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

15 DEFENSE FOR CHILDREN  
16 INTERNATIONAL – PALESTINE; AL-  
17 HAQ; AHMED ABU ARTEMA;  
18 MOHAMMED AHMED ABU ROKBEH;  
19 MOHAMMAD HERZALLAH; A.N.;  
20 LAILA ELHADDAD; WAEIL ELBHASSI;  
21 BASIM ELKARRA; and DR. OMAR EL-  
22 NAJJAR

23 Plaintiffs,

24 v.

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

Defendants.

Case No.: 23-CV-5829

**DECLARATION OF PAMELA  
C. SPEES IN SUPPORT OF  
PLAINTIFFS' MOTION FOR  
PRELIMINARY INJUNCTION**

Hearing: January 11, 2024 at 1:00 p.m.

1 **DECLARATION OF PAMELA SPEES**

2 I, Pamela Spees, under penalty of perjury declare as follows:

3 1. I represent the Plaintiffs in this action and submit this declaration in support of their motion  
4 for a preliminary injunction, for the purpose of bringing to the Court’s attention official government  
5 disclosures and admissions by Defendants and other United States officials, as well as information  
6 in the public domain, about the mass killings of Palestinian people in Gaza, the serious physical and  
7 mental harm done to them, and the urgent and severe impacts of the escalation of Israel’s 16-year-  
8 long blockade of Gaza into a total siege, which has restricted nearly all access to food, water, fuel,  
9 electricity and other basic necessities for survival.  
10

11 **Israel’s Prolonged Occupation of Palestine and Blockade of Gaza Are Historic**  
12 **Precursors That Have Enabled the Conditions for the Presently Unfolding Genocide**

13 2. Gaza is a 25-mile strip of land often described as an open-air prison, where many of the  
14 2.2 million Palestinian residents are refugees and descendants of people who were expelled from their  
15 land by Zionist militias and the Israeli army during the 1947-1949 Nakba. Half of Gaza residents are  
16 children.  
17

18 a. Attached as Exhibit A-1 is a true and correct [copy](#) of a portion of a historical timeline  
19 published by the United Nations entitled “The Question of Palestine,” which briefly describes the  
20 Nakba, which means “[C]atastrophe” in Arabic, and refers to the mass displacement of and  
21 dispossession of Palestinians in 1947-48.

22 b. Attached as Exhibit A-2 is a true and correct copy of a [report by Francesca Albanese](#), the  
23 United Nations Special Rapporteur on the Situation of Human Rights in the Palestinian Territories  
24 Occupied Since 1967, U.N. Doc. A/77/356, Sept. 21, 2022, in which she observed, at para. 6:  
25

26 Since 1967, the human rights situation in the occupied Palestinian  
27 territory has been steadily deteriorating, primarily as a result of gross  
28 violations of international law, including racial segregation and  
subjugation by the occupying Power, Israel. This has taken various  
forms: draconian restrictions on Palestinian movement inside and

1 outside the occupied Palestinian territory; repression of political and  
2 civic participation; denial of residency rights, status and family  
3 unification; dispossession of Palestinian land and property; forcible  
4 transfers; unlawful killings; widespread arbitrary arrests and detention,  
5 including of children; the obstruction and denial of humanitarian aid and  
6 cooperation; the denial of ownership and access to natural resources;  
settler violence; and violent suppression of popular resistance against  
the occupation. All together, these practices constitute collective  
punishment of the Palestinian people.

7 3. Israel has occupied Gaza since 1967, blockaded it since 2007, and it has subjected the  
8 Palestinian people in Gaza to at least five military assaults since this blockade.

9 a. Attached as Exhibit B-1 is a true and correct copy of a [Press Release](#) issued by the Israeli  
10 Prime Minister's Media Adviser, entitled, *Security Cabinet declares Gaza hostile territory*, Sept.  
11 19, 2007, in which he announced that restrictions on movement of people to and from the Gaza  
12 Strip would be imposed, along with restrictions on the passage of various goods to Gaza, and a  
13 reduction of the supply of fuel and electricity.

14 b. Attached as Exhibit B-2 is a true and correct [copy](#) of *Where We Work: Gaza Strip*, United  
15 Nations Relief and Works Agency for Palestine Refugees in the Near East, last updated August  
16 2023 (noting that 63 percent of the population is food-insecure, with 82 percent unable to  
17 refrigerate food, and 95 percent unable to access clean water, and that in 2021, human rights  
18 organizations reported that 97 percent of Gaza's water was rendered contaminated).

19 c. Attached as Exhibit B-3 is a true and correct copy of a [report](#) by Medical Aid for Palestinians  
20 and Al-Mezan Center, entitled, *Delayed, Denied and Deprived: Collective Punishment of*  
21 *Palestinian Patients in Gaza in the Context of Israel's 15-year Blockade*, June 2022.

22 d. Attached as Exhibit B-4 is a true and correct [copy](#) of *Overview: November 2021*, United  
23 Nations Office for the Coordination of Humanitarian Affairs, Nov. 3, 2021 (reporting on the  
24 escalation of Israeli attacks in Gaza in the wake of protests of the forced evictions of Palestinian  
25  
26  
27  
28

1 families in Sheikh Jarrah, as a result of which 261 Palestinians in Gaza were killed, including 67  
2 children and 41 women).

3 e. Attached as Exhibit B-5 is a true and correct [copy](#) of *Gaza Ten Years Later*, United Nations  
4 Country Team in the occupied Palestinian Territory, July 2017 (noting that since its earlier finding  
5 in 2012 that Gaza would become “unliveable” by 2020 based on the trends they reviewed, the  
6 “deterioration has accelerated, sped-along not least by a devastating round of hostilities in 2014”).

7  
8 f. Attached as Exhibit B-6 is a true and correct [copy](#) of a report by Francesca Albanese, the  
9 United Nations Special Rapporteur on the Situation of Human Rights in the Palestinian Territories  
10 Occupied Since 1967, U.N. Doc. A/HRC/53/59, June 9, 2023. In it she notes the legal framework  
11 of occupation is applicable to Gaza and the West Bank, including East Jerusalem.

12  
13 g. Attached as Exhibit B-7 is a true and correct [copy](#) of a report by Francesca Albanese, the  
14 United Nations Special Rapporteur on the Situation of Human Rights in the Palestinian Territories  
15 Occupied Since 1967, U.N. Doc. A/78/545, Oct. 20, 2023.

16 **The United States’ Influence Over and Historic Support for Israel Despite**  
17 **Its Persistent Violations of International Law**

18 4. The United States exercises significant influence over Israel, in no small part due to their  
19 historically close relationship and unparalleled U.S. support for Israel’s military, which the United  
20 States has maintained despite Israel’s persistent violations of international law.

