

**29 July 2025**

**To:**

Minister of Defense, MK Israel Katz

Chief of the General Staff, Lt. Gen. Eyal Zamir

**CC:**

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MK Yair Lapid, Leader of the Opposition

**Re: The obligation to ensure the urgent entry and distribution of sufficient humanitarian aid to Gaza**

**1. Factual Background**

a. On 4 May 2025, we contacted the Chief of Staff regarding Israel's obligation to allow the entry of humanitarian aid to Gaza (see attached letter). In that communication, we emphasized that the Supreme Court ruled that the authorities are obligated "to allow and facilitate the transfer of aid necessary to meet the essential needs of the civilian population in the Strip, with all that this entails" (para. 56 of the judgment in HCJ 2280/24 Gisha v. Government of Israel).

b. After our aforementioned letter, and following more than two months during which Israel entirely blocked the entry of humanitarian aid, the Israeli government decided to permit the entry of a significant part of the aid via a specially established fund (GHF). Instead of a UN- and NGO-operated aid mechanism distributing assistance through hundreds of distribution points, the fund established a small number of short-term distribution centers, forcing large civilian populations to travel significant distances through difficult terrain, wait in overcrowded

conditions, and struggle to obtain aid. Aid distribution under this model has been accompanied by frequent shooting incidents, during which, according to various reports (see e.g., [here](#) and [here](#)), hundreds of civilians were killed by IDF fire.

c. In addition to the many difficulties which inhere this distribution model, it is clear that the fund is not distributing sufficient quantities of food, water, and medicine to meet the needs of the over two million residents of Gaza, leaving many in acute food insecurity and even starvation. The distribution model also fails to ensure access to aid for many in need—especially vulnerable groups such as children, the elderly, people with disabilities, the ill, and others—and it does not allow effective utilization of the food provided, due to the lack of cooking utensils, gas, and drinking water. Food prices in Gaza’s markets have skyrocketed, rendering the limited available food inaccessible to wide segments of the population.

d. Reliable reports in [Israeli](#) and [foreign](#) media and from [international](#) sources indicate a significant and recent [increase in hunger in Gaza](#). According to these [reports](#), many people—including children—are dying of starvation daily. Given the limited capacity and resources of Gaza’s healthcare system, there is serious concern that these reports reflect only a fraction of the humanitarian crisis. There is also clearly a widespread phenomenon of malnutrition. The World Food Programme (WFP) [announced](#) that over 90,000 women and children are in urgent need of treatment due to malnutrition. According to an [IPC alert](#) dated 29 July 2025, the food consumption threshold defined for the fifth and most severe stage (Catastrophe/Famine) of the Acute Food Insecurity scale has already been crossed in most areas of the Gaza Strip.

e. On 26 July 2025, the IDF spokesperson [announced](#) a pause in fighting in specific areas and hours, alongside limited [airdrops](#) of aid. According to international sources, Israel agreed to [expand the entry of humanitarian aid](#) for one week. These actions indicate a willingness—albeit belated—to improve the situation. However, [experts have stated](#) in similar past circumstances that this is not sufficient. Past experience [shows](#) that airdrops offer only a partial solution and come with risks, as dropped supplies may injure people on the ground. [The depth of shortages and the severity of medical harm](#) among the population indicate an emergency requiring broad, immediate, and sustained action. To our understanding, as long as access to food, water, and medical services is unstable, heavily restricted, and subject to frequent changes, people will continue to die of starvation. As experts—including the Gaza Humanitarian Forum in its 28 July

2025 statement—explain, when a [population suffers from widespread malnutrition](#), preventing further deaths requires not just access to food but also access to nutrients and food appropriate for those recovering from malnutrition, alongside sustained and adapted medical treatment for malnutrition and communicable diseases, access to clean water, and proper sanitation. [It is doubtful that the steps taken so far ensure this](#). In the current situation, broad, ongoing, and stable access to humanitarian aid and medical care is required, as [UN agencies have also noted](#). Moreover, as long as the conditions outlined in Section 1(c) persist, [a deepening of the humanitarian crisis is near-certain](#).

f. Accordingly, and as this letter will clarify, Israel bears responsibility both for the current severe humanitarian crisis in the Gaza Strip and for the very real risk of further deterioration. This imposes a duty to take far more urgent and significant steps than those taken so far. Israel must immediately allow capable organizations to bring aid into the Strip and end the grave humanitarian crisis afflicting Gaza.

