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10 Attorneys for Plaintiffs

11 **UNITED STATES DISTRICT COURT**  
12 **CENTRAL DISTRICT OF CALIFORNIA**

13 AHMET DOĞAN, individually and on  
14 behalf of his deceased son FURKAN  
15 DOĞAN; and HIKMET DOĞAN,  
16 individually and on behalf of her  
17 deceased son, FURKAN DOĞAN,

18 Plaintiffs,

19 vs.

20 EHUD BARAK,

21 Defendant.

Case No.:

**COMPLAINT FOR DAMAGES:**

1. Extrajudicial Killing in Violation of Torture Victim Protection Act, by Ahmet Doğan
2. Extrajudicial Killing in Violation of Torture Victim Protection Act, by Hikmet Doğan
3. Torture In Violation of Torture Victim Protection Act, by Ahmet Doğan and Hikmet Doğan on Behalf of Furkan Doğan as his Successors in Interest
4. Extrajudicial Killing in Violation of Alien Tort Claims Act, by Ahmet Doğan
5. Extrajudicial Killing in Violation of Alien Tort Claims Act, by Hikmet Doğan
6. Acts of International Terrorism in Violation of Anti-Terrorism Act, by Ahmet Doğan and Hikmet Doğan on Behalf of Furkan Doğan as his Successors in Interest
7. Acts of International Terrorism in Violation of Anti-Terrorism Act, by Ahmet Doğan
8. Acts Of International Terrorism In Violation Of Anti-Terrorism Act, by Hikmet Doğan

**DEMAND FOR JURY TRIAL**

1 **INTRODUCTION**

2 1. Plaintiffs institute this civil action for compensatory and punitive  
3 damages against former Israeli Minister of Defense, Ehud Barak (“Barak”), for his  
4 responsibility for violations of international and U.S. domestic law, including acts  
5 of international terrorism.

6 2. On May 31, 2010, Israeli Defense Forces (“IDF”) unlawfully  
7 intercepted and attacked the Gaza Freedom Flotilla, a group of six unarmed civilian  
8 vessels carrying more than 700 civilian passengers and humanitarian aid for  
9 delivery to the citizens of Gaza, while the Flotilla was sailing in international  
10 waters in the Mediterranean Sea. The IDF’s unlawful attack resulted in the  
11 extrajudicial killing of ten civilian passengers, including Furkan Doğan, an  
12 American citizen, in addition to torture, cruel inhumane or other degrading  
13 treatment, and arbitrary arrest and detention against civilian passengers on each of  
14 the vessels in the Flotilla.

15 3. Plaintiffs allege that Defendant Barak participated in the planning,  
16 execution, and oversight of the IDF operation, and was responsible for ordering,  
17 aiding and abetting, and exercising command responsibility over the operation that  
18 resulted in the torture and extrajudicial killing of Furkan Doğan. In addition,  
19 Defendant Barak failed to prevent or punish the violations of international law  
20 committed during the IDF operation and ratified the unlawful conduct.  
21 Accordingly, Plaintiffs assert that Defendant Barak is liable under domestic and  
22 international law for the extrajudicial killing and torture of Furkan Doğan. Further,  
23 Plaintiffs allege that Defendant Barak is liable for committing acts of international  
24 terrorism in violation of U.S. law which resulted in the injury, torture, and  
25 ultimately death of an American citizen, Furkan Doğan.

26 4. Plaintiffs bring this action under the Alien Tort Claims Act (“ATCA”),  
27 18 U.S.C. § 1350; the Torture Victims Protection Act of 1991, 18 U.S.C. § 1350  
28 note (“TVPA”); and the Anti-Terrorism Act, 18 U.S.C. §§ 2331 *et seq.* (“ATA”).

1 **JURISDICTION AND VENUE**

2 5. This Court has jurisdiction under 28 U.S.C. §§ 1331 (federal question),  
3 1350 (Alien Tort Claims Act and Torture Victim Protection Act), and § 2333(a)  
4 (Anti-Terrorism Act).

5 6. Venue is proper in the United State District Court of the Central  
6 District of California pursuant to 28 U.S.C. § 1391 (b) as “there is no district in  
7 which an action may otherwise be brought as provided in [§ 1391(b)], and the  
8 Defendant “is subject to the court’s personal jurisdiction with respect to such  
9 action.” In addition, venue is proper in this district pursuant to 18 U.S.C. §  
10 2334(a).

11 **PARTIES**

12 7. Defendant Barak, born on February 12, 1942, is an Israeli national and  
13 currently resides in Israel.

14 8. Defendant Barak held the position of Israeli Minister of Defense from  
15 June 2007 until March 18, 2013. He thus held the position of Minister of Defense  
16 during the planning of the IDF operation against the Flotilla in the spring of 2010,  
17 during the operation on May 31, 2010, during the subsequent period in which  
18 surviving participants in the Flotilla were detained in Israel following the operation,  
19 and thereafter.

20 9. As Minister of Defense, Defendant Barak was the Minister in charge  
21 of the Army on behalf of the Government and had the authority to direct the Army  
22 and IDF forces. While serving in that position he planned and commanded the  
23 attack and interception of the Flotilla.

24 10. Unless otherwise specified below, all acts and omissions alleged by  
25 Plaintiffs were carried out by Defendant Barak, other Israeli officials and directly  
26 by active or former soldiers in the IDF. Defendant Barak is responsible and liable  
27 for the common plan, design, and scheme unlawfully to attack the six vessels of the  
28 Gaza Freedom Flotilla and the civilian passengers on board which constituted acts

1 of international terrorism and resulted in extrajudicial killings, torture, and cruel  
2 inhumane or other degrading treatment, in violation of customary international law.

3 11. Defendant Barak's position as Israeli's Minister of Defense provided  
4 him with the ability and capacity to plan, direct, control and oversee the operation  
5 against the Flotilla and the IDF soldiers who conducted the attack. Therefore  
6 Defendant Barak possessed command responsibility over the IDF forces, and knew  
7 or should have known that the unlawful attack on the Flotilla would result in torts  
8 and international law violations against Plaintiffs. Defendant Barak failed to stop  
9 the violations before and during the attack, and failed to punish those responsible  
10 for committing the violations after the attack, thereby ratifying their conduct.

11 12. Furkan Doğan, aged 19, was a United States citizen born in the State  
12 of New York. He was tortured and killed on May 31, 2010 during the IDF attack  
13 on the Flotilla.

14 13. Plaintiff Ahmet Doğan, aged 54, is a Turkish citizen and the father of  
15 Furkan Doğan and his successor-in-interest. He brings this action individually and  
16 on behalf of his deceased son. Plaintiff Ahmet Doğan was not a passenger on any of  
17 the vessels of the Flotilla. He has suffered emotional distress as a result of the  
18 torture and killing of his son.

19 14. Plaintiff Hikmet Doğan, aged 50, is a Turkish citizen and the mother  
20 of Furkan Doğan and his successor in interest. She brings this action individually  
21 and on behalf of her deceased son. Plaintiff Hikmet Doğan was not a passenger on  
22 any of the vessels of the Flotilla. She has suffered emotional distress as a result of  
23 the torture and killing of her son.

