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

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

25 Plaintiffs,

26 v.

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

Defendants.

Case No.: 23-cv-05829

**[PROPOSED] BRIEF OF AMICI
CURIAE AMERICAN-ARAB ANTI-
DISCRIMINATION COMMITTEE,
ARAB RESOURCE & ORGANIZING
CENTER, COUNCIL ON AMERICAN-
ISLAMIC RELATIONS, CALIFORNIA,
AND ARAB-AMERICAN CIVIL RIGHTS
LEAGUE IN SUPPORT OF
PLAINTIFFS’ MOTION FOR
PRELIMINARY INJUNCTION AND
OPPOSITION TO DEFENDANTS’
MOTION TO DISMISS**

Hearing: January 26, 2024 at 9:00 a.m.

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1 **I. INTEREST OF *AMICI CURIAE*¹**

2 The American-Arab Anti-Discrimination Committee (“ADC”), the Arab Resource &
3 Organizing Center (“AROC”), the Council on American-Islamic Relations, California (“CAIR-CA”),
4 and the Arab-American Civil Rights League (“ACRL”) are four leading grassroots, civil rights
5 organizations and advocacy groups serving predominantly Arab, Middle Eastern, Muslim, and South
6 Asian communities in the United States. They are all deeply committed to advancing racial justice and
7 equality both in the United States and abroad. Collectively, the ADC, AROC, CAIR-CA, and the
8 ACRL service more than 100,000 community members and provide legal services to an estimated ten
9 thousand individuals annually.
10

11 Since October 7, 2023, when Israel has unleashed the most violent attacks on the Occupied
12 Gaza Strip (“Gaza”). In the past eighty-three days, the ADC, AROC, CAIR-CA, and ACRL have
13 responded to more than three hundred calls from Palestinian Americans affected by Israel’s violent
14 assault on Gaza, including the unfolding genocide, crimes against humanity, war crimes, and human
15 rights violations. *Amici* have, among other activities: helped coordinate evacuations of Palestinian
16 Americans from Gaza, connected community members to mental health services, and engaged in
17 various forms of advocacy. In preparing the brief, *amici* consulted with about two dozen affected
18 clients and individuals. *Amici* therefore not only have a strong interest in the issues before the Court
19 but are also well-positioned to offer useful commentary about the harm facing the estimated 220,000
20 Palestinian Americans.²
21
22

23 _____
24 ¹ No party’s counsel authored the proposed amicus brief in whole or in part, and no party or party’s counsel
25 contributed money that was intended to fund preparing or submitting the brief. No person other than *amici*
26 *curiae* made a monetary contribution to the brief’s preparation or submission.

27 ² According to the 2020 U.S. census, about 175,000 people identified as Palestinian. *See* Rachel Marks, Paul
28 Jacobs, and Alli Coritz, *Lebanese, Iranian and Egyptian Populations Represented Nearly Half of the MENA
Population in 2020 Census*, U.S. Census Bureau (Sept. 21, 2023),
<https://www.census.gov/library/stories/2023/09/2020-census-dhc-a-mena-population.html>. However, this
figure is likely an underestimate of the Palestinian population in the United States given, for example, non-
responses and individuals marking other options such as “Arab” or “Other”. The Arab American Institute
Foundation estimates the number of Palestinian Americans as between 122,500 and 220,000. *See* Dan

1 **II. SUMMARY OF ARGUMENT**

2 There is no greater public interest than preventing or stopping a genocide. This case involves
 3 President Joe Biden, Secretary of State Antony Blinken, and Secretary of Defense Lloyd J. Austin III
 4 not only failing in their legal responsibility to prevent Israel’s unfolding genocide of Palestinians in
 5 Gaza, but actively facilitating such genocide by knowingly providing significant amounts of military
 6 assistance, equipment, and weapons. As the U.N. General Assembly, in its very first session in 1946,
 7 stated, “Genocide is a denial of the right of existence of entire human groups. . . such denial of the
 8 right of existence shocks the conscience of mankind, results in great losses to humanity. . . and is
 9 contrary to moral law and to the spirit and aims of the United Nations.” G.A. Res. 96(I), U.N. Doc.
 10 A/64/Add.1 (Dec. 11, 1946).
 11

