

# Israeli court rules army not responsible for Rachel Corrie's death

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30 August 2012

Haifa's district court has dismissed a civilian suit brought by the parents of Rachel Corrie against the Israeli security forces for the death of their daughter in March 2003.

Corrie, a young American activist, was killed 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.

The Corrie family accused the Israeli military of either unlawfully or intentionally killing Rachel or of gross negligence, and were claiming a symbolic \$1 in damages and legal expenses. They took out the case as an "absolutely last resort" following a cursory and flawed internal military investigation that completely exonerated the army and the driver of the bulldozer that killed Corrie, while accusing her and other ISM activists of "illegal, irresponsible and dangerous behaviour".

Even the United States was forced to say that the investigation was neither thorough, credible, or transparent".

The Israeli authorities did everything they could to obstruct the civil case. One key witness, the doctor who had treated Corrie and later confirmed her death, was denied permission to attend the trial or provide testimony over a video link. Other evidence was destroyed immediately after her death.

Judge Oded Gershon said that her death was a "regrettable accident" for which the state of Israel bore no responsibility, as Corrie had "put herself in a dangerous situation". He added that she could have

saved herself by moving out of the danger zone "as any reasonable person would have done". Gershon ruled that no damages were liable, but waived the family's legal fees.

His 62-page ruling, issued more than two years after the hearings opened and more than a year after they closed, found no fault with the military's own investigation that cleared the driver of the bulldozer which crushed Corrie to death. It said that the driver could not have seen the activist from the cab of the bulldozer, something that was contradicted by witnesses and photographs of the scene showing that Corrie, wearing an orange fluorescent jacket, was clearly visible.

The army, backed up by the judge, sought to absolve itself of responsibility by claiming that Israeli forces were involved in a "combat operation". Even if it were true that demolishing homes was a combat operation, which it is not, that does not absolve Israel from its obligations under international law to spare civilians from harm during armed conflict and to investigate and punish any violations by its forces.

The judge's conclusion was directly at odds with the evidence provided to the court by witnesses, including the driver of the bulldozer. His testimony exposed the lies of the official version of events. 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. He also contradicted the statements given by his own commander in the bulldozer.

In a telling moment, he 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. "I'm just a soldier. It was not my decision," he said.

Corrie's parents were visibly distraught. They were "deeply saddened and deeply troubled" by the ruling, Cindy Corrie, Rachel's mother, told a press conference. She added, "I believe this was a bad day, not only for our family, but for human rights, humanity, the rule of law and also for the country of Israel." The state had employed a "well-heeled system" to protect its soldiers and provide them with immunity.

Their lawyer, Hussein Abu Hussein, said, "We knew from the beginning that we had an uphill battle to get truthful answers and justice, but we are convinced that this verdict distorts the strong evidence presented in court, and contradicts fundamental principles of international law with regard to protection of human rights defenders. In denying justice in Rachel Corrie's killing, this verdict speaks to the systemic failure to hold the Israeli military accountable for continuing violations of basic human rights."

He said that the family would appeal against the ruling to Israel's Supreme Court.

Rachel's death took place during Israel's brutal suppression of the second intifada or uprising against Israel's illegal occupation of Palestinian land seized in the 1967 war.

Israeli military forces were demolishing homes as a collective punishment. Between 2000 and 2004, they destroyed more than 2,500 homes in Gaza, of which nearly two-thirds were in Rafah. More than 16,000 people, over 10 percent of Rafah's population, lost their homes, usually without any prior warning.

Rachel Corrie was one of several foreign victims of Israeli occupation forces during the same period. Iain Hook, 54, a British UN official, was shot dead by an Israeli army sniper in November 2002. His family received an undisclosed sum in compensation. James Miller, 34, a British cameraman, was gunned down in Gaza in May 2003, with the Israeli authorities later paying about \$2.5 million in damages to his family.

Corrie's death was deliberately sanctioned to

intimidate the activists who were exposing Israeli terror in the occupied territories. It took place just days before the invasion of Iraq, where the same brutal methods were applied to the Iraqi people by the United States leading to the death of tens of thousands of civilians.

The judiciary's ruling gives full backing to this descent into lawlessness and the state murder of unarmed civilians. The verdict provides a green light for Israeli soldiers to use lethal force against all those protesting against human rights abuses and injustice.

The silence from United States has been deafening. Despite its acknowledgement that the initial military investigation was totally inadequate, which Dan Shapiro, US ambassador to Israel, confirmed just last week, coverage of the case and the ruling has been minimal. Successive administrations have done nothing to ensure that Israel was brought to account for the killing of a US citizen.

It should be noted that even the British government felt compelled to pressure Tel Aviv into charging the soldier who shot Tom Hurndall, a 22-year-old British photography student, in the head while he was helping to pull Palestinian children to safety in Rafah, just weeks after Corrie's death. Taysir Hayb, a Bedouin Israeli citizen, was sentenced to eight years.

The handling of this case over the past nine years demonstrates Washington's uniform and unquestioning support for the Israeli regime and its crimes against the Palestinian people. Not only has the US abrogated to itself the right to kill its own citizens without charge, let alone a judicial hearing or sentence, when they challenge Washington's geostrategic interests. It is also prepared to let other governments do the same.



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