

This email is UNCLASSIFIED.

From: Bass, Warren

Sent: Monday, September 27, 2010 12:34 PM

To: Doutrich, Jack T; Sayles, Ambrose G; Schlachter, Mark M; Sutphin, Paul R; Tsou, Leslie M; Kornblau, Mark (USUN); Masilko, Barbara J (USUN); Germain, Ellen J (USUN); Bally, Jess L; Banos, Mariano H; Cassidy, Joseph P; Johnston-Gardner, Sarah R (DRL); Lapenn, Jessica

Subject: RE: Press Guidance Clearance request: HRC FFM on Gaza Flotilla

+ USUN/NY, EUR, L, DRL, IO

For those who haven't had time to read, here's the meat of the report's conclusions on Dogan's death:

- Furkan Dogan, 19, dual U.S.-Turkish citizen; on top deck filming with small video camera; five bullet wounds, all of whose entry wounds were on back of his body except face wound to right of his nose that forensic analysis shows was fired "at point blank range"; wound trajectory is "compatible" with his being shot while "lying on the ground on his back"
- At least six of the nine dead passengers were killed in manner "consistent with an extra-legal, arbitrary and summary execution."

From the materials before the Commission, it appears that in Ashdod, the flotilla participants underwent a process that involved a security check, the issuance of a detention order in the language of each of the flotilla participants, a medical examination, and the taking of fingerprints and a photograph. Afterwards, the flotilla participants were transferred to custody in a number of Prison Service facilities, they were kept in open cells, given food and personal effects, and permitted to meet with diplomatic representatives of their countries and attorneys. After the Attorney General decided on June 2, 2010, to order the cessation of the criminal investigation against the flotilla participants he had declared on 31.5.2010, the flotilla participants were transferred to Ben-Gurion airport and flown to the countries from which they boarded the flotilla.

It should be noted that the flotilla participants were instructed to leave their personal belongings on the vessels. This equipment was examined by the IDF, sealed, documents and collected in separate containers, and later flown to Turkey with the flotilla participants. At the same time, it is noted that after the event, the Military Police Investigations initiated seven criminal investigations against 16 suspects for various incidents of theft of property belonging to the flotilla participants by IDF soldiers who had contact with the aforesaid property. At the time of writing this report, three of the investigations have led to indictments against four defendants and the conducting of criminal trials (the proceedings in one have even concluded).

33. The bodies of the nine dead were taken to the Abu Kabir Forensic Institute. In light of the request by the Turkish government that the bodies be returned to it without autopsies being performed, it was eventually decided to transfer the bodies to Turkey after only an external examination was carried out.

Examination of the identity and organizational affiliations of those who were killed leads to the following conclusions: Of the nine people who were killed, it appears as if four were identified as activists or volunteers with the IHH organization. Four additional people appear to have been activists in Turkish Islamic organizations. The ninth person was a 19-year-old with both Turkish and American citizenship who, as far as is known, did not belong to any organization. According to a report from the Intelligence and Terrorism Information Center, the family members of four of the nine (including the 19-year-old) stated that they had expressed a desire to die as *shaheeds*. The report stated that two of the nine people had left a letter or a will before boarding the *Mavi Marmara*. It

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

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

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

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

⁷⁴⁷ *Id.*, at 26.

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

RELEASED IN PART
B6, B6, NR

Law, Rosemary C

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

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

B6

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

B6

[redacted]

B5

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

B6

[redacted]

B5

[redacted]

NR

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

B6

[redacted]

B5
B6

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

B6

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

Hi Mr. Goldberger,

[redacted]

B5
B6

Thank you very much. Jo x7-1598

POC: 712-267-9735

RELEASED IN PART 38

Law, Rosemary C

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

[Redacted]

B5

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

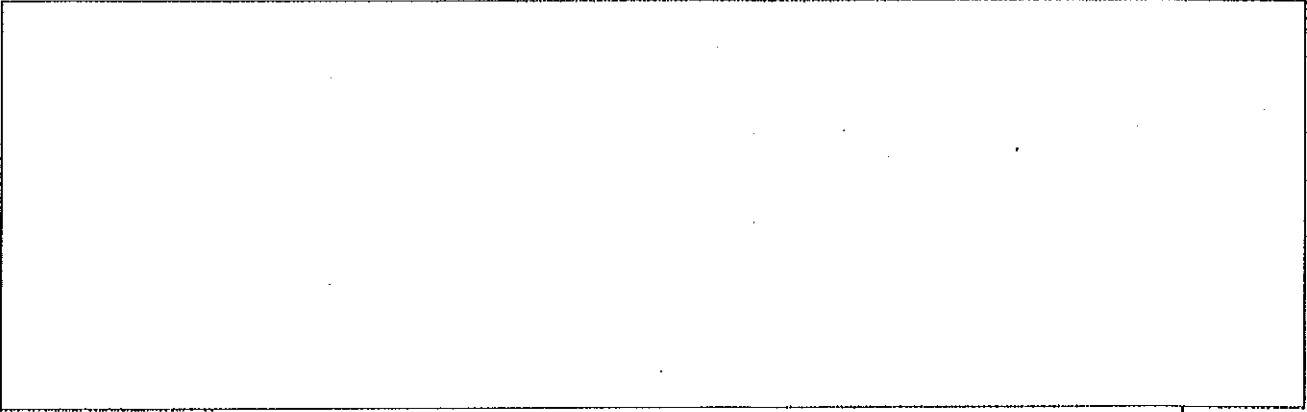
[Large Redacted Area]

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

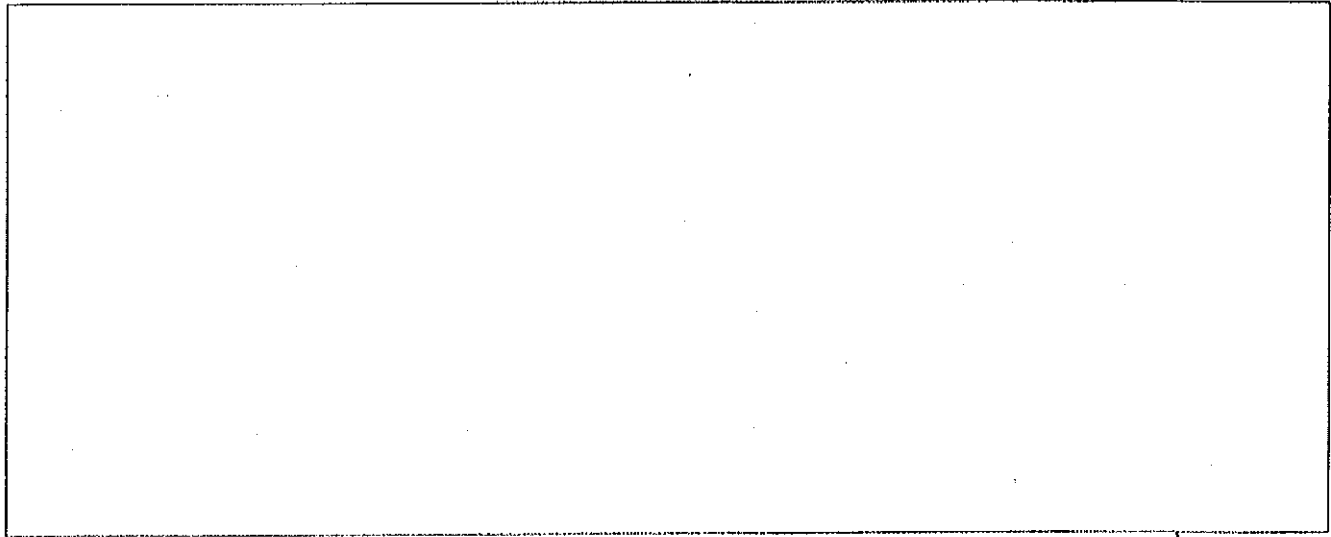
From: McDonough, Denis R.
Sent: Thursday, June 03, 2010 11:12 AM
To: 'Feltman, Jeffrey D'; Rhodes, Benjamin J.; Crowley, Philip J; Sullivan, Jacob J; Donoghue, Joan E; Hammer, Michael A.; 'Carlin, John'; 'lisa.monaco@usdoj.gov'; Sherwood-Randall, Elizabeth D.; Brink, Bridget A.; Ross, Dennis B.; Kumar,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

Cc: Hammer, Michael A.; DL-NSC-WHSR; Alhassani, Mehdi K.
Subject: Deceased confirmed as Amcit

B5



FACTS THAT WE HAVE:



THANKS -
Denis.

RELEASED IN FULL

Law, Rosemary C

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

FYI.

Marc

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

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

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

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

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

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

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

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

For more information, visit [washingtonpost.com](http://link.email.washingtonpost.com/r/NOU5FR/OSY9T/Q189RV/7QMGMB/9E9FD/YT/t):
<http://link.email.washingtonpost.com/r/NOU5FR/OSY9T/Q189RV/7QMGMB/9E9FD/YT/t>

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<http://link.email.washingtonpost.com/r/NOU5FR/QSY9T/Q189RV/7QMGM8/NHG0H/YT/t?a=N02&b=Z3VhcmluZWZAc3RhZGUuZ292>

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[[NQU5FR-Q80R5-QSY9T-Q189RV-7QMGM8-T-M2-20100603-25d5da4d6075ba830]]

RELEASED IN FULL**Law, Rosemary C**

From: Gorove, Katherine M
Sent: Tuesday, October 19, 2010 9:29 AM
To: Daley, John D; Aswad, Evelyn M; Khanna, Melanie J
Cc: Banos, Mariano H; Martin, Julie B; Perlina, Alexandra H; Simonoff, Mark A (USUN); Mansfield, Anna M; Kim, John J (Kimm); Johnson, Karen K
Subject: RE: AP -- Turks accuse Israel of war crimes at Int'l court
Attachments: -flotilla_war_crimes_ICC_Press_guidance.DOC

I think this is final Press guidance. It's definitely final on the war crimes/ICC answer.

From: Khanna, Melanie J
To: Daley, John D; Nossel, Suzanne F; Lapenn, Jessica; Honigstein, Michael D; Banos, Mariano H; Cassidy, Joseph P; Johnston-Gardner, Sarah R (DRL); Bass, Warren; Aswad, Evelyn M; Martin, Julie B
Cc: Cassayre, Mark J; Foley, Tara E
Sent: Tue Oct 19 02:43:03 2010
Subject: Fw: AP -- Turks accuse Israel of war crimes at int'l court

Have there been any Dept memos or meeting outputs on this? Amb Donahoe and I have a mtg with the Israeli Amb here tomorrow and this may come up. If you have any (related or unrelated) points or questions you'd like us to raise, pls let me know. Thanks.

From: Kennedy, David (Geneva)
To: Donahoe, Eileen C; Griffiths, Douglas M; Geneva HRC; Lubetkin, Wendy C
Sent: Thu Oct 14 12:49:13 2010
Subject: AP -- Turks accuse Israel of war crimes at Int'l court

Turks accuse Israel of war crimes at int'l court

By ARTHUR MAX (AP) - 2 hours ago

AMSTERDAM — Turkish lawyers representing pro-Palestinian activists filed a complaint Thursday with the International Criminal Court accusing Israel of committing war crimes in May when its troops raided a boat trying to break Israel's blockade of Gaza.

It was unclear whether the prosecutor would agree to pursue the case or whether the court has jurisdiction. But the filing reignited an issue that has severely strained Israel's relations with Turkey, previously its strongest ally in the Muslim world, and keeps Israel on the defensive over its much-criticized Gaza blockade.

A delegation representing some 300 activists and a Turkish nongovernment organization submitted the complaint to the prosecutor's office in The Hague seeking an investigation into the May 31 raid.

Nine Turkish citizens, including 19-year-old Furkan Dogan who had dual U.S.-Turkish nationality, were killed during the melee after Israeli troops rappelled from helicopters onto the deck of the ship Mavi Marmara before dawn.

"I have confidence the international court and the prosecutor will take this case," said Ahmet Dogan, Furkan's father.

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

Israel has said its troops fired live ammunition only after they were attacked by activists with clubs and metal bars and they felt their lives were in danger.

Attorney Ugur Sevgili said the victims want Israel investigated for torture, inhuman treatment, the taking of hostages and other violations of the Geneva war crimes convention.

"We demanded from the prosecutor to initiate an investigation and prosecute the perpetrators of this crime," Sevgili said. "We didn't mention any Israeli soldiers or any Israeli politicians. We just told them that we believe war crimes and crimes against humanity were committed."

The court, which began work in 2002 as the world's first permanent war crimes tribunal, receives hundreds of complaints every year, but so far has filed indictments against 17 war crimes suspects — all of them involved in African conflicts.

Dogan, speaking outside the court's headquarters, said he thought politics might get in the way of justice.

"I believe that people who killed my son will be prosecuted. However, this case also has international and political dimensions," he said.

A U.N.-appointed panel of human rights experts, chaired by a former judge of the international court, found last month that Israel violated human rights law during its interception of the flotilla carrying humanitarian supplies to Gaza, which has been under an Israeli blockade for three years.

Israel rejected the panel's findings, which it said were biased and one-sided, and said the U.N. Human Rights Council that appointed the panel is heavily weighted in the Palestinians' favor.

The court normally intercedes only if the country involved is among the 114 nations that have endorsed the court's founding treaty. Israeli is not a signatory, but the ship was flying the flag of the Comoros Island, which is a member of the court.

Sevgili said he expected the Comoros to support the victims' application to the court or file its own complaint.

The prosecutor also may initiate an investigation even if the accused country does not belong to the court — but only if he determines that the country is unable to launch its own credible investigation of human rights abuses.

Among the complaints submitted and presumably pending in the prosecutor's office is an application by the Palestinian Authority 18 months ago asking for a war crimes investigation into Israel's brief yet deadly 2008 war in Gaza.

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RELEASED IN PART B5

Law, Rosemary C

From: Gorove, Katherine M
Sent: Thursday, October 14, 2010 11:53 AM
To: Cooper, Kurtis A
Cc: Daley, John D; Jacobson, Linda; Martin, Julie B
Subject: FW: Clearance Request: IO Press Guidance on Turkish Complaint to ICC on Gaza Flotilla
Attachments: PG 10-14-10 ICC Flotilla Complaint.doc

Importance: High

AttachmentsClassification:

Classification: UNCLASSIFIED
SensitivityCode: UNCLASSIFIED Sensitive

Kurtis, I clear for L/UNA. Copying a few others in case they have additional thoughts. Thanks,

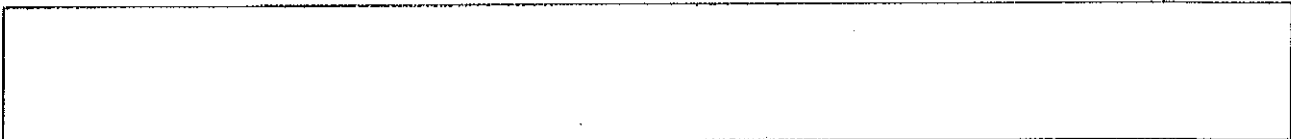
From: Cooper, Kurtis A
Sent: Thursday, October 14, 2010 11:42 AM
To: Gorove, Katherine M
Subject: FW: Clearance Request: IO Press Guidance on Turkish Complaint to ICC on Gaza Flotilla
Importance: High

Can you clear in Marlano's absence?

