‘Another nail in UNRWA’s coffin’: Hostage family sues agency

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<https://www.jns.org/another-nail-in-unrwas-coffin-hostage-family-sues-agency/>

The family of Yonatan Samerano, whose body has been held captive by Hamas in the Gaza Strip since Oct. 7, 2023, have filed a landmark lawsuit against the United Nations Relief and Works Agency for Palestine Refugees in the Near East[(UNRWA).](https://www.israelhayom.com/2024/11/26/unrwa-announces-closure-of-east-jerusalem-headquarters/)

The lawsuit, filed on Monday, comes in response to Samerano’s murder and abduction, which occurred at the entrance to Kibbutz Be’eri after he fled from the Nova music festival on that deadly Saturday. Intelligence gathered by Israeli forces during the war indicates that Samerano’s body was taken by Faisal Ali Mussalem al-Naami, a Hamas terrorist who was employed by UNRWA in Gaza’s Nuseirat camp, and remains in captivity to this day.

The lawsuit was also filed against [Philippe Lazzarini](https://www.israelhayom.com/2024/12/01/unrwa-halts-gaza-aid-due-to-lootings-yet-blames-israel/), UNRWA’s commissioner-general, and other agency officials.

The Shurat HaDin Israel Law Center, which filed the lawsuit on behalf of the family, explained that in this case, the defendants are not entitled to the immunity typically granted to U.N. organizations and their personnel.

The lawsuit argues that UNRWA has effectively become an operational arm of Hamas, thereby forfeiting any claim to diplomatic immunity—a position reinforced by recent Knesset legislation. Furthermore, the legal filing contends that UNRWA’s status as a temporary agency, rather than a permanent U.N. institution, means it cannot claim standard diplomatic protections. The suit also maintains that U.N. immunity does not extend to actions that fundamentally violate the organization’s humanitarian mandate.

‘The Attorney General must immediately determine that UNRWA has no immunity and must stand trial for the act of massacre and kidnapping of my son,’ said Kobi Samerano, Yonatan’s father. ‘This lawsuit will be another nail in UNRWA’s coffin, which must pay for its actions. Since October 7, our lives have not been lives. We are waiting to get our son back. We will continue to fight until we achieve true justice.’

Nitsana Darshan-Leitner, president of Shurat HaDin, said that it is now clear to what degree UNRWA has become Hamas’s largest operator in Gaza. ‘The war on terror does not end on the battlefield, but continues until we achieve justice for victims who were murdered for no fault of their own,’ she said.

‘In this lawsuit, we demand to deter any entity, under the guise of an international aid organization, from engaging in terrorism and acting against Israeli citizens. We pray for Jonathan’s return home and the return of all other hostages, and we will continue to pursue those who seek to destroy us.’