



Swords of Iron: The Problem of Hostages and Missing Persons

By Col. (res.) Shai Shabtai

BESA Center Perspectives Paper No. 2,233, November 19, 2023

EXECUTIVE SUMMARY: Until the end of the seventies, Israel's policy on hostages, prisoners and missing persons was based on national considerations. The Entebbe Doctrine permitted no negotiations with terrorist organizations that involved comprehensive deals for the mass release of prisoners as doing so would amount to a surrender to terror. Israeli hostages would be released either through operational means, local negotiations, or prisoner exchanges after fighting was concluded. But over the past four decades, ever since the Jibril Agreement of 1985, there has been a change in Israel's policy on this matter to involve wholesale prisoner releases. This has caused Israel profound strategic damage. Negotiating with Hamas for the release of the hostages in Gaza through comprehensive, all-inclusive deals mediated by Qatar ("everyone for everyone") would undermine Israel's strategy in the Swords of Iron war. It's time to make a fundamental change in Israel's policy on this issue and readopt the Entebbe Doctrine, which can save the lives of the current hostages and prevent the taking of more in the future.

Before I address this difficult issue, I want to make clear that my heart goes out to the hostages in Gaza and their families.

Decisions affecting human lives that are made on the national level have to be based on risk management. Thus, decisions about safety measures, COVID

lockdowns, the prevention of deadly infections in hospitals, medication availability, the combating of crime, and others are all based on risk assessments. Public opinion and political pressures factor into these assessments, but they are not usually the predominant factors.

Not so in security. In recent decades, a “shadow principle” has entered Israeli security theory that prioritizes the minimizing of casualties and the creation of “absolute security” above all other considerations. This principle represents a **shift from national security to personal security**. The Israeli security organizations obsessively focused on preventing any casualties, and a public discourse requiring “a thorough investigation of every casualty” was enforced. All of this transformed security thinking into straw thinking that was centered on local and tactical risk, making it difficult to see the holistic broader picture. This kind of thinking collapsed on 7 October, and a clear shift back in the direction of national security doctrine is evident.

However, **on one critical issue, there hasn't been sufficient change in the management of security risks: the issue of hostages and missing persons.** Until the late seventies, Israel adhered to a doctrine of no negotiation with terrorists except for local deals and prisoner exchanges after hostilities had concluded. Under this doctrine, Israel was willing to go to great lengths operationally and diplomatically. A significant change occurred with the Jibril Agreement of 1985, in which Israel released a large number of imprisoned terrorists and allowed them to return to their homes in the territories.

Ever since, the obsessive national focus on captives and missing persons has undermined the national security foundations of Israel. The Second Lebanon War began due to Hezbollah’s kidnapping of two Israeli soldiers and killing of three others, and Operation Cast Lead was launched in part to secure the release of Israeli soldier Gilad Shalit, who had been in Hamas captivity for five years. Israel released 1,027 security prisoners in exchange for Shalit, including 280 who were serving life sentences for terrorism against Israeli targets. In addition, the prisoners who were released as part of the Jibril deal were active in the first intifada.

The issue of captives and missing persons has become the Achilles' heel of Israel's national security. It makes us vulnerable in the eyes of our enemies, weakens our regional status in the eyes of potential allies, and is baffling to our international and regional partners, particularly the Americans.

There are many reasons why it is bad for the nation to negotiate the release of captives as part of a comprehensive deal:

