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The Gaza Genocide: Who's Complicit?



Photograph by Nathaniel St. Clair

Given the recent pro-Palestinian protests around the world and on many university campuses, it seems strange if not surprising that neither genocide nor the continuing flow of U.S. weapons to Israel were mentioned during the first (and maybe only) 2024 presidential debate. Nor did the *New York Times* Editorial Board see fit to cite complicity in genocide while calling for Biden to step down after his poor debate performance. Instead, it declared that Biden has been “an admirable president.”

Clearly, the major media and the American public are discounting the possibility that Joe Biden and his White House enablers could ever be prosecuted for complicity in genocide. They should think again.

The United States is a member of the Genocide Convention of 1948. Article III includes among punishable acts, “Complicity in Genocide.” Article IV makes clear that persons

punished for genocide shall include “responsible rulers, public officials or private individuals.” Article V requires the contracting parties to enact legislation that provides “effective penalties for persons “guilty of genocide or any of the other acts enumerated in article III.” Accordingly, 18 U.S. Code 1091 mirrors the Convention’s definition of genocide and provides that “any person who attempts or conspires to commit an offense under this section shall be punished in the same manner as the person who completes the offense.”

Whether or not charges of genocide complicity are ever brought against American individuals, it is important to identify those officials and non-officials who fall into the category of complicit in genocide. They should be called out for their role in the deaths of almost 40,000 Palestinians in Gaza.

Here are the major offenders:

White House. In the wake of Hamas’ brutal massacre on October 7, President Joe Biden embraced Israeli Prime Minister Benjamin Netanyahu and promised to supply him with unlimited arms. Despite ignored and never-enforced Biden “redlines” and pleas for Israel to limit its attacks on civilians, U.S.-provided bombs have continued to fall on civilian centers while the use of starvation as a war tactic has brought famine to the suffering Gazans. In a rare show of restraint following major IDF raids on hospitals and refugee centers, Biden announced a one-time pause in the delivery of 2,000 pounds. When Israel’s Defense Minister Yoav Gallant raced off to Washington to complain, American officials took pains to rebut Netanyahu’s claims that the Biden administration was delaying military assistance. They showed Gallant records of hundreds of weapons shipments to Israel for its Gaza campaign. By doing so, they also acknowledged U.S. complicity in Israel’s continuing genocide. Biden and aides who assisted in the arms transfers are all subject to charges of complicity.

State Department. In its much-delayed May report on the war, the State Department denied that war crimes were being committed. Secretary of State Antony Blinken, the face of American diplomacy, gave only lip service to its calls for military restraint. From the beginning Blinken and National Security Advisor Jake Sullivan called for a two-state solution while conveying strong support for an Israeli war cabinet that firmly rejected two-states. Meanwhile, Israel expanded its war campaign to Rafah and refused calls for a ceasefire. Fully committed to Biden’s pro-Israel war policy, both Blinken and Sullivan are now vulnerable to complicity charges.

Defense Department. The Defense Department has provided important intelligence, strategic advice, and aerial reconnaissance to the IDF. It has delivered an estimated \$6.5 billion worth of U.S.-made bombs and missiles that have destroyed so much of the Gaza Strip and killed or wounded so many of its citizens. From what we see in the media, Austin is a close advisor to Gallant. Moreover, the Defense Department has been responsible for the regular hands-on transfer of weapons from U.S. stockpiles to Israel for its war on Gaza. Secretary of Defense Lloyd Austin and his aides have made themselves subject to charges of complicity of genocide.

Military Suppliers and Contractors. Boeing has been a major arms supplier to Israel both before and during the Gaza war. According to Amnesty International, Israel used Boeing supplied bombs in at least five strikes on Gaza in 2023, causing the deaths of over 100 civilians. Other reported U.S. suppliers of lethal weapons to the IDF in its Gaza campaign include General Dynamics, Lockheed Martin, Agilite and BAE Systems, among several others. Under the Genocide Convention, such companies are subject to complicity charges. The ICJ in April denied Nicaragua's request for provisional measures against Germany to stop its arms shipments to Israel. Noting that Germany substantially reduced the value of weapons for which licenses were granted for export to Israel, the Court declined the Nicaraguan request. However, the Court reminded all States of their international obligations to avoid the risk that arms transfers "might be used to violate" the Genocide Convention.

Whether or not any U.S. entities and individuals are ever held criminally accountable for complicity in genocide, the visible evidence of United States complicity has been amply displayed on television, in the press and in the social media for the whole world to see.

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