

## AMNESTY INTERNATIONAL PUBLIC STATEMENT

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# ISRAEL/OPT: AMNESTY INTERNATIONAL'S RESEARCH INTO HAMAS-LED ATTACKS OF 7 OCTOBER 2023 AND TREATMENT OF HOSTAGES

These questions and answers provided an update on Amnesty International's research into the attacks on southern Israel on 7 October 2023 by Hamas and other Palestinian armed groups and their subsequent treatment of hostages. They do not cover the organization's extensive concerns about Israel's actions in the wake of the attacks, including its ongoing offensive on the occupied Gaza Strip. These are documented in other publications on Amnesty International's website.<sup>1</sup>

## HOW DOES AMNESTY INTERNATIONAL SUMMARIZE THE ATTACKS OF 7 OCTOBER 2023?

In the morning of 7 October 2023, shortly after indiscriminately firing a barrage of rockets into Israel, Hamas fighters and members of other Palestinian armed groups breached the border fence surrounding the occupied Gaza Strip (Gaza) and entered southern Israel from multiple locations. Armed with heavy machine guns, rifles, hand grenades, rocket-propelled grenades and other weapons, they attacked civilian and military targets, carrying out deliberate mass killings, summary killings and other abuses, causing suffering and physical injuries. They destroyed civilian property by burning houses, making them uninhabitable and causing the internal displacement of civilians. They took scores of hostages.

Later that day, Mohammed Al-Masri (known as Mohammed Deif), the head of Hamas's military wing, the Izz al-Din Al-Qassam Brigades, announced that the armed group had launched "Operation Al-Aqsa Flood" to end Israel's military occupation and "its crimes".<sup>2</sup> As a result of the attacks on 7 October 2023, as well as the indiscriminate rocket and mortar fire that continued intensively until November 2023, areas in Israel close to the border fence between Israel and Gaza were evacuated; tens of thousands of Israeli residents were displaced.<sup>3</sup> Only some were subsequently able to return home.

While the attacks of 7 October 2023 were seemingly planned, organized and led by Hamas's military wing, other Palestinian armed groups also participated in the assaults. Video footage and images of the attacks, descriptions of assailants by survivors and witnesses, as well as statements from some of the armed groups themselves, indicate the participation of members of the following armed groups: the Al-Quds Brigades, the military wing of Palestinian Islamic Jihad; the National Resistance Brigades or Omar Al-Qasem Forces, the military wing of the Democratic Front for the Liberation of Palestine; the Martyr Abu Ali Mustafa Brigades, the military wing of the Popular Front for the Liberation of Palestine; and the Al-Aqsa Martyrs Brigades, formerly the military wing of the Fatah political movement.

## WHAT ARE AMNESTY INTERNATIONAL'S FINDINGS TO DATE ON THE KILLINGS ON 7 OCTOBER 2023?

The Hamas-led attacks of 7 October 2023 were the deadliest attacks perpetrated against Israel in a single day since Israel's establishment in 1948. Some 1,200 people, over 800 of them civilians, including at least 36 children, were killed during the attacks.<sup>4</sup> Most of the civilians killed were Jewish Israelis but Palestinian citizens of Israel, Palestinian workers from Gaza and migrant workers from South-East Asia and Africa were also among the fatalities. According to the Office of

<sup>1</sup> Amnesty International, Israel and the Occupied Palestinian Territory, <https://www.amnesty.org/en/location/middle-east-and-north-africa/middle-east/israel-and-the-occupied-palestinian-territory>

<sup>2</sup> Al Jazeera, محمد الضيف: أطلقنا خلال نصف ساعة ٥ آلاف صاروخ تجاه مستوطنات ومدن العدو, 7 October 2023, [https://www.youtube.com/watch?v=-cxL5\\_Nw1IQ](https://www.youtube.com/watch?v=-cxL5_Nw1IQ) (translation from the original Arabic into English by Amnesty International).

