

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

Law, Rosemary C

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

B6

Looping in Mariano & Julie. EA

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

B6

[Large redacted block]

B5

Jon

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

B6

B6

Folks-- **REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer**

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

[Large redacted block]

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

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

Blockade

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Zones

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

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

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

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

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

From Commander's Handbook

7.7 BLOCKADE

7.7.1 General

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

7.7.2 Criteria for Blockades

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

7.7.2.1 Establishment

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

7.7.2.2 Notification

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

7.7.2.3 Effectiveness

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

7.7.2.4 Impartiality

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

7.7.2.5 Limitations

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

7.7.3 Special Entry and Exit Authorization

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

7.7.4 Breach and Attempted Breach of Blockade

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

7.7.5 Contemporary Practice

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

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

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

B6

[redacted]

B5

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

B6

[redacted]

B5

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

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

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[redacted]

B5

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

[redacted]

B5

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

[redacted]

B5

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

[redacted]

B5

>

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

> From: Jacobson, Linda

> To: Baumert, Kevin A; Goldberger, Thomas H; Schwartz, Jonathan B; Heinemann, Thomas B; Dolan, JoAnn; Perina, Alexandra H

> Cc: Aswad, Evelyn M

> Sent: Mon May 31 11:20:32 2010

> Subject: Re: L comments on MFA flotilla briefing>

>

[Redacted]

B5

>

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

> From: Baumert, Kevin A

> To: Goldberger, Thomas H; Schwartz, Jonathan B; Heinemann, Thomas B; Dolan, JoAnn; Jacobson, Linda; Perina, Alexandra H

> Cc: Aswad, Evelyn M

> Sent: Mon May 31 11:18:29 2010

> Subject: Re: L comments on MFA flotilla briefing>

>

[Redacted]

B5

> Kevin

> L/OES

>

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

> From: Goldberger, Thomas H

> To: Schwartz, Jonathan B; Baumert, Kevin A; Heinemann, Thomas B; Dolan, JoAnn; Jacobson, Linda

> Sent: Mon May 31 10:50:27 2010

> Subject: FW: L comments on MFA flotilla briefing>

>

[Redacted]

B5

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

> From: Cunningham, James B

> Sent: Monday, May 31, 2010 10:47 AM

> To: Goldberger, Thomas H

> Subject: Re: L comments on MFA flotilla briefing>

>

[Redacted]

B5

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

> From: Goldberger, Thomas H

> To: Cunningham, James B; Hale, David M; Feltman, Jeffrey D; Rubinstein, Daniel H; Connelly, Maura; Schlicher, Ronald L; 'Daniel_B._Shapiro@nsc.eop.gov' <Daniel_B._Shapiro@nsc.eop.gov>

> Cc: Holmstrom, Todd C; Schwartz, Jonathan B; Jacobson, Linda; Dolan, JoAnn

> Sent: Mon May 31 17:37:00 2010

> Subject: FW: L comments on MFA flotilla briefing>

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

[Redacted]

B5

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

[Redacted]

B5

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

[Redacted]

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

B3 DOD-CP

B3 DOD-CP

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

[redacted] Levin, Jan; [redacted]

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

>
[redacted] B3 DOD-CP
[redacted] B3 DODFGI

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

[redacted]

[redacted] B3 DOD-CP

[redacted]

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

B3 DOD-CP

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

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

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

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

B6

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

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

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

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

[redacted] B3 DODFGI

>
> Highlights - Identification of dead and wounded taking time. MFA will reach out proactively to Embassies as IDs are done, with location and status of citizens. The uninjured will be processed and escorted to airport for deportation. Unclear how long this will take.
> -- Most violence occurred on ship Mavi (Blue) Marmara. As far as is currently known, all injuries occurred on this ship.
> -- [redacted] told Ambassador that activists on Mavi Marmara were prepared for boarders and were B3 DODFGI armed. Unclear if they had firearms in advance or took them from IDF boarding party. One IDF soldier nearly beaten to death with metal bar. Activists also had knives.
> -- Events took place in international waters. Israel asserted it had the legal right to intercept in intl waters because there is a military blockade under the law of armed conflict between Israel and Hamas.
>
> Ambassador Cunningham requests that Embassy Tel Aviv clear Dept guidance on this issue, thank you.

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

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

Law, Rosemary C

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

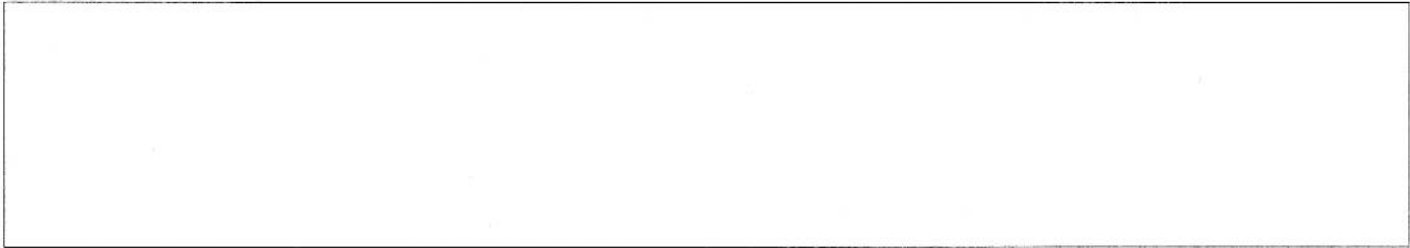
B5

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

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

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

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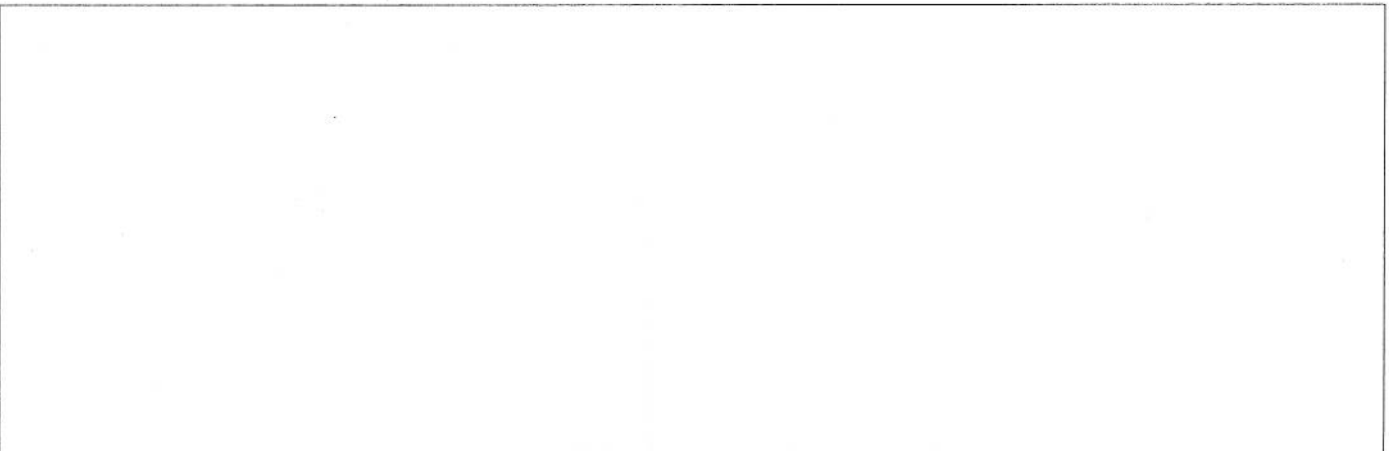
B5

jon

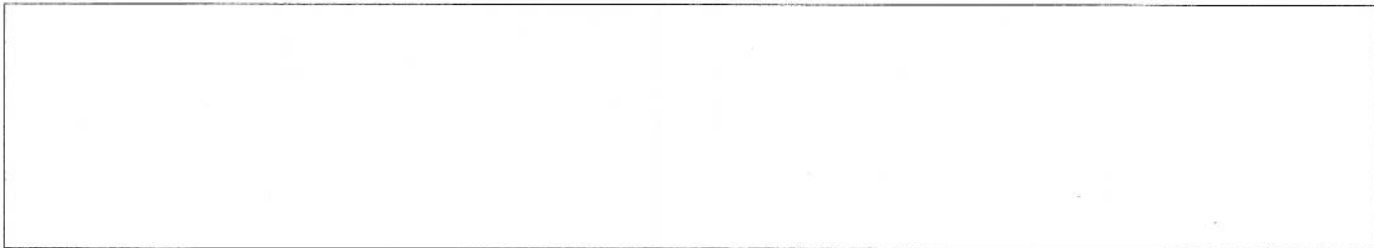
-----Original Message-----

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

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REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer



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

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



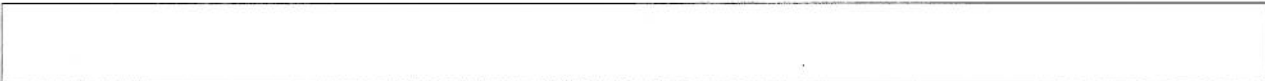
-----Original Message-----

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



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

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



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

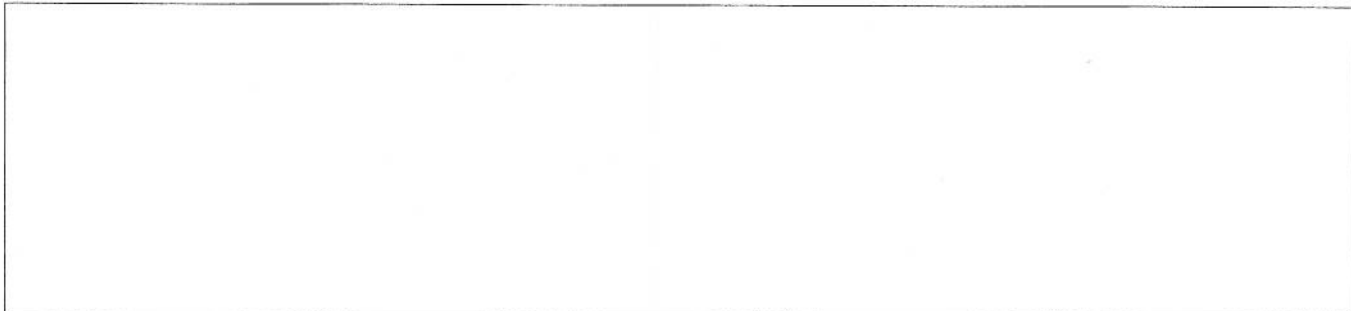
From: Jacobson, Linda
To: Baumert, Kevin A; Goldberger, Thomas H; Schwartz, Jonathan B; Heinemann, Thomas B; Dolan, JoAnn; Perina, Alexandra H
Cc: Aswad, Evelyn M
Sent: Mon May 31 11:20:32 2010
Subject: Re: L comments on MFA flotilla briefing>



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

From: Baumert, Kevin A

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



B5

Kevin
L/OES

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

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



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

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



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

See below from Jonathan pls.