- A. **Damage to Israeli strategy:** Israel's strategy in the Swords of Iron war is based on the collapse of the Hamas organization in Gaza and the neutralizing of its leadership and military capabilities. These goals cannot coexist with a mass prisoner exchange negotiation, which would constitute a continuation of Israel's recognition of Hamas as a force on the ground and a legitimate entity.
- B. **Damage to Israeli military operations:** The IDF faces a tough and sophisticated enemy that has been preparing for this conflict for many years. Only military actions that maintain their strength and pace, effectively destabilizing the enemy and putting it off balance, will lead to the achievement of Israel's goals with the lowest possible casualty count. Hesitation, delay, or a cessation of military action resulting from prisoner negotiation would likely have operational consequences.
- C. **Damage to moral clarity:** Hamas, which has committed crimes against humanity and has genocidal aspirations similar to those of the Nazis, has disqualified itself as a legitimate partner for negotiations. By agreeing to conduct negotiations with them anyway, Israel would, in effect, be restoring their international legitimacy and negating Israel's claims against other countries around the world, such as Russia, on this matter. The release of those involved in the operation on October 7 in an exchange deal would also damage the argument that they had participated in crimes against humanity. Those terrorists, as well as those captured in Gaza, should be brought to trial, with the death penalty hanging over their heads.
- D. **The erosion of the positions of Israel and the US in the Middle East:** After the events of October 7, the collapse of Hamas is essential for the restoration of Israel's position – and, consequently, the standing of the United States – in the Middle East. It forms the basis for Israel's continued partnerships with

Saudi Arabia and moderate states. The realization of a comprehensive mass prisoner-exchange deal would adversely affect both.

- E. **Hamas doesn't really want a deal:** Hamas understands that its very existence is at stake. Its continued hold on the hostages has one object: to use endless negotiation in order to undermine the dismantling of its political and military power.
- F. **There is no “everyone for everyone”:** Hamas has only partial knowledge of which hostages are located where in the Gaza Strip and what condition they are in. For Hamas to organize the exchanges, it would need several weeks of quiet organization to locate them all. Israel cannot allow this for the reasons mentioned. Moreover, prisoners who subsequently fell into Hamas’s hands as the fighting continued would open the question of negotiations all over again. There will be no end to this unless Israel puts a stop to it. On top of these considerations, the mass release of Hamas prisoners would have significant and obvious security implications of its own.
- G. **A strict ban on joining the humanitarian effort:** The humanitarian effort is a condition for Israel's strategic ability to undermine Hamas politically and militarily. Connecting it to the issue of the hostages must be avoided.

For all these reasons, continuing negotiations for a deal for the hostages that includes the release of Hamas prisoners would be a serious strategic mistake on Israel's part. In the management of national risks, there is no logic justifying the continuation of negotiations like this, which goes against all the above considerations.

Israel can create a historic change in the issue of captives and missing persons. A clear approach has the potential to fundamentally alter this area by achieving these goals:

- A. **Sending a vital message to Israel’s allies:** Israel would be sending this message: “We are a Western and liberal nation committed to the welfare of our citizens as well as the citizens of other countries. We have conducted an examination of all the options available to rescue the hostages. We understand that this issue is being used as a strategic card against us to divert us from our main goal of the complete military and administrative

dismantling of the Hamas organization, which commits crimes against humanity against us and against others. From this point forward, we will not engage in comprehensive negotiations for the release of captives with such an organization as it has disqualified itself as a legitimate negotiating partner.”

- B. **Enhancing international and Israeli pressure** on countries engaging in dialogue with the Hamas leadership to secure the release of the hostages, with an emphasis on foreign nationals, civilians in general, the elderly, women, and children.
- C. **Spurring on-the-ground activity to promote the release of hostages.**
- D. **Encouraging local deals for the release of hostages.**
- E. Promoting a process for locating hostages and **conducting prisoner exchanges with the new regime in Gaza after the war is over.**

This new approach by Israel would amount to a long-term strategic shift regarding the issue of captives and missing persons and a reversal of the ongoing serious damage caused by extensive deals with terrorists. The old approach caused Israel considerable harm. The new one has the potential to rescue the current hostages and prevent new cycles of abductions.

Col. (Res.) Shai Shabtai is a senior researcher at the BESA Center, an expert in national security, strategic planning and strategic communication. Cyber defense strategist and consultant to leading companies in Israel. Shay is about to finish his doctorate at Bar-Ilan University.