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**HOSTAGES AND MISSING  
FAMILIES FORUM**

10/12/2023

## **Human rights violations of the hostages from the October 7th Massacre:**

### **A call for international action on 'Human Rights Day'**

#### **Introduction**

'The Universal Declaration of Human Rights' was adopted by the UN General Assembly on December 10, 1948, in response to the atrocities committed by the Nazi regime during World War II and the insufficient protection given to millions of victims at that time. Today, as we commemorate the 75th anniversary of this declaration, it is crucial to draw attention to those humans whose rights have been brutally violated for the last 65 days, having been kidnapped and held captive in the tunnels of Hamas and other unknown locations in the Gaza strip.

Sixty-five days ago, during Hamas' October 7th Massacre, more than 240 people were brutally abducted from their homes and from a music festival in the south of Israel. In many cases, these kidnappings occurred whilst many of their friends and family members were being murdered right in front of them. Among the abducted are babies, many children, women, men, the elderly and young people with chronic illnesses on daily medications, as well as those who have been severely wounded during the massacre. These are the populations that require special protection and care under International Humanitarian Law. This is due to their increased vulnerability to severe physical and psychological harm, which may be irreversible at best and lead to death at worst if urgent medical care is not provided immediately.

Moreover, the hostages who have been released reported having been held under extremely abusive conditions for more than two months, consistent with a severe violation of fundamental human rights. These violations have included extreme psychological and physical violence, including brutal sexual assault and mutilation, torture, starvation, and forced dehydration. All, and on top of this, compounded by the lack of medical treatment and the denial of access to the International Committee of the Red Cross (ICRC) protection delegates and medical staff.). This report focuses on the health implications, the high risk of irreversible physical and psychological damage, and ultimately death risk for the remaining hostages and the grave violation of their basic human rights, by those who kidnapped them, the Hamas terrorist organization. We cannot emphasize strongly enough the urgency for international intervention to facilitate their immediate safe return.

The potential implications of these ongoing violent acts are life threatening as detailed below, requiring their urgent release and immediate medical aid.

#### **Psychological and Physical Torture**



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The events of October 7th will undoubtedly leave many of the hostages traumatized. They have all endured pain and humiliation and had their liberty deprived of them. Furthermore, some have witnessed the murder, inflicted on their beloved family members, friends, and community members, and some may not know their fate to this day. With every day in captivity, hostages undergo psychological and physical torture and abuse.

The hostages are suffering unimaginable conditions. The isolation and separation from parents and other family members, locked in tunnels and small spaces, threatened at gunpoint, punched, scorched, children forced to watch massacre and mutilation footage, can severely damage both their physical and mental health. The fact that Hamas is continuing to impose these conditions with no human rights organizations demanding their immediate release or at least providing urgent medical aid, places the hostages at high risk of illness and death. Some of the hostages need medical and nursing aid and based on reports of released hostages we learn that many are suffering from criminal neglect in parallel to continuous torture and humiliation.

The currently attained evidence of the ongoing grave violations of human rights, indicates the urgency to provide medical care to the hostages who are still in captivity. Repeated requests to visit and assess the condition of the hostages, to allow access to humanitarian aid, and to enable family contacts – have all been denied. **We must emphasize the importance and urgency of the situation, in light of the medical harm that is already evident amongst the hostages who have returned to Israel.**

### **Sexual Violence**

With time, mounting testimonies from October 7th survivors, released hostages, medical and rescue teams that were at the massacre sites, not to speak of boastful videos released by and captured from Hamas terrorists, clearly reveal that extreme sexual violence and abuse were not a random byproduct, but a systematic and planned element of this terror attack. These include aggravated rape, mutilation of body parts but especially breasts and genitals (both male and female), disfiguration of faces, and beheadings.

The released hostages provided testimonies revealing that both men and women endured violent sexual assaults in captivity.

At its core sexual violence, when used as an instrument of power in warfare, is designed primarily to humiliate, subjugate, and subdue the civilian population and sow destruction and chaos. There is growing awareness that such sexual violence during conflict is often a deliberate, organized strategy known as 'rape as a weapon of war'. Particularly, the Fourth Geneva Conventions of 1949 contain provisions related to the treatment of women in captivity during armed conflicts. They highlight the need to protect such persons from violence and sexual abuse, to ensure their dignity is respected, to address their special needs,



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and to preserve family unity. These rules aim to uphold the rights and well-being of all individuals during times of war, emphasizing the principles of humanity and the minimization of human suffering.