## **2. Legal Analysis**

a. People are dying of starvation as a result of Israel’s ongoing failure to ensure the entry and distribution of humanitarian supplies in Gaza—areas which, in practice, are mostly, if not entirely, under the effective control of the IDF. This fact not only indicates a violation of Israel’s legal obligations but also constitutes a moral disgrace for the state.

b. As we wrote in our previous letter, Israel’s legal obligation to allow humanitarian aid into the Gaza Strip is grounded in several provisions: Article 23 of the Fourth Geneva Convention (to which Israel is a party), and Article 70 of Additional Protocol I to the Geneva Conventions, which reflects customary international law binding on Israel. Israel has accepted the applicability of these provisions, and the obligation has also been recognized by the Supreme Court in HCJ 2280/24 Gisha et al. v. State of Israel.

c. In our letter, we also noted that a party to the conflict’s duty to allow humanitarian aid into a conflict zone goes beyond a mere prohibition on starving the population. The state must allow aid in any situation where the population is not adequately provided with food, medicine, and similar essentials (“If the civilian population... is not adequately provided with the supplies,” in the language of Article 70 of Additional Protocol I). Yet COGAT publications indicate a

reduction in the amount of aid entering or being distributed in the Strip until recently. There appears to be no dispute that there is currently insufficient food and medicine for the entire population in Gaza, and that widespread food insecurity exists. Therefore, the general assertion (which contradicts foreign and Israeli press reports) that "there is no famine in Gaza" cannot serve as justification for restricting the entry of aid throughout the Strip.

d. We further noted in our letter that in the provisional measures order issued by the International Court of Justice (ICJ) in the case of South Africa v. Israel, the Court required Israel to “take immediate and effective measures to enable the provision of urgently needed basic services and humanitarian assistance to address the adverse conditions of life faced by Palestinians in the Gaza Strip.” This obligation remains in force, and Israel’s failure to fulfill it could give rise to legal liability.

e. It should further be noted that Article 54 of Additional Protocol I to the Geneva Conventions—which also reflects customary law binding on Israel—absolutely prohibits the starvation of civilians as a method of warfare. Even if Israel’s adoption of the current aid distribution model is motivated by efforts to weaken Hamas’s governance or prevent its economic strengthening, implementing a model that renders humanitarian aid insufficient in quantity and inaccessible physically and economically to the populations it is meant to serve—thereby creating acute food insecurity and even famine—may fall under this prohibition, especially once it is clear that the model does not resolve the security problem. One must also recall Article 8(2)(b)(xxv) of the Rome Statute of the International Criminal Court, which defines as a war crime the intentional starvation of civilians as a method of warfare by depriving them of objects indispensable to their survival, including willfully impeding relief supplies as provided under the Geneva Conventions. For the required intent element, awareness that starvation is likely to result in the ordinary course of events may be sufficient to establish intent (see Article 32 of the Rome Statute). In addition to these sources, one must also recall [Israel’s obligation under international human rights law—especially given the IDF’s operations and control over most of Gaza—to respect every person’s right to be free from hunger and to act, independently and through international cooperation, to fulfill that obligation.](#)

f. In the letter referenced above, we assumed—at least for the sake of argument—that Israel is not an occupying power in Gaza, pursuant to the Supreme Court’s ruling in HCJ 2280/24, which

was based on the facts as they existed in late March 2025. However, since that ruling, developments have occurred across large parts of Gaza. Reports indicate that Hamas is no longer capable of functioning as a governing authority, [that the IDF effectively controls the vast majority of the territory](#), and that other areas are in a state of anarchy. Under such circumstances, Israel is considered an occupying power in all or nearly all of Gaza (see Article 42 of the 1907 Hague Regulations), a conclusion adopted in effect in July 2024 in the ICJ’s advisory opinion. Note that effective control does not require complete cessation of enemy resistance in an area, and that already at the invasion stage, when the army gains some degree of control over individuals or territory, it may be bound by at least some of the obligations under the law of occupation (see our January 2024 legal opinion on northern Gaza, attached).

As an occupying power, Israel is bound by Article 55 of the Fourth Geneva Convention, which provides:

“To the fullest extent of the means available to it, the Occupying Power has the duty of ensuring the food and medical supplies of the population; it should, in particular, bring in the necessary foodstuffs, medical stores and other articles if the resources of the occupied territory are inadequate.”