SBU
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From: Cooper, Kurtis A
Sent: Thursday, October 14, 2010 11:41 AM
To: IO-HR-DL; Coughlin, Shaun (S/WCI); Banos, Mariano H; Sayles, Ambrose G; Vasquez, Edgar J; Johnston-Gardner, Sarah R (DRL); Bass, Warren; Ventrell, Patrick H (USUN); Kornblau, Mark (USUN); Cook, Akunna E; P-IO Duty; Burke-White, William; 'Scott_W_Busby@nss.eop.gov'; EUR-Press
Subject: Clearance Request: IO Press Guidance on Turkish Complaint to ICC on Gaza Flotilla
Importance: High

Colleagues:



B5

Kurtis

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

Turks accuse Israel of war crimes at int'l court

AP Associated Press

By ARTHUR MAX, Associated Press Writer Arthur Max, Associated Press Writer

AMSTERDAM – Turkish lawyers representing pro-Palestinian activists filed a complaint Thursday with the International Criminal Court accusing Israel of committing war crimes in May when its troops raided a boat trying to break Israel's blockade of Gaza.

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Dogan, speaking outside the court's headquarters, said he thought politics might get in the way of justice.

"I believe that people who killed my son will be prosecuted. However, this case also has international and political dimensions," he said.

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Israel rejected the panel's findings, which it said were biased and one-sided, and said the U.N. Human Rights Council that appointed the panel is heavily weighted in the Palestinians' favor.

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Among the complaints submitted and presumably pending in the prosecutor's office is an application by the Palestinian Authority 18 months ago asking for a war crimes investigation into Israel's brief yet deadly 2008 war in Gaza.

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

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

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

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

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

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

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

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

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

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

The aggressor cannot claim self-defense when he was the initial attacker. In assessing the situation on 31 May 2010, at approximately 04.30 one must look at the totality of events as they unfolded, taking into account the different status of the parties involved. On the one side there was the highly trained and fully equipped professional Israeli IDF combat force who determined the time and manner of the attack. On the other side, there was a group of untrained, unarmed civilians who were taken by surprise and in an evident state of fear for their lives. The IDF came very well prepared as they had conducted military exercises conceived especially for this operation they named "Winds of Heaven 7". Therefore, the IDF soldiers must be held to much higher standards of conduct than the ordinary civilian person.

The facts show, more importantly, that the Israeli soldiers were the first to fire at the passengers before boarding the ship. No prior warning had been given to the passengers to alert them about the imminent possible use of force.

The disproportionate use of force by Israel continued and increased once aboard the Mavi Marmara. The incontestable evidence provided by the location of the bullet wounds of the nine casualties as well as the injuries sustained by dozens of other passengers show "execution style killing" as well as indiscriminate shooting including from above, most certainly from helicopters. The 19-year old Furkan Doğan was shot in the back of head as well as in his back, nose, left leg and left ankle all from less than 50 cm range. Cevdet Kılıçlar, who was trying to take a photograph of the helicopter, was shot sniper-style from a distance right in the centre of his forehead, in manner which suggests a trained shooter fired at him. Cengiz Akyüz was shot four times in the back of his head, the right side of his face, the back and his left leg. The mode of killing of these victims can in no way be reconciled with the concept of self-defense.

Report of the Turkish Commission of Inquiry 85

RELEASED IN PART B6

Law, Rosemary C

From: Sayles, Ambrose G
Sent: Tuesday, June 01, 2010 11:56 AM
To: Goldberger, Thomas H; Holmstrom, Todd C; Bernier-Toth, Michelle; Glauque, Ivna; Glauque, Jeffrey G; Jacobson, Linda; Schwartz, Jonathan B; Wills, Regina M; Lieberman, Jessica D (DRL); Ellis, Benjamin H; Waller, Robert P; Catalano, Elisa; Rana, Gautam A; Rand, Dafna H; Reynolds, Arlissa M; Hoyer, Kurt J; Harutunian, Ruben; Morrison, Andrew L; Cooper, Kurtis A; Bass, Warren; Kornblau, Mark (USUN); 'Michael_A._Hammer@nsc.eop.gov'; 'Chang, Benjamin'; 'Hensman, Chris D.'; Pelton, Erin; Ratney, Michael A
Subject: RE: FOR IMMEDIATE CLEARANCE: Israel/Palestinians: UPDATE Raid on Free Gaza Flotilla

Thanks. I am working on sorting it out the placing right now.

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

I think we need to delink incident from the flotilla situation. I'm not sure that there's a direct connection

B6

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

Hi Everyone -

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

Thank you,
Ambrose

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

Ambrose Sayles | Press Officer | Bureau of Near Eastern Affairs | U.S. Department of State
2201 C St, NW Rm 2234, Washington, DC 20520 | ☎: 202.647.4184 | ✉: saylesag@state.gov

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

**UPDATED NEA Press Guidance
June 4, 2010**

RELEASED IN PART B6

Israel/Palestinians: UPDATE Free Gaza Flotilla

Key Message:

- **We deeply regret the tragic loss of life and injuries suffered among those involved in the incident aboard the Gaza-bound ships earlier this week.**
- **We remain deeply concerned by the situation in Gaza, including the humanitarian situation. We will continue to engage the Israelis on a daily basis to expand the scope and type of goods allowed into Gaza to address the full range of the population's humanitarian and recovery needs.**
- **Hamas' interference with international assistance shipments and work of nongovernmental organizations, and its use and endorsement of violence, complicates efforts in Gaza. Mechanisms exist for the transfer of humanitarian assistance to Gaza by governments and groups that wish to do so. These mechanisms should be expanded to allow in all humanitarian items and be used by those organizations wishing to provide humanitarian assistance to the innocent people of Gaza.**
- **We expect the Israeli government to conduct a prompt, impartial, credible and transparent investigation conforming to international standards gets to all the facts surrounding this tragic incident. We are open to different ways of assuring a credible investigation, including international participation. We will continue to discuss these ideas with the Israelis and our international partners in the days ahead.**
- **This recent incident involving the Free Gaza flotilla underscores the need to move ahead quickly with negotiations that can lead to a comprehensive peace in the region and ultimately address issues such as the situation in Gaza.**

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

Q: Does the U.S. have any information or comment on the Irish ship on the way to face the blockade tomorrow? What action is the U.S. taking?

- **Any actions that could further complicate the situation and obstruct our ability to move towards a lasting solution should be based on established facts.**

Q: What discussions is the U.S. having with the Israelis on their actions to stop this ship? Did the U.S. talk to the Israelis before the flotilla arrived earlier this week?

- **We engaged with the Israelis, and continue to do so, on a daily basis and in multiple channels about the flotilla.**
- **The Defense Attaché's Office was in daily contact with the Israeli Navy for the past several weeks, and on numerous occasions delivered the message about the need for caution and restraint in dealing with civilians, including American citizens.**
- **Ambassador Cunningham delivered this message directly to the Prime Minister's office only a few days before the flotilla was intercepted. We are continuing to engage them regarding the two ships that are still on their way.**

Q: What ways are we recommending to Israel to address the Gaza blockade?

- **As Secretary Clinton said, the status quo in Gaza is unsustainable and unacceptable. Israel's legitimate security needs must be met, just as the Palestinians' legitimate needs for sustained humanitarian assistance and regular access for reconstruction materials must also be assured.**
- **We will work with Israel, along with those in the international community who have direct interest in what happens in Gaza, to find ways to increase the amount of assistance entering Gaza, while also protecting Israel's security interest.**
- **This conflict can be solved only through an agreement based on a two-state solution negotiated between the parties. This incident underscores the need to move ahead quickly with negotiations that can lead to a**

comprehensive peace in the region and ultimately address issues such as the situation in Gaza.

Q: Can you confirm if there are any Americans onboard?

- The Free Gaza Movement in Washington, DC has informed us that there are no Americans presently onboard. We are working diligently to confirm this information.**

Q: Are Turkish warships accompanying the ship?

- Embassy Ankara has informed us that the Turkish Ministry of Foreign Affairs firmly denies press reports that Turkish frigates are escorting the Rachel Corrie.**

Q: What is the latest on the overall investigation? Has it started? Who is involved?

- As the President said, we are calling for an effective investigation of everything that happened.**
- This is a very difficult situation that requires careful, thoughtful responses from all concerned.**
- We expect the Israeli government to conduct a prompt, impartial, credible and transparent investigation conforming to international standards gets to all the facts surrounding this tragic incident. We are open to different ways of assuring a credible investigation, including international participation. We will continue to discuss these ideas with the Israelis and our international partners in the days ahead.**

Q: What happened at the emergency meeting at the UN earlier this week in regards to the above incident? What specific proposal did Turkey put forward? Will the U.S. support any action against Israel?

- The UN Security Council Presidential Statement – which was adopted by consensus – regretted loss of life, took note of the Secretary General's call for an investigation, called for a prompt, impartial, credible and transparent investigation conforming to international standards, noted the situation in Gaza is unsustainable, and underscored the need to**

realize a two state solution to the Palestinian-Israeli conflict.

Q: What is the current status of U.S. citizens involved in the "Free Gaza" flotilla?

- **All identified U.S. citizens have been deported to either Greece or Turkey. Embassy officials are providing consular assistance as appropriate to all U.S. citizens involved with the flotilla.**
- **We refer individuals to our Travel Warning for Israel, the West Bank and Gaza in which we urge U.S. citizens to avoid all travel to the Gaza Strip.**

Q: What information do you have about the U.S.-Turkish dual national who was killed during the raid on the flotilla? About any other injured Americans?

- **We can confirm that Furkan Dogan, a U.S.-Turkish dual national, was among those killed in the raid on the Free Gaza flotilla.**
- **Our mission in Turkey has been in contact with his family and is providing consular assistance. Yesterday, our consular officer met with the father and offered our heartfelt condolences to his family.**
- **Ambassador Jim Jeffrey has also reached out to the family to express our heartfelt condolences.**
- **We will carefully evaluate all the information that we can gather about the circumstances of his death.**
- **We are also mindful that [REDACTED] a U.S. citizen, has sustained a serious injury while participating in a West Bank protest. She is still in the hospital receiving proper treatment.**
- **We are also aware that one additional American citizen sustained some injuries on board one of the ships and we are looking out for him as well.**

Q: What is the U.S. response to the presence of high profile Americans (former U.S. government officials, etc.) in the "Free Gaza" flotilla?

B6

- **American participants in the "Free Gaza" flotilla are private citizens, not representatives of the U.S. government.**

+++++

Background:

Text of PRST:

SECURITY COUNCIL PRESIDENTIAL STATEMENT ON THE RECENT INCIDENT IN THE EASTERN MEDITERRANEAN

The Security Council deeply regrets the loss of life and injuries resulting from the use of force during the Israeli military operation in international waters against the convoy sailing to Gaza. The Council, in this context, condemns those acts which resulted in the loss of at least ten civilians and many wounded, and expresses its condolences to their families.

The Security Council requests the immediate release of the ships as well as the civilians held by Israel. The Council urges Israel to permit full consular access, to allow the countries concerned to retrieve their deceased and wounded immediately, and to ensure the delivery of humanitarian assistance from the convoy to its destination.

The Security Council takes note of the statement of the UN Secretary-General on the need to have a full investigation into the matter and it calls for a prompt, impartial, credible and transparent investigation conforming to international standards.

The Security Council stresses that the situation in Gaza is not sustainable. The Council re-emphasizes the importance of the full implementation of Resolutions 1850 and 1860. In that context, it reiterates its grave concern at the humanitarian situation in Gaza and stresses the need for sustained and regular flow of goods and people to Gaza as well as unimpeded provision and distribution of humanitarian assistance throughout Gaza.

The Security Council underscores that the only viable solution to Israeli-Palestinian conflict is an agreement negotiated between the parties and re-emphasizes that only a two-State solution, with an independent and viable Palestinian State living side by side in peace and security with Israel and its other neighbours, could bring peace to the region.

The Security Council expresses support for the proximity talks and voices concern that this incident took place while the proximity talks are underway and urges the parties to act with restraint, avoiding any unilateral and provocative actions, and all international partners to promote an atmosphere of cooperation between the parties and throughout the region.

Drafted by: NEA/PPD: A Sayles, 74184

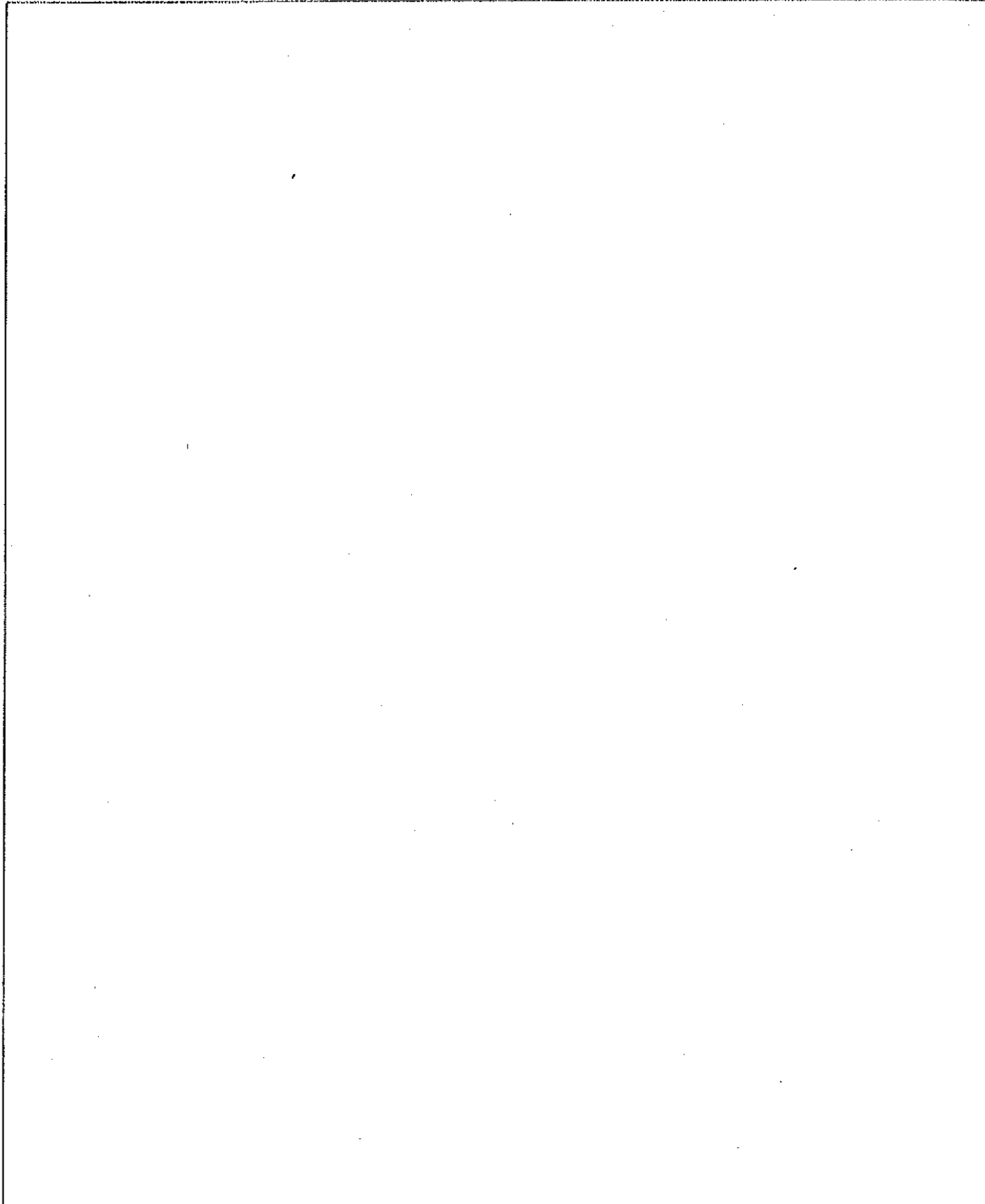
Approved by: USUN: S Rice ok
NEA/FO: M Connelly ok
EUR/FO: T Kaidanow ok
PA/FO: J Prince ok
L/FO: J Schwartz ok