12 The Court should exercise its discretion in finding that the public interest favors an injunction
 13 in this case. When determining whether to grant a preliminary injunction, “[t]he public interest inquiry
 14 primarily addresses impact on non-parties rather than parties” *hiQ Labs, Inc. v. LinkedIn Corp.*, 31
 15 F.4th 1180, 1202 (9th Cir. 2022) (citation omitted). Over the past ten days alone in preparation for this
 16 brief, and over the past two and a half months in working on the safe evacuation of U.S. citizens from
 17 Gaza, *amici* spoke with approximately two dozen U.S. citizens and lawful permanent residents who
 18 have families in Gaza or who themselves are or were in Gaza. The attached brief offers a summary of
 19 these harms. While the information included in this brief is a necessarily limited glimpse of the full
 20 scale of impacts, it offers a devastating picture of the genocide against Palestinians in Gaza and the
 21 harms we have only begun to understand. These harms will only increase with every day that goes by.
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 28 Williams, *Exclusive: Israeli Bid for U.S. Waiver Hangs on Palestinian-American Access Test*, Reuters (July
 19, 2023), <https://www.reuters.com/world/middle-east/israeli-bid-us-visa-waiver-hangs-palestinian-american-access-test-2023-07-19/>.

1 **III. ARGUMENT**

2 **A. WITH U.S. SUPPORT, ISRAEL'S ASSAULT ON PALESTINIANS IN GAZA HAS**
 3 **KILLED MORE THAN 21,320 AND HAS INJURED MORE THAN 55,600 SINCE**
 4 **OCTOBER 7TH.**

5 More than 21,300 Palestinians have been killed in Gaza since October 7th, with some estimates
 6 reaching more than 28,000 dead. *See* Agence France-Presse (AFP), *Ministry: At Least 21,320*
 7 *Palestinians Killed in Israeli Strikes on Gaza Since Oct. 7*, Al Arabiya (Dec. 28, 2023),
 8 [https://english.alarabiya.net/News/middle-east/2023/12/28/Ministry-At-least-21-320-Palestinians-](https://english.alarabiya.net/News/middle-east/2023/12/28/Ministry-At-least-21-320-Palestinians-killed-in-Israeli-strikes-on-Gaza-since-Oct-7)
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 10 spokesperson); *Euro-Med Monitor Sends UN Rapporteurs, ICC Prosecutor Primary Report*
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 12 2023), [https://euromedmonitor.org/en/article/6058/Euro-Med-Monitor-sends-UN-rapporteurs,-ICC-](https://euromedmonitor.org/en/article/6058/Euro-Med-Monitor-sends-UN-rapporteurs,-ICC-Prosecutor-primary-report-documenting-dozens-of-field-execution-cases-in-Gaza)
 13 [Prosecutor-primary-report-documenting-dozens-of-field-execution-cases-in-Gaza](https://euromedmonitor.org/en/article/6058/Euro-Med-Monitor-sends-UN-rapporteurs,-ICC-Prosecutor-primary-report-documenting-dozens-of-field-execution-cases-in-Gaza) (including
 14 Palestinians trapped under rubble and presumed dead in its estimate of the death toll). Many were
 15 killed by Israeli airstrikes using U.S. weapons and with U.S. military assistance. *See Israel/OPT: US-*
 16 *Made Munitions Killed 43 Civilians in Two Documented Israeli Air Strikes in Gaza – New*
 17 *Investigation*, Amnesty Int'l (Dec. 5, 2023), [https://www.amnesty.org/en/latest/news/2023/12/israel-](https://www.amnesty.org/en/latest/news/2023/12/israel-opt-us-made-munitions-killed-43-civilians-in-two-documented-israeli-air-strikes-in-gaza-new-investigation/)
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 19 [investigation/](https://www.amnesty.org/en/latest/news/2023/12/israel-opt-us-made-munitions-killed-43-civilians-in-two-documented-israeli-air-strikes-in-gaza-new-investigation/). More than 8,600 of Palestinians killed by Israeli forces were children, *Photos: Israel's*
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 22 Antonio Guterres already referring to Gaza as a “graveyard for children” in early November, U.N.
 23 Secretary-General, Press Conference by Secretary-General António Guterres at United Nations
 24 Headquarters, UN Doc. SM/SM/22021 (Nov. 6, 2023). An estimated 55,600 Palestinians have been
 25 injured, with many requiring amputations of one or more limbs. *See* Wafaa Shurafa and Jack Jeffery,

