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SUPERIOR COURT OF THE STATE OF CALIFORNIA

CITY AND COUNTY OF SAN FRANCISCO

PEOPLE OF THE STATE OF CALIFORNIA.

CASE NO. CRI-24014810

Plaintiff,

vs.

**DEFENDANT'S REQUEST THAT THE
COURT EXERCISE ITS POWER TO
DISMISS THE CHARGES IN THE
INTEREST OF JUSTICE**

NIDA KHALIL,

(Pen. Code, § 1385)

Defendant.

Date: October 24, 2024

Time: 9am

Dept: 17

TO: BROOKE JENKINS, SAN FRANCISCO DISTRICT ATTORNEY, AND THE
ABOVE-ENTITLED COURT:

Please take notice, that on the date and time noted above, or as soon thereafter as the
matter may be heard, the above-named defendant will request that this Court exercise its power
to dismiss the complaint filed in this action. This request is made pursuant to Penal Code section
1385, in that dismissal is in the interest of justice, and is based on the pleadings and papers on
file in this matter, this notice of motion and attached supporting memorandum of points and
authorities, and any other further argument as may be considered by the Court in this matter.

Dated: Sept. 24, 2024

Respectfully submitted,

/S/

RACHEL LEDERMAN

Attorney for Defendant Nida Khalil

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MEMORANDUM OF POINTS AND AUTHORITIES

I. Statement of Facts

A. The Arrests

Defendant was arrested on April 15, 2024, during a nonviolent demonstration calling for a ceasefire in Gaza and an end to U.S. military aid to Israel. The 26 arrestees include Jews, Palestinians, queer and trans people, healthcare workers, educators, and other diverse Bay Area people of conscience. All 26 were all booked in jail on felony conspiracy and held for almost 48 hours before being released without charges. Four months later, the District Attorney filed 44 charges against each of the 26 defendants, charging eight with felony conspiracy and eighteen with misdemeanor conspiracy, and all of the defendants with 38 counts of false imprisonment and five other misdemeanor charges. The defendants then spent another day in jail before being released.

B. The Genocide

At the time of this protest in April, 2024, the official death count in Gaza at the hands of the Israeli military stood at nearly 34,000 Palestinians, including approximately 14,500 children, since the October 7, 2023, attack on Israel by Hamas¹. Experts widely consider these figures to be dramatic undercounts due to the destruction of data collection infrastructure in Gaza. A report in the respected medical journal The Lancet estimated that the true total as of June, 2024, may be 186,000 or more deaths.² Approximately 70 percent of those killed are women or children.³ As of June, 21,000 children were missing in Gaza, with 4,000 children likely buried under rubble.⁴

Two weeks before Defendant's arrest, The Guardian published a report documenting Israeli snipers' deliberate and systematic targeting of children in Gaza.⁵ In eleven months, Israel has killed at least 2,100 Palestinian infants and toddlers under the age of two.⁶⁷ In an open letter

1 imploring President Biden to withhold military, economic, and diplomatic support from Israel
2 until a permanent ceasefire is established, forty-five American doctors and nurses who had
3 volunteered in Gaza since October 7, 2023, wrote that "*every single signatory . . . on a daily*
4 *basis* treated pre-teen children who were shot in the head and chest."⁸ (emphasis in original).

5
6 More than ten children suffer the loss of one or both of their legs in Gaza every day, with
7 many amputations performed without anesthesia due to the lack of medical supplies caused by
8 Israel's blockade.⁹ As of April, 2024, an estimated 19,000 children had been orphaned.¹⁰ The
9 psychological impact of this carnage has led children as young as five to tell Doctors Without
10 Borders physicians that they would prefer to die.¹¹

11
12 Israel's bombing is the most destructive in modern history,¹² obliterating most of Gaza's
13 life-sustaining infrastructure, including hospitals, schools, places of worship, cropland, livestock,
14 the fishing fleet, water and sanitation infrastructure, roads, UN facilities, and residential and
15 commercial buildings.¹³ 1.9 million Palestinians have been displaced, forcibly transferred into
16 "humanitarian safe zones" where the Israeli military has nonetheless massacred civilians
17 sheltering in tents.¹⁴

