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Israel: Palestinian armed groups must be held accountable for deliberate civilian killings, abductions and indiscriminate attacks

Hamas and other Palestinian armed groups flagrantly violated international law and displayed a chilling disregard for human life by carrying out cruel and brutal crimes including mass summary killings, hostage-taking, and launching indiscriminate rocket attacks into Israel, Amnesty International said today. With evidence still emerging of the horrors that unfolded in southern Israel, Amnesty International will continue its investigations in order to determine the full range of crimes under international law.

In Israel, more than 1,200 people – mostly civilians, including children – have been killed, and 2,400 have been injured since the attacks began in the early morning of 7 October. In Gaza at least 1,200 people, including children, have been killed by Israeli military retaliation. The recently intensified blockade which completely disconnected water, electricity, food and fuel supplies is exacerbating the already catastrophic humanitarian crisis in Gaza. Israel's blockade amounts to collective punishment which is also a war crime.

Video footage analysed by Amnesty International's Crisis Evidence Lab shows Palestinian fighters on the initial day of the attacks deliberately shooting at civilians and taking civilians as hostages. In one of the most egregious incidents at the Nova Music festival, at least 260 people were killed, while others are still missing.

“We verified chilling videos which show armed men shooting at civilians and dragging people away as hostages. One disturbing video shows armed men parading a woman through central Gaza, like a scene from a nightmare. All civilians who were abducted, including children, must be released immediately.”

Agnès Callamard, Amnesty International’s Secretary General

“Massacring civilians is a war crime and there can be no justification for these reprehensible attacks. We verified chilling videos which show armed men shooting at civilians and dragging people away as hostages. One disturbing video shows armed men parading a woman through central Gaza, like a scene from a nightmare. All civilians who were abducted, including children, must be released immediately. These crimes must be investigated as part of the International Criminal Court’s ongoing investigation into crimes committed by all parties in the current conflict,” said Agnès Callamard, Amnesty International’s Secretary General.

“Israel’s well-documented record of war crimes does not excuse Palestinian armed groups’ horrendous actions, nor absolve them from upholding their obligations under international law to respect fundamental principles of humanity and protection of civilians.”

This investigation focuses on some of the war crimes and human rights violations that have been committed by Hamas and other Palestinian armed groups since 7 October. It is the first briefing from Amnesty International’s ongoing research into the escalating violence and human rights violations taking place in Gaza and Israel. At least 1200 Palestinians have been killed in Gaza, and more than 5600 injured.

“As Israeli forces’ retaliatory attacks pummel Gaza, Amnesty International insists that neither security nor justice will be achieved by a civilian bloodbath in Gaza and collective punishment,” said Agnès Callamard.

The attacks against Israel began with a barrage of indiscriminate rocket fire from Gaza, followed by an incursion into Israel by Hamas and other Palestinian armed groups. Thousands of rockets landed in several areas across central and southern Israel and reached as far as Tel Aviv. These unlawful attacks killed both Israelis and Palestinians. They also hit unrecognised Palestinian villages in the Negev/Naqab region, killing at least six civilians, five of them children. These neglected communities already live in precarious situations with no access to shelters.

In addition to horrific summary killings of civilians which took place in several locations across southern Israel, at least 150 hostages have been taken into Gaza, including some children and foreign nationals, according to Israeli officials.

The abduction of civilians is prohibited by international law and hostage taking is a war crime. All civilians held hostage must be released immediately, unconditionally, and unharmed. All those held captive must be treated humanely, in accordance with international law and granted medical treatment.

Videos verified by Amnesty International show Hamas fighters abducting, intentionally killing civilians in and around Israeli residential communities close to the Gaza Strip on 7 October.

Footage from later that day shows six men in military gear taking away four civilians with their hands tied behind their backs. The lifeless bodies of these civilians appear in another video from the same location. Amnesty verified videos with similar shocking images, filmed in Kfar Aza kibbutz, in Re'im kibbutz and along Road 232, showing armed men shooting at close range at cars, and at a civilian hiding in a bomb shelter.

“I could tell that they were throwing fuel everywhere to burn the area, I could hear and smell the burning. At that moment, I realised I had no choice – either I leave and get shot, or I am burned in this hiding place.”

Survivor of attack

In one example, videos from Be'eri kibbutz analysed by Amnesty show two men in military gear shooting at close range at a car and killing the driver and two passengers before entering the community. The three bodies are then filmed being taken out on a car by two armed men.

Attack on Nova Music Festival

An incident that claimed a particularly high civilian toll that day was the attack on the Nova Music Festival, held near the Gaza border, where at least 260 people were killed. The attack on the festival began at around 7 or 7.30 am with a barrage of rocket fire from Gaza, followed by fighters from armed groups. Amnesty International's Crisis Evidence Lab was able to verify the location and time of 18 videos, filmed mainly by survivors. At least one of the videos appears to have been filmed by members of the armed groups involved.

Seven verified videos show armed men shooting at civilians, while continuous gunshot sounds are heard in the background. Five videos show people trying to escape, including through a nearby field or by hiding behind bushes. In one video, an armed man is shooting directly at a civilian lying on the ground. In another video, armed men are firing directly at cars trying to escape the festival grounds. Five videos show people being taken hostage.

