



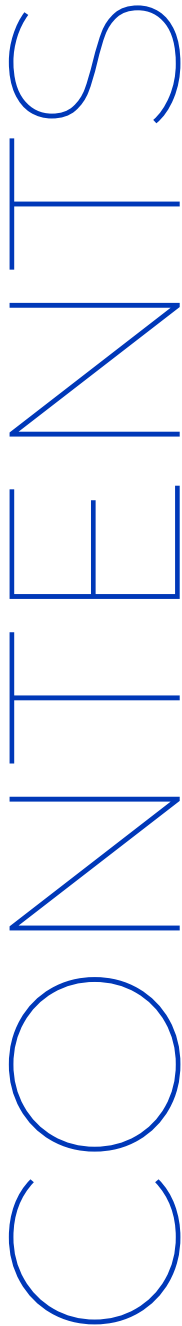
ONE FREE WORLD
INTERNATIONAL

ANATOMY OF AN ATTACK: THE TRUTH BEHIND OCTOBER 7TH

Report of a Fact-Finding Mission
Conducted by One Free World
International to Investigate the
October 7, 2023 Attack by Hamas
on Israeli Communities in the
Vicinity of the Gaza Strip

November 2023

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Horrified by the unprecedented, vicious, and barbaric surprise attack by Hamas on Israeli civilian communities near the Gaza Strip on October 7, 2023, Rev. Majed El Shafie, Founder and President of One Free World International (OFWI), travelled to Israel on a fact-finding mission to find the truth about the shocking reports.

Rev. El Shafie was born in Egypt into a prominent Muslim family but was severely tortured and sentenced to death after converting to Christianity and advocating on behalf of equal rights for the country's Christians. He fled for his life by way of Israel, experiencing in the process that Israel is not, in fact, the enemy he had been raised to believe, and ultimately settled in Canada where he founded OFWI to promote religious freedom, equality, and human rights.

Hamas, the organization that controls the Gaza Strip, is a terrorist organization linked to the Muslim Brotherhood and a number of western governments have declared it illegal to support Hamas by listing it as a terrorist entity. Nonetheless, the attack of October 7th with its brutal rapes, beheadings, burning of people and property, indiscriminate killings, and taking of hostages, far eclipsed any acts of terrorism Hamas has previously committed.



- Lt. Gen. Dan Halutz, former commander of the IAF and chief of staff of the IDF



I want to believe that we will be able to beat every one of them without harming civilians, but it's impossible.

Rev. El Shafie and his team visited Kibbutz Be'eri, one of the communities around the Gaza Strip that were attacked on October 7th, Israel Defence Forces (IDF) positions outside of Gaza, and logistical centres in Tel Aviv providing support to victims and Israelis displaced from their homes near the military theatres in Gaza and on the northern border with Lebanon. Even three weeks after the attack when much of the worst evidence had been cleared from Kibbutz Be'eri, Rev. El Shafie witnessed firsthand the damage and destruction the terrorists had wrought and the lingering evidence of their atrocities. He spoke to family-members of victims, to volunteers helping provide and coordinate various kinds of moral and practical support, and to current and retired IDF officers and found that the broad refrain across Israeli society was that Israelis do not wish harm on the Palestinians living in Gaza, but that Hamas must be destroyed.

Through OFWI's exclusive sources on the ground in Gaza, Rev. El Shafie confirmed IDF claims that Hamas uses Gaza's civilian population as human shields, positioning and even hiding military targets near and within civilian locations. Our sources also indicated that Hamas had been planning and preparing this attack for at least two years, training with the guidance of ISIS in the Sinai Province and coordinating with Hezbollah and the Houthis, Iran's proxies in Lebanon and Yemen respectively. The ISIS connection helps explain the viciousness of the October 7th attack and how Hamas was able, within less than 24 hours, to commit virtually every war crime and crime against humanity imaginable.

Israel has the undeniable legal and moral right to defend itself and its citizens against a terrorist organization committed to its destruction that attacks Israeli civilians in their homes within the internationally recognized borders of Israel. In availing itself of this right, however, it must not intentionally attack civilians and must ensure that its response is proportionate to its military objective. In this regard, the IDF has launched air-strikes and a massive ground assault with the intention of rescuing the hostages and destroying Hamas's military capabilities to ensure that it can no longer continue to threaten Israel's existence.

OFWI's fact-finding mission found evidence of a horrific massacre the likes of which we have never seen in all our work in conflict zones. Clearly there will be civilian casualties in Gaza as a result of Israel's response but the IDF must be afforded the leeway it needs to ensure that Hamas can no longer continue to threaten its citizens or hold its own people hostage. At the same time we are disheartened by the rise in antisemitism that has risen in the West and by the pressure on Israel to agree to a ceasefire. We are concerned about the impact of this war on Palestinian civilians, but it must not be forgotten that a ceasefire was in effect on October 6th, and it was only the latest in a lengthy series that Hamas has broken. We must under no circumstances give it the opportunity to break yet another ceasefire.

ABOUT ONE FREE WORLD INTERNATIONAL (OFWI)

OFWI is a Canadian-based international human rights organization whose primary focus is on securing the rights of religious minorities around the world, without regard to religion or creed.

Religious freedom issues often correlate with ethnic and other minority issues and are implicated in more generalized conflicts. Thus, not strictly limited to religious freedom issues, OFWI has also intervened with fact-finding missions, humanitarian aid, and advocacy on behalf of victims of injustice and war in cases such as the Ukraine War and the 2006 Israel/Lebanon War, among others.

