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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

CYNTHIA CORRIE and CRAIG CORRIE,
ON THEIR OWN BEHALF AND AS PERSONAL)
REPRESENTATIVES OF RACHEL CORRIE AND)
HER NEXT OF KIN, INCLUDING HER SIBLINGS,)

Plaintiffs,

v.

CATERPILLAR, INC., a Foreign Corporation,

Defendant.

Civil Action No.

COMPLAINT FOR WAR CRIMES;
AIDING AND ABETTING
EXTRAJUDICIAL KILLING;
CRUEL, INHUMAN, OR
DEGRADING TREATMENT OR
PUNISHMENT; WRONGFUL
DEATH; AND NEGLIGENCE

JURY TRIAL DEMANDED

NOW COME Plaintiffs Cynthia Corrie and Craig Corrie on their own behalf and
on behalf of their daughter, Rachel Corrie, and her next of kin, allege as follows:

I. PRELIMINARY STATEMENT

1. On March 16, 2003, Rachel Corrie, a peace activist and United States citizen,
was killed by a Caterpillar bulldozer while protesting the demolition of a Palestinian home.
This is a civil action for compensatory and punitive damages against Caterpillar, Inc. for
violations of international and state law committed against Rachel Corrie, including war
crimes; aiding and abetting her extra-judicial killing; complicity in cruel, inhuman, or

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1 degrading treatment or punishment (“CIDTP”) that resulted in her death; negligence; and
2 wrongful death.

3 2. This lawsuit alleges that Caterpillar, Inc., has aided and abetted or otherwise
4 been complicit in the Israel Defense Forces (hereinafter “IDF”) in the above-mentioned
5 human rights violations and war crimes by providing the bulldozers used to demolish homes
6 of Palestinians in the Occupied Palestinian Territories in violation of international law when
7 it knew, or should have known, that such bulldozers were being used to commit human rights
8 abuses.

9 3. The IDF has destroyed approximately 10,000 Palestinian homes since 1967
10 leaving approximately 50,000 men, women, and children homeless. Over the last four years,
11 the IDF has destroyed 4,100 homes. Upon information and belief, Caterpillar, Inc. has
12 supplied bulldozers to the IDF that have been used in such demolitions since 1967.

13 4. As a result of these demolitions, Palestinian civilians have been killed, injured,
14 displaced, and/or made homeless. Home demolitions often take place with no adequate
15 warning and in violation of due process rights, such as the right to fair hearing. The IDF
16 rarely offers compensation and redress to the victims. The IDF has also destroyed civilian
17 roads, agricultural land, and other public and private property.

18 5. Demolitions have taken place under three broad rationales: 1) to create ‘buffer
19 zones’ that indiscriminately destroy entire neighborhoods of Palestinian homes and expel
20 Palestinians simply for existing near Israeli military bases or the settlements and bypass
21 roads that are themselves illegal under international humanitarian law; 2) for the purposes of
22 collective punishment, which is prohibited by the Fourth Geneva Convention Relative to the
23 Protection of Civilian Persons in Time of War (“Fourth Geneva Convention”); and 3) for the
24 purposes of demographic engineering, *i.e.*, to limit and discourage Palestinian population
25 growth, especially in occupied east Jerusalem but also near settlements in the West Bank.
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1 These demolitions are often carried out through the discriminatory and arbitrary application
2 of building codes and other administrative means.

3 6. The world community, including the United States, has consistently condemned
4 these demolitions.

5 7. Caterpillar, Inc. had constructive notice of such violations since at least 1989 and
6 likely before, when human rights groups began to publicly condemn the demolitions, and
7 beginning in at least 1999, such condemnations were widely circulated in the international
8 press. In 2000 the U.N. Committee Against Torture condemned the policy of demolitions;
9 and in 2001 the European Union did as well.

10 8. Caterpillar, Inc. has been on actual notice that the bulldozers it was supplying
11 have been used to commit crimes in violation of international law since at least 2001.
12 Beginning that year, human rights groups and concerned U.S. citizens began notifying
13 Caterpillar that it was aiding and abetting violations of international law by providing the
14 IDF with the bulldozers used to destroy homes. Despite this, it continued to supply
15 bulldozers and essential parts to the IDF, which were used to commit the violations subject to
16 this lawsuit, even though the human rights violations and war crimes being committed by the
17 bulldozers and resultant damages were foreseeable.

