

# VETERANS FOR PEACE



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February 11, 2024

Hon. Antony Blinken, Secretary of State  
Jessica Lewis, Assistant Secretary  
of State for Political-Military Affairs  
Barbara A. Leaf, Assistant Secretary  
of State for Near Eastern Affairs  
Robert S. Gilchrist, Senior Bureau Official  
Bureau of Democracy, Human Rights, and Labor  
% Bureau of Public Affairs  
U.S. Department of State  
Washington, D.C. 20520-6810  
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RE: Veterans For Peace demand for termination of provision of military  
weapons and munitions to Israel

Dear Secretary Blinken, Ms. Lewis, Ms. Leaf, Mr. Gilchrist and Ms. Shaw:

On behalf of thousands of members of Veterans for Peace (VFP), I am writing to urgently demand that the Department of State immediately suspend ongoing shipments of military weapons and munitions from the United States to Israel. We further demand that consideration of approvals of prospective shipments be terminated immediately.

Veterans For Peace is a 39-year-old international organization composed of war veterans and other opponents of war. From its inception, VFP has been a

public watchdog and critic of U.S. foreign and military policy.

We make this demand because of apparent violations by the Department of State officials and staff of the requirements of the Foreign Assistance Act, Arms Export Control Act, Leahy Laws, the Conventional Arms Transfer Policy (NSM-18) of February 2023, the U.S. War Crimes Act and the Genocide Implementation Prevention Act. Those laws individually and collectively prohibit transfers of weapons and munitions to Israel if there is credible evidence the arms will be used by Israel to commit, or aggravate risks that Israel will commit: genocide, crimes against humanity, grave breaches of the Geneva Conventions of 1949, or other serious violations of international humanitarian or human rights law.

Veterans for Peace is undertaking a public investigation, as well as making a referral to the Department's Inspector-General, because we believe these statutes may have been violated by staff at the Department of State:

- **The Conventional Arms Transfer Policy**, which prohibits U.S. weapons transfers when it's more likely than not that the arms will be used by Israel to commit genocide; crimes against humanity; and grave breaches of the Geneva Conventions, including attacks intentionally directed against civilian objects or civilians protected or other serious violations of international humanitarian or human rights law, including serious acts of gender-based violence or serious acts of violence against children. Dozens of authoritative complaints and referrals made by hospital administrators in Gaza, as well as by Amnesty International, Human Rights Watch, Palestine Authority, South Africa, Turkey, Medicins sans Frontières, UNRWA, UNICEF, the Secretary-General of the United Nations, the Norwegian Refugee Council and the World Food Programme have confirmed that there is an ongoing human rights and humanitarian disaster due to Israel's cutoff of water and electricity, deliberate destruction of sewage infrastructure and delaying of aid shipments by Israeli forces.
- **The Foreign Assistance Act**, which forbids the provision of assistance to a government which "engages in a consistent pattern of gross violations of internationally recognized human rights."
- **Arms Export Control Act**, which says countries that receive US military aid can only use weapons for legitimate self-defense and internal security. Israel's genocidal campaign in Gaza goes way beyond self-defense and internal security.
- **The U.S. War Crimes Act**, which forbids grave breaches of the Geneva Conventions, including wilful killing, torture or inhuman treatment, wilfully causing great suffering or serious injury to body or health, and unlawful deportation or transfer, perpetrated by the Israeli Occupying Forces.
- **The Leahy Law**, which prohibits the U.S. Government from using funds for assistance to units of foreign security forces where there is credible information implicating that unit in the commission of gross violations of human rights.

- **The Genocide Convention Implementation Act**, which was enacted to implement U.S. obligations under the Genocide Convention, provides for criminal penalties for individuals who commit or incite others to commit genocide.