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

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

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

[Redacted]

B5

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

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

[Redacted]

B5

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

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

[Redacted]

B5

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

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

B3 DOD-CP

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

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

B3 DOD-CP
B3 DODFGI

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

[Redacted]

B3 DOD-CP

[Redacted]

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

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

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

B6

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

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

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

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

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

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

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

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

B3 DODFGI

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

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

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

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

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

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

Law, Rosemary C

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

B6

[redacted]

B5

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

B6

removing non L address

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

B6

B6

B6

Looping in Mariano & Julie. EA

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

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

B6

[redacted]

[Redacted]

B5

From: Stephen & Betsy Pomper/Andersen [Redacted]

B6

Sent: Monday, May 31, 2010 3:14 PM

To: Schwartz, Jonathan B; Perina, Alexandra H; Baumert, Kevin A; Jacobson, Linda; Heinemann, Thomas B; Dolan, JoAnn

Cc: Aswad, Evelyn M; Sullivan, David J; Pomper, Stephen E; Guarin, Marc F; Donoghue, Joan E; [Redacted]

B6

Townley, Stephen G

Subject: RE: L comments on MFA flotilla briefing>

Folks--

[Redacted]

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

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

Blockade

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Zones

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

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

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

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

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

From Commander's Handbook

7.7 BLOCKADE

7.7.1 General

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

7.7.2 Criteria for Blockades

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

7.7.2.1 Establishment

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

7.7.2.2 Notification

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

7.7.2.3 Effectiveness

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

7.7.2.4 Impartiality

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

7.7.2.5 Limitations

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

7.7.3 Special Entry and Exit Authorization

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

7.7.4 Breach and Attempted Breach of Blockade

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

7.7.5 Contemporary Practice

The criteria for valid blockades, as set out above in paragraph 7.7.2, are for the most part customary in nature, having derived their definitive form through the practice of maritime powers during the nineteenth century. The rules reflect a balance between the right of a belligerent possessing effective command of the sea to close enemy ports and coastlines to international commerce, and the right of neutral nations to carry out neutral commerce with the least possible interference from belligerent forces. The law of blockade is, therefore, premised on a system of controls designed to effect only a limited interference with neutral trade. This was traditionally accomplished by a relatively "close-in" cordon of surface warships stationed in the immediate vicinity of the blockaded area.

The increasing emphasis in modern warfare on seeking to isolate completely the enemy from outside assistance and resources by targeting enemy merchant vessels as well as warships, and on interdicting all neutral commerce with the enemy, is not furthered substantially by blockades established in strict conformity with the traditional rules. In World Wars I and II, belligerents of both sides resorted to methods which, although frequently referred to as measures of blockade, cannot be reconciled with the traditional concept of the close-in blockade. The so-called long-distance blockade of both world wars departed materially from those traditional rules and were premised in large measure upon the belligerent right of reprisal against illegal acts of warfare on the part of the enemy. Moreover, developments in weapons systems and platforms, particularly submarines, supersonic aircraft, and cruise missiles, have rendered the in-shore blockade exceedingly difficult, if not impossible, to maintain during anything other than a local or limited armed conflict. Accordingly, the characteristics of modern weapon systems will be a factor in analyzing the effectiveness of contemporary blockades.

Notwithstanding this trend in belligerent practices (during general war) away from the establishment of blockades that conform to the traditional rules, blockade continues to be a useful means to regulate the competing interests of belligerents and neutrals in more limited armed conflict. The experience of the United States during the Vietnam conflict provides a case in point. The closing of Haiphong and other North Vietnamese ports, accomplished by the emplacement of mines, was undertaken in conformity with traditional criteria of establishment, notification, effectiveness, limitation, and impartiality, although at the time the mining took place the term "blockade" was not used.

From:

To: schwartzjb@state.gov; perinaah@state.gov; baumertka@state.gov; jacobsonl@state.gov; heinemanntb@state.gov; dolanja@state.gov
 CC: aswadem@state.gov; sullivandj1@state.gov; pomperse2@state.gov; guarinmf@state.gov; donoghueje@state.gov

B6

Subject: RE: L comments on MFA flotilla briefing>
Date: Mon, 31 May 2010 17:29:30 +0000

Marc Guarin is going to log in and weigh in on this question. I also reached out to JCS legal to see if they have a Navy lawyer we can talk to. Have taken Tom G off this chain for the moment. Steve

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

B6

[redacted]

B5

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

B6

[redacted]

B5

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

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

[Redacted]

B5

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

[Redacted]

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

[Redacted]

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

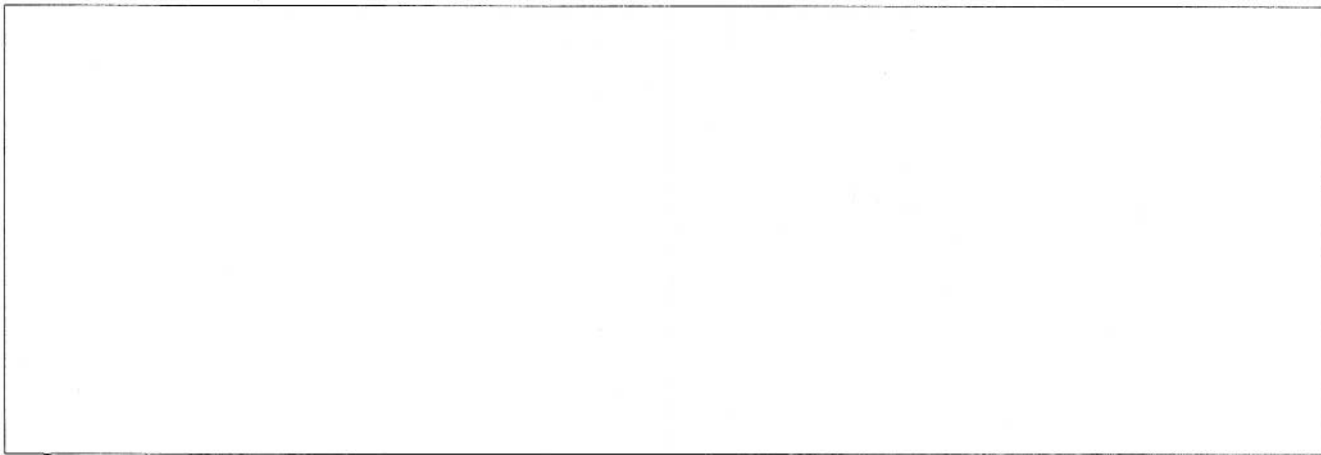
[Redacted]

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

[Redacted]

> L/OES

B5



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 [redacted] Levin, Jan; [redacted]

B3 DOD-CP

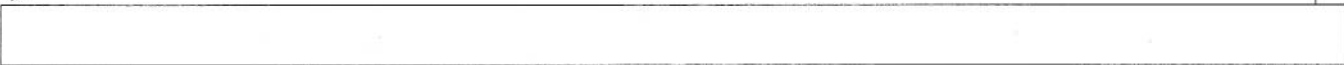
> Sent: Mon May 31 08:08:22 2010
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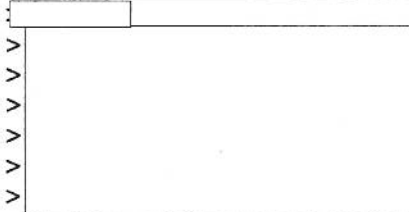
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B3 DODFGI

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

B3 DODFGI

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

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

Law, Rosemary C

From: Baumert, Kevin A
Sent: Monday, May 31, 2010 12:24 PM
To: Schwartz, Jonathan B; Goldberger, Thomas H; Jacobson, Linda; Heinemann, Thomas B; Dolan, JoAnn; Perina, Alexandra H
Cc: Aswad, Evelyn M; Sullivan, David J
Subject: Re: L comments on MFA flotilla briefing>

Yes, just to confirm, that was my point. Thanks. Kevin

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

From: Schwartz, Jonathan B
To: Goldberger, Thomas H; Baumert, Kevin A; Jacobson, Linda; Heinemann, Thomas B; Dolan, JoAnn; Perina, Alexandra H
Cc: Aswad, Evelyn M; Sullivan, David J
Sent: Mon May 31 12:17:15 2010
Subject: RE: L comments on MFA flotilla briefing>

[Redacted]

B5

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

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

[Redacted]

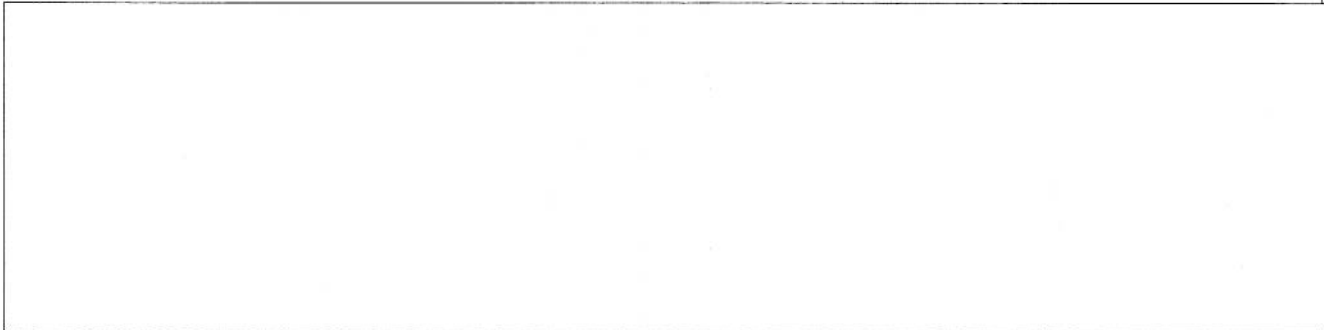
----- Original Message -----

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

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



B5

Kevin
L/OES

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



Sent from my BlackBerry

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

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

See below from Jonathan pls.

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From: Schwartz, Jonathan B

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

[Redacted]

B5

Jon

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

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B5

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

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To: Dolan, JoAnn; Jacobson, Linda
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Sent: Mon May 31 08:24:00 2010
Subject: FW: MFA flotilla briefing

[Redacted]

B5

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

B3 DOD-CP

(Jerusalem); [redacted] Levin, Jan; [redacted], B3 DOD-CP

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

B3 DOD-CP

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

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

[redacted] B3 DOD-CP

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

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

B6

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

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

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

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

B6

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

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

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

[redacted] Amodeo, Salvatore A (Istanbul); Rudman, Mara (Jerusalem); Connelly, Maura; Feltm[B3 DOD-CP

Jeffrey D

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

Subject: Re: MFA flotilla briefing

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

Sent from my BlackBerry

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From: Levin, Jan

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

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

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

Jeffrey D

B3 DOD-CP

Sent: Mon May 31 13:20:31 2010

Subject: MFA flotilla briefing

B3 DODFGI

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

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

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

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

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

Law, Rosemary C

From: Baumert, Kevin A
Sent: Monday, May 31, 2010 3:02 PM
To: 'Stephen & Betsy Pomper/Andersen'; Schwartz, Jonathan B; Perina, Alexandra H; Jacobson, Linda; Heinemann, Thomas B; Dolan, JoAnn
Cc: Aswad, Evelyn M; Sullivan, David J; Pomper, Stephen E; Guarin, Marc F; Donoghue, Joan E
Subject: RE: L comments on MFA flotilla briefing>

I'm going to be inaccessible by email for a few hours. Here is my \$.02 on the laws of the sea angle. This can be re-packaged, as appropriate to the broader policy distro.



