

# As World Watches ICJ Hearings, 77 Groups File Brief Urging U.S. Accountability for Alleged Complicity in Gaza Genocide

*77 groups file amicus brief in U.S. court, alleging U.S. complicity in genocide against Palestinians in Gaza, urging accountability under international law.*

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*Jeena Shah*

move, a coalition of 77 national and international legal organizations, bar associations, and civil society groups have jointly filed an [amicus brief](#) in a United States federal court case, [Defense for Children International - Palestine v. Biden](#), brought by Palestinian victims and organizations against President Biden and the United States government for violating its obligations under the Genocide Convention to prevent and not be complicit in the unfolding genocide by Israel against the Palestinian people in Gaza.

The amicus brief, Case No. 23-CV-05829, argues the critical need to uphold fundamental international legal norms, particularly those related to the grave crime of genocide. The signatory organizations, who collectively represent tens of thousands of lawyers and civil society leaders and activists from every corner of the world, are deeply concerned about the ongoing Israeli military attacks and humanitarian deprivations targeting Palestinians in Gaza, committed with the full military and diplomatic support of the United States government. A federal court in Oakland, CA, will hear arguments on Plaintiffs' Motion for a Preliminary Injunction and on Defendants' Motion to Dismiss on January 26, 2024.

Summary of Argument:

Genocide, the "crime of crimes," seeks the "denial of the right of existence of entire human groups." The amici assert that genocide is unfolding or, at the very least, there is a serious risk of genocide against Palestinians in Gaza and the United States has failed in its duty to prevent genocide and is complicit in the alleged atrocities.

The brief seeks to assist the U.S. judge presiding over this lawsuit on the customary international law norm prohibiting genocide, as reflected in the Genocide Convention adopted by the United Nations in 1948, and its corresponding obligations, including the specific duties to prevent genocide and avoid complicity in its commission. The amici argue that these obligations are justiciable, and federal courts in the United States offer the only meaningful forum for the plaintiffs to seek enforceable redress for the alleged violations by the U.S. government.

The organizations argue that failing to hold U.S. leaders accountable could set a dangerous precedent, encouraging other nations to disregard international law.

They draw parallels with the U.S.'s past actions in the "War on Terror" and the 2003 Iraq invasion, emphasizing the long-term global consequences of ignoring international law obligations.

The brief's submission coincides with the hearings before the International Court of Justice considering South Africa's application against Israel to ensure that the U.S. is also held accountable in its courts for its violations of fundamental international legal norms to prevent and avoid complicity in genocide.

#### Quotes:

"The lawsuit against President Biden in the U.S. and South Africa's complaint at the International Court of Justice represent a sign of hope for many Palestinians to push for an immediate ceasefire," said Basel Sourani of the Gaza-based Palestinian Centre for Human Rights. "At the same time, both cases are important to restore faith in international law, the image of which has been damaged due to the double standards and selectivity in its application, especially by Western States. The present case will also increase pressure on the ICC Prosecutor to expedite his investigation into the situation in Palestine and issue arrest warrants against Israeli political, military and security leaders. Accountability is key towards ending this 56-year-old occupation."

Meena Jagannath, Director of Global Programs and Coordinator of the Global Network of Movement Lawyers at Movement Law Lab and Counsel for the Amici signators, stated, "This amicus brief represents a powerful effort by legal practitioners and civil society organizations around the world to speak in a collective global voice to sound the alarm on the need for investigating allegations of genocide in Gaza. The breadth of signatories to our brief shows how the world is closely watching the United States' conduct in this grave violation of international law and threat to humanity."

"The global coalition's amicus brief underscores not only the urgency of the situation in Gaza, but also the broader impact on the rule of law," Jeena Shah, Associate Professor at CUNY School of Law in New York and Counsel for the Amici signators said.

“Palestinian people and all future generations worldwide demand better. Our global coalition of human rights advocates seeks to uphold and enforce all that has been built, before it is too late,” said Tara Houska, tribal attorney and founder of Giniw Collective.

Noncedo Madubedube, General Secretary of the Equal Education (EE) movement in South Africa, stated, “As a working-class movement engaged in a global struggle against inequality, oppression, and exploitation, EE is deeply committed to the principle of international solidarity, particularly with Palestine. We strongly support the case filed in U.S. federal court. We condemn the U.S. officials’ failure to prevent the Israeli government’s perpetration of genocide against Palestinians in Gaza.

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