returning Citizens/ U.S. Conveyed Those Concerns to Israel

REVIEW AUTHORITY: Sharon Ahmad, Senior
Reviewer 2

NR

U.S. DEPARTMENT OF STATE
DAILY PRESS BRIEFING

DPB # 86

THURSDAY, JUNE 3, 2010
(ON THE RECORD UNLESS OTHERWISE NOTED/OFF CAMERA)

12:35 p.m. EDT

MR. CROWLEY:

NR

Finally, clearly the subject of greatest interest, we can confirm that a U.S.-Turkish national – dual national was among those killed in the raid on the Free Gaza flotilla. Our mission in Turkey has been in contact with his family and is providing consular assistance. This morning, our consular officer met with the father and offered our heartfelt condolences to his family. His name is Furkan Dogan, D-o-g-a-n.

QUESTION: Can you spell the first name, please?

MR. CROWLEY: F-u-r-k-a-n. The last name is spelled -- anglicized D-o-g-a-n, pronounced Dogan. And our Ambassador Jim Jeffrey will also be reaching out to the family soon. Clearly, we have obviously just learned about this. We are gathering information about what happened on the ship. We are also mindful that our citizen, Emily Henochowicz, has sustained a serious injury. She was involved in a West Bank protest. She is still in the hospital receiving proper treatment. We are aware that one additional American citizen had some injuries on board one of the ships and we are looking out for him as well.

We are in contact with the Israeli Government to obtain more information. We have made no decisions at this point on specific actions the United States Government will take. But as we've already stated, we expect the Israeli Government to conduct a prompt, impartial, credible, and transparent investigation that conforms to international standards and gets to all the facts surrounding this tragic incident.

We – as the Secretary has said, we are open to different ways of assuring a credible investigation, including international participation, and we continue to talk about these ideas with the Israelis and others. And

meanwhile, we continue to evaluate how, together with the international community, we can expand the amount of assistance to the people of Gaza, and that is something we are looking into with our international partners.

QUESTION: What are the range of options that you can take related to this guy's death?

MR. CROWLEY: Well, we take the health and welfare of American citizens anywhere in the world seriously. It's our fundamental responsibility as a government. We will carefully evaluate all the information that we can gather about the circumstances of his death. And those facts will lead us wherever they lead to.

QUESTION: Do you have any information --

QUESTION: (Inaudible). Does the fact that an American was killed in this affect or change what you would like to see done in this case whether -- regarding the investigation and how that's carried out or otherwise?

MR. CROWLEY: I mean, we have taken this seriously from the moment that the -- we understood that this flotilla was being organized and that we understood both its ramifications for regional security and the fact that American citizens would be on board these vessels. We've had a number of conversations both with the Israeli Government and with others. In the weeks leading up to this, we have been very conscious of the ever-present danger of miscalculation when these kinds of situations and confrontations take place. So we have taken this seriously from the outset.

That said, the fact that -- and we've understood for a couple days that there were American citizens that had sustained injuries. But obviously, now that we understand that there has been the death of an American citizen, this will be something that we will evaluate carefully -- we take seriously given it is one of our fundamental responsibilities as a government.

QUESTION: Would you ask the Turks --

QUESTION: P.J. --

QUESTION: Would you ask the Turks --

QUESTION: Since 2005 -- the Israelis say since 2005 there have -- they have dealt with nine flotillas. This was the first time they had violence. Now, in the -- with the United States, did you also raise issues about previous flotillas? Was this one particularly flagged because you thought there were going to be Americans? What made you talk so seriously with the Israelis about this one flotilla?

MR. CROWLEY: I think we had an understanding that this was larger than previous efforts to bring humanitarian assistance to the people of Gaza. So we -- I think we understood that the -- there was a greater potential for a confrontation.

QUESTION: But you also talked about the presence of Americans. I think you just mentioned that in passing. Was that something that the United States was aware of, that there were going to be Americans? And if so, how did you know that?

MR. CROWLEY: A fair -- I don't know the answer to the second question. But I mean, we have a broader geopolitical interest in this issue and, obviously, we were conscious as we got closer to the launching of the flotilla that there would be American citizens involved as well.

QUESTION: P.J., would you ask the U.S. Embassy in -- or does the Embassy in Turkey -- why wouldn't they ask the Turks for the autopsy reports? I mean, the nine dead are all there, including the American.

MR. CROWLEY: Well, I mean, from the outset, we've had consular officials in Israel in contact with Israeli authorities visiting hospitals. Our consular officials also visited the morgue, because we were looking to see -- ascertain, knowing that there were U.S. citizens on board these ships, if any American citizens were injured or killed in this incident. So -- and so we've been doing that from the outset. And we made contact with the family as soon as we learned today that one of those killed was a dual citizen.

QUESTION: P.J. --

QUESTION: What do we know about the cause of death?

MR. CROWLEY: Hmm?

QUESTION: What do we know about the cause of death of the American citizen?

MR. CROWLEY: The individual sustained -- I mean, I -- the injured -- our American citizen sustained gunshot wounds during this incident.

QUESTION: To the head?

QUESTION: To the head? Four shots to the head?

MR. CROWLEY: I --

QUESTION: He wasn't the one with the four to the head, was he?

QUESTION: Well, that's the reports, P.J., that he was four to the head and one to the body. Can you tell us what that tells you about the nature of the force that was used in --

MR. CROWLEY: I'm not -- we are looking into this. We are in conversation with the Israelis to get more information. As we've said all along, we're going to let facts govern our response. As we have said many, many times, we're going to be very cautious and prudent in how we approach this. So I'm not going to prejudge. We are aggressively trying to understand precisely what happened on that ship. And once we have more information, then we'll take appropriate steps based on that information.

QUESTION: Have you established as fact that this man sustained four bullet wounds to the head and one to the body?

MR. CROWLEY: I'm -- I've said all I'm going to say on that.

QUESTION: Was his family all in Turkey? Even though he is an American citizen, were the contacts -- consular contacts with his family in Turkey?

MR. CROWLEY: We had contact with his father today and he is a Turkish citizen. I can't make a broad statement about the rest of the family.

QUESTION: But the contacts so far have been in Turkey?

MR. CROWLEY: In Turkey.

QUESTION: Did you at any point warn Turkish Government about the possible clash in the Mediterranean with this flotilla?

MR. CROWLEY: Again, all I'll say is that we had multiple contacts through multiple channels with the Israeli Government in the weeks leading up to the flotilla.

QUESTION: That was a question about the Turkish Government.

QUESTION: The Turkish Government.

MR. CROWLEY: Oh.

QUESTION: Did you inform Turkish Government about the possible clash?

MR. CROWLEY: I believe the answer is yes. I'm -- I'll -- yes.

QUESTION: Can you just confirm the comments that you made on the record to the *Post* about urging caution and restraint?

MR. CROWLEY: I think I just -- I basically have said that already. (Laughter.) We had multiple contacts with the Israeli Government in the weeks leading up to the flotilla. Understanding that civilians would be on those ships, including American citizens, we urged caution and restraint. And in fact, in previous episodes, that's precisely what Israel has done.

QUESTION: What about the flotilla that's on the way? The *Rachel Corrie*, I believe, is the name of the ship. What is -- what do you understand about it? Do you understand any Americans to be on board? And what contacts -- what steps are you taking to try and prevent a repeat --

MR. CROWLEY: We are in contact with multiple governments about vessels that may still be making their way towards Gaza.

QUESTION: Does that include the Irish?

MR. CROWLEY: Yes.

QUESTION: And what have you told the Irish?

MR. CROWLEY: Well, I mean, everybody has the same concern given what happened earlier this week. And as we have said all along, we are -- everyone wants to avoid a repetition of this tragic incident.

QUESTION: So is your advice to the Israelis the same now as it was apparently in the previous weeks to urge caution and restraint when responding to this one?

MR. CROWLEY: Yes.

QUESTION: It worked so well --

QUESTION: Are you prescribing any sort of other action since they didn't do that last time?

MR. CROWLEY: Again, Kirit, it's a fair question, but to what -- to some extent, it prejudices what we will all learn as we go through and ascertain more facts about precisely what happened. Clearly, there was a tragic

confrontation on the high seas, and we deeply regret what's happened. We're looking into the circumstances. We all want to find a way to provide greater support to the people of Gaza, meet Israel's legitimate security interest, and avoid further loss of civilian life.

QUESTION: What I'm trying to understand is that given what's happened last time, how specific are you being with your advice to the Israelis this time?

MR. CROWLEY: Well, I mean, ultimately, governments are sovereign. Israel has very legitimate security concerns. They have their own policies in dealing with those security concerns. As a friend of Israel, we are providing them our perspective on how to best do this. But ultimately, these are decisions made by the Israeli Government. Only they can determine what they feel is best for their own security. We understand that.

QUESTION: Given the importance of this and the ease of which you can see whether Dogan's got four bullet wounds in the head, is it reasonable to assume the U.S. will be able to establish whether those reports are true or not in the next few hours?

MR. CROWLEY: I'm not sure I understand the question.

QUESTION: It seems to be important whether this person was shot four times in the head, which is clearly not a restrained way of dealing with anyone. Is – it's quite easy to establish whether someone's been shot four times in the head.

MR. CROWLEY: Well, again, we expect Israel to conduct a credible, prompt, transparent investigation of what happened on that ship. And we ourselves, in talking to Israel, are trying to gain greater information and perspective on what happened on the ship. And I'm not going to prejudge what information that is provided, what we learn ourselves, and what we do based on that information.

QUESTION: Do you want it to be international? I mean, you suggested – you kind of hinted at it – that you wanted an international component to the investigation.

MR. CROWLEY: Yeah, I mean, on the broader aspect, as we've said in the last couple of days, there are many, many countries that had citizens involved in this flotilla. We obviously are one of them. Everyone wants to understand what happened on that ship. Everyone wants to make sure – do everything possible to try to avoid this tragedy happening again. In trying to understand what happened on the ship, the investigation has to be credible. And we're open to a variety of ways of making that as credible as possible. Possible international involvement in the investigation is one way to accomplish that.

QUESTION: The Israelis still haven't announced an investigation despite the U.S. (inaudible) and in the UN Security Council over recent days. Are you disappointed by that? (Inaudible.)

MR. CROWLEY: I think we are confident that an investigation will take place.

QUESTION: The Turks themselves have been one of the countries that has asked to head an international investigation, while the Israelis, of course, are rejecting it. P.J., do you think the Israelis independently can conduct – can alleviate international concerns over the incident by conducting their own investigation?

MR. CROWLEY: Well, I mean, can Israel, as a vibrant democracy, with strong institutions of government, conduct a fair, credible, transparent investigation? The answer is yes. It is fully capable of doing that.

QUESTION: P.J., the Secretary has said that the situation in Gaza is really unsustainable. What is the United States, looking forward, going to propose or what does the United States think should be the next step? If it is, in the U.S. opinion, unsustainable, what should be done? And how are you --

MR. CROWLEY: That's a process that we already have underway to evaluate how we can, working with Israel and other countries, expand the amount of and type of international assistance. In various meetings that we've had with world leaders, this has come up on a regular basis. The Secretary has commented on it on a regular basis. We have particular concern about and interest in construction materials that not only can help the people of Gaza sustain life, but actually improve their life on the ground.

We understand the security concerns that Israel has and we are going to be working with them, just as we have been pressing them for weeks and months to find a way to expand the amount of assistance that's provided on a regular basis to the people of Gaza. So we're going to redouble our efforts and see if there are other things that we can do and other things collectively the international community can do to increase that support while respecting and protecting Israel's legitimate security interests.

QUESTION: Should we interpret --

QUESTION: So when the Secretary -- I just want to make sure I understand. So when the Secretary talks about unsustainable, she's talking in a more direction fashion -- supplies, what people get in the situation in Gaza. She's not talking about a broader issue like what do you do with Gaza, should it remain part of Israel. I mean, some people in Israel say just put up a wall and make it separate.

MR. CROWLEY: I think what the Secretary is saying is that the current status quo is not sustainable. We don't think it's in Israel's long-term security interest to maintain the status quo. And we will be working with Israel and seeing if we can, together with the international community, others who have direct interest in what happens in Gaza, find ways to increase the amount of assistance while also protecting Israel's security interest.

QUESTION: Just to follow up on that, I want to make sure I understand this correctly. Should one interpret --

MR. CROWLEY: I've got to go in a couple of minutes.

STAFF: You're actually okay.

MR. CROWLEY: All right.

QUESTION: Should one interpret your comment that the current situation is not sustainable and that you believe it's not in Israel's interest to maintain the status quo -- should one interpret that to mean that you indeed have concluded that the blockade of Gaza simply isn't a good policy and you need another one? I mean, finding a way to get more goods in could mean that the blockade stays established -- you just get more stuff in there. So I want to make sure that we're -- is the blockade a bad policy?

MR. CROWLEY: It's a good question, Arshad. I -- Ambassador Michael Oren had an interesting piece today in *The New York Times*. And he mentioned in it that Israel has been victimized by more than 10,000 rockets that have been fired from Gaza into Israel, fired indiscriminately, and has threatened and killed Israeli citizens. Given that history and that reality, Israel has a very legitimate interest in being able to inspect and, to some extent, control the flow of materials into Gaza to make sure that that doesn't include further rockets, missiles, arms that pose a real threat to Israeli citizens. Israel feels that the blockade is the most effective way of doing that. We understand that.