21 a. Attached as Exhibit C-1 is a true and correct [copy](#) of Jeremy M. Sharp, *U.S. Foreign Aid*  
22 *to Israel*, Congressional Research Service (updated Mar. 1, 2023), describing history of U.S.  
23 military assistance to Israel as of March 1, 2023.

24  
25 b. Attached as Exhibit C-2 is a true and correct [copy](#) of Press Release, The White House  
26 Office of the Press Secretary, FACT SHEET: Memorandum of Understanding Reached with  
27 Israel, Sept. 14, 2016.

## The Current Military Assault and Siege on Gaza

1  
2 5. Since the attacks on October 7, 2023, by fighters from Hamas’s military wing, which  
3 included unlawful direct attacks against civilians that killed approximately 1,200 civilians and soldiers  
4 and led to the taking of 240 hostages and military captives, Israel has launched its most recent and  
5 already-deadliest assault on Gaza in response. As of the date of this filing, Israel’s assault on Gaza has  
6 killed at least 11,078 Palestinians in Gaza, mostly civilians, including women and children, injuring  
7 tens of thousands, and forcibly displacing more than 1.6 million into conditions that are life-threatening.  
8 At the same time, Israeli officials have continued and escalated their dangerous and dehumanizing  
9 rhetoric, voicing a genocidal intent.  
10

11 a. Attached as Exhibit D-1 is a true and correct [copy](#) of *Hostilities in the Gaza Strip and*  
12 *Israel” Flash Update #37*, Nov. 12, 2023. The report notes that as of November 10, 11,078  
13 Palestinians have been killed including 4,506 children and 3,027 women. Approximately 2,700  
14 others, including some 1,500 children, “have been reported missing and may be trapped or dead  
15 under the rubble, awaiting rescue or recovery.” Another 27,490 have been injured. This was the  
16 last update provided as the Ministry of Health in Gaza had not been able to provide updated  
17 casualty figures since Nov. 10<sup>th</sup> due to the “collapse of services and communications at hospitals.”  
18

19 The report also notes that at Al Shifa Hospital, “two premature babies and ten other patients  
20 have died” since the power outage that started on 11 November, “compounded by the lack of  
21 medical consumables” and “[a]nother 36 babies in incubators as well as kidney dialysis patients  
22 are at heightened risk of death.” According to the report, Israeli authorities continue to ban the  
23 entry of fuel, “which is desperately needed to operate electricity generators to run life-saving  
24 equipment.”  
25  
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1 Schools, hospitals, and refugee camps continued to be hit, with the report specifically citing  
2 airstrikes hitting a clinic in Ash Shati camp, Al Mahdi Hospital, and an UNRWA school in Beit  
3 Lahiya.

4 Across the Gaza Strip, “all municipal water wells” were forced to “shut down again due to lack  
5 of fuel,” raising serious concerns about the consequences of water consumption from unsafe  
6 sources, including risks of dehydration and waterborne diseases. Food insecurity has been  
7 reportedly increasing, with lack of electricity and fuel contributing to the issue, as has waiting in  
8 long queues for food – in some instances over 5 hours – which exposes those in line to airstrikes.

9  
10 b. Attached as Exhibit D-2 is a true and correct [copy](#) of *Netanyahu: We will target Hamas*  
11 *everywhere it operates; Gazans should ‘get out now,’* The Times of Israel, Oct. 7, 2023 (quoting  
12 Prime Minister Netanyahu as ordering more than two million Palestinians in Gaza to “get out  
13 now,” threatening that Israel “will operate everywhere and with full force”).

14  
15 c. Attached as Exhibit D-3 is a true and correct [copy](#) of Emanuel Fabian, *Defense minister*  
16 *announces ‘complete siege’ of Gaza: No power, food or fuel,* The Times of Israel, Oct. 9, 2023  
17 (quoting Israeli Defense Minister Yoav Gallant saying “I have ordered a complete siege on the  
18 Gaza Strip. There will be no electricity, no food, no fuel, everything is closed” and “We are  
19 fighting human animals and we are acting accordingly.”).

20  
21 d. Attached as Exhibit D-4 is a true and correct [copy](#) of Bethan McKernan & Quique  
22 Kierszenbaum, *‘Emphasis is on damage, not accuracy’: ground offensive into Gaza seems*  
23 *imminent,* The Guardian, Oct. 10, 2023 (quoting Israeli Defense Forces spokesperson Daniel  
24 Hagari announcing that the Israeli military had already dropped “hundreds of tons of bombs” and  
25 that “the emphasis is on damage and not on accuracy”).

26  
27 e. Attached as Exhibit D-5 is a true and correct [copy](#) of *Hostilities in the Gaza Strip and*  
28 *Israel: Flash Update #4,* United Nations Office for the Coordination of Humanitarian Affairs, Oct.

1 10, 2023 (reporting that by October 10, 2023, seven journalists had been killed as well as six  
2 healthcare workers, and that “heavy Israeli bombardments from air, sea, and land have continued  
3 almost uninterrupted across the Gaza Strip” which led to a “significant increase in the death toll,  
4 including among children and women”).

5  
6 f. Attached as Exhibit D-6 is a true and correct [copy](#) of Ibrahim Dahman, *Gaza’s sole power  
7 station stops working as fuel runs out, after Israel orders ‘complete’ blockade*, CNN, Oct. 11, 2023  
8 (reporting that Gaza’s sole power plant shut down after its fuel ran out under Israel’s siege of the  
9 entire Strip, resulting in the loss of electricity for over 2 million Palestinians).

10 g. Attached as Exhibit D-7 is a true and correct [copy](#) of *Israel/occupied Palestinian territory:  
11 UN experts deplore attacks on civilians, call for truce and urge international community to address  
12 root causes of violence*, United Nations Office of the High Commissioner, Oct. 12, 2023 (noting  
13 reporting that after the Israeli Defense Minister threatened to bomb those attempting to provide  
14 humanitarian aid to Gaza, “Israel reportedly bombed the Rafah crossing at the Gaza-Egyptian  
15 border, disrupting movement in and out of Gaza, rendering the crossing closed and the enclave  
16 completely blockaded”).

17  
18 h. Attached as Exhibit D-8 is a true and correct [copy](#) of *Questions and Answers on Israel’s  
19 Use of White Phosphorus in Gaza and Lebanon*, Human Rights Watch, Oct. 12, 2023  
20 (documenting Israel’s use of white phosphorous in densely populated areas across Gaza, which  
21 can cause severe burns “down to the bone” and often fatal even if exposed on only 10 percent of a  
22 human body, and can cause organ failure).

23  
24 i. Attached as Exhibit D-9 is a true and correct [copy](#) of a tweet issued by the verified account  
25 of the Israeli Air Force, Oct. 12, 2023, announcing that the IAF had dropped “about 6,000 bombs.”

