

## It's not piracy, it's an "act of aggression", and an "act of war"



Interview with the Israeli human rights lawyer Ms Lynda Brayer, Haifa, Israel.

**What do the forceful seizure of a ships in international waters sailing under Turkish or other flags and carrying humanitarian goods and many international activists to the blockaded people of the Gaza Strip, constitute under international law? Was it piracy? A "war crime" or an "act of state terrorism"?**

It was not piracy, because piracy is carried out by private individuals for the purpose of plunder. That is to say the purpose of attacking a ship is to take away its treasure. It is not carried out under the protection nor auspices of a State.

In international law such an attack when carried out by a state is an act of aggression, and an act of war. It is an act of war according to those laws which govern the opening of war which are called the *ius ad bellum*, as opposed to the humanitarian laws, or laws of war, which govern the conduct of war, the *ius in bello*.

The term "terrorism" or "terrorist" is not a legal term! What that means is that there are no legal prescriptions or proscriptions which bind any actor – state or individual – qua terrorists! It is a production of the agit-prop of the West. I believe it was invented to delegimize the guerilla fighting for national liberation. I think it was used against the Kenyan MauMau, for instance.

The problem is that it is an extra-legal category. It is a "privi – lege" term – that is, it is outside the law. Once no law governs "terrorist" or "terrorism" then its use, and the definition of which actions are "terrorist" actions, and the moves taken against these arbitrarily defined "terrorist" actions, are arbitrarily taken. In other words, what is created is a completely lawless situation which by definition is arbitrary.

When a state acts outside the law and commits acts of aggression these are acts of war. To define them as "terrorist" acts, means to lessen their import. This applies to states. When a state acts against terrorism, the only thing it is doing is showing and proving that Macht ist Recht! If individuals commit terrible acts, it can be piracy or simply crimes.

The blurring of distinctions by introducing non-legal terms has only benefited those who introduced it - the West. It is part of the apparatus invented to impose physical and military and economic hegemony against those whose property/resources it wants to plunder!

**Can the killing of nine Turkish citizens – one of them holding an US-American passport – be considered murder? One person was shot in the head four times. Who should be held responsible?**

This is not only murder – but in the high seas acts like this do constitute acts of war ad bellum. And most definitely the State committing them can be put on trial, or it can be taken

as the opening salvo of war and the responding state may defend itself against the State that committed that murder.

**It is commonly forgotten that Israel has a kind of „tradition“ in sea jacking boats in international waters. From 1984 to 1987 the Israeli marine forcefully captured 14 boats on the high sea. What should have been the reaction of the international community towards these acts?**

Part of the problem is the so-called “international community”. In the case of the USA and Europe – they are bigger criminals and gangsters than Israel. The Second and Third Worlds know about it but have no power to stop it! After all, look at the American record!

**Israel claims it acted in self-defense. Does this claim makes any sense?**

Not at all. They knew what was loaded onto the ships. They knew that they were inspected – for what was loaded, and particularly to see that there were no weapons. There are bills of lading. The self-defence assertion is a constant part of the Israeli propaganda machine and must be understood as such! Israel acts like the little boy who cried “wolf” all the time.

**Sometimes Israel claims that the Gaza Strip is not occupied anymore and Israel is not responsible for the well being of the people living there. On the other hand, Israel blockades the Gaza Strip from sea and land. It seems as if the international community puts up with everything Israel presents to it. Should there be an international investigation into the seajacking like the Goldstone commission, which published a report on the „massacre“ Israel committed against the Gazan people?**

Israeli remains the belligerent occupier. The problem with your question is that you do not make explicit, or do not understand, that Israel is not a seperate entity! It is an agent of imperialism, international monopoly capitalism in the Middle East. It is here only to protect those interests. If it begins to damage those interests, then no amount of holocaust and bible discourse will count. Those are narratives and discourses to hide its basic raison-d'etre – which is to permit the capitalists to plunder the resources of the region for their own benefit. So who is the “international community”? I think that is both a wrong and very misleading misnomer.

Ms Brayer, thanks for the interview.

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The interview was conducted by Dr. Ludwig Watzal, who works as a journalist in Bonn, Germany.

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