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Yaacov Argamani, whose daughter Noa was taken

Amnesty International spoke to a 22-year-old survivor. As soon as the commotion started, he ran to a wooded area, where he dug a hole with his hands and buried himself among the trees, using anything he could see to cover his body. He stayed there for six hours, during which he heard constant shooting. At one point he raised his head enough to see fighters shooting fleeing people in the backs.

“Then I could tell that they were throwing fuel everywhere to burn the area, I could hear and smell the burning. At that moment, I realised I had no choice – either I leave and get shot, or I am burned in this hiding place. I cannot sleep at night, and I can't be alone. Every time I try and close my eyes,

I remember the horror of the scene – bodies everywhere, people stuck in cars burning, the smell of blood,” he said.

Yaacov Argamani, whose daughter, Noa, was taken hostage, said he started to worry on Saturday morning after hearing sirens and was unable to reach Noa. He said:

“I felt that something was wrong. I had a bad feeling. I can’t explain it, I am a father, and you know when parents when they feel something bad, we can’t explain it. So, I tried to contact her, but I couldn’t get hold of her.”

Yaacov contacted hospitals looking for his daughter, but they had no record of her. He later received a phone call from someone who said he had seen a video of Noa being taken on a motorcycle into the Gaza Strip. He told Amnesty International:

“I couldn’t believe it, I only believed it when later I saw more videos, where I could see her in a motorcycle, her boyfriend in a different vehicle next to her, being taken into the Gaza strip. I can’t stop thinking of her.”

Uri David, whose children Tair and Hodaya David, who are both missing, said in a 9 **October press conference**:

“It’s been 48 hours and many families don’t know anything. Anything. I was in touch with my daughters yesterday morning on the phone. They were lying on the ground ... as I hear in the background as though it was a firing range... screams in Arabic all around. I heard that and told them to get down on the ground and lay down, facing down or each other, and hold each other’s hand. Don’t even breathe. Hold your breath. It wasn’t easy. I was on the phone with them for about 30 minutes. Until I heard four breaths, heavy panting, and then – they didn’t answer. I ask the whole world to see this. We must get our kids back, as soon as possible.”

Calls for action to end recurrent atrocities

Amnesty International calls on the international community to take all necessary measures to ensure that the human rights of Palestinians and Israelis are fully protected, and to guarantee justice and reparation for victims.

Amnesty International also calls on Israeli authorities, and on Palestinian armed groups, to strictly abide by international humanitarian law: foremost by ensuring humanity in the conduct of hostilities, taking necessary precautions to minimize harm to civilians and civilian objects, and refraining from unlawful attacks and from imposing collective punishment on civilians.

Amnesty International calls on all Palestinian armed groups in Gaza to release all civilian hostages unconditionally and immediately.

The organization reiterates its call on Israel to end its 16-year-long illegal blockade on Gaza, starting by immediately suspending the increased restrictions which have been imposed in the past week. Israel must put an end to unlawful attacks that kill or injure civilians and destroy civilian homes and infrastructure.

Amnesty International further calls on the Israeli government to refrain from inciting violence and tensions in the occupied West Bank, including East Jerusalem, and to ensure the safety of all civilians living under its control.

In 2021, the International Criminal Court opened an investigation into the situation in the State of Palestine. Its mandate includes crimes under international law committed by all parties in the current fighting, as it just affirmed, as well as the crime against humanity of apartheid against Palestinians. Amnesty International calls on the Prosecutor of the ICC to expedite progress in such investigation, and to include the recent crimes committed by all parties.

The latest attacks in Israel must be seen in the wider context of the situation in Israel and the Occupied Palestinian Territories. But Amnesty International reiterates in the strongest possible terms that nothing can justify war crimes.

The injustices and violations that are among the root causes of this violence must be addressed as a matter of urgency. Civilians will continue to pay a heavy price until Israel dismantles its system of apartheid against Palestinians, including ending its illegal blockade on Gaza.

Legal framework

International humanitarian law applies in situations of armed conflict and places obligations on all parties to the conflict to protect civilians and reduce human suffering in war. The fighting between Israeli forces and Hamas and other Palestinian armed groups is governed by the rules on the conduct of hostilities applicable including customary international humanitarian law. Of particular relevance to this briefing are the prohibition of direct attacks on civilians, of murder, of hostage-taking and of indiscriminate attacks.

It is a cardinal principle of international humanitarian law that parties to the conflict must never direct attacks at civilians and take all possible measures to prevent harm to civilians and damage to civilian infrastructure.

Indiscriminate attacks, including attacks which employ means of combat which cannot be directed at a specific military objective, such as the rockets fired by Palestinian armed groups from Gaza are also prohibited. It also prohibits the taking of hostages, that is the abduction or detention of a person combined with the threat to kill, injure, or continue to detain the hostage in order to compel a third party to do or abstain from doing any act as a condition for the release or safety of the hostage. Violations of the rules cited above are war crimes carrying individual criminal responsibility which extends to those who have planned, approved and ordered such illegal conduct.