18
19 Since October 7, 2023, the Israeli government has blocked much of the delivery of aid,
20 food, and fuel into Gaza, and Palestinians, particularly infants, children, and pregnant and
21 breastfeeding women, are starving.¹⁵ 96 percent of Gaza's population face high levels of acute
22 food insecurity.¹⁶ As the UN's Special Rapporteur on the Right to Food observed:

23
24 "On 9 October 2023, Israel announced its starvation campaign against Gaza. By
25 December, Palestinians in Gaza made up 80 per cent of the people in the world
26 experiencing famine or catastrophic hunger. Never in post-war history had a population
27 been made to go hungry so quickly and so completely as was the case for the 2.3 million
28 Palestinians living in Gaza."¹⁷

1 Israel has repeatedly attacked humanitarian aid convoys, killing humanitarian workers and
2 starving civilians.¹⁸¹⁹

3 Gaza's water supply has plummeted by 94 percent as Israel has destroyed 100 percent of
4 its desalination and wastewater treatment plants, 88 percent of water wells, and 70 percent of all
5 sewage pumps.²⁰ Children drink from puddles and wade through pools of sewage amid a deadly
6 heatwave²¹ and Gaza's first polio outbreak in 25 years.²²²³

8 **C. International Rulings**

9 Genocide is the gravest of crimes under international law. As defined by the international
10 Genocide Convention (1948), genocide refers to specific actions – such as killing or deliberately
11 inflicting conditions of life calculated to bring about the destruction of a group in whole or in
12 part – taken with the intention of destroying, in whole or in part, the group targeted, including on
13 ethnic or national grounds.²⁴ The U.S. is a signatory to the 1948 Convention on the Prevention
14 and Punishment of the Crime of Genocide, and it was codified into federal law in 1988. 18
15 U.S.C. § 1091.

16 On January 26, 2024, the International Court of Justice (ICJ), the world's highest court,
17 found that the right of Palestinians in Gaza to be protected from acts of genocide was plausibly at
18 risk of irreparable harm, based in part on extensive evidence presented by South Africa.²⁵²⁶ The
19 ICJ ordered Israel to abide by its obligations under Article II of the Genocide Convention by
20 "tak[ing] all measures within its power to prevent the commission of all acts within the scope of
21 Article II of this Convention, in particular: (a) killing members of the group; (b) causing serious
22 bodily or mental harm to members of the group; (c) deliberately inflicting on the group
23 conditions of life calculated to bring about its physical destruction in whole or in part; and (d)
24 imposing measures intended to prevent births within the group" and by "tak[ing] immediate and
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1 effective measures to enable the provision of urgently needed basic services and humanitarian
2 assistance to address the adverse conditions of life faced by Palestinians in the Gaza Strip."²⁷

3 International human rights experts and leading human rights organizations are in accord
4 that "Israel has committed genocidal acts of killing, causing serious harm to, and inflicting
5 conditions of life calculated to bring about the physical destruction of Palestinians in Gaza, a
6 protected group that forms a substantial part of the Palestinian people."²⁸²⁹³⁰³¹

8 On January 31, 2024, the United States District Court for the Northern District of
9 California found that "the undisputed evidence before this Court comports with the finding of the
10 ICJ and indicates that the current treatment of the Palestinians in the Gaza Strip by the Israeli
11 military may plausibly constitute a genocide in violation of international law. Both the
12 uncontroverted testimony of the Plaintiffs and the expert opinion proffered at the hearing on
13 these motions as well as statements made by various officers of the Israeli government indicate
14 that the ongoing military siege in Gaza is intended to eradicate a whole people and therefore
15 plausibly falls within the international prohibition against genocide." *Defense for Children*
16 *International-Palestine, et al., v. Joseph R. Biden, et al.*, U.S. District Court (N.D. Cal.) No.
17 4:23- cv-05829-JSW, Order (Dkt. No. 91), filed 01/31/2024, 2024 WL 390061, Slip Opn. at 2.
18 The court concluded by imploring President Biden and his cabinet members to "examine the
19 results of their unflagging support of the military siege against the Palestinians in Gaza." *Id.*,
20 Slip. Opn. at 5. The court stated, "It is every individual's obligation to confront the current siege
21 in Gaza". *Id.*, Slip Opn at 3.

