

freedom of movement as stated in article 12 of the International Covenant on Civil and Political Rights (ICCPR).³⁷⁰ In this respect, it should be noted that one of the legal conditions stipulated by the *lex specialis* regarding the imposition of a naval blockade is the condition of 'effectiveness'³⁷¹ and its impartial implementation with regard to the shipping vessels of all States.³⁷² Therefore, the concept of a 'naval blockade' inherently includes the restriction of all movement by sea. Moreover, the right of the citizens of one state to cross the borders of the state into another state with which they are at war is not unlimited. A state may, without doubt, restrict the freedom of movement of persons beyond its borders in order to protect national security and public order.³⁷³

Therefore, the Commission has reached the conclusion that most of the issues that were raised within this framework have already been addressed above pursuant to the *lex specialis* that applies here, namely the rules of international humanitarian law.

Further, there is nothing in the evidence that suggests that concerns raised regarding the realization of human rights norms would rise to a level that renders the naval blockade and the accompanying land closure contrary to international law because it is disproportionate.

Claims regarding 'collective punishment'

101. An issue that has to be addressed is whether the blockade and Israel's land crossings policy are a form of 'collective punishment' that is contrary to the rules of international humanitarian law. This is a very serious claim.³⁷⁴ Under the circumstances, it is important to analyze the concept of 'collective punishment' to understand its basis in law and potential relevance to the case at hand.

370 *Gisha: Gaza Closure Defined: Collective Punishment, Position Paper on the International Law Definition of Israeli Restrictions on Movement in and out of the Gaza Strip*, available at www.gisha.org/UserFiles/File/publications/GazaClosureDefinedEng.pdf (2008), at 10.

371 *San Remo Manual*, *supra* note 110, at rule 93.

372 *Id.*, at rule 100.

373 International Covenant on Civil and Political Rights, Dec. 16, 1966, S. Treaty Doc. No. 95-20, 6 I.L.M. 368 (1967), 999 U.N.T.S. 171.

374 Collective punishment is not enumerated as a war crime in Article 147 of Convention (IV) relative to the Protection of Civilian Persons in Time of War, Geneva, 12 August 1949 [hereinafter *Geneva Convention IV*]. However, while grave breaches of the Geneva Conventions are the most serious war crimes, other violations of international humanitarian law are also categorized as such. It is unclear whether the accusation leveled at Israel by certain parties - according to which the naval blockade amounts to a breach of international law - also implies that this constitutes a war crime.

102. The suggested basis in treaty law for this concept is found in article 33 of the Fourth Geneva Convention³⁷⁵ and article 50 of the Hague Regulations of 1907, which prohibit the punishment of a protected person because of acts that he did not commit independently or for which he is not otherwise responsible.³⁷⁶ This prohibition was also recognized in the First Additional Protocol and the Second Additional Protocol as a basic guarantee for all civilians and injured members of the armed forces that can no longer act as combatants (*hors de combat*).³⁷⁷ Although collective punishment has been recognized as a war crime in the constitution of the International Criminal Tribunal for Rwanda and in the Special Tribunal for Sierra Leone,³⁷⁸ it is not included in the list of crimes enumerated in the Rome Statute of 1998 of the International Criminal Court, unlike, for example, the crime of 'intentionally using starvation of civilians as a method of warfare by depriving them of objects indispensable to their survival, including willfully impeding relief supplies as provided for under the Geneva Conventions', which is stipulated in article 8(2)(b) (XXV) of the Rome Convention.

103. The various commentaries of the International Committee of the Red Cross provide a particularly broad interpretation to the term 'collective punishment.' The Commentary to article 33 of Geneva Convention IV indicates that collective penalties refers not to sentences pronounced by a court but rather penalties of any kind inflicted on persons or entire groups for acts those persons have not committed. Similarly, the commentary on article 75 of the First Additional Protocol proposes that 'the concept of collective punishment must be understood in the broadest sense: it covers not only legal sentences but sanctions and harassment of any sort, administrative, by police action or otherwise.'³⁷⁹ Finally, the

³⁷⁵ *Geneva Convention IV*, *supra* note 374, at para. 33, states the following:

"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.

Pillage is prohibited.

Reprisals against protected persons and their property are prohibited".

³⁷⁶ The Hague Convention (1907), at para. 50, states the following:

"No general penalty, pecuniary or otherwise, shall be inflicted upon the population on account of the acts of individuals for which they cannot be regarded as jointly and severally responsible".

³⁷⁷ See *Commentary on Protocol I of the Geneva Conventions*, *supra* note 285, at 225, art. 33, para. 1.

³⁷⁸ See art. 4(b) of the International Criminal Tribunal of Rwanda (ICTR), "Violations of Article 3 Common to the Geneva Conventions and of Additional Protocol II" and art. 3(b) of the Statute of the Special Court for Sierra Leone.

³⁷⁹ See *ICRC Commentary on Protocol I of the Geneva Conventions*, *supra* note 285, at 225, art. 75, para. 3055.

proposed interpretation of article 4(2)(b) in the Commentary on the Second Additional Protocol is that collective punishment "is virtually equivalent to prohibiting "reprisals" against protected persons" although such a prohibition is clearly found elsewhere in the law.³⁸⁰ In this respect it should be noted that the case that is most often identified with the issue of collective punishment - the *Priebke* case - dealt with a conviction for acts of reprisal that were committed by German forces against Italian civilians during the Second World War.³⁸¹ The Commentary on the First Additional Protocol proposes that "the prohibition [of collective punishment] is actually concerned with intimidation,"³⁸² even though attempts to extend the provisions to the use of physical and moral coercion have not been successful, since similar articles already exist with regard to prisoners of war and civilians.³⁸³

This is where the difficulty lies from the viewpoint of those who claim that imposing a naval blockade and adopting a method of economic warfare is 'collective punishment'; too broad an interpretation of the concept of 'collective punishment' can result in a conflict with additional and more specific provisions of international humanitarian law, such as the laws that govern the imposition of a naval blockade. A broad interpretation of what constitutes collective punishment has to be reconciled with both the nature of naval blockade as a lawful form of warfare and the specific customary law provisions regulating the conduct of such a blockade. If the customary rules regarding the imposition of a naval blockade are followed, it is difficult to see how this could constitute collective punishment.

104. Since one of the purposes of imposing a naval blockade is to use coercion against a hostile state or entity that is a party to an armed conflict, the affected population will generally feel the effects of this

380 See ICRC Commentary on Protocols Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims in Armed Conflicts (Protocol II), Jun. 8, 1977 [hereinafter *ICRC Commentary on Protocol II of the Geneva Conventions*], at para. 4536.

381 Sergio Marchisio, *The Priebke Case before the Italian Military Tribunals: A Reaffirmation of the Principle of Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity*, 1 Y.B. INT'L HUM. LAW 344, 350 (1998) (it should be noted that the Military Tribunal rejected the claim that the killings constituted "collective punishment" arguing that "according to the doctrine, collective punishment can affect only a community and not individuals: in that sense a classical example of collective punishment is the requisition of properties of the state such as libraries, museums, etc", see Francesca Martines *The Defences of Reprisals, Superior Orders and Duress in the Priebke Case Before the Italian Military Tribunal*, 1 YB OF INT'L HUM. LAW 354, 356 (1998)).

382 See *ICRC Commentary on Protocol I of the Geneva Conventions*, *supra* note 285, at 225, art. 75, para. 3056.

383 *Id.*, at para. 3057.

pressure. The issue is not that there is coercive action which impacts the population collaterally, but rather what that impact is and what mitigating humanitarian measures are put in place. This reality is reflected in the assessment of economic sanctions even in situations that do not amount to an armed conflict. As the Economic and Social Council of the United Nations said in 1997:

In considering sanctions, it is essential to distinguish between the basic objective of applying political and economic pressure upon the governing elite of the country to persuade them to conform to international law, and the collateral infliction of suffering upon the most vulnerable groups within the targeted country. For that reason, the sanctions regimes established by the Security Council now include humanitarian exemptions designed to permit the flow of essential goods and services destined for humanitarian purposes. It is commonly assumed that these exemptions ensure basic respect for economic, social and cultural rights within the targeted country.³⁸⁴

The issue is not that there is coercive action impacting the population collaterally, but rather what that impact is and what mitigating humanitarian measures are put in place. Therefore, the fact that the fabric of economic life of the civilian population is adversely affected as a result of economic warfare does not, in itself, amount to 'collective punishment.'

105. When referring to 'collective punishment', a sharp distinction should be made in regards to two types of policy: (i) an authority punishes a group known to comprise innocent individuals, and (ii) an authority punishes a guilty individual, but in doing so, unintentionally or unavoidably causes a harmful effect upon innocent third parties. The second policy is accepted in the humanitarian legal system as long as the effect is not disproportionate compared to the military advantage. The key issue is therefore whether harm is intentionally directed at the civilian population or an unintended outcome.³⁸⁵ For example, the Special Court for Sierra Leone has provided that the elements of the crime of collective punishments include "the intent on the part of the perpetrator to indiscriminately and collectively punish the persons for acts which

³⁸⁴ See CESCR, *Comment 8, supra* note 343, at 2, para. 4 (the report then went on to indicate that the exemptions do not have the desired effect prompting recommendations for reform).

³⁸⁵ In terms of analyzing the alleged "collective punishment" as a war crime, it should be noted that criminal responsibility generally requires a mental element. The principle that criminal responsibility cannot be incurred without the requisite intent can be derived from Article 30 in the ICC Statute, which provides that a person should be liable for a crime only if the material elements are combined with intent and knowledge.

form the subject of the punishment.³⁸⁶ Another example is article 51(2) of Additional Protocol I, which prohibits "acts or threats of violence the *primary purpose* of which is to spread terror among the civilian population [emphasis added]."

106. As to the effects of the blockade and the land crossings policy on the civilian population in the Gaza Strip, there is no doubt that the economic warfare Israel carries out with an intention of weakening the Hamas has an adverse impact on the daily life of the civilian population in Gaza. However, a number of the restrictions identified as evidence of the alleged collective punishment are imposed for a security reasons (i.e. restrictions on materials such as concrete and certain medical supplies that can have a military use).³⁸⁷ Further, consistent with its obligations under international humanitarian law, Israel has set up a system for monitoring and coordinating humanitarian aid in Gaza in order to alleviate those effects.³⁸⁸ There is nothing in the evidence, including that found in the numerous humanitarian and human rights reports, that suggest that Israel is *intentionally* placing restrictions on goods for the sole or primary purpose of denying them to the population of Gaza.

107. As for the naval blockade itself, within the framework of the rules that govern the imposition and enforcement of such a blockade, there is no basis for an allegation of 'collective punishment.' There is nothing in the Red Cross' Customary International Law Study that in any way connects the idea of 'collective punishment' with a naval blockade or siege warfare. On the contrary, the Study states that 'the prohibition of starvation as a method of warfare does not prohibit the imposition of a naval blockade as long as the purpose is to achieve a military objective and not to starve a civilian population.'³⁸⁹ Similarly, with regard to a siege, which is another coercive method of warfare, the Red Cross' Customary International Law Study reiterates the fact that the prohibition of starvation as a means of warfare does not automatically prohibit a siege as long as the purpose is to achieve a military goal rather than the starvation of the civilian population.³⁹⁰ It is hard to reconcile these statements with the notion that the naval blockade on the Gaza Strip, even when considered in conjunction with the border policy, falls within the meaning of collective punishment.

386 *Prosecutor v. Brima, Kanara, and Kanu*, Case No. SCSL-2004-16-T, Trial Chamber Judgment, para. 676 (Jun. 20, 2007).

387 *Prime Minister's Open Door Testimony*, *supra* note 82, at 25; *Leader of the Opposition Tzipi Livni's open door testimony*, *supra* note 177, at 12; *The Military Advocate-General's testimony*, *supra* note 98, at 60.

388 *Testimony of Government Activity Coordinator in the Territories*, *supra* note 162, at 38.

389 CUSTOMARY INTERNATIONAL HUMANITARIAN LAW, *supra* note 146, at 189.

390 *Id.*, at 188.

There is nothing on the facts that would suggest either operation was put into effect as a reprisal or directed at the civilian population.³⁹¹

In conclusion, the Commission is of the view that the imposition and enforcement of the naval blockade and the land crossings policy on the Gaza Strip do not constitute 'collective punishment' of the civilian population.

Means of resolving disputes regarding the legality of a naval blockade

108. Even if the naval blockade against the Gaza Strip had been considered not to meet the requirements of international law, individuals or groups do not have the right to take the law into their own hands and breach the blockade. Individuals or groups do not have the right to exercise unlimited "self-help" measures in the face of state authorities. This could result in the eventual justification of uses of force external to the realm of the U.N. Charter.

109. Moreover, the claim that neutral shipping is free to ignore the existence of a naval blockade for the reason that it *prima facie* breaches the provisions of article 102 of the San Remo Manual amounts to a claim that the blockade - an act of a sovereign state - is null and void. The Commission is of the opinion that the cases in international law where acts of a state are regarded as void - as opposed to illegal or unjust - are rare. In general, it is possible that the actions of a state that amount to a violation of 'the binding norms of international law' (*jus cogens*) will be defined as void *ab initio* and therefore they may be ignored. This is clearly the content of international treaties,³⁹² and it may be deduced from the International Law Commission's Draft Articles on State Responsibility, in cases where there is a gross violation of *jus cogens* norms.³⁹³ Admittedly, there is some degree of consensus on the question of the content of *jus cogens* norms, but these norms are not authoritatively enumerated. The notes to the International Law Commission's Draft Articles, which is a non-exhaustive list, mention the prohibitions of aggression, slavery, genocide, racial discrimination and Apartheid, torture and the right to

391 See ICRC Commentary on Protocol I of the Geneva Conventions, *supra* note 285, 225:

"Reprisals are measures contrary to law, but which, when taken by one State with regard to another State to ensure the cessation of certain acts or to obtain compensation for them, are considered as lawful in the particular conditions under which they are carried out".

392 Vienna Convention on the Law of Treaties, May 23, 1969, 1155 U.N.T.S. 331, article 53.

393 *Id.*; Int'l L. Comm'n [ILC], *Draft Articles on Responsibility for Internationally Wrongful Acts, with Commentaries*, 2 Y.B. INT'L L. COMM'N (2001) articles 40-41 [hereinafter *ILC Draft*].

self-determination.³⁹⁴ In the case at hand case, there is no basis for saying that these norms have been violated.

110. The rules that govern the imposition of a naval blockade, as reflected in leading naval manuals, as well as in the San Remo Manual, contains norms designated to protect the interests of three groups: the blockading party; neutrals; and the population of the blockaded state or entity. Among the norms protecting neutrals' interest are the requirements that a blockade be declared,³⁹⁵ specified,³⁹⁶ effective,³⁹⁷ impartial,³⁹⁸ and that it must not bar access to ports of neutral states.³⁹⁹ These requirements protect mostly the reliance interest of neutral powers and vessels. The interests of the population within the blockaded territory, conversely, are protected in the aforementioned article 102.

Furthermore, in the situation at hand, it is indisputable that the vessels were offered to deliver the aid into Gaza through the Ashdod port, pending security inspection and under the supervision of relevant and impartial international agencies. Thus, and *in the relation* between the blockading power and the neutral vessels, Israel has acted according to the provisions of article 103 of the San Remo Manual. Therefore, even were we to accept, *arguendo*, that a neutral shipping vessel has a right to breach a naval blockade because it is disproportionate, in the specific circumstances of the case before us, it can be said that the illegality was repaired by Israel's offer to transfer the humanitarian supplies to the Gaza Strip, which was transmitted to the shipping vessels that participated in the flotilla. In truth, the attempt to breach the blockade could not have had any other purpose than a political one. The Commission is convinced that a political purpose in itself cannot give a shipping vessel the right to breach the blockade.

111. Therefore, the Commission finds that there is no basis to the claim that international law grants individuals or groups the liberty to disregard a declared, specified, effective, and impartial blockade - meaning, one that fulfills its obligations *vis-à-vis neutrals* - solely on counts of its view of the alleged violation of obligations *vis-à-vis the entity subject to the blockade*. Such an approach can lead to chaos in the relations between states and between states and individuals.

³⁹⁴ *Id.*, at paras. 3-4.

³⁹⁵ *San Remo Manual*, *supra* note 110, at rule 93.

³⁹⁶ *Id.*, at rule 94.

³⁹⁷ *Id.*, at rule 95.

³⁹⁸ *Id.*, at rule 100.

³⁹⁹ *Id.*, at rule 99.

Chapter A: Conclusions

112. Here we shall summarize the conclusions that the Commission has reached in this part of the report:

- The conflict between Israel and the Gaza Strip is an international armed conflict.
- Israel's 'effective control' of the Gaza Strip ended when the disengagement was completed.
- The purpose of the naval blockade imposed by Israel on the Gaza Strip was primarily a military-security one.
- The naval blockade was imposed on the Gaza Strip lawfully, with Israel complying with the conditions for imposing it.
- Israel is complying with the humanitarian obligations imposed on the blockading party, including the prohibition of starving the civilian population or preventing the supply of objects essential for the survival of the civilian population and medical supplies, and the requirement that the damage to the civilian population is not excessive in relation to the concrete and direct military advantage anticipated from the blockade.
- The imposition and enforcement of the naval blockade on the Gaza Strip does not constitute 'collective punishment' of the population of the Gaza Strip.
- International law does not give individuals or groups the freedom to ignore the imposition of a naval blockade that satisfies the conditions for imposing it and that is enforced accordingly, especially where a blockade satisfies obligations to *neutral parties*, merely because in the opinion of those individuals or groups it violates the duties of the party imposing the blockade *vis-à-vis the entity subject to the blockade*.

Chapter B: The actions undertaken by Israel to enforce the naval blockade on May 31, 2010

General

113. On May 31, 2010, a flotilla of six ships whose stated destination was the Gaza Strip approached the coast of the State of Israel. During May, the six ships of the flotilla left the ports of Ireland, Turkey and Greece, and they joined together at a meeting point approximately 30 miles south of Cyprus.⁴⁰⁰ The largest of the ships in the flotilla was the *Mavi Marmara*, which started out from the port of Istanbul and picked up most of its passengers at the port of Antalya; it had approximately 590 passengers and crew on board, who were primarily of Turkish nationality.

Reports about the organization of the flotilla began at the end of January and the beginning of February 2010. The IDF's assessment was that this flotilla was different from those that preceded it, since from the initial information that it received, it transpired that the flotilla would be particularly large; both in terms of size (there was talk of approximately ten ships), and the quantity of passengers and equipment that the various ships could carry. Israel therefore made preparations, both from a diplomatic viewpoint in order to prevent the departure of the flotilla from the ports of origin, and from a military viewpoint, in order to enforce the naval blockade and prevent the flotilla from reaching the Gaza Strip. The

400. In fact, eight vessels departed with the purpose of joining up and reaching Gaza together. Two vessels were detained along the way for various reasons and it was decided not to wait for them: one of the vessels, the CHALLENGER 2, did not take part in the flotilla due to a technical malfunction and some of its passengers transferred to the *Mavi Marmara*'s deck, see para. A of *IDF completion response* (Nov. 15, 2010), the folder containing the exhibit has been marked by the Commission as folder 145 [hereinafter *IDF completion response of 15.11.2010*]; the second vessel, the Rachel Corrie, tried to reach the Gaza Strip at a later stage, following the events of the flotilla in question. The ship reached Israel's shores on Jun. 5, 2010 and after it was requested to stop by the IDF it was offered to unload its cargo at the port of Ashdod and that the merchandise on board would be transferred to Gaza following inspection, through the land border crossings and this was the case, see decision 1759 of 32nd Government Treatment of Rachel Corrie Flotilla to Gaza (Jun. 6, 2010) as well as the *Chief of Staff's Open Door Testimony of 11.8.2010*, *supra* note 70, at 15.

diplomatic efforts were unsuccessful, and, consequently, the flotilla set sail with six ships as noted.

Shortly before the flotilla reached the coast of Israel, several warnings were sent to the ships, which stated that the ships were approaching the area of a naval blockade and they were requested to turn back. The warnings also stated that insofar as the ships did not comply with this instruction, the Israeli navy would adopt all of the measures at its disposal in order to enforce the naval blockade, and each of the warnings also stated that after security inspection, it would be possible to send the humanitarian cargo on board the ships to the Gaza Strip via the land crossings. When the ships reached a distance of approximately 70 miles from the coast of Atlit and still did not respond to the warnings, a military operation was started at 4:26 a.m. to take control of the ships with forces of the Shayetet 13 unit fast-roping from helicopters and boarding the ships from Morena speedboats of the Israeli navy (a Morena speedboat is a vessel for carrying servicemen that is made in the United States, where it is called RHIB for rigid-hulled inflatable boat, is used by the American special forces, and is characterized by advanced maneuvering capabilities and reaching high speeds; hereafter: Morena speedboats). On the deck of the *Mavi Marmara*, the IDF soldiers were met with extreme violence. The events that followed led to the deaths of nine of the participants of the flotilla, injuries to fifty-five others and injuries to nine IDF soldiers. On the decks of the other ships, the IDF soldiers encountered less or no resistance, and there were no loss of lives.

After the takeover of the ships was completed, the injured were taken to the various hospitals, and the bodies of the dead were taken to the Abu Kabir Forensic Institute, where only an external examination was carried out, and they were transferred to Turkey, at Turkey's request, without autopsies being performed. The ships and the other participants of the flotilla were taken to Ashdod port, where they began to arrive on May 31, 2010, at 1:00 p.m. The disembarking of the participants of the flotilla from the ships continued until around 9:45 a.m. on June 1, 2010. At Ashdod, the participants of the flotilla underwent a process that included a security check, issuing a detention order (in the language of each of the participants of the flotilla), and a medical examination, and some of them underwent the taking of biometric measurements (the taking of fingerprints and a photograph). Subsequently, the participants of the flotilla were transferred to several prisons where they were detained. On June 2, 2010, after the Attorney-General decided to terminate the criminal investigation that he had ordered on June 1, 2010, and after the approval of the Supreme Court was given in this regard, the participants were

during the takeover operation, including their use of both lethal and less-lethal weapons.

In the seventh part (paras. 227-234), we present the conclusions of the detailed analysis conducted by the Commission with respect to each instance of the use of force in this event. As stated above, the Commission approached the IDF and requested the testimonies of all of the soldiers and commanders who used force during the takeover of the vessels. These statements were analyzed by the Commission pursuant to the principles of international law.

Finally, in the eighth part of this chapter, we examine the planning and organization of the military operation in general, as well as the training and preparations for it that were undertaken by the IDF soldiers, with the goal of determining the extent to which these preparations influenced the use of force during the events under consideration.

The facts

The preparation stage

The situation before the operation from an intelligence perspective

115. At the beginning of this part, we shall present an overview of the intelligence that the political echelon and the IDF had in their possession before the 'Winds of Heaven 7' operation began. Within this framework, we shall provide some of the details that were known before the operation began and on the basis of which the preparations for it were made.⁴⁰¹

116. In March 2010, naval intelligence in the IDF began to produce intelligence information with regard to the flotilla.⁴⁰² In view of initial public information about the organization of the flotilla that began to appear at the end of January 2010, intelligence items were published on March 4, 2010, with regard to the involvement in the flotilla of an organization

⁴⁰¹ It should be mentioned that information gathering sources in addition to the ones mentioned below dealt with gathering an intelligence picture of the event. See for example Gilad Cohen "The Flotilla to Breach the Siege on Gaza" (May 17, 2010), the folder containing the exhibit has been marked by the Commission as folder 28.

⁴⁰² See "Winds of Heaven 7" (General Staff experts inquiry by Giora Eiland, Jul. 11, 2010), at 29, marked by the Commission as exhibit 5 [hereinafter *The Eiland Report*]; for intelligence compilations see "Winds of Heaven 7 - presentation of combat plan principles" (summary by IDF operations branch, October 2010) marked by the Commission as exhibit 106 [hereinafter *Operations Branch Summary*]; *Defense Minister's Memorandum Appendixes*, *supra* note 209, at appendixes 35-37, 43-45, 49.

called *Insani Yardım Vakfi*, or Humanitarian Relief Foundation in English (hereafter: *IHH*), a Turkish organization that is prohibited in Israel by law. Additional naval intelligence information concerned the number of participants in the flotilla, the agreement of human rights activists and public figures to participate in the flotilla, the dates planned for the departure of the flotilla, and statements of its organizers that they attached great importance to the involvement of the Turkish government, they intended to create a media event in real time and they were aware of Israel's intention of stopping the flotilla from reaching Gaza and their ambiguity regarding their response to such an operation by Israel.⁴⁰³ On May 26, 2010, the intelligence included a statement attributed to the prime minister of Turkey that any step that would be taken in order to prevent the flotilla from reaching Gaza would lead to a response whose nature was unclear. On May 29, 2010, intelligence was published that the chairman of *IHH*, Bülent Yildirim, who was on the *Mavi Marmara* itself, said that the participants of the flotilla did not have any weapons in their possession, but they intended to resist any takeover of the ship by force. It was also reported that there were divers on board the ship for the purpose of locating any damage to the ship. On May 30, 2010, intelligence was distributed to the effect that the ships in the flotilla had begun to move in the direction of the Gaza Strip and that, *inter alia*, the activists on *Boat 8000* intended to tie themselves with chains and start a hunger strike.⁴⁰⁴ On May 30, 2010, at 10:45 p.m., a special intelligence report was written and distributed by Israeli naval intelligence, which stated that in the last few hours, the statements regarding an intention to use physical force to resist the takeover had increased, and that while the participants of the flotilla emphasized that there was no intention of using guns or knives, they had warned of spontaneous responses to the use of force against them and declared that 'it would be difficult' for the naval forces to board the ship.⁴⁰⁵

⁴⁰³ *Id.*; on Apr. 6, 2010 it was stated that there is a possibility that the flotilla would be accompanied by Turkish vessels. On Apr. 26, 2010 the intention to create a media event in real time was mentioned, along with the extreme importance attributed by the flotilla organizers to the involvement of the Turkish Government. On May 23, 2010 it was mentioned that a day earlier, a demonstration with multiple participants was orchestrated by the *IHH* at Istanbul's port and that the flotilla organizers mentioned that they are aware of the Navy's intention to prevent the ships' arrival in Gaza, though they remained vague regarding their conduct when facing the IDF soldiers. On Feb 25, 2010 it was mentioned in the intelligence gathering that the organizations taking part in the flotilla have begun operating direct broadcasts via satellite and that the *Marmara* has entered the port of Antalya to collect passengers. On May 27, 2010 a compilation was published which mentioned that at the time it is unknown whether the passengers are preparing a backup plan to prevent our forces' takeover of the participating vessels.

⁴⁰⁴ *Id.*, in compilation of May 29, 2010.

⁴⁰⁵ See "telegram form for operation "Winds of Heaven 7" by the Naval Intelligence Division",

The research division of naval intelligence also distributed several documents, but this information was relatively sparse and did not change the intelligence picture.⁴⁰⁶ Additional open intelligence material was published by the Intelligence and Terrorism Information Center of the Israel Intelligence Heritage & Commemoration Center (hereafter: IICC) back in January, 2010. A document published by IICC on January 19, 2010, mentioned Khatam Sawalha, a Hamas operative in Britain who led the campaign to break the blockade on Gaza and who is connected with the Turkish IHH organization, who said on January 17, 2010, on a site identified with Hezbollah, that 'a new convoy of aid would leave for Gaza by sea' and that this time (apparently unlike the incident that occurred in January 2010, in an attempt of one of the land convoys to enter Gaza via the Rafah crossing, during which a confrontation with the Egyptians developed), 'the confrontation would be directly against the Zionist enemy.'⁴⁰⁷ A document dated April 7, 2010, mentioned the possibility that the organizers of the flotilla took into account a possible scenario of confrontations with the Israeli Navy, and that they intended to 'provoke Israel.'⁴⁰⁸ On May 26, 2010, the IICC distributed a document outlining the character of IHH and indicating the organization's links with Islamic extremists, including the Hamas and international Jihadists. The report discussed how the IHH was an organization with a radical Islamic orientation that had relations with the Hamas, *inter alia* through its membership of the 'Union of Good Coalition' (an umbrella organization of more than fifty Islamic funds around the world that transfer money, *inter alia*, to the Hamas) and that helped Hamas's propaganda machine in Turkey.⁴⁰⁹ A document was distributed on May 30, 2010, in which Bülent Yıldırım was quoted as saying, while on the *Mavi Marmara*, that the youngest person on the *Mavi Marmara* was one year old, and the

the folder containing the exhibit was marked by the Commission as folder 90.

406 See *Defense Minister's Memorandum Appendixes*, *supra* note 209, at appendixes 36, 43. On Apr. 14, 2010 a general notice regarding the organization of a humanitarian flotilla was made public. The flotilla organizers' preparation for a confrontation with IDF forces which would be covered by the media was mentioned on May 16, 2010. Two more documents were distributed in internal distribution only (that is, the documents only circulated within the research department itself): a document dealing with the activities of the IHH organization was published on May 24, 2010. The document discusses the organization's activities as a non-governmental organization intended to aid Muslim communities throughout the world. On May 26, 2010 a document was distributed which mentioned the statement attributed to Turkish Prime Minister Recep Tayyip Erdoğan that *steps undertaken to halt the flotilla would meet with a reaction*.

407 See IICC report (Jan. 19, 2010), *supra* note 83, at 5; IICC report (Jan. 31, 2010), *id.*, at 1; IICC report (Apr. 7, 2010), *id.*, at 3.

408 IICC report (Apr. 7, 2010), *id.*, at 3.

409 IICC report (May 26, 2010), *id.*; see also identical report distributed on May 27, 2010.

oldest were eighty years old, and that although their resistance would not be violent, they would not allow Israeli forces to board the ship.⁴¹⁰ The document also said that the organizers of the flotilla expressed their desire that the conflict with the Navy would take place in daylight so that the media could document it and in order to create waves in the international media.⁴¹¹ Additional reports which were distributed relate mostly to humanitarian aid issues, the equipment that the organizers of the flotilla intended to bring to the Gaza Strip, and the public figures and activists that would take part in the flotilla.⁴¹²

The Mossad was asked by Israeli Naval Intelligence to send it information, which it did.

On May 11, 2010, a report was received from the National Security Council that according to a report in the Palestinian media, the prime minister of Turkey, Recep Erdogan, met with the organizers of the flotilla and said 'removing the blockade was top of Turkey's priorities.'⁴¹³

Decision of the political echelon

117. As a rule, 'Winds of Heaven' operations - a procedure that was formulated by the IDF in order to deal with the phenomenon of flotillas to Gaza⁴¹⁴ - were approved by the political echelon, namely the Prime Minister and the Minister of Defense. In the course of formulating the plan for the 'Winds of Heaven' operation, the IDF had considered various alternatives for seizing the vessels, and the possibilities for performing a "cold stop" of the vessels had proven to be impractical. However, the navy had been successful in stopping ships by taking control of them, whether by climbing aboard their decks from small boats that came alongside the ships, and by rappelling from a helicopter directly onto the deck or the bridge (a drill called "fast-rope").

Therefore, on April 22, 2010, a discussion was held on the question of the flotilla which is the subject of this report, against a background of

410 *HCC report* (May 30, 2010), *Id.*, at 2, which references the IHH organization's official website. See also *The Eiland Report*, *supra* note 402, at 32.

411 See *HCC report* (May 30, 2010), *supra* note 83, at 2, which references a news story on Al Jazeera from May 29, 2010 as well as an interview on the IHH organization's open channel from May 30, 2010.

412 See, for example *HCC report* (May 11, 2010) *Id.*; See also *The Eiland Report*, *supra* note 402, at 32.

413 See *Defense Minister's Memorandum Appendixes*, *supra* note 209, at appendix 39.

414 See paras. 24-27 above in this report; see also "'Winds of Heaven' - General Staff Plan", in response to the completion request of Dec. 29, 2010, the folder containing the exhibit was marked by the Commission as folder 167 [hereinafter *The General Staff Plan*].

intelligence surveys that were prepared, at the weekly meeting that took place at the office of the Minister of Defense with the participation of IDF officers.⁴¹⁵ The IDF's position at the meeting was that if the diplomatic effort to prevent the flotilla setting sail was unsuccessful, there would be no alternative but to prevent the flotilla from reaching the Gaza Strip in a military operation, which would require taking control of the ships. At an additional meeting that took place on May 6, 2010, the Minister of Defense approved the overall format of the operation, even though he gave instructions that the preparations for the flotilla should be submitted for the approval of the Prime Minister, together with the Minister of Public Security, the Minister of Foreign Affairs, and the Minister of the Interior.⁴¹⁶ At the meeting that took place on May 13, 2010, the operation order was presented to the Minister of Defense.⁴¹⁷

On May 26, 2010, the Prime Minister, Mr. Benjamin Netanyahu, raised the issue of the flotilla for discussion in the forum of the 'Septet' (an inner cabinet that includes the senior political-security echelon and persons with experience in these fields).⁴¹⁸ This discussion was not planned in advance. The ministers that participated in the discussion supported preventing the flotilla from reaching the Gaza Strip. At the end of the discussion, the Prime Minister asked the Minister of Defense to concentrate upon the inter-ministerial preparations and the preparations of all of the parties in the operation, as a result of his expected trip abroad a short time after that meeting.⁴¹⁹

On the same day, a meeting took place at the office of the Minister of Defense with representatives of various entities and Government ministries that were involved in the preparations for the operation, including the Ministry of Foreign Affairs, the Ministry of the Interior, the Ministry of Public Security, the Ministry of Justice, IDF officers and public relations personnel.⁴²⁰ At this meeting, the Commander of the Israel Navy reviewed the preparations of the forces for the operation. An additional meeting that took place at the office of the Minister of Defense on the same day addressed the issue of public relations in the context of the

⁴¹⁵ *Defense Minister's Memorandum*, *supra* note 176, at 32-34.

⁴¹⁶ *Id.*, at 34-35.

⁴¹⁷ *Id.*, at 35.

⁴¹⁸ "Discussion regarding preparation for the flotilla to Gaza" (Protocol of septet forum meeting, May 26, 2010).

⁴¹⁹ *Id.*, at 45.

⁴²⁰ See summary of meeting at Defense Minister's office "Preparation and Readiness of Forces for "Winds of Heaven" - Defense Minister's Summary" (May 26, 2010); protocol of meeting "Winds of Heaven" - Part A", the folder where the exhibits are found was marked by the Commission as folder 28. See also *Defense Minister's Memorandum*, *supra* note 176, at 53.

preparations and deployment for the operation.⁴²¹ Following this, on May 27, 2010, the Ministry of Foreign Affairs sent a document to all of Israel's representations abroad.⁴²² On May 27, 2010, at a weekly update meeting that took place at the office of the Minister of Defense, the Minister of Defense said that he was impressed by the high level of preparation of the forces and entities for dealing with the flotilla, discussed the expected confrontation with the flotilla activists and the public relations difficulty presented by the incident.⁴²³

The diplomatic attempts to prevent the flotilla from departing

118. From the materials before the Commission, it can clearly be seen that during the period before the flotilla set sail, many diplomatic moves were made, at various levels and to various countries, in order to prevent the flotilla's departure for Gaza.

Thus, for example, the Prime Minister, Mr. Benjamin Netanyahu, said in his testimony before the Commission that in view of the expected scale of the flotilla, a 'special diplomatic effort' was made to try to prevent it from reaching the Gaza coast and to divert it to Ashdod or the El-Arish port where it would unload the humanitarian equipment and transport it via the land crossings.⁴²⁴ The Prime Minister went on to say that in May diplomatic moves were made continuously to many countries, including countries whose citizens were on board the vessels in the flotilla, or whose ports were used at any stage by the vessels in the flotilla. The Prime Minister further said that diplomatic efforts were also made to the United Nations and Turkey, since many of the flotilla's participants were Turkish citizens. In this context, the Prime Minister said that his office made direct contacts with 'the highest levels of the Turkish Government,' including Turkish Prime Minister, Recep Erdogan, himself; moreover, the Prime Minister said that on May 27, 2010, he personally contacted a senior figure in the Egyptian Government, with a request that Egypt would speak with the Turkish Government.⁴²⁵ In his classified testimony before

421 See summary of meeting at Defense Minister's office "'Winds of Heaven" - Publicity - Defense Minister's Summary" (May 27, 2010); protocol of meeting "'Sky Winds" - Part A', the folder where the exhibits are found was marked by the Commission as folder 28; See also *Defense Minister's Memorandum*, *supra* note 176, at 53.

422 Announcement by the Foreign Office spokesperson to Israeli representatives (May 27, 2010), *Defense Minister's Memorandum Appendixes*, *supra* note 209, at appendix 60/2.

423 See protocol of weekly situation estimate at Defense Minister's office "Operations and Excursions + weekly Situation Estimate" (May 27, 2010), the folder where the exhibits are found was marked by the Commission as folder 28; see also *Defense Minister's Memorandum*, *supra* note 176, at 54.

424 *Prime Minister's Open Door Testimony*, *supra* note 82, at 8.

425 *Id.*, at 9.

the Commission, the Prime Minister gave precise details of the nature and timing of the diplomatic moves.⁴²⁶ Despite these actions, the Prime Minister ended by saying that 'All the efforts led to nothing.'⁴²⁷

The Minister of Defense, Lieutenant-General (res.) Ehud Barak, also testified regarding the diplomatic moves that were intended to prevent the flotilla from setting sail:

'Throughout the aforesaid period, there was extensive diplomatic activity on the part of the Prime Minister, the Ministry of Foreign Affairs, senior officials in the Ministry of Defense and the IDF and also by me, in an effort to bring about the cancellation of the flotilla, to stop it or limit it. In the two weeks prior to the arrival of the Turkish flotilla, I discussed the matter with the representative of the Quartet, Tony Blair, the envoy of the UN Secretary-General, Robert Serry, the head of Egypt's General Intelligence, the Greek Foreign Minister, the Turkish Foreign Minister, the Irish Foreign Minister, the Turkish Ambassador in Israel and several others who, because of the nature of their diplomatic contacts requested that their names should not be mentioned. Regrettably, these major diplomatic efforts did not lead to the result that we wanted.'⁴²⁸

In his classified testimony, the Minister of Defense went on to give details of the diplomatic contacts with Turkey immediately before the flotilla set sail in an attempt to prevent its departure. Here, he discussed the diplomatic contacts with the Turkish representatives in the United States, with senior officials in Egypt, Cyprus and the United States, and with senior officials in the Turkish Government itself.⁴²⁹

Additional details of the purposes, nature, and dates of the diplomatic contacts were given to the Commission in the testimony of the former director-general of the Ministry of Foreign Affairs, Ambassador Yossi Gal. In his testimony, the director-general of the Ministry of Foreign Affairs discussed how during the whole period of the diplomatic efforts Israel emphasized time and again the existence of the naval blockade and the fact that, as a rule, Israel does not prevent the entry of humanitarian equipment into Gaza, subject to a security inspection at the land crossings.⁴³⁰

⁴²⁶ Transcript of session no. 2 "Testimony of the Prime Minister, Close doors" (Aug. 26, 2010) [hereinafter *Prime Minister's Closed Door Testimony*].

⁴²⁷ *Prime Minister's Open Door Testimony*, supra note 82, at 9.

⁴²⁸ *Defense Minister's Open Door Testimony*, supra note 70, at 43-44.

⁴²⁹ Transcript of session no. 3 "Defense Minister's Closed Door Testimony" (Aug. 10, 2010), at 7-8, marked by the Commission as exhibit 85 [hereinafter *Defense Minister's Closed Door Testimony*].

⁴³⁰ Transcript of session no. 10 "Testimony of the Director General of the Ministry of Foreign Affairs" (Sep. 15, 2010), at 5, 7, [hereinafter *Open Door Testimony of the Director General of the*

The director-general of the Ministry of Foreign Affairs described in his testimony the scope of the contacts that were made with representatives in various capitals (including Washington, Nicosia, Athens, Dublin, London, Stockholm and other capitals), contacts which, according to his testimony, began many weeks before the maritime incident and continued until a short time before the flotilla arrived.⁴³¹ He went on to say that at a meeting with ambassadors of the twenty-seven member states of the European Union on May 23, 2010, he raised the issue of the flotilla with them, and that even after this another round of approaches was made, in which diplomatic letters were sent to representatives of countries that were *prima facie* able to help.⁴³² The director-general of the Ministry of Foreign Affairs also said that shortly before the flotilla set sail, the ambassadors of the countries from which the flotilla ships departed were summoned by him and another message was sent to these countries. These efforts were not fruitful, except with respect to Cyprus, which announced in May that it would not permit the flotilla's vessels to anchor in its ports.⁴³³

The director-general of the Ministry of Foreign Affairs discussed in his testimony the intensive diplomatic activity that was directed at Turkey itself, at all levels and in all spheres.⁴³⁴ The director-general of the Ministry of Foreign Affairs went on to describe in his testimony several proposals that were sent that were made between Israel and Turkey, including Israel's consent to the proposal of the Turkish ambassador to the United States (which was made to the Israeli Embassy in the United States) that it would be the Red Crescent that would receive the humanitarian equipment from it at the land crossings, but these proposals were also rejected.⁴³⁵ The director-general of the Ministry of Foreign Affairs also said that the scale of the contacts with Turkey was exceptional. In his words:

Ministry of Foreign Affairs].

⁴³¹ *Id.*, at 7.

⁴³² See also letter from Gilad Cohen, Coordination manager, Foreign Ministry, to The Public Commission to Examine the Maritime Incident of May 31, 2010 (Nov. 22, 2010).

⁴³³ See "Concentration of Official Addresses to Cyprus and additional materials" submitted to the Commission by the Foreign Ministry, marked by the Commission as exhibit 60; see *Chief of Staff's Open Door Testimony of 11.8.2010*, *supra* note 70, at 14.

⁴³⁴ Transcript of session no. 10 "Close door Testimony of the Director General of the Ministry of Foreign Affairs (Sep. 15, 2010) [hereinafter *Closed Door Testimony of the Director General of the Ministry of Foreign Affairs*].

⁴³⁵ *Id.*; A document which testifies to this offer was sent by the Israeli ambassador to Washington D.C.'s office director, on Mar. 19, 2010, named subject: the Flotilla to Gaza, see letter from Lior Weintraub, Washington D.C. Ambassador's office director to the Director General of the Ministry of Foreign Affairs (Mar. 19, 2010), *Defense Minister's Memorandum Appendixes*, *supra* note 209.

'We tried every possible channel to prevent the flotilla from departing... In each of the very many conversations, the Minister of Defense and the Turkish Foreign Minister, from me to my Turkish counterpart, the embassies in Washington and Ankara, and all of the other contacts, there was a clear attempt to propose a solution for the ships, to propose a solution for the equipment on the ships, and at no stage was a positive response received.'⁴³⁶

It should also be noted that diplomatic efforts were also made by the military. The Commander of the Israeli Navy held a personal meeting with the military attachés of Turkey and Greece and wrote personal letters to the Commanders of their navies; senior officers held meetings with military attachés; a briefing was held with all IDF attachés, and so forth.⁴³⁷ In the two weeks before the flotilla arrived, the Planning Division of the IDF also increased its involvement. The Liaison Department in the Planning Division began a series of discussions with various international organizations, including the Red Cross, UNIFIL (the United Nations Interim Force in Lebanon) and UNDOF (the United Nations Disengagement Observer Force that is stationed on the Israeli-Syrian border), as well as discussions with several countries, mainly Egypt and Jordan. The purpose of these was to prepare the way for the possibility that these countries would need to assist in receiving participants of the flotilla after they would be deported from Israel, and alternatively in dealing with any of the participants who is a citizen of a country with whom Israel has not diplomatic relations. The Planning Division also sent communications to all of the foreign military attachés in Israel and the IDF attachés abroad.⁴³⁸

The IDF's preparations for the 'Winds of Heaven 7' operation

119. The military preparations carried out by the IDF to enforce the naval blockade will be reviewed from two main perspectives: (1) the legal preparations, which were an integral part of the preparatory work prior to the operation; (2) the military preparations themselves, i.e., the operation order, the soldiers' briefings and the rules of engagement that were determined for the operation, with special attention to the importance attached to the value of human life in the preparations for the operation. It should be clarified that this chapter will not review all of the

⁴³⁶ See *Closed Door Testimony of the Director General of the Ministry of Foreign Affairs*, *supra* note 434, at 15.

⁴³⁷ *The Eiland Report*, *supra* note 402, at 49; For details of military-diplomatic contacts see *Operations Branch Summary*, *supra* note 402.

⁴³⁸ *The Eiland Report*, *supra* note 402.

preparations for the operation, but only the aspects that are relevant to the questions before the Commission.

As can be seen from the material before the Commission, the IDF carried out preparatory work before the flotilla arrived, and it emphasized the need to avoid, insofar as possible, the use of force for the purpose of stopping the ships participating in it. It is clear that the Military Advocate-General's Office was very much involved in the preparation process and that its recommendations were noted and incorporated in the operation orders and the various procedures that were determined prior to the operation. We see from the documents and the testimonies a high level of awareness of all of the persons involved, at all levels, of the need to carry out the operation without any injuries to the participants of the flotilla. However, it should be noted that we see from the material before the Commission that the level of violent resistance on the part of the flotilla participants that was anticipated by the IDF prior to the operation was clearly underestimated.

120. *The legal preparations.* As noted in chapter A, the use of a naval blockade in order to give the IDF all of the tools and powers required to prevent the passage of ships to the Gaza Strip was recommended by the Military Advocate-General back in 2008, when the preparations for the 'Winds of Heaven 1' operation began. In that context, the Military Advocate-General requested the opinion of the Attorney-General.⁴³⁹

Within the context of the preparations for the 'Winds of Heaven 7' operation, we clearly see the involvement of the Military Advocate-General's Office in the planning process carried out by the Chief of Staff level and the Navy, in preparing legal opinions on various military issues, in formulating a legal annex for the operation orders and in coordinating the legal position with parties outside the IDF.⁴⁴⁰ The opinions surveyed, *inter alia*, the authority the Navy could use *vis-à-vis* foreign ships off the coast of Gaza, the confiscation of ships pursuant to the laws of war in general, and because of a breach of the naval blockade in particular, procedures for dealing with humanitarian equipment that was seized on a ship that

⁴³⁹ Letter from the Chief Military Advocate General, Brigadier General Avichai Mendelblit to the Government's Attorney General (Aug. 11, 2008); *The Eiland Report*, *supra* note 402, at 151.

⁴⁴⁰ See *Chief of Staff's Open Door Testimony of 11.8.2010*, *supra* note 70, at 51: "I think, but it must be clear that we, all the activity, from the stage of combat protocol, from the stage of planning, and throughout all the stages of the operation and its various stages, including questions that stemmed from execution and including preparation afterward, as a set method. By the way, and not in a special way, the Military Advocate General is integrated in into the operational planning components of the IDF, a day to day matter. They are part of our operational presentations. In the branches and in the General Staff".

breached a naval blockade, and so forth. Moreover, the Military Advocate-General's Office addressed the question of the use of less-lethal weapons during the operation, and it gave specific approval for the weapons that were used in the operation.⁴⁴¹ The Military Advocate-General's Office also addressed the question of imposing communications blackouts during the operation⁴⁴² and the issue of the IDF receiving assistance from

441 See also *The Eiland Report*, *supra* note 402, at 152-163.

The Military Advocate General was the one that drew the attention of the relevant IDF authorities to the need to complete approval processes for the use of less-lethal weapons intended for use in the operation. As part of a discussion that took place on May 17, 2010 and which dealt with the use of less-lethal weapons within the "Winds of Heaven 7" operation, the representatives of MAG presented the legal framework for the use of the less-lethal weapons within the operation in light of the rules of combat and the three terms which must be met as a condition for employing such means, that is, the approval that such means are not lethal; determining of appropriate safety and operational rules for the situation where it is intended to be used; and the qualification of soldiers expected to make use of the means; see *MAG position paper - Appendix*, *supra* note 77; see also *The Eiland Report*, *supra* note 402, at 155-156.

442 On the specific level, MAG sources expressed their opinion that it is possible, within the operation, to make use of a number of means regularly employed by the IDF and the use of "paintballs" and "talc-balls" was ruled out. Sometime after the said discussion, the operational elements asked that the use of these two means be allowed, in order to enable a graded operation of less-lethal weapons (among the means approved in said discussion none of the means could have been employed against specific people unless employed at zero range, excluding the "soft bag". But this was a relatively aggressive means and so the operational elements preferred not to use it as a first means). On May 27, 2010 the MAG distributed a detailed opinion where the legality of employing these means was examined. In light of the Chief Medical Officer's position that the likelihood that the employment of these weapons, in accordance with the operational instructions determined, would cause an irrevocable or fatal injury is low, the use of these means was approved, while defining the rules of operation determined for them, the approval for their use by soldiers from specific units only, and an instruction to train the soldiers equipped with this weapon. At the same time it was mentioned that due to time constraints a formal professional order regarding the use of these weapons was not consolidated, nor was a formal professional order consolidated regarding the training of the soldiers, and that this is not the manner in which the process of receiving a less-lethal weapon into the IDF should be conducted. Therefore, approval was granted for the employment of these weapons within operation "Winds of Heaven 7" only and it was recommended that an organized process of receiving these means be set into motion. See summary of meeting headed by the Navy's Information Security Branch Head "Legal Aspects in the Issue of Using Less-Lethal Weapons in Operation 'Winds of Heaven 7'" (27.5.2010), Appendix 14 of the *MAG position paper - Appendix*, *supra* note 77.

On May 18, 2010 the Military Advocate General's Department of International Law released a first legal reference to the possibility of executing such blocks where it was mentioned that there is no fundamental legal hindrance in terms of international law from performing blocks / disrupting the specific communications detailed, excluding the blocking of Global Positioning Systems (GPS) broadcasts, regarding which it was mentioned that in the absence of a sufficient factual basis their legality cannot be questioned. The relevant legal appendix was also attached to the opinion regarding the various aspects of blocking communication. This appendix was attached to the legal appendix to the order, but not to the communication blocking appendix of

the Israel Prison Service and the Israel Police during the operation.⁴⁴³ The Military Advocate-General's Office was also involved in formulating the final wording of the communications that were transmitted to the ships before they were taken over. The Military Advocate-General's Office also prepared a legal annex to the operation order that included rules of conduct for the forces, rules of engagement for the operation, and also rules for carrying out electronic screening measures, including an approved list of blackouts that could be implemented.⁴⁴⁴

the order; see "Communication Blocks within Operation 'Winds of Heaven 7'" (MAG opinion, May 18, 2010), appendix 12 of the MAG position paper - Appendix, *supra* note 77. It should also be mentioned that on May 30, 2010 the Adalah organization approached the Government's Attorney General and the Chief Military Advocate General regarding the "electronic screening against the flotilla to Gaza." In the organization's letter a claim was raised that this screening was intended to prevent the broadcast of harsh images from the takeover of the flotilla vessels which could harm Israel's image and that, as far as this screening harms the ability to broadcast distress signals or hinders the ability to navigate, it constitutes a threat to the lives of the passengers on the ships. Following this, and at the request of the MAG, an urgent discussion was held with the participation of various elements in the Navy and headed by the Navy's Chief of Staff. In the discussion the operational capabilities of the Navy were presented regarding the blocking of the vessel's communication channels and the manner in which these capabilities are exercised during the operation. It was emphasized that throughout the operation the vessel's ability to move safely would not be hindered and that in case of distress a response would be given by a nearby Navy vessel. In light of these the MAG's Department of International Law released a response letter to the Adalah organization that same day where it was mentioned that there is no possibility to reveal the operational means and methods which will be employed by the IDF in its actions, but within the framework of employing the various means at the IDF's disposal, the "chief consideration is preventing the risk to human life at sea, and the possibility to call for help at times of distress." *The Eiland Report*, *supra* note 402, at 158.

443 In its opinion of May 17, 2010 MAG's Department of Consultation and Legislation stated that in its opinion there is no prevention from the Police and Prison Service forces assist the IDF in executing actions to enforce the blockade since the laws of war do not limit a state in the choice of armed forces participating on its behalf in the enforcement of the laws of war; see "Israeli Police and Prison Service Assistance to IDF During Operation 'Winds of Heaven 7'" (Opinion by the MAG, May 17, 2010), at appendix 11 of the MAG position paper - Appendix, *supra* note 77. In light of differences of opinion that had broken out between the MAG and elements in the Ministry of Justice and the Ministry of Defense regarding the incorporation of the Masada unit, a special unit of the Prison Service, the Chief Military Advocate General approached the Attorney General on May 24, 2010 in order to receive his legal approval to incorporate the Masada unit into the operation; see letter from the Chief Military Advocate General, Brigadier General Avichai Mendelblit to Attorney Yehuda Weinstein, Attorney General (May 24, 2010), at appendix 13 of the MAG position paper - Appendix, *supra* note 77. Said approval, based on the rules of combat, was given on May 26, 2010, but only in relation to actions executed outside Israel's territorial waters (while inside the territorial waters it was determined that Masada forces could only assist in escorting and guarding the ships' passengers); see letter from Attorney Raz Nizri, senior assistant to the Government's Attorney General, to attorney Benny Folchek, Prison Service Commissionership (May 26, 2010), at appendix 13 of the MAG position paper - Appendix, *supra* note 77.

444 See MAG position paper - Appendix, *supra* note 77, at appendix 14.

121. *The military preparations.* As previously noted, the IDF began its preparations back in February 2010, when it received the information regarding the steps taken to organize the departure of the flotilla. The Commission was provided with the operation orders of the Chief of Staff (command no. 1 and command no. 3), the naval command (no. 3), and the land command (no. 2), which were prepared by the IDF before the flotilla arrived.⁴⁴⁵ The Commission also received the briefing that the Commander of the Navy gave to the commanders and soldiers on May 20, 2010, and a summary of the 'situation analysis' headed by the Commander of the Navy, which took place on May 26, 2010.⁴⁴⁶

The last Chief of Staff's operation order that was issued before the incident (hereafter: the Chief of Staff's order) defines the goal as follows: 'The IDF shall prevent unauthorized vessels reaching the Gaza Strip.'⁴⁴⁷ The mission is defined as follows: 'The Navy shall enforce the naval blockade imposed on the Gaza Strip and shall prevent vessels from entering the Gaza Strip, while maintaining as low a media profile as possible.'⁴⁴⁸ The Chief of Staff's order reviews the deployment of forces and the division of tasks and is accompanied by seven annexes dealing with various issues, including the division of responsibility for dealing with the deportation from Israel of foreign nationals that participated in the flotilla, the seizure of equipment belonging to foreign nationals that are deported against a background of committing security offences, legal emphases and annexes that concern subjects such as operating electronic screening, IDF spokesperson's statements, teleprocessing and logistics. The annex that concerns the seizure of personal equipment belonging to the flotilla participants placed an emphasis on carrying out checks from the viewpoint of data security and states the competent authority to approve various actions with regard to the seizure of the equipment and its treatment.

445 For the most updated command, see General Staff Operational Order 3 "Winds of Heaven 7 - Situation Room Order", in response to the completion request of Nov. 7, 2010, the folder containing the exhibit was marked as folder 136 by the Commission [hereinafter *General Staff Operational Order 3*]; Naval Operational Order 3 "Winds of Heaven 7", the folder containing the exhibit was marked as folder 90 by the Commission [hereinafter *Naval Operational Order 3*]; Land Operational Order 2 "Winds of Heaven 7", in response to the completion request of Nov. 7, 2010, the folder containing the exhibit was marked as folder 136 by the Commission [hereinafter *Land Operational Order 2*].

446 Summary of situation analysis headed by Navy commander 'Winds of Heaven' Situation Analysis May 26, 2010 - Navy Commander's summary" (May 26, 2010), the folder containing the exhibit was marked as folder 90 by the Commission.

447 *General Staff Operational Order 3*, *supra* note 445, at para. 5. See also para. 4 of *General Staff Operational Order 1 "Winds of Heaven - Situation Room Order"*, *Defense Minister's Memorandum Appendixes*, *supra* note 209 [hereinafter *General Staff Operational Order 1*].

448 *General Staff Operational Order 3*, *supra* note 445, at para. 6.

The naval operation order defines the mission as follows: 'A combined force of Shayetet 13 with the assistance of "second wave" forces ... will prevent the entry of shipping vessels into the Gaza Strip "Winds of Heaven 7" while maintaining legitimacy.'⁴⁴⁹ The naval order is very detailed. We shall discuss here in brief certain aspects thereof that are relevant to our concerns, mainly from the viewpoint of the use of force and the treatment of the participants of the flotilla.

From the viewpoint of deploying the forces for the naval stage of the operation, it was decided that the command level would be very senior, including the Commander of the Navy himself.⁴⁵⁰ In the naval stage, the force was divided into two types: (1) the takeover force, whose function was to take control of the ships if they would not respond to the radio communications. The takeover force was made up of three independent "centers", under the command of a senior commander holding the rank of lieutenant-colonel: "center A" was designated to take control of the *Mavi Marmara*, "center B" was designated to take control of *Boat 8000* and the *Gazze*, and "center C" was designated to take control of the *Challenger 1* and the *Sofia*. An additional force was designated to take control of the *Defne Y*. Each of these "centers" was intended to be completely independent at the operation stage; in other words, it was given its own independent medical personnel, navigators and reserves.⁴⁵¹ (2) The second wave force, which would be comprised of four teams commanded by lieutenant-colonels and whose tasks were: (a) to bring the flotilla vessels to Israeli ports; (b) to make a list of the persons on board and to deal with the magnetic media that would be found on board the vessels.

In the paragraph entitled 'details of the general method,' the order states that operations should be carried out to enforce the naval blockade according to an 'order of escalation - warning / prevention / bringing

⁴⁴⁹ *Naval Operational Order 3*, *supra* note 445, at para. 4.

⁴⁵⁰ As part of the presentation of the operation's principles to the Chief of Staff prior to the operation, the Chief of Staff determined that the commander of the Navy is the commander of the operation. This instruction was given as part of the Chief of Staff's Operations and Excursions of May 6, 2010; see *IDF completion response of 15.11.2010*, *supra* note 400, at para. G. This instruction was incorporated into the orders, see *General Staff Operational Order 1*, *supra* note 447, at para. 8; *Naval Operational Order 3*, *supra* note 445, at para. 13. In addition, in Operations and Excursions summary of May 13, 2010, para. E, sub-para. 4 it is mentioned that: "The Chief of Staff stressed the importance of senior command's presence at the anticipated points of friction while conducting a sensitive and measured action - responsibility of the commander of the Navy." *IDF completion response of 15.11.2010*, *supra* note 400, at Para. G.

⁴⁵¹ See the testimony of the commander of Shayetet 13, "Deepening and Broadening the General Staff's experts inquiry (Sep. 20, 2010)", at 3, marked by the Commission as exhibit 104 [hereinafter *Inquiry Expansion of 20.9.2010*].

the vessels to a halt / taking control of them.' In the 'details of method' paragraph, under the operation stage dealing with 'identification, monitoring and sending messages to the vessels,' in the special instructions paragraph, it was stated that before the stage of taking control of the vessels and after receiving approval from the Navy Commander, the force commander was permitted to employ various measures to stop the vessels, including firing 'skunk bombs' or water from water cannons, forcing the vessels to change their course or stop by means of missile ships, crossing bows, firing warning shots into the air and 'white lighting' (blinding using a large projector).⁴⁵² The legal annex to the order contained legal emphases for the use of these measures and the manner of operating them. In this regard, it should be stated from the outset that in practice, no use was made of these measures.⁴⁵³

The following instructions, *inter alia*, are also outlined in the naval order:

a. Instructions regarding communications and warnings that would be transmitted by a loudspeaker system: according to the Navy's operation order, five communications were planned with ascending levels of warning as the flotilla vessels approached the area of the naval blockade. The language of the five communications, and the points at which it was determined they would be sent to the flotilla vessels, as stated in the Navy's operation order, were the following:

Communication no. 1 - first communication from the Government, intended for transmission at the time of interception (attached to the list of communications the day before the operation at the request of the Prime Minister).⁴⁵⁴

'This is the Israeli Navy. You are approaching an area of hostilities which is under a naval blockade. The Gaza area, coastal region and Gaza Harbor are closed to all maritime traffic. The Israeli government supports delivery of humanitarian supplies to the civilian population in the Gaza strip and invites you to enter the Ashdod port. Delivery of the supplies in accordance with the authorities' regulations will be through the formal land crossings

⁴⁵² *General Staff Operational Order 3, supra note 445.*

⁴⁵³ See Transcript of session no. 13 "close door testimony of the Chief of Staff" (Dec. 24, 2010), at 14-15. The Chief of Staff mentioned in his testimony that "the order does not obligate the use of all the means. The order mentions all the means that may be used and the considerations regarding the employment of the means are in accordance with the situation, the missions [...] there is no obligation to go through all the means, but the means suitable for the matter must be used". In this context, see explanation presented in para. 227 for the negation of the possibility of using some of the means discussed.

⁴⁵⁴ See *IDF completion response of 15.11.2010, supra note 400, at para. D.*

and under your observation, after which you can return to your home ports aboard the vessels on which you arrived.⁴⁵⁵

Communication no. 2 - intended for transmission at the time of interception:

"This is the Israeli Navy. You are approaching an area of hostilities which is under a naval blockade. The Gaza area, coastal region and Gaza Harbor are closed to all maritime traffic.

You are hereby requested to change your course and refrain from entering the area.

Delivery of humanitarian supplies to the civilian population in the Gaza strip is possible through the formal land crossing between Israel and the Gaza strip, subject to prior coordination with the Israeli authorities.⁴⁵⁶

Communication no. 3 - intermediate communication:

"This is the Israeli Navy. You are approaching an area of hostilities which is under a naval blockade. The Gaza area, coastal region and Gaza Harbor are closed to all maritime traffic.

You are hereby ordered to change your course and refrain from entering the area. If you ignore this order and attempt to enter the blockaded area, the Israeli Navy will be forced to take all the necessary measures in order to enforce this blockade.

By ignoring this order, you are putting your crew members and your motor vessel at risk. You alone are responsible for the consequences of your action.

Delivery of humanitarian supplies to the civilian population in the Gaza strip is possible through the formal land crossings between Israel and the Gaza strip subject to prior coordination with the Israeli authorities.⁴⁵⁷

Fourth communication - intended as a loudspeaker announcement before the vessels entered a range of 20 miles from the area of the naval blockade:

"This is the Israeli Navy. You are approaching an area of hostilities which is under a naval blockade. The Gaza area is a combat zone, by entering this zone you are putting your vessel at risk.

You are hereby ordered to change your course and refrain from entering the area. If you ignore this order and attempt to enter the blockaded area, the Israeli Navy will be forced to take all

⁴⁵⁵ *Naval Operational Order 3*, *supra* note 445, at 54, appendix F.

⁴⁵⁶ *Id.*

⁴⁵⁷ *Id.*, at 55.

the necessary measures including boarding your vessel in order to enforce his blockade. Be aware that you are violating a legal naval blockade and that the organizers and captains of this sail will be held responsible.

Delivery of humanitarian supplies to the civilian population in the Gaza strip is possible through the formal land crossings between Israel and the Gaza strip subject to prior coordination with the Israeli authorities.⁴⁵⁸

Optional fifth communication - after entering the area of the blockade:

This is the Israeli Navy. You are sailing in a blockaded area according to international law. You were ordered several times to avoid entering this area. Due to your refusal to obey this order and your intent to violate a legal naval blockade, the Israeli Navy is obliged to take all necessary measures in order to enforce this blockade. By ignoring this order, you are putting your crew members and your motor vessel at risk. If you do not change your course immediately, you alone will be responsible for the consequences of your actions.⁴⁵⁹

b. The weapons that were permitted for use - the safety annex states that the combat personnel would be armed only in accordance with the instructions of the Military Advocate-General's Office and the instructions of the Chief Medical Officer's Office.⁴⁶⁰ It was also decided that the commanders would ensure, after issuing the weapons, that the combat personnel would only have in their possession weapons that were permitted for use pursuant to these instructions.⁴⁶¹

According to the operation order, the less-lethal weapons that were approved for use in the operation included the following:

- (1) A Taser gun in the form of a shocker, without firing - a device that works like a shocker, by forming an electric circuit on the target from short range. Works on batteries. Type of ammunition: electric current.
- (2) Remington 870 shotgun - a firearm that can be used, *inter alia*, as a less-lethal weapon. It is loaded manually, with a three shell internal tube magazine (in addition to one shell in the barrel). It is possible to attach sights and a device for breaking windows.

⁴⁵⁸ *Id.*, at 56.

⁴⁵⁹ *Id.*, at 57.

⁴⁶⁰ *Naval Operational Order 3*, *supra* note 445, at 33, appendix C, para. 4(c)(1).

⁴⁶¹ *Id.*, at 33, appendix C, para. 4(c)(4).

The ammunition that was approved for using this weapon was 12 gauge bean bag shells.⁴⁶²

- (3) Tippman 98 paintball gun - a weapon that is designed to fill paintballs, with a semi-automatic firing capacity. It operates on the basis of a pneumatic mechanism that is operated by an air pressure canister of up to 2000 PSI. The ammunition that was approved for use in this weapon; 0.68 inch caliber paint balls.
- (4) Stun grenade 4 - a stun grenade is a grenade that when detonated creates a flare up to a distance of 30 cm from its base (i.e. a "flash bang" grenade). Delay of 1.5 seconds. It was emphasized that grenades of this kind should be used without gas and without smoke.

The order's safety annex clearly emphasized that the use of less-lethal weapons or ammunition other than those that appear in the instructions was prohibited,⁴⁶³ and they stated that all of the combat personnel would undergo training and drills with regard to instructions for the use of the weapons,⁴⁶⁴ that live ammunition would be clearly separated from less-lethal ammunition and clear operating procedures would be defined in order to prevent mistakes occurring between live ammunition and less-lethal ammunition.⁴⁶⁵ Moreover, the instructions for the use of paintball guns provided that insofar as there would be any need to use them, they should be fired first at the feet, and then aimed higher if necessary (but not at the groin).⁴⁶⁶ They also stated that the paintball guns should not be used if as a result 'a child under the age of 14 or women who appeared to be pregnant might be hit.'⁴⁶⁷

c. Rules of Engagement - the rules of engagement can be found in the legal annex to the land and sea operation order. The 'rules of conduct for the forces' (for the purposes of this report, these rules will be referred to as 'the rules of engagement') state that, as a matter of principle, in 'the scenario under discussion', i.e., 'dealing with foreign citizens who, according to the existing information, are not combatants' - the authority and measure that involve the use of force shall not be used

462. There are two types of shells used by the IDF which differ in the amount of gunpowder they contain: a soft bag and a hard bag, the latter of which was not used in the operation. See IDF completion response of 15.11.2010, *supra* note 400, at para. E.

463. *Id.*, at 33, para. 4(f).

464. *Naval Operational Order 3*, *supra* note 445, at 35, appendix D, para. 6(6), 6(8).

465. *Id.*, at appendix D, para. 6(10).

466. *Id.*, at appendix C, para. 4(h).

467. *General Staff Operational Order 3*, *supra* note 445, at 19, appendix C, para. 2(g)(b)(9); *Naval Operational Order 3*, *supra* note 445, at 62, appendix G, para. 2(g)(b)(9).

against citizens, beyond the minimum required to fulfill the mission, i.e. stopping the vessels. The general rules for the use of force provided that, in general, force would not be used, and that it would be used only as a last resort, for the purpose of 'preventing danger of injury to human beings or to deal with an attempt to thwart bringing the vessels to an Israeli port.'⁴⁶⁸ It was clarified that the use of force must be minimal and proportionate, and weapons should be used on an increasing scale.⁴⁶⁹ The operation order permits use of less-lethal weapons only when this use is required in order to 'neutralize a real danger to the safety or lives of human beings that comes from a specific person, and states that insofar as it is possible to neutralize the cause of the danger without using less-lethal weapons, this should be done.'⁴⁷⁰ It also states that it is permissible to use less-lethal weapons if there is a real anticipation that the event could deteriorate into a situation in which a real and immediate threat to life is foreseeable, and the use of less-lethal weapons is likely to prevent this deterioration; it further states that less-lethal weapons could only be used by those who have been trained to do so, and in accordance with the operating instructions and safety designations that had been formulated.

Regarding the use of lethal weapons, the operation order also states that, as a rule, live ammunition should not be used.⁴⁷¹ The use of lethal weapons was permitted in one situation only, namely in self-defense, for the purpose of averting a real and immediate danger to life, when it is not possible to avert the danger by less harmful means. It should be noted that the definition of 'danger to life' in the operation order is: 'a real and immediate danger of the loss of human life or serious physical injury.'⁴⁷² It should also be noted that the order states that lethal weapons should be used only as a last resort, after warnings have been given to the person against whom a lethal weapon is going to be used. It also states, with respect to the use of lethal weapons, that if there is a real concern that the gradual action "would endanger life, then it is permissible to shoot at the one creating the danger in order to eliminate the danger immediately, even without engaging in all of the stages set forth above."⁴⁷³ The order

468. *General Staff Operational Order 3*, *supra* note 445, at 17, appendix C, para. 2(g)(1)(a); *Naval Operational Order 3*, *supra* note 445, at 60, appendix G, para. 2(g)(1)(a).

469. *General Staff Operational Order 3*, *supra* note 445, at 18, appendix C, para. 2(g)(1)(b); *Naval Operational Order 3*, *supra* note 445, at 60, appendix G, para. 2(g)(1)(b).

470. *General Staff Operational Order 3*, *supra* note 445, at 18, appendix C, para. 2(g)(2)(b)(3); *Naval Operational Order 3*, *supra* note 445, at 61, appendix G, para. 2(g)(2)(b)(3).

471. *General Staff Operational Order 3*, *supra* note 445, at 18, appendix C, para. 2(g)(2)(a)(2); *Naval Operational Order 3*, *supra* note 445, at 61, appendix G, para. 2(g)(2)(a)(2).

472. *General Staff Operational Order 3*, *supra* note 445, at 16, appendix C, para. 2(g)(2)(a)(2); *Naval Operational Order 3*, *supra* note 445, at 59, appendix G, para. 4(g)(2)(a)(2).

473. For an expanded version of the rules of engagement see para. 206 below.

also provides that after the danger has been averted, an attempt should be made to capture the party endangering life in another manner without the use of weapons, that harm to those not involved should be avoided, that there should be no use of force at a person who has surrendered or has ceased to constitute a threat, and that medical treatment should be given to the wounded immediately upon the cessation of use of force.

From the statements of the commanders and soldiers at all levels it can be seen that these rules were made clear to the forces that took part in the operation.⁴⁷⁴ At an operational briefing on May 20, 2010, the Navy Commander said that there was no intention to injure or punish the persons on board, and he went on to say that the Israel Navy's goal was to carry out the mission 'as professionals and in accordance with IDF ethical code.'⁴⁷⁵ Moreover, it was also stated at that briefing that 'opening fire should only take place in a life threatening situation, to neutralize the person presenting the danger, but nonetheless, 'where possible, the benefit of doubt should be given.'⁴⁷⁶

Thus, the first soldier who fast-roped down from the first helicopter (hereafter: the first soldier or soldier no. 1) stated in the additional investigations of the Eiland Committee that were carried out at the request of the Commission: 'In the briefings, including my personal talk with the commander of my team, it was emphasized that the use of live weapons was the last option and a response to an immediate danger to life.'⁴⁷⁷ The second soldier who fast-roped down from the first helicopter (hereafter: the second soldier or soldier no. 2) also stated: 'The rules of

474 See the testimony of the commander of Shayetet 13, *Inquiry Expansion of 20.9.2010, supra* note 451, at 2, and see also the testimony of the commander of the Takeover Force, 1; and the testimony of Questioner 2, *Id.* It should be mentioned that from the material before the Commission it arises that the forces received extensive mental preparation which included gathering information and writing insights towards preparation, and the preparation of the commanders to perform the preparation (by the Navy's behavioral science branch); the conversation of the Shayetet commander with all the commanders in the operation; two Company Command talks with all the commanders; 2 lectures by a Masada unit combatant about ways to deal with riots (one lecture to the commanders and one to the soldiers); a talk by each center commander with the forces in the center; analysis and investigation of the model in light of mental conduct (in this context see *IDF completion response of 15.11.2010, supra* note 400, at para. F). On the importance of this preparation in relation to the Open Fire instructions, see also the *Chief of Staff's Open Door Testimony of 11.8.2010, supra* note 70, at 38.

475 The summary of meeting headed by Navy Commander "Final Briefing for Operation 'Winds of Heaven 7' - Navy commander's Summary" (summary of meeting headed by Navy Commander, Jul. 4, 2010), at para. 2(a)(5), the folder containing the exhibit has been marked as folder 90 by the Commission.

476 *Id.*, at para. 2(c)(8)(b); See also *IDF completion response of 15.11.2010, supra* note 400, at para. F.

477 Testimony of soldier no. 1, *Id.*, at 1.

engagement were very strict, and the emphasis was that changing over to live ammunition would be a very exceptional event and only if we faced a real and immediate danger to life and it would not be possible to avoid harming him should we use live ammunition in order to neutralize the threat.⁴⁷⁸

d. Communications blackout - the instructions that were given in the operation order were to allow distress broadcasts, insofar as these did not endanger the military operation. Emphasis was also placed on the duty of care in this regard, the need to limit the blackouts insofar as possible and to terminate the blackouts when the military need ended. It was also determined that in a case of distress, insofar as a broadcast was not possible, assistance would be provided to the flotilla vessels by Navy ships.⁴⁷⁹ Thus it was also determined that any electronic blackout or disruption of communications that was not one of the types of blackouts approved in the operation order required specific, separate, and detailed legal consideration, and that any such additional blackouts would be carried out only with the approval of the Chief of Staff's office.

e. Procedure for treating the injured - the medical annex to the order addresses, in its objective clause, both the treatment of combat personnel and providing medical treatment for civilians on the various flotilla vessels.⁴⁸⁰ The procedure itself gives details of the medical personnel and medical equipment for the operation, the methods of evacuating and treating the injured and other professional details. The procedure relates, *inter alia*, to the subject of examining persons who are detained, a process whose purpose is to ensure that there is no medical condition that requires treatment in the emergency room.⁴⁸¹ The procedure also states that detained persons should not be examined without their consent and that if a detainee refuses an examination, a physician should explain to him the importance thereof and his refusal should be documented. In the legal annex to the order, it is stated that the injured and sick should be given medical treatment and be allowed to be evacuated from the incident site, and insofar as combat is taking place in the area where the injured are located, the evacuation should be allowed as soon as possible.⁴⁸²

f. Treatment of civilians - the legal annex to the operation order outlines rules of conduct for the forces and it states, *inter alia*, that

478 Testimony of soldier no. 2, *id.*, at 1.

479 *General Staff Operational Order 3*, *supra* note 445, at 21-22, appendix C, para. 3(a)(4); *Naval Operational Order 3*, *supra* note 445, at 63-64, appendix G, para. 3(a)(4).

480 *Naval Operational Order 3*, *supra* note 445, at 29, appendix B, para. 1.

481 *Id.*, at appendix B, para. 6.

482 *General Staff Operational Order 3*, *supra* note 445, at 17, appendix G, para. 2(c).

civilians should be treated 'at all times in a dignified and polite manner, while protecting their dignity and property.' It also states that sensitivity should be displayed to the basic needs of the civilians: where necessary, they should be given water and food, no threats should be made to them and they should not be called upon to assist in carrying out military activity. It emphasizes the prohibition of making use of civilians as a 'human shield' or as 'hostages,' and that civilian property may not be damaged or used, and that taking it constitutes a serious criminal offence.⁴⁸³

g. Dealing with persons suspected of military / terrorist activity or assisting such activity - the legal annex instructs the forces that when the flotilla vessels enter the territorial waters of the State of Israel, the treatment of suspects, including the question of arresting them, should be referred to the Israel Police or the Israel Prison Service. The instructions also state that persons suspected of such activity may be arrested, but for this purpose reasonable force may be used only to the extent required to carry out the arrest. The procedure goes on to emphasize that arrestees should not be harmed after they are arrested and their dignity and security should be safeguarded. The procedure also states that the circumstances of the arrest and the identity of the arrested persons should be documented.⁴⁸⁴

The instructions for the land operation define the mission as follows: "Navy - the theatre of Ashdod, in cooperation with the other forces, will prepare for receipt of the 'Winds of Heaven' vessels (cargo and passengers) and their transfer for the rest of their handling by the authorized entities." The order defines four stages in the handling of the flotilla participants: the entry of the vessels into the port; debarking of the flotilla participants into a facility for absorption and classification; the flotilla participants leaving the port area (boarding buses and arriving at a detention facility); the stage from their detention until they leave the borders of the country. The order is detailed and it specifies the tasks and the division of responsibility between the various entities including, *inter alia*, the Navy, the intelligence division, the planning division, the telecommunications division, the land command branch, the IDF spokesperson, COGAT, the chief military prosecutor command, the Military Police, the Israeli police, the Ministry of the Interior, the Foreign Ministry, the Prison Service, the Ministry of Transportation, etc.). The order contains, *inter alia*, annexes regarding security, medical care, information security, as well as an annex

⁴⁸³ *Naval Operational Order 3*, *supra* note 445, at 59, appendix G, para. 2(b); *General Staff Operational Order 3*, *supra* note 445, at 16-17, appendix C, para. 2(b).

⁴⁸⁴ *Naval Operational Order 3*, *supra* note 445, at 73, appendix G, para. 2(d); *General Staff Operational Order 3*, *supra* note 445, at 17, appendix C, para. 2(d).

concerning the seizure of equipment belonging to the flotilla participants and a legal annex identical to the legal annex attached to the naval order, which defines rules of conduct for the forces.

The military operation for enforcing the naval blockade on May 31, 2010 - the implementation stage

122. The military operation carried out in order to stop the aforesaid flotilla will be reviewed below according to the following stages: (1) The communications and warning stage; (2) giving the order to carry out the takeover; (3) the takeover stage and bringing the flotilla vessels to Ashdod port - first we shall review the takeover of the *Mavi Marmara*, and then we shall address, in brief, the takeover of the other vessels; (4) from arrival at Ashdod port until the deportation of the flotilla participants from Israel on June 2, 2010.

The inquiry and warning stage

123. The inquiry stage for the flotilla vessels began on May 30, 2010, at around 9:00 p.m.⁴⁸⁵ The stage of transmitting communications began on May 30, 2010, at 10:40 p.m., when the flotilla vessels, which were moving close to one another, were in the area of the latitude of Sidon (Lebanon), at a distance of eighty nautical miles from the shore. This stage concluded on May 31, 2010, at 12:41 a.m., when the vessels were in the area of the latitude of Nakura (Lebanon), at a distance of eighty nautical miles from the shore.⁴⁸⁶ The communications were sent by operators designated for this purpose (naval officers located on the command ship during the operation who transmitted communications to the vessels in the flotilla in accordance with the operation command). The communications were transmitted by means of a Sailor radio device (an international civilian radio device for communication between vessels at sea and between vessels and coastal stations. The Sailor device has fixed channels not subject to alteration, including the international distress channel [channel 16]).

The recordings from the radio network that were submitted to the Commission show that four communications were indeed transmitted in full and according to the prepared text. The optional fifth communication was not transmitted. As stated, the warnings emphasized the fact that

⁴⁸⁵ The Chief of Staff's *Open Door Testimony of 11.8.2010*, *supra* note 70, at 24.

⁴⁸⁶ "IDF Answer to Completion Request" (Nov. 7, 2010), at 5, the folder containing the exhibit was marked as folder 136 by the Commission [hereinafter *IDF Completion Response of 7.11.2010*].

the vessels were about to enter an area in which a naval blockade had been imposed and a clarification that there was nothing that prevented the humanitarian supplies on the vessels entering the Gaza Strip via the land crossings, and the vessels were invited to go to Ashdod port for this purpose. The third warning included a notice that all legal measures would be taken in order to prevent the vessels entering the area of the naval blockade, and the fourth warning included a notice that, if necessary, IDF soldiers would board the vessels.⁴⁸⁷

Two of the radio operators, whose function was to transmit the communications, stated in the supplementary investigations.⁴⁸⁸

The first radio operator stated:

"We began with the standard inquiry to every vessel at sea. After that we went on to the request of the Israeli Government to enter Ashdod port and transfer the supplies to Gaza.

Next we went on to the communication that says that the area is closed and according to international law it is prohibited to enter the area, and we said that the vessel was in danger. The captain himself and the flotilla organizers were warned that they were responsible for any harm to the vessel and the persons and cargo on board. At no stage was there a break in communications and the message was transmitted clearly.

...

The transmission of the messages began a long way from the coast of Gaza and there was enough time to respond... *Mavi Marmara* repeatedly transmitted a fixed message that the Navy did not have power to stop them and that they were sailing to Gaza... In my opinion, all of the communications were transmitted clearly and in clear and unambiguous language.⁴⁸⁹

124. All of the flotilla vessels, apart from the *Sofia*, responded to the radio communications.⁴⁹⁰ The recordings from the radio network show the character of the responses that were received from the flotilla vessels. The captain of the *Mavi Marmara* said that he refused to stop since the purpose of the flotilla was humanitarian only, and because Israel did not have authority to act against the ship outside its territorial waters. When the captain of the *Mavi Marmara* was warned that if the ship did not stop,

⁴⁸⁷ Questioner 2's testimony, *Inquiry Expansion of 20.9.2010*, *supra* note 451, at 1-2.

⁴⁸⁸ For the exact wording of the warnings, see para. 121 of this report. Questioner 2 testified that the messages were transmitted "word for word as they appear in the order, see Questioner 2's testimony, *Id.*, at 2.

⁴⁸⁹ *Id.*, testimony of interrogator 1.

⁴⁹⁰ See the *Chief of Staff's Open Door Testimony of 11.8.2010*, *supra* note 70, at 25; See also *IDF Completion Response of 7.11.2010*, *supra* note 486, at 6.

it would be responsible for the consequences, a response was heard on the radio network that if the Israeli Navy attacked the ship, it would be the Israeli Navy that would suffer the consequences. Subsequently two other responses were heard on the radio: "Shut up, Israeli Navy, shut up!"⁴⁹¹ and "Shut up, go back to Auschwitz," followed by: "We're helping Arabs to go and get the US, don't forget 9/11, guys." Due to the fact that the radio was operated on channel 16, the international frequency, it is not possible to determine which of the vessels made these statements.

The second radio operator also stated in this regard:

'The responses [that were received from the flotilla vessels] were that we were prohibited from doing what we were doing. They always finished by emphasizing the fact that they were on the way to Gaza. As time passed, the responses became more extreme, as our communications became more resolute. They said all the time that they would reach Gaza but they did not say at any stage that there would be resistance to the takeover although they were told we were about to take them over. In one of the responses they said in English: "Go back to Auschwitz".'⁴⁹²

The first radio operator said in his statement: 'From the responses of the vessels it was possible to understand that there was a determination to hold a confrontation and to try to reach Gaza at any cost.'⁴⁹³

125. It should be noted that apart from the responses that were received by radio communications, there was no noticeable attempt to change course. The aerial lookout watching the video monitor during the incident (hereafter: the aerial lookout) stated: 'I began my shift at approximately 3:00 a.m. ... During the whole voyage and my monitoring of the ships I did not identify any change in the course of the *Mavi Marmara* or any of the other vessels.'⁴⁹⁴

491 See video file "Shut Up.wav", in folder 663 on *Navy Data Disc*, *supra* note 5. See also the recordings in the "Achi Hanit" folder within the "Winds of Heaven 7" folder, *id.*; in his investigation by an IDF investigative unit following the event, the captain of the *Mavi Marmara* testified that during the questioning he answered the Israeli Navy's questions, changed course to about 180 degrees and sailed south about 75 miles from the Israeli shore. According to his claim this was the last time where contact was established with him until the time of the raid and at this time he did not receive any additional warning; see article: 03/06/10/825/5092 *Military Intelligence Reports* (Jun. 3, 2010), the folder containing the exhibit was marked by the Commission as folder 89 [hereinafter *Military Intelligence Reports*].

492 *Id.*; for the recording of the words spoken over the radio see CD *From Peace Flotilla to Terror Flotilla* submitted by the army (minute 3:00), found in a folder marked by the Commission as exhibit 89 of the Commission's exhibits.

493 Questioner 1's testimony, *Inquiry Expansion of 20.9.2010*, *supra* note 451, at 2; see also the flotilla diagrams found in folder 89.

494 *Id.*, testimony of the aerial look-out, as well as testimony of questioner 1, at 2.

After the aforesaid four warnings were sent, no additional warning was given before the vessels were taken over. The first radio operator stated that he made sure that the communications were transmitted to all of the vessels, and that the reason why no additional warning was given was operational needs for a covert takeover of the vessels.⁴⁹⁵

Giving the instruction to take over the ships

126. At the end of the warnings stage and when the flotilla vessels were at a distance of approximately 70 miles west of the coast of Atlit, the order was given to take over the flotilla vessels.⁴⁹⁶ The order given by the Navy Commander was sent to the naval command post at Navy Headquarters, where the head of the Operations Division, Maj. Gen. Tal Russo, was also stationed, and also to the supreme command post. From there, the order was transmitted to the maritime forces' control center, which informed the takeover forces command, which, in turn, transmitted it to the commanders of the takeover force.⁴⁹⁷

Before the takeover operation began, and pursuant to the operation instructions and the order of Navy Command, at 4:06 a.m. communication blackouts were employed vis-à-vis the *Mavi Marmara*. According to the IDF, the screening activity did not affect the ability of the vessels to move safely. Despite the use of the screening, several short video clips and several messages were sent from the *Mavi Marmara* during the takeover operation.⁴⁹⁸

The takeover operation itself began at 4:26 a.m. with the takeover of the *Mavi Marmara*.⁴⁹⁹ We shall now address this in detail. Thereafter, we

⁴⁹⁵ *Id.*, testimony of questioner 1, at 2.

⁴⁹⁶ See the Chief of Staff's Presentation, which was shown as part of the *Chief of Staff's Open Door Testimony of 11.8.2010*, *supra* note 70, at 25. See also the Chief of Staff's presentation on the Commission's website.

⁴⁹⁷ This order of actions is described in *IDF Completion Response of 7.11.2010*, *supra* note 486, at 6. It should be mentioned that according to the Eiland Commission's Report (though this is not mentioned in the IDF completion response submitted to the Commission) it arises that in accordance with the Chief of Staff's instructions to approve the takeover operation in real time, at 04:00 AM (half an hour prior to the start of the takeover operation) the Chief of Staff held a "telephone situation analysis" with the head of the Operations Directorate and approved the takeover in light of the status report submitted to him. According to what has been stated in the Eiland Commission Report the Defense Minister also called the command post about 15 minutes prior to the takeover, and was given a status update and the Chief of Staff's approval for the takeover by the head of the Operations Directorate (see *The Eiland Report*, *supra* note 402, at 54).

⁴⁹⁸ See *IDF Completion Response of 7.11.2010*, *supra* note 486, at 6.

⁴⁹⁹ The Chief of Staff testified that the action started at 04:28; See the *Chief of Staff's Open Door Testimony of 11.8.2010*, *supra* note 70, at 25; however from other materials before the Commission it seems that the operation started at 04:26; see *Eiland Report*, *supra* note 402,

shall briefly discuss the takeover operations of the other flotilla vessels, in which there were no loss of lives.

The takeover of the Mavi Marmara

127. As we have said, the *Mavi Marmara* was the largest passenger ship among the flotilla vessels. At the outset we should state, which will be further elaborated below (see paras. 164-167, 190-201 below), that in retrospect it transpired that, *de facto*, the persons on board the *Mavi Marmara* fell into two main groups: the *first group* of peace activists, which was the largest group, whose members boarded the *Mavi Marmara* at the port of Antalya; the *second group*, which included both approximately 40 activists in the Turkish organization called IHH, who boarded the *Mavi Marmara* at the port of Istanbul and who marked themselves as a separate group by means of items of equipment and carried out preparations before the takeover operation began; as well as flotilla participants who were either individual activists or belonged to other organizations and who decided to take part in the violent incidents for various reasons. This second group, which for ease of reference will be referred to below as 'IHH activists, was the one which partook in the violence on board the *Mavi Marmara*.

The statements and the materials, including the magnetic media, indicate that the takeover of the *Mavi Marmara* began with an attempt to board from Israeli Navy Morena speedboats. This attempt failed because of violent resistance on behalf of some of the flotilla participants, which included throwing objects at the soldiers, shooting water at them with hoses, cutting the ladders on which they were climbing with an electric saw, using lights to blind them, etc. At this stage, it was decided to take over the ship by means of fifteen soldiers who would fast-rope down onto the roof from a helicopter. The soldiers encountered extreme violence - three of them were taken to the hold of the ship after they had been wounded, two were shot, and others suffered serious physical injuries. In response, the soldiers resorted to shooting with less-lethal and lethal weapons. Ten minutes later, an additional force fast-roped down onto the roof of the *Mavi Marmara* from a second helicopter, which also encountered extreme violence, and assisted in the attempts to secure the upper decks. Ten minutes later, a third force fast-roped down from another helicopter, and assisted in securing the position and move to the command bridge. At the same time as the third force of combat personnel fast-roped down on

at 96; the Commander of Center A's testimony, *Inquiry Expansion of 20.9.2010*, *supra* note 451, at 1.

to the *Mavi Marmara*, other forces climbed up from Morena speedboats, after the commander of the force on the Morena speedboats realized that apparently a soldier from the force on roof was missing (in fact, three soldiers were missing). The stage of taking over the *Mavi Marmara* ended after the combat personnel from the third helicopter took control of the command bridge and the Captain of the *Mavi Marmara* announced on the *Mavi Marmara's* loudspeaker system that the ship was under IDF control.

Below we shall review the stages of the operation and the takeover of the *Mavi Marmara* in particular, as it arises from the statements of the combat personnel who took part in the takeover. It should be noted, the purpose of this section of the report is to provide a broad description of the takeover of the *Mavi Marmara* and the violence that the IDF faced.

The first attempt to board the *Mavi Marmara* from the Morena speedboats

128. According to the takeover plan, in the first stage of the operation an attempt was made by the Shayetet 13 servicemen to board the *Mavi Marmara* from the sea, by means of two Morena speedboats (hereafter: the first Morena speedboat and the second Morena speedboat). The first Morena speedboat was commanded by the commander of "center A", the most senior commander in the entire force that was designated to take control of the *Mavi Marmara* (hereafter: the Commander of Center A).

The first Morena speedboat reached the *Mavi Marmara*, came alongside it and an attempt was made to raise the poles with climbing pegs on them in order to enable the combat personnel to climb onto the deck. The Morena encountered resistance that included the shooting of water from hoses towards it, blinding lights being directed at it and the throwing of various objects, such as pieces of metal, bottles and the shooting of glass marbles from slingshots. The Commander of Center A decided to allow the firing of paintball guns and the use of flash bang grenades, but after approximately a minute during which the resistance did not diminish, he decided to retreat with the Morena and allow the helicopter force to open up a path for boarding from the sea.⁵⁰⁰

129. The second Morena speedboat encountered resistance from IHH activists who threw various objects on the combat personnel, including iron bars, screws,

⁵⁰⁰ The Commander of Center A's testimony, *Inquiry Expansion of 20.9.2010*, *supra* note 451, at 1; Team Commander R's testimony, *Id.*, at 1; See also the testimony of soldier no. 19, who was also on the command vessel: "at this point there was lighting from 2 large floodlights (Xenons) from the direction of the ship towards the NSW boats, and the whole event was accompanied by a lot of noise and chaos. Likewise, I saw the activists on the boat using water hoses to spray the NSW boats", *Id.*

etc. The commander of the second Morena speedboat (hereafter: **Commander of the Takeover Force**) gave an instruction to fire less-lethal weapons (beanbags, paintball rounds and flash bang grenades) at these participants, and as a result some of the IHH activists left the side. At this stage, the combat personnel threw a ladder in order to make it possible to climb up. When they began to climb up, the Commander of the Takeover Force discovered that the metal part that held the ladder to the side of the ship had been cut. In view of the fact that IHH activists returned to the place where they were climbing up and began to throw objects at the force from there, the Commander of the Takeover Force decided to withdraw with the Morena speedboats.

The Commander of the Takeover Force stated:

'We obtained eye contact with the *Maui Marmara*. I saw a very large number of activists who were waiting for us on the sides around the whole boat and on all the levels, including at the stern, on all the decks at the bow and on the sides...

As I said, the people on the sides, most of them were masked, some with gas masks, all of them with orange protective vests. The men held iron bars, slingshots, chains.

As we approached, I gave an order not to carry out any shooting at this stage, including with less-lethal weapons. When we came close to the stern, we began to receive a barrage of objects, anything that came to hand, including metal bars, metal chairs, large cans of tinned food, large screws, which hit the combat personnel and the boat. One of the combat personnel was hit by a blunt object in the face and was cut under the eye. Another of the combat personnel was hit by a metal object on the head, and I gave an order to fire less-lethal weapons at the persons using violence against us.

The persons on the lower deck of the stern ran back, while on the higher decks they continued to throw things on us...

As a result of the firing of the less-lethal weapons, the side was vacated and my combat personnel raised the ladders and attached them to the side. I should point out that during the whole stage of raising the ladders; we continued to receive a salvo of objects from the higher decks, which hit the combat personnel. The combat personnel requested permission to fire live ammunition, but I did not give them approval. It should be said that as a result of firing the less-lethal weapons, as I said, the persons on the deck had moved back and from my point of view as a commander, the less-lethal weapons had achieved their purpose and there was no need to fire live ammunition. I began to climb first up the ladder and at that stage the top part of the ladder collapsed, hit me in the face (the ladder is made up of a flexible rope ladder

with flexible metal rungs, at the end of which is a metal rung that attaches to the side of the ship). I looked at the rung and saw that it was cut with an electric saw. At the same time, we prepared another ladder for climbing up while we still alongside the ship, when at the same time the persons on board, the activists, who retreated as a result of the firing of less-lethal weapons, came back to the climbing point. At this stage they were on top of us. The distance that they were above us was approximately two meters and they *de facto* had a commanding position above me. In other words, they had the advantage of height over me. The activists returned to throw objects at us. At that stage, I heard them shouting "Allahu Akbar." I understood that whoever was making such shouts in such a "mad" and "extreme" way was exuberant, extreme and dangerous. We continued to receive a barrage of objects and because we were very close to the activists, I and the combat personnel were in danger. I hesitated as to whether to open fire and decided to withdraw with the boat. I made a report on the radio that there was major violence on the ship. I received an update that the same thing also happened on the other side to the second team that tried to climb up from the sea.⁵⁰¹

At this stage, the commander of the second Morena speedboat made another attempt to board the ship from the sea, from the middle of the ship. This attempt also encountered major opposition from the IHH activists and the Commander of the Takeover Force decided to withdraw with the Morena speedboat and to wait until the helicopter soldiers open the side up for climbing.⁵⁰²

130. The aerial lookout stated about these events:

During the preparations, I saw the activists on the ship preparing all kinds of objects. I saw persons with cameras and large numbers of persons gathering all along the decks.

When the Morena speedboats approached the ship, I saw a massive throwing of objects by the activists at our boats. I also saw several explosions that might have been shooting at the Morenas.

The Morenas moved away because they did not succeed in climbing up.⁵⁰³

It should also be noted in the recording of the aerial lookout's radio network, at 4:29 a.m. it is possible to hear reports from the Morenas of

501 The Commander of the Takeover Force's testimony, *id.*, at 2-3.

502 Commander of Center A's testimony, *id.*, at 2-3.

503 Testimony of the aerial look-out, *id.*

a heavy barrage of stones and bottles, and as a result, that the combat personnel were prevented from boarding the *Mavi Marmara*.⁵⁰⁴

The video recordings that were submitted to the Commission by the IDF document some of the resistance of the IHH activists at the stern of the *Mavi Marmara*.⁵⁰⁵ thus, for example, the security camera that was placed on the lower level of the *Mavi Marmara* show at 4:26 eight men wearing orange life jackets, some of them wearing gas masks and one of them holding a wooden club, looking in the direction from which the first *Morena* arrived.⁵⁰⁶ In a video film recorded by one of the flotilla participants on a digital camera that was in his possession (the camera's clock indicates that the recording began at 4:27 a.m.),⁵⁰⁷ the first *Morena* can be seen coming alongside the stern of the *Mavi Marmara* while several IHH activists along the stern are shooting water at the *Morena* from hoses and are directing a searchlight at it. It should also be pointed out that during the film, which lasts 2:05 minutes, cries of 'Allahu akbar' from the IHH activists at the stern can be heard.⁵⁰⁸ In two additional video clips, IHH activists can be seen carrying long poles, some of them wearing masks on their faces, one of them directing a searchlight at the *Morenas* and one of them is seen throwing something at the *Morenas*.⁵⁰⁹

It should also be pointed out that various video films show that after the attempts to climb up from the *Morenas* to the stern of the *Mavi Marmara* were stopped and the *Morenas* moved away, a group of IHH activists remained at the site, armed with long poles, some wearing gas masks and one holding a slingshot.⁵¹⁰

504 See file "Neshek Ham.mov" in folder *Air, Navy Data Disc*, *supra* note 5; this is a taping from a visual device along with calls over the radio as received in the Zofit. The video permanently displays a clock indicating the precise time of taping.

505 See *Navy Data Disc*, *supra* note 5.

506 See video files from the security camera in folder *Security Cam* in folder *Arab* in folder *Ruhot HaShamaim7*, on data hard disc received from the army, marked by the Commission as exhibit 133 [hereinafter *Arab Data Disc*].

507 NB: According to the properties of the digital camera file later seized by the IDF forces.

508 See: video file "00983.MTS" in folder *STREAM* in folder *BMDV*, in folder *AVCHD* in folder *Sony* in folder *Video, Arab Data Disc*, *supra* note 506.

509 See video file "SatilCam_GoingOnBoard14" in folder *Sea, Navy Data Disc*, *supra* note 5 (carrying metal bars and aiming floodlights at NSW boats); See also video file "SatilCam_GoingOnBoard13" *Id.* (carrying metal bars, throwing objects at NSW boats).

510 This matter is verified by two sources: the security camera positioned on the bottom deck shows that this group of activists remained in place between 04:30 and 05:04 (see: security camera video files in folder *Security Cam, Arab Data Disc*, *supra* note 506). The security camera files one of the activists is even seen hurling a marble with a slingshot at 04:44 (according to the security camera's clock) towards the water near the stern, and one of the activists was also seen throwing some object towards the water near the stern at 05:04 (according to the security camera's clock). This was also documented in the videotaped by one of the participants of the flotilla with a digital camera he was carrying. According

Fast-roping down from the helicopters

131. *The first helicopter.* At 4:29 a.m. the soldiers began to fast-rope down from the first helicopter. In view of the violence that the navy force encountered⁵¹¹ and the fact that on the roof of the ship there were approximately 10-15 IHH activists, the Shayetet 13 commander ordered the force commander in the first helicopter from which the soldiers fast-roped down (hereafter: the third soldier and the first helicopter, respectively) to prepare two flash bang grenades and to throw them before they fast-roped down from the helicopter.⁵¹² The first helicopter arrived above the *Mavi Marmara* with fifteen Shayetet 13 combat personnel. Some of the soldiers on the helicopter identified dozens of people on the roof of the *Mavi Marmara*, some of whom were wearing what appeared to be orange life jackets and with gas masks on their faces.⁵¹³ The rope was lowered

to the camera's clock the events were videotaped at 04:47, that is, at the height of the takeover action executed through descent by fast rope from the helicopters, as will be detailed later on.

- 511 From the testimonies by the soldiers it arises that they did not hear any report over the radio regarding what was happening on the NSW boats at the time, see for example soldier no. 1's testimony, at 1, ("we reached the ship with the helicopter, prior to my descent I didn't hear any report over the radio about what was happening on the ship"); at the same time it seems that the commanders received a report regarding the events, see the Shayetet 13 Commander's testimony, at 3 ("I am aware of the great number of people on the sides of the ship and the resistance"), as well as soldier no. 3's testimony, at 1 ("I hear over the radio that the naval force is meeting with violence and harsh aggression and that the decision is that the naval force will not climb up. I remember hearing over the radio that their ladders were sawn and objects, chains, chairs and forks were thrown at them"), *Inquiry Expansion of 20.9.2010, supra* note 451.
512. See soldier no. 3's testimony, at 1 ("the Shayetet 13 Commander orders me to prepare two stun grenades"); see also the testimony of Shayetet 13 commander, at 4 ("at this stage I'm speaking with the commander of the first helicopter [soldier no. 3] and stress that before descending he should throw down a number of stun grenades in order to drive people away and allow the soldiers to descend and organize as a unified force"), *Id.* Soldier no. 5, who served as a team commander on the first helicopter, testified: "I identify people down there and in the preliminary planning between the commander of the force and myself it was decided that in such a case of people concentrated at the place we were planning to descend to - we will throw stun grenades from the helicopter (pyrotechnic weapons) in order to drive the people away and allow the safe descent of the force." See soldier no. 5's testimony, 1, *Id.*
- 513 See testimony of soldier no. 1, at 1 (from the helicopter I identified about 15 people, some with smoke/gas masks on their faces/heads and most with life vests (in retrospect we found out that these were protective vests for all intents and purposes), testimony of soldier no. 3, at 2, ("I identify dozens of people there. 30-40 [thus in source] people on the roof, with life vests, gas masks, holding chairs"), *Id.*; By comparison soldier no. 4 testified in response to the question "what did you notice from above before descending?" that "there was light but I did not notice anything and the light was from the helicopter", testimony of soldier no. 4, at 1, and soldier no. 12 testified: "a little before arriving we open the door, the team commander and I are sitting with our legs outside the door and the soldier behind me is holding me according to procedure. We reach the area above

and two stun grenades were thrown.⁵¹⁴ Immediately after that, before the soldiers began to fast-rope down, the rope itself was tied to the radar antenna on the roof of the ship by IHH activists.⁵¹⁵ In view of this, another rope was thrown down from the other side of the helicopter, another flash bang grenade was thrown and the soldiers began to fast-rope down the second rope, not in the order of descent that was planned in advance.⁵¹⁶

the ship, I see a lot of people on the roof (15-20 people) in a group. I see they are wearing orange belts", testimony of soldier no. 12, at 1, *id.*

514 It is unclear whether one grenade was tossed or two. A number of soldiers believed that two stun grenades were thrown, while others believed that one was thrown. See *IDF completion response of 15.11.2010, supra* note 400, at para. K.

515 See testimony of soldier no. 3, at 2 ("after the rope was tossed out the right side two stun grenades (flash bang), as stated were thrown, in a short period of time the rope was taken and tied to the antenna on the roof, which endangers the helicopter and the the [thus in original] people descending. I'm in a spot where I am looking at the roof of the ship from the opening in the helicopter, the helicopter is hovering at a height of 25 meters over the ship. After the rope is tied to the antenna I understand that it is impossible to descend and give the order to throw the second rope from the other side. After the rope is thrown the soldiers begin gliding down on it"); See also the commander of the takeover force's testimony, at 3 ("at this stage I see that the helicopter's rope was tied and I told myself the helicopter is going to crash if the rope stays tied"). This was also testified by soldier no. 4 (who in reality was the third soldier to glide down from the first helicopter and was soldier 3's radio operator): "Soldier no. 5 sat at the helicopter's opening, noticed a number of people on the roof and threw a number of stun grenades in order to make them scatter, then threw the fast rope down and I noticed they were grabbing the rope and tying it"; testimony of soldier no. 4, at 1; See also testimony of soldier no. 5, at 1 ("at this stage the airborne mechanic throws the rope we're preparing to glide down to the roof, immediately after I throw a stun grenade at the people coming to grab the rope. On the roof there is a group of about 5 people trying to grab the rope. The people on the roof grab the rope from the helicopter and pull it towards the radar antenna on the roof. Immediately afterwards I throw a stun grenade at the group of activists fiddling with the rope. The first grenade thrown causes shock for a second or two and the second grenade does not influence their behavior (it should be mentioned that grenades of this type only create noise and a flash of light). Afterwards I tell the soldier sitting next to me to throw the stun grenade he has"). See also testimony of soldier no. 12, at 1 ("the airborne mechanic threw down the fast rope, after he threw it down the people down there tied it to the radar antenna, we saw them fiddling with the rope and the team commander threw a flash bang grenade, the people down there were a little alarmed but since the grenades only make noise they understood that and went about their business"), *Inquiry Expansion of 20.9.2010, supra* note 451.

516 See testimony of soldier no. 1, *Inquiry Expansion of 20.9.2010, supra* note 451, at 1 ("Soldier no. 5 ordered me to throw the stun grenade, I threw it at the roof, the grenade detonated [...] the pilot gave an order to lower the first rope on the side opposite to me on the helicopter, the rope was lowered, I did not see this but in retrospect the rope was seized by the activists and tied to the body of the ship. The next stage was that they threw the second rope on my side, someone patted me on the back and signaled me to descend. I began gliding down to the ship[...]"); Testimony of soldier no. 5, at 1-2 ("by this stage the rope is tied to the radar antenna and is at a diagonal angle that does not allow gliding down it. At this stage we get an order on the radio to rappel. I update the force commander [soldier no. 3] that no option exists to descend on my side since the rope is at an angle that does not permit gliding down and the force commander decides to descend from the second side and updates me. At this stage we begin descending, due to the transition

It should be noted that the events mentioned above after the arrival of the first helicopter were recorded by video camera directed at the *Mavi Marmara* from the IDF's aerial observation post.⁵¹⁷

132. The soldiers' statements and the video files transferred to the Commission that were filmed by various parties (including participants on the flotilla, video recording devices, etc.) indicate that the fifteen soldiers who fast-roped one after the other from the first helicopter encountered severe violence upon landing on the roof of the *Mavi Marmara*. This violence included the use of physical force and attacks on the soldiers using various means, such as wooden clubs, iron rods, slingshots, knives, etc., as well as the use of firearms. Three soldiers were taken below deck. The soldiers' statements indicate that they were astounded by the fierceness of the resistance. They had expected, at most, verbal resistance, pushing or punching, but not the scene of conflict that they encountered on the roof of the *Mavi Marmara*.⁵¹⁸

to the second side of the chopper (the rope on the planned side was tied), the order of descent is disrupted and we descend contrary to the original planning."); Testimony of soldier no. 4, at 1 ("Upon throwing [thus in original] we were told to open the second door and prepare to descend from the second door. This created a situation where the order of descent was slightly altered from planning and soldiers 1 and 2 were the first to descend and soldier no. 3 and I descended after them."); As well as testimony of soldier no. 12, at 1, ("soldier no. 1 goes down first and the whole order of descent is disorganized. First we descended in opposite order but later the order of descent was according to the arrival of the soldiers to the rope"), *id.*

517 See file "Neshkek Ham" in folder *Air, Navy Data Disc*, *supra* note 5.

518 See for example testimony of soldier no. 2 ("During the preparation the message was passed that we were expected to encounter activists who would try to hurt us emotionally by creating provocations on the level of curses, spitting, removing face covering etc. but we did not expect a difficult physical confrontation"), *Inquiry Expansion of 20.9.2010*, *supra* note 451; Testimony of soldier no. 5, at 4-5 ("From the outset we planned for a condition of resistance but we expected resistance that in the main would attempt to prevent us from boarding the ship. We expected screams, curses, shoving, even a violent clash but only blows [...] When I observe the incident from the helicopter as well as during the course of the descent I still feel that I am descending to moderate physical resistance rather than to a combat situation. In practice I find myself in a genuine battle [...] my life is in danger and I must defend myself and the rest of the soldiers in the team that I command"); Testimony of soldier no. 6, at 1-2 ("In the preparations and briefings they always briefed us that we were expected to encounter peace activists and therefore the prospects that we would have to use weapons or other means was very low and from my standpoint there was nearly zero probability [...] Even after I received blows and people jumped me to hurt me the call that they were yelling 'hot weaponry and a team member has fallen' led me to feel that matters had gone awry"); Testimony of soldier no. 12, at 5 ("there was a huge gap between what I prepared for which was boarding a ship while meeting resistance from 'peace activists', and a situation where I am fighting to defend my life"); testimony of soldier no. 15, at 1 ("I understood that I was in a combat situation against people who were trying to kill me and not against peace activists as we had been briefed during combat preparation"), *id.*

At the outset, it should be noted that in response to this resistance, the soldiers used force of various types: hand-to-hand combat, shooting with less-lethal weapons; including the use of flash bang grenades, Tasers, the shooting of paintballs and beanbags, as well as the shooting of live ammunition. The conclusions of the analysis of the legality of the use of force by the IDF soldiers, under the circumstances, will be presented below in paras. 232-239. At this stage, the topic of discussion is only a general description of the circumstances that prevailed at the time of the soldiers' fast-roping onto the roof of the *Mavi Marmara* as evidenced primarily by the statements of the soldiers who participated in the take-over of the *Mavi Marmara* and the magnetic media collected by the IDF and furnished to the Commission.

The soldiers stated that as soon as the fast-roping commenced, the number of IHH activists on the roof at least doubled. Soldier no. 1 (the first soldier to fast-rope from the helicopter) stated about this matter as follows:

"While I was still in the air, I saw that dozens of people were quickly joining the 15 people who were already there, and they were wearing gas masks, life jacket, and they were armed with iron clubs, rods, wrenches, axes."⁵¹⁹

Soldier no. 3 stated: "As I was descending the rope, I saw that the number of people on the roof multiplied by four."⁵²⁰

The statements of the soldiers who fast-roped from the first helicopter indicate that they encountered a real resistance force, armed with clubs, iron rods, chairs, etc. In a 23-second video recorded by one of the flotilla participants who was on the roof of the *Mavi Marmara* when the soldiers descended from the first helicopter, one can see a number of soldiers rappelling on the rope from the helicopter, while the IHH activists, all of whom are wearing life jackets, beat them with clubs, hit them with fists, and kick them.⁵²¹ In the video, several soldiers are also seen lying on the deck, surrounded by IHH activists.⁵²²

The video of the *Mavi Marmara's* deck from the IDF's video devices on the aerial observation post also documents some of the violence employed against the IDF soldiers who descended from the helicopters.

⁵¹⁹ Testimony of soldier no. 1, *Id.*, at 1.

⁵²⁰ Testimony of soldier no. 3, *Id.*, at 2.

⁵²¹ See video file "M2U0004" in folder *sony_handycam(silver)#2* in Video folder, *Arnb Data Disc*, *supra* note 506.

⁵²² It should be mentioned that at the end of the video, an IDF soldier is seen firing a pistol at one of the IHH activists who is about a meter away from him and the latter falls to the floor.

According to what is seen on film, at approximately 4:32 a.m., the first soldier rappelled down the rope. As he reached the roof, four men attacked him, hit him, and dragged him. Other soldiers can also be seen as they are fast-roping down and are immediately attacked upon landing, with rods, objects thrown at them, pushing, and punching. The aerial lookout who operated the video device stated: "As they reached the roof, I saw severe violence directed at the soldiers, including beating them with crow-bars, railings, chairs, etc."⁵²³

133. Three soldiers, soldier no. 1, no. 3 and no. 4, were attacked, beaten, and thrown onto the lower deck, from where they were taken below deck.

Soldier no. 1 stated:

"When I reached a height of 2 - 2.5 meters from the ship, people grabbed the end of the rope and pushed me to the side. Before I managed to touch my feet to the deck, about ten people jumped onto me and began brutally beating me from every direction, using clubs, metal rods and fists, and whatever they could grab. The blows were over my whole body and were concentrated mainly in the area of my face and head. It is important to note that at this stage I was not armed - my weapon was fastened behind my back and in my vest pocket I had a taser (electric shocker) which was completely irrelevant in light of the brutal attack on me. At this stage I sensed a real and immediate threat to my life, and I tried to reach the weapon (a mini-Uzi) on my back. I only managed to open the clips that were securing the weapon but I didn't manage to reach the weapon. At this stage I was occupied with attempts to reach my weapon while trying to protect myself as best I could from a fatal attack from the mob, and I waited for the rest of the soldiers to arrive.

The attackers pushed me toward the side of the ship. Because of the large number of attackers, I did not manage to resist. A number of attackers grabbed me by my legs and my torso and threw me over the side to the deck below, about 3.5 meters.

Up until this stage, I did not see any other soldier aboard the ship, and, to my knowledge, I was the only soldier who had fast-roped onto the ship. Upon landing on the middle deck, I fractured my arm, and a mob of dozens of people attacked me and basically lynched me - including pulling off my helmet, strangling me, sticking fingers into my eyes to gouge them out of their sockets, pulling my limbs in every direction, striking me in an extremely harsh manner with clubs and metal rods, mostly on my head. I truly felt that I was about to die, way beyond what

⁵²³ Testimony of the aerial look-out, *Inquiry Expansion of 20.9.2010*, *supra* note 451.

we define as life-threatening. The behavior of the people at this stage was definitely like fighters of an enemy which has come to kill the other side, that is, me. I felt that at any moment I would take a blow to the head which would kill me. At this stage the mob succeeded in tearing my vest off of me (which included the weapon) and the weapon fell out of the vest.

I realized that I would not be able to overcome all of the attackers and in order to save my life I tried to jump into the water but: (a) I was worried that I would not fall into the water but rather onto the deck below me; (b) the mob blocked my access to the side. At a certain stage I managed to reach the weapon, I cocked it, and I shot one of the attackers in his leg.

The considerations in shooting were as follows:

- 1) To distance the attacking mob from me and to minimize the injury to me.
- 2) To signal my location to the rest of the team on the ship and the fact that I was in distress and my life was in danger.

Immediately after I fired the shot, I took an extremely harsh blow directly to my head from a metal rod. This stunned me briefly, and in this second they grabbed the weapon from me. At this stage, I thought that the mob wanted to take me as a captive and use me as a bargaining chip for entry to Gaza or in general. A lot of blood began streaming down my face from the wounds to my head. The mob continued to hit me and push me forward inside the ship.⁵²⁴

Soldier no. 3 (the commander of the force on helicopter 1 and the third who fast-roped from this helicopter) stated about the events that preceded his being taken below the ship's deck:

"While descending down the rope I see that they are trying to throw different objects at us. I was struck with metal poles and rocks. As I reached the roof, I feel a very strong blow to the neck from behind, and I see around me about 15-20 people who are surrounding me - some of them have clubs, some have knives, axes.

They are all wearing orange life vests, some of them have *kafiyot* over their faces, some have gas masks, and some have their faces uncovered. I realize immediately that my life is in danger, I realize that the lives of the other soldiers who fast-roped and are fast-roping are in danger. I understand as the commander that I am not in control of the situation. I manage to withdraw my

⁵²⁴ Testimony of soldier no. 1, *Id.*, at 1-2.

mini-Uzi which is secured on my back (the weapon is fastened to the protective vest, in a way that enables it to be "drawn" rapidly). While I'm drawing the weapon, I feel myself flying - as the result of being pushed.

Someone pushes me forcefully and I fall onto the side. I find myself sitting on the deck with my back to the side and facing all the people surrounding me. The people surrounding me have axes, knives, metal poles and clubs, and they're running towards me - it's a matter of a second or two before they reach me. I manage to cock the weapon and release two bullets.

I don't know if I have hit anyone or who. People immediately reach me, grab the weapon from me, and hit me with full force with poles and clubs. I sit against the side with my knees bent - my side is turned toward the side of the wall, hands protecting my face. A mob of people around me are hitting me with many blows, mainly towards my head. The people surrounding me are going berserk, and they're constantly shouting "Allahu Akbar". I feel the blows on all parts of my body and, as I said, many blows to my head. After about two minutes while the people are beating me and I'm trying to protect myself, I feel a number of people grabbing my hands and feet, lifting me up. In this second I realize that they intend to throw me over the side into the water. I resist, thrust wildly, struggle, but without success. It is important to state that also during this time I continue to take very strong blows to the abdomen. I am fighting with all my strength until a certain stage when they manage to get me over the side of the boat. I am holding onto the side, with my hands, and hanging from the side. At this stage, the people from above are hitting my hands and a second group of people is pulling me from below by grabbing my legs.

Very quickly, I fall to the level below the roof. As I land, another group of people are running towards me. Here as well there are shouts of Allahu Akbar. I am lying on the deck, there are many people above me, one of the people jumps on me and I feel a sharp pain in the lower abdomen. I put my hand there and I feel a knife, and I realize that I've been stabbed, I instinctively pull the knife out of my abdomen. It is important to state that, during this stage as well, I'm taking many blows, including from clubs.⁵²⁵

Soldier no. 4, the signal operator for soldier no. 3 and the fourth who fast-roped from the first helicopter, stated:

"As I reached the deck, I noticed a terrorist with an iron crow-bar waiting to strike me in the head, but when he tried to hit me,

⁵²⁵ Testimony of soldier no. 3, *Id.*, at 2-3.

I pushed him, and immediately another four terrorists jumped onto me while one of them wrapped the chain around my neck and strangled me, while I am struggling with them I thought of drawing my pistol but I felt that if I drew it, because they were up against me and kicking me, I wouldn't be able to shoot and they would grab the pistol from me. At this stage, I lost consciousness (apparently from the strangling - I saw stars), and when I awoke, I felt that I was in the air, and three / four terrorists are throwing me from the roof to the bridge deck. I was very heavy, and I felt a very quick and forceful fall. About 20 men were waiting there with poles, axes and more, and as I fell (this seemed to me as if it were planned), they grabbed me and dragged me inside the ship.⁵²⁶

It should be noted that soldier no. 4 was critically wounded during this event. He suffered from a fractured skull, a hematoma in his right eye, and convulsions. After the event, he was anesthetized, placed on respirators, and operated on for a fractured skull.⁵²⁷

134. Two soldiers from the takeover force in the first helicopter were wounded by live fire, which, according to their statements, was shot at them by IHH activists: soldier no. 2 (the second soldier who fast-roped from the first helicopter) was shot in his abdomen by a bullet with 9 mm circumference; soldier no. 5 was shot in his right knee.

Soldier no. 2 stated:

"Upon exiting, I didn't see what was happening below and I fast-roped, during which I feel pulling on the rope and that they're trying to knock me off. Even before I landed on the deck, I get punched with a club to the head and I realize I'm entering an extremely violent situation and not as I had planned. About five terrorists jump onto me and I'm fighting wildly with them. I was attacked with clubs, poles, metal chairs, fists, they strangled me and tried to throw me over the right side of the *Mavi Marmara*. I got down into a half-kneeling position and I held onto the railing (the rail of the ship). I realized my life was in danger and they're trying to kill me and throw me over in order to wipe me out. I felt that I was fighting for my life and that this was not a game of stopping a ship, but a battle for my life, and so I fought back hard.

⁵²⁶ Testimony of soldier no. 4, *id.*, at 1-2.

⁵²⁷ See IDF completion response of 15.11.2010, *supra* note 400, at para. P.

At this stage I felt a strong blow to my abdomen on the left side and I realized that it was likely that I had been wounded by a bullet in my abdomen....⁵²⁸

It should be noted that soldier no. 2 was indeed injured by a bullet wound in the abdomen, he underwent two surgeries, and he required physiotherapeutic rehabilitation.⁵²⁹

Soldier no. 5 was injured by severe violence used against him, including live fire into his right knee and stabbing with a knife. The soldier stated:

"I landed with my feet onto the deck, while I'm throwing off the rappelling gloves. I start to take blows from metal poles, and I also clearly discern a terrorist with an axe in his hand. I withdraw about four to five meters towards the stern in order to distance myself from the encounter by the rope, and a group of about six (and it felt like more) pursues me toward the stern. I clearly remember what the people had in their hands: there were three people with metal poles which were light-blue (the color of the ship). At first, I didn't realize what they were. I thought maybe they were a type of toy, but as soon as I got hit with one of the poles, I realized that they were metal poles. There were two people with knives drawn, running after me with the intention of stabbing me, and another person with a crow-bar - a tool made of metal, about a half-meter long, which was sharp on one end and flat on the other [...]

I'm surrounded by six people and another person who arrives a few seconds later. This person has a large camera tripod in his hand and he joins the terrorists and beats me with the tripod. My situation at this point is that, as I said, I'm surrounded by terrorists. They're beating me with poles. I'm getting hit all over my body. I take several blows to the face with the metal poles. I take many blows to the head, my head is protected by the helmet (after the battle was over, my helmet was completely smashed). I am getting blows to my body, which is protected by my ceramic vest. I'm trying to protect my face with my arms and my arms are getting beaten. One of my arms breaks [...] I am trying with this hand to take out my pistol, which is fastened to my leg in a holster, but I don't succeed, because they see my attempt to draw the pistol and they stop me by hitting my hand with metal rods. The fighting continues a little longer, and at this stage I realize I'm not managing to withdraw the pistol. I try to find a solution, and then a terrorist runs towards me with a knife drawn and

⁵²⁸ Testimony of soldier no.2, *Id.*, at 2.