18 9. Rachel Corrie was intentionally killed by the IDF using a Caterpillar D9
19 bulldozer in Rafah, located in southern Gaza, on March 16, 2003, while she was trying to
20 protect a home from being demolished.

21 II. PARTIES

22 10. Plaintiff Cynthia Corrie is the mother of decedent Rachel Corrie, who was killed
23 by the IDF's use of one of Defendant's bulldozers. She resides in Olympia, Thurston
24 County, Washington, within the Western District of Washington.

1 11. Plaintiff Craig Corrie is the father of decedent Rachel Corrie, who was killed by
2 the IDF's use of one of Defendant's bulldozers. He resides in Olympia, Thurston County,
3 Washington, within the Western District of Washington.

4 12. Defendant Caterpillar, Inc., (hereinafter "Caterpillar") is incorporated in
5 Delaware, with its primary place of business in Illinois. However, it does sufficient business
6 in Washington to be considered a resident of Washington.

7 13. Plaintiffs are informed and believe, and on that basis allege, that at all times
8 herein material, to the extent that said conduct was perpetrated by the IDF or other
9 government officials, Defendants conspired in, confirmed, aided and abetted, and/or ratified,
10 the same.

11 III. JURISDICTION

12 14. Plaintiffs allege that Defendant is liable for extra-judicial killing as defined by
13 customary international law and the Torture Victim Protection Act ("TVPA"), Pub. L. No.
14 102-256, 106 Stat. 73 (1992) (codified at 28 U.S.C. § 1350, note). Plaintiffs further allege
15 that Defendants are liable for violations of customary international law and treaty law
16 prohibiting the commission of human rights violations and war crimes. Accordingly, this
17 Court has jurisdiction over this action based on 28 U.S.C. § 1331. The Court also has
18 diversity jurisdiction over the federal claims pursuant to 28 U.S.C. § 1332. The Court has
19 jurisdiction over the state claims pursuant to §1367.

20 15. Venue is proper in the United States District Court for the Western District
21 pursuant to 28 U.S.C. § 1391(b)(1) and/or (3), as this Court has personal jurisdiction over
22 Defendant.

23 IV. STATEMENT OF FACTS

24 A. Background of Home Demolitions

25 16. The 1967 Six-Day War left Israel in control of the Gaza Strip, the West Bank, the
26 Sinai Peninsula, and the Golan Heights. Under international law, the occupation of the

1 Occupied Palestinian Territories falls under the Geneva Convention. Since 1967, the IDF
2 has implemented a policy of demolishing houses in these territories. According to B'tselem,
3 an Israeli human rights organization, over 4100 homes have been demolished in the last 4
4 years alone. There is consensus in the international community and among international
5 legal bodies that the IDF's policy of house demolitions in the Occupied Palestinian
6 Territories is illegal under international law.

7 17. Rafah, where Rachel Corrie was killed, is a refugee camp and city located at the
8 southern end of the Gaza Strip. The border between the Gaza Strip and Egypt is 12.5
9 kilometers long, of which 4 kilometers run alongside Rafah. The Gaza Strip is home to some
10 1.2 million Palestinians. According to Human Rights Watch, since approximately 2000, the
11 IDF has demolished over 2,500 houses in Gaza, 1600 of which were located in Rafah. The
12 IDF refers to the border area alongside Rafah as the "Philadelphi" corridor or zone. In
13 Rafah, the IDF has frequently destroyed civilian houses, roads, and agricultural land.
14 Because of the IDF's demolitions, more than 16,000 people, over 10% of Rafah's population,
15 have lost their homes.

16 18. Most of the demolitions in the Gaza Strip have been aimed at depopulating
17 Palestinian areas near Israeli settlements, bypass roads, and military bases. In Rafah, the
18 IDF has used various pretexts to destroy swathes of housing to create a 'buffer zone' along
19 the border, emptied of Palestinians, in order to facilitate its long-term control over the Gaza
20 Strip, including in the event of an Israeli "disengagement" from the territory.

