



January 14, 2025

Hon. Bernie Moreno
U.S. Senator
SR-B33 Russell Senate Office Building
Washington, DC 20510

RE: Request that you vote NO on H.R. 23, "The Illegitimate Court Counteraction Act"

Dear Senator Moreno:

The undersigned organizations urgently request you to vote **NO** on Rep..Chip Roy's H.R. 23, the "Illegitimate Court Counteraction Act," which is expected to be voted on by the Senate this week. H.R. 23 is aimed at shielding Bibi Netanyahu and other Israeli leaders from accountability for committing Genocide and War Crimes in Gaza. If you genuinely believe in the rule of law, you should oppose the sanctioning of the International Criminal Court for properly investigating allegations of Genocide and War Crimes by Israeli leaders. At the same time, you must not enable Israel's vast human rights violations by sending weapons to Israel while shielding genocidal perpetrators.

Below is a recitation of documented and overwhelming evidence of Israel's perpetration of genocide and mass murder, crimes against humanity, and crimes of aggression. Israel has committed these offenses with \$26 billion worth of material support from American taxpayers:

- > 3 October 2023, Raz Segal, <https://jewishcurrents.org/a-textbook-case-of-genocide...>;
- > 15 October 2023: Public Statement: Over 800 Scholars Warn of Potential Genocide in Gaza, <https://twailr.com/public-statement-scholars-warn-of-potential-genocide-in-gaza/...>
- > 2 November: UN experts call to prevent genocide: <https://un.org/unispal/document/gaza-is-running-out-of-time-un-experts-warn-demanding-a-ceasefire-to-prevent-genocide/...> ;
- > 16 November: UN experts call to prevent genocide: <https://ohchr.org/en/press-releas>

[es/2023/11/gaza-un-experts-call-international-community-prevent-genocide-against... ;](#)

- > 16 November, William Schabas: https://ccrjustice.org/sites/default/files/attach/2023/11/Declaration%20Expert%20William%20Schabas_w.pdf...;
- > 16 November: Holocaust and genocide scholars John Cox, Victoria Sanford, and Barry Trachtenberg declaration, https://ccrjustice.org/sites/default/files/attach/2023/11/Historians%20Declaration_w.pdf...;
- > 29 December, South Africa submission to ICJ: <https://icj-cij.org/sites/default/files/case-related/192/192-20231228-app-01-00-en.pdf...>;
- > 29 May, South Africa's dossier of evidence of Israel's genocidal intent, the UN Security Council: <https://tinyurl.com/nb6ua4a5>; Martin Shaw, <https://x.com/martinshawx/status/1820389008880361676...>;
- > UN Expert Francesca Albanese, first report on the Genocide (March 2024), <https://ohchr.org/sites/default/files/documents/hrbodies/hrcouncil/sessions-regular/session55/advance-versions/a-hrc-55-73-auv.pdf...>
- > UN Expert Francesca Albanese, second report on the Genocide (October 2024): <https://documents.un.org/doc/undoc/gen/n24/279/68/pdf/n2427968.pdf.....>;
- > John Quigley, “Legal Standard for Genocide Intent: An Uphill Climb for Israel in Gaza Suit”, 14 March 2024, EJIL, <https://ejiltalk.org/legal-standard-for-genocide-intent-an-uphill-climb-for-israel-in-gaza-suit/...>;
- > UK Judges’ and Lawyers’ Open Letter Concerning Gaza, 3 April 2024: <https://lawyer.sletter.uk>;
- > Jinan Bastaki, Gaza, Forced Displacement, and Genocide”, EJIL, April 2024, <https://ejiltalk.org/gaza-forced-displacement-and-genocide/...>
- > Nimer Sultany, “A Threshold Crossed: On Genocidal Intent and the Duty to Prevent Genocide in Palestine”, May 2024: <https://tandfonline.com/doi/full/10.1080/14623528.2024.2351261...>;
- > University Network for Human Rights report, May 2024: <https://humanrightsnetwork.org/publications/genocide-in-gaza...>;
- > Aryeh Neier, NYRB, 6 June 2024: <https://nybooks.com/articles/2024/06/06/is-israel-committing-genocide-aryeh-neier/?srsltid=AfmBOopOf1xbf1Ucx3Bvo11nN7VEEL-J7IA6jCNd9mhgWGeSUcLgQ9Y7...>;
- > UN Commission of Inquiry, 10 June: Detailed findings on the military operations and attacks carried out in the Occupied Palestinian Territory from 7 October to 31 December 2023: <https://ohchr.org/sites/default/files/documents/hrbodies/hrcouncil/sessions-regular/session56/a-hrc-56-crp-4.pdf...>;
- > Oxfam, Water War Crimes report, July 2024: <https://oxfam.org/en/press-releases/israel-using-water-weapon-war-gaza-supply-plummets-94-creating-deadly-health...>;
- > Omer Bartov, 13 August 2024: <https://theguardian.com/world/article/2024/aug/13/israel-gaza-historian-omer-bartov...>;
- > Haaretz, “The Numbers Show: Gaza War Is One of the Bloodiest in the 21st Century”, 14 August 2024: <https://haaretz.com/middle-east-news/palestinians/2024-08-14/ty-article-magazine/.premium/the-death-toll-in-gaza-is-bad-even-compared-to-the-wars-in-ukraine-iraq-and-myanmar/00000191-50c6-d6a2-a7dd-d1decf340000...>;
- > Maryam Jamshidi, On Genocidal Intent, August 2024: <https://opinionjuris.org/2024/08/02/reflecting-on-genocidal-intent-in-the-icj-case/...>
- > Forensic Architecture: cartographic analysis of the genocide in support of South

