



April 27, 2026

Honorable Platte B. Moring III
Inspector General
Department of Defense
4800 Mark Center Drive
Alexandria, VA 22350-1500

RE: *Request for Investigation into Violations of Defense Department Policies Concerning the Law of Armed Conflict During the Iran War*

Dear Inspector General Moring:

On February 28, President Trump and the Department of Defense (DoD) initiated Operation Epic Fury—an unauthorized and illegal war in Iran.¹ Since then, the Administration has conducted hundreds of airstrikes, including attacks on a girls' school, almost two dozen universities and several health care establishments.² It is estimated that over 3,000 Iranians have died, including 1,700 Iranian civilians, while 13 U.S. soldiers have been killed.³ Starting the week of March 30, President Trump began to threaten to attack critical civilian infrastructure in Iran if the Iranian government did not open the Strait of Hormuz. The Administration's brinkmanship, with President Trump threatening that Iran's "whole civilization will die" if he didn't get his way, ended on April 7 with a ceasefire at the eleventh hour.⁴

¹ See, e.g. John Danforth, et al., *Trump's War in Iran is Illegal*, THE CONTRARIAN (Mar. 2, 2026), <https://www.contrariannews.org/p/trumps-war-on-iran-is-illegal>; Letter of over 100 international law experts on the Iran War, JUST SECURITY (Apr. 2, 2026), <https://www.justsecurity.org/135423/professors-letter-international-law-iran-war/> (outlining *jus ad bellum* issues with the Iran war); Brian Finucane, *An Unserious Justification for an Unnecessary War: Assessing the U.S. "Article 51" Letter to U.N. on Iran War*, JUST SECURITY (Mar. 18, 2026), <https://www.justsecurity.org/134290/us-article-51-letter-united-nations/>; Brian Finucane, *On the State Department Memorandum "Operation Epic Fury and International Law"*, JUST SECURITY (Apr. 24, 2026), <https://www.justsecurity.org/137097/state-department-epic-fury-international-law/>.

² Julian E. Barnes, et al., *U.S. at Fault in Strike on School in Iran, Preliminary Inquiry Says*, N. Y. TIMES (Mar. 11, 2026), <https://www.nytimes.com/2026/03/11/us/politics/iran-school-missile-strike.html>; Lexi Lonas Cochran, *Strikes on Iranian universities raise war crime questions, fears of retaliation*, THE HILL (Apr. 2, 2026), <https://thehill.com/homenews/education/5811380-iran-war-university-strikes-war-crimes/>; World Health Organization, *Conflict deepens health crisis across Middle East, WHO says* (Mar. 11, 2026), <https://www.who.int/news/item/11-03-2026-conflict-deepens-health-crisis-across-middle-east--who-says>.

³ Nayera Abdallah & Menna Alaaeldin, *How many people have been killed in the Iran War?*, REUTERS (Apr. 10, 2026), <https://www.reuters.com/world/middle-east/how-many-people-have-been-killed-us-israel-war-iran-2026-04-07>; James C. Reynolds, *US-Iran war in numbers: Thousands killed and billions spent as fragile ceasefire takes effect*, THE INDEPENDENT (Apr. 9, 2026), <https://www.independent.co.uk/news/world/middle-east/iran-israel-us-war-death-toll-b2953551.html>.

⁴ Alex Leary, *Trump Agrees to Two-Week Cease-Fire With Iran if Hormuz Reopened*, WALL ST. J. (Apr. 7, 2026), <https://www.wsj.com/livecoverage/iran-war-2026-trump-deadline-latest-news/card/trump-agrees-to-two-week-cease-fire-with-iran-r5jmI8YZ8KnGtuSMKMIq>.