22 On March 28, 2024, observing that "the catastrophic living conditions of the Palestinians
23 in the Gaza Strip have deteriorated further," the ICJ reaffirmed its January order and imposed
24 additional provisional measures on Israel, emphasizing that its orders "have binding effect and
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1 thus create international legal obligations for any party to whom the provisional measures are
2 addressed."³² On May 24, 2024, in light of Israel's unabated slaughter of Palestinians, the ICJ
3 again "[found] it necessary to reaffirm the measures indicated" in its prior orders, and in addition,
4 ordered Israel to halt its offensive in Rafah.³³ And on July 19, 2024, the ICJ held that "[t]he
5 sustained abuse by Israel of its position as an occupying Power, through annexation and an
6 assertion of permanent control over the Occupied Palestinian Territory and continued frustration
7 of the right of the Palestinian people to self-determination, violates fundamental principles of
8 international law and renders Israel's presence in the Occupied Palestinian Territory unlawful."³⁴

11 On September 18, 2024, based on the ICJ's July 19, 2024, opinion, the United Nations
12 General Assembly voted overwhelmingly to adopt a resolution demanding an end to Israel's
13 illegal occupation of Palestine. The resolution calls for Israel to comply with international law by
14 immediately withdrawing its forces from the Gaza Strip, the West Bank, and East Jerusalem.
15 Israel must also remove all settlers from the occupied West Bank, including East Jerusalem, and
16 reverse its annexation. The General Assembly called upon all UN Member States to comply with
17 their obligations under international law and ensure that they do not provide aid or assistance in
18 maintaining the situation created by the occupation, and to halt the transfer of arms, munitions,
19 and related equipment to Israel where there are reasonable grounds to suspect they may be used
20 in the Occupied Palestinian Territory.³⁵

23 Amnesty International's Secretary General, Agnès Callamard, said:

24 For decades Israel's unlawful occupation has brought injustice, bloodshed and
25 suffering to Palestinians on a mass scale. Over the past 11 months the systematic
26 human rights violations that are a hallmark of Israel's brutal occupation and
system of apartheid have drastically intensified.

27 Israel's unprecedented onslaught against Palestinians in Gaza is exacting a
28 deplorable toll on the civilian population, causing deaths, injuries, mass
destruction of critical infrastructure, decimation of cities and successive waves of

1 forced displacement. It has rendered Gaza virtually unlivable and plunged the
2 Strip into one of the worst humanitarian crises in the world, compounding an
3 already dire humanitarian situation stemming from Israel's 17-year-long illegal
4 blockade of Gaza. In the meantime, Israel has intensified its oppressive campaign
5 against Palestinians in the occupied West Bank, through lethal military operations
6 accompanied by extensive damage of civilian infrastructure, unlawful killings,
7 escalation in arbitrary arrests, torture and other ill-treatment, while settler violence
8 is spiking with impunity and displacing Palestinians.

9 Implementing the UNGA's resolution is key to restoring faith in international law.
10 This is a critical juncture for the international community. States, including allies
11 of Israel, must ensure Israel complies with the resolution and puts an end to its
12 persistent disregard for international law, human rights and the historic injustices
13 against Palestinians.

14 Pending an end to Israel's occupation, third states must immediately stop all
15 forms of aid or assistance that help maintain the unlawful occupation, including
16 halting arms transfers to Israel and ceasing all trade with illegal settlements.³⁶

17 **D. The Role of U.S. Aid**

18 The United States provides Israel with \$3.8 billion dollars in funding annually, almost all
19 of which goes to support Israeli military operations through the purchase of U.S. military
20 equipment and munitions.³⁷ President Biden has exercised an expedited waiver process to bypass
21 Congressional review of weapons transfers to Israel.³⁸ Days after Defendant's arrest, the Biden
22 administration authorized an additional \$14 billion in military aid for Israel to prosecute its
23 genocide in Gaza.³⁹ In August, U.S. Secretary of State Anthony Blinken approved a \$20 billion
24 sale of fighter jets and other military equipment to Israel.⁴⁰ The United States has contributed
25 over 50,000 tons of weapons and military equipment to the ongoing genocide,⁴¹ including at least
26 14,000 MK-84 2,000-pound bombs, 6,500 500-pound bombs, 3,000 Hellfire precision-guided
27 air-to-ground missiles, 1,000 bunker-buster bombs, 2,600 air-dropped small-diameter bombs.⁴²
28 As retired Israeli Major General Yitzhak Brick has stated, "All of our missiles, the ammunition,
the precision-guided bombs, all the airplanes and bombs, it's all from the US. The minute they