There are many credible reports of major crimes under international law being committed by military units of the Israel Defense Force (IDF) in its continuing invasion of the Gaza Strip. The IDF is using primarily U.S. weapons and munitions to prosecute its operations in Gaza.<sup>1</sup> There is a growing body of evidence of Israel's genocidal act and genocidal intent and commission of war crimes, crimes against humanity, and crimes of aggression with the material support of the U.S. since Israel commenced its bombardment and invasion of Gaza on October 7, 2023.<sup>2</sup> Possible major crimes committed during the IDF's invasion of the Gaza Strip since October 7, 2023 include genocide; war crimes; crimes against humanity; and grave breaches of the Geneva Conventions of 1949. The underlying offenses include summary executions and intentional mass killings of noncombatants, disproportionate attacks by the IDF, attacks on hospitals and other health services as well as, cultural, historical and governmental properties, ethnic cleansing, intentional starvation of civilians and depriving them of water and energy supplies, and more. Human Rights Watch published a report in December 2023 extensively documenting allegations that Israel has been using starvation of the Palestinians in Gaza as a weapon of war.<sup>3</sup> HRW stated, "Israeli forces are deliberately blocking the delivery of water, food, and fuel, while willfully impeding humanitarian assistance, apparently razing agricultural areas, and depriving the civilian population of objects indispensable to their survival." It cited public statements of intention to do so by at least three Israeli ministers, the testimony of Palestinians, and announcements by the Norwegian Refugee Council.<sup>4</sup> The World Food Programme recently provided eyewitness observations which indict Israel's aid inspection regime as a central culprit in disallowing humanitarian aid.<sup>5</sup>

In addition to all previous credible reports, the Department of State must also now take notice of the January 26, 2024 Order<sup>6</sup> by the International Court of Justice which holds that

<sup>1</sup> See, for example, "Israel/OPT: US-made munitions killed 43 civilians in two documented Israeli air strikes in Gaza – new investigation," <https://www.amnesty.org/en/latest/news/2023/12/israel-opt-us-made-munitions-killed-43-civilians-in-two-documented-israeli-air-strikes-in-gaza-new-investigation/>; "Israel Used U.S.-Supplied White Phosphorus in Lebanon Attack," <https://www.washingtonpost.com/investigations/2023/12/11/israel-us-white-phosphorus-lebanon/>; "A Times Investigation Tracked Israel's Use of One of Its Most Destructive Bombs in South Gaza," [https://www.nytimes.com/2023/12/21/world/middleeast/israel-gaza-bomb-investigation.html?unlocked\\_article\\_code=1.Q00.zYAj.4vnanqSMoGd1&smid=url-share](https://www.nytimes.com/2023/12/21/world/middleeast/israel-gaza-bomb-investigation.html?unlocked_article_code=1.Q00.zYAj.4vnanqSMoGd1&smid=url-share); "Military briefing: the Israeli bombs raining on Gaza," <https://www.ft.com/content/7b407c2e-8149-4d83-be01-72dcae8aee7b>

<sup>2</sup> See, e.g., "Amnesty International, Damning evidence of war crimes as Israeli attacks wipe out entire families in Gaza," Oct. 20, 2023, <https://www.amnesty.org/en/latest/news/2023/10/damning-evidence-of-war-crimes-as-israeli-attacks-wipe-out-entire-families-in-gaza/>; see also "Emergency Legal Briefing: Israel's Unfolding Crime of Genocide of the Palestinian People & U.S. Failure to Prevent and Complicity in Genocide," Center for Constitutional Rights (Oct. 18, 2023), [https://ccrjustice.org/sites/default/files/attach/2023/10/Israels-Unfolding-Crime\\_ww.pdf](https://ccrjustice.org/sites/default/files/attach/2023/10/Israels-Unfolding-Crime_ww.pdf).

