



**United States Department of State**

*Washington, D.C. 20520*

May 30, 2023

Case No. FL-2022-00031

Mr. Reed Rubinstein  
America First Legal Foundation  
600 14<sup>th</sup> Street NW, 5<sup>th</sup> Floor  
Washington, D.C. 20005

Dear Mr. Rubinstein:

As we noted in our letter dated April 28, 2023, we are processing your request for material under the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552. The Department of State (“Department”) has processed more than 300 pages of potentially responsive material since its last release and has identified an additional 4 responsive records subject to the FOIA. We have determined that all four records may be released in part.

An enclosure explains the FOIA exemptions and other grounds for withholding material. Where we have made redactions, the applicable FOIA exemptions are marked on each record. Where applicable, the Department has considered the foreseeable harm standard when reviewing these records and applying FOIA exemptions. All non-exempt material that is reasonably segregable from the exempt material has been released and is enclosed.

We will keep you informed as your case progresses. If you have any questions, your attorney may contact Stephen DeGenaro, Assistant United States Attorney, at (202) 252-7229 or Stephen.DeGenaro@usdoj.gov. Please refer to the case number, FL-2022-00031, and the civil action number, 21-cv-02832, in all correspondence about this case.

Sincerely,

A handwritten signature in black ink, appearing to read "Diamonece Hickson". The signature is fluid and cursive, with a large initial "D" and "H".

Diamonece Hickson  
Chief, Litigation and Appeals Branch  
Office of Information Programs and Services

Enclosures: As stated.

## The Freedom of Information Act (5 USC 552)

### FOIA Exemptions

- (b)(1) Information specifically authorized by an executive order to be kept secret in the interest of national defense or foreign policy. Executive Order 13526 includes the following classification categories:
- 1.4(a) Military plans, systems, or operations
  - 1.4(b) Foreign government information
  - 1.4(c) Intelligence activities, sources or methods, or cryptology
  - 1.4(d) Foreign relations or foreign activities of the US, including confidential sources
  - 1.4(e) Scientific, technological, or economic matters relating to national security, including defense against transnational terrorism
  - 1.4(f) U.S. Government programs for safeguarding nuclear materials or facilities
  - 1.4(g) Vulnerabilities or capabilities of systems, installations, infrastructures, projects, plans, or protection services relating to US national security, including defense against transnational terrorism
  - 1.4(h) Weapons of mass destruction
- (b)(2) Related solely to the internal personnel rules and practices of an agency
- (b)(3) Specifically exempted from disclosure by statute (other than 5 USC 552), for example:
- |                |   |
|----------------|---|
| ARMSEXP        | Arms Export Control Act, 50a USC 2411(c)                    |
| CIA PERS/ORG   | Central Intelligence Agency Act of 1949, 50 USC 403(g)      |
| EXPORT CONTROL | Export Administration Act of 1979, 50 USC App. Sec. 2411(c) |
| FS ACT         | Foreign Service Act of 1980, 22 USC 4004                    |
| INA            | Immigration and Nationality Act, 8 USC 1202(f), Sec. 222(f) |
| IRAN           | Iran Claims Settlement Act, Public Law 99-99, Sec. 505      |
- (b)(4) Trade secrets and confidential commercial or financial information
- (b)(5) Interagency or intra-agency communications forming part of the deliberative process, attorney-client privilege, or attorney work product
- (b)(6) Personal privacy information
- (b)(7) Law enforcement information whose disclosure would:
- (A) interfere with enforcement proceedings
  - (B) deprive a person of a fair trial
  - (C) constitute an unwarranted invasion of personal privacy
  - (D) disclose confidential sources
  - (E) disclose investigation techniques
  - (F) endanger life or physical safety of an individual
- (b)(8) Prepared by or for a government agency regulating or supervising financial institutions
- (b)(9) Geological and geophysical information and data, including maps, concerning wells

### Other Grounds for Withholding

- NR Material not responsive to a FOIA request excised with the agreement of the requester

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**Report Pursuant to Section 804 of the Palestine Liberation Organization Commitments Compliance Act of 1989 ("PLOCCA") (Title VIII, P.L. 101-246) and Sections 603-604 and 699 of the Foreign Relations Authorization Act, FY 2003 ("the Act") (P.L. 107-228)**