1 turn off the tap, you can't keep fighting. You have no capability ... Everyone understands that
2 we can't fight this war without the United States. Period."⁴³

3 International law imposes on President Biden and other high-level officials a legal duty to
4 prevent genocide. The United States has significant capacity to influence Israel's actions as its
5 primary provider of military and political support. Prominent human rights groups, including
6 Human Rights Watch and Amnesty International, have found that U.S.-supplied weapons have
7 been used in violation of international humanitarian law.⁴⁴ They cite several examples in their
8 reports, including U.S.-made Joint Direct Attack Munitions (JDAM) being used by the Israeli
9 military in airstrikes against homes full of civilians in the Gaza Strip, the use of white
10 phosphorus in Southern Lebanon, and Israeli strikes in December and January that killed at least
11 95 civilians in Rafah at a time when it was deemed a "safe" area.^{45 46} Indeed, the Biden
12 Administration has acknowledged that it is reasonably likely that Israel has used U.S.-supplied
13 arms to commit violations of international law.⁴⁷ Yet the Pentagon has stated that it is "not
14 putting any limits how Israel uses weapons that [are] provided."⁴⁸

15 This places the United States in violation of both international law⁴⁹ and its own domestic
16 federal law. Section 362 of Title 10 of the U.S. Code⁵⁰ and Section 620M of the Foreign
17 Assistance Act of 1961, 22 U.S.C.A. § 2378d(a)⁵¹-- commonly referred to as the Leahy Laws --
18 prohibit the United States Department of Defense and State Department, respectively, from
19 furnishing assistance to any unit of security forces of a foreign country if the Secretary of State
20 has credible information that such unit has committed a gross violation of human rights. The
21 United States is also in violation of sections 502B⁵² and 620I⁵³ of the Foreign Assistance Act.
22 620I prohibits assistance to any country that prohibits or restricts, directly or indirectly, the
23 transport or delivery of U.S. humanitarian assistance unless the President has determined that
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1 doing so is in the national security interest of the United States.⁵⁴ 502B prohibits providing
2 security assistance to any country whose government engages in a “consistent pattern” of gross
3 violations of internationally recognized human rights, unless such assistance directly benefits
4 needy people in such countries.⁵⁵ The Foreign Assistance Act broadly defines “gross violations
5 of human rights” as prolonged detention without charges and a trial, cruel, inhuman, or
6 degrading treatment or punishment, enforced disappearances, and other denials of the right to
7 life, liberty, or security.⁵⁶

9 **II. The Complaint Should Be Dismissed in the Interest of Justice.**

10 **A. This Court Has Discretion to Dismiss the Charges in the Interest of Justice.**

11
12 Penal Code section 1385 provides, in pertinent part, that “[t]he judge or magistrate may,
13 either of his own motion or upon the application of the prosecuting attorney, and in furtherance
14 of justice, order an action to be dismissed.” The statute vests in the court the common law power
15 of *nolle prosequi* to dismiss a criminal action in its discretion at any time during the proceeding.
16 *People v. Superior Court* (1968) 69 Cal.2d 491, 501. Regardless of whether the prosecution has
17 moved for a dismissal, the defendant may invite the court to exercise its power, and the court
18 must consider evidence offered by the defendant in support of his assertion that dismissal on the
19 court's own motion would be in furtherance of justice. *Rockwell v. Superior Court* (1976) 18
20 Cal.3d 420; *People v. Superior Court (Flores)* (1989) 214 Cal.App.3d 127, 137.

21
22 The discretion granted a trial court under section 1385 “is, and should be, very broad” so
23 long as the court states the reasons for dismissal in the minutes and has properly considered the
24 facts. *People v. Curtiss* (1970) 4 Cal.App.3d 123, 126. Whether a dismissal would be “in the
25 furtherance of justice” has not been defined by the Legislature, thus the court must consider both
26 the constitutional rights of the defendant and the interests of society in determining whether there
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1 should be a dismissal, and the reason for dismissal must be “that which would motivate a
2 reasonable judge.” *People v. Orin* (1975) 13 Cal.3d 937, 945.

