



# U.S. Rebuke of IDF Unit: Ironclad Insult and Injury to Israel

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On April 20, Axios [reported](#) the Biden administration's plans to impose sanctions against the Netzah Yehuda battalion of the Israel Defense Forces (IDF) over alleged human rights abuses in the West Bank, which have already been investigated and resulted in disciplinary action by the IDF. This would be the first time the United States has threatened to take such action against any part of the IDF and an unprecedented rebuke of an ally at war.

Although it has now been [reported](#) that the Biden administration will not proceed with sanctions at this time, recent reports [suggest](#) that the United States may indeed withhold aid to the unit if certain vague "steps" are not undertaken by Israel. Additionally, the United States has [made](#) a legal determination that IDF units committed human rights violations. Such a determination, and its public airing, send a dangerous message to adversaries about U.S. support for Israel, undermine IDF readiness, open doors for similar measures against Israel by the international community, and encourage Iran and its proxies to further escalate regional attacks. Moreover, it flies in the face of the intention of the "Leahy Law," which has clear exceptions for partner nations that reprimand instances of human rights violations and face national security emergencies.

## What Happened?

- On April 20, Axios [revealed](#) that the Biden administration was planning "within days" to sanction the Israeli Defense Forces' (IDF) Netzah Yehuda battalion over alleged "human rights violations in the occupied West Bank."
- On April 26, ABC News [reported](#) that Secretary of State Antony Blinken sent Speaker of the House of Representatives Rep. Mike Johnson (R-LA) a letter informing him that three IDF military units and two civilian ones committed "gross human rights violations" but that this determination "will not delay the delivery of any U.S. assistance and Israel will be able to receive the full amount appropriated by Congress."
- However, the same day, *AI Monitor* [reported](#), citing two U.S. officials, that U.S. officials have not decided against sanctioning the unit, and that sanctions have merely "been delayed following internal discussions about the timing."
  - » According to an Axios [report](#) from the same day citing a U.S. official, if "it appears Israel has not held soldiers (sic) and officers accountable and corrected the conditions that led to the violations, the U.S. will ... withhold aid to this unit."

## Why Is It Important?

- The first-ever U.S. sanctions against an IDF unit, specifically one which Israel already investigated and [censured](#) according to internal procedures, would convey dangerous lack of U.S. faith in the institution of the IDF, its military-legal system, and the broader issue of U.S. military assistance to its longtime partner—and all at the worst possible time, as Israel faces mounting international criticism over its operations in Gaza and growing military pressures on other fronts from Iran and its other proxies. A legal determination of human rights violations, even if it does not result in sanctions, has much the same effect.
  - » Senator Marco Rubio (R-FL), a member of the Senate Foreign Relations Committee and who was in Israel this week and met with Prime Minister Benjamin Netanyahu on April 25, released a [statement](#) on the same day in opposition to the planned rebuke of the unit, saying it “will stigmatize the entire IDF and encourage Hamas, Hezbollah, and the Iranian regime.”
- The U.S. sanctions would have been imposed in accordance with two provisions of U.S. law—section 620M of the Foreign Assistance Act of 1961, 22 U.S. C. 2378d (pertaining to the authorities of the State Department) and Section 362 of Title 10 of the U.S. Code (pertaining to the authorities of the Department of Defense).
  - » Both laws are known together by the shorthand of the “[Leahy Law](#),” after Senator Patrick Leahy (D-VT) who first sponsored the legislation in 1997. “Leahy Law” or “Leahy vetting” “requires that DoD-appropriated funds may not be used for any training, equipment, or other assistance for a foreign security force if the Secretary of Defense has credible information that such unit has committed a [gross violation of human rights] GVHR.”
  - » The United States has used the Leahy Law to sanction military or police units in [Guatemala](#), [Indonesia](#), [Kyrgyzstan](#), [Mexico](#), [Pakistan](#), and [Saint Lucia](#), among others.
- However, this would be the first instance of such U.S. sanctions on a partner force engaged in an ongoing major conflict, contrary to the law’s stated intent.
  - » The Leahy Law [allows](#) exceptions “if U.S. equipment or other assistance [is] necessary to assist in ... national security emergencies,” like what Israel increasingly faces on multiple fronts since October 7.
- The United States appears to be considering the Netzah Yehuda battalion for sanctions because of allegations of human rights [violations](#) in the West Bank prior to October 7.
  - » The Netzah Yehuda battalion was founded in 1999 as a way for haredi men—ultra-Orthodox, who insist that they may not be required to divert their attention away from their religious studies—to serve in the IDF, operated until 2022 in the West Bank and was subsequently reassigned to serve in the north and in Gaza.
    - According to the same statement from Senator Rubio, the “unit has been on the frontline against Hezbollah, which is terrorizing Israelis in Judea and Samaria, and it is now working to dismantle Hamas brigades in Gaza. In the last year, this unit has neutralized more than 30 terrorists, destroyed 69 terrorist structures, including sites used by Hamas to launch rockets at Israeli citizens, and located 3 underground sites in Gaza.”
  - » In January of 2022, two soldiers from Netzah Yehuda were connected to the death of 78-year old Palestinian-American Omar As’ad, who was [reported](#) to have “suffered a heart attack after being temporarily bound and gagged by soldiers and later abandoned at a construction site in the middle of winter.”
  - » Members of the unit were previously associated with various human rights abuses, including a 2021 incident in which four soldiers were [arrested](#) by Israeli Police for abusing

