

Zulat's position: The Government Must Act Immediately to Bring Back All Hostages

Zulat urges the Israeli government to prioritize the immediate return of Israeli civilians kidnapped by Hamas in the Gaza Strip and to act with utmost urgency to ensure their safety.

In an appalling savage attack initiated by Hamas on Israel on the morning of Saturday, 7 October 2023, at least 1,227 lives were brutally taken – encompassing Israeli civilians, security forces personnel, residents, and foreign nationals.¹ In the despicably cruel surprise assault, which intentionally aimed at civilians – manifesting as both a brutal barbaric raid on communities in the Gaza Envelope and indiscriminate rocket fire – the Israeli populace was left deeply traumatized and aggrieved. Further amplifying this heinous act of aggression, Hamas perpetrated another egregious war crime by kidnapping around 200 individuals, ranging from infants to the elderly, both women and men, into the Gaza Strip.²

The hostages and the missing persons fall under the categories of 'deprivation of liberty' and 'enforced disappearance,' which are recognized as war crimes and even crimes against humanity in accordance with customary international law. The crime of enforced disappearance is notably detailed in the International Convention for the Protection against Enforced Disappearance (2006).³ This is further underscored by the UN Declaration dated 18.12.1992 (A/RES/47/133)⁴ and embodied within the Rome Statute.⁵ Furthermore, the proscription against unlawful detention is enshrined in the Geneva Conventions and their associated protocols.⁶

Ten days since this heinous act took place, almost no information was disclosed regarding the well-being of the abducted individuals, their captivity conditions, whereabouts, and health status. This lack of disclosure could be attributed to Hamas' reluctance to admit to

¹ Haaretz Editorial Board, [Israel-Hamas War Day 10 | The bodies of 936 civilians, residents, police officers and foreign workers were recovered. 615 of them have been identified](#) (Hebrew), *Haaretz* (16.10.2023).

² Haaretz Editorial Board, [Israel-Hamas War Day 10 | IDF Spokesperson: So far, we have updated the families of 199 hostages, we are working tirelessly to bring them back](#) (Hebrew), *Haaretz* (16.10.2023). It's worth noting that the count of hostages reportedly encompasses both civilians and military personnel.

³ [International Convention for the Protection of All Persons from Enforced Disappearance](#) (23.12.2010).

⁴ [Declaration on the Protection of All Persons from Enforced Disappearance](#) (18.12.1992).

⁵ [Rome Statute of the International Criminal Court](#) (17.7.1998).

⁶ [Rule 99. Arbitrary deprivation of liberty is prohibited](#), IHL Databases, *ICRC Website*.

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the potential severe injuries they inflicted upon some hostages. There were even threats from Hamas about executing the hostages.⁷ Furthermore, Hamas horrifically and maliciously documented certain abductions, exploiting them in the most sinister manner to instill sheer terror among the hostages' families and throughout the entire Israeli populace. The content of some of these records gives rise to grave apprehensions about maltreatment and torture, acts recognized as violations of international law and classified as crimes against humanity.⁸

Concurrently, from the onset of the conflict, Israel has retaliated with intensive airstrikes on the Gaza Strip, impacting its electricity and water supply, which invariably affects its civilian residents. Such actions heighten concerns regarding the well-being of the Israeli hostages. Finance Minister Bezalel Smotrich's statement early in the war, pressing for "merciless offensive actions against Hamas, with a brazen disregard for the dire circumstances of the hostages"⁹ is utterly reprehensible and intolerable.

While Hamas is obliged to release the hostages, Israel has a paramount responsibility to safeguard the lives of its citizens. The fundamental right to life and security of those taken from Israel should not be overshadowed by other considerations. Recent statements from the government raise concerns about its commitment to prioritizing the immediate release of the hostages and facilitating negotiations. Specifically, Tzachi Hanegbi, the head of the National Security Council, stated in a press briefing that "there would be no negotiations concerning the hostages with an adversary we aim to eliminate".¹⁰ Additionally, indicating the government's priorities, it's noteworthy that Prime Minister Netanyahu had a meeting with the hostages' families only on 15 October 2023, a full nine days after their abduction.¹¹

The fundamental right to life for hostages must be the cornerstone of any policy related to their safe return. Leaving babies, the elderly, women, and people with disabilities in the

⁷ Yoav Zitun, [IDF: Working to locate the location of the hostages. Hamas threatens: Bombing? We will execute them](#) (Hebrew), *Ynet* (9.10.2023).

⁸ The prohibition of torture is distinctly articulated in several international instruments. This includes Article 5 of the [United Nations Declaration of Human Rights \(1948\)](#), Article 7 of the [International Covenant on Civil and Political Rights \(1966\)](#), and the [International Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment \(1984\)](#). The ban on torture is further enshrined in the [Geneva Conventions](#) and their related protocols.

⁹ Itamar Eichner, Smotrich: "[merciless offensive actions against Hamas, with a brazen disregard for the dire circumstances of the hostages](#)" (Hebrew), *Ynet* (7.10.2023).

¹⁰ Haaretz Editorial Board, [Hanegbi: We failed to accomplish the mission, there would be no negotiations concerning the hostages with an adversary we aim to eliminate](#) (Hebrew), *Haaretz* (14.10.2023).

¹¹ Hadar Gil-Ad, Itamar Eichner, [Netanyahu meets with relatives of hostages and missing persons: "Committed to ensuring their return as one of the war's objectives"](#) (Hebrew), *Ynet* (15.10.2023).

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hands of a terror organization known for its cruel treatment of civilians is not only inhumane but morally indefensible. Such a situation also poses a significant threat to the cohesion of Israeli society. Already, there have been efforts to quell public protests by the hostages' families and others advocating for their return, whether these efforts come from individuals or the police.¹² As more videos from Hamas surface, featuring kidnapped Israelis pleading for their freedom,¹³ public attention on this issue is bound to intensify. The government must unequivocally demonstrate that the safe return of the hostages is its utmost priority and must steer clear of any remarks that may exacerbate societal divisions on this matter.

Zulat urgently demands the government act swiftly to broker an agreement ensuring the immediate return of all hostages. Concurrently, the Israeli government must take immediate actions to guarantee the hostages' safety and security and advocate for establishing a humanitarian corridor, enabling international aid organizations to access them. This represents a fundamental and essential initial measure pending their release.

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¹² Merav Sever, Avi Cohen, "[Die with her](#)": hostage's father attacked in protest in front of government offices (Hebrew), *Israel Hayom* (16.10.2023); Noga Carmi, [Police dispersed demonstration on Ben Gurion Boulevard in Haifa during the war](#) (Hebrew), *Live Here* (13.10.2023).

¹³ Ran Shimoni, Yael Friedson, Jonathan Liss and Yaniv Kubovich, [Hamas released the first documentation of an Israeli hostage](#) (Hebrew), *Haaretz* (16.10.2023).
