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*Extraterritoriality and the Image*

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The following research was conducted in the framework of a collaborative art project which, together with artist Ruti Sela, we have been pursuing over the past decade. Springing from the wish to offer an image that transcends arbitrary discriminating border regimes, and galvanized by the breadth and currency of extraterritorial practices in shaping contemporary political orders, we set ourselves to study and provoke the concept's interdisciplinary understanding.

As part of the project, we attempted not only to articulate the ways in which violence exercised in the name of law is maintained through a regime of images or a set of restrictions imposed over the representation of such images, but also to confront the political, conceptual, and representational limits that sustain this regime and equip it with legal protection. The paths this research took often branched off from the extraterritorial journey we have embarked upon together. An uncompromising, brilliant artist unrelentingly committed to challenging the shortcomings of dominant political perceptions, Ruti Sela continues to provide inspiration, and I am forever grateful for the opportunity to collaborate with her.

In the course of my research, I conducted a series of interviews with some of the key figures who shaped the Gaza flotilla incident and its legal aftermath, including the flotilla's organizers, those involved in the military operation to stop it, and those concerned with the ensuing legal actions.

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# Introduction

This book engages with pivotal examples of extraterritoriality—from Antiquity and into the twenty-first century—in order to broaden the original judicial and geographical definition and thereby include physical and digitized information, and visual data in particular. By focusing on a critical incident of recent Middle Eastern history—namely, the much-debated and polarizing Gaza Freedom Flotilla of 2010—it shows how the device of extraterritoriality not only shapes the political situation in Gaza, the legal status of the maritime environment in which the flotilla incident took place, and the judicial actions taken in response, but also reveals how the concept of extraterritoriality is key to explaining the State's subsequent efforts to confiscate and monopolize all visual evidence of its alleged violations of international statutes.

In the small hours of May 31, 2010, in the extraterritorial waters of the southeastern Mediterranean, large forces of Israeli military commandos were preparing to swoop upon a group of six civilian vessels sailing together under the banner of the “Gaza Freedom Flotilla.” Carrying medical supplies and other essential equipment, along with scores of activists from a wide range of countries, the convoy had been organized by the Foundation for Human Rights and Freedoms and Humanitarian Relief (*İnsan Hak ve Hürriyetleri ve İnsani Yardım Vakfı* (IHH)) based in Turkey, in collaboration with the Free Gaza Movement and other non-governmental organizations (NGOs) and activist networks.<sup>1</sup> The organizers' declared aims included bringing humanitarian aid to the people of Gaza who, because of Israel's blockade, were suffering from a severe rationing of food and medical products, and countless other basic necessities. No less important than the physical conveyance of desperately needed supplies, however, was the goal of raising international awareness of the plight of the Gazans, and to protest the violation of their basic human and civil rights, while campaigning for the broader Palestinian cause.<sup>2</sup> It should be noted that the two professed intentions were to some degree at odds with each other, inasmuch as providing aid might be seen as a sign of compromise and quiet diplomacy,

whereas as a rule protest and agitation encourages open confrontation and ensures a high media profile.<sup>3</sup> Indeed, once Israel had decided to overrun the flotilla, a clash between the activists and the military was all but inevitable. Few expected, however, that the ensuing skirmish onboard the *Mavi Marmara*, the flotilla's largest vessel, would devolve into a lethal confrontation that would leave ten Turkish activists dead, and many more on both sides wounded, among them nine soldiers from the Israeli forces.

Though the commandos stormed the flotilla boats around 5 a.m. on May 31, the takeover effort had already begun the preceding evening, when the Israeli forces effectively jammed all communication to and from the vessels by implementing electronic warfare. In pursuit of taking control over the information spectrum on the high seas, the operation began with attempts to block their signals by blasting their satellite transmissions, creating a frequency blackout in advance.<sup>4</sup> By this means, the first effective battle between the activists and the Israeli forces was this implementation of technological means to command communications, thereby wrestling for complete control over all the digital evidence, and thwarting one of the principal aims of the flotilla itself, which was to ensure the confrontation was mediated globally.

Indeed, from the outset, the campaign had focused on raising the visibility of the Israeli blockade and the plight of the Gazan population, and so Israel's primary tactic was to forestall it. Despite their furious opposition on political fronts, both sides were equally aware of the critical primacy of visual evidence; each side strove to be first to release material that would incriminate the other via images that would fashion both legal and public opinion. However, while the activists advocated a free flow of information, the Israeli military realized its chance to exploit the unique legal ambiguities offered by this encounter in extraterritorial waters to take absolute control over all the coverage of the offshore exchange.

