

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Marc Van Der Hout, Cal. Bar No. 80778
Johnny Sinodis, Cal. Bar No. 290402
Van Der Hout LLP
360 Post Street, Suite 800
San Francisco CA 94108
(415) 981-3000
[REDACTED]

Sadaf M. Doost, Cal. Bar No. 346104
Baher A. Azmy, admitted *pro hac vice*
Katherine Gallagher, admitted *pro hac vice*
Maria C. LaHood, admitted *pro hac vice*
Astha Sharma Pokharel, admitted *pro hac vice*
Samah Sisay, admitted *pro hac vice*
Pamela C. Spees, admitted *pro hac vice*
Center for Constitutional Rights
666 Broadway, 7th Floor
New York, NY 10012
(212) 614-6435

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Attorneys for Plaintiffs DEFENSE FOR CHILDREN INTERNATIONAL – PALESTINE, et al.

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

DEFENSE FOR CHILDREN
INTERNATIONAL – PALESTINE; AL-
HAQ; AHMED ABU ARTEMA;
MOHAMMED AHMED ABU ROKBEH;
MOHAMMAD HERZALLAH; A.N.;
LAILA ELHADDAD; WAEIL ELBHASSI;
BASIM ELKARRA; and DR. OMAR EL-
NAJJAR

Plaintiffs,

v.

JOSEPH R. BIDEN, JR., *President of the
United States*, ANTONY J. BLINKEN,
Secretary of State, LLOYD JAMES
AUSTIN III, *Secretary of Defense*, in their
official capacities,

Defendants.

Case No.: 23-cv-5829

**DECLARATION OF SADAF
M. DOOST IN SUPPORT OF
PLAINTIFFS’ MOTION FOR
PRELIMINARY INJUNCTION**

Hearing: January 26, 2024 at 9:00 am

DECLARATION OF SADAF M. DOOST

I, Sadaf M. Doost, under penalty of perjury, declare as follows:

1. I represent the Plaintiffs in this action and submit this declaration in support of their Reply Brief in Support of their Motion for Preliminary Injunction, for the purpose of bringing to the Court’s attention official government disclosures and admissions by Defendants and other United States officials since the filing of Plaintiffs’ Motion, as well as updated information in the public domain about the continued mass killings of the Palestinian people in Gaza, the serious physical and mental harm done to them, and the urgent and severe impacts of Israel’s total siege of Gaza on the Palestinian population.

2. My colleagues and I have not heard from Plaintiff Ahmed Abu Artema since Monday, December 11, 2023. We do not know whether he is still alive and healthy, or whether he is able to secure food or water. Although our legal team has not been able to communicate directly with Plaintiff Mohammed Ahmed Abu Rokbeh, we have learned through his colleagues that his mother sustained a gunshot in the leg and he was seeking to evacuate her from Jabaliya refugee camp to Khan Younis, as she required surgery.

Updated Facts, Casualties, and Circumstances of Israel’s Current Military Assault and Siege on Gaza

3. Since October 7, 2023, Israel’s assault, bombardment, and total siege of Gaza has had catastrophic impacts on the Palestinian population, killing approximately 20,000 – an estimated 70 percent of whom are women and children, and more specifically over 8,000 of whom are children – and injuring approximately 52,586. Over 1.9 million have been forcibly displaced into life-threatening conditions. Since the filing of Plaintiffs’ Complaint and Motion for Preliminary Injunction, the United Nations and humanitarian aid organizations have continued to warn of the deteriorating health and medical situation, including warning of the risk of starvation and dehydration, attacks on health care

1 services and infrastructure, and increases in infections and illnesses. Meanwhile, Israeli officials have
2 continued and escalated their genocidal campaign against the Palestinian population of Gaza.

3 a. Attached as Exhibit A-1 is a true and correct [copy](#) of *Hostilities in the Gaza Strip and*
4 *Israel: Flash Update #75*, United Nations Office for the Coordination of Humanitarian Affairs
5 (“OCHA”), Dec. 21, 2023. The Gaza Ministry of Health has not provided an updated number
6 of casualties since December 19, 2023. “The Gaza Government Media Office reported on the
7 fatalities as of 21 December, although their methodology is unknown. Taken together, with the
8 noted caveats, these figures amount to about 20,000. Of them, more than 8,000 are said to be
9 children and more than 6,200 women.”