⁵²⁹ See IDF completion response of 15.11.2010, *supra* note 400, at para. P.

stabs me with full force in the chest. What stops the knife is the ceramic vest I'm wearing. The terrorist who tried to stab me seems surprised that the knife was stopped by the ceramic shield and I push him off of me with a blow towards his head. I realize that I need a weapon to defend myself. I run toward one of the terrorists who is attacking me, I grab the iron pole from his hand, and I use it to start striking back at the terrorists who are surrounding me - blows with the iron pole in my hand. I felt that from the moment I took the iron rod the blows increased. I started to feel their impact and it was hard for me to breathe. I also started to feel dizzy. At this stage, I feel a cut in the area of my ear or head, it isn't clear to me exactly where. I turn and see someone with a knife - I hit him with the iron rod and the person falls. When I turned towards the terrorist with the knife, my back was left exposed and the terrorists who were behind me struck a number of blows in the area of the back of my neck. I retreat a few steps and at this stage I stumbled; my right leg buckled under. I fall to the deck. I fall where underneath me there is an open entrance - the hatch on the right side of the roof. It's about a meter wide. The people above are trying to push me down through the opening to the level below, and, at the same time, they are trying to pull me down from below. I manage to see that underneath me on the deck a mob of people have gathered. I realize that, in a situation like this, I cannot let the terrorists push me downwards. I roll about a meter to the side in order to distance myself from the opening. At every stage, the blows with the poles continue, non-stop. I get hit in the head, the abdomen, and the legs. After I manage to get away from the hatch, I take a number of blows to the head and the back of my neck, and I lose consciousness. The next stage that I remember -- when I awoke from a very strong pain in my knee, I see soldiers from the unit under my command putting a tourniquet on me. During a number of minutes, I alternate in and out of consciousness. I hear a report by the soldier who is the commander of the medical team, transmitting a report about my condition. At this stage, I realize for the first time that I have been shot in the knee. I also realize that I have a slash in the ear and a slash in the head, and fractures in my arm, because my arm is distorted and I have severe pains in the elbow.⁵³⁰

Soldier no. 5 was indeed injured, *inter alia*, by a bullet shot in the knee (and he also suffered from blunt trauma to his head and abdomen, a

⁵³⁰ Testimony of soldier no.5, *Inquiry Expansion of 20.9.2010*, *supra* note 451, at 2-4; See also testimony of soldier no.6, *Id.*, at 2; Testimony of soldier no. 6, *Id.*, at 3; Testimony of soldier no. 7, *Id.*, at 1; Testimony of soldier no. 8, *Id.*, at 2; Testimony of soldier no. 9, *Id.*, at 1;

fracture in his right hand, a wound to his right ear and hemorrhaging in his ear drum), and he underwent surgery after the event.⁵³¹

The extreme violence which was inflicted upon the soldiers when they fast-roped from the first helicopter onto the roof of the *Mavi Marmara* is also described in the statements of soldier no. 6,⁵³² soldier no. 7,⁵³³ soldier no. 8,⁵³⁴ soldier no. 9,⁵³⁵ soldier no. 10,⁵³⁶ soldier no. 11,⁵³⁷ soldier no. 12,⁵³⁸ soldier no. 13,⁵³⁹ soldier no. 14,⁵⁴⁰ and soldier no. 15.⁵⁴¹

- 531 See *IDF completion response of 15.11.2010, supra* note 400, at para. P.
- 532 See testimony of soldier no. 6, *Inquiry Expansion of 20.9.2010, supra* note 451, at 2-3; in his testimony he described that upon his arrival to the *Marmara* a chair was thrown at him by one of the men on deck and this struck his face, another man attempted to choke him and he was severely beaten on the head until he fell to the deck bleeding. Likewise, an attempt was made to push him to the side of the ship and throw him to the lower deck.
- 533 Testimony of soldier no. 7, *Id.*, at 1; The soldier describes in his testimony that immediately after a chair was thrown at him by one of the "activists" (as he called them), another struck him in the head with a club, and so he fell to the ground and was beaten while lying on the floor.
- 534 Testimony of soldier no. 8, *Id.*, at 2; According to the soldier's testimony immediately upon his arrival on the *Mavi Marmara*, three "terrorists" (as he called them) jumped him and beat him with clubs and attempted to choke him and break his neck.
- 535 Testimony of soldier no. 9, *Id.*, at 1; In his testimony he describes how he was beaten with a crowbar in the head until his helmet came off and he fell to the ground. While lying on the floor he was beaten by about five people with bars, a chair, and their bare hands.
- 536 See testimony of soldier no. 10, *Id.*, at 1-2; In his testimony he describes that upon reaching the roof of the *Mavi Marmara* he was attacked by 4-5 "terrorists" (his term) who did not stop hitting him with bats/ metal sticks/ axes and attempted to push him to the side of the ship and throw him to the deck below. He goes on to describe how he was unable to reach the weapon which was secured on his back, and so withdrew into himself in order to lessen the severity of the injuries.
- 537 Testimony of soldier no. 11, *IDF Completion Response of 7.11.2010, supra* note 486, at 1; In his testimony he describes running towards a number of participants who were beating one of the soldiers and they attacked him, beating him in the head and breaking his hand. Likewise he describes how a chair thrown at him broke the paintball gun he held (the gun was out of Commission and could not be used).
- 538 See testimony of soldier no. 12, *Inquiry Expansion of 20.9.2010, supra* note 451, at 1-2. In his testimony the soldier describes a chair being thrown at him and an attempt to stab him in the hand with a knife.
- 539 See testimony of soldier no. 13, *Id.*, at 2-3, where he describes a sensation of mortal danger and of a minority of soldiers facing a large number of violent activists. The soldier also described how he was caught by three resistors, one beat him with a metal bar, the second pulled him powerfully and made him dislocate his shoulder, and the three attempted to throw him over the side to a lower deck of the ship.
- 540 See testimony of soldier no. 14, *Id.*, at 1, where he describes how he noticed upon his descent to the roof of the *Marmara* that the soldiers in his force were surrounded, each separately, by a number of resistors armed with cold weaponry. He also described that he noticed one resistor aiming a revolver at several soldiers.
- 541 See testimony of soldier no. 15, *Id.*, at 1-2, where he describes how he noticed each one of the soldiers was surrounded by 3-5 activists, some of the soldiers were lying on the floor. The soldiers were beaten with clubs and metal bars. The soldier also saw one axe being used by the resistors. He goes on to describe two resistors running towards him with

135. In addition to the violence that the IDF soldiers encountered on the deck of the *Mavi Marmara*, the three soldiers who were abducted and taken below the deck of the ship by the IHH activists (soldier no. 1, soldier no. 3 and soldier no. 4) also stated that while they were held below deck, approximately forty minutes in duration, their equipment and weapons were taken from them, they were beaten, and the necessary medical treatment required in their condition was withheld from them.

Soldier no. 1, who was attacked and thrown onto the lower deck (a height of about 3.5 meters), stated that while he was held below deck, he was beaten on the head with clubs and IHH activists strangled him. Soldier no. 1 also stated that although he had a very deep cut on his scalp, the doctor who treated him only wiped the blood from his forehead. He described the events as follows:

"When they brought me inside [below the ship's deck], I realized that here my physical resistance would be futile and that I would not be able to fight them all, so I just looked for an opportunity to escape and jump into the water. At this stage, I was certain that I was going to die, and all kinds of scenarios started running through my mind: being executed by the mob, being executed and it being photographed to distribute around the world and show their achievement; abducting me and bringing me into Gaza (Gilad Shalit), etc.

At this point, I tried to think of ways to escape, like jumping into the water, jumping out of a porthole, etc. Afterwards, they dropped me further down below deck, while photographing me many times (video, stills, a real "press conference") and they continued to hit me, mostly in the head and mainly using clubs. With every blow I took to my head, I was worried that I would faint, or worse, that I would die. During all of this movement below deck, one enemy strangled me from behind and twisted my arms from the back, while we were moving, so that everyone who passed by me made sure to strike at me and take part in beating me.

After descending half of the staircase, I began to call, "Doctor, Doctor," and a doctor was brought to me. At this stage, I had a very deep slash in my head. The doctor "treated me" in front of the cameras, when actually the only thing he did was to wipe the blood from my forehead. He didn't touch the injury to my skull at all. [Subsequently, at a hospital in Israel, he was diagnosed with a very deep scalp wound and a fractured skull; the slash required 14 stitches.]. Afterwards, they took me below to the

metal bars in an attempt to hit him, since he managed to get away, but in the end was struck on the hand (apparently by a different resistor).

passengers hall and lay me down on the couches, and one of the enemies guarded me while waving a club over my head. I asked for water because I thought I was going to faint from the loss of blood. At first they didn't bring me water, and only after about 10-15 minutes they brought me water."⁵⁴²

Soldier no. 3, who, as noted, was wounded by being stabbed in the abdomen with a knife, described being dragged below deck, while being beaten and his hands being pulled every time they grabbed onto something. The soldier also described his injuries at this stage - massive hemorrhaging from the abdomen with his intestines protruding, a deep slash on his left arm and blood streaming from his nose. According to his statement, a doctor who saw him at his request gave him only a gauze pad in order to treat his injuries, and he held the pad against his abdomen with his underwear. Soldier no. 3 also described that, below deck, his hands and feet were bound and he described the fact that a guard with a wooden pole was stationed by him. As he described it:

"At a certain stage, a number of people drag me into the ship. What's running through my head is that they're dragging me into the ship in order to kill me. I try to resist and to grab at anything along the way. Every time I resist, I get severely beaten. At the first stage, they are dragging me inside from the side into the staircase. Before they start to bring me down the stairs, they take my equipment off of me. I resist with all my strength, without success. I recall a lot of shouting there, madness in the people's eyes, hate. I realize that this is the end of me, and that they're going to kill me. They start dragging me into the stairwell, two people, one from above and one from below. I try to grab onto the banisters and the railings, the whole way - because I realize that, as soon as I get below and reach the lower level, they're going to kill me. I hear the second helicopter arriving, I hear voices, shooting, and explosions on the deck, and I hope that within a short time they'll come to rescue me, and I realize that this is my chance to stay alive. Every time I grab onto something, my hands get burns (the marks on my hands are still visible today).

While they're taking me down the stairs, my pants fall down and my shirt rises up - I see that I am bleeding massively, that is, I'm losing a lot of blood, and I can tell that part of my intestines are protruding (today I know that they came out as a result of pulling the knife out of my abdomen). I also notice a deep cut in my left arm, from which I'm also losing a great quantity of blood.

⁵⁴² See testimony of soldier no. 1, *Id.*, at 2-4.

I also feel blood flowing from my nose into my mouth. At this stage, I have no head covering because they removed it from me after they took off my equipment.

During the descent in the staircase, I identify soldier no. 4 lying on the lower level, surrounded by a large number of crazed people, while he's continuously being beaten. They're continuing to drag me down the stairwell - while doing so, my pants fall down and my shirt rises up. At this stage, they move a bit away from me, and I find myself surrounded by people with cameras, video and stills, and they photograph me a number of times, with photos and flashes. At this stage, I ask for a doctor and point to the cut in my abdomen. I receive a gauze pad, which I press against the wound in my abdomen and hold in place using the elastic of my underpants.

My picture of the situation at this point is like this. I was dragged two flights down the stairwell, I'm lying in the staircase - opposite the entrance to this level of the ship. Soldier no. 4 is lying at the entrance to this level, surrounded by people who, on the one hand, are photographing him and me, and at the same time they're continuing to beat him.

Two people I remember from this stage were wearing (green) Hamas flags wrapped around their heads, who were very eager to kill us. They tried to strangle me and soldier no. 4. The hate in their eyes was just burning. They told us in English that they were going to kill us. Apparently, what stopped them from succeeding was the people who prevented them from doing it. They pushed them away from the area.

Afterwards, they continue to drag me down another level through the stairwell, and they bring me into a large hall. Upon entering the hall, I identify soldier no. 1, whose entire face is covered in blood. They lay me down on a couch opposite soldier no. 1. The hall is large, with many couches and dozens of people in the hall. There are women in it, with covered faces, who are taking care of the wounded people, but not us. Just after they bring me down, they bring soldier no. 4, and lay him down on the couch next to me.

The current situation is that the three of us are in the hall on three couches. Soldier no. 1 is sitting, soldier no. 4 is lying down, and I'm lying down on the couch opposite them, at a distance of about three meters.

They tied my hands and feet with rope. They station a person above me who is holding a wooden pole in one hand, and with his other hand he's holding onto my arm. He beats me with the wooden pole, and he indicates to me with his hand to be quiet, and that any movement by me will result in harsh blows with

the wooden pole. Apparently as a result of the loss of blood, I started to become groggy. I notice a group congregating around soldier no. 4, I look in his direction and I see that they are sitting on him and beating him with harsh blows. Soldier no. 4 starts to convulse. Both soldier no. 1 and I started shouting in English for the doctor.

At this point, the activists brought water and poured it over his face and he stopped and lay down quietly. I was sure that at this point he was dead.⁵⁴³

Soldier no. 4, the signal operator for soldier no. 3, suffered convulsions and lost consciousness while he was below deck due to the blows to his head. As he stated:

"About 20 people were waiting there with poles, axes, and other [weapons], and as I fell (this seemed to me to have been planned), they grabbed me and dragged me into the ship. I notice knives and they cut all of my equipment off of me, and they're also beating me the whole time, during which time I saw soldier no. 3 after they had stabbed him in the abdomen. I tried to get to him and to help him, and he indicated to me to be calm and not do anything crazy, so that they wouldn't injure me further. They took us down - I was pretty foggy - through the stairwell into the ship below deck. They brought us into a room, during which time I heard all kinds of shouting, which wasn't clear, but it sounded to me like Hareen Zoabi. I got to the room and on the way there I was beaten the whole time. In the room, there were many blue couches. They lay me down on one of the couches. There were two people, one of whom beat me the whole time while I was tied to the couch, and they also held me, and, during this, the guy continues to beat me, and there was another guy who tried to calm him down, but it didn't help. At this stage, I felt foggy and not good, I felt my head. I saw soldier no. 1 with his hand on his head, covered with blood, and one of the terrorists, while one of them was sitting on me the whole time (or this was the same one with a pistol in his hand) and whispering things to me the whole time in Arabic, and I realized that it seemed like I was going to die. At this point, I lost consciousness (from my friends' description, I also started to have convulsions).⁵⁴⁴

In a 34-second video taken by one of the flotilla participants, soldier no. 1 is seen inside the ship below deck, bleeding from his head and groaning in pain, while he is being guarded by an IHH activist wearing

⁵⁴³ See testimony of soldier no. 3, *Id.*, at 3-5.

⁵⁴⁴ See testimony of soldier no. 4, *Id.*, at 2.

a life jacket and a gas mask and holding a large wooden club.⁵⁴⁵ In a 20-second video, soldier no. 4 is seen lying on the floor, inside the ship below deck, while an IHH activist with a protective vest and an iron rod is holding him. Other people are seen who are photographing the soldier.⁵⁴⁶ In another video, soldier no. 3 is seen while he is being forcibly dragged down the stairwell into the ships' interior by an IHH activist wearing a protective vest and a gas mask. The soldier is seen trying to hold onto the banister, he is forcefully pulled off, an IHH activist strikes him, and the soldier is bleeding from his nose.⁵⁴⁷

136. It should be noted that the statements of the three soldiers who were abducted indicate that the flotilla participants on the *Mavi Marmara* were divided into two groups: (i) the IHH activists and their supporters, those same participants who seized the soldiers on the roof of the *Mavi Marmara* and took them below the ship's deck, while withholding appropriate medical treatment from them; and (ii) the other participants whom they encountered below deck, who tried to protect them and improve their situation.

Soldier no. 1 stated about this:

"At this stage, I noticed that there were two types of people in the room:

1. Terrorists - very large and strong men, approximately ages 20-40, armed with cold weapons,⁵⁴⁸ [footnote added] running back and forth and appearing as if they're in the middle of a military operation. Some of them spoke into Motorolas, transmitted reports within the ship and, other than not having uniforms, looked and acted like a military force in every respect.

2. The relatively moderate people - slightly older men and women who showed restraint, relatively, and did not attack me.

I noticed that there was a disagreement between the two groups; the terrorist group wanted to attack me and kill me, while the moderate group tried to protect me. At this point, I was worried that someone from the terrorist group would succeed in getting to me and shooting or stabbing me to death."⁵⁴⁹

⁵⁴⁵ See file "M2U00007" on CD marked as exhibit 159 of the Commission's exhibits, received on Dec. 30, 2010. This event from a different point of view is also documented in another video, see "M2U00008", *Id.*

⁵⁴⁶ File "M2U00011", *Id.*

⁵⁴⁷ File "Hayalim" (01:06), *Id.*; See also "M2U00012" (17 seconds), *Id.*

⁵⁴⁸ The term "cold-weapon" is defined in the Even-Shushan Dictionary (Concentrated) (Hebrew) as a weapon that can injure or cause death by means of slapping, or hitting, thus a weapon that does not have materials that produce fire or heat as the result of the use of gun fire (as opposed to a "hot weapon").

⁵⁴⁹ See testimony of soldier no. 1, *Id.*, at 3.

Soldier no. 3 also stated:

"There were two groups there, the one which tried to kill us and was just waiting for the moment when they would succeed. There was another group there which tried to calm things down, and they were actually the ones who prevented the extreme group from killing us."⁵⁵⁰

Soldier no. 4 stated:

"It is important to note that when I was below the ship's deck they tied me up, and there was one who pulled my hair the whole time, whispered all sorts of things in my ear, and beat me with clubs, and, simultaneously, there was one who restrained him the whole time."⁵⁵¹

At this point, it should be noted that the chain of command was not fully aware of the abduction of the three IDF soldiers immediately upon their capture, but only after some time had passed. The material obtained by the Commission indicates that the aerial lookout discerned the dragging of soldier no. 1 and his fall from the roof to the lower deck as the events took place, and he reported over the radio his concern that soldier no. 1 had been abducted by the IHH activists on the *Mavi Marmara*. Thus, by means of a radio report at 4:39 a.m., the aerial lookout reported his concern to the Commander of Center A, and even asked him twice whether a soldier was missing on the ship. The Commander of Center A responded that he did not have contact with the force from helicopter no. 1 and therefore he could not respond.⁵⁵² Likely, the Commander of Center A understood that soldiers were missing from the force after the third helicopter arrived, as described below (between 4:46 a.m., when fast-roping from the third helicopter began, until 5:07 a.m., when the command was given to board the *Mavi Marmara* from the Morena speedboats.) The commander of the force on the second helicopter (hereafter: soldier no. 21), stated that when he realized for the first time that soldiers no. 1, no. 3 and no. 4 were near the bow of the ship (at approximately 5:13 a.m., as

⁵⁵⁰ See testimony of soldier no. 3, *id.*, at 6.

⁵⁵¹ See testimony of soldier no. 4, *id.*, at 3.

⁵⁵² The sounds over the radio regarding the absence of soldier no. 1 can be heard on file "Neshek Ham.mov" in folder *Air, Navy Data Disc, supra* note 5. The time of communication between the aerial look-out (Tzofit) and the Shayetet 13 Commander can be seen from the clock appearing on the visual device; See also the testimony of Shayetet 13 commander, *Inquiry Expansion of 20.9.2010, supra* note 451, at 4, according to which "at this time I cannot establish radio contact with the commanders on board the deck in order to receive a report from them regarding the status of the force, in retrospect it was because all six soldiers or commanders who descended first from the helicopter were injured in one way or another and were in a situation where they could not talk to me."

described below), he was surprised because he had not known anything about soldiers from the force being missing.⁵⁵³

On this issue, the Chief of Staff, General Gabi Ashkenazi, testified before the Commission that the soldiers on the vessel and the commanding forces nearby only realized that the three soldiers were missing after about fifteen minutes.⁵⁵⁴ The Chief of Staff added: "From our perspective, it is entirely clear that there is a lesson here, that we should have known about this earlier."⁵⁵⁵

137. *The second helicopter.* The soldiers who fast-roped from the first helicopter did not respond to the radio transmissions directed to them. Therefore, at this stage, the Shayetet 13 commander ordered another helicopter to the *Mavi Marmara* (hereafter: the second helicopter), which had been designated in the operation's plan as back-up for the first helicopter. There were 12 soldiers on the second helicopter. At 4:36 a.m., fast-roping began from the second helicopter, using two rappelling ropes.⁵⁵⁶ The commander of the force on the second helicopter received a report from the commander of the medical team for the force on the first helicopter (hereafter: soldier no. 15) about the condition of the wounded and began moving towards the forward part of the roof, where, according to the soldiers' description, the IHH activists who had attacked the first helicopter's soldiers were gathered. The team advanced to the edge of the roof while searching the IHH activists, and a number of soldiers remained in order to secure the area. Upon reaching the edge of the roof's porch, the commander of the force stationed a few soldiers in positions controlling the roof, and ordered them to guard over the lower decks. One of the soldiers tried to descend through the roof's opening (the hatch) in order to get to the ship's bridge, but he encountered resistance. The commander decided to handcuff the participants on the roof in order to free additional soldiers for the mission of descending to the bridge. He stated: "I realize it's necessary to free up soldiers to expand the team descending below deck, and so we decided to handcuff the terrorists on the roof. I gave

⁵⁵³ See testimony of soldier no. 21, *Id.*, at 4.

⁵⁵⁴ Transcript of session no. 13 "The Open Door Testimony of the Chief of Staff" (Oct. 24, 2010), at 32-33 [hereinafter *Chief of Staff's Open Door Testimony of 24.10.2010*]. It should be noted that in the Eiland report, it is stated that the forces were not aware of the abduction of the soldiers until after 43 minutes had passed, see *The Eiland Report*, supra note 402, at 106. It appears as if this statement is correct with respect to most of the force, however, as mentioned - and this is probably what the Chief of Staff referred to in his testimony - some understood that at least one soldier had been abducted prior to that.

⁵⁵⁵ *Id.*, at 33; See also *The Eiland Report*, supra note 402, at 112.

⁵⁵⁶ The time of the descent's start was estimated according to the clock on the visual device (Tzofit); See video file "Neshek Ham.mov", in folder *Air, Navy Data Disc*, supra note 5.

the order to handcuff the terrorists who were lying on the deck, and I handcuffed them while they were lying on their stomachs. I handcuffed their hands behind their backs so that they would be neutralized and no longer present a threat to the unit, and it would be possible to reduce the number of guards securing them.⁵⁵⁷

It should be noted that at this stage, the Commander of Center A approached the *Mavi Marmara* in the *Morena* speedboat and tried to transmit a message to the soldiers on the roof using a megaphone. According to his testimony, the order given to the soldiers on the roof was to move to the bridge, while using live fire if needed. I ordered the soldiers that in case there is a danger to their lives, they should shoot to hit the activists that are endangering the force, but for those who do not constitute a threat to their lives, shoot at the legs.⁵⁵⁸

138. *The third helicopter.* At this point, the Shayetet 13 commander ordered the third helicopter, which had been designated to take control of another ship (the *Defene Y*), to alter its destination and fast-rope onto the *Mavi Marmara* to assist the forces there (hereafter: the third helicopter). At 4:46 a.m., fast-roping using two ropes commenced from this helicopter, on which there were 14 soldiers. The team secured the perimeter of the roof and toward the lower decks,⁵⁵⁹ and made contact with the commander of the second helicopter, who gave them an assessment of the situation. The commander of the force (hereafter: soldier no. 18) decided to advance towards the bridge.⁵⁶⁰ It should be noted that this force was not calibrated on the same radio frequency as the other teams, due to the change in their mission. Therefore, soldier no. 18's contact remained on the roof with instructions to make contact with the Commander of Center A or the commander of the operation, and report about the condition of the wounded. A small team remained to secure the roof near the opening to down below. The order given to this team was to shoot toward the ship's body (into the clear area) to deter the activists and, in the event of any danger to the forces, to shoot at the threat.

557 See the testimony of soldier no. 21, *Inquiry Expansion of 20.9.2010*, *supra* note 451, at 3; It should be emphasized here that we are dealing with the takeover stage exclusively.

558 See testimony of the Commander of Center A, *Id.*, at 2; At the same time, in the completion response on this matter the Commander of Center A mentioned that in his estimation these calls were not heard by the soldiers on board the ship, since they did not approve or in any way acknowledge that they had received the order (see *IDF Completion Response to the Commission's Questions of 29.11.2010*, at para. 6, marked by the Commission as exhibit 147).

559 See testimony of soldier no. 18, *Id.*, at 1; The reference is to a sector free of people and for purposes of determent and prevention of the advancement of people towards the sector.

560 See testimony of soldier no. 18, *Id.*, at 2.

The Takeover of the Bridge

139. Soldier no. 18, commander of the takeover force on the third helicopter, mobilized his force and began preparing for the descent. During the descent, a door on the body of the ship opened at a distance of approximately two meters from the force, and two activists came out. According to the force commander's statement, they were armed with clubs and axes. The force shot live fire at one of them, he was wounded, and the second IHH activist dragged him back inside and closed the door. Soldier no. 18 shot several rounds through the window of this door, toward the ship's inner wall. On their way to the bridge, the force identified two more IHH activists with clubs. One of the soldiers in the force shot the two IHH activists in the legs. Upon reaching the area of the bridge, soldier no. 18 gave the order to enter while firing, and also shot a number of live bullets into the area clear of people. The force charged onto the bridge, where there were five people in addition to the captain of the *Mavi Marmara*. Those who were present on the bridge did not provide resistance to the takeover of the bridge, although, from an inner corridor of the vessel, marbles and screws were shot at the IDF soldiers from a slingshot. Soldier no. 18, the force commander, gave the order to shoot into the inner corridor, and if the shooting continued, at the legs of participants holding slingshots. This event is also described in further detail below.

Soldier no. 18 ordered the captain of the *Mavi Marmara* to stop the vessel. Everyone on the bridge, other than the captain, was handcuffed.⁵⁶¹ The captain issued an announcement over the vessels' public announcement system that the ship was no longer under his control, but was instead under the control of IDF soldiers, and he ordered all of the passengers to go inside the ship.

Boarding by the Soldiers from the Morena Speedboats

140. While these events were taking place on the *Mavi Marmara* itself, the naval force continued trying to board the ship. From its location at sea,

⁵⁶¹ Soldier no. 9 testified that during the takeover of the bridge they instructed the captain of the *Marmara* to stop the ship and the latter started talking in Turkish on his internal radio; Soldier no. 9 went on to state in his testimony that he found out that the captain gave an order to sabotage the ship. In fact, there was indeed a technical malfunction on the ship which was identified by a Navy Engineer Officer as a deliberate malfunction. See testimony of soldier no. 9, *Inquiry Expansion of 20.9.2010*, *supra* note 451, at 2; See also *IDF completion response of 15.11.2010*, *supra* note 400; Testimony of Chief [Engineer Officer] of the *Bat Yam* [Navy ship], *Id*; Soldier no. 9 also mentioned that the captain, who was wearing a Kevlar vest, remained at the ship's wheel and began cursing the soldiers and demanding they get off the ship.

the force could see some of the events taking place on the *Mavi Marmara*, but with only a partial view due to its location. At a certain stage, the naval force on the *Morena* speedboats even saw a person thrown from the roof onto the lower decks.⁵⁶² Attempts to establish contact with the soldiers on the roof of the *Mavi Marmara* failed. Before the arrival of the third helicopter, and after receiving the radio report that there were two injured on the roof, the Commander of Center A instructed the first *Morena* speedboat to approach the bow. The force encountered resistance from water hoses, poles, glass marbles, etc., and another attempt to raise the ladders in order to climb aboard failed.⁵⁶³ The Commander of Center A decided not to approve live fire at this stage, and to wait for the third helicopter to stabilize the situation and clear the side. The Commander of the Takeover Force on the second *Morena* stated that he heard shooting on the roof and requested permission from the Shayetet 13 commander to open live fire. The Shayetet 13 commander refused to give approval for shooting "in order to prevent deaths among the participants of the flotilla."⁵⁶⁴

Additional attempts to establish contact with the force on the roof failed (as stated above, the Commander of Center A, who was aboard the first *Morena*, tried calling to the soldiers with a megaphone). The Commander of the Takeover Force saw shooting at the navy's boats, but he could not identify the source of the shooting and he did not return fire.⁵⁶⁵ The team commander R., who was on the first *Morena* along with the Commander of Center A, also saw shooting at the *Morena*, which struck the water near the *Morena*.⁵⁶⁶ At this stage, the names of the wounded were transmitted by radio, and the first unit commander realized that a soldier from the first helicopter was missing.

At 5:07 a.m., the Commander of Center A gave the order for the soldiers on both *Morena* speedboats to board the *Mavi Marmara*.⁵⁶⁷ The Commander of Center A issued an order to use deterring fire against the side of the ship in order to deter the group of IHH activists standing there. According to his statement, the deterring fire did not have the anticipated effect. Therefore, the forces used live fire towards two of the IHH activists

⁵⁶² See testimony of soldier no. 20, at 2, as well as the testimony of the commander of center A, at 1, *id.*

⁵⁶³ *Id.*

⁵⁶⁴ See testimony of the Commander of the Takeover Force, *id.*, at 4.

⁵⁶⁵ *Id.*

⁵⁶⁶ See testimony of the Team Commander R, *id.*, at 1.

⁵⁶⁷ See testimony of the Commander of Center A, *id.*, at 1-2; see video file "Neshek Ham. mov", in folder *AirNavy Data Disc*, *supra* note 5.

who were throwing various objects towards them.⁵⁶⁸ The soldiers on the second Morena boarded on the right side, without engaging in any live fire.⁵⁶⁹ The shooting led to the dispersal of the people at the vessel's stern.

The forces from both Morena speedboats boarded the *Mavi Marmara*. The Commander of Center A directed the Commander of the Takeover Force to secure the openings, realized that the takeover of the bridge had been completed, and went up to the roof to assess the situation of the forces which were there. The assessment he obtained was that the unit had two wounded and two soldiers missing.⁵⁷⁰ The force prepared to descend to the halls to locate the missing soldiers. At this stage, and after the report by the ship's captain over the loudspeaker system that the vessel was under the control of IDF soldiers, a report was received about the events taking place at the bow -- the three soldiers who had been abducted were brought out and taken to the bow. Soldier no. 3 described in his statement that shooting was heard at this time.⁵⁷¹ Soldier no. 21, the force commander of the second helicopter, described in his statement that there was shooting from less-lethal weapons at the violent activists who were holding soldiers no. 1, no. 3, and no. 4.⁵⁷² Two of the soldiers, soldier no. 1 and soldier no. 3, took advantage of the opportunity, jumped into the water, and were picked up by the navy's first Morena speedboat from there they were transported to the INS Hanit missile ship.⁵⁷³ Soldier no. 4, who had a serious head injury, remained on the bow. The Commander of Center A and soldier no. 21 reached soldier no. 4, conducted a preliminary medical examination, and the Commander of Center A gave the order to evacuate him to the roof.

Regarding the events which took place at that time, soldier no. 1 stated:

568 See the testimony of Commander of Center A, *Inquiry Expansion of 20.9.2010*, *supra* note 451, at 2; See also the testimony of Commander of Center A, *IDF Completion Response of 7.11.2010*, *supra* note 486, at 2.

569 See the testimony of Commander of Center A, at 2, as well as the testimony of the commander of the takeover force, at 4, *Id.* Video file "VIDEO_100530_003.asf", in folder *cd11* in folder *sea*, *Navy Data Disc*, *supra* note 5. There is another video taken by the IDF forces, where the gathering of resistors at the stern was documented, their scattering at one moment (the shooting from the direction of NSW boat 1 was not seen), and the ascent of the soldiers from the NSW boat to the *Marmara*; See: *CD 5 Takeover of the Mavi Marmara*, in a folder marked as exhibit 90 by the Commission.

570 See the testimony of Commander of Center A, *Inquiry Expansion of 20.9.2010*, *supra* note 451, at 2.

571 See testimony of soldier no. 3, *Id.*, at 5.

572 See testimony of soldier no. 21, *Id.*, at 4.

573 See testimony of soldier no. 1, *Id.*, at 5.

"After some time, the ship's captain was heard saying over the loudspeaker system that the ship was now under the control of the soldiers, and that they are using live weapons, and that all passengers should go below deck. This announcement caused a lot of agitation below deck, and the mob began shouting "Allahu Akbar" and began to incite each other. Afterwards, they brought us and sat us down against the bow of the ship. At this point, I saw that soldier no. 4 was not walking on his own, but instead was being dragged. Two people were also dragging me. At this stage, I thought they were going to execute us at the bow of the ship, as an act whose purpose from their perspective was to execute one soldier (me) and to threaten that they would do this to the other two if they weren't permitted to enter Gaza.

After about ten seconds, they opened the door and brought me out towards the bow. The guard bringing me out held me a little less tightly, and he was waving with his hand to the right and to the left in the direction of our boats, which I understood was to show our forces that they were holding soldiers in their custody. I took advantage of the opportunity that he was holding me with only one hand, and relatively loosely. I jabbed my elbow into his ribs and jumped into the water. While I was trying to jump, the guard tried to grab me, but I managed to free myself and I fell into the water. I did this because I realized that this was the only way to save my life. As soon as I reached the water, I dove underneath, so that they would not be able to hit me from the ship. I took off my shirt while diving and swimming, and I intended to swim and dive rapidly in a "zig zag" to escape from the enemy on the ship. After my first dive, I rose to the water's surface and I saw a Morena speedboat approaching me and soldier no. 3 next to me, since he had also jumped from the ship, after me. The Morena arrived. We weren't able to climb aboard it on our own, and we were pulled up by the members of our force. The medic on the Morena began treating soldier no. 3. I looked back at the vessel and I saw soldier no. 4 leaning on the side of the ship, completely dazed / semi-conscious. I picked up an M-16 rifle that was in the Morena and I began shooting in the air into the clear area, and this was because I was concerned that the mob on the ship wanted to abduct soldier no. 4 back into the ship, and I wanted to deter them.

I shouted to soldier no. 4 that he should jump into the water, but at this point I saw several soldiers from our forces were joining up with soldier no. 4. Afterwards, I learned that soldier no. 4 suffered from a fractured skull and compression, and that the operation which the unit paramedic performed on the deck of the *Mavi Marmara* saved his life. Afterwards, the Morena

transported soldier no. 3 and me to the INS Hanit missile ship. As the Morena speedboat moved toward the missile ship, we passed by the commander on the Zaharon boat and I shouted to him that the terrorists had possession of the equipment and weapons of the three of us (soldier no. 3, soldier no. 4, and me).⁵⁷⁴

Soldier no. 3 stated:

"We lay there for what seemed to me something like an hour and a half (in hindsight I know that from the moment we fast-roped until I got outside, 43 minutes passed)....

The shouting continues the whole time, there is a lot of noise, many people are involved with us and shouting at us. At a certain stage, the announcement of the ship's captain is heard. The captain shouts to everyone to go inside all of the rooms. After the captain's announcement, a lot of stress and panic is created. There are people around us who are shouting and cursing the whole time, as I stated. The people are looking out the windows the whole time.

At the next stage, my guard is replaced by another guard. The new guard lifts me up. I ask him to undo the ties at my hands and legs. He releases the ties (the rope) for me, and he begins taking me to the bow, with the distance between us and the exit to the bow about 50-70 meters.

The move toward the bow is done through the hall. While we're moving, the guard is trying to strangle me. Every time I feel that I don't have any air, I try to shout and people release me from him, and they don't allow him to succeed in strangling me.

This attempt to strangle me was made several times. It is important to state that they brought soldier no. 4 before me, two people grabbed him on each side. He couldn't walk. They just dragged him along and lay him down on a couch by the door which exited onto the bow. They sat me down next to him and, while they're sitting him up, I see that someone is taking soldier no. 1 outside. I rise up forcefully to try and go outside along with them, and I find myself outside with soldier no. 1.

I find myself outside together with soldier no. 1 and the "Turkish guard". I hear shooting, I turn around and I see the "Turkish guard" fleeing back inside.

Soldier no. 1 and I run to the side of the ship, jump into the water from a height of 12 meters, and start swimming toward our boats, toward the Morena speedboats. We climb aboard the Morena,

⁵⁷⁴ See testimony of soldier no. 1, *Id.*, at 4-5.

where they start treating me, and from there they transfer me to the missile boat, and from there by helicopter to the hospital."⁵⁷⁵

Soldier no. 20, who was on one of the Morena speedboats which picked up soldiers no. 1 and no. 3, who had jumped into the water, stated:

"At this stage, we approached the right side of the *Mavi Marmara* (the back third) and, while we're approaching, I see two people jumping into the water (two figures) from the right side of the bow. It was already daylight. To the best of my recollection, the *Mavi Marmara* was no longer moving.

We didn't know who the two figures were who had jumped, and we approached with our weapons ready and identified soldier no. 1 and soldier no. 3.

Soldier no. 1 swam towards us rapidly. He reached us, and we saw him, and that his whole face was swollen and beaten and his head was open and his hand was also injured.

We saw that soldier no. 3 was swimming with difficulty. We looked at him. He said that his abdomen was cut and that he can't climb.

We lifted him into our boat. We saw that his arms were full of cuts, his face was swollen from blows and smashing, and he had an open slash in his abdomen from which his internal organs were protruding. He looked like he was in critical condition.

At the same time, we looked at the place where they had jumped from, and we saw soldier no. 4 leaning on the side of the *Mavi Marmara*, with his eyes open. We called to him and he didn't react. We realized that he was critically wounded.

At this stage, the boat of the naval command approached us and he told us that he would continue dealing with (taking care of) rescuing soldier no. 4 and that we should evacuate the wounded."

Soldier no. 21 the commander of the force on the second helicopter, stated as follows about the shooting with less-lethal weapons, which enabled the escape of soldiers no. 1 and no. 3, and also about the situation of soldier no. 4:

"I was stationed at the left side of the roof, and suddenly I heard shouts from the right part of the roof: "They're taking soldiers no. 1 and no. 3 with them". At this point, daylight broke.

We employed the shooting of less-lethal weapons at those who had abducted them, by the soldiers who saw the event, and immediately afterwards I heard a shout: "They jumped into the water." I reach the right side of the roof and I see soldier no. 4

⁵⁷⁵ See testimony of soldier no. 3, *Id.*, at 4-5.

leaning on the railing of the ship on the right side of the open deck (the lower deck). I can't tell that he is wounded, but I see that he is only in uniform without any equipment. I was in shock, I kept my eye on him, I didn't know that soldiers from our unit were missing.

I realize that apparently not all of the decks had been searched yet, and now I'm on the bridge deck, one level below, and he is three levels below us, and I shout to him to jump into the water. I see that he doesn't react, he looks dazed, but he doesn't react at all. At this stage my second-in-command and I jump down in order to get to him. After we have gone down one level, I reached the second level, and there I see that the corridor is full of people. I leave my second-in-command, and I go down the stairs to the open deck and approach soldier no. 4.

I immediately realize that he is not conscious. I see signs of trauma to his face. I move him away from the side, lay him down on the deck, and, at this point, the commander of the force arrives, together with his signal operator. He asks him if they shot him and if everything is okay. Afterwards, I pick him up and take him up to the treatment site for the wounded, where I met the paramedic, who instructed me to lay him down.⁵⁷⁶

Taking Care of the Wounded

141. The soldiers' statements indicate that the soldiers treated the wounded throughout the whole operation.⁵⁷⁷ After the takeover of the vessel was completed, at around 5:17 a.m.,⁵⁷⁸ the stage of treating and evacuating the wounded in a more organized manner commenced. The statements of the medical team indicate that the prioritization for treating the wounded was based on objective medical criteria, such that some IDF wounded only received treatment after the treatment of wounded flotilla participants.⁵⁷⁹ There were about 15 wounded IHH activists on

⁵⁷⁶ See testimony of soldier no. 21, *Id.*, at 4.

⁵⁷⁷ See for example the testimony of soldier no. 7, at 3 ("I started treating about 15 wounded among the people who attacked us earlier"); testimony of soldier no. 15, at 4 ("the doctors performed operations on them [the reference is to the activists on board the ship who attacked us]. This lasted for 4 hours when they treated all the wounded on the ship"); Testimony of Commander of Center A, at 3; In the testimony the commander describes receiving ongoing reports from the unit doctor treating the wounded, and that every wounded person - including the flotilla activists - received full medical treatment; 669 Unit Commander's testimony, at 2, which describes that when he reached the Marmara he noticed that the wounded had already received first aid and assumed it was administered by the Shayetet soldiers; See also the testimony of the Commander of the Takeover Force, at 7; Testimony of soldier no. 6, at 4-5; Testimony of soldier no. 10, at 2, As well as the testimony of soldier no. 13, at 5, *Id.*

⁵⁷⁸ Chief of Staff's Open Door Testimony of 11.8.2010, *supra* note 70, at 27.

⁵⁷⁹ See the testimony of the 669 Commander, IDF completion response of 15.11.2010, *supra* note

the roof⁵⁸⁰ and eight wounded IDF soldiers, of whom three had critical injuries.⁵⁸¹ The doctor who boarded with the force from the second Morena speedboat stated that he handled the evacuation of a number of IDF soldiers who were critically wounded, and he testified to the critical condition of these wounded.⁵⁸² At this stage, the forces realized that some of the flotilla participants in the halls of the vessel were wounded, and thus an order was given to first bring all of the wounded out through the entranceways of the halls. A doctor, a medic, and a medical team were stationed at each of the entranceways and conducted the first examination of the wounded. From there, the wounded were taken up to the roof. At any given time, there were about six or seven doctors on the roof (including the director of an emergency room at Rambam Hospital). Providing medical treatment on the roof were also six paramedics, four medical teams and the soldiers from the rescue and airlift evacuation unit 669 (hereafter: unit 669), all of whom are trained medics. During the course of this event, treatment was provided by in total 18 doctors, six paramedics, about 70 soldier-medics and a senior doctor from unit 669, who assisted with the prioritization for evacuating the wounded. The commander of unit 669 stated that, upon his command, the doctors began stabilizing the condition of the wounded. Those wounded who were in stable condition were harnessed into evacuation stretchers, prepared for helicopter evacuation, and transferred to the helicopters. Fourteen field operations were performed on the deck of the *Mavi Marmara*. By 11:40 a.m., 31 wounded flotilla participants had been evacuated, 20 of whom were in critical condition and the rest moderately or lightly injured. The doctor stated that, around 12:00, he personally conducted a search inside the ship, during which he identified himself as a doctor and asked whether there were any more wounded. The doctor also stated that his assistant had conducted a similar search several minutes before him. At this stage, the medical team believed that there were no more wounded aboard the vessel.⁵⁸³ Retrospectively, it was understood that there were

400, at para. P; See also the testimony of soldier no. 9, at 4 ("my treatment was performed after the Turkish injured were treated").

580 See doctor's testimony, *Inquiry Expansion of 20.9.2010*, supra note 451, at 2.

581 See also *The Eiland Report*, supra note 402, at 107.

582 See doctor's testimony, *Inquiry Expansion of 20.9.2010*, supra note 451, at 2. It should be mentioned that the doctor testified that "after evacuating all the wounded of our forces we begin treating the wounded among the activists on the roof" (his testimony, at 2). However, from other testimonies it seems that the medical treatment was performed according to objective medical criteria.

583 See doctor's testimony, *Inquiry Expansion of 20.9.2010*, supra note 451, at 3; See also the testimony of the 669 Commander, *IDF completion response of 15.11.2010*, supra note 400, at para. P.

an additional 14 passengers in the hall who had bullet wounds. These wounds were discovered during the physician's examination which was conducted at the port of Ashdod.

142. The statements of the medical caregivers indicate that some of those injured resisted receiving medical treatment. The doctor stated:

"During this event, there were incidents of resistance to medical treatment in the middle of treatment, which I had never encountered during any other event. While performing a chest drain (thoracostomy), the wounded pulled the drain out himself, and tells me: "I want to die like a *shaheed*." (NB: The term "*shaheed*" is a word in Arabic whose literal meaning is "witness" but is also used to refer to a "martyr.") [explanation added] Nonetheless, we insisted on treating him and hoisting him up to the helicopter for treatment.

There were many other incidents like that, including pulling out intravenous infusions, etc."⁵⁸⁴

The doctor further noted that not one of the wounded died of his injuries from the moment that the medical treatment began, despite the resistance they encountered during the treatment and the complicated conditions under which the treatment took place, including a lack of certain medical equipment (and equipment that flew into the air due to the motion of the helicopters), the difficulty in transporting the wounded through the narrow corridors of the vessel and from the lower decks to the roof, and the lack of a complete picture regarding the number of wounded.⁵⁸⁵ It is also noted that the Shayetet 13 soldiers on the takeover teams took part in treating and evacuating the wounded flotilla participants. Thus, for example, soldier no. 14 stated: "At the site for treatment of the wounded, I performed artificial respiration on one of the enemy who was wounded, and I put a tourniquet onto the leg of another who had a bullet wound in his leg."⁵⁸⁶ Soldier no. 15 stated: "I performed artificial respiration on another two members of the ship's crew (the "activists") who were wounded, until the paramedic was available to treat them, and afterwards they were evacuated by helicopter. The doctor, the medics and the paramedics worked for hours and went from one to the next, treating them, inserting intravenous infusions, performing artificial respiration, and performing operations on all of the wounded who were on the roof, and then some of them were evacuated by helicopter to the hospitals. I even saw an incident in which one of the medics treated a

⁵⁸⁴ See the doctor's testimony, *Inquiry Expansion of 20.9.2010*, supra note 451, at 2.

⁵⁸⁵ *Id.*, at 2-3.

⁵⁸⁶ See testimony of soldier no. 14, *Id.*, at 3.

wounded and performed artificial respiration on him, and then when he became conscious again, he tried to get up and attack him."⁵⁸⁷

Apparently, already at this stage the handcuffs were removed from some of the flotilla participants who had been handcuffed during the takeover.⁵⁸⁸

It should be noted that those wounded who remained below deck also received medical treatment, some against their will. The Commander of the Takeover Force stated:

"All of the people slowly exited the halls, other than the Knesset minister and a number of activists who were not willing to leave, and in addition to those not willing to leave were those wounded who didn't agree to be evacuated. At a certain point, I ask the activists inside the vessel whether there is any medical personnel inside, and I ask them to connect us. [...]

After I asked the activists, their doctor approaches me, and I ask him about the condition of the wounded. He tells me that there are a considerable number of wounded who are not willing to be evacuated, some of whom are critically wounded and other activists are not letting them be evacuated. I take the decision that, despite the danger to my people aboard the vessel, I'm entering the halls to search for the weapons which had been taken from us and to evacuate the wounded from the vessel, despite their lack of desire to be evacuated, in order to save their lives. We enter the halls and begin searching, informing the activists that we're entering in order to evacuate the wounded. At this stage, we encounter resistance: the Knesset member and other activists block us with their bodies and try to prevent us from getting to the wounded. We move them aside using our hands, without hitting, just moving them aside, and we reach the wounded who are lying on the couches - we bring our doctor and start treating and evacuating the wounded. During the evacuation of the wounded, we conduct a search and look for weapons [...]."⁵⁸⁹

⁵⁸⁷ See testimony of soldier no. 15, *Id.*, at 5; see also the testimony of soldier no. 13, *Id.*, at 5.

⁵⁸⁸ On this matter see for example testimony of soldier 21, at 3-4, and testimony of soldier no. 12, at 4-5, *Id.*

⁵⁸⁹ See testimony of the Commander of the Takeover force, *Id.*, at 6-7.

Evacuation of the Bodies

143. According to the soldiers' statements, the bodies were collected at a certain location on the roof,⁵⁹⁰ covered,⁵⁹¹ transferred to the Morena speedboats, and then put aboard the navy's missile boat and transported separately to the port of Haifa.

The Shayetet 13 commander stated about this:

"We covered the dead in a respectful manner, on the side [...]

We covered the dead and transferred them to the Morena speedboats in a concealed manner, in order to avoid causing unnecessary flak, and also out of respect for them. They were transferred from the Morena speedboats to the missile boat, which brought them to the base in Haifa."⁵⁹²

Taking Control of the Halls

144. While the wounded were being treated and the dead were being evacuated, the *Mavi Marmara* was boarded by the "Masada" unit of the Israel Prison Service (the "Masada" unit is the operational control unit of the Prison Service, deployed in prison facilities under the Prison Service's authority, and it is an operationally-ready force in its areas of specialization, which include handling serious violations of public order through the use of less-lethal weapons); also, a force from the special patrol unit of the Border Patrol, which included 51 male police officers and two female police officers, boarded the *Mavi Marmara*.⁵⁹³ After the wounded had left the halls, the IDF soldiers ordered all of the flotilla participants to leave the halls. At this stage, the participants were checked in order to ensure that they did not possess any weapons. According to the soldiers' statements, the checks of the participants were done according to guidelines (i.e., searches of women's bodies were conducted only by female police officers),⁵⁹⁴ and that "the searches were conducted

590 See for example the doctor's testimony, *Id.*, at 2: "on the roof I found about 20 activists lying down, of them five killed and 15 injured, we gathered the wounded and the dead separately"; as well as testimony of soldier no. 13, *Id.*: "soldier no. 18 asked me to organize and separate the bodies of the terrorists from the wounded [...] soldier no. 14 and I collected the bodies (about 5 bodies)".

591 See the Commander of the Takeover Force's testimony, *Id.*, at 7, according to which the bodies were covered in sleeping bags found on the ship.

592 See testimony of Shayetet 13 commander, *Id.*, at 6.

593 A reduced force from the Masada unit boarded the *Marmara* at about 05:10, after the fighting on board the *Marmara* was finished. The main force boarded the *Marmara* at about 05:38.

594 See for example the testimony of soldier no. 14, *Id.*, at 3.

with respect, without undressing the people and while protecting their dignity."⁵⁹⁵

The material in the Commission's possession indicates that some of the flotilla participants were handcuffed, mainly young men who the forces were concerned would try to attack them or to cause a disturbance. The Shayetet 13 commander stated that he had instructed the soldiers as follows: "The soldiers were instructed to handcuff people who were acting wild or constituting a danger or threat to the soldiers, and they were instructed that they should not handcuff women, children, or the elderly, and this is what was done."⁵⁹⁶ Soldier no. 15 also stated: "None of the women or the older people on the ship's crew (both men and women) were handcuffed. Only the young men who could act wild or attack us."⁵⁹⁷ Soldier no. 10 stated: "It is important to note that I did not see even one woman or any older / elderly man who was handcuffed. The only ones who were handcuffed were suspected terrorists who constituted a threat to the security of our forces."⁵⁹⁸ Knives, slingshots and marbles were taken from some of the IHH activists who were handcuffed.⁵⁹⁹ The commander of the takeover force stated that even after the wounded were removed, the physical resistance of some of the participants continued:

"After all of the wounded were removed (about 10-15), I don't remember exactly, the resistance continued - physical, by some of the activists - including one of them struggling wildly, which required us to use force in order to stop him."⁶⁰⁰

It should be noted that in his testimony before the Commission on October 25, 2010, Muhammad Zidan, chairman of the Israeli Arab Monitoring Committee, stated that all of the flotilla participants were handcuffed.⁶⁰¹ However, Mahmoud Abu-Dabas, the head of the southern branch of the Islamic Movement, stated in his testimony on October 25,

⁵⁹⁵ *Id.*

⁵⁹⁶ See testimony of Shayetet commander, *id.*, at 2.

⁵⁹⁷ See testimony of soldier no. 15, *id.*, at 5.

⁵⁹⁸ See testimony of soldier no. 10, *id.*, at 3; though the commander of the takeover force testified thus: "we concentrate them at points on the open deck, frisk their bodies - perform a search to make sure they are not carrying any weapons, with the women coming out being searched by female YASAM police officers, and we handcuff everyone", but later he states: "we did not handcuff all the women and elderly people". See the Commander of the Takeover Force's testimony, *id.*, at 6-7. For an additional description of the handcuffing of resistors on the roof for fear they would continue attacking IDF soldiers, see the testimony of soldier 24, *IDF Completion Response of 7.11.2010, supra* note 486, at 2.

⁵⁹⁹ On this matter see the testimony of soldier no. 11, at 2; Testimony of soldier no. 24, at 2, as well as Testimony of soldier no. 25, *id.*, at 3.

⁶⁰⁰ See testimony of the Commander of the Takeover Force, *id.*, at 6-7.

⁶⁰¹ Transcript of session no. 15 "Testimony of Mr. Muhammed Zidan" (Oct. 25, 2010), at 11.

2010, that not all of the passengers were handcuffed, but rather "the decisive majority".⁶⁰² Additional evidence obtained by the Commission supports the conclusion that not all of the flotilla participants were handcuffed. For example, various video footage from aboard the *Mavi Marmara* after the takeover and before anchorage in the port of Ashdod clearly supports this conclusion.⁶⁰³ Also, in the internal investigation conducted by the "Masada" unit following the takeover operation on the *Mavi Marmara*, it was noted that 195 passengers were under the supervision of members of this unit and were not handcuffed, and that only the "people with fighting potential" were handcuffed.⁶⁰⁴

145. During the aforesaid searches, knives and large sums of cash were found on some of the IHH activists. During these searches, magnetic media which was found was confiscated (the magnetic media included, *inter alia*, laptop computers, mobile phones, memory cards, hard discs, videos, diskettes, compact discs, movies, players, etc.; cameras were not taken, although their memory chips were).⁶⁰⁵ During the searches, some of the equipment which had been taken from soldiers no. 1, no. 3 and no. 4 (the soldiers who were taken below deck) was found. Similarly, soldier no. 3's pistol was found hidden inside the halls, which as far as is known he had not managed to shoot before it was taken from him by the IHH activists; it was found with its magazine empty and the guard back (i.e. a weapon from which someone had shot all of its ammunition, without performing the operation after finishing the ammunition, which is standard IDF procedure).⁶⁰⁶ Beyond this, no firearms were found on the *Mavi Marmara*, not even the weapons that had been taken from the two soldiers by the IHH activists. However, one soldier testified that he saw

602 Transcript of session no. 15 "Testimony of Sheikh Hamad Abu-Dabas" (Oct. 25, 2010), at 33.

603 See for example video file "Salah_is_a_Live.mov", on folder 13, *Navy Data Disc*, *supra* note 5, taped after the takeover by the army forces, presenting several dozen men, some handcuffed and some not (the exact time of the video is unclear from the properties of the file submitted to the Commission, but it is clear that it was taped after the takeover and before the ship reached Ashdod's Port). See also video file "MOV023.mov", in folder *Memory Card*, in folder *Sea, Id.* (the video was shot on 31.5.2010 at 10:54, according to the file's properties).

604 See *Masada Unit Inquiry 11* (Oct. 5, 2010), the folder containing the inquiry was marked as exhibit 98 by the Commission. From the inquiry it arises that 314 passengers were handcuffed by Masada personnel, while the rest were handcuffed by IDF soldiers.

605 See *IDF completion response of 15.11.2010*, *supra* note 400, at para. N, according to which some of the magnetic media gathered at this stage was transferred to Israel by helicopter to be used by the IDF spokesperson and advocacy department. The rest of the material was transferred to the Document and Technological Capture Collection unit upon the vessels' arrival at Ashdod Port.

606 See *Id.*, at para. K.

a firearm being thrown into the sea.⁶⁰⁷ Various other combat equipment was found on the *Mavi Marmara*, which apparently had been brought on board by the flotilla participants, including flares, rods, axes, knives, tear gas, gas masks, marbles, screws, vests with the crescent symbol, night vision devices (including two types of devices that amplify starlight through both or only one eye), etc.⁶⁰⁸ The commander of "center B" (the commander of the force that took control of the *Sfendonh Boat 8000* and the *Gazze*, and who afterwards boarded the *Mavi Marmara* in order to assist) stated that he saw Molotov cocktails which had been placed in orderly stacks.⁶⁰⁹ In addition, scarves, and flags of the Hamas movement and its military wing were found.

After the searches and the handcuffing had been completed, the flotilla participants were brought back into the halls, where they sat until arrival in the port of Ashdod. According to the statements of the combat personnel, the participants were given water and food during this stage, and they were escorted to the bathrooms upon their requests.⁶¹⁰ Similarly, according to the statements of the soldiers, at this stage the handcuffs were removed from some of the participants who had been handcuffed earlier, and from the ship's crew as well, and regarding others, the plastic restraints were replaced and put on more loosely.⁶¹¹ It should be noted that one of the passengers on the vessel held an infant. According to the soldiers' statements, they permitted her to go to her bag in order to take supplies for the baby and allowed her to walk freely around the ship.⁶¹²

It should be noted that during the searches conducted on the *Mavi Marmara*, no humanitarian supplies were found.

607 See testimony of soldier no. 33, *IDF Completion Response of 7.11.2010*, *supra* note 486, at 2-3.

608 See testimony of Team Commander R, *Id.*, at 2, as well as testimony of soldier no. 15, *Inquiry Expansion of 20.9.2010*, *supra* note 451, at 5-6.

609 See the testimony of Commander of Center B, *Id.*, at 2.

610 See for example the testimony of commander of the Takeover Force, *Id.*, at 6-7, as well as the testimony of Commander of Center A, *Id.*, at 2.

611 See testimony of soldier no. 10, *Id.*, at 3; as well as testimony of soldier no. 27, *IDF Completion Response of 7.11.2010*, *supra* note 486, at 2-3. See also Transcript of session no. 11 "Testimony of Foreigners & Enforcement Administration Head" (Oct. 12, 2010), at 10 [hereinafter *Testimony of Foreigners & Enforcement Administration Head*], according to which: "some were taken off the ship handcuffed, most were not handcuffed. Some, those who were the provocateurs in the full sense of the word, they were handcuffed." This testimony receives support from a videotaped at Ashdod Port and submitted to the Commission by the Prison Service, see Video CD *Flotilla arrestees Ashdod Port* (Oct. 5, 2010), the folder containing the investigation was marked by the Commission as exhibit 98 [hereinafter *Prison Service Video CD*].

612 In this context see the testimony of soldier no. 26, *Id.*, at 2-3; testimony of soldier no. 25, *Id.*, at 4, as well as the testimony of soldier no. 27, *Id.*

The Takeover of the Other Vessels

146. As stated above, five other vessels approached the coast of Israel on May 31, 2010, in addition to the *Mavi Marmara*: the boats *Boat Sfendonh 8000* (hereafter: *Boat 8000*)⁶¹³ and *Challenger 1*, and the ships *Defene Y*, *Gazze*, and *Sofin*. The IDF took control of these vessels after they refused to heed warnings that were transmitted to them. No loss of lives occurred on these vessels; although the soldiers encountered violence during the takeover of some of them, it was at a much lower level than they encountered on the *Mavi Marmara*. With respect to some of the vessels, force was used in order to complete the takeover. The actions to take control of these vessels are described briefly below, in the chronological order of their being taken over.

Boat 8000

147. The takeover of this boat commenced at 4:27 a.m, which carried approximately 48 participants and crew members (most of them were Europeans, and there were four Americans, a Jordanian, a Moroccan, a Lebanese and two Iranians). Nineteen soldiers boarded the deck from two Morena speedboats, which simultaneously approached the sides of the boat, after paintballs were shot at those flotilla participants who were standing on the deck and throwing various objects at the soldiers, to cause them to flee from the deck. During the takeover, the force encountered violence, including an attempt to seize a weapon from a soldier, pushing and shoving soldiers from the stairs to the lower level, physical clashes at close ranges, and barricading themselves onto the ship's bridge. During the takeover, physical force was used against the violent activists. Paintball rifles were used (157 paintballs were shot during the takeover; some of the paintball rifles were broken during the takeover operation); 4 flash bang grenades were thrown (a type of stun grenade that creates noise and temporary blindness, which is used for dispersing demonstrations and controlling disorderly conduct) and Tasers were used.⁶¹⁴ No live ammunition weapons were used during the takeover. During the takeover, four passengers were injured from hand-to-hand combat blows. These passengers refused to accept Israeli medical treatment, and they were treated by the ship's doctor while they were not

⁶¹³ In the ship's documents only the name SFENDONH appears. In IDF documents it is named "Boat 8000". In order to prevent confusion this ship will be called by the name given to it in IDF documents. See *Boat 8000-Sfendonh Information Documents* located on the ship by the IDF and transferred to the Commission; marked by the Commission as exhibit 91.

⁶¹⁴ See Navy Inquiry, marked by the Commission as folder 90.

handcuffed. Out of the flotilla participants who were on the deck of this boat, about five of the passengers were handcuffed at the time the bridge was taken over, and about three additional passengers were handcuffed at a later stage because they "tried to incite everyone [...] and they began calling out to rise up and resist, including passages in Arabic from the Koran."⁶¹⁵ According to the statement of the commander of center B, the senior commander of the force designated to take control of this boat, the handcuffing was done while the participants were sitting on plastic chairs, some of them were released during the journey to the port of Ashdod, and, with respect to others, the pressure of the plastic restraints was loosened after they complained about them.⁶¹⁶

It should be noted that soldier no. 19 stated that, during the stage of the fast-roping from the helicopters onto the *Mavi Marmara*, this boat maneuvered in such a way that almost brought it onto a collision course with, and it also chased after, the command vessel (the *Zaharon*) for Center A (the force designated to take control of the *Mavi Marmara*). According to him, the boat reached a distance of less than twenty meters from the command vessel and, finally, after a sharp evasive maneuver, the command vessel managed to escape.⁶¹⁷

No humanitarian supplies were found on this boat.⁶¹⁸

Challenger 1

148. The takeover of the *Challenger 1* commenced at 4:56 a.m. There were 17 crew members and passengers aboard (including six who held American passports, two who held British passports and one who held an Israeli passport). Prior to the takeover, the boat performed an evasive maneuver and the force had to conduct a pursuit in order to reach it. The Takeover Force Commander (the commander of the force which had been designated to take over the *Mavi Marmara*) further stated that the boat tried to run into the *Morena* speedboat carrying his force, and the *Morena* had to perform a maneuver to escape.⁶¹⁹ After the force reached the boat,

⁶¹⁵ See testimony of the Commander of Center B, *IDF Completion Response of 7.11.2010*, *supra* note 486.

⁶¹⁶ *Id.*

⁶¹⁷ See testimony of soldier no. 19, *Id.*, at 1-2.

⁶¹⁸ See the testimony of commander of Center B, *Inquiry Expansion of 20.9.2010*, *supra* note 451, at 2. See also *Civilian Policy Regarding Gaza Strip - Part B*, *supra* note 57, at appendix L.

⁶¹⁹ See testimony of the commander of the takeover force, *Inquiry Expansion of 20.9.2010*, *supra* note 451, at 1: "Near the challenger ship it attempts to run our vessel over, and through aggressive maneuvering we evade it". See also in the testimony of soldier no. 20, *Id.*, at 1: "at this stage as I am moving fast towards the target I notice the Challenger sailing towards us quickly and trying to ram us. We performed an evasion from it and at the same time soldier no. 19 came up on the radio and told me to be careful since the challenger is

15 soldiers climbed aboard it from two Morena speedboats. On the deck of the boat, the soldiers encountered verbal violence and an attempt to push them. The dining hall was locked from the inside by the boat's passengers. During the takeover, approximately 15 paintballs were fired and Tasers were used against several flotilla participants.⁶²⁰ The participants resisted receiving medical treatment and some were handcuffed by IDF soldiers.

No humanitarian supplies were found on the boat.⁶²¹

Defene Y

149. At 5:15 a.m., the takeover of this ship commenced. There were 21 passengers and crew members on board, all of whom were Turkish. Fourteen soldiers fast-roped onto the deck of the ship from a helicopter and took control, without any violent incidents being reported, other than verbal violence. It should be noted that the ship's cranes were placed in such a way that they interfered with the fast-roping from the helicopter, which required fast-roping from a greater height and a change in the fast-roping landing point (the fast-roping was conducted onto a location adjacent to the ship's bridge). It should also be noted that in the communications room that had been set up on the ship, the takeover force found movies which documented the crew members practicing the use of water hoses against a takeover. Also, cables had been strung out, and stones and metal rods had been placed along the sides of the ship. The ship's passengers were not handcuffed after the takeover.

The force commander stated:

"My general sense from the inquiry of the people and from the preparations aboard the ship was that the ship was prepared for a physical confrontation and provocation, and chose during our takeover not to do so, because they heard in real time (from the sailor) that there were wounded aboard the *Mavi Marmara* and so they were afraid."⁶²²

Humanitarian supplies were found on this ship (wheelchairs, medical equipment, sanitary items, cartons of clothing, toys, beds, carpets, blankets, etc.), as well as construction supplies (raw materials for

headed for me. I approve the report and increase speed and manage to evade the target and approach the Marmara [...]"

⁶²⁰ See Navy Inquiry, *Execution Description Center C*, marked by the Commission as folder 90.

⁶²¹ See *Civilian Policy Regarding Gaza Strip - Part B*, *supra* note 57, at appendix L.

⁶²² See the testimony of commander of the Takeover Force, *Inquiry Expansion of 20.9.2010*, *supra* note 451, at 2.

buildings, construction materials for structures, sheet metal, etc.).⁶²³ For a complete list of the supplies which were on this ship, see annex "E".

Gazze

150. At 5:45 a.m., the takeover of this ship commenced. There were 18 passengers aboard, all of whom were Turkish citizens. Nineteen soldiers boarded the ship from two Morena speedboats which approached the sides of the ship. The takeover of the ship did not involve violence.

The commander of center B stated:

"The field commander instructed me to advance to taking control of the *Gazze*. I updated the force and we headed to the *Gazze*. The field commander came up opposite me, while we were moving, and he told me that they had all surrendered and were on the bridge with their hands up. I boarded the ship, which was not moving at the time. All the people were gathered on the bridge and we went up, there was no resistance. The captain gave me the passenger list. There was full cooperation. We did not see any weapons or combat items of any kind. On the boat, there were about 18 people, who were very frightened."⁶²⁴

The ship's cargo included 1,358 units of cement and 304 units of metal girders.⁶²⁵

Sofia

151. At 5:45 a.m., the takeover of this ship began. Aboard this ship were 31 passengers, of whom 28 held Greek passports and three were Swedes. Eighteen soldiers boarded the ship from two Morena speedboats which approached the sides of the ship. The soldiers did not encounter violence, although several participants did not cooperate and did not heed the soldiers' instructions. The soldiers ordered the passengers to accompany them, to descend from the ship's bridge, and to come to an assembly point designated on the roof in front of the bridge, underneath a shade netting. Several participants refused to cooperate, cursed and swore at the soldiers, and agitated and incited the rest of the passengers. These participants also grabbed onto the ship's railing and the metal fencing along the edges of the ship's bridge. Force was applied and a Taser was used in order to handcuff these participants. The material before the Commission also indicates that, during the attempt to move

⁶²³ *The Civilian Policy Towards the Gaza Strip - Regarding the Claims of Human Rights Organizations of 31.10.2010*, *supra* note 217, at 30-31.

⁶²⁴ See the testimony of commander of Center B, *Inquiry Expansion of 20.9.2010*, *supra* note 451.

⁶²⁵ See *Civilian Policy Regarding Gaza Strip - Part B*, *supra* note 57, at appendix L.

these participants to the assembly point, five paintballs were fired at the lower parts of their bodies.⁶²⁶ This matter is discussed below.

Humanitarian supplies were found aboard this ship (electric wheelchairs, medical supplies, cartons of clothing, toys, water tanks, etc.). For a complete list of the supplies found aboard this ship, see annex "E".

Treatment of the Flotilla Participants from their Arrival in the Ashdod Port until their Deportation from Israel

152. The vessels in the flotilla began entering the port of Ashdod at 11:00 a.m. on May 31, 2010. The *Mavi Marmara* was tied up in pier no. 1 in the port of Ashdod on May 31, 2010, at 5:19 p.m.⁶²⁷ Upon its arrival at the Ashdod port, "the baton was handed over" (authority was transferred) from the IDF forces to the Special Central Unit force (hereafter: Yamam), (the counter-terrorism unit of the Israeli Border Police), which took authority for control over handling the ships. Afterwards, the process of debarking the flotilla participants from the ships commenced. On the ships' gangways, another "baton handover" took place between the members of Yamam and the escort force composed of both a police officer and an IDF officer or a non-Commissioned officer. It should be noted that the flotilla participants were instructed to leave their personal belongings on the vessels. The IDF forces guarded the personal belongings, and after they were examined by the bomb-squad unit, they were collected by the IDF, with each bag being fastened with a security closure ("sealed with an individual number") and documented. The personal effects were searched by the military police and collected in separate containers, in accordance with the vessel on which the participants had journeyed.⁶²⁸ It is noted that after the event, several investigations were conducted (some of which led to indictments) concerning thefts perpetrated by some IDF soldiers during the stage when they were in charge of guarding the personal belongings of the participants. This matter will be addressed below (see below, para. 160).

According to the investigation of the Prison Service, processing the arrival of the flotilla participants on land commenced at 1:00 p.m.⁶²⁹ Four

⁶²⁶ See the testimony of soldier no. 18, *Inquiry Expansion of 20.9.2010*, *supra* note 451, at 4; See also summary, *Id.*, at 10.

⁶²⁷ The *CHALLENGER 1* ship entered Ashdod Port at 11:00; *Boat 8000* entered Ashdod Port at 12:00; the *DEFENE Y* ship entered Ashdod Port at 15:19; the *GAZZE* ship entered Ashdod Port at 15:30; The *SOFIA* ship entered Ashdod Port at 16:25.

⁶²⁸ *IDF completion response of 15.11.2010*, *supra* note 400, at para. N.

⁶²⁹ *Operation "Winds of Heaven 7"*, 14 (investigative report by the Prison Service Commander, Oct. 5, 2010) marked by the Commission as exhibit 98 [hereinafter *Prison Service Investigative*

tents were set up in the Ashdod port: (i) the first was used for a security check of the flotilla participants who were taken off the vessels; (ii) the second was used for conducting hearings by the border patrol supervisor on behalf of the Population and Immigration Authority of the Ministry of the Interior, pursuant to the Entry into Israel Law, 5712-1952 (hereafter: Entry into Israel Law);⁶³⁰ (iii) the third was used for conducting medical examinations; and (iv) the fourth was used to prepare the participants to be taken from the port of Ashdod to prison facilities or to Ben-Gurion airport.⁶³¹ It should be noted that the entire facility was a closed facility under the control of the IDF, that restrooms had been set up in advance, and that while in this facility, the participants were given drinking water and something to eat.⁶³²

As the participants debarked from the vessels in the port of Ashdod, each one was searched with a metal detector (similar to the manner in which these searches are conducted in airports throughout the world). At first, the search was conducted by means of a magnetometric gate. At a certain stage, the magnetometric gate broke down and, therefore, searches were conducted with a hand-held metal detector by members of the "Nachshon" unit of the Prison Service.⁶³³ In general, physical searches were not performed on the participants, other than instances in which the metal detector emitted an alert about the presence of suspicious metals. In the event that a physical search was required (which was required in about 20% of the searches, according to the Nachshon unit), the participant being searched was brought to a private examination stall.⁶³⁴ The material before the Commission indicates that a search of a male was conducted only by a male and the search of a female was conducted only by a female.⁶³⁵ It should be noted that during the search of one of the flotilla

Report.

630 See fourth chapter of the law, which deals with expulsion and custody. It is particularly stated in para. 13(a) of Israel's Entry Law 5712-1952 that "anyone who is not an Israeli citizen or an immigrant according to the Law of Return, 5710-1950 and found in Israel without a Permit of Residence (under this law - an unlawful resident), would be expelled from Israel as soon as possible unless he has previously departed of his own accord".

631 See *Testimony of Foreigners & Enforcement Administration Head*, supra note 611, at 2.

632 *Chief of Staff's Open Door Testimony of 24.10.2010*, supra note 554, at 35.

633 On this matter see *Gaza Flotilla - Reference* (summation of events by Brigadier Yossi Mikdash, commander of the Nachshon Prison Service unit, Oct. 17, 2010), marked by the Commission as exhibit 130 [hereinafter *Nachshon Prison Service Unit Commander's Reference*].

634 Letter from Brigadier Yossi Mikdash, commander of the Nachshon Prison Service unit to the Assistant Commissioner titled *Gaza Flotilla - Reference*, reference no. 58740610, (Oct. 17, 2010), at para. 1, marked by the Commission as exhibit 130.

635 See *Testimony of Foreigners & Enforcement Administration Head*, supra note 611, at 10-11; See also *Nachshon Prison Service Unit Commander's Reference*, supra note 633.

participants, an alert was emitted by the hand-held metal detector when the instrument passed near her groin area.⁶³⁶ The material which was transferred to the Commission from the Ashdod port security indicates that the participant wore overalls and that, in the aforesaid area, no metal was visible (zipper, buttons, etc.). The person conducting the search consulted with her supervisors about this matter, and it was decided to perform an additional search without the overalls. The participant was requested to enter the private examination stall, to which the entry of men was prohibited, and to roll the overalls down to her knees. The security of the port of Ashdod reported that the participant remained dressed in her shirt and her underwear. The person conducting the search performed the additional search with the assistance of a hand-held metal detector. When she received another alert, she asked the flotilla participant what she was concealing, and the participant withdrew her mobile phone. The mobile phone was transferred to the IDF representative on site; the participant was released for the rest of the handling by the other authorities in the absorption process.

Escorting and guarding of the detainees was conducted by the Nachshon unit (which is experienced in escorting and transporting detainees and prisoners), and members of the "Oz" unit of the Population and Immigration Authority of the Ministry of the Interior.⁶³⁷

After the security check, the flotilla participants were directed towards one of the 14 stations set up by the Border Control supervisor of the Population and Immigration Authority. When they were brought to the hearing before representatives of the Enforcement and Foreigners Department, those flotilla participants who were handcuffed were released from their handcuffs. At these stations, the participants were identified, their faces were photographed, and a hearing was conducted, with the assistance of interpreters.⁶³⁸ According to the testimony of the director of the Enforcement and Foreigners Department, Mr. Yossi Edelstein, at this stage some of the flotilla participants engaged in passive resistance, but force was not used.⁶³⁹

⁶³⁶ See letter from the Ashdod Port Director General's office to the Public Commission to Examine the Maritime Incident of May 31, 2010 (Dec. 21, 2010).

⁶³⁷ Transcript of session no. 15 "Testimony of Prison Service Commander" (Oct. 12, 2010), at 9-12 [hereinafter *Testimony of Prison Service Commander*].

⁶³⁸ See *Testimony of Foreigners & Enforcement Administration Head*, *supra* note 611, at 2, according to which there were about 40 translators in the area, including 26 speakers of Turkish, 8 speakers of Arabic, 4 speakers of French, one speaker of German, 3 speakers of Spanish, as well as many English and Russian language translators, and so on.

⁶³⁹ *Id.*, at 3; in this context it should be mentioned that Israel's Entry Law 5712-1952 does not require the unlawful resident's agreement for his expulsion from the State of Israel.

At the conclusion of the process, detention orders were issued (including a copy in the language of each detainee), authorizing the incarceration of each detainee until their deportation from the territory of the State of Israel. The arrest warrants give the detainee the right to remain imprisoned within the territory of the State of Israel for 72 hours, so that s/he can exercise the right to appeal the Ministry of the Interior's decision to deport him or her from the State of Israel before a detention court.⁶⁴⁰ After the completion of this process, the flotilla participants were brought to the medical tent, which also had 14 stations (in enclosed stalls). At these stations, the participants were asked about their medical condition (with the assistance of interpreters), and they were examined by a physician or a medic. Afterwards, the flotilla participants were taken to the last tent, where biometric measures were taken (fingerprinting and photographing).⁶⁴¹ It should be noted that the investigation of the Prison Service indicates that this station was cancelled by the deputy commander of the Nachshon unit in the early stages of the absorption process due to the great overload which developed at this station. It was decided that the biometric measures would be taken in the prisons instead. However, the process was not completed at the prisons either, due to "overload and the absorption process in the wings."⁶⁴²

It should be noted that a movie delivered to the Commission by the Prison Services indicates that some of the flotilla participants refused to move through the various tents, and that members of the "Nachshon" unit had to drag them physically from place to place. It should also be noted that in the briefing which the commander of the "Nachshon" unit, Brigadier Yossi Mikdash, held on May 31, 2010, for members of the unit before the debarking of the flotilla participants from the vessels, it was explained that the flotilla participants should not be handcuffed, other than in exceptional circumstances and with prior approval.⁶⁴³ It was decided that the official who could give approval in this context would be the deputy Commissioner of the Prison Services, except in the event that a spontaneous extraordinary event developed which required handcuffing even without the aforesaid approval.⁶⁴⁴ During the absorption phases at the port of Ashdod, three flotilla participants attempted to attack personnel, and at the directive of the commander of the "Nachshon" unit, they were bound, with the use of force.⁶⁴⁵

640 See para. 13(d) of Israel's Entry Law 5712-1952.

641 See *Prison Service Investigative Report*, *supra* note 629, at 22.

642 *Id.*

643 See *Prison Service Video CD*, *supra* note 611, where the briefing is videotaped.

644 *Testimony of Prison Service Commander*, *supra* note 637, at 16.

645 See *Prison Service Investigative Report*, *supra* note 629, at 15.

153. The process of receiving the participants at the port in Ashdod concluded on June 1, 2010, at 9:45 a.m.⁶⁴⁶ Forty-five flotilla participants requested immediate deportation from the territory of the State of Israel, and thus they were escorted directly from the Ashdod port to Ben-Gurion airport by the Nachshon unit of the Prison Service.⁶⁴⁷ The remainder of the flotilla participants were transported⁶⁴⁸ to facilities of the Prison Service, distributed as follows: 604 of the detainees were transported to the "Ella" prison; eight of the detainees were transported to the "Givon" prison; 19 of the detainees were transported to the Prison Service's medical center for medical treatment; seven of the detainees, citizens of the State of Israel, were transferred to the authority of the Israeli police for interrogation and detention; and, after the interrogation, three of these seven were brought to the "Shikma" prison.⁶⁴⁹ According to the Prison Service's investigation, the flotilla participants were not bound during escort to the prisons (other than three of the participants who were unruly at the port of Ashdod and were transported to the "Ella" prison)⁶⁵⁰ and the men and women were transported separately.⁶⁵¹

The material before the Commission indicates that the flotilla participants were imprisoned in open wings (other than during four daily counts),⁶⁵² they were permitted to meet with attorneys and with the consuls of the countries of their citizenship (19 attorneys and 45 consuls entered the prisons),⁶⁵³ and they were given food, personal effects, track suits,

⁶⁴⁶ *Id.*, at 6.

⁶⁴⁷ See *Id.*, at 45-46; It should be mentioned that these forty five participants were asked to sign a form according to which they waive their right to appeal the decision to remove them from the State of Israel.

⁶⁴⁸ All prisoners were transported in air-conditioned busses; according to the existing procedures in Israel, a bus that is not air-conditioned is unsuitable for use when transferring prisoners; see *Testimony of Prison Service Commander, supra* note 637, at 12-13.

⁶⁴⁹ *Id.*, at 3-5.

⁶⁵⁰ See *Prison Service Investigative Report, supra* note 629, at 23.

⁶⁵¹ *Id.*

⁶⁵² *Id.*, at 27.

⁶⁵³ *Id.*, at 26; It should be mentioned that after the event claims were made that the participants of the flotilla were deliberately kept from meeting with their lawyers. The material before the Commission (which includes, among other things, materials relating to the preparations made towards the reception of the flotilla participants, the Prison Service inquiry which was conducted afterwards), indicates that there was no deliberate intention to prevent the flotilla participants from meeting with lawyers. At the same time, there were certainly more than a few difficulties in this context derived from the short period of the flotilla participants' stay in Israel, the large number of participants, and the fact that they were held in open cells and the "Ella" prison staff had difficulty locating them when they were asked to attend various meetings. In this context see the Supreme Court's verdict in HCJ 4169/10, 4193/10, 4220/10, 4221/10, 4240/10, 4243/10 *Cohen v. Defense Minister* (still unpublished, Jun. 2, 2010), at para. 6 [hereinafter *Cohen* matter]; See also *Testimony of Prison Service Commander, supra* note 637, at 22-23.

and undergarments.⁶⁵⁴ Also, most of the participants met with a social worker upon their arrival at the prison (special instructions were given regarding one flotilla participant who was identified as being in a state of emotional distress).⁶⁵⁵ Apparently, during the detention phase, force was used during only one incident: while one of the flotilla participants was in the "Ella" prison, she blocked the path of the team commander from the "Nachshon" unit, and she refused to move from the location. With the approval of the deputy commander of the "Nachshon" unit, the flotilla participant was physically moved. In response, the detainee pushed the team commander, scratched her on the face, and tore her shirt. During the incident, force was used in order to control the participant.⁶⁵⁶

154. Pursuant to the directive of the Attorney General on May 31, 2010, the Israeli police opened an investigation against the flotilla participants, on suspicion of attacking IDF soldiers who took control of the *Mavi Marmara*, and other offenses. On June 1, 2010, the United Nations Security Council approved a presidential statement denouncing Israel's actions and called for the release of the vessels and the detainees, as well as the transfer of the corpses to Turkey.⁶⁵⁷ On the same day, the Ministerial Committee for National Security Matters met and recommended, for diplomatic reasons, to release all of the flotilla participants and not to pursue the legal proceedings against them.⁶⁵⁸ After he undertook consultations on this matter, the Attorney General adopted this position, and on June 2, 2010, he issued a written order permitting the immediate deportation from Israel of "the foreigners who arrived on the flotilla who are suspected of committing criminal offenses", on the grounds which he set forth.⁶⁵⁹ Three petitions which were submitted to the Supreme Court against the decision of the Attorney General were rejected.⁶⁶⁰ Therefore, the flotilla participants were transferred from the prison facilities to Ben-

⁶⁵⁴ See *Prison Service Investigative Report*, *supra* note 629, at 27.

⁶⁵⁵ *Id.*, at 26.

⁶⁵⁶ *Id.*, at 23-24.

⁶⁵⁷ See *The Gaza Flotilla - response update 4* (compilation by Foreign Ministry, Center for Political Research, 1.6.2010), at 1, 4-5; marked by the Commission as exhibit 59.

⁶⁵⁸ Decision B/39 by the Ministers' Committee on Matters of National Security *Israel's Policy Regarding the Gaza Strip (Military and Civilian)* (Sep. 19, 2007) [hereinafter *Ministers' Committee on Matters of National Security Decision of 1.6.2010*], the folder containing the exhibit was marked by the Commission as folder 4.

⁶⁵⁹ See decision of Government Attorney General (Jun. 2, 2010).

⁶⁶⁰ See the *Cohen* matter, *supra* note 653; in the verdict the three petitions (HCJ 4221/10 submitted by Yekutiel Ben Yaakov, HCJ case 4240/10 submitted by the *Shurat Hadin* Organization, and HCJ case 4243/10 submitted by the *Almagor* organization for Victims of Terrorism) who asked to prevent the release of the foreign participants of the flotilla were rejected after the Supreme Court determined that the decision to release them was well within the bounds of the Attorney General's discretion.

Gurion airport, from where they were flown to the countries from which they had departed on the flotilla. Therefore, the duration of the flotilla participants' stay in the prison facilities of the Prison Service did not exceed forty-eight hours.⁶⁶¹

It should be noted that after the flotilla participants were transferred to Ben-Gurion airport, about 40 flotilla participants who had met with Turkish diplomatic representatives at Ben-Gurion airport began to clash with police forces in the passenger hall of the airport. The confrontation was documented by several journalists who came to Ben-Gurion airport to document the deportation of the participants.⁶⁶² The material provided to the Commission indicates that, in order to control the outbreak, the Israeli police engaged approximately twenty police officers who used their hands and handcuffs.⁶⁶³ The material further indicates that in one instance, a club was used against a disturbance defined by the Israeli police as an "exceptional disturbance". As a result of the event, six of those who were disorderly required medical treatment.⁶⁶⁴

The Deceased and the Wounded

155. *The deceased.* As stated, upon completion of the takeover operation of the *Mavi Marmara*, there were, regrettably, nine deceased flotilla participants. Their bodies were transferred to the Abu Kabir Forensic Institute for a pathological examination. However, on June 2, 2010, Turkey contacted the State of Israel and requested that Israel transfer the bodies to Turkey that day.⁶⁶⁵ The next day, Turkey furnished a written request that the bodies held by Israel be transferred to Turkey without autopsies being performed on them.⁶⁶⁶ Although several alternatives were considered, such as including Turkish pathologists during performance

661 According to the Chief of Staff's testimony the last passenger left Israel on Jul. 6, 2010, see the Chief of Staff's Open Door Testimony of 11.8.2010, *supra* note 70, at 29.

662 See *Prison Service Investigative Report*, *supra* note 629, at 24, 30; according to the investigation, the Prison Service was not involved in the event, but the riot delayed the pace of accompanying flotilla participants from the holding facilities to Ben Gurion Airport.

663 *Israel Police - Data Completion* (Dec. 14, 2010), at 1-2, found in folder marked by the Commission as exhibit 149.

664 *Israel Police - Data Completion* (Dec. 22, 2010), at 1, *Id.*

665 See letter from Rafael Barak, Foreign Ministry Deputy Director General, to Yossi Gal, Foreign Ministry Director General (Jun. 1, 2010), the folder containing the exhibit was marked by the Commission as folder 60; the letter details a phone request made by the Turkish Ambassador to Israel that the bodies be returned that same day.

666 Letter from Jülide Kayihan, deputy to the Turkish Ambassador to Israel, to Rafahel Barak, Foreign Ministry Deputy Director General (Jun. 2, 2010), the folder containing the exhibit was marked by the Commission as folder 60.

of the autopsy, it was ultimately decided to transfer the bodies to Turkey after performing only an external examination.⁶⁶⁷ This is the place to note that the Commission is unable to identify the deceased by their names.

The findings of the external examinations are as follows:⁶⁶⁸

- Body no. 1: Bullet wounds: two in the abdomen-chest on the left side, one tangential wound on the left side of the abdomen, on the back from the right, on the right elbow, in the right arm, on the left hand, two on the left thigh. Superficial lacerations on the face, abrasions and scratches.
- Body no. 2: Bullet wounds: on the right side of the head, on the right side of the back of the neck, on the right cheek, underneath the chin, on the right side of the back, on the left thigh. A bullet was palpated on the left side of the chest. Abrasion on the right arm.
- Body no. 3: Bullet wound on the right side of the back of the neck, two bullet wounds on the right side of the back of the neck, a bullet wound on the right side of the abdomen, a bullet wound on the right side of the lower back, a bullet wound on the left back-buttock.
- Body no. 4: Bullet wounds: on the left breast, the left buttock, the right shoulder, the right thigh, the right calf, two in the left thigh. Subcutaneous bleeding on the right side of the forehead. Lacerations on the forehead. Various additional abrasions.
- Body no. 5: Two bullet wounds in the left shoulder, bullet wound in the right side of the chest, bullet wound in the right shoulder, bullet wound in the right thigh.

⁶⁶⁷ See folder 74 of the Commission's exhibits. The State of Israel has asked to clarify whether the authorities in Turkey wished that a pathologist on their behalf would accompany the process in Israel, on this matter see letter from Rafael Barak, Foreign Ministry Deputy Director General, to Ahmet Oguz Celikkol, the Turkish Ambassador to Israel (Jun. 2, 2010); in response to Israel's request, Turkey stated that due to time constraints it would not be able to send a pathologist as stated, see letter from Jülide Kayihan, deputy to the Turkish Ambassador to Israel, to Rafael Barak, Foreign Ministry Deputy Director General (Jun. 2, 2010), the folder containing the exhibit was marked by the Commission as folder 60.

⁶⁶⁸ See *Pathological Report* (opinion by the National Center for Forensic Pathology, Jun. 1, 2010), the folder containing the exhibit was marked by the Commission as folder 74.

- Body no. 6: Bullet wounds in the forehead and the back of the neck. Abrasion wounds on the right side of the forehead, the nose, the right knee.
- Body no. 7: Bullet wounds on the left side of the chest, subcutaneous bleeding on the back, the left calf, and right elbow joint.
- Body no. 8: Bullet wounds on the front of the right ear, bullet palpated under the skin of the torso on the left side, two bullet wounds on the right side of the back, bullet wound on the right buttock, various abrasions.
- Body no. 9: Bullet wounds in the area of the right temple/back of neck, bullet wound in the left nipple, bullet wound in the area of the scalp-forehead on the left side, bullet wound on the face (nose), bullet wound on the left torso, bullet wound on the right side of the back, two bullet wounds in the left thigh, two bullet wounds as a result of the bullet passing through toes four and five on the left foot.

156. *The Wounded Flotilla Participants.* As stated above, approximately 55 wounded flotilla participants were brought to hospitals in Israel. Ten of the wounded were treated at the Chaim Sheba Medical Center at Tel Hashomer, six of the wounded were treated at Rambam Hospital, 14 of the wounded were treated at Bellinson Hospital, four of the wounded were treated at Hadassah Ein Kerem Hospital, and 21 of the wounded were treated at Barzilai Hospital.⁶⁶⁹

157. *The Wounded IDF Soldiers.* As stated above, nine IDF soldiers were wounded during the takeover of the *Mavi Marmara*. At the Chaim Sheba Medical Center at Tel Hashomer, four soldiers were treated (soldier no. 2, soldier no. 4, soldier no. 5, and soldier no. 7), two of whom had bullet wounds. Soldier no. 2, who had a bullet wound in his abdomen, required two operations. Soldier no. 4 underwent an operation on his head. Soldier no. 5, who had a bullet wound in his left knee, and had been severely beaten on his head and abdomen, was hospitalized for treatment. At Rambam Hospital, three soldiers were treated (soldier no. 1, soldier no. 6,

⁶⁶⁹ 31 wounded were evacuated by plane with Unit 669, 24 wounded were evacuated via the port of Ashdod, see *The Eilat Report*, *supra* note 402, at 146. The materials received from the various hospitals involved are found in the binder marked as Binder 147 by the Commission.

and soldier no. 3). Soldier no. 3, who had been stabbed in the abdomen, underwent surgery. Soldier no. 1 and soldier no. 6 were hospitalized for treatment in the hospital. Two IDF soldiers (soldier no. 9, soldier no. 11) were treated at Ichilov Hospital.

Post-incident events

158. All of the vessels other than the *Challenger 1* (which left the pier where it was anchored in the port of Ashdod on July 13, 2010, and is currently anchored in the naval base marina in Ashdod) left the Ashdod port and are anchored in the port in Haifa.⁶⁷⁰

With respect to the cargo that was on board the vessels, it was agreed between the Coordinator of Government Activities in the Territories (hereafter: COGAT) and the UN Secretary General's envoy to the Middle East, Mr. Robert Serry, in accordance with COGAT's guidelines on these matters, that the humanitarian supplies and construction materials found on board the vessels would be transferred to the UN for use by its agencies in the Gaza Strip. The material furnished to the Commission indicates that, within the UN, it was agreed to divide the supplies between the various agencies in the following manner: (a) the construction materials - 70% would be transferred to the United Nations Relief and Works Agency (UNRWA) and 30% would be transferred to the United Nations Development Programme (UNDP); (b) the other supplies would be divided among UNRWA (which has received the supplies and materials for the benefit of the population under its care), the WHO (the World Health Organization of the UN, which has received the medical and medical-related supplies, including medicines, wheelchairs, etc.), and UNICEF (the United Nation's Children's Fund, which has received supplies and materials to distribute to children, including clothing, toys and backpacks). As of December 26, 2010, 114 trucks carrying humanitarian supplies from the flotilla's vessels that are the subject of this report had entered the Gaza Strip, in coordination with the UN agencies, from among a total of approximately 200 trucks.⁶⁷¹

⁶⁷⁰ The *Mavi Marmara* left Ashdod Port on 6.6.2010; the *Defney* and *Boat 8000* left Ashdod Port on 11.6.2010; the *Sofia* left Ashdod Port on 6.11.2010; the *Gazze* left Ashdod Port on 17.6.2010; see *Flotilla to Gaza of 31/5/2010* (detail completion from The Ashdod Port Company LTD, 25.11.2010), found in folder marked by the Commission as exhibit 149.

⁶⁷¹ See *Civilian Policy Regarding Gaza Strip - Part A*, *supra* note 52, at 30; see also Appendix C of *Civilian Policy Regarding Gaza Strip - Part B*, *supra* note 58; in general 35 trucks of concrete and eight trucks of building iron were brought in for seven UNRWA projects, as well as 71 trucks carrying an assortment of equipment (motorized carts, batteries, medical equipment and medicine, two water desalination containers, generators, beds, and more). Goods not yet transferred and awaiting coordination with the UN include: (1)

159. The personal belongings of the flotilla participants were flown back to Turkey with the flotilla participants (after having been brought by naval officers to the "Ella" prison in Beer Sheva, where the prison staff refused to receive it because the flotilla participants were in the process of being transferred to Ben-Gurion airport).⁶⁷² Pursuant to instructions of the Ministry of Defense, 105 suitcases, which were returned by Turkey after they were not claimed, are being stored at the navy's supply base.⁶⁷³ The magnetic media and the combat items found on the vessels were retained in Israel for further investigation.⁶⁷⁴ It should be noted that, during the searches of the vessels after the event, additional personal belongings were discovered (wallets and documents), which were collected in six bags. These items were transferred to the representative of the Turkish embassy in Israel.⁶⁷⁵

It should be noted that in the prison cells in which the flotilla participants were held in the "Ella" prison, sums of cash were found in the amount of €3,500 and \$4,000. These sums are currently being held in the safe of the legal department of the Prison Service (the Commission has been informed that the Prison Service contacted the Foreign Ministry about this matter, but has not received any instructions regarding the handling of these sums).⁶⁷⁶

On September 15, 2010, the photography equipment which was collected in this event was transferred to a representative of the journalists, Mr. Danny Zaken, the chairman of the Journalists Association in Israel.⁶⁷⁷

raw materials for UNDP projects and for two UNRWA projects; (2) three X-ray machines which the UN refuses to bring into the strip claiming there is no need for used equipment without warranty; (3) transportable structures (caravans) and the materials to construct them - as of Dec. 26, 2010 the UN has not been able to receive instructions on how to construct the transportable structures. This issue should be resolved by the UN in the next few weeks.

672. See *IDF completion response of 15.11.2010*, *supra* note 400, at para. N.

673. *Id.*; for a list of the equipment stored at the naval base see also appendix E, *id.*

674. See *Complementary Information Regarding the Magnetic Media Captured During Operation "Winds of Heaven 7"* (Dec. 23, 2010), marked by the Commission as exhibit 158.

675. See *IDF completion response of 15.11.2010*, *supra* note 400, at para. N; see also the document signed by the Turkish representative approving the reception of the equipment, appendix D, *id.*

676. See "The Turkish Flotilla - Cash Currency Found in the Prison Service's Possession (Prison Service Data Completion, Nov. 16, 2010), found in folder marked by the Commission as exhibit 149.

677. During the handing over of the equipment there was an exhibition of the equipment and there was also a repeated examination and physical count and comparison to the catalogues prepared; see letter from Logistical Operations and Assets Branch to the Public Commission to Examine the Maritime Incident of May 31, 2010 (Sep. 19, 2010), found in folder marked by the Commission as exhibit 165.

160. As stated, after the event, the Military Police Investigations initiated seven criminal investigations against 16 suspects for various incidents of theft of property belonging to the flotilla participants by IDF soldiers who had contact with the aforesaid property.⁶⁷⁸ At the time of writing this report, three of the investigations have led to indictments against four defendants and the conducting of criminal trials (the proceedings in one have even concluded). The details of these investigations are as follows:

- a. Military Police Criminal Investigation Division, central region, file no. 67/10 - This case concerns the theft of a new laptop computer, two camera lenses and a compass which were seized on the *Mavi Marmara*, and entering into a conspiracy to commit the offenses of theft of the equipment which was seized on the *Mavi Marmara*. The investigation led to an indictment which was submitted in the military court against a recruits squad commander with the rank of corporal, who boarded the *Mavi Marmara* after it was anchored in the port of Ashdod and conducted searches aboard it. The defendant was charged with theft by a public servant, pursuant to Section 390 of the Penal Law, 5737-1977, and conspiracy to commit a crime, pursuant to Section 499(a)(1) of the foregoing law (file no. 430/10). After the indictment was submitted and as part of the plea bargain, the conspiracy charge was dismissed. On October 18, 2010, 2010, the military court sentenced the accused to the following: five months in prison (less the 39 days during which the defendant had already been imprisoned); a five months suspended sentence for three years; the maximum fine possible pursuant to Section 29 of the Military Justice Law, 5715-1955 (a sum of NIS 700 or three days imprisonment in exchange); demotion to the rank of private.⁶⁷⁹
- b. Military Police Criminal Investigation Division, central region, file no. 64/10 and Special Investigations, northern region, file no. 10/03 - This case concerns the theft of four laptop computers with a total estimated market value of approximately NIS 10,000, and their sale to another IDF soldier in consideration of a total sum of NIS 4,800. The investigation led to an indictment which

⁶⁷⁸ See *IDF Response for Completion Request* (Dec. 7, 2010), the folder containing the exhibit was marked by the Commission as folder 148 [hereinafter *IDF Completion Response of 7.12.2010*]; *IDF Response for Completion Request* (Dec. 15, 2010), the folder containing the exhibit was marked by the Commission as folder 154 [hereinafter *IDF Completion Response of 15.12.2010*].

⁶⁷⁹ Indictment and military court protocol in case GOC (district) 430/10, *IDF completion response of 15.11.2010*, *supra* note 400.

was submitted to the military court against the recruits platoon commander with the rank of second lieutenant, and a sergeant in the recruits platoon, who boarded the *Mavi Marmara* after it was anchored in the port of Ashdod and conducted searches on it. The two defendants were charged with the offense of theft by a public servant, pursuant to Section 390 of the Penal Law, 5737-1977, and unbecoming behavior pursuant to Section 130 of the Military Justice Law, 5715-1955.

- c. Military Police Criminal Investigation Division, central region, file no. 66/10 - This case concerns the theft of a laptop computer and computer game console and conspiring to steal laptop computers which were seized from the passengers of the *Mavi Marmara*. The investigation led to an indictment which was submitted in the military court against a recruits squad commander with the rank of corporal, who boarded the *Mavi Marmara* after it was anchored in the port of Ashdod and conducted searches on it. The defendant was charged with the offense of theft by a public servant, pursuant to Section 390 of the Penal Law, 5737-1977, and conspiracy to commit a crime, pursuant to Section 499(a)(1) of the foregoing law.
- d. Military Police Investigation, central region, file nos. 63/10, 65/10, 68/10 and Special Investigations, northern region, file no. 3/10 - These cases concern the suspected offenses of theft by a public servant and the possession of stolen property by seven soldiers, the offenses of buying stolen property, and the possession of stolen property by five additional soldiers (a total of 12 soldiers). These cases concern the suspected thefts of portable computers, which were on the *Mavi Marmara*, by several soldiers who boarded the vessel and searched it after the takeover was completed, and their sale to other soldiers. The criminal investigation of these cases has concluded and the files were transferred for review and decision by the military prosecutor. The decision of the military prosecutor about these cases is pending.

In addition to the foregoing, on December 15, 2010, the IDF informed the Commission that the military prosecutor has instructed the Military Police Investigations to initiate another investigation, concerning the suspected illegal use of the credit card of an Italian citizen who was on board the *Mavi Marmara*. A complaint was transmitted to the IDF by the Italian ambassador to Israel on behalf of the Italian citizen, whose wallet was confiscated from him after the takeover of the vessel was

completed. Upon the complainant's return to his country, he claims to have discovered that unauthorized use had been made of his credit card, which had been in his wallet when it was confiscated.⁶⁸⁰

The Flotilla Participants and Their Activities: Additional Details

161. The Commission was also requested to examine "the activities which were undertaken by the flotilla organizers and its participants, and their identity," pursuant to section 4.c of the Government's decision on June 14, 2010. These subjects are indeed integrally related to the matters which have been described above and which will be analyzed below. Nevertheless, the Commission find it appropriate to include additional details at this point in the report. As will be apparent, this information concerning the identity of the flotilla's participants and its organizers and the actions they undertook became known only after the events had taken place and after completion of the military operation. First, we will provide details about the identity of the flotilla's organizers. We will then discuss certain details concerning the identity of the flotilla's participants. Finally, we will describe the advance preparations undertaken by some of the flotilla participants in anticipation of the confrontation with IDF soldiers, as revealed by the documents and testimony obtained by the Commission.

The Organizers of the Flotilla

162. The flotilla itself was organized by a coalition comprised of a number of organizations, of which the leading organization was the IHH.⁶⁸¹ The IHH organization is, as stated, a humanitarian organization with a radical-Islamic orientation, which was established in 1992 and which was formally registered in Istanbul in 1995.⁶⁸² The organization is headed by Bülent Yıldırım. The organization conducts a broad range

⁶⁸⁰ See *IDF Completion Response of 15.12.2010*, *supra* note 678. In the margins, it should be mentioned that the Commission has, by coincidence, learned of a television news story regarding the suspected theft of equipment on the vessels participating in the flotilla by some of the Ashdod Port workers, but the Commission could not locate additional information in this context.

⁶⁸¹ See *IHH Flotilla Campaign Summary*, *supra* note 209.

⁶⁸² *IICC report* (May 27, 2010), *supra* note 83, at 1; some of these details, particularly the general details relating to the IHH organization and its activities, were known in advance of the flotilla incident; at the same time, concrete details regarding the scope of the IHH organization's involvement with the planning of the flotilla, as well as concrete details regarding the participants themselves, were only found out later.

of humanitarian activities, and, within this framework, it operates in distressed regions in the areas of food deliveries, assistance projects for orphans, establishing educational facilities, hospitals and medical clinics, programs for vocational education, supplying medicines, building mosques, and preventing human rights violations throughout the world.⁶⁸³ The organization also operates in various European countries through its branches.⁶⁸⁴ However, alongside its humanitarian activities, the IHH organization provides support to radical-Islamic and anti-Western terrorist organizations.⁶⁸⁵ The organization also supports the Hamas and does not conceal the ties between the organizations.⁶⁸⁶ The IICC report dated May 27, 2010, states, *inter alia*, that the IHH organization is a member of the "Union of Good" coalition, and provides assistance to the Hamas by organizing public support conferences in Turkey in which senior Hamas officials took part, by providing significant amounts of funding to Hamas institutions in the West Bank (including associations which have been banned in Israel) and operating widespread activities in the Gaza Strip.⁶⁸⁷ The organization has even established a branch in the Gaza Strip, which is headed by Muhammad Kaya. In January 2008, during a meeting of the organization's delegation with Ahmed Bahar a senior Hamas activist who serves as the deputy speaker of the parliament of the Hamas government in the Gaza Strip, the organization presented the extent of the assistance it provides to the Gaza Strip, and also announced that it would double this support in the future. In January 2009, the head of the IHH organization, Bülent Yıldırım, met with Khaled Mashaal, the head of the Hamas political bureau in Damascus. At this meeting, Mashaal thanked Yıldırım for the support that the IHH organization gives to the Hamas.⁶⁸⁸ In January 2010, the leader of the IHH organization visited the Gaza Strip and even met with Ismail Haniyeh, the Hamas prime minister in the Gaza Strip.⁶⁸⁹

⁶⁸³ IICC report (May 26, 2010), *id.*, at 1-2.

⁶⁸⁴ *Id.*

⁶⁸⁵ In this context see IICC report (Sep. 20, 2010), *id.*, at 2, which describes an interview with an Iranian investigator named Yazdan Karimi to the Iranian news agency Fars regarding the IHH organization. In the interview, Karimi states that the IHH organization was founded in 1992 by Turkey's Mujahidin (jihad warriors), where its immediate goal was to assist Muslims fighting in Bosnia-Herzegovina and other regions. At that time the Turkish Mujahidin asked for the assistance of the Red Crescent in order to provide aid to those injured by the war in Bosnia but their request was denied. Therefore, according to Karimi, the IHH decided to establish itself as an organization offering aid to Muslim nations in combat zones which would also aid other poor and vulnerable groups throughout various regions of the world.

⁶⁸⁶ IICC report (May 27, 2010), *id.*, at 2-3.

⁶⁸⁷ *Id.*

⁶⁸⁸ *Id.*; see also *The Spittoon: Viva Palestina, Mahathir and IHH*, www.spittoon.org/archives/4168 (2009).

⁶⁸⁹ See IICC report (May 27, 2010), *supra* note 83, at 3; see also Velfecr: Gazze'de Göz Yaşartan

In 2008, Minister of Defense Ehud Barak declared that 36 organizations, including the IHH organization, which are members of the "Union of Good" coalition, an umbrella organization of over 50 Islamic foundations throughout the world and which transfers funds, *inter alia*, to the Hamas organization, were "prohibited associations".⁶⁹⁰ In November 2009, the IHH organization sent an activist on its behalf, Mr. Izzat Shahin, to the West Bank in order to establish another branch of the organization there. In the context of his activities, Shahin raised tens of thousands of dollars for two leading Hamas associations operating in the West Bank.⁶⁹¹ Shahin was detained for investigation by the Israeli security forces in April 2010 on suspicion of financing terror and supporting the Hamas organization, and he was deported from Israel, upon the conclusion of the investigation, at the request of Turkish officials. It is further noted that on July 12, 2010, the German government also declared the IHH organization to be an "prohibited organization" because of its economic assistance and support to the Hamas, and in effect outlawed it throughout Germany.⁶⁹² In recent months, an American examination is being conducted to potentially declare the IHH organization as an organization that finances terror, i.e., an organization included on the "black lists" of the U.S. Treasury Department towards which economic sanctions can be imposed.⁶⁹³

It should also be noted that the IICC report dated May 27, 2010, states that in the past, the IHH organization maintained contacts with global Jihad elements, through which it assisted terrorist cells in Bosnia, Syria, Iraq, Afghanistan and Chechnya, mainly by giving logistical support for transferring weapons and funding.⁶⁹⁴ However, the IICC report noted

Büyük Buluşma (Video-Foto), www.velfecr.com/gazza-de-goz-yasartan-bulusma-video-foto-1408-haberi.html (2010).

690 Declaration 5822 by Defense Minister Declaration of Unlawful Organization - Union of Good 3521 (May 26, 2008) www.mod.gov.il/pages/general/pdfs/teror.pdf; it should also be mentioned that in May 2008 the United States officially declared the Union of Good to be an organization sponsoring terrorism and as such it was included in the "black list" by the Treasury Ministry in Washington D.C., found in the folder marked by the Commission as exhibit 149.

691 Hebron Islamic Charity Society and Al-Tadhamun organization in Nablus; see IICC report (May 27, 2010), *supra* note 83, at 4.

692 See the statement made by the German Minister of the Interior de Maizière, *Completion of Required Facts from the Foreign Office 1* (data completion by the Foreign Ministry, Nov. 22, 2010), in folder marked by the Commission as exhibit 149: "The IHH offers knowing and focused support to organizations directly linked to Hamas [...] and thus enables Hamas to allocate more financial resources to fund its terrorist activities. The IHH thus lends support to the increase of violence and terrorism in the Palestinian Authority's territories". Though we are dealing with two separate branches of the organization there seems to be a connection between the German branch and the Turkish branch.

693 *Id.*, at 2.

694 IICC report (May 27, 2010), *supra* note 83, at 5-8; Danish Institute for International Studies,

that it did not possess updated information regarding the aforesaid links of the organization.⁶⁹⁵ In his closed testimony, the head of the Mossad testified that the Mossad's assessment was that some of the funds raised by the IHH organization were provided to the Islamic Jihad.⁶⁹⁶

The ICC report dated June 20, 2010 implies that there is a connection between the IHH organization and the government of Turkey. The leader of the organization, Yildirim, enjoys close relationships with the most senior members of the Turkish government, including the Turkish Prime Minister, Recep Tayyip Erdoğan.⁶⁹⁷ It should be noted in this context that the protocol of a meeting held on May 16, 2010, among representatives of the leading organizations that participated in the flotilla and several captains of vessels planning to join the flotilla (hereafter: protocol of the flotilla leadership meeting), which was taken from the computer of one of the flotilla participants, indicates that the IHH deputy president, Yavuz

an independent research institute which deals with interdisciplinary research into international issues, in 2006 study presented the organization's connections with the Al Qaeda organization, see, Evan F. Kohlman, *The Role of Islamic Charities in International Terrorist Recruitment and Financing*, DANISH INSTITUTE FOR INTERNATIONAL STUDIES, (2006), available at www.djis.dk/graphics/Publications/WP2006/DIIS%20WP%202006-7.web.pdf.

⁶⁹⁵ This study, which was conducted by senior American terrorism researcher, Dr. Evan Kohlman and dealt with the involvement of charity organizations in assisting terrorism, mentioned among other facts that in December 1997 the Turkish authorities launched an investigation regarding the IHH organization following a claim that senior members of the organization purchased automatic weapons from extremist Islamic organizations. Following this there was a raid on the organization's office in Istanbul, activists were arrested and weapons and explosives were found along with instruction on how to make bombs, a flag with a jihadist message, and various documents which reveal that the members of the organization planned to take part in jihadist activities in Afghanistan, Bosnia, and Chechnya, *Id.*, at 10-11. The research also quotes a report composed by French intelligence which states that the leader of the organization, Bülent Yildirim, has directly acted in the past to recruit former members of the military to jihadist activity. The report also mentions that a number of activists were sent by the IHH to combat zones in Islamic countries with the goal of obtaining combat experience and that the IHH organization provided Muslim combatants in these countries with financial aid, weapons, and explosives. The research also mentions that an examination of the phone calls conducted by the IHH activists in Istanbul in 1996 reveals repeated interactions with an Al Qaeda hostel in Milan Italy as well as with Algerian terrorists acting in Europe, including a senior member of Al Qaeda named Abu Ma'ali (Abdelkader Mokhtari) who was active in Bosnia. It was also mentioned that following the American invasion of Iraq in 2003 Yildirim and the IHH organization served a role in anti-western incitement among Turkish Muslims, including protests, marches, and demonstrations.

ICC report (May 27, 2010), *supra* note 83, at 5. Regarding the IHH organization's links to organizations linked to Al Qaeda see also JEAN-LOUIS BRUGUIERE, *CE QUE JE N'AI PAS PU DIRE* (Robert Laffont ed., 2009).

⁶⁹⁶ Transcript of session no. 8 "Testimony of Mossad Head" (Sep. 14, 2010), at 20.

⁶⁹⁷ *ICC report* (Jun. 20, 2010), *supra* note 83, at 2.

Dede, stated that the Prime Minister of Turkey and several other ministers had recently begun expressing support for the flotilla:

"Government did not announce openly support for mission at first; but last few days. Getting direct support from PM and other ministers. During F2F discussions, openly said that if we have any difficulties, gov will extend what support they can. During Dec. land convoy, although gov didn't announce support, they provided, not only to Turkish, but to all who were on the mission."⁶⁹⁸

As stated, from what is known, the IHH organization was one of the leading organizations which took part in organizing the flotilla that is the subject of this report. The IHH organization owns the *Mavi Marmara* and the *Gazze* ship.⁶⁹⁹ According to the IICC report from May 27, 2010, during the months preceding the departure of the flotilla, the organization assisted the Ministry of Transportation and the Ministry of Public Works of the Hamas administration to undertake projects in the Gaza Strip in order to prepare the port to receive the vessels taking part in the flotilla.⁷⁰⁰ During the police investigations conducted after the event, some of the flotilla participants stated that the IHH organization was behind the organizing of the flotilla⁷⁰¹ and that they themselves are activists in the organization (some of them even receive salaries from

698 See *IHH Flotilla Campaign Symmetry*, *supra* note 209; it should also be mentioned that Amir Akan, a crew member on board the *Gazze* which participated in the flotilla along with the *Marmara*, claimed in his investigation by Military Intelligence that the Turkish government approved the ship's departure towards Gaza. Due to this fact he felt relatively safe during the flotilla, see article 03/06/10/821/5062, *Military Intelligence Reports*, *supra* note 491.

699 In the *Marmara's* registration certificate, which was issued on May 19, 2010, the IHH organization (Insan Hak ve Huriyetleri ve Insani Yardimi Vakfi - Turkey) appears as the owner, see Provisional Registration Certificate D/RC/0333/UAE (May 19, 2010), the folder containing the exhibit was marked as folder 92 by the Commission; likewise, the *Gazze's* registration certificate, which was issued on Apr. 1, 2010, see Certificate of Registry DM10GS0143Q254937 (Apr. 1, 2010), the folder containing the exhibit was marked as folder 93 by the Commission; the investigation of some of the flotilla's participants, members of the IHH, by the IDF's investigative unit, also reveals that all the vessels were purchased by the organization, see report of the investigation of Ismail Yalmez, article 03/06/10/895/5026, *Military Intelligence Reports*, *supra* note 491.

700 IICC report (May 27, 2010), *supra* note 83, at 9.

701 In total 41 participants of the flotilla on board the *Marmara* were investigated, of which 13 mentioned the connection between the flotilla and the IHH organization; this connection also came up in the investigations of about 105 flotilla participants conducted by the IDF investigative unit between the dates May 31, 2010 and Jun. 3, 2010.

it),⁷⁰² or that they had joined the flotilla at the request of the organization.⁷⁰³

702 See for example Mr. Takir Eurdnach's statements to the police, according to which he is an employee of the organization, suspect 18 statement, *Soldiers, Doctors, and Suspects Statements* (Jun. 1, 2010), the folder containing the exhibit was marked as folder 71 by the Commission [hereinafter *Soldiers, Doctors, and Suspects Police Statements*]; suspect 18's statement, *Soldiers, Doctors, and Suspects Statements* (Jun. 2, 2010) *Id.*; see also the report of Muhassan Ingin's investigation, wherein he admitted that he is an IHH activist, article 03/06/10/825/5090 *Military Intelligence Reports*, *supra* note 491; report of Yishar Kotli's investigation, wherein he admitted that he works as the IHH's secretary-general, article 03/06/10/825/5056, *Id.*; report of Mehmet Bulga's investigation, who was on the Gazze ship, wherein he admitted that he works at the IHH's archives, article 03/06/10/821/5057, *Id.*; report of Enfi Sinan's investigation, wherein he admitted that he is a member of the IHH, article 03/06/10/821/5077, *Id.*; report of Abdullah Izikiah's investigation, wherein he admitted that he started working as a volunteer for the IHH, but has been an employee of the organization for seven years, article 03/06/10/821/5069, *Id.*; report of Ismail Yimez's investigation, according to which he has been working for the IHH organization as head of product purchasing, article 03/06/10/895/5026, *Id.*; reports of the captain of the *Mavi Marmara*, Mehmet Torel's investigation, wherein he stated that the IHH hired his services for the flotilla, articles 03/06/10/825/5080 and 03/06/10/825/5092, *Id.*; report of the captain of the *Defney* ship's captain Haluk Kulkwan's investigation, according to which IHH workers and cargo were on the ship, article 03/06/10/825/5081, *Id.*; reports of Hussein Uruz's investigation, according to which he has been working for the IHH organization for seven years and deals with the organization's ties to foreign organizations and the media, article 03/06/10/825/5060 and article 03/06/10/825/5050, *Id.*; report of the head of the IHH, Bülent Yıldırım's investigation, according to which three of those killed in the flotilla were IHH volunteers, article 03/06/10/825/5059, *Id.*; report of Muhammad Achmed Salam's investigation, according to which he is a reporter for the organization, article 03/06/10/825/5060, *Id.*; report of Mehmet Ozmesha's investigation, according to which he is a donor to the organization, as well as a volunteer, article 03/06/10/825/5036, *Id.*; report of Radouan Kayah's investigation, according to which he organized donations for the organization and is also a volunteer in it, article 03/06/10/825/5062, *Id.*

703 See Muchram Gonash's announcement to the police, according to which he is a volunteer at the IHH, testimony of suspect 3 of *Soldiers, Doctors, and Suspects Police Statements*, *supra* note 702; Mustafa Butran's announcement that he was employed on the ship by his uncle, who works for the IHH, testimony of suspect 7, *Id.*; Cilli Muchitin's announcement that he offers humanitarian aid in different counties on behalf of the IHH, testimony of suspect 22, *Id.*; Zachariah Kaya's announcement that he took part in the flotilla which was organized by the IHH, as an employee of a humanitarian aid organization from Istanbul, testimony of suspect 24, *Id.*; Patil Kiukodan's announcement that he was requested by the aid organization he works for to join the flotilla organized by Bülent Yıldırım (head of the IHH), testimony of suspect 41, *Id.*; see also the report of Manuel Vespiner's investigation according to which he was invited to the flotilla by the IHH, article 03/06/10/821/5097, *Military Intelligence Reports*, *supra* note 491; report of kukirian Guyan's investigation, whose friend wished to hire him as a crew member on board the *Marmara*, and according to whom the IHH group "controlled" the vessel and gave instructions to the passengers, the crew members, and the journalists, article 03/06/10/825/5085, *Id.*; report of Abdel Hakim Alkteibi's investigation, according to which he was invited to the flotilla by the IHH, article 03/06/10/825/5044, *Id.*; report of the head of the IHH, Bülent Yıldırım's investigation by the IDF investigative unit, according to which three of those killed in the flotilla were IHH volunteers, article 03/06/10/825/5030, *Id.*; report of Oskan Tonboylu's investigation, according to which aside from the flotilla he took part in other IHH activities, article 03/06/10/825/5063, *Id.*; see also an interview with one of the participants of the flotilla given to an Haaretz reporter in Belfast, Noam Shelzaf *Testimony from the Deck*:

Other participants in the flotilla, who stated that they had joined the flotilla due to humanitarian motivations alone, also stated that they had responded to appeals from the IHH organization or had signed up for the flotilla through it.⁷⁰⁴ Also, the transcript of the flotilla leadership meeting indicates that the IHH organization set up a command headquarters for the flotilla on land, where the deputy director of the organization, Yavuz Dade, stayed.⁷⁰⁵

163. The transcript of the flotilla leadership meeting indicates that the other organizations which took part in organizing the flotilla are as follows: the Free Gaza Movement (hereafter: FGM), the European

Kenneth O'Keefe, Former Marine, was on board the Marmara wishing to reach Gaza Haaretz Online 24.9.2010, as well as ICC report (Sep. 27, 2010), supra note 83.

704. See for example the announcement of Halim Yizigi according to which he reached the flotilla following the publication and convention the IHH organization held regarding the flotilla meant to provide aid for Gaza, testimony of suspect 19 of *Soldiers, Doctors, and Suspects Police Statements*, supra note 702; the testimony of Pkar Shukri, within which he stated that Bilent Yildirim (head of the IHH) is the flotilla organizer and that he himself joined the flotilla in order to help Gaza, following IHH publication, testimony of suspect 20, *Id.*; Police testimony by Mehmet Ali Akdniz, according to which the IHH members gave the Marmara passengers orders and "ran the show", according to his statement he joined the flotilla through the organization's website in order to provide humanitarian aid to Gaza, testimony of suspect 21, *Id.*; Police testimony by Ribha Kumrok, according to which the IHH advertized an invitation to volunteer for the flotilla, see testimony of suspect 8, *Id.*; Police testimony by Pikari Krawil, according to which he joined the flotilla with the purpose of providing aid, following publication in the media and a conference held by the IHH, testimony of suspect 23, *Id.*; Police testimony by Ikhsan Shamrock, according to which he signed up for the flotilla through the organization's website in order to provide humanitarian aid to Gaza, stayed at a hotel in Istanbul through the organization and departed to Antalya on a bus provided by the IHH, where he took part in a conference held by the members of the organization who wore special uniforms and got on a bus to the port provided by the IHH, testimony of suspect 25, *Id.*; Police testimony by Abdulhalim Al Mali, according to which he joined the flotilla through an IHH campaign with the purpose of providing aid to Gaza, testimony of suspect 26, *Id.*; see also the report of Adil Yuksef's investigation, who volunteered for the flotilla through the IHH, according to his statement, the *Mavi Marmara* was actually being run by the IHH, and some of the organization's members wore vests emblazoned with the organization's print, the people on the ship were briefed to act according to the IHH's instructions and at a certain stage of the flotilla the instruction was given that the boarding of the ship by IDF soldiers must be prevented at all costs, article 03/06/10/825/5094, *Military Intelligence Reports*, supra note 491; report of Achmed el Daham's investigation, according to which he signed up for the flotilla through the IHH offices in Istanbul, and according to his statements, the head of the organization distributed instructions to the passengers, briefed the journalists, and was responsible for the whole flotilla, article 03/06/10/821/5083, *Id.*; report of Hakan al Biraq's investigation, article 03/06/10/825/5071, *Id.*; report of Said lbjjuhale's investigation, article 03/06/10/825/5082, *Id.*; report of Yujel Kusa's investigation, article 03/06/10/825/5043, *Id.*; report of Adal Huna's investigation, article 03/06/10/825/5090, *Id.*; report of Adal Tuna's investigation, article 03/06/10/825/5057, *Id.*; report of Hasiin Shbar's investigation, article 03/06/10/825/5047, *Id.*

705. *IHH Flotilla Campaign Summary*, supra note 209.

Campaign to End the Siege on Gaza (hereafter: ECESG), the Greek Ship to Gaza Campaign, and the Swedish Ship to Gaza.

FGM is an organization registered in Cyprus as a human rights organization, with its headquarters located in Nicosia. The organization was founded in 2006, and its website states that it has 28 branches throughout the world. The organization's charter provides that its purpose is to break the siege on the Gaza Strip by means of, *inter alia*, "civil resistance and non-violent direct action", which will establish a permanent sea lane between the Gaza Strip and the rest of the world.⁷⁰⁶ The organization began dispatching flotillas to the Gaza Strip in 2008, and was behind the dispatching of eight flotillas, five of which succeeded in reaching the Gaza Strip (in August 2008, in October 2008, in November 2008, and two in December 2008), whereas three were stopped by the navy (the *Dignity* yacht, which attempted to reach the Gaza Strip at the end of December 2008, and the *Spirit of Humanity* vessel, which attempted to reach the Gaza Strip in January 2009 and again in June 2009).⁷⁰⁷ Another organization operates within the framework of the FGM, under the name of the "International Solidarity Movement" (hereafter: ISM), which has adopted the goal of supporting Palestinian popular resistance activities and opposing Israeli policy in the West Bank and Gaza Strip.⁷⁰⁸

The IICC report of June 10, 2010, notes that the FGM organization had its activists sign a declaration in which they pledge not to use physical or verbal violence against IDF soldiers.⁷⁰⁹ However, in its report from September 27, 2010, IICC notes that it possesses an internal document of the organization from March 7, 2010, which was seized on the *Mavi Marmara*, which states in a section on mission strategy that the organization's working assumption is that "the only way for Israel to stop us is to use force." This document analyzes various options for how to act in such a situation, including placing obstacles (encircling the deck with metal rods; scattering sharp obstacles in order to prevent landing from the air), and barricading themselves inside the control room and the engine room.⁷¹⁰ However, it should be noted that the document's heading states that it is a draft that is not intended for distribution. Another document that was seized on the *Challenger 1* contains legal information that, apparently, was intended to be conveyed to the boat's passengers. This

⁷⁰⁶ See the organization's website www.freegaza.org.

⁷⁰⁷ See *Defense Minister's Memorandum Appendixes*, *supra* note 209, at appendixes Y, Z.

⁷⁰⁸ See the organization's website palsolidarity.org.

⁷⁰⁹ *IICC report* (Jun. 10, 2010), *supra* note 83, at 2.

⁷¹⁰ *Draft - Not for Distribution* (Free Gaza Movement report, Jul. 3, 2010); see also *IICC report* (Jun. 14, 2010), *supra* note 83, at 6-17.

information explicitly states that the organization is aware of the fact that the transfer of supplies to the Hamas constitutes a crime under the laws of the United States, and also that the United Nations added the Hamas to its black list of terrorist organizations. Therefore, the Americans and citizens of other nationalities were warned "to avoid even the appearance of material support" for the Hamas or its leadership.⁷¹¹

The ECESG is an umbrella organization uniting about 30 non-governmental organizations (NGOs), whose purpose is "to bring to an end Israel's illegal siege of Gaza". The organization operates in cooperation with politicians, academics, and human rights organizations throughout Europe. It should be noted that one of the founders of the organization (and one of the organizers of and participants in the flotilla which is the subject of this report) is Amin Abu Rashed, a Palestinian holding a Dutch passport, who is identified with the "Muslim Brotherhood" and with organizations connected to it in Holland and Europe.⁷¹²

It is further noted that the official protocol of the flotilla leadership meeting does not mention any plans for violent action against the IDF, and that in this forum it was decided that the question of how to protect the passengers' security would be left to the discretion of the vessels' captains.⁷¹³

The Participants on the Flotilla

164. The total number of participants on the flotilla was approximately 700 passengers, from 40 countries.⁷¹⁴ On the *Mavi Marmara*, there were approximately 590 passengers from 34 different countries, including

711 *Legal Information* (Opinion by Free Gaza Movement); see also *IICC report* (Jun. 14, 2010), *supra* note 83, at 4-5.

712 *IICC report* (Oct. 5, 2010), *id.*, at 5.

713 *IHH Flotilla Campaign Summary*, *supra* note 209. From the [protocol] it arises that the flotilla organizers discussed several options for the way events at sea might develop, and among other options took into consideration the possibility of fire being directed at them or an arrest of the people on board the ship; as to the possibility of shooting it was written:

714 "Opening fire

- a) Just to intimidate, we keep moving forward
- b) Need to do political and media work at the same time
- c) Continue slowly, communicating with Israel
- d) If shooting is more serious will need to stop and assess. Captains will have to make decisions concerning safety of mission.
- e) We all stay together..."

For a detailed analysis of the national and organizational affiliations of the passengers on board the *Marmara* as well as the outlines of various organizations and activists on board the *Marmara*, see the list of passengers found on the *Mavi Marmara*, *IMO Passenger List* (May 27, 2010); *IICC report* (Sep. 26, 2010), *supra* note 83, at 8-104.