<sup>3</sup> See, for example, New Arab, "Over 100,000 Israelis displaced by October 7 unable to return home", 7 April 2024, <https://www.newarab.com/news/over-100000-israelis-displaced-oct-7-unable-go-home>

<sup>4</sup> Human Rights Watch, "I Can't Erase All the Blood from My Mind": Palestinian Armed Groups' October 7 Assault on Israel, 17 July 2024, <https://www.hrw.org/report/2024/07/17/i-cant-erase-all-blood-my-mind/palestinian-armed-groups-october-7-assault-israel>

the UN High Commissioner for Human Rights, 295 Israeli soldiers were killed.<sup>5</sup> At least 3,300 other individuals – civilians and soldiers – were injured.<sup>6</sup>

Following a barrage of indiscriminate rocket and mortar fire from Gaza into southern Israel, Palestinian fighters assaulted a number of military bases, where they killed and captured soldiers. However, they mainly attacked kibbutzim, moshavim and towns in the southern areas of Israel surrounding Gaza, deliberately targeting civilians in their homes and elsewhere in their communities.<sup>7</sup> They also attacked festival goers, including hundreds attending the Nova festival, a trance music event, where at least 364 people, mostly young people, were killed.<sup>8</sup>

Amnesty International has reviewed over 350 videos and images, many of them posted on the internet and others received from survivors and witnesses. In some cases, Palestinian fighters had filmed the footage; they either posted it themselves on social media or others who recovered it from their bodies did so. In other cases, the footage was recorded on security cameras and uploaded. In yet other cases, it was recorded and uploaded by first responders who arrived in the aftermath of the attacks. In videos that the organization was able to verify, Palestinian assailants can be seen attacking and killing civilian residents in and around their homes, and trying to force residents out of the safe rooms and common shelters where they were hiding, by shooting or throwing grenades into these shelters or by setting fire to their houses. Terrified civilians sent messages to their families and friends while trying to shelter from such attacks, recounting their ordeal and pleading to be rescued.

Sabine Taasa, a 48-year-old woman and mother of four children aged nine to 17, told Amnesty International that her 17-year-old son, Or, was killed with other youths while sheltering in a public toilet at Zikim beach, some 9km away from the family home in Moshav Netiv Ha'asara.<sup>9</sup> She said that she spoke to him moments before he was killed, that he sounded terrified and that he told her that he and his friends were surrounded and under attack. She added that, while speaking to him, she heard shooting. She later saw a video of him and the other youths dead inside the bathroom. He had been shot six times in the head, she said.<sup>10</sup>

Shortly after she spoke to Or, her two youngest sons, Shai, nine, and Koren, 13, were both gravely injured when Palestinian gunmen threw an explosive device at a small shelter outside the house, where they were hiding with their father, Gil, who was killed next to them. Gil, Sabine's ex-husband, was a 46-year-old firefighter and former member of the local emergency response squad. Shai lost his right eye in the attack, a life-changing injury, and sustained shrapnel injuries in various parts of his body; both boys were left deeply traumatized by the ordeal. At the same time, Palestinian gunmen were trying to open the door of the family home, where Sabine and her 15-year-old son, Zohar, were sheltering. Images from security cameras captured the presence of gunmen outside the house.<sup>11</sup> After holding the two injured children hostage for at least 25 minutes, the Palestinian gunmen left, at which point the children ran home to their

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<sup>5</sup> Office of the UN High Commissioner for Human Rights, *Human Rights Situation in the Occupied Palestinian Territory, Including East Jerusalem, and the Obligation to Ensure Accountability and Justice*, 13 February 2024, <https://www.ohchr.org/sites/default/files/2024-02/a-hrc-55-28-a-uv-for-publication.pdf>, p. 3.

<sup>6</sup> Amnesty International, *The State of the World's Human Rights* (Index: POL 10/7200/2024), April 2024, p. 212.

<sup>7</sup> Kibbutzim and moshavim are village-like communities where residents live and work communally to different extents.

<sup>8</sup> Times of Israel, "Death count from Re'im music festival massacre reportedly updated to 364 – a third of Oct. 7 fatalities", 17 November 2024, [https://www.timesofisrael.com/liveblog\\_entry/death-count-from-massacre-at-reim-music-festival-reportedly-updated-to-364-a-third-of-oct-7-deaths](https://www.timesofisrael.com/liveblog_entry/death-count-from-massacre-at-reim-music-festival-reportedly-updated-to-364-a-third-of-oct-7-deaths)

The Nova festival (also known as the Supernova festival) started on 6 October 2023 and lasted until the early hours of the following day. See, for example, BBC, "We danced with joy then hid among the dead – Nova survivors recall Hamas massacre", 25 September 2024, <https://www.bbc.co.uk/news/videos/c0qznl3l5ypo>; CBS News, "Israeli who escaped Hamas attack on Nova Music Festival struggles a year later with physical and mental scars", 7 October 2024, <https://www.cbsnews.com/news/israel-hamas-october-7-attack-nova-music-festival-survivor-physical-mental-scars>; and The News Movement, "I took half a pill before Hamas attacked: When a festival becomes a terror attack", 25 October 2024, <https://www.thenewsmovement.com/articles/i-took-half-a-pill-before-hamas-attacked-when-a-festival-becomes-a-terror-attack>

<sup>9</sup> Interview by video call with Sabine Taasa, 28 October 2024. Amnesty International verified video footage showing Sabine's son Or and five other youths sheltering in the public toilet while surrounded by assailants and video footage showing them dead.