Notwithstanding the apparent resolution, many of the actions the Administration took leading up to the agreement-in-principle between the U.S. and Iran violated both international humanitarian law (IHL), also known as the law of armed conflict, and DoD policies. As over 100 international law experts warned in an open letter to the Administration, intentionally targeted attacks on Iranian civilian infrastructure would violate core principles of IHL, and leverage in negotiations is not a legitimate military purpose.⁵ As two former Judge Advocates General explained, the Administration’s threats to wipe out power plants across Iran would alone violate the criminal prohibition on the use of violence or threats of violence “to spread terror among the civilian population.”⁶

As outlined below, the Administration’s threatened use of violence against civilian infrastructure—and eventually the Iranian population itself—to bargain for re-opening of the Strait of Hormuz and the end of Operation Epic Fury was an abuse of office in violation of international humanitarian law and DoD policies. Democracy Defenders Fund (DDF) therefore requests that your office initiate an investigation into the activities of any and all DoD officers and employees involved in Iran war planning, including DoD Secretary Pete Hegseth, to assess whether their participation in these threats violated IHL, federal law, or DoD policies, including those reflected in the *DoD Law of War Manual* (DoD LoWM) and DoD Directive 2311.01, *DoD Law of War Program*.

Background

In early April, President Trump spoke to the nation about the status of the Iran war in a prime-time address. During his speech, he said “[w]e are going to hit [Iran] extremely hard over the next two to three weeks, we’re going to bring them back to the stone ages, where they belong.”⁷ He likewise said, “If there is no deal, we are going to hit each and every one of their electric generating plants, very hard and probably simultaneously.”⁸ Beginning the day before his speech and going through April 7, President Trump posted several statements threatening widespread attacks on Iranian infrastructure if the country did not open the Strait of Hormuz.

These threats included that the U.S. would “conclude our lively ‘stay’ in Iran by blowing up and completely obliterating all of their Electric Generating Plants, Oil Wells and Karg Island (and possibly all desalination plants!),”⁹ that U.S. military forces were in the process of “blasting Iran back to oblivion”,¹⁰ and that “IT IS TIME FOR IRAN TO MAKE A DEAL BEFORE ITS

⁵ Letter of over 100 international law experts on the Iran War, JUST SECURITY (Apr. 2, 2026), <https://www.justsecurity.org/135423/professors-letter-international-law-iran-war/>.

⁶ Margaret Donovan & Rachel VanLandingham, *When War Crimes Rhetoric Becomes Battlefield Reality: The Slippery Slope to Total War on Iran*, JUST SECURITY (Apr. 6, 2026), <https://www.justsecurity.org/135797/war-crimes-rhetoric-power-plants-iran/>.

⁷ Barak Ravid, *U.S. bombs Iran’s civilian infrastructure for first time after “Stone Ages” threat*, AXIOS (Apr. 2, 2026), <https://www.axios.com/2026/04/02/trump-iran-bridge-stone-age>.

⁸ This quote, along with video of the President’s speech, were reposted on the official X account of the Department of State. U.S. Department of State (@StateDept), X.COM (Apr. 1, 2026), <https://x.com/StateDept/status/2039524646576640318>.

⁹ Donald J. Trump (@realdonaldtrump), Truth Social (Mar. 30, 2026), <https://truthsocial.com/@realDonaldTrump/posts/116317880658472708>.

¹⁰ Donald J. Trump (@realdonaldtrump), Truth Social (Apr. 1, 2026), <https://truthsocial.com/@realDonaldTrump/posts/116329512466946656>.

TOO LATE, AND THERE IS NOTHING LEFT OF WHAT STILL COULD BECOME A GREAT COUNTRY!”¹¹ The purpose of these attacks was evident: to open the Strait of Hormuz. As the President posted days before the attack “OPEN THE HORMUZ STRAIT, TAKE THE OIL, & MAKE A FORTUNE.”¹² On Easter Sunday, President Trump announced in an expletive-ridden post that he would attack Iranian power plants and bridges if Iran did not open the Strait by Tuesday April 7, 2026:

*Tuesday will be Power Plant Day, and Bridge Day, all wrapped up in one, in Iran. There will be nothing like it!!! Open the Fuckin’ Strait, you crazy bastards, or you’ll be living in Hell – JUST WATCH! Praise be to Allah. President DONALD J. TRUMP*¹³