Eager to make their protest visible, the flotilla organizers had meticulously planned for securing their ability to propagate images throughout the journey, especially at the prospected climax point of documenting the military response. A high-end "first of its kind"<sup>5</sup> infrastructure to allow live broadcasting across the open sea was installed on the most manned vessel, the *Mavi Marmara*, including an alternative classified frequency known only to a few associates. Foreseeing the need to protect information flow in case of attack, this additional channel would provide a hidden backup system. A large pressroom commanded by employees appointed by the organizers was set up to accommodate the many journalists and broadcasters invited onboard.<sup>6</sup> The vessel was duly kitted out

with closed-circuit cameras, positioned in advance to monitor strategic areas.<sup>7</sup> Most prominently, the numerous media professionals all brought their own photography gear, and a significant amount of the individual's activists also had video equipment with them, ready to document the event.

While the declared aim of the military was to prevent entry to Gaza without any direct use of force,<sup>8</sup> it was ready and willing to take out the flotilla's surveillance and media appliances should any other scenario occur. To this end, the military executed a large-scale information operation combining complementary forces (navy, air, and special forces) to affect a series of coordinated measures, weaponized in order to gain maximum documentation of the interaction under its total control. For the military, therefore, the decisive element of the battle was to secure its role as the exclusive source of visual evidence, both for release to the media and for possible future demands arising from any legal inquest.

In order to achieve this aim, the army engaged a unit specializing in electronic warfare to block all communication to and from the vessels.<sup>9</sup> Meanwhile, so as to provide comprehensive coverage of the action mid-sea, a broad array of manned and unmanned surveillance cameras were put into operation. Once the boats had been brought to a halt, a second unit of commandos skilled in penetrating prison cells<sup>10</sup> was sent in to search those aboard and confiscate the memory cards from the hundreds of cameras and filming devices, and to seize any image storage equipment onboard the ship.<sup>11</sup> For the first time in Israeli military history, special helicopters were assigned solely to fly this valuable booty out of the media blackout zone and back to shore, where it would be selectively edited by the Spokesperson's Unit for state advocacy.<sup>12</sup> In addition, the navy designated one of its warships for a group of commissioned news reporters to escort the forces, providing them with a pressroom equipped with on-sea editing units to support its communication.<sup>13</sup>

Despite the asymmetrical reciprocity, as soon as the violence erupted, the activists broke through the electronic barricade, and managed to transmit a number of images of the ongoing confrontation in real time, which reached various platforms around the world, thereby scuttling the army's strategy of preempting the media coverage. In many ways, the battle over image control more than merely symbolized the underlying reasons of the confrontation: it actually impacted the course of events, with deadly consequences. Since the flotilla's organizers had planned the event as a live performance of sorts, part of the violence arose through their attempt to defend the communications and transmission gadgetry on board the vessels. The military meanwhile exploited its state-of-the-art assets to thwart the flotilla's attempts to document events as they

unfolded, and, to ensure their success, employed brutal means that turned lethal. The bitter irony was that the efforts to stream images live led to death, including that of some of the photographers.<sup>14</sup> Moreover, the measures taken by Israeli troops raiding the *Mavi Marmara* in their effort to locate and seize any footage were in many cases as forceful as their apprehension of the activists themselves. The numbers are astonishing: an estimated 2,600 media storage devices were confiscated that night, with the result that control over the activists' co-authored documentation of the violence onboard passed directly to the Israeli military and government.

This war over the evidence was not limited to image production, however. It also involved their circulation and subsequent interpretation, as the military trimmed several hours of material taken from multiple points of view down to a handful of sporadic sequences which, when made publicly available, ensured a one-sided view of the exchange that confirmed the State's official line. Notably, although the military operation to prevent the boats from crossing through the Gaza blockade spiraled out of control, the meticulously planned operation to take command of all the visual documentation was completed. The event was captured, though its historic visual record has ever since remained out of sight.

The conditions for achieving this appropriation are particularly significant: Israel strategically planned to shift this information war out to the neutral space of extraterritorial waters so that it could enforce its own legal system and thereby seize and control the visual evidence, without the risk of being challenged by a stronger power. The further I delved into the *Mavi Marmara* case, the more I realized that the lab-like conditions in which the event took place provide a broader perspective on extraterritoriality itself, as both category and practice.