<sup>10</sup> Jewish News, "I lost EVERYTHING | Israeli mother tells her October 7th story | Sabine Taasa FULL INTERVIEW", 4 June 2024, <https://youtu.be/8tgWEPK593Y>

<sup>11</sup> Amnesty International has verified the images provided by Sabine Taasa, some of which have also been published. See, for example, Times of Israel, "Oct. 7 survivor tells UN to 'stop blaming us' for war, focus on harm to Israeli kids", 4 September 2024, <https://www.timesofisrael.com/oct-7-survivor-tells-un-to-stop-blaming-us-for-war-focus-on-blow-to-israeli-kids>

One of the gunmen in the images was subsequently reportedly killed by Israeli forces in Gaza. See, for example, Jewish Chronicle, "IDF kills Hamas commander who murdered father in front of his sons on October 7", 3 September 2024, <https://www.thejc.com/news/israel/idf-kills-hamas-commander-who-murdered-father-in-front-of-his-kids-on-october-7-mxorkzkd>

mother. They made their way to the house's safe room, where they waited until they were rescued by the local emergency response squad and the army.

Some 20 residents of Moshav Netiv Ha'asara were killed in the attack and many others were injured. A similar pattern was repeated in other moshavim and kibbutzim.<sup>12</sup>

Older people were not spared. Among those deliberately killed in southern Israel were a group of 15 civilians, most of them retirees from nearby areas, who were gunned down at a bus stop in the town of Sderot in the early morning of 7 October 2023, while they were starting a day trip to the Dead Sea.

Leading figures in Hamas have acknowledged, even boasted, that the 7 October 2023 attacks had been planned long in advance, but have sought to distance themselves from, or deny altogether, the deliberate killings of civilians, as well as the ill-treatment of hostages and the desecration of bodies of people killed; they have claimed that such crimes were isolated cases perpetrated mostly by people not part of Hamas's forces.<sup>13</sup> Contrary to these statements, a significant body of evidence shows that Hamas forces led, carried out and participated in the commission of such crimes in numerous locations, and that the targeting of civilians was not incidental but part of the planned attacks.

Palestinian fighters also unlawfully destroyed homes and property in the communities they attacked. Armed fighters wearing uniforms are seen in video footage and images setting homes on fire. In some cases, they appear to be doing this to force residents sheltering in safe rooms to come out of them so they could abduct or kill them. In other cases, their aim seems to be to destroy the property.

Other Palestinians who, based on their clothing, seemed not to belong to armed groups, although some of them were carrying weapons, crossed from Gaza into southern Israel and engaged in widespread looting, especially later in the day, after most of the killings had been carried out. They are seen in video footage and images stealing vehicles, bicycles and other possessions and/or taking them to Gaza.

## WHAT ARE AMNESTY INTERNATIONAL'S FINDINGS TO DATE ON HOSTAGE-TAKING?

Palestinian fighters abducted 223 civilians, including 30 children, and captured 27 Israeli soldiers during the Hamas-led attacks on southern Israel on 7 October 2023.<sup>14</sup> Hamas officials announced in subsequent weeks that they were being held in order to secure the release of Palestinian detainees in Israeli prisons.<sup>15</sup> Hostage-taking is a flagrant violation of international law and constitutes a war crime.<sup>16</sup>

Palestinian fighters captured military personnel during their attacks on military facilities. However, based on the digital images that Amnesty International has reviewed and verified, as well as the testimonies of witnesses of the 7 October 2023 attacks with whom it has spoken, Hamas and other armed groups targeted civilians for hostage-taking during attacks on residential locations such as kibbutzim and the Nova festival. In some cases, they abducted whole families, including young children, sometimes just after their parents were killed, and older persons. While most of the hostages were Jewish Israelis, some of whom had another nationality, Palestinian-Bedouin citizens of Israel and migrant workers were also taken hostage. People with serious injuries and those with chronic health conditions were not spared. For

<sup>12</sup> See Haaretz, "October 7: How Hamas attacked Israel – Minute-by-minute", 18 April 2024, <https://www.haaretz.com/israel-news/2024-04-18/ty-article-static/.premium/what-happened-on-oct-7/0000018e-c1b7-dc93-adce-eff753020000>

