

Meeting of the High Contracting Parties to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects

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Working paper

Submitted by Israel *

Violations of international humanitarian law by terrorist organizations as a strategys

I. Violations of IHL as a strategy

1. The Convention on Conventional Weapons is one of the key instruments of international humanitarian law (IHL). It is premised upon the principle of distinction between civilians and combatants, and upon the principle prohibiting the use of weapons calculated to cause superfluous injury or unnecessary suffering. These principles, along with other applicable rules of IHL, obligate all parties to a conflict, be they governmental forces or non-state armed groups. Unfortunately, not all parties to armed conflicts necessarily respect and comply with the rule of law. This is especially apparent in the case of terrorist organizations.

2. Moreover, for many terrorist organizations this is not an issue of ignorance of the law, misunderstanding or oversight, but rather a purposeful violation of international law as part of their strategy. These terrorist organizations cynically exploit the restrictions of IHL that bind law-abiding states, and turn respect for the rule of law into a vulnerability and a weapon. This method of operation is used by many terrorist organizations, and in this paper we will demonstrate how it is implemented by Hamas.

II. Hamas's strategy

3. Based on verified intelligence — including a handwritten document by Hamas leader Yahya Sinwar dated August 2022 and discovered by the IDF in Gaza — Sinwar, the architect of the October 7th massacre that killed close to 1200 Israelis, including Jews, Muslims, Christian and Druze, as well as foreign nationals, and took over 250 hostages, gave specific instructions to commit grave violations of IHL as part of the massacre, including the killing of civilians, setting fire to residential neighborhoods, beheadings and more.¹ This demonstrates the fact that the acts of extreme brutality that were perpetrated by Hamas terrorists on October 7th, clear violations of IHL, were not a happenstance, but a pre-planned, premeditated strategy. Hamas's unimaginable brutality and its disdain for life — both Israeli and Palestinian — is only matched by its disdain for the norms and laws that guide the international community. As blatantly stated by Hamas leader, Ismail Haniyeh, in an

* The present document was submitted after the deadline in order to reflect the most recent information.

¹ See report by The Meir Amit Intelligence and Terrorism Information Center, Instructions Given by Yahya al-Sinwar for the October 7, 2023 Attack and Massacre, published 12 October 2025. Link: <https://www.terrorism-info.org.il/en/instructions-given-by-yahya-al-sinwar-for-the-october-7-2023-attack-and-massacre/>



interview on October 28th, 2023: “We need the blood of women, children, and the elderly of Gaza... so as to awaken our revolutionary spirit.”

4. Hamas's entire strategy is based on violations of IHL and deliberate exploitation of Israel's commitment to IHL, and there are a multitude of examples. Following are a few:

- Hostage-taking: On October 7th Hamas kidnapped over 250 people, many of them women, children and the elderly, and held many of them hostage for up to 2 years. To this day, Hamas is still holding the bodies of murdered hostages.
- Indiscriminate attacks: Over the course of two and a half decades, and especially since October 7th, 2023, Hamas indiscriminately launched thousands of missiles, rockets and mortars, targeting Israeli civilians. Furthermore, in various cases, Hamas terrorists booby-trapped corpses of those murdered by them in Israel, hoping to cause even more death and destruction for relatives and rescue teams who came looking for them.
- Human shields and systematic misuse of civilian infrastructure: Hamas typically launches missile attacks aimed at Israel from population centers in Gaza, purposely putting their civilians directly in harm's way. Moreover, Hamas systematically embeds itself in, and abuses for military purposes, the civilian surrounding, including by deliberately using hospitals, mosques, residences, schools and other protected sites for military purposes, often when there are patients and other civilians at the site. Furthermore, Hamas built and uses an extensive tunnel network, assessed to extend for hundreds of kilometers underneath densely populated areas and sensitive sites throughout Gaza, for military purposes, with many access points located within and around homes, hospitals and other civilian infrastructure. Hamas has even held Israeli hostages in hospitals and private residences.
- UNRWA: Not only did Hamas embed itself in the civilian population as a whole, but in the UNRWA system specifically. Employees in UNRWA have been exposed as members in Hamas' military wing, some even participated in the October 7th massacre. Moreover, Hamas has taken advantage of UNRWA's installations for their military purposes. UNRWA facilities have been used as Hamas military command-and-control centers, hideouts and weapon storage facilities. Hamas' main computer-server farm was found underneath the UNRWA headquarters in Gaza, feeding from UNRWA's electric system.
- Perfidious acts: Hamas terrorists use various malicious tactics in order to deceive Israel into believing they are entitled to protection under IHL. Such actions include armed terrorists operating in civilian clothing or using UN personnel insignia, disguising themselves as medical staff, aid staff and journalists.
- Sexual and gender-based violence: There are widespread accounts of sexual and gender-based violence perpetrated by Hamas on October 7th, including accounts of mutilation of dead bodies in ways that are gender-based. Moreover, the testimonies of girls, women and men released from Hamas captivity in Gaza also raise harrowing accounts of sexual assault in captivity.

