

Representing Extraterritorial Images

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1. Introduction

In art works and research produced as part of the long term art project *Exterritory*, we present cases in which images of vital evidentiary value were created only to go missing; images produced in the knowledge that they will be expropriated and removed from view. Our work sometimes seeks to experiment with, and sometimes to invent, situations and representations that evoke the absence of the images and the gaps in our visual knowledge.

To put it more broadly, our work attempts not only to articulate the ways in which violence used in the name of law are maintained through a regime of images or a set of restrictions imposed on the representation of such images, but also to confront the political, conceptual and representational limits that sustain this regime and protect it legally. Often these limits are preserved through certain relationships between law, representation and space which the phenomenon of extraterritoriality both produces and represents. Investigating the notion of extraterritoriality may therefore help to better comprehend these relationships.

This art project was conceived when we decided to screen a video compilation of works by Middle-Eastern artists onto the sails of boats navigating in the extraterritorial waters of the Mediterranean, as a response to the ongoing Israeli-Palestinian conflict. In 2010 we initiated a meeting in the extraterritorial waters of the Mediterranean, to which we openly invited people from diverse disciplines to offer their interpretation of the concept of extraterritoriality and to project art works onto the sails of the participating boats. Extraterritorial waters seemed to us a meeting space that could offer the suspension of the region's national States borders regimes and enable meetings for artists from conflict areas which the region's national cross-borders restrictions usually outlaw. After many months of intense research and production, a week before our planned departure date, the Israeli military intercepted the Gaza freedom flotilla in extraterritorial waters.¹

It was a flotilla of six vessels carrying humanitarian aid aimed to protest against the Israeli siege of Gaza. Conceived as a high-profile media event, the flotilla organizers had invested in live broadcasting infrastructure and had broadcasters on board. In the course of the military takeover operation, the flotilla satellite connection was cut off from the outside world, ten activists were killed, many were wounded, and thousands of passenger cameras memory cards were confiscated by the Israeli army (and have remained inaccessible since).² In the aftermath of this event, the importance of realising our project as planned became even clearer. The conjunction in time and space of the two flotillas – both politically motivated, both placing image production at their centre, both marked by the crucial role of extraterritoriality – urged us to look further into the complex politics of extraterritorialities.

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1 See also in *Exterritory*, 'About Exterritory Project', Exterritory Project, 15 June, 2016, <<https://extrterritory.wordpress.com/>> (last visited 24 October, 2016).

2 See the report made by the Turkel Commission, *The Public Commission to Examine the Maritime Incident of 31 May 2010* (2010), Part 1, pp. 1-36: <<http://www.turkel-committee.gov.il/files/wordocs/8707200211english.pdf>> (last visited 5 April 2017); Turkish National Commission of Inquiry, *Report on the Israeli Attack on the Humanitarian Aid Convoy to Gaza* (2011): <<http://www.mfa.gov.tr/data/Turkish%20Report%20Final%20-%20UN%20Copy.pdf>> (last visited 6 April 2017).

Our research set out, then, with the goal of liberating images from the control of national sovereignty and exploring the potential of extraterritorial maritime space to do so. The Gaza flotilla incident revealed, however, the way in which armed forces can use the very same space – an un-regulated and therefore relatively unprotected space – to *expand* sovereign national power and achieve absolute control over the production and distribution of images.

In its accepted legal and political contexts, the concept of extraterritoriality refers to the exemption or exclusion of *individuals* and of *spaces* from one legal system (to which they would otherwise be subject) while subjecting them to another such system. (In doing so, the concept of extraterritoriality presupposes, of course, the existence of several competing or overlapping legal systems.) Our proposition is that practices of exemption or exclusion of this sort can be applied to other objects as well, and specifically in this case to *visual images*. Metaphorically speaking, if the ‘territoriality’ of an image is its visibility, then attempts to ‘extraterritorialise’ an image by *excluding* it aim to limit the ‘territorial reach’ of the image, i.e. to restrict its visibility. Attempts to ‘extraterritorialise’ the image by *exempting* it from a legal system, by contrast, aim to free it from the limitations of that system or from the particular visual regime that the system imposes.

2. Scenarios Preparations

A year later, in light of the intervening events, we planned to join the next Gaza flotilla. We teamed up with a group organised by a Dutch branch of the NGO Free Gaza, which was going to be sailing to Gaza and on its way was planning a gathering in extraterritorial waters of boats from different destinations that would be sailing together from that point on. Initially, we sought to contribute by adding an intervention to the already-planned gathering and filming the entire process. Our plans shifted to the resulting work, *Scenarios Preparations* which was composed of footage we had shot in 2011.³

The work *Scenarios Preparations* shows a series of imaginary rehearsals: improvisational exercises meant to prepare the participants for their anticipated encounter with the Israeli army in extraterritorial waters. These exercises were mostly part directed by a Dutch theatre director and were held at a fringe theatre venue in Amsterdam. Other improvisation exercises, led by one of the organisation’s representatives who had also participated in the 2010 flotilla, took place at a secret location on the Greek island from which the Dutch boat was to set sail; these exercises were dedicated to practising the actual scenarios of engagement with the Israeli army, including specific behaviour guidelines determined by the organisers. *Scenarios Preparations* also focused on an intense internal discussion among the participants a day before the planned departure, concerning a leak to a Dutch newspaper with secret details about the sailing plan.

