

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

LISHAY LAVI, NOACH NEWMAN, ADIN)
 GESS, MAYA PARIZER, NATALIE)
 SANANDAJI, YONI DILLER, HAGAR)
 ALMOG, DAVID BROMBERG, LIOR BAR OR,)
 and ARIEL EIN-GAL) **JURY TRIAL DEMANDED**
)
 Plaintiffs,) Civil Action Case No.
)
 v.)
)
 UNRWA USA NATIONAL COMMITTEE, INC.,)
 A Delaware corporation,)
)
 Defendant.)

COMPLAINT FOR DAMAGES AND JURY DEMAND

COME NOW Plaintiffs Lishay Lavi, Noach Newman, Adin Gess, Maya Parizer, Natalie Sanandaji, Yoni Diller, Hagar Almog, David Bromberg, Lior Bar Or, and Ariel Ein-Gal (“Plaintiffs”), by and through their attorneys at the National Jewish Advocacy Center, Inc. (NJAC) and supporting counsel, and allege the following against UNRWA USA National Committee Inc. (“UNRWA USA” or “Defendant”):

INTRODUCTION

501(c)(3) nonprofit organizations generally do good work. They feed the hungry, help the poor, and house the homeless. But on some very rare occasions, a 501(c)(3) nonprofit organization finances an international terrorist plot that kills over 1,200 innocent people. This case involves one of those rare occasions.

On October 7, 2023, the foreign terrorist organization Hamas launched a surprise attack on the innocent civilians of southern Israel. This attack resulted in the murder of over 1,200 Israelis and over 6,900 injured civilians. During this attack, Hamas terrorists brutally beat, tortured, raped,

and murdered men, women, and children. But Hamas did not carry out these attacks alone. Rather, they were financed and aided by the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) and Defendant UNRWA USA National Committee, Inc. (“UNRWA USA”).

Operating as a 501(c)(3) nonprofit organization in the United States, Defendant UNRWA USA has the stated mission of “supporting the humanitarian work of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) through fundraising, advocacy, and community engagement in the United States.” Defendant UNRWA USA has been and is fully aware that UNRWA works with and for Hamas, providing operational and financial support for their activities, and UNRWA USA aids, abets, and provides material support for those activities under the guise of humanitarian assistance. Defendant UNRWA USA collects donations in the United States and then transfers nearly all its funds to UNRWA, which has significant operations in the Gaza Strip. Once the funds reach the Gaza Strip, UNRWA redistributes those funds to Hamas members on their payroll, some of whom are directly engaged in acts of terrorism, including but not limited to, the October 7th atrocities; to schools that are used to store Hamas’s weapons and other equipment; and to the production of educational materials that promote violence against Jews, including the destruction of the state of Israel. UNRWA USA raises and transfers such funds knowingly, willfully, and with the intention that the funds be used by a designated foreign terrorist organization and its members for terrorist purposes. Indeed, it knowingly, willfully, and intentionally works directly and indirectly in confederation and agreement with UNRWA, Hamas, and other terrorist organizations to provide material support to the designated foreign terrorist organizations and their members and for their terrorist activities.

In sum, Defendant UNRWA USA is not operating a legitimate 501(c)(3) nonprofit organization. It is operating a terrorist-financing scheme in violation of federal law and thereby misleading its donors, the United States government, and the international community.

NATURE OF THE ACTION

1. This is an action brought by Plaintiffs Noach Newman, Adin Gess, Maya Parizer, Natalie Sanandaji, Yoni Diller, David Bromberg, and Lior Bar Or (collectively, “U.S. Plaintiffs”) against Defendant UNRWA USA for damages pursuant to the Antiterrorism Act, 18 U.S.C. § 2333 (“ATA”), as amended by the Justice Against Sponsors of Terrorism Act (“JASTA”), Pub. L. No. 114-222 (2016), for aiding, abetting, and knowingly providing support and resources to two organizations that facilitate and carry out terrorist activities—UNRWA and Hamas—and for conspiring with them directly and indirectly to provide material support for a designated foreign terrorist organization and for terrorist purposes and activities.

2. This is also an action brought by Plaintiffs Lishay Lavi, Hagar Almog, and Ariel Ein-Gal (collectively, “Israeli Plaintiffs”) against Defendant UNRWA USA for damages pursuant to Alien Tort Statute (ATS), 28 USCS § 1350.

3. The civil liability provision of the ATA “establish[ed] a civil counterpart” to existing criminal penalties for international terrorism. *See* 137 Cong. Rec. S8143 (daily ed. Apr. 16, 1991) (statement of Sen. Grassley) (“The ATA removes the jurisdictional hurdles in the courts confronting victims and it empowers victims with all the weapons available in civil litigation.”)

4. The purpose of JASTA is “to provide civil litigants with the broadest possible basis, consistent with the Constitution of the United States, to seek relief against persons, entities, and foreign countries, wherever acting and wherever they may be found, that have provided material

support, directly or indirectly, to foreign organizations or persons that engage in terrorist activities against the United States.”

JURISDICTION AND VENUE

5. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1350, as well as pursuant to 18 U.S.C. §§ 2333(a) and 2334. Venue in this district is proper under 28 U.S.C. §§ 1391(b) and (d), as the Defendant is incorporated in the State of Delaware.

PARTIES

6. Plaintiff Lishay Lavi is an Israeli citizen. Her husband, Omri Miran, was kidnapped by Hamas terrorists on October 7, 2023, after the terrorists broke into her home in Kibbutz Nachal Oz in southern Israel. Ms. Lavi’s husband remains a Hamas hostage to this day. As a result, Ms. Lavi and her family have suffered and continue to suffer unbearable trauma, severe mental anguish, extreme emotional pain and suffering, and loss of consortium.

7. Plaintiff Noach Newman has dual citizenship in the United States and Israel. On October 7, 2023, Mr. Newman’s brother, David Yair Shalom Newman, also a dual citizen of the United States and Israel, attended the October 7 Nova Festival and was brutally murdered by Hamas terrorists. As a result, Mr. Newman and his family have suffered and continue to suffer severe mental anguish and extreme emotional pain and suffering.

8. Plaintiff Yoni Diller has dual citizenship in the United States and Israel. On October 7, 2023, Mr. Diller was in attendance at the October 7 Nova Festival when Hamas slaughtered hundreds of innocent festival attendees. Amidst the terrorist ambush, Mr. Diller sought refuge as he witnessed the massacre of festival attendees around him. Among the murdered attendees were four of Mr. Diller’s close friends. As a result of this terrorist attack, Mr. Diller has suffered severe mental anguish and extreme emotional pain and suffering.

9. Plaintiff Adin Gess is a United States citizen who lived with his family in Kibbutz Holit before and at the time of the October 7 Hamas terrorist attacks. Mr. Gess fortunately was not home during the attacks, but he witnessed the massacre on the communal WhatsApp group where he saw his friends and community pleading for help before they were brutally murdered. Mr. Gess was subsequently evacuated from his home. He has still not been able to return. As a result of the October 7 Hamas terrorist attacks, Mr. Gess has lost his home, his belongings, his community, and his way of life. In turn, Mr. Gess has suffered severe mental anguish and extreme emotional pain, and suffering.

10. Plaintiff Natalie Sanandaji is a United States citizen who resides in New York. Ms. Sanandaji was visiting Israel and in attendance at the October 7 Nova Festival with Israeli friends. When the Hamas terrorist attacks began, Ms. Sanandaji fled by car and then on foot for several hours, witnessing the atrocities first-hand and running through Hamas gunfire. Ms. Sanandaji ran on foot for over four hours before she reached safety. As a result of the October 7 Hamas terrorist attacks, Ms. Sanandaji has suffered severe mental anguish and extreme emotional pain and suffering.

11. Plaintiff Maya Parizer has dual citizenship in the United States and Israel. She attended the October 7 Nova Festival as part of her birthday celebration with her boyfriend and other friends. When the Hamas attacks began, Ms. Parizer fled by car with her boyfriend, while they dodged Hamas gunfire and passed dead bodies on the roads. As a result of the October 7 Hamas terrorist attacks, Parizer has suffered severe mental anguish and extreme emotional pain and suffering.

12. Plaintiff Hagar Almog is an Israeli citizen who lived with her family in Kibbutz Holit before and during the October 7 Hamas terrorist attacks. Ms. Almog was fortunately not

home when Hamas attacked Kibbutz Holit, but she witnessed the massacre on the communal WhatsApp group and saw her friends and community pleading for help before they were brutally murdered. Ms. Almog subsequently was evacuated from her home and still has not been able to return. As a result of the October 7 Hamas terrorist attacks, Ms. Almog has lost her home, her belongings, her community, and her way of life. She has suffered severe mental anguish and extreme emotional pain and suffering.

13. Plaintiff David Bromberg is a United States and Israeli dual citizen. He attended the October 7 Nova Festival. When the Hamas terrorist attacks began, Mr. Bromberg ran for his life until he found shelter hiding in the bushes outside of Kibbutz Be'eri, one of the many kibbutzim that Hamas ravaged. After enduring twelve hours of fear and trauma, Mr. Bromberg and others were rescued. Mr. Bromberg lost multiple friends in the Hamas attacks, and one of his friends is a Hamas hostage to this day. As a result of the October 7 Hamas terrorist attacks, Mr. Bromberg has endured severe mental anguish and extreme emotional pain and suffering.

14. Plaintiff Lior Bar Or has dual citizenship in the United States and Israel. He attended the October 7 Nova Festival with five friends. As Hamas began their pogrom, he sought protection in a shelter with other defenseless festival attendees. Mr. Bar Or and other attendees were attacked with automatic gunfire and hand-grenades, as Hamas terrorists set the shelter on fire with Bar Or and others inside. Mr. Bar Or managed to escape, but four of his friends were murdered by Hamas terrorists. As a result, Plaintiff Bar Or has suffered and continues to suffer severe mental anguish and extreme emotional pain and suffering.