B5

Thanks,
Kevin

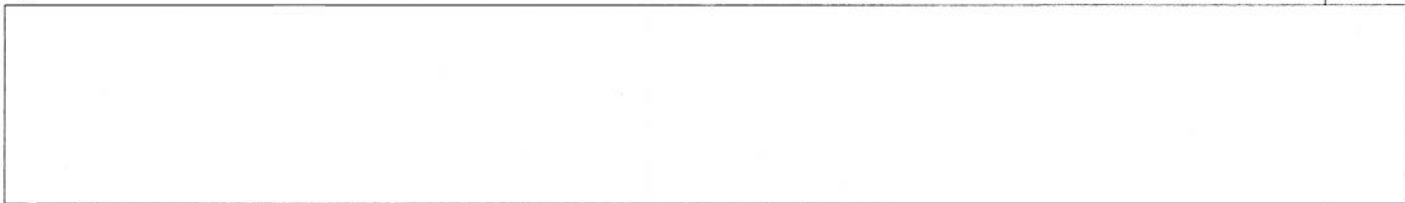
From: Stephen & Betsy Pomper/Andersen [redacted]
Sent: Monday, May 31, 2010 1:30 PM
To: Schwartz, Jonathan B; Perina, Alexandra H; Baumert, Kevin A; Jacobson, Linda; Heinemann, Thomas B; Dolan, JoAnn
Cc: Aswad, Evelyn M; Sullivan, David J; Pomper, Stephen E; Guarin, Marc F; Donoghue, Joan E
Subject: RE: L comments on MFA flotilla briefing>

B6

Marc Guarin is going to log in and weigh in on this question. I also reached out to JCS legal to see if they have a Navy lawyer we can talk to. Have taken Tom G off this chain for the moment. Steve

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

B6



> jon
> **REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer**
> -----Original Message-----
> From: Perina, Alexandra H
> Sent: Monday, May 31, 2010 12:56 PM
> To: Schwartz, Jonathan B; Goldberger, Thomas H; Baumert, Kevin A; Jacobson, Linda; Heinemann,

Thomas B; Dolan, JoAnn

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

B6

B5

[redacted]

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> Cc: Aswad, Evelyn M; Sullivan, David J
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B5

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> Sent: Mon May 31 17:37:00 2010

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> See below from Jonathan pls.
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[Redacted]

B5

> Jon
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B5

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> Sent: Mon May 31 08:24:00 2010
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[Redacted]

B5

> ----- Original Message -----
> From: [Redacted]

B3 DOD-CP

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

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> Sent: Mon May 31 08:08:22 2010

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B3 DOD-CP
B3 DODFGI

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[redacted]

B3 DOD-CP

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B6

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Hotmail has tools for the New Busy. Search, chat and e-mail from your inbox. [Learn more.](#)

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Jon

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- 10 IDF wounded to include 1 serious and 1 with "medium" wounds
- Turkish Ambassador to Israel recalled
- Interaction occurred approx 70 NM from coastline. IDF confident in International Law because of intent by flotilla to breach the blockade. (See Attached Slides)



B3 DOD-CP



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

From: Rudman, Mara (Jerusalem)
Sent: Monday, May 31, 2010 2:46 PM

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

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

Subject: RE: MFA flotilla briefing

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

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

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

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

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

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 Sent from my BlackBerry

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

From: Levin, Jan
 To: Operations Center; Jeffrey, James F; Cunningham, James B; Sievers, Marc J; Parker, Andrew C; Grubb, Jason B; NEA-IPA-DL; Greene, Elisa; Marchese, Gregory M; Waters, John R; [redacted] B3 DOD-CP

[redacted] Amodeo, Salvatore A (Istanbul); Rudman, Mara (Jerusalem); Connelly, Maura; Felt; Jeffrey D B3 DOD-CP
Sent: Mon May 31 13:20:31 2010
Subject: MFA flotilla briefing

[redacted] B3 DODFGI

Highlights - Identification of dead and wounded taking time. MFA will reach out proactively to Embassies as IDs are done, with location and status of citizens. The uninjured will be processed and escorted to airport for deportation. Unclear how long this will take.
-- Most violence occurred on ship Mavi (Blue) Marmara. As far as is currently known, all injuries occurred on this ship.

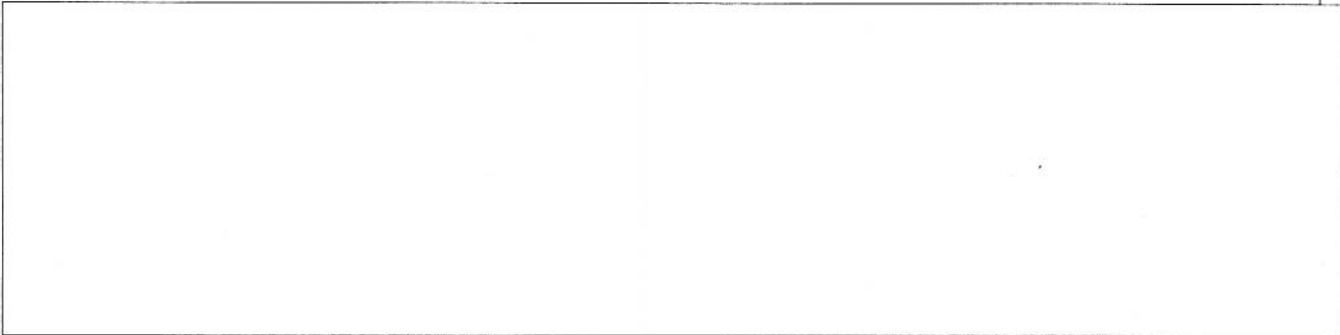
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-- Events took place in international waters. Israel asserted it had the legal right to intercept in intl waters because there is a military blockade under the law of armed conflict between Israel and Hamas.

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

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

Law, Rosemary C

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



B5

Kevin
L/OES

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

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



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

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



Sent from my BlackBerry

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

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

See below from Jonathan pls.

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

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

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

[Redacted]

B5

Jon

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

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

[Redacted]

B5

Jon

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

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

[Redacted]

B5

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

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

B3 DOD-CP

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

B3 DOD-CP

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

B3 DOD-CP

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

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B6

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

Law, Rosemary C

From: Dolan, JoAnn
Sent: Monday, May 31, 2010 4:17 PM
To: Schwartz, Jonathan B; 'Stephen & Betsy Pomper/Andersen'; Perina, Alexandra H; Baumert, Kevin A; Jacobson, Linda; Heinemann, Thomas B
Cc: Aswad, Evelyn M; Sullivan, David J; Pomper, Stephen E; Guarin, Marc F; Donoghue, Joan E; [redacted] Townley, Stephen G
Subject: RE: L comments on MFA flotilla briefing>

[redacted]

From: Schwartz, Jonathan B
Sent: Monday, May 31, 2010 4:10 PM
To: 'Stephen & Betsy Pomper/Andersen'; Perina, Alexandra H; Baumert, Kevin A; Jacobson, Linda; Heinemann, Thomas B; Dolan, JoAnn
Cc: Aswad, Evelyn M; Sullivan, David J; Pomper, Stephen E; Guarin, Marc F; Donoghue, Joan E; [redacted] Townley, Stephen G
Subject: RE: L comments on MFA flotilla briefing>

[redacted]

Jon

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

Folks--

[redacted]

B6

B5

B6

B5

B6

B5

B5
B6

Steve

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

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

Blockade

93. A blockade shall be declared and notified to all belligerents and neutral States.
94. The declaration shall specify the commencement, duration, location, and extent of the blockade and the period within which vessels of neutral States may leave the blockaded coastline.
95. A blockade must be effective. The question whether a blockade is effective is a question of fact.
96. The force maintaining the blockade may be stationed at a distance determined by military requirements.
97. A blockade may be enforced and maintained by a combination of legitimate methods and means of warfare provided this combination does not result in acts inconsistent with the rules set out in this document.

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

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

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

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

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

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

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

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

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

Zones

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

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

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

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

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

From Commander's Handbook

7.7 BLOCKADE

7.7.1 General

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

crossing an established and publicized cordon separating the enemy from international waters and/or airspace.

7.7.2 Criteria for Blockades

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

7.7.2.1 Establishment

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

7.7.2.2 Notification

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

7.7.2.3 Effectiveness

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

7.7.2.4 Impartiality

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

7.7.2.5 Limitations

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

7.7.3 Special Entry and Exit Authorization

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

7.7.4 Breach and Attempted Breach of Blockade

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

7.7.5 Contemporary Practice

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

the least possible interference from belligerent forces. The law of blockade is, therefore, premised on a system of controls designed to effect only a limited interference with neutral trade. This was traditionally accomplished by a relatively "close-in" cordon of surface warships stationed in the immediate vicinity of the blockaded area. The increasing emphasis in modern warfare on seeking to isolate completely the enemy from outside assistance and resources by targeting enemy merchant vessels as well as warships, and on interdicting all neutral commerce with the enemy, is not furthered substantially by blockades established in strict conformity with the traditional rules. In World Wars I and II, belligerents of both sides resorted to methods which, although frequently referred to as measures of blockade, cannot be reconciled with the traditional concept of the close-in blockade. The so-called long-distance blockade of both world wars departed materially from those traditional rules and were premised in large measure upon the belligerent right of reprisal against illegal acts of warfare on the part of the enemy. Moreover, developments in weapons systems and platforms, particularly submarines, supersonic aircraft, and cruise missiles, have rendered the in-shore blockade exceedingly difficult, if not impossible, to maintain during anything other than a local or limited armed conflict. Accordingly, the characteristics of modern weapon systems will be a factor in analyzing the effectiveness of contemporary blockades.

Notwithstanding this trend in belligerent practices (during general war) away from the establishment of blockades that conform to the traditional rules, blockade continues to be a useful means to regulate the competing interests of belligerents and neutrals in more limited armed conflict. The experience of the United States during the Vietnam conflict provides a case in point. The closing of Haiphong and other North Vietnamese ports, accomplished by the emplacement of mines, was undertaken in conformity with traditional criteria of establishment, notification, effectiveness, limitation, and impartiality, although at the time the mining took place the term "blockade" was not used.

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

[redacted]

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

[redacted]

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

Thomas B; Dolan, JoAnn

> Cc: Aswad, Evelyn M; Sullivan, David J; [redacted] Pomper, Stephen E; Guarin, Marc F

> Subject: RE: L comments on MFA flotilla briefing>

B6

[redacted]

B5

[redacted]

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[redacted]

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

[redacted]

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

[redacted]

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

[Redacted]

B5

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

[Redacted]

> Kevin
> L/OES
>
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> Cc: Holmstrom, Todd C; Schwartz, Jonathan B; Jacobson, Linda; Dolan, JoAnn
> Sent: Mon May 31 17:37:00 2010

> Subject: FW: L comments on MFA flotilla briefing>

>
> See below from Jonathan pls.

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

> From: Schwartz, Jonathan B

> Sent: Monday, May 31, 2010 9:13 AM

> To: Goldberger, Thomas H

> Cc: Rudman, Mara (Jerusalem); Dolan, JoAnn; Baumert, Kevin A; Perina, Alexandra H; Heinemann, Thomas B

> Subject: Fw: MFA flotilla briefing

[Redacted]

B5

> Jon

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

> From: Schwartz, Jonathan B

> To: Perina, Alexandra H; Heinemann, Thomas B

> Cc: Baumert, Kevin A; Harris, Robert K; Donoghue, Joan E; Dolan, JoAnn

> Sent: Mon May 31 09:05:16 2010

> Subject: Fw: MFA flotilla briefing

[Redacted]

B5

> Jon

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

> From: Goldberger, Thomas H

> To: Dolan, JoAnn; Jacobson, Linda

> Cc: Holmstrom, Todd C; Schwartz, Jonathan B; Knopf, Payton L

> Sent: Mon May 31 08:24:00 2010

> Subject: FW: MFA flotilla briefing

[Redacted]

B5

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

> From: [Redacted]

B3 DOD-CP

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

[redacted] M; Levin, Jan; [redacted]
> Sent: Mon May 31 08:08:22 2010
> Subject: RE: MFA flotilla briefing

[redacted] B3 DOD-CP
[redacted] B3 DODFGI

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

[redacted] B3 DOD-CP

[redacted]

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

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

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

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

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

> Earlier this morning [redacted] made the following calls/contacts: B6
> --Turkish FM and MoD [redacted] Erakat, Fayyad, and Hussein al Sheikh [redacted]. He felt the calls w the

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

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

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

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

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

> Sent from my BlackBerry

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

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

> [redacted] briefed foreign B6
ambassadors at 12:30 local time today.

