

Humanitarian Ship to Gaza: Israel Again Commits Barbarism and Piracy

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In-depth Report: [PALESTINE](#)

On October 6, the humanitarian [Estelle](#) Ship to Gaza departed Naples, Italy for Gaza. It surprised no one that Israel again violated international law.

At 10:15AM CET (Central European Time), Ship to Gaza Sweden said “Estelle is being attacked....Five or six military vessels surrounded Estelle.”

Soldiers wearing masks are now trying to board the ship. The attack took place (illegally in) international waters.”

“At the moment, our website is targeted in a coordinated attack. Website may be inaccessible for periods of time. We are working on a solution. Keep up to date through Facebook and Twitter #Estelle.”

“Our voyage is a natural, brotherly action. Our objective is humanitarian. Our basis lies in international law, and our method is non-violent.”

Swedish/Israeli representative on board, Dror Feiler, said Israel “attacked” Estelle in international waters. Israeli authorities and supportive media lied, claiming otherwise.

Estelle’s cargo includes two olive trees, 41 tons of cement, wheel chairs, walkers, crutches, midwifery stethoscopes, children’s books, toys, 300 footballs, musical instruments, theatrical equipment (including lighting), a VHF ship-to-shore radio, and an anchor for its sister project – Gaza’s Ark.

It’s intended to be a Ship from Gaza. Activists are building it to help break Israel’s export blockade.

Humanitarian cargo to Gaza or legitimate exports should rankle no one. Israel claims otherwise. Doing so, of course, violates fundamental international law. Attacking and arresting activists at sea compounds the crime.

Estelle participants called “the heaviest cargo on board....our solidarity with the Palestinian people.” Israel thinks they’re subversives up to no good.

On October 20, [Haaretz/Reuters](#) headlined “Israeli Navy boards Gaza-bound Estelle ship.”

Separately, [Reuters](#) said the following:

“The Israeli navy seized an international pro-Palestinian activist ship in the Mediterranean sea on Saturday to prevent it breaching its blockade of the Gaza Strip, a military spokeswoman said.” Haaretz/Reuters lied, saying:

“IDF Navy forces boarded the Scandinavian Gaza-bound Estelle ship attempting to breach Israel’s blockade on the Strip. Control over the ship was seized in Israeli territorial waters, as the IDF maintained its forces acted in accordance with the international law.”

Estelle was seized over 30 nautical miles off Gaza’s coast. It was forcibly taken to the Israeli port, Ashdod. International law calls it piracy. More on that below.

Passengers were taken against their will to Ashdod’s immigration facility. They may or may not be charged with entering Israel illegally. Israel acts lawlessly. Victims get blamed. That’s how rogue states operate.

Seizing Estelle, other humanitarian ships, or legitimate commercial ones in Gazan waters make no difference. Gaza is Palestinian, not Israeli, territory. International law prohibits what Israel does routinely. Around a dozen previous vessels were lawlessly interdicted.

Canadian activist David Heap is connected to the movement. He was aboard a 2011 Canadian Boat to Gaza mission. He tasted Israeli brutality firsthand. He was brutally beaten, arrested, detained, and prevented from contacting his family by phone for days.

From Givon Prison, he sent a message through his lawyer, saying:

“Although I was tasered during the assault on the Tahrir, and bruised during forcible removal dockside, I am basically OK.” He’s “slightly limping,” he added.

He said he and fellow activist Michael Coleman, an Australian national, were taken to Givon Prison in handcuffs and leg shackles.

“We are neither criminals nor illegal immigrants, but rather political prisoners of the apartheid state of Israel.”

He said others on board were also treated violently. In detention, prison guards assaulted some of their members.

“All political incarceration is unjust, but let me stress that in duration and conditions, our situation pales in comparison to the plight of thousands of Palestinian political prisoners and to the open air prison of Gaza. We must get Tahrir back and hope Freedom Waves continue.”