26 j. Attached as Exhibit D-10 is a true and correct [copy](#) of *Today’s top news: Occupied  
27 Palestine Territory, Afghanistan*, United Nations Office for the Coordination of Humanitarian  
28

1 Affairs, Oct. 12, 2023 (reporting that Israeli forces struck seven water and sewage facilities that  
2 served more than one million people, as well as 88 education facilities, including 18 UN-run  
3 schools, two of which were being used as emergency shelters for displaced Palestinians, and 70  
4 other schools).

5  
6 k. Attached as Exhibit D-11 is a true and correct [copy](#) of Paul Blumenthal, *Israeli President*  
7 *Suggests that Civilians in Gaza Are Legitimate Targets*, Huffington Post, Oct. 13, 2023. The article  
8 quotes Israeli President Isaac Herzog saying: “It is an entire nation out there that is responsible. It  
9 is not true this rhetoric about civilians not being aware, not involved. It’s absolutely not true.” It  
10 also quotes Israeli Defense Force Maj. Gen. Ghassan Alian as saying: “Human animals must be  
11 treated as such. There will be no electricity and no water [in Gaza], there will only be destruction.  
12 You wanted hell, you will get hell.”

13  
14 l. Attached as Exhibit D-12 is a true and correct [copy](#) of a Twitter Post by Israeli Minister of  
15 Energy and Infrastructure Israel Katz, Oct. 13, 2023, which states, “All the civilian population in  
16 [G]aza is ordered to leave immediately. We will win. They will not receive a drop of water or a  
17 single battery until they leave the world.”

18  
19 m. Attached as Exhibit D-13 is a true and correct [copy](#) of *Israel must rescind evacuation order*  
20 *for northern Gaza and comply with international law: UN expert*, United Nations, Oct. 13, 2023  
21 (communication from UN Special Special Rapporteur on the human rights of internally displaced  
22 persons demanding that Israel “rescind its order for 1.1 million Palestinians to leave northern Gaza  
23 within 24 hours, condemning the evacuation order as a crime against humanity and a blatant  
24 violation of international humanitarian law.”).

25  
26 n. Attached as Exhibit D-14 is a true and correct [copy](#) of *Hostilities in the Gaza Strip and*  
27 *Israel: Flash Update #6*, United Nations Office for the Coordination of Humanitarian Affairs, Oct.  
28



1 13, 2023, Reliefweb (noting accounts of incidents where “civilians and civilian objects appear to  
2 have been directly targeted by Israeli airstrikes”).

3 o. Attached as Exhibit D-15 is a true and correct [excerpt](#) of Paul Cunningham, *Death toll*  
4 *rises, chaos reigns as invasion of Gaza inevitable*, RTÉ News, Oct. 14, 2023 (quoting Israeli  
5 Minister of Defense Yoav Gallant as saying: “Gaza won’t return to what it was before. We will  
6 eliminate everything.”).

7  
8 p. Attached as Exhibit D-16 is a true and correct [copy](#) of Bethan McKernan & Sufian Taha,  
9 *Gaza civilians afraid to leave home after bombing of ‘safe routes’*, The Guardian, Oct. 15, 2023  
10 (reporting on forensic analysis of aerial photos and social media posts that confirmed at least 12  
11 people, including women and children, were killed on one of the two roads the Israeli army had  
12 identified as a “safe route”).

13  
14 q. Attached as Exhibit D-17 is a true and correct [copy](#) of *UNRWA SITUATION REPORT*  
15 *#7 ON THE GAZA STRIP AND THE WEST BANK*, United Nations Relief and Works Agency for  
16 Palestine Refugees in the Near East (as of Oct. 16, 2023) (reporting that “Israeli Air Forces  
17 continued to strike also in Khan Younis and other southern areas despite the directive for people  
18 in Gaza to move south;” that Gaza’s last functioning desalination plant had collapsed, increasing  
19 concerns over dehydration and waterborne diseases; and at least 14 of the agency’s staff had been  
20 killed since October 7th, but expected that the number was likely higher).

21  
22 r. Attached as Exhibit D-18 is a true and correct [copy](#) of *Ministry of Foreign Affairs, Excerpt*  
23 *from PM Netanyahu’s remarks at the opening of the Winter Assembly of the 25th Knesset’s Second*  
24 *Session*, Oct. 16, 2023. In this speech, Netanhayu stated: “This is a struggle between the children  
25 of light and the children of darkness, between humanity and the law of the jungle.”

26  
27 s. Attached as Exhibit D-19 is a true and correct [copy](#) of *Israel/OPT: Israeli army threatens*  
28 *ordering residents of northern Gaza to leave may amount to war crimes*, Amnesty International,

1 Oct. 25, 2023. This report explains that the Israeli army’s messages in dropped leaflets “warning”  
2 residents to leave immediately as inadequate and “cannot be considered an effective warning to  
3 civilians,” serving as “further evidence that Israel aims to forcibly displace civilians in northern  
4 Gaza. . .[and] may amount to the war crime of collective punishment.”

5  
6 t. Attached as Exhibit D-20 is a true and correct [copy](#) of *Barkat: We’ll wipe Iran’s leaders*  
7 *off the face of the earth if they expand conflict*, Times of Israel, Oct. 23, 2023 (quoting Israel’s  
8 Minister of Economy Nir Barkat who said: “Israel has a very clear message to our enemies. We  
9 are saying to them, look what’s happening in Gaza – you are going to get the same treatment if  
10 you attack us. We are going to wipe you off the face of the earth.”).

11 u. Attached as Exhibit D-21 is a true and correct [copy](#) of Hagar Shezaf, *‘Wait for the Great*  
12 *Nakba’: Palestinians Find Threatening Leaflets on Cars in West Bank*, Haaretz, Oct. 27, 2023  
13 (describing leaflets placed on cars in a village in the West Bank warning Palestinians that it was  
14 their “last chance to flee to Jordan in an orderly manner before we forcefully expel you from our  
15 holy lands bequeathed to us by God” and promising a “great” Nakba or “catastrophe”).

16  
17 v. Attached hereto as Exhibit D-22 is a true and correct [copy](#) of Mirna Alsharif, *Netanyahu*  
18 *invokes ‘Amalek’ narrative in speech about expanding ground operation in Gaza*, NBC News,  
19 Oct. 29, 2023 (explaining that Netanyahu’s invocation of the story of Amalek, when he stated  
20 “You must remember what Amalek has done to you, says our Holy Bible, and we do remember,  
21 and we are fighting,” drew criticism because of scripture suggesting that Amalekites must not be  
22 spared, as they are seen as the “archetypal enemy of the Jews”).

23  
24 w. Attached as Exhibit D-23 is a true and correct [copy](#) of Kareem Khadder, *Catastrophic*  
25 *damage after second Israeli airstrike hits Gaza refugee camp*, CNN, Nov. 1, 2023 (reporting on  
26 catastrophic damage caused by two Israeli strikes on the densely populated refugee camp of Jabalia  
27  
28

1 (“Jabalya”), which killed and wounded hundreds of Palestinians, as well a relief workers; and  
2 noting that the Israeli Defense Forces took responsibility for the bombing).

