

Gazans must be free to leave

written by Dr. Raphael BenLevi | 08.11.2023

In order to succeed in its mission of destroying Hamas in the Gaza Strip, Israel has no choice but to reconquer the entire enclave and eradicate all elements of the Hamas movement. Because of Hamas's strategy of embedding itself within the non-combatant population, completing this mission will necessarily bring great devastation to the civilian infrastructure in Gaza. To shorten the time and extent of this devastation, Gazans must be allowed to seek temporary refuge outside of the densely-populated territory.

Currently, Israel has called for noncombatants to evacuate the northern Strip around Gaza City and move towards the south. But in order to root out Hamas, Israel will have to conquer southern Gaza as well. Otherwise it will become a new base for Hamas to continue its genocidal war on Israel.

The humanitarian implications are already grave, but will certainly worsen once Israel turns south. Preventing Gazans from leaving will cause a large number of civilian casualties, which is precisely what Hamas wants.

There are already thousands of Gazans seeking to escape the warzone, but are trapped by Hamas and the Egyptians' refusal to open border crossings. This is unjustifiable and must be changed. Forcing Israel to carry out its mission in the difficult environment of urban warfare amongst a large noncombatant population will inevitably result in the deaths of more noncombatant Gazans, extend the length of the war and exacerbate the humanitarian crisis.

Wars in densely-populated urban areas inevitably result in large numbers of displaced civilians. Naturally, many of these people seek temporary refuge outside of the warzone. In past decades, this has been allowed to occur in numerous cases, which sometimes involved the displacement of hundreds of thousands and even millions of people.

Since Russia's invasion of Ukraine, for example, over six million Ukrainians have escaped the country. Adjacent Poland has received 1.2 million Ukrainians and provided them with shelter and food. Additional countries have likewise accepted vast numbers of Ukrainians, including a million in Germany and half a million in the Czech Republic.

During the Syrian civil war, which has been ongoing since 2011, 6.7 million Syrians have left Syria. In this case as well, adjacent countries and others in the region have given them refuge, including 3.2 million in Turkey, 789,000 in Lebanon and 653,000 in Jordan. Even Egypt has taken in 150,000 Syrians. Additional Middle Eastern and European states have accepted hundreds of thousands. Notably, Kuwait and Saudi Arabia have offered resident status to 120,000 and 100,000 Syrians, respectively.

Why, then, are no Gazans permitted to flee and seek temporary refuge elsewhere?

First, Hamas itself is cynically holding them hostage in order to use them as human shields. It wants these people to die so their bodies can be paraded in the international media to build pressure on Israel to stop short of its mission of destroying the terror group. Forcing these people to remain in Gaza would be playing right into Hamas's hands.

Second, as noted, Egypt is refusing to let them out. It has claimed that it cannot accept additional refugees and is concerned that Hamas terrorists will cross into Sinai. These may be reasonable concerns, but they can be addressed with external funding, close vetting of the fleeing Gazans, establishing tent cities for the displaced and allowing passage to third parties.

An additional reason given by Egypt, which is entirely unreasonable, is that if Gazans are allowed to leave, it may undermine the long-term goals of the Palestinian national movement. This is unjustifiable. It should be up to Gazans to decide whether they want to sacrifice their lives for national goals, not Egypt. If Gazans seek to leave, this is their choice. They should not be blocked by Egypt due to political considerations.

Therefore, an international initiative should be established to assist Gazans who are seeking temporary refuge in other countries. Once the war is over and Hamas has been eradicated, they are free to return. But forcing them to remain in the warzone will play into Hamas's hands, risk their lives, extend the time it will take to complete Israel's mission and deepen the humanitarian crisis.

Some countries bear a direct responsibility for Hamas's actions and should be held accountable by requiring them to be part of the solution. Turkey, Qatar and Iran have been actively supporting Hamas for decades. They should take in the majority of the displaced. Additional countries that could host displaced Gazans

are North African countries like Algeria, Libya and Tunisia; South America, where Chile already hosts a large Palestinian population; European countries; and Canada. Arab countries that are not supportive of Hamas, such as Saudi Arabia and the UAE, may be open to providing resources to help their Arab brethren. There is already a grassroots movement in the Russian Caucasus to host Gazans. The UAE is working to bring 1,000 injured children to Emirati hospitals.

