



August 30, 2012

The Haifa District Court rejected the lawsuit brought by the family of Rachel Corrie, an activist in the anti-Israeli ISM, killed while trying to prevent the activities of IDF bulldozers along the Philadelphi Corridor in 2003.



Rachel Corrie and an Israeli bulldozer (Picture from Wikipedia).

Overview

1. On August 28, 2012, the ruling of the Haifa District Court in the matter of the suit filed by the family of Rachel Corrie was made public. The court dismissed the charges brought against the State of Israel and the IDF of intentionally causing the death of Rachel Corrie, an International Solidarity Movement (ISM) activist. On March 16, 2003, Corrie was run over by an IDF bulldozer in an attempt to prevent IDF earth-moving works on the Philadelphi Corridor, which runs along the Gaza Strip-Egypt border.

2. The judge was **particularly critical** of the tactics employed by the **ISM**, an American network of far-left activists which **plays a key role in the campaign to delegitimize Israel**. Inter alia the judge mentioned the "significant gap between the Organization's statements and the true character of its activities and actions."¹ "The actions," he said, "taken by the members of the organization, in practice, do not match

¹ All quotes taken from the official English translation of the Summary of the Verdict (T.A. 371/05) Estate of the Late Rachel Corrie, etc. v. The State of Israel – Ministry of Defense, emphases included, unless otherwise noted.

its statements. In fact, the Organization exploits the dialogue regarding human rights and morality to blur the severity of its actions, which are, in fact, expressed through violence." **Note:** ISM activists and their leaders continue playing a key role in the Friday demonstrations in Judea and Samaria, in the flotilla campaign to the Gaza Strip, and in holding anti-Israeli activities and spreading anti-Israeli hate propaganda in the United States and other Western countries.

3. Palestinian anti-Israeli activists, among them those who participate in the campaign to delegitimize Israel and engage in lawfare against it, **rushed to denounce the judge's ruling, attacking the credibility of the Israeli judicial system. Raji al-Sorani**, director of the NGO Palestinian Center for Human Rights (PCHR), a leader in the anti-Israeli lawfare campaign, promised that **the next step would be persecution of "Israeli war criminals" in international courts.**

The Main Points of the Ruling

4. On August 28, 2012, the Haifa District Court rejected the civil suit brought by the family of Rachel Corrie against the State of Israel and the IDF. The following are passages from the 65-page ruling:

1) **The Philadelphi Corridor:** "During the relevant period of time, the **"Philadelphi Corridor"** was the site of daily warfare." That was because it served as the main conduit for smuggling weapons into the Gaza Strip and for the infiltration into and exit from the Gaza Strip of terrorist operatives. Terrorist operatives who exited the Gaza Strip did so to enter the State of Israel to carry out hostile acts of terrorism and murder, including suicide bombing attacks. The volume of terrorist attacks and attempted terrorist attacks targeting IDF forces was particularly high in the Philadelphi Corridor region. An estimated 70% of all terrorist activity in the State of Israel during the relevant period occurred in the south and in particular in the Philadelphi Corridor sector. The Corridor was the site of daily battles and "Only soldiers who were in combat units fought in the region...[and] there was a military directive in force declaring the **Philadelphi Corridor a closed military area** and forbidding the entry of civilians..."

2) **The ISM:** The Court based its ruling in part on the testimony of expert witness Brigadier General (Ret.) Ruth Yaron, former IDF Spokesman, and on the study of the ISM issued by the Meir Amit Intelligence and Terrorism Information Center,

whose findings and conclusions were adopted by the Court. According to the ruling (original emphasis throughout):

A. "The ISM assigned itself the task of working alongside the Palestinians against the **'Israeli occupation'** by using what it called **'non-violent protest activities.'** However, the evidence presented to me shows a significant gap between the Organization's statements and the true character of its activities and actions. **The actions taken by the members of the organization, in practice, do not match its statements. In fact, the Organization exploits the dialogue regarding human rights and morality to blur the severity of its actions, which are, in fact, expressed through violence."**

