

B5

JI

DPF

Schaefer, Courtney

From: Warlow, Molly
Sent: Thursday, February 17, 2011 10:08 AM
To: McHenry, Teresa; Warner, David
Cc: Hammer, Timothy; Schaefer, Courtney
Subject: RE: Meeting re Furkhat Dogan

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I would recommend doing it with State – don't want to have them playing one against the other, plus I would want to know what state says, and I think this more a foreign relations than legal issue at this point. Would you be willing to attend?

Molly

~~From: McHenry, Teresa~~
Sent: Wednesday, February 16, 2011 6:31 PM
To: Warlow, Molly; Warner, David
Cc: Hammer, Timothy; Schaefer, Courtney
Subject: Re: Meeting re Furkhat Dogan

WLF

-B5, AMG
DPF

I inclined to think we shid meet. Don't have strong preference re whether doj does w state, or we do separately

~~From: Warlow, Molly~~
~~To: Warner, David; McHenry, Teresa~~
~~Cc: Hammer, Timothy~~
~~Sent: Wed Feb 16 13:34:21 2011~~
Subject: RE: Meeting re Furkhat Dogan

WLF

-B5, AMG
DPF

Or join their meeting?

From: Warner, David
Sent: Wednesday, February 16, 2011 1:21 PM
To: McHenry, Teresa; Warlow, Molly
Cc: Hammer, Timothy
Subject: Fw: Meeting re Furkhat Dogan

Molly and Teresa, State is taking the meeting with Dogan. They are asking about our intentions re: his proposed meeting with us and whether we want to attend their meeting. With State taking the meeting, do we want to decline the meeting him perhaps provide a talking point that speaks to the lack of jurisdiction under US law? David

~~From: Wilson, Kathleen A <WilsonKA2@state.gov>~~
~~To: McDonough, Patricia E <McDonoughPE@state.gov>; Hammer, Timothy; Warner, David~~
~~Sent: Wed Feb 16 12:24:47 2011~~
Subject: RE: Meeting re Furkhat Dogan

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[Redacted]

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REVIEW AUTHORITY: Charles Daris, Senior Reviewer

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From: McDonough, Patricia E
Sent: Wednesday, February 16, 2011 12:22 PM
To: Hammer, Timothy; Warner, David; Wilson, Kathleen A
Subject: Meeting re Furkhat Dogan

Tim, David -

[Redacted content]

B5

Best,
Trish

Patricia E. McDonough
Attorney-Adviser
US Department of State
Office of the Assistant Legal Adviser, Law Enforcement and Intelligence (L/LEI)
Tel: 202-647-6194

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RIF

Schaefer, Courtney

From: McHenry, Teresa
Sent: Friday, February 18, 2011 1:03 PM
To: Warlow, Molly; Warner, David
Cc: Schaefer, Courtney; Swartz, Bruce; Weinstein, Jason
Subject: FW: DOS meeting re: Dogan

J2

Lets discuss
Thks

From: McDonough, Patricia E [mailto:McDonoughPE@state.gov]
Sent: Friday, February 18, 2011 11:56 AM
To: Warner, David; McHenry, Teresa
Cc: Wilson, Kathleen A
Subject: DOS meeting re: Dogan

Still
dept

Teresa, David --

I have just been informed that the DOS meeting with Mr. Dogan and his counsel is not going to be open to include a DOJ representative. I had previously been asked to see if DOJ would be interested in attending that meeting on Wednesday, but the office that has been tasked with holding this meeting plans to confine the meeting to DOS consular matters. Thus, the current thinking is that a DOJ representative should not attend the DOS meeting -- rather, if DOJ meets with Mr. Dogan and counsel, such a meeting should be separate.

I am sorry for the confusion on this issue! I just learned of this development this morning. I am happy to discuss -- clearly there has been an evolution of thinking on this end and I do not know whether that will change again.