21 19. The IDF has also demolished thousands of homes in the West Bank for various
22 'administrative' purposes that are in reality demographically motivated. Houses have been
23 demolished to make way for the 'separation barrier' that is being built to annex Israeli
24 settlements in the West Bank while encircling Palestinian communities. Discriminatory and
25 arbitrary application of building codes in occupied east Jerusalem have resulted in house
26 demolitions in an attempt to control and limit the growth of the Palestinian population there.

1 20. The IDF has also demolished the homes of families or communities alleged to be
2 connected to those thought to have participated in armed attacks against Israeli civilians or
3 soldiers, even though such “collective punishment” is forbidden by the Fourth Geneva
4 Convention. In many such cases, adjacent homes are also destroyed or damaged. Under
5 international law, demolitions conducted as punitive measures are not military operations. At
6 all times, the welfare of the local civilian population must be a primary consideration.

7 21. The IDF’s security measures are clearly subject to requirements under
8 international humanitarian law, which balances the interests of an occupying power against
9 the interests of a civilian population. Under the Fourth Geneva Convention and other
10 international humanitarian law, property can only be destroyed if it is “absolutely necessary”
11 in preparation for or conduct of fighting; it cannot justify the preemptive and indiscriminate
12 destruction of entire neighborhoods based solely on their location. Even in instances where
13 military operations are used to justify other demolitions, intentional attacks on civilians and
14 civilian property are strictly prohibited under international law.

15 22. Both the United Nations and international human rights organizations recognize
16 that most people in the Occupied Palestinian Territories who have lost their homes due to
17 demolitions are civilians. Further, rarely is compensation paid to the families who lose their
18 homes.

19 23. In the Occupied Palestinian Territories, when demolishing houses, not only does
20 the IDF often fail to give prior warning, in most instances residents are not even given a few
21 minutes to save their personal possessions. The IDF has demolished houses, roads, and large
22 fields without evidence that the destruction was absolutely necessary for military operations.
23 The IDF has demolished blocks of houses and has indiscriminately torn up roads, destroying
24 water and sewage networks. The pattern of destruction caused by demolitions demonstrates
25 that IDF forces demolish homes regardless of whether they pose a specific threat.

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1 24. The loss suffered by Palestinians whose houses have been demolished is
2 extensive and long-term. The resulting trauma is only the first stage that the families face in
3 coping with the new reality imposed on them. In addition to the material damage inherent in
4 the loss of the house and its contents, their forced displacement and total disruption in their
5 lives and the accompanying psychological effect also serve as a punitive measure. The
6 destruction has a particularly negative impact on children.

7 25. IDF house demolitions are arbitrary and disproportionate and in violation of
8 international law. Numerous innocent Palestinians have been killed, injured, and have been
9 made homeless due to the demolitions.

10 26. The world community, including the United States, has consistently condemned
11 these demolitions of homes.

12 27. The IDF has admitted that house demolitions have not always occurred because of
13 military necessity. Senior IDF officers have admitted that not all house demolitions have
14 been authorized or justified and that destruction caused by demolitions has been excessive.

15 28. According to Article 53 of the Fourth Geneva Convention, “Any destruction by
16 the Occupying Power of real or personal property belonging individually or collectively to
17 private persons or to the State, or to other public authorities, or to social or cooperative
18 organizations, is prohibited, except where such destruction is rendered absolutely necessary
19 by military operations.” This adapts the earlier Hague Regulations which forbid destruction
20 or seizure of property unless “imperatively demanded by the necessities of war.” However,
21 the IDF has admitted that house demolitions have not always occurred because of military
22 necessity. Senior IDF officers have admitted that not all house demolitions have been
23 authorized or justified and that destruction caused by demolitions has been excessive.

24 29. The IDF has recently recognized that their policy of demolition of homes of
25 suspected terrorists – a form of collective punishment as it affects family members not
26 believed to be associated with violence - has not worked to deter violence against it.

1 Recently, senior IDF officers concluded that the policy has caused more harm than good, and
2 officially ended this policy of demolitions for this purpose in February of 2005. However,
3 home demolitions for other reasons have not been suspended.

4 **B. The Role of Defendant Caterpillar, Inc.**

5 30. Caterpillar is the United States industry leader in heavy equipment manufacturing.
6 It produces bulldozers of various types, including two called the D9 and D10. In 2004,
7 Caterpillar had over \$30 billion in sales and revenue.

