



INVESTIGATIVE REPORT
OFER WINTER
23 March 2026

Public version

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THE HIND RAJAB FOUNDATION

THE HIND RAJAB FOUNDATION

1. The Hind Rajab Foundation (HRF) is a non-profit registered under Belgian law, dedicated to the quest for justice in response to the crimes against humanity, war crimes and human rights violations perpetrated by the Israeli state against Palestinians. Established during the ongoing Gaza genocide, the foundation honours the memory of Hind Rajab and all those who have perished or suffered under the Israeli genocidal campaign.

2. HRF's core mission is to actively pursue legal action against those responsible for these atrocities, including perpetrators, accomplices, and inciters of violence against Palestinians. Through offensive litigation, HRF aims to hold these actors accountable in both international and national courts, challenging the culture of impunity that has allowed such crimes to persist.

Contact information

The Hind Rajab Foundation
Boulevard Louis Mettewie 46
1080 Brussels, Belgium
Registration number: 1013306540

HRF's litigation activities

3. Over the past two years, HRF has monitored and documented the conduct of several thousand Israeli military personnel. This work is based on systematic collection and analysis of open-source material, witness accounts, and other evidentiary sources, with the aim of identifying individual criminal responsibility and enabling the submission of complaints.

4. To date, HRF has submitted more than 70 criminal complaints in 25 jurisdictions across Europe, the Americas, Asia and Africa. The complaints have been filed pursuant to national legislation providing for universal or extraterritorial jurisdiction over international crimes. HRF has also filed 19 Article 15 Submissions to the International Criminal Court.

5. A number of these filings have resulted in procedural developments. In Brazil, the Federal Court of the Federal District, acting on authorization from the Federal Prosecutor, issued an urgent order instructing law-enforcement authorities to investigate and take action against a suspect identified in a complaint submitted by HRF in December 2024.¹ The individual subsequently fled Brazil for Argentina, where an additional complaint was filed, and later returned to Israel. The Brazilian proceedings were subsequently archived.

6. On 11 June 2025, one of HRF's complaints in Peru was transmitted to the Human Rights Prosecutor's Office, thereby advancing the matter from an initial jurisdictional review to the preliminary investigative phase.²

¹ <https://www.hindrajabfoundation.org/posts/breaking-brazilian-court-orders-police-to-act-on-israeli-war-crimes-suspect-following-hrf-complaint>

² <https://www.hindrajabfoundation.org/perpetrators/peru-opens-the-door-to-prosecution-genocide-case-against-israeli-soldier-moves-into-human-rights-investigation-phase>

7. On 18 July 2025, HRF filed a complaint in Belgium against two Israeli soldiers, in cooperation with the Global Legal Action Network (GLAN).³ Belgian federal police arrested and questioned the two individuals at the Tomorrowland festival in Boom. Although the individuals were later released and permitted to leave Belgian territory, the case proceeded further.⁴ On 29 July 2025, the Belgian Federal Prosecutor transmitted the case to the International Criminal Court pursuant to Article 14/10 of the Belgian Criminal Code.

8. Following a complaint in Canada by HRF, Canadian Lawyers for International Human Rights (CLAIHR) and the Legal Centre for Palestine, against Guy Hochman, an Israeli entertainer and military reservist, he was detained and interrogated for six hours at Toronto airport, released only after diplomatic intervention by Israel, and had his Canadian visa revoked.⁵

9. On 4 March 2026, the Brazilian Public Prosecutor's Office issued three probe orders directing the Federal Police to open investigations into Israeli soldiers present in Brazil, following complaints filed by HRF concerning crimes committed during Israel's war in Gaza.⁶

³ <https://www.hindrajabfoundation.org/posts/war-criminals-walk-free-at-tomorrowland-hrf-files-urgent-complaints>

⁴ <https://www.hindrajabfoundation.org/posts/breakthrough-belgian-authorities-arrest-and-interrogate-israeli-war-crimes-suspects-following-complaint-by-hind-rajab-foundation-and-glan>

⁵ <https://x.com/HindRFoundation/status/2016099602164822349?s=20>

⁶ <https://www.hindrajabfoundation.org/posts/brazil-orders-investigations-into-3-israeli-soldiers-after-hrf-filing-one-smuggled-out-two-still-at-large>

EXECUTIVE SUMMARY

10. This report was prepared by the Hind Rajab Foundation (HRF) and presents evidence concerning the alleged involvement of **Ofer Winter**, former Israeli soldier, in war crimes committed during the 2014 Israeli military campaign in the Gaza Strip (Gaza) known as “Operation Protective Edge” (8 July 2014 to 26 August 2014), as well as in the crime of incitement to commit genocide in relation to the ongoing war. The findings are based on NGO and UN reports as well as open-source information collected by HRF’s investigative and legal team.

11. **Ofer Winter** is scheduled to appear at an event in Capaccio, Italy from 31 March 2026 until 9 April 2026.

12. Based on the information currently available to HRF, **Ofer Winter** was involved in the attacks on and around the city of Rafah between 1 and 4 August 2014, commonly known as “Black Friday” during Operation Protective Edge, including:

- The attack on Abu Youssef Al-Najjar Hospital on 1 August 2014;
- The attack on al-Birr wa’l-Taqwa Mosque and ambulances retrieving the wounded therefrom on 1 August 2014; and
- The attack on UNRWA Boys ’Prep School ‘A’ on 3 August 2014.

13. At the time of the operation, **Ofer Winter** served as the Commander of the Givati Brigade and was in charge of the military operation in the Rafah area. Following the killing and abduction of Israeli soldiers, he activated the Hannibal Directive, leading to the murder of hundreds of Palestinians and massive destruction.

14. **Ofer Winter’s** actions during this incident may amount to war crimes. More particularly:

- **Wilful killing** (Article 8(2)(a)(i), Rome Statute).
- **Intentionally directing attacks against civilian objects, that is, objects which are not military objectives** (Article 8(2)(b)(ii)), Rome Statute).
- **Attacking or bombarding, by whatever means, towns, villages, dwellings or buildings which are undefended and which are not military objectives** (Article 8(2)(b)(v), Rome Statute).
- **Intentionally directing attacks against buildings dedicated to religion, education, art, science or charitable purposes, historic monuments, hospitals and places where the sick and wounded are collected, provided they are not military objectives** (Article 8(2)(b)(ix), Rome Statute).
- **Intentionally launching an attack in the knowledge that such attack will cause incidental loss of life or injury to civilians or damage to civilian objects or widespread, long-term and severe damage to the natural environment which would be clearly excessive in relation to the concrete and direct overall military advantage anticipated** (Article 8(2)(b)(iv), Rome Statute).
- **Intentionally directing attacks against buildings, material, medical units and transport, and personnel using the distinctive emblems of the Geneva**

Conventions in conformity with international law (Article 8(2)(b)(xxiv), Rome Statute).

15. Since 2025, **Ofer Winter** has published multiple videos on Instagram in which he expressed support for the destruction of Gaza, as well as its occupation through the forced removal, siege, and starvation of the Palestinian population in Gaza. The posts explicitly call for the displacement or elimination of Palestinians, framing these measures as necessary for military victory, strategic deterrence, and the security of Israeli soldiers and citizens. These statements were made publicly, directed to a broad domestic audience including military personnel and civilians, and garnered widespread attention, with thousands of likes. Therefore, **Ofer Winter's** repeated public statements, plans, and advocacy may also constitute **direct and public incitement to commit genocide** under the Genocide Convention and the Rome Statute.