We also are very mindful of the humanitarian plight of the people of Gaza. And it is certainly possible that one can maintain the ability to control the flow of goods into Gaza so that Israel can be assured that the flow of goods does not include weapons that can threaten Israel directly, while expanding the amount of assistance, particularly construction materials, so that together the international community can help improve the lives of the average citizen of Gaza. We're also conscious of the legitimate interests that Israel has and the United States shares in isolating Hamas, which is a terrorist organization that has chosen not to join the peace process, has chosen not to recognize Israel, has chosen to fire rockets that jeopardize Israel's security, have chosen not to respect international agreements with respect to the peace process. Hamas has a choice it could make if it wanted to play a more constructive role in the region. It has chosen not to do that.

So it is quite a legitimate policy to find ways to improve the lives of the citizens of Gaza while isolating Hamas and protecting Israel's security. We're going to look with Israel to find out if there are improvements that can be made in the current practices so that more goods flow to the people of Gaza and fewer weapons.

As to how we're going to do that, those are the kinds of conversations we expect to have with Israel and with other interested countries in the coming days and weeks.

NR.

QUESTION: One more thing on the *Rachel Corrie* -- the next flotilla coming. Do you have any understanding about Americans on board that ship or others that may be accompanying it?

MR. CROWLEY: I do not.

QUESTION: P.J., has anyone from the Embassy seen this guy's body?

MR. CROWLEY: Yes.

QUESTION: Yes? And who was that in the Embassy? Was it a consular person or was it an FBI liaison or DS?

MR. CROWLEY: I believe it's -- I'll take that question, but I think it was -- they were consular officials. Now, we went to the morgue in Israel, so as it turned out, we -- the first time we saw his body it was there at the -- at that time, we just did not know that he was a dual citizen.

QUESTION: Well --

QUESTION: P.J. --

QUESTION: -- so if you've seen the body then at least twice, why are you not able to say what kind of wounds --

MR. CROWLEY: I'm not going to characterize --

QUESTION: Are those the first time or the only time?

MR. CROWLEY: I know -- as it turned out, we saw the -- those who were killed on the ship in Israel. What we didn't know at the time was that it turned out one of them was a dual citizen.

QUESTION: Right. And subsequently, have you seen him?

MR. CROWLEY: Since he's been back in Turkey? I can't say. I don't think so.

QUESTION: And where is that body now?

MR. CROWLEY: I believe the family has the body and they are -- he's being shipped to their home town for burial.

QUESTION: Do you have any reason why --

QUESTION: (Inaudible.)

QUESTION: (Inaudible) to ease the flow of goods necessarily require agreement from Hamas, and doesn't that look like a kind of remote possibility now?

MR. CROWLEY: I think we have ways of channeling goods through the Palestinian Authority, through NGOs, and also with the assistance of Israel and Egypt. So there are ways of getting assistance. I mean, I think we have projects underway in Gaza and we're going to evaluate if we -- if there's more that we can do.

QUESTION: Given the nature of these wounds could determine whether this person was killed in self-defense or (inaudible) execution?

MR. CROWLEY: Again, we're trying to --

QUESTION: Is there some reason why you --

MR. CROWLEY: Again, I'm -- we're -- we will look into the circumstances of the death of an American citizen, as we would do anywhere in the world at all times. Let us try to determine as best we can what happened, and then once we have information, we'll evaluate what an appropriate course of action is.

QUESTION: Who from the American side is doing that? Who is doing the investigation on the U.S. side?

MR. CROWLEY: Right now, we're trying to ascertain facts. And then we have officials at a variety of levels here and in Israel are in contact with Israeli officials. We're finding out more information. We've had officials who have talked to the family.

QUESTION: Is the FBI involved?

MR. CROWLEY: At this point, no.

QUESTION: Have they done an autopsy?

MR. CROWLEY: I can't say. I don't -- I don't know what the Israelis did before they released the bodies back to Turkey.

NR

QUESTION: P.J., you said at this point now, the FBI is not involved. Under what circumstances would they get involved?

MR. CROWLEY: Well, again, let's let -- we're gathering facts about this case where a dual citizen has died during this incident. And based on those facts, we'll evaluate whether any further investigation is necessary.

QUESTION: P.J., can I ask --

QUESTION: By who? By you, you mean? I mean, (inaudible) specifically said the FBI, and you said at this point no, suggesting that at some point they could be involved. And I'm wondering what it is that would trigger them --

MR. CROWLEY: Well, I mean, as to that judgment, you're welcome to talk to the FBI. But any time an American is killed overseas, we have the option of evaluating the circumstances and if we think a crime has been committed, then working with the host government we have the option of our own investigation. Let's not jump to any conclusions at this point. We're evaluating the facts as we can best ascertain them. And based on that evaluation of the information that's available, we have a variety of options that are available to us.

QUESTION: P.J., can I ask about the Secretary Clinton and Foreign Minister Davutoglu's meeting? Did at any point Turks give an ultimatum to the U.S. side about the freeing of the activists?

MR. CROWLEY: About the?

QUESTION: Freeing of the activists from the flotilla. Freeing of the --

MR. CROWLEY: As we've said, during the course of the meeting, Foreign Minister Davutoglu expressed the importance that Turkey attached to a return of its citizens, including those killed and injured. We understood fully that -- that concern. We conveyed that concern on Turkey's behalf to Israel, and Israel responded.

QUESTION: But what was the tone of Davutoglu? Was it an ultimatum? Was it friendly atmosphere? How was the interaction?

MR. CROWLEY: I mean, it just was --

QUESTION: (Inaudible.)

MR. CROWLEY: This was a conversation among allies and friends. The foreign minister expressed very forcefully the importance that Turkey attached to resolving this quickly. He asked that we convey that to Israel. We did so. And we're gratified that Israel responded rapidly to those Turkish concerns.

QUESTION: Do you have an age and place of birth of the dual citizen?

MR. CROWLEY: He was born in New York.

QUESTION: New York City?

MR. CROWLEY: New York state. My understanding is he was 19 years old.

QUESTION: And where was he living? To your knowledge, was he living in Turkey?

MR. CROWLEY: Yes. I think he -- he was born in Troy, New York.

QUESTION: Can we change the topic?

NR

NR

QUESTION: I was just thinking it's time we got out of here.

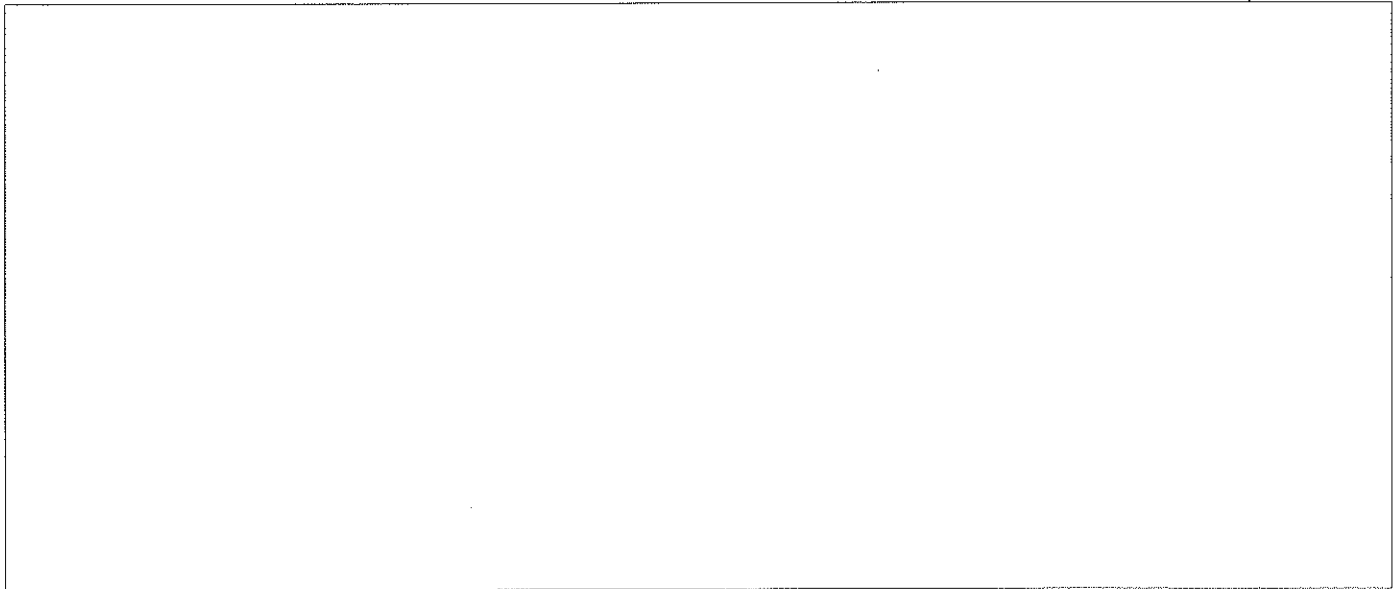
NR

QUESTION: Has the Secretary spoken to anybody – back on the Israeli issue – any senior Israeli officials in the last 24 or 36 hours?

MR. CROWLEY: Not to my knowledge.

NR

NR



(The briefing was concluded at 2:18 p.m.)

###

RELEASED IN FULL**Law, Rosemary C**

From: Sayles, Ambrose G
Sent: Monday, May 31, 2010 12:41 PM
To: Goldberger, Thomas H; Hale, David M; Rudman, Mara; Schwartz, Jonathan B; Jacobson, Linda; 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: RE: press guidance?>

This is in conjunction with the press statement. The statement will still be released and this press guidance will be used to field question. It is drawn heavily from the statement with a few additional points that are better suited for press guidance than the statement.

From: Goldberger, Thomas H
Sent: Monday, May 31, 2010 12:40 PM
To: Sayles, Ambrose G; Hale, David M; Rudman, Mara; Schwartz, Jonathan B; Jacobson, Linda; 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: RE: press guidance?>

Is this to replace draft press statement that was circulated earlier?

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

Law, Rosemary C

RELEASED IN FULL

From: Sayles, Ambrose G
Sent: Friday, June 04, 2010 11:25 AM
To: Goldberger, Thomas H; Holmstrom, Todd C; Vasquez, Edgar J; Ratney, Michael A; Pelton, Erin; Bernier-Toth, Michelle; CAPRESSREQUESTS; EUR-Press; Jacobson, Linda; Dolan, JoAnn; Wills, Regina M; DRL Public Affairs; Lieberman, Jessica D (DRL); Catalano, Elisa; Rand, Dafna H; Rana, Gautam A; Reynolds, Arlissa M; Harutunian, Ruben; Sievers, Marc J; Cooper, Kurtis A; 'Vietor, Tommy'; Hensman, Chris D; 'Chang, Benjamin'; Prince, Jonathan M; Sachar, Alon (NEA/IPA); Knopf, Payton L; Reisser, Wesley J
Subject: FOR IMMEDIATE CLEARANCE: Israel/Palestinians: UPDATE Free Gaza Flotilla
Importance: High

Hi Everyone –

Please clear the attached press guidance updating the Free Gaza flotilla guidance ASAP. Please note that this picks up from yesterday, and include press guidance to cover situations primarily from yesterday and today into the weekend re: the ships currently headed toward Gaza, etc. Your prompt clearance is greatly appreciated.

Thank you,
Ambrose



060410-Israel-Palestinians - U...

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 | ✉: saylesag@state.gov

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

RELEASED IN FULL

Law, Rosemary C

From: Sayles, Ambrose G
Sent: Monday, May 31, 2010 11:14 AM
To: Schwartz, Jonathan B; Jacobson, Linda; Wills, Regina M
Subject: FOR IMMEDIATE CLEARANCE: Gaza Flotilla STATE DEPARTMENT statement
Attachments: 053110 - Statement - Gaza Flotilla.docx

Hi Colleagues –

Please clear the attached statement on the Gaza Flotilla. Please also refer to the clearance list thus far. This is separate from a Quartet statement that is currently being drafted.

Thank you,
Ambrose

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

Law, Rosemary C

RELEASED IN PART B6

From: Newman, David S (L-CA)
Sent: Monday, February 14, 2011 11:03 AM
To: Schwartz, Jonathan B; Jacobson, Linda; Gutherie, Peter A; Dolan, JoAnn; Joyce, Anne
Subject: Gaza Flotilla / Turkish Report
Attachments: Turkish Report Final -.pdf

AttachmentsClassification:

UNCLASSIFIED

Classification: UNCLASSIFIED

SensitivityCode: Sensitive

If you haven't received it through other channels, you may be interested in this final report by the Turkish National Commission on Inquiry on the Gaza flotilla. It was released on Friday. David

SBU

This email is UNCLASSIFIED.

From: Baily, Jess L
Sent: Monday, February 14, 2011 9:36 AM
To: EUR-SE-TU-DL
Subject: Fw: Flotilla / Turkish Report

From: Germain, Ellen J (USUN)
Sent: Monday, February 14, 2011 08:55 AM
To: Baily, Jess L
Subject: Fw: Flotilla / Turkish Report

Sent from my Blackberry

From: Masilko, Barbara J (USUN)
Sent: Saturday, February 12, 2011 11:50 PM
To: Germain, Ellen J (USUN); Ried, Curtis R (USUN)
Cc: Bass, Warren
Subject: FW: Flotilla / Turkish Report

I'll have a read thru tomorrow on the plane and summarize in a memo. Cc to Warren in case Washington has not seen

Barbara Masilko

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

Political Adviser

U.S. Mission to the United Nations

Office 212-415-4190

This email is UNCLASSIFIED.