## 24 **FACTUAL ALLEGATIONS**

### 25 **I. The Existence of an Armed Conflict**

26 15. It is widely accepted that, at all materials times of the planning stage of  
27 the IDF operation against the Flotilla and during the attack on the Flotilla, there was  
28 an ongoing armed conflict between Israel and Palestine/Gaza and occupation of

1 Palestine/Gaza. The wider occupation and conflict between Israel and Palestine,  
2 and the continuing naval blockade (as set out below), constitute an armed conflict  
3 triggering the full protections of international humanitarian law for the Flotilla, in  
4 particular the Geneva Conventions of 1949 to which Israel is a party.

5 16. The Israeli Ministry of Foreign Affairs Website stated in reference to  
6 the “Gaza flotilla and the maritime blockade of Gaza” in May 2010 that the  
7 “blockade has been imposed, as Israel is currently in a state of armed conflict with  
8 the Hamas regime” and “Maritime blockades are a legitimate and recognized  
9 measure under international law that may be implemented as part of an armed  
10 conflict at sea.” The Israeli Turkel Commission, established by the Israeli  
11 government to investigate the IDF attack on the Flotilla, observed that the Supreme  
12 Court of Israel as well as various United Nations organizations, humanitarian  
13 organizations, and human rights organizations “classify the conflict between Israel  
14 and the Hamas as an international armed conflict.” In addition, the United Nation’s  
15 “Report of the Secretary-General’s Panel of Inquiry on the 31 May 2010 Flotilla  
16 Incident” (the “UN Palmer Report”) stated that “it is implausible to deny that the  
17 nature of the armed violence between Israel and Hamas goes beyond purely  
18 domestic matters. In fact, it has all the trappings of an international armed conflict.”

19 17. Last, the Office of the Prosecutor of the International Criminal Court  
20 (“ICC”) found during its Preliminary Examination that due to Israel’s military  
21 occupation of Gaza, the conflict can be considered an international armed conflict,  
22 stating: “*While Israel maintains that it is no longer occupying Gaza, the prevalent*  
23 *view within the international community is that Israel remains an occupying power*  
24 *under international law, based on the scope and degree of control that it has*  
25 *retained over the territory of Gaza following the 2005 disengagement. In*  
26 *accordance with the reasoning underlying this perspective, the Office has*  
27 *proceeded on the basis that the situation in Gaza can be considered within the*  
28 *framework of an international armed conflict in view of the continuing military*

1 *occupation by Israel.”*

2 **II. The Naval Blockade on Gaza**

3 18. The IDF has imposed and implemented a naval blockade on Gaza, as  
4 part of a total blockade—land, air, and sea—since early 2009.

5 19. Following restrictive measures imposed by the Israeli authorities on  
6 the movement of people and goods into the Gaza strip in 2007 and 2008, a maritime  
7 closure was initiated in mid-2008 and a full naval blockade was established on  
8 January 3, 2009 and announced on January 6, 2009. The decision to implement the  
9 blockade was ordered by the Israeli Minister of Defense in 2008—Defendant  
10 Barak—after a closure was recommended by the Military Advocate General.

11 20. The announcements and advisories on the implementation of the  
12 blockade stated that “the Gaza maritime area is closed to all maritime traffic and is  
13 under blockade imposed by [the] Israeli Navy until further notice.”

14 21. Statements from Government and Military officials stated that the  
15 blockade was implemented due to security concerns, but also noted that previous  
16 missions by the Free Gaza Movement, a coalition of human rights activists,  
17 attempting to deliver humanitarian aid to Gaza by sea were a catalyst for the  
18 blockade.

19 22. The total blockade has been widely regarded as being unlawful as a  
20 matter of international law by the UN, International Committee of the Red Cross  
21 (“ICRC”), and other international organizations.

22 23. The blockade is part of the wider armed conflict between Israel and  
23 Palestine that existed at the time of the attack on the Flotilla and which continues  
24 presently (as set out above). The events that occurred during the attack on the  
25 Flotilla and thereafter in Israel took place during this armed conflict, as has been  
26 recognized by the ICC Prosecutor when examining the allegations in respect of the  
27 attack on the Flotilla. As noted, the civilians on the Flotilla were thus civilians  
28 caught up in an armed conflict and entitled to the full protections of international

1 humanitarian law, in particular the Geneva Conventions of 1949 to which Israel is a  
2 party.

3 **III. The Gaza Freedom Flotilla**

4 24. The Gaza Freedom Flotilla was planned by the Free Gaza Movement,  
5 a human rights organization registered as a charity in Cyprus. It has organized  
6 previous boat voyages to Gaza, along with other humanitarian organizations  
7 including the Turkish organization Foundation for Human Rights and Freedoms  
8 and Humanitarian Relief (known by its Turkish initials, "IHH"), the Swedish and  
9 Greek organizations both called Ship to Gaza, and the European Campaign to Break  
10 the Siege on Gaza. The aims of the Flotilla were to draw international public  
11 attention to the situation in the Gaza Strip and the effect of the blockade, and to  
12 deliver humanitarian assistance and supplies to Gaza.

13 25. The Flotilla consisted of six vessels at the time of the IDF's operation  
14 against the Flotilla on May, 31 2010, namely:

- 15 a) the M.V. Mavi Marmara, a passenger ship sailing under the flag of the  
16 Union of the Comoros;
- 17 b) the M.V. Defne Y, a cargo boat sailing under the flag of the Republic  
18 of Kiribati;
- 19 c) the M.V. Gazze, a cargo boat sailing under the flag of the Republic of  
20 Turkey;
- 21 d) the M.V. Sfondoni, a passenger boat sailing under the flag of Togo;
- 22 e) the M.V. Eleftheri Mesogios, a cargo boat sailing under the flag of the  
23 Hellenic Republic of Greece; and
- 24 f) the Challenger 1, a passenger boat sailing under the flag of the United  
25 States of America.

26 26. Each vessel of the Flotilla was subject to security checks in Turkey  
27 before its final departure towards Gaza to ensure that no weapons were on board  
28 and that all members of the flotilla were unarmed. For example, the Mavi Marmara



1 was subject to stringent security checks in the port of Antalya. All items taken on  
2 board the vessel were inspected and all passengers were subjected to body searches  
3 before boarding the vessels. When passengers were transferred from the  
4 Challenger I, similar security checks were conducted before the passengers were  
5 allowed to board. The same security checks were conducted for all passengers and  
6 items entering the *Eleftheri Mesogios* while it was in port in Greece. The *Sfendoni*,  
7 which was carrying passengers and medical items, was checked by the captain of  
8 the vessel to certify that there were no weapons on board.

#### 9 **IV. The planning of Israeli's operation against the Flotilla**

10 27. International inquiries into the May 31, 2010 incident have found that  
11 the Government of Israel became aware in February 2010 of the plans for the Gaza  
12 Freedom Flotilla to bring humanitarian aid and supplies into Gaza. By mid-April  
13 orders were given by high-level Government officials to begin preparing for an  
14 operation to intercept the Flotilla. By May 12, 2010 the Government of Israel had  
15 developed a plan for the operation which was approved by the Israeli Chief of  
16 General Staff on May 13, 2010.