10
11 b. Attached as Exhibit A-2 is a true and correct [copy](#) of *Hostilities in the Gaza Strip and*
12 *Israel: Flash Update #74*, OCHA, Dec. 20, 2023. Between October 7, 2023 and December 19,
13 2023, at least 19,667 Palestinians have been killed, approximately 70 percent of whom are
14 women and children. Approximately 52,586 have been injured.

15
16 c. Attached as Exhibit A-3 is a true and correct [copy](#) of UNRWA Situation Report #54
17 on the situation in the Gaza Strip and the West Bank, including East Jerusalem, United Nations
18 Relief & Works Agency for Palestine Refugees in the Near East (“UNRWA”), Dec. 19, 2023.
19 “Since 7 October, up to 1.9 million people (or over 85 per cent of the population) have been
20 displaced across the Gaza Strip, some multiple times.”

21
22 d. Attached as Exhibit A-4 is a true and correct [copy](#) of Mark Landler, ‘*Erase Gaza*’:
23 *War Unleashes Incendiary Rhetoric in Israel*, The New York Times, Nov. 15, 2023 (just five
24 weeks into the war, calls for Gaza to be “flattened,” “erased” or “destroyed” were mentioned
25 approximately 18,000 times as compared to only 16 times in the 6 weeks before October 7).

26
27 e. Attached as Exhibit A-5 is a true and correct [copy](#) of *Gaza: UN experts call on*
28 *international community to prevent genocide against the Palestinian people*, United Nations

1 Human Rights Office of the High Commissioner, Nov. 16, 2023, whereby UN experts issued
2 a press release outlining:

3 Grave violations committed by Israel against Palestinians in the
4 aftermath of 7 October, particularly in Gaza, point to a genocide in the
5 making . . . They illustrated evidence of [Israeli officials'] increasing
6 genocidal incitement, overt intent to “destroy the Palestinian people
7 under occupation”, loud calls for a ‘second Nakba’ in Gaza and the rest
8 of the occupied Palestinian territory, and the use of powerful weaponry
9 with inherently indiscriminate impacts, resulting in a colossal death toll
10 and destruction of life-sustaining infrastructure.

11 “Many of us already raised the alarm about the risk of genocide in
12 Gaza,” the experts said. “We are deeply disturbed by the failure of
13 governments to heed our call and to achieve an immediate ceasefire. We
14 are also profoundly concerned about the support of certain governments
15 for Israel's strategy of warfare against the besieged population of Gaza,
16 and the failure of the international system to mobilise to prevent
17 genocide,” they said.

18 f. Attached as Exhibit A-6 is a true and correct [copy](#) of Nidal Al-Mughrabi et. al., *Hamas,*
19 *Israel release more hostages, prisoners in fifth day of Gaza truce*, Reuters, Nov. 28, 2023
20 (reporting Palestinians are using the humanitarian pause to search for those missing under the
21 rubble and bury those killed).

22 g. Attached as Exhibit A-7 is a true and correct [copy](#) of Alexander Smith & Keir
23 Simmons, *Israel and Hamas discuss a broader hostage deal, but a renewed assault still looms*,
24 NBC News, Nov. 28, 2023 (reporting Israeli Prime Minister Netanyahu declared Israel “will
25 go to realizing [its] goals with full force” including, *inter alia*, “ensuring that Gaza will not go
26 back to being what it was”).

27 h. Attached as Exhibit A-8 is a true and correct [copy](#) of Press Release, Prime Minister’s
28 Office, *Statement by PM Netanyahu*, Nov. 29, 2023, whereby Israeli Prime Minister Netanyahu
states: “There is no situation in which we do not go back to fighting until the end. This is my

1 policy. The entire Security Cabinet is behind it. The entire Government is behind it. The
2 soldiers are behind it. The people are behind it — this is exactly what we will do.”

3 i. Attached as Exhibit A-9 is a true and correct [copy](#) of *Hostilities in the Gaza Strip and*
4 *Israel: Flash Update #55*, OCHA, Nov. 30, 2023 (reporting “[w]hile the humanitarian pause
5 that started on 24 November has largely held, sporadic incidents have been
6 reported”; providing an account of released Palestinian detainees held in Israeli prisons, and
7 hostages held in Gaza, during the pause).