Cleared by: NEA/IPA: T Goldberger ok
NEA/IPA: T Holmstrom ok
NEA/PPD: E Pelton ok
CA/OCS/ACS: M Bernier-Toth ok
CA/OCS/ACS/NESCA: V Lopatkiewicz ok
CA/P: R McCray ok
EUR/SE: J Baily ok
L/AN: L Jacobson ok
L/AN: J Dolan ok
PRM: M Ramgoolie ok
DRL: J Lieberman ok
EUR: B Ellis info
P: E Catalano ok
S/P: D Rand ok
D(S): G Rana ok
CG Jerusalem: A Reynolds ok
Emb Tel Aviv: R Harutunian ok
Emb Tel Aviv: K Hoyer ok
IO/UNP: M Garuckis ok
IO/UNP: A Morrison ok
IO/PAO: K Cooper ok
USUN/W: W Bass ok
USUN/NY: M Kornblau ok
NSC: M Hammer info

RELEASED IN PART B5

NEA Press Guidance
June 1, 2010

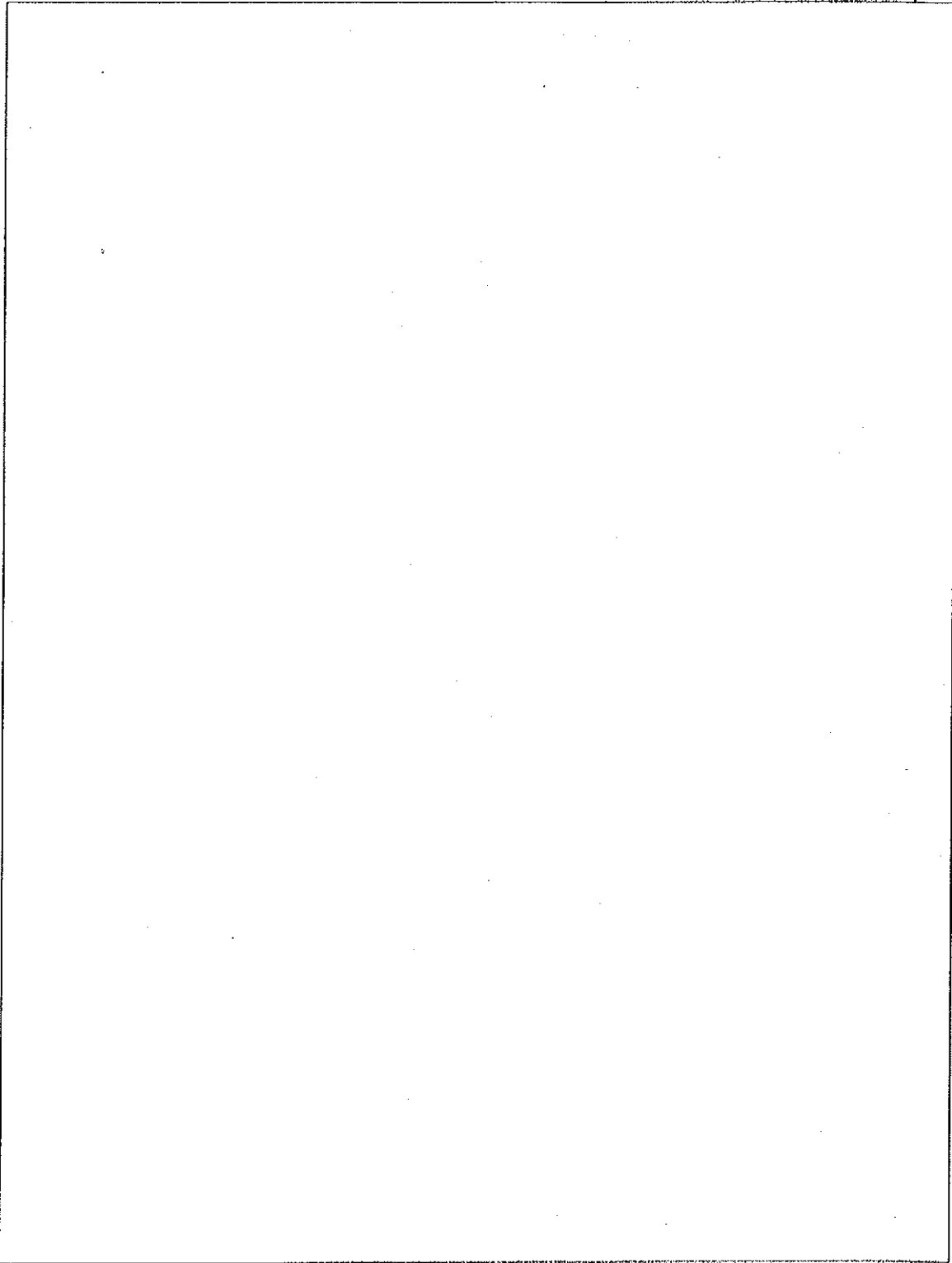
Israel/Palestinians: ~~UPDATE~~ Raid on Free Gaza Flotilla

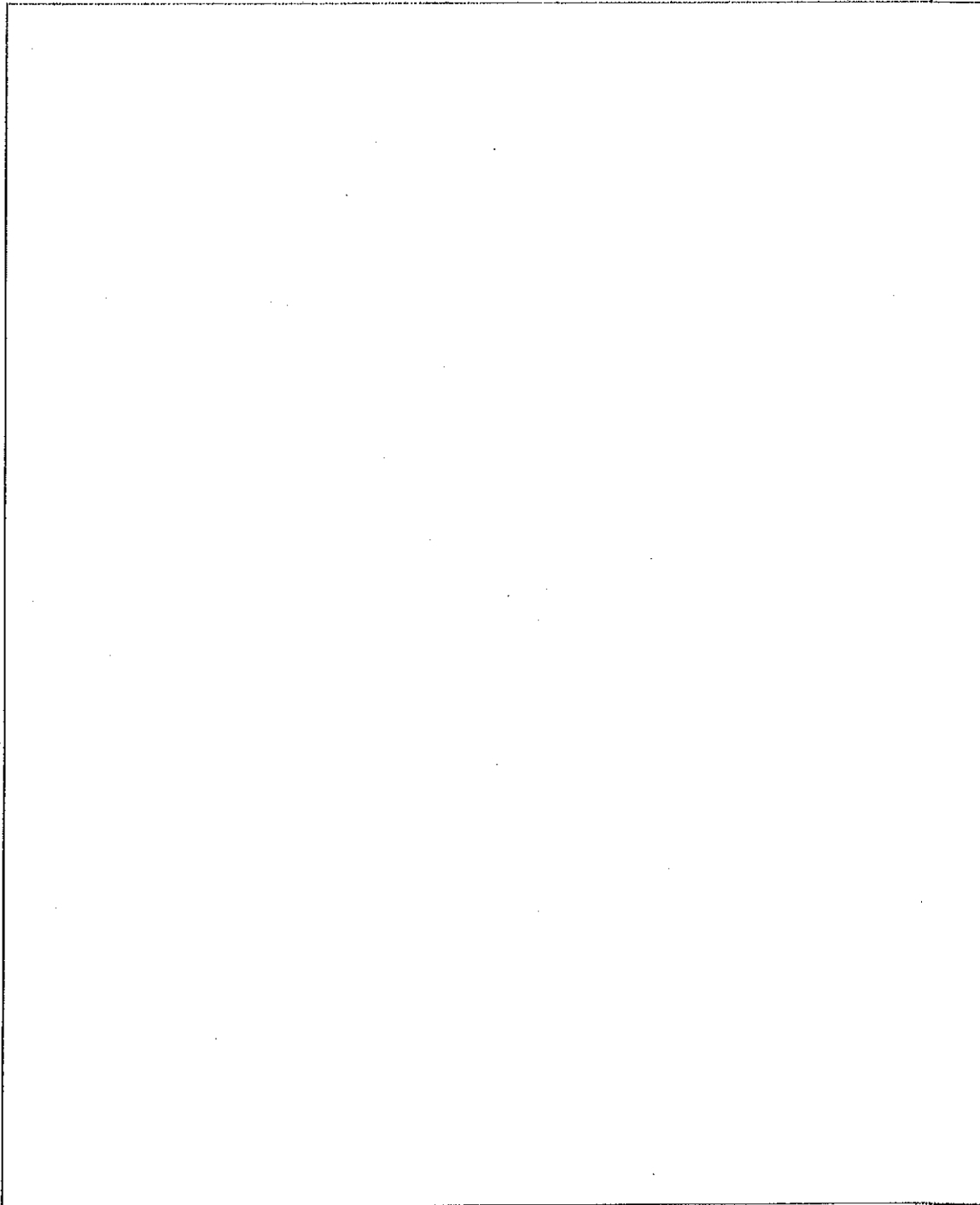


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REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

B5





B5

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Drafted by: NEA/PPD: A Sayles, 74184

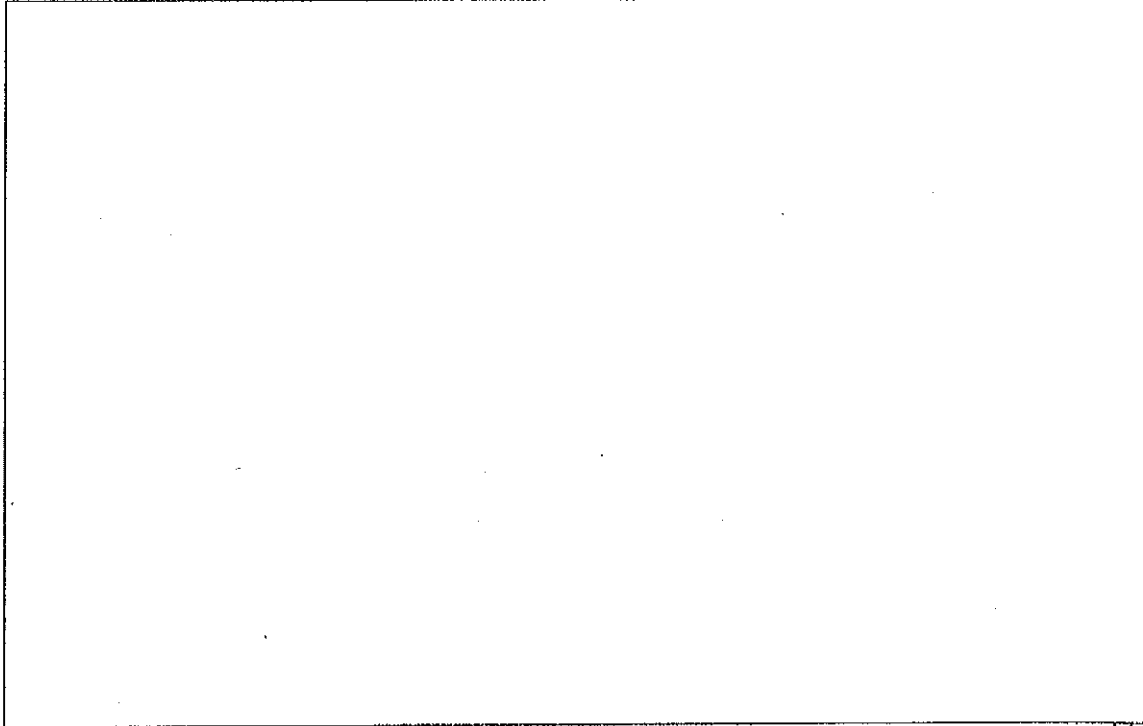
Approved by: D(S): J Steinberg
NEA/FO: J Feltman
NEA/FO: M Connelly
SEMEP: D Halc
L/FO: J Schwartz

Cleared by: NEA/IPA: T Holmstrom
NEA/PPD: M Ratney
CA/OCS/ACS: M Bernier-Toth
CA: I Giauque
L/AN: L Jacobson
PRM: R Wills
DRL: J Lieberman
EUR: B Ellis
P: R Waller
S/P: D Rand
D(S): G Rana
CG Jerusalem: A Reynolds
Emb Tel Aviv: R Harutunian
IO/UNP: A Morrison
IO/PAO: K Cooper
USUN/W: W Bass
USUN/NY: M Kornblau
NSC: M Hammer

RELEASED IN PART B6

NEA Press Guidance
May 31, 2010

Israel/Palestinians: Raid on Free Gaza Flotilla



B5

Q: [Redacted]

- [Redacted]
- [Redacted]

Q: [Redacted]

- [Redacted]

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

B5

- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]

Q: [Redacted]

- [Redacted]
- [Redacted]

Drafted by: NEA/PPD: A Sayles, 74184

Approved by: D(S): J Steinberg
NEA/FO: J Feltman
NEA/FO: M Connelly
SEMEP: D Hale
SEMEP: M Rudman
I/FO: J Schwartz

Cleared by: NEA/IPA: T Goldberger
NEA/IPA: T Holmstrom
NEA/PPD: M Ratney ok
CA/OCS/ACS: M Bernier-Toth
L/AN: L Jacobson
P: R Waller
S/P: M Fuchs
D(S): G Rana
CG Jerusalem

