



**IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA**

**MIAMI DIVISION**

**CASE NO. 0420225-CIV-SEITZ/BANDSTRA**

FILED  
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U.S. DISTRICT COURT  
MIAMI, FLORIDA

**MOSHE SAPERSTEIN, and  
the ESTATE of AHUVA AMERGI with  
Rafi Amergi, as Administrator, Executor  
and/or Personal Representative.**

**Plaintiffs.**

**v.**

**The PALESTINIAN AUTHORITY;  
The PALESTINE LIBERATION  
ORGANIZATION; The PALESTINIAN  
PREVENTIVE SECURITY SERVICES;  
YASSER ARAFAT and  
YASER MAHMUD ALKATIV.**

**Defendants.**

**AMENDED COMPLAINT**

COME NOW the Plaintiffs, Moshe Saperstein ("SAPERSTEIN") and the Estate of Ahuva Amergi ("AMERGI"), who bring this action, within this Court's jurisdiction, for damages caused by Defendants to Plaintiffs by reason of acts of international terrorism, as defined in federal law, and by reason of related tortious behavior.

This is an action, for damages in excess of 20 Million Dollars, exclusive of interest, costs and attorneys' fees, including all damages caused by the PALESTINIAN AUTHORITY ("PA"), also known as THE PALESTINIAN INTERIM SELF-GOVERNMENT AUTHORITY, the PALESTINE LIBERATION ORGANIZATION

*Handwritten initials/signature*



CASE NO. 040225-CIV-SEITZ/BANDSTRA  
("PLO"), the PALESTINIAN PREVENTIVE SECURITY SERVICES ("PPSS"),  
YASSER ARAFAT ("ARAFAT") and YASER MAHMUD ALKATIV ("ALKATIV").

### **NATURE OF THE ACTION**

SAPERSTEIN brings his action pursuant to the civil remedies under the Federal Terrorism Act ("TA"), 18 U.S.C. § 2333 (2003), for damages and alleges as follows:

AMERGI brings its action pursuant to the Alien's Action for Tort ("AAT"), 28 U.S.C. § 1350 (2003), seeking redress for the acts of terror committed which violated international law and are proscribed by the U.S. constitution, for damages and alleges as follows:

### **GENERAL ALLEGATIONS**

1. Defendant PA, is and at all times relevant hereto was, a legal entity as defined in 18 U.S.C. § 2331(3) (2003), established by and existing under and by virtue of international instruments, customary international law and local law, in de jure and de facto control of territories in the Gaza Strip and in the Judea and Samaria regions of the West Bank.
2. Defendant PLO is, and at all times relevant here to was, a legal entity as defined in 18 U.S.C. § 2331(3) (2003), in de jure and de facto control of defendant PA, by virtue of being party to and beneficiary of the international instruments by which defendant PA was established.
3. Defendant ARAFAT is, and at all times relevant hereto was, President of defendant PA and Chairman of defendant PLO, and by virtue of these positions,



CASE NO. 040225-CIV-SEITZ/BANDSTRA

in de jure and de facto control of defendant PA and defendant PLO and their various affiliations.

4. Defendant ALKATIV, at all times relevant hereto, was a commander of the Palestinian General Intelligence Services and of the Al Aksa Brigades in Rafiach, an official law enforcement and intelligence agency of defendant PA responsible for law enforcement, maintaining public order and prevention of violence and terrorism in the territories controlled by defendants PA, PLO and ARAFAT. ALKATIV actively recruited young Palestinians for the defendants PA, PLO, ARAFAT and the PPSS. ALKATIV also acted as purchasing agent of armaments for defendants PA, PLO, ARAFAT and PPSS. These armaments would be used by young Palestinian operatives, for acts of terror against Israeli citizens.
5. Defendants PA, PLO and ARAFAT operated, maintained, managed, supervised, and controlled various police forces, militias, paramilitary forces, intelligence services, law-enforcement personnel, jails and penal institutions as part of and in conjunction with their functions and duties under the Oslo Accords and under international customary law and local law applying in the West Bank and Gaza.
6. Defendants PA, PLO and ARAFAT, advocated, encouraged, solicited, facilitated, incited for, sponsored, organized, planned and executed acts of violence and terrorism against Jewish civilians in Israel, Gaza and the Judea and Samaria regions of the West Bank.