The complex logic behind the event's missing visual evidence can be analyzed through the lens of *extraterritoriality*—in this case not only geographical, legal, and political, but also visual. Furthermore, the factor of extraterritoriality remains central to the flotilla event and its aftermath in several distinct ways, some more obvious than others. The flotilla was launched to protest against Israel's forcible extraterritorial control over the Gaza Strip, which it has been tightening since 2007, creating a regional lockdown that poses severe restrictions on the movement of people and goods. Perhaps more obviously, the extraterritorial factor applies to the stretch of sea in which the confrontation between the Israeli military and the activists took place. According to international law, the high seas are beyond the limits of national jurisdiction, and are defined as a shared space of passage.<sup>15</sup> Israel chose to intercept the flotilla in the extraterritorial waters, insisting that such action was necessary in order to defend its blockade

of Gaza and thus its own sovereignty, but by doing this, it expanded the ongoing occupation into the open sea.

The extraterritorial logic of the flotilla episode seems to have extended to the legal proceedings and tactics assumed by the flotilla organizers both before and after the Israeli takeover of the boats. In search for justice beyond the limits of territorial laws, the activists artfully deployed an abundance of spatial-legal codes, evidencing how diverse extraterritorial practices have come to offer devices at the service of conflicting ends. The *Mavi Marmara* case illustrates the nexus of diverse extraterritorial effects that come into play, such as Israel's isolation of Gaza, the vulnerability of a floating media effort and its destroyed satellite connection, and the lack of judicial resolution for international crimes, to name only a few. In what follows, I will examine the unseen affinities of the different effects and provide insights on the underlying visual apparatus.

Taking extraterritoriality as an umbrella concept defining a flexible phenomenon applied variously down through history, we can see it has been implemented both legally and illegally as a form of logistical "trapdoor," an escape route for any number of international arrangements over time. Arising from the point or seam of contact between separate legal systems or technologies of governance, and from the convergence of permitted spaces of circulation, extraterritoriality as a practice denotes certain elusive statuses of representation. At its core a relational category, extraterritoriality pivots on how we determine where points meet and margins chafe or overlap, and hence where legal responsibilities lie. By presenting the practice of extraterritoriality in diverse and even contradictory instances—not only historically and philosophically, but also within the present case study—I show how its spectrum ranges from a unilateral act of appropriation to a mode of full cooperation between sovereignties and nations, and as such it offers a method of navigating spheres of legal representation, while providing a useful lens through which to calibrate how disparate jurisdictions may interweave or conflict.<sup>16</sup>

This exploration of the extraterritorial logic of representation will cover the spectrum of implementations from loose abstraction to its most concrete utilizations. This feat involves shuttling between the legalities of geographical entities, whereby laws are employed to protect the most powerful, but appear side by side, and sometimes even overlap, with claims to deploy laws that safeguard the most vulnerable. Here we encounter regulations devised in the national interest that even claim to advance the cause of human rights, whereby legal codes at the service of war share mutual (extraterritorial) ground with those tailored for peace. Although discussions of extraterritoriality have



involved a fairly wide range of fields, the interdisciplinary applications remain largely underexplored. My analysis will draw on several disciplines to examine a variety of phenomena that correspond to some of its more conventional legal-geographical definitions, and reveal how extraterritoriality abets and in certain cases even endorses legal loopholes in the system, with significant consequences.

Central to the issue under discussion here is the capacity of extraterritoriality to usurp the accountability of a given local/geographical/territorial entity and subject it to outside laws, effecting a sort of include out clause that is traditionally brought to bear on people and spaces physically comprised within a certain territory. In such cases, the said element is alienated from the custody of its embedded system of laws, and placed under the auspices of a different legal authority that operates by being present while enjoying a form of legal exemption. Through the lens of the missing visual evidence characterizing the *Mavi Marmara* incident after-effects, extraterritoriality offers a tool for explaining how images are legally excluded from the public sphere and even judicial investigation—visual evidence that might challenge the legitimacy of the legal system itself, especially when involving a conflict between competing legal systems, be they domestic or international.