Africa's case in the ICJ: <https://forensic-architecture.org/investigation/a-cartography-of-genocide.....>;

> AOV analysis that shows vast majority of killed in Gaza are civilians: [https://aoav.org.uk/2024/casualties-in-gaza-israels-claims-of-50-combatant-deaths-dont-add-up-at-least-74-of-the-dead-are-civilians/...](https://aoav.org.uk/2024/casualties-in-gaza-israels-claims-of-50-combatant-deaths-dont-add-up-at-least-74-of-the-dead-are-civilians/);

> 10 October 2024: UN Commission of Inquiry: Israel's destruction of the health system in Gaza <https://ohchr.org/en/press-releases/2024/10/un-commission-finds-war-crimes-and-crimes-against-humanity-israeli-attacks...>;

> 8 November 2024: UN Commission of Inquiry: 70 percent of verified victims (October - 30 April) were children and women: <https://ohchr.org/en/documents/reports/six-month-update-report-human-rights-situation-gaza-1-november-2023-30-april-2024...>;

> 12 November 2024: 8 aid organizations of the systematic violation ICJ orders on humanitarian assistance, thereby establishing genocidal intent: <https://oxfam.org/en/press-releases/joint-release-israel-receives-failing-grade-us-demands-gaza...>;

> 14 November 2024: UN Special Committee Report <https://ohchr.org/en/press-releases/2024/11/un-special-committee-finds-israels-warfare-methods-gaza-consistent-genocide...>;

> North Gaza: 9 October 2024: 18 Aid organizations warn of dramatic escalation of humanitarian catastrophe in northern Gaza: <https://oxfam.org.uk/media/press-releases/aid-organisations-warn-of-dramatic-escalation-of-humanitarian-catastrophe-following-further-mass-forced-displacement-of-civilians-in-northern-gaza/...>;

> 15 October 2024, 38 organizations: "Northern Gaza is being wiped off the map": <https://oxfam.org/en/press-releases/urgent-joint-statement-northern-gaza-being-erased-global-leaders-must-act-now-end...>;

> 1 November 2024: statement by 15 UN and humanitarian organizations: <http://bit.ly/40pLGqx>; 'You Feel Like You Are Subhuman:' Israel's Genocide Against Palestinians in Gaza, Amnesty International, (December 4, 2024), file:///C:/Users/tjiod/Downloads/MDE>1586682024ENGLISH.pdf

> Doctors Without Borders, "Life in the Death Trap That Is Gaza," 12/19/2024 <https://www.doctorswithoutborders.org/latest/life-death-trap-gaza>

> Human Rights Watch, "Extermination and Acts of Genocide: Israel Deliberately Depriving Palestinians in Gaza of Water," (December 2024), <https://www.hrw.org/report/2024/12/19/extermination-and-acts-genocide/israel-deliberately-depriving-palestinians-gaza>

> Al-Haq, "How to Hide a Genocide: The Role of Evacuation Orders and Safe Zones In Israel's Genocidal Campaign in Gaza" (December 2024). https://www.alhaq.org/cached_uploads/download/2025/01/02/evacuation-orders-two-pages-view-1735842246.pdf

A vote to protect Prime Minister Netanyahu and others in his administration could open you up personally to potential criminal and civil liability for aiding and abetting Israel's genocidal war. Under the Rome Statute, public officials, including members of the U.S. Congress, 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, including the United States, according to the principle of universal jurisdiction.¹ There is no statute of

¹ <https://cja.org/what-we-do/litigation/legal-strategy/universal-jurisdiction/>

limitations for the U.S. federal crimes of committing or conspiring to commit genocide. One who has aided and abetted genocide may not avail herself of Israel's claim of "self-defense."²

Please oppose the insulting and foolish plan to shield Israel's political leaders. Further, please do the following:

- Re-introduce Rep. Cori Bush's Ceasefire Now Resolution³ demanding an immediate cessation of hostilities and a ceasefire throughout the Gaza Strip;
- Support introduction of international peacekeepers into Palestine;
- 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,

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² Geneva Convention IV Relative to the Protection of Civilian Persons in Time of War 1949, 75 UNTS 287.

³ <https://bush.house.gov/imo/media/doc/bushceasefirenowresolution.pdf>

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