CONTEXT

16. Since 2007, the Gaza Strip has been under complete Israeli occupation. Israel has imposed a strict land, air, and sea blockade, effectively isolating Gaza's population of over two million people from the outside world. This occupation and blockade, combined with periodic military assaults, has severely restricted the movement of people and goods, crippled the economy, and devastated essential infrastructure. Gaza's residents have lived under prolonged occupation and siege, facing chronic shortages of clean water, electricity, medical supplies, and access to healthcare. These conditions have created a decades long humanitarian crisis.

17. Beginning in 2006, Israel has periodically engaged in large-scale military campaigns against Gaza, each of which has been marked by violations of international law and compounding civilian harm.⁷ Major campaigns include Operation Cast Lead (2008-2009), Operation Pillar of Defense (2012), Operation Protective Edge (2014), The Suppression of the Great March of Return (2018-2019), and the Iron Swords War / The War of Redemption (2023-Present). In each of these assaults, Israel has killed significant numbers of civilians, destroyed critical civilian infrastructure, and deepened Gaza's compounding economic, public health, and humanitarian crises.

18. In this report, particular attention will be paid to the 2014 and 2023 wars.

19. Operation Protective Edge was a 51-day Israeli military operation in Gaza conducted from 8 July 2014 to 26 August 2014. Israel stated that the operation aimed to stop rocket and mortar fire from Gaza into Israel and to neutralize cross-border tunnels used by Palestinian armed groups. According to the 2015 UN Commission of Inquiry, the operation began with an intensive air campaign and expanded into a large-scale ground offensive beginning on 17 July 2014 officially linked by Israel to stopping rocket fire and degrading tunnel infrastructure.⁸ An open-ended ceasefire took effect on 26 August 2014.

20. According to the United Nations Office for the Coordination of Humanitarian Affairs' (OCHA) key figures, 2,251 Palestinians were killed, including 1,462 civilians, among them 551 children and 299 women, and 11,231 Palestinians were injured.⁹

21. The conflict also caused massive displacement and destruction: OCHA reported that the hostilities left tens of thousands of homes destroyed or rendered uninhabitable and caused widespread damage to water, electricity, health, education, and sanitation infrastructure.¹⁰ During the course of Operation Protective Edge, UN and local agencies estimated that over 19,000 housing units were destroyed or rendered uninhabitable, leaving approximately 100,000 people homeless, while nearly 150,000 other housing units were damaged but remained inhabitable.¹¹ This systematic destruction of civilian infrastructure is currently being repeated by the Israeli military in Gaza. Since October 2023, extensive and systematic destruction of civilian infrastructure has again been documented. According to UNOSAT satellite analyses, by October 2025 approximately

⁷ https://www.ochaopt.org/sites/default/files/escalation_of_hostilities.pdf

⁸ ⁸ <https://www.ohchr.org/en/hr-bodies/hrc/co-i-gaza-conflict/report-co-i-gaza>

⁹ <https://www.ochaopt.org/content/key-figures-2014-hostilities>

¹⁰ *Id.*

¹¹ <https://www.amnesty.org/fr/wp-content/uploads/2021/07/mde150212009eng.pdf>

80–81% of all structures in the Gaza Strip had been damaged or destroyed, including a substantial share of residential buildings, schools, water and sanitation facilities, and energy infrastructure.¹²

22. Of particular note are the Israeli attacks on hospitals, medical units, and other specially protected sites during Protective Edge. According to Palestinian Human Rights organisation, Al-Haq, Israel damaged at least 15 hospitals and 16 public health clinics during Protective Edge.¹³ Among the attacks are an August 1st attack on the Abu Yusuf al-Najjar Hospital in Rafah which resulted in a number of civilian casualties and damage to the hospital.¹⁴

23. Human Rights Watch (HRW) documented repeated strikes on al-Wafa Rehabilitation Hospital in July 2014, including attacks on 11, 15, 17, and 23 July, which ultimately destroyed the facility.¹⁵ HRW further noted repeated attacks against the Shuhada' al-Aqsa Hospital in Deir al-Balah, the only public hospital in central Gaza.¹⁶ According to the Al Haq report, the Shuhada' al-Aqsa was attacked without warning, killing three civilians, including one child; injuring 40 civilians, mostly patients; and damaging the building and ambulances parked outside.¹⁷ HRW stated that it was concerned about the legality of the attack and noted failures of warning, the short time allowed for evacuation, and the fact that patients and staff were reportedly still inside during some strikes.¹⁸ More broadly, the UN and rights groups examined attacks affecting hospitals, ambulances, and shelters, including schools housing displaced civilians, as part of a wider pattern raising serious legal concerns.

24. A particularly significant feature of Protective Edge was the use of artillery and other explosive weapons with wide-area effects in urban areas, especially during intense fighting in neighborhood such as Shuja'iyya, Khuza'a, and Rafah. HRW found that three Israeli attacks on schools sheltering displaced persons caused numerous civilian casualties in violation of the laws of war.¹⁹

25. An investigation by Amnesty International and Forensic Architecture into the bombardment of Rafah likewise reconstructed sustained artillery fire and heavy air bombardment in a dense urban environment.

26. Over the following months, the situation deteriorated into a humanitarian catastrophe. Food insecurity, lack of medical care, and disease outbreaks surged amid ongoing airstrikes and ground operations. According to the World Health Organization, most hospitals and medical facilities have been partially or completely shut down due to damage, lack of fuel, medicines and staff.²⁰

¹² <https://www.un.org/unispal/document/unosat-gaza-strip-damage-assessment-31oct25/>;
<https://www.arcgis.com/apps/dashboards/11816edccdc24205990a33b1b3afd259>

¹³ <https://www.alhaq.org/advocacy/6602.html>

¹⁴ *Id.*

¹⁵ <https://www.hrw.org/news/2017/02/21/letter-israel-military-advocate-general-re-attacks-health-facilities>

¹⁶ *Id.*

¹⁷ <https://www.alhaq.org/advocacy/6602.html>

¹⁸ <https://www.hrw.org/news/2014/07/22/gaza-airstrike-deaths-raise-concerns-ground-offensive>

¹⁹ <https://www.hrw.org/news/2014/09/11/israel-depth-look-gaza-school-attacks>

²⁰ <https://www.who.int/news/item/22-05-2025-health-system-at-breaking-point-as-hostilities-further-intensify--who-warns>
<https://www.who.int/publications/m/item/public-health-situation-analysis---occupied-palestinian-territory-September>

27. Until the outbreak of the present war in October 2023, Operation Protective Edge was the deadliest and most destructive Israeli military operation in Gaza for the civilian Palestinian population.

28. After the events of 7 October 2023, Israel launched an unprecedented and sustained military offensive on the Gaza Strip. What followed has been described as one of the most intense bombardments in recent history, marked by massive civilian casualties, the destruction of homes, hospitals, schools, and vital infrastructure, as well as the displacement of 85-90 % of the population. Entire neighbourhoods were flattened, and humanitarian access was severely restricted or denied.

29. Over the following months, the situation deteriorated into a humanitarian catastrophe. Food insecurity, lack of medical care, and disease outbreaks surged amid ongoing airstrikes and ground operations.

30. From October 2023 to early 2026, more than 72,000 Palestinian civilians—half of them women and children—were reported killed, with the number of wounded exceeding 170,000.²¹ During the same period, extensive and systematic destruction of civilian infrastructure was documented. According to UNOSAT satellite analyses, by October 2025 approximately 80–81% of all structures in the Gaza Strip had been damaged or destroyed, including a substantial share of residential buildings, schools, water and sanitation facilities, and energy infrastructure.²² According to the World Health Organisation, most hospitals and medical facilities have been partially or completely shut down due to damage, lack of fuel, medicines and staff.²³

31. Despite the ‘ceasefire’ agreement announced in 2025, the humanitarian and security situation has remained dire in Gaza. Hostilities have not fully ceased, and aerial bombardments, artillery strikes, and other military operations have continued, resulting in further civilian casualties, displacement, and destruction. Essential humanitarian access has remained severely constrained, while critical services—including medical care, food distribution, and water supply—have operated at or beyond collapse levels. As a result, the civilian population continues to face acute risks to life, health, and dignity.