This report and related determinations are transmitted in accordance with the provisions cited above and cover the period from October 4, 2020 to April 1, 2021. This report describes compliance by the Palestine Liberation Organization (PLO) and the Palestinian Authority (PA), as appropriate, with respect to commitments specified in section 602(1) of the Act, and any additional commitments in Chairman Arafat's September 9, 1993, letters to Israeli Prime Minister Rabin and Norwegian Foreign Minister Holst and to those contained in, and resulting from, the good-faith implementation of the Declaration of Principles. The commitments made by the PLO are cited in the Act. In addition, in 1998, the PLO, through the Palestine National Council (PNC), voted to affirm the PLO's decision to annul articles of the PLO covenant that deny Israel's right to exist and to strengthen cooperation with Israel on a wide range of security issues. As described in prior reports, both parties' further commitments are set out in the Wye River Memorandum of October 23, 1998, and the Sharm el -Sheikh Memorandum of September 4, 1999, which include ensuring the effective handling of any incident involving a threat or act of terrorism by cooperating in the exchange of information; coordinating policies; and taking measures to prevent acts of terrorism, violence, or incitement.

**I. Overview of the Reporting Period:**

The PA cut security and civil coordination with Israel, and security coordination with the United States, between May-November 2020 in protest against Israel's potential extension of sovereignty into areas of the West Bank. PA security forces continued to maintain law and order in areas of the West Bank under full PA security control (Area A). Israeli-Palestinian security coordination resumed November 17, 2020, whereupon the PA began again working with Israel to prevent violent attacks on Israelis emanating from the West Bank, arrest members of U.S. designated foreign terrorist organizations such as Hamas and Palestinian Islamic Jihad, and confiscate illegal weapons. Nevertheless, there were terrorist attacks on Israelis by Palestinian residents of the West Bank during the period covered by this report. After a six-month hiatus during which the PA refused to accept tax and customs revenues collected on its behalf by Israel, the PA resumed accepting these revenues and in December 2020 received approximately \$1.1 billion from Israel. During the suspension of customs revenues, the PA paid reduced salaries to its employees including security forces, which put additional negative pressure on the West Bank economy.

In Gaza, U.S.-designated foreign terrorist organization Hamas, which is not part of the PLO, largely maintained the ceasefire with Israel, but continued to pose a serious threat. Iran-backed Palestinian Islamic Jihad and other militant groups also posed a serious threat to Israel's security.

The PA continued to make payments to prisoners convicted of committing acts of terrorism and the families of individuals who were wounded or died while committing acts of terrorism or in connection with terrorism that Israeli government officials state incentivize and reward terrorism.

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-2-

## **II. Determinations as to Palestinian Compliance with Their Commitments Required by Section 603 of the Act:**

“Recognition of the right of the State of Israel to exist in peace and security”: President Abbas has stated a commitment to nonviolence, a two--state solution, and previous PLO commitments, including recognition of the right of the State of Israel to exist in peace.

“Acceptance of United Nations Security Council Resolutions 242 and 338”: The PA and PLO maintained their acceptance of UN Security Council Resolutions 242 and 338 as the basis for achieving a peaceful and comprehensive resolution of the Arab-Israeli conflict.

“Resolution of all outstanding issues in the conflict between the sides through negotiations and exclusively peaceful means”: PLO Chairman and PA President Abbas said on Palestinian media in September 2020 that decisions by Arab states to normalize diplomatic relations with Israel were a “violation of a just and lasting solution under international law.” In his address to the United Nations General Assembly, Abbas called for an international conference in October 2020 to “launch a genuine peace process” in the wake of the UAE’s and Bahrain’s normalization of relations with Israel.

“Renunciation of the use of terrorism and all other acts of violence and responsibility over all PLO elements and personnel in order to assure their compliance, prevent violations, and discipline violators”: The PA took steps during this reporting period to prevent terrorism and other acts of violence in the West Bank areas under its control. Israeli authorities, among others, have noted the importance of the PA security forces’ continued commitment to security coordination and steady performance in contributing to the maintenance of security in the West Bank.

A military order criminalizing the facilitation of financial transactions that “support, promote, fund, or reward” terror was to come into effect in the West Bank and Gaza on May 9, 2020, but Israeli Defense Minister Benny Gantz suspended its entry into force until December 31, 2020. At the beginning of April, the PA utilized post office branches in the West Bank and Gaza to facilitate March payments to prisoners and families of “martyrs,” in an effort to avoid causing Palestinian banks to run afoul of the Israeli military order. Palestinian Monetary Authority Governor Milhem noted that he hopes the current arrangement is a temporary measure and a more permanent solution can come from the Palestinian committee working with the United States and Israel to reform the prisoner payment system. Palestinian bank officials told us that they will not resume facilitation of the payments. PA Prisoner Affairs Commissioner Qadri Abu Bakr told international media in November 2020 that the PA was preparing a plan to revise payments to Palestinian prisoners so that stipends were based on financial need instead of the length of incarceration, which favors prisoners sentenced for more serious crimes, though no final plan has been announced.