The driving force and inspiration behind OFWI is its founder and president, Rev. Majed El Shafie, and our work is firmly based on and informed by his personal experiences as a survivor of religious persecution. Rev. El Shafie was born in Egypt to a prominent Muslim family of judges and lawyers whose history traces back to the founder of one of the main schools of Islamic jurisprudence. However, he was detained and severely tortured by Egyptian authorities after he converted to Christianity and began advocating equal rights for Egyptian Christians. Rev. El Shafie had been raised to believe that Israel was the enemy but after a secret military tribunal sentenced him to death he had no choice but to flee to Israel. There, with the assistance of Amnesty International, he was eventually accepted as a political refugee by the United Nations High Commissioner for Refugees.

After settling in Canada in 2002, Rev. El Shafie established OFWI in order to use his experiences to share a message of freedom, hope, and tolerance for religious differences and to promote human rights in this and related areas through advocacy and public education.

Rev. El Shafie has been invited to speak in churches, synagogues, and mosques across Canada and the United States and has been interviewed by numerous magazines, newspapers, and broadcast media, both religious and secular. He has also provided expert evidence for numerous courts and tribunals on behalf of individuals seeking protection in Canada and the United States and appeared numerous times before the Canadian Parliament's Sub-Committee on International Human Rights in Ottawa as well as before the Parliamentary Coalition against Antisemitism's inquiry into antisemitism in Canada and the U.S. House Subcommittee on Africa, Global Health, and Human Rights.



**Rev. Majed El Shafie,
President & Founder,
One Free World
International (OFWI)**

He has spoken at the United Nations Human Rights Commission and addressed the parliaments of the European Union, Great Britain, and Germany. He has built bridges with members of parliament in Canada and Europe and representatives in the American Congress and has addressed these issues directly with cabinet ministers and high-level officials, including the Prime Minister's Office in Canada, in order to help educate decision-makers about the on-going issue of religious persecution around the world.

In recognition of his outstanding work on behalf of religious freedom and combatting antisemitism, Rev. El Shafie was awarded the 2012 Queen Elizabeth II Diamond Jubilee Medal and the 2016 Raoul Wallenberg Citation for Moral Courage in the Face of Antisemitism.



Majed El Shafie offers remarks after being awarded the 2016 Raoul Wallenberg Citation for Moral Courage in the Face of Antisemitism
 Photo: By Peter Stockdale

Never one to back down from an opportunity to stand against injustice, Rev. El Shafie has led high-level delegations to countries such as Ukraine, Armenia, Pakistan, Afghanistan, Iraq, Cuba, Israel, India, and Bangladesh, where he has met face-to-face with top government officials to open dialogue about these issues and often to confront officials with evidence of human rights abuses in their countries and the failure of their governments to address these issues. Some of his efforts have been documented in an award-winning feature film, Freedom Fighter.



Majed El Shafie speaks at a protest advocating against the Muslim Brotherhood.
 Photo: Courtesy of Zoomer Media

OFWI has advocated on behalf of individuals and communities adhering to various religious beliefs, including Christians, Jews, Muslims, Falun Gong, Yazidis, and Bahá'ís, among others. OFWI promotes the human rights of religious minorities through educating the public and decision-makers, advocating on behalf of individuals and minority communities, fact-finding missions, and humanitarian aid.

OFWI has an extensive network of local sources in 28 countries around the world and where possible we visit areas of concern on fact-finding missions to witness the threats firsthand. We also cooperate with and rely on other trusted human rights organizations and media sources as necessary in order to ensure we can help as many as possible.

THE ATTACK OF OCTOBER 7

At approximately 6:30 a.m. on October 7th, 2023 red alert sirens sent millions of groggy Israelis across a large swathe of southern and central Israel running from their beds to bomb shelters or other secure areas. As they sought answers to the startling alarm from social media sites and other apps like WhatsApp, X (formerly Twitter), and Telegram, and as calls from residents in the Gaza area began trickling through to family-members further north, a disturbing picture emerged and quickly turned dystopian.

Initial reports from official sources claimed that one person was dead after a barrage of rockets during which some fifty terrorists from Gaza had broken through the border fence, infiltrating kibbutzim and other villages and homes near the border. As the day wore on and the situation became clearer, however, the numbers grew rapidly. By the time North Americans were waking up and the North American news cycle was finally catching up with events, some 500 Israelis had reportedly been killed and an unknown number of hostages taken by the terrorists back into Gaza.

The emerging reports were incomprehensible. Rape and murder, torture, and desecration of the bodies of innocent Israeli civilians in their own homes, from mere babies to holocaust survivors and everyone in-between. Victims whose bodies were burnt beyond recognition, some even burnt alive. Young people attending a peaceful music festival in the desert being hunted down and slaughtered like animals.



- Ahuva Maizel, mother of Adi (DeeDee), killed at the music festival

Marauding killers, some of

whom were disguised to impersonate Israeli soldiers coming to the rescue. Homes destroyed and burnt. People waking up to one of the most joyous holidays in the Jewish religious calendar being shot point-blank or burned alive, smoked out of their bomb-shelters only to be shot with murderous glee as they sought precious air to breathe.

News agencies and authorities struggled with whether or not to share the images and reports, sometimes from victims who, often miraculously, had managed to flee with their lives, even as their friends, family-members, or neighbours were killed around them. The images were horrific and would play into the terrorists' hands, but the world also needed to know what was happening.



We could never imagine that something like that could happen in our own country. My daughter was 50-60 kilometres from me and I couldn't do nothing. I couldn't do anything to save her.