The physical and psychological consequences of sexual abuse are numerous. Individuals who have suffered assaults face a higher risk of physical harm and sexually transmitted infections, including HIV. Women are particularly vulnerable to severe damage to organs that require urgent surgical repair and may suffer from severe chronic pain, infections, impairment of future reproductive capacity, pregnancy from rape, etc. Beyond the immediate physical consequences, sexual violence and rape often inflict a spectrum of emotional and long-term psychological disorders on both men and women. These can manifest as profound emotional trauma, fostering lasting feelings of fear, anxiety, depression, and post-traumatic stress disorder (PTSD) as well as suicidal ideation and in some cases, actual suicide.

### **Malnutrition**

We also know that hostages have been subjected to both poor nutrition and hygiene, with some having complex life-threatening medical ailments necessitating specific dietary needs and sanitary conditions. Interviews with released hostages and their physicians revealed many examples of inadequate nutrition, with only one or at best two inadequate rations per day that lack nutrients and offer inadequate calories leading to various degrees of starvation. In addition, those hostages who were released reported that they were only able to get a limited amount of saline muddy water, sometimes just one small bottle per day. The released hostages reported how the lack of food was also used specifically as a means of torture.

The starvation regimen forced on the hostages endangers the health of all those in captivity, but it especially endangers children and the elderly, as well as those of any age who are sick and injured. This regimen caused many of the released hostages to lose weight and muscle mass, leading to severe weakness and fatigue. Physicians treating those released have reported significant and rapid weight loss, ranging between 8-15 kg, or 10-17% of previous body weight, throughout a short period (between 14-50 days), which constitutes malnutrition and may be critical in those who still remain in Gaza. The longer the hostages are held captive in Gaza under these dire conditions, the higher the risk of further malnutrition with its complications.

It is important to note that there are still babies and older persons in captivity, as well as individuals with unique dietary needs. Moreover, starvation results in increased vulnerability to illness, compromised wound healing, loss of functionality, apathy, and depression. The elderly, as well as the children held hostage, may be prone to significant and rapid physical and mental deterioration. Babies are at risk for failing to thrive, and for the detrimental consequences of essential nutrient deficiencies; as is well known children are prone to developmental delays and stunting under such inhumane conditions. Among hostages of all



ages, vitamin D deficiency may develop or worsen due to the lack of exposure to sunlight in the underground tunnels they are kept in. Furthermore, dietary needs are especially vital in cases of injuries or burns. Without supplying these demands, the process of healing will be impaired, resulting in a lack of proper recovery.

## **Lack of Medical Care**

### **1 Treatment for Injuries**

During the brutal abduction, many hostages suffered extreme forms of violence, extensive torture, maiming and deforming, leaving them with terrible injuries such as gunshot wounds, limb amputations and visible open wounds. Again, all documented by Hamas terrorists themselves in their own boastful video footages.

Some of the hostages were forced to walk or run barefoot, which may have resulted in additional injuries, fractures and orthopedic issues.

The hostages are at risk of infections from open wounds. If left untreated, these infections may become life-threatening.

Testimonies from the released hostages highlight an alarming lack of treatment for injuries in the many who remain captive. Disturbingly, the few hostages who received medical attention while in captivity, reported substandard ill-treatment, further compromising their healing and rehabilitation processes. Furthermore, according to recent information, some hostages are severely neglected, their conditions have deteriorated, and are now suffering an immediate threat to life. Those who may survive with no treatment may well remain disabled for life.

### **2 Lack of Medication and Treatment**

Due to a lack of medical treatment for chronic diseases, some of the released hostages have returned semi-conscious in other life-threatening conditions and are now being hospitalized in intensive care at various hospitals in Israel. Among the 137 hostages who remained in captivity, at least a third were afflicted with previous chronic illnesses that require ongoing medical treatment which is being denied them, again in complete contradiction to their basic human rights. These diseases include diabetes, asthma, osteoporosis, anemia, inflammatory bowel diseases, skin conditions, Addison's disease, recurrent UTI, hypothyroidism, heart disease, epilepsy, hypertension, cancer, and more. Some of the hostages suffer from diagnosed mental issues such as anxiety, depression, and post-traumatic stress disorder.