32. International observers, including UN agencies and legal experts, have raised serious concerns about violations of international humanitarian law and the possible commission of a genocide. These concerns have been reflected in ongoing proceedings before international judicial bodies, including the International Criminal Court (ICC)’s investigation into the situation in Palestine and the issuance of arrest warrants against Israeli Prime Minister Netanyahu and Former Minister of Defence Gallant related to alleged international crimes.²⁴ In parallel, South Africa instituted proceedings against Israel before the International Court of Justice (ICJ) under the Convention on the Prevention and Punishment of the Crime of Genocide, in which the Court, in its provisional measures orders, found that there was a plausible risk of irreparable harm to the

²¹ <https://www.ochaopt.org/content/reported-impact-snapshot-gaza-strip-14-january-2026>

²² <https://www.un.org/unispal/document/unosat-gaza-strip-damage-assessment-31oct25/>;
<https://www.arcgis.com/apps/dashboards/11816edccdc24205990a33b1b3afd259>

²³ <https://www.who.int/news/item/22-05-2025-health-system-at-breaking-point-as-hostilities-further-intensify--who-warns>; <https://www.who.int/publications/m/item/public-health-situation-analysis---occupied-palestinian-territory-September>

²⁴ <https://www.icc-cpi.int/fr/news/situation-dans-letat-de-palestine-la-chambre-preliminaire-i-de-la-cpi-rejette-les-exceptions>

rights protected under the Convention and directed Israel to take immediate steps to prevent acts prohibited therein and to ensure the provision of humanitarian assistance.²⁵

33. Additionally, a growing and now decisive portion of the international legal community – international NGOs, specialist lawyers (academics and former international prosecutors), as well as independent experts and other UN mandate holders – has concluded that the acts committed in Gaza do indeed meet the legal criteria for the crime of genocide.²⁶

34. The ongoing military operation in Gaza is a crucial component of a systematic effort to eradicate the Palestinian people in their own land. This systematic effort is sustained through a persistent occupation based on an apartheid regime, systemic dehumanisation of the Palestinians, effectively functioning as a mechanism of governance.

²⁵ <https://www.icj-cij.org/case/192>

²⁶ https://www.fidh.org/fr/regions/maghreb-moyen-orient/israel-palestine/arreter-le-genocide-en-cours-en-palestine-l-appel-de-la-fidh-a-la-var_mode=calcul; https://content.forensic-architecture.org/wp-content/uploads/2024/10/FA_A-Spatial-Analysis-of-the-Israeli-militarys-conduct-in-Gaza-since-October-2023.pdf; <https://www.amnesty.ch/fr/pays/moyen-orient-afrique-du-nord/israel-et-territoire-palestinien-occupe/docs/2024/israel-commet-un-genocide-a-gaza/rapport-you-feel-like-you-are-subhuman-2013-israels-genocide-against-palestinians-in-gaza-pdf-en-anglais-296-pages.pdf>; <https://www.ecchr.eu/en/press-release/gaza-and-the-matter-of-genocide/>; <https://www.msf.ch/nos-actualites/communiqués-presse/gaza-piege-mortel-rapport-msf-denonce-campagne-destruction-totale>; <https://www.hrw.org/fr/news/2024/12/19/israel-commet-le-crime-dextermination-et-des-actes-de-genocide-gaza>; <https://jewishcurrents.org/a-textbook-case-of-genocide>; See also <https://www.theguardian.com/commentisfree/2025/nov/28/the-genocide-in-gaza-is-far-from-over>; <https://x.com/AJUpFront/status/1730603247084167515>; <https://www.theguardian.com/world/article/2024/aug/13/israel-gaza-historian-omer-bartov>; <https://www.nytimes.com/2025/07/15/opinion/israel-gaza-holocaust-genocide-palestinians.html?smid=nytcore-ios-share&referringSource=articleShare>; https://www.lemonde.fr/idees/article/2024/10/29/amos-goldberg-historien-israelien-ce-qui-se-passe-a-gaza-est-un-genocide-car-gaza-n-existe-plus_6364702_3232.html; <https://www.newarab.com/features/william-schabas-genocide-others-why-not-gaza?s=09>; <https://www.tandfonline.com/doi/full/10.1080/03086534.2025.2493304>; <https://www.ohchr.org/en/press-releases/2023/11/gaza-un-experts-call-international-community-prevent-genocide-against>; <https://x.com/UNGeneva/status/1720116484830117943>; <https://docs.un.org/fr/A/HRC/55/73>; <https://www.ohchr.org/en/documents/country-reports/ahrc5923-economy-occupation-economy-genocide-report-special-rapporteur>; <https://www.ohchr.org/sites/default/files/documents/hrbodies/hrcouncil/sessions-regular/session58/a-hrc-58-crp-6.pdf>; <https://www.ohchr.org/sites/default/files/documents/hrbodies/hrcouncil/sessions-regular/session60/advance-version/a-hrc-60-crp-3.pdf>

OFER WINTER'S PRESENCE IN ITALY

35. **Ofer Winter** is will travelling to Capaccio, Italy between 31 March and 9 April 2026, as a guest speaker for Israeli tourism company Pastoral Tourism's Passover Holiday offering.

פסטרלי - PASTORAL -

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36. A flyer promoting the holiday package and **Ofer Winter's** participation can be found on the Pastoral Tourism website.²⁷

²⁷ <https://www.pastoral.co.il/>

OFER WINTER'S PROFILE

37. **Ofer Winter** is an Israeli citizen who operates the public Instagram account “ofer_winter”.²⁸ He is a former officer in the Israeli army who held several command positions. He has been a controversial figure in Israel, especially due to his religious rhetoric in the military, his conduct during combat operations, and breaches of military norms regarding political engagement.

38. **Ofer Winter** served in the Israeli army between 1990 and 2024 in a variety of roles. He enlisted in 1990 and volunteered for the Sayeret Matkal, a special forces unit. He was subsequently assigned to the Maglan special forces unit, where he achieved the rank of commander of a combat platoon. As a commander in Maglan, he participated in the 1996 attacks on Lebanon known as *Operation Grapes of Wrath*, in which 154 civilians were killed in Lebanon, and another 351 injured.²⁹

39. **Ofer Winter** then served in the 84th Givati Brigade in the Southern Command, as the commander of the spearhead company in the 432nd Infantry Battalion (Tzabar), which includes Gaza in its area of responsibility. During the Second Intifada, he was a commander of the Givati Reconnaissance Company (2000-2002) and, in 2003, Winter was promoted to Lieutenant Colonel and placed in command of the Givati Reconnaissance Battalion.

40. After two years as the IDF attaché to the U.S. Marines between 2005-2007, **Ofer Winter** was appointed to be the commander of the Duvdevan Unit (Unit 217 of the 89th Commando Brigade), a special forces unit also called “Cherry” and known for carrying out targeted killings. On his initiative, the unit took part in the fighting in Gaza during Operation Cast Lead (2008-2009) during which around 1,400 Palestinians were killed, including 300 children.³⁰

41. Between 2009-2011, **Ofer Winter** was promoted to rank of colonel and served as a commander of the 35th Paratroopers Brigade. Subsequently, **Ofer Winter** was returned to the Givati Brigade in 2013, where he was appointed commander of the entire brigade until 2015. During this period, he led the Givati Brigade during *Operation Protective Edge*.