1 *Lose a Limb or Risk Death? Growing Numbers Among Gaza's Thousands of War-Wounded Face*
2 *Hard Decisions*, AP News (Dec. 27, 2023), [https://apnews.com/article/gaza-israel-war-amputees-](https://apnews.com/article/gaza-israel-war-amputees-hospitals-overwhelmed-b5a452bbf2a27364aaff68cc71b51fc5)
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4
5 These deaths and injuries are not numbers; they represent people with names, lives, hopes, and
6 dreams. Many of the people killed by Israel are family and friends of community members in the
7 United States. For example, ten Palestinian Americans living in New Jersey and New York alone lost
8 more than 1,000 family members in Gaza since the onslaught of the genocide. *See* Council on
9 American-Islamic Relations (CAIR) – New Jersey, *Palestinian Americans from New Jersey Lost*
10 *1,000+ Family Members in Israel's War on Gaza*, YouTube (Dec. 19, 2023),
11 https://www.youtube.com/watch?v=qQqU_zM2LtM.

12
13 Y.E.³ is a 27-year-old law student in Illinois. Her family is the one of the largest families in
14 Gaza. To date, Y.E. lost 120 family members. Most of her family members were killed by Israeli
15 airstrikes on their homes. Those who survived were then killed by airstrikes on the hospital where they
16 were sheltering. One family member was an 80-year-old who lost his home due to an airstrike. He was
17 forced to sleep on the street and recently died from cold exposure. Y.E. describes a particularly
18 harrowing story in which two of her young cousins went to the grocery store and returned to find their
19 home had been destroyed by an airstrike. As the young cousins were working to dig their parents and
20 sisters out of the rubble, another airstrike hit, killing them both. The only remaining member of this
21 family is a daughter who studies in Austria.

22
23 F.S. is a 25-year-old U.S. citizen in California. His brother is on active duty with the U.S
24 Armed Forces. F.S.'s parents were living in Gaza when Israel began its military offensive. When their
25 home was bombed, F.S.'s mother and father managed to crawl through the rubble. Despite F.S.'s
26

27 _____
28 ³ For safety reasons, *amici* only include the initials of the individuals whose stories are
referenced in this brief.

1 father holding a white flag and an expired U.S. passport, an Israeli sniper shot him in the leg. F.S.
2 unsuccessfully spent almost a week trying to arrange for emergency medical transport to reach his
3 father. F.S.'s father died with F.S. on the phone. His last words to his son were him begging for mercy.

4
5 **B. WITH U.S. SUPPORT, ISRAEL HAS DISPLACED MORE THAN 1.9 MILLION
6 PALESTINIANS OUT OF NEARLY 2.3 MILLION PALESTINIANS IN THE
7 GAZA STRIP.**

8 Approximately 1.9 million Palestinians have been forcibly displaced, or roughly 85 percent of
9 the total population in Gaza. *See UNRWA Situation Report #57 on the Situation in the Gaza Strip and
10 the West Bank, Including East Jerusalem*, U.N. Relief & Works Agency (Dec. 28, 2023),
11 [https://www.unrwa.org/resources/reports/unrwa-situation-report-57-situation-gaza-strip-and-west-](https://www.unrwa.org/resources/reports/unrwa-situation-report-57-situation-gaza-strip-and-west-bank-including-east-jerusalem)
12 [bank-including-east-jerusalem](https://www.unrwa.org/resources/reports/unrwa-situation-report-57-situation-gaza-strip-and-west-bank-including-east-jerusalem). Many of them have been displaced multiple times, as Palestinian
13 families have been forced to move repeatedly in search of safety. *Id.*

14 W.A., 27, is from Illinois. He lived in East Khan Yunis for several years. The home he grew up
15 in, along with all homes in East Khan Yunis, has been reduced to rubble. Many of his family members
16 have been crushed under the rubble of their homes. Surviving relatives have had to flee from sheltering
17 in available homes to schools to hospitals. At present, W.A.'s relatives are living in tents, which are
18 cramped, lack insulation and clean water, and are prone to flooding and the spread of infectious
19 disease.

20 R.E., 31, Texas, has many relatives in Gaza. At the start of the war, her relatives had over sixty
21 people sheltering in their home. Two weeks ago, the family received notice to evacuate. Since then,
22 R.E.'s family has been forcibly displaced two times. However, despite having lost their home and
23 everything they own, none of R.E.'s relatives want to leave Gaza. They have told their American
24 family that this land is their only home and that they intend to stay, and if necessary, die on their land.

