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Corrie Trial Resumes in Haifa Court with Testimony of Bulldozer Unit Commander

Trial Spotlights Israeli Accountability For Unlawful Killing of Nonviolent Protester

(Haifa, Israel – March 29, 2011) – After a five month recess, the Haifa District Court will resume hearings Sunday, April 3, in the civil lawsuit filed by Rachel Corrie's family against the State of Israel for her unlawful killing in Rafah, Gaza on March 16, 2003. Rachel was an American student activist and human rights defender who was crushed by a Caterpillar D9R bulldozer while nonviolently protesting the demolition of Palestinian homes.

The commander of the unit that killed Rachel is scheduled to testify. Known to the court as S.R., he oversaw the bulldozer work from an armored personnel carrier at the scene. While numerous military witnesses in the case have been permitted to testify behind a screen to protect their identity – a highly unusual security measure – S.R. is expected to do so in the open because his identity is already known to the public.

The civil trial began over a year ago in March 2010 with testimony from four of Rachel's colleagues from the International Solidarity Movement (ISM), who witnessed her killing. In a second phase that began on September 5, the government presented nine witnesses who included the lead military police investigator in the case and the driver and commander of the bulldozer that struck and killed Rachel.

Trial Judge Oded Gershon granted the government's motion to shield the identities of several witnesses, allowing them to testify behind a screen. The Corrie family argued that the highly unusual protective measures infringe upon their right to an open, fair and transparent trial, but their appeal to the Israeli Supreme Court has been denied.

"As we now witness young people in the Middle East protesting non-violently and struggling for their freedoms and human rights, this trial seems ever more relevant," said Rachel's mother, Cindy Corrie. "While our family continues to seek accountability from the Israeli Government for their response to Rachel's nonviolent action, we insist that all governments and militaries respect the right of people to peaceably assemble and protest, that they respond nonviolently to such protests, and that they be accountable for their actions."

The lawsuit charges that Rachel's killing was intentional or, alternately, that the Israeli government was negligent for allowing Israeli soldiers and military commanders to act recklessly using an armored military bulldozer without due regard for the presence of unarmed, nonviolent civilians in Rafah. It also alleges that the Israeli military failed to take appropriate and necessary measures to protect Rachel's life, in violation of obligations under Israeli and international law.

The government of Israel argues that Rachel's killing took place in the course of armed conflict in a closed military zone and should be considered an "Act of War," and "Act of State," absolving the government and military of any responsibility.

On November 4, the final court date before a lengthy recess, the commander of the bulldozer that struck Rachel testified about the location of her body immediately following the incident. His version dramatically contradicted earlier testimony from the bulldozer driver, who sat next to him in the cab. The commander, who is charged with being a second set of eyes and directs the movement of the bulldozer, testified that Rachel's body was beyond a large mound of earth. The D-9R driver testified that Rachel's body was between the bulldozer and the mound of earth (corroborating testimony of Rachel's ISM colleagues and, also, photographic evidence). When presented with the discrepancies between their statements, both soldiers stuck to their version of events. "He's saying what he saw. I'm saying what I saw," the bulldozer commander said.

"I find it beyond incompetence that the Military Advocate General closed this case with no further investigation," said Craig Corrie, Rachel's father, after the last session in November. "Did the investigators even try to reconcile conflicting testimony between their own soldiers? Stunning contradictions and revelations support the U.S. Government view and ours that there was no credible investigation in this case."

The proceedings have been attended by representatives of the US Embassy and numerous local and international human rights organizations.

Trial hearings are currently scheduled for April 3 and 6 between the hours of 9:00-16:00 before Judge Oded Gershon at the Haifa, District Court, 12 Palyam St., Haifa, Israel. One or more additional trial sessions are anticipated.

Please visit <http://rachelcorriefoundation.org/trial> for updates, changes to the court schedule, and related information.

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