42. In 2016, **Ofer Winter** was promoted to rank of Brigadier General and appointed Chief of Staff of the Central Command. He then served as Military Secretary to the Minister of Defense under Defense Ministers Avigdor Lieberman, Benjamin Netanyahu, and Naftali Bennett between 2018-2020. Between 2020 and 2022, he acted as the commander of Division 98. He then went to study at Reichman University.³¹

43. During the 7 October 2023 attack on Israel, **Ofer Winter** reportedly participated in the defence of Be’eri Area on his own initiative. He was dismissed from duty in 2024, after being kept without a role since 2022.

44. Presently, **Ofer Winter** maintains a public profile, giving speeches to audiences both within Israel and outside about the state of the war in Gaza, Israeli politics, and religious observance.

²⁸ https://www.instagram.com/ofer_winter/

²⁹ <https://www.hrw.org/legacy/summaries/s.israel-lebanon979.html>

³⁰ <https://www.amnesty.org/fr/wp-content/uploads/2021/07/mde150212009eng.pdf>

³¹ <https://news.walla.co.il/item/3593932>

45. Finally, **Ofer Winter** has been a polarizing figure in Israel, with controversy centring around the use of religious rhetoric in the military, his conduct during combat operations, and alleged breaches of military norms regarding political engagement.³² One of the earliest and most cited incidents occurred during *Operation Protective Edge*, when **Ofer Winter**, then commander of the Givati Brigade, circulated a “commander’s letter” to troops framing the campaign in religious terms, invoking God’s support in battle.

46. On 9 July 2014, while preparing his soldiers for their deployment in Operation Protective Edge, **Ofer Winter** shared a letter with his subordinates. The letter, which later caused significant controversy both within the Israeli military and among the Israeli public for its religious extremism, began “It has been our great privilege to command and serve in the Givati Brigade at this time. History has chosen us to be the sharp edge of the bayonet of fighting the terrorist enemy from Gaza which curses, defames and abuses the God of Israel’s battles.”³³ Later in the letter, **Ofer Winter** invokes the Jewish prayer the Shema, writing “Hear, O Israel: The Lord our God is one Lord.” God, the Lord of Israel, make our path successful, as we are about to fight for Your People, Israel, against an enemy who defames your name.”³⁴ **Ofer Winter** continued to cast the war in religious terms after Black Friday as well, telling *Yedioth Ahronot* that Operation Protective Edge was “A just war against a cruel enemy. We, who sanctify life, fought against an enemy who sanctifies death. The forces of light against the forces of darkness.”³⁵ In casting the war in religious terms, **Ofer Winter’s** statements suggest an enmity with *all* Palestinians on the basis of their religion, rather than just Hamas fighters on the basis of their status as enemy combatants. Critics in Israel argued that such language blurred the line between a state army and religious ideology, raising concerns about coercion and the place of religion in military command structures.³⁶

47. During the same war, Winter was also associated with the controversial “Black Friday” episode in Rafah, which followed the suspected capture of an Israeli soldier (for more details see below).³⁷ Around that period, he was additionally investigated for failing to properly report sexual harassment allegations involving a subordinate (Lt. Col. Liran Hajbi, Commander of the Givati Tzabar Battalion).³⁸

48. Controversy continued in later years around **Winter’s** conduct vis-à-vis political actors. In 2021, he was formally reprimanded by the IDF chief of staff for holding an unauthorized conversation with politician Naftali Bennett and passing along sensitive information, violating rules that restrict direct contact between serving officers and elected officials.³⁹

³² <https://www.timesofisrael.com/contentious-general-once-again-left-out-of-new-idf-promotions/>; <https://archive.ph/D0UYz>

³³ <https://electronicintifada.net/blogs/ali-abunimah/israeli-commander-declares-holy-war-palestinians>

³⁴ *Id.*

³⁵ <https://web.archive.org/web/20140927033632/http://news.yahoo.com/israeli-fire-gaza-town-raises-war-crimes-claim-120049238.html>

³⁶ <https://en.idi.org.il/articles/6270>

³⁷ <https://www.timesofisrael.com/contentious-general-once-again-left-out-of-new-idf-promotions/>

³⁸ <https://www.timesofisrael.com/idf-to-close-investigation-into-givati-commander/>

³⁹ <https://www.timesofisrael.com/contentious-general-once-again-left-out-of-new-idf-promotions/>

FACTUAL ALLEGATIONS

OPERATION PROTECTIVE EDGE AND “BLACK FRIDAY”

50. The present report is concerned with **Ofer Winter’s** alleged violations of International Humanitarian Law during Operation Protective Edge while he served as the commander of the Givati Brigade in Gaza.

51. Among the most destructive and horrific episodes of Operation Protective Edge occurred between 1-4 August 2014. During this episode, which has come to be known as “Black Friday”, Israel used heavy indiscriminate firepower in and around Rafah, leading to the estimated deaths of 135 civilians on the low end and over 200 civilians on the high end and to the destruction of hundreds of homes and other civilian structures.⁴⁰

52. On 1 August 2014, Israel and Hamas agreed to a 72-hour ceasefire scheduled to begin at 8am that day. After the announcement of the ceasefire, **Ofer Winter**, in charge of the military operation in the area, ordered his troops in the Givati Brigade to locate and destroy suspected tunnel infrastructure 2km south-east of Rafah, beyond the agreed-upon ceasefire lines. While searching for the tunnel roughly an hour after the ceasefire had taken effect, a Givati reconnaissance unit fell into a Hamas ambush on the Palestinian side of the ceasefire lines. During the fighting, two Israeli soldiers were killed as well as one Hamas soldier. Israeli Lieutenant **Hadar Goldin**, however, was wounded and taken captive by Hamas.

53. In response to learning about the capture of **Hadar Goldin** at 9:36am, **Ofer Winter** called for the “Hannibal Directive” over the radio. As Amnesty International has explained:

*In the event of a situation in which one or several Israeli soldier(s) are captured, the Directive authorizes Israeli army field commanders to activate artillery fire and air force strikes around the entire area where the capture has occurred, without seeking permission from headquarters, which would be required in other circumstances. ‘The kidnapping must be stopped by all means even at the price of hitting and harming our own forces’, Israeli media have reported the Directive as stating. The Directive apparently does not, however, acknowledge the potential increased risk to civilians posed by such an approach.*⁴¹

54. At 9:46am, the attack on Rafah began. According to one Israeli soldier who provided testimony about the event to the Israeli NGO Breaking the Silence, “The minute ‘Hannibal Directive’ is declared on the radio, there are consequences. There’s a fire procedure called the ‘Hannibal fire procedure’ – you fire at every suspicious place that merges with a central route. You don’t spare any means. A thousand shells were fired that Friday morning, at all the central intersections. The entire Tancher [route, the way the Israeli army refers to Salah al-Din Street, the main road in Gaza] was bombed. After the area was hit by 1,000 shells that Friday morning, I saw Tancher in ruins. Everything totally wrecked.”⁴²

55. Indeed, the Hannibal Directive entails a loosening of the principles of distinction and proportionality beyond the limits of the law. As the Amnesty report details, Every strike is assigned

⁴⁰ <https://www.amnesty.org/fr/wp-content/uploads/2021/05/MDE1521392015ENGLISH.pdf>

⁴¹ *Id.*

⁴² Breaking the Silence, This is How We Fought in Gaza, testimony 60, p. 145.

of level of risk of civilian harm from one to three. Each level “requires authorization from different levels of command, unless the forces involved are at immediate risk or a Hannibal Directive is declared, in which case the decision is left to the field commander in charge.”⁴³ The report goes on to state that, according to multiple testimonies from soldiers who took part in the Black Friday operation, the restrictions of firing were relaxed to the point that “many targets that were classified as the highest level, such as multi-storey buildings or structures located in densely populated areas, were approved for attack and attacked regardless of whether they would help extracting the soldier.”⁴⁴

56. At the time that the shelling began, thousands of Palestinian civilians were seeking to return to their homes in response to the ceasefire that had been announced only hours earlier. As a result of the Hannibal Directive, however, these civilians were subjected to a massive bombardment. According to the Amnesty report, “Palestinian witnesses described jets, drones, helicopters and artillery raining fire at pedestrians and vehicles at the intersections, indiscriminately hitting cars, ambulances, motorbikes and pedestrians.”⁴⁵ This is consistent with the Hannibal Doctrine protocol of attempting to prevent or destroy all means of escape for a suspected capture operation.