<sup>3</sup> <https://www.hrw.org/news/2023/12/18/israel-starvation-used-weapon-war-gaza>

<sup>4</sup> <https://www.nrc.no/news/2023/november/not-enough-water-to-survive/>

<sup>5</sup> <https://www.wfp.org/stories/hungers-border-why-aid-trucks-taking-humanitarian-gear-and-food-gaza-fa-ce-long-waits>

<sup>6</sup> <https://www.icj-cij.org/sites/default/files/case-related/192/192-20240126-ord-01-00-en.pdf>

South Africa plausibly described in its Application a risk that Israel is conducting genocide in the Gaza Strip. The Court made those findings while refusing to dismiss South Africa's *Application of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza Strip (South Africa v. Israel)*.<sup>7</sup>

In its near-unanimous January 26 Order, the ICJ judges ordered Israel to take several actions. Israel must observe its obligations under the Genocide Convention to prevent the commission of genocide of Palestinians in Gaza, including killing or causing serious bodily or mental harm to noncombatants. Israel is forbidden from inflicting conditions calculated to destroy Palestinians. Israel must do everything possible to prevent and punish direct as well as public incitement to commit genocide against Palestinians. Israel must take immediate and effective measures to provide urgently needed basic services and humanitarian assistance to Palestinians in the Gaza Strip. Israel must prevent the destruction of, and ensure preservation of, evidence related to allegations of possibly genocidal acts under the Convention on Genocide. Finally, Israel must report to the Court all measures taken to give effect to the Order by February 25, 2024.

The Court's findings of plausibility of factual allegations are found in the Order at ¶ 30,<sup>8</sup> ¶ 54,<sup>9</sup> ¶ 59,<sup>10</sup> and ¶ 66,<sup>11</sup> and are reproduced in the margin.<sup>12</sup>

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<sup>7</sup> <https://www.icj-cij.org/case/192>.

<sup>8</sup> "In the [International Court of Justice's] view, at least some of the acts and omissions alleged by South Africa to have been committed by Israel in Gaza appear to be capable of falling within the provisions of the [Genocide] Convention."

<sup>9</sup> "In the Court's view, the facts and circumstances mentioned above are sufficient to conclude that at least some of the rights claimed by South Africa and for which it is seeking protection are plausible. This is the case with respect to the right of the Palestinians in Gaza to be protected from acts of genocide and related prohibited acts identified in Article III, and the right of South Africa to seek Israel's compliance with the latter's obligations under the Convention." (Emphasis added).

<sup>10</sup> "The Court considers that, by their very nature, at least some of the provisional measures sought by South Africa are aimed at preserving the plausible rights it asserts on the basis of the Genocide Convention in the present case, namely the right of the Palestinians in Gaza to be protected from acts of genocide and related prohibited acts mentioned in Article III, and the right of South Africa to seek Israel's compliance with the latter's obligations under the Convention. *Therefore, a link exists between the rights claimed by South Africa that the Court has found to be plausible, and at least some of the provisional measures requested.*" (Emphasis added).

<sup>11</sup> "In view of the fundamental values sought to be protected by the Genocide Convention, the Court considers that the plausible rights in question in these proceedings, namely the right of Palestinians in the Gaza Strip to be protected from acts of genocide and related prohibited acts identified in Article of the Genocide Convention and the right of South Africa to seek Israel's compliance with the latter's obligations under the Convention, are of such a nature that prejudice to them is capable of causing irreparable harm."

<sup>12</sup> ¶ 46. . . . large number of deaths and injuries, as well as the massive destruction of homes, the forcible displacement of the vast majority of the population, and extensive damage to civilian infrastructure. . . . 25,700 Palestinians have been killed, over 63,000 injuries have been reported, over 360,000 housing units have been destroyed or partially damaged and approximately 1.7 million persons have been internally displaced. . . .