<sup>13</sup> See, for example, MEMRI, "Al-Jazeera airs Hamas leader Ismail Haniyeh's statement on Hamas's invasion of southern Israel: I call on Palestinians in the West Bank, Israeli Arabs, and the entire nation abroad to join the battle; to the enemy I say: Get out of our land!", 7 October 2023, <https://www.memri.org/tv/hamas-leader-ismail-haniyeh-statement-jazeera-operation-aqsa-deluge-palestinians-west-bank-israel-abroad-join-battle>; MEMRI, "Hamas political bureau member Osama Hamdan: We oppose just one thing – the existence of Israel; we are willing to help the Israelis go back to where they came from", 11 October 2023, <https://www.memri.org/tv/hamas-official-osama-hamdan-israel-heart-problems-region-return-countries->; MEMRI, "Hamas official Ghazi Hamad: We will repeat the October 7 attack, time and again, until Israel is annihilated; we are victims – everything we do is justified", 24 October 2023, <https://www.memri.org/reports/hamas-official-ghazi-hamad-we-will-repeat-october-7-attack-time-and-again-until-israel>

<sup>14</sup> Haaretz, "ל, שמוות החטופים בעזה: מהקיבוצים, מהמסיבה ומבסיסי צה"ל", updated on 10 April 2024, <https://www.haaretz.co.il/news/2023-12-31/ty-article-magazine/notfe/0000018b-4196-d242-abef-53b654760000> (in Hebrew, accessed on 27 November 2024).

<sup>15</sup> See, for example, Al-Araby, "Khaled Meshaal, head of the Hamas movement abroad: interview", 16 October 2023, <https://www.youtube.com/watch?v=e5FJ9cKkiYI> (in Arabic). In the interview, Khaled Meshaal says that "the goal of this operation ["Operation Al-Aqsa Flood"] was to detain Israeli soldiers and officers in order to free all Palestinian detainees and prisoners from Israeli prisons". Other Hamas leaders later explained that civilians were being held for the same reason.

<sup>16</sup> Rome Statute of the International Criminal Court, Article 8(2)(a)(viii) and (c)(iii); International Committee of the Red Cross, Customary International Humanitarian Law Study, Rule 156.

example, Hersh Goldberg-Polin, a 23-year-old US-Israeli civilian, was taken hostage by Palestinian fighters after attending the Nova festival despite his arm being severed below the elbow and bleeding badly as a result of an explosive attack.

Videos and photographs that Amnesty International has reviewed and verified show military captives and civilian hostages being beaten or subjected to other abuse while being seized by those who abducted them or by cheering crowds in Gaza.

Palestinian armed groups also captured and held the corpses of people whom they killed, such as that of 22-year-old Shani Louk, a German-Israeli civilian whose partially undressed body was paraded in front of crowds in Gaza by armed men after she was killed fleeing the Nova festival. Shani Louk's mother, Ricarda Louk, told Amnesty International she learnt that her daughter had been taken to Gaza from a video of this abuse circulating on social media.<sup>17</sup> For several weeks, the family held out hope that she might still be alive in a hospital in Gaza, until forensic analysis of a skull fragment found in Israel confirmed she could not possibly have survived her head injury.<sup>18</sup>

In October and November 2023, Hamas released 109 hostages, the majority of them in exchange for 240 Palestinians held in Israeli detention, in a deal with Israel negotiated by Qatar and other intermediaries. Several hostages were subsequently freed by Israeli forces in military operations that killed hundreds of Palestinians, while the bodies of others were retrieved by the Israeli military.<sup>19</sup> However, nearly 14 months on from their abduction or capture, Palestinian armed groups continue to hold around 100 hostages in Gaza.<sup>20</sup>

While some of the hostages are confirmed dead, those still alive are at risk of death, torture and other ill-treatment. Hostages have been held in dire conditions and some appear to have been subjected to torture and other ill-treatment in captivity.<sup>21</sup> Throughout their captivity, Palestinian armed groups have denied hostages access to independent monitors, including the International Committee of the Red Cross, to assess their health or detention conditions. The holding of hostages is not only a crime against the immediate victims, but the uncertainty and anguish caused to hostages' loved ones may also constitute torture or other ill-treatment. Family members of hostages with whom Amnesty International has spoken have described not having received a sign of life for months or longer, as well as the unbearable pain and anguish of not knowing where or how their loved ones are, or if and when they will return.