#### 17 **V. Defendant Barak's role in planning, ordering and directing the** 18 **operation against the Flotilla**

19 28. While in his position as Minister of Defense before and during the  
20 operation against the Gaza Freedom Flotilla on May 31, 2010, Defendant Barak  
21 directly participated in the planning of the IDF operation, was responsible for  
22 ordering the attack on the Gaza Freedom Flotilla, and had command responsibility  
23 over the IDF troops conducting the operation against the Flotilla and thereafter.

24 29. The power of Defendant Barak to plan, order, and control the IDF  
25 operation and troops as Minister of Defense is set out in Israel's Basic Law which  
26 provides that the military, the Army, and IDF forces are "subject to the authority of  
27 the Government" and that the Minister of Defense is the "Minister in charge of the  
28 Army on behalf of the Government." Defendant Barak had the authority as the



1 Minister of Defense before and on May 31, 2010 to plan, order, control, and  
2 oversee the IDF forces in their attack on the Flotilla and the events that followed.

3 30. Defendant Barak was instructed by the Prime Minister to conduct “the  
4 inter-ministerial preparations and the preparations of all of the parties in the  
5 operation.” This is confirmed in the report of the Israeli Turkel Commission and in  
6 the testimony before the Commission. For example, on August 9, 2010, Prime  
7 Minister Benjamin Netanyahu testified before the Turkel Commission stating that  
8 “I requested the Minister of Defense, to coordinate this matter, to activate the  
9 ‘Forum of Seven’ [the seven ministers of the inner cabinet] if necessary, and to  
10 contact me abroad, if necessary, but I wanted there to be a clear address on the  
11 ground for coordinating all of the issues, the political issues and the public relations  
12 issues, of course [h]is additional responsibility vis-à-vis the army was clear by  
13 virtue of his position as the Minister of Defense.”

14 31. As a result of these instructions from the Prime Minister, Defendant  
15 Barak had direct involvement in the planning of the operation, which was  
16 demonstrated by the fact that the Ministry of Defense held several meetings in April  
17 and May 2010 to prepare and plan the operation against the Flotilla. Specifically,  
18 meetings were held at the Ministry of Defense on April 22 and May 6, 2010 to plan  
19 the operation. It is noted in the Turkel Report that at the May 6, 2010 meeting, the  
20 Minister of Defense, Defendant Barak, “approved the overall format of the  
21 operation.” In addition, the Report of the UN Human Rights Council fact-finding  
22 mission (which investigated the attack) found that further correspondence and  
23 planning took place between the Defendant Barak as the Defense Minister, the IDF  
24 Chief of General Staff, and the Prime Minister on May 13 and 26, 2010.

25 32. Defendant Barak’s direct involvement in the planning and ordering of  
26 the attack on the Flotilla is disclosed through his own testimony before the Turkel  
27 Commission. He acknowledged that “The decision to halt the flotilla that was taken  
28 by me, by the Prime Minister and by the seven ministers of the inner cabinet in a

1 discussion on 26.05.10”, which he refers to as the “political echelon.” He stated that  
2 “[t]he political echelon determines what has to be done, and it bears responsibility  
3 for this,” and that with regard to the Flotilla “the political echelon unanimously,  
4 aside from a marginal reservation by one of the members . . . took the decision to  
5 stop the flotilla, and in this fashion authorized the IDF to act and take over the  
6 flotilla.” The Report of the UN Human Rights Council fact-finding mission further  
7 confirmed that at the meeting of May 26, 2010 “[a] further evaluation was made . . .  
8 and the Defense Minister formally authorized the operation. Extensive training and  
9 planning was undertaken, including the setting up of a processing centre for  
10 detainees at the Port of Ashdod.”

11 33. In addition, Defendant Barak’s direct involvement was confirmed  
12 during a press conference held by the Israeli Government in the hours after the  
13 Flotilla was attacked on May 31, 2010 in which he stated that “[t]onight the IDF  
14 gained control over the flotilla which tried to enter the Gaza beaches and break the  
15 blockade. The cabinet, the Prime Minister and I instructed the IDF to take action.”

16 34. Furthermore, Defendant Barak told the Turkel Commission that in  
17 making the decision to stop the Flotilla and in ordering the plan for the IDF to  
18 conduct the operation, he was advised of the consequences of extreme situations  
19 and outcomes which might result during the operation. Defendant Barak noted that  
20 at a meeting on May 26, 2010, an intelligence picture was presented by the head of  
21 the Research Division, and a “contour of the planned action was presented by the  
22 chief of staff” which included details of the “extreme situations that could develop  
23 during the course of the incident.” Defendant Barak stated that: “*I guided the IDF  
24 to make a status evaluation with regards to examining the option of interdicting the  
25 departure of the flotilla or reducing it in terms of the means, the regions, the timing  
26 and the methods which I cannot go into detail here. In this discussion comments  
27 were made both by me and by others, with regards to examining extreme situations  
28 and extreme scenarios, and the parties responsible for the action were requested to*

1 *pay attention to such situations.”*

2 **VI. International Violations Committed during the Unlawful Attack on the**  
3 **Flotilla**

4 35. The evidence shows that an unlawful attack on civilians, constituting a  
5 violation of international law, occurred on each of the ships in the Gaza Freedom  
6 Flotilla, and that civilian passengers caught up in the attack were killed, tortured,  
7 seriously mistreated, and arbitrarily arrested and detained

8 36. This evidence includes extensive first-hand testimony of passengers on  
9 board the vessels of the Flotilla, medical records, video materials, as well as the  
10 reports and findings of various international and national inquiries.

11 **A. *Extrajudicial killings***

12 37. The IDF operation planned and ordered by the Government of Israel,  
13 including by Defendant Barak as Defense Minister of Israel before and during the  
14 operation, resulted in the unlawful killing of ten unarmed civilian passengers  
15 including an American citizen, Furkan Doğan. All ten decedents were killed during  
16 the IDF’s attack on the vessel sailing under the flag of the Union of the Comoros,  
17 the Mavi Marmara.

18 38. During the operation against the Mavi Marmara live ammunition was  
19 fired from helicopters at passengers on the top deck of the vessel before any IDF  
20 soldiers had boarded the vessel.

21 39. This gunfire resulted in the injury and killing of several individuals,  
22 including Furkan Doğan who was on the top deck filming the operation when he  
23 was attacked and shot five times. Four of the shots struck Doğan from behind,  
24 hitting his head, back, left leg, and left foot. The fifth shot struck his face at point  
25 blank range, likely while he was lying on the ground on his back. According to the  
26 UN Human Rights Council Report, Doğan was not killed instantly from his  
27 wounds, but rather was “lying on deck in a conscious, or semi-conscious state for  
28 some time.” International inquires and autopsy reports for the ten individuals killed

1 have found that five of the decedents were shot in the head at close range. Reports  
2 further found that several of the decedents were shot while attempting to video or  
3 take photographs of the IDF operation, one of whom was shot between the eyes  
4 while attempting to photograph IDF soldiers on the top deck of the Mavi Marmara.

5 40. The evidence and findings by international inquiries further highlight  
6 that several of those passengers killed by the IDF soldiers were killed attempting to  
7 assist other injured passengers or while they themselves were in submissive and  
8 non-threatening positions. For example, one deceased passenger was shot three  
9 times while in a crouching or bending position, including once in the back of the  
10 head, while attempting to assist an injured passenger.