¶ 47. Statement by the United Nations Under Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator: "Families are sleeping in the open as temperatures plummet. Areas where civilians were told to relocate for their safety have come under bombardment. Medical facilities are under

The Department of State further must treat as a “credible report” certain of the findings rendered by a U.S. federal judge in his February 1, 2024 “Order Granting Motion to Dismiss.”<sup>13</sup> In *Defense for Children International—Palestine, et al. v. Joseph Biden, et al.*<sup>14</sup> Following an evidentiary hearing on the Palestinian plaintiffs’ motion for a preliminary injunction that took place on January 26, 2024, the court noted:

Similarly, the undisputed evidence before this Court comports with the finding of the ICJ and indicates that the current treatment of the Palestinians in the Gaza Strip by the Israeli military may plausibly constitute a genocide in violation of international law. Both the uncontroverted testimony of the Plaintiffs and the expert opinion proffered at the hearing on these motions as well as statements made by various officers of the Israeli government indicate that the ongoing military siege in Gaza is intended to eradicate a whole people and therefore plausibly falls within the international prohibition against genocide.<sup>15</sup>

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This Court implores Defendants to examine the results of their unflagging support of the military siege against the Palestinians in Gaza.<sup>16</sup>

The ICJ findings and the U.S. District Court’s findings are grounded on facts found to be

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relentless attack. The few hospitals that are partially functional are overwhelmed with trauma cases, critically short of all supplies, and inundated by desperate people seeking safety. . . . Infectious diseases are spreading in overcrowded shelters as sewers spill over. Some 180 Palestinian women are giving birth daily amidst this chaos. People are facing the highest levels of food insecurity ever recorded. Famine is around the corner. . . . For children in particular, the past 12 weeks have been traumatic: No food. No water. No school. Nothing but the terrifying sounds of war, day in and day out. Gaza has simply become uninhabitable..”

¶ 48. The World Health Organization (WHO) reported that, as of 21 December 2023: “An unprecedented 93% of the population in Gaza is facing crisis levels of hunger, with insufficient food and high levels of malnutrition. At least 1 in 4 households are facing catastrophic conditions : experiencing an extreme lack of food and starvation. . . . Starvation, destitution and death are evident. . . . one in four people face extreme hunger.”

¶ 49. Statement issued by the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA): “In the past 100 days, sustained bombardment across the Gaza Strip caused the mass displacement of a population that is in a state of flux- constantly uprooted and forced to leave overnight, only to move to places which are just as unsafe. This has been the largest displacement of the Palestinian people since 1948.”

. . . . The vast majority, including children, are deeply traumatized. Overcrowded and unsanitary UNRWA shelters have now become home to more than 1.4 million people. They lack everything, from food to hygiene to privacy. People live in inhumane conditions, where diseases are spreading, including among children. They live through the unlivable, with the clock ticking fast towards famine. . . . An entire generation of children is traumatized and will take years to heal. Thousands have been killed, maimed, and orphaned. Hundreds of thousands are deprived of education. Their future is in jeopardy, with far-reaching and long-lasting consequences.”

<sup>13</sup> [https://ccrjustice.org/sites/default/files/attach/2024/01/91\\_1-31-24\\_Order-granting-MTD\\_w.pdf](https://ccrjustice.org/sites/default/files/attach/2024/01/91_1-31-24_Order-granting-MTD_w.pdf)

<sup>14</sup> <https://ccrjustice.org/home/what-we-do/our-cases/defense-children-international-palestine-v-biden>

<sup>15</sup> Order Granting Motion to Dismiss at p. 4.

<sup>16</sup> *Id.* at p. 8.

credible by those respective courts. Hence they must be accepted along with other evidence by the Department of State as “credible reports” for purposes of investigations under the Leahy Laws, Foreign Assistance Act, Arms Export Control Act and the Conventional Arms Transfer Policy of potential violations of international law committed by the Israel Defense Force. A “credible report” need not be sworn testimony, but in the federal lawsuit there was extensive sworn testimony subjected to cross-examination that was taken on January 26, 2024 that should be investigated by the Department. The Department is legally required to step outside the Biden Administration’s reflexive support of Israel to consider whether there have been serious misrepresentations by Israel or a lack of diligence by the U.S. State Department in permitting Israel to receive U.S. aid while committing genocidal atrocities with impunity.

