

Publications > **Enforce the War Crimes Act Against Americans Who Committed Them In Gaza**



OCTOBER 15, 2025 BY ABDELHALIM ABDELRAHMAN

Enforce the War Crimes Act Against Americans Who Committed Them In Gaza

Abdelhalim Abdelrahman is a Palestinian-American political analyst, host of the Uncharted Territory Podcast and a Marcellus Policy Fellow alum at the John Quincy Adams Society advocating for a restrained U.S. foreign policy in the Middle East centered around American laws and respect for Palestinian human rights.

Following the October 7th, 2023 attacks, Israel embarked on a series of military operations that [human rights organizations](#), [legal experts](#), and [U.N. special rapporteurs](#) recognize as constituting a number of war crimes and other violations of international law, including the crime of genocide. The involvement of US citizens as Israel Defense Forces (IDF) personnel in Gaza—and possibly in other roles in the territory—has raised questions of whether Americans may have committed war crimes in Gaza.

[DONATE](#)

reports the Guardian, says he shot Saleh Dognimosi "simply because he tried to retrieve the body of his beloved older brother Mohammed." This goes against International Humanitarian Law [regarding the recovery of the dead](#). The Guardian story also quotes Asa Kasher, co-author of the Israeli Defense Forces' ethics code, stating that "if you see someone recovering a body or helping a wounded person, that's a rescue operation, it should be respected. Someone like that should not be shot."

Accusations that Americans committed war crimes in Gaza have not been limited to those US citizens who served in the IDF. While allowing a trickle of aid into Gaza, Israel's government prevented the United Nations from delivering aid for much of 2025, instead disbursing lifesaving supplies through the Gaza Humanitarian Foundation (GHF), created with the involvement of the U.S. Department of State and Israel. However, [the United Nations estimated that, by August 1, 2025, over 850 Palestinians in Gaza](#) had been killed near GHF distribution sites, largely from fire by the Israel Defense Forces (IDF).

On May 27, 2025, the [New York Times reported](#) that the opening of aid distribution sites by the GHF was marred by chaos and gunfire near some of the sites. On June 2, [CNN reported](#) that hundreds of Palestinians had received gunshot wounds outside an aid site run by GHF. On July 2nd, the [Associated Press reported](#) that two US contractors speaking on condition of anonymity claimed that fellow GHF contractors had "regularly lobbed stun grenades and pepper spray in the direction of the Palestinians." AP reported that one of the contractors "said bullets were fired in all directions — in the air, into the ground and at times toward the Palestinians, recalling at least one instance where he thought someone had been hit." Videos provided by one of the contractors "include conversation between English-speaking men discussing how to disperse crowds and encouraging each other after bursts of gunfire," according to the AP report.

In July 2025, Democracy Now [interviewed](#) U.S. Army Veteran Anthony Aguilar about his experience in Gaza with UG Solutions, the security subcontractor working with the GHF. He told Democracy Now that the aid distribution sites had "become death traps." He also said "[w]e are using indiscriminate force, targeting civilians, escalation of force that goes far beyond the measures of appropriate, against an unarmed, starving population."

In August, [CBS News](#) interviewed another individual claiming to be a GHF whistleblower under the alias "Mike," who also asserted that American subcontractors and the IDF

[DONATE](#)

Under the [1996 War Crimes Act](#), Congress and the Department of State have the authority to investigate and charge citizens and dual nationals who facilitate war crimes. While federal level action is unlikely under the Trump administration, members of Congress, civil society, and groups leading strategic litigation should press to use U.S. law to hold both the Israeli government and individual perpetrators accountable.

The War Crimes Act

Although the United States' [engagement](#) with international war crimes prosecution is [complex](#), under statutory law, U.S. nationals can be held domestically accountable for war crimes. The [War Crimes Act, passed in 1996](#) by unanimous consent in the Senate and voice vote in the House, criminalizes a range of conduct constituting "grave breaches" of the Geneva Conventions, when committed by U.S. nationals or members of the U.S. armed forces. The scope of the WCA is significant: conduct committed overseas is not exempt from prosecution under U.S. law if the perpetrator is an American national.

Conduct by U.S. citizens and dual nationals in Gaza, like firing on civilians, could constitute a "grave breach" under the Geneva Conventions. This offers a legal basis for the Department of Justice to open WCA investigations against Americans credibly alleged to have committed war crimes.

The DOJ should immediately create a War Crimes Task Force, which would actively investigate credible allegations of war crimes committed by U.S. citizens in Gaza. This task force should have expertise in international humanitarian law, open-source forensics, and conflict-zone investigations. This step would make clear that American citizenship is not a means to evade responsibility, and would allow the U.S. government to enforce the War Crimes Act to help prevent future impunity. Such an effort would also likely clear the path for a long-overdue accounting of war crimes committed by people serving in the US military, such as the [151 cases uncovered](#) by The New Yorker and the Pulitzer Center in 2024.