RELEASED IN PART B5

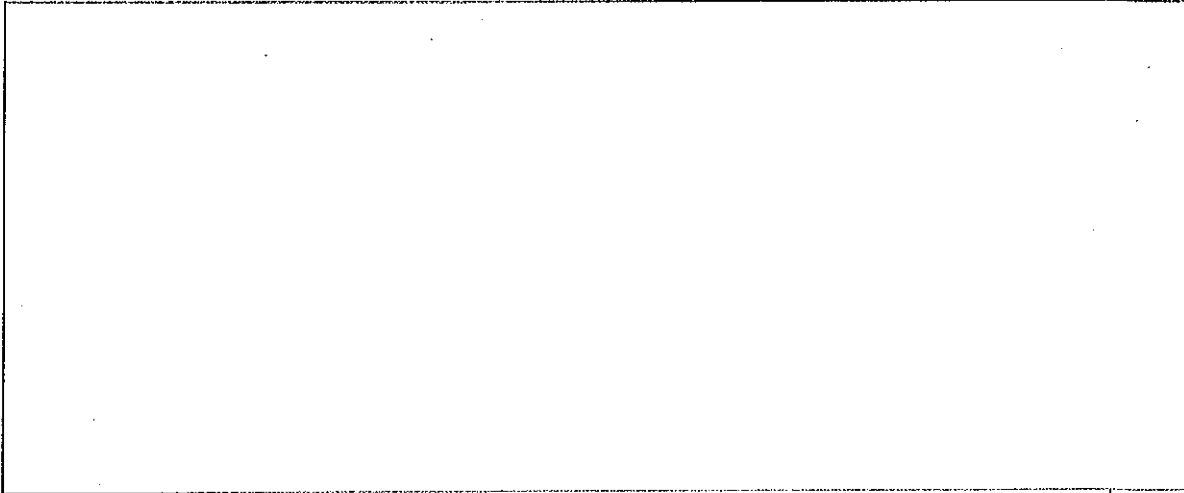
U.S. DEPARTMENT OF STATE
Office of the Spokesman

For Immediate Release
2010/

May 31, 2010

DRAFT STATEMENT BY PHILIP J. CROWLEY,
ASSISTANT SECRETARY OF STATE FOR PUBLIC AFFAIRS

Free Gaza Flotilla



B5

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

Drafted by: NEA/PPD: M Ratney

Approved by: D(S): J Steinberg
NEA/FO: J Feltman
NEA/FO: M Connelly
SEMEP: D Hale
SEMEP: M Rudman

ok
ok

Cleared by: NEA/IPA: T Goldberger
NEA/IPA: T Holmstrom
NEA: A Djerassi
CA/OCS/ACS: M Bernier-Toth
P: R Waller
D(S): G Rana
CG Jerusalem

ok
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RELEASED IN FULL

Law, Rosemary C

From: Townley, Stephen G
Sent: Thursday, June 03, 2010
To: Amory, Elizabeth R; Martin, Julie B; Aswad, Evelyn M; Jacobson, Linda
Subject: FW: Taken Question for Action by CA / L and PRM

NON-RESPONSIVE PORTIONS
REDACTED

Please see taken question at the bottom. Thanks, Stephen

From: Clay, Noel C [mailto:ClayNC@state.gov]
Sent: Thursday, June 03, 2010 1:55 PM
To: PAO Group
Subject: Taken Question for Action by CA / L and PRM

Taken Question:

[Redacted]

NR

For Guidance:

CA/NEA: What U.S. official viewed the body of the dual-national American citizen who was killed in the Gaza flotilla incident?

[Redacted]

NR

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

RELEASED IN PART 1.4(B),B1,1.4(D)

I153.

Bowers, Allyson M

From: Berenberg, Alex M
Sent: Thursday, June 03, 2010 11:43 AM
To: Gaza Flotilla Monitoring Group
Subject: MGGZ01: Turkey: SitRep 7 on IHH Flotilla; Dual National AMCIT May be Among the Dead

PTP9188

CONFIDENTIAL PTP9188

PAGE 01 ANKARA 00799 00 OF 02 031223Z

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DIA WASHINGTON DC
NATIONAL SECURITY COUNCIL WASHINGTON DC
EUCOM POLAD VAHINGEN GE
CDR USCENTCOM MACDILL AFB FL
JOINT STAFF WASHINGTON DC
ODC ANKARA TU
CIA WASHINGTON DC
AMCONSUL ISTANBUL
SECDEF WASHINGTON DC
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AFOSI DET 521 ANKARA TU
JAC MOLESWORTH UK

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

C O N F I D E N T I A L ANKARA 000799

SIPDIS

AMEMBASSY ASTANA PASS TO AMCONSUL ALMATY
AMEMBASSY ANKARA PASS TO AMCONSUL ADANA
AMEMBASSY BELGRADE PASS TO AMEMBASSY PODGORICA
AMEMBASSY MOSCOW PASS TO AMCONSUL VLADIVOSTOK
AMEMBASSY BERLIN PASS TO AMCONSUL DUSSELDORF
AMEMBASSY MOSCOW PASS TO AMCONSUL YEKATERINBURG
AMEMBASSY BERLIN PASS TO AMCONSUL LEIPZIG
AMEMBASSY MOSCOW PASS TO AMCONSUL ST PETERSBURG

E.O. 12958; DECL: 2020/06/03

TAGS: PGOV, PREL, TU

SUBJECT: Turkey: SitRep 7 on IHH Flotilla; Dual National AMCIT May be Among the Dead

REF: 10 ANKARA 800; 10 ANKARA 779; 10 ISTANBUL 203

CLASSIFIED BY: Laura H. de OtaIvaro, Internal Unit Chief, Political Section; REASON: 1.4(B), (D)

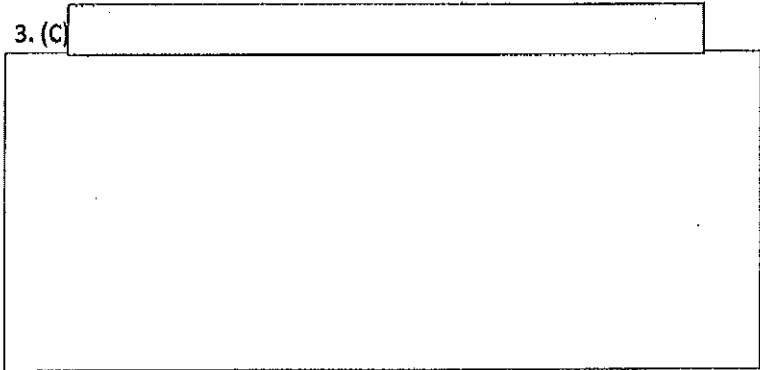
1. (C) SUMMARY: A dual national AMCIT may be among the nine killed during the flotilla's interception. The GOT is reviewing its bilateral relationship with Israel with a view towards restricting government-to-government and commercial cooperation. Protests today have been subdued, but are expected to grow Saturday. The GoT is exploring bringing criminal charges and civil suits against Israeli officials in international and national legal venues. END SUMMARY.

AMCIT MAY BE AMONG THOSE KILLED

2. (SBU) The nine bodies returned to Turkey all appear to have been Turkish citizens. Reportedly, one of the nine was a dual national AMCIT. Due to the wounds suffered by the possible American decedent, positive identification will be difficult. We are seeking confirmation of his identity from the MFA.

GOT REVIEWING RELATIONS WITH ISRAEL

3. (C)



1.4(B)
1.4(D)
B1

4. (U) Trade Minister Mehmet Zafer Caglayan announced Turkey could easily sacrifice its trade relationship with Israel, which from January to April of this year was valued at \$1 billion (\$695.4 million in Turkish exports to Israel and \$415.9 in imports). Energy Minister Tamer Yildiz said Turkey would not consider energy trade deals with Israel until "relations are normalized." The Turkish media reports 20,000-50,000 Israelis have canceled their plans to vacation in Turkey since the flotilla's interception. Atlasjet and El Al have canceled their planned code-share agreement, which was to have come into effect June 20 with a direct flight from Istanbul to Tel Aviv. THY, Turkey's national airlines is maintaining its schedule of multiple daily flights between Turkey and Israel.

MORE PROTESTS EXPECTED OVER THE WEEKEND

5. (C) [REDACTED]

1.4(B)
1.4(D)
B1

[REDACTED] told us his party is working to ensure protests do not become violent. [REDACTED] intervened during a protest at the Israeli Consulate to prevent demonstrators from throwing stones at the building. According to [REDACTED]

[REDACTED]

6. (SBU) Protests are continuing in Istanbul; funerals today for activists killed during the flotilla's interception may attract large crowds. Around 100 protestors erected five tents outside the Israeli Consulate. The consulate tells us it has not been the target of violence. The Turkish-Jewish community in Istanbul has not reported any hostility and commends government official's care in focusing public anger at the Israeli government and not the Israeli people or Jews, generally.

7. (U) Protests continued in Ankara today, focused on the Israeli Ambassador's residence. A maximum of 250 protestors June 2 chanted: "Close the Zionist Embassy; Atrocious Israel will account for this; We are all soldiers and good enough to beat Israel," and "God is great." Referring to Jerusalem's Al Aksa Mosque, one banner read: "Mescid-i Aksa is ours forever". One protestor recited Koranic verses through a bullhorn. Protestors are maintaining a 24-hour presence at the residence. Turkish National Police have advised us to expect large coordinated demonstrations in Ankara and Istanbul on Saturday, June 5.

TURKISH CRIMINAL CHARGES

8. (U) The GoT is exploring bringing criminal charges and civil suits against Israeli officials in international and national legal

venues. According to Article 8 of the Turkish Criminal Code, which pertains to territorial jurisdiction, a crime "is presumed to have been committed in Turkey" if it was committed "in the open sea...and in, or by using, Turkish sea...vessels" (section (2)(b)). By asserting the Mavi Marmaris is a Turkish vessel, the GoT may bring criminal charges in Turkish courts against the Israel Defense Force personnel who boarded the ship. We have seen reports the ship was flying under the Comoros flag.

JEFFREY

CONFIDENTIAL

RELEASED IN FULL TO CERTAIN
PARTIES Requestor Only

centerforconstitutionalrights
on the front lines for social justice

February 16, 2011

Ms. Peggy Kerry
NGO Liaison
United States Mission to the United Nations
799 United Nations Plaza
New York, N.Y. 10017

Re: **Meeting Request: Ahmet Doğan, Father of Furkan Doğan, U.S. citizen killed on the Mavi Marmara on May 31, 2010**

Dear Ms Kerry:

I write on behalf of Ahmet Doğan, the father of Furkan Doğan, the U.S. citizen killed aboard the *Mavi Marmara* on May 31, 2010. Mr. Doğan will be travelling to the United States next week for the purpose of meeting with U.S. government officials to discuss his son's killing and actions that the United States has taken or can take to assist in seeking justice and accountability for his son's death. **Mr. Doğan will be in New York on February 24th and would like to meet with you or representatives from your Office to discuss his son's killing and the U.S. response to it.** I note that efforts to secure a meeting for Mr. Doğan with representatives of the United States Embassy in Ankara, Turkey have been unavailing, prompting him to make this trip to the United States. See Enclosure A.

As you may be aware, 19-year-old Furkan Doğan was among the sixteen United States citizens who were part of the flotilla, including five who were on the Challenger I, a U.S.-registered vessel. At the time of his death, Furkan Doğan was only a U.S. citizen, (and not a dual citizen with Turkish citizenship) having previously renounced his Turkish citizenship. Furkan Doğan was shot five times, including twice in the head, once in the back, in the left leg and foot. All of the entry wounds were to the back of his body, except the shot to his face, which was delivered at point-blank range. See Enclosure B. An English-translation of the autopsy report for Furkan Doğan is attached. See Enclosure C.

In addition, United States citizens were beaten, and their property, which includes video and photographic evidence, was seized and appropriated by Israel and has not been returned. The U.S. passengers have urged the State Department to assist in securing the return of their property and safeguarding evidence for a criminal investigation. See Enclosure D. The evidence which was seized by the Israeli government and remains in its possession includes the video-camera Furkan Doğan was holding at the time that the Israeli commandos rappelled onto the *Mavi Marmara*.

REVIEW AUTHORITY: Sharon Ahmad, Senior
Reviewer

666 Broadway, 7 fl, New York, NY 10012
t 212 614 6464 f 212 614 6499 www.CCRjustice.org

Meeting Request: Ahmet Dogan
February 16, 2011
Page 2 of 2

I appreciate your urgent attention to this matter and look forward to your prompt response. Please feel free to contact me at 212-614-6445 or kgallagher@ccrjustice.org if you have any questions or need any additional information.

Sincerely,



Katherine Gallagher
Senior Staff Attorney

- Encl. A. Letters exchanged between the Elmadağ Law Office and the Embassy of the United States – Ankara
- B. Excerpt from the United Nations Human Rights Council Report Fact-Finding Mission on the Flotilla Attack, September 27, 2010, A/HRC/15/21
- C. Autopsy Report for Furkan Dogan
- D. Letter from U.S. passengers, including Ahmet Dogan to Secretary of State Clinton, October 6, 2010

666 Broadway, 7 fl, New York, NY 10012
t 212 614 6464 f 212 614 6499 www.CCRjustice.org

Enclosure A



THE UNITED STATES OF AMERICA EMBASSY, ANKARA-TURKEY

Douglas A. SILLIMAN

To: Deputy Chief of Mission

Atatürk Bulvarı 110
Kavaklıdere, 06100 Ankara - Türkiye
ozbagd@state.gov

No: HUKMEK-01-10-28

Subject: Formal request for information about the USA citizen FURKAN DOGAN whom he was killed on 31 May 2010 by the Israeli attack on Freedom Gaza Flotilla while it was in the international waters.

Date: 7.09.2010

Dear Sir DEPUTY CHIEF OF MISSION

At the outset allow us to introduce ourselves. We, Elmadagh Law Office, are the Legal Representatives of each victim of the 31 May Gaza Flotilla incident who hold Turkish Citizenship. Our role is to pursue the rights of the each victim in accordance with remedies available under international law, inter alia United Nations, International Court of Justice and International Criminal Court, and exhaust every possible international legal remedy.

On the day of May 31 when the aforementioned attack has occurred, 9 civilians were killed with gunfire. Among them one of the deceased people was Furkan Dogan, having Turkish origin and holding the USA citizenship. His dead body was sent to Turkey after the attack. His autopsy report

Istanbul Dünya Ticaret Merkezi (DTM) A-1 Blok, N:61 - Yeşilköy - İstanbul, TÜRKİYE
Telefon - +90 (0) 212 465 88 65 faks - +90 (0) 212 465 88 69

www.elmadaghukuk.com
info@elmadaghukuk.com

prepared by the Forensic Medicine Institute and his family took his body and buried in the city of Kayseri.

Elmadag Law Office is the representatives of his Family for the fact that they were victim and complainant since their son was shot.

