

**In the District Court of Haifa**

- In the matter of:**
- 1. The estate of the late Rachel Aliene Corrie who, in her lifetime, held United States passport no. 076668779**
  - 2. Craig R. Corrie, United States passport no. 075374104**
  - 3. Cynthia A. Corrie, United States passport No. 075377333**  
whose address is [deleted]  
**Christopher R. Corrie**, whose address is [deleted]
  - 4. Sarah E. Simpson, United States passport no. 302825146**  
whose address is [deleted]

Represented by H. Abu Husein, license no. 8195 and/or  
S. Abu Husein, license no. 8662 and/or  
Muhammad Lebiv, license no. 37412 - advocates, of  
P.O.B. 290, Umm el Fahem 30010  
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**The Plaintiffs**

**v e r s u s**

**The State of Israel, The Ministry of Defense**

Represented by The District-Attorney's Office Tel-Aviv  
1, Henrietta Szold street  
Hadar Dafna  
Tel-Aviv

**The defendant**

**The nature of the claim:** **Bodily damage**  
**Amount of the claim:** **Particular damage: \$324,424**  
**General damage:** **at the court's discretion**

**BILL OF INDICTMENT**

**Preamble**

1. The subject matter of this indictment is to set damages for the Plaintiffs due to the circumstances around the crushing to death by a bulldozer of a young woman aged 24, a human rights activist in a body called the International Solidarity Movement which advocates a direct, non-violent mode of action.

The Plaintiffs have – themselves and by means of others – applied to the Defendant and asked for the full investigation file; however, to date their request has not been granted.

The Plaintiffs reserve their right to amend the indictment subsequent to their receiving a full copy of the investigation file.

The Plaintiffs will be presented by the aforementioned legal counsel, whose addresses for the serving of court process are as specified above.

2. All the claims that are detailed hereunder, insofar as they are known to the Plaintiffs, are complementary and/or alternative, all depending on the context of matters and their connections.

### **The Parties:**

3. Plaintiff number 1 is the estate of the late Rachel Corrie, who was born on 10 April 1979 and who during her lifetime held United States passport no. 076668770, and was a resident of Olympia in the state of Washington in the United States of America (hereinafter: “the Deceased”). During her lifetime, the Deceased was a graduate of the Arts Department at Evergreen State College. The Deceased was crushed to death by an IDF bulldozer on 16 March 2003, all as set out hereunder. The estate of the Deceased is filing suit by means of her parents and brother.
4. All the Plaintiffs are part of the estate:
  - (a) Plaintiff no. 2 is the Deceased’s father, who was born on 2 December 1946 and is an actuary by profession, and his address is as appears above.
  - (b) Plaintiff no. 3 is the Deceased’s mother, born on 5 November 1947, and her address is as appears above.
  - (c) Plaintiff no. 4 is the Deceased’s brother, born on 5 May 1972, a computer consultant by profession, and his address is as appears above.
  - (d) Plaintiff no. 5 is the Deceased’s sister, born on 16 January 1975 and her address is as appears above.
5. The defendant is the State of Israel and/or the Ministry of Defense and/or the Israel Defense Force (hereinafter: “the Defendant”) that, at all periods relevant

to the indictment, possessed security control, employed and/or sent and had control and supervision over the security forces which on 16 March 2003 were performing their duty pursuant to an instruction and/or authorization in the area of Rafah and its environs, and all as clarified hereunder.

6. The Plaintiffs contend that the Defendant is responsible for the incident described hereunder, whether by virtue of its liability under international law or by virtue of its vicarious liability and/or direct under any law, for the acts and/or the omissions of Israel Defense Force soldiers (hereinafter: "IDF") and/or security forces and for the manner in which they performed or refrained from performing acts, including the acts and omissions of the bulldozer's operator.

### **The Facts of the Matter:**

7. The Deceased, a peace activist aged 24 at the time of her death, belonged to the movement for International Solidarity with the Palestinian People that operates within the Occupied Territories. The Deceased went to the Gaza Strip in January 2003, and since that time concentrated her activity in area of the Egyptian border. The activists of the organization operated in the Occupied Territories for two years prior to the incident that is the subject of the claim, and its members – many of whom are Jews - came from various countries such as the USA, Scotland, and Japan. The organization defines itself as a non-violent resistance organization, which is influenced by the theories of Mahatma Gandhi and Martin Luther King. Its members engage in a variety of activities that involve, inter alia, recording and reporting events in the vicinity of IDF checkpoints, in Palestinian localities under closure, in places where the IDF performs demolitions of homes, as well as assisting Palestinian citizens under closure and in need of medical help.
8.
  - 8.1 On 16 March 2003, the Deceased – together with two other activists of the organization, was in the Tel el-Sultan area of Rafah. At 14:30, other activists of the organization asked them to come to the Hi Salaam area, where they had observed two IDF bulldozers and a tank. When the Deceased and her friends arrived, they signaled to the operators of the bulldozers and the tanks, by means of a placard, that they were members of the International Solidarity Movement.