3 x. Attached as Exhibit D-24 is a true and correct [copy](#) of *Israel hits Gaza Strip with the*  
4 *equivalent of two nuclear bombs*, Euro-Med Human Rights Monitor, Nov. 2, 2023. The report  
5 notes Israel has dropped more than 25,000 tons of explosives on the Gaza Strip since the start of  
6 its siege on October 7, which is the equivalent of two nuclear bombs. The report notes that the  
7 Israeli army had “admitted to bombing over 12,000 targets in the Gaza Strip, with a record tally of  
8 bombs exceeding 10 kilograms of explosives per individual.” It also noted that Israel had used  
9 internationally banned weapons in its attacks on Gaza, in particular the use of cluster and  
10 phosphorous bombs.  
11

12 y. Attached as Exhibit D-25 is a true and correct [copy](#) of *Netanyahu to soldiers: New pages*  
13 *in Israel's history are being written by you*, The Jerusalem Post, Nov. 3, 2023 (noting that Prime  
14 Minister Netanyahu reiterated again the war between light and dark: “This is the war between the  
15 sons of light and the sons of darkness. We will not let up on our mission until the light overcomes  
16 the darkness – the good will defeat the extreme evil that threatens us and the entire world.”).

17 z. Attached as Exhibit D-26 is a true and correct [copy](#) of a post to the official verified Twitter  
18 feed of Prime Minister Netanyahu, Nov. 3, 2023, in the original Hebrew with automated Twitter  
19 translation (referring again to the scriptural story of Amalek as he sent Israel IDF soldiers on their  
20 mission).  
21

22 aa. Attached as Exhibit D-27 is a true and correct [copy](#) of *Israel is Waging an Extensive War*  
23 *of Starvation against Gaza’s Civilian Population*, Euro-Med Human Rights Monitor, Nov. 5, 2023  
24 (reporting on Israel’s attacks on food and water sources, facilities, and infrastructure including  
25 flour stores, bakeries, and fisherman’s boats; health consequences due to inadequate access to food  
26  
27  
28

1 and water especially on pregnant people and children; and the imminent risk of child deaths due  
2 to an increasing need of medical attention from acute malnutrition).

3 bb. Attached as Exhibit D-28 is a true and correct [copy](#) of *Hostilities in the Gaza Strip and*  
4 *Israel: Flash Update #30*, OCHA, Nov. 5, 2023. The report notes that as of Nov. 5, 2023, and  
5 since Oct. 7, 2023, 9,770 people have been killed in Gaza, including 4,008 children and 2,550  
6 women; 2,260 others are reporting missing in Gaza, including 1,270 children, most of whom are  
7 presumed to be trapped under rubble; and 1.5 million people are in Gaza are internally displaced.

8  
9 The report also noted that between November 4-5, “[i]ntense bombardments took place across  
10 the Gaza Strip, including Deir Al Balah and the southern areas,” that airstrikes targeted residential  
11 buildings in three refugee camps, and that “Gaza remains under a full electricity blackout since 11  
12 October, following Israel’s halt of its power and fuel supply.”

13  
14 While a severe water shortage continues, the report notes that seven water facilities across the  
15 Gaza Strip were directly hit in the Israeli bombardment between November 4 and 5 and sustained  
16 major damage.

17 cc. Attached as Exhibit D-29 is a true and correct [excerpt](#) of *A third of buildings in northern*  
18 *Gaza are damaged or destroyed, analysis estimates*, New York Times, Nov. 7, 2023, reporting  
19 that approximately “a third of all buildings in northern Gaza have been damaged or destroyed.”  
20

21 dd. Attached as Exhibit D-30 is a true and correct [excerpt](#) of *Israel-Hamas War: The W.H.O.*  
22 *chief says more than 250 attacks on Gaza and West Bank health care facilities have been verified*,  
23 Nov. 11, 2023 reporting that “The United Nations has verified more than 250 attacks on health  
24 care facilities in Gaza and the West Bank, including hospitals, clinics, ambulances and patients,  
25 with five hospitals hit in the last week alone, according to the director general of the United  
26 Nations’ World Health Organization.”  
27  
28

1 ee. Attached as Exhibit D-31 is a true and correct [copy](#) of *Hostilities in the Gaza Strip and*  
2 *Israel - reported impact: Day 35*, OCHA, Nov. 10, 2023 (reporting 11,078 fatalities including  
3 4,506 children and 3,027 women, 27,490 injuries, about 1.6 million internally displaced people  
4 (70% of Gaza), and at least 45 percent of all housing units in Gaza have been destroyed or  
5 damaged).

6  
7 ff. Attached as Exhibit D-32 is a true and correct [copy](#) of *Framework of Analysis for Atrocity*  
8 *Crimes: A Tool for Prevention*, United Nations (2014).

9 gg. Attached as Exhibit D-33 is a true and correct [copy](#) of Ruby Mellen, Artur Galocha, and  
10 Julia Ledur, *Gaza reports more than 11,100 killed. That's one out of every 200 people.*, The  
11 Washington Post, Nov. 13, 2023.

12 hh. Attached as Exhibit D-34 is a true and correct [copy](#) of *Hostilities in the Gaza Strip and*  
13 *Israel" Flash Update #39*, Nov. 14, 2023.

14  
15 **United States' Failure to Prevent and Complicity in Genocide**

16 6. Defendants have repeatedly refused to use their obvious and considerable influence to set  
17 conditions or place limits on Israel's massive bombing and total siege of Gaza. They have done so  
18 despite escalating evidence of Israeli acts directed at inflicting mass harm to the Palestinian population  
19 in Gaza, including the creation of conditions of life calculated to bring about their physical destruction  
20 through a total siege, and even in the face of mounting deaths including of thousands of children.  
21 Instead, their actions to fund, arm, and endorse Israel's devastating bombing campaign and total siege  
22 of the Palestinians in Gaza constitutes a failure to prevent an unfolding genocide and complicity in its  
23 development.  
24

25 a. Attached as Exhibit E-1 is a true and correct [copy](#) of *Statement from President Joe Biden*  
26 *Condemning Terrorist Attacks in Israel*, The White House, Oct. 7, 2023 (quoting President Biden  
27 as saying that the United States "stand[s] ready to offer all appropriate means of support to the  
28

1 Government and people of Israel,” and declared, “[m]y Administration’s support for Israel’s  
2 security is rock solid and unwavering.”).

3 b. Attached as Exhibit E-2 is a true and correct [copy](#) of *Joint Statement on Israel*, The White  
4 House, Oct. 9, 2023 (President Biden, joined by leaders from France, Germany, Italy, and the  
5 United Kingdom, released a statement of support for Israel and declaring their commitment to  
6 remain “united and coordinated... to ensure Israel is able to defend itself, and to ultimately set the  
7 conditions for a peaceful and integrated Middle East region.”).

