

GAZA FLOTILLA FOIA PRODUCTION GUIDE: Department of Defense Collaboration with Israel Following the May 31, 2010 Flotilla Attack

Last updated: September 2014

This CCR-produced guide provides a summary of information gathered from documents released by the United States government pursuant to Freedom of Information requests being litigated in CCR v. Dep't of Defense, et al. Documents produced by the United States agencies are referred to below by the name of the U.S. agency that produced the document and the Bates-number assigned to the relevant page; all documents are available here. A compilation of documents referenced herein can be accessed [here](#). An overview of the attack on the Flotilla and the FOIA case is available [here](#) and a legal analysis of the attack [here](#). A summary of documents relating to U.S. efforts to prevent flotillas from sailing is available [here](#).

Documents released by the Department of Defense Pursuant to CCR's FOIA request show that the DOD engaged with the Israeli military in response to their May 31, 2010 attack on a flotilla to Gaza. Efforts taken by the DOD referenced in released documents include collecting information on weaponry and rules of engagement, engaging in talks and exercises to reform the Israeli response to flotillas, and providing training to at least one Israeli unit.

The DOD Sought Information on the Boarding of Flotilla

Following the May 2010 flotilla attack, conversations between U.S. Department of Defense (DOD) officials and their Israeli counterparts included U.S. concerns on the way in which the attack was carried out.

- A June 4, 2010 cable by the DOD noted the use of certain non-lethal weapons in the flotilla raid and requested an accounting of which weapons were used. The DOD sought which entity deployed non-lethal grenades, whether any parties were using night vision technology or counter measures, and confirmation of the type of weapons used.¹
- The DOD sought to confirm the rules of engagement applied to the boarding, including protocol for escalating to the use of lethal weapons.²

8, ██████ PLEASE DETERMINE THE RULES OF ENGAGEMENT THAT WERE IN PLACE FOR THE BOARDING EXERCISE TO INCLUDE THE ESCALATION OF FORCE PROCEDURES GOVERNING THE TRANSITION FROM NON-LETHAL TO LETHAL FORCE AND THE STEPS IN BETWEEN.

¹ DeptofDefense000121-124.

² Id.

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- *Comment: This information would be critical evidence for an investigation into the attack, however, because of redactions and withholding of documents it is unclear whether there was a credible response from the Israeli military, and whether that response was shared with investigative agencies in the U.S. or abroad.*

DOD Worked Directly With Israel post-Attack to Revise its Boarding Protocol

Within days of the May 31, 2010 attack on the Gaza Freedom Flotilla, the DOD was taking efforts to shift Israeli response to flotilla vessels.

- A briefing memo prepared in advance of a June 3, 2010 meeting in the White House Situation Room on noted additional ships would soon be challenging Israel's blockade of the Gaza strip,³ and steps needed to be taken to ensure that a repeat of the May 31, 2010 attack didn't occur.
 - Israeli political and military leadership is likely convinced that allowing the next Flotilla ship to arrive in Gaza is not a viable solution; therefore, our aim should be to mitigate the risk of a recurrence of the 31 May confrontation.
- Options for responding to the vessels centered on engagement with Israel to prepare:
 - Near term (0-10 days): Includes staff talks, mil to mil exchanges, and bi lateral type talks. Purpose: Fact finding, share lessons learned, techniques, decision-making process, understand INF capability gaps/limitations, focus on ROE, EOF, etc.
 - Mid term (11-60 days): Increase awareness with Rules of Engagement, Escalation of Force decisions, USN JAG perspective into the Israeli interpretation of the USN's Commander's Handbook for Law of the Sea, ISR techniques (unblinking eye concept) and Intel Prep of the Environment. Assess INF training and provide SMEs as requested to fill any gaps. Purpose: Share relevant "Preparation of the battlespace" type lessons and techniques and explore non-kinetic means of VBSS, including using civilian vessels.
 - Long Term (60+ days): Conduct long-term training as requested, robust mil to mil exchanges and tabletop exercises focusing on decision making at the operational and strategic levels. Purpose: Share and increase awareness on leader development and decision making skills (abort criteria, for example).