8
9 j. Attached as Exhibit A-10 is a true and correct [copy](#) of an excerpt of Mati Tuchfeld, *The*
10 *Prime Minister’s plan for the citizens of the Gaza Strip: the direction - out*, Israel Hayom, Nov.
11 30, 2023, in the automated Google translation of the original Hebrew (reporting that in regards
12 to “thinning the population of Gaza to the minimum possible” Netanyahu “tasked his confidant
13 in the War Cabinet, Minister Ron Dermer, to formulate a staff [to] work on the matter.).

14
15 k. Attached as Exhibit A-11 is a true and correct [copy](#) of an excerpt of *Press Briefing by*
16 *the United Nations Information Service*, United Nations, Dec. 1, 2023 (reporting that the seven-
17 day pause permitted the limited entry of required humanitarian aid; around 1,000 children had
18 amputations in the last week).

19
20 l. Attached as Exhibit A-12 is a true and correct [copy](#) of *WHO appeals for protection of*
21 *the health system from further attacks and degradation of its capacity*, World Health
22 Organization (“WHO”), Dec. 4, 2023 (declaring “[o]nce again, nowhere is safe in Gaza” and
23 reporting increases in infectious diseases and widespread attacks on healthcare services and
24 infrastructure).

25
26 m. Attached as Exhibit A-13 is a true and correct [copy](#) of *Statement of the Humanitarian*
27 *Coordinator for the Occupied Palestinian Territory*, Lynn Hastings, OCHA, Dec. 4, 2023.
28 According to the Humanitarian Coordinator for the Occupied Palestinian Territory:

1 The conditions required to deliver aid to the people of Gaza do not exist.
2 If possible, an even more hellish scenario is about to unfold, one in
3 which humanitarian operations may not be able to respond. What we
4 see today are shelters with no capacity, a health system on its knees, a
5 lack of clean drinking water, no proper sanitation and poor nutrition for
6 people already mentally and physically exhausted: a textbook formula
7 for epidemics and a public health disaster.

8 n. Attached as Exhibit A-14 is a true and correct [copy](#) of *Hostilities in the Gaza Strip*
9 *and Israel: Flash Update #60*, OCHA, Dec. 5, 2023 (documenting that the humanitarian
10 pause lasted from between November 24 to November 30; reporting that “since the
11 resumption of hostilities on 1 December and until 5 December 18:00, at least 1,207
12 Palestinians were killed, 70 per cent of whom were children and women.”).

13 o. Attached as Exhibit A-15 is a true and correct [copy](#) of Letter from UNRWA
14 Commissioner-General Philippe Lazzarini to the UN General Assembly President Dr.
15 Dennis Francis, Dec. 7, 2023, whereby Lazzarini warns that “UNRWA’s ability to
16 implement its General Assembly mandate in Gaza is today severely limited with immediate
17 and dire consequences for the UN humanitarian response and the lives of civilians in Gaza.
18 The long-term implications for Palestine Refugees and prospects for a fair and lasting
19 political solution are grave.” Lazzarini outlines that “as a result of Israeli’s military operation,
20 nearly 1.2 million civilians are sheltering in UNRWA premises,” yet nearly 90 UNRWA
21 premises have been struck or impacted by munitions; warns of the “collapse of [his]
22 mandate”; and urges an immediate humanitarian ceasefire, among other actions, to prevent
23 an “irreversible disaster.”

24 p. Attached as Exhibit A-16 is a true and correct [copy](#) of Allegra Goodwin et. al., *Infants*
25 *found dead and decomposing in evacuated hospital ICU in Gaza. Here’s what we know*, CNN,
26 Dec. 8, 2023, reporting that a November 27 video from a Gaza reporter reveals the bodies of
27 babies which “appear to be darkening and disintegrating from decay, with little more than
28

1 skeletons left in some of the beds” and further describes “[f]lies and maggots are visibly
2 crawling across the skin of one child.” CNN reports it “geolocated the video to Al-Nasr hospital
3 in northern Gaza,” which was reportedly evacuated on November 10, and according to one
4 nurse, the IDF only gave the Al-Nasr staff 30 minutes to evacuate, while no ambulances could
5 reach the hospital.
6

7 q. Attached as Exhibit A-17 is a true and correct [copy](#) of *Hostilities in the Gaza Strip and*
8 *Israel - reported impact: Day 63*, OCHA, Dec. 8, 2023.