The evening of April 6, 2026, President Trump doubled down on his threat in a speech given at the White House.¹⁴ The morning of April 7, 2026, President Trump posted on Truth Social that “A whole civilization will die tonight, never to be brought back again.”¹⁵ On April 7, a two-week ceasefire was announced at the eleventh hour.¹⁶ However, as that ceasefire has deteriorated, the President has again re-iterated his threats to attack Iranian civilian infrastructure. On April 19, President Trump posted on Truth Social:

*We’re offering a very fair and reasonable DEAL, and I hope they take it because, if they don’t, the United States is going to knock out every single Power Plant, and every single Bridge, in Iran. NO MORE MR. NICE GUY! They’ll come down fast, they’ll come down easy and, if they don’t take the DEAL, it will be my Honor to do what has to be done, which should have been done to Iran, by other Presidents, for the last 47 years.*¹⁷

Although the President is the commander-in-chief, it is DoD that appraises him of the available military options during an operation. Secretary of Defense Pete Hegseth (a former member of the active military) has been at the heart of Operation Epic Fury and has both echoed the President’s incendiary messages and confirmed that DoD was willing to execute them.

¹¹ Donald J. Trump (@realdonaldtrump), Truth Social (Apr. 2, 2026), <https://truthsocial.com/@realDonaldTrump/posts/116336091138489301>.

¹² Donald J. Trump (@realdonaldtrump), Truth Social (Apr. 3, 2026), <https://truthsocial.com/@realDonaldTrump/posts/116340751005894827>.

¹³ Donald J. Trump (@realdonaldtrump), Truth Social (Apr. 5, 2026), <https://truthsocial.com/@realDonaldTrump/posts/116351998782539414>.

¹⁴ WATCH: Trump recounts Iran rescue mission, says U.S. has plan to 'decimate' infrastructure, PBS NEWS (Apr. 6, 2026), <https://www.pbs.org/newshour/politics/watch-live-trump-holds-news-conference-after-unleashing-latest-threat-against-iran>.

¹⁵ Donald J. Trump (@realdonaldtrump), Truth Social (Apr. 7, 2026), <https://truthsocial.com/@realDonaldTrump/posts/116363336033995961>.

¹⁶ Alex Leary, *Trump Agrees to Two-Week Cease-Fire With Iran if Hormuz Reopened*, WALL ST. J. (Apr. 7, 2026), <https://www.wsj.com/livecoverage/iran-war-2026-trump-deadline-latest-news/card/trump-agrees-to-two-week-cease-fire-with-iran-r5jmI8YZ8KnGtuSMKMIq>.

¹⁷ Donald J. Trump (@realdonaldtrump), Truth Social (Apr. 19, 2026), <https://truthsocial.com/@realDonaldTrump/posts/116431297579272777>.

Consistent with the President's threats, on April 6, Secretary Hegseth said during a press conference that "Iran has a choice. Choose wisely, because this President does not play around. You can ask Soleimani, you can ask Maduro, you can ask Khamenei."¹⁸ After the ceasefire was announced, on April 8, Secretary Hegseth said that "if Iran had refused our terms, the next targets would have been their power plants, their bridges, and oil and energy infrastructure. Targets they could not defend and could not realistically rebuild. It would have taken them decades. And we were locked and loaded."¹⁹ He continued, saying "President Trump had the power to cripple Iran's entire economy in minutes" but that he did not do so because they accepted a deal under "overwhelming pressure."²⁰ In response to a question as to whether "the President was really prepared to wipe out Iran entirely?" Secretary Hegseth responded, "Like I said, we were locked and loaded" and that "He [President Trump] ultimately said we can take it all from you [Iran]. Your ability to export energy will be taken away. And the U.S. military has the ability to strike those things with impunity. That type of threat is what brought them to a place where they effectively said 'OK' we want to cut this deal."²¹