- a Palestinian detainee and a 2016 [incident](#) in which a soldier was sentenced by an Israeli military court for seven months over his beating of a Palestinian detainee.
- Demonstrating its own capacity for disciplining its forces involved in problematic incidents, the IDF has conducted investigations into, and reprimanded members of, the Netzah Yehuda battalion found to have committed wrongdoing, satisfying the requirements of the Leahy Law.
    - » In 2023, the IDF [concluded](#) the As'sad incident was due to “ethical failure” and removed two junior officers and formally censured the head of the battalion.
    - » The Leahy Law [allows](#) for an exception when “the Secretary of Defense (after consultation with the Secretary of State) determines that the government of that country has taken all necessary corrective steps” (“remediation”).
  - Sanctioning a unit that has already been disciplined by the IDF would feed into growing, largely misguided, international pressure over the IDF’s perceived misconduct in Gaza.
    - » JINSA Distinguished Fellow and international law expert LTC Geoffrey Corn, USA (ret.) has [explained](#) that “[f]or the IDF, there are many examples of good-faith commitment to this precautions obligation [of mitigating civilian risk]: maximizing use of precision guided munitions ... cancelling attacks when the civilian risk situation is greater than initially anticipated; issuing pre-attack evacuation warnings; establishing evacuation corridors from areas of the most intense hostilities; using dismounted infantry to raid and clear buildings in lieu of stand-off fires; implementing civilian casualty thresholds that require elevation of attack decisions to higher command whenever anticipated civilian casualties exceed an established threshold; integrating legal advisors at tactical command posts; and of course training efforts.”
  - Despite reportedly not proceeding with the move to sanction the unit, should the Biden administration decide to do so, it would undercut Israel’s current uphill efforts to bolster recruitment among the haredi community (for which one of the incentives is the introduction of more haredi units), thereby potentially harming overall IDF readiness.
    - » The Israeli government and Supreme Court are currently considering how to grapple with the April 1 expiration of a law that exempted haredi men from compulsory military service that is required for all Israeli men (three years of active duty followed by reserve duty assignments).
      - The Israeli Supreme Court, which considers the military exemption system “discriminatory” has taken a number of maximalist [steps](#) in anticipation of this date, with an announcement on March 28 of suspending federal funds to haredi students at yeshivas (houses of learning) and rejecting the Prime Minister’s request for a month-long extension to determine the way forward.
    - » Given the significant haredi representation within his bloc, the Prime Minister introduced his own [proposal](#) that would address the issue in a manner amenable to the haredi community which would see “significant and gradual” increases in haredi enlistment in specific haredi units within the IDF. An updated version of the proposal removes its clause exempting those 35 or over, thereby applying the law more broadly.
    - » Members of War Cabinet believe the Prime Minister’s measure does not go far enough to meet battlefield requirements. Israel’s Minister of Defense Yoav Gallant [explained](#) opposition to the exemption as follows: “The army is in need of manpower now. It’s not a matter of politics, it’s a matter of mathematics.”
  - Designations of an individual battalion ultimately could trigger larger, politically motivated condemnations of the IDF and its command and legal systems writ large, with potential follow-on effects harming future U.S. military assistance to a vital security partner.

- » On April 21, *The Times of Israel* [reported](#), citing a U.S. official, that likely “other Western countries would follow Washington’s lead in targeting [IDF] units” with sanctions.
- » On April 22, *The Times of Israel* [reported](#), citing two U.S. sources, that “Washington is considering sanctions against other Israeli military and police units alleged to have committed human rights violations.”
- » In 2021, Rep. Stephanie Murphy (D-FL) and JINSA’s President and CEO Dr. Michael Makovsky [explained](#) that “U.S. military assistance to Israel promotes peace in a variety of ways. First, Israel’s military (and economic) strength, and its willingness to stand up to Iranian aggression, was a vital factor leading to the historic Abraham Accords ... [and that] Israel is willing to take risks to achieve a just peace with its Arab neighbors and the Palestinians when Israel feels strong and supported, not when it feels weak and vulnerable.”
- Iran and its proxies consistently exploit perceived fissures between the United States and Israel to ramp up military escalation against both countries, as well as increase pressure via the United States to compel Israel to terminate its legal operations prematurely—an outcome which now threatens to curtail or inhibit IDF plans to finish dismantling Hamas’ remaining strongholds in Gaza, and thereby prolong and exacerbate persistent Iran-led conflict across the Middle East since October 7.
  - » Cognizant of the effectiveness of such pressure and misperceptions, Iran’s Supreme Leader Ali Khamenei [noted](#) on March 25, “war is also a media war. Whoever has the strongest media in his hands will succeed in achieving the goals he seeks.”
  - » Hamas spokesperson Ghazi Hamad [told](#) *Newsweek* on March 26, “there is no doubt that there are clear changes in [U.S.] policy towards Israel ... we believe that America can oblige Israel to stop the war.”
  - » On [April 8](#), Hezbollah leader Hassan Nasrallah declared, “if Americans want to stop something, they can make it stop. The claim that the Americans cannot force Israel to do something is nonsense.”

## What Should the United States Do Next?

- The United States should refrain from any effort to sanction the Netzah Yehuda battalion or any other IDF unit, given that Israel has a demonstrated track record of disciplining its own forces, including those in the relevant battalion itself.
  - » Any differences of opinion regarding Israel’s disciplinary protocols should be raised in private between U.S. and Israeli officials, and any remaining disagreements should be remediated in such a forum.
  - » It is particularly important that the Biden administration continue to avoid such public rebuke even after Israel’s Rafah operation, particularly as this could embolden Iran and its proxies as well as pro-Hamas demonstrators in the United States in the face of mounting international and domestic pressure facing Israel over its efforts in Gaza.
- The United States should refrain from leveling sanctions against any of Israel’s other military or police units so long as Israel remains embroiled in a multi-front war that hinges significantly on both its legitimacy and perceptions of U.S. resolve and support for Israel’s victory.