15. Plaintiff Ariel Ein-Gal is an Israeli citizen. On October 7, 2023, Mr. Ein-Gal and his friends were asleep on Zikim Beach. They awoke to swarms of terrorists infiltrating the coast by boats. Mr. Ein-Gal fled from Hamas terrorists while under heavy gunfire and managed to get

to a shelter, where he hid for four hours. When he tried to escape with a car, he was ambushed by four terrorists, who shot dozens of rounds into his vehicle from close range. Mr. Ein-Gal survived, but as a result the October 7 Hamas terrorist attacks, he has suffered severe mental anguish, trauma, and extreme emotional pain and suffering.

16. Defendant UNRWA USA National Committee Inc. (“UNRWA USA”) is an independent 501(c)(3) nonprofit organization registered in the State of Delaware. It was formed in 2005. Its stated mission is to “support[] the humanitarian work of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) through fundraising, advocacy, and community engagement in the United States.”¹

FACTS

A. Hamas Terrorists Brutally Attacked Israel on October 7, 2023.

17. On October 7, 2023, the Gaza-based terrorist organization, Harakat al-Muqawama al-Islamiya—generally known as “Hamas”—led a terrorist attack in southern Israel that killed over 1,200 Israelis and took over 200 hostages.² Hamas tortured and butchered innocent men, women, and children—including U.S. citizens—at a music festival, as well as in their homes across southern Israel. The attack included a barrage of over 2,200 missiles shot from Gaza into Israel.³ Over 6,900 people were injured in the attacks.⁴

18. During these attacks, Hamas terrorists raped, mutilated, and brutally beat women.⁵

¹ *unrwa + palestine refugees*, UNRWA USA, <https://www.unrwausa.org/unrwa-palestine-refugees> (last visited Mar. 5, 2024).

² *Israel-Hamas War Israel Lowers Oct. 7 Death Toll Estimate to 1,200*, N.Y. TIMES (updated Nov. 30, 2023), <https://www.nytimes.com/live/2023/11/10/world/israel-hamas-war-gaza-news>.

³ Bill Hutchinson, *Israel-Hamas War: Timeline and key developments*, ABC NEWS (Nov. 22, 2023), <https://abcnews.go.com/International/timeline-surprise-rocket-attack-hamas-israel/story?id=103816006>.

⁴ *Id.*

⁵ Jeffrey Gettleman, *‘Screams Without Words’: How Hamas Weaponized Sexual Violence on Oct. 7*, N.Y. TIMES (updated Jan. 25, 2024), <https://www.nytimes.com/2023/12/28/world/middleeast/oct-7-attacks-hamas-israel-sexual-violence.html#:~:text='Screams%20Without%20Words'%3A%20How,%2C%20center%2C%20and%20her%20sisters>.

According to the Association of Rape Crisis Centers in Israel (ACCRI), “rape was conducted in front of an audience, such as partners, family, or friends, to increase the pain and humiliation for all present.”⁶ Independent news organizations, like *The New York Times* and *BBC*, have verified, through tapes and first-hand accounts, that Hamas committed these heinous acts of sexual violence.⁷

19. According to a report released on March 4, 2023, by the UN Special Representative on Sexual Violence in Conflict, “[T]here are reasonable grounds to believe that conflict-related sexual violence occurred during the 7 October attacks in multiple locations across the Gaza periphery, including rape and gang rape, in at least three locations.”⁸ The UN team investigating Hamas’s actions reported “that several fully naked or partially naked bodies from the waist down were recovered—mostly women—with hands tied and shot multiple times, often in the head.”⁹ In addition, “[t]here are further accounts of individuals who witnessed at least two incidents of rape of corpses of women.”¹⁰

20. The report continues, “Based on the first-hand accounts of released hostages, the mission team received clear and convincing information that sexual violence, including rape, sexualized torture, and cruel, inhuman and degrading treatment occurred against some women and children during their time in captivity and has reasonable grounds to believe that this violence may be ongoing.”¹¹

⁶ David Gritten, *Israeli report says Hamas sexual violence 'systematic and intentional'*, BBC NEWS (updated Feb. 21, 2024), <https://www.bbc.com/news/world-middle-east-68365284>.

⁷ *Id.*

⁸ U.N. OFFICE OF THE SPECIAL REPRESENTATIVE OF THE SECRETARY-GENERAL ON SEXUAL VIOLENCE IN CONFLICT, *Mission Report: Official Visit of the Office of the SRSG-SVC to Israel and the Occupied West Bank, 29 January – 14 February 2024*, ¶ 12 (Mar. 4, 2024), available at https://news.un.org/en/sites/news.un.org/en/files/atoms/files/Mission_report_of_SRSG_SVC_to_Israel-oWB_29Jan_14_feb_2024.pdf.

⁹ *Id.*

¹⁰ *Id.*

¹¹ *Id.* at ¶ 71.

21. Videos from October 7, 2023, also show Hamas terrorists, including UNRWA employees, dragging dead bodies and innocent hostages into cars and celebrating and parading Israeli bodies around Gazan cities.¹²

22. When the attacks finally concluded, October 7, 2023, marked the deadliest day for the Jewish people since the Holocaust.¹³

B. The Plaintiffs Were Victims of Hamas Terrorists on October 7, 2023.

23. The Plaintiffs were among the victims that suffered at the hands of Hamas terrorists on October 7, 2023.

24. Plaintiff Ms. Lavi and her family watched Ms. Lavi's husband and father get kidnapped by terrorists during the October 7 Hamas terrorist attacks. The whereabouts and status of Ms. Lavi's husband are still unknown to this day.

25. Plaintiff Mr. Newman lost his brother David when the Hamas terrorists breached the October 7 Nova Festival and savagely slaughtered David.

26. Plaintiffs Mr. Gess and Ms. Almog, who lived in Kibbutz Holit at the time of the October 7 Hamas terrorist attacks, witnessed the massacre of their friends and family via the communal WhatsApp group. They then were evacuated from their homes and have not returned. They have lost their homes, belongings, community, and way of life.

27. Plaintiffs Ms. Parizer and Ms. Sanandaji were in attendance at the October 7 Nova Festival when Hamas launched its attacks. They witnessed the massacre of hundreds of festival

¹² Paul P. Murphy, Allegra Goodwin, Benjamin Brown, and Sharif Paget, *Desert horror: Music festival goers heard rockets, then Gaza militants fired on them and took hostages*, CNN (updated Oct. 9, 2023), <https://www.cnn.com/2023/10/07/middleeast/israel-gaza-fighting-hamas-attack-music-festival-intl-hnk/index.html>.

¹³ Press Release, The White House, Remarks by President Biden on the October 7th Terrorist Attacks and the Resilience of the State of Israel and its People (Oct. 18, 2023), <https://www.whitehouse.gov/briefing-room/speeches-remarks/2023/10/18/remarks-by-president-biden-on-the-october-7th-terrorist-attacks-and-the-resilience-of-the-state-of-israel-and-its-people-tel-aviv-israel/>.

attendees before they wandered for hours by car and on foot as they sought refuge from Hamas terrorists.

28. Plaintiffs Mr. Diller and Mr. Bar Or also were in attendance at the October 7 Nova Festival when Hamas launched its attacks. They sought refuge as they witnessed the slaughter of festival attendees around them. Many of their friends were murdered by Hamas.

29. Plaintiff Mr. Bromberg also attended the October 7 Nova Festival. When Hamas launched its attacks, Bromberg witnessed the slaughter of hundreds of innocent people. Many of his friends were among the murdered attendees. One of his friends remains a hostage of Hamas to this day.

C. Hamas Is a Foreign Terrorist Organization.

30. The U.S. Department of State designated Hamas a Foreign Terrorist Organization (“FTO”) in October 1997.¹⁴ This designation remains current. Similarly, a host of international entities and countries also have designated Hamas a terrorist organization, including the European Union, Canada, and the United Kingdom.¹⁵

31. Hamas was founded in 1987 in Gaza by a Palestinian cleric who was an activist in local Muslim Brotherhood circles.¹⁶ In 1988, Hamas published a charter “calling for the destruction of Israel and the establishment of an Islamic society in historic Palestine.”¹⁷ Since its inception, the group “has vowed to annihilate Israel and has been responsible for many suicide

¹⁴ *Designated Foreign Terrorist Organizations*, U.S. DEP’T OF STATE, BUREAU OF COUNTERTERRORISM, <https://www.state.gov/foreign-terrorist-organizations/> (last visited Mar. 5, 2024).

¹⁵ *Responsible Reporting: Labeling Hamas as a Terrorist Organization*, ANTI-DEFAMATION LEAGUE, <https://www.adl.org/resources/blog/responsible-reporting-labeling-hamas-terrorist-organization> (last visited Mar. 5, 2024).

¹⁶ Kali Robinson, *What Is Hamas?*, COUNCIL ON FOREIGN RELATIONS (updated Oct. 31, 2023), <https://www.cfr.org/backgrounder/what-hamas>.

¹⁷ *What is Hamas? What to know about its origins, leaders and funding*, PBS.ORG (updated Oct. 13, 2023), <https://www.pbs.org/newshour/world/what-is-hamas-what-to-know-about-its-origins-leaders-and-funding>.

bombings and other deadly attacks on civilians and Israeli soldiers.”¹⁸ Article 7 of Hamas’s charter also calls for the extermination of world Jewry.¹⁹

32. In 2006, Hamas won parliamentary elections in Gaza and then seized control of the Gaza Strip from the internationally recognized Palestinian Authority in the following year.²⁰ Since 2007, Hamas has ruled over the Gaza Strip, while the Palestinian Authority has retained governing power over Area A and parts of Area B of the West Bank.²¹

33. For decades, Hamas has led attacks on Israel, including firing thousands of rockets into Israel. Due to Hamas hostility, armed conflict between Israel and Hamas has been common over the past two decades.²²

D. UNRWA and Defendant UNRWA USA Are Inextricably Linked in Their Support for Hamas.

34. During this time, Hamas has worked hand-in-hand with the United Nations Relief and Works Agency (UNRWA) to provide Hamas members with employment, to educate future Hamas members, and to finance terrorism activities.