11 41. The UN Palmer Report found that the killings resulted from the  
12 “excessive force” used by the IDF forces. In addition, the ICC Office of the  
13 Prosecutor found that “the information available indicates that there is a reasonable  
14 basis to believe that war crimes were committed on board the Mavi Marmara during  
15 the interception of the flotilla on May 31, 2010 in the context of an international  
16 armed conflict” including willful killing pursuant to article 8(2)(a)(i) of the Rome  
17 Statute.

18 **B. *Torture and Cruel, Inhumane and Degrading treatment***

19 42. The evidence demonstrates that IDF soldiers are responsible for the  
20 intentional shooting of unarmed passengers on the Mavi Marmara as well as on the  
21 other vessels of the Flotilla. In addition to the ten passengers who lost their lives,  
22 approximately 156 passengers sustained wounds as a result of the IDF gunfire, 52  
23 of whom were reported to have suffered serious wounds. These acts constitute  
24 torture and cruel, inhumane and degrading treatment, in violation of international  
25 law norms and the law of nations.

26 43. Many passengers received injuries as a result of the shooting of live  
27 ammunition from the helicopters above the Mavi Marmara before IDF soldiers had  
28 boarded the ship, and subsequently from the IDF shooting at passengers on the

1 decks once the soldiers had boarded the vessel. For example, one passenger who  
2 survived a gunshot wound to the back of the head heard IDF soldiers shout “this is  
3 the leader” before shooting him in the abdomen and then the back of the head. He  
4 was further assaulted and battered by four or five IDF soldiers who thereafter bound  
5 his hands and kicked him in the face. No medical attention was given to him as  
6 IDF soldiers stood by him for over an hour while he overheard them discussing that  
7 he was dying.

8 44. Other passengers were brutally attacked, abused, and beaten by IDF  
9 soldiers even after they tried to surrender and a surrender message was transmitted  
10 on behalf of the Flotilla. Passengers were placed in painful handcuffs and stress  
11 positions while also being kicked, beaten, and verbally harassed while bound.

12 45. The UN Palmer Report found that “[t]here was significant  
13 mistreatment of those on board the vessels in the aftermath of the take-over” with  
14 “[p]assengers [] detained on board the vessels and subjected to physical  
15 mistreatment and psychological abuse, including: Indiscriminate and overly-tight  
16 handcuffing of passengers, including the injured; Pushing, shoving, kicking and  
17 beating; Denial of bathroom access, including to sick and elderly; Verbal  
18 harassment and intimidation; and Prolonged and unnecessary exposure to elements  
19 on deck of Mavi Marmara.” The UN Palmer Report further found that, upon arrival  
20 in Israel, the mistreatment of passengers included being “Pushed, shoved, kicked  
21 and beaten, with numerous cases of severe beatings at Ben Gurion airport;  
22 Subjected to verbal and physical harassment, intimidation and humiliation;  
23 Interrogated, with interrogations secretly filmed without consent” . . . “Forced to  
24 sign incriminating statements” . . . “Strip-searched or inappropriately frisked” . . .  
25 “subjected to sleep deprivation.”

26 46. The UN Human Rights Council fact-finding mission found that this  
27 treatment was in violation of international human rights law: “behaviour by Israeli  
28 officials which was aimed at humiliating individuals which, if not torture, would

1 *constitution cruel, inhumane and degrading treatment or punishment under the*  
2 *terms of article 16 of the Convention against Torture.”*

3 47. The ICC Office of the Prosecutor found that “there is a reasonable  
4 basis to believe that war crimes were committed on board the Mavi Marmara during  
5 the interception of the flotilla” on the basis of “wilfully causing serious injury to  
6 body and health pursuant to article 8(2)(a)(iii)” of the Rome Statute.

7 **C. *Arbitrary arrest and detention***

8 48. The evidence further demonstrates that passengers were arbitrarily  
9 arrested and detained in violation of their basic rights. The passengers were denied  
10 the basic right to legal representation and access to consular services while detained  
11 in Israel. Passengers were separated from the other passengers, left in isolation and  
12 denied the right to contact a lawyer or family.

13 49. Other passengers were repeatedly interrogated, for up to five or six  
14 hours, and pressured or forced to sign a statement in Hebrew which they did not  
15 understand. Passengers were placed in prison vehicles and left without food or  
16 water.

17 50. The UN Human Rights Council fact-finding mission found that “[a]  
18 large number of the military and police personnel at the airport exhibited serious  
19 and unprofessional lapses of military discipline whilst commanding officers failed  
20 in most cases to intervene promptly. Much of the behavior was surely criminal  
21 under domestic Israeli law.”

22 **VII. Admissions made by Defendant Barak concerning Operation against the**  
23 **Flotilla**

24 51. Defendant Barak has made public admissions that “mistakes” were  
25 made in the operation which he was responsible for planning, ordering, overseeing,  
26 and over which he exercised command responsibility. These admissions were  
27 made in Defendant Barak’s testimony before the Turkel Commission in which he  
28 acknowledged that the results of the operation against the Flotilla were not

1 satisfactory, and noted that the “mistakes” made were not rooted in the decision to  
2 attack the Flotilla “but in the details of the planning or implementation” over which  
3 he admitted to having decisive influence and power to control.

4 52. A formal investigation in Israel into the decision making process  
5 which led to the operation against the Flotilla concluded that this process was  
6 “defective.” In addition, the findings from Israeli State Comptroller Micha  
7 Lindenstrauss’s investigation state that “the decision-making process in the upper  
8 echelon of the state of Israel, in some of the most important matters, is not as good  
9 as it could be.”

10 53. In his own testimony before the Turkel Commission, Defendant Barak  
11 explicitly accepted responsibility for the events and actions which took place during  
12 the attack: “*As Defense Minister, I bear a comprehensive responsibility for  
13 everything that took place in the systems subordinate to me, including the IDF. I  
14 take full responsibility as Defense Minister, for the directives of the political  
15 echelon, to the military echelon, as they were given also on the subject of the  
16 flotilla.*”

17 54. Defendant Barak’s admission of responsibility is further supported by  
18 reports that he was in favor of issuing an apology to the Turkish Government for  
19 the military or operational “mishaps” which resulted in the injury and killing of ten  
20 civilians, including Plaintiff Furkan Doğan, on the Flotilla. In addition, Barak  
21 offered “to take responsibility for the Mavi Marmara incident and issue an  
22 apology,” a proposal which was rejected by Prime Minister Benjamin Netanyahu.

### 23 **VIII. Exhaustion of and Absence of Local Remedies**

24 55. Plaintiffs have exhausted such local and international remedies which  
25 are available to them in both civil and criminal courts in that claims have either  
26 been rejected and/or it is futile to commence proceedings or seek to proceed any  
27 further.

28 ///



1           56. All domestic investigations conducted in Israel have been closed and  
2 failed to provide Plaintiffs with any avenue to obtain accountability and  
3 compensation for the violations.