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

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

> -- [redacted] told Ambassador that activists on Mavi Marmara were prepared for boarders and were armed. Unclear if they had firearms in advance or took them from IDF boarding party. One IDF soldier nearly beaten to death with metal bar. Activists also had knives. B6

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

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

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

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

Law, Rosemary C

From: Donoghue, Joan E
Sent: Tuesday, June 01, 2010 4:05 AM
To: Martin, Julie B; Baumert, Kevin A; Pomper, Stephen E; Aswad, Evelyn M; Schwartz, Jonathan B; [redacted] Perina, Alexandra H; Jacobson, Linda; Heinemann, Thomas B; Dolan, JoAnn; McLeod, Mary (USUN)
Cc: Sullivan, David J; Guarin, Marc F; Townley, Stephen G; Banos, Mariano H
Subject: Re: L comments on MFA flotilla briefing>

B6

[redacted]

B5

From: Martin, Julie B
To: Baumert, Kevin A; Pomper, Stephen E; Aswad, Evelyn M; Schwartz, Jonathan B; [redacted] Perina, Alexandra H; Jacobson, Linda; Heinemann, Thomas B; Dolan, JoAnn
Cc: Sullivan, David J; Guarin, Marc F; Donoghue, Joan E; Townley, Stephen G; Banos, Mariano H
Sent: Tue Jun 01 03:47:45 2010
Subject: RE: L comments on MFA flotilla briefing>

B6

Thanks to all.

[redacted]

B5

Thanks, Julie

This email is UNCLASSIFIED.

From: Baumert, Kevin A
Sent: Monday, May 31, 2010 10:54 PM
To: Pomper, Stephen E; Aswad, Evelyn M; Schwartz, Jonathan B; [redacted] Perina, Alexandra H; Jacobson, Linda; Heinemann, Thomas B; Dolan, JoAnn
Cc: Sullivan, David J; Guarin, Marc F; Donoghue, Joan E; Townley, Stephen G; Banos, Mariano H; Martin, Julie B
Subject: RE: L comments on MFA flotilla briefing>

B6

[redacted]

B5

Thanks, Kevin

From: Pomper, Stephen E
Sent: Monday, May 31, 2010 4:31 PM
To: Aswad, Evelyn M; Schwartz, Jonathan B; 'pomper [redacted] Perina, Alexandra H; Baumert, Kevin A;

B6

7
REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

Jacobson, Linda; Heinemann, Thomas B; Dolan, JoAnn

Cc: Sullivan, David J; Guarin, Marc F; Donoghue, Joan E; Townley, Stephen G; Banos, Mariano H; Martin, Julie B

Subject: Re: L comments on MFA flotilla briefing>

removing non L address

From: Aswad, Evelyn M

To: Schwartz, Jonathan B; 'Stephen & Betsy Pomper/Andersen' [redacted]; Perina, Alexandra H;

Baumert, Kevin A; Jacobson, Linda; Heinemann, Thomas B; Dolan, JoAnn

Cc: Sullivan, David J; Pomper, Stephen E; Guarin, Marc F; Donoghue, Joan E; [redacted]

[redacted] Townley, Stephen G; Banos, Mariano H; Martin, Julie B

Sent: Mon May 31 16:29:33 2010

Subject: RE: L comments on MFA flotilla briefing>

[redacted]

B6

From: Schwartz, Jonathan B

Sent: Monday, May 31, 2010 3:10 PM

To: 'Stephen & Betsy Pomper/Andersen'; Perina, Alexandra H; Baumert, Kevin A; Jacobson, Linda; Heinemann, Thomas B; Dolan, JoAnn

Cc: Aswad, Evelyn M; Sullivan, David J; Pomper, Stephen E; Guarin, Marc F; Donoghue, Joan E; eandersen@asil.org;

Townley, Stephen G

Subject: RE: L comments on MFA flotilla briefing>

[Large redacted block]

B5

Jon

From: Stephen & Betsy Pomper/Andersen [mailto:[redacted]]

Sent: Monday, May 31, 2010 3:14 PM

To: Schwartz, Jonathan B; Perina, Alexandra H; Baumert, Kevin A; Jacobson, Linda; Heinemann, Thomas B; Dolan, JoAnn

Cc: Aswad, Evelyn M; Sullivan, David J; Pomper, Stephen E; Guarin, Marc F; Donoghue, Joan E; [redacted]

Townley, Stephen G

Subject: RE: L comments on MFA flotilla briefing>

B6

Folks--

[Large redacted block]

B5

B6

B5

Steve

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

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

Blockade

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Zones

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

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

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

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

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

From Commander's Handbook

7.7 BLOCKADE

7.7.1 General

Blockade is a belligerent operation to prevent vessels and/or aircraft of all nations, enemy as well as neutral, from

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

7.7.2 Criteria for Blockades

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

7.7.2.1 Establishment

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

7.7.2.2 Notification

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

7.7.2.3 Effectiveness

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

7.7.2.4 Impartiality

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

7.7.2.5 Limitations

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

7.7.3 Special Entry and Exit Authorization

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

7.7.4 Breach and Attempted Breach of Blockade

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

7.7.5 Contemporary Practice

The criteria for valid blockades, as set out above in paragraph 7.7.2, are for the most part customary in nature,

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

From: [redacted]
To: schwartzjb@state.gov; perinaah@state.gov; baumertka@state.gov; jacobsonl@state.gov; heinemanntb@state.gov; dolanja@state.gov
CC: aswadem@state.gov; sullivandj1@state.gov; pomperse2@state.gov; guarinmf@state.gov; donoghueje@state.gov
Subject: RE: L comments on MFA flotilla briefing >
Date: Mon, 31 May 2010 17:29:30 +0000

B6

[redacted]

B5

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

B6

[redacted]

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

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

B6

[Large redacted block]

B5

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

[Redacted block]

B5

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

[Redacted block]

B5

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

[Redacted]

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

[Redacted]

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

[Redacted]

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

[Redacted]

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

[Redacted]

> Sent from my BlackBerry
>
> ----- Original Message -----
> From: Goldberger, Thomas H
> To: Cunningham, James B; Hale, David M; Feltman, Jeffrey D; Rubinstein, Daniel H; Connelly, Maura;

Schlicher, Ronald L; 'Daniel_B._Shapiro@nsc.eop.gov' <Daniel_B._Shapiro@nsc.eop.gov>

> Cc: Holmstrom, Todd C; Schwartz, Jonathan B; Jacobson, Linda; Dolan, JoAnn

> Sent: Mon May 31 17:37:00 2010

> Subject: FW: L comments on MFA flotilla briefing>

>

> See below from Jonathan pls.

>

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

> From: Schwartz, Jonathan B

> Sent: Monday, May 31, 2010 9:13 AM

> To: Goldberger, Thomas H

> Cc: Rudman, Mara (Jerusalem); Dolan, JoAnn; Baumert, Kevin A; Perina, Alexandra H; Heinemann, Thomas B

> Subject: Fw: MFA flotilla briefing

>



B5

>

> Jon

>

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

> From: Schwartz, Jonathan B

> To: Perina, Alexandra H; Heinemann, Thomas B

> Cc: Baumert, Kevin A; Harris, Robert K; Donoghue, Joan E; Dolan, JoAnn

> Sent: Mon May 31 09:05:16 2010

> Subject: Fw: MFA flotilla briefing

>



>

> Jon

>

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

> From: Goldberger, Thomas H

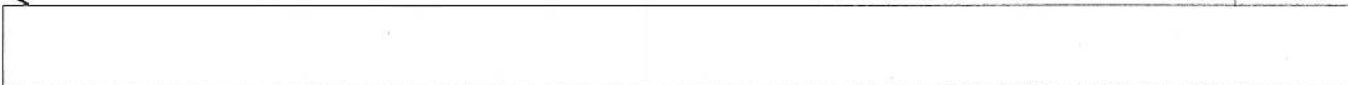
> To: Dolan, JoAnn; Jacobson, Linda

> Cc: Holmstrom, Todd C; Schwartz, Jonathan B; Knopf, Payton L

> Sent: Mon May 31 08:24:00 2010

> Subject: FW: MFA flotilla briefing

>



>

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

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

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

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

>
[redacted] B3 DOD-CP

[redacted]

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

>
> This may largely repeat at this point what is out in other places and/or others have heard from me, but just to assure that various reporting lines have same info, this is from [redacted] who B3 DODFGI spoke with the UN's Serry, among others, this am.

>
> [redacted] reported that when Israeli soldiers boarded the main deck of the main ship, they met with B3 DODFGI he described as clearly planned active/armed resistance, including live fire. Military who boarded were attacked with knives, sharpened metal and wood instruments, etc. He said the military who boarded were attacked by dozens; He indicated that some of the soldiers were stabbed and slashed. Made clear situation was one in which actions taken were in self-defense.

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

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> Earlier this morning [redacted] made the following calls/contacts:
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B6

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

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

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

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

B3 DOD-CP

>
[redacted] briefed foreign
ambassadors at 12:30 local time today.

B6

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

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

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

B6

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

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

Hotmail has tools for the New Busy. Search, chat and e-mail from your inbox. [Learn more.](#)

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

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

Law, Rosemary C

From: Dolan, JoAnn
Sent: Monday, May 31, 2010 12:14 PM
To: Dolan, JoAnn; Pomper, Stephen E; Schwartz, Jonathan B; Donoghue, Joan E; Jacobson, Linda; McLeod, Mary (USUN); Sullivan, David J; Baumert, Kevin A; Perina, Alexandra H; Heinemann, Thomas B; Aswad, Evelyn M
Cc: Harris, Robert K
Subject: RE: Humanitarian flotilla
Attachments: Fw: MFA flotilla briefing; Fw: MFA flotilla briefing; FW: DEF. MINISTER BARAK NEWS CONF. -- YNET ; MOD Flotilla Brief... ; FW: IDF Spokesperson Announcement-Pistols Found on Flotilla Activists; FW: IDF Spokesperson Announcement: IDF Forces Met with Pre-Planned Violence when attempting to Board Flotilla

I have not found full transcript of Israeli briefings in my queue but here are what appear to be most relevant from morning

From: Dolan, JoAnn
Sent: Monday, May 31, 2010 11:45 AM
To: Pomper, Stephen E; Schwartz, Jonathan B; Donoghue, Joan E; Jacobson, Linda; McLeod, Mary (USUN); Sullivan, David J; Baumert, Kevin A; Perina, Alexandra H; Heinemann, Thomas B; Aswad, Evelyn M
Cc: Harris, Robert K
Subject: RE: Humanitarian flotilla

Thanks, Steve. I have been unable to reach Alexandra or Kevin by phone. I have left phone messages for both but will try them through op center next. I will go through emails and circulate what I have for benefit of addressees. Conference call may be the way to go. Including Evelyn as she is following HRC angle.