35. UNRWA was established by the United Nations General Assembly Resolution 302 (IV) of December 8, 1949 “to carry out [...] direct relief and works programmes” for “Palestine

¹⁸ Sarah El Deeb, *What is Hamas? The group that rules the Gaza Strip has fought several rounds of war with Israel*, ASSOCIATED PRESS (updated Oct. 15, 2023), <https://apnews.com/article/hamas-gaza-palestinian-authority-israel-war-ed7018dbaae09b81513daf3bda38109a>.

¹⁹ Hamas, Covenant of the Islamic Resistance Movement art. 7 (1988).

²⁰ El Deeb, *supra* note 18.

²¹ Simon Plosker, *Do You Know Your Area A, B and C?* HONEST REPORTING (May 20, 2019), <https://honestreporting.com/area-a-b-c-west-bank-palestinian-territories/>.

²² *Timeline: Key Events In The Israel-Arab And Israeli-Palestinian Conflict*, AMERICAN JEWISH COMMITTEE (updated 2023), <https://www.ajc.org/IsraelConflictTimeline>.

refugees.”²³ The Agency commenced operations on May 1, 1950.²⁴ All of the world’s other refugees from any and every country fall under the auspices of the United Nations High Commissioner for Refugees (UNHCR).

36. In that vein, UNRWA’s website states, “Unlike [The United Nations High Commissioner for Refugees], UNRWA does not have a mandate to resettle Palestine refugees and has no authority to seek lasting durable solutions for refugees. UNRWA is mandated by the UN General Assembly to provide services to Palestine refugees . . . pending a just and lasting solution to their plight.”²⁵

37. UNRWA “is funded almost entirely by voluntary contributions.”²⁶

38. A major donor to UNRWA is Defendant UNRWA USA, which is a purportedly independent 501(c)(3) nonprofit organization. Defendant’s stated mission is to “support[] the humanitarian work of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) through fundraising, advocacy, and community engagement in the United States.”²⁷

39. While Defendant claims to be “independent of the United Nations Relief and Works

²³ The Palestinian refugee population has grown from approximately 750,000 to over 5,000,000, unlike any other refugee population in the world, due to the flexible definition of “refugee” that the United Nations has assigned specifically to the descendants of the 1948 Palestinian Arabs that fled their homes after Palestinian Arab leadership rejected the UN Partition Resolution and began launching attacks on Jewish groups. *See The Arab-Israeli War of 1948*, U.S. DEP’T OF STATE, <https://2001-2009.state.gov/r/pa/ho/time/cwr/97178.htm#:~:text=The%20Palestinian%20Arabs%20refused%20to,Jewish%20territory%20under%20the%20partition> (last visited Mar. 5, 2024). “These numbers include more than 2 million ‘refugees’ who hold Jordanian citizenship. They also include a larger number of ‘refugees’ who live in the West Bank and Gaza strip: They are citizens of the ‘Palestinian Authority’ or ‘State of Palestine’ and at the same time claim to be ‘refugees from Palestine.’” *Is UNRWA’s hereditary refugee status for Palestinians unique?*, Kohelet Policy Forum (Jan. 1, 2019), <https://en.kohelet.org.il/wp-content/uploads/2019/01/Background-paper-Is-UNRWAs-hereditary-refugee-status-for-Palestinians-unique.pdf>.

²⁴ *Frequently Asked Questions*, UNRWA, <https://www.unrwa.org/who-we-are/frequently-asked-questions> (last visited Mar. 5, 2024).

²⁵ *Id.*

²⁶ *Who We Are*, UNRWA, <https://www.unrwa.org/who-we-are> (last visited Mar. 5, 2024).

²⁷ *unrwa + palestine refugees*, UNRWA USA, <https://www.unrwausa.org/unrwa-palestine-refugees> (last visited Mar. 5, 2023).

Agency (UNRWA) and [to] operate[] in accordance with U.S. law,”²⁸ its stated mission is to support UNRWA.²⁹

40. In summarizing its 2022 Annual Report, UNRWA USA declared on its website, “in 2022 we were able to disburse over \$3.8 million to UNRWA.”³⁰ Similarly, in summarizing its 2021 Annual Report, UNRWA announced, “in 2021 we were able to disburse nearly \$5 million to UNRWA.”³¹

41. In 2021, Defendant boasted that it was “[UNRWA]’s top institutional donor.”³²

42. Not only do UNRWA and Defendant UNRWA USA share common missions, finances, and activities, but they also employ overlapping staff. The official UNRWA USA “X” account has described UNRWA employee Motaz Azaiza³³ as “our [UNRWA USA’s] freelance content producer.”³⁴ Mr. Azaiza also identifies himself as a consultant for UNRWA USA and has made videos encouraging people to donate to UNRWA USA, which would then forward funds to his primary employer UNRWA.³⁵

43. The official UNRWA USA “X” account refers to UNRWA employees as “colleagues” of UNRWA USA³⁶ and describes UNRWA USA as working “hand in hand” with

²⁸ Press Release, UNRWA USA, UNRWA USA Horrified by Allegations Against Some UNRWA Staff, Calls for Redoubled Efforts Amidst Catastrophic Humanitarian Crisis in Gaza to Aid Refugees (Jan. 29, 2024), <https://www.unrwausa.org/unrwa-usa-press-releases/unrwa-usa-horrified-by-allegations-against-some-unrwa-staff-calls-for-redoubled-efforts-amidst-catastrophic-humanitarian-crisis-in-gaza-to-aid-refugees>.

²⁹ *unrwa + palestine refugees*, *supra* note 27.

³⁰ 2022 annual report, UNRWA USA, <https://www.unrwausa.org/2022-annual-report> (last visited Mar. 5, 2024).

³¹ 2021 annual report, UNRWA USA, <https://www.unrwausa.org/2021-annual-report> (last visited Mar. 5, 2024).

³² *Id.*

³³ *Motaz Azaiza becomes Gaza’s pivotal digital journalist*, MENAFN (updated Oct. 4, 2023), <https://menafn.com/1107293317/Motaz-Azaiza-becomes-Gazas-pivotal-digital-journalist>.

³⁴ UNRWA USA (@unrwausa), X (Oct. 9, 2023, 3:30 PM), <https://twitter.com/unrwausa/status/1715088055260893582>.

³⁵ UNRWA USA (@unrwausa), *Our freelance content producer @motaz_azaiza has a message for his US audiences*, Instagram (Jan. 12, 2024), <https://www.instagram.com/unrwausa/reel/C2BS1cxgh6n/>.

³⁶ UNRWA USA (@unrwausa), X (Nov. 9, 2023, 2:03 PM), <https://twitter.com/unrwausa/status/1722691321301791127?s=20>.

UNRWA.³⁷

44. Thus, at all relevant times, Defendant UNRWA USA worked with and provided material support to UNRWA to aid and sponsor its activities and programs, including its support and employment of Hamas.

E. For Over a Decade, It Has Been Public Knowledge That UNRWA Employs Members of Hamas and That UNRWA's Employee Union Is Controlled by Hamas.

45. UNRWA and Defendant UNRWA USA's activities and support for Hamas have been well-documented and publicly known for over a decade.

46. According to UN Watch, because "around 10% of UNRWA's Gaza employees have links to the Hamas or Palestinian Islamic Jihad terrorist organizations, and 50% have close relatives who belong to those groups, many countries have decided to suspend aid to the agency."³⁸

47. This information has been publicly known and acknowledged for two decades, dating back to 2004 when then-UNRWA Commissioner-General Peter Hansen stated, "Oh, I am sure that there are Hamas members on the UNRWA payroll, and I don't see that as a crime."³⁹

48. At the time of Mr. Hansen's comments, researchers observed that "there have been numerous cases of Palestinian terrorists employed by the UNRWA or using UNRWA facilities, equipment, and vehicles to carry out terror attacks."⁴⁰ For example, "[b]etween 2000 and 2004 thirteen Palestinians employed by the UNRWA were arrested for alleged involvement in terror activities on behalf of a variety of terrorist groups, including Hamas."⁴¹

49. Hamas also has "controlled the UNRWA Gaza staff union since 2009 and many

³⁷ UNRWA USA (@unrwausa), *In conversation with @unrwausa about the critical situation on the ground in Gaza + what you can do to help*, Instagram (Oct. 27, 2023), https://www.instagram.com/p/Cy6ZNB_RFNY.

³⁸ *UPDATED: List of Countries Suspending UNRWA Funding*, UN WATCH (updated Jan. 29, 2024), <https://unwatch.org/updated-list-of-countries-suspending-unwra-funding>.

³⁹ MATTHEW LEVITT, *HAMAS: POLITICS, CHARITY, AND TERRORISM IN THE SERVICE OF JIHAD* 95 (2006).

⁴⁰ *Id.*

⁴¹ *Id.*

UNRWA employees are affiliated with Hamas,” according to a Meir Amit Intelligence and Terrorism Information Center report published on April 24, 2017.⁴² This relationship has been corroborated by Elliott Abrams, a Senior Fellow for Middle Eastern Studies at the Council on Foreign Relations and former Deputy National Security Advisor to the President and U.S. Special Representative to Iran. Mr. Abrams observed the following on September 1, 2014: “The UNRWA employees union is under Hamas control, and it’s clear that the staff is riddled with Hamas ‘activists.’”⁴³

50. As a result, Hamas exercises a strong and direct influence over UNRWA and its personnel.⁴⁴ For example, in 2021, Hamas pressured UNRWA to re-assign its Gaza Director, Mathias Schmale, following Mr. Schmale’s public comments that Israeli strikes did not target civilians.⁴⁵ Similarly, in April 2023, Hamas pressured UNRWA to reinstate a suspended teacher who endorsed terrorism.⁴⁶

51. In addition to caving to pressure from Hamas in its reassignment of Mr. Schmale, UNRWA also affirmatively expressed its solidarity with Hamas. Within weeks, in response to Mr. Schmale’s nuanced comments and condemnation from Hamas, UNRWA Deputy Commissioner-General Leni Stenseth met with Hamas leader (and mastermind of the October 7 massacre) Yahya Sinwar at his office, where she apologized for Mr. Schmale’s statements to the Israeli channel

⁴² *Resignation of Suhail al-Hindi, chairman of the UNRWA staff union in the Gaza Strip, after exposure of his election to Hamas’ new Gazan political bureau*, THE MEIR AMIT INTELLIGENCE AND TERRORISM INFORMATION CENTER (Apr. 24, 2017), <https://www.terrorism-info.org.il/en/21194>; see also *Fact Checking UNRWA Claims About Teachers and Education*, UN WATCH (updated Nov. 7, 2023), <https://unwatch.org/fact-checking-unrwa-claims-about-teachers-and-education>.