## WHAT ARE AMNESTY INTERNATIONAL'S FINDINGS TO DATE ON REPORTS OF KILLINGS OF HOSTAGES BY PALESTINIAN ARMED GROUPS?

In addition to killing civilians on 7 October 2023, Palestinian armed groups have repeatedly threatened to kill some of the Israeli hostages they have been holding since that day. For example, on 9 October 2023, Abu Obaida, the spokesperson of Hamas's military wing, the Izz al-Din Al-Qassam Brigades, threatened to kill an Israeli hostage every time Israeli forces bombed a Palestinian home in Gaza without warning.<sup>22</sup>

On 1 September 2024, the Israeli military announced that, the previous day, it had recovered the bodies of six Israeli hostages who had been held since 7 October 2023.<sup>23</sup> A subsequent Israeli forensic examination concluded they had been

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<sup>17</sup> Interview by voice call with Ricarda Louk, 16 October 2024.

<sup>18</sup> Interview by voice call with Ricarda Louk, 16 October 2024; written communication with forensic expert 12 May 2024; interview by video call with forensic expert, June 2024. Shani Louk's body was held in Gaza until 17 May 2024, when it was recovered by Israeli forces, along with the bodies of two other hostages. See, for example, Guardian, "Israel recovers bodies of three hostages taken by Hamas, including Shani Louk", 17 May 2024, <https://www.theguardian.com/world/article/2024/may/17/israel-recovers-bodies-of-three-hostages-taken-by-hamas-including-shani-louk>

<sup>19</sup> See, for example, Amnesty International, "Israel/OPT: Hamas and other armed groups must immediately release civilians held hostage in Gaza", 12 July 2024, <https://www.amnesty.org/en/latest/news/2024/07/israel-opt-hamas-and-other-armed-groups-must-immediately-release-civilians-held-hostage-in-gaza>

<sup>20</sup> Haaretz, "שמות החטופים בעזה: מהקיבוצים, מהמסיבה ומבסיסי צה"ל", updated on 10 April 2024, <https://www.haaretz.co.il/news/2023-12-31/ty-article-magazine/notfe/0000018b-4196-d242-abef-53b654760000> (in Hebrew, accessed on 27 November 2024).

<sup>21</sup> Amnesty International has previously raised these concerns in Amnesty International, "Israel/OPT: Hamas and other armed groups must immediately release civilians held hostage in Gaza", 12 July 2024, <https://www.amnesty.org/en/latest/news/2024/07/israel-opt-hamas-and-other-armed-groups-must-immediately-release-civilians-held-hostage-in-gaza>

<sup>22</sup> Al Jazeera, "Hamas says will kill hostages if Israeli attacks on Gaza civilians continue", 10 October 2023, <https://www.aljazeera.com/news/2023/10/10/hamas-says-will-kill-hostages-if-israeli-attacks-on-gaza-civilians-continue>

<sup>23</sup> Israel Defense Forces, Facebook post: "The bodies of Carmel Gat, Eden Yerushalmi, Hersh Goldberg-Polin, Alexander Lobanov, Almog Sarusi, and Master Sergeant Ori Danino were found and recovered yesterday", 1 September 2024, <https://www.facebook.com/idfonline/posts/905687784926571>

shot dead shortly before their bodies were retrieved.<sup>24</sup> Three statements posted by Abu Obaida, the Al-Qassam Brigades' spokesperson, on social media on 2 September 2024, seemingly in response to the Israeli military's announcement, suggested that the six were killed to prevent them from being rescued. In the first, he blamed Israeli Prime Minister Benjamin Netanyahu and the Israeli army for the death of the prisoners "after they deliberately obstructed any deal to exchange prisoners".<sup>25</sup> In the second, he said that, following what he referred to as the "Nuseirat incident", "new instructions" had been issued to those guarding hostages on how to "deal with them" in the event of the Israeli army "approaching their place of detention".<sup>26</sup> The "Nuseirat incident" was the rescue by Israeli special forces on 8 June 2024 of four Israeli hostages from two apartments in the Nuseirat refugee camp in Gaza, an operation in which scores of Palestinian civilians were killed.<sup>27</sup> He did not explicitly clarify what the "new instructions" were. However, in the third post, he said: "Netanyahu's insistence on freeing prisoners through military pressure instead of making a deal will mean they return to their families in coffins. Their families must choose: either dead or alive".<sup>28</sup>

Five of the six hostages had been abducted after attending the Nova music festival. They included Hersh Goldberg-Polin, whose arm was severed below the elbow as a result of an explosive attack. The sixth hostage, Carmel Gat, was abducted in Kibbutz Be'eri from the home of her mother, whom she was visiting and who was killed in the same incident.

