

Jun 09 10 11:44a

COMMITTEE ON
FOREIGN AFFAIRS

BRAD SHERMAN

P. 2
1868462 ET
COMMITTEE ON
FINANCIAL SERVICES

CONGRESS OF THE UNITED STATES

CHAIRMAN,
SUBCOMMITTEE ON TERRORISM,
NONPROLIFERATION AND TRADE

27TH DISTRICT, CALIFORNIA

SERVING THE SAN FERNANDO VALLEY

June 9, 2010

The Honorable Eric Holder
Attorney General
United States Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

RECEIVED
DEPT OF JUSTICE
EXECUTIVE SECRETARIAT
2010 JUN -9 AM 11:50

Dear Mr. Attorney General:

I am writing to urge the Department to investigate and prosecute, where appropriate, individuals under U.S. jurisdiction who participated in the so-called Free Gaza Flotilla that was stopped by Israeli forces and diverted to the port of Ashdod on May 31.

As you know, Section 303 of the *Antiterrorism and Effective Death Penalty Act of 1996*¹ provides for criminal penalties for anyone subject to U.S. jurisdiction who provides material support or resources to a designated Foreign Terrorist Organization (FTO), or who attempts or conspires to do so. The Hamas organization, which effectively controls the Gaza territory, was first designated an FTO by the Secretary of State in 1997.

The participants in the Gaza flotilla knew that the materials on the ships in the flotilla were intended to be provided to the Hamas organization. The Israeli government and the United Nations Relief and Works Agency provide legitimate channels for aid via land routes. These allow for proper inspection and safeguards to prevent weapons smuggling and direct assistance to Hamas. By attempting to bypass legitimate channels, which were offered to the flotilla by the Israeli government,² the flotilla participants in effect were attempting to provide assistance directly to Hamas.

Several of the flotilla participants have contacts with the Hamas organization. Photos from an early Free Gaza visit to Israel shows members of the group, including a U.S. participant in the latest flotilla, meeting with Hamas leader Ismail Haniyeh and receiving medals from the group.³ The Israeli government has described a U.S. national participant in the flotilla as a Hamas operative who intended to enter Gaza for the purposes of conducting terrorist activity.⁴ In addition, an Iranian national residing in the United States who participated in the flotilla has been accused by the Israelis of attempting to smuggle forbidden electronic equipment into the territory.⁵

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One of the groups responsible for organizing the flotilla, the Insani Yarhim Vakfi (IHH) was accused in testimony provided by a highly respected French counter-terrorism jurist of playing "an important role" in planning the Al Qaeda millennium plot.⁶ The umbrella organization to which IHH belongs, the Union of Good, was designated under Executive Order 13224 in 2008 by the Treasury Department – specifically for being a fundraiser for Hamas.⁷

There are appropriate channels for providing aid to the people of Gaza. Americans that are moved to help should be encouraged to provide assistance through these channels and discouraged in the strongest possible ways from providing the assistance in a manner that will aid Hamas.

I thank you for your attention to this request and look forward to your reply.

Sincerely,



BRAD SHERMAN
Member of Congress

¹ 18 U.S.C. 2339B.

² The Israeli government offered numerous times to provide for the delivery of the aid to the Gazan people through the existing land corridor if the flotilla ships were to be diverted to the Israeli Port of Ashdod, and did in fact do so once the ships were seized in the May 31 raid. Similarly, a subsequent vessel, the *Rachel Corrie*, was peacefully diverted by the Israeli forces to Ashdod so that the aid could be delivered through legitimate channels.

³ See June 2 briefing by the Jewish Community Relations Council of the Bay Area, available at <http://www.theisraelproject.org/atf/cf/%7B84dc5887-741e-4056-8d91-a389164bc94e%7D/JCRC%20SF%20BRIEFING%20ON%20THE%20GAZA%20FLOTILLA%20CRISIS.PDF>

⁴ See June 6 Israeli Defense Briefing (attached)

⁵ Ibid.

⁶ This testimony is available at http://seattletimes.owsource.com/art/news/nation_world/terroristwithin/testimony16.pdf

⁷ See Treasury Press Release <http://treas.gov/press/releases/lp1267.htm>.

