



2025

OPPRESSION WITHIN HAMAS' BRUTALITY AGAINST THE PEOPLE OF GAZA



Jerusalem
Institute of Justice



بناءً على تعليمات قيادة العمل الثوري والميداني
في وحدات السهم الثاقب

بدأ من هذه الليلة بتاريخ 19/8/2025 ستنتشر
وحداتنا في أماكن القتال المصنفة حمراء لدى
العدو الصهيوني لمنع سرقة ممتلكات بيوت
الناس الذي نزحوا قسراً بفعل ضربات العدو وان
من يتم إلقاء القبض عليه يسرق بيوت وممتلكات
ابناء شعبنا سيتم إطلاق النار عليه مباشرة دون
التحقيق أو السؤال ورميه على إحدى النفايات
وإصاق ورقة على جبينه مكتوب عليها
سارق عميل مع العدو الصهيوني وسيتم التعميم
على الطواقم الطبية بعدم استقباله وعلاجه
وتركه ينزف ويموت موت الكلاب

قيادة العمل الثوري والميداني في وحدات السهم
الثاقب

19/8/2025

“Anyone caught stealing from the homes and property of our people will be shot immediately, without questioning or investigation, their body thrown onto a garbage site, and a paper affixed to their forehead reading: ‘Thief, collaborator with the Zionist enemy.’ A directive will also be issued to medical teams not to admit or treat such individuals, leaving them to bleed out and die like dogs.”

- Hamas Arrow Unit Telegram post, August 19, 2025

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Executive Summary

This report documents the widespread and systematic abuses perpetrated by Hamas against the civilian population of Gaza under its rule, particularly since October 7, 2023. Although Hamas claims to be a resistance movement, they have established an authoritarian regime defined by internal repression, extrajudicial killings, torture, and severe restrictions on civil liberties for nearly two decades.

Following its 2007 military takeover of Gaza, Hamas solidified control by violently purging political rivals—particularly Fatah—and instituting a regime of fear. Dissent, whether political, journalistic, or humanitarian, is met with arbitrary detention, beatings, and even execution.

Since the October 7 massacre in Israel, the scope and intensity of Hamas' internal repression have escalated. Hamas established the “Arrow Unit,” which has carried out public executions of alleged collaborators and looters, often without due process. Protests against Hamas have been met with violent crackdowns. Humanitarian workers have been targeted, and aid distribution has been weaponized for political control.

These abuses violate international human rights law, international humanitarian law, and Palestinian domestic law. The Rome Statute's thresholds for war crimes and crimes against humanity have been met through the widespread, systematic, and intentional nature of the documented violations. This report calls for urgent international action to hold perpetrators accountable and protect Palestinian civilians from further harm.

Introduction

The purpose of this report is to document and analyze the widespread and systematic human rights violations perpetrated by Hamas against the civilian population of Gaza under its de facto rule, with particular emphasis on developments since October 7, 2023. While Hamas presents itself as a resistance movement, the evidence demonstrates that it has maintained its authority through internal repression, including arbitrary detention, torture, and extrajudicial executions. These practices, which have intensified during periods of armed conflict, constitute serious violations of international human rights law (IHRL), international humanitarian law (IHL) that constitute grave breaches of international law and clearly fall within the definitions of war crimes and crimes against humanity under the Rome Statute.

This report employs a methodology grounded in the collection and assessment of credible and verifiable sources. It draws upon documentation from international and regional human rights organizations, United Nations reports, testimonies from victims and witnesses, journalistic investigations, and prior submissions to international tribunals. Whenever possible, information has been cross-checked across multiple independent sources to ensure accuracy and reliability. The report also incorporates legal analysis of Hamas' conduct under the frameworks of international human rights, humanitarian, and criminal law, as well as relevant provisions of Palestinian domestic law.

By combining documented testimonies, reports, and factual findings with legal evaluation, the report seeks to provide a comprehensive account of Hamas' internal repression. Its findings are intended to inform policymakers, legal practitioners, human rights advocates, and international institutions, and to contribute to ongoing efforts to ensure accountability and to protect the civilian population of Gaza from further harm.

1.1. Hamas: The Islamic Resistance Movement

Hamas emerged in 1987 as a branch of the Muslim Brotherhood, a radical movement which seeks to make Islam the guiding force in government and daily life.¹ The movement channels Palestinian nationalism through an Islamic framework, guided by Allah's orders to resist.² In Arabic, 'Hamas' is an acronym for *Harakat al-Muqawama al-Islamiya*, meaning the Islamic Resistance Movement.³

Hamas was founded by Sheikh Ahmed Yassin during the First Intifada⁴. While Hamas' stated purpose was to wage jihad to liberate Palestine and establish an Islamic state, its turn to violence was accentuated by competition with rival factions, particularly Palestinian Islamic Jihad.⁵

¹ Michael Herzog, *Can Hamas Be Tamed?*, The Washington Institute for Near East Policy (1 March 2006), <https://www.washingtoninstitute.org/policy-analysis/can-hamas-be-tamed>.

² *Id.*

³ *Id.*

⁴ Kali Robinson, *What Is Hamas?*, Council on Foreign Relations (17 October 2024), <https://www.cfr.org/background/what-hama>.

⁵ *Id.*

The group claims that Palestine is an 'Islamic Waqf,' meaning it is sacred Muslim land that no one has the right to give away⁶. Any negotiations over the land or recognition of Israel's legitimacy are strictly forbidden in its doctrine.

In 1988, Hamas published its official charter, which continues to underlie its ideology. Its stated aim is to 'establish the sovereignty of Allah over the entire land of Palestine'⁷. The covenant calls for the eradication of the state of Israel and depicts Jews as 'Nazis' and 'cowards'.⁸ In total, the word 'Jew' is mentioned 25 times in the charter.

Hamas operates with a tripartite structure that includes a political bureau, a military wing, and an extensive social welfare network. Although sometimes presented as separate entities, these branches function under a single leadership, coordinating seamlessly to advance Hamas's extremist and violent objectives.⁹ The political wing, dominated by the Politburo and overseen by the Shura Council, acts as the central command, dictating policy, managing external relations, and shaping the group's radical ideological direction.¹⁰ This

leadership exerts authority over both the covert and overt activities of Hamas, ensuring that its political, military, and social arms all serve the overarching goal of sustaining and expanding its agenda.

At the forefront is the Izz al-Din al-Qassam Brigades, Hamas's military wing, which carries out terrorist attacks against Israeli civilians and enforces the group's brutal control inside Gaza.¹¹ Alongside this, Hamas operates the *dawa* (literally "call" or "preaching"), a vast social welfare system that appears charitable but is instrumental in consolidating the organization's power.¹² Through a network of schools, clinics, charities, and religious institutions, Hamas builds dependence while simultaneously spreading extremist indoctrination, recruiting operatives, and raising funds.¹³ Far from being a purely humanitarian structure, this apparatus directly supports Hamas's military operations, serving as a logistical and recruitment pipeline, while

https://ecfr.eu/special/mapping_palestinian_politics/hamas/

¹¹ *Who are the Qassam Brigades, Hamas's armed wing?*, Al Jazeera (Nov. 16, 2023), <https://www.aljazeera.com/news/2023/10/26/who-are-qassam-armed-resistance-in-gaza>.

¹² Matthew Levitt, *Undermining Hamas and Empowering Moderates: Filling the Humanitarian Void*, The Wash. Inst. for Near East Pol'y (Oct. 26, 2005), <https://www.washingtoninstitute.org/policy-analysis/undermining-hamas-and-empowering-moderates-filling-humanitarian-void>.

¹³ *Hamas's Use of Charitable Societies to Fund and Support Terror*, Isr. Ministry of Foreign Affs. (Sept. 2003), <https://www.gov.il/en/Departments/General/hamas-use-of-charitable-societies-to-fund-and-support-terror>

⁶ Raphael Israeli, *The Charter of Allah: The Platform of the Islamic Resistance Movement (Hamas)*, Harry Truman Research Institute, The Hebrew University, Jerusalem, Israel (1988), <https://irp.fas.org/world/para/docs/880818.htm>.

⁷ *Id.*

⁸ *Id.*

⁹ Beverley Milton-Edwards, *The Concept of Jihad in the Thought of Hamas, in Islamic Fundamentalism* 215, 220 (Abdel Salam Sidahmed & Anoushiravan Ehteshami eds., 1996)

¹⁰ European Council on Foreign Relations, *Mapping Palestinian Politics: Hamas*,

entrenching the terrorist group's grip over the civilian population.¹⁴

In July 2019, at a rally that aired on Hamas' Al-Aqsa TV, a Hamas Political Bureau member encouraged Palestinians to 'attack every Jew on planet Earth', adding they 'must slaughter and kill them.'¹⁵ In May 2021, a senior Hamas official called for Palestinians in Jerusalem to 'cut off the heads of the Jews.'¹⁶

As of May 2023, Hamas had carried out over 90 suicide bombings targeting Israelis, making up nearly 40% of all Palestinian suicide attacks between 2000 and 2005.¹⁷ These included the targeting of nightclubs, restaurants and buses.

In addition to its campaign of suicide bombings and rocket attacks, Hamas has invested heavily in building an extensive underground tunnel system. The group claims that the tunnels stretch over 500 kilometres, which is longer than both the London Underground and Paris Metro¹⁸. The

¹⁴ Matthew Levitt, *Teaching Terror: How Hamas Radicalizes Palestinian Society*, The Wash. Inst. for Near East Pol'y (Jan. 25, 2005), <https://www.washingtoninstitute.org/policy-analysis/teaching-terror-how-hamas-radicalizes-palestinian-society>.

¹⁵ Jerry Hersh, *What Hamas Leaders Actually Want – In Their Own Words*, The Institute for the Study of Global Antisemitism and Policy (ISGAP) Flashpoint (7 February 2024), <https://isgap.org/flashpoint/what-hamas-leaders-actually-want-in-their-own-words/>.

¹⁶ *Id.*

¹⁷ Israel Defense Forces, *Who Is the Hamas Terrorist Organization?* (8 May 2023), <https://www.idf.il/en/mini-sites/security-threats/who-is-the-hamas-terrorist-organization/>.

¹⁸ Sean Bell, *Hamas's Tunnels Are Bigger in Scale Than the Tube in London – What Can Israel Do?*, Sky News (11 December 2023), <https://news.sky.com/story/why-israel-is-strug>

tunnels' access points are often found below civilian infrastructure, including schools, hospitals and mosques, severely endangering the Palestinian people.¹⁹

On October 7, 2023, Hamas and other terrorist groups launched over 4,300 rockets at Israel and sent approximately 3,000 militants across the Gaza border.²⁰ Using drones, paragliders, and vehicles, they attacked towns and public gatherings in southern Israel, committing mass murder, rape, torture, arson, and kidnappings. Over 1,200 people were killed and more than 250 taken hostage.

Article six of the 1988 charter claims that 'Islam is the only way of life' and only under Islam could the world co-exist in peace.²¹ It maintains that followers of Christianity and Judaism ought to recognize Islamic governance as the rightful system in the Middle East.

The Charter decrees "It is the duty of the followers of other religions to stop disputing the sovereignty of Islam in this region,

[gling-to-tackle-hamass-alien-tunnel-network-under-gaza-13025769](https://www.washingtoninstitute.org/policy-analysis/gling-to-tackle-hamass-alien-tunnel-network-under-gaza-13025769).