My line of reasoning is fairly straightforward: just as the role of extraterritoriality involves the mechanisms regulating the circulation of people and commodities beyond borders, whereby they transition to a different legal system, so is extraterritoriality key to explaining certain aspects of how visual evidence concerning sensitive international affairs is regulated and placed beyond visibility. The faculty by which extraterritoriality effectively bypasses regular legal responsibilities in favor of extraneous legal codes sheds light on the practice of rendering certain evidence out of reach. In the case discussed here, despite the event in question unfolding outside of its sovereign jurisdiction, the State of Israel employed its own national laws to impound the visual evidence and prohibit its circulation by storing it out of reach in the State's archives, precluding any inquiry by those it involves and impacts. In this way, extraterritoriality has produced not only a legal void but also a visual one. Put simply, the evidence itself is now trapped in an extraterritorial limbo.

By this means, the lethal attack that took place in international waters has undergone the further violence of being “disappeared” by the State, and whatever visual material remains publicly available is largely propaganda, demonstrating how extraterritoriality can also generate a legal-visual culture of its own inasmuch as the offshore images produced here are denied their testimonial value. Removed thus from public view and, most importantly, from the scrutiny

of the court as a means of preempting a proper inquest into the event, the sequestered images are open to speculation and even misrepresentation.

Nevertheless, the flotilla has been the subject of various national and international judicial inquiries. In Israel, the conclusions were detailed in the Eiland Report,<sup>17</sup> the Turkel Commission Report,<sup>18</sup> and the Israel State Comptroller's Report.<sup>19</sup> The State also opened investigations against Israeli citizens who were onboard the *Marmara*, notably the then-member of the Israeli parliament, Haneen Zoabi and Sheikh Raed Salah; however, these were eventually closed due to "evidential and legal difficulties."<sup>20</sup> An unprecedented indictment was reported in Israel when in 2014, one of the commandos injured on board the *Marmara* pressed charges against the Israeli military, claiming it was negligence on the part of the Israeli Defense Forces (IDF) that enabled his photos from the ship to be distributed abroad.<sup>21</sup> Internationally, the United Nations Human Rights Council (UNHRC) launched a fact-finding mission,<sup>22</sup> and the UN Secretary-General commissioned a Panel of Inquiry (headed by Sir Geoffrey Palmer).<sup>23</sup> The International Bureau of Humanitarian NGOs and the Friends of Charities Association conducted their own investigation.<sup>24</sup> In addition, following a request submitted in May 2013 by the Istanbul-based law firm Elmadag on behalf of the African archipelago Union of Comoros (whose flag the ship was flying), the International Criminal Court (ICC) conducted a preliminary examination of the incident "in order to establish whether the criteria for opening an investigation are met."<sup>25</sup> On November 6, 2014, the ICC prosecutor announced it concluded the procedure "since the legal requirements under the Rome Statute have not been met."<sup>26</sup> After a pre-trial request submitted on November 15, 2018, it reinstated the decision not to proceed with pressing charges, and published its detailed conclusions on December 2, 2019.<sup>27</sup> An investigation was also carried out by the US Congress.<sup>28</sup>

In Turkey, investigations were pursued not only at the governmental level (e.g., the Turkish National Inquiry Committee), but also in response to pleas initiated by plaintiffs in local courts. For example, a civil trial to obtain compensation for the Turkish victims was held in city of Kayseri in central Turkey.<sup>29</sup> Most prominently, criminal charges were pressed against the four senior Israeli officers allegedly in command of the interception. The latter were tried *in absentia* at Istanbul's Seventh Aggravated Criminal Court for over a quarter of a decade before the proceedings' cancellation (by many considered arbitrary), when the Turkish government made an agreement with the State of Israel to order all charges dismissed (2012–16). In fact, the judicial procedure was supplanted by an *ex-gratia* compensation from Israel in exchange for a new

Turkish amnesty law, retroactively exempting the Israeli commandos from any future allegations over crimes that took place in extraterritorial waters, as well as preempting other possible civil lawsuits against individual Israeli soldiers who participated in the raid.<sup>30</sup> Court proceedings were also reportedly launched in the Republic of South Africa, Spain, Belgium, Sweden, and the UK, to mention only a few.<sup>31</sup>