B. Between 2001 and 2005, the years of the second intifada, the volunteers recruited by the ISM were sent to participate in activities in Judea, Samaria and the Gaza Strip. The volunteers, who began arriving in the Palestinian Authority territories in December 2001, did not merely aid the local Palestinian population, but **specialized in undermining, disrupting and sabotaging IDF operational activities.**

C. "The Organization's activists **specialized in sabotaging the IDF's operational actions. ISM activities included, inter alia:** stationing activists to serve as **'human shields'** for terrorists wanted by Israeli security forces; financial, logistical and moral assistance to Palestinians, including terrorists and their families; **interrupting demolition activities or the sealing off of houses belonging to terrorists who conducted suicide attacks with multiple casualties."**

3) **The mission of the bulldozers on the day of Rachel Corrie's death** (according to the commander of the local brigade): On the afternoon of March 16, 2003, two D9 bulldozers were moving earth. **"The mission of the IDF force on the day of the incident was solely to clear the ground.** This [...] included leveling the ground and clearing it of brush in order to expose hiding places used by terrorists, who would sneak out from these areas and place explosive devices with the intent of harming IDF soldiers. There was an urgency to carrying out this

mission so that IDF look-outs could observe the area and locate terrorists thereby preventing explosive devices from being buried. **The mission did not include, in any way, the demolition of homes.** The action conducted by the IDF forces was done at real risk to the lives of the soldiers. **Less than one hour before the incident that is the focus of this lawsuit, a live hand-grenade was thrown at the IDF forces."**

4) **The behavior of Rachel Corrie and other ISM activists:** According to the judge, the behavior of the ISM activists, including Rachel Corrie, was both illegal and irresponsible. According to expert testimony, Rachel Corrie chose to remain in the dangerous Philadelphi Corridor region without authorization or protection, exposing herself to mortal danger [in a war zone occupied only by the military]. In addition, she stood in front of a piece of large, heavy dangerous military equipment, and although it was advancing toward her at a speed of one kilometer, or .62 miles per hour, she did not move away from it. Her behavior revealed her willingness to freely risk her life for the sake of the ISM's goal. Her own behavior, characteristic of the members of the organization and their activities, caused the tragic result.

5) **Rejecting the plaintiffs' claim that the bulldozer deliberately ran her over:** The judge stated the following: "**I hereby determine unequivocally that there is no foundation to the plaintiffs' claim that the bulldozer struck the decedent intentionally.** This was a **very unfortunate accident and was not intentional.** No one wished to harm the decedent. I was convinced that the bulldozer's operator would not have continued to work if he had seen the decedent standing in front of the bulldozer, as he and his colleagues acted in similar circumstances earlier that day, when they moved from location to location because of the disturbances caused by the members of the Organization..." and that Rachel Corrie's death was an accident caused when she tried unsuccessfully to climb on the mound of earth.

Initial Palestinian Reactions

5. The following were the initial Palestinian reactions to the judge's decision:

- 1) **Raji al-Sorani**, director of the Palestinian Center for Human Rights, said that the human rights organizations were not surprised by the ruling or by "the determination of the Israeli judicial system to place itself higher than international law." **He promised to persecute so-called "Israeli war criminals" in international courts, saying that that would be the next step** (The PIJ's Paltoday website, August 28, 2012).² He also claimed that the Israeli judicial system whitewashed IDF crimes, and that "justice cannot be had under the occupation" (Filastin al-'Aan, August 28, 2012).\
- 2) **Hanan Ashrawi**, a member of the PLO's Executive Committee, said that "[t]oday Corrie was killed again in cold blood with the decision of the Israeli court." She claimed that "the Israeli judicial system is involved with the occupation regime in obstructing facts and whitewashing them for [the regime's] interests" (Wafa News Agency, August 28, 2012).
- 3) **Mustafa Barghouti**, secretary general of the National Palestinian Initiative movement, claimed that the ruling of the Israeli court finding the murderers of Rachel Corrie not guilty was clear proof that the Israeli judicial system was involved in the war crimes committed by the IDF against the Palestinian population and international solidarity activists. He said there was no untainted judicial system in Israel today, and that the ruling was "inhuman" (Ma'an News Agency, August 28, 2012).
- 4) **Jamal al-Khudari**, chairman of the Hamas-affiliated Popular Committee against the Siege of the Gaza Strip, said that humanity would not forget the killing of Rachel Corrie despite the Israeli ruling. He said that the voices of Corrie, the Palestinian shaheeds and the foreign solidarity activists would stay alive (Al-Quds, August 28, 2012).