25
26 **C. PALESTINIAN AMERICANS AND THEIR FAMILIES ARE STILL TRAPPED IN
27 GAZA, WITH NO U.S. PROTECTION OR EVACUATION SERVICES, AND, AT
28 TIMES, IGNORED ALTOGETHER.**

1 The Defendants' continued failure to prevent the unfolding genocide in the Gaza, and their
2 continued provision of support to the Israeli occupation forces, places hundreds of U.S. citizens,
3 residents, and their families in imminent threat of death or serious bodily injury. The U.S. State
4 Department estimates that there are about 1000 U.S. citizens, residents, and family members among
5 the 2.3 million Palestinians in Gaza, though based on the *amici*'s experience, that number is a
6 significant underestimation. *Press Briefing by Matthew Miller, State Dep't Spokesperson* (Dec. 6,
7 2023), <https://www.state.gov/briefings/departments-press-briefing-december-6-2023/> (stating "a little
8 under a thousand" U.S. citizens, LPRs, and their family members remain, "with about 350, 370 of
9 them being American citizens"). Like other Palestinians, these Palestinian Americans are facing
10 indiscriminate attacks, including aerial bombardment and a brutal ground invasion, as well as
11 unlivable conditions from limited access to food, potable water, electricity, shelter, and medicine.
12

13 U.S. citizens, residents, and their family members are effectively trapped in the Gaza Strip,
14 facing a genocide that their government refuses to prevent and, instead, actively supports. The U.S.
15 government denies its citizens, residents, and their families in Gaza *any* evacuation services. In stark
16 contrast, the State Department reportedly made 5,600 seats available by air and sea for Americans
17 wanting to leave Israel within the first week of October 7th. *See Oriana Pawlyk, U.S. to Wind Down*
18 *Charter Flights from Israel as Demand Wanes*, *Politico* (Oct. 19, 2023),
19 [https://www.politico.com/news/2023/10/19/u-s-to-wind-down-charter-flights-from-israel-as-](https://www.politico.com/news/2023/10/19/u-s-to-wind-down-charter-flights-from-israel-as-demand-wanes-00122546)
20 [demand-wanes-00122546](https://www.politico.com/news/2023/10/19/u-s-to-wind-down-charter-flights-from-israel-as-demand-wanes-00122546). While U.S. citizens in Gaza struggle to avoid death, their counterparts
21 evacuating from Israel about 100 miles north were greeted by champagne, mimosas, and lavish buffets
22 on a chartered cruise ship. *See Lauri Donahue, Evacuating in Style: US Sends Cruise Ship to Get Its*
23 *Citizens out of Israel*, *Jerusalem Post* (Oct. 17, 2023), [https://www.jpost.com/israel-news/article-](https://www.jpost.com/israel-news/article-768677)
24 [768677](https://www.jpost.com/israel-news/article-768677).
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1 With every day that passes, U.S. citizens, residents, and their families seeking to evacuate must
2 navigate a convoluted and opaque process and traverse dangerous terrain for an opportunity to safely
3 depart Gaza. Presently, the process involves individuals having to directly contact the U.S. embassy
4 in Jerusalem with a copy of their travel document, though the U.S. government explicitly states it
5 “does not control the crossing lists nor determine who is permitted to depart Gaza or enter Egypt.”
6 *Latest Information for U.S. Citizens*, U.S. Dep’t of State (Dec. 21, 2023),
7 <https://travel.state.gov/content/travel/en/traveladvisories/ea/situation-in-israel-2023.html>. U.S.
8 families trying to evacuate the Gaza Strip through the Rafah crossing – the only available point of
9 departure – must find their way to the border with no guaranteed safe passage. Even Palestinian
10 Americans who manage to get their names placed on the list are not readily allowed to cross.
11

12 B.Y., 31, is from New Jersey. He was in Gaza a month before October 7th. His entire family
13 on his mother’s side, including his grandmother, aunt, uncle, and cousins, have had to flee from their
14 beachside home in Gaza City, which they had poured all of their life’s savings into building last year.
15 They have had to relocate six times already, and currently some of B.Y.’s relatives are sheltering in a
16 grocery store basement while others are sheltering in the Maghazi refugee camp, parts of which were
17 bombed on December 25, 2023. B.Y.’s grandmother, 75, suffered a stroke sometime since the
18 beginning of October, and B.Y.’s relatives have taken her to the Rafah crossing several times hoping
19 that she will be allowed to cross for immediate medical assistance, but she has been denied several
20 times. When the family managed to complete a Crisis Intake Form⁴ for B.Y.’s grandmother, they did
21 not receive a notification of her placement on the crossing list due to spotty cell service. At the border,
22 she was told that she had missed her opportunity to leave Gaza and was sent back. Since the stroke,
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27 ⁴ Initially, the U.S. State Department required U.S. citizens, residents, and their family members seeking
28 government assistance to depart Gaza to complete a Crisis Intake Form. However, sometime during the last
two months, the U.S. government removed the form as part of the process and now requires persons to
directly contact the U.S. embassy in Jerusalem.