Some decisions are inconceivable, but for Israeli authorities this decision was moot, at least for the initial hours of the attack, because the terrorists themselves were live-streaming their atrocities from cameras strapped to their bodies or broadcasting victims' terrifying last moments in real time to their unsuspecting friends and family-members via Facebook and other social media apps on the victims' own cell-phones. All of this was an integral part of the terrorists' strategy in order to boost the impact of their atrocities and maximize fear and revulsion in the Israeli population.

Over the next 24 to 48 hours the casualty numbers grew too fast to keep track. Dead: 700... 900... 1,200... 1,300... 1,400. Estimates of those injured, anywhere from moderately to critically, grew rapidly to 3,000. Five weeks after the attack, the estimated number of Israelis killed continues to fluctuate as the gruesome task of identifying bodies drags on and dozens of Israelis are still missing. Under these circumstances it is almost pointless to report numbers as the situation keeps changing, but at the time of preparing this document, the IDF reports over 1,200 Israelis killed, including 361 fallen soldiers, 5,400 injured, and 239 hostages taken into Gaza. The status of the hostages is unknown, but in addition to these, a handful have either escaped miraculously or been released or rescued.

Every day you think you saw the worst and the next day you understand there's worse. Every day is worse than the one before. I was wishing for my beautiful daughter – I was praying for her to die.

- Ahuva Maizel

By the time the news broke in North America, it was already clear that the original estimate of fifty terrorists had given way to hundreds and it has since been estimated that approximately 3,000 terrorists had invaded Israel by land (after breaching the border wall in several locations with bull-dozers and driving into Israel on motorcycles and pick-up trucks), by air (with drones and by flying over the border wall using paragliders), and by sea. The attack was so extensive and so well-planned and executed that serious questions arise about

how this invasion was able to take place without Israeli intelligence services anticipating it and being prepared. Authorities have promised that these questions will be investigated after the situation clears and answers will hopefully be found so that nothing like this ever happens again. In the meantime, before the morning was out in Israel, Prime Minister Benjamin Netanyahu had appeared on national television declaring unequivocally that the nation was at war against Hamas.

THE ATTACK OF OCTOBER 7

For many Israelis and Jews around the world, as well as fair-minded people everywhere, the most harrowing part of the whole attack was not the attack itself or the images of Palestinians in the Gaza Strip handing out candy and parading with Hamas flags, celebrating the brutal, vicious, and barbaric murders of Israelis peacefully sleeping in their homes. These were to be expected. Rather, it was the seemingly spontaneous and surprisingly extensive demonstrations in support of Hamas and its atrocities that sprung up in cities across Europe and North America within 24 to 48 hours of the attack that chilled Jewish people to the bone. It was the letters from presidents of elite universities supporting and justifying Hamas's actions that caught them off-guard and brought to the fore fears that had lain barely under the surface since the calls of "Never again" rang out after the Holocaust in the mid-20th century.

It is important to understand that the pro-Hamas demonstrations in the West are not a side-issue. They are not a glitch or some random occurrence, a spontaneous out-pouring of support for oppressed Palestinians. They are an integral, intentional part of the terrorists' strategy, which is not about control over land or Palestinian peoples' rights but about delegitimizing and destroying the state of Israel and inciting antisemitism and violence against Jews around the world.

Thus, for Israel and the worldwide Jewish community, October 7th was the worst single day since the Holocaust and instantly launched Israel's biggest war since the Yom Kippur War in 1973 and possibly since its founding in 1948. It has been described as Israel's 9/11 but this is a questionable comparison. As has been pointed out by numerous observers, for 9/11 to be in any way comparable to 10/7, the U.S. would have had to have seen over 40,000 Americans dead, close to 170,000 wounded, and more than 8,000 kidnapped in one day. There are no Israelis who were not in some way directly or indirectly affected; everyone has a family-member who was killed or kidnapped or knows someone who does. The impact will reverberate for generations.



Rev. El Shafie surveys a child's bullet-hole ridden room in Kibbutz Be'eri.

WHAT IS HAMAS?

As suggested above, the October 7th attack was clearly the work of Hamas, the terror-masters of the Gaza Strip, and indeed the organization wasted no time in claiming responsibility. Who is Hamas? It is a violent terrorist organization that has its roots deep in the Muslim Brotherhood, the Egyptian Islamist organization outlawed by Egypt and many other Arab countries for its extreme rhetoric and violent ideology and activities. Founded in 1987 with the explicit goal of destroying Israel and “liberating” Jerusalem, Hamas has never accepted Israel’s existence despite rhetoric designed to present a more moderate face, and its goal remains to wipe Israel off the map. It is listed as a terrorist entity by several western countries, including the United States, Canada, the United Kingdom, France, and the European Union, making financial and other support for the organization illegal.

Hamas participated in legislative elections in the Palestinian territories in 2006 and succeeded in defeating Fatah, leading to the formation of a coalition government. The following year it engineered a takeover of the Gaza Strip. Since then, there have been no elections in the territory and Hamas has ruled the Strip with terror, eliminating any Fatah members or other

opposition, while Palestinian authorities in the West Bank have avoided elections for fear that Hamas would win and take over the entire Palestinian Authority. During this time Hamas has provoked several military operations by the Israel Defence Forces (IDF) by sending thousands of rockets and incendiary balloons into civilian population centres in southern Israel, all the while using its own approximately 2 million civilians as human shields against the inevitable reaction from Israel and, in a perverse way, to drum up international support. It has received financial and military backing from the Iranian regime and its leadership resides safely abroad in Qatar and other sympathetic countries.