בלמ"ס/מ"ידי

אל: כל הנציגויות
דע: תפוצת הסברה
מאת: מח' מידע ואינטרנט – אגף תקשורת

הנדון: מספר נוסעי המשט הם פעילי טרור – דו"צ 6.6

6 June 2010

**Several Flotilla Passengers are Active terror Operatives linked to Al-Qaeda, Hamas, and other Organizations
(Communicated by the IDF Spokesperson)**

The following passengers on board the Mavi Marmara are known to be involved in terrorist activity. The Mavi Marmara attempted to break the maritime closure on the Gaza Strip on Monday, May 31, 2010, and was boarded by Israel Navy forces.

Fatima Mahmadi (born 1979), is a United States resident of Iranian origin, and an active member of the organization "Viva Palestine", she attempted to smuggle forbidden electronic components into the Gaza Strip.

Ken O'Keefe (Born 1969), an American and British citizen, is a radical anti-Israel activist and operative of the Hamas terror organization. He attempted to enter the Gaza Strip in order to form and train a commando unit for the Palestinian terror organization.

Hassan lynasi (born 1982), a Turkish citizen and activist in a Turkish charity organization, is known of providing financial support to the Palestinian Islamic Jihad terror organization.

Hussein Urosh, a Turkish citizen and activist in the IHH organization, was on his way to the Gaza Strip in order to assist in smuggling Al-Qaeda operatives via Turkey into the Strip.

Ahmad Umimon (born 1959), is a French citizen of Moroccan origin, and an operative of the Hamas terrorist organization.

עד כאן.

מח' מידע ואינטרנט – אגף תקשורת
7 יוני 2010



U.S. Department of Justice

Office of Legislative Affairs

Assistant Attorney General

Washington, D.C. 20530

November 29, 2010

The Honorable Brad Sherman
U.S. House of Representatives
Washington, D.C. 20515

Dear Congressman Sherman:

This responds to your letter to the Attorney General dated June 9, 2010, requesting that the Department of Justice investigate and prosecute, where appropriate, individuals subject to U.S. jurisdiction who participated in the May 31, 2010 Free Gaza Flotilla. We apologize for our delay in responding to your letter.

The Department examines potential violations of the material support statute, consistent with the Principles of Federal Prosecution, to determine whether the available admissible evidence is sufficient to prove a criminal violation over which United States courts have jurisdiction. See *United States Attorneys' Manual* §§ 9-27.001-9-27.760. As a matter of longstanding Department policy we cannot comment on whether or not a particular matter is under investigation. Please be assured that the Department is committed to the vigorous enforcement of our nation's anti-terrorism laws.

Please do not hesitate to contact this office if we may provide additional assistance regarding this, or any other matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Ronald Weich".

Ronald Weich
Assistant Attorney General

Bishop-Green, Jacob (OIP)

From: bounce-850402-2219698@list.whitehouse.gov on behalf of White House Press Office
[whitehouse-lists-noreply@list.whitehouse.gov]
Sent: Wednesday, June 09, 2010 1:43 PM
To: Miller, Matthew A
Subject: FW: Foreign pool report

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

From: Hisham Bourar [mailto:hbourar@alhurra.com]
Sent: Wednesday, June 09, 2010 1:41 PM
To: Finkenbinder, Benjamin N.; Hogan, Katherine J.
Subject: Foreign pool report

The pool was ushered in the oval office at 11:59 am, just minutes after UNSC vote on new Iran sanctions. POTUS made sure he doesn't get asked about the issue since he is giving a statement in the Diplomatic room later.

Obama started by praising President's Abbas efforts in "strengthening security" and "improving the economic situation for his people".

Obama announced additional \$400 million dollars in assistance for housing, school construction and business development in Gaza and West Bank.

He called the status quo in Gaza unsustainable and said that he is discussing with European partners, Egypt, Israel and the Palestinians a better approach that takes into account the security concerns of Israel and the needs of people in Gaza.

With regard to the investigation into Gaza-bound flotilla raid, he stressed the importance for everybody to know the facts and make sure a similar incident does not happen in the future- in accordance with standards called for by UNSC.

Obama also talked about possibility of "real progress" in Israeli-Palestinian talks before the end of the year.

President of the Palestinian Authority Mahmoud Abbas called for lifting the Israeli blockade and opening Gaza crossings.

he also said that he has no preconditions and that he will be willing to transition to direct talks once there is progress in proximity talks.

The two leaders took one question each.

Spotted in the oval office Dennis Ross special adviser for the Persian Gulf and Southwest Asia (which includes Iran) and Rashad Hussein, special envoy to the Organization of Islamic Conference.