9 r. Attached as Exhibit A-18 is a true and correct [copy](#) of *WHO Director-General’s*
10 *opening remarks at the Special Session of the Executive Board on the health situation in the*
11 *occupied Palestinian territory - 10 December 2023*, World Health Organization (“WHO”),
12 Dec. 10, 2023 (stating “Gaza’s health system is on its knees and collapsing”).
13

14 s. Attached as Exhibit A-19 is a true and correct [copy](#) of *Hostilities in the Gaza Strip and*
15 *Israel: Flash Update #68*, OCHA, Dec. 13, 2023 (reporting Israeli forces, upon raid, detained
16 and beat hospital staff).

17 t. Attached as Exhibit A-20 is a true and correct [copy](#) of *Hostilities in the Gaza Strip and*
18 *Israel: Flash Update #70*, OCHA, Dec. 15, 2023 (reporting about OHCHR in the occupied
19 Palestinian territory “[e]xpressing its alarm at the unprecedented rate of journalists and media
20 workers killed in Gaza since 7 October,” and that it “has verified the killing of 50 journalists
21 and media workers, and received information that 30 more may have died, amounting to
22 approximately six per cent of all those registered with the Journalists’ Syndicate in Gaza”).
23

24 u. Attached as Exhibit A-21 is a true and correct [copy](#) of *UN Human Rights Office - OPT:*
25 *Disturbing reports from the north of Gaza of mass detentions, ill-treatment and enforced*
26 *disappearances of possibly thousands of Palestinians*, OHCHR (accessible via ReliefWeb
27 (OCHA)), Dec. 16, 2023, reporting:
28

1 OHCHR has received numerous disturbing reports from the north of
2 Gaza of mass detentions, ill-treatment and enforced disappearance of
3 possibly thousands of Palestinian men and boys, and a number of
4 women and girls, at the hands of Israeli Defence Forces (IDF). Most
5 were rounded up as they were attempting to move south or were taken
6 during operations conducted on their homes, hospitals, schools and
7 other places of refuge.

8 Reports claim that children as young as 12 and persons as old as 70 are
9 among those detained. Most concerning, there are numerous reports
10 that many of those detained were subjected to serious ill-treatment,
11 which in some instances may amount to torture. This includes
12 allegations that many were forced to strip down to their underwear, were
13 blindfolded and tightly handcuffed, and were filmed and photographed
14 in deliberately humiliating positions prior to being transported, without
15 their clothing and with little food or water, to unknown places of
16 detention . . . Credible information has also been received that
17 approximately 140 women and girls have been arbitrarily detained and
18 are currently being detained in undisclosed locations.

19 v. Attached as Exhibit A-22 is a true and correct [copy](#) of *UNICEF Geneva Palais briefing*
20 *note Gaza: The world's most dangerous place to be a child*, UNICEF, Dec. 19, 2023 (reporting
21 “. . . without sufficient safe water, food and sanitation that only a humanitarian ceasefire can
22 bring – child deaths due to disease could surpass those killed in bombardments.”).

23 w. Attached as Exhibit A-23 is a true and correct [copy](#) of *WFP Palestine Emergency*
24 *Response External Situation Report #11*, World Food Programme (“WFP”) (accessible via
25 ReliefWeb (OCHA)), Dec. 19, 2023 (reporting that 90 percent of the population has “gone a
26 full day and night without eating,” up to 20 percent of whom “have gone 10 out of 30 days
27 without food.”).

28 x. Attached as Exhibit A-24 is a true and correct [copy](#) of *WFP delivers first aid convoy*
from Jordan to Gaza, WFP, Dec. 20, 2023 (reporting “half of the population is now starving”
in Gaza).

International Calls to Prevent Ongoing Atrocities in Gaza

1 4. Contrary to the United States’ position, the overwhelming majority of countries have
2 called for an immediate ceasefire, and United Nations bodies have issued urgent appeals calling on
3 states to prevent ongoing atrocities against the Palestinian people.