4           57. Civil claims have also been filed in the Republic of Turkey by  
5 passengers of the Flotilla, but these claims have also been dismissed. Criminal  
6 proceedings are currently being conducted in the criminal courts of Istanbul,  
7 however the State of Israel has refused to cooperate in any way and the proceedings  
8 are being held *in absentia*. These proceedings provide no realistic opportunity for  
9 the victims—including Furkan Doğan—to be awarded any compensation for the  
10 violations committed.

11           58. In May 2013, the Government of the Comoros referred the attack on  
12 the Flotilla to the Office of the Prosecutor of the ICC as a member state of the  
13 Rome Statute for investigation. After conducting a Preliminary Examination the  
14 Office of the Prosecutor found that although “*there is a reasonable basis to believe*  
15 *that war crimes were committed on board the Mavi Marmara during the*  
16 *interception of the flotilla on 31 May 2010 in the context of an international armed*  
17 *conflict, namely: (1) willful killing pursuant to article 8(2)(a)(i); (2) wilfully*  
18 *causing serious injury to body and health pursuant to article 8(2)(a)(iii); and (3)*  
19 *committing outrages upon personal dignity pursuant to article 8(2)(b)(xxi) of the*  
20 *Statute*”, the Office of the Prosecutor declined to open a formal investigation. This  
21 decision is currently being reviewed and considered by the Appeals Chamber of the  
22 ICC.

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1 **CLAIMS FOR RELIEF**

2 **First Claim for Relief**

3 **Extrajudicial Killing under the TVPA**

4 **(Plaintiff Ahmet Doğan in his individual capacity)**

5 **(Against Defendant Ehud Barak)**

6 59. Plaintiff Ahmet Doğan re-alleges and incorporates by reference the  
7 allegations set forth in paragraphs 1 through 58 as if fully set forth herein.

8 60. The killing of Furkan Doğan constitutes an extrajudicial killing as  
9 defined by the Torture Victim Protection Act, Pub. L. No. 102-256, 106 Stat. 73  
10 (1992) (codified at 28 U.S.C. § 1350 note).

11 61. The killing of Furkan Doğan was not authorized by any court  
12 judgment. Furkan Doğan was never charged with, convicted of, nor sentenced for  
13 any crime.

14 62. Defendant Barak ordered, directed, procured, planned, organized,  
15 and/or aided and abetted others in effecting the common plan, design, and scheme  
16 that resulted in the murder of Furkan Doğan. The extrajudicial killing of Furkan  
17 Doğan was committed under actual or apparent authority, or color of law, of the  
18 Israeli Ministry of Defense and the Government of the State of Israel.

19 63. In addition, Defendant Barak directed, oversaw and ordered the IDF  
20 operation and exercised command responsibility over the IDF's actions. Defendant  
21 Barak knew or should have known that his subordinates—the IDF troops for which  
22 he had command responsibility over—had committed, were committing, or were  
23 about to commit human rights abuses including extrajudicial killing. Defendant  
24 Barak failed to prevent the abuses or to punish those responsible, thereby ratifying  
25 their conduct.

26 64. As a result of the unlawful killing of his son, Ahmet Doğan suffered  
27 emotional damages.

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1           65. The acts and omissions of Defendant Barak was deliberate, willful,  
2 intentional, wanton, malicious and oppressive and should be punished by an award  
3 of punitive damages in an amount to be determined at trial.

4                                   **Second Claim for Relief**

5                                   **Extrajudicial Killing under the TVPA**

6                                   **(Plaintiff Hikmet Doğan in her individual capacity)**

7                                   **(Against Defendant Ehud Barak)**

8           66. Plaintiff Hikmet Doğan re-alleges and incorporates by reference the  
9 allegations set forth in paragraphs 1 through 58 as if fully set forth herein.

10           67. The killing of Furkan Doğan constitutes an extrajudicial killing as  
11 defined by the Torture Victim Protection Act, Pub. L. No. 102-256, 106 Stat. 73  
12 (1992) (codified at 28 U.S.C. § 1350 note).

13           68. The killing of Furkan Doğan was not authorized by any court  
14 judgment. Furkan Doğan was never charged with, convicted of, nor sentenced for  
15 any crime.

16           69. Defendant Barak ordered, directed, procured, planned, organized,  
17 and/or aided and abetted others in effecting the common plan, design, and scheme  
18 that resulted in the murder of Furkan Doğan. The extrajudicial killing of Furkan  
19 Doğan was committed under actual or apparent authority, or color of law, of the  
20 Israeli Ministry of Defense and the Government of the State of Israel.

21           70. In addition, Defendant Barak directed, oversaw and ordered the IDF  
22 operation and exercised command responsibility over the IDF's actions. Defendant  
23 Barak knew or should have known that his subordinates—the IDF troops for which  
24 he had command responsibility over—had committed, were committing, or were  
25 about to commit human rights abuses including extrajudicial killing. Defendant  
26 Barak failed to prevent the abuses or to punish those responsible, thereby ratifying  
27 their conduct.

28           ///

1           71. As a result of the unlawful killing of her son, Hikmet Doğan suffered  
2 emotional damages.

3           72. The acts and omissions of Defendant Barak was deliberate, willful,  
4 intentional, wanton, malicious and oppressive and should be punished by an award  
5 of punitive damages in an amount to be determined at trial.

6   **Third Claim for Relief**

7   **Torture under the TVPA**

8           **(Plaintiffs Ahmet Doğan and Hikmet Doğan on behalf of Furkan Doğan as his**  
9   **successors in interest)**

10   **(Against Defendant Ehud Barak)**

11           73. Plaintiffs Ahmet Doğan and Hikmet Doğan, on behalf of Furkan  
12 Doğan as his successors in interest, re-allege and incorporate by reference the  
13 allegations set forth in paragraphs 1 through 58 as if fully set forth herein.

14           74. The acts committed against Furkan Doğan before he died as described  
15 herein constitute torture as defined by the Torture Victim Protection Act, Pub. L.  
16 No. 102-256, 106 Stat. 73 (1992) (codified at 28 U.S.C. § 1350 note).

17           75. The acts described herein were inflicted deliberately and intentionally  
18 upon Furkan Doğan for purposes that include, among others, intimidating and  
19 discriminating against Furkan Doğan and others, punishing him and the passengers  
20 of the Flotilla for their involvement in challenging the naval blockade of Gaza, and  
21 as a form of collective punishment against those living in Gaza and extended to the  
22 Plaintiff and others who sought to highlight the plight of those in Gaza and deliver  
23 humanitarian aid. The acts described herein, including the attack against and  
24 shooting of Furkan Doğan, placed him in imminent fear for his life and caused him  
25 to suffer severe physical and mental pain and suffering in the time between when he  
26 was first attacked and shot five times until his death.

27           76. The acts inflicted against the Plaintiff were inflicted at the instigation,  
28 under the control or authority, or with the consent or acquiescence of a public

1 official or other person acting in an official capacity, and were committed under  
2 actual or apparent authority, or color of law, of the Israeli Ministry of Defense and  
3 the Government of the State of Israel.

4 77. The torture of Furkan Doğan did not arise from, and was not inherent  
5 in or incidental to, lawful sanctions.

