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A JEWISH VOICE FOR PEACE
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9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA
11 SAN JOSE DIVISION

12 ANDREA PRICHETT, JONAH OLSON,
DUNIA HASSAN, KAUSER ADENWALA, LA
13 EDUCATORS FOR JUSTICE IN PALESTINE,
ABDULRAHMAN JARRAR on behalf of his
14 minor child, J.J., LINDA KHOURY-UMILI, on
behalf of her minor children, Y.U. and L.U., and
15 ALICE FINEN, on behalf of her minor child,
G.F.,

16 Plaintiffs,

17 v.
18

19 GAVIN NEWSOM, Governor of the State of
California, in his official capacity, ROB BONTA,
20 Attorney General of California, in his official
capacity, and TONY THURMOND, California
21 Superintendent of Public Education, in his
Official Capacity,

22 Defendants.
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Case No.: 5:25-cv-09443-NW-NMC

[Assigned to the Honorable District Judge Noël
Wise – Courtroom 3]

BRIEF OF *AMICUS CURIAE*
A JEWISH VOICE FOR PEACE

Action Filed: November 2, 2025

INTEREST OF AMICUS

Amicus Curiae A Jewish Voice for Peace, Inc. (“JVP”) appears in this case to support Plaintiffs’ Motion for Preliminary Injunction and to address two issues: (1) Defendants’ Assembly Bill AB 715’s reliance on the International Holocaust Remembrance Alliance’s (“IHRA”) redefinition of antisemitism to include antizionism and criticism of Israel,¹ and (2) *amici* American Jewish Committee, Jewish Public Affairs Committee of California, and Bay Area Jewish Coalition et al.’s position that criticism of Israel or Zionism is antisemitic. Doc. 34; Doc. 37; Doc. 38. JVP is one of the largest progressive Jewish organizations in the world. JVP has worked for over 25 years to mobilize Jewish communities to advocate for a just society in Palestine and Israel rooted in human rights rather than oppression, “equality rather than supremacy, dignity rather than domination, democracy rather than dispossession. A society where every life is precious.”² Made up of 720,000 members and supporters with chapters in nearly every state, JVP represents an important, sizeable and vocal minority Jewish viewpoint. Studies show a fifth to a third of American Jews share JVP’s viewpoint,³ and 45% of Jewish students believe Israel should not be a Jewish state or are undecided on the issue.⁴ Accordingly, JVP has a unique perspective and specific experience that can assist the Court beyond what the parties can provide.⁵ JVP seeks to appear in support of Plaintiffs’ Motion for Preliminary Injunction barring enforcement of AB 715 and its reference to the IHRA’s redefinition of antisemitism to include antizionism and criticism of Israel. *Amicus* also writes to situate Plaintiffs’ lawsuit in the broader context of the longstanding disagreements within the Jewish faith regarding Zionism and Israel.

¹ See AB 715 § (1)(i), available at <https://tinyurl.com/3b292var>, referencing the United States National Strategy to Counter Antisemitism, May 2023, p. 13, 18, 19-21, available at <https://tinyurl.com/4x96ya4y>.

² A Jewish Voice for Peace, *Our Vision*, available at <https://tinyurl.com/cemw6eb9>.

³ Decl. of Stefanie Fox ¶ 3; Jewish Electorate Institute, *November 2023 National Survey of Jewish Voters*, Nov. 18, 2023, available at <https://tinyurl.com/cue2bp3e>; Jerusalem Center for Security and Foreign Affairs, *Survey Among American Jews: Over 51% Support for Biden’s Decision to Withhold Arms Shipments to Israel*, May 31, 2024, available at <https://tinyurl.com/2e4kdavk>.

⁴ Eitan Hersh & Dahlia Lyss, Report to the Jim Joseph Foundation, *A Year of Campus Conflict and Growth: An Over-Time Study of the Impact of the Israel-Hamas War on U.S. College Students*, Sept. 2024, available at <https://tinyurl.com/mmxmj8x>.

⁵ Decl. of Stefanie Fox.