4 a. Attached as Exhibit B-1 is a true and correct [copy](#) of Letter by the Secretary-General
5 to the President of Security Council invoking Article 99 of the United Nations Charter, Dec.
6 6, 2023 (declaring that “[n]owhere is safe in Gaza” and stating that “[t]he international
7 community has a responsibility to use all its influence to prevent further escalation and end
8 this crisis. I urge the members of the Security Council to press to avert a humanitarian
9 catastrophe. I reiterate my appeal for a humanitarian ceasefire to be declared. This is urgent.”).

10 b. Attached as Exhibit B-2 is a true and correct [copy](#) of an excerpt of *UN General*
11 *Assembly votes by large majority for immediate humanitarian ceasefire during emergency*
12 *session*, UN News, Dec. 12, 2023 (reporting 153 Member States voted in favor of adopting a
13 United Nations General Assembly resolution favoring an immediate humanitarian ceasefire).

14 c. Attached as Exhibit B-3 is a true and correct [copy](#) of *Prevention of Racial*
15 *Discrimination, Including Early Warning and Urgent Action Procedure Decision 2 (2023)*,
16 UN Committee on the Elimination of Racial Discrimination, Dec. 21, 2023 (calling upon state
17 parties, which includes the United States, to respond to Israel’s attack on Gaza and “bring an
18 end [to] the violations that are taking place and to prevent atrocity crimes, particularly
19 genocide[.]”).
20
21
22

23 **United States’ Continued Failure to Prevent and Complicity in Genocide**

24 5. As Israel’s genocidal campaign on Gaza has continued, the United States has escalated
25 its provision to Israel of unconditioned military, financial, and political assistance and cover, despite
26 Defendants’ knowledge of Israel’s indiscriminate bombardment and siege on Gaza, further
27 demonstrating Defendants’ failure to prevent, and complicity in, an unfolding genocide.
28

1 a. Attached as Exhibit C-1 is a true and correct [copy](#) of Robert Tait, *US asks Qatar to*
2 *'turn down the volume' of Al Jazeera news coverage*, The Guardian, Oct. 27, 2023 (reporting
3 that Defendant Blinken asked Qatar to moderate Al Jazeera's coverage of Israel's assault on
4 Gaza).

5 b. Attached as Exhibit C-2 is a true and correct [copy](#) of *Joint open letter on transfer of*
6 *155mm artillery shells to Israel from humanitarian, national security, human rights, and faith-*
7 *-based organizations*, ReliefWeb (OCHA), Nov. 13, 2023 (urging Defendant Austin “to
8 withhold authorization” of a “transfer of 155mm artillery shells to the government of Israel,”
9 explaining that “[i]n Gaza, one of the world’s most densely populated places, 155mm artillery
10 shells are inherently indiscriminate.”).

11 c. Attached as Exhibit C-3 is a true and correct [copy](#) of an excerpt of *Performing the*
12 *Duties of Deputy Under Secretary of Defense for Policy Dr. Mara Karlin Hosts Media*
13 *Roundtable on Strategy and Implementation*, U.S. Dep’t of Defense, Nov. 16, 2023, where
14 Department of Defense official Dr. Mara Karlin discussed the Pentagon’s daily engagement
15 with Israeli counterparts: “And as you know, we are communicating with the Israelis every
16 day.” Dr. Karlin further stated that Defendant “Secretary Austin has had . . . near daily
17 conversations with Israeli Minister of Defense Gallant since the horrific events of October
18 7th.”

19 d. Attached as Exhibit C-4 is a true and correct [copy](#) of excerpts of *Transcript: Deputy*
20 *Pentagon Press Secretary Ms. Sabrina Singh Holds a Press Briefing*, U.S. Dep’t of Defense,
21 Nov. 21, 2023. When asked if the Pentagon “is actively monitoring reports of civilian
22 casualties in Gaza” Singh stated “. . . it's accurate for this -- for CHMRO, the Civilian Harm
23 Mitigation and Response Office, to be doing that,” while reaffirming later in the briefing that
24 “we don't put conditions on how [weapons supplied to Israel] are used.”
25
26
27
28

