

17 October 2023

**To:**

Mr. Gerard Quinn,  
UN Special Rapporteur on the Rights of Persons with Disabilities  
UN Office of the High Commissioner for Human Rights, Geneva  
Palais des Nations, 8-14 Avenue de la Paix  
CH-1211 Geneva 10, Switzerland  
via email: sr.disability@ohchr.org

**Urgent Communication regarding the Abduction and Detention in the Gaza Strip of  
Persons with Disabilities**

This communication is submitted on behalf of Israeli civil society organizations whose work is devoted to the protection and promotion of the rights of all persons with disabilities, as well as on behalf of the *Hostages and Missing Families Forum*. The Hostages and Missing Families' Forum is an independent body acting to increase diplomatic efforts and international support on behalf of some 200 families of individuals forcibly and involuntarily taken by Hamas and associated organizations to the Gaza Strip and held there since 7 October 2023.

The organizations represented here are listed at the bottom of this communication.

We request the Special Rapporteur to take urgent action regarding the hostages and abductees who were forcibly and involuntarily taken on 7 October 2023 from Israel to the Gaza strip by Hamas, as a part of the horrific, extensive and premeditated attack that was carried out against civilian towns and villages in the south of Israel.

**Facts**

In the early morning hours of October 7, 2023, Hamas launched a massive rocket barrage on civilian areas in southern and central Israel. Simultaneously, Hamas militants crossed from Gaza into Israeli territory and attacked numerous Israeli towns and other communities situated in the vicinity of the Gaza Strip. In the course of this attack they brutally murdered and injured hundreds of people in their own homes, among them infants and older people. The number of confirmed deaths of Israeli victims of this attack has exceeded 1,300. Over 3,300 others have been wounded.<sup>1</sup> Many others are still missing and it is unknown whether they have been killed or taken by Hamas.

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<sup>1</sup> Israeli Public Broadcasting Corporation, [update of 12 October 2023](#).

There are presently (16 October) at least 199 individuals whose families have been formally informed that their loved ones have been abducted.<sup>2</sup> These persons are arbitrarily detained incommunicado by Hamas forces in the Gaza Strip, with no information provided regarding their fate and whereabouts and with no contact with the outside world. Among them are persons in situation of particular vulnerability,<sup>3</sup> including children and older persons with disabilities.

So far, it is known that among the persons confirmed as being held hostage are three children with autism, a child with a life-threatening allergy, a child suffering from asthma, an adult with an auto-immune disease, and an adult with personal special care needs. The families of these individuals have requested that their names not be divulged at this time. Family members of hostages identified their relatives that include Crohn's disease, elderly persons with dementia and Parkinson's disease, a person with diabetes who is dependent on insulin, as well as persons who have recently undergone massive surgery and are dependent on medication.<sup>4</sup> The families of all these people have already been officially informed by the Israeli authorities that their family members are among the hostages.

#### **Link to a Preliminary Medical Report of the Missing/Abducted people by Hamas**

Hamas Leaders have confirmed that they are holding hostages and abductees. Leader Salah Al-Arouri has confirmed that '[Hamas has] a large number of prisoners'.<sup>5</sup> Abu Obeida, spokesman of Izz ad-Din al-Kassam, later stated: 'our Mujahideen captured a very large number of enemy elements in all locations of combat and confrontation and took them to the places of detention by the Al-Qassam Brigades'. He added that 'the enemy's prisoners are in the same danger as our people are in the light of the aggression in the Gaza Strip, even that some of them have already been killed as we announced at noon today'. He explicitly noted that the abductees were being held as hostages.<sup>6</sup> In another statement he threatened to execute hostages so long

<sup>2</sup> [IDF Spokesperson: We have so far updated families of 199 abductees, acting around the clock to return them home](#), *Haaretz*, 16 October 2023, 11:20 am.

<sup>3</sup> See [Revised Methods of Work of the Working Group on Enforced or Involuntary Disappearances, adopted in February 2023](#) para 16.

<sup>4</sup> [Press conference](#), 14 October 2023, N12; Hadar Gil-ad, '[Families of the abductees: "many ill persons require medical care, the suffering is inhuman"](#)', *ynet* 14 October 2023

<sup>5</sup> Hamas leader Saleh al-Arouri, [المعاروي: المعركة في نزوتها والأسرى في سجون الاحتلال على موعد قريب مع الحرية](#), Quds Press, 7 October 2023. See also Hamas head of political bureau Ismail Haniyeh, [هنية: طوفان الأقصى](#), [بدأ من غزة وسيتمند إلى الضفة الغربية والقدس وال48 والخارج](#), Alaraby TV news, 7 October 2023, stating that "Izz ad-Din al-Kassam [Hamas' military wing] holds many captives" and "We had 4 prisoners, ... and the resistance has said more than once that the yield will increase, and the bill will increase, ... now look at your prisoners and look at this number that has become in the hands of al-Qassam and the resistance"; Abu Obeida, spokesman of Izz ad-Din al-Kassam, [أبو عبيدة: مقاتلونا تمكنوا من اقتياد مجموعة جديدة من أسرى العدو](#), [والعبور بهم إلى قطاع غزة](#) ['Our fighters were able to take a new group of enemy prisoners and cross them to the Gaza Strip'], *AmmanNet*, 8 October 2023.

