

GAZA FLOTILLA FOIA PRODUCTION GUIDE: THE U.S. PASSENGERS

Last updated: February 2013

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 related to the U.S. passengers who participated in the May 2010 Gaza flotilla. All 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](#). All citations herein are included in a compilation of documents related to the detention, release and subsequent communications about the U.S. passengers who participated in the 2010 Gaza flotilla, including return of their property seized by Israeli commandos, and can be accessed [here](#). A separate production guide details the case of 18-year old U.S. citizen Furkan Doğan who was killed during the attack, and is located [here](#). An overview of the attack on the Flotilla and the FOIA case is available [here](#) and a legal analysis of the attack [here](#). This production guide will be updated as more documents are released.

Through tracking of and communication with flotilla organizers in the months prior to launch, U.S. officials were aware of the non-violent and humanitarian nature of the flotilla.

In the weeks prior to the flotilla launch, State Department officials attempted to learn the identities of American citizens planning to participate through a variety of sources, including monitoring social and traditional media, directly contacting flotilla organizers, and through contact with foreign governments:

- In early April 2010, upon confirming that the flotilla would take place,¹ State Department officials began contacting U.S. embassies in the region, asking them to make efforts to secure the manifests for the flotilla boats.² As detailed below, cables and emails produced by the State Department indicate that as a result of this request, U.S. State Department officials in Washington, Ankara, Cyprus, and Greece reached out to their colleagues and local contacts to get the manifests or other information regarding the identities of participating U.S. citizens.³

¹ Department of State, Email: *IHH flotilla tick tock (revised)*, June 4, 2010, **StateDept2049-50**.

² Department of State, Email: *Free Gaza*, May 12, 2010, **StateDept0582-83**.

³ Department of State, Emails: *Re: Thank you for asking for the passenger list*, May 13, 2010, **StateDept0569-70**; *Re: Free Gaza Movement*, May 13, 2010, **StateDept0573-74**; *Re: Free Gaza Movement*, May 13, 2010, **StateDept0575-76**; *FW: Free Gaza Movement*, May 14, 2010, **StateDept0577-79**; *Going to visit IHH today at 1:15: Do you have any questions?*, May 17, 2010, **StateDept1928**. Department of State, Cables, *AMCITS May Join Convoy of Aid Ships to Gaza* (10 Ankara 680), May 11, 2010, **StateDept111-113**; [Redacted] *Gaza Aid Flotilla*, [Redacted] (10 Ankara 733), May 21, 2010, **StateDept00114-15**; *IHH Ship to Depart Istanbul for Gaza Flotilla on May 22, U.S. Citizens on Board* (10 Ankara 179), May 20, 2010, **StateDept1267-68**; *Gaza Flotilla Delayed* (10 Istanbul 187), May 25, 2010, **StateDept1269-70**; *Ihh Expects Free Gaza Flotilla to Approach Gaza on 5/28 or 5/29* (10 Istanbul 195), May 27, 2010, **StateDept1271-72**; *Gaza Flotilla to Rendezvous Near Cyprus* (10

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- The U.S. Consul General in Nicosia emailed an organizer of the Free Gaza Movement, seeking to gain information on the U.S. citizens planning to travel to Gaza.⁴ The consular official, Richard Hanrahan, also warned the organizer against traveling to Gaza, writing, “I’m sure you are aware of the risks inherent in such a journey.”⁵ A Free Gaza Movement representative assured the official that names and information on U.S. passengers would be released upon launch, and further explained the group’s humanitarian goals and the need for such action on behalf of Gaza.⁶ The representative requested Hanrahan contact his counterparts in Israel and “urge them to comply with international law.”⁷ Hanrahan did not respond to that appeal, but did renew his request for names weeks later.⁸ Contact with flotilla organizers in Turkey and the U.S. continued up until the launch.⁹
- State Department officials from the U.S. Consulate in Istanbul communicated directly with leaders of the IHH throughout the month prior to launch.¹⁰ These meetings, which were reported back to Bureau of Near Eastern Affairs officials in Washington and various embassies in the region, kept the State Department apprised of the timing of the launch as well as the number and identities of several American citizens involved.

Istanbul 199), May 28, 2010, **StateDept1273-74**. Document, *Embassy Ankara-IHH Flotilla Actions*, **StateDept2126-30**; Ship Manifest, **StateDept1148-50**.

⁴ Department of State, Emails: *Re: Thank you for asking for the passenger list*, May 13, 2010, **StateDept0569-70**; *Re: Free Gaza Movement*, May 13, 2010, **StateDept0573-74**; *Re: Free Gaza Movement*, May 13, 2010, **StateDept575-76**; *Re: Important: Please provide names of U.S. citizens planning to travel to Gaza*, May 24, 2010, **StateDept604-607**.

⁵ *Re: Important: Please provide names of U.S. citizens planning to travel to Gaza*, May 24, 2010, **StateDept604-607**.

⁶ *Id.*

⁷ *Id.*

⁸ *Id.*

⁹ Department of State, Emails: **StateDept604-607**, *FW: Thank you for asking for the passenger list*, May 24, 2010, **StateDept608-11**; *Re: IHH Flotilla article from Today’s Zaman*, May 25, 2010, **StateDept612-13**; *FW: 2nd 5/36 Update on Turkish part of Gaza Flotilla – 1 Amcit arrived, Departure planned for 5/27 afternoon*, May 26, 2010, **StateDept630-31**.

