



November 17, 2023

Hon. Marcy Kaptur
Toledo District Office
1 Maritime Plaza #600
Toledo, OH 43604
Via hand delivery to Toledo office
Via email to Marcy.Kaptur@mail.house.gov,
Sue.Rowe@mail.house.gov

RE: Notification that providing U.S. aid to Israel for invasion of Gaza Strip may be prosecuted as genocide, war crimes and humanitarian law violations

Dear Congresswoman Kaptur:

The undersigned organizations urgently request, again, that you immediately publicly support Rep. Cori Bush's [Ceasefire Now Resolution](#) and advocate for related measures to end the ongoing collective punishment that Israel is inflicting upon innocent Palestinians in the Gaza Strip and the West Bank.

This is a letter that we never imagined we would have to send to you.

Israel's military is out of control, assassinating unarmed Palestinians on the streets, in hospitals, in school shelters, and in the West Bank, and imprisoning Palestinians whose crime is opposition to Israel's Gaza invasion. The official death count in Gaza froze at 11,300 over a week ago as hospitals became morgues and the means of recording deaths and injuries became chaotic. There are likely thousands of uncounted dead rotting in crumbled buildings and along streets and thoroughfares, their deaths barely noted as their corpses are eaten by rats and stray dogs. Dozens of patients are dying hourly of treatable injuries and ailments in darkened Gaza hospitals with no water, electricity, medicines, or anesthesia.

Despite mountainous evidence of thousands of human rights crimes by Israel, the U.S. Congress is considering a \$14Bn emergency military funding package that would give Israel more advanced weapons and ammunition for its campaign of genocide, collective punishment and fomenting ethnic cleansing of Gaza. In the global shadow of the Gaza horrors, Israel is perpetrating additional murders and crimes of forcible transfer and deportation in the West Bank. Meanwhile, Congress is deliberating the provision of money and authorization to the State Department to provide so-called humanitarian aid to Palestinians forced out of Gaza.¹ In other words, Congress is considering ways of abetting Israel to commit thousands more genocidal acts, including provision of money for the ethnic cleansing of Palestine.

Congresswoman Kaptur, there may be irrevocable legal consequences for your vote to pass the funding package. We ask that you please oppose it. The United States is a signatory to both the 1949 Geneva Conventions and the Genocide Convention. As a result, the U.S. has a strictly binding legal obligation to prevent the commission of genocide and to prosecute the commission of grave breaches of the Geneva Conventions, not to aid and abet them.

There is documented and overwhelming evidence of Israel's genocidal intent and execution of war crimes, crimes against humanity, and crimes of aggression, with the material support of the U.S. during the last five weeks.² ***Should you vote support for Israel's lethal military campaign, you might be exposed to potential criminal and civil liability for aiding and abetting Israel's genocide of Palestinians.*** Under the Rome Statute, public officials are not immune from prosecution for their official acts in support of genocide, war crimes and crimes against humanity. ***You could be prosecuted not only at the International Criminal Court, but in virtually any court in any country, according to the principle of universal jurisdiction.***³ ***As you know better than most, there is no legal immunity for aiding, abetting, and inciting genocide, and there is no statute of limitations.***

¹ President Biden's formal request for \$14.3bn in funding for Israel proposes that "These resources would facilitate displaced and conflict-affected civilians, including Palestinian refugees in Gaza and the West Bank, and to address potential needs of Gazans fleeing to neighboring countries. This would include food and nonfood items, healthcare, emergency shelter support, water and sanitation assistance, and emergency protection. This would also include potential critical humanitarian infrastructure costs needed for the refugee population to provide access to basic, life-sustaining support. This crisis could well result in displacement across border and higher regional humanitarian needs, and funding may be used to meet evolving programming requirements outside of Gaza." <https://www.whitehouse.gov/wp-content/uploads/2023/10/Letter-regarding-critical-national-security-funding-needs-for-FY-2024.pdf>

² 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 (Oct. 18, 2023),

https://ccrjustice.org/sites/default/files/attach/2023/10/Israels-Unfolding-Crime_ww.pdf.

³ <https://cja.org/what-we-do/litigation/legal-strategy/universal-jurisdiction/>

Further, it is a federal crime in the U.S. to attempt to commit or conspire to commit genocide. Anyone who has committed such war crimes anywhere in the world can be prosecuted in U.S. courts.⁴ Israel's repeated mantra of "self-defense" cannot be invoked in court to justify genocide or war crimes.⁵

Congresswoman Kaptur, in the past you've supported measures to remember and memorialize tragic genocides. You were one of 100 Representatives who supported remembrance of the 1915 Armenian Genocide.⁶ In 1985, you co-authored the legislation creating the Holodomor Commission to document the forced starvation of untold millions of Ukrainians at the hands of the Soviet Union. At the long-awaited 2015 dedication of the Holodomor Memorial, you recounted how your Ukrainian ancestors were imprisoned by the Stalin government, and that a cousin of yours related her horrible memories of crawling on the ground in the winter of 1932-33, scratching the frozen soil with her fingernails to find a single onion to make soup for her family.⁷

