

**26 August 2025**

To:

Minister of Defense, MK Israel Katz  
Adv. Gali Baharav-Miara, Attorney General  
Chief of Staff, Lt. Gen. Eyal Zamir  
Maj. Gen. Yifat Tomer-Yerushalmi, Military Advocate General

Cc:

Adv. Dr. Gil-Ad Noam, Deputy Attorney General (International Law)  
Adv. Hila Erlich Amar, Legal Adviser to the Ministry of Defense  
Brig. Gen. Roni Katzir, Head of the International Law Department  
MK Yair Lapid, Leader of the Opposition

**Re: Grave Concern of Serious Violations of International Law Planned in the Context of  
the Expansion of Hostilities in the Gaza Strip**

On 21 August 2025, the Minister of Defense, Israel Katz, [promised](#) during a meeting with rabbis that at the conclusion of the planned expansion of hostilities in the Gaza Strip, “*the city of Gaza will look like Beit Hanoun*.” On 22 August 2025, he [repeated](#) this statement once again on X. No objection has been reported from the Attorney General, the Military Advocate General, or the Chief of Staff with respect to this aspect of the planned operation, despite media [reports](#) that the Chief of Staff recognizes his duty to act according to law in line with the Military Advocate General’s interpretation. Since [Beit Hanoun](#) and [Rafah](#) were utterly destroyed by the IDF, we find it necessary to return to first principles and to warn in the clearest terms that the Minister’s statement ostensibly indicates an intent to carry out manifestly unlawful acts that may give rise to criminal responsibility under both international and Israeli law for all those involved. Indeed, these words can be understood as signaling a complete abandonment of the fundamental principles of the law of armed conflict and even of the IDF’s own values.

In this context, we refer to the [letter](#) sent by some of us on 10 July 2025 concerning the illegality of the plan to “concentrate” the population in the southern part of the Strip. The arguments raised in that letter regarding the illegality of the “concentration plan” under the law of armed conflict remain valid, and the present letter supplements those arguments and should be read together with them.

1. It is important to recall that the statements of the Minister of Defense, as well as those of other cabinet ministers made in their official capacity, are statements of a state organ and, as such, may be attributed to the State as a whole at the international level. A statement by the Minister of Defense that there is a plan to destroy an entire city will be understood as an official declaration of the State’s intent to commit a range of war crimes and crimes against humanity. We warn that in light of the actual [scope of destruction](#) in Beit Hanoun and Rafah, to which the Minister

referred, his words cannot be dismissed as empty rhetoric. Moreover, his repetition of the statement shows that this was neither a slip of the tongue nor words spoken without consideration.

2. It is almost superfluous to note that a plan to destroy an entire city is manifestly unlawful. To dispel any doubt, we emphasize the following fundamental points:

a. The most basic principle of the law of armed conflict is the principle of distinction, according to which a distinction must be made between combatants and civilians, and between military objectives and civilian objects. A civilian object is protected unless it meets the conditions by which it becomes a military objective—namely, if by its nature, location, or use it makes an effective contribution to the enemy's military action at that time, and its destruction offers a definite military advantage (Art. 52(2) of Additional Protocol I to the Geneva Conventions, reflecting customary international law). The default is that any structure not itself a military installation is a protected civilian object. Its classification as a military objective must be based on the specific use of that object under the prevailing circumstances at the relevant time. One may not assume in advance that all structures in a given area are military objectives merely because of the enemy's general pattern of operation in that space. A plan whose aim is to destroy an entire city without individualized determination of whether each building is effectively contributing to Hamas' military activity clearly disregards this prohibition. Furthermore, objects indispensable to the survival of the civilian population—such as clinics, water facilities, and food stores—are entitled to heightened protection under international law. Accordingly, an operation premised on the assumption that every building in an urban area is a legitimate military objective is wholly inconsistent with the law, with the practice of law-abiding states, and drains the principle of distinction of all content.

b. In addition to the obligation to distinguish between civilian objects and military objectives, there is a prohibition on the destruction of property. This prohibition, set out in Article 23(g) of The Hague Regulations, recognizes only one exception: "when such destruction ... is imperatively demanded by the necessities of war." Likewise, the Fourth Geneva Convention prohibits the destruction of property in occupied territory "except where such destruction is rendered absolutely necessary by military operations." Under either Hague or Geneva law, it is clear that any claim of necessity must be assessed individually with respect to each property targeted for destruction. Moreover, it is not sufficient to believe that destruction may confer some military advantage—the destruction must be imperatively demanded by military necessity. A plan to level an entire city cannot be reconciled with these legal standards. The Minister of Defense's statement suggests that destruction itself is the objective, not the by-product of military necessity. It must be stressed that the large-scale destruction of property absent military necessity may amount to a war crime, both for those giving the orders and those carrying them out (Art. 147, Fourth Geneva Convention).

c. A central principle of the law of armed conflict is proportionality. According to this principle, even where the target is a legitimate military objective, the attack is unlawful if the expected harm to civilians or civilian objects would be excessive in relation to the

anticipated concrete and direct military advantage. Here too, the proportionality assessment must be carried out before each individual attack. This principle also applies to damage to property in territory under the control of the military force, in circumstances covered by Article 23(g) (see *Beit Sourik* case). The wholesale destruction of a city causes exponentially compounding harm. Given the displacement of the city's residents into ever-shrinking areas with unlivable conditions, the proportionality requirement cannot possibly be met within the framework of such a plan—even if we assumed there were a valid military purpose (which there is not). On this point, we again refer to the letter of 10 July 2025:

“It is necessary to examine the legality of the plan [to concentrate the population in the south of the Strip] in light of the dire conditions in which the residents of the Strip currently find themselves. The state of infrastructure in the south, especially in Rafah, is disastrous, and it is highly doubtful whether even minimal humanitarian and hygienic conditions can be maintained there ... The numerous casualties near aid distribution points in recent weeks provide stark evidence of the severe consequences of concentrating such a large population in conditions of overcrowding and distress. If the plan is implemented, both the circumstances and experience indicate that the results will be even worse than those arising from forcing the population into existing aid centers.”

d. The law of armed conflict imposes an obligation on parties to a conflict to take precautions to minimize, as far as possible, harm to civilians and civilian objects such as homes and essential civilian infrastructure (Art. 57, Additional Protocol I). When the Minister of Defense promises in advance that the outcome of the operation will be the destruction of the city, this demonstrates a clear intent to disregard this obligation and to maximize harm to civilian infrastructure.

3. We do not ignore the difficulties of fighting an adversary that operates from tunnels and civilian buildings and holds hostages (while the plan to expand hostilities, it must be recalled, endangers their lives). Yet such difficulty does not relieve the State of its obligation to comply with the law of armed conflict. If a particular mission cannot be carried out in conformity with these rules, then the mission must be designed differently—not at the cost of discarding legal obligations. The IDF is bound by the law of armed conflict and by the rule of law.

The Chief of Staff must clarify that fulfilling the Defense Minister's promise to turn Gaza City into Rafah or Beit Hanoun is prohibited. The IDF's duty to act in accordance with government directives is contingent upon those directives being lawful. We reiterate our warning that carrying out manifestly unlawful orders such as those implied in the Minister of Defense's statements will entail criminal liability for all those involved, and no defense of "superior orders" will be available. In this regard, we call on the Attorney General to state unequivocally that this

plan is unlawful, and on the Military Advocate General to order an investigation into the similar operations already undertaken in Rafah, Beit Hanoun, and elsewhere.

Respectfully,

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