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

From: Pomper, Stephen E
Sent: Monday, May 31, 2010 11:40 AM
To: Schwartz, Jonathan B; Donoghue, Joan E; Jacobson, Linda; McLeod, Mary (USUN); Sullivan, David J; Baumert, Kevin A; Perina, Alexandra H; Dolan, JoAnn; Heinemann, Thomas B
Cc: Harris, Robert K
Subject: Re: Humanitarian flotilla

Joann just reached me. I haven't tracked this beyond this mornong's traffic and the front page of the nyt but can help coordinate this afternoon. If someone could send me any analysis done in the run up last week that would be very helpful. Would it be useful to set up a call so that those folks who have been working the issue can pool info re knowledge/work done to date/etc?

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

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

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

B5



Jon

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

From: Donoghue, Joan E
To: Jacobson, Linda; McLeod, Mary (USUN); Pomper, Stephen E; Sullivan, David J; Schwartz, Jonathan B; Baumert, Kevin A; Perina, Alexandra H; Dolan, JoAnn; Heinemann, Thomas B
Sent: Mon May 31 11:21:26 2010
Subject: Re: Humanitarian flotilla



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

From: Jacobson, Linda
To: McLeod, Mary (USUN); Pomper, Stephen E; Sullivan, David J; Donoghue, Joan E; Schwartz, Jonathan B; Baumert, Kevin A; Perina, Alexandra H; Dolan, JoAnn; Heinemann, Thomas B
Sent: Mon May 31 10:05:35 2010
Subject: Re: Humanitarian flotilla

Including others working on this.

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

From: McLeod, Mary (USUN)
To: Jacobson, Linda; Pomper, Stephen E; Sullivan, David J; Donoghue, Joan E; Schwartz, Jonathan B
Sent: Mon May 31 09:57:46 2010
Subject: Humanitarian flotilla

All--Assume you all are working on this. I know Todd and Harold are in Kampala and bbs aren't working. I am rushing back to NYC to try to make the SC meeting, currently scheduled for 1. Anticipate much interest in legal issues focused on Israeli claims they were acting in self-defense and that the flotilla was violating international law.

Law, Rosemary C

From: Grubb, Jason B
Sent: Monday, May 31, 2010 7:09 AM
To: Sindle, James M; Goldberger, Thomas H; Baumert, Kevin A; 'Sergio L. Aguirre@nss.eop.gov'; Holmstrom, Todd C; 'Eric.Lynn@osd.mil'; Waller, Robert P; Rana, Gautam A; [redacted] 'Patrick.Antoniotti@osd.mil'; 'Daniel B. Shapiro@nss.eop.gov'; 'Prem_G._Kumar@nss.eop.gov'; [redacted] Hickey, Mary E; Schwartz, Jonathan B; 'joe.ramirez@eucom.mil'; [redacted] 'mike.holmes@osd.mil'; 'Timothy.P.Connors@uscg.mil'; Sievers, Marc J; Dolan, JoAnn; Bernier-Toth, Michelle; Giauque, Jeffrey G; Frelich, Karlene H; Connelly, Maura; Harris, Robert K; Mortlock, David JL; Rudman, Mara; Waters, John R; Marchese, Gregory M; Pelton, Erin; Gutman, Bonnie S; Greene, Elisa; Harutunian, Ruben; Levin, Jan; Roberts, Kristi (Tel Aviv); Reisser, Wesley J; Parker, Andrew C; [redacted]
Subject: FW: DEF. MINISTER BARAK NEWS CONF. -- YNET

B3 DOD-CP

From: Blaukopf, Ruth B
Sent: Monday, May 31, 2010 1:53 PM
To: BARON Desirée; Garcia, Dennis J; KAPLAN Crystal ; Burnett, David R; Frelich, Karlene H; Giauque, Jeffrey G; Goldberger, Thomas H; Hale, David M; Harden, Dave; Hertzberg, David A; Holmstrom, Todd C; Irwin, Matthew T (IrwinMT@state.gov); Jacoby, Julia I; Khoury-Kincannon, Sahar; Knopf, Payton L; Lentz, Andrew N; Marc Sievers; Mayo, Iris J; Reisser, Wesley J; Roberts, Kristi (Tel Aviv); Sachar, Alon (NEA/IPA); Sindle, James M; Waters, John R; Alan Holst; Grubb Jason; Levin, Jan (LevinJ@state.gov); Michael Honigstein; Michaels, David G (MichaelsDG@state.gov); Nelson Tim
Subject: DEF. MINISTER BARAK NEWS CONF. -- YNET Jason pls note

YNET 13:23 , 05.31.10

Barak: Sail's organizers responsible for deadly raid

Defense minister, IDF chief of staff and Navy commander explain Israeli considerations following takeover of aid ships sailing to Gaza, which left at least 15 pro-Palestinian activists dead. 'We regret the casualties, but the sail's organizers are fully responsible'

Attila Somfalvi

Defense Minister Ehud Barak said Monday that the organizers of the flotilla to Gaza were responsible for the deadly Israel Defense Forces raid of the ships, which left at least 15 pro-Palestinian activists dead and dozens injured.

Speaking at a joint press briefing with IDF Chief of Staff Gabi Ashkenazi and Navy Commander Eliezer Marom, Barak said, "We express our regret over the injuries, but the sail's organizers and its participants are fully responsible."

He added that a violent incident took place on only one of the six ships involved in the sail.

"The State of Israel appealed to the organizers before the ships set sail and during the sail and invited them to arrive at the Ashdod Port and transfer the aid to Gaza after security checks," he said. "All of our appeals were turned down. The soldiers were attacked after arriving at one of the ships. Some were injured by serious physical violence on the part of the protestors.

"I am familiar with these types of operations and their possible developments, and I am familiar with the units which operated and with their commanders. They are the best of our people," the defense minister explained.

"In light of the life-threatening situation, the soldiers were forced to use crowd dispersal means and firearms," he said, adding that some of the casualties were killed by firearms. According to Barak, 10 soldiers were injured in the incident, some from firearms and some from cold arms.

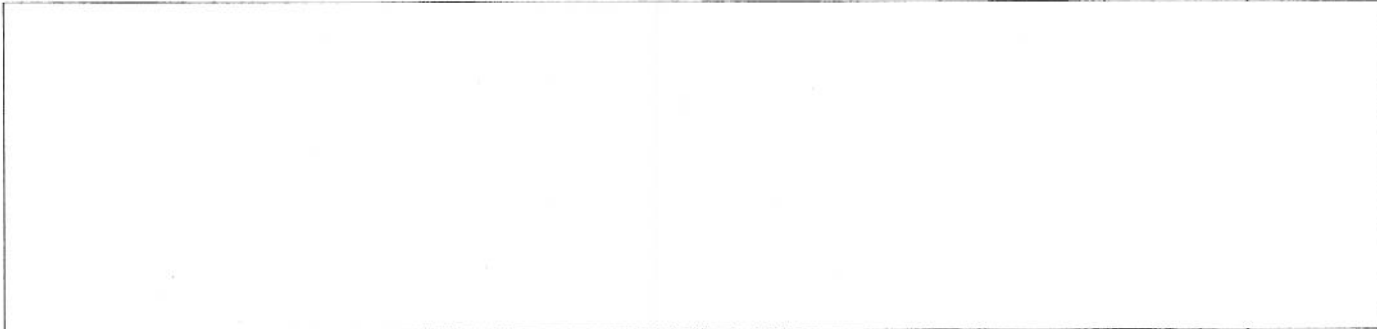
"The IHH organization, which was behind these unruly ship, is a violent and radical organization acting under the cover of humanitarian activity," Barak argued.

"This is the time for responsibility and I call on everyone to act with restraint and common sense and not let an anarchistic organization and radical elements seeking to undermine the public order to take advantage of this unfortunate incident for violence."

'Crowd dispersal equipment wasn't enough'

Law, Rosemary C

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

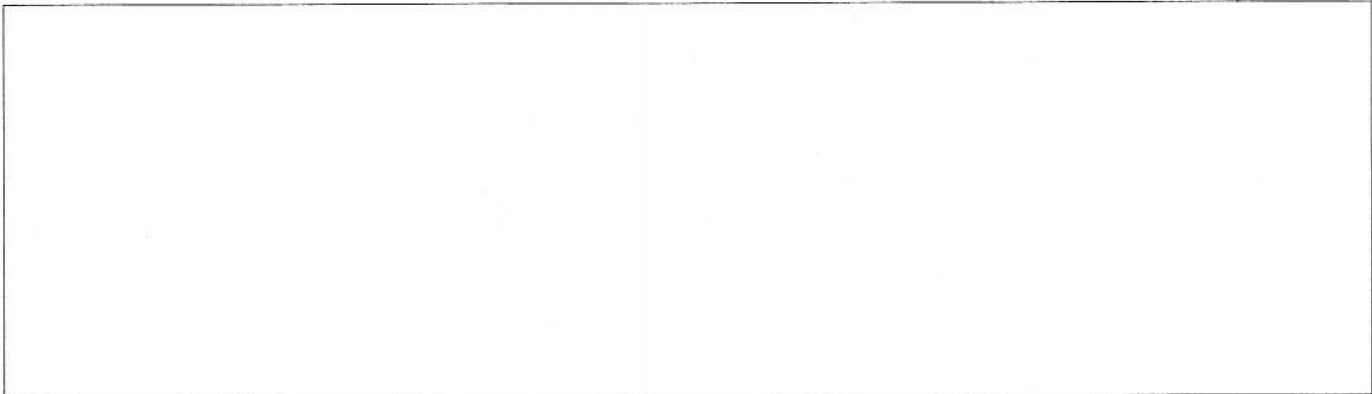


B5

Jon

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

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



Jon

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

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



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

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

B3 DOD-CP

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

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

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

[redacted]

[redacted]

B3 DOD-CP

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

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

B3 DOD-CP

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B6

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

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To: Levin, Jan; Operations Center; Jeffrey, James F; Sievers, Marc J; Parker, Andrew C; Grubb, Jason B; NEA-IPA-DL; Greene, Elisa; Marchese, Gregory M; Waters, John R; [redacted] Amodeo, Salvatore A (Istanbul); Rudman, Mara (Jerusalem); Connelly, Maura; FeltB3 DOD-CP Jeffrey D
Cc: 'Dennis_B._Ross@nsc.eop.gov'; 'Dshapiro@who.eop.gov'
Subject: Re: MFA flotilla briefing

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Sent from my BlackBerry

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

[redacted] briefed foreign ambassadors at 12:30 local time today.

B6

Highlights - Identification of dead and wounded taking time. MFA will reach out proactively to Embassies as IDs are done, with location and status of citizens. The uninjured will be processed and escorted to airport for deportation. Unclear how long this will take.
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B6

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

Law, Rosemary C

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

From: McLeod, Mary (USUN)
Sent: Tuesday, June 01, 2010 8:32 AM
To: Martin, Julie B; Donoghue, Joan E; Baumert, Kevin A; Pomper, Stephen E; Aswad, Evelyn M; Schwartz, Jonathan B; [redacted] Perina, Alexandra H; Jacobson, Linda; Heinemann, Thomas B; Dolan, JoAnn
Cc: Sullivan, David J; Guarin, Marc F; Townley, Stephen G; Banos, Mariano H
Subject: Re: L comments on MFA flotilla briefing>

B6

[redacted]

B5

From: Martin, Julie B
To: Donoghue, Joan E; Baumert, Kevin A; Pomper, Stephen E; Aswad, Evelyn M; Schwartz, Jonathan B; [redacted] Perina, Alexandra H; Jacobson, Linda; Heinemann, Thomas B; Dolan, JoAnn; McLeod, Mary (USUN)
Cc: Sullivan, David J; Guarin, Marc F; Townley, Stephen G; Banos, Mariano H
Sent: Tue Jun 01 05:10:54 2010
Subject: Re: L comments on MFA flotilla briefing>

B6

[redacted]

B5

From: Donoghue, Joan E
To: Martin, Julie B; Baumert, Kevin A; Pomper, Stephen E; Aswad, Evelyn M; Schwartz, Jonathan B; [redacted] Perina, Alexandra H; Jacobson, Linda; Heinemann, Thomas B; Dolan, JoAnn; McLeod, Mary (USUN)
Cc: Sullivan, David J; Guarin, Marc F; Townley, Stephen G; Banos, Mariano H
Sent: Tue Jun 01 04:04:41 2010
Subject: Re: L comments on MFA flotilla briefing>

B6

[redacted]

B5

Cd someone send the SYG statement please? Thanks.