Secretary Hegseth has been notoriously antagonistic to the law of armed conflict. In his book, *The War on Warriors: Behind the Betrayal of the Men Who Keep Us Free*, Secretary Hegseth wrote that "Our boys should not fight by rules written by dignified men in mahogany rooms eighty years ago. America should fight by its own rules. And we should fight to win or not go at all."²² As *The Guardian* reported in 2024, Secretary Hegseth has argued that the U.S. should disregard the Geneva Conventions and the law of armed conflict and should seek to win wars "according to our own rules."²³ This philosophy was reflected in his confirmation hearing, where Secretary Hegseth explained to Senator King in regard to a line of questions concerning adherence to the Geneva Conventions: "What an American first national security policy is not going to do is hand its prerogatives over to international bodies that make decisions about how our men and women make decisions on the battlefield."²⁴ Consistent with his antagonism to the laws of war, Secretary Hegseth coined the maxim: "maximum lethality, not tepid legality."²⁵ This maxim was reflected in Secretary Hegseth's speech at Marine Corps Base Quantico in September 2025, wherein he said:

We fight to win. We unleash overwhelming and punishing violence on the enemy. We also don't fight with stupid rules of engagement. We untie the hands of our warfighters to intimidate, demoralize, hunt and kill the enemies of our country.

¹⁸ WATCH: Hegseth says U.S. military has done its part 'for now' after Trump agrees to 2-week Iran ceasefire, PBS NEWS (Apr. 8, 2026), <https://www.pbs.org/newshour/world/watch-hegseth-says-u-s-military-has-done-its-part-for-now-after-trump-agrees-to-2-week-iran-ceasefire>.

¹⁹ *Id.*

²⁰ *Id.*

²¹ *Id.*

²² PETE HEGSETH, *THE WAR ON WARRIORS: BEHIND THE BETRAYAL OF THE MEN WHO KEEP US FREE*, 184 (Broadside Books, 2024).

²³ Jason Wilson, *Trump Pentagon pick attacks UN and Nato and urges US to ignore Geneva conventions*, THE GUARDIAN, (Nov. 25, 2024), <https://www.theguardian.com/us-news/2024/nov/25/pete-hegseth-book-attacks-natoalliances>.

²⁴ U.S. Senate Armed Services Committee, Hearing on the Nomination of Pete Hegseth (Nov. 11, 2025), available at <https://www.rev.com/transcripts/pete-hegseth-senate-confirmation-hearing> (statement at 02:17:55).

²⁵ Matthew Olay, *Trump Renames DoD to Department of War*, PENTAGON NEWS (Sept. 5, 2025), <https://www.war.gov/News/News-Stories/Article/Article/4295826/trump-renames-dod-to-department-of-war/>.

No more politically correct and overbearing rules of engagement, just common sense, maximum lethality and authority for warfighters.²⁶

Discussion

The DoD is not free to prosecute war in any fashion it sees fit. International treaties and customary IHL, as reflected in the DoD LOWM, place limits on how DoD can engage in international armed conflicts and what objects can be targeted.²⁷ To ensure that all officers and employees of the DoD comply with the law of armed conflict including fundamental principles and rules of IHL, DoD promulgated DoD Directive 2311.01, *DoD Law of War Program*. That Directive applies to all offices, including the Office of the Secretary of Defense,²⁸ and places specific responsibilities on commanders and high-level officials²⁹ to ensure that “[m]embers of the DoD Components comply with the law of war during all armed conflicts, however characterized.”³⁰

I. Threats of Violence Intended to Spread Terror Among the Civilian Population Violate IHL and the DoD LOWM

Among the most basic of the laws of armed conflict is that civilians and civilian infrastructure cannot be the target of military attack, nor can the military use violence or threats of violence to terrorize the civilian population.³¹ Consistent with these core obligations, the DoD LoWM explains that DoD members may not engage in violence or even threats of violence for the purpose of spreading terror.³² That prohibition extends to all “[m]easures of intimidation or terrorism against the civilian population . . . including acts or threats of violence, the primary purpose of which is to spread terror among the civilian population.”³³ As the Appeals Chamber of the International Criminal Tribunal for the Former Yugoslavia stated, “the prohibition of terror against the civilian population as enshrined in Article 51(2) of Additional Protocol I and

²⁶ Secretary Pete Hegseth, Address to General and Flag Officers at Quantico, Virginia (Sept. 30, 2025), <https://www.war.gov/News/Transcripts/Transcript/Article/4318689/secretary-of-war-pete-hegseth-addresses-general-and-flag-officers-at-quantico-v/>.

