



COURT VICTORY FOR SDEROT VICTIMS OVER THE BANK OF CHINA

The New York Supreme Court has just handed down a monumental ruling, holding that a lawsuit brought by Israeli victims of Hamas rocket attacks and suicide bombings can proceed against the Bank of China (“BOC”) in the United States.



punitive damages.

In April 2005, Israeli counter terrorism officers met with officials from the Chinese Ministry of Public Security and China's Central Bank regarding these Hamas and PIJ wire transfers. The Israelis demanded that the Chinese officials take action to prevent BOC from making any further such transfers. Despite the Israeli warnings, the BOC – with the Chinese government's approval – continued to wire terrorist funds for the Hamas and PIJ. We sued the BOC on behalf of the Israeli victims, asserting that the BOC was aiding and abetting terrorism.

The plaintiffs, who are represented by New York attorney Robert Tolchin and myself, include the family of Afik Zahavi, a four year-old boy who was murdered on June 28, 2004 in a Hamas missile attack in the town of Sderot. The toddler was on his way to nursery school when he was killed.

Other plaintiffs include the families of Emi Elmaliah, Israel Zamalloa and Michael Saadon, who were murdered on January 27, 2007 in a suicide bombing in a bakery in Eilat. The attack was carried out by a PIJ bomber from Gaza.

Initially the BOC argued that the lawsuit was frivolous and demanded that it be withdrawn and we be sanctioned for even bringing it. Next they asked that the case be dismissed because we did not allege that they had engaged in any wrongful conduct that made them liable. Alternatively, they insisted that the case should be moved to China where the Chinese courts could "adjudicate" the proceeding according to Chinese law. We had to retain numerous Chinese law experts to refute their arguments but we eventually prevailed. The New York court rejected their arguments and denied their motion to dismiss. Importantly, the judge decided the case for these Israeli plaintiffs can proceed in New York.

The ruling means that the families of the victims of Hamas' qassam rocket attacks can proceed to the discovery and trial stages.

For a copy of a Jerusalem Post story about the NY court's ruling click [here](http://webcache.googleusercontent.com/search?q=cache:9h9TV5X-x5oJ:www.jpost.com/International/Israeli-terror-victims-suing-Bank-of-China-for-Hamas-ties+&cd=1&hl=en&ct=clnk&gl=il). (<http://webcache.googleusercontent.com/search?q=cache:9h9TV5X-x5oJ:www.jpost.com/International/Israeli-terror-victims-suing-Bank-of-China-for-Hamas-ties+&cd=1&hl=en&ct=clnk&gl=il>)