² Raji al-Sorani is a lawyer and director of the NGO PCHR in the Gaza Strip, where it plays a key role in the lawfare being waged around the world against Israel.

Appendix

Background Information about Rachel Corrie and the ISM

1. ISM activist Rachel Corrie was killed on March 16, 2003, while trying to prevent the operations of a bulldozer leveling the ground near the Philadelphi Corridor, which runs along the Egypt-Gaza border. Corrie, an American citizen, was active in social and political causes in her hometown, Olympia, Washington. After her death she became a symbol for the Palestinians and the anti-Israeli networks, organizations and activists participating in the campaign to delegitimize Israel.



A play about Rachel Corrie at a theater in London. 2006



A street named for Rachel Corrie in Ramallah



A ship from one of the flotillas to the Gaza Strip, renamed for Rachel Corrie (All pictures from Wikipedia).

2. **The International Solidarity Movement (ISM)**, to which Rachel Corrie belonged, is a network of anti-Israeli activists founded in the summer of 2001 by a group of young, far-left Americans. They were joined by leftist Palestinian activists (primarily Christian) and several extreme leftist pro-Palestinian Israelis. The founders recruited volunteers from various Western countries, some of them Jews, on a platform of hostility toward Israel and its policies regarding the Palestinians.

3. **The ISM's stated objective is to give international support to the Palestinian cause** and to demonstrate solidarity by using non-violent tactics which it refers to as "direct action" (a term taken from the lexicon of extreme leftist revolutionary and human rights movements). **Between 2001 and 2005, the years of the second intifada (the Palestinian terrorist campaign), ISM volunteers who came for short periods of time were active in Judea, Samaria and the Gaza Strip.** The volunteers began arriving in December 2001. They did not merely help the Palestinian population, but specialized in hindering IDF operational activities.

4. **Their activities included** participating in Palestinian protest demonstrations and rallies, serving as human shields for terrorist operatives wanted by the Israeli security forces, positioning themselves near IDF roadblocks throughout Judea and Samaria, providing the Palestinians (including terrorist operatives and their families) with financial, logistic and moral support, hindering the razing and sealing of houses of suicide bombers, holding protests along the security fence from Jenin to Jerusalem, etc. **Two of what they considered their most important activities** (according to boasts on the movement's website) **were sending activists to serve as human shields at the entrances to the Church of the Nativity in Bethlehem and to Arafat's headquarters in Ramallah** (in April 2002, during Israel's anti-terrorism Operation Defensive Shield).

5. **After the second intifada senior ISM activists moved the center of their operations to the Gaza Strip**, where Hamas was gaining a foothold before its violent takeover in June 2007. **Four senior American ISM activists were key in founding an international pro-Hamas umbrella organization called the Free Gaza Movement (FGM),³** which currently focuses on sending ships to the Gaza Strip for the stated purpose of "breaking the siege," **but in fact their actual objectives are to**

³ The four were **Huwaida Arraf** (the central figure in both the ISM and the FGM her (Jewish) husband **Adam Shapiro**, **Greta Berlin** and **Paul Larudee** (who broke with the FGM and founded a new organization on the West Coast called the Free Palestine Movement).