8 c. Attached as Exhibit E-3 is a true and correct [copy](#) of the first page and excerpt of  
9 *Department Press Briefing – October 10, 2023*, U.S. Dept. of State (transcript) (when asked about  
10 \$4 billion a year in U.S. aid to Israel and the complete blockade and impact on civilians, Matthew  
11 Miller, a spokesperson for the U.S. Department of State stated: “Israel has a right to conduct an  
12 aggressive response to respond to the terrorism that’s been committed against its citizens. We  
13 expect them to follow international law, we believe that they will, and we will remain in close  
14 contact with them about it.”).

15 d. Attached as Exhibit E-4 is a true and correct [copy](#) of *Readout of President Biden and Vice*  
16 *President Harris’ Call with Prime Minister Netanyahu*, The White House, Oct. 11, 2023 (noting  
17 that President Biden and Vice President Harris “spoke with Prime Minister Netanyahu to discuss  
18 ongoing U.S. support for Israel as Israel defends itself and protects its people”).

19 e. Attached as Exhibit E-5 is a true and correct [copy](#) of *Secretary Antony J. Blinken and*  
20 *Israeli Prime Minister Benjamin Netanyahu After Their Meeting*, U.S. Dept. of State, Oct. 12,  
21 2023 (noting that Secretary of State Antony Blinken reaffirmed to Prime Minister Netanyahu that  
22 the United States “will always be there, by your side,” a message he said was delivered from  
23 President Biden to Netanyahu “from the moment this crisis began” and was communicated to  
24 Israeli counterparts “on a daily-even an hourly-basis”).  
25  
26  
27  
28

1 f. Attached as Exhibit E-6 is a true and correct [copy](#) of Creede Newton, *A history of the US*  
2 *blocking UN resolutions against Israel*, Al Jazeera, May 19, 2021 (noting that over the past 50  
3 years, the United States has vetoed of resolutions at the United Nations Security Council that were  
4 critical of Israel, including at least 53 since 1972).

5 g. Attached as Exhibit E-7 is a true and correct [copy](#) of *Statement From Secretary Lloyd J.*  
6 *Austin III on U.S. Force Posture Changes in the Middle East*, U.S. Dept. of Defense (Oct. 8, 2023),  
7 in which Secretary of Defense Lloyd Austin states that he had directed an aircraft carrier strike  
8 group to the Eastern Mediterranean and that the U.S. government would “be rapidly providing the  
9 Israel Defense Forces with additional equipment and resources, including munitions.” He further  
10 stated:  
11

12  
13 Strengthening our joint force posture, in addition to the material support  
14 that we will rapidly provide to Israel, underscores the United States’  
15 ironclad support for the Israel Defense Forces and the Israeli people. My  
16 team and I will continue to be in close contact with our Israeli  
17 counterparts to ensure they have what they need to protect their citizens  
18 and defend themselves against these heinous terrorist attacks.

19 h. Attached as Exhibit E-8 is a true and correct [copy](#) of Anthony Capaccio, *Boeing Sped 1,000*  
20 *Smart Bombs to Israel After Hamas Attacks*, Bloomberg, Oct. 10, 2023.

21 i. Attached as Exhibit E-9 is a true and correct [copy](#) of the first page and excerpt of *Press*  
22 *Briefing by Press Secretary Karine Jean-Pierre and NSC Coordinator for Strategic*  
23 *Communications John Kirby*, The White House, Oct. 12, 2023, in which National Security Council  
24 Coordinator John Kirby stated:

25 We are providing [Israel] military aid as we speak. So, no, there’s no  
26 plans of — of holding back military assistance. We wouldn’t do that.  
27 The President has been talking now for three days about how we’re  
28 going to keep giving them the capabilities that they need.

j. Attached as Exhibit E-10 is a true and correct [copy](#) of the first page and excerpts of *Senior*  
*Defense Official Holds a Background Briefing on Israel*, U.S. Dept. of Defense, Transcript, Oct.

1 12, 2023. In the background briefing, the senior defense official admits that small diameter bombs  
2 and JDAMs were to be sent to Israel in the short term.

3 k. Attached as Exhibit E-11 is a true and correct [copy](#) of the first page of *Secretary of Defense*  
4 *Lloyd J. Austin III Joint Press Conference With Israeli Defense Minister Yoav Gallant in Tel Aviv,*  
5 *Israel*, U.S. Dept. of Defense, Transcript, Oct. 13, 2023. In the joint press conference, Secretary  
6 Austin confirmed that the U.S. was prepared to deploy additional military assistance to Israel, and  
7 that “munitions, air defense capabilities and other equipment and resources” were already “rapidly  
8 flowing.” Israel’s Defense Minister, Yoav Gallant, acknowledged the extensive support and  
9 assistance, and close coordination between the two countries:  
10

11 I briefed the secretary on strategic developments in our region, and the  
12 chief of staff together with the IDF leadership shared our operations.  
13 Defense cooperation and U.S. support in the Pentagon, in the White  
14 House, in the Congress ensure freedom of operation and enforce our  
15 capabilities. In fact, today we will receive the second aircraft carrying  
16 essential munitions to the IDF. U.S. deployment of assets on land, in air  
and at sea sends a strong message to both partners and enemies in the  
region. On behalf of Israel's defense establishment and on behalf of our  
citizens, Mr. Secretary, thank you very much.

17 l. Attached as Exhibit E-12 is a true and correct [copy](#) of *UN expert warns of new instance of*  
18 *mass ethnic cleansing of Palestinians, calls for immediate ceasefire*, Press Release, UN Special  
19 Procedures, Oct. 14, 2023.

20 m. Attached as Exhibit E-13 is a true and correct [copy](#) of *Readout of President Biden’s Call*  
21 *with Prime Minister Netanyahu of Israel*, The White House, Oct. 14, 2023 (President Biden  
22 reiterates “unwavering U.S. support for Israel” and “updated Prime Minister Netanyahu on U.S.  
23 military support”).

24 n. Attached as Exhibit E-14 is a true and correct [copy](#) of *Secretary Antony J. Blinken Remarks*  
25 *to the Press*, U.S. Dept. of State, Oct. 15, 2023 (Where Blinken stated: “We will stand with [Israel]  
26 today, tomorrow, and every day, and we’re doing that in word and also in deed;” and “we’ve  
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1 backed that up not only with the words that we're saying, but with what we're actually doing,  
2 including the deployment of [U.S.] aircraft carrier battle groups.”).