Best,
Trish

Patricia E. McDonough
Attorney-Adviser
US Department of State
Office of the Assistant Legal Adviser, Law Enforcement and Intelligence (L/LEI)

Tel: 202-647-6194

REVIEW AUTHORITY: Charles Daris, Senior Reviewer

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RELEASED IN FULL

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*Sub
dept*

McHenry, Teresa

From: McDonough, Patricia E [McDonoughPE@state.gov]
Sent: Tuesday, February 22, 2011 6:06 PM
To: Warner, David; McHenry, Teresa
Subject: FW: Haaretz - Father of teen killed in Gaza flotilla raid seeks American justice

David, Teresa – From the Turkey desk - you may wish to review (or pass to people attending the Dogan meeting at DOJ tomorrow) for information purposes, if you have not seen these already.

Best,
Trish

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From: Gregonis, Meghan E
Sent: Tuesday, February 22, 2011 6:05 PM
To: McDonough, Patricia E
Subject: Haaretz - Father of teen killed in Gaza flotilla raid seeks American justice

Trish,
Below see a link to the NYTimes article from this summer and further below there's a Haaretz article from today. DOJ might want to review these in advance of the meeting, if they haven't done so already. Thanks,
Meghan

Meghan Gregonis • Senior Turkey Desk Officer • Office of Southern European Affairs • US Department of State
2201 C St, NW Rm 5511 Washington, DC 20520 | ☎: 202.647.9749 | ✉: GregonisME@state.gov

<http://www.nytimes.com/2010/07/27/opinion/27iht-edcohen.html?scp=1&sq=roger+cohen+dogan&st=nyt>

<http://www.haaretz.com/blogs/focus-u-s-a/father-of-teen-killed-in-gaza-flotilla-raid-seeks-american-justice-1.345023>

- Published 15:36 22.02.11
- Latest update 15:36 22.02.11

Father of teen killed in Gaza flotilla raid seeks American justice

Like the other people on board the Mavi Marmara, says Professor Ahmet Doğan, 'we did not expect Israelis to attack the ship in the middle of the night.'

By [Natasha Mozgovaya](#)

REVIEW AUTHORITY: Charles Daris, Senior Reviewer

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Did you see the video of IDF soldiers being attacked on the Mavi Marmara? Did it not look like a provocation to you?

"If these were really dangerous people, instead of throwing away the weapons that they captured from the soldiers, they could have used them and killed the soldiers. When the helicopters were tied to the ship with ropes so that the soldiers could scale down, they could have pulled them down, but they let them go," says Doğan.

"Have you ever imagined what it would be like to be in their shoes, being set upon by commandos at the crack of dawn? I think that the Israelis were the ones that wanted a provocation."

Doğan says he has nothing against Jews or Israel.

"The Turks accepted Jews that were expelled from Spain, Jews that fled the Second World War. That was Furkan's belief. If Jews were living under an oppressive regime, he would have joined a flotilla to aid them. When I studied in the U.S., I had a lot of Jewish friends, I never had anything against them."

"My opinion of the Israeli people has not changed, but I want those responsible for my son's death to face justice. Regardless of who is responsible, including army commanders and the politicians that send them. And if the State of Israel has self-respect, it must admit its mistake," says Doğan. "I would appeal to an Israeli court in a quest for justice, but I no longer believe that Israeli justice is impartial."

Doğan says that no Israeli has made any effort to contact him since the flotilla. "No government official and no peace activist. I was quite surprised by it, because I am sure that there are many people in Israel that do not agree with the policies of their government," he says. "I expected more solidarity."

"Twice we were contacted by the American Embassy, once regarding the death certificate, and a second time the ambassador called to express his condolences, two months after the incident." He has two more grown children, a boy and a girl. "I don't know if there are words that can express what they feel."

He received advice on how to deal with the U.S. government and the names of possible contacts from the parents of Rachel Corrie, the International Solidarity Movement activist that was killed by an Israeli bulldozer in Gaza. They met once in Istanbul and plan to meet again during Doğan's upcoming visit in the U.S.

"They told me who to talk to and what steps to take. They also told me that it won't be easy."

Doğan says that he has still not received the clothes that his son was wearing when he was killed, nor his video camera with which he filmed what happened on the ship.

"If Israel is so certain of its righteousness, I call upon it to stand trial at the International court in the Hague and provide its explanations," says Yugur Sevgili, Doğan's lawyer.