¹⁰ Department of State, Emails: *FW: Thank you for asking for the passenger list*, May 24, 2010, **StateDept609-11**; *Re: IHH Flotilla article from Today’s Zaman*, May 25, 2010, **StateDept612-13**; *FW: 2nd 5/36 Update on Turkish part of Gaza Flotilla – 1 Amcit arrived, Departure planned for 5/27 afternoon*, May 26, 2010, **StateDept630-31**; *Gaza Flotilla Delayed* (10 Istanbul 187), May 25, 2010, **StateDept1269-70**; *IHH Expects Free Gaza Flotilla to Approach Gaza on 5/28 or 5/29* (10 Istanbul 195), May 27, 2010, **StateDept1271-72**; *Gaza Flotilla to Rendezvous Near Cyprus* (10 Istanbul 199), May 28, 2010, **StateDept1273-74**; *Going to visit IHH today at 1:15: Do you have any questions?*, May 17, 2010, **StateDept1928**; *Meeting with IHH President in Istanbul HQ*, May 17, 2010, **StateDept1929-32**; *Re: Meeting with IHH President in Istanbul HQ*, May 17, 2010, **StateDept1933-34**; Document, *American Citizens to Join Aid Convoy to Gaza*, **StateDept2098-99**; Document: [redacted], April 27, 2010, **StateDept2100-01**.

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- Names of participating citizens also came from sources within the U.S. For example, California Congresswoman Barbara Lee’s legislative aide forwarded the information of several U.S. citizens participating in the flotilla, including dates of travel, passport information and emergency contacts, to the State Department, noting that “[s]imilar versions of this trip were blocked by Israeli naval forces, including the arrest of American citizens in the past,” and “[g]iven the sensitive nature of this trip, and the security concerns therein...”¹¹.
- State Department officials also sought to populate their list of American passengers through monitoring public sources. For example, passenger Col. Ann Wright, a retired Army Colonel and former State Department official, was initially identified as a participant by the government through a YouTube video posted regarding the flotilla.¹²
- Spreadsheets and emails tracking the ships with passengers were circulated among State Department officials in Washington and in U.S. Embassies across the Mediterranean in the days prior to the flotilla launch.¹³
- In the days following the May 31st raid, as vessels which were not a part of the first wave of the flotilla approached the region, including the *MV Rachel Corrie*, the State

¹¹ Department of State, Email: *FW: Constituent Travel/Contact Information, Greece/Gaza Travel*, May 19, 2010, **StateDept0588-590**. After the attack, Representative Barbara Lee, with Representative Ellison, sent a letter to President Obama, in which they stated that they “are deeply troubled by the military action aboard the flotilla en route to Gaza earlier this week, resulting in the death of nine civilians, including one American,” and called on the President to “do everything in [his] power” to ensure a thorough investigation and lift the blockade on Gaza. See Press Release, Reps Lee and Ellison Ask President Obama to Call for Flotilla Investigation and End Gaza Blockade, June 4 2010, available at: <http://lee.house.gov/press-release/rebs-lee-and-ellison-ask-president-obama-call-flotilla-investigation-and-end-gaza>

¹² Department of State, Email: *FW: List*, May 26, 2010, **StateDept624**. See also, *Re: Former U.S. Army Colonel and US Diplomat Joins Gaza Flotilla*, May 27, 2010, **StateDept637-638**.

¹³ Department of State, Email: *Re: 5/30 Free Gaza Update-Flotilla headed towards Gaza*, May 30, 2010, **StateDept1065-72**; *5pm Update from ACS TLV: AMCIT Update*, May 31, 2010, **StateDept1073-75**; *Re: 5pm Update from ACS TLV: AMCIT Update*, May 31, 2010, **StateDept1076-78**; *RE: 3pm Update from ACS TLV: AMCIT update Freedom Flotilla Coalition*, **StateDept1079-80**; *3pm Update from ACS TLV: Amcit update Freedom Flotilla Coalition*, May 31, 2010, **StateDept1081**; *Omar Bayazeed probably did not make in onto the Mavi Marmara*, May 31, 2010, **StateDept1082-84**; *FW: Copy of Flotilla Coalition Passenger List v3.xlsx updated 4pm 6.1.10*, June 1, 2010, **StateDept1599**.

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Department began attempting to learn about the potential participation of Americans again, although no citizens ultimately participated.¹⁴

U.S. officials knew Israel planned to block flotilla passage and there was a risk to flotilla participants' safety, yet records do not show officials took any significant action to discourage Israel from intercepting the flotilla.

Upon learning that American citizens (“Amcits”) would participate in the May 2010 flotilla, several State Department officials expressed concerns that the Americans may be harmed or at least detained by Israeli forces. However, no records have been released reflecting any high level discussions that may have occurred on the need to protect the lives of participants or encouraging opening the flow of aid and commerce into Gaza. To the contrary, despite having been informed by organizers of the non-violent humanitarian purpose of their mission, released records point to a pattern of U.S. officials blaming flotilla participants for “putting themselves in danger” rather than working to reduce the risk of such danger from an Israeli attack.