In recent years, Hamas has also strengthened its position in the West Bank as the Palestinian Authority’s position has weakened from a rising disillusionment over rampant corruption, a decline in legitimacy based on the continued postponement of elections, and an aging leader with no obvious successor. In the meantime, the hopes of some that the responsibility of governing 2 million people in the Gaza Strip would help to moderate Hamas’s intentions seemed to be borne out by the events of August 2022 when Hamas stayed out of Operation Breaking Dawn, Israel’s skirmish with Palestinian Islamic Jihad, a smaller terrorist group also backed by Iran and based in the Gaza Strip. Others were concerned that Hamas was simply making a strategic calculation and would attack at another time.



- **Abbey Onn**, family-members killed and taken hostage

I feel scared because right now I don't know where in the world is safe. I don't think it ends here. I don't think that their aim is just us and I think the world needs to be on the watch.

WHAT IS HAMAS?

In fact, as we have so fatefully learned, Hamas was already planning the October 7th massacre and had been doing so for as long as a year earlier. In retrospect it is probable that, rather than holding back from joining PIJ out of some developing notion of morality, Hamas stayed on the sidelines because the 50th anniversary of the Yom Kippur War was simply far too important an operation, both operationally and symbolically, for Hamas to get side-tracked by a fight between one of its junior partners and Israel. Of course, it is also possible that the conflict simply served Hamas's purposes as a convenient diversion from its preparations, whether the attack was originally intended for the spring, as suggested by some, or for Yom Kippur. Either way, for anyone who was still unconvinced, October 7th could not have provided any clearer evidence of Hamas's utter and complete lack of morality.



Rev. El Shafie surveys the ruins of a home destroyed by Hamas terrorists in the attack of October 7, 2023.

OFWI'S FACT-FINDING MISSION

Rev. El Shafie and the rest of OFWI's team was horrified to wake up to news of the massacre in Israel on the morning of October 7th. As the full nature and extent of Hamas's atrocities began to take shape, he set about planning a fact-finding mission to the affected communities around Gaza. Rev. El Shafie and the OFWI team spent several days in Israel visiting areas around the Gaza border to see firsthand what had happened that horrible Shabbat morning and speaking with victims and their families, volunteers, and military personnel.

Our team visited Kibbutz Be'eri where we witnessed family homes that had been torched and destroyed, children's beds smeared in blood, bullet-holes scattered throughout homes that were still set for celebrating the end of Sukkot, also known as the Feast of Tabernacles, homes where families had been smoked out of their safe-rooms only to be shot at point-blank range as they sought air to breathe, just one of numerous entire communities destroyed as they went about their lives peacefully, in their own country, preparing for one of the most joyous religious holidays of the year. In a supreme note of irony, Rev. El Shafie even discovered a book in Farsi in an Iranian Jewish home, the family massacred in their home in Israel where they should have been safe from the murderous regime in Iran that is the main supporter of Hamas.

"
I've always tried to believe that people are good at their core and that there's humanity and this broke that.

- Abbey Onn

"
Hundreds butchered, dozens kidnapped, in a festival that celebrates peace, that celebrates music!

- Eli David
brother of Evyatar,
taken hostage

After the sirens sounded early on Shabbat morning Eli David's mother had texted his younger brother from the family's safe-room in order to make sure he was alright. Eli shared Evyatar's response: "There's been shooting on us. The party's over. We're running to the vehicle," but after about an hour of communicating by text they had lost the connection. Eli tries not to think about what has happened to his brother in Gaza, but worries about his mental state and that if he comes home he will come back a different person from the gentle, sensitive, fun-loving young man who loved to meet people from all over the world.

21-year-old Adi (DeeDee) Maizel never came home from the music festival. She was missing for several days before her body was finally discovered and Ahuva and Eliezer, her mother and father, spoke with Rev. El Shafie. Ahuva emphasized, "You know, they didn't just want to kill them. They wanted to humiliate, to tear apart any basic human rights. ... This is everybody's problem. ... We cannot allow these things to happen again. Never again."

Eliezer shared his feelings toward the people of Gaza, which were repeated in different words by everyone we met: “I feel sorry. I feel sorry for the mothers, I feel sorry for every baby born there [in Gaza]. ... I don’t want something bad to happen to them. I want something bad to happen to the evil in the world.”

Abbey Onn, an American immigrant to Israel, has converted her pain into energy and determination to fight on behalf of her family-members and other hostages. She told Rev. El Shafie about her 80-year-old cousin Carmela, who was taken hostage from Kibbutz Nir Oz along with several family-members, including 12-year-old Noya who is autistic. Abbey explained how her family on Nir Oz and in other nearby towns had learned to cope with the constant threat of rockets from Gaza and how this failed to prepare them for the attack of October 7th. “Somebody asked why doesn’t the door lock to the safe-room and the answer is because the safe-room was meant to keep them safe from rockets, not from terrorists.” Others, as mentioned above, were smoked out of locked shelters into the arms of waiting terrorists. Eleven days after the attack began Abbey’s family learned that Noya and her grandmother had been killed and their bodies found near the Gaza border, but two other grandchildren and a son-in-law were listed among the hostages. Noya and Carmela’s bodies were unrecognizable and could only be identified using DNA. Abbey described the experience as a continuous horror-movie and said she doesn’t allow herself to feel the rage because she is trying to stay focused on her mission to advocate for the hostages and their families.



That’s what we’re about.
We’re about choosing life.
We’re about living and
prospering and being
productive.