⁴³ Elliott Abrams, *Which Side Is UNRWA On?*, COUNCIL ON FOREIGN RELATIONS (updated Sep. 1, 2014), <https://www.cfr.org/blog/which-side-unrwa>.

⁴⁴ *Fact Checking UNRWA Claims About Teachers and Education*, *supra* note 42.

⁴⁵ *Id.*; see also *UN agency withdraws director from Gaza after threats*, ASSOCIATED PRESS (updated June 4, 2021), <https://apnews.com/article/united-nations-middle-east-b03eb29c5b9286fff1d6b80cf6539294>.

⁴⁶ *Fact Checking UNRWA Claims About Teachers and Education*, *supra* note 42; see also Dina Rovner, *UNRWA: A neutral agency or a political tool to attack Israel? – opinion*, JERUSALEM POST (updated May 11, 2023), <https://www.jpost.com/opinion/article-742656>.

which she said could not be defended in any way.⁴⁷

52. At that meeting, Stenseth confirmed her understanding of Sinwar's outrage to the statements and "affirmed her solidarity" with Hamas on behalf of UNRWA.⁴⁸

53. In April of 2022, less than a year after expressing her solidarity with Hamas, Ms. Stenseth, in her capacity as UNRWA's Deputy Commissioner-General, was a guest speaker and expert for Defendant UNRWA USA's live-streamed "Let's Talk UNRWA" series. Her event was entitled "UNRWA HQ Update with Leni Stenseth."⁴⁹

F. For Over a Decade, It Has Been Public Knowledge That UNRWA Employs Hamas Members in Particular as Teachers and Spreads Terrorist Propaganda against Jewish People and Israel.

54. UNRWA and Defendant UNRWA USA have also supported Hamas by employing current Hamas members and Hamas supporters as UNRWA teachers, thereby indoctrinating future Hamas members in UNRWA schools.

55. For instance, Suhail Ahmed Hassan al-Hindi served as a principal of the Palestine Boys' Elementary School, an UNRWA school, while also being elected to Hamas leadership. UNRWA did not suspend him for his ties to a terrorist organization but rather for engaging in "political activity."⁵⁰

56. Defendant UNRWA USA's website acknowledges, "Education is UNRWA's largest program."⁵¹ Defendant has played a direct role in UNRWA's education system, as Defendant proudly provided UNRWA with \$674,995 in 2022 to support "education and training"

⁴⁷ UNRWA official expresses understanding to Sinwar, AL MAYADEEN (June 3, 2021) <https://english.almayadeen.net/news/politics/1485841/unrwa-official-expresses-understanding-to-sinwar>.

⁴⁸ *Id.*

⁴⁹ *Let's Talk UNRWA: Monthly Speaker Series*, UNRWA USA, <https://www.unrwausa.org/lets-talk-unrwa> (last visited Mar. 5, 2024).

⁵⁰ *UN agency suspends staffer accused of senior Hamas role*, TIMES OF ISRAEL (Feb. 26, 2017), <https://www.timesofisrael.com/un-agency-suspends-staffer-accused-of-senior-hamas-role>.

⁵¹ *education + training*, UNRWA USA, <https://www.unrwausa.org/pillars/education> (last visited Mar. 5, 2024).

in UNRWA schools.⁵²

57. UNRWA’s education system glorifies and teaches terrorism. In fact, “[t]eachers and schools at [UNRWA] that run[] education and social services for Palestinians regularly call to murder Jews, and create teaching materials that glorify terrorism, encourage martyrdom, demonize Israelis and incite antisemitism.”⁵³

58. For example, according to a March 2023 report jointly issued by Israeli non-profit IMPACT-se and UN Watch, fifth-grade students in the Al-Zaytun Elementary School in the Gaza Strip have been given UNRWA-provided classroom materials that venerate Dalal Mughrabi, a Fatah terrorist who massacred 38 Israeli civilians.⁵⁴

59. In that same March 2023 report, it was revealed that at the Al-Maghazi Middle School for Boys B, ninth-grade students are given reading comprehension lessons that celebrate a Palestinian firebombing attack on Jews in Ramallah by referring to it as a “Barbecue Party.”⁵⁵

60. According to the same March 2023 report, at another UNRWA-funded school, the Asma Middle School for Girls B, schoolgirls are taught about “Loving the Homeland,” which teaches students that “the most precious thing” is “to nourish the homeland with [their] blood” through self-sacrifice.⁵⁶ A grammar lesson in this classroom contained the following sentence examples: “I will commit jihad to liberate the homeland,” “We Palestinians resisted the Occupation,” and “I will not give up a centimeter of my land.”⁵⁷

61. In all, the report “identifies 133 UNRWA educators and staff who were found to

⁵² 2022 annual report, *supra* note 30.

⁵³ *UN Teachers Call To Murder Jews, Reveals New Report*, UN WATCH (Mar. 14, 2023), <https://unwatch.org/un-teachers-call-to-murder-jews-reveals-new-report>.

⁵⁴ UN WATCH & IMPACT-se, UNRWA EDUCATION: REFORM OR REGRESSION? 43-47 (2023), https://www.impact-se.org/wp-content/uploads/UNRWA_Report_2023_IMPACT-se_And_UN-Watch.pdf.

⁵⁵ *See id.* at 48.

⁵⁶ *Id.* at 55.

⁵⁷ *Id.*

promote hate and violence on social media, and an additional 82 UNRWA teachers and other staff affiliated with over 30 UNRWA schools involved in drafting, supervising, approving, printing, and distributing hateful content to students.”⁵⁸

62. Similarly, in the wake of the October 7 Hamas Terrorist Attacks, UN Watch and IMPACT-se published another report detailing the sheer, unadulterated jubilation expressed by UNRWA teachers upon learning of Hamas’s brutality.⁵⁹ “UNRWA teachers in a 3,000-member UNRWA staff Telegram group cheered and celebrated Hamas’s October 7th massacre while at the same time asking when their UNRWA salaries will be paid.”⁶⁰

63. The Telegram group, titled “UNRWA-Gaza Daily Vacancies” and bearing the UNRWA logo, describes itself as “[a]n interactive group for all education workers at the International Relief Agency ‘UNRWA’ – Gaza Region.”⁶¹

64. The UNRWA Telegram group discussed topics that were common among UNRWA employees, like teacher salaries, school holidays, and supporting terrorism against Israel.⁶²

65. As the October 7, 2023, attacks were still ongoing, “[t]he UNRWA staff in the group shared photos and video footage of those events and prayed for the terrorists’ success and for Israel’s destruction, in clear violation of UN rules.”⁶³

66. For example, the Telegram group admin and UNRWA employee Israa Abdul

⁵⁸ *UN Teachers Call To Murder Jews*, *supra* note 53.

⁵⁹ See generally UN WATCH, UNRWA’S TERRORGRAM: HOW A TELEGRAM GROUP OF 3,000 UNRWA TEACHERS IN GAZA CELEBRATED THE OCTOBER 7TH HAMAS MASSACRE (2024), available at <https://unwatch.org/wp-content/uploads/2024/01/UN-Watch-UNRWA-Terrorgram-.pdf>.

⁶⁰ *Evidence Shows Widespread Support for October 7th Terrorists Among UNRWA Teachers in Gaza*, UN WATCH (Jan. 2024), <https://unwatch.org/unrwa-terrorgram>.

⁶¹ *UNRWA: Refuting UN Claim That Terrorgram is Not for UNRWA Employees*, UN WATCH (Feb. 6, 2024), <https://unwatch.org/unrwa-refuting-un-claim-that-terrorgram-is-not-for-unrwa-employees>.

⁶² UNRWA’S TERRORGRAM, *supra* note 59, at 22, 30-62.

⁶³ *Id.* at 1.

Kareem Mezher celebrated the massacre, writing “God is the greatest God is the greatest” and “Israel’s time is over.”⁶⁴

67. Another UNRWA employee Waseem Medhat Abu El Ula wrote in the group chat, “execute the first settler.”⁶⁵

68. On the morning of October 7, 2023, UNRWA Math teacher Shatha Husam Al Nawajha (“Shatha Elnawajha”) posted in the Telegram group: “May God protect them and guide their aim.” Ms. Elnawajha wished not only for “victory,” but also hoped that Hamas would return safe “and with booty.”⁶⁶

69. The UN Watch report identified thirty members of the UNRWA Telegram group that glorified and cheered on the Hamas terrorist attacks on October 7, 2023.⁶⁷

70. This Telegram report supplemented a prior UN Watch report detailing “over 150 UNRWA staff Facebook pages that contain antisemitism and incitement to jihadi terrorism” dating back to 2015.⁶⁸ For example, an UNRWA teacher and translator, Mahmoud Khalil, posted a tweet in May 2021 lauding Hamas attacks against Israel and shared a post lionizing Palestinian terrorist Udai Tamimi, who was responsible for the murder of an IDF soldier.⁶⁹ An UNRWA math teacher, Adnan Shteivi, applauded the terrorists responsible for a shooting attack in Bnei Brak in March 2022.⁷⁰

71. Defendant’s funding of the UNRWA education system not only helps to glorify and promote terrorism, but it also pays the salaries of UNRWA school teachers who openly align

⁶⁴ *Id.*

⁶⁵ *Id.*

⁶⁶ *Id.*

⁶⁷ *See id.* at 1-17.

⁶⁸ *Id.* at 1.