³ DOD Document, Executive Summary of "Read Ahead for Gaza Flotilla PC (WHSR, 3 June 2010, 18-15-1945), June 3, 2010, CCRGallagher/10-L-1242/JS/000017-19

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- In order to do so the DOD needed to “convince INF to embrace immediate near term goals listed above.”⁴
- On June 24, 2010, talking point drafted for the Under Secretary of Defense for Policy included the line that “we are open to having a discussion with you on non-boarding redirection of blockade running vessels.”⁵
- Proposed talking points⁶ for Admiral Michael Mullen and Israeli Lieutenant General Ashkenazi include suggestions that Mullen broach the topic by asking questions such as:
 - We have the utmost respect for the IDF's training and professionalism. Do you see this as an anomaly amidst many VBSS' gone well? Do you see it as an Intel Prep of the Environment or surveillance mishap, a decision-making process foul--or something different altogether?
- While making these efforts, internally, the DOD expressed concern about being seen as enforcing the Israeli blockade of Gaza:⁷
 - Risk to U.S. interests is that publicity of U.S. training/mentoring of the INF will be perceived as U.S. complicity with the Israeli blockade. If the INF employs US techniques and fails, we risk being held accountable.
 - Additional risk to U.S. interests exists in not publically supporting Israel's right to protect itself from terror activities (rockets) through the use of a blockade

⁴ Id.

⁵ DOD, Document: “Talking Points for Under Secretary of Defense for Policy,” June 24, 2010, DeptofDefense0046.

⁶ DOD, Document: “Proposed Talking Points for CJCS Phone Call with LTG Ashkenazi,” Undated, CCR Gallagher/10-L-1242/JS/000024-25.

⁷ DOD Document, Executive Summary of “Read Ahead for Gaza Flotilla PC (WHSR, 3 June 2010, 18-15-1945), June 3, 2010, CCRGallagher/10-L-1242/JS/000017-19

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- Records released by the DOD indicate that there was a “Small Unit Exchange” between SEAL Team Four and an Israeli unit relating to the flotilla in the late summer of 2010:⁸

1. **(U) UNIT I.D.:** Naval Special Warfare, SEAL Team FOUR

2. ~~(S)~~ **EVENT NAME/NUMBER:** (b)(1), Sec. 1.4(a), Sec. 1.4(b), Sec. 1.4(c)

3. ~~(S)~~ **LOCATION:** (b)(1), Sec. 1.4(a), Sec. 1.4(b), Sec. 1.4(c)

4. **(U) DATES OF DEPLOYMENT:** 28 July to 12 August 2010

5. **(U) TYPE OF DEPLOYMENT:** Small Unit Exchange

- Other details on the exchange, such as the goals of the operation, are redacted. However an outstanding “action item” is listed as “Gear/Weapons.”⁹
- In October 2012, emails were exchanged seeking the assistance of the Naval Special Warfare “lessons learned guru” relating to the flotilla.¹⁰
- *Comment: Although extensive redactions make it unclear which Israeli unit the Seal Team was training, the goals of the DOD to provide comprehensive assistance to Israel to alter the way it responds to flotillas makes it likely that the U.S. was providing support to the very forces responsible for the May 31, 2010 Gaza flotilla attack. Under domestic laws commonly referred to as the “Leahy Laws,” the U.S. is prohibited from providing training or funding to any individuals or units for which there is credible evidence of engaging in human rights violations. Instead of providing this training, the U.S. should have been supporting accountability for the attack in which a U.S. teenager was shot in the face at point blank range.*

⁸ DOD, Document: CCR Gallagher/10-L-1242/SOCOM/000068.

⁹ Id.

¹⁰ DOD, Email: “RE: NSW Lessons Learned,” October 22, 2012, CCR Gallagher/10-L-1242/SOCOM/000103-104.