Since 2007, the PA has taken effective measures to prevent those individuals involved in terrorist activities from serving in security services. On February 9, Abu Bakr announced that the PA would begin to integrate some released prisoners into the military and the civil service.

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-3-

According to PA officials, the PA will conduct extensive background checks, rehabilitation, and training before bringing ex-prisoners into civil or security service.

PA and PLO officials, as well as political factions, continued to engage in activities that honor and glorify terrorists who killed Israelis and Americans. Praise and glorification of terrorists was echoed in media outlets, and summer camps and schools in the West Bank were named after terrorists.

During the reporting period, PA security forces continued to combat potential terrorist activity, including detentions and arrests of members of Hamas and other terrorist and violent extremist organizations. PA security forces arrested individuals suspected of attacks.

The PA and PLO have had no effective security control in Gaza, which remained under the de facto control of Hamas during this reporting period.

The Popular Front for the Liberation of Palestine (PFLP) and the Democratic Front for the Liberation of Palestine (DFLP), which are part of the PLO, remained actively engaged in terrorist activity. Both organizations maintained military wings in Gaza that operated jointly with Hamas, Palestinian Islamic Jihad, and other terrorist groups in attacks against Israel. For example, in February 2020, the DFLP military wing National Resistance Brigades announced one of its fighters was injured following an exchange of fire with IDF soldiers near Erez crossing, northern Gaza. The DFLP fighters used machine guns and rocket-propelled grenades during the exchange. In December 2020, both DFLP and PFLP armed wings participated in the largest-ever drill organized by the for all armed factions. In March 2021, the DFLP military wing National Resistance Brigades announced it had exchanged fire with IDF forces conducting a limited incursion 60 meters into eastern Deir al-Balah, central Gaza, adding that its fighters managed to flee the scene. The DFLP military wing posted photos and videos online showing its rockets.

Other terrorist groups unaffiliated with the PLO, including Hamas, Palestinian Islamic Jihad (PIJ), and the Popular Resistance Committees, likewise remained active during the reporting period.

Due in part to the fact that militants exploit the limits of PA control, the PA has not fully complied with its commitments to assume responsibility over all elements and personnel to prevent violations and discipline violators.

**III. Imposition of Sanction under Section 604:** Pursuant to section 603 of the Act, the Deputy Secretary of State has determined that the PLO and the PA are not in compliance with certain commitments to prevent violations, discipline violators, and assume responsibility over all PLO elements, as noted in this report. Thus, the sanction specified in section 604(a)(2) of the Act, denial of visa for PLO and PA officials has been imposed.

**IV. Waiver of Sanction:** An enduring and comprehensive peace between Israel and the Palestinians remains a longstanding goal of U.S. foreign policy. The Administration is committed to advancing this goal. A blanket denial of visas to PLO members and PA officials,

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-4-

to include those whose travel to the United States to advance Administration goals and objectives, is not consistent with the Administration's expressed willingness to partner with the PLO and PA leadership.

For these reasons, and consistent with the justification provided to Congress upon the President's exercise of his authority on April 7, 2010, under section 7034(b) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2010 (Div. F, P.L. 111-117), to waive the provisions of section 1003 of P.L. 100-204, the Deputy Secretary is invoking the waiver authority granted by Section 604(c) of the Act, based on his determination that such a waiver is in the national security interests of the United States. Please see the determination attached hereto.

**V. Other PLOCCA Requirements:** In addition to a report on compliance with the commitments detailed above, section 804(b) of the PLOCCA requires a report (covering the same reporting period) on the PLO's progress toward achievement of certain additional measures consistent with its commitments. Previous commitments, policy, and information from past PLOCCA reports remain as stated, unless new information is provided below.