8 31. Upon information and belief, since 1967, the IDF has used Caterpillar equipment,
9 including the specially modified D9s and D10 type bulldozers, to destroy approximately
10 10,000 buildings in the West Bank and Gaza, leaving 50,000 people homeless. The IDF has
11 also used the same equipment to uproot hundreds of thousands of olive trees, as well as
12 orchards of dates, prunes, lemons, and oranges causing widespread economic hardship and
13 environmental degradation in rural areas. The IDF has used, and continues to use, armored
14 Caterpillar D9 bulldozers to raze blocks of homes, including in Gaza and Rafah.

15 32. As mentioned above, upon information and belief, Caterpillar began selling its
16 bulldozers to Israel in 1967. Caterpillar began making and selling to the IDF the D9R type
17 bulldozer, the bulldozer used in the majority of the more recent demolitions and the type used
18 to kill Rachel Corrie.

19 33. On its website, Caterpillar advertises that it can alter its D9 bulldozers for military
20 use. *Inter alia*, it states, “Caterpillar® provides the flexibility to respond to the specialized,
21 unique needs of U.S. military and government agencies along with foreign militaries We
22 are also well staffed to design and manufacture high priority military modifications for our
23 standard products, such as armor kits . . .” The Caterpillar D9 is a large track-type tractor
24 with 354 kW (474 hp) of gross power and an operating weight of 49 tons.

1 **C. Notice to Caterpillar Inc.**

2 34. Upon information and belief, Caterpillar had constructive notice of such illegal
3 acts as early as 1989, when the United Nations and human rights groups in Israel began
4 condemning the demolitions as violations of international law. In 1999 international human
5 rights groups began reporting the human rights violations associated with demolitions.
6 Beginning at least in 2000, the United Nations issued a statement that Israel's policy of
7 demolitions may amount to cruel, inhuman or degrading treatment or punishment, as well as
8 a breach of Article 16 of the UN Convention against Torture and Other Cruel, Inhuman or
9 Degrading Treatment or Punishment, which Israel ratified in 1991. Beginning at least in
10 2002, the U.S. government through the State Department began criticizing Israel for such
11 home demolitions.

12 35. Caterpillar has been on actual notice about illegal house demolitions in Gaza and
13 Rafah since at least 2001, and likely before. Beginning at least in 2001, Caterpillar was
14 specifically notified by concerned citizens that it was aiding and abetting crimes against
15 humanity by providing IDF with the bulldozers used to destroy homes. Upon information
16 and belief, in 2001, Caterpillar Spokesman Benjamin Cordani stated, among other things,
17 "We do not base sales on customer's intended use for our product."

18 36. A significant number of letters and communications were sent to Caterpillar in
19 2002, including a letter sent in January of 2002 requesting that Caterpillar condemn the
20 illegal use of its product, and noted that one "campaign" of home demolitions left 700
21 Palestinians, including women, children, and elderly people, homeless and without many
22 personal possessions.

23 37. Upon information and belief, in April of 2002, eight members of the Shu'bi
24 family, including several elderly persons and children, were killed when IDF demolished
25 their house. Reports of these deaths were widely circulated by Amnesty International and
26 International Press.

1 38. Upon information and belief, in June of 2002, a handicapped man was killed in
2 his house during a demolition when his family was not able to get him out in time. Reports
3 of this death were widely circulated by International Press.

4 39. Also in June of 2002, a U.S. based organization wrote a letter to Caterpillar
5 executives informing Caterpillar that its equipment was being used to commit war crimes.

6 40. In early August 2002, a coalition of human rights and non-profit organizations
7 began a campaign to educate Caterpillar about the illegal use of its bulldozers, and asked that
8 Caterpillar stop selling or otherwise providing its bulldozers to Israel. Because of this
9 campaign, over 50,000 letters were sent to Caterpillar informing them that their bulldozers
10 were used to destroy homes of innocent Palestinians, and were being used to carry out human
11 rights abuses.

12 41. Numerous protests against Caterpillar were staged in 2002, including an
13 International Day of Action against Caterpillar that was held throughout the world in August
14 of 2002. Protests included a mock arrest of Caterpillar executives for war crimes in
15 September of 2002. All of these events were widely reported by International Press.