Hisham Bourar
White House Correspondent
Alhurra Television
7600 Boston Blvd
Springfield, VA 22153

703-852-9306(0)

(M) [FOIA Exemption 6]

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Bishop-Green, Jacob (OIP)

From: bounce-850931-2219698@list.whitehouse.gov on behalf of White House Press Office
[whitehouse-lists-noreply@list.whitehouse.gov]
Sent: Sunday, June 13, 2010 5:33 PM
To: Miller, Matthew A
Subject: Statement by the Press Secretary on Israel's investigation into the flotilla incident

THE WHITE HOUSE
Office of the Press Secretary

FOR IMMEDIATE RELEASE

June 13, 2010

Statement by the Press Secretary on Israel's investigation into the flotilla incident

Today, the Government of Israel took an important step forward in proposing an independent public commission to investigate the circumstances of the recent tragic events on board the flotilla headed for Gaza. Through a presidential statement of the United Nations Security Council, the United States joined the international community in condemning those acts which led to nine fatalities and many injuries on board the flotilla, and supporting the completion of a prompt, impartial, credible, and transparent investigation.

We believe that Israel, like any other nation, should be allowed to undertake an investigation into events that involve its national security. Israel has a military justice system that meets international standards and is capable of conducting a serious and credible investigation, and the structure and terms of reference of Israel's proposed independent public commission can meet the standard of a prompt, impartial, credible, and transparent investigation. But we will not prejudge the process or its outcome, and will await the conduct and findings of the investigation before drawing further conclusions.

While Israel should be afforded the time to complete its process, we expect Israel's commission and military investigation will be carried out promptly. We also expect that, upon completion, its findings will be presented publicly and will be presented to the international community.

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Bishop-Green, Jacob (OIP)

From: Ambinder, Marc [mambinder@nationaljournal.com]
Sent: Tuesday, June 01, 2010 10:26 PM
To: Ambinder, Marc
Subject: The Night Beat, 6/1: What Israeli Intelligence Said About The Flotilla

<http://www.theatlantic.com/politics/archive/10/06/the-night-beat-what-israeli-intelligence-thought-they-knew-about-the-ships/57544/>

The Night Beat: What Israeli Intelligence Thought They Knew About The Ships
JUN 1 2010, 10:05 PM ET | Comment

Good evening.

Non-Responsive

By a significant margin, the administration's national security establishment is paying more attention to the troubles in on the Korean peninsula than they are the near-term ramifications of Israel's actions in international waters. It is what it is. The limits of how the Obama government communicates with Americans about the Middle East are also apparent. But there's no real mystery to what the US is trying to say.

The U.S. supports Israel and certainly the president understands why President Netanyahu had to cancel his visit tonight. P.J. Crowley, the assistant secretary of state for public affairs, tweeted this tonight, directly acknowledging and affirming one point of view:

"Re: Free #Gaza #Flotilla, #SecClinton expressed deep regret over the loss of civilian life; U.S. supported the quick response at the #UN."

Code word: UN.

Not in the Tweet or in any statement from anyone in the US government: "U.N. investigation."

The reference to the UN response (which, thanks to the US, did not directly condemn the government," sent a message of displeasure to Israel. President Obama called for an "impartial" investigation. Secretary of State Hillary Clinton mused that there might be some "international component to it."

Israel does not trust international investigations, particularly those carried out at the behest of the UN. So the message, quite clear to Israel was: you're getting a chance to put your affairs in order and do an investigation the right way. If you can't, there's not much we can do to stop something that is beyond your control.

Israeli officials are privately telling their international counterparts that they had intelligence that Hezbollah operatives were hidden among the crew and passengers of several ships. The initial plan was to board all the ships, separate the alleged terrorists, bring the flotilla to Ashdod, and then deal separately with the Gaza activists. But the intelligence was apparently non-specific, the commandos were trigger-happy and tense (unusually so for the Israelis) and they did not anticipate that passengers and crew on one of the ships would turn against them. A cascade of failures, unclear rules of engagement and a climate of tension --> a tragedy.

For a fascinating perspective on Israel's efforts to use social media to communicate today, see here:

Non-Responsive

Non-Responsive

Bishop-Green, Jacob (OIP)

From: Ambinder, Marc [mambinder@nationaljournal.com]
Sent: Monday, June 14, 2010 8:42 PM
To: Ambinder, Marc; marc.ambinder@gmail.com
Subject: The Night Beat, 6/14: What To Expect For Obama; Amos As CMC; A Court Will Hear A Rendition Case, But Not In This Country

<http://www.theatlantic.com/politics/archive/10/06/the-night-beat-what-to-expect-from-obama-tomorrow/58148/>

The Night Beat: What to Expect From Obama Tomorrow

Jun 14 2010, 8:40 PM ET | Comment
Good evening. On the Night Beat:



Non-Responsive

Non-Responsive

Nobel Peace Prize winner David Trimble of Ireland and ex-Canada JAG officer Ken Watkin will monitor Israel's investigation into the Gaza flotilla killings.