- On May 11, 2010 Jeremiah Howard, the Deputy Political Counselor for the U.S. Embassy Ankara, forwarded a cable in an email “Amcits may join convoy of aid ships to Gaza” with a note that the “IHH humanitarian assistance flotilla to Gaza...seems designed to provoke the Israelis. Unfortunately, AMCITS are participating and may be placing themselves in danger.”¹⁵
- A May 13, 2010 cable titled “Israeli officials plan to block “Free Gaza” flotilla” is heavily redacted, and it is therefore not known what the U.S. response was to planned Israeli actions and whether the cable recommended U.S. action in response to Israeli plans to stop the flotilla from reaching Gaza.¹⁶
- By May 21, 2010 the American Embassy in Ankara had identified at least ten American citizens anticipated to be on the flotilla, to which Ambassador James Jeffrey added commentary expressing that, “given the IHH organizers’ enthusiasm for a media-worthy

¹⁴ Department of State, Emails: *Re: US Passenger List for Freedom Flotilla*, June 2, 2010, **StateDept661**; *FW: MV Rachel Corrie Manifest*, June 4, 2010, **StateDept1443-46**; *Two Additional Ships Heading to Gaza*, June 1, 2010, **StateDept2356**.

¹⁵ Department of State, Email: *AMCITS MAY JOIN CONVOY OF AID SHIPS TO GAZA*, May 11, 2010, **StateDept2131**.

¹⁶ Department of State, Cable: *Israeli Officials Plan to Block “Free Gaza” Flotilla* (10 Tel Aviv 1086), May 13, 2010, **StateDept1922-27**.

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confrontation with the IDF, those AMCITs may be placing themselves in physical jeopardy.”¹⁷ Three days later, this sentiment about a desire for confrontation was repeated yet again by Deputy Political Counselor Howard.¹⁸

- In contrast to those officials who appeared to view the flotilla solely as a provocation, Kees Davison, Citizens Services Chief of the U.S. Embassy in Athens, characterized the flotilla as ships intending to “help folks on the Gaza Strip.”¹⁹
- May 24, 2010 press guidance from the State Department’s Bureau of Near Eastern Affairs lays out NEA’s response to numerous potential questions on the upcoming flotilla. The document reports that “the Israeli Navy is preparing to quietly intercept” the flotilla.²⁰ No detail was given to indicate what the parties considered a “quiet” interception. The answer to the question, “What is the U.S. reaction to Israel’s decision to block “Free Gaza” flotilla from reaching Gaza?” is largely redacted.
- In the week prior to the flotilla launch, Citizens Services Specialist Kim Richter asked a Tel Aviv colleague, “Has Embassy Tel Aviv been in touch with the GOI to make sure the Israelis don’t take drastic action that would put lives and safety at risk?”²¹ A day later, the Consul General of Tel Aviv, Andy Parker, reported that he had spoken with an Israeli Ministry of Foreign Affairs (MFA) Consular Liaison, whose name was redacted. Parker noted that, “I conveyed our concern for the safety of civilians,” and the unnamed MFA official said she would share the concern with the Israeli Director General’s office, and that the safety issue was “a key point that MFA has been making with the Israeli Navy.”²²
- Talking points drafted by Bureau of Near Eastern Affairs for the department spokespersons on June 4 suggests that when asked whether the U.S. talked to the Israelis before the flotilla incident, the spokesperson should respond by stating that the U.S. expressed, “the need for caution and restraint in dealing with civilians, including

¹⁷ Department of State, *Cable: [Redacted]: Gaza Aid Flotilla, [Redacted]*, **StateDept0114-15**.

¹⁸ “From now on much of our information will likely come from the press as IHH is all about a media-worthy confrontation at sea with the Israel Defense Force (IDF).” Department of State, Email: *FW: IHH Flotilla*, May 24, 2010, **StateDept595-96**.

¹⁹ Department of State, Email: *RE: Free Gaza Movement*, May 13, 2010, **StateDept577-79**.

²⁰ Department of State, Document: NEA Press Guidance, *Israel/Palestinians: Israel Blockade of Gaza/“Free Gaza” Flotilla*, May 24, 2010, **StateDept1145-47**.

²¹ Department of State, Email: *Free Gaza and the GOI*, May 25, 2010, **StateDept0614**.

²² *Id.*

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American citizens” and that, “Israel was well aware of our concerns, which they shared.”²³ Aside from the aforementioned documents, no additional records reflecting these alleged communications have been produced.

The U.S. tracked detentions and deportations of passengers but no records indicate high-level actions to intervene.

- At the time of the flotilla launch, the U.S. Government had identified 10 American citizen passengers. Immediately following the attack, the U.S. claimed that fifteen U.S. citizens had participated in the flotilla.²⁴
- State Department, Department of Defense, CIA, White House and National Security Council officials stayed abreast of the initial aftermath of the Gaza flotilla through an email/cable listserv called the “Gaza Flotilla Monitoring Group.” These officials received regular “Situation Reports” compiling flotilla information from on the ground in Israel and from various sources around the world.²⁵ These reports track the location and deportation of U.S. Citizens from the morning of the attack, until June 4 when the last of the citizens was repatriated or buried.²⁶
- Documents, drafted by U.S. officials in the aftermath of the flotilla attack, including cables and emails, reveal that at least fifteen U.S. citizens were detained after the flotilla boats were forcibly re-routed to the Port of Ashdod in Israel. These documents include a set of arrest reports of U.S. citizens indicating the citizens were in Israeli custody and

²³ Department of State, Document: NEA Press Guidance, *Israel/Palestinians: UPDATE Free Gaza Flotilla*. June 4, 2010, StateDept1211-16.