CASE NO. 040225-CIV-SEITZ/BANDSTRA

7. The government of the United States, the Congress of the United States, and the government of the State of Israel repeatedly demanded from defendants PA, PLO and ARAFAT that they take effective measures to prevent further terrorist attacks.
8. In violation of their undertakings and obligations under the Oslo Accords and under international customary law and local law, defendants PA, PLO and ARAFAT refused and ignored American and Israeli demands to take effective measures to prevent further terrorist attacks.
9. Defendants ARAFAT, PA and PLO, granted financial support to the families of members of Al Aksa Brigades who had been captured or killed while carrying out acts of terrorist violence against Jewish civilians in Israel, Gaza and the Judea and Samaria regions of the West Bank, thereby providing the Al Aksa Brigades and its members with strong financial incentive to continue to carry out violence and terrorism against such victims.
10. Defendants PA, PLO and ARAFAT knew that the Al Aksa Brigades had committed hundreds of serious offenses against the United States, including the murder of U.S. citizens, yet these defendants openly and consistently received, comforted and assisted the Al Aksa Brigades and its operatives and agents.
11. Moreover, in violation of their undertakings and obligations under the Oslo Accords and under international customary law and local law, defendants PA, PLO and ARAFAT themselves and/or through their respective agents continuously advocated, encouraged, solicited, facilitated and incited the use of



CASE NO. 040225-CIV-SEITZ/BANDSTRA

violence and terrorism against Jewish civilians in Israel, Gaza and the Judea and Samaria regions of the West Bank.

12. NIZAR D'HLIZ ("D'HLIZ"), a convicted terrorist, belonged to the PA intelligence prevention service and was a member of the Al Akasa Brigades. D'HLIZ purchased armaments for the defendants PA, PLO, ARAFAT and PPS, under the orders of ALKATIV.
13. That in early February 2002, ALKATIV informed D'HLIZ that he recruited a young man, MUHAMAD AL KATZIR ("KATZIR"), who was ready to commit acts of terror on Israelis. ALKATIV requested that D'HLIZ train KATZIR as a terrorist on behalf of defendants PA, PLO, ARAFAT and PPS.
14. After KATZIR's training was complete, ALKATIV ordered D'HLIZ to deliver KATZIR to RAAD ELIDI RAMADAN ("RAMADAN"), an officer of the PA police and a member of the Al Aksa Brigades.
15. That D'HLIZ, on behalf of defendants PA, PLO, ARAFAT and PPS, trained KATZIR on the operation of the AK-47, the techniques to disable passing vehicles and the execution of the vehicles occupants.
16. After completing his training, KATZIR became a member of the Al Akasa Brigades.
17. That in mid February 2002, D'HLIZ delivered KATZIR to RAMANDAN. At this meeting KATZIR met NAIM MUTZIRAN ("MUTZIRAN"), a convicted terrorist, a member of the Al Akasa Brigade, and a member of the Tanzim of the



CASE NO. 040225-CIV-SEITZ/BANDSTRA

Fatah, a military force controlled by defendant ARAFAT. MUTZRAN was recruited to Al Aksa Brigade by ALKATIV.

18. At said meeting, KATZIR executed his last will and testament and made a video statement regarding the acts of terror he was to commit.
19. At said meeting, ALKATIV operated the video camera during KATZIR's statements. This video was later distributed by the Tanzim of the Fatah and the PA.
20. On February 18<sup>th</sup> 2002, MUTZRAN drove KATZIR to the Netzarim road near Kisufim, Israel.
21. At that time and place, KATZIR performed the terrorist act, which he had been trained for, and wounded SAPERSTEIN, murdered AMERGI and killed several Israeli soldiers.
22. Immediately thereafter, and further up the road, KATZIR was located by an Israeli battalion and had exchanged fire with the soldiers. KATZIR died either from his own hand grenade or an explosive device, strapped to his body, which prematurely detonated.
23. D'HLIZ was captured by Israeli police and convicted on 22 criminal counts including unlawful arms dealing and aiding in first-degree murder.
24. D'HLIZ has acknowledged payments by the PLO, the PA, and the PPS to the Al Akasa Brigades. D'HLIZ is currently serving 36 years in an Israeli prison.



CASE NO. 040225-CIV-SEITZ/BANDSTRA

25. MUTZRAN was captured by Israeli police and convicted on 13 criminal counts including unlawful arms dealing, unlawful military training, and aiding in first degree murder.

26. MUTZRAN has acknowledged payments by the PLO, the PA, and the PPS to the Al Akasa Brigades. MUTZRAN is currently serving 33 years in an Israeli prison.

**SPECIFIC SAPERSTEIN ALLEGATIONS**

27. The allegations set forth in paragraphs 1 through 26 are incorporated by reference as though fully set forth herein.

28. On February 18<sup>th</sup> 2002, on the Netzarim road near Kisufim, Israel, SAPERSTEIN, a US Citizen, was injured during a terrorist attack perpetrated by KATZIR, an agent of defendants PA, PLO, ARAFAT, ALKATIV and a member of the Al Aksa Brigades.

29. On February 18<sup>th</sup> 2002, SAPERSTEIN was driving his vehicle when he was sprayed with bullets, from an AK-47, shot by KATZIR.

30. On February 18<sup>th</sup> 2002, SAPERSTEIN attempted to thwart the attack, and prevent attach on other victims, by running down KATZIR with his vehicle.

31. On February 18<sup>th</sup> 2002, SAPERSTEIN, who previously had lost his right hand and eye during the Yom Kippur War, was shot, by KATZIR, in his left hand during his attempt to run down KATZIR.

32. KATZIR was hit by SAPERSTEIN's vehicle but escaped.

33. That, because of this act of terror, SAPERSTEIN's quality of life and enjoyment of his work has greatly diminished.