Turkey (most of the participants, approximately 353 passengers), Britain, Kuwait, Bahrain, Australia, Spain, Belgium, Macedonia, Malaysia, Ireland, Lebanon, Algeria, France, New Zealand, Pakistan, South Africa, Indonesia, United States, Germany, Canada, Greece, Norway, Morocco, Yemen, Syria, Serbia, Kosovo, Bosnia, Sweden and Israel. According to an analysis conducted by the IICC, the passengers can be divided into the following three categories, based on their organizational affiliation:

- (1) Ninety-one activists and volunteers of the IHH organization, including the organization's leader, Bulent Yildirim. Approximately 40 activists from this group boarded in the port of Istanbul without a security check, and the rest, including Bulent Yildirim, boarded in the port of Antalya.
- (2) Over 200 activists from non-governmental organizations and bodies (NGOs), most of whom were from Turkey and a few of whom were from other countries.
- (3) Hundreds of volunteers who responded to the appeals of various organizations to participate in the flotilla. Also prominent among the passengers were journalists, many of whom were from the Arab world (including representatives of two Hamas television stations), and dozens of members of parliaments from, *inter alia*, Germany, Kuwait, Ireland, Yemen, Egypt, Algeria, and Israel.

165. The investigative material that was furnished to the Commission by various authorities indicates that there was a "hardcore group" of about 40 IHH activists who boarded the *Mavi Marmara* separately and without any security checks in the port of Istanbul, while the rest of the passengers had been asked to gather independently in Antalya on May 26-27, where they boarded the vessel after undergoing security checks.⁷¹⁵ A large amount of equipment was found on the *Mavi Marmara* which, apparently, had been taken aboard in Istanbul: 150 protective ceramic vests, which had the flag of Turkey printed on them,⁷¹⁶ 300 gas masks

⁷¹⁵ See *IDF Completion Response of 7.11.2010*, *supra* note 486, at appendix G; *The Eiland Report*, *supra* note 402, at 38; *IICC report* (Jun. 10, 2010), *supra* note 83, at 2; *IICC report* (Jun. 7, 2010), *id.*, at 3; In his testimony before the Military Intelligence investigating the event the captain of the *Marmara* mentioned that in fact only Antalya had metal detectors in spite of the fact that the ship collected 40 passengers from Istanbul, see article 03/06/10/825/5093, *Military Intelligence Reports*, *supra* note 491.

⁷¹⁶ There is uncertainty regarding the number of protective Kevlar vests found and their number in the various IDF reports fluctuates between 100 to 150 units, see main findings from inquiry 1/06 of Collection Branch Head, Deepening and Broadening the General Staff's Experts Inquiry (Aug. 25, 2010), marked by the Commission as exhibit 90 [hereinafter *Inquiry Expansion of 25.8.2010*], where it is mentioned that 100 vests with the Turkish flag drawn on them were distributed to some of the *Mavi Marmara's* passengers

and about 200 additional filters, communication devices, optical devices (several night vision goggles and a few binoculars), 50 slingshots of various kinds, 200 knives, 20 axes, thousands of ball bearings and stones, disk saws, pepper sprays, and smoke flares. A few flags and scarves of the Hamas and its military wing were found,⁷¹⁷ as well as a telescopic rifle sight and ammunition (rifle bullets),⁷¹⁸ scuba-diving gear and spear guns,⁷¹⁹ and a field hospital.

166. The material before the Commission also indicates that the group of activists that boarded the vessel in Istanbul designated itself using various identification stickers. Some of them wore stickers identifying them as "crew". Others wore red stickers with the words "khares amni", i.e., identifying them as a "security guard".⁷²⁰ According to the soldiers' testimonies, the violent activists also wore ceramic vests under their life jackets (which, apparently, were also distributed to the doctors and the journalists).⁷²¹ The testimony of the chief officer of the

in advance; in the summary of the combat equipment found on board the ship conducted by the Naval Intelligence company, on the other hand, it was mentioned that 150 military protective vests made in Turkey were found on board the ship; see also *ICC report* (Jun. 7, 2010), *supra* note 83, at 6, according to which about 100 Kevlar vests were found on board the Marmara as well as *ICC report* (Jun. 10, 2010), *Id.*, at 3, according to which about 150 vests were brought on board the ship.

717 Some of the slingshots, for example, were inscribed with "Hezbollah"; see *ICC report* (Jun. 7, 2010), *Id.*, at 6; *ICC report* (Jun. 10, 2010), *Id.*, at 3; As for the scarves, see also the summary of combat equipment conducted by the Naval Intelligence company, *Inquiry Expansion of 25.8.2010*, *supra* note 716.

718 It should be mentioned that four bullet casings not used by the IDF were found on board the *Mavi Marmara*, likewise, a bullet recovered from the knee of one of the injured soldier was also not a standard IDF bullet. At the same time, Mr. Giora Biland, the head of the IDF's expert team appointed to investigate the event, mentioned that it cannot be said with complete certainty that these were bullets fired from a non-IDF weapon since it cannot be ruled out that these bullets somehow made their way into the IDF ammunition, see protocol of meeting 7 by the Commission, *Testimony of the Head of the Expert Inquiry Team* (Aug. 24, 2010), at 6 [hereinafter *Closed Door Testimony of the Head of the Expert Inquiry Team*]; *Chief of Staff's Open Door Testimony of 24.10.2010*, *supra* note 554, at 30 ("in retrospect it turns out we had such bullets. Since 2007 the Shayetet does not know this. But I can't say definitively [...]").

719 See summary of combat equipment found on board the ship conducted by the Naval Intelligence company, *Inquiry Expansion of 25.8.2010*, *supra* note 716.

720 See *IDF Completion Response of 7.11.2010*, *supra* note 486, at appendix G.

721 See for example the testimony of soldier no. 8, 4 ("another fact that showed that they were preparing for a violent struggle were the orange vests which in retrospect turned out to be Kevlar vests"); the testimony of soldier no. 7 ("they had protective vests, some had gas masks"); the testimony of the Commander of the Takeover Force ("as far as I am concerned terrorists are an armed group dressed for battle - protective vests masks and facial covers"). *Inquiry Expansion of 20.9.2010*, *supra* note 451; the testimony of soldier no. 24, at 2 ("while handcuffing I noticed that he's dressed in a protective vest. I also checked the other people and saw they were wearing protective vests"); the testimony of soldier no. 26, at 1 ("some of the terrorists were dressed in large protective vests"), the testimony

vessel, Mr. Gokkiran Gokhan, indicates that the IHH people distributed communication devices to the activists, which they used to communicate amongst themselves.⁷²² Communication devices were also distributed to the vessel's crew members, but they were calibrated on a different frequency.⁷²³ According to various testimonies, these activists stayed on the roof and maintained a separation from the rest of the passengers on the *Mavi Marmara* during the voyage.⁷²⁴ Inside an area designated as a press room, where the journalists were concentrated, with a guard from the IHH organization stationed at its entrance, another secured area was set up, which was protected continuously by two IHH guards. Yildirim and other activists stayed there. This area also contained an editing room and the computers connected to the ship's closed circuit security cameras.⁷²⁵

The statement of the chief officer of the *Mavi Marmara*, Gokkiran Gokhan, indicates that the people from the IHH took control of the vessel during the journey and prevented people whom they did not know from moving about freely:

Interviewer: You seem to be saying that the people from IHH were in control of the ship. Did the crew need their permission to move around the ship?

Chief Officer: Definitely, they didn't let the people they didn't know move around.

Interviewer: Did they prevent anyone they didn't know from moving freely around the ship?

Chief Officer: Yes, definitely.

Interviewer: Was that from the first moment they went up on deck?

Chief Officer: Yes, definitely.

Interviewer: I don't understand, they didn't let the passengers and crew go from one deck to another?

Chief Officer: They could go anywhere, except to the control center they set up on the bridge.

of soldier 16, 1 ("we identified a group of terrorists with protective vests"); testimony of soldier no. 27, at 1 ("while scanning we found some of the people had protective vests"), *IDF Completion Response of 7.11.2010*, *supra* note 436; see also *Chief of Staff's Open Door Testimony of 11.8.2010*, *supra* note 70, at 29; *IICC report* (Jun. 7, 2010), *supra* note 83, at 6.

⁷²² The transcript of the testimony was published in *IICC report* (Jun. 9, 2010), *Id.*, at 8; See also *Defense Minister's Memorandum Appendixes*, *supra* note 209, at appendix N.

⁷²³ *Id.*

⁷²⁴ See for example the testimony of the commander of Shayetet 13, *Inquiry Expansion of 20.9.2010*, *supra* note 451, at 6-7; see also *IICC report* (Jun. 1, 2010), *supra* note 83, at 7.

⁷²⁵ *IICC report* (Jun. 10, 2010), *Id.*, at 7.

Yildirim was interviewed frequently by the media during the voyage on the *Mavi Marmara* towards the Gaza Strip, and he said, *inter alia*, that although the resistance by the flotilla participants would not be violent, they would not let IDF soldiers board the vessels.⁷²⁶ During a press conference held before the *Mavi Marmara* left Antalya, Yildirim stated, "We are determined to enter Gaza, regardless of what happens."⁷²⁷ In a video found on the *Mavi Marmara*, which apparently had been filmed by one of the photographers who documented the events on the roof, Yildirim is seen speaking heatedly before a large crowd of listeners. Yildirim said, *inter alia*: "If you send in the commandos, we'll throw you down below from here, and you'll be humiliated in front of the whole world."⁷²⁸

An article in Turkish written by the journalist Adham Ozkaze for "The World Bulletin" newspaper, which was headlined "*Mavi Marmara* is Ready to Resist", found on one of the computers seized on the *Mavi Marmara*, states that the activists on the ship were preparing for "civil resistance" and they had taken it upon themselves "to defend the ship". This article also reports that the activists were unwilling to divulge their strategy for defending the vessel, but they said, "We will teach the Israelis a lesson they won't forget and the Israeli army will be humiliated before the eyes of the entire world."⁷²⁹ On various videos that were seized on the *Mavi Marmara* and in a report which was broadcast on the Al-Jazeera station live from the *Mavi Marmara* two days before the events, some of the passengers on the ship are seen singing songs of praise for the intifada and calling out impassionedly.⁷³⁰ In the same report, one of the passengers on the ship who was interviewed, Shaza Barakat, said: "Two good things will happen: either we will die as *shaheeds* or we'll reach Gaza."⁷³¹ In films taken on the *Mavi Marmara*, other activists are seen expressing the desire to die as *shaheeds*, and saying goodbye to their family members.⁷³²

726 See transcript of the first officer's testimony, *supra* note 722.

727 IHH: Yildirim: *We are Going to Leave in Due Course*, available at www.ihf.org.tr/yildirim-zamani-gelince-yola-ckacagiz/en (2010).

728 IICC report (Jun. 20, 2010), *supra* note 83, at 8, appendix - *Specific Remarks by Bilent Yildirim*.

729 IICC report (Jun. 17, 2010), *id.*, at 1-2; The video file *Instigating the Crowd on Board the Mavi Marmara by the Head of the IHH and Other Activists* may be seen on the IICC's website (video clips file 4).

730 IICC report (Jun. 10, 2010), *id.*, at 12.

731 IICC report (Jun. 13, 2010), *id.*, at 1; The video file *Instigating the Crowd on Board the Mavi Marmara Prior to the Encounter with IDF Forces* may be seen on the IICC's website (video clips file 2).

732 IICC report (Jun. 13, 2010), *id.*, at 1; A television report from the Al Jazeera channel from May 29, 2010, which was broadcast from the ship two days prior to the encounter with the IDF forces may be seen on the IICC's website; in the interview given to Al Jazeera by Hasin Urush, a senior IHH member and among the flotilla's organizers, a number of

167. The passengers' testimonies and the interrogation of the captain and chief officer of the *Mavi Marmara* indicate that on May 30, 2010, at approximately 10:00 p.m., after the announcement of the navy was heard, which requested the ships to reverse their course or to redirect the vessel's course to the port of Ashdod, an order was given to all the non-Turkish passengers to enter the hall on the lower deck, while the Turkish IHH people were told to go up to the upper decks. The *Mavi Marmara's* sirens were activated, and an order was given to don flotation vests. At the same time, the activists began to saw chains and other items from metal (approximately 100 iron rods and 50 improvised clubs were found on the *Mavi Marmara*)⁷³³ and to collect axes (which were taken from the ship's fire extinguishing equipment stations; a total of about 20 axes), knives (which were taken from the kitchen and the cafeterias on the ship; a total of about 200 knives of various sizes were found); hammers, tools, bolts and bottles found on the ship. The activists were divided into groups which were stationed in several different areas: one group gathered on the roof of the ship; another group apparently concentrated near the roof and served as reinforcements for the resisters on the roof; and another group gathered at the ship's stern. Some of the groups were given an advance briefing.⁷³⁴ The activists were equipped with ceramic vests, most

days prior to the takeover he went on to say that all the passengers were willing to die as "Shaheeds" since the goal of the flotilla was to reach Gaza or be killed (Al Jazeera story from Jun. 5, 2010). For similar materials see audio file "Shahid.mov", in folder *Video, Arab Data Disc, supra* note 506.

733 See video files "motot1.mov" and "motot2.mov" in folder *Video, Arab Data Disc, supra* note 506. The videos, 20 and 34 seconds long accordingly, show three activists on board the *Marmara* at night, using an electric disc saw to remove iron bars from the deck's railing; see also Yishar Kollit's investigation, article 03/06/10/825/5056, *Military Intelligence Reports, supra* note 491. During the investigation of the IHH volunteer he stated that at a certain stage when they started receiving messages from the Israeli Navy "the blood rose to the head" of a lot of youngsters on board the ship; some of them sawed metal bars off the ship's railing with electric saws and at a certain stage the ship's captain (who is not a member of the IHH) asked over the public address system that people desist from sawing said bars.

734 According to the *Marmara's* security cameras it arises that on May 30, 2010 at 21:36 (according to the clock in the security camera) a number of activists concentrated at the ship's stern and one person arrived with a bunch of wooden poles and distributed them among those present. Also according to the security camera on May 30, 2010 at 22:03 (according to the clock in the security camera) a group of men, all dressed in life jackets, are seen gathered together for a briefing, when some of those present are holding wooden poles. Later on, near the start of the *Marmara's* takeover on May 31, 2010 at 04:22 a group of men is seen, all dressed in life vests, some holding gas masks in their hands, and they appear to be pointing at the sea (apparently towards the Navy ships drawing closer to the *Marmara*), and they call their friends to join them, and indeed several additional men join the group. See video files from the security camera in folder *Security Cam, Arab Data Disc, supra* note 506. See also the report of Hussein Uruz's investigation, article 03/06/10/825/5050, *Military Intelligence Reports, supra* note 491. This person stated

of them were equipped with gas masks, and some of them were equipped with clubs, iron rods, chains, slingshots and ball bearings.⁷³⁵ The material obtained by the Commission also indicates that during the briefing given by Yildirim, he instructed the activists to "make a human chain and throw the commandos back into the sea with chairs and rods."⁷³⁶

that, on the eve of the takeover he saw protective vests and gas masks being handed out to some of the passengers and noticed two passengers with slingshots. Likewise, as he stated, there were fanatics among the passengers, though the majority expressed opinions supporting passive resistance only.

735 Facts regarding the equipment used by the resistors, as stated, may be learned from several sources: *First*, a video shot by the IDF forces after the Marmara has docked at Ashdod Port which documents a concentration of some of the combat equipment used by the resistors and brought down from the ship: hundreds of Gas masks, many dozens of knives (kitchen knives as well as commando knives, one of which seems to be covered in blood), hundreds of marbles, crowbars, wooden and iron rods in large quantities (several dozen), various sprays. See CD *From Peace Cruise to Terror Cruise* submitted by the army (minute 4:27), found in a folder marked by the commission as exhibit 89.

736 *Second*, mobile Forensics lab report by the police from Jun. 2, 2010 (document 66 in the police file, folder 72 of the commission's exhibits), which documents the collection of many bars, clubs, pipe wrenches, some of which were covered with blood. According to the mobile forensics lab's report there is indication that the bars found were sawn off the ship's railing; see also, photo CD and video clip documenting the mobile forensic lab's visit to the ship, during which clubs, knives of various types, gas masks, screwdrivers, glass bottles and axes are seen, all of them found on the Marmara, and corresponding with the descriptions regarding physical violence employed by the resistors on board the Marmara, marked by the commission as exhibit 75.45. Some of the photos were printed onto photograph boards (documents 67-69 in the police file, folder 72 of the commission's exhibits).

Third, the video shot by one of the cruise participants on 30.5.2010 at 03:55 (according to the file properties on the digital camera), participants are seen opening crates and taking out life jackets and gas masks. The gas masks are packed and new. One of the people is seen holding a gas mask and stating "Allahu Akbar" at the camera. See video file "00234.mov" in folder *STREAM* in folder *BDMV*, in folder *AVCHD* in folder *Sony3* in folder *Video*, *Amb Data Disc*, *supra* note 506.

Fourth, one of the IHH volunteers on board the Marmara testified to the Military Intelligence Investigators that at a certain stage, thugs (as he called them) from the IHH distributed clubs and iron bars (and he himself was also armed with one), see report of Adil Yuksel's investigation, article 03/06/10/825/5094, *Military Intelligence Reports*, *supra* note 491.

Fifth, IDF soldiers taking over the Marmara testified about the concentration of weaponry and combat gear in the possession of the resistors on board the ship. See, for examples, the testimony of the Commander of the Takeover Force regarding the existence of a large concentration of axes, bars, knives, chains, slingshots, and glass marbles. See also the testimony of Team Commander R, *Inquiry Expansion of 20.9.2010*, *supra* note 451, at 2, regarding the discovery of flares, sticks, axes, knives, tear gas, gas masks, marbles, bolts, crowbars, metal bars, Kevlar vests with a crescent symbol, various night vision equipment, and more; See also the testimony by the commander of the takeover force, *id.*, at 4-6.

See Military Intelligence inquiry, submitted to the commission, *Deepening and Broadening the Inquiry - Response to Completion Request by the Public Commission to Examine the Naval Event of 31.5.2010*, at appendix G; transferred by the IDF on Nov. 17, 2010, in response to the commission's request of Nov. 7, 2010, at 2, marked as exhibit 90 in the commission's

One of the passengers described the event as follows:

"At 11:30 pm there was a meeting to give orders to the security teams for urgent intervention. Orders were given about how to put on life belts, how to put on gas masks and most important, how to act if there was Israeli intervention or an attack. After the meeting the heads of the teams along with their operatives went to secure the sectors. We were responsible for the upper aft sector of the second deck on the starboard side. We were supposed to deploy for defense. How? Only with sticks and bottles, apparently this is how glass bottles should be used. And life belts, [but] there weren't enough for everyone..."⁷³⁷

Another passenger wrote in his journal:

"The Israeli gunboats are approaching...All passengers have been given rescue suits in case the ship is attacked. Everyone has gone to the locations determined beforehand. A press conference was held and broadcast live. IHH leader Bülent Yildirim said that 'it will be a war of nerves until tomorrow morning. There are people here from more than 50 countries. If people are detained, it will sully the honor of more than 50 countries. We want the entry to the Israeli embassies in Istanbul and Ankara to be locked. We will defend ourselves from here. We know there

exhibits. The inquiry mentions that Yildirim admitted this in his testimony; *IICC report* (Jun. 10, 2010), *supra* note 83, at 8-11. It should also be mentioned that a number of books detailing the events on board the Marmara have been recently published in Turkey. One of them, *The Bleeding Mavi Marmara*, was written by journalist Şefik Dinç, a reporter for the popular newspaper *Habertürk*, who was on board the Marmara, documented the violent confrontation between the IHH activists and the IDF soldiers with his camera, and smuggled the photographs back to Turkey.

737 *IICC report* (Sep. 19, 2010), *id.*, reviews this book and compares what's stated in it to additional information available to *IICC*. Among other details Dinç describes in his book that there were lively conversations between the volunteers on board the Marmara where the possibility was raised that Israel would attack the ship and the activists were prepared for every scenario and even expressed a willingness to die, as long as the siege is brought to an end. It is also mentioned in the book that during the wait for the confrontation with the IDF several activists practiced drills in preparation for a possible Israeli attack, practiced aiming water hoses to thwart attempts by IDF soldiers to board the ship from the sea, they received guidance regarding the use of gas masks and were instructed on how to resist the IDF soldiers. It was also stated that each one of the people in charge of the passengers' security received a sector and a spot where he had to position himself once the alarm is sounded. Dinç goes on to state that after the Navy ships addressed the Marmara the IHH activists woke up the passengers and distributed life jackets and gas masks among them and organized them for resistance. The position holders took their places in the predetermined spots and the clubs were brought out. Dinç adds that "iron bars were added to the wooden clubs I had seen earlier" and that "according to the image I perceived, the resistance for the possible ascent of Israeli soldiers is not going to be so passive." Likewise Dinç describes a press conference held by Yildirim in the hours prior to the takeover where he declares that "soon we will meet with Israel's true face". *IICC report* (Jun. 10, 2010), *id.*, at 9.

will be a price and we are willing to pay it. We will not retreat one step. Israel is behaving like a pirate in international waters. [Will] the world watch from the side?"⁷³⁸

Filmed interrogations of the captain of the *Mavi Marmara* and its chief officer indicate that in the evening hours the atmosphere aboard the vessel was tense, and that about two hours before the takeover began, a crowd had gathered on the main deck. The crew members checked and discovered that the activists were using disk saws to cut the railings of the ship and create metal clubs. The crew members of the *Mavi Marmara* stated during their questioning that their attempts to prevent this activity were unsuccessful.⁷³⁹ The testimonies also indicate that this group was made up of those IHH activists who had boarded the *Mavi Marmara* in Istanbul.

The captain of the *Mavi Marmara*, Mr. Tural Mahmut, stated:

Captain: There were passengers gathering on the main deck. I asked the chief officer, What is happening there? He said they're cutting the steel rods and the chains on the deck. He said that they are putting the cut railings in the radio room on the bridge. Even when your soldiers took over the ship they went into the radio room and took the cut railings. I had to send the chief officer to collect the railings from their hands, he asked an IHH man, and they gave them to him.

Interviewer: What did they give to him?

Captain: The disks.

Interviewer: But what did they do with the railings and the chains?

Captain: I took this and I threw this in the sea. We knew what would happen if these things get taken to the bridge. After this, we didn't see anything in their hands.

Interviewer: But we saw on the ship that they cut many of the railings.

Captain: What I saw, I threw into the sea [...] I said to them to stop and I took them up. I told the sponsors about this many times.

Interviewer: You were not worried about the violence that would occur?

Captain: I was worried. [...] But I thought that as soon as their commander was with them nothing would happen, nobody

⁷³⁸ *IICC report* (Jun. 10, 2010), *Id.*, at 13.

⁷³⁹ The transcript of the testimony was published in *IICC report* (Jun. 9, 2010), *Id.*, at 2-3; See also *Defense Minister's Memorandum Appendixes*, *supra* note 209, at appendix N.

would fighting or kicking back. I asked many times, because I knew what would happen, but I thought that because there were citizens on the ship nothing would happen, they would stay on the boat just as civilians, without physical resistance.

Interviewer: You weren't worried about the fact that they were preparing a lot of weapons?

Captain: Whatever I saw I threw into the sea and some I stored in the radio room. I didn't know there was so many.

....

Interviewer: But they were preparing themselves for violence against the soldiers?

Captain: Yes, I was informed that. That's why I warned them, I said to them that the people on the boat came to demonstrate. They saw some helicopters. There was a tense air on the boat, and then I saw people who kept on cutting.⁷⁴⁰

The chief officer of the *Mavi Marmara* stated about the identity of the activists in this group:

"Interviewer: How many IHH operatives were there on the roof?

Chief Officer: Forty.

Interviewer: The same forty all the time or did they change?

Chief Officer: More or less, the same forty.

Interviewer: You're referring to the group that joined the ship in Istanbul?

Chief Officer: Yes."⁷⁴¹

These testimonies are supported by a number of other statements which were given by participants of the flotilla during questioning by the police and the IDF investigation unit.⁷⁴² All of the aforesaid interrogations

⁷⁴⁰ *Id.*; The matter of cutting the ship's railing by IHH activists for the purpose of making iron bars also came up in the investigation of the ship's captain by Military Intelligence, see report of Mehmet Torel's investigation, article 03/06/10/825/5092, *Military Intelligence Reports*, *supra* note 491.

⁷⁴¹ The transcript of Gukiran Gukehan's testimony was published in *IICC report* (Jun. 9, 2010), *supra* note 83, at 5; *Defense Minister's Memorandum Appendixes*, *supra* note 209, at appendix N; See also report of Gukiran Guyan's investigation, article 03/06/10/825/5085, *Military Intelligence Reports*, *supra* note 491.

⁷⁴² See for example report of Yusuf Mehmed's investigation, article 03/06/10/825/5029, *Military Intelligence Reports*, *supra* note 491. Mehmed, a citizen of Bahrain, refused to cooperate with the investigation but mentioned that the Turkish passengers (as opposed to the passengers who were citizens of other countries) were the one who acted with violence including, as far as he knew, the use of clubs and slingshots; see also Mehmet Yildiran's testimony to the police, where he mentioned that one of the passengers wished to hit a soldier, the soldier fell to the floor and the testifier protected him from additional injuries inflicted with an iron bar, testimony of suspect 4 of *Soldiers, Doctors, and Suspects*

strengthen the testimonies of the soldiers that the passengers of the vessel were divided into two types, violent activists (the IHH activists) and non-violent peace activists, and that the IHH activists were armed and behaved like an organized force.

Soldier no. 4, who was taken below deck, stated:

Q: How did the activists look?

A: They all seemed to be dressed alike, gas masks and an orange vest. They looked well-prepared, they were waiting, and it seemed like it was all planned. They were all very big and heavy, and it looked like their goal was clear, to harm us.

Q: Were there different characteristics among the activists?

A: Yes, it seemed to me that there was a group that was equipped with the gear, and that came to attack us, and the whole way that they were dragging me inside, there were photographers who were photographing me, and I also heard women's voices, including in English, like 'Stop hit him', etc.⁷⁴³

The Commander of Center A stated:

"I have no doubt that the terrorists on the vessel planned, organized, foresaw the events, and planned to kill a soldier. They were organized like a military force: equipped with gas masks, protective vests, hot and cold weapons. They were organized in a military structure, divided into groups, they spoke to each other on radios [...]."⁷⁴⁴

The Shayetet 13 commander stated:⁷⁴⁵

"No ordinary civilians knows how to fight at night with a vest and gas mask for a long time, to take a weapon and cock it to shoot, and to not be deterred when they're fighting back with you, unless he has trained for this and has been prepared in advance..."

In the margins, it should be noted that, on his own initiative, Yildirim was interviewed for Israeli television (a report by Oshrat Kotler-Bengal for Channel 10, which was broadcast in Israel on June 26, 2010). The Commission received the interview conducted with Yildirim, in a rough cut format that includes exchanges of words beyond what was said during the official interview. In his statements, Yildirim confirmed that there had indeed been violent organizing by some of the flotilla participants, and he added: "What did you want, flowers?" Yildirim also

Police Statements, supra note 702.

⁷⁴³ Testimony of soldier 4, *Inquiry Expansion of 20.9.2010, supra note 451.*

⁷⁴⁴ Testimony of the Commander of Center A, *Id.*

⁷⁴⁵ Testimony of Shayetet 13 Commander, *Id.*, at 7.

confirmed that the flotilla participants armed themselves with rods for the confrontation with the soldiers. However, Yildirim hinted that Israel had "planted" anti-Semitic statements by flotilla participants within the videos it distributed and other weapons (such as knives). This claim by Yildirim is not consistent with the original radio recordings, the pictures, and the original and unedited films (which were photographed, *inter alia*, by some of the flotilla participants in real time), which the Commission examined.

The Identity and Organizational Affiliation of the Dead and the Wounded

168. An examination of the identity and organizational affiliation of those who died leads to the following conclusions. Four out of the nine who died have been identified as IHH activists or volunteers. Another four of those who died were activists in Turkish Islamic organizations. Two of them were activists in the Saadet Partisi (hereafter, **Felicity Party**), an Islamic party which was outlawed in Turkey for violating secular articles of the Turkish constitution. The Felicity Party is affiliated with IHH, and it supports the Hamas and maintains connections with it. The head of the party, Professor Numan Kurtulmus, expressed explicit support for the flotilla to the Gaza Strip and called it a "brave historic step." It should be noted that there were in total only four activists from the Felicity Party aboard the *Mavi Marmara*. Another person who died was a 19-year-old who held dual citizenship (Turkish and American) and who, as far as is known, was not affiliated with any organization.

According to the IICC report dated September 27, 2010, with respect to four of the nine who died, their family members stated that they had expressed their desire to die as *shaheeds* (including the young man with the dual citizenship mentioned above). Regarding two of those who died, it was reported that they had left a letter or will prior to boarding the *Mavi Marmara*. In a video which was recorded before the violent confrontation on the *Mavi Marmara*, another one of those who died is heard saying: "I pray that Allah grant us the same good end as those *shaheeds*."⁷⁴⁶

The following are details regarding the identity and organizational affiliation of the deceased:

1. Ibrahim Bilgen - 61 years old, citizen of Turkey. He joined the flotilla as an IHH volunteer. In 2007, he was a candidate in the general elections in Turkey on behalf of the Felicity Party, and, in

⁷⁴⁶ IICC report (Sep. 26, 2010), *supra* note 83, at 25.

2009, he was a candidate on its behalf in the elections for mayor of the city of Siirt. He boarded the ship in Antalya. According to the IICC report dated September 27, 2010, one of his family members stated that he wanted to die as a *shaheed*.

2. **Ali Haydar Bengi** - 39 years old, citizen of Turkey. He served as the chairman of an Islamic charitable organization named Ayder. According to the IICC report dated September 27, 2010, Ayder is a charitable organization, and the Ayder branch headed by Bengi cooperated with the IHH. Bengi was a member of the Felicity Party. He boarded the ship in Antalya. His wife and friends said that he had a strong desire to die the death of a *shaheed*.
3. **Cevdet Kiliçlar** - 38 years old, citizen of Turkey. He was an IHH activist who worked as a writer and the manager of the IHH's internet site. He boarded the ship in Antalya. On the flotilla to Gaza, he was employed by the IHH as photographer. In a video taken aboard the *Mavi Marmara*, he is heard saying, "I pray that Allah grant us the same good end as those *shaheeds*."
4. **Cetin Topcuoglu** - 54 years old, citizen of Turkey. He was a member of the charitable non-profit organization, Ayder, a humanitarian assistance organization that cooperates with the IHH organization. He is a former Turkish champion in the martial art of *taekwondo*. He participated in a prior aid convoy to the Gaza Strip, which had reached El Arish, where it engaged in a confrontation with the Egyptian security forces. He boarded the ship in Antalya. According to the IICC report dated September 27, 2010, he left a letter before he departed on the flotilla in which he hinted that he expected to die as a *shaheed* and he called upon others to aspire to a similar death.
5. **Necdet Yildirim** - 32 years old, citizen of Turkey. He was an IHH activist in Istanbul (his name appears on the list of IHH activists which was found on the *Mavi Marmara*).
6. **Fahri Yaldiz** - 43 years old, citizen of Turkey. He was an IHH activist in his city, Adiyaman. Since 2007, he was a security guard at the IHH conferences and he was active in his city. During municipal elections, he served as the bodyguard to the mayor on behalf of the Refah party, which is the Islamic party of Erbakan. His name appears on the list of IHH activists which was found on the *Mavi Marmara*. He boarded the ship in Antalya. According to the IICC report dated September 27, 2010, prior to departing on

the flotilla, he announced that he was going to be a *shaheed* and he said goodbye to his wife and his children.

7. **Cengiz Songur** - 47 years old, citizen of Turkey. He was an activist in the Islamic organization *Ozgurder* in Izmir. He boarded the ship in Antalya.
8. **Cengiz Akyuz** - 41 years old, citizen of Turkey. He was an IHH activist. He boarded the ship in Antalya. According to the IICC report dated September 27, 2010, he joined the flotilla together with the director of a branch of the IHH organization, *Zakariya Kanat*, and he left a will before he boarded the flotilla.
9. **Furkan Dogan** - 19 years old, dual citizenship: Turkish and American. According to an article in a Turkish newspaper, "Radical", on June 16, 2010, he wrote in his diary on the morning before the events, "These are the last hours before I take part in the sweet experience of becoming a *shaheed*. Is there anything more beautiful than that?"⁷⁴⁷ Also, according to the IICC report of September 27, 2010, his brother Mustafa said that his family was not sorry that his brother had been killed as a *shaheed*.

169. An examination of the list of wounded which was carried out by the IICC indicated that most of the wounded belonged to the IHH organization and to Turkish and Islamic parties and entities. On the list of the wounded, there is one Indonesian, and there are no wounded from Western countries or from the rest of the Arab world.⁷⁴⁸

Summary of this part: The IHH organization is one of the leading organizations which took part in organizing the flotilla to the Gaza Strip. Activists in this organization, as well as other volunteers who wanted to take part in humanitarian activity on behalf of the Gaza Strip, were recruited to the flotilla. A core of about 40 activists from the organization were equipped and prepared during the journey, particularly during the hours just preceding the takeover, to resist with force the IDF soldiers' taking control of the vessel. This is indicated by the extensive equipment which was brought on board, by their organizing as a group with distinct identity signs who were equipped with communications devices and cold weapons, by the preparations which were undertaken prior to the takeover operation, and by their actions during the event itself. The severity of this resistance was not foreseen by the IDF, within the context of the intelligence assessment prior to the event.

⁷⁴⁷ *Id.*, at 26.

⁷⁴⁸ IICC report (Sep. 26, 2010), *id.*, at 4; IICC report (Jun. 20, 2010), *id.*, at 1.

The Questions before the Commission

170. In this part of the report, the Commission will examine the following legal questions:

1. Were the actions undertaken by Israel on May 31, 2010 to intercept and board the flotilla vessels, outside the blockaded area of the Gaza Strip, in conformity with international law?
2. Was Israel's use of force against the flotilla participants during the interception of the flotilla vessels carried out in accordance with international law?
3. Was the planning and organization of the Israeli military operation carried out in conformity with international law?

Conformity between the Actions Israel Took to Enforce the Blockade on May 31, 2010, and International Law

The Law Governing the Enforcement of the Blockade

171. As discussed in Chapter A of this report, Israel established the naval blockade as part of its international armed conflict with the Hamas. The legal regime governing the establishment and enforcement of such a blockade is the laws of naval warfare. The relevant legal rules can be found in customary international humanitarian law, which have largely been outlined in the *San Remo Manual*. Article 97 of the manual states: "A blockade may be enforced and maintained by a combination of *legitimate methods and means of warfare* provided this combination does not result in acts inconsistent with the rules set out in this document."⁷⁴⁹ [emphasis added]

An attempt to breach a properly established blockade is a non-neutral act, resulting in a loss of the protection and relative freedom of navigation available to neutral shipping under the law of the sea. As a result, a ship that attempts to breach a blockade becomes subject to the rules of international humanitarian law governing the conduct of hostilities.

⁷⁴⁹ *San Remo Manual*, *supra* note 110, at article 97.

Enforcement in International Waters

172. The Israeli armed forces boarded the *Mavi Marmara* and the other flotilla vessels 70-100 nautical miles from the Gaza coast outside the blockaded area,⁷⁵⁰ i.e., in international waters (for a map of the blockaded area, see annex "F").

There has been an ongoing international debate regarding the location at which ships seeking to breach a blockade may be boarded. The key issue in this debate is not whether such boarding may take place in international waters, but rather at what distance outside the blockaded area a party may board a vessel attempting to breach the blockade.

173. According to customary international humanitarian law, an attempt to breach a blockade occurs when a ship is on a course destined for a blockaded port or is anchored or hovering outside a blockaded area so that it can evade the blockading forces.⁷⁵¹ As the *US Commander's Naval Handbook* notes, "[k]nowledge of the existence of the blockade is essential to the offenses of breach of blockade and attempted breach of blockade." Therefore, if it can be established that a ship is purposefully attempting to breach a blockade, that ship is subject to capture wherever it is located.⁷⁵² The stated goal of the flotilla was to breach the blockade.⁷⁵³ Hence, the flotilla organizers and participants must have been aware of the existence of the Gaza blockade and that they were on course towards the blockaded area.

174. The material before the Commission demonstrates that the Israeli forces chose to enforce the blockade outside the blockaded area on the basis of two reasons. First, the intelligence assessment indicated that the Hamas were organizing small boats to meet the flotilla, and there was concern that those boats would pose a security risk if the flotilla vessels were intercepted close to the Gaza coastline.⁷⁵⁴ Second, as was outlined in the testimony of the Chief of Staff, Lieutenant-General Ashkenazi, the intention of the Israeli forces was to capture the vessels with the minimum use of force, and, during such an operation, there is a great advantage to operating under the cover of darkness.⁷⁵⁵ As a result, the operation was carried out just before dawn, at which point the flotilla vessels were still

750. Chief of Staff's Open Door Testimony of 11.8.2010, *supra* note 70, at 36.

751. See Heintschel von Heinegg, *EPIL*, *supra* note 91, at para. 43.

752. See *San Remo Manual*, *supra* note 110, at article 98. See also the 1909 London Declaration, art. 20; U. S. Navy, *The Commander's Handbook*, *supra* note 92, at 7-8, para. 7.7.4.

753. See IHH Flotilla Campaign Summary, *supra* note 209, at 26.

754. Military Advocate-General's testimony, *supra* note 98, at 77.

755. Chief of Staff's Open Door Testimony of 11.8.2010, *supra* note 70, at 82.

located outside the blockaded area. These grounds constitute valid and reasonable operational considerations falling within the customary rules regarding the distance from the coast that a blockade can be enforced.

175. The Commission concludes that the Israeli armed forces were justified in boarding the flotilla vessels in international waters under the rules of international humanitarian law, given (i) their location and announced destination;⁷⁵⁶ (ii) the public pronouncements by the flotilla organizers and participants regarding their intention to breach the blockade;⁷⁵⁷ and (iii) the refusal of the ships' captains to accept the invitation to alter their course to Ashdod after they were warned by the IDF.⁷⁵⁸ Therefore, the interception of the flotilla vessels seaward of the announced blockade was lawful.

The Capture of the Flotilla Vessels

176. Customary international law provides that a blockading party is entitled to prevent all vessels from entering or leaving the blockaded area. Merchant vessels believed on reasonable grounds to be breaching the blockade may be captured.⁷⁵⁹ Before capturing a neutral vessel, there may be a need to verify its neutral status and its intentions.⁷⁶⁰ At the outset, it should be noted that there is an important distinction between a "capture" and an "attack" of such vessels. According to Article 67(a) of the *San Remo Manual*, merchant vessels which are believed on reasonable grounds to be breaching the blockade may not be attacked unless, after prior warning, "they intentionally and clearly refuse to stop, or *intentionally and clearly resist* visit, search or capture..."⁷⁶¹ [emphasis added] Neutral merchant vessels do not have a right to resist capture.⁷⁶² As the Encyclopedia of

⁷⁵⁶ *Id.*

⁷⁵⁷ *Id.*

⁷⁵⁸ *Id.*

⁷⁵⁹ *San Remo Manual*, *supra* note 110, art. 98, 146 (f); See also DINSTEIN, *THE CONDUCT OF HOSTILITIES*, *supra* note 86, at 106 (concluding that the sinking of neutral merchant vessels without warning is unlawful).

⁷⁶⁰ See OPPENHEIM, *supra* note 86, at 856 ("the purpose of ascertaining whether these vessels really belong to the merchant marine of neutrals, and, if this is found to be the case, whether they are attempting to break blockade, or are carrying contraband, or rendering unneutral service to the enemy. [...] its *raison d'être* is so obvious that it has long been universally recognized in practice. It is indeed the only means by which belligerents are able to ascertain whether neutral merchantmen intend to bring assistance to the enemy and to render him unneutral service.")

⁷⁶¹ *San Remo Manual*, *supra* note 110, at art. 67.

⁷⁶² R.W. TUCKER, *THE LAW OF WAR AND NEUTRALITY AT SEA* 336 (1955); See also COLOMBOS, *THE INTERNATIONAL LAW OF THE SEA*, *supra* note 94, at 768, para. 884.

Public International Law notes in respect of resisting capture during the enforcement of a blockade:

'Clear resistance' presupposes that they act in a manner that has, or may have, an impeding or similar effect on the intercepting forces. Therefore, a mere change of course in order to escape is not sufficient. An act of clear resistance against interception or capture is considered to be an effective contribution to enemy military action by purpose or use.⁷⁶³

Once the threshold of "clear resistance" has been reached, the ship may be attacked lawfully. An attack under international humanitarian law "means acts of violence against the adversary, whether in offence or in defence."⁷⁶⁴

177. Under international humanitarian law, only military objectives, combatants and civilians directly participating in hostilities may be attacked. The definition of "military objective" is set forth in Additional Protocol I, article 52.2:

In so far as objects are concerned, military objectives are limited to those objects which by their nature, location, purpose or use make an effective contribution to military action and whose total or partial destruction, capture or neutralization, in the circumstances ruling at the time, offers a definite military advantage.⁷⁶⁵

This definition is generally deemed reflective of customary international humanitarian law. In the context of a blockade, vessels breaching the blockade and resisting capture qualify as military objectives by virtue of the fact that their "use" makes an effective contribution to military action, since using these vessels to breach the blockade renders it ineffective.⁷⁶⁶ That a vessel breaching a blockade is a military objective can also be derived from the *San Remo Manual*, which states that merchant vessels that are believed on reasonable grounds to be breaching a blockade and that, after prior warning, clearly resist capture may be attacked,⁷⁶⁷ because only when an object satisfies the military objective criteria, may it be "attacked."

The resistance offered by persons on board the *Mavi Marmara* (even before the attempt to fast-rope a boarding team onto the roof) was sufficient to have allowed the Israeli Commander to conclude that the

⁷⁶³ Heintschel von Heinegg, *EPIL*, *supra* note 91, at para. 47.

⁷⁶⁴ *Additional Protocol I*, *supra* note 292, at art. 49(1).

⁷⁶⁵ *Id.*, at art. 52(2).

⁷⁶⁶ Heintschel von Heinegg, *EPIL*, *supra* note 91, at para. 47.

⁷⁶⁷ *San Remo Manual*, *supra* note 110, at art. 98.

ship was clearly resisting capture, thereby making it a military objective. As a result, pursuant to international humanitarian law, that vessel could have been attacked. Nevertheless, the Commission is of the view that the Israeli forces did *not* attack the flotilla vessels. In other words; they did not use force or "violence" against the *ships*. Their efforts were focused exclusively on capturing the ships and diverting them from their destination.

178. The next issue to be determined is whether the means that Israel used to perform the capture of the flotilla vessels were in accordance with the law. The options available to State authorities seeking to stop a vessel at sea are in fact quite limited. The practical challenges are not unique to armed conflict. Operations to stop merchant vessels at sea are carried out on a regular basis, often by State naval forces engaged in law enforcement (i.e., counter-drug operations, fisheries patrols, customs, immigration) or those acting to prevent the proliferation of weapons of mass destruction (e.g., in accordance with the Proliferation Security Initiative (PSI)).⁷⁶⁸

179. In a law enforcement context, the distinction between a "capture" and an "attack" is not made, since an "attack" is not contemplated within that framework. Nonetheless, the tactics applied in the law enforcement context to stop a vessel serve as a relevant comparison to the attempt to capture a vessel while enforcing a blockade during an armed conflict with respect to the issue of the appropriate escalation of force. The obligation under international humanitarian law to attempt to capture a neutral vessel before attacking it when enforcing a blockade is based on the principle of using force only when necessary. This principle is also applicable in a law enforcement context, where the necessity for using force must be demonstrated by establishing that less forceful means were attempted and failed, or that such means would have been impossible or futile under the circumstances.⁷⁶⁹

Typically, the escalation of the use of force during a law enforcement operation commences with identifying a ship and its intentions, progresses to the firing of warning shots, and then, as a last resort, possibly using disabling fire.⁷⁷⁰ The required sequence of measures before resorting to the use of force begins with identifying the enforcing vessel and making its intentions clear by giving a visual or auditory signal to stop.⁷⁷¹ The

⁷⁶⁸ Allen, *Limits on the Use of Force*, *supra* note 337, at 105-106.

⁷⁶⁹ *Id.*, at 99-100; See also D.P. O'CONNELL, *THE INFLUENCE OF LAW ON SEA POWER* 65 (1975).

⁷⁷⁰ Allen, *Limits on the Use of Force*, *supra* note 337, at 100.

⁷⁷¹ *Id.*, at 99-100. In respect of the Gaza flotilla, the Israeli authorities identified their vessels as enforcing the blockade to the flotilla vessels, and they provided the flotilla vessels with

US Navy MIO Doctrine provides for the use of "non-violent" signals and maneuvers as a first step before resorting to force.⁷⁷²

The next step in the appropriate level of force against a non-compliant vessel includes "deterrence" or warning measures, such as firing warning shots.⁷⁷³ The objective of warning shots is to provide a clear signal to the decision-makers on board the offending ship that there is an intention to exert force if the ship does not stop. A relevant example in this context is the American case, *Lewin v. U.S.*,⁷⁷⁴ in which the US Coast Guard had used firearms and unintentionally killed a crew member on the suspect ship. A different crew member forcefully resisted the takeover of the ship and, in the subsequent proceedings against him, he claimed that his use of force was justified since no warning shots had been fired. The court ruled that even though no warning shots had been fired, the defendant was well aware of the fact that there was a pursuit of the ship with the intention of stopping it by force, which was sufficient to render the defendant's use of force unjustified.⁷⁷⁵

After the use of "deterrence" measures, the next level includes a "show of force", such as disabling fire, which means employing firearms to stop the ship without using force against the passengers themselves.⁷⁷⁶ The appropriateness of using disabling fire depends upon the nature of the enforcement action being undertaken. For instance, it has been suggested that disabling fire is lawful in a PSI context because of the importance to counter the proliferation of weapons of mass destruction,⁷⁷⁷ and it is certainly contemplated in the context of Maritime Interdiction Operations (MIO) to, *inter alia*, enforce UN Security Council resolutions.⁷⁷⁸

180. The use of disabling fire is indeed an option when enforcing a blockade during an armed conflict, particularly in light of the fact

the required information about the Israeli intentions to prevent the flotilla vessels from breaching the blockade.

⁷⁷² *Id.*, at 99-100.

⁷⁷³ *Id.*, at 100.

⁷⁷⁴ *Lewin v. U.S.*, 62 F. 2d 619 (1933).

⁷⁷⁵ As stated previously, Israeli authorities had made their intentions to halt the flotilla vessels clear to the captains of the vessels. Since the Israeli armed forces did not intend to use force against the vessels themselves, which will be further elaborated upon below, there was no requirement to issue warning signals before the boarding.

⁷⁷⁶ Allen, *Limits on the Use of Force*, *supra* note 337, at 100.

⁷⁷⁷ *Id.*, at 110-111.

⁷⁷⁸ For a definition of MIO see *op. cit.* See Wolff Heintschel von Heinegg, *Maritime Interception/ Interdiction Operations in The Handbook of International Law of Military Operations*, 393, para. 20.12 (2010) (where the sequence is outlined a shot being fired, but not in the direction of the ship; a second warning shot across the bow; and finally a shot into the rudder).

that resistance to capture renders a vessel a military objective. The use of disabling fire in this context would constitute an "attack" under international humanitarian law.⁷⁷⁹ At the same time, however, its use would have been both lawful and a reasonable escalation in force, prior to considering an attack that could sink the vessel.⁷⁸⁰

The evidence brought before the Commission demonstrates that, throughout the planning process, it was clear to those planning the operation that violence would not be used against the flotilla vessels, i.e., the actual ships themselves. From the evidence, it appears that among the factors that weighed heavily on those who planned the operation against the use of force was the presence of over 500 civilians on board the *Mavi Marmara* and a significant number of civilians on the remaining ships.⁷⁸¹ Potential collateral casualties and damage had to be factored into the consideration. Furthermore, the use of disabling fire would not necessarily have been effective under the circumstances, because "the typical merchant ship is often able to survive even prolonged disabling fire by the weapons and ammunition allowed by the use of force doctrines."⁷⁸²

181. While the Israeli authorities used less force than would have been permissible under international law, another issue, which has been the subject of considerable debate in the media and elsewhere, is whether they should have used intermediate levels of force. One question is whether they should have chosen to use water cannons or similar devices to either cause the vessel to "heave to" or to create a "sterile" environment on the top decks of the *Mavi Marmara*, which would have permitted the Israeli navy commandoes to board or land on the ship without being threatened by any of its passengers. While these suggestions are attractive in theory, the reality is that the technical ability to compel a fleeing vessel to stop is exceedingly limited. As noted in one study of the use of force in a maritime environment:

A variety of low-level force tactics ... have been tried over the years, including low level passes by aircraft; physically blocking or even "shouldering" the fleeing vessel; directing fire hose streams into the fleeing vessel's exhaust stack to flood the engine;

⁷⁷⁹ *Additional Protocol I*, *supra* note 292, at art. 49(1).

⁷⁸⁰ Allen, *Limits on the Use of Force*, *supra* note 337, at 104 ("Disabling fire" refers to use of weapons to disable the ship without risk to the crew).

⁷⁸¹ The protection of a passenger vessel is reflected in *San Remo Manual*, *supra* note 110, at Rule 152, which prohibits the destruction of captured neutral passenger vessels carrying civilian passengers at sea.

⁷⁸² Allen, *Limits on the Use of Force*, *supra* note 337, at 105.

deploying nets, lines and other devices designed to entangle the vessel's propellers; and severing the vessel's fuel line.⁷⁸³

These tactics have enjoyed only limited success and often pose considerable danger to the ship, the crew, and any passengers on board.⁷⁸⁴ The Israeli navy had already experienced an incident in December 2009 where significant damage was caused when a warship collided with a relatively small yacht that was seeking to breach the Gaza blockade.⁷⁸⁵ The large size of the *Mavi Marmara* and a number of the other flotilla vessels made "shouldering" (i.e., brushing up against the side of the ship) of those vessels impractical and also very dangerous for Israeli forces.

182. The tactics employed to intercept and board the vessel by the Israeli authorities was to fast-rope soldiers from helicopters down to the roof of the *Mavi Marmara* combined with an attempt to board from Morena speedboats. The decision to try to capture the vessels by fast-ropeing from helicopters was influenced by the degree of resistance anticipated from the subject vessel. Special Forces trained teams are often used when a boarding is anticipated to be "opposed" or "non-compliant."⁷⁸⁶ The Shayeyet 13, an Israeli naval commando force, is trained in vertical envelopment from helicopters and was thus able to perform the difficult operation.

These tactics can be compared to those employed by Coalition naval forces conducting MIO during the Gulf War against Iraq in 1990-1991. It became evident during the course of those operations that large merchant vessels were very difficult to disable without recourse to large caliber weapons with the accompanying risk of casualties; a potential need for a search and rescue operation; and the risk of environmental damage due to the release of oil into the waters. In that situation, other tactics, such as "shouldering" a large merchant vessel, were not practically feasible for

783 *Id.*, at 101.

784 Transcript of session no. 13 "Testimony of the Chief of Staff, open door" (Oct. 24, 2010), at 14 [hereinafter *Chief of Staff's Open Door Testimony of 24.10.2010*].

785 *MAG Position Paper*, *supra* note 1, at 40.

786 See RULES OF ENGAGEMENT HANDBOOK, International Institute of Humanitarian Law, Annex D, 81, 84 (Nov. 2009) [hereinafter *The ROE Handbook*] available at www.usnwc.edu/getattachment/7b0d0f70-bb07-48f2-af0a-7474e92d0bb0/San-Remo-ROE-Handbook (there are three types of boardings in established maritime doctrine: "opposed boarding" a boarding where the master or crew has made it clear that steps will be taken to prevent the boarding; "non-compliant boarding" a boarding where agreement to board has not been obtained; and "compliant boarding" a boarding where the master and crew of the vessel cooperate).

thin-skinned warships and they raised the possibility of rendering the target vessel a risk to navigation.⁷⁸⁷ As a result:

The tactic adopted ... was to surround a recalcitrant ship with a number of coalition warships. If these could not compel obedience by radio, voice calls, or warning fire, a coordinated assault was conducted by specially trained forces lowered from one or more helicopters, with other helicopters providing surveillance and potential covering fire. Once control was established, naval boarding parties conducted physical searches of ships, cargoes, and documentation.⁷⁸⁸

This technique was also deployed in what is perhaps one of the best known Weapons of Mass Destruction (WMD) boardings; the 2002 interdiction of the M/V So San by Spanish naval forces. During that operation, a helicopter-borne Special Operations force boarding team was ultimately deployed to stop the vessel. This is an area where the tactics are well established and understood by naval forces.⁷⁸⁹

Consequently, the decision to have the Shayeyet 13 board the *Mavi Marmara* and the other flotilla vessels by helicopter and from Morena speedboats was fully consistent with established naval practice, whether enforcing a blockade or carrying out maritime law enforcement.

183. In conclusion, the Commission has found that the flotilla vessels were attempting to breach the blockade and Israeli armed forces were therefore justified in capturing them in order to enforce the blockade. By clearly resisting capture, the *Mavi Marmara* had become a military objective. After prior warning, the Israeli forces could have considered using disabling fire against that ship. However, if that option or any other option that involved the use of armed force against the ship had been employed, it would have caused a significant risk of harm to the passengers aboard the ship (under international humanitarian law; "collateral damage"). Therefore, the option of fast-roping naval commandoes onto the *Mavi Marmara* represented an internationally recognized means by which to minimize the potential for civilian casualties or damage to civilian objects that could have occurred if armed force had been used against the ship itself. It remains unclear whether the majority of the passengers on the vessels understood the limited options available to the Israeli military forces when enforcing the blockade, and the risk that the

⁷⁸⁷ See James Goldrick, *Maritime Sanctions Enforcement Against Iraq, in NAVAL BLOCKADES AND SEAPOWER*, *supra* note 87, at 203-204.

⁷⁸⁸ *Id.*, at 204.

⁷⁸⁹ Allen, *Limits on the Use of Force*, *supra* note 337, at 105-106.

Flotilla organizers were exposing them all to by attempting to breach the blockade.

In light of this conclusion, the analysis will now turn to the use of force against persons on board the flotilla vessels.

Law Applicable to the Use of Force against Persons on Board the Flotilla Vessels

Application of International Humanitarian Law or Human Rights Law

184. In the context of an armed conflict, a key issue is what principles govern the use of force against civilians: international humanitarian law or human rights law? As has been noted by the International Court of Justice in the *Wall* case, the interface between these two normative regimes is intricate: "[T]here are thus three possible situations: some rights may be exclusively matters of international humanitarian law; others may be exclusively matters of human rights law; yet others may be matters of both these branches of international law."⁷⁹⁰

185. As discussed in chapter A of this report, there is considerable ongoing debate about the interface between international humanitarian law and human rights law.⁷⁹¹ However, often lost in the dialogue regarding the applicable framework is the fact that humanitarian law reflects many of the norms that are also recognized as being part of human rights law.⁷⁹² This is evident when considering, for instance, the individual right of self-defense. Military and civilian personnel have the right to protect their own lives, whether they are operating in an armed conflict or in peacetime.⁷⁹³ In addition, military forces have always had to

⁷⁹⁰ *The Wall Case*, *supra* note 130, at 178, para. 106.

⁷⁹¹ See, e.g., David Kretzmer, *Targeted Killing of Suspected Terrorists: Extra-Judicial Executions or Legitimate Means of Defense?* 16 *EUR. J. INT'L L.* 171 (2005); Francoise J. Hampson, *The Relationship Between International Humanitarian Law And Human Rights Law From The Perspective Of A Human Rights Treaty Body*, 90 *INT'L REV. RED CROSS* 549 (2008); Yuval Shany, *The Law Applicable to Non-Occupied Gaza: A Comment on Al Basslouni v. The Prime Minister of Israel*, 37 *ISR. L. REV.* 101 (2009); Yuval Shany & Orna Ben-Naftali, *Living in Denial: The Application of Human Rights in the Occupied Territories*, 37 *ISR. L. REV.* 17 (2003-04) (supporting the application of human rights to all acts of States, even outside their own territories, and towards individuals that are not their citizens).

⁷⁹² See, e.g., *Additional Protocol I*, *supra* note 292, at art. 75 (outlining fundamental rights available to persons who are in the power of a Party to the conflict. These rights found under international humanitarian law reflect human rights "norms"; See also *Hamdan v. Rumsfeld*, *supra* note 137, at 71 (where a plurality of the United States Supreme Court held this provision was customary international law)).

⁷⁹³ See *Prosecutor v. Dario Kordic, Mario Cerkez*, Case No. IT-95-14/2-T, Judgment, para. 451

deal with civilians, including during the policing of occupied territories when carrying out their international humanitarian law responsibilities to maintain public order and safety.⁷⁹⁴

186. Although there are schools of thought that largely favor extensive applicability of human rights law, this approach is not universally accepted.⁷⁹⁵ For example, neither Israel nor the United States agrees with a broad extra-territorial application of human rights law.⁷⁹⁶ The issue of whether, or the degree to which, there is extra-territorial application of human rights law is particularly relevant to the enforcement of the Gaza

(Feb. 26, 2001) (noting that the principle of self-defence enshrined in the ICC Statute, at art. 31(1)(c) "reflects provisions found in most national criminal codes and may be regarded as constituting a rule of customary international law"); Further, the right to self-defence is reflected in Geneva Convention I, at art. 22 (1) regarding the arming of medical personnel and art. 22(2) for armed pickets, sentries or escorts at medical units or establishments; See also AP I, at art. 65(1) (regarding the arming for self-defence of civilian civil defence personnel); art. 67. (regarding members of the armed forces and military units assigned to civil defence organizations); and *The UK Manual*, *supra* note 113, at 40, para. 4.3.7 (indicating that civilians accompanying a military forces "should be issued with small arms for self-defence purposes only").

794 See, e.g., 1907 Hague Regulations, Art. 43 (providing that the occupying power "shall take all the measures in his power to restore, and ensure, as far as possible, public order and safety [civil life], while respecting, unless absolutely prevented, the laws in force in the country." The reference to "civil life" comes from the official French version, which has been suggested was incorrectly phrased as "safety" in the first English translation); See also Eyal Benvenisti, *THE INTERNATIONAL LAW OF OCCUPATION* 10-11 (2004).

795 See, e.g., Lubell, *EXTRATERRITORIAL USE OF FORCE*, *supra* note 149, at 193-235 (2010) (for an analysis favoring the universal application of human rights law). To the extent the notion of universal application of the International Covenant on Civil and Political Rights is based on interpretations of the Human Rights Commission, including its *General Comment 31, Nature of the General Legal Obligation on States Parties to the Covenant*, UN Doc. CCPR/C/21/Rev. 1/Add.13 (2004), care must be taken in viewing such interpretations as "law". See also *Amnesty International v. Chief of the Defense Staff for the Canadian Forces* T-324-07 Fed. Ct. TD. para. 239 (2008) ("Insofar as the commentaries of the United Nations Committees are concerned, as the respondents observed, these are recommendations made by groups with advocacy responsibilities. While they clearly reflect the views of knowledgeable individuals, they do not reflect the current state of international law, but more the direction that those groups believe the law should take in the future").

796 Lubell, *EXTRATERRITORIAL USE OF FORCE*, *supra* note 149, at 197-198 (discussing the United States position). For the official Israeli position, see, e.g., Israel Ministry of Foreign Affairs, *Legal Advisor of the Israel Ministry of Foreign Affairs on the Applicability of the ICCPR to the Current Situation in the West Bank and Gaza Strip*, Response of Mr. Alan Baker, *Legal Advisor of the Israel Ministry of Foreign Affairs, On the Applicability of the ICCPR to the Current Situation in the West Bank and Gaza Strip* (May 15, 1998) available at www.mfa.gov.il/MFA/MFAArchive/1990_1999/1998/7/Legal+Advisor+of+the+Israel+Ministry+of+Foreign+Affairs. See also Françoise J. Hampson, *The Relationship*, *supra* note 791, at 550; Michael Dennis, ICJ *Advisory Opinion on Construction of a Wall in the Occupied Palestinian Territory: Application of Human Rights Treaties Extraterritorially in Times of Armed Conflict and Military Occupation*, 99 AM. J. INT'L. L. 119 (2005).

naval blockade on May 31, 2010, since it took place on the high seas, outside the territory of the Israeli State.

Recently, the European Court of Human Rights ruled in the *Case of Medvedyev and Others v. France*⁷⁹⁷ that the interception of a vessel on the high seas by a French warship in a counter-drug law enforcement operation did engage human rights jurisdiction after "full and exclusive control" over the ship had been established. However, the judgment does not clarify exactly when the French armed forces were considered to have obtained "full and exclusive control" of the ship, especially since the litigation did not center on the boarding and overtaking of the ship, but rather on the arrest and confinement of the crew to their cabins for a period of 13 days during the transit to France.

In the case at hand, it is difficult to see how Israel could be considered to have had "full and exclusive control" prior to taking control of the bridge of the flotilla vessels and the subsequent cessation of resistance. Further, even if Israeli forces were considered to have had such control over the *Mavi Marmara* prior to taking control of the bridge, the actions of the Israeli forces would still be governed by the *lex specialis* of international humanitarian law since the enforcement of a blockade is not a law enforcement mission. Therefore, the ruling of the European Court of Human Rights in the *Medvedyev* case is of limited assistance in resolving the issue of extra-territorial application of human rights law during the enforcement of the Gaza blockade.

187. With respect to the enforcement of the blockade, the use of force is to be interpreted under the international humanitarian law framework,⁷⁹⁸ which permits attacks against combatants and civilians taking a direct part in hostilities. International humanitarian law is guided by the principle of distinction, which is an obligation to distinguish at all times between civilians and combatants. A civilian is any person who is not defined as a "combatant."⁷⁹⁹ Civilians enjoy a general protection against the dangers arising from military operations.⁸⁰⁰ Hence, when attacking a military objective, the attacking party must take all feasible precautions to avoid incidental (collateral) injury and death to civilians.⁸⁰¹ Further, the expected incidental harm caused to civilians by an attack must not

797 *Medvedyev and Others v. France*, Application No. 394-03, Eur. Ct. H.R., Gr. Ch., Judgment, para. 63-67 (Mar. 29, 2010).

798 See *Nuclear Weapons Case*, *supra* note 365, at para. 25.

799 *Geneva Convention III*, *supra* note 48, at art. 4(A)(1), (2), (3) and (6); *Additional Protocol I*, *supra* note 292, at art. 43; See also the *Targeted Killing case*, *supra* note 37, at para. 24.

800 *Additional Protocol I*, *supra* note 292, at art. 51(1).

801 *Id.*, *supra* note 292, at art. 57(2)(a)(ii).

be excessive in relation to the concrete and direct military advantage anticipated (the "principle of proportionality").⁸⁰² Civilians shall not be the object of an attack unless, and for such time as they take a direct part in hostilities.⁸⁰³ Regarding the use of force, international humanitarian law treats combatants and civilians who take a direct part in hostilities differently than uninvolved civilians.

Under international humanitarian law, the right to life is protected by prohibitions against indiscriminate attacks,⁸⁰⁴ targeting individual civilians and the civilian population unless they take a direct part in hostilities,⁸⁰⁵ causing superfluous or unnecessary suffering to combatants,⁸⁰⁶ and targeting those who are *hors de combat*.⁸⁰⁷

188. As a result, the applicable rules regarding the use of force against persons on board the flotilla vessels are thus primarily governed by their "status" under international humanitarian law. The salient issue is whether the passengers were civilians taking a direct part in hostilities or uninvolved civilians. The distinction is significant for three main reasons. First, as stated above, civilians who are not taking a direct part in hostilities cannot be the object of an attack, whereas direct participants can be attacked for such time they are taking part in hostilities.

Second, under international humanitarian law, the flotilla vessels became valid military objectives once they resisted capture. However, the presence of civilians on board the vessels is relevant to the assessment of the principle of "proportionality" discussed above. For instance, had the *Mavi Marmara* been "attacked," Israeli forces would have had to assess whether the expected incidental loss of civilian life or injury to civilians would be excessive in relation to the concrete and direct military advantage anticipated by the attack.⁸⁰⁸ Direct participants in hostilities, however, would not be considered civilians for the purpose of assessing the proportionality of the action.

802 *Id.*, *supra* note 292, at art. 57(2) (iii).

803 *Id.*, *supra* note 292, at art. 51(3).

804 *Id.*, *supra* note 292, at art. 51(4).

805 *Id.*, *supra* note 292, at art. 51(3).

806 *Id.*, *supra* note 292, at art. 35.

807 *Id.*, *supra* note 292, at art. 41; *Additional protocol I* provides that a person is *hors de combat* if:

- "(a) he is in the power of an adverse Party;
 - (b) he clearly expresses an intention to surrender; or
 - (c) he has been rendered unconscious or is otherwise incapacitated by wounds or sickness, and therefore is incapable of defending himself;
- provided that in any of these cases he abstains from any hostile act and does not attempt to escape".

808 *Id.*, *supra* note 292, at art. 57(2).

Third, there are particular norms that apply when force is directed at civilians who are not taking a direct part in hostilities. Generally, such force is governed by the principles of "necessity" and "proportionality." The principle of "necessity" requires that force must be necessary in order to enforce the law or perform some other lawful act. The principle of "proportionality" has a different meaning regarding the use of force against civilians than it has, as explained above, when applied to the targeting of military objectives under international humanitarian law. In the *Targeted Killing* case, the Israeli Supreme Court relied on the following excerpt from a European human rights case to explain the test for assessing when the use of lethal force by Israeli forces is disproportionate:

[T]he use of lethal force would be rendered disproportionate if the authorities failed, whether deliberately or through lack of proper care, to take steps which would have avoided the deprivation of life of the suspects without putting the lives of others at risk.⁸⁰⁹

189. In a law enforcement context (which applies human rights norms), the use of lethal force by state agents is generally permitted in three circumstances: self-defense, defense of others, and enforcement of the law. There are basic principles that guide the use of force to ensure that it is necessary and proportionate: (i) application of non-violent means before resorting to the use of force and firearms; (ii) use of force and firearms only if other means are ineffective or without promise of achieving the intended result; (iii) use of warnings before using firearms unless it places personnel at risk or is inappropriate or pointless in the circumstances; (iv) intentional lethal use of firearms only when strictly unavoidable to protect life; (v) providing law enforcement personnel with self-defense equipment; and (vi) use of less-lethal incapacitating weapons to restrain

⁸⁰⁹ *Targeted Killing case*, *supra* note 37, at para. 40 (quoting *McCann v. United Kingdom*, Application No. 18984/91, Eur. Com. H.R., Report of the Commission (Sep. 27, 1995), at para. 235 [hereinafter *The McCann case*] (it should be noted that the quote can be found in the European Commission of Human Rights' Report, even though the Israeli Supreme Court indicates it was from the European Court of Human Rights)). The Israeli Supreme Court referred to this statement while assessing the use of force against direct participants in hostilities in the *Targeted Killing case*, *supra* note 37, at para. 40; However, it should be noted that this reasoning, which incorporates human rights law into international humanitarian law, does not reflect the more widely accepted interpretation of international humanitarian law. In any event, in the case at hand, the Israeli Supreme Court's reasoning would not be applicable when assessing the use of force against direct participants in hostilities given that it is not clear to what extent the court believed the obligation to capture rather than kill a civilian taking a direct part in hostilities applied to the use of lethal force outside the narrow field of targeted killing, or whether it was restricted to the uniquely high levels of control inherent in being an occupying power. These are cogent reasons for restricting its application to the specific security scenario presented in that case.

the use of deadly force.⁸¹⁰ Further, the use of firearms is permitted in self-defense or the defense of others against the imminent threat of death or serious injury; to prevent a particularly serious crime involving grave threat to life; to arrest a person presenting such a danger and resisting their authority; or to prevent his or her escape.⁸¹¹

Any use of force against civilians who are *not* taking a direct part in hostilities, is guided by the principles of "necessity" and use of "proportionate force" associated with human rights-based law enforcement norms.

To determine the applicable norms governing the use of force in the matter before the Commission, therefore, it is first necessary to assess the status of the persons aboard the flotilla vessels pursuant to the principles of international humanitarian law. The status of the following three groups will be considered separately: (i) the civilian passengers, (ii) the IHH-controlled activists who partook in the violence on board the *Mavi Marmara*,⁸¹² and (iii) the captain and crew of the *Mavi Marmara*.

The Status of the Civilian Passengers

190. As discussed above, the participants in the Gaza flotilla were predominantly an international group of activists whose primary goal appeared to be to bring publicity to the humanitarian situation in Gaza by breaching the blockade imposed by Israel. On board the *Mavi Marmara*, a majority of the passengers appear not to have been controlled by, or acting on behalf of, the IHH, which, as will be discussed below, had a significantly different goal in mind. The disparity between these two groups (the flotilla participants and the IHH activists) was evident both due to a physical separation between the two groups and by their actions. Perhaps the clearest example is the behavior of the two respective groups as soon as the Israeli Navy commenced its capture of the vessel. At that point, an order was given over the loud speaker that the passengers should return to their seats below deck.⁸¹³ One group, by far the largest, knew to

810 See The United Nations, *Basic Principles on the Use of Force and Firearms by Law Enforcement Officials*, Adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, Cuba, 27 August to 7 September 1990, available at www2.ohchr.org/english/law/firearms.htm [hereafter: *U.N. Basic Principles*].

811 *Id.*, at prov. 9.

812 As necessary, these categorizations will be applied to the other vessels in the flotilla in the analysis of the use of force.

813 Mr. Muhamad Zidan and Sheikh Hamed Abu-Debs testified before the Commission that the person who gave the order was the Captain of the *Mavi Marmara*; Transcript of session no. 15 "Testimony of Mr. Muhamad Zidan" (Oct. 25, 2010), at 7; Transcript of session no. 15 "Testimony of Sheikh Hamed Abu-Debs" (Oct. 25, 2010), at 5.

go below decks and did not participate in the violent opposing of the boarding. The other group, organized and controlled by the IHH, stayed on the upper decks and prepared to confront the Israeli forces. Further, from the testimonies of the three soldiers who were taken below deck by the IHH activists, it is evident that there was a clear distinction between the two groups. As opposed to the violent IHH activists who brought the soldiers below deck, where they beat them and prevented them from receiving adequate medical care, some of the flotilla participants they encountered below deck protected them from abuse by the IHH-directed captors. All of the soldiers who were taken below deck stated that without the intervention of some of the flotilla participants, their situation would have been much worse.⁸¹⁴

191. Therefore, the Commission concludes that the use of force against civilians who did not take a direct part in the violence on board the *Mavi Marmara* is governed by the principles of necessity and the use of "proportionate force" associated with human rights-based law enforcement norms. We will discuss the implications of this conclusion below.

Status of the IHH Activists

192. On board the *Mavi Marmara*, a distinct group of activists seemed to have a different agenda than the other participants in the Gaza flotilla. The dominant members of this group consisted of a "hard core" of 40 activists in the Turkish organization IHH. It also included other participants, largely of Turkish nationality, that decided, for one reason or another, to participate in the violence on board the *Mavi Marmara*. In this respect, they operated in concert with the hard core of IHH activists. It is the group of activists that resisted the IDF's attempts to capture the *Mavi Marmara* (as mentioned above, the IHH affiliated persons that partook in the violence are referred to in the report as "IHH activists").⁸¹⁵ The actions of these activists after the IDF began to attempt taking over the *Mavi Marmara* (and for some, even before this) show that their status under international humanitarian law was distinct from the other passengers on the ship.

193. Civilians retain the protection that their status grants them under international humanitarian law, as long as they do not take a direct part in hostilities. When they do take such part in hostilities, they can be targeted

⁸¹⁴ Testimony of the commander of Shayetet 13, *Inquiry Expansion of 20.9.2010*, *supra* note 451, at 4.

⁸¹⁵ For more details, see *supra* paras. 126-140 in this report.

in the same manner as if they were combatants. This principle is reflected in article 51(3) to the First Additional Protocol, which states:

"Civilians shall enjoy the protection afforded by this Section, unless and for such time as they take a direct part in hostilities".⁸¹⁶

The term "take a direct part in hostilities" has been the subject of considerable analysis and discussion. The ICRC Commentaries to Additional Protocol I define direct participation as follows:

"acts of war which by their nature or purpose are likely to cause actual harm to the personnel and equipment of the enemy armed forces. It is only during such participation that a civilian loses his immunity and becomes a legitimate target. Once he ceases to participate, the civilian regains his right to the protection under this Section, i.e., against the effects of hostilities, and he may no longer be attacked".⁸¹⁷

194. More recently, in a document entitled *Interpretive Guidance on the Notion of Direct Participation in Hostilities*, the ICRC has suggested three constitutive elements that are cumulatively required for an act to qualify as direct participation: (i) a threshold of harm; (ii) a causal link between that act and the harm likely to result; and (iii) that the act be in support of one party to the conflict and to the detriment of another.⁸¹⁸ However, it should be noted that this document has generated considerable controversy, and the participants were not able to reach a broad consensus regarding the definition of direct participation in hostilities. Therefore, the *Interpretive Guidance on the Notion of Direct Participation in Hostilities* will be used cautiously in this report.⁸¹⁹

⁸¹⁶ *Additional Protocol I*, *supra* note 292 at art. 51(3).

⁸¹⁷ See ICRC *Commentary Additional Protocol I*, *supra* note 285, at art. 51(3), para. 1944.

⁸¹⁸ See ICRC, *Interpretive Guidance on the Notion of Direct Participation in Hostilities Under International Humanitarian Law* 46 (Nils Melzer ed., 2009), available at www.icrc.org/eng/assets/files/other/icrc_002_0990.pdf [hereinafter ICRC *Interpretive Guidance*];

"In order to qualify as direct participation in hostilities, a specific act must meet the following cumulative criteria:

1. the act must be likely to adversely affect the military operations or military capacity of a party to an armed conflict or, alternatively, to inflict death, injury, or destruction on persons or objects protected against direct attack (threshold of harm), and
2. there must be a direct causal link between the act and the harm likely to result either from that act, or from a coordinated military operation of which that act constitutes an integral part (direct causation), and
3. the act must be specifically designed to directly cause the required threshold of harm in support of a party to the conflict and to the detriment of another (belligerent nexus)".

⁸¹⁹ In 2003, the ICRC and the Asser Institute commenced a project to provide interpretive guidance on the concept of direct participation in hostilities (i.e. ICRC *Interpretive Guidance*, *supra* note 818). Various critiques of the *Interpretive Guidance* can be found at the NYU J. INT'L L. & P forum, available at www.nyujilp.com/2010/06/05/new-issue-forum-on-direct-participation-in-hostilities; Further, *The Air and Missile Warfare Manual*,

195. The Supreme Court has ruled on the issue of direct participation in hostilities in 2005 in the *Targeted Killings* case. In this report, the Commission has chosen to rely primarily on this ruling when assessing direct participation in hostilities. The court provided that, although Israel had not enacted Additional Protocol I, its provisions relating to direct participation nonetheless are applicable to Israel as part of customary international law.⁸²⁰ The judgment concludes that article 51(3) of Additional Protocol I encompasses three main parts: *first*, the concept of "hostilities"; *second*, the requirement that civilians take a "direct" part in hostilities; and *third*, the provision by which civilians are not protected from attack "for such time" as they take direct part in hostilities.⁸²¹ In relying on the ICRC Commentaries to the Additional Protocols, the court stated:

According to the accepted definition, a civilian is taking part in hostilities when using weapons in an armed conflict, while gathering intelligence, or while preparing himself for the hostilities. Regarding taking part in hostilities, there is no condition that the civilian use his weapon, nor is there a condition that he bear arms (openly or concealed). It is possible to take part in hostilities without using weapons at all.⁸²²

The court further noted that since there is no consensus on what "direct" participation entails, that standard must be assessed on a "case by case" basis. However, it concluded that a civilian who generally supports the hostilities is not taking a direct part, while "a civilian bearing arms (openly or concealed) who is on his way to the place where he will use them against the army, at such place, or on his way back from it, is a civilian taking "an active part" in the hostilities...."⁸²³ Regarding the interval between these two examples of indirect and direct participation, the court emphasized that the decisive factor is whether the individual is performing the functions of a combatant.⁸²⁴ Finally, with regards to "for such time", the court was of the view that there was a lack of clarity as to

supra note 115, at 121, para. 5, notes that the criteria established in the DPH Study were not unanimously accepted by the participants in that Study. The lack of international consensus on this document is reflected in the May 2010 Human Rights Council Report Of The Special Rapporteur On Extrajudicial, Summary Or Arbitrary Executions, Study On Targeted Killings, A/HRC/14/24/Add.6, at 20, para. 62, which states: "In 2009, the ICRC issued its Interpretive Guidance on DPH, which provides a useful starting point for discussion [emphasis added]."

⁸²⁰ See *Targeted Killing* case, *supra* note 37, at para. 30.

⁸²¹ *Id.*, at para. 32.

⁸²² *Id.*, at para. 33.

⁸²³ *Id.*, at para. 34.

⁸²⁴ *Id.* at para. 35; See also Kenneth Watkin, *Controlling the Use of Force: A Role for Human Rights Norms in Contemporary Armed Conflict*, 98 AM. J. INT'L. 17 (2004).

the scope of the provision "for such time" in international law,⁸²⁵ although it provided that if "such time" has passed, the protection granted to a civilian returns.⁸²⁶

In determining whether any of the persons on board the *Mavi Marmara* should be considered direct participants in hostilities, the Commission is thus mindful that the existing criteria lack a degree of precision and are controversial. As the Israeli Supreme Court has stated, in the case of doubt, the status of an individual should be that of a civilian.⁸²⁷

196. As previously stated, from the materials before the Commission, including oral testimonies, documentary and magnetic media, it appears that the violence that the Israeli forces encountered when seeking to capture the *Mavi Marmara* was organized and planned. This is evident by the actions of the IHH activists as detailed above, including the following facts: a core group of some 40 IHH activists boarded the *Mavi Marmara* in Istanbul without going through a security check; some of the members of this group identified themselves during the journey with specific signs on their clothing, such as "Security Guard"; a large number of bullet proof ceramic vests, gas masks, telescopic sights, and night-vision aids were found on board the *Mavi Marmara*;⁸²⁸ the IHH activists established a communications structure through the use of handheld radios (which were also given to the crew but with a different frequency);⁸²⁹ a few hours before the boarding and after the captain on the *Mavi Marmara* had been warned by the IDF, an order went out to all passengers to return to their seats below deck - some passengers, however, remained on the upper decks; and some of those passengers used disk saws to cut the ship's metal railings and prepare iron bars; IHH activists were divided into groups and stationed for duty at specific posts around the ship.⁸³⁰ Other passengers, who were primarily of Turkish nationality, joined this core group in resisting the Israeli attempts to board the ship. It is evident that the IHH organized and planned for a violent confrontation with the Israeli military forces.

From the IDF's *infra red* (a visual recording device) it seems that when the takeover started, some approximately 100 IHH activists were

825 *Targeted Killing affair*, *supra* note 37, at para. 40.

826 *Id.*, at para. 38.

827 *Id.*, at para. 40.

828 Testimony of commander of the Takeover Force, *Inquiry Expansion of 20.9.2010*, *supra* note 451, at 4.

829 *Chief of Staff's Open Door Testimony of 11.3.2010*, *supra* note 70, at 29.

830 See the video file "VIDEO_100530_003.asf", in folder *Sea, Navy Data Disc*, *supra* note 5; See also the video file "VTS_01_2.mov", in folder *Air, Id.*

located on the upper decks of the ship. The coordinated manner in which the IHH activists met the Israeli soldiers individually fast-roping to the deck (for some of them, even before they reached the deck), indicates a clear intent to violently oppose a capture of the ship. IDF soldiers on the Morena speedboats were attacked with iron bars, chairs, bolts, and other objects as they approached the *Mavi Marmara*. Further, three soldiers were thrown off the roof to a lower deck where they were stripped of their equipment, sustained severe injuries and were dragged to a location below deck. Several other soldiers testified that attempts were made to throw them over to the lower decks as well.⁸³¹ This concerted effort on the roof to throw soldiers to other IHH activists that were waiting on the deck below, taken together with the fact that all three captured soldiers were taken to the same location below decks, points to the existence of a plan to capture Israeli soldiers and possibly hold them as hostages (as happened in a different event that the IHH was involved in about six months prior to this event, when seven Egyptian soldiers were kidnapped by the organization's activists).

197. The level of violence on board the *Mavi Marmara* cannot be categorized as civil disobedience. There was nothing passive regarding the resistance carried out by the IHH activists.⁸³² Neither were they part of a "criminal gang" or a group of rioters.⁸³³ The violence was specifically directed at the IDF soldiers and was clearly intended to harm them. The manner in which a number of the IHH activists pressed home their attacks even after the Israeli forces started to use lethal force in self-defense reflects a strong commitment to engage in conflict. Some of those activists also expressed their wish to be "*Shaheeds*."⁸³⁴ Setting aside the question of whether some of their proclamations may have been demonstrative in nature, it was evident from the testimony of a number of soldiers that the IHH activists they encountered were using violence with the specific intent to prevent the Israeli forces from boarding the *Mavi Marmara*. The Israeli forces were expecting a low level of resistance from the passengers on board the flotilla vessels, but what they experienced on the *Mavi*

831 Testimony of soldier no. 11, *IDF Completion Response of 7.11.2010*, *supra* note 486; Testimony of soldier no. 22, *Id.* and Testimony of soldier no. 24, *Id.*

832 Passive resistance is defined in the Oxford Online Dictionary as "non-violent opposition to authority, especially a refusal to cooperate with legal requirements", available at oxforddictionaries.com/view/entry/m_en_gb0608850#m_en_gb0608850.

833 See ICRC *Interpretive Guidance*, *supra* note 818, at 24 (which suggests "[l]astly, it should be pointed out that organized armed violence failing to qualify as an international or non-international armed conflict remains an issue of law enforcement, whether the perpetrators are viewed as rioters, terrorists, pirates, gangsters, hostage-takers or other organized criminals").

834 See the doctor's testimony, *Inquiry Expansion of 20.9.2010*, *supra* note 451, at 2.

Marmara, were levels of violence that they associated with "combat." The weapons used by the IHH activists offered lethal force and resulted in significant injuries to Israeli soldiers. It seems that if it were not for the protective equipment worn by Israeli military personnel and their use of both non-lethal and lethal force in self-defense, the injuries sustained by both soldiers and IHH activists would have been even worse and more widespread.

198. It should also be noted that breaching the blockade could have adversely affected the IDF's military operations in that establishing that the blockade was not effective, thus jeopardizing the security and political goals for which the blockade was established. Consequently, breaching the blockade, in and of itself, constitutes a potential harm to Israel's military effort. Further, the IHH activists attempted to carry out their plan by using force against the soldiers of one of the parties to the conflict. The IHH activists acted directly to cause, or attempt to cause, this harm to one side to the armed conflict, i.e. Israel. However, it should be noted that the other flotilla participants, who did not actively participate in the violence on board the *Mavi Marmara*, are not considered to have taken a direct part in hostilities based on their participation in the attempted breach of the blockade alone.

In addition, the materials before the Commission show that there was also a nexus between the actions of the IHH activists and the conflict. While the flotilla was self-described as a "humanitarian mission," that title masked an, in part, different objective. This is evident from the fact that the flotilla organizers did not attempt to reach an agreement with Israel regarding the delivery of humanitarian supplies. Those controlling the flotilla specifically refused the Israeli offer to divert the vessels to Ashdod and have their supplies forwarded over land to Gaza. On the other hand, however, the arrival of the flotilla was planned and coordinated in advance with the Hamas. As stated above, from the evidence before the Commission, it appears that the IHH aided the Ministry of Transportation and the Ministry of Public Works of the Hamas government in preparing the fishing port in the Gaza Strip to receive the flotilla vessels.⁸³⁵ Further, while referred to as a humanitarian mission, the flotilla was carrying cement, a commodity that Israel has identified as being used by the Hamas for military purposes and that the transfer of which to the Gaza Strip was restricted by Israel.

199. In sum, the IHH activists' resistance to the boarding of the *Mavi Marmara* was planned and extremely violent. Further, it was directly

⁸³⁵ ICC report (Apr. 7, 2010), *supra* note 83.

connected to the ongoing international armed conflict between Israel and the Hamas. The obstruction of the Israeli attempts to enforce the blockade and the levels of violence offered by the IHH activists were not representative of acts associated with civil disobedience or isolated or sporadic acts of violence. Under the circumstances, these acts can reasonably be viewed as attempts to privilege the Hamas (acting to the detriment of Israel in its armed conflict with the Hamas) by establishing that the blockade was not effective.

200. It should be noted that suggestions that the IHH activists were acting in legitimate self-defense are not supported by the evidence. First, the blockade was established in accordance with the rules governing blockades and there was no right of self-defense to be exercised by the IHH activists simply because the Israeli military was attempting to enforce the blockade. Second, in seeking to capture and board the ship, the Israeli forces had to respond to the violence offered first by the IHH. This is evident from the magnetic media that shows the extreme levels of violence used against the IDF's soldiers. Such attacks also occurred before the soldiers could reach the roof of the *Mavi Marmara*; as they fast-roped down to the ship, when they were most vulnerable because they had not yet had an opportunity to defend themselves or draw their weapons.

201. Based on the criteria established in the *Targeted Killings* case, the Commission concludes that the IHH activists who participated in violence on the *Mavi Marmara* were direct participants in hostilities. In addition, it should be noted that the Commission would have reached the same conclusion by applying the standards set out in the ICRC *DPH Interpretive Guidance on the Notion of Direct Participation in Hostilities*.

For the purposes of this report, the Commission has assessed that participation in hostilities occurred at least from the time that the passengers were directed to take their positions as the Israeli naval vessels arrived, until the ship was taken under Israeli control. While it is also evident that a number of IHH activists took part in hostilities from a planning and logistical perspective well before the arrival of the Israeli armed forces, for the purposes of this analysis, it is only necessary to find that they were directly participating from the time the IDF's takeover of the ship began.

The finding that the IHH activists were taking a direct part in hostilities is important, because it places their actions in the proper legal context. However, due to the Israeli government's lack of information with regards to the IHH organization and the intentions of the flotilla organizers, the IDF was not aware of that group's plan until the first

Solider fast-roped down towards the roof. During the planning of the Israeli military operation, the possibility that the passengers aboard the vessels might be direct participants in hostilities was not expected and was not taken into account. The Rules of Engagement (ROE), which outlined the authorized levels of force to be used by the Israeli soldiers, reflected that approach. This will be discussed in detail below.

Status of the Captain and Crew

202. Finally, the status of the captain and crew will be examined. Merchant crews have enjoyed a somewhat unique status under international humanitarian law. However, depending upon their actions, the captain and crew of a neutral merchant vessel can be considered to have taken a direct part in hostilities.

203. The captain of the *Mavi Marmara* had a special responsibility to avoid an attempted breach of the blockade. This responsibility is reflected in the constant reference to the "Master" of summoned merchant vessels in foundational texts on the law of naval warfare.⁸³⁶ The Master of a neutral vessel has a responsibility for the ship and all persons aboard, which includes complying with all belligerent orders; ordering that the ship's crew comply with those orders; and doing everything feasible to ensure that neither the crew nor the passengers interfere with or hamper the exercise of belligerent rights.

In this instance, the captain's actions demonstrated a clear intent to breach the blockade, either under his own volition or under the direction of the IHH.⁸³⁷ Further, the captain's control of and position on the bridge during the boarding, and the clear refusal to stop the vessel despite repeated warnings, demonstrate that he was not a passive participant in the events on May 31, 2010. In his interrogation in Israel, the captain of the *Mavi Marmara* stated that he changed the course of the ship when directed by Israeli forces.⁸³⁸ However, from the evidence before the Commission, including footage from the IDF's *infra red* and the analysis of the course based on that footage, it is evident that the captain did not change the

⁸³⁶ See COLOMBOS, *THE INTERNATIONAL LAW OF THE SEA*, *supra* note 94, at 765 et seq. paras. 879-883; See also OPPENHEIM, *Supra* note 86, at 851 et seq.

⁸³⁷ It has been suggested that the captain acted to stop IHH personnel from preparing weapons by cutting the railings of the *Mavi Marmara*; Such steps, assuming they did take place, were obviously ineffective since they did not stop the IHH personnel from amassing those weapons and making preparations for the assault on the Israeli personnel. The captain thus remained responsible for what occurred on the vessel.

⁸³⁸ see article: 03/06/10/825/5092 *Military Intelligence Reports*, *supra* note 491.

course of the ship during the entire event.⁸³⁹ The soldiers who took over the bridge stated that the captain was the one holding the steering wheel.⁸⁴⁰ Furthermore, it also appears that after the IDF soldiers had taken over the *Mavi Marmara*, the captain gave an order to his crew to wreck the engine of the ship.⁸⁴¹ The Israeli armed forces had to bring technical personnel from shore to fix the engine to get the *Mavi Marmara* underway.⁸⁴²

The captain's acts point to an integrated role in the IHH efforts to oppose the Israeli boarding of the vessel. As a result, the Commission finds that the captain of the *Mavi Marmara* was an active participant in the attempts to obstruct the Israeli boarding operations and, therefore, he was a direct participant in hostilities. Regarding the crew, the Commission does not have sufficient evidence to establish whether they were active participants, and they will thus be considered to have had a status as civilians who did not take part in the hostilities.

The Rules of Engagement and the Use of Force

204. Having reviewed the status of the flotilla participants, the analysis will now turn to the direction given to the IDF combat personnel regarding the use of force. These directions are called Rules of Engagement (hereafter: the ROE).⁸⁴³ The ROE is a document that in practical terms communicates to the soldiers the applicable legal framework for the use of force during an operation. As reflected in the European Court of Human Rights case *McCann v. The United Kingdom*, a determination of the legality of the use of force during an operation requires an assessment of whether the Rules of Engagement (ROE) were consistent with the law.⁸⁴⁴ A key issue, therefore, is whether the ROE issued to the soldiers before the *Winds of Heaven 7'* operation properly reflected the law that governs the use of force.⁸⁴⁵

839 Testimony of the aerial look-out, *Inquiry Expansion of 20.9.2010*, *supra* note 451.

840 It should be noted that according to the soldiers' testimonies, the Captain did not resist when the Israeli force took over the bridge, see the testimony of soldier no. 18, commander of the force taking over the bridge, *Id.*, at 2.

841 Testimony of soldier no. 9; *Id.*, at 2, testified that when taking over the bridge, the soldiers told the Captain to halt the ship, he started to speak in Turkish to his crew. Soldier no. 9 stated that he later found out that what the Captain said to his crew was an order to wreck the engine of the ship.

842 *Id.*

843 It should be noted that the phrase "rules of conduct for the forces" might be more appropriate under the circumstances. However, due to the fact that in our case it is mainly the provisions concerning the use of force that are relevant, especially the use weapons, this report uses the narrower but more familiar expression "rules of engagement."

844 *McCann and others v. United Kingdom*, App. No. 18984/91, Eur. Ct. H.R., Judgment (1995), at 156 [hereafter: the *McCann* case].

845 See *The ROE Handbook*, *supra* note 786, Part One: Introduction, 1 at para. 3 ("ROE are

205. During a law enforcement operation, the ROE would normally reflect the authority to use force in self-defense, defense of others, and for mission accomplishment. If the mission is conducted during an armed conflict, where the legal authority to use force is broader, the ROE could reflect rules directly based on international humanitarian law. However, even during armed conflict, the authority to use force may still be more narrowly prescribed in the ROE than what the law permits, either because of operational considerations or due to a need to meet particular policy goals. Therefore, the substance of any ROE is dependent upon both the nature of the mission and the anticipated levels of force required to complete that mission.

206. The ROE issued for the 'Winds of Heaven 7' operation on May 31, 2010, were entitled "the Rules of Conduct." They were set out in Annex G (the legal annex) to the naval command issued by the Israeli Navy operation department (this was also annexed to the land operation command). Under the provision named "General" in the Rules of Conduct, it was provided that when dealing with civilian foreigners who are not, "according to existing information", combatants, force should not be exercised towards those civilians beyond the minimum amount necessary for completion of the mission, i.e., to halt the vessels.⁸⁴⁶ The use of force was permitted only as a last resort and only if persuasion was unsuccessful. Further, the authority to use force was limited to two distinct circumstances: to prevent the risk of harm to a person, and to deal with an attempt to thwart the bringing of a vessel to an Israeli port.⁸⁴⁷ If force had to be used, it had to be exercised gradually and in proportion to the resistance met, and only after examining alternatives to prevent deterioration of the situation.

Use of less-lethal weapons. The use of less-lethal weapons was permitted only when necessary to neutralize an immediate threat to the safety or life of persons from a specific person. Further, if the person posing the threat could be neutralized without using a less-lethal weapon,

issued by competent authorities and assist in the delineation of the circumstances and limitations within which military forces may be employed to achieve their objectives. ROE appear in a variety of forms in national military doctrines, including execute orders, deployment orders, operational plans, or standing directives. Whatever their form, they provide authorization for and/or limits on, among other things, the use of force, the positioning and posturing of forces, and the employment of certain specific capabilities. In some nations, ROE have the status of guidance to military forces; in other nations, ROE are lawful commands").

⁸⁴⁶ *Naval Operational Order 3*, *supra* note 445, annex G, at 59-61.

⁸⁴⁷ *Id.*

the soldiers were instructed to do so.⁸⁴⁸ The ROE also specified that in case force was required, only less-lethal weapons specifically approved for the mission would be used. In this context, it should be noted that the ROE refer to the operation and safety instruction found in Annex D to the naval command, which further restricted the use of less-lethal weapons to certain ranges and limited which parts of the body could be targeted. For example, shooting at the head or back was prohibited due to the risk of lethal harm.

Use of lethal weapons. The ROE provided that generally, the use of live fire is not permitted. The only case in which lethal weapons was permitted was in self defense - to remove a real and imminent danger to life, when the danger cannot be removed by less harmful means.⁸⁴⁹ Prior to using lethal weapons, the soldiers had to issue verbal warnings or attempt to subdue the person posing the danger by less harmful means. If that was not possible, the next steps were to threaten the use of weapons; shoot warning shots in the air; and fire towards the legs (at the knees or lower). However, the soldiers could use lethal force without following these steps if necessary to remove an immediate threat. The ROE also stated that medical assistance has to be provided to any person wounded by the use of force during the operation. Once the danger was removed, there must be an attempt to apprehend the person posing a risk without the use of firearms. Further, the infliction of harm to uninvolved persons must be avoided and someone who has surrendered or stopped constituting a threat must not be fired upon.

207. While the operation was being conducted in the context of an armed conflict, the ROE provided an authority to use force that reflected the nature of a law enforcement operation, in which the authority to use force is more limited. In fact, the ROE that were issued for the operation appear to be even more limited than what can sometimes be found in an operational or law enforcement context, because they did not overtly contemplate the use of either lethal or less-lethal force to complete the mission or, as in a law enforcement context, to enforce the law. While the ROE did authorize the use of force to prevent the thwarting of bringing the vessels into an Israeli port, they also limited the use of lethal and less-lethal weapons to self-defense and defense of others. Consequently, it appears that the use of such weapons was not authorized directly for the purposes of mission accomplishment, but only within the scope of self-defense. Therefore, notwithstanding the *ex post facto* categorization of the

⁸⁴⁸ *Id.*

⁸⁴⁹ *Id.*; Annex D to the Naval Operational Order 3, *supra* note 445.

IHH activists as civilians taking a direct part in hostilities, the authority to use force provided to the soldiers by the naval command was more restrictive than the law required. Since it is the ROE that set out the authority to use force, the analysis of how those directions were applied provides one framework under which the actions of the soldiers can be assessed.

208. The question to be addressed next is whether the self-defense-based ROE issued to the Israeli forces were consistent with the doctrine followed by other military forces. The International Institute of Humanitarian Law Rule of Engagement Handbook provides a helpful overview of how the law regarding the use of force in self-defense, defense of others, and mission accomplishment is generally interpreted and communicated to military personnel. As the Handbook acknowledges, both international and domestic law recognize the right of self-defense. That right can also include the authority to defend other persons. Self-defense is available in all situations, including during armed conflict.⁸⁵⁰ From a doctrinal perspective, that right is often divided into individual⁸⁵¹, unit⁸⁵² and national self-defense.⁸⁵³ Generally, Rules of Engagement drafted for military forces authorize the use of force to defend oneself against an attack or imminent attack. The use of force in self-defense requires the use of necessary and proportional means and actions. Further, a sequential escalation of force with an "aim to use the least harmful option available in those circumstances" is generally required in order for the use of force to be lawful.⁸⁵⁴ However, whether such an escalation of force is possible is dependent upon the prevailing circumstances at the point that force is used.

209. Another issue is the authority to use force outside the scope of self-defense or defense of others, that is; for mission accomplishment. Such authority clearly exists under international humanitarian law.

850 See *The ROE Handbook*, *supra* note 786, at 3, para. 8.

851 *Id.*, at 83, Annex D (where individual self-defense is defined as "the right of an individual to defend himself or herself (and in some cases other individuals) from hostile act or hostile intent." This is not to be confused with the right of individual states to act in self-defense as is reflected in art. 51 of the UN Charter).

852 *Id.*, at 85, Annex D (*unit self-defence* the right of unit commanders to defend their unit, other units of their nation, and other specified units against hostile act or hostile intent.). However, see also DINSTEN, WAR, AGGRESSION, AND SELF-DEFENCE, *supra* note 344 (where he notes that the United States Rule of Engagement approach of distinguishing between defending elements or personnel of a defined unit ('unit self-defence') from 'national self defense' can be misleading in law of armed conflict terms since all self-defense international law in that context is national self-defense).

853 See *The ROE Handbook*, *supra* note 786, at 3, para. 8a.

854 *Id.*, at 24; Appendix 5 to Annex A, para. 5.1.

However, the use of force beyond self-defense is not unique to armed conflict situations. As has been noted:

Broadly speaking, during peacetime, the use of force is permitted in self-defense, in the exercise of law enforcement authority, and to accomplish operations or missions specifically authorized by a higher national authority or other governing body, such as the U.N. Security Council.⁸⁵⁵

Hence, there is a possibility to authorize the use of force beyond self-defense in the enforcement of the law, although such use is normally narrowly prescribed.⁸⁵⁶

210. The ROE Handbook recognizes that national approaches to self-defense often differ on the definition and content of the right of self-defense, and individuals "exercise this right in accordance with their respective national law."⁸⁵⁷ This connection between national and international law is reflected in a decision from the International Tribunal for the Former Yugoslavia, *Prosecutor v. Dario Kordic*, which held that the principle of self-defense enshrined in the Rome Statute of the International Criminal Court reflects provisions found in most national criminal codes and could be regarded as a rule of customary international law.⁸⁵⁸ The same principles are prevalent in Israeli domestic law governing the use of force in self-defense.⁸⁵⁹

⁸⁵⁵ *Id.*, at 4, para. 13-13b. (which states in respect of law enforcement and UN sanctioned operations, "[w]here the use of force is not justified by self-defence, but is nonetheless necessary for accomplishment of an assigned military mission, reasonable force may be exercised within the constraints of the relevant national and international law"); For a discussion of the authority to use force during MIO, see also Heintschel von Heinegg, *Maritime Interception*, *supra* note 778, at 392-393, para 20.12.

⁸⁵⁶ Note that even during law enforcement operations, the use of force is not strictly limited to self-defense or the defense of others. As the U.N. *Basic Principles*, *supra* note 810, at 2, para. 9 states, firearms can be used "to arrest a person presenting such a danger [threat to life] and resisting their authority, or to prevent his or her escape, and only when less extreme means are insufficient to achieve these objectives." See also the European Convention on Human Rights, at art. 2(2):

Deprivation of life shall not be regarded as inflicted in contravention of this article when it results from the use of force which is no more than absolutely necessary:

(a) in defense of any person from unlawful violence;

(b) in order to effect a lawful arrest or to prevent escape of a person lawfully detained;

(c) in action lawfully taken for the purpose of quelling a riot or insurrection. [emphasis added].

However, the deprivation of life in such circumstances is narrowly prescribed. For example, see *The McCann case*, *supra* note 809; *Nachova and Others v. Bulgaria*, App. No. 43577/98, Eur. Ct. H.R., Judgment (2005); *Mnkaratzis v. Greece*, App. No. 50385/99, Eur. Ct. H.R., Judgment (2004); and *Kokoulli v. Turkey*, App. No. 38595/97, Judgment (2005/2006).

⁸⁵⁷ See *The ROE Handbook*, *supra* note 786, at 3, para. 8.

⁸⁵⁸ See *Prosecutor v. Dario Kordic*, *supra* note 793, at para. 451.

⁸⁵⁹ See e.g., C.A. 4191/05 *Eltgauz v. the State of Israel* (unpublished, Oct. 25, 2006), at para. 13; C.A. 4546/03 *Tadessa v. the State of Israel* (unpublished, Jun. 23, 2004), at para. 4; C.A.

211. The Commission is satisfied that the ROE provided for the operation were consistent with the practice followed by other nations regarding the provision of ROE for international operations. Further, it can be concluded that the ROE for the military operation contain principles similar to the human rights-based norms applicable in a law enforcement context.⁸⁶⁰ Those principles are also reflected in many regional and domestic court cases dealing with the question of self-defense and the use of force by State authorities.⁸⁶¹

General Assessment Regarding the Use of Force during the Enforcement of the Blockade

212. When assessing the use of force by Israeli soldiers during the enforcement of the blockade against the Gaza Strip, there are a number of factual and legal factors which are particularly relevant.⁸⁶² These factors include the resistance that the soldiers faced and the nature of their response to that resistance, as well as the type of weapons used. This analysis will now turn to the nature of the overall situation on board the *Mavi Marmara*. However, it should be noted, that the general principles guiding the analysis are applicable to the use of force on the other flotilla vessels.

The nature of the threat posed to the IDF

The overall situation

213. The soldiers' testimonies demonstrate the fact that the situation they anticipated (one of relatively minor civil disobedience)⁸⁶³ was not

6147/07 *Abisidris v. the State of Israel* (still unpublished, Jul. 2, 2009), at para. 33; C.A. 410/71 *Horowitz v. the State of Israel*, SCJ 26(1) 624, 628-629 (1972); C.A. 8554/00 *Zrabilov v. the State of Israel*, SCJ 57(4) 913, 917-918, at para. 5 (2001); C.A. 20/04 *Kliener v. the State of Israel*, SCJ 58(6) 80, 90-91 (2004).

860 These include the use of only necessary and proportionate force; escalation of the use of force; use of force including less-lethal and lethal weapons as a last resort; and the use of lethal force in self-defense or the defense of others against imminent threat of death or serious injury.

861 See, e.g., *The McCann case*, supra note 809; *Makaritzis v. Greece*, supra note 856; *Huohavonnen v. Finland*, App. No. 57389/00, Eur. Ct. H.R., Judgment (2007); *Giuliani and Gaggio v. Italy*, App. No. 23458/02, Eur. Ct. H.R., Judgment (2009); and *Bubbins v. The United Kingdom*, App. No. 50196/99, Eur. Ct. H.R., Judgment (2005).

862 As is noted in *The McCann case*, supra note 809, at 160, para. 148 (where it is noted limiting the use of force to situations of absolute necessity indicates that "a stricter and more compelling test of necessity must be employed [than] that normally applicable when determining whether State action is 'necessary in a democratic society.'").

863 See, for example, para. 132 above. It should be noted that in the strategic discussions prior to the operation, the possibility that firearms might be present was mentioned,

the one they encountered - more than one soldier described the scene of violent assaults as being one of "combat." Above we described the chronicle of the takeover of the *Mavi Marmara* and the other ships. For the purposes of the analysis here, a few details described above should be reinforced.

The IDF soldiers - particularly those who fast-roped down to the roof of the *Mavi Marmara* from the first helicopter - encountered severe violence. While initially it was estimated that there were 10 to 15 IHH activists on the roof, their numbers doubled as the first soldiers landed there. A determined and organized opposition, which acted in concert, confronted the soldiers. Groups of three to five IHH participants met each soldier as they fast roped to the roof.⁸⁶⁴ There was an organized effort to throw the soldiers of the first helicopter (carrying 15 soldiers) over the side of the roof or down through hatch openings to the IHH activists waiting below. The IHH activists captured three of the first four soldiers who landed on the roof (soldiers no. 1, no. 3 and no. 4) and there were still attempts by IHH activists to seize soldiers as late as when soldier no. 13 landed on the roof.⁸⁶⁵ Even when the IDF soldiers established a secure area in one part of the roof, the IHH activists remained grouped together towards the bow and stern ends of that deck. Groups of IHH activists repeatedly threatened the soldiers through the deck hatches from the next lower deck (for this report, called the "bridge deck"). Such attacks continued from internal stairways and passageways inside the ship once the bridge deck was entered by the soldiers for the purposes of gaining access to the bridge and ultimately control of the ship.

214. All the IDF soldiers who descended to the *Mavi Marmara* from the first helicopter describe the following facts, which must be taken into account in the examination of the incidents of the use of force in which they took part. *First*, IDF soldiers were at a numerical disadvantage in relation to the IHH activists who were equipped with a variety of assault weapons. *Second*, the IDF soldiers expected a low level of violence and thus prepared, as a main scenario, for an unarmed confrontation with the ship's passengers. The soldiers were equipped with less-lethal weapons (e.g. paintball guns, beanbags) as their primary weapons and their live firearms (pistols or rifles) were used as secondary weapons. *Third*, the

nonetheless, from the soldiers testimonies it is evident that this did not transpire down the chain of command to the individual soldiers. For a detailed analysis, see para. 243-245 below.

⁸⁶⁴ Testimony of the commander of Shayetet 13, *Inquiry Expansion of 20.9.2010*, *supra* note 451, at 4; The report's summary, *id.*, at 5.

⁸⁶⁵ Testimonies of soldier no. 1, soldier no. 2, soldier no. 3, soldier no. 4, soldier no. 6, soldier no. 9, soldier no. 10 and soldier no. 13, *id.*

harsh attack which all the soldiers descending from the first helicopter experienced in addition to the two factors mentioned above, caused the soldiers to sense that a real, clear, and immediate threat was being posed to the safety and physical well being of their fellow soldiers and themselves.

215. In addition, the testimonies of the IDF soldiers indicate that there were common features to the way the IHH activists dressed, looked, and acted. They were equipped with orange life vests, body armor, and gas masks.⁸⁶⁶ However, perhaps the most distinctive characteristic of each IHH activists was that they were armed with weapons such as an iron bars, clubs, axes, slingshots, knives and, in some cases, firearms. In their testimonies, the IDF soldiers expressed surprise at these persons' willingness to continue to attack even when confronted with the use of flash bang grenades and firearms.⁸⁶⁷

216. However, the fact that most of the passengers on the upper decks of the *Mavi Marmara* appeared to be part of the IHH-directed group resisting the capture of the ship does not mean every person on those decks (or those who may have resisted more passively on the other ships) were automatically direct participants in hostilities. For example, during the fighting it was noted by one soldier that on one of the lower decks towards the center and stern of the ship there were many photographers with cameras.⁸⁶⁸ In this regard, there is a continuing requirement under international humanitarian law to apply the principle of distinction in order to ensure that attacks are only directed at civilians taking a direct part in hostilities. This means that every soldier had to differentiate between those persons who were direct participants in hostilities and those who were not.

Use of weapons by the IHH

217. The use of weapons is an important criterion in determining whether a person is taking a direct part in hostilities. It is also relevant to the issue of self-defense, since a fundamental principle of self-defense is that any use of force must be proportionate to the threat that is presented. Where law enforcement norms are applied, factors such as the level of violence caused by the individual, the injuries that the individual has inflicted on state agents, and the amount of force needed to subdue him have been considered in the assessment of whether the use of force

⁸⁶⁶ See para. 166 above.

⁸⁶⁷ Testimony of soldier no. 28, *IDF complementary response of 7.11.2010*, *supra* note 486, at 2.

⁸⁶⁸ Testimony of soldier no. 31, *Id.*, at 2.

was proportionate.⁸⁶⁹ The use of "proportionate force" does not require that a proportionate response be of the same nature as the threat that is presented. For example, a person threatening the application of lethal force with an iron bar does not have to be countered with a club. Rather, the use of defensive force will be measured by the degree of force needed to effectively defend oneself or others and the means available to do so.

218. The right to use deadly force in self-defense is not limited to situations where a life is threatened; rather, the right is also applicable when serious injury can result. It is evident from the materials before the Commission that the IHH activists armed themselves with a wide array of "cold" weapons that were used in a manner which could cause death or serious bodily injury.⁸⁷⁰

The fact that the IHH activists were predominately armed with these weapons rather than firearms does not alter the fact that these weapons were "lethal". One soldier suffered a serious wound when stabbed in the stomach.⁸⁷¹ Another soldier avoided receiving a knife wound in his chest because the weapon struck the ceramic plate of his body armour.⁸⁷² The iron bars and other blunt force weapons caused significant head injuries to two other soldiers.⁸⁷³ The injuries inflicted on the soldiers while they were on the ropes or as they let go of the ropes included broken or injured arms and hands,⁸⁷⁴ as the soldiers used their arms to protect themselves.

869 *Bekirski v. Bulgaria*, App. No. 71420/01, Eur. Ct. H.R. (2010), at para. 135; See also C.A. 6157/04-03 *Hoch v. the State of Israel* (unpublished, Sep. 9, 2005), at para. 14g.

870 See paras. 165, 167 above.

871 Testimony of soldier no. 3, *Inquiry Expansion of 20.9.2010*, *supra* note 451, at 3. For the details of the injuries caused to soldier no. 3, see the medical reports received from Rambam Hospital and detailed in *IDF complementary response of 15.11.2010*. Among the injuries detailed: stab wound in the abdomen, facial bruise and gash in left hand, a fractured nose and torn tendon in the finger.

872 Testimony of soldier no. 5, *Id.*, at 3.

873 Testimony of soldier no. 4, *Id.*, at 2-3. For the details of the injuries caused to soldier no. 4, see the medical reports received from Tel Hashomer Hospital and detailed in *IDF complementary response of 15.11.2010*. Among the injuries and treatment detailed: compressed fracture to the skull, hematoma in right eye, seizures; the soldier was sedated and attached to respirator and received surgery to treat skull fracture. Testimony of soldier no. 1, *Id.*, at 2. For the details of the injuries caused to no. soldier 1, see the medical reports received from Rambam Hospital and detailed in the IDF's response to the Commission's request on this matter, *IDF complementary response to the Commission's Questions of 15.11.2010*, marked as exhibit 145 in the Commission's exhibits [hereinafter *IDF complementary response of 15.11.2010*]. Among the injuries detailed: a deep cut to the scalp, light internal bleeding in skull, fractured skull, injuries to the palm of his left hand (an X-ray showed that the injury was sustained in the same place as a previous fracture and therefore, his hand was put in a cast), and more.

874 Testimony of soldier no. 7, *Id.*; Testimony of soldier no. 8, *Id.*; Testimony of soldier no. 11, *IDF Completion Response of 7.11.2010*, *supra* note 486.

The soldiers were indeed protected by helmets and ceramic vests and some of them report to have been protected from grave injuries because of this equipment.⁸⁷⁵ One soldier stated that his helmet had been shattered by the strikes he received during the incident (it should be noted that while all of the soldiers were equipped with helmets, which were not only strapped but fixed to their heads, some of these helmets shifted position on their heads during the fast-roping).⁸⁷⁶ Further, the wide spread use of slingshots to fire iron balls, bolts, and glass marbles represented another form of force capable of causing serious bodily injury.⁸⁷⁷ The attempts by the IHH activists to prevent the Israeli soldiers from boarding the *Mavi Marmara* from the *Morena* speedboats by cutting loose the climbing ladders represented another risk that might have caused death or serious injury.⁸⁷⁸ These soldiers, who were attempting to board the *Mavi Marmara* from a smaller boat while both vessels were under way, were placed at grave risk by these actions of the IHH activists. Moreover, on two occasions when the Israeli vessels were positioning to board, two other Gaza flotilla vessels, the *Challenger 1* and *Boat 8000* maneuvered in such a way as to potentially collide with Israeli naval vessels. It required quick action by the personnel on the Israeli vessels to avoid collision.⁸⁷⁹

From the above, it is clear that the Israeli soldiers - on board the *Mavi Marmara* and on the *Morena* speedboats - were confronted with a large group of IHH activists who were armed with weapons capable of causing death and who were intent on causing death or serious bodily injury.

Use of Firearms by the IHH

219. Another issue to be addressed is whether IHH activists used firearms during the incident. Focusing on the issue of whether the IHH used firearms is misleading, since as mentioned, there is ample evidence that IHH activists used other lethal weapons in their assaults on the Israeli soldiers, which justifies the use of lethal force by those soldiers in self-defense or the defense of others. Therefore, the use of firearms is

⁸⁷⁵ Testimonies of soldiers no. 3, *Inquiry Expansion of 20.9.2010, supra* note 451; and testimony of soldier no. 5, *Id.*

⁸⁷⁶ Testimony of soldier no. 5, *Id.*

⁸⁷⁷ Testimonies of soldier no. 11, soldier no. 20, soldier no. 24, soldier no. 25, soldier no. 26, soldier no. 27 and soldier no. 38, *IDF Completion Response of 7.11.2010, supra* note 486, indicate they were targeted with slingshots.

⁸⁷⁸ Testimony of Task Force Commander, *Inquiry Expansion of 20.9.2010, supra* note 451, at 2-3.

⁸⁷⁹ The Israeli vessels were RHIB No' 2, threatened by the CHALLENGER 1 (See Testimony of Task Force Commander, at 1, *Id.*); and A Commanding Vessel, 'Zaharon', threatened by the Boat 8000 (See Testimony of soldier no. 19, at 1, *Id.*; See testimony of Commander of Missile Boat A, *Id.*, at 2)

not determinative of whether Israeli forces were justified in using lethal force in self-defense. However, the use of firearms by IHH activists is an important factor for two reasons. First, the use of firearms is important because it relates to the tactical situation which the Israeli forces confronted. The possible use of firearms significantly heightened the risk posed to the soldiers and their perception of that risk. Second, establishing the level of threat that the Israeli soldiers believed they were facing, is a factor in the assessment as to whether their response was proportionate.

220. The statements of the soldiers include a number of reports about the use of firearms. One of the salient issues is whether the IHH activists themselves brought firearms on board the *Mavi Marmara*. Apparently, there was security screening for passengers boarding the ships prior to departure. Such screening presumably was meant to ensure, *inter alia*, that weapons could not have been brought on board. However, 40 activists; the persons who have been deemed as the 'hard-core IHH group,' boarded in Istanbul without such a screening. Given this fact, and the fact that the evidence points towards the fact that the IHH had a preexisting plan to violently oppose the Israeli boarding, the Commission is not convinced that the pre-boarding security measures ensured that there were no weapons brought on board the *Mavi Marmara* by the IHH activists.

221. However, the Commission did not find that the evidence point conclusively to the fact that the IHH activists were using firearms which they brought on board the *Mavi Marmara* themselves. The IDF's position that the IHH activists brought the firearm on board is primarily based on three incidents: the timing of the shooting of soldier no. 2; the discovery of a non-IDF issued bullet in the knee of soldier no. 5; and the sighting of a non-IDF issued pistol on the roof of the *Mavi Marmara*. As will become evident, this is not sufficient.

Soldier no. 2 was shot in the stomach. The round that hit soldier no. 2 went through his body and was never recovered. As a result, no ballistics test could be performed to determine whether or not it came from an IDF weapon. However, it has been suggested in testimony and in a written submission to the Commission that soldier no. 2 was shot before there was an opportunity for Israeli military personnel to unholster their weapons.⁸⁸⁰ Apparently this conclusion was reached based on an assessment by the Israeli military that soldier no. 2 was shot within the first 20 seconds of landing on the deck of the *Mavi Marmara*.⁸⁸¹ However,

880 Chief of Staff's Open Door Testimony of 11.8.2010, *supra* note 70, at 26; See also Testimony of Commander Shayetet 13, *Inquiry Expansion of 20.9.2010*, *supra* note 451, at 9.

881 *Id.*

Soldier no. 2 did not indicate in his testimony that the shooting occurred within the first 20 seconds of landing on the deck of the *Mavi Marmara*. He states that immediately after he noticed that he was shot in the stomach, he drew his handgun, which deterred a number of IHH activists who were threatening him, and he then fired from a range of 5-6 meters at a person with a handgun at the back of the left wall. It is not clear from the testimony whether this pistol was used to shoot soldier no. 2. The statement of soldier no. 2 indicates that he fired simultaneously with soldiers no. 13 and no. 14 at the person holding the pistol.⁸⁸² Soldier no. 17 on helicopter no. 2 states that, from the vantage point of the helicopter, he saw an IHH participant holding what he believed to be a 9mm pistol.⁸⁸³ Soldier no. 14 immediately went to the body of the IHH participant and retrieved a Glock pistol. In response to the Commission's inquiry, Soldier no. 14 stated that he believed this pistol to be an Israeli-issued weapon. From this fact, it seems that the IDF's estimate that the shooting happened some 20 seconds after the fast-roping from the first helicopter began, could be mistaken. In order for soldier no. 13 and no. 14 to be involved in this shooting, it would likely have had to occur approximately 1-2 minutes after soldier no. 2 landed on the deck. Soldier no. 12 stated that when he first encountered soldier no. 2, that soldier initially thought a less-lethal weapon from the Israeli forces might have hit him. Shortly after, soldier no. 2 informed soldier no. 12 that he had realized he had in fact been hit by a bullet.⁸⁸⁴ It should be noted, that at this stage, three other IDF soldiers who were abducted by the IHH activist, had already fast-roped to the roof of the *Mavi Marmara*. It seems that two of them, were already overpowered and stripped of their equipment and weapons, including Glock pistols, at this point.⁸⁸⁵ It is probable that it is one of these weapons which the IHH participant had in his possession. Thus, the Commission finds it hard to establish based solely on this event that the said weapon was necessarily a weapon brought on board the *Mavi Marmara* by an IHH activist.

Soldier no. 5 received a gun shot wound in the knee. He believes that he was shot when there were only five soldiers on the deck. In this case, the bullet remained in his knee. After the bullet was recovered from his knee, it was determined that it was not of a type presently in use by the Israeli military. However, in the Chief of Staff's general testimony, the

882 Testimony of soldier no. 2, *Id.*; Testimony of soldier no. 13, *Id.*; and Testimony of soldier no. 14, *Id.*

883 Testimony of soldier no. 17, *Id.*, at 1; Supplementary Testimony of soldier No. 17, *IDF Completion Response of 7.11.2010*, *supra* note 486.

884 Testimony of soldier no. 12, *Inquiry Expansion of 20.9.2010*, *supra* note 451, at 3.

885 Testimony of soldier no. 13, *Id.*, at 3; Testimony of soldier no. 14, *Id.*, at 1.

Commission was informed that the bullet was 9 mm in caliber and had previously been in use by the IDF until 2007.⁸⁸⁶ Again, without ballistics tests it is not possible to confirm which weapon fired the bullet.

There were other incidents in which IDF soldiers reported seeing IHH participants use weapons or where they observed the effects of gunfire. For example, soldier no. 33 fired at the legs of an IHH participant who was firing a revolver at the soldiers.⁸⁸⁷ What was described in military terminology as "long guns" or rifles, were also seen on the bridge deck level. Soldier no. 9 stated that he fired at an IHH participant when he saw a gun barrel, whose length and caliber corresponded with a rifle, protruding from an opening of the floor.⁸⁸⁸ Another soldier stated that he saw a "long firearm" being thrown over the side of the ship.⁸⁸⁹ Another soldier stated that he saw both a "long gun" and a pistol being fired by IHH participants, albeit the latter sighting was made from a distance of 40 to 50 meters.⁸⁹⁰ Those weapons were never located. There are also statements from Israeli military personnel on board the Morena speedboats and accompanying naval vessels stating that gunfire was directed at the Morena speedboats.⁸⁹¹ At one point, a Morena speedboat reduced its speed and quickly altered its course in order to avoid such fire.⁸⁹²

One soldier believed he saw a handgun lying on the deck with a "hammer" that bore no resemblance to the 9mm Glock handgun used by the Israeli soldiers. However, this weapon was not found after the incident.⁸⁹³ Furthermore, most of the testimonies do not specify whether the weapons they reported seeing were weapons used by the IDF. It is important to note that during the initial stages of the fighting, two mini-Uzi weapons were taken from captured Israeli soldiers.⁸⁹⁴ An IDF pistol with an empty magazine was also found hidden under a sofa located on one of the lower decks. Under these circumstances, the Commission cannot establish whether IHH activists brought firearms on board the *Mavi Marmara*.

886 *Chief of Staff's Open Door Testimony of 11.8.2010, supra note 70.*

887 *Testimony of soldier no. 33, IDF Completion Response of 7.11.2010, supra note 486, at 2.*

888 *Supplementary Testimony of soldier no. 9, Id.*

889 *Testimony of soldier no. 33, Id., at 3.*

890 *Testimony of soldier no. 32, Id., at 2.*

891 *Testimony of soldier no. 19, Inquiry Expansion of 20.9.2010, supra note 451; Testimony of Team Commander R, Id.; See also Supplementary testimony of Commander of Center A, IDF Completion Response of 7.11.2010, supra note 486, at 2.*

892 *Testimony of soldier no. 19, Inquiry Expansion of 20.9.2010, supra note 451, at 2.*

893 *Testimony of soldier no. 6, Id., at 7.*

894 *Testimony of soldier no. 1, Id., at 2; Testimony of soldier no. 3, Id., at 2.*

222. However, and having reviewed the available evidence, the Commission finds that members of the IHH activists used firearms against Israeli forces on May 31, 2010, in their efforts to repel the boarding of the *Mavi Marmara* by Israeli military personnel. In reaching this conclusion, the Commission has taken into consideration that the melee on board the *Mavi Marmara*, especially during the initial stages on the roof, was a situation of considerable confusion. The use of slingshots with metal and glass balls added to that confusion because some soldiers believed they represented pistols and gunfire,⁸⁹⁵ although other soldiers stated that they differentiated between the sound of gunfire and marbles fired by slingshots.⁸⁹⁶ In addition, iron bars were sometimes mistaken for the barrels of rifles.⁸⁹⁷ For a considerable period of time, the soldiers thought soldier no. 5 had been shot in the head, when his head injuries actually resulted from physical assaults.⁸⁹⁸ Such confusion is a normal part of conflict; often termed the "fog of war." However, the physical evidence of gunshot wounds; the statements of numerous soldiers operationally experienced in the use of firearms who gave accounts of seeing weapons in the hands of IHH activists; and the fact that IHH activists had access to captured IDF handguns and mini-Uzis, supports the conclusion that the IHH used firearms against Israeli military personnel.

223. Following the conclusion that the IHH activists did indeed use firearms, there are two factors that should be taken into account when assessing the use of force by the IDF soldiers. The use of firearms by the IHH impacted the soldiers in two ways. First, while the operation had planned for less-lethal weapons to be carried as the primary weapon, with lethal weapons remaining holstered, the initial fighting on the roof resulted in an order to switch to "live" weapons. This order appears to be reasonable given the nature of the violence experienced by the soldiers; the continuing threat that the soldiers faced; and the fact that a number of soldiers were seriously wounded. Although this meant that often the most readily available weapon to them was a lethal weapon, it did not mean that the use of less-lethal weapons was abandoned. Some of the IDF soldiers continued to use less-lethal weapons, either by switching between lethal and less-lethal weapons or as their primary weapon.⁸⁹⁹

⁸⁹⁵ For example, see Testimony of soldier no. 13, *id.*, at 4.