Anyone who truly cares about the plight of Gazans should join the initiative to let them out and offer to host the displaced. Israel is not responsible for current conditions in Gaza. That responsibility rests with Hamas, along with all the countries that have aided it over the years. The idea that in all other warzones noncombatants are permitted to flee and offered refuge but Gazans must stay and serve as human shields for Hamas is nothing but a cynical ploy. It seeks to exploit Gazans as tools of war and will lead to unnecessary loss of life.

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Refugees at home

written by David M. Weinberg | 08.11.2023

Half a million Israelis have been made refugee in their own homeland, an astounding and ultimately unacceptable dislocation.

America must change its policy on Qatar

written by Asher Fredman | 08.11.2023

The most important U.S. military base in the Middle East sits less than 20 miles from where the exiled leaders of Hamas take their meetings.

The IDF has got its act together

written by Meir Ben Shabbat | 08.11.2023

The foray into Jabalia is a successful model for continuing the offensive against Hamas. Israel must maintain a complete siege on Gaza.

Israel must make it clear: The era of surgical strikes is over

written by Meir Ben Shabbat | 08.11.2023

Beyond the heavy cost in lives, the surprise offensive by Hamas has dealt a severe blow to Israel's image and deterrence. A comparison can be made to the damage inflicted by Al-Qaid on the United States in the September 11 terror attacks in which almost 3,000 people were killed.

The attack carried out by Hamas has also fractured the trust of Israel's citizens in the defense establishment. That is one of the goals of terrorism. The time for hard questions, debriefings, and drawing conclusions will come, but right now we need to devote all our attention and efforts to the battle against Hamas and to give our unreserved support to the commanders and soldiers, who, as they struggle to digest what has happened, will need to march bravely into battle and to determine the outcome. They face many and complex challenges. The dimension of time does not have an equal effect on everyone, and therefore operations against them should be prioritized and operations should be conducted in a cool and calculated manner.

First, Israel needs to clear out any Hamas terrorists still left inside Israel (an analytical reconstruction of the information and images we possess should be conducted to check the numbers and make sure no terrorists are left). At the

same time, we need to re-establish control of the entire length of the border, formulate a complete and reliable picture of the missing and those held hostage, and prepare for the possibility that additional Iranian proxies will join the fighting. We can assume that Hamas will attack Israel not just from the West Bank but from Lebanon and other arenas.

The political echelon should instruct the IDF to immediately create a 300-meter wide (900-foot) security zone on the Gazan side running the length of the border and declare that any Palestinian that enters this zone is placing his life at risk. The rules of engagement should be changed to reflect this. Supervision of this security zone and the use of lethal fire can be conducted from the air and will not necessarily require a physical military presence. With regard to the operation in Gaza, according to the statement put out by the Prime Minister's Office, the aim of the operational decisions taken is to bring about the destruction of Hamas and Palestinian Islamic Jihad's military and political power in a way that will negate their ability and desire to threaten and harm the citizens of Israel for many years to come. Without getting into complex analyses, the first goal Israel must achieve in the Gaza campaign is to reduce the harm caused to its deterrence by exacting a very high price from Hamas. Unfortunately, in our neighborhood, the price is determined primarily by the extent of casualties.

The current circumstances not only justify but necessitate a departure from the policy of surgical strikes. While they provide precision and show Israel's special capabilities, they require long protracted, and complex preparations and in any event cannot constitute a sufficient price tag for the severe attack carried out by Hamas.

In place of this policy, Israel should warn the civilian population in the Gaza Strip that Israel's intentions are to launch a massive assault following the expiry of the ultimatum. Israel should destroy everything connected to Hamas: the homes of Hamas operatives, government offices, and offices belonging to the organization, institutions, banks, vehicles, generators, boats, warehouses, and workshops. The practice of "knock on the roof" (dropping low-yield devices to warn of an imminent full-scale bombing) should be suspended as it slows down the pace of operations, and the liaison office with Gaza should be closed. Israel should see itself as freed from any responsibility for the economy of the Gaza Strip and the welfare of its residents. All border crossings with Israel should be shut down, including the fuel and goods crossing and Kerem Shalom, the electricity supply

should be reduced to a minimum and the strip's internet and communications should be disrupted.

