

The Case Against Biden to Stop the Genocide

Defense for Children International–Palestine, et al. v. Joseph Biden, et al.

Filed in the Northern District of California | November 13, 2023

The Lawsuit

Defense for Children International–Palestine, et al. v. Joseph Biden, et al. is a federal lawsuit filed by Palestinians against President Biden, Secretary of State Blinken, and Secretary of Defense Austin for failing to prevent and aiding and abetting Israel's unfolding genocide in Gaza. The case was filed by the Center for Constitutional Rights for violations of international law, including those codified in the 1948 Genocide Convention and the corresponding Genocide Convention Implementation Act (18 U.S.C. § 1091) passed by the U.S. Congress in 1988.

The Plaintiffs

The plaintiffs are Palestinians in Gaza and Palestinian U.S. citizens with family members in Gaza, as well as the Palestinian human rights organizations Defense for Children International–Palestine and Al-Haq.

The Experts

The world's leading legal expert on genocide, William Schabas, submitted a declaration in the case affirming the United States' failure of its duty under international law to prevent the unfolding genocide. Scholars of genocide and the Holocaust also submitted a declaration, which includes comparative instances of recent genocides, and confirms that the elements of genocide under the Genocide Convention are present - Israel's specific intent to destroy Palestinians in Gaza as a group, and the violent acts taken towards that end.

The Ask

The lawsuit asks the court to declare that a genocide is unfolding and that President Biden and the other defendants have failed to prevent – and are aiding and abetting – genocide, and to order an end to U.S. military and diplomatic support to Israel.

What's next?

The lawsuit will be accompanied by a motion for a preliminary injunction, which seeks an emergency order to prohibit any further U.S. military, financial, and diplomatic support to Israel. We hope to have a hearing on the motion before the end of December.