



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

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

**Subject: Inquiry Regarding End-Use Monitoring of Weapons Sent to Israel
and Implications for ICC Investigation of war crimes in Palestine**

Dear Secretary Blinken and Secretary Austin,

I am writing on behalf of Democracy in the Arab World Now (DAWN) concerning the recent announcement by the Department of Defense that it has sent additional munitions and military support to Israel. I request clarification on the End-Use Monitoring (EUM) measures in place for the weapons the U.S. has supplied and will be supplying to Israel. This request relates to the requirements of U.S. law, international humanitarian law, and the Rome Statute of the International Criminal Court (ICC).

U.S. law, specifically the Arms Export Control Act (AECA) and the Foreign Assistance Act (FAA), requires the State Department and Department of Defense to implement End-Use Monitoring (EUM) measures for weapons transfers to ensure that they are used responsibly and in accordance with international law. Despite these legal requirements, the U.S. has historically been lax in enforcing these laws regarding arms provided to Israel. Members of Congress have recently [called](#) for strengthened end-use monitoring and financial tracking of U.S. aid to Israel.



Over \$3.3 billion dollars in weapons transfers and weapons financing to Israel remain opaque, with limited information and monitoring. It is imperative that the U.S. commence applying its own laws to monitor how Israel is using U.S. weapons.

Furthermore, the Civilian Harm Incident Response Guidance (CHIRG) program recently announced by the Biden Administration [requires](#) U.S. officials to investigate “civilian harm by partner governments suspected of using U.S. weapons and recommend actions that could include suspension of arms sales.” The State Department and Department of Defense should subject any weapons transferred to Israel in the context of its ongoing military campaign in Gaza to this monitoring and establish mechanisms for real-time reporting, taking into account the challenges of gathering information from Gaza.

Now more than ever, it is vitally important for the U.S. government to implement a robust and comprehensive mechanism to monitor Israel’s use of U.S. weapons. Of grave concern are Israel’s decision to cut off electricity, water, and humanitarian supplies to Gaza and ordering a reported 1.1 million people to flee their homes, pushing them south toward Egypt. Since Israel’s most recent bombardment of Gaza this week, the evidence suggests that it has deliberately and indiscriminately targeted [civilian residential buildings, civilian government buildings, markets, and mosques](#), in violation of the laws of war. This bombardment has already caused the displacement of over 400,000 Palestinians, killed over 2,215 civilians, including 724 children and 458 women, and injured 8,714. In light of this emerging evidence of gross violations of international humanitarian law, the U.S. should implement its laws and programs requiring the suspension of military assistance to Israel.

In addition, as you are no doubt aware, in 2019 the Office of the Prosecutor of the ICC [announced](#) the opening of an investigation of the situation in Palestine since June 13, 2014. While the U.S. is not a party to the Rome Statute, U.S. officials may be exposed to ICC scrutiny and criminal liability for aiding and abetting war crimes if U.S. weapons are used to conduct attacks in Palestine, pursuant to Articles 25(3)(c) and 28 of the Rome Statute. The ICC has shown a willingness to extend its jurisdiction to nationals of non-state parties involved in crimes committed in the territory of state parties, such as the ongoing ICC investigation respecting the situation in Palestine. Evidence that the U.S. has monitored the use of its weapons by Israel, verified they have not been used in criminal attacks on Gaza, and suspended new arms transfers in the face of evidence of



misuse of its weapons could serve as a defense to criminal charges against U.S. officials by the ICC.

Accordingly, I request that you provide us with detailed information on:

- The complete inventory of weapons the U.S. is providing or financing, or has provided and financed, to Israel that are currently being used in the conflict in Gaza
- The measures you are taking to monitor Israel's use of U.S. weapons and to prevent the use of such weapons in violations of international humanitarian law

I look forward to your prompt attention to this urgent matter.

Sincerely,

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