⁶⁹ Tzi Joffe, *UNRWA continues to teach and spread hate to Palestinians, report states*, JERUSALEM POST (Mar. 14, 2023), <https://www.jpost.com/middle-east/article-734321>.

⁷⁰ *Id.*

themselves with Hamas.

72. According to a recent report by the Israeli nonprofit IMPACT-se, at least 100 graduates from UNRWA schools have joined Hamas.⁷¹

G. For a Decade, It Has Been Publicly Known That Hamas and Other Terrorist Organizations Have Used UNRWA Schools to Store Weapons and Make Military Plans.

73. UNRWA schools have a long history of hiding weapon caches and other apparatus for terrorists.

74. During the 2014 Israel-Hamas war, UNRWA admitted—for the second time—that it “discovered” weapons hidden inside UNRWA’s Gaza Beach Elementary Co-Education “B” School but asserted that the school was “vacant.”⁷²

75. On April 27, 2015, the U.N. Secretary-General sent a report to the President of the Security Council, disclosing the findings of a U.N. board of inquiry that was investigating damage to UNRWA properties during the same 2014 war. In line with UNRWA’s “discovery,” the report confirmed that an “unidentified Palestinian armed group” hid approximately 20 rockets inside the Gaza Beach Elementary Co-educational “B” School.⁷³ The gate to the schoolyard remained unlocked during this period, however, to “to allow children access to the schoolyard,” meaning contrary to UNRWA’s assertions, the school was not actually “vacant.”⁷⁴ Mysteriously, one set of keys to the school’s classrooms remained unaccounted for.⁷⁵

76. Additionally, according to the same report, rockets were discovered and hidden

⁷¹ IMPACT-SE, UNRWA EDUCATION: TEXTBOOKS AND TERROR 4 (2023), available at <https://www.impact-se.org/wp-content/uploads/UNRWA-Education-Textbooks-and-Terror-Nov-2023.pdf>.

⁷² Press Release, UNRWA, UNRWA Condemns Placement of Rockets, for a Second Time, in One of Its Schools (July 22, 2014), <https://www.unrwa.org/newsroom/press-releases/unrwa-condemns-placement-rockets-second-time-one-its-schools>.

⁷³ U.N. SECRETARY-GENERAL, *Summary by the Secretary-General of the report of the United Nations Headquarters Board of Inquiry into certain incidents that occurred in the Gaza Strip between 8 July 2014 and 26 August 2014*, ¶¶ 58-59, U.N. DOC. S/2015/286 (Apr. 27, 2015).

⁷⁴ *Id.* at ¶ 53.

⁷⁵ *Id.*

inside the UNRWA Nuseirat Preparatory Co-Educational “B” School on July 29, 2014, and again on August 17, 2014.⁷⁶ When UNRWA reported the presence of the weapons and asked for the weapons to be removed, security personnel could not remove the rockets because of the poor security situation.⁷⁷ The very next day, UNRWA officials went to the school only to find no proper security, a broken gate lock, and no remaining weapons.⁷⁸

77. Additionally, military plans, written in Arabic, were present on the blackboard inside the UNRWA Nuseirat Preparatory Co-Educational “B” School.⁷⁹ The board of inquiry concluded there was evidence that the UNRWA school “could have been used for an unknown period of time by members of a Palestinian armed group and that it was likely that such a group may have fired the mortar [shells of which had been found] from within the premises of the school.”⁸⁰

78. In the same report, the U.N. board of inquiry also concluded that “it was highly likely an unidentified Palestinian armed group could have used the school premises” of another UNRWA school, Jabalia Elementary “C” and Ayyobiya Boys School, “to launch attacks on or around 14 July 1 [2014].”⁸¹

79. According to an NGO Monitor report dated January 18, 2023, in the last ten years, over half a dozen UNRWA schools have been found to sit atop Hamas tunnels or within their close vicinity.⁸²

80. Indeed, in 2021, the United States State Department noted in a non-classified report

⁷⁶ *Id.* at ¶¶ 71-82.

⁷⁷ *Id.* at ¶ 77.

⁷⁸ *Id.* at ¶ 78.

⁷⁹ *Id.* at ¶ 80.

⁸⁰ *Id.* at ¶ 82.

⁸¹ *Id.* at ¶ 70.

⁸² *Tunnels Under Schools: NGO Human Rights’ Monitoring for Palestinian Children Ends When Israel is Not to Blame*, NGO MONITOR (Jan. 18, 2023), <https://www.ngo-monitor.org/tunnels-under-schools-ngo-human-rights-monitoring-for-palestinian-children-ends-when-israel-is-not-to-blame>.

that “UNRWA also found a cavity or tunnel under two of its schools in Gaza following [Israeli] airstrikes during the May 2021 violence.” It continued by noting that in 2021 alone, “298 security and conflict-related incidents with neutrality implications occurred in 2021 . . . [including] unauthorized use of UNRWA installations, such as armed, non-UNRWA personnel attempting to distribute supplies to civilians on UNRWA grounds” and “the use of weapons in or near facilities.”⁸³

H. Well before October 7, Elected Officials in the United States Publicly Condemned UNRWA for Its Close Ties to Hamas.

81. For years, elected officials in the United States have publicly acknowledged and denounced UNRWA’s close affiliation with and control by Hamas.

82. In April 2021, Senator Jim Risch of Idaho and twenty other U.S. Senators sent a letter to Secretary of State Antony Blinken calling for the defunding of UNRWA until the organization was reformed.⁸⁴ The letter noted that “[o]ver the years [UNRWA] has employed individuals affiliated with Hamas, a U.S. designated terrorist organization. UNRWA schools have been used to store Hamas weapons.”⁸⁵

83. Three months later, Senator Jim Risch of Idaho and twelve other U.S. Senators introduced the United Nations Relief and Works Agency Accountability and Transparency Act, which “outline[d] a comprehensive approach to cease U.S. contributions to the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), a successor entity, or to the U.N. regular budget for the support of UNRWA unless the Secretary of State certifies

⁸³ Adam Kredo, *After \$150 Million Boost From Biden, UN Agency Cited for Inciting Violence Against Jews*, WASH. FREE BEACON (July 13, 2022), <https://freebeacon.com/national-security/after-150-million-boost-from-biden-un-agency-cited-for-inciting-violence-against-jews>.

⁸⁴ Press Release, Senate Foreign Relations Committee, Risch Leads 20 Colleagues in Urging Administration to Cease Assistance to UNRWA Until Reforms are Secured (Apr. 22, 2021), <https://www.foreign.senate.gov/press/rep/release/risch-leads-20-colleagues-in-urging-administration-to-cease-assistance-to-unrwa-until-reforms-are-secured>.

⁸⁵ *Id.*

every 180 days to Congress that UNRWA meets strict accountability and transparency criteria.”⁸⁶

84. Senator Risch further observed that “the organization has employed individuals affiliated with Hamas, a U.S. designated foreign terrorist organization (FTO), and its schools have been used to promote anti-Semitism and store Hamas weapons.”⁸⁷

85. In 2021, Senator Tillis of North Carolina stated, “U.S. tax dollars should not go to any U.N. agency supporting individuals associated with Hamas or anti-Semitism. I am proud to cosponsor this legislation that would cease U.S. support to UNRWA unless they show additional transparency.”⁸⁸

86. In 2021, Senator Crapo of Idaho denounced UNRWA, stating, “The UNRWA now practices activities far beyond its intended scope, including engaging in antagonistic behaviors toward Israel. American taxpayers should not have to continue footing the bill to fund an agency linked to foreign terrorist groups or using and promoting anti-Semitic material.”⁸⁹

87. Senator Daines of Montana also opined, “We must ensure taxpayer dollars are not being funneled into programs that support terrorist organizations and promote antisemitism.”⁹⁰

88. Senator Young of Indiana highlighted UNRWA’s employment of Hamas terrorists: “Instead of just caring for refugees, UNRWA supports – and even employs – members of the terrorist organization Hamas, funds anti-Semitic and radical Islamic instruction, and undermines efforts to achieve peace between Israel and the Palestinians.”⁹¹

89. Senator Collins of Maine also remarked, “[UNRWA] has a record of employing

⁸⁶ Press Release, Senate Foreign Relations Committee, Risch Leads 12 Colleagues in Introducing UNRWA Accountability and Transparency Act (July 27, 2021), <https://www.foreign.senate.gov/press/rep/release/risch-leads-12-colleagues-in-introducing-unrwa-accountability-and-transparency-act>.

⁸⁷ *Id.*

⁸⁸ *Id.*

⁸⁹ *Id.*

⁹⁰ *Id.*

⁹¹ *Id.*

individuals affiliated with Hamas, a U.S. designated terrorist organization, as well as promoting anti-Semitism.”⁹²

90. Senator Rick Scott of Florida noted, “Just a few months ago, we saw Hamas terrorists attack our great ally, Israel. American taxpayer dollars should never be used to fund terrorist organizations like Hamas through the United Nations Relief and Works Agency. It’s common sense.”⁹³

91. Senator Blackburn of Tennessee also highlighted UNRWA’s direct ties to Hamas: “While the UNRWA was established nearly 70 years ago with the intent of assisting refugees, it has evolved into a cash funnel for Hamas and a mouthpiece for anti-Semitism.”⁹⁴

92. Even Hamas implicitly has acknowledged its reliance on UNRWA to operate. After the United States halted funding to UNRWA in 2018, Hamas senior official Sami Abu Zuhri blamed “the Zionist background of the American leadership” for “such unjust decisions.”⁹⁵

I. UNRWA Was Directly Involved in the October 7 Hamas Terrorist Attacks.

93. Awareness of UNRWA’s support of Hamas did nothing to deter UNRWA USA’s support of UNRWA.

94. Along with providing Hamas with decades of funding and support, UNRWA and Defendant UNRWA USA provided direct support for Hamas on October 7, 2023, in the form of financing and personnel, including actual, direct participation in the atrocities of October 7 and continuing participation in the ongoing terrorism and the keeping of hostages since.

