

March 21, 2025

**To:**

Minister of Defense, MK Israel Katz

**CC:**

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Deputy Attorney General (International Law), Dr. Gil-Ad Noam

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**Urgent Appeal Regarding the Minister's Statements on March 19, 2025**

We, scholars from law faculties in Israel specializing in international law and the laws of armed conflict, wish to warn against the serious legal concerns arising from the statements made by the Minister of Defense on March 19, 2025. These statements, framed as a "final warning" to the civilian population in Gaza, threatened total destruction as a consequence of the ongoing war.

We feel professionally obligated to highlight the following points:

1. **The laws of armed conflict require a distinction between civilians and combatants and prohibit collective punishment of the civilian population.** The Minister of Defense's threat that Gaza's civilians will "pay the full price" for Hamas' actions, and that if they do not overthrow Hamas' rule, they will face "total destruction," raises serious concerns of violating the principle of distinction and of carrying out actions intended to pressure the civilian population, in violation of the prohibition on collective punishment. Furthermore, threatening the residents of Gaza—civilians living under the control of a violent and extremist terrorist organization that brutally suppresses any resistance—is inherently unacceptable and contradicts the legal prohibition against measures of intimidation against the civilian population during warfare.
2. **Evacuating a civilian population from residential area is only permissible for the sake of their own security or due to urgent military necessity, and must be accompanied by adequate humanitarian aid.** Evacuation cannot be used as a means of pressure or for any political purpose. Like any military action, evacuation is subject to the principle of proportionality: it is lawful only if return to the area is allowed once the necessity ends and if there is a safe location to which humanitarian aid is delivered as required. The Minister of Defense's statements, in their broader context, raise serious concerns that evacuation is being used to pressure the population so that it, in turn, pressures Hamas to end its rule and release the hostages. Notably, the Minister himself referenced the plan to allow "voluntary emigration" from Gaza, reinforcing concerns that the purpose of the evacuation is political rather than military. The absence of any assurance that humanitarian aid will be provided in the evacuated areas further exacerbates these concerns.

3. **The laws of armed conflict require a party to the conflict to allow the delivery of humanitarian aid to the civilian population, subject to security inspections.** In this context, a decision to halt all humanitarian aid as a means of pressuring the civilian population is unlawful. Restrictions on humanitarian aid are also subject to the principle of proportionality, and concerns about the adversary misusing some of the aid do not justify an outright refusal to deliver it to civilians.
4. **Violating any of these principles could expose senior political and military officials to significant legal risks.** It is our duty to emphasize that, unlike heads of state, who may in certain cases enjoy immunity during their tenure, politicians and military personnel do not have such immunity, and there is no statute of limitations for criminal offenses of this nature.

We call on the Minister of Defense to retract his statements and/or clarify that Israel will act in accordance with its obligations under international law regarding Gaza. We also urge the relevant legal advisory bodies to urgently clarify these matters to the appropriate authorities.

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