We base our belief that the Department may have violated federal restrictions on exporting military aid between the U.S. and Israel on the sworn declaration of Josh Paul, former Director of Congressional and Public Affairs in the State Department’s Bureau of Political-Military Affairs. Mr. Paul attested to significant failures of the Department in a declaration filed in the *Defense for Children International—Palestine* lawsuit. Mr. Paul stated:

I believe it is clear that the U.S. government is failing not only to execute the due diligence required under existing U.S. laws, but is actively creating and utilizing processes that help insulate Israel from accountability or sanctions in accordance with existing U.S. laws and policies. In my experience, the U.S. government is aware that U.S.-origin weapons, munitions, and equipment will be used by Israel in ways that are contrary to U.S. law, including applicable provisions of the Foreign Assistance Act, Arms Export Control Act, Leahy Laws, the Conventional Arms Transfer Policy (NSM-18) of February 2023, among others, and Israel’s own commitments to the United States under applicable processes and agreements, and other requirements that their end use of U.S.-origin weapons, munitions, and equipment be used in accordance with international law. The failure to execute meaningful due diligence or adequately apply existing U.S. laws permits the unfettered flow of military assistance to Israel forces with minimal oversight that leads to unnecessary civilian harm, gross violations of human rights, and impunity for violations of international law.<sup>17</sup>

Veterans for Peace questions why or how the State Department’s emergency certification of foreign military sales cases of tank and artillery munitions to Israel during December 2023<sup>18</sup> were allowed, based on the guidelines of Sections 2, 3 and 4 of the Department’s Conventional Arms Transfer (“CAT”) Policy (NSM-18) (February 2023).<sup>19</sup> For example, Section 2 requires that those authorizations were required to fulfill the following:

- Promote international peace and stability and the settlement of international disputes through diplomacy and deterrence;

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<sup>17</sup> [https://ccrjustice.org/sites/default/files/attach/2023/12/44-7\\_12-22-23\\_Paul-Decl\\_w.pdf](https://ccrjustice.org/sites/default/files/attach/2023/12/44-7_12-22-23_Paul-Decl_w.pdf) at ¶ 11.

<sup>18</sup> <https://www.nbcnews.com/politics/white-house/biden-administration-sidesteps-congress-arms-sale-israel-rcna131661>

<sup>19</sup> <https://www.whitehouse.gov/briefing-room/presidential-actions/2023/02/23/memorandum-on-united-states-conventional-arms-transfer-policy/>

- Strengthen United States national security by reinforcing respect for human rights, international humanitarian law, democratic governance, and rule of law;
- Prevent arms transfers that risk facilitating or otherwise contributing to violations of human rights or international humanitarian law;
- Strengthen ally and partner capacity to respect their obligations under international law and reduce the risk of civilian harm, including through arms transfers, as well as appropriate tools, training, advising, and institutional capacity-building efforts;<sup>20</sup>

Similarly, the Department’s ammunition transfer approvals appear to contradict these considerations under Section 3 of the CAT Policy:

- The risk that the recipient may use the arms transfer to contribute to a violation of human rights or international humanitarian law, based on an assessment of the available information and relevant circumstances, including the capacity and intention of the recipient to respect international obligations and commitments;
- The risk that the transfer will have adverse political, social, or economic effects within the recipient country, including by negatively impacting the protection of human rights, fundamental freedoms, or the activity of civil society; encourage or contribute to corruption; contribute to instability, authoritarianism, or transnational repression; contribute to impunity of security forces; or undermine democratic governance or the rule of law;
- The degree to which the introduction of a capability could destabilize a country, increase regional tensions, or contribute to an arms race;
- Whether the transfer is consistent with United States international arms control, disarmament, and nonproliferation commitments and obligations;
- An assessment of whether the transfer might contribute to a recipient’s pursuit of WMD and their means of delivery.<sup>21</sup>

