

Israel prevents fair trial of Rachel Corrie lawsuit

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Israeli authorities are working to prevent a fair trial in the civil suit filed against the state of Israel over the unlawful killing of Rachel Corrie, the 23-year-old American activist run over by an Israeli bulldozer during a protest action in 2003.

Despite this, the suit, brought by Corrie's family, has exposed something of the lies and cover-up involved in her murder. The case has revealed the role of not just the bulldozer driver in her death, but also that of his commanding officers. It has also laid bare the official indifference to the crime.

Corrie was crushed to death by a bulldozer on March 16, 2003, in Rafah, Gaza, while taking part in a non-violent protest to try to prevent the demolition of Palestinian homes in the occupied Gaza Strip. She was a member of the International Solidarity Movement (ISM), a group of Palestinian-led volunteers who were fighting to publicise, protest and stop the destruction of Palestinian homes that lay in the path of Israel's planned security wall.

The driver claimed that he did not see her. The Israel Defence Force (IDF), which held a token investigation, ruled that her death was an accident, and that no action should be taken against the soldiers involved.

The Corrie family rejects this. They argue that her death occurred either because of intent or the bulldozer driver's negligence. They also maintain that the recording that documented the incident was deleted. Corrie's parents, Craig and Cindy, say that their aim in bringing the suit—"absolutely our last resort"—was to shed new light on the killing of their daughter and demonstrate the responsibility of military authorities.

"We hope this trial will...illustrate the need for accountability for thousands of lives lost, or indelibly injured, by the Israeli occupation and bring attention to the assault on non-violent human-rights defenders," said Cindy. "My family and I are still searching for justice.

The brutal death of my daughter should never have happened. We believe the Israeli army must be held accountable for this unlawful killing."

The family is seeking \$324,000 compensation for specific costs related to Rachel's death, including the funeral and legal expenses. They are also seeking compensation for the family's suffering and punitive damages from Israel.

The Corries' lawyer, Husein Abu Husein, has demanded a new investigation into her death. He said, "The Israeli government is covering this up under the umbrella of combat activity, which absolves soldiers of responsibility".

The civil suit, which began in Haifa's District Court last March, has faced obstruction from the beginning. Two of the four key witnesses were at first denied entry into Israel. Ahmed Abu Nakira, a Palestinian doctor from Gaza who treated Corrie and later confirmed her death, was denied permission to attend the trial or provide testimony over a video link.

The driver of the bulldozer that struck and killed Corrie gave his testimony behind a screen to protect his identity. His name was not released. The Corrie family challenged this, arguing that allowing the soldiers to testify behind a screen infringes the right to an open, fair and transparent trial.

But the Haifa District Court upheld the government's demand. Judge Oded Gershon ruled that both the commander of the unit and the second soldier in the bulldozer that hit Rachel would testify in plain view because their faces were already publicly shown. However, he insisted that other soldiers would be allowed to testify behind a screen. The state's lawyers provided no evidence that the soldiers' safety or security were at risk.

Although the family had asked to see the driver even if the public could not, this too was denied. Israel's

Supreme Court backed up the District Court and refused to hear an appeal against the ruling.

The case, despite huge international interest, is being held in a small court with only two long rows of seats. The day that the bulldozer driver gave evidence, nearly half of the seats were occupied for the first time by observers from the State Attorney's office and Ministry of Defence. This manoeuvre served to prevent scores of journalists, human rights observers and members of the public from attending.

The bulldozer driver's testimony, although often confused, exposed the lies of the official version of events and the state's effort to cover up what happened. He stated that after he had driven over Rachel and backed up, she was lying between his bulldozer and the mound of earth that he had pushed. He thereby corroborated both photographic evidence and testimony from international eyewitnesses given to the court in March. As such, his statement conflicted with his own affidavit signed last April. He was unable to remember even the most basic facts about the date and time of Rachel's killing and repeatedly contradicted his own statements in court and to the military police investigators in 2003. He also contradicted the statements given by his own commander in the bulldozer.

In a particularly telling moment, the driver made it clear that Rachel's death was not the result of one man's action but stemmed from the orders of senior commanders. He said he knew about regulations that outlawed work within 10 metres of people. He knew that civilians were present, but said he was given orders to continue working. He said, "I'm just a soldier. It was not my decision."

Following the driver's testimony, Cindy Corrie stated, "It was very difficult to hear or detect anything in this witness' words or voice that suggested remorse. Sadly, what I heard from the other side of the screen was indifference."

She continued, "While the driver is very important, to me he is not the only person who has responsibility. Responsibility is shared with a lot of people. My focus isn't entirely on the driver."

Sarah Corrie Simpson, Rachel's older sister, said, "Ultimately the individual had the ability to stop that act. However, if you only hold responsible the individual, you're losing the broader context of what's going on. You have to look at the chain of command and what sort of orders were being given at that time."

Shalom Michaeli, then head of the Military Police Special Investigative Unit, who led the investigation into Rachel's killing, also gave evidence. He told the court that he stood by his 2003 investigation and saw no reason that anyone should have been prosecuted. He has since been promoted.

Michaeli revealed his cavalier attitude to the investigation under cross-examination. He had seen no need for a full transcript of radio transmissions just before the killing. Similarly, he had not bothered to get the tape of the video recording the area until a week after the incident, because senior commanders had taken it. Neither had he questioned the camera operator, who had panned away from the scene only minutes before Rachel was killed because he did not think it was relevant.

He did not go to the site because he said it was dangerous (he admitted he could have gone in an armoured car but chose not to), the terrain had already been altered, and the vehicles removed by the Israeli military. In his written affidavit, he claimed that he found no sign of blood or other evidence that the vehicle had injured anyone, but admitted that the bulldozer could have been washed "or even painted" before he inspected it.

Michaeli's replies to court questioning confirmed that soldiers and their commanders were allowed to act recklessly and use armoured military bulldozers without regard for civilian safety. He said that bulldozer operators could not be expected to follow the procedures set out in the manuals for low-intensity conflict in this zone. They were not relevant because he believed the Israeli army was "at war" with everyone in the area, including the ISM peace activists.

Craig Corrie, Rachel's father, said, "Today I was struck by the lead investigator's failures—his failure to look for evidence, to secure evidence, to resolve conflicting evidence, and to turn evidence over to this court. This is not what we and the US government were promised by the government of Israel when Rachel was killed and it is not what we will accept now."

Several more hearings are due to be held, and a ruling is not expected until next year.



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