Based on the foregoing:

On behalf of the Dogan Family, we respectfully request from the authority of the United States Government to act the legal and diplomatic remedies for Furkan Dogan's death, we therefore request the US Embassy in Ankara to inform us about the aforesaid situation further and have a meeting.

Sincerely,

Att. RAMAZAN ARITÜRK

EK - İ: 30.07.2010 Tarihi, Kayseri 8. Noterliğinden 28678 Yevmiye No'lu

EK - II: Vekâletname - Yetkil: Ahmet Doğan
17.06.2010 Tarihli, Furkan Doğan'a ait Otopsi Raporu - Adli Tıp Kurumu Başkanlığı



Embassy of the United States of America

Ankara, Ekim 7, 2010

Sayın Avukat Ramazan Arıtürk,
İstanbul Dünya Ticaret Merkezi
A-1 Blk. N: 61 Yeşilköy,
İstanbul

Sayın Arıtürk,

Amerikan Büyükelçiliği Maslahatgüzarı Douglas A. Silliman'a göndermiş olduğunuz 1-10-2010 tarihli yazınıza cevaben Maslahatgüzar adına bu mektubu yazmaktayım.

Gönderilmiş olduğunuz yazı tarafımıza ulaşmıştır.

Saygılarımla,

Richard Appleton

Başkonsolos

Amerikan Büyükelçiliği

Ankara

Embassy of the United States of America

Ankara, September 7, 2010

Dear Att. Ramazan Arıtürk,
Istanbul World Trade Centre
A-1 Block No:61 Yesilkoy,
Istanbul

Dear ARITURK,

I am writing on behalf of the United States Charge d'Affaires Douglas A. Silliman in response to letter he received dated 1/10/210.

We have received your letter.

Regards,
Richard Appleton
Consul General
Embassy of the United States
Ankara



EMBASSY OF THE UNITED STATE, ANKARA-TURKEY

Douglas A. SILLIMAN

Deputy Chief of Mission

Atatürk Bulvarı 110
Kavaklıdere, 06100 Ankara - Türkiye
ozbagdas@state.gov

HUKMEK-01-10-39

Reiteration for Formal request for information about the USA citizen
FURKAN DOGAN whom he was killed on 31 May 2010 by the Israeli
attack on Freedom Gaza Flotilla while it was in the international waters.

29.11.2010

Dear Sir DEPUTY CHIEF OF MISSION

We, Elmadağ Law Office, are the Legal Representatives of each victim of the 31 May Gaza Flotilla
Incident who hold Turkish Citizenship.

On the day of 31 May 2010 one of the deceased of the consequence of the aforementioned attack
was Furkan Dogan. The legal team of our office will go to the USA on the point of legal process for
Furkan Dogan's case.

It was asked for formal request on the date of 01.10.2010 to have appointment with you on behalf
of victim and complaint Dogan Family for further information about Furkan Dogan. (no:
HUKMEK-01-10-28). We have received your letters indicating that you received our request letter.
Respectfully, We would like to renew our aforementioned request dated 01.10.2010 for meeting
with you before we visit the USA.

Sincerely,

Av. Ramazan ARITÜRK

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Enclosure B

United Nations

A/HRC/15/21



General Assembly

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Human Rights Council
Fifteenth session
Agenda item 1
Organizational and procedural matters

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*

Summary

This report was prepared by the fact-finding mission established by the Human Rights Council in resolution 14/1 of 2 June 2010 to investigate violations of international law, including international humanitarian law and human rights law, resulting from the interception by Israeli forces of the humanitarian aid flotilla bound for Gaza on 31 May 2010 during which nine people were killed and many others injured.

The report sets out background information relating to the interception of the flotilla as well as the applicable international law.

The fact-finding mission conducted interviews with more than 100 witnesses in Geneva, London, Istanbul and Amman. On the basis of this testimony and other information received, the Mission was able to reconstruct a picture of the circumstances surrounding the interception on 31 May 2010 and its aftermath. The report presents a factual description of the events leading up to the interception, the interception of each of the six ships in the flotilla as well as a seventh ship subsequently intercepted on 6 June 2010, the deaths of nine passengers and wounding of many others and the detention of passengers in Israel and their deportation.

The report contains a legal analysis of facts as determined by the Mission with a view to determining whether violations of international law, including international humanitarian and human rights law, took place.

The fact-finding mission concluded that a series of violations of international law, including international humanitarian and human rights law, were committed by the Israeli forces during the interception of the flotilla and during the detention of passengers in Israel prior to deportation.

* Late submission.

GE.10-16486



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board the vessels by force. This belief persisted among many less-experienced passengers right up to the moment of the interception, notwithstanding the precedent of the *Spirit of Humanity* in 2009. Many passengers told the Mission that they did not really believe that the Israelis would attempt to board until the first boats approached the *Mavi Marmara* on the morning of 31 May.

Preparation and planning on the Mavi Marmara

99. The full realization that the Israelis were serious about commandeering the flotilla spread through the passengers on the *Mavi Marmara* during the course of 30 May. There is clear evidence that some people on board the *Mavi Marmara*, including senior IHH leaders, were prepared actively to defend the ship against any boarding attempt. Video evidence shows a meeting of about 50 to 100 passengers on the ship on 30 May at which the IHH President and a number of other prominent passengers spoke with some bravado about preventing an Israeli takeover of the ship. The pressure of the water hoses was seen being tested on the decks the day before the interception.

100. Following radio communication with the Israeli Navy and the sightings of the Israeli vessels, it became apparent that a boarding of the ship was an imminent reality. Passengers were instructed to put on their life jackets. Although there does not seem to have been a coordinated plan involving all passengers, some individuals grouped together with the intention of defending the ship. There is little evidence of any unified command to coordinate the defence of the ship.

101. During the night of 30 to 31 May, some passengers took electric tools from the ship's workshop, which was not kept locked and sawed sections of railings into lengths of approximately one and a half metres, apparently for use as weapons. Lengths of metal chains from between the railings were also removed. When the ship's crew discovered this, the tools were confiscated and locked in the radio room on the bridge. A number of the passengers were also provided with gas masks to counter the effects of tear gas. However, the Mission notes that the ship's standard fire-fighting equipment would have included breathing apparatus. Furthermore, the fact that some passengers engaged in last minute efforts to fashion rudimentary weapons shortly prior to the interception confirms the findings of the Mission that no weapons were brought on board the ship.

Preparation and planning on the Challenger 1, Sfendoni, Eleftheri Mesogios and the Rachel Corrie

102. Passengers and crew on the *Challenger 1* underwent training in passive resistance techniques, non-violence and what to do if detained in Israel (including contacting a lawyer before embarkation). Witnesses said discussions took place in advance amongst the passengers on how to respond to an Israeli attempt to board the ship during which the crew had insisted that there should be no attempts to repel boarders with physical force. The captain and crew opposed a suggestion that access to the bridge should be blocked, as it was feared this would incense the soldiers. The intention, according to witnesses, was to show a symbolic resistance to the soldiers sufficient to demonstrate that the boarding was unwanted. The planned response to a boarding of the *Challenger 1* was in part informed by the experience of some of the passengers on previous boats which had been intercepted by the Israelis.

103. Witnesses aboard the *Sfendoni* and the *Eleftheri Mesogios* confirmed similar discussions aboard their vessels. On the *Eleftheri Mesogios*, it was also decided that water hoses could be misconstrued as weapons and hence should not be used. On the *Sfendoni*, passengers intended to sit on the decks and slow down any attempt to take control of the bridge through passive resistance.

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104. The passengers on board the *Rachel Corrie* agreed and notified the Israelis before boarding that no resistance would be offered to the Israeli forces.

Preparation and planning on the Gaza I and Dafne Y

105. There is no information to suggest that any specific preparations were made by the crew or passengers of *Gaza I* and *Dafne Y* to defend against a possible boarding.

B. The interception of the Gaza flotilla by the Israeli Navy on 31 May 2010

1. Factual description and findings

106. The Mission found the following facts to have been established to its satisfaction.

(a) Contacts between the Israeli Navy and the vessels of the flotilla

107. The flotilla left the rendezvous point at 1354 hours on 30 May 2010 and proceeded in a south-westerly direction on course 222 degrees. This course was altered to 185 degrees, approximately due south, at 2330 hours upon drawing level with the coast of Israel and in order to maintain a course roughly parallel to the coast. The flotilla maintained a distance of 70 nautical miles from the coast since a NAVTEX (Navigational Telex) advisory had warned that the Israeli military were conducting exercises up to 68 nautical miles from the coast.

108. The first radio contact with the Israeli Navy was at approximately 2230 hours. Each vessel was contacted by the Israeli Navy, one after the other, on Channel 16 and requested to switch to an alternative channel. Each vessel refused to switch in order that the conversation could be monitored by all shipping. The Israeli Navy requested each vessel to identify itself and state its destination. It then warned each vessel, with some variations, it was approaching an area of hostilities which is under a naval blockade, that the Gaza maritime area is closed to all vessels and that they must change course to deliver their supplies to the Port of Ashdod in Israel. In some of the messages, the captain of each vessel was warned that he would be held personally responsible for any consequences of a failure to comply with the Israeli request. The Israeli Navy's contacts were similar to those in relation to previous Free Gaza Movement efforts to enter Gaza by sea.

109. In response, the captains of the various vessels stated that their destination was Gaza and the purpose was to deliver humanitarian aid. They also asserted that the Israeli forces did not have the right to order the vessels to change course and that the blockade referred to was illegal. A representative of the Free Gaza Movement spoke to the Israelis on behalf of the whole flotilla, reiterating that the passengers were unarmed civilians delivering humanitarian aid and that none of the ships should be considered as any form of threat to Israel. At no stage was a request made by the Israeli Navy for the cargo to be inspected. Contacts with the Israeli Navy continued until around 0200 hours when communication equipment was jammed by the Israeli forces, cutting them off to all external communications. However, the vessels in the flotilla were able to maintain contact with one another via handheld two-way radios.

110. In early June 2010, audio recordings were released by the Israeli authorities of apparent exchanges between the Israeli Navy and the *Dafne Y* which included insulting references by unknown persons referring to "Auschwitz" and the 11 September 2001 attack on the World Trade Centre in New York. However, the Mission is not satisfied that these recordings are authentic, nor has the Government of Israel made this material available to the Mission for appropriate examination. The Mission was given positive evidence that no such statements were made by anyone involved in communications on the flotilla.

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111. The crew and passengers of the six vessels became visually aware of the presence of Israeli naval vessels some time after the initial communications, between 2300 hours and midnight, both through sightings and two-way radio communication between the vessels. The larger Israeli ships and helicopters came into view of the crew of the vessels at approximately 0100 hours on 31 May. Similar sightings were made by other vessels in the flotilla at around the same time.

(b) *Events on board the M.V. Mavi Marmara⁶⁷*

(i) *Initial attempt to board the Mavi Marmara from the sea*

112. Israeli zodiac boats made a first attempt to board the *Mavi Marmara* from the sea shortly before 0430 hours. Several zodiac boats approached the ship at the stern from both the port and starboard sides. The approach was accompanied by the firing of non-lethal weaponry onto the ship, including smoke and stun grenades, tear-gas and paintballs. Plastic bullets may also have been used at this stage; however, despite some claims that live ammunition was also fired from the zodiac boats, the Mission is not satisfied that this was the case. The smoke and tear gas were not effective due to the strong sea breeze and later due to the downdraft from helicopters.

113. The Israeli forces attempted to board the ship through attaching ladders to the hull. Passengers engaged in efforts to repel the attempted boarding using the ship's water hoses⁶⁸ and the throwing of various items at the boats including chairs, sticks, a box of plates and other objects that were readily to hand. This initial attempt to board the ship proved unsuccessful. It is the view of the Mission that the Israeli forces should have re-evaluated their plans when it became obvious that putting their soldiers on board the ship may lead to civilian casualties.

(ii) *Landing of soldiers from helicopters onto the Mavi Marmara*

114. Just minutes after soldiers from the zodiac boats had made initial unsuccessful attempts to board, the first helicopter approached the ship at approximately 0430 hours, hovering above the top deck. At this point between 10 and 20 passengers were located in the central area of the top deck, although this number increased as other passengers learned of events on the top deck. The Israeli forces used smoke and stun grenades in an attempt to clear an area for the landing of soldiers. The first rope that was let down from the helicopter was taken by passengers and tied it to a part of the top deck and thereby rendered ineffective for the purpose of soldiers' descent. A second rope was then let down from the

⁶⁷ For the purposes of this report, the following terms are used to describe the various decks of the *Mavi Marmara*: top deck – the roof of the ship where the satellite tower and funnel are located, bridge deck – the deck below the top deck which gives access to the bridge, bow deck – lowest open deck with access to the front of the ship, five television broadcasts were made from an open deck area at the back of the bridge deck.

⁶⁸ It is worth noting that in accordance with the International Maritime Organization's circular "Guidance to ship owners and ship operators, shipmasters and crews on preventing and suppressing acts of piracy and armed robbery against ships" of June 2009, the use of water hoses is recommended as a means to prevent an attempted boarding by pirates and armed robbers. IMO Circular Msc.1/Circ.1334, date 23 June 2009, Annex, para. 57 states as follows: "The use of water hoses should also be considered though they may be difficult to train if evasive manoeuvring is also taking place. Water pressures of 80 lb per square inch and above have deterred and repulsed attackers. Not only does the attacker have to fight against the jet of water but the flow may swamp his/her boat and damage engines and electrical systems. Special fittings for training hoses could be considered which would also provide protection for the hose operator. A number of spray fire hoses could be rigged and tied down to be pressurized at short notice if a potential attack is detected".

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helicopter and the first group of soldiers descended. The Mission does not find it plausible that soldiers were holding their weapons and firing as they descended on the rope. However, it has concluded that live ammunition was used from the helicopter onto the top deck prior to the descent of the soldiers.

115. With the available evidence it is difficult to delineate the exact course of events on the top deck between the time of the first soldier descending and the Israeli forces securing control of the deck. A fight ensued between passengers and the first soldiers to descend onto the top deck that resulted in at least two soldiers being pushed down onto the bridge deck below, where they were involved in struggles with groups of passengers who attempted to take their weapons. The equipment jacket of at least one soldier was removed as he was pushed over the side of the deck. A number of weapons were taken from the soldiers by passengers and thrown into the sea: one weapon, a 9-mm pistol, was unloaded by a passenger, a former U.S. Marine, in front of witnesses and then hidden in another part of the ship in an attempt to retain evidence.