Israel demanded he and other participants sign voluntary deportation waivers. Most refused. They were kidnapped in international waters. Document language claimed they lawlessly entered Israel and won’t again try to breach Gaza’s siege.

About 30 European, Canadian and Israeli activists were on board Estelle. They included five European parliamentarians and a former Canadian one.

Canadian Jim Manly said Estelle’s only dangerous cargo was “hope.” Former IDF pilot Yonatan Shapira participated. On active duty, he refused to bomb Palestinian cities. He became a conscientious objector.

In 2003, he and 26 other Israeli combat pilots signed a “pilots’ letter.” They refused to participate in missions over Occupied Palestine.

Yonatan also supports the global BDS (Boycott, Divestment, Sanctions) movement. It urges isolating Israel politically, economically, and culturally until it complies with international law and recognizes Palestinian rights.

In 2011, Yonatan participated in another Gaza humanitarian mission. Israeli commandos forcibly seized him and others. They were arrested and detained. Yonatan wasn't criminally charged.

Ahead of Israel's latest interdiction, its UN ambassador Ron Prosor petitioned the world body by letter to do its dirty work for it. Given Secretary-General Ban Ki-moon's comment in response to Israel's May 2010 murder of nine Mavi Marmara activists, it wouldn't have surprised if he obliged.

He called seizing the vessel legal. He objected only to excessive force. The ship was lawlessly seized in international waters. Israeli commandos murdered nine on board. Dozens of others were beaten, arrested, and detained. Their personal possessions were stolen.

No one was held accountable. None will for Israel's latest crime. Expect no follow-through with teeth from Ban or world leaders. Media scoundrels also support Israeli lawlessness. None explain that fundamental international laws are repeatedly violated.

Relevant International Law

Under UNCLOS' Article 101, maritime piracy includes "any illegal acts of violence or detention, or any act of depredation....against a ship, aircraft, persons or property in a place outside the jurisdiction of any State (and) any act of inciting or of intentionally facilitating (such) an act."

Usually it refers to robbery or criminal violence committed by private parties. It also applies to states committing lawless acts. UNCLOS lets them interdict at sea to prevent illegal arms and drug smuggling, the slave trade, or terrorist activities.

Blocking humanitarian missions is lawless under all conditions. Israel claiming otherwise doesn't wash. Ships to Gaza are inspected before departure. Their cargo includes food, medicines, educational, construction and other materials. Nothing on board threatens Israel.

Under UNCLOS, its commandos have no right to interdict vessels or attack activists on board. It holds anywhere at sea from point of departure to destination.

Under customary maritime law, ships have "innocent passage" rights through all international and coastal area waters, subject to certain restrictions.

UNCLOS defines "innocent passage" as expeditious, continuous passage through waters in ways not "prejudicial to the peace, good order or the security" of a coastal state.

America's Defense Department defines it as:

"The right of all ships to engage in continuous and expeditious surface passage through the territorial sea and archipelagic water of foreign coastal states in a manner not prejudicial to its peace, good order, or security."

"Passage includes stopping and anchoring, but only if incidental to ordinary navigation

or necessary for force majeure (a natural or unavoidable catastrophe) or distress, or for the purpose of rendering assistance to persons, ships, or aircraft in danger of distress.”

Moreover, passengers and crew are entitled to defend themselves if attacked. Legal interdictions may only occur within 12 nautical miles from shore. They’re lawless in international waters for any reasons other than what UNCLOS permits. Verifiable evidence must prove it.

A final issue pertains to the rights of sovereign states under whose flags interdicted vessels sailed. Estelle was a Finnish flag ship. It’s up to Helsinki to demand accountability for violating its rights.

In June, Estelle sailed from Sweden. En route, it stopped in 20 European ports. Cargo inspections occurred each time. On October 6, it departed Naples, Italy for Gaza.

In Israeli custody, expect activists to be treated harshly. Expect humanitarian cargo to be stolen. It’s unclear if Estelle will be returned. Expect continued siege and isolation of Gaza. When released, activists will supply more information.

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