At the present time, Israel should refrain from dialogue with Egypt, which could be seen by Hamas as "putting an end to the event." Moreover, Israel should impose a complete closure on the Palestinians in the West Bank, prevent the possibility of copycat terrorist operations there, and focus military operations on Gaza

It is also the right time to examine proposals to change the conditions of incarceration of security prisoners in Israel. The scale of the attack by Hamas provides legitimacy for Israel to take extraordinary measures. It would be wrong to operate with a timer running in the background or fearful of how the United States and the international community will react.

The important plans concerning Saudi Arabia should not be a restraining factor when it comes to Gaza. The Saudi street won't react positively to Israel's operations, but they too will respect a powerful response to such a barbarian assault.

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Hamas enjoys widespread support in Gaza

written by Yishay Armoni | 08.11.2023

Despite claims now being made that the majority of Gaza's population desires peace and is being held captive by Hamas, data and evidence collected over the past two decades consistently demonstrates the opposite. Hamas enjoys widespread support among Gaza's civilian population, which voted Hamas into power and would likely do so again. This support finds expression not only in public opinion polls, but in active participation in Hamas attacks.

In the 2006 Palestinian parliamentary elections, the last to be held in the Gaza Strip as well, Hamas won 76 of 132 seats in the Palestinian Legislative Council. Of the 24 seats assigned to the Gaza Strip, Hamas won 15 (62%). Following Fatah's refusal to recognize the results of these elections, Hamas violently took control of the Strip in 2007, and no general elections have been held in Gaza since. However, public opinion polls conducted in recent years indicate the Gazan public's continued support of Hamas.

According to an average of polls conducted by the Palestinian Center for Policy and Survey Research (PCPSR) during 2022, approximately 60% of the Strip's residents on average supported the "armed struggle" (i.e. terrorist attacks) against Israel, compared to approximately 40%-50% of West Bank residents. In March 2023, support for armed struggle among Gaza residents rose to 68%.

According to the same poll, in a hypothetical election between Palestinian Authority chairman Mahmoud Abbas and Hamas leader Ismail Haniyeh, 61% of Gazans would back Haniyeh while only 35% would vote for Abbas. In a hypothetical parliamentary election, 45% said they would vote for Hamas, compared to 32% who would vote for Abbas's Fatah, while the rest would vote for other parties.

In a June 2023 PCPSR poll, support for Haniyeh rose to 65%, compared to 30% for Abbas, whereas support for armed struggle was at 64%. In this poll, 38% of the Strip's residents felt that the rise of armed Islamic movements such as Hamas and Palestinian Islamic Jihad, and their armed struggle against Israel, were the best thing to have happened to the Palestinian people in the last 75 years (compared to 16% in the West Bank, over twice as many).

Following the Oct. 7 massacre, waves of Gazan civilians entered Israel and took part in the pogrom. Footage from a security camera at Kibbutz Be'eri shows a mob of Gazan civilians invading the kibbutz to pillage it. Gazan civilians also participated in the second wave of kidnappings of Israeli civilians to Gaza. Hamas senior leader Saleh al-Arouri, in an Oct. 12 interview on *Al Jazeera*, claimed that the people who abducted women and children to Gaza were not Hamas operatives but rather "ordinary Gazan civilians."

Local journalists in Gaza have described widespread public support for the massacres committed by Hamas. Gazan journalist Hind Khoudary told

the *Christian Science Monitor*, “It may not be aligned with international law, but, for the first time, Palestinians here in Gaza do not feel helpless.” Journalist Ahmed Dremly also described a “feeling of euphoria” following the events.

All available evidence indicates that approximately 60% of the Gaza Strip’s population supports Hamas and its armed struggle against Israel. This support is expressed both in polls and in their active participation in the organization’s terrorist acts. This leads to the conclusion that claims regarding the existence of a clear ideological or political demarcation between the majority of Gaza’s residents and Hamas are entirely unfounded.

