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April 30, 2020

Honorable Donald J. Trump  
President of the United States  
1600 Pennsylvania, Avenue, N.W.  
Washington, D.C. 20500

Dear Mr. President:

We, the undersigned, urge that the Trump administration consider the following in its foreign policy concerning the Middle East.

Israel has immiserated Gaza with a blockade for thirteen (13) years.

A blockade of the ports or coasts of one State by the armed forces of another State constitutes the crime of aggression under Article 8, para. 2 (c) *bis* of the Rome Statute of the International Criminal Court, as amended in 2010.

Gaza's 2 million densely packed population in overcrowded cities and refugee camps is a sitting duck for epidemics. Substantially caused by the blockade, the health care system is dilapidated. Water and power shortages are chronic. Unemployment is rampant. Abject poverty is commonplace. Infrastructure has crumbled.

The first two cases of Covid-19 were reported recently. That number could spiral to frightening levels if Israel maintains its illegal blockade while the Covid-19 pandemic rages.

Abandoning the blockade is required by the spirit if not the letter of the United Nation's Charter, the Fourth Geneva Convention, Article 23, and the international law principle of proportionality.

Israel is a signatory to the Convention. Article 23 generally requires contracting parties to allow free passage of medical and hospital supplies and essential foodstuffs, clothing and tonics for children under fifteen (15) and expectant mothers. The International Committee of the Red Cross has denounced the blockade as a violation of the Convention:

"The whole of Gaza's civilian population is being punished for acts for which they bear no responsibility. The closure therefore constitutes collective punishment imposed in clear violation of Israel's obligations under international humanitarian law."

International law embraces a proportionality principle, i.e., the necessity for coercion must be proportionate to the misery, afflictions, injuries or privations inflicted upon an innocent civilian population.

Israel's proclaimed self-defense necessity for the blockade is unconvincing. Israel sports by far the strongest and best equipped military and security forces in the Middle East. The U.S. Naval Transfer Act of 2008 guarantees Israel a "Qualitative Military Edge" (QME) over any conceivable coalition of state or non-state actors. QME is defined as follows:

"[T]he term 'qualitative military edge' means the ability to counter and defeat any credible conventional military threat from any individual state or possible coalition of states or from non-state actors, while sustaining minimal damages and casualties...."

Gaza is neither an existential nor semi-existential threat to Israel. Periodic clashes between Hamas and Israel prove the overwhelming superiority of the Israeli Defense Forces (IDF). Israeli civilian casualties have been a tiny fraction of Gazan civilian casualties. Moreover, Israel is the sole player in the Middle East with nuclear weapons. The Stockholm International Peace Research Institute estimates the number at 100. Israel's blockade of Gaza is wildly disproportionate to its military or security need.

Collective punishment of innocent civilian populations, unfortunately, is pandemic--and more lethal than Covid-19. Emblematic were the devastating sanctions the United States imposed on Iraq to punish President Saddam Hussein. A May 12, 1996 exchange between then Secretary of State Madeleine Albright and reporter Leslie Stahl on CBS' 60 Minutes is chilling:

*Lesley Stahl on U.S. sanctions against Iraq: We have heard that a half million children have died. I mean, that's more children than died in Hiroshima. And, you know, is the price worth it?*

*Secretary of State Madeleine Albright: I think this is a very hard choice, but the price--we think the price is worth it.*

At present, the United States is collectively punishing Iran's 80 million civilians with a crippling boycott for policies of the government of the Islamic Republic of Iran for which they bear no responsibility. And think of the blowback. The United States planted the seeds of the 1979 Islamic Revolution in Iran--which it now aims to extinguish--by overthrowing the democratically elected, secular, and popular Prime Minister Mohammed Mossadegh in 1953 to install the corrupt, dictatorial regime of Shah Mohammed Reza Pahlavi.

The International Court of Justice provides an alternative to the barbaric international norm that the strong do what they can and the weak suffer what they must. The Palestinian Authority arguably could sue Israel under Article 36 of the ICJ Statute for allegedly violating the Fourth Geneva Convention and international law in blockading Gaza. India appeared before the ICJ prior to independence from Great Britain. The PA enjoys non-member observer status at the United Nations.

Even without an adverse ICJ judgment, Israel should be vigorously urged to exercise self-restraint to lift the blockade of Gaza to relieve the destitution of its civilian inhabitants. The Hebrew Prophet Isiah instructed: "If you shall pour yourself out for the hungry and satisfy the desire of the afflicted, then shall your light rise in the darkness and your gloom be as the noonday."

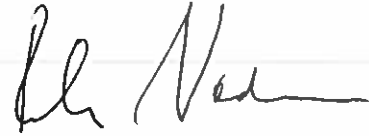
Sincerely,



Bruce Fein



Chas Freeman



Ralph Nader