

Palestine v. Biden: 'My Family Is Being Killed on My Dime. Pres. Biden Could Put an End to This'

Wednesday 31 January 2024, by [HASS Amira](#) (Date first published: 29 January 2024).

The intolerable combination of the words “genocide,” “Israel” and “Gaza” came up on Friday not just in The Hague, but in a federal court in Oakland, California.

A protest outside a federal court building in Oakland, California, where members of the Palestinian community present oral argument in a lawsuit seeking an emergency order halting U.S. support for Israel's ongoing war with Hamas, January 26, 2024. Credit: CARLOS BARRIA/ REUTERS

[The file on the judge's desk said the plaintiffs were the Palestinian branch](#) of the grassroots movement Defense for Children International; [Palestinian human rights group Al-Haq](#); and Laila El-Haddad, Dr. Omar al-Najjar, Wael al-Bahisi and others, all represented by the Center for Constitutional Rights. [The defendants were U.S. President Joe Biden](#), Secretary of State Antony Blinken and Defense Secretary Lloyd Austin.

'Five [killed] on my father's side, 84 on my mother's side, the al-Fara family in Khan Yunis.'

[The lawsuit, filed on November 16 against the top levels of the American administration](#), asked the court to instruct the U.S. to stop selling arms to Israel and to stop supporting genocide, as defined by the plaintiffs, who included Palestinian citizens of the U.S. with family in Gaza. A few hours after the American judge at the International Court of Justice noted that the civilian population in Gaza remains extremely vulnerable, and that Prime Minister Benjamin Netanyahu had said the war would continue for a long time, another American judge, Jeffrey White, heard the plaintiffs in Oakland and their lawyers.

Mark Van Der Hout speaks outside of a federal court building after presenting oral argument in a lawsuit seeking an emergency order halting U.S. support for Israel's ongoing conflict in Gaza, in Oakland, California, U.S., January 26, 2024. Credit: CARLOS BARRIA/ REUTERS

He must decide whether to accept the administration's position, presented by attorney Jean Lin, which calls for dismissing the lawsuit out of hand as a political matter, not a legal one. In contrast, the Center for Constitutional Rights lawyer, Katherine Gallagher, argued that selling arms to [Israel violates the Genocide Convention of 1948](#) and the 1988 American law for prevention of genocide (which was initiated by none other than then-Sen. Joe Biden, as appears on the U.S. Congress website).

The judge hinted at having doubts about his authority to rule on the case, and voiced his reservation about using the definition "genocide." But he began the session with a lengthy description of his own on the suffering of Gazan civilians due to Israeli airstrikes, following, he stressed, [Hamas' attack on October 7](#).

He then listened attentively to the Palestinian plaintiffs, who told him about numerous relatives who had been killed or wounded in these airstrikes, about families who were fleeing bombardment, moving from one shelter to another, and about houses destroyed. If you need a break, please take one, he offered Haddad, who at some point choked up. There is no need, she said, but accepted his offer and drank some water. This was after she'd told the court that her children had complained that she wasn't paying them enough attention these days.

Haddad, who was born in Kuwait to native Gazan parents, is an author and journalist who moved to Gaza for a few years to raise her first-born son there. She attracted international attention with her research about Gaza's culinary heritage, especially under the Israeli siege.

People attend a protest outside of a federal court building in Oakland, California, U.S., January 26, 2024. Credit: CARLOS BARRIA/REUTERS

When asked in court about the number of her family members killed, as far as she knew, she answered: "Five on my father's side, 84 on my mother's side, the al-Fara family in Khan Yunis." Her aunt on her father's side, who was a treasure trove of memories and recipes whom she had spent a lot of time with while living in Gaza, [was killed when an Israeli bomb was dropped on her house in the Sheikh Radwan neighborhood](#). Haddad's cousins were also killed in that strike: Houda, Wafa and Hani, and her cousin's wife Vera. A cousin who survived, said Haddad, told her how he tried to extricate his family from the ruins, she recounted matter-of-factly, with a slightly trembling voice. This meant collecting his sister's body parts and half of his mother's body. His brother bled to death in his arms, she added.

Al-Najjar, a young doctor training as a specialist, talked by Zoom from a hospital in Rafah, where he is currently working. He is from the village of Khuza'a, he said, and on the second day of the war his family had to flee due to Israeli airstrikes. From Israeli TV he knows that his and his family's homes were all flattened. They no longer exist. I've lost lecturers and teachers who were killed, he said, the university was bombed.

He talked about the wounded and the many chronic patients who cannot be treated since there are no medications, beds or staff. He told of his sister's mother-in-law who felt ill at night, during an airstrike. It was impossible to bring her from the Muassi area, where they had fled, to a hospital. She died. He told of a woman who could not have a Caesarean section at the scheduled time since there were no anaesthetics. The baby was born with cerebral palsy. Originally, he told the judge who was listening to every word, the family came from the village of Salameh, near Jaffa. "My grandparents were expelled by the Zionists in 1948," he added.

At the end of almost five hours of hearing both sides, broadcast live and available on the court's website, the judge said that this had been the hardest case, factually and legally, of his entire career.

He promised to examine it carefully, with the same seriousness with which he'd listened to Haddad saying: "My family is being killed on my dime. President Biden could, with one phone call, put an end to this."

Amira Hass

P.S.

- Haaretz. Jan 29, 2024:

<https://www.haaretz.com/opinion/2024-01-29/ty-article/.premium/my-family-is-being-killed-on-my-dime-pres-biden-could-put-an-end-to-this/0000018d-54b3-df5c-a1ad-54f7a03e0000>