²⁷ See, e.g., Michael Schmitt, Tess Bridgeman & Ryan Goodman, *Expert Q&A: A Targeting Primer on the Iran War*, JUST SECURITY (Mar. 27, 2026), <https://www.justsecurity.org/135050/expert-faq-targeting-primer-iran-war/> (describing the applicable law regarding targeting objects in the Iran war and how those laws apply to attacks on persons and objects).

²⁸ U.S. Department of Defense, Directive 2311.01, *Law of War Program* § 1.2a (hereinafter “DoD Directive 2311.01”).

²⁹ *Id.* § 2.

³⁰ *Id.* § 1.2(a).

³¹ Protocol Additional to the Geneva Conventions of 12 August, 1949, and Relating to the Protection of Victims of International Armed Conflicts, Art. 51(2) (1977) reprinted in 16 I.L.M. 1391 (hereinafter Protocol I) (the United States is not a party to Protocol I, however, the United States recognizes the principle of distinction as a matter of customary international law); U.S. Department of Defense, Law of War Manual § 5.2.2; Cody Corliss, *Digital Terror Crimes*, 62 COLUM. J. TRANSNAT’L L. 58, 63 (2023) (“The crime of terror is firmly established as part of customary international law”).

³² Protocol I, Art. 51(2); DoD LoWM § 5.2.2. See also Judge Advocate General Air Force Pamphlet 110-31, §5-3a(1)(a) (“Acts or threats of violence which have the primary object of spreading terror among the civilian population are prohibited”).

³³ DoD LoWM, § 5.2.2.

Article 13(2) of Additional Protocol II, was a part of customary international law from the time of its inclusion in those treaties.”³⁴

“Any act or threat of violence where the primary purpose is to spread terror among the civilian population may be a crime of terror, regardless of the nature of the underlying act.”³⁵ This is true regardless of any other “political or military goals” a combatant may have.³⁶ Although there is no list of actions that *per se* constitute the crime of terror, experts have referred to such things as “[t]hreats to wipe out a city or to exterminate its population.”³⁷

There are two key elements to a war crime of terror. First, the threat of violence must be aimed at the civilian population. Threats against legitimate military objectives are permissible. Second, the threat must be intended to spread terror, or “extreme fear,” in the civilian population.³⁸

a. The Administration’s Threats of Violence Were Aimed at the Civilian Population

“The war crime of terror has roots in the principle of distinction.”³⁹ That principle provides that military force can only be used against “military objectives”—not civilian objects or persons.⁴⁰ In essence, that means that “[p]ersons, objects, and locations that are not military objectives may not be made the object of attack.”⁴¹ Military objectives—a term of art—refers to “any object which by its nature, location, purpose or use makes an effective contribution to military action and whose total or partial destruction, capture or neutralization, in the circumstances ruling at the time, offers a definite military advantage.”⁴² There are two elements that must be met for an object to qualify as a military objective: “(1) that the object somehow makes an effective contribution to military action; and (2) attacking, capturing, or neutralizing the object, in the circumstances, offers a definite military advantage.”⁴³ However, merely

³⁴ Prosecutor v. Galić, Case No. IT-98-29-A, Appeal Judgement, ¶ 86 (Int’l Crim. Trib. For the Former Yugoslavia Nov. 30, 2006).

³⁵ Cody Corliss, *Digital Terror Crimes*, 62 COLUM. J. TRANSNAT’L L. 58, 101 (2023).

³⁶ See, Prosecutor v. Milošević, Case No. IT-98-29/1-T, Trial Judgement, ¶ 879 (Int’l Crim. Trib. for the Former Yugoslavia Dec. 12, 2007).

³⁷ William J. Fenrick, *Attacking the Enemy Civilian As A Punishable Offense*, 7 Duke J. Comp. & Int’l L. 539, 562 (1997).

³⁸ See, e.g., Prosecutor v. Galić, Case No. IT-98-29-A, Appeal Judgement, ¶ 137 (Int’l Crim. Trib. For the Former Yugoslavia Nov. 30, 2006).