None of the above is intended to conflate uninvolved Gazan civilians with Hamas terrorists, whether or not those civilians support Hamas, in the context of Israel’s ongoing war against the terror group. International law makes a clear distinction between uninvolved civilians and those taking part in military activities. However, both with regard to decisions related to the military campaign, and to post-war arrangements in the Gaza Strip, it is important to present an accurate picture regarding the widespread support in Gaza for Hamas.

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Israel can go all out against Hamas - with the world’s backing

written by Meir Ben Shabbat | 08.11.2023

“People do not choose war; they are forced into it. Those who do not know how to submit and subordinate everything to the needs of the war, when there is no other option, are doomed. War is the ultimate test not only of strength but of the will to live.” These words, by Prime Minister David Ben-Gurion, were spoken a few months before the declaration of the state in 1948. They still resonate strongly, 75 years later.

Israel is at the beginning of a difficult and protracted war, in many respects a

continuation of the War of Independence. The terrible price Israel paid upon entering the war is sufficient to provide it with the essential thing it needs to rebuild its deterrence and effect a fundamental change in Gaza: legitimacy at home and abroad for aggressive and protracted action, the justification to mobilize all willpower, the readiness for sacrifice, and unwavering resolve over time.

The Israeli society, in its entirety, has proved its mettle on both the front and rear. Everyone shares the over-arching goal: We must win.

The time that has passed, the actions already taken, and the numerous discussions on the many details related to the challenges of the war should not divert us from the proper goals that have been set: the elimination of Hamas' rule, the destruction of its military capabilities, and maximum effort to bring back the Israeli captives held in the Gaza Strip.

It's a process; not an event

Achieving the goals that Israel has defined will take a long time. The elimination of Hamas' rule and the destruction of its military capabilities will not be achieved in a single defined and limited operation. They will be the results of a process that will involve many prolonged and continuous actions. It is important to formulate plans and manage expectations accordingly.

Disable the centers of power of the Hamas government

Among the objectives, it appears that the elimination of Hamas' rule is the least difficult to achieve. The centers of power of the government include government ministries, communication facilities, police stations, the internal security mechanism, municipal authorities, and other command and control centers.

Eliminating these, through physical attacks or other means, will severely impact Hamas' ability to manage the situation and control the population. This will indeed increase the chaos in the strip and also the pressure on the humanitarian front, but it is an essential step towards the defined goal.

Qatar - Hast thou murdered and also inherited?

The tweet from National Security Council head Tzachi Hanegbi on the importance of Qatar's efforts to promote "humanitarian solutions" provides a glimpse into

some of the dilemmas that the political echelon faces.

Israel, rightly, seeks to maximize the chances of the quick release of the captives. The path to this passes through Qatar, the sheikhdom that hosts the leaders of the murderous terrorist organization supports them and allows *Al-Jazeera* to influence the Arab street in their favor.

Qatar identifies a dual opportunity in the reality that has arisen – to save Hamas from Israel's hands and to upgrade its diplomatic status while gaining points for its humanitarian activity. While it is part of the problem, it places itself as part of the solution.

This is not just a symbolic matter: Hamas will try to exploit Qatar's involvement to buy time, create difficulties, and disrupt Israel's operational moves. It can be assumed that the political echelon and the security establishment are aware of these risks and have accordingly determined the nature of the cooperation with Qatar.

Humanitarian assistance: The bare minimum

The humanitarian aid that Israel allows for the population is intended to alleviate the political pressures on this matter. The benefit that Hamas derives from this is clear. First and foremost, from its perspective, it relieves it of concern for the population – “the world takes care of the civilians, and I take care of myself.” Moreover, it can provide a source for supplies and provisioning.

For these reasons, and to avoid compromising the effectiveness of the siege on Hamas, it is advisable to allow humanitarian assistance to a very limited extent and under scrutiny to ensure what goes in, how much, and where.

This goes against the basic generosity we have all been brought up on, but in this war, we must view a siege as one of the means of warfare. No less than that.