## HAS AMNESTY INTERNATIONAL INVESTIGATED SEXUAL VIOLENCE AND OTHER FORMS OF PHYSICAL AND PSYCHOLOGICAL ABUSE?

As details of the attacks emerged, Amnesty International was concerned to see reports of sexual violence and decided to dedicate resources and expertise to this issue. It has been collecting and analysing information about sexual violence, including rape, and other physical and psychological abuse committed by Palestinian assailants against individuals in southern Israel during the 7 October 2023 attacks and against hostages held in Gaza since then.

Amnesty International has interviewed one person who described being subjected to rape at the Nova festival by members of a Palestinian armed group.<sup>29</sup> It has spoken to several mental health and legal professionals who, between them, reported treating or providing legal services to a number of survivors and witnesses of rape or other sexual violence during the attacks, and a psychiatrist who said that some returned hostages reported being subjected to sexual violence by men guarding them.<sup>30</sup> The organization has received testimonies describing bodies of people killed during the attacks that raise concerns about rape or other sexual violence and is reviewing several images of bodies of victims of the attacks that also appear to prompt such concerns.

In addition, Amnesty International has documented, based on images it has verified and survivor testimonies it has gathered, a number of other instances in which members of Palestinian armed groups abused their victims. They include cases in which Palestinian fighters mistreated people they abducted or captured during the attacks on 7 October 2023 by punching and kicking them or by beating them with rifle butts.

<sup>24</sup> Times of Israel, "Autopsy finds 6 hostages were shot multiple times at close range in last 48-72 hours", 1 September 2024, <https://www.timesofisrael.com/autopsy-finds-6-hostages-shot-multiple-times-at-close-range-in-last-48-72-hours>

<sup>25</sup> Abu Obaida, Telegram post: "نتنياهو وجيش الاحتلال وحدهم من يتحملون المسؤولية الكاملة عن مقتل الأسرى بعد تعمدهم تعطيل أي صفقة لتبادل الأسرى لمصالح ضيقة، [Only Netanyahu and the occupation army bear full responsibility for the killing of the prisoners after they deliberately obstructed any deal to exchange prisoners for narrow interests, in addition to their deliberate killing of dozens of them through direct aerial bombardment.]", 2 September 2024, [https://t.me/spokesman\\_2020/126](https://t.me/spokesman_2020/126) (translation from the original Arabic by Amnesty International).

<sup>26</sup> Abu Obaida, Telegram post: "نقول للجميع وبشكل واضح أنه وبعد حادثة النصيرات، صدرت تعليمات جديدة للمجاهدين المكلفين بحراسة الأسرى بخصوص التعامل معهم [We say to everyone clearly that after the Nuseirat incident, new instructions were issued to the fighters in charge of guarding the prisoners on how to deal with them in the event of the occupation army approaching their place of detention]", 2 September 2024, [https://t.me/spokesman\\_2020/127](https://t.me/spokesman_2020/127) (translation from the original Arabic by Amnesty International).

<sup>27</sup> See BBC, "Four hostages rescued in Gaza as hospitals say scores killed in Israeli strikes", 8 June 2024, <https://www.bbc.co.uk/news/articles/cd11z2j34k4o>

The four hostages – Noa Argamani, Almog Meir Jan, Andrei Kozlov and Shlomi Ziv – were abducted after attending the Nova festival.

<sup>28</sup> Abu Obaida, Telegram post: "إصرار نتنياهو على تحرير الأسرى من خلال الضغط العسكري بدلاً من إبرام صفقة سيؤدي إلى إرغامهم على العودة إلى أهله داخل توابيت وعلى عوائلهم [Netanyahu's insistence on freeing prisoners through military pressure instead of making a deal will mean they return to their families in coffins. Their families must choose: either dead or alive]", 2 September 2024, [https://t.me/spokesman\\_2020/128](https://t.me/spokesman_2020/128) (translation from the original Arabic by Amnesty International).

<sup>29</sup> Interview in person, 5 August 2024.

<sup>30</sup> Interviews in person, by voice call and video call, with social worker, therapists and lawyer, March – August 2024.



Amnesty International has also been investigating actions taken by some Palestinian fighters to film and broadcast the suffering of their victims. They include live-streaming the pain and terror experienced by individuals and families during the attacks on 7 October 2023 and forcing hostages to plead for their release on video.