The need to inquire attempts to border images at the intersection of overlapping, sometimes contradicting legal-juridical systems (also national and international), to look for the extraterritorial power of the image, appeared central. To illustrate this, we will briefly describe two scenes from the work. In the first, a quarrel is shown regarding the proper limits of image production and distribution, as the participants disagree on whether the training sessions should be documented, and if so, under which restrictions and ownership conditions – for example, whether the sessions may be documented exclusively by the organisers or also by outside filmmakers or even journalists, and whether release of the filmed footage should be immediate or postponed until after the journey. Those opposing transparency expressed the concern that the footage may prematurely reveal to the public the activists’ personal stress as well as give the Israeli army a tactical advantage when planning the takeover operation. Many were in favour of greater lenience, however, since they themselves intended to film the sessions as news footage or for documentary filming purposes, in effect serving simultaneously as actors and directors. Furthermore, one of the film directors present argued that since the documentation of the actual encounter with the Israeli military would in all likelihood be confiscated, the improvised scenarios would remain the only evidence of the struggle and could later serve as evidence to the non-violent nature of the mission. The debate underscored and epitomized the tension between political action and documentation and the dilemma of which should take precedence. Image

3 R. Sela & M. Amir, *Scenarios Preparations*, 2015, video, 35:20 min. <<https://dataverse.harvard.edu/dataset.xhtml?persistentId=doi:10.7910/DVN/WIM3AS>>.

production and political action merged and cross-pollinated; limiting the images became indistinguishable from limiting the political action that these images documented. Moreover, in a situation where the visual documentation that could have served as vital evidence would eventually be seized, the prospect of loss of control over image production and distribution leaves the documentation of performances as the only accessible evidence in case of suspicions of human rights violations.

The dilemmas exhibited in this scene re-emerge in another scene from the work, filmed the following day. When asked to freely envisage and prepare for the violent confrontation, an activist playing the role of an Israeli soldier entered the room holding an imagined camera. 'Would you like some cookies?' asked the organiser/instructor who was also improvising the role of a fellow Israeli soldier. Another activist, playing himself, repeatedly answered: 'We need medical attention. Then we can talk about food.' The imaginary camera, so it seems, was meant to capture staged images that would serve to exonerate the Israeli army from responsibility for its violent acts. This specific kind of image production was added to the arsenal of the traditional weapons of war. Staging conduct according to the laws of war in front of the camera – turning the law of war into a mere script – became a combat technology in itself. In this way, the work 'Scenarios Preparations' allowed us to show how the State's projected control over the production and distribution of images annulled the images' ability to help reconstruct violations, reducing the accessible visual evidence into mere illustrations of the degree to which each side adhered to rules of wartime conduct.

In the following days, due to sabotage suffered by the boats as well as restrictions imposed by the countries from which the boats were to set sail, the flotilla was cancelled. This further underscored how the fate of the initiative was predominantly decided at the level of images – in the realm of documented intentions, rather than resulting actions.



R. Sela & M. Amir, *Scenarios Preparations*, 2015, video, 35:20 min.



R. Sela & M. Amir, *Scenarios Preparations*, 2015, video, 35:20 min.

3. Exhibition *Image Blockade*

The above-described scenes call attention to the ways in which the extraterritorial laws applied in maritime space may transform into a regime of visual representation, manifesting itself in the production of what we propose to understand as ‘extraterritorial images’.

The endeavour of the State to control the extraterritorial image is further challenged by the ways in which technological advances contest perceptions of the State territory as bounded spaces. In 2014 the story of an unprecedented civic lawsuit against the Israeli army was exposed on the weekend news edition of Israel’s main commercial TV channel, Channel 2.⁴ The lawsuit was filed by Sergeant Major M, the first Israeli commando who rappelled down from the helicopter onto the Mavi Marmara – the largest vessel of the freedom flotilla. Beaten badly with clubs and poles, then flung from the upper deck to a lower level of the vessel, Sergeant Major M was seriously wounded. His identity could not be established in the official Israeli documentation of this scene, filmed from an Israeli navy boat in extreme long shot and released by the IDF spokesmen unit after the incident. Yet his face was clearly visible in still images taken by the Marmara activists, which were among the very few to be leaked from the boat and which have been circulating worldwide ever since.