Do not belittle the enemy; do not make it look stronger than it is

The Shin Bet (Israel Security Agency) has done a good job in disseminating the interrogation videos of Hamas terrorists who participated in attacks on Israel and survived. Beyond the authentic descriptions of the heinous acts they committed, one could be struck by the terrorists' despicable nature, their lust for blood, and

their financial greed, which served as an additional incentive for their actions. They also had difficulty justifying the disparity between their actions and Islamic religious precepts, especially since their superiors, who did not put themselves at risk, were giving the orders. In no way should we underestimate this enemy, but their conduct should have us disabused of the notion that Hamas has managed to create deterrence through its horrific slaughter.

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America Needs a Decisive Israeli Victory

written by Dr. Raphael BenLevi | 08.11.2023

The outcome of the Gaza war will determine who dominates the Middle East in America's great power competition with China and Russia. A decisive Israeli victory will pave the way for a strengthened pro-American alliance of the Jewish state and the Gulf Arab monarchies. Anything less will spell the loss of American influence in this key region. For America to prevail, Israel's victory must be overwhelmingly decisive, impressive if not shocking, and leave the region permanently changed.

On October 7, Israel suffered a devastating and unprecedented attack, resulting in a catastrophic loss of civilian life. Israel's image as a strong country, as a reliable military power, and as an intelligence leader, have endured an equally shocking blow—one with far-reaching and unavoidable consequences. The eyes of the entire region, friends and foes alike, are now on Israel to see what its response will be, and the nature of that response will determine their approach to the Jewish state for years to come. Will Israel prove itself to be a powerhouse that was momentarily caught with its guard down, or a country too hesitant and lacking in determination to survive in the jungle that is the Middle East.

It's not only Israel's image which has been badly damaged by the shocking intelligence and operational failures of October 7. Allies and friends of America,

no less than its enemies, are waiting to see what the United States will do now that its closest partner in the region has been brutally attacked and humiliated. America is being tested no less than Israel; the outcome will determine whether regional states will ally with America or with China and Russia. In other words, the Gaza war will determine whether the American-led order in the Middle East is still sustainable, or rather a relic of a historical period whose time has passed.

Since the end of World War II, the American-led order has rested, fundamentally, on the credibility of the claim that the United States will use its power to underwrite the security of its formal treaty allies in Western Europe and East Asia and its informal allies in the Middle East. And even though Israel has never and does not seek American forces to fight on its behalf, nor does it seek formal security guarantees from the U.S., the credibility of American security commitments around the world is currently on the line.

In the Middle East, the Saudis are already flirting with China as an alternative superpower with strategic influence. If the U.S. fails to support Israel and instead tries to restrain it, why should Saudi Arabia, a country that enjoys far less support among the American people or in Congress than Israel does, expect any significant U.S. assistance in a future confrontation with Iran and its proxies?

The power equation of the current conflict in Gaza is therefore the same for both Israel and the United States: Israel needs a decisive victory, and the U.S. needs a decisive Israeli victory. But what does decisive mean? Israel is currently deep in the red. In order to rehabilitate itself, Israel's response must go well beyond merely responding to the Hamas attack. It must demonstrate its power to eliminate its foes and ensure the physical security of its people by creating new realities on the ground that will resonate throughout the region.

The strategic concept by which Israel has related to Gaza since Hamas took over the Strip in 2007 and began waging war against Israel has obviously failed. The total destruction of the Hamas regime in Gaza is obviously necessary. And make no mistake, achieving any version of this goal will come at a devastating cost to the Gazan population.

Contrary to often well-meaning protests in the West, there is no easy line between Hamas and the population of Gaza. In reality, Hamas was elected by Gazans in 2006; if elections were held today, it would win again by even larger margins. The

death and destruction that is about to be unleashed on Gaza is necessary to defeat the regime, and only Hamas and its Gazan supporters are to blame.

But if Israel's response is limited to simply devastating Hamas and the territory in which it has firmly implanted itself, the stain of the successful surprise attack will continue to haunt us. The whole world saw the extent of Israel's vulnerability on October 7. The governments and peoples of the region who hate us will be eager to repeat the large-scale atrocities they have been witnessing on television and social media for weeks—this time, on an even greater scale.

