



# the case against caterpillar, inc.

corporate  
human rights  
abuse

Since its occupation of the West Bank, the Gaza Strip, and East Jerusalem following the 1967 war, the Israel Defense Force (IDF) has destroyed more than 18,000 Palestinian homes in the Occupied Palestinian Territory (OPT). Meanwhile, Caterpillar, Inc., a U.S. company, has sold bulldozers to the IDF knowing they would be used to unlawfully demolish homes and put civilians in danger.



## why are homes demolished in palestine?

Since 1967, the IDF has routinely demolished homes of Palestinians in the OPT. The practice of home demolitions, forced expulsion and land seizures increased dramatically after the second intifada began in September 2000. In the first four years of the second intifada, the IDF used bulldozers to destroy more than 4,000 Palestinian homes.

The IDF has provided several reasons for this practice, one being the need to create "buffer zones" in the OPT. In fact, the IDF's home demolitions are part of a broad-reaching practice of collective punishment through "demographic engineering." Through home demolitions, Palestinian populations are forced to move from areas deemed strategic or of interest to Israel and displaced from the agricultural land where they and their ancestors have lived and made their livelihoods. In addition to forcibly displacing more than 70,000 civilians, home demolitions have injured or killed Palestinian civilians, including the victims in *Corrie, et. al. v. Caterpillar, Inc.* Much of the world

community, including the United Nations, the United States, and human rights organizations, has consistently condemned these demolitions.

## how is caterpillar involved?

Caterpillar has supplied the IDF with bulldozers used for home demolitions since 1967. Caterpillar has sold D9 bulldozers to the IDF knowing they would be used to unlawfully demolish homes and endanger civilians in the OPT. Caterpillar continued to sell D9's directly to the IDF even though it knew that the bulldozers were being used to commit war crimes and other serious violations of law. The Caterpillar D9 bulldozer is over 13 feet tall and 26 feet wide, weighs more than 60 tons with its armored plating, and can raze houses within minutes.

Caterpillar has had constructive notice of the human rights violations committed with its bulldozers since at least 1989, when human rights groups began publicly condemning the violations. Since 2001, human rights groups have sent over 50,000 letters to Caterpillar, Inc. executives and CEO Jim Owens decrying the use of its bulldozers to carry out human rights abuses.

## the facts

- more than 18,000 Palestinian homes have been demolished by the Israel Defense Forces (IDF) since 1967.
- more than 4,000 of those homes were demolished after September 2000.
- From September 2000 until 2004, over 2,500 homes were demolished in Gaza; 1,600 of those were located in Rafah, a 2.5 mile long strip of land along the border of southern Gaza.

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## *corrie, et al. v. caterpillar, inc.*

In 2005, a lawsuit was brought against Caterpillar, Inc. by families represented by CCR, the Ronald A. Peterson Law Clinic at Seattle University School of Law, the Public Interest Law Group PLLC, and the Palestinian Center for Human Rights. The suit charges that Caterpillar violated international, federal, and state law by selling D9 bulldozers to the IDF knowing they would be used to unlawfully demolish homes and endanger civilians in the OPT. In doing so, Caterpillar aided and abetted the war crimes committed by the IDF by knowingly providing assistance that had a substantial effect on the commission of the violation.

The five families in the case include Palestinians whose family members were killed or injured when Caterpillar bulldozers demolished their homes. The parents of Rachel Corrie, an American who was killed by a D9 while protecting a home in the OPT, are also plaintiffs in the case.

The claims against Caterpillar, Inc. for selling bulldozers to the IDF include violations of:

1. The Alien Tort Statute (ATS), a 1789 statute giving non-U.S. citizens the right to file suits in U.S. courts for international human rights violations. This includes violations of The Fourth Geneva Convention, Additional Protocol I, and customary international law, which prohibit war crimes such as collective punishment and destruction of civilian property not justified by military necessity.
2. The Torture Victim Protection Act (TVPA), passed by Congress in 1992, which allows individuals to seek damages in U.S. courts for torture or extrajudicial killing, regardless of where the violations take place.

In 2005, Judge Burgess in the Western District of Washington granted Caterpillar's motion to dismiss the case without permitting discovery or hearing oral argument. CCR appealed the decision to the Ninth Circuit Court of Appeals and oral arguments were heard on July 9, 2007. The Ninth Circuit affirmed the dismissal on September 17, 2007, under the political question doctrine. Plaintiffs filed a petition for rehearing or en banc which was denied, thereby ending the case.

## *the plaintiffs*

**The Al Sho'bi family:** Mahmoud Omar Al Sho'bi is from Nablus in the West Bank. In April 2002, a D9 bulldozer destroyed Mr. Al Sho'bi's family home without warning in an IDF attack in the middle of the night. His father Umar, his sisters Fatima and Abir, his brother Samir, pregnant sister-in-law Nabila and their three children, ages 4, 7, and 9, were all killed.

**The Fayed family:** Fathiya Muhammad Sulayman Fayed's home was bulldozed during an IDF incursion into the Jenin Refugee Camp in 2002. Hundreds of buildings were destroyed allegedly to clear paths for IDF tanks. During the demolition, her son, Jamal, who was paralyzed, needed assistance to get out of the house. While the IDF briefly stopped bulldozing so Fathiya could help Jamal, they quickly resumed demolition. Fathiya escaped, but was unable to get Jamal out, and he was killed.

**The Abu Hussein family:** A D9 demolished the Abu Hussein family home in the al-Salam neighborhood of Rafah in 2002. Destruction began without warning at 5:00 a.m., injuring six family members inside. After being warned, IDF halted active demolition but fired on neighbors and relatives trying to evacuate those in the house.

**The Corrie family:** Rachel Corrie, an American activist, went to Gaza with the International Solidarity Movement (ISM), a Palestinian-led movement using nonviolence to resist the Israeli occupation. In March 2003, Rachel stood in front of the Nasrallah family home to protect it from demolition while the family was inside. Despite her fluorescent orange jacket and fellow activists waiving to stop the soldiers, they drove over Rachel, crushing her to death.

**The Khalafallah family:** In a July 2004 incursion into Khan Yunis Refugee Camp, the IDF demolished over 70 homes. At midnight, a bulldozer approached the home of Ibrahim Khalafallah and his wife Eida, where they lived with their 5 children, 2 daughters-in-law and 4 grandchildren. Ibrahim, in his 70's and sick, was unable to move. When the bulldozer hit the house, Eida tried to stop the driver, but he continued, destroying the home and killing Ibrahim.

## *help ccr stop home demolitions in palestine*

Caterpillar, Inc. has violated international, federal and state law by selling bulldozers to the IDF. In doing so, the company is complicit in the war crimes and human rights violations committed by the IDF.

Stop Caterpillar from providing substantial assistance to the IDF and support the Palestinians whose lives are threatened. Join CCR in publicizing this issue and making it a priority for your community and your elected officials.

**Take this leaflet**, make copies, and pass it to others at your workplace, school, and community. Educate yourself and others.

**Write letters to the editor** of your local newspaper about this issue and Caterpillar, Inc.'s complicity in war crimes in the Occupied Palestinian Territory.

**Join CCR's action list online and check our website** to get up-to-date information about the case and strategic actions you can take to hold Caterpillar, Inc. accountable. [www.ccrjustice.org](http://www.ccrjustice.org)