1 B.Y.'s grandmother has had difficulty walking, so she has to be carried around in a chair by her sons.
2 On one occasion, the Egyptian border guards physically picked her up and moved her back to Gaza.

3 **D. ISRAEL HAS SIGNIFICANTLY DESTROYED CIVILIAN INFRASTRUCTURE**
4 **AND AGRICULTURAL LANDS, DEVASTATING PALESTINIAN FAMILIES,**
5 **THEIR LIVELIHOODS, AND THE ECONOMY IN GAZA.**

6 Much of Gaza has been razed, with homes, businesses, and civilian infrastructure reduced to
7 rubble and agricultural fields damaged. A U.N. satellite-imagery based assessment from November
8 26, had already identified more than 10,000 destroyed structures, 8,200 severely-damaged structures,
9 and 19,000 moderately-damaged structures, representing 18 percent of the total structures in Gaza.
10 U.N. Satellite Centre, UNOSAT Gaza Strip Comprehensive Damage Assessment (Nov. 26, 2023),
11 <https://unosat.org/products/3769>. Satellite imagery from November also suggested that more than 54
12 percent of businesses in close vicinity to areas of violence have been impaired. *Impacts of the Conflict*
13 *in the Middle East on the Palestinian Economy*, World Bank, 3, November 2023,
14 [https://thedocs.worldbank.org/en/doc/7600aee6c75eff4cf9b71ea1fe4016db-](https://thedocs.worldbank.org/en/doc/7600aee6c75eff4cf9b71ea1fe4016db-0280012023/original/NoteWBG-dec11-CLEAN.pdf)
15 [0280012023/original/NoteWBG-dec11-CLEAN.pdf](https://thedocs.worldbank.org/en/doc/7600aee6c75eff4cf9b71ea1fe4016db-0280012023/original/NoteWBG-dec11-CLEAN.pdf). Another U.N. assessment found significant
16 impact on agricultural life whereas the “decline in the health and density of the crops can be observed
17 due to the impact of activities such as razing, heavy vehicle activity, bombing, shelling, and other
18 conflict-related dynamics,” with a significant decline in the health and density of 18 percent of arable
19 land in Gaza. U.N. Satellite Centre, UNOSAT Gaza Strip Agricultural Damage Assessment (Dec. 13,
20 2023), <https://unosat.org/products/3772/>.

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23 E.M., 36, is from Washington, DC. She came to the U.S. with her daughter, who was a U.S.
24 citizen, after her daughter was severely injured from Israeli airstrikes in the 2014 Gaza conflict for
25 medical treatment. Her family condo in Gaza City, which her mother resided in, was completely
26 destroyed by Israeli airstrikes on the building and neighborhood. Several people were killed, including
27 individuals and families that took refuge in that building and neighborhood. Her relatives are scattered
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1 and separated across the Gaza Strip, with families broken up, throughout the Gaza Strip, including
2 Deir Al-Balah and Khan Yunis.

3 The mass violence and destruction has also greatly impacted the labor market and the
4 livelihoods of Palestinians in Gaza. Estimates from the International Labour Organization suggest a
5 minimum of 66 percent of employment – the equivalent of 192,000 jobs – has been lost in Gaza
6 relative to pre-conflict level. *Impact of the Escalation of Hostilities in Gaza on the Labour Market and*
7 *Livelihoods in the Occupied Palestinian Territories: Bulletin No. 2, 3*, International Labour
8 Organization (December 2023), [https://www.ilo.org/beirut/publications/WCMS_907175/lang--](https://www.ilo.org/beirut/publications/WCMS_907175/lang--en/index.htm)
9 [en/index.htm](https://www.ilo.org/beirut/publications/WCMS_907175/lang--en/index.htm). According to the recent report, “the crippling destruction of all aspects of life in Gaza
10 Strip has resulted in the loss of 84 per cent of the Strip’s usual monthly production in October and
11 November 2023, with an estimated monthly loss of USD 200 million. . . in addition to USD 2.5 billion
12 of losses in fixed assets and property.” *Id.* at 2. The World Bank estimates that approximately 85
13 percent of workers in Gaza have been out of work since October 7, and that the Palestinian economy
14 will lose USD 1.5 billion in nominal GDP for 2023 alone. World Bank, *Impacts of the Conflict in the*
15 *Middle East on the Palestinian Economy* 3 (November 2023),
16 [https://thedocs.worldbank.org/en/doc/7600aee6c75eff4cf9b71ea1fe4016db-](https://thedocs.worldbank.org/en/doc/7600aee6c75eff4cf9b71ea1fe4016db-0280012023/original/NoteWBG-dec11-CLEAN.pdf)
17 [0280012023/original/NoteWBG-dec11-CLEAN.pdf](https://thedocs.worldbank.org/en/doc/7600aee6c75eff4cf9b71ea1fe4016db-0280012023/original/NoteWBG-dec11-CLEAN.pdf).