⁸⁹⁶ See Supplementary Testimony of soldier no. 9, *IDF Completion Response of 7.11.2010*, *supra* note 486; See also Testimony of soldier no. 33, *id.*

⁸⁹⁷ Testimony of soldier no. 34, *id.*, at 2.

⁸⁹⁸ Testimony of soldier no. 14, *Inquiry Expansion of 20.9.2010*, *supra* note 451, at 2; The medic treating soldier no. 5 who due to the severity of his head injury thought he had been shot in the head in addition to having fractures in the limbs and a bullet in the knee.

⁸⁹⁹ Testimony of Commander Shayetet 13, *Inquiry Expansion of 20.9.2010*, *supra* note 451, at

Secondly, the use of firearms also impacted on the soldiers' view of the nature and imminence of the threat. Assaults with iron bars and knives require a close proximity between the assailant and the person being assaulted (although there is also considerable evidence that in some cases IHH activists threw iron bars and other objects at the soldiers as well). Generally, however, the use of such weapons means that the assailant has to expose himself physically to the person being threatened. In such circumstances, when identifying such a weapon from a distance, there is often a greater opportunity to use less-lethal weapons in response. However, the use of firearms does not require that same degree of physical exposure or close proximity by the assailant. When it became clear to the soldiers that the IHH activists were using firearms, the soldiers were particularly cognizant of the heightened risk and the different nature of the threat. As a general rule, whenever an individual is carrying a firearm, there is a heightened risk to the lives of state agents and others. Thus, even if the firearm is not directly aimed at anyone, the use of lethal force in response can under certain circumstances be considered to be necessary and proportionate.⁹⁰⁰

The Nature of the Response by the IDF

Legal Test for Assessing Decision Making

224. A number of factors should be taken into consideration when assessing the lawfulness of the use of force by individual soldiers.⁹⁰¹ The test for assessing a decision by a soldier to target a military objective is whether it is reasonable to believe that the potential target is a lawful one.⁹⁰²

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⁹⁰⁰ *Huohavainen v. Finland*, *supra* note 861, at para. 97.

⁹⁰¹ See *Giuliani and Gaggio v. Italy*, *supra* note 861, at paras. 217-225 (where the European Court of Human Rights took into account the findings of an investigating judge which was based on "the testimonies and images showing the violence of the demonstrators' attack, the constant barrage of stones to which the vehicle was subjected and which caused physical harm to its occupants, and the aggression shown towards the passengers by the demonstrators, who had continued to surround the vehicle at very close quarters while thrusting hard objects inside. This situation of persistent danger undeniably amounted, in the judge's view, to a real and unjust threat to the personal integrity of [the policeman] and his colleagues and called for a defensive reaction that had been bound to culminate in [policeman] using the only means at his disposal: his weapon." However, the Court has also emphasized that public disturbances does not give law-enforcement officials *carte blanche* to use firearms. On the contrary, there is a heightened responsibility to organize the actions of the police carefully with a view to minimizing a risk of deprivation of life or bodily harm"); See also Haled Ganaim, Doron Menashe & Mordechai Kremizer, *The Boundaries of Exercising Fatal Force when Arresting*, 25 *LEGAL STUDIES* 703, 730-731 (2009).

⁹⁰² *Prosecutor v. Galic*, Case No. IT-98-29-T, Judgment, paras. 50, 51, 55 (Dec. 5, 2003); See also Michael N. Schmitt, *Fault Lines in the Law of Attack*, in *TESTING THE BOUNDARIES OF*

In a law enforcement context, the reasonableness of the use of force when depriving someone of his or her life is generally decided on the basis of the facts "which the user of the force honestly believed to exist: this involves the subjective test as to what the user believed and an objective test as to whether he had reasonable grounds for that belief."⁹⁰³ Thus, both international humanitarian law and human rights law recognize the test of "reasonable belief" with respect to decisions to use force.⁹⁰⁴ A test of reasonable belief does not require perfection. A person using force can have an honest but mistaken belief regarding the basis upon which the force is used.⁹⁰⁵ In a law enforcement context, once reasonable belief is established, "it must then be determined whether it was reasonable to use the force in question in the prevention of crime or to effect an arrest."⁹⁰⁶

225. Generally, the law also recognizes that decisions often have to be made under duress and in a compressed time period. As the United States Supreme Court famously stated, "Detached reflection cannot be demanded in the presence of an upturned knife."⁹⁰⁷ Further, it has been noted, "Police officers are often forced to make split-second judgments - in circumstances that are tense, uncertain, and rapidly evolving - about the amount of force that is necessary in a particular situation."⁹⁰⁸ Finally, as the European Court of Human Rights has indicated, a court making an *ex post facto* examination cannot, "detached from the events at issue, substitute its own assessment of the situation for that of an officer who was required to react in the heat of the moment to avert an honestly perceived danger to his life."⁹⁰⁹ This principle is also recognized under the Israeli law of self-defense.⁹¹⁰

The difficulties of assessing in hindsight the appropriate response to lethal force should be kept in mind when reviewing the actions taken by Israeli soldiers on the *Mavi Marmara*. The confined and crowded spaces on the ship and the repeated attempts by IHH activists to press home lethal attacks with iron bars, knives, chairs, etc, often left the Israeli soldiers with little time to contemplate the use of less-lethal means. That

INTERNATIONAL HUMANITARIAN LAW 277, 304 (Susan Breau & Agnieszka Jachec-Neale, eds. 2006).

903 *The McCann case*, *supra* note 809, at para. 134.

904 *Prosecutor v. Galic*, *supra* note 902; *The McCann case*, *supra* note 809, at para. 200.

905 *The McCann case*, *supra* note 809, at para. 200; *Huohavanen v. Finland*, *supra* note 861, at para. 96; See also *Giuliani and Gaggio v. Italy*, *supra* note 861, at para. 224.

906 *The McCann case*, *supra* note 809, at para. 134.

907 See U.S. Supreme Court, *Brown v. United States* 256 U.S. 335, 343 (1921).

908 See U.S. Supreme Court, *Graham v. Connor* 490 U.S. 386, 397 (1989).

909 See also *Giuliani and Gaggio v. Italy*, *supra* note 861, at para. 224; and *Bubbins v. The United Kingdom*, at para. 139, *Id.*

910 *Eltgouz v. the State of Israel*, *supra* note 859.

being said, as a review of the evidence establishes, the soldiers made use of less-lethal means even in the context of the crowded conditions on the deck.

The Use of Lethal and Less-Lethal Weapons

226. A proportionate response envisages a graduated use of force with an emphasis on considering the use of less-lethal weapons prior to the use of lethal ones. Such a graduated response, however, is not required under international humanitarian law. While the term "non-lethal" is often used doctrinally, the IDF prefers the term "less-lethal" weapons. This choice reflects the reality that any weapon has the potential for lethal consequences.

The NATO definition for non-lethal weapons highlights that what separates "lethal" from "less-lethal" weapons is the intended effect of incapacitation combined with a low probability of death or injury:

Non-Lethal Weapons are weapons which are explicitly designed and developed to incapacitate or repel personnel, with a low probability of fatality or permanent injury, or to disable equipment, with minimal undesired damage or impact on the environment.⁹¹¹

This definition is similar to the Israeli definition of less-lethal weapons found in the ROE for the operation, which stated: "An instrument which, by its purpose, can cause a temporary function-disability, and which its probability to cause death or lethal injury, when used in its proper way, is low."⁹¹²

It should be noted that a weapon designed to be less-lethal may nevertheless cause death or injury, such as a beanbag round used at close range. Obviously, the fact that a weapon is labeled as "less-lethal" does not mean it cannot be used *in extremis* in self-defense. Therefore, even if the ROE put safety restrictions on its use, that does not mean it could not be used outside these restrictions under threat of serious injury or death, as long as it would meet the requirement of legally permissible use of proportionate force.

227. The less-lethal weapons used during the operation included both impact weapons (paintball guns and beanbag rounds) and conducted-energy weapons (in this case, Tasers). The use of paintball guns was a choice that reflected the fact that a very low level of resistance was anticipated. In

911 See North Atlantic Treaty Organization (NATO), *NATO Policy on Non-Lethal Weapons*, Press Release, para. 3 (Oct. 13, 1999) available at www.nato.int/docu/pr/1999/p991013e.htm.

912 *Naval Operational Order 3*, *supra* note 445, annex G, at 61.

this context, it should be noted that the color of the paintballs chosen for the operation was red. Retrospectively, it turned out that this choice was used by various advocates to claim that the red marker in the paintball rounds was blood on the decks and outer hull of the *Mavi Marmara*. These advocates used this as evidence that the IDF soldiers used excessive force, when, in fact, just the opposite was the case.⁹¹³ "Flash bang" grenades were used as a warning device. These grenades, which create both a loud noise and bright light, have limited potential for injury even if ignited next to a person. Indeed, at one point one of the Israeli soldiers ignited such a grenade against his body while he was lying on the deck in a successful effort to cause the group of IHH activists who were assaulting him to step back.⁹¹⁴

In this context it should be mentioned that the use of other less-lethal weapons was considered. Due to the close quarters of the vessel, it was decided not to use certain ammunitions, such as "baton" rounds⁹¹⁵ and the use of CS gas (i.e. teargas or maloderant) was found inappropriate to the nature of the operation (due to the conditions at sea and the presence of a strong downdraft from the helicopters, which did not allow for their effective use).⁹¹⁶

All less-lethal weapons used by the Israeli forces underwent legal and medical review prior to being authorized for use, and the soldiers received extensive training on them prior to deployment (see para. 120, footnote 441). A number of the less-lethal weapons were specifically approved and issued for this operation, and the naval forces - which in the ordinary course of events would not use such weapons - received specialized training on their use.⁹¹⁷ Overall, the Commander of the Shayetet 13 assessed that the paintball guns and other less-lethal weapons prevented harsher results and were effective when limited force was required.⁹¹⁸ The commander of center B, commanding the force taking

913 See YouTube: *Israeli Paintball Attack on the Mavi Marmara*, www.youtube.com/watch?v=cO4Hrkx7iw (2010).

914 Testimony of Soldier no. 6, *Inquiry Expansion of 20.9.2010*, *supra* note 451, at 3.

915 *Chief of Staff's Open Door Testimony of 24.10.2010*, *supra* note 554, at 14-15.

916 *The Eiland Report*, *supra* note 402, at 92-93, 155-157; See also *Additional Protocol I*, *supra* note 292, art. 36, which provides for the legal review of weapons, means or methods of warfare "to determine whether its employment would, in some or all circumstances, be prohibited by this Protocol or by any other rule of international law applicable to the High Contracting Party". Such a review often relies on medical evidence regarding the potential or actual effect of such weapons.

917 *The Eiland Report*, *supra* note 402, at 92-93.

918 Testimony of Commander Shayetet 13, *Inquiry Expansion of 20.9.2010*, *supra* note 451, at 8-10.

over *Boat 8000* and *Gazze*, expressed a similar opinion.⁹¹⁹ However, the statements of the Israeli soldiers on board the *Mavi Marmara* indicate that these weapons were not always effective in stopping IHH activists who were intent on harming them.⁹²⁰

228. The term “lethal” weapon, which is defined in the Oxford Dictionary as “sufficient to cause death”, is associated with the more traditional weapons carried by the Israeli soldiers: the Glock 9mm handgun, the 9 mm mini-Uzi and M-16 assault rifles. The weapons carried by the helicopter borne force were holstered, either attached to the equipment vests or to the legs of the soldiers (in the case of the 9mm handgun) or strapped to their backs (for the mini-Uzi and M-16s).⁹²¹ The mini-Uzi, which is capable of automatic fire, was only used in the single shot mode throughout the operation.⁹²² These weapons appeared to cause the majority of the deaths and serious injuries to the IHH activists.⁹²³

Estimating the number of shots fired that actually hit their target is very difficult. From the military debriefings, it appears that, during the course of the operation on the *Mavi Marmara*, the Israeli forces discharged 308 rounds (from the soldiers’ testimonies, it appears that 110 rounds were shot aimed at persons; an estimated 39 hits were identified by the soldiers; out of which an estimated 16 participants were injured by shots to the center of mass), 87 bean bags, and 264 paint ball rounds.⁹²⁴ The number of rounds fired does not in and of itself imply that the use of force was excessive. From the soldiers’ testimonies, it appears that a significant number of rounds were not fired directly at IHH activists. The IDF applied a graduated use of force, including the use of warning shots and deterring fire.⁹²⁵ When appropriate to limit the chance of causing death or serious injury, the Israeli military’s graduated use of force also provides

919 Testimony of Commander of Center B, *Id.*, at 3-4.

920 Testimony of soldier no. 11, *IDF Completion Response of 7.11.2010*, *supra* note 486; Testimony of soldier no. 22, *Id.*; and Testimony of soldier no. 24, *Id.*

921 Testimony of soldier no. 5, *Inquiry Expansion of 20.9.2010*, *supra* note 451, at 2-4; See also *The Eiland Report*, *supra* note 402, at 108-109.

922 *The Eiland Report*, *supra* note 402, at 104, 107.

923 *Id.*, at 107-108.

924 *Id.*, at 109; See also testimony of Commander Shayetet 13, *Inquiry Expansion of 20.9.2010*, *supra* note 451, at 8, according to him it has been estimated that 70 of the rounds were directed to the bodies of IHH personnel, and about 50 to their legs and the rest of them for warning only.

925 *The Eiland Report*, *supra* note 402, at 117; Although the definitions are not precise, it seems that the distinction between warning shots and deterring fire is primarily determined on the basis of where the round is aimed. Warning shots are directed away from the targeted person, while deterring fire is aimed at a safe location but close to an individual in order to provide a more direct warning. For example, during the operation, deterring fire was directed at the sides and deck of the ship.

for firing at the legs and feet of a person. This use of force appears to have resulted in the wounding of a number of the IHH activists. In determining whether such disabling fire is excessive, it must be weighed against the alternative of shooting at the center of visible mass of the target, with increased likelihood of death or serious injury.

229. The evidence shows that the IDF soldiers made considerable use of graduated force during the operation, with soldiers switching repeatedly between less-lethal and lethal weapons, depending upon the threat being posed.

Firing from Helicopters

230. The Commission has reached the conclusion that the Israeli army did not fire any rounds from the helicopter. The only force that was used on the helicopters were 3-4 "flash bang" grenades that were deployed from the first helicopter in the initial stages of the fast roping to attempt to stop IHH activists from interfering with the ropes. The accurate use of firearms from a helicopter requires both specific equipment and specially trained personnel, with which the helicopters were not equipped.⁹²⁶

A high angle of the trajectory of wounds in some deceased IHH activists could have been the result of a number of factors. First, some firing took place under circumstances where IHH activists were on top of or bent over one Israeli soldier who was lying on the deck while they were assaulting him.⁹²⁷ Secondly, firing also took place from the roof down towards the IHH activists who were threatening the IDF soldiers on a lower deck.⁹²⁸ Finally, in some instances, numerous rounds were fired either by one soldier or by more than one soldier to stop an IHH activist who was a threat to the lives of themselves or other soldiers.⁹²⁹ It

⁹²⁶ See testimony of Commander of Sheyetet 13, *Inquiry Expansion of 20.9.2010*, *supra* note 451, at 9-10; Testimony of the pilot of Helicopter 1, *Id.*, at 2; Testimony of the pilot of Helicopter 2, *Id.*, at 1-2; Testimony of the pilot of Helicopter 3, *Id.*, at 1-2.

⁹²⁷ For example, see the testimony of soldier no. 1, *Inquiry Expansion of 20.9.2010*, *supra* note 451, at 2; Testimony of soldier no. 2, *Id.*, at 2; Testimony of soldier no. 3, *Id.*, at 2.

⁹²⁸ For example, as set out in the testimony of soldier no. 12, *Id.*, at 4.

⁹²⁹ For example, see the testimony of soldier no. 2, *Id.*, at 2, indicates he fired 2-3 rounds to the center of mass and below and one round to the head (the soldier testified that after firing the last round the IHH person fell and he ceased fire); See also the testimony of soldier no. 7, *Id.*, at 2, who states he fired 5-6 rounds at a person running at him with a club.

For example, in firing at an IHH participant with a pistol in his hand, soldier no. 13, *Id.*, at 2, estimates that he, soldier no. 2 and soldier no. 14 fired 15 rounds at that person; Similarly, soldiers no. 8, *Id.*, at 2, states that he and no. 12 fired at the same group of IHH participants threatening them with the weapons they had in their hands at the time (with Glock pistols).

cannot be discounted that some rounds impacted when the person had already started to fall.

Use of Tasers and other Less-Lethal Weapons to Effect Detention

231. Inherent in the authority to use force under international humanitarian law is the power to detain someone who poses a threat to the safety of military personnel or who is interfering with the conduct of a mission. Similarly, law enforcement norms provide for the use of force to "arrest" a person presenting a danger of death or serious injury or resisting their authority.⁹³⁰ This question is particularly relevant to the use of force with less-lethal weapons against those persons who are assessed not to have taken a direct part in hostilities and to whom the principles of "necessity" and use of "proportionate force" apply as a matter of law.

In a domestic law enforcement context, the question of when less-lethal weapons such as conducted energy weapons can be used to carry out a detention, has been considered in a domestic law enforcement context, as such weapons are used by law enforcement officials as part of a use of force continuum against various levels of resistance (these levels can be generally categorized as cooperative, passive resistance, active or defensive resistance, assaultive, and grievous bodily harm or death).⁹³¹ A particular focus has been on the use of Tasers as a method of "pain compliance" against persons who are passively or defensively resisting arrest.⁹³² It has been variously suggested that such weapons should be restricted to situations where a person poses an immediate threat of death or serious injury and no lesser options are available⁹³³; the person is causing bodily harm or poses a threat of imminent bodily harm⁹³⁴; or at levels above passive resistance and consider banning their use against defensive resistance.⁹³⁵ However, it cannot be stated that there is a broad

930 See *U.N. Basic Principles*, *supra* note 810, at para. 9 (e.g. firearms can be used against someone who is presenting a danger of an imminent threat of death or serious injury and resisting the authority of law enforcement officials).

931 See *Braidwood Commission on Conducted Energy Weapon Use, Phase I Report* 97 (Jun. 18, 2009) (referring to the Canadian National Use of Force Framework); See also David A. Harris, *Taser Use: Report of the Use of Force Working Group of Allegheny County*, Legal Studies Research Paper Series, Working Paper No. 2008-32.7 (2009) (for a similar use of force continuum applied in the American context).

932 See Harris, *Taser Use*, *supra* note 931, at 7 (Passive resistance is generally involves not cooperating with commands and taking action such as lying down so that they can be carried away; The author would extend to tensing and bracing. Defensive resistance is described as "twisting, pulling, holding onto fixed objects or fleeing").

933 *Less Than Lethal?: The Use of Stun Weapons in US Law Enforcement*, AMNESTY INTERNATIONAL 58 (2008).

934 See *Braidwood Commission*, *supra* note 931, Executive Summary, Part B, at para.2.

935 See Harris, *Taser Use*, *supra* note 931, at 6.

consensus that the use of Tasers even in the situation of passive resistance is unlawful.⁹³⁶

As a result, the Commission concludes that the Israeli forces' use of Tasers to carry out the detention of civilians is not unlawful under international law, although it is the subject of considerable controversy, particularly when such force is used against persons passively and defensively resisting state officials. A similar conclusion can also be reached with respect to other less-lethal weapons, such as paintball guns.

Analysis of the Use of Force by IDF Soldiers during the Takeover Operations on May 31, 2010

232. As stated above in the general assessment of the use of force, the material before the Commission indicates that lethal force including firearms was used by IHH activists against the IDF soldiers attempting to stop the *Mavi Marmara* from breaching the blockade. In response, the IDF soldiers used force, ranging from the use of flash bang grenades to live fire. There was less resistance encountered on the other vessels and, correspondingly, less force was employed by the IDF soldiers.

233. The Commission has examined each instance of the use of force reported by the IDF soldiers in their testimonies, pursuant to the limitations discussed below. Not only was the use of force undertaken by each soldier assessed, but the specific circumstances under which the use of force occurred and additional available relevant information concerning the use of force was also considered.

234. Each use of force was assessed according to the applicable law - international humanitarian law. According to that legal regime, the use of force against civilians who are not taking a direct part in hostilities is governed by law enforcement norms, whereas direct participants can be targeted for such time they are taking part in hostilities. Thus, the Commission examined first whether force was used against a civilian

936 *Buckley v. Haddock*, 292 Fed. Appx. 791, 2008 U.S. App. LEXIS 19482 (Sep. 9, 2008 11th Cir.); See also Warren Richey, *Police Tasers: Excessive Force or Necessary Tool?* (May 28, 2009) (for reference to the case of Jesse Buckley where the US Supreme Court declined to hear an appeal of a lawsuit of a motorist against a police officer who "tased" the individual for refusing to stand up and walk to a patrol car) available at www.csmonitor.com/USA/Justice/2009/0528/p02s05-usju.html?cmlpt=addthis_email&sms_ss=email&at_xt=4d1f8b1713c34d53,0. See also *Braitwood Commission*, *supra* note 931, at 67-69 (where the Commissioner was not satisfied that the normal use of conducted energy weapons violated the United Nations Conventions against torture and other cruel, inhuman and degrading treatment or punishment in customary international law).

taking a direct part in hostilities. Where it was determined that the person was a direct participant, an assessment of the use of force was first made using the applicable rules of international humanitarian law. If the person against whom force was used was determined not to have taken a direct part in hostilities, that use of force was assessed solely under law enforcement norms.

235. As has been noted, the Rules of Engagement (ROE) issued for the operation were developed in anticipation that the persons on board the Flotilla were civilians not taking a direct part in hostilities. The planned use of force was based on the same principles as those applicable in a law enforcement context, with the ROE primarily permitting the use of force in self-defense.⁹³⁷ In a similar vein, the Israeli Government has on a number of occasions stated that the force by used Israeli forces was in self-defense.⁹³⁸ Therefore, all the uses of force were analyzed pursuant to law enforcement norms to confirm the degree to which they fell within the scope of those norms, including self-defense or defense of others. The assessment also served to highlight the degree to which the Israeli personnel endeavored to restrict their actions to the limits of the ROE while being confronted with significant and unanticipated levels of violence on board the *Mavi Marmara*. This analysis indicates the challenges that can arise when a self-defense based ROE is applied to accomplish a mission in the context of an armed conflict.

The conclusions of this analysis are presented below. The detailed testimonies of the soldiers as well as their analysis can be found in an annex to the report. The Commission decided, while giving due consideration to article 539 A of the Military Justice Law 5715-1955, to privilege this annex pursuant to its authority under Article 11 to the Government's decision of June 14, 2010, unless the government decides to lift this privilege. The Commission recommends that the Government will examine the possibility of making this annex public pursuant to its authority under law.

⁹³⁷ However, it should be noted that the use of graduated force, such as use of less-lethal weapons, are not required under the general framework of international humanitarian law when using force against combatants or persons taking a direct part in hostilities.

⁹³⁸ See *Prime Minister's Open Door Testimony*, *supra* note 82; See also *Israel Ministry of Foreign Affairs: Gaza Flotilla: Excerpts from Press Conference with DM Barak, CoS Ashkenazi and Naval Commander Marom*, www.mfa.gov.il/MFA/Government/Speeches+by+Israeli+leaders/2010/Gaza_flotilla_press_conference_DM_Barak_CoS_Ashkenazi_Naval_Commander_31-May-2010.htm (2010) (quoting Naval Commander Major Eliezer Marom: "Once an imminent danger to life was seen, in order to defend themselves the soldiers had to operate their weapons... the soldier's lives were in danger, they had to use live ammunition to defend themselves").

236. At the outset, a general comment is called for regarding the evidence before the Commission at the time it formed its conclusions, and the ability of the Commission to draw conclusions using the tools at its disposal. The analysis by the Commission is based primarily on the documented testimonies of over 40 soldiers and commanders who played an active role in the takeover of the *Mavi Marmara*, as well of the commanders of the takeover of the other vessels in the flotilla, and of other commanders and soldiers who took part in the operation on May 31, 2010. The Commission furnished written requests to IDF authorities seven times in order to deepen and expand the inquiries that were conducted.⁹³⁹ Pursuant to these requests for information, additional soldiers provided statements and soldiers who had already done so added to their submissions. As a general rule, the Commission found that the soldiers' accounts were credible and trustworthy. The soldiers gave detailed information, used natural language, and did not appear to have coordinated their versions. The soldiers' accounts were examined meticulously, cross-referenced against each other, and verified, as far as possible, against additional materials submitted to the Commission. This included medical documents regarding the injuries to the soldiers, IDF inquiries regarding the amount and types of ammunition (paintballs, beanbag rounds, flash bang grenades, and live ammunition) fired during the various events and a review of the magnetic media furnished to the Commission.

237. The Commission's ability to construct a complete picture of the incidents in which force was employed by IDF soldiers is limited for a number of reasons. First, the incidents on May 31, 2010, involved many participants, took place at night in several different locations and on a number of decks, and, according to the soldiers' testimonies, the violence surprised them with respect to its intensity. By its very nature, the Commission's ability to "dissect" the operation into its various components and, several months later, retroactively reconstruct each and every incident that took place during the operation is and cannot be perfect. It should also be noted that the soldiers' statements were only documented in writing and submitted to the Commission. The soldiers were not put on notice that their rights were implicated when giving their statements (which is the ordinary proceedings in a custodial interrogation or judicial proceeding) and they did not undergo cross-examination.

⁹³⁹ For details of the Commission's requests for information to the IDF, see *supra* para. 9, in this report.

Second, some of the flotilla participants were interrogated by the Israeli Police⁹⁴⁰ and by Military Intelligence,⁹⁴¹ and while their versions do indeed shed some light on what transpired on board the *Mavi Marmara*, nevertheless, it was not possible to conduct an organized examination of the IDF soldiers' use of force during the takeover events in reliance on these accounts. It should also be noted that even the Military Intelligence investigators stated that the interrogations themselves were conducted under conditions that were not suited to such an inquiry.⁹⁴² In addition, and as stated above, the Commission's requests to the captain of the *Mavi Marmara* and the chairman of the IHH, and its general invitation to the other flotilla participants, to testify before the Commission received no responses - except from two Israeli citizens who did testify.⁹⁴³ Under these circumstances, the analysis was based primarily on testimonies and materials that were submitted by Israeli sources.

Third, from the time the events occurred to the initiation of the various investigations, the scenes in which the events took place were not kept "sterile". Some of the bodies of those who were killed were moved from the places where they had been shot, the bullets and shells found on the *Mavi Marmara* were not collected in an organized manner, the various assault weapons used by the IHH activists (knives, clubs, slingshots, etc.) were gathered in one location and not documented as they were apprehended, etc. The Commission will address this issue as part of the discussion of article 5 of the Government's decision of June 14, 2010, which will be presented at a later time, and which relates to the method of examining and investigating the complaints that have been raised regarding violations of the laws of war, both in general and with respect to the events of May 31, 2010, in particular.

Fourth, the Israeli authorities do not have access to autopsy reports; but rather only to the reports from an external examination of the bodies of those who were killed. As stated above, the reason for this stems from

940 Overall, 42 of the flotilla participants were questioned by the Israeli police. They were all given notice of their right to an attorney and the questions were translated to them (excluding those who were citizens of Israel). The majority of the participants refused to sign the statements, a large portion refused to answer questions, and out of those who gave a statement, their versions were sparse and did not allow for a complete picture to be reconstructed.

941 Overall, 86 of the flotilla participants were questioned by the Military Intelligence. From reviewing the report of that questioning, it appears that a relatively small portion of the flotilla participants referred in their questioning to the use of force by the IDF soldiers. Most of those flotilla participants did not specifically refer to such events which would enable a legal analysis of the use of force.

942 See article 03/0610A2415004 *Military Intelligence Reports*, *supra* note 491, at 6.

943 See *supra* para. 9 in this report.

the Turkish government's request, immediately after the event, that the Israeli government would not perform autopsies on the bodies of the deceased.⁹⁴⁴ As a result, the gunshot wounds on the bodies cannot be linked to the weapons used by the IDF soldiers and autopsies were not available to assist in trying to determine who shot the deceased.

Fifth, the Commission received magnetic media of various types that had been collected from the *Mavi Marmara* upon conclusion of the vessel's takeover. As stated, the magnetic media includes videos and photographs from digital cameras and video recorders used by the flotilla participants, videos from the security cameras aboard the *Mavi Marmara*, videos, and recordings from the IDF's recording devices. This material constitutes objective and reliable evidence. On several occasions, the Commission asked the IDF whether all of the media that was seized had been furnished to the Commission. On December 23, 2010, the Commission received the response that all of the magnetic media that had been collected on the *Mavi Marmara* and which was technically sound had been examined by the IDF, and that the relevant files had been copied and given to the Commission,⁹⁴⁵ with the exception of one video in which IHH activists are seen beating and videotaping the soldiers who had been abducted inside the ship. That video was provided with the IDF response. That response stated that "the examination of the relevant sources indicates that, other than this video, all of the material that was found on the devices which were confiscated from the flotilla participants has been furnished to the Commission."⁹⁴⁶ On December 30, 2010, however, the Commission received another file of videos from the IDF authorities, containing another copy of said video, as well as five additional videos in which IHH activists are seen beating and videotaping the IDF soldiers who were abducted inside the ship, and which were not previously in the Commission's possession.

That said, several hundreds of hours of video evidence was reviewed. Unfortunately, the vast majority of it was not helpful in resolving the incidents involving the use force and not all of the events recorded by the magnetic media can be matched with the soldiers' testimonies. A number of the events documented in the magnetic media could match more than one of the events described by the soldiers, whereas, regarding other

⁹⁴⁴ See the letter from the Turkish ambassador to the Minister of Foreign Affairs (2 June, 2010) in a binder from Rafi Barack, marked as exhibit 169 in the Commission's exhibits.

⁹⁴⁵ See IDF response for additional information of the Commission from Dec. 8, 2010, exhibit 158 in the Commission's exhibits. According to the IDF's response, the test of "relevancy" was defined as any connection directly or indirectly to the event, in contrast to pictures or private messages that were not connected to the event.

⁹⁴⁶ *Id.*, at 2, art. 6.

events, it is not clear whether they are in fact described in the soldiers' testimonies. Thus, for example, after analyzing one of the videos in which a soldier is seen firing at an IHH activist armed with an iron bar who was attacking him, the Commission was unable to relate this incident to a specific event described in the soldiers' testimonies (this incident could possibly correspond to a number of different events that were described).

238. The Commission took upon itself a complicated project, which had obvious limitations. It should be stated here that this analysis is particularly complex when it is conducted retroactively, under the fluorescent lights of the office and after the fog of war has dissipated. It is clear to the Commission that, especially with respect to the takeover of the *Mavi Marmara*, the IDF soldiers were required to make difficult, split-second decisions regarding the use of force, under conditions of uncertainty, surprise, pressure, and in darkness, with the perception of a real danger to their lives and with only partial information available to them. Further, in this situation, they were also aware of the fact that some of the IHH activists on board the *Mavi Marmara* were using firearms. These factors were taken into account when analyzing the force used during the takeover event. Further, in a limited number of cases, there was insufficient information to be able to reach a conclusion regarding the circumstances surrounding the use of force.

At the same time, to the extent possible, a proper assessment of the use of force requires meticulous analysis. To a certain extent, the Commission believes that it was able to analyze the soldiers' testimonies and draw conclusions regarding the majority of the events described by the soldiers. When the Commission could not reach a conclusion regarding the use of force with the tools at its disposal, this is stated.

239. After an in-depth analysis of all the material in its possession, the Commission drew the following conclusions regarding the use of force:

- (a) The Commission examined 133 incidents in which force was used (including events when live fire was employed; firing less-lethal weapons; shooting as a deterrent; threatening with a weapon; using a Taser, and using physical force under certain circumstances), which were described by over 40 soldiers who fast-roped onto the *Mavi Marmara* from the helicopters or who testified about the takeover actions from the Morena speedboats. This number also includes a few incidents that were depicted on the available relevant magnetic media and that did not correspond to the soldiers' testimonies.

- (b) The large number of uses of force is reflective of the decision to look at all uses of force by IDF soldiers; the large number of IHH activists who armed themselves to resist the capture of the ships attempting to breach the blockade; and the scope and scale of the violence offered by those activists. It should also be noted that the majority of the uses of force involved warning or deterring fire and less-lethal weapons. Of the total number of uses of force reported by the soldiers, 16 incidents of hitting the center of body ("center of mass") with rounds of live fire were reported.
- (c) Overall, the IDF personnel acted professionally in the face of extensive and unanticipated violence. This included continuing to switch back and forth between less-lethal and lethal weapons in order to address the nature of the violence directed at them.
- (d) The Commission found that 127 uses of force investigated appeared to be in conformity with international law. In an additional six cases, the Commission has concluded that it has insufficient information to be able to make a determination regarding the use of force. Three out of those six cases involved the use of live fire and three cases involved physical force; two incidents of kicking and one strike with the butt of a paintball gun.
- (e) In five of the 127 cases, force appeared to be used against persons taking a direct part in hostilities; however, there was insufficient evidence to conclude that the force used was in accordance with law enforcement norms. In another five cases, the Commission concluded that force appeared to be used in accordance with law enforcement norms, but in two cases it was unable to determine whether the person against whom force was used was a direct participant in hostilities and in three cases, it was determined that force was used against civilians who were not considered direct participants.

Impact of the Planning and Organization of the Operation on the Use of Force

240. In both situations of armed conflict and law enforcement, an assessment of whether there was appropriate use of force by State armed forces should include looking broadly at all of the surrounding circumstances, including the planning and control of the operation.⁹⁴⁷ Focusing on planning and organization is relevant not only to the question of overall liability, but it also reflects the reality that the actions of individual soldiers are in many cases directly impacted by the information they are provided, the training they receive, and the operational limitations resulting from planning decisions made higher up the chain of command. The analysis will now turn to some of these issues. In reviewing the planning and preparation for the operation, the Commission is particularly mindful of the danger of looking at a situation with the benefit of hindsight. Effective operational planning requires considerable experience and the need to make professional judgment calls based on the available information. In addition, a particular course of action may not be feasible for a wide range of reasons.

241. An operation designed to intercept a flotilla of six uncooperative ships on the high seas is complex. Air and naval forces had to be effectively coordinated. Further, the entire military operation, both during the operation and in the aftermath of the incident, had to be coordinated with the timely and professional provision of medical assistance and evacuation of both IDF and IHH injured persons.

242. The placement of senior commanders on scene, including the Commander of the Navy, demonstrated the seriousness with which this incident was viewed by the Israeli military. It also enhanced the situational awareness of the chain of command in order to help ensure timely and effective decision making as the incident unfolded. The use of the special unit "Masada" and other law enforcement units, and the coordination across Government in order to handle the large number of passengers, reflected the realization that post-interception treatment of these potentially uncooperative civilians was best left to forces specially trained for those types of operations.

⁹⁴⁷ See *The McCann case*, supra note 809, at para. 150 ("In keeping with the importance of this provision [the right to life] in a democratic society, the Court must, in making its assessment, subject deprivations of life to the most careful scrutiny, particularly where deliberate lethal force is used, taking into consideration not only the actions of the agents of the State who actually administer the force but also all the surrounding circumstances including such matters as the planning and control of the actions under examination").

The decision to use the naval Special Forces unit, Shayetet 13, was in accordance with the normal international practice for naval operations even outside the context of armed conflict, particularly in light of the need for specialized training to board a moving vessel and for fast-roping onto the deck of a ship at night. Further, the training and exercises they underwent to familiarize themselves with less-lethal weapons and the graduated use of force as well as the "mental preparations" that they underwent ensured that they were well prepared for the mission of intercepting vessels with a large number of civilians on board.⁹⁴⁸

243. From the materials before the Commission, it appears that the Israeli authorities did not have a forewarning of the violent reception planned by the IHH. The inability to identify IHH intentions had a direct impact on the planning and implementation of the operation. However, the lack of appreciation of the threat was not exclusively the result of incomplete intelligence gathering. Throughout the planning process, whether looked at from a policy, operational, or legal perspective, the scenario of an organized force armed with lethal weapons actively resisting the boarding attempt appears not to have been considered. In part, this assumption appears to have resulted from anticipation that the participants in the flotilla were all peaceful civilians as was the case with previous flotillas on the same route.

While a certain level of violence was anticipated during the strategic discussions held prior to the operation, and the possibility that there might be firearms present was mentioned in these discussions,⁹⁴⁹ government witnesses appearing before the Commission had difficulty identifying exactly what that meant in a practical sense at the time.⁹⁵⁰ The planners of the operation seem not to have believed that the use of force would be necessary, except perhaps in isolated cases of soldiers acting in self-defense. Whether driven by a lack of information; confidence in the ability of the Special Forces and other Israeli units involved to handle any unanticipated situation; or a sense of "routine" that may have developed regarding these types of operations (although it was clearly understood that this flotilla was different and presented new challenges), the planning appeared to end with the assumption that any violence would occur at

948 *Id.*, at para. 183 (where the court rejected allegation that the choice of personnel specially trained to combat terrorism mean that it was intended to kill the terrorists).

949 *Defense Minister's Open Door Testimony*, *supra* note 70, at 33-34; *Chief of Staff's Open Door Testimony of 24.10.2010*, *supra* note 554, at 33, 38.

950 *Open Door Testimony of the Director General of the Ministry of Foreign Affairs*, *supra* note 430, at 8; *Chief of Staff's Open Door Testimony of 24.10.2010*, *supra* note 554, at 10; *Defense Minister's Open Door Testimony*, *supra* note 70, at 30-33.

the extreme lower end of the conflict spectrum. This had a direct impact on operational tactics, the Rules of Engagement, and training before the operation.

244. In any event, from the soldiers' testimonies it is evident that the possibility of a violent confrontation, on one level or another, did not filter down during the planning process to the tactical level.⁹⁵¹ The soldiers almost universally indicated that they expected low levels of violence, perhaps involving some pushing and limited physical contact.⁹⁵² As a result, the soldiers were surprised to find themselves in a situation that they ultimately viewed as combat.⁹⁵³

245. However, in this context two additional factors must be emphasized: one, the presence of large numbers of civilians on the vessels limited the operational options. There was an understandable and strongly held view across Government that a use of force against the ships could not be justified on moral grounds. Second, the training and preparation of the soldiers leading up to the operation was very thorough, with a particular emphasis on the use of less-lethal weapons. For the soldiers, the default position was to use less-lethal weapons until an opposing threat forced the use of the lethal options. This preparation proved effective during the takeover of the other 5 flotilla vessels where the levels of violence generally met the planners' expectation.

246. In fact, the situation presented in this case is exactly the opposite of what occurred in the *McCann* case from the European Court of Human Rights, where British authorities were faulted for making assumptions that led to a sense of increased risk (i.e., not considering that their intelligence assessments that a car bombing was imminent might be wrong) and for employing soldiers who were trained to automatically use lethal force.⁹⁵⁴

In the present case, the risk was underappreciated and the limitations in the ROE with respect to the use of less-lethal weapons (range, areas of the body to be targeted, etc), while put in place to limit injury to civilians, proved very restrictive considering the situation faced by the soldiers that fast-roped to the *Mavi Marmara*. In this respect, the planning process has to account for possibilities that seem less likely, and include those

951 *The Eiland Report*, *supra* note 402, at 62-63.

952 See the testimony of soldier no. 1, *Inquiry Expansion of 20.9.2010*, *supra* note 451, at 1; Testimony of soldier no. 2, *Id.*, at 1; Testimony of soldier no. 4, *Id.*, at 1; Testimony of soldier no. 6, *Id.*, at 1; Testimony of soldier no. 8, *Id.*, at 1; Testimony of soldier no. 9, *Id.*, at 1; Testimony of soldier no. 10, *Id.*, at 1; Testimony of soldier no. 15, *Id.*, at 1.

953 See the testimony of soldier no. 2, *Id.*, at 2; Testimony of soldier no. 9, *Id.*, at 1; Testimony of soldier no. 10, *Id.*, at 1; Testimony of soldier no. 15, *Id.*, at 1.

954 *The McCann case*, *supra* note 809, at para. 210-213.

scenarios in the preparation of the soldiers before the operation. While commanders rightly should be able to rely on the known capabilities of personnel under their command, it is evident that the soldiers were placed in a situation they were not completely prepared for and had not anticipated. The anticipation of and planning for "worst case" scenarios could have better prepared the soldiers for the situation to which they were exposed. In preparing exclusively for less violent scenarios, the danger from a legal perspective is that the soldiers might overreact when confronted with such unanticipated threats. However, and this should be emphasized, looking at the operation as a whole, that appears not to have happened, as the soldiers acted continually to distinguish the types of threat posed in different situations, and they even switched back and forth between lethal and less-lethal weapons to address those threats. This occurred also after it had become clear that the IHH activists were using firearms.

247. Questions regarding the adequacy of the planning also arise in reviewing the naval command, which identified a few options for the graduated use of force to stop the ships: the use of water hoses and malodorants. As outlined above, most of these methods were ultimately rejected by the military itself as impracticable. In that respect, it is not clear why the naval command was not drafted or amended to reflect the actual limited options that were available to board the ships. A clearer acknowledgement of these operational limitations during the preparation of the naval command might have forced consideration of other alternatives or different courses of action.

Under the circumstances, at the time it became evident that boarding from the sea was going to be opposed, it was decided to order the soldiers to fast-rope onto the roof and seize the bridge. As it turned out, this placed the soldiers at an increased level of risk. When the resistance to the initial boarding from the Morena speedboats occurred, or when the rope was tied off when lowered from the first helicopter, another possible approach might have been to temporarily withdraw in order consider other options, including warning the captain of the *Mavi Marmara* and the IHH participants that deadly force would be used if violent opposition persisted. As has been noted, the technical means and operational doctrine for stopping vessels on the high seas, and particularly one the size of the *Mavi Marmara*, are quite limited. The large number of civilian passengers on board and the potential for collateral damage further increased the challenge. However, clear warnings and the controlled and isolated use of force may have helped avoid a wider and more violent confrontation such as the one that occurred. In this regard, the warnings

issued to the Gaza flotilla should be reviewed to determine whether they should more directly have indicated what action would be taken by Israeli authorities if resistance were to continue. Having an alternate plan when clear resistance was first shown (i.e. when it became evident that the IHH activists were in possession of weapons and violently opposed the boarding from the Morena speedboats) might have avoided the position of having to continue to land soldiers one by one into the midst of the waiting IHH activists.

However, the issuance of warnings would not necessarily have been feasible or effective. For example, warning shots intended to stop a ship may have limited effect, depending on a number of factors, including the weather, the state of the sea, and the available weapons. Further, warning shots can only be used when other ships or personnel will not be endangered. The presence of a large number of vessels taking part in this incident is therefore a significant complicating factor.⁹⁵⁵

248. While the Commission has commented on the planning and organization of the mission, this critique should not be interpreted to mean that the actual plan as developed by the Israeli military or the organization of the mission led to a systemic misapplication of force by the soldiers involved or a breach of international law.

⁹⁵⁵ See Allen, *Limits on the Use of Force*, *supra* note 337, at 87 (indicating when describing the United States Coast Guard approach to using warning shots and disabling fire in a law enforcement scenario: "[w]arning shots are only used after other signaling methods have been tried without success. Warning shots are not used against aircraft or under circumstances where their use might endanger any person or property. Generally, warning shots are not used unless the enforcement units have the capability to deliver disabling fire if the warning shots are ignored. Disabling fire is the firing of ordnance at a vessel with the intent to disable it, with minimum injury to personnel or damage to the vessel. Under the CGUFP [Coast Guard Use of Force Policy], disabling fire is to be discontinued when the vessel stops, is disabled, enters the territorial sea of another State, or the situation changes in a manner that introduces substantial risk to those aboard the noncompliant vessel").

An Alternative Perspective: Analysis of the Opening Actions Under Law Enforcement Norms

249. It would be worthwhile to examine the influence of the tactics that were applied by the IDF at the opening stages of the capture of the Marmara, on the compatibility of the operation with the requirements of necessity and proportionality, according to the Law Enforcement norms. The issue to be discussed is whether it would be possible to argue that the initial choice of the IDF to apply unaggressive steps in order to capture the ship (due to lack of information concerning the anticipated intensity of the resistance to the capture) actually led to a more severe damage than this which would have occurred, if more aggressive measures, to some extent, had been taken in the first place.

250. As described above, the initial step of the operation included an attempt to climb on to the ship from one of the Morena, without using increased force. In the course of this initial stage, the IDF used only "soft" measures in order to capture the ship, in response to the violence demonstrated by the IHH activists. The forces on the boat preferred to temporarily retreat, instead of using lethal weapon or severe non-lethal ones. In addition, the soldiers rappelled from the helicopter although ensure facilitated by violent means the access of the soldiers to the ship. At this stage only "flash bang" grenades, which did not pose any threat to the participants' lives, were used.

Only subsequently to the fact that the IHH group severely and cruelly attacked the first soldier who had climbed down to the ship, and by this escalated the confrontation, the soldiers found themselves compelled to use a higher degree of force.

251. The initial tactics which have been implemented by the IDF posed only a minimal threat upon the participants, while they imposed an increased risk upon the Israeli soldiers, in particular regarding to those who participated in the fast-rope maneuver. As aforementioned, it should be emphasized that the IDF soldiers have initially used only non-lethal weapons in a very moderate mode, notwithstanding the substantial violence applied by the flotilla participants. These acts optimally fulfilled by themselves the requirements of necessity and proportionality according to the international human rights law. As much as the necessity test is concerned, the participants did not suffer any damage during the opening stage at stake and therefore there is no need to examine whether any other tactics which could have caused a lesser damage had been available at this time. As much as the necessity test (in its narrow sense) is concerned,

given the fact that no damage has been caused within the opening stage of the operation, the balancing between the operational advantage and the damage been inflicted leads necessarily to the conclusion that the proportionality requirement has been fulfilled at this stage.

Indeed, the escalation started only after the aforementioned initial step of the operation. One may contend that the escalation could have been prevented if a more vigorous tactic would have been implemented against the participants in the flotilla (for example, by creating a "sterile zone", using means like skunk bombs. It should therefore be examined whether the IDF was under any obligation according to the international law to use any more aggressive initial steps than these been applied, in order to prevent the escalation which subsequently occurred, leading to the necessity of using lethal weapons.

252. It seems that a negative answer should be given to the aforementioned question. At first, it is entire doubtful whether the implementation of more aggressive tactics at the beginning of the operation could indeed have lessen the damage caused to the participants of the flotilla, given the fact that the IHH participants were certainly determined to generate a violent confrontation. At the same time, there is a reasonable basis to assume that more aggressive steps could have lessen the risk and the injuries among the IDF soldiers (an aspect which does not have any implications in relation to the international law obligations but rather only concerning the Israeli internal context).

253. Secondly, the requirements of necessity and proportionality should be considered according to the information which was available, or should have been available, to the operational forces at the time of the operation. While implementing these requirements, special weight should be given to the subjective aspect (the good faith issue) and to the ex ante point of view, as opposed to the ex facto perspective. At the opening stage of the operation, the information available to the IDF was that no substantial violent opposition was likely to evolve. The subsequent escalation occurred within a tense and violent situation, which involved decisions been immediately taken. We have already mentioned that in the context of violent confrontations, soldiers have frequently only partial information, which later on, in an ex post perspective, may be proved as being unreliable under the circumstances.

We aforementioned that both the political and the military decision makers have acted in good faith, while taking into consideration the obligations of Israel under the international law during the preparation stages, as well as within the operation itself. Giving appropriate weight

to Israel's obligations also fitted the general interest of Israel to avoid international delegitimization and damage to Israel's image.

254. In conclusion, the initial stage of the operation, until the first soldier climbed down to the Marmara, as well as the other abovementioned stages, had been conducted according to the international law. Indeed, looking at this issue through an ex post perspective, the non-aggressive tactics applied by the IDF at this stage, provided the IHH participants with the opportunity to create a violent and high profile confrontation, generating an escalation which involved the use of firearms and non-lethal weapons. Notwithstanding the aforesaid, the decision of Israel to implement a non-violent approach at the initial stage of the operation did not violate in any sense its obligations under the international law. A country does not violate the international law where it acts in a "soft" mode, hoping that the lawbreakers do not escalate the situation. The willingness to provide a prospect of conducting and concluding an operation without any violence at all should not be credited against the enforcing country. The violence which had been used by the IHH group served as the decisive factor leading to the escalation of violence within the operation.

Chapter B: Conclusions

255. The Commission has reached the following conclusions:

- A vessel that attempts to breach a blockade is subject to international law governing the conduct of hostilities; international humanitarian law, including the rules governing use of force.
- The Israeli armed forces' interception and capture of the Gaza Flotilla vessels in international waters - seaward of the blockaded area - was in conformity with customary international humanitarian law.
- The tactics chosen to intercept and capture the Flotilla vessels - including having Shayetet 13 naval commandoes board from Morena speedboats and fast-rope from helicopter onto the roof of the vessels - was consistent with established international naval practice.
- The participants in the Flotilla were predominantly an international group of civilians whose main goal was to bring publicity to the humanitarian situation in Gaza by attempting to breach the blockade imposed by Israel.
- On board the *Mavi Marmara* and the other flotilla vessels was a group of IHH and affiliated activists (the "IHH activists") that violently opposed the Israeli boarding. The IHH activists who participated in that violence were civilians taking a direct part in hostilities.
- The force used against civilians on board the flotilla was governed by the principles of "necessity" and use of "proportionate force" associated with human rights based law enforcement norms. However, the IHH activists lost the protection of their civilian status for such time as they directly participated in the hostilities. The use of force against these direct participants in hostilities is governed by the applicable rules of international humanitarian law.
- The Rules of Engagement for the operation provided an authority to use force that reflected the nature of a law enforcement operation.
- The IHH activists carried out the violence on board the *Mavi Marmara* by arming themselves with a wide array of weapons, including iron bars, axes, clubs, slingshots, knives, and metal objects. These were weapons capable of causing death or serious injury. Further, the hostilities were conducted in an organized manner with IHH activists, *inter alia*, operating in groups when violently assaulting the IDF soldiers.

- The IHH activists used firearms against the IDF soldiers during the hostilities.
- The Commission has examined 133 incidents in which force was used. The majority of the uses of force involved warning or deterring fire and less-lethal weapons.
- Overall, the IDF personnel acted professionally in the face of extensive and unanticipated violence. This included continuing to switch back and forth between less-lethal and lethal weapons in order to address the nature of the violence directed at them.
- The Commission has concluded that in 127 cases, the use of force appeared to be in conformity with international law.
- In six cases, the Commission has concluded that it has insufficient information to be able to make a determination.
- Three out of those six cases involved the use of live fire and three cases involved physical force; two incidents of kicking and one strike with the butt of a gun.
- In five out of the 127 incidents that appeared to be in conformity with international law, there was insufficient evidence to conclude that the use of force was also in accordance with law enforcement norms. However, in these cases, force appeared to be used against persons taking a direct part in hostilities and, as a consequence, was in conformity with international law.
- The planning and organization of the IDF mission to enforce the blockade did not include anticipation that there would be a violent opposition to the boarding, which had a direct impact on the operational tactics, Rules of Engagement, and training before the operation. However, the focus of the planning and organization of the operation on a lower level of resistance did not lead to a breach of international law.

Concluding Remarks

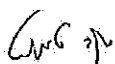
Today, approximately five months after hearing the first testimonies, the Commission is completing this part of its work by submitting this report to the Government of Israel. For whom was the report written? It was written, of course, for the Government of Israel, but also for military personnel and jurists studying international humanitarian law, who may, perhaps, use it in the future for guidance and instruction; for the public, who in all the confusion of information wishes to know what happened; and for ourselves, who sought with all our abilities to arrive at the truth.


After a journey full of obstacles and pitfalls, and after exhaustive investigations, inquiries, studies and discussions, we unanimously and wholeheartedly summarize our conclusions:

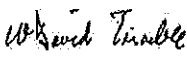
The naval blockade imposed on the Gaza Strip - in view of the security circumstances and Israel's efforts to comply with its humanitarian obligations - was legal pursuant to the rules of international law.

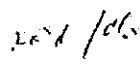
The actions carried out by Israel on May 31, 2010, to enforce the naval blockade had the regrettable consequences of the loss of human life and physical injuries. Nonetheless, and despite the limited number of uses of force for which we could not reach a conclusion, the actions taken were found to be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

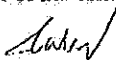
'Now all has been heard, here is the conclusion of the matter.'

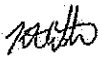

Justice Emeritus Jacob Türkel
Chairman of the commission


Major-General (res.) Amos Horev
Member of the commission


Lord David Trimble
Observer


Ambassador Reuven Merhav
Member of the commission


Prof. Miguel Deutch
Member of the commission


Brigadier-General (ret.) Kenneth Watkin
Observer

Annexes

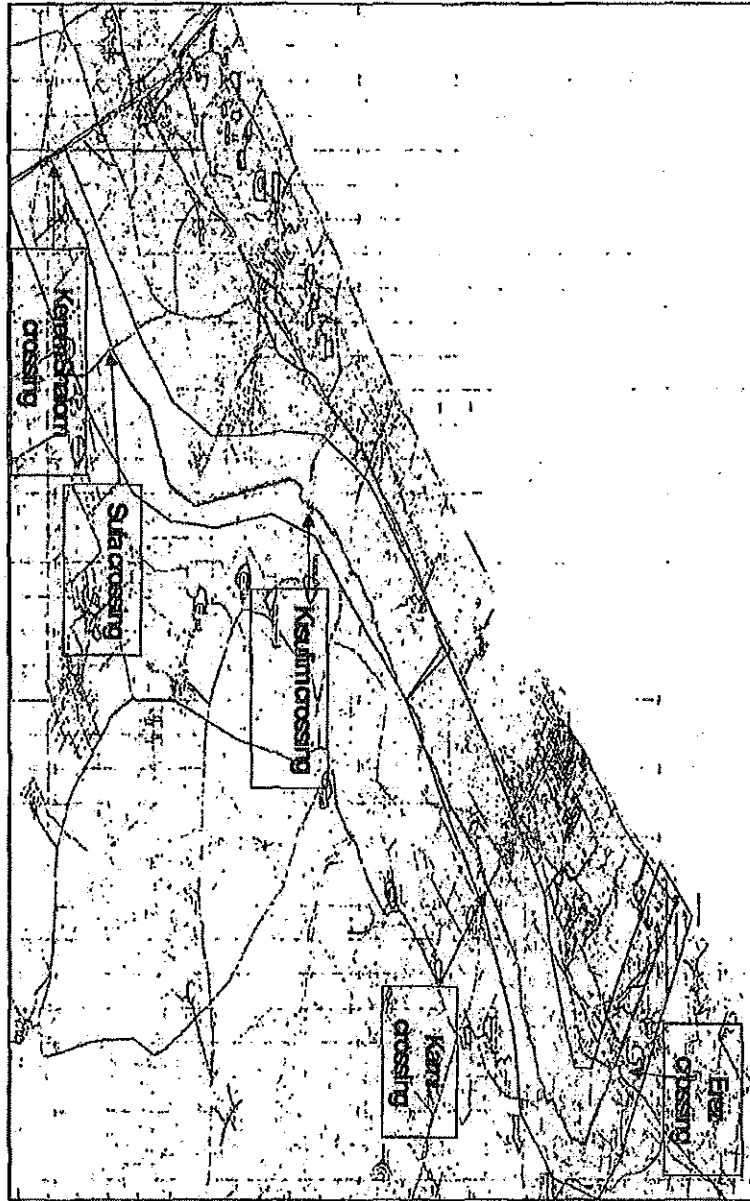
- Annex A: List of Witnesses Appearing Before the Commission, the Dates and Classifications of their Testimonies**
- Annex B: Map of Gaza and the land border crossings**
- Annex C: Notice to Marines Aug. 2008**
- Annex D: Map of the blockaded area**
- Annex E: List of Goods on Flotilla Vessels**
- Annex F: Map of the area where the takeovers of the flotilla took place**
- Annex G: Drawing of the Main Marmara**

**Annex A: the List of Witnesses Appearing Before the Commission,
the Dates and Classifications of their Testimonies**

Date	Public testimony	Closed door testimony
28.6.10	Opening meeting	
9.8.10	Prime Minister, Mr. Benjamin Netanyahu	Prime Minister, Mr. Benjamin Netanyahu
10.8.10	Defense Minister, Ehud Barak	Defense Minister, Ehud Barak
11.8.10	IDF Chief of Staff Lt. Gen. Gaby Ashkenazi	IDF Chief of Staff Lt. Gen. Gaby Ashkenazi
24.8.10		Maj. Gen. (ret.) Giora Eiland, Chair the IDF General Staff Expert Inquiry Team [meeting]
26.8.10	Maj. Gen Avichai Mendelblit, IDF Chief Military Advocate General	Maj. Gen Avichai Mendelblit, IDF Chief Military Advocate General
31.8.10	Maj.-Gen. Eitan Dangot, Coordinator of Government Activities in the Territories	Maj.-Gen. Eitan Dangot, Coordinator of Government Activities in the Territories
13.9.10		Dr. Uzi Arad, Chairman of the Israeli National Security Council and the Prime Minister's National Security Advisor
14.9.10		Mr. Meir Dagan, Director of the Mossad
15.9.10	Mr. Yossi Gal, Director General of the Ministry of Foreign Affairs	Mr. Yossi Gal, Director General of the Ministry of Foreign Affairs
12.10.10	Mr. Yossi Edelstein, Head of the Enforcement and Foreigners Division of the Population and Immigration Authority	

12.10.10	Lt. Gen Benny Kaniak, Commander of the Prison Service	
13.10.10	B'Tselem: The Israeli Information Center for Human Rights in the Occupied Territories, Ms. Jessica Montel, and Mr. Eyal Hareuveni.	
13.10.10	Doctors for Human Rights, Prof. Tzvi Bentowitz, Mr. Ran Yaron, and Dr. Mustafa Yassin.	
13.10.10	Gisha: The Legal Center for Freedom of Movement, Ms. Tamar Feldman	
24.10.10	IDF Chief of Staff Lt. Gen. Gaby Ashkenazi	IDF Chief of Staff Lt. Gen. Gaby Ashkenazi
25.10.10	MK Tzipi Livni, Leader of the Opposition	MK Tzipi Livni, Leader of the Opposition
25.10	Sheikh Mr. Hamad Abu Dabus	
25.10	Mr. Muhammad Zidan	

Annex B: Map of Gaza and the land border crossings



Annex C: Notice to Mariners Aug. 2008

NO. 6/2008 All mariners be advised

Wednesday, 13 August 2008 00:00

No. 6 / 2008 13 August, 2008

All mariners be advised:

Please not the following notice from the Israeli Navy:

1. The Israeli Navy is operating in the maritime zone off the coast of the Gaza Strip. In light of the security situation, all foreign vessels are advised to remain clear of area A in the attached map. Bound by the following coordinates:

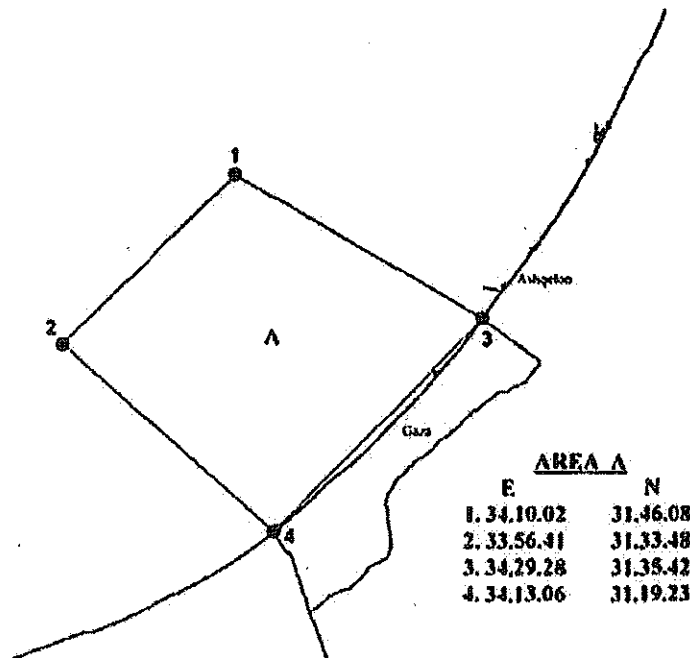
	E	N
1.	34.10.02	31.46.08
2.	33.56.41	31.33.48
3.	34.29.28	31.35.42
4.	34.13.06	31.19.23

Delivery of humanitarian supplies to the civilian population in the Gaza Strip is permitted through the land crossings between Israel and the Gaza Strip, subject to prior coordination with the Israeli Authorities.

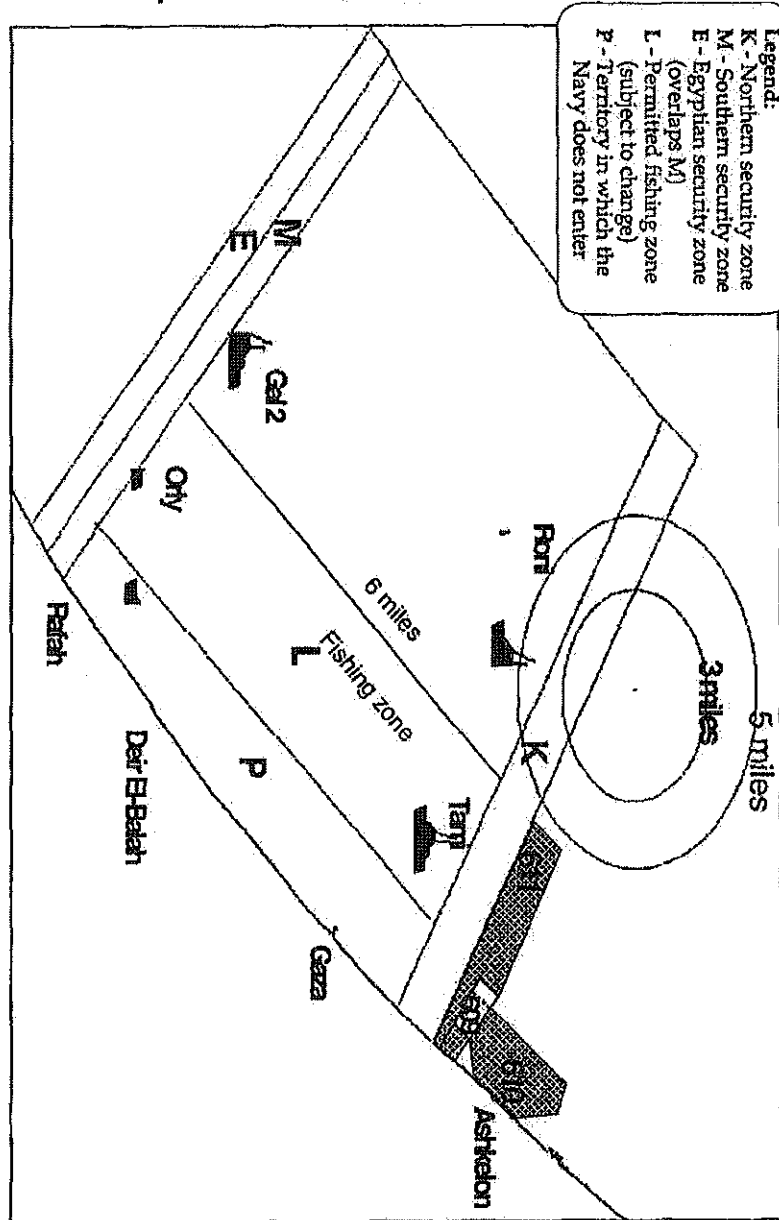
2. Vessels approaching the maritime zone off the coast of the Gaza Strip are requested to maintain radio contact with Israel Naval Forces on channel 16 and will be subject to supervision and inspection.

3. In accordance with the agreements between Israel and the Palestinian Authority, entry of foreign vessels to the maritime zone adjacent to the Gaza Strip is prohibited due to the security situation and in light of these agreements, foreign vessels are barred from such entry.
4. This notice is published in order to ensure safe navigation and to prevent vessels from approaching areas in which their safety may be endangered due to the security situation in those areas.

ADVISORY NOTICE (MARITIME ZONE OFF THE COAST OF GAZA STRIP)
AUG. 11, 2008



Annex D: Map of the blockaded area



Annex E: List of Goods on Flotilla Vessels

Below is a list of all the goods unloaded from the flotilla's vessels.

The "SOFIA":

No.	Type of Goods	Amount of Cargo
1	Electric scooters	143 units
2	Electric wheel chairs	128 units
3	Batteries	198 unit
4	Walls for movable structures	197 pallets
5	Fiberglass	10 pallets
6	Medical equipment	234 boxes
7	Rubber boats (rescue)	1 unit
8	Roof constructions	34 batches of 12 units -- 400 units total
9	Gallons of paint	89 gallons
10	Scattered cardboard boxes	117 boxes
11	Work tools and ladders	164 items
12	Ceramic flooring	35 pallets
13	Lumber	17 pallets
14	Wooden profiles	167 units
15	Toys	17 boxes
16	Boxes of clothing	131 boxes
17	School bags	7 boxes
18	Pipes	10 pallets
19	Desalination device	2 containers
20	Metal sheets	9 pallets
21	Generator	1 unit
22	Tents	19 units
23	Tent gear	35 packages
24	Water containers	3 pallets

The "DEFNEY":

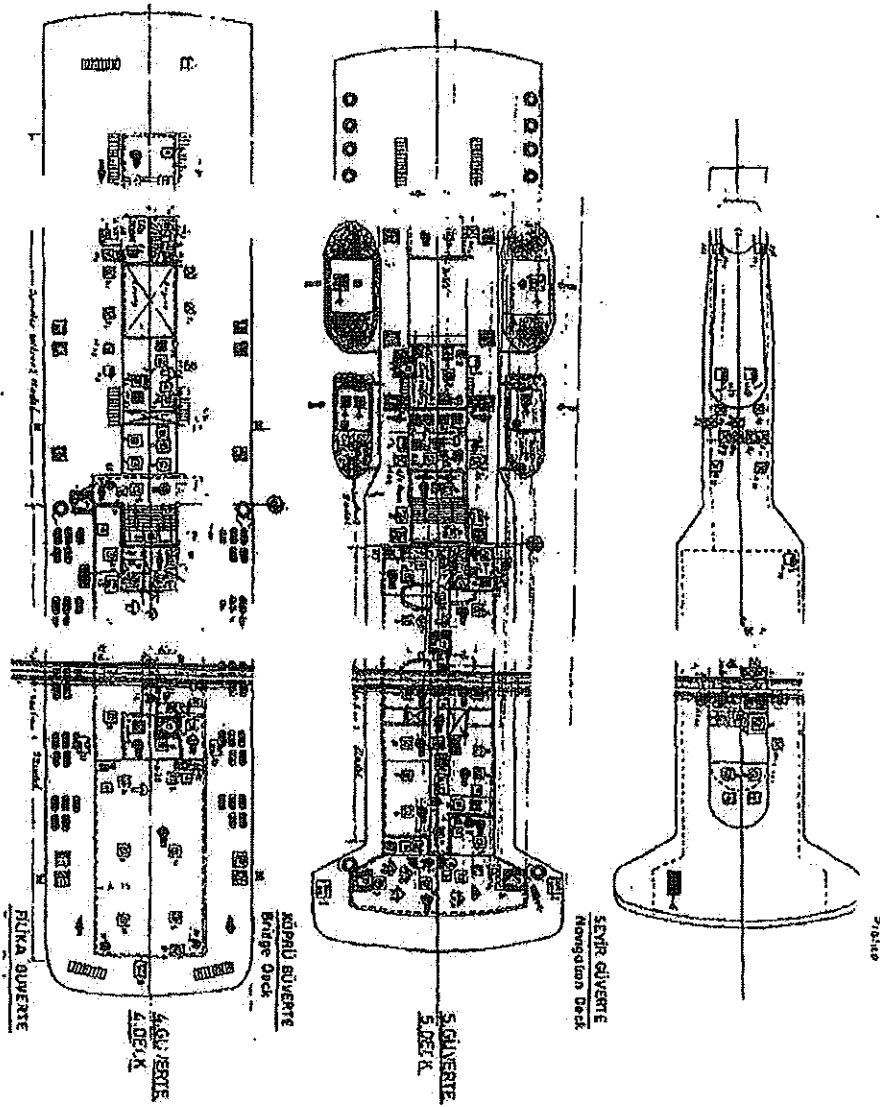
No.	Type of Goods	Amount of Cargo
1	Wheel chairs	138 units
2	Boxes of clothing	463 boxes
3	Scattered equipment	38 boxes
4	Electric tools	287 boxes
5	Medical equipment	2084 boxes / Items
6	Toys	770 boxes
7	Generators	65 units
8	Cardboard boxes	9 units
9	Gallons of paint	121 gallons
10	Scattered cardboard boxes	117 cartons
11	Work tools and ladders	149 items
12	Ceramic flooring	61 pallets
13	Raw materials for building	858 boxes
14	Lumber	11 pallets
15	Constructions for structures	978 pallets
16	Drywall	6 pallets
17	Pipes	21 pallets
18	Windows	2 pallets
19	Electronic gear	23 pallets
20	Food	49 pallets
21	Bathroom fixtures	181 pallets
22	Beds	85 pallets
23	School gear	77 pallets
24	Boxes with building equipment / structures	164 cartons
25	Carpets	97 pallets
26	Industrial fabric	165 units
27	Work tools	105 units
28	Plastic for industry (profiles)	34 units

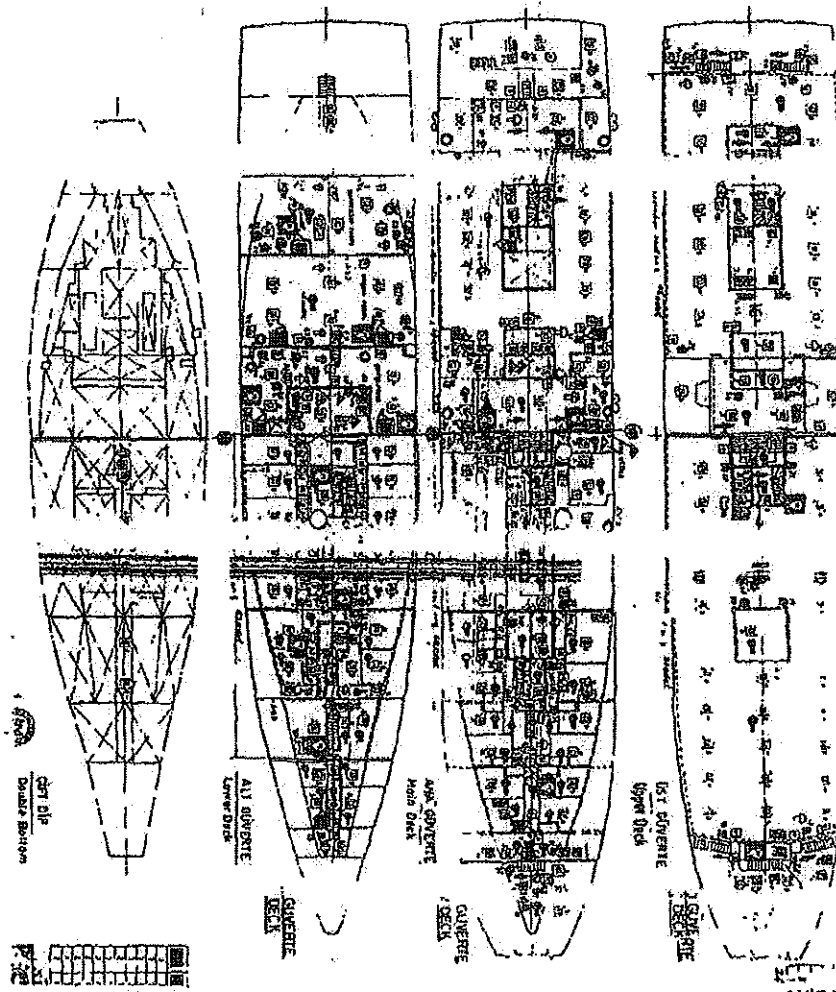
29	Blankets	176 pallets
30	Sewing machines	12 units
31	Electric cables	645 pallets
32	Floor tiles	18 pallets
33	Metal	15 pallets
34	Metal plates	63 pallets
35	Metal profiles	104 units

The "GAZZE":

No.	Type of Goods	Amount of Cargo
1	Concrete "Bales"	1358 units
2	Metal bars	304 units

Annex G: Drawing of the Main Marmara



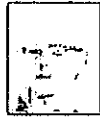




Supreme Court Justice (Ret.)
Jacob Turkel, Chairman



Ambassador Professor
Shabtai Rosenne
(Deceased 21.9.10), Member



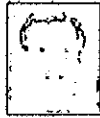
General (Ret.) Amos Horev,
Member



Ambassador Reuven Merhav,
Member



Professor Miguel Deutch,
Member



Lord David Trimble,
Observer



Brigadier General (Ret.)
Kenneth Watkin, O.C., Observer



Advocate Hoshua Gottlieb,
Commissioner's Coordinator



Prof. Dr. Wolff Heintschel von Heinegg,
Special Consultant



Prof. Michael Schmitt,
Special Consultant

Produced by Government Printing Israel

RELEASED IN FULL

NON-RESPONSIVE PORTIONS REDACTED

Law, Rosemary C

From: Lawton, Daniel J (Athens)
Sent: Tuesday, July 05, 2011 6:18 AM
To: Malik, Paul (Athens); Ross, Daniel E (Athens); Bouzis, Evangelia M (Athens); McKeever, Matthew X (Athens); Brandeis, Katherine L (Athens)
Subject: For Short Fuse Clearance: Athens Update Summary

Follow Up Flag: Follow up
Flag Status: Completed

All,

Could you clear this summary?:

(SBU) Key Points:



NR

- On July 1 the Ministry of Citizen Protection released a notice to Gaza flotilla participants prohibiting the departure of ships with Greek and foreign flags from Greek ports to the maritime area of Gaza.
 - o Despite the ban, the American flagged ship "Audacity of Hope" and the Canadian ship "Tahrir" were stopped by the Hellenic Coast Guard as they attempted to leave Greek ports near Piraeus and eastern Crete, respectively.
 - o Embassy Athens provided standard consular services to the American citizens involved in the flotilla before and after the "Audacity of Hope" was returned to port. The AmCit captain is the only American facing charges right now.
- The Greek government proposed to assume the transport of humanitarian aid to Gaza, in cooperation with the United Nations.
 - o Gaza flotilla organizers have so far not accepted this offer.

Matt/Kate:

Could you clear the attached AU item, per Kate's draft?:

(SBU) Consular Services Provided to AmCit Gaza Flotilla Participants: American Citizens Services Chief spoke with the captain of the "Audacity of Hope" twice over the July 4 weekend and visited him the morning of July 5. He was transferred to a police station near the port, where he could have access to his belongings and be more comfortable. According to the captain, Greek authorities also moved him because of the large call volume to the station crashed the switchboard. ACS chief also spoke on several occasions to the Group's Greek attorney. There are currently no Gaza Flotilla protesters in custody and none were ever arrested. They were taken from in front of the embassy and the Ambassador's residence to the local police station for identification and were then released. They were in the station under two hours. The embassy is receiving a large number of calls and e-mails, asking the USG to put pressure on Greece to allow the flotilla to proceed to Gaza.

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

SBU
This email is UNCLASSIFIED.

RELEASED IN
FULL

Law, Rosemary C

From: Lawton, Daniel J (Athens)
Sent: Tuesday, July 05, 2011 5:46 AM
To: Brandeis, Katherine L (Athens)
Subject: RE: Request for Athens Update Item

Follow Up Flag: Follow up
Flag Status: Completed

Kate – If you can send something quick, we would be grateful. Regards, Dan L.

This email is UNCLASSIFIED.

From: Brandeis, Katherine L (Athens)
Sent: Tuesday, July 05, 2011 12:39 PM
To: Lawton, Daniel J (Athens)
Subject: RE: Request for Athens Update Item

Ugg! Sorry Dan. I just saw this. Can you do a late edition? Kate

Kate Brandeis | Athens American Citizen Services | (30) 210-720-2427

This email is UNCLASSIFIED.

From: Lawton, Daniel J (Athens)
Sent: Tuesday, July 05, 2011 10:51 AM
To: McKeever, Matthew X (Athens); Brandeis, Katherine L (Athens)
Subject: Request for Athens Update Item

Matt/Kate – Sorry to bother you at a busy time, but could you do a short one para update on the AmCits involved in the Gaza Flotilla? It would be great to have a recap of all the actions CONS took on their behalf over the weekend and today for Athens Update. We aim to have items ready to send around 12:30 p.m., if possible. Regards, Dan L.

This email is UNCLASSIFIED.

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

RELEASED IN FULL

Law, Rosemary C

From: Lawton, Daniel J (Athens)
Sent: Tuesday, July 05, 2011 4:19 AM
To: Martin, Leah A (Athens)
Subject: RE: Letter from Members of the USA Boat to Gaza

Follow Up Flag: Follow up
Flag Status: Completed

Leah - Oops. Can you call Charlie and get the original? Thanks, Dan L.

SBU
This email is UNCLASSIFIED

-----Original Message-----
From: Martin, Leah A (Athens)
Sent: Tuesday, July 05, 2011 11:18 AM
To: Lawton, Daniel J (Athens)
Subject: RE: Letter from Members of the USA Boat to Gaza

Dan,

FYI, Bottom line of page one is cut off on the scanned version.

Leah

SBU
This email is UNCLASSIFIED

-----Original Message-----
From: Lawton, Daniel J (Athens)
Sent: Tuesday, July 05, 2011 11:17 AM
To: Brandeis, Charles D (Athens)
Cc: Martin, Leah A (Athens); Cockrell, John D (Athens)
Subject: RE: Letter from Members of the USA Boat to Gaza

Charlie - That's ok, we have the scanned version. Regards, Dan L.

SBU
This email is UNCLASSIFIED

-----Original Message-----
From: Brandeis, Charles D (Athens)
Sent: Tuesday, July 05, 2011 11:12 AM
To: Lawton, Daniel J (Athens)
Cc: Martin, Leah A (Athens); Cockrell, John D (Athens)
Subject: RE: Letter from Members of the USA Boat to Gaza

You guys want the letter?

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

-----Original Message-----
From: Lawton, Daniel J (Athens)
Sent: Tuesday, July 05, 2011 11:05 AM
To: Brandeis, Charles D (Athens)
Cc: Martin, Leah A (Athens); Cockrell, John D (Athens)

Subject: RE: Letter from Members of the USA Boat to Gaza

Charlie - Thanks for this. Regards, Dan L.

SBU

This email is UNCLASSIFIED

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

From: Brandeis, Charles D (Athens)

Sent: Sunday, July 03, 2011 6:39 PM

To: Smith, Daniel B (Athens); Miller, Thomas S (Athens); McKeever, Matthew X (Athens);

Lawton, Daniel J (Athens); Brandeis, Katherine L (Athens); Hicks, Joseph T (Athens)

Subject: FW: Letter from Members of the USA Boat to Gaza

At 1800 this evening a group of eight people from the Gaza flotilla presented the attached two page letter to the Brinks guard supervisor at the Kokali Street gate. The letter calls for U.S. officials to defend their right to sail out of Greece. The second page states, "The U.S. Consul General in Athens previously confirmed on June 24 that the U.S. Boat to Gaza and its American citizen guests have a right to sail out of Greek waters."

June 24 is that Friday when Kate met with the group and it appears they are now interpreting their meeting accordingly. I'm holding the letter in my office and will provide it to POL on Tuesday morning if interested. Charlie

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

From: Brandeis, Charles D [mailto:BrandeisCD@state.gov]

Sent: Sunday, July 03, 2011 6:28 PM

To: Brandeis, Charles D (Athens)

Subject: Letter from Members of the USA Boat to Gaza

Please open the attached document. This document was digitally sent to you using an HP Digital Sending device.

For more information on the HP MFP Digital Sending Software please visit:

http://www.hp.com/go/HP_Digital_Sender_Module.com

RELEASED IN FULL

Law, Rosemary C

From: Tanton, Michael T (Athens)
Sent: Friday, July 01, 2011 4:52 AM
To: ATHENS-ALL EMBASSY
Subject: Demonstration Currently Taking Place Outside of Embassy

Follow Up Flag: Follow up
Flag Status: Completed

All,

Be advised we have closed the main gate to the Vas Sophias Entrance. There are 20-25 protestors outside right now. They are protesting for the free Gaza and free passage of the flotilla. Please use either Dory or Kokkali to enter and exit at this time.

This email is UNCLASSIFIED.

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

RELEASED IN FULL

Law, Rosemary C

From: Lawton, Daniel J (Athens)
Sent: Thursday, June 30, 2011 9:25 AM
To: Martin, Leah A (Athens)
Subject: FW: Flotilla Update

Follow Up Flag: Follow up
Flag Status: Completed

FYI. Regards, Dan L.

This email is UNCLASSIFIED.

From: Jakobson, Nicholas W
Sent: Thursday, June 30, 2011 4:23 PM
To: NEA-IPA-DL; EUR-SE-DL; NEA-Egypt; PM-CPMS; SES-O; Vasquez, Edgar J; Grubb, Jason B; Levin, Jan; Silverman, Robert J; Walles, Jacob; Sutphin, Paul R; Richter, Kim B; Worman, Patrick F; Zurcher, Kenneth M; Goldberger, Thomas H; Masilko, Barbara J (USUN); Marchese, Gregory M; Blome, Donald A; Waters, John R; Pilz, Amanda C; Miller, Walter R; 'Prem_G_Kumar@nss.eop.gov'; 'Melissa.Russell'; Jakobson, Michael N; Bilge, Kerem S; CA-OCS-Duty; Bernier-Toth, Michelle; Rodriguez, Hugo F; Lopatkiewicz, Viktoria; Greene, Elisa; George, Leah; Daniels, Cherrie S; Slakey, Monica M; Rudman, Mara; Reed, Julia G; Khoury-Kincannon, Sahar; Bitar, Maher B; Norman, Marc E; Nardi, Margaret H; Smith, Daniel B (Athens); Miller, Thomas S (Athens); Lawton, Daniel J (Athens); Cockrell, John D (Athens); McKeever, Matthew X (Athens); Brandeis, Katherine L (Athens); Bass, Warren; Ried, Curtis R (USUN)
Subject: Flotilla Update

Embassy Athens -- Per two Gaza flotilla websites, passengers on the U.S. Boat to Gaza, *The Audacity of Hope* invited Greek and international media to inspect the boat on June 30, 3:00 pm in Piraeus, Greece. The passengers note that they were inspected by Greek officials on Monday, June 27, but have not yet received notification of their findings. Gale Courey Toensing, a passenger on the American boat said to the media today, "Our voyage is totally transparent and we have nothing to hide. All we want to do is sail to Gaza with our cargo of letters from Americans to the people of Gaza. We are sulfur-free and ready to sail." Due to vandalism discovered Monday on the propeller of the Swedish-Greek vessel Juliano, flotilla participants have organized guard duty rosters for each ship that is due to sail for Gaza. The Juliano was towed for repairs to a shipyard at another port and should be ready to sail on July 1 pending another assessment by Greek officials. The Canadian ship, which an anonymous complaint also labeled unfit to sail, has been reinspected and received clearance as seaworthy.

JERUSALEM (AP) - Organizers of a Gaza-bound flotilla say Israel has sabotaged a second ship.

An activist told Israel's Army Radio that the engine of an Irish ship was damaged.

Earlier this week, activists said Israel damaged the propeller of a Swedish ship in the Greek port of Piraeus.

Israel has not commented on the allegations.

About 10 ships are due to set sail this week from Greece. It's unclear if the damaged boats will delay things.

Israel imposed a naval blockade after Hamas militants overran the Palestinian territory in 2007.

It says it will not allow the flotilla to reach Gaza.

Last year, an Israeli raid on a similar flotilla killed nine activists on a Turkish vessel. Each side blamed the other for the violence.

ISRAEL RADIO NEWS 8:00 AM Hebrew Report

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

* *Flotilla ships*: Organizers of the Gaza flotilla have accused Israel of sabotaging the ships and said that they would guard the ships currently anchored in Greece and Turkey. One organizer said the group erred by not making plans to secure the boats. Members of Ireland's For Gaza organization will hold a press conference in Dublin. Earlier, organizers accused Israel of sabotage against the Swedish ship *Juliano*.

Sabotage and Delay

Yedioth Ahronoth (p. 6) by Menahem Gantz (Athens) – Did Israel sabotage one of the flotilla ships currently docked in a Turkish port? Last night there were reports that the Irish ship *Saoirse* is not seaworthy and will not be able to set sail in the coming days. A variety of sources told *Yedioth Ahronoth* that "without question this was sabotage, serious sabotage that was committed in Turkey's territorial waters."

Members of the group that was supposed to set sail from the Turkish port checked the ship carefully, eventually confirming their suspicion that the incident was deliberate sabotage. It is not clear what the exact nature of the mishap was, but sources said yesterday that it was serious enough to prevent the Irish ship from taking part in the flotilla. Twenty-two people were scheduled to sail on the *Saoirse*.

Flotilla spokespeople refused to confirm or deny the reports, but at the beginning of the week they pointed an accusing finger at Israel, claiming that "highly trained professionals" had attacked the boats in order to prevent the flotilla from getting under way. This followed a report on Monday that the propellers on the Swedish-owned vessel *Juliano* had been mysteriously sabotaged while anchored in Athens.

"The longer we are held up Israel believes it will be able to dampen our motivation and our spirit, but they are mistaken," said Thomas Sommer-Houdeville, the French spokesman for the flotilla and one of the senior members of the International flotilla to Gaza. "There are several parliamentarians here, from several European capitals, journalists and activists, and not one of them will back down. I hope that we'll set sail soon." But as much as Thomas and his colleagues may hope, it is unlikely the flotilla will set sail this week. It will likely be pushed off to next week.

Apart from the mysterious mishaps on the ships, the flotilla has encountered other difficulties as well. The general strike and riots in the streets of Athens, as well as other legal and administrative problems, have pushed the flotilla off. In the meanwhile activists continue to hold meetings and other gatherings, mainly in order to interest the media and to keep activists primed for a clash with IDF soldiers before they lose interest and abandon the ships.

Thomas invites me to tour the *Louise Michel*, named for the French revolutionary, a legendary figure for the French left wing. "The IDF says there are chemical agents here. You're welcome to look for them," he said before introducing me to the captain and crew members. Although the Israeli claim referred to the French ship *Dignity*, there is no question that the presence of an Israeli journalist could serve the propaganda agenda for flotilla organizers. [Several French journalists] were invited to record and report on the Israeli visiting the peace-lovers' ship and seeing for himself that there were no weapons on board.

The flotilla to Gaza was thought up by more than one person, but it is questionable whether it would have come to pass in its current format, or the format it used last year, without the involvement of Swedish-Israeli Dror Feiler (60). After the last flotilla Feiler was banned from entering Israel for 10 years. "I'm not a religious man so I can't identify with the concept of *shahid*, but I am certainly prepared to sacrifice myself for the values I believe in," Feiler said yesterday. He was with his 88-year-old mother, Pnina, who travelled from Israel to accompany her son on the flotilla.

The elder Feiler did not flinch when she heard her son say was prepared to give his life for the Palestinian people. "[In Hebrew] we call this 'sanctifying God's name.' This is exactly the same thing," said Feiler, who was born in Poland and immigrated to Palestine in 1938. "We came to Israel despite the fact that we weren't Zionists," she clarified. Asked whether she is a Zionist now, she answered with a sharp "no."

And what if the Palestinians you're fighting for betray you and kill you, the way they did to your friend Juliano Mer? "It could happen," said Dror Feiler. "But at least I'll know I acted in accordance with my principles."

Is there anything positive you could say about Israel, without reservations?

"Nope. It's in my nature to have reservations about everything," he said.

Netanyahu to Greek Prime Minister: Stop the Flotilla

Yedioth Ahronoth (p. 7) by Itamar Eichner -- Israel has asked the Greek authorities to prevent the departure of the flotilla from the Greek ports to the Gaza Strip. "We made it clear to the Greeks that it is inconceivable that while Turkey realizes the damage that the flotilla could cause it, and stopped its departure from Turkish territory, Greece, which is Israel's close friend, will enable the flotilla ships to set sail from its ports," said a high-ranking political official last night.

Prime Minister Binyamin Netanyahu spoke on the matter to his counterpart, Greek Prime Minister George Papandreou, who is very troubled these days by the acute crisis and the severe riots that are taking place in his country—but understands well the volatile potential of the flotilla waiting in his ports. Netanyahu asked Papandreou to take action similarly to the president of Cyprus, who issued a presidential order that barred the departure of the flotilla from Cypriot ports.

The Greeks announced that after checking the legal aspects of the matter, it became clear that they were legally unable to stop the flotilla. At most, they said, they could delay its departure on various technical pretexts—but they could not prevent the ships from setting sail.

Meanwhile, the port officials in Greece have been given instructions to harass the organizers of the flotilla: Every mishap or error in registration—causes delays in granting the permits necessary for departure. The Greeks are also searching closely for every malfunction in the flotilla ships that are in their territory, including shortages of safety equipment, fire extinguishers, first aid kits and the like.

The bureaucratic delays that the Greeks are causing to the flotilla ships are not satisfactory to Israel, as is the courteous reply regarding the “legal inability” to stop the flotilla. Officials in Jerusalem made it clear to Athens that this means that the current flotilla to Gaza would be the “Greek flotilla,” and this is incompatible with the mutual interests of the two countries. “This is a flotilla of provocative terrorist elements,” political officials told their Greek colleagues, “and its departure at this time could gravely damage the chances of renewing the peace process.”

Nicholas Jakobson
Political-Military Affairs Officer
Office of Israel and Palestinian Affairs
U.S. Department of State
Tel: 202-647-4386

This email is UNCLASSIFIED.

RELEASED IN FULL

Law, Rosemary C

From: Lawton, Daniel J (Athens)
Sent: Monday, June 27, 2011 7:19 AM
To: Martin, Leah A (Athens)
Subject: FW: Organizers: Israeli pressure to halt Gaza flotilla (AP)

Follow Up Flag: Follow up
Flag Status: Completed

FYI. Regards, Dan I.

This email is UNCLASSIFIED.

From: Tubbs, Stefanie A
Sent: Monday, June 27, 2011 2:01 PM
To: Buzbee, John R; Jakobson, Nicholas W; EUR-SE-DL; NEA-Egypt; PM-CPMS; SES-O; Vasquez, Edgar J; Grubb, Jason B; Levin, Jan; Silverman, Robert J; Wallis, Jacob; Sutphin, Paul R; Richter, Kim B; Worman, Patrick F; Zurcher, Kenneth M; Goldberger, Thomas H; Masilko, Barbara J (USUN); Marchese, Gregory M; Blome, Donald A; Waters, John R; Pilz, Amanda C; Miller, Walter R; 'Prem_G_Kumar@nss.eop.gov'; Russell, Melissa H; Jacobson, Michael N; Bilge, Kerem S; CA-OCS-Duty; Bernier-Toth, Michelle; Rodriguez, Hugo F; Lopatkiewicz, Viktoria; Greene, Elisa; George, Leah; Daniels, Cherrie S; Slakey, Monica M; Rudman, Mara; Reed, Julia G; Khoury-Kincannon, Sahar; Bitar, Maher B; Norman, Marc E; Nardi, Margaret H; Smith, Daniel B (Athens); Miller, Thomas S (Athens); Lawton, Daniel J (Athens); Cockrell, John D (Athens); Levinson, Jesse S; Grubb, Jason B; Howard, Jeremiah "Jerry"; Appleton, Richard H; McKeever, Matthew X (Athens); Brandeis, Katherine L (Athens); Cohen, Jonathan R; Allison, Alicia P; Stewart, Nan E
Subject: FW: Organizers: Israeli pressure to halt Gaza flotilla (AP)

Colleagues,

Forwarding the newsticker below for your awareness.

Have a great day,

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

Stefanie Tubbs

From: OpsNewsTicker
Sent: Monday, June 27, 2011 6:58 AM
To: NEWS-EUR; NEWS-NEA; NEA-IPA-DL
Cc: SES-O_Shift-I; SES-O_Shift-II; SES-O_OS
Subject: Organizers: Israeli pressure to halt Gaza flotilla (AP)

ATHENS, Greece - (AP) Organizers of an international flotilla to blockaded Gaza say Israel is pressuring Greece to halt the ships' departure.

American activist Ann Wright told a news conference on Monday that Israel is mounting a "tremendous diplomatic offensive" to prevent the flotilla from setting sail.

Organizers urged the Greek government in a statement not to "become complicit in Israel's illegal actions by succumbing to this pressure."

Organizer Vangelis Pissias said the flotilla is ready to leave in a few days, but gave no specific departure date.

Just over a year ago, a similar mission ended with the deaths of nine Turkish activists in clashes with Israeli naval commandos who intercepted them.

News Tickers alert senior Department officials to breaking news. This item appears as it did in its original publication and does not contain analysis or commentary by Department sources.

RELEASED IN FULL

NON-RESPONSIVE PORTIONS
REDACTED

Law, Rosemary C

From: Lawton, Daniel J (Athens)
Sent: Monday, June 27, 2011 7:17 AM
To: Doyle, Robert F
Subject: RE: Comment for Secretary's Brief

Follow Up Flag: Follow up
Flag Status: Completed

Rob -- You may have already seen the short item below:

(SBU) Gaza Anniversary Flotilla Update: "Freedom II -- Stay Alive," the group organizing the flotilla to Gaza, announced via their website and Twitter accounts that they will hold a press conference in Athens on June 27 ahead of their scheduled departure from the Greek ports of Piraeus, Corfu, and Crete "within the next few days" to Gaza. In a letter to UN Secretary General Ban Ki-moon, also posted on their webpage, the organizers announced that delegations from 20 countries will board 12 boats for Gaza. Vagelis Pisas, speaking for the Freedom II group, told reporters that flotilla participants leaving from Greek ports will rendezvous at an unspecified area of the Aegean to meet up with boats that have already departed from France and Spain to head to Gaza. Pisas also noted two Greek cargo ships will be carrying medical supplies, cement, and an ambulance to donate to the Palestinian medical emergency service.

Regards,
Dan L.

SBU
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From: Doyle, Robert F
Sent: Monday, June 27, 2011 2:14 PM
To: Lawton, Daniel J (Athens)
Cc: Mallik, Paul (Athens); Smith, Daniel B (Athens); Miller, Thomas S (Athens)
Subject: RE: Comment for Secretary's Brief

Thanks for the comments below, as well as the insight to the Gaza Flotilla press conference.

All the best,

Rob Doyle
Watch Officer
State Department Operations Center
DoyleRF@state.gov
202 647 1512

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer



OPERATIONS CENTER
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From: Lawton, Daniel J (Athens)
Sent: Monday, June 27, 2011 1:45 AM
To: Doyle, Robert F

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NON-RESPONSIVE PORTIONS
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Law, Rosemary C

From: Lawton, Daniel J (Athens)
Sent: Monday, June 27, 2011 7:11 AM
To: Malik, Paul (Athens); Bouzis, Evangelia M (Athens); Ross, Daniel E (Athens)
Subject: RE: For Clearance: Today's Summary

Follow Up Flag: Follow up
Flag Status: Completed

[Redacted]

NR

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From: Malik, Paul (Athens)
Sent: Monday, June 27, 2011 1:38 PM
To: Bouzis, Evangelia M (Athens); Lawton, Daniel J (Athens); Ross, Daniel E (Athens)
Subject: Re: For Clearance: Today's Summary

[Redacted]

From: Bouzis, Evangelia M (Athens)
Sent: Monday, June 27, 2011 06:13 AM
To: Lawton, Daniel J (Athens); Malik, Paul (Athens); Ross, Daniel E (Athens)
Subject: RE: For Clearance: Today's Summary

[Redacted]

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REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

From: Lawton, Daniel J (Athens)
Sent: Monday, June 27, 2011 1:08 PM
To: Malik, Paul (Athens); Ross, Daniel E (Athens); Bouzis, Evangelia M (Athens)
Subject: For Clearance: Today's Summary

[Redacted]

NR

- The group organizing the flotilla to Gaza, announced via their website and Twitter accounts that they intend to depart from the Greek ports of Piraeus, Corfu, and Crete "within the next few days."
 - The organizers noted on their webpage that delegations from 20 countries will board 12 boats for Gaza.

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Law, Rosemary C

From: Lawton, Daniel J (Athens)
Sent: Saturday, June 25, 2011 5:29 AM
To: Malik, Paul (Athens); Brandeis, Katherine L (Athens); Miller, Thomas S (Athens); Smith, Stuart M (Athens); McKeever, Matthew X (Athens)
Cc: Cockrell, John D (Athens)
Subject: Re: Flotilla Update...
Follow Up Flag: Follow up
Flag Status: Completed

Paul - That would be great. Last I heard no vessels were departing this weekend. Regards, Dan L

From: Malik, Paul (Athens)
Sent: Saturday, June 25, 2011 05:23 AM
To: Brandeis, Katherine L (Athens); Miller, Thomas S (Athens); Smith, Stuart M (Athens); McKeever, Matthew X (Athens)
Cc: Lawton, Daniel J (Athens); Cockrell, John D (Athens)
Subject: RE: Flotilla Update...

Am sending this from the office, since my blackberry is now only receiving but not transmitting emails. Aaargh.

POL has the lead on the flotilla issue, but I can try to reach out to shipping contacts about sailing times, etc.

*Paul R. Malik
Counselor for Economic Affairs
U.S. Embassy
Athens, Greece*

+30-210-720-2304

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REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

From: Brandeis, Katherine L (Athens)
Sent: Friday, June 24, 2011 7:35 PM
To: Miller, Thomas S (Athens); Smith, Stuart M (Athens); Malik, Paul (Athens); McKeever, Matthew X (Athens)
Subject: Fw: Flotilla Update...

Fyi, it looks like our group have scheduled a press conference for Monday. Paul, OCS is asking if we can find out scheduled departure times and manifests. Just passing it along, not sure if your contacts would have that info. K

From: Mendel, Teresa S
Sent: Friday, June 24, 2011 12:27 PM
To: Brandeis, Katherine L (Athens); McKeever, Matthew X (Athens); Stewart, Nan E
Subject: Flotilla Update...

Keeping you in the loop on the information provided by Tel Aviv.

Nan- No indications that they will go into port in Cyprus but wanted you to be aware of the events.

Teresa

Privacy/PII

This email is UNCLASSIFIED.

From: Richter, Kim B
Sent: Friday, June 24, 2011 10:09 AM
To: Mendel, Teresa S; Brooks-Lindsay, Joanie
Subject: FW: Flotilla Update...

The latest from Tel Aviv.

At present, the GOI and our naval intelligence are tracking 10 ships that could potentially join the next flotilla – although in all likelihood, only 6-7 ships will participate as several ships are either not seaworthy or have been taken out of the game (the Mavi Marmara, for example). According to various Gaza Flotilla websites, flotilla activists have scheduled a press conference to take place in Athens on Monday, June 27, at 12:00 pm – the thinking is that a majority of the ships currently located in a port near Athens will depart shortly after the press conference. The GOI has told us that a few ships (NFI) may depart from more remote Greek islands, and therefore may get underway over the weekend. But the current assumption is that all flotilla participating ships will rendezvous at an unknown location south of Cyprus, and then proceed to Gaza. As such, we do not anticipate any attempt over the weekend to test the blockade – more likely is a rendezvous near Cyprus on June 28/29, followed by a dash to Gaza. There does remain the possibility that the flotilla ships will attempt a "piece-meal approach" instead of an organized effort. The closest potential flotilla participant ship remains the M/V Finch, which is currently located in El Arish – although the Finch has consistently experienced technical difficulties. POL remains in constant contact with MFA Flotilla Coordinator Gary Koren, will coordinate with DAO and update the Front Office of any flotilla developments over the weekend.

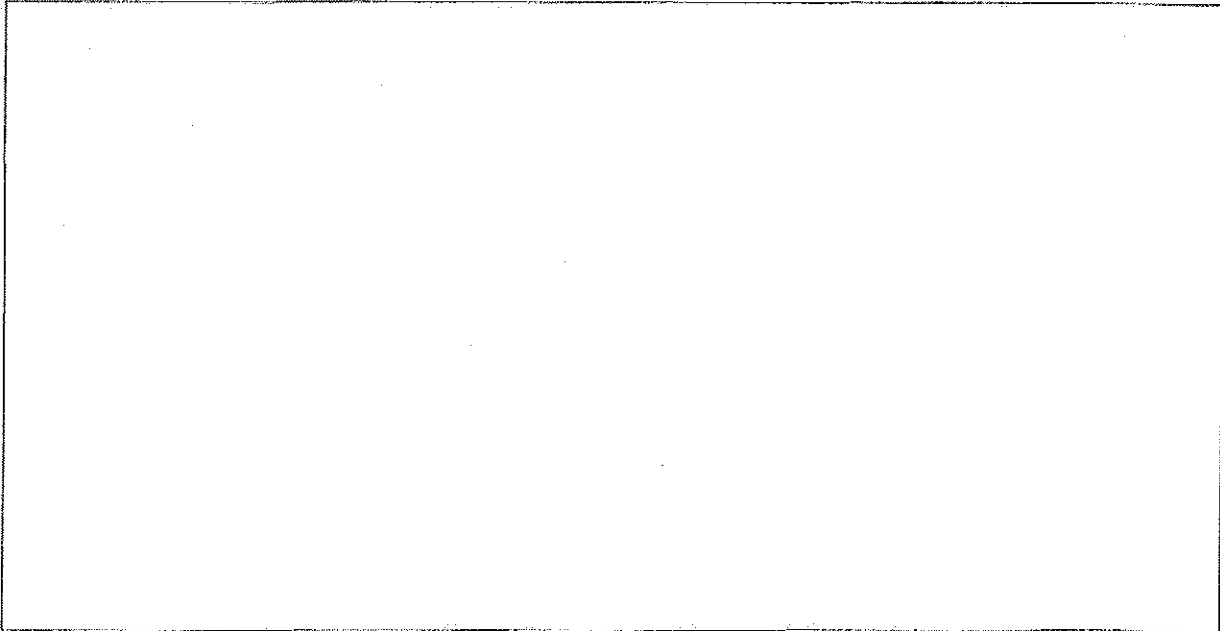
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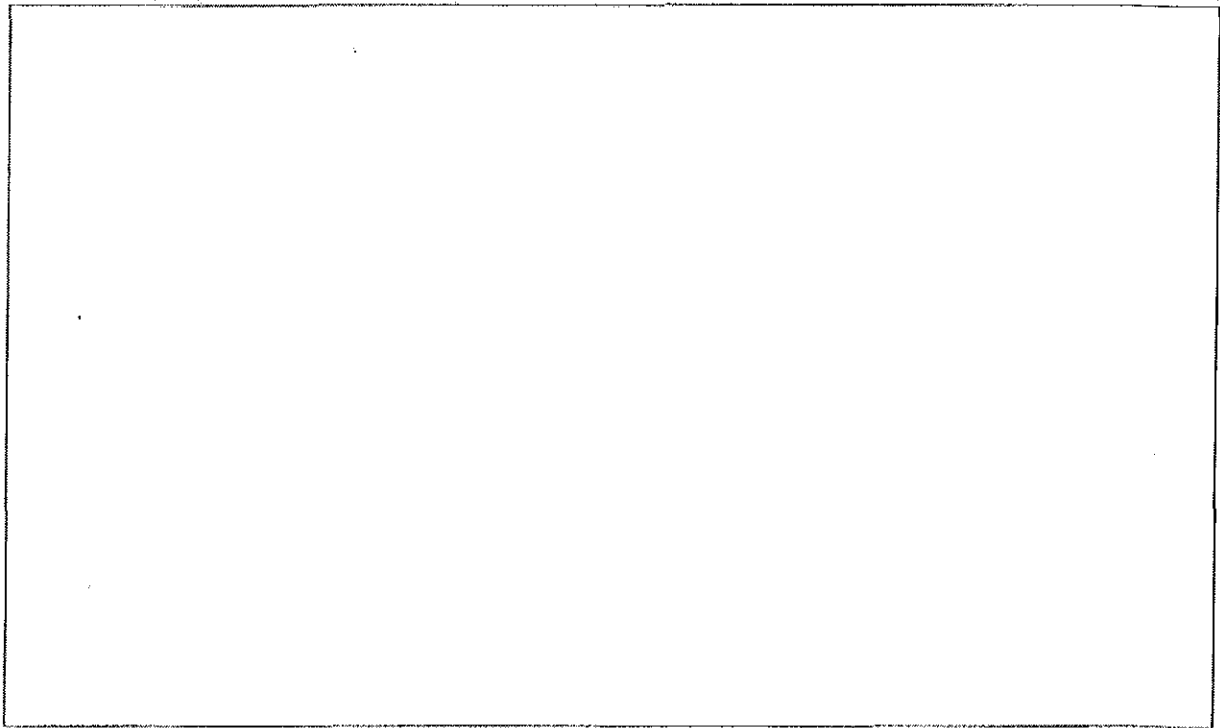
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**NON-RESPONSIVE PORTIONS
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On 1 April, Turkey's mainstream secular dailies continue to focus on talks with KGK leader Abdullah Ocalan, particularly the withdrawal of KGK militants from Turkey and the wise men project. Some columnists turn their attention to the impact of normalization of ties between Turkey and Israel on foreign policy.



NR



Turkish- Israeli Normalization/ Impact on Foreign Policy

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

In a 480-word commentary entitled "Right Time To Return to 'Zero Problems'" in *Taraf*, Semih Idiz views the advantages of the normalization of ties with Israel following the Israeli apology for the 2010 flotilla incident. Diplomatic circles that look at the "big picture" believe that Turkey's regional influence will increase, maintains Idiz, adding that Israeli apology provides an opportunity for Ankara to return to "zero problems with neighbors" policy. The serious economic collapse that Greek Cypriots are undergoing lays the foundation for a new "peace move," which, for sure, will positively impact on Turkey-EU relations, Idiz notes. He also says that the "positive conjuncture" for efforts to normalize ties with Armenia has appeared and that a regionally more influential Turkey can also increase its chances to contribute to the reconciliation between Azerbaijan and Armenia. Recalling that Foreign Minister Ahmet Davutoglu is said to be a "visionary," Idiz concludes: "We will see together how Erdogan and Davutoglu will use the new emerging opportunities on behalf of Turkey. (Istanbul Taraf Online in Turkish -- Website of liberal daily; URL: <http://www.taraf.com.tr>)

A 521-word editorial by Murat Yetkin in *Hurriyet Daily News* relates the telephone call between Secretary of State John Kerry and Turkish Foreign Minister Ahmet Davutoglu on 30 March. The "fragile situations" in Iraq and Syria were discussed over the telephone, Yetkin writes. Noting the major issues that were discussed, Yetkin points out that the whole regional balance might change as Turkey's relations "get back on track" with Israel following the latter's 22 March apology over the 2010 flotilla incident in which nine Turkish citizens were killed by Israeli soldiers. (Istanbul Hurriyet Daily News Online in English -- Website of pro-secular daily, more moderate than the Turkish version and addressing a foreign audience, owned by Dogan Media Group; URL: <http://www.hurriyetdailynews.com/>) (filed as EUL2013040129633994)

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Law, Rosemary C

From: OSCINFO@rccb.osis.gov
Sent: Sunday, March 31, 2013 10:15 PM
Subject: OSC: Jordan Times: After Israeli apology, Turkey dreams of new tourism boom (Athens Embassy)

Follow Up Flag: Follow up
Flag Status: Completed

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Jordan Times: After Israeli apology, Turkey dreams of new tourism boom

GMP20130401966041 Amman Jordan Times Online in English 0200 GMT 01 Apr 13

["After Israeli Apology, Turkey Dreams of New Tourism Boom" – Jordan Times Headline]

[Computer selected and disseminated without OSC editorial intervention]

(Jordan Times) - class="style-group-2-headline-bd-24" style="text-align: justify;">ISTANBUL — The air-clearing apologies were both made and accepted.

Now, Turkey's tourism industry is holding its breath and hoping that Israel's apology for a deadly 2010 raid on a Gaza-bound aid flotilla will translate into a new love affair that will bring Israeli holidaymakers back to its beach resorts.

"After the apology, I think we'll reach 500,000 [Israeli] tourists this year," said Timur Bayindir, the president of the Association of Hotel Owners in Turkey (TUROB), convinced that any grudges between the two allies were erased thanks to last week's diplomatic breakthrough.

And he is not the only one who is optimistic.

"The cooperation between the two countries will resume as before," Basaran Ulusoy, the president of the Association of Travel Agencies in Turkey (TURSAB), told mainstream daily Sabah.

Prior to the spat, Turkey-Israel relations were warm, and vacationers from Israel were a common sight along the Turkish Mediterranean coastline. Among the 558,000 tourists that visited Turkey in 2008, one out of every 13 was Israeli, making it their top holiday destination.

Source Metadata	
Source Name	Jordan Times Online
Source Medium(s)	Internet
Source City	Amman
Source Country	Jordan
Source Start Date	4/1/2013 - 0200 GMT
Source End Date	4/1/2013
Source Language(s)	English
Article Metadata	
Product ID	GMP20130401966041
Version	1
Content Type	Translation/Transcription
Processing Indicator	OSC Transcribed Text
Precedence	Routine
Topic Country(s)	Bulgaria, Greece, Israel, Turkey, Jordan
Topic Region(s)	Europe, Middle East
Topic Subregion(s)	Balkans, South Europe, Middle East
Event(s)	
International Organization(s)	
Topic(s)	INTERNATIONAL POLITICAL, LEADER, MILITARY, DOMESTIC POLITICAL, INTERNATIONAL

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

But relations soured in 2009, when Israel unleashed its devastating 22-day Operation Cast Lead on Gaza.

Turkey was infuriated.

It accused Israel of using disproportionate force in the conflict that cost the lives of 1,400 Palestinians — half of them civilians — and 13 Israelis, 10 of them soldiers.

The criticism did not go down well in Israel, where trade unions called for a boycott of Turkey. The number of Israeli tourists in Turkey fell to 312,000 that year.

A year later, relations between the two states hit rock bottom. Israeli commandos staged a botched pre-dawn raid on the six-ship flotilla to Gaza headed by Turkey's Mavi Marmara, in which nine Turkish nationals are killed.

In response, Ankara expelled Israel's ambassador to Turkey and suspended their military cooperation. And angry Turkish mobs took to the streets and burned Israeli flags.

That was when Israeli holidaymakers really began to turn their backs on Turkey.

In 2010, the number of Israeli tourists plummeted to 110,000, in 2011 to 79,000, and last year it only slightly rebounded to 84,000.

The March 22 apology made by Prime Minister Benjamin Netanyahu to his Turkish counterpart Recep Tayyip Erdogan — and brokered by US President Barack Obama — may reverse the trend.

"Before the apologies, we pushed very hard [for] Greece and Bulgaria, but since last week we try to do our best to push Turkish products," Eyal Kashdan said, the chief executive of Flying Carpet Travel, one of the market leaders in promoting Israeli tourism in Turkey.

"Actually, clients prefer the [Turkish] products, the hotels of Turkey... because of the luxury of the hotels and the all-inclusive system, and they feel that the Turkish cuisine is similar to the Israeli cuisine," he told AFP.

Still, he does not go as far as to say the Turks can now expect a boom in Israeli tourism. At least not yet. "I think the clients need more time to feel better with the [Turkish] hospitality," he said.

His reservations are echoed by Daniel Zimet, president of the Zimet Marketing Communications agency which promotes Turkey in Israel.

"Israelis shall be ensured 100 per cent that there is nothing to worry about when going to Turkey," he said, adding that Erdogan is still walking a fine line in regards to doubts cast on whether the Israeli commanders of the flotilla raid still risk judicial proceedings in Turkey.

"It's still a way to go before things will be totally clarified between the two nations."

[Description of Source: Amman Jordan Times Online in English -- Website of Jordan Times, only Jordanian English daily known for its investigative and analytical coverage of controversial domestic issues; sister publication of Al-Ra'y; URL: <http://www.jordantimes.com/>]

ECONOMIC
Program Title(s)
Program Type(s)
Speaker(s)

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Law, Rosemary C

From: Lawton, Daniel J (Athens)
Sent: Thursday, June 16, 2011 6:51 AM
To: Au-Yeung, Jenny
Subject: RE: Ban Ki Moon flotilla statement

Follow Up Flag: Follow up
Flag Status: Completed

Jenny - Thanks. This is useful. Regards, Dan L.

This email is UNCLASSIFIED.

From: Au-Yeung, Jenny
Sent: Thursday, June 16, 2011 1:48 PM
To: Lawton, Daniel J (Athens)
Subject: Ban Ki Moon flotilla statement

Dan,
I wasn't able to find an issued statement by Ban Ki Moon.
Cheers,
Jenny

New York, 27 May 2011 - Statement Attributable to the Spokesperson of the Secretary-General on Letters by the Secretary-General about Possible Flotillas to Gaza

The Secretary-General has sent a letter to Governments of countries around the Mediterranean Sea. In these letters, the Secretary-General indicated that he was following with concern media reports of potential flotillas to Gaza. He expressed his belief that assistance and goods destined to Gaza should be channelled through legitimate crossings and established channels. He recalled the statements of the Quartet on 21 June 2010 and the Ad Hoc Liaison Committee on 13 April 2011 in this regard.

The Secretary-General called on all Governments concerned to use their influence to discourage such flotillas, which carry the potential to escalate into violent conflict. He further called on all, including the Government of Israel, to act responsibly and with caution to avoid any violent incident.

The Secretary-General reiterated that, while he believed that flotillas were not helpful in resolving the basic economic problems in Gaza, the situation there remains unsustainable. He urged the Government of Israel to take further meaningful and far-reaching steps to end the closure of Gaza, within the framework of Security Council resolution 1860 (2009). In particular, he underlined that it was essential for the operation of legitimate crossings to be adequate to meet the needs of Gaza's civilian population. (Source: [UN](#))

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

21. The Secretary-General is also following with concern media reports of potential new

flotillas to Gaza that can provoke unnecessary confrontations. The Secretary-General calls on all Governments concerned to use their influence to discourage such flotillas, which carry the potential for escalation. He further calls on all to act responsibly to avoid any violent incident. (Source: UNSCO)

"The Secretary-General is also following with concern media reports of potential new flotillas to Gaza that can provoke unnecessary confrontations. The Secretary-General calls on all Governments concerned to use their influence to discourage such flotillas, which carry the potential for escalation. He further calls on all to act responsibly to avoid any violent incident." (Source: UN Watch)

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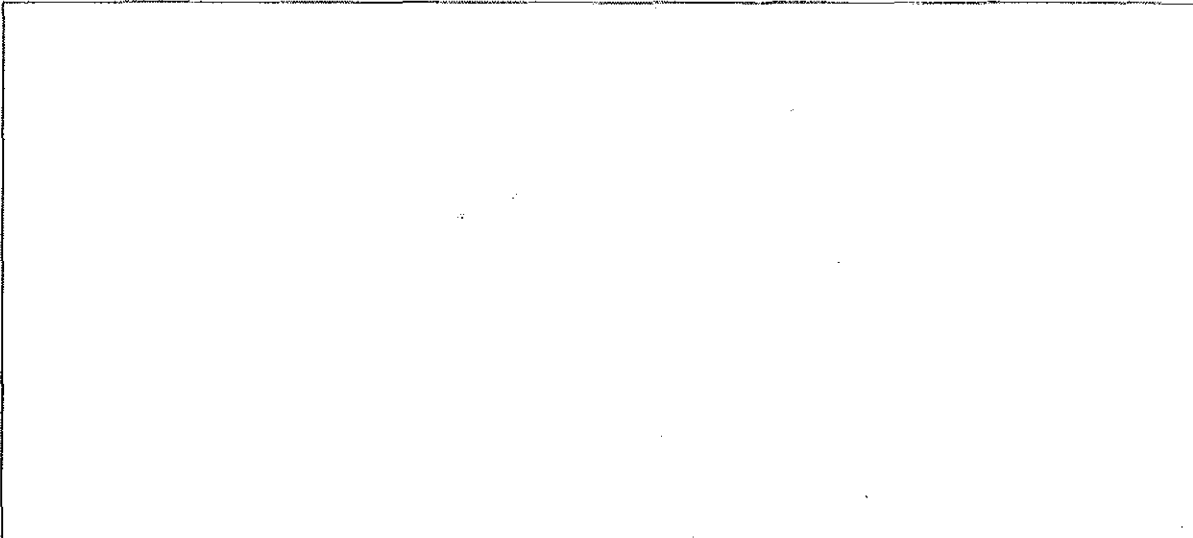
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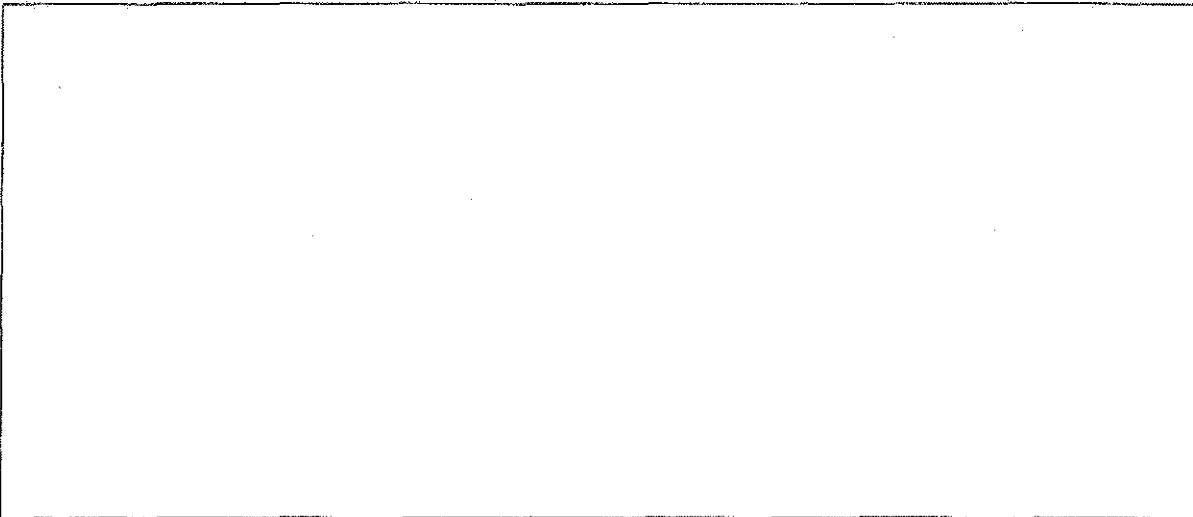
Law, Rosemary C

From: Aksoy, Burcu
Sent: Tuesday, April 09, 2013 8:59 AM
Subject: Turkey Media Summary Update: April 9, 2013

Follow Up Flag: Follow up
Flag Status: Completed



NR



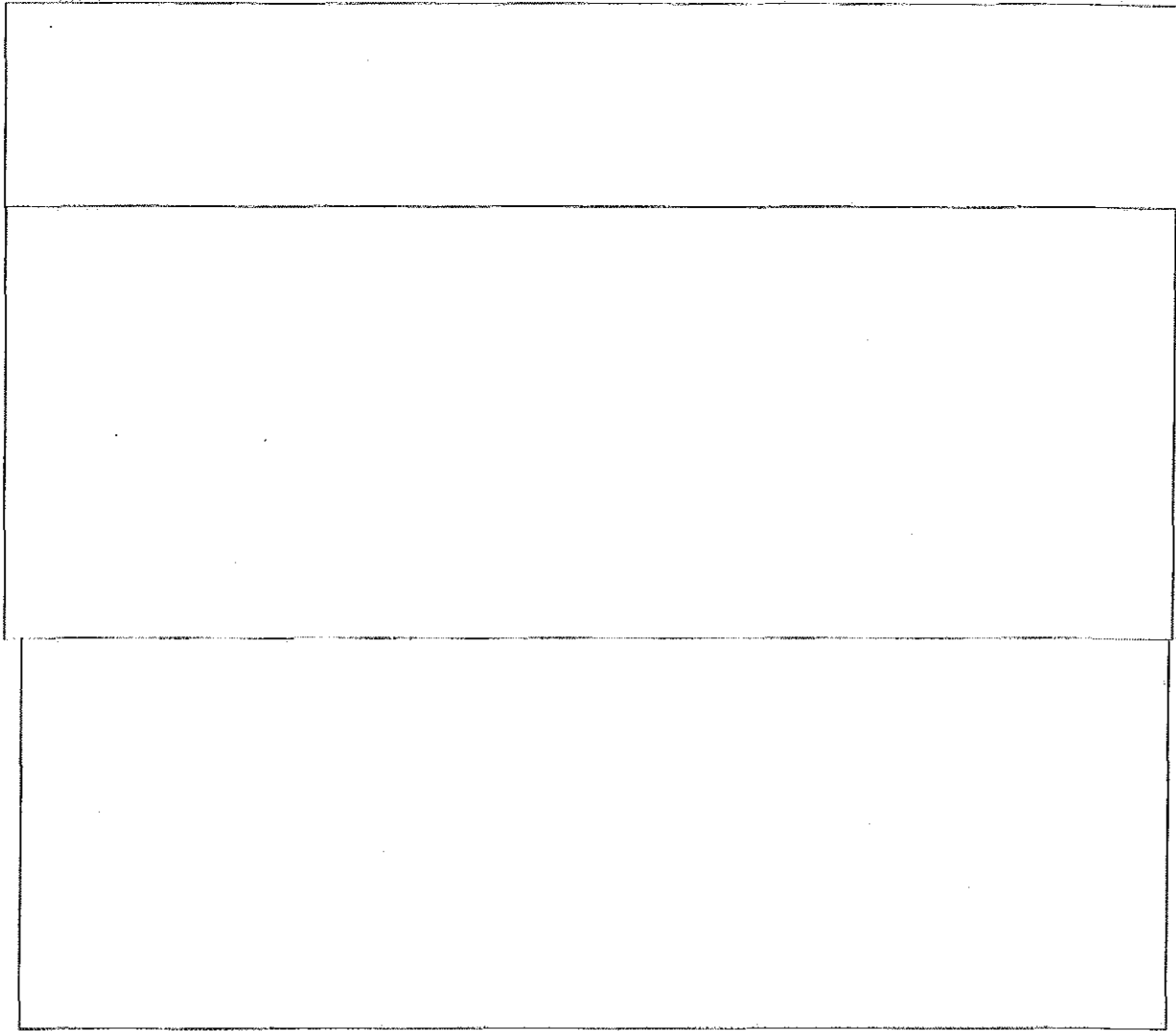
"Gaza Blockade Should Be Lifted" (*Haberturk, Yeni Safak, Hurriyet*)

During a press conference in Istanbul, Mavi Marmara passengers said without the lifting of the Gaza blockade, they are not going to discuss the compensation issue and will not retract their lawsuits against Israeli military personnel involved in the Gaza flotilla incident.



REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

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Public Affairs Section, Ankara

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Law, Rosemary C

From: Donahue, Linda L
Sent: Monday, March 25, 2013 10:07 AM
Subject: FW: FP's The Cable: Top U.N. refugee official sounds alarm on Syria, Inside Bibi's apology to Turkey

Follow Up Flag: Follow up
Flag Status: Completed

FP's The Cable

Linda L. Donahue
Career Development Officer
HR/CDA/SL
Room 4112 SA-3
2121 Virginia Avenue
202-663-0791

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From: Greenberg, Brenda L
Sent: Monday, March 25, 2013 7:47 AM
To: CLIPS
Subject: FP's The Cable: Top U.N. refugee official sounds alarm on Syria, Inside Bibi's apology to Turkey

Top U.N. refugee official sounds alarm on Syria

Posted By Josh Rogin ▣ Friday, March 22, 2013 - 4:42 PM

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer



In Amman Friday, U.S. President **Barack Obama** and Jordan's King **Abdullah II** discussed the growing international refugee crisis due to the Syrian civil war. Back in Washington, the U.N.'s top refugee official spent the week pressing officials and lawmakers to do more to respond to the calamity.

"What we are facing now, today, obviously is an urgent need for international community to help in humanitarian assistance to catch up to the challenges that we are facing as the countries bordering Syria," Abdullah said standing alongside Obama in Amman. "And not only do we need to look at the ability to stockpile humanitarian supplies to the Syrian people inside the country, but also to be able to assist those that have fled."

Jordan has 460,000 Syrian refugees, about 10 percent of the country's overall population, and the Zaatari refugee camp is now Jordan's fifth-largest city. Obama announced Friday that the United States will provide Jordan with \$200 million to help alleviate the pressure caused by the refugee crisis.

"This will mean more humanitarian assistance and basic services, including education for Syrian children so far from home, whose lives have been upended," Obama said. "And the international community needs to step up to make sure that they are helping to shoulder this burden."

In Washington, U.N. High Commissioner for Refugees **Antonio Guterres** met with administration officials and lawmakers for several days this week in an effort to build more support for those fleeing the violence in Syria. There

are now more than 1 million Syrian external refugees total and the numbers are spiraling upward, he said in an interview with *The Cable*.

"The U.S. can play a very important role by leading by example and at the same time, in its diplomatic contacts with many countries, helping to create the conditions for those in need of protection to get it, for borders to remain open, for people to be granted refugee status, and to see their rights respected," he said.

While in town, Guterres met with Deputy Secretary of State **Bill Burns**, Assistant Secretary of State for Population, Refugees, and Migration **Anne Richard**, National Security Staff officials **Gayle Smith** and **Steve Pomper**, and Sens. **Bob Casey (D-PA)**, **Sheldon Whitehouse (D-RI)**, **Carl Levin (D-MI)**, **Patrick Leahy (D-VT)**, and Rep. **Ileana Ros-Lehtinen (R-FL)**. He also met with staffers from the House Foreign Affairs Committee, Senate Foreign Relations Committee, Senate Appropriations Committee, and the offices of Sens. **Marco Rubio (R-FL)** and **Lindsey Graham (R-SC)**.

"The key message was that not only Syria is today a dramatic humanitarian emergency with staggering escalation of the conflict and dire humanitarian consequences, but more than that, the Syrian conflict represents a serious risk for regional and even global peace and security," he said. "So, this justifies a wake up in the international community, a much stronger commitment to find a solution even if that solution has been difficult to achieve, but also to increase the solidarity with the refugees and the other victims."

Guterres said that the growing instability of neighboring countries like Lebanon and growing pressures on countries like Jordan are raising the risk of instability that would have cascading effects for regional and world security, furthering heightening the need for increased aid.

"That is not only a matter of generosity but it is vital to protect the interests and the security of the United States of America," he said.

The scale of the crisis and the long-term fallout means that existing humanitarian budgets are not sufficient to respond to the Syria situation while also addressing other crises around the world. Therefore, Guterres is calling on countries such as the United States to create special budgets for Syrian humanitarian aid this year. He said he was encouraged by his meetings on Capitol Hill on the issue.

There is a gap in the regional refugee program between the needs and the money received of about \$700 million for just the first half of 2013, Guterres said. Three Gulf countries have pledged \$300 million each, and if those pledges come through, that would at least meet needs until the second half of this year.

Some have criticized the U.N. for working in regime-controlled areas inside Syria and with NGOs that have some level of cooperation with the Syrian government. Guterres said that there are victims in both regime- and rebel-controlled parts of Syria and that the U.N. is committed to helping them all.

"To support those victims living in horrible conditions has nothing to do with supporting the regime," he said. "And the people displaced in government controlled areas are not necessarily government supporters."

Guterres also testified at a March 19 Senate Foreign Relations Committee hearing that also featured testimony by Richard, USAID Assistant Administrator Nancy Limbourg, and experts including Human Rights Watch's Tom Malinowski.

Malinowski testified that the aid provided by the United States was not enough and was not recognizable because it was not branded, leading the refugees to wrongly conclude that America was on the side of the Syrian regime. He said the U.S. government should defer to aid providers on whether the aid should be branded, but added that the best thing the U.S. can do is work to stop the killing as soon as possible.

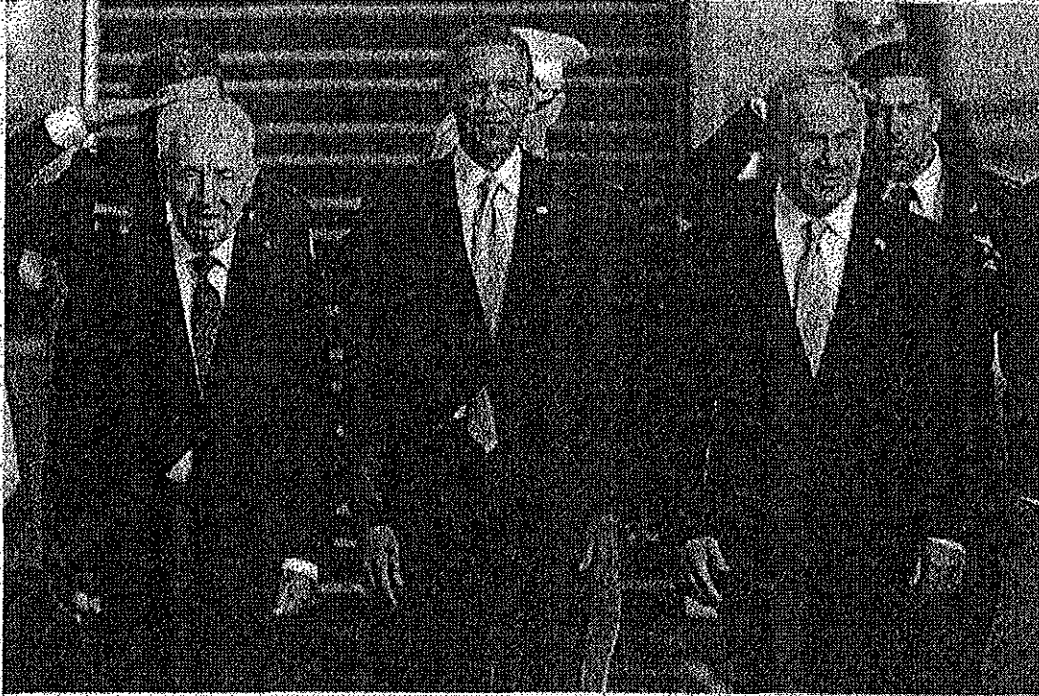
"Some aid was crossing, some of which I know the United States was paying for. Literally no person I met among the ordinary people in the north knew that the United States was providing that. And everybody asks, you know, 'Why isn't the international community here? Why aren't they helping us?'" Malinowski said. "And that anger was directed particularly at the United States, partly because they knew I was American, but I think partly because they just see the United States as the driving force in world affairs, the most powerful country. They believe we can do a lot more."

Getty Images

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Inside Bibi's apology to Turkey

Posted By Josh Rogin ■ Friday, March 22, 2013 - 2:41 PM



In a makeshift trailer set up on the tarmac at Israel's Ben Gurion airport, President Barack Obama and Israeli Prime Minister Bibi Netanyahu called Turkish Prime Minister Recep Erdogan and Netanyahu apologized for the nine deaths that resulted from the boarding by Israeli soldiers of a Turkish ship, the Mavi Marmara.

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Netanyahu's office issued a press release late Friday following the 30-minute call, which took place just before Obama boarded Air Force One for his flight to Jordan. Israel-Turkey diplomatic relations have been severed ever since the 2010 incident, in which the Mavi Marmara led a flotilla bound for Gaza meant to break the Israeli naval blockade. After repeated warnings, Israeli soldiers forcibly boarded the ship and were met by passengers wielding homemade weapons. In addition to the nine passenger deaths, more than a dozen other passengers and several Israeli soldiers were injured in the clash.

Obama and Netanyahu had spoken about the need to repair Israel-Turkey relations in their bilateral meetings and Netanyahu made the first step in the Friday phone call. Netanyahu told Erdogan that he regretted the deterioration of relations between the two countries. Netanyahu also said he had seen Erdogan's recent comments in a Dutch newspaper, where Erdogan said his claim that Zionism was a "crime against humanity" was misinterpreted.

"[Netanyahu] made clear that the tragic outcome of the Mavi Marmara incident was not intended by Israel and that Israel regrets the loss of human life and injury," Netanyahu's office said in the release. "In light of Israel's investigation into the incident which pointed to a number of operational mistakes, the Prime Minister expressed Israel's apology to the Turkish people for any mistakes that might have led to the loss of life or injury and agreed to conclude an agreement on compensation/nonliability."

Netanyahu also told Erdogan that Israel has substantially lifted restrictions on what goods were allowed to enter Gaza and the two leaders agreed to continue to work on how to improve humanitarian conditions for residents of the Palestinian territories, the release stated.

Israeli and Turkish officials said after the call that diplomatic relations had been restored and each country would return its ambassador to the other. Obama released a statement after the call praising the development between the two leaders.

"The United States deeply values our close partnerships with both Turkey and Israel, and we attach great importance to the restoration of positive relations between them in order to advance regional peace and security," Obama said. "I am hopeful that today's exchange between the two leaders will enable them to engage in deeper cooperation on this and a range of other challenges and opportunities."

A senior Obama administration official briefed reporters about the circumstances surrounding the call on the plane en route to the president's stop in Amman, Jordan, and said that the White House has been trying to work with both Israel and Turkey to get them to mend fences for a long time.

"It's been difficult, but that's why this call that took place today was important, because it was a sign that both of them -- the two prime ministers said that to each other -- value their own relationship between Turkey and Israel," the official said.

Netanyahu initiated the call, brought up the flotilla incident, and apologized, the official said, and Erdogan said he appreciated the remarks and accepted the apology on behalf of Turkey. Erdogan also said "that he cherished the longstanding relationship between Turkey and Israel, between Jewish people and Turkey, and that he also wanted to have a better relationship," the official said.

Obama got on the line toward the end of the call, greeted Erdogan, and suggested they talk more in the near future. But Obama's participation in the call was minimal. Asked if Obama facilitated the call, the official said, "The timing of the call speaks for itself."

The White House doesn't want to take too much credit for the breakthrough, but the senior administration official said the warming of Israel-Turkey relations has been an administration goal for a long time.

"I think it would be accurate to say the president has been making this point to both leaders for going on a couple years now. So I think it's well known by both Turkey and Israel the importance we place on seeing these two close friends of ours have normalized relations," the official said.

But did Obama actually press Netanyahu to make the call?, one reporter asked. The official would say only that the two leaders had been discussing the issue over the last couple of days.

"I think [Obama] discussed the importance of Turkey and Israel working to repair their relationship, and the two of them in their discussions agreed on that, and Prime Minister Netanyahu placed a call," the official responded.

As for why the call took place in a trailer on the tarmac at the airport, the official explained that it was the only time the three leaders could get together on the phone.

The administration is presenting the call as a small but significant sign that Israel-Turkey relations are headed in the right direction. "We believe that the call today is an important step towards the normalization of that relationship," the official said.

UPDATE: Friday afternoon in Jordan, Obama explained the circumstances surrounding the apology call. Here's what he said:

With respect to the conversation that took place between Prime Minister Netanyahu and Prime Minister Erdogan, I have long said that it is in both the interests of Israel and Turkey to restore normal relations between two countries that have historically had good ties. It broke down several years ago as a consequence of the flotilla incident. For, you know, the last two years I've spoken to both Prime Minister Netanyahu and Prime Minister Erdogan about why this rupture has to be mended, but they don't have to agree on everything in order for them to come together around a whole range of common interests and common concerns.

During my visit it appeared that the timing was good for that conversation to take place. I discussed it with Prime Minister Netanyahu, and both of us agreed that the moment was right. And fortunately, they were able to begin the process of rebuilding normal relations between two very important countries in the region.

You know, this is a work in progress. It's just beginning. As I said, there are obviously going to still be some significant disagreements between Turkey and Israel not just on the Palestinian question but on a range of different issues. But they also have a whole range of shared interests and they both happen to be extraordinarily strong partners and friends of ours, and so it's in the interest of the United States that they begin this process of getting their relationship back in order. And I'm very glad to see that it's happening.

Lior Mizrahi/Getty Image

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Brenda Greenberg
HR Public Affairs Officer
202-647-4282

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Law, Rosemary C

From: OpsAlert
Sent: Tuesday, March 26, 2013 5:00 AM
Subject: Morning Press Highlights 03/26/1 (U)

Follow Up Flag: Follow up
Flag Status: Completed



EXECUTIVE SECRETARIAT
Operations Center

S/ES-O Morning Press Highlights

Tuesday, March 26, 2013
0500 EDT

EAST ASIA AND PACIFIC

[Redacted content for East Asia and Pacific]

NR

SOUTH AND CENTRAL ASIA

[Redacted content for South and Central Asia]

AFRICA

[Redacted content for Africa]

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

MIDDLE EAST

[Empty rectangular box for Middle East content]

NR

EUROPE

TURKEY/ISRAEL

A senior Turkish official said Israel and Turkey have begun negotiations on compensation for families of victims of the 2010 flotilla incident. (AFP)

[Empty rectangular box for Europe content]

WESTERN HEMISPHERE

[Empty rectangular box for Western Hemisphere content]

Drafted: TERAizen

Approved: HAGuevara

**** Morning Press Highlights alerts senior Department officials to breaking news items and is a synopsis of select media stories from around the world. It solely reflects the gist of the stories as presented in their original publications and does not contain analysis or commentary by Department sources. ****

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Law, Rosemary C

From: OSCINFO@rccb.osis.gov
 Sent: Monday, March 25, 2013 5:42 AM
 Subject: OSC: Selection List: Egyptian Press 25 Mar 13 (Greece)

Follow Up Flag: Follow up
 Flag Status: Completed

Note: The following OSC material is being emailed to you based on a subscription.

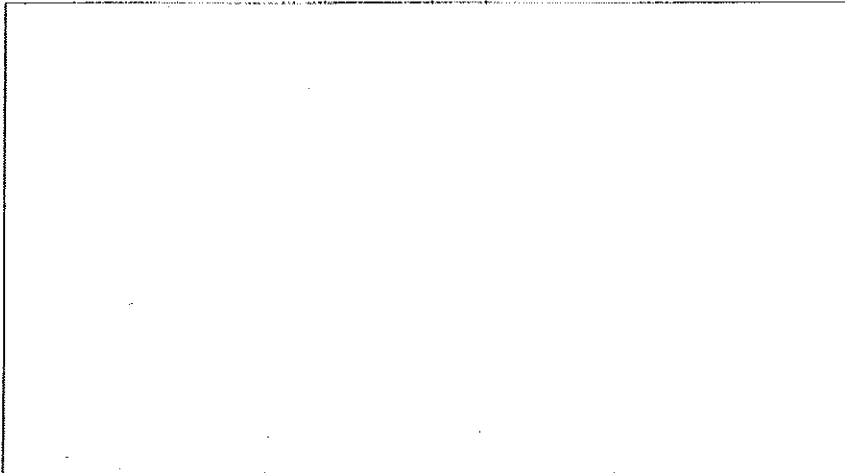
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Selection List: Egyptian Press 25 Mar 13

GMP20130325013001 Egypt -- OSC Summary in Arabic 25 Mar 13



3. Report by Shayma Munir views the Israeli apology to Turkey for the attack on a Turkish flotilla "not as triumph for the Turkish diplomacy as much as it is triumph for the language of common interests." The writer is surprised at the Palestinian welcome of that conciliatory move, although "it did not offer anything to Gaza." The report expects Turkey to "undertake the same task which Egypt undertook earlier by putting pressure on HAMAS to ensure the pacification which Israel demanded as a condition for lifting the siege on Gaza." It states "It is in Israel's interest to refrain from embarrassing Erdogan in front of the Palestinians, so that he will act as mediator instead of Egypt." (p 7; 800 words)

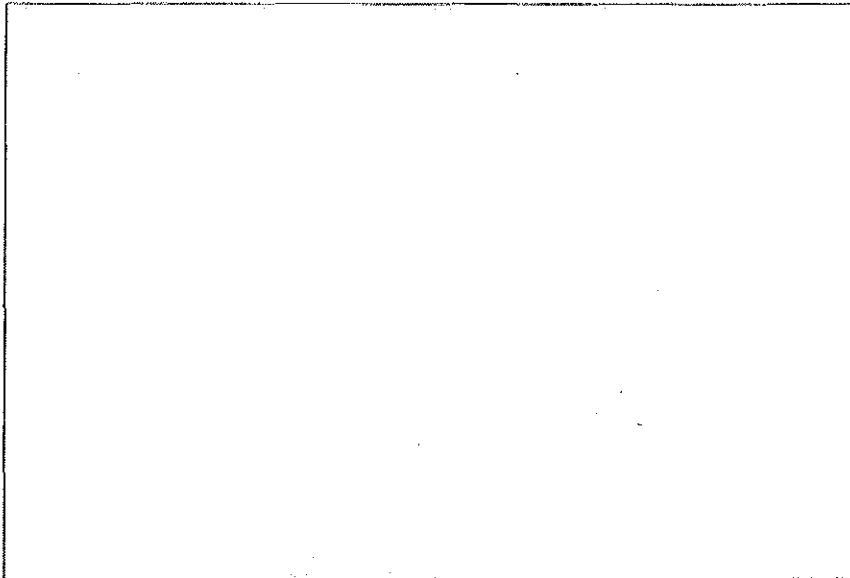


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Source End Date	3/25/2013
Source Language(s)	Arabic
Article Metadata	
Product ID	GMP20130325013001
Version	1
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Processing Indicator	OSC Summary
Precedence	Priority
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Topic Region(s)	Africa, Europe, Middle East, Americas
Topic Subregion(s)	North Africa, South Europe, Middle East, North Americas
Event(s)	
International Organization(s)	Arab League
Topic(s)	DOMESTIC POLITICAL

NR

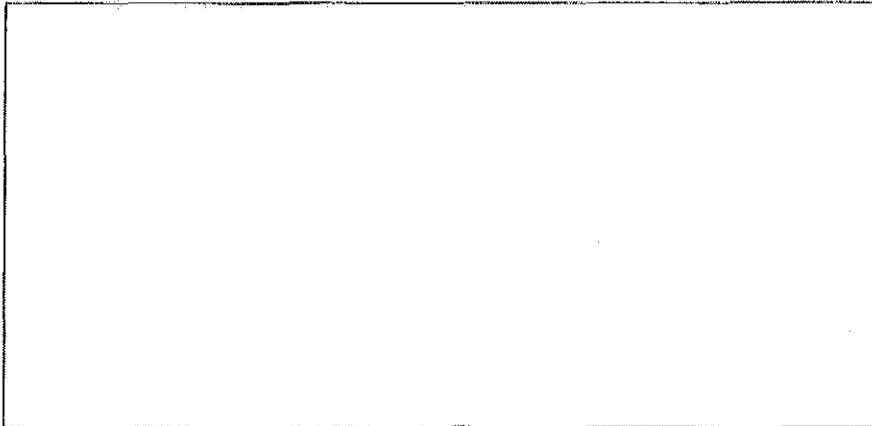
REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

NR

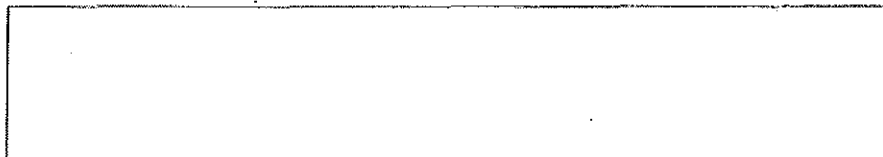


INTERNATIONAL POLITICAL, TERRORISM
Media Metadata
Program Title(s)
Program Type(s)
Speaker(s)

8. Article by Makram Muhammad Ahmad discusses the Israeli-Turkish conciliation, which the writer views as "the most significant achievement of Obama's visit to the region." The writer believes that "Israel is the biggest winner in that conciliation." However, he doubts that things will return to normal between the two main NATO members, because of Turkey's "growing interests and political role in the Arab world." He states that these interests "make Turkey more careful to pursue balanced relations with Israel and Arabs that sympathize with the Palestinian right and refuse collusion with or bias to Israel." (p 12; 600 words)



2. Report by Halah al-Isawi discusses Obama's visit to the region. The writer states "Obama did not carry any plan to reactivate and resume the peace process." She says his two basic accomplishments were the Israeli-Turkish reconciliation and the US-Israeli agreement to "put off war with Iran." (p 14; 800 words)



NR

[Redacted]

5. Article by Nabil Zaki states "Obama's only accomplishment during his visit to the region was to end the dispute between Israel and Turkey," and that "the Palestinian issue was nothing but a marginal issue during Obama's meeting with Netanyahu." The writer accuses Obama of "falsifying history to justify occupation and Judaization." (p 22; 700 words; processing)

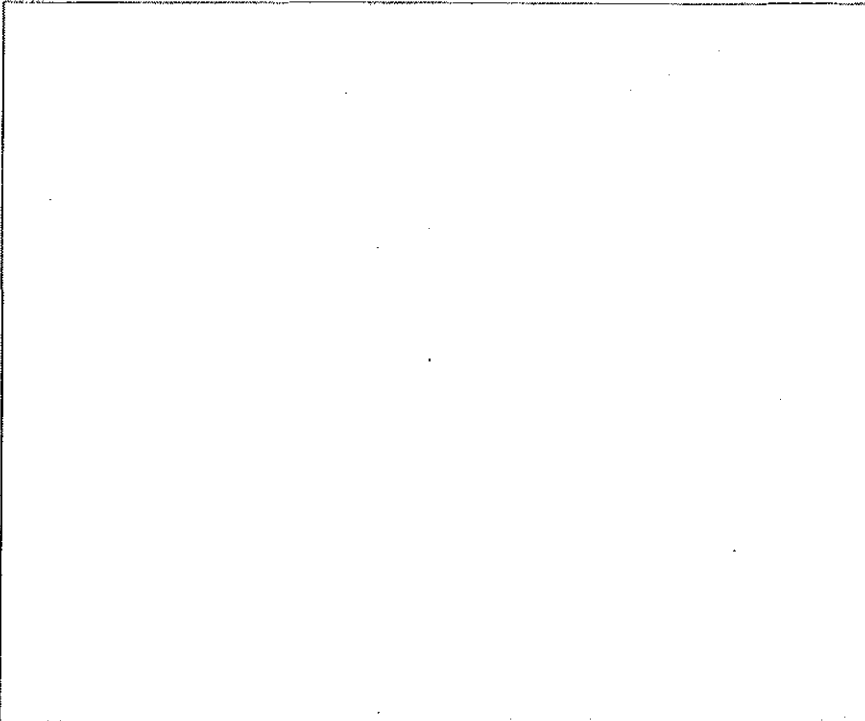
[Redacted]

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NR



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Law, Rosemary C

From: CNN Breaking News [BreakingNews@mail.cnn.com]
Sent: Friday, March 22, 2013 11:23 AM
To: textbreakingnews@ema3lsv06.turner.com
Subject: CNN Breaking News

Follow Up Flag: Follow up
Flag Status: Completed

Prime Minister Benjamin Netanyahu apologized Friday to Turkey's president for the Israeli commando attack on a Gaza-bound flotilla three years ago that killed eight Turks, two U.S. senior administration officials told reporters traveling with President Barack Obama in the Middle East.

The deaths occurred on May 31, 2010, when Israeli forces intercepted an aid flotilla that was attempting to break an Israeli blockade of Gaza. Israel was inspecting all goods entering Gaza to make sure they did not contain any weapons that could be used by Hamas militants.

In September 2010, the U.N. Human Rights Council concluded that Israeli forces committed serious violations of international law in the mid-sea interception, saying some of the deaths of some of the activists were "consistent with ... an arbitrary and summary execution."

Israel maintained that its troops were defending themselves from attacks by those on the boat.

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REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

RELEASED IN FULL**Law, Rosemary C**

From: OSCINFO@rccb.osis.gov
Sent: Friday, March 22, 2013 12:24 PM
Subject: OSC: Questions and Answers: Israeli deadly raid on aid flotilla (Athens Embassy)

Follow Up Flag: Follow up
Flag Status: Completed

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Questions and Answers: Israeli deadly raid on aid flotilla

EUR2013032258831748 London *BBC News Online* in English 02 Sep 11 Middle East

[Computer selected and disseminated without OSC editorial intervention] PAGE:
<http://www.bbc.co.uk/news/10203726>

TITLE: Questions and Answers: Israeli deadly raid on aid flotilla
SECTION: Middle East
AUTHOR:
PUBDATE: 2 September 2011

(BBC News Online \ Middle East) - Nine people were killed, and dozens wounded, when Israeli troops boarded a flotilla of ships carrying aid for Gaza on 31 May 2010. It was the ninth attempt since 2008 to break an Israeli and Egyptian blockade of the Gaza Strip by sea, but the first that resulted in bloodshed. The findings of a UN inquiry on the raid are expected to be officially published soon but have apparently been leaked. How did the confrontation begin?

The six ships were boarded in international waters, about 130km (80 miles) from the Israeli coast. Commandos landed on the largest ship, the Turkish-owned Mavi Marmara, by descending on ropes from helicopters. They were attacked by the activists on board and opened fire.

This is disputed. The activists say the commandos started shooting as soon as they hit the deck. Israeli officials say the commandos opened fire only after being attacked with clubs, knives and a gun which was taken from them. Video released by the Israeli military stops just before the shooting begins. A UN inquiry was apparently unable to determine at exactly which point the commandos used live fire.

They were all Turkish, including one who had a dual Turkish-US nationality. All were travelling on the large lead ship in the flotilla, the Mavi Marmara.

It wanted to deliver aid to Gaza, breaking an Israeli and Egyptian blockade on the territory. The ships were carrying 10,000 tonnes of goods, including school supplies, building materials and two large electricity generators. The activists also said they

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

Source Metadata	
Source Name	BBC News Online
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Processing Indicator	OSC Transcribed Text
Precedence	Routine
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Topic Subregion(s)	North Africa, Middle East, Balkans, South Europe, Oceania
Event(s)	
International Organization(s)	
Topic(s)	DOMESTIC POLITICAL, TERRORISM, MILITARY, LEADER

wanted to make the point that, in their view, the blockade was illegal under international law.

A group called The Free Gaza Movement, an umbrella organisation for activists from numerous countries, and a Turkish group called the IHH (Foundation for Human Rights and Freedoms and Humanitarian Relief).

Program Title(s)
Program Type(s)
Speaker(s)

The Israeli government says the IHH is closely linked to Hamas, which it views as a terrorist group, and is a member of another organisation, the Union of the Good, which supports suicide bombings.

However, the Turkish government regards the IHH as a legitimate charity, and had urged Israel to let the flotilla through.

Israel prevents a large range of goods from reaching Gaza, in order to put pressure on the Hamas government. These include cement and scaffolding, which it says can be used to make launchers for rockets.

Following international outcry over the raid, Israel eased its blockade somewhat, allowing in most consumer goods that have nothing to do with stated security concerns. Egypt reopened its Rafah border crossing. The naval blockade of Gaza - which extends three nautical miles off the coast - remains in place.

Israel also wanted to check that the ships did not contain deliveries of weapons or cash. It offered to allow the flotilla to land in an Israeli port, and to deliver by road any goods that passed its checks.

Some previous flotillas had been allowed to reach Gaza, others were turned round and sent back.

There was widespread condemnation of the violence. The UN Security Council issued a statement calling for a "prompt, impartial, credible and transparent" inquiry into the raid.

UN Secretary General Ban Ki-moon urged Israel to lift the Gaza blockade.

In September 2010 a UN Human Rights Council report said Israel's military broke international laws, that the action by commandos, which left nine dead, was "disproportionate" and "betrayed an unacceptable level of brutality". Israel rejected the report as "biased" and "one-sided".

Israel and Turkey held their own inquiries into the raid, submitting the findings to an international panel set up by the UN. The findings were conflicting.

Turkey's report, drawn up by government officials, accused Israeli commandos of "excessive, brutal and pre-meditated" conduct. It concluded their action boarding the Mavi Marmara was "unlawful" and breached human rights. Results of post-mortem examinations had earlier suggested a total of 30 bullets were found in the bodies of the dead activists, including one who had been shot four times in the head. The Turkish panel also deemed the Gaza blockade "unlawful".

An Israeli inquiry, headed by Judge Jacob Turkel, with five Israeli members and two international observers, delivered its report in January. It found the actions of the navy and Israel's blockade of Gaza were legal under international law and but offered some criticism of the planning of the military operation. It also referred to "the regrettable consequences of the loss of human life and physical injuries".

UN Secretary General Ban Ki-moon announced an investigation into the raid back in

August 2010. The former New Zealand Prime Minister, Geoffrey Palmer, was appointed to preside over a four-member panel that included an Israeli and a Turkish member.

Publication of the report has been repeatedly delayed, apparently to allow Israel and Turkey to continue reconciliation talks.

A leak of the report published by the New York Times says Israel used "excessive force" in its raid but that the naval blockade was legal and legitimate to stop weapons reaching militant groups.

The UN also found that Israeli commandos were met with "organised and violent resistance" when they boarded the Mavi Marmara, according to the paper.

Israel is said to feel vindicated by the report while Turkey is disappointed.

The deep rift between these two former allies has worsened.

Following the leak of the Palmer report, Turkey expelled the Israeli envoy and suspended military cooperation. It had insisted on an Israeli apology by the time the report was published. Israeli officials say the report does not demand a full apology, establishing only that Israel should express regret and pay reparations.

In the immediate aftermath of the flotilla raid, Turkey had already withdrawn its ambassador from Israel and Prime Minister Recep Tayyip Erdogan called for Israel to be punished for its "bloody massacre". Joint military exercises were cancelled.

Behind-the-scenes diplomacy and Turkey's decision to send planes to help fight fires in northern Israel last November only temporarily improved relations slightly.

Less than a week after the deadly confrontation on board the Mavi Marmara, another vessel - the Irish-owned MV Rachel Corrie - tried to sail into Gaza. It was intercepted by Israeli troops, with no apparent confrontation. Other boats were later diverted to the Egyptian port of el-Arish.

One year after the raid, plans were announced for another aid flotilla to set sail for Gaza. This time the IHH did not take part. More than 300 protesters on 10 ships, from North America and Europe, were due to join.

The Israeli military was under orders to prevent them from reaching the Palestinian territory.

Greece prevented several vessels from setting sail from its waters. Some crews claimed their ships were sabotaged to stop them joining the flotilla. Israel dismissed this as "ridiculous".

Another initiative by pro-Palestinian activists was the so-called "flytilla". Hundreds planned to fly to Israel's Ben Gurion airport and declare their intention to visit the occupied West Bank for peaceful activities. Most were stopped from boarding their planes in European cities or were deported.

[Description of Source: London BBC News Online in English -- Website of the publicly-funded BBC carrying up-to-the-minute UK and international news and breaking news, politics, and analysis; URL: <http://news.bbc.co.uk>]

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Law, Rosemary C

From: OSCINFO@rccb.osis.gov
Sent: Saturday, March 23, 2013 8:44 AM
Subject: OSC: Xinhua 'Analysis': Rapprochement Reveals Alignment Between Turkey, Israel in Regional Politics (Greece)

Follow Up Flag: Follow up
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Xinhua 'Analysis': Rapprochement Reveals Alignment Between Turkey, Israel in Regional Politics

CPP20130323968080 Beijing *Xinhua* in English 1239 GMT 23 Mar 13

[Xinhua "Analysis": "Rapprochement Reveals Alignment Between Turkey, Israel in Regional Politics"]

[Computer selected and disseminated without OSC editorial intervention]

News Analysis: Rapprochement reveals alignment between Turkey, Israel in regional politics

ANKARA, March 23 (Xinhua) – The U.S.-brokered normalization of ties between Turkey and Israel following the latter's belated apology for a naval raid three years ago means a greater alignment of both countries' goals in the Mideast against the backdrop of fast-paced developments in the region.

Turkey severed diplomatic and security ties with Israel after eight Turks and a Turkish American aboard a Gaza-bound aid flotilla were killed in May 2010 during a violent confrontation with Israeli commandos.

Ankara waited until Friday to get an apology from Israeli Prime Minister Benjamin Netanyahu who made a phone call to his Turkish counterpart Recep Tayyip Erdogan, during which the two leaders agreed to normalize bilateral relations.

"This indicates that we have entered a new phase in Syria where both Turkey and Israel have the same interest in seeing the embattled President Bashar al-Assad to depart from power," said Mehmet Seyfettin Erol, professor of international relations at Ankara-based Gazi University.

"The United States also shares the same goal in Syria which is to have stable government following the current Syrian regime," he added.

It is noteworthy that Netanyahu's apology came shortly after U. S. President Barack

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

Source Metadata	
Source Name	Xinhua
Source Medium(s)	News Agencies
Source City	Beijing
Source Country	China
Source Start Date	3/23/2013 - 1239 GMT
Source End Date	3/23/2013
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Article Metadata	
Product ID	CPP20130323968080
Version	1
Content Type	Translation/Transcription
Processing Indicator	OSC Transcribed Text
Precedence	Routine
Topic Country(s)	Cyprus, Gaza Strip, Iran, Iraq, Israel, Syria, Turkey, United States, West Bank
Topic Region(s)	Europe, Middle East, Americas
Topic Subregion(s)	South Europe, Middle East, North Americas
Event(s)	
International Organization(s)	NATO
Tool(s)	

Obama departed Israel after an official visit.

Erol believes in the larger picture, Washington needs both Turkey and Israel, its staunch allies in the Mideast, to pursue its goals ranging from Syria and Iraq to Iran. "That is why it was important for Ankara and Tel Aviv to mend the fences."

"This agreement will change the political balances of the whole region and will have implications on cases like Syria, Iran, Iraq and possibly Cyprus," said Murat Yekin, columnist at Radikal daily.

Obama immediately expressed his appreciation over the restoration of positive relations between Turkey and Israel, saying the step will advance regional peace and security.

"I am hopeful that today's exchange between the two leaders will enable them to engage in deeper cooperation on this and a range of other challenges and opportunities," Obama said.

What comes next is explained by Turkish analyst Zeynep Gurcanli, head of Ankara-based Diplomatic Correspondents' Association.

She said the upgrade in ties with the exchange of ambassadors will follow the compensation deal for the victims of the flotilla attack and non-liability agreement for Israeli soldiers involved in the incident.

"Turkey will also remove its veto on Israeli participation into NATO military drills," she said, stressing that similar decisions can be taken in other international platforms where Turkey blocked Israeli advances.

Gurcanli added that high-level exchanges between Turkey and Israel will start soon depending on whether Israel will ease restrictions on goods entering Palestinian territories, especially the Gaza Strip and the West Bank.

Israel's bow to a long-standing demand by Ankara reflects that the Jewish state is concerned over isolation amid political upheavals in the region and as Washington gears up for new a push for the Palestinian-Israeli peace process.

Turkey, a close friend of Palestinians, can contribute to the process if it has normalized ties with Israel, Erol said.

"Turkey will support all international and regional efforts to find fair, enduring and comprehensive solution based on 'two-state' vision to the Israeli-Palestinian conflict," Erdogan's office said in a statement following the apology.

Meanwhile, analysts like Nasuhi Gungor, who writes for Star Daily, cite Turkey's rising profile in global politics in recent years as a reason for Israel to compromise.

Ibrahim Kalin, Erdogan's chief foreign policy advisor, said "this [apology] is a major victory for diplomacy."

[Description of Source: Beijing Xinhua in English -- China's official news service for English-language audiences (New China News Agency)]

INTERNATIONAL ECONOMIC
Program Title(s)
Program Type(s)
Speaker(s)

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Law, Rosemary C

From: Marlene Tremblay-Gervais [tremblay-gervais@un.org] on behalf of UN Spokesperson - Do Not Reply [unspokesperson-donoreply@un.org]
Sent: Friday, March 22, 2013 6:05 PM
Subject: UN Secretary-General Ban Ki-moon on the restoration of relations between Israel and Turkey

Follow Up Flag: Follow up
Flag Status: Completed

Statement Attributable to the Spokesperson for the Secretary-General on the restoration of relations between Israel and Turkey

The Secretary-General welcomes that the Governments of Israel and Turkey have agreed to restore normal relations between them, and appreciates the role of US President Obama in reaching this positive outcome. Assisting Israel and Turkey in restoring their good relations had been a core objective of the Secretary-General's efforts in the aftermath of the May 2010 flotilla incident. Today's announcement is an important and hopeful signal for the stability of the region.

New York, 22 March 2013

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

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Law, Rosemary C

From: OpsAlert
Sent: Wednesday, February 06, 2013 5:00 AM
Subject: Morning Press Highlights 02/06/1 (U)

Follow Up Flag: Follow up
Flag Status: Completed



EXECUTIVE SECRETARIAT
Operations Center

S/ES-O Morning Press Highlights

Wednesday, February 06, 2013
0500 EST

AFRICA

[Redacted content for Africa]

NR

EUROPE

[Redacted content for Europe]

NR

MIDDLE EAST

[Redacted content for Middle East]

NR

ISRAEL

The commission tasked with examining Israel's response to the 2010 Gaza flotilla incident will release the second part of its report, which will focus on whether Israel can investigate itself for alleged war crimes. (*Jerusalem Post*)

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

NR

SOUTH AND CENTRAL ASIA

[Empty box for South and Central Asia content]

EAST ASIA AND PACIFIC

[Empty box for East Asia and Pacific content]

WESTERN HEMISPHERE

[Empty box for Western Hemisphere content]

Drafted: SATubbs

Approved: TBFullerton

**** Morning Press Highlights alerts senior Department officials to breaking news items and is a synopsis of select media stories from around the world. It solely reflects the gist of the stories as presented in their original publications and does not contain analysis or commentary by Department sources. ****

RELEASED IN FULL**Law, Rosemary C**

From: OSCINFO@rccb.osis.gov
Sent: Friday, February 15, 2013 6:42 PM
Subject: OSC: Today's Zaman: Turkish minister says any gas project with Israel requires Erdogan's approval (Greece)

Follow Up Flag: Follow up
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Today's Zaman: Turkish minister says any gas project with Israel requires Erdogan's approval

EUP20130215960035 Istanbul *Today's Zaman Online* In English 2320 GMT 15 Feb 13

[Computer selected and disseminated without OSC editorial intervention]

15 February 2013 /TODAY'S ZAMAN, Istanbul

(Today's Zaman) - Turkey's energy minister has said any joint project between Turkish companies and Israel requires the approval of Prime Minister Recep Tayyip Erdogan.

Taner Yildiz told Turkey's CNBC-E news channel in an interview that some conditions must be established to carry Israeli gas to Turkey, without elaborating on the type of conditions.

He said if these conditions, which will be put forward by Erdogan, are not met, Turkey won't begin any gas project with Israel. It was not clear whether the energy minister was referring to state deals with Israel or if this also included private companies.

Yildiz's remarks come at a time when Zorlu Group, one of Turkey's biggest holdings, is working hard to lobby Israeli authorities to approve a possible gas sale to Turkey despite icy relations between the two nations.

Israel's Haaretz claimed on Thursday that the Zorlu Group is planning to build an undersea pipeline from Israeli-owned offshore gas rigs to Turkey's south coast, which will be shortest and cheapest gas pipeline project Turkey has ever been part of.

The daily reported that the Turkish conglomerate has been working in recent

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

Source Metadata	
Source Name	Today's Zaman Online
Source Medium(s)	Internet
Source City	Istanbul
Source Country	Turkey
Source Start Date	2/15/2013 - 2320 GMT
Source End Date	2/15/2013
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Product ID	EUP20130215960035
Version	1
Content Type	Translation/Transcription
Processing Indicator	OSC Transcribed Text
Precedence	Routine
Topic Country(s)	Cyprus, Israel, Turkey
Topic Region(s)	Europe, Middle East
Topic Subregion(s)	South Europe, Middle East
Event(s)	
International Organization(s)	
Topic(s)	LEADER, DOMESTIC POLITICAL, INTERNATIONAL POLITICAL
Media Metadata	

months to convince the Israeli government and Israel's Leviathan gas field partners to approve energy exports to Turkey.

Program Title(s)
Program Type(s)
Speaker(s)

Turkey downgraded its relations with Israel following a raid by the latter on the Mavi Marmara, a ship that was part of an international aid flotilla that was attempting to breach an Israeli blockade of Gaza. Turkey said that relations between the two countries would only return to normal if Israel offered a formal apology for the resulting killings and paid compensation to the families of the victims. Israel has only expressed regret, saying that its soldiers had acted in self-defense. Months-long diplomatic efforts to mend relations have failed to produce an agreement.

Turkey imposed sanctions on Israel but commercial ties with the country are not affected. Turkey did not impose a trade embargo on Israel but suspended ongoing defense projects and purchases from Israeli defense firms.

Turkish contractors have undertaken more than 100 projects in Israel so far, worth a total of nearly \$600 million. The largest Turkish investment in Israel is in the electric power plants the Zorlu Group is in the process of constructing. The group of companies has undertaken to build four power plants in Israel thus far.

Zorlu's plan is to lay an undersea pipeline from the Leviathan field 130 kilometers off Haifa to Turkey's south coast. The pipeline would deliver between 8 billion and 10 billion cubic meters of gas annually. The Zorlu Group has assets worth \$1 billion in Israel.

It is still unclear how Turkish authorities will react to a possible pipeline between Israel and Turkey as Turkey vowed to boost naval patrols in the eastern Mediterranean last year in a deepening diplomatic feud with Israel and Greek Cyprus over gas finds.

Erdogan said last year that Turkey would make its presence felt in the eastern Mediterranean at a time when Israel is looking to exploit the two offshore gas fields and partner with Greek Cyprus to build energy facilities.

The Leviathan gas drill, 130 km (80 miles) off the port of Haifa, is the world's biggest deepwater gas find in the past decade. Israel could earn at least \$150 billion in gas revenues.

Turkey does not recognize the Greek Cypriot government and has complained bitterly about its energy deals with Israel. Lebanon has accused Israel of breaking international law by exploring for gas without an agreement on the maritime border between the two countries, which are formally at war.

[Description of Source: Istanbul Today's Zaman Online in English — Website of English-language daily published by the Zaman media group, supportive of Fethullah Gulen community; URL: <http://www.todayszaman.com>]

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Law, Rosemary C

From: Michailidis, Christos A (Athens)
Sent: Tuesday, January 10, 2012 4:10 AM
To: ATHENS-ALL EMBASSY
Cc: (U) Athens Non OpenNet Addresses
Subject: Demonstrations for Today, January 10th
Attachments: Ministry of Health - Syntagma - Embassy.jpg; Syntagma Square.jpg

Follow Up Flag: Follow up
Flag Status: Completed

Demonstrations for Tuesday, January 10th:



NR

19:00 Flotillas to Gaza and other ad hoc organizations such as "Solidarity Association to Palestinian People – Intifada," "Gaza Freedom Flotilla," and the Anti-War Nationalist Movement will demonstrate at Syntagma Square.

RSO advises employees and family members to avoid the above mentioned areas during the scheduled demonstrations, and, specifically, that you avoid Syntagma Square.

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

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REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

Image © 2008 DigitalGlobe

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Law, Rosemary C

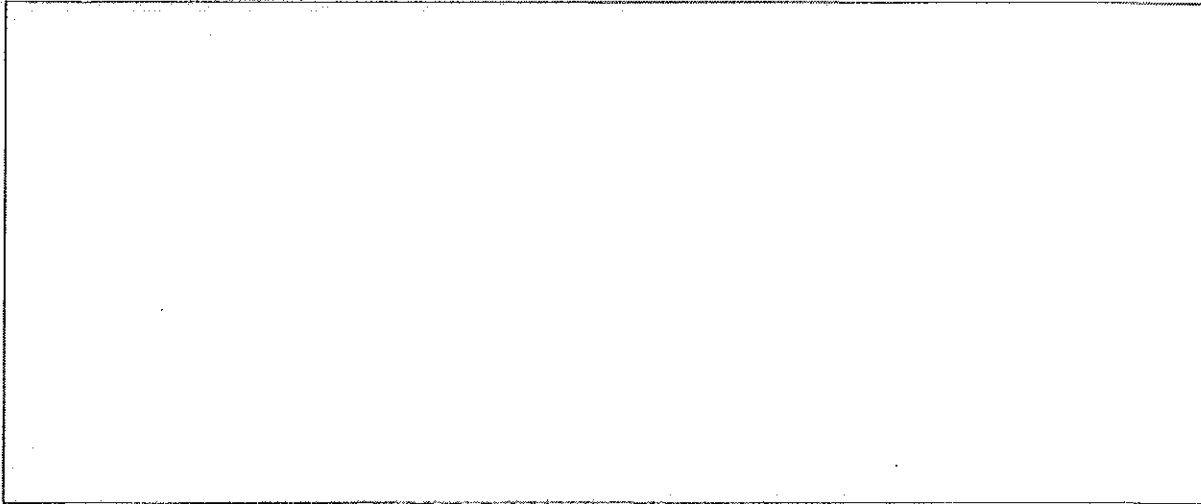
From: Triantafyllou, Prodromos N (Athens)
Sent: Thursday, November 03, 2011 4:42 AM
Subject: Greek Media Notes Thursday November 3 2011 mb2.docx
Attachments: Greek Media Notes Thursday November 3 2011 mb2.docx

Follow Up Flag: Follow up
Flag Status: Completed

U.S. Embassy - Athens, Greece - Early Morning Greek News Update - November 3, 2011

From print and broadcast media sources and the Internet produced on business days at 0845 Athens time

How U.S. Plays in Greek media:

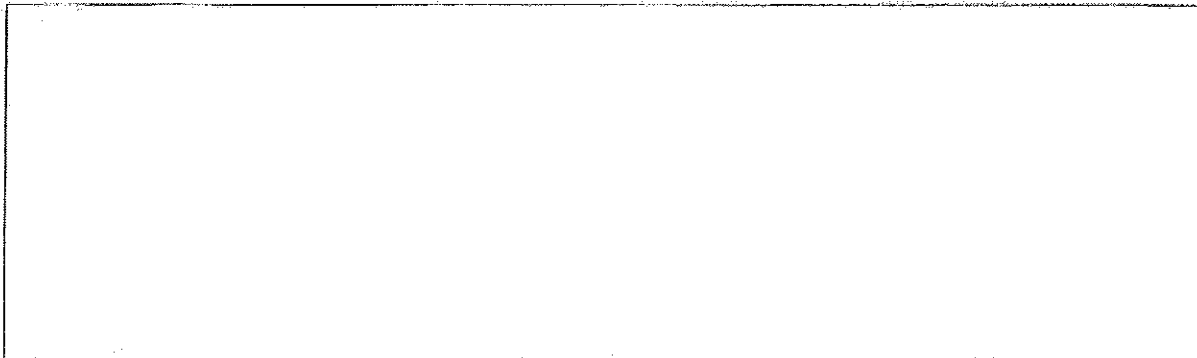


NR

International Issues: **REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer**

Topics: New Gaza flotilla;

New Gaza flotilla: *Kathimerini* (independent, influential) carried a *REUTERS* article on two motor vessels (Canadian Flag MV Tahrir and U.S. Flag MV Saoirse) with 25 activists from the U.S., Canada, and Ireland that sailed from Turkey towards Gaza with humanitarian assistance cargo. Report said that Israel has stressed that it will exhaust all its margins to prevent the two ships from approaching Gaza. A similar report appeared prominently in *Eleftherotypia* (left of center, pro-PASOK).



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Law, Rosemary C

From: Lawton, Daniel J (Athens)
Sent: Monday, July 11, 2011 5:24 AM
To: Malik, Paul (Athens); Ross, Daniel E (Athens); Bouzis, Evangella M (Athens); Cockrell, John D (Athens)
Subject: For Clearance: AU Summary
Follow Up Flag: Follow up
Flag Status: Completed

(SBU) Key Points:

- In the wake of the Greek government's decision to prohibit vessels to travel to Gaza, Gaza Flotilla activism in Athens appears to be losing steam.

SBU
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Law, Rosemary C

From: Karamolegos, Nikos P (Athens)
Sent: Wednesday, July 06, 2011 2:38 AM
Subject: Greek Media Notes, Wednesday, July 6, 2011
Attachments: Greek Media Notes Wednesday July 6 2011 edited.docx

Follow Up Flag: Follow up
Flag Status: Completed

U.S. Embassy - Athens, Greece - Early Morning Greek News Update - July 6, 2011
From print and broadcast media sources and the Internet produced on business days at 0845 Athens time

How the U.S. plays in the Greek media:

Topics: Gaza flotilla.

NR

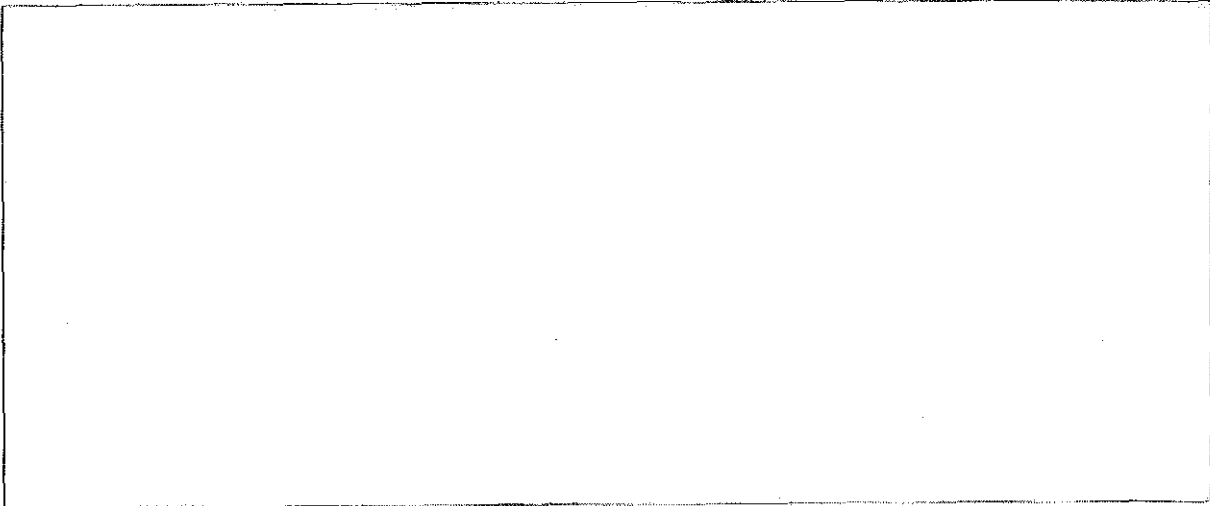
Gaza flotilla: Eleftherotypia (left-of-center, pro-PASOK) reports that "the American captain of the 'Audacity of Hope,'" was released yesterday as he could not be tried in Greece since he should not have been indicted on the basis of Greek legislation. His advocate said that his ship was under a U.S. flag and fully navigable. In a different story, paper says a French ship named "Dignite al Kamara" sailed off Corsica "defying repeated Israeli threats."

Other Issues:

Topics: Economic and political developments.

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Law, Rosemary C

From: Lawton, Daniel J (Athens)
Sent: Thursday, July 07, 2011 10:14 AM
To: Goodman, Ilan A
Cc: Snipes, Christopher K
Subject: RE: Greek Media Notes, Thursday, July 7, 2011

Follow Up Flag: Follow up
Flag Status: Completed

Ilan -

[Redacted]

NR

SBU
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From: Goodman, Ilan A
Sent: Thursday, July 07, 2011 5:10 PM
To: Lawton, Daniel J (Athens)
Cc: Snipes, Christopher K
Subject: FW: Greek Media Notes, Thursday, July 7, 2011

Dan:

[Redacted]

Thanks,
Ilan

[Redacted]

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

From: Karamolegos, Nikos P (Athens)
Sent: Thursday, July 07, 2011 2:23 AM

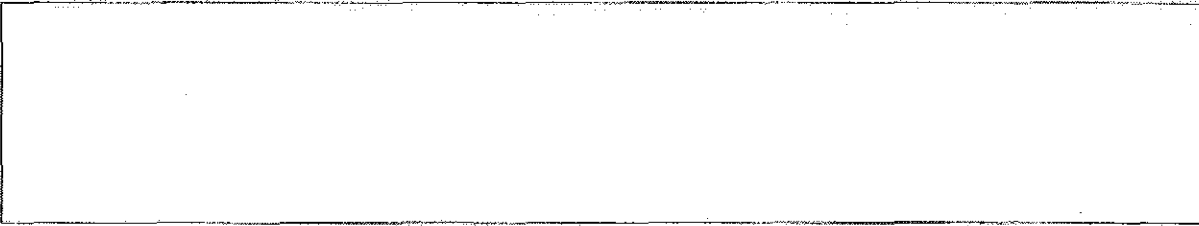
U.S. Embassy - Athens, Greece - Early Morning Greek News Update - July 7, 2011
From print and broadcast media sources and the internet produced on business days at 0845 Athens time

How the U.S. plays in the Greek media:

Topics: Gaza flotilla; [Redacted]

Gaza flotilla: Eleftherotypia (left-of-center, pro-PASOK) inside headline: "American activist Ann Wright: 'Greeks pointed arms at us as if they were Israeli commandos...'" The story reports on the passengers of the American ship, saying they include "a former CIA analyst," five military veterans and others. Wright, a "retired Colonel of the U.S. Armed Forces," who is reported to have retired because she disagreed with President Bush's invasion of Iraq, says that "the U.S. cooperation with the Israeli and Greek authorities became obvious when the harbor police turned their guns

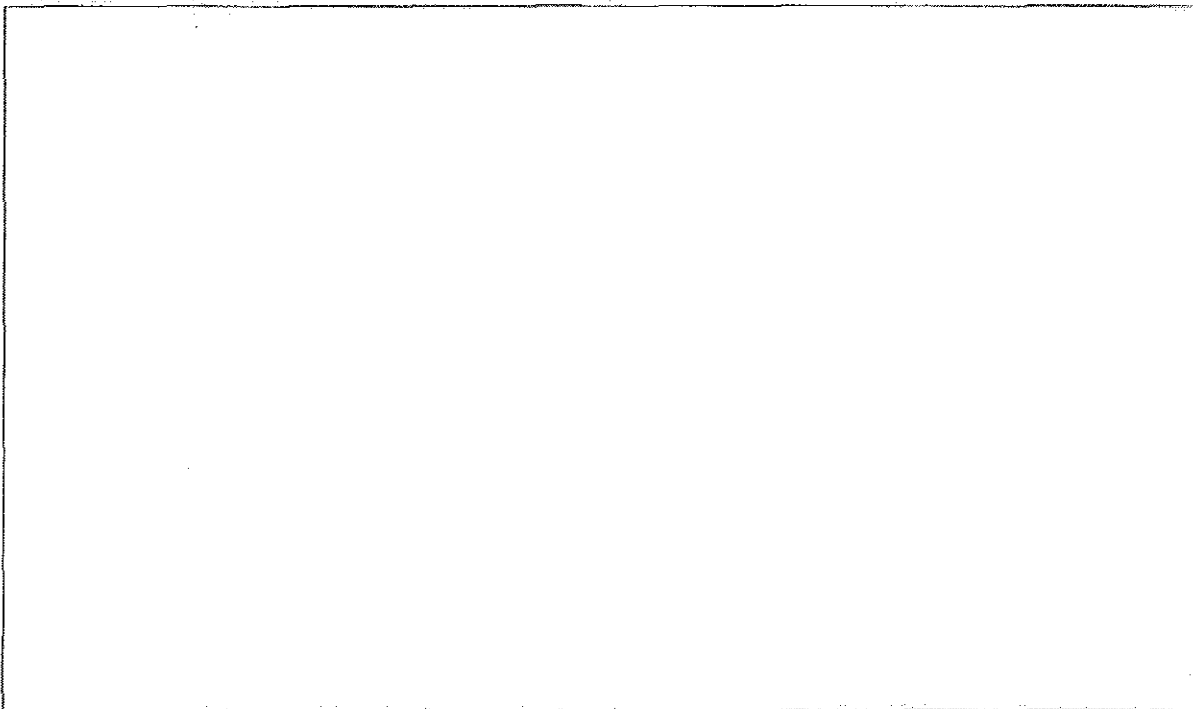
against us. It was an aggressive action against unarmed citizens. The harbor police must certainly do their checking. But they should never turn their guns against passengers....I am sorry for the Greek people because its government had to adopt such a stance. This happens when a country loses its national sovereignty. Israelis and Americans forced [PM] Papandreou to stop the departure of citizens fighting for a better world," she is quoted saying to the paper.



NR

Other Issues:

Topics: The Economy.



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Law, Rosemary C

From: turkeymediamonitring [turkeymediamonitring@gmail.com]
Sent: Saturday, March 23, 2013 6:16 AM
Subject: Turkey Media Summary Update: March 23, 2013

Follow Up Flag: Follow up
Flag Status: Completed

Interesting detail about the phone call

(Hurriyet)

Interesting details have come out about the phone call between Prime Minister Tayyip Erdogan and Israeli Prime Minister Benjamin Netanyahu. It turned out that the phone call lasted half an hour and took place in a military container, and President Obama talked to Erdogan for a while too. Netanyahu uttered the Hebrew word "itznatlut" (to apologize) during the phone call. He apologized to the Turkish people on behalf of Israel for the Mavi Marmara and operational mistakes and said that Israel is ready for an agreement to compensate the families of the victims.

<http://www.hurriyet.com.tr/gundem/22876115.asp>

Apology Summit in the VIP Lounge

(Milliyet)

Aslı Aydintasbas writes in her column that the Israeli apology is a result of three-week long breathtaking diplomatic efforts, despite it seeming like a surprise. The subject was first mentioned by John Kerry during his recent visit to Ankara. When a formula was produced, Davutoglu cut short his visit to Poland and flew to Ankara to catch Erdogan who had just returned from Denmark.

<http://dunya.milliyet.com.tr/vip-salonunda-ozur-zirvesi/dunya/dunyayazardetay/23.03.2013/1683930/default.htm>

Erdogan will come to Gaza (Hurriyet)

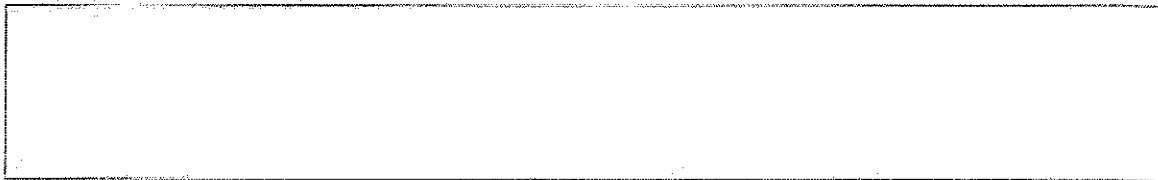
Ismail Haniye, prime minister of the Palestinian Government in Gaza, welcomes the Israeli apology to Turkey. Haniye said he believes Israel will keep her promise to Turkey and lift the embargo against Gaza.

<http://www.hurriyet.com.tr/planet/22878687.asp>

Former Israeli foreign minister Avigdor Lieberman reacts to the apology (all newspapers)

Lieberman said giving the apology is a mistake, and will damage Israel's image.

<http://www.hurriyet.com.tr/planet/22877003.asp>



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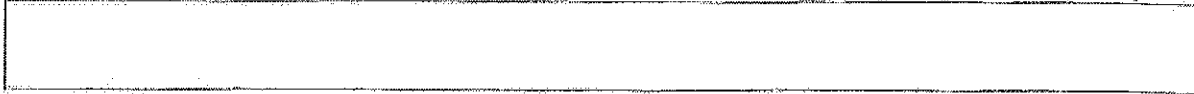
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Law, Rosemary G

From: DeVor, Sera
 Sent: Monday, March 25, 2013 2:07 AM
 Subject: Turkey Media Summary: March 25, 2013

Follow Up Flag: Follow up
 Flag Status: Completed

Harsh Warning from Kerry to Iraq (*Cumhuriyet*)

NR

Apology Opens New World For Israel And Turkey, Israeli President Says (*Hurriyet*)

"Look, we live in the same world, the same age with the same priorities. There is a new world. We cannot approach the new world with an old mind," Israeli President Shimon Peres told daily *Hürriyet* in an interview in Jerusalem after Israel apologized to Turkey and agreed to pay compensation over the 2010 Mavi Marmara killings. Asked if Israel's apology meant a rapprochement, Peres said: "It is not a matter of rapprochement. It is more than that; we have to pave a better way for our children. ..." The president also underlined the centuries-old friendship between the two countries. "Turkey was the first to recognize Israel from the Muslim world. Since the 15th century, Turkey was a shelter for the Jewish people. I can think about 1,000 reasons why Turkey and Israel should be friends." The president also hinted at soon meeting and shaking hands with his Turkish counterpart, Abdullah Gül. Asked if Israel was against a possible visit by PM Erdoğan to Gaza, Peres said it would not be a problem but added that the strip's rulers, Hamas, were against peace. Peres also said he believed Ankara could contribute to peace talks between his country and Palestine. The president also commented on Erdoğan's recent clarification of earlier remarks in which he equated Zionism with fascism. "Look, let's be honest. The Jewish people went through a Holocaust. Six million Jews were killed, among them 1.5 million children. We did not seek war, we did seek friendship. Zionism is a humanistic movement ... So I understand those words were corrected because nobody can change realities," he said.

Israel Says Syria's Chemical Weapons Main Reason For Apologizing To Turkey (*All Media*)

Concerns that Syria's stockpile of chemical weapons could reach militant groups bordering Israel and Turkey was the motivating factor in restoring relations with Ankara after a three year rift, Israel's prime minister said. Benjamin Netanyahu wrote on his Facebook page Saturday that Israel and Turkey, which border Syria, need to communicate with each other over the Syrian crisis. "The fact that the crisis in Syria intensifies from moment to moment was the main consideration in my view," Netanyahu wrote.

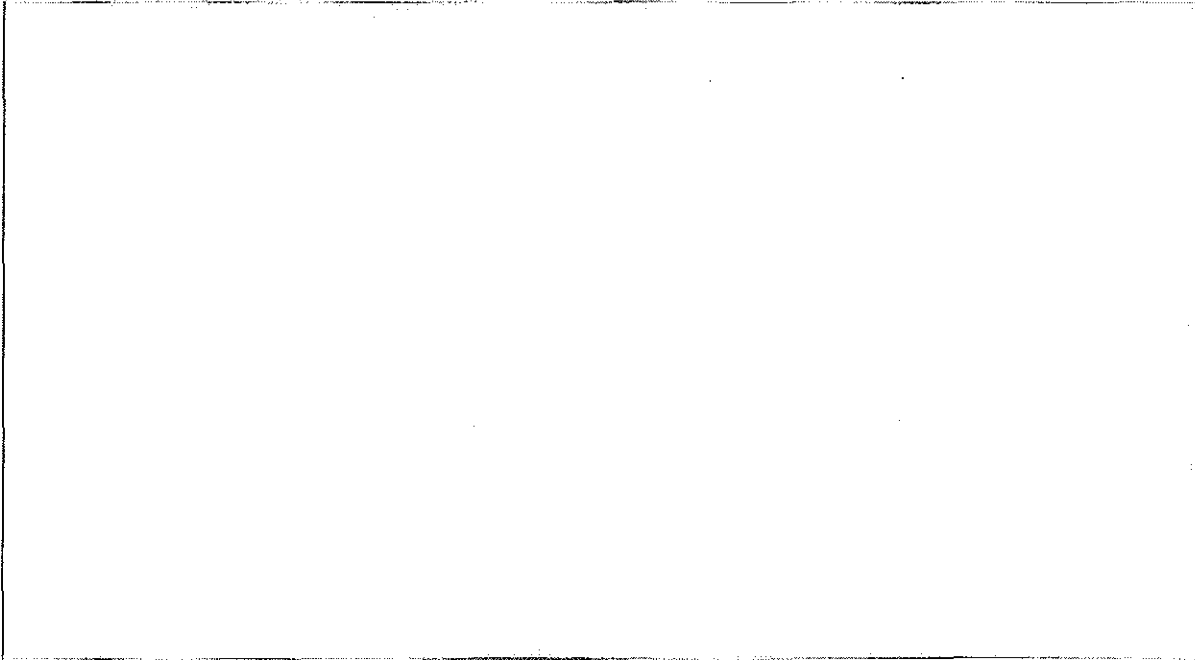
Erdoğan Says No Normal Ties With Israel Unless Promises Kept (*All Media*)

PM Erdoğan said on Sunday that normalization in ties with Israel will not take place until Israel properly implements the conditions promised in the apology deal. "When implementation [of Israel promises] takes place, there will be normalization [in ties]. But if implementation is not carried out, they should not take offense. We are saying it very open and clear," Erdoğan told a cheering crowd in Eskişehir on Sunday. In order to mend ties, Ankara had three demands of Tel Aviv: an official apology from Israel for the Mavi Marmara raid, reparations for the families of the passengers killed on the ship and the lifting of the blockade on Gaza. On

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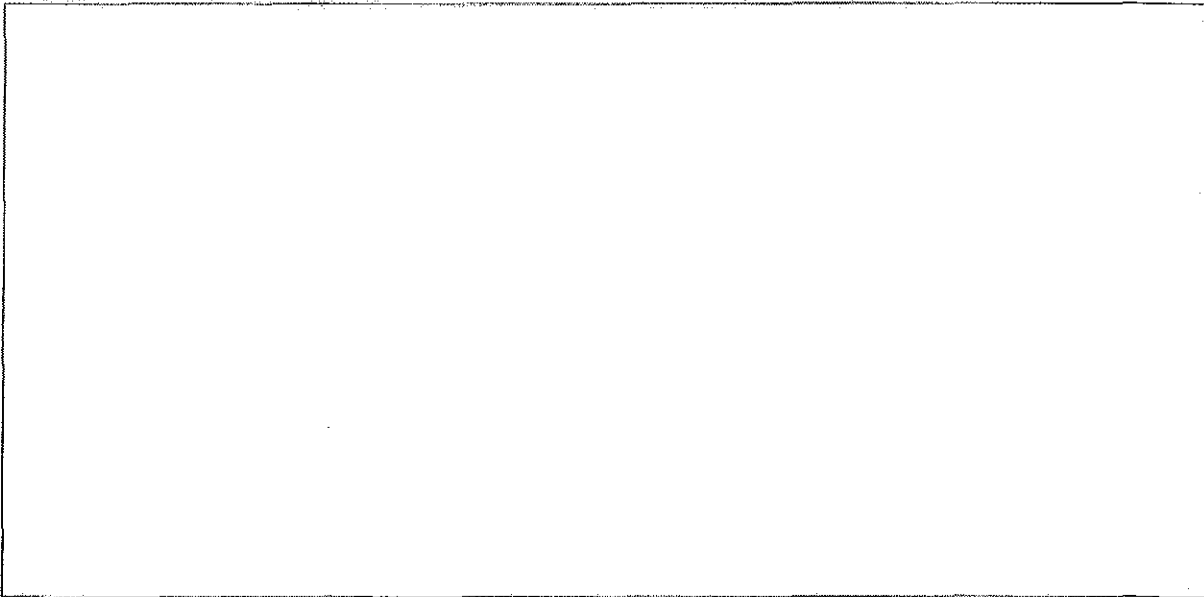
Sunday, however, an Israeli official said Israel did not commit to ending its Gaza blockade as part of reconciliation with Turkey and could clamp down even harder on the Palestinian enclave if security is threatened.

Assassination Warning from Embassy (*Milliyet*)



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Olympics Commission Meets President, Begins Inspections (*Milliyet*)



Public Affairs Section, Ankara

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REDACTED**Law, Rosemary C**

From: Aksoy, Burcu
Sent: Tuesday, March 26, 2013 8:25 AM
Subject: Turkey Media Summary Update: March 26, 2013

Follow Up Flag: Follow up
Flag Status: Completed

Ambassador Ricciardone's Comment on Israeli Apology (CNNTurk)

Speaking about Israel's apology to Turkey, Ambassador Ricciardone said "Both leaders have taken this beautiful step. They showed that they are great statesmen. This is important. It will increase cooperation in the region for the normalization of relations and for peace."

<http://www.cnntrk.com/2013/dunya/03/26/buyukelci.ricciardoneden.ozur.yorumu/701668.0/index.html>

Erdogan on Israeli Apology (All media)

During his address at his party group meeting at Parliament, PM Erdogan said "From the start, Turkey was clear on three conditions about the Mavi Marmara incident: apology, compensation and end of the sanctions on Palestine. We wanted them all and never took a step back. We also discussed this issue with the U.S. Secretary of State during his visit to Turkey. We received text as Obama was traveling to the Middle East. We did not accept some points in that text. We said no. We are not only protecting Turkish citizens but also our Palestinian brothers. They should also be taken into consideration. Obama called me from the airport with Netanyahu. I heard Netanyahu's voice but insisted on talking with Obama by saying that I missed his voice. And then we finalized this issue with Obama as a witness. First the U.S., then the Israelis made their statements. Everything is written, we also have phone records. And then we made our statement. Netanyahu stated that he accepts all our conditions. Shortly I will pay a visit to the region and will have the chance to see if they keep their promises."

First Step for Compensation (Hurriyet, Haberturk, Sabah)

Turkey and Israel made first contact to start talks to formalize compensation to the families of the Mavi Marmara victims. Israeli Justice Minister Tzipi Livni and FM Davutoglu agreed to start technical talks at the level of senior foreign ministry officials in the coming days. *Haberturk* notes Israeli diplomats are coming for talks at the beginning of April. <http://www.hurriyet.com.tr/planet/22897721.asp>

Turkey Sent Arms to Syria with CIA Help (CNNTurk, Milliyet)

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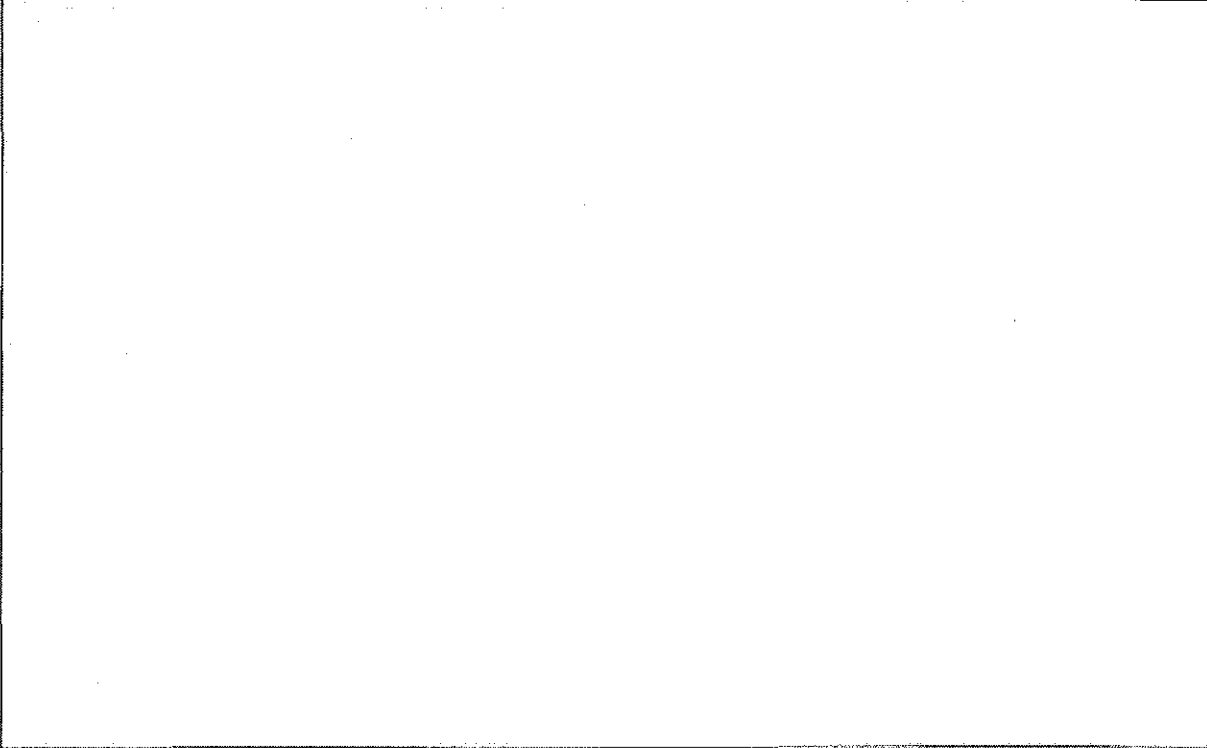
Israeli Apology on Ankara Municipality Billboards (Sabah, Vatan, NTV)

The Ankara Municipality placed billboards along city streets to thank PM Erdogan for his role in the Israeli apology to Turkey for the Mavi Marmara raid. The billboards, addressing Erdogan, read: "Israel apologized to

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

Turkey. Dear Prime Minister, we are grateful that you let our country experience this pride." Meanwhile, *NTV* reports the billboards drew reactions from Israeli media. <http://www.ntvmsnbc.com/id/25431260/>

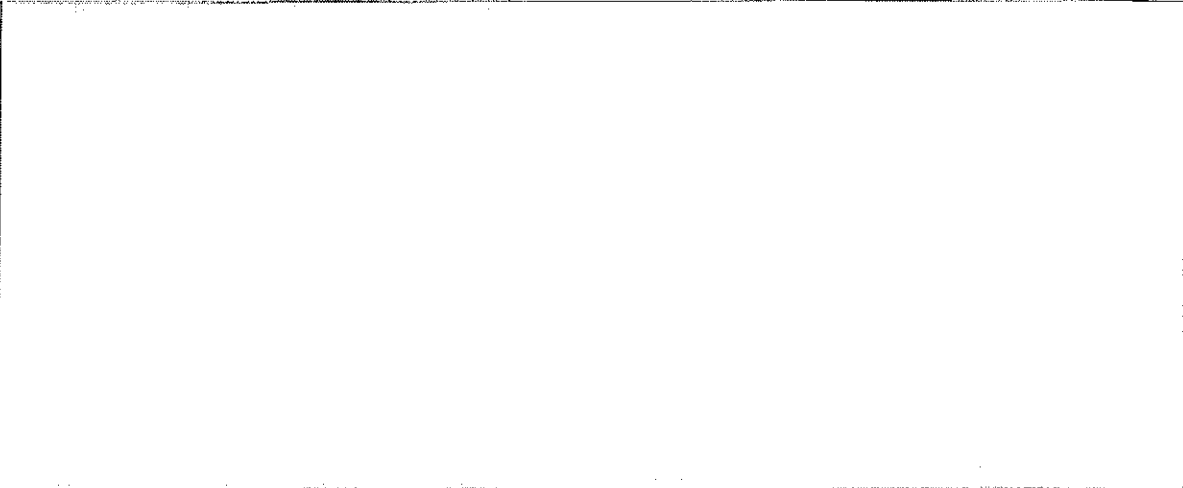
Caglayan: "Erdogan Sent a Letter to Obama" (*Vatan*)

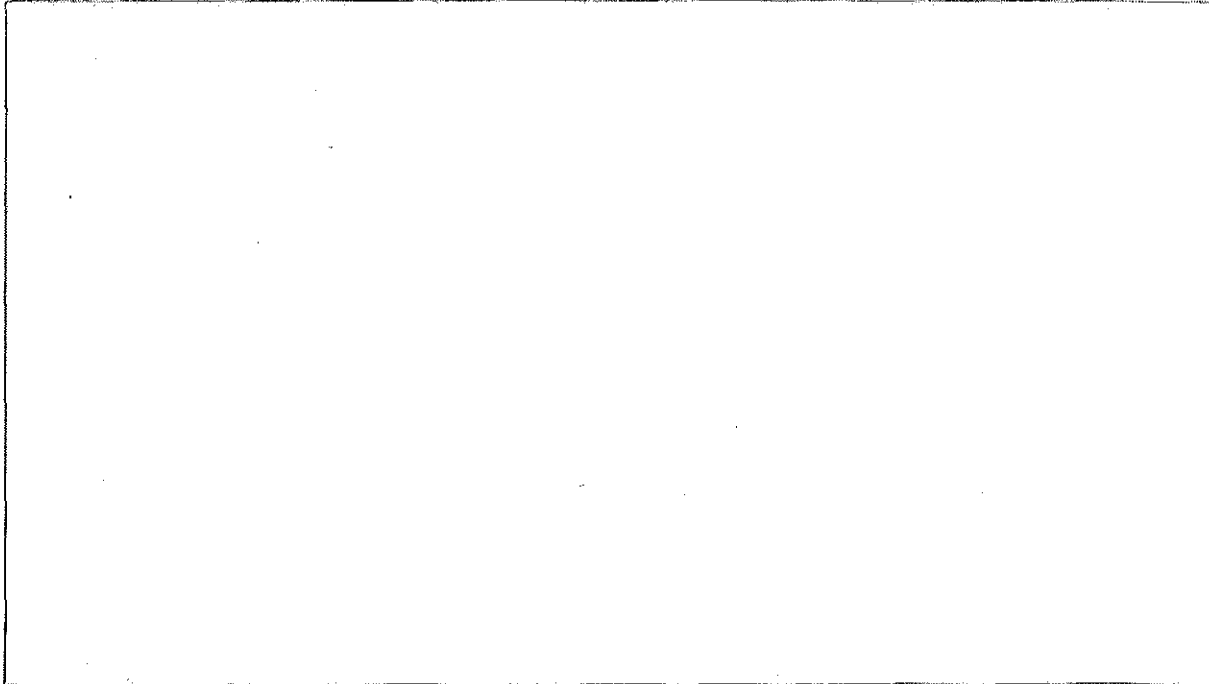


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Commentaries:

Kurdish Peace Scenarios in Ankara (*Radikal*)





Public Affairs Section, Ankara

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"If it's important, call me!"

T.J. Grubisha
Press Attaché / Spokesperson
U.S. Embassy Ankara
Mob: (+90) (532) 341-2862
Work: (+90) (312) 457-7312

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Law, Rosemary C

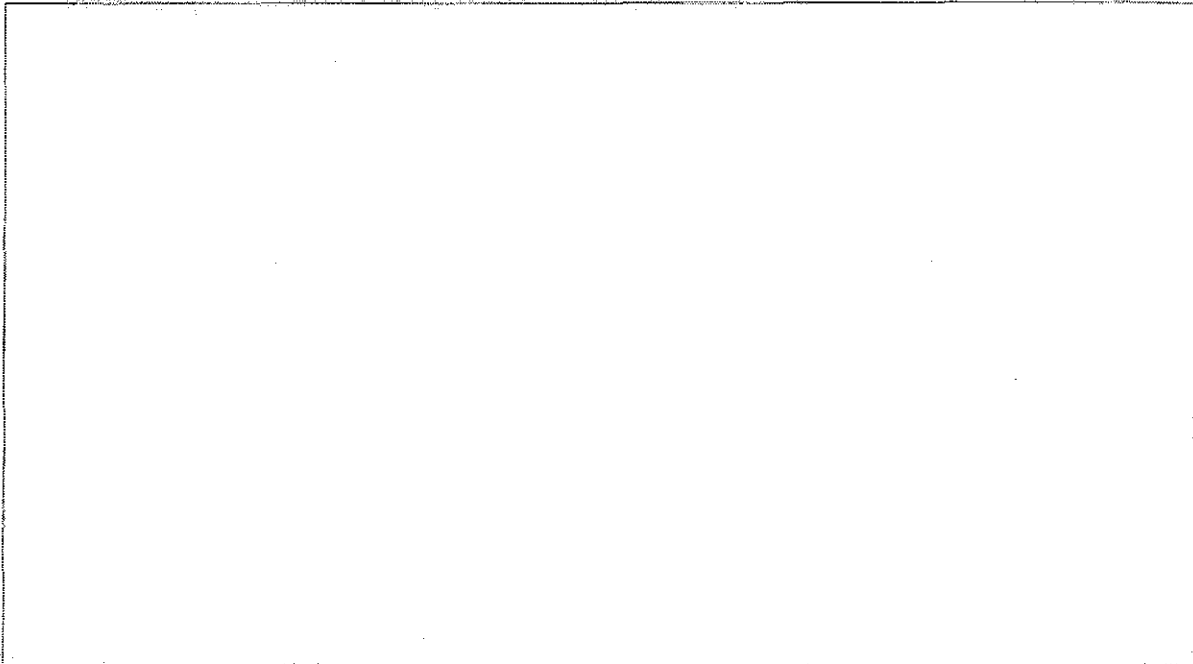
From: DeVor, Sera
Sent: Wednesday, March 27, 2013 2:01 AM
Subject: Turkey Media Summary: March 27, 2013

Follow Up Flag: Follow up
Flag Status: Completed

I Missed Obama's Voice: PM Erdogan (*All Media*)

While recounting his phone conversation with Netanyahu, which was also briefly joined by U.S. President Barack Obama, Erdogan said he first heard Netanyahu but insisted that he wanted to speak to Obama first. "I said, 'I missed Mr. Obama's voice. I want to talk to him first.' Then, Israel apologized. we have therefore accomplished this process under Obama's witness," Erdogan said, adding this phone conversation has also been recorded alongside with written statements issued from all three sides. "We have made the process safe" he added. "The Israeli apology to Turkey over the Mavi Marmara incident changed equation in the Middle East peace process as the bilateral deal obligates Israel to cooperate with the Turkish government over this process, the PM said during yesterday's group meeting. He said all his regional interlocutors, including Khaled Mashaal of the Hamas, admit that a new era has begun in the Middle East what they all call after Turkish victory on Israeli apology. Erdogan repeated that they will closely follow the implementation of this deal and he would visit Gaza and West Bank in April in order to witness the blockade imposed by Israeli government. "Turkey will continue to do its best for the reconstruction of Gaza and for overcoming humanitarian problems," he said, underlining that Turkey's approach towards Israel will depend on Israeli fulfillment of its commitments.

Patriots Need To Shield Rebel Zones: SNC To U.S. (*All Media*)

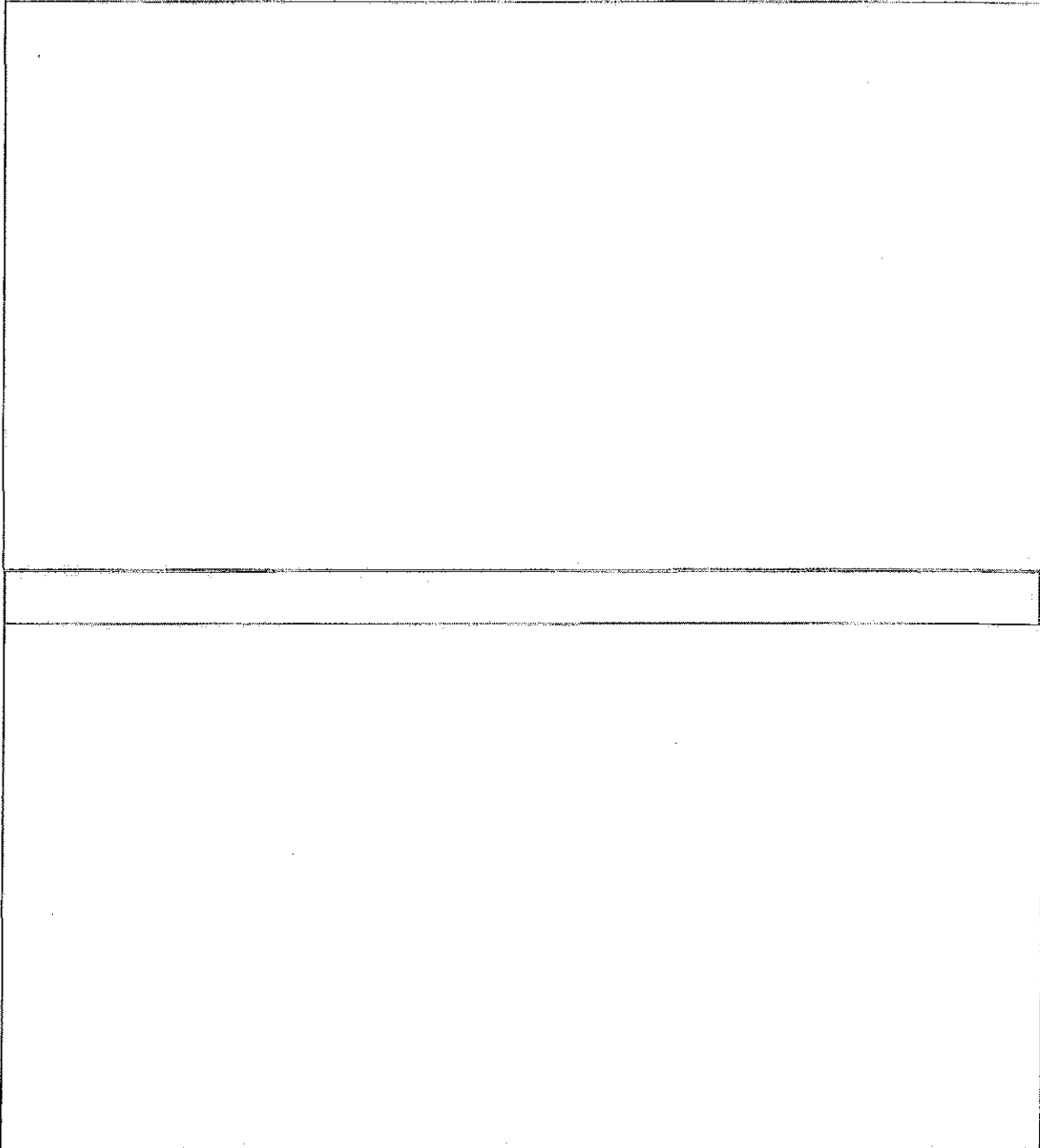


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Israel's Compensation Surprise (*Vatan*) REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

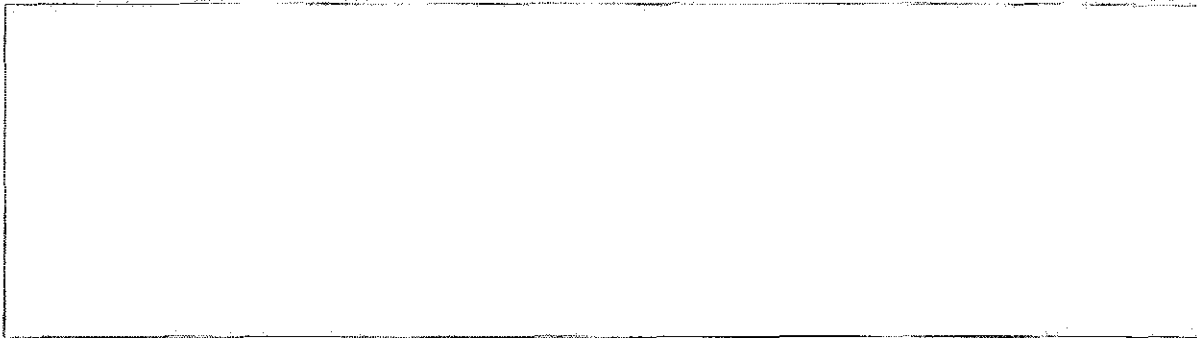
Following the official apology, Israeli Justice Minister Livni called Turkish FM Davutoglu and suggested establishing a compensation commission. Representing Turkey during next week's meetings will be Turkey's former Ambassador to Israel Feridun Siniroglu. An Israeli newspaper, sourcing a Turkish diplomat, claimed that the compensation will be a million dollars per family, instead of the suggested 100 thousand dollars.

Turks Banned From Neo-Nazi Trials (*Milliyet*)



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Public Affairs Section, Ankara

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Law, Rosemary C

From: Lawton, Daniel J (Athens)
Sent: Tuesday, July 05, 2011 3:19 AM
To: Martin, Leah A (Athens)
Subject: Greek coastguard intercepts Gaza-bound Canadian ship (Reuters)

Follow Up Flag: Follow up
Flag Status: Completed

FYI.

From: OpsNewsTicker
Sent: Monday, July 04, 2011 11:50 AM
To: NEWS-EUR; NEWS-NEA
Cc: SES-O_OS; SES-O_Shift-II
Subject: Greek coastguard intercepts Gaza-bound Canadian ship (Reuters)

ATHENS (Reuters) - The Greek coastguard on Monday intercepted a Canadian ship which had set sail for Gaza carrying medicine and pro-Palestinian activists who had defied a ban by the Athens government, an activist said.

The boat, named "Tahrir", had left a port in Crete, a Reuters witness said. Greek authorities have said that ships carrying activists destined for Gaza with aid for Palestinians were prohibited from leaving Greek ports.

The activist told Reuters that the crew of nearly 50 people comprised mostly Canadians. There were no further details immediately available.

NewsTickers alert senior Department officials to breaking news. This item appears as it did in its original publication and does not contain analysis or commentary by Department sources.

This email is UNCLASSIFIED.

From: Vu, Anny T
Sent: Monday, July 04, 2011 11:43 AM
To: Lawton, Daniel J (Athens)
Subject: Ops Request for Information: Demonstrations in Athens

Mr. Lawton:

Please accept our apologies again for bothering you on the Fourth of July but we are now seeing Twitter feeds that six American boat members have just been detained by Greek police while sitting on a bench across from the residence of the U.S. Ambassador. We would greatly appreciate any information you have on the matter.

Would it also be possible for the Operations Center to get an update on the Embassy security posture when you have a moment?

Please feel free to respond via e-mail (high or low side) or by calling the Operations Center at (202) 647-1512 and asking for the Emergency Action Officer. Thank you for taking the time to review our request.

Many thanks and kind regards,

[REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer]

ANNY VU

State Department Operations Center

VJAT3@state.gov 202.647.1512



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OPERATIONS CENTER

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Law, Rosemary C

From: Lawton, Daniel J (Athens)
Sent: Monday, July 04, 2011 11:52 PM
To: Howell, Loye E
Cc: CA-OCS-Duty; Snipes, Christopher K; SES-O_Shift-III; SES-O_Shift-I; Smith, Daniel B (Athens); Miller, Thomas S (Athens); Brandeis, Katherine L (Athens); Brandeis, Charles D (Athens); Smith, Stuart M (Athens)
Subject: Re: Ops request: confirmation of hearing for Audacity of Hope Captain
Follow Up Flag: Follow up
Flag Status: Completed

Loye - Yes, my understanding is that there is a hearing for Captain Klusmire today. Others at the Embassy, cc'ed here, may have additional details. Regards, Dan

From: Howell, Loye E
Sent: Monday, July 04, 2011 08:14 PM
To: Lawton, Daniel J (Athens)
Cc: CA-OCS-Duty; Snipes, Christopher K; SES-O_Shift-III; SES-O_Shift-I
Subject: Ops request: confirmation of hearing for Audacity of Hope Captain

Mr. Lawton,

The US Boat to Gaza Facebook page is reporting that the Audacity of Hope Captain, John Klusmire, is scheduled to be at a hearing at 12:00pm Athens time on Tuesday, July 5. It also states there are 2 Greek lawyers serving as his defense council.

Are you able to confirm whether Mr. Klusmire is scheduled for a hearing? Do you have any further information or update on the situation?

Thanks very much.

Kind Regards,

Loye Howell
State Department Operations Center
HowellLE@state.gov
202 647 1512

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

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Law, Rosemary C

From: Lawton, Daniel J (Athens)
Sent: Sunday, July 17, 2011 5:32 AM
To: Hill, Ralan L
Cc: SES-O Shift-I; Martin, Leah A (Athens); Malik, Paul (Athens)
Subject: Re: POC for Gaza flotilla departure

Follow Up Flag: Follow up
Flag Status: Completed

Ralan - I am currently in the U.S., but I am cc'ing some folks in Athens who may be in a position to help. Regards, Dan

From: Hill, Ralan L
Sent: Sunday, July 17, 2011 04:43 AM
To: Lawton, Daniel J (Athens)
Cc: SES-O Shift-I
Subject: POC for Gaza flotilla departure

Sir,

I know you're busy with the Secretary's visit. However, we received conflicting reports that Gaza Flotilla boat, the French-flagged Dignite, has left port heading south. We'd like to confirm those reports.

I'll be calling out to Athens shortly. Can you tell us who the best POC would be?

Thank you,

Ralan Hill
Watch Officer
State Department Operations Center
HillRL@state.gov
202 647 1512



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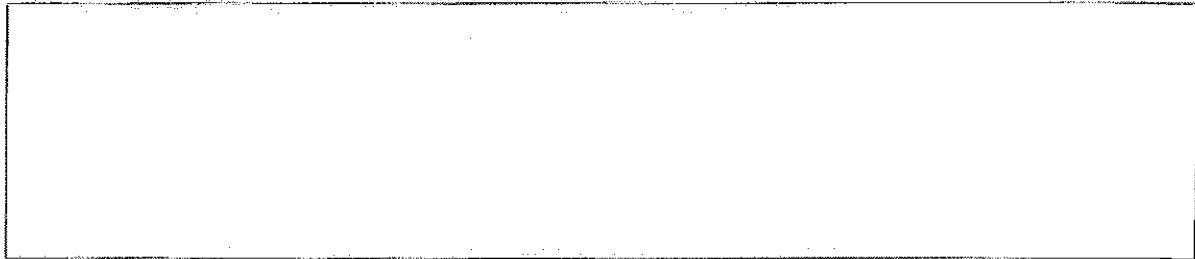
Law, Rosemary C

From: Lawton, Daniel J (Athens)
Sent: Tuesday, July 05, 2011 6:39 AM
To: Kaldanow, Tina S; Allison, Alicia P; Burger, David; Norman, Marc E; Stevens, Ruth A; McKay, Maria E; Wilmer, Kami A; Baker, Judith E; Dodman, Michael J; EUR-SE-DL; Worman, Patrick F; SES-O; Snipes, Christopher K; Silliman, Douglas A; Cohen, Jonathan R; Aggeler, Brian C; Engle, Thomas S; Flores, Molly P; Peterson, Jennifer M; Angelides, Joanna P; Harris, Rian; Howard, Jeremiah "Jerry"
Cc: ATHENS-POL; ATHENS-ECON; Smith, Daniel B (Athens); Miller, Thomas S (Athens); Brown, Diana F; McKeever, Matthew X (Athens); Kay, Catherine E (Thessaloniki); Brandeis, Charles D (Athens); Breisler, Jodi R (Athens); Halberg, Kent (Athens); Green, Janice C (Athens); Smith, Stuart M (Athens); Lance, Marsha A (Thessaloniki); Braunschweig, John J (Athens); Brandeis, Katherine L (Athens); David McNeill; ATHENS-FAST OFFICERS; Weitzenkorn, Laurie B; Zouroudis, Betsy (Athens); Rueter, Eric J; Pelargidis, George (Thessaloniki); Koutsounanou, Ioanna E (Thessaloniki); [redacted] B3 DOD-CP
 [redacted] CIV, OSD-POLICY; [redacted] DSCA/OPS/EAF; [redacted] J5 DDENR; [redacted]@eu.navy.mil; Telfynick, Mary J (Athens); William Kutson (William.Kutson@trade.gov); Engen, Ryan S; Abisellan, Ernest J; Triantafyllou, Prodromos N (Athens); Karamolegos, Nikos P (Athens); Singer, Russell C; Erath, Tara F; Fernandes, Anthony C; O'Reilly, Patrick R; Au-Yeung, Jerry; McIntosh, Daniel; Silverman, Lawrence; McCarthy, Deborah A; Smitham, Thomas D; Whittington, Alexander E; Tuminaro, John D; Marchese, Gregory M; Eshbaugh, Mark J
Subject: Athens Update -- July 5
Follow Up Flag: Follow up
Flag Status: Completed

(SBU) Key Points:

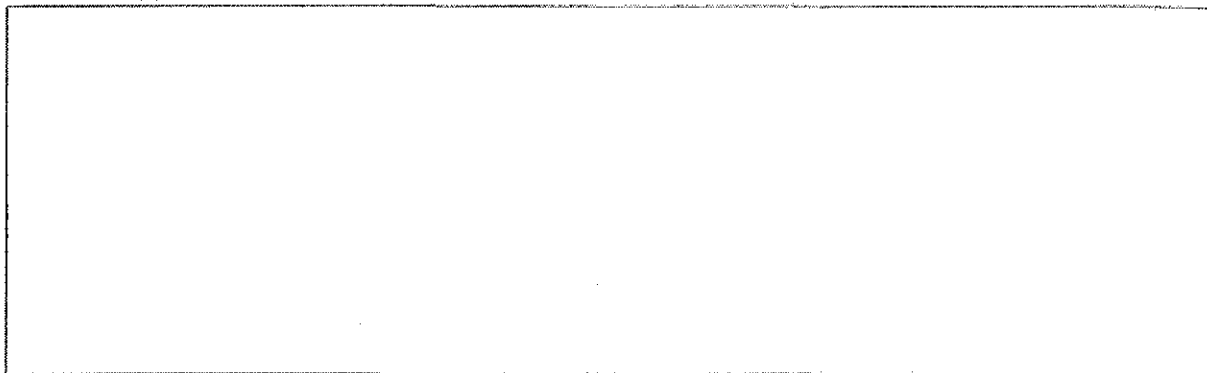
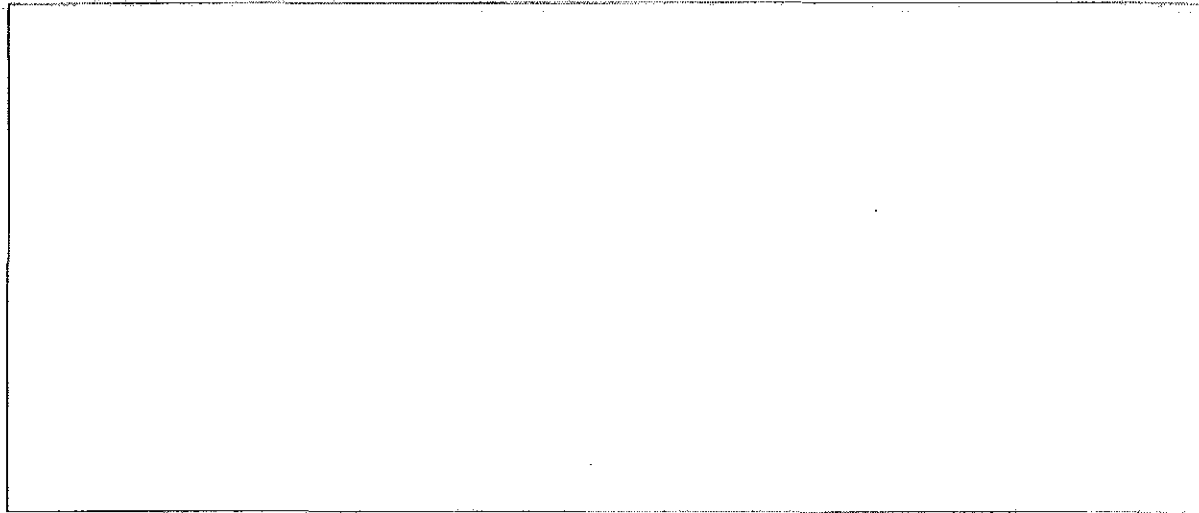


- On July 1 the Ministry of Citizen Protection released a notice to Gaza flotilla participants prohibiting the departure of ships with Greek and foreign flags from Greek ports to the maritime area of Gaza.
 - Despite the ban, the American-flagged ship "Audacity of Hope" and the Canadian ship "Tahrir" ship reportedly attempted to leave Greek ports near Piraeus and eastern Crete, respectively, and were stopped by the Hellenic Coast Guard.
 - Embassy Athens provided standard consular services to the American citizens involved in the flotilla before and after the "Audacity of Hope" was returned to port. The AmCit captain is the only American facing charges right now.
- The Greek government has proposed to assume the transport of humanitarian aid to Gaza, in cooperation with the United Nations.
 - Gaza flotilla organizers have so far not accepted this offer.



REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

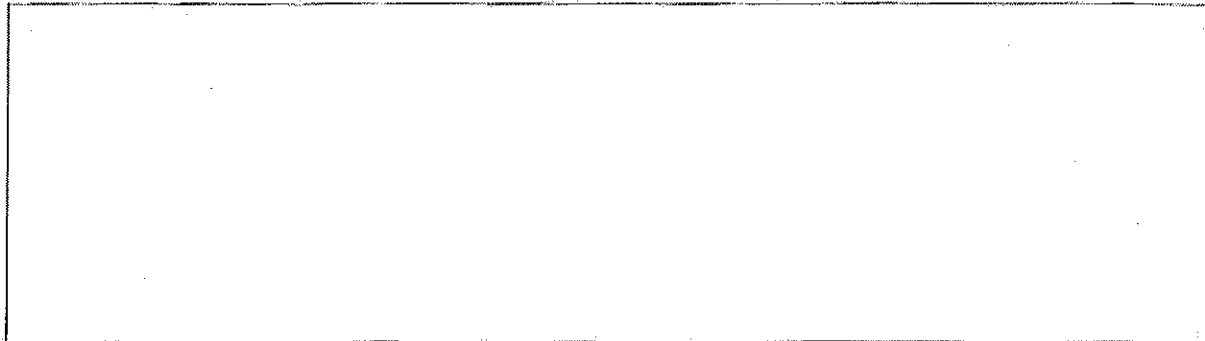
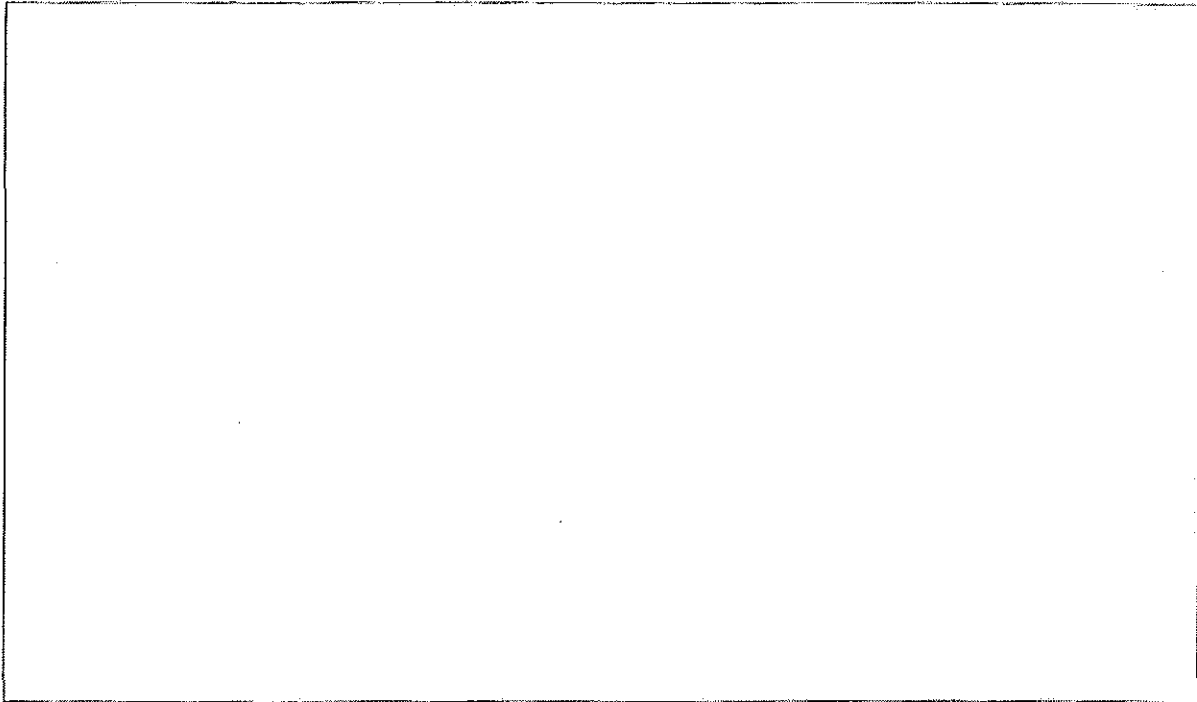
NR



(U) Following Ban on Departure of Flotilla Vessels to Gaza, Greece Offers to Deliver Humanitarian Aid: On July 1 the Ministry of Citizen Protection released a notice to flotilla participants that "the departure of ships with Greek and foreign flags from Greek ports to the maritime area of Gaza has been prohibited today. By orders of the Hellenic Coast Guard Head Quarters to all local Hellenic Coast Guard Authorities, all appropriate measure are taken for the implementation of the said decision." Despite the ban, the American flagged ship "Audacity of Hope" and the Canadian ship "Tahrir" were stopped by the Hellenic Coast Guard as they attempted to leave Greek ports near Piraeus and eastern Crete, respectively. PM Papandreou spoke by phone with Palestinian Authority leader Mahmoud Abbas on July 3. According to reports, Abbas positively viewed a Greek government proposal to assume the transport of humanitarian aid to Gaza, in cooperation with the United Nations. The proposal was confirmed later in the day when the MFA released a statement announcing Greece's initiative. In the statement, the MFA reiterated that it forbade departure from Greek ports primarily to protect human life and stressed Greece's concurrent view that the naval blockade of Gaza should be lifted.

(SBU) Consular Services Provided to AmCit Gaza Flotilla Participants: American Citizens Services Chief spoke with the captain of the "Audacity of Hope" twice over the July 4 weekend and visited him the morning of July 5. He was transferred to a police station near the port, where he could have access to his belongings and be more comfortable. According to the captain, Greek authorities also moved him because of the large call volume to the station crashed the switchboard. ACS chief also spoke on several occasions to the Group's Greek attorney. There are currently no Gaza Flotilla protesters in custody and none were ever arrested. They were taken from in front of the embassy and the Ambassador's residence to the local police station for identification and were then released. They were in the station

under two hours. The embassy is receiving a large number of calls and e-mails, asking the USG to put pressure on Greece to allow the flotilla to proceed to Gaza.



SBU
This email is UNCLASSIFIED.

RELEASED IN PART
B6

Law, Rosemary C

From: Lawton, Daniel J (Athens)
Sent: Tuesday, July 05, 2011 4:09 AM
To: Martin, Leah A (Athens)
Cc: Cockrell, John D (Athens)
Subject: FW: Justice for Gaza and Flotilla Crew

Follow Up Flag: Follow up
Flag Status: Completed

FYI. Regards, Dan L.

This email is UNCLASSIFIED.

From: Smith, Stuart M (Athens)
Sent: Tuesday, July 05, 2011 11:01 AM
To: Miller, Thomas S (Athens); Smith, Daniel B (Athens); Lawton, Daniel J (Athens); Cockrell, John D (Athens)
Subject: FW: Justice for Gaza and Flotilla Crew

The latest count...

This email is UNCLASSIFIED.

From: Tsiboukis, Vassilis G (Athens)
Sent: Tuesday, July 05, 2011 10:47 AM
To: Smith, Stuart M (Athens)
Subject: RE: Justice for Gaza and Flotilla Crew

FYI, So far we have received 396 protest messages.
Thank you,
Vassilis

Vassilis Tsiboukis
IRC Specialist
U.S. Information Resource Center
Public Affairs/U.S. Embassy
Tel: (+30-210) 720-2517
Fax: (+30-210) 720-2859
E-mail: Tsiboukisvg@state.gov

<http://athens.usembassy.gov>
www.omcorners.gr
www.mosalko.gr

This message is unclassified in accordance with E.O. 12958

1

This email is UNCLASSIFIED.

From: Smith, Stuart M (Athens)
Sent: Tuesday, July 05, 2011 9:32 AM
To: Tsiboukis, Vassilis G (Athens)
Subject: RE: Justice for Gaza and Flotilla Crew

Please store in a folder, but for now only forward those that appear to have a link to someone here in the flotilla—i.e. are in the nature of a consular communication.

Thks, Stuart

This email is UNCLASSIFIED.

From: Athens American Embassy
Sent: Tuesday, July 05, 2011 9:25 AM
To: Smith, Stuart M (Athens)
Subject: FW: Justice for Gaza and Flotilla Crew

Stuart, the messages we received since Sunday are more than 150. Do you want me to store them in a folder?

And do you want to read more of them.

Please advise.

Vassilis

Vassilis Tsiboukis
IRC Specialist
U.S. Information Resource Center
Public Affairs/U.S. Embassy
Tel: (+30-210) 720-2517
Fax: (+30-210) 720-2859
E-mail: Tsiboukisvg@state.gov

<http://athens.usembassy.gov>
www.amcorners.gr
www.mosaiko.gr

This message is unclassified in accordance with E.O. 12958

This email is UNCLASSIFIED.

From: [redacted] [mailto:[redacted]]
Sent: Tuesday, July 05, 2011 8:45 AM
To: Athens American Embassy
Subject: Justice for Gaza and Flotilla Crew

B6

July 4th, 2011

[redacted]
United States Embassy in Athens

Ladies and Gentlemen:

I request that you assist the members of the American Vessel, Audacity of Hope, in their endeavor to reach Gaza safely and to be able to deliver the letters that they have planned to give the citizens of Gaza.

I understand that there may be some United States citizens jailed or detained by the Greek Government. I request that you assist these passengers or crew members in any way possible to be freed and rejoin the mission to Gaza, and most especially to help in every way possible to let the United States ship to sail to Gaza.

The world is expecting that the United States, Greece, and Israel will allow these humanitarian items to reach the citizens of Gaza who live trapped and occupied by Israel. This night as we celebrate the American Independence it is time for justice for the Palestinian in Gaza,

Respectfully yours,

[redacted]

RELEASED IN PART
B5

Law, Rosemary C

From: Lawton, Daniel J (Athens)
Sent: Tuesday, July 05, 2011 3:10 AM
To: Martin, Leah A (Athens)
Cc: Cockrell, John D (Athens)
Subject: FW: Updated guidance

Follow Up Flag: Follow up
Flag Status: Completed

Leah -- You can draw on the press guidance at the bottom of this chain for your cable. Regards, Dan L.

This email is UNCLASSIFIED.

From: Smith, Stuart M (Athens)
Sent: Tuesday, July 05, 2011 8:43 AM
To: O'Brien, Valerie C
Cc: Miller, Thomas S (Athens); Smith, Daniel B (Athens); Brandeis, Katherine L (Athens); Lawton, Daniel J (Athens)
Subject: RE: Updated guidance

Here it is...

Gaza flotilla: We still plan to breach blockade
Posted: Jul 03, 2011 3:55 PM
Updated: Jul 04, 2011 3:36 PM
By CHRISTOPHER TORCHIA
Associated Press

ATHENS, Greece (AP) - Organizers of a Gaza-bound flotilla said Sunday they have not abandoned their plans to breach Israel's sea blockade of the territory despite a Greek government ban on their vessels leaving the country's ports.

The campaign experienced a major setback when Greece announced its restrictions Friday, and authorities arrested the captain of a boat carrying American activists that tried to leave Greece without permission.

However, coordinators of the flotilla were trying to maintain momentum with small protests in Athens in the face of increasing calls for them to scrap their campaign. On Saturday, the Middle East Quartet of Mideast mediators - the U.S., U.N., EU and Russia - urged governments to discourage Gaza-bound flotillas that could escalate tension in the region.

Several protesters from the American vessel briefly protested outside the U.S. Embassy before leaving. They had originally planned to stay there overnight. They want Washington to pressure Greece to release their American captain, John Klusmire, and allow them to depart for the Gaza Strip.

The U.S. Embassy provided standard consular services to the American citizens in the flotilla "before and after" the interception of their vessel, spokesman Stuart Smith said.

The Obama administration had warned American activists against participating in the flotilla, saying they might be violating U.S. law because Gaza is run by the militant Hamas group, a U.S.-designated foreign terrorist organization.

Greek activist Dimitris Plionis said there would be "some action" at the beginning of the week, but he did not specify what the pro-Palestinian activists were planning to do, presumably because Greek authorities might try to thwart their efforts.

"The ban is there and we have already said that we are still considering to sail," Plionis said. "This story is not finished."

Without elaborating, he noted that "ships are free to go to other locations" besides Gaza.

The comment raised the possibility that organizers have debated whether their vessels could declare they are bound for another destination, and then turn toward Gaza once they are in international waters. The flotilla has planned to carry medicine, construction equipment and other aid to the coastal strip.

Pro-Palestinian groups said hundreds of activists from around the world intend to fly to Israel's airport Friday to protest the country's naval blockade of the Gaza Strip and other policies. By staging large demonstrations at the airport, Israeli media say the activists plan on disrupting flights. Media reported that already tight security at the airport will be beefed up. Police refused to comment on operational preparations.

The groups that called Sunday for the protest are based in Europe and the U.S. They include the International Solidarity Movement, a pro-Palestinian group that often sends activists to the West Bank and Gaza.

Israel says it imposed the blockade in 2007 to stop weapons reaching Hamas, the Islamic militant group that rules Gaza.

Nine activists on a Turkish boat were killed last year in an Israeli raid on a similar flotilla, and Israel eased its land blockade after an international uproar over the incident. But Israel has pledged to thwart any attempt to reach Gaza by sea, and that aid deliveries can occur through its own established channels.

Activists reject that option, saying Israeli restrictions on the Palestinian territory of 1.5 million amount to a human rights violation. Egypt recently lifted its own blockade of Gaza at the Rafah crossing, though cross-border traffic is still slow.

In an acknowledgment of the challenges facing the flotilla, a spokesman for a Turkish group that dispatched the boat that was raided by Israel in 2010 said it was "not impossible" that the vessels would head to Gaza. Huseyin Oruc of IHH, an Islamic aid group that earlier pulled its boat out of this year's flotilla, spoke to The Associated Press in the Greek capital.

IHH has remained involved in flotilla planning. Israel accuses the group of having terrorist links, an allegation its directors strongly deny. IHH, which operates aid projects in many nations, is not on a U.S. list of terror organizations.

Planners had originally talked of sending 15 vessels with up to 1,500 people in the flotilla this year, though that number has dwindled to several hundred activists and fewer than 10 boats.

In a statement, the Greek Foreign Ministry said it had banned the flotilla from sailing out of concern for "the protection and safety of human life," while noting the need to lift the Gaza blockade and improve humanitarian conditions there.

"Greece reiterates its willingness and proposes to undertake the task of transporting the humanitarian aid, with Greek vessels or other appropriate means, through the existing channels" in line with a U.N. request, the ministry said.

Members of the flotilla have accused Greece of succumbing to Israeli pressure to block their plans, which had been held up by administrative delays and legal entanglements prior to the ban on sailing.

Greece, keen to boost international investment and ease its financial crisis, has maintained close relations with Arab countries, but in recent years has forged closer military and economic ties with Israel. The shift came amid a deterioration in the Jewish state's ties with Turkey, Greece's traditional regional rival and a fierce critic of the three-week Gaza offensive launched in late 2008 by the Israeli military.

Prime Minister Benjamin Netanyahu of Israel singled out Greece last week when he praised a group of foreign countries for helping to block the flotilla. In a speech, he thanked "my friend, the Greek Prime Minister George Papandreou."

On Sunday, Papandreou's office said he had communicated with Palestinian President Mahmoud Abbas, who expressed support for the Greek government's proposal to transport the activists' aid to Gaza, which would require Israeli cooperation.

Abbas' Fatah Party and Hamas have been trying to end a four-year-rift that left the Palestinians with two rival governments in the West Bank and Gaza.

Robert Naiman, an American activist, dismissed the Greek offer as an attempt by Greece to deflect criticism over its ban on the flotilla departure.

Amy Teibel in Jerusalem and Demetris Nellas in Athens contributed to this report.

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

From: O'Brien, Valerie C
Sent: Monday, July 04, 2011 6:12 PM
To: Smith, Stuart M (Athens)
Subject: Re: Updated guidance

Thanks, Stuart.

Valerie

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

From: Smith, Stuart M (Athens)
Sent: Monday, July 04, 2011 09:22 AM
To: Hilton, Robert B; EUR-Press
Cc: Miller, Thomas S (Athens)
Subject: Re: Updated guidance

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

From: Hilton, Robert B
Sent: Monday, July 04, 2011 09:03 AM

To: Smith, Stuart M (Athens); EUR-Press
Cc: Miller, Thomas S (Athens)
Subject: RE: Updated guidance

Thanks Stuart.

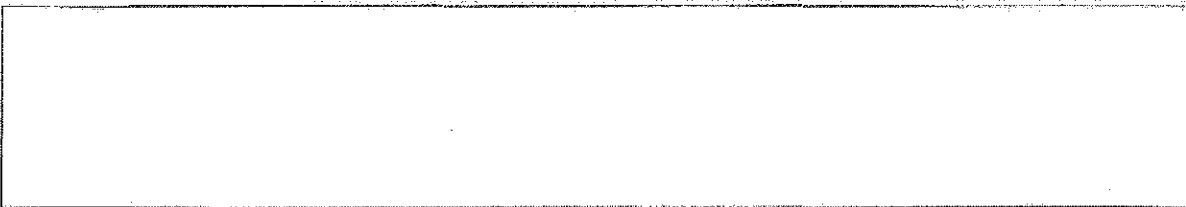
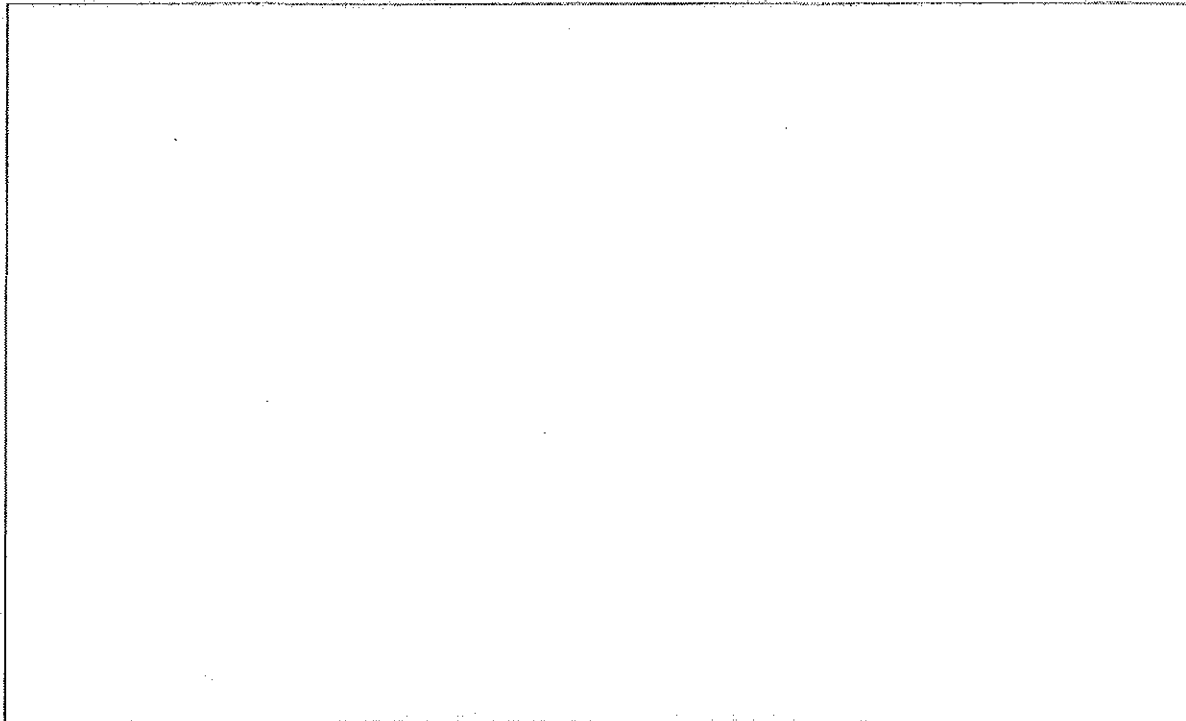
Robert

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

From: Smith, Stuart M (Athens)
Sent: Monday, July 04, 2011 6:10 AM
To: EUR-Press
Cc: Miller, Thomas S (Athens)
Subject: Updated guidance

Updated guidance below for clearance- part one is amplification of consular services provided; part two is regarding removal of protesters from Embassy early this a.m.. I've also included RSO's background on that.

Draft guidance;



B5



B5

This email is UNCLASSIFIED.

Law, Rosemary C

From: Lawton, Daniel J (Athens)
Sent: Monday, July 04, 2011 3:42 AM
To: Smith, Daniel B (Athens)
Cc: Miller, Thomas S (Athens)
Subject: Re: Flotilla

RELEASED IN PART B6

Follow Up Flag: Follow up
Flag Status: Completed

Sir - Thanks for this. Regards, Dan L

From: Smith, Daniel B (Athens)
Sent: Monday, July 04, 2011 03:32 AM
To: Lawton, Daniel J (Athens); Miller, Thomas S (Athens)
Subject: FW: Flotilla

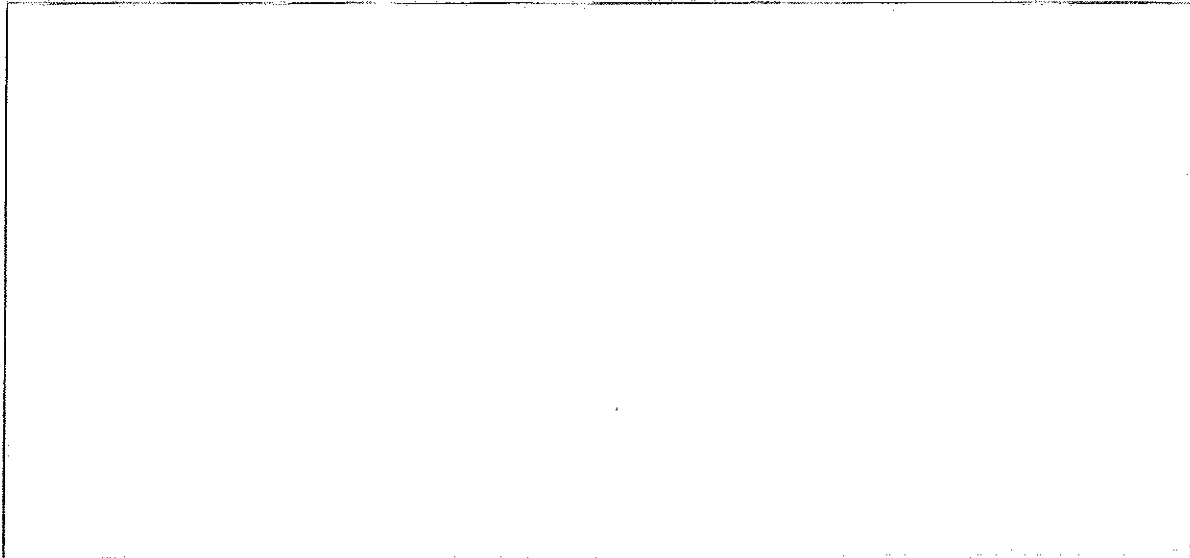
fyi

SBU
This email is UNCLASSIFIED.

