



To: The Honorable Antony Blinken  
Secretary of State  
U.S. Department of State  
2201 C St NW  
Washington, DC 20520

The Honorable Lloyd Austin  
Secretary of Defense  
U.S. Department of Defense  
1400 Defense Pentagon  
Washington, DC 20301-1400

Re: Cease and Desist Support for Israel's Violations of U.S. and International Law

Dear Secretary Blinken and Secretary Austin,

I am writing on behalf of DAWN with regard to your October 13, 2024 letter to the Israeli government demanding that it take urgent steps to dramatically improve the humanitarian situation in the Gaza Strip and cease operations and activities leading to the displacement of Palestinian civilians. Your letter asked Israel to facilitate "a minimum of 350 trucks per day of aid into Gaza through all major crossings," and that it "[rescind] evacuation orders when there is no operational need." The letter also asks Israel to end its isolation of northern Gaza, by "reaffirming that there will be no Israeli government policy of forced evacuation of civilians from northern to southern Gaza" and "ensuring humanitarian organizations have continuous access to northern Gaza." The failure of Israel to meet these demands warrants an immediate cessation of U.S. arms transfers and other security assistance measures.

A "scorecard" [issued](#) by a consortium of eight international humanitarian organizations on November 12, 2024 concluded that, "Israel not only failed to meet the U.S. criteria that would indicate support to the humanitarian response, but concurrently took actions that dramatically worsened the situation on the ground, particularly in Northern Gaza." During the 30-day reporting period, instead of

allowing at least 350 humanitarian trucks into Gaza each day as demanded by the U.S., Israel allowed a daily average of only 42 aid trucks into Gaza. The humanitarian consortium further found that contrary to U.S. demands, Israel has not permitted “adequate humanitarian pauses to allow essential humanitarian activities in Gaza, including vaccinations, deliveries, and distribution.” Perhaps most concerning, rather than rescind evacuation orders, Israel issued six *new* evacuation orders during the reporting period and did not permit any displaced Palestinians to return to their homes in targeted neighborhoods of northern Gaza, including Jabalia, Beit Hanoun, and Beit Lahia.

While Israel has seemingly taken steps toward increasing the number of aid trucks entering other parts of Gaza leading up to the expiration of the 30-day deadline, Israeli news reports suggest this performative change in policy, which had no effect on the most devastated neighborhoods of northern Gaza, was taken solely to [avoid](#) a U.S. arms embargo.

Israel’s failure to meet the U.S. conditions—and its failure to take even basic steps toward meeting them—not only undermines U.S. objectives but indicates that Israel’s policy is deliberate noncompliance. Such a conclusion would legally oblige the U.S. to cease military assistance to Israel. Under Section 620i of the FAA ([22 U.S.C. § 2378-1](#)), U.S. support to any government obstructing U.S. humanitarian aid is prohibited. Israel’s consistent restriction of humanitarian access to Gaza directly contravenes this law. Other U.S. laws, regulations, and policies, including the Arms Export Control Act (AECA), the War Crimes Act of 1996 (codified as amended at [18 U.S.C. § 2441](#)), and the U.S. Conventional Arms Transfer Policy, mandate that U.S.-provided arms be used solely for legitimate self defense.

[Evidence](#) indicates that Israel is instead using U.S. arms in operations that further forcible displacement of civilians and target civilian infrastructure—a direct violation of the AECA’s terms. Further, National Security Memorandum 20 ([NSM-20](#)) obligates the U.S. to ensure that its foreign assistance aligns with humanitarian principles. Israel’s actions in Gaza are incompatible with these principles, making continued U.S. support in breach of NSM-20, the FAA, and other U.S. laws and regulations.

The consequences of not taking action now, after Israel has continuously disregarded U.S. warnings over the past 13 months, will be catastrophic. As the principles of an inter-agency standing committee of UN humanitarian organizations [warned](#) on November 1, 2024, the situation in northern Gaza is “apocalyptic,” and, “the entire Palestinian population in North Gaza is at imminent risk of dying from disease, famine and violence.” The Biden Administration has made similar warnings in recent weeks, with Ambassador to the United Nations Linda Thomas-Greenfield [stating](#) on October 16, 2024 that, "A 'policy of starvation' in northern Gaza would be horrific and unacceptable and would have implications under international law and U.S. law."

The Famine Review Committee, on November 8, 2024, [warned](#) that, “if no effective action is taken by stakeholders with influence, the scale of this looming catastrophe is likely to dwarf anything we have seen so far in the Gaza Strip since 7 October 2023.” Adding insult to injury, during the 30-day reporting period, Israel passed legislation banning UNRWA, a UN agency significantly funded by the U.S., which will have the effect of blocking nearly all essential humanitarian operations in Gaza, further aggravating the humanitarian crisis.

As you know, the ICC has already accepted jurisdiction over crimes committed in Palestine, which is a State Party to the Rome Statute. While the U.S. is not a current signatory to the Rome Statute, the ICC’s jurisdiction extends to crimes committed on the territory of state parties, including Palestine. Under [Article 25](#) of the Rome Statute, the ICC can hold accountable individuals who aid, abet, or otherwise assist in the commission of crimes, such as war crimes or crimes against humanity.

In May 2024, the International Court of Justice (ICJ) issued an order requiring Israel to halt actions that could lead to genocide, specifically mandating an end to forced displacements, protection for civilians, and guaranteed humanitarian access. The ICJ order also underscores Israel’s actions as plausibly genocidal.

The U.S. should halt its military support for Israel to comply with its Convention obligations and uphold international legal norms. U.S. law, namely the 1988 Genocide Convention Implementation Act, ratified the Genocide Convention and criminalizes genocide offenses. In addition to prohibiting the commission of

genocide, the Genocide Convention prohibits complicity in genocide and requires states “to prevent” genocide. The ICJ has held that a “State’s obligation to prevent, and the corresponding duty to act, arise at the instant that the State learns of, or should normally have learned of, the existence of a serious risk that genocide will be committed” (emphasis added). Should a state know of serious risk that genocide will be committed, it has a duty to take acts to prevent it, if this state “has available to it means likely to have a deterrent effect” on the suspected potential offender, “it is under a duty to make such use of these means as the circumstances permit.”

Given the legal—and dire humanitarian—implications, DAWN demands the U.S. to take the following immediate actions:

1. Cease all arms transfers and military assistance to Israel, in compliance with U.S. laws, regulations, and policies.
2. Publicly recommit to adherence to ICJ rulings and the Genocide Convention, including a full review of U.S. support to Israel.

DAWN will pursue all legal avenues available to ensure compliance with both U.S. and international law.

Sincerely,

Sarah Leah Whitson  
Executive Director  
DAWN  
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CC:

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