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21 B.E., 76, is from California. He grew up in Khan Yunis and moved to Los Angeles in the
22 seventies in pursuit of the American dream. B.E. set up a successful family business in Gaza. This
23 business was one of the lead builders of projects across Gaza including flour mills, apartment
24 complexes, schools and the airport. On October 7, 2023, B.E. was visiting family in Gaza. It took over
25 two months for B.E. to evacuate from Gaza. During his time trapped in the warzone, B.E. saw the
26 complete destruction of everything he and his family had spent their lives working to own. At present,
27 B.E.’s ancestral home, which was one of the taller buildings in the area, has been taken over by Israeli
28

1 snipers. B.E.'s ten acreage olive tree farm has been destroyed. And, a one-acre piece of land B.E.
2 owned has been turned into a mass gravesite for all three generations of B.E.'s relatives including
3 children. B.E. describes how he and his surviving family members spent days collecting body parts,
4 including severed limbs of several children to place in the mass grave.
5

6 **E. ISRAEL HAS ALSO SIGNIFICANTLY DESTROYED PALESTINIAN**
7 **INFRASTRUCTURE INTEGRAL TO PALESTINIAN LIFE AND CULTURE,**
8 **RESULTING IN COLLECTIVE HARMS.**

9 Over the past couple of months, Israel has destroyed or nearly destroyed Palestinian
10 infrastructure integral to Palestinian political, civil, economic, cultural, and social life. Israel has
11 destroyed, in whole or in part, infrastructure from the housing, health, educational, financial, social,
12 cultural, religious, and other critical sectors. More than 350 schools have sustained damages, which
13 accounts for 70 percent of the education infrastructure in Gaza. *See* Aseel Mousa and Emma Graham-
14 Harrison, *War's Toll on Education in Gaza Casts Shadow over Children's Future*, *Guardian* (Dec. 18,
15 2023), [https://www.theguardian.com/world/2023/dec/18/wars-toll-on-education-in-gaza-casts-](https://www.theguardian.com/world/2023/dec/18/wars-toll-on-education-in-gaza-casts-shadow-over-childrens-future)
16 [shadow-over-childrens-future](https://www.theguardian.com/world/2023/dec/18/wars-toll-on-education-in-gaza-casts-shadow-over-childrens-future). Eight schools have been destroyed entirely, and 206 have been majorly
17 or moderately damaged. *See* U.N. Office for the Coordination of Humanitarian Affairs, *Hostilities in*
18 *the Gaza Strip and Israel: Flash Update #79* (Dec. 28, 2023),
19 <https://www.ochaopt.org/content/hostilities-gaza-strip-and-israel-flash-update-79>. Moreover, more
20 than 4,000 students and 200 educators have been killed, and a further 7,250 students and 610 teachers
21 have been injured. *See* U.N. Office for the Coordination of Humanitarian Affairs, *Hostilities in the*
22 *Gaza Strip and Israel | Flash Update #78* (Dec. 27, 2023), [https://www.ochaopt.org/content/hostilities-](https://www.ochaopt.org/content/hostilities-gaza-strip-and-israel-flash-update-78)
23 [gaza-strip-and-israel-flash-update-78](https://www.ochaopt.org/content/hostilities-gaza-strip-and-israel-flash-update-78).
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25 Of the thirty-six hospitals in Gaza, only nine are partially functional, and even these are
26 operating at over three times their capacity, while lacking basic medical supplies, medicines –
27 including anesthesia – and fuel. *See id.* Hospitals are now hosting internally-displaced Palestinians,
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1 with one of the largest hospitals al-Shifa Hospital sheltering approximately 50,000. *See* U.N. Office
2 for the Coordination of Humanitarian Affairs, *Hostilities in the Gaza Strip and Israel: Flash Update*
3 #77 (Dec. 26, 2023), [https://www.ochaopt.org/content/hostilities-gaza-strip-and-israel-flash-update-](https://www.ochaopt.org/content/hostilities-gaza-strip-and-israel-flash-update-77)
4 77.
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6 Higher education institutions such as Al-Azhar University and the Islamic University of Gaza
7 have been destroyed. *See* Ismail Allison, *CAIR Says Destruction of Gaza University, Deadly Attacks*
8 *on U.N. Facilities and Refugee Camp Shows International Community Must Act to Stop Israeli*