¹⁹ NATO Strategic Communications Centre of Excellence, *Hybrid Threats: Hamas' Use of Human Shields in Gaza* (James Pamment et al. eds., June 5, 2019), https://stratcomcoe.org/cuploads/pfiles/hamas_human_shields.pdf

²⁰ *Gaza Map: Escalation Dynamics in the Gaza Strip*, INSTITUTE FOR NATIONAL SECURITY STUDIES (Nov. 2023), <https://www.inss.org.il/publication/gaza-map/> ; *October 7th Mass Casualty Attack in Israel: Injury Characteristics and Early Response*, ANNALS OF SURGERY OPEN (Sept. 2024), https://journals.lww.com/aosopen/fulltext/2024/0900/0/october_7th_mass_casualty_attack_in_israel_injury.27.aspx?utm

²¹ *Supra note 16.*

because the day these followers should take over, there will be nothing but carnage, displacement and terror".²²

Additionally, the Charter adds that peace will not come until 'Muslims will fight the Jews and kill them'.²³ Article 12 states that nothing is more honourable than waging jihad against the enemy and confronting him when he sets foot on the 'land of the Muslims'.²⁴

Hamas' consolidation of power has been driven not only by its ideological framework and political strategy, but also by the personal histories of leaders whose careers were built on violence and internal repression. A prominent example is Yahya Sinwar, born in 1962 in the Khan Younis refugee camp, who emerged as one of Hamas' most influential and feared figures. As a founding member of the group's internal security apparatus, al-Majd, he oversaw the identification and punishment of alleged collaborators with Israel. Arrested in the late 1980s, Sinwar was convicted of multiple murders, including the killing of Israeli soldiers and Palestinian civilians accused of collaboration, and sentenced to four life terms, serving more than two decades in Israeli prison. He admitted to personally killing at least a dozen Palestinians, a record that earned him the nickname "the Butcher of Khan Younis." Released in 2011 as part of the Gilad Shalit prisoner exchange, Sinwar rapidly re-established his position within Hamas, consolidating control over its Gaza

leadership and later ascending to the role of overall political chief. Under his command, Hamas expanded its military capabilities and orchestrated the October 7, 2023 attacks on Israel.

Hamas is designated as a terrorist organization by the European Union, the Organization of American States, and countries including the United States, Argentina, the United Kingdom, Australia, Japan, Paraguay, Switzerland, New Zealand, and Canada.

1.2. The 2006 Palestinian Legislative Elections

The 2006 Palestinian Legislative Council elections were the first in a decade and the last to date. They marked a critical turning point in Palestinian politics, described by the U.S. government as an 'enormous, destructive wave' that would reshape the Middle East's political landscape.²⁵ Held in January, the elections followed several seismic developments: the Second Intifada (2000–2005), the death of former Palestinian Authority President Yasser Arafat in 2004, and Israel's disengagement from Gaza in 2005.²⁶ President Mahmoud Abbas and his Fatah party were expected to maintain power, given Hamas' extremist nature.²⁷

²⁵ U.S. Senate Committee on Foreign Relations, *Palestinian Legislative Council Elections—Challenges of Hamas' Victory*, Senate Committee Print 109-55 (31 January 2006), <https://www.congress.gov/committee-print/109th-congress/senate-committee-print/26018>.

²⁶ Ishaan Tharoor, *The 2006 Election That Led to Hamas Taking Over Gaza*, *The Washington Post* (24 October 2023), <https://www.washingtonpost.com/world/2023/10/24/gaza-election-hamas-2006-palestine-israel/>.

²⁷ *Id.*

²² *Id.*

²³ *Id.*

²⁴ *Id.*

However, Hamas managed a shocking victory, winning 74 out of 132 seats, though only 44% of the popular vote. Even so, this was enough to secure a legislative majority, with Fatah winning 45 seats and receiving 41% of the vote share.²⁸ Notably, Hamas won a majority in only one district in Gaza, suggesting the result did not reflect overwhelming support, but rather disappointment with Fatah.²⁹

However, Hamas was said to have presented a unified list in each district while Fatah had multiple candidates, which divided voter support.³⁰ Backing for Fatah was also impeded by a history of corruption, while Hamas gained traction as a protest movement. For some Palestinians, it was a choice between 'murderers or thieves.'³¹ Talks with Fatah and other factions to form a coalition government failed, leading to the formation of a new government in March 2006, with Hamas' Ismail Haniyeh appointed Prime Minister.

The George W. Bush administration expressed deep concern and stated it would not engage with a Hamas-led government unless the group renounced terrorism, disarmed, and accepted Israel's right to

exist.³² When Hamas refused to meet these conditions, the U.S. cut off all direct funding to the Palestinian Authority, cancelling over \$400 million in development programs.³³ Israel also imposed sanctions, withholding approximately \$50 million in monthly tax revenues it collected on behalf of the PA³⁴. In June 2006, following the kidnapping of Israeli soldier Gilad Shalit, Israel arrested 64 Hamas officials, including eight cabinet ministers.³⁵

Despite mounting sanctions and international condemnation, Hamas' ideological stance remained deeply entrenched within the organization. This can be seen with the movement's refusal to moderate its position by recognizing Israel or renouncing "armed resistance". As of 2025, Hamas continues to hold uncontested power, having not held elections in nearly two decades.

³² Jeremy M. Sharp & Christopher M. Blanchard, *Palestinian Elections and U.S. Aid: Overview of Legislation*, CRS Report RS22370 (27 June 2006), https://www.everycrsreport.com/files/20060627_RS22370_f74360b59d356335a3184dfa6d0d8f4648324b7d.html.

³³ Glenn Kessler, *U.S., Europe Cut Aid to Palestinians*, The Washington Post (7 April 2006), <https://www.washingtonpost.com/archive/politics/2006/04/08/us-europe-cut-aid-to-palestinians/65398063-dc98-44dc-8140-9aca593d3974/>.

³⁴ Conflict Analysis Research Centre, *Mapping the Fatah-Hamas Conflict* (1 March 2018), <https://blogs.kent.ac.uk/carc/2018/03/01/mapping-the-fatah-hamas-conflict/>.

³⁵ David Fickling, *Israel Detains Hamas Ministers*, The Guardian (29 June 2006), <https://www.theguardian.com/world/2006/jun/29/israel1>.

²⁸ *Id.*

²⁹ Palestinian Central Elections Commission, *Votes for Lists per Districts* (2006), <https://www.elections.ps/Portals/0/pdf/Votes%20for%20lists%20per%20districts.pdf>.

³⁰ *Supra note 27.*

³¹ *Id.*

1.3. Hamas' Takeover of Gaza and Political Purge

Amid the aftermath of the 2006 elections, tensions between Hamas and Fatah quickly escalated, with Hamas violently seizing control of Gaza after a five-day non-international armed conflict in June 2007. The 'Battle of Gaza' was partially driven by Hamas' concern that President Mahmoud Abbas's U.S.-trained and expanded Presidential Guard posed a direct threat to its authority in the Strip.³⁶

On June 10, 2007 Hamas launched its military campaign to take control of Gaza's security facilities and government buildings. This involved torturing and executing kidnapped and debilitated Fatah fighters, including those inside hospitals, endangering civilians by fighting from densely populated areas, and blocking medical access to the injured.³⁷ Mohammed Sweirki, an officer with a Fatah-aligned security force, was blindfolded, bound, and thrown from the roof of a 15-floor apartment building. A number of other Fatah members were publicly executed in the street. Families of operatives were targeted, buildings were set on fire with people inside, and hospitals became battlefields.³⁸

³⁶ International Institute for Strategic Studies, *Hamas Takes Control in Gaza* (June 2007), <https://web.archive.org/web/20081020132918/http://www.iiss.org/EasysiteWeb/getresource.axd?AssetID=2571&type=full&servicetype=Attachment>.

³⁷ *Supra* note 1.

³⁸ Intelligence and Terrorism Information Center at the Israel Intelligence Heritage & Commemoration Center (IICC), *Dramatic Escalation in the Violent Confrontations between Hamas and Fatah: Hamas Has Taken Over Extensive Areas of the Gaza Strip as the Collapse of Fatah and the Security Forces Accelerates* (14 June

By the third day of fighting, the majority of central and northern Gaza was controlled by Hamas. It soon seized the headquarters of Fatah's Preventive Security Force and the presidential compound in Gaza City before asserting control of Rafah.³⁹ In total, 161 Palestinians died and 700 were wounded.⁴⁰ On June 15, 2007 Hamas declared victory from the personal office of Abbas, stating that Gaza had entered a new phase. A Hamas spokesman announced: "The past era has ended and will not return. The era of justice and Islamic rule have arrived."⁴¹ Such a dramatic Islamist takeover of secular authority had not been seen in the region since the Iranian Revolution of 1979.⁴²

Within weeks, hundreds of Fatah supporters were detained for participating in peaceful protests. Journalists covering these demonstrations were often attacked and had their footage or equipment destroyed.⁴³

Detainees were held in over 20 different locations across Gaza, most of them former Palestinian Authority security installations, which were not authorized by law as

2007), https://www.terrorism-info.org.il/Data/pdf/PDF_07_121_2.pdf.

³⁹ Ben Smith & Tim Youngs, *Hamas and the Seizure of Gaza*, House of Commons Library Research Paper 07/60 (6 July 2007), <https://researchbriefings.files.parliament.uk/documents/RP07-60/RP07-60.pdf>.

⁴⁰ *Supra* note 1.

⁴¹ Conal Urquhart, Ian Black & Mark Tran, *Hamas Takes Control of Gaza*, *The Guardian*, (15 June 2007), <https://www.theguardian.com/world/2007/jun/15/israel4>.

⁴² Beverley Milton-Edwards, *The Ascendance of Political Islam: Hamas and Consolidation in the Gaza Strip*, 29 *Third World Quarterly* 1585 (2008), <https://www.jstor.org/stable/20455131>.

⁴³ *Supra* note 1.

detention facilities.⁴⁴ Many reported being tortured in custody, including severe beatings, strangulation, and gunshot wounds to the legs. In one instance, a former policeman was beaten and bound for six hours with metal wires, sticks, and a shovel.⁴⁵ Another officer in the National Security Forces was shot three times in the thigh and had to have his leg amputated.⁴⁶

1.4. Overview of Hamas Rule and Internal Repression

Since its violent takeover of Gaza in 2007, Hamas has entrenched its rule through brutal repression aimed at political rivals, the media, and the most vulnerable people in society.⁴⁷ Though self-marketed as a resistance movement, Hamas' regime has been marked by widespread human rights abuses and the erosion of basic freedoms.

One of Hamas' first acts as the de facto government was to eliminate all political opposition. In its first months in power, Hamas militants carried out killings, torture, and mass arrests of Fatah members to cement its authority as the ruling power in the Gaza Strip.⁴⁸ Since then, unlawful executions and torture have become a consistent modus operandi used to silence dissent and instill fear.

⁴⁴ Amnesty International, *Occupied Palestinian Territories: Torn Apart by Factional Strife* (October 2007), <https://www.amnesty.org/en/wp-content/uploads/2021/05/MDE210202007ENGLISH.pdf>.

