

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

DAWN,)
491 Pacific Street,)
Brooklyn, NY 11217)
)
Plaintiff,)
)
v.)
)
U.S. DEPARTMENT OF STATE,)
The Executive Office)
Office of the Legal Advisor, Suite 5.600)
600 19th Street NW,)
Washington, D.C. 20522)
)
Defendant.)

COMPLAINT

1. Plaintiff DAWN brings this suit to force Defendant U.S. DEPARTMENT OF STATE to conduct a reasonable search, issue a determination, and produce records regarding human rights violations and extrajudicial killings in Israel.

PARTIES

2. Plaintiff DAWN is a U.S. based non-profit organization that supports democracy and human rights in the Middle East and North Africa by conducting research and publishing analyses concerning political developments and the impact of U.S. foreign policy in these regions. DAWN made the FOIA request at issue in this case.

3. Defendant U.S. DEPARTMENT OF STATE is a federal agency and is subject to the Freedom of Information Act, 5 U.S.C. § 552.

JURISDICTION AND VENUE

4. This case is brought under 5 U.S.C. § 552(a)(4)(B) and presents a federal question conferring jurisdiction on this Court. *See* 28 U.S.C. § 1331.

5. Venue is proper under 5 U.S.C. § 552(a)(4)(B).

MAY 28, 2024 FOIA REQUEST TO STATE

6. On May 28, 2024, Plaintiff submitted a FOIA request to STATE for the following records created since January 1, 2018:

[1.] Provide copies of all documents (including memoranda, email, meeting records, reports, or other communication preserved in any medium) held by (a) the Bureau of Political-Military Affairs (PM); (b) the Bureau of Democracy, Human Rights and Labor (DRL); (c) the Bureau of Near Eastern Affairs (NEA); or, (d) Office of the Legal Advisor (L), that contain any of the following keywords:

["Israel Leahy Vetting Forum" and/or "ILVF"]; [Israel and Leahy]; [Israel and Extrajudicial Killing]; [Israel and GVHR]; [Israel and "Gross Violations of Human Rights"]; ["Israel" and "MPCID"]; [Israel and Remediated]; [Israel and Unremediated]; ["Omar Assad"]; ["Yehuda Fox"]; ["Shireen Abu Akleh"]; ["Eyad al-Hallaq"]; ["Ahmad 'Abdu"]; ["Sanad Salem al-Harbad"]; ["Ahmad Jameel Fahad"]; ["Givara Budeiri"]; ["Mahmoud Shaalan"]; ["Muhammad Majed Fadel Baker"]; ["Jana Kiswani"]; ["Fayez Buroan"]; ["Muhammad Habali"]; ["Hanan Mahmoud Khmour"]; ["Adel Ibrahim Daoud"]; [Minkovsky]; [Gimpelson].

[2.] All submissions made to the State Department Human Rights Reporting Gateway (<https://hrghshr.state.gov/en/>) involving units of the Israeli security forces.

7. A true and correct copy of the original FOIA request is attached as Exhibit 1.

8. On May 28, 2024, STATE acknowledged receipt of the FOIA request and assigned reference number #F-2024-11995 to the matter.

9. True and correct copies of the correspondence are attached as Exhibit 2.

10. On June 18, 2024, STATE stated that it was unable to respond to the request within the statutory deadline due to “unusual circumstances” and offered Plaintiff an opportunity to narrow the scope of the request for faster processing.

11. A true and correct copy of the correspondence is attached as Exhibit 3.
12. On August 13, 2024, STATE's Public Access Link FOIA portal indicated that the request was "in process" and the estimated date of completion was July 11, 2024.
13. A true and correct copy of Plaintiff's view of the FOIA portal on August 13, 2024 is attached as Exhibit 4.
14. On August 13, 2024, Plaintiff contacted STATE seeking an updated estimated date of completion for the request.
15. A true and correct copy of the correspondence is attached as Exhibit 5.
16. STATE did not send any further correspondence to Plaintiffs regarding this request.
17. As of the date of this filing, STATE has not issued a determination on Plaintiff's request.
18. As of the date of this filing, STATE has failed to make any responsive records promptly available to Plaintiff.

COUNT I – STATE'S FOIA VIOLATION

19. The above paragraphs are incorporated by reference.
20. Plaintiff's FOIA request seeks the disclosure of agency records and was properly made.
21. Defendant STATE is a federal agency subject to FOIA.
22. Included within the scope of the request are one or more records or portions of records that are not exempt under FOIA.
23. Defendant STATE has failed to conduct a reasonable search for records responsive to the request.
24. Defendant STATE has failed to issue a determination within the statutory deadline.

25. Defendant STATE has failed to produce all non-exempt records responsive to the request.

WHEREFORE, Plaintiff asks the Court to:

- i. declare that Defendant has violated FOIA;
- ii. order Defendant to conduct a reasonable search for records and to produce the requested records promptly;
- iii. enjoin Defendant from withholding non-exempt public records under FOIA;
- iv. award Plaintiffs attorneys' fees and costs; and
- v. award such other relief the Court considers appropriate.

Dated: September 3, 2024

RESPECTFULLY SUBMITTED,

/s/ Matthew V. Topic

Attorneys for Plaintiff
DAWN

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