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December 20, 2023

Honorable Joe Biden  
President of the United States  
1600 Pennsylvania Avenue, N.W.  
The White House  
Washington, D.C. 20500

Re: Legal Obligations of Israel as an Occupying Power in Gaza

Dear Mr. President:

The Israeli government has become an occupying power in Gaza subject to the Regulations Concerning the Customs of War on Land annexed to the Fourth Hague Convention of August 18, 1907 (H.I.V.). Prime Minister Benjamin Netanyahu has rejected your idea of a post-conflict Palestinian Authority in Gaza in favor of indefinite Israeli military control as a guarantee against the return of Hamas to power or influence.

An occupying power is obligated to ensure that adequate provisions of food and medical supplies are available, in addition to clothing, bedding, means of shelter, objects necessary for religious worship, and other items essential to the survival of the civilian population. Geneva Convention IV, Articles 55, 58; Additional Protocol 1 Article 69.

The occupying power must allow the International Committee of the Red Cross or other neutral humanitarian organizations to offer their own relief to civilians unimpeded and unmolested.

The Israeli government is flagrantly violating its obligations as an occupying power in Gaza. It has implemented a siege against food, water, shelter, clothing, medicine, power, electricity, and anything essential for the survival of Gaza's 2.3 million Palestinian civilian population.

Moreover, the Israeli government is impeding the provision of humanitarian aid in Gaza by blocking or sharply curtailing entry.

One instance among countless. After returning from a recent trip to Gaza, World Food Program (WFP) Deputy Executive Director Carl Skau told reporters at the United Nations in New York that the situation among civilians is "increasingly desperate and chaotic."

"The grim reality is also that nine out of 10 people are not eating enough, or not eating every day, and don't know where their next meal is going to come from."

No WFP food assistance has reached the north of Gaza since a weeklong cease-fire ended December 1 according to Mr. Skau.

On December 18, 2023, Human Rights Watch accused the government of Israel of using starvation as a weapon of war.

We strongly urge you to intercede to demand the Israeli government comply with its international law obligations as an occupying power in Gaza or confront the loss of support from the United States. At present, the appalling discrepancy between your rhetoric urging the Israeli government to reduce civilian casualties while vowing unshakable support for relentless, indiscriminate military attacks on Gaza's civilian population—genocide and war crimes by any legal yardstick—is threatening the entire fabric of a rule-based international order which you have repeatedly touted.

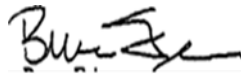
Moreover, if you are honestly advocating an adequate flow of humanitarian aid to Gaza instead of the tiny trickle the Israeli government currently tolerates, you should have the aid shipped in vehicles prominently displaying the American flag to send an unmistakable message to Netanyahu that you *sincerely* mean business.

Concurrently, you should invoke your authority under the immigration laws, 8 U.S.C. 1182 (d) (5), to grant for the next two years 7,500, surviving Gazan civilians monthly, driven from their homes by the IDF's saturation bombing and attacks, "humanitarian parole" into the United States indefinitely, comparable to your January 5, 2023, order extending such relief to Cubans, Haitians, Nicaraguans, and Venezuelans. As a co-belligerent with Israel in the slaughter of Gaza's 2.3 million civilian population, you are morally and legally responsible for alleviating their dystopia. As the late General Colin Powell reportedly advised, "If you break it, you own it."

Sincerely,



Ralph Nader, Esq.



Bruce Fein, Esq.