

Congress of the United States
Washington, DC 20515

September 30, 2024

The Honorable Antony Blinken
Secretary of State
U.S. Department of State
2201 “C” Street NW
Washington, DC 20520

The Honorable Lloyd J. Austin III
Secretary of Defense
U.S. Department of Defense
1000 Defense Pentagon
Washington, DC 20301-1000

Dear Secretary Blinken and Secretary Austin,

We write to express our deep alarm regarding the lack of U.S. enforcement of the Leahy Law as it pertains to U.S. assistance to Israel. We strongly urge you to apply the law as written and act swiftly to bar any Israeli military unit that faces credible accusations of committing a gross violation of human rights from receiving U.S. assistance or training.

As long-time friends and allies of Israel, we have supported, and continue to support, security assistance to Israel for the purposes of legitimate self-defense. Israel continues to face serious threats from Hamas, Hezbollah, and other terrorist groups. As it defends against these threats, Israel must ensure it is using U.S. security assistance and funding in compliance with U.S. law – whether in the West Bank, Gaza, Lebanon, or elsewhere.

The Leahy Law prohibits the U.S. from using funds for assistance to units of foreign security forces when the U.S. government has credible information that this unit has committed a gross violation of human rights. [According](#) to the State Department, “the U.S. government considers torture, extrajudicial killing, enforced disappearance, and rape under color of law” as gross violations of human rights when enforcing the Leahy Law. The ban on U.S. assistance to these units applies until such time as the unit has faced effective remediation by bringing the perpetrators to justice.

Numerous credible reports of gross violations of human rights by Israeli security forces have rightly placed U.S. enforcement of the Leahy Law in sharp focus. Israeli and international human rights organizations have released credible reports of Israeli security units subjecting Palestinians in Israeli detention facilities to [torture](#), [ill-treatment](#), [prolonged detention](#) without charges or trial, and [rape under color of law](#). Extensive investigations by reputable media outlets have also documented [multiple instances](#) of civilians carrying white flags being shot and killed by the Israel Defense Forces in Gaza.

[Recent articles](#) have highlighted the failure by successive U.S. administrations to enforce the Leahy Law as written as it applies to Israel by not halting aid to units when there is credible information that they have been involved in gross violations of human rights. In addition, the former head of the State Department's Office of Security and Human Rights until 2023, Charles A. Blaha, has publicly [outlined](#) the numerous ways in which the U.S. has failed to enforce the Leahy Law based on his seven years serving as the director of the State Department office that leads Leahy vetting of foreign security units. Blaha has testified that the U.S. under the Biden Administration has employed a lower standard for "effective remediation" of a security force unit for Israel than is used for other countries. Specifically, in multiple cases in which there was credible information that a unit of an Israeli security force committed an extrajudicial execution, the individual responsible did not face any criminal prosecution. According to Blaha, this would not meet the standard for effective remediation for any other country, but these Israeli units were determined to have remained eligible to receive U.S. assistance.

In addition, according to [public reporting](#), the U.S. has failed to enforce the Leahy Law by allowing units to remain eligible for U.S. assistance even in instances when the State Department concedes that there has been a gross violation of human rights and that the unit has not yet undergone effective remediation. In January 2022, 78 year old Palestinian-American Omar Assad suffered a heart attack while [detained](#) by Israel's Netzah Yehuda battalion in the West Bank and was left to die. Secretary Blinken determined that the Netzah Yehuda battalion was credibly implicated in a gross violation of human rights, and that there had [not](#) been effective remediation to date. However, rather than banning this unit from receiving U.S. assistance as required by law, the unit has remained eligible for assistance while the department engages with the government of Israel "on identifying a [path](#) to effective remediation for this unit."

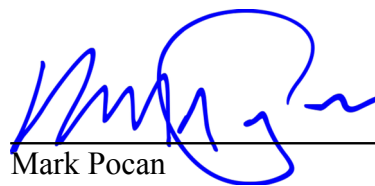
The failure of the United States to consistently apply our own laws has contributed to a culture of impunity in the Israel Defense Forces (IDF) that actively endangers the lives of US citizens. Since the death of Omar Assad and the failure of the State Department to pursue accountability, multiple Palestinian-Americans have been killed by the IDF in the West Bank. Renowned Palestinian-American [journalist](#) Shireen Abu Akleh was shot and killed by the IDF while reporting on a military operation in the West Bank in 2022. Earlier this year, a Palestinian-American minor was [killed](#) in the West Bank under unclear circumstances, when according to the Israeli police, a soldier, an Israeli settler, and an off-duty police officer were involved in a "firearm discharge ... directed towards a perceived threat." Most recently, a young American woman, Aysenur Ezgi Eygi, was shot and killed by the IDF. While the IDF has stated that Eygi was killed during a violent confrontation and that fire was aimed at a "key instigator" of confrontations with soldiers, visual investigations and eyewitness testimony both [contradict](#) this testimony, suggesting Eygi was shot in the head from a distance, while posing no threat, several minutes after confrontations between protesters and soldiers ended.

When it functions properly, the Leahy Law serves two crucial purposes: it prevents U.S. complicity in gross violations of human rights, and it deters violations by incentivizing foreign governments to hold perpetrators accountable. However, the Leahy Law can only serve these purposes when it is enforced. We strongly urge you to uphold the rule of law, bar assistance to any unit that is credibly implicated in a gross violation of human rights, and ensure perpetrators of crimes against American citizens face accountability and justice.

Sincerely,



James P. McGovern
Member of Congress



Mark Pocan
Member of Congress



Barbara Lee
Member of Congress



Joaquin Castro
Member of Congress



Betty McCollum
Member of Congress