1 As antizionist Jews who criticize Israel’s policies, JVP believes “that [their] voices are needed
 2 because the Zionist movement and the state of Israel purport to speak for and act on behalf of all
 3 Jews.”⁶ But “as Jews, [JVP] do[es] not believe that to be Jewish you must support Zionism.”⁷ JVP has
 4 grave concerns that the Court will deny Plaintiffs’ Motion for Preliminary Injunction against AB 715’s
 5 enforcement and its adoption of the IHRA redefinition of antisemitism to include criticizing Israel and
 6 opposing Zionism. Should this Court permit AB 715’s enforcement and with it its reference to the
 7 IHRA’s redefinition of antisemitism to include antizionism and criticism of Israel, the Court would be
 8 permitting the state to redefine the Jewish faith. Such a ruling and law would force Jews to adopt a
 9 political ideology—Zionism—as *part of their religious beliefs*, and enshrine “do not criticize the
 10 nation-state of Israel” as a foundational religious belief in Judaism. In other words, this Court and the
 11 state would be dictating who is and is not a Jew, what Jews are required to believe, and that criticism
 12 of a political ideology and nation-state is as heinous as hatred towards a religious group. Such a
 13 finding would render antizionist Jews as not being Jews at all and would dilute the protected classes
 14 that decades of precedent and lawmaking have defined.

15 Discriminating against one type of Jew in favor of another, here Zionist Jews over antizionist
 16 Jews, restricts Jews from practicing their religious beliefs by adopting a narrow view of what it means
 17 to be Jewish. It ignores facts and decades of history, and severely limits JVP members, supporters and
 18 anyone holding similar views from exercising their constitutional rights. JVP members are students
 19 and professors who criticize Israel and reject Zionism and who would be directly impacted should the
 20 Court deny Plaintiffs’ Motion for Preliminary Injunction and allow AB 715 to go into full effect.

21 ARGUMENT

22 **I. The Original Purpose of the First Amendment and Establishment Clause Sought to** 23 **Prevent This Very Type of Government Interference with Religion: Telling Jews How to** 24 **Worship and Favoring One Type of Jew Over Another.**

25 Should this Court deny Plaintiffs’ Motion for Preliminary Injunction and permit AB 715’s
 26 enforcement which includes reference to the IHRA’s redefinition of antisemitism to include

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 28 ⁶ *Id.* at ¶ 4.

⁷ *Id.* at ¶ 11.

1 antizionism or criticizing Israel, it would allow the state to redefine what it is to be a Jew. The Court
2 would be allowing the state to dictate that any actions opposing Zionism or criticizing Israel, including
3 by Jews in JVP, are antisemitic. Such a ruling would mean that Zionism and supporting Israel are
4 required parts of the Jewish faith. But the state and this Court dictating what constitutes valid or
5 required Jewish beliefs runs directly counter to the Establishment Clause of the First Amendment, its
6 history, and its purpose.

7 The First Amendment was adopted to ensure “that neither the power nor the prestige of the
8 Federal Government would be used to control, support or influence” the kinds of worship Americans
9 practice. *Engel v. Vitale*, 370 U.S. 421, 430-431 (1962). It guards against “the pressures of government
10 for change each time a new political administration is elected to office.” *Id.* In distinguishing between
11 permissible and impermissible acts under the Establishment Clause, courts must be consistent “with
12 history and faithfully refle[c]t the understanding of the Founding Fathers.” *Kennedy v. Bremerton Sch.*
13 *Dist.*, 597 U.S. 507, 535-536 (2022) (citation omitted). The original purpose of the Establishment
14 Clause “rested upon awareness of the historical fact that governmentally established religions and
15 religious persecutions go hand in hand.” *Engel*, 370 U.S. at 432. “[T]he First Amendment. . . . was
16 written to quiet well-justified fears” when past governments had forced people to “speak only the
17 religious thoughts that government wanted them to speak.” *Id.* at 435. Its purpose was to “protect the
18 integrity of individual conscience in religious matters” and “guard against the civic divisiveness that
19 follows when the government weighs in on one side of religious debate.” *McCreary Cnty., Ky. v.*
20 *ACLU of Ky.*, 545 U.S. 844, 876 (2005). James Madison, the primary author of the First Amendment,
21 warned over 200 years ago: “Who does not see that the same authority which can establish
22 Christianity, in exclusion of all other Religions, may establish with the same ease any particular sect of
23 Christians, in exclusion of all other Sects?. . . . [and] may force him to conform.” *Engel*, 370 U.S. at
24 436; Memorial and Remonstrance Against Religious Assessments, James Madison, 1875, available at
25 <https://tinyurl.com/msbnc9r>.

