

Manhattan terror trial vs. PLO: The hypocrisy of imperialist justice

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On February 23, a jury in a US district court in Manhattan found the Palestinian National Authority (PA) and the Palestine Liberation Organization (PLO) liable for \$218.5 million in connection with seven attacks that took place in Israel between 2002 and 2004.

The plaintiffs were a group of ten families whose members were injured, killed or traumatized by the attacks, which included two shootings and five bombings. Under a Clinton-era anti-terrorism statute, which allows the victims of terrorist attacks to sue in American courts, the damages will likely be tripled to \$655.5 million.

The plaintiffs claimed that the PA and PLO had orchestrated the attacks and had given financial inducements and incentives to plan them. The Palestinian defendants denied responsibility for the attacks, which they had condemned, attributing the payments to individuals acting independently.

The verdict was the culmination of a six-week trial and ten years of litigation, during which the PA and PLO had repeatedly petitioned for the case to be dismissed.

The political establishment in Israel praised the verdict. Prime Minister Benjamin Netanyahu declared in a statement that he expected the international community “to continue to punish those who support terrorism just as the US federal court has done and to back the countries that are fighting terrorism.” Foreign Minister Avigdor Lieberman called it “a moral victory.”

The Palestinian organizations expressed disappointment and announced plans to appeal the decision. Under American law, foreign states normally cannot be held liable, under the doctrine of “sovereign immunity,” but the United States does not recognize Palestine as a state. The debt-ridden PA has also claimed that there is no money to pay the judgment, prompting speculation in the press about the possible freezing and seizure of its assets.

“There is no money,” said PLO Executive Committee member Hanan Ashrawi at a news conference in the West Bank. “Maybe they can get some furniture from our offices in Washington.”

The PLO, which grew out of a radical nationalist liberation movement, administers parts of the Palestinian territories in the form of the Palestinian Authority pursuant to the US-sponsored 1993 Oslo Accords. The PA has a long history of collaboration and capitulation to Israel and the United States, functioning today essentially as a junior partner in the Israeli occupation. Its funding consists largely of foreign aid.

Nevertheless, the verdict against the PA and PLO prompts a question: what if the same standard was applied universally? If the PA and PLO can be held liable in US courts for \$655.5 million, surely the bill owed by the United States and Israel should run into the trillions.

For the purposes of illustration, one can calculate that the \$655.5 million verdict, divided among the families of 33 individuals who died in the attacks, amounts to an award of approximately \$20 million per fatality.

The Granai massacre, a 2009 US air strike in Afghanistan, caused the deaths of nearly 150 people, including, according to the Afghan government, 93 children. Multiplying the number 150 by \$20 million, it follows that the United States owes at least \$3 billion to the families of the victims of that one strike alone. When, one might ask, will a US federal court be hearing that case?

A July 12, 2007 helicopter attack in Baghdad—the subject of WikiLeaks’ “Collateral Murder” gunsight video—resulted in the deaths of between 12 and 18 innocent people, including two journalists working for Reuters. When will the US government be paying the \$240 or \$360 million it owes to the families of that attack?

Countless other examples of war crimes, indiscriminate bombings, and drone murders by the United States could be provided. How much compensation is owed to the families of the massacred civilian population of Fallujah in Iraq, which was targeted with chemical weapons such as white phosphorous in 2004?

What should be the total compensation for families in Iraq, where as many as 1 million people died as a result of the US invasion and occupation, which was launched on the basis of lies and in violation of international law? One million deaths

multiplied by \$20 million comes to \$20 trillion—the number two plus thirteen zeros (\$20,000,000,000,000).

How many more trillions are owed to families in Somalia, Pakistan, Yemen, Syria, Libya and all the other regions that have suffered the “collateral damage” of imperialist mayhem? How much money is owed in Egypt, where the US is backing a military dictatorship to suppress the population? Or in Ukraine, where the US supported a putsch led by fascists? What about all the families in Vietnam, Korea, Central America, the Philippines and the former Yugoslavia?

Where is the court that will hear these cases? Should the families be able to collect compensation directly from the military brass that ordered the attacks, from the politicians who launched the wars, and from the Democratic and Republican parties that supported them? If the defendants refuse to pay, can assets be frozen on Wall Street, in Swiss banks, and in the Cayman Islands?

But no American court would ever hear these cases. Using doctrines such as “state secrets,” the “political question” standard, “sovereign immunity,” “qualified immunity” and so forth, and citing the un-reviewable “commander-in-chief” powers of the executive, the American government and courts routinely block cases that seek accountability for US war crimes.

In April 2014, for example, a US district court threw out a lawsuit over the death of US citizen Abdulrahman Al-Awlaki, the 16-year-old son of Anwar Al-Awlaki, who was assassinated by the CIA along with nine other people in a drone strike on an open-air restaurant near Azzan, Yemen. Abdulrahman’s father, also a US citizen, had been assassinated on the orders of President Obama two weeks before.

“In this delicate area of war-making, national security, and foreign relations, the judiciary has an exceedingly limited role,” the judge wrote, ruling that there was “no remedy” available to the family.

This is the same US justice system that provides immunity to war criminals, immunity to corporate and financial criminals, and immunity to killer cops. While the big-time criminals in America are untouchable, a substantial portion of the population is jailed in overcrowded, dangerous, filthy prisons. Torture, beatings, assassination, corruption, criminality, domestic spying, and official perjury go unaddressed, while draconian sentences are handed down for minor infractions or for inability to pay fees.

The American justice system is for all intents and purposes inaccessible to the broad mass of the population, which encounters it only when at the receiving end of a criminal prosecution or a bankruptcy decision that rips up workers’ contracts and pensions. The US Supreme Court, which sits at

the head of this system, has been working systematically to dismantle democratic rights and roll back reforms, while advancing the “rights” of corporations and the rich.

What about the state of Israel? Will Israel be required to pay monetary compensation for each victim, for example, of the recent massacre in Gaza? Over a 50-day period last year, Israeli military forces conducted a bloody one-sided campaign that resulted in the deaths of as many as 2,300 people, the maiming of more than 10,000, and the displacement of hundreds of thousands. Throughout the campaign, Israel’s military deliberately targeted civilians and civilian infrastructure. Using the \$20 million figure, Israel owes at least \$46 billion—not counting damages for the destruction of property, disfigurement, and emotional trauma.

Israel has killed approximately 70,000 Palestinians since its occupation of the West Bank in 1967. Again, using the \$20 million figure, Israel owes \$1.4 trillion (\$1,400,000,000,000,000) to families of the victims. It would take five years of the entire gross domestic product of Israel (\$290 billion) to pay that sum.

Just days before the verdict in the Manhattan terror trial, Israel’s Supreme Court handed down a decision in the case of Rachel Corrie, who was killed by an Israeli military bulldozer in 2003. Israel’s Supreme Court refused to hold the Defense Ministry liable on the grounds that bulldozing the 23-year-old American activist constituted “wartime activity.” At the same time, the court refused to examine whether the killing complied with the laws of armed conflict.

The phrase “double standard” does not seem adequate to describe the depth of imperialist hypocrisy. While a US court hands down a gigantic verdict against Palestinian groups, the American state itself refuses to participate in the International Criminal Court (ICC) because it is afraid of seeing its own civilian and military officials in the dock on war crimes charges.

The US Congress is currently threatening to withhold \$400 million in annual aid if Palestinian groups present a war crimes case to the ICC in connection with Israel’s 2014 Gaza campaign. Israel has responded to the threat of an ICC case by illegally withholding \$250 million in customs duties collected on behalf of Palestinians.



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