

17.09.2025

To:

Prime Minister, Mr. Benjamin Netanyahu

Minister of Defense, MK Israel Katz

Legal Advisor to the Government, Adv. Gali Baharav-Miara

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

Chief Military Advocate General, Maj. Gen. Yifat Tomer-Yerushalmi

CC:

Deputy to the Legal Advisor to the Government (International Law), Adv. Dr. Gil-ad Noam

Legal Advisor to the Ministry of Defense, Adv. Hila Erlich Amar

Head of the IDF International Law Division, Brig. Gen. Roni Katzir

Chairman of the Opposition, MK Yair Lapid

Re: Grave concerns regarding serious violations of international law during the extensive ongoing operations in Gaza City

On 15.09.25 the IDF launched an extensive air and ground operation in Gaza City. According to media reports, during the first 24 hours of the operation many residential buildings across the city were struck. As a result of these actions more than one hundred residents were killed, hundreds more were injured, and many thousands fled their homes.

As we stated in our letters to you dated 10.7.25 and 26.08.25 — which dealt with plans that apparently are now being implemented — the extensive military operation in Gaza gives rise to a grave concern of serious violations of a number of core rules of the law of armed conflict, foremost among them the obligation to take all feasible precautions to avoid harm to civilians, the principles of distinction and proportionality, and the prohibition on forcible transfer/expulsion of a population. In addition to the law of armed conflict, the current operation also raises a grave concern of a violation of the law governing the resort to force, which requires, *inter alia*, a proportional relationship between the military threat sought to be removed and the scale of force applied against it.

As we detailed in our letter of 26.08.25, the principle of distinction requires the IDF, like any other military, to distinguish between combatants and civilians and between military objectives and civilian objects, and to avoid, to the extent possible, harm to civilians and civilian objects. In this context, the widespread bombing of residential buildings, absent clear evidence that the buildings in question are being used by the Hamas organization and absent indication of a specific military necessity for their destruction, constitutes a breach of the principle of distinction. It should be emphasized that a general concern that a building could at some point in the future be used by Hamas does not convert the building into a legitimate military objective at present. Only where there is clear information about enemy forces' use of a particular building, or a clear assessment of a tangible tactical advantage that the building provides to the

adversary during hostilities, an attack on the building might be lawful — and even then only after taking precautions and provided that the attack meets the requirement of proportionality, i.e., that the expected civilian harm from the attack is not excessive in relation to the concrete military advantage anticipated from it. The extensive scope of the strikes that began the day before yesterday in Gaza City, together with earlier statements by the Minister of Defense regarding an intention to destroy the city entirely (see our aforementioned letter), give rise to a grave concern that the principles of distinction and proportionality are violated.

According to IDF spokesperson statements, the extensive operation in Gaza is accompanied by an order requiring all city residents — approximately one million women, men, and children — to evacuate their homes immediately and move to an area defined as “humanitarian” in the southwest of the Strip. As we set out in our letter of 10.07.05, the evacuation of a population from a combat zone is lawful only when several cumulative conditions are met. Among other things, the lawfulness of such an evacuation is conditional on ensuring the safety of the displaced population during the evacuation and on the existence of adequate living conditions in the area to which they are displaced.

Based on the information published to date, this condition is not met with respect to the current evacuation from Gaza, both in terms of the ability of one million city residents to make the journey south over disrupted roads and without appropriate means of transport, and in terms of the harsh living conditions in the declared “humanitarian” area, including hunger, overcrowding, poor hygiene and a shortage of medical services. Another central condition for the lawfulness of an evacuation is that it is intended to be temporary and not permanent. The extensive destruction of residential buildings and infrastructure in Gaza City to which the residents are supposed to return later, together with statements by senior political figures regarding plans for expulsion or “voluntary migration” of the Gaza population — to which today, as reported by YNET, the Finance Minister reportedly added a statement of intent to turn Gaza into a “real estate bonanza” for Israel — raise a real concern that the evacuation is not intended to be temporary. In addition to the requirement of temporariness and ensuring the safety of the displaced population, other conditions for the lawfulness of evacuation that are in grave doubt as to whether they are being met in Gaza relate to the legitimate purpose of the evacuation and its proportionality, as set out in our aforementioned letter.

Finally, it is important to emphasize that even if the military orders civilians to leave a location because of an intention to attack it, civilians who remain in place do not lose their status as civilians entitled to protection. One may not therefore assume that there are no civilians in buildings that are targets of attack merely because they were ordered to evacuate. The principle of proportionality and the obligation to take precautions apply so long as there is a risk of harm to civilians as a result of the attacks.

According to media reports, the concerns described here and in our previous letters regarding violations of international law have been expressed explicitly or implicitly by various figures within the military, some of whom are copied on this letter. Thus, according to a report by Haaretz dated 10.09.2025, the Chief Military Advocate General warned the Chief of the General Staff that the military cannot lawfully order one million residents to evacuate as long as adequate living conditions in the area to which they would be displaced cannot be guaranteed,

but the Chief of the General Staff ignored her position. According to another Haaretz report published yesterday, senior security officials warned that the evacuation of hundreds of thousands of Gaza City residents to the “humanitarian” area could significantly exacerbate overcrowding and disease there and create a real danger to those present. Moreover, according to military estimates, tens or perhaps hundreds of thousands of residents will be unable to evacuate Gaza City due to physical and economic constraints and will be forced to remain in the bombarded city at great risk to their lives.

Considering the grave concerns described above, we are of the view that the military must immediately cease the extensive military operation in Gaza City and the mass evacuation of the city’s residents. Even if the operation is intended for a legitimate military purpose (and it should be noted that there is serious doubt as to whether this is the case, inter alia in light of reports regarding the Chief of the General Staff’s own reservations concerning the necessity of action), insofar as it involves indiscriminate or disproportionate harm to civilians or a forcible transfer that is permanent or that does not allow for reasonable living conditions — it is unlawful with all that this entails, including in the realm of criminal responsibility of those involved.

Prof. Orna Ben-Naftali

Prof. Eyal Benvenisti

Prof. Iris Canor

Prof. Aeyal Gross

Prof. Guy Harpaz

Prof. Moshe Hirsch

Prof. Tamar Hostovsky Brandes

Dr. Amos Israel-Vleeschhouwer

Prof. David Kretzmer

Prof. Eliav Lieblich

Dr. Doreen Lustig

Dr. Tamar Megiddo

Prof. Yael Ronen

Dr. Michal Saliternik

Prof. Yuval Shany

Dr. Limor Yehuda