

United States Senate

WASHINGTON, DC 20510

April 30, 2024

The Honorable Antony Blinken
Secretary of State
Department of State
Washington, DC 20520

The Honorable Lloyd Austin
Secretary of Defense
Department of Defense
Washington, DC 20310

Dear Secretary Blinken and Secretary Austin:

We write with concern regarding the U.S. government's failure to apply the Leahy Law consistently to all recipients of U.S. security assistance. Recent articles¹ documented that successive administrations have neglected to implement the Leahy Law in Israel. According to these investigative reports and other reports by U.S. and Israeli human rights organizations, despite credible information of gross violations of human rights (GVHR) of Palestinian civilians, including children, and of abuses of prisoners by the Israeli Defense Forces (IDF), over many years, not a single incident resulted in the denial of assistance to any unit of the IDF. In order for the United States to protect our own national security interests and maintain credibility as a global leader of human rights, we must apply the law equally.

The articles also referenced a long history of correspondence between Senator Leahy and Secretaries of State – both Democrat and Republican – in which he raised specific cases and sought an explanation for the consistent failure to apply the Leahy Law in Israel. Those inquiries were either not answered, the answers were inconclusive, or the responses described the Israeli military justice system as “highly credible” despite its long history, cited in the above-mentioned articles, of conducting investigations that rarely result in punishment commensurate to the offense.

The bombing and shelling of civilian infrastructure in Gaza, shootings of unarmed Palestinians in the West Bank and Gaza, and the killing of hundreds of medical personnel and aid workers in Gaza – including seven World Central Kitchen aid workers by an Israeli missile after descriptions and coordinates of their vehicles were shared with the IDF – have focused attention, once again, on the application of the Leahy Law to Israel.

The Leahy Law applies to all security forces that receive U.S. training, equipment, or other assistance. Its purpose is two-fold: to shield the United States from complicity in the most serious human rights violations, and to encourage foreign governments to hold perpetrators

¹ *Vox* (“The U.S. may be flouting its own laws by sending unrestricted aid to Israel” – Dec. 22, 2023), *The Guardian* (“‘Different Rules’: special policies keep US supplying weapons to Israel despite alleged abuses” – Jan. 18, 2024), and *Defense News* (“Pressure mounts on Biden to leverage human rights laws on Israel aid” – Jan. 18, 2024).

accountable and by doing so deter future violations. The Leahy Law holds all countries to the same standard, yet it appears that the IDF, by far the largest recipient of U.S. military assistance, may have been held to a different standard.

We would appreciate your written answers to the following questions as soon as possible:

1. Are you aware of any cases in the past three years when the U.S. Government found there to be credible information that a unit of the IDF committed a GVHR? If so, please identify those cases.
2. Are you aware of any cases in the past three years when an IDF unit was deemed ineligible to receive assistance under the Leahy Law? If so, please identify those cases.
3. Are you aware of any cases in the past three years when a member of the IDF was appropriately punished for committing a gross violation of human rights? If so, please identify those cases.
4. Are you aware of any cases in the past three years when an IDF unit was alleged to have committed a GVHR but there was not a consensus within the Departments of State or Defense that a GVHR had occurred, and for that reason the Leahy Law was not applied but U.S. assistance to such unit was withheld?
5. State Department officials familiar with the Leahy Law vetting process say the approach to vetting for units of Israeli security forces involves different procedures and levels of approval than for other countries. For countries that receive assistance “provided in a manner in which the recipient unit or units cannot be identified prior to the transfer of assistance,” what is the process for reviewing allegations of Leahy Law violations? Are there different procedures for vetting allegations about Israeli security forces compared to other countries, either now or in the past? If so, what are the differences and what is the justification for them?
6. What are the institutional or other reasons why the Leahy Law was not applied to cases involving the IDF in the past three years, including cases when there was credible information of a GVHR and no one was brought to justice? What steps are you taking to address them?

Thank you for your assistance. We look forward to your response.

Sincerely,



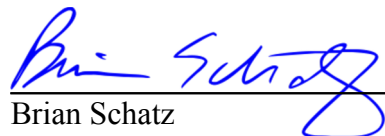
Peter Welch
United States Senator



Chris Van Hollen
United States Senator



Jeffrey A. Merkley
United States Senator



Brian Schatz
United States Senator



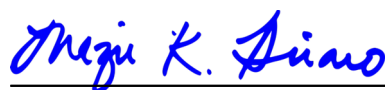
Bernard Sanders
United States Senator



Richard J. Durbin
United States Senator



Martin Heinrich
United States Senator



Mazie K. Hirono
United States Senator



Tina Smith
United States Senator