It is also bound by Article 69(1) of Additional Protocol I, which largely reflects customary law, and which provides:

“In addition to the duties specified in Article 55 of the Fourth Convention concerning food and medical supplies, the Occupying Power shall, to the fullest extent of the means available to it and without any adverse distinction, also ensure the provision of clothing, bedding, means of shelter, other supplies essential to the survival of the civilian population of the occupied territory and objects necessary for religious worship.”

g. In light of the above, Israel must act immediately and on an ongoing basis to ensure the effective entry, passage, and distribution of humanitarian aid sufficient to meet the population’s needs, in coordination with humanitarian organizations, with assistance to them, and by

removing any existing obstacles that hinder their ability to deliver and distribute aid at scale, and to enable medical systems to function efficiently and respond to those in need. As the Supreme Court ruled in HCJ 2280/24 (para. 56):

"...Israel's obligations in this context 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 this entails, and in this context, the respondents are required to act, to the extent possible, to continuously monitor the humanitarian needs in the Strip. However, it is clear that in implementing these duties, one must take into account security, military, and operational constraints, as well as the inherent difficulties of information gathering during wartime."

h. In view of Israel's positive obligation to care for the basic needs of civilians in the territory, the IDF is not permitted to condition the provision of necessary humanitarian aid on the actions of other parties, such as UN agencies. If the IDF itself does not provide the aid but instead reaches agreements with others to do so, it must ensure that these entities indeed provide the necessary aid, and if they do not, it cannot wash its hands of responsibility and must find another sufficient solution to the problem.

i. The assessment of the effectiveness of aid entry and distribution in Gaza must not be based solely on the number of trucks crossing the border each day. Distribution must be aligned with actual acute needs. Starvation often results [not only from a lack of food availability](#) but also from [lack of accessibility—whether physical or economic](#). As noted above, distribution via a few centralized points or airdrops certainly does not guarantee accessibility. Furthermore, [actual utilization of food must be ensured \(i.e., the ability to cook, prepare, and store it\), as well as its adequacy](#)—including food suited to the needs of vulnerable groups such as children, the elderly, the ill, and people with disabilities. For example, many displaced people in Gaza have no way to cook basic food items due to lack of infrastructure, drinking water, or fuel, while [infants](#), the ill, and people with conditions such as [celiac](#) disease face life-threatening risk in the absence of suitable food.

j. We are aware that Israel disputes the factual claims regarding the severity of the situation in Gaza. In the face of numerous reliable reports from various professional bodies, we remind you that Israel itself is preventing the entry of foreign journalists into the territory, who could provide firsthand reporting. We emphasize that in a comparable matter, the European Court of Human Rights recently ruled in [Ukraine v. Russia](#) that where one party prevents the collection of evidence, a strong evidentiary presumption will apply against it. For this reason as well, we call on you to permit media access to Gaza as soon as possible.

k. Furthermore, the legal and factual circumstances of the current situation in the Strip may give rise to Israel's responsibility by omission for crimes against humanity, war crimes, and, in certain circumstances, even the crime of genocide. Such responsibility could arise even if Israel's claim is accepted that the denial of access to food and aid results from the deliberate conduct of Hamas (and it should be noted that there is a [dispute](#) regarding the scope of this problem), and even if Israel's claim that it does not control all areas is accepted. Israel's responsibility by omission arises from its clear military and legal connection to the events in Gaza, and its legal obligation to prevent a humanitarian disaster derives from its control over the territory and over access in and out. This obligation was clearly formulated in the ICJ's provisional measures, and Israel is well aware of the severity of the humanitarian situation, even if some factual details are disputed.

### **3. Conclusion**

In light of the full set of factual circumstances described above, and based on the legal analysis of their implications, we call on you to take immediate additional steps to ensure the entry, passage, and effective distribution of humanitarian aid in a scope that meets the needs of the population, through coordination, assistance, and the removal of existing restrictions, if any. This must be done in a way that enables humanitarian aid organizations to deliver and distribute aid at scale to those who need it.

As we stated above, increasing the volume of aid entering the Gaza Strip and implementing temporary humanitarian pauses or ceasefires in certain areas are welcome but insufficient

measures. The severity of the situation imposes on Israel a duty to act immediately, extensively, and continuously to permit international organizations operating in Gaza to increase the pace and scale of food distribution and water supply and to ensure the provision of [medical services](#) to the wide populations in need.

Moreover, at this time, it is clear that without an end to the war and the cessation of the mass displacement of civilians into overcrowded camps, there will be no real solution to the acute humanitarian crisis in Gaza. Even if a temporary solution is provided to the current situation, it will not address the deep crisis that has emerged. The scale of suffering and death among the civilian population amounts to violations of the gravest offenses under international law and constitutes a serious moral stain on the army, the government, and Israeli society as a whole. The continuing risk of a deepening crisis must be a significant consideration in decision-making at all levels.

Respectfully,

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