3 **B. The Interest of Justice Weigh in Favor of Dismissal Here.**

4 Defendant's nonviolent protest was intended to urgently call attention to the need for an
5 end to US military aid to Israel. The Golden Gate 26 are among millions of people worldwide
6 who have been protesting to stop the genocide. Protest is a notable way that citizens attempt to
7 communicate their views on key issues. Fisher, et al., *The science of contemporary street protest:*
8 *New efforts in the United States* Sci Adv. 2019 Oct; 5(10): eaaw5461
9 <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6810161/>.
10

11
12 There is a moral imperative, and thus a public interest, in preventing genocide. In 1945,
13 Justice Robert R. Jackson stated in his opening at the Nuremberg Trials, where the concept of
14 genocide took shape: “The wrongs which we seek to condemn and punish have been so
15 calculated, so malignant, and so devastating, that civilization cannot tolerate their being ignored,
16 because it cannot survive their being repeated.”⁵⁷ The Genocide Convention was ratified by the
17 United States in 1988, and Congress enacted a criminal statute to provide for criminal liability in
18 United States courts for those found guilty of, or complicit in, genocide. 18 U.S.C. § 1091, et
19 seq. The treaty ratification and the criminal statute codify and reaffirm the pre-existing legal
20 prohibition against and right of action for genocide under customary international law. *Kadić v.*
21 *Karadžić*, 70 F.3d 232, 242, 242 n.6 (2d Cir. 1995). Article I of the Genocide Convention
22 emphasizes the legal duty to prevent genocide. This obligation to prevent genocide reflects the
23 international community’s collective commitment to ensure that no human beings and groups are
24 targeted for destruction because of their identity or affiliation with a group.
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1 Protest and civil disobedience have played an important role in bringing about social
2 change throughout U.S. history, from "the freeing of the slaves by operation of the underground
3 railroad in the mid-1800's... [to] disobedience of 'Jim Crow' laws [which] served, among other
4 things, as a catalyst to end segregation by law in this country, [and to] violation of selective
5 service laws [which] contributed to our eventual withdrawal from the Viet Nam War." *United*
6 *States v. Kabat*, 797 F.2d 580, 601 (8th Cir. 1986). Scholars have demonstrated the social value
7 of protest in a wide range of arenas, such as struggles by minority groups for procedural rights
8 and substantive justice, the fight for democracy against authoritarian governments, and
9 transnational efforts to end war and militarism. Fisher, et al. *The science of contemporary street*
10 *protest*, supra, and articles cited therein at endnotes 4-10.

13 The tradition of protest and civil disobedience is strong here in the Bay Area, from the
14 fight for labor rights, to the Black Panthers, to ending the Vietnam war and South African
15 apartheid, to the Gay Liberation movement, and more. And direct action, such as blocking
16 streets and bridges, has been effective. For example, the disruptive tactics of the HIV/AIDS
17 activist movement (which included blocking the Golden Gate Bridge) succeeded in changing the
18 rules for drug trials and experimental treatments for life threatening diseases, saving lives and
19 later facilitating the quick release of COVID vaccines and treatments.⁵⁸ "There's a time when the
20 operation of the machine becomes so odious, makes you so sick at heart, that you can't take part.
21 You can't even passively take part. And you've got to put your bodies upon the gears and upon
22 the wheels, upon the levers, upon all the apparatus -- and you've got to make it stop!" Mario
23 Savio, *Sit-in Address on the Steps of Sproul Hall*, 12/2/1964.

26 Judge White said, "It is every individual's obligation to confront the current siege in
27 Gaza." The Golden Gate 26 took an action of conscience to stop genocide by calling attention to
28

1 their government’s facilitation of it and demanding an end and change in policy. The temporary
2 inconvenience to motorists on the Golden Gate Bridge pales in comparison to the mass slaughter,
3 maiming, starvation, and destruction which continue to be inflicted on the 2.3 million people of
4 Gaza with U.S. weapons and tax dollars. Protesting genocide serves the public interest. There is
5 no public interest to be served by proceeding with this wasteful prosecution.
6