- 8.2 The Deceased and another activist of the organization wore bright fluorescent jackets, the Deceased held in her hand a megaphone and called towards the operators of the bulldozers and the tank that they were international human rights activists and were protesting against the destruction of homes; she requested the soldiers not to destroy the homes and not to shoot. The bulldozers started moving towards the skeleton of the building where the Deceased had been a guest during her stay in Rafah, and the Deceased and some of the movement's activists stood in their way.
- 8.3 For three hours, the operators of the two bulldozers worked in leveling a path/road among the ruins of the buildings, while the activists - among them the Deceased - protested in a non-violent manner, opposite the bulldozers, against the destruction of houses of Rafah residents.
- 8.4 During those three hours, the tank which was at a distance of twenty meters, fired a number of shells aimed at the ground.
- 8.5 At 17:00 or close in time thereto, the Deceased was standing near Dr. Samir Nasrallah's home, which was marked for demolition, and one of the bulldozers was standing 10 – 15 meters away from her. The bulldozer moved closer to the Deceased and shoveled rubble from under her feet; the Deceased fell and the bucket of the bulldozer crushed her leg and drove over her body. When the bulldozer reversed, the Deceased was fatally injured, and bleeding from extensive areas of her body, although she was still breathing.
- The Deceased was brought to the Al Najjar hospital in Rafah, where her death was pronounced twenty minutes later (the incident is hereinafter termed "the Incident").
9. The operator of the bulldozer and/or the soldier and/or the soldiers and/or the security personnel who were operating in the area of the Incident, disregarded the pleas and calls of the Deceased and her friends, and snuffed out her life by means of a heavy, lethal machine weighing 64 tons, which was designed to help people build and develop.
10. The Deceased was taken to the Abu Kabir Forensic Institute and a post-mortem was performed that same day. Prof. Yehuda Hiss, Director of the

institute, drew up an expert opinion, and in its conclusion he noted the principal anatomical findings, as follows:

“(1) Fractures of the ribs, left [not specified which] bone, scapulae, posterior processes of the thoracic spine.

(a) Several tear wounds in the right lung

(b) Hemothoraces (700 ml total)

(c) Punctate hemorrhages in the sclerae and the pleurae

(d) Hemorrhages in the back muscles.

(2) Tear of the left upper lip

(3) Abrasions and desiccation of the left face

(4) Lingual hemorrhage

(5) Evidence of medical therapy

And at the end of his opinion, he further notes:

**“On the basis of the results of the post-mortem that I performed on the body of Ms. Rachel Aliene Corrie, 24 years, I state my opinion that her death was caused as the result of compression of the thorax (mechanical asphyxia) with fractures of the ribs, thoracic vertebrae, scapulae as well as lacerations in the right lung with hemothoraces. Also found was a laceration wound in the upper lip and abrasions of the skin on the left cheek”. Attached a copy of the pathology opinion of Prof. Hiss Appendix A.**

11. To the best of the Plaintiffs’ knowledge, the military authorities – Southern Command – investigated the circumstances of the Incident and ultimately decided to close the case and to take no steps whatsoever against the commanders and soldiers who were involved in the Incident.
12. The Plaintiffs further contend that the Defendant injured the right of the Deceased to life and her human rights, anchored in international humanitarian law, in international human rights law, in Basic Law: Human Dignity and Liberty – a major injury, disproportional and utterly unreasonable. That breach is a constitutional breach of basic rights by the book, constitutes a breach of a legislated constitutional right, and it is added as a supporting condition, adding

weight to the grounds of the existing claim that is in any case based on tort law, and all as detailed hereunder.