If Israel has learned anything from the events of the past two weeks, it must be that it is absolutely unacceptable to allow a terror-state that calls for your destruction to establish itself on your border. Period. The idea that the monster at the door can be endlessly deterred through occasional skirmishing and superior weaponry has been tried and found sorely wanting. Israel must therefore take this moment to fundamentally change the situation in which it is held hostage by not one but two genocidal terror states, Hamas and Hezbollah—the sole purpose for whose existence is to destroy Israel.

Israel's conflict with Hezbollah is inevitable. This Iranian proxy has been preparing itself to commit mass murder inside our country since Israel's withdrawal from Lebanon in 2000, and in a more sophisticated way since the Second Lebanon War in 2006. Its vast missile arsenal has been built for one reason only, and that is to kill thousands or tens of thousands of Israelis. It waits only for the right moment.

What Hamas was able to do last week is mild compared to what Hezbollah has been preparing to do since 2006. The question is not whether this conflict happens. It is simply whether we will allow Hezbollah to initiate the conflict on its terms and on its timeline, or if we will make the decision that this current war will not end without the destruction of the Hezbollah threat, on Israel's terms and on Israel's timeline.

But make no mistake, our fight is finally not only with Hamas or Hezbollah. It is with Iran. The Persians play chess, and in the regional power game, Hamas is a pawn, Hezbollah is a rook, and Iran is queen. Iran is the regional actor calling the shots, and Iran is the actor who must finish this war having suffered a clear strategic loss to its regional position and assets. Otherwise, Iran and its patrons

and allies win, and the U.S. and Israel lose.

The strategic goal of the Islamic Republic is to establish itself as the dominant power from Tehran to Tel Aviv, and from Mashhad to Mecca; to establish the “Shiite crescent” and ultimately to wrest the holy cities of Islam from Saudi-Sunni control. Israel has been the central force standing in the way of this vision, and Israel’s very existence has been the target of Iran’s genocidal ambitions since the 1979 revolution.

In the broader regional context, an Iranian-dominated Middle East means a Russian-and-Chinese-dominated Middle East. Iran has had complex relations with both Russia and China for many years. However, in the past few years, complexity has given way to clarity. Despite Chinese and Russian hesitations over Iran’s Islamist worldview, both countries have strengthened their strategic ties with the Islamic Republic. A win for Tehran in the Middle East is therefore a win for Moscow and Beijing on the global chess board.

It is therefore a strategic imperative for both Washington and Jerusalem that the Gaza war ends with a blow to Iran’s positions. Hezbollah is the Iranian front line, but the IRGC forces in Syria and Iraq are the most obvious direct targets. An attack on Iran’s nuclear facilities, so long planned for, should be on the table as soon as Hezbollah has been neutralized. Devastating Hamas and Hezbollah and exacting a major price from Iran for the behavior of its proxies will come at a tremendous cost to Israel, but an even greater cost to its enemies. It is the only sufficient end to this war that can turn around what is currently a strategic disaster that threatens both America and Israel.

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Shattered

written by David M. Weinberg | 08.11.2023

Shattered by Hamas atrocities are decades of faulty strategy.

The Red Cross Must Be Given Immediate Access to the Israeli Hostages Held By Hamas

written by Dr. Adi Schwartz | 08.11.2023

Key Messages:

Hamas carried out a heinous war crime under international law when it took numerous Israeli children, women and men captive during its October 7, 2023 terrorist assault on Israel. The international community must demand that they be released immediately.

At the very least, the International Committee of the Red Cross must be given immediate access to the Israeli captives for humanitarian purposes.

Hamas must provide Israel with precise information regarding the identities of all the Israeli citizens it is holding hostage. It must also promptly release or facilitate the transfer to a neutral country, for individuals who are seriously wounded or afflicted by specified medical conditions.

All countries, international organizations and institutions, must demand that Hamas uphold these basic humanitarian obligations.

Introduction

A large number of Israelis, including many unarmed civilians, were taken hostage during Hamas' unprovoked barbaric attack on Israel on October 7th, 2023. Media reports suggest that more than a hundred Israelis, including children, women and the elderly, were forcibly taken from their homes at gunpoint and are presently held captive by Hamas[1].