- Major Shraga Stern, IDF

In addition to the scenes of devastation we saw in Kibbutz Be’eri and the family-members of victims we spoke with, we also visited IDF positions along the border where the Israeli Defence Forces were preparing for the long-awaited ground offensive. Major Shraga Stern, an American Israeli serving in the reserves who – like many others – flew back to Israel the instant he learned what had happened, even before receiving call-up orders, spoke with Rev. El Shafie about the challenge facing Israel and the IDF. “From the river to the sea means no existence for Israel. That chant, ‘From the river to the sea, Palestine will be free’ means totally annihilating Israel. But it strengthens me that we need Israel. We’re fighting here on the front lines of the free democratic world. We’re not only fighting a war for Israel. I feel that in many ways we’re fighting a war for the whole free world and democratic world.”

Three weeks after the attack, our team witnessed how Hamas continued to launch rockets in the direction of Tel Aviv and other population centres in central Israel and had to take cover on several occasions by entering the nearest safe space or bomb shelter when sirens sounded. In the midst of the horror, grief, and on-going tension, however, we were inspired by the astonishing resilience and initiative of the Israeli people who, even in the earliest hours of the attack as the full picture was still emerging, had set aside internal political battles and joined forces to support the affected communities.

Command centres were set up within hours by everyday people contributing their skills, resources, and experience in an unprecedented show of unity to support the victims of this massacre. At a crisis support centre in Tel Aviv for displaced people and victims of the attack (an estimated 200,000 Israelis have been displaced from communities around Gaza and the border with Lebanon in the north), a volunteer named Nicki told us that the centre has 15,000 volunteers but needs more as the support needs change daily. Not far away, we



Rev. El Shafie surveys the ruins of a home destroyed by Hamas terrorists in the attack of October 7, 2023.

spoke with Ophyr at a centre focused on coordinating support for families of the hostages where more than 1,000 volunteers are providing financial, diplomatic, media, and logistics support for family-members of the almost 240 hostages being held in Gaza. Mental health professionals, among them an innovative group that uses surfing to treat at-risk youth and trauma, were donating their time to help survivors and family-members. Others

undertook the gruesome task of retrieving or identifying bodies or determining the fate of the missing. Prof. Karine Nahon, a professor of politics of information, explained, “I looked evil in the eyes. That’s what we did for three weeks. And by looking evil in the eyes we were able to analyze frame after frame, compare it with technology with other videos and understand who’s dead or alive.”

As we spoke to the volunteers, including Danny Halutz, a former IDF chief of staff and air force commander, Prof. Nahon, and others, there was a clear consensus across Israeli society that no such atrocity should be allowed to happen ever again and that Hamas must be destroyed.

Major Stern gave expression to the sentiments we heard from everyone we spoke with, regardless of political position, highlighting that they were not interested in revenge or motivated by hatred. “Right now our main objective is to totally destroy every military ability that Hamas has. We have to do that. We have no other choice. We’re peaceful people. We don’t want to fight a war. We’re fighting a war that we have no choice but to fight. And Hamas put us in a situation after years that we’re trying to manage the disagreements, manage the conflict, they put us in a position where we have no choice but to eliminate them. Maybe the world has come to a point where we’re drawing a straight line between good and evil, between good and bad, between right and wrong and people have to choose sides.”

In addition to our fact-finding mission to ground zero of the attack and the front lines of the battle against Hamas, we also consulted with our exclusive sources located inside Gaza in order to verify some background facts. Significantly, our sources confirmed IDF reports that Hamas hides weapons in and around civilian sites, including locations such as schools, hospitals, mosques, and civilian homes, and prevents civilians from fleeing. Of particular interest in their report, however, were two things. First was their report that preparations for the attack had been on-going for two years with the support and training of Wilayat Sinai, the Egyptian-based ISIS affiliate also known as Islamic State – Sinai Province. Second was their confirmation of reports that the operation was funded by Iran and coordinated with Hezbollah in Lebanon and Iran’s Houthi clients in Yemen. The connection with ISIS in the Sinai was particularly interesting as it helps explain some of the viciousness and barbarity of the attacks and lends more truth than perhaps realized to the slogan repeated on social media since October 7th that “Hamas is ISIS”.



Rev. El Shafie speaks with Major Shruga Stern of the IDF about Israel’s military operation.

HAMAS'S VIOLATIONS OF INTERNATIONAL AND HUMANITARIAN LAW

Norms of acceptable and unacceptable behaviour in times of war and other forms of armed conflict have been laid out in international law for centuries, whether informally in customary law or in various treaties and formal treaties and conventions such as the Geneva Conventions and the Rome Statute of the International Criminal Court, as well as specific instruments such as the conventions against torture and genocide. Over the last century the laws concerning war crimes and crimes against humanity have seen significant developments and progress, but unfortunately during this period they have also been observed as much, or more, in their breach as in their adherence. Even against this backdrop, however, the actions by Hamas on October 7th were exceptional.

Incredibly, there are few war crimes or crimes against humanity that Hamas terrorists did not commit against Israeli civilians and soldiers during the less-than 24-hour period before Israeli security forces were able to begin re-establishing control over the civilian territories and military bases the terrorists had infiltrated. The rapes, torture, kidnappings and taking of hostages as bargaining chips and human shields, beheadings, murder, attacks against medical personnel and first responders, desecration of remains, wanton pillaging, and property destruction committed by Hamas, not to mention the thousands of rockets it fired intentionally at civilian population centres from civilian locations in Gaza, are unquestionably war crimes and crimes against humanity as defined in international law. These actions cannot be justified by anyone, on any grounds, under any circumstances.