9 *Government's 'Genocidal Campaign'*, Council on Am.-Islamic Relations (Nov. 4, 2023),
10 [https://www.cair.com/press_releases/cair-says-destruction-of-gaza-university-deadly-attack-on-u-n-](https://www.cair.com/press_releases/cair-says-destruction-of-gaza-university-deadly-attack-on-u-n-facilities-and-refugee-camp-shows-international-community-must-act-to-stop-israeli-governments-genocidal-campaign/)
11 [facilities-and-refugee-camp-shows-international-community-must-act-to-stop-israeli-governments-](https://www.cair.com/press_releases/cair-says-destruction-of-gaza-university-deadly-attack-on-u-n-facilities-and-refugee-camp-shows-international-community-must-act-to-stop-israeli-governments-genocidal-campaign/)
12 [genocidal-campaign/](https://www.cair.com/press_releases/cair-says-destruction-of-gaza-university-deadly-attack-on-u-n-facilities-and-refugee-camp-shows-international-community-must-act-to-stop-israeli-governments-genocidal-campaign/); *Watch: Israel Strikes the Islamic University of Gaza*, Wall St. J. (Oct. 11, 2023),
13 [https://www.wsj.com/video/watch-israel-strikes-the-islamic-university-of-gaza/B95C1AD3-C6D8-](https://www.wsj.com/video/watch-israel-strikes-the-islamic-university-of-gaza/B95C1AD3-C6D8-45CE-B5C7-0AE5B9C31EEF)
14 [45CE-B5C7-0AE5B9C31EEF](https://www.wsj.com/video/watch-israel-strikes-the-islamic-university-of-gaza/B95C1AD3-C6D8-45CE-B5C7-0AE5B9C31EEF).
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16 Religious sites and places of worship are in ruins, and more than 100 heritage sites and
17 landmarks have been damaged or destroyed by Israeli attacks. *See* Chloe Veltman, *More than 100*
18 *Gaza Heritage Sites Have Been Damaged or Destroyed by Israeli Attacks*, NPR (Dec. 3, 2023),
19 <https://www.npr.org/2023/12/03/1216200754/gaza-heritage-sites-destroyed-israel>. The destroyed and
20 damaged sites include the Great Omari Mosque, one of the most important and oldest mosques in
21 historic Palestine dating back to the seventh century, and the Church of Saint Porphyrius, thought to
22 be the third oldest church in the entire world. *See id.* In 2013, Y.E.'s family built a mosque, Masjid
23 Al-Shuhada, in honor of her late grandfather. The mosque was completed in 2016 and became a source
24 of pride, joy and community for Y.E.'s relatives and their neighbors. Several weeks ago, the Y.E.'s
25 family mosque was reduced to rubble by an Israeli airstrike.
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1 Palestinian-Americans wishing to reside in or visit Gaza would not be able to do so due to
2 the ongoing genocide, crimes against humanity, and war crimes by Israel. In the event that the
3 genocide were to end, each of the above-mentioned sectors have been largely destroyed and would
4 take years to rebuild.

5
6 **F. PALESTINIAN AMERICANS, LIKE THEIR RELATIVES IN GAZA, ARE
EXPERIENCING SEVERE PSYCHOLOGICAL AND MENTAL TRAUMA.**

7 Palestinians, including Palestinian Americans, are currently facing severe psychological and
8 mental harm related to the unfolding genocide. In Gaza, Palestinians are exposed to extreme levels of
9 physical and psychological violence. Among other individual and collective traumas, they have
10 witnessed: their family members and loved ones attacked, abducted, and murdered by Israeli soldiers,
11 and buried under rubble; their homes and neighborhoods razed to the ground; and their cultural and
12 religious sites desecrated. Palestinians are also trying to find safe spaces to avoid the near-constant
13 aerial bombardments and ground offensive, while searching for the limited sources of food, clean
14 water, medicine, and sanitation services. They are at great risk of developing serious and devastating
15 mental health disorders that will affect them for the rest of their lives. This risk is particularly
16 heightened given that Palestinians in Gaza have navigated prior trauma and hardships from decades
17 of siege, war, and violence. Even a fifteen-year-old child, for example, has already experienced five
18 periods of intense Israeli military attacks on Gaza: 2008-09, 2012, 2014, 2021, and now 2023. *See*
19 *Timeline: Israel's Attacks on Gaza Since 2005*, Al Jazeera (Aug. 7, 2022),
20 <https://www.aljazeera.com/news/2022/8/7/timeline-israels-attacks-on-gaza-since-2005> (detailing
21 Israel's attacks on Gaza since 2005).