116. A number of the passengers on the top deck fought with the soldiers using their fists, sticks, metal rods and knives.⁶⁹ At least one of the soldiers was stabbed with a knife or other sharp object. Witnesses informed the Mission that their objective was to subdue and disarm the soldiers so that they could not harm anyone. The Mission is satisfied on the evidence that at least two passengers on the bridge deck also used handheld catapults to propel small projectiles at the helicopters. The Mission has found no evidence to suggest that any of the passengers used firearms or that any firearms were taken on board the ship. Despite requests, the Mission has not received any medical records or other substantiated information from the Israeli authorities regarding any firearm injuries sustained by soldiers participating in the raid. Doctors examined the three soldiers taken below decks and no firearm injuries were noted. Further, the Mission finds that the Israeli accounts so inconsistent and contradictory with regard to evidence of alleged firearms injuries to Israeli soldiers that it has to reject it.⁷⁰

(iii) Deaths of 9 passengers and wounding of at least 50 other passengers

117. During the operation to secure control of the top deck, the Israeli forces landed soldiers from three helicopters over a 15-minute period.⁷¹ The Israeli forces used paintballs, plastic bullets and live ammunition, fired by soldiers from the helicopter above and soldiers who had landed on the top deck. The use of live ammunition during this period resulted in fatal injuries to four passengers,⁷² and injuries to at least 19 others, 14 with gunshot wounds. Escape points to the bridge deck from the top deck were narrow and restricted and as such it was very difficult for passengers in this area to avoid being hit by live rounds. At

⁶⁹ The Mission has found no evidence of knives being taken on board by passengers except for one traditional ceremonial knife. However, the *Mavi Marmara* had six kitchens, each of which was stocked with usual culinary knives.

⁷⁰ In his testimony to the Turkel Committee, held in Israel on 11 August 2010, Chief of General Staff Ashkenazi refers to one soldier being "shot in his abdomen by one of the activists" and that "in the course of the battle, five soldiers [were] wounded by stabbings, blows and shooting". However, at the urgent debate of the Human Rights Council held during its fourteenth session, on 1 June 2010, the Permanent Representative of Israel stated that passengers "shot two Israeli soldiers". In contrast, in the State's response at the habeas corpus hearing, held on 2 June 2010 (petition HC) 4913/10 before the Supreme Court in Jerusalem, sitting as the High Court of Justice; unofficial translation), no specific reference was made to any Israeli soldiers being shot.

⁷¹ In his testimony to the Turkel Committee on 11 August 2010, Chief of General Staff Ashkenazi stated that the first helicopter carried 15 soldiers, the second carried 12 soldiers and the third carried 14 soldiers.

⁷² Fahri Yaldiz, Furkan Dogan, Ibrahim Bilgen and Ali Raydar Bengi.

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least one of those killed was using a video camera and not involved in any of the fighting with the soldiers. The majority of gunshot wounds received by passengers were to their upper torsos in the head, thorax, abdomen and back. Given the relatively small number of passengers on the top deck during the incident, the Mission is driven to the conclusion that the vast majority were in receipt of gunshot wounds.

118. Israeli soldiers continued shooting at passengers who had already been wounded, with live ammunition, soft baton charges (beanbags) and plastic bullets. Forensic analysis demonstrates that two of the passengers killed on the top deck received wounds compatible with being shot at close range while lying on the ground: Furkan Doğan received a bullet in the face and Ibrahim Bilgen received a fatal wound from a soft baton round (beanbag) fired at such close proximity to his head that parts such as wadding penetrated his skull and entered his brain. Furthermore, some of the wounded were subjected to further violence, including being hit with the butt of a weapon, being kicked in the head, chest and back and being verbally abused. A number of the wounded passengers were handcuffed and then left unattended for some time before being dragged to the front of the deck by their arms or legs.

119. Once the Israeli forces had secured control of the top deck they undertook measures to move down to the bridge deck below in order to take over the ship's bridge and thus take control of the ship. In relation to this operation, a series of shooting incidents occurred centred on the portside doorway which gives access to the main stairwell on the bridge deck. This door is near to the hatch and ladder, which allows access from the top deck to the bridge deck.

120. Israeli soldiers fired live ammunition both from the top deck at passengers on the bridge deck below, and after they had moved down to the bridge deck. At least four passengers were killed,⁷⁵ and at least nine injured (five with firearms injuries) during this phase. None of the four passengers who were killed, including a photographer who at the time of being shot was engaged in taking photographs and was shot by an Israeli soldier positioned on the top deck above, posed any threat to the Israeli forces. There was considerable live fire from Israeli soldiers on the top deck and a number of passengers were injured or killed whilst trying to take refuge inside the door or assisting other to do so. Wounded passengers were brought into the ship through the stairwell and through the ship's bridge room and were helped downstairs where they could be given some form of medical treatment by doctors and others on board.

121. One witness described the circumstances in which one passenger was killed on the bridge deck:

I saw two soldiers on top of the roof standing there holding their guns down at something on the roof that I couldn't see. There were two guys hidden underneath a walkway of the ship to the right hand side and I was screaming at them not to move. The two passengers were below the soldiers. They could not see the soldiers and the soldiers could not see them while they were hidden under the walkway. Then the guys moved out, making themselves visible as they tried to run towards the metal door. One man made it to open the door and got inside. The other man must have been shot. I think he was shot in the head from the way he looked, he wasn't moving at all. He was 20 or 30 metres away from me. When the second man got shot, the first man opened the door and using it as a shield tried to reach out for the second man. He managed to reach him and was pulling him by his right arm. I couldn't see any blood, but he wasn't moving at all.

⁷⁵ Cevdet Kılıçlar, Cengiz Songör, Cengiz Akyüz and Çetin Toprakçılı.

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122. A group of up to 20 passengers, some holding sticks and rods and wearing gas masks, were located on or around the stairwell inside the ship. One passenger standing just inside the door was shot through the broken porthole in the door by a soldier standing a few metres away on the bridge deck outside.

123. During the shootings on the bridge deck and as it became apparent that a large number of passengers had become injured, Bulent Yildirim, the President of IHH and one of principal organizers of the flotilla, removed his white shirt which was then used as a white flag to indicate a surrender. This does not appear to have had any effect and live firing continued on the ship.

124. Israeli forces moved down to the bridge deck and moved rapidly to take over the bridge room towards the front of the ship. The doorway and windows of the bridge room came under fire and the captain ordered that the ship's engines be cut. Israeli soldiers entered the bridge room through the door and broken window. The crew were made to lie on the ground at gunpoint. The captain remained standing but was held at gunpoint.

(iv) Shootings at the bow deck, the release of the Israeli soldiers and end of the operation

125. During the initial fighting on the top deck three Israeli soldiers were taken under control and brought inside the ship. While some passengers wished to harm the soldiers, other passengers ensured that they were protected and able to receive rudimentary medical treatment from doctors on board. Two of the soldiers had received wounds to the abdomen. One of the soldiers had a superficial wound to the abdomen, caused by a sharp object, which penetrated to the subcutaneous tissue. None of the three soldiers had received gunshot injuries, according to doctors who examined them. All three soldiers were in a state of shock and were suffering from cuts, bruises and blunt force trauma.

126. As the seriousness of incidents on the outer decks became apparent, there was growing concern among some of the flotilla organizers that holding the captured Israeli soldiers may have serious implications for the security of all passengers on board.²⁴ It was decided that the soldiers should be released and they were taken to the bow of the lower deck. Once on the bow deck two of the soldiers jumped into the sea and were picked up by Israeli boats. The third soldier did not jump and was rapidly joined by Israeli soldiers who came down from the top deck.

127. At least four passengers were injured on the bow of the ship, both before and around the time that the Israeli soldiers were released. At least two passengers received wounds from live ammunition, while others received injuries from soft baton charges, including one doctor who was tending to injured passengers.

128. The Israeli forces stated that the active phase of the Israeli forces operation concluded at 0317 hours,²⁵ once the ship was under their control and the three soldiers were released. During the 45-50 minute operation, nine passengers were killed, more than 24 passengers had received serious injuries caused by live ammunition and a large number of other passengers had received injuries caused by plastic rounds, soft baton charges (bean-bags) and other means.

²⁴ It also appears that the Israeli forces were planning to enter the ship's cabins in order to locate the three soldiers. In his testimony to the Turkel Committee on 11 August 2010, COGS Ashkenazi stated that at the time when the Israeli forces spotted the three soldiers on the bow deck: "The force commander [was preparing] to rush the passengers' area in order to locate the missing soldiers."

²⁵ As stated by COGS Ashkenazi in his testimony to the Turkel Committee on 11 August 2010.

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Table - Deaths of Nottliff participants*Deaths occurring on the top deck (roof)**Furkan Doğan*

Furkan Doğan, a 19-year-old with dual Turkish and United States citizenship, was on the central area of the top deck filming with a small video camera when he was first hit with live fire. It appears that he was lying on the deck in a conscious, or semi-conscious, state for some time. In total Furkan received five bullet wounds, to the face, head, back thorax, left leg and foot. All of the entry wounds were on the back of his body, except for the face wound which entered to the right of his nose. According to forensic analysis, tattooing around the wound in his face indicates that the shot was delivered at point blank range. Furthermore, the trajectory of the wound, from bottom to top, together with a vital abrasion to the left shoulder that could be consistent with the bullet exit point, is compatible with the shot being received while he was lying on the ground on his back. The other wounds were not the result of firing in contact, near contact or close range, but it is not otherwise possible to determine the exact firing range. The wounds to the leg and foot were most likely received in a standing position.

Ibrahim Bilgen

Ibrahim Bilgen, a 60-year-old Turkish citizen, from Sirt in Turkey, was on the top deck and was one of the first passengers to be shot. He received a bullet wound to the chest, the trajectory of which was from above and not at close range. He had a further two bullet wounds to the right side of the back and right buttock, both back to front. These wounds would not have caused instant death, but he would have bled to death within a short time without medical attention. Forensic evidence shows that he was shot in the side of the head with a soft baton round at such close proximity and that an entire bean bag and its wadding penetrated the skull and lodged in the brain. He had a further bruise on the right flank consistent with another beanbag wound. The wounds are consistent with the deceased initially being shot from soldiers on board the helicopter above and receiving a further wound to the head while lying on the ground, already wounded.

Fahri Yaldiz

Fahri Yaldiz, a 42-year-old Turkish citizen from Adiyaman, received five bullet wounds, one to the chest, one to the left leg and three to the right leg. The chest wound was caused by a bullet that entered near the left nipple and hit the heart and lungs before exiting from the shoulder. This injury would have caused rapid death.

All Heyder Bengi

According to the pathology report, All Heyder Bengi, a 38-year-old Turkish citizen from Diyarbakir, received six bullet wounds (one in the chest, one in the abdomen, one in the right arm, one in the right thigh and two in the left hand). One bullet lodged in the chest area. None of the wounds would have been instantly fatal, but damage to the liver caused bleeding which would have been fatal if not stemmed. There are several witness accounts which suggest that Israeli soldiers shot the deceased in the back and chest at close range while he was lying on the deck as a consequence of initial bullet wounds.

*Deaths occurring on the bridge deck, portside**Cevdet Kiliçlar*

Cevdet Kiliçlar, a 38-year-old Turkish citizen from Istanbul, was on the *Mavi Marmara*, in his capacity as a photographer employed by IHH. At the moment he was shot he was standing on the bridge deck on the port side of the ship near to the door leading to the main stairwell and was attempting to photograph Israeli soldiers on the top deck. According to

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the pathology reports, he received a single bullet to his forehead between the eyes. The bullet followed a horizontal trajectory which crossed the middle of the brain from front to back. He would have died instantly.

Cengiz Akyüz and Cengiz Songür

Cengiz Akyüz, 41, from Hatay and Cengiz Songür, 46, from Izmir, both Turkish citizens, were injured on the bridge deck in close succession by live fire from above. They had been sheltering and were shot as they attempted to move inside the door leading to the stairwell. Cengiz Akyüz received a shot to the head and it is probable that he died instantly.

The pathology report shows four wounds; to the neck, face, chest and thigh. Cengiz Songür received a single bullet to the upper central thorax below the neck, shot from a high angle, which lodged in the right thoracic cavity injuring the heart and aorta. Unsuccessful efforts were made by doctors inside the ship to resuscitate him through heart massage.

Cetin Topçuoğlu

Cetin Topçuoğlu, a 54-year-old Turkish citizen from Adana had been involved in helping to bring injured passengers inside the ship to be treated. He was also shot close to the door on the bridge deck. He did not die instantly and his wife, who was also on board the ship, was with him when he died. He was shot by three bullets. One bullet entered from the top of the soft tissues of the right side of the back of the head, exited from the neck and then re-entered into the thorax. Another bullet entered the left buttock and lodged in the right pelvis. The third entered the right groin and exited from the lower back. There are indications that the victim may have been in a crouching or bending position when this wound was sustained.

Deaths and seriously wounded occurring in unknown locations

Neçdet Yıldırım

The location and circumstances of the shooting and death of Neçdet Yıldırım, a 31-year-old Turkish citizen from İstanbul, remain unclear. He was shot twice in the thorax, once from the front and once from the back. The trajectory of both bullets was from top to bottom. He also received bruises consistent with plastic bullet impact.

Wounding of Uğur Süleyman Söylemez (in a coma)

The serious nature of wounds to Uğur Süleyman Söylemez, a 46-year-old Turkish citizen from Ankara, which include at least one bullet wound to the head, have left the victim in a coma in an Ankara hospital. He remains in a critical condition with a serious head injury.

(v) Treatment of injured on the Mavi Marmara

129. Whilst the Israeli operation was still under way, efforts were made to tend to wounded passengers inside the ship by other passengers, amongst whom were around 15 doctors, nurses and others with medical training, including an ophthalmologist and orthopaedic specialist. Prior to the attack, the doctors had met and agreed to use the ship's small medical room, but there was no anticipated or preparation for the nature of injuries that transpired. The limited medicines and lack of appropriate equipment made it very difficult to properly treat wounded persons, particularly those who had received live fire injuries and required immediate surgery. By the end of the Israeli operation more than thirty persons were being treated inside the cabins, primarily in the lower deck in makeshift surgery areas, twenty of whom were in a critical condition.

130. The flotilla organizers and other passengers engaged in efforts to request the Israeli forces to provide the necessary treatment to the wounded persons. One organizer used the ship's intercom to request assistance in Hebrew and persons also communicated directly

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through the cabin windows or by placing signs, written in English and Hebrew, in the ship's windows. These attempts proved unsuccessful and it was up to two hours before the Israeli forces took out the wounded persons. However, the wounded were required to leave the cabins themselves, or taken outside in a rough manner, without apparent concern for the nature of their injuries and the discomfort that this would cause.

131. The wounded passengers were taken to the front of the top deck where they joined other passengers injured during the operation on the top deck and where the bodies of persons killed during the operation had been left. Wounded passengers, including persons seriously injured with live fire wounds, were handcuffed with plastic cord handcuffs, which were often tied very tightly causing some of the injured to lose sensitivity in their hands. These plastic handcuffs cannot be loosened without being cut off, but can be tightened. Many were also stripped naked and then had to wait some time, possibly as long as two to three hours, before receiving medical treatment. Medical treatment was given to a number of wounded persons on the top deck by the Israeli forces.⁷⁶

132. Over several hours the wounded passengers were then airlifted by Israeli forces helicopters from the ship to hospitals in Israel.⁷⁷ However, some of the wounded remained on board the *Mavi Marmara*, at least one of whom had injuries caused by live ammunition and did not receive appropriate medical treatment until after the ship's arrival at the port of Ashdod in Israel many hours later.

