

Gaza Freedom March
IDF Hijacking of Gaza-bound Flotilla
Responding to the Consequences of the Episode

1. Information and Main Points

Gaza Freedom March

Ongoing Updates:

<http://gazafreedommarch.org/cms/en/flotilla.aspx>

Evidence about weapons cache N/A

[Also see http://en.wikipedia.org/wiki/Public_diplomacy_%28Israel%29]

Also see: <http://www.freegaza.org/>

<http://gazafлотilla.delegitimize.com/>

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Full account and additional information collected by Max Ajl, coordinator with GFM

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2. Legal Points [GFM]

The Gaza Flotilla and the Maritime Blockade of Gaza
Legal Background – 4 June 2010

1. A maritime blockade is in effect off the coast of Gaza. Such blockade has been unilaterally imposed, as Israel is currently seeking to overthrow the **democratically elected** Hamas government that governs Gaza, which has repeatedly been bombed by Israel with weapons that were **smuggled into Israel via the sea**.
2. Maritime blockades against humanitarian goods are an **illegitimate and un-recognized measure** under international law which may not be implemented at any time. Even amidst legal blockades, which this blockade is not, it is usually agreed that items such as food, medical supplies, and water should be allowed through, and blocking their entry is not allowed by international law.
3. Maritime blockades may only be imposed if countries are in a state of war, or if the country that imposes the blockade is a belligerent occupier. But even Israel does not claim that the Hamas government is in a state of war against it, and strongly denies that it is a belligerent occupier.
4. In this vein, it should be noted that Israel had announced that it was going to illegally use violent means to stop humanitarian aid boats from bringing wheelchairs and medicine to the beleaguered population of the Gaza Strip. Israel repeatedly announced that that it would interdict the ships on the high seas and the **world did nothing**.
5. Here, it should be noted that under customary law, knowledge of an illegal blockade is completely irrelevant to the legal status of those who attempt to break it.
6. **Under international maritime law, when a legitimate maritime blockade is in effect, the party imposing the blockade may control the entry of boats into the blockaded area.** That includes both **civilian and enemy** vessels. But this depends on the maritime blockade being legal. The Israeli blockade is not.

7. A State may not simply unilaterally declare a blockade unless it wishes to declare itself to be in a state of war against the entity it is blockading. In the absence of such a declaration, it has committed a war crime.
8. Here we should note that the protesters indicated their **clear intention to break the siege of Gaza by means of written and oral statements**. Moreover, **the route of these vessels indicated their clear intention to break the siege in clear concordance with international law and the requests of the United Nations and Amnesty International, which called the blockade “illegal.”**
9. Given the protesters’ **explicit intention to violate the illegal naval blockade**, Israel illegally exercised a non-existent right **to enforce an illegal blockade**. It should be noted that prior to undertaking this act of war, explicit warnings were relayed directly to the captains of the vessels, expressing Israel's intent to commit war crimes against the flotilla, acts proscribed under Article 22(1) of the 1958 Geneva High Seas Convention (which sets out customary international law, and to which Israel is a party).
10. Israel had attempted to take control of the vessels participating in the flotilla by **violent means and in a pre-meditated fashion** in order to enforce the illegal blockade. Given the large number of vessels participating in the flotilla, an operational decision was made to undertake measures to enforce the blockade a certain distance from Gazan waters, even though the 1988 IMO Convention on the Suppression of Unlawful Acts against the Safety of Maritime Navigation expressly forbids this.
11. Israeli personnel attempting to board the boats were met with forceful, legal resistance, commensurate with the threat posed by men armed with firearms illegally boarding their ship. The IDF reacted with increasing levels of violence and murdered those defending their ship from the illegal boarding.
12. What Israel did was commit **acts of wars in international waters** against protected vessels.
13. Israel has committed **crimes against the peace** as well as **crimes against humanity**.
14. Israeli civilian and military personnel may be tried in every **country** in the world.
15. Because unarmed civilians were killed in a **premeditated military assault**, what we are dealing with are capital crimes, which have punishments up to multiple life sentences.

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3. Gaza Freedom March

Talking Points

1. The people of the world are sorry that in the process of attempting to enforce an illegal blockade against Gaza, the Israeli government murdered at least nine internationals. We place full responsibility on the highest echelons of the Israeli government as well as top military leaders, who initiated the violence.
2. Prior to this, the organizers had rejected the Israeli offer to let the aid pass through Ashdod to Gaza, because Israel has no legal right to control Gazan sea lanes.

3. The Israeli government had intentionally planned a violent takeover by the IDF Navy, as Israeli ambassador to the US, Michael Oren, confirmed, noting that the flotilla was “too large to stop by nonviolent means.” Hence the soldiers were armed with live ammunition, which placed those resisting the Israeli attack in a life-threatening situation.

4. The activists’ resistance was in self-defense, allowable in almost any legal code. There were no firearms found on board the ship except those brought on by the Israeli army. The activists defended themselves with makeshift batons.

4. The Gaza Strip is experiencing an ongoing crisis. As the right-wing *Jerusalem Post* has acknowledged, “The question of whether or not there is a humanitarian crisis in the Gaza Strip is primarily a semantic one.” According to the World Health Organization, 10 percent of the children in Gaza are stunted. The sewage system is collapsing. The United Nations says that 60 percent of the population of Gaza is food-insecure. This is due to the illegal Israeli blockade, which prevents adequate goods and calories from reaching the population of the Gaza Strip.

5. This is the result of conscious Israeli policy, which it characterizes as “economic warfare,” e.g. collective punishment.

6. The flotilla was a deliberate attempt to break the siege, which violates the Geneva Conventions, which call for the occupying power to provide for the needs of the native population.

7. The people of the world re-iterate their interest in bringing goods to the suffering population of the Gaza Strip until they are able to exercise their rights both to food and freedom of movement, which means ending the blockade and the occupation

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4. With Intent – Articles and visual documentation

Lawyers for Palestinian Human Rights, The Attack on the Gaza Freedom Flotilla and International Law, <http://mrzine.monthlyreview.org/2010/lphr020610.html>

Ali Abunimah, The Day the World Became Gaza,

<http://english.aljazeera.net/focus/2010/06/2010638557492628.html>

Max Blumenthal, Under Scrutiny, IDF Retracts Claims About Flotilla’s Al Qaeda Links,

<http://maxblumenthal.com/2010/06/under-scrutiny-idf-retracts-claims-about-flotillas-al-qaeda-links/>

Paul McGeogh, There was a lot of blood in the stairwells and then the sound of ammunition

hitting metal changed again..., <http://www.smh.com.au/world/there-was-a-lot-of-blood-in-the-stairwells-and-then-the-sound-of-ammunition-hitting-metal-changed-again-20100604-xknm.html>

Acknowledgements:

Free Gaza Movement

Linda Brayer, [The Legal Framework of International Law](http://jewishpeaceneeds.blogspot.com/2010/06/lynda-brayer-legal-framework-of.html)

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Compiled by Max Smith Ajl, 4th June 2010, Occupied Gaza Strip