

September 3, 2024

President Joseph R. Biden, Jr.
The White House
1600 Pennsylvania Avenue NW
Washington, D.C. 20500

Dear President Biden,

We write to express our deep dismay at continued U.S. military assistance to the Israeli government despite the catastrophic impact of attacks using U.S. weapons on civilians in the occupied Gaza Strip. We reiterate our demand for an immediate suspension of lethal U.S. arms transfers to Israel in light of repeated apparent violations of international and U.S. law and policy.

Your administration's arming of the Israeli government has been and continues to be shockingly out of step with the realities of civilian harm and suffering in Gaza. U.S. arms have been used in attacks that have [killed and maimed civilians](#) and likely [violated international humanitarian law](#). Israeli forces have destroyed [hospitals](#), [schools](#), [homes](#), and [water and sanitation sites](#) and restricted the flow of humanitarian assistance as almost half a million Palestinians in Gaza face catastrophic levels of food insecurity. At the same time, the continued provision of U.S. arms – including six recent sales cumulatively exceeding [\\$20 billion](#) – has also sent a political signal of virtually unconditional support for Israel's conduct where the United States instead should have wielded its leverage to stop the carnage in Gaza.

In May, your administration's [report](#) to Congress on [National Security Memorandum 20](#) (NSM-20) concluded that U.S.-provided arms had likely been used by Israeli security forces in manners “inconsistent with its IHL [international humanitarian law] obligations.” Yet the same report concluded that Israel's assurances to abide by IHL and facilitate humanitarian aid were “credible and reliable” and that the United States was not required to suspend arms transfers on the basis of law nor policy. This assessment stood in stark contrast to the realities in Gaza and across occupied Palestine and appeared to blatantly disregard both the requirements of U.S. law and policy and [extensive documentation submitted](#) by human rights and humanitarian organizations and [independent experts](#). Your administration has consistently deferred to Israeli authorities' assessments of international law compliance even though, as the NSM-20 report notes, they have “not shared complete information” requested by your administration for the U.S. to assess their IHL compliance in relation to U.S. law and policy.

In the months since the NSM-20 report, the humanitarian catastrophe in Gaza has only worsened – yet your administration's policy of virtually unconditional military support for the Israeli government continues. NSM-20, as well as longstanding U.S. [law and policy](#), require the United States to continually assess Israel's use of U.S. arms and its compliance with provided assurances, including compliance with IHL and international human rights law and facilitation of the delivery of humanitarian aid.

Since your report on May 10, 2024, the Israeli government has repeatedly impeded the delivery of humanitarian aid into Gaza in violation of its assurances. Humanitarian organizations operating in Gaza

[have published multiple consecutive](#) “humanitarian snapshots” detailing how arbitrary restrictions on aid access, Israeli attacks on aid workers and so-called humanitarian zones, and consecutive mass displacements have severely [hindered](#) aid delivery. Key trends reported include:

- Over three months after the Rafah incursion began, the Rafah crossing remains closed and access to Gaza is [heavily restricted](#). According to OCHA, the daily volume of humanitarian aid entering Gaza has [dropped](#) by 56% since April. OCHA also reports that aid entering Gaza via Kerem Shalom and collected by aid agencies [dropped](#) by more than 80% over the past three months.
- Aid workers are forced to drive through active hostilities and routinely come under fire, including from the Israeli military.
- Overcomplicated coordination processes and restrictions on the movement of aid and aid workers around Gaza result in aid arriving too late. Aid denials and delays mean that people starve and patients die.
- The Israeli government controls what is allowed to reach Gaza, often prioritizing commercial deliveries before humanitarian aid. Only a few private companies have access for commercial imports, leading to sky-high prices for low-quality goods. This is no replacement for humanitarian aid.
- Public services and infrastructure, including hospitals, roads, agricultural land, power plants, and water lines have been targeted and destroyed, despite being protected under IHL. This makes people ever more dependent on aid, which they cannot access.
- Humanitarian organizations [reported](#) that 16 orders by Israeli forces in August 2024 displaced more than 260,000 civilians and severely disrupted access to aid with at least 24 NGOs impacted. Civilians, including humanitarians, were pushed into an ever-shrinking space now just 11% of Gaza.
- As a result of the compounding access and delivery challenges, malnutrition and the perpetual risk of famine remains rampant across Gaza. Since your May 10 report, the UN estimates a [300 percent increase](#) in acute malnutrition in Northern Gaza, while the Integrated Food Security Phase Classification (IPC), the leading analyst on food insecurity, [found in June](#) that all of Gaza is at high risk of famine and 96% of the population is currently food insecure.