16 42. Upon information and belief, in December of 2002, both a deaf man and an
17 elderly man were crushed during home demolitions, both of which were widely reported by
18 International Press. Deaths due to home demolitions using Caterpillar bulldozers continued
19 to occur in 2003 and 2004.

20 43. Moreover, such protests and letter writing campaigns similar to those described
21 above continued into 2003 and continue to occur. In April of 2004, a shareholder resolution
22 proposed by Caterpillar shareholders stated Caterpillar has acknowledged that it is aware of
23 IDF's use of Caterpillar equipment to destroy homes and agricultural lands, but refuses to
24 condemn or take actions necessary to halt the sale or transfer of Caterpillar equipment to the
25 IDF. That same month, Plaintiffs wrote a letter to Caterpillar's CEO regarding IDF's use of
26

1 the Caterpillar bulldozers, and requested a meeting with Caterpillar. Caterpillar refused such
2 a meeting.

3 44. In May of 2004, Jean Ziegler, a Special Rapporteur for the United Nations,
4 delivered a letter to Caterpillar criticizing it for supplying the bulldozers to the IDF that it
5 knows are used to commit human rights violations, and stated that by supplying the
6 bulldozers to the IDF, Caterpillar was potentially an accomplice to human rights violations.

7 **D. Sales/Delivery of Bulldozers to IDF by Caterpillar**

8 45. As mentioned above, upon information and belief, Caterpillar began selling
9 bulldozers for use in demolitions to the IDF in 1967. Upon information and belief, in 1995,
10 Caterpillar began making the R type D9 that was used to kill Rachel Corrie.

11 46. Upon information and belief, 1) Caterpillar bulldozers were provided to and/or
12 sold to IDF by Caterpillar after Caterpillar was on actual or constructive notice that its
13 bulldozers, specifically the D9s, were being used to commit human rights violations, the
14 injuries from which were foreseeable; or 2) bulldozers were leased to the IDF by Caterpillar,
15 and Caterpillar renewed such leases after Caterpillar was on actual or constructive notice that
16 its bulldozers, specifically the D9s, were being used to commit human rights violations, the
17 injuries from which were foreseeable; or 3) significant parts for the bulldozers, or repairs
18 made to the bulldozers, or training, manuals and/or instructions regarding the Caterpillars
19 used to commit abuses were provided to IDF by Caterpillar after Caterpillar was on actual or
20 constructive notice that its bulldozers, specifically the D9s, were being used to commit
21 human rights violations, the injuries from which were foreseeable; or 4) Caterpillar had the
22 right to recall its bulldozers but failed to do so, all of which occurred after Caterpillar was on
23 actual or constructive notice that its bulldozers, specifically the D9s, were being used to
24 commit human rights violations, the injuries from which were foreseeable. These acts
25 allowed IDF to use Caterpillar bulldozers to commit the human rights abuses that, along with
26 the resultant injuries, are the subject of this lawsuit.

1 47. In the alternative, upon information and belief, 1) the Caterpillar bulldozers used
2 in the incidents against Rachel Corrie were provided to and/or sold to IDF by Caterpillar
3 after Caterpillar was on actual or constructive notice that its bulldozers, specifically the D9s,
4 were being used to commit human rights violations, the injuries from which were
5 foreseeable; or 2) the bulldozers used in the incidents against Rachel Corrie were leased to
6 the IDF by Caterpillar, and Caterpillar renewed such leases after Caterpillar was on actual or
7 constructive notice that its bulldozers, specifically the D9s, were being used to commit
8 human rights violations, the injuries from which were foreseeable; or 3) significant parts for
9 the bulldozers used in the incidents, or repairs made to the bulldozers used in these incidents,
10 or training, manuals and/or instructions regarding the Caterpillar bulldozers used to commit
11 abuses were provided to IDF by Caterpillar after Caterpillar was on actual or constructive
12 notice that its bulldozers, specifically the D9s, were being used to commit human rights
13 violations, the injuries from which were foreseeable; or 4) Caterpillar had the right to recall
14 its bulldozers but failed to do so, all of which occurred after Caterpillar was on actual or
15 constructive notice that its bulldozers, specifically the D9s, were being used to commit
16 human rights violations, the injuries from which were foreseeable.