Moreover, CAT Policy Section 4 clearly directs that “no arms transfer will be authorized where the United States assesses that it is more likely than not that the arms to be transferred will be used by the recipient to commit, facilitate the recipients’ commission of, or to aggravate risks that the recipient will commit: genocide; crimes against humanity; grave breaches of the Geneva Conventions of 1949, including attacks intentionally directed against civilian objects or civilians protected as such; or other serious violations of international humanitarian or human rights law, including serious acts of gender-based violence or serious acts of violence against children. This assessment shall include consideration of the available information and relevant circumstances, including the proposed recipient’s current and past actions, credible reports that the recipient committed any of the above violations, and other information related to the overall capacity or intention of the recipient to respect international law.”<sup>22</sup>

Indeed, the CAT Policy requires that “[i]f a transfer had previously been authorized and circumstances have changed in ways that would materially increase the risk of any of the

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<sup>20</sup> *Id.*

<sup>21</sup> *Id.*

<sup>22</sup> *Id.*

negative consequences listed above, the United States will reassess and, as appropriate, review options for ceasing the transfer of or support for a previous authorization.”<sup>23</sup>

As of October 2023, there were nearly 600 pending Foreign Military Sales to Israel, including F-35 Joint Strike Fighter aircraft and precision-guided munitions, with an overall value of \$23.8 billion.<sup>24</sup> At this very moment, Israel is reportedly negotiating with the U.S. to purchase a squadron of 25 F35i stealth fighter jets, a squadron of 25 F-15IA fighter jets — the Israeli variant of the advanced F-15EX — and a squadron of 12 Apache helicopters.<sup>25</sup> The U.S. has provided over 10,000 tons of military equipment to Israel since October 7, 2023.<sup>26</sup>

And these armaments are being provided while the current Israeli government, widely deemed to be the most politically reactionary in Israel’s history, has uttered more than 500 incitements to genocide against Palestinians,<sup>27</sup> including use of nuclear weapons in Gaza.<sup>28</sup> Immediately upon hearing of the ICJ Order, Prime Minister Benjamin Netanyahu repudiated it by announcing that Israel would continue its military offensive in the manner of its sole choosing.

***Veterans For Peace believes it is likely that the above transactions will provide Israel with more weapons to commit genocide, war crimes, crimes against humanity, and grave breaches of the Geneva Conventions of 1949 or other serious violations of international human rights law. Continuing to supply Israel with arms assistance means continued genocidal extermination of Palestinians and destruction of their culture, and is also prompting distinct prospects for a massive regional war.***

Because of the certainty that U.S. munitions to Israel are fostering the physical destruction of the Gaza Strip while causing murders and misery to thousands of noncombatants, VFP believes the State Department’s administration of the Foreign Assistance Act, Arms Export Control Act and Leahy Laws respecting Israel might amount to criminal misbehavior. Thus we are examining evidence of possible violations of these statutes:

- **The Export Control Act**, 22 U.S.C. § 2778(a)(2), which requires that “[d]ecisions on issuing export licenses under this section shall take into account whether the export of an

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<sup>23</sup> *Id.*

<sup>24</sup> “U.S. Security Cooperation with Israel,” <https://www.state.gov/u-s-security-cooperation-with-israel/>

<sup>25</sup> “Israel advancing deals with U.S. to purchase fighter jets, attack helicopters and munitions,” [https://www.timesofisrael.com/liveblog\\_entry/israel-advancing-deals-with-us-to-purchase-fighter-jets-attack-helicopters-and-munitions/](https://www.timesofisrael.com/liveblog_entry/israel-advancing-deals-with-us-to-purchase-fighter-jets-attack-helicopters-and-munitions/)

<sup>26</sup> “244 US cargo planes, 20 ships deliver over 10,000 tons of military equipment to Israel — report,” [https://www.timesofisrael.com/liveblog\\_entry/244-us-cargo-planes-20-ships-deliver-over-10000-tons-of-military-equipment-to-israel-report/](https://www.timesofisrael.com/liveblog_entry/244-us-cargo-planes-20-ships-deliver-over-10000-tons-of-military-equipment-to-israel-report/)