<sup>6</sup> Abu Obeida, spokesman of Izz ad-Din al-Kassam stating 'We confirm that we will not discuss or negotiate in the issue of prisoners under fire, in the light of the aggression, and in the light of the battle, because the issue of the prisoners is a strategic file with a clear and well-known course and a price that the occupation will pay', [شاهد خطاب الناطق أبو عبيدة في اليوم الثالث من معركة طوفان الأقصى](#), ['Witness

as Israeli forces continue their military action.<sup>7</sup> According to Islamic Jihad Secretary General Ziyad al-Nakhala, the Islamic Jihad is holding at least 30 of the abductees.<sup>8</sup>

From pictures and video clips published on social media and in the international media it appears that the captives have suffered torture and cruel, inhuman, brutal, and violent treatment during and after their abduction. We therefore have every reason to believe that the lives and basic rights of the hostages and abductees in Gaza are under immediate risk of the utmost gravity, in particular those of them who are with disabilities.

### **Status of Hamas:**

Hamas is a political and military organization currently governing de facto the Gaza Strip. The latter is recognized by UN organs and specialized agencies as constituting part of the territory of Palestine, which is a non-member observer State in the UN.<sup>9</sup>

As the de facto authority exercising governmental powers in the Gaza Strip, Hamas is not only directly responsible for the abductions that took place on or about 7 October 2023, but also accountable for the provision of information about, and communication with, individuals held within the territory under its control.<sup>10</sup>

In addition, Palestine, as a non-member observer state, incurs international responsibility for serious human rights violation occurring within its territory. Even where it does not effectively control. It should take all measures within its power to suppress the crimes and human rights abuses which Hamas and other armed groups are committing in the Gaza Strip, as confirmed by the Committee on Persons with Disabilities itself in its March 2023 views concerning *Mangisto and Al-Sayed v Palestine*.<sup>11</sup>

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the speech of the speaker Abu Obeida on the third day of the Battle of the Storm of Al-Aqsa'], Quds Net News Agency, 9 October 2023.

<sup>7</sup> Abu Obeida, spokesman of Izz ad-Din al-Kassam stating 'We in the Martyr Izz ad-Din al-Kassam Brigades ... believe in the instructions of our noble religion in preserving the lives of hostages and prisoners, but... from this hour we will announce that every targeting of our people who are safe in their homes without warning will be met with the execution of a hostage from our civilian enemy hostages and we will broadcast this with sound and image', Hamas Official Telegram channel, 9 October 2023.

<sup>8</sup> Ibrahim Dahman, Abeer Salman and Mohammed Tawfeeq, '[Islamic Jihad says it is holding 30 hostages in Gaza](#)', CNN, 8 October 2023.,

<sup>9</sup> UN General Assembly Resolution 67/19, 29 November 2012, para 2.

<sup>10</sup> cf Communications transmitted, cases examined, observations made and other activities conducted by the Working Group on Enforced or Involuntary Disappearances (2020), UN Doc. A/HRC/WGEID/120/1 (2020) para 135.

<sup>11</sup> Committee on the Rights of Persons with Disabilities, '[Views adopted by the Committee under article 5 of the Optional Protocol, concerning Communications Nos. 67/2019 and 68/2019](#)', 23 March 2023, UN Doc CRPD/C/28/D/68/2019, para 7.3.

## Subject matter of the communication

The holding of persons with disabilities in the context of armed conflict, incommunicado and without the healthcare on which their lives and well-being depend, constitutes a violation of numerous rights of persons with disabilities as enumerated in the Convention on the Rights of Persons with Disabilities, in particular articles 4 (general obligations), 10 (right to life), 12 (equal recognition before the law), 14 (liberty and security of person), 15 (freedom from torture), 16 (freedom of exploitation, violence and abuse), 25 (health) of the, read alone and in conjunction with Article 11. The taking of hostages itself constitutes a gross violation of international human rights law and humanitarian law, amounting to war crimes and crimes against humanity.

In order to avoid further irreparable damage to the victims, we request that the Special Rapporteur demand of Hamas and Palestine to immediately and unconditionally release all hostages and abductees. Pending such release, Hamas should provide information regarding the fate and whereabouts of the hostages and abductees, and guarantee their safety and access to medical care, especially in relation to their disability.