17 48. Caterpillar has stated to the press that its bulldozers are sold through the Foreign
18 Military Sales Program. However, upon information and belief, the sales from Caterpillar to
19 the IDF and/or Israel are not through the FMS, but are direct sales to IDF/Israel.

20 **E. Events Surrounding the Death of Rachel Corrie**

21 49. In January 2003, Rachel Corrie, then a 23 year-old senior at the Evergreen State
22 College in Olympia Washington, traveled to the Middle East through a local group called
23 Olympians for Peace in the Middle East. One of Rachel's main missions in traveling to Gaza
24 was to create a sister-city relationship between Olympia and Rafah.

25 50. For many years, various groups have organized non-violent action, medical
26 assistance, and humanitarian relief in the Occupied Territories. In the months preceding

1 Rachel Corrie's death, efforts focusing on non-violent action had increased because of
2 escalating violence including growing numbers of house demolitions. The group Rachel
3 joined was founded in 2001. International human rights groups such as Amnesty
4 International and Human Rights Watch, as well as the well-recognized Israeli human rights
5 organization B'tselem support the efforts of international volunteers as a means to confront
6 and monitor persistent human rights violations.

7 51. In Gaza, she joined a group of volunteers from around the world dedicated to
8 using non-violent methods to work for Palestinian human rights and as peacemakers in the
9 region. One of Rachel's most basic jobs entailed walking with Palestinian children to and
10 from school to protect them from gunfire. In addition, Rachel Corrie regularly protected
11 municipal water supplies, participated in youth education, and stood in front of Caterpillar
12 bulldozers as a way to protect homes, farms, trees, and wells from demolitions that were in
13 violation of international law. Before her trip to Gaza, Rachel Corrie had been organizing
14 events as an activist in Olympia's peace movement and on the Evergreen campus.

15 52. On March 16, 2003, Rachel was in the Gaza Strip to protest the demolition of
16 homes and property of Palestinian civilians. The IDF had been demolishing homes and
17 property in the area for the past several days. There were two Caterpillar bulldozers involved
18 in demolitions in that area on March 16, 2003. The two Caterpillar machines were
19 accompanied by one Armored Personnel Carrier ("APC"), sometimes referred to as a "tank."
20 Moreover, each bulldozer contained two IDF soldiers. The Caterpillar bulldozer driver and
21 accompanying soldier remained in communication with those in the APCs via radio.

22 53. In the afternoon on March 16, 2003, the group of volunteers Rachel was with
23 received a call indicating that IDF forces were approaching the home of a Palestinian
24 pharmacist, Dr. Samir Nasrallah, and that it was believed the IDF was going to destroy the
25 home. The group knew Dr. Nasrallah, and Rachel Corrie had, in the recent past, stayed in his
26 home. The group of volunteers, including Rachel, proceeded to that location.

1 54. Rachel stood in front of the Nasrallah home in order to protect it from
2 demolition. There were no other structures between Rachel and the home. Rachel was
3 wearing a bright orange florescent vest or jacket. She began waving her arms as the
4 bulldozer approached in an attempt to protect the home from demolition. The bulldozer,
5 which contained two soldiers – one driver and the other Commander, also used for “spotting”
6 – continued to approach the home, notwithstanding the presence of Rachel. As the bulldozer
7 moved forward, it was pushing a pile of dirt and debris. The bulldozer did not stop as it
8 reached Rachel; it pushed the pile of debris onto her legs and she could not escape. The
9 bulldozer than ran over Rachel with its blade down, burying her and crushing her beneath its
10 blade. Upon information and belief, the bulldozer driver knew Rachel was in front of the
11 bulldozer and intentionally ran her over.

12 55. During this entire incident, other non-violent protesters, all of whom were within
13 meters of the bulldozer, were running, jumping, and waiving their arms at the driver, yelling
14 at the driver and the Commander that Rachel was on the pile and about to be run over. The
15 bulldozer never stopped until Rachel Corrie was beneath it. It then backed up, with its blade
16 remaining down, again driving over Rachel. Rachel was taken to a hospital where she was
17 later pronounced dead.