<sup>27</sup> <https://law4palestine.org/law-for-palestine-releases-database-with-500-instances-of-israeli-incitement-to-genocide-continuously-updated/>

<sup>28</sup> <https://www.timesofisrael.com/far-right-minister-says-nuking-gaza-an-option-pm-suspends-him-from-cabinet-meetings/>

article would . . . increase the possibility of outbreak or escalation of conflict.” Violations are punishable by up to 20 years of imprisonment under 22 U.S. Code § 2778(c),<sup>29</sup>

● **The False Statement statute**, 18 U.S.C. § 1001(a), which prohibits falsification or concealment of material facts orally or in writing to an official of the Executive Branch or Congress.<sup>30</sup> Notably, 18 U.S.C. § 1001(c)(1) prohibits falsification of “a document required by law, rule, or regulation to be submitted to the Congress or any office or officer within the legislative branch.” Violations are punishable by up to 8 years of imprisonment under 18 U.S.C. § 1001(a)(3).<sup>31</sup>

● **The Genocide Prevention Act**, 18 U.S.C. § 1091.<sup>32</sup> Omitting to properly conduct the

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<sup>29</sup> § 2778(c): Any person who willfully violates any provision of this section, section 2779 of this title, a treaty referred to in subsection (j)(1)(C)(i), or any rule or regulation issued under this section or section 2779 of this title, including any rule or regulation issued to implement or enforce a treaty referred to in subsection (j)(1)(C)(i) or an implementing arrangement pursuant to such treaty, or who willfully, in a registration or license application or required report, makes any untrue statement of a material fact or omits to state a material fact required to be stated therein or necessary to make the statements therein not misleading, shall upon conviction be fined for each violation not more than \$1,000,000 or imprisoned not more than 20 years, or both.

<sup>30</sup> 18 U.S.C. § 1001(a): Except as otherwise provided in this section, whoever, in any matter within the jurisdiction of the executive, legislative, or judicial branch of the Government of the United States, knowingly and willfully—

- (1) falsifies, conceals, or covers up by any trick, scheme, or device a material fact;
- (2) makes any materially false, fictitious, or fraudulent statement or representation; or
- (3) makes or uses any false writing or document knowing the same to contain any materially false, fictitious, or fraudulent statement or entry.

<sup>31</sup> § 1001(a)(3): . . . shall be fined under this title, imprisoned not more than 5 years or, if the offense involves international or domestic terrorism (as defined in section 2331), imprisoned not more than 8 years, or both.

<sup>32</sup> 18 U.S.C. § 1091(a) Basic Offense.—Whoever, whether in time of peace or in time of war and with the specific intent to destroy, in whole or in substantial part, a national, ethnic, racial, or religious group as such—

- (1) kills members of that group;
- (2) causes serious bodily injury to members of that group;
- (3) causes the permanent impairment of the mental faculties of members of the group through drugs, torture, or similar techniques;
- (4) subjects the group to conditions of life that are intended to cause the physical destruction of the group in whole or in part;
- (5) imposes measures intended to prevent births within the group; or
- (6) transfers by force children of the group to another group;

shall be punished as provided in subsection (b).

(b) Punishment for Basic Offense.—The punishment for an offense under subsection (a) is—

- (1) in the case of an offense under subsection (a)(1), where death results, by death or imprisonment for life and a fine of not more than \$1,000,000, or both; and
- (2) a fine of not more than \$1,000,000 or imprisonment for not more than twenty years, or both, in any other case.