From: Martin, Julie B
To: Baumert, Kevin A; Pomper, Stephen E; Aswad, Evelyn M; Schwartz, Jonathan B; [redacted] Perina, Alexandra H; Jacobson, Linda; Heinemann, Thomas B; Dolan, JoAnn
Cc: Sullivan, David J; Guarin, Marc F; Donoghue, Joan E; Townley, Stephen G; Banos, Mariano H
Sent: Tue Jun 01 03:47:45 2010
Subject: RE: L comments on MFA flotilla briefing>

B6

Thanks to all.

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

[Redacted]

B5

Thanks, Julie

This email is UNCLASSIFIED.

From: Baumert, Kevin A
Sent: Monday, May 31, 2010 10:54 PM
To: Pomper, Stephen E; Aswad, Evelyn M; Schwartz, Jonathan B; [Redacted] Perina, Alexandra H; Jacobson, Linda; Heinemann, Thomas B; Dolan, JoAnn
Cc: Sullivan, David J; Guarin, Marc F; Donoghue, Joan E; Townley, Stephen G; Banos, Mariano H; Martin, Julie B
Subject: RE: L comments on MFA flotilla briefing>

B6

[Redacted]

B5

Thanks, Kevin

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

B6

removing non L address

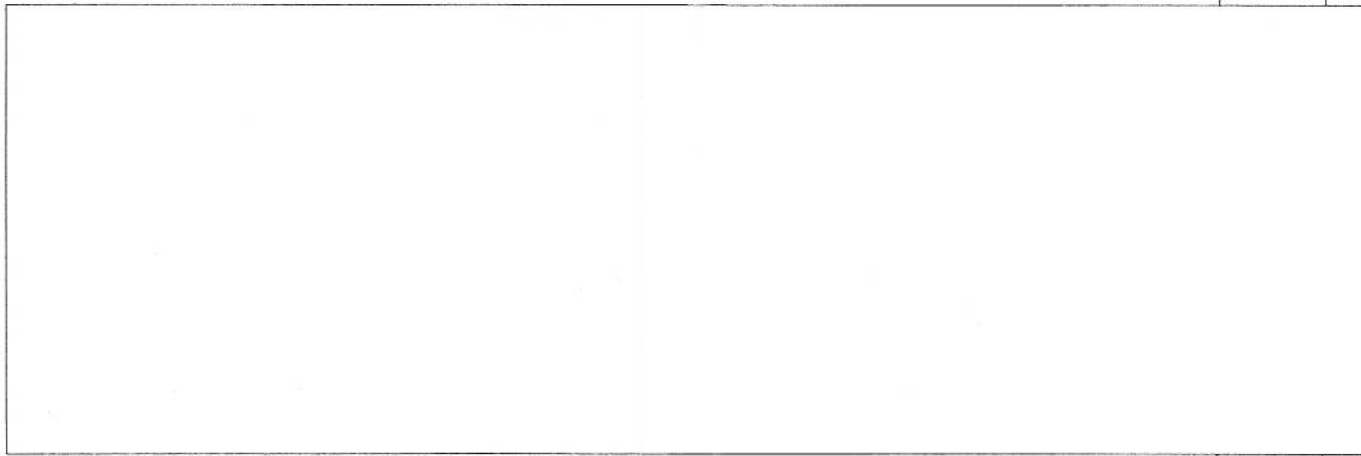
From: Aswad, Evelyn M
To: Schwartz, Jonathan B; 'Stephen & Betsy Pomper/Andersen' [Redacted] Perina, Alexandra H; Baumert, Kevin A; Jacobson, Linda; Heinemann, Thomas B; Dolan, JoAnn
Cc: Sullivan, David J; Pomper, Stephen E; Guarin, Marc F; Donoghue, Joan E; [Redacted]; Townley, Stephen G; Banos, Mariano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

B6

Looping in Mariano & Julie. EA

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

B6



B5

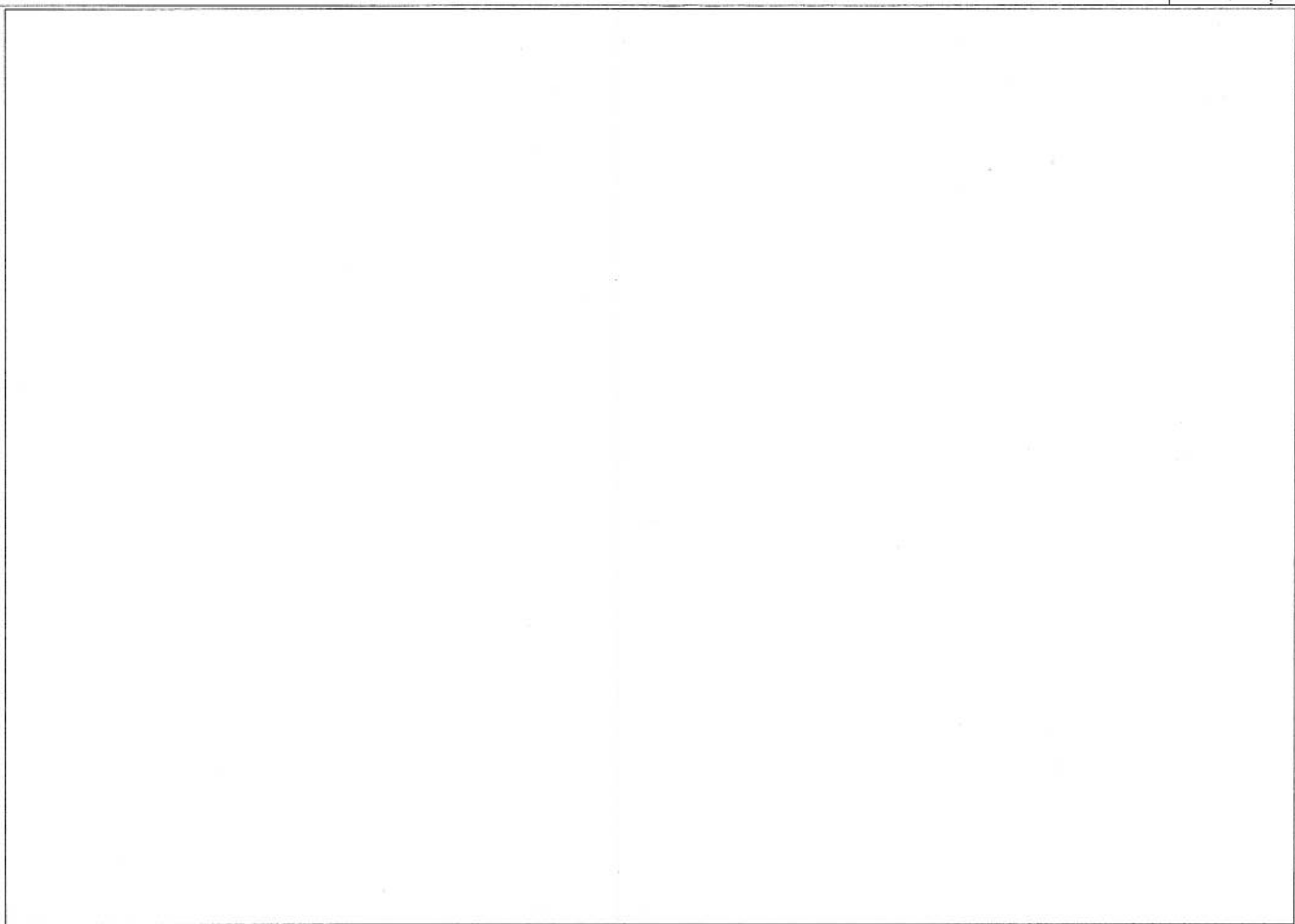
Jon

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

B6

B6

Folks--



B5

B5

B6

Steve

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

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

Blockade

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

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

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

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

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

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

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

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

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

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

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

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

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

104. The blockading belligerent shall allow the passage of medical supplies for the civilian population or for the wounded

and sick members of armed forces, subject to the right to prescribe technical arrangements, including search, under which such passage is permitted.

Zones

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

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

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

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

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

From Commander's Handbook

7.7 BLOCKADE

7.7.1 General

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

7.7.2 Criteria for Blockades

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

7.7.2.1 Establishment

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

7.7.2.2 Notification

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

7.7.2.3 Effectiveness

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

7.7.2.4 Impartiality

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

7.7.2.5 Limitations

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

7.7.3 Special Entry and Exit Authorization

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

7.7.4 Breach and Attempted Breach of Blockade

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

7.7.5 Contemporary Practice

The criteria for valid blockades, as set out above in paragraph 7.7.2, are for the most part customary in nature, having derived their definitive form through the practice of maritime powers during the nineteenth century. The rules reflect a balance between the right of a belligerent possessing effective command of the sea to close enemy ports and coastlines to international commerce, and the right of neutral nations to carry out neutral commerce with the least possible interference from belligerent forces. The law of blockade is, therefore, premised on a system of controls designed to effect only a limited interference with neutral trade. This was traditionally accomplished by a relatively "close-in" cordon of surface warships stationed in the immediate vicinity of the blockaded area.

The increasing emphasis in modern warfare on seeking to isolate completely the enemy from outside assistance and resources by targeting enemy merchant vessels as well as warships, and on interdicting all neutral commerce with the enemy, is not furthered substantially by blockades established in strict conformity with the traditional rules. In World Wars I and II, belligerents of both sides resorted to methods which, although frequently referred to as measures of blockade, cannot be reconciled with the traditional concept of the close-in blockade. The so-called long-distance blockade of both world wars departed materially from those traditional rules and were premised in large measure upon the belligerent right of reprisal against illegal acts of warfare on the part of the enemy. Moreover, developments in weapons systems and platforms, particularly submarines, supersonic aircraft, and cruise missiles, have rendered the in-shore blockade exceedingly difficult, if not impossible, to maintain during anything other than a local or limited armed conflict. Accordingly, the characteristics of modern weapon systems will be a factor in analyzing the effectiveness of contemporary blockades.

Notwithstanding this trend in belligerent practices (during general war) away from the establishment of blockades that conform to the traditional rules, blockade continues to be a useful means to regulate the competing interests of belligerents and neutrals in more limited armed conflict. The experience of the United States during the Vietnam conflict provides a case in point. The closing of Haiphong and other North Vietnamese ports, accomplished by the emplacement of mines, was undertaken in conformity with traditional criteria of establishment, notification, effectiveness, limitation, and impartiality, although at the time the mining took place the term "blockade" was not used.

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

B6

[redacted]

B5

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

B5

[redacted]

B5

>
> jon
>
> -----Original Message-----
> From: Perina, Alexandra H
> Sent: Monday, May 31, 2010 12:56 PM
> To: Schwartz, Jonathan B; Goldberger, Thomas H; Baumert, Kevin A; Jacobson, Linda; Heinemann, Thomas B; Dolan, JoAnn
> Cc: Aswad, Evelyn M; Sullivan, David J; [redacted] Pomper, Stephen E; Guarin, Marc F
> Subject: RE: L comments on MFA flotilla briefing>
>

B6

[redacted]

B5

[redacted]

>

[Redacted]

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

[Redacted]

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

[Redacted]

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

[Redacted]

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

[Redacted]

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

[Redacted]

[Redacted]

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

[Redacted]

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

> Sent from my BlackBerry

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

> See below from Jonathan pls.

