



November 3, 2023

**RE: NOTICE OF POTENTIAL LEGAL LIABILITY FOR AIDING, ABETTING, INCITING, OR CONSPIRING TO COMMIT GENOCIDE THROUGH CONGRESSIONAL ACTS, AND DEMAND**

Dear Congressional Representatives:

We understand that you will be voting on the emergency military funding package to Israel. We write to notify you of the legal liabilities of voting for that package, and to demand that you vote against the military assistance package.

The aid package will provide funds to Israel to, *inter alia*, support its ongoing genocide of, and war crimes against, Palestinians who are confined to the Gaza Strip, and to support apartheid and ethnic cleansing, and the underlying crimes of forcible transfer and deportation, in the West Bank. As the United States is a signatory to both the 1949 Geneva Conventions and the Genocide Convention, it has an obligation to respect and ensure respect for the obligations in those international treaties, including to prevent the commission of genocide and to prevent and punish the commission of grave breaches of the Geneva Conventions – not aid and abet them.

Please take notice that should you vote in favor of that package, you risk facing criminal and civil liability for aiding and abetting genocide, war crimes and crimes against humanity under international law, and may face investigation and prosecution at the International Criminal Court, and in third-states under the principle of universal jurisdiction.

Please take further notice that pursuant to the Rome Statute, private and public officials are *not immune* from prosecution, and thus there is no official-acts immunity for the universally recognized crimes of genocide, war crimes and crimes against humanity, and no immunity for aiding, abetting, and inciting genocide, even if that genocide is not completed. Please also be apprised that there is *no statute of limitations* for complaints and prosecutions brought under these charges. The Federal U.S. Code also criminalizes attempt, aiding and abetting, and conspiracy to commit genocide, and permits the prosecutions of persons present in the United States who have committed war crimes anywhere in the world.<sup>1</sup> The evidence of genocide, war crimes, crimes against humanity, and crimes of aggression committed by Israel with the material support of the United States has been documented and is overwhelming.<sup>2</sup>

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<sup>1</sup> *Federal Criminal Law*. Under 18 U.S.C. § 1091—which was enacted to comply with the United States’ obligation under the Genocide Convention—whoever commits, incites, attempts, or conspires genocide in or outside the United States, is eligible for punishment. See War Crimes Act, 18 U.S.C. § 2441 (a) and (b).

<sup>2</sup> See, e.g., Amnesty International, *Damning evidence of war crimes as Israeli attacks wipe out entire families in Gaza*, Oct. 20, 2023, <https://www.amnesty.org/en/latest/news/2023/10/damning-evidence-of-war-crimes-as-israeli-attacks-wipe-out-entire-families-in-gaza/>; see also *Emergency Legal Briefing: Israel’s Unfolding Crime of Genocide of the Palestinian People & U.S. Failure to Prevent and Complicity in Genocide*, CENTER FOR CONSTITUTIONAL RIGHTS 3 (Oct. 18, 2023), [https://ccrjustice.org/sites/default/files/attach/2023/10/Israels-Unfolding-Crime\\_ww.pdf](https://ccrjustice.org/sites/default/files/attach/2023/10/Israels-Unfolding-Crime_ww.pdf). For a human rights analysis of the situation before October 2023, see Human Rights Watch, “A Threshold Crossed: Israeli Authorities and the Crimes of Apartheid and Persecution,” April 27, 2021, <https://www.hrw.org/report/2021/04/27/threshold-crossed/israeli-authorities-and-crimes-apartheid-and-persecution> ;

We remind you that “self-defense” is **not** a justification for genocide or war crimes.<sup>3</sup>

**For the foregoing reasons we ask you take this notice with the gravity with which it is intended, and we demand that you refrain from aiding and abetting Israeli war crimes, genocide, and crimes against humanity, by voting against the proposed assistance package, and by refraining from any encouragement or support for the commission of Israeli crimes against Palestinians.**

Signed,

The National Lawyers Guild  
Center for Constitutional Rights  
Palestine Legal

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Amnesty International, “Israel’s Apartheid Against Palestinians” Cruel System of Domination and Crime Against Humanity,” 2022, <https://www.amnesty.org/en/documents/mde15/5141/2022/en/>. Human Rights Watch, “A Threshold Crossed: Israeli Authorities and the Crimes of Apartheid and Persecution,” April 27, 2021, <https://www.hrw.org/report/2021/04/27/threshold-crossed/israeli-authorities-and-crimes-apartheid-and-persecution> ; Amnesty International, “Israel’s Apartheid Against Palestinians” Cruel System of Domination and Crime Against Humanity,” 2022, <https://www.amnesty.org/en/documents/mde15/5141/2022/en/> ; Btselem, “A regime of Jewish Supremacy from the Jordan River to the Mediterranean Sea: This is Apartheid,” 12 January 2021, [https://www.btselem.org/publications/fulltext/202101\\_this\\_is\\_apartheid](https://www.btselem.org/publications/fulltext/202101_this_is_apartheid) ; Al-Haq, “Israeli Apartheid: Tool of Zionist Settler Colonialism,” 29 Nov. 2022, <https://www.alhaq.org/advocacy/20931.html>.

<sup>3</sup> Geneva Convention IV Relative to the Protection of Civilian Persons in Time of War 1949, 75 UNTS 287.