From: [REDACTED]

B6

Sent: Friday, February 11, 2011 4:07 PM

To: [REDACTED]

Subject: Flotilla / Turkish Report

Dear Friends,

For ease of reference, the report on the Israeli attack on the Humanitarian Aid Convoy to Gaza on 31 May 2010 that was released today by the Turkish National Commission of Inquiry is attached.

Have a great weekend!



RELEASED IN PART B5,B6

Law, Rosemary C

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

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

Adding in L/AN here

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

Tom,

B5

REVIEW AUTHORITY: Sharon Ahmad, Senior
Reviewer

[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

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

[Redacted]

B5

B5

USDEL requests guidance as soon as possible. Thanks.

Law, Rosemary C

RELEASED IN PART B5

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 ?

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 ?

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 ?

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 ?

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 ?

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]

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 ?

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 -

Linda/Anne: do you know if there is any truth to the allegation that the ship was registered in Comoros?

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 ?

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 ?

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 ?

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 -

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]

[REDACTED]

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 - [REDACTED]

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 - [REDACTED]

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

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. It is drawn directly from Amb. Wolff's statement at the UNSC today --

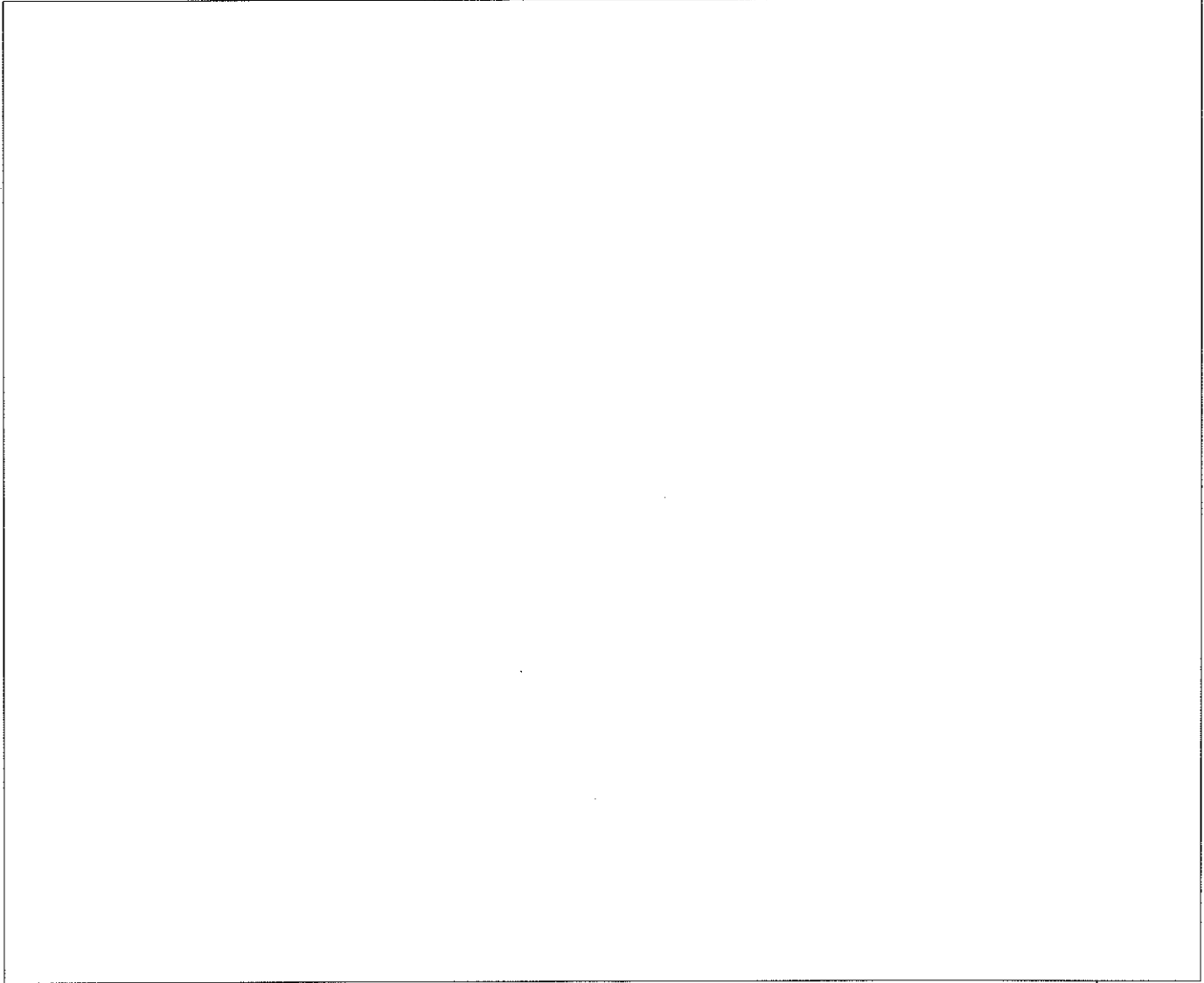
B5

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.

Law, Rosemary C

RELEASED IN PART

B5, B6

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

[REDACTED]

[REDACTED]

We'd appreciate clearance/comments from others on the draft/ [REDACTED]

[REDACTED]

[REDACTED]

We expect to have news from Geneva this morning, should the situation change, we'll be in touch as soon as possible

[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.; 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

Adding USUN/NY and NSC/NENA

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

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

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

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]

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

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

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

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

B5

[REDACTED]

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

[REDACTED]

B6

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. [REDACTED]

[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'; 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

Adding USUN/NY and NSC/NENA.

B6

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

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

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:

[REDACTED]

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.

[REDACTED]

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 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: 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

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

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

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

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: Pomper, Stephen E
Sent: Wednesday, June 02, 2010 8:40 AM
To: Jacobson, Linda
Subject: Re: Situation Report No.5 - Gaza Flotilla (SBU)

Tx!

From: Jacobson, Linda
To: Pomper, Stephen E
Sent: Wed Jun 02 08:26:15 2010
Subject: Re: Situation Report No.5 - Gaza Flotilla (SBU)

JoAnn and I will get what we can from Emb TA and desk this morning.

From: Pomper, Stephen E
To: Dolan, JoAnn; Jacobson, Linda
Sent: Wed Jun 02 07:47:12 2010
Subject: Fw: Situation Report No.5 - Gaza Flotilla (SBU)

Hi--any thoughts about how to get this (cd you check with Tom G if he is the right guy)? Tx!

From: Donoghue, Joan E
To: Pomper, Stephen E; Perina, Alexandra H; Jacobson, Linda; Dolan, JoAnn; Townley, Stephen G
Cc: Schwartz, Jonathan B
Sent: Wed Jun 02 07:09:49 2010
Subject: Fw: Situation Report No.5 - Gaza Flotilla (SBU)

B5

From: OpsAlert
Sent: Wed Jun 02 06:12:05 2010
Subject: Situation Report No.5 - Gaza Flotilla (SBU)

SENSITIVE BUT UNCLASSIFIED

SITUATION REPORT No. 5

Gaza Flotilla Monitoring Group MGGZ01

Wednesday, June 2, 2010
0600 EDT

STATUS OF AMERICAN CITIZENS

(SBU) Eleven AmCit detainees plan to, or have already signed, voluntary deportation forms provided by the Israeli Ministry of Interior. (MGGZ01/Embassy Tel Aviv e-mail)

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

STATUS OF INTERNATIONAL PASSENGERS

- (U) Israel's inner security cabinet voted to deport remaining prisoners within 48 hours. A government statement issued late June 1 stated that "the detainees would be expelled immediately according to the procedures set by law," said a government statement issued late June 1. *(AFP)*
- (U) Turkey sent three planes to Israel to repatriate approximately 350 detained activists. *(AFP)*

ISRAEL MIGHT CONSIDER WOUNDED AS COMBATANTS

(SBU) Approximately 50 wounded detainees of various nationalities are currently being treated by the Government of Israel as suspects, and thus may not be allowed to leave the country. The GOI might want to file court cases against these individuals, but this course of action is subject to the attorney general's discretion. *(MGGZ01/NEA-FO e-mail)*

RETURN OF ISRAELI DIPLOMATIC FAMILY MEMBERS FROM TURKEY

(U) Approximately 50 people related to Israeli consulate and embassy staff in Turkey are returning to Israel, a senior official told Israeli public radio. *(AFP)*

INTERNATIONAL REACTIONS

- (SBU) Moscow condemned Israel's action against the MAVI MARMARA, asserting that the "Use of weapons against civilians and detaining ships in the open sea without any legal reason constitutes obvious and gross violations of generally accepted international standards." Embassy Moscow notes Russia likely will use this incident to push for Israel to lift the Gaza blockade. *(MGGZ01/Embassy Moscow e-mail)*
- (SBU) NATO SYG Rasmussen released a statement June 1 expressing "deep regret over the loss of lives and the other casualties resulting from the use of force" and urging the UN and the EU to conduct "a prompt, impartial, credible and transparent investigation into the incident." He also called for "the immediate release of the detained civilians and ships held by Israel." *(MGGZ01/USNATO e-mail)*
- (U) India condemned Israel for "indiscriminate use of force" and asserted that "lasting peace and security in the region can be achieved only through peaceful dialogue." *(Xinhua)*
- (U) Lebanese President Sleiman discussed the incident with Turkish President Gul and reportedly agreed to coordinate efforts to "counter Israel's actions." *(nowlebanon.com)*
- (U) The Irish government called on Israel to allow an Irish-registered aid ship, the RACHEL CORRIE, to continue its voyage to Gaza. Late June 1, PM Cowen warned of "serious consequences" if any detained Irish citizens were harmed, and called for their immediate and unconditional release. *(bbc.co.uk)*
- (U) The Malaysian Cabinet tabled a parliamentary motion strongly condemning Israel's raid. FM Aman departed for Jordan to seek the release of the 12 Malaysians. *(Xinhua)*
- (SBU) Nicaragua suspended diplomatic ties with Israel June 1 to protest Israel's raid on the MAVI MARMARA, President Ortega's office said. Embassy Managua notes that Nicaragua has no diplomatic presence in Israel but has an embassy in Cairo. *(MGGZ01/Embassy Managua e-mail, elpueblopresidente.com)*
- (U) Iranian FM Mottaki expressed solidarity with the "martyrs" killed during the raid and added that the incident "opened some possibility" to put pressure on Israel to lift the blockade of the Gaza Strip and thereby allow the passage of medicine and humanitarian assistance. *(AFP)*
- (U) French FM Kouchner said that the raid was "a very grave mistake" and "extremely damaging to the image of Israel itself." Kouchner advocated for an international investigation and said "there should not be impunity." *(AP)*

For more information on the Gaza Flotilla, please see the Ops Portal at the following link:
http://www.intelink.sgov.gov/wiki/Portal:Gaza_Flotilla_2010

Drafted: MEHayes

Approved: DLBanks

Dist: State (all bureaus), NSS, OSD, NMCC, JCS, CIA, OSC, NCTC, DHS, DNI

SENSITIVE BUT UNCLASSIFIED

RELEASED IN PART B5

Law, Rosemary C

From: Pomper, Stephen E
 Sent: Monday, May 31, 2010 10:15 AM
 To: Jacobson, Linda
 Subject: Re: Humanitarian flotilla

Ok, thanks! Does Mary M know or shd I forward this? Unless I hear differently I will not do anything further til tmrw.

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

From: Jacobson, Linda
 To: Pomper, Stephen E
 Sent: Mon May 31 10:12:52 2010
 Subject: Re: Humanitarian flotilla

Hi, I am in Israel en route to airport so will be dropping off email. Talked to Jon short while ago,

B5

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

From: Pomper, Stephen E
 To: Jacobson, Linda
 Sent: Mon May 31 10:07:54 2010
 Subject: Re: Humanitarian flotilla

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: 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
Attachments: Gaza.doc rev.docx

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?

Sorry for the drive by, I will try to reengage at about 2. Steve

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

Law, Rosemary C**RELEASED IN PART**
B5, B6

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]
Attachments: [REDACTED]

B5

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

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

Evelyn, I sent my comments to JoAnn earlier so I expect you will also be hearing from her [REDACTED]
 [REDACTED]

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, if any, on [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.; 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; [REDACTED]; Wecker, John A; Aswad, Evelyn M; Legal-HRR-DL; Holmstrom, Todd C; Simon, Jennifer J; Perina, Alexandra H; Schwartz, Jonathan B; Pomper,

B6

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

Stephen E; Cassayre, Mark J

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

B5

Colleagues: Attached is the OIC's resolution on the Gaza Flotilla incident – which we expect will be voted at the HRC tomorrow morning Geneva time. [REDACTED]

We'd appreciate your clearance on the [REDACTED] no later than 10 PM tonight.

