

United States Senate
WASHINGTON, DC 20510-0908

December 14, 2022

The Honorable Merrick Garland
Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, D.C. 20530-0001

The Honorable Christopher Wray
Director
Federal Bureau of Investigation
935 Pennsylvania Avenue, NW
Washington, D.C. 20535-0001

Dear Attorney General Garland and Director Wray:

We write with regard to recent reporting that the U.S. Department of Justice (DOJ) and the Federal Bureau of Investigation (FBI) have taken unprecedented and unilateral action by opening an investigation into the tragic death of Shireen Abu Akleh. The Israel Defense Force (IDF), independent third-party examiners, and U.S. officials could not reach a definitive and clear conclusion regarding fault. The U.S. Department of State was granted full access, over several weeks, to all parties' investigative materials and "found no reason to believe that this was intentional but rather the result of tragic circumstances."

As you know, on September 5, 2022, the IDF concluded an internal investigation could not unequivocally determine the source of gunfire which hit Abu Akleh. The IDF conducted its own in-depth investigation which was not able to determine if she was hit by bullets fired by armed Palestinian gunmen or IDF personnel. After the incident and in the performance of due diligence, the IDF thoroughly reviewed the circumstances, appointed a task force to examine the incident, conducted interviews of IDF soldiers, and engaged in forensic examinations. Moreover, the U.S. Security Coordinator oversaw a detailed forensic analysis and could not reach a definitive conclusion regarding the origin of the bullet which killed Abu Akleh.

Americans should rest assured that the United States will take all efforts to seek accountability for the wrongful deaths of American citizens abroad. We should also expect our military allies, like Israel, to conduct thorough and complete investigations into the deaths of American citizens on their soil. Given the results of multiple competent investigations regarding Abu Akleh, we are confident Israel has done its part, as an American ally, to determine the truth regarding the circumstance of her tragic death. In light of this, we are dismayed the DOJ and FBI are seeking to disregard Israeli sovereignty by inserting itself into an investigation which has concluded and which U.S. officials participated in. Moreover, reporting indicates U.S. Ambassador Nides was not informed of DOJ's decision to investigate. If true, this is wholly unacceptable and represents a breakdown in internal coordination between the agencies. The investigation highlights DOJ and FBI's overreach and politicization of investigations.

This misguided investigation into the IDF, which the DOJ and FBI have no jurisdiction over, must be closed immediately before further harm comes to our bilateral relationship with Israel. We will remain vigilant on this issue and will press the Department of State on the FBI

Legal Attaché notification processes at our overseas missions regarding foreign policy coordination efforts and deconfliction.

Thank you for your attention to this important matter.

Sincerely,



Marco Rubio
U.S. Senator



Charles E. Grassley
U.S. Senator



Ted Cruz
U.S. Senator



Rick Scott
U.S. Senator



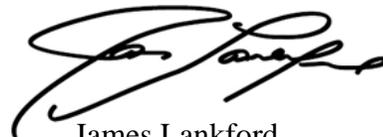
Josh Hawley
U.S. Senator



Mike Braun
U.S. Senator



Tom Cotton
U.S. Senator



James Lankford
U.S. Senator