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Palestinians in the United States with loved ones in Gaza are riddled with feelings of
hopelessness and helplessness. They have uncertainty about what is happening to their families and
friends, and worry about whether they will survive. The uneasiness and despair are compounded by
the periods of telecommunication blackouts, with no cellular service or Internet to connect with their

1 loved ones. Those who have safely left Gaza claim feeling guilty about making it out alive. A.A., a
2 50-year-old Palestinian-American from Colorado, shakes every time she reaches for her phone. She is
3 unable to regularly communicate with her family members, many of whom have fled their homes in
4 northern Gaza to shelter in the Maghazi refugee camp. She is living in constant fear; every time she is
5 able to speak with her brother in Gaza, he asks her to pray for him and their relatives because they do
6 not know if they will survive much longer. A.A. and her daughter can barely sleep, frequently checking
7 the news. She feels guilty doing everyday tasks like brushing her teeth and showering.

9 Other people expressed similar emotions, with some finding it near impossible to function at
10 their workplaces or in their communities. F.J., 51, from Texas, explains that he and his family are in
11 constant shock and feeling numb, because of the sheer devastation to their family. They cry daily.
12 They are in pain, watching their parents, who survived the Nakba (“Catastrophe”) in 1948,⁵ living
13 through another catastrophe. He wishes that his father, a survivor, never had to see something like this
14 happen again.

16 Palestinian American children are experiencing physical and cognitive symptoms of trauma,
17 such as insomnia, depression, anxiety, confusion, lack of concentration and inattentiveness, and
18 deterioration in their abilities to learn and participate in school. S.B., a 36-year-old single mother from
19 Utah, and her eleven-year-old son were in Gaza until early November, when they were able to flee to
20 Egypt. S.B. noted that after a month of dodging airstrikes, including surviving an attack at the border
21 crossing, she and her son are left traumatized. Loud noises, from cars passing on the street to the
22 sounds of a toilet flushing, trigger her son, and S.B. cannot manage to leave the side of her traumatized
23 son. *See also* Isabeau Doucet, *Some Palestinian Americans Made it out of Gaza, But Their Journeys*
24 *to Safety Aren’t Over*, *Guardian* (Dec. 14, 2023),
25 <https://www.theguardian.com/world/2023/dec/14/palestinian-americans-evacuated-gaza-israel->
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28 ⁵ The Nakba refers to the mass displacement and dispossession of Palestinians between 1947-48.

1 went to Rafah, where she was sleeping in the street. Her husband was killed in an Israeli airstrike,
 2 along with his sister and her three children. N.E.'s other cousin, wife, and two children went to stay
 3 with relatives in Rimal in a house sheltering more than forty women and children, and eleven men.
 4 Israeli soldiers abducted his cousin and the other men, lined them up and forced them to sing, before
 5 executing them all. The soldiers then attacked the house, injuring the two children and shooting N.E.'s
 6 cousin's wife as she was trying to get to her husband's body. N.E. himself is disabled, suffering from
 7 multiple sclerosis, and his symptoms have gotten worse over the past couple of months, in part due to
 8 the trauma, for which he is seeing two therapists. N.E. has tried to reach out to elected officials, but
 9 they have ignored him. He has also been assaulted for wearing his keffiyeh in the United States.
 10

11 **IV. CONCLUSION**

12 The multifaceted harms endured by Palestinian Americans in the face of Israel's ongoing
 13 genocide in Gaza are profound and wide-ranging. From the loss of life and property to forced
 14 displacement and economic disenfranchisement to psychological trauma and the erosion of
 15 cultural ties, the impact of this war reaches far beyond the immediate physical threats faced by
 16 people on the ground. In granting a preliminary injunction, this Court has the opportunity to
 17 address the pressing concerns of Palestinian Americans and, in doing so, advance the broader
 18 public interest.
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21
 22 Dated: December 29, 2023

Respectfully submitted,

23 /s/

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