



February 13, 2024

Via Web Portal Only

Office of Information Programs and Services (IPS)
A/GIS/IPS/RL
U.S. Department of State, State Annex 2 (SA-2)
515 22nd Street, NW
Washington, DC 20522-8100
Telephone: (202) 261-8484
Facsimile: (202) 261-8579

RE: FOIA Request regarding the UNRWA (United Nations Relief and Works Agency for Palestine Refugees in the Near East).

Dear FOIA Officer:

This letter is a request (“Request”) in accordance with the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552, and the corresponding department/agency implementing regulations. The Request is made by the American Center for Law and Justice (“ACLJ”)¹ on behalf of its members.

To summarize, this Request seeks records pertaining to the United States Department of State (DOS) and UNRWA, and any employee of UNRWA involved in acts in support of Hamas in the attack on Israel on October 7th, 2023.

Background

Pursuant to Department of State FOIA regulation 22 C.F.R. § 171.4(b), this Background addresses to “the extent possible, . . . specific information that may assist the Department in identifying the requested record(s), such as the date, title or name, author, recipient, subject matter, case number, file designation reference number, or timeframe” and reasons why the requester believes the DOS may have records on the subject of the request. 22 C.F.R. § 171.4(b).

On January 26, 2024, the Biden Administration suspended support to UNRWA after the Israeli IDF reported that 12 members of UNRWA had directly participated in the terrorist attack on Israel

¹The ACLJ is a not-for-profit 501(c)(3) organization dedicated to the defense of constitutional liberties secured by law. The ACLJ regularly monitors governmental activity and works to inform the public of such affairs. The ACLJ and its global affiliated organizations are committed to ensuring governmental accountability and the ongoing viability of freedom and liberty in the United States and around the world.

on October 7, 2023. The report further shows that the Biden Administration was supporting UNRWA and Hamas with closeto \$1 Billion since 2021. *National Review* states that:

Biden Administration has already transferred over 99 percent of congressionally budgeted funding to UNRWA. Only \$300,000 out of about \$121 million is being withheld — and that’s just for the time being. Note: That \$121 million is just a fraction of the \$1 billion that President Biden has plowed into UNRWA since 2021. The implication, of course, is that the American dollars that pay for jihadist atrocities will continue flowing once Biden figures the heat is off.

Over 1,100 people were killed in the October 7 sneak attacks carried out by Hamas with UNRWA complicity. Hundreds more were savagely wounded, raped, and/or taken hostage.²

The involvement of UNWRA with Hamas goes further. As described in the *Wall Street Journal*:

Two officials familiar with the intelligence said the UNRWA employees considered to have ties with militant groups were deemed to be ‘operatives,’ indicating they took active part in the organization’s military or political framework. The report said 23% of UNRWA’s male employees had ties to Hamas, a higher percentage than the average of 15% for adult males in Gaza, indicating a higher politicization of the agency than the population at large.” To repeat that last stat: Men in Gaza who work for the UN are *more likely* to be involved with Hamas than those who don’t have jobs at the UN agency. [Emphasis in original.]³

While UNRWA’s Commissioner-general Philippe Lazzarini denies that Hamas controlled the humanitarian help and supplies his agency delivered to Gaza, it is reported that:

A Palestinian man reportedly told Israel Defense Forces in December that “Hamas has their hands on UNRWA administration workers, and it manages UNRWA. . . . From the day they [Hamas] rose to power they took control of everything.”

For months, U.N. agencies have denied claims that Hamas steals humanitarian aid. GOP lawmakers aren’t so sure — this month, they called on UNRWA’s commissioner-general Philippe Lazzarini to answer how “taxpayer dollars may have, through UNRWA failures, supported Hamas terrorists”:

Lazzarini said in December that “attacking and trying to discredit humanitarian organizations such as the United Nations Relief and Works Agency” — the agency

² Andrew MacCarthy, NATIONAL REVIEW, (Jan, 31, 2024) *Designate UNRWA as a Terrorist Organization* <https://www.nationalreview.com/2024/01/designate-unrwa-as-a-terrorist-organization/>

³ Carrie Keeler-Lynn, WALL STREET JOURNAL, (Jan. 29, 2024, 8:27 a.m.) *Intelligence Reveals Details of U.N. Agency Staff’s Links to Oct. 7 Attack* <https://www.wsj.com/world/middle-east/at-least-12-u-n-agency-employees-involved-in-oct-7-attacks-intelligence-reports-say-a7de8f36?page=1>

that, it has now been revealed employed at least twelve terrorists — “is yet another means of waging war.”⁴

Furthermore, the Israeli Defense Forces have uncovered Hamas tunnels underneath UNRWA Headquarters in Gaza.⁵ Grenades, explosives rifles were found.⁶ Electrical powerlines connect the tunnel to the headquarters.⁷ Hamas has used electricity from UNRWA hospitals in Gaza to power its tunnels.⁸

This Request seeks information about the DOS’s knowledge of how UNRWA is involved in the acts of October 7th, 2023, who inside UNRWA was involved, and their position, contacts, and records.

