

How a High Dollar Speech Sends Former Israeli Prime Minister Ehud Barak to US Federal Court on Claims of War Crimes

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Serving legal documents on high visibility persons who have been involved in international criminal acts is very difficult. However, the temptation of large honoraria for speeches in the United States tripped up a former Israeli Prime Minister who has been accused of war crimes for his involvement in the murders of ten passengers (nine were killed immediately and a seriously wounded passenger died after being in a coma for several years) on the Mavi Marmara in the 2010 Gaza Freedom Flotilla.

In a telephone press conference on October 21, the international legal team that filed the lawsuit against former Israeli Prime Minister and Minister of Defense Ehud Barak described how “legal process service” or official notification of a legal claim filed against him was done. The legal team knew Barak would be in Southern California giving three talks as a part of the Distinguished Speaker Series of Southern California and hired a commercial “certified process server” to deliver the court documents to Barak.

According to attorney Dan Stormer of the Los Angeles law firm Hadsell Stormer Renick LLP, on the evening of October 20 when Barak was scheduled to give a lecture in Thousand Oaks, California, the process server handed the documents to one of Barak’s security team who, in the view of witnesses, handed the documents to Barak, thereby completing the official notification of Barak that a civil case against him had been filed in U.S. Federal Court.

On Friday, October 15, 2015, attorneys for U.S. citizen Furkan Dogan, a 19 year old U.S. citizen who was shot 5 times by Israeli commandos, had filed a civil lawsuit in the Federal District court of California, [Central Division](#), against Barak for his role as Defense Minister in the 2010 Israeli Defense Forces raid on the Gaza Freedom Flotilla ship Mavi Marmara that resulted in the executions of nine unarmed civilian passengers and wounding of over 50 passengers, one of whom died after being in a coma for several years. The lawsuit was filed using Alien Tort Claims, Torture Prevention and Anti-Terrorists legislation.

The [legal documents](#) filed in Federal District Court state: “Defendant Barak is responsible and liable for the common plan, design, and scheme unlawfully to attack the six vessels of the Gaza Freedom Flotilla and the civilian passengers on board which constituted acts of international terrorism and resulted in extrajudicial killings, torture, and cruel inhumane or other degrading treatment, in violation of customary international law.

Defendant Barak’s position as Israeli’s Minister of Defense provided him with the ability and

capacity to plan, direct, control and oversee the operation against the Flotilla and the IDF soldiers who conducted the attack. Therefore Defendant Barak possessed command responsibility over the IDF forces, and knew or should have known that the unlawful attack on the Flotilla would result in torts and international law violations against Plaintiffs. Defendant Barak failed to stop the violations before and during the attack, and failed to punish those responsible for committing the violations after the attack, thereby ratifying their conduct.”

Attorney Stormer said that Barak must respond to the lawsuit within 30 days after which the discovery phase of the lawsuit will begin. Stormer said that if the suit is successful, damages and compensation to the parents of Furkan Dogan, could amount to “tens of millions of dollars.” Stormer said that other families of those executed by the Israeli commandos may join the lawsuit.

British lawyer Rodney Dixon said that having Barak served the legal process in California was a “watershed” moment. Dixon said that the Nuremburg, Tokyo, Yugoslavia and Sierra Leone war crimes trials demonstrate that political leaders who order the targeting and killing of unarmed civilians can be held accountable.

In September 2009, lawyers representing 16 Palestinians living in Britain asked a London court to issue an arrest warrant for Barak who was speaking in Britain for his role in the deaths of hundreds of unarmed Palestinians in Gaza who were killed in the Israeli 29 day attack on Gaza in December 2008-January 2009. However, the court [ruled](#) that Barak enjoyed diplomatic immunity from prosecution as he was in office at the time.

Legal team attorney Haydee Dijkstra, who is a lawyer in The Hague, the Netherlands, said during the press conference that “there is no protection for officials who have left office” and the lawsuit against Barak could not be thrown out by the U.S. court on grounds of diplomatic immunity.

Several members of the George W. Bush administration do not travel to certain countries in Europe due to [lawsuits](#) filed against them in Germany, France, Spain and Switzerland for their roles the war on terror and torture.

Ann Wright served 29 years in the US Army/Army Reserves and retired as a Colonel. She was a US diplomat for 16 years in US Embassies in Nicaragua, Grenada, Somalia, Uzbekistan, Kyrgyzstan, Sierra Leone, Micronesia, Afghanistan and Mongolia. She was a passenger on the 2010 Gaza Freedom Flotilla, and on the 2011 and 2015 flotillas.

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