- **Measures Taken to Prevent Violence and Punish Offenders:** PA security forces continue to prevent violence and punish offenders in the West Bank both on its own and in coordination with Israel. PA security forces continue to operate against terrorist groups in areas under PA security control in the West Bank (Area A) and in areas under Israeli security control (Area B), coordinated through a standing joint mechanism. Offenders arrested by the PA are tried under the authority of the PA. Those apprehended by Israel are tried by Israeli civil courts if the person is an Israeli citizen or in Israeli military courts.
- **PLO Charter:** As mentioned in previous reports, the PLO complied with its commitment to amend its charter.
- **Arab League Boycott of Israel:** As previously reported, the PLO and the PA officially disavowed the Arab League boycott.
- **Assistance to Palestinians:** On March 25, 2021, the Department announced that the U.S. Government would provide \$15 million in humanitarian assistance to Palestinians living in the West Bank and Gaza to address the COVID-19 pandemic and food insecurity. The Department of State and USAID have not provided any other assistance during the reporting period, but continue to be ready to vet, monitor, and supervise the distribution and use of U.S.-provided assistance in line with requirements under relevant laws to ensure that U.S. foreign assistance is not diverted for terrorist purposes. The administration is in the process of completing necessary procedures to resume USAID assistance in the West Bank and Gaza and U.S. security assistance to the PA from the International Narcotics Control and Law Enforcement (INCLE) funding stream.
- **Role of the Palestinian Legislative Council (PLC):** The PLC is currently dissolved by a previous presidential decree.

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-5-

- **Additional PLOCCA Reporting Requirements:** There are no new developments in the cases of Abu al-Abbas, Force 17, or the Hawari group.

**VI. Report on Transfer of Proscribed Weapons to Persons or Entities in the West Bank and Gaza:** Terrorist groups and their sympathizers reportedly continued to smuggle illegal weapons and cash into Gaza via underground tunnels located along the Egypt-Gaza border throughout the reporting period, despite Egyptian military operations in the Sinai. We do not believe the Egyptian or Jordanian governments were complicit in the smuggling of weapons. The smuggling of weapons into the West Bank from Israel remains a concern as well.

We have seen efforts by Egypt during this period to deter smuggling and violent extremist activity; the Egyptian security forces have destroyed many smuggling tunnels. The smuggling of arms into Gaza, however, including by sea, remains a serious concern. Egyptian military operations in Sinai are ongoing.

No basis exists to determine that smugglers along the Egypt/Gaza border received official support from any foreign person or entity to which U.S. assistance might be given or to which defense articles or services might be sold by the United States.

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**From:** (b)(6)@state.gov>  
**To:** (b)(6)@state.gov>  
**Subject:** RE: CLEARANCE: AM to D on PLOCCA/MEPCA Report; Clear by 6/2 at 3 p.m.  
**Date:** Fri, 4 Jun 2021 18:41:46 +0000

Thanks, (b)(6) Best, (b)(6)

~~SENSITIVE BUT UNCLASSIFIED~~

**From:** (b)(6)@state.gov>  
**Sent:** Friday, June 4, 2021 2:41 PM  
**To:** (b)(6)@state.gov>  
**Subject:** RE: CLEARANCE: AM to D on PLOCCA/MEPCA Report; Clear by 6/2 at 3 p.m.

(b)(5)

(b)(6)

~~SENSITIVE BUT UNCLASSIFIED~~

**From:** (b)(6)@state.gov>  
**Sent:** Friday, June 4, 2021 11:34 AM  
**To:** (b)(6)@state.gov>  
**Subject:** RE: CLEARANCE: AM to D on PLOCCA/MEPCA Report; Clear by 6/2 at 3 p.m.  
**Importance:** High

Hi, (b)(6) (b)(5)

(b)(5) Thank you. (b)(6)

(b)(6)

Political Officer  
Office of Israel and Palestinian Affairs (NEA/IPA)  
Bureau of Near East Affairs  
Washington, D.C.

(b)(6)

(b)(6)@state.gov

~~SENSITIVE BUT UNCLASSIFIED~~

**From:** (b)(6)@state.gov>  
**Sent:** Thursday, June 3, 2021 2:15 PM

**To:** NEA-Staff-Assistants-DL <NEA-Staff-Assistants-DL@state.gov>; [REDACTED]@state.gov  
**Subject:** RE: CLEARANCE: AM to D on PLOCCA/MEPCA Report; Clear by 6/2 at 3 p.m.