³⁹ Cody Corliss, *Digital Terror Crimes*, 62 COLUM. J. TRANSNAT’L L. 58, 79 (2023).

⁴⁰ Protocol I, Art. 48 and Art. 49; DoD LoWM, § 5.5 (2022). See also 10 U.S.C. § 950p(a)(1) (defining military objective for purposes of the Military Commissions Act of 2009); Judge Advocate General Air Force Pamphlet 110-31, §5-3a(1)(b); United States, Department of Defense, Final Report to Congress on the Conduct of the Persian Gulf War, Appendix O, The Role of the Law of War (Apr. 10, 1992 (“The law of war with respect to targeting, collateral damage and collateral civilian casualties is derived from the principle of discrimination; that is, the necessity for distinguishing between combatants, who may be attacked, and noncombatants, against whom an intentional attack may not be directed, and between legitimate military targets and civilian objects”); Lieber Code ¶ 22, Instructions for the Government of Armies of the United States in the Field, Gen. Order No. 100 (1863).

⁴¹ DoD LoWM § 5.5.2.

⁴² DoD LoWM § 5.6.3.

⁴³ DoD LoWM § 5.6.5.

“[d]iminishing the morale of the civilian population and their support for the war effort does not provide a definite military advantage.”⁴⁴

The Administration’s threatened attacks were not aimed at military objectives. They were aimed at civilian objects or at best “dual use” objects that are used both by the military and the civilian population.⁴⁵ The threats of attack on Iran’s energy infrastructure and bridges were not made to secure a military purpose nor was the Administration seeking to gain any definite *military* advantage. The purpose of the attacks was to open the Strait of Hormuz to allow for commercial traffic: a distinctly economic and political, but not military, goal. The President’s statement the evening of April 7 confirmed as much. On Truth Social, the President stated: “subject to the Islamic Republic of Iran agreeing to the COMPLETE, IMMEDIATE, and SAFE OPENING of the Strait of Hormuz, I agree to suspend the bombing and attack of Iran The reason for doing so is that we have *already met and exceeded all* Military objectives”⁴⁶ The next day, President Trump doubled down on that purpose saying: “Big money will be made.”⁴⁷

Furthermore, although specific energy structures and bridges can qualify as “military objectives” when they are being used for a military purpose in the circumstances at hand,⁴⁸ the widespread and indiscriminate bombing of electric power plants and bridges is incompatible with the obligation to discriminate between civilian and military targets.⁴⁹ Presumably not every power plant in Iran contributed to military action nor would each serve a definite military advantage (nor would destroying every one presumably comport with proportionality).⁵⁰ The obvious conclusion is that the Administration was using threats of its military power against the *civilian* population and *civilian* objects that are vital to that population as part of its pressure campaign. President Trump and the DoD do not appear to have sought to advance any military objective but rather sought to demoralize and terrorize the Iranian people into opening up the Strait of Hormuz.

b. The Administration’s Threats Were Aimed at Causing Terror

President Trump’s threats that a “whole civilization will die tonight,” that the United States would “obliterate” Iranian civilian infrastructure, that there would be “NOTHING LEFT” of Iran, that “all Hell will reign [*sic*] down” on Iranians all appear intended to invoke extreme fear in the Iranian populace. As former U.S. State Department attorney Brian Finucane explained, these remarks “could plausibly be interpreted as a threat to commit genocide.”⁵¹ Two former Judge Advocates General recently stated that “[i]t is difficult to read President Trump’s

⁴⁴ DoD LoWM § 5.6.7.

⁴⁵ Oona Hathaway, et al., *The Dangerous Rise of “Dual-Use” Objects in War*, 135 YALE L. J. 2645, 2651-2652 (2025) (“International law does not recognize a formal category of ‘dual-use’ objects”).

⁴⁶ Donald J. Trump (@realdonaldtrump), Truth Social (Apr. 7, 2026), <https://truthsocial.com/@realDonaldTrump/posts/116365796713313030>.

⁴⁷ Donald J. Trump (@realdonaldtrump), Truth Social (Apr. 8, 2026), <https://truthsocial.com/@realDonaldTrump/posts/116367088879643074>.