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B5

From: McDonough, Patricia E [mailto:McDonoughPE@state.gov]
Sent: Wednesday, February 23, 2011 11:52 AM
To: Warlow, Molly
Subject: FW: READOUT of meeting with Prof. Dogan (Feb 23)

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From: Baily, Jess L
Sent: Wednesday, February 23, 2011 11:48 AM
To: McDonough, Patricia E
Cc: Gregonis, Meghan E
Subject: FW: READOUT of meeting with Prof. Dogan (Feb 23)

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This just come in. Jess

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From: Pettit, James D
Sent: Wednesday, February 23, 2011 11:41 AM
To: Schnier, David M; Riley, Robert J; Miller, Andrew T; Gregonis, Meghan E
Cc: Baily, Jess L; Mokhtarzada, Homeyra N; Baez, Alejandro X; Kaidanow, Tina S; Ellits, Colin C; Richter, Kim B; Sutphin, Paul R; Flood, Colleen B
Subject: READOUT of meeting with Prof. Dogan (Feb 23)

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(Please feel free to forward as necessary)

Participants:

DOS

REVIEW AUTHORITY: Charles Daris, Senior Reviewer

Jim Pettit (DAS for CA/OCS)
Kim Richter (OCS/ACS/NESCA)
Colleen Flood (OCS/PRI)

State Dept

Colin Elfts (NEA/IPA)

Dogan Party

Prof. Ahmet Dogan
Katherine Gallagher (attorney, Center for Constitutional Rights)
Ugur Sevgilli (attorney/interpreter)

Meeting was held at 10:00 a.m. in CA front office on Feb. 23, 2011.

I just want to share my general impressions - others were taking notes if addressees need more detail.

I expressed condolences to Prof. Dogan on the loss of his son. I told him that CA places a high priority on assisting the next-of-kin when a U.S. citizen dies abroad. He initially stated that he had no contact with the embassy after his son's body arrived in Turkey. I recounted dates and names of individuals from our embassy in Ankara (including the Ambassador) who were in touch with him in the first few days. He eventually qualified his initial assertion by stating that the embassy has not provided any information.

There were repeated calls for a USG investigation. I told them that the USG does not as a rule conduct investigations overseas, but must rely on local jurisdictions. In this instance, we were awaiting the findings of the UN SYG inquiry panel (Palmer Commission), which would be based on independent investigations of the Gaza Flotilla incident by the governments of both Turkey and Israel. I was queried as to why we did not accept the findings of the earlier UNHRC report and why the USG was critical of that report. I replied that we were seeking a more balanced and better informed study, noting that the UNHRC's mandate had been somewhat unclear and the investigation a bit "rushed." [redacted]

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The meeting was generally friendly, although Ms. Gallagher got a bit aggressive with her questioning toward the end, asking who/when/how we engaged with the Israelis on this issue, whether we had asked for an apology, etc. My response was always "we're waiting for the UN report."

Ms. Gallagher also pressed on the autopsy report, saying that it clearly showed summary execution of protesters and of Furkan. I told her I had seen the autopsy report and agreed that it seemed to evidence gunshots at close range, but that the characterization of the cause of death being "summary execution" was a call that would have to be made by experts who could determine the context.

I apologized for the delay in issuance of a Consular Report of Death, explaining that such documents are issued on the basis of a death report issued by local authorities and not just on the autopsy report.

The group is meeting with DOJ later today. I did say that there were circumstances under which the USG (including the FBI) could and would assist in investigation of crimes against U.S. citizens overseas, but that whether this incident fell within those narrow parameters would have to be determined by DOJ.

Ms. Gallagher pointed out that the Israelis have yet to return the video camera taken from Furkan and insisted that this needed to be returned both because 1) it was the property of a deceased U.S.

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citizen and 2) it could have crucial evidentiary/forensic value to the ongoing investigation. I agreed and we committed to ask for an update from our embassy in Tel Aviv on efforts to locate and return this item.

I did make the point that we have been in frequent contact with the Israelis on this matter, most recently on February 15.

At the end of the meeting, I told Prof. Dogan that he was always entitled to a response when he asked for information from the Department or our posts and that he should let me know personally if he was not receiving requested information. At the same time, I pointed out that many previous inquiries on his behalf to our embassy in Ankara were made by third parties who had no clear relationship to him (citing the Privacy Act). I added that our consular staff in Ankara would be happy to meet with him upon request.

Let me know if you have questions. I'll be back in the office on March 1.

Jim

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