

May 19, 2025

The Israeli Law Professors' Forum for Democracy expresses deep concern in light of actions and statements by the Government of Israel that raise serious suspicions of violations of international law to which Israel is bound—or of intentions to violate it—and even of the commission of international crimes in the course of renewed fighting in the Gaza Strip since the government decided to end the ceasefire.

1. First and foremost, we reiterate that the abduction of Israeli and foreign civilians by Hamas and other organizations, and their continued detention as hostages under harsh conditions, with their lives in immediate danger and without Red Cross access to visit them, constitutes a grave violation of international law and amounts to a war crime. These organizations are obligated to release the hostages immediately and unconditionally. At the same time, the State of Israel bears a supreme duty to act to secure the release of the hostages. The government's refusal to agree to a deal for the release of all hostages, and with it an end to the war, constitutes an unlawful infringement of the hostages' constitutional rights. Finally, none of the remarks in this document diminish the gravity of other serious violations of the laws of war and international criminal law committed by Hamas.
2. The factual basis for the assertions in this statement is not subject to significant dispute:
  - a) As of March 2, 2025, according to a government decision, Israel has prevented the entry of humanitarian aid into the Gaza Strip as a means of exerting pressure to secure the hostages' release. The government also claimed that Hamas is seizing the aid.
  - b) On May 7, 2025, it was reported in the media that one of the objectives of Operation "Gideon's Chariots," approved by the cabinet, is the "evacuation and concentration of the population" of Palestinians.
  - c) On May 11, 2025, it was reported that the Prime Minister said, in a closed session of the Knesset, that "We are destroying more and more homes. They have nowhere to return to. The only logical outcome will be a desire among Gazans to emigrate out of the Strip." On May 13, 2025, the Prime Minister repeated similar statements to IDF soldiers. In between, coalition members made statements about "destruction" in Gaza and claimed that Gaza would be "completely desolate" and its citizens would be concentrated and then depart to third countries.
  - d) The IPC—the leading international professional mechanism on food security and nutrition—published an analysis of the situation in Gaza describing acute malnutrition and food insecurity. At the same time, media reported that IDF officers are aware of the dire humanitarian situation in Gaza: "For months, Israeli officials emphasized that blocking food and fuel from entering Gaza does not constitute a real threat to civilians' lives, even as the UN and other aid organizations warned of impending famine. However, [...] in recent days, IDF officers monitoring humanitarian conditions in the Strip have warned their commanders that if the blockade is not lifted soon, many areas in Gaza will fail to meet even basic nutritional needs."

e) On May 13, 2025, in a briefing to the UN Security Council, the UN Under-Secretary-General for Humanitarian Affairs stated that “every single one of the 2.1 million Palestinians in the Gaza Strip face the risk of famine. One in five face starvation.”

3. In light of this body of reports, none of which have been denied by the government or its representatives, the Forum emphasizes the following points, which lie at the core of international humanitarian law and international criminal law, both of which bind the Government of Israel:

a) **Humanitarian Aid:** Under customary international law and Supreme Court (High Court of Justice) rulings, the Government of Israel is obligated to allow the passage of humanitarian aid to the civilian population in the combat zone, subject to security inspections. Until the decision to prevent aid, the Israeli government did not deny this obligation—neither before the High Court nor before the International Court of Justice (ICJ)—but rather claimed compliance with the law in this context.

This obligation is further reinforced by the ICJ’s interim measures ordering Israel to ensure humanitarian access to the Gaza Strip. These orders are binding on Israel as a signatory to the Genocide Convention, which confers compulsory jurisdiction to the Court. Israel declared in its pleadings before the Court that it would meet its obligations under the Convention, and its claim in this regard is considered a binding unilateral declaration. Israeli Judge Aharon Barak also supported the issuance of the interim measure concerning humanitarian assistance.

The obligation to allow the entry of humanitarian aid was recently discussed in HCJ 2280/24 *Gisha – Legal Center for Freedom of Movement v. State of Israel* (March 27, 2025). The Court cited the state’s position that “entry of humanitarian aid, and food in particular, must be allowed without quantitative restrictions.” The petition was dismissed on grounds that prior to the policy change, sufficient aid had been provided. The Court held that “Israel’s obligations [...] include the duty to allow and facilitate the transfer of aid necessary to meet the essential needs of the civilian population in the Strip, with all that entails. Respondents are required, as far as possible, to maintain continuous monitoring of the essential humanitarian needs in the Strip. However, clearly, in implementing these obligations, security, military, and operational constraints—as well as the inherent difficulties of gathering information during wartime—must be taken into account.”