95. In January 2024, *The New York Times* detailed a report on the involvement of

⁹² *Id.*

⁹³ *Id.*

⁹⁴ *Id.*

⁹⁵ *Wishing away Palestinian refugees: End of US’ UNRWA aid explained*, Al Jazeera (Sept. 2, 2018), <https://www.aljazeera.com/news/2018/9/2/wishing-away-palestinian-refugees-end-of-us-unrwa-aid-explained>.

UNRWA employees in the October 7 Hamas terrorists attacks.⁹⁶ The report, based on a review of Israeli intelligence reports, identified at least twelve UNRWA employees that directly participated in the attacks. “[S]even of the accused were also said to be teachers at UNRWA schools, instructing students in subjects like math and Arabic” and “[t]wo others worked at the schools in other capacities.”⁹⁷

96. On January 29, 2024, *The Wall Street Journal* reported that “around 10% of [UNRWA’s] 12,000 staff in Gaza have links to militants,” based on the newspaper’s own review of the same intelligence reports.⁹⁸

97. According to the same intelligence reports, at least six UNRWA employees actually took part in the invasion of Israel and the ensuing atrocities in violation of any accepted concept of international humanitarian law. “Two helped kidnap Israelis. Two others were tracked to sites where scores of Israeli civilians were shot and killed. Others coordinated logistics for the assault, including procuring weapons.”⁹⁹

98. According to the same intelligence reports, the Hamas commander who took part in the savage destruction of Kibbutz Be’eri—where 97 people were killed and over two dozen people were kidnapped—was also an UNRWA Arabic teacher.¹⁰⁰ As stated by *The New York Times*, “No Israeli town suffered more bloodshed on Oct. 7 than the village of Be’eri.”¹⁰¹

99. Following these reports, the United Nations—essentially acknowledging UNRWA

⁹⁶ Ronen Bergman & Patrick Kingsley, *Details Emerge on U.N. Workers Accused of Aiding Hamas Raid*, N.Y. TIMES (Jan. 28, 2024), <https://www.nytimes.com/2024/01/28/world/middleeast/gaza-unrwa-hamas-israel.html>.

⁹⁷ *Id.*

⁹⁸ Carrie Keller-Lynn & David Luhnow, *Intelligence Reveals Details of U.N. Agency Staff’s Links to Oct. 7 Attack*, WALL ST. J. (updated Jan. 29, 2024), <https://www.wsj.com/world/middle-east/hamas-military-compound-found-beneath-u-n-agency-headquarters-in-gaza-7e29c758>.

⁹⁹ *Id.*

¹⁰⁰ *Id.*

¹⁰¹ Patrick Kingsley, Aaron Boxerman, Natan Odenhemier, Ronen Bergman & Marco Hernandez, *The Day Hamas Came*, N.Y. TIMES (Dec. 22, 2023), <https://www.nytimes.com/interactive/2023/12/22/world/europe/beeri-massacre.html>.

employee involvement in the October 7 Hamas terrorist attacks—fired nine employees. Eight countries, including the United States, subsequently suspended aid to UNRWA.¹⁰²

100. The United Nations secretary general António Guterres stated he was “horrificed by these accusations.”¹⁰³

101. Swiftly, the U.S. Department of State announced that it “ha[d] temporarily paused additional funding for UNRWA” in response to the “extremely troubling . . . allegations that twelve UNRWA employees may have been involved in the October 7 Hamas terrorist attack on Israel.”¹⁰⁴ The Department of State emphasized that “[t]here must be complete accountability for anyone who participated in the heinous attacks of October 7.”¹⁰⁵

102. On January 31, 2024, a group of twenty-one U.S. Senators sent a letter to Senate Majority Leader Chuck Schumer and Minority Leader Mitch McConnell requesting that the United States cease all contributions to UNRWA in response to the report. The letter stated that UNRWA’s involvement in the terrorist attacks was “emblematic of an organization where no investigation or subsequent corrective measures will ever be enough to cure the rot that is so clearly endemic to its mission.”¹⁰⁶

103. The January 31, 2024, letter further noted, “For years, we have seen documented evidence of the corruption, antisemitism, and support for terrorism that exists inside this organization. As we learned last week, UNRWA not only employs Hamas members, but rather Hamas fighters whose actions on October 7 resulted in the rape, kidnapping, torture, and murder

¹⁰² *Id.*

¹⁰³ *Id.*

¹⁰⁴ *Statement on UNRWA Allegations*, U.S. DEP’T OF STATE, OFFICE OF THE SPOKESPERSON (Jan. 26, 2024), <https://www.state.gov/statement-on-unrwa-allegations>.

¹⁰⁵ *Id.*

¹⁰⁶ Letter from Pete Ricketts *et al.* to Chuck Schumer and Mitch McConnell (Jan. 31, 2024), <https://senatorkevincrumer.app.box.com/s/5rh35mo9ip1trv13kx7a5xp2pk4nv0e5>.

of innocent civilians,” including nearly three dozen Americans.¹⁰⁷

104. In early February 2024, it also emerged that at least two UNRWA teachers separately held hostage Israeli civilians abducted on October 7, 2023, in their homes, while UNRWA—and Defendant UNRWA USA—continued to pay their salaries.¹⁰⁸

105. On February 13, 2024, the U.S. Senate passed a bill that blocked all U.S. funding to UNRWA. The bill passed with overwhelming bipartisanship support, with seventy U.S. Senators voting in favor of it.¹⁰⁹

106. The United States is joined now by at least seventeen other countries and entities that have also cut funding to UNRWA, including Germany, the European Union, Sweden, Japan, France, Switzerland, Canada, the United Kingdom, the Netherlands, Australia, Italy, Austria, Finland, New Zealand, Iceland, Romania, and Estonia.¹¹⁰

107. *The Washington Post* also recently released CCTV footage of an UNRWA social worker driving toward an open gate to Kibbutz Be’eri on October 7, 2023. In the footage, the UNRWA employee picks up an apparently deceased Israeli body off the street, loads the body into his SUV, and drives off.¹¹¹

108. On February 16, 2024, Israeli Defense Minister Yoav Gallant announced an

¹⁰⁷ Press Release, Kevin Cramer, Senators Stress the Need for U.S. to Permanently Stop Contributions to the UNRWA (Feb. 2, 2024), <https://www.cramer.senate.gov/news/press-releases/senators-stress-the-need-for-us-to-permanently-stop-contributions-to-the-unrwa>.

¹⁰⁸ Andrew Tobin, *UNRWA Teachers Held Israeli Boy, Elderly Woman Hostage for Hamas*, WASH. FREE BEACON (Feb. 2, 2024) <https://freebeacon.com/national-security/unrwa-teachers-held-israeli-boy-elderly-woman-hostage-for-hamas>.

¹⁰⁹ Alexander Bolton, *Senate package doesn’t fund UN agency after allegations tied to Oct. 7 attacks*, THE HILL (Feb. 4, 2024), <https://thehill.com/homenews/senate/4448092-senate-package-doesnt-fund-un-agency-after-allegations-tied-to-oct-7-attacks>; see also Scott Wong, Frank Thorp V & Kate Santaliz, *Senate passes aid package for Ukraine and Israel, but its future is uncertain in the House*, NBC NEWS (Feb. 13, 2024), <https://www.nbcnews.com/politics/congress/senate-passes-aid-package-ukraine-israel-future-uncertain-house-rcna138502>.

¹¹⁰ *UPDATED: List of Countries Suspending UNRWA Funding*, *supra* note 38.

¹¹¹ Chris Dehghanpoor, Miriam Berger, Sarah Cahlan, Shane Harris & Joyce Sohyun Lee, *Video is said to show U.N. relief worker taking body of Israeli shot on Oct. 7*, WASH. POST (Feb. 16, 2024), <https://www.washingtonpost.com/investigations/2024/02/16/unrwa-video-oct-7-israel>.

upwardly revised number regarding UNRWA's physical participation in the October 7 attacks, stating "that over 30 UNRWA workers participated in the massacre, including the taking of hostages."¹¹² Minister Gallant asserted that "12 percent of UNRWA's 13,000 workers are affiliated with Hamas and Palestinian Islamic Jihad, a smaller Islamist group in the Gaza Strip."¹¹³

109. The Israeli army also reported that Hamas operated a tunnel system under the UNRWA headquarters in Gaza, releasing a video showing the tunnel hideout of Hamas leader Yahiya Sinwar in southern Gaza.¹¹⁴ The tunnel hideout was stocked with UNRWA packages and supplies.¹¹⁵

110. Hamas also operated a subterranean data center beneath the UNRWA's Gaza headquarters that reportedly relied on UNRWA's energy supply.¹¹⁶ As in the instance of UNRWA schools shielding terror tunnels, UNRWA miraculously did not notice a massive tunnel several hundreds of meters long being constructed beneath its headquarters or a jump in its electrical usage once Hamas's large data center became operable.

111. But even after UNRWA was condemned and defunded, Defendant UNRWA USA doubled down on its financing of UNRWA's terrorist activities. At all relevant times, Defendant has conspired with UNRWA, Hamas, and others to finance, promote, foster, support, endorse, approve, and engage in the terrorist activities and agenda of Hamas and other foreign terrorist organizations and their members.

J. At All Relevant Times, Defendant UNRWA USA Was Aware of UNRWA and Hamas's Terrorist Activities—But Defendant Continued to Provide Support and Funding.

¹¹² *Id.*

¹¹³ *Id.*

¹¹⁴ *Id.*

¹¹⁵ *Id.*

¹¹⁶ Ronny Reyes, *Israel uncovers Hamas tunnels under UNRWA headquarters in Gaza, claims terrorists siphoned electricity from the site*, N.Y. POST (Feb. 11, 2024), <https://nypost.com/2024/02/11/news/israel-uncovers-tunnels-beneath-unrwas-headquarters-in-gaza/>.

112. At all relevant times, Defendant UNRWA USA has been aware of UNRWA's involvement with Hamas, as detailed in the aforementioned articles and cited reports.

