

July 10, 2025

To:

Minister of Defense, MK Israel Katz
Chief of General Staff, Lt. Gen. Eyal Zamir

Cc:

Adv. Gali Baharav-Miara, Attorney General
Adv. Dr. Gil-Ad Noam, Deputy Attorney General (International Law)
Adv. Hila Erlich Amar, Legal Advisor to the Ministry of Defense
Maj. Gen. Yifat Tomer-Yerushalmi, Military Advocate General
Brig. Gen. Roni Katzir, Head of the International Law Department
MK Yair Lapid, Leader of the Opposition

Dear Sirs and Madams,

Re: Urgent Appeal Regarding the Plan to Concentrate the Population of Gaza in the South of the Gaza Strip

We, scholars and lecturers at Israeli law faculties specializing in international law and the laws of armed conflict, wish to express our unequivocal professional position and warn against the clear and explicit illegality inherent in the plan to concentrate the population of Gaza in a so-called “humanitarian city” to be established on the ruins of Rafah. This plan was presented by the Minister of Defense, Israel Katz, on July 7, 2025, and according to reports, is endorsed by Prime Minister Benjamin Netanyahu as part of a broader plan to “encourage emigration” from Gaza.

We emphasize and warn that any order to plan and execute this program would constitute a manifestly illegal order, as it calls for “a clear and unambiguous breach of the law, a certain and essential illegality evident on the face of the order itself, a clearly criminal nature of the order or the acts it commands, an illegality that is obvious and shocking to the conscience—if the eye is not blind and the heart is not indifferent or corrupt” (Judgment of the Israeli Military Court of Appeals, MR 3/57, Military Prosecutor v. Major Malinki et al.).

If implemented, the plan would constitute a series of war crimes and crimes against humanity, and under certain conditions, could amount to the crime of genocide.

We note that on June 6, 2025, a written statement was issued on behalf of the Chief of Staff stating that the IDF does not intend to force the population of Gaza to move within or exit the Strip. We call on all relevant authorities to ensure that this commitment is upheld in practice.

On July 7, 2025, the Israeli media reported that in a conversation with reporters, the Minister of Defense stated that he had ordered the IDF “to prepare a plan to establish a 'humanitarian city' on the ruins of Rafah.” According to Minister Katz, the plan is to initially concentrate approximately 600,000 Palestinians there, mainly from the Al-Mawasi area, and later the entire population of the Gaza Strip. He said: “The Palestinians will be admitted after screening and will not be allowed to

leave.” He further stated that one of the plan’s objectives is to encourage emigration from the Gaza Strip.

We feel a professional and moral duty to warn against the following fundamental issues:

1. Forced Concentration of the Population in Southern Gaza is Manifestly Illegal

Evacuation of a population from a residential area is permissible only for the population’s own safety or due to an imperative military necessity in a specific area. The legality of such an evacuation is conditioned, among other things, on ensuring adequate living conditions in the area of relocation and that the evacuation is not used as political pressure or for other illegitimate goals. It must also be temporary, ending immediately once the specific necessity has ceased.

The evacuation’s legality thus depends on four cumulative conditions:

- (a) A legitimate purpose — either the protection of the civilian population or imperative military necessity in a specific area. Evacuation must not serve as a means of coercion or to further a political goal.
- (b) Safety during evacuation and adequate living conditions in the relocation area.
- (c) Temporariness.
- (d) Moreover, evacuation would be unlawful if it is disproportionate and when less harmful means to achieve legitimate aims (if such exist) are available.

The proposed plan, as it emerges from the Minister of Defense’s statements, does not comply with these criteria, due to the following:

A. Purpose: The evacuation as portrayed by the plan is not from a specific zone of hostilities but from the entire Gaza Strip to Rafah, and therefore is incompatible with the permitted grounds for such an action, which are the security of the population or an imperative military necessity. No legitimate consideration of protection or military necessity has been presented to justify the evacuation of the entire population. Moreover, the linkage between the evacuation and the “emigration encouragement” plan undermines any claim that the plan serves a legitimate military purpose. Encouraging a specific ethnic group to emigrate is illegal and cannot be considered a legitimate purpose for evacuation.