26 Courts and states violate the Establishment Clause when they involve themselves in internal
27 religious affairs or discriminate against minority faiths. Courts and states must remain neutral. For
28 instance, the Establishment Clause “bar[s] the government from interfering with the decision of a

1 religious group” to reject or fire a fellow religious community member. *Hosanna-Tabor Evangelical*
2 *Lutheran Church & Sch. v. E.E.O.C.*, 565 U.S. 171, 181 (2012). Courts and states also violate the
3 Establishment Clause when they discriminate based on “an aversion or bias. . . against minority
4 faiths.” *Town of Greece v. Galloway*, 572 U.S. 565, 585-86 (2014). Adhering to the Establishment
5 Clause therefore “demands religious neutrality—government may not exercise a preference for one
6 religious faith over another.” *Van Orden v. Perry*, 545 U.S. 677, 709 (2005). To remain neutral, the
7 government should not favor “the religious practices and beliefs of some citizens” as it sends a
8 message “to nonadherents that they are outsiders or less than full members of the political
9 community.” *Santa Fe Indep. Sch. Dist. v. Doe*, 530 U.S. 290, 309-310 (2000), citing *Lynch v.*
10 *Donnelly*, 465 U.S. 668, 688 (1984) (conc. Opn. of O’Connor, J.). This is why the Establishment
11 Clause was originally designed to prevent the government “from appearing to take a position on
12 questions of religious belief.” *County of Allegheny v. ACLU*, 492 U.S. 573, 594 (1989), citing *Lynch*,
13 465 U.S. at 687 (conc. Opn. of O’Connor, J).

14 Should this Court deny Plaintiffs’ Motion for Preliminary Injunction against enforcing AB 715,
15 a law that references the IHRA’s definition that opposing Zionism or criticizing Israel are per se
16 antisemitic, the Court and state would “interfere[e] with the decision of a religious group” and internal
17 Jewish religious affairs. *Hosanna-Tabor Evangelical Lutheran Church*, 565 U.S. at 181. This Court
18 would, in essence, declare that opposing Zionism or criticizing Israel is per se antisemitic and that
19 Jews are required to believe in these political ideas. This would be a blatant exercise of “a preference
20 for one religious faith over another,” *Van Orden*, 545 U.S. at 709, based on “an aversion or bias. . .
21 against [this] minority faith[.]” *Town of Greece*, 572 U.S. at 585-86. Such an exercise would use the
22 government’s “power” and “prestige” “to control, support or influence” the kinds of worship and
23 beliefs Jews hold. *Engel*, 370 U.S. at 430-431. The result would “exclu[de] [] all other [Jewish]
24 Sects”—here, antizionist Jews who do not pledge loyalty to another nation state (Israel)—and
25 essentially expel JVP and other antizionist Jews, a minority group, from Judaism. *Id.* Yet Defendants
26 and *amicus*’ position does not represent the views of all Jews and certainly not the views of JVP, and
27 in fact runs directly counter to them.

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1 Defendants' AB 715 law and *amicus*' redefinition of antisemitism, and the Court permitting it,
 2 would find that it is now a requirement of the Jewish faith to believe in Zionism and support Israel.
 3 This would thus label JVP Jews who oppose Zionism or criticize Israel as antisemitic and not Jews
 4 themselves as they do not believe in these principles. This position ignores Jewish students and faculty
 5 at schools such as Harvard who view the IHRA definition as "intellectually vacuous" that "muddles
 6 what speech is considered immoral."⁸ It "punish[es] reasonable and valid criticism of Israel, including
 7 that which Jewish students initiate" as antisemitic.⁹ According to an Israeli Professor, by "framing
 8 [antizionist Jews'] critiques as antisemitic," Defendants' position "is a direct attack on [antizionist
 9 Jews'] Jewish identity and heritage."¹⁰ Defendants and *amici*'s position fails to take into account
 10 Israeli Professors who oppose the IHRA's definition of antisemitism as "conflat[ing] criticism of
 11 Israeli policies with antisemitism itself."¹¹ It ignores the former Hillel¹² Director of 18 years when he
 12 states "it is not antisemitic to demand justice for all Palestinians living in their ancestral lands."¹³ It
 13 even ignores opposition to adopting the IHRA as policy from Kenneth Stern, the *lead drafter of the*
 14 *IHRA itself*.¹⁴ This "cynical weaponization of antisemitism by powerful forces" is intimidation that
 15 "ultimately silence[s] legitimate criticism of Israel and of American policy on Israel."¹⁵ As the former
 16 Hillel director argues, similar to JVP, Jews must "be boldly critical of Israel—not despite being
 17 Jewish, but because [they] are."¹⁶