²⁴ Department of State, Cable: *Gaza Flotilla Aftermath – Sitrep 1* (10 Tel Aviv 1218), June 1, 2010, StateDept0038-43.

²⁵ Situation reports mentioning U.S. citizens and/or their property include *SitRep1* StateDept0038-43; *SitRep2* StateDept0047-49, StateDept0358-60, StateDept1283-85; *SitRep 3* StateDept0044-46, StateDept340-42, StateDept1286-88; *SitRep 4* StateDept107-11, StateDept1289-92, StateDept1584-85; *SitRep 5*, StateDept50-53, StateDept1293-95, StateDept372-75; *SitRep 6* 0054-57, StateDept380-83, StateDept1296-99, StateDept1530-31; *SitRep 7* StateDept0058-61, StateDept1300-03, StateDept1496-97; *SitRep 8* StateDept0018-19, StateDept0062-65, StateDept388-91, StateDept1304-07, StateDept1473-74; *SitRep 9*, StateDept78-81, StateDept1308-11, StateDept1450-51.

²⁶ *Id.*

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were either immediately deported or detained under an “unspecified” charge.²⁷ Arrest reports further indicate the condition of the U.S. citizens, their place of arrest, notification of arrest, access to interview, and property seized from the passengers.²⁸ At least two U.S. citizens were taken to the hospital for injuries sustained when the IDF boarded.²⁹

- While the passengers were detained, State Department officials visited them in Israeli prisons, and took the calls of concerned relatives.³⁰ A memo to the Secretary of State informs her of the visit to 11 U.S. citizens in Ella Prison, as well as the conditions within the prison, which was described as “crowded.”³¹
- At 10:50am (Tel Aviv time) on June 1, 2010, Eve Zuckerman, a consular assistant from the U.S. Embassy in Tel Aviv trained in the identification of remains, visited the morgue where the deceased passengers were purportedly taken.³² Instead of viewing the bodies of the deceased passengers, she was shown what she was told were photos of nine men killed during the attack, which were frontal photos from the shoulders up. None of photos of the deceased showed evidence of bullet wounds, damage, or distortion, except for bruises and hematomas.³³
- As the other U.S. citizens were deported, the State Department tracked flights and deportations.³⁴ By June 4, all U.S. citizens had been accounted for, and had been released from detention.³⁵

²⁷ Department of State, Central Foreign Policy Records/U.S. Embassy Tel Aviv, *Cables: Arrest Reports U.S. Citizens*, June 4 2010, **StateDept0068-0077**, **StateDept0085-87**, **StateDept0682-85**, **StateDept0701-0703**.

²⁸ *Id.*

²⁹ Department of State, Central Foreign Policy Records/U.S. Embassy Tel Aviv, *MGGZ01: Gaza Flotilla Monitoring Group Situation Report No. 4*, June 6 2010, **StateDept0107-10**; Department of State, U.S. Embassy Tel Aviv, *5pm Update from ACS Tel Aviv: Amcit Update*, May 31 2010, **StateDept1073-75**.

³⁰ Department of State, Email: *Re: Status of Free Gaza Amcits*, June 3, 2010, **StateDept1524**.

³¹ Department of State, Information Memo for the Secretary, *Free Gaza Flotilla: Status of U.S. Citizen Detainees*, June 2, 2010, **StateDept0662**.

³² Department of State, Bureau of Consular Affairs Office of Overseas Citizens, *Email: Today's Guidance*, June 4 2010, **StateDept0689-0692**; Department of State, Bureau of Consular Affairs, *Email: Background on Furkan Dogan Notification of Death*, June 4 2010, **StateDept0693-0695**.

³³ *Id.* As detailed below, after U.S. officials learned of Furkan's death, Andrew Parker reported that Eve had “just spoken” with the chief medical examiner of Israel, who “[b]efore clamping up and referring her to the Min. of Defense” said that Furkan had “two bullet wounds, one to the right cheek and one to the head.” *Id.* at StateDept0693.

³⁴ Department of State, Emails: *Re: More on Paul Larudee*, June 2, 2010, **StateDept665-68**; *RE: WH Inquiry: Press report: Possible Amcit among bodies sent to Turkey*, June 3, 2010, **StateDept673-78**; *Re: Israel DCM reports Attorney General permits release of ALL Gaza flotilla passengers*, June 2, 2010, **StateDept1197-98**; *FW: June 2, 2010 – 6:00 pm Update from ACS TLV*, June 2, 2010, **StateDept1202-03**; *June 3, 2010 - 6:00 pm Update from ACS TLV*, **StateDept1236-38**; *Status of U.S. Citizens with Gaza Flotilla*, June 3, 2010, **StateDept1488**; *MGGZ01: (AP)*

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- Despite being brought to Israel from international waters against their will, the U.S. citizens were deported within a few days of arrest, and, as a result of their “illegal entry” are now barred from even applying for entry to Israel until 2020.³⁶ As noted in an information memo to the Secretary of State, the passengers “believed they were kidnapped on the high seas, are illegally in Israel, and are being held hostage.”³⁷

U.S. officials declined to investigate the killing of U.S. citizen Furkan Doğan, while at the same time choosing to investigate individuals associated with the flotilla.