Finally, the organization has been investigating several cases in which the corpses of people killed in the attacks appear to have been subjected to abuse, including intentional decapitation or amputation of a limb.

## **WHEN DID AMNESTY INTERNATIONAL START TO INVESTIGATE THE ATTACKS OF 7 OCTOBER 2023?**

Amnesty International began to investigate the crimes under international law committed by Hamas and other Palestinian armed groups in the days immediately following 7 October 2023. The organization published several outputs condemning the killing of civilians and hostage-taking in that period.<sup>31</sup> However, from January 2024 onwards, it devoted more resources to investigating both the crimes committed on 7 October 2023 and the ongoing violations of international humanitarian law being committed by Hamas and other Palestinian armed groups.

The organization has visited some of the affected areas in southern Israel. It has interviewed survivors, witnesses and families of victims, both in person and remotely, as well as first responders, healthcare professionals and others. It has collected and examined a significant quantity of videos and images posted on social media that it has been working to authenticate through a digital verification process that aims to determine the time of the event recorded (chrono-location), the location of each event (geolocation) and other key information. It has reviewed and analysed satellite imagery. It has also consulted with forensic pathologists on what conclusions can be drawn from some images of dead bodies.

## **WHAT CHALLENGES HAS THE INVESTIGATION FACED? WHY IS IT TAKING SO LONG?**

Amnesty International has been working to overcome a number of barriers and challenges to document the crimes under international law carried out by Palestinian armed groups in Israel on 7 October 2023 and against hostages since then. This takes time.

One key issue has been striving to identify people who wish to speak to the research team. In general, to be able to make conclusive findings of crimes under international law, Amnesty International carries out in-depth interviews with scores of survivors, witnesses and others with first-hand information. These accounts often form the backbone of its research. In this investigation, Amnesty International has had the opportunity to speak to some survivors and witnesses of the attacks and returned hostages or their families and is deeply appreciative of those who have chosen to speak to the organization. However, many other survivors and witnesses it has contacted have been unwilling or hesitant to speak for fear of re-traumatization or because they are distrustful of international human rights organizations. People with a loved one held hostage in Gaza told Amnesty International that they were worried about retaliation against their family member if they spoke to the organization.

Some aspects of the research are particularly challenging. Investigating sexual violence in an ethical and sensitive manner is often difficult. Some people only feel able to speak out many months after an attack, if ever. There have been additional obstacles in this context. Many of the victims of the 7 October 2023 attacks were killed and cannot bear witness to the violence to which they were subjected. People who reported surviving or witnessing sexual violence to the media, lawyers or therapists have been hesitant to speak to Amnesty International. Despite significant efforts, the organization has so far been able to speak to only one person who gave an account of surviving sexual violence and no direct witnesses.

Amnesty International has neither obtained nor heard of images or video footage depicting acts of sexual violence. In addition, some evidence that might have informed determinations of whether people killed were subjected to sexual violence is not available. Bodies of victims were not systematically photographed before they were moved and few forensic examinations were carried out, often because first responders and medical professionals – overwhelmed by the unprecedented number of cases and working in dangerous, challenging and deeply painful circumstances immediately after the attacks – prioritized identification of the dead.

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<sup>31</sup> See, for example, Amnesty International, “Israel/OPT: Palestinian armed groups must be held accountable for civilian killings and abductions”, 12 October 2023, <https://www.amnesty.org/en/latest/news/2023/10/israel-palestinian-armed-groups-must-be-held-accountable-for-deliberate-civilian-killings-abductions-and-indiscriminate-attacks>; Amnesty International, “Israel/OPT: Hamas and other armed groups must release civilian hostages and treat all captives humanely”, 7 November 2023, <https://www.amnesty.org/en/latest/news/2023/11/israel-opt-hamas-and-other-armed-groups-must-release-civilian-hostages-and-treat-all-captives-humanely>

More broadly, the Israeli authorities have also refused to cooperate with most international non-governmental human rights organizations and UN human rights bodies investigating the 7 October 2023 attacks. Amnesty International has made several requests to Israeli authorities during 2024 to access evidence or information related to the attacks of 7 October 2023 or to the treatment of hostages, but has so far not received a positive response. It has, for example, unsuccessfully sought access to digital evidence that the authorities had screened to a select group of journalists and others, and asked to speak to key witnesses and experts who require the authorities' approval to speak to researchers.