6 78. Defendant Barak planned, instigated, ordered, and authorized the IDF  
7 troops to commit the abuses suffered by Furkan Doğan, and had command or  
8 superior responsibility over and controlled such forces in their commission of such  
9 abuses. Defendant Barak knew or should have known that his subordinates had  
10 committed, were committing, or were about to commit human rights abuses,  
11 including the shooting and torture suffered by Furkan Doğan, and he failed to  
12 prevent the abuses or to punish those responsible, thereby ratifying their conduct.

13 79. As a result of the torture described above, Ahmet Doğan, on behalf of  
14 Furkan Doğan as his successor in interest, was damaged, including but no limited to  
15 emotional damage, and is entitled to compensation in amounts to be determined at  
16 trial.

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

20 **Fourth Claim for Relief**

21 **Extrajudicial Killing under the ATS**

22 **(Plaintiff Ahmet Doğan in his individual capacity)**

23 **(Against Defendant Ehud Barak)**

24 81. Plaintiff Ahmet Doğan re-alleges and incorporates by reference the  
25 allegations set forth in paragraphs 1 through 58 as if fully set forth herein.

26 82. The extrajudicial killing of Furkan Doğan constitutes a "tort . . .  
27 committed in violation of the law of nations or a treaty of the United States" under  
28 the Alien Tort Claims Act, 28 U.S.C. § 1350, in that the acts against Plaintiff

1 Ahmet Doğan's son, Furkan Doğan, violated customary international law  
2 prohibiting extrajudicial killing and torture, and defined in multilateral treaties and  
3 other international instruments, decisions of national and international judicial  
4 bodies, and other authorities. These include the following:

- 5 a) Customary International Law;
- 6 b) United Nations Charter, 59 Stat. 1031, 3 Bevans 1153 (1945);
- 7 c) Universal Declaration of Human Rights, G.A. res. 217A(iii), U.N.  
8 Doc. A/810 (1948);
- 9 d) Convention Relative to the Protection of Civilian Persons in Time of  
10 War, Aug. 12, 1949, 6 U.S.T. 3516, 75 U.N.T.S. 287 [Fourth Geneva  
11 Convention];
- 12 e) Common Article 3 of the four Geneva Conventions;
- 13 f) 1977 Protocol Additional to the Geneva Convention of 12 August  
14 1949, and Relating to the Protection of Victims of International Armed  
15 Conflicts (Protocol I); 1977 Protocol Additional to the Geneva  
16 Convention of 12 August 1949, and Relating to the Protection of  
17 Victims of Non International Armed Conflicts (Protocol II), entered  
18 into force, Dec. 7, 1978. U.N. Doc. A/32/144, Annex II (1977),  
19 reprinted in 16 I.L.M. 1442 (1977);
- 20 g) United Nations Standard Minimum Rules for the Treatment of  
21 Prisoners, U.N. Doc. A/CONF/611, ANNEX I, ESC Res. 663(c), 24  
22 U.N. ESCOR Supp. (No. 1) at 11, U.N. Doc E/3048 (1957), amended  
23 E.S.C. Res. 2076, 62 U.N. ESCOR Supp. (No. 1), at 35, U.N. Doc.  
24 E/5988 (1977);
- 25 h) The Rome Statute of the International Criminal Court, U.N. Doc.  
26 A/CONF. 183/9, adopted by the United Nations Diplomatic  
27 Conference of Plenipotentiaries on the Establishment of an  
28 International Criminal Court on 17 July 1998;

- 1 i) International Covenant on Civil and Political Rights, G.A. Res. 2220A  
2 (xxi), 21 U.N. Doc., GAOR Supp. (No. 16) at 52, U.N. Doc. A/6316  
3 (1966);  
4 j) The Charter of the International Military Tribunal, Nuremberg, of 8  
5 August 1945 and confirmed by resolutions 3(I) of 13 February 1946  
6 and 95 (I) of 11 December 1946 of the General Assembly of the  
7 United Nations; and  
8 k) The Convention on the Non-Applicability of Statutory Limitations to  
9 War Crimes and Crimes Against Humanity, G.A. res. 2391 (XXIII),  
10 annex, 23 U.N. GAOR Supp. (No. 18) at 40, U.N. Doc. A/7218  
11 (1968).

12 83. The acts inflicted against Furkan Doğan were inflicted by and/or at the  
13 instigation, under the control or authority, or with the consent or acquiescence of  
14 Defendant Barak in his official capacity as Minister of Defense.

15 84. Defendant Barak planned, directed, and ordered the IDF operation and  
16 exercised command responsibility over the IDF's actions of killing Furkan Doğan.  
17 Furthermore, in exercising command responsibility Defendant Barak knew or  
18 should have known that his subordinates—the IDF troops for which he had  
19 command responsibility over—had committed, were committing, or were about to  
20 commit human rights abuses which resulted in the intentional infliction of  
21 emotional distress on the Plaintiff. Defendant Barak failed to prevent the abuses or  
22 to punish those responsible, thereby ratifying the unlawful conduct.

23 85. As a result of the acts described above, Plaintiff Ahmet Doğan has  
24 been damaged, including suffering emotional damage, and is entitled to  
25 compensation in amounts to be determined at trial.

26 86. Defendant Barak's acts and omissions were deliberate, willful,  
27 intentional, wanton, malicious and oppressive, and should be punished by an award  
28 of punitive damages in an amount to be determined at trial.



**Fifth Claim for Relief**

**Extrajudicial Killing under the ATS**

**(Plaintiff Hikmet Doğan in her individual capacity)**

**(Against Defendant Ehud Barak)**

87. Plaintiff Hikmet Doğan re-alleges and incorporates by reference the allegations set forth in paragraphs 1 through 58 as if fully set forth herein.

88. The extrajudicial killing of Furkan Doğan constitutes a “tort . . . committed in violation of the law of nations or a treaty of the United States” under the Alien Tort Claims Act, 28 U.S.C. § 1350, in that the acts against Plaintiff Hikmet Doğan’s son, Furkan Doğan, violated customary international law prohibiting extrajudicial killing and torture, and defined in multilateral treaties and other international instruments, decisions of national and international judicial bodies, and other authorities. These include the following:

- a) Customary International Law;
- b) United Nations Charter, 59 Stat. 1031, 3 Bevans 1153 (1945);
- c) Universal Declaration of Human Rights, G.A. res. 217A(iii), U.N. Doc. A/810 (1948);
- d) Convention Relative to the Protection of Civilian Persons in Time of War, Aug. 12, 1949, 6 U.S.T. 3516, 75 U.N.T.S. 287 [Fourth Geneva Convention];
- e) Common Article 3 of the four Geneva Conventions;
- f) 1977 Protocol Additional to the Geneva Convention of 12 August 1949, and Relating to the Protection of Victims of International Armed Conflicts (Protocol I); 1977 Protocol Additional to the Geneva Convention of 12 August 1949, and Relating to the Protection of Victims of Non International Armed Conflicts (Protocol II), entered into force, Dec. 7, 1978. U.N. Doc. A/32/144, Annex II (1977), reprinted in 16 I.L.M. 1442 (1977);