Autopsies of Furkan Doğan conducted in Turkey revealed that all of the entry bullet wounds were to the back of his body, except for the wound to his face, which entered to the right of his nose.³⁸ According to forensic analysis, the wound to Furkan’s face was inflicted by a bullet shot at point blank range and was compatible with the shot being received while he was lying on the ground on his back.³⁹ Despite this disturbing evidence, no U.S. investigation into the death of U.S. citizen Furkan Doğan has ever been launched. The U.S. government instead deferred to the Israeli government to conduct “a fair, credible, transparent investigation,” even after the Israeli government was unwilling to share any information discovered in the course of its investigation. For more information regarding the reaction and actions of the U.S. government with respect to calls for the investigation into Furkan’s killing, please see the production guide located [here](#).

- The documents reveal that the FBI conducted an investigation related to individuals “associated with” the flotilla. On August 17, 2010, the FBI’s Counterterrorism Financing Operations and Counterterrorism Financing Management Unit issued a memorandum that

Israel to expel all activists by day’s end, June 2, 2010, **StateDept1544**; *FW: Arraf*, June 2, 2010, **StateDept1545-46**; *RE: Israel DCM reports Attorney General permits release of ALL Gaza Flotilla Passengers*, June 2, 2010, **StateDept1547-48**; *RE: Israel DCM reports Attorney General permits release of ALL Gaza Flotilla passengers*, June 2, 2010, **StateDept1549**.

³⁵ Department of State, Email: *FW: Flotilla figures now*, June 4, 2010, **StateDept0686-87**.

³⁶ Department of State, Central Foreign Policy Records/U.S. Embassy Tel Aviv, Email: *Last Question for today on Free Gaza Flotilla*, June 22, 2010, **StateDept0707-08**:

³⁷ Department of State, Information Memo for the Secretary, *Free Gaza Flotilla: Status of U.S. Citizen Detainees*, June 2, 2010, **StateDept0662**.

³⁸ UNITED NATIONS HUMAN RIGHTS COUNCIL, REPORT OF THE INTERNATIONAL FACT-FINDING MISSION TO INVESTIGATE VIOLATIONS OF INTERNATIONAL LAW, INCLUDING INTERNATIONAL HUMANITARIAN AND HUMAN RIGHTS LAW, RESULTING FROM THE ISRAELI ATTACKS ON THE FLOTILLA OF SHIPS CARRYING HUMANITARIAN ASSISTANCE 29 (September 27, 2010) available at:

http://www2.ohchr.org/english/bodies/hrcouncil/docs/15session/A.HRC.15.21_en.pdf

³⁹ *Id.* at 29.

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stated as its synopsis: “To provide results of research conducted on the 561 individuals associated with the Gaza Freedom flotilla” to Counterterrorism squads in Kansas City, Chicago, San Francisco and Tel Aviv.⁴⁰ It is unknown how many of these individuals were American citizens. The heavily-redacted memo reveals discussions within the FBI Counterterrorism Unit of at least one U.S.-based participant, who Israel claimed had attempted to “smuggle forbidden electronics components in the Gaza Strip.”⁴¹

*Commentary: The U.S. response to Israel’s claims has been redacted. The passenger explained in an interview days after the attack – and months before the “synopsis” of the FBI investigation, that the only electronic items with her were “a camera, a video camera, and my personal phones.”*⁴²

- On June 6, 2010, the IDF released a list of six flotilla participants, including a U.S. citizen and a resident that they allege to have ties to “ Hamas or Islamic Jihad.”⁴³ This list circulated widely in the State Department.⁴⁴
- The FBI Counterterrorism and Human Intelligence units conducted at least three interviews in June 2010, February 2011, and June 2011.⁴⁵ *Commentary: The documents reporting these FBI interviews have nearly all content redacted, and it is therefore not possible to understand the focus of the interviews, nor the interview participants. However, as these documents were produced pursuant to a FOIA request for information related to the Gaza Freedom Flotilla and U.S. policy related to flotillas to Gaza, they presumably have some link to the 2010 and/or 2011 flotillas.*

⁴⁰ Department of Justice, Federal Bureau of Investigation, *Counterterrorism Terrorist Financing Operations Section and Terrorist Financing Management Unit results on investigation into 561 individuals associated with the Gaza Freedom Flotilla*, August 17 2010, **CCR-0136-0163**.

⁴¹ *Id.*

⁴² Robert Mackey, *Two Activists Describe Raid and Deny Israeli Claim They Are ‘Terrorist Operatives’*, The Lede Blog, New York Times, June 8, 2010, available at:

<http://thelede.blogs.nytimes.com/2010/06/08/two-activists-describe-raid-deny-israeli-claim-they-are-terrorist-operatives/>

⁴³ Department of State, Emails: *Spokesperson Announcement: Specific Flotilla Passengers are Active terrorist operatives linked to Al-Qaeda, Hamas, other organizations*, June 7, 2010, **StateDept0027-28**; *MGGZ01: Gaza Flotilla Monitoring Group Situation Report No. 13*, June 6 2010, **StateDept0421-0423**; *Israel Considers these Individuals to be terrorists*, December 22 2010, **StateDept1018-1019**; *IDF Reveal Hamas Links*, June 6 2010, **StateDept1226-1227**; *Israel Considers these Individuals to be terrorists*, December 22 2010, **StateDept1018-19**.

⁴⁴ *Id.*

⁴⁵ Department of Justice, Federal Bureau of Investigation, *FBI CHS Reporting documents*, February 15, 2011 and July 14, 2010, **CCR-0129-0134**.