113. For example, on January 11, 2024, UNRWA USA Communications Director Diala Ghneim hosted an Instagram live discussion with UNRWA USA Executive Director Mara Kronenfeld on the official UNRWA USA Instagram page. During this Instagram live feed, Ms. Ghneim and Ms. Kronenfeld discussed the UN Watch report "UNRWA'S TERRORGRAM." Ms. Kronenfeld said she was aware of this report and UN Watch's previous reports.¹¹⁷

114. Thus, Defendant UNRWA USA was fully aware that UNRWA employees supported, engaged in, and celebrated the terrorist attacks on October 7, but Defendant continued to fund UNRWA and its terrorist activities before, during, and after the October 7 terrorist attack.

115. On January 29, 2024, Defendant UNRWA USA issued an official statement acknowledging "the recent allegations against twelve UNRWA staff members." Notwithstanding the acknowledged link between UNRWA and Hamas, Defendant—in the very same official statement—restated its commitment to sending funding to UNRWA:

For our part, UNRWA USA will continue its tireless efforts to help Palestine refugees in desperate need in Gaza. The need for international aid is more urgent than ever, and UNRWA has a critical role to play in providing it. Rather than pulling back on aid to UNRWA, redoubling aid efforts, to ensure UNRWA can continue and increase its vital humanitarian support in Gaza, is more urgent than ever.¹¹⁸

116. Defendant UNRWA USA's statement is shocking, yet unsurprising, given the anti-Israel sentiments that perniciously pervade Defendant's staff.

¹¹⁷ UNRWA USA(@unrwausa), Instagram, <https://www.instagram.com/unrwausa/tv/C1-L7kvgYB6>.

¹¹⁸ Press Release, UNRWA USA, UNRWA USA Horrified by Allegations Against Some UNRWA Staff, Calls for Redoubled Efforts Amidst Catastrophic Humanitarian Crisis in Gaza to Aid Refugees (Jan. 29, 2024), <https://www.unrwausa.org/unrwa-usa-press-releases/unrwa-usa-stands-firm-in-its-commitment-to-palestine-refugees>.

117. Indeed, the pro-Hamas sentiment of Defendant starts at the top with Defendant's Board Member, Karen AbuZayd.

118. In 2005, Ms. AbuZayd was appointed UNRWA Commissioner-General to succeed outgoing Commissioner-General Peter Hansen. One year prior to Ms. AbuZayd's promotion, Hansen stated, as asserted prior, "Oh, I am sure that there are Hamas members on the UNRWA payroll, and I don't see that as a crime."¹¹⁹ At that time, Ms. AbuZayd was Mr. Hansen's Deputy Commissioner-General; upon information and belief, she was aware of Hansen's comments and the pervasiveness of Hamas's influence in UNRWA.

119. To be sure, in April 2006, Ms. AbuZayd also stated that she commonly met with Hamas and would continue to do so: "It doesn't make sense to reduce contacts when you've been asked to increase your activities," she said, stressing that UNRWA had "no intention of changing' its operations."¹²⁰

120. With Ms. AbuZayd serving on the Board of Directors for Defendant, the leadership of Defendant is, and at all relevant times, has been fully aware of Hamas's intimate involvement in UNRWA's operations.

121. Nonetheless, in furtherance of its conspiracy with UNRWA, Hamas, and others, and as further evidence of its knowingly and intentionally aiding and abetting Hamas and its terrorist activities, Defendant has continued to send support to UNRWA and Hamas year after year, including the transfer of approximately \$3,000,000 in 2020¹²¹; \$5,000,000 in 2021¹²²; and

¹¹⁹ LEVITT, *supra* note 39, at 95.

¹²⁰ Chronology, United Nations, Chronological Review of Events Relating to the Question of Palestine (April 2006), U.N. Doc. DPR/Chron/2006/4, <https://www.un.org/unispal/document/auto-insert-198923>.

¹²¹ UNRWA USA, Form 990 (2020), <https://www.unrwausa.org/s/UNRWA-USA-2020-Form-990.pdf>.

¹²² UNRWA USA, Form 990 (2021), <https://www.unrwausa.org/s/UNRWA-USA-2021-Form-990.PDF>.

\$3,800,000 in 2022.¹²³

122. With mounting public pressure due to the publicized Hamas-UNRWA ties, Defendant UNRWA USA announced on March 1, 2024, that it was temporarily halting funding to UNRWA and that it “supports the ongoing investigations of UNRWA by the United Nations Office of Internal Oversight Services (OIOS) and the independent review group.”¹²⁴ But in that same public statement, Defendant reaffirmed its commitment to funding terrorist activities again in the future: “[UNRWA USA] intends to resume financial support to UNRWA upon appropriate resolution of these investigations.”¹²⁵

FIRST CLAIM FOR RELIEF

VIOLATION OF THE ANTI-TERRORISM ACT, 18 U.S.C. § 2333(d) (Aiding-and-Abetting Liability, Provision of Substantial Assistance Predicate)

123. U.S. Plaintiffs repeat and reallege every allegation of the foregoing paragraphs as if fully set forth herein.

124. As a designated Foreign Terrorist Organization (FTO) under 8 U.S.C. § 1189, Hamas has committed, planned, or authorized activities that involved violence or acts dangerous to human life that are a violation of the criminal laws of the United States, or that would be a criminal violation if committed within the jurisdiction of the United States, including inter alia the prohibition on killing, attempting to kill, causing serious bodily injury, or attempting to cause serious bodily injury to U.S. citizens as set forth in 18 U.S.C. § 2332.

¹²³ UNRWA USA, Form 990 (2022), <https://www.unrwausa.org/s/UNRWA-2022-Form-990-Public-Disclosure-Copy.PDF>.

¹²⁴ Press Release, UNRWA USA, UNRWA USA Stands Firm in its Commitment to Palestine Refugees (Mar. 1, 2024), <https://www.unrwausa.org/unrwa-usa-press-releases/unrwa-usa-stands-firm-in-its-commitment-to-palestine-refugees>.

¹²⁵ *Id.*

125. These activities committed, planned, or authorized by Hamas occurred entirely or primarily outside of the territorial jurisdiction of the United States.

126. These activities committed, planned, or authorized by Hamas appear to have been, and were intended to do the following: (a) intimidate or coerce the civilian populations of Israel, the United States, and other countries; (b) influence the policy of the Governments of Israel, the United States, and other countries by intimidation or coercion; or (c) affect the conduct of the Governments of Israel, the United States, and other countries by mass destruction, assassination, or kidnapping.

127. These activities, therefore, constituted acts of international terrorism as defined in 18 U.S.C. § 2331(1), cross-referenced in 18 U.S.C. § 2333(d)(2).

128. Defendant knowingly solicited funds for and provided substantial financial assistance to UNRWA, an organization that is openly and closely intertwined with Hamas, which provides operational and financial support to Hamas, and an organization that Hamas exercises control over, especially its employees. Defendant thus aided and abetted Hamas in committing, planning, or authorizing acts of international terrorism, including the acts of international terrorism that injured U.S. Plaintiffs.

129. Defendant was generally aware that Hamas had corrupted, coopted, and compromised UNRWA. For example, Defendant was fully aware that its millions of dollars in donations to UNRWA were going to an organization whose paid employees and agents were Hamas members. Defendant was fully aware that Hamas controlled the UNRWA employees' union and that employees' disloyal to Hamas would cost them their jobs. Defendant was generally aware that Hamas and other militants used UNRWA-funded school buildings to launch attacks and to move and store weapons. Accordingly, Defendant was generally aware that its funding of

UNRWA was lining the pockets of Hamas.

130. For approximately 19 years, Defendant UNRWA USA has raised funds to primarily and predominately support UNRWA.

131. UNRWA USA is closely intertwined with UNRWA and directly funds UNRWA, which is also closely intertwined with Hamas and directly funds Hamas personnel.

132. U.S. Plaintiffs have been injured in their persons by reason of the acts of international terrorism committed, planned, or authorized by Hamas.

133. By aiding and abetting Hamas in committing, planning, or authorizing acts of international terrorism, including acts that caused each of the U.S. Plaintiffs to be injured in his or her person and property, Defendant is liable pursuant to 18 U.S.C. § 2333(d) for, threefold any and all, damages that U.S. Plaintiffs have sustained as a result of such injuries, and the costs of this suit, including attorney's fees.

134. Furthermore, incorporating by reference everything above, Defendant's provision of financial assistance to Hamas satisfies 18 U.S.C. § 2339B, which criminalizes the provision of material support to an FTO when the person "knows that the organization is a designated terrorist organization . . . , that the organization has engaged or engages in terrorist activity (as defined in section 212(a)(3)(B) of the Immigration and Nationality Act), or that the organization has engaged or engages in terrorism (as defined in section 140(d)(2) of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989)." 18 U.S.C. § 2339B.

135. When prosecuting under 18 U.S.C. § 2339B, the U.S. Government must show beyond a reasonable doubt that a person provided material support to a terrorist organization. In contrast, 18 U.S.C. § 2333(d) requires only a showing by a preponderance of the evidence that Defendant provided substantial assistance to the terrorist organization that committed the acts that

injured U.S. Plaintiffs.

136. The high degree to which UNRWA and Hamas are and have been openly intertwined for well over a decade is incontrovertible—from UNRWA’s consistent provision of operational support for Hamas’s terrorist activities (including, among other things, space for Hamas to launch their attacks and store weapons) to UNRWA’s hiring of Hamas personnel (including several of the October 7 terrorists).

137. Therefore, by committing violations of 18 U.S.C. § 2339B that have caused U.S. Plaintiffs to be injured in his or her person, business or property, Defendant undoubtedly is liable pursuant to 18 U.S.C. § 2333 for any and all damages that U.S. Plaintiffs have sustained as a result of such injuries.