57. During the search for **Hadar Goldin**, the Israeli military utilized disproportionate and indiscriminate fire power in order to collapse suspected tunnels. According to Forensic Architecture, for example, Israel dropped two one-ton bombs of the MK-84/GBU-31 type on the dense, urban civilian neighborhood of al-Tannur in Rafah. As a result of the strike, one house and one apartment building collapsed, and 16 people were killed. Forensic Architecture notes that the destruction radius of the bomb-type used in these two strikes is “100m, with an approximate impact area (where casualties could be sustained) of 17,500m.”⁴⁶

58. During the heavy bombardment of the Black Friday, hospitals and medical personnel came under attack alongside other civilian infrastructure. Forensic Architecture noted that the Israelis thought that it was possible that Hamas may have brought **Goldin** to al-Najjar hospital in eastern Rafah in order to treat his wounds, and thus directed fire at the hospital and the surrounding area, causing both internal and external damage. Ultimately, patients and staff were forced to evacuate the hospital as the entire area came under increasingly heavy bombardment.⁴⁷

59. Ambulances were also attacked. As one witness told Amnesty, “the Israeli army appeared to fire at moving vehicles without distinction, *including at ambulances heading to the Abu Youssef al-Najjar hospital*. This resulted in ambulances being unable to reach the victims and evacuate the wounded to the hospital.”⁴⁸ Forensic Architecture recorded the destruction of two ambulances. Each was fired upon by drones equipped with missiles. One of the strikes resulted in the death of the entire three-man crew and all the wounded in the vehicle.⁴⁹

60. The UN Human Rights Council (UN HRC) also detailed an Israeli strike on an UNWRA school in Rafah on 3 August 2014 during the Black Friday episode. The UN HRC report explains that:

⁴³ *Id.*

⁴⁴ *Id.*

⁴⁵ <https://www.amnesty.org/fr/wp-content/uploads/2021/05/MDE1521392015ENGLISH.pdf>

⁴⁶ *Id.* (Emphasis added).

⁴⁷ <https://www.amnesty.org/fr/wp-content/uploads/2021/05/MDE1521392015ENGLISH.pdf>

⁴⁸ *Id.*

⁴⁹ *Id.*

At around 1045 hours, a missile hit an area approximately five metres from the main gate of a UNRWA school used as a shelter for some 2,700 internally displaced persons, killing 12 people, including an UNRWA guard.” Eight of those killed were children. The report further explains that, “UNRWA notified the Israeli authorities 33 times of the coordinates of the shelter, and the fact that it was housing displaced persons, the last time one hour before the incident. Eyewitnesses said that there were no activities of armed groups in the area at the time.”⁵⁰

61. In addition to destruction via aerial bombing, infantry and armoured units also participated in carnage. As **Dolev Ohayon**, a Givati Brigade soldier who participated in Black Friday under **Ofer Winter** wrote in his diary, “The air force, tanks, artillery, engineering, machine guns, all the Israeli army fire power was there.”⁵¹

62. Numerous soldiers also described the method used to clear houses. According to their testimony,

First, a tank would fire a shell at the building, then covered by the tank’s machine-gun fire, soldiers would approach the building. Soldiers might fire a portable anti-tank and rockets at one of the ground-level walls to produce a large hole. They would then enter the house through this hole and throw in grenades before entering a room, regardless of whether or not there were civilians inside.”⁵²

63. On 2 August, both the Israeli military and Hamas assessed that Goldin was likely dead, and a death certificate for Goldin was issued at 23:25 that same day. Despite the ostensible reason for the Hannibal Directive now having been achieved, the Israeli military continued firing for two more days. During this period, units from the Engineering Corps destroyed agricultural land, greenhouses, and homes with heavy bulldozers under bombardment cover.

64. Both the extremity of the bombing as well as their continuation even after the apparent “success” of the Hannibal Directive order are consistent with **Ofer Winter’s** public statements about the attack. Indeed, it becomes clear when reading **Ofer Winter’s** words and the words of his soldiers and fellow officers, uttered both contemporaneously and in subsequent interviews and speeches, that revenge was a significant motivation for the violence of Black Friday.

65. In an interview with Israeli newspaper *Yedioth Ahronot*, **Ofer Winter** explained “That’s why we used all this force, anyone who abducts should know that he will pay a price.” He then makes two contradictory statements, saying “This was not revenge. They simply messed with the wrong brigade.”⁵³ This ethos appears to have been shared by Givati Brigade soldiers who participated in Black Friday under **Ofer Winter’s** command. A number of soldiers told Breaking the Silence that they understood that they were in Rafah in order to “extract a price” and “to settle accounts.”⁵⁴

66. At one point in the *Yedioth Ahronot* interview, **Ofer Winter** acknowledges that Hamas did not fight back during almost the entirety of Black Friday—a finding also echoed by Forensic

⁵⁰ A/HRC/28/80/Add.1, para. 51.

⁵¹ Walla, “I must take the thoughts of dying out of my head” (in Hebrew), 23 April 2015, <http://news.walla.co.il/item/2847705>

⁵² *Id.*

⁵³ <https://web.archive.org/web/20140927033632/http://news.yahoo.com/israeli-fire-gaza-town-raises-war-crimes-claim-120049238.html>

⁵⁴ <https://www.amnesty.org/fr/wp-content/uploads/2021/05/MDE1521392015ENGLISH.pdf>

Architecture and Amnesty—stating, ““I hoped they [Hamas fighters] would come face to face with us, but they chickened out. That’s not combat. There were very few places where there were fighting retreats. They left everything and escaped.”⁵⁵

67. Further underscoring the desire for revenge and the motivations behind the indiscriminate nature of the attacks, **Ofer Winter** has also cast the entire population of Gaza as the enemy. He told *Yedioth Ahronot* that “This population [the Palestinians in Gaza] is a hostage, but I think it is also a partner. I don’t exonerate them of responsibility so quickly... True, there are some pitiable people there, but in many cases the terrorists are the children or relatives of the people who live there. In almost every home there is a son or other relative that is a partner in terror. How do you raise children in a home with explosives? In the end, everyone gets what they choose.”⁵⁶ This statement echoes a statement made earlier during Protective Edge in which **Ofer Winter** stated, concerning operations in Khuza’a, that “There is no house that is not harbouring evil. It is amazing – every house.”⁵⁷

68. In subsequent interviews and speeches, **Ofer Winter** has denied the legitimacy of international law, suggesting that he knowingly disregarded the law while commanding the Givati Brigade during Operation Protective Edge. At a speech in Netanya, Israel, **Ofer Winter** said “The court of law is not the source of morality. And when I hear commanders say about enemy civilians, “they need to be protected”... I object, and I told them: no, the most important thing is to always stay on task.”⁵⁸

69. Later in this speech, Winter related a story in which he gave an official presentation on method for clearing tunnels with tear gas. He was taken aside by a military lawyer, who told him that the use of tear gas was prohibited by international law. He stated that he replied to the lawyer by telling him “I agree with you on everything you said on the condition that you commit to assigning two of your lawyers to each company of the Givati Brigade. They will walk ahead of my soldiers into the tunnels. If you stand by this, no smoke, no gas, no explosions. Because I’ll know you’re fighting alongside me, you’re going ahead of me, everything’s fine.” But, **Ofer Winter** continued, “If you can’t, say it now, and mind your own business, you didn’t hear [my presentation]. I will do what I need to do, and I didn’t hear you either.” He ends the story by stating “The war began, and what do you think I did? I did what had to be done... he surrendered to me, not because I was stronger, but because I made moral arguments to him and told him that the lives of our soldiers are worth more than all their legal chatter and all the chatter in the Hague.”⁵⁹ We note that, while we have not yet found evidence of the use of tear gas in tunnels during Operation Protective Edge, its possible use by **Ofer Winter** in contravention of the Rome Statute and The Chemical Weapons Convention merits further investigation in light of these statements.