7 As another court observed, “What a huge debt this nation owes to its 'troublemakers.'
8 From Thomas Paine to Martin Luther King, Jr., they have forced us to focus on problems we
9 would prefer to downplay or ignore. Yet it is often only with hindsight that we can distinguish
10 those troublemakers who brought us to our senses from those who were simply ... troublemakers.
11 Prudence, and respect for the constitutional rights to free speech and free association, therefore
12 dictate that the legal system cut all non-violent protesters a fair amount of slack.” *Garcia v.*
13 *Bloomberg*, 865 F. Supp. 2d 478, 482 (S.D.N.Y. 2012), *aff'd sub nom. Garcia v. Does*, 764 F.3d
14 170 (2d Cir. 2014), *on reh'g*, 779 F.3d 84 (2d Cir. 2015), and *rev'd sub nom. Garcia v. Does*, 779
15 F.3d 84 (2d Cir. 2015).
16
17

18 CONCLUSION

19 On January 29, 2024, 5-year-old Hind Rajab climbed into a car with her aunt, her uncle
20 and her cousins in Gaza City as they prepared to flee to the southern part of Gaza, as instructed
21 by the Israeli military. But as they were in the car, an Israeli tank approached them and opened
22 fire. Hind’s 15-year-old cousin Layan called the Red Crescent for help. She can be heard
23 screaming on the recorded call until she was silenced and killed by the Israeli military, likely
24 with U.S. weapons. The only one in the car who remained alive was 5-year-old Hind. Wounded
25 and trapped in the car with her dead family members, she spoke to her mother and the Red
26 Crescent. “*Mama don’t leave me. I’m scared. I’m hurt. Please come,*” she pleaded. It took three
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1 hours for the Red Crescent to coordinate safe access for an ambulance to go to Hind's location.
2 Once the green light was given, two emergency workers with the Palestine Red Crescent, Yusuf
3 Zeino and Ahmed al-Madhoun, went to try to rescue Hind. But dispatchers lost contact with the
4 medics after they reported that they could see Hind in the car and that the Israeli military was
5 shining a laser on them.
6

7 Nearly two weeks later, Israeli forces finally withdrew from the area, and Hind's
8 surviving family ventured back to the neighborhood. They found Hind dead inside the car
9 alongside the bodies of five of her family members, the car riddled with 335 bullet holes.⁵⁹ The
10 bodies of the two emergency workers were also found in an ambulance nearby, which had been
11 bombed by the Israeli military.⁶⁰⁶¹
12

13 Seven-year-old Sidra Hassouna wanted to be a science teacher. Her family had fled
14 northern Gaza for Rafah. A February 14, 2024, Israeli airstrike killed the entire family and left
15 Sidra's dismembered body, still holding her mother's hand, hanging from the wall of the
16 destroyed building where they had been sheltering.⁶²
17

18 Ten-year-old Tala Hussam Abu Ajiwa just wanted to go outside and play on her pink
19 rollerblades. Moments later explosions were heard and Tala was found under the rubble, still
20 wearing her pink rollerblades.⁶³ These are just a few of the tens of thousands of innocent lives
21 and dreams extinguished with the help of the United States. "Let it be clear: Silence is
22 complicity, and empty calls for peace without a ceasefire and end to occupation, and the shallow
23 words of empathy without direct action — are all under the banner of complicity. So here is my
24 message: Gaza today has become the moral compass of the world. . . . If you are not appalled by
25 what is happening; if you are not shaken to your core — there is something wrong with your
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humanity.” Rev. Dr. Munther Isaac, *Christ in the Rubble: A Liturgy of Lament*, Bethlehem,
12/23/2023.⁶⁴

“I’m scared. I’m hurt. Please come,” the children of Gaza are saying to the adults of the
world. The Golden Gate 26 listened, and took a stand on the right side of history. We
respectfully request that the Court exercise its discretion to dismiss the charges pursuant to
section 1385.