13. The Plaintiffs further contend that the obliteration of the young life of the Deceased resulted from the intentional use of force by the operator of the bulldozer, in a completely unreasonable manner, against the person of the Deceased while alive, and without her consent, and that the connection between the damage caused to the Deceased and the damage that might reasonably have been avoided by the operator of the bulldozer, was extreme and completely unreasonable. The identity of the bulldozer operator is unknown to the Plaintiffs at this stage, and they reserve their right to amend the Bill of Indictment and to add the operator and the commanders who were present at the scene as Defendants, once their identity becomes known. At any rate, the Plaintiffs claim that the Defendant was negligent in supervising the bulldozer operator and the commanders who were on the scene.
14. The Plaintiffs request that the court apply, according to the law and the precepts of justice, the provisions of Sections 23, 35, 36 and 41 of the Civil Wrongs Ordinance (New Version). The Plaintiffs argue that it be only right, fair and reasonable for the court to exercise its discretion and apply the provisions of Section 41 of the Civil Wrongs Ordinance, in view of the distinctive circumstances of the Incident.
15. The Plaintiffs further contend that it is lawful to rule that the Incident which is the subject of this indictment shall not be deemed an “act of war”, was not in the framework of an action combating terror, a hostile action or uprising, nor an action to prevent terror, a hostile act or uprising that was performed in life-endangering circumstances.
16. Alternatively, the Plaintiffs further claim that they had no knowledge and are unable to know what were the circumstances that caused the Incident, and that the Incident was caused by equipment over which the Defendants and its soldiers and its commanders had full control, and that the Incident accords more with the conclusion that they refrained from applying reasonable cautionary measures than with the conclusion that they applied cautionary measures regarding the Incident for which they are liable.
17. The Plaintiffs further or alternatively contend that the operator of the bulldozer and/or all the soldiers and commanders who were present at the scene committed an act that a reasonable and prudent person would not have done in

those circumstances. The Plaintiffs further contend that in the circumstances of the aforementioned Incident, it was incumbent on the IDF forces in general and on the bulldozer operator in particular, to refrain from acting towards the Deceased and her friends as they did.

18. The Plaintiffs further contend that the bulldozer operator and/or the soldiers should have anticipated the damage liable to be caused by the continued operation of the bulldozer despite the appearance of the Deceased and her friends and their protests against the demolition of the buildings, and that an action of that kind is liable to lead to death or, at the least, to injury.
19. The Plaintiffs contend that the honorable court is obliged to rule that the burden of evidence and/or proof devolves a priori on the Defendant and its agents that must show that it was not their negligence and/or the negligence of those acting on its behalf, that caused damage to the Plaintiffs.
20. The Plaintiffs contend that in the circumstances of the matter described hereabove in this Bill of Indictment, the instructions of the law in connection with the transfer of the burden of evidence in a trial and to rule that evidentiary damage was caused to the Plaintiffs.
21. The Plaintiffs contend that in view of the fact that the entire evidentiary infrastructure and/or the majority thereof is known to the Defendants, it is advisable to transform the “order of presentation of evidence” so that the Defendant presents its evidence first, followed by the Plaintiffs.
22. The Plaintiffs contend that the onus of proof lies on the Defendant, that the Incident was caused not by negligence and/or not as a result of negligence and/or lack of caution by its agents and/or those subject to its authority and/or its employees who were operating on the scene at the time relevant to the abovementioned Incident.
23. Alternatively, and without derogating from the abovementioned arguments, the Plaintiffs contend that the Incident was caused due to the lack of caution and/or the negligence of the Defendant and/or its agents and/or those subject to its authority and/or its employees who were operating on the scene of the Incident.
24. The Plaintiffs contend that the Defendant and/or its soldiers and/or its agents behaved inappropriately and not in accordance with the circumstances, when the soldiers and/or the agents of the Defendant instructed that the bulldozer

continue to be operated while the Deceased and her friends were standing in its path and taking into account the conditions of the place and the terrain, and they were obliged to anticipate normatively and concretely that the continued operation of the bulldozer was liable to set human life at risk, and ultimately caused the damage.

25. The Plaintiffs contend that the behavior of the bulldozer operator, and of the other soldiers and commanders of the Defendant who were operating in the area of the Incident, diverged from the standards of normative behavior as assessed by a reasonable, skilled professional, particularly when we bear in mind the nature of the activity and the circumstances of the matter of the specific Incident, and it is lawful to examine the action of the bulldozer operator and the soldiers and their skills in accordance with the standard of a skilled and reasonable operator of a bulldozer, and certainly a skilled and reasonable soldier and/or commander, as one would examine the skills of any other professional.
26. The Plaintiffs further contend that that the Defendants are likely to argue that its soldiers and/or agents were operating under conditions of pressure and emergency that prevented them from the usual weighing up and examining alternative options for behavior and upon this occasion, the Plaintiffs contend that such circumstances did not exist prior to the Incident; however, even if it is proven that these circumstances did exist, the agents of the Defendants were obliged to act with self-control, restraint and sensitivity in accordance with the fundamental behavioral norms that are binding on the soldiers and commanders of the IDF, while rehearsing emergency and pressuring conditions.
27. Alternatively, the details of negligence and/or lack of caution and/or a breach of the lawful obligation on the part of the Defendant and its agents and/or those subject to its authority, are expressed, inter alia, in the following acts and/or omissions:
  - (a) the bulldozer operator did not pay attention to the Deceased, who was wearing a jacket of fluorescent material, while/when the bulldozer operator continued working to level the rubble and ran over the defenseless body of the Deceased without any justification and/or need and/or necessity and he did so at the least, out of major lack of caution.
  - (b) The Defendant's soldiers and/or its agents and/or its security forces who were operating on the scene of the said Incident applied no safety measures and/or caution that might have prevented the occurrence of