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The U.S. Failed to Take Significant Action to Ensure the Return of Property and Evidence Confiscated from U.S. Citizens on the Flotilla.

During the raid and the detention that followed, Israeli forces confiscated the property of U.S. citizens and other passengers. Of critical importance was the seizure of electronic devices such as cameras, video recorders, laptops, and cell phones, which included in some cases recordings of the Israeli raids on the flotilla. Many of these items have yet to be returned to their owners, despite their value to a transparent and credible investigation. State Department documents show that, at the prompting of the U.S. passengers, the U.S. government made numerous inquiries into the status of the confiscated property, but did not appear to provide any high-level diplomatic pressure to secure the return of the property, even when faced with contradictory responses from the Israeli government. Moreover, despite the recognition of the monetary value of many of the items, there appears to have been little discussion as to the importance of safeguarding this property as direct evidence of what happened in the flotilla attack.

The State Department documents reveal U.S. government consular officials struggling to assist American citizens with the return of their property. Since the attack, the Israeli government has only returned items directly to Turkey, despite the interests of citizens from other countries including the U.S., and despite repeated promises to return the items to respective Embassies.⁴⁶

- Just days after the attack, records show that consular officials shifted their concern from the release and repatriation of the American citizens to follow up to secure their belongings.⁴⁷ An email chain between consular officials in Washington D.C. and Tel Aviv indicates the initial Israeli and American actions on the return of property.
- The Government of Israel sent two cargo containers of personal items to Istanbul “in the early morning of June 4, 2010.”⁴⁸ In response to U.S. officials’ concern that items may have been missing from this shipment, the Government of Israel suggested that, “the items may have been thrown overboard prior to/during the IDF boarding of the ships,” but that “almost all” of the property was returned. The alleged exceptions to the return of property were the effects of approximately twenty people, likely non-U.S. citizens, and electronic items. U.S. Consul General Parker in Tel Aviv confirmed that the IDF confiscated

⁴⁶ Department of State, Document: *List of Topics of consular interest for discussion with the MFA*, date unknown, **StateDept0727-728**; Department of State, Email: *RE: Flotilla Property*, March 8, 2011, **StateDept0767-769**.

⁴⁷ Department of State, Email: *June 3, 2010 – 6:00 pm Update from ACS TLV*, June 3, 2010, **StateDept1236-38**

⁴⁸ Department of State, Email: *Personal effects of flotilla Amcits*, June 11, 2010, **StateDept704-06**.

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electronics from passengers and that as of June 11, the GOI had not yet decided what it would do with the items. Parker notes that his office would continue to follow up on seeking the return of the items and will ask that a procedure be delineated regarding the return of property. Throughout the several weeks to follow, U.S. embassy officials continued to relay the aforementioned information from the GOI to affected American citizens.⁴⁹

- One month after the attack, records indicate that concern over missing property was being communicated in diplomatic meetings between the U.S. and Israel.⁵⁰ On July 16, 2010, Consul General Parker reported back to colleagues in Washington that the Israeli Ministry of Foreign Affairs (MFA) had met with the Ministry of Defense (MOD), Israeli Defense Forces (IDF) and Israeli National Police (INP) to discuss the return of the seized property. The email suggests that although much of the property was seized systematically, with each passenger being given a receipt for their property,⁵¹ not all items were able to be matched to a particular person. Additionally, Consul General Parker notes that Israel reported Turkey returned a number of items that had previously been sent to Turkey but had not been claimed, and did not appear to actually belong to Turkish citizens. The meeting also confirmed that the INP did not intend to investigate the illegal use of an American's credit card after it had been confiscated and held by the GOI.⁵²
- A later message from Citizens Services Specialist Kim Richter to an unnamed recipient notes that the Government of Israel was still working on a plan to return electronic equipment.⁵³ In early August 2010, an American passenger wrote to the consular affairs officials working on the case, "I would like to ask more specifically what the US Embassy in Tel Aviv and the US State Department has been doing to press the Israelis for more?" To this the Tel Aviv consular assistant, Eve Zuckerman replied that no decisions had been

⁴⁹ Department of State, Email: *Re: Update on lost luggage and electronic equipment*, June, 2010, **StateDept709-10**.

⁵⁰ Department of State, Email: *consular items*, July 16, 2010, **StateDept718**.

⁵¹ *Id*; see also, Department of State, Email: *Re: Update on lost luggage and electronic equipment*, June, 2010, **StateDept709-10**.

⁵² Department of State, Email: *consular items*, July 16, 2010, **StateDept718**.

⁵³ Department of State, Email: *FW: Update on lost luggage and electronic equipment*, July 20, 2010, **StateDept0719**.

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made by the GOI on electronics and that no other personal effects were being held in Israel.⁵⁴

