

FREQUENTLY ASKED QUESTIONS

What is this case about?

Palestinians have filed this lawsuit in U.S. federal court against **President Biden**, **Secretary of State Blinken**, and **Secretary of Defense Austin** for their failure to prevent and complicity in the Israeli government's unfolding genocide against them, their families, and the 2.2 million Palestinians in Gaza. The lawsuit situates the unfolding genocide within a history of Israeli actions against the Palestinian people, starting with the Nakba in 1948. The case sets out how the defendants have failed in their legal obligation to prevent the genocide in Gaza and are providing Israel with unconditional military and diplomatic support, coordinating on military strategy, and preventing efforts to stop Israel's genocide and siege of Gaza.

Who brought this lawsuit against Biden, Blinken, and Austin?

The lawsuit is brought by **Ahmed Abu Artema**, founder of the 2018 Great March of Return, **Dr. Omar Al-Najjar**, a physician who's been working at hospitals in Gaza, and **Mohammed Ahmed Abu Rokbeh**, a local human rights field researcher. **Mohammad Monadel Herzallah**, **Laila Elhaddad**, **Waeil Elbhassi**, **Basim Elkarra**, and "**A.N.**" are Palestinian-Americans in the U.S. with families in Gaza. Together, the individual plaintiffs counted over 115 members of their families killed at the time of filing. The case is also brought by **Defense for Children International-Palestine** (DCIP) and **Al-Haq**, both leading Palestinian human rights organizations. The Center for Constitutional Rights and Van Der Hout LLP are representing the plaintiffs in this case.

How is the United States complicit in this genocide?

The U.S. has been obligated, since learning of the risk of genocide, to exercise its influence on Israel to prevent it. Instead, the U.S. has continued to provide unconditional support to Israel. This elevates U.S. actions to the level of complicity in Israel's actions. The United States' obligations to prevent genocide and not be complicit in it arise under customary international law, which is part of US federal common law. The defendants are arguing the court can't review their conduct since U.S. support for Israel is a policy question not a legal matter for the court to decide (known legally as the "political question doctrine"). Plaintiffs are not challenging discretionary policy choices, but defendants' violation of a legal duty to prevent, not further genocide. It is the court's duty to hold the Administration to its legal obligations.

What are the Palestinian plaintiffs asking the court to do?

The plaintiffs are asking the court to declare that these U.S. officials have failed to prevent genocide and are aiding and abetting genocide. They are also asking the court to order an end to U.S. military and diplomatic support for Israel's genocidal campaign against Palestinians in Gaza.

Visit the DCI-P v. Biden resource page on the Center for Constitutional Rights website for more information:

<https://ccrjustice.org/stop-the-genocide>