

NY judge: PLO can't disguise terror as war

Tuesday, September 30, 2008, Washington Post: NEW YORK -- The Palestine Liberation Organization can't win dismissal of a lawsuit by victims of bombings in Israel by claiming the attacks were acts of war rather than terrorism, a judge ruled Tuesday.

U.S. District Judge George Daniels said the 2004 lawsuit on behalf of victims and their families can proceed toward trial. It seeks up to \$3 billion in damages from attacks between January 2001 and February 2004. Daniels rejected the PLO's argument that two machine-gun attacks and five bombings were acts of war. The Jerusalem-area attacks killed 33 people and wounded hundreds, including scores of U.S. citizens. Daniels said the attacks targeted public places - not military or government personnel or interests. Two bombings were on downtown streets; others occurred at a crowded bus stop, a cafeteria at the Hebrew University and a passenger-filled civilian bus. The use of bombs in these circumstances indicates an intent "to cause far-reaching devastation upon the masses," the judge said, with a "merciless capability of indiscriminately killing and maiming untold numbers in heavily populated civilian areas." Such attacks "upon non-combatative civilians, who were allegedly simply going about their everyday lives, do not constitute acts of war," he said. Daniels also said the violence meets the legal definition of "international terrorism." The lawsuit alleges that the PLO carried out the attacks to pressure the United States and Israel to submit to its demands and to terrorize, intimidate and coerce the civilian population of Israel into acquiescing to its political goals. The judge also rejected arguments that the PLO was entitled to sovereign immunity or that the lawsuit must be brought in Israel rather than the United States. It was brought under the Antiterrorism Act of 1991, which provides U.S. residents, their survivors and heirs civil remedies in U.S. courts if they are injured by international terrorism. Lawyers on both sides did not immediately return telephone messages for comment. <http://www.washingtonpost.com/wp-dyn/content/article/2008/09/30/AR2008093001490.html>