B. Protection and Living Conditions: The lawfulness of such a plan should be assessed in light of the difficult state of the civilian population in Gaza. The condition of the infrastructure in south Gaza and specifically in Rafah is dire, and it is highly doubtful that the region can provide minimum humanitarian or hygienic conditions for 600,000 people, let alone the entire population of Gaza. The high number of casualties around aid distribution centers in recent weeks attests to the catastrophic consequences of concentrating large populations under such conditions. If implemented, and in light of the prevailing conditions and from the experience of recent events in the area, the Minister’s plan will likely lead to even worse outcomes.

C. Temporariness: From his statement, it is apparent that the Minister not only intends to move the population to a camp in Rafah but also to bar them from leaving that camp. At the same time, the IDF is systematically destroying residential areas and civilian infrastructure across the Strip, undermining the possibility of return. Moreover, the plan's stated aim of "encouraging emigration", combined with reports that the war's goals include "concentrating and relocating the population", further dispels any claim that the move is intended to be temporary. In fact, in our view, should this plan materialize, it would not be an evacuation in the legal sense, but rather the establishment of a mass detention camp, the primary purpose of which is ethnic cleansing and expulsion.

D. Proportionality: In light of the above, an evacuation plan such as planned by the Minister, even there would be a legitimate purpose for undertaking it — which we reject — would be clearly disproportionate due to the intolerable harm it would cause to civilians. This is especially true at this stage of the war, when the civilian population has already been displaced multiple times and is suffering acute humanitarian distress, and there is real doubt whether the stated measures aim to serve a military necessity (that cannot be achieved otherwise) or to advance political aims.

E. Responsibility: To avoid doubt, we note that if Minister Katz's plan proceeds, Israel will bear responsibility for whatever occurs in the camp, regardless of whether the camps management is delegated to private entities or otherwise, given Israel's effective control of the area. Moreover, since Israel denies being an occupying power in Gaza, it is unclear what legal authority it has to restrict the population's movement in this way.

2. The "Encouragement of Emigration" Plan is Illegal

In principle, every person must be allowed to leave an area in which hostilities are taking place. However, "encouraging the emigration" of a specific ethnic group is illegal. Moreover, any departures to third states from this proposed camp would be the result of distress caused by the destruction of homes and vital infrastructure, and by the harsh camp conditions. These would constitute a "coercive environment" that under the ruling of international tribunals nullifies any valid consent to leave.

3. In light of the above, we believe that if implemented, the plan may constitute:

- A war crime of forcible transfer and deportation (for reasons detailed above);
- Due to the plan's systematic and widespread nature, the crime against humanity of deportation or forcible transfer (for reasons detailed above); the crime against humanity of severe deprivation of liberty in violation of fundamental rules of international law (due to prohibition to leave the area); and the crime against humanity of persecution (due to the grave deprivation of fundamental rights based on group identity — in conjunction with the stated intent to "encourage emigration"); in addition, there is a high risk that given the dismal humanitarian conditions in Gaza, and specifically if the population is pushed into a small area, the crime of extermination could materialize, due to the likely creation of living conditions leading to the destruction of part of the population;
- Additionally, the concentration of civilians under extreme density and existing humanitarian conditions may be interpreted as the deliberate infliction on the group of

conditions of life calculated to bring about its physical destruction in whole or in part, a conduct which falls under the prohibition of genocide. Several ministers and MKs have made statements that may be interpreted as expressing such intent. The plan also appears to contradict the ICJ's provisional measures in the South Africa v Israel case concerning possible violations of the Genocide Convention, particularly those relating to living conditions in Gaza and Rafah. These orders are binding on Israel under international law, and, in our understanding, also under domestic law.

4. Manifestly Illegal Order

Given the described illegality, any directive to prepare or advance the establishment of a "humanitarian city" in Gaza constitutes a manifestly illegal order, which must not be followed. Executing this plan could expose political persons as well as IDF officers and soldiers to significant legal risks, in the International Criminal Court in The Hague and in other jurisdictions. Unlike heads of state, who may enjoy immunity in some circumstances, politicians and military personnel do not enjoy immunity, and no statute of limitations applies to the crimes described above.

Anyone who plans, authorizes, or carries out this plan may be held personally responsible for serious international crimes. We believe that due to the obvious illegality, the defense of superior order will not be available, certainly not in international or foreign forums. Leaders and commanders who instruct IDF forces to execute this plan are effectively ordering them to carry out acts that are clearly unlawful, exposing them to criminal prosecution worldwide.

We therefore urgently call on all relevant authorities to publicly renounce this plan, disavow it, and ensure that it is not implemented.

Sincerely,

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