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 19 ⁸ Charlotte P. Ritz-Jack, *I Am a Jewish Student. Harvard's Settlement is Bad News*, The Harvard
 20 *Crimson*, Jan. 23, 2025, available at <https://tinyurl.com/you76peum>; Aaron D.A. Shakow, *I'm a Jewish*
 21 *Faculty Member at Harvard. Hillel Does Not Represent Me*, The Harvard *Crimson*, Oct. 23, 2024,
 22 available at <https://tinyurl.com/2sbt2cfn>.

23 ⁹ Ritz-Jack, *supra* note 8.

24 ¹⁰ Shakow, *supra* note 8.

25 ¹¹ Atalia Omer, *I'm an Israeli Professor. Why is My Work in Harvard's Antisemitism Report?*, The
 26 *Guardian*, May 9, 2025, available at <https://tinyurl.com/w85zra9t>.

27 ¹² Hillel is an organization active on college campuses to in part facilitate Jewish students' connections
 28 to Israel. See "What does Hillel Offer Students?" section of Hillel's website regarding the Birthright
 Israel trips, <https://www.hillel.org/hillel-faqs/>.

¹³ Bernie Steinberg, *For the Safety of Jews and Palestinians, Stop Weaponizing Antisemitism*, The
 Harvard *Crimson*, Dec. 29, 2023, available at <https://tinyurl.com/ybxv4tsj>.

¹⁴ United States Senate Judiciary Committee, Written Testimony of Kenneth S. Stern, Director, Bard
 Center for the Study of Hate, *A Threat to Justice Everywhere: Stemming the Tide of Hate Crimes in*
America, Sept. 17, 2024, available at <https://tinyurl.com/zawfmm2y>.

¹⁵ *Id.*

¹⁶ Steinberg, *supra* note 13.

1 These views represent the larger “shifting opinion on Israel/Palestine” among American Jews,
2 including those of JVP.¹⁷ Differences about Zionism and Israel are not minor, fringe disagreements,
3 but rather the biggest division facing the Jewish community today, with each side directly opposing
4 the other. A 2021 Jewish Electorate poll showed Jewish voters believed “intense criticism of Israel is
5 generally not seen as antisemitic.”¹⁸ Thirty-one percent of Jewish voters felt Israel is committing
6 genocide against Palestinians *in 2021*, long before October 7, 2023.¹⁹ Jewish organization J Street’s
7 2024 National Jewish Voters Survey found that 71% of Jewish voters do not “believe that criticism of
8 how Israel is conducting the war in Gaza is antisemitic.”²⁰ AB 715 and *amici* ignore that Judaism is a
9 millennia old religion by claiming that this ancient religion requires complete and uncompromising
10 loyalty to Israel,²¹ a nation-state just 77 years old. Defendants and *amici* cannot deny the existence of a
11 significant number of Jews in JVP and throughout the world opposing Israel’s policies who do not
12 view their Jewish faith as requiring support for Israel or Zionism. In fact, many Jews believe the
13 opposite: that their faith compels them to *oppose* Israel’s policies and Zionism.