From: [REDACTED]
Sent: Monday, July 04, 2011 10:30 AM
To: Feltman, Jeffrey D; Gordon, Phillip H; Smith, Daniel B (Athens)
Subject: Re: Flotilla

B6

Thanks so much for your prompt reply Jeff - and also to you Phil and Dan.



B6

See you on Tuesday, Dan.

Best,

B6

On Sun, Jul 3, 2011 at 12:01 PM, Feltman, Jeffrey D <FeltmanJD@state.gov> wrote:
Hi - greetings from Kuwait, where it's a "balmy" 41 degrees with a lovely sandstorm to add to the joy.

Thanks for your note. All of us have noted with great admiration the courageous and difficult decisions Greece has taken regarding the flotilla.

Warmly,
Jeff

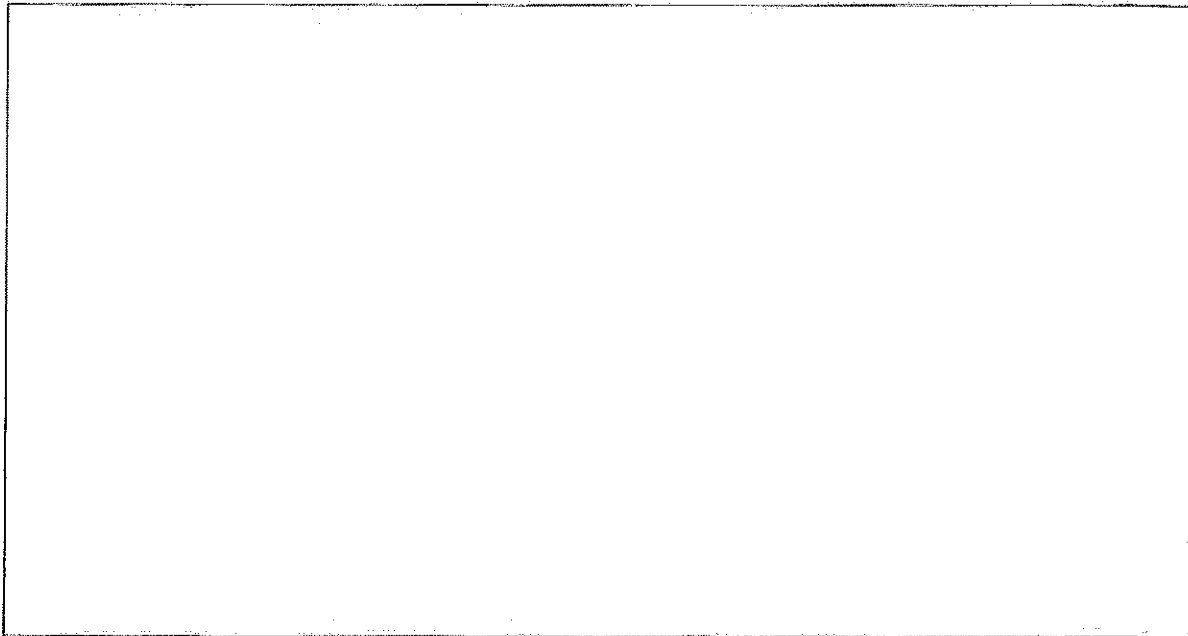
B6

From:
Sent: Saturday, July 02, 2011 04:51 PM

To: Gordon, Philip H; Feltman, Jeffrey D; Smith, Daniel B (Athens)
Subject: Flotilla

Gentlemen,

If I may impose on your July 4 weekend:



B6

best to you all and enjoy your July 4!

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

RELEASED IN PART B5, B6

Law, Rosemary C

From: Lawton, Daniel J (Athens)
Sent: Friday, July 01, 2011 12:23 PM
To: Miller, Thomas S (Athens)
Subject: Re: Gaza flotilla -- Ops call

Follow Up Flag: Follow up
Flag Status: Completed

Standing by. Regards, Dan L

From: Miller, Thomas S (Athens)
Sent: Friday, July 01, 2011 12:19 PM
To: Smith, Daniel B (Athens); Cockrell, John D (Athens); Lawton, Daniel J (Athens); Smith, Stuart M (Athens)
Cc: McKeever, Matthew X (Athens); Brandeis, Katherine L (Athens)
Subject: RE: Gaza flotilla -- Ops call

I can set it up.

Thomas Miller
Deputy Chief of Mission
American Embassy
91 Vs. Sophias Ave.
101 60 Athens

From: Smith, Daniel B (Athens)
Sent: Friday, July 01, 2011 7:19 PM
To: Cockrell, John D (Athens); Miller, Thomas S (Athens); Lawton, Daniel J (Athens); Smith, Stuart M (Athens)
Cc: McKeever, Matthew X (Athens); Brandeis, Katherine L (Athens)
Subject: Re: Gaza flotilla -- Ops call

Can we have a quick conference call about this?

From: Cockrell, John D (Athens)
Sent: Friday, July 01, 2011 12:16 PM
To: Smith, Daniel B (Athens); Miller, Thomas S (Athens); Lawton, Daniel J (Athens); Smith, Stuart M (Athens)
Cc: McKeever, Matthew X (Athens); Brandeis, Katherine L (Athens)
Subject: Re: Gaza flotilla -- Ops call

Update from Joe Hicks: Audacity of Hope (AOH) has not begun to return to port yet. Hellenic Coast Guard (HCG) stresses to Joe that AOH broke Greek law by departing. Arrest not specifically mentioned, but not excluded. HCG has asked for a name and number of an American Embassy contact to pass to the Master of the AOH.

[Redacted]

[Redacted]

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

From: Smith, Daniel B (Athens)
Sent: Friday, July 01, 2011 12:03 PM
To: Cockrell, John D (Athens); Miller, Thomas S (Athens); Lawton, Daniel J (Athens); Smith, Stuart M (Athens)
Cc: McKeever, Matthew X (Athens); Brandels, Katherine L (Athens)
Subject: Re: Gaza flotilla -- Ops call

[Redacted]

B5

From: Cockrell, John D (Athens)
Sent: Friday, July 01, 2011 11:58 AM
To: Smith, Daniel B (Athens); Miller, Thomas S (Athens); Lawton, Daniel J (Athens); Smith, Stuart M (Athens)
Cc: McKeever, Matthew X (Athens); Brandels, Katherine L (Athens)
Subject: Re: Gaza flotilla -- Ops call

To Athens only: Per the request from [Redacted]
[Redacted] for someone from the Embassy to be at the port; [Redacted]

B6

B5

[Redacted]

B5

John

From: Smith, Daniel B (Athens)
Sent: Friday, July 01, 2011 11:48 AM
To: Cockrell, John D (Athens); Miller, Thomas S (Athens); Lawton, Daniel J (Athens); Smith, Stuart M (Athens)
Cc: Goodman, Ian A; Snipes, Christopher K; Riley, Robert J; Kaidanow, Tina S; Katsoulos, Athena; McKeever, Matthew X (Athens); Brandels, Katherine L (Athens)
Subject: Re: Gaza flotilla -- Ops call

I just received a call from Ambassador Zepos. He indicated that the Ministry of Citizens Protection has issued a prohibition in the last two hours prohibiting any ships from leaving Greek ports for Gaza. However, the American ship, "Audacity of Hope," left port either before or just after this ruling. It has been intercepted by the Greek Coast Guard and is now being escorted to port where it will be under surveillance. Zepos said he wanted to make sure we were aware of this and also asked if we could do anything to keep this from becoming a media circus. I said I was not sure what we could do, but would pass this request along.

[Redacted]

B5

From: Cockrell, John D (Athens)
Sent: Friday, July 01, 2011 10:57 AM
To: Smith, Daniel B (Athens); Miller, Thomas S (Athens); Lawton, Daniel J (Athens); Smith, Stuart M (Athens)
Cc: Goodman, Ian A; Snipes, Christopher K; Riley, Robert J
Subject: Gaza flotilla -- Ops call

FYI, I just spoke with Ops concerning the Audacity of Hope, the U.S. Gaza flotilla ship at Piraeus. News reports indicated it left port late this afternoon, and Ops called for a status update. I spoke with Joe Hicks, who tracked down some info, which I conveyed via telephone to Ops.

The ship did leave port, without the permission of the Hellenic Coast Guard, which had forbidden the ship to depart due to questions of seaworthiness. The Greek authorities had instructed the vessel not to leave port.

At present, the Coast Guard has instructed the vessel to return to port, and "it is being returned to port," according to the info Joe had. It was NOT boarded by Hellenic Coast Guard. Greeks estimate 25 PAX, including media, on board. -John

Law, Rosemary C

RELEASED IN PART
1.4(B),B1,B5,1.4(D),B6

From: Lawton, Daniel J (Athens)
Sent: Saturday, July 02, 2011 4:24 PM
To: Smith, Daniel B (Athens); Miller, Thomas S (Athens)
Subject: Re: Greek request

Follow Up Flag: Follow up
Flag Status: Completed

[Redacted] Regards, Dan B5

From: Smith, Daniel B (Athens)
Sent: Saturday, July 02, 2011 04:17 PM
To: Miller, Thomas S (Athens); Lawton, Daniel J (Athens)
Subject: FW: Greek request

[Redacted] B5

SBU
This email is UNCLASSIFIED.
Classified by DAS, A/GIS, DoS on : 08-06-2013 ~ Class: CONFIDENTIAL ~
Reason: 1.4 (b)(d) ~ Declassify on: 07-02-2031

From: Smith, Daniel B (Athens)
Sent: Saturday, July 02, 2011 11:17 PM
To: Kaidanow, Tina S; [Redacted]; Walles, Jacob; [Redacted] Sutphin, Paul R; B6
[Redacted] Riley, Robert J
Cc: [Redacted] Russell, Melissa H ; Silverman,
Robert J; Gordon, Phillip H
Subject: RE: Greek request

[Redacted] 1.4(B)
1.4(D)
B1
B5

SBU
This email is UNCLASSIFIED.

From: Kaidanow, Tina S
Sent: Saturday, July 02, 2011 10:48 PM
To: [Redacted] Sutphin, Paul R; B6
[Redacted] Riley, Robert J
Cc: [Redacted] Russell, Melissa H ; Silverman,

Robert J; Gordon, Phillip H; Smith, Daniel B (Athens)
Subject: Re: Greek request

[Redacted] 1.4(B)
1.4(D)

From: Simon, Steven [mailto: [Redacted]] B5
Sent: Saturday, July 02, 2011 03:04 PM
To: Walles, Jacob; Kumar, Prem G. [Redacted]; Sutphin, Paul R; Harris, Rian B6
[Redacted]; Riley, Robert J; Kaidanow, Tina S
Cc: Ross, Dennis B. [Redacted]; Sherwood-Randall, Liz [Redacted]
[Redacted]; Russell, Melissa H; Silverman, Robert J
Subject: RE: Greek request

concur

From: Walles, Jacob [mailto:WallesJ@state.gov]
Sent: Saturday, July 02, 2011 2:37 PM
To: Kumar, Prem G.; Sutphin, Paul R; Harris, Rian; Riley, Robert J; Kaidanow, Tina S
Cc: Ross, Dennis B.; Simon, Steven; Sherwood-Randall, Liz; Russell, Melissa H; Silverman, Robert J
Subject: Re: Greek request

[Redacted] B5

From: Kumar, Prem G. [mailto: [Redacted]] B6
Sent: Saturday, July 02, 2011 02:26 PM
To: Sutphin, Paul R; Harris, Rian [Redacted]; Walles, Jacob; Riley, Robert J; Kaidanow, Tina S
Cc: Ross, Dennis B. [Redacted]; Simon, Steven [Redacted]; Sherwood-Randall, Liz [Redacted]; Russell, Melissa H; Silverman, Robert J
Subject: Re: Greek request

[Redacted] 1.4(B)
1.4(D)
B1

From: Sutphin, Paul R <SutphinPR@state.gov>
To: Kumar, Prem G.; Harris, Rian; Walles, Jacob <WallesJ@state.gov>; Riley, Robert J <RileyRJ@state.gov>; Kaidanow, Tina S <KaidanowTS@state.gov>
Cc: Ross, Dennis B.; Simon, Steven; Sherwood-Randall, Liz; Russell, Melissa H <RussellMH@state.gov>; Silverman, Robert J <SilvermanR@state.gov>
Sent: Sat Jul 02 14:06:50 2011
Subject: Re: Greek request

+ EUR DAS Kaidnow and EUR/SE director Bob Riley

[Redacted] 1.4(B)
1.4(D)
B1

[Redacted]

1.4(B)
1.4(D)
B1

Paul Sutphin
Director, NEA/IPA
Via Blackberry

From: Kumar, Prem G. [mailto: [Redacted]]
Sent: Saturday, July 02, 2011 01:30 PM
To: Harris, Rian < [Redacted] >; Waller, Jacob
Cc: Sutphin, Paul R; Ross, Dennis B. [Redacted]; Simon, Steven < [Redacted] >;
Sherwood-Randall, Liz < [Redacted] >
Subject: Fw: Greek request

B6

[Redacted]

1.4(B)
1.4(D)
B1
B5

Thx, Prem

[Redacted]

1.4(B)
1.4(D)
B1

On Jul 2, 2011, at 12:46, "Kumar, Prem G." < [Redacted] > wrote:

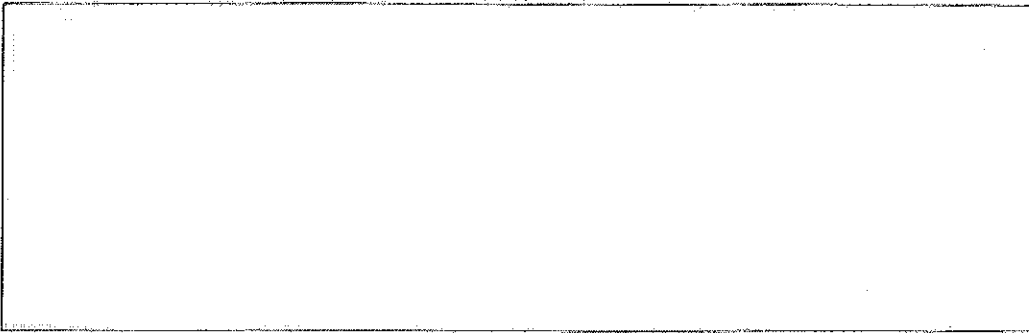
B6

[Redacted] Thx, Prem

1.4(B)
1.4(D)
B1

[Redacted]

1.4(B)
1.4(D)
B1



1.4(B)
1.4(D)
B1

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PineApp Mail-SeCure for the presence of malicious code, vandals & computer viruses.

RELEASED IN PART B5,B6

Law, Rosemary C

From: Lawton, Daniel J (Athens)
Sent: Sunday, July 03, 2011 4:33 AM
To: Smith, Stuart M (Athens); Brandeis, Katherine L (Athens); Smith, Daniel B (Athens); Miller, Thomas S (Athens); McKeever, Matthew X (Athens); Cockrell, John D (Athens); Moore, Vincent R (Athens)
Subject: Re: Is this story accurate re absence of US Embassy assistance to Audacity of Hope?
Follow Up Flag: Follow up
Flag Status: Completed

Stuart [redacted]
[redacted] I clear. Regards, Dan L

B5

From: Smith, Stuart M (Athens)
Sent: Sunday, July 03, 2011 04:21 AM
To: Brandeis, Katherine L (Athens); Smith, Daniel B (Athens); Lawton, Daniel J (Athens); Miller, Thomas S (Athens); McKeever, Matthew X (Athens); Cockrell, John D (Athens); SES-O; Moore, Vincent R (Athens)
Subject: Re: Is this story accurate re absence of US Embassy assistance to Audacity of Hope?

Would appreciate everyone's clearance of attached as an embassy statement so we can get dept clearance as well.

Note that they will have a 2d press conf today and we can anticipate more press play then.

Thks, stuart

[redacted]

From: Brandeis, Katherine L (Athens)
Sent: Sunday, July 03, 2011 03:10 AM
To: Smith, Daniel B (Athens); Smith, Stuart M (Athens); Lawton, Daniel J (Athens); Miller, Thomas S (Athens); McKeever, Matthew X (Athens); Cockrell, John D (Athens); SES-O; Moore, Vincent R (Athens)
Subject: Re: Is this story accurate re absence of US Embassy assistance to Audacity of Hope?

[redacted]

From: Smith, Daniel B (Athens)
Sent: Sunday, July 03, 2011 02:51 AM
To: Smith, Stuart M (Athens); Lawton, Daniel J (Athens); Miller, Thomas S (Athens); Brandeis, Katherine L (Athens); McKeever, Matthew X (Athens); Cockrell, John D (Athens)
Subject: RE: Is this story accurate re absence of US Embassy assistance to Audacity of Hope?

[redacted]

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

This email is UNCLASSIFIED.

From: Smith, Stuart M (Athens)
Sent: Sunday, July 03, 2011 9:49 AM
To: Lawton, Daniel J (Athens); Miller, Thomas S (Athens); Brandeis, Katherine L (Athens); Smith, Daniel B (Athens); McKeever, Matthew X (Athens); Cockrell, John D (Athens)
Subject: Re: Is this story accurate re absence of US Embassy assistance to Audacity of Hope?

Sounds good to me as a statement- [redacted]

B5

From: Lawton, Daniel J (Athens)
Sent: Sunday, July 03, 2011 02:00 AM
To: Smith, Stuart M (Athens); Miller, Thomas S (Athens); Brandeis, Katherine L (Athens); Smith, Daniel B (Athens); McKeever, Matthew X (Athens); Cockrell, John D (Athens)
Subject: Re: Is this story accurate re absence of US Embassy assistance to Audacity of Hope?

From: Smith, Stuart M (Athens)
Sent: Sunday, July 03, 2011 01:40 AM
To: Miller, Thomas S (Athens); Brandeis, Katherine L (Athens); Lawton, Daniel J (Athens); Smith, Daniel B (Athens); McKeever, Matthew X (Athens); Cockrell, John D (Athens)
Subject: Re: Is this story accurate re absence of US Embassy assistance to Audacity of Hope?

From: Miller, Thomas S (Athens)
Sent: Sunday, July 03, 2011 01:06 AM
To: Brandeis, Katherine L (Athens); Lawton, Daniel J (Athens); Smith, Daniel B (Athens); Smith, Stuart M (Athens); McKeever, Matthew X (Athens); Cockrell, John D (Athens)
Subject: Fw: Is this story accurate re absence of US Embassy assistance to Audacity of Hope?

Folks,

Got the message below from a former foreign service officer who had served in Athens. [redacted]

Tom

From: [redacted]
Sent: Saturday, July 02, 2011 08:25 PM
To: Miller, Thomas S (Athens)
Subject: Is this story accurate re absence of US Embassy assistance to Audacity of Hope?

B6

Hi Tom: How come the Brits are reportedly assisting their citizens in the flotilla but the US Embassy is reportedly AWOL? Is this story accurate? I thought there was a rather large Consular Section in the Embassy? Did American Services all go on holiday? Where's the Embassy spokesperson - or was the person not interviewed? Or, as usual, are you having to wait for Washington to get press guidance approved?

http://www.ekathimerini.com/4dcql/w_articles/wsite1_1_02/07/2011_396837

And why are the Greeks not allowing the boats to sail? Why did they detain the US captain? How much did the Israeli government pay the Greeks off - or???

I'm pretty sure I know someone from Santa Fe on the Audacity of Hope - and she's a pacifist not a gun-runner. Cheers,
Happy Fourth and best to Lena.

B6

RELEASED IN PART B5

Law, Rosemary C

From: Lawton, Daniel J (Athens)
Sent: Friday, July 01, 2011 1:41 PM
To: Cockrell, John D (Athens)
Subject: Re: positive news. Gaza flotilla -- Ops call

Follow Up Flag: Follow up
Flag Status: Completed

John - Great work. Regards, Dan L

From: Cockrell, John D (Athens)
Sent: Friday, July 01, 2011 01:34 PM
To: Smith, Daniel B (Athens); Miller, Thomas S (Athens); Lawton, Daniel J (Athens); Smith, Stuart M (Athens)
Cc: McKeever, Matthew X (Athens); Brandeis, Katherine L (Athens)
Subject: Re: positive news. Gaza flotilla -- Ops call

From: Smith, Daniel B (Athens)
Sent: Friday, July 01, 2011 01:30 PM
To: Cockrell, John D (Athens); Miller, Thomas S (Athens); Lawton, Daniel J (Athens); Smith, Stuart M (Athens)
Cc: McKeever, Matthew X (Athens); Brandeis, Katherine L (Athens)
Subject: RE: positive news. Gaza flotilla -- Ops call

Many thanks.

SBU
This email is UNCLASSIFIED.

From: Cockrell, John D (Athens)
Sent: Friday, July 01, 2011 8:29 PM
To: Smith, Daniel B (Athens); Miller, Thomas S (Athens); Lawton, Daniel J (Athens); Smith, Stuart M (Athens)
Cc: McKeever, Matthew X (Athens); Brandeis, Katherine L (Athens)
Subject: Re: positive news. Gaza flotilla -- Ops call

Joe called again. The AOH has agreed, and is returning to port voluntarily.

Most likely the Master will be indicted and the case will go to a prosecutor.

HCG specifically used word indicted, vice arrested, when Joe asked if the captain would be arrested upon arrival to shore.

It appears we can stand down for now. I will notify NEA of this development.

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

From: Smith, Daniel B (Athens)
Sent: Friday, July 01, 2011 12:19 PM
To: Cockrell, John D (Athens); Miller, Thomas S (Athens); Lawton, Daniel J (Athens); Smith, Stuart M (Athens)
Cc: McKeever, Matthew X (Athens); Brandeis, Katherine L (Athens)
Subject: Re: Gaza flotilla -- Ops call

Can we have a quick conference call about this?

From: Cockrell, John D (Athens)
Sent: Friday, July 01, 2011 12:16 PM
To: Smith, Daniel B (Athens); Miller, Thomas S (Athens); Lawton, Daniel J (Athens); Smith, Stuart M (Athens)
Cc: McKeever, Matthew X (Athens); Brandeis, Katherine L (Athens)
Subject: Re: Gaza flotilla -- Ops call

Update from Joe Hicks: Audacity of Hope (AOH) has not begun to return to port yet. Hellenic Coast Guard (HCG) stresses to Joe that AOH broke Greek law by departing. Arrest not specifically mentioned, but not excluded. HCG has asked for a name and number of an American Embassy contact to pass to the Master of the AOH.

[Redacted]

B5

[Redacted]

From: Smith, Daniel B (Athens)
Sent: Friday, July 01, 2011 12:03 PM
To: Cockrell, John D (Athens); Miller, Thomas S (Athens); Lawton, Daniel J (Athens); Smith, Stuart M (Athens)
Cc: McKeever, Matthew X (Athens); Brandeis, Katherine L (Athens)
Subject: Re: Gaza flotilla -- Ops call

[Redacted]

B5

From: Cockrell, John D (Athens)
Sent: Friday, July 01, 2011 11:58 AM
To: Smith, Daniel B (Athens); Miller, Thomas S (Athens); Lawton, Daniel J (Athens); Smith, Stuart M (Athens)
Cc: McKeever, Matthew X (Athens); Brandeis, Katherine L (Athens)
Subject: Re: Gaza flotilla -- Ops call

To Athens only: Per the request from [Redacted] for someone from the Embassy to be at the port: [Redacted]

B6

B5

[Redacted]

B5

John

From: Smith, Daniel B (Athens)
Sent: Friday, July 01, 2011 11:48 AM
To: Cockrell, John D (Athens); Miller, Thomas S (Athens); Lawton, Daniel J (Athens); Smith, Stuart M (Athens)
Cc: Goodman, Ian A; Snipes, Christopher K; Riley, Robert J; Kaidanow, Tina S; Katsoulos, Athena; McKeever, Matthew X (Athens); Brandeis, Katherine L (Athens)
Subject: Re: Gaza flotilla -- Ops call

I just received a call from Ambassador Zepos. He indicated that the Ministry of Citizens Protection has issued a prohibition in the last two hours prohibiting any ships from leaving Greek ports for Gaza. However, the American ship, "Audacity of Hope," left port either before or just after this ruling. It has been intercepted by the Greek Coast Guard and is now being escorted to port where it will be under surveillance. Zepos said he wanted to make sure we were aware of this and also asked if we could do anything to keep this from becoming a media circus. I said I was not sure what we could do, but would pass this request along.

B5

From: Cockrell, John D (Athens)
Sent: Friday, July 01, 2011 10:57 AM
To: Smith, Daniel B (Athens); Miller, Thomas S (Athens); Lawton, Daniel J (Athens); Smith, Stuart M (Athens)
Cc: Goodman, Ian A; Snipes, Christopher K; Riley, Robert J
Subject: Gaza flotilla -- Ops call

FYI, I just spoke with Ops concerning the Audacity of Hope, the U.S. Gaza flotilla ship at Piraeus. News reports indicated it left port late this afternoon, and Ops called for a status update. I spoke with Joe Hicks, who tracked down some info, which I conveyed via telephone to Ops.

The ship did leave port, without the permission of the Hellenic Coast Guard, which had forbidden the ship to depart due to questions of seaworthiness. The Greek authorities had instructed the vessel not to leave port.

At present, the Coast Guard has instructed the vessel to return to port, and "it is being returned to port," according to the info Joe had. It was NOT boarded by Hellenic Coast Guard. Greeks estimate 25 PAX, including media, on board. -John

Law, Rosemary C

RELEASED IN PART B6

From: Lawton, Daniel J (Athens)
Sent: Friday, July 01, 2011 11:55 AM
To: Smith, Daniel B (Athens); Miller, Thomas S (Athens)
Cc: Cockrell, John D (Athens)
Subject: Fw: Additional Flotilla Update - July 1 Open Source

Follow Up Flag: Follow up
Flag Status: Completed

Sir - Can we forward your e-mail on the Zepos call to DC? Jack Doutrich seems to distribute news to the DC watchers.
Regards, Dan L

From: Doutrich, Jack T
Sent: Friday, July 01, 2011 11:40 AM
To: Jakobson, Nicholas W; NEA-IPA-DL; EUR-SE-DL; NEA-Egypt; PM-CPMS; SES-O; Vasquez, Edgar J; Levin, Jan; Silverman, Robert J; Wallis, Jacob; Sutphin, Paul R; Richter, Kim B; Worman, Patrick F; Zurcher, Kenneth M; Goldberger, Thomas H; Masilko, Barbara J (USUN); Marchese, Gregory M; Blome, Donald A; Waters, John R; Pilz, Amanda C; Miller, Walter R; 'Prem_G_Kumar@nss.eop.gov' <Prem_G_Kumar@nss.eop.gov>; Eussen, Matthew; 'Melissa Russell' [redacted]; Jacobson, Michael N; Bilge, Kerem S; CA-OCS-Duty; Bernier-Toth, Michelle; Rodriguez, Hugo F; Lopatkiewicz, Viktoria; Greene, Elisa; George, Leah; Daniels, Cherrie S; Slakey, Monica M; Rudman, Mara; Reed, Julia G; Khoury-Kincannon, Sahar; Bitar, Maher B; Norman, Marc E; Nardl, Margaret H; Smith, Daniel B (Athens); Miller, Thomas S (Athens); Lawton, Daniel J (Athens); Cockrell, John D (Athens); McKeever, Matthew X (Athens); Brandeis, Katherine L (Athens); Bass, Warren; Ried, Curtis R. (USUN); Bems, David B
Subject: RE: Additional Flotilla Update - July 1 Open Source

B6

Further to the report AP report below, Embassy Athens POL is reporting that "The Audacity of Hope" is returning to the Port of Athens at the instruction of Greek authorities.

FYI, I just spoke with Ops concerning the Audacity of Hope, the U.S. Gaza flotilla ship at Piraeus. News reports indicated it left port late this afternoon, and Ops called for a status update. I spoke with Joe Hicks, who tracked down some info, which I conveyed via telephone to Ops.

The ship did leave port, without the permission of the Hellenic Coast Guard, which had forbidden the ship to depart due to questions of seaworthiness. The Greek authorities had instructed the vessel not to leave port.

At present, the Coast Guard has instructed the vessel to return to port, and "it is being returned to port" according to the info Joe had. It was NOT boarded by Hellenic Coast Guard. Greeks estimate 250 AX, including media, on board.

JD.

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

SBU
This email is UNCLASSIFIED.

From: Doutrich, Jack T
Sent: Friday, July 01, 2011 11:00 AM
To: Doutrich, Jack T; Jakobson, Nicholas W; NEA-IPA-DL; EUR-SE-DL; NEA-Egypt; PM-CPMS; SES-O; Vasquez, Edgar J; Grubb, Jason B; Levin, Jan; Silverman, Robert J; Wallis, Jacob; Sutphin, Paul R; Richter, Kim B; Worman, Patrick F; Zurcher, Kenneth M; Goldberger, Thomas H; Masilko, Barbara J (USUN); Marchese, Gregory M; Blome, Donald A; Waters, John R; Pilz, Amanda C; Miller, Walter R; 'Prem_G_Kumar@nss.eop.gov'; 'Melissa Russell'; Jacobson, Michael N; Bilge, Kerem S; CA-OCS-Duty; Bernier-Toth, Michelle; Rodriguez, Hugo F; Lopatkiewicz, Viktoria; Greene, Elisa; George, Leah; Daniels, Cherrie S; Slakey, Monica M; Rudman, Mara; Reed, Julia G; Khoury-Kincannon, Sahar; Bitar, Maher B; Norman, Marc E; Nardi, Margaret H; Smith, Daniel B (Athens); Miller, Thomas S (Athens); Lawton, Daniel J (Athens); Cockrell, John D (Athens); McKeever, Matthew X (Athens); Brandeis, Katherine L (Athens); Bass, Warren; Ried, Curtis R (USUN)
Subject: RE: Additional Flotilla Update - July 1 Open Source

Additional Media reports for July 1, 2011:

CNN Turk and NTV reporting that Greece is not letting Greek ships in the flotilla depart -- on the scroll.
Permission was not given to depart the port in Athens.

Gaza flotilla boat departs from Greek port (AP)

ATHENS (AP) - Witnesses say a boat carrying several dozen Americans who seek to break Israel's sea blockade of the Gaza Strip has set sail from a Greek port.

The boat dubbed "The Audacity of Hope" is part of a flotilla of nine vessels and several hundred activists who say they want to deliver aid to the Palestinian territory. The boat left the port of Perama on Friday afternoon. American activists have alleged that the administrative delays in their plans were caused by Israeli pressure on Greece. Israel has said it will thwart any effort to breach the sea blockade of Gaza.

This email is UNCLASSIFIED.

From: Doutrich, Jack T
Sent: Friday, July 01, 2011 10:09 AM
To: Jakobson, Nicholas W; NEA-IPA-DL; EUR-SE-DL; NEA-Egypt; PM-CPMS; SES-O; Vasquez, Edgar J; Grubb, Jason B; Levin, Jan; Silverman, Robert J; Wallis, Jacob; Sutphin, Paul R; Richter, Kim B; Worman, Patrick F; Zurcher, Kenneth M; Goldberger, Thomas H; Masilko, Barbara J (USUN); Marchese, Gregory M; Blome, Donald A; Waters, John R; Pilz, Amanda C; Miller, Walter R; 'Prem_G_Kumar@nss.eop.gov'; 'Melissa Russell'; Jacobson, Michael N; Bilge, Kerem S; CA-OCS-Duty; Bernier-Toth, Michelle; Rodriguez, Hugo F; Lopatkiewicz, Viktoria; Greene, Elisa; George, Leah; Daniels, Cherrie S; Slakey, Monica M; Rudman, Mara; Reed, Julia G; Khoury-Kincannon, Sahar; Bitar, Maher B; Norman, Marc E; Nardi, Margaret H; Smith, Daniel B (Athens); Miller, Thomas S (Athens); Lawton, Daniel J (Athens); Cockrell, John D (Athens); McKeever, Matthew X (Athens); Brandeis, Katherine L (Athens); Bass, Warren; Ried, Curtis R (USUN)
Subject: Flotilla Update - July 1 Open Source

Another Mysterious Malfunction

Yisrael Hayom July 1, 2011 (p.2) by Shlomo Cezana et al -- [...] [O]n Thursday Prime Minister Binyamin Netanyahu addressed the issue of the expected flotilla to Gaza and said that "sometimes, we not only need to deflect our enemies' physical attacks, but also deflect the attack on our right to protect ourselves." At the end of the IAF flight school graduation ceremony in Hatzerim, Netanyahu thanked the many world leaders who spoke out and acted against in recent days "against the provocation flotilla," first and foremost the American and European leaders, and the secretary general of the United Nations. The prime minister also commended his Greek counterpart George Papandreou, who is closely cooperating with Israel in coordinating the moves related to the flotilla. "Israel has the full right to act against the

attempts to legitimize the smuggling of missiles, rockets and other weaponry for Hamas's terror enclave," Netanyahu said, in what could be understood as a hint to the damage some of the flotilla's vessels experienced.

Defense Minister Ehud Barak predicted on Thursday that the current flotilla would be calmer than the previous one, but stressed that Israel was bracing for any possible scenario. "The Marmara is absent and the IHH is absent, but nobody can predict that there won't be a small group, or that one of the ships will try to resist forcefully, or a more extreme case of somebody who brought weapons and will try to use them," Barak said. He added that the IDF's working premise was that they were liable to face extremely violent resistance and even use of arms.

Barak threatened that a ship from which shots would be fired at IDF soldiers would be defined as a "terror ship." The implication would be a different attitude of the soldiers, in other words, the exercise of different procedures and other modes of action. "In such a case, things are simpler and more clear-cut. The soldiers will have an easier time dealing with it, since if they are fired at, this is no longer a ship of activists to them," security sources said on Thursday.

Foreign Minister Avigdor Lieberman said on Thursday that there is a wall-to-wall coalition in the world against the flotilla, but "there are marginal groups, anarchists and extreme Islamic groups, that will try to harm Israel by the flotilla. There are not coming to help the residents of Gaza, but to confront the State of Israel and create a provocation against it. As a sovereign state we can't allow anyone to harm our sovereignty. No self-respecting state would let that happen."

Information Minister Yuli Edelstein said on Thursday that the fact the flotilla was joined by Amin Abu Rashid, who is in charge of raising money for Hamas's terror activities, "is clear-cut evidence that this is not a humanitarian flotilla, but a covert flotilla for provocation and terror activity."

Edelstein added that in the previous flotilla, Rashid spoke of his intention to confront IDF soldiers, which should be taken into account as his intention for the current flotilla as well.

The US State Department on Thursday addressed the claims of deliberate sabotage to the ships, and the deputy spokesman said that while not justifying sabotage in any way, the flotilla itself is a bad idea that endangers the passengers.

Opposition Chairwoman Tzippi Livni met on Thursday with UN Secretary-General Ban Ki-moon in New York, and called to continue the delegitimization of Hamas. "Whoever wants to help citizens doesn't do so by severe and unnecessary provocations like the planned flotilla. The international community should convey a clear message to this flotilla and those that will come, that such provocations are unacceptable and should be prevented and stopped," Livni said.

The Activists are Splitting

Yedioth Ahronoth July 1, 2011 (p. 5) by Yossi Yehoshua, Menahem Ganz and Itamar Eichner -- Intelligence information that has reached Israel indicates that a clash is developing between two groups of activists on the planned flotilla. The argument is over the departure date for Gaza and on willingness to promise not to employ violence in an encounter with the IDF.

Peace activists groups say that they worked on organizing the flotilla for a year and that they should wait until all the malfunctions are corrected. In contrast, the extremist group of Arabs, from different countries, is demanding to leave now with the ships that are operational (this is eight out of ten ships). Another argument is over the non-consent of the Arabs to sign forms obligating them not to use weapons and their extremist statements about their wanting to hurt IDF soldiers. [...]

...Yediot reported that Israel has obtained intelligence about Arab extremists who will not commit themselves to renounce violence and who wish for the flotilla to depart now. Yediot quoted a Dutch journalist who was supposed to join the flotilla as saying that he and other journalists and crew were leaving it because they had lost faith in the operation's organizers.

ISRAEL RADIO NEWS 7:00 AM Hebrew Report – July 1, 2011

* *Flotilla*: The flotilla to Gaza might be further delayed. Flotilla initiator Greta Berlin estimated it would set sail in five days after the damage to the vessels is repaired. Flotilla organizers claim that Israel sabotaged the ships.

ISRAEL RADIO July 1, 2011

GRETA BERLIN, FOUNDER OF THE FREE GAZA MOVEMENT AND ONE OF THE PROMINENT ORGANISORS OF THE FLOTILLA TOLD IL RADIO OVERNIGHT THAT SHE IS ON BOARD THE VESSEL "AUDACITY OF HOPE" ANCHORED IN PIRAEUS, "WAITING FOR THE FINAL PAPERWORK TO RELEASE OUR BOAT."

BERLIN TOLD IL RADIO:

"PEOPLE KEEP ASSURING US WE HAVE ONE MORE THING TO FILL OUT - ONE MORE THING TO DO. THE GREEK BUREAUCRACY IS DOING ITS BEST TO PREVENT US FROM GOING BUT WE'RE PRETTY DETERMINED. WE'VE SAID WE'RE GOING TO GO IN THE NEXT FEW DAYS. ~~WE THINK THAT OUR DROP-DEAD DEADLINE IS GOING TO BE JULY 5TH~~ I REALISE THAT THAT IS 2 WEEKS LATER THAN WE SAID WE WERE GOING TO GO, BUT I'VE DONE A LOT OF THESE AND WE ARE NEVER ON TIME."

"SOMETIMES WE FEEL THAT WE ARE THE BESIEGED PEOPLE AS WELL AS THE PALESTINIANS OF GAZA. ISRAEL IS DOING ITS VERY VERY BEST TO MAKE SURE WE DON'T GET OUT OF PORT BECAUSE ONCE WE GET OUT OF PORT - AND WE WILL - THEY ARE NOW FACED WITH WHAT THEY ARE GOING TO DO WITH US. SO THEY WOULD RATHER SABOTAGE OUR BOATS, TIE US UP IN PAPERWORK AND PREVENT US FROM GOING. IT'S DIFFICULT FOR THE ISRAELI GOVERNMENT TO UNDERSTAND THAT THAT IS NOT GOING TO CHANGE OUR DETERMINATION."

Jerusalem Political-Security Update - July 1, 2011

PM Netanyahu said Thursday [June 30] Israel is fully entitled to try to **stop an upcoming flotilla bound for the Gaza Strip in an attempt to break Israel's naval blockade on the Strip.** The Prime Minister said Israel has the full right to operate against efforts to smuggle missiles, rockets and other weapons to Hamas' terror enclave. PM Netanyahu expressed his gratitude to many world leaders who expressed themselves and acted against this provocation flotilla, including the US, Europe, the UN secretary general and Greek Prime Minister. Hamas is a ruthless enemy who maliciously harms the Israeli cities and children and holds Gilad Shalit captive against all humane standards, PM Netanyahu added at a graduating ceremony for Israel Air Force pilots.

YNET July 1, 2011

Gazans unimpressed by flotilla (abridged)

Israeli claims over futility of flotilla receive reinforcement from surprising direction - Gazan businessmen who say it isn't imports that are problem, it's exports. 'Gaza doesn't need any more humanitarian aid,' says Gisha movement director

Israel has been claiming for quite some time that the desire to break through the blockade on the Gaza Strip is devoid of any basis since it is possible to transfer essential goods to Gaza through the monitored crossings. This claim received unexpected reinforcement on Thursday from none other than the Gazans themselves.

In a conversation with Ynet Palestinian businessmen expressed veiled criticism saying that the flotilla organizers were missing their target since the main problem wasn't getting goods into Gaza - but exporting them outside of the strip.

This email is UNCLASSIFIED.

RELEASED IN PART B3
DOD-CP, NR

Law, Rosemary C

From: Lawton, Daniel J (Athens)
Sent: Friday, July 01, 2011 6:51 AM
To: Renner, Erin B
Cc: Hattayer, Christopher S; Malik, Paul (Athens); Smith, Daniel B (Athens); Miller, Thomas S (Athens)
Subject: Re: Athens Update -- July 1

Follow Up Flag: Follow up
Flag Status: Completed

[Redacted]

NR

From: Renner, Erin B
Sent: Friday, July 01, 2011 06:26 AM
To: Lawton, Daniel J (Athens)
Cc: Hattayer, Christopher S
Subject: RE: Athens Update -- July 1

Mr. Lawton,

[Redacted]

Best regards,

Erin B. Renner
State Department Operations Center
rennereb@state.gov 202 647 1512



The Ops Center celebrates its 50th anniversary.
Visit our 50th Anniversary website for event details.

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

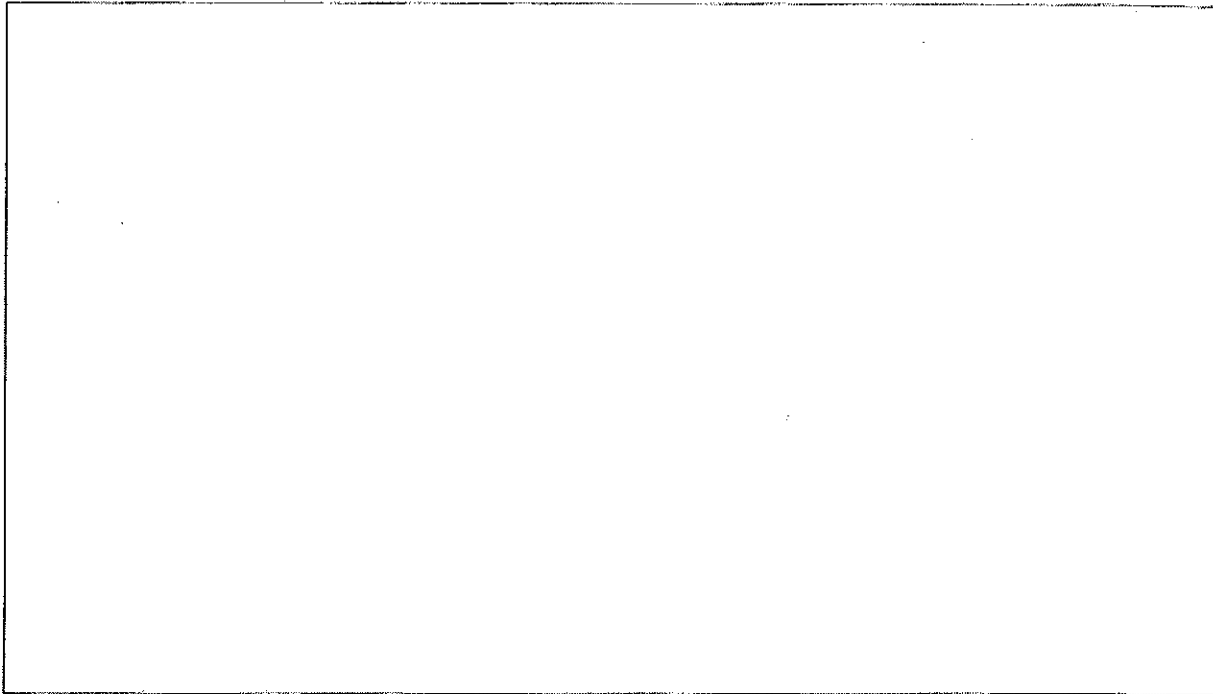
From: Lawton, Daniel J (Athens)
Sent: Friday, July 01, 2011 5:34 AM
To: Kaidanow, Tina S; Allison, Alicia P; Burger, David; Norman, Marc E; Stevens, Ruth A; McKay, Maria E; Witmer, Kami A; Baker, Judith E; Dodman, Michael J; EUR-SE-DL; Worman, Patrick F; SES-O; Snipes, Christopher K; Silliman, Douglas A; Cohen, Jonathan R; Aggeler, Brian C; Engle, Thomas S; Flores, Molly P; Peterson, Jennifer M; Angelides, Joanna P; 'Harris, Rian'; Howard, Jeremiah "Jerry"
Cc: ATHENS-POL; ATHENS-ECON; Smith, Daniel B (Athens); Miller, Thomas S (Athens); Brown, Diana F (Athens); McKeever, Matthew X (Athens); Kay, Catherine E (Thessaloniki); Brandeis, Charles D (Athens); Breisler, Jodi R (Athens); Hallberg, Kent (Athens); Green, Janice C (Athens); Smith, Stuart M (Athens); Lance, Marsha A (Thessaloniki); Braunschweig, John J (Athens); Brandeis, Katherine L (Athens); 'David McNeill'; ATHENS-FAST OFFICERS; Weitzenkorn, Laurie B; Zouroudis, Betsy (Athens); Rueter, Eric J; Pelargidis, George (Thessaloniki); Koutsounanou, Ioanna E (Thessaloniki); [Redacted] CIV, OSD-POLICY; [Redacted] DSCA/OPS/EAF; [Redacted] JCS J5 DDENR; [Redacted]@eu.navy.mil; Teirlinck, Mary J (Athens); William Kutson (William.Kutson@trade.gov); Engen, Ryan S; Abisellan, Ernest J; Triantafyllou, Prodromos N (Athens); Karamolegos, Nikos P (Athens); Singer, Russell C; Erath, Tara F; Fernandes, Anthony C; O'Reilly, Patrick R; Au-Yeung, Jenny; McIntosh, Daniel; 'Silverman, Lawrence'; McCarthy, Deborah A; Smitham, Thomas D; Whittington, Alexander E;

B3 DOD-CP

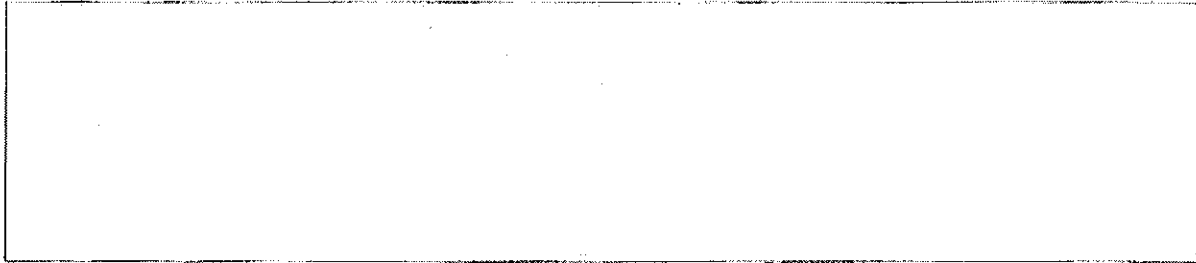
Tuminaro, John D; Marchese, Gregory M; Eshbaugh, Mark J
Subject: Athens Update -- July 1

NR

NR



(SBU) Gaza Flotilla Update: Some 35 demonstrators assembled outside the American Embassy starting at 11:50 a.m. on July 1 to protest on behalf of the "Flotilla II – Stay Alive" Gaza flotilla.



SBU
This email is UNCLASSIFIED.

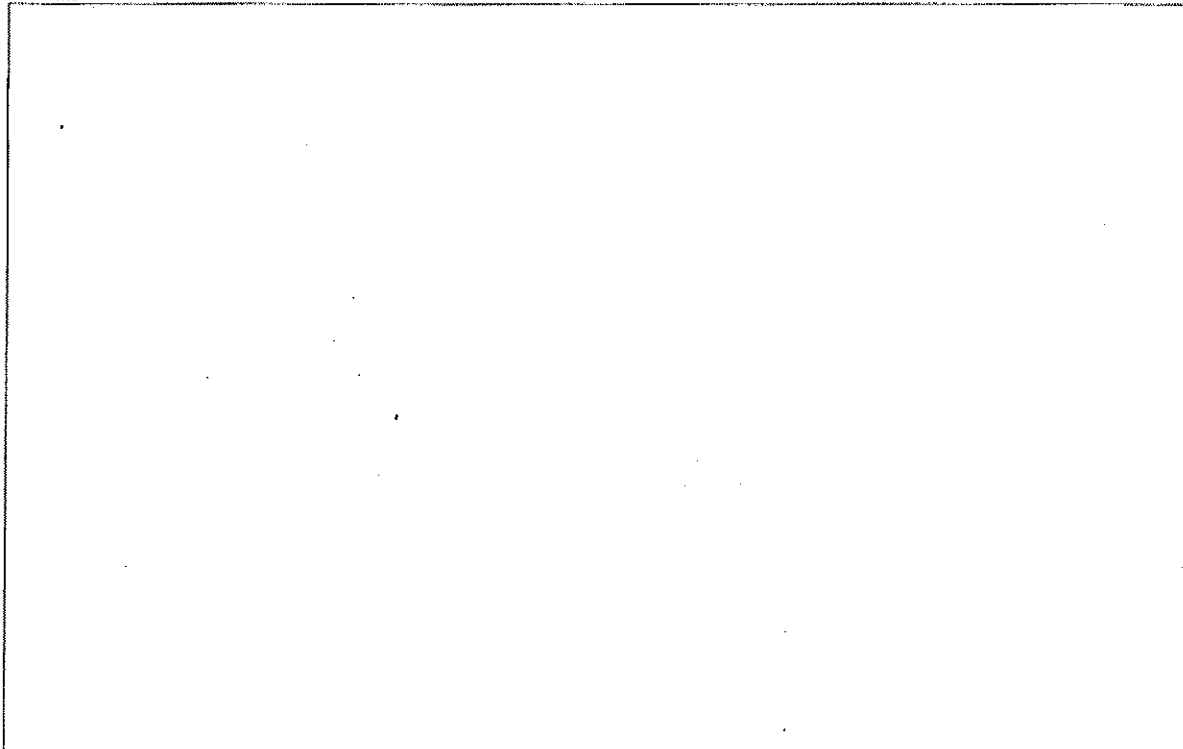
RELEASED IN PART B3
DOD-CP, NR

Law, Rosemary C

From: Lawton, Daniel J (Athens)
Sent: Tuesday, June 28, 2011 6:18 AM
To: Kaidanow, Tina S; O'Grady, Daniel J; Allison, Alicia P; Burger, David; Norman, Marc E; Stevens, Ruth A; McKay, Maria E; Witmer, Kami A; Baker, Judith E; Dodman, Michael J; EUR-SE-DL; Worman, Patrick F; SES-O; Snipes, Christopher K; Silliman, Douglas A; Cohen, Jonathan R; Aggeler, Brian C; Engle, Thomas S; Flores, Molly P; Peterson, Jennifer M; Angelides, Joanna P; Harris, Rian
Cc: ATHENS-POL; ATHENS-ECON; Smith, Daniel B (Athens); Miller, Thomas S (Athens); Brown, Diana F (Athens); McKeever, Matthew X (Athens); Kay, Catherine E (Thessaloniki); Brandeis, Charles D (Athens); Breisler, Jodi R (Athens); Hallberg, Kent (Athens); Green, Janice C (Athens); Smith, Stuart M (Athens); Lance, Marsha A (Thessaloniki); Braunschweig, John J (Athens); Brandeis, Katherine L (Athens); David McNeill; ATHENS-FAST OFFICERS; Weitzenkorn, Laurie B; Zouroudis, Betsy (Athens); Rueter, Eric J; Pelargidis, George (Thessaloniki); Koutsounanou, Ioanna E (Thessaloniki); [redacted] B3 DOD-CP
 [redacted] CIV, OSD-POLICY; [redacted] DSCA/OPS/EAF; [redacted]
 [redacted] JCS J5 DDENR; [redacted]@eu.navy.mil; Teirlynck, Mary J (Athens); William Kutson (William.Kutson@trade.gov); Engen, Ryan S; Abisellan, Ernest J; Triantafyllou, Prodromos N (Athens); Karamolegos, Nikos P (Athens); Singer, Russell C; Erath, Tara F; Fernandes, Anthony C; O'Reilly, Patrick R; Au-Yeung, Jenny; McIntosh, Daniel; Silverman, Lawrence; McCarthy, Deborah A; Smitham, Thomas D; Whittington, Alexander E; Tuminaro, John D; Marchese, Gregory M
Subject: Athens Update -- June 28

Follow Up Flag: Follow up
Flag Status: Completed

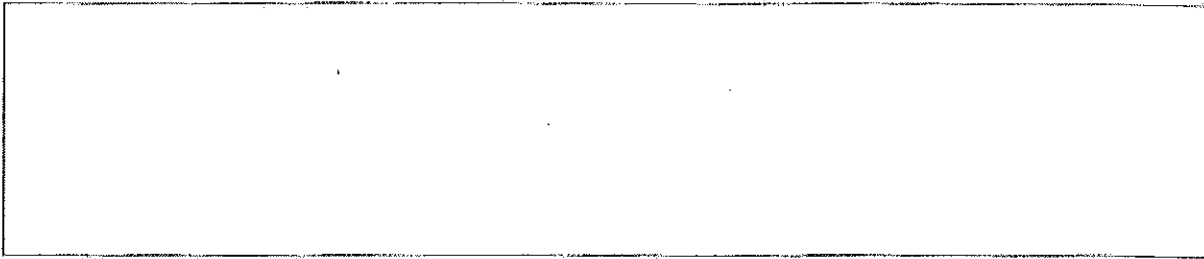
Key Points:



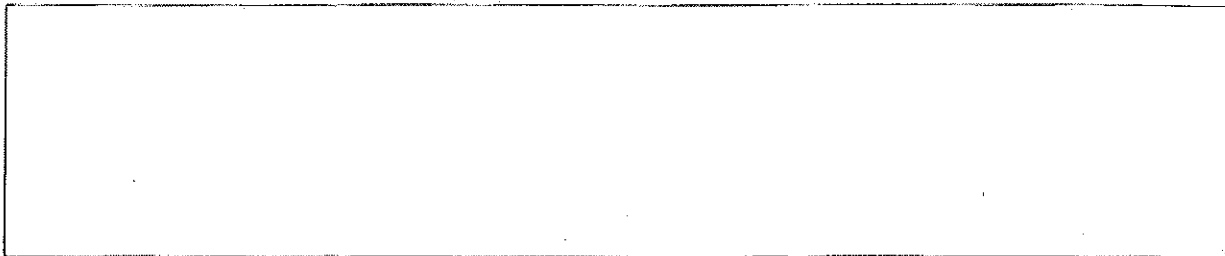
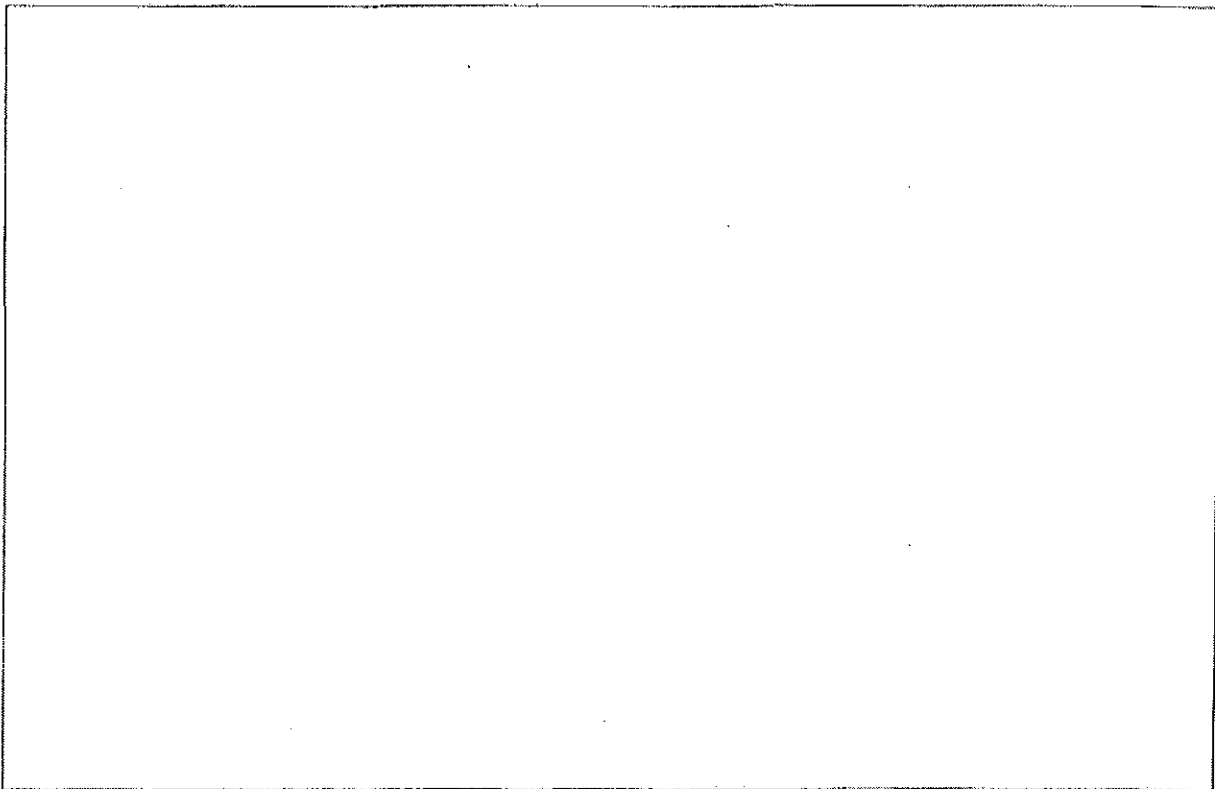
NR

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

NR



(SBU) Gaza Flotilla Update: According to local media reports, two Greek ships carrying humanitarian aid cargo and 40 Greek passengers, the *Free Mediterranean* and the *Juliano*, will sail today or tomorrow to join flotilla ships at an undisclosed location in the Aegean and then sail on to Gaza. The departure of the *Juliano* may be delayed, however, as the "Freedom II - Stay Alive" organizers are alleging on their website that they have video evidence of "sabotage" from a "hired professional diver" who sawed through the *Juliano's* propeller axles. Organizers note that repairs could take two days.





SBU
This email is UNCLASSIFIED.

RELEASED IN PART B6

Law, Rosemary C

From: Lawton, Daniel J (Athens)
Sent: Monday, June 27, 2011 4:28 AM
To: Smith, Stuart M (Athens)
Subject: FW: US to Gaza Flotilla

Follow Up Flag: Follow up
Flag Status: Completed

Stuart – FYI. Regards, Dan L.

Privacy/PII
This email is UNCLASSIFIED.

From: Brandeis, Katherine L (Athens)
Sent: Friday, June 24, 2011 5:10 PM
To: George, Leah
Cc: Mendel, Teresa S; Lawton, Daniel J (Athens); McKeever, Matthew X (Athens); Parker, Andrew C; Zeroubavely, Sandra S; Greene, Elsa; Snipes, Christopher K; Miller, Thomas S (Athens)
Subject: RE: US to Gaza Flotilla

Hi All, I have finally made it back to my office after the meeting with the group. I was going to write up some notes and send them to Matt McKeever to look at, as he was there for most of the time. But, I know everyone is waiting, so I will put it down here and let Matt weigh in.

There were about 40 people in the group, including two holocaust survivors and [redacted] [redacted] [redacted] A number had been to Gaza before and some had been detained. One woman told us she was once refused entry to Israel. For the most part, it was very pleasant. They each introduced themselves and told us why they were there. They asked us to relay to Washington that they are a non-violent group and that the ship will contain no weapons, only cards and letters and drawings that will be used for an art project. There were four journalists in the group; one from The Nation, one who does work for Al Jazeera, one who writes for a small New England Paper and one who is based in Israel. They stated that they are American citizens who are exercising their rights to protest what they feel is an injustice and an illegal act by Israel. They do not feel that they will be sailing into Israeli waters, but that they will be in international and "Gazan" waters and that any action by Israel would be illegal and that they would expect the USG to protect them.

B6

One thing that we did learn was that someone has lodged a complaint against the boat with some Greek entity and they are not being permitted to sail at the moment because of the complaint. The group has a local attorney, whose number they are going to forward to me so I can enquire as to the nature of the complaint.

Some were frustrated that we would not engage in a political or policy discussion with them, but [redacted] [redacted] reminded them that we had only offered a consular briefing as the Amb. and DCM were unable to meet with them. They reiterated several times that they wanted us to carry their message back to Washington. [redacted] was great throughout, stopping the journalists from hogging the air time and making sure that everyone had a chance to talk.

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

The journalist from The Nation jumped all over my comment that we had been in touch with our colleagues in Tel Aviv. I explained that this was routine, as we would share any case that spanned more than one post. He wanted to know when I had reached out to them and I turned to [redacted] to ask her when she had first e-mailed me. I told them that I had reached out to Tel Aviv after that and that they had offered their fax number for the PAWs and told me that there was new language on the way for the Travel Warning. (Someone commented that the TWs are just a way for us to help Israel by scaring Americans off.)

One of the women who had been arrested previously, asked that I pass along that the last time they had to choose between seeing a lawyer or their consul and she felt we should demand that Israel allow people to see both. She also stated that they were forced to "parade" in front of the media, which was illegal to do to "prisoners of war."

We told them that we provide CSIs and TW/TA in order to allow Americans to make decisions about what level of risk they wish to assume. We cannot predict the future or guarantee someone's safety. (There was some initial confusion about who produces these docs and how we come up with the content.) They said it was our duty "to protect them." We said that they are subject to the laws of the country they are visiting and that it is our job to ensure that they are not receiving adverse treatment because they are Americans. We are not lawyers, or experts in local law and we often cannot intervene. We told them American law does not apply to them overseas any more than the laws of a foreign gov't would apply in the US.

They asked for a number for someone in PD to make an official enquiry about any contact that this embassy has had with the GOG or the GOI on this topic. I said that I would provide the number to the press office to [redacted]

I spoke in a small group afterwards with [redacted] and a couple of other women and they thanked us and I thanked them for taking an interest in their safety.

Matt? What did I miss?

Kate

Kate Brandeis | Athens American Citizen Services | (30) 210-720-2427

Privacy/PII
This email is UNCLASSIFIED.

From: George, Leah
Sent: Friday, June 24, 2011 3:21 PM
To: Brandeis, Katherine L (Athens)
Cc: Mendel, Teresa S; Lawton, Daniel J (Athens); McKeever, Matthew X (Athens); Parker, Andrew C; Zeroubavely, Sandra S; Greene, Elisa
Subject: RE: US to Gaza Flotilla

Hi Katherine,

Just checking in with you to see how the meeting went and if you can provide any more specific details about their plans.

Thanks,

Leah

Leah George
Consular Officer
American Citizens Services
U.S. Embassy Tel Aviv
GeorgeL2@state.gov
Ph: +972-(0)3-519-7646
Mobile: +972-(0)50-200-9763
Fax: +972-(0)3-516-0315

Privacy/PII
This email is UNCLASSIFIED.

From: Greene, Elisa
Sent: Thursday, June 23, 2011 10:43 AM
To: Brandeis, Katherine L (Athens); George, Leah
Cc: Mendel, Teresa S; Lawton, Daniel J (Athens); McKeever, Matthew X (Athens); Parker, Andrew C; Zeroubavely, Sandra S
Subject: RE: US to Gaza Flotilla

New TW has gone live. I will be out of the office tomorrow. Leah George is A/ACS Chief. Please let us know when they plan to set sail. As soon as they hit the waters, we need to have a team standing by. We want to know if we will need to assemble a team for the weekend, although this is unlikely if you are meeting with [redacted] Friday afternoon. Since it's 12 hours by sea from Cyprus to Israel, I'm estimating it's about 40 hours from Greece to Israel. Please call Leah when you know more info: +972-50-200-9763. Thanks, elisa

B6

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

SBU
This email is UNCLASSIFIED.

From: Brandeis, Katherine L (Athens)
Sent: Thursday, June 23, 2011 10:16 AM
To: Greene, Elisa
Cc: Mendel, Teresa S; Lawton, Daniel J (Athens)
Subject: RE: US to Gaza Flotilla

Hi Elisa, I heard back from [redacted] and we are going to meet with them tomorrow afternoon. By we, I mean the cons section, Matt McKeever and I. In your message, you mentioned an update to

B6

the TW. Has that been approved by OCS yet? If not, is there a GOI website or someplace where we could get a look at it and give it to them?

No luck on their departure date yet, but maybe we will have more tomorrow. Many thanks.

Kate

Kate Brandels | Athens American Citizen Services | (30) 210-720-2427

SBU

This email is UNCLASSIFIED.

From: Greene, Elisa
Sent: Friday, June 17, 2011 11:05 AM
To: Brandels, Katherine L (Athens)
Subject: RE: US to Gaza Flotilla

No prob. If you talk to her again could you please ask her? Txs, elisa

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

SBU

This email is UNCLASSIFIED.

From: Brandels, Katherine L (Athens)
Sent: Thursday, June 16, 2011 5:05 PM
To: Greene, Elisa; Lawton, Daniel J (Athens); Martin, Leah A (Athens); Richter, Kim B
Cc: Mendel, Teresa S; McKeever, Matthew X (Athens); Parker, Andrew C; George, Leah; Tanus, George; Smith, Kirk G; Levin, Jan
Subject: RE: US to Gaza Flotilla

Hi Elisa, [] did not provide the exact date. She said after the 24th, but then we got side tracked and I never went back to it. Sorry.

B6

Kate

Kate Brandels | Athens American Citizen Services | (30) 210-720-2427

SBU

This email is UNCLASSIFIED.

From: Greene, Elisa
Sent: Thursday, June 16, 2011 2:38 PM
To: Brandeis, Katherine L (Athens); Lawton, Daniel J (Athens); Martin, Leah A (Athens); Richter, Kim B
Cc: Mendel, Teresa S; McKeever, Matthew X (Athens); Parker, Andrew C; George, Leah; Tarus, George; Smith, Kirk G; Levin, Jan
Subject: RE: US to Gaza Flotilla

Including staff from TLV and JRSM and our OCS desk officer, Kim Richter, on this email. We are currently working on updating our travel warning which will be more explicit on approaches to Israel that are not via the usual POEs. We and Kim have been in touch with reps from this group and TLV is closely monitoring the situation. POLOFF Jan Levin attended a GOI MFA sponsored flotilla meeting yesterday. We are also maintaining an Excel spreadsheet with the names of any Amciti participants we know of.

Once you have the PAWs, or any biodata of any of the participants, please email them to me and Leah George. Leah is our designated flotilla watcher in TLV. I do not recall giving out our fax number to the group, but if they want to fax us PAWs ahead of time, they are welcome to (or they can send via email).

You can give them:
Georgel2@state.gov
AMCTelAviv@state.gov
And fax +972-3-517-2348

Kate, you said they would arrive June 20-21 and want to meet with the Amb June 23-24. When do they plan to sail?

Thanks, elisa

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

SBU
This email is UNCLASSIFIED.

From: Brandeis, Katherine L (Athens)
Sent: Thursday, June 16, 2011 12:52 PM
To: Lawton, Daniel J (Athens); Martin, Leah A (Athens)
Cc: Mendel, Teresa S; Greene, Elisa; McKeever, Matthew X (Athens)
Subject: US to Gaza Flotilla

Dan and Leah, I had a call from [redacted] [redacted] who is a member of an organization called US to Gaza (www.us togaza.org) and she was calling to tell me that there will be roughly 60 Americans arriving in Athens between now and June 20-21, to board a ship that is headed to Gaza to protest the blockade. She said that a larger Turkish ship will now not sail for some reason, but they plan to continue with their mission. B6

She told me that members of the group met in Washington with Department reps, including Michele Bernier-Toth, who is the head of the Office of Citizen Services. She wanted us to be aware of their presence from a consular standpoint and said that they would be faxing privacy act waivers to the Emb. in Tel Aviv in the event they were needed. We talked a bit about the situation here in Athens and I said that I would be forwarding her some links to the CSI, etc. (She was very appreciative.

Apparently, a couple of members of the group who are already here were already pick-pocketed on the metro!)

[redacted] said that they understand that this is a contentious mission and they want the Embassy to know that they are not terrorists, they are American Citizens who are challenging the authority to carry out the blockade. They want the USG to end its support for it and they want it to end.

B6

She asked if it would be possible for a small delegation from their group to pay a call on the Amb. or DCM, probably the 23rd or the 24th of June. I told her that the SO will be in town and that things might be a bit busy, but that I would pass the request along. She said that she completely understood if it was not possible. I have not passed this along to the FO yet. I thought I would chat with you first.

[redacted] has a local cell phone, which is [redacted]

(CC'ing OCS and ACS Tel Aviv)

Kate

Kate Brandeis | Athens American Citizen Services | (30) 210-720-2427

SBU

This email is UNCLASSIFIED.

RELEASED IN PART B6

Law, Rosemary C

From: Lawton, Daniel J (Athens)
Sent: Monday, June 27, 2011 4:37 AM
To: Brandels, Katherine L (Athens); McKeever, Matthew X (Athens); Malik, Paul (Athens)
Subject: RE: specific participants on flotilla?

Follow Up Flag: Follow up
Flag Status: Completed

Kate – No, but Tassos will monitor local media coverage. Regards, Dan L.

This email is UNCLASSIFIED.

From: Brandels, Katherine L (Athens)
Sent: Monday, June 27, 2011 11:30 AM
To: Lawton, Daniel J (Athens); McKeever, Matthew X (Athens); Malik, Paul (Athens)
Subject: FW: specific participants on flotilla?

FYI. Will this be televised, do you think? K

Kate Brandels | Athens American Citizen Services | (30) 210-720-2427

This email is UNCLASSIFIED.

From: Greene, Elisa
Sent: Monday, June 27, 2011 11:26 AM
To: Brandels, Katherine L (Athens); Richter, Kim B
Cc: George, Leah; Levin, Jan; Parker, Andrew C; Mendel, Teresa S; Otto, Jeffrey L
Subject: RE: specific participants on flotilla?

Thanks Kate. Could you please give us a readout after the press conference in Greece? Thanks, elisa

This email is UNCLASSIFIED.

From: Brandels, Katherine L (Athens)
Sent: Monday, June 27, 2011 11:13 AM
To: Greene, Elisa; Richter, Kim B
Cc: George, Leah; Levin, Jan; Parker, Andrew C; Mendel, Teresa S
Subject: RE: specific participants on flotilla?

Hi Elisa,

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

Yes, [] and [] were there and said they were going. Neither [] nor [] were in our briefing. They are supposed to do their press conference at 1200 today, so we will let you know if there are any changes. K

B6

Kate Brandeis | Athens American Citizen Services | (30) 210-720-2427

SBU

This email is UNCLASSIFIED.

From: Greene, Elisa
Sent: Monday, June 27, 2011 10:40 AM
To: Brandeis, Katherine L. (Athens); Richter, Kim B
Cc: George, Leah; Levin, Jan; Parker, Andrew C
Subject: specific participants on flotilla?

Dear Kate, Kim:

We are about to notify MFA of []'s participation and would like to notify them of any other high profile Amcits. Do you know if the following Amcits will be participating on the flotilla?

Thanks, elisa

SBU

This email is UNCLASSIFIED.

RELEASED IN PART B6

Law, Rosemary C

From: Lawton, Daniel J (Athens)
Sent: Sunday, June 26, 2011 3:53 AM
To: Smith, Daniel B (Athens); Miller, Thomas S (Athens)
Subject: Re: Flotilla update

Follow Up Flag: Follow up
Flag Status: Completed

Sir/Tom - Ops just called again on the flotilla. I said we did not have anything new and did not expect boats to sail from Piraeus until Monday at the earliest. They are looking at what flags vessels are flying under. I noted US and Canada are believed to be in the mix, but not Greece as far as we know. Regards, Dan L

From: Smith, Daniel B (Athens)
Sent: Saturday, June 25, 2011 05:37 AM
To: Lawton, Daniel J (Athens); Miller, Thomas S (Athens)
Subject: Re: Flotilla update

Many thanks. By the way, S is supposed to speak to [redacted] this afternoon our time.

B6

From: Lawton, Daniel J (Athens)
Sent: Saturday, June 25, 2011 05:27 AM
To: Smith, Daniel B (Athens); Miller, Thomas S (Athens)
Subject: Fw: Flotilla update

Sir/Tom - Ops just called and asked whether we heard anything new on the flotilla. I said we had not, but would call in if we had anything new. Regards, Dan L

From: Buzbee, John R
Sent: Friday, June 24, 2011 06:02 PM
To: Jakobson, Nicholas W; NEA-IPA-DL; EUR-SE-DL; NEA-Egypt; PM-CPMS; SES-O; Vasquez, Edgar J; Grubb, Jason B; Levin, Jan; Silverman, Robert J; Walles, Jacob; Sutphin, Paul R; Richter, Kim B; Worman, Patrick F; Zurcher, Kenneth M; Goldberger, Thomas H; Masilko, Barbara J (USUN); Marchese, Gregory M; Blome, Donald A; Waters, John R; Pilz, Amanda C; Miller, Walter R; 'Prem_G_Kumar@nss.eop.gov' <Prem_G_Kumar@nss.eop.gov>; 'Melissa Russell' [redacted]; Jacobson, Michael N; Bilge, Kerem S; CA-OCS-Duty; Bernier-Toth, Michelle; Rodriguez, Hugo F; Lopatkiewicz, Viktoria; Greene, Eliša; George, Leah; Daniels, Cherrie S; Slakey, Monica M; Rudman, Mara; Reed, Julia G; Khoury-Kincannon, Sahar; Bitar, Maher B; Norman, Marc E; Nardi, Margaret H; Smith, Daniel B (Athens); Miller, Thomas S (Athens); Lawton, Daniel J (Athens); Cockrell, John D (Athens)
Subject: Flotilla update

+Embassy Athens.

Colleagues, we do expect this will be useful at some point for things other than updating the list of addressees, but on the other hand, if all is quiet and the flotilla fades away, no complaints here. Best,

John

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

John Buzbee
Deputy Director

Office of Israel and Palestinian Affairs
Bureau of Near Eastern Affairs
U.S. Department of State
(202) 647-4580
BuzbeeJR@state.gov

This email is UNCLASSIFIED.

From: Jakobson, Nicholas W
Sent: Friday, June 24, 2011 5:06 PM
To: NEA-IPA-DL; EUR-SE-DL; NEA-Egypt; PM-CPMS; SES-O; Vasquez, Edgar J; Grubb, Jason B; Levin, Jan; Silverman, Robert J; Wallis, Jacob; Sutphin, Paul R; Richter, Kim B; Worman, Patrick F; Zurcher, Kenneth M; Goldberger, Thomas H; Masilko, Barbara J (USUN); Marchese, Gregory M; Blome, Donald A; Waters, John R; Pilz, Amanda C; Miller, Walter R; Prem_G_Kumar@nss.eop.gov; Melissa Russell; Jacobson, Michael N; Bilge, Kerem S; CA-OCS-Duty; Bernier-Toth, Michelle; Rodriguez, Hugo F; Lopatkiewicz, Viktoria; Greene, Eilisa; George, Leah; Daniels, Cherrite S; Slakey, Monica M; Rudman, Mara; Reed, Julla G; Khoury-Kincannon, Sahar; Bitar, Maher B; Norman, Marc E; Nardl, Margaret H
Subject: List Updated (once again)

Nicholas Jakobson
Office of Israel and Palestinian Affairs
Bureau of Near Eastern Affairs
U.S. Department of State

This email is UNCLASSIFIED.

Law, Rosemary C

From: Lawton, Daniel J (Athens)
Sent: Saturday, June 25, 2011 4:16 AM
To: Smith, Daniel B (Athens)
Subject: Re: Flotilla update

RELEASED IN PART B6

Follow Up Flag: Follow up
Flag Status: Completed

Sir - It's amazing. I don't think there will be developments here on this issue this weekend. Regards, Dan

From: Smith, Daniel B (Athens)
Sent: Saturday, June 25, 2011 03:14 AM
To: Lawton, Daniel J (Athens)
Subject: Fw: Flotilla update

I guess we have an audience.

From: Buzbee, John R
Sent: Friday, June 24, 2011 06:02 PM
To: Jakobson, Nicholas W; NEA-IPA-DL; EUR-SE-DL; NEA-Egypt; PM-CPMS; SES-O; Vasquez, Edgar J; Grubb, Jason B; Levin, Jan; Silverman, Robert J; Wallis, Jacob; Sutphin, Paul R; Richter, Kim B; Worman, Patrick F; Zurcher, Kenneth M; Goldberger, Thomas H; Masilko, Barbara J (USUN); Marchese, Gregory M; Blome, Donald A; Waters, John R; Pilz, Amanda C; Miller, Walter R; 'Prem_G_Kumar@nss.eop.gov' <Prem_G_Kumar@nss.eop.gov>; 'Melissa Russell' [redacted]; Jacobson, Michael N; Bilge, Kerem S; CA-OCS-Duty; Bernier-Toth, Michelle; Rodriguez, Hugo F; Lopatkiewicz, Viktoria; Greene, Elisa; George, Leah; Daniels, Cherrie S; Slakey, Monica M; Rudman, Mara; Reed, Julia G; Khoury-Kincannon, Sahar; Bitar, Maher B; Norman, Marc E; Nardi, Margaret H; Smith, Daniel B (Athens); Miller, Thomas S (Athens); Lawton, Daniel J (Athens); Cockrell, John D (Athens)
Subject: Flotilla update

B6

+Embassy Athens.

Colleagues, we do expect this will be useful at some point for things other than updating the list of addressees, but on the other hand, if all is quiet and the flotilla fades away, no complaints here. Best,

John

John Buzbee
Deputy Director
Office of Israel and Palestinian Affairs
Bureau of Near Eastern Affairs
U.S. Department of State
(202) 647-4580
BuzbeeJR@state.gov

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

This email is UNCLASSIFIED.

From: Jakobson, Nicholas W

Sent: Friday, June 24, 2011 5:06 PM

To: NEA-IPA-DL; EUR-SE-DL; NEA-Egypt; PM-CPMS; SES-O; Vasquez, Edgar J; Grubb, Jason B; Levin, Jan; Silverman, Robert J; Wallis, Jacob; Sutphin, Paul R; Richter, Kim B; Worman, Patrick F; Zurcher, Kenneth M; Goldberger, Thomas H; Masilko, Barbara J (USUN); Marchese, Gregory M; Blome, Donald A; Waters, John R; Pilz, Amanda C; Miller, Walter R; 'Prem_G_Kumar@nss.eop.gov'; 'Melissa Russell'; Jacobson, Michael N; Bilge, Kerem S; CA-OCS-Duty; Bernier-Toth, Michelle; Rodriguez, Hugo F; Lopatkiewicz, Viktoria; Greene, Elisa; George, Leah; Daniels, Cherrie S; Slakey, Monica M; Rudman, Mara; Reed, Julia G; Khoury-Kincannon, Sahar; Bitar, Maher B; Norman, Marc E; Nardi, Margaret H

Subject: List Updated (once again)

Nicholas Jakobson
Office of Israel and Palestinian Affairs
Bureau of Near Eastern Affairs
U.S. Department of State

This email is UNCLASSIFIED.

RELEASED IN PART B6

Law, Rosemary C

From: Lawton, Daniel J (Athens)
Sent: Friday, June 24, 2011 1:14 PM
To: Smith, Daniel B (Athens)
Subject: Re: Israel

Follow Up Flag: Follow up
Flag Status: Completed

Sir - Yes. Washington is apprised. Regards, Dan L

From: Smith, Daniel B (Athens)
Sent: Friday, June 24, 2011 11:52 AM
To: Lawton, Daniel J (Athens)
Subject: Re: Israel

Were you able to understand me?

From: Lawton, Daniel J (Athens)
Sent: Friday, June 24, 2011 10:42 AM
To: Smith, Daniel B (Athens); Miller, Thomas S (Athens)
Subject: RE: Israel

Sir - Sorry I missed your call. [redacted] was backfilling me on ACS board issues. I just called, but no answer. The flame ceremony must be going on. I am still here, and will try again a little later. Regards, Dan L.

B6

This email is UNCLASSIFIED.

From: Smith, Daniel B (Athens)
Sent: Friday, June 24, 2011 5:20 PM
To: Miller, Thomas S (Athens); Lawton, Daniel J (Athens)
Subject: Re: Israel

[redacted] called me about an American-flagged vessel. Dan, could you call me on my 8B and I will give you a readout?

From: Miller, Thomas S (Athens)
Sent: Friday, June 24, 2011 10:05 AM
To: Smith, Daniel B (Athens); Lawton, Daniel J (Athens)
Subject: Israel

I spoke with [redacted] and gave him a readout of the meeting that our consular section had with the 40 Americans who are participating in the flotilla (Kate will give a readout). [redacted] told me that the Israeli navy had prepared a document which it asked the Greek authorities to hand out to captains of the boats outlining the situation that passengers would be facing.

Thomas Miller
Deputy Chief of Mission

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

American Embassy
91 Vs. Sophias Ave.
101 60 Athens

RELEASED IN PART B5, B6

Law, Rosemary C

From: Lawton, Daniel J (Athens)
Sent: Saturday, June 18, 2011 3:24 AM
To: Brandeis, Katherine L (Athens)
Subject: Re: US to Gaza Flotilla

Follow Up Flag: Follow up
Flag Status: Completed

Kate - Thanks for following up. I will forward a separate e-mail from NEA with some more guidance. Regards, Dan

From: Brandeis, Katherine L (Athens)
Sent: Saturday, June 18, 2011 12:54 AM
To: Lawton, Daniel J (Athens)
Subject: Re: US to Gaza Flotilla

Hi Dan, I have asked her when they will be sailing, but have not heard back yet. I gave her our and Tel Aviv's fax numbers to send their PAWs as well [REDACTED]

[REDACTED] More soon. Kate

B5

From: Lawton, Daniel J (Athens)
Sent: Friday, June 17, 2011 10:40 AM
To: Brandeis, Katherine L (Athens)
Subject: FW: US to Gaza Flotilla

Kate - FYI. Regards, Dan L.

This email is UNCLASSIFIED.

From: Snipes, Christopher K
Sent: Friday, June 17, 2011 5:30 PM
To: Lawton, Daniel J (Athens)
Subject: RE: US to Gaza Flotilla

Hi Dan - Bob and I agreed that your instincts [REDACTED] is right on.

Two extra things: Bob said there will be an updated travel advisory on participating in flotillas. There is one from last year that cautions travel to Gaza in general (http://travel.state.gov/travel/cis_pa_tw/tw/tw_922.html).

[REDACTED]

Chris [REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer]

This email is UNCLASSIFIED.

From: Lawton, Daniel J (Athens)
Sent: Friday, June 17, 2011 8:28 AM
To: Snipes, Christopher K
Subject: FW: US to Gaza Flotilla

Chris -- Could we ask you to follow up on this. Regards, Dan L.

SBU
This email is UNCLASSIFIED.

From: Smith, Daniel B (Athens)
Sent: Thursday, June 16, 2011 2:54 PM
To: Lawton, Daniel J (Athens); Brandeis, Katherine L (Athens)
Cc: Mendel, Teresa S; Greene, Elisa; McKeever, Matthew X (Athens); Miller, Thomas S (Athens); Martin, Leah A (Athens); Zouroudis, Betsy (Athens)
Subject: RE: US to Gaza Flotilla

[REDACTED]
Dan?

B5

SBU
This email is UNCLASSIFIED.

From: Lawton, Daniel J (Athens)
Sent: Thursday, June 16, 2011 2:35 PM
To: Brandeis, Katherine L (Athens)
Cc: Mendel, Teresa S; Greene, Elisa; McKeever, Matthew X (Athens); Smith, Daniel B (Athens); Miller, Thomas S (Athens); Martin, Leah A (Athens); Zouroudis, Betsy (Athens)
Subject: RE: US to Gaza Flotilla

Kate -- Many thanks for this. [REDACTED]
[REDACTED]

SBU
This email is UNCLASSIFIED.

From: Brandeis, Katherine L (Athens)
Sent: Thursday, June 16, 2011 12:52 PM
To: Lawton, Daniel J (Athens); Martin, Leah A (Athens)
Cc: Mendel, Teresa S; Greene, Elisa; McKeever, Matthew X (Athens)
Subject: US to Gaza Flotilla

Dan and Leah, I had a call from [redacted] [redacted] who is a member of an organization called US to Gaza (www.usfoga.org) and she was calling to tell me that there will be roughly 60 Americans arriving in Athens between now and June 20-21, to board a ship that is headed to Gaza to protest the blockade. She said that a larger Turkish ship will now not sail for some reason, but they plan to continue with their mission.

B6

She told me that members of the group met in Washington with Department reps, including Michele Bernier-Toth, who is the head of the Office of Citizen Services. She wanted us to be aware of their presence from a consular standpoint and said that they would be faxing privacy act waivers to the Emb. in Tel Aviv in the event they were needed. We talked a bit about the situation here in Athens and I said that I would be forwarding her some links to the CSI, etc. (She was very appreciative. Apparently, a couple of members of the group who are already here were already pick-pocketed on the metro!)

[redacted] said that they understand that this is a contentious mission and they want the Embassy to know that they are not terrorists, they are American Citizens who are challenging the authority to carry out the blockade. They want the USG to end its support for it and they want it to end.

She asked if it would be possible for a small delegation from their group to pay a call on the Amb or DCM, probably the 23rd or the 24th of June. I told her that the SO will be in town and that things might be a bit busy, but that I would pass the request along. She said that she completely understood if it was not possible. I have not passed this along to the FO yet. I thought I would chat with you first.

[redacted] has a local cell phone, which is [redacted]

(CC'ing OCS and ACS Tel Aviv)

Kate

Kate Brandels | Athens American Citizen Services | (30) 210-720-2427

SBU

This email is UNCLASSIFIED.

RELEASED IN PART B3
DOD-CP, NR

Law, Rosemary C

From: Lawton, Daniel J (Athens)
Sent: Thursday, June 23, 2011 6:31 AM
To: Kaidanow, Tina S; 'Danielle_N_Garbe@nss.eop.gov'; O'Grady, Daniel J; Allison, Alicia P; Burger, David; Norman, Marc E; Stevens, Ruth A; McKay, Maria E; Witmer, Kami A; Baker, Judith E; Dodman, Michael J; EUR-SE-DL; Worman, Patrick F; SES-O; Snipes, Christopher K; Silliman, Douglas A; Cohen, Jonathan R; Aggeler, Brian C; Engle, Thomas S; Flores, Molly P; Peterson, Jennifer M; Angelides, Joanna P
Cc: ATHENS-POL; ATHENS-ECON; Smith, Daniel B (Athens); Miller, Thomas S (Athens); Brown, Diana F (Athens); McKeever, Matthew X (Athens); Kay, Catherine E (Thessaloniki); Hunt, Daniel B; Brandeis, Charles D (Athens); Breisler, Jodi R (Athens); Hallberg, Kent (Athens); Green, Janice C (Athens); Smith, Stuart M (Athens); Lance, Marsha A (Thessaloniki); Braunschweig, John J (Athens); Brandeis, Katherine L (Athens); 'David McNeill'; ATHENS-FAST OFFICERS; Weitzenkorn, Laurie B; Zouroudis, Betsy (Athens); Rueter, Eric J; Pelaridis, George (Thessaloniki); Koutsounarou, Ioanna E (Thessaloniki); [redacted] B3 DOD-CP [redacted] CIV, OSD-POLICY; [redacted] DSCA/OPS/EAF; [redacted] JCS J5 DDENR; [redacted]@eu.navy.mil; Telryncck, Mary J (Athens); William Kutson (William.Kutson@trade.gov); Engen, Ryan S; Absellan, Ernest J; Triantafillou, Prodromos N (Athens); Karamolegos, Nikos P (Athens); Singer, Russell C; Erath, Tara F; Fernandes, Anthony C; O'Reilly, Patrick R; Au-Yeung, Jenny; Froats, Daniel T; McIntosh, Daniel; Silverman, Lawrence; McCarthy, Deborah A; Smitham, Thomas D; Whittington, Alexander E; Tuminaro, John D; Harris, Rian H
Subject: Athens Update -- June 23

Follow Up Flag: Follow up
Flag Status: Completed

(SBU) Key Points:

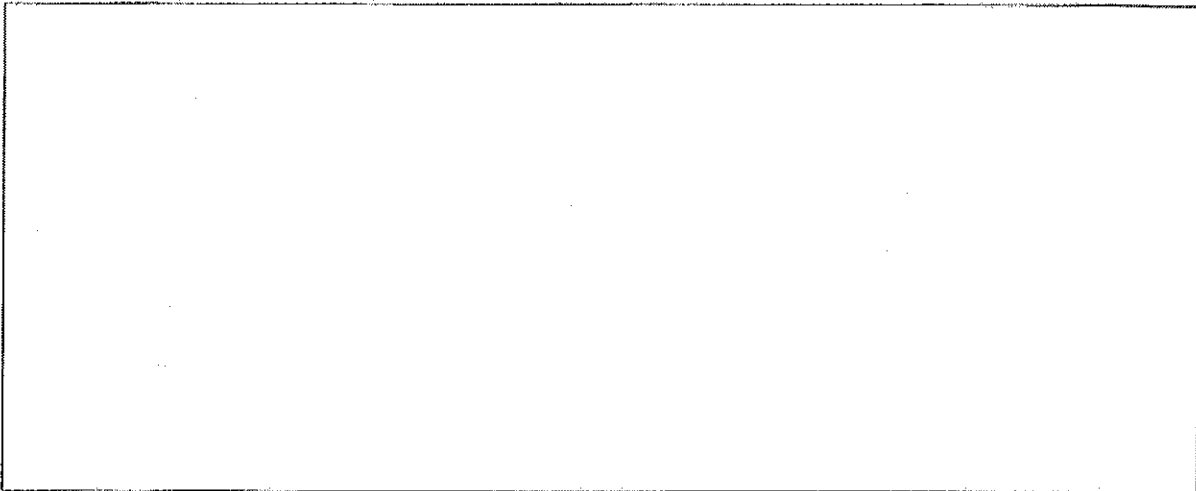
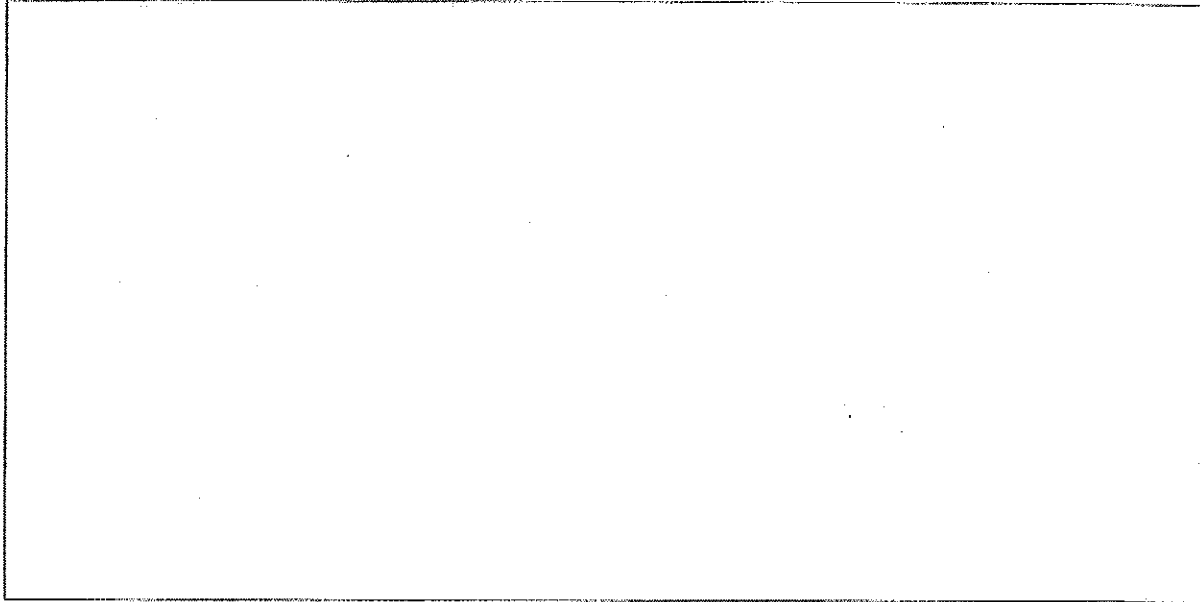
[Redacted content]

[Redacted content]

NR

Page Denied

NR



(SBU) MFA Releases Statement Urging Citizens and Greek Ships Not to Participate in Gaza Anniversary Flotilla: The MFA released a June 22 statement supporting the UN SecGen's call for aid to Gaza to be delivered through official channels, and urging "Greek citizens as well as Greek-registered vessels not to participate in the new flotilla headed for the Gaza port." The statement elaborated that "the planned operation does not deal with the substance of the humanitarian problem in Gaza." The statement underscored Greece's position on the need to lift the Gaza blockade and improve the humanitarian situation in the region, as well as the need to respect international law and for all parties to avoid the use of violence. It reminded that "Greece actively supports the reopening of the peace talks as the only path to a comprehensive and viable solution on the Palestinian problem."

SBU

This email is UNCLASSIFIED.

RELEASED IN PART B5, B6

Law, Rosemary C

From: Lawton, Daniel J (Athens)
Sent: Saturday, June 18, 2011 3:27 AM
To: Smith, Daniel B (Athens); Miller, Thomas S (Athens)
Cc: Brandeis, Katherine L (Athens); Cockrell, John D (Athens)
Subject: Fw: US to Gaza Flotilla

Follow Up Flag: Follow up
Flag Status: Completed

Sir/Tom - NEA is clear below on flotilla contact. Regards, Dan J

From: Snipes, Christopher K
Sent: Friday, June 17, 2011 02:37 PM
To: Lawton, Daniel J (Athens)
Subject: FW: US to Gaza Flotilla

Dan - last word on this, I think. Chris

This email is UNCLASSIFIED.

From: Elits, Colin C
Sent: Friday, June 17, 2011 2:37 PM
To: Doutrich, Jack T; Snipes, Christopher K
Cc: Jakobson, Nicholas W; Sindle, James M; Jacoby, Julia I; Richter, Kim B
Subject: RE: US to Gaza Flotilla

Christopher,

[REDACTED]

I have added Kim Richter from CA/ACS here in Washington, who has met with this group before, to provide guidance if needed.

[REDACTED]

Please let me know if you have any questions or concerns.

Best,

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

Colin

This email is UNCLASSIFIED.

From: Doutrich, Jack T
Sent: Friday, June 17, 2011 11:23 AM
To: Snipes, Christopher K
Cc: Ellits, Colin C
Subject: RE: US to Gaza Flotilla

+ Colin Ellits who covers this issue and is working closely with CA.

Chris,

Colin will discuss this with CA and our director, [REDACTED]

JD.

This email is UNCLASSIFIED.

From: Snipes, Christopher K
Sent: Friday, June 17, 2011 10:49 AM
To: Doutrich, Jack T
Subject: FW: US to Gaza Flotilla

Hey Jack,

A group of Amcits is heading to Greece to get on a flotilla to Gaza. [REDACTED]

Thanks, Chris

This email is UNCLASSIFIED.

From: Smith, Daniel B (Athens)
Sent: Thursday, June 16, 2011 2:54 PM
To: Lawton, Daniel J (Athens); Brandeis, Katherine L (Athens)
Cc: Mendel, Teresa S; Greene, Elisa; McKeever, Matthew X (Athens); Miller, Thomas S (Athens); Martin, Leah A (Athens); Zouroudis, Betsy (Athens)
Subject: RE: US to Gaza Flotilla

[REDACTED]

Dan?

SBU

This email is UNCLASSIFIED.

From: Lawton, Daniel J (Athens)
Sent: Thursday, June 16, 2011 2:35 PM
To: Brandels, Katherine L (Athens)
Cc: Mendel, Teresa S; Greene, Elisa; McKeever, Matthew X (Athens); Smith, Daniel B (Athens); Miller, Thomas S (Athens); Martin, Leah A (Athens); Zouroudis, Betsy (Athens)
Subject: RE: US to Gaza Flotilla

Kate - Many thanks for this. Per our telcon, I am ccing the Front Office for their information. [redacted]

B5

[redacted] Regards, Dan L.

SBU
This email is UNCLASSIFIED.

From: Brandels, Katherine L (Athens)
Sent: Thursday, June 16, 2011 12:52 PM
To: Lawton, Daniel J (Athens); Martin, Leah A (Athens)
Cc: Mendel, Teresa S; Greene, Elisa; McKeever, Matthew X (Athens)
Subject: US to Gaza Flotilla

Dan and Leah, I had a call from [redacted] who is a member of an organization called US to Gaza (www.ustogaza.org) and she was calling to tell me that there will be roughly 60 Americans arriving in Athens between now and June 20-21, to board a ship that is headed to Gaza to protest the blockade. She said that a larger Turkish ship will now not sail for some reason, but they plan to continue with their mission.

B6

She told me that members of the group met in Washington with Department reps, including Michele Bernier-Toth, who is the head of the Office of Citizen Services. She wanted us to be aware of their presence from a consular standpoint and said that they would be faxing privacy act waivers to the Emb. in Tel Aviv in the event they were needed. We talked a bit about the situation here in Athens and I said that I would be forwarding her some links to the CSI, etc. (She was very appreciative. Apparently, a couple of members of the group who are already here were already pick-pocketed on the metro.)

[redacted] said that they understand that this is a contentious mission and they want the Embassy to know that they are not terrorists, they are American Citizens who are challenging the authority to carry out the blockade. They want the USG to end its support for it and they want it to end.

She asked if it would be possible for a small delegation from their group to pay a call on the Amb. or DCM, probably the 23rd or the 24th of June. I told her that the SO will be in town and that things might be a bit busy, but that I would pass the request along. She said that she completely understood it was not possible. I have not passed this along to the FO yet. I thought I would chat with you first.

[redacted] has a local cell phone, which is [redacted]

(CC'ing OCS and ACS Tel Aviv)

Kate

Kate Brandeis | Athens American Citizen Services | (30) 210-720-2427

SBU

This email is UNCLASSIFIED.

RELEASED IN PART B5

Law, Rosemary C

From: Lawton, Daniel J (Athens)
Sent: Friday, June 24, 2011 4:47 AM
To: Smith, Daniel B (Athens)
Cc: Miller, Thomas S (Athens); Zouroudis, Betsy (Athens)
Subject: Possible Talking Point

Follow Up Flag: Follow up
Flag Status: Completed

- Secretary of State Clinton said publicly yesterday that the Gaza flotilla "is not helpful and will only increase tensions." We appreciate the Foreign Ministry's statement urging that Greek citizens and Greek-registered vessels not participate --

[Redacted]

[Redacted]

B5

SBU
This email is UNCLASSIFIED.

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

RELEASED IN PART B5,B6

Law, Rosemary C

From: Lawton, Daniel J (Athens)
Sent: Friday, June 17, 2011 11:43 AM
To: Snipes, Christopher K
Subject: RE: US to Gaza Flotilla

Follow Up Flag: Follow up
Flag Status: Completed

Chris - Txs. Regards, Dan

This email is UNCLASSIFIED.

From: Snipes, Christopher K
Sent: Friday, June 17, 2011 6:37 PM
To: Lawton, Daniel J (Athens)
Subject: FW: US to Gaza Flotilla

Dan - Chris

B5

This email is UNCLASSIFIED.

From: Doutrich, Jack T
Sent: Friday, June 17, 2011 11:23 AM
To: Snipes, Christopher K
Cc: Elfts, Colin C
Subject: RE: US to Gaza Flotilla

+ Colin Elfts who is covers this issue and is working closely with CA.

Chris.

JD.

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

This email is UNCLASSIFIED.

From: Snipes, Christopher K
Sent: Friday, June 17, 2011 10:49 AM

To: Dautrich, Jack T
Subject: FW: US to Gaza Flotilla

Hey Jack,

A group of Amcits is heading to Greece to get on a flotilla to Gaza. [REDACTED]

B5

[REDACTED]

Thanks, Chris

This email is UNCLASSIFIED.

From: Smith, Daniel B (Athens)
Sent: Thursday, June 16, 2011 2:54 PM
To: Lawton, Daniel J (Athens); Brandeis, Katherine L (Athens)
Cc: Mendel, Teresa S; Greene, Elisa; McKeever, Matthew X (Athens); Miller, Thomas S (Athens); Martin, Leah A (Athens); Zouroudis, Betsy (Athens)
Subject: RE: US to Gaza Flotilla

[REDACTED]

Dan?

SBU
This email is UNCLASSIFIED.

From: Lawton, Daniel J (Athens)
Sent: Thursday, June 16, 2011 2:35 PM
To: Brandeis, Katherine L (Athens)
Cc: Mendel, Teresa S; Greene, Elisa; McKeever, Matthew X (Athens); Smith, Daniel B (Athens); Miller, Thomas S (Athens); Martin, Leah A (Athens); Zouroudis, Betsy (Athens)
Subject: RE: US to Gaza Flotilla

Kate - Many thanks for this. [REDACTED]

[REDACTED] Regards, Dan L.

SBU
This email is UNCLASSIFIED.

From: Brandeis, Katherine L (Athens)
Sent: Thursday, June 16, 2011 12:52 PM
To: Lawton, Daniel J (Athens); Martin, Leah A (Athens)

Cc: Mendel, Teresa S; Greene, Elisa; McKeever, Matthew X (Athens)
Subject: US to Gaza Flotilla

Dan and Leah, I had a call from [redacted] [redacted] who is a member of an organization called B6 US to Gaza (www.ustogaza.org) and she was calling to tell me that there will be roughly 60 Americans arriving in Athens between now and June 20-21, to board a ship that is headed to Gaza to protest the blockade. She said that a larger Turkish ship will now not sail for some reason, but they plan to continue with their mission.

She told me that members of the group met in Washington with Department reps, including Michele Bernier-Toth, who is the head of the Office of Citizen Services. She wanted us to be aware of their presence from a consular standpoint and said that they would be faxing privacy act waivers to the Emb. in Tel Aviv in the event they were needed. We talked a bit about the situation here in Athens and I said that I would be forwarding her some links to the CSI, etc. (She was very appreciative. Apparently, a couple of members of the group who are already here were already pick-pocketed on the metro!)

[redacted] said that they understand that this is a contentious mission and they want the Embassy to know that they are not terrorists, they are American Citizens who are challenging the authority to carry out the blockade. They want the USG to end its support for it and they want it to end.

She asked if it would be possible for a small delegation from their group to pay a call on the Amb. or DCM, probably the 23rd or the 24th of June. I told her that the SO will be in town and that things might be a bit busy, but that I would pass the request along. She said that she completely understood if it was not possible. I have not passed this along to the FO yet. I thought I would chat with you first.

[redacted] has a local cell phone, which is [redacted]

(CC'ing OCS and ACS Tel Aviv)

Kate

Kate Brandeis | Athens American Citizen Services | (30) 210-720-2427

SBU

This email is UNCLASSIFIED.

RELEASED IN PART B5, B6

Law, Rosemary C

From: Lawton, Daniel J (Athens)
Sent: Friday, June 17, 2011 10:39 AM
To: Snipes, Christopher K
Subject: RE: US to Gaza Flotilla

Follow Up Flag: Follow up
Flag Status: Completed

Chris - Thanks. It would be good to know that NEA (say, the Israeli Desk) concurs.

I will pass on your other points below to CONS.

Regards,
Dan L.

This email is UNCLASSIFIED.

From: Snipes, Christopher K
Sent: Friday, June 17, 2011 5:30 PM
To: Lawton, Daniel J (Athens)
Subject: RE: US to Gaza Flotilla

Hi Dan -

B5

Two extra things: Bob said there will be an updated travel advisory on participating in flotillas. There is one from last year that caution's travel to Gaza in general (http://travel.state.gov/travel/cis_pa_tw/tw/tw_922.html).

Chris

This email is UNCLASSIFIED.

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

From: Lawton, Daniel J (Athens)
Sent: Friday, June 17, 2011 8:28 AM
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Subject: FW: US to Gaza Flotilla

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Sent: Thursday, June 16, 2011 2:54 PM
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Cc: Mendel, Teresa S; Greene, Elisa; McKeever, Matthew X (Athens); Miller, Thomas S (Athens); Martin, Leah A (Athens); Zouroudis, Betsy (Athens)
Subject: RE: US to Gaza Flotilla

[REDACTED]
Dan?

SBU
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Sent: Thursday, June 16, 2011 2:35 PM
To: Brandeis, Katherine L (Athens)
Cc: Mendel, Teresa S; Greene, Elisa; McKeever, Matthew X (Athens); Smith, Daniel B (Athens); Miller, Thomas S (Athens); Martin, Leah A (Athens); Zouroudis, Betsy (Athens)
Subject: RE: US to Gaza Flotilla

Kate -- Many thanks for this. [REDACTED]
[REDACTED]

SBU
This email is UNCLASSIFIED.

From: Brandeis, Katherine L (Athens)
Sent: Thursday, June 16, 2011 12:52 PM
To: Lawton, Daniel J (Athens); Martin, Leah A (Athens)
Cc: Mendel, Teresa S; Greene, Elisa; McKeever, Matthew X (Athens)
Subject: US to Gaza Flotilla

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Apparently, a couple of members of the group who are already here were already pick-pocketed on the metro))

[] said that they understand that this is a contentious mission and they want the Embassy to know that they are not terrorists, they are American Citizens who are challenging the authority to carry out the blockade. They want the USG to end its support for it and they want it to end.

B6

She asked if it would be possible for a small delegation from their group to pay a call on the Amb. or DCM, probably the 23rd or the 24th of June. [] told her that the SO will be in town and that things might be a bit busy, but that [] would pass the request along. She said that she completely understood if it was not possible. I have not passed this along to the FO yet. I thought I would chat with you first.

[] has a local cell phone, which is []

(CC'ing OCS and ACS Tel Aviv)

Kate

Kate Brandeis | Athens American Citizen Services | (30) 210-720-2427

SBU

This email is UNCLASSIFIED.

RELEASED IN PART B5,B6

Law, Rosemary C

From: Lawton, Daniel J (Athens)
Sent: Thursday, June 16, 2011 7:56 AM
To: Smith, Daniel B (Athens); Brandels, Katherine L (Athens)
Cc: Mendel, Teresa S; Greene, Elisa; McKeever, Matthew X (Athens); Miller, Thomas S (Athens); Martin, Leah A (Athens); Zouroudis, Betsy (Athens)
Subject: RE: US to Gaza Flotilla

Follow Up Flag: Follow up
Flag Status: Completed

Sure. We'll get the Department's guidance. Regards, Dan L.

SBU
This email is UNCLASSIFIED.

From: Smith, Daniel B (Athens)
Sent: Thursday, June 16, 2011 2:54 PM
To: Lawton, Daniel J (Athens); Brandels, Katherine L (Athens)
Cc: Mendel, Teresa S; Greene, Elisa; McKeever, Matthew X (Athens); Miller, Thomas S (Athens); Martin, Leah A (Athens); Zouroudis, Betsy (Athens)
Subject: RE: US to Gaza Flotilla

[Redacted]
Dan?

B5

SBU
This email is UNCLASSIFIED.

From: Lawton, Daniel J (Athens)
Sent: Thursday, June 16, 2011 2:35 PM
To: Brandels, Katherine L (Athens)
Cc: Mendel, Teresa S; Greene, Elisa; McKeever, Matthew X (Athens); Smith, Daniel B (Athens); Miller, Thomas S (Athens); Martin, Leah A (Athens); Zouroudis, Betsy (Athens)
Subject: RE: US to Gaza Flotilla

Kate - Many thanks for this. Per our telcon, I am ccing the Front Office for their information. [Redacted]

SBU
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REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

From: Brandeis, Katherine L (Athens)
Sent: Thursday, June 16, 2011 12:52 PM
To: Lawton, Daniel J (Athens); Martin, Leah A (Athens)
Cc: Mendel, Teresa S; Greene, Eلسa; McKeever, Matthew X (Athens)
Subject: US to Gaza Flotilla

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[redacted] said that they understand that this is a contentious mission and they want the Embassy to know that they are not terrorists, they are American Citizens who are challenging the authority to carry out the blockade. They want the USG to end its support for it and they want it to end.

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[redacted] has a local cell phone, which is [redacted]

(CC'ing OCS and ACS Tel Aviv)

Kate

Kate Brandeis | Athens American Citizen Services | (30) 210-720-2427

SBU
This email is UNCLASSIFIED.

RELEASED IN PART B6

Law, Rosemary C

From: Lawton, Daniel J (Athens)
Sent: Thursday, June 16, 2011 7:19 AM
To: Brandeis, Katherine L (Athens)
Subject: RE: US to Gaza Flotilla

Follow Up Flag: Follow up
Flag Status: Completed

Kate - I returned your call. Let's talk when you can. Regards, Dan L

SBU

This email is UNCLASSIFIED.

From: Brandeis, Katherine L (Athens)
Sent: Thursday, June 16, 2011 12:52 PM
To: Lawton, Daniel J (Athens); Martin, Leah A (Athens)
Cc: Mendel, Teresa S; Greene, Elissa; McKeever, Matthew X (Athens)
Subject: US to Gaza Flotilla

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(CC'ing OCS and ACS Tel Aviv)

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

Kate

Kate Brandels | Athens American Citizen Services | (30) 210-720-2427

SBU

This email is UNCLASSIFIED.

Law, Rosemary C

RELEASED IN PART B3
DOD-CP, NR

From: Kim, Yuri J
Sent: Wednesday, February 27, 2013 7:50 AM
To: Kim, Yuri J; EUR-SE-TU-DL; Friedman, Justin; Kaidanow, Tina S; Gordon, Phillip H; Sloat, Amanda L; Rubin, Eric S; NEA-Syria-DL; Ford, Robert S; Jones, Beth E; Ellison, Janine M; Dibble, Elizabeth L; Elizabeth_D_Sherwood-Randall@nss.eop.gov; [redacted]@osd.mil; Jonathan_H_Stevenson@nss.eop.gov; Finer, Jonathan J; B3 DOD-CP Lakhdir, Kamala S; migregonis@nss.eop.gov; Belmonte, Monica L; Lester, Raymond; Robinson, David M; Clements, Kelly; Underiner, John M; Iris, Nancy R; Bartolini, Mark (DCHA/OFDA); VonHippel, Karin L; Haelach, Patricia M; Ward, Mark S (D/MET); Westley, Catherine J; Kalmbach, Heather E; Ricciardone, Francis J; Baily, Jess L; AnkaraAMB; Treiber, Laird D; Wentworth, Mark A; Kilner, Scott F (Istanbul); Mennull, Deborah (Istanbul); Lackey, Hal V; Artigues, Craig M; Espinoza, John L; Babb, Joseph R; Hansen, Ralph S; Jaworski, Richard E; Wroblewski, K Andrew; Fernandes, Cheryl L; Mahoney, Haynes R (Istanbul); Stafford, Edward G; Fernandes, Anthony C; Dorsey, Liane R; O'Grady, Daniel J; [redacted]@osd.mil; ISTANBUL-POLECON AMERICANS-DL; Yovanovitch, Marie L; Miller, James N; Tobey, Laurence E; Quanrud, Pamela G; Daniels, Cherrie; Manso, Joseph X; Ried, Curtis R (USUN); Lawton, Daniel J (Athens); Pisani, Kristen L; Thompson, Tedde H; Katsiyannis, Dean T; Kahl, L Alex; Schofer, Andrew J; Scanlon, Amy B (Athens); Horn, Aaron D; Livingston, Joseph S; Michael Lally; Uyehara, Michael M; Peterson, Chad S; Birner, Timothy D; Brown, Kristina M; Cardwell, Adam K; Carraway, Cassandra B; Fingarson, Timothy J; Jones-Katsiyannis, Stacey L; Ngutter, Dorothy M; Olson, Kimberly G; Shufflebarger, Jamie; Kenna, Lisa D (Amman); Goldberger, Thomas H; P-EUR Duty Turkey Daily Notes: February 27, 2013

Subject:

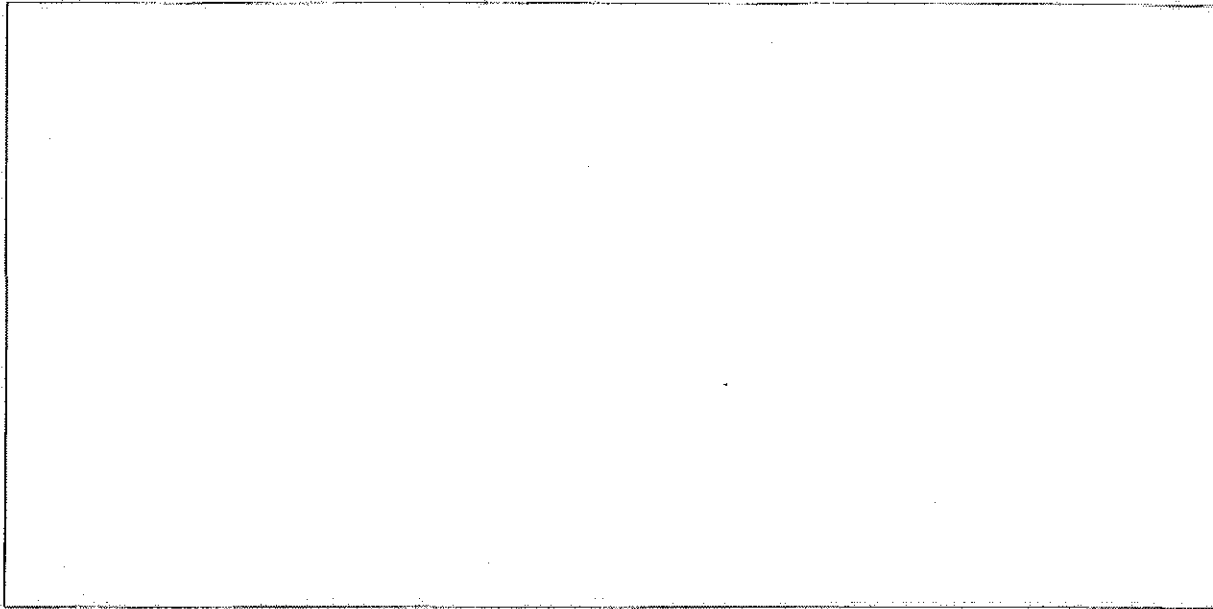
Follow Up Flag: Follow up
Flag Status: Completed

(SBU)TOP NOTES

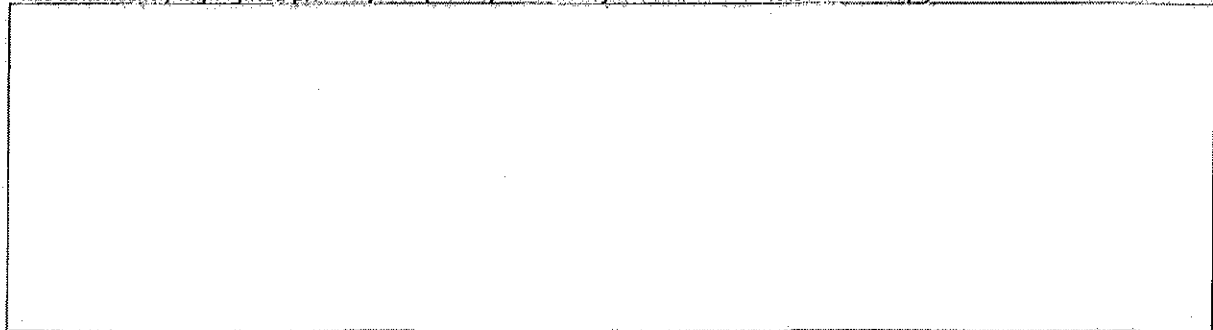
NR

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

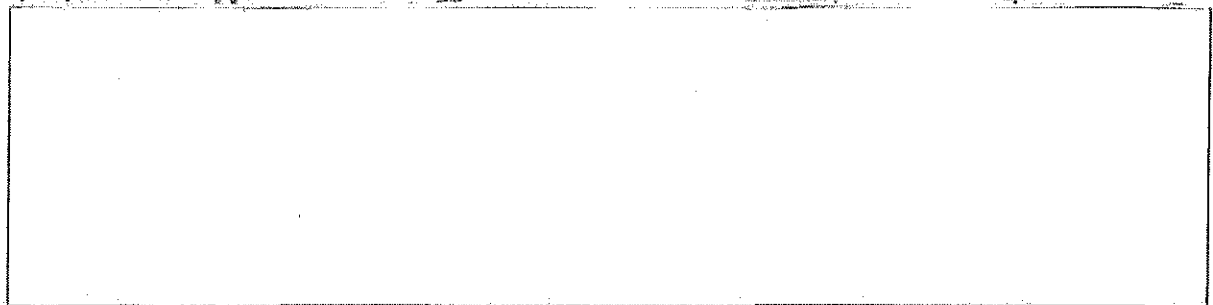
NR



-Mavi Marmara: *Yeni Safak* reports that USG documents obtained by the New York-based Center for Constitutional Rights show the USG was aware of AMCITs participating in the Mavi Marmara flotilla of May 2010 months before their departure to Gaza, but made took no action beforehand or in response to the death of Turkish-U.S. dual citizen Furkan Dogan, who was killed when IDF intercepted the flotilla. (COMMENT: This article comes in the midst of a volley of reports in Israeli and Turkish press essentially blaming the other side for not taking opportunities to resolve the issue. The GOT has consistently highlighted privately and publicly that one of the 9 killed held U.S. citizenship.)



(SBU) KEY EVENTS



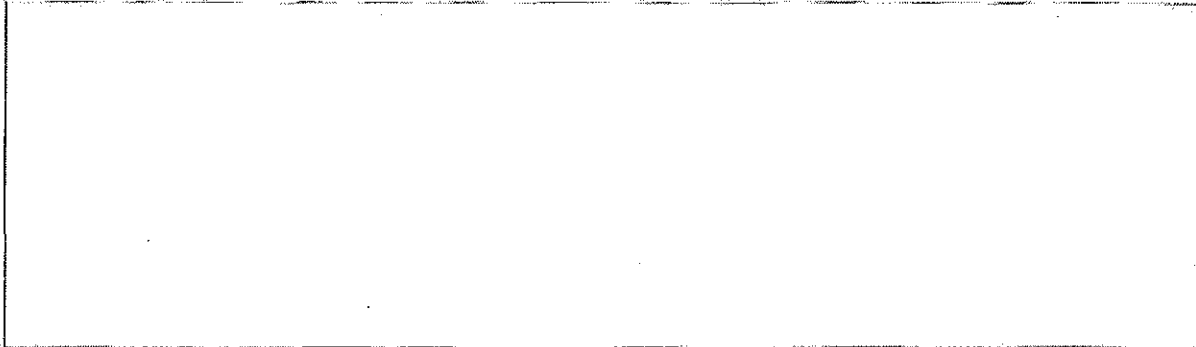
SBU
This email is UNCLASSIFIED.

RELEASED IN PART B3
DOD-CP, NR

Law, Rosemary C

From: Le, Christina T (Athens)
Sent: Thursday, February 07, 2013 2:12 AM
To: Lawton, Daniel J (Athens)
Subject: Zaroulia quote - October 18

Follow Up Flag: Follow up
Flag Status: Completed



NR

SBU
This email is UNCLASSIFIED.