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



RELEASED IN PART B5

Law, Rosemary C

From: Prosser, Sarah E
Sent: Thursday, June 03, 2010 9:25 PM
To: Pomper, Stephen E; Schwartz, Jonathan B
Cc: Jacobson, Linda; Donoghue, Joan E; Guarin, Marc F
Subject: RE: Blockade Precedent

B5

Best wishes,
Sarah

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

From: Pomper, Stephen E
Sent: Thursday, June 03, 2010 3:11 PM
To: Schwartz, Jonathan B
Cc: Jacobson, Linda; Donoghue, Joan E; Prosser, Sarah E; Guarin, Marc F
Subject: RE: Blockade Precedent

Thanks Jon. Sarah will help on the [REDACTED]

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

From: Schwartz, Jonathan B

1

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

Sent: Thursday, June 03, 2010 3:04 PM
To: Pomper, Stephen E
Cc: Jacobson, Linda; Donoghue, Joan E; Prosser, Sarah E
Subject: Re: Blockade Precedent

Thanks. I meet with Israelis 8 am tomorrow.

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

From: Pomper, Stephen E
To: Schwartz, Jonathan B
Cc: Jacobson, Linda; Donoghue, Joan E; Prosser, Sarah E
Sent: Thu Jun 03 13:06:43 2010
Subject: Re: Blockade Precedent

Thanks Jon. I'll talk to Sarah re LTTE question and see what we can learn.

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

From: Schwartz, Jonathan B
To: Pomper, Stephen E
Cc: Jacobson, Linda; Donoghue, Joan E
Sent: Thu Jun 03 12:08:40 2010
Subject: Blockade Precedent

Steve - Israelis are asking whether Sri Lanka imposed blockade in LTTE controlled port (as a precedent for a blockade of a non-state belligerent.) Do we know? They also say this blockade began during Cast Lead January, 2009, as result of "new armed conflict" with Hamas. And they say all the passengers have been repatriated, mooted the issue of their legal status.

Jon

RELEASED IN PART B5,B6

Law, Rosemary C

From: Reynolds, Arlissa M
Sent: Tuesday, June 01, 2010 2:11 PM
To: Sayles, Ambrose G
Cc: Goldberger, Thomas H; Holmstrom, Todd C; Bernier-Toth, Michelle; Giauque, Ivna; Giauque, Jeffrey G; Jacobson, Linda; Schwartz, Jonathan B; Wills, Regina M; Lieberman, Jessica D (DRL); Ellis, Benjamin H; Waller, Robert P; Catalano, Elisa; Rana, Gautam A; Rand, Dafna H; Hoyer, Kurt J; Harutunian, Ruben; Morrison, Andrew L; Cooper, Kurtis A; Bass, Warren; Kornblau, Mark (USUN); 'Michael_A_Hammer@nsc.eop.gov'; 'Chang, Benjamin'; 'Hensman, Chris D.'; Pelton, Erin; Ratney, Michael A; Marchese, Gregory M; Rogan, Thomas G; Finver, Frank J
Subject: RE: FOR IMMEDIATE CLEARANCE: Israel/Palestinians: UPDATE Raid on Free Gaza Flotilla

Ambrose,
 I apologize for the lateness in responding.

B5

From: Goldberger, Thomas H
Sent: Tuesday, June 01, 2010 6:50 PM
To: Sayles, Ambrose G; Holmstrom, Todd C; Bernier-Toth, Michelle; Giauque, Ivna; Giauque, Jeffrey G; Jacobson, Linda; Schwartz, Jonathan B; Wills, Regina M; Lieberman, Jessica D (DRL); Ellis, Benjamin H; Waller, Robert P; Catalano, Elisa; Rana, Gautam A; Rand, Dafna H; Reynolds, Arlissa M; Hoyer, Kurt J; Harutunian, Ruben; Morrison, Andrew L; Cooper, Kurtis A; Bass, Warren; Kornblau, Mark (USUN); 'Michael_A_Hammer@nsc.eop.gov'; 'Chang, Benjamin'; 'Hensman, Chris D.'; Pelton, Erin; Ratney, Michael A
Subject: RE: FOR IMMEDIATE CLEARANCE: Israel/Palestinians: UPDATE Raid on Free Gaza Flotilla

B5
B6

From: Sayles, Ambrose G
Sent: Tuesday, June 01, 2010 11:39 AM
To: Holmstrom, Todd C; Goldberger, Thomas H; Bernier-Toth, Michelle; Giauque, Ivna; Giauque, Jeffrey G; Jacobson,

3
 REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

Linda; Schwartz, Jonathan B; Wills, Regina M; Lieberman, Jessica D (DRL); Ellis, Benjamin H; Waller, Robert P; Catalano, Elisa; Rana, Gautam A; Rand, Dafna H; Reynolds, Arlissa M; Hoyer, Kurt J; Harutunian, Ruben; Morrison, Andrew L; Cooper, Kurtis A; Bass, Warren; Kornblau, Mark (USUN); 'Michael_A._Hammer@nsc.eop.gov'; 'Chang, Benjamin'; 'Hensman, Chris D.'; Pelton, Erin; Ratney, Michael A

Subject: FOR IMMEDIATE CLEARANCE: Israel/Palestinians: UPDATE Raid on Free Gaza Flotilla

Importance: High

Hi Everyone –

Please clear the attached UPDATED press guidance re: Free Gaza Flotilla. Please note that this updates yesterday's press guidance and all updated sections are highlighted in yellow. Your clearance is appreciated by 12:15pm latest. This will need to get to PA ASAP for use by the Secretary and senior officials.

Thank you,
Ambrose

<< File: 060110-Israel-Palestinians - UPDATE Raid on Free Gaza Flotilla.docx >>

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 | ✉: saylesag@state.gov

Law, Rosemary C

RELEASED IN PART B5,B6

From: Rudman, Mara
Sent: Tuesday, June 08, 2010 4:00 PM
To: Jacobson, Linda
Subject: Re: Israeli paper

Who tells them that [REDACTED] won't exactly cut it as the American observer?

B6

From: Jacobson, Linda
To: Connelly, Maura; Rudman, Mara; Holmstrom, Todd C
Sent: Tue Jun 08 14:04:43 2010
Subject: FW: Israeli paper

From: Jacobson, Linda
Sent: Tuesday, June 08, 2010 12:16 PM
To: Donoghue, Joan E
Cc: Schwartz, Jonathan B; Harris, Robert K; Baumert, Kevin A; Dolan, JoAnn; Townley, Stephen G; Eichensehr, Kristen E; Aswad, Evelyn M; Banos, Mariano H; Gorove, Katherine M; Guarin, Marc F; Pomper, Stephen E
Subject: Israeli paper

Joan, for the 2:15-30 meeting, I've boiled the many technical comments of the group down to the following key ones:

Comments on paper:

B5

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

Law, Rosemary C

RELEASED IN PART B5

From: Sayles, Ambrose G
Sent: Friday, June 04, 2010 12:08 PM
To: Jacobson, Linda
Cc: Goldberger, Thomas H; Townley, Stephen G; Holmstrom, Todd C
Subject: RE: 060410-Israel-Palestinians - UPDATE on Free Gaza Flotilla with L-PM edits.docx

Thanks Linda –

I updated the first bullet. I saw the copy and paste jumble.

• 

B5

From: Jacobson, Linda
Sent: Friday, June 04, 2010 11:59 AM
To: Sayles, Ambrose G
Cc: Goldberger, Thomas H; Townley, Stephen G
Subject: 060410-Israel-Palestinians - UPDATE on Free Gaza Flotilla with L-PM edits.docx

Ambrose, some minor suggestions.

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

RELEASED IN PART B6

Law, Rosemary C

From: Sayles, Ambrose G
Sent: Tuesday, June 01, 2010 11:56 AM
To: Goldberger, Thomas H; Holmstrom, Todd C; Bernier-Toth, Michelle; Giauque, Ivna; Giauque, Jeffrey G; Jacobson, Linda; Schwartz, Jonathan B; Wills, Regina M; Lieberman, Jessica D (DRL); Ellis, Benjamin H; Waller, Robert P; Catalano, Elisa; Rana, Gautam A; Rand, Dafna H; Reynolds, Arlissa M; Hoyer, Kurt J; Harutunian, Ruben; Morrison, Andrew L; Cooper, Kurtis A; Bass, Warren; Kornblau, Mark (USUN); 'Michael_A._Hammer@nsc.eop.gov'; 'Chang, Benjamin'; 'Hensman, Chris D.'; Pelton, Erin; Ratney, Michael A
Subject: RE: FOR IMMEDIATE CLEARANCE: Israel/Palestinians: UPDATE Raid on Free Gaza Flotilla

Thanks. I am working on sorting it out the placing right now.

From: Goldberger, Thomas H
Sent: Tuesday, June 01, 2010 11:50 AM
To: Sayles, Ambrose G; Holmstrom, Todd C; Bernier-Toth, Michelle; Giauque, Ivna; Giauque, Jeffrey G; Jacobson, Linda; Schwartz, Jonathan B; Wills, Regina M; Lieberman, Jessica D (DRL); Ellis, Benjamin H; Waller, Robert P; Catalano, Elisa; Rana, Gautam A; Rand, Dafna H; Reynolds, Arlissa M; Hoyer, Kurt J; Harutunian, Ruben; Morrison, Andrew L; Cooper, Kurtis A; Bass, Warren; Kornblau, Mark (USUN); 'Michael_A._Hammer@nsc.eop.gov'; 'Chang, Benjamin'; 'Hensman, Chris D.'; Pelton, Erin; Ratney, Michael A
Subject: RE: FOR IMMEDIATE CLEARANCE: Israel/Palestinians: UPDATE Raid on Free Gaza Flotilla

I think we need to delink incident from the flotilla situation. I'm not sure that there's a direct connection

B6

From: Sayles, Ambrose G
Sent: Tuesday, June 01, 2010 11:39 AM
To: Holmstrom, Todd C; Goldberger, Thomas H; Bernier-Toth, Michelle; Giauque, Ivna; Giauque, Jeffrey G; Jacobson, Linda; Schwartz, Jonathan B; Wills, Regina M; Lieberman, Jessica D (DRL); Ellis, Benjamin H; Waller, Robert P; Catalano, Elisa; Rana, Gautam A; Rand, Dafna H; Reynolds, Arlissa M; Hoyer, Kurt J; Harutunian, Ruben; Morrison, Andrew L; Cooper, Kurtis A; Bass, Warren; Kornblau, Mark (USUN); 'Michael_A._Hammer@nsc.eop.gov'; 'Chang, Benjamin'; 'Hensman, Chris D.'; Pelton, Erin; Ratney, Michael A
Subject: FOR IMMEDIATE CLEARANCE: Israel/Palestinians: UPDATE Raid on Free Gaza Flotilla
Importance: High

Hi Everyone –

Please clear the attached UPDATED press guidance re: Free Gaza Flotilla. Please note that this updates yesterday's press guidance and all updated sections are highlighted in yellow. Your clearance is appreciated by **12:15pm latest**. This will need to get to PA ASAP for use by the Secretary and senior officials.

Thank you,
 Ambrose

<< File: 060110-Israel-Palestinians - UPDATE Raid on Free Gaza Flotilla.docx >>

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 | ✉: saylesag@state.gov

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

**UPDATED NEA Press Guidance
June 4, 2010**

RELEASED IN PART B6

Israel/Palestinians: UPDATE Free Gaza Flotilla

Key Message:

- **We deeply regret the tragic loss of life and injuries suffered among those involved in the incident aboard the Gaza-bound ships earlier this week.**
- **We remain deeply concerned by the situation in Gaza, including the humanitarian situation. 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 work of nongovernmental organizations, and its use and endorsement of violence, complicates efforts in Gaza. Mechanisms exist for the transfer of humanitarian assistance to Gaza by governments and groups that wish to do so. These mechanisms should be expanded to allow in all humanitarian items and be used by those organizations wishing to provide humanitarian assistance to the innocent people of Gaza.**
- **We expect the Israeli government to conduct a prompt, impartial, credible and transparent investigation conforming to international standards gets to all the facts surrounding this tragic incident. We are open to different ways of assuring a credible investigation, including international participation. We will continue to discuss these ideas with the Israelis and our international partners in the days ahead.**
- **This recent incident involving the Free Gaza flotilla underscores the need to move ahead quickly with negotiations that can lead to a comprehensive peace in the region and ultimately address issues such as the situation in Gaza.**

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

Q: Does the U.S. have any information or comment on the Irish ship on the way to face the blockade tomorrow? What action is the U.S. taking?

- **Any actions that could further complicate the situation and obstruct our ability to move towards a lasting solution should be based on established facts.**

Q: What discussions is the U.S. having with the Israelis on their actions to stop this ship? Did the U.S. talk to the Israelis before the flotilla arrived earlier this week?

- **We engaged with the Israelis, and continue to do so, on a daily basis and in multiple channels about the flotilla.**
- **The Defense Attaché's Office was in daily contact with the Israeli Navy for the past several weeks, and on numerous occasions delivered the message about the need for caution and restraint in dealing with civilians, including American citizens.**
- **Ambassador Cunningham delivered this message directly to the Prime Minister's office only a few days before the flotilla was intercepted. We are continuing to engage them regarding the two ships that are still on their way.**

Q: What ways are we recommending to Israel to address the Gaza blockade?

- **As Secretary Clinton said, the status quo 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 work with Israel, along with those in the international community who have direct interest in what happens in Gaza, to find ways to increase the amount of assistance entering Gaza, while also protecting Israel's security interest.**
- **This conflict can be solved only through an agreement based on a two-state solution negotiated between the parties. This incident underscores the need to move ahead quickly with negotiations that can lead to a**

comprehensive peace in the region and ultimately address issues such as the situation in Gaza.