3 o. Attached as Exhibit E-15 is a true and correct [copy](#) of *DOD Remains Resolute in Support*  
4 *of Israel*, U.S. Dept. of Defense, Oct. 16, 2023 (reporting that Secretary Austin had ordered 2,000  
5 U.S. military troops to prepare for deployment in support of Israel and quoting Department of  
6 Defense Press Secretary as saying: “Since leaving Israel, [Defendant Austin] has held calls with  
7 [Minister of Defense] Gallant . . . on a near daily basis and will likely have another call today,”  
8 and further that “[w]e are working to meet Israel’s needs, which include air defense, precision  
9 guided munitions, artillery and medical supplies.”).

10  
11 p. Attached as Exhibit E-16 is a true and correct [copy](#) of a letter from Josh Paul, dated Oct.  
12 18, 2023, explaining his resignation as former director in the State Department’s Bureau of  
13 Political-Military Affairs, “due to a policy disagreement concerning [the United States’] continued  
14 lethal assistance to Israel.”

15  
16 q. Attached as Exhibit E-17 is a true and correct [copy](#) of Josh Paul, *Opinion This is not the*  
17 *State Department I know. That’s why I left my job*. Washington Post, Oct. 23, 2023, in which Paul  
18 states: “Israeli requests for munitions started arriving immediately, including for a variety of  
19 weapons that have no applicability to the current conflict.” Paul further stated “[t]he risk is obvious  
20 that American weapons provided to Israel, especially air-to-ground munitions, will inflict civilian  
21 harm and violate human rights.” According to Paul, the administration’s unwillingness to engage  
22 in debate on the wisdom of these decisions was “proof of our willingness to abandon our values  
23 and turn a blind eye to the suffering of millions in Gaza when it is politically expedient.”

24  
25 r. Attached as Exhibit E-18 is a true and correct [copy](#) of *Gaza: UN experts decry bombing of*  
26 *hospitals and schools as crimes against humanity, call for prevention of genocide*, Press Release,  
27 United Nations Special Procedures, Oct. 19, 2023 (stating that “[c]onsidering statements made by  
28

1 Israeli political leaders and their allies, accompanied by military action in Gaza and escalation of  
2 arrests and killing in the West Bank, there is also a risk of genocide against the Palestinian People”  
3 and calling for a ceasefire, humanitarian aid, and a guarantee of physical safety for civilians).

4 s. Attached as Exhibit E-19 is a true and correct [copy](#) of Akbar Shahid Ahmed, *Exclusive:*  
5 *‘Mutiny Brewing’ Inside State Department Over Israel-Palestine Policy, Huffington Post*, Oct. 19,  
6 2023 (reporting that State Department staffers were frustrated that Blinken and his team were not  
7 interested in the advice of their own experts as they supported unconditionally Israel’s expanding  
8 operation in Gaza and that there is “basically a mutiny brewing within State at all levels”).

9 t. Attached as Exhibit E-20 is a true and correct [copy](#) of the first page and excerpt of *Remarks*  
10 *by President Biden on the October 7th Terrorist Attacks and the Resilience of the State of Israel*  
11 *and its People, Tel Aviv, Israel, The White House*, Oct. 18, 2023, in which President Biden told  
12 Prime Minister Netanyahu: “[m]y administration has been in close touch with your leadership from  
13 the first moments of [the October 7 attack], and we are going to make sure we have — you have  
14 what you need to protect your people, to defend your nation.” He went on to say, “For decades,  
15 we’ve ensured Israel’s qualitative military edge. And later this week, I’m going to ask the United  
16 States Congress for an unprecedented support package for Israel’s defense.”).

17 u. Attached as Exhibit E-21 is a true and correct [copy](#) of the first page of *Remarks by*  
18 *President Biden and Prime Minister Netanyahu of Israel Before Bilateral Meeting | Tel Aviv,*  
19 *Israel, The White House*, Oct. 18, 2023, during which Netanyahu stated:

20 I’ve seen your support every day in the depth and breadth of cooperation  
21 that we have had since the beginning of this war, a level of cooperation  
22 that is truly unprecedented in the history of the great alliance between  
23 our two nations. We see that support in your steadfast commitment to  
24 provide Israel with the tools we need to defend ourselves.

25 v. Attached as Exhibit E-22 is a true and correct [copy](#) of *Israel-Gaza crisis: US vetoes*  
26 *Security Council resolution*, UN News, Oct. 18, 2023 (noting that United States Ambassador to  
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28

1 the United Nations vetoed a Security Council resolution condemning all violence against civilians  
2 and urging “humanitarian pauses” to deliver aid to Palestinians in Gaza).

3 w. Attached as Exhibit E-23 is a true and correct [copy](#) of *Gaza crisis: Deadlock deepens as*  
4 *Security Council rejects competing resolutions by US and Russia*, UN News, Oct. 25, 2023.

5 x. Attached as Exhibit E-24 is a true and correct [copy](#) of Michelle Nichols, *UN*  
6 *overwhelmingly calls for aid truce between Israel and Hamas*, Reuters, Oct. 28, 2023 (noting that  
7 the United States voted against the resolution calling for a ceasefire, which was passed by the  
8 overwhelming majority of countries represented).

9 y. Attached as Exhibit E-25 is a true and correct [copy](#) of Anthony Capaccio, *Boeing*  
10 *Accelerates Delivery of Up to 1,800 GPS-Guidance Bomb Kits to Israel*, Bloomberg, Oct. 18, 2023  
11 (noting that under guidance from the Pentagon, Boeing was “speeding” delivery of 1,800 Joint  
12 Direct Attack Munition (“JDAM”) kits to Israel, after the Israeli Air Force publicly confirmed that  
13 it had dropped 6,000 bombs in the first five days of the conflict).

14 z. Attached as Exhibit E-26 is a true and correct [copy](#) of *Transcript: Senior Defense Official,*  
15 *Senior Military Official Hold a Background Briefing on Israel*, U.S. Dept. of Defense, Oct. 23,  
16 2023 (Senior Defense Department official confirmed that tens of thousands of 155mm artillery  
17 shells that had been set aside for Ukraine had been withdrawn and redirected to Israel, and that  
18 JDAMs, small diameter bombs, and ammunition were provided to Israel.).

19 aa. Attached as Exhibit E-27 is a true and correct [copy](#) of Nancy A. Youssef, *Israel Receives*  
20 *Ammunition From U.S.*, The Wall Street Journal, Oct. 19, 2023 (Defense Department official  
21 confirmed that the U.S. shipped nearly a million rounds of 7.62mm ammunition and tens of  
22 thousands of 30mm rounds to Israel).

1 bb. Attached as Exhibit E-28 is a true and correct [copy](#) of *Letter from Shalanda D. Young,*  
2 *Director of the Office of Management and Budget in the Executive Office of the President,* dated  
3 Oct. 20, 2023, requesting \$14.1 billion from Congress in additional military assistance to Israel.