"
This has no border.
This isn't just about
Jews and it's not just
about Israel. This is
about evil.

- **Abbey Onn**

"
Freedom fighters don't
come and kill children.
Freedom fighters don't
come and slaughter
children.

- **Prof. Karine Nahon**

Nonetheless, as vile as these crimes are, perhaps the greatest crimes committed by Hamas on that fateful day, as well as before and since, have been against its own people. A little over 2 million people, almost exclusively Muslim, live in the Gaza Strip. It is not a secret that these people have suffered long under the corruption and oppression of successive Palestinian leadership, but the actions of Hamas since it took control of the territory have taken this repression to a whole other level. The determined pursuit of its Islamist agenda has led to total control over life in the Strip and eradication of anything seen to be un-Islamic in accordance with Hamas's strict view of Islam.

The violation of women's rights, oppression of religious minorities, abuse of LGBTQ rights, and elimination of political opponents like supporters of Fatah are well-documented by international human rights organizations. Children are taught from a young age to hate and fight Israel and prepared for recruitment into the terrorist enterprise. Extra-judicial killings, torture, and other violations are a common tool for enforcing Hamas's control.

Claims that Hamas's political wing is in any way moderate are negated by the way in which it has appropriated humanitarian goods and international financial support, diverting them for terrorist purposes. Cement intended for the development of civilian infrastructure has been repurposed for the building of an extensive underground tunnel infrastructure intended to facilitate smuggling of weapons and other goods and for operational terrorist purposes. Other civilian goods have been used to manufacture rockets that are fired at Israeli communities. While the world accuses Israel of preventing essential supplies from getting to the Palestinian people, Hamas diverts water, fuel, and electric power to terrorist purposes.

Most appalling, however, is the way in which Hamas (as well as allied terrorist groups like Palestinian Islamic Jihad) uses the civilian population of the Gaza Strip as human shields, hiding command centres and weapons in civilian areas and even humanitarian buildings like hospitals, schools, and religious buildings, all the better if those locations involve children, and preventing civilians from evacuating areas where the IDF has indicated it plans to operate. Hamas then fires rockets from within and adjacent to such locations knowing – and intending – that Israel will attack the rocket-launching sites and cause inevitable civilian casualties.

Reports and footage of these deaths, that Hamas has caused, are then used by Hamas itself and its supporters, to garner international sympathy and outrage against Israel. These tactics, which have been extensively documented by the IDF and corroborated by international human rights organizations like Amnesty International and others, including our sources in Gaza, have been enormously successful in the past, and have been an integral part of the current war, beginning with the attack on October 7th.


As mentioned above, Hamas's ultimate goal remains the complete eradication of Israel, something that clearly the attack of October 7th could not, by itself, have accomplished. But this objection misses the point, which is that the 3,000 terrorists invading Israel from Gaza that day were not meant, by themselves, to directly cause the ultimate destruction and takeover of the state of Israel. Rather, they were a piece of the puzzle, a chess-move in a ruthless and cynical long-term strategy that was meant, as suggested above, to be executed in coordination with Hezbollah and the Houthis.

The vicious nature of the attack and the evidence of Hamas's use of civilians as human shields can only lead to one conclusion. Hamas is not engaging this strategy "regardless of the cost" to its own people, but at their intentional sacrifice. The goal is to cause Israel to react to Hamas's actions in such a way that the resulting inevitable civilian deaths would turn international opinion against Israel. Eventually, Hamas and its Islamist allies could one day march through Israel taking control of the land and slaughtering Jews and anyone else in their sight to the cheers, or at least indifference, of the international community.

Another integral part of Hamas's plan has been a deliberate strategy of denials, lies, accusing Israel of orchestrating the horrific attack itself, and destruction of evidence (including removal from the internet of the original live-streamed videos), that has no modern equivalent other than Holocaust denial. Despite solid support for Israel from its horrified allies in the early days of the war, the strategy is working. Hamas's genocidal slogan, "From the river to the sea, Palestine will be free", has rung from college campuses and cities across the West in the weeks since October 7th.

Protesters do not understand – or worse, don't care – that the slogan refers to the whole of the territory between the Jordan River and the Mediterranean Sea and demands the annihilation of Israel. Supporters of Hamas were ready within hours of the attack and naïve and ignorant young people together with self-righteous, antisemitic faculty have eagerly taken the bait.

Hamas's attempts to distort the nature of this conflict cannot be allowed to take the focus off the crimes its terror army committed on October 7th. It is not only a danger to Israel, but to its own people and this must not be allowed to persist.



I know how deeply complex the issues are between Israel and Palestine. And how most people I know believe the Palestinians deserve the chance to live freely with infrastructure and all of the things you need in life but you can't mix up that issue with this. This is terror and terror won't stop with us.

- Abbey Onn

ISRAEL'S RIGHTS AND RESPONSIBILITIES

In response to the attack of October 7th, Israel has mobilized an unprecedented 350,000 reservists, conducting air strikes and a massive ground assault with the intention of rescuing, if possible, any of the hostages being held in Gaza and destroying Hamas and its terror capabilities so that such an atrocity never happens again. This has given rise to predictable accusations that Israel is responsible for thousands of Palestinian deaths and to demands for a ceasefire. There is no question that civilian deaths must be avoided as much as possible and the suffering in Gaza is very real. At the same time, the unfortunate reality is that people die in war and, despite our much-vaunted claims of progress and enlightenment, it only seems that technological advancements have made this sad fact truer than ever. Under these circumstances, it is important to address the rights and responsibilities of Israel.