Q: Can you confirm if there are any Americans onboard?

- The Free Gaza Movement in Washington, DC has informed us that there are no Americans presently onboard. We are working diligently to confirm this information.**

Q: Are Turkish warships accompanying the ship?

- Embassy Ankara has informed us that the Turkish Ministry of Foreign Affairs firmly denies press reports that Turkish frigates are escorting the Rachel Corrie.**

Q: What is the latest on the overall investigation? Has it started? Who is involved?

- As the President said, we are calling for an effective investigation of everything that happened.**
- This is a very difficult situation that requires careful, thoughtful responses from all concerned.**
- We expect the Israeli government to conduct a prompt, impartial, credible and transparent investigation conforming to international standards gets to all the facts surrounding this tragic incident. We are open to different ways of assuring a credible investigation, including international participation. We will continue to discuss these ideas with the Israelis and our international partners in the days ahead.**

Q: What happened at the emergency meeting at the UN earlier this week in regards to the above incident? What specific proposal did Turkey put forward? Will the U.S. support any action against Israel?

- The UN Security Council Presidential Statement – which was adopted by consensus – regretted loss of life, took note of the Secretary General's call for an investigation, called for a prompt, impartial, credible and transparent investigation conforming to international standards, noted the situation in Gaza is unsustainable, and underscored the need to**

realize a two state solution to the Palestinian-Israeli conflict.

Q: What is the current status of U.S. citizens involved in the "Free Gaza" flotilla?

- All identified U.S. citizens have been deported to either Greece or Turkey. Embassy officials are providing consular assistance as appropriate to all U.S. citizens involved with the flotilla.**
- We refer individuals to our Travel Warning for Israel, the West Bank and Gaza in which we urge U.S. citizens to avoid all travel to the Gaza Strip.**

Q: What information do you have about the U.S.-Turkish dual national who was killed during the raid on the flotilla? About any other injured Americans?

- We can confirm that Furkan Dogan, a U.S.-Turkish dual national, was among those killed in the raid on the Free Gaza flotilla.**
- Our mission in Turkey has been in contact with his family and is providing consular assistance. Yesterday, our consular officer met with the father and offered our heartfelt condolences to his family.**
- Ambassador Jim Jeffrey has also reached out to the family to express our heartfelt condolences.**
- We will carefully evaluate all the information that we can gather about the circumstances of his death.**
- We are also mindful that [REDACTED] a U.S. citizen, has sustained a serious injury while participating in a West Bank protest. She is still in the hospital receiving proper treatment.**
- We are also aware that one additional American citizen sustained some injuries on board one of the ships and we are looking out for him as well.**

Q: What is the U.S. response to the presence of high profile Americans (former U.S. government officials, etc.) in the "Free Gaza" flotilla?

B6

- American participants in the "Free Gaza" flotilla are private citizens, not representatives of the U.S. government.

+++++

Background:

Text of PRST:

**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.

Drafted by: NEA/PPD: A Sayles, 74184

Approved by:	USUN: S Rice	ok
	NEA/FO: M Connelly	ok
	EUR/FO: T Kaidanow	ok
	PA/FO: J Prince	ok
	L/FO: J Schwartz	ok

Cleared by:	NEA/IPA: T Goldberger	ok
	NEA/IPA: T Holmstrom	ok
	NEA/PPD: E Pelton	ok
	CA/OCS/ACS: M Bernier-Toth	ok
	CA/OCS/ACS/NESCA: V Lopatkiewicz	ok
	CA/P: R McCray	ok
	EUR/SE: J Baily	ok
	L/AN: L Jacobson	ok
	L/AN: J Dolan	ok
	PRM: M Ramgoolie	ok
	DRL: J Lieberman	ok
	EUR: B Ellis	info
	P: E Catalano	ok
	S/P: D Rand	ok
	D(S): G Rana	ok
	CG Jerusalem: A Reynolds	ok
	Emb Tel Aviv: R Harutunian	ok
	Emb Tel Aviv: K Hoyer	ok
	IO/UNP: M Garuckis	ok
	IO/UNP: A Morrison	ok
	IO/PAO: K Cooper	ok
	USUN/W: W Bass	ok
	USUN/NY: M Kornblau	ok
	NSC: M Hammer	info

RELEASED IN PART B5

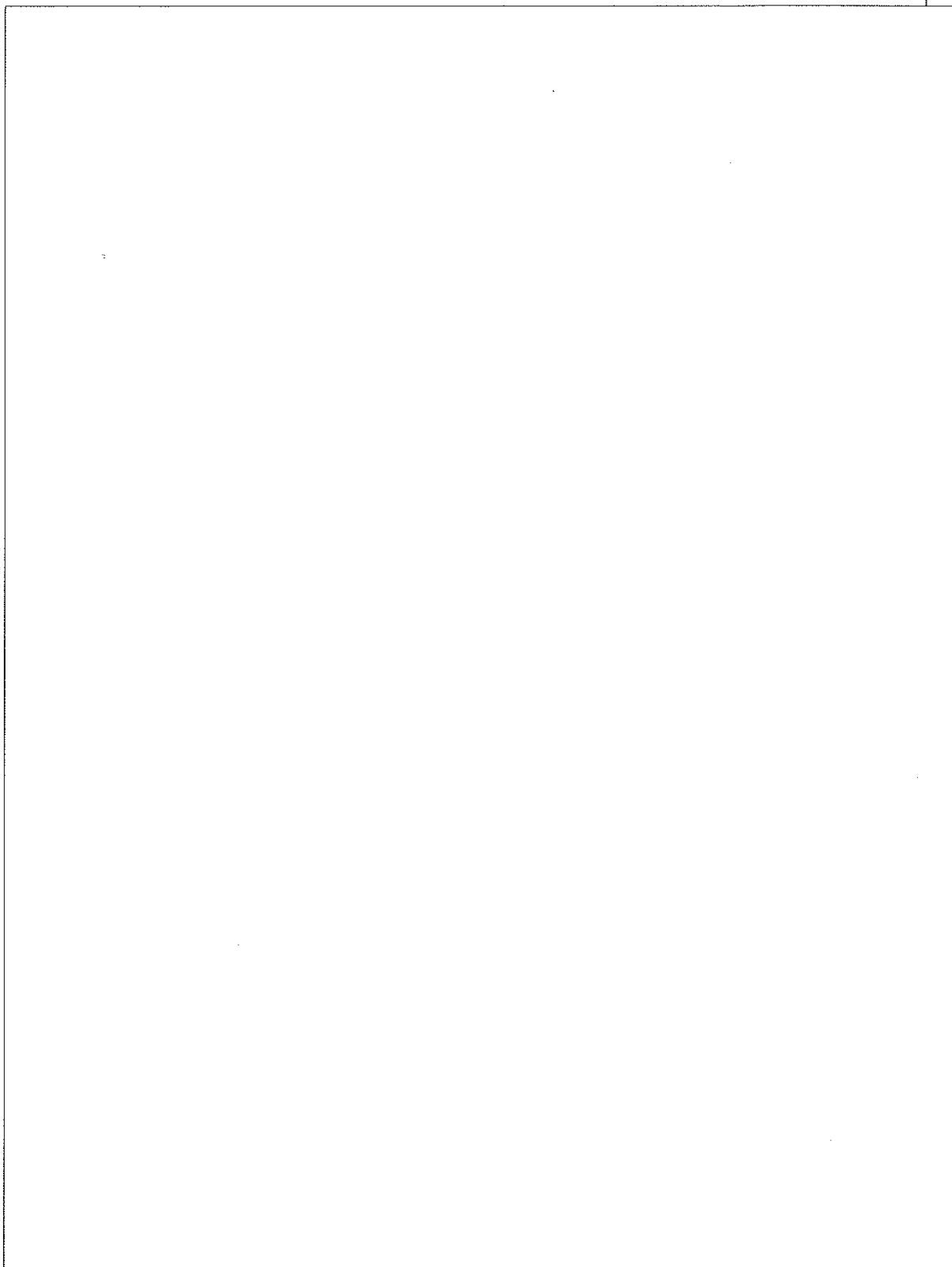
NEA Press Guidance
June 1, 2010

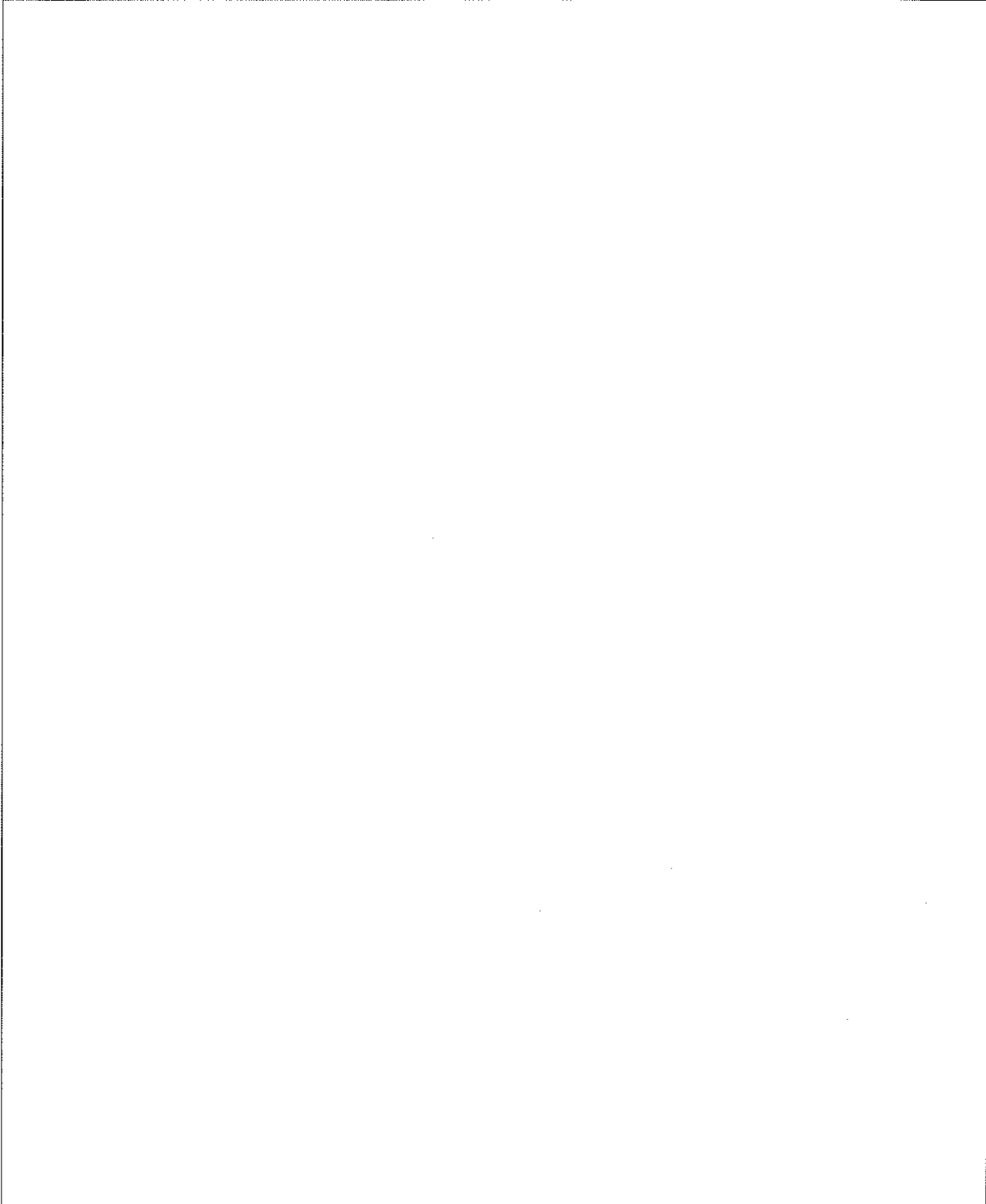
Israel/Palestinians: UPDATE Raid on Free Gaza Flotilla

B5

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

B5





B5

Background:*Text of PRST:***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 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 for 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.

