

June 9, 2025

To:

The Attorney General, Adv. Gali Baharav-Miara

The Military Advocate General, Major General Yifat Tomer-Yerushalmi

Re: Suspicion of War Crimes and the Duty to Investigate

1. On April 1, 2025, we contacted you following the killing and wounding of numerous civilians in Gaza under circumstances that raise a reasonable suspicion of violations of the laws of warfare, and even the commission of war crimes. As we explained in detail in our aforementioned letter—of which a copy is attached—under both international and Israeli law, whenever there is a reasonable suspicion of the commission of a war crime, law enforcement authorities are obligated to conduct an investigation that meets the standards set out in the Turkel Commission Report. Regrettably, as on previous occasions, we have received no response or acknowledgment of our letter, nor has there been any public announcement that an investigation has been opened as required by law.
2. However, in light of recent developments, we are compelled to contact you again, driven by a sense of duty to Israeli society and the recognition that the rule of law does not end with the protection of state institutions internally, but also encompasses the conduct of the state during armed conflict.

Factual Background

3. In recent days, many Palestinian civilians have been killed and injured by gunfire near humanitarian aid distribution points that were recently established in the southern Gaza Strip. On June 3, 2025, the Red Cross confirmed that during the week there were five mass-casualty incidents in the area. We highlight two major incidents:
4. On June 1, 2025, reports from Gaza indicated that more than 20 Palestinians were killed early in the morning near an aid distribution site in Rafah. The Red Cross confirmed a mass-casualty event in the area, based on the number of fatalities and wounded admitted to its hospital. It reported receiving 21 dead and 179 wounded from gunfire and shrapnel. According to international media investigations, the casualties were civilians who had gathered near the aid center prior to its opening.
5. In an initial response, the IDF spokesperson denied that IDF forces had fired in the area (see IDF Telegram statement from June 1, 2025). However, the next day, it was announced that IDF forces had identified several suspects about half a kilometer from the aid distribution point, and that "the forces fired warning shots, and after they did not retreat, additional fire was directed near the individual suspects who advanced toward the forces" (IDF Telegram statement from June 2, 2025). Later, the spokesperson stated that a Gaza resident told an IDF officer that Hamas operatives were the ones who opened fire (IDF Telegram statement from June 5, 2025).
6. On the morning of June 3, 2025, Gaza authorities reported another incident in which 27 people were killed near a distribution site in Rafah. Again, the IDF claimed it carried out "warning fire" at suspects who deviated from the designated paths to the compound. As before, the Red Cross confirmed the reported number of casualties, based on the dead and wounded admitted to its hospital: 27 dead and 184 injured.
7. Investigations by media outlets reinforce the suspicion that the IDF was responsible for the shooting (again, we stress that the army does not deny firing in the area). For example, an

investigation by CNN, based on eyewitness testimony, video footage, and ballistic analysis of bullets found in the bodies of the dead and wounded, concluded that the fire was carried out, among other means, by weapons mounted on IDF tanks. A video from the area shows tracer rounds being fired over the crowd, consistent with claims of machine gun fire. Members of Médecins Sans Frontières who treated the wounded at a hospital in Khan Yunis reported that victims said they had been shot by IDF forces.

8. A report published in Haaretz, based on testimonies of Gaza civilians and the account of a military officer “familiar with operations in the compound areas,” also supports the conclusion that the June 1 shooting was carried out by the IDF. Specifically, a field officer told the newspaper: “The intent was to direct the population with fire.” He added that “the army treated this like a regular situation of suspects entering a combat zone.”
9. So far, the army has not issued any organized response that refutes these claims. The IDF does not deny firing in the area but mainly disputes the number of reported casualties. However, the casualty figures were confirmed by a neutral authority whose reliability in such matters is undisputed. Alongside confirmation that the army itself fired in the area, it is half-suggested that another party might have been responsible. This raises numerous questions: Is it plausible that, in the same space and time, the army fired “warning shots” while Hamas or another Palestinian actor conducted such a significant attack on civilians resulting in 200 casualties? Is it reasonable to believe that Hamas or another actor could execute multiple such actions in an area under IDF control? Is it plausible that the IDF has no visual documentation of the described events? These matters clearly require a thorough investigation.

Legal Framework

10. The aid distribution zones and access routes are under the effective control of the IDF, which, under international law, is obligated to maintain public order in the area. This duty includes both the obligation not to harm civilians and a positive duty to protect them from third parties.
11. Accordingly, there is serious doubt whether the current method of distributing aid—accompanied by the movement of large populations toward a small number of locations—comports with this obligation. If this method is meant to replace or substantially restrict the international aid system (beyond what is necessary for security checks), it also contravenes the obligation to permit and facilitate humanitarian aid delivery by third parties (a duty recently reaffirmed in H CJ 2280/24). Despite its known limitations, the international aid system provides a much broader response to the local population’s needs than the new mechanism. Moreover, as warned by international professional bodies, the new distribution system, aside from its effectiveness issues, endangers civilians required to move in ways that increase friction with military forces—or may be interpreted by the military as doing so. Furthermore, given the denial of significant aid in other parts of Gaza, this system may be construed as part of a plan to concentrate the population in restricted areas and forcibly transfer them.
12. The findings revealed in the Haaretz and other investigations raise serious suspicions of violations of the laws of armed conflict:
 - a. Under the principle of distinction—which Israel recognizes—it is prohibited, even in combat zones, to fire at civilians who are not legitimate targets, i.e., are not members of armed groups and are not directly participating in hostilities (at the relevant time). The officer cited in the article implied that the IDF operates under an assumption—raised in previous media reports—that one may shoot a person entering a certain area merely for crossing some “line,” as if this were a “routine situation.” If this reflects the circumstances of the described incidents, it would constitute a *prima facie* violation of the principle of distinction.

b. Moreover, in situations involving the management of large crowds at aid distribution sites—especially when the site is under army control—the applicable resort to force paradigm is that of law enforcement, which limits live fire to extreme, life-threatening situations. In this context, it is clear that live fire cannot be used to “direct the population” that arrived before distribution began or is on the wrong path. Only non-lethal means may be used in such cases.

13. Under these circumstances, a criminal investigation into these incidents is unavoidable. As we emphasized in our April 1, 2025 letter, the Turkel Commission adopted the international law norm that in cases of suspected war crimes, Israeli law enforcement authorities are under a legal duty to investigate. The Commission stressed that internal IDF inquiries (such as the fact-finding assessment mechanism) are insufficient in such cases. A proper investigation must be independent, effective, prompt, and transparent.

14. We therefore urge you to order the required investigation into the killing and wounding of civilians during the humanitarian aid distribution that began on June 1, 2025. This investigation must meet all legal requirements as outlined in our April 1, 2025 letter.

Respectfully,

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