For this purpose we must briefly review the history of the land in question despite the fact that it is well-known, since Israel's right to defend itself is connected to its right to the land and there are significant campaigns on-going to obscure or obfuscate this important fact. The Jewish people have a deep historic and spiritual connection thousands of years old to the land that has been known since its conquest by the Romans from the ancient Israelites in the first century of the common era as Palestine. The modern state of Israel, however, was built on a limited portion of this land over the late 19th and early- to mid-20th centuries through decades of blood, sweat, and tears as Jewish pioneers reclaimed the desolate land from the desert and swamp, as well as through legal documents conferring title to the land to the Jewish people. Most notable among the latter was the compromise solution offered in 1947 by the United Nations to the Jews, who accepted it, and the Arabs, whose sponsors rejected the compromise and declared war on Israel with the intention of destroying the fledgling Jewish state and taking control over the entire territory.



Rev. El Shafie discusses the implications and challenges of Israel's war against Hamas with Major Shruga Stern of the Israel Defence Forces.

After enduring decades of intermittent war, terrorism, and conflict, during which Israel has legally expanded its internationally-recognized boundaries, it has succeeded in achieving peace with some of its Arab neighbours, even if in some cases such as Egypt it can best be described as a cold peace. For other actors, including Hamas, the original goal of elimination of Israel remains. Thus when Hamas refers to "the occupation", it is not talking about liberating Gaza.

In fact, Israel withdrew its entire civilian and military presence from Gaza in 2005 and has been very clear about its intention not to return. As evidenced in its slogans and the unambiguous statements of its leaders, Hamas is also not talking about liberating the West Bank. But even if it were, the attack of October 7th was not on settlements in the West Bank or even Israel's military presence in the West Bank. Had it been, it still could not justify the crimes Hamas committed.

The massacre of October 7th was the execution of a genocidal plan on peaceful civilians in legally sovereign Israeli territory. Thus Israel has every right and responsibility under international law and under basic morality to protect its territory and citizens, as well as to do everything within its power legally to ensure it never happens again. Moreover, under the emerging doctrine of Responsibility to Protect, it may well be that Israel has a positive obligation to the Palestinian people to do everything in its power to remove Hamas and its ability to continue to use its people as pawns and human shields.

The only Jewish state in the world, Israel also remains the only, albeit imperfect and – according to some – endangered, liberal democracy in the Middle East. Imperfection, however, does not erase Israel's right to exist and defend itself or its duty to protect its citizens against external threats. Indeed, were perfection the standard, no state should have the right to self-defence. However, the extent of Israel's right to defend itself and what its responsibilities are in the process remain subject to dispute.

The two most basic, and misconceived, principles governing the laws of war and self-defence in international law are the doctrines of distinction and proportionality. Distinction refers to the obligation to distinguish between civilian and military targets and is often used to condemn Israel when it conducts military operations. In general it is true that Israel, or any other state, must not intentionally attack civilian targets, but this would be an impossible feat without reference to the actual meaning of this principle, which is that the onus is on each party engaging in military combat distinguish its own military personnel, materiel, and positions from its civilian population and infrastructure. This is one of the primary reasons why soldiers wear uniforms and military vehicles bear markings by which they can be identified and distinguished from civilians and civilian property.

However, Hamas and other terrorist organizations intentionally do not differentiate between military and civilian populations and assets. In fact, as discussed above, Hamas specifically goes out of its way to hide military personnel and positions in and among civilian targets. A blanket ban on attacking seemingly civilian targets would simply increase incentives for unscrupulous actors to use these abhorrent tactics thus endangering even more civilians in the process. As a result, international law recognizes that attacks on civilian targets, including hospitals or schools, are permitted provided the structures are being used for military purposes.

Under these circumstances, and without even addressing the complicated issue of support for Hamas among the civilian population of Gaza, Israel cannot be expected to refrain from attacking targets known to house Hamas personnel or materiel when they are located in or near civilian centres. Having said that, OFWI would be first to condemn Israel's actions if there were credible evidence it had intentionally attacked civilian targets with no military objective or purpose. However, Israeli authorities and the IDF go out of their way to avoid civilian casualties as much as possible, even to the point of endangering their own forces and strategy and missing opportunities to achieve their military aims, by warning civilian populations about coming attacks and asking them to leave areas that are being targeted, taking time to verify targets, and calling off attacks at the last minute when civilians are found to be in range.

What do they expect me to do as proportional? I'm not gonna even find enough guys that would be barbaric enough to go in there and hit them in the same way they hit us. And do what? Burn children? Rape women? We will never do things like that. We work according to international laws but we will apply a lot of force.

- Major Shraga Stern, IDF

As Major Stern told Rev. El Shafie, "We do try to minimize the civilian casualties as much as we can and we ask them to leave the war zone area but the responsibility on them is on Hamas and I'm very saddened that Hamas is inflicting this on their citizens but the responsibility on the Palestinian citizens is on Hamas." And, "None of us are motivated by revenge or by hate. We're all motivated by love to life, to freedom, to our country. We're gonna go after Hamas, not after [the civilians]."

The second fundamental principle Israel must consider is the principle of proportionality. This principle recognizes that civilian casualties are an unavoidable feature of modern warfare and encapsulates an attempt to minimize them while allowing for military necessity. However, proportionality does not mean equivalence. As Major Stern indicated, "What do they expect me to do as proportional? I'm not gonna even find enough guys that would be barbaric enough to go in there and hit them in the same way they hit us. And do what? Burn children? Rape women? We will never do things like that. We work according to international laws but we will apply a lot of force."