Drafted by: NEA/PPD: A Sayles, 74184

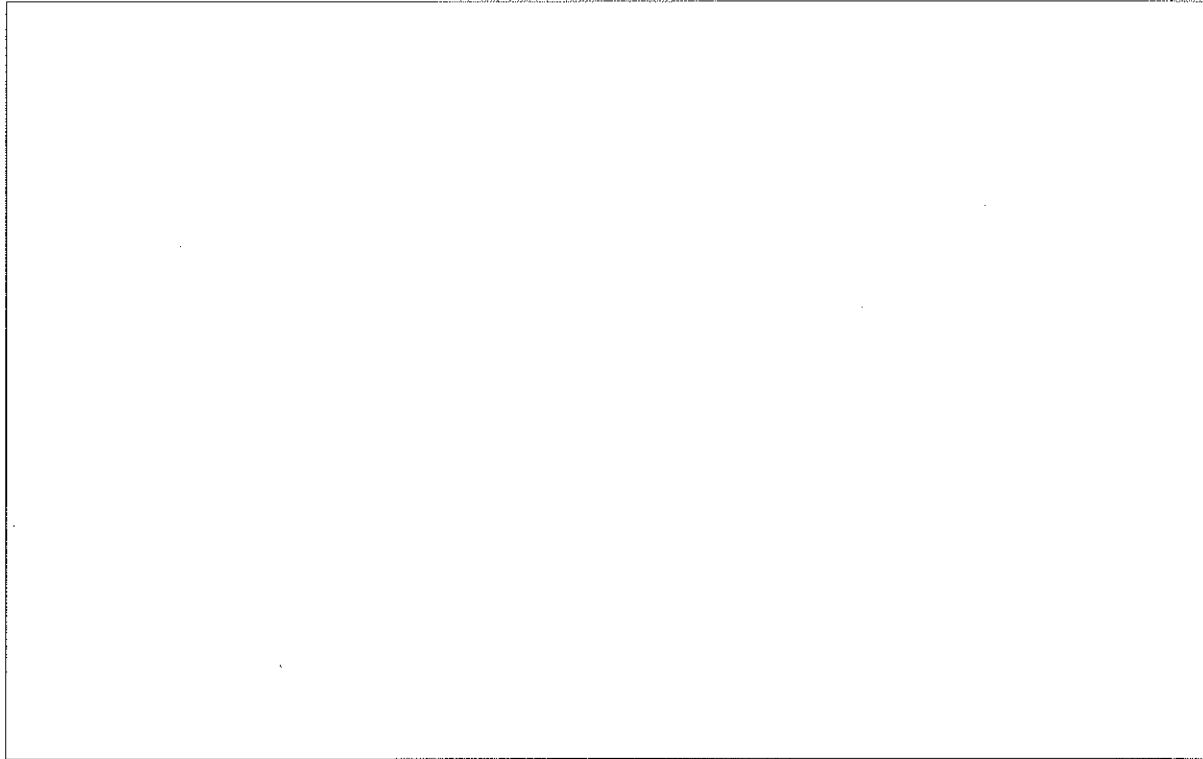
Approved by: D(S): J Steinberg
NEA/FO: J Feltman
NEA/FO: M Connelly
SEMEP: D Hale
L/FO: J Schwartz

Cleared by: NEA/IPA: T Holmstrom
NEA/PPD: M Ratney
CA/OCS/ACS: M Bernier-Toth
CA: I Giauque
L/AN: L Jacobson
PRM: R Wills
DRL: J Lieberman
EUR: B Ellis
P: R Waller
S/P: D Rand
D(S): G Rana
CG Jerusalem: A Reynolds
Emb Tel Aviv: R Harutunian
IO/UNP: A Morrison
IO/PAO: K Cooper
USUN/W: W Bass
USUN/NY: M Kornblau
NSC: M Hammer

RELEASED IN PART B5

**NEA Press Guidance
May 31, 2010**

Israel/Palestinians: Raid on Free Gaza Flotilla



B5

Q: [Redacted]
[Redacted]

- [Redacted]
- [Redacted]

Q: [Redacted]
[Redacted]

- [Redacted]

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

B5

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Q:

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Drafted by: NEA/PPD: A Sayles, 74184

Approved by: D(S): J Steinberg
NEA/FO: J Feltman
NEA/FO: M Connelly
SEMEP: D Hale
SEMEP: M Rudman
L/FO: J Schwartz

Cleared by: NEA/IPA: T Goldberger
NEA/IPA: T Holmstrom
NEA/PPD: M Ratney ok
CA/OCS/ACS: M Bernier-Toth
L/AN: L Jacobson
P: R Waller
S/P: M Fuchs
D(S): G Rana
CG Jerusalem

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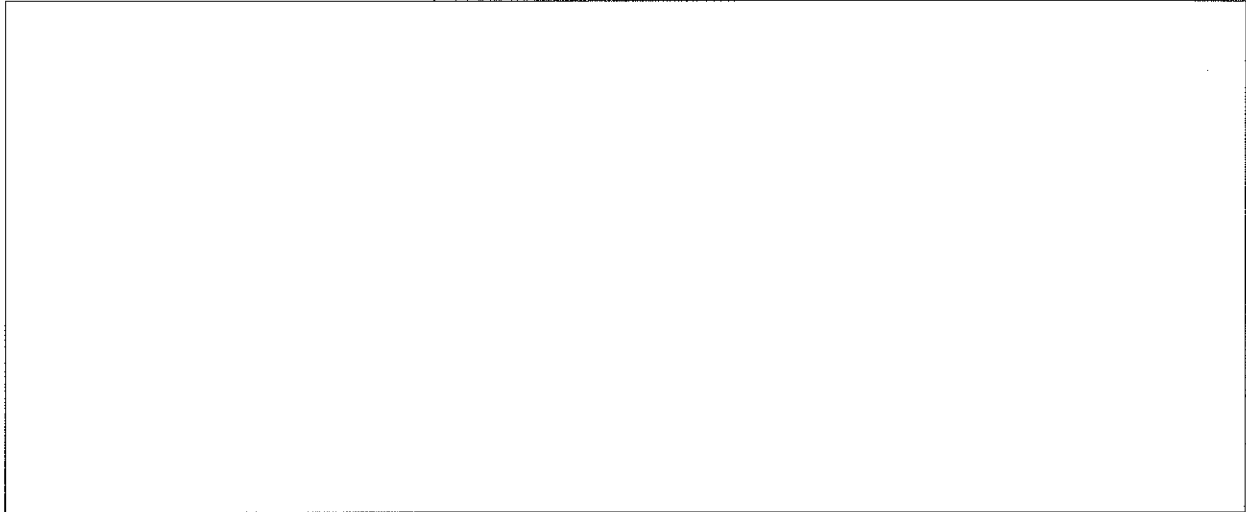
U.S. DEPARTMENT OF STATE
Office of the Spokesman

For Immediate Release
2010/

May 31, 2010

DRAFT STATEMENT BY PHILIP J. CROWLEY,
ASSISTANT SECRETARY OF STATE FOR PUBLIC AFFAIRS

Free Gaza Flotilla



B5

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

Drafted by: NEA/PPD: M Ratney

Approved by: D(S): J Steinberg
NEA/FO: J Feltman
NEA/FO: M Connelly
SEMEP: D Hale
SEMEP: M Rudman

ok
ok

Cleared by: NEA/IPA: T Goldberger
NEA/IPA: T Holmstrom
NEA: A Djerassi
CA/OCS/ACS: M Bernier-Toth
P: R Waller
D(S): G Rana
CG Jerusalem

ok
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RELEASED IN FULL**Law, Rosemary C**

From: Schwartz, Jonathan B
Sent: Monday, June 14, 2010 6:30 PM
To: Dolan, JoAnn; Jacobson, Linda; Harris, Robert K; Pomper, Stephen E; Perina, Alexandra H; Banos, Mariano H
Cc: Sachar, Alon (NEA/IPA)
Subject: FW: UN SYG's Spokesman on Gaza flotilla investigation

From: McLeod, Mary (USUN)
Sent: Monday, June 14, 2010 6:26 PM
To: Schwartz, Jonathan B; Townley, Stephen G; Gorove, Katherine M; Donoghue, Joan E
Subject: Fw: UN SYG's Spokesman on Gaza flotilla investigation

From: Schedlbauer, Amy W
To: Wolff, Alex D (USUN); Barks-Ruggles, Erica J; Anderson, Brooke D (USUN); Cousens, Elizabeth (USUN)
Cc: Chang, Min (USUN); Delaurentis, Jeffrey A (USUN); Masilko, Barbara J (USUN); Germain, Ellen J (USUN); Bass, Warren; Clark, Linda R (USUN); McLeod, Mary (USUN)
Sent: Mon Jun 14 18:20:31 2010
Subject: FW: UN SYG's Spokesman on Gaza flotilla investigation

The SYG's spokesman did make the following comments today about the Gaza flotilla investigation which I've shared with the Department.

This email is UNCLASSIFIED.

From: Schedlbauer, Amy W
Sent: Monday, June 14, 2010 6:19 PM
To: NEA-SEMEP-DL; NEA-IPA-DL; Morrison, Andrew L; Naranjo, Brian R; Bass, Warren; Ostermeier, Amy A; 'Scott_W_Busby@nss.eop.gov'; Kumar, Prem G.
Cc: Masilko, Barbara J (USUN); Powell, Catherine; Rand, Dafna H; Sievers, Marc J; Levin, Jan; Baily, Jess L; Waters, John R; Pilz, Amanda C
Subject: UN SYG's Spokesman on Gaza flotilla investigation

From today's noon UN Press briefing:

<http://www.un.org/News/press/docs/2010/20100614.unsyg.spokesman.gaza.flotilla.investigation.shtml>

SECRETARY-GENERAL'S PROPOSAL FOR INVESTIGATION INTO 31 MAY INCIDENT REMAINS ON THE TABLE

- Asked about the Israeli announcement on their inquiry into the 31 May flotilla incident, the Spokesperson said that a thorough Israeli investigation is important and could fit with the Secretary-General's proposal, which would fully meet the international community's expectation for a credible and impartial investigation.

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

- The Secretary-General's proposal for an international inquiry remains on the table, Haq said, and he hopes for a positive Israeli response.
- He added, in response to further questions, that the Secretary-General believed that an international investigation would meet the criteria set forth in the Security Council's 1 June Presidential Statement for an investigation that is thorough, prompt, impartial and credible.
- At the same time, the Secretary-General has repeatedly stressed the need for an Israeli accounting of the incident.
- Asked why the Secretary-General believes the door remains open for Israeli acceptance of an international inquiry, the Spokesperson said that the Secretary-General's contacts on the issue have continued. In discussions with Israeli officials, including the Foreign Minister, the Secretary-General's proposals have not been rejected.
- At the same time, Haq said, with discussions on the initiative continuing, no final proposal has been formally conveyed to the parties.

Amy Schedlbauer
Political Officer
United States Mission to the United Nations
tel: 212-415-4226 fax: 212-415-4415 cell: 646-510-0038
www.usun.state.gov
Follow us on Twitter and Facebook

This email is UNCLASSIFIED.

RELEASED IN FULL

Law, Rosemary C

From: Schwartz, Jonathan B
Sent: Monday, June 07, 2010 2:17 PM
To: Jacobson, Linda; Dolan, JoAnn
Subject: FW: An Ambush at Sea: Understanding the Gaza Flotilla Operation (PolicyWatch #1665 by Jeffrey White)
Attachments: image001.png

From: Michael Eisenstadt [mailto:Michael_Eisenstadt@washingtoninstitute.org]
Sent: Monday, June 07, 2010 2:14 PM
To: Schwartz, Jonathan B
Subject: An Ambush at Sea: Understanding the Gaza Flotilla Operation (PolicyWatch #1665 by Jeffrey White)



Follow the Institute on

PolicyWatch #1665

An Ambush at Sea: Understanding the Gaza Flotilla Operation

By Jeffrey White
 June 7, 2010

Something has been lost in the heated discussion surrounding the Gaza "freedom flotilla" incident -- namely, an assessment of what actually happened before and during the Israeli operation. Dissecting the incident's serious consequences is important, as is debating alternative Israeli options or questions of international law. But responding intelligently to the event requires a better understanding of the operational details -- that is, how the Israel Defense Forces Navy (IDFN) and its violent opponents conducted themselves.

Two dramatically different narratives of the May 31 operation have already emerged. One is that of an Israeli "assault" on the flotilla and the "massacre" of "peace activists." This narrative has been adopted wholesale by much of the world without critical scrutiny, let alone analysis. The other narrative, put forth by the Israelis, is of a naval operation that went bad when the boarding parties were violently attacked on one of the six ships.

This story is far from over. However, video footage provided by the Arab media and the IDF, as well as accounts by Israeli commando personnel and non-Israeli reporters and activists on the ships, have provided greater clarity on what happened on the *Mavi Marmara*, and why it happened the way it did.

The Challenge

In the lead-up to the violent incident, six ships carrying a collection of European leftists, humanitarians, radical Palestinians, and Turkish Islamists attempted to run the Israeli blockade. This coalition of "peaceful activists" had definite goals in mind. If they failed to run the blockade, they intended to create an incident that would embarrass the Israelis. Some of the Islamists expressed a desire or willingness to become martyrs. It now seems clear that within the overall group of activists, and concentrated on one ship, was a sub-element that hoped to spark a very public and violent clash with the IDFN.

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

Israel faced the dilemma of properly responding to this challenge. On one hand, if the IDFN did nothing, the blockade would be breached, massively and publicly. This would have been a substantial victory for Hamas, no doubt to be followed by additional attempts. On the other hand, launching a naval action to stop, board, and divert the flotilla ran the risk of potential violence. This risk would have been real even if the Israelis had waited until the ships were no longer in international waters, as some have suggested they might have done. Reportedly, other options were considered, including disabling the ships, but these, too, posed diplomatic risks and dangers for the ships and passengers. In the end the decision was to stop, board, and divert in international waters.

The Assessment

Judging from the available evidence, both the activists and the IDFN had clear conceptions about how this event would unfold, and they prepared accordingly. First, it is important to distinguish between the activists. The primary concern for the purposes of this discussion is the radical activists -- a sizable minority who were prepared to fight the IDFN. This element was prepared to carry out a quasi military-style ambush of the boarding forces. They were organized, armed, and equipped for fighting. They exhibited purposeful behavior, and they executed their violent actions under direction.

The Israelis seemed to define the situation as one of crowd or riot control, believing that any violence would be similar to that seen in West Bank demonstrations (e.g., stone throwing, spitting, shoving). This does not mean that they thought the mission would be an easy one.