⁴⁵ *Id.*

⁴⁶ *Id.*

⁴⁷ Fred Abrahams, *Internal Fight: Palestinian Abuses in Gaza and the West Bank*, Human Rights Watch (29 July 2008), <https://www.hrw.org/report/2008/07/29/internal-fight/palestinian-abuses-gaza-and-west-bank>.

⁴⁸ *Id.*

Most victims targeted were political rivals who had criticized its authority or were accused of collaborating with Israel.⁴⁹ Such tactics remain in use today to coerce critics and maintain its authoritarian rule.

Freedom of expression is severely restricted in Gaza under Hamas. Protests opposing the leadership are frequently met with violent crackdowns.⁵⁰ Journalists that report critically on Hamas, or who cover demonstrations against the movement risk attacks, torture and imprisonment. After taking control, Hamas banned pro-Fatah newspapers across the Strip. Most of Gaza's major TV outlets are operated by Hamas, ensuring all coverage aligns with its agenda.⁵¹

1.5. Prior Reports and Human Rights Warnings

Numerous human rights organizations and international bodies have documented extensive abuses committed by Hamas in Gaza over the past two decades. These findings consistently reveal patterns of unlawful detention, torture, extrajudicial executions, and restrictions on civil rights.

In its 2012 report, *Abusive System: Failures of Criminal Justice in Gaza*, Human Rights Watch (HRW) denounced Hamas for

⁴⁹ Israel Defense Forces, *Extrajudicial Executions and Torture in Gaza* (25 January 2018), <https://www.idf.il/en/mini-sites/the-hamas-terrorist-organization/extrajudicial-executions-and-torture-in-gaza/>.

⁵⁰ *Supra note 1*

⁵¹ Israel Defense Forces, *Violations of Freedom of the Press in Gaza* (25 January 2018), <https://www.idf.il/en/mini-sites/the-hamas-terrorist-organization/violations-of-freedom-of-the-press-in-gaza/>.

consistently failing to ensure accountability for security services that operated illegally and to uphold the rights of detainees⁵². Hamas never published any details about the officials involved or disciplinary measures taken. HRW found the judiciary ignored or failed to investigate detainees' claims that they had been tortured. The report also documented multiple cases of prisoners being executed without any due process, describing it as a 'gross violation' of legal standards.⁵³

In a 2015 report titled '*Strangling Necks*' Amnesty International said it was 'greatly concerned' that Hamas not only failed to take action to stop and prevent extrajudicial executions and other serious human rights abuses perpetrated by its forces but sought to justify and even facilitate and encourage it.⁵⁴

In their report, Amnesty International added that by affording the perpetrators total impunity, Hamas authorities have contributed to the creation of a climate of fear and intimidation that deters many victims and their families from reporting or even disclosing abuses committed against them.⁵⁵

⁵² Bill Van Esveld, *Abusive System: Failures of Criminal Justice in Gaza*, Human Rights Watch, (October 3 2012), <https://www.hrw.org/report/2012/10/03/abusiv-e-system/failures-criminal-justice-gaza>.

⁵³ *Id.*

⁵⁴ Amnesty International, *Palestine (State of): 'Strangling Necks' – Abductions, Torture and Summary Killings of Palestinians by Hamas Forces During the 2014 Gaza/Israel Conflict*, (26 May 2015), at 39 <https://www.amnesty.org/en/documents/mde21/1643/2015/en>.

⁵⁵ *Id.*

The report condemned the failure of Hamas to prevent or to investigate their forces' use of arbitrary detention, torture, excessive force, and unlawful killings, and to hold itself accountable for its abuses through criminal prosecutions, despite ample evidence.⁵⁶ The report concluded that Hamas has committed serious violations of international law and war crimes by carrying out acts of abduction, torture and unlawful killings.⁵⁷

In 2019, the Palestinian Centre for Human Rights documented numerous attacks on journalists and human rights activists including physical assault, confiscation of cameras and deletion of materials, most of which occurred during peaceful protests.⁵⁸ Authorities in Gaza also ban photography in many areas without reason. The crackdown on freedom of expression had reached 'alarming new levels,' and the human rights violations committed by Hamas were the most severe in over a decade.⁵⁹

In 2019, the Jerusalem Institute of Justice submitted a detailed communication to the ICC setting out evidence of crimes against humanity committed by Hamas under the Rome Statute. The submission documented systematic and widespread abuses, including the use of torture, summary executions, enforced disappearances, and persecution

⁵⁶ *Id.*

⁵⁷ *Id.*

⁵⁸ Palestinian Centre for Human Rights, *Annual Report (2019)*, at 99 <https://pchrgaza.org/wp-content/uploads/2020/04/annual-report-2019-English.pdf>.

⁵⁹ Amnesty International, *Hamas Must End Brutal Crackdown Against Protesters in Gaza*, (18 March 2019), <https://www.amnesty.org/en/latest/press-releases/2019/03/gaza-hamas-must-end-brutal-crackdown-against-protesters-and-rights-defenders>.

against political opponents, journalists, and civil society actors in Gaza. It further described how Hamas' security apparatus operates with complete impunity, employing arbitrary detention and brutal interrogation methods as tools of political repression. The communication emphasized that these acts are not isolated incidents but form part of a deliberate policy implemented at the highest levels of the organization, designed to consolidate control through fear, silence dissent, and punish perceived opposition.⁶⁰

With respect to the United Nations, in 2017, the United Nations Human Rights Council reported widespread human rights violations by authorities in Gaza, including arbitrary detention and torture.⁶¹ In 2022, the Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and Israel, condemned Hamas for showing 'little commitment to upholding human rights and disregard to international humanitarian law.'⁶²

⁶⁰ Jerusalem Institute of Justice, Communication to the International Criminal Court: *Ismail Haniyeh – Crimes Against Humanity* (July 24, 2019), <https://jij.org/advocacy-materials/haniyeh-crimes-against-humanity/>

⁶¹ Human Rights Situation in the Occupied Palestinian Territory, U.N. Human Rights Council, A/HRC/34/38 (Mar. 16, 2017); Implementation of Human Rights Council Resolutions S-9/1 and S-12/1, U.N. Human Rights Council (Jan. 25, 2017) <https://www.un.org/unispal/document/auto-insert-187137/>

⁶² United Nations News, *Occupation, Discrimination Driving Israel–Palestine Conflict, Recurring Violence*, (7 June 2022), <https://news.un.org/en/story/2022/06/1119912>.

2. Historical Pattern of Internal Violence

Prior to the October 7, 2023 attacks, Hamas maintained its control over the Gaza Strip through a consistent application of violence and intimidation. This approach targeted political rivals, critics, and individuals accused of collaboration mainly with Fatah or Israel, thereby establishing a pervasive atmosphere of fear and systematic repression. The documented incidents from this period lay the foundation for understanding the long-standing nature of Hamas' human rights violations.

2.1. Political Rivalries and Suppression of Opponents

Reports from Human Rights Watch in 2018⁶³ and 2019⁶⁴ extensively document widespread arbitrary arrests, beatings, and threats against critics, perceived opponents, journalists, and peaceful protesters. A notable example is the violent suppression of the "We Want to Live" protests in March 2019, where Hamas authorities violently suppressed demonstrators, with security forces assaulting protesters and journalists, leading to over 1,000 arbitrary arrests and subjecting detainees to beatings, torture, and threats to deter further protest.⁶⁵ Amnesty

⁶³ *Two Authorities, One Way, Zero Dissent Arbitrary Arrest and Torture Under the Palestinian Authority and Hamas*, Human Rights Watch (Oct. 23, 2018), <https://www.hrw.org/report/2018/10/23/two-authorities-one-way-zero-dissent/arbitrary-arrest-and-torture-under>

⁶⁴ *Hamas Leads New Crackdown in Gaza Beating and arresting human rights defenders, journalists and protesters reflects systematic practice*, Human Rights Watch (Mar. 20, 2019), <https://www.hrw.org/ar/news/2019/03/20/328306>

⁶⁵ *Id.*

International also reported on a brutal crackdown on journalists and human rights defenders in Gaza during 2019, further illustrating the nature of this repression.⁶⁶

2.2. Targeting of Alleged “Collaborators” Prior to 2023

In 2008, Hamas security forces and masked gunmen extra-judicially executed 18 people and shot dozens more in the legs.⁶⁷ These actions primarily targeted alleged Fatah members and those accused of collaboration with Israel, demonstrating a clear political motivation behind the violence.⁶⁸ This pattern continued into 2014, with accusations of Hamas abducting, torturing, and killing 23 Palestinians, including six public executions outside Al-Omari mosque.⁶⁹ In 2016, Hamas authorities announced plans to carry out public executions of 13 men, and proceeded to execute three individuals despite documented violations of due process and allegations of torture.⁷⁰ In September 2022, Hamas executed another five Palestinians,

⁶⁶ Amnesty International in Deutschland, *Palestine 2019*, Amnesty International in Deutschland (Feb. 18, 2020),

<https://www.amnesty.de/jahresbericht/2019/palaestina>

⁶⁷ *Under Cover of War Hamas Political Violence in Gaza*, Human Rights Watch (Apr. 20, 2009),

<https://www.hrw.org/report/2009/04/20/under-cover-war/hamas-political-violence-gaza>

⁶⁸ *Under Cover of War Hamas Political Violence in Gaza*, Human Rights Watch (Apr. 20, 2009)

⁶⁹ Ian Deitch, *Group: Hamas tortured, killed Palestinians in 2014 Gaza war*, Associated Press (July 2, 2015),

<https://apnews.com/general-news-b234e1754a9b45918df19563337b81df>

⁷⁰ *Palestine: Hamas Should Halt Executions 3 Executed Amid Perceived Crime Wave*, Human Rights Watch (May 31, 2016),

<https://www.hrw.org/news/2016/06/01/palestine-hamas-should-halt-executions>

including two convicted of “collaborating” with Israel.⁷¹

2.3. Routine Use of Torture, Arbitrary Detentions, and Extrajudicial Executions

Footage captured between 2018-2020 provides visual evidence of Hamas’ torture practices, which were employed to maintain control.⁷² This includes the interrogation of Palestinian citizens suspected of opposing Hamas’ rule, utilizing methods such as forced stress positions, severe beatings, and threats.⁷³ Testimonies from individuals, including a Palestinian man arrested and tortured for participating in an anti-Hamas protest, further corroborate these systematic abuses.⁷⁴

In a testimony from March 26, 2025, reflecting on the 2019 “We Want to Live” protests, activist Abdullah Huweihhi recounted, “They beat me with a hammer

⁷¹ *Hamas executes five Palestinians in Gaza, two for Israel ties*, Al Jazeera (Sept. 4, 2022), <https://www.aljazeera.com/news/2022/9/4/hamas-say-s-executed-5-palestinians-in-gaza>

⁷² *IDF reveals footage of Hamas torturing Palestinians in Gaza (Warning: graphic content)*, i24 News (Nov. 10, 2024),

<https://www.i24news.tv/en/news/middle-east/palestinian-territories/artc-idf-releases-footage-alleging-hamas-torture-of-palestinians>

⁷³ *Israel publishes footage of Hamas torturing Palestinian detainees in Gaza*, Times of Israel (Nov. 10, 2024),

<https://www.timesofisrael.com/israel-publishes-footage-of-hamas-torturing-palestinian-detainees-in-gaza>

⁷⁴ Einav Halabi, *Harrowing testimonies from Hamas’ torture chambers*, Ynet News (Nov. 11, 2024),

<https://www.ynetnews.com/article/r190011h011lx>; *Two Authorities, One Way, Zero Dissent Arbitrary Arrest and Torture Under the Palestinian Authority and Hamas*, Human Rights Watch (Oct. 23, 2018), <https://www.hrw.org/report/2018/10/23/two-authorities-one-way-zero-dissent/arbitrary-arrest-and-torture-under>

and dragged me 300 meters".⁷⁵ Ahmed Halas and Ali Shureim were also imprisoned for their political activism, and punished by Hamas using chair torture mechanisms in 2019.⁷⁶



Activist Abdullah Huweihi giving his testimony. Shared by the Center of Peace Communications on X

Amin Abed, a former political prisoner under Hamas, explained in April 2025 how Hamas also utilizes hospitals, such as Al-Nasser and Al-Ahli, to "beat, question, and threaten people" who oppose them, hiding among civilians within these facilities.⁷⁷

3. Findings: Executions and Torture Since October 7, 2023

3.1. Summary Executions of Alleged

⁷⁵ Center for Peace Communications (@PeaceComCenter), *Who are the Gazans now braving torture and execution to protest Hamas? Watch our report on the 6-year Gazan struggle to topple Hamas*, X (Mar. 26, 2025), <https://x.com/PeaceComCenter/status/1904877381044609215>.