Removed from national and international public scrutiny, all these investigations—except the ones conducted by the State of Israel—have taken place in the absence of the extant visual documentation of the event, and in particular of the lethal attack. Consequently, despite the presence of many eyewitnesses, what actually unfolded onboard the *Mavi Marmara* that night remains prone to conflicting accounts, and many on both sides believe that, regardless of the mass of investigations, not one had reached an appropriate judicial outcome. Since then, the flotilla has garnered extensive attention in the international media, becoming the subject of books, essays, movies, YouTube clips, exhibitions, and even a theatrical play.<sup>32</sup> Last but not least, to compensate for the lack of available visuals, the authors of some of these reports created various reenactments of what purportedly happened, including an alternative computer-graphic illustration prepared by the military itself.<sup>33</sup>

My purpose here is not to offer yet another reconstruction of the events based on the available evidence. Instead, I will examine the ways in which the fallout from the deadly assault has been shaped and impacted by the very absence of visual evidence that is known to exist but is being withheld, with the emphasis on extraterritoriality's fundamental role in fashioning our current legal and political orders. In **Chapter 1: Extraterritoriality: A Historical and Conceptual Overview**, I provide a brief survey of legal formulas historically recognized as “extraterritorial,” beginning with an overview of the concept's history starting from the “pre-territorial” era, that is, before the world was carved up almost entirely into sovereign territorial jurisdictions.<sup>34</sup> The review does not attempt to be comprehensive; instead it evaluates several key instances of the two predominant categories of extraterritoriality in the pre-modern, pre-territorial age: (1) as a *personal legal status* applicable to persons or individuals within a juridical system; and (2) as *the assignment of separate geographical locations within which people are allocated with such status*. Early instances of such extraterritorial practices can be traced back to ancient Egypt, Greece, and imperial Rome, only to reemerge in the form of Ottoman “capitulations.” Subsequently, I discuss modern colonial implementations of the phenomenon.

The chapter concludes with particular emphasis on contemporary perceptions and precedents of its application, addressing the current tendency of critical thought to analyze extraterritoriality mostly in relation to the work of Italian philosopher Giorgio Agamben, especially his critique of sovereign power's ability to suspend the law as manifested in the "state of exception," the internment camp, and the figure of the refugee. I argue that this framework is limited, owing to its focus on a model of suspension of laws dominated by a single sovereign: a model that is adequate in capturing certain contemporary manifestations of extraterritorialities, but not others. I then examine the complexities of this approach, which risks obscuring certain features that are unique to extraterritoriality. Inasmuch as extraterritoriality is often the result of the encounter between legal systems and different politics that enables their co-existence while producing complex regimes of representation, it can be understood only partially through Agamben's "state of exception," which he conceptualizes within Western politics and which emerges as a zone in which "violence without any juridical form acts."<sup>35</sup> In fact, in his analysis of Jerusalem and the Israeli–Palestinian conflict, Agamben's own discussion indicates that he himself made a distinction between these two phenomena: extraterritoriality and the "state of exception."<sup>36</sup>

**Chapter 2: Extraterritorial Impasses: Background to the Gaza Freedom Flotilla** begins with an introduction to the Israeli–Palestinian conflict from the perspective of the extraterritorial phenomenon that generates it, highlighting its presence in the very foundations of its designated legal geography. Although the flotilla incident marks a unique case of contemporary activists' resistance to the Israeli occupation, it is historic that the tenor of Israel's hold over Palestine has been increasingly gravitating toward extraterritorial activities. The struggle over territory is perceived predominantly in terms of land (holy, promised, sacred, not to mention the seizure of estate and/or revocation of rightful property deeds, etc.), however—and no less drastically—national boundaries and frontiers have meanwhile been shaped and consolidated through diverse exercises of extraterritoriality and forcible appropriation. At its root, the Israeli–Palestinian conflict sprawls chaotically over unrecognized borders and unacknowledged sovereignties. Using extraterritoriality as my compass to review a ruinous century-long history, I pinpoint some of the more recognizable landmarks of the extraterritorial processes under way.

On the ground, the fight over the exclusive claim of land gave rise to a variety of extraterritorial arenas, even within the separate communities. Furthermore, the limits of these manifestations of extraterritoriality were not pre-set but deftly

fabricated, tailored, and adjusted according to the shifting political needs. I then narrow the lens of observation to focus on Gaza. Previously occupied for nearly two decades by its neighbor Egypt, the Gaza coastal strip was subsequently conquered in the June 1967 War by Israel, which imposed its own military rule in the area. In 2005, Israeli forces withdrew from Gaza and the various Israeli settlements were evacuated. In the democratic legislative elections held in Gaza the following year, Hamas rose to power, replacing the secular Fatah. In real terms, however, Gaza continues to remain under Israeli control: with the collusion of Egypt, Israel holds control over all the land, naval and aerial pathways to and from Gaza. Invoking security concerns, in 2007, Israel tightened its stranglehold by imposing a harsh closure on the Gaza Strip that severely limits the transit of goods in and out of the region.