18 56. Even though there was a “spotter” in the bulldozer, and even though there was an
19 APC within close proximity to the bulldozer who was in contact with the bulldozer by radio,
20 the bulldozer driver did not stop when approaching Rachel, and intentionally ran her over,
21 crushing her.

22 57. Just prior to this incident, the bulldozer drivers and/or the soldiers in the APCs
23 had been aggressively shouting at the protestors.

24 58. Earlier that same day, one of the bulldozer drivers was particularly aggressive,
25 pinning one other protestor under rubble and another against a fence.
26

1 64. Caterpillar knew or should have known that the bulldozers it was supplying to
2 IDF would be used to commit violations of the Geneva Convention, and that injuries
3 complained of herein were a foreseeable result of such activity. Even with this knowledge,
4 Caterpillar continued to supply bulldozers to the IDF knowing they would be used for such
5 illegal purposes, and they were.

6 65. Moreover, by 1) supplying, selling, and/or entrusting bulldozers used to destroy
7 their homes and inflict severe emotional distress; 2) renewing the lease of such equipment; 3)
8 making repairs and/or supplying necessary parts and/or training, support, manuals, or other
9 important information for the bulldozers; and/or 4) failing to provide a warning regarding the
10 use of the bulldozers or to recall the bulldozers, cancel, or suspend the lease and/or sales of
11 the bulldozers to the IDF even though legally entitled to do so, after it was foreseeable that
12 acting or failing to act could lead to such abuses, and even after it knew or should have
13 known through actual or constructive notice that the bulldozers were being used to commit
14 war crimes, Caterpillar is directly responsible for war crimes.

15 66. Alternatively, and/or in addition to committing a war crime against Rachel Corrie,
16 IDF's actions described above constituted war crimes against the Palestinian civilian
17 population, and by knowingly supplying the specially-designed bulldozers to IDF when it
18 knew or should have known that the bulldozers were being used to commit war crimes
19 against the Palestinian civilian population, Caterpillar aided and abetted, conspired in,
20 confirmed, or ratified IDF's war crimes. Rachel Corrie was a foreseeable victim of such
21 crimes, and such crimes proximately caused the injuries complained of herein.

22 67. Defendant's acts and omissions constitute "tort[s] ... committed in violation of
23 the law of nations or a treaty of the United States" under 28 U.S.C. §1331 in that the acts and
24 omissions against Plaintiffs violated customary international law prohibiting war crimes as
25 reflected, expressed, and defined in multilateral treaties and other international instruments,
26 international and domestic judicial decisions, and other authorities.

1 multilateral treaties and other international instruments, international and domestic judicial
2 decisions, and other authorities, and is thus actionable under 29 U.S.C. §1331.

3 75. Caterpillar knew or should have known that the bulldozers it was supplying to
4 Israel would be used to commit extra-judicial killings, and/or that the bulldozers it was
5 supplying would be used to commit other human rights abuses, and that extra-judicial
6 killings were a foreseeable result of such activity. Even with this knowledge, Caterpillar
7 continued to supply bulldozers, and/or repairs, and/or parts, and/or training to the IDF.

8 76. Caterpillar gave substantial assistance to the IDF either by 1) supplying, selling,
9 and/or entrusting bulldozers used to destroy their homes and inflict severe emotional distress;
10 2) renewing the lease of such equipment; 3) making repairs and/or supplying necessary parts
11 and/or training, support, manuals, or other important information for the bulldozers; and/or 4)
12 failing to provide a warning regarding the use of the bulldozers or to recall the bulldozers,
13 cancel, or suspend the lease and/or sales of the bulldozers to the IDF even though legally
14 entitled to do so, after it was foreseeable that acting or failing to act could lead to such
15 abuses, and even after it knew or should have known through actual or constructive notice
16 that the bulldozers were being used to commit extra-judicial killings. Thus, Caterpillar aided
17 and abetted in this extra-judicial killing, and this aiding and abetting was a proximate cause
18 of the extra-judicial killing. Rachel Corrie was a foreseeable victim of these acts.

19 77. Upon information and belief, because the conduct giving rise to the claim
20 occurred in the United States – i.e., the contracting and/or aiding and abetting and/or
21 ratification – Plaintiffs are exhausting their remedies by bringing this action domestically.