⁷⁶ *Id.*

⁷⁷ Center for Peace Communications (@PeaceComCenter), *Hamas doesn't just use hospitals to plan attacks on Israel; they also use them to torture Gazans who oppose them. Amin Abed, a former political prisoner under Hamas, explains*, X (Apr. 16, 2025), <https://x.com/PeaceComCenter/status/1912529697612706146>.

Collaborators with Israel

The Arrow Unit was established by Hamas' Ministry of Interior in March 2024.⁷⁸ Its formation was publicly reported by Quds Press on November 16, 2024. This specialized force is composed of plain-clothed police officers, volunteers, and members of Hamas' armed wing.⁷⁹ While its stated public purpose includes hunting down looters and restoring order to Gaza's streets⁸⁰, its operational methods extend to punitive measures against dissenters and alleged collaborators, indicating a broader mandate for internal control and the preservation of Hamas' authority through fear.⁸¹ Hamas officials have justified the unit's harsh punishments, including executions, for alleged collaborators and thieves, framing the crackdown as necessary to prevent a "security vacuum".⁸²

The Arrow Unit conducted major operations against alleged looters including a November 2024 attack that killed 20 people.⁸³

⁷⁸ Joe Truzman, *Hamas 'Arrow Unit' Unveils Its Machinery of Repression in Gaza*, Foundation for Defense of Democracies (May 14, 2025), https://www.fdd.org/analysis/policy_briefs/2025/05/14/hamas-arrow-unit-unveils-its-machinery-of-repression-in-gaza.

⁷⁹ Mondoweiss Palestine Bureau et al., *Inside the Hamas unit fighting Israeli-armed gangs that loot aid and facilitate displacement in Gaza*, Mondoweiss (June 6, 2025), <https://mondoweiss.net/2025/06/inside-the-hamas>.

⁸⁰ *Id.*

⁸¹ Joe Truzman, *Hamas 'Arrow Unit' Unveils Its Machinery of Repression in Gaza*, Foundation for Defense of Democracies (May 14, 2025).

⁸² Mondoweiss Palestine Bureau et al., *Inside the Hamas unit fighting Israeli-armed gangs that loot aid and facilitate displacement in Gaza*, Mondoweiss (June 6, 2025).

⁸³ *Id.*

In January 2025, Hamas operatives executed six Palestinians in Rafah accused of collaborating with Israel.⁸⁴ Furthermore, a GazaNow post from May 2025 documented the Arrow Unit allegedly carrying out an execution by firing squad against two alleged "agents and collaborators with the enemy" on Al-Galaa Street.⁸⁵

Further instances of executions of alleged looters followed attacks on food stores in June 2025.⁸⁶ Footage was also released in June 2025 showing Hamas operatives publicly executing a Gaza City resident in the main square.⁸⁷ In June 2025, Hamas killed at least eight Gaza Humanitarian Foundation (GHF) workers in a targeted ambush near Khan Younis, with several others wounded and/or kidnapped.⁸⁸

⁸⁴ Emanuel Fabian & Toi Staff, *Video appears to show Hamas shooting several alleged 'collaborators' in Gaza*, Times of Israel (Jan. 24, 2025), <https://www.timesofisrael.com/video-appears-to-show-hamas-executing-several-alleged-collaborators-in-gaza>

⁸⁵ GazaNow, *'Post documenting execution'*, X (May 10, 2025), <https://x.com/GazaNow/status/1921278253123195373>.

⁸⁶ Ibrahim Dahman et al., *Hamas executes Palestinians for looting as desperation grows under Israeli blockade*, CNN (May 4, 2025), <https://edition.cnn.com/2025/05/04/middleeast/hamas-executions-gaza-food-intlperation-grows-under-israeli-blockade> | CNN; Nidal Al-Mughrabi, *Hamas executes looters in Gaza as food crisis worsens under Israeli blockade*, Reuters (May 4, 2025), <https://www.reuters.com/world/middle-east/hamas-executes-looters-gaza-food-crisis-worsens-under-israeli-blockade-2025-05-04>.

⁸⁷ Jerusalem Post, *WATCH: IDF footage exposes Hamas' brutal public execution of Gaza dissenter*, Jerusalem Post (June 8, 2025), <https://www.jpost.com/israel-news/article-856932>.

⁸⁸ Joe Truzman, *June 12, 2025 | FDD's Long War Journal Hamas kills at least 8 aid workers, GHF reports; source claims Hamas trying to disrupt aid distribution*, Foundation for Defense of Democracies

The public nature of these acts, such as public executions and the display of violence, is a deliberate strategy to instill fear and deter further dissent within the civilian population.⁸⁹ This tactic creates an environment of pervasive fear, discouraging any form of collective action or expression of grievances, and further undermines civilian trust and safety. It also demonstrates Hamas' willingness to use extreme measures to maintain its grip on power, to the detriment of the population it claims to represent.

3.2. Suppression of Dissent and Protest During War

Several Gazan civilians have provided testimonies about Hamas' abuses, including murder and looting.⁹⁰ One account described Hamas killing a civilian for seeking help from UNRWA.⁹¹ In March 2025, hundreds of Palestinians in northern Gaza engaged in protests, demanding that Hamas "get out" of Gaza.⁹² Abu Sulayman, a protester, was

(June 12, 2025), https://www.fdd.org/analysis/op_ed/2025/06/12/hamas-kills-at-least-8-aid-workers-ghf-reports-source-claims-hamas-trying-to-disrupt-aid-distribution.

⁸⁹ Joe Truzman, *Hamas 'Arrow Unit' Unveils Its Machinery of Repression in Gaza*, Foundation for Defense of Democracies (May 14, 2025)

⁹⁰ Henry Bodkin, *Hamas fighters smash kneecaps of Gazan 'food thief', then post video aid workers, GHF reports; source claims Hamas trying to disrupt aid distribution*, The Telegraph (June 3, 2025), <https://www.telegraph.co.uk/world-news/2025/06/03/hamas-fighters-gazans-food-gaza/?msockid=2f3b3e65ad296a2106b22a24ac456bc2>

⁹¹ *Hamas Murders a Gazan Civilian Trying to Get Help from UNRWA*, IDF (Jan. 8, 2024), <https://www.idf.il/en/mini-sites/the-unrwa-hamas-connection/exploitation-of-unrwa-headquarters/hamas-murders-a-gazan-civilian-trying-to-get-help-from-unrwa>

⁹² Ronny Reyes, *Hundreds of Palestinians call for an*

quoted saying, " Hamas, for God's sake get out" and "free the hostages" during protests across Beit Lahia, Deir Al-Balah, Khan Yunis, and Gaza City.⁹³

This period saw journalists facing significant pressure, with fears of being accused of spying if they covered anti-Hamas protests; some were followed by internal security agents.⁹⁴ A specific case in April 2025 involved Gazan journalist Tawfiq Abu Jarad, who was warned by a Hamas security agent not to cover a women's anti-war protest and had previously been beaten and interrogated in November 2023 for allegedly "covering events calling for a coup".⁹⁵

Anti-Hamas activist Abu Himam Jundiya went into hiding in April 2025 after receiving threats from the group for his involvement in the "We Want to Live"

protest.⁹⁶ Another Gazan male stated in April 2025, " Hamas uses what weapons it has left only to kill its own people, for the 'crime' of saying we want to live".⁹⁷



A "We Want to Live" Protest in Gaza, November 2023.

Photo Credit: "Why Gazans Are Protesting Hamas Now" CNN. March 26, 2025. <https://www.cnn.com/2025/03/26/middleeast/why-gazans-are-protesting-hamas-now-intl-latam>

Amnesty International's reports from April and May 2025 document a pattern of threats, intimidation, harassment, interrogations, and beatings by Hamas-run security forces against peaceful protesters.⁹⁸ One protester from al-Atatra recounted being beaten with

end to war with Israel — and for Hamas to 'get out' of Gaza — in rare protests, NY Post (Mar. 25, 2025), <https://nypost.com/2025/03/25/world-news/palestinians-call-for-an-end-to-war-with-israel-for-hamas-to-leave-gaza-in-rare-protests>.

⁹³ Center for Peace Communications (@PeaceComCenter), *Gazans have hit the streets in unprecedented numbers to challenge Hamas rule. Their demand: "Hamas, for God's sake get out" and "free the hostages."*, X (Mar. 28, 2025), <https://x.com/PeaceComCenter/status/1905651059734790200>

⁹⁴ Ronny Reyes, *Hundreds of Palestinians call for an end to war with Israel — and for Hamas to 'get out' of Gaza — in rare protests*, NY Post (Mar. 25, 2025), <https://nypost.com/2025/03/25/world-news/palestinians-call-for-an-end-to-war-with-israel-for-hamas-to-leave-gaza-in-rare-protests>

⁹⁵ Michael Horovitz, *Watchdog: Gazan reporters 'intimidated, threatened, assaulted by Hamas'*, Times of Israel (May 16, 2025), <https://www.timesofisrael.com/watchdog-gazan-reporters-face-beatings-threats-when-covering-anti-hamas-rallies/>.