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

[Redacted]

> Jon

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

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

[Redacted]

B5

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

[Redacted]

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

B3 DOD-CP

[Redacted]

B3 DOD-CP

B3 DODFGI

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

[Redacted]

B3 DOD-CP

[Redacted]

B3 DOD-CP



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

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

B3 DOD-CP

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

B6

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

B6

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

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

B6

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

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

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

B3 DOD-CP

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

> Sent from my BlackBerry

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

B3 DOD-CP

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

B3 DODFGI

[redacted]

>
> Highlights - Identification of dead and wounded taking time. MFA will reach out proactively to Embassies as IDs are done, with location and status of citizens. The uninjured will be processed and escorted to airport for deportation. Unclear how long this will take.
> -- Most violence occurred on ship Mavi (Blue) Marmara. As far as is currently known, all incidents occurred on this ship. B3 DODFGI
> -- [redacted] told Ambassador that activists on Mavi Marmara were prepared for boarders and were armed. Unclear if they had firearms in advance or took them from IDF boarding party. One IDF soldier nearly beaten to death with metal bar. Activists also had knives.
> -- Events took place in international waters. Israel asserted it had the legal right to intercept in intl waters because there is a military blockade under the law of armed conflict between Israel and Hamas.
>
> Ambassador Cunningham requests that Embassy Tel Aviv clear Dept guidance on this issue, thank you.

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

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

Law, Rosemary C

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

B6

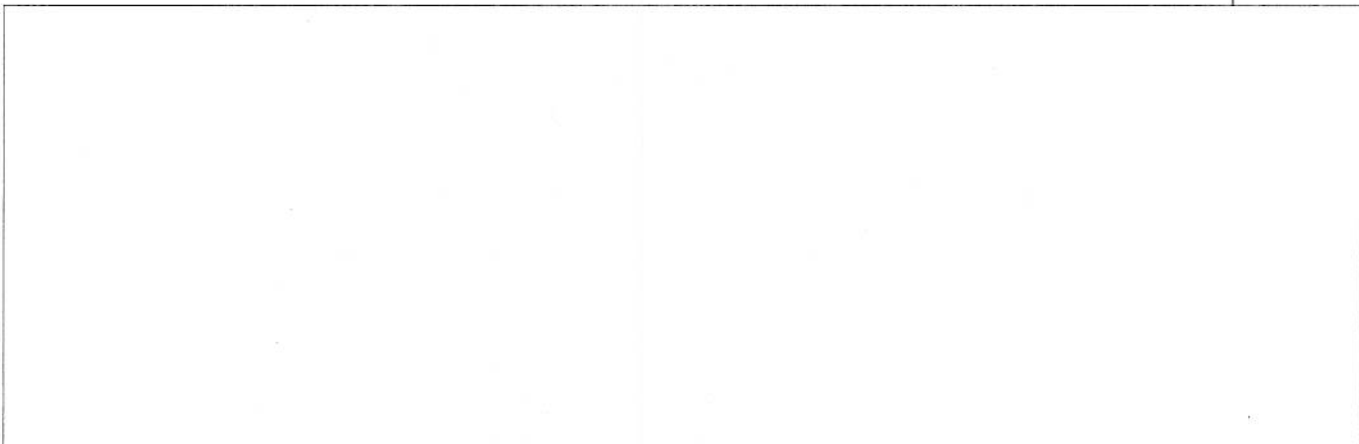
removing non L address

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

B6

Looping in Mariano & Julie. EA

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



B5

Jon

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

B6

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

Folks--

B5

B6

Steve

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

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

Blockade

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Zones

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

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

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

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

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

From Commander's Handbook**7.7 BLOCKADE****7.7.1 General**

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The increasing emphasis in modern warfare on seeking to isolate completely the enemy from outside assistance and resources by targeting enemy merchant vessels as well as warships, and on interdicting all neutral commerce with the enemy, is not furthered substantially by blockades established in strict conformity with the traditional rules. In World Wars I and II, belligerents of both sides resorted to methods which, although frequently referred to as measures of blockade, cannot be reconciled with the traditional concept of the close-in blockade. The so-called long-distance blockade of both world wars departed materially from those traditional rules and were premised in large measure upon the belligerent right of reprisal against illegal acts of warfare on the part of the enemy.

Moreover, developments in weapons systems and platforms, particularly submarines, supersonic aircraft, and cruise missiles, have rendered the in-shore blockade exceedingly difficult, if not impossible, to maintain during anything other than a local or limited armed conflict. Accordingly, the characteristics of modern weapon systems will be a factor in analyzing the effectiveness of contemporary blockades.

Notwithstanding this trend in belligerent practices (during general war) away from the establishment of blockades that conform to the traditional rules, blockade continues to be a useful means to regulate the competing interests of belligerents and neutrals in more limited armed conflict. The experience of the United States during the Vietnam conflict provides a case in point. The closing of Haiphong and other North Vietnamese ports, accomplished by the emplacement of mines, was undertaken in conformity with traditional criteria of establishment, notification, effectiveness, limitation, and impartiality, although at the time the mining took place the term "blockade" was not used.

From: [REDACTED]
 To: schwartzjb@state.gov; perinaah@state.gov; baumertka@state.gov; jacobsonl@state.gov; heinemannb@state.gov; dolanja@state.gov
 CC: aswadem@state.gov; sullivanjdj1@state.gov; pomperse2@state.gov; guarinmf@state.gov; donoghueje@state.gov
 Subject: RE: L comments on MFA flotilla briefing>
 Date: Mon, 31 May 2010 17:29:30 +0000

B6

[REDACTED]

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

B5

B6

B5

[Redacted]

B5

> jon
 >
 > -----Original Message-----
 > From: Perina, Alexandra H
 > Sent: Monday, May 31, 2010 12:56 PM
 > To: Schwartz, Jonathan B; Goldberger, Thomas H; Baumert, Kevin A; Jacobson, Linda; Heinemann, Thomas B; Dolan, JoAnn
 > Cc: Aswad, Evelyn M; Sullivan, David J; [Redacted] Pomper, Stephen E; Guarin, Marc F
 > Subject: RE: L comments on MFA flotilla briefing>

B6

[Redacted]

B5

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

[Redacted]

dy

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

[Redacted]

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

[Redacted]

B5

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

[Redacted]

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

[Redacted]

> Kevin
> L/OES

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

[Redacted]

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

[Redacted]

[Redacted]

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

> See below from Jonathan pls.

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

[Redacted]

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

[Redacted]

> Jon
>
> ----- Original Message -----
> From: Goldberger, Thomas H
> To: Dolan, JoAnn; Jacobson, Linda

> Cc: Holmstrom, Todd C; Schwartz, Jonathan B; Knopf, Payton L
> Sent: Mon May 31 08:24:00 2010
> Subject: FW: MFA flotilla briefing

> [Redacted]

B5

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

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

B3 DOD-CP

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

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

B3 DOD-CP
B3 DODFGI

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

> [Redacted]

[Redacted]

B3 DOD-CP

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

> From: Rudman, Mara (Jerusalem)
> Sent: Monday, May 31, 2010 2:46 PM
> To: Cunningham, James B; Levin, Jan; Operations Center; Jeffrey, James F; Sievers, Marc J; Parker, Andrew C; Grubb, Jason B; NEA-IPA-DL; Greene, Elisa; Marchese, Gregory M; Waters, John R; [Redacted]
> [Redacted] Amodeo, Salvatore A (Istanbul); Connelly, Maura; Feltman, Jeffrey D

B3 DOD-CP

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

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

B6

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

B6

was one in which actions taken were in self-defense.

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

B6

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

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

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

> From: Cunningham, James B

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

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

B3 DOD-CP

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

> Subject: Re: MFA flotilla briefing

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

> Sent from my BlackBerry

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

> From: Levin, Jan

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

B3 DOD-CP

> Sent: Mon May 31 13:20:31 2010

> Subject: MFA flotilla briefing

B3 DODFGI

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

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

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

B3 DODFGI

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

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

Hotmail has tools for the New Busy. Search, chat and e-mail from your inbox. [Learn more.](#)

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

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

Law, Rosemary C

From: Pomper, Stephen E
Sent: Monday, May 31, 2010 4:20 PM
To: Dolan, JoAnn; Schwartz, Jonathan B; [redacted] Perina, Alexandra H; Baumert, Kevin A; Jacobson, Linda; Heinemann, Thomas B
Cc: Aswad, Evelyn M; Sullivan, David J; Guarin, Marc F; Donoghue, Joan E; Townley, Stephen G
Subject: Re: L comments on MFA flotilla briefing>

B6

Rmoving a non USG family-member address that wound up on this chain.

[redacted]

B5

From: Dolan, JoAnn
To: Schwartz, Jonathan B; 'Stephen & Betsy Pomper/Andersen' [redacted] Perina, Alexandra H; Baumert, Kevin A; Jacobson, Linda; Heinemann, Thomas B
Cc: Aswad, Evelyn M; Sullivan, David J; Pomper, Stephen E; Guarin, Marc F; Donoghue, Joan E; [redacted] [redacted] Townley, Stephen G
Sent: Mon May 31 16:16:35 2010
Subject: RE: L comments on MFA flotilla briefing>

B6

[redacted]

B5

From: Schwartz, Jonathan B
Sent: Monday, May 31, 2010 4:10 PM
To: 'Stephen & Betsy Pomper/Andersen'; Perina, Alexandra H; Baumert, Kevin A; Jacobson, Linda; Heinemann, Thomas B; Dolan, JoAnn
Cc: Aswad, Evelyn M; Sullivan, David J; Pomper, Stephen E; Guarin, Marc F; Donoghue, Joan E; eandersen@asil.org; Townley, Stephen G
Subject: RE: L comments on MFA flotilla briefing>

B5

[redacted]

Jon

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

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

B6

Folks--

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

B5



Steve

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

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

Blockade

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Zones

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

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

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

declared and appropriately notified.

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

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

From Commander's Handbook

7.7 BLOCKADE

7.7.1 General

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

7.7.2 Criteria for Blockades

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

7.7.2.1 Establishment

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

7.7.2.2 Notification

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

7.7.2.3 Effectiveness

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

7.7.2.4 Impartiality

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

7.7.2.5 Limitations

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

7.7.3 Special Entry and Exit Authorization

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

arrangements, including search, under which passage is permitted.

