

Call for urgent measures to effect the release of the hostages held by Hamas in Gaza

13 October 2023

Representing over 780 law professors and human rights experts from international academic institutions, we the undersigned submitted to UN independent experts, Special Rapporteurs of the Human Rights Council, an urgent appeal for release of the hostages kidnapped in Israel and held by Hamas in Gaza. Enforced disappearance of persons, when carried out as part of a widespread or systematic attack directed against a civilian population, is a crime against humanity.

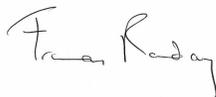
On 7th October 2023, Hamas terrorists, using the same tactics as ISIS, carried out a murderous attack on Israeli civilians. They raided villages and towns on the border with Gaza and shot, burned, or beheaded at least 1,300 women, men and children, including 40 babies. They slaughtered 260 of the 3,000 young people who were participating in a music festival nearby. During the attack, Hamas kidnapped at least 150 people, including elderly women, children and infants, including citizens of Israel and of other countries, and dragged them into Gaza. The photos and videos, documented by the perpetrators or by witnesses, of sexual violence committed against the women, of kidnapped mothers with children, infants without parents, elderly men and women, bleeding women, and the body of a naked woman - are shocking and devastating. Hamas is refusing requests, including of the ICRC, to reveal the identity of the abductees, their location, and their medical condition. The abductees are defined according to international law as victims of serious human rights abuses, including as victims of enforced disappearance of civilians, and as hostages. Hamas which functions as the de facto government in Gaza, has condoned the massacre and the abductions.

On 12th October, UN Secretary General Antonio Guterres [called](#) for the immediate release of all the hostages held in Gaza, saying international humanitarian law must be respected and upheld.

UN independent experts, Special Rapporteurs of the Human Rights Council, unequivocally [condemned](#) targeted and deadly violence directed at civilians in Israel and called for the immediate release of the hostages, particularly women, children, older persons, persons with disabilities and those who are gravely ill. The experts said: “We strongly condemn the horrific crimes committed by Hamas, the deliberate and widespread killing and hostage-taking of innocent civilians, including older persons and children. These actions constitute heinous violations of international law and international crimes, for which there must be urgent accountability,” ... “Taking hostages in the context of hostilities constitutes a war crime. The civilians taken by Hamas must be immediately released, pending which their fate and whereabouts must be disclosed.”

Following these unequivocal calls from UN bodies for the urgent release of the hostages kidnapped by Hamas from Israel and held in Gaza, we appeal to your country to take all possible measures to bring about their immediate release. Amongst other things, we ask you to consider the possibility of designating Hamas as a terror organization; suspending any funding that may reach the hands of Hamas and freezing its bank accounts; exercising universal jurisdiction against Hamas leaders or operatives; or [appealing](#) to the International Criminal Court to initiate proceeding against them; and referring the matter to the Security Council for further action.

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