⁹⁶ Center for Peace Communications (@PeaceComCenter), *Gazan anti-Hamas protest Abu Himam Jundiya is now in hiding because the terror group threatened to hunt him down. He wants the world to know that he is hanging tough*, X (Apr. 9, 2025), <https://x.com/PeaceComCenter/status/1910064756909592665>

⁹⁷ Center for Peace Communications (@PeaceComCenter), *As military escalation looms, Gazans are speaking out*, X (Apr. 4, 2025), <https://x.com/PeaceComCenter/status/1918980346579660984>

⁹⁸ Amnesty International, *Palestine (State of) 2024*, Amnesty International (April, 2025) <https://www.amnesty.org/en/location/middle-east-and-north-africa/middle-east/palestine-state-of/report-palestine-state-of/>; Amnesty International, *Palestine: Hamas security services must stop targeting protesters in reprisal and respect freedom of peaceful assembly in Gaza*, Amnesty International (May 28, 2025), <https://www.amnesty.org/en/latest/news/2025/05/palestine-hamas-security-services-must-stop-targeting-protesters-in-reprisal-and-respect-freedom-of-peaceful-assembly-in-gaza/>.

sticks by approximately 50 armed men in civilian clothes and accused of being a "traitor" and "collaborator" after a protest on April 16, 2025.⁹⁹ Another protester, after multiple interrogations, was visited in his home by Hamas security in April 2025, beaten with sticks, and threatened with being shot in the feet if he continued protesting.¹⁰⁰

The Committee to Protect Journalists (CPJ) reported in May 2025 on the systematic intimidation, beatings, and threats faced by journalists covering anti-Hamas protests, leading many to self-censorship. Testimonies collected in the "Whispered in Gaza" video series from the Center for Peace Communications further describe Hamas using civilians as human shields, stealing humanitarian aid, and violently suppressing dissent.¹⁰¹

3.3. Violence Against Suspected Looters Amid the Humanitarian Crisis

In January 2025, Hamas operatives shot 17 merchants in the feet for alleged price gouging.¹⁰² Hamas also executed 6 Palestinians and shot 13 others in the legs for alleged looting in May 2025.¹⁰³ Beyond

⁹⁹ Amnesty International, *Palestine: Hamas security services must stop targeting protesters in reprisal and respect freedom of peaceful assembly in Gaza*, Amnesty International (May 28, 2025)

¹⁰⁰ *Id.*

¹⁰¹ *Palestine: Hamas must end 'shameful' crackdown against protesters in Gaza*, Center for Peace Communications <https://www.peacecomms.org/gaza>

¹⁰² Emanuel Fabian & Toi Staff, *Video appears to show Hamas shooting several alleged 'collaborators' in Gaza*, Times of Israel (Jan. 24, 2025), <https://www.timesofisrael.com/video-appears-to-show-hamas-executing-several-alleged-collaborators-in-gaza>

¹⁰³ Sushim Mukul, *Protest-shocked Hamas executes 6*

specific dates, there are general reports of Hamas-linked gunmen shooting and torturing alleged aid looters, including smashing kneecaps.¹⁰⁴

Furthermore, Hamas threatened GHF aid workers, resulting in a temporary suspension of aid distribution.¹⁰⁵ In May 2025, Hamas initiated a crackdown on "organized looting" with a new field force, enforcing a curfew and threatening punishments "according to revolutionary law," including execution of alleged collaborators with Israel.¹⁰⁶

An eyewitness in southern Gaza spoke out in June 2025, detailing how "Hamas attacked queues of people waiting to receive aid from the American company in Gaza... while on social media, Hamas threatens and

Gazans, flogs people in public, India Today (Mar. 31, 2025),

<https://www.indiatoday.in/world/story/hamas-execute-s-6-gazans-flogs-people-in-public-to-quell-anti-hamas-protests-importance-gaza-war-israel-2701691-2025-03-31>

¹⁰⁴ Joe Truzman, *June 12, 2025 | FDD's Long War Journal Hamas kills at least 8 aid workers, GHF reports; source claims Hamas trying to disrupt aid distribution*, Foundation for Defense of Democracies (June 12, 2025),

https://www.fdd.org/analysis/op_ed/2025/06/12/hamas-kills-at-least-8-aid-workers-ghf-reports-source-claims-hamas-trying-to-disrupt-aid-distribution

¹⁰⁵ Itamar Eichner, *Gaza aid suspended after Hamas threatens workers, relief organization says*, YNet News (June 7, 2025),

<https://www.ynetnews.com/article/syrx1jzqlx>;

Reuters, *US-backed Gaza aid group halts distribution*, YouTube (June 4, 2025),

<https://www.youtube.com/watch?v=si1n964GdPo>

¹⁰⁶ Farah Fangary et al., *Hamas cracks down on 'organized' looting amid surge of thefts, attacks on police as deprivation spikes due to Israeli blockade*, Mada Masr (May 6, 2025),

<https://www.madamasr.com/en/2025/05/06/news/politics/hamas-cracks-down-on-organized-looting-amid-surge-of-thefts-as-deprivation-spikes-due-to-israeli-blockade/>

incites against those who receive American aid." This testimony highlights Hamas' strategy of stockpiling aid, selling for profit, and controlling its distribution as a means to recruit, intimidate, and exploit the population.¹⁰⁷

3.4. Documented Case Studies

Included below is a summary of specific instances and detailed accounts of Hamas' brutality since October 7, 2023:

- **Murder of Uday Al Rabay:** In March 2025, the 22-year-old protester Uday Al Rabay was tortured and killed after demonstrating against Hamas rule. His body was left on his family's doorstep.¹⁰⁸



Uday Al Rabay

¹⁰⁷ Center for Peace Communications (@PeaceComCenter), *An eye witness to tragedy in southern Gaza speaks out*, X (June 2, 2025), <https://x.com/PeaceComCenter/status/1929623084375413216>

¹⁰⁸ Anthony Blair, *Hamas terrorists torture protester to death in Gaza — then leave his bludgeoned body on family's doorstep as sick warning to others*, New York Post (Mar. 31, 2025), <https://nypost.com/2025/03/31/world-news/anti-hamas-protester-tortured-to-death-in-gaza-as-warning-to-others>.

- **Targeting of GHF Humanitarian Workers:** In June 2025, Hamas killed at least eight Gaza Humanitarian Foundation (GHF) workers in a targeted ambush near Khan Younis, with several others wounded or kidnapped.¹⁰⁹
- **The Arrow Unit's Operations:** footage, shared on platforms like X (formerly Twitter) by GazaNow in May 2025, depicts masked Arrow Unit members assaulting individuals on the street with iron rods, batons, and firearms.¹¹⁰ Furthermore, a GazaNow post from May 2025 documented the Arrow Unit carrying out an execution by firing squad against two alleged "agents and collaborators with the enemy" on Al-Galaa Street.¹¹¹ The unit also conducted operations against alleged looters including the November 2024 attack that killed 20 persons.¹¹²

¹⁰⁹ Joe Truzman, *June 12, 2025 | FDD's Long War Journal Hamas kills at least 8 aid workers, GHF reports; source claims Hamas trying to disrupt aid distribution*, Foundation for Defense of Democracies (June 12, 2025),

https://www.fdd.org/analysis/op_ed/2025/06/12/hamas-kills-at-least-8-aid-workers-ghf-reports-source-claims-hamas-trying-to-disrupt-aid-distribution

¹¹⁰ GazaNow, *'Footage showing assaults committed by masked members of the unit armed with iron rods, batons, and firearms on the street'*, X (May 9, 2025), <https://x.com/GazaNow/status/1921278253123195373>

¹¹¹ GazaNow, *'Post documenting execution'*, X (May 10, 2025), <https://x.com/GazaNow/status/1921278253123195373>

¹¹² Mondoweiss Palestine Bureau et al., *Inside the Hamas unit fighting Israeli-armed gangs that loot aid and facilitate displacement in Gaza*, Mondoweiss (June 6, 2025).

3.4.1. Further Documented Cases of Violence and Suppression

Further evidence from the period following October 7, 2023, reveals a consistent and brutal pattern of Hamas employing lethal force against civilians. This repression is particularly acute during the distribution of humanitarian aid and in response to public protests, demonstrating a systematic effort to maintain control through violence and intimidation.

Numerous reports and video evidence document Hamas operatives using extreme force against desperate civilians seeking aid. In one video, uniformed Hamas police are seen striking people with batons in a chaotic crowd gathered around an aid truck.¹¹³ In another documented incident in Gaza City, Hamas police opened fire directly on a crowd awaiting humanitarian aid, causing multiple casualties.¹¹⁴ The violence has proven to be lethal; separate footage shows Hamas operatives shooting at a group of civilians, an act which resulted in the death of a child.¹¹⁵ Perhaps the most detailed case is the killing of Yazan al-Kafarna, a 13-year-old boy. According to multiple reports, a Hamas police officer shot and killed the boy for the sole reason that he was trying to get a bag of flour from an aid

truck.¹¹⁶ This pattern of shooting at and killing civilians who approach aid distribution points has been reported on numerous other occasions, solidifying it as a deliberate tactic of control.¹¹⁷

The suppression of political dissent has been equally ruthless. Hamas has violently cracked down on growing demonstrations, such as the "We Want to Live" movement, which protests against dire living conditions and Hamas's rule.¹¹⁸ These protests, taking place in locations such as the Jabalia camp, Khan Yunis, and Deir al-Balah,¹¹⁹ have seen demonstrators chanting slogans directly against Hamas's leadership, including "Down with Sinwar!".¹²⁰ Hamas's response has been to use live ammunition to disperse these crowds. This has led to the targeted killing of several named activists and

¹¹³ Joe Truzman (@JoeTruzman), X (Aug. 28, 2025, 4:32 PM), <https://x.com/JoeTruzman/status/1957901013568090168>.

¹¹⁴ Ihab Hassan (@IhabHassane), X (Aug. 23, 2025, 2:47 PM), <https://x.com/IhabHassane/status/1940843104132911500>.

¹¹⁵ Imshin (@imshin), X (Aug. 24, 2025, 11:15 AM), <https://x.com/imshin/status/1947357643078561972>.

¹¹⁶ Ahmed Fouad Alkhatib (@afalkhatib), X (Aug. 22, 2025, 11:50 PM), <https://x.com/afalkhatib/status/1938793733396283469>.

¹¹⁷ مغاوي (@moghaoui), X (Aug. 22, 2025, 9:23 PM), <https://x.com/moghaoui/status/1938682432787489232>; Ihab Hassan (@IhabHassane), X (Aug. 18, 2025, 10:11 AM), <https://x.com/IhabHassane/status/1929940525387288842>.

¹¹⁸ Hamza Howidy (@HowidyHamza), X (Aug. 20, 2025, 11:20 AM), <https://x.com/HowidyHamza/status/1935022564230713722>.

¹¹⁹ Ihab Hassan (@IhabHassane), X (Aug. 21, 2025, 9:35 PM), <https://x.com/IhabHassane/status/1937543879097467370> (Jabalia); Ihab Hassan (@IhabHassane), X (Aug. 22, 2025, 10:48 PM), <https://x.com/IhabHassane/status/1938744695091351975> (Khan Yunis); بيبي فراسي (@baytifirasik), X (Aug. 19, 2025, 8:45 AM), <https://x.com/baytifirasik/status/1930797985304388080> (Deir al-Balah).

¹²⁰ Ihab Hassan (@IhabHassane), X (Aug. 21, 2025, 1:20 PM), <https://x.com/IhabHassane/status/1936569627129090138>.

protesters. For instance, Mohammed Abu Taima was reportedly killed in Khan Yunis by members of Hamas's internal "Al-Majd" security forces.¹²¹ Amer Khalifa, an activist with the "We Want to Live" movement, was also reported killed by Hamas forces.¹²² Similarly, Wissam Abu Shusha was killed by security forces during another protest, and another unnamed protester was reported killed in Deir al-Balah.¹²³ These killings are not isolated incidents but part of a broader, lethal campaign to silence any opposition to Hamas's authority.