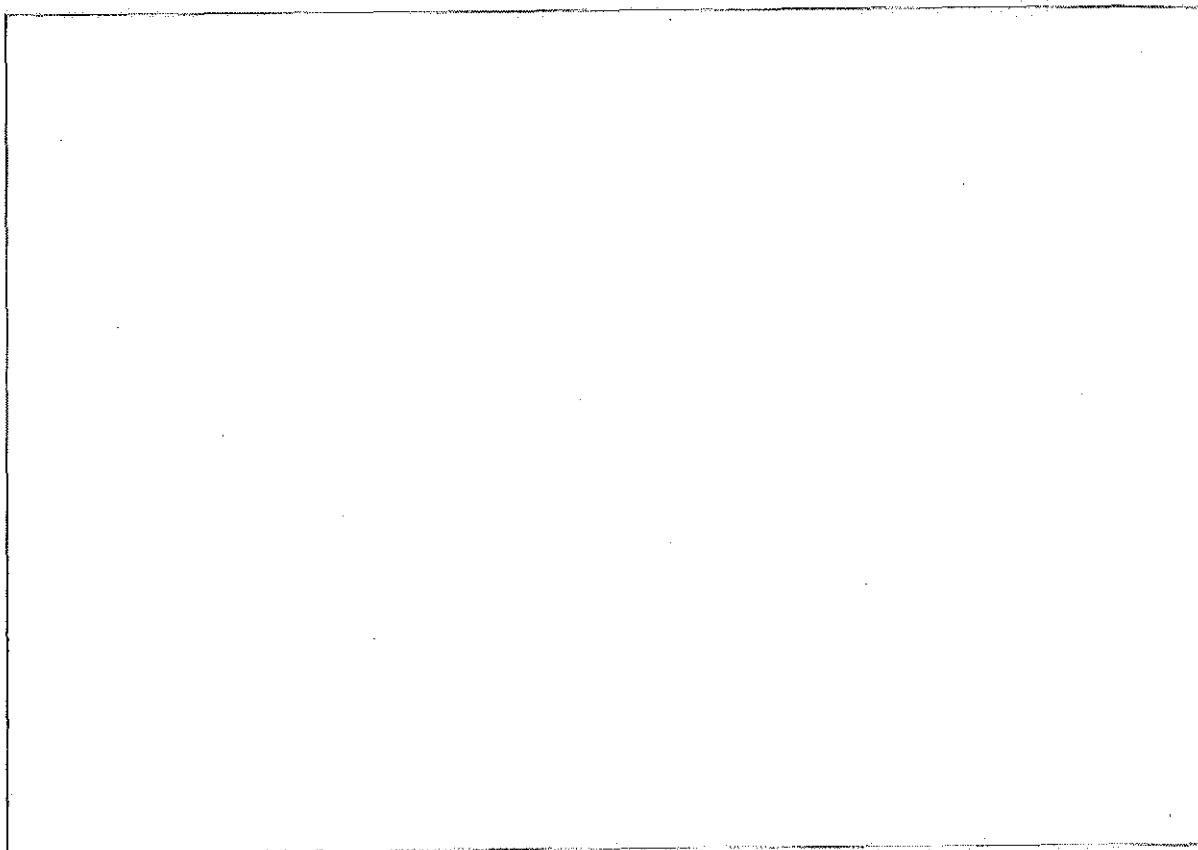
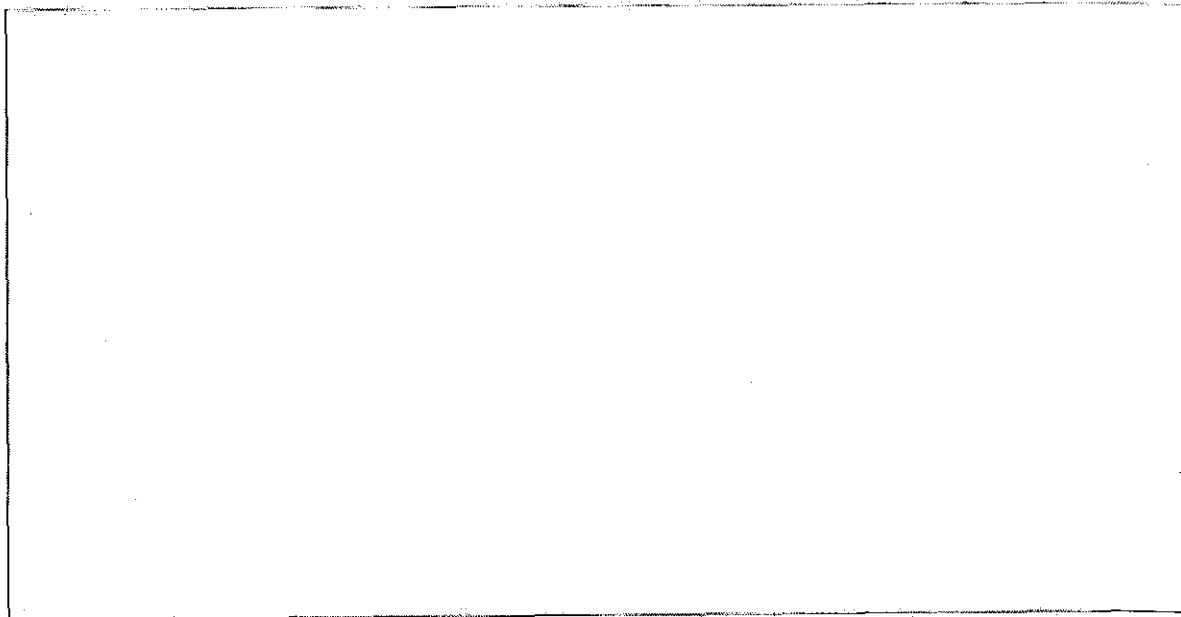
From: Lawton, Daniel J (Athens)
Sent: Monday, October 22, 2012 1:55 PM
To: Rubin, Eric S; Smith, Daniel B (Athens); Bennett, Virginia L (Athens); 'Christopher.Smart@treasury.gov'; McCarthy, Deborah A; Schofer, Andrew J; Wohlers, Paul; Aggeler, Brian C; Bono, Louis; Norman, Marc E; EUR-SE-DL; Worman, Patrick F; SES-O; Flores, Molly P; ATHENS-POL; Kosmidou, Xení (Thessaloniki); Smith, Stuart M (Athens); Lance, Marsha A (Thessaloniki); 'David McNeill'; ATHENS-FAST OFFICERS; Weitzenkorn, Laurie B (Athens); Zouroudis, Betsy (Athens); Koutsoupanou, Ioanna E (Thessaloniki); 'DeSante, Deanna, CIV, OSD-POLICY'; 'McFadden, James , , DSCA/OPS/EAF'; 'Hulss, Sara M Maj JCS JS DDENR'; Teirlynck, Mary J (Athens); Engen, Ryan S (Brussels); Triantafyllou, Prodrimos N (Athens); Karamolegos, Nikos P (Athens); Singer, Russell C; Fernandes, Anthony C; O'Reilly, Patrick R (USEU); Tuminaro, John D; Stoner, Ryan D; Frowick, George H (Athens); Friedman, Justin; Froats, Daniel T; Raffino, Michele L (Athens); 'sonya.ribovich@ny.frb.org'; 'camille.bryan@ny.frb.org'; 'nikola.kojucharov@treasury.gov'; Baker, Susan L (Dept of Treasury); 'Jeffrey.Baker@treasury.gov'; 'Dora.Douglass@treasury.gov'; Rath, Martin J (Athens); Patel, Vishal P; Garverick, J Robert; 'Evangelia.Bouzis@treasury.gov'; 'Marilyn.Taylor@trade.gov'; Kim, Yuri J; Netos, Eleftherios (Terry) E; 'Stephen.f.lln@frb.gov'; King, Robert D (Bratislava); Lisbon PolEcon; Lester, Raymond; Schwartz, Jonathan E (Athens); Enstrom, Karen L; Moore, Wendela C; Grauer, Kristen K; Siders, Michele M; David M. Kaden (David M. Kaden@who.eop.gov); Lael.Bralnard@treasury.gov; Charles.Collyns@treasury.gov; @eucom.mil; Vogel, Matthew A.; Cherrie_S_Daniels@ovp.eop.gov; rmacfarquhar@who.eop.gov; mpyle@who.eop.gov; mil@mail.mil; Chapman, David K (Athens); Katsoulos, Athena; Coleman, Maryruth; Marrano, Mark F (Athens); Pisaní, Kristen L; Baxter, Davida A; Shufflebarger, Jamie; @dsca.mil; Johnson, Seneca E; Cockrell, John D; Sanders, Robert P (Thessaloniki); DSCA/OPS/EAF; Keller, Michael R; MKeon, Colleen H (Athens); Vorvolakos, Georgios (Athens)

B3 DOD-CP

Cc: ATHENS-ECON
Subject: (SBU) Athens Update -- October 22 REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

(SBU) Key Points:

NR



(SBU) Greek Gaza Flotilla Activists Return to Athens: According to a MFA release, the five Greek flotilla participants onboard the Gaza-bound ship "Estelle", including two SYRIZA MPs, arrived back in Athens on late October 21 after their

release by Israeli authorities. The Finnish-flagged "Estelle," a member of the international group "Free Gaza Flotilla III," set sail from Naples seeking to break through Israel's naval blockade of Gaza but was reportedly intercepted, surrounded, and boarded by the Israeli Navy some 31 nautical miles off the Gaza shore early October 21. The flotilla participants were met at the airport by a Greek MFA official. The Greek MFA publicly praised the cooperation between the Greek Ambassador and Israeli government officials to facilitate the "unobstructed and swift return" of the Greek flotilla participants.

NR



SBU
This email is UNCLASSIFIED.

RELEASED IN PART B3
DOD-CP, NR

Law, Rosemary C

From: Lawton, Daniel J (Athens)
Sent: Monday, October 22, 2012 6:55 AM
To: Rubin, Eric S; Smith, Daniel B (Athens); Bennett, Virginia L (Athens); 'Christopher.Smart@treasury.gov'; McCarthy, Deborah A; Schofer, Andrew J; Wohlars, Paul; Aggeler, Brian C; Bono, Louis; Norman, Marc E; EUR-SE-DL; Worman, Patrick F; SES-O; Flores, Molly P; ATHENS-POL; Kosmidou, Xeni (Thessaloniki); Smith, Stuart M (Athens); Lance, Marsha A (Thessaloniki); 'David McNeill'; ATHENS-FAST OFFICERS; Weitzenkorn, Laurie B (Athens); Zouroudis, Betsy (Athens); Koutsoulanou, Ioanna E (Thessaloniki);
 CIV, OSD-POLICY; [redacted] DSCA/OPS/EAF; [redacted] B3 DOD-CP
 JCS J5 DDENR; Teirlynck, Mary J (Athens); Engen, Ryan S (Brussels); Triantafillou, Prodromos N (Athens); Karamolegos, Nikos P (Athens); Singer, Russell C; Fernandes, Anthony C; O'Reilly, Patrick R (USEU); Tuminaro, John D; Stoner, Ryan D; Frowick, George H (Athens); Friedman, Justin; Froats, Daniel T; Raffino, Michele L (Athens); 'sonya.ribovich@ny.frb.org'; 'camille.bryan@ny.frb.org'; 'nikola.kojucharov@treasury.gov'; Baker, Susan L (Dept of Treasury); 'Jeffrey.Baker@treasury.gov'; 'Dora.Douglass@treasury.gov'; Rath, Martin J (Athens); Patel, Vishal P; Garverick, J Robert; 'Evangelia.Bouzis@treasury.gov'; 'Marilyn.Taylor@trade.gov'; Kim, Yun J; Jones, Bradley E; COL; Netos, Eleftherios (Terry) E; 'Stephen.f.lin@frb.gov'; King, Robert D (Bratislava); Lisbon PolEcon; Lester, Raymond; Schwartz, Jonathan E (Athens); Enstrom, Karen L; Moore, Wendela C; Grauer, Kristen K; Siders, Michele M; David M. Kaden ('David_M_Kaden@who.eop.gov'); Lael.Brainard@treasury.gov; Charles.Collyns@treasury.gov; [redacted]@eucom.mil; [redacted] B3 DOD-CP
 Matthew A.; 'Cherrie_S_Daniels@ovp.eop.gov'; rmacfarquhar@who.eop.gov; mpyle@who.eop.gov; [redacted]@mil@mail.mil; Chapman, David K (Athens); Katsoulos, Athena; Coleman, Maryruth; Marrano, Mark F (Athens); Pisani, Kristen L; Baxter, Davida A; Shuffebarger, Jamie; [redacted]@dsca.mil; Johnson, Seneca E; Cockrell, John D; Sanders, Robert P (Thessaloniki); [redacted] DSCA/OPS/EAF; Keller, Michael R; McKeon, Colleen H (Athens); Vorvolakos, Georgios (Athens).
Cc: ATHENS-ECON
Subject: (SBU) Athens Update – October 22

Follow Up Flag: Follow up
Flag Status: Completed

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

(SBU) Key Points:

[Redacted content]

NR

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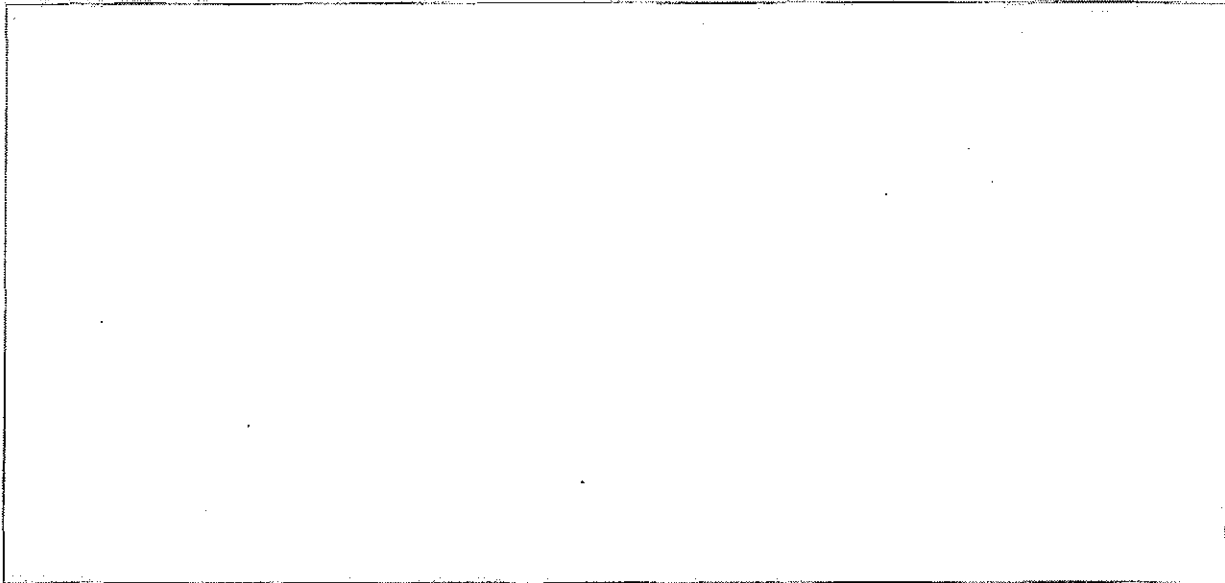
RELEASED IN PART B3
DOD-CP, NR

Law, Rosemary C

From: Lawton, Daniel J (Athens)
Sent: Friday, October 19, 2012 7:30 AM
To: Rubln, Eric S; Smith, Daniel B (Athens); Bennett, Virginia L (Athens);
 'Christopher.Smart@treasury.gov'; McCarthy, Deborah A; Schofer, Andrew J; Wohlers, Paul;
 Aggeler, Brian C; Bono, Louis; Norman, Marc E; EUR-SE-DL; Worman, Patrick F; SES-O;
 Flores, Molly P; ATHENS-POL; Kosmidou, Xeni (Thessaloniki); Smith, Stuart M (Athens);
 Lance, Marsha A (Thessaloniki); 'David.McNeill'; ATHENS-FAST OFFICERS; Weitzenkorn,
 Laurie B (Athens); Zouroudis, Betsy (Athens); Koutsounarou, Ioanna E (Thessaloniki);
 [redacted] CIV, OSD-POLICY'; [redacted] DSCA/OPS/EAF; [redacted] B3 DOD-CP
 [redacted] JCS JB DDENR'; Tellynck, Mary J (Athens); Engen, Ryan S (Brussels); Triantafyllidis,
 Prodomos N (Athens); Karamolegos, Nikos P (Athens); Singer, Russell C; Fernandes,
 Anthony C; O'Reilly, Patrick R (JSEU); Tumlinaro, John D; Stoner, Ryan D; Frowick, George H
 (Athens); Friedman, Justin; Froats, Daniel T; Raffino, Michele L (Athens);
 'sonya.ribovich@ny.frb.org'; 'camille.bryan@ny.frb.org'; 'nikola.kojucharov@treasury.gov';
 Baker, Susan L (Dept of Treasury); 'Jeffrey.Baker@treasury.gov';
 'Dora.Douglass@treasury.gov'; Rath, Martin J (Athens); Patel, Vishal P; Garverick, J Robert;
 'Evangelia.Bouzis@treasury.gov'; 'Marilyn.Taylor@trade.gov'; Kim, Yuri J; Jones, Bradley E,
 COL; Netos, Eleftherios (Terry) E; 'Stephen.f.lin@frb.gov'; King, Robert D (Bratislava); Lisbon
 PolEcon; Lester, Raymond; Schwartz, Jonathan E (Athens); Enstrom, Karen L; Moore,
 Wendela C; Grauer, Kristen K; Siders, Michele M; David M. Kaden
 (David_M_Kaden@who.eop.gov); Lael.Brainard@treasury.gov;
 Charles.Collins@treasury.gov; [redacted]@eucom.mil; [redacted] Vogel,
 Matthew A.; Cherrie_S_Daniels@ovp.eop.gov; rmacfarquhar@who.eop.gov;
 mpyle@who.eop.gov; [redacted]@mail.mil; Chapman, David K (Athens); Katsoulos,
 Athena; Coleman, Maryruth; Marrano, Mark F (Athens); Pisani, Kristen L; Baxter, Davida A;
 Shuffelbarger, Jamie; [redacted]@dsca.mil; Johnson, Seneca E; Cockrell, John D; Sanders,
 Robert P (Thessaloniki); [redacted] DSCA/OPS/EAF; Keller, Michael R; McKeon,
 Colléen H (Athens); Vorvolakos, Georgios (Athens)
Cc: ATHENS-ECON
Subject: (SBU) Athens Update -- October 19

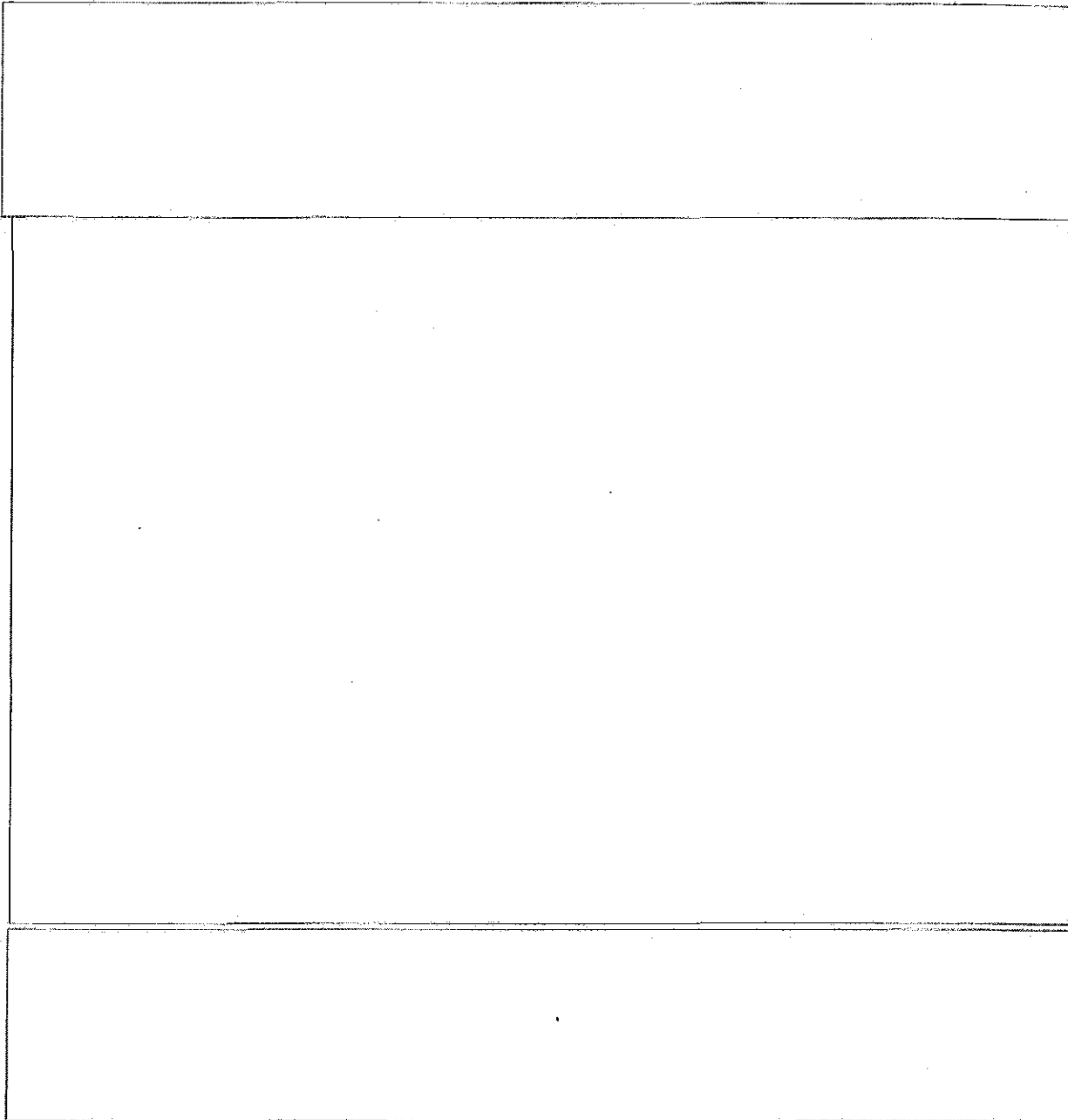
Follow Up Flag: Follow up
Flag Status: Completed **REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer**

(SBU) Key Points:



NR

NR



(SBU) Two SYRIZA MPs Aboard Gaza Flotilla Vessel: Two opposition SYRIZA MPs, Vaggelis Diamantopoulos and Dimitris Kodelas, have reportedly joined the Finnish-flagged sailing vessel "Estelle" and intend to sail to Gaza without authorization. Supporters of the Greek initiative "A Ship For Gaza" told the local media yesterday that the ship is now on the last leg of its journey that began in Sweden, and that the crew includes citizens from eight countries, including Greeks. The two Greek MPs on board the vessel have also issued separate statements expressing their solidarity with the Palestinians.

SBU
This email is UNCLASSIFIED.

RELEASED IN PART B3
DOD-CP,NR

Law, Rosemary C

From: Lawton, Daniel J (Athens)
Sent: Friday, July 08, 2011 6:10 AM
To: Kaldanow, Tina S; Allison, Alicia P; Burger, David; Norman, Maro E; Stevens, Ruth A; McKay, Maria E; Wilmer, Kami A; Baker, Judith E; Dodman, Michael J; EUR-SE-DL; Worman, Patrick F; SES-O; Snipes, Christopher K; Silliman, Douglas A; Cohen, Jonathan R; Aggeler, Brian C; Engle, Thomas S; Flores, Molly P; Peterson, Jennifer M; Angelides, Joanna P; Harris, Rian; Howard, Jeremiah "Jerry"; Rubin, Eric S
Cc: ATHENS-POL; ATHENS-ECON; Smith, Daniel B (Athens); Miller, Thomas S (Athens); McKeever, Matthew X (Athens); Kay, Catherine E (Thessaloniki); Brandeis, Charles D (Athens); Breisler, Jodi R (Athens); Hallberg, Kent (Athens); Green, Janice C (Athens); Smith, Stuart M (Athens); Lance, Marsha A (Thessaloniki); Braunschweig, John J (Athens); Brandeis, Katherine L (Athens); David McNeill; ATHENS-FAST OFFICERS; Weitzenkorn, Laurie B; Zouroudis, Betsy (Athens); Rueter, Eric J; Pelargidis, George (Thessaloniki); Koutsounanou, Ioanna E (Thessaloniki); [REDACTED] CIV. O&B3 DOD-CP POLICY'; [REDACTED] DSCA/OPS/EAF'; [REDACTED] JCS J5 DDENR'; [REDACTED]@eu.navy.mil; Teirylnck, Mary J (Athens); William Kutson (William.Kutson@trade.gov); Engen, Ryan S; Triantafyllou, Prodromos N (Athens); Karamolegos, Nikos P (Athens); Singer, Russell C; Erath, Tara F; Fernandes, Anthony C; O'Reilly, Patrick R; Au-Yeung, Jenny; McIntosh, Daniel; Silverman, Lawrence; McCarthy, Deborah A; Whittington, Alexander E; Tumlnaro, John D; Marchese, Gregory M; Eshbaugh, Mark J
Subject: Athens Update - July 8
Follow Up Flag: Follow up
Flag Status: Completed

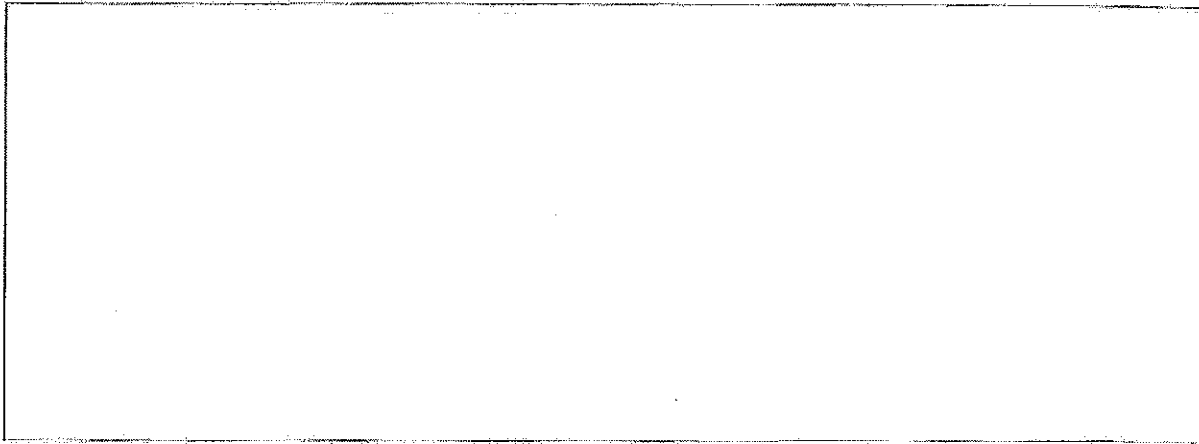
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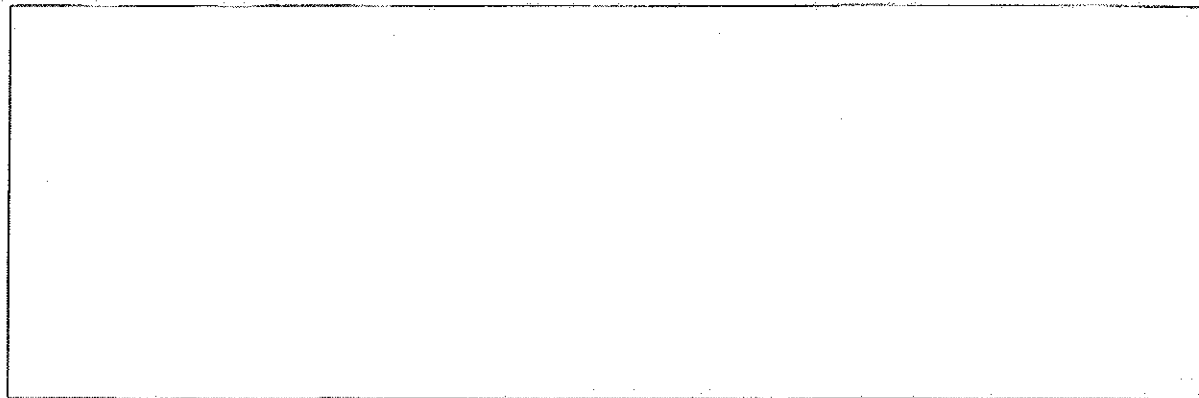
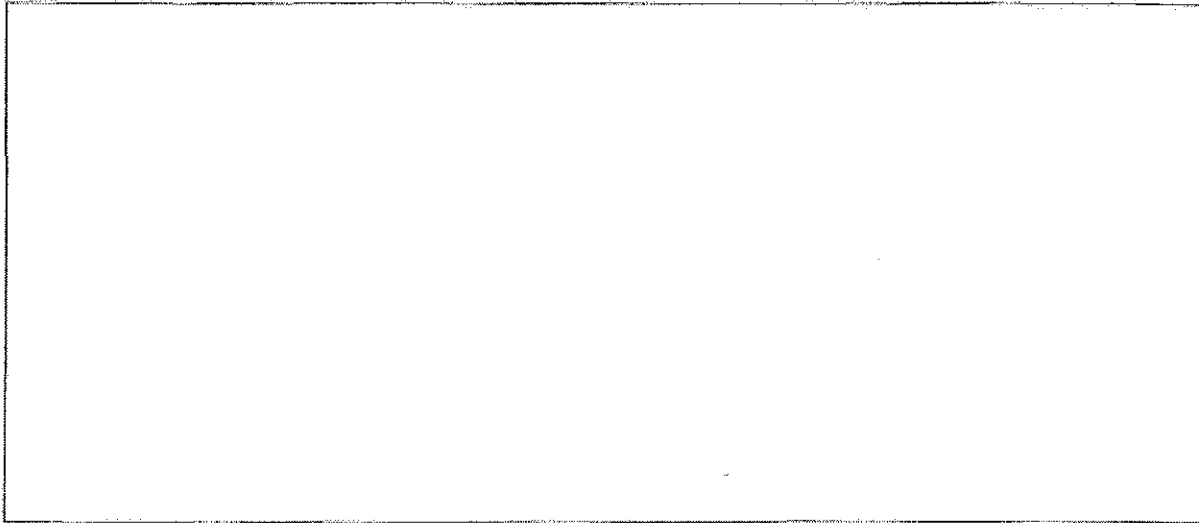
NR

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

NR



(SBU) Gaza Flotilla/Flytilla Update: Two American citizens wearing "fly-in" T-shirts flew from Athens to Ben-Gurion International Airport in Tel Aviv this morning and, according to local media reports, were stopped by Israeli immigration officials. The women were questioned and after stating their intentions, officials reportedly sent them on an outbound flight back to Greece due to their stated intention to create provocations and disrupt the peace. More activists are expected to arrive in Israel on Friday afternoon.





NR

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RELEASED IN PART B3
DOD-CP, NR

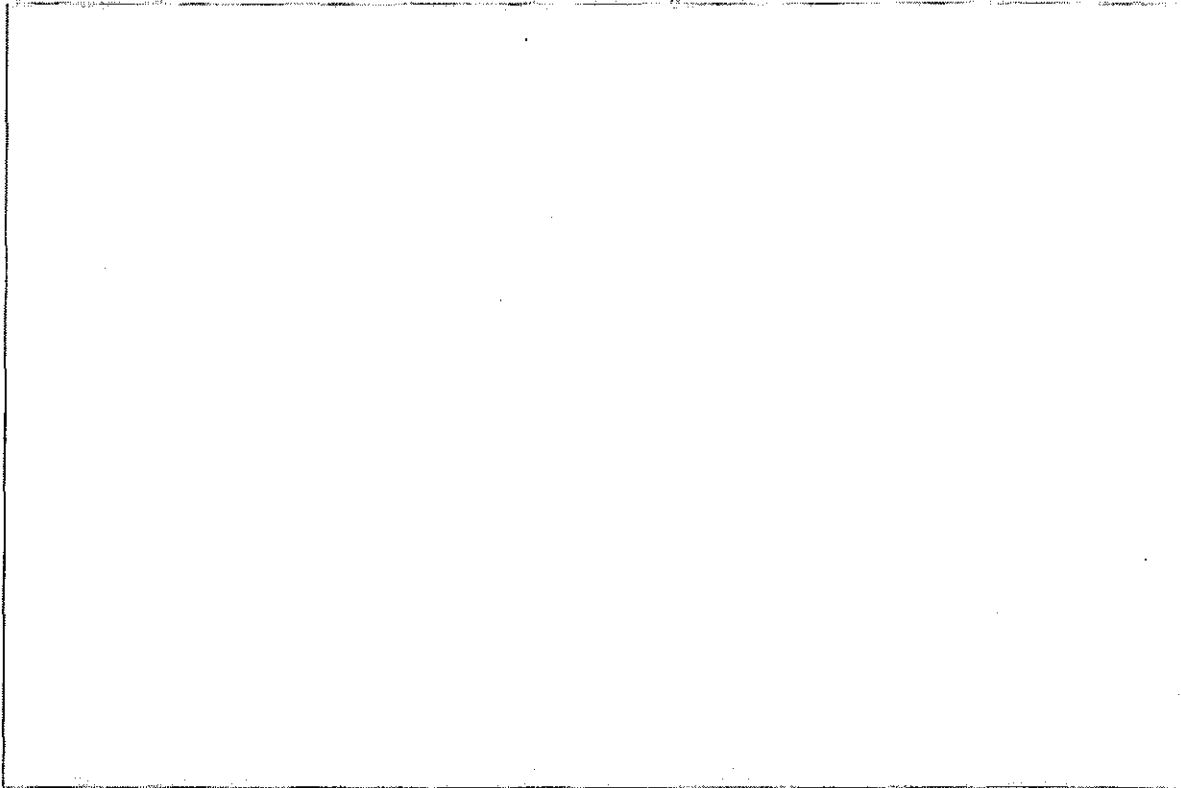
Law, Rosemary C

From: Lawton, Daniel J (Athens)
Sent: Monday, July 11, 2011 6:22 AM
To: Kajdanow, Tina S; Allison, Alicia P; Burger, David; Norman, Marc E; Stevens, Ruth A; McKay, Maria E; Wilmer, Kami A; Baker, Judith E; Dodman, Michael J; EUR-SE-DL; Worman, Patrick F; SES-O; Snipes, Christopher K; Sillman, Douglas A; Cohen, Jonathan R; Aggeler, Brian C; Engle, Thomas S; Flores, Molly P; Peterson, Jennifer M; Angelides, Joanna P; Harris, Rian; Howard, Jeremiah "Jerry"; Rubin, Eric S
Cc: ATHENS-POL; ATHENS-ECON; Smith, Daniel B (Athens); Miller, Thomas S (Athens); McKeever, Matthew X (Athens); Kay, Catherine E (Thessaloniki); Brandeis, Charles D (Athens); Breisler, Jodi R (Athens); Hallberg, Kent (Athens); Green, Janice C (Athens); Smith, Stuart M (Athens); Lance, Marsha A (Thessaloniki); Braunschweig, John J (Athens); Brandeis, Katherine L (Athens); David McNeill; ATHENS-FAST OFFICERS; Weltzenkom, Laurie B; Zouroudis, Betsy (Athens); Rueter, Eric J; Pelargidis, George (Thessaloniki); Koutsounariou, Ioanna E (Thessaloniki); [redacted] CIV, O'B3 DOD-CP POLICY; [redacted] DSCA/OPS/EAF; [redacted] JCS J5 DDENR; [redacted] @eu.navy.mil; Teirlynck, Mary J (Athens); William Kutson (William.Kutson@trade.gov); Engen, Ryan S; Triantafyllou, Prodromos N (Athens); Karamolegos, Nikos P (Athens); Singer, Russell C; Erath, Tara F; Fernandes, Anthony C; O'Reilly, Patrick R; Au-Yeung, Jenny; McIntosh, Daniel; Silverman, Lawrence; McCarthy, Deborah A; Whittington, Alexander E; Tuminaro, John D; Marchese, Gregory M; Esbaugh, Mark J
Subject: Athens Update -- July 11

Follow Up Flag: Follow up
Flag Status: Completed

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

(SBU) Key Points:

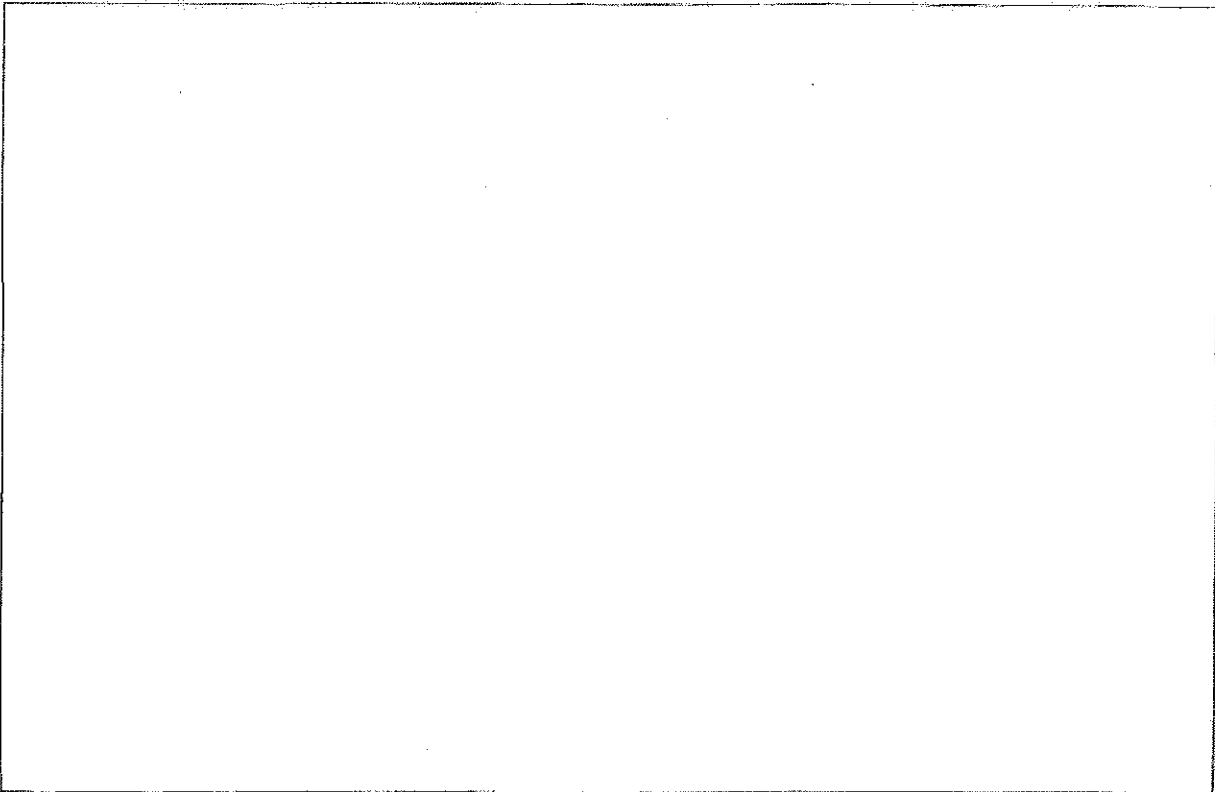


NR

NR

(U) Gaza Flotilla Loses Steam: Since the Greek Government ban on the departure of Gaza-bound flotilla vessels, and thwarted attempts to defy the ban by two flotilla ships over the July 4th weekend, no flotilla vessels have left for Gaza from Greek ports. Media coverage here is dwindling and websites of the "U.S. Ship to Gaza" and "Flotilla II - Stay Alive" organizations have not been updated for several days.

NR



SBU
This email is UNCLASSIFIED.

RELEASED IN PART B3
DOD-CP, NR

Law, Rosemary C

From: Lawton, Daniel J (Athens)
Sent: Thursday, July 07, 2011 5:36 AM
To: Kaidanow, Tina S; Allison, Alicia P; Burger, David; Norman, Marc E; Stevens, Ruth A; McKay, Maria E; Witmer, Kami A; Baker, Judith E; Dodman, Michael J; EUR-SE-DL; Worman, Patrick F; SES-O; Snipes, Christopher K; Silliman, Douglas A; Cohen, Jonathan R; Aggeler, Brian C; Engle, Thomas S; Flores, Molly P; Peterson, Jennifer M; Angelides, Joanna P; 'Harris, Rian'; Howard, Jeremiah 'Jerry'; Rubin, Eric S
Cc: ATHENS-POL; ATHENS-ECON; Smith, Daniel B (Athens); Miller, Thomas S (Athens); McKeever, Matthew X (Athens); Kay, Catherine E (Thessaloniki); Brandeis, Charles D (Athens); Braisler, Jodi R (Athens); Hallberg, Kent (Athens); Green, Janice C (Athens); Smith, Stuart M (Athens); Lance, Marsha A (Thessaloniki); Braunschweig, John J (Athens); Brandeis, Katherine L (Athens); 'David McNeill'; ATHENS-FAST OFFICERS; Weltzenkom, Laurie B; Zouroudis, Betsy (Athens); Rueter, Eric J; Pelargidis, George (Thessaloniki); Koutsounarou, Ioanna E (Thessaloniki); CIV, OSB3 DOD-CP POLICY; 'DSCA/OPS/EAF'; 'JCS J5 DDENR'; '@eu.navy.mil'; Teirynck, Mary J (Athens); 'William Kutson (William.Kutson@rad.gov)'; Engen, Ryan S; Triantafyllou, Prodromos N (Athens); Karamolegos, Nikos P (Athens); Singer, Russell C; Erath, Tara F; Fernandes, Anthony C; O'Reilly, Patrick R; Au-Yeung, Jenny; McIntosh, Daniel; Silverman, Lawrence; McCarthy, Deborah A; Whittington, Alexander E; Tumlinaro, John D; Marchese, Gregory M; Eshbaugh, Mark J
Subject: Athens Update - July 7
Follow Up Flag: Follow up
Flag Status: Completed

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

(SBU) Key Points:

[Redacted]

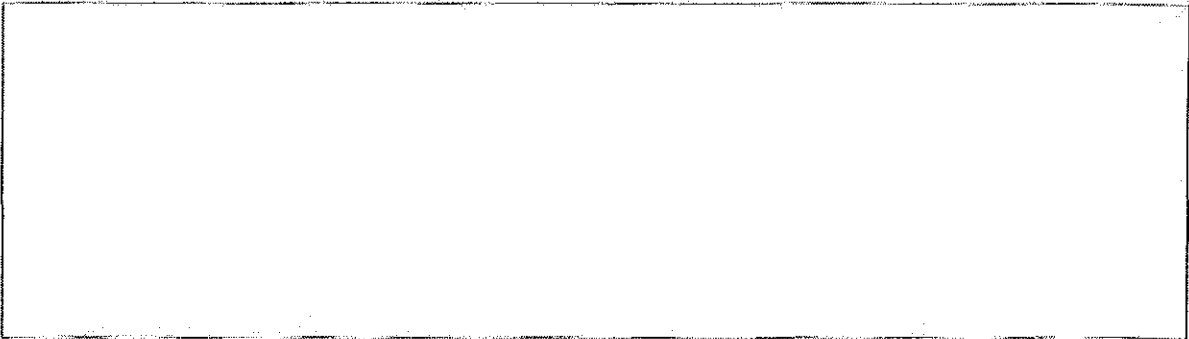
- The Greek government prevented a French vessel from traveling to Gaza today; the vessel had left Piraeus, but had stopped in Crete.

[Redacted]

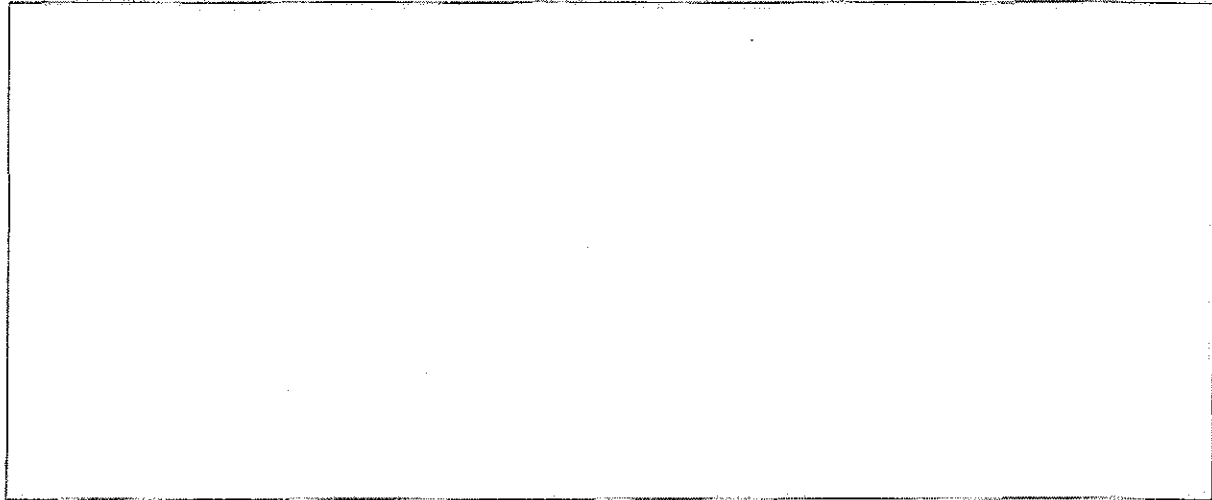
[Redacted]

NR

NR



(SBU) Gaza Flotilla Update: The French Embassy confirms that the French-flagged "Dignite Al Karama" set sail on July 4th from an Athens-area port ostensibly for Corsica, but once free of Greek jurisdiction, appeared to have changed course toward Gaza. The Dignite, however, stopped in Crete, apparently for refueling, and Greek authorities today prevented the ship from traveling to Gaza. On July 5, a group of Spanish Gaza flotilla activists took over the Spanish Embassy for a sit-in after taking a meeting with the Spanish Ambassador to Athens. The activists are reported to still be in the Embassy.



SBU
This email is UNCLASSIFIED.

RELEASED IN PART B6

Law, Rosemary C

From: Athens American Citizen
Sent: Tuesday, March 19, 2013 2:50 AM
To: ATHENS-ACS
Subject: FW: Let the US ship and passengers said to Gaza

Follow Up Flag: Follow up
Flag Status: Completed

Fyi

Joe Stavreli

Special Consular Services Assistant

American Citizen Services

American Embassy
Athens, Greece
Tel. 210-7202-414



"CLASSIFICATION: UNCLASSIFIED"

This e-mail is unclassified based on the definitions provided in E.O. 12958

From: [Redacted]
Sent: Monday, March 18, 2013 11:38 PM
To: Athens American Citizen
Subject: Let the US ship and passengers said to Gaza

B6

American Embassy Staff:

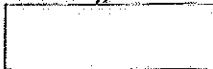
Please support efforts to let the US ship, Audacity of Hope, sail to Gaza. The people of Gaza have a right to know that there is support in the world to end the blockade of Gaza.

Whether we like it or not, the Palestinians have a democratically elected government.

Those passengers sailing on the ship are peace activists who have no history of violence or irresponsible behavior. They are not taking questionable material to Gaza, other than messages of peace and good will.

Happy Fourth of July.....and thank you for the work you do for our country.

Sincerely,



REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

RELEASED IN PART B3
DOD-CP, NR

Law, Rosemary C

From: Kim, Yuri J
Sent: Monday, March 25, 2013 8:40 AM
To: Kim, Yuri J; Ngutter, Dorothy M; EUR-SE-TU-DL; Friedman, Justin; Kaidanow, Tina S; Rubin, Eric S; NEA-Syria-DL; Ford, Robert S; Jones, Beth E; Ellison, Janine M; Dibble, Elizabeth L; Elizabeth_D_Sherwood-Randall@nss.eop.gov; [redacted]@osd.mil; B3 DOD-CP; Jonathan_H_Stevenson@nss.eop.gov; Finer, Jonathan J.; Lakhdir, Kamala S; mgregonis@nss.eop.gov; Belmonte, Monica L; Lester, Raymond; Robinson, David M; Clements, Kelly; Underriner, John M; Iris, Nancy R; Bartolini, Mark (DCHA/OFDA); VonHippel, Karin L; Haslach, Patricia M; Ward, Mark S (D/MET); Westley, Catherine J; Ricciardone, Francis J; Baily, Jess L; AnkaraAMB; Treiber, Laird D; Wentworth, Mark A; Kliner, Scott F (Istanbul); Mennuti, Deborah (Istanbul); Lackey, Hal V; Artigues, Craig M; Espinoza, John L; Babb, Joseph R; Hansen, Ralph S; Jaworski, Richard E; Wroblewski, K Andrew; Fernandes, Cheryl L; Mahoney, Haynes R (Istanbul); Stafford, Edward G; Fernandes, Anthony C; Dorsey, Liane R; O'Grady, Daniel J; Chris.Skaluba@osd.mil; ISTANBUL-POLECON AMERICANS-DL; Yovanovitch, Marie L; Miller, James N; Tobey, Laurence E; Quanrud, Pamela G; Daniels, Cherrie; Manso, Joseph X; Ried, Curtis R; Lawton, Daniel J (Athens); Pisani, Kristen L; Thompson, Tedde H; Katsiyannis, Dean T; Kahl, L Alex; Schofer, Andrew J; Scanlon, Amy B (Athens); Honn, Aaron D; Livingston, Joseph S; Michael Lally; Uyehara, Michael M; Peterson, Chad S; Birner, Timothy D; Brown, Kristina M; Cardwell, Adam K; Carraway, Cassandra B; Fingarson, Timothy J; Jones-Katsiyannis, Stacey L; Olson, Kimberly G; Shuffelbarger, Jamie; Kenna, Lisa D (Amman); Goldberger, Thomas H; P-EUR Duty; Wierichs, F Joe; Singh, Pavneet; [redacted] CIV, OSD-POLICY; Weller, Matthew A; Fang, Bay; Sloat, B3 DOD-CP; Amanda (NSS); Ricciardone, Marie D.
Subject: Turkey Daily Notes: March 25, 2013

Follow Up Flag: Follow up
Flag Status: Completed

(SBU) TOP NOTES

[Redacted content]

NR

-Turkey-Israel; Erdogan to Gaza, Washington; PM Erdogan told media March 24 relations will be normalized as soon as Israel implements the agreement. The PM also told press he planned to go to Gaza in April and Washington in May. Extensive media coverage over the weekend, with most portraying Netanyahu's apology as a "victory" for Turkey and crediting POTUS' personal intervention. Media note Netanyahu cited concerns about Syria (esp CW) as the prime motivation for the apology. *Hurriyet* gave prominent play to its interview of Israeli Pres. Peres, who is quoted as saying: "There is a new world. We cannot approach the new world with an old mind...It is not a matter of rapprochement. It is more than that; we have to pave a better way for our children."

[Redacted content]

(SBU) KEY HEADLINES

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

[Redacted content]

RELEASED IN PART B3
DOD-CP, NR

Law, Rosemary C

From: Kim, Yuri J
Sent: Monday, March 25, 2013 8:40 AM
To: Kim, Yuri J; Ngutter, Dorothy M; EUR-SE-TU-DL; Friedman, Justin; Kaidanow, Tina S; Rubin, Eric S; NEA-Syria-DL; Ford, Robert S; Jones, Beth E; Ellison, Janine M; Dibble, Elizabeth L; Elizabeth_D_Sherwood-Randall@nss.eop.gov; [redacted]@osd.mil; B3 DOD-CP; Jonathan_H_Stevenson@nss.eop.gov; Finer, Jonathan J.; Lakhdhir, Kamala S; mgregonis@nss.eop.gov; Belmonte, Monica L; Lester, Raymond; Robinson, David M; Clements, Kelly; Underriner, John M; Iris, Nancy R; Bartolini, Mark (DCHA/OFDA); VonHippel, Karln L; Haslach, Patricia M; Ward, Mark S (D/MET); Westley, Catherine J; Ricciardone, Francis J; Baily, Jess L; AnkaraAMB; Traiber, Laird D; Wentworth, Mark A; Kilner, Scott F (Istanbul); Mennuti, Deborah (Istanbul); Lackey, Hal V; Artigues, Craig M; Espinoza, John L; Babb, Joseph R; Hansen, Ralph S; Jayorski, Richard E; Wroblewski, K Andrew; Fernandes, Cheryl L; Mahoney, Haynes R (Istanbul); Stafford, Edward G; Fernandes, Anthony C; Dorsey, Liane R; O'Grady, Daniel J; Chris.Skaluba@osd.mil; ISTANBUL-POLECON AMERICANS-DL; Yovanovitch, Marie L; Miller, James N; Tobey, Laurence E; Quanrud, Pamela G; Daniels, Cherrie; Manso, Joseph X; Riad, Curtis R; Lawton, Daniel J (Athens); Pisanl, Kristen L; Thompson, Tedde H; Katsiyiannis, Dean T; Kahl, L Alex; Schofer, Andrew J; Scanlon, Amy B (Athens); Honn, Aaron D; Livingston, Joseph S; Michael Lally; Uyehara, Michael M; Peterson, Chad S; Birner, Timothy D; Brown, Kristina M; Cardwell, Adam K; Carraway, Cassandra B; Fingarson, Timothy J; Jones-Katsiyiannis, Stacey L; Olson, Kimberly G; Shuffebarger, Jamie; Kenna, Lisa D (Amman); Goldberger, Thomas H; P-EUR Duty; Wierichs, F Joe; Singh, Pavneet; [redacted] CIV, OSD-POLICY; Weller, Matthew A; Fang, Bay; Sloat, B3 DOD-CP; Amanda (NSS); Ricciardone, Marie D.
Subject: Turkey Daily Notes: March 25, 2013

Follow Up Flag: Follow up
Flag Status: Completed

(SBU) TOP NOTES

[Redacted]

NR

-Turkey-Israel; Erdogan to Gaza, Washington: PM Erdogan told media March 24 relations will be normalized as soon as Israel implements the agreement. The PM also told press he planned to go to Gaza in April and Washington in May. Extensive media coverage over the weekend, with most portraying Netanyahu's apology as a "victory" for Turkey and crediting POTUS' personal intervention. Media note Netanyahu cited concerns about Syria (esp CW) as the prime motivation for the apology. *Hurriyet* gave prominent play to its interview of Israeli Pres. Peres, who is quoted as saying: "There is a new world. We cannot approach the new world with an old mind...It is not a matter of rapprochement. It is more than that; we have to pave a better way for our children."

[Redacted]

(SBU) KEY HEADLINES

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

[Redacted]

Page Denied

Law, Rosemary C

From: Lawton, Daniel J (Athens)
Sent: Thursday, June 16, 2011 6:54 AM
To: Martin, Leah A (Athens)
Subject: RE: Ban Ki Moon flotilla statement

Follow Up Flag: Follow up **RELEASED IN PART B5**
Flag Status: Completed

Leah - Just when it comes back. Thanks, Dan L.

This email is UNCLASSIFIED.

From: Martin, Leah A (Athens)
Sent: Thursday, June 16, 2011 1:54 PM
To: Lawton, Daniel J (Athens)
Subject: RE: Ban Ki Moon flotilla statement

[REDACTED]
;Leah

B5

This email is UNCLASSIFIED.

From: Lawton, Daniel J (Athens)
Sent: Thursday, June 16, 2011 1:53 PM
To: Martin, Leah A (Athens)
Cc: Au-Yeung, Jenny
Subject: FW: Ban Ki Moon flotilla statement

Leah [REDACTED] Regards, Dan L.

This email is UNCLASSIFIED.

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

From: Au-Yeung, Jenny
Sent: Thursday, June 16, 2011 1:48 PM
To: Lawton, Daniel J (Athens)
Subject: Ban Ki Moon flotilla statement

Dan,
I wasn't able to find an issued statement by Ban Ki Moon.
Cheers,

Jenny

New York, 27 May 2011 - Statement Attributable to the Spokesperson of the Secretary-General on Letters by the Secretary-General about Possible Flotillas to Gaza

The Secretary-General has sent a letter to Governments of countries around the Mediterranean Sea. In these letters, the Secretary-General indicated that he was following with concern media reports of potential flotillas to Gaza. He expressed his belief that assistance and goods destined to Gaza should be channelled through legitimate crossings and established channels. He recalled the statements of the Quartet on 21 June 2010 and the Ad Hoc Liaison Committee on 13 April 2011 in this regard.

The Secretary-General called on all Governments concerned to use their influence to discourage such flotillas, which carry the potential to escalate into violent conflict. He further called on all, including the Government of Israel, to act responsibly and with caution to avoid any violent incident.

The Secretary-General reiterated that, while he believed that flotillas were not helpful in resolving the basic economic problems in Gaza, the situation there remains unsustainable. He urged the Government of Israel to take further meaningful and far-reaching steps to end the closure of Gaza, within the framework of Security Council resolution 1860 (2009). In particular, he underlined that it was essential for the operation of legitimate crossings to be adequate to meet the needs of Gaza's civilian population. (Source: UN)

21. The Secretary-General is also following with concern media reports of potential new flotillas to Gaza that can provoke unnecessary confrontations. The Secretary-General calls on all Governments concerned to use their influence to discourage such flotillas, which carry the potential for escalation. He further calls on all to act responsibly to avoid any violent incident. (Source: UNSCO)

"The Secretary-General is also following with concern media reports of potential new flotillas to Gaza that can provoke unnecessary confrontations. The Secretary-General calls on all Governments concerned to use their influence to discourage such flotillas, which carry the potential for escalation. He further calls on all to act responsibly to avoid any violent incident." (Source: UN Watch)

This email is UNCLASSIFIED.

RELEASED IN PART B3
DOD-CP, NR

Law, Rosemary C

From: Lawton, Daniel J (Athens)
Sent: Monday, June 27, 2011 10:17 AM
To: 'Harris, Rian'
Subject: RE: Athens Update -- June 27

Follow Up Flag: Follow up
Flag Status: Completed

Rian -- Great. I will start with tomorrow's edition. Regards, Dan L.

SBU

This email is UNCLASSIFIED.

From: Harris, Rian [mailto:Rian_H_Harris@nss.eop.gov]
Sent: Monday, June 27, 2011 5:12 PM
To: Lawton, Daniel J (Athens)
Subject: RE: Athens Update -- June 27

Hi Dan -- I'm finally up on unclass, so please send this to my NSS email: RHarris@nss.eop.gov. Many thanks! Rian

From: Lawton, Daniel J (Athens)
Sent: Monday, June 27, 2011 06:30 AM
To: Kaidanow, Tina S; O'Grady, Daniel J; Allison, Alicia P; Burger, David; Norman, Marc E; Stevens, Ruth A; McKay, Maria E; Witmer, Kami A; Baker, Judith E; Dodman, Michael J; EUR-SE-DL; Worman, Patrick F; SES-O; Snipes, Christopher K; Silliman, Douglas A; Cohen, Jonathan R; Aggeler, Brian C; Engle, Thomas S; Flores, Molly P; Peterson, Jennifer M; Angelides, Joanna P
Cc: ATHENS-POL; ATHENS-ECON; Smith, Daniel B (Athens); Miller, Thomas S (Athens); Brown, Diana F (Athens); McKeever, Matthew X (Athens); Kay, Catherine E (Thessaloniki); Brandeis, Charles D (Athens); Breisler, Jodi R (Athens); Hallberg, Kent (Athens); Green, Janice C (Athens); Smith, Stuart M (Athens); Lance, Marsha A (Thessaloniki); Braunschweig, John J (Athens); Brandeis, Katherine L (Athens); 'David McNeill' <David.McNeill@mail.doc.gov>; ATHENS-FAST OFFICERS; Weitzenkorn, Laurie B; Zouroudis, Betsy (Athens); Rueter, Eric J; Pelargidis, George (Thessaloniki); Koutsounanou, Ioanna E (Thessaloniki) @eucom.mil>; [redacted] B3 DOD-CP
CIV, OSD-POLICY [redacted] @osd.mil>; [redacted] DSCA/OPS/EAF [redacted] @dsc.mil>; [redacted] @eu.navy.mil [redacted] @eu.navy.mil>; Teirlynck, Mary J (Athens); William Kutson (William.Kutson@trade.gov) <William.Kutson@trade.gov>; Engen, Ryan S; Absellan, Ernest J; Triantafyllou, Prodromos N (Athens); Karamolegos, Nikos P (Athens); Singer, Russell C; Erath, Tara F; Fernandes, Anthony C; O'Reilly, Patrick R; Au-Yeung, Jenny; Froats, Daniel T; McIntosh, Daniel; Silverman, Lawrence' <Lawrence_R_Silverman@ovp.eop.gov>; McCarthy, Deborah A; Smitham, Thomas D; Whittington, Alexander E; Tuminaro, John D; Harris, Rian H
Subject: Athens Update -- June 27

(SBU) Key Points:

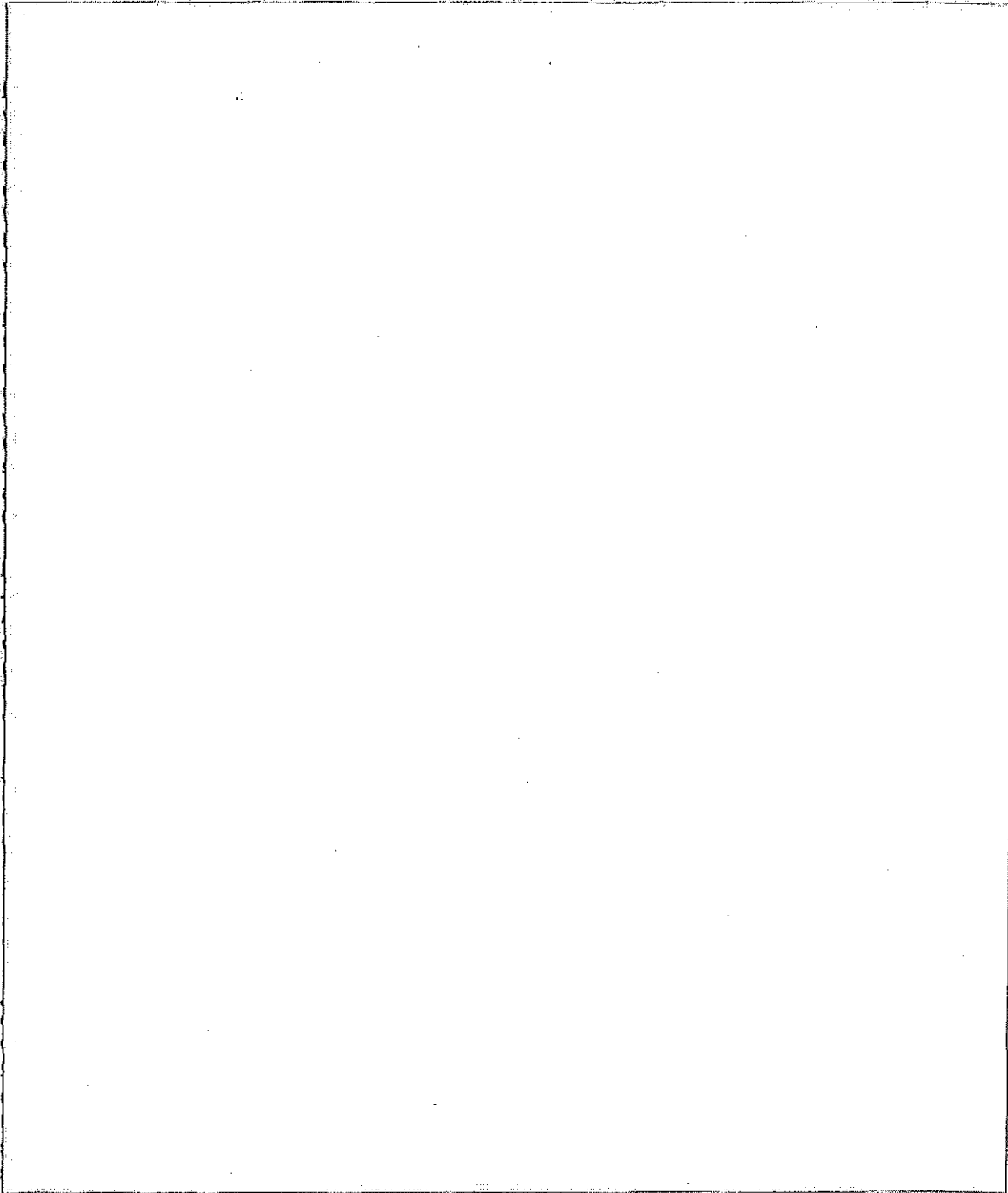
REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer



NR

- The group organizing the flotilla to Gaza, announced via their website and Twitter accounts that they intend to depart from the Greek ports of Piraeus, Corfu, and Crete "within the next few days."

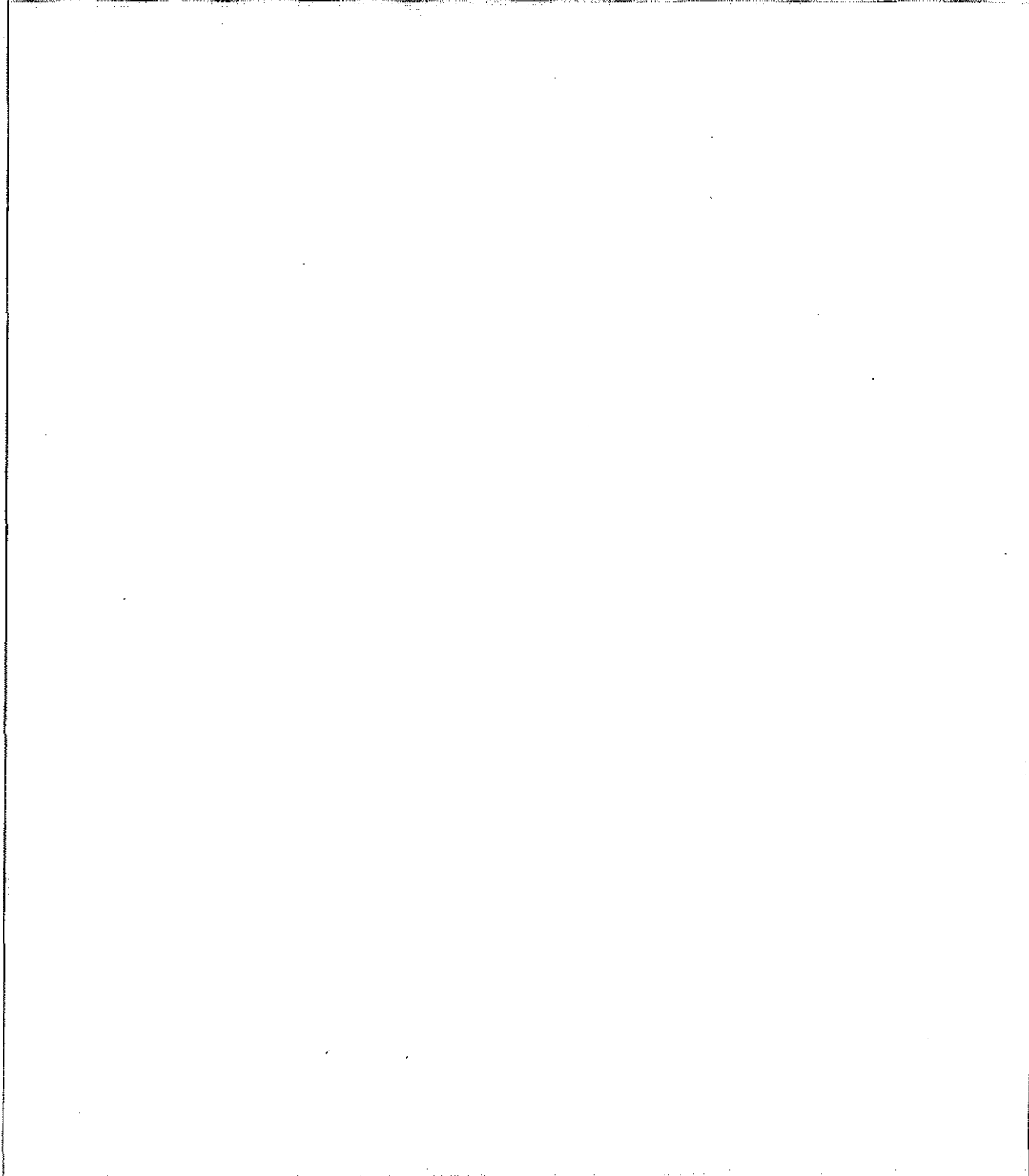
- o The organizers noted on their webpage that delegations from 20 countries will board 12 boats for Gaza.



NR

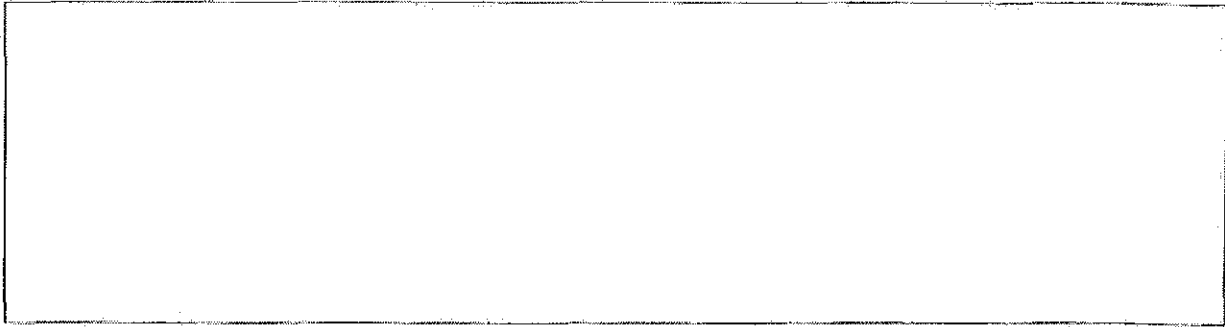
(SBU) Gaza Anniversary Flotilla Update: "Freedom II – Stay Alive," the group organizing the flotilla to Gaza, announced via their website and Twitter accounts that they will hold a press conference in Athens on June 27 ahead of their scheduled departure from the Greek ports of Piraeus, Corfu, and Crete "within the next few days" to Gaza. In a letter to

UN Secretary General Ban Ki-moon, also posted on their webpage, the organizers announced that delegations from 20 countries will board 12 boats for Gaza. Vagelis Pisas, speaking for the Freedom II group, told reporters that flotilla participants leaving from Greek ports will rendezvous at an unspecified area of the Aegean to meet up with boats that have already departed from France and Spain to head to Gaza. Pisas also noted two Greek cargo ships will be carrying medical supplies, cement, and an ambulance to donate to the Palestinian medical emergency service.



NR

NR



SBU
This email is UNCLASSIFIED.

RELEASED IN PART B6

Law, Rosemary C

From: Lawton, Daniel J (Athens)
Sent: Monday, July 04, 2011 1:00 PM
To: Vu, Anny T
Cc: Smith, Daniel B (Athens); Miller, Thomas S (Athens); Brandeis, Charles D (Athens); Brandeis, Katherine L (Athens); Smith, Stuart M (Athens)
Subject: Re: UPDATE: Ops Request for Information: Greek coastguard intercepts Gaza-bound Canadian ship (Reuters)

Follow Up Flag: Follow up
Flag Status: Completed

Anny - [redacted] just confirmed the press reporting. Boat was stopped 5 km from shore and returned to a different port in Crete, Greece. Regards, Dan

B6

From: Lawton, Daniel J (Athens)
Sent: Monday, July 04, 2011 12:32 PM
To: Vu, Anny T
Cc: Smith, Daniel B (Athens); Miller, Thomas S (Athens); Brandeis, Charles D (Athens); Brandeis, Katherine L (Athens); Smith, Stuart M (Athens)
Subject: Re: UPDATE: Ops Request for Information: Greek coastguard intercepts Gaza-bound Canadian ship (Reuters)

Anny - I tried to reach [redacted] via phone and e-mail, but without success. Greek media has picked up the same story you cite below, but without any further details. Regards, Dan

From: Vu, Anny T
Sent: Monday, July 04, 2011 11:57 AM
To: Lawton, Daniel J (Athens)
Subject: UPDATE: Ops Request for Information: Greek coastguard intercepts Gaza-bound Canadian ship (Reuters)

Mr. Lawton:

Further to our discussion, we just saw the following news story regarding the interception of a Gaza-bound Canadian ship by the Greek Coast Guard. Would it be possible for you to provide us with any information on that matter as well? Please accept our deepest apologies again for bothering you so much on a holiday.

Best regards,
Anny Vu

From: OpsNewsTicker
Sent: Monday, July 04, 2011 11:50 AM
To: NEWS-EUR; NEWS-NEA
Cc: SES-O_OS; SES-O_Shift-II
Subject: Greek coastguard intercepts Gaza-bound Canadian ship (Reuters)

ATHENS (Reuters) - The Greek coastguard on Monday intercepted a Canadian ship which had set sail for Gaza carrying medicine and pro-Palestinian activists who had defied a ban by the Athens government, an activist said.

The boat, named "Tahrir", had left a port in Crete, a Reuters witness said. Greek authorities have said that ships carrying activists destined for Gaza with aid for Palestinians were prohibited from leaving Greek ports.

The activist told Reuters that the crew of nearly 50 people comprised mostly Canadians. There were no further details.

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

immediately available.

NewsTickers alert senior Department officials to breaking news. This item appears as it did in its original publication and does not contain analysis or commentary by Department sources.

From: Vu, Anny T
Sent: Monday, July 04, 2011 11:43 AM
To: Lawton, Daniel J (Athens)
Subject: Ops Request for Information: Demonstrations In Athens

Mr. Lawton:

Please accept our apologies again for bothering you on the Fourth of July but we are now seeing Twitter feeds that six American boat members have just been detained by Greek police while sitting on a bench across from the residence of the U.S. Ambassador. We would greatly appreciate any information you have on the matter.

Would it also be possible for the Operations Center to get an update on the Embassy security posture when you have a moment?

Please feel free to respond via e-mail (high or low side) or by calling the Operations Center at (202) 647-1512 and asking for the Emergency Action Officer. Thank you for taking the time to review our request.

Many thanks and kind regards, -

ANNY VU
State Department Operations Center
VuAT3@state.gov 202.647.1512



OPERATIONS CENTER
This year Ops celebrates 50 years of service

RELEASED IN PART NR, B6

Law, Rosemary C

From: [redacted] (Athens)
Sent: Tuesday, July 12, 2011 3:32 AM
To: [redacted]
Subject: RE: Happy belated U.S. Independence Day

Follow Up Flag: Follow up
Flag Status: Completed

[Large redacted area]

[Small redacted box]

PERSONAL
This email is UNCLASSIFIED.

From: [redacted]
Sent: Monday, July 11, 2011 1:48 PM
To: [redacted] (Athens)
Subject: Re: Happy belated U.S. Independence Day

Hi [redacted]

[Large redacted area]

All the best,

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

[Small redacted box]

B6

NR

B6

B6

NR

B6

On Wed, Jul 6, 2011 at 10:25 AM, [redacted] (Athens) <[redacted]@state.gov> wrote:

B6

Hi!

[redacted]

NR

[redacted]

B6

[redacted]

NR

[redacted]

B6

PERSONAL

This email is UNCLASSIFIED.

From: [redacted]
Sent: Tuesday, July 05, 2011 2:26 PM
To: [redacted] (Athens)
Subject: Re: Happy belated U.S. Independence Day

B6

Hi [redacted]

B6

[redacted]

NR

[redacted]

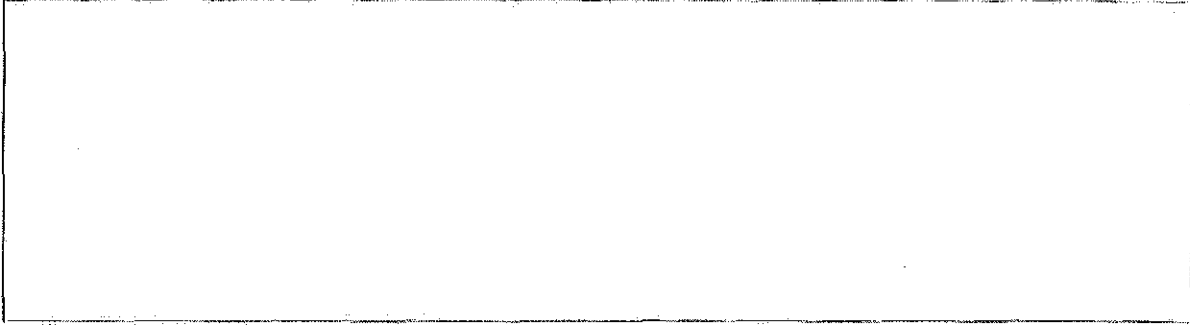
B6

[redacted]

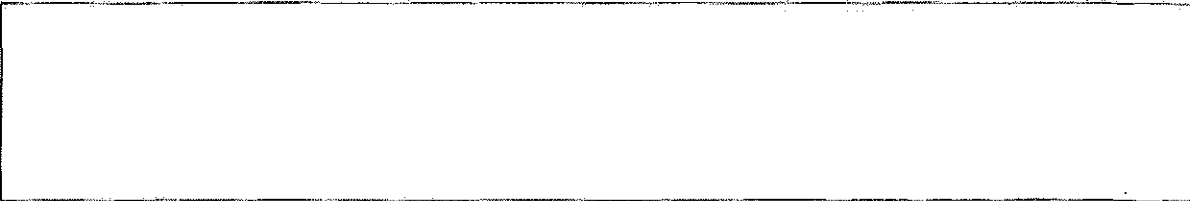
On Tue, Jul 5, 2011 at 11:05 AM, [redacted] (Athens) <[redacted]@state.gov> wrote:

NR

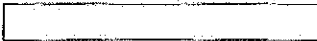
[redacted]



NR



B6



B6

PERSONAL

This email is UNCLASSIFIED.

RELEASED IN PART B3 DOD-CP,NR

Law, Rosemary C

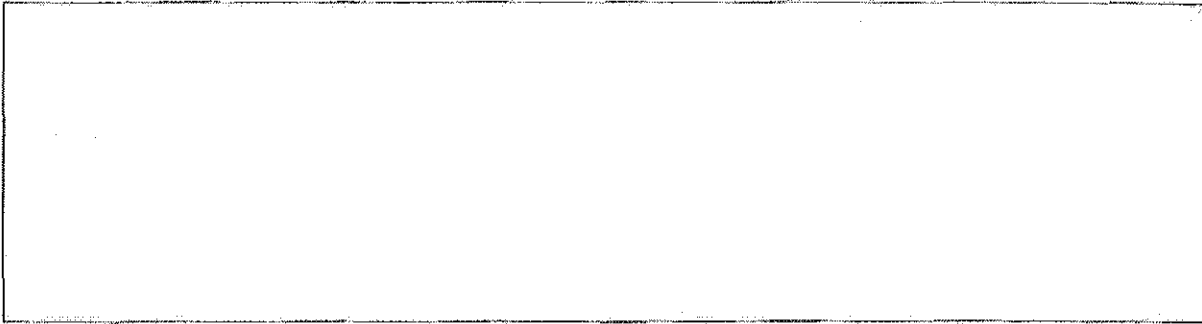
From: Lawton, Daniel J (Athens)
Sent: Tuesday, July 12, 2011 6:54 AM
To: Kaïdanow, Tina S; Allison, Alicia P; Burger, David; Norman, Marc E; Stevens, Ruth A; McKay, Maria E; Witmer, Kami A; Baker, Judith E; Dodman, Michael J; EUR-SE-DL; Worman, Patrick F; SES-O; Sripes, Christopher K; Cohen, Jonathan R; Aggeler, Brian C; Engle, Thomas S; Flores, Molly P; Peterson, Jennifer M; Angelides, Joanna P; 'Harris, Rlan'; Howard, Jeremiah 'Jerry'; Rubin, Eric S
Cc: ATHENS-POL; ATHENS-ECON; Smith, Daniel B (Athens); Miller, Thomas S (Athens); McKeever, Matthew X (Athens); Kay, Catherine E (Thessaloniki); Brandeis, Charles D (Athens); Breisler, Jodi R (Athens); Hallberg, Kent (Athens); Green, Janice C (Athens); Smith, Stuart M (Athens); Lance, Marsha A (Thessaloniki); Braunschweig, John J (Athens); Brandeis, Katherine L (Athens); 'David McNeill'; ATHENS-FAST OFFICERS; Weizenkorn, Laurie B; Zouroudis, Betsy (Athens); Rueter, Eric J; Pelargidis, George (Thessaloniki); Koutsounanou, Joanna E (Thessaloniki); CIV, OSB3 DOD-CP POLICY; [redacted] DSCA/OPS/EAF; [redacted] JCS J5 DDENR; [redacted]@eu.navy.mil; Terlynck, Mary J (Athens); 'William Kutson (William.Kutson@trade.gov)'; Engen, Ryan S; Triantafyllou, Prodrimos N (Athens); Karamolegos, Nikos P (Athens); Singer, Russell C; Erath, Tara F; Fernandes, Anthony C; O'Reilly, Patrick R; Au-Yeung, Jenny; McIntosh, Daniel; 'Silverman, Lawrence'; McCarthy, Deborah A; Whittington, Alexander E; Tuminaro, John D; Marchese, Gregory M; Eshbaugh, Mark J
Subject: Athens Update -- July 12
Follow Up Flag: Follow up
Flag Status: Completed

(SBU) Key Points:

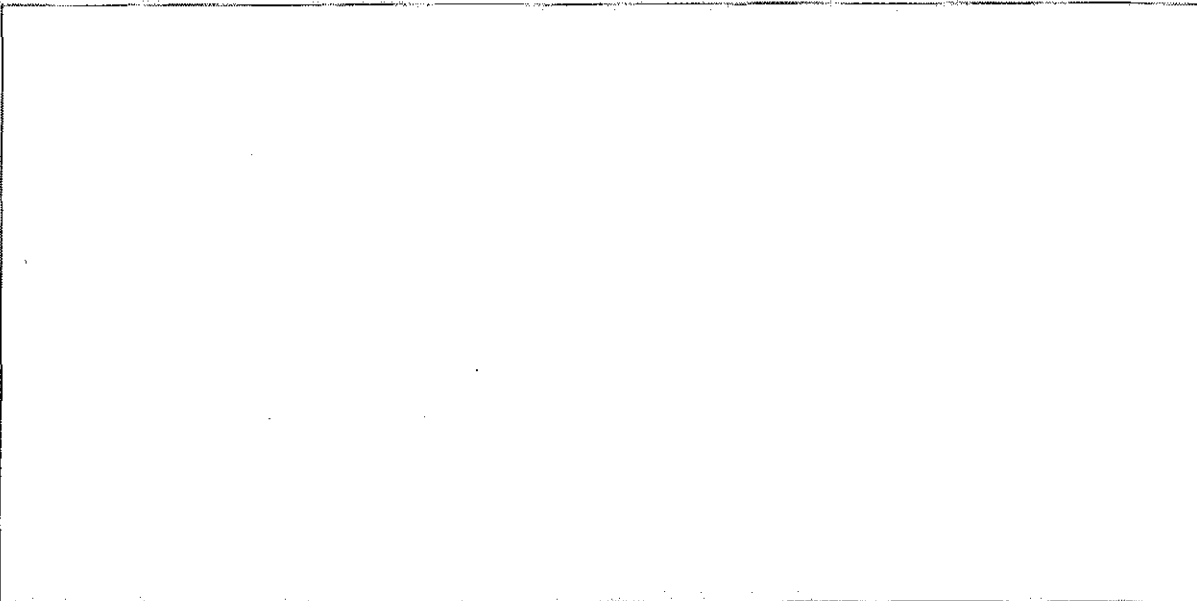
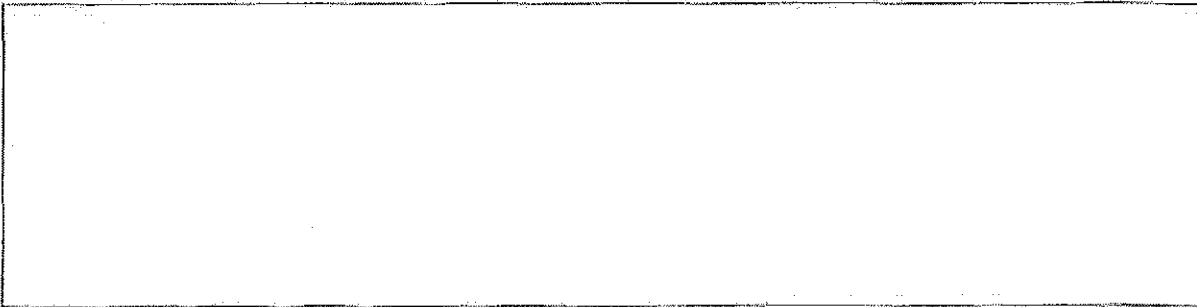
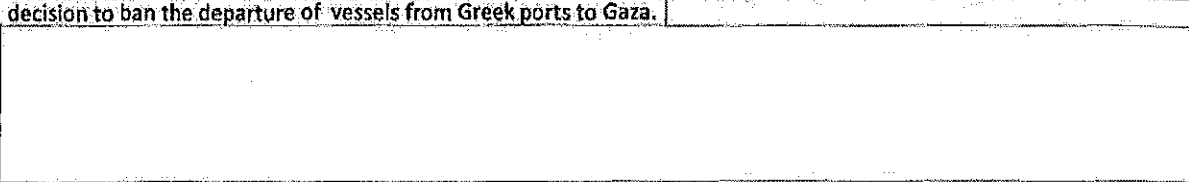
NR

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

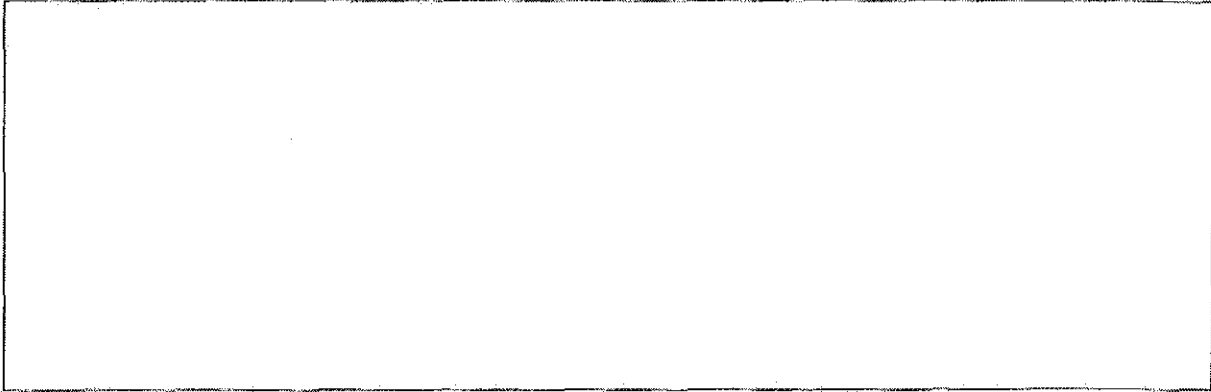
NR



(U) Papoulias in Israel: During the Greek president's three-day visit to Israel, Greece was praised for the government's decision to ban the departure of vessels from Greek ports to Gaza.



NR



SBU
This email is UNCLASSIFIED.

RELEASED IN PART NR,B3
DOD-PII

Law, Rosemary C

From: Lawton, Daniel J (Athens)
Sent: Monday, October 22, 2012 1:29 PM
To: Merz, James P
Cc: Coleman, Maryruth; Baxter, Davida A; Bennett, Virginia L (Athens)
Subject: Re: (SBU) Athens Update -- October 22

Follow Up Flag: Follow up
Flag Status: Completed

Jlm - This sounds like a good topic for discussion during tomorrow's DVC (cc'ing Virginia). Rgds, Dan L.

From: Merz, James P
Sent: Monday, October 22, 2012 08:20 PM
To: Lawton, Daniel J (Athens)
Cc: Coleman, Maryruth; Baxter, Davida A
Subject: RE: (SBU) Athens Update -- October 22

SBU
This email is UNCLASSIFIED.

From: Baxter, Davida A
Sent: Monday, October 22, 2012 9:13 AM
To: Merz, James P; Coleman, Maryruth
Subject: FW: (SBU) Athens Update -- October 22

SBU
This email is UNCLASSIFIED.

From: Lawton, Daniel J (Athens)
Sent: Monday, October 22, 2012 6:55 AM
To: Rubin, Eric S; Smith, Daniel B (Athens); Bennett, Virginia L (Athens); 'Christopher.Smart@treasury.gov'; McCarthy, Deborah A; Schofer, Andrew J; Wohlers, Paul; Aggeler, Brian C; Bono, Louis; Norman, Marc E; EUR-SE-DL; Worman, Patrick P; SES-O; Flores, Molly P; ATHENS-POL; Kosmidou, Xen (Thessaloniki); Smith, Stuart M (Athens); Lance, Marsha A (Thessaloniki); 'David McNeill'; ATHENS-FAST OFFICERS; Weltzenkorn, Laurie B (Athens); Zouroudis, Betsy (Athens);

Koutsounarou, Ioanna E (Thessaloniki); [redacted] CIV, OSD-POLICY; [redacted], DSCA/OPS/EAF; B3 DOD-PI
JCS J5 DDENR; Teirlynck, Mary J (Athens); Engen, Ryan S (Brussels); Triantafyllou, Prodromos N
(Athens); Karamolegos, Nikos P (Athens); Singer, Russell C; Fernandes, Anthony C; O'Reilly, Patrick R (USEU); Tuminaro,
John D; Stoner, Ryan D; Frowick, George H (Athens); Friedman, Justin; Froats, Daniel T; Raffino, Michele L (Athens);
'sonya.ribovich@ny.frb.org'; 'camille.bryan@ny.frb.org'; 'nikola.kojucharov@treasury.gov'; Baker, Susan L (Dept of
Treasury); 'Jeffrey.Baker@treasury.gov'; 'Dora.Douglass@treasury.gov'; Rath, Martin J (Athens); Patel, Vishal P;
Garverick, J Robert; 'Evangella.Bouzis@treasury.gov'; 'Marilyn.Taylor@trade.gov'; Kim, Yuri J; [redacted]
Netos, Eleftherios (Terry) E; 'Stephen.f.ln@frb.gov'; King, Robert D (Bratislava); Lisbon PolEcon; Lester, Raymond;
Schwartz, Jonathan E (Athens); Enstrom, Karen L; Moore, Wendela C; Grauer, Kristen K; Siders, Michele M; David M.
Kaden (David M. Kaden@who.eop.gov); Lael.Bralnard@treasury.gov; Charles.Collins@treasury.gov; [redacted]@eucom.mil;
[redacted] Vogel, Matthew A.; 'Cherrie.S.Daniels@ovp.eop.gov'; rmacfarquhar@who.eop.gov;
mpyle@who.eop.gov; brian.[redacted]@mail.mil; Chapman, David K (Athens); Katsoufos, Athena; Coleman, Maryruth;
Marrano, Maik F (Athens); Pisani, Kristen L; Baxter, Dayda A; Shuffebarger, Jamie; [redacted]@dscamill; Johnson,
Seneca E; Cockrell, John D; Sanders, Robert P (Thessaloniki); Forte, Robert, COL, DSCA/OPS/EAF; Keller, Michael R;
McKeon, Colleen H (Athens); Vorvolakos, Georgios (Athens)

Cc: ATHENS-ECON

Subject: (SBU) Athens Update - October 22

(SBU) Key Points:

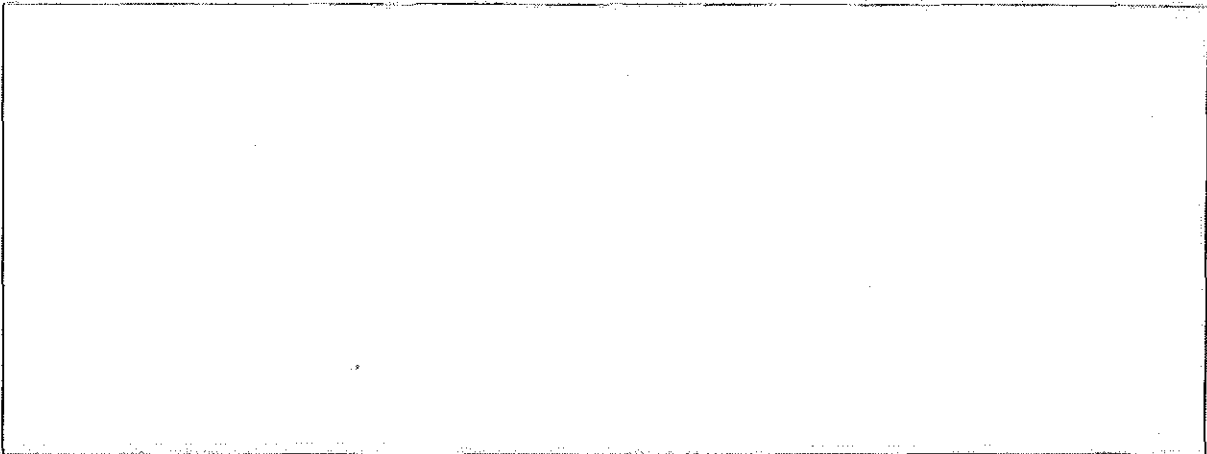
[Large redacted area]

- Five Greek citizen flotilla participants onboard the Gaza-bound ship "Estelle", including two SYRIZA MPs, arrived back in Athens yesterday after their release by Israeli authorities.

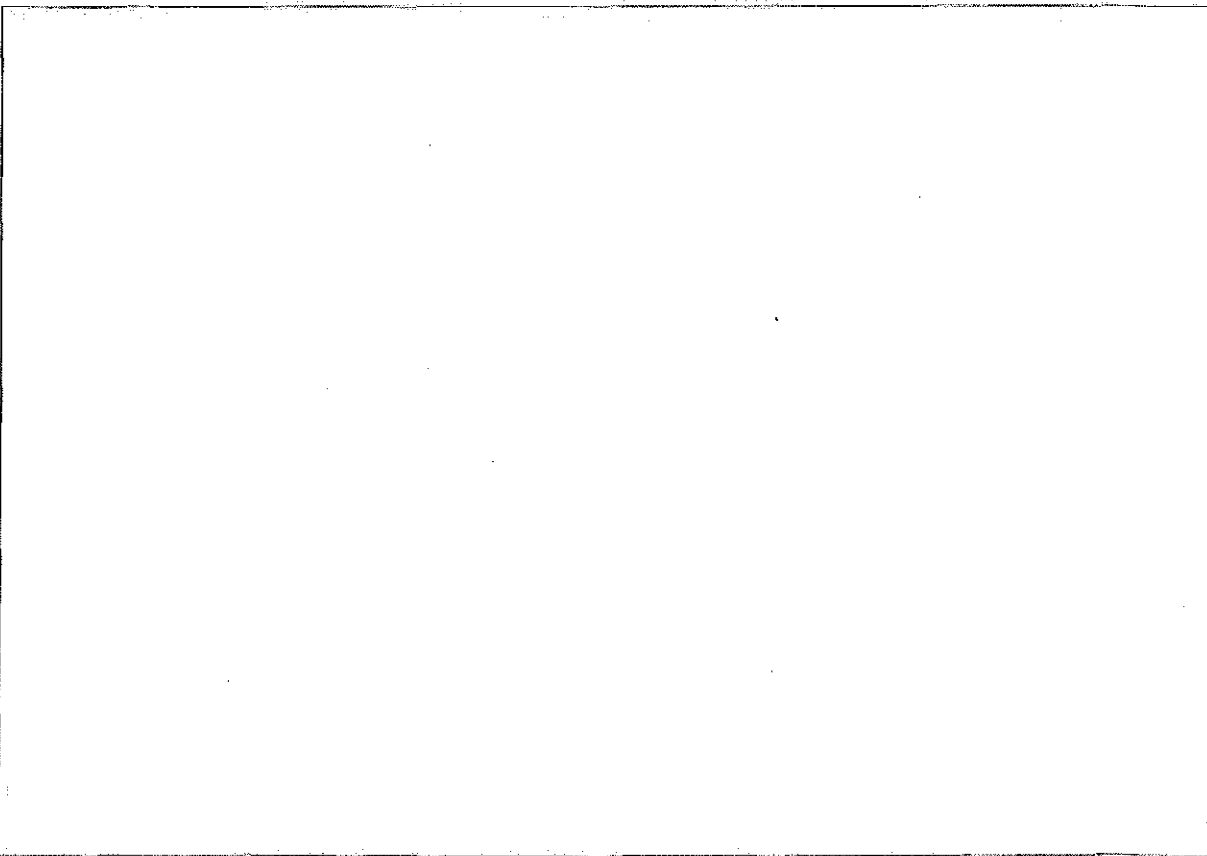
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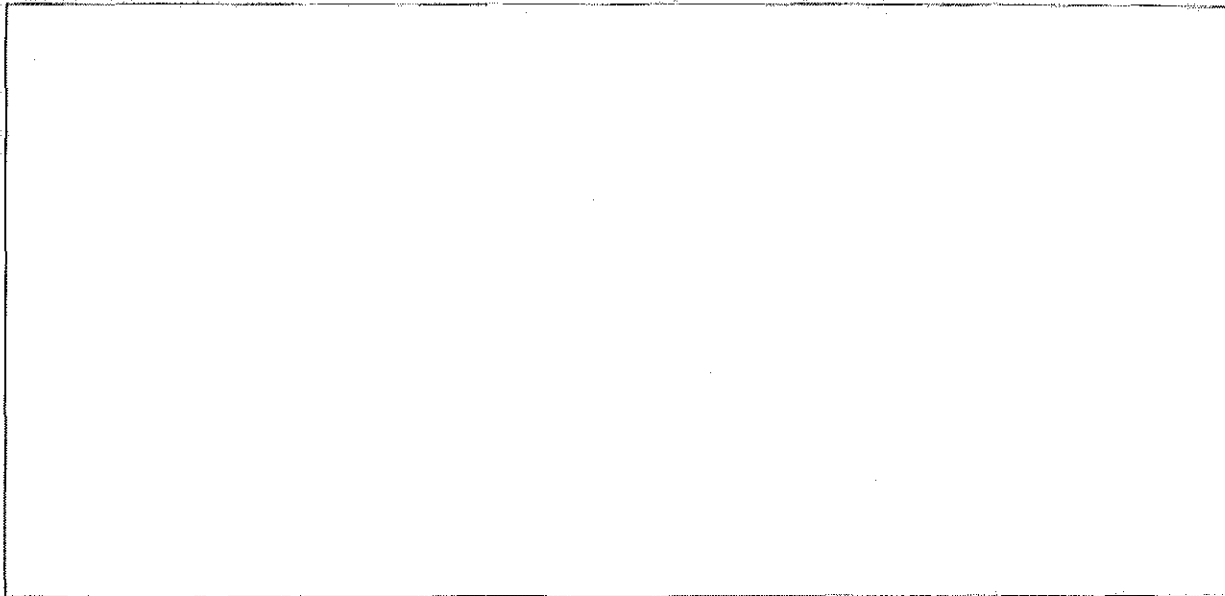
NR

NR



(SBU) Greek Gaza Flotilla Activists Return to Athens: According to a MFA release, the five Greek flotilla participants onboard the Gaza-bound ship "Estelle", including two SYRIZA MPs, arrived back in Athens on late October 21 after their release by Israeli authorities. The Finnish-flagged "Estelle," a member of the international group "Free Gaza Flotilla III," set sail from Naples seeking to break through Israel's naval blockade of Gaza but was reportedly intercepted, surrounded, and boarded by the Israeli Navy some 31 nautical miles off the Gaza shore early October 21. The flotilla participants were met at the airport by a Greek MFA official. The Greek MFA publicly praised the cooperation between the Greek Ambassador and Israeli government officials to facilitate the "unobstructed and swift return" of the Greek flotilla participants.





NR

SBU
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CLASSIFICATION: UNCLASSIFIED//NOFORN
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Page 1 of 8

RELEASED IN FULL

From: Malik, Paul (Athens)
Sent: Thursday, November 03, 2011 2:50 PM
To: Ross, Daniel E (Athens)
Subject: FW: (S/NF) EUR Daily Activity Report for Wednesday, November 2, 2011

NON-RESPONSIVE PORTIONS
REDACTED

*Paul R. Malik
Counselor for Economic Affairs
Embassy Athens*

*tel: +30-210-720-2304
fax: +30-210-720-4312*

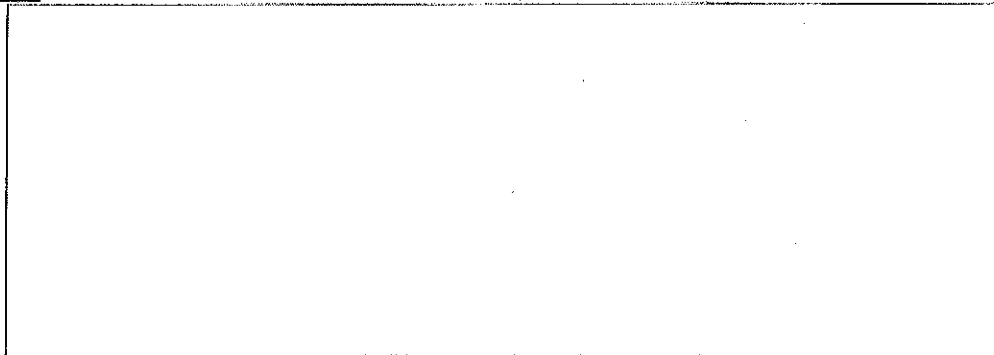
Sensitive
This email is UNCLASSIFIED//NOFORN.

From: Kimbrell, Rebecca J
Sent: Thursday, November 03, 2011 1:06 AM
Subject: (S/NF) EUR Daily Activity Report for Wednesday, November 2, 2011

SECRET/NOFORN
DECL: 11/2/2021

**EUR Daily Activity Report
Wednesday, November 2, 2011**

ERA



NR

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

CLASSIFICATION: UNCLASSIFIED//NOFORN
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Page 1 of 8

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CLASSIFICATION: UNCLASSIFIED//NOFORN
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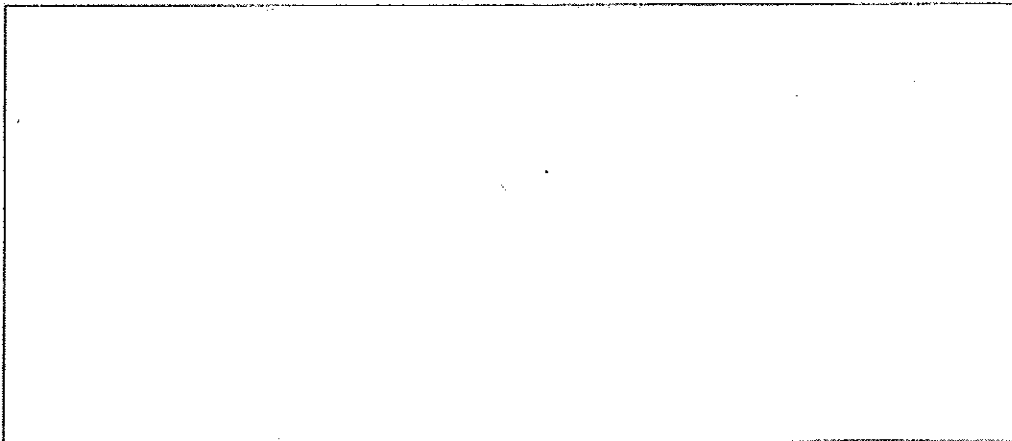
Page 5 of 8



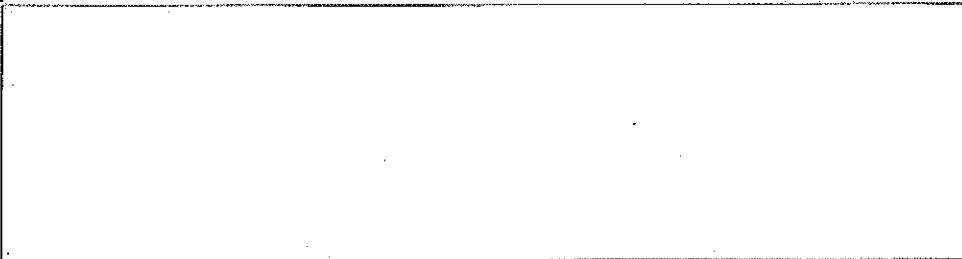
NR

SE

- **(SBU) Turkey/Greece: Two Flotilla Ships Depart Turkey for Greece:**
The U.S.-flagged Saoirse and Comoros-flagged Tahrir sailed from Fethiye in Turkey toward Rhodes on November 2 after the Turkish government exhausted all means of preventing them from sailing, according to Turkish and Israeli sources. The Turkish MFA informed Ambassador Ricciardone that the two vessels intend to link up with others in Rhodes and then sail on to Gaza. The Turks have no intention of escorting any vessels involved in this movement, according to MFA contacts. There are some reports AmCits are among the ships' passengers. Ambassador Smith in Athens engaged with the Greek MFA Secretary General, who promised to look into whether there is anything the Greeks can do to prevent the ships from continuing. Meanwhile, bloggers are reporting the ships could reach Gaza by Friday.



UMB



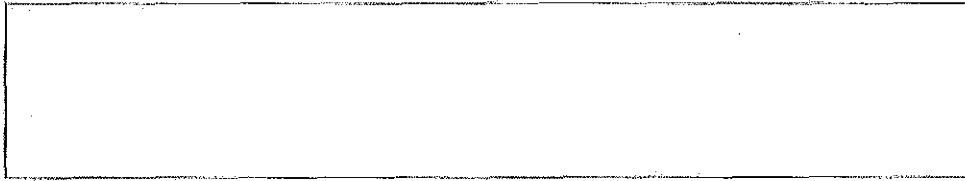
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Page 8 of 8

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Page 1 of 19

RELEASED IN FULL

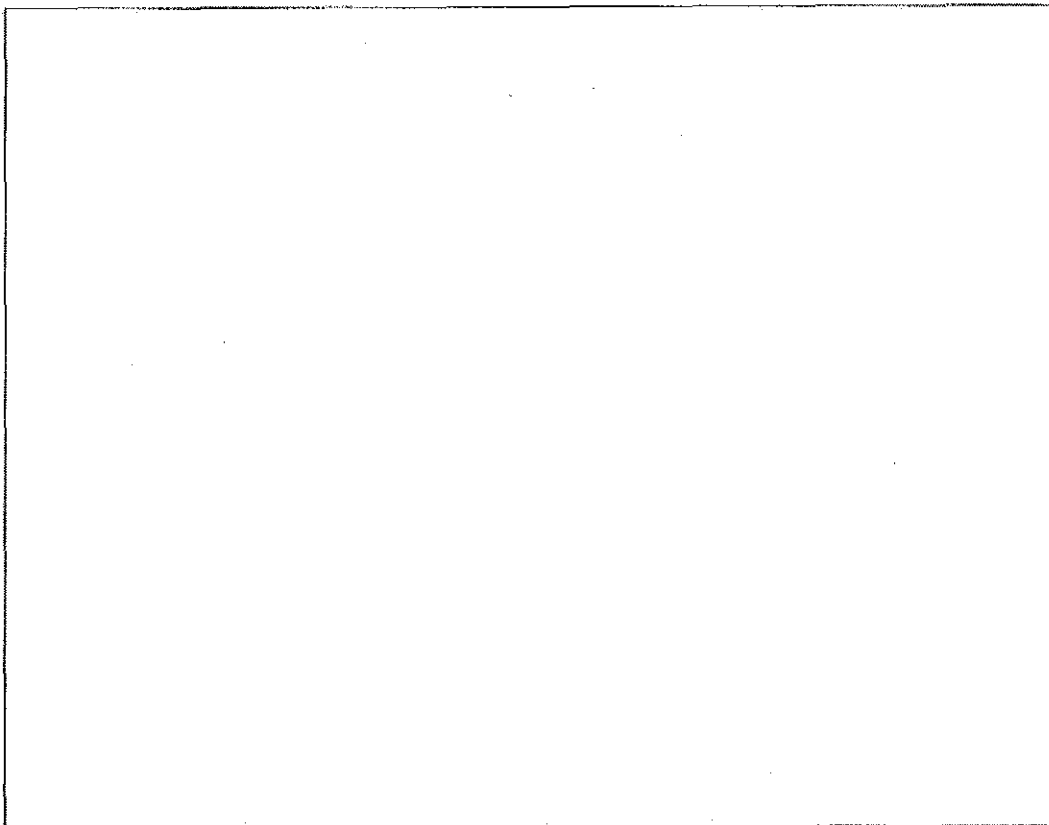
NON-RESPONSIVE PORTIONS
REDACTED

From: Blaylock, Seth G
Sent: Tuesday, September 20, 2011 3:06 PM
To: Blaylock, Seth G
Subject: USEU Today September 20



USEU TODAY - SEPTEMBER 20, 2011 - CONFIDENTIAL/NONFORN

Did you know there's an Economic USEU Today? USEU produces a daily economics-focused USEU today on the OpenNet. If you would like to subscribe, please email Sheree Hall on the OpenNet at HallSH@state.gov



NR

(U) Upcoming Visitors

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

(U) News Wire Summary

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-

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Page 1 of 19

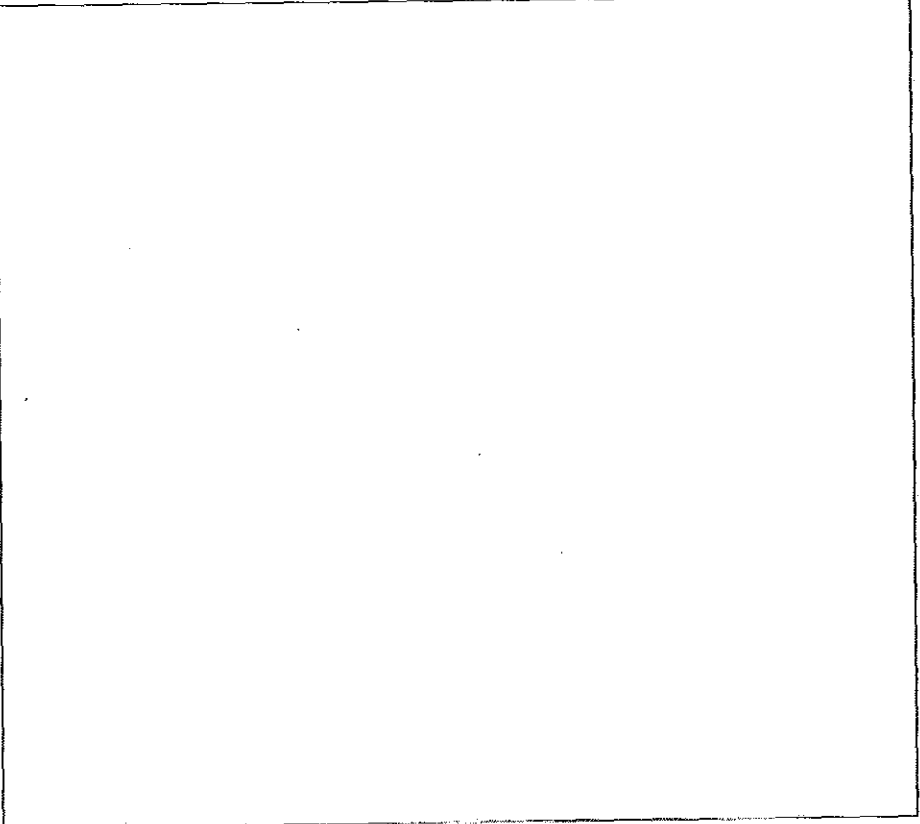
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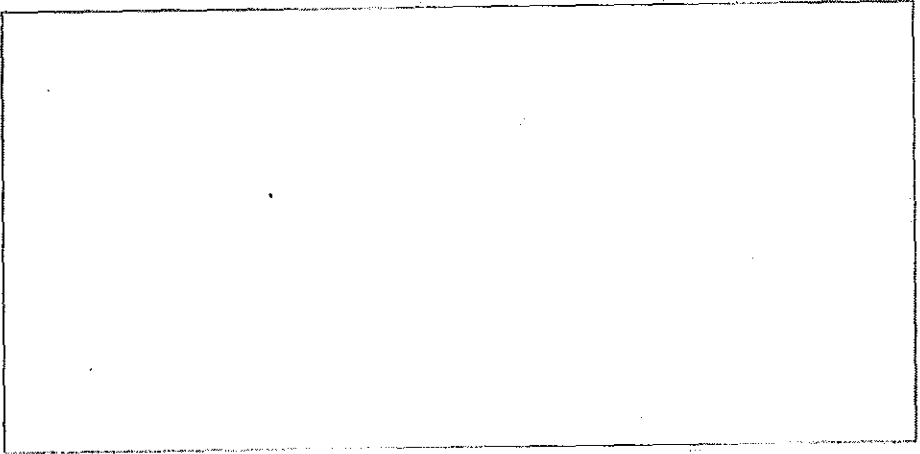
Page 2 of 19

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- **(U) U.S. urges Turkey not to worsen Israel ties**

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Page 2 of 19

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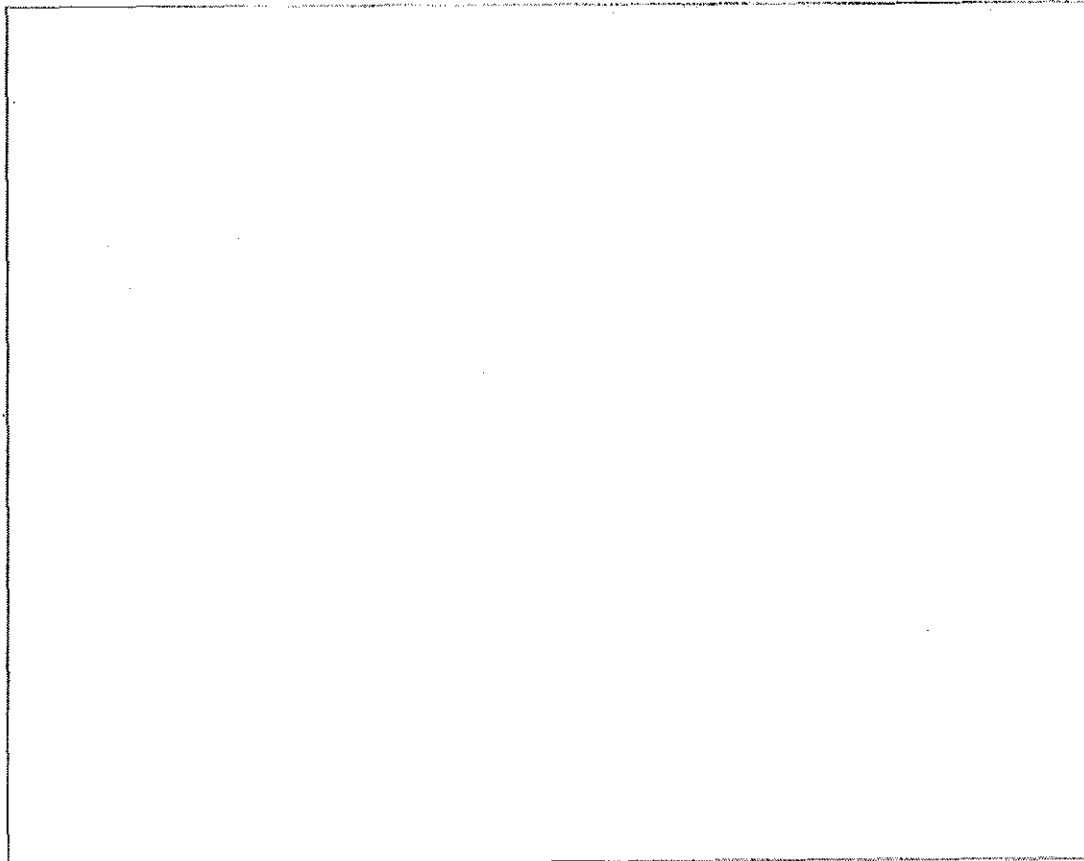
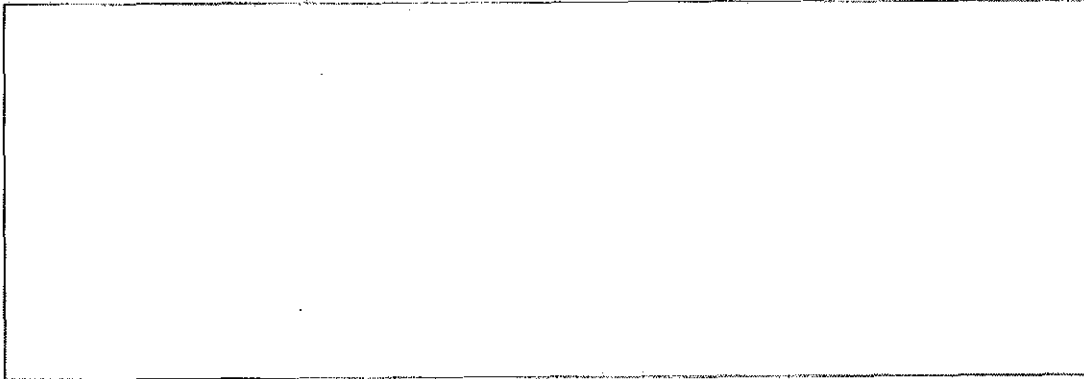
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Page 6 of 19

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(U) U.S. urges Turkey not to worsen Israel ties

NEW YORK, Sept 19 (Reuters) - The United States urged Turkey on Monday not to do anything to worsen its relationship with Israel, U.S. officials said on Monday, seeking to prevent relations between two U.S. allies from deteriorating further. One official offered no details but may have been alluding to the possibility of the Turkish navy escorting aid flotillas to the Gaza Strip ruled by the Hamas Islamist group, which the United States and Israel regard as a terrorist organization. Israel's

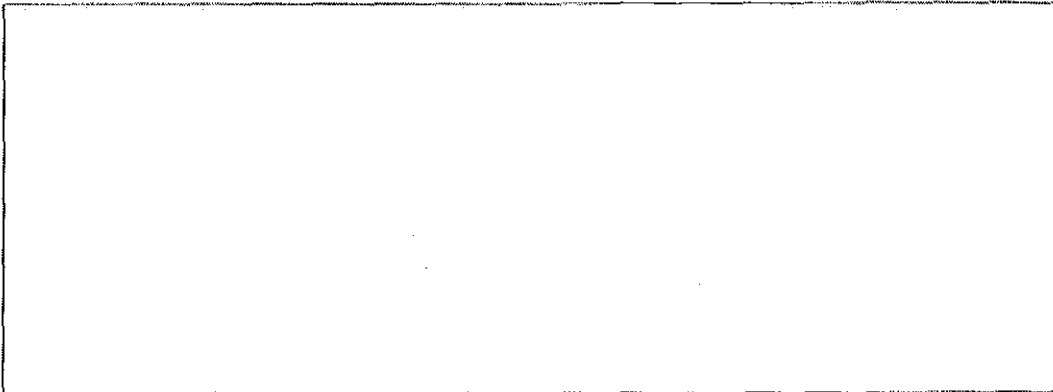
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Printed By: Claud, Admin Account
Page 6 of 19

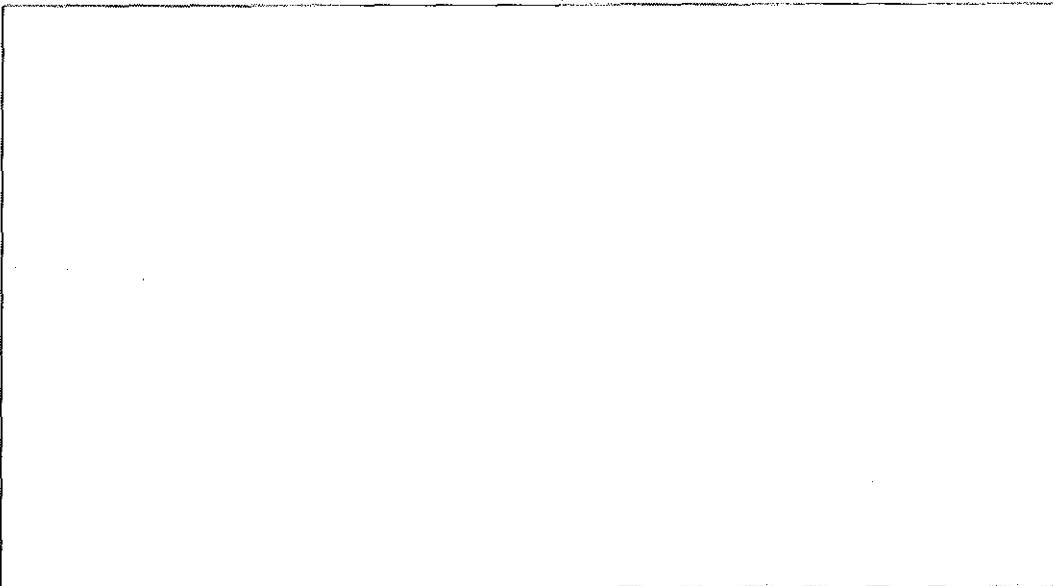
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Page 7 of 19

May 2010 raid on a Gaza-bound aid flotilla killed nine Turkish citizens and the idea of future Turkish naval escorts raise the possibility of a military confrontation between two major U.S. allies in the Middle East. U.S. Secretary of State Hillary Clinton delivered the message in a nearly one-hour meeting with Turkish Foreign Minister Ahmet Davutoglu that also touched on the Cyprus dispute, the Israeli-Palestinian conflict and Syria's brutal crackdown on protests against the four-decade Assad government. Israel's refusal to apologize for the flotilla incident has angered Turkey, an ally of the United States through the North Atlantic Treaty Organization, and a growing economic power. "She encouraged Turkey to keep the door open," a senior U.S. official who spoke on condition of anonymity said after Clinton and Davutoglu met ahead of the U.N. General Assembly session that opens this week. "We want to see them repair their relationship, so she encouraged them to avoid any steps that would close that door and, on the contrary, to actively seek ways that they can repair (their) important relationship with Israel," he added. "The secretary made clear that this is not a time when we need more tension, more volatility in the region," a second official said, apparently referring to Israel's deteriorating ties with Egypt and Jordan and tensions with the Palestinians.



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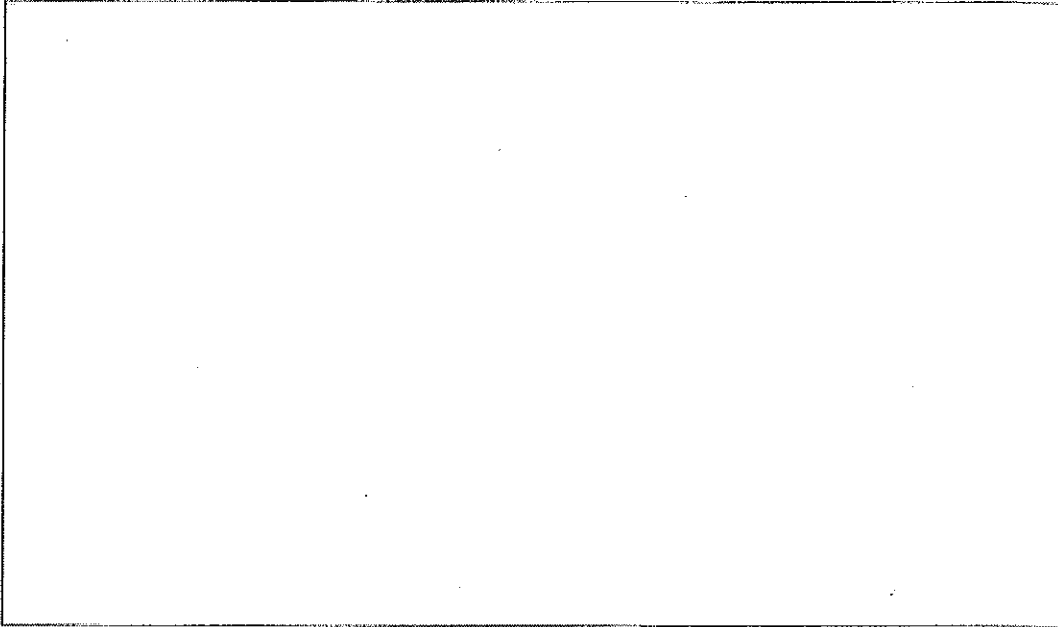
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Page 19 of 19



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CONFIDENTIAL//NOFORN attachment(s).

Sensitivity:	Sensitive
Classification:	CONFIDENTIAL//NOFORN
Classified by:	Seth Blaylock, SA, USEU EXEC, STATE
Reason:	1.4(b), (d)
Declassify On:	2021/09/20

CLASSIFICATION: CONFIDENTIAL//NOFORN
Sensitive

Printed By: Claud, Admin Account
Page 19 of 19

CLASSIFICATION: CONFIDENTIAL

Page 1 of 6

RELEASED IN FULL

From: Smith, Daniel B (Athens)
Sent: Tuesday, July 24, 2012 9:47 AM
To: Lawton, Daniel J (Athens)
Cc: Bennett, Virginia L (Athens)
Subject: FW: Scen setter for EUR A/S Gordon's Visit to Athens

NON-RESPONSIVE PORTIONS REDACTED

Excellent cable. Many thanks.

This document is CONFIDENTIAL when separated from CONFIDENTIAL attachment(s).