strengthen the de facto Hamas administration in the Gaza Strip and intensify the delegitimization and demonization of Israel. Since 2008 ISM activists have been involved in anti-Israeli activities in Judea, Samaria and the Gaza Strip, participated in the various flotillas sent to the Gaza Strip, volunteered for "Bila'in-like" protest demonstrations at the traditional Israeli-Palestinian friction points and participated in anti-Israeli activities in the United States, Europe and other countries.⁴

Disrupting IDF Operational Activities along the Philadelphi Corridor: The Circumstances of ISM Activist Rachel Corrie's Death

6. A tragic event which received a great deal of media coverage in Israel and abroad was **the death of ISM activist Rachel Corrie on March 16, 2003, during an attempt to prevent the activities of IDF bulldozers at the Philadelphi Corridor** (which runs along the border between Egypt and the Gaza Strip).

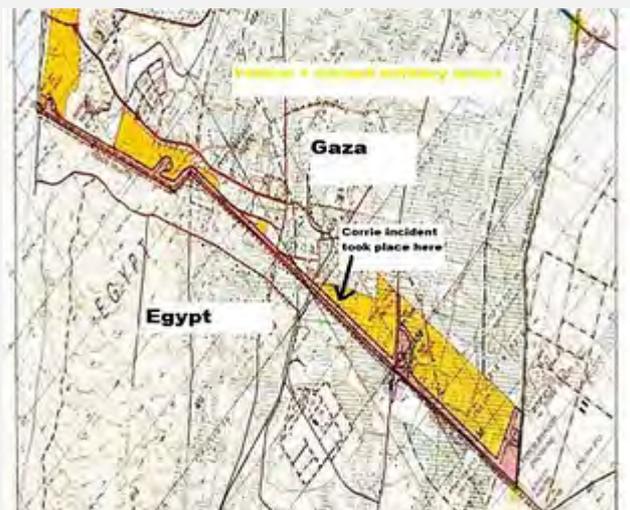
7. Rachel Corrie arrived in Israel on January 25, 2003, after she finished college. She went to the ISM office in Beit Sahour on January 26 and from there was sent to the Gaza Strip. On January 27 she and a comrade entered the Gaza Strip through the Erez crossing with the intention of joining other ISM activists. On January 27 she arrived in Rafah, where the ISM had a local office. She was hosted by a Palestinian family, staying at their house, and participated in ISM activities which included providing the local population with humanitarian assistance, attempts to disrupt IDF operational activities and **participation in anti-American Palestinian demonstrations.**

⁴ For further information see the January 10, 2011 in-depth study "The International Solidarity Movement (ISM) is a network founded by extreme American leftists and part of the campaign to delegitimize Israel. In the second intifada it specialized in hindering IDF counterterrorism activity, indirectly supporting terrorism. Its senior figures founded the FGM, which plays a central role in the Gaza Strip flotillas."



Rachel Corrie burns the American flag during a demonstration in Rafah (Pictures from the 4.bp.blogspot.com (left) and the cleveland.indymedia.org (right) websites)

8. On March 16, 2003, a group of an estimated eight ISM activists, among them Rachel Corrie, **attempted to disrupt the work of IDF bulldozers which were engaged in clearing the ground to expose IEDs and destroy hiding places used by Palestinian terrorists.** The work was carried out at the Philadelphi Corridor, about 50 meters, or a little less than 55 yards, from the Egyptian border (See map below). **The tactics used were typical of those employed by the ISM to intervene and prevent the Israeli security forces from carrying out counterterrorism activities. The activists often behaved in a way which endangered their lives and the lives of IDF soldiers** (as noted in the ruling handed down by the Haifa District Court judge).