Translation of Arabic on Sign: "Hamas Does Not Represent Us"

Gaza Residents Stage Rare Protests Against Hamas Amid Ongoing Conflict." The New York Times, March 26, 2025.
<https://www.nytimes.com/2025/03/26/world/middleeast/gaza-hamas-protests.html>

¹²¹ Ihab Hassan (@IhabHassane), X (Aug. 22, 2025, 10:48 PM), <https://x.com/IhabHassane/status/1938744695091351975>.

¹²² Hamza Howidy (@HowidyHamza), X (Aug. 20, 2025, 11:20 AM), <https://x.com/HowidyHamza/status/1935022564230713722>.

¹²³ Ihab Hassan (@IhabHassane), X (Aug. 20, 2025, 11:30 AM), <https://x.com/IhabHassane/status/1932939036592644273> (Wissam Abu Shusha); بيتي فراسي (@baytifirasik), X (Aug. 19, 2025, 8:45 AM), <https://x.com/baytifirasik/status/1930797985304388080> (Deir al-Balah).

3.5. Trends: Comparison Before and After October 7

A consistent and overarching objective of Hamas' actions is the absolute suppression of any challenge to its authority. This ranges from targeting political rivals, such as Fatah members in 2007-2009,¹²⁴ to cracking down on socio-economic protests like the "We Want to Live" demonstrations in 2019,¹²⁵ and more recent anti-Hamas demonstrations post-October 7.¹²⁶ The methods employed, including torture, mass arrests, and public executions, are designed to instill a pervasive climate of fear and preempt any organized opposition.

The label of "collaborator with Israel" serves as a consistent and convenient justification for executions and torture. This accusation is often broadly applied to political rivals, individuals seeking aid independently, or even common looters during times of crisis.

Periods of intense conflict with Israel, such as 2008-2009, 2014, and particularly in the aftermath of October 7 2023, are consistently exploited by Hamas to intensify internal purges and assert control. Under the

¹²⁴ *Under Cover of War Hamas Political Violence in Gaza*, Human Rights Watch (Apr. 20, 2009), <https://www.hrw.org/report/2009/04/20/under-cover-war/hamas-political-violence-gaza>

¹²⁵ *Hamas Leads New Crackdown in Gaza Beating and arresting human rights defenders, journalists and protesters reflects systematic practice*, Human Rights Watch (Mar. 20, 2019), <https://www.hrw.org/ar/news/2019/03/20/328306>.

¹²⁶ Ronny Reyes, *Hundreds of Palestinians call for an end to war with Israel — and for Hamas to 'get out' of Gaza — in rare protests*, NY Post (Mar. 25, 2025), <https://nypost.com/2025/03/25/world-news/palestinians-call-for-an-end-to-war-with-israel-for-hamas-to-leave-gaza-in-rare-protests>

pretext of wartime security, Hamas uses these periods to eliminate opposition, instill loyalty, and consolidate its power. The proportionate lack of international scrutiny allows these violations to continue.

In the aftermath of October 7 2023, a new category of Hamas targets emerged, including looters and merchants accused of price gouging, and an intensification of brutal punishments, including executions, shooting in legs, and kneecap smashing. This signifies Hamas' determination to maintain absolute control over resources and prevent any direct challenge to its authority.

The creation and deployment of the "Arrow Unit" represent a more formalized and aggressive apparatus for internal repression. This specialized force is specifically designed to enforce order, punish perceived transgressions, and maintain Hamas' authority in the post-October 7 environment. Its public messaging explicitly links its violence to maintaining control over food and property.¹²⁷

The documented killings and threatening of humanitarian aid workers and the subsequent suspension of aid distribution represent an escalation of Hamas' brutality. This directly impedes the delivery of vital assistance to a suffering population, indicating Hamas' consistent willingness to sacrifice civilian welfare for control over aid channels or to punish perceived non-compliance, with profound implications

¹²⁷ Joe Truzman, *Hamas 'Arrow Unit' Unveils Its Machinery of Repression in Gaza*, Foundation for Defense of Democracies (May 14, 2025), https://www.fdd.org/analysis/policy_briefs/2025/05/14/hamas-arrow-unit-unveils-its-machinery-of-repression-in-gaza.

for the humanitarian response in Gaza.

4. Legal Framework

4.1. International Human Rights Law

As reported above, Hamas systematically engages in severe human rights violations including extrajudicial killings, arbitrary detentions, torture, and repression. Despite these findings, human rights violations remain widespread.

Several bodies of the UN, including the Security Council, as well as Special Rapporteurs (SRs), have indicated that IHRL does apply to armed groups¹²⁸, especially in situations in which armed groups exercise some degree of control over a given territory or population.¹²⁹

The SRs on extrajudicial, summary or arbitrary executions, on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, the Representative of the Secretary-General on human rights of internally displaced persons, and the SR on adequate housing as a component of the right to an adequate standard of living established, in relation to Hezbollah, that “although Hezbollah, a non-State actor, cannot become a party to these human rights

¹²⁸ While the fact that international humanitarian law is binding both for states and non-state armed groups is not controversial, such a principle has been contested when it comes to international human rights law. Nevertheless, there is an evolving practice according to which IHRL also applies to non-state armed groups.

¹²⁹ U.N. Human Rights Office, *International Legal Protection of Human Rights in Armed Conflict* (2011), https://www.ohchr.org/sites/default/files/Documents/Publications/HR_in_armed_conflict.pdf

treaties, it remains subject to the demand of the international community, first expressed in the Universal Declaration of Human Rights, that every organ of society respect and promote human rights.”¹³⁰

Regarding Hamas, various positions have been taken asserting that this armed group is subject to and has violated provisions of IHRL. The High Commissioner for Human Rights has explicitly affirmed that “Hamas in Gaza, carr[ies] obligations under international humanitarian law and international human rights law vis-à-vis the civilian populations in both Israel and the OPT.”¹³¹

Violations of the Right to Life

Every person has the inherent right to life. This right must be protected by law and cannot be taken arbitrarily. The International Covenant on Civil and Political Rights (ICCPR)¹³² and the Universal Declaration of

¹³⁰ U.N. Human Rights Council, *Mission to Lebanon and Israel (7-14 September 2006): report of the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions, Philip Alston; the Special Rapporteur on the Right of Everyone to the Enjoyment of the Highest Attainable Standard of Physical and Mental Health, Paul Hunt; the Representative of the Secretary-General on Human Rights of Internally Displaced Persons, Walter Kälin; and the Special Rapporteur on Adequate Housing as a Component of the Right to an Adequate Standard of Living, Miloon Kothari*, U.N. Doc. A/HRC/2/7 (Oct. 2, 2006), para. 19.

¹³¹ U.N. Human Rights Council, *Human rights violations emanating from Israeli military attacks and incursions in the Occupied Palestinian Territory, particularly the recent ones in the occupied Gaza Strip : report of the High Commissioner for Human Rights on the implementation of Human Rights Council resolution 7/1*, U.N. Doc. A/HRC/8/17 (June 6, 2008), para. 4.

¹³² International Covenant on Civil and Political Rights art. 6, Dec. 16, 1966, 999 U.N.T.S. 171.

Human Rights (UDHR)¹³³ both enshrine this obligation that Hamas repeatedly breaches.

Numerous individuals have been deprived of life under Hamas rule. The arbitrary use of lethal force—particularly against political opponents or dissenters—by government or de facto authorities is considered extrajudicial killing.

Arbitrary Detention

International legal standards prohibit arbitrary arrest and detention. The ICCPR guarantees liberty and personal security,¹³⁴ while the UDHR explicitly forbids arbitrary detention.¹³⁵ The United Nations Human Rights Council has condemned these practices in Gaza, highlighting the systematic nature of such violations. Hamas’ practices clearly contravene these standards.¹³⁶

Civilians in Gaza are frequently detained without formal charges or fair legal proceedings. Many are held solely due to their political views or perceived affiliations.

Torture

¹³³ Universal Declaration of Human Rights, art. 3, G.A. Res. 217A (III), U.N. Doc. A/810 at 71 (Dec. 10, 1948), <https://www.un.org/en/about-us/universal-declaration-of-human-rights>.

¹³⁴ International Covenant on Civil and Political Rights art. 9, Dec. 16, 1966, 999 U.N.T.S. 171.

¹³⁵ Universal Declaration of Human Rights, U.N., Universal Declaration of Human Rights, art. 9, G.A. Res. 217A (III), U.N. Doc. A/810 at 71 (Dec. 10, 1948), <https://www.un.org/en/about-us/universal-declaration-of-human-rights>.

¹³⁶ Human Rights Council, Written Statement Submitted by UN Watch, U.N. Doc. A/HRC/46/NGO/95 (Mar. 2, 2021), <https://undocs.org/en/A/HRC/46/NGO/95>.

As presented above, numerous detainees report being subjected to physical abuse, psychological torture, or degrading conditions in detention centers controlled by Hamas.

Torture and cruel, inhumane, or degrading treatment are strictly prohibited by the Convention against Torture (ratified by the State of Palestine in 2014), and the Optional Protocol to the Convention against Torture (ratified by the State of Palestine in 2017), the ICCPR (ratified by the State of Palestine in 2014),¹³⁷ and the UDHR.¹³⁸ Nevertheless, these practices remain pervasive and unpunished in Gaza.

Suppression of Free Expression

As reported above, freedom of expression is harshly curtailed in Gaza. Journalists, human rights defenders, and ordinary citizens face harassment, arrest, and violence for expressing dissenting views. Hamas has employed intimidation tactics and surveillance to silence opposition and control public discourse.

International law guarantees the right to hold opinions without interference and to express those views through any medium. Article 19 of both the ICCPR and UDHR protects these rights.¹³⁹ Hamas' actions, including violent

¹³⁷ International Covenant on Civil and Political Rights art. 7, Dec. 16, 1966, 999 U.N.T.S. 171.

¹³⁸ Universal Declaration of Human Rights, art. 19, G.A. Res. 217A (III), U.N. Doc. A/810 at 71 (Dec. 10, 1948),

<https://www.un.org/en/about-us/universal-declaration-of-human-rights>.

¹³⁹ International Covenant on Civil and Political Rights art. 7, Dec. 16, 1966, 999 U.N.T.S. 171.; Universal Declaration of Human Rights, art. 19, G.A. Res. 217A (III), U.N. Doc. A/810 at 71 (Dec. 10, 1948),

suppression of speech and targeting of dissenters, directly contravene these norms.

Accountability for Deaths in Custody

When individuals die in custody or are mistreated, an independent investigation must be conducted, regardless of the presumed cause of death. International standards require that states investigate such incidents promptly and impartially.¹⁴⁰ However, under Hamas, independent investigations do not occur, and impunity persists.

4.2 International Humanitarian Law

Multiple reports from Amnesty International,¹⁴¹ ICHR,¹⁴² and HRW¹⁴³ document serious violations of IHL by Hamas against Palestinian civilians in Gaza. These include unlawful killings of detainees, torture and inhumane treatment, arbitrary detention, and attacks on protected persons.

<https://www.un.org/en/about-us/universal-declaration-of-human-rights>.

¹⁴⁰ International Committee of the Red Cross, *Guidelines for Investigating Deaths in Custody 5* (Dec. 21, 2013),

<https://www.icrc.org/eng/assets/files/publications/icrc-002-4126.pdf>.