The Forces

The radical activists on the *Mavi Marmara* reportedly numbered between 60 and 100. Prior to the boarding operation, they appeared to organize themselves into cells stationed primarily on the upper deck. The cells were to be employed against Israeli forces boarding from helicopters and speedboats.

These forces had equipment appropriate to their missions. Envisioning a close battle, many had handheld weapons such as knives, metal rods, clubs, firebombs, steel chains, and slingshots. Others had anti-boarding equipment, including hooks, saws, and poles, to fend off Israeli forces. It is unclear whether they initially had any firearms, although during the postincident search of the ship the Israelis found some evidence of this.

Videos from Arab media, taken while the flotilla was preparing to sail, indicate that some passengers were in a combative state of mind, singing jihadist songs, proclaiming readiness for martyrdom, and voicing Islamist slogans. And the ferocity of the attack on the Israeli naval commandos shows that the radical activists were ready to act on this sentiment.

On the Israeli side, the IDFN deployed a small flotilla of missile craft and patrol boats, with naval commandos of Shayetet 13 serving as the primary boarding force. The navy had time to prepare for the action -- intelligence assets had been monitoring the "peace flotilla" for days, and boarding rehearsals were conducted. The IDFN reportedly knew that the *Mavi Marmara* had a radical element on board and concentrated its attention on that ship.

Based on comments by Israeli participants in the action, the rules of engagement (ROE) apparently focused on minimal use of force, not overreacting to provocation and not shooting unless facing an immediate deadly threat. At least some of the boarding forces were equipped with riot-control weapons (paintball guns, stun/tear gas grenades) and carried semiautomatic pistols. Again, the state of mind among IDFN forces apparently was that this was not a combat action. This is clearly evident in how the boarding forces and those watching from other ships reacted with surprise and shock to the radical activists' assault.

The Fight

The IDFN had good military reasons for conducting the operation when and where it did. First, Israeli forces had the advantage of good night-vision capabilities. Boarding at night also increased the probability that most of the passengers would be asleep in their cabins and away from the immediate action. That seems to have been the case on some of the ships.

As for location, the operation was carried out some eighty miles off the coast, far enough away to reduce the chances of observation or interference by other parties. In addition, as the flotilla approached Gaza, tension and alertness among the participants would likely have increased. Moreover, waiting until the flotilla was within the twenty-mile blockade zone might

not have given the navy enough time to complete the process of warning, boarding, and taking control of the ships.

The actual fighting involved only the *Mavi Marmara*, the largest of the group with as many as 700 passengers. The boarding was carried out from both helicopters and speedboats.

There is clear evidence from the available videos that the commandos took a noncombat approach. Although some activists claim the ship was fired on from the sea or from helicopters, there was no visible preparatory fire by lethal weapons to clear the decks. It is very unlikely that those activists seen waiting for the Israelis to board would have been exposed in the open if they had been under fire.

The fighting can be separated into two actions: the main one on the upper deck against the commandos landing from helicopters, and one against forces boarding from speedboats. In both cases, the evidence indicates that the radical activists initiated the fighting.

Some forty or more activists reportedly engaged the heliborne commandos. According to Israeli participants in the fight, these activists were organized into cells. IDF video footage shows commandos fast-roping to the upper deck via helicopter with their weapons stowed. They continued to come down one by one, even in the face of assaults. Further footage and firsthand accounts from commandos depict an organized effort to seize the boarders and beat them with clubs, steel rods, knives, and other weapons. The activists also used at least one Molotov-cocktail-type device and a stun grenade. Throughout the available footage, Israeli commandos are clearly seen simply trying to stay alive. Three or four of the commandos were seized and taken below decks, according to IDF reports and news reporters' accounts, but were reunited with their comrades as the commandos took control of the ship.

IDF video also shows significant violent resistance by activists to the boarding from speedboats, including the use of a stun grenade, employment of fire hoses, and the wielding of clubs and chains. Video from a ship security camera supports this assessment. For example, one can see an organized cell with a leader giving direction; preparation for combat, including the issuing of weapons and donning of gas masks; employment of slingshots and other weapons before any Israeli soldiers can be seen on deck; no evidence of any live fire by Israelis before the activists take action; and no women, children, or elderly individuals present.

The commandos initially seemed to use minimal force. Arab media video footage shows some of them carrying riot-control weapons, and various personnel reported shooting paintballs at activists' legs. In a postincident interview, one of the *Mavi Marmara* passengers stated: "At first they used stun grenades, tear gas grenades, and rubber bullets." What reportedly triggered the use of lethal force was the activists' gunfire, with weapons either taken from seized commandos or already in their possession. Israeli fire killed nine -- by Israeli accounts all of them radical activists involved in the assault -- and wounded thirty or more. Most of the deaths reportedly occurred during one violent assault on the commandos, during which six of the nine were killed by close-range pistol shots. According to the Turkish autopsy report, all of the activists were killed by 9 mm ammunition, indicating that the commandos did not employ assault rifles or machineguns. The close-range nature of the wounds to the nine killed also suggests that there was no fire from Israeli helicopters or ships. Seven Israelis were wounded, two seriously. Israeli commando injuries included gunshot and knife wounds, and blunt force trauma from clubs.

Conclusions

The IDFN did not set out for a bloody confrontation, but it ended up in one. For their part, a core group of radical activists clearly appear to have planned on a bloody incident and got what they wanted. Yet much of the world has uncritically accepted the narrative of Israeli "assault" and "massacre."

The IDFN did not "assault" the ship -- they attempted to board a noncompliant vessel and to take control of it, if need be, using crowd- and riot-control tactics. They had not planned on engaging in close combat, and they acted accordingly until attacked. No one can look at the video of Israeli forces reacting to the first violent acts without noting their surprise and shock. And no one can look at this footage and reasonably label the resistance passive or peaceful. This was a well-planned ambush, another case of extremists hiding behind civilians to conduct an attack, and completely in keeping with the asymmetric way in which groups like Hamas wage war. Israel's opponents will likely attempt to employ such tactics again in the hope of breaking the Gaza blockade.

Jeffrey White is a defense fellow at The Washington Institute, specializing in the military and security affairs of the Levant.

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RELEASED IN FULL**Law, Rosemary C**

From: Schwartz, Jonathan B
Sent: Tuesday, June 01, 2010 10:10 AM
To: Dolan, JoAnn
Cc: Jacobson, Linda; Goldberger, Thomas H
Subject: FW: Situation Report No. 3 - Gaza Flotilla (SBU)

Note the name of the straggler ship!

From: OpsAlert
Sent: Tuesday, June 01, 2010 5:31 AM
Subject: Situation Report No. 3 - Gaza Flotilla (SBU)

SENSITIVE BUT UNCLASSIFIED

SITUATION REPORT No. 3

Gaza Flotilla Monitoring Group MGGZ01

Tuesday, June 1, 2010
 0530 EDT

STATUS OF AMERICAN CITIZENS

(SBU) Embassy Tel Aviv expects to visit shortly the nine American citizens detained on June 1. We have no reports of any deaths or serious injuries involving American citizens on the flotilla, although one was injured while taking part in a protest in Jerusalem and has been hospitalized. No additional Americans have been deported. *(MGGZ01/Embassy Tel Aviv e-mail)*

ADDITIONAL FREE GAZA SHIP EN ROUTE

(SBU) A final ship in the flotilla, the Cambodian-flagged *MV Rachel Corrie*, is traveling through the Mediterranean from Ireland. It is anticipated the ship will approach Gaza June 3. The Israeli government has not determined how it will respond.
(MGGZ01/Embassy Tel Aviv e-mail)

MAJORITY OF PASSENGERS NOW IN ISRAELI DETENTION

(U) Approximately 480 passengers are now in Israeli detention and 48 have been deported to their home countries. *(jpost.com)*

ISRAELI ARABS CALL GENERAL STRIKE

(U) Israeli Arab leaders have called for a general strike, which is expected to impact many communities in the north of Israel. *(MGGZ01/Embassy Tel Aviv e-mail)*

INTERNATIONAL ORGANIZATIONS

- (U) The UN Security Council adopted a Presidential Statement that expresses deep regret 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." The statement requests a prompt investigation by Israel and the immediate release of the detainees and ships. *(MGGZ01/USUN e-mail)*
- (SBU) The UN Human Rights Council convened a general debate at 0400 EDT to discuss the Israeli response to the flotilla. *(MGGZ01/USUN Geneva e-mail)*

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

- (SBU) At Turkey's request, the North Atlantic Council will meet at 0830 EDT in Brussels. They may seek a statement along the lines of the UNSC statement. *(MGGZ01/USNATO telcon)*

WASHINGTON MEETINGS WITH FM DAVUTOGLU

(SBU) Both Secretary Clinton and NSA Jones will meet with Turkish FM Davutoglu June 1, following his arrival from New York. *(MGGZ01/Turkey Desk e-mail)*

INTERNATIONAL REACTION

- (SBU) Palestinian Territories: Small demonstrations are occurring throughout the West Bank and Gaza. *(Jerusalem 922)*
- (U) Australia: PM Rudd condemned "any use of violence under the sorts of circumstances we have seen" and called for the lifting of the blockade of Gaza. *(abc.net.au)*
- (U) China: The Chinese Foreign Ministry expressed shock at the Israeli attack and urged Israel to seriously implement UN Security Council resolutions and improve the humanitarian situation in Gaza. *(chinadaily.com.cn)*
- (U) Pakistan: President Zardari issued a statement describing the incident as "brutal and inhuman." *(dailytimes.com.pk)*

For more information on the Gaza Flotilla, please see the Ops portal at the following link:

http://www.intelink.gov/wiki/Portal:Gaza_Flotilla_2010

Drafted: WJReisser

Approved: PSlattery

Dist: State (all bureaus), NSS, OSD, NMCC, JCS, CIA, OSC, NCTC, DHS

SENSITIVE BUT UNCLASSIFIED

RELEASED IN FULL

Law, Rosemary C

From: Schwartz, Jonathan B
Sent: Monday, June 14, 2010 3:42 PM
To: Harris, Robert K; Gorove, Katherine M; Jacobson, Linda; Dolan, JoAnn; Banos, Mariano H; Pomper, Stephen E; Perina, Alexandra H
Cc: Johnson, Clifton M
Subject: FW: Israeli Government decision establishing Independent Public Committee
Attachments: Flotilla - Commission - Gov Decision - ENG.docx

From: McLeod, Mary (USUN)
Sent: Monday, June 14, 2010 3:38 PM
To: Schwartz, Jonathan B; Townley, Stephen G; Donoghue, Joan E
Subject: Fw: Israeli Government decision establishing Independent Public Committee

In case you haven't seen this yet.

From: Schedlbauer, Amy W
To: Masilko, Barbara J (USUN); Germain, Ellen J (USUN); McLeod, Mary (USUN); Wolff, Alex D (USUN); Bass, Warren; Barks-Ruggles, Erica J; Anderson, Brooke D (USUN); Cousens, Elizabeth (USUN); Delaurentis, Jeffrey A (USUN)
Cc: Clark, Linda R (USUN); Chang, Min (USUN)
Sent: Mon Jun 14 15:33:02 2010
Subject: Israeli Government decision establishing Independent Public Committee

Here's the decision, as received from the Israeli mission.

This email is UNCLASSIFIED.

Government Establishes Independent Public Committee
(Communicated by the Prime Minister's Office)

At the start of the 57th Government Meeting, the Prime Minister said:

"In consultation with Justice Minister Yaakov Neeman and Attorney General Yehuda Weinstein, I am, today, submitting to the Cabinet a draft decision on establishing a special, independent public commission to inquire into the events of 31.5.10.

Two main principles guided us in proposing the establishment of the commission. First is maintaining IDF soldiers' freedom of action and the credibility of the IDF investigation. According to the proposal, except for IDF Chief-of-Staff Lt.-Gen. Gaby Ashkenazi, IDF soldiers will not testify before the Commission. The IDF, via the team – chaired by Maj.-Gen. (ret.) Giora Eiland – that Chief-of-Staff Lt.-Gen. Ashkenazi has established will transfer to the Commission the summaries of its operational investigations.

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

The second principle that guided us is providing a credible and convincing response to the responsible countries in the international community about the events, especially in the context of international law. I am convinced that the Commission's uncovering of the facts will prove that the goals and actions of the State of Israel and the IDF were appropriate defensive actions in accordance with the highest international standards.

I estimate that the Cabinet's decision this morning to establish a special, independent public commission will make it clear to the entire world that the State of Israel acts according to law, transparently, and with full responsibility."

=====

The Minister of Justice and the Attorney-General presented the Government with a resolution regarding appointing an independent public committee, headed by Emeritus Supreme Court Judge, Yaakov Terkel, to examine the events at sea of May 31, 2010. After the Government discussed the resolution, it decided unanimously:

1. To appoint an independent public Commission, headed by former Supreme Court Justice, Jacob Turkel, to examine the aspects set out herein relating to the actions taken by the State of Israel to prevent vessels from reaching the coast of the Gaza Strip on 31 May 2010 (hereinafter: the Commission).

2. The composition of the Commission:

Members:

Justice (Ret.) Jacob Turkel, Chairperson
Shabtai Rosenne, Member
Amos Horev, Member

Two observers will be appointed to the Commission as detailed in paragraph 3:

3. In light of the exceptional circumstances of the incident, it was decided to appoint two foreign experts who will serve as observers that will take part in the hearings and deliberations of the Commission, although they will not have the right to vote in relation to the proceedings and conclusions of the Commission.