1 e. Attached as Exhibit C-5 is a true and correct [copy](#) of excerpts of *Press Briefing by*
2 *Press Secretary Karine Jean-Pierre and NSC Coordinator for Strategic Communications John*
3 *Kirby*, The White House, Nov. 30, 2023. In response to a question relating to “Israel . . .
4 vow[ing] to resume this fighting will full force” at the end of the humanitarian pause, Kirby
5 acknowledged this to be the case, stating:

6
7 [Israel has]. . . spoken for their military campaign, and they have said
8 very clearly that – that when these pauses are over, they intend to go
9 back at it. And as they make that decision, they will continue to find
10 support from the United States in terms of tools and capabilities, the
11 weapons systems that they need, as well as the advice and the
12 perspectives that we can offer in terms of urban warfare. . . . [President
13 Biden] has been clear publicly and certainly in his discussions with the
14 War Cabinet that they will continue to have the United States’ support
15 as they go after these terrorists.

16 Kirby also disclosed the United States’ support in Israel’s ground incursion into Gaza,
17 including by sending “military advisors and experts,” as well as reiterated that the United States
18 “do[es] not support a permanent ceasefire at this time.”

19 f. Attached as Exhibit C-6 is a true and correct [copy](#) of an excerpt of *Transcript: Senior*
20 *Advisor to the Secretary and Senior Defense Official Backgrounder on Secretary of Defense*
21 *Travel to California*, U.S. Dep’t of Defense, Nov. 30, whereby a Senior Military Official states
22 that the Secretary of Defense will “underscore . . . America's commitment to Israel's security
23 is ironclad” during his visit to California.

24 g. Attached as Exhibit C-7 is a true and correct [copy](#) of Jared Malsin & Nancy A. Youssef,
25 *U.S. Sends Israel 2,000-Pound Bunker Buster Bombs for Gaza War*, The Wall Street Journal,
26 Dec. 1, 2023, outlining that the following weapons, arms, and equipment had been delivered
27 by the United States to the Israeli government: i) 100 BLU-109 2,000-pound bunker buster
28 bombs; ii) 5,000 Mk82 “dumb” bombs and iii) 5,400 Mk84 2,000 pound warhead bombs.

1 h. Attached as Exhibit C-8 is a true and correct [copy](#) of an excerpt of *Transcript: Deputy*
2 *Pentagon Press Secretary Ms. Sabrina Singh Holds an Off-Camera, On-the-Record Press*
3 *Briefing*, U.S. Dep’t of Defense, Dec. 4, 2023. During the briefing, in response to a request for
4 an update on the status of “U.S. security assistance to Israel and also on the no conditions
5 status,” Singh revealed that the United States is “continuing to support Israel in what it needs”
6 and “security assistance is still flowing.” Singh further states: “Again, we don’t put conditions
7 on -- on the security assistance[.]”

9 i. Attached as Exhibit C-9 is a true and correct [copy](#) of John Paul Rathbone, *Military*
10 *briefing: the Israeli bombs raining on Gaza*, Financial Times, Dec. 5, 2023. According to a
11 recording the newspaper Israel Hayom gained, Israeli Prime Minister Netanyahu stated to local
12 government officials: “We need three things from the US: munitions, munitions, and
13 munitions.”

15 j. Attached as Exhibit C-10 is a true and correct [copy](#) of an excerpt of *Transcript:*
16 *Pentagon Press Secretary Brig. Gen. Pat Ryder Holds a Press Briefing*, U.S. Dep’t of Defense,
17 Dec. 5, 2023, whereby Ryder, in response to a question about the future of the U.S.’s support
18 to Israel, discloses that the U.S. “consult[s] closely with Israel, Secretary Austin speaks to his
19 counterpart on a near daily basis[.]”

21 k. Attached as Exhibit C-11 is a true and correct [copy](#) of an excerpt of *Press Briefing by*
22 *Press Secretary Karine Jean-Pierre and NSC Coordinator for Strategic Communications John*
23 *Kirby*, The White House, Dec. 6, 2023, whereby Kirby states that the United States will
24 “continue to work with [Prime Minister Netanyahu]” and ensure he “knows the United States
25 will continue to have [Israel’s] back. . .” Kirby further states “we have done everything we can
26 — and we’ll continue to do it — not just in terms of weapons and capabilities, but advice and
27 counsel and perspective and lessons learned from our own experience in this kind of warfare.”
28

1 l. Attached as Exhibit C-12 is a true and correct [copy](#) of an excerpt of *US vetoes*
2 *resolution on Gaza which called for ‘immediate humanitarian ceasefire’*, UN News, Dec. 8,
3 2023 (reporting “US vetoed a resolution put forward by the United Arab Emirates and backed
4 by over 90 Member States.”).