Records Requested

For purposes of this Request, the term “record” means “any information” that qualifies under 5 U.S.C. § 552(f), and includes, but is not limited to, the original or any full, complete, and unedited copy of any log, chart, list, memorandum, note, correspondence, writing of any kind, policy, procedure, guideline, agenda, handout, report, transcript, set of minutes or notes, video, photo, audio recordings, or other material. The term “record” also includes, but is not limited to, all relevant information created, stored, received, or delivered in any electronic or digital format, *e.g.*, electronic mail, instant messaging or Facebook Messenger, iMessage, text messages or any other means of communication, and any information generated, sent, received, reviewed, stored or located on a government *or private* account or server, consistent with the holdings of *Competitive Enter. Inst. v. Office of Sci. & Tech. Policy*, 827 F.3d 145 (D.C. Cir. 2016) (rejecting agency argument that emails on private email accounts were not under agency control, and holding, “If a department head can deprive the citizens of their right to know what his department is up to by the simple expedient of maintaining his departmental emails on an account in another domain, that purpose is hardly served.”).

All requests seek records which include but are not limited to, any record located on backup tapes, archives, any other recovery, backup, storage, or retrieval system, DOS electronic mail or message accounts, non-DOS electronic mail or message accounts, personal electronic mail or message accounts, DOS servers, non-DOS servers, and personal servers, as well as any electronic mail or message carbon copied to Department of State (DOS) account recipients, any electronic mail or message carbon copied to non-DOS account recipients, any electronic mail or message forwarded to agency account recipients, any electronic mail or message forwarded to non-agency account recipients, and attachments to any electronic mail or message.

⁴ Haley Strack, NATIONAL REVIEW, (Jan. 26, 2024) *What about the UNRWA Humanitarian-Aid Trucks?* <https://www.nationalreview.com/corner/what-about-the-unrwa-humanitarian-aid-trucks/>

⁵ Ronny Reyes, NEW YORK POST, (Feb.11, 2024) *Israel uncovers Hamas tunnels under UNRWA headquarters in Gaza, claims terrorists siphoned electricity from the site* <https://nypost.com/2024/02/11/news/israel-uncovers-tunnels-beneath-unrwas-headquarters-in-gaza/>

⁶ *Id.*

⁷ *Id.*

⁸ *Id.*

For purposes of this Request, the term “briefing” includes, but is not limited to, any in-person meeting, teleconference, electronic communication, or other means of gathering or communicating by which information was conveyed to one or more person(s).

For purposes of this Request, the term “DOS official” includes, but is not limited to, any person who is (1) employed by or on behalf of the DOS, any Mission of the United States, or any Delegation of the United States, in any capacity; (2) contracted for services by or on behalf of the DOS, any Mission of the United States, or any Delegation of the United States, in any capacity; (3) appointed by the President of the United States to serve in any capacity at or within the DOS, any Mission of the United States, or any Delegation of the United States; or (4) any such person’s DOS Staff, agent or employee; all without regard to the component of DOS, bureau, or office in which that person serves.

Executive assistant means a person employed to assist a high-level manager or professional with correspondence, appointments, and administrative tasks.

For purposes of this Request, all sources, documents, letters, reports, briefings, articles, and press releases cited in this Request are incorporated by reference as if fully set forth herein.

For purposes of this Request, any individual or entity’s name includes any alias or pseudonym.

For purposes of this Request, and unless otherwise indicated, the timeframe of records requested herein is October 7, 2023, to the date this request is processed.

Pursuant to FOIA, 5 U.S.C. § 552 *et seq.*, ACLJ hereby requests that the DOS produce the following:


- 1. All records received from UNRWA to DOS Headquarters or the DOS Office responsible for Gaza since Oct 7th, 2023.**
- 2. All records of the Department of State sent to the Senate Foreign Relations Committee and the House of Representatives Foreign Relations Committee about UNRWA.**
- 3. All records about UNRWA in the custody of Secretary Antony Blinken and/or his executive assistant(s).**
- 4. All records of DOS liaison to the White House about UNRWA staff.**
- 5. All records in the possession of the DOS office responsible for Gaza containing the words: “UNRWA” and “Hammas” or “Palestinian Islamic Jihad.”**
- 6. All records in the possession of the DOS office responsible for Gaza containing the words: “UNRWA” and “tunnel” or “tunnels.”**

CONCLUSION

If this Request is denied in whole or in part, the ACLJ requests that, within the time requirements imposed by FOIA, you support all denials by reference to specific FOIA exemptions and provide any judicially required explanatory information, including but not limited to, a *Vaughn* Index.

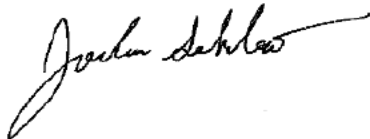
Thank you for your prompt consideration of this Request. Please furnish all applicable records and direct any responses to:

Jordan Sekulow, Executive Director
Benjamin P. Sisney, Senior Litigation Counsel
John A. Monaghan, Senior Litigation Counsel
American Center for Law and Justice

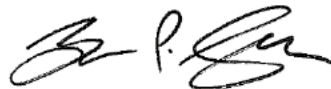


I affirm that the foregoing request and attached documentation, if any, are true and correct to the best of my knowledge and belief.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Jordan Sekulow".

Jordan Sekulow
Executive Director

A handwritten signature in black ink, appearing to read "Ben P. Sisney".

Benjamin P. Sisney
Senior Litigation Counsel

A handwritten signature in blue ink, appearing to read "John A. Monaghan".

John A Monaghan
Senior Litigation Counsel