Such actions go against the principles of International Humanitarian Law, which explicitly and consistently prohibits the act of taking hostages, categorizing it as a

heinous war crime[1]. Additionally, this body of law governs the treatment of prisoners of war (POWs). In accordance with universally accepted international norms, civilian hostages must be released immediately. At the very least, they should be accorded the rights granted to POWs, as elaborated in this paper.

Rights of Prisoners of Wars

[1] International Convention against the Taking of Hostages, adopted by the UN General Assembly, Res. 34/146, 17 December 1979, Article 1; Statute of the International Criminal Court, adopted by the UN Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court, Rome, 17 July 1998, UN Doc. A/CONF.183/9, Article 8(2)(a)(viii) and (c)(iii).

The Third Geneva Convention laid out the legal framework for the protection of POWs[1]. Every country in the world is a party to the Third Geneva Convention, which also confers a special mandate on the International Committee of the Red Cross, entrusting it with a central role in the protection of the dignity and well-being of POWs.

In accordance with universally recognized international standards, notably the Geneva Conventions, POWs are entitled to fundamental and immediate rights, which include

[1] Convention (III) relative to the Treatment of Prisoners of War, Geneva, 12 August 1949:

The detaining power must notify the authorities on which the prisoners depend of the capture.

The International Red Cross must be granted regular access to visit prisoners of war in order to verify the conditions of their detention and to restore contacts between them and their families.

Prisoners of war who are seriously wounded or suffer from specified diseases must be repatriated directly back to their own country or to a hospital in a neutral State.

1. Those whose diseases or wounds warrant a direct repatriation are:

- the incurably wounded or sick whose mental or physical fitness seems to

have been gravely diminished.

- the wounded or sick who have recovered but whose mental or physical fitness seems to have been gravely and permanently diminished.
- the wounded or sick who, according to medical opinion, are not likely to recover within one year.
- 2. Those who may be accommodated in a neutral State are:
 - the wounded and sick whose recovery may be expected within one year, or sooner if treated in a neutral country;
 - prisoners of war whose mental or physical health, according to medical opinion, is seriously threatened by continued captivity, but whose accommodation in a neutral country might remove such a threat.

Any form of torture or cruelty are forbidden. The following acts are grave breaches of the Geneva Conventions: wilful killing, torture or inhuman treatment, wilfully causing great suffering or serious injury to body or health.

Prisoners of war are entitled in all circumstances to respect for their person. Women must be treated with due regard to their specific needs.

Prisoners of war must be evacuated, as soon as possible, away from the combat zones.

Prisoners of war must be given sufficient food and water. They shall receive medical attention.

Prisoners of war must be released and repatriated without delay after the cessation of active hostilities.

Conclusion

International Humanitarian Law mandates that Hamas must promptly provide Israel with precise information regarding the number and identities of all Israeli citizens held within Palestinian custody. Moreover, it obliges Hamas to grant unrestricted access to the Red Cross for humanitarian purposes.

Additionally, the organization is expected to either promptly release or facilitate the transfer to a neutral country, such as Egypt, for individuals who are seriously wounded or afflicted by specified medical conditions, such as elderly individuals

with mental disabilities, among others.

All countries, international organizations and institutions, must demand that Hamas uphold its obligations under international law. The International Committee of the Red Cross must demand immediate access to each and every one of the Israeli hostages.

[1] The Times of Israel. (2023). *Israel confirms civilians and soldiers abducted by Hamas into Gaza*.

<https://www.timesofisrael.com/hamas-claims-to-capture-soldiers-civilians-in-deadly-assault-on-gaza-border-towns/>

[2] International Convention against the Taking of Hostages, adopted by the UN General Assembly, Res. 34/146, 17 December 1979, Article 1; Statute of the International Criminal Court, adopted by the UN Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court, Rome, 17 July 1998, UN Doc. A/CONF.183/9, Article 8(2)(a)(viii) and (c)(iii).

[3] Convention (III) relative to the Treatment of Prisoners of War, Geneva, 12 August 1949.

[4] Medecins Sans Frontieres. (2023). *Prisoners of War*. <https://guide-humanitarian-law.org/content/article/3/prisoners-of-war/>