5 m. Attached as Exhibit C-13 is a true and correct [copy](#) of Edith M. Lederer, *US vetoes UN*
6 *resolution backed by many nations demanding immediate humanitarian cease-fire in Gaza*,
7 AP News, Dec. 9, 2023 (reporting that the United States Deputy Ambassador Robert Wood on
8 behalf of the United States vetoed a United Nations resolution “demanding an immediate
9 humanitarian cease-fire in Gaza” and Israel’s Defense Minister Yoav Gallant “thank[ed] the
10 United States for its ‘bold leadership.’”).

11 n. Attached as Exhibit C-14 is a true and correct [copy](#) of *Israel – M830A1 120mm Tank*
12 *Cartridges*, Defense Security Cooperation Agency, Dec. 9, 2023. “The Secretary of State has
13 approved a possible Foreign Military Sale to the Government of Israel of 120mm M830A1
14 High Explosive Anti-Tank Multi-Purpose with Tracer (MPAT) tank cartridges and related
15 equipment for an estimated cost of \$106.5 million.” The Agency further stated: “The Secretary
16 of State determined and provided detailed justification to Congress that an emergency exists
17 that requires the immediate sale to the Government of Israel of the above defense articles and
18 services in the national security interests of the United States, thereby waiving the
19 Congressional review requirements under Section 36(b) of the Arms Export Control Act, as
20 amended.”

21 o. Attached as Exhibit C-15 is a true and correct [copy](#) of Missy Ryan et. al., *Biden’s*
22 *arming of Israel faces backlash as Gaza civilian toll grows*, Washington Post, Dec. 9, 2023
23 (reporting that “[i]n the first month and a half, Israel dropped more than 22,000 guided and
24 unguided bombs on Gaza that were supplied by Washington . . . And during that time, the
25 26
27
28

1 United States has transferred at least 15,000 bombs, including 2,000-pound bunker busters,
2 and more than 50,000 155mm artillery shells.”).

3 p. Attached as Exhibit C-16 is a true and correct [copy](#) of *At cabinet meeting, Netanyahu*
4 *thanks Biden for UN veto, tank ammo*, The Times of Israel, Dec. 10, 2023, whereby it was
5 reported that “At the outset of the weekly cabinet meeting, Prime Minister Benjamin
6 Netanyahu thanks US President Joe Biden for his administration’s vetoing of a UN Security
7 Council resolution urging a ceasefire, and for its approval of an urgent shipment of some
8 14,000 tank shells he says is due to start arriving today.”

9 q. Attached as Exhibit C-17 is a true and correct [copy](#) of Michael D. Shear, *Biden Warns*
10 *Israel It is ‘Losing Support’ Over War*, The New York Times, Dec. 12, 2023 (reporting that
11 “Prime Minister Netanyahu stated: ‘I greatly appreciate the American support for destroying
12 Hamas and returning our hostages,’ Mr. Netanyahu said. ‘Following an intensive dialogue with
13 President Biden and his team, we received full backing for the ground incursion and blocking
14 the international pressure to stop the war.’”).

15 r. Attached as Exhibit C-18 is a true and correct [copy](#) of Barak Ravid, *Israelis outline*
16 *post-war Gaza strategy as U.S. ramps up pressure*, Axios, Dec. 12, 2023 (reporting that “[t]op
17 Israeli military officials are in Washington to show U.S. officials Israel’s military strategy for
18 Gaza”).

19 s. Attached as Exhibit C-19(i) is a true and correct [copy](#) of an excerpt of *Remarks by*
20 *President Biden at a Campaign Reception*, The White House, Dec. 12, 2023, whereby
21 Defendant Biden stated: “. . . [I]n the meantime, we’re not going to do a damn thing other than
22 protect Israel in the process. Not a single thing.” During his remarks, Defendant Biden
23 acknowledged Israel’s indiscriminate bombing, while maintaining that the United States
24 supports Israel:
25
26
27
28

1 And, folks, look, if you think about it, one of the things that Bibi
2 understands, I think, now — but I’m not sure Ben-Gvir and his War
3 Cabinet do, who I’ve spoken to several times — is that Israel’s security
4 can rest on the United States, but right now it has more than the United
5 States. It has the European Union, it has Europe, it has most of the
6 world supporting it. But they’re starting to lose that support by the
7 indiscriminate bombing that takes place.