To the extent that exceptions to the obligation to permit humanitarian aid exist, they cannot justify a blanket denial and are subject to the requirement of proportionality relative to the severity of civilian harm. Furthermore, no provision of the law permits withholding aid as a means of exerting pressure on a population during political negotiations. The opposite is true: denial of food access as a method of pressure may be deemed starvation as a method of warfare and, thus, a war crime. Therefore, the decision to completely block humanitarian aid from entering Gaza is unlawful and increasingly so with time.

b) **Population Evacuation:** Under the laws of armed conflict, to which the Israeli government is bound, a belligerent may evacuate a population from a combat zone only in very exceptional cases: to protect them or due to an imperative military-operational necessity. Such an evacuation must meet these conditions, be temporary, and ensure the

availability of basic living conditions in the area to which the population is relocated. Population evacuation does not, in itself, permit the destruction or “flattening” of the evacuated areas. In fact, the requirement of temporariness includes an obligation to enable the return of civilians to their homes once the specific necessity has passed.

The designation of “evacuation and concentration” as a goal of Operation “Gideon’s Chariots,” along with the Prime Minister’s statements about widespread house demolitions precluding return, combined with the intent to “encourage” emigration, indicate that the evacuation and concentration are not means to meet a military need but are themselves an unlawful aim.

c) **Flattening and Destruction of Civilian Infrastructure:** Under the laws of armed conflict, an object may only be destroyed if it makes an effective contribution to the enemy’s military effort at that time, or if an overriding military necessity arises from combat. A higher standard applies to objects essential to the survival of the local population (such as health, food, and water facilities). The laws of war do not allow for “flattening” entire areas, and in any case, any combat-related damage must meet the test of proportionality. The extensive destruction in Gaza, together with statements by the Prime Minister and other officials linking this destruction to the “encouragement” of population departure, appears to violate these rules and may amount to the war crime of extensive destruction of property without military necessity.

d) **Encouraging Emigration:** Every person wishing to leave a war zone should be allowed to do so. However, the “encouragement of emigration” of a specific ethnic group cannot be a lawful aim. Moreover, as the Prime Minister’s remarks suggest, any such departure would stem from the distress in the area, including the destruction of homes and vital civilian infrastructure by Israel. Under such circumstances, a “coercive environment” arises, which international tribunals have ruled invalidates consent to leave. Therefore, a plan whose aim is “voluntary” emigration—whether carried out or not, and whether stated officially or not—is unlawful.

e) **Widespread Harm to Civilians:** Since the start of the war, and especially in recent weeks, we have witnessed extensive harm to civilians from airstrikes—sometimes dozens in a single strike—with media reports of tensions within the IDF concerning this. These attacks raise serious suspicions, at the very least, of violations of the principle of proportionality, to which Israel is bound.

4. The Forum calls on the government to reverse policies that are prima facie unlawful, as outlined above. The Forum calls on the Attorney General and the Military Advocate General to address the legality of the described actions. The Attorney General, the Chief of Staff, and the Military Advocate General must ensure that IDF forces operate in accordance with the law and are not given manifestly illegal orders. It is emphasized that the obligations discussed above are not reciprocal—they bind the State of Israel by virtue of its status as a sovereign nation committed to the rule of law, regardless of the ongoing grave violations committed by terrorist organizations.

Beyond Israel’s duty to uphold international law and High Court rulings as a law-abiding state, the country also bears responsibility toward IDF soldiers not to involve them in illegal acts or expose them to the risk of criminal prosecution in international or foreign courts.

The duty to uphold the international legal norms mentioned in this document also exists under Israeli law. These norms are part of customary international law and are incorporated into Israeli law unless contradicted by statute. They bind every Israeli official and soldier. If aspects of Operation “Gideon’s Chariots” violate customary international law, they also violate Israeli law. Moreover, Israeli constitutional and administrative law—the duty to act “lawfully,” to consider all relevant and only relevant factors, reasonably and proportionally—also demands adherence to these fundamental rules of international law. Extensive violations of international law by the Government of Israel may lead to Israel’s isolation and endanger its very existence.