14 Defendants and *amicus*’ position and the IHRA redefinition impermissibly force this Court to
15 “take a position on [this central disagreement over] questions of religious belief” in violation of the
16 Establishment Clause. *County of Allegheny*, 492 U.S. at 594. This Court and state upholding the AB
17 715 and IHRA’s redefinition of antisemitism to include antizionism would also violate the “integrity
18 of individual conscience in religious matters” and enable “civic divisiveness” by “weigh[ing] in on
19 one side of [this] religious debate.” *McCreary Cnty., Ky.*, 545 U.S. at 876. The Court would be
20 endorsing “the religious practices and beliefs of [Zionist Jews]” while sending a message to the
21 “nonadherent[.]” antizionist Jews who oppose Israel’s policies “that they are outsiders or less than full
22 members of the political community.” *Santa Fe Indep. Sch. Dist.*, 530 U.S. at 309-310. This would
23 “force [Jews like those in JVP] to conform” their beliefs to those of Zionist Jews’ beliefs. *Engel*, 370

24 ¹⁷ Caroline Morganti, *Recent Polls of US Jews Reflect Polarized Community: Trying to Keep Up with*
25 *Shifting Opinion on Israel/Palestine, Surveys of American Jews are Beginning to Ask Questions*,
26 Jewish Currents, June 29, 2023, available at <https://tinyurl.com/4hcu5dn9>.

27 ¹⁸ Jewish Electorate Institute: National Survey of Jewish Voters, July 2021, at 5, 36, available at
<https://tinyurl.com/yjrac6fw>.

28 ¹⁹ *Id.*

²⁰ J Street, 2024 National Jewish Voters Survey, available at <https://tinyurl.com/4ejfpbbs>.

²¹ Decl. of Stefanie Fox ¶ 10.

1 U.S. at 436; Memorial and Remonstrance Against Religious Assessments, James Madison, 1875. This
2 type of government interference defining which are and are not valid religious beliefs is exactly what
3 the Founding Fathers and drafters of the First Amendment and the Establishment Clause sought to
4 prevent.

5 A court ruling allowing enforcement of AB 715 and the IHRA’s redefinition of antisemitism
6 would result in three religious-based constitutional violations: (1) define antisemitism as criticizing
7 Israel’s policies and acts in Gaza and the West Bank and opposing Zionism; as a result, it would (2)
8 codify that supporting Israel and Zionism are tenets of Judaism, or requirements to be a Jew; and by
9 finding as such, it would (3) label Jews who criticize Israel’s policies and Zionism as *not* Jewish and,
10 worse, as inherently antisemitic. The Court and state would thus “make [antizionist Jews opposing the
11 Israeli government’s policies] speak only the religious thoughts that government wanted them to
12 speak” to still be considered valid Jews. *Engel*, 370 U.S. at 435. All of these arguments are
13 incompatible with the First Amendment and the Establishment Clause. *Amicus JVP* is not asking this
14 Court to find that Zionists Jews’ beliefs are *not* Judaism but rather asking the Court and state to refrain
15 from “weigh[ing] in on one side of [the most divisive] religious debate” to define what is and is not
16 Judaism. *McCreary Cnty., Ky.*, 545 U.S. at 876.

17 **II. In Addition to the Constitution, International Law Guarantees JVP’s Religious Freedom**

18 JVP believes Judaism embraces the principles of humanity, justice, peace and equality.
19 International law enshrines JVP’s right to their religious beliefs free of government intrusion through
20 several instruments, such as the International Covenant on Civil and Political Rights (“ICCPR”)
21 Articles 18 and 27, which guarantee religious freedom and the rights of religious minorities.²² Indeed,
22 JVP’s Jewish religious community helped build international law into what it is today. JVP’s faith
23 compels upholding international human rights, and JVP asks this Court not to interfere with or
24 contravene international law.

25 Similar to the history and origins of the First Amendment and Establishment Clause, religious
26 organizations played a key role in launching and sustaining the human rights movement including

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28 ²² ICCPR, U.N. General Assembly Treaty Series, vol. 999, Dec. 1966,
Art. 27, 18, available at <https://tinyurl.com/37hph8wp>.

1 paving the way for the Universal Declaration of Human Rights (“UDHR”). So much so that “the U.N.
2 Human Rights Office in 2017 launched an initiative called ‘Faith for Rights’” encouraging religious
3 leaders to build peaceful societies upholding human dignity and equality, and embrace diversity.²³ It is
4 the Jewish community’s suffering and persecution in the Nazi Holocaust that led to the enactment of
5 the Genocide Convention in 1948.²⁴ Compelled by this history, many Jews including JVP believe it is
6 their duty to uphold the very principles their community helped enact. The Genocide Convention
7 prohibits targeting specific groups for their national, ethnic, racial or religious affiliation, deliberately
8 inflicting living conditions to destroy this group, and forcibly transferring this group, as well as
9 conspiring to commit and complicity in these acts.²⁵ The Genocide Convention built the foundation of
10 numerous international human rights and humanitarian laws and principles celebrated today, such as
11 the Fourth Geneva Conventions mandating occupying powers protect civilians and ensure their care
12 and survival, the Convention on the Elimination of All Forms of Racial Discrimination (“ICERD”),
13 and the Convention on the Suppression and Punishment of the Crime of Apartheid.²⁶