7.7.4 Breach and Attempted Breach of Blockade

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

7.7.5 Contemporary Practice

The criteria for valid blockades, as set out above in paragraph 7.7.2, are for the most part customary in nature, having derived their definitive form through the practice of maritime powers during the nineteenth century. The rules reflect a balance between the right of a belligerent possessing effective command of the sea to close enemy ports and coastlines to international commerce, and the right of neutral nations to carry out neutral commerce with the least possible interference from belligerent forces. The law of blockade is, therefore, premised on a system of controls designed to effect only a limited interference with neutral trade. This was traditionally accomplished by a relatively "close-in" cordon of surface warships stationed in the immediate vicinity of the blockaded area. The increasing emphasis in modern warfare on seeking to isolate completely the enemy from outside assistance and resources by targeting enemy merchant vessels as well as warships, and on interdicting all neutral commerce with the enemy, is not furthered substantially by blockades established in strict conformity with the traditional rules. In World Wars I and II, belligerents of both sides resorted to methods which, although frequently referred to as measures of blockade, cannot be reconciled with the traditional concept of the close-in blockade. The so-called long-distance blockade of both world wars departed materially from those traditional rules and were premised in large measure upon the belligerent right of reprisal against illegal acts of warfare on the part of the enemy. Moreover, developments in weapons systems and platforms, particularly submarines, supersonic aircraft, and cruise missiles, have rendered the in-shore blockade exceedingly difficult, if not impossible, to maintain during anything other than a local or limited armed conflict. Accordingly, the characteristics of modern weapon systems will be a factor in analyzing the effectiveness of contemporary blockades. Notwithstanding this trend in belligerent practices (during general war) away from the establishment of blockades that conform to the traditional rules, blockade continues to be a useful means to regulate the competing interests of belligerents and neutrals in more limited armed conflict. The experience of the United States during the Vietnam conflict provides a case in point. The closing of Haiphong and other North Vietnamese ports, accomplished by the emplacement of mines, was undertaken in conformity with traditional criteria of establishment, notification, effectiveness, limitation, and impartiality, although at the time the mining took place the term "blockade" was not used.

From:
 To: schwartzjb@state.gov; perinaah@state.gov; baumertka@state.gov; jacobsonl@state.gov; heinemanntb@state.gov; dolanja@state.gov
 CC: aswadem@state.gov; sullivandj1@state.gov; pomperse2@state.gov; guarinmf@state.gov; donoghueje@state.gov
 Subject: RE: L comments on MFA flotilla briefing
 Date: Mon, 31 May 2010 17:29:30 +0000

Marc Guarin is going to log in and weigh in on this question. I also reached out to JCS legal to see if they have a Navy lawyer we can talk to. Have taken Tom G off this chain for the moment. Steve

> Subject: RE: L comments on MFA flotilla briefing
 > Date: Mon, 31 May 2010 13:01:59 -0400
 > From: SchwartzJB@state.gov

> To: PerinaAH@state.gov; GoldbergerTH@state.gov; baumertka@state.gov; JacobsonL@state.gov; HeinemannTB@state.gov; DolanJA@state.gov
> CC: AswadEM@state.gov; SullivanDJ1@state.gov; [redacted]
PomperSE2@state.gov; GuarinMF@state.gov

B6

> Thanks Alexandra. [redacted]

B5

> jon

>

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

> From: Perina, Alexandra H

> Sent: Monday, May 31, 2010 12:56 PM

> To: Schwartz, Jonathan B; Goldberger, Thomas H; Baumert, Kevin A; Jacobson, Linda; Heinemann, Thomas B; Dolan, JoAnn

> Cc: Aswad, Evelyn M; Sullivan, David J; [redacted]; Pomper, Stephen E; Guarin, Marc F

B6

> Subject: RE: L comments on MFA flotilla briefing>

>

B5

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

> From: Schwartz, Jonathan B

> Sent: Monday, May 31, 2010 12:17 PM

> To: Goldberger, Thomas H; Baumert, Kevin A; Jacobson, Linda; Heinemann, Thomas B; Dolan, JoAnn; Perina, Alexandra H

> Cc: Aswad, Evelyn M; Sullivan, David J

> Subject: RE: L comments on MFA flotilla briefing>

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

> From: Goldberger, Thomas H

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

> [Redacted]

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

> [Redacted]

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

> Kevin, [Redacted]

[Redacted]

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

> [Redacted]

> Kevin
> L/OES

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

> [Redacted]

B5

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

>
> [Redacted]

> Sent from my BlackBerry

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

>
> See below from Jonathan pls.

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

>
> Tom - [Redacted]

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

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

B5

[Redacted]

B5

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

> Sorry, but could we get quick reactions to this?

[Redacted]

B5

[Redacted]

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

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

B3 DOD-CP

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

[Redacted]

B3 DOD-CP

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

B3 DODFGI

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

[Redacted]

B3 DOD-CP

[Redacted]

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

> From: Rudman, Mara (Jerusalem)
> Sent: Monday, May 31, 2010 2:46 PM
> To: Cunningham, James B; Levin, Jan; Operations Center; Jeffrey, James F; Sievers, Marc J; Parker, Andrew C; Grubb, Jason B; NEA-IPA-DL; Greene, Elisa; Marchese, Gregory M; Waters, John R; [Redacted]
> [Redacted] Amodeo, Salvatore A (Istanbul); Connelly, Maura; Feltman, Jeffrey D

B3 DOD-CP

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

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

B6

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

B6

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

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

B6

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

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

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

> From: Cunningham, James B

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

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

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

> Subject: Re: MFA flotilla briefing

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

> Sent from my BlackBerry

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

> From: Levin, Jan

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

> Sent: Mon May 31 13:20:31 2010

> Subject: MFA flotilla briefing

B3 DODFGI

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

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

> -- [redacted] told Ambassador that activists on Mavi Marmara were prepared for boarders and were B3 DODFGI

armed. Unclear if they had firearms in advance or took them from IDF boarding party. One IDF soldier nearly beaten to death with metal bar. Activists also had knives.

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

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

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

Declassify on: 06/04/2020

I37

Bowers, Allyson M

From: Sindle, James M
Sent: Friday, June 04, 2010 10:43 AM
To: Gaza Flotilla Monitoring Group
Subject: FW: PM 4 JUN 10 - FREE GAZA MOVEMENT (FGM) FLOTILLA UPDATE - WAVE # 2 (SITREP #9) (SECRET)
Attachments: Free Gaza Movement Flotilla Update_PM 4 Jun 10.ppt; GAZA FLOTILLA AFTERMATH - SITREP 3.doc

RELEASED IN PART B3
DOD-CP,B1,B5,1.4(D),1.4(C),B6

The latest locations of the Israeli SAARs and Rachel Corrie.

[Redacted] 1.4(C)
B1

From: [Redacted] B3 DOD-CP
Sent: Friday, June 04, 2010 10:28 AM B6
To: Gardner, John D. LTG; john.allen@centcom.smil.mil
Cc: [Redacted]

[Redacted] B3 DOD-CP
B6

Subject: PM 4 JUN 10 - FREE GAZA MOVEMENT (FGM) FLOTILLA UPDATE - WAVE # 2 (SITREP #9) (SECRET)

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

Classification: SECRET//REL TO USA, AUS, CAN, GBR

Good afternoon LTG Gardner / LtGen Allen

[Redacted] 1.4(C)
B1

[Redacted] 1.4(C)
B1

Current Situation:

1. Free Gaza Movement (FGM) "Freedom "Flotilla – Wave # 2 (reduced to a single ship)

[Redacted] 1.4(D)
B1

- Open source reporting indicates RACHEL CORRIE has no plans to stop until reaching port in Gaza and does not intend to resist, should Israeli forces attempt to board. [Redacted] 1.4(C)
B1

- [Redacted] 1.4(C)
B1

Assessment: [Redacted]

o [Redacted] 1.4(C)
B1

[Redacted]

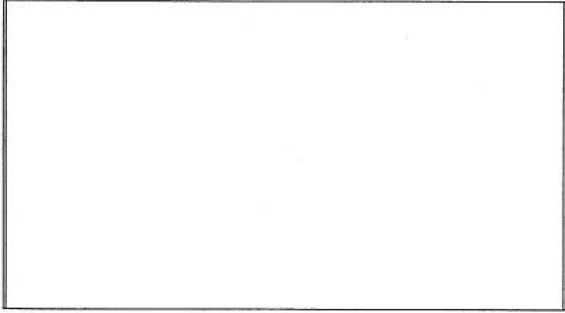
2. Israeli Defense Force (IDF)

Naval Activity:

- [Redacted]

[Redacted] 1.4(C)
B1

V/R, Larry



B6
B3 DOD-CP

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

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

I132

Bowers, Allyson M

From: Yoo, Donny H
Sent: Thursday, June 30, 2011 4:59 AM
To: Eussen, Matthew M; SES-O_OPS-WatchTeam
Cc: NEA-IPA-DL; Silverman, Robert J; Levin, Jan X; Grubb, Jason B; Berns, David B
Subject: RE: "FREEDOM FLOTILLA II" GAZA AID CONVOY UPDATE (SITREP #7) (SECRET)

Mr. Eussen,

Many thanks for these very helpful emails.

Thanks,
Donny Yoo

From: Eussen, Matthew M
Sent: Thursday, June 30, 2011 4:15 AM
To: SES-O_OPS-WatchTeam
Cc: NEA-IPA-DL; Silverman, Robert J; Levin, Jan X; Grubb, Jason B; Berns, David B
Subject: FW: "FREEDOM FLOTILLA II" GAZA AID CONVOY UPDATE (SITREP #7) (SECRET)

Additional information.

Respectfully-
-Matt

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

Sensitivity: Sensitive
Classification: SECRET//NOFORN
Derived From: previous msg in thread.
Declassify On: 2021/06/30

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

From: [Redacted] B3 DOD-CP
Sent: Wednesday, June 29, 2011 7:42 AM B6
To: [Redacted]

B3 DOD-CP

B6

Subject: "FREEDOM FLOTILLA II" GAZA AID CONVOY UPDATE (SITREP #7) (SECRET)

Classification: SECRET

Caveats: NOFORN

Good morning J2 –

[Redacted]

1.4(C)
B1

Request all addressees continue to please feed updates to USEUCOM theater all-source fusion analysis center at [redacted] This will help to ensure accuracy, timeliness, relevancy, and dissemination leadership at all levels. B3 DOD-CP, B6

Convention: Blue is new.

[redacted] 1.4(D)
B1

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

SITREP follows:

[redacted] 1.4(C)
1.4(D)
B1

(U) Political Developments:

- (U) On 28 Jun, Israel Defense Ministry proposed confiscating the ships that attempt to break the naval blockade to Gaza, a move aimed at deterring future flotillas. Israeli press reporting indicates IDF claims they have intelligence showing some flotilla participants are planning to use violence and possibly chemical weapons against the troops. Flotilla members claim this is an attempt to justify IDF violence. (Source: Jerusalem Post)

1.4(C)
1.4(D)
B1

- (U) On 27 Jun, the Israeli "Lawfare" Group took responsibility for lodging the complaint against flotilla ship AUDACITY OF HOPE. Free Gaza Movement (FGM) organizers and AUDACITY OF HOPE passengers believe the complaint was frivolous and are now confident the Greek government will allow them to depart Greece.

- (U) On 27 Jun, the "Freedom Flotilla II (FF2) – Stay Human" press conference occurred in Athens but no specific ship names, departure dates, launch times, or rendezvous date, time, or area were revealed. Organizers also withheld the length of time the flotilla would remain at the rendezvous area before heading south. In short, FF2 spokespersons stated the flotilla will press forward with their departure plans despite Israel's warnings.

- (U) On 27 Jun, after two days of closed-doors meetings, the Israeli ministers committee on security affairs voted in favor of the navy plans to stop the FF2 flotilla from breaching the Israeli-imposed naval blockade on the Palestinian territory, giving the army authority to use "all necessary means" during the operation. The Israeli cabinet has ordered Israeli troops to operate with "maximal restraint and avoid clashes with activists on board the vessels."

- (U) On 22 Jun, US STATE Dept warned US citizens against taking part in the flotilla and to avoid all travel to the Gaza Strip, citing threats to themselves as well as US interests. (STATE)

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

1.4(C)
1.4(D)
B1

(S) US Navy Forces

1.4(C)
1.4(D)
B1

B3 DOD-CP
B6

V/R,

B3 DOD-CP
B6

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