Disarming Dangerous 'Allies'

While the War Crimes Act allows for charges to be brought against perpetrators, the State Department and Department of Defense are obliged under the [Leahy Laws](#) to prevent

[DONATE](#)

be charged under the War Crimes Act, and their unit should be flagged for rigorous vetting under the Leahy Laws, though the crimes need not overlap for either measure to be useful.

The Leahy Laws offer another tool to prevent the use of American weapons in human rights abuses. Initially [passed in 1997](#), and expanded/reaffirmed since, the Leahy Laws prohibit U.S. security assistance to any foreign security force unit “about which” credible information exists of gross violations of human rights, including but not limited to torture, extrajudicial killing, and enforced disappearance. The Leahy laws prevent specific military aid from continuing to be provided to units found in violation, but the laws do not at present ensure such units are barred from receiving assistance given to the foreign country’s military as a whole, after which the distribution of that aid makes it [non-traceable](#), and can leave it in the hands of specific units that violate human rights. Patrick Leahy, the former Senator whose name the Leahy laws bear, [argued](#) in spring 2024 that the laws should be applied to Israel. “Unlike for most countries,” he wrote, “U.S. weapons, ammunition and other aid are provided to Israeli security forces in bulk rather than to specific units. The secretary of state is therefore required to regularly inform Israel of any security force unit ineligible for U.S. aid because of having committed a gross violation of human rights, and the Israeli government is obligated to comply with that prohibition.”

To date, the Leahy Laws have been used to impede funding to suspect units in Colombia, Pakistan, Egypt, Ukraine, and elsewhere, but as Leahy himself noted, 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.”

Congress and State should end that double standard. Accountability and integrity under US law demands that the Leahy conditions should be upheld in every instance, even and especially when friends and allies commit war crimes.

Daniel Raab’s Israeli Sniper Unit 202 should be subject to rigorous Leahy Law vetting, reasserting that U.S. military assistance—training, intelligence, equipment, etc.— can and will be withdrawn on credible allegations of unlawful attacks. Other units responsible for war crimes, like the targeting of civilians, should be identified in the open source or news reporting and similarly be made ineligible for U.S support under the Leahy Laws.



DONATE

Department to make regular public reports on investigations of U.S. nationals under the War Crimes Act, as well as the results of Leahy vetting. Congress can and should hold oversight hearings to demand the executive branch take action (or explain its inaction) when such violations come to light. The U.S. government should coordinate with U.N. fact-finding missions, NGOs, and international prosecutors and share evidence it has that can be used to corroborate allegations. It should be absolutely clear, through public messaging by the State Department, that U.S. nationals are not exempt from accountability mechanisms for violations committed anywhere.

As the second anniversary of October 7 passes, and the tenuous terms of a ceasefire are once again agreed to, the genocide in Gaza remains a humanitarian and legal crisis. American citizens and nationals have been directly implicated in the violence, raising profound questions of accountability. Washington possesses legal tools, like the War Crimes Act, and legally mandated procedural obligations, like arms withholding under Leahy Laws—but has lacked the political and moral courage to utilize them. Enforcing these statutes, such as conditioning aid, arms embargoes and enhancing transparency, are essential steps

SOLUTIONS, DISTILLED:

Enforce the War Crimes Act Against Americans Who Committed Them In Gaza

- **Enforce U.S. Law on U.S. Nationals** who commit war crimes
- **Increase Leahy Vetting** on units seen in open source to be violating human rights
- **Ensure Oversight, Transparency, and International Cooperation** when it comes to withholding arms and prosecuting war crimes

Abdelhalim Abdelrahman for the International Policy Journal



[DONATE](#)

The United States cannot credibly demand accountability for atrocities in other conflicts (e.g. Russian war crimes in Ukraine) while it simultaneously shields Americans who may be complicit in war crimes in Gaza

If serving in a foreign military is a free pass to immunity, then citizenship, and by extension the law, loses meaning. The U.S. must not create that precedent. The threat, however small, of prosecution or conditioned assistance will have a deterrent effect: knowing that one's military actions may later have legal and reputational consequences will push compliance with IHL.

While the present administration may disregard the harm done to national reputation as undermining U.S. strategic interest, unaddressed accusations of grave human rights violations by U.S. citizens abroad carries real diplomatic risk for Washington. Ignoring it erodes trust with allies and partners that expect and demand the U.S. to uphold its own laws.

Editor's note: This piece has been updated for clarity and to include the GHF's denial of claims by cited sources.



DONATE

Related resources



DONATE

MARCH 30, 2026

Assessing The Joint Comprehensive Plan of Action Iran Deal: Its Provisions, Verification Results and Political Support

MARCH 30, 2026

Trump's War on Iran is the obliteration of diplomacy

Stay updated

Subscribe for the newsletter.

 ▼

SUBSCRIBE



[DONATE](#)

[PUBLICATIONS](#)

1050 Connecticut Avenue,
NW, Washington, DC
20036
Suite 500
(202) 232-3317

[Privacy & Policy](#)

[Terms of Service](#)

Copyright © 2024. All rights reserved.

Powered by Design in DC