Sensitivity: Sensitive
Classification: CONFIDENTIAL
Derived From: see below
Declassify On: 2037/07/24

From: SMART Core [mailto:svcSMARTHBTsrctSPrec@state.sgov.gov]
Sent: Monday, July 23, 2012 6:31 PM
To: Zouroudis, Betsy (Athens); Bardis, Georgios; Cockrell, John D (Athens); Mailk, Paul (Athens); Weitzenkorn, Laurie B (Athens); Vidugiris, Valda (Athens); McNeill, David R (Athens); Hollingsworth, Paul A (Athens); Nevarez, Gino O (Athens); Jaberg, David E (Athens); Lee, Susan (Athens); Ross, Daniel E (Athens); Smith, Stuart M (Athens); Claud, Raul M (Athens); Smith, Danlel B (Athens); Miles, Karen D (Athens); Fresne, Angela L (Athens); Lance, Marsha A (Thessaloniki); Martin, Leah A (Athens); McNeill, Anne W; Bennett, Virginia L (Athens); Raffino, Michele (Athens); Kirkhoff, Kristin E (Athens)
Cc: Hicks, Joseph T (Athens); Seremetis, Christina P (Thessaloniki); Lamour, Natacha (Athens); Diamond, Andrew D (Athens); Hurley, Matthew C (Athens); Nicolas, Margarete; Ferrara, Melissa A
Subject: Scen setter for EUR A/S Gordon's Visit to Athens

CONFIDENTIAL



REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

Action Office: POL, ECON
Info Office: DAO_INFO, POL_INFO, ICE_INFO

MRN: 12 ATHENS 403
Date/DTG: Jul 23, 2012 / 231529Z JUL 12

CLASSIFICATION: CONFIDENTIAL

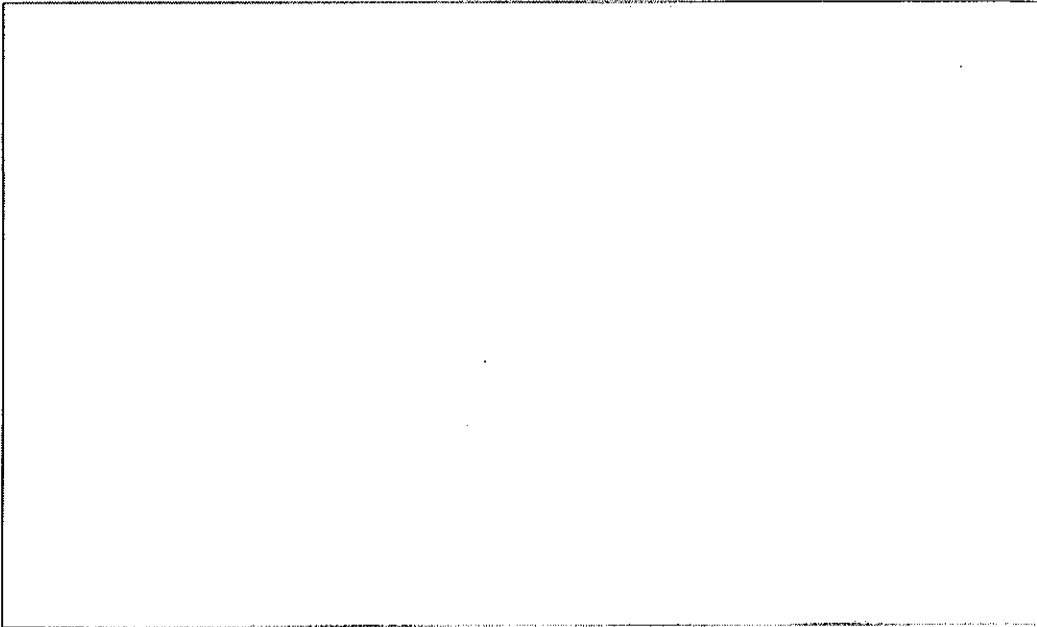
Printed By: Claud, Admin Account

CLASSIFICATION: CONFIDENTIAL

Page 2 of 6

From: AMEMBASSY ATHENS
Action: WASHDC, SECSTATE *IMMEDIATE*
E.O.: 13526
TAGS: PREL, PGOV, EFIN, ECON, GR
Subject: Scen setter for EUR A/S Gordon's Visit to Athens

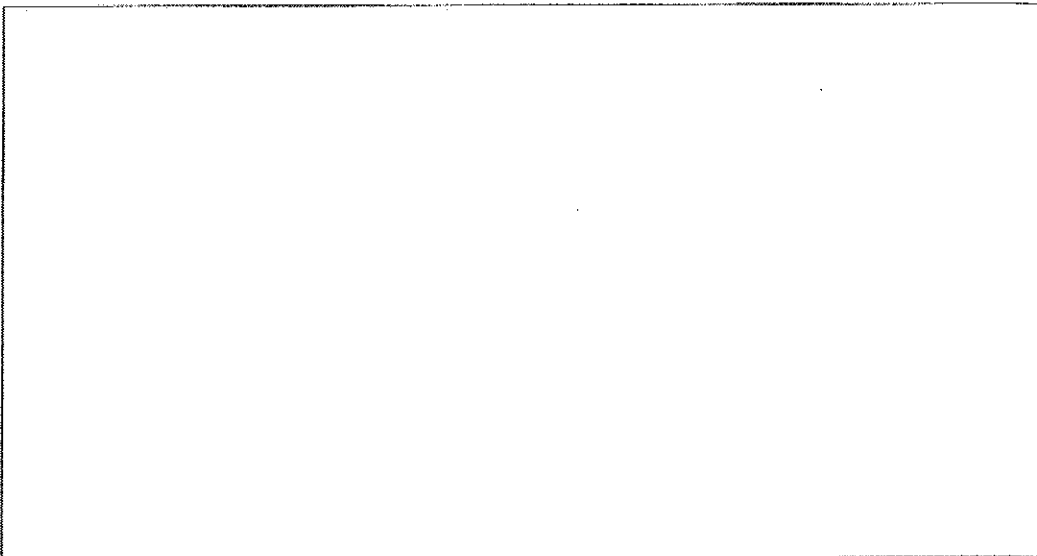
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2.

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Page 5 of 6

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12. (C) The new Greek government has already made clear its intention to sustain improved ties with Israel, which were first forged by the Papandreou government in the wake of the 2010 Gaza flotilla incident. Israel was very appreciative of the Greek government's July 2011 decision to prohibit vessels from traveling to Gaza from Greek ports.

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Printed By: Claud, Admin Account

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Page 6 of 6



NR

Signature: SMITH

Classified By: Name: Virginia Bennett, Title: Deputy Chief of Mission
Derived From: DSCG 11-01
Declassify On: 2037/07/23
Drafted By: ATHENS:Lawton, Daniel J (Athens)
Cleared By: Ross, Daniel E (Athens)
Approved By: EXEC:Bennett, Virginia L (Athens)
Released By: ATHENS:Lawton, Daniel J (Athens)
Info: ANKARA, AMEMBASSY ROUTINE; NICOSIA, AMEMBASSY ROUTINE;
SKOPJE, AMEMBASSY ROUTINE; ISTANBUL, AMCONSUL ROUTINE;
THESSALONIKI, AMCONSUL ROUTINE

Action Post:
Dissemination Rule: POL, DAO_INFO, POL_INFO, ECON, ICE_INFO

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SECRET/NOFORN
DECL: 11/2/2021

NON-RESPONSIVE PORTIONS REDACTED

EUR Daily Activity Report
Wednesday, November 2, 2011

ERA

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NR

RUS

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REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

CLASSIFICATION: SECRET//NOFORN
Sensitive

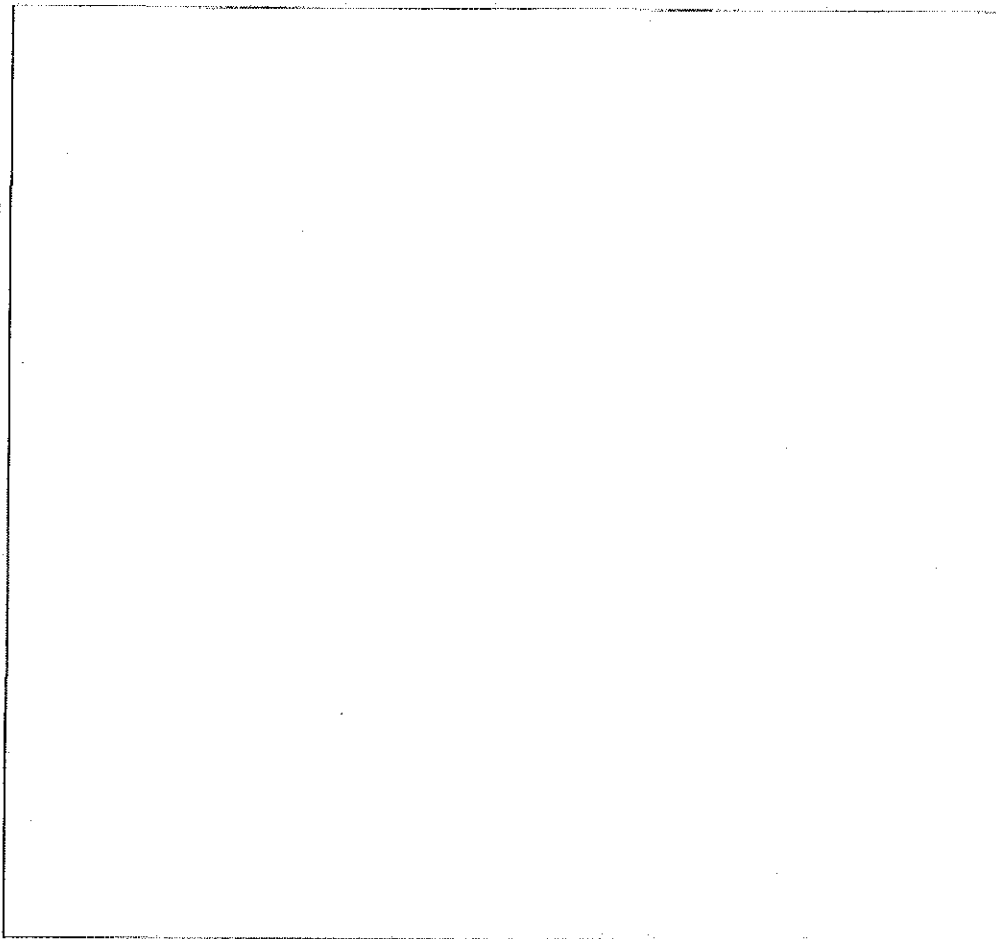
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SE

- **(SBU) Turkey/Greece: Two Flotilla Ships Depart Turkey for Greece:**
The U.S.-flagged Saoirse and Comoros-flagged Tahrir sailed from Fethiye in Turkey toward Rhodes on November 2 after the Turkish government exhausted all means of preventing them from sailing, according to Turkish and Israeli sources. The Turkish MFA informed Ambassador Ricciardone that the two vessels intend to link up with others in Rhodes and then sail on to Gaza. The Turks have no intention of escorting any vessels involved in this movement, according to MFA contacts. There are some reports AmCits are among the ships' passengers. Ambassador Smith in Athens engaged with the Greek MFA Secretary General, who promised to look into whether there is anything the Greeks can do to prevent the ships from continuing. Meanwhile, bloggers are reporting the ships could reach Gaza by Friday.

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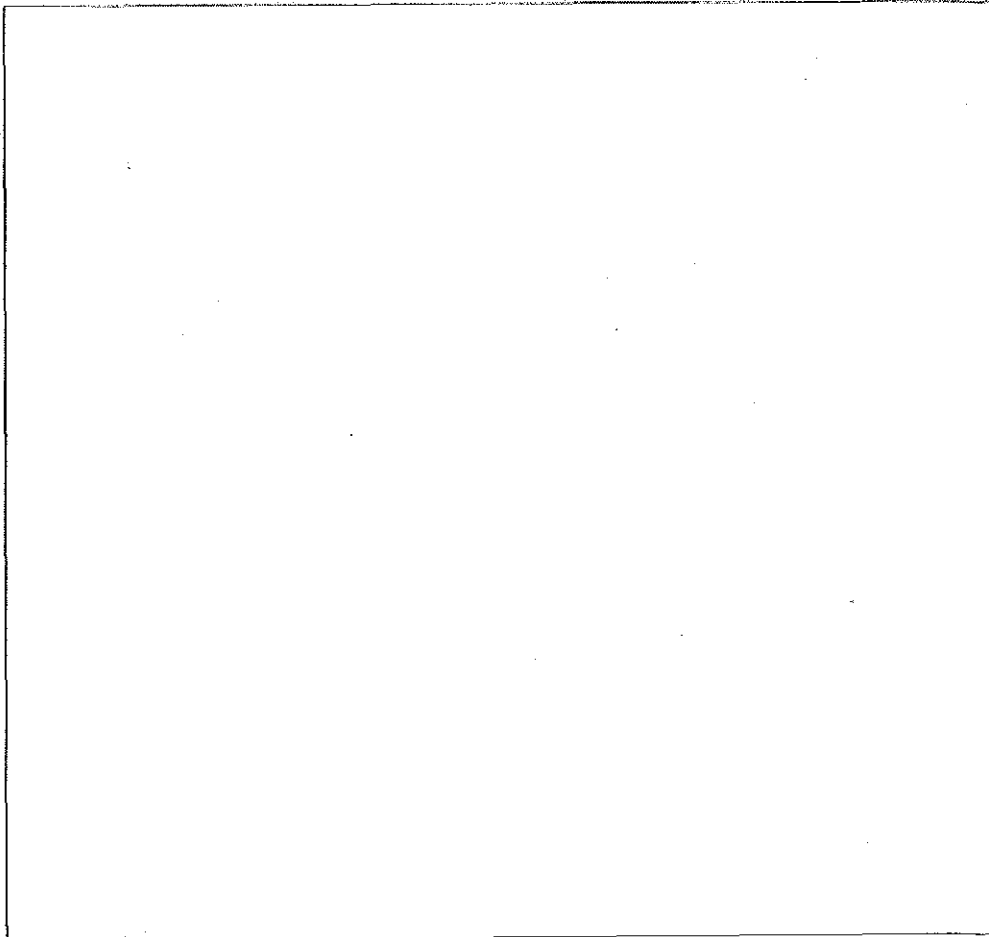
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Sensitivity: Sensitive
Classification: SECRET//NOFORN
Classified by: Rebecca Kimbrell, Special Assistant, EUR, Department of State
Reason: 1.4(b), (d)
Declassify On: 2021/11/02

CLASSIFICATION: SECRET//NOFORN
Sensitive

Printed By: Claud, Admin Account
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RELEASED IN FULL

Claud, Admin Account

From: Bennett, Virginia L
Sent: Tuesday, September 06, 2011 4:57 PM
To: Lawton, Daniel J (Athens); Cockrell, John D (Athens)
Cc: Smith, Daniel B (Athens); Weitzenkorn, Laurie B
Subject: RE: (C) EUR Cable Summary for Tues., 9/6/2011

Oops, adding Dan L and John Cockrell.

NON-RESPONSIVE PORTIONS REDACTED

From: Bennett, Virginia L
Sent: Tuesday, September 06, 2011 4:08 PM
To: Smith, Daniel B (Athens); Weitzenkorn, Laurie B
Subject: FW: (C) EUR Cable Summary for Tues., 9/6/2011

FYI from the desk.

From: Allegrone, Kathleen H
Sent: Tuesday, September 06, 2011 2:49 PM
To: Snipes, Christopher K; Bennett, Virginia L
Cc: Merz, James P
Subject: FW: (C) EUR Cable Summary for Tues., 9/6/2011

Greece made the early morning take... I have mentioned this issue in eur directors' meetings. Cable is most helpful.

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Classification: CONFIDENTIAL
Classified by: Kathy Allegrone, MC, Political, State
Reason: 1.4(b), (d)
Declassify On: 2021/09/06

From: Collins, Ronald
Sent: Tuesday, September 06, 2011 7:26 AM
To: EUR-ALL-DL
Subject: (C) EUR Cable Summary for Tues., 9/6/2011

CONFIDENTIAL
DECL: 09/06/2016

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

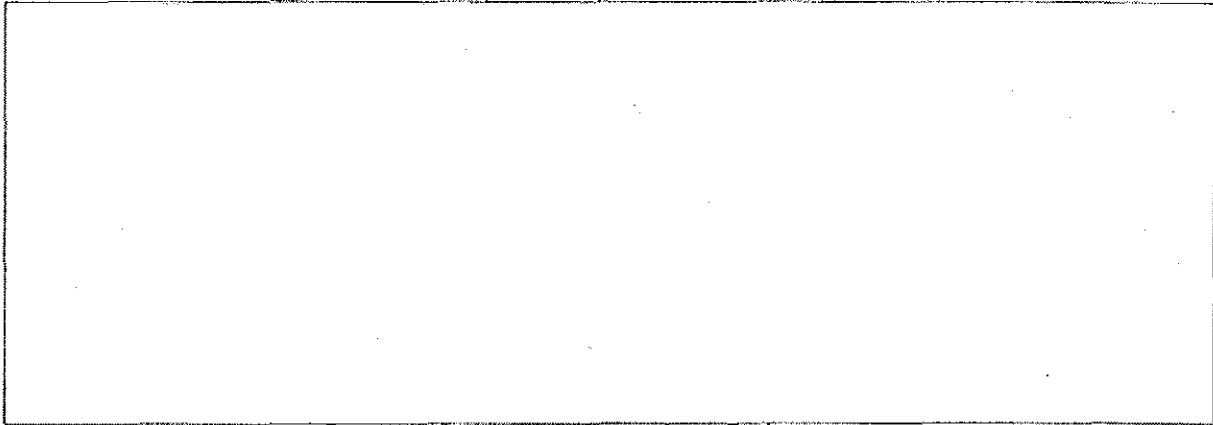
EUR Cable Summary
Tuesday, Sept., 6, 2011



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Turkey to Downgrade Relations with Israel (ANKARA 1431)

(SBU) FM Davutoglu announced during a September 2 press conference the GoT's intention to downgrade relations with Israel if the latter does not apologize for its May 31, 2010 interception of the Freedom Flotilla flagship Mavi Marmara by the official release of the Palmer Panel report expected for September 7. Davutoglu emphasized the GoT's goal is not to harm the centuries-old friendship between Turks and Jews, but to compel the Israeli government to rectify its mistakes. He rejected the leaked report's conclusion that the Gaza embargo is consistent with international law. The Israeli Embassy here has not yet received official notification of the downgrade in relations and requirement to withdraw personnel. We expect the MFA to withhold that notice until the Palmer Panel report's official release on September 6. Davutoglu will be attending the September 3 Informal EU foreign ministers meeting (Gymnich).

<< Message: Turkey to Downgrade Relations with Israel >>

CONFIDENTIAL

Derived from: Multiple Sources
E.O. 13526, Reasons: 1.4 (b) and (d)

RELEASED IN FULL

Claud, Admin Account

From: Bennett, Virginia L
Sent: Tuesday, September 06, 2011 4:07 PM
To: Allegrone, Kathleen H; Snipes, Christopher K
Cc: Merz, James P
Subject: RE: (C) EUR Cable Summary for Tues., 9/6/2011

NON-RESPONSIVE PORTIONS REDACTED

Terrific, thanks Kathy.

(I arrived Friday morning and am now more or less now up and running!)

virginia

From: Allegrone, Kathleen H
Sent: Tuesday, September 06, 2011 2:49 PM
To: Snipes, Christopher K; Bennett, Virginia L
Cc: Merz, James P
Subject: FW: (C) EUR Cable Summary for Tues., 9/6/2011

Greece made the early morning take... I have mentioned this issue in eur directors' meetings. Cable is most helpful.

This document is UNCLASSIFIED when separated from CONFIDENTIAL attachment(s).

Classification: CONFIDENTIAL
Classified by: Kathy Allegrone, MC, Political, State
Reason: 1.4(b), (d)
Declassify On: 2021/09/06

From: Collins, Ronald
Sent: Tuesday, September 06, 2011 7:26 AM
To: EUR-ALL-DL
Subject: (C) EUR Cable Summary for Tues., 9/6/2011

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

CONFIDENTIAL
DECL: 09/06/2016

EUR Cable Summary
Tuesday, Sept., 6, 2011



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<< Message: Turkey to Downgrade Relations with Israel >>

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Derived from: Multiple Sources
E.O. 13526, Reasons: 1.4 (b) and (d)

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Claud, Admin Account

NON-RESPONSIVE PORTIONS
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From: Aggeler, Brian C
Sent: Tuesday, May 10, 2011 6:16 PM
To: Smith, Sammie; Frowick, George H; Countryman, Thomas M; Brush, Jennifer L
Cc: Reeker, Philip T; Burger, David J (Skopje); Hultman, Darren W (Skopje); Aggeler, Angela P; Winton, Scott; Hamrick, Andrew S; Timko, Amanda M (Skopje); Haugen, David P (Brussels); Lawton, Daniel J (Athens)
Subject: Skopje Official-Informal - Confidential

(C) Amb Reeker's May 9 meeting with Foreign Minister Milososki - highlights:

[Redacted content]

NR

Foreign Policy:

[Redacted content]

Elections:

[Redacted content]

Libya and Gaza flotilla demarches:

[Redacted content]

--Gaza flotilla: Will warn citizens of the risk of trying to do this again.

Letter to S on Trajkovski plane crash:

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

NR

[Redacted]

OFA Anniversary:

[Redacted]

RELEASED IN FULL

11 Athens News
May 28, 2010

Paving the way to the public sector



A PRESIDENTIAL decree published on May 26 in the *Government Gazette* now means that the graduates of private colleges operating in Greece will have their degrees recognised when competing for private sector jobs, putting them on equal footing with graduates of state universities.

Previously, the Council for Personnel Selection (ASBP), which administers the exams to assess job candidates, did not recognise degrees issued by private colleges, putting these individuals at a disadvantage.

The decision affects an estimated 30,000 private college graduates, who are also now eligible to become members of professional guilds.

The presidential decree, which was rubber-stamped last month by the Council of State, Greece's highest administrative court, finally puts Greece in line with a European Union law that requires all member states to grant equal professional rights to the graduates of foreign colleges.

Greece risked paying heavy EU fines for non-compliance.

As regards membership in professional guilds, the presidential decree introduces a two-year transition period during which private college and university graduates will submit applications to the state-run Central Board for Professional Recognition, or SAEP. After 2013, however, they will be able to apply for membership directly to a guild.

Meanwhile, some three dozen private colleges operating in Greece are still

Frogs close major highway

A HORDE of frogs forced the closure of a key northern highway for two hours. Thessaloniki traffic police chief Yiorgos Thanoglou says "millions" of the amphibians covered the tarmac on May 25 near the town of Langadas, some 19km east of Thessaloniki. "There was a carpet of frogs," he said. Authorities closed the highway after three car drivers skidded off the road trying to dodge the frogs. No human injuries were reported. Thanoglou said the amphibians probably left a nearby lake to look for food.

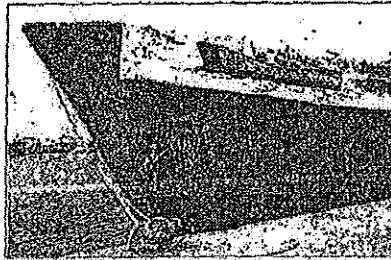
(AP)

Hello? Hello?

PM's phone cut off by mistake

GREEK telecom engineers cut off the telephone line to the prime minister's house while attempting to disconnect a customer who was behind in payments, the telephone company said on May 26. The Athens phone number of the customer in arrears was the same as that of Prime Minister George Papandreou's home number save for one digit, OTE said in a statement. OTE is 20 percent owned by the state. OTE's chairman wrote a letter to Papandreou to explain the mistake and engineers went to the prime minister's house immediately after they were informed of the problem.

Off to Gaza



THE CARGO ship *Eleftheri Metogeios* (Free Mediterranean) and the European Campaign passenger boat *Spondon* left the port of Piraeus on May 25 destined for Gaza, the final destination of the so-called Freedom Flotilla which is demanding the end of Israel's blockade of Gaza. It was expected to arrive in Gaza on May 29.

(ANA, Athens News)

Democrats Abroad

THE DEMOCRATS Abroad launch a new chapter for north at noon on May 30 in Thessaloniki. Presidential candidate and Ms Michael Dukakis and his wife & Greece, will speak at the event. The upcoming 2010 US congression will be hosted at the American C (Anatolia College), in the Pylaia d DAGR chairwoman Yvette Jar Thessaloniki meeting, while vi (a former US consul-general in Th the new chapter. Additionally, lawy supervise the election of interim ct

Papandreou on Kallikratis

THE KALLIKRATIS tax is a "precondition for the the crisis" and "a democ Prime Minister George Pa May 26. Speaking in par. debate on a government's local government institutions said that the plan constitut stone for the Greece we are important political option Greece of growth, rule of justice". He also accused Ne "avoiding to assume its regarding the reform of the c

Finance ministry staff under investigation

THE FINANCE ministry an 25 that several members o own staff were currently investigations for suspected co because they own suspiciously holdings or based on complain public to the 1517 phone line se for this purpose. The spotlight some 70 ministry employees ti annual income of roughly 50k but owned real estate whose wo between 800,000 and 3 mill average of 1.2 million euros eac the ministry intends to replace t tax offices for failing to meet r targets and has ordered inspe

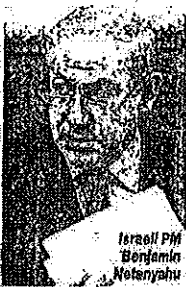
REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

Russia, Greece to sign South Stream gas deal

RUSSIA'S Gazprom and Greece's natural gas grid operator Hellenic Gas Transmission System Operator (DESPA) will sign a deal on June 7 to build the Greek part of South Stream, a Russian-led natural gas pipeline project, an official said on May 24. "The deal will be signed

Gaza crisis

Israel blasts activists as pro-terror



Israeli PM Benjamin Netanyahu

TURKISH and Greek activists in the Free Gaza movement are linked to terror, a seasoned Israeli diplomatic source told the *Athens News* in an interview, attempting to explain the deadly Israeli operation.

"Free Gaza is a communications play whose real aim is not humanitarian aid, but to support Hamas," he said.

"Greek activists have played an important role in the movement. They refuse to condemn Hamas suicide bombings against Israel and they compare those with Greek WWII resistance against the Nazis," he said. "Greek members went to Damascus in March 2009 and met with [Hamas leader] Khaled Mchael, who is close to Iranian leader Mahmoud Ahmadinejad."

The Israeli diplomat went as far as to say that a leader of the Greek branch of Free Gaza, Vangelis Pissias, was a defence witness in the ELA terrorist group trial of Christos Tsigaridas, the only person accused who assumed political responsibility for acts committed up to 1991. Tsigaridas was acquitted by an appellate court.

Israeli anger against the Turkish side is even greater, he said, and many believe it is no coincidence that the nine killings occurred on Turkish ship *Mavi Marmara*. "The [Free Gaza] effort in Turkey is spearheaded by IHH, an extremely anti-Israel group. They had a going-away ceremony which included Hamas dignitaries from Britain and the leader of the Islamic Brotherhood in Jordan, and a sheikh from Israel named Raed Salah, who in sermons has described Jews as 'monkeys and lozeng'."

So what of all this justified a live-fire attack on civilians? "For four hours the Israeli navy called on the Turkish ship *Mavi Marmara* to stop. When they ignored this it was decided to seize the ship. Activists attacked the Israelis with axes, knives, and guns," the diplomat said. Asked if the shooting was in self-defence, he replied: "It was definitely a violent conflict between activists and Israeli soldiers, five of whom were seriously injured, two in critical condition."

Yet, the diplomat admitted that Israel has no evidence that Free Gaza ever supplied weapons to Hamas.

Explaining why the attack occurred in international waters, the source asserted: "To enforce the blockade with such a large number of ships, the Israeli defence forces had to go a bit outside the blockade to stop them before they entered. It would be a very dangerous precedent for Israeli security if any ship could sail to Gaza unsuspected."

The Palestinian embassy spokesman in Athens, Mustafa Azuz, dismissed the Israeli arguments as irrelevant. "We have condemned the Israeli piracy in international waters at the expense of civilians of various countries. We had three days of mourning for the victims of the Israeli slaughter," he told this newspaper.

As for the repercussions in the region, Azuz says that "the behaviour of the Israeli government shows that it is a real threat to peace and security in the region."

Azuz also rejects Israel's demand that the ships should have delivered aid through Israel. "Israel has illegally blockaded the Gaza strip. This is collective punishment of the Palestinian population."

Imat Sabri, a former consul who helped organize the Greek mission, said the Greek port authority raised a litany of bureaucratic obstacles before the ships could leave Piraeus port.

George Gilson

RELEASED IN FULL

Returned activists denoun

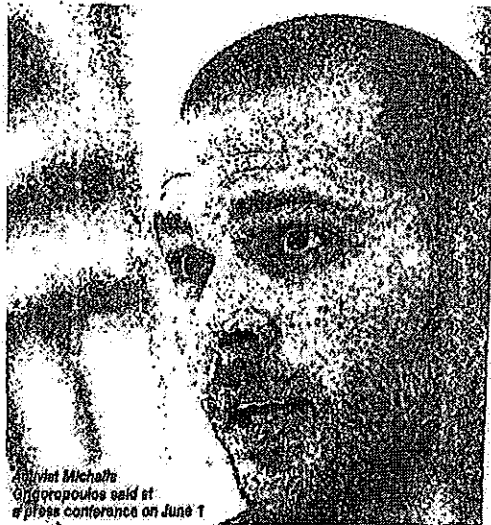
Greeks on the ill-fated humanitarian mission to Gaza decry Israeli violence and blockade

By George Gilson

THE INTERNATIONAL outcry and the swift UN Security Council resolution condemning the Israeli military attack in international waters on the Free Gaza humanitarian aid flotilla that left nine activists dead will bring deep consequences on the geopolitics of the Middle East, the southeastern Mediterranean and the broader region.

The attack shook Israel-Turkey relations to their foundations, with Turkish PM Tayyip Erdogan speaking of Israeli "state terrorism". His foreign minister, Ahmet Davutoglu, spoke of "murder" and said Israel has "blood on its hands". The events will likely also seriously affect Turkey's ties to the US, which took a

This was piracy in international waters. Terrorists boarded our ships, held us hostage under humiliating conditions and kept us under the barrel of a gun.



Activist Michalis Giannopoulos said at a press conference on June 1

decidedly cooler posture, avoiding condemnation of the attack.

The flotilla included six ships, one of them Greek-flagged. Around 40 Greeks were in the flotilla, the majority activists.

The UN called for the immediate lifting of Israel's Gaza blockade - which the humanitarian convoy tried to break, refusing Israeli inspection - and the return of prisoners.

Israel insisted that the activists were terrorism supporters (of Hamas), but ended up admitting that the deadly operation was seriously botched.

Declaring three days of mourning, the Palestinian Authority said the incident was another example of Israeli impunity aimed at maintaining the blockade of Gaza, which it termed "a humanitarian disaster".

Israel slammed

The deadly attack was also strongly condemned by Greek activists returning from the mission, at a June 1 news conference in Athens.

The activists categorically denied Israel claims that the humanitarian aid cargo may have included arms and insisted that their "weapons" were wheelchairs, prefab homes and medical supplies.

They said the cargoes were meticulously inspected at ports of departure, including Piraeus.

Four of the members of the Greek delegation, which used the Greek-flagged ships *Stendoni* and *Eleftheri Mesogios* (Free Mediterranean) charged that several of their

number were brutally mist "tortured" by Israeli commandos unleashed a withering attack describing it as a "terrorist act

"This is a major humanitarian and political issue the takeover of Greek ships in waters, the abduction of people of Israel, the denial of their right incarceration under an undeclared framework," said Yannis Masi Ship for Gaza group that perished.

Attending were several former activists still seeking information relatives, as over 30 remain in jail at the time. The majority and due to return to Greece

Violating 'international Israeli waters'

WHEN Thanos Petrogianis was questioned by Israeli authorities after the abortive Gaza mission of the ship *Stendoni*, an Israeli law enforcement official told him he was arrested because he entered Israel illegally. When he said he was arrested illegally in international waters, the official commented: "International Israeli waters," Petrogianis laughed.

Had Petrogianis reached Gaza on the ship *Stendoni*, it might have helped Palestinians build homes on their own. A civil engineer in the NGO Engineers of the Earth, he was carrying a mould to fashion and bake in the sun mud bricks for construction, developed by the NGO in cooperation with Athens Polytechnic University.

"Even an illiterate person can use the device. The mould makes three bricks, and it requires soil dug at a certain depth, with 75 percent sand and 25 percent earth. You bake it in the sun, avoiding rain," he told *Athens News*.

The 61-year-old says he feels for all peoples whose rights and freedom are violated, not just the Palestinians, and that he does not adopt the acutely political stance of Free Gaza. He charges that the Greek government should have done more to protect

the humanitarian flotilla and manage the crisis.

Petrogianis was awakened by screams at 4.15am, when Israeli commandos stormed the ship. "It was Petros, the second captain, who was being beaten. The captain was also beaten after refusing to hand over the ship. There were 35 commandos carrying automatics, grenades and teargas - full military equipment," he said.

"I dressed quickly and grabbed my medication, camera and videocam and went and sat on deck with the others. We were not allowed to move. The commandos were cruel and with difficulty let us go to the toilet. I saw violent behaviour, but not acts of violence," he said.

He was stunned that Israeli doctors who offered help on board were wearing masks and peering through goggles.

Petrogianis was subjected to a body search six times - even his shirt buttons were checked - and he was made to undress because of the ticking of an implanted medical device.

Upon reaching the Israeli port of Ashdod, 11 hours later, police asked him to sign a five-page document in Hebrew, which he refused to do. Then



Thanos Petrogianis (R) with fellow Athinaida Papadokostopoulou

he was asked to sign a one-page Israeli military custody order in English, v refused.

"Hate 99 percent is political. I do want for humanitarian reasons, and Er Earth don't care about political or religious. I would definitely go on a mission Petrogianis concluded.

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

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Υπόψη Κου Α. Παπαδόπουλου
 Φαξ 210-4192244

Name of Ship	Point of Departure	Country/Flag
MV Rachel Corrie	Ireland	Cambodia/Cambodia
Challenger 1	Crete	Greece?/USA?
Challenger 2	Crete	Greece?/USA?
Mavi Marmara	Istanbul	Turkey/Turkey
Gazze	Antalya	Turkey/Turkey
Defne	Antalya	Turkey/Turkey
Boat 8000	Athens?	unknown
Eleftri Mesogeios	Athens?	unknown

(Listed Below are possible ones provided by Greece, but are not on t

(unreadable) Ocean?	Athens	Marshall Is.
Novorossiysk Star?	Athens	Malta
Kykladdes?	Athens	Panama
Kallavan?	Athens	Marshall Is.
Ocean Star?	Athens	Malta
Shenandoah Highway?	Athens	Panama


REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

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Παρασκευή 1. Ιουνίου 2010
 ΔΕ/Α ΤΕΛΩΝΙΑΚΟΣ

ΕΝΤΥΠΟ 1-01.02 ΑΥΟ Δ 207/13073-2-2000

ΑΝΤΙΤΥΠΟ 1 (ΑΤΕΛΕΧΟΣ) 7/5

 ΕΛΛΗΝΙΚΗ ΔΗΜΟΚΡΑΤΙΑ HELLENIC REPUBLIC ΥΠΟΥΡΓΕΙΟ ΟΙΚΟΝΟΜΙΚΩΝ MINISTRY OF FINANCE ΓΕΝΙΚΗ Δ/ΝΣΗ ΤΕΛΩΝΕΙΩΝ & ΕΦΚ GENERAL DIRECTORATE OF CUSTOMS AND EXCISE ΤΕΛΩΝΙΑΚΗ ΑΡΧΗ ΑΠΟΚΕΝΤΡΩΜΕΝΗΣ ΔΙΟΙΚΗΣΗΣ ΠΕΡΙΣΤΕΡΙΑΣ CUSTOMS AUTHORITY	ΗΜΕΡΙΑ: 23.04.10 ΔΙΑΤΑΞΗ: 08 DATE: 23.04.10 Document Number: 08
	ΕΠΙΣΤΗΜΗ/NUMBER: _____ ΑΠΟ/FROM: _____ ΜΕΧΡΙ/UNTIL: _____ ΠΑΡΑΤΑΣΗ ΙΣΧΥΟΣ EXTENSION OF VALIDITY
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	ΕΠΙΣΤΗΜΗ/NUMBER: _____ ΑΠΟ/FROM: _____ ΜΕΧΡΙ/UNTIL: _____

ΔΕΛΤΙΟ ΚΙΝΗΣΗΣ^{(1),(0)}
 TRANSIT LOG

ΜΟΛΛΑΟΥ: DLZ 10305 D210

ΟΝΟΜΑΤΕΠΩΝΥΜΟ: CHALLENGER USA ΑΙΜΗΝ ΚΑΙ ΑΡΙΘΜΟΣ ΝΗΟΛΟΓΙΟΥ: PORT OF REGISTRY AND REGISTRATION NUMBER: DL 8172 AC ΔΑΣ/CALL SIGN: K.O.X: 12841 GT: NG 9498 ΤΥΠΟΣ ΠΛΟΙΟΥ: U/Y ΕΤΟΣ ΚΑΤΑΣΚΕΥΗΣ: 1976 ΜΗΚΟΣ: 20,36m ΑΡΙΘΜΟΣ ΤΥΠΟΣ ΚΑΙ ΙΠΠΟΔΥΝΑΜΗ ΜΗΧΑΝΩΝ: ENGINES, TYPE AND NUMBER, H.P.: 2 DTU x 900 BHP

ΟΝΟΜΑΤΕΠΩΝΥΜΟ: PATRICK J. PATRICK ΔΙΕΥΘΥΝΣΗ ΚΑΤΟΙΚΙΑΣ: HOME ADDRESS: 3511 SILVERSIDE RD WILMINGTON 19810 DE ΤΗΛΕΦΩΝΟ: FAX: E-MAIL: TELEPHONE NUMBER: ΔΟΥ: ΑΔΤ ή ΔΙΑΒΑΤΗΡΙΟ:

ΟΝΟΜΑΤΕΠΩΝΥΜΟ: ΝΙΚΟΛΑΟΣ ΚΡΗΤΗΣ ΔΙΕΥΘΥΝΣΗ ΚΑΤΟΙΚΙΑΣ: HOME ADDRESS: ΜΙΟΣ ΝΙΚΟΛΑΟΣ ΚΡΗΤΗΣ ΑΛΜΥΡΟΣ 72100 ΤΗΛΕΦΩΝΟ: FAX: E-MAIL: TELEPHONE NUMBER: ΔΟΥ: ΑΔΤ ή ΔΙΑΒΑΤΗΡΙΟ: AE 464078
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ΟΝΟΜΑΤΕΠΩΝΥΜΟ: JAOUADIN FATHI ΔΙΕΥΘΥΝΣΗ ΚΑΤΟΙΚΙΑΣ: HOME ADDRESS: EDGWARE LONDON ARGYLL GARDENS 1A HA85HB ΤΗΛΕΦΩΝΟ: FAX: E-MAIL: TELEPHONE NUMBER: ΔΟΥ: KATOIKON EΞΩΤΕΡ ΔΙΑΒΑΤΗΡΙΟ: 340556081 GB

ΟΝΟΜΑΤΕΠΩΝΥΜΟ: ΑΝΚΙΒΙΑΔΟΥ ΗΤ ΠΕΡΙΣΤΕΡΙΑΣ ΔΙΕΥΘΥΝΣΗ ΚΑΤΟΙΚΙΑΣ: HOME ADDRESS: ΑΝΚΙΒΙΑΔΟΥ ΗΤ ΠΕΡΙΣΤΕΡΙΑΣ 18532 ΤΗΛΕΦΩΝΟ: FAX: E-MAIL: TELEPHONE NUMBER: ΔΟΥ: KATOIKON EΞΩΤΕΡ ΔΙΑΒΑΤΗΡΙΟ: 340556081 GB
--

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

RELEASED IN FULL

Houndoumadi, Ioanna G

From: Davison, Kees C
Sent: Tuesday, May 18, 2010 4:26 PM
To: McKeever, Matthew X
Cc: Houndoumadi, Ioanna G
Subject: FW: Free Gaza Date Approaching Fast

Categories: Working
Classification: UNCLASSIFIED

FYI -- Some of the ships en route to Gaza departed from Athens, but from what we can tell, they are only cargo ships with foreign crews.

This email is UNCLASSIFIED

From: Reisser, Wesley J
Sent: Tuesday, May 18, 2010 3:52 PM
To: 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; Waters, John R; Rogan, Thomas G; Towry, Debra J; Hanania, Vera V; Weinfeld, Nili I; Greene, David J; Manning, Nicholas J; Tyson, Paul H; Maggi, Robert W; Frederick, Jeffrey D; Reed, Julia G; Davison, Kees C; Ogle, Karen L; Keen, Daniel G; Parra, Yolanda A; Dilwoith, Alison E; Osman, Amany A
Subject: Free Gaza Date Approaching Fast

All -- I have updated the distro list of concerned posts and offices for the upcoming Free Gaza flotilla. We are now only 6-7 days from the anticipated arrival of the first boats within Israeli and Gazan waters. As you gather new information, please share with this list so that we are ready for this as it develops.

Wes

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.

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

WJW
FREE GAZA MOVEMENT
K-730010

CLASSIFICATION: UNCLASSIFIED

Page 1 of 4

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From: Houndoumadi, Ioanna G
To: Davison, Kees C
Subject: RE: Free Gaza Movement
Sent: 5/13/2010 3:54:11 PM
Nothing yet. Maybe tomorrow.

This email is UNCLASSIFIED.

From: Davison, Kees C
Sent: Thursday, May 13, 2010 3:53 PM
To: Houndoumadi, Ioanna G
Subject: RE: Free Gaza Movement

Nothing re. manifests?

*Kees Davison
ACS Chief
American Embassy
Athens, Greece
Tel. 210-720-2427
Fax: 210-724-5313*

This email is UNCLASSIFIED.

From: Houndoumadi, Ioanna G
Sent: Thursday, May 13, 2010 3:52 PM
To: Davison, Kees C
Subject: RE: Free Gaza Movement

I just received a fax from the Greek Ministry of Merchant Marine the following Cargo ships have declared the following destinations:
BESIRE KAIKAVAN, OCEAN STAR and NOVOROSTYSK STAR, heading to Israel. SHENANDOAH HIGHWAY to Syria, MAESTRO OCEAN to Lebanon, AND KYKLADES to Jordan.

This email is UNCLASSIFIED.

FREE GAZA MOVEMENT

29,35-448.52

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Printed By: Houndoumadi, Ioanna G

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Page 1 of 4

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Page 2 of 4

From: Davison, Kees C
Sent: Thursday, May 13, 2010 3:36 PM
To: Houndoumadi, Ioanna G
Subject: RE: Free Gaza Movement

Did we hear anything on this?

This email is UNCLASSIFIED.

From: Houndoumadi, Ioanna G
Sent: Thursday, May 13, 2010 9:21 AM
To: ATHENS-ACS
Subject: RE: Free Gaza Movement

I called the Chief's Office of the Port Police in Piraeus and I am expecting them to call me back. Are we interested in getting a manifest of the boats or the people on board these boats?

This email is UNCLASSIFIED.

From: Davison, Kees C
Sent: Thursday, May 13, 2010 9:04 AM
To: ATHENS-ACS
Subject: RE: Free Gaza Movement

Have we seen anything on ships leaving Piraeus to help folks on the Gaza Strip?

We are being asked to try to get a manifest.

I'd be particularly interested in learning if any of the passengers are American citizens.

This email is UNCLASSIFIED.

From: Mendel, Teresa S
Sent: Wednesday, May 12, 2010 6:41 PM
To: Davison, Kees C; Hanrahan, Richard F; Ogle, Karen L; Keen, Daniel G
Subject: FW: Free Gaza Movement

All,

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Page 2 of 4

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210-4220788 - Adanale
Επιτροπή - Αδωνας Γορτα
ΜΟΝΙΜ - Αποστολ αυτη
Αποστολ Αεραδρ
Αφρικου

RELEASED IN FULL

From: Houndoumadi, Ioanna G
To: ATHENS-ACS
Subject: RE: Free Gaza Movement
Sent: 5/13/2010 9:21:06 AM

I called the Chief's Office of the Port Police in Piraeus and I am expecting them to call me back. Are we interested in getting a manifest of the boats or the people on board these boats?

This email is UNCLASSIFIED.

From: Davison, Kees C
Sent: Thursday, May 13, 2010 9:04 AM
To: ATHENS-ACS
Subject: RE: Free Gaza Movement

Have we seen anything on ships leaving Piraeus to help folks on the Gaza Strip?

We are being asked to try to get a manifest.

I'd be particularly interested in learning if any of the passengers are American citizens.

This email is UNCLASSIFIED.

From: Mendel, Teresa S
Sent: Wednesday, May 12, 2010 6:41 PM
To: Davison, Kees C; Hanrahan, Richard F; Ogle, Karen L; Keen, Daniel G
Subject: FW: Free Gaza Movement

All,

Yesterday we were informed that the Free Gaza movement would be attempting to sail into the Gaza, again. Could you please work with any contacts you have to see if we might obtain the manifest for these boats. Today I was informed that there may be additional boats leaving out of Nicosia and Athens.

Thank you in advance for your help.

Best,

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

Teresa

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Page 1 of 3

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Page 2 of 3

May 2010 sailing

The Free Gaza Movement and the Humanitarian Relief Foundation are partnering to send multiple ships to the Gaza Strip in May 2010. Under the coordination of the Free Gaza Movement, numerous human rights organizations, including the Turkish Relief Foundation (IHH), the Perdana Global Peace Organization from Malaysia, the European Campaign to End the Siege of Gaza, and the Swedish and Greek Boat to Gaza initiatives will send three cargo ships loaded with reconstruction, medical and educational supplies. Multiple passenger boats with over 600 people on board will accompany the cargo ships. These passengers include members of Parliament from around the world, U.N., human rights and trade union activists, as well as journalists who will document the largest coordinated effort to directly confront Israel's blockade of Gaza and take in basic supplies. These include the MV Rachel Corrie.^{(b)(3)(D)} In response to the plans, an Israeli Foreign Ministry spokesman said: "These people are not supporting the Palestinians and they are not even supporting humanitarian causes. They are engaged in only one thing, and that is to create provocations and to collaborate with Hamas propaganda."^{(b)(3)(D)}

From: Richter, Kim B
Sent: Wednesday, May 12, 2010 11:30 AM
To: Mendel, Teresa S
Subject: RE: Free Gaza

There will be several ships and the desk seems to think some of them will be leaving out Athens and Nicosia. They have in the past.

From: Mendel, Teresa S
Sent: Wednesday, May 12, 2010 10:49 AM
To: Richter, Kim B
Subject: RE: Free Gaza

You mean Ankara? Was these two locations the first launching/departure sites for the group?

From: Richter, Kim B
Sent: Wednesday, May 12, 2010 10:30 AM
To: Mendel, Teresa S
Subject: Free Gaza

Can you check with Nicosia and Athens to see if they have info on any sailings and a manifest?

Thanks

Kim Richter
CA/OCS/ACS/NESCA
(202) 647-8308
Bahrain, Bhutan, Egypt, India, Israel, West Bank, Gaza, Nepal,
Saudi Arabia, Sri Lanka, Maldives

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Page 2 of 3

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Page 3 of 3

richterkb@state.gov

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Page 3 of 3

RELEASED IN FULL



StarTribune.com

Israel threatens naval action to stop ships from bringing aid to Gaza

and again."

Here is a summary right in here and more in here. Here is more summary right in here and here.

Last update: May 27, 2010 - 9:23 PM

TEL AVIV, ISRAEL - Israel threatened Thursday to use "all means available" to prevent a flotilla of ships carrying humanitarian aid supplies from reaching the Hamas-ruled Gaza Strip.

Military authorities said naval commandos would greet the eight ships out at sea, escort the vessels to port and give each of the activists a stark choice: leave the country or go to jail.

But the tough response threatened to backfire by breathing new life into the activists' mission and drawing new attention to the oft-criticized, three-year blockade of Gaza.

Said Dror Feiler, 68, an Israeli-born Swedish activist on board a cargo ship headed to Gaza: "If the Israelis want us to pay a price, we will pay a price, but we will come again

Israel's Foreign Ministry officials met with envoys from Sweden, Turkey, Ireland, Greece and Cyprus and asked them to persuade the organizers to divert the ships to Israel's Ashdod port, where Israel would assist in off-loading the cargo and send it by truck to Gaza, according to the ministry.

The ships, organized by a group called the Free Gaza Movement, are carrying about 10,000 tons of cargo, including cement for rebuilding homes destroyed by war in Gaza, medical equipment and school supplies.

Some of the ships are carrying television crews that plan to broadcast live any confrontation between Israeli forces and the activists. "We will resist nonviolently, but this is going to be a PR nightmare for Israel," said Greta Berlin, a spokeswoman for Free Gaza.

Israel has restricted entry of people and goods into Gaza since the territory was taken over by the militant Hamas movement in 2007, allowing in only a limited range of supplies including food, clothing and medicine. Israeli Navy ships have intercepted three previous efforts by Free Gaza Movement to reach the territory by sea.

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StarTribune.com



Hamas is considered a terrorist organization by Israel, the United States and the European Union.

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RELEASED IN PART B3
DOD-CP, B6

From: Davison, Kees C
To: Houndoumadi, Ioanna G
Subject: FW: Free Gaza Update & Spreadsheet
Sent: 5/28/2010 9:14:22 AM
Attachments: Free Gaza May 2010.xlsx [Free Gaza May 2010.xlsx]

Can you call the port again and see if they have more information about the Free Gaza flotilla?

One question concerns whether the ships are American flagged (I hope and suspect not).

I read in the press that a former Army officer and diplomat has joined the group, Ann Wright, and that the name of the passenger boat with the Americans on it is the Sfedoni, and that it left Pireaus on Tuesday. Perhaps all 5 (6?) of the Americans were on that.

Finally, are we sure that those ships you found out about a few weeks ago were part of the flotilla heading to Gaza?

Sfedoni - near Gaza

This email is UNCLASSIFIED.

From: Mendel, Teresa S
Sent: Friday, May 28, 2010 4:54 AM
To: Davison, Kees C; Hanrahan, Richard F; Abeyta, Susan K (Istanbul)
Cc: Netos, Eleftherios E
Subject: FW: Free Gaza Update & Spreadsheet

It looks like there is some information that needs to be filled in on the attached spreadsheet. Could you please use your contacts to

1. What are the country of origins for the ships leaving Athens? What are they flagged?
2. Any Amcits on the ships leaving Turkey?
3. Richard could you follow-up the Amcits you e-mailed earlier? It seems that the ships were to dock in Cyprus but per Wesley's e-mail the Cypriots are not allowing this.

Thank you for your efforts in obtaining this information and all the previous info you have sent thus far.

Teresa

From: Reisser, Wesley J
Sent: Thursday, May 27, 2010 5:08 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, Deslree A; Adams, Julie D; Parker, Andrew C; Greene, Elisa; Zeroubavely, Sandra S; Schlereth, Frank G; Burgess, Richard J; Chere, John E; Waters,

CLASSIFICATION: UNCLASSIFIED

Printed By: Houndoumadi, Ioanna G

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Page 1 of 3

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Page 2 of 3

John R; Rogan, Thomas G; Towry, Debra J; Hanania, Vera V; Weinfeld, Nill I; Lewis, Glenn K; Beran, Sarah; Greengrass, Sara D; Kaplan, Dean; Walker, Carolee B; Finver, Frank J; Greene, David J; Manning, Nicholas J; Tyson, Paul H; Maggi, Robert W; Frederick, Jeffrey D; Falls, Eric G; Reed, Julia G; Davison, Kees C; Ogle, Karen L; Keen, Daniel G; Howard, Jeremiah "Jerry"; Parra, Yolanda A; Dilworth, Alison E; Osman, Amany A; Netos, Eleftherios E; Taylor, Victoria J; Riley, Robert J; Dayton, Win (Istanbul); Marsh, Denise M; Baily, Jess L; Tomlinson, Christina (Istanbul); Abeyta, Susan K (Istanbul); Gislvold, Lisa C (Istanbul); Parker, Andrew C; Silliman, Douglas A; Rosenstock, Matthew S; Goodman, Ian A; Danover, Jennifer J; Marwaha, Brianne C; Finnegan, Joseph P; Glauque, Jeffrey G; Frelich, Karlene H
Subject: Free Gaza Update & Spreadsheet

All – Many thanks for your help so far, as we have been able to gather a lot of information for our Tel Aviv and Cairo colleagues use as the flotilla moves towards Gaza. Boats may arrive in waters off Gaza sometime between Friday and Sunday (with the MV Rachel Corrie en route from Ireland perhaps as late as Monday). We have gained confirmation from Cypriot authorities that the boats will not be allowed to dock there, so they will gather somewhere south of Cyprus and begin the final leg soon. I have put together a spreadsheet of the vessels as best as we know them. All information with a question mark has not been fully confirmed. We do not know which vessel many of the Amcits are on at this point, nor have we confirmed that some Amcits (such as [redacted]) are on a boat at all. As of this time, the Israeli Navy has publically announced that they intend to board all the ships, haul them into port and deport the passengers. They have reported that approved items will then be transferred to Gaza overland.

B6

The spreadsheet linked here should be both viewable and editable by everyone on this email. Please make use of it to update information for our Embassies on the receiving end of this as you gain more information! (I have attached a hard copy for those of you unable to access, but this should work for all on OpenNet.)

<http://nea.p.state.sbu/sites/ipa/Shared%20Documents/Free%20Gaza%20May%202010.xlsx>

Furthermore, as we move into a holiday weekend, I want to make sure that all the appropriate contacts are known, as I understand many key players (myself included) do not have blackberries and may need to be reached via State Ops:

CA/OCS – Kim Richter (Israel & Egypt), Teresa Mendel (Greece, Cyprus, Turkey), Bree Marwaha (OCS Duty Officer)
 NEA/IPA – Wes Reisser, In Washington on standby are also Jeff Glauque and Karlene Frelich
 NEA/Duty – Jennifer Danover
 Ops/CMS – Joe Finnegan
 Emb Tel Aviv Consular – Andy Parker
 Emb Tel Aviv DATT – [redacted]
 Emb Cairo Consular (if the boats go south to Egypt) – Yolanda Parra

B3 DOD-CP

Wes

Wesley J. Reisser, Ph.D.
 Desk Officer - NEA/IPA
 Office of Israel & Palestinian Affairs

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 Page 2 of 3

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Page 3 of 3

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

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Page 3 of 3

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CREW LIST

K		travel		departure	
1. Name of vessel		2. Name of vessel		3. Date of arrival/departure	
IAN STAR		PFRAMA			
JALIA				10/03/11	

B6

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Handwritten notes and signatures in the bottom left corner, including a circled '92' and other illegible markings.

Official stamps and signatures in the bottom right corner. Includes a circular stamp with the text 'NAVY OCEAN STAFF' and 'Mozgovy Serdy' (Mozgovy Serdy). There are also handwritten signatures and dates, such as '08/29/12'.

RELEASED IN PART B6

IMO CREW LIST

WH ZYMBAZANO
ME TO MAT

Age No
1001

1. Arrival <input type="checkbox"/> <input checked="" type="checkbox"/> Departure		
2 Port Arrival/Departure Alexandria, Egypt	3 Date Arrival/Departure 10 May 10 - 10-05-10	4 Name of vessel
5 Name of company	6 Name of captain	7 Name of supervisor
8 Name of ship	9 Name of company	10 Name of nationality

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer									

B6

10 May 2010 / Capt. El A. Khatun

ΚΑΡΤΕΣ ΜΑΡΣΤΡΟ ΟΚΕΑΝΟΥ
 ΕΛΛΗΝΙΚΗ ΑΡΧΗ ΜΕΛΕΤΩΝ ΚΑΙ ΑΝΤΙΜΕΤΩΠΙΣΤΙΚΩΝ
 ΜΕΤΡΩΝ
 10 ΜΑΪΟΥ 2010
 ΑΛΕΞΑΝΔΡΙΑ

ΚΑΡΤΕΣ ΜΑΡΣΤΡΟ ΟΚΕΑΝΟΥ
 ΕΛΛΗΝΙΚΗ ΑΡΧΗ ΜΕΛΕΤΩΝ ΚΑΙ ΑΝΤΙΜΕΤΩΠΙΣΤΙΚΩΝ
 ΜΕΤΡΩΝ

 ΑΛΕΞΑΝΔΡΙΑ
 10 ΜΑΪΟΥ 2010

StateDept005451

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Page 1 of 3

RELEASED IN PART B6

From: Houndoumadi, Ioanna G
To: Davison, Kees C
Subject: RE: Constituent Travel/Contact Information, Greece/Gaza Travel
Sent: 5/20/2010 10:14:46 AM

There is no info about the name of the ship. Maybe they are planning to sale there? Flotilla reminds me of a number of sailing yachts.

This email is UNCLASSIFIED.

From: Davison, Kees C
Sent: Thursday, May 20, 2010 9:36 AM
To: Houndoumadi, Ioanna G
Subject: FW: Constituent Travel/Contact Information, Greece/Gaza Travel

Looks like some Amcits passengers involved in the Gaza operation will be leaving Athens tomorrow.

SBU
This email is UNCLASSIFIED.

From: Richter, Kim B
Sent: Wednesday, May 19, 2010 9:21 PM
To: Plott, Susan M; Zeroubavely, Sandra S; Zuckerman, Eve; Davison, Kees C
Cc: Towry, Debra J; Lewis, Glenn K; Parra, Yolanda A; Perry, Mark D
Subject: FW: Constituent Travel/Contact Information, Greece/Gaza Travel

This was passed from the Hill to Emb. Tel Aviv and has the names of several Amcits planning on joining the Free Gaza flotilla. This info may be of use to you.

From: Exner, Scott [mailto:scott.exner@mail.house.gov]
Sent: Wednesday, May 19, 2010 1:38 PM
To: Hill Liaison
Cc: Riggs, Lauren
Subject: Constituent Travel/Contact Information, Greece/Gaza Travel

Hello,

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Page 1 of 3

FREE GAZA MOVEMENT
T & R
PHOTO

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Page 2 of 3

Last week I spoke with John Richie in the Senate Liaison's office regarding two constituents of Congresswoman Lee's office who will be traveling as part of an international delegation attempting to enter Gaza via boat from Greece with humanitarian supplies in the coming week(s). Similar versions of this trip were blocked by Israeli naval forces, including the arrest of American citizens in the past. Given the sensitive nature of this trip, and the security concerns therein, Mr. Richie mentioned it would be appropriate, on top of registering with the travel.gov website, for the Hill Liaison's office to pass along traveler information to the relevant regional embassies.

The constituents of Congresswoman Lee that will be travelling include

-
-

B6

will not be participating in the trip from Greece to Gaza (she will remain in Greece) and can serve as a point of contact in case of emergencies or for any other reasons. will be staying in Athens at one of two apartments:

The contact person is Specific contact cell phone numbers in Greece will be provided to our office once they are obtained in-country, which I can pass along at that time.

Attached you will find a document with pertinent American citizen traveler information including passport number, emergency contact phone number, home address, and Congressional Representation as provided by is not included on this spreadsheet, which I believe includes several individuals participating in the boat trip to Gaza. information is as follows:



Passport # (TBD), this was not received prior to their departure, but I will request if I hear from them on the ground in Greece.

Birthdate:

The dates of travel for are as follows:

- Depart for Greece May 18, 2010
- Depart from Greece via boat May 21
- Arrive in Gaza May 27
- Depart from Greece for United States May 30 or June 1

Scott Exner

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Page 2 of 3

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Page 3 of 3

Legislative Assistant

The Honorable Barbara Lee (CA 9th)

2444 Rayburn House Office Building

Washington D.C. 20515

Tel# (202) 225-2661

Fax# (202) 225 9817

<http://lee.house.gov/>

[Click Here](#) to Subscribe to LeeMail

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Page 3 of 3



Search

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Enter Search Criteria

DCN/PPT Number:

Card Number:

Surname:

Given Name:

DOB: (MM/DD/YYYY)

POB:

Application Number:

B6

Select Search Type

- Passport Records
- Passport Records by SSN
- Vital Records
- Document Requests

Passport Records (1 Record Found)

Application Number	PPT Number	Card Number	Name	DOB	POB	DOI	Amend	Images
						6/20/2006		Images

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

FRSE GAZD

RELEASED IN PART B6

B6

Search

Enter Search Criteria

DCN/PPT Number:

Card Number:

Surname:

Given Name:

DOB: (MM/DD/YYYY)

POB:

Application Number:

Select Search Type

- Passport Records
- Passport Records by SSN
- Vital Records
- Document Requests

Passport Records (2 Records Found)

Application Number	PPT Number	Card Number	Name	DOB	POB	DOI	Amend	Images

Images

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer



Arrest Service Summary

This report provides details about the selected arrest service record.

United States Department of State
Bureau of Consular Affairs

B6

[Redacted]

Birth Date Age Passport Number Place of Birth

Arrest Service Details

Case Name (Owning Post - Status)

I - TLV 2009-Sep-24(Tel Aviv - Open)

Arrest Place

Givon Detention Center, Ramleh

Judicial Status Notified Date Arrest Date Age at Arrest Notified by

Pending Deportation 01-Jun-2010 01-Jun-2010 MFA

Delay

Protested No

Notification No

Visitation Access No

Condition of Arrestee

Detail

Comments

Contacts

Attorney Information

Name Contract Date Date Terminated

Gaby Lasky 02-Jun-2010

Post-contacted Ms. Lasky to inform her that subject is interested in engaging her services.

Visits

<u>Description</u>	<u>Created By Date</u>	<u>Date Due Completed</u>	<u>Status</u>
ConGen Andrew Parker Visit 06/01/10	ZUCKERMAN,EVE 2-Jun-2010		Pending

Mistreatment

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Page 1 of 4

B6

<u>Place of Detention</u>				
<u>Transfer Date</u>	<u>Prisoner Number</u>	<u>Detention Center</u>		
02-Jun-2010		Givon Detention Center, Ramleh		
<u>Health Elements</u>				
<u>Charge</u>				
<u>Formal Charges</u>				
<u>Charge</u>	<u>Plea</u>	<u>Disposition</u>	<u>Disposition Date</u>	
IV				
<u>Drug Charges</u>				
<u>Hearing</u>				
<u>Fine</u>				
<u>Property</u>				
<u>Proof Of Citizenship</u>				
<u>Document Type</u>	<u>Document Number</u>	<u>Issue Date</u>	<u>Expiration Date</u>	<u>Place of Issue</u>
Passport Regular				
<u>Proof Of Identification</u>				
<u>Privacy Act</u>				
<u>Activity Log</u>				
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B6

Name	Type	Source	Created By	Create Date	Due Date	Complete Date
New Case	Status Update	System	BERNOVSKY,MARI	24-Sep-2009		24-Sep-2009
New WW Created	Status Update	System	BERNOVSKY,MARI	24-Sep-2009		24-Sep-2009
Welfare/Whereabouts Service C	Status Update	System	BERNOVSKY,MARI	24-Sep-2009		24-Sep-2009
Case Closed	Status Update	System	BERNOVSKY,MARI	24-Sep-2009		24-Sep-2009
New WW Created	Status Update	System	TANUS,GEORGE	21-May-2010		21-May-2010
Subject Core Biographical Data	Status Update	System	TANUS,GEORGE	21-May-2010		21-May-2010
Name check executed 05/21/10	Name Check Resu	System	TANUS,GEORGE	21-May-2010		21-May-2010
Delegation To Gaza see attached e-mail	Attach File	User	TANUS,GEORGE	21-May-2010		21-May-2010
Subject Core Biographical Data	Status Update	System	TANUS,GEORGE	21-May-2010		21-May-2010
Subject Core Biographical Data	Status Update	System	GREENE,ELISA	28-May-2010		28-May-2010
Name check executed 05/28/10	Name Check Resu	System	GREENE,ELISA	28-May-2010		28-May-2010
Possible Harmful Activities CL	Case Note	User	GREENE,ELISA	28-May-2010		28-May-2010
From: Greene, Elisa						
Proof of Citizenship Data Upda	Status Update	System	SAKRAN,JOHNNY	31-May-2010		31-May-2010
Subject Core Biographical Data	Status Update	System	SAKRAN,JOHNNY	31-May-2010		31-May-2010
New Arrest Service Created	Status Update	System	ZUCKERMAN,EVE	02-Jun-2010		02-Jun-2010
Name check executed 06/02/10	Name Check Resu	System	ZUCKERMAN,EVE	02-Jun-2010		02-Jun-2010
Cable: ARREST, CASE OP PA	Cable	System	ZUCKERMAN,EVE	02-Jun-2010		
ConGen Andrew Parker Visit 0t	Arrest Visit	User	ZUCKERMAN,EVE	02-Jun-2010		02-Jun-2010
Andy Parker visited subject at the Givon immigration detention center, Ramleh, on 06/01/10. See activity log for details.						
Letter From ConGen To Subject	Case Note	User	ZUCKERMAN,EVE	02-Jun-2010		02-Jun-2010
From: Parker, Andrew C						
<u>Arrest Service Status</u>						
<u>Service Id</u>	<u>Service Created By</u>	<u>Service Create Date</u>	<u>Date Last Edited</u>			
TLV201015324914058	ZUCKERMAN, EVE	02-Jun-2010	02-Jun-2010			
<u>Service Status</u>	<u>Last Edited By</u>					
Open	ZUCKERMAN,E					
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Page 4 of 4

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DOD-CP, B6

Stavrelli, Joe S

From: [redacted]
Sent: Thursday, June 03, 2010 8:06 AM
To: ATHENS-ACS
Cc: Brandeis, Charles D.
Subject: AmCit coming from Israel

B3 DOD-CP

I received a phone call on 2 June at 2312 from the Security Receptionist (SR) informing me that the MFA had called the Embassy to inform us that an American citizen would be arriving in the early hours of 3 June on a Greek military aircraft (C-130) from Israel. At the time of this conversation, the C-130 was still in Israel waiting to get final clearance for departure. The C-130 was bringing 32 Greeks, three French and one American to Greece from Israel. These individuals had been involved with the ongoing flotilla / Gaza events. The MFA wanted someone from the US Embassy to receive the American at Elefsenia (sp?) Air Base. The American is travelling with a tourist passport.

Due to the uniqueness of this situation, I asked the SR to transfer me to Mrs. Brandeis, ACS Chief, to get further guidance. The SR spoke to Mr. Brandeis (RSO) and explained the situation. Mr. Brandeis then contacted [redacted] at MFA and informed [redacted] that the US Embassy would not be meeting the aircraft or the American citizen. Mr. Brandeis was able to get the name of the American citizen, [redacted]

B6

Mr. Brandeis contacted me at about 0010 to inform me that there was no further action required from the US Embassy at the moment.

Please contact me if you have any questions.

[redacted]

[redacted]

CW2, USA
Operations Coordinator
Defense Attaché Office
US Embassy Athens, Greece

B3 DOD-CP

[redacted]

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

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Page 1 of 1

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From: Davison, Kees C
To: Houndoumadi, Ioanna G
Subject: FW: Free Gaza Flotilla
Sent: 5/20/2010 1:59:08 PM
For the file.

SBU
This email is UNCLASSIFIED.

From: Davison, Kees C
Sent: Thursday, May 20, 2010 1:56 PM
To: Richter, Kim B; Mendel, Teresa S
Cc: Plott, Susan M; Zeroubavely, Sandra S; Zuckerman, Eve; Towry, Debra J; Lewis, Glenn K; Parra, Yolanda A; Perry, Mark D
Subject: Free Gaza Flotilla

Teresa, Kim,

I spoke to two of the American members of Free Gaza group which will be leaving Athens soon, former [redacted] I initiated the call on [redacted] US cell phone, and then continued it on a local landline at the apartment they are staying at -- [redacted]

B6

[redacted] told me that he doubted that they would set sail before Sunday or Monday (23rd or 24th), and was expecting to be engaged by the Israeli Navy on May 27th or May 28th.

While there are other Americans in Athens with the group, only the five mentioned on the spreadsheet from Congresswoman Lee's office would be sailing. [redacted]

Kees Davison
ACS Athens

<http://paltelegraph.com/world/us/6096-us-delegation-headed-for-gaza-with-international-aid-flotilla>

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Page 1 of 1

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ΑΙΤ

ΕΛΛΗΝΙΚΗ ΔΗΜΟΚΡΑΤΙΑ
 ΚΕΝΤΡΙΚΟ ΛΙΜΕΝΑΡΧΕΙΟ ΠΕΙΡΑΙΑΣ
 ΛΙΜΕΝΙΚΗ ΑΣΤΥΝΟΜΙΑ
 ΛΙΜΕΝΙΚΟ ΘΥΛΑΚΙΟ

ΚΑΤΑΣΤΑΣΗ ΕΠΙΒΑΤΩΝ & ΠΛΗΡΩΜΑΤΟΣ
 PASSENGER AND CREW LIST

DEMOCRACY OF GREECE
 PIRAEUS PORT AUTHORITY
 PORT POLICE
 COAST GUARD

or Challenger 1 ΣΗΜΑΙΑ USA ΝΗΟΛ. ΚΟΧ
 YACHT FLAG PORT OF REGISTRY REG No
 ΚΑΤΑ ΤΗΝ ΑΠΟΠΛΟΥ ΑΠΟ ΑΣΤΕΡ ΝΙΚΟΛΑΟΥ ΠΑΡΑ ΤΗΝ ΚΥΡΟ ΚΑΤΑ ΤΗΝ
 DURING THE VOYAGE FROM TO
 ΤΥΠΟΣ ΣΚΑΦΟΥΣ ΜΕΤΡΑ 2.5
 TYPE OF BOAT METERS

ΠΛΗΡΩΜΑ - CREW

1) Κίτης Master		9) *		
2)		10) *		
3) Μηχανικός Engineer				
4)				
5)				

ΕΠΙΒΑΤΕΣ - PASSENGERS

Α/Α No	ΕΠΩΝΥΜΙΑ ΚΑΙ ΠΡΩΤΟΝΟΜΙΑ SURNAME AND FORENAME	ΔΙΕΥΘΥΝΣΗ ADDRESS	ΑΡ. ΔΙΑΠΛ. PASSPORT No	ΧΡΩΣΤΟΧΡΟΜΙΑ NATIONALITY
1				
2				
3				
4				
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30				

ΑΠΟΤ. ΠΕΙΡΑΙΑΣ
 25/05/2010
 Sign/Place Sign/Date

ΘΕΩΡΗΘΗΚΕ ΠΡΟΪΚΛΗΤΗΣ
 REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

28-MAY-2010 10:38 From: YEN/DA

2104612406

To: +3 0107245313

P.2/7

Παρεκτός / Out of Office
 Δ/ΝΣΗ ΤΕΛΩΝΕΙΩΝ & ΕΦΚ

ΕΛΛΗΝΙΚΗ ΔΗΜΟΚΡΑΤΙΑ
 HELLENIC REPUBLIC
 ΥΠΟΥΡΓΕΙΟ ΟΙΚΟΝΟΜΙΚΩΝ
 MINISTRY OF FINANCE
 ΓΕΝΙΚΗ Δ/ΝΣΗ ΤΕΛΩΝΕΙΩΝ & ΕΦΚ
 GENERAL DIRECTORATE OF
 CUSTOMS AND EXCISE
 ΤΕΛΩΝΕΙΑΚΗ ΑΡΧΗ Α.Ε. (Γ.Α.Ρ.)
 CUSTOMS AUTHORITY

ΑΡΙΘ. ΔΕΛΤΙΟΥ: 09
 DOCUMENT NUMBER: 09
 DATE: 26-04-10
 EXPIRY DATE: 26-04-10
 EXTENSION OF VALIDITY

ΔΕΛΤΙΟ ΚΙΝΗΣΗΣ (11,0)
 TRANSIT LOG

ΟΝΟΜΑΤΟ ΕΜΠΟΡΙΚΗΣ ΕΤΑΙΡΕΙΑΣ: CHRYSLER
 ΔΙΕΥΘΥΝΣΗ ΚΑΤΟΙΚΙΑΣ: PO BOX 10000
 ΤΗΛΕΦΩΝΟ: 7354
 ΑΦΜ: 276502000

ΟΝΟΜΑΤΟ ΕΜΠΟΡΙΚΗΣ ΕΤΑΙΡΕΙΑΣ: EDWARDS
 ΔΙΕΥΘΥΝΣΗ ΚΑΤΟΙΚΙΑΣ: 3511 SILVERSIDE RD SUITE 105 WILMINGTON
 ΤΗΛΕΦΩΝΟ: DE 19810
 ΑΦΜ: 540556081

ΟΝΟΜΑΤΟ ΕΜΠΟΡΙΚΗΣ ΕΤΑΙΡΕΙΑΣ: AD
 ΔΙΕΥΘΥΝΣΗ ΚΑΤΟΙΚΙΑΣ: 117 18532 ΝΕΑ ΠΑΙΑΣ
 ΤΗΛΕΦΩΝΟ: 540558034
 ΑΦΜ: 540558034

ΟΝΟΜΑΤΟ ΕΜΠΟΡΙΚΗΣ ΕΤΑΙΡΕΙΑΣ: AD
 ΔΙΕΥΘΥΝΣΗ ΚΑΤΟΙΚΙΑΣ: 10 ΑΝΔΡΕΑΣ ΠΑΠΑΔΟΠΟΥΛΟΣ
 ΤΗΛΕΦΩΝΟ: /
 ΑΦΜ: /

ΟΝΟΜΑΤΟ ΕΜΠΟΡΙΚΗΣ ΕΤΑΙΡΕΙΑΣ: AD
 ΔΙΕΥΘΥΝΣΗ ΚΑΤΟΙΚΙΑΣ: /
 ΤΗΛΕΦΩΝΟ: /
 ΑΦΜ: /

28-MAY-2010 10:39 From: YEN:DA

2104612406

Tel: +3 0107245313

P. 3/7

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ΕΛΛΗΝΙΚΗ ΔΗΜΟΚΡΑΤΙΑ
 ΚΕΝΤΡΙΚΟ ΑΡΧΑΙΟΛΟΓΙΚΟ ΜΟΥΣΕΙΟ
 ΜΟΥΣΕΙΟ ΤΗΣ ΑΖ ΤΥΡΕΝΙΑΣ
 ΑΡΧΑΙΟΛΟΓΙΚΟ ΜΟΥΣΕΙΟ

2
ΚΑΤΑΣΤΑΣΗ ΕΠΙΒΑΤΩΝ & ΠΛΗΡΩΜΑΤΟΣ
PASSENGER AND CREW LIST

DEMOCRACY OF GREECE
 PIREUS PORT AUTHORITY
 PORT POLICE
 COAST GUARD

ΕΠΙΧΑΛΑΣΜΟΣ: ΤΣΙΝΜΑΙΑ
 VESSEL: CHALASMA
 ΚΑΤΑ ΤΗΝ ΑΠΟΒΕΥΣΗ ΑΠΟ: ΑΓΙΟ ΝΙΚΟΛΑΟ
 DURING THE VOYAGE FROM:

USA
 PORT OF ORIGIN

ΑΡΧΗΟΛ
 REG. No

Κ.Ο.Χ

ΠΑ
 TO

ΚΥΠΡΟ

Κ.Κ.Χ

ΤΥΠΟΣ ΚΑΡΟΥΣ
 TYPE OF CAB

ΜΕΤΡΑ
 METERS

ΠΛΗΡΩΜΑ - CREW

1)	
2)	
3)	
4)	
5)	

B6

ΕΠΙΒΑΤΕΣ - PASSENGERS

--	--

28/05/2010
 REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

ΘΕΩΡΗΘΗΚΕ

Ο ΠΛΟΙΑΡΧΟΣ
 THE MASTER

28-MAY-2010 10:40 From: YEN/DA

2104612406

To: +3 0107245313

P.5/7

Σελ 01 από 03

ΣΟ ΠΕΡΙΒΑΤΕΙ

CEPT No TC/ITC/139-38512/134

RELEASED IN PART B6

ΚΕΝΤΡΙΚΟ ΛΙΜΕΝΑΡΧΕΙΟ ΠΕΡΙΣΣΙΑ
ΛΙΜΕΝΙΚΗ ΑΣΤΥΝΟΜΙΑ
ΛΙΜΕΝ ΦΥΛΑΚΙΟ

ΠΕΡΙΣΣΙΑ ΠΟΡΤ ΑΥΘΟΡΙΤΗΤΑ
PIRAEUS PORT AUTHORITY
PORT POLICE
COAST GUARD

ΚΑΤΑΣΤΑΣΗ ΕΠΙΒΑΤΩΝ & ΠΛΗΡΩΜΑΤΟΣ
PASSENGERS AND CREW LIST

Ο/Υ ΣΤΕΝΔΕΩΝ
YACHT

ΣΗΜΑΙΑ ΤΟΥΡΚΙΑ
FLAG PORT OF REGISTRY

ΝΗΔΑ. ΛΟΜΕ

Αρ. Νηοδ.
REG. No

Κ.Ο.Κ. 196

ΚΑΤΑ ΤΗΝ ΑΡΧΗΛΟΥ ΑΠΟ
DURING THE VOYAGE FROM

ΚΑΜΠΕΛΙ (36A)

ΠΡΟΣ
TO

ΡΟΣ

Κ.Ο.Κ.

ΤΥΠΟΣ ΣΚΑΦΟΥΣ - Type of Boat

ΜΕΤΡΑ - Meters

3000μ

ΠΛΗΡΩΜΑ - CREW

1)	
2)	
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5)	

B6

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REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

28-MAY-2010 10:40 From:YEN/DA

2104612406

To:+3 0107245313

P.6/7

ΣΕΑ 02/03 [RELEASED IN PART B6]

ΚΕΝΤΡΙΚΟ ΛΙΜΕΝΟΛΟΓΕΙΟ ΠΕΡΙΠΑΤΑ
ΛΙΜΕΝΙΚΗ ΑΣΤΥΝΟΜΙΑ
ΛΙΜΕΝ, ΦΥΛΑΚΙΟ

ΠΙΡΑΪΕΣ ΠΟΡΤ ΑΥΤΟΡΗΤΗ
PORT POLICE
COAST GUARD

ΚΑΤΑΣΤΑΣΗ ΕΜΒΑΤΩΝ & ΠΛΗΡΩΜΑΤΟΣ
PASSENGERS AND CREW LIST

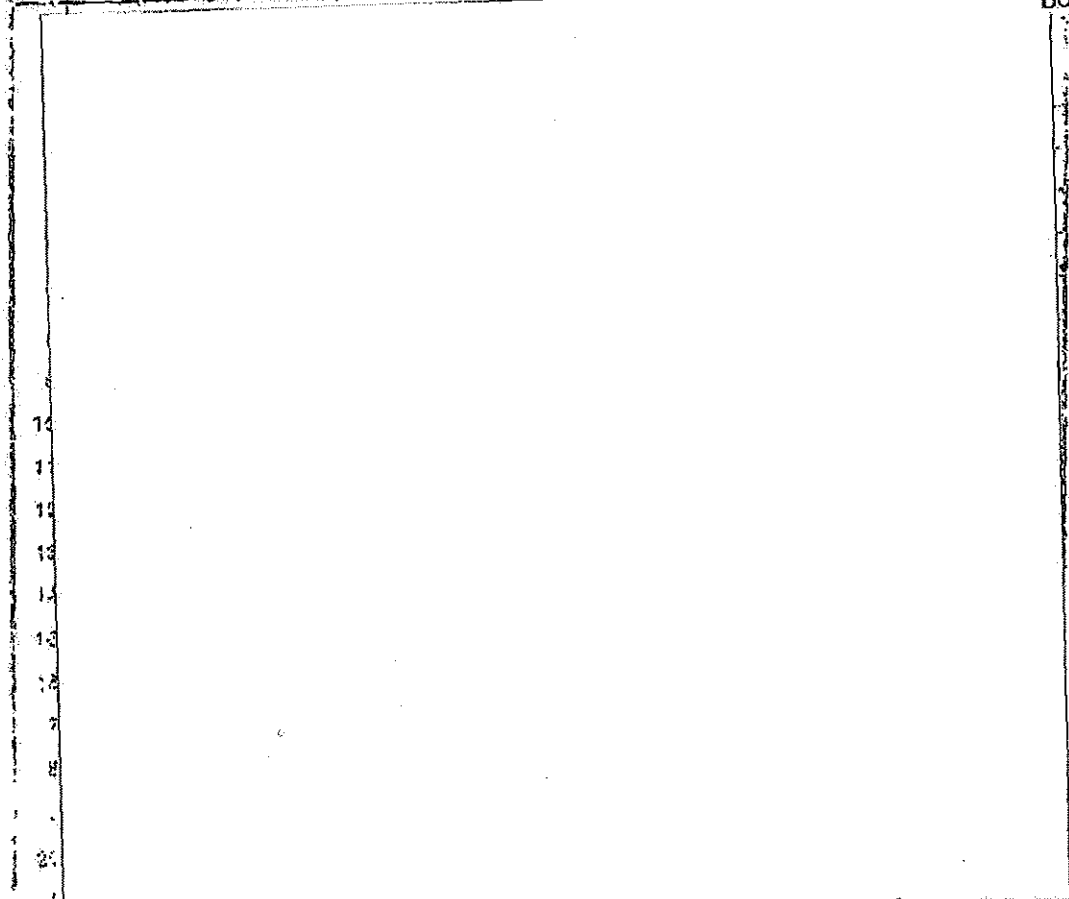
01/ ΣΦΕΝΔΟΝΗ ΣΗΜΑΙΑ ΤΟΥΡΚΙΑ ΝΗΟΛ. ΛΟΜΕ Ap No. 0951865 K.O.X. 196
YACHT FLAG PORT OF REGISTRY REG. No.
ΚΑΤΑ ΤΗΝ ΑΡΧΗΛΟΥ ΑΠΟ ΚΑΝΕΛΛΗ ΣΕΑ ΠΙΑ ΡΟΔΟ Κ.Κ.Χ. 80
DURING THE VOYAGE FROM TO
ΤΥΠΟΣ ΣΚΑΦΟΥΣ - Type of Boat ΜΕΤΡΑ - Meters 30,26

ΠΛΗΡΩΜΑ - CREW

1) Κύριος Master	6) Ναύτης Sailor
2) "	7) "
3) Μήνιος English	8) "
4) "	9) "
5) "	10) "

ΠΕΡΙΣΤΑΤΕΣ - PASSENGERS

01/	02/	03/	04/
ΕΠΙΣΤΗΜΟΝΙΚΟΣ	ΕΠΙΣΤΗΜΟΝΙΚΟΣ	ΕΠΙΣΤΗΜΟΝΙΚΟΣ	ΕΠΙΣΤΗΜΟΝΙΚΟΣ
ΕΠΙΣΤΗΜΟΝΙΚΟΣ	ΕΠΙΣΤΗΜΟΝΙΚΟΣ	ΕΠΙΣΤΗΜΟΝΙΚΟΣ	ΕΠΙΣΤΗΜΟΝΙΚΟΣ



REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

28-MAY-2010 10:40 From: YEN/DA

2104612406

To: +3 0107245313

P. 7/7

Σελ 03/03

RELEASED IN PART B6

ΚΕΝΤΡΙΚΟ ΛΙΜΕΝΑΡΧΕΙΟ ΟΒΡΑΙΑ
ΛΙΜΕΝΙΚΗ ΑΣΤΥΝΟΜΙΑ
ΛΙΜΕΝ. ΦΥΛΑΚΙΟ

ΠΙΛΑΡΧΕΙΟ ΠΟΡΤΩΝ
PORT POLICE
COAST GUARD

ΚΑΤΑΣΤΑΣΗ ΕΠΙΒΑΤΩΝ & ΠΛΗΡΩΜΑΤΩΝ
PASSENGERS AND CREW LIST

ΟΝΟΜΑ ΠΛΩΜΑΤΟΣ / YACHT: SFENDON
ΣΗΜΑΙΑ / FLAG: ΚΑΙ
ΠΟΡΤΟ ΕΓΓΡΑΦΗΣ / PORT OF REGISTRY: ΤΟΡΙΝΟ
ΑΡΙΘΜΟΣ ΕΓΓΡΑΦΗΣ / REG. No: 0951865
ΚΑΤΑ ΤΟΝ ΑΠΟΠΛΟΥ ΑΠΟ / DURING THE VOYAGE FROM: ΚΑΙ
ΤΥΠΟΣ ΣΚΑΦΟΥΣ / Type of Boat: ΚΑΙ
ΜΕΤΡΑ / Meters: 30,26

ΠΛΗΡΩΜΑ - CREW

1) Κύριος / Master	6) Ναύτης / Sailor
2) "	7) "
3) "	8) "
4) "	9) "
5) "	10) "

ΕΠΙΒΑΤΕΣ - PASSENGERS

ΑΥΤΟΝΟΜΟ ΠΛΩΜΑ / SELF-SUPPORTING VESSEL	ΑΝΤΙΣΤΡΟΦΗ ΠΛΩΜΑΤΟΣ / REVERSE VESSEL	ΑΝΤΙΣΤΡΟΦΗ ΠΛΩΜΑΤΟΣ / REVERSE VESSEL	ΑΝΤΙΣΤΡΟΦΗ ΠΛΩΜΑΤΟΣ / REVERSE VESSEL
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B6			
[Redacted Passenger List]			

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25			

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

RELEASED IN PART B6

Country	City	State	Year	Category	Source	Reference	Notes	Comments	Disposition	Approval	Signature	Date	Initials	Final
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B6

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* The country code for Greece is 30
** Leave with Kashfory (A.C.), Murtin, Malt (Europe)

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

08/29/2013

RELEASED IN PART B6

fax 4191294

Name of Ship	Point of Departure	Country/Flag	Known Amcits on Board
MV Rachel Corrie	Ireland	Cambodia/Cambodia	Dublin reports no Amcits on board
Challenger 1	Crete	Greece?/USA?	[redacted] + P:30 Agios
Challenger 2	Crete	Greece?/USA?	[redacted] +
Mavi Marmara	Istanbul	Turkey/Turkey	[redacted]
Gazze	Antalya	Turkey/Turkey	
Defne	Antalya	Turkey/Turkey	
Boat 8000	Athens?	unknown	
Eleftri Mesogeios	<i>Gargo</i> Athens?	<i>Greek</i> unknown	<i>Εκκλιση</i>

B6

(Listed Below are possible ones provided by Greece, but are not on the Israeli list of ships)

(unreadable) Ocean?	Athens	Marshall Is.	
Novorosysk Star?	Athens	Malta	
Kykladdes?	Athens	Panama	
Kallavan?	Athens	Marshall Is.	
Ocean Star?	Athens	Malta	
Shenandoah Highway?	Athens	Panama	

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

RELEASED IN FULL

Goushe, Saffie A

From: Lawton, Daniel J (Athens)
Sent: Thursday, June 16, 2011 6:51 AM
To: Au-Yeung, Jenny
Subject: RE: Ban Ki Moon flotilla statement

Follow Up Flag: Follow up
Flag Status: Completed

Jenny -- Thanks. This is useful. Regards, Dan L.

This email is UNCLASSIFIED.

From: Au-Yeung, Jenny
Sent: Thursday, June 16, 2011 1:48 PM
To: Lawton, Daniel J (Athens)
Subject: Ban Ki Moon flotilla statement

Dan,
I wasn't able to find an issued statement by Ban Ki Moon.
Cheers,
Jenny

New York, 27 May 2011 - Statement Attributable to the Spokesperson of the Secretary-General on Letters by the Secretary-General about Possible Flotillas to Gaza

The Secretary-General has sent a letter to Governments of countries around the Mediterranean Sea. In these letters, the Secretary-General indicated that he was following with concern media reports of potential flotillas to Gaza. He expressed his belief that assistance and goods destined to Gaza should be channelled through legitimate crossings and established channels. He recalled the statements of the Quartet on 21 June 2010 and the Ad Hoc Liaison Committee on 13 April 2011 in this regard.

The Secretary-General called on all Governments concerned to use their influence to discourage such flotillas, which carry the potential to escalate into violent conflict. He further called on all, including the Government of Israel, to act responsibly and with caution to avoid any violent incident.

The Secretary-General reiterated that, while he believed that flotillas were not helpful in resolving the basic economic problems in Gaza, the situation there remains unsustainable. He urged the Government of Israel to take further meaningful and far-reaching steps to end the closure of Gaza, within the framework of Security Council resolution 1860 (2009). In particular, he underlined that it was essential for the operation of legitimate crossings to be adequate to meet the needs of Gaza's civilian population. (Source: [UN](#))

REVIEW AUTHORITY: Sharon Ahmad, Senior
Reviewer

21. The Secretary-General is also following with concern media reports of potential new

flotillas to Gaza that can provoke unnecessary confrontations. The Secretary-General calls on all Governments concerned to use their influence to discourage such flotillas, which carry the potential for escalation. He further calls on all to act responsibly to avoid any violent incident. (Source: UNSCO)

"The Secretary-General is also following with concern media reports of potential new flotillas to Gaza that can provoke unnecessary confrontations. The Secretary-General calls on all Governments concerned to use their influence to discourage such flotillas, which carry the potential for escalation. He further calls on all to act responsibly to avoid any violent incident." (Source: UN Watch)

This email is UNCLASSIFIED.

RELEASED IN FULL

NON-RESPONSIVE PORTIONS
REDACTED

U.S. Embassy - Athens, Greece - Early Morning Greek News Update - July 6, 2011
From print and broadcast media sources and the Internet produced on business days at 0845 Athens time

How the U.S. plays in the Greek media:

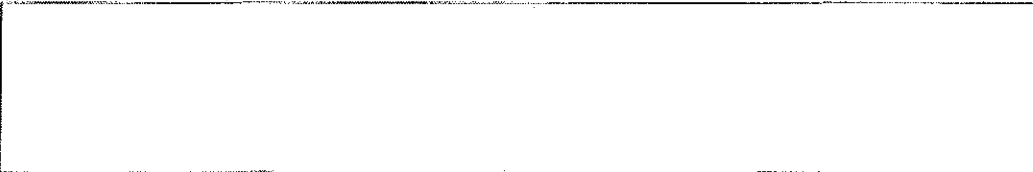
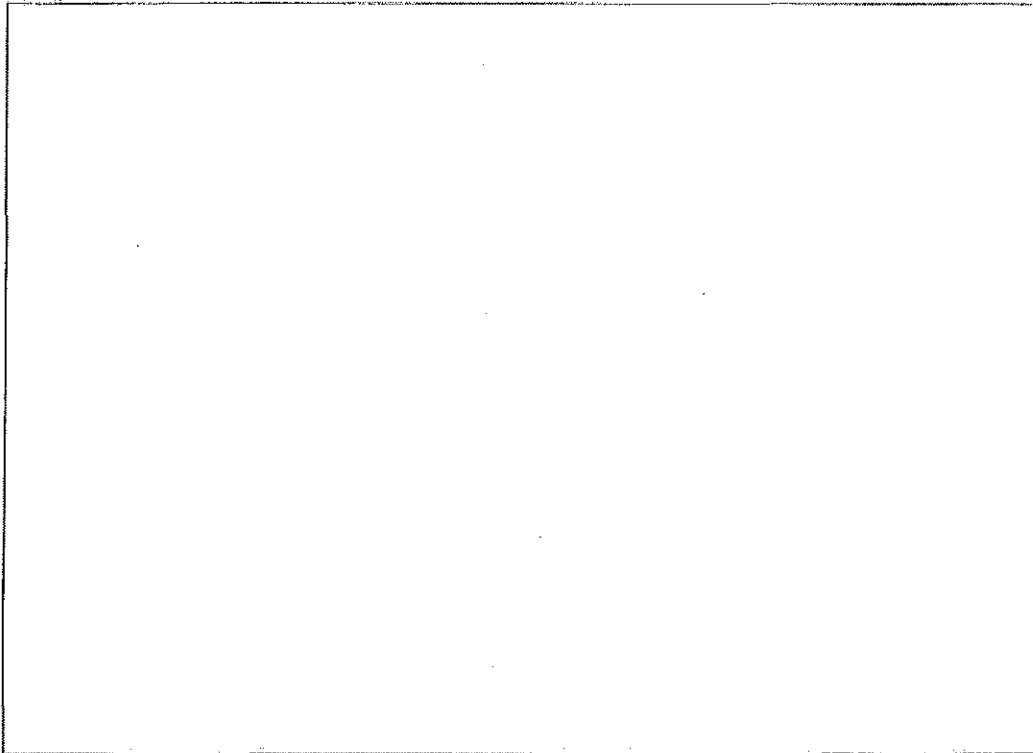
Topics: FBI, Papoutsis meet; Gaza flotilla.

NR



Gaza flotilla: Eleftherotypia (left-of-center, pro-PASOK) reports that "the American captain of the 'Audacity of Hope,'" was released yesterday as he could not be tried in Greece since he should not have been indicted on the basis of Greek legislation. His advocate said that his ship was under a U.S. flag and fully navigable. In a different story, paper says a French ship named "Dignite al Kamara" sailed off Corsica "defying repeated Israeli threats."

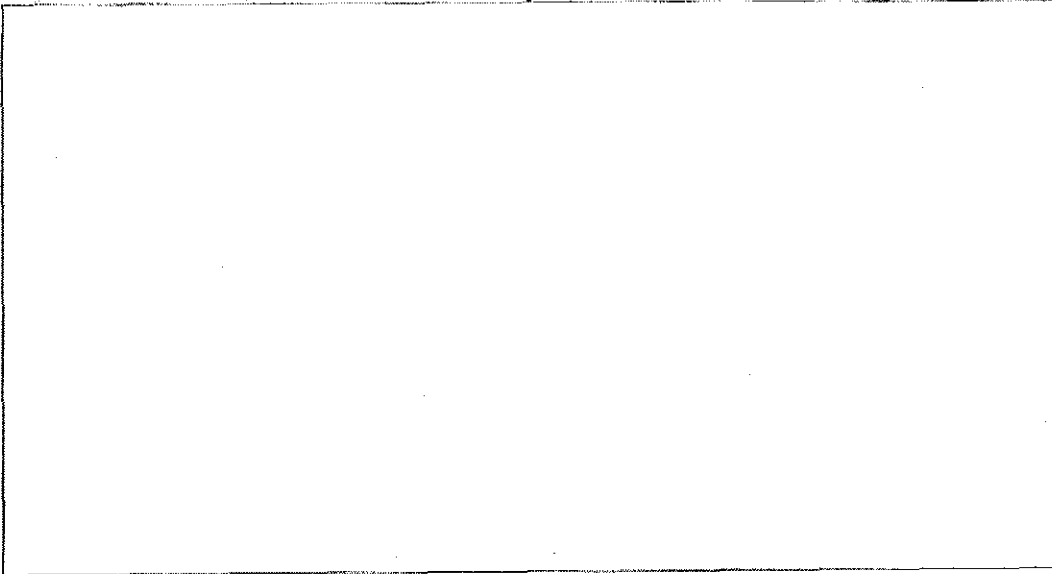
Other Issues:



REVIEW AUTHORITY: Sharon Ahmad, Senior
Reviewer UNCLASSIFIED - For Internal use only
Drafted by PD/GR/NK

The update does not "editorialize," but rather communicates headline topics as presented by various Greek media.

NR



UNCLASSIFIED - For internal use only
Drafted by PD/OR/NK

The update does not "editorialize," but rather communicates headline topics as presented by various Greek media.

RELEASED IN PART B3
DOD-CP, NR

Goushe, Saffie A

From: Lawton, Daniel J (Athens) B3 DOD-CP
Sent: Tuesday, June 28, 2011 6:18 AM
To: Kaldanow, Tina S; O'Grady, Daniel J; Allison, Alicia P; Burger, David; Norman, Marc E; Stevens, Ruth A; McKay, Maria E; Witmer, Kami A; Baker, Judith E; Dodman, Michael J; EUR-SE-DL; Worman, Patrick F; SES-O; Snipes, Christopher K; Sillman, Douglas A; Cohen, Jonathan R; Aggeler, Brian C; Engle, Thomas S; Flores, Molly P; Peterson, Jennifer M; Angelides, Joanna P; Harris, Rian
Cc: ATHENS-POL; ATHENS-ECON; Smith, Daniel B (Athens); Miller, Thomas S (Athens); Brown, Diana F (Athens); McKeever, Matthew X (Athens); Kay, Catherine E (Thessaloniki); Brandeis, Charles D (Athens); Breisler, Jodi R (Athens); Halberg, Kent (Athens); Green, Janice C (Athens); Smith, Stuart M (Athens); Lance, Marsha A (Thessaloniki); Braunschweig, John J (Athens); Brandeis, Katherine L (Athens); David McNeill; ATHENS-FAST OFFICERS; Weitzenkorn, Laurie B; Zouroudis, Betsy (Athens); Rueter, Eric J; Pelargidis, George (Thessaloniki); Koutsounanou, Ioanna E (Thessaloniki); [redacted]
 [redacted] CIV, OSD-POLICY'; [redacted] DSCA/OPS/EAFF; [redacted]
 JCS J5 DDENR'; [redacted]@eu.navy.mil'; Teirylnck, Mary J (Athens); William Kutson (William.Kutson@trade.gov); Engen, Ryan S; Abisellan, Ernest J; Triantafyllou, Prodromos N (Athens); Karamolegos, Nikos P (Athens); Singer, Russell C; Erath, Tara F; Fernandes, Anthony C; O'Reilly, Patrick R; Au-Yeung, Jenny; McIntosh, Daniel; Silverman, Lawrence; McCarthy, Deborah A; Smitham, Thomas D; Whittington, Alexander E; Tuminaro, John D; Marchese, Gregory M
Subject: Athens Update -- June 28

Follow Up Flag: Follow up
Flag Status: Completed

NR

Key Points:

[Redacted Key Points]

[Redacted Content]

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

NR

[REDACTED]

(SBU) Gaza Flotilla Update: According to local media reports, two Greek ships carrying humanitarian aid cargo and 40 Greek passengers, the *Free Mediterranean* and the *Juliano*, will sail today or tomorrow to join flotilla ships at an undisclosed location in the Aegean and then sail on to Gaza. The departure of the *Juliano* may be delayed, however, as the "Freedom II – Stay Alive" organizers are alleging on their website that they have video evidence of "sabotage" from a "hired professional diver" who sawed through the *Juliano's* propeller axles. Organizers note that repairs could take two days.

[REDACTED]

[REDACTED]

NR



SBU
This email is UNCLASSIFIED.

RELEASED IN PART B5

Goushe, Saffie A

From: Lawton, Daniel J (Athens)
Sent: Thursday, June 16, 2011 6:54 AM
To: Martin, Leah A (Athens)
Subject: RE: Ban Ki Moon flotilla statement

Follow Up Flag: Follow up
Flag Status: Completed

Leah - Just when it comes back. Thanks, Dan L.

This email is UNCLASSIFIED.

From: Martin, Leah A (Athens)
Sent: Thursday, June 16, 2011 1:54 PM
To: Lawton, Daniel J (Athens)
Subject: RE: Ban Ki Moon flotilla statement

B5

[REDACTED]
;Leah

This email is UNCLASSIFIED.

From: Lawton, Daniel J (Athens)
Sent: Thursday, June 16, 2011 1:53 PM
To: Martin, Leah A (Athens)
Cc: Au-Yeung, Jenny
Subject: FW: Ban Ki Moon flotilla statement

Leah - [REDACTED] Regards, Dan L.

This email is UNCLASSIFIED.

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

From: Au-Yeung, Jenny
Sent: Thursday, June 16, 2011 1:48 PM
To: Lawton, Daniel J (Athens)
Subject: Ban Ki Moon flotilla statement

Dan,
I wasn't able to find an issued statement by Ban Ki Moon.
Cheers,

Jenny

New York, 27 May 2011 - Statement Attributable to the Spokesperson of the Secretary-General on Letters by the Secretary-General about Possible Flotillas to Gaza

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The Secretary-General reiterated that, while he believed that flotillas were not helpful in resolving the basic economic problems in Gaza, the situation there remains unsustainable. He urged the Government of Israel to take further meaningful and far-reaching steps to end the closure of Gaza, within the framework of Security Council resolution 1860 (2009). In particular, he underlined that it was essential for the operation of legitimate crossings to be adequate to meet the needs of Gaza's civilian population. (Source: UN)

21. The Secretary-General is also following with concern media reports of potential new flotillas to Gaza that can provoke unnecessary confrontations. The Secretary-General calls on all Governments concerned to use their influence to discourage such flotillas, which carry the potential for escalation. He further calls on all to act responsibly to avoid any violent incident. (Source: UNSCO)

"The Secretary-General is also following with concern media reports of potential new flotillas to Gaza that can provoke unnecessary confrontations. The Secretary-General calls on all Governments concerned to use their influence to discourage such flotillas, which carry the potential for escalation. He further calls on all to act responsibly to avoid any violent incident." (Source: UN Watch)

This email is UNCLASSIFIED.

RELEASED IN PART B5, B6

Goushe, Saffie A

From: Lawton, Daniel J (Athens)
Sent: Saturday, June 18, 2011 3:24 AM
To: Brandeis, Katherine L (Athens)
Subject: Re: US to Gaza Flotilla

Follow Up Flag: Follow up
Flag Status: Completed

Kate - Thanks for following up. I will forward a separate e-mail from NEA with some more guidance. Regards, Dan

From: Brandeis, Katherine L (Athens)
Sent: Saturday, June 18, 2011 12:54 AM
To: Lawton, Daniel J (Athens)
Subject: Re: US to Gaza Flotilla

B5

Hi Dan, I have asked her when they will be sailing, but have not heard back yet. I gave her our and Tel Aviv's fax numbers to send their PAWs as well.

More soon. Kate

From: Lawton, Daniel J (Athens)
Sent: Friday, June 17, 2011 10:40 AM
To: Brandeis, Katherine L (Athens)
Subject: FW: US to Gaza Flotilla

Kate -- FYI. Regards, Dan L.

This email is UNCLASSIFIED.

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

From: Snipes, Christopher K
Sent: Friday, June 17, 2011 5:30 PM
To: Lawton, Daniel J (Athens)
Subject: RE: US to Gaza Flotilla

Hi Dan -- Bob

Two extra things: Bob said there will be an updated travel advisory on participating in flotillas. There is one from last year that cautions travel to Gaza in general (http://travel.state.gov/travel/cis_pa_tw/tw/tw_922.html).

Chris

This email is UNCLASSIFIED.

From: Lawton, Daniel J (Athens)
Sent: Friday, June 17, 2011 8:28 AM
To: Snipes, Christopher K
Subject: FW: US to Gaza Flotilla

Chris – Could we ask you to follow up on this. Regards, Dan L.

SBU
This email is UNCLASSIFIED.

From: Smith, Daniel B (Athens)
Sent: Thursday, June 16, 2011 2:54 PM
To: Lawton, Daniel J (Athens); Brandeis, Katherine L (Athens)
Cc: Mendel, Teresa S; Greene, Elisa; McKeever, Matthew X (Athens); Miller, Thomas S (Athens); Martin, Leah A (Athens); Zouroudis, Betsy (Athens) B5
Subject: RE: US to Gaza Flotilla

[REDACTED]
Don?

SBU
This email is UNCLASSIFIED.

From: Lawton, Daniel J (Athens)
Sent: Thursday, June 16, 2011 2:35 PM
To: Brandeis, Katherine L (Athens)
Cc: Mendel, Teresa S; Greene, Elisa; McKeever, Matthew X (Athens); Smith, Daniel B (Athens); Miller, Thomas S (Athens); Martin, Leah A (Athens); Zouroudis, Betsy (Athens)
Subject: RE: US to Gaza Flotilla

Kate – Many thanks for this. Per our telcon, I am ccing the Front Office for their information. [REDACTED]

[REDACTED] Regards, Dan L.

SBU
This email is UNCLASSIFIED.

From: Brandeis, Katherine L (Athens)
Sent: Thursday, June 16, 2011 12:52 PM
To: Lawton, Daniel J (Athens); Martin, Leah A (Athens)
Cc: Mendel, Teresa S; Greene, Elisa; McKeever, Matthew X (Athens)
Subject: US to Gaza Flotilla

Dan and Leah, I had a call from [redacted] who is a member of an organization called US to Gaza (www.ustogaza.org) and she was calling to tell me that there will be roughly 60 B6 Americans arriving in Athens between now and June 20-21, to board a ship that is headed to Gaza to protest the blockade. She said that a larger Turkish ship will now not sail for some reason, but they plan to continue with their mission.

She told me that members of the group met in Washington with Department reps, including Michele Bernier-Toth, who is the head of the Office of Citizen Services. She wanted us to be aware of their presence from a consular standpoint and said that they would be faxing privacy act waivers to the Emb. in Tel Aviv in the event they were needed. We talked a bit about the situation here in Athens and I said that I would be forwarding her some links to the CSI, etc. (She was very appreciative. Apparently, a couple of members of the group who are already here were already pick-pocketed on the metro!)

[redacted] said that they understand that this is a contentious mission and they want the Embassy to know that they are not terrorists, they are American Citizens who are challenging the authority to carry out the blockade. They want the USG to end its support for it and they want it to end.

She asked if it would be possible for a small delegation from the group to pay a call on the Amb. in DCM, probably the 23rd or the 24th of June. I told her that the SO will be in town and that things might be a bit busy, but that I would pass the request along. She said that she completely understood if it was not possible. I have not passed this along to the FO yet. I thought I would chat with you first.

[redacted] has a local cell phone, which is [redacted]

(CC'ing OCS and ACS Tel Aviv)

Kate

Kate Brandeis | Athens American Citizen Services | (30) 210-720-2427

SBU

This email is UNCLASSIFIED.

RELEASED IN PART B5, B6

Goushe, Saffie A

From: Lawton, Daniel J (Athens)
Sent: Saturday, June 18, 2011 3:27 AM
To: Smith, Daniel B (Athens); Miller, Thomas S (Athens)
Cc: Brandeis, Katherine L (Athens); Cockrell, John D (Athens)
Subject: Fw: US to Gaza Flotilla

Follow Up Flag: Follow up
Flag Status: Completed

B5

Sir/Tom - Regards, Dan L.

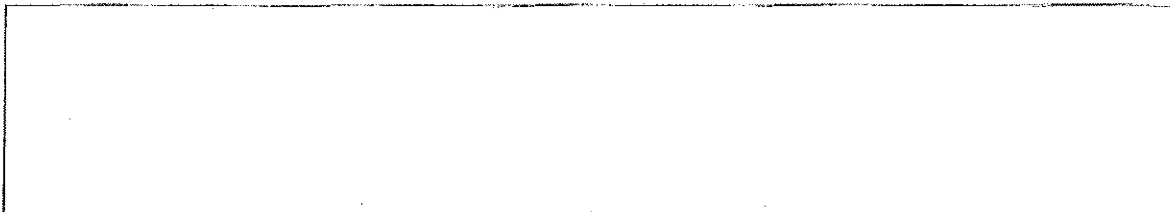
From: Snipes, Christopher K
Sent: Friday, June 17, 2011 02:37 PM
To: Lawton, Daniel J (Athens)
Subject: FW: US to Gaza Flotilla

Dan -- last word on this, I think. Chris

This email is UNCLASSIFIED.

From: Eilts, Colin C
Sent: Friday, June 17, 2011 2:37 PM
To: Doutrich, Jack T; Snipes, Christopher K
Cc: Jakobson, Nicholas W; Sindle, James M; Jacoby, Julia I; Richter, Kim B
Subject: RE: US to Gaza Flotilla

Christopher,



Please let me know if you have any questions or concerns.

Best,

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

Colin

This email is UNCLASSIFIED.

From: Doutrich, Jack T
Sent: Friday, June 17, 2011 11:23 AM
To: Snipes, Christopher K
Cc: Ells, Colin C
Subject: RE: US to Gaza Flotilla

+ Colin Ells who covers this issue and is working closely with CA.

B5

Chris,

[Redacted]

JD.

This email is UNCLASSIFIED.

From: Snipes, Christopher K
Sent: Friday, June 17, 2011 10:49 AM
To: Doutrich, Jack T
Subject: FW: US to Gaza Flotilla

Hey Jack,

A group of Amclts is heading to Greece to get on a flotilla to Gaza. [Redacted]

What do you think?

Thanks, Chris

This email is UNCLASSIFIED.

From: Smith, Daniel B (Athens)
Sent: Thursday, June 16, 2011 2:54 PM
To: Lawton, Daniel J (Athens); Brandeis, Katherine L (Athens)
Cc: Mendel, Teresa S; Greene, Ellsa; McKeever, Matthew X (Athens); Miller, Thomas S (Athens); Martin, Leah A (Athens); Zouroudis, Betsy (Athens)
Subject: RE: US to Gaza Flotilla

[Redacted]

Dan?

SBU

This email is UNCLASSIFIED.

From: Lawton, Daniel J (Athens)
Sent: Thursday, June 16, 2011 2:35 PM
To: Brandels, Katherine L (Athens)
Cc: Mendel, Teresa S; Greene, Elisa; McKeever, Matthew X (Athens); Smith, Daniel B (Athens); Miller, Thomas S (Athens); Martin, Leah A (Athens); Zouroudis, Betsy (Athens)
Subject: RE: US to Gaza Flotilla

B5

Kate -- Many thanks for this. Per our telcon, I am ccing the Front Office for their information. [redacted]

[redacted] Regards, Dan L.

SBU
This email is UNCLASSIFIED.

From: Brandels, Katherine L (Athens)
Sent: Thursday, June 16, 2011 12:52 PM
To: Lawton, Daniel J (Athens); Martin, Leah A (Athens)
Cc: Mendel, Teresa S; Greene, Elisa; McKeever, Matthew X (Athens)
Subject: US to Gaza Flotilla

B6

Dan and Leah, I had a call from [redacted] who is a member of an organization called US to Gaza (www.ustogaza.org) and she was calling to tell me that there will be roughly 60 Americans arriving in Athens between now and June 20-21, to board a ship that is headed to Gaza to protest the blockade. She said that a larger Turkish ship will now not sail for some reason, but they plan to continue with their mission.

She told me that members of the group met in Washington with Department reps, including Michele Bernier-Tolth, who is the head of the Office of Citizen Services. She wanted us to be aware of their presence from a consular standpoint and said that they would be faxing privacy act waivers to the Emb. in Tel Aviv in the event they were needed. We talked a bit about the situation here in Athens and I said that I would be forwarding her some links to the CSI, etc. (She was very appreciative. Apparently, a couple of members of the group who are already here were already pick-pocketed on the metro!)

[redacted] said that they understand that this is a contentious mission and they want the Embassy to know that they are not terrorists, they are American Citizens who are challenging the authority to carry out the blockade. They want the USG to end its support for it and they want it to end.

She asked if it would be possible for a small delegation from their group to pay a call on the Amb. of DGM, probably the 23rd or the 24th of June. I told her that the SO will be in town and that things might be a bit busy, but that I would pass the request along. She said that she completely understood if it was not possible. I have not passed this along to the FO yet. I thought I would chat with you first.

[redacted] has a local cell phone, which is [redacted]

(CC'ing OCS and ACS Tel Aviv)

Kate

Kate Brandeis | Athens American Citizen Services | (30) 210-720-2427

SBU
This email is UNCLASSIFIED.

RELEASED IN PART B3
DOD-CP, NR

Goushe, Saffie A

From: Lawton, Daniel J (Athens)
Sent: Friday, June 24, 2011 2:03 AM
To: Renner, Erin B
Cc: Smith, Daniel B (Athens); Miller, Thomas S (Athens); Malik, Paul (Athens)
Subject: RE: Athens Update -- June 23

Follow Up Flag: Follow up
Flag Status: Flagged

NR

[Redacted]

Regards,
Dan L.

SBU
This email is UNCLASSIFIED.

From: Renner, Erin B
Sent: Friday, June 24, 2011 8:54 AM
To: Lawton, Daniel J (Athens)
Subject: RE: Athens Update -- June 23

[Redacted]

From: Lawton, Daniel J (Athens)
Sent: Friday, June 24, 2011 1:42 AM
To: Renner, Erin B
Cc: Malik, Paul (Athens); Miller, Thomas S (Athens); Smith, Daniel B (Athens)
Subject: RE: Athens Update -- June 23

Erin,

Thanks for your e-mail. Here are some answers to your questions:

[Redacted]

Regards,
Dan L.

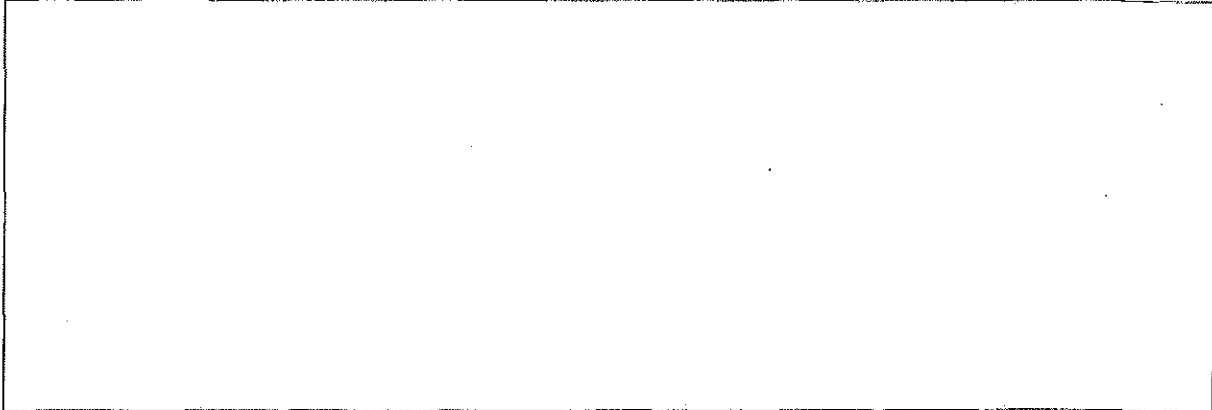
REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

SBU
This email is UNCLASSIFIED.

From: Renner, Erin B
Sent: Friday, June 24, 2011 7:24 AM
To: Lawton, Daniel J (Athens)
Subject: RE: Athens Update -- June 23

NR

Dear Mr. Lawton,

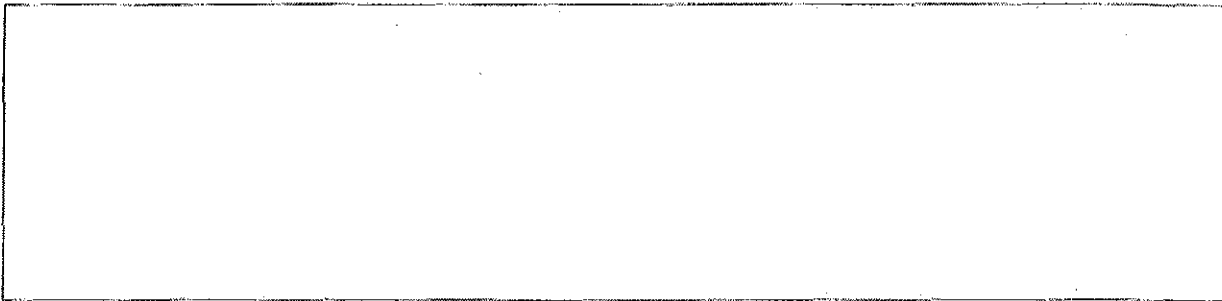


Best regards,
Erin B. Renner

State Department Operations Center
rennereb@state.gov 202 647 1512



OPERATIONS CENTER
The Ops Center celebrates its 50th anniversary.
[Visit our 50th Anniversary website for event details.](#)



From: Lawton, Daniel J (Athens)
Sent: Thursday, June 23, 2011 6:31 AM

B3 DOD-CP

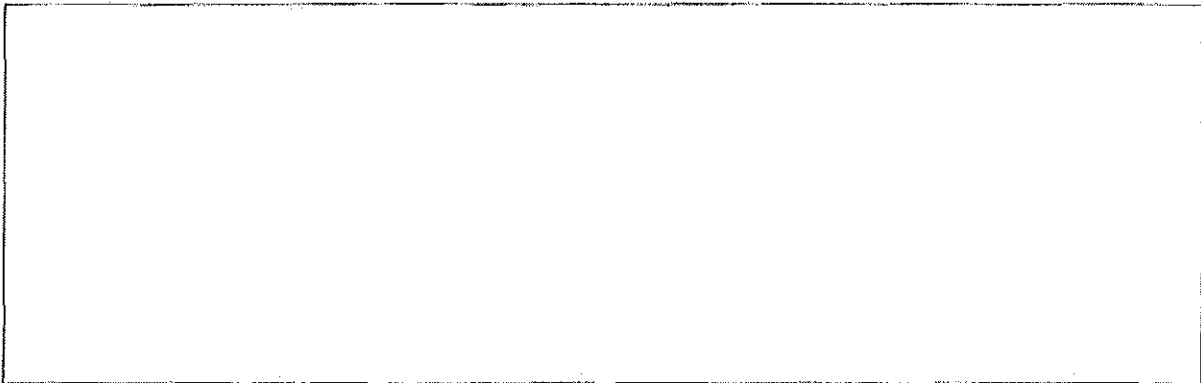
To: Kaidanow, Tina S; 'Danielle_N_Garbe@nss.eop.gov'; O'Grady, Daniel J; Allison, Alicia P; Burger, David; Norman, Marc E; Stevens, Ruth A; McKay, Maria E; Witmer, Kami A; Baker, Judith E; Doddman, Michael J; EUR-SE-DL; Worman, Patrick F; SES-O; Shipes, Christopher K; Silliman, Douglas A; Cohen, Jonathan R; Aggeler, Brian C; Engle, Thomas S; Flores, Molly P; Peterson, Jennifer M; Angelides, Joanna P

Cc: ATHENS-POL; ATHENS-ECON; Smith, Daniel B (Athens); Miller, Thomas S (Athens); Brown, Diana F (Athens); McKeever, Matthew X (Athens); Kay, Catherine E (Thessaloniki); Hunt, Daniel B; Brandeis, Charles D (Athens); Breister, Jodi R (Athens); Hallberg, Kent (Athens); Green, Janice C (Athens); Smith, Stuart M (Athens); Lance, Marsha A (Thessaloniki); Braunschweig, John J (Athens); Brandeis, Katherine L (Athens); 'David McNell'; ATHENS-FAST OFFICERS; Weitzenkorn, Laurie B; Zouroudis, Betsy (Athens); Rueter, Eric J; Pelargidis, George (Thessaloniki); Koutsounanou, Ioanna E (Thessaloniki); [redacted] CIV, OSD-POLICY; [redacted], DSCA/OPS/EAP; [redacted] JCS J5 DDENR; [redacted]@eu.navy.mil; Teirlynck, Mary J (Athens); William Kutson (William.Kutson@trade.gov); Engen, Ryan S; Abisellan, Ernest J; Triantafyllou, Prodromos N (Athens); Karamolegos, Nikos P (Athens); Singer, Russell C; Erath, Tara F; Fernandes, Anthony C; O'Reilly, Patrick R; Au-Yeung, Jenny; Froats, Daniel T; McIntosh, Daniel; Silverman, Lawrence; McCarthy, Deborah A; Smitham, Thomas D; Whittington, Alexander E; Tuminaro, John D; Harris, Rian H

Subject: Athens Update -- June 23



NR



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NR

(SBU) MFA Releases Statement Urging Citizens and Greek Ships Not to Participate in Gaza Anniversary Flotilla: The MFA released a June 22 statement supporting the UN SecGen's call for aid to Gaza to be delivered through official channels, and urging "Greek citizens as well as Greek-registered vessels not to participate in the new flotilla headed for the Gaza port." The statement elaborated that "the planned operation does not deal with the substance of the humanitarian problem in Gaza." The statement underscored Greece's position on the need to lift the Gaza blockade and improve the humanitarian situation in the region, as well as the need to respect international law and for all parties to avoid the use of violence. It reminded that "Greece actively supports the reopening of the peace talks as the only path to a comprehensive and viable solution on the Palestinian problem."

SBU

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CLASSIFICATION: UNCLASSIFIED

Page 1 of 4

RELEASED IN FULL

From: Phelan, Kimberly G (Brussels)
Sent: Thursday, April 28, 2011 2:52 PM
Subject: USEU TODAY - SENSITIVE BUT UNCLASSIFIED - April 28, 2011

NON-RESPONSIVE PORTIONS
REDACTED

USEU TODAY - SENSITIVE BUT UNCLASSIFIED - APRIL 28, 2011

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- (U) No New Today's Items
- (SBU) Recent Cables
- (SBU) Upcoming Visitors
- (U) News Wire Summary

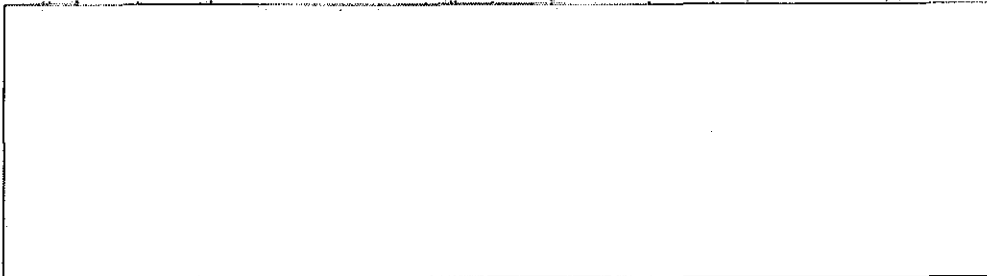


NR

(U) NO NEW TODAY'S ITEMS

(SBU) RECENT CABLES

Date	Ref #	Subject/Summary
Apr 20	0113	EU RESPONSE: THE FREE GAZA "ANNIVERSARY FLOTILLA"



CLASSIFICATION: UNCLASSIFIED REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer Claud, Admin Account

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Page 1 of 5

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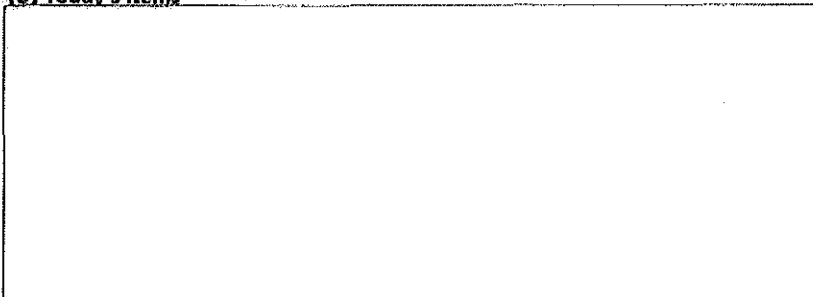
From: Phelan, Kimberly G (Brussels)
Sent: Thursday, April 21, 2011 1:20 PM
Subject: USEU TODAY – SENSITIVE BUT UNCLASSIFIED– April 21, 2011

NON-RESPONSIVE PORTIONS
REDACTED

USEU TODAY –SENSITIVE BUT UNCLASSIFIED– APRIL 21, 2011

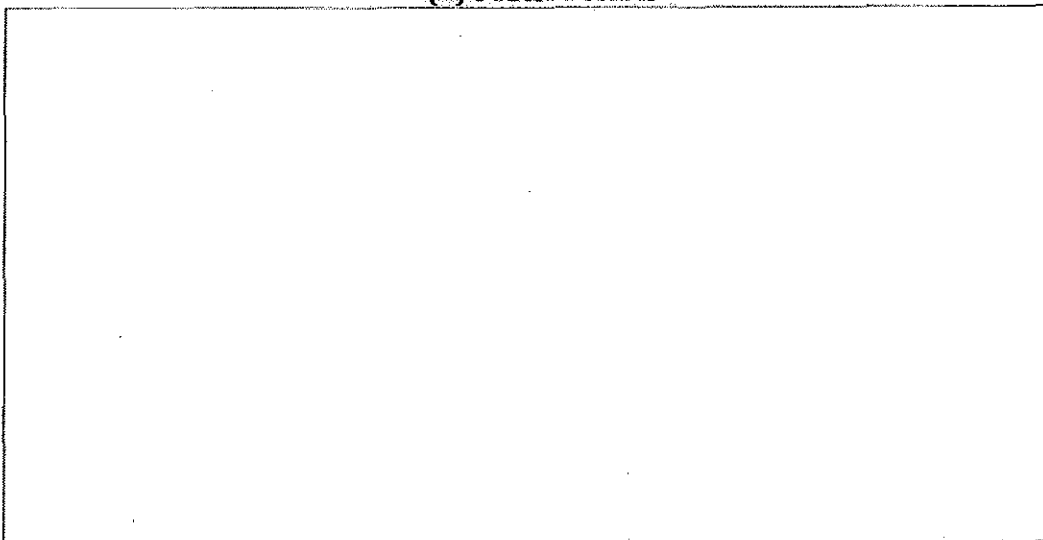
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(U) Today's Items



NR

(U) TODAY'S ITEMS



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Page 2 of 5

[Redacted]

NR

(SBU) RECENT CABLES

<i>Date</i>	<i>Ref#</i>	<i>Subject/Summary</i>

Apr 20	0113	EU RESPONSE: THE FREE GAZA "ANNIVERSARY FLOTILLA"
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[Redacted]

(SBU) UPCOMING VISITORS

<i>Dates</i>	<i>Name</i>	<i>Purpose</i>	<i>Control</i>

(U) NEWS WIRE SUMMARY

[Redacted]

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Page 5 of 5

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