(vi) Search and initial detention of *Mavi Marmara* passengers

133. All other passengers on the *Mavi Marmara* were taken one by one from the cabin areas and onto the external deck areas and were searched. The vast majority of passengers, including the ship's captain and crew, were then handcuffed with plastic handcuffs and forced to kneel on the various decks for some hours. Some women, elderly men and persons from Western countries were not handcuffed, or were temporarily handcuffed and then uncuffed after a relatively short period of time and were then permitted to sit on the benches. Most of those kneeling were drenched by water from the blades of the helicopter and were thus also in wet clothing throughout this period and were very cold. Other passengers exposed on open decks received serious sun-burn to their skin as a result of many hours exposure; medical reports show that at least 13 passengers received first-degree burns as a consequence. During the course of the 12-hour journey to the port of Ashdod in Israel, the passengers were brought inside the ship and allowed to sit on the available seating.

134. In the process of being detained, or while kneeling on the outer decks for several hours, there was physical abuse of passengers by the Israeli forces, including kicking and punching and being hit with the butts of rifles. One foreign correspondent, on board in his professional capacity, was thrown on the ground and kicked and beaten before being handcuffed. The passengers were not allowed to speak or to move and there were frequent instances of verbal abuse, including derogatory sexual remarks about the female passengers. Passengers were denied access to toilet facilities or made to wait for lengthy periods before being escorted to the toilet and then forced to use the toilet with Israeli soldiers watching and while handcuffed. Some passengers were in serious discomfort as a result, while others used makeshift receptacles, such as plastic bottles and others still were

⁷⁶ According to the testimony of COOS Ashkenazi to the Tucker Committee on 11 August 2010, field surgeries were performed on 14 passengers on board the ship.

⁷⁷ Also according to the above testimony, 31 wounded passengers and 7 wounded Israeli soldiers were airlifted from the ship utilizing "approximately 40 helicopter evacuations" and all wounded had been evacuated by 1230 hours.

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forced to urinate on themselves. The Israeli forces also employed dogs and some passengers received dog-bite wounds. Some witnesses who suffer from chronic medical conditions, such as diabetes or heart conditions, were not provided access to their required medicines, which were taken by Israeli soldiers.

135. The manner in which plastic handcuffs were attached to the wrists of passengers caused severe pain and discomfort. There was widespread misuse of the handcuffs by the Israeli soldiers who tightened the plastic handcuffs to an extent that caused pain, swelling, a loss of blood circulation in the hands and the loss of sensitivity in their hands and fingers. Most passengers who requested that the handcuffs be loosened were ignored or it resulted in the handcuffs being further tightened. A number of passengers are still experiencing medical problems related to the handcuffing three months later and forensic reports confirm that at least 54 passengers had received injuries, transversal abrasions and bruises, as a result of handcuffing on board the *Mavi Marmara*.

(c) *Events aboard the Challenger 1*

136. Passengers and crew on the *Challenger 1*, the smallest and fastest vessel in the flotilla, were able to witness the first moments of the assault on the *Mavi Marmara*. Once it became apparent that the Israelis intended to commandeer the ships, the decision was made for the *Challenger 1* to accelerate out of the formation of the flotilla to allow more time for the journalists aboard to transmit news of the assault to the outside world via the boat's satellite Internet connection, which remained in operation, but also in the hope that at least one boat might still be able to reach Gaza. The boat was chased by one of the Israeli corvette boats which it was unable to outrun. Eventually the starboard engine lost oil pressure and the captain, concerned the Israelis might ram the boat, shut down the engines.

137. The boat was intercepted by two Israeli boats and a helicopter. Passengers on the board said that at least one stun grenade was launched at the boat by the Israelis before they attempted to board. Passengers on the decks had decided in advance to employ passive resistance techniques to resist symbolically the Israeli soldiers boarding the boat. The passengers stood unarmed side-by-side blocking the path of the soldiers. Soldiers opened fire with paintballs and rubber bullets as they boarded, hitting and injuring one woman in the face with either a plastic bullet or a paintball. Another woman was bruised on her back by from rubber bullets.

138. Once on board, the soldiers moved to take control of the fly bridge. Passengers obstructing access were forcibly removed. On entering the fly bridge, the soldiers were met with no resistance, but a female journalist sustained burns on her arms from an electroshock weapon fired by an Israeli soldier. Witnesses said that the primary concern of the soldiers seemed to be the confiscation of photographic equipment and media.

139. The passive resistance offered by the passengers was met with force. One woman's head was hit against the deck of the boat and then stepped on by an Israeli soldier. Passengers were handcuffed very tightly with plastic ties behind their backs, while the woman injured in the face was left unattended.

140. Several passengers said that it was clear that the Israeli soldiers knew who was on board as they referred to some passengers by name. A plasticized booklet recovered from a soldier on the *Mavi Marmara*, and filmed, identified specific passengers on several boats with names and photographs, including on the *Challenger 1*.

141. One crew member observed that the soldiers were very young, seemed frightened and that were initially poorly organized. Soldiers behaved aggressively from the outset towards the passengers. Passengers were handcuffed with plastic ties and denied access to the toilet. One elderly man was obliged to urinate in his clothes because he was refused access to the toilet. There was an attempt to forcibly eject one woman from the boat into

Enclosure C

Republic of Turkey
MINISTRY OF JUSTICE
Forensic Medicine Authority

17 June 2010

NUMBER: B0.3.1.ATK.0.11.00.01-101.02-38269/1596
SUBJECT: AUTOPSY REPORT

Name Surname : FURKAN DOĞAN
Date of Birth : 20 October 1991
Gender : Male
Republic of Turkey ID No : 600 280 161 48
Matriculation Record : Of USA nationality
Residence : -
Date of Finding Dead : 31 May 2010
Place of Finding Dead : Mavi Marmara Ship
Autopsy Requested by : Bakırköy Public Prosecution Office
Date/Number : 02 June 2010 -66833
Autopsy Held At : Forensic Medicine Authority Morgue Specialization Office
Autopsy Date and Time : 03 June 2010 - 03.40
Public Prosecutor : A. Cemil Talaslıoğlu
Doctors under Oath : Dr. M. Özbay, Dr. I. Üzün, Dr. G. Şirin, Dr. M. Akgül
Observer : Lawyer Okan Kadir Bektaşoğlu (Bar Association Registry No:
38727)

EXTERNAL EXAMINATION

It has been seen that the naked body wrapped up in a sheet and taken out of the brown wooden coffin on which there is a label numbered 3/0584, has been washed up, that it had a white plastic label with some notes in Hebrew and a paper label with yellow color reading "DVI ISRAEL POLICE - Dental Examination" on its left hand wrist, with red color reading "DVI ISRAEL POLICE - Fingerprinted", with green color reading "DVI ISRAEL POLICE - Sampled for DNA", and with white color reading "DVI ISRAEL POLICE - External Examination", and with blue color reading "DVI ISRAEL POLICE - Photographed" on his right hand wrist, and a plastic label reading "584" on him and that it had a plastic label reading "584" on its right ankle.

In the examination held under scopy, a double fragment fracture of the left cruris and metallic parts with a diameter of 0.1-0.3 mm at that site, a metallic part of 0.1x0.3 under the skin to the left of

thorax, and an oval metallic object with a diameter of 1.5-2 cm at the level of his left ankle were observed.

In the circumcised male body with a fair complexion, brown eyes, short brown hair, brown-red moustache-beard; at the age 18-20, with a height of 1.71 cm, a weight of 64 kg; it has been observed that rigor mortis has passed, that livor mortis have been formed at locations of the back of body not subject to compression, and that ridding has started at the lower quadrants of the abdomen in the form of yellow green color change.

It has been observed that:

- 1- There were a firearm bullet entrance wound with a diameter of 0.7 cm, with abrasion ring around and with flesh wound of 0.6x0.5 cm to the frontal lower section, a flesh wound of 0.6x0.5 cm to the front lower section of the same, and oval powder impresses distributed at a longitudinal axis of 7 cm under the right eye,
 - 2- There was a firearm bullet exit wound to the left frontal back in the form of + at dimensions 3x2.5 cm at a distance of 1 cm to the midline,
 - 3- There was a firearm bullet exit hole having a diameter of 1 cm in the form of tear 1.5 behind the left ear, and a flesh wound of 0.5 cm near the auricle, on the same line,
 - 4- There was a firearm bullet entrance wound on the right occipital, with a diameter of 0.8 cm with abrasion ring but without shot residues around, 7 cm posterior to the ear,
 - 5- There was a firearm bullet entrance wound with a diameter of 0.8 cm with abrasion ring but without shot residues around, at the paravertebral region aligned at 4th-5th rib level on the median line of the back,
 - 6- There was a firearm bullet exit wound on the right arm 1/3 lower external lateral plane, firearm bullet exit wound, to the left of the chest, in line with the frontal armpit line and the 5th rib, and 4x1 cm bruise with a flesh wound under that,
 - 7- On the left foot, 5th finger distal interior, there was a flesh wound of 2x1 due to passing of the firearm bullet, and at the bottom of the 4th finger to the bottom external side, in the form of a split of 0.6 cm, a firearm bullet entrance wound without shot residues,
 - 8- There was a firearm bullet exit wound in the form of star-like laceration with a diameter of 0.7 cm, 2 cm posterior to the origin of the 4th finger of the left foot base,
 - 9- In left cruris lateral, 1/3 median, there was a firearm bullet entrance wound having a diameter of 0.7 cm, with abrasion ring but without shot residues around,
- Within the left eye internal side, there were bruises on the upper and lower eyelids, there was a purple colored bruise at left cruris 1/3 medium frontal side and internal side with a diameter of 6 cm, also at left cruris distal to the internal side, upper section of internal malleol, there was a purple colored bruise with a diameter of 5 cm, and a flesh wound of 0.5x0.3 cm in the middle of the same, and also in that region a foreign body that might be a bullet was found under the skin through palpation, and that a

purple colored bruise of 6x4 cm on the medial left shoulder posterior side with a flesh wound of 1 cm in diameter at one end.

Anal examination showed no macroscopic pathologic characteristic apart from postmortem dilatation. Both hands were determined to involve black-pink-red ink stains on the palmar side.

INTERNAL EXAMINATION

THE HEAD WAS OPENED: The scalp was removed. The regions under the firearm entries under the scalp was found to have hemorrhage. Both temporal muscle groups have hemorrhage, and an entry defect of the firearm bullet without soot, 2 cm below the lambdoid suture to the right occipital right side in the calvaria, and a linear fracture line going 3 cm leftward and upward from that point, a firearm bullet exit defect with external impresses on the outer lamina with a dimension of 2.5x3cm at a distance of 1 cm to the coronal suture in frontal left medium, that one of the fracture lines originating from that point goes 2 cm to the back and comes to an end, that the second goes to the front, that a fracture line generated by the entry defect of the firearm bullet no 1 and coming from the firearm bullet exit wound described in the right frontal bone comes to an end at the point of intersection of such fracture line were observed. It was observed that there was a 2x1 cm firearm bullet exit defect on the posterior left temporal bone, and a multiple fragmented fracture on the squamous bone there, that the broken bone parts showed an elevation of 2-3 mm.

The skull was opened using the fracture lines, the brain and cerebellum were removed, weighed as 1493 gr. There are widespread subarachnoidal hemorrhage on the cerebellum surfaces and intense tissue destruction in the base of skull and left hemisphere, and intense tissue destruction was observed along the firearm bullet trajectory in their sections. Widespread fracture lines were observed in the entire base of skull, with multiple fragmented fractures in the left medial cranial cavity and the frontal cranial cavity.

In examination of the orbita, nose and mouth cavities, no macroscopic pathologic characteristics were observed apart from blood smear.

THE CHEST WAS OPENED: Sternal valve was removed. Both lungs were found free. 500 cc blood was emptied from the left chest cavity. No free liquid or blood was detected in the right chest cavity. Pericardial fluid of usual amount and appearance was found in the pericardial cavity.

The heart was resected, weighed as 285 gr. Anatomic pathology was not monitored. Coronary arteries were found open. Left ventricle wall thickness was measured 1.3 cm, right ventricle wall thickness as 0.3 cm, aorta valve periphery as 6.8 cm, mitral valve periphery as 9 cm, pulmonary valve periphery as 6.3 cm, tricuspid valve periphery as 11.7 cm. No macroscopic pathologic characteristics were observed on the heart valve, cavity and wall tissues and myocardium sections thereof.

The lungs were resected, the right lung was weighed as 285 gr, and the left lung 295 gr. There was a hole due to the passing of the firearm bullet on the lower lobe upper posterior left lung and between upper-lower lobes to the front; and intense intra-tissue bleeding along the trajectory, but no

macroscopic pathologic characteristics were observed in the other areas of the left lung and the right lung.

Macroscopic pathologic characteristics were not observed in mediastinal structures.

A fracture was found due to the passing of a firearm bullet from the left 5th rib frontal axillary line and left 4th rib paravertebral line. In the examination held during thescopy, the tiny part of metal observed near the left of thorax close to the exit wound could not be found in spite of all searches.

In examination of the neck organs, hyoid bone, thyroid cartilage and neck vertebrae were found intact. No macroscopic pathologic characteristics were observed in the trachea and esophagus.

THE ABDOMEN WAS OPENED: No free fluid or blood was observed in the abdominal cavity.

100 cc semi digested food content was found in the stomach.

The large and small intestines showed no macroscopic pathologic characteristics.

The liver was resected, weighed as 1157 gr. Its surfaces were smooth and no macroscopic pathologic characteristic was observed apart from the pale appearance at its sections.

The spleen was weighed 162 gr. Its surface and sections showed no macroscopic pathologic characteristics.

The right kidney was weighed 141 gr, left kidney 135 gr. There are fetal lobulation on the surfaces of both kidneys, and their sections showed no macroscopic pathologic characteristics.

The pelvis wall and soft tissue showed no macroscopic pathologic characteristic.

The bladder was found full.

When the left cruris was dissected, widespread hematoma and lthia as well as multiple fractures on the fibule covering 1/3 under cruris were found. The tiny metal fragments detected during in the left cruris could not be found despite all searches. During the external examination, when an incision was made to the bruise site described in the left cruris distal in the external examination, one bullet with rifling marks with deformed jacket, which is partially lost, from within the muscular tissue behind the internal malleol.