In February of this year, you co-sponsored H.Res. 154,⁸ a House resolution that seeks to label certain of Russia's actions in Ukraine as genocidal.⁹ The "whereas" clauses of H.Res. 154 accuse the Russians of multiple heinous acts that closely resemble Israel's genocidal wrongdoing in Gaza:

Whereas, substantial and significant evidence documenting widespread, systematic actions against the Ukrainian people committed by Russian Forces under the direction of Russian Federation political leadership meets one or more of the criteria under Article II of the Genocide Convention, including—

(1) killing members of the Ukrainian people in ***mass atrocities through deliberate and regularized murders of fleeing civilians and civilians in passing as well as purposeful targeting of homes, schools, hospitals, shelters, and other residential and civilian areas;***

(2) causing serious bodily or mental harm to the Ukrainian people by ***launching indiscriminate attacks against civilians and civilian areas, conducting willful strikes on humanitarian evacuation corridors,*** and employing widespread and systematic sexual violence against Ukrainian civilians, including women, children, and men;

(3) deliberately inflicting upon the Ukrainian people conditions of life calculated to bring about their physical destruction in whole or in part, including ***displacement due to annihilated villages, towns, and cities left devoid of***

⁴ 18 U.S.C. § 1091 was enacted to comply with the United States' obligation under the Genocide Convention, and makes it clear that whoever commits, incites, attempts, or conspires genocide in or outside the United States may be prosecuted in the U.S. See War Crimes Act, 18 U.S.C. § 2441 (a) and (b).

⁵ Geneva Convention IV Relative to the Protection of Civilian Persons in Time of War 1949, 75 UNTS 287.

⁶

<https://kaptur.house.gov/media-center/press-releases/statement-holodomor-memorial-dedication-washington-dc>

⁷ *Id.*

⁸ <https://www.govinfo.gov/app/details/BILLS-118hres154ih>

⁹ <https://www.govinfo.gov/content/pkg/BILLS-118hres154ih/pdf/BILLS-118hres154ih.pdf>

food, water, shelter, electricity, and other basic necessities, starvation caused by the destruction of farmlands and agricultural equipment, the placing of Russian landmines across thousands of acres of useable fields, and blocking the delivery of humanitarian food aid;

(4) imposing measures intended to prevent births among the Ukrainian people, demonstrated by the Russian military's **expansive and direct targeting of maternity hospitals and other medical facilities and systematic attacks against residential and civilian areas as well as humanitarian corridors intended to deprive Ukrainians of safe havens within their own country** and the material conditions conducive to childrearing. . . .¹⁰

Notably, H.Res. 154 calls on allies to support the Ukrainian victims of genocide against the Russian aggressor and supports criminal investigations and tribunals "to hold Russian political leaders and military personnel to account for a war of aggression, war crimes, crimes against humanity, and genocide."¹¹

Many of the members of the undersigned organizations are registered voters in the Ninth District. As your constituents, we can neither understand nor reconcile the inconsistency of your stand against claimed Russian genocide with your support for Israel's comparable genocidal acts. We ask, in the strongest possible terms, that you **please reconsider your positions on the Israeli invasion of Gaza and immediately stop aiding and abetting Israeli war crimes, genocide, and crimes against humanity by voting against the proposed war appropriations package.** Further, please do the following:

- Support Rep. Cori Bush's Ceasefire Now Resolution¹² demanding an immediate cessation of hostilities and a ceasefire throughout the Gaza Strip;
- Support the prohibition of any authorization in the Biden Administration's funding bill that would allow U.S. humanitarian aid to be used for the ethnic cleansing of the Gaza Strip and the West Bank;
 - Support introduction of international peacekeepers into Palestine;
 - Call for the departure from the Middle East of the two U.S. aircraft carrier groups and accompanying Marine units deployed for backup to Israel;
 - Support the immediate provision of humanitarian aid wherever needed in Palestine;
- Support immediate and continuous negotiations under United Nations auspices that affirm the right of Palestine to exist and which guarantee its exclusive ownership and control of all natural resources, minerals and fisheries found there.

Thank you.

Respectfully,

¹⁰ *Id.*

¹¹ *Id.*

¹² <https://bush.house.gov/imo/media/doc/bushceasefirenowresolution.pdf>

NORTHWEST OHIO PEACE COALITION

Susan Kuehn, smkuehn@earthlink.net

Terry Lodge, lodgelaw@yahoo.com

VETERANS FOR PEACE

Mike Ferner, National Director

mike@veteransforpeace.org

AMERICAN MUSLIMS FOR PALESTINE,
TOLEDO CHAPTER

Jasmin Abu-Hummos, Toledo@ampalestine.org

PEOPLE FOR PEACE & JUSTICE

SANDUSKY COUNTY

Josie Setzler, josiesetzler@gmail.com

STUDENTS FOR JUSTICE IN PALESTINE -
TOLEDO CHAPTER

Ahmed Amrou, AHMEDAMROU10@gmail.com

YOUNG MUSLIM DEMS OF TOLEDO

Ismael Gad gad.13@buckeyemail.osu.edu

CLEVELAND PEACE ACTION

Don Bryant, President,

email.donbryant@gmail.com