SECOND CLAIM FOR RELIEF

VIOLATION OF THE ANTI-TERRORISM ACT, 18 U.S.C. § 2333(d) (Aiding-and-Abetting Liability, Conspiracy Predicate)

138. U.S. Plaintiffs repeat and reallege every allegation of the foregoing paragraphs as if fully set forth herein.

139. By knowingly conspiring, directly and indirectly, with UNRWA, Hamas, and others to facilitate their operations and in furtherance of Hamas’s committing, planning, or authorizing acts of international terrorism, including acts that caused the U.S. Plaintiffs to be injured in his or her person and property, Defendant is liable pursuant to 18 U.S.C. § 2333(d) for, threefold any and all, damages that U.S. Plaintiffs have sustained as a result of such injuries, and the costs of this suit, including attorney's fees, pursuant to 18 U.S.C. § 2333(a).

140. Upon information and belief, every donation from Defendant UNRWA USA to UNRWA involved a bank transfer with supporting documentation and receipts exchanged between

the parties.

141. Each of these transactions was made with the explicit and implicit understanding and agreement that Defendant's contributions were provided to UNRWA to advance the common objectives and agenda of Defendant, UNRWA, and Hamas, including, but not limited to, the following: paying Hamas members, employing Hamas members, building schools that stored Hamas weapons, and developing profoundly antisemitic curricula that calls for the murder of Jewish people. It was therefore foreseeable that such curricula would indoctrinate future Hamas members and terrorists and carry out attacks on Israel, including the October 7 attacks. For example, the antisemitic curricula that UNRWA USA and UNRWA conspired to fund to materially support Hamas included lessons such as: "I will commit jihad to liberate the homeland," "We Palestinians resisted the Occupation," and "I will not give up a centimeter of my land."¹²⁶ Additionally, UNRWA USA funded UNRWA employees who incited and lionized terrorism, as well as committed acts of terror. It was, of course, also a foreseeable part of the conspiracy among Defendant, UNRWA, Hamas, and others, that the funds Defendant provided would be used to finance terrorist activities, including, but not limited to the purchase and manufacture of weapons to be used for terrorist purposes; vehicles used for terrorist purposes; the building of tunnels used for terrorist purposes; and to pay members of Hamas, including UNRWA employees, and others to engage in terrorist activities, including the atrocities of October 7, 2023.

THIRD CLAIM FOR RELIEF

VIOLATION OF THE ALIEN TORT STATUTE 28 USCS § 1350 (Tort Committed in Violation of 'law of nations' or 'a treaty of the United States.')

¹²⁶ UNRWA EDUCATION: REFORM OR REGRESSION?, *supra* note 54, at 55.

142. Plaintiffs Lishay Lavi, Hagar Almog, and Ariel Ein-Gal (collectively “Israeli Plaintiffs”) repeat and reallege every allegation of the foregoing paragraphs as if fully set forth herein.

143. By financially contributing millions of dollars to UNRWA while being substantially aware of the UNRWA’s close ties to Hamas, Defendant UNRWA USA has violated the law of nations, and this Court has jurisdiction to hear Israeli Plaintiffs claims under the Alien Tort Statute (ATS), 28 USCS § 1350.

144. The Alien Tort Statute provides that “[t]he district courts shall have original jurisdiction of any civil action by an alien for a tort only, committed in violation of the law of nations or a treaty of the United States.” 28 USCS § 1350.

145. “On its face, the statute specifies that, to state a claim, plaintiffs must (i) be ‘aliens,’ (ii) claiming damages for a ‘tort only,’ (iii) resulting from a violation ‘of the law of nations’ or of ‘a treaty of the United States.’” *Flores v. S. Peru Copper Corp.*, 414 F.3d 233, 242 (2d Cir. 2003).

146. Israeli Plaintiffs are Israeli citizens and thus constitute “aliens” under 28 USCS § 1350.

147. Israeli Plaintiffs have suffered damages due to the horrific attacks by Hamas on October 7, 2023. UNRWA USA knew of UNRWA’s employment of Hamas members and of UNRWA’s close relationship to Hamas, an organization whose founding charter calls for the killing of the Jewish people. And despite this knowledge, UNRWA USA continued to contribute to UNRWA. UNRWA USA is therefore liable to Israeli Plaintiffs for the injuries they suffered due to Hamas’s attacks on October 7, 2023.

148. Defendant’s contributions to UNRWA, an organization with close ties to Hamas,

led to the October 7, 2023, massacre. Defendant is therefore liable for the injuries Israeli Plaintiffs sustained including battery, assault, negligence, negligent supervision, intentional infliction of emotional distress, negligent infliction of emotional distress, conversion, trespass, and wrongful death. Defendant's tortious actions have resulted in damages to Israeli Plaintiffs, including pain and suffering, emotional distress, loss of consortium, lost wages, medical expenses, and property damage.

149. Israeli Plaintiffs' damages have resulted from Defendant UNRWA USA's violations "of laws of nations" and "a treaty of the United States." Defendant has aided and abetted Hamas's terrorist activities by funneling money through UNRWA to pay Hamas members on the UNRWA payroll, to fund schools that are used to store Hamas weapons and house Hamas operations, and to produce educational materials that teach about terrorism and the destruction of Israel. Defendant had knowledge of Hamas's activities with UNRWA and had knowledge that the State Department had designated Hamas as a Foreign Terrorist Organization. Defendant therefore had knowledge that Hamas intended to commit terrorist acts.

150. Defendant's activities therefore violated Article 2.1(b) of the International Convention for the Suppression of the Financing of Terrorism which provides:

Any person commits an offence within the meaning of this Convention if that person by any means, directly or indirectly, unlawfully and willfully, provides or collects funds with the intention that they should be used or in the knowledge that they are to be used, in full or in part, in order to carry out:

(a) An act which constitutes an offence within the scope of and as defined in one of the treaties listed in the annex; or

(b) Any other act intended to cause death or serious bodily injury to a civilian, or to any other person not taking an active part in the hostilities in a situation of armed conflict, when the purpose of such act, by its nature or context, is to intimidate a population, or to

compel a government or an international organization to do or to abstain from doing any act.¹²⁷

By 2007, over 130 countries had signed this Convention. *Almog v. Arab Bank, PLC*, 471 F. Supp. 2d 257, 277-278 (E.D.N.Y. 2007). The United States signed the Convention on January 10, 2000, and the United States ratified the Convention on December 5, 2001. The Convention went into effect on April 10, 2002.¹²⁸ The Convention's prohibition of financing of attacks on civilians is in accord with longstanding principles embodied in Common Article 3 of the 1948 Geneva Convention. International treaties too have "recognized the three-century-old "principle of distinction," which requires parties to a conflict to at all times distinguish between civilians and combatants, forbids the deliberate attacking of civilians." *Almog v. Arab Bank, PLC*, 471 F. Supp. 2d 257, 278 (E.D.N.Y. 2007).

151. Additionally, the International Convention for the Suppression of the Financing of Terrorism recognizes aiding and abetting liability. *See* Article 2.5(a) and Article 2.5(c)(ii).

152. Defendant is also liable under aiding and abetting liability under Articles 2.5(a) and Article 2.5(c)(ii). This is because Hamas committed acts prohibited by the Convention. UNRWA USA participated in those acts as accomplices (Article 2.5(a)). Additionally, UNRWA USA contributed funds to UNRWA knowing that Hamas controlled, for example, the UNRWA employee union and exercised its control over UNRWA. UNRWA USA made contributions knowing that Hamas is an organization with a common purpose that, as an FTO, uses terrorism to achieve its common purpose. This violates Article 2.5(c)(ii).

153. States abide by the International Convention for the Suppression of the Financing

¹²⁷ *See* International Convention for the Suppression of the Financing of Terrorism, art. 2.1, Dec. 9, 1999, 16 U.S. 49, 2178 U.N.T.S. 197, available at <https://treaties.un.org/doc/db/terrorism/english-18-11.pdf>.

¹²⁸ *See generally id.*

of Terrorism from a sense of legal obligation.

154. The International Convention for the Suppression of the Financing of Terrorism addresses “those wrongs that of *mutual*, and not merely *several*, concern to States.” *Flores v. S. Peru Copper Corp.*, 414 F.3d 233, 249 (2d Cir. 2003) (emphasis in the original, internal quotation marks omitted).

155. The Convention also contains specific rules that contain “articulable [and] discernable standards and regulations.” *Id.* at 255 (quoting *Beanal v. Freeport-McMoran, Inc.*, 197 F.3d 161, 167 (5th Cir. 1999)).

156. Thus, Defendant is therefore liable for all damages that Israeli Plaintiffs have sustained as a result of Defendant’s tortious actions.

FOURTH CLAIM FOR RELIEF

NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS (Delaware State Law)

157. U.S. Plaintiffs repeat and reallege every allegation of the foregoing paragraphs as if fully set forth herein.

158. U.S. Plaintiffs suffered injury and were present within the “zone of danger” produced by Defendant’s negligent actions.

159. Defendant’s negligent actions of providing aid and support to Hamas facilitated Hamas’s commission, planning, and authorization of acts of international terrorism.

160. As a direct, foreseeable, and proximate result of the conduct of Defendant as alleged hereinabove, U.S. Plaintiffs have suffered severe emotional distress, and therefore Defendant is liable to the U.S. Plaintiffs under the laws of the state of Delaware for U.S. Plaintiffs’ severe

emotional distress and related damages.

JURY DEMAND

161. Pursuant to Federal Rule of Civil Procedure 38(b), Plaintiffs demand a trial by jury on all claims so triable.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs pray that this Court:

- (a) Enter judgment against Defendant and in favor of each Plaintiff for compensatory damages in amounts to be determined at trial;
- (b) Enter judgment against the Defendant and in favor of each Plaintiff for treble damages pursuant to 18 U.S.C. § 2333(d)(2);
- (c) Enter judgment against the Defendant and in favor of each Plaintiff for any and all costs sustained in connection with the prosecution of this action, including attorneys' fees, pursuant to 18 U.S.C. § 2333(a);
- (d) Enter judgment against the Defendant and in favor of each Plaintiff for any and all relief as appropriate, including damages and attorney fees, under 28 U.S.C. § 1350;
- (e) Award Plaintiffs punitive damages in an amount sufficient to punish the Defendant and to deter similar conduct in the future;
- (f) Grant such other and further relief as justice requires.

Dated: March 7, 2024

/s/ David L. Finger

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