The following were found out:

That the firearm bullet entering from the spot described in no 1 in the external examination broke the frontal bone and entered the skull, passed through the brain tissue in its course right to left and front to the back, broke the occipital bone, and left the body from the spot described in no 3 in the external examination,

That the firearm bullet entering from the spot described in no 4 in the external examination broke the occipital bone and entered the skull, passed through the brain tissue in its course right to left and downward, broke the frontal bone, and left the body,

That the firearm bullet entering from the spot described in no 5 in the external examination entered the thoracic cavity in its course left to right, slightly downward, and back to the front, broke the 4th rib from below the paravertebral line, entered the left lung from the lower lobe posterior superior and

exited at the front from the interlobar region, broke the 5th rib from the left frontal axillary line, and left the body,

That the firearm bullet entering at the place described in no 7 in the external examination left the body passing through soft tissue from the spot described in no 8 in the external examination, without any bone fracture,

That the firearm bullet entering at the spot described in no 9 in the external examination caused multiple fractures in the tibia and fibula in its course inward and downward, and remained within the soft tissue at inner malleol upper section.

On examination of the firearm bullet entrance wounds, no subcutaneous shot residue was detected.

Blood sample, nail sample and bone sample were taken with FTA to be kept to do DNA profiling when necessary.

Skin samples from the skin around the entrance wounds were sent to Physics Specialization Office to seek shot residues (nitrite-nitrate)

2 blue colored, plastic bags stated to involve clothes were sent to Physics Specialization Office for examination.

Biopsy was made from the heart, lung, liver, kidney, cerebellum, peduncle and the brain for histopathological examination when necessary.

Samples of blood, urine, fat tissue, as well as the stomach and intestines along with its contents were taken for systematic toxicological analysis and seeking alcohol, soporific-narcotic, and skin wipe samples were taken to seek explosive products; and were sent to Chemistry Specialization Office.

One bullet obtained was sent to Physics Specialization Office for definition and determination of the type of the shooting weapon.

In the letter by Physics Specialization Office dated 10 June 2010; it was specified that the persons were cleaned (washed) to whom the skin and subcutaneous tissue parts of 4 boxes 38272 (1599), 2 boxes 38303 (1601), 2 boxes 38249 (1593), 6 boxes 38269 (1598), 5 boxes 38266 (1597), 4 boxes 38254 (1594), 1 box 38259 (1595); 1 box 38304 (1600), 5 boxes 38263 (1596) belong to, and thus that they were returned to the Morgue Specialization Office without examination,

In the report dated 16 June 2010 and numbered 6150 by the Physics Specialization Office; the following sent for examination,

1- On the coat with a hood in gray color outside and beige color inside;

A- One with a diameter of 0.6 cm on the back side right upper side area (12 cm below the shoulder seam, 14 cm to the right arm body seam),

B- One with a size of 2x2 cm in "T" shape at the front side left edge medium area (10 cm below the armpit joint, 26 cm to zipper edge),

2- On the sweat pants with the expression "ADIDAS" on the black colored left pocket;

One with a diameter of 0.6 cm on the back side left leg lower edge external area (22 cm to the lowest part of the trousers, 1.5 cm to the external side seam),

3- Black colored "ADIDAS" brand shoes;

One with a diameter of 0.6 cm to the upper left end of the external side on the left shoe;

4- It has been recorded in relation with the holes on the coat with hood gray outside and beige inside, the sweat pants with the expression "ADIDAS" on the black colored left pocket, and the black colored shoes with "ADIDAS" brand; and around the holes,

A- In the physical examination held visually and using a magnifying glass; burn, searing and powder soot WERE NOT OBSERVED,

B- In the chemical examination held using improved grease indicator, powder residues WERE NOT DETECTED,

5- A deformed bullet with broken jacket, having a diameter of 9 mm. pertained to cartridges produced for weapons having a diameter of 9x19 mm,

Consequently in the examination;

1- It has been recorded in relation with the holes on the coat with hood gray outside and beige inside, the sweat pants with the expression "ADIDAS" on the black colored left pocket, and the black colored shoes with "ADIDAS" brand; and around the holes,

2- According to the physical and chemical findings obtained, the shots causing entrance holes on the clothes;

A- were not fired at ranges IN CONTACT, NEAR CONTACT or CLOSE-RANGE, B- However, according to the actual findings, there is no way to determine the actual firing range,

3- One (1) bullet having a diameter of 9 x 19 mm, have been fired from automatic or semi-automatic gun with corresponding diameter and type,

In the report by Chemistry Specialization Office dated 15 June 2010 and numbered 02/10-38269/2781; the substances of the sought systematic were not found out as a result of the systematic toxicological analysis held on the internal organs, stomach and the fat tissue, there was trimethobenzamide in the internal organs, no Ethanol and methanol was found in the blood, soporific-anesthetic substances of the sought systematic were not found out, 168.8 ng/mL trimethobenzamide was found, soporific-anesthetic substances of the sought systematic were not found in the urine, Trimethobenzamide was found, explosive substances of the sought systemic (2-Amino-6-Nitrotoluene; 2,6-DNT; TNB; HMX; 4-Amino-2,6-Dinitrotoluene, RDX; Nitrobenzene, 1,2-DNB; 2,4-DNT) were not detected in the skin wipe.

RESULT

The following opinions were reached:

In view of the information and findings given above, obtained with the autopsy and examinations held by the Morgue Specialization Office of the Forensic Medicine Authority on 03 June 2010 over the

body of FURKAN DOĞAN, born in 1991, son of Ahmet, reported to have died in the incident that occurred onboard Mavi Marmara Ship on 31 May 2010;

1. In the report by Chemistry Specialization Office; the substances of the sought systematic were not found out as a result of the systematic toxicological analysis held on the internal organs, stomach and the fat tissue, there was trimethobenzamide in the internal organs, no Ethanol and methanol methanol was found in the blood, soporific-anesthetic substances of the sought systematic were not found out, 168.8 ng/mL trimethobenzamide was found, soporific-anesthetic substances of the sought systematic were not found in the urine, Trimethobenzamide was found, explosive substances of the sought systemic (2-Amino-6-Nitrotoluene; 2,6-DNT; TNB; HMX; 4-Amino-2,6-Dinitrotoluene, RDX; Nitrobenzene, 1,2-DNB; 2,4-DNT) were not detected in the skin wipe.

2. According to the report by Physics Specialization Office; since it was specified that the people to whom the skin and subcutaneous tissue samples belong to were cleaned (washed), no examination was held; upon the examination of the holes on the coat with a hood gray inside and beige outside, the sweat pants with the expression "ADIDAS" on the left pocket, and the black colored "ADIDAS" brand shoes, according to the physical and chemical findings obtained, the discharges causing the entrance holes on the clothes were not fired at ranges in contact, near contact or close-range, however it is not possible to determine the actual firing range, one (1) cartridge having a diameter of 9x19 mm was fired from an automatic or semi-automatic weapon with corresponding diameter and type,

3. The active ingredient of the antiemetic drug found in the blood (16.8 ng/mL Trimethobenzamide) was not at toxic levels; but it was at therapy level,

4. 5 (five) firearm bullets hit the body of the person, and the injuries caused by the bullets described in no 1, 4 and 5 in the external examination were individually lethal, and the others were not fatal,

5. According to the firearm bullet entrance wound, skin and subcutaneous findings, it was found out in the external examination that the discharges causing the wounds described in item 1 were close, that the discharge constituting the wound described in no 4 was a distant range one (at a range of 35-45 cm for short barrel weapons, and 75-100 cm for long-barrel weapons), that since the other discharges hit the sites with clothing, according to the report of the Physics Specialization Office; they were not fired in contact, near contact or close firing range; however, it is not possible to determine the actual firing range in view of the current findings; and that it is unknown whether the examined clothing is the top clothing of the person at the time of the incident,

6. From the body, 1 (one) bullet with deformed appearance, with a partially lost jacket, was obtained with rifling marks thereon,

7. The death of the person is due to a wound by a firearm bullet causing fractures of the skull, rib and limb bones entailing internal bleeding, cerebral hemorrhage, brain tissue destruction.

Spec. Dr. Mehmet Özbay

Spec. Dr. Ibrahim Üzün

Dr. Gözde Şirin

Forensic Medicine Specialist
{Signature}

Forensic Medicine Specialist
{Signature}

Forensic Medicine Specialist
{Signature}

Dr. Meral Akbulut
Assistant

To: Istanbul Chief Public Prosecutor's Office

Assoc. Prof. Dr. C. Haluk Ince
Head of Forensic Medicine Institution
17 June 2010

{Seal and Signature}
Bakırköy Public Prosecutor
MA/ST

Note: The report was sent by UYAP system.

Enclosure D

October 6, 2010

The Honorable Hillary Clinton,
Secretary of State
United States Department of State
2201 C St NW
Washington, DC 20037

Dear Secretary Clinton,

We, Americans who were aboard the three passenger ships of the Gaza flotilla over four months ago and the father of the U.S. citizen killed on the Mavi Marmara, are appalled at the lack of any visible, active effort on the part of any agency in our government to conduct and release an independent investigation of the killing of one and assaults on other Americans by a foreign military force, the Israeli commandos. We are also angered by lack of any concerted effort by the State Department to secure our possessions. We appreciate the efforts of junior and mid-level officials, but without the full weight of the senior leadership of the State Department, the Israeli government will continue to ignore our concerns.

Although our own government has apparently done nothing, the September 27, 2010, report of the Fact Finding Mission to the Office of the United Nations High Commissioner for Human Rights (OHCHR) revealed there is clear evidence that U.S. citizen Furkan Dogan and four Turkish citizens were murdered, execution-style with gunshots to their heads, by Israeli commandos and four other unarmed passengers were killed with gunshots to other parts of their bodies.


The report reveals that Dogan was filming with a small video camera on the top deck of the Mavi Marmara when he was shot twice in the head, once in the back, in the left leg and foot, at point blank range while lying on the ground. The report says Furkan had apparently been "lying on the deck in a conscious or semi-conscious state for some time" before being shot in the face. The forensic evidence of "tattooing around the wound in his face," according to the report indicates that the shot was "delivered at point blank range." The report describes the forensic evidence as showing "the trajectory of the wound, from bottom to top, together with a vital abrasion to the left shoulder that could be consistent with the bullet exit point, is compatible with the shot being received while he was lying on the ground on his back."

We want to know if the United States has investigated Furkan's death, and if so, what are the results.

Protecting Israeli actions, particularly the complete reliance on its reports on the acts of its own military at the expense of American citizens, is an absolute dereliction of the responsibilities of our government. The State Department has allied itself with Israel, ignoring its responsibilities to its own citizens. We have been abandoned by our own government, and we demand an investigation of why and how the Department of State and the American Embassy in Tel Aviv have totally failed in their responsibilities to us.

Finally, if the Israeli government insists that we pay for the eventual return of our property, we expect that the United States government will deduct the costs from the \$3 billion given to it each year.

Signed:



Ann Wright has been authorized to sign this letter on behalf of the following American citizens and the father of an American citizen

Ahmet Dogan, father of Furkan Dogan

Huwaida Arraf

Scott Hamann

Janet Koburn

Paul Larudee

Iara Lee

Fatima Mohammadi

Joe Meadors

Flachra O Luain

Edward Peck

David Schmererhorn

Kathleen Sheetz

Gene St. Ong

Ann Wright

CC: Inspector General
US Department of State
United States Department of State
2201 C St NW
Washington, DC 20037

CC: Michelle Bernier-Toth
Director, Office of American Citizens Services and Crisis Management
United States Department of State
2201 C St NW
Washington, DC 20037

CC: Jake Wallis,
Deputy Assistant Secretary
Bureau of Near Eastern Affairs
2201 C St NW
Washington, DC 20037

CC: Katherine Gallagher
Senior Staff Attorney
Center for Constitutional Rights
666 Broadway 7th floor
New York, NY
10012

Simonoff, Mark A (USUN)

RELEASED IN PART TO CERTAIN PARTIES
B5

From: Germain, Ellen J (USUN)
Sent: Thursday, February 17, 2011 7:24 PM
To: Sutphin, Paul R; Baily, Jess L; Naranjo, Brian R
Co: Simonoff, Mark A (USUN)
Subject: FW: Request for a meeting: Ahmet Dogan, father of US citizen Furkan Dogan, killed in international waters in May 2010 aboard the Mavi Marmara
Attachments: Dogan Letter and Enclosures to UN Liaison Kerry.pdf

AttachmentsClassification: UNCLASSIFIED
Classification: UNCLASSIFIED

Paul, Jess, Brian,

The father of the Turkish-American citizen killed in the Gaza flotilla incident will be in NY and wants to meet with someone from USUN. His lawyer, in the attached letter, says that Embassy Ankara refused to meet with him (there's an exchange of letters with Embassy Ankara in the attached package). He also apparently wants to meet with someone from the Department.

[Redacted]

B5

Thanks very much,
Ellen

This email is UNCLASSIFIED.

From: Simonoff, Mark A (USUN)
Sent: Thursday, February 17, 2011 4:05 PM
To: Germain, Ellen J (USUN)
Subject: FW: Request for a meeting: Ahmet Dogan, father of US citizen Furkan Dogan, killed in international waters in May 2010 aboard the Mavi Marmara

Ellen,

Here is the flotilla related meeting request.

[Redacted]

Many thanks.

Best regards,

Mark

Mark A. Simonoff
Acting Legal Adviser
U.S. Mission to the United Nations
799 United Nations Plaza
New York, NY 10017
(212)415-4220

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

SBU

This email is UNCLASSIFIED.

From: Kerry, Peggy
Sent: Thursday, February 17, 2011 8:20 AM
To: Simonoff, Mark A (USUN)
Subject: FW: Request for a meeting: Ahmet Dogan, father of US citizen Furkan Dogan, killed in international waters in May 2010 aboard the Mavi Marmara


Thanks,
Peggy

This email is UNCLASSIFIED.

From: Katherine Gallagher [mailto:KGallagher@ccrjustice.org]
Sent: Wednesday, February 16, 2011 6:38 PM
To: Kerry, Peggy
Subject: Request for a meeting: Ahmet Dogan, father of US citizen Furkan Dogan, killed in international waters in May 2010 aboard the Mavi Marmara

Dear Ms Kerry,

Please find attached a letter sent on behalf of Ahmet Dogan, the father of Furkan Dogan, the 19-year old U.S. citizen killed in May 2010 in international waters, requesting a meeting with you next week. **Mr. Dogan will be travelling to the United States next week for the purpose of meeting with U.S. officials to discuss his son's killing, and efforts to seek justice and accountability for Furkan's death. He is available to meet with you in New York on Thursday, February 24th.**

As I note in the attached letters, Mr. Dogan's efforts to secure a meeting with representatives of the U.S. Embassy in Ankara, Turkey were unsuccessful, which is why he is travelling to Washington, D.C. to meet with officials here. Mr. Dogan is also seeking meetings in Washington, D.C. at the State Department and Department of Justice.

Thank you for your assistance and I look forward to hearing from you.

Sincerely,

Katherine Gallagher

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