(c) Incitement Offense.—Whoever directly and publicly incites another to violate subsection (a) shall be fined not more than \$500,000 or imprisoned not more than five years, or both.

vetting and investigations required by the Leahy Laws, Arms Control Export Act, and Foreign Assistance Act arguably might comprise either direct acts in support of genocide, or aiding and abetting genocide.<sup>33</sup> Genocide is punishable by fines, imprisonment up to life, or the death penalty, depending on circumstances.

- **The War Crimes Act**, 18 U.S.C. § 2441,<sup>34</sup> via sundry acts of complicity.
- **Prohibition on Assistance statute**, 22 U.S.C. § 2378-1;<sup>35</sup> non-enforcement of the prohibition on assistance to countries that restrict United States humanitarian assistance,

By this letter, we are putting the Department of State on notice that Veterans for Peace believes there are credible reports of genocide and violations of humanitarian rights laws and treaties being perpetrated by Israel and that those crimes are being enabled by past and contemplated provision of weapons and munitions to Israel by the Department of State. We further believe that certain of the employees of the Department have intentionally and materially failed to discharge their responsibilities under the Foreign Assistance Act, Arms Export Control

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(d) Attempt and Conspiracy.—Any person who attempts or conspires to commit an offense under this section shall be punished in the same manner as a person who completes the offense.

<sup>33</sup> “Guide to Human Rights Statutes,” U.S. Department of Justice, Criminal Division, Human Rights and Special Prosecutions Section, states at p. 2: “Federal criminal laws of the United States generally do not incorporate the international legal concept of ‘command or superior responsibility’ as that term is used by contemporary international and hybrid tribunals. However, in some instances, conduct can be reached through the application of United States laws on conspiracy or aiding and abetting.”

<https://www.justice.gov/criminal-hrsp/file/1496591/download> . *See also* the federal aiding and abetting statute, 18 U.S.C. § 2(a) and (b).

<sup>34</sup> 18 U.S.C. § 2441(a) Offense.— Whoever, whether inside or outside the United States, commits a war crime, in any of the circumstances described in subsection (b), shall be fined under this title or imprisoned for life or any term of years, or both, and if death results to the victim, shall also be subject to the penalty of death.

(b) . . . ; .

(c) Definition.—As used in this section the term “war crime” means any conduct— . . .

(3) which constitutes a grave breach of common Article 3 (as defined in subsection (d)) when committed in the context of and in association with an armed conflict not of an international character. . . .

(d) Common Article 3 Violations.— (1) Prohibited conduct.—In subsection (c)(3), the term “grave breach of common Article 3” means any conduct (such conduct constituting a grave breach of common Article 3 of the international conventions done at Geneva August 12, 1949), as follows:

(A) Torture. . . . ;

(B) Cruel or inhuman treatment. . . . ;

(C) . . . ;

(D) Murder. . . . ;

(E) Mutilation or maiming. . . .

(F) Intentionally causing serious bodily injury. . . .

*See also* the federal aiding and abetting statute, 18 U.S.C. § 2(a) and (b).

<sup>35</sup> 22 U.S.C. § 2378-1(a) states, “No assistance shall be furnished under this chapter or the Arms Export Control Act [22 U.S.C. 2751 et seq.] to any country when it is made known to the President that the government of such country prohibits or otherwise restricts, directly or indirectly, the transport or delivery of United States humanitarian assistance.”

Act and Leahy Laws, and as a result, employees of the Department may be culpable of genocide and of breaking other criminal laws.

Finally, given the seriousness of the above allegations and the current level of offensive Israeli military hostilities which have been enabled with U.S. munitions, we demand that any and all present and future deliveries of military weapons and munitions to Israel be suspended until the State Department conducts a full investigation of possible violations of U.S. law..

Thank you very much.

Sincerely,

A handwritten signature in black ink that reads "Susan Schnall". The signature is written in a cursive style with a long, sweeping underline.

Susan Schnall, President  
Veterans for Peace

A handwritten signature in black ink that reads "Mike Ferner". The signature is written in a cursive style with a long, sweeping underline.

Mike Ferner, National Director  
Veterans for Peace