14 Building from “generations . . . before [them, JVP] fight[s] for the liberation of all
15 people.”²⁷ JVP’s religious beliefs compel them to uphold the Genocide Convention’s principles not
16 only prohibiting genocide but also complicity in it. Based on their beliefs, JVP opposes Israel’s
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18 ²³ Press Release, “Universal Declaration of Human Rights at 70: 30 Articles on 30 Articles-Article
19 18,” Office of the High Commissioner for Human Rights, Nov. 27, 2018, available at
<https://tinyurl.com/5bca6s3x>.

20 ²⁴ Convention on the Prevention and Punishment of the Crime of Genocide (“Genocide Convention”),
21 General Assembly Resolution 260 A (III), Dec. 9, 1948, entry into force Jan. 12, 1951, available at
<https://tinyurl.com/swuvmz96>.

22 ²⁵ Genocide Convention, Art. 2, 3.

23 ²⁶ The 1949 Geneva Convention Relative to the Protection of Civilian Persons in Time of War (Fourth
24 Geneva Convention), Aug. 12 1949, 75 UNTS 287, Art. 14, 16, 18, 20, 23 (requiring occupying
25 powers safeguard hospitals, access to hospitals and safety of sick and injured people), Art. 24, 50
26 (requiring occupying powers protect and ensure the safety of children), Art. 49 (prohibiting occupying
27 powers from forcibly transferring and deporting protected persons from occupied territory), Art. 55
28 (mandating the occupying power ensure food and medicine to the occupied population), Art. 32, 33
(prohibiting torture and collective punishment by any nation state); 1966 International Convention on
the Elimination of All Forms of Racial Discrimination, Treaty Series, 660, 195, (prohibiting racial
discrimination, racial segregation and apartheid), available at <https://tinyurl.com/fjzy2c59>; The 1976
International Convention on the Suppression and Punishment of the Crime of Apartheid, U.N. Doc.
A/9030, available at <https://tinyurl.com/yc7kfj9x>.

²⁷ Jewish Voice for Peace, *Our Vision*, available at <https://tinyurl.com/cemw6eb9>.

1 policies in Gaza and the West Bank which violate international human rights and humanitarian law.
2 JVP follows the Genocide Convention’s mandate and upholds the rule of law, including the
3 International Court of Justice’s (“ICJ”) January 26, 2024 ruling ordering Israel to abide by its
4 obligations under the Genocide Convention.²⁸

5 **CONCLUSION**

6 JVP beseeches this Court to grant Plaintiffs’ Motion for Preliminary Injunction. Denying
7 Plaintiffs’ Preliminary Injunction and allowing AB 715’s enforcement would declare that Jews
8 opposing Zionism or the Israeli government’s policies are not in fact Jews, are antisemitic and thus
9 discriminatory towards themselves and their own people. JVP are following their Jewish faith and the
10 Genocide Convention’s mandate by opposing Israel’s policies in Gaza and the West Bank, and
11 Zionism. JVP requests this Court grant Plaintiffs’ Motion for Preliminary Injunction against
12 enforcement of AB 715 and reject Defendants’ and *amici’s* attempt to redefine antisemitism as
13 criticism of Israel or Zionism.

14
15 Dated: December 10, 2025

Respectfully Submitted,

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26 ²⁸ ICJ Order of Jan. 26, 2024, Doc. No. 192-20240126-ORD-01-00-EN, Case 192-Application of the
27 Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza Strip (South
28 Africa v. Israel), available at <https://www.icj-cij.org/node/203447>; ICJ Press Release on modification
of the Order of Mar. 28 2024 – Application of the Convention on the Prevention and Punishment of
the Crime of Genocide in the Gaza Strip (South Africa v. Israel).