III. The goals of this strategy

5. The fundamental purpose of this strategy, of abusing IHL and cynically manipulating the value that democratic, law-abiding states put on the sanctity of life, is to generate both tactical and political advantages. The goals of this strategy are three-fold.

6. Firstly, this strategy allows terrorist organizations to gain tactical advantages in a variety of ways. The use of perfidious tactics makes it harder to identify terrorists. Furthermore, by embedding themselves within the civilian surroundings and using human shields, they impose additional operational challenges on law-abiding states, so they would either refrain from operating or be blamed for the humanitarian consequences if they did operate against the threat. The presence of militants among civilians distorts the foundation of the principle of distinction. Thus, a law-abiding state is put at a disadvantage when considering the strike of a legitimate target deliberately shielded by non-combatants.

7. Secondly, this strategy maximizes terror. By deliberately attacking civilians, the terrorist organization aims to terrorize the population and spread fear and instability. Moreover, by taking hostages, they aim to create psychological terror and use them in order to gain advantages, such as ending the hostilities and releasing incarcerated terrorists.

8. Thirdly, this strategy creates international pressure on the law-abiding state. When terrorists embed themselves in the civilian population and use human shields, they show indifference to, and wish to maximize, the civilian harm on their side, in order to garner sympathy and increase international pressure on the law-abiding state to cease its response. The ultimate goal of this strategy is to distort the balance between military necessity and humanitarian considerations that IHL seeks to uphold, in order to paralyze law-abiding militaries and make it difficult for states to defend themselves and their citizens.

IV. The response of international law and the international community

9. All parties to an armed conflict are bound by IHL, even if their enemy does not fulfill their obligations. Terrorist organizations, as well as their supporters and enablers, must also be held accountable to their obligations under international law and not be allowed to manipulate states that follow the rule of law. There is a problematic asymmetry when one side of the conflict does not view itself as constrained by IHL, and profits from the limitations of the other side.

10. International law, and specifically International Humanitarian Law, were developed to try to minimize the terrible consequences of war and are based on the premise that both sides care about the civilian population. Terrorist organizations that commit atrocities directed against civilians as part of their strategy, threaten the basic foundations of humanity and international law, as well as our collective security. It is a cynical abuse of the very foundation that was set in place to mitigate civilian harm. The nature of wars has changed over time since the conclusion of the Geneva Conventions. The implementation of IHL in this new reality of asymmetric warfare must allow democratic, law-abiding states, to be able to defend their citizens. We cannot live in a world where international law is so flagrantly abused and the sanctity of human life is put into question.

11. As a global community we must come together to condemn these actions, denounce murderous extremism and work jointly to safeguard our future. It is the international community's collective responsibility, and particularly those Party to the CCW, to condemn and address the use of conventional weapons by terrorist organizations in clear violation and exploitation of IHL.