[REDACTED] (b)(5) [REDACTED] (b)(6)

[REDACTED] (b)(6)

Staff Assistant  
(H) Bureau of Legislative Affairs  
HST 7805

[REDACTED] (b)(6)

~~SENSITIVE BUT UNCLASSIFIED~~

**From:** [REDACTED]@state.gov  
**Sent:** Tuesday, June 1, 2021 3:57 PM  
**To:** C\_Special Assistants <C\_SpecialAssistants@state.gov>; P/NEA Duty Officer <P-NEADuty@state.gov>; [REDACTED]@state.gov; SP\_NEA <SP\_NEA@state.gov>; R\_Clearances <R\_Clearances@state.gov>; GPA Clearances <GPA\_Clearances@state.gov>; D-MR\_StaffAssistants <D-MR\_StaffAssistants@state.gov>; CT\_SCAN\_NEA <CT\_SCAN\_NEA@state.gov>; NEA-Egypt <NEA-Egypt@state.gov>; NEA-Jordan-DL <NEA-Jordan-DL@state.gov>; H\_Staffers <H\_Staffers@state.gov>  
**Subject:** CLEARANCE: AM to D on PLOCCA/MEPCA Report; Clear by 6/2 at 3 p.m.  
**Importance:** High

Colleagues,

Attached for your clearance is the AM to D for the PLOCCA/MEPCA report. Please provide your clearances by **Thursday, June 3 no later than 3 p.m.**

Thank you.

[REDACTED] (b)(6)

[REDACTED] (b)(6)

Political Officer  
Office of Israel and Palestinian Affairs (IPA)  
Bureau of Near Eastern Affairs (NEA)  
U.S. Department of State  
Washington, D.C.

[REDACTED] (b)(6)

[REDACTED]@state.gov

~~SENSITIVE BUT UNCLASSIFIED~~

**Sender:** (b)(6)@state.gov>  
**Recipient:** (b)(6)@state.gov>

**From:** (b)(6)@state.gov>  
**To:** (b)(6)@state.gov>  
**Subject:** RE: (b)(6) Thanks again for your help with this. (b)(5)  
**Date:** Thu, 19 Mar 2020 08:33:28 +0000

(b)(5)

Thanks

**From:** (b)(6)@state.gov>  
**Sent:** Thursday, March 19, 2020 10:29 AM  
**To:** (b)(6)@state.gov>  
**Subject:** (b)(6) - Thanks again for your help with this. (b)(5)

(b)(5)

(b)(5)

Best,

(b)(6)

Special Assistant to U.S. Ambassador to Israel David Friedman  
 U.S Embassy in Jerusalem, Israel

Mobile: (b)(6)

**Sender:** (b)(6)@state.gov>  
**Recipient:** (b)(6)@state.gov>

**From:** (b)(6)@state.gov>  
**To:** (b)(6)@state.gov>  
**Subject:** Fw: For Approval: PLOCCA October Report  
**Date:** Tue, 29 Sep 2020 19:16:23 +0000

Hey! Thanks for your help with this.

In the future can you also CC me when you send things to the Amb for his approval?

Thank you :)

Best,

(b)(6)

(b)(6)

Special Assistant to U.S. Ambassador to Israel David Friedman

U.S Embassy in Jerusalem, Israel

Mobile (b)(6)

**From:** Friedman, David M (b)(6)@state.gov>

**Sent:** Tuesday, September 29, 2020 12:50 PM

**To:** (b)(6)@state.gov>

**Cc:** (b)(6)@state.gov>; (b)(6)@state.gov>; (b)(6)

(b)(6)@state.gov>; (b)(6)@state.gov>

**Subject:** Re: For Approval: PLOCCA October Report

+ (b)(6)

Clear. Thanks

Get Outlook for iOS

**From:** (b)(6)@state.gov>

**Sent:** Tuesday, September 29, 2020 11:59 AM

**To:** Friedman, David M

**Cc:** (b)(6)

**Subject:** For Approval: PLOCCA October Report

Sir:

The PAU POL team compiled the PLOCCA October report for your final approval. Both DCM (b)(6) and

(b)(6) cleared this report.

Best,

(b)(6)

Front Office Staff Assistant

US Embassy Jerusalem

Ext: (b)(6) Cell: (b)(6)



**Report Pursuant to Section 804 of the Palestine Liberation Organization Commitments Compliance Act of 1989 ("PLOCCA") (Title VIII, P.L. 101-246) and Sections 603-604 and 699 of the Foreign Relations Authorization Act, FY 2003 ("the Act") (Public Law 107-228) (P.L. 107-228)**

(b)(5)



Withheld pursuant to exemption

(b)(5)

(b)(5)

~~SENSITIVE BUT UNCLASSIFIED~~

**Sender:** [redacted]@state.gov>  
**Recipient:** [redacted]@state.gov>