⁵⁵ <https://www.amnesty.org/fr/wp-content/uploads/2021/05/MDE1521392015ENGLISH.pdf>

⁵⁶ <https://web.archive.org/web/20140927033632/http://news.yahoo.com/israeli-fire-gaza-town-raises-war-crimes-claim-120049238.html>

⁵⁷ <http://news.nana10.co.il/Article/?ArticleID=1071639>; minute 6:39

⁵⁸ https://www.youtube.com/watch?v=ePuZ_EQOi7Y. See also <https://www.instagram.com/reels/DLxh1SOsyt/>

⁵⁹ *Id.*

STATEMENTS REGARDING THE CURRENT WAR

70. Since creating his Instagram account on 3 April 2025, **Ofer Winter** has published several videos commenting on the current war against Gaza. Through multiple public social media posts, he has expressed his discontent with the current military strategy in Gaza, advocating a harsher response, including emptying Gaza and imposing a complete siege on those who refuse to leave, considered as “terrorists”. He also expressed support for the destruction of Gaza.

71. His posts therefore explicitly call for the displacement or elimination of Palestinians, framing these measures as necessary for military victory, strategic deterrence, and the security of Israeli soldiers and citizens. These statements were made publicly, directed to a broad domestic audience including military personnel and civilians, and garnered widespread attention, with thousands of likes.

72. **Ofer Winter** invoked moral and religious justification, characterizing the war as righteous and inevitable, echoing national leadership narratives, including statements attributed to Prime Minister Netanyahu about the conflict being “between the sons of light and the sons of darkness,” which has been widely interpreted as signalling genocidal intent.⁶⁰

73. **Ofer Winter’s** call for destruction, deportation and siege must be considered in the context of the ongoing war in Gaza, especially the military operations in North Gaza. From October 2024 to January 2025, northern Gaza experienced a strategy similar to the one suggested by **Ofer Winter**, under what has been described as the “Generals’ Plan.” This plan aimed to systematically depopulate the region by demolishing key infrastructure, enforcing mass displacement, and imposing a total blockade on essential supplies such as food, water, and medicine to force the population South.⁶¹ According to the Gaza Government Media Office, Israeli operations during this period resulted in the killing or disappearance of approximately 5,000 Palestinians, with over 9,500 injured and 2,600 arrested, including women and children.⁶² The scale of destruction left most homes, schools, and public buildings in northern Gaza either demolished or burned. Between November and December 2024, northern Gaza, particularly Jabalia, Beit Lahia and Beit Hanoun suffered extensive and devastating destruction amid sustained ground and air military operations. Human Rights Watch also documented very high levels of destruction in northern Gaza, noting that entire residential areas have been reduced to rubble by combined effects of airstrikes, ground combat, and mechanized demolition.⁶³

74. His statements, calling for a harsher response and calling the current military strategy insufficient, were also made whilst Gaza had been almost entirely destroyed, tens of thousands of Palestinian civilians, including thousands of children, had been killed, whilst many more were wounded, mutilated, or struck by hunger, thirst and disease that decimated the population. Furthermore, the living space of the Palestinian national group in Gaza, along with all the infrastructure essential to the group’s survival on its own land, had already been largely destroyed and reduced to a wasteland of rubble and mass graves.

⁶⁰ https://x.com/IsraeliPM_heb/status/1720406469055500583

⁶¹ <https://www.bbc.com/arabic/articles/c8j72rzx8pdo>

⁶² <https://t.me/mediagovps/3410>; <https://pchrgaza.org/israel-perpetuates-genocidal-acts-against-north-gaza-leaving-its-population-without-hospitals-and-lifesaving-services/>; <https://pchrgaza.org/between-forced-displacement-and-death-with-no-hospitals-israel-continues-its-ethnic-cleansing-of-north-gaza-2/>

⁶³ <https://www.hrw.org/ar/report/2024/11/14/389665>

75. **Ofer Winter** explicitly prioritized victory and soldier safety over civilian life, stating that the “security of our soldiers is always before enemy civilians”, referring to Palestinians in Gaza. He repeatedly published videos outlining his plan to forcibly remove or starve Palestinians, publicly advocating criminal acts amounting to genocide, and shared these plans with senior military officials. By leveraging his platform and his influence as a former senior military officer, he actively sought to mobilize others to implement actions with genocidal consequences.

Statements Advocating for the Removal or Destruction of Palestinians

76. On **12 May 2025**, **Ofer Winter** stated that “this war in Gaza needs to end when the Palestinians are not in Gaza,” advocating for the removal of the Palestinian population from Gaza. He described the conflict as requiring “total war” and indicated that no forgiveness or atonement should be shown.

And I want to tell you, this war in Gaza needs to end when the Palestinians are not in Gaza. We received the President of the United States, this is no less than a modern-day Cyrus Declaration. And we are missing the opportunity; there needs to be a total war.⁶⁴ There is no forgiveness and no atonement for what was done here.⁶⁵

77. On **20 June 2025**, **Ofer Winter** expressed his support for the current war, framing it as “necessary”.⁶⁶

*We are in a just and necessary war. I have no doubt.
We strengthen the hands of the Prime Minister and the decision-makers, and the security forces who act with dedication and heroism.
Every enemy who seeks to destroy us should know that his blood is on his own head –
There is no forgiveness. There is no atonement, only this creates real deterrence.
...
The people of Israel have a great message for the world,
and in our ability to turn darkness into light.
Together, with unmatched strength,
in pure and absolute goodness.
“Who is wise and will keep these – and they will contemplate the kindnesses of the Lord”*

⁶⁴ He uses the biblical phrase “מלחמת חורמה”.

⁶⁵ <https://www.instagram.com/reel/DJipFn9JRL6>.

⁶⁶ https://www.instagram.com/p/DLH_Wy3of4q

78. On 28 June 2025, **Ofer Winter** posted a video on Instagram acknowledging the ongoing war in Gaza and criticizing the political and military leadership for failing to take decisive action against the Palestinian population, which he frames as the enemy. He asserted that Israel “refuses to take decisive actions such as an effective siege and population transfer or encouragement of voluntary emigration,” and emphasized that the situation in Gaza was “unbearable” until the political echelon chose to either defeat Hamas or allow continued surrender.

For a very long time it has been clear what is required to defeat in Gaza.

The political echelon and the military echelon understand this well.

But instead of acting for a crushing defeat against Hamas —

Israel continues again and again to effectively provide the logistics required for the survival of the terrorist organization.

It refuses to take decisive actions such as an effective siege and population transfer or encouragement of voluntary emigration, and in practice tries to preserve a state of “low-intensity war.”