4 cc. Attached as Exhibit E-29 is a true and correct [copy](#) of an excerpt of *Gallant: We can't say*  
5 *'no' to the US on humanitarian aid given how much they do for us,* The Times of Israel, Oct. 20,  
6 2023 (reporting that Israeli Defense Minister Yoav Gallant was criticized by Israeli lawmakers  
7 about why he agreed to allow humanitarian aid into Gaza from Egypt before hostages were  
8 returned to which he replied, “The Americans insisted and we are not in a place where we can  
9 refuse them. We rely on them for planes and military equipment. What are we supposed to do?  
10 Tell them no?”)

11 dd. Attached as Exhibit E-30 is a true and correct [copy](#) of the first page and excerpt of *Remarks*  
12 *by President Biden on How Bidenomics and the Investing in America Agenda are Growing the*  
13 *Economy in Every Region of the Country,* The White House, Oct. 23, 2023 (President Biden  
14 continues to reject suggestion of cease-fire until hostages are released).

15 ee. Attached as Exhibit E-31 is a true and correct [copy](#) of Hind Hassan and Lama Al Arian,  
16 *US Should Press Israel to Implement Measures to Save 'Tens of Thousands of Lives' in Gaza:*  
17 *Internal Cable,* Vice, Oct. 28, 2023 (reporting on “growing discontent” among U.S. officials in  
18 multiple departments of the Administration over “Israel’s military offensive” and existence of an  
19 diplomatic cable from the U.S. Office for Palestinian Affairs in Jerusalem, which reports directly  
20 to the Department of State for Palestinian issues, warning the White House of the need to “take  
21 immediate action in order to ‘save the lives of tens of thousands of people’”).

22 ff. Attached as Exhibit E-32 is a true and correct [copy](#) of Tara Copp and Aamer Madhani,  
23 *Pentagon rushes Marine Corps general, other advisors to Middle East,* Associated Press, Oct. 23,  
24 2023 (reporting that Pentagon sent Marine Corps general “versed in urban warfare, to Israel to aid  
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1 in its war planning and is speeding multiple sophisticated air defense systems to the Middle East  
2 days ahead of an anticipated ground assault into Gaza”).

3 gg. Attached as Exhibit E-33 is a true and correct [copy](#) of the first page and excerpt of *Press*  
4 *Briefing by Press Secretary Karine Jean-Pierre and NSC Coordinator for Strategic*  
5 *Communications John Kirby*, Oct. 23, 2023. In this briefing, Kirby confirmed the U.S. had  
6 continued to be in close communication with Israel about its military strategy:  
7

8 I can tell you, we have, since the beginning of the conflict, in the early  
9 hours, maintained a level of communication with our Israeli  
10 counterparts to ascertain their intentions, their strategy, their aims to —  
11 to see what their answers are to the kinds of tough questions that any  
12 military ought to be asking before you launch any kind of a major  
operation. Have you thought through the branches? Have you thought  
through the sequels? Have you thought through the unintended  
consequences?

13 hh. Attached as Exhibit E-34 is a true and correct [copy](#) of the first page and excerpt of *Press*  
14 *Briefing by Press Secretary Karine Jean-Pierre and NSC Coordinator for Strategic*  
15 *Communications John Kirby*, Oct. 24, 2023. When asked whether the United States had discussed  
16 any possible “red lines” with Israel, Kirby said “no.”  
17

18 ii. Attached as Exhibit E-35 is a true and correct [copy](#) of the first page and excerpt of *Press*  
19 *Briefing by Press Secretary Karine Jean-Pierre, National Economic Council Director Lael*  
20 *Brainard, and NSC Coordinator for Strategic Communications John Kirby*, The White House,  
21 Oct. 26, 2023 (Kirby confirms that President Biden “continues to be routinely updated by the  
22 national security team on the situation there. Obviously continuing to support . . . Israel’s military”  
23 and “[s]ecurity assistance continues to flow to them as needed, almost on a daily basis.”).  
24

25 jj. Attached as Exhibit E-36 is a true and correct [copy](#) of Volker Turk, *Gaza: Continued*  
26 *violence is not the answer*, UN High Commissioner for Human Rights, Oct. 28, 2023 (UN’s  
27 Human Rights chief calls “on all parties as well as third States, in particular those with influence  
28 over the parties to the conflict, to do all in their power to de-escalate this conflict.”).

1           kk. Attached as Exhibit E-37 is a true and correct [copy](#) of the first page and excerpt of *Press*  
2 *Briefing by Press Secretary Karine Jean-Pierre and NSC Coordinator for Strategic*  
3 *Communications John Kirby*, The White House, Oct. 30, 2023 (Kirby states unequivocally that  
4 the administration still does “not support a ceasefire at this time” and also confirmed that the  
5 United States had influenced Israel to restore telecommunications in Gaza).

6           ll. Attached as Exhibit E-28 is a true and correct [copy](#) of the first page and excerpt of  
7 *Transcript: Deputy Pentagon Press Secretary Sabrina Singh Holds an Off-Camera, On-the-*  
8 *Record Press Briefing*, U.S. Dept. of Defense, Oct. 30, 2023. In the briefing, Singh admitted that  
9 “conversations both [at the Department of Defense] and across other agencies and all the way up  
10 to the president have certainly informed and at least guided some of what the Israelis are doing on  
11 the ground in their ground operation,” but concluded “we’re not directing them.” Singh also  
12 reiterated that the United States was “not putting any limits on how Israel uses weapons that is  
13 [sic] provided. That is really up to the Israel Defense Force to use in how they are going to conduct  
14 their operations. But we’re not putting any constraints on that.”

15           mm. Attached as Exhibit E-29 is a true and correct [copy](#) of Congressional Notification  
16 Transmittal Letter from United States Department of State to Congress (Oct. 31, 2023) approving  
17 transfer of \$320 million sale by U.S. company of defense articles to Israeli manufacturer of  
18 precision bomb kits.

19           nn. Attached as Exhibit E-40 is a true and correct [copy](#) of *Press Release: Gaza is ‘running out*  
20 *of time’ UN experts warn, demanding a ceasefire to prevent genocide*, Nov. 2, 2023 (“We remain  
21 convinced that the Palestinian people are at grave risk of genocide. The time for action is now.  
22 Israel’s allies also bear responsibility and must act now to prevent its disastrous course of  
23 action.”).

1 oo. Attached as Exhibit E-41 is a true and correct [copy](#) of *Biden tells a heckler calling for*  
2 *cease-fire: 'I think we need a pause'*, The Hill, Nov. 1, 2023 (Biden admits “convincing” Israel to  
3 pause airstrikes to release American hostages).

4 pp. Attached as Exhibit E-42 is a true and correct [copy](#) of the first page and excerpt of *Remarks*  
5 *by Vice President Harris in Press Gaggle, Bletchley, United Kingdom*, The White House, Nov. 2,  
6 2023 (Harris states: “[w]e are not going to create any conditions on the support that we are giving  
7 to Israel to defend itself.”).