Since then, territorial restrictions have continued to intensify. In 2007, the Israeli authorities declared Gaza a “hostile zone,” the following year a “combat zone,” and during Operation Cast Lead in 2009, it became a “military enclosure” and “exclusion zone.” In this way, Gaza has come to be defined by a series of Israeli actions and proclamations devised to isolate it from its immediate geographical environment, as well as from the other Palestinian territories in the West Bank.<sup>37</sup> This chapter introduces the evaluation of these processes, and is particularly attuned to the diverse legal language employed to describe it—“embargo,” “siege,” “blockade”<sup>38</sup>—with each of these territorial practices being perceived differently by Israel and by the activists. We also find that the extension of the territorial conflict into extraterritorial waters produced both the violent confrontation, and its convoluted judicial-legal aftermath.

**Chapter 3: Extraterritorial Images in Action: The Gaza Freedom Flotilla** calls attention to a central feature of the military interception of the Gaza Freedom Flotilla, namely the Israeli military’s seizure of all visual documentation of the event. I reconstruct the complex logic of the event from the hundreds of testimonies provided in various legal reports and elsewhere, and contend that the battle over the visual material was not only virtual, but actually shaped the deadly encounter. Despite the intentionally large presence of camera equipment to ensure maximum coverage, accessible video evidence of the confrontation remains limited to less than five minutes, all of which has been carefully edited to serve Israel’s propaganda purposes.<sup>39</sup> Owing to the paucity of media released to the public, the void has been filled with interpretations and speculation, leaving the door wide open for misinformation. Despite this, the few publicly available images have served both as visual evidence in official inquiries, and as the basis for rival attempts to expose the truth.

I then move to unravel the emerging extraterritorial geography of vision generated by the State's suppression of vital visual evidence. One of the notable features of this archive of material, however, is that it is *co-authored*, inasmuch as it involved the military on one side acting in the name of the law, and the activists on the other who staged a spectacle to challenge the authority, only to see their efforts rescripted according to terms defined by the very authority they intended to expose. The upshot is a digital archive of conflict co-authored by both sides, but which remains entirely in the hands of the forces of aggression. Having the knife by the handle, so to speak, it is precisely from amongst the critical footage that might reveal possible violations of human rights that the State hand-picks what to show and caption with its own interpretation, suppressing the rest in the name of national security. The upshot is a confluence of physical embargo on Gaza and visual embargo on critical coverage of the event.

**Chapter 4: The *Mavi Marmara* Trial: From Absent Images to Absent Defendants** reveals a further stage in the logic of extraterritorial representation, by which the court case brought against the four senior Israeli commanders was held before İstanbul's Seventh Aggravated Criminal Court in Turkey, without the presence of the defendants.<sup>40</sup> Before the trial had even commenced, it was announced that, contrary to usual juridical procedures in Turkey, the proceedings would be videotaped but not broadcast.<sup>41</sup> The Turkish court has reserved exclusive filming and distribution rights, refusing to release the footage publicly. It becomes clear how the logic of absence and representation that characterized the visual documentation of the flotilla incident escalates to include both the absentee defendants and the inaccessible court footage. Notably, from the very onset of the trial, the missing visual documentation actively framed the legal proceedings. First, the absence of the confiscated visual footage was cited by the plaintiffs' lawyers as the reason for swiftly initiating the trial *in absentia*, claiming that the trial would occasion the production of new media in the form of eye-witness accounts—material that would then “substitute” the inaccessible footage.

The absence of the defendants was mirrored by the absence of the images, invoking them as images *in absentia*. The trial sessions would entail filmed oral testimony: an audio-visually documented verbal description of the original visuals. However, the relentless logic of concealment escalated still further, and all the new material thus created was yet again excluded from the public sphere. Having personally attended the trial, it occurred to me that the court cameras were in a sense documenting the divide between the court's actual conduct and the new EU judicial regulations, given that the cameras used in court were