22 78. In the alternative, no adequate remedies against Caterpillar are available to
23 Plaintiffs under the laws of the State of Israel or before any court in their domestic
24 jurisdiction. Even if a remedy was available, such would be ineffective, inadequate,
25 unobtainable, or futile, and/or Plaintiffs would be unable to avail themselves to that remedy
26 because the State of Israel was a party to the events described herein. The Israeli Supreme

1 Court has consistently sanctioned IDF policies that violate international law, including house
2 demolitions aimed at collective punishment.

3 79. Defendant's acts and omissions described caused Plaintiffs to suffer damages,
4 including severe mental and emotional pain and suffering in an amount to be proven at trial.

5 80. Defendant's acts and omissions were deliberate, willful, intentional, wanton,
6 malicious and oppressive, and should be punished by an award of punitive damages in an
7 amount to be determined at trial.

8 **VII. THIRD CLAIM FOR RELIEF**

9 *(Cruel, Inhuman or Degrading Treatment or Punishment)*

10 81. Plaintiffs re-allege and incorporate by reference the allegations set forth in
11 paragraphs 1 through 80 of this Complaint as if fully set forth herein.

12 82. The abuses committed against Plaintiffs and Rachel Corrie described herein each
13 separately constitutes cruel, inhuman, or degrading treatment or punishment (CIDTP). These
14 acts include, but are not limited to: the illegal destruction of homes resulting in severe
15 physical and psychological abuse and agony, humiliation, fear and debasement; the injury of
16 family members during such destruction, resulting in profound fear and anguish.

17 83. Caterpillar knew or should have known that the bulldozers it was supplying to
18 Israel were being and would be used to commit CIDTP. Moreover, by 1) supplying, selling,
19 and/or entrusting bulldozers to IDF used to destroy homes and inflict severe emotional
20 distress; 2) renewing the leases of such; 3) making repairs and/or supplying necessary parts
21 and/or training, support, manuals, or other important information for the bulldozers; and/or 4)
22 failing to provide a warning regarding the use of the bulldozers or to recall the bulldozers,
23 cancel, or suspend the lease and/or sales of the bulldozers to the IDF even though legally
24 entitled to do so, after it was foreseeable that acting or failing to do so could lead to such
25 abuses, and after it knew or should have known through actual or constructive notice that the
26 bulldozers were being used to commit CIDTP.

1 for the bulldozers; and/or 4) failing to recall the bulldozers, re-design, cancel or suspend the
2 lease and/or sales of the bulldozers to the IDF and/or failing to retrain users of its equipment
3 even though legally entitled to do so, when it was reasonably foreseeable that those
4 bulldozers were being misused to destroy homes and other civilian property and to commit
5 such abuses including the killing of civilians and causing severe emotional distress.

6 93. As a direct and proximate cause of Defendant's breach of duty, Rachel Corrie
7 was killed. It was reasonably foreseeable that use of Defendant's bulldozers would cause
8 such a death.

9 94. Under the Illinois Wrongful Death Act, the personal representative may bring
10 such claims on behalf of the next of kin and siblings. Cynthia Corrie and/or Craig Corrie are
11 the personal representative(s) of Rachel Corrie, and bring this claim on behalf of all of
12 Rachel's next of kin, including themselves and her siblings.

13 95. Defendant's acts and omissions described herein caused Plaintiffs and all of
14 Rachel's next of kin, including her siblings, to suffer damages, including pecuniary damages,
15 in an amount to be proven at trial.

16 96. Defendant's acts and omissions were deliberate, willful, intentional, wanton,
17 malicious and oppressive, and should be punished by an award of punitive damages in an
18 amount to be determined at trial.

19 **IX. FIFTH CLAIM FOR RELIEF**

20 *(Public Nuisance)*

21 97. Plaintiffs re-allege and incorporate by reference the allegations set forth in
22 paragraphs 1 through 96 of this Complaint as if fully set forth herein.

23 98. The Palestinian public and non-Palestinian civilians in the area, such as Rachel
24 Corrie, had and have a right to health, the public safety, the public peace, the public comfort,
25 and/or the public convenience.

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A jury trial is demanded on all issues.

DATED this 15th March, 2005.

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