- 1 g) United Nations Standard Minimum Rules for the Treatment of  
2 Prisoners, U.N. Doc. A/CONF/611, ANNEX I, ESC Res. 663(c), 24  
3 U.N. ESCOR Supp. (No. 1) at 11, U.N. Doc E/3048 (1957), amended  
4 E.S.C. Res. 2076, 62 U.N. ESCOR Supp. (No. 1), at 35, U.N. Doc.  
5 E/5988 (1977);
- 6 h) The Rome Statute of the International Criminal Court, U.N. Doc.  
7 A/CONF. 183/9, adopted by the United Nations Diplomatic  
8 Conference of Plenipotentiaries on the Establishment of an  
9 International Criminal Court on 17 July 1998;
- 10 i) International Covenant on Civil and Political Rights, G.A. Res. 2220A  
11 (xxi), 21 U.N. Doc., GAOR Supp. (No. 16) at 52, U.N. Doc. A/6316  
12 (1966);
- 13 j) The Charter of the International Military Tribunal, Nuremberg, of 8  
14 August 1945 and confirmed by resolutions 3(I) of 13 February 1946  
15 and 95 (I) of 11 December 1946 of the General Assembly of the  
16 United Nations; and
- 17 k) The Convention on the Non-Applicability of Statutory Limitations to  
18 War Crimes and Crimes Against Humanity, G.A. res. 2391 (XXIII),  
19 annex, 23 U.N. GAOR Supp. (No. 18) at 40, U.N. Doc. A/7218  
20 (1968).

21 89. The acts inflicted against Furkan Doğan were inflicted by and/or at the  
22 instigation, under the control or authority, or with the consent or acquiescence of  
23 Defendant Barak in his official capacity as Minister of Defense.

24 90. Defendant Barak planned, directed, and ordered the IDF operation and  
25 exercised command responsibility over the IDF's actions of killing Furkan Doğan.  
26 Furthermore, in exercising command responsibility Defendant Barak knew or  
27 should have known that his subordinates—the IDF troops for which he had  
28 command responsibility over—had committed, were committing, or were about to

1 commit human rights abuses which resulted in the intentional infliction of  
2 emotional distress on the Plaintiff. Defendant Barak failed to prevent the abuses or  
3 to punish those responsible, thereby ratifying the unlawful conduct.

4 91. As a result of the acts described above, Plaintiff Hikmet Doğan has  
5 been damaged, including suffering emotional damage, and is entitled to  
6 compensation in amounts to be determined at trial.

7 92. Defendant Barak’s acts and omissions were deliberate, willful,  
8 intentional, wanton, malicious and oppressive, and should be punished by an award  
9 of punitive damages in an amount to be determined at trial.

10 **Sixth Claim for Relief**

11 **Committing Acts of International Terrorism in Violation of 18 U.S.C. §2333**  
12 **(Plaintiffs Ahmet Doğan and Hikmet Doğan, on behalf of Furkan Doğan as his**  
13 **successors in interest)**

14 **(Against Defendant Ehud Barak)**

15 93. Plaintiffs Ahmet Doğan and Hikmet Doğan re-allege and incorporate  
16 by reference the allegations set forth in paragraphs 1 through 58 as if fully set forth  
17 herein.

18 94. Defendant Barak’s acts of planning, directing, ordering, aiding and  
19 abetting, and exercising command responsibility over, the IDF attack on the civilian  
20 passengers of the Gaza Freedom Flotilla constitute acts of international terrorism as  
21 defined by 18 U.S.C. § 2331 as they resulted in “violent acts or acts dangerous to  
22 human life that are a violation of the criminal laws of the United States or of any  
23 State” and “would be a criminal violation if committed within the jurisdiction of the  
24 United States or of any State.” Defendant Barak’s acts, which occurred outside the  
25 jurisdiction of the United States, were intended to “intimidate or coerce a civilian  
26 population” within the meaning of 18 U.S.C. § 2331, specifically the civilian  
27 passengers of the Flotilla in addition to the civilian population of Gaza.

28 ///

1           95. The role Defendant Barak played in preparing, ordering, overseeing  
2 and facilitating these acts of international terrorism amounts to acts of international  
3 terrorism in violation of 18 U.S.C. § 2333 that have caused injuries to Furkan  
4 Doğan.

5           96. Defendant's acts were dangerous to human life, by their nature and as  
6 evidenced by their consequences; particularly the torture and death of an American  
7 citizen, Furkan Doğan.

8           97. Defendant Barak's acts occurred outside the territorial jurisdiction of  
9 the United States or transcended national boundaries in terms of the means by  
10 which they were accomplished. The planning and ordering of the attack occurred  
11 within the State of Israeli and on the high seas, and the attack itself and subsequent  
12 events, which Defendant Barak directed, oversaw, aided and abetted, and for which  
13 he had command responsibility, occurred in international waters and thereafter in  
14 Israel when civilian passengers were detained and brought to Israel for  
15 interrogation.

16           98. Accordingly, Defendant Barak's acts constitute acts of international  
17 terrorism as defined by 18 U.S.C. §§ 2331 and 2333.

18           99. Defendant Barak directed, ordered, oversaw and aided and abetted the  
19 IDF operation and exercised command responsibility over the acts of international  
20 terrorism, and knew or should have known that his subordinates—the IDF troops  
21 over which he had command responsibility—had committed, were committing, or  
22 were about to commit acts of international terrorism which he failed to prevent or  
23 punish. Accordingly, Defendant Barak's acts constitute planning, ordering, and  
24 aiding and abetting acts of international terrorism which resulted in the torture and  
25 death of an American citizen, Furkan Doğan.

26           100. Defendant Barak not only directly planned and ordered the  
27 international acts of terrorism, but knowingly provided substantial assistance to acts  
28 of international terrorism and accordingly, the acts constitute aiding and abetting

1 acts of international terrorism.

2 101. Defendant Barak also agreed to combine with other persons to act  
3 unlawfully in the manner set forth above and committed overt acts in furtherance of  
4 the conspiracy.

5 102. At all relevant times, Defendant knew of the conspiracy and knew, and  
6 knows, in particular, that the acts planned and ordered would constitute acts of  
7 international terrorism.

8 103. For the reasons set forth above, Defendant Barak is civilly liable for  
9 damages, by reason of the acts of international terrorism, to Ahmet Doğan and  
10 Hikmet Doğan on behalf of Furkan Doğan as his successors in interest for the  
11 injuries and torture Furkan suffered before his death, pursuant to 18 U.S.C. § 2333.

12 **Seventh Claim for Relief**

13 **Committing Acts of International Terrorism in Violation of 18 U.S.C. §2333**

14 **(Plaintiff Ahmet Doğan in his individual capacity)**

15 **(Against Defendant Ehud Barak)**

16 104. Plaintiff Ahmet Doğan re-alleges and incorporates by reference the  
17 allegations set forth in paragraphs 1 through 58 as if fully set forth herein.

18 105. Defendant Barak’s acts of planning, directing, ordering, aiding and  
19 abetting, and exercising command responsibility over, the IDF attack on the civilian  
20 passengers of the Gaza Freedom Flotilla constitute acts of international terrorism as  
21 defined by 18 U.S.C. § 2331 as they resulted in “violent acts or acts dangerous to  
22 human life that are a violation of the criminal laws of the United States or of any  
23 State” and “would be a criminal violation if committed within the jurisdiction of the  
24 United States or of any State.” Defendant Barak’s acts, which occurred outside the  
25 jurisdiction of the United States, were intended to “intimidate or coerce a civilian  
26 population” within the meaning of 18 U.S.C. § 2331, specifically the civilian  
27 passengers of the Flotilla in addition to the civilian population of Gaza.