- An August 19, 2010 email from the head of Overseas Citizens Services, Michelle Bernier-Toth passed on a news article concerning reports of IDF soldiers selling laptops seized from flotilla passengers to several citizens services officials. Bernier-Toth writes, “If true, this report is very, very annoying.”⁵⁵ She asked Tel Aviv Chief of Citizen Services Elisa Greene to have her office check with the Government of Israel “to ascertain facts.”⁵⁶
- On August 20, 2010, the American Citizen Services Chief in Istanbul, Lisa Gisvold, also wrote to her counterpart at the U.S. Embassy Tel Aviv, Elisa Greene, to ask for assistance in learning more about the computers which media sources reported were stolen from flotilla passengers by IDF soldiers, noting that the stolen computers may have been property of American citizen participants.⁵⁷ No direct response to this request has been released.
- In September 2010, the issue of missing property was an item on an internal State Department document, “List of Topics of consular interest for discussion with the [Israeli] MFA.” These meeting preparation notes indicate that the U.S. Embassy in Tel Aviv was advised on August 23, 2010 that the GOI had intended to return electronic equipment to foreign embassies, yet did not. An item for the meeting agenda was to seek information about this transfer, specifically, “Can the MFA advise when these items will be returned and, for American citizens whose items are not among those to be returned, please advise any recourse available to those individuals who wish to make claims against the GOI” and regarding personal non-electronic possessions, “Can you provide any information on remaining personal effects in GOI possession?”⁵⁸ Notes on the meeting indicate that

⁵⁴ Department of State, Email: *FW: Update on lost luggage and electronic equipment*, August 19, 2010, **StateDept0721-23**.

⁵⁵ Department of State, Email: *FW: Request for State Department assistance in protection of flotilla passengers’ property—IDF “SHOCKED” TO LEARN THAT OFFICER AND COMMANDOS HAVE BEEN SELLING PASSENGERS’ ELECTRONICS ON EBAY...*, August 19, 2010, **StateDept2519-23**.

⁵⁶ *Id.*

⁵⁷ Department of State, Email: *Gaza flotilla and stolen computer issue*, August 20, 2010, **StateDept0724**.

⁵⁸ Department of State, Document: *List of Topics of consular interest for discussion with the MFA*, date unknown, **StateDept0727-728**

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electronics, “such as computers or intelligence devices are still under investigation and not part of the effects to be returned yet.”⁵⁹

- A diplomatic note discussed in emails in September, but not released in the State Department production, indicates, again, that Israel would be “returning the remaining personal effects from the flotilla to Embassies next week.”⁶⁰ There is no follow-up communication in the production indicating that this occurred.
- By early October 2010, consular officials in Washington and Tel Aviv had expressed frustration at the lack of information from the Israeli MFA.⁶¹ Consular Assistant Eve Zuckerman stated, “I’ve been trying to reach [redacted] for weeks. I have sent her e-mails and left messages on her phone...I must have tried calling her about 20 times yesterday.” In response, the Chief Consul Parker responded that he would seek information from someone higher in the MFA. On October 20, 2010, an official in contact with consular affairs, whose name was redacted, provided an update on the latest on the property issue.⁶² According to the unnamed official, some of the belongings “will be made available soon” and are currently being held by the Turkish Press Organization. According to the unnamed official, the GOI advised that the passengers should file insurance claims for the property. Reports of missing items should be reported by the citizens directly to the Israeli Embassy/consulate closest to the passenger. A week later, Chief Consul Parker announced that, “some electronic property is said to be available but has not yet been provided to us. We are actively pursuing the return of this property.”⁶³
- By November 2010, little had changed in the Israeli position on returning property, and a U.S. consular official again expressed frustration internally at the lack of process for ensuring its return. In response, Tel Aviv consular official Eve Zuckerman noted that this case was particularly difficult, as it was not the police that seized property but the military.⁶⁴ When pressed again for information, the Israeli MFA tried to place the burden on Turkish activists to secure belongings, “Passengers with missing property...should

⁵⁹ *Id.*

⁶⁰ Department of State, Email: *FW: Flotilla Dip Note: MFA No: 208/20-0/15/2010*, Sept 17, 2010, **StateDept1255**; *FW: Status of Murder investigation of US citizen Farrakhan [sic] Dogan on the Mavi Marmara?*, September 10, 2010, **StateDept0730-31**.

⁶¹ Department of State, Email: *FW: flotilla*, October 7, 2010, **StateDept732-33**.

⁶² Department of State, Email: *RE: Filing a Report*, October 20, 2010, **StateDept734-35**.

⁶³ Department of State, Email: *Congressional on flotilla*, October 27, 2010, **StateDept736-37**.

⁶⁴ Department of State, Email: *RE: more flotilla property issues*, December 1, 2010, **StateDept738-39**.

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complain directly to the IHH” and any complaints to Israel specifically were to be directed to the closest Israeli foreign mission to the citizen.⁶⁵ *Commentary: American passengers on the flotilla report that on November 18, 2010, Kim Richter sent an email to a handful of citizens with a document containing pictures and descriptions (in Hebrew) of 206 items (electronics and parts, such as cases, stands, etc.), asking them to check and see if any of the items belonged to them. It is unclear what batch of possessions these pictures were from, and whether they were matched to owners in the U.S.*

- An undated document, titled “List of items lost by amcits deported to Istanbul from the Free Gaza flotilla” catalogs the missing property from what appears to be six American flotilla passengers, presumably reported by the citizens themselves. It also contains a list of the American citizens involved, categorized by their point of deportation.⁶⁶ *Commentary: It is unclear who wrote this catalog, where the document was circulated, and what became of the particular property therein.*
- In early 2011, consular officials faced with yet another request for information on missing property from U.S. passengers sought to find a path to closure, despite the outstanding missing electronic equipment. A U.S. official in Istanbul noted to Citizen Services Specialist Kim Richter that the office had “done its due diligence on this case,” and that by completing follow ups with the Turkish press union, visits to site where property was stored, and many phone calls, “we have exhausted our resources and followed up on this as much as possible.”⁶⁷ When asked to offer thoughts on next steps, a Tel Aviv consular official replied, “I’m still at a loss.”⁶⁸ *Commentary: From the documents released, there is no indication that the U.S. conveyed a requirement for return of this material, nor evidence that the U.S. either recognized or pressed Israel about the potential importance of the electronic equipment – and any recordings or information contained on such equipment – to a credible, thorough investigation of the flotilla attack.*
- In early January 2011, a letter closing the efforts of consular officials to regain property was finally sent to one of the U.S. passengers who was aboard the flotilla and had sought the return of his property by the Managing Director of the Office of Overseas Citizens

⁶⁵ *Id.*

⁶⁶ Department of State, Document: List of items lost by Amcits deported to Istanbul from the Free Gaza flotilla, unknown date, **StateDept2514-18**.

