

Congress of the United States

Washington, DC 20515

January 30, 2024

The Honorable Antony Blinken
Secretary of State
U.S. Department of State
2201 C St NW
Washington D.C. 20520

Dear Secretary Blinken:

We fervently stand with the State Department's public determination that Israel's current military operations against Hamas in Gaza do not constitute as a genocide, pursuant to Article 2 of the U.N. Convention on the Prevention and Punishment of the Crime of Genocide ("the Genocide Convention")¹. Israel has not only a right, but also a responsibility to defend itself in the face of Hamas' unprecedented attack. In light of this, we are dismayed by the allegations brought by South Africa to the International Court of Justice in The Hague (ICJ) accusing Israel of committing genocide against the Palestinian people in the Gaza Strip.

The 1948 Genocide Convention is an instrument of international law that codified, for the first time, the crime of genocide following atrocities committed during the Holocaust in the Second World War. Its adoption marked not only a pivotal step towards the development of international human rights and criminal law we use today, but also signified the international community's commitment to "never again" allow what took place during the Holocaust to be repeated on any ethnic, religious, or minority group.

While the loss of life and dire humanitarian conditions in the Gaza Strip are devastating, we agree with the Administration's observations that there is no evidence the Israeli government's actions fall within the legal definition of genocide. The allegations brought by South Africa are reprehensible, deliberately one-sided, and represent the clear misuse of international mechanisms meant to prevent and punish perpetrators who truly have the intent to eliminate a national, ethnic, racial, or religious group.

The Israeli government has repeatedly underscored that their war is against Hamas, a brutal terrorist organization, not the Palestinian civilians², and have demonstrably taken action to reduce the intensity of their military operations in the Gaza Strip³. Moreover, you along with others in the Administration have made it abundantly clear to the Israeli government that they not only need to comply with international humanitarian law as it conducts its operation against Hamas, but also have the moral and strategic imperative to mitigate civilian harm and investigate any credible allegations of human rights violations⁴.

¹ "A/RES/3/260 Adoption of the Convention on the Prevention and Punishment of the Crime of Genocide." 1948. United Nations Documents. <http://un-documents.net/a3r260.htm>.


² "Israel will continue to 'defend our people,' Netanyahu says." 2024. NBC News. <https://www.nbcnews.com/news/live-blog/israel-hamas-war-live-updates-rcna135801/rcrd32158?canonicalCard=true>.

³ Grove, Thomas, and Carrie Keller. 2024. "Israel, Under Pressure to Scale Back Intensity of War, Pulls Thousands of Troops From Gaza." The Wall Street Journal. <https://www.wsj.com/world/middle-east/israel-under-pressure-to-scale-back-intensity-of-war-pulls-thousands-of-troops-from-gaza-33f17402>.

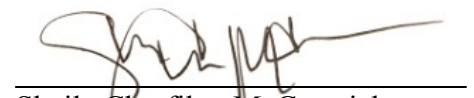
In the wake of the ICJ's recent preliminary ruling, we appreciate your efforts to advance peace and security in Israel, the Palestinian Territories, and the wider Middle East region. We will continue to urge the State Department to use the United States' voice, vote, and influence on the international stage to combat these unwarranted accusations brought by South Africa. We also urge our allies and international partners to be more cognizant of the way they label complex conflicts, and to refrain themselves from purposefully conflating legally-charged terms for their strategic benefit.

While we agree with the Biden Administration's goal for a peaceful long-term political solution to the conflict, we believe that South Africa's case against Israel at the ICJ is detrimental to those efforts.

Sincerely,



Colin Z. Allred
Member of Congress



Sheila Cherfilus-McCormick
Member of Congress

CC: H.E. Linda Thomas-Greenfield, United States Ambassador to the United Nations

⁴Patel, Vedant. 2024. "Department Press Briefing – January 25, 2024 - United States Department of State." State Department. <https://www.state.gov/briefings/department-press-briefing-january-25-2024/>.