28 ///

1           106. The role Defendant Barak played in preparing, ordering, overseeing  
2 and facilitating these acts of international terrorism amounts to acts of international  
3 terrorism in violation of 18 U.S.C. § 2333 that have caused injuries to Ahmet  
4 Doğan.

5           107. Defendant's acts were dangerous to human life, by their nature and as  
6 evidenced by their consequences; particularly the torture and death of an American  
7 citizen, Furkan Doğan.

8           108. Defendant Barak's acts occurred outside the territorial jurisdiction of  
9 the United States or transcended national boundaries in terms of the means by  
10 which they were accomplished. The planning and ordering of the attack occurred  
11 within the State of Israeli and on the high seas, and the attack itself and subsequent  
12 events, which Defendant Barak directed, oversaw, aided and abetted, and for which  
13 he had command responsibility, occurred in international waters and thereafter in  
14 Israel when civilian passengers were detained and brought to Israel for  
15 interrogation.

16           109. Accordingly, Defendant Barak's acts constitute acts of international  
17 terrorism as defined by 18 U.S.C. §§ 2331 and 2333.

18           110. Defendant Barak directed, ordered, oversaw and aided and abetted the  
19 IDF operation and exercised command responsibility over the acts of international  
20 terrorism, and knew or should have known that his subordinates—the IDF troops  
21 over which he had command responsibility—had committed, were committing, or  
22 were about to commit acts of international terrorism which he failed to prevent or  
23 punish. Accordingly, Defendant Barak's acts constitute planning, ordering, and  
24 aiding and abetting acts of international terrorism which resulted in the torture and  
25 death of an American citizen, Furkan Doğan.

26           111. Defendant Barak not only directly planned and ordered the  
27 international acts of terrorism, but knowingly provided substantial assistance to acts  
28 of international terrorism and accordingly, the acts constitute aiding and abetting

1 acts of international terrorism.

2 112. Defendant Barak also agreed to combine with other persons to act  
3 unlawfully in the manner set forth above and committed overt acts in furtherance of  
4 the conspiracy.

5 113. At all relevant times, Defendant knew of the conspiracy and knew, and  
6 knows, in particular, that the acts planned and ordered would constitute acts of  
7 international terrorism.

8 114. For the reasons set forth above, Defendant Barak is civilly liable for  
9 damages, including emotional damages, by reason of the acts of international  
10 terrorism, to Ahmet Doğan for Furkan’s death by extrajudicial killing, pursuant to  
11 18 U.S.C. § 2333.

12 **Eighth Claim for Relief**

13 **Committing Acts of International Terrorism in Violation of 18 U.S.C. §2333**

14 **(Plaintiff Hikmet Doğan in her individual capacity)**

15 **(Against Defendant Ehud Barak)**

16 115. Plaintiff Hikmet Doğan re-alleges and incorporates by reference the  
17 allegations set forth in paragraphs 1 through 58 as if fully set forth herein.

18 116. Defendant Barak’s acts of planning, directing, ordering, aiding and  
19 abetting, and exercising command responsibility over, the IDF attack on the civilian  
20 passengers of the Gaza Freedom Flotilla constitute acts of international terrorism as  
21 defined by 18 U.S.C. § 2331 as they resulted in “violent acts or acts dangerous to  
22 human life that are a violation of the criminal laws of the United States or of any  
23 State” and “would be a criminal violation if committed within the jurisdiction of the  
24 United States or of any State.” Defendant Barak’s acts, which occurred outside the  
25 jurisdiction of the United States, were intended to “intimidate or coerce a civilian  
26 population” within the meaning of 18 U.S.C. § 2331, specifically the civilian  
27 passengers of the Flotilla in addition to the civilian population of Gaza.

28 ///



1 117. The role Defendant Barak played in preparing, ordering, overseeing  
2 and facilitating these acts of international terrorism amounts to acts of international  
3 terrorism in violation of 18 U.S.C. § 2333 that have caused injuries to Hikmet  
4 Doğan .

5 118. Defendant's acts were dangerous to human life, by their nature and as  
6 evidenced by their consequences; particularly the torture and death of an American  
7 citizen, Furkan Doğan.

8 119. Defendant Barak's acts occurred outside the territorial jurisdiction of  
9 the United States or transcended national boundaries in terms of the means by  
10 which they were accomplished. The planning and ordering of the attack occurred  
11 within the State of Israel and on the high seas, and the attack itself and subsequent  
12 events, which Defendant Barak directed, oversaw, aided and abetted, and for which  
13 he had command responsibility, occurred in international waters and thereafter in  
14 Israel when civilian passengers were detained and brought to Israel for  
15 interrogation.

16 120. Accordingly, Defendant Barak's acts constitute acts of international  
17 terrorism as defined by 18 U.S.C. §§ 2331 and 2333.

18 121. Defendant Barak directed, ordered, oversaw and aided and abetted the  
19 IDF operation and exercised command responsibility over the acts of international  
20 terrorism, and knew or should have known that his subordinates—the IDF troops  
21 over which he had command responsibility—had committed, were committing, or  
22 were about to commit acts of international terrorism which he failed to prevent or  
23 punish. Accordingly, Defendant Barak's acts constitute planning, ordering, and  
24 aiding and abetting acts of international terrorism which resulted in the torture and  
25 death of an American citizen, Furkan Doğan.

26 122. Defendant Barak not only directly planned and ordered the  
27 international acts of terrorism, but knowingly provided substantial assistance to acts  
28 of international terrorism and accordingly, the acts constitute aiding and abetting

1 acts of international terrorism.

2 123. Defendant Barak also agreed to combine with other persons to act  
3 unlawfully in the manner set forth above and committed overt acts in furtherance of  
4 the conspiracy.

5 124. At all relevant times, Defendants knew of the conspiracy and knew,  
6 and knows, in particular, that the acts planned and ordered would constitute acts of  
7 international terrorism.

8 125. For the reasons set forth above, Defendant Barak is civilly liable for  
9 damages, including emotional damages, by reason of the acts of international  
10 terrorism, to Hikmet Doğan for Furkan’s death by extrajudicial killing, pursuant to  
11 18 U.S.C. § 2333.

12 **PRAYER FOR RELIEF**

13 WHEREFORE, Plaintiffs, pray for judgment against the Defendant as  
14 follows:

- 15 1. For compensatory damages according to proof;
- 16 2. For punitive and exemplary damages according to proof;
- 17 3. For reasonable attorneys’ fees and costs of suit, according proof, and
- 18 4. For such other and further relief as the court may deem just and  
19 proper.

20 **DEMAND FOR JURY TRIAL**

21 Plaintiffs hereby demand trial by jury on all issues in this action.

22  
23 Dated: October 16, 2015

Respectfully Submitted,

24

HADSELL STORMER & RENICK LLP

25

26

By: /s/ - Cindy Pánuco

27

Cindy Pánuco

Brian Olney

28

Attorneys for Plaintiffs