8 qq. Attached as Exhibit E-43 is a true and correct [copy](#) of *Ukraine v. Russian Federation*,  
9 Declaration of Intervention of the Government of the United States of America pursuant to article  
10 63 of the Statute of the International Court of Justice, Sept. 7, 2022, para. 22.

11 rr. Attached as Exhibit E-44 is a true and correct [copy](#) of the first page and excerpt of *Biden*  
12 *calls Russian war in Ukraine 'genocide'*, PBS News Hour, April 13, 2023 (quoting President  
13 Biden as having described Russia’s war in Ukraine as a genocide: “Yes, I called it genocide. It’s  
14 become clearer and clearer that Putin is just trying to wipe out the idea of even being a Ukraine.”).

15 ss. Attached as Exhibit E-45 is a true and correct [copy](#) of *Secretary-General's Press*  
16 *Conference - on the Middle East*, United Nations Secretary-General, Nov. 6, 2023, describing that  
17 “Gaza is becoming a graveyard for children. Hundreds of girls and boys are reportedly being  
18 killed or injured every day.”

19 tt. Attached as Exhibit E-46 is a true and correct [copy](#) of the first page and excerpt of  
20 *Department Press Briefing*, U.S. Dept. of State, Nov. 7, 2023. In this press briefing, after asked by  
21 a reporter about the unfolding genocide in Gaza, Department of State Deputy Press Spokesperson  
22 Patel explained that there is generally “a rigorous process in place for evaluating whether  
23 something constitute as genocide or not,” but admitted that there was no such “active, ongoing  
24 process” for Israel’s actions in Gaza.  
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1 uu. Attached as Exhibit E-47 is a true and correct [copy](#) of the first page and excerpt of *Deputy*  
2 *Pentagon Press Secretary Sabrina Singh Holds an On-Camera Press Briefing*, U.S. Dept of  
3 Defense, Nov. 7, 2023. In this briefing, Singh admits that “we don’t put conditions on weapons  
4 that . . . we’re sending or that Israel is using.” When asked whether there was any sort of end use  
5 monitoring in place for weapons transferred to Israel, as is required under U.S. law (22 U.S.C. §  
6 2785), she admits, “I wouldn’t say it’s necessarily an end use monitoring”, but stated only “we  
7 expect them to be used in accordance with [humanitarian] laws.”  
8

9 vv. Attached as Exhibit E-48 is a true and correct [copy](#) of the first page and excerpt of *Press*  
10 *Briefing by Press Secretary Karine Jean-Pierre and NSC Coordinator for Strategic*  
11 *Communications John Kirby*, The White House, Nov. 7, 2023. During this briefing, the National  
12 Security Council Spokesperson John Kirby was asked by a reporter whether the Administration  
13 was still not drawing any “red lines” for Israel, in light of the death toll of Palestinian civilians that  
14 keeps going up, Kirby responded “that is still the case.”  
15

16 ww. Attached as Exhibit E-49 is a true and correct [copy](#) of the first page and excerpt of  
17 *Department Press Briefing, U.S. Dept of Defense*, Nov. 9, 2023. In it, Department of State Deputy  
18 Spokesperson Vedant Patel confirms that the “rigorous process” for evaluating whether something  
19 constitute a genocide, has not been initiated in the case of Gaza.  
20

21 xx. Attached as Exhibit E-50 is a true and correct [copy](#) of the first page and excerpt of *Remarks*  
22 *by President Biden Before Marine One Departure*, The White House, Nov. 9, 2023. In it, Biden  
23 says there is “no possibility” of ceasefire in Gaza.

24 yy. Attached as Exhibit E-51 is a true and correct [copy](#) of the first page and excerpt of *Press*  
25 *Gaggle with NSC Coordinator for Strategic Communications John Kirby*, The White House, Nov.  
26 9, 2023. In it, Kirby confirms that the position of the Biden Administration is that it “still [does  
27 not] believe a ceasefire is appropriate at this time.”  
28



1           zz. Attached as Exhibit E-52 is a true and correct [copy](#) of C. Todd Lopez, *Defense Official*  
2 *Said U.S. Won't Hesitate to Defend Its Troops in Middle East*, Department of Defense News, Nov.  
3 9, 2023 (noting that Defense official Dana Stroul testified before the House Committee on Foreign  
4 Affairs that the department is “working around-the-clock to determine which munitions and  
5 equipment from U.S. inventory can quickly be made available,” that “[a]ir defense is a high  
6 priority, as are medical supplies, artillery, ammunition and precision-guided munitions” and that  
7 “[d]eliveries are taking place on a near daily basis”).

9           aaa. Attached as Exhibit E-53 is a true and correct [copy](#) of Maziar Motamedi, *How are Gaza*  
10 *casualty updates affected by Israeli attacks on hospitals?*, Al Jazeera, Nov. 12, 2023 (noting that  
11 United States Assistant Secretary of State for Near East Affairs, Barbara Leaf, testified before a  
12 House panel on November 8, 2023, and confirmed that the number of those killed in Gaza is like  
13 “higher than is being cited”).

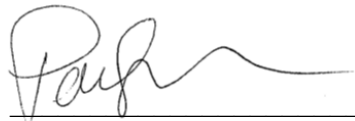
15           bbb. Attached as Exhibit E-54 is a true and correct [copy](#) of Hearing Notice: Friend and Ally:  
16 U.S. Support for Israel after Hamas’ Barbaric Attack, Foreign Affairs Committee, U.S. House of  
17 Representatives, Nov. 8, 2023 (notice of hearing featuring U.S. Assistant Secretary of State for  
18 Near East Affairs, Barbara Leaf, and Deputy Assistant Defense Secretary, Dana Stroul, before the  
19 House Committee on Foreign Affairs.)

21           ccc. Attached as Exhibit E-55 is a true and correct [copy](#) of Tony Capaccio, *US is quietly*  
22 *sending Israel more ammunition, missiles*, Bloomberg News, Nov. 14, 2023 (noting that the  
23 Defense Department “quietly ramped up military aid to Israel,” including “more laser-guided  
24 missiles for its Apache gunship fleet, as well as 155mm shells, night-vision devices, bunker-buster  
25 munitions and new army vehicles”).

26           ddd. Attached as Exhibit E-56 is a true and correct [copy](#) of *Joint Letter to Secretary of*  
27 *Defense Lloyd Austin Opposing 155mm Artillery Shell Transfer to Israel*, Nov. 13, 2023 (letter  
28

1 from humanitarian and faith-based organizations expressing alarm about transfer of 155mm shells  
2 to Israel and citing sources showing that “[w]hen explosive weapons are used in populated areas,  
3 on average 90 percent of the victims are civilians” and that use of these shells is “inherently  
4 indiscriminate” in Gaza, as “one of the world’s most densely populated places”).  
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6  
7 I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge  
8 and belief. Executed this 15<sup>th</sup> day of November, 2023.

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11 PAMELA C. SPEES  
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