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The lack of proper treatment will lead, or already has, in many cases to immediate life-threatening conditions or risks for irreversible complications such as stroke, heart attack, renal failure, fatal fractures, and more. Deliberately preventing them from receiving the necessary medical care is a grave violation of their human rights and directly endangers their lives. Several of the released hostages were diagnosed with new severe illnesses related to their captivity including stroke, arrhythmia and heart problems, infectious diseases, reduced lung and renal function, etc. Some are still in a life-threatening state and others have severe disabilities. There is clear evidence that some hostages died while under these horrifying conditions.

To this date, Hamas has denied access to the ICRC's teams and any information on the medical situation of the remaining 137 hostages has been gleaned solely from information received from the released hostages. Their testimonies indicate that many hostages do not receive proper medical care. The lack of adequate treatment for the ill and wounded poses an immediate danger to life and risks irreversible complications.

**The Hostages and Missing People Families' Forum, a voluntary organization that was established to represent and aid the hostages, the missing and their families, call on all those in power to act now for basic human rights with all necessary means. We demand the immediate and unconditional release of all hostages held by Hamas in Gaza. In addition, we request that immediate medical attention and supplies be provided to the hostages, and that all hostages will attain medical treatment by the Red Cross until their release.**

**We expect all organizations who care about human rights, to act for the basic human rights of the hostages.**

### **Legal Aspects**

The prohibition on taking hostages is set in international humanitarian law as well as international criminal law. However, international human rights law (IHRL) implicitly condemns such acts as they constitute an arbitrary restriction of liberty, violating non-derogable human rights provisions. The UN Commission on Human Rights, in Resolutions 1998/73 and 2001/38, firmly asserts that hostage-taking, regardless of its circumstances or perpetrators, is an illegal act fundamentally undermining human rights and cannot ever be justified.

The UN Human Rights Committee, in its General Comment No. 29 on Article 4 of the International Covenant on Civil and Political Rights, emphasizes that states of emergency cannot be invoked as a justification for actions violating humanitarian law or peremptory norms, including hostage-taking.



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Abduction and arbitrary incommunicado detention violate many of the international standards as outlined in the Universal Declaration of Human Rights, including the International Covenant on Civil and Political Rights (articles 6, 7, 9, 10) and the Convention on the Rights of the Child (articles 6, 9, 19), among others.

A series of United Nations Security Council Resolutions (UNSCR) addresses the pervasive issue of gender-based violence in times of conflict. Notably, UNSCR 1325 brings attention to the heightened vulnerability of women and girls during armed conflicts. It advocates for special measures to safeguard them from gender-based violence, specifically highlighting the atrocities of rape, sexual abuse, and all other forms of violence that occur in situations of armed conflict.

Building upon this foundation, subsequent resolutions, namely UNSCR 1820 (2008), 1888 (2009), 1960 (2010), 2106 (2013), 2122 (2013), and 2493 (2019), underscore the necessity of providing specialized treatment for women, children, and defenseless individuals. UNSCR 1820 (2008) specifically recognizes that sexual violence is employed as a weapon and tactic of war. It acknowledges that rape and other forms of sexual violence may constitute war crimes, crimes against humanity, or constitutive acts in relation to genocide.\

Moreover, UNSCR 1820 (2008) emphasizes the imperative to exclude sexual violence crimes from amnesty provisions in conflict resolution processes. It calls upon Member States to fulfill their obligations in prosecuting individuals responsible for such acts. The resolution advocates for equal protection under the law and equal access to justice for all victims of sexual violence, with a particular focus on women and girls.

Furthermore, UNSCR 1820 (2008) stresses the crucial need to end impunity for such acts as an integral part of a comprehensive approach to achieving sustainable peace, justice, truth, and national reconciliation. In doing so, these resolutions collectively contribute to a global effort to address and eradicate gender-based violence in conflict zones.

Both international humanitarian law and human rights law, supported by treaty provisions, state practice, opinion juris, case law, and numerous UN resolutions, prohibit hostage-taking. Consequently, Hamas's actions in taking over 240 hostages are a clear and unequivocal violation of international law and IHRL. Gender-based violence in captivity adds to such horrifying account.