⁴⁸ See, e.g., DoD LoWM § 5.6.8.5.

⁴⁹ See Protocol I, Art. 49; DoD LoWM § 5.5.

⁵⁰ Michael Schmitt, Tess Bridgeman & Ryan Goodman, *Expert Q&A: A Targeting Primer on the Iran War*, JUST SECURITY (Mar. 27, 2026), <https://www.justsecurity.org/135050/expert-faq-targeting-primer-iran-war/>.

⁵¹ Bridget Brown, et al., *US and Iran agree to a two-week ceasefire*, AP NEWS (Apr. 7, 2026), <https://apnews.com/live/iran-war-israel-trump-04-07-2026>.

egregious threats of great destruction as anything but intending to spread terror.”⁵² Secretary Hegseth made clear in his April 8 press conference that these were not empty threats. He indicated that DoD was “locked and loaded” in response to the question whether “the President was really prepared to wipe out Iran entirely?”⁵³

The explicit nature of these threats makes it clear that they were intended to stoke fear in the Iranian population. That intent can be discerned from the “nature, manner, timing, and duration” of the threats.⁵⁴ First, the statements did not suggest that DoD was engaging with only military targets. President Trump referred to bombing the country “back to the Stone Age,” a reference that Secretary Hegseth repeated on his X account minutes later.⁵⁵ As Janina Dill, a professor at the University of Oxford said, use of that term “implies directing attacks against civilian objects.”⁵⁶ Other statements failed to discriminate between civilian and military targets. For example, President Trump explained that there would be nothing left of the country, that a whole civilization would die, and that all hell would rain down. Second, the statements were widely posted on social media, where they would be accessed by large numbers of Iranian civilians, and not contained in military missives directed to only Iran’s government or military members. Third, the President made clear that there was a deadline to comply and as the deadline closed in, the President’s warnings became more aggressive, including expletives and references reminiscent of a holy war. As former Judge Advocate General Rachel VanLandingham said: “Trump’s warning about the death of a civilization if the Iranian regime didn’t capitulate to his demands came on a day the U.S. military conducted more than 800 strikes. And that intensity followed six weeks of massive aerial bombardment. Thus the U.S. appeared capable of carrying out its threat of wholesale destruction.”⁵⁷ These all suggest an intent to create extreme fear to force Iran’s capitulation to a political deal on the Strait of Hormuz.

II. DoD Officials Were Involved in Planning the Threatened Attacks

Reporting from April 6 identifies that DoD officials were involved in preparing the planned attacks, including coming up with a list of targets.⁵⁸ DoD officials reportedly created a list of energy sites that could be targeted to include “dual use” infrastructure.⁵⁹ It is unclear whether this list was approved by qualified legal advisers. Notwithstanding, Secretary Pete

⁵² Margaret Donovan & Rachel VanLandingham, *When War Crimes Rhetoric Becomes Battlefield Reality: The Slippery Slope to Total War on Iran*, JUST SECURITY (Apr. 6, 2026), <https://www.justsecurity.org/135797/war-crimes-rhetoric-power-plants-iran/>.

⁵³ WATCH: Hegseth says U.S. military has done its part 'for now' after Trump agrees to 2-week Iran ceasefire, PBS NEWS (Apr. 8, 2026), <https://www.pbs.org/newshour/world/watch-hegseth-says-u-s-military-has-done-its-part-for-now-after-trump-agrees-to-2-week-iran-ceasefire>.

⁵⁴ Prosecutor v. Milošević, Case No. IT-98-29/1-A, Appeal Judgement, ¶ 313 (Int’l Crim. Trib. for the Former Yugoslavia Nov. 12, 2009).

⁵⁵ Graeme Wood, *Trump’s Stone Age Threat Will Lead to Tragedy*, The Atlantic (Apr. 3, 2026), <https://www.theatlantic.com/ideas/2026/04/trump-iran-war-weapons/686685/>.

⁵⁶ *Id.*

⁵⁷ Lt. Col. Rachel E. VanLandingham (ret.), *Trump’s genocidal threat to Iran may have caused irreparable damage — to the U.S.*, MS NOW (Apr. 9, 2026), <https://www.ms.now/opinion/trump-iran-war-crime-threat-ceasefire>.