Lord David Trimble, Observer
Ken Watkin, Observer

4. The Commission will submit its conclusions on the question of whether the actions set out in paragraph 1 and their objectives, as well as additional matters involved therein, were in conformity with the rules of international law.

For this purpose, the Commission will address the following issues:

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.

5. 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.

6.

a) The Commission may request any individual or entity, whether Israeli or foreign, to testify before it or to provide information to it by other means, on matters which the Commission believes to be relevant to its proceedings.

b) Every relevant governmental body will cooperate fully with the Commission and will make available to the Commission information and documents required by it for the purposes of performing its function, including through testimony before the Commission.

c) Notwithstanding the above in subsections (a) and (b), with regard to its examination of the military actions set out in paragraph 4(b) of this resolution, in respect of personnel of the military and other security forces the Commission will operate exclusively in the following manner: it will receive for its review the documents it requires and will also be able to request from the Head of the Military Investigative Team authorized by the IDF Chief of the General Staff to transfer for its review the summary findings of the operational investigations carried out following the incident.

If after reviewing the said summary findings of the operational investigations the Commission considers that there exists a need for more in-depth or broader investigations, it will be able to request from the Head of the Military Investigative Team authorized by the IDF Chief of General Staff to issue an order to do so, and to transfer for the review of the Commission the summary findings of the operational investigations to be gathered in this context.

d) However, notwithstanding the above in subsection (c), the Commission may request any information from the Prime Minister, the Minister of Defence, other Ministers and the IDF Chief-of-Staff, including through testimony before the Commission.

7. The Commission will establish its own schedule and method of work. Commission hearings will be public or closed, as will be determined by the Commission. However, the Commission will not hold a public hearing if such a hearing could endanger national security or the State's foreign relations, or if in the view of the Commission another legal reason exists to this effect.

8. The Commission Chairperson may determine that certain documents or certain information will not be made available to the Observers, if he/she believes that revealing such information to them is almost certain to cause substantial harm to national security or to the State's foreign relations.

9. The Commission may authorize qualified persons to gather material needed for the work of the Commission and to assist the Commission in its duties.

10. Upon completion of its work, the Commission will submit to the Government, by way of the Prime Minister, a report.

11. The Commission will publish its report soon after its submission to the Government. However, those sections of the report with regard to which the Commission is convinced, after hearing the

opinion of the authorized bodies, that their publication could cause substantial harm to national security, foreign relations, or the well-being or privacy of an individual, or to confidential operational methods of an authorized entity, will not be published.

12. Upon completion of its work, the Commission will deposit all of the minutes of its proceedings, as well as all of the material brought before it, in the State archive.

13. The Ministry of Finance will provide the Commission with a budget for employing assistance staff, the scope of which will be determined by the Commission, in accordance with its needs, as determined by the Commission. In addition, the Office of the Prime Minister will provide the Commission with all the means required by it to carry out its duties.

14. The Government takes note of the statement of the Attorney General that in light of the vital public interest in allowing the Commission to seek the truth, law enforcement agencies will not make use of testimonies given before the Commission or before those individuals tasked with collecting information for the Commission, as evidence in a legal proceeding.

מח' מידע ואינטרנט – אגף תקשורת
14 יוני 2010

RELEASED IN FULL

בלמ"ס/מיידי

אל: כל הנציגויות

דע: תפוצת הסברה

מאת: מח' מידע ואינטרנט – אגף תקשורת

הנדון: ועדת הבדיקה לאירועי המשט – סיכום ישיבת הממשלה 14.6 – אנגלית

14 June 2010

Government Establishes Independent Public Committee
(Communicated by the Prime Minister's Office)

At the start of the 57th Government Meeting, the Prime Minister said:

"In consultation with Justice Minister Yaakov Neeman and Attorney General Yehuda Weinstein, I am, today, submitting to the Cabinet a draft decision on establishing a special, independent public commission to inquire into the events of 31.5.10.

Two main principles guided us in proposing the establishment of the commission. First is maintaining IDF soldiers' freedom of action and the credibility of the IDF investigation. According to the proposal, except for IDF Chief-of-Staff Lt.-Gen. Gaby Ashkenazi, IDF soldiers will not testify before the Commission. The IDF, via the team – chaired by Maj.-Gen. (ret.) Giora Eiland – that Chief-of-Staff Lt.-Gen. Ashkenazi has established will transfer to the Commission the summaries of its operational investigations.

The second principle that guided us is providing a credible and convincing response to the responsible countries in the international community about the events, especially in the context of international law. I am convinced that the Commission's uncovering of the facts will prove that the goals and actions of the State of Israel and the IDF were appropriate defensive actions in accordance with the highest international standards.

I estimate that the Cabinet's decision this morning to establish a special, independent public commission will make it clear to the entire world that the State of Israel acts according to law, transparently, and with full responsibility."

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The Minister of Justice and the Attorney-General presented the Government with a resolution regarding appointing an independent public committee, headed by

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Emeritus Supreme Court Judge, Yaakov Terkel, to examine the events at sea of May 31, 2010. After the Government discussed the resolution, it decided unanimously:

1. To appoint an independent public Commission, headed by former Supreme Court Justice, Jacob Turkel, to examine the aspects set out herein relating to the actions taken by the State of Israel to prevent vessels from reaching the coast of the Gaza Strip on 31 May 2010 (hereinafter: the Commission).

2. The composition of the Commission:

Members:

Justice (Ret.) Jacob Turkel, Chairperson
Shabtai Rosenne, Member
Amos Horev, Member

Two observers will be appointed to the Commission as detailed in paragraph 3:

3. In light of the exceptional circumstances of the incident, it was decided to appoint two foreign experts who will serve as observers that will take part in the hearings and deliberations of the Commission, although they will not have the right to vote in relation to the proceedings and conclusions of the Commission.

Lord David Trimble, Observer
Ken Watkin, Observer

4. The Commission will submit its conclusions on the question of whether the actions set out in paragraph 1 and their objectives, as well as additional matters involved therein, were in conformity with the rules of international law.

For this purpose, the Commission will address the following issues:

- 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.

5. 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.

6.

a) The Commission may request any individual or entity, whether Israeli or foreign, to testify before it or to provide information to it by other means, on matters which the Commission believes to be relevant to its proceedings.

b) Every relevant governmental body will cooperate fully with the Commission and will make available to the Commission information and documents required by it for the purposes of performing its function, including through testimony before the Commission.

c) Notwithstanding the above in subsections (a) and (b), with regard to its examination of the military actions set out in paragraph 4(b) of this resolution, in respect of personnel of the military and other security forces the Commission will operate exclusively in the following manner: it will receive for its review the documents it requires and will also be able to request from the Head of the Military Investigative Team authorized by the IDF Chief of the General Staff to transfer for its review the summary findings of the operational investigations carried out following the incident.

If after reviewing the said summary findings of the operational investigations the Commission considers that there exists a need for more in-depth or broader investigations, it will be able to request from the Head of the Military Investigative Team authorized by the IDF Chief of General Staff to issue an order to do so, and to transfer for the review of the Commission the summary findings of the operational investigations to be gathered in this context.

d) However, notwithstanding the above in subsection (c), the Commission may request any information from the Prime Minister, the Minister of Defence, other Ministers and the IDF Chief-of-Staff, including through testimony before the Commission.

7. The Commission will establish its own schedule and method of work. Commission hearings will be public or closed, as will be determined by the Commission. However, the Commission will not hold a public hearing if such a hearing could endanger national security or the State's foreign relations, or if in the view of the Commission another legal reason exists to this effect.

8. The Commission Chairperson may determine that certain documents or certain information will not be made available to the Observers, if he/she believes that revealing such information to them is almost certain to cause substantial harm to national security or to the State's foreign relations.

9. The Commission may authorize qualified persons to gather material needed for the work of the Commission and to assist the Commission in its duties.
10. Upon completion of its work, the Commission will submit to the Government, by way of the Prime Minister, a report.
11. The Commission will publish its report soon after its submission to the Government. However, those sections of the report with regard to which the Commission is convinced, after hearing the opinion of the authorized bodies, that their publication could cause substantial harm to national security, foreign relations, or the well-being or privacy of an individual, or to confidential operational methods of an authorized entity, will not be published.
12. Upon completion of its work, the Commission will deposit all of the minutes of its proceedings, as well as all of the material brought before it, in the State archive.
13. The Ministry of Finance will provide the Commission with a budget for employing assistance staff, the scope of which will be determined by the Commission, in accordance with its needs, as determined by the Commission. In addition, the Office of the Prime Minister will provide the Commission with all the means required by it to carry out its duties.
14. The Government takes note of the statement of the Attorney General that in light of the vital public interest in allowing the Commission to seek the truth, law enforcement agencies will not make use of testimonies given before the Commission or before those individuals tasked with collecting information for the Commission, as evidence in a legal proceeding.

מח' מידע ואינטרנט – אגף תקשורת
14 יוני 2010

RELEASED IN FULL

Law, Rosemary C

From: Schwartz, Jonathan B
Sent: Thursday, June 03, 2010 10:31 AM
To: Dolan, JoAnn; Jacobson, Linda
Subject: Fw: xlation of the Arab League Resolution
Attachments: EN_AL_Res_Israeli Attack on Flotilla 02 June 2010.docx; AR_AL_Res_Israeli Attack on Flotilla 02 June 2010.docx

NON-RESPONSIVE PORTIONS REDACTED

NR

From: Knopf, Payton L
To: Schwartz, Jonathan B
Sent: Thu Jun 03 10:26:24 2010
Subject: FW: xlation of the Arab League Resolution

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.

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

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RELEASED IN FULL

Law, Rosemary C

From: Sullivan, David B
Sent: Friday, June 11, 2010 11:41 AM
To: Legal-HRR-DL; Jacobson, Linda; Dolan, JoAnn
Cc: Khanna, Melanie J; Mansfield, Anna M; Martin, Julie B; Thomas, Tina
Subject: FW: UN Special Rapporteur Statement on Flotilla Inquiry
Attachments: Statement on Flotilla Inquiry.pdf; Inquiry study.pdf

Fyi. DBS

From: Knuckey, Sarah [<mailto:sarah.knuckey@nyu.edu>]
Sent: Friday, June 11, 2010 11:17 AM
To: Knuckey, Sarah
Subject: UN Special Rapporteur Statement on Flotilla Inquiry

11 June 2010

Release of UN Special Rapporteur Statement on Flotilla Inquiry

Today, Professor Philip Alston, the UN Special Rapporteur on extrajudicial executions, released a statement calling for any Israeli Inquiry into the flotilla incident to be set up in accordance with international standards. He stated that for the inquiry to be credible, it must be independent of the government, it must be given full legal authority to investigate, and its final report must be made public. He also stated that it must be able to interview all key witnesses, including military personnel, and that it should have access to all video and other records of the incident, including those confiscated from civilians.

His comments were based on conclusions drawn from his previous detailed study on the international standards relevant to inquiries.

The statement and the inquiry study are attached. For further information on the mandate of the Special Rapporteur, and for access to his reports, please visit www.extrajudicialexecutions.org.

Regards,

Sarah

Sarah Knuckey
Senior Advisor to the UN Special Rapporteur on extrajudicial executions
Director, Project on Extrajudicial Executions
Center for Human Rights and Global Justice, NYU School of Law
110 West Third St, Rm. 204, New York, NY 10012
<http://www.extrajudicialexecutions.org>
sarah.knuckey@nyu.edu
+ 1.917.685.9098 (cell) | + 1.212.992.8873 (work)

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

RELEASED IN FULL**PRESS STATEMENT****To be credible, Israeli Inquiry must be given the capacity to find the facts, says UN expert**

11 June 2010:

"Any inquiry set up by Israel to investigate the Gaza flotilla incident must be given a genuine capacity to find the facts", according to Philip Alston, the UN's independent expert on extrajudicial executions. "Without that capacity, an inquiry will simply not be considered credible," he said. Alston noted that, "there are several indispensable requirements for any such commission of inquiry to comply with international standards. First, it must be independent of the government. Second it must be given full legal authority to obtain direct access to all relevant evidence, including the key witnesses. And third, its final report must be made public and not left to the discretion of the Government." Alston said that if these requirements are met, a domestic commission of inquiry can make an important contribution to resolving the human rights issues raised by the raid on the flotilla.

Alston noted that he was basing his comments on conclusions drawn from his previous detailed study on the international standards for inquiries, and on his investigations and reports to the UN on killings and accountability issues in countries around the world. (See A/HRC/8/3).

"Giving the commission the capacity to find the facts means that it must be able to subpoena and interview all key witnesses, including the military personnel concerned and some of the passengers on the ships," Alston stated. "It must also have access to all video and other records of the incident, including those confiscated from civilians. Without this information, the available evidence would be clearly one-sided and insufficient to ensure a fair and objective inquiry."

"I will continue to closely monitor the development and progress of any inquiry," the expert said. "It is crucial for the credibility of the inquiry that its processes be transparent and open, and that its report is released in full."

* * *

Philip Alston is John Norton Pomeroy Professor of Law and co-Director of the Center for Human Rights and Global Justice at New York University School of Law. He was appointed UN Special Rapporteur on extrajudicial executions in 2004.

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