

“International Law and the Concentration of Gaza’s Population”, Dr. Tamar Megiddo, Hebrew University, July 21, 2025

Introduction

Thank you for joining us today for our daily gathering—twenty minutes in which we turn our gaze to the devastation that the Israeli government and military are inflicting on Gaza. We try to cast light on the horror while also holding onto the hope, or at least the invitation, to think about ways to resist the destruction, extermination and starvation.

Today we are joined by Dr. Tamar Megiddo, a legal scholar from the Department of International Relations at the Hebrew University. Together with a group of colleagues, she recently authored a position paper on Israel’s plan to concentrate Gaza’s population in Rafah. She will share with us the perspective of international law on the intention to establish what is effectively a concentration camp in the ruins of the city. Thank you, Tamar, the floor is yours.

Talk

Thank you, Lior, Ayelet, and also Ido, for organizing this series. About two weeks ago, slightly more, the so-called “humanitarian city,” appeared in our lives—a plan announced by Defense Minister Katz, whose purpose is essentially to concentrate Gaza’s population on the ruins of the city of Rafah. The goal in the first stage, according to reports, is to concentrate there the 500,000 people currently in the al-Mawasi area, which is a sandy area, an area where people live in makeshift tent cities, without sanitation, without adequate food, without water, without adequate medical assistance, in the harshest conditions. The idea is essentially to transfer them by creating a coercive environment into a closed area on the ruins of Rafah, an area one could enter but could not leave, and where humanitarian aid would be provided only there. In other words, it would be impossible to survive in other areas of Gaza. We see that even today Israel severely restricts and imposes many obstacles on the provision of humanitarian aid that is not through the GHF, the Gaza Humanitarian Fund, which it apparently secures, finances, and organizes behind the scenes.

The idea, not coincidentally, reminds many of us of a concentration camp. And we also know—and this is supposedly in the background of the plan, but we think it is very important for the legal analysis of its legality—that the goal of this plan connects to a goal the government has been talking about for some time: the expulsion of Gaza’s population, or what they call “voluntary departure or voluntary exit.” When, of course, the coercive conditions negate the understanding of such a will, a will that is a free will. And I may return to that as well. I will say one last thing: we often talk about people who have already been displaced from their homes, evicted many times. Evacuation orders currently cover about 85% of the Gaza Strip. Only 15% of the Strip is an area where civilians can reside, supposedly safely. This concentration to Rafah is an additional one, and there is no guarantee, and in fact enormous efforts are being made [to prevent] people from being able to return to their homes after this additional transfer. In fact, as we hear every morning from someone else, we destroyed their homes—they have nowhere to return. And we hear about this systematic destruction that was spoken about here at the beginning of the week. I will not go into it furthermore.

In response to this plan, I, together with fifteen of my colleagues, international law researchers at various institutions across the country, wrote a letter to the Defense Minister and the Chief of Staff. We essentially sought to warn about the glaring and prominent illegality of this plan. We believe it is a plan that is dangerous, that is manifestly unlawful, and I will explain very briefly in the five minutes remaining why we think this is the case. I will be happy to expand further during the questions.

First, it must be understood that the transfer of a population within a combat zone or within occupied territory is permitted only for two reasons: the primary reason is the safety of that

population. For example, if there is an area with fighting, it is permissible to warn the population that the area is currently dangerous in order to allow them to evacuate and protect themselves. The second reason is if there is an urgent military operational necessity. But then this necessity must be in a specific area. And in both cases, it does not matter what reason leads to the transfer of the population or its evacuation, this process must be temporary, and it must allow the population to return to their homes as soon as the need has passed. Therefore, we say that if we look at the evacuation, at this so-called “humanitarian city,” there are conditions that such an evacuation must meet to be legal. The purpose must be legitimate, as I said. It is forbidden to evacuate the population for migration pressure or for any other political need. Their safety during the evacuation must be ensured, and they must be guaranteed adequate living conditions in the place to which they are being transferred.

I think there is a huge question: can Israel ensure such a thing in a city it has essentially destroyed to the ground? There is no infrastructure left. And we have seen Israel’s record with that GHF in delivering humanitarian aid in recent weeks. Just yesterday, seventy people were killed who tried to reach and collect humanitarian aid, and the forces shot at them—whether this shooting was because at that moment a soldier felt threatened or not, whether people charged or not. The bottom line is that every day there is the same story of crowding and alleged threat to the military forces, or no threat to the forces. Are the forces communicating with the population through live fire, which is completely inconceivable. In any case, hundreds upon hundreds of people have been killed there in the two months that this fund—the GHF—has been operating. This is regarding the protection of the population. The evacuation must be temporary. And this is a point the plan clearly does not guarantee. And the evacuation must be proportionate.

Our claim is that this plan does not meet any of these conditions, and therefore it is not legal. Not only is it illegal, but it may rise to the level of a war crime, and even crimes against humanity that prohibit the forced transfer of populations outside these conditions, and under certain conditions, also genocide. One way to commit genocide is by placing the population in living conditions intended to ensure the population’s destruction. And again, under certain conditions regarding how the plan will be implemented, this issue is also an issue that will need to be examined. I will add in this context that the provisional measures issued by the International Court in The Hague regarding the case brought by South Africa against Israel essentially instructed Israel to ensure living conditions in the Gaza Strip, and warned it against the realization of the conditions of a genocide offense. These conditions also obligate Israel in addition to the Israeli law: “the Prevention of Genocide Law,” which is a law from 1950 that Israel took pride in and which came into force even before the international convention I mentioned earlier.

Therefore, because of the illegality of this plan, we are essentially addressing and warning the Defense Minister and the Chief of Staff. We believe that giving such an order would be manifestly illegal, that it must not be given, and it must not be obeyed. And commanders or political leaders who give it to soldiers, and the forces who carry it out, are all—beyond the moral crime involved in executing such a plan—also in legal danger of being prosecuted around the world, of course not only before international courts, but also in other countries.