⁵⁸ Paul McLeary & Leo Shane III, *Pentagon’s new plans in Iran give Trump a way out of war crime accusations*, POLITICO (Apr. 6, 2026), <https://www.politico.com/news/2026/04/06/pentagon-iran-war-crime-accusations-00860468>.

⁵⁹ *Id.*

Hegseth said the military was “locked and loaded” to accomplish these attacks. As a result, President Trump’s threats of attacks were not solely reflective of his views: he had operational support from Secretary Hegseth for the threats he was making.

Request for Investigation

DoD officials’ participation in creating plans to target civilian infrastructure with the aim of instilling fear in the Iranian population to coerce the reopening of the Strait of Hormuz is inconsistent with customary rules of IHL and as reflected in the DoD LoWM. Department of Defense policies, including DoD Directive 2311.01, make it clear that servicemembers are responsible for adhering to the law of war. The grave failures to adhere to customary rules of IHL and the binding law reflected in the DoD LoWM raise serious questions of whether there were foundational failures in the law of war program and policies, like DoD Directive 2311.01, aimed at preserving that program.

The Department of Defense Office of Inspector General has oversight responsibility over DoD officials’ adherence to DoD Directive 2311.01.⁶⁰ As the DoD Office of the Inspector General (DoD OIG), it is your responsibility to investigate violations of DoD policy, particularly those that result in waste, fraud, abuse, and corruption.⁶¹ Perhaps no more serious abuse of office can occur than the use of the mighty war-power to destroy the lives of potentially hundreds of thousands of foreign nationals in violation of fundamental and binding law. That is why it is imperative that your office begin an investigation into potential violations of DoD rule of law policy, including those of high officers like Secretary Hegseth, as soon as possible. DoD OIG should investigate the following issues:

1. Who approved the targets in the threatened attacks;
2. What if any steps were taken exactly to assess the risk of civilian harm;
3. Whether officers and employees involved in the planning and potential execution of the threatened attacks received appropriate training on the law of war;
4. Whether the DoD General Counsel, Judge Advocate General of the Airforce, or other qualified legal advisers participated in the planning of the threatened attacks, including reviewing the rules of engagement, execute orders (EXORD), operational orders (OPORD), target assessments, or any announcements concerning the threatened attacks including social media statements;
5. Whether military or civilian attorneys in the DoD assessed such threats to be unlawful;
6. Whether officers and employees relied on any legal guidance provided from any external agency, like the Department of Justice;
7. Whether any combatant commanders have received reports of incidents of rule of law violations during the planning, preparation, and announcement of the threatened attacks, and if so, whether they maintained appropriate records and took appropriate action in response to such reports;

⁶⁰ See, e.g., DoD OIG, EVALUATION OF U.S. CENTRAL COMMAND AND U.S. SPECIAL OPERATIONS COMMAND IMPLEMENTATION OF THE ADMINISTRATIVE REQUIREMENTS RELATED TO THE DEPARTMENT OF DEFENSE’S LAW OF WAR POLICIES (2021).

⁶¹ 5 U.S.C. §§ 407(a), 408(c)(1).

8. Whether any officer or employee was subject to retaliation on the basis of reporting, resisting or questioning any incident of a rule of law violation.

Sincerely,

/s/
Ambassador Norman L. Eisen
(ret.)
Executive Chair and Co-Founder
Democracy Defenders Fund

/s/
Virginia Canter
Chief Counsel and Director for Ethics and
Anticorruption
Democracy Defenders Fund

/s/
Christopher Swartz
Senior Ethics Counsel
Democracy Defenders Fund

CC: Sen. Roger Wicker, Chairman, U.S. Senate Committee on Armed Services
Sen. Jack Reed, Ranking Member, U.S. Senate Committee on Armed Services
Rep. Mike Rogers, Chairman, U.S. House of Representatives, Armed Services
Committee
Rep. Adam Smith, Ranking Member, U.S. House of Representatives, Armed Services
Committee