- the Incident and/or injury to the Deceased, who presented no immediate danger to life and/or risk to life in general and/or;
- (c) The agents of the Defendant who were operating in the scene of the Incident permitted the crushing of the body of the Deceased in a flagrant violation of basic human rights and the rules of military engagement utterly prohibiting the intentional causing of damage to life in contravention of the principles of the law, morality and discipline and/or;
  - (d) The soldiers and the bulldozer operators operated not as professional, reasonable and cautious operators and/or soldiers, taking into account the conditions of the site and the circumstances of the Incident and/or;
  - (e) The agents of the Defendant operated a heavy bulldozer without exercising caution, without exercising the appropriate and reasonable discretion in the circumstances of the Incident and/or;
  - (f) The agents of the Defendant acted with extreme lack of caution in that they did not halt the operation of the bulldozer and/or when they did not hear the calls of the Deceased and her friends and/or;
  - (g) The agents of the Defendant exercised unreasonable and disproportionate force towards the Deceased and her friends, without any of them being involved in any way whatsoever in endangering the life and/or the health of the soldiers.
  - (h) They were blind to the predictable dangers to the Deceased as a result of her being run over and/or by the continued operation of the bulldozer and they carried out their acts with intolerable unreasonableness, ignoring other courses of actions that might have led to the Deceased and her friends leaving the site and/or;
  - (i) They committed their acts with extreme and intolerable unreasonableness in order to uphold a military order “that may not be appealed or considered” and the relation between the damage caused to the Deceased and the reasonable damage that they would have prevented as a result of the continued presence of the Deceased on the site, was completely unreasonable.
  - (j) They did not apply alternative, proportional responses to the acts of the Deceased and her friends and/or;
  - (k) The crushing of the body of the Deceased by means of the bulldozer was devoid of all responsibility and not at the appropriate standard of caution and not as an ultimate mode of action, taking into account all the circumstances of the Incident.
  - (l) The agents of the Defendant were not properly trained in connection with relating to the activities of foreign peace and solidarity activists.

(m) They breached the instructions that the IDF issues to its soldiers in connection with contacts with civilians.

28. The Plaintiffs contend that the Incident was caused by the exaggerated and disproportionate use of a bulldozer against the Deceased and her friends, without their consent and with negligent state supervision of the act and/or omissions of the soldiers who were operating on the scene of the Incident.
29. The Plaintiffs further contend that as security forces operating in accordance with the law, they are indeed obliged to act in good faith and/or appropriately and to refrain from illegal and/or harmful and unjustifiable acts against innocent people, even in difficult times.
30. The Plaintiffs add that by virtue of the principles of public international law, the State as a Defendant is obliged as an occupying state to preserve the elementary rights of all human beings, including those of residents of the Occupied Territories as well as peace and solidarity activists and including their right to life and bodily integrity.
31. The Plaintiffs will contend that they have not yet been given the option of examining the file of the investigation carried out by the IDF and/or the state authorities, subsequent to the Incident. If, however, it transpires that no systematic, serious and objective investigation has been carried out, they will argue that it is lawful to apply the doctrine of evidentiary damage, both in the evidentiary-procedural aspect, and in the material-damages aspect. The Plaintiffs hold that the Defendant – which dealt with the investigation of the Incident – is obligated to examine, to perform a professional and objective investigation, and the non-performance of a serious investigation may have caused them evidentiary damage that was expressed in their impaired capacity to establish, with the help of objective findings, their version, that the Deceased was killed as the result of the intentional and/or negligent acts by the operator of the bulldozer. The Plaintiffs contend that the non-performance of a serious investigation withheld from them important evidence likely to shed light on the circumstances surrounding the death of the Deceased, and that dual validity must be granted to the evidentiary damage caused to the Plaintiffs in the form of casting the burden of proof on the Defendant which, through negligence, caused evidentiary damage that prevented them from what, otherwise, would have been cast on them, and furthermore by obliging the Defendant to compensate the Plaintiffs for the damage they incurred.