Non-Responsive

Non-Responsive

Bishop-Green, Jacob (OIP)

From: Mike Allen [mallen@politico.com]
Sent: Sunday, June 20, 2010 12:05 PM
To: Undisclosed recipients
Subject: POLITICO Playbook, FATHER'S DAY BRUNCH EDITION, presented by Intel -- OBAMA TO VISIT AUTO PLANTS -- Rahm frames fall -- The 5 Cs of the Gulf -- KSM trial site may come after elections -- WashPost's notable asterisk -- Northfield notings

Non-Responsive

Non-Responsive

BULLETIN -- AFP: "Israeli Prime Minister Benjamin Netanyahu will meet President Barack Obama [at the White House] July 6 after an earlier visit to the US was postponed due to the Gaza flotilla raid, ... Rahm Emanuel told ABC's 'This Week.'"

Non-Responsive

Non-Responsive

Non-Responsive

Non-Responsive

Bishop-Green, Jacob (OIP)

From: Mike Allen [mallen@politico.com]
Sent: Monday, May 31, 2010 10:01 AM
To: Miller, Matthew A

Date: 05/31/2010 09:56 AM

ML--APNewsAlert/22

Israeli prime minister's office says he's canceling White House visit to deal with Gaza crisis

JERUSALEM (AP) - Israeli prime minister's office says he's canceling White House visit to deal with Gaza crisis.

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June 13, 2011

BY FEDERAL EXPRESS AND BY FAX: (202) 307-6777

Hon. Eric H. Holder, Jr.
United States Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, D.C. 20530-0001

Re: Violations of Section 962 of Title 18 of the United States Code

Dear Attorney General Holder,

As you are aware 18 U.S.C. § 962 provides in relevant part as follows:

Whoever, within the United States, furnishes, fits out, arms, or attempts to furnish, fit out or arm, any vessel, with intent that such vessel shall be employed in the service of any foreign prince, or state, or of any colony, district, or people, to cruise or commit hostilities against the subjects, citizens, or property of any foreign prince or state, or of any colony, district, or people with whom the United States is at peace ...

Shall be fined under this title or imprisoned not more than three years, or both.

Every such vessel, her tackle, apparel, and furniture, together with all materials, arms, ammunition, and stores which may have been procured for the building and equipment thereof, shall be forfeited, one half to the use of the informer and the other half to the use of the United States.

18 U.S.C. § 962 (emphasis added).

I write you as an "informer" pursuant to 18 U.S.C. § 962 to notify you that according to the information that I have received an organization known as the "Free Gaza Movement" ("FGM"), while acting within the United States, has furnished and fitted out, and has attempted to furnish and fit out, a large number of vessels (listed below), with the intent that those vessels be employed in the service

of a group of anti-Israeli insurgents to cruise and commit hostilities against the State of Israel, a state with which the United States is at peace.

Specifically, the vessels at issue have been and/or will be used to violate Israel's naval blockade of the Gaza Strip, and to otherwise commit hostilities against Israel.

According to the information that I have received, the vessels that persons acting within the United States have already furnished and fitted out and/or attempted to furnish and fit out, in violation of § 962, are the following:

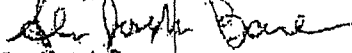
- The Mavi Marmara
- The Audacity of Hope
- The Rachel Corrie

- The Challenger I
- The Challenger II
- The Gazze
- The Tali
- The Arion
- The Sfendoni (Boat 8000)
- The Tamara (Eleftheri Mesoghios)
- The Seven Y Two (Irene)
- The Finch
- The Tahrir
- The Stefano Chiriani

Pursuant to § 962, I intend to bring an action for forfeiture of all the vessels listed above, with half of the proceeds to the undersigned as informer and the other half to the United States. While a conviction is not a prerequisite for forfeiture under § 962 (see *The Three Friends*, 17 S.Ct. 495, 497 (1897)), I nonetheless respectfully request that your office take all appropriate steps to bring to justice the parties involved in violations of § 962 in respect to these vessels.

Please do not hesitate to have your office contact me to obtain any further details or information that you may require.

Sincerely,


Dr. Alan J. Bauer

FOIA Exemption 6