And in the meantime, until it is decided that they want to defeat, the war in Gaza is turning into a bloody war of attrition in built-up areas.

...

As long as Hamas survives and remains in a position of power, and certainly if a diplomatic agreement is signed with it or with alternative Palestinian actors,

both the Palestinians and Israel’s other enemies in the region and in the world will interpret this as an Israeli strategic failure.⁶⁷

79. On **30 June 2025**, **Ofer Winter** explicitly outlined a plan for population displacement, stating that the Strip should be divided into zones and that Palestinians should be moved to southern areas while the remaining areas and for those refusing or unable to leave, they would be placed under siege. He characterized this as a humanitarian method, but the intent was to remove the population systematically.

*So how do you defeat Gaza? Victory is not achieved by going house to house and going over all the explosives the enemy prepared for us. **The end game needs to be no Palestinians in Gaza.** There is a huge opportunity here, both for us and for them, simply to allow them to emigrate. Suppose this is the Strip (draws the Strip on the board), I would divide the Strip into three parts: this is the Netzarim corridor, this is what used to be called the Kissufim corridor, this is Gaza City, Beit Hanoun, the central camps and Khan Younis. The IDF should have, after all it has already cut through the Strip, created necessary crossings through which the Palestinians would pass, **to move all the population that still remains, from the north of the Strip, from Gaza City, to these areas (points to the south of the Strip)**, likewise from the central camps to these areas, to a sterile area and in fact impose a siege on the entire remaining northern part of the Strip, a siege. **No supplies would enter here. The militants who remain here can stay as long as they want.** We are humanitarian, definitely humanitarian, but food is distributed only here (points to the*

⁶⁷ <https://www.instagram.com/p/DLdDAo9qOc3>

south), only here. **The rest of the Strip will be under siege.** The second thing, allow those who are here (unclear what is being pointed at) to emigrate voluntarily. We already received legitimacy from the President of the United States months ago, and instead we are wasting time and they continue to fight a war of attrition, going house to house; this is not how you win this war. This is the most wasteful war there is. So what the hell is holding us back? Why? The arrows are not directed toward emigration! Right now we are not winning, not deciding, and not making a prisoner deal. We need to press hard, for the entire population to start moving south. This should have been done months ago. Why are we not going with this relatively simple plan? I don't know. Someone decided not to decide. Just as in Iran it was possible to do what was done, just as in Lebanon it was possible to do what was done, in fact, it is possible to do it differently here as well.⁶⁸

80. On **29 July 2025**: **Ofer Winter** stated that “Victory will occur when there are no more Arabs in Gaza,” emphasizing that the population must emigrate and describing the continuation of hostilities as a failure to achieve this objective.

Victory will occur when there are no more Arabs in Gaza.** They must be allowed to emigrate. What is happening today in the Strip is the worst of all worlds. Two years without decisive victory and without freeing the hostages. Hamas mocks the State of Israel—why? Because it can. It is possible and necessary to decide to go for a swift and full-force victory. How much longer can we exploit the dedication and sacrifice of the reservists and their families, call them up again and again and not decide? People have families, jobs, children—they leave everything. They come in order to win, so that Hamas will be defeated, the enemy that massacred us on October 7. Decide to achieve victory. **Victory is not achieved by sending our fighters to go house to house, but by sending the Arabs out of Gaza and allowing them to emigrate from here. Victory is not achieved by sitting and waiting endlessly for Hamas’s response. It is not achieved by transferring humanitarian aid to all areas of the Strip without limitation, while our hostages are wasting away. Victory will occur when there are no more Arabs in Gaza, because there is a tremendous opportunity here for both us and them: to push the population to the south of the Strip, and at the same time impose a complete siege on the rest of the areas in the Strip, and of course, to allow the population to emigrate from there. We are wasting time—months since President Trump’s statement. They must be allowed to emigrate, and action must be taken to make this happen, not just talk.⁶⁹

81. On **25 September 2025**, **Ofer Winter** reiterated his plan at the beginning of the war to push two-thirds of the Gaza Strip residents southward and impose a siege on the remaining “terrorists”, intentionally depriving them of food, water, electricity, and fuel. He expressly states that he discussed his plan with several generals.

⁶⁸ <https://www.instagram.com/reel/DLiAUj9JRqN>

⁶⁹ <https://www.instagram.com/reel/DMsy-ogB-MS>

*He says to me, “Do you know what your problem is?” I said to him, what? (He answered:) “That you are messianic.” I couldn’t stay silent; I said to him, “Do you know what your problem is?” At the beginning of the war I thought it was right to push as quickly as possible as much as possible—two thirds of the Strip—the residents southward, to impose a siege so that the terrorists who remain would have no food, no water. In the south they eat freely. Where we closed it off—**here there is no food, only the terrorists remains. No electricity, no water, no food, no fuel. Let’s see how long you can last.** We will impose a siege with minimal effort; there is no need to rush in and storm every house in Gaza. And I said, in the south we will start to encourage emigration. So I tried to pass this plan to several generals. I met with one general—he had also been my commander before. He says to me, “Do you know what your problem is?” I said to him, what? (He answered:) “That you are messianic.” I couldn’t stay silent. I said to him, “Do you know what your problem is? That you exempt yourself from a substantive discussion with me about what is right for the people of Israel, what is right for Zionism. By saying that I am messianic, you are saying that I am not rational, not realistic.” He says to me, “Why you—what are you saying? My father was with Tabenkin.” I said to him, “The difference between you and your father is that your father knew why he was here; you no longer know why you are here.” Messianic equals realistic.⁷⁰*

82. On **25 December 2025**, **Ofer Winter** declared that “there will never be a Palestinian state here” and promoted the emigration of Palestinians as an immediate necessity.⁷¹

83. On **20 January 2026**, he reiterated: “First, the State of Israel must enable and encourage Gazans to emigrate, with all the resources at its disposal, and with full seriousness.”⁷²

Statements Encouraging Military Action Against Civilians and Civilian Objects

84. **Ofer Winter** repeatedly emphasized that military objectives should prioritize victory and the safety of Israeli soldiers over the lives and welfare of Palestinian civilians.

85. On **24 November 2025**, he stated that a complete siege would cause enemy combatants to surrender or be eliminated without endangering Israeli soldiers, demonstrating awareness that civilians would be deprived of essential needs.

*Lo and behold, the siege works. When you impose a complete siege on terrorists, without endangering our soldiers, they run out of food, run out of water, and they come out of the tunnels and surrender, or try to flee and are eliminated. So what the hell was the problem doing this already two years ago? Why do our soldiers need to smash themselves against every house in Gaza? **We need to remember for the future: our soldiers come first, above all—and in particular, before enemy civilians.***⁷³

⁷⁰ <https://www.instagram.com/reel/DPCDGTwk0JM>

⁷¹ <https://www.instagram.com/reel/DSsiA1AgTBA>

⁷² <https://www.instagram.com/reels/DTvUE92FKu0/>

⁷³ <https://www.instagram.com/reel/DRbt1ungVja>

86. On 29 November 2025, **Ofer Winter** posted a video commemorating the 21st anniversary of Rafal's death, a former IDF Chief of Staff, in which he emphasized that a commander's supreme objectives are to "win and decisively defeat the enemy" and to "bring the soldiers home and safeguard them at all costs." He repeated stated that "the security of our soldiers is always before enemy civilians" and the respect for international law.

An army that does not act for decisive victory invites the next round.

The security of our soldiers comes before international norms, which apply only to Israel.

And the security of our soldiers is always before enemy civilians.

This message is not historical—it is current:

Whoever leads must take full responsibility for the soldiers, stand on the front line, and understand that deterrence is not created through restraint, but only through decisive victory.⁷⁴

87. On 17 December 2025, **Ofer Winter** affirmed that the IDF's role is to "decisively defeat the enemy", without any limitations, and that soldiers' security takes precedence over enemy civilian lives.