¹⁴¹ Amnesty International, 'Strangling Necks': Abductions, Torture and Summary Killings of Palestinians by Hamas Forces during the 2014 Gaza/Israel Conflict, MDE 21/1643/2015 (May 2015),

<https://www.amnesty.org/en/documents/mde21/1643/2015/en/>.

¹⁴² Independent Commission for Human Rights, *The Situation of Human Rights in Palestine Twenty Eighth Annual Report* (2022),

<https://icrh.ps/public/page/123201>.

¹⁴³ Human Rights Watch, *Abusive System: Failures of Criminal Justice in Gaza* (Oct. 3, 2012),

<https://www.hrw.org/report/2012/10/03/abusive-system/failures-criminal-justice-gaza>.

While it is contended whether the Israel-Hamas conflict is of international (IAC) or non-international (NIAC) character, the outcome of such debate is irrelevant for assessing the responsibility of Hamas and the other armed groups involved in the violations of international humanitarian law, which will be detailed in this report. The specific provisions that will be addressed in this report not only regulate the conduct of both State and non-state actors but also constitute customary international law.

Extrajudicial Killings

Common Article 3 of the Geneva Conventions, applicable in NIACs, prohibits attacks to life and physical integrity of persons not taking active part in hostilities.¹⁴⁴ In IACs, Article 50 of Geneva Convention I prohibits willful killing of protected persons. Article 27 of the Geneva Conventions guarantees that protected persons shall be protected from all acts of violence or threats thereof.¹⁴⁵ Extrajudicial executions by Hamas constitute a grave breach of these provisions. Article 32 of the Geneva Conventions prohibits acts that cause extermination, including murder.¹⁴⁶ Article 147 lists wilful killing as a “grave breach” of the Geneva Conventions.¹⁴⁷

Furthermore, both Additional Protocols I and II prohibit extrajudicial killings. Article 51(2) of Additional Protocol I prohibits acts or threats of violence “the primary purpose

of which is to spread terror among the civilian population.”¹⁴⁸ Additional Protocol I, which applies in IACs, also prohibits extrajudicial killings in Article 75(2)(a) which forbids “violence to the life, health or physical or mental well-being of persons, in particular murder.”¹⁴⁹ This guarantee applies not only to protected persons, but even to those not covered by more specific protection. Additional Protocol II, applicable to NIACs, prohibits in Article 4(2)(a) any “Violence to the life, health and physical or mental well-being of persons, in particular murder towards those who do not partake in hostilities.”¹⁵⁰

Torture and Inhumane Treatment in Detention

Torture is categorically prohibited under IHL. Common Article 3 and customary IHL Rule 90 prohibits torture and cruel treatment of all persons.¹⁵¹ In addition, Article 50 of the Geneva Conventions prohibits “torture or inhuman treatment”.¹⁵² Article 13 of Geneva Conventions III further affirms the duty of humane treatment and prohibits acts endangering the life or health of detainees.¹⁵³ Article 147 states that torture against protected people constitutes a “grave

¹⁴⁸ Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of International Armed Conflicts (Protocol I) art. 51(2), June 8, 1977, 1125 U.N.T.S. 3.

¹⁴⁹ *Id.* art. 75(2)(a).

¹⁵⁰ Protocol II Additional to the Geneva Conventions art. 4(2)(a), June 8, 1977, 1125 U.N.T.S. 609.

¹⁵¹ Geneva Conventions art. 3(1), Aug. 12, 1949, 75 U.N.T.S. 31; Customary International Humanitarian Law Rule 90, *International Committee of the Red Cross*,

<https://ihl-databases.icrc.org/en/customary-ihl/v1/rule/90> (last visited July 22, 2025).

¹⁵² *Id.* art. 50.

¹⁵³ *Id.* art. 13.

¹⁴⁴ Geneva Convention Relative to the Protection of Civilian Persons in Time of War art. 3, Aug. 12, 1949, 6 U.S.T. 3516, 75 U.N.T.S. 287.

¹⁴⁵ *Id.* art. 27.

¹⁴⁶ *Id.* art. 32.

¹⁴⁷ *Id.* art. 147.

breach” of the Geneva Conventions.¹⁵⁴ Article 27 proclaims that protected persons “shall at all times be humanely treated, and shall be protected especially against all acts of violence or threats.”¹⁵⁵ Article 32 further prohibits torture and corporal punishment.¹⁵⁶ Additional Protocol I also prohibits torture in Article 75(2)(a)(ii) in IACs, alongside Additional Protocol II Article 4(2)(a) in NIACs.¹⁵⁷

Arbitrary Detention

Although primarily governed by human rights law, arbitrary detention also violates IHL in contexts where deprivation of liberty occurs without legal basis or due process. Common Article 3(1)(d) of the Geneva Conventions affirms the right to due process.¹⁵⁸ Article 5 affirms “the rights [to a] fair and regular trial”.¹⁵⁹ Article 78 guarantees a process to appeal judicial decisions.¹⁶⁰ Article 71 guarantees the right for detainees to know what their charges are.¹⁶¹ Article 72 allows defendants to have a

¹⁵⁴ Geneva Convention Relative to the Protection of Civilian Persons in Time of War art. 147, Aug. 12, 1949, 6 U.S.T. 3516, 75 U.N.T.S. 287.

¹⁵⁵ *Id.* art. 27.

¹⁵⁶ *Id.* art. 32.

¹⁵⁷ Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of International Armed Conflicts (Protocol I) art. 75(2)(a)(ii), June 8, 1977, 1125 U.N.T.S. 3; Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II) art. 4(2)(a), June 8, 1977, 1125 U.N.T.S. 609.

¹⁵⁸ Geneva Convention Relative to the Protection of Civilian Persons in Time of War art. 3(1)(d), Aug. 12, 1949, 6 U.S.T. 3516, 75 U.N.T.S. 287.

¹⁵⁹ *Id.* art. 5.

¹⁶⁰ Geneva Convention Relative to the Protection of Civilian Persons in Time of War art. 78, Aug. 12, 1949, 6 U.S.T. 3516, 75 U.N.T.S. 287.

¹⁶¹ *Id.* art. 71.

representative counsel of their choice.¹⁶² Additional Protocol I guarantees the right to an impartial and regularly constituted court in Article 75(4) in the context of an IAC, while Article 6(2) of Additional Protocol II echoes this guarantee in the context of a NIAC.¹⁶³ In addition, Rule 99 of Customary International Humanitarian Law articulates a core principle of international humanitarian law: arbitrary deprivation of liberty is prohibited.¹⁶⁴

Conclusion

The documented evidence shows that Hamas systematically violates core international human rights and international humanitarian law principles. From extrajudicial killings to repression of speech, these abuses are not isolated incidents but reflect a deliberate policy of control and suppression.

4.3 International Criminal Law

While certain violations of international humanitarian law constitute war crimes, this section also examines conduct that meets the criteria for crimes against humanity, including murder, torture, and arbitrary detention.

Unlawful Killing

¹⁶² *Id.* art. 72.

¹⁶³ Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of International Armed Conflicts (Protocol I) art. 75(4), June 8, 1977, 1125 U.N.T.S. 3; Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II) art. 6(2), June 8, 1977, 1125 U.N.T.S. 609.

¹⁶⁴ Jean-Marie Henckaerts & Louise Doswald-Beck, *Customary International Humanitarian Law* (ICRC, Vol. I, 2005), Rule 99.

According to the Rome Statute, unlawful killing can constitute the crime against humanity of murder. In addition, Article 8(2)(a)(i) codifies the war crime of wilful killing when committed in international armed conflicts, while Article 8(2)(c)(i) codifies the war crime of murder when committed in non-international armed conflicts.¹⁶⁵

Torture

Both detainees and civilians frequently report severe physical or mental suffering, inflicted to intimidate, extract information, or punish. In addition, Palestinian civilians who were not detained have also reported experiencing similar forms of abuse. These patterns of mistreatment meet the legal definition of torture under the Rome Statute.

Torture is criminalized both as a war crime (Article 8) and as a crime against humanity (Article 7) of the Rome Statute.¹⁶⁶ The severity, purpose, and widespread nature of these abuses strongly support classification under both legal frameworks. Humiliating or degrading treatment, as defined by the International Committee of the Red Cross (ICRC), comprises acts causing genuine and serious humiliation or a significant affront to human dignity. “The intensity of such acts is such that any reasonable person would feel outraged.”¹⁶⁷

¹⁶⁵ Rome Statute of the International Criminal Court art. 7(1)(a), art. 8(2)(a)(i), art. 8(2)(c)(i), July 17, 1998, 2187 U.N.T.S. 90.

¹⁶⁶ Rome Statute of the International Criminal Court arts. 7–8, July 17, 1998, 2187 U.N.T.S. 90.

¹⁶⁷ International Committee of the Red Cross, *Torture and other forms of ill-treatment: The definitions used by the ICRC*, ICRC (Jan. 2, 2016), <https://www.icrc.org/en/document/torture-and-other-forms-ill-treatment-de%EF%AC%81nitions-used-icrc>.

Failure to Ensure Accountability

The International Criminal Court (ICC) has jurisdiction over grave crimes under international law, including torture, extrajudicial killings, and other abuses committed as war crimes or crimes against humanity. This jurisdiction applies when national authorities are unwilling or unable to genuinely investigate and prosecute such violations. The situation in Gaza reflects both conditions. Under Hamas rule, systemic impunity prevails. Acts such as torture, arbitrary detention, and unlawful killings—including public executions of alleged collaborators and dissenters—are carried out regularly without legal process or accountability. As documented by human rights organizations and visual evidence, these abuses are not isolated incidents but part of a deliberate and sustained campaign of repression against the civilian population. Hamas’ lack of judicial independence, its use of military courts to try civilians, and the absence of impartial investigations into deaths in custody or in public settings or torture claims all point to a complete obstruction of justice. This entrenched unwillingness to prosecute perpetrators—despite ample evidence—clearly meets the Rome Statute’s standard for ICC intervention and supports the classification of these acts as both war crimes under international humanitarian law and crimes against humanity under international criminal law.

Disclaimer on Jurisdiction

This report emphasizes the importance of international accountability mechanisms. However, it must be underscored that the

jurisdiction of the International Criminal Court does not extend to Israeli nationals in the context of the “Situation in the State of Palestine.” This position is based on the binding provisions of the Oslo Accords, which allocate exclusive criminal jurisdiction over Israeli nationals to the State of Israel. As the Palestinian Authority has never possessed such jurisdiction, it could not legally delegate it to the Court. Any extension of ICC jurisdiction in this matter would be inconsistent with these binding agreements and would risk undermining the established legal framework governing Israeli–Palestinian relations.

Conclusion

The evidence presented confirms that Hamas has committed crimes under international criminal law. Both individual perpetrators and those in positions of authority may be held responsible under the Rome Statute.

4.4. Domestic Palestinian Law

Breakdown of Rule of Law

Since consolidating power, Hamas has significantly altered Gaza’s legal landscape. Through control of military and civilian courts, it has imposed a parallel legal system that bypasses constitutional protections and undermines the judiciary’s independence.¹⁶⁸

Illegal Use of Military Courts

¹⁶⁸ Bill Van Esveld, *Abusive System: Failures of the Criminal Justice System in Gaza*, Human Rights Watch (Oct. 3, 2012), <https://www.hrw.org/report/2012/10/03/abusive-system/failures-criminal-justice-gaza>.

