

## MIDDLE EAST

# I wrote the Leahy law, and it applies to Israel

By **PATRICK LEAHY**  
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In the 1980s and '90s, the United States gave training, weapons and ammunition to Latin American security forces with a long history of violating human rights. In Guatemala and El Salvador, soldiers trained and equipped by the United States killed hundreds of thousands of civilians with near-total impunity. I conceived and introduced the Leahy law in 1997 because our Latin partners, and security forces in many other countries, were violating the basic principles that the United States stands for, and we were complicit.

Today, people are asking whether the law should apply to Israel.

The law prohibits U.S. aid to any unit of a foreign security force if the secretary of state has “credible information” the unit has committed a gross violation of human rights: murder, rape, torture, forced disappearance or other flagrant denials of the right to life, liberty and personal security. Aid can resume if the foreign government is taking “effective steps” to bring the responsible members of the unit to justice.

The Leahy law is not a panacea. But it is a vital tool to remind foreign officials — and our own — that American taxpayers do not want to fund human rights violations. Faced since its passage with repeated arguments that “en-

agement” with foreign forces is essential and that human rights problems are the result of “a few bad apples,” I have responded, in effect: “Let’s agree not to arm and train the worst bad apples until our partners clean them up.” This is hardly a pie-in-the-sky standard. In fact, it is a bare minimum about which there should be no disagreement.

Over the years, the Leahy law has been applied to many countries, and secretaries of state and defense of both political parties have affirmed its importance as a practical and effective tool to shield the United States from involvement in horrific crimes and to build forces that respect human rights and the laws of armed conflict.

But while the Leahy law applies the same requirements to every country, it has not always been equally enforced. Israel, among the largest recipients of U.S. military aid, is a glaring example.

Beginning in the early 2000s, I wrote to successive secretaries of state about the failure to apply the Leahy law to Israel. The responses were either inconclusive or inaccurately claimed the law was being applied to Israel the same as to other countries, which the State Department continues to insist today.

Unlike for most countries, U.S. weapons, ammunition and other aid is provided to Israeli security forces in bulk rather than to specific units. The sec-

retary of state is therefore required to regularly inform Israel of any security force unit ineligible for U.S. aid due to having committed a gross violation of human rights, and the Israeli government is obligated to comply with that prohibition.

Since the Leahy law was passed, not a single Israeli security force unit has been deemed ineligible for U.S. aid, despite repeated, credible reports of gross violations of human rights and a pattern of failing to appropriately punish Israeli soldiers and police who violate the rights of Palestinians.

Recently, Secretary of State Antony Blinken determined that four Israeli security force units had committed gross violations of human rights of Palestinians in the West Bank, months or years ago, but that Israel had taken effective steps to bring those responsible to justice, so the Leahy law was not applied. Yet two of those cases involved the fatal shooting of unarmed Palestinians for which the Israeli soldiers served little or no time in prison.

In the case of a fifth unit, in January 2022, soldiers of the Israeli Netzah Yehuda Battalion falsely detained a 78-year-old Palestinian American citizen, Omar Assad, bound his hands behind his back, gagged him and left him facedown on the ground. He died from a stress-induced heart attack. Israel cleared the soldiers of any wrongdoing, and Prime Minis-

ter Benjamin Netanyahu praised Netzah Yehuda and pledged to thwart any U.S. attempt to implement the Leahy law. Although Blinken determined that Netzah Yehuda had committed a gross violation, the Leahy law has not been applied.

Thus, according to the State Department, in the decades-long history of the Leahy law, only five Israeli security force units have committed a gross violation of human rights, of which four were appropriately punished. That not only begs credulity; it also makes a mockery of the law.

I have condemned Hamas’s barbaric attack on Oct. 7. The perpetrators of those atrocities should be tracked down and held to account. Applying the Leahy law to Israel would not suggest “moral equivalence” with Hamas. Nor will faithfully applying the Leahy law to Israel weaken its security. Our aid to Israel will continue to flow to Israeli units that respect human rights and international law.

The secretary of state should urgently give Israel a list of ineligible Israeli security force units, including Netzah Yehuda, regularly update the list with units that commit gross violations of human rights and thereby demonstrate that no country whose security forces receive U.S. aid is above U.S. law.

*Patrick Leahy, a Democrat, served as a U.S. senator from Vermont for 48 years.*