32. The Plaintiffs contend that, prior to the accident, the Deceased was physically and mentally healthy, bubbling with life, highly talented and involved in the spheres of literature, art and human rights. A wonderful, rich and creative life was predicted for the Deceased. The Deceased was anticipated to have earned at least US\$ 100,000 per year. As a result of the Incident, the life of the Deceased was cut short, and the abovementioned Incident caused irreparable and unbearable damage to her family and immediate surroundings.
33. Subsequent to the Incident, the lives of all the Plaintiffs were completely thrown out of balance. The circumstances of the tragic death of the Deceased became the focal point of the lives and endeavors of Plaintiffs 2 and 3, since then and to date, and it is reasonable to assume that this Incident will be a part of them until the end of their days. The joy of life of Plaintiffs 2 and 3 has faded away, never to return, and they have been overwhelmed by panic attacks, helplessness, depression and hopelessness. Plaintiff no. 2, who is a successful actuary by profession, has stopped working since the Incident and he and Plaintiff no. 3 remain in a state of deep trauma due to the Incident. Plaintiffs 2 and 3 have needed prolonged psychological treatment and will require it for a long time to come.
34. Plaintiff no. 4 stopped working following the Incident for two weeks; Plaintiff no. 5 suffered prior to the death of the Deceased from Crohn's Disease – a chronic gastrointestinal disorder characterized by weakness, stomach pains, diarrhea and constipation. Due to the mental anguish suffered by Plaintiff no. 5, her condition was deteriorated, and she has been hospitalized and medicated for the complications that arose.
35. The Plaintiffs reserve their right to submit medical opinions reflecting the damage caused them as a result of the Incident.
36. The Plaintiffs incurred damages for which they are entitled to claim the following from the Defendant:

**Particular Damages:**

**Damages to the estate – Plaintiff no. 1**

(a)	Expense incurred by repatriating the body and auxiliary expenses	<b>\$5,600</b>
(b)	Burial, erection of a tombstone and funeral rites for the Deceased	<b>\$5,000</b>

**Damages to Plaintiffs no. 2 and 3**

(a)	Expense incurred by repatriating the body and auxiliary expenses to Plaintiff no. 3	<b>\$600</b>
(b)	Flight to and from Israel, and accommodation in Israel for Plaintiffs 2 and 3 for eighteen days	<b>\$5,000</b>
(c)	Loss of income to Plaintiff 2 for twenty-four months	<b>\$300,000</b>
(d)	Costs of therapy for Plaintiffs 2 and 3	<b>\$20,800</b>

**Damages to Plaintiff no. 4**

(a)	Flight and auxiliary expenses	<b>\$1,000</b>
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**Damages to Plaintiff no. 5**

(a)	Medication expenses	<b>\$3,024</b>
(b)	Supportive therapy expenses	<b>\$10,400</b>

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**Total particular damages** **\$324,424**

**General damages:**

The court is requested to assess the general damages incurred by the Plaintiffs, taking into account the following:

- (a) Loss of income and livelihood in the lost years of the Deceased, throughout her probable lifetime.
- (b) Pain and suffering.
- (c) Shortened life-expectancy of the Deceased.
- (d) Loss of income and/or earning ability of Plaintiff no. 2 in future and during the lost years.

(e) **Punitive damages:**

The Plaintiffs request the court to exercise its discretion and to rule punitive damages, bearing in mind the grave behavior of the Defendant and/or its agents which deserves utter reprobation. The Plaintiffs request that the damages bear a deterrent and educational effect against deeds of this kind, and also to reinforce accruing rights.

Alternatively, the Plaintiffs contend that they are entitled to file suit for enhanced compensation on account of their injuries bearing in mind the behavior of the Defendant and its agents - which is deserving of utter condemnation.

37. The Plaintiffs contend that prior to the death of the Deceased she acquired grounds to sue the Defendant in connection with pain and suffering and the shortening of life-expectancy and/or loss of enjoyment of life, and this remains the right of the Plaintiffs, as the estate of the Deceased.
38. The court has the jurisdiction to hear the suit.
39. The Honorable Court is therefore requested to summon the Defendant to proceedings and to oblige it to compensate the Plaintiffs for special and general damages, in the abovestated decision and/or in any other division, with the addition of costs and legal costs and lawful interest and linkage differentials.

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**Husein Abu Husein, Advocate**  
**For the Plaintiffs**