The site of the incident in which Rachel Corrie was killed (Picture from a posting about the renewal of the Rachel Corrie trial, israelseen.com website, September 9, 2010)

9. General description of the event in which Rachel Corrie was killed (according to the results of the IDF Criminal Investigation Division and including the opinion of the Southern Command JAG):

1) **The scene of the event:** The event took place along the Philadelphi Corridor where Israel, according to the Oslo Accords (before Israel's unilateral disengagement from the Gaza Strip in 2005), had full civilian and security control. **The Philadelphi Corridor was the Palestinian terrorist organizations' main route for smuggling weapons into the Gaza Strip and the main exit and entrance route for terrorist operatives.** According to IDF data, between September 2000 and the event in which Rachel Corrie was killed, **intense hostile activity was carried out by the Palestinian terrorist organizations which caused the deaths of three Israelis and wounded dozens.** According to the data (all numbers approximations), 6,000 hand grenades were thrown at IDF soldiers, 1,400 sniper and shooting attacks were logged, 150 IEDs were placed, there were 200 incidents of anti-tank fire and more than 40 incidents of mortar shell fire were listed. Between 2001 and the event in question, 47 tunnels used to smuggle weapons were exposed on the Israeli side and 64 on the Egyptian side.⁵

2) **The location of the IDF bulldozer:** The event took place about 50 meters, or a little less than 55 yards, from the border **in an uncultivated dirt field full of weeds and debris from construction sites.** On March 16 the IDF was engaged in routine operations involving two bulldozers accompanied by an armored vehicle with **the objective of exposing IEDs and potential hiding places for terrorist operatives near the Philadelphi Corridor.**⁶ The need for the activities and the high level of danger at the site was shown in IDF reports. According to the IDF activity log, about 40 minutes before Rachel Corrie was run over, Palestinian terrorists threw a live hand grenade which exploded not far from where ISM volunteers were located; nevertheless, they chose to remain in the area. In addition, two weeks before the event an Israeli tank hit a land mine about

⁵ According to entries in Rachel Corrie's diary, she was aware of the IDF activity in Rafah regarding the tunnels (pp. 253, 254) and on February 11, 2003, she noted that a group of ISM activists was demonstrating and documenting their presence in the area of IDF activities (p. 253).

⁶ The findings of the IDF investigation refute the ISM claim that Rachel Corrie was deliberately run over by an IDF bulldozer while she was trying to protect a Palestinian family's house from destruction. An internal ISM document indicated that the organization was aware its operatives were undertaking **potentially dangerous actions** whose outcomes could not be predicted.

100 meters, or 110 yards, from the site where Rachel Corrie was killed, and four IDF soldiers were wounded.

3) The arrival of ISM activists at the site of the bulldozers' activity:

According to the IDF report, during the event in which Rachel Corrie was killed, between 12 and 15 ISM activists arrived on the scene. Three or four of them came first and were later joined by the others. According to the ISM, there were eight activists.⁷ **All the activists had been in the Rafah sector for a number of months and had attempted to disrupt various IDF operational activities.**⁸ They also lay down in front of IDF bulldozers operating in the area (similar to tactics they used in Judea and Samaria).

4) Disrupting the work of the IDF bulldozers: ISM activists arrived at the location with **the express purpose of serving as human shields and to prevent the bulldozers from advancing.** Almost as soon as they arrived they encircled the bulldozers. An IDF force attempted to distance them (using a megaphone, shock grenades and tear gas grenades), without success.

10. The death of Rachel Corrie was investigated at the time by the IDF's Military Police. The findings of the investigation, as noted in the opinion of the Southern Command's JAG on May 22, 2003, were that Rachel Corrie's death was **an unfortunate accident, to which her voluntary endangerment actively contributed, taking into consideration her dangerous proximity to the bulldozer.** The opinion also stated that the limited field of vision [of the bulldozer operator], the fact that the bulldozer was on an incline and the fact that the deceased was sitting on the ground during the accident and did not reach to top of the mound of earth when she climbed up, as well as the findings of the polygraph and autopsy, **all reinforce the conclusion that the operator of the bulldozer and his commander did not see that she was in the bulldozer's path.**

⁷ According to testimony given at the trial on March 10, 2010, there were eight ISM activists. In addition, according to the book written about her, she was there with seven other activists.

⁸ According to Rachel Corrie's diary, the ISM volunteers worked in the ISM office and slept in the home of a Palestinian family.