(Some say:) "We are moral. Enemy civilians come before our fighters." (I say:) "No. They do not come before our fighters."

...

And I tell you, the main role of the IDF is to be the insurance policy of the people of Israel in times of distress, and to decisively defeat the enemy, to win, to bring him to his knees until he cries "enough"—to win. That is the most important thing for the IDF. We are a people of peace, the people who want peace more than anyone in the world. But if we fight, we take off the gloves and fight with full force, without limitations—we win, and we intend to win, not just talk about victory.⁷⁵

88. On 8 February 2026, he posted a video criticizing current military strategy in Gaza and advocating a proactive, initiative-driven approach, which he described as the "Israel Offence Force." He then stated that Palestinians should "tremble," implying that military measures should prioritize intimidation and harm to the civilian population to achieve compliance.⁷⁶

89. On 13 February 2026, **Ofer Winter** asserted that it is "necessary to devastate Gaza because destroying houses is essential for protecting our soldiers." He framed the destruction of civilian property as morally justified and tied to military necessity, emphasizing that civilian lives are subordinate to the safety of Israeli soldiers. He added "But the law in the State of Israel must draw its authority from the values of the Jewish people, not from the inventions and legal sophistry of the international court."

⁷⁴ <https://www.instagram.com/reel/DRrEE7UDIAO>

⁷⁵ <https://www.instagram.com/reel/DSXmERbgTT->

⁷⁶ <https://www.instagram.com/reel/DUfOHrXDw7h>

Caption: It is necessary to devastate Gaza because destroying houses is essential for protecting our soldiers.

In last week's Torah portion, Yitro, we received the Ten Commandments — the first ten foundational ethical directives.

This week's portion, Mishpatim, opens with the verse:

"And these are the laws that you shall set before them" (Exodus 21:1).

Rashi explains: "Every place where it says 'these' invalidates what came before, but 'and these' adds to what came before. Just as the former were from Sinai, so too these are from Sinai..."

That is, when it says "and these," it indicates continuity — an addition to the Ten Commandments, which are the values.

"And these are the laws" — their elaboration and meaning in everyday life — how the Jewish people are expected to act and fulfil their mission in the world.

There are values, and there is practical application based on them.

For example, the prohibition of slavery. There is one King over the world, and therefore slavery is highly restricted and ultimately forbidden. Thus, the people who lead and fight to free the world from slavery are the people of Israel.

Law is an essential practice for the existence of a people — order and justice without which a state cannot function.

But the law in the State of Israel must draw its authority from the values of the Jewish people, not from the inventions and legal sophistry of the international court.

The source of our values is not The Hague. *The Jewish people have a morality of thousands of years by which they live — including the fact that the Land of Israel belongs to the Jewish people, and we are not confused about that.*

Likewise: "If someone comes to kill you, rise early and kill him first."

And yes, it is necessary to devastate Gaza because destroying houses is essential for protecting our soldiers.

Houses can be rebuilt and trees can be replanted, but no one can bring back the lives of our soldiers.

This is the true Jewish morality.

There are great values, and there is practical application derived from them.

A strong court is important,

but in order to have public trust, it must draw its authority from the values of our people and from the Knesset — that is, the people — not from international law.

Together, and only together, with God's help, we will win.

Shabbat Shalom.

90. On **21 February 2026**, **Ofer Winter** further stated that the State of Israel represents “affirmative action for the Jewish people” and defending Israeli settlement expansion in all areas, including Gaza. He framed the displacement or exclusion of Palestinians as a legitimate national interest and dismissed international norms or objections as irrelevant.

The State of Israel is affirmative action for the Jewish people. Zionist Jewish settlement is a national interest of the Jewish people — not only in Judea and Samaria, but also in the Galilee, in the Negev, and in Gaza. It will happen — don't worry. I'm not apologizing. The State of Israel is affirmative action for the Jewish people. Then people come and tell you, “No, you're racist.” No, I'm not. Guys, whoever wants — there are 22 Arab countries in the world.

91. On **5 March 2026**, he advocated that “the enemy must pay in territory” and promoting a military strategy that prioritizes decisive victory, rapid action, and territorial seizure. He repeatedly emphasized the need for proactive force and credible threats against Palestinians, framing the destruction of their property and control over their land as a strategic imperative.

There is a price for aggression. Let everyone see — there are things you simply don't do to us.

Two events, 1948 and 1967, were moments of crisis for the Jewish people, but they also became opportunities. You know what the Arabs call them? The Day of the Nakba and the Day of the Naksa. The Nakba is the day of disaster, and the Naksa is the day of defeat.

It is written about the end of days: “the wolf shall dwell with the lamb.” A friend once told me, “In the end of days I want to be the wolf — I promise I won't bite.” And I tell you, I want to be a lion.

IDF — the acronym stands for the Israel Offence Forces. Constant initiative. The army's role, as I've said, is to achieve decisive victory, and quickly — not to keep reservists tied up. And threats must be credible — don't threaten if you don't intend to follow through. Whoever starts with us, we will take their territory and throw them to Azazel.

There is a price for aggression. Let everyone see — there are things you simply don't do to us.⁷⁷

⁷⁷ <https://www.instagram.com/reel/DVgB1NYDDMu>

ALLEGED CRIMES

OPERATION PROTECTIVE EDGE AND “BLACK FRIDAY”

92. Evidence collected by UN agencies and well-established NGOs and investigatory organizations related to Operation Protective Edge suggest that the incidents described above, together with **Ofer Winter’s** public statements, may amount to war crimes, namely:

- **Willful killing** (Article 8(2)(a)(i), Rome Statute).
- **Intentionally directing attacks against civilian objects, that is, objects which are not military objectives** (Article 8 (2) (b) (ii)), Rome Statute)
- **Attacking or bombarding, by whatever means, towns, villages, dwellings or buildings which are undefended and which are not military objectives** (Article 8 (2) (b) (v), Rome Statute).
- **Intentionally directing attacks against buildings dedicated to religion, education, art, science or charitable purposes, historic monuments, hospitals and places where the sick and wounded are collected, provided they are not military objectives** (Article 8(2)(b)(ix), Rome Statute).
- **Destroying or seizing the enemy’s property/extensive destruction and appropriation of property** (Articles 8 (2) (b) (xiii) and 8(2)(a)(iv), Rome Statute)
- **Intentionally launching an attack in the knowledge that such attack will cause incidental loss of life or injury to civilians or damage to civilian objects or widespread, long-term and severe damage to the natural environment which would be clearly excessive in relation to the concrete and direct overall military advantage anticipated** (Article 8(2)(b)(iv), Rome Statute)

STATEMENTS REGARDING THE CURRENT WAR

93. Incitement to commit genocide is also recognized as an independent inchoate crime under international law, prohibited by the Convention on the Prevention and Punishment of the Crime of Genocide (Article III(c)) and codified in the Rome Statute of the ICC (Article 25(3)(e)). It is punishable even if the crime of genocide has not been established or no act of genocide resulted therefrom.⁷⁸

94. **Ofer Winter’s** repeated public statements, plans, and advocacy constitute **direct and public incitement to commit genocide**.

⁷⁸ International Criminal Tribunal for Rwanda (ICTR) (2014) *Nzabonimana v. Prosecutor*, Judgment, 29 September, Case No. ICTR-98-44D-A, at para. 234; International Criminal Tribunal for Rwanda (ICTR) (2003) *Prosecutor v. Kajelijeli*, Judgment and Sentence, 1 December, Case No. ICTR-98-44A-T, at para. 855.