

October 25, 2024

To:

Adv. Gali Baharav-Miara, Attorney General

Major General Yifat Tomer-Yerushalmi, Military Advocate General

The displacement of civilians from northern Gaza raises serious concerns of violations of the laws of war and even of war crimes

According to reports in the Israeli and international media and eyewitness accounts from the ground, there is grave concern that the displacement of civilians these days from northern Gaza does not meet the requirements of international law for the evacuation of civilians from combat zones. In particular:

- Mass evacuation is an extraordinary measure that can only be justified by a significant military necessity or for the protection of the civilians themselves. Under the current circumstances, given that no military necessity has been defined to justify the mass evacuation of all residents of northern Gaza, and in light of statements made by senior ministers, there is serious concern that the evacuation is not intended to protect the civilians but is being carried out to expel them for political reasons.
- In this context, we are not aware of any organized plan or even a practical possibility for receiving additional refugees in the southern Gaza Strip under minimum living conditions.
- There is particular severity in the absence of a clear Israeli commitment that, immediately upon the end of the military operation, the evacuated residents will be able to return to their homes. Moreover, statements by Israeli officials imply an intention to prevent their return.
- The media has reported statements indicating that those who do not evacuate will be subject to starvation and attack and will be treated as if participating in hostilities. Such statements are completely contrary to the law. Those who refuse or are unable to evacuate are still protected and all necessary precautions must be taken to prevent harm to them. Food and means of subsistence must continue to be provided to those who remain.

For all these reasons, we feel compelled to warn that the current actions raise serious concern not only of legal violations, but also of the war crime of forcible transfer or deportation.

These concerns remain valid despite the grave and ongoing violations of the laws of war and war crimes committed by Hamas, including the holding of hostages, who must be released immediately and unconditionally.

Respectfully,

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