⁶⁷ Department of State, Emails: *FW: Letter*, December 29, 2010, **StateDept748-58**.

⁶⁸ *Id.*

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Services, Michelle Bernier-Toth.⁶⁹ According to the letter, referred to internally as, “Letter ending the search for property”⁷⁰ the GOI claimed all belongings, including electronics, were returned.⁷¹ Without criticizing the GOI failure to return the property, or indicating any high level diplomatic pressure was used, the official writes that “considerable effort” was taken on the part of the U.S. consular officials to secure the property.⁷²

- The emails discussing the drafting of the letter, which included participation from both Citizens Services officials and the Director of the Office of Israel and Palestinian Affairs in Washington, do not challenge the official Israeli position on the missing property, or seek to clarify competing facts, despite the contradictions regarding what had been returned. For example, one email seeking approval of the letter notes that “the electronic equipment was subsequently returned to Turkey,” without citing any independent verification of this claim.⁷³ *Commentary: This conclusion was later discovered to be false.*
- By March 2011, this “closed” case resurfaced. After James Pettit, the Deputy Assistant Secretary of State for Overseas Citizens Services, met with Ahmet Doğan, father of the murdered American teenager Furkan Doğan, requests for his possessions were renewed.⁷⁴ Sandra Zeroubavely updated Consul General Parker, that she had been informed that the “remainder [of cameras] have been handed over to the Turkish Embassy or are in the possession of the IDF.”⁷⁵ In reply, Citizens Services Specialist Kim Richter, who had coordinated earlier responses on the property issue wrote, “I thought it was over but once I saw your email saying that the IDF still had some equipment, it just opened the can of worms again.” Richter asked how or whether there would be a list of items taken from boats other than the *Mavi Marmara*, and Zeroubavely passed on the question to the Israelis.⁷⁶

⁶⁹Department of State, Document: Letter from Michelle Bernier-Toth, Office of Overseas Citizens Services, January 12, 2011, **StateDept759**. Emails: *RE: Free Gaza Flotilla and Property*, January 4, 2011, **StateDept1256-57**; *RE: Letter for clearance*, January 7, 2011, **StateDept1258-61** (discussing the drafting of the letter).

⁷⁰*Id.*

⁷¹Department of State, Document: Letter from Michelle Bernier-Toth, Office of Overseas Citizens Services, January 12, 2011, **StateDept759**.

⁷²*Id.*

⁷³Department of State, Email: *RE: Letter for clearance*, January 7, 2011, **StateDept1258-61**.

⁷⁴Department of State, Document: *DAS Pettit’s Meeting with Mr. Dogan*, February 23, 2011, **StateDept760-64**.

⁷⁵Department of State, Email: *Furkan Dogan’s camera*, March 2, 2011, **StateDept767-69**.

⁷⁶Department of State, Email: *RE: Flotilla Property*, March 8, 2011, **StateDept767-69**.

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- The latest document produced by the State Department on this issue is a May 5, 2011 cable from the U.S. Embassy in Tel Aviv to the Secretary of State and State Department in Washington confirming that a catalog of property received by the Embassy had only the property from the *Mavi Marmara*.⁷⁷ In a meeting of Tel Aviv’s Consul General Parker and American Citizens Services Chief with the head of the Israeli MFA Consular Affairs Bureau and others on May 3, 2011, it was revealed that some of the property which was previously claimed by the GOI to have been returned to the passengers was instead given to the IDF, and only the remainder was passed on to the Turkish Embassy in Israel. The GOI representatives also stated that three shipping containers filled with non-electronic property were allegedly shipped to Turkey by the GOI, and then Turkey allegedly sent one container back.
- Despite their earlier statements that all non-electronic items had been returned, the May 2011 cable reveals that the GOI is storing over seven shipping containers of “non-personal items.” The cable reports that the GOI is “stumped” on what to do with the confiscated ships and property. No information on electronic equipment is given. U.S. officials in Tel Aviv “requested that the MFA determine if there are any items still in the possession of the IDF, and if so, when they will be released and to whom.” No records indicating a later response to this question have been released, if any such response was sent. Despite this apparent lack of progress, the meeting was described by the cable drafter as “insightful and productive.”⁷⁸ *Commentary: As of February 2013, property belonging to the U.S. passengers aboard the 2010 Gaza flotilla remains missing, presumably within Israeli custody.*

⁷⁷ Department of State, Email: *FW: Update on Amcit Cases: CONS TLV Meets with MFA*, May 5, 2011 **StateDept1264-66**.

⁷⁸ Department of State, Cable: *Update on Amcit Cases: CONS TLV Meets with MFA*, May 5, 2011, **StateDept1264-66**.