The question remains, how does one measure proportionality in armed conflict? This question has vexed students and practitioners of the law of armed conflict for decades, not to mention decision-makers, pundits, journalists, and arm-chair generals alike, and it is beyond the scope of this report to explore this debate.

However, some principles are clear. Not only does proportionality not mean equivalence to the original attack, but the principle does not even relate to the original attack. Rather, it relates to the military objective of the party conducting the operation. This does not mean the original attack should be irrelevant – it often defines the military objective of the defender – but it is not the reference point against which proportionality of the response is to be measured.



A child's blood-soaked room in Kibbutz Be'eri after the attack of October 7, 2023.

In the present case, the attack of October 7th was only the latest in a continuous campaign by Hamas to achieve its stated goal of eradicating Israel. Under these circumstances, Israel's military objective is defined, not by the events of October 7th, but by an existential struggle against an opponent that is committed to its annihilation and deliberately hides amongst civilians, using them as voluntary and involuntary human shields. In these circumstances, Israel must be given a certain degree of latitude to determine what is and is not proportionate. It would be

inappropriate in the extreme for anyone to criticize Israel for its actions without clear, unequivocal evidence that it was deliberately targeting civilians without a military justification.

This does not mean Israel should be given carte blanche; we stated above that we would be first to condemn Israel's actions if it were found to be deliberately targeting innocent civilians. Revenge or collective punishment inflicted on civilians, for example, would not be acceptable. However, it does mean that Israel's hands must not be tied by state or non-state parties who, in their well-meaning or compassionate aims, are in danger of falling into Hamas's cynical trap. Those pressuring Israel for a ceasefire to avoid further civilian deaths would do well to remember that a ceasefire was in effect on October 6, 2023. That ceasefire was not broken by Israel.

FINDINGS AND CONCLUSION

The supreme irony of October 7th was the brutal, vicious murder of approximately 260 young people while they were celebrating peace through music. Of all the conflict zones OFWI has visited and atrocities to which it has borne witness, from Afghanistan to Ukraine to Iraq, the only situation remotely comparable to what happened on October 7th in Israel is that of ISIS in Iraq. As Rev. El Shafie stated, "The level of violence was disgusting. We've never seen anything like this and we've seen a lot."

The evidence is clear that Hamas is a different kind of enemy altogether. It is not an enemy engaged in a battle with reasonable aims, an enemy fighting a fair battle according to the rules, soldier to soldier, for territory, resources, or some other concrete goal that can be discussed or negotiated and a resolution achieved. It is an enemy that is determined to eliminate the Jewish people and commit a second Holocaust. Despite revisions to its Charter which it claims prove it has moderated its aims, it is clear today if it was not before October 7, 2023, that Hamas has not changed. Its words and even more so its actions prove that it remains dedicated to a world without Israel and without Jews. In this regard, the coordination and support by the Iranian regime and its proxies for Sunni groups like Hamas and its partners PIJ and Wilayat Sinai in their battle against Israel should be of serious concern for anyone interested in peace in the region. Moreover, it is clear that Hamas is committed to using the most barbaric, savage means imaginable to achieve its goals. Words fail, but Rev. El Shafie tried to express the sympathies of the OFWI team. "We are grieving and heartbroken for those who lost their lives in the most brutal way possible and those who have been taken hostage, as well as out of fear for what could happen if Hamas won."

There needs to be an unequivocal stance against terror.

- Abbey Onn

As the Palestinian people pay the price for the war Hamas revived on October 7th, OFWI has the utmost sympathy for their suffering. However, we must not let it detract from what is at stake here. Namely, if Hamas is allowed to continue its murderous pursuits, the civilian death toll among Israelis and Palestinians will certainly be many times greater. Terrorists committed to the destruction and utter eradication of a country and its people, who intentionally and openly sacrifice their own people for their violent ends, who openly proclaim and celebrate the most heinous crimes imaginable against innocent men, women, elderly, and even babies, and

with who openly promise to repeat those atrocities over and over again, as well as those who support them, must not be afforded any platform or legitimacy.

Israeli authorities and the IDF which, even in the midst of a fight against an enemy dedicated to their destruction, are still committed to making every effort to prevent the unnecessary loss of civilian life must be supported and given the necessary room to manoeuvre.

However, the surprising rise in antisemitism across the West that Hamas's attack has occasioned does not inspire great hope. As for Hamas's gaslighting, denials of both facts and responsibility, denials that it seeks the elimination of Israel, and blaming Israel for Hamas's own criminal actions against both Israel and its own people, we must not fall into this trap. Clearly civilian deaths in this conflict will be extensive and we grieve over all of them. But we must be clear about one thing. Responsibility lies with Hamas.

After viewing the aftermath of the October 7th attacks OFWI's conclusions are clear. Hamas's actions were a crime against all humans. For peace to have any chance at making inroads in the region, for Israelis to be able to live in peace in their own homes, and for the lives of Palestinians to improve, there is no question that Hamas and its terror capabilities must be destroyed. Even as Hamas tries to erase any evidence that the events of October 7th actually happened and simultaneously blame Israel for orchestrating them, its recent threats to repeat the events of October 7th again and again must be taken seriously and it must be prevented from ever being able to make good on those threats.

No state, no nation, no people can stand by and accept the kinds of atrocities that were committed by Hamas against Israel on October 7th. We must stand by Israel as it seeks to ensure that nothing like this ever happens again. We must under no circumstances give Hamas the opportunity to break yet another ceasefire. And we must never, ever forget.