Hamas enacted Military Judiciary Law No. 4, which allows civilians to be tried in military courts and detained without trial for up to six months.¹⁶⁹ This contradicts Palestinian Basic Law, which prohibits military courts from having jurisdiction over civilians. Article 101 of the Basic Law confirms this separation, yet in practice, civilians continue to face trial under military tribunals.

Violation of Due Process

Civilians are often detained without formal charges or held beyond court-ordered release dates. Article 106 of the Basic Law and Article 82 of the Judicial Authority Act, both prohibit such practices.¹⁷⁰ However, security agencies in Gaza frequently ignore court orders, as evidenced by reported cases of unlawful continued detention.

Torture and Coerced Confessions

As mentioned, our report confirms the use of torture to extract confessions. Article 32 of the Basic Law prohibits torture outright and denies the application of any statute of limitations for such crimes.¹⁷¹ Article 214(1) of the Penal Procedure Law requires that confessions be voluntary and free from

¹⁶⁹ *Id.*

¹⁷⁰ The Amended Basic Law of 2003, art. 106 (Palestinian National Authority), <https://security-legislation.ps/latest-laws/the-amended-basic-law-of-2003/>; Judicial Authority Law No. 1 of 2002, art. 82 (Palestinian National Authority), <https://security-legislation.ps/latest-laws/judicial-authority-law-no-1-of-2002/>.

¹⁷¹ The Amended Basic Law of 2003, art. 32 (Palestinian National Authority), <https://security-legislation.ps/latest-laws/the-amended-basic-law-of-2003/>.

coercion—conditions routinely violated in Hamas-run detention facilities.¹⁷²

Other Binding Domestic Laws

Under Article 108 of the British Mandate Penal Law (still applicable in Gaza), public officials who use violence to extract information commit a misdemeanor.¹⁷³ Similarly, Article 262 criminalizes unlawful arrest.¹⁷⁴ Hamas forces have disregarded these statutes repeatedly, as confirmed by legal advocacy groups.¹⁷⁵

Public Freedoms Decree

Presidential Decree No. 5 (2021) bans politically motivated arrests and calls for the release of detainees held for expressing their

views.¹⁷⁶ While the Palestinian Authority has endorsed this framework, enforcement in Gaza is nonexistent.

Conclusion

Hamas' governance in Gaza blatantly violates the domestic legal framework it is bound to uphold. From trying civilians in military courts to ignoring constitutional protections against torture, the legal system under Hamas is marked by repression, illegality, and impunity.

4.5. Responsibility of the Palestinian Authority

Beyond individual and organizational accountability, the Palestinian Authority also bears responsibility under international law. The Palestinian Authority has formally ratified numerous international treaties and conventions, including the International Covenant on Civil and Political Rights (ICCPR), the Convention Against Torture (CAT), the Convention on the Rights of the Child, the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), and the Rome Statute.

As a party to these instruments, the Palestinian Authority is obligated to ensure their implementation throughout all territory under its jurisdiction—including Gaza. UN treaty bodies have reaffirmed this responsibility. For example, in their concluding observations on Palestine's

¹⁷² Penal Procedure Law No. 3 of 2001, art. 214(1) (Palestine), <https://ogb.gov.ps/public/files/server/0-1657009656.pdf>.

¹⁷³ British Mandate Criminal Code Ordinance No. 74 of 1936, art. 108 (Palestine), https://bwcimplementation.org/sites/default/files/resource/PS_Penal%20Code%20-%201936_EN.pdf.

¹⁷⁴ *Id.* art. 262.

¹⁷⁵ Bill Van Esveld, *Abusive System: Failures of the Criminal Justice System in Gaza*, Human Rights Watch (Oct. 3, 2012), <https://www.hrw.org/report/2012/10/03/abusive-system/failures-criminal-justice-gaza>; Independent Commission for Human Rights, *The Situation of Human Rights in Palestine Twenty Eighth Annual Report* (2022), <https://ichr.ps/public/page/123201>; Amnesty International, 'Strangling Necks': Abductions, Torture and Summary Killings of Palestinians by Hamas Forces during the 2014 Gaza/Israel Conflict, MDE 21/1643/2015 (May 2015), <https://www.amnesty.org/en/documents/mde21/1643/2015/en/>.

¹⁷⁶ Decree No. (5) of 2021 Concerning the Promotion and Enhancement of Public Freedoms and Liberties (Palestinian National Authority), <https://www.elections.ps/Portals/0/pdf/Decree-Law%20No%205%20of%202021%20on%20the%20Promotion%20of%20Public%20Freedoms.pdf> (last visited July 3, 2025).

initial reports, both the Human Rights Committee and the Committee Against Torture emphasized that the State of Palestine must take concrete steps to uphold human rights in the Gaza Strip.¹⁷⁷ These include ensuring accountability for violations and safeguarding protections guaranteed under IHRL and IHL.

Conclusion

Responsibility for the serious violations documented in this report lies not only with the individuals who commit the abuses, but also with those in positions of leadership—whether in Hamas or the Palestinian Authority—who enable, authorize, or fail to prevent them. Under both international criminal law and international human rights law, accountability extends to all levels of command. Given the centralized control exercised by Hamas and the legal obligations of the State of Palestine, both individual and state actors must be held accountable for the ongoing violations in Gaza.

The evidence compiled in this report demonstrates that Hamas has committed acts that meet the legal thresholds of both war crimes and crimes against humanity under the Rome Statute of the International Criminal Court (ICC). These include murder, torture, and arbitrary imprisonment perpetrated not only against detainees, but

also against civilians—including journalists, protesters, humanitarian workers, and others accused of disloyalty or collaboration. The widespread and systematic nature of these abuses suggests a deliberate campaign of repression targeting the civilian population. As such, these acts qualify under both Article 7 (crimes against humanity) and Article 8 (war crimes) of the Rome Statute.

5. Key Findings and Recommendations

Summary of Main Findings

- Since assuming de facto control of Gaza in 2007, Hamas has systematically suppressed political dissent through arbitrary arrests, torture, and extrajudicial executions.
- The repression has intensified since October 7, 2023, with new units, such as the Arrow Unit, conducting summary executions and violent crackdowns on civilians, looters, and protesters.
- Hamas has committed grave violations of civil liberties, including targeting women, children, journalists, and humanitarian personnel.
- Such conduct constitutes clear violations of international human rights, humanitarian, and criminal law, as well as Palestinian domestic law.
- The documented conduct meets the legal criteria for both war crimes and

¹⁷⁷ Committee Against Torture, Concluding Observations on the Initial Report of the State of Palestine (Aug. 23, 2022) U.N. Doc. CAT/C/PSE/CO/1; Human Rights Committee, Concluding observations on the initial report of the State of Palestine (Aug. 24, 2023) U.N. Doc. CCPR/C/PSE/CO/1.

crimes against humanity under the Rome Statute.

The Failure to Document Internal Repression

The extensive abuses documented in this report likely represent only a fraction of the reality within Gaza. A primary obstacle to justice is not a lack of crimes, but a profound failure of documentation, driven by Hamas' authoritarian control. The group's pervasive security apparatus has cultivated a climate of fear and intimidation that actively silences victims, journalists, and human rights defenders, deterring them from reporting abuses for fear of brutal reprisal. This environment makes independent, on-the-ground data collection by local actors exceptionally dangerous and grants Hamas a de facto shield of impunity for the crimes it commits against its own people.

This critical information gap is exacerbated by the persistent failure of international human rights bodies with mandates for fact-finding and accountability in the territory to rigorously investigate these specific violations. These mechanisms have consistently failed to dedicate sufficient resources and attention to the internal repression carried out by Hamas. This oversight effectively marginalizes Palestinian victims of Hamas' brutality from international justice efforts and neglects a core aspect of the human rights crisis in Gaza. Such a dereliction of their mandate undermines the universal principles of human rights and allows a major perpetrator to operate without the international censure it deserves.

Recommendations

To International Legal Tribunals

- Initiate a formal investigation into alleged crimes committed by Hamas in Gaza, particularly acts that may constitute war crimes and crimes against humanity, including murder, torture, and arbitrary detention.
- Issue arrest warrants for individual commanders and political leaders responsible for authorizing or overseeing abuses.
- Ensure survivor and witness protection mechanisms for those willing to provide testimony.

To Palestinian Factions

- Fatah and other Palestinian political factions have the responsibility to unequivocally denounce Hamas' internal repression.
- Work towards restoring a unified legal and human rights framework across the Palestinian territories that respects the rule of law and protects civilians.
- Collaborate with international bodies to establish mechanisms for transitional justice and victim support.

To the International Community

- Publicly condemn Hamas' documented human rights violations, and cease all forms of direct or indirect support to the organization.

- Increase humanitarian assistance to Gaza through vetted and neutral actors, ensuring that aid reaches civilians, rather than Hamas-controlled distribution networks.
- Provide political, financial, and technical support to initiatives aimed at accountability, including the International Criminal Court and international bodies.
- Designate Hamas as a terrorist organization, following the example of the European Union, the United States, Canada, Argentina, Australia, the United Kingdom, among others. This designation should be accompanied by coordinated sanctions, asset freezes, and travel bans targeting the group's leadership and financing networks.
- Formally recognize Hamas as a terrorist entity in relevant UN mechanisms, in alignment with the growing number of states and international bodies that have already done so. Such recognition would send a clear political and legal message, reinforce accountability measures, and strengthen global efforts to dismantle the group's structures of repression and violence.

6. Conclusion

This report demonstrates that Hamas' rule over Gaza is defined not only by its armed conflict with Israel but also by its calculated, systematic campaign of repression against its own population. The group's violent consolidation of power since 2007 has involved mass arrests, torture, executions without trial, and widespread terror. These abuses have escalated dramatically since October 7, 2023, with political dissenters and ordinary civilians—including women, children, humanitarian workers, and those seeking aid—among the primary victims.

The evidence gathered establishes that Hamas has committed serious violations of international human rights law, international criminal law, international humanitarian law, and Palestinian domestic law. The patterns of abuse mentioned above are not isolated incidents. These violations reflect a deliberate and systematic policy aimed at maintaining authoritarian control. Hamas' actions clearly meet the legal thresholds of crimes against humanity and war crimes under the Rome Statute.

To the United Nations

- Require that all existing and future UN investigative mechanisms, including commissions of inquiry and the missions of special rapporteurs, explicitly and robustly investigate and report on the human rights violations perpetrated by Hamas against the Palestinian population in Gaza. This mandate must require a dedicated section in all public reports on these internal abuses, ensuring they are no longer overlooked.
- Call for transparency, and unfettered access to detention facilities in Gaza.

These crimes must not be viewed in isolation from the broader suffering of the Palestinian population, nor dismissed due to Hamas' role in the wider conflict. The Palestinian people deserve protection not only from war but from those who govern them. Continued silence in the face of these abuses fosters impunity and prolongs the cycle of repression.

Victims of Hamas' violence must be given the recognition and protection they deserve. A secure future for Gaza includes justice, freedom, and the restoration of human dignity. The international community must act; the rule of law must apply to all parties in order to protect those most vulnerable and to maintain confidence in the international judicial system.

Submitted by the Jerusalem Institute of Justice (JIJ) on September, 2025



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