Dated: SEPT. 24, 2024 Respectfully submitted,

/S/

RACHEL LEDERMAN

Attorney for Defendant Nida Khalil

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4 ¹ UN Office for the Coordination of Humanitarian Affairs (UNOCHA), *Hostilities in the Gaza Strip and Israel - reported impact | Day 192*, 4/15/2024, <
5 <https://www.ochaopt.org/content/hostilities-gaza-strip-and-israel-reported-impact-day-192>>.
6 ² Khatib, et al., *The Lancet*, *Counting the dead in Gaza: difficult but essential*, 7/20/2024,
7 <[https://www.thelancet.com/journals/lancet/article/PIIS0140-6736\(24\)01169-3/fulltext](https://www.thelancet.com/journals/lancet/article/PIIS0140-6736(24)01169-3/fulltext)>
8 ³ UN Women, *Facts and estimates: Women and girls during the conflict in Palestine*, 8/24/2024,
9 <<https://palestine.unwomen.org/en/what-we-do/peace-security-humanitarian-response/facts-and-figures/conflict-in-palestine>>
10 ⁴ Save the Children, *Gaza's missing children: Over 20,000 children estimated to be lost, disappeared, detained, buried under the rubble or in mass graves*, 6/24/2024,
11 <<https://www.savethechildren.org.uk/news/media-centre/press-releases/over-20000-children-estimated-to-be-lost-in-gaza>>
12 ⁵ The Guardian, *'Not a normal war': doctors say children have been targeted by Israeli snipers in Gaza*, 4/02/2024, <<https://www.theguardian.com/world/2024/apr/02/gaza-palestinian-children-killed-idf-israel-war>>
13 ⁶ Euro-Med Human Rights Monitor, *The bloodiest face of its genocide: Israel has killed 2,100 Palestinian infants and toddlers in Gaza*, 8/14/2024,
14 <<https://euromedmonitor.org/en/article/6437/The-bloodiest-face-of-its-genocide:-Israel-has-killed-2,100-Palestinian-infants-and-toddlers-in-Gaza>>
15 ⁷ They were not numbers. Al Jazeera, *Know their names: Palestinian children killed in Israeli attacks on Gaza*, <<https://interactive.aljazeera.com/aje/2024/israel-war-on-gaza-10000-children-killed/>>
16 ⁸ CNN, *US doctors who volunteered in Gaza demand ceasefire in letter to White House*, 7/26/2024 < <https://www.cnn.com/2024/07/26/world/open-letter-45-us-physicians-gaza/index.html>>
17 ⁹ CNN, *More than 10 children losing legs in Gaza every day as dire health crisis grows, aid groups say*, 1/07/2024, <<https://www.cnn.com/2024/01/08/middleeast/gaza-children-losing-legs-disease-intl-hnk/index.html>>
18 ¹⁰ UN Women, *Six months into the war on Gaza, over 10,000 women have been killed*, 4/16/2024, <<https://www.unwomen.org/en/news-stories/press-release/2024/04/six-months-into-the-war-on-gaza-over-10000-women-have-been-killed>>
19 ¹¹ Christopher Lockyear, Secretary General of Médecins Sans Frontières (MSF), *Briefing to the United Nations Security Council*, 2/22/2024 <<https://www.msf.org/msf-briefing-gaza-un-security-council>>
20 ¹² Wilkins, *Israeli Bombing of Gaza Ranks Among 'Most Devastating' in History*, Common Dreams, 12/23/2023, <<https://www.commondreams.org/news/bombing-gaza>>; Frankel, *Israel's military campaign in Gaza is among the most destructive in history, experts say*, AP, 12/21/2023,

<https://www.pbs.org/newshour/world/israels-military-campaign-in-gaza-is-among-the-most-destructive-in-history-experts-say>.

¹³ UNOCHA, *Reported impact snapshot | Gaza Strip*, 9/04/2024

<<https://www.ochaopt.org/content/reported-impact-snapshot-gaza-strip-4-september-2024>>

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3 **PROOF OF SERVICE**

4 I, Rachel Lederman, declare:

5 I am employed in the Alameda County, State of California. I am
6 over the age of eighteen years and am not a party to the within-entitled action. My business
7 address is 1720 Broadway, Suite 430, Oakland, CA 94612.

8 On September 24, 2024, I served the **DEFENDANTS' REQUEST THAT THE**
9 **COURT EXERCISE ITS POWER TO DISMISS THE CHARGES IN THE INTEREST**
10 **OF JUSTICE** and Memorandum of Points and Authorities in Support on the below-listed
11 parties, by email to:

12 Assistant District Attorney Austin Weis, austin.weis@sfgov.org

13 I declare under penalty of perjury that the foregoing is true and correct, under the
14 laws provided by the State of California and the United States, and that this declaration
15 was executed on September 24, 2024 in Oakland, California.

16
17 /S/ _____

18 *Rachel Lederman*
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