Since your report on May 10, human rights and media reports have also identified numerous cases of civilian harm and apparent IHL violations using U.S. arms. As your administration’s NSM-20 report [noted](#), given Israel’s significant reliance on U.S.-made defense articles and prohibitions on [media](#) and civil society access to Gaza, it is reasonable to assess that countless more such instances have gone unreported. The following events, [among others](#), indicate that the Israeli government has not abided by their assurances under NSM-20:

- Amnesty International [concluded](#) that US-made GBU-39 guided bombs killed at least 36 people – including six children – and injured more than 100 on May 26 in two Israel air strikes on a camp for internally displaced people in Tal al-Sultan in west Rafah. Amnesty International found that the strikes likely constituted a disproportionate and indiscriminate attack.
- The New York Times [reported](#) that a July 9 airstrike on a school serving as a shelter for displaced people killed at least 27 Palestinians using a small-diameter bomb from the United States.
- CNN [reported](#) that a July 13 airstrike in al-Mawasi killed more than 90 Palestinians and injured at least 300 more using a Boeing-manufactured Joint Direct Attack Munition from the United States.

- CNN [reported](#) that an August 10 attack on a school turned shelter in Gaza City killed at least 93 people using a small-diameter bomb from the United States.
- [Human Rights Watch](#), [Amnesty International](#), and [B'Tselem](#), among [other organizations](#), have documented extensive abuses against detained Palestinians, including children, by Israeli authorities. Reporting indicates that some of those abuses, including rape, torture, ill-treatment, and arbitrary detention without charges or trial, may amount to gross violations of human rights under Section 502B of the Foreign Assistance Act, which also prohibits arms transfers to governments that engage in a “consistent pattern” of gross violations of human rights.

Finally, since the May 10 report, the risk of United States’ and U.S. officials’ complicity in Israeli violations of international law due to U.S. arms transfers has only increased. Notable developments that should be considered in your review include:

- On May 20, the prosecutor of the International Criminal Court [announced](#) in seeking arrest warrants that he has “reasonable grounds to believe” that Prime Minister Benjamin Netanyahu and Defense Minister Yoav Gallant bear responsibility for war crimes and crimes against humanity in Gaza.
- In a July 19 advisory opinion, the International Court of Justice [concluded](#) that states have an obligation not to “render aid or assistance in maintaining the situation created by Israel’s illegal presence in the Occupied Palestinian Territory.”
- Amnesty International [warned](#) on July 23 “that the U.S. is on notice of the government of Israel’s unlawful use of U.S.-origin weapons, including in war crimes, and will be complicit in further violations committed with these weapons.”
- On July 23, Human Rights Watch [emphasized](#) the risk of U.S. government officials being liable for war crimes carried out using weapons from the United States.

These developments should compel the United States to suspend arms transfers to the Israeli government under the Conventional Arms Transfer policy, which prohibits arms transfers when “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” serious violations of international humanitarian or human rights law. Furthermore, NSM-20 clearly provides for the reconsideration of assurances the credibility or reliability of which has been “called into question.” We urge an immediate, public review of Israel’s compliance with NSM-20, accounting for the numerous apparent violations of international law and restrictions on humanitarian aid documented by civil society and the media since May 10 and throughout the NSM-20 reporting period.

We urgently call upon your administration to change its approach and suspend weapons transfers to Israel, which continue to cause devastating harm and risk making the United States complicit in war crimes. International and U.S. law, as well as your administration’s policies including NSM-20, require suspending weapons transfers to the Israeli government.

Signed,

Action Corps
American Friends Service Committee

American-Arab Anti-Discrimination Committee (ADC)
Amnesty International USA
Arms Control Association
Center for Civilians in Conflict (CIVIC)
Center for Constitutional Rights
Center for International Policy
Charity & Security Network
Friends Committee on National Legislation
Human Rights Watch
Humanity & Inclusion (HI)
Indivisible
Médecins du Monde France
Middle East Democracy Center (MEDC)
MoveOn
MPower Change Action Fund
National Iranian American Council Action
Oxfam America
Peace Action
Quincy Institute for Responsible Statecraft
Refugees International
The United Methodist Church — General Board of Church and Society
US Campaign for Palestinian Rights Action
Win Without War
Women for Weapons Trade Transparency

Cc:

Kamala Harris, Vice President
Antony J. Blinken, Secretary of State
Lloyd J. Austin III, Secretary of Defense
Jake Sullivan, National Security Advisor
Philip H. Gordon, National Security Advisor to the Vice President