8 t. Attached as Exhibit C-19(ii) is a true and correct [copy](#) of an excerpt of Remarks by
9 President Biden in a Press Conference, The White House, Nov. 16, 2023 (acknowledging
10 Israel’s actions in Gaza as including “indiscriminate bombing” as early as November 16,
11 2023).

12 u. Attached as Exhibit C-20 is a true and correct [copy](#) of Ken Klippenstein, *Pentagon*
13 *Taps “Tiger Team” to Rush Weapons to Israel*, The Intercept, Dec. 14, 2023, which reported
14 on the Department of Defense’s deployment of a “Tiger Team of experts to facilitate the
15 transfers” and “expedite weapons exports to Israel,” detailing that the “Tiger Team meets daily
16 with the Pentagon’s Defense Security Cooperation Agency . . . which executes U.S. arms sales,
17 to overcome barriers to arms sales to Israel.” The article further reports that civilian harm has
18 been raised by the Tiger Team, but such issues are “being met with absolute lack of interest
19 and direction from the top to keep the process moving[.]”

20 v. Attached as Exhibit C-21 is a true and correct [copy](#) of Robin Stein et. al., *A Times*
21 *Investigation Tracked Israel’s Use of One of Its Most Destructive Bombs in South Gaza*, New
22 York Times, Dec. 22, 2023 (“During the first six weeks of the war in Gaza, Israel routinely
23 used” 2,000-pound bombs in Gaza, “one of its biggest and most destructive bombs”).

24 w. Attached as Exhibit C-22 is a true and correct [copy](#) of Julia Frankel, *Israel’s military*
25 *campaign in Gaza seen as among the most destructive in recent history, experts say*, AP, Dec.
26 21, 2023 (“But from blast fragments found on-site and analyses of strike footage, experts are
27 confident that the vast majority of bombs dropped on [Gaza] are U.S.-made.”).

1 **Track Record of U.S. Pressure on Israeli Government, Resulting in Subsiding Violent and**
2 **Harmful Actions Against Palestinians Has Been Demonstrated for Decades**

3 6. Historically, when the U.S. has objected to the actions of the Israeli government and its
4 officials, it has resulted in Israeli officials ending such actions altogether, or taking remedial measures
5 so as to not violate its agreements with the U.S. government.

6 a. Attached as Exhibit D-1 is a true and correct [copy](#) of *Reagan Demands End To Attacks*
7 *In A Blunt Telephone Call To Begin*, The New York Times, Aug. 13, 1982 (ceasefire occurred
8 within 30 minutes of President Ronald Reagan calling Israeli Prime Minister Begin to demand
9 Israel cease its bombing campaign in Lebanon).

10 b. Attached as Exhibit D-2 is a true and correct [copy](#) of Yaniv Kubovich, *U.S. Pressure*
11 *Behind Israeli Delay in Evacuating Bedouin Village, Defense Official Says*, Haaretz, June 18,
12 2019 (reporting that upon pressure by U.S. officials, the Israeli government delayed the forced
13 evacuation of a Bedouin village in the West Bank).

14 c. Attached as Exhibit D-3 is a true and correct [copy](#) of an excerpt of Barak Ravid, *Under*
15 *U.S. pressure, Israel allows Palestinian-Americans to travel from West Bank*, Axios, Dec. 11,
16 2023 (reporting that “[t]wo U.S. and Israeli officials said the Biden administration told the
17 Israeli government that if the issue [of Israel violating a visa waiver agreement] wasn't resolved
18 this week it could lead to a suspension of Israel's membership in the U.S. Visa Waiver Program,
19 which allows a country's citizens to travel to the U.S. for 90 days without first obtaining a
20 visa.”).

21 I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge
22 and belief. Executed this 22nd day of December, 2023.

23
24
25
26 

27 _____
28 Sadaf M. Doost