In his news interview, Sergeant Major M reported that he was still haunted by the incident: ‘I have been living with it ever since... We are at risk of being injured, of being killed, that is something we take into account. But I, as a fighter, am doing my job and I expect that the system will support me.’ Sergeant Major M’s charge against the Israeli Defense Forces – the first of its kind – was the negligence that allowed his image to leak and circulate widely, causing him ‘irreversible harm’ and preventing him from leaving the

⁴ G. Peleg, ‘Commando Unit Warrior is Prosecuting: “I Thought They Were Going to Execute Me”’, Channel 2 News, 11 April 2014: <<http://www.mako.co.il/news-law/legal/Article-6cf8a45b4e15541004.htm>> (last visited 16 April, 2014).

country out of fear of prosecution or assassination. His report of being haunted by the event – of ‘living with it ever since’ – seems to refer, then, not to memories of the event itself, but to the publicly exposed images which revealed his identity and perpetually placed him at the scene.

Sergeant Major M took great pains to stress that the failure to protect his image was his sole complaint: ‘I very much love the army, and I don’t regret for an instant my participation in this incident. If it were to happen once more, I would definitely go down that rope again.’⁵ Like many other elite soldiers, he was willing to die in action, yet he was not willing to sacrifice his life while still living – to lose ownership of his own image, created while he was serving his country. In the exhibition *Image Blockade*, which presented works and research created in the framework of *Exterritory*, presented at The Center for Contemporary Art in Tel Aviv in 2015, frames from the television interview and news item are exhibited, re-arranging them as a storyboard alongside other elements from research conducted as part of the project and video works including the abovementioned *Scenarios Preparations*.⁶ The selected frames show Sergeant Major M, his face darkened, stating his charges and conveying the agony inflicted on him by the loss of control over his exposed image. By freeze-framing the news item footage, the display emphasizes the illustrative character of the convention of darkening the interviewee’s face as an attempt by the State to censor certain images in order to limit their identifying and evidentiary power.

The model of extraterritorial representation and extraterritorial images offered here may be employed to analyse the meaning of this particular episode. What emerges here very clearly is the willingness to sacrifice life, including one’s own, both in order to document and in order to not be documented.

Moreover, for Sergeant Major M, the military’s inability to prevent an image showing the incident and its executors from becoming visible, its failure to control the image’s territorial reach and keep it legally excluded – in other words, its failure to make the image ‘extraterritorial’ – represented not only a breach of contract but a most serious crime. The special conditions of the extraterritorial maritime space in which the takeover operation was set to take place were supposed to enable the military to gain full control over the event’s documentation. By making the images extraterritorial, protected from visibility under the laws of the State, the military were to enhance their ability to evade responsibility for the documented actions, which other legal systems would in all likelihood consider crimes. These goals and conditions were presumably discussed with the soldiers prior to the flotilla takeover; Sergeant Major M was therefore under the impression that the system had failed him. The image, now openly accessible beyond Israel’s borders, has confined him to the borders of the Israeli State. The State’s territorial law has become both his shield and his prison. Such circumstances reveal how those equipped with weaponry and thus with the power to physically control the situation also expect to be in control of the visual evidence, to use national State law in order to keep it out of reach. In such cases, extraterritorial images are tools used to prevent the State’s representatives (soldiers, officials, etc.) from becoming criminals in other territories or in the eyes of international law.

By appearing with his face darkened during his TV interview, it was as if Sergeant Major M was regaining his anonymity, if only within his country’s borders. By doing so, the TV station added yet another censored image that alluded to the confiscated documentation of the original incident. Just as the violence on board the Marmara was mediated via censored images, this testimony was communicated via yet another form of suppressed representation.

After the interview was initially broadcast, further information about the lawsuit was impossible to obtain and its progress, if any, was never covered again in the media. Its representation in the *Image Blockade* exhibition as a series of still images therefore offers another opportunity to critically reflect on the phenomenon of the extraterritorial image.

5 Ibid.

6 *Image Blockade* (Works and Research Created within the Frame of Exterritory Project), The Center for Contemporary Art, 30 July-26 September 2015, Tel-Aviv. <<https://dataverse.harvard.edu/dataset.xhtml?persistentId=doi:10.7910/DVN/PPBX1W>>. See also: Peleg, supra note 4.



R. Sela & M. Amir, Documentation from the solo exhibition *Image Blockade*, The Center for Contemporary Art, Tel-Aviv, 30 July - 26 September 2015.

Comprising works of art, theoretical studies, interdisciplinary collaborations, and diverse public events and interventions, the project uses the notion of extraterritoriality to criticise power structures and reimagine practical, conceptual, and poetic possibilities. The *Exterritory* work and the theoretical research have been dedicated to probing extraterritorial conceptions and phenomena as well as to asking what extraterritorial images are and how they operate. ■