Every day that passes without information regarding the fate, whereabouts and medical condition of hostages and abductees, without providing them proper medical care, constitutes an imminent and substantial risk to the lives and to health of all hostages and abductees, and especially those with disabilities, who are in need of special care. This fear of risk is even more substantial considering the horrific videos of the massacre and the images which have already distributed by Hamas on social media. Every day that passes in this situation endangers life and constitutes torture and a cruel and inhumane treatment, causing irreparable damage to their lives and to their health.

## Request for urgent action

Urgent action, to be used in situations that may require immediate attention in order to avoid serious violations of the Convention,<sup>12</sup> is eminently required when persons with disabilities are being held hostage and incommunicado, with no information as to their physical and mental situation and needs. The need for urgent action is particularly great given that the abduction of these persons took place in the course of armed conflict, which puts persons with disabilities in a situation of risk and places a particular obligation on states to take all necessary measures to ensure the protection and safety of persons with disabilities.<sup>13</sup> Urgent action is furthermore appropriate to ensure, in line with the call by the Security Council, on all parties to armed conflict to allow and facilitate safe, timely and unimpeded humanitarian access to all people in need of assistance.<sup>14</sup>

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<sup>12</sup> [Working methods of the Committee on the Rights of Persons with Disabilities](#) (April 2011) CRPD/C/5/4 para 26.

<sup>13</sup> CRPD art 11.

<sup>14</sup> Security Council Resolution 2475(2019), 20 June 2019, Un Doc S/RES/2475(2019), para 3.

We urge the Special Rapporteur to consider the initial information provided herein and to specific measures to rectify the situation,<sup>15</sup> including a direct approach to Hamas as well as the issuing of a strong declaration, principally demanding Hamas immediately and unconditionally to release all persons who were abducted from Israel, and held hostage or otherwise detained in Gaza; and, pending that release, to ensure that they are all treated with humanity and respect. This includes the receipt of proper medical care and supply of essential medication for those who need it, and the provision of information regarding the hostages and means of communication with them to the families of the abductees. This specific request does not in any way diminish from the gravity of the overall actions taken by Hamas and associated groups and the rights of all abductees to be released immediately and unconditionally.

In light of all of the above, and on behalf of the organizations mentioned, we request an urgent intervention and use of all measures to further the efforts to secure the release of all hostages held by Hamas.

Sincerely,

Dr. Shiran Reichenberg, Adv.  
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Faculty of law, Hebrew University

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Dr. Idit Saragusti,  
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<sup>15</sup> Working methods of the Committee on the Rights of Persons with Disabilities (April 2011) para 28.

List of Organizations:

ALUT - The Israeli Society for Autistic Children

ACI - Activists of the Autistic Community in Israel

AKIM Isrsel

AlManarah - Association for the Advancement Persons with Disabilities

Alumot Or

ASSAF - Aid Organization for Refugees and Asylum Seekers in Israel

Avnei Derech La'Haim

B!zchut – The Israel Human Rights center for People with Disabilities

Beit Issie Shapiro

CDLS ISRAEL ASSOCIATION

Center for Disability Studies, Hebrew University of Jerusalem

Clinical Legal Education Center, Hebrew University

Disability Rights Clinic, Faculty of Law, Bar Ilan University

Disabled, not a half person

Ehad Haam

Enosh, The Israeli Mental Health Association

Friends of the Negev R.A.

House of wheels

ILAN-Israel Association for Children with Disabilities

Keshet - The Home for Special Families

link 20 - leadership network of young adults with and without disabilities

Lishma Association

Malach Israel - Sign Language Interpreters

Mental health family members association

Nedirim (R.A)

Ofek Liyladenu- Israel National Association of Parents of Children with Visual Impairment

OTI - Autism Israeli Association

Parents Parents of people with disability leadership in Tel Aviv

Special Education Recipients

Spectrum of inclusion

The coalition of parents of children with disabilities

The Israel Center for the Blind IN ISRAEL

TSAI - Tourette Dyndrome Association in Israel

Yated - the Down Syndrome Society of Israel

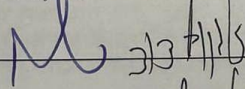
**POWER OF ATTORNEY**

We, the undersigned, Hostages and missing families forum,  
of 4 Berkovitz st. Tel-Aviv (address)

do hereby appoint **The Clinical Legal Education Center at the Hebrew University of Jerusalem** (hereinafter called "the Agent") to exercise on our behalf the powers and discretions described below, on the matter of persons held captive in the Gaza Strip since October 7 2023:

1. To submit requests, reports, communications complaints and/or other types of representation to any of the UN institutions and/or other international institutions;
2. To represent us in front of those institutions;
3. To communicate with those institutions on our behalf.

We hereby ratify all of the above

Signed at  on this 13/11/2023 day of \_\_\_\_\_  
23 ט"ו שבט תשפ"ג

Dan Eldad, adv.

דן אלדד, עו"ד  
מ.ר. 16599