## WHAT IS THE LEGAL FRAMEWORK AMNESTY INTERNATIONAL IS USING IN ITS INVESTIGATION?

Amnesty International is analysing the actions of Palestinian armed groups under international law, including international humanitarian law and international criminal law. The information the organization has been able to collect and examine so far has enabled it to conclude that war crimes have been committed by Hamas and other Palestinian groups, both in southern Israel during the attacks of 7 October 2023 and against hostages held in Gaza since then. It is continuing its analysis with a view to broadening the scope of its legal determinations. Such determinations take time and demand rigorous research methods, sound evidence and a legal framework well grounded in international jurisprudence.

In this regard, Amnesty International has welcomed the issuance on 21 November 2024 of an arrest warrant by the Pre-Trial Chamber of the International Criminal Court against Mohammed Deif, the head of the Izz al-Din Al-Qassam Brigades, Hamas's military wing (in the absence of confirmation of his death).<sup>32</sup> The Chamber found "reasonable grounds to believe that Mr Deif... is responsible for" the crimes against humanity of murder, extermination, torture, and rape and other forms of sexual violence, as well as the war crimes of murder, cruel treatment, torture, taking hostages, outrages upon personal dignity and rape and other forms of sexual violence "from at least 7 October 2023".<sup>33</sup>

On 20 May 2024, the Prosecutor of the International Criminal Court had applied to the Pre-Trial Chamber for arrest warrants against Mohammed Deif and fellow Hamas leaders Ismail Haniyeh and Yahya Sinwar, but the latter were confirmed to have been killed in Israeli attacks in August and October 2024, respectively.<sup>34</sup> Israel announced that it had killed Mohammed Deif in an attack on Khan Younis in southern Gaza on 13 July 2024, an attack which also killed scores of Palestinian civilians, but Hamas has repeatedly denied this, claiming that he is still alive.<sup>35</sup>

## WHAT DOES AMNESTY INTERNATIONAL PLAN TO DO NEXT?

Amnesty International will issue a report with its research findings and legal analysis in the coming months. In the meantime, as its investigation concludes, it will continue to engage with the Israeli authorities to request access to additional information and evidence. It will also continue to seek to identify survivors and witnesses who wish to speak to the organization, while remaining committed to respecting survivors' and families' own autonomy and decision-making as they await the return of their loved ones, or seek to heal and recover.

Amnesty International appreciates the efforts of people who have chosen to speak to its researchers or assisted its investigation so far. It is committed to working to ensure that all survivors of the attacks by Palestinian fighters on 7 October 2023, including returned hostages, are heard and that Palestinian armed groups are held accountable for their crimes under international law. It continues to call for Palestinian armed groups to immediately release all civilian hostages and to ensure military captives are treated humanely, including by lifting threats to kill, harm or continue to detain them in order to compel Israel to act in a certain way and by granting the International Committee of the Red Cross access to them. It demands justice and accountability for victims and survivors of the 7 October 2023 attacks and their families.

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<sup>32</sup> Amnesty International, "Israel/OPT: Netanyahu, Gallant and Al-Masri must face justice at the ICC for charges of war crimes and crimes against humanity", 21 November 2024, <https://www.amnesty.org/en/latest/news/2024/11/israel-opt-netanyahu-gallant-and-al-masri-must-face-justice-at-the-icc-for-charges-of-war-crimes-and-crimes-against-humanity>

<sup>33</sup> ICC, "Situation in the State of Palestine: ICC Pre-Trial Chamber I issues warrant of arrest for Mohammed Diab Ibrahim Al-Masri (Deif)", 21 November 2024, <https://www.icc-cpi.int/news/situation-state-palestine-icc-pre-trial-chamber-i-issues-warrant-arrest-mohammed-diab-ibrahim>

<sup>34</sup> Ismail Haniyeh was killed in Iran on 31 July 2024. Many media reports linked the killing to the Israeli state. See, for example, New York Times, "Bomb smuggled into Tehran guesthouse months ago killed Hamas leader", 1 August 2024, <https://www.nytimes.com/2024/08/01/world/middleeast/how-hamas-leader-haniyeh-killed-iran-bomb.html>

Yahya Sinwar was killed in Gaza on 16 October 2024. See, for example, CNN, "Hamas leader Yahya Sinwar killed in Gaza, Israeli military says", 17 October 2024, <https://edition.cnn.com/2024/10/17/middleeast/israel-hamas-leader-yahya-sinwar-gaza-intl/index.html>

<sup>35</sup> See, for example, BBC, "